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## SENATE BILL NO. 61

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on the Judiciary  
on January 26, 2022)

(Patrons Prior to Substitute—Senators Hackworth and Obenshain [SB 763])

A *BILL to amend and reenact §§ 15.2-915, 15.2-915.2, 18.2-283.2, 18.2-287.01, 18.2-287.4, 18.2-308, 18.2-308.016, and 24.2-604 of the Code of Virginia, relating to firearms; concealed carry for law-enforcement officers, attorneys for the Commonwealth, and judges; exceptions to certain prohibited activities.*

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

**1. That §§ 15.2-915, 15.2-915.2, 18.2-283.2, 18.2-287.01, 18.2-287.4, 18.2-308, 18.2-308.016, and 24.2-604 of the Code of Virginia are amended and reenacted as follows:**

**§ 15.2-915. Control of firearms; applicability to authorities and local governmental agencies.**

A. No locality shall adopt or enforce any ordinance, resolution, or motion, as permitted by § 15.2-1425, and no agent of such locality shall take any administrative action, governing the purchase, possession, transfer, ownership, carrying, storage, or transporting of firearms, ammunition, or components or combination thereof other than those expressly authorized by statute. For purposes of this section, a statute that does not refer to firearms, ammunition, or components or combination thereof shall not be construed to provide express authorization.

Nothing in this section shall prohibit a locality from adopting workplace rules relating to terms and conditions of employment of the workforce. However, no locality shall adopt any workplace rule, other than for the purposes of a community services board or behavioral health authority as defined in § 37.2-100, that prevents an employee of that locality from storing at that locality's workplace a lawfully possessed firearm and ammunition in a locked private motor vehicle. Nothing in this section shall prohibit a law-enforcement officer, as defined in § 9.1-101, from acting within the scope of his duties.

The provisions of this section applicable to a locality shall also apply to any authority or to a local governmental entity, including a department or agency, but not including any local or regional jail, juvenile detention facility, or state-governed entity, department, or agency.

B. Any local ordinance, resolution, or motion adopted prior to July 1, 2004, governing the purchase, possession, transfer, ownership, carrying, or transporting of firearms, ammunition, or components or combination thereof, other than those expressly authorized by statute, is invalid.

C. In addition to any other relief provided, the court may award reasonable attorney fees, expenses, and court costs to any person, group, or entity that prevails in an action challenging (i) an ordinance, resolution, or motion as being in conflict with this section or (ii) an administrative action taken in bad faith as being in conflict with this section.

D. For purposes of this section, "workplace" means "workplace of the locality."

E. Notwithstanding the provisions of this section, a locality may adopt an ordinance that prohibits the possession, carrying, or transportation of any firearms, ammunition, or components or combination thereof (i) in any building, or part thereof, owned or used by such locality, or by any authority or local governmental entity created or controlled by the locality, for governmental purposes; (ii) in any public park owned or operated by the locality, or by any authority or local governmental entity created or controlled by the locality; (iii) in any recreation or community center facility operated by the locality, or by any authority or local governmental entity created or controlled by the locality; or (iv) in any public street, road, alley, or sidewalk or public right-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit. In buildings that are not owned by a locality, or by any authority or local governmental entity created or controlled by the locality, such ordinance shall apply only to the part of the building that is being used for a governmental purpose and when such building, or part thereof, is being used for a governmental purpose.

Any such ordinance may include security measures that are designed to reasonably prevent the unauthorized access of such buildings, parks, recreation or community center facilities, or public streets, roads, alleys, or sidewalks or public rights-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit by a person with any firearms, ammunition, or components or combination thereof, such as the use of metal detectors and increased use of security personnel.

The provisions of this subsection *and any ordinance enacted pursuant to this subsection* shall not apply to any person who holds a valid Virginia permit to carry a concealed handgun issued in accordance with Article 6.1 (§ 18.2-307.1 et seq.) of Chapter 7 of Title 18.2 or to the activities of (i) a Senior Reserve Officers' Training Corps program operated at a public or private institution of higher

60 education in accordance with the provisions of 10 U.S.C. § 2101 et seq. or (ii) any intercollegiate  
61 athletics program operated by a public or private institution of higher education and governed by the  
62 National Collegiate Athletic Association or any club sports team recognized by a public or private  
63 institution of higher education where the sport engaged in by such program or team involves the use of  
64 a firearm. Such activities shall follow strict guidelines developed by such institutions for these activities  
65 and shall be conducted under the supervision of staff officials of such institutions.

66 *The provisions of this subsection shall not apply to any active law-enforcement officer, any retired*  
67 *law-enforcement officer qualified pursuant to § 18.2-308.016, any attorney for the Commonwealth or*  
68 *assistant attorney for the Commonwealth, any retired attorney for the Commonwealth or retired*  
69 *assistant attorney for the Commonwealth pursuant to § 18.2-308.016, any judge or justice of the*  
70 *Commonwealth, or any retired judge or retired justice of the Commonwealth.*

71 F. Notice of any ordinance adopted pursuant to subsection E shall be posted (i) at all entrances of  
72 any building, or part thereof, owned or used by the locality, or by any authority or local governmental  
73 entity created or controlled by the locality, for governmental purposes; (ii) at all entrances of any public  
74 park owned or operated by the locality, or by any authority or local governmental entity created or  
75 controlled by the locality; (iii) at all entrances of any recreation or community center facilities operated  
76 by the locality, or by any authority or local governmental entity created or controlled by the locality;  
77 and (iv) at all entrances or other appropriate places of ingress and egress to any public street, road,  
78 alley, or sidewalk or public right-of-way or any other place of whatever nature that is open to the public  
79 and is being used by or is adjacent to a permitted event or an event that would otherwise require a  
80 permit.

81 **§ 15.2-915.2. Regulation of transportation of a loaded rifle or shotgun.**

82 The governing body of any county or city may by ordinance make it unlawful for any person to  
83 transport, possess or carry a loaded shotgun or loaded rifle in any vehicle on any public street, road, or  
84 highway within such locality. Any violation of such ordinance shall be punishable by a fine of not more  
85 than \$100. Conservation police officers, sheriffs and all other law-enforcement officers shall enforce the  
86 provisions of this section. No ordinance adopted pursuant to this section shall be enforceable unless the  
87 governing body adopting such ordinance so notifies the Director of the Department of Wildlife  
88 Resources by registered mail prior to May 1 of the year in which such ordinance is to take effect.

89 The provisions of this section shall not apply to duly authorized law-enforcement officers or military  
90 personnel in the performance of their lawful duties, nor to any person who reasonably believes that a  
91 loaded rifle or shotgun is necessary for his personal safety in the course of his employment or business.

92 *The provisions of this section shall not apply to any active law-enforcement officer, any retired*  
93 *law-enforcement officer qualified pursuant to § 18.2-308.016, any attorney for the Commonwealth or*  
94 *assistant attorney for the Commonwealth, any retired attorney for the Commonwealth or retired*  
95 *assistant attorney for the Commonwealth pursuant to § 18.2-308.016, any judge or justice of the*  
96 *Commonwealth, or any retired judge or retired justice of the Commonwealth.*

97 **§ 18.2-283.2. Carrying a firearm or explosive material within Capitol Square and the**  
98 **surrounding area, into a building owned or leased by the Commonwealth, etc.; penalty.**

99 A. For the purposes of this section, "Capitol Square and the surrounding area" means (i) the grounds,  
100 land, real property, and improvements in the City of Richmond bounded by Bank, Governor, Broad, and  
101 Ninth Streets, and the sidewalks of Bank Street extending from 50 feet west of the Pocahontas Building  
102 entrance to 50 feet east of the entrance of the Capitol of Virginia.

103 B. It is unlawful for any person to carry any firearm as defined in § 18.2-308.2:2 or explosive  
104 material as defined in § 18.2-308.2 within (i) the Capitol of Virginia; (ii) Capitol Square and the  
105 surrounding area; (iii) any building owned or leased by the Commonwealth or any agency thereof; or  
106 (iv) any office where employees of the Commonwealth or any agency thereof are regularly present for  
107 the purpose of performing their official duties.

108 C. A violation of this section is punishable as a Class 1 misdemeanor. Any firearm or explosive  
109 material carried in violation of this section shall be subject to seizure by a law-enforcement officer and  
110 forfeited to the Commonwealth and disposed of as provided in § 19.2-386.28.

111 D. The provisions of this section shall not apply to the following while acting in the conduct of such  
112 person's official duties: (i) any law-enforcement officer as defined in § 9.1-101; (ii) any authorized  
113 security personnel; (iii) any active military personnel; (iv) any fire marshal appointed pursuant to  
114 § 27-30 when such fire marshal has police powers provided by § 27-34.2:1; or (v) any member of a  
115 cadet corps who is recognized by a public institution of higher education while such member is  
116 participating in an official ceremonial event for the Commonwealth.

117 E. *The provisions of subsection B shall not apply to any active law-enforcement officer, any retired*  
118 *law-enforcement officer qualified pursuant to § 18.2-308.016, any attorney for the Commonwealth or*  
119 *assistant attorney for the Commonwealth, any retired attorney for the Commonwealth or retired*  
120 *assistant attorney for the Commonwealth pursuant to § 18.2-308.016, any judge or justice of the*  
121 *Commonwealth, or any retired judge or retired justice of the Commonwealth.*

The provisions of clauses (iii) and (iv) of subsection B shall not apply to (i) ~~any retired law-enforcement officer qualified pursuant to subsection C of § 18.2-308.016 who is visiting a gun range owned or leased by the Commonwealth;~~ (ii) any of the following employees authorized to carry a firearm while acting in the conduct of such employee's official duties: (a) a bail bondsman as defined in § 9.1-185, (b) an employee of the Department of Corrections or a state juvenile correctional facility, (c) an employee of the Department of Conservation and Recreation, or (d) an employee of the Department of Wildlife Resources; ~~(iii)~~ (ii) any individual carrying a weapon into a courthouse who is exempt under § 18.2-283.1; ~~(iv)~~ (iii) any property owned or operated by a public institution of higher education; ~~(v)~~ (iv) any state park; or ~~(vi)~~ (v) any magistrate acting in the conduct of the magistrate's official duties.

F. Notice of the provisions of this section shall be posted conspicuously along the boundary of Capitol Square and the surrounding area and at the public entrance of each location listed in subsection B, and no person shall be convicted of an offense under subsection B if such notice is not posted at such public entrance, unless such person had actual notice of the prohibitions in subsection B.

**§ 18.2-287.01. Carrying weapon in air carrier airport terminal; penalty.**

It ~~shall be~~ is unlawful for any person to possess or transport into any air carrier airport terminal in the Commonwealth ~~any~~ (i) any gun or other weapon designed or intended to propel a missile or projectile of any kind; (ii) any frame, receiver, muffler, silencer, missile, projectile or ammunition designed for use with a dangerous weapon; ~~and; or~~ (iii) any other dangerous weapon, including explosives, stun weapons as defined in § 18.2-308.1, ~~and or~~ those weapons specified in subsection A of § 18.2-308. Any such weapon shall be subject to seizure by a law-enforcement officer. A violation of this section is punishable as a Class 1 misdemeanor. Any weapon possessed or transported in violation of this section shall be forfeited to the Commonwealth and disposed of as provided in § 19.2-386.28.

The provisions of this section shall not apply to any police officer, sheriff, law-enforcement agent or official, conservation police officer, conservator of the peace employed by the air carrier airport, ~~or~~ retired law-enforcement officer qualified pursuant to subsection C of § 18.2-308.016, ~~attorney for the Commonwealth or assistant attorney for the Commonwealth, retired attorney for the Commonwealth or retired assistant attorney for the Commonwealth pursuant to § 18.2-308.016, judge or justice of the Commonwealth, or retired judge or retired justice of the Commonwealth,~~ nor shall the provisions of this section apply to any passenger of an airline who, to the extent otherwise permitted by law, transports a lawful firearm, weapon, or ammunition into or out of an air carrier airport terminal for the sole purposes, respectively, of ~~(i)~~ (a) presenting such firearm, weapon, or ammunition to U.S. Customs agents in advance of an international flight, in order to comply with federal law; ~~(ii)~~; (b) checking such firearm, weapon, or ammunition with his luggage; or ~~(iii)~~ (c) retrieving such firearm, weapon, or ammunition from the baggage claim area.

Any other statute, rule, regulation, or ordinance specifically addressing the possession or transportation of weapons in any airport in the Commonwealth shall be invalid, and this section shall control.

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

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

The provisions of this section shall not apply to ~~any law-enforcement officers~~ officer, any licensed security ~~guards~~ guard, any military personnel in the performance of ~~their~~ his lawful duties, any retired law-enforcement officer qualified pursuant to § 18.2-308.016, any attorney for the Commonwealth or assistant attorney for the Commonwealth, any retired attorney for the Commonwealth or retired assistant attorney for the Commonwealth pursuant to § 18.2-308.016, any judge or justice of the Commonwealth, any retired judge or retired justice of the Commonwealth, or any person having a valid concealed handgun permit or to any person actually engaged in lawful hunting or lawful recreational shooting activities at an established shooting range or shooting contest. Any person violating the provisions of this section ~~shall be~~ is guilty of a Class 1 misdemeanor.

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

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

A. If any person carries about his person, hidden from common observation, (i) any pistol, revolver,

183 or other weapon designed or intended to propel a missile of any kind by action of an explosion of any  
184 combustible material; (ii) any dirk, bowie knife, switchblade knife, ballistic knife, machete, razor, sling  
185 bow, spring stick, metal knucks, or blackjack; (iii) any flailing instrument consisting of two or more  
186 rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun  
187 chahka, nun chuck, nunchaku, shuriken, or fighting chain; (iv) any disc, of whatever configuration,  
188 having at least two points or pointed blades which is designed to be thrown or propelled and which may  
189 be known as a throwing star or oriental dart; or (v) any weapon of like kind as those enumerated in this  
190 subsection, he is guilty of a Class 1 misdemeanor. A second violation of this section or a conviction  
191 under this section subsequent to any conviction under any substantially similar ordinance of any county,  
192 city, or town shall be punishable as a Class 6 felony, and a third or subsequent such violation shall be  
193 punishable as a Class 5 felony. For the purpose of this section, a weapon shall be deemed to be hidden  
194 from common observation when it is observable but is of such deceptive appearance as to disguise the  
195 weapon's true nature. It shall be an affirmative defense to a violation of clause (i) regarding a handgun,  
196 that a person had been issued, at the time of the offense, a valid concealed handgun permit.

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

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

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

201 2. Any law-enforcement officer, or retired law-enforcement officer pursuant to § 18.2-308.016,  
202 wherever such law-enforcement officer *or retired law-enforcement officer* may travel in the  
203 Commonwealth. *Any other statute, rule, regulation, ordinance, order, or policy specifically addressing*  
204 *the possession or transportation of weapons anywhere in the Commonwealth shall be invalid, and this*  
205 *subdivision shall control;*

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

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

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

213 6. Any person actually engaged in lawful hunting, as authorized by the Board of Wildlife Resources,  
214 under inclement weather conditions necessitating temporary protection of his firearm from those  
215 conditions, provided that possession of a handgun while engaged in lawful hunting shall not be  
216 construed as hunting with a handgun if the person hunting is carrying a valid concealed handgun permit;

217 7. Any attorney for the Commonwealth or assistant attorney for the Commonwealth, *or retired*  
218 *attorney for the Commonwealth or retired assistant attorney for the Commonwealth pursuant to*  
219 *§ 18.2-308.016, wherever such attorney or retired attorney may travel in the Commonwealth. Any other*  
220 *statute, rule, regulation, ordinance, order, or policy and any other statute or rule specifically addressing*  
221 *the possession or transportation of weapons anywhere in the Commonwealth shall be invalid, and this*  
222 *subdivision shall control, provided that the enumerated person is not disqualified for a concealed*  
223 *handgun permit pursuant to § 18.2-308.09;*

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

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

229 10. Any judge or justice of the Commonwealth, *or retired judge or retired justice of the*  
230 *Commonwealth, wherever such judge or justice or retired judge or retired justice may travel in the*  
231 *Commonwealth. Any other statute, rule, regulation, ordinance, order, or policy specifically addressing*  
232 *the possession or transportation of weapons anywhere in the Commonwealth shall be invalid, and this*  
233 *subdivision shall control, provided that the enumerated person is not disqualified for a concealed*  
234 *handgun permit pursuant to § 18.2-308.09.*

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

237 1. Carriers of the United States mail;

238 2. Officers or guards of any state correctional institution;

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

and

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.

**§ 18.2-308.016. Retired law-enforcement officers; carrying a concealed handgun; civil penalty.**

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 Wildlife Resources, any conservation officer retired from the 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 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~~ or 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 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 Authority. 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 shall surrender such proof of consultation upon return to work as a law-enforcement officer 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, 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 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 Authority. 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 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.

4. Any retired or resigned attorney for the Commonwealth or assistant attorney for the Commonwealth who (i) was not terminated for cause and served at least 10 years prior to his retirement or resignation; (ii) during the most recent 12-month period, has met, at his own expense, the standards for qualification in firearms training for active law-enforcement officers in the Commonwealth; (iii) carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the attorney for the Commonwealth from whose office he retired or

resigned; and (iv) meets the requirements of a "qualified retired law enforcement officer" pursuant to the federal Law Enforcement Officers Safety Act of 2004 (18 U.S.C. § 926C). A copy of the proof of consultation and favorable review shall be forwarded by the attorney for the Commonwealth to the Department of State Police for entry into the Virginia Criminal Information Network.

B. For purposes of complying with the federal Law Enforcement Officers Safety Act of 2004, a retired or resigned law-enforcement officer, including a retired or resigned attorney for the Commonwealth or assistant attorney for the Commonwealth, 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, including a retired or resigned attorney for the Commonwealth or assistant attorney for the Commonwealth, 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, Board, or attorney for the Commonwealth 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 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.

*E. All agencies of the Commonwealth, political subdivisions, institutions, commissions, boards, and authorities and chief law-enforcement officers shall, upon the required proof of consultation and favorable review, issue the retired or resigned officer's certification, signed by the chief law-enforcement officer, 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 within 15 days of receiving evidence of a retiree's qualification standard. In addition to any other remedies available at law, if the court finds that a violation was willfully and knowingly made, or not timely, it shall impose upon such officer, employee, or member in his individual capacity, whether a writ of mandamus or injunctive relief is awarded or not, a civil penalty of not less than \$500 nor more than \$2,000, which amount shall be paid into the Literary Fund. For a second or subsequent violation, such civil penalty shall be not less than \$2,000 nor more than \$5,000. In determining whether a civil penalty is appropriate, the court shall consider mitigating factors, including reliance of members of the public body on (i) opinions of the Attorney General or (ii) court cases substantially supporting the rationale of the public body.*

**§ 24.2-604. Polling places; prohibited activities; prohibited area; penalties.**

A. During the times the polls are open and ballots are being counted, or within one hour of opening or after closing, it is unlawful for any person (i) to loiter or congregate within 40 feet of any entrance of any polling place; (ii) within such distance to give, tender, or exhibit any ballot, ticket, or other campaign material to any person or to solicit or in any manner attempt to influence any person in casting his vote; (iii) to hinder or delay a qualified voter in entering or leaving a polling place; or (iv) to knowingly possess any firearm as defined in § 18.2-308.2:2 within 40 feet of any building, or part thereof, used as a polling place.

B. Prior to opening the polls, the officers of election shall post, in the area within 40 feet of any entrance to the polling place, sufficient notices that state "Prohibited Area" in two-inch type. The notices shall also state the provisions of this section in not less than 24-point type. The officers of election shall post the notices within the prohibited area to be visible to voters and the public.

C. It is unlawful for any authorized representative permitted in the polling place pursuant to § 24.2-604.4, any voter, or any other person in the room to (i) hinder or delay a qualified voter; (ii) give, tender, or exhibit any ballot, ticket, or other campaign material to any person; (iii) solicit or in any manner attempt to influence any person in casting his vote; (iv) hinder or delay any officer of election; (v) be in a position to see the marked ballot of any other voter; or (vi) otherwise impede the orderly conduct of the election.

D. The provisions of subsections A and C shall not be construed to prohibit a person who approaches or enters the polling place for the purpose of voting from wearing a shirt, hat, or other apparel on which a candidate's name or a political slogan appears or from having a sticker or button

attached to his apparel on which a candidate's name or a political slogan appears. This exemption shall not apply to candidates, representatives of candidates, or any other person who approaches or enters the polling place for any purpose other than voting.

E. This section shall not be construed to prohibit a candidate from entering any polling place on the day of the election to vote, or to visit a polling place for no longer than 10 minutes per polling place per election day, provided that he complies with the restrictions stated in subsections A, C, and D.

F. The provisions of clause (iv) of subsection A shall not apply to (i) any law-enforcement officer or any retired law-enforcement officer qualified pursuant to subsection C of § 18.2-308.016, *any attorney for the Commonwealth or assistant attorney for the Commonwealth or retired attorney for the Commonwealth or retired assistant attorney for the Commonwealth pursuant to § 18.2-308.016, or any judge or justice of the Commonwealth or retired judge or retired justice of the Commonwealth*; (ii) any person occupying his own private property that falls within 40 feet of a polling place; or (iii) an armed security officer, licensed pursuant to Article 4 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1, whose employment or performance of his duties occurs within 40 feet of any building, or part thereof, used as a polling place.

G. The officers of election may require any person who is found by a majority of the officers present to be in violation of this section to remain outside of the prohibited area. Any person violating subsection A or C is guilty of a Class 1 misdemeanor.