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SENATE BILL NO. 626

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Governor
on March 7, 2016)

(Patron Prior to Substitute—Senator Vogel)

A BILL to amend and reenact § 18.2-308.07 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 18.2-308.01:1, relating to carrying concealed handguns; protective orders.

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-308.07 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 18.2-308.01:1 as follows:

§ 18.2-308.01:1. *Carrying a concealed handgun with a valid protective order.*

A. Upon the issuance of a protective order pursuant to § 16.1-279.1, if requested by the petitioner the judge may certify on the order that such protective order shall act as a de facto concealed handgun permit for 45 days after such order was issued or until such order expires or is otherwise dissolved by the issuing court, whichever occurs first, provided that the petitioner has provided proof that he (i) is 21 years of age or older; (ii) is not prohibited from purchasing, possessing, or transporting a firearm under state or federal law; (iii) has completed an application for a concealed handgun permit as defined in subsection E of § 18.2-308.02 prior to the issuance of the protective order pursuant to § 16.1-279.1; and (iv) has completed a valid firearms training course listed in subsection B of § 18.2-308.02 that requires in-person training.

B. The person issued the certified order shall have such certified order on his person at all times during which he is carrying a concealed handgun. Such person shall display the certified order and a photo identification issued by a government agency of the Commonwealth or by the U.S. Department of Defense or U.S. Department of State (passport) upon demand by a law-enforcement officer.

C. Failure to display the certified order and a photo identification upon demand by a law-enforcement officer is punishable by a \$25 civil penalty, which shall be paid into the state treasury. Any attorney for the Commonwealth of the county or city in which the alleged violation occurred may bring an action to recover the civil penalty. A court may waive such penalty upon presentation to the court of a valid certified order and government-issued photo identification. Any law-enforcement officer may issue a summons for the civil violation of failure to display the certified order and photo identification upon demand.

D. Nothing in this section authorizes the possession of any weapon on property or in places where such possession is otherwise prohibited by law or is prohibited by the owner of private property.

§ 18.2-308.07. **Entry of information into the Virginia Criminal Information Network.**

A. An order issuing a concealed handgun permit pursuant to § 18.2-308.04, ~~or~~ the copy of the permit application certified by the clerk as a de facto permit pursuant to § 18.2-308.05, ~~or the copy of the protective order certified by the judge as a de facto permit pursuant to § 18.2-308.01:1~~ shall be provided to the State Police and the law-enforcement agencies of the county or city by the clerk of the court. The State Police shall enter the permittee's name and description in the Virginia Criminal Information Network so that the permit's existence and current status will be made known to law-enforcement personnel accessing the Network for investigative purposes.

B. The Department of State Police shall enter the name and description of a person issued a nonresident permit pursuant to § 18.2-308.06 in the Virginia Criminal Information Network so that the permit's existence and current status are known to law-enforcement personnel accessing the Network for investigative purposes.

C. The State Police shall withhold from public disclosure permittee information submitted to the State Police for purposes of entry into the Virginia Criminal Information Network, except that such information shall not be withheld from any law-enforcement agency, officer, or authorized agent thereof acting in the performance of official law-enforcement duties, nor shall such information be withheld from an entity that has a valid contract with any local, state, or federal law-enforcement agency for the purpose of performing official duties of the law-enforcement agency. However, nothing in this subsection shall be construed to prohibit the release of (i) records by the State Police concerning permits issued to nonresidents of the Commonwealth pursuant to § 18.2-308.06 or (ii) statistical summaries, abstracts, or other records containing information in an aggregate form that does not identify any individual permittees.