

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 54.1-4201.2, relating to firearms*  
3 *shows; voluntary background checks; penalties.*

[H 1386]

Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding a section numbered 54.1-4201.2 as follows:**8 **§ 54.1-4201.2. Firearm transactions by persons other than dealers; voluntary background checks.**

9 *A. The Department of State Police shall be available at every firearms show held in the*  
10 *Commonwealth to make determinations in accordance with the procedures set out in § 18.2-308.2:2 of*  
11 *whether a prospective purchaser or transferee is prohibited under state or federal law from possessing a*  
12 *firearm. The Department of State Police shall establish policies and procedures in accordance with 28*  
13 *C.F.R. § 25.6 to permit such determinations to be made by the Department of State Police.*

14 *Unless otherwise required by state or federal law, any party involved in the transaction may decide*  
15 *whether or not to have such a determination made.*

16 *The Department of State Police may charge a reasonable fee for the determination.*

17 *B. The promoter, as defined in § 54.1-4201.1, shall give the Department of State Police notice of the*  
18 *time and location of a firearms show at least 30 days prior to the show. The promoter shall provide the*  
19 *Department of State Police with adequate space, at no charge, to conduct such prohibition*  
20 *determinations. The promoter shall ensure that a notice that such determinations are available is*  
21 *prominently displayed at the show.*

22 *C. No person who sells or transfers a firearm at a firearms show after receiving a determination*  
23 *from the Department of State Police that the purchaser or transferee is not prohibited by state or*  
24 *federal law from possessing a firearm shall be liable for selling or transferring a firearm to such*  
25 *person.*

26 *D. The provisions of § 18.2-308.2:2, including definitions, procedures, and prohibitions, shall apply,*  
27 *mutatis mutandis, to the provisions of this section.*

28 **2. That the provisions of this act shall become effective only if approval is received from the U.S.**  
29 **Department of Justice for the Department of State Police to implement the policies and procedures**  
30 **set out in this act.**

31 **3. That the provisions of this act may result in a net increase in periods of imprisonment or**  
32 **commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot**  
33 **be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter**  
34 **665 of the Acts of Assembly of 2015 requires the Virginia Criminal Sentencing Commission to**  
35 **assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the**  
36 **necessary appropriation cannot be determined for periods of commitment to the custody of the**  
37 **Department of Juvenile Justice.**

ENROLLED

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