# 2017 SESSION

**ENROLLED** 

## 1

## VIRGINIA ACTS OF ASSEMBLY - CHAPTER

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

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### Approved

[S 1465]

6 Be it enacted by the General Assembly of Virginia:

7 1. That § 18.2-308.016, as it is currently effective and as it shall become effective, of the Code of 8 Virginia is amended and reenacted as follows: 9  $\S$  18.2-308.016. (Effective until July 1, 2018) Retired law-enforcement officers; carrying a

#### 10 concealed handgun.

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

11 12 1. Any State Police officer retired from the Department of State Police, any officer retired from the 13 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 14 15 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 16 17 subdivision 11 of § 53.1-10 retired from the Department of Corrections, any conservation police officer 18 retired from the Department of Game and Inland Fisheries, any conservation officer retired from the 19 Department of Conservation and Recreation, any Virginia Marine Police officer retired from the Law Enforcement Division of the Virginia Marine Resources Commission, any campus police officer 20 21 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 22 23 appointed pursuant to § 46.2-217, and any retired investigator of the security division of the Virginia 24 Lottery, other than an officer or agent terminated for cause, (i) with a service-related disability; (ii) 25 following at least 10 years of service with any such law-enforcement agency, commission, board, or any 26 combination thereof; (iii) who has reached 55 years of age; or (iv) who is on long-term leave from such 27 law-enforcement agency or board due to a service-related injury, provided such officer carries with him 28 written proof of consultation with and favorable review of the need to carry a concealed handgun issued 29 by the chief law-enforcement officer of the last such agency from which the officer retired or the agency 30 that employs the officer or, in the case of special agents, issued by the State Corporation Commission or 31 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 32 33 entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall not 34 without cause withhold such written proof if the retired law-enforcement officer otherwise meets the 35 requirements of this section. An officer set forth in clause (iv) who receives written proof of consultation to carry a concealed handgun shall surrender such proof of consultation upon return to work 36 37 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. 38 39 However, if such officer retires on disability because of the service-related injury, and would be eligible 40 under clause (i) for written proof of consultation to carry a concealed handgun, he may retain the 41 previously issued written proof of consultation.

42 2. Any person who is eligible for retirement with at least 20 years of service with a law-enforcement 43 agency, commission, or board mentioned in subdivision 1 who has resigned in good standing from such 44 law-enforcement agency, commission, or board to accept a position covered by a retirement system that 45 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 issued by the chief law-enforcement 46 47 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 48 consultation and favorable review shall be forwarded by the chief, Commission, or Board to the 49 50 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 51 52 officer otherwise meets the requirements of this section.

53 3. Any State Police officer who is a member of the organized reserve forces of any of the Armed 54 Services of the United States or National Guard, while such officer is called to active military duty, 55 provided such officer carries with him written proof of consultation with and favorable review of the 56 need to carry a concealed handgun issued by the Superintendent of State Police. The proof of

57 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 58 59 consultation and favorable review shall be entered into the Virginia Criminal Information Network. The 60 Superintendent of State Police shall not without cause withhold such written proof if the officer is in 61 good standing and is qualified to carry a weapon while on active law-enforcement duty.

62 B. For purposes of complying with the federal Law Enforcement Officers Safety Act of 2004, a 63 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 64 65 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 66 67 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 **68** resigned officer has met the standards of the agency to carry a firearm. 69

70 C. A retired or resigned law-enforcement officer who receives proof of consultation and review 71 pursuant to this section may annually participate and meet the training and qualification standards to 72 carry firearms as is required of active law-enforcement officers in the Commonwealth. If such retired or 73 resigned law-enforcement officer meets the training and qualification standards, the chief 74 law-enforcement officer shall issue the retired or resigned officer certification, valid one year from the 75 date of issuance, indicating that the retired or resigned officer has met the standards of the 76 Commonwealth to carry a firearm. A copy of the certification indicating that the retired or resigned 77 officer has met the standards of the Commonwealth to carry a firearm shall be forwarded by the chief, 78 Commission, or Board to the Department of State Police for entry into the Virginia Criminal 79 Information Network.

80 D. For all purposes, including for the purpose of applying the reciprocity provisions of 81 § 18.2-308.014, any person granted the privilege to carry a concealed handgun pursuant to this section, 82 while carrying the proof of consultation and favorable review required, shall be deemed to have been 83 issued a concealed handgun permit.

#### 84 § 18.2-308.016. (Effective July 1, 2018) Retired law-enforcement officers; carrying a concealed 85 handgun.

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

86 87 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 88 89 officer retired from a police department or sheriff's office within the Commonwealth, any special agent 90 retired from the State Corporation Commission or the Virginia Alcoholic Beverage Control Authority, 91 any employee with internal investigations authority designated by the Department of Corrections 92 pursuant to subdivision 11 of § 53.1-10 retired from the Department of Corrections, any conservation 93 police officer retired from the Department of Game and Inland Fisheries, any conservation officer retired 94 from the Department of Conservation and Recreation, any Virginia Marine Police officer retired from 95 the Law Enforcement Division of the Virginia Marine Resources Commission, any campus police officer 96 appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1 retired from a campus police 97 department, any retired member of the enforcement division of the Department of Motor Vehicles 98 appointed pursuant to § 46.2-217, and any retired investigator of the security division of the Virginia 99 Lottery, other than an officer or agent terminated for cause, (i) with a service-related disability; (ii) 100 following at least 10 years of service with any such law-enforcement agency, commission, board, or any 101 combination thereof; (iii) who has reached 55 years of age; or (iv) who is on long-term leave from such 102 law-enforcement agency or board due to a service-related injury, provided such officer carries with him 103 written proof of consultation with and favorable review of the need to carry a concealed handgun issued 104 by the chief law-enforcement officer of the last such agency from which the officer retired or the agency 105 that employs the officer or, in the case of special agents, issued by the State Corporation Commission or the Virginia Alcoholic Beverage Control Authority. A copy of the proof of consultation and favorable 106 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 107 108 109 without cause withhold such written proof if the retired law-enforcement officer otherwise meets the 110 requirements of this section. An officer set forth in clause (iv) who receives written proof of consultation to carry a concealed handgun shall surrender such proof of consultation upon return to work 111 112 or upon termination of employment with the law-enforcement agency. Notice of the surrender shall be 113 forwarded to the Department of State Police for entry into the Virginia Criminal Information Network. 114 However, if such officer retires on disability because of the service-related injury, and would be eligible 115 under clause (i) for written proof of consultation to carry a concealed handgun, he may retain the 116 previously issued written proof of consultation.

117 2. Any person who is eligible for retirement with at least 20 years of service with a law-enforcement 118 agency, commission, or board mentioned in subdivision 1 who has resigned in good standing from such 119 law-enforcement agency, commission, or board to accept a position covered by a retirement system that 120 is authorized under Title 51.1, provided such person carries with him written proof of consultation with 121 and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement 122 officer of the agency from which he resigned or, in the case of special agents, issued by the State 123 Corporation Commission or the Virginia Alcoholic Beverage Control Authority. A copy of the proof of 124 consultation and favorable review shall be forwarded by the chief, Commission, or Board to the 125 Department of State Police for entry into the Virginia Criminal Information Network. The chief 126 law-enforcement officer shall not without cause withhold such written proof if the law-enforcement 127 officer otherwise meets the requirements of this section.

128 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, 129 130 provided such officer carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the Superintendent of State Police. The proof of 131 consultation and favorable review shall be valid as long as the officer is on active military duty and 132 133 shall expire when the officer returns to active law-enforcement duty. The issuance of the proof of 134 consultation and favorable review shall be entered into the Virginia Criminal Information Network. The 135 Superintendent of State Police shall not without cause withhold such written proof if the officer is in 136 good standing and is qualified to carry a weapon while on active law-enforcement duty.

137 B. For purposes of complying with the federal Law Enforcement Officers Safety Act of 2004, a 138 retired or resigned law-enforcement officer who receives proof of consultation and review pursuant to 139 this section shall have the opportunity to annually participate, at the retired or resigned law-enforcement 140 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 141 142 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 143 144 resigned officer has met the standards of the agency to carry a firearm.

145 C. A retired or resigned law-enforcement officer who receives proof of consultation and review 146 pursuant to this section may annually participate and meet the training and qualification standards to 147 carry firearms as is required of active law-enforcement officers in the Commonwealth. If such retired or 148 resigned law-enforcement officer meets the training and qualification standards, the chief 149 law-enforcement officer shall issue the retired or resigned officer certification, valid one year from the 150 date of issuance, indicating that the retired or resigned officer has met the standards of the 151 Commonwealth to carry a firearm. A copy of the certification indicating that the retired or resigned 152 officer has met the standards of the Commonwealth to carry a firearm shall be forwarded by the chief, 153 Commission, or Board to the Department of State Police for entry into the Virginia Criminal 154 Information Network.

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