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HOUSE BILL NO. 142

Offered January 8, 2020

Prefiled December 18, 2019

A *BILL to amend and reenact §§ 18.2-308.02 and 18.2-308.06 of the Code of Virginia, relating to concealed handgun permits; demonstration of competence.*

Patron—Davis

Referred to Committee on Public Safety

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-308.02 and 18.2-308.06 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-308.02. Application for a concealed handgun permit; Virginia resident or domiciliary.

A. Any person 21 years of age or older may apply in writing to the clerk of the circuit court of the county or city in which he resides, or if he is a member of the United States Armed Forces and stationed outside the Commonwealth, the county or city in which he is domiciled, for a five-year permit to carry a concealed handgun. There shall be no requirement regarding the length of time an applicant has been a resident or domiciliary of the county or city. The application shall be 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. Additionally, the application shall request but not require that the applicant provide an email or other electronic address where a notice of permit expiration can be sent pursuant to subsection C of § 18.2-308.010. The applicant shall present one valid form of photo identification issued by a governmental agency of the Commonwealth or by the U.S. Department of Defense or U.S. State Department (passport). No information or documentation other than that which is allowed on the application in accordance with this section may be requested or required by the clerk or the court.

B. The court shall require proof that the applicant has demonstrated competence with a handgun *in person* and the applicant may demonstrate such competence by one of the following, but no applicant shall be required to submit to any additional demonstration of competence, nor shall any proof of demonstrated competence expire:

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

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

3. Completing any firearms safety or training course or class available to the general public offered by a law-enforcement agency, 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;

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 *in-person* 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~~ *that* 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.

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59 D. The clerk of court shall withhold from public disclosure the applicant's name and any other
60 information contained in a permit application or any order issuing a concealed handgun permit, except
61 that such information shall not be withheld from any law-enforcement officer acting in the performance
62 of his official duties or from the applicant with respect to his own information. The prohibition on
63 public disclosure of information under this subsection shall not apply to any reference to the issuance of
64 a concealed handgun permit in any order book before July 1, 2008; however, any other concealed
65 handgun records maintained by the clerk shall be withheld from public disclosure.

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

70 F. For purposes of this section, a member of the United States Armed Forces is domiciled in the
71 county or city where such member claims his home of record with the United States Armed Forces.

72 **§ 18.2-308.06. Nonresident concealed handgun permits.**

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

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

- 93 1. Completing a hunter education or hunter safety course approved by the Virginia Department of
94 Game and Inland Fisheries or a similar agency of another state;
- 95 2. Completing any National Rifle Association firearms safety or training course;
- 96 3. Completing any firearms safety or training course or class available to the general public offered
97 by a law-enforcement agency, institution of higher education, or private or public institution or
98 organization or firearms training school utilizing instructors certified by the National Rifle Association or
99 the Department of Criminal Justice Services or a similar agency of another state;
- 100 4. Completing any law-enforcement firearms safety or training course or class offered for security
101 guards, investigators, special deputies, or any division or subdivision of law enforcement or security
102 enforcement;

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

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

108 7. Completing any *in-person* firearms training or safety course or class, ~~including an electronic,~~
109 ~~video, or on-line course,~~ conducted by a state-certified or National Rifle Association-certified firearms
110 instructor;

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

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

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

120 C. The Department of State Police may charge a fee not to exceed \$100 to cover the cost of the

121 background check and issuance of the permit. Any fees collected shall be deposited in a special account
122 to be used to offset the costs of administering the nonresident concealed handgun permit program.

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

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