

16105192D

HOUSE BILL NO. 1386

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Militia, Police and Public Safety
on February 5, 2016)

(Patron Prior to Substitute—Delegate Lingamfelter)

A BILL to amend the Code of Virginia by adding a section numbered 54.1-4201.2, relating to firearms shows; voluntary background checks; penalties.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 54.1-4201.2 as follows:

§ 54.1-4201.2. *Firearm transactions by persons other than dealers; voluntary background checks.*

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

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

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

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

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

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

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

3. That within 60 days of the effective date of this act, the Attorney General shall enter into agreements for reciprocal recognition of concealed handgun permits or licenses with states where such agreements were in existence as of December 1, 2015; otherwise the provisions of this act shall not become effective.

4. 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.

HOUSE SUBSTITUTE

HB1386H1