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## SENATE BILL NO. 811

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice  
on January 17, 2018)

(Patron Prior to Substitute—Senator Marsden)

A *BILL to amend and reenact § 18.2-308.1:4 of the Code of Virginia, relating to protective orders; possession of firearms; surrender or transfer of firearms.*

**Be it enacted by the General Assembly of Virginia:**

**1. That § 18.2-308.1:4 of the Code of Virginia is amended and reenacted as follows:**

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

C. Upon entry of a protective order pursuant to § 16.1-279.1, the court shall order the person subject to the protective order to (i) within 24 hours after being served with a protective order in accordance with subsection C of § 16.1-279.1 (a) surrender any firearm possessed by such person to the designated local law-enforcement agency nearest to the county or city where such person resides, (b) sell or transfer any firearms possessed by such person to a dealer, as defined in § 18.2-308.2:2, or (c) sell or transfer any firearms possessed by such person to any person who is not otherwise prohibited by law from possessing such firearm, within 24 hours after being served with a protective order in accordance with subsection C of § 16.1-279.1, or (ii) certify in writing, on a form provided by the Office of the Executive Secretary of the Supreme Court, that such person does not possess any firearms and file such certification with the clerk of the court that entered the protective order within three days after being served with a protective order in accordance with subsection C of § 16.1-279.1. Any firearms surrendered to a local law-enforcement agency shall be retained and stored by such law-enforcement agency while the order is in effect. Within 48 hours after surrendering or selling or transferring all firearms, such person shall certify in writing, on a form provided by the Office of the Executive Secretary of the Supreme Court, that all firearms possessed by such person have either been surrendered or sold or transferred and file such certification with the clerk of the court that entered the protective order. The court shall provide the address and hours of operation of the designated local law-enforcement agency and the certification forms to the person subject to the protective order when that person is served with a protective order in accordance with subsection C of § 16.1-279.1.

D. For the purposes of designating a local law-enforcement agency to receive and store firearms pursuant to subsection C, the chief judge of the circuit court shall designate the local law-enforcement agencies within the judicial circuit. The chief judge shall provide the addresses and hours of operation of all of the designated local law-enforcement agencies to the juvenile and domestic relations district courts within the judicial circuit so that such addresses and hours of operation may be provided to a person served with a protective order as provided in subsection C.