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HOUSE BILL NO. 1246

Offered January 17, 2014

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; proof of competence.

 Patron—Filler-Corn

 Referred to Committee on Militia, Police and 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, 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 made under oath before a notary or other person qualified to take oaths and shall be made only 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. 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 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, junior college, college, 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 firearms training or safety course or class, including an electronic, *or* 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 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.

D. The clerk of court shall withhold from public disclosure the applicant's name and any other information contained in a permit application or any order issuing a concealed handgun permit, except that such information shall not be withheld from any law-enforcement officer acting in the performance of his official duties.

E. An application is deemed complete when all information required to be furnished by the applicant, including the fee for a concealed handgun permit as set forth in § 18.2-308.03, is delivered to and

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59 received by the clerk of court before or concomitant with the conduct of a state or national criminal
60 history records check.

61 **§ 18.2-308.06. Nonresident concealed handgun permits.**

62 A. Nonresidents of the Commonwealth 21 years of age or older may apply in writing to the Virginia
63 Department of State Police for a five-year permit to carry a concealed handgun. Every applicant for a
64 nonresident concealed handgun permit shall submit two photographs of a type and kind specified by the
65 Department of State Police for inclusion on the permit and shall submit fingerprints on a card provided
66 by the Department of State Police for the purpose of obtaining the applicant's state or national criminal
67 history record. As a condition for issuance of a concealed handgun permit, the applicant shall submit to
68 fingerprinting by his local or state law-enforcement agency and provide personal descriptive information
69 to be forwarded with the fingerprints through the Central Criminal Records Exchange to the U.S.
70 Federal Bureau of Investigation for the purpose of obtaining criminal history record information
71 regarding the applicant and obtaining fingerprint identification information from federal records pursuant
72 to criminal investigations by state and local law-enforcement agencies. The application shall be made
73 under oath before a notary or other person qualified to take oaths on a form provided by the Department
74 of State Police, requiring only that information necessary to determine eligibility for the permit. If the
75 permittee is later found by the Department of State Police to be disqualified, the permit shall be revoked
76 and the person shall return the permit after being so notified by the Department of State Police. The
77 permit requirement and restriction provisions of subsection C of § 18.2-308.02 and § 18.2-308.09 shall
78 apply, mutatis mutandis, to the provisions of this subsection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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