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HOUSE BILL NO. 2325

Offered January 13, 2017

A *BILL to amend and reenact §§ 18.2-308.02, 18.2-308.06, and 18.2-308.010 of the Code of Virginia, relating to application for a concealed handgun permit; photo-identification.*

Patron—Fariss

Referred to Committee on Militia, Police and Public Safety

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-308.02, 18.2-308.06, and 18.2-308.010 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-308.02. Application for a concealed handgun permit; Virginia resident or domiciliary.

A. Any person 21 years of age or older may apply in writing to the clerk of the circuit court of the county or city in which he resides, or if he is a member of the United States armed forces, the county or city in which he is domiciled, for a five-year permit to carry a concealed handgun. There shall be no requirement regarding the length of time an applicant has been a resident or domiciliary of the county or city. The application shall be made under oath before a notary or other person qualified to take oaths and shall be made only on a form prescribed by the Department of State Police, in consultation with the Supreme Court, requiring only that information necessary to determine eligibility for the permit. *The applicant shall present one form of photo identification issued by a governmental agency of the Commonwealth or by the U.S. Department of Defense that demonstrates that the applicant is a citizen or an alien lawfully admitted for permanent residence in the United States.* No information or documentation other than that which is allowed on the application in accordance with this section may be requested or required by the clerk or the court.

B. The court shall require proof that the applicant has demonstrated competence with a handgun and the applicant may demonstrate such competence by one of the following, but no applicant shall be required to submit to any additional demonstration of competence, nor shall any proof of demonstrated competence expire:

1. Completing any hunter education or hunter safety course approved by the Department of Game and Inland Fisheries or a similar agency of another state;

2. Completing any National Rifle Association firearms safety or training course;

3. Completing any firearms safety or training course or class available to the general public offered by a law-enforcement agency, junior college, college, or private or public institution or organization or firearms training school utilizing instructors certified by the National Rifle Association or the Department of Criminal Justice Services;

4. Completing any law-enforcement firearms safety or training course or class offered for security guards, investigators, special deputies, or any division or subdivision of law enforcement or security enforcement;

5. Presenting evidence of equivalent experience with a firearm through participation in organized shooting competition or current military service or proof of an honorable discharge from any branch of the armed services;

6. Obtaining or previously having held a license to carry a firearm in the Commonwealth or a locality thereof, unless such license has been revoked for cause;

7. Completing any firearms training or safety course or class, including an electronic, video, or online course, conducted by a state-certified or National Rifle Association-certified firearms instructor;

8. Completing any governmental police agency firearms training course and qualifying to carry a firearm in the course of normal police duties; or

9. Completing any other firearms training which the court deems adequate.

A photocopy of a certificate of completion of any of the courses or classes; an affidavit from the instructor, school, club, organization, or group that conducted or taught such course or class attesting to the completion of the course or class by the applicant; or a copy of any document that shows completion of the course or class or evidences participation in firearms competition shall constitute evidence of qualification under this subsection.

C. The making of a materially false statement in an application under this article shall constitute perjury, punishable as provided in § 18.2-434.

D. The clerk of court shall withhold from public disclosure the applicant's name and any other information contained in a permit application or any order issuing a concealed handgun permit, except that such information shall not be withheld from any law-enforcement officer acting in the performance

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59 of his official duties or from the applicant with respect to his own information. The prohibition on
60 public disclosure of information under this subsection shall not apply to any reference to the issuance of
61 a concealed handgun permit in any order book before July 1, 2008; however, any other concealed
62 handgun records maintained by the clerk shall be withheld from public disclosure.

63 E. An application is deemed complete when all information required to be furnished by the applicant,
64 including the fee for a concealed handgun permit as set forth in § 18.2-308.03, is delivered to and
65 received by the clerk of court before or concomitant with the conduct of a state or national criminal
66 history records check.

67 **§ 18.2-308.06. Nonresident concealed handgun permits.**

68 A. Nonresidents of the Commonwealth 21 years of age or older may apply in writing to the Virginia
69 Department of State Police for a five-year permit to carry a concealed handgun. *The applicant shall*
70 *submit a photocopy of one form of photo identification issued by a governmental agency of the*
71 *applicant's state of residency or by the U.S. Department of Defense that demonstrates that the applicant*
72 *is a citizen or an alien lawfully admitted for permanent residence in the United States.* Every applicant
73 for a nonresident concealed handgun permit shall *also* submit two photographs of a type and kind
74 specified by the Department of State Police for inclusion on the permit and shall submit fingerprints on
75 a card provided by the Department of State Police for the purpose of obtaining the applicant's state or
76 national criminal history record. As a condition for issuance of a concealed handgun permit, the
77 applicant shall submit to fingerprinting by his local or state law-enforcement agency and provide
78 personal descriptive information to be forwarded with the fingerprints through the Central Criminal
79 Records Exchange to the U.S. Federal Bureau of Investigation for the purpose of obtaining criminal
80 history record information regarding the applicant and obtaining fingerprint identification information
81 from federal records pursuant to criminal investigations by state and local law-enforcement agencies.
82 The application shall be made under oath before a notary or other person qualified to take oaths on a
83 form provided by the Department of State Police, requiring only that information necessary to determine
84 eligibility for the permit. If the permittee is later found by the Department of State Police to be
85 disqualified, the permit shall be revoked and the person shall return the permit after being so notified by
86 the Department of State Police. The permit requirement and restriction provisions of subsection C of
87 § 18.2-308.02 and § 18.2-308.09 shall apply, mutatis mutandis, to the provisions of this subsection.

88 B. The applicant shall demonstrate competence with a handgun by one of the following:

89 1. Completing a hunter education or hunter safety course approved by the Virginia Department of
90 Game and Inland Fisheries or a similar agency of another state;

91 2. Completing any National Rifle Association firearms safety or training course;

92 3. Completing any firearms safety or training course or class available to the general public offered
93 by a law-enforcement agency, junior college, college, or private or public institution or organization or
94 firearms training school utilizing instructors certified by the National Rifle Association or the
95 Department of Criminal Justice Services or a similar agency of another state;

96 4. Completing any law-enforcement firearms safety or training course or class offered for security
97 guards, investigators, special deputies, or any division or subdivision of law enforcement or security
98 enforcement;

99 5. Presenting evidence of equivalent experience with a firearm through participation in organized
100 shooting competition approved by the Department of State Police or current military service or proof of
101 an honorable discharge from any branch of the armed services;

102 6. Obtaining or previously having held a license to carry a firearm in the Commonwealth or a
103 locality thereof, unless such license has been revoked for cause;

104 7. Completing any firearms training or safety course or class, including an electronic, video, or
105 on-line course, conducted by a state-certified or National Rifle Association-certified firearms instructor;

106 8. Completing any governmental police agency firearms training course and qualifying to carry a
107 firearm in the course of normal police duties; or

108 9. Completing any other firearms training that the Virginia Department of State Police deems
109 adequate.

110 A photocopy of a certificate of completion of any such course or class; an affidavit from the
111 instructor, school, club, organization, or group that conducted or taught such course or class attesting to
112 the completion of the course or class by the applicant; or a copy of any document that shows
113 completion of the course or class or evidences participation in firearms competition shall satisfy the
114 requirement for demonstration of competence with a handgun.

115 C. The Department of State Police may charge a fee not to exceed \$100 to cover the cost of the
116 background check and issuance of the permit. Any fees collected shall be deposited in a special account
117 to be used to offset the costs of administering the nonresident concealed handgun permit program.

118 D. The permit to carry a concealed handgun shall contain only the following information: name,
119 address, date of birth, gender, height, weight, color of hair, color of eyes, and photograph of the
120 permittee; the signature of the Superintendent of the Virginia Department of State Police or his designee;

121 the date of issuance; and the expiration date.

122 E. The Superintendent of the State Police shall promulgate regulations, pursuant to the Administrative
123 Process Act (§ 2.2-4000 et seq.), for the implementation of an application process for obtaining a
124 nonresident concealed handgun permit.

125 **§ 18.2-308.010. Renewal of concealed handgun permit.**

126 A. 1. Persons who previously have held a concealed handgun permit shall be issued, upon
127 application as provided in § 18.2-308.02, a new five-year permit unless it is found that the applicant is
128 subject to any of the disqualifications set forth in § 18.2-308.09. Persons who previously have been
129 issued a concealed handgun permit pursuant to this article shall not be required to appear in person to
130 apply for a new five-year permit pursuant to this section, and the application for the new permit,
131 *including a photocopy of the applicant's photo identification*, may be submitted via the United States
132 mail. The circuit court that receives the application shall promptly notify an applicant if the application
133 is incomplete or if the fee submitted for the permit pursuant to § 18.2-308.03 is incorrect.

134 2. If a new five-year permit is issued while an existing permit remains valid, the new five-year
135 permit shall become effective upon the expiration date of the existing permit, provided that the
136 application is received by the court at least 90 days but no more than 180 days prior to the expiration of
137 the existing permit.

138 3. Any order denying issuance of the new permit shall be in accordance with subsection A of
139 § 18.2-308.08.

140 B. If a permit holder is a member of the Virginia National Guard, armed forces of the United States,
141 or the Armed Forces Reserves of the United States, and his five-year permit expires during an
142 active-duty military deployment outside of the permittee's county or city of residence, such permit shall
143 remain valid for 90 days after the end date of the deployment. In order to establish proof of continued
144 validity of the permit, such a permittee shall carry with him and display, upon request of a
145 law-enforcement officer, a copy of the permittee's deployment orders or other documentation from the
146 permittee's commanding officer that order the permittee to travel outside of his county or city of
147 residence and that indicate the start and end date of such deployment.