

VIRGINIA ACTS OF ASSEMBLY -- 2016 SESSION

CHAPTER 214

An Act to amend and reenact § 52-25.1 of the Code of Virginia, relating to firearms confiscated by law-enforcement agencies.

[S 608]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 52-25.1 of the Code of Virginia is amended and reenacted as follows:

§ 52-25.1. Reporting and return of firearms confiscated or recovered by law-enforcement agencies.

A. Whenever a law-enforcement agency confiscates a firearm in connection with a criminal investigation or otherwise recovers a firearm, such agency shall immediately take all appropriate steps to identify and trace the history of such firearm.

B. The Superintendent shall establish and maintain a procedure within the Department of State Police a Criminal Firearms Clearinghouse as a central repository of to obtain information regarding all firearms seized, forfeited, found, or otherwise coming into the possession of any state or local law-enforcement agency of the Commonwealth which are believed to have been used in the commission of a crime. All law-enforcement agencies of the Commonwealth and of political subdivisions of the Commonwealth shall share with other Virginia law-enforcement agencies all information regarding firearms seized, forfeited, found, or otherwise coming into the agency's possession that are believed to have been used in the commission of a crime and shall enter such information into a firearms tracing system maintained by the U.S. Department of Justice. The Superintendent shall adopt and promulgate regulations prescribing the form method for reporting this information and the time and manner of submission of the form information to a firearms tracing system maintained by the U.S. Department of Justice. In addition to any other information which the Superintendent may require, the form shall require (i) the serial number or other identifying information on the firearm, if available, (ii) a brief description of the circumstances under which the firearm came into the possession of the law-enforcement agency, including the crime which was or may have been committed with the firearm, (iii) the name of or other identifying information on the person from whom the firearm was taken, (iv) the original place of sale and, if known, the chain of possession of the firearm, and (v) the disposition of the firearm.

C. Except as provided in § 19.2-386.29, whenever a firearm is identified as stolen, the law-enforcement agency shall return such firearm to the rightful owner thereof, if known, provided the owner is not prohibited from possessing the firearm and the agency does not need to retain the firearm as evidence in a criminal prosecution.