## 2017 SESSION

**ENROLLED** 

[H 2308]

### 1

## VIRGINIA ACTS OF ASSEMBLY - CHAPTER

2 An Act to amend and reenact § 18.2-308.016, as it is currently effective and as it shall become effective,
 3 of the Code of Virginia, relating to carrying a concealed handgun; retired conservation officers.

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### Approved

6 Be it enacted by the General Assembly of Virginia:

7 1. That § 18.2-308.016 of the Code of Virginia is amended and reenacted as follows:

8 § 18.2-308.016. (Effective until July 1, 2018) Retired law-enforcement officers; carrying a 9 concealed handgun.

A. Except as provided in subsection A of § 18.2-308.012, § 18.2-308 shall not apply to:

1. Any State Police officer retired from the Department of State Police, any officer retired from the 11 12 Division of Capitol Police, any local law-enforcement officer, auxiliary police officer or animal control 13 officer retired from a police department or sheriff's office within the Commonwealth, any special agent retired from the State Corporation Commission or the Virginia Alcoholic Beverage Control Board, any 14 15 employee with internal investigations authority designated by the Department of Corrections pursuant to 16 subdivision 11 of § 53.1-10 retired from the Department of Corrections, any conservation police officer 17 retired from the Department of Game and Inland Fisheries, any conservation officer retired from the Department of Conservation and Recreation, any Virginia Marine Police officer retired from the Law 18 Enforcement Division of the Virginia Marine Resources Commission, any campus police officer 19 20 appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1 retired from a campus police 21 department, any retired member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217, and any retired investigator of the security division of the Virginia 22 23 Lottery, other than an officer or agent terminated for cause, (i) with a service-related disability; (ii) 24 following at least 10 years of service with any such law-enforcement agency, commission, board, or any 25 combination thereof; (iii) who has reached 55 years of age; or (iv) who is on long-term leave from such 26 law-enforcement agency or board due to a service-related injury, provided such officer carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued 27 by the chief law-enforcement officer of the last such agency from which the officer retired or the agency 28 29 that employs the officer or, in the case of special agents, issued by the State Corporation Commission or 30 the Virginia Alcoholic Beverage Control Board. A copy of the proof of consultation and favorable 31 review shall be forwarded by the chief, Commission, or Board to the Department of State Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall not 32 33 without cause withhold such written proof if the retired law-enforcement officer otherwise meets the 34 requirements of this section. An officer set forth in clause (iv) who receives written proof of consultation to carry a concealed handgun shall surrender such proof of consultation upon return to work 35 or upon termination of employment with the law-enforcement agency. Notice of the surrender shall be 36 forwarded to the Department of State Police for entry into the Virginia Criminal Information Network. 37 38 However, if such officer retires on disability because of the service-related injury, and would be eligible 39 under clause (i) for written proof of consultation to carry a concealed handgun, he may retain the 40 previously issued written proof of consultation.

41 2. Any person who is eligible for retirement with at least 20 years of service with a law-enforcement 42 agency, commission, or board mentioned in subdivision 1 who has resigned in good standing from such 43 law-enforcement agency, commission, or board to accept a position covered by a retirement system that is authorized under Title 51.1, provided such person carries with him written proof of consultation with 44 45 and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement officer of the agency from which he resigned or, in the case of special agents, issued by the State 46 Corporation Commission or the Virginia Alcoholic Beverage Control Board. A copy of the proof of 47 consultation and favorable review shall be forwarded by the chief, Commission, or Board to the 48 Department of State Police for entry into the Virginia Criminal Information Network. The chief 49 50 law-enforcement officer shall not without cause withhold such written proof if the law-enforcement officer otherwise meets the requirements of this section. 51

52 3. Any State Police officer who is a member of the organized reserve forces of any of the Armed 53 Services of the United States or National Guard, while such officer is called to active military duty, 54 provided such officer carries with him written proof of consultation with and favorable review of the 55 need to carry a concealed handgun issued by the Superintendent of State Police. The proof of 56 consultation and favorable review shall be valid as long as the officer is on active military duty and shall expire when the officer returns to active law-enforcement duty. The issuance of the proof of
consultation and favorable review shall be entered into the Virginia Criminal Information Network. The
Superintendent of State Police shall not without cause withhold such written proof if the officer is in
good standing and is qualified to carry a weapon while on active law-enforcement duty.

61 B. For purposes of complying with the federal Law Enforcement Officers Safety Act of 2004, a 62 retired or resigned law-enforcement officer who receives proof of consultation and review pursuant to 63 this section shall have the opportunity to annually participate, at the retired or resigned law-enforcement 64 officer's expense, in the same training and testing to carry firearms as is required of active 65 law-enforcement officers in the Commonwealth. If such retired or resigned law-enforcement officer 66 meets the training and qualification standards, the chief law-enforcement officer shall issue the retired or 67 resigned officer certification, valid one year from the date of issuance, indicating that the retired or resigned officer has met the standards of the agency to carry a firearm. 68

C. A retired or resigned law-enforcement officer who receives proof of consultation and review 69 70 pursuant to this section may annually participate and meet the training and qualification standards to 71 carry firearms as is required of active law-enforcement officers in the Commonwealth. If such retired or 72 resigned law-enforcement officer meets the training and qualification standards, the chief 73 law-enforcement officer shall issue the retired or resigned officer certification, valid one year from the 74 date of issuance, indicating that the retired or resigned officer has met the standards of the 75 Commonwealth to carry a firearm. A copy of the certification indicating that the retired or resigned 76 officer has met the standards of the Commonwealth to carry a firearm shall be forwarded by the chief, 77 Commission, or Board to the Department of State Police for entry into the Virginia Criminal 78 Information Network.

79 D. For all purposes, including for the purpose of applying the reciprocity provisions of
80 § 18.2-308.014, any person granted the privilege to carry a concealed handgun pursuant to this section,
81 while carrying the proof of consultation and favorable review required, shall be deemed to have been
82 issued a concealed handgun permit.

# § 18.2-308.016. (Effective July 1, 2018) Retired law-enforcement officers; carrying a concealed handgun.

A. Except as provided in subsection A of § 18.2-308.012, § 18.2-308 shall not apply to:

1. Any State Police officer retired from the Department of State Police, any officer retired from the 86 87 Division of Capitol Police, any local law-enforcement officer, auxiliary police officer or animal control 88 officer retired from a police department or sheriff's office within the Commonwealth, any special agent 89 retired from the State Corporation Commission or the Virginia Alcoholic Beverage Control Authority, 90 any employee with internal investigations authority designated by the Department of Corrections 91 pursuant to subdivision 11 of § 53.1-10 retired from the Department of Corrections, any conservation 92 police officer retired from the Department of Game and Inland Fisheries, any conservation officer retired 93 from the Department of Conservation and Recreation, any Virginia Marine Police officer retired from 94 the Law Enforcement Division of the Virginia Marine Resources Commission, any campus police officer 95 appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1 retired from a campus police 96 department, any retired member of the enforcement division of the Department of Motor Vehicles 97 appointed pursuant to § 46.2-217, and any retired investigator of the security division of the Virginia 98 Lottery, other than an officer or agent terminated for cause, (i) with a service-related disability; (ii) 99 following at least 10 years of service with any such law-enforcement agency, commission, board, or any 100 combination thereof; (iii) who has reached 55 years of age; or (iv) who is on long-term leave from such 101 law-enforcement agency or board due to a service-related injury, provided such officer carries with him 102 written proof of consultation with and favorable review of the need to carry a concealed handgun issued 103 by the chief law-enforcement officer of the last such agency from which the officer retired or the agency 104 that employs the officer or, in the case of special agents, issued by the State Corporation Commission or 105 the Virginia Alcoholic Beverage Control Authority. A copy of the proof of consultation and favorable review shall be forwarded by the chief, Commission, or Board to the Department of State Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall not 106 107 108 without cause withhold such written proof if the retired law-enforcement officer otherwise meets the 109 requirements of this section. An officer set forth in clause (iv) who receives written proof of 110 consultation to carry a concealed handgun shall surrender such proof of consultation upon return to work or upon termination of employment with the law-enforcement agency. Notice of the surrender shall be 111 112 forwarded to the Department of State Police for entry into the Virginia Criminal Information Network. 113 However, if such officer retires on disability because of the service-related injury, and would be eligible 114 under clause (i) for written proof of consultation to carry a concealed handgun, he may retain the 115 previously issued written proof of consultation.

116 2. Any person who is eligible for retirement with at least 20 years of service with a law-enforcement 117 agency, commission, or board mentioned in subdivision 1 who has resigned in good standing from such 118 law-enforcement agency, commission, or board to accept a position covered by a retirement system that 119 is authorized under Title 51.1, provided such person carries with him written proof of consultation with 120 and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement 121 officer of the agency from which he resigned or, in the case of special agents, issued by the State 122 Corporation Commission or the Virginia Alcoholic Beverage Control Authority. A copy of the proof of 123 consultation and favorable review shall be forwarded by the chief, Commission, or Board to the 124 Department of State Police for entry into the Virginia Criminal Information Network. The chief 125 law-enforcement officer shall not without cause withhold such written proof if the law-enforcement 126 officer otherwise meets the requirements of this section.

127 3. Any State Police officer who is a member of the organized reserve forces of any of the Armed 128 Services of the United States or National Guard, while such officer is called to active military duty, provided such officer carries with him written proof of consultation with and favorable review of the 129 130 need to carry a concealed handgun issued by the Superintendent of State Police. The proof of consultation and favorable review shall be valid as long as the officer is on active military duty and 131 132 shall expire when the officer returns to active law-enforcement duty. The issuance of the proof of 133 consultation and favorable review shall be entered into the Virginia Criminal Information Network. The 134 Superintendent of State Police shall not without cause withhold such written proof if the officer is in 135 good standing and is qualified to carry a weapon while on active law-enforcement duty.

136 B. For purposes of complying with the federal Law Enforcement Officers Safety Act of 2004, a 137 retired or resigned law-enforcement officer who receives proof of consultation and review pursuant to 138 this section shall have the opportunity to annually participate, at the retired or resigned law-enforcement 139 officer's expense, in the same training and testing to carry firearms as is required of active 140 law-enforcement officers in the Commonwealth. If such retired or resigned law-enforcement officer 141 meets the training and qualification standards, the chief law-enforcement officer shall issue the retired or resigned officer certification, valid one year from the date of issuance, indicating that the retired or 142 resigned officer has met the standards of the agency to carry a firearm. 143

144 C. A retired or resigned law-enforcement officer who receives proof of consultation and review 145 pursuant to this section may annually participate and meet the training and qualification standards to 146 carry firearms as is required of active law-enforcement officers in the Commonwealth. If such retired or 147 resigned law-enforcement officer meets the training and qualification standards, the chief 148 law-enforcement officer shall issue the retired or resigned officer certification, valid one year from the 149 date of issuance, indicating that the retired or resigned officer has met the standards of the 150 Commonwealth to carry a firearm. A copy of the certification indicating that the retired or resigned 151 officer has met the standards of the Commonwealth to carry a firearm shall be forwarded by the chief, 152 Commission, or Board to the Department of State Police for entry into the Virginia Criminal 153 Information Network.

D. For all purposes, including for the purpose of applying the reciprocity provisions of
§ 18.2-308.014, any person granted the privilege to carry a concealed handgun pursuant to this section,
while carrying the proof of consultation and favorable review required, shall be deemed to have been
issued a concealed handgun permit.