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HOUSE BILL NO. 1000

Offered January 13, 2016

Prefiled January 13, 2016

A *BILL to amend the Code of Virginia by adding a section numbered 18.2-308.2:5, relating to firearm transfers; criminal history record information checks; penalties.*

Patron—Levine

Referred to Committee on Militia, Police and Public Safety

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 18.2-308.2:5 as follows:****§ 18.2-308.2:5. Online firearm sale; criminal history record information check; penalties.**

A. No person shall sell, rent, trade, or transfer a firearm when such sale, rent, trade, or transfer is arranged, in whole or in part, through public Internet-based communication unless he has obtained verification from a licensed dealer in firearms that information on the prospective purchaser or transferee has been submitted for a criminal history record information check as set out in § 18.2-308.2:2 and that a determination has been received from the Department of State Police that the prospective purchaser or transferee is not prohibited under state or federal law from possessing a firearm. The Department of State Police shall provide a means by which transferors may obtain from designated licensed dealers the approval or denial of firearm transfer requests based on criminal history record information checks. The processes established shall conform to the provisions of § 18.2-308.2:2, and the definitions and provisions of § 18.2-308.2:2 regarding criminal history record information checks shall apply to this section mutatis mutandis. The designated dealer shall collect and disseminate the fees prescribed in § 18.2-308.2:2 as required by that section. The dealer may charge and retain an additional fee not to exceed \$15 for obtaining criminal history record information checks on behalf of transferors. Any person who willfully and intentionally sells, rents, trades, or transfers a firearm to another person without obtaining verification in accordance with this section is guilty of a Class 1 misdemeanor. For the purposes of this section, "public Internet-based communication" includes communication occurring on private websites where membership is available to the public.

B. No person shall place any advertisement knowing or under circumstances where one reasonably should know that the purpose of the advertisement, in whole or in part, is to sell or transfer a firearm in violation of the provisions of subsection A. A violation of this subsection is punishable as a Class 1 misdemeanor.

C. Notwithstanding the provisions of subsection A and unless otherwise prohibited by state or federal law, a person may arrange a transfer or sale of a firearm to another person through public Internet-based communication if the transfer or sale is made to a member of the transferor's immediate family as defined in § 6.2-1300.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 665 of the Acts of Assembly of 2015 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

INTRODUCED

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