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HOUSE BILL NO. 2253

Offered January 9, 2019

Prefiled January 8, 2019

A BILL to amend and reenact § 18.2-308.06 of the Code of Virginia, relating to nonresident concealed handgun permits; time of issuance.

Patrons—Pogge and LaRock; Senator: Chase

Referred to Committee on Militia, Police and Public Safety

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-308.06 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-308.06. Nonresident concealed handgun permits.

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

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

1. Completing a hunter education or hunter safety course approved by the Virginia 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, institution of higher education, 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 or a similar agency of another state;

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 approved by the Department of State Police 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 on-line 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 that the Virginia Department of State Police deems adequate.

A photocopy of a certificate of completion of any such course or class; 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 satisfy the requirement for demonstration of competence with a handgun.

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HB2253

1/25/19 14:8

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

62 D. *The Department of State Police shall issue the permit within 45 days of receipt of the completed*  
63 *application unless it determines that the applicant is disqualified. If the Department of State Police has*  
64 *not issued the permit or determined that the applicant is disqualified within 45 days of the date of*  
65 *receipt noted on the application, the Department of State Police shall certify on the application that the*  
66 *45-day period has expired and shall mail or send via electronic mail a copy of the certified application*  
67 *to the applicant within five business days of the expiration of the 45-day period. The certified*  
68 *application shall serve as a de facto permit, which shall expire 90 days after issuance, and shall be*  
69 *recognized as a valid concealed handgun permit when presented with a valid government-issued photo*  
70 *identification pursuant to subsection A of § 18.2-308.01, until the Department of State Police issues a*  
71 *five-year permit or finds the applicant to be disqualified. If the applicant is found to be disqualified*  
72 *after the de facto permit is issued, the applicant shall surrender the de facto permit to the Department*  
73 *of State Police and the disqualification shall be deemed a denial of the permit and a revocation of the*  
74 *de facto permit.*

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

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