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HOUSE BILL NO. 2325

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Militia, Police and Public Safety
on January 20, 2017)

(Patron Prior to Substitute—Delegate Fariss)

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

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 valid form of photo identification issued by a governmental agency of the Commonwealth or by the U.S. Department of Defense or U.S. State Department (passport). 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 of his official duties or from the applicant with respect to his own information. The prohibition on public disclosure of information under this subsection shall not apply to any reference to the issuance of a concealed handgun permit in any order book before July 1, 2008; however, any other concealed

60 handgun records maintained by the clerk shall be withheld from public disclosure.

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

65 **§ 18.2-308.06. Nonresident concealed handgun permits.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

120 E. The Superintendent of the State Police shall promulgate regulations, pursuant to the Administrative
121 Process Act (§ 2.2-4000 et seq.), for the implementation of an application process for obtaining a

nonresident concealed handgun permit.

§ 18.2-308.010. Renewal of concealed handgun permit.

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

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

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

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