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HOUSE BILL NO. 2263

Offered January 11, 2017

Prefiled January 11, 2017

A BILL to amend and reenact §§ 18.2-308.02, 18.2-308.06, 18.2-308.013, and 18.2-308.014 of the Code of Virginia, relating to concealed handgun permits; age requirement for persons on active military duty.

 Patron—Cline

 Referred to Committee on Militia, Police and Public Safety

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-308.02, 18.2-308.06, 18.2-308.013, and 18.2-308.014 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-308.02. Application for a concealed handgun permit; Virginia resident or domiciliary.

A. Any person 21 years of age or older, *or 18 years of age or older and on active military duty*, may apply in writing to the clerk of the circuit court of the county or city in which he resides, or if he is a member of the United States armed forces, the county or city in which he is domiciled, for a five-year permit to carry a concealed handgun. There shall be no requirement regarding the length of time an applicant has been a resident or domiciliary of the county or city. The application shall be made under oath before a notary or other person qualified to take oaths and shall be made only on a form prescribed by the Department of State Police, in consultation with the Supreme Court, requiring only that information necessary to determine eligibility for the permit. No information or documentation other than that which is allowed on the application in accordance with this section may be requested or required by the clerk or the court.

B. The court shall require proof that the applicant has demonstrated competence with a handgun and the applicant may demonstrate such competence by one of the following, but no applicant shall be required to submit to any additional demonstration of competence, nor shall any proof of demonstrated competence expire:

1. Completing any hunter education or hunter safety course approved by the Department of Game and Inland Fisheries or a similar agency of another state;

2. Completing any National Rifle Association firearms safety or training course;

3. Completing any firearms safety or training course or class available to the general public offered by a law-enforcement agency, junior college, college, or private or public institution or organization or firearms training school utilizing instructors certified by the National Rifle Association or the Department of Criminal Justice Services;

4. Completing any law-enforcement firearms safety or training course or class offered for security guards, investigators, special deputies, or any division or subdivision of law enforcement or security enforcement;

5. Presenting evidence of equivalent experience with a firearm through participation in organized shooting competition or current military service or proof of an honorable discharge from any branch of the armed services;

6. Obtaining or previously having held a license to carry a firearm in the Commonwealth or a locality thereof, unless such license has been revoked for cause;

7. Completing any firearms training or safety course or class, including an electronic, video, or online course, conducted by a state-certified or National Rifle Association-certified firearms instructor;

8. Completing any governmental police agency firearms training course and qualifying to carry a firearm in the course of normal police duties; or

9. Completing any other firearms training which the court deems adequate.

A photocopy of a certificate of completion of any of the courses or classes; an affidavit from the instructor, school, club, organization, or group that conducted or taught such course or class attesting to the completion of the course or class by the applicant; or a copy of any document that shows completion of the course or class or evidences participation in firearms competition shall constitute evidence of qualification under this subsection.

C. The making of a materially false statement in an application under this article shall constitute perjury, punishable as provided in § 18.2-434.

D. The clerk of court shall withhold from public disclosure the applicant's name and any other information contained in a permit application or any order issuing a concealed handgun permit, except that such information shall not be withheld from any law-enforcement officer acting in the performance

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59 of his official duties or from the applicant with respect to his own information. The prohibition on
60 public disclosure of information under this subsection shall not apply to any reference to the issuance of
61 a concealed handgun permit in any order book before July 1, 2008; however, any other concealed
62 handgun records maintained by the clerk shall be withheld from public disclosure.

63 E. An application is deemed complete when all information required to be furnished by the applicant,
64 including the fee for a concealed handgun permit as set forth in § 18.2-308.03, is delivered to and
65 received by the clerk of court before or concomitant with the conduct of a state or national criminal
66 history records check.

67 **§ 18.2-308.06. Nonresident concealed handgun permits.**

68 A. Nonresidents of the Commonwealth 21 years of age or older, *or 18 years of age or older and on*
69 *active military duty*, may apply in writing to the Virginia Department of State Police for a five-year
70 permit to carry a concealed handgun. Every applicant for a nonresident concealed handgun permit shall
71 submit two photographs of a type and kind specified by the Department of State Police for inclusion on
72 the permit and shall submit fingerprints on a card provided by the Department of State Police for the
73 purpose of obtaining the applicant's state or national criminal history record. As a condition for issuance
74 of a concealed handgun permit, the applicant shall submit to fingerprinting by his local or state
75 law-enforcement agency and provide personal descriptive information to be forwarded with the
76 fingerprints through the Central Criminal Records Exchange to the U.S. Federal Bureau of Investigation
77 for the purpose of obtaining criminal history record information regarding the applicant and obtaining
78 fingerprint identification information from federal records pursuant to criminal investigations by state
79 and local law-enforcement agencies. The application shall be made under oath before a notary or other
80 person qualified to take oaths on a form provided by the Department of State Police, requiring only that
81 information necessary to determine eligibility for the permit. If the permittee is later found by the
82 Department of State Police to be disqualified, the permit shall be revoked and the person shall return the
83 permit after being so notified by the Department of State Police. The permit requirement and restriction
84 provisions of subsection C of § 18.2-308.02 and § 18.2-308.09 shall apply, *mutatis mutandis*, to the
85 provisions of this subsection.

86 B. The applicant shall demonstrate competence with a handgun by one of the following:

87 1. Completing a hunter education or hunter safety course approved by the Virginia Department of
88 Game and Inland Fisheries or a similar agency of another state;

89 2. Completing any National Rifle Association firearms safety or training course;

90 3. Completing any firearms safety or training course or class available to the general public offered
91 by a law-enforcement agency, junior college, college, or private or public institution or organization or
92 firearms training school utilizing instructors certified by the National Rifle Association or the
93 Department of Criminal Justice Services or a similar agency of another state;

94 4. Completing any law-enforcement firearms safety or training course or class offered for security
95 guards, investigators, special deputies, or any division or subdivision of law enforcement or security
96 enforcement;

97 5. Presenting evidence of equivalent experience with a firearm through participation in organized
98 shooting competition approved by the Department of State Police or current military service or proof of
99 an honorable discharge from any branch of the armed services;

100 6. Obtaining or previously having held a license to carry a firearm in the Commonwealth or a
101 locality thereof, unless such license has been revoked for cause;

102 7. Completing any firearms training or safety course or class, including an electronic, video, or
103 on-line course, conducted by a state-certified or National Rifle Association-certified firearms instructor;

104 8. Completing any governmental police agency firearms training course and qualifying to carry a
105 firearm in the course of normal police duties; or

106 9. Completing any other firearms training that the Virginia Department of State Police deems
107 adequate.

108 A photocopy of a certificate of completion of any such course or class; an affidavit from the
109 instructor, school, club, organization, or group that conducted or taught such course or class attesting to
110 the completion of the course or class by the applicant; or a copy of any document that shows
111 completion of the course or class or evidences participation in firearms competition shall satisfy the
112 requirement for demonstration of competence with a handgun.

113 C. The Department of State Police may charge a fee not to exceed \$100 to cover the cost of the
114 background check and issuance of the permit. Any fees collected shall be deposited in a special account
115 to be used to offset the costs of administering the nonresident concealed handgun permit program.

116 D. The permit to carry a concealed handgun shall contain only the following information: name,
117 address, date of birth, gender, height, weight, color of hair, color of eyes, and photograph of the
118 permittee; the signature of the Superintendent of the Virginia Department of State Police or his designee;
119 the date of issuance; and the expiration date.

120 E. The Superintendent of the State Police shall promulgate regulations, pursuant to the Administrative

Process Act (§ 2.2-4000 et seq.), for the implementation of an application process for obtaining a nonresident concealed handgun permit.

§ 18.2-308.013. Suspension or revocation of permit.

A. Any person *who (i) is convicted of an offense that would disqualify that person from obtaining a permit under § 18.2-308.09, (ii) is no longer on active military duty and is not 21 years of age or older, or who (iii) violates subsection C of § 18.2-308.02* shall forfeit his permit for a concealed handgun and surrender it to the court. Upon receipt by the Central Criminal Records Exchange of a record of the arrest, conviction, or occurrence of any other event that would disqualify a person from obtaining a concealed handgun permit under § 18.2-308.09, the Central Criminal Records Exchange shall notify the court having issued the permit of such disqualifying arrest, conviction, or other event. Upon receipt of such notice of a conviction, the court shall revoke the permit of a person disqualified pursuant to this subsection, and shall promptly notify the State Police and the person whose permit was revoked of the revocation.

B. An individual who has a felony charge pending or a charge pending for an offense listed in subdivision 14 or 15 of § 18.2-308.09, holding a permit for a concealed handgun, may have the permit suspended by the court before which such charge is pending or by the court that issued the permit.

C. The court shall revoke the permit of any individual for whom it would be unlawful to purchase, possess, or transport a firearm under § 18.2-308.1:2 or 18.2-308.1:3, and shall promptly notify the State Police and the person whose permit was revoked of the revocation.

§ 18.2-308.014. Reciprocity.

A. A valid concealed handgun or concealed weapon permit or license issued by another state shall authorize the holder of such permit or license who is at least 21 years of age, *or at least 18 years of age and on active military duty*, to carry a concealed handgun in the Commonwealth, provided (i) the issuing authority provides the means for instantaneous verification of the validity of all such permits or licenses issued within that state, accessible 24 hours a day if available; (ii) the permit or license holder carries a photo identification issued by a government agency of any state or by the U.S. Department of Defense or U.S. Department of State and displays the permit or license and such identification upon demand by a law-enforcement officer; and (iii) the permit or license holder has not previously had a Virginia concealed handgun permit revoked. The Superintendent of State Police shall enter into agreements for reciprocal recognition with such other states that require an agreement to be in place before such state will recognize a Virginia concealed handgun permit as valid in such state. The Attorney General shall provide the Superintendent with any legal assistance or advice necessary for the Superintendent to perform his duties set forth in this subsection. If the Superintendent determines that another state requires that an agreement for reciprocal recognition be executed by the Attorney General or otherwise formally approved by the Attorney General as a condition of such other state's entering into an agreement for reciprocal recognition, the Attorney General shall (a) execute such agreement or otherwise formally approve such agreement and (b) return to the Superintendent the executed agreement or, in a form deemed acceptable by such other state, documentation of his formal approval of such agreement within 30 days after the Superintendent notifies the Attorney General, in writing, that he is required to execute or otherwise formally approve such agreement.

B. For the purposes of participation in concealed handgun reciprocity agreements with other jurisdictions, the official government-issued law-enforcement identification card issued to an active-duty law-enforcement officer in the Commonwealth who is exempt from obtaining a concealed handgun permit under this article shall be deemed a concealed handgun permit.