17102313D

HOUSE BILL NO. 1852

Offered January 11, 2017

Prefiled January 10, 2017

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.

Patrons—Gilbert, Freitas, Morris, Villanueva and Webert

Referred to Committee on Militia, Police and Public Safety

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. The prohibition against carrying a concealed handgun in clause (i) of subsection A of § 18.2-308 shall not apply to any person 21 years of age or older who is not prohibited from purchasing, possessing, or transporting a firearm under state or federal law and is protected by a protective order issued pursuant to § 16.1-253.1, 16.1-253.4, 16.1-279.1, 18.2-60.3, 19.2-152.8, 19.2-152.9, or 19.2-152.10 for 45 days after such order was issued or until such order expires or is otherwise dissolved by the issuing court, whichever occurs first.

B. If during the period set forth in subsection A the person issued the protective order applies for a concealed handgun permit, the prohibition against carrying a concealed handgun in clause (i) of subsection A of § 18.2-308 shall not apply to such person for an additional 45 days from the date of the application. The clerk shall certify on the application that the period has been extended for an additional 45 days from the date of the application and shall indicate the date on which the period expires. A copy of the certified application shall be given to such person and shall serve as a de facto permit. The clerk shall expedite the processing of any application for a concealed handgun permit submitted by a person in accordance with this subsection.

C. The person issued the protective order shall have such order on his person at all times during which he is carrying a concealed handgun, except if such person has been given a copy of a certified application pursuant to subsection B, then such person shall have such certified application on his person at all times during which he is carrying a concealed handgun. Such person shall display the order or certified application and a photo identification issued by a government agency of the Commonwealth or by the U.S. Department of Defense or U.S. State Department (passport) upon demand by a law-enforcement officer.

D. Failure to display the order or certified application and 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 order or certified application and government-issued photo identification. Any law-enforcement officer may issue a summons for the civil violation of failure to display the order or certified application and photo identification upon demand.

E. 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 § *18.2-308.01:1 or* 18.2-308.05, 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

INTRODUCED

8/10/22 11:15

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.