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HOUSE BILL NO. 1552

House Amendments in [ ] - February 7, 2011

A BILL to amend and reenact § 18.2-308 of the Code of Virginia, relating to issuance of concealed handgun permits.

Patron Prior to Engrossment—Delegate Cox, J.A.

Referred to Committee on Militia, Police and Public Safety

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-308 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-308. Personal protection; carrying concealed weapons; when lawful to carry.

A. If any person carries about his person, hidden from common observation, (i) any pistol, revolver, or other weapon designed or intended to propel a missile of any kind by action of an explosion of any combustible material; (ii) any dirk, bowie knife, switchblade knife, ballistic knife, machete, razor, slingshot, spring stick, metal knucks, or blackjack; (iii) any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain; (iv) any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart; or (v) any weapon of like kind as those enumerated in this subsection, he shall be guilty of a Class 1 misdemeanor. A second violation of this section or a conviction under this section subsequent to any conviction under any substantially similar ordinance of any county, city, or town shall be punishable as a Class 6 felony, and a third or subsequent such violation shall be punishable as a Class 5 felony. For the purpose of this section, a weapon shall be deemed to be hidden from common observation when it is observable but is of such deceptive appearance as to disguise the weapon's true nature.

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

Except as provided in subsection J1, this section shall not apply to:

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

2. Any law-enforcement officer, wherever such law-enforcement officer may travel in the Commonwealth;

3. Any regularly enrolled member of a target shooting organization who is at, or going to or from, an established shooting range, provided that the weapons are unloaded and securely wrapped while being transported;

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

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

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

7. 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 Alcoholic Beverage Control Board, any conservation police officer retired from the Department of Game and Inland Fisheries, and any Virginia Marine Police officer retired from the Law Enforcement Division of the Virginia Marine Resources Commission, other than an officer or agent terminated for cause, (i) with a service-related disability; (ii) following at least 15 years of service with any such law-enforcement agency, 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 Alcoholic Beverage Control Board. A copy of the proof of consultation and favorable review shall be forwarded by the chief or the Board to the Department of State Police for entry into the Virginia

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59 Criminal Information Network. The chief law-enforcement officer shall not without cause withhold such  
60 written proof if the retired law-enforcement officer otherwise meets the requirements of this section. An  
61 officer set forth in clause (iv) of this subdivision who receives written proof of consultation to carry a  
62 concealed handgun shall surrender such proof of consultation upon return to work or upon termination  
63 of employment with the law-enforcement agency. Notice of the surrender shall be forwarded to the  
64 Department of State Police for entry into the Virginia Criminal Information Network. However, if such  
65 officer retires on disability because of the service-related injury, and would be eligible under clause (i)  
66 of this subdivision for written proof of consultation to carry a concealed handgun, he may retain the  
67 previously issued written proof of consultation. A retired law-enforcement officer who receives proof of  
68 consultation and favorable review pursuant to this subdivision is authorized to carry a concealed  
69 handgun in the same manner as a law-enforcement officer authorized to carry a concealed handgun  
70 pursuant to subdivision 2 of this subsection.

71 7a. Any person who is eligible for retirement with at least 20 years of service with a  
72 law-enforcement agency or board mentioned in subdivision 7 who has resigned in good standing from  
73 such law-enforcement agency or board to accept a position covered by a retirement system that is  
74 authorized under Title 51.1, provided such person carries with him written proof of consultation with  
75 and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement  
76 officer of the agency from which he resigned or, in the case of special agents, issued by the State  
77 Corporation Commission or the Alcoholic Beverage Control Board. A copy of the proof of consultation  
78 and favorable review shall be forwarded by the chief, Board or Commission to the Department of State  
79 Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall  
80 not without cause withhold such written proof if the law-enforcement officer otherwise meets the  
81 requirements of this section.

82 For purposes of applying the reciprocity provisions of subsection P, any person granted the privilege  
83 to carry a concealed handgun pursuant to subdivision 7 or this subdivision, while carrying the proof of  
84 consultation and favorable review required, shall be deemed to have been issued a concealed handgun  
85 permit.

86 For purposes of complying with the federal Law Enforcement Officers Safety Act of 2004, a retired  
87 or resigned law-enforcement officer who receives proof of consultation and review pursuant to  
88 subdivision 7 or this subdivision shall have the opportunity to annually participate, at the retired or  
89 resigned law-enforcement officer's expense, in the same training and testing to carry firearms as is  
90 required of active law-enforcement officers in the Commonwealth. If such retired or resigned  
91 law-enforcement officer meets the training and qualification standards, the chief law-enforcement officer  
92 shall issue the retired or resigned officer certification, valid one year from the date of issuance,  
93 indicating that the retired or resigned officer has met the standards of the agency to carry a firearm;

94 8. Any State Police officer who is a member of the organized reserve forces of any of the armed  
95 services of the United States, national guard, or naval militia, while such officer is called to active  
96 military duty, provided such officer carries with him written proof of consultation with and favorable  
97 review of the need to carry a concealed handgun issued by the Superintendent of State Police. The proof  
98 of consultation and favorable review shall be valid as long as the officer is on active military duty and  
99 shall expire when the officer returns to active law-enforcement duty. The issuance of the proof of  
100 consultation and favorable review shall be entered into the Virginia Criminal Information Network. The  
101 Superintendent of State Police shall not without cause withhold such written proof if the officer is in  
102 good standing and is qualified to carry a weapon while on active law-enforcement duty.

103 For purposes of applying the reciprocity provisions of subsection P, any person granted the privilege  
104 to carry a concealed handgun pursuant to this subdivision, while carrying the proof of consultation and  
105 favorable review required, shall be deemed to have been issued a concealed handgun permit;

106 9. Any attorney for the Commonwealth or assistant attorney for the Commonwealth, wherever such  
107 attorney may travel in the Commonwealth; and

108 10. Any person who may lawfully possess a firearm and is carrying a handgun while in a personal,  
109 private motor vehicle or vessel and such handgun is secured in a container or compartment in the  
110 vehicle or vessel.

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

- 113 1. Carriers of the United States mail;
- 114 2. Officers or guards of any state correctional institution;
- 115 3. [Repealed.]

116 4. Conservators of the peace, except that an attorney for the Commonwealth or assistant attorney for  
117 the Commonwealth may carry a concealed handgun pursuant to subdivision B 9. However, the following  
118 conservators of the peace shall not be permitted to carry a concealed handgun without obtaining a  
119 permit as provided in subsection D hereof: (a) notaries public; (b) registrars; (c) drivers, operators or  
120 other persons in charge of any motor vehicle carrier of passengers for hire; or (d) commissioners in

121 chancery;

122 5. Noncustodial employees of the Department of Corrections designated to carry weapons by the  
123 Director of the Department of Corrections pursuant to § 53.1-29; and

124 6. Harbormaster of the City of Hopewell.

125 D. Any person 21 years of age or older may apply in writing to the clerk of the circuit court of the  
126 county or city in which he resides, or if he is a member of the United States Armed Forces, the county  
127 or city in which he is domiciled, for a five-year permit to carry a concealed handgun. There shall be no  
128 requirement regarding the length of time an applicant has been a resident or domiciliary of the county or  
129 city. The application shall be made under oath before a notary or other person qualified to take oaths  
130 and shall be made only on a form prescribed by the Department of State Police, in consultation with the  
131 Supreme Court, requiring only that information necessary to determine eligibility for the permit. The  
132 clerk shall enter on the application the date on which the application and all other information required  
133 to be submitted by the applicant is received. The court shall consult with either the sheriff or police  
134 department of the county or city and receive a report from the Central Criminal Records Exchange. As a  
135 condition for issuance of a concealed handgun permit, the applicant shall submit to fingerprinting if  
136 required by local ordinance in the county or city where the applicant resides and provide personal  
137 descriptive information to be forwarded with the fingerprints through the Central Criminal Records  
138 Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record  
139 information regarding the applicant, and obtaining fingerprint identification information from federal  
140 records pursuant to criminal investigations by state and local law-enforcement agencies. However, no  
141 local ordinance shall require an applicant to submit to fingerprinting if the applicant has an existing  
142 concealed handgun permit issued pursuant to this section and is applying for a new five-year permit  
143 pursuant to subsection I. Where feasible and practical, the local law-enforcement agency may transfer  
144 information electronically to the State Police instead of inked fingerprint cards. Upon completion of the  
145 criminal history records check, the State Police shall return the fingerprint cards to the submitting local  
146 agency or, in the case of scanned fingerprints, destroy the electronic record. The local agency shall then  
147 promptly notify the person that he has 21 days from the date of the notice to request return of the  
148 fingerprint cards, if any. All fingerprint cards not claimed by the applicant within 21 days of notification  
149 by the local agency shall be destroyed. All optically scanned fingerprints shall be destroyed upon  
150 completion of the criminal history records check without requiring that the applicant be notified.  
151 Fingerprints taken for the purposes described in this section shall not be copied, held or used for any  
152 other purposes. The court shall issue the permit and notify the State Police of the issuance of the permit  
153 within 45 days of receipt of the completed application unless it is determined that the applicant is  
154 disqualified. A court may authorize the clerk to issue concealed handgun permits, without judicial  
155 review, to applicants who have submitted complete applications, for whom the criminal history records  
156 check does not indicate a disqualification and, after consulting with either the sheriff or police  
157 department of the county or city, about which there are no outstanding questions or issues concerning  
158 the application. The court clerk shall be immune from suit arising from any acts or omissions relating to  
159 the issuance of concealed handgun permits without judicial review pursuant to this section unless the  
160 clerk was grossly negligent or engaged in willful misconduct. This subsection shall not be construed to  
161 limit, withdraw, or overturn any defense or immunity already existing in statutory or common law, or to  
162 affect any cause of action accruing prior to July 1, 2010. Upon denial of the application, the clerk shall  
163 provide the person with notice, in writing, of his right to an ore tenus hearing. Upon request of the  
164 applicant made within 21 days, the court shall place the matter on the docket for an ore tenus hearing.  
165 The applicant may be represented by counsel, but counsel shall not be appointed, and the rules of  
166 evidence shall apply. The final order of the court shall include the court's findings of fact and  
167 conclusions of law. Any order denying issuance of the permit shall state the basis for the denial of the  
168 permit and the applicant's right to and the requirements for perfecting an appeal of such order pursuant  
169 to subsection L. Only a circuit court judge may deny issuance of a permit. An application is deemed  
170 complete when all information required to be furnished by the applicant is delivered to and received by  
171 the clerk of court before or concomitant with the conduct of a state or national criminal history records  
172 check. If the court has not issued the permit or determined that the applicant is disqualified within 45  
173 days of the date of receipt noted on the application, the clerk shall certify on the application that the  
174 45-day period has expired, and ~~send~~ mail [ or send via electronic mail ] a copy of the certified  
175 application to the applicant *within five business days of the expiration of the 45-day period*. The  
176 certified application shall serve as a de facto permit, which shall expire 90 days after issuance, and shall  
177 be recognized as a valid concealed handgun permit when presented with a valid government-issued  
178 photo identification pursuant to subsection H, until the court issues a five-year permit or finds the  
179 applicant to be disqualified. If the applicant is found to be disqualified after the de facto permit is  
180 issued, the applicant shall surrender the de facto permit to the court and the disqualification shall be  
181 deemed a denial of the permit and a revocation of the de facto permit. If the applicant is later found by

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182 the court to be disqualified after a five-year permit has been issued, the permit shall be revoked. The  
183 clerk of court may withhold from public disclosure the social security number contained in a permit  
184 application in response to a request to inspect or copy any such permit application, except that such  
185 social security number shall not be withheld from any law-enforcement officer acting in the performance  
186 of his official duties.

187 E. The following persons shall be deemed disqualified from obtaining a permit:

188 1. An individual who is ineligible to possess a firearm pursuant to § 18.2-308.1:1, 18.2-308.1:2 or  
189 18.2-308.1:3 or the substantially similar law of any other state or of the United States.

190 2. An individual who was ineligible to possess a firearm pursuant to § 18.2-308.1:1 and who was  
191 discharged from the custody of the Commissioner pursuant to § 19.2-182.7 less than five years before  
192 the date of his application for a concealed handgun permit.

193 3. An individual who was ineligible to possess a firearm pursuant to § 18.2-308.1:2 and whose  
194 competency or capacity was restored pursuant to § 37.2-1012 less than five years before the date of his  
195 application for a concealed handgun permit.

196 4. An individual who was ineligible to possess a firearm under § 18.2-308.1:3 and who was released  
197 from commitment less than five years before the date of this application for a concealed handgun  
198 permit.

199 5. An individual who is subject to a restraining order, or to a protective order and prohibited by  
200 § 18.2-308.1:4 from purchasing or transporting a firearm.

201 6. An individual who is prohibited by § 18.2-308.2 from possessing or transporting a firearm, except  
202 that a permit may be obtained in accordance with subsection C of that section.

203 7. An individual who has been convicted of two or more misdemeanors within the five-year period  
204 immediately preceding the application, if one of the misdemeanors was a Class 1 misdemeanor, but the  
205 judge shall have the discretion to deny a permit for two or more misdemeanors that are not Class 1.  
206 Traffic infractions and misdemeanors set forth in Title 46.2 shall not be considered for purposes of this  
207 disqualification.

208 8. An individual who is addicted to, or is an unlawful user or distributor of, marijuana or any  
209 controlled substance.

210 9. An individual who has been convicted of a violation of § 18.2-266 or a substantially similar local  
211 ordinance, or of public drunkenness, or of a substantially similar offense under the laws of any other  
212 state, the District of Columbia, the United States, or its territories within the three-year period  
213 immediately preceding the application, or who is a habitual drunkard as determined pursuant to  
214 § 4.1-333.

215 10. An alien other than an alien lawfully admitted for permanent residence in the United States.

216 11. An individual who has been discharged from the Armed Forces of the United States under  
217 dishonorable conditions.

218 12. An individual who is a fugitive from justice.

219 13. An individual who the court finds, by a preponderance of the evidence, based on specific acts by  
220 the applicant, is likely to use a weapon unlawfully or negligently to endanger others. The sheriff, chief  
221 of police, or attorney for the Commonwealth may submit to the court a sworn written statement  
222 indicating that, in the opinion of such sheriff, chief of police, or attorney for the Commonwealth, based  
223 upon a disqualifying conviction or upon the specific acts set forth in the statement, the applicant is  
224 likely to use a weapon unlawfully or negligently to endanger others. The statement of the sheriff, chief  
225 of police, or the attorney for the Commonwealth shall be based upon personal knowledge of such  
226 individual or of a deputy sheriff, police officer, or assistant attorney for the Commonwealth of the  
227 specific acts, or upon a written statement made under oath before a notary public of a competent person  
228 having personal knowledge of the specific acts.

229 14. An individual who has been convicted of any assault, assault and battery, sexual battery,  
230 discharging of a firearm in violation of § 18.2-280 or 18.2-286.1 or brandishing of a firearm in violation  
231 of § 18.2-282 within the three-year period immediately preceding the application.

232 15. An individual who has been convicted of stalking.

233 16. An individual whose previous convictions or adjudications of delinquency were based on an  
234 offense which would have been at the time of conviction a felony if committed by an adult under the  
235 laws of any state, the District of Columbia, the United States or its territories. For purposes of this  
236 disqualifier, only convictions occurring within 16 years following the later of the date of (i) the  
237 conviction or adjudication or (ii) release from any incarceration imposed upon such conviction or  
238 adjudication shall be deemed to be "previous convictions."

239 17. An individual who has a felony charge pending or a charge pending for an offense listed in  
240 subdivision 14 or 15.

241 18. An individual who has received mental health treatment or substance abuse treatment in a  
242 residential setting within five years prior to the date of his application for a concealed handgun permit.

243 19. An individual not otherwise ineligible pursuant to this section, who, within the three-year period

244 immediately preceding the application for the permit, was found guilty of any criminal offense set forth  
245 in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of this title or of a criminal offense of illegal possession  
246 or distribution of marijuana or any controlled substance, under the laws of any state, the District of  
247 Columbia, or the United States or its territories.

248 20. An individual, not otherwise ineligible pursuant to this section, with respect to whom, within the  
249 three-year period immediately preceding the application, upon a charge of any criminal offense set forth  
250 in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of this title or upon a charge of illegal possession or  
251 distribution of marijuana or any controlled substance under the laws of any state, the District of  
252 Columbia, or the United States or its territories, the trial court found that the facts of the case were  
253 sufficient for a finding of guilt and disposed of the case pursuant to § 18.2-251 or the substantially  
254 similar law of any other state, the District of Columbia, or the United States or its territories.

255 F. The making of a materially false statement in an application under this section shall constitute  
256 perjury, punishable as provided in § 18.2-434.

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

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

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

264 3. Completing any firearms safety or training course or class available to the general public offered  
265 by a law-enforcement agency, junior college, college, or private or public institution or organization or  
266 firearms training school utilizing instructors certified by the National Rifle Association or the  
267 Department of Criminal Justice Services;

268 4. Completing any law-enforcement firearms safety or training course or class offered for security  
269 guards, investigators, special deputies, or any division or subdivision of law enforcement or security  
270 enforcement;

271 5. Presenting evidence of equivalent experience with a firearm through participation in organized  
272 shooting competition or current military service or proof of an honorable discharge from any branch of  
273 the armed services;

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

276 7. Completing any firearms training or safety course or class, including an electronic, video, or  
277 on-line course, conducted by a state-certified or National Rifle Association-certified firearms instructor;

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

280 9. Completing any other firearms training which the court deems adequate.

281 A photocopy of a certificate of completion of any of the courses or classes; an affidavit from the  
282 instructor, school, club, organization, or group that conducted or taught such course or class attesting to  
283 the completion of the course or class by the applicant; or a copy of any document which shows  
284 completion of the course or class or evidences participation in firearms competition shall constitute  
285 evidence of qualification under this subsection.

286 H. The permit to carry a concealed handgun shall specify only the following information: name,  
287 address, date of birth, gender, height, weight, color of hair, color of eyes, and signature of the permittee;  
288 the signature of the judge issuing the permit, of the clerk of court who has been authorized to sign such  
289 permits by the issuing judge, or of the clerk of court who has been authorized to issue such permits  
290 pursuant to subsection D; the date of issuance; and the expiration date. The permit to carry a concealed  
291 handgun shall be no larger than two inches wide by three and one-fourth inches long and shall be of a  
292 uniform style prescribed by the Department of State Police. The person issued the permit shall have  
293 such permit on his person at all times during which he is carrying a concealed handgun and shall  
294 display the permit and a photo-identification issued by a government agency of the Commonwealth or  
295 by the United States Department of Defense or United States State Department (passport) upon demand  
296 by a law-enforcement officer.

297 H1. If a permit holder is a member of the Virginia National Guard, Armed Forces of the United  
298 States, or the Armed Forces reserves of the United States, and his five-year permit expires during an  
299 active-duty military deployment outside of the permittee's county or city of residence, such permit shall  
300 remain valid for 90 days after the end date of the deployment. In order to establish proof of continued  
301 validity of the permit, such a permittee shall carry with him and display, upon request of a  
302 law-enforcement officer, a copy of the permittee's deployment orders or other documentation from the  
303 permittee's commanding officer that order the permittee to travel outside of his county or city of  
304 residence and that indicate the start and end date of such deployment.

305 I. Persons who previously have held a concealed handgun permit shall be issued, upon application as  
306 provided in subsection D, and upon receipt by the circuit court of criminal history record information as  
307 provided in subsection D, a new five-year permit unless it is found that the applicant is subject to any  
308 of the disqualifications set forth in subsection E. Persons who previously have been issued a concealed  
309 handgun permit pursuant to subsection D shall not be required to appear in person to apply for a new  
310 five-year permit pursuant to this subsection, and the application for the new permit may be submitted  
311 via the United States mail. The circuit court that receives the application shall promptly notify an  
312 applicant if the application is incomplete or if the fee submitted for the permit pursuant to subsection K  
313 is incorrect. If the new five-year permit is issued while an existing permit remains valid, the new  
314 five-year permit shall become effective upon the expiration date of the existing permit, provided that the  
315 application is received by the court at least 90 days but no more than 180 days prior to the expiration of  
316 the existing permit. If the circuit court denies the permit, the specific reasons for the denial shall be  
317 stated in the order of the court denying the permit. Upon denial of the application, the clerk shall  
318 provide the person with notice, in writing, of his right to an ore tenus hearing. Upon request of the  
319 applicant made within 21 days, the court shall place the matter on the docket for an ore tenus hearing.  
320 The applicant may be represented by counsel, but counsel shall not be appointed, and the rules of  
321 evidence shall apply. The final order of the court shall include the court's findings of fact and  
322 conclusions of law.

323 J. Any person convicted of an offense that would disqualify that person from obtaining a permit  
324 under subsection E or who violates subsection F shall forfeit his permit for a concealed handgun and  
325 surrender it to the court. Upon receipt by the Central Criminal Records Exchange of a record of the  
326 arrest, conviction or occurrence of any other event that would disqualify a person from obtaining a  
327 concealed handgun permit under subsection E, the Central Criminal Records Exchange shall notify the  
328 court having issued the permit of such disqualifying arrest, conviction or other event. Upon receipt of  
329 such notice of a conviction, the court shall revoke the permit of a person disqualified pursuant to this  
330 subsection, and shall promptly notify the State Police and the person whose permit was revoked of the  
331 revocation.

332 J1. Any person permitted to carry a concealed handgun, who is under the influence of alcohol or  
333 illegal drugs while carrying such handgun in a public place, shall be guilty of a Class 1 misdemeanor.  
334 Conviction of any of the following offenses shall be prima facie evidence, subject to rebuttal, that the  
335 person is "under the influence" for purposes of this section: manslaughter in violation of § 18.2-36.1,  
336 maiming in violation of § 18.2-51.4, driving while intoxicated in violation of § 18.2-266, public  
337 intoxication in violation of § 18.2-388, or driving while intoxicated in violation of § 46.2-341.24. Upon  
338 such conviction that court shall revoke the person's permit for a concealed handgun and promptly notify  
339 the issuing circuit court. A person convicted of a violation of this subsection shall be ineligible to apply  
340 for a concealed handgun permit for a period of five years.

341 J2. An individual who has a felony charge pending or a charge pending for an offense listed in  
342 subdivision E 14 or E 15, holding a permit for a concealed handgun, may have the permit suspended by  
343 the court before which such charge is pending or by the court that issued the permit.

344 J3. No person who carries a concealed handgun onto the premises of any restaurant or club as  
345 defined in § 4.1-100 for which a license to sell and serve alcoholic beverages for on-premises  
346 consumption has been granted by the Virginia Alcoholic Beverage Control Board under Title 4.1 of the  
347 Code of Virginia may consume an alcoholic beverage while on the premises. A person who carries a  
348 concealed handgun onto the premises of such a restaurant or club and consumes alcoholic beverages is  
349 guilty of a Class 2 misdemeanor. However, nothing in this subsection shall apply to a federal, state, or  
350 local law-enforcement officer.

351 J4. The court shall revoke the permit of any individual for whom it would be unlawful to purchase,  
352 possess or transport a firearm under § 18.2-308.1:2 or 18.2-308.1:3, and shall promptly notify the State  
353 Police and the person whose permit was revoked of the revocation.

354 K. No fee shall be charged for the issuance of such permit to a person who has retired from service  
355 (i) as a magistrate in the Commonwealth; (ii) as a special agent with the Alcoholic Beverage Control  
356 Board or as a law-enforcement officer with the Department of State Police, the Department of Game and  
357 Inland Fisheries, or a sheriff or police department, bureau or force of any political subdivision of the  
358 Commonwealth, after completing 15 years of service or after reaching age 55; (iii) as a law-enforcement  
359 officer with the United States Federal Bureau of Investigation, Bureau of Alcohol, Tobacco and  
360 Firearms, Secret Service Agency, Drug Enforcement Administration, United States Citizenship and  
361 Immigration Services, Customs Service, Department of State Diplomatic Security Service, U.S. Marshals  
362 Service or Naval Criminal Investigative Service, after completing 15 years of service or after reaching  
363 age 55; (iv) as a law-enforcement officer with any police or sheriff's department within the United  
364 States, the District of Columbia or any of the territories of the United States, after completing 15 years  
365 of service; (v) as a law-enforcement officer with any combination of the agencies listed in clauses (ii)  
366 through (iv), after completing 15 years of service; or (vi) as a designated boarding team member or

367 boarding officer of the United States Coast Guard, after completing 15 years of service or after reaching  
 368 age 55. The clerk shall charge a fee of \$10 for the processing of an application or issuing of a permit,  
 369 including his costs associated with the consultation with law-enforcement agencies. The local  
 370 law-enforcement agency conducting the background investigation may charge a fee not to exceed \$35 to  
 371 cover the cost of conducting an investigation pursuant to this section. The \$35 fee shall include any  
 372 amount assessed by the Federal Bureau of Investigation for providing criminal history record  
 373 information, and the local law-enforcement agency shall forward the amount assessed by the Federal  
 374 Bureau of Investigation to the State Police with the fingerprints taken from the applicant. The State  
 375 Police may charge a fee not to exceed \$5 to cover their costs associated with processing the application.  
 376 The total amount assessed for processing an application for a permit shall not exceed \$50, with such  
 377 fees to be paid in one sum to the person who accepts the application. Payment may be made by any  
 378 method accepted by that court for payment of other fees or penalties. No payment shall be required until  
 379 the application is accepted by the court as a complete application. The order issuing such permit, or the  
 380 copy of the permit application certified by the clerk as a de facto permit pursuant to subsection D, shall  
 381 be provided to the State Police and the law-enforcement agencies of the county or city. The State Police  
 382 shall enter the permittee's name and description in the Virginia Criminal Information Network so that  
 383 the permit's existence and current status will be made known to law-enforcement personnel accessing the  
 384 Network for investigative purposes. The State Police shall withhold from public disclosure permittee  
 385 information submitted to the State Police for purposes of entry into the Virginia Criminal Information  
 386 Network, except that such information shall not be withheld from any law-enforcement agency, officer,  
 387 or authorized agent thereof acting in the performance of official law-enforcement duties, nor shall such  
 388 information be withheld from an entity that has a valid contract with any local, state, or federal  
 389 law-enforcement agency for the purpose of performing official duties of the law-enforcement agency.  
 390 However, nothing in this subsection shall be construed to prohibit the release of (a) records by the State  
 391 Police concerning permits issued to nonresidents of the Commonwealth pursuant to subsection P1, or (b)  
 392 statistical summaries, abstracts, or other records containing information in an aggregate form that does  
 393 not identify any individual permittees.

394 K1. The clerk of a circuit court that issued a valid concealed handgun permit shall, upon presentation  
 395 of the valid permit and proof of a new address of residence by the permit holder, issue a replacement  
 396 permit specifying the permit holder's new address. The clerk of court shall forward the permit holder's  
 397 new address of residence to the State Police. The State Police may charge a fee not to exceed \$5, and  
 398 the clerk of court issuing the replacement permit may charge a fee not to exceed \$5. The total amount  
 399 assessed for processing a replacement permit pursuant to this subsection shall not exceed \$10, with such  
 400 fees to be paid in one sum to the person who accepts the information for the replacement permit.

401 L. Any person denied a permit to carry a concealed handgun under the provisions of this section  
 402 may present a petition for review to the Court of Appeals. The petition for review shall be filed within  
 403 60 days of the expiration of the time for requesting an ore tenus hearing pursuant to subsection I, or if  
 404 an ore tenus hearing is requested, within 60 days of the entry of the final order of the circuit court  
 405 following the hearing. The petition shall be accompanied by a copy of the original papers filed in the  
 406 circuit court, including a copy of the order of the circuit court denying the permit. Subject to the  
 407 provisions of subsection B of § 17.1-410, the decision of the Court of Appeals or judge shall be final.  
 408 Notwithstanding any other provision of law, if the decision to deny the permit is reversed upon appeal,  
 409 taxable costs incurred by the person shall be paid by the Commonwealth.

410 M. For purposes of this section:

411 "Handgun" means any pistol or revolver or other firearm, except a machine gun, originally designed,  
 412 made and intended to fire a projectile by means of an explosion of a combustible material from one or  
 413 more barrels when held in one hand.

414 "Law-enforcement officer" means those individuals defined as a law-enforcement officer in § 9.1-101,  
 415 campus police officers appointed pursuant to Chapter 17 (§ 23-232 et seq.) of Title 23, law-enforcement  
 416 agents of the Armed Forces of the United States, the Naval Criminal Investigative Service, and federal  
 417 agents who are otherwise authorized to carry weapons by federal law. "Law-enforcement officer" shall  
 418 also mean any sworn full-time law-enforcement officer employed by a law-enforcement agency of the  
 419 United States or any state or political subdivision thereof, whose duties are substantially similar to those  
 420 set forth in § 9.1-101.

421 "Lawfully admitted for permanent residence" means the status of having been lawfully accorded the  
 422 privilege of residing permanently in the United States as an immigrant in accordance with the  
 423 immigration laws, such status not having changed.

424 "Personal knowledge" means knowledge of a fact that a person has himself gained through his own  
 425 senses, or knowledge that was gained by a law-enforcement officer or prosecutor through the  
 426 performance of his official duties.

427 N. As used in this article:

428 "Ballistic knife" means any knife with a detachable blade that is propelled by a spring-operated  
429 mechanism.

430 "Spring stick" means a spring-loaded metal stick activated by pushing a button which rapidly and  
431 forcefully telescopes the weapon to several times its original length.

432 O. The granting of a concealed handgun permit shall not thereby authorize the possession of any  
433 handgun or other weapon on property or in places where such possession is otherwise prohibited by law  
434 or is prohibited by the owner of private property.

435 P. A valid concealed handgun or concealed weapon permit or license issued by another state shall  
436 authorize the holder of such permit or license who is at least 21 years of age to carry a concealed  
437 handgun in the Commonwealth, provided (i) the issuing authority provides the means for instantaneous  
438 verification of the validity of all such permits or licenses issued within that state, accessible 24 hours a  
439 day, and (ii) except for the age of the permit or license holder and the type of weapon authorized to be  
440 carried, the requirements and qualifications of that state's law are adequate to prevent possession of a  
441 permit or license by persons who would be denied a permit in the Commonwealth under this section.  
442 The Superintendent of State Police shall (a) in consultation with the Office of the Attorney General  
443 determine whether states meet the requirements and qualifications of this section, (b) maintain a registry  
444 of such states on the Virginia Criminal Information Network (VCIN), and (c) make the registry available  
445 to law-enforcement officers for investigative purposes. The Superintendent of the State Police, in  
446 consultation with the Attorney General, may also enter into agreements for reciprocal recognition with  
447 any state qualifying for recognition under this subsection.

448 P1. Nonresidents of the Commonwealth 21 years of age or older may apply in writing to the  
449 Virginia Department of State Police for a five-year permit to carry a concealed handgun. Every applicant  
450 for a nonresident concealed handgun permit shall submit two photographs of a type and kind specified  
451 by the Department of State Police for inclusion on the permit and shall submit fingerprints on a card  
452 provided by the Department of State Police for the purpose of obtaining the applicant's state or national  
453 criminal history record. As a condition for issuance of a concealed handgun permit, the applicant shall  
454 submit to fingerprinting by his local or state law-enforcement agency and provide personal descriptive  
455 information to be forwarded with the fingerprints through the Central Criminal Records Exchange to the  
456 Federal Bureau of Investigation for the purpose of obtaining criminal history record information  
457 regarding the applicant and obtaining fingerprint identification information from federal records pursuant  
458 to criminal investigations by state and local law-enforcement agencies. The application shall be made  
459 under oath before a notary or other person qualified to take oaths on a form provided by the Department  
460 of State Police, requiring only that information necessary to determine eligibility for the permit. If the  
461 permittee is later found by the Department of State Police to be disqualified, the permit shall be revoked  
462 and the person shall return the permit after being so notified by the Department of State Police. The  
463 permit requirement and restriction provisions of subsections E and F shall apply, mutatis mutandis, to  
464 the provisions of this subsection.

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

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

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

469 3. Completing any firearms safety or training course or class available to the general public offered  
470 by a law-enforcement agency, junior college, college, or private or public institution or organization or  
471 firearms training school utilizing instructors certified by the National Rifle Association or the  
472 Department of Criminal Justice Services or a similar agency of another state;

473 4. Completing any law-enforcement firearms safety or training course or class offered for security  
474 guards, investigators, special deputies, or any division or subdivision of law enforcement or security  
475 enforcement;

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

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

481 7. Completing any firearms training or safety course or class, including an electronic, video, or  
482 on-line course, conducted by a state-certified or National Rifle Association-certified firearms instructor;

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

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

487 A photocopy of a certificate of completion of any such course or class, an affidavit from the  
488 instructor, school, club, organization, or group that conducted or taught such course or class attesting to  
489 the completion of the course or class by the applicant, or a copy of any document which shows

490 completion of the course or class or evidences participation in firearms competition shall satisfy the  
491 requirement for demonstration of competence with a handgun.

492 The Department of State Police may charge a fee not to exceed \$100 to cover the cost of the  
493 background check and issuance of the permit. Any fees collected shall be deposited in a special account  
494 to be used to offset the costs of administering the nonresident concealed handgun permit program. The  
495 Department of State Police shall enter the permittee's name and description in the Virginia Criminal  
496 Information Network so that the permit's existence and current status are known to law-enforcement  
497 personnel accessing the Network for investigative purposes.

498 The permit to carry a concealed handgun shall contain only the following information: name,  
499 address, date of birth, gender, height, weight, color of hair, color of eyes, and photograph of the  
500 permittee; the signature of the Superintendent of the Virginia Department of State Police or his designee;  
501 the date of issuance; and the expiration date. The person to whom the permit is issued shall have such  
502 permit on his person at all times when he is carrying a concealed handgun in the Commonwealth and  
503 shall display the permit on demand by a law-enforcement officer.

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

507 Q. A valid concealed handgun permit issued by the State of Maryland shall be valid in the  
508 Commonwealth provided, (i) the holder of the permit is licensed in the State of Maryland to perform  
509 duties substantially similar to those performed by Virginia branch pilots licensed pursuant to Chapter 9  
510 (§ 54.1-900 et seq.) of Title 54.1 and is performing such duties while in the Commonwealth, and (ii) the  
511 holder of the permit is 21 years of age or older.

512 R. For the purposes of participation in concealed handgun reciprocity agreements with other  
513 jurisdictions, the official government-issued law-enforcement identification card issued to an active-duty  
514 law-enforcement officer in the Commonwealth who is exempt from obtaining a concealed handgun  
515 permit under this section shall be deemed a concealed handgun permit.

516 S. For the purposes of understanding the law relating to the use of deadly and lethal force, the  
517 Department of State Police, in consultation with the Supreme Court on the development of the  
518 application for a concealed handgun permit under this section, shall include a reference to the Virginia  
519 Supreme Court website address or the Virginia Reports on the application.