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SENATE BILL NO. 1347

Offered January 11, 2017

Prefiled January 11, 2017

A BILL to amend and reenact §§ 9.1-141, 18.2-287.4, 18.2-308 through 18.2-308.015, 18.2-308.016, as it is currently effective and as it shall become effective, 18.2-308.1, 18.2-308.1:4, and 18.2-309 of the Code of Virginia and to repeal § 18.2-311 of the Code of Virginia, relating to concealed weapons permits; concealed weapons other than firearms; furnishing certain weapons to minors; furnishing certain weapons.

Patron—Reeves (By Request)

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-141, 18.2-287.4, 18.2-308 through 18.2-308.015, 18.2-308.016, as it is currently effective and as it shall become effective, 18.2-308.1, 18.2-308.1:4, and 18.2-309 of the Code of Virginia are amended and reenacted as follows:

§ 9.1-141. Powers of Board relating to private security services business.

A. The Board may adopt regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.), establishing compulsory minimum, entry-level, in-service, and advanced training standards for persons employed by private security services businesses in classifications defined in § 9.1-138. The regulations may include provisions delegating to the Board's staff the right to inspect the facilities and programs of persons conducting training to ensure compliance with the law and Board regulations. In establishing compulsory training standards for each of the classifications defined in § 9.1-138, the Board shall be guided by the policy of this section to secure the public safety and welfare against incompetent or unqualified persons engaging in the activities regulated by this section and Article 4 (§ 9.1-138 et seq.) of this chapter. The regulations may provide for partial exemption from such compulsory, entry-level training for persons having previous employment as law-enforcement officers for a local, state or the federal government, to include units of the United States armed forces, or for persons employed in classifications defined in § 9.1-138. However, no such exemption shall be granted to persons having less than five continuous years of such employment, nor shall an exemption be provided for any person whose employment as a law-enforcement officer or whose employment as a private security services business employee was terminated because of his misconduct or incompetence. The regulations may include separate provisions for full exemption from compulsory training for persons having previous training that meets or exceeds the minimum training standards and has been approved by the Department. However, no such exemption shall be granted to persons whose employment as a private security services business employee was terminated because of his misconduct or incompetence. No regulation adopted by the Board shall prevent any person employed by an electronic security business, other than an alarm respondent, or as a locksmith from carrying a ~~firearm~~ *lawfully possessed weapon* in the course of his duties when such person carries with him a valid concealed ~~handgun~~ *weapon* permit issued in accordance with § 18.2-308.

B. The Board may enter into an agreement with other states for reciprocity or recognition of private security services businesses and their employees, duly licensed by such states. The agreements shall allow those businesses and their employees to provide and perform private security services within the Commonwealth to secure the public safety and welfare against incompetent, unqualified, unscrupulous, or unfit persons engaging in the activities of private security services businesses.

C. The Board may adopt regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) to secure the public safety and welfare against incompetent, unqualified, unscrupulous, or unfit persons engaging in the activities of private security services businesses that:

1. Establish the qualifications of applicants for registration, certification, or licensure under Article 4 (§ 9.1-138) of this chapter;

2. Examine, or cause to be examined, the qualifications of each applicant for registration, certification, or licensure, including when necessary the preparation, administration, and grading of examinations;

3. Certify qualified applicants for private security training schools and instructors or license qualified applicants as practitioners of private security services businesses;

4. Levy and collect fees for registration, certification, or licensure and renewal that are sufficient to cover all expenses for administration and operation of a program of registration, certification, and licensure for private security services businesses and training schools;

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59 5. Are necessary to ensure continued competency, and to prevent deceptive or misleading practices
60 by practitioners and effectively administer the regulatory system adopted by the Board;

61 6. Receive complaints concerning the conduct of any person whose activities are regulated by the
62 Board, to conduct investigations, and to take appropriate disciplinary action if warranted; and

63 7. Revoke, suspend or fail to renew a registration, certification, or license for just cause as
64 enumerated in Board regulations.

65 D. In adopting its regulations under subsections A and C, the Board shall seek the advice of the
66 Private Security Services Advisory Board established pursuant to § 9.1-143.

67 **§ 18.2-287.4. Carrying loaded firearms in public areas prohibited; penalty.**

68 It shall be unlawful for any person to carry a loaded (a) semi-automatic center-fire rifle or pistol that
69 expels single or multiple projectiles by action of an explosion of a combustible material and is equipped
70 at the time of the offense with a magazine that will hold more than 20 rounds of ammunition or
71 designed by the manufacturer to accommodate a silencer or equipped with a folding stock or (b) shotgun
72 with a magazine that will hold more than seven rounds of the longest ammunition for which it is
73 chambered on or about his person on any public street, road, alley, sidewalk, public right-of-way, or in
74 any public park or any other place of whatever nature that is open to the public in the Cities of
75 Alexandria, Chesapeake, Fairfax, Falls Church, Newport News, Norfolk, Richmond, or Virginia Beach or
76 in the Counties of Arlington, Fairfax, Henrico, Loudoun, or Prince William.

77 The provisions of this section shall not apply to law-enforcement officers, licensed security guards,
78 military personnel in the performance of their lawful duties, or any person having a valid concealed
79 handgun weapon permit or to any person actually engaged in lawful hunting or lawful recreational
80 shooting activities at an established shooting range or shooting contest. Any person violating the
81 provisions of this section shall be guilty of a Class 1 misdemeanor.

82 The exemptions set forth in §§ 18.2-308 and 18.2-308.016 shall apply, mutatis mutandis, to the
83 provisions of this section.

84 **§ 18.2-308. Carrying concealed weapons; exceptions; penalty.**

85 A. If any person carries about his person, hidden from common observation, (i) any pistol, revolver,
86 or other weapon designed or intended to propel a missile of any kind by action of an explosion of any
87 combustible material; (ii) any dirk, bowie knife, switchblade knife, ballistic knife, machete, razor; (iii)
88 any slingshot, spring stick, metal knucks, or blackjack; (iii) (iv) any flailing instrument consisting of two
89 or more rigid parts connected in such a manner as to allow them to swing freely, which may be known
90 as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain; (iv) (v) any disc, of whatever
91 configuration, having at least two points or pointed blades which is designed to be thrown or propelled
92 and which may be known as a throwing star or oriental dart; or (v) (vi) any weapon of like kind as
93 those enumerated in this subsection, he is guilty of a Class 1 misdemeanor. A second violation of this
94 section or a conviction under this section subsequent to any conviction under any substantially similar
95 ordinance of any county, city, or town shall be punishable as a Class 6 felony, and a third or subsequent
96 such violation shall be punishable as a Class 5 felony. For the purpose of this section, a weapon shall be
97 deemed to be hidden from common observation when it is observable but is of such deceptive
98 appearance as to disguise the weapon's true nature. It shall be an affirmative defense to a violation of
99 ~~clause (i) regarding a handgun~~, this section that ~~a the~~ person carrying the weapon hidden from common
100 observation had been issued, at the time of the offense, a valid concealed handgun weapon permit.

101 B. This section shall not apply to any person while in his own place of abode or the curtilage
102 thereof.

103 C. Except as provided in subsection A of § 18.2-308.012, this section shall not apply to:

104 1. Any person while in his own place of business;

105 2. Any law-enforcement officer, or retired law-enforcement officer pursuant to § 18.2-308.016,
106 wherever such law-enforcement officer may travel in the Commonwealth;

107 3. Any person who is at, or going to or from, an established shooting range, provided that the
108 weapons are unloaded and securely wrapped while being transported;

109 4. Any regularly enrolled member of a weapons collecting organization who is at, or going to or
110 from, a bona fide weapons exhibition, provided that the weapons are unloaded and securely wrapped
111 while being transported;

112 5. Any person carrying such weapons between his place of abode and a place of purchase or repair,
113 provided the weapons are unloaded and securely wrapped while being transported;

114 6. Any person actually engaged in lawful hunting, as authorized by the Board of Game and Inland
115 Fisheries, under inclement weather conditions necessitating temporary protection of his firearm from
116 those conditions, provided that possession of a handgun while engaged in lawful hunting shall not be
117 construed as hunting with a handgun if the person hunting is carrying a valid concealed handgun
118 weapon permit;

119 7. Any attorney for the Commonwealth or assistant attorney for the Commonwealth, wherever such
120 attorney may travel in the Commonwealth;

8. Any person who may lawfully possess a ~~firearm~~ *weapon* and is carrying a ~~handgun~~ *weapon* while in a personal, private motor vehicle or vessel and such ~~handgun~~ *weapon* is secured in a container or compartment in the vehicle or vessel;

9. Any enrolled participant of a firearms training course who is at, or going to or from, a training location, provided that the weapons are unloaded and securely wrapped while being transported; ~~and~~

10. Any judge or justice of the Commonwealth, wherever such judge or justice may travel in the Commonwealth; *and*

11. *Any person who is carrying a weapon listed in clause (iv) or (v) of subsection A or any weapon of like kind while at, or going to or from, a martial arts training location or organized competition where such weapons are used.*

D. This section shall also not apply to any of the following individuals while in the discharge of their official duties, or while in transit to or from such duties:

1. Carriers of the United States mail;

2. Officers or guards of any state correctional institution;

3. Conservators of the peace, except that a judge or justice of the Commonwealth, an attorney for the Commonwealth, or an assistant attorney for the Commonwealth may carry a concealed ~~handgun~~ *weapon* pursuant to subdivisions C 7 and 10. However, the following conservators of the peace shall not be permitted to carry a concealed ~~handgun~~ *weapon* without obtaining a permit as provided in this article: (i) notaries public; (ii) registrars; (iii) drivers, operators, or other persons in charge of any motor vehicle carrier of passengers for hire; or (iv) commissioners in chancery;

4. Noncustodial employees of the Department of Corrections designated to carry weapons by the Director of the Department of Corrections pursuant to § 53.1-29; and

5. Harbormaster of the City of Hopewell.

§ 18.2-308.01. Carrying a concealed weapon with a permit.

A. The prohibition against carrying a concealed ~~handgun~~ *weapon* in ~~clause (i) of~~ subsection A of § 18.2-308 shall not apply to a person who has a valid concealed ~~handgun~~ *weapon* permit issued pursuant to this article. The person issued the permit shall have such permit on his person at all times during which he is carrying a concealed ~~handgun~~ *weapon* and shall display the permit and a photo identification issued by a government agency of the Commonwealth or by the U.S. Department of Defense or U.S. State Department (passport) upon demand by a law-enforcement officer. A person to whom a nonresident permit is issued shall have such permit on his person at all times when he is carrying a concealed ~~handgun~~ *weapon* in the Commonwealth and shall display the permit on demand by a law-enforcement officer. A person whose permit is extended due to deployment shall carry with him and display, upon request of a law-enforcement officer, a copy of the documents required by subsection B of § 18.2-308.010.

B. Failure to display the permit and a photo identification upon demand by a law-enforcement officer shall be punishable by a \$25 civil penalty, which shall be paid into the state treasury. Any attorney for the Commonwealth of the county or city in which the alleged violation occurred may bring an action to recover the civil penalty. A court may waive such penalty upon presentation to the court of a valid permit and a government-issued photo identification. Any law-enforcement officer may issue a summons for the civil violation of failure to display the concealed ~~handgun~~ *weapon* permit and photo identification upon demand.

C. The granting of a concealed ~~handgun~~ *weapon* permit pursuant to this article shall not thereby authorize the possession of any handgun or other weapon on property or in places where such possession is otherwise prohibited by law or is prohibited by the owner of private property.

D. *A valid concealed handgun permit issued prior to July 1, 2017, shall be treated as a valid concealed weapon permit until such permit expires.*

§ 18.2-308.02. Application for a concealed weapon 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~~ *weapon*. 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. 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 *with a handgun or any other weapon*, 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~~ *weapon* 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 handgun *permit* or *concealed weapon permit* records maintained by the clerk shall be withheld from public disclosure.

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

§ 18.2-308.03. Fees for concealed weapon permits.

A. The clerk shall charge a fee of \$10 for the processing of an application or issuing of a *concealed weapon* permit, including his costs associated with the consultation with law-enforcement agencies. The local law-enforcement agency conducting the background investigation may charge a fee not to exceed \$35 to cover the cost of conducting an investigation pursuant to this article. The \$35 fee shall include any amount assessed by the U.S. Federal Bureau of Investigation for providing criminal history record information, and the local law-enforcement agency shall forward the amount assessed by the U.S. Federal Bureau of Investigation to the State Police with the fingerprints taken from any nonresident applicant. The State Police may charge a fee not to exceed \$5 to cover its costs associated with processing the application. The total amount assessed for processing an application for a permit shall not exceed \$50, with such fees to be paid in one sum to the person who receives the application. Payment may be made by any method accepted by that court for payment of other fees or penalties. No payment shall be required until the application is received by the court as a complete application.

B. (Effective until July 1, 2018) No fee shall be charged for the issuance of such permit to a person who has retired from service as (i) as a magistrate in the Commonwealth; (ii) as a special agent with the Alcoholic Beverage Control Board or as a law-enforcement officer with the Department of State Police, the Department of Game and Inland Fisheries, or a sheriff or police department, bureau, or force of any political subdivision of the Commonwealth, after completing 15 years of service or after reaching age 55; (iii) as a law-enforcement officer with the U.S. Federal Bureau of Investigation, Bureau of Alcohol, Tobacco and Firearms, Secret Service Agency, Drug Enforcement Administration, United States Citizenship and Immigration Services, U.S. Customs and Border Protection, Department of State Diplomatic Security Service, U.S. Marshals Service, or Naval Criminal Investigative Service, after completing 15 years of service or after reaching age 55; (iv) as a law-enforcement officer with any

police or sheriff's department within the United States, the District of Columbia, or any of the territories of the United States, after completing 15 years of service; (v) as a law-enforcement officer with any combination of the agencies listed in clauses (ii) through (iv), after completing 15 years of service; (vi) as a designated boarding team member or boarding officer of the United States Coast Guard, after completing 15 years of service or after reaching age 55; or (vii) as a correctional officer as defined in § 53.1-1 after completing 15 years of service.

B. (Effective July 1, 2018) No fee shall be charged for the issuance of such permit to a person who has retired from service *as* (i) as a magistrate in the Commonwealth; (ii) as a special agent with the Virginia Alcoholic Beverage Control Authority or as a law-enforcement officer with the Department of State Police, the Department of Game and Inland Fisheries, or a sheriff or police department, bureau, or force of any political subdivision of the Commonwealth, after completing 15 years of service or after reaching age 55; (iii) as a law-enforcement officer with the U.S. Federal Bureau of Investigation, Bureau of Alcohol, Tobacco and Firearms, Secret Service Agency, Drug Enforcement Administration, United States Citizenship and Immigration Services, U.S. Customs and Border Protection, Department of State Diplomatic Security Service, U.S. Marshals Service, or Naval Criminal Investigative Service, after completing 15 years of service or after reaching age 55; (iv) as a law-enforcement officer with any police or sheriff's department within the United States, the District of Columbia, or any of the territories of the United States, after completing 15 years of service; (v) as a law-enforcement officer with any combination of the agencies listed in clauses (ii) through (iv), after completing 15 years of service; (vi) as a designated boarding team member or boarding officer of the United States Coast Guard, after completing 15 years of service or after reaching age 55; or (vii) as a correctional officer as defined in § 53.1-1 after completing 15 years of service.

§ 18.2-308.04. Processing of the application and issuance of a concealed weapon permit.

A. The clerk of court shall enter on the application the date on which the application and all other information required to be submitted by the applicant is received.

B. Upon receipt of the completed application, the court shall consult with either the sheriff or police department of the county or city and receive a report from the Central Criminal Records Exchange.

C. The court shall issue the permit via United States mail and notify the State Police of the issuance of the permit within 45 days of receipt of the completed application unless it is determined that the applicant is disqualified. Any order denying issuance of the permit shall be in accordance with § 18.2-308.08. If the applicant is later found by the court to be disqualified after a five-year permit has been issued, the permit shall be revoked.

D. A court may authorize the clerk to issue concealed ~~handgun~~ *weapon* permits, without judicial review, to applicants who have submitted complete applications, for whom the criminal history records check does not indicate a disqualification and, after consulting with either the sheriff or police department of the county or city, about which application there are no outstanding questions or issues. The court clerk shall be immune from suit arising from any acts or omissions relating to the issuance of concealed ~~handgun~~ *weapon* permits without judicial review pursuant to this section unless the clerk was grossly negligent or engaged in willful misconduct. This section shall not be construed to limit, withdraw, or overturn any defense or immunity already existing in statutory or common law, or to affect any cause of action accruing prior to July 1, 2010.

E. The permit to carry a concealed ~~handgun~~ *weapon* shall specify only the following information: name, address, date of birth, gender, height, weight, color of hair, color of eyes, and signature of the permittee; the signature of the judge issuing the permit, of the clerk of court who has been authorized to sign such permits by the issuing judge, or of the clerk of court who has been authorized to issue such permits pursuant to subsection D; the date of issuance; and the expiration date. The permit to carry a concealed ~~handgun~~ *weapon* shall be no larger than two inches wide by three and one-fourth inches long and shall be of a uniform style prescribed by the Department of State Police.

§ 18.2-308.05. Issuance of a de facto permit.

If the court has not issued the permit or determined that the applicant is disqualified within 45 days of the date of receipt noted on the application, the clerk shall certify on the application that the 45-day period has expired, and mail or send via electronic mail a copy of the certified application to the applicant within five business days of the expiration of the 45-day period. The certified application shall serve as a de facto permit, which shall expire 90 days after issuance, and shall be recognized as a valid concealed ~~handgun~~ *weapon* permit when presented with a valid government-issued photo identification pursuant to subsection A of § 18.2-308.01, until the court issues a five-year permit or finds the applicant to be disqualified. If the applicant is found to be disqualified after the de facto permit is issued, the applicant shall surrender the de facto permit to the court and the disqualification shall be deemed a denial of the permit and a revocation of the de facto permit.

§ 18.2-308.06. Nonresident concealed weapon permits.

A. Nonresidents of the Commonwealth 21 years of age or older may apply in writing to the Virginia

305 Department of State Police for a five-year permit to carry a concealed ~~handgun~~ *weapon*. Every applicant
306 for a nonresident concealed ~~handgun~~ *weapon* permit shall submit two photographs of a type and kind
307 specified by the Department of State Police for inclusion on the permit and shall submit fingerprints on
308 a card provided by the Department of State Police for the purpose of obtaining the applicant's state or
309 national criminal history record. As a condition for issuance of a concealed ~~handgun~~ *weapon* permit, the
310 applicant shall submit to fingerprinting by his local or state law-enforcement agency and provide
311 personal descriptive information to be forwarded with the fingerprints through the Central Criminal
312 Records Exchange to the U.S. Federal Bureau of Investigation for the purpose of obtaining criminal
313 history record information regarding the applicant and obtaining fingerprint identification information
314 from federal records pursuant to criminal investigations by state and local law-enforcement agencies.
315 The application shall be made under oath before a notary or other person qualified to take oaths on a
316 form provided by the Department of State Police, requiring only that information necessary to determine
317 eligibility for the permit. If the permittee is later found by the Department of State Police to be
318 disqualified, the permit shall be revoked and the person shall return the permit after being so notified by
319 the Department of State Police. The permit requirement and restriction provisions of subsection C of
320 § 18.2-308.02 and § 18.2-308.09 shall apply, mutatis mutandis, to the provisions of this subsection.

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

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

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

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

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

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

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

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

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

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

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

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

352 D. The permit to carry a concealed ~~handgun~~ *weapon* shall contain only the following information:
353 name, address, date of birth, gender, height, weight, color of hair, color of eyes, and photograph of the
354 permittee; the signature of the Superintendent of the Virginia Department of State Police or his designee;
355 the date of issuance; and the expiration date.

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

359 **§ 18.2-308.07. Entry of information into the Virginia Criminal Information Network.**

360 A. An order issuing a concealed ~~handgun~~ *weapon* permit pursuant to § 18.2-308.04, or the copy of
361 the permit application certified by the clerk as a de facto permit pursuant to § 18.2-308.05, shall be
362 provided to the State Police and the law-enforcement agencies of the county or city by the clerk of the
363 court. The State Police shall enter the permittee's name and description in the Virginia Criminal
364 Information Network so that the permit's existence and current status will be made known to
365 law-enforcement personnel accessing the Network for investigative purposes.

366 B. The Department of State Police shall enter the name and description of a person issued a

nonresident permit pursuant to § 18.2-308.06 in the Virginia Criminal Information Network so that the permit's existence and current status are known to law-enforcement personnel accessing the Network for investigative purposes.

C. The State Police shall withhold from public disclosure permittee information submitted to the State Police for purposes of entry into the Virginia Criminal Information Network, except that such information shall not be withheld from any law-enforcement agency, officer, or authorized agent thereof acting in the performance of official law-enforcement duties, nor shall such information be withheld from an entity that has a valid contract with any local, state, or federal law-enforcement agency for the purpose of performing official duties of the law-enforcement agency. However, nothing in this subsection shall be construed to prohibit the release of (i) records by the State Police concerning permits issued to nonresidents of the Commonwealth pursuant to § 18.2-308.06 or (ii) statistical summaries, abstracts, or other records containing information in an aggregate form that does not identify any individual permittees.

§ 18.2-308.08. Denial of a concealed weapon permit; appeal.

A. Only a circuit court judge may deny issuance of a concealed ~~handgun~~ *weapon* permit to a Virginia resident or domiciliary who has applied for a permit pursuant to § 18.2-308.04. Any order denying issuance of a concealed ~~handgun~~ *weapon* permit shall state the basis for the denial of the permit, including, if applicable, any reason under § 18.2-308.09 that is the basis of the denial, and the clerk shall provide notice, in writing, upon denial of the application, of the applicant's right to an ore tenus hearing and the requirements for perfecting an appeal of such order.

B. Upon request of the applicant made within 21 days, the court shall place the matter on the docket for an ore tenus hearing. The applicant may be represented by counsel, but counsel shall not be appointed, and the rules of evidence shall apply. The final order of the court shall include the court's findings of fact and conclusions of law.

C. Any person denied a permit to carry a concealed ~~handgun~~ *weapon* by the circuit court may present a petition for review to the Court of Appeals. The petition for review shall be filed within 60 days of the expiration of the time for requesting an ore tenus hearing, or if an ore tenus hearing is requested, within 60 days of the entry of the final order of the circuit court following the hearing. The petition shall be accompanied by a copy of the original papers filed in the circuit court, including a copy of the order of the circuit court denying the permit. Subject to the provisions of subsection B of § 17.1-410, the decision of the Court of Appeals or judge shall be final. Notwithstanding any other provision of law, if the decision to deny the permit is reversed upon appeal, taxable costs incurred by the person shall be paid by the Commonwealth.

§ 18.2-308.09. Disqualifications for a concealed weapon permit.

The following persons shall be deemed disqualified from obtaining a permit:

1. An individual who is ineligible to possess a firearm pursuant to § 18.2-308.1:1, 18.2-308.1:2, or 18.2-308.1:3 or the substantially similar law of any other state or of the United States.

2. An individual who was ineligible to possess a firearm pursuant to § 18.2-308.1:1 and who was discharged from the custody of the Commissioner pursuant to § 19.2-182.7 less than five years before the date of his application for a concealed ~~handgun~~ *weapon* permit.

3. An individual who was ineligible to possess a firearm pursuant to § 18.2-308.1:2 and whose competency or capacity was restored pursuant to § 64.2-2012 less than five years before the date of his application for a concealed ~~handgun~~ *weapon* permit.

4. An individual who was ineligible to possess a firearm under § 18.2-308.1:3 and who was released from commitment less than five years before the date of this application for a concealed ~~handgun~~ *weapon* permit.

5. An individual who is subject to a restraining order, or to a protective order and prohibited by § 18.2-308.1:4 from purchasing, possessing, or transporting a firearm.

6. An individual who is prohibited by § 18.2-308.2 from possessing or transporting a firearm, except that a permit may be obtained in accordance with subsection C of that section.

7. An individual who has been convicted of two or more misdemeanors within the five-year period immediately preceding the application, if one of the misdemeanors was a Class 1 misdemeanor, but the judge shall have the discretion to deny a permit for two or more misdemeanors that are not Class 1. Traffic infractions and misdemeanors set forth in Title 46.2 shall not be considered for purposes of this disqualification.

8. An individual who is addicted to, or is an unlawful user or distributor of, marijuana, synthetic cannabinoids, or any controlled substance.

9. An individual who has been convicted of a violation of § 18.2-266 or a substantially similar local ordinance, or of public drunkenness, or of a substantially similar offense under the laws of any other state, the District of Columbia, the United States, or its territories within the three-year period immediately preceding the application, or who is a habitual drunkard as determined pursuant to

§ 4.1-333.

10. An alien other than an alien lawfully admitted for permanent residence in the United States.

11. An individual who has been discharged from the armed forces of the United States under dishonorable conditions.

12. An individual who is a fugitive from justice.

13. An individual who the court finds, by a preponderance of the evidence, based on specific acts by the applicant, is likely to use a weapon unlawfully or negligently to endanger others. The sheriff, chief of police, or attorney for the Commonwealth may submit to the court a sworn, written statement indicating that, in the opinion of such sheriff, chief of police, or attorney for the Commonwealth, based upon a disqualifying conviction or upon the specific acts set forth in the statement, the applicant is likely to use a weapon unlawfully or negligently to endanger others. The statement of the sheriff, chief of police, or the attorney for the Commonwealth shall be based upon personal knowledge of such individual or of a deputy sheriff, police officer, or assistant attorney for the Commonwealth of the specific acts, or upon a written statement made under oath before a notary public of a competent person having personal knowledge of the specific acts.

14. An individual who has been convicted of any assault, assault and battery, sexual battery, discharging of a firearm in violation of § 18.2-280 or 18.2-286.1 or brandishing of a firearm in violation of § 18.2-282 within the three-year period immediately preceding the application.

15. An individual who has been convicted of stalking.

16. An individual whose previous convictions or adjudications of delinquency were based on an offense that would have been at the time of conviction a felony if committed by an adult under the laws of any state, the District of Columbia, the United States or its territories. For purposes of this disqualifier, only convictions occurring within 16 years following the later of the date of (i) the conviction or adjudication or (ii) release from any incarceration imposed upon such conviction or adjudication shall be deemed to be "previous convictions." Disqualification under this subdivision shall not apply to an individual with previous adjudications of delinquency who has completed a term of service of no less than two years in the Armed Forces of the United States and, if such person has been discharged from the Armed Forces of the United States, received an honorable discharge.

17. An individual who has a felony charge pending or a charge pending for an offense listed in subdivision 14 or 15.

18. An individual who has received mental health treatment or substance abuse treatment in a residential setting within five years prior to the date of his application for a concealed ~~handgun~~ *weapon* permit.

19. An individual not otherwise ineligible pursuant to this article, who, within the three-year period immediately preceding the application for the permit, was found guilty of any criminal offense set forth in Article 1 (§ 18.2-247 et seq.) or former § 18.2-248.1:1 or of a criminal offense of illegal possession or distribution of marijuana, synthetic cannabinoids, or any controlled substance, under the laws of any state, the District of Columbia, or the United States or its territories.

20. An individual, not otherwise ineligible pursuant to this article, with respect to whom, within the three-year period immediately preceding the application, upon a charge of any criminal offense set forth in Article 1 (§ 18.2-247 et seq.) or former § 18.2-248.1:1 or upon a charge of illegal possession or distribution of marijuana, synthetic cannabinoids, or any controlled substance under the laws of any state, the District of Columbia, or the United States or its territories, the trial court found that the facts of the case were sufficient for a finding of guilt and disposed of the case pursuant to § 18.2-251 or the substantially similar law of any other state, the District of Columbia, or the United States or its territories.

§ 18.2-308.010. Renewal of concealed weapon permit.

A. 1. Persons who previously have held a concealed handgun *or concealed weapon* permit shall be issued, upon application as provided in § 18.2-308.02, a ~~new~~ five-year *concealed weapon* 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 *or concealed weapon* 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 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 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.

§ 18.2-308.011. Replacement permits.

A. The clerk of a circuit court that issued a valid concealed handgun *or concealed weapon* permit shall, upon presentation of the valid permit and proof of a new address of residence by the permit holder, issue a replacement *concealed weapon* permit specifying the permit holder's new address. The clerk of court shall forward the permit holder's new address of residence to the State Police. The State Police may charge a fee not to exceed \$5, and the clerk of court issuing the replacement permit may charge a fee not to exceed \$5. The total amount assessed for processing a replacement permit pursuant to this subsection shall not exceed \$10, with such fees to be paid in one sum to the person who receives the information for the replacement permit.

B. The clerk of a circuit court that issued a valid concealed handgun *or concealed weapon* permit shall, upon submission of a notarized statement by the permit holder that the permit was lost or destroyed or that the permit holder has undergone a legal name change, issue a replacement *concealed weapon* permit. The replacement permit shall have the same expiration date as the permit that was lost, destroyed, or issued to the permit holder under a previous name. The clerk shall issue the replacement permit within 10 business days of receiving the notarized statement and may charge a fee not to exceed \$5.

C. *The clerk of a circuit court that issued a valid concealed handgun permit prior to July 1, 2017, shall upon request of the permit holder replace a valid concealed handgun permit with a valid concealed weapon permit. The clerk shall issue the permit within 10 business days of receiving the request and may charge a fee not to exceed \$5.*

§ 18.2-308.012. Prohibited conduct.

A. Any person permitted to carry a concealed handgun who is under the influence of alcohol or illegal drugs while carrying such handgun in a public place is guilty of a Class 1 misdemeanor. Conviction of any of the following offenses shall be prima facie evidence, subject to rebuttal, that the person is "under the influence" for purposes of this section: manslaughter in violation of § 18.2-36.1, maiming in violation of § 18.2-51.4, driving while intoxicated in violation of § 18.2-266, public intoxication in violation of § 18.2-388, or driving while intoxicated in violation of § 46.2-341.24. Upon such conviction that court shall revoke the person's permit for a concealed ~~handgun~~ *weapon* and promptly notify the issuing circuit court. A person convicted of a violation of this subsection shall be ineligible to apply for a concealed ~~handgun~~ *weapon* permit for a period of five years.

B. (Effective until July 1, 2018) No person who carries a concealed handgun onto the premises of any restaurant or club as defined in § 4.1-100 for which a license to sell and serve alcoholic beverages for on-premises consumption has been granted by the Virginia Alcoholic Beverage Control Board under Title 4.1 may consume an alcoholic beverage while on the premises. A person who carries a concealed handgun onto the premises of such a restaurant or club and consumes alcoholic beverages is guilty of a Class 2 misdemeanor. However, nothing in this subsection shall apply to a federal, state, or local law-enforcement officer.

B. (Effective July 1, 2018) No person who carries a concealed handgun onto the premises of any restaurant or club as defined in § 4.1-100 for which a license to sell and serve alcoholic beverages for on-premises consumption has been granted by the Virginia Alcoholic Beverage Control Authority under Title 4.1 may consume an alcoholic beverage while on the premises. A person who carries a concealed handgun onto the premises of such a restaurant or club and consumes alcoholic beverages is guilty of a Class 2 misdemeanor. However, nothing in this subsection shall apply to a federal, state, or local law-enforcement officer.

§ 18.2-308.013. Suspension or revocation of permit.

A. Any person convicted of an offense that would disqualify that person from obtaining a permit under § 18.2-308.09 or who violates subsection C of § 18.2-308.02 shall forfeit his permit for a concealed ~~handgun~~ *weapon* and surrender it to the court. Upon receipt by the Central Criminal Records Exchange of a record of the arrest, conviction, or occurrence of any other event that would disqualify a person from obtaining a concealed ~~handgun~~ *weapon* permit under § 18.2-308.09, the Central Criminal Records Exchange shall notify the court having issued the permit of such disqualifying arrest, conviction, or other event. Upon receipt of such notice of a conviction, the court shall revoke the permit of a person disqualified pursuant to this subsection, and shall promptly notify the State Police and the person whose permit was revoked of the revocation.

B. An individual who has a felony charge pending or a charge pending for an offense listed in subdivision 14 or 15 of § 18.2-308.09, holding a permit for a concealed ~~handgun~~ *weapon*, may have the permit suspended by the court before which such charge is pending or by the court that issued the permit.

C. The court shall revoke the permit of any individual for whom it would be unlawful to purchase, possess, or transport a firearm under § 18.2-308.1:2 or 18.2-308.1:3, and shall promptly notify the State Police and the person whose permit was revoked of the revocation.

§ 18.2-308.014. Reciprocity.

A. A valid concealed handgun or concealed weapon permit or license issued by another state shall authorize the holder of such permit or license who is at least 21 years of age to carry a concealed ~~handgun~~ *weapon* in the Commonwealth *in the same manner as a holder of a Virginia resident or nonresident concealed weapon permit*, provided that (i) the issuing authority provides the means for instantaneous verification of the validity of all such permits or licenses issued within that state, accessible 24 hours a day if available; (ii) the permit or license holder carries a photo identification issued by a government agency of any state or by the U.S. Department of Defense or U.S. Department of State and displays the permit or license and such identification upon demand by a law-enforcement officer; and (iii) the permit or license holder has not previously had a Virginia concealed handgun permit *or concealed weapon permit* revoked. The Superintendent of State Police shall enter into agreements for reciprocal recognition with such other states that require an agreement to be in place before such state will recognize a Virginia concealed ~~handgun~~ *weapon* permit as valid in such state. The Attorney General shall provide the Superintendent with any legal assistance or advice necessary for the Superintendent to perform his duties set forth in this subsection. If the Superintendent determines that another state requires that an agreement for reciprocal recognition be executed by the Attorney General or otherwise formally approved by the Attorney General as a condition of such other state's entering into an agreement for reciprocal recognition, the Attorney General shall (a) execute such agreement or otherwise formally approve such agreement and (b) return to the Superintendent the executed agreement or, in a form deemed acceptable by such other state, documentation of his formal approval of such agreement within 30 days after the Superintendent notifies the Attorney General, in writing, that he is required to execute or otherwise formally approve such agreement.

B. For the purposes of participation in concealed ~~handgun~~ *weapon* reciprocity agreements with other jurisdictions, the official government-issued law-enforcement identification card issued to an active-duty law-enforcement officer in the Commonwealth who is exempt from obtaining a concealed ~~handgun~~ *weapon* permit under this article shall be deemed a concealed ~~handgun~~ *weapon* permit.

§ 18.2-308.015. Inclusion of Supreme Court website on application.

For the purposes of understanding the law relating to the use of deadly and lethal force, the Department of State Police, in consultation with the Supreme Court on the development of the application for a concealed ~~handgun~~ *weapon* permit under this article, shall include a reference to the Virginia Supreme Court website address or the Virginia Reports on the application.

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

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 Division of Capitol Police, any local law-enforcement officer, auxiliary police officer or animal control 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 employee with internal investigations authority designated by the Department of Corrections pursuant to subdivision 11 of § 53.1-10 retired from the Department of Corrections, any conservation police officer retired from the Department of Game and Inland Fisheries, any Virginia Marine Police officer retired from the Law Enforcement Division of the Virginia Marine Resources Commission, any campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1 retired from a campus police 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 Lottery, other than an officer or agent terminated for cause, (i) with a service-related disability; (ii) following at least 10 years of service with any such law-enforcement agency, commission, board, or any combination thereof; (iii) who has reached 55 years of age; or (iv) who is on long-term leave from such 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~~ *weapon* issued by the chief law-enforcement officer of the last such agency from which the officer retired or the agency that employs the officer or, in the case of special agents, issued by the State Corporation Commission or the Virginia Alcoholic Beverage Control Board. 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 without cause withhold such written proof if the retired law-enforcement officer otherwise meets the requirements of this section. An officer set forth in clause (iv) who receives written proof of consultation to carry a concealed ~~handgun~~ *weapon* 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 forwarded to the Department of State Police for entry into the Virginia Criminal Information Network. However, if such officer retires on disability because of the service-related injury, and would be eligible under clause (i) for written proof of consultation to carry a concealed ~~handgun~~ *weapon*, he may retain the previously issued written proof of consultation.

2. Any person who is eligible for retirement with at least 20 years of service with a law-enforcement agency, commission, or board mentioned in subdivision 1 who has resigned in good standing from such 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 and favorable review of the need to carry a concealed ~~handgun~~ *weapon* 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 Corporation Commission or the Virginia Alcoholic Beverage Control Board. 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 without cause withhold such written proof if the law-enforcement officer otherwise meets the requirements of this section.

3. Any State Police officer who is a member of the organized reserve forces of any of the Armed 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 need to carry a concealed ~~handgun~~ *weapon* 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 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.

B. For purposes of complying with the federal Law Enforcement Officers Safety Act of 2004, a retired or resigned law-enforcement officer who receives proof of consultation and review pursuant to this section shall have the opportunity to annually participate, at the retired or resigned law-enforcement officer's expense, in the same training and testing to carry firearms as is required of active law-enforcement officers in the Commonwealth. If such retired or resigned law-enforcement officer 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 resigned officer has met the standards of the agency to carry a firearm.

C. A retired or resigned law-enforcement officer who receives proof of consultation and review pursuant to this section may annually participate and meet the training and qualification standards to carry firearms as is required of active law-enforcement officers in the Commonwealth. If such retired or resigned law-enforcement officer 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 resigned officer has met the standards of the Commonwealth to carry a firearm. A copy of the certification indicating that the retired or resigned officer has met the standards of the Commonwealth to carry a firearm shall be forwarded by the chief, Commission, or Board to the Department of State Police for entry into the Virginia Criminal 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~~ *weapon* 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~~ *weapon*.

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

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 Division of Capitol Police, any local law-enforcement officer, auxiliary police officer or animal control 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 Authority, any employee with internal investigations authority designated by the Department of Corrections pursuant to subdivision 11 of § 53.1-10 retired from the Department of Corrections, any conservation police officer retired from the Department of Game and Inland Fisheries, any Virginia Marine Police

674 officer retired from the Law Enforcement Division of the Virginia Marine Resources Commission, any
675 campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1 retired
676 from a campus police department, any retired member of the enforcement division of the Department of
677 Motor Vehicles appointed pursuant to § 46.2-217, and any retired investigator of the security division of
678 the Virginia Lottery, other than an officer or agent terminated for cause, (i) with a service-related
679 disability; (ii) following at least 10 years of service with any such law-enforcement agency, commission,
680 board, or any combination thereof; (iii) who has reached 55 years of age; or (iv) who is on long-term
681 leave from such law-enforcement agency or board due to a service-related injury, provided such officer
682 carries with him written proof of consultation with and favorable review of the need to carry a
683 concealed ~~handgun~~ *weapon* issued by the chief law-enforcement officer of the last such agency from
684 which the officer retired or the agency that employs the officer or, in the case of special agents, issued
685 by the State Corporation Commission or the Virginia Alcoholic Beverage Control Authority. A copy of
686 the proof of consultation and favorable review shall be forwarded by the chief, Commission, or Board to
687 the Department of State Police for entry into the Virginia Criminal Information Network. The chief
688 law-enforcement officer shall not without cause withhold such written proof if the retired
689 law-enforcement officer otherwise meets the requirements of this section. An officer set forth in clause
690 (iv) who receives written proof of consultation to carry a concealed ~~handgun~~ *weapon* shall surrender
691 such proof of consultation upon return to work or upon termination of employment with the
692 law-enforcement agency. Notice of the surrender shall be forwarded to the Department of State Police
693 for entry into the Virginia Criminal Information Network. However, if such officer retires on disability
694 because of the service-related injury, and would be eligible under clause (i) for written proof of
695 consultation to carry a concealed ~~handgun~~ *weapon*, he may retain the previously issued written proof of
696 consultation.

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

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

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

725 C. A retired or resigned law-enforcement officer who receives proof of consultation and review
726 pursuant to this section may annually participate and meet the training and qualification standards to
727 carry firearms as is required of active law-enforcement officers in the Commonwealth. If such retired or
728 resigned law-enforcement officer meets the training and qualification standards, the chief
729 law-enforcement officer shall issue the retired or resigned officer certification, valid one year from the
730 date of issuance, indicating that the retired or resigned officer has met the standards of the
731 Commonwealth to carry a firearm. A copy of the certification indicating that the retired or resigned
732 officer has met the standards of the Commonwealth to carry a firearm shall be forwarded by the chief,
733 Commission, or Board to the Department of State Police for entry into the Virginia Criminal
734 Information Network.

735 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~~ *weapon* 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~~ *weapon* permit.

§ 18.2-308.1. Possession of firearm, stun weapon, or other weapon on school property prohibited; penalty.

A. If any person knowingly possesses any (i) stun weapon as defined in this section; (ii) knife, except a pocket knife having a folding metal blade of less than three inches; or (iii) weapon, including a weapon of like kind, designated in subsection A of § 18.2-308, other than a firearm; upon (a) the property of any public, private or religious elementary, middle or high school, including buildings and grounds; (b) that portion of any property open to the public and then exclusively used for school-sponsored functions or extracurricular activities while such functions or activities are taking place; or (c) any school bus owned or operated by any such school, he shall be guilty of a Class 1 misdemeanor.

B. If any person knowingly possesses any firearm designed or intended to expel a projectile by action of an explosion of a combustible material while such person is upon (i) any public, private or religious elementary, middle or high school, including buildings and grounds; (ii) that portion of any property open to the public and then exclusively used for school-sponsored functions or extracurricular activities while such functions or activities are taking place; or (iii) any school bus owned or operated by any such school, he shall be guilty of a Class 6 felony.

C. If any person knowingly possesses any firearm designed or intended to expel a projectile by action of an explosion of a combustible material within a public, private or religious elementary, middle or high school building and intends to use, or attempts to use, such firearm, or displays such weapon in a threatening manner, such person shall be guilty of a Class 6 felony and sentenced to a mandatory minimum term of imprisonment of five years to be served consecutively with any other sentence.

The exemptions set out in §§ 18.2-308 and 18.2-308.016 shall apply, mutatis mutandis, to the provisions of this section. The provisions of this section shall not apply to (i) persons who possess such weapon or weapons as a part of the school's curriculum or activities; (ii) a person possessing a knife customarily used for food preparation or service and using it for such purpose; (iii) persons who possess such weapon or weapons as a part of any program sponsored or facilitated by either the school or any organization authorized by the school to conduct its programs either on or off the school premises; (iv) any law-enforcement officer, or retired law-enforcement officer qualified pursuant to subsection C of § 18.2-308.016; (v) any person who possesses a knife or blade which he uses customarily in his trade; (vi) a person who possesses an unloaded firearm that is in a closed container, or a knife having a metal blade, in or upon a motor vehicle, or an unloaded shotgun or rifle in a firearms rack in or upon a motor vehicle; (vii) a person who has a valid concealed ~~handgun~~ *weapon* permit and possesses a concealed ~~handgun~~ *weapon* while in a motor vehicle in a parking lot, traffic circle, or other means of vehicular ingress or egress to the school; or (viii) an armed security officer, licensed pursuant to Article 4 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1, hired by a private or religious school for the protection of students and employees as authorized by such school. For the purposes of this paragraph, "weapon" includes a knife having a metal blade of three inches or longer and "closed container" includes a locked vehicle trunk.

As used in this section:

"Stun weapon" means any device that emits a momentary or pulsed output, which is electrical, audible, optical or electromagnetic in nature and which is designed to temporarily incapacitate a person.

§ 18.2-308.1:4. Purchase or transportation of firearm by persons subject to protective orders; penalties.

A. It is unlawful for any person who is subject to (i) a protective order entered pursuant to § 16.1-253.1, 16.1-253.4, 16.1-278.2, 16.1-279.1, 19.2-152.8, 19.2-152.9, or 19.2-152.10; (ii) an order issued pursuant to subsection B of § 20-103; (iii) an order entered pursuant to subsection E of § 18.2-60.3; (iv) a preliminary protective order entered pursuant to subsection F of § 16.1-253 where a petition alleging abuse or neglect has been filed; or (v) an order issued by a tribunal of another state, the United States or any of its territories, possessions, or commonwealths, or the District of Columbia pursuant to a statute that is substantially similar to those cited in clauses (i), (ii), (iii), or (iv) to purchase or transport any firearm while the order is in effect. Any person with a concealed ~~handgun~~ *weapon* permit shall be prohibited from carrying any concealed ~~firearm~~ *weapon prohibited in subsection A of § 18.2-308*, and shall surrender his permit to the court entering the order, for the duration of any protective order referred to herein. A violation of this subsection is a Class 1 misdemeanor.

B. In addition to the prohibition set forth in subsection A, it is unlawful for any person who is subject to a protective order entered pursuant to § 16.1-279.1 or an order issued by a tribunal of another state, the United States or any of its territories, possessions, or commonwealths, or the District of Columbia pursuant to a statute that is substantially similar to § 16.1-279.1 to knowingly possess any

797 firearm while the order is in effect, provided that for a period of 24 hours after being served with a
798 protective order in accordance with subsection C of § 16.1-279.1 such person may continue to possess
799 and, notwithstanding the provisions of subsection A, transport any firearm possessed by such person at
800 the time of service for the purposes of selling or transferring any such firearm to any person who is not
801 otherwise prohibited by law from possessing such firearm. A violation of this subsection is a Class 6
802 felony.

803 **§ 18.2-309. Furnishing certain weapons to minors; penalty.**

804 A. If any person sells, barter, gives, or furnishes, or causes to be sold, bartered, given, or furnished,
805 to any minor a dirk, switchblade knife, *ballistic knife as defined in § 18.2-307.1*, or bowie knife, having
806 good cause to believe him to be a minor, such person shall be guilty of a Class 1 misdemeanor.

807 B. *If any person sells, barter, gives, or furnishes, or causes to be sold, bartered, given, or furnished,*
808 *to any minor (i) any blackjack or brass or metal knucks; (ii) any disc of whatever configuration having*
809 *at least two points or pointed blades which is designed to be thrown or propelled and which may be*
810 *known as a throwing star or oriental dart; or (ii) any weapon of like kind as those enumerated in this*
811 *subsection having good cause to believe him to be a minor, such person shall be guilty of a Class 4*
812 *misdemeanor.*

813 C. If any person sells, barter, gives, or furnishes, or causes to be sold, bartered, given, or furnished,
814 to any minor a handgun, having good cause to believe him to be a minor, such person shall be guilty of
815 a Class 6 felony. This subsection shall not apply to any transfer made between family members or for
816 the purpose of engaging in a sporting event or activity.

817 **2. That § 18.2-311 of the Code of Virginia is repealed.**

818 **3. That subsection D of § 18.2-308.01 and subsection C of § 18.2-308.011 of the Code of Virginia,**
819 **as created by this act, shall expire on July 1, 2022.**

820 **4. That the provisions of this act may result in a net increase in periods of imprisonment or**
821 **commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0**
822 **for periods of imprisonment in state adult correctional facilities and cannot be determined for**
823 **periods of commitment to the custody of the Department of Juvenile Justice.**