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HOUSE BILL NO. 2424

Offered January 19, 2017

A *BILL to amend and reenact § 18.2-308.016, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to carrying concealed weapons; former attorneys for the Commonwealth and assistant attorneys for the Commonwealth.*

Patron—Miller

Referred to Committee on Militia, Police and Public Safety

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-308.016, as it is currently effective and as it shall become effective, of the Code of Virginia is amended and reenacted as follows:

§ 18.2-308.016. (Effective until July 1, 2018) Retired law-enforcement officers; carrying a concealed handgun.

A. Except as provided in subsection A of § 18.2-308.012, § 18.2-308 shall not apply to:

1. Any State Police officer retired from the Department of State Police, any officer retired from the Division of Capitol Police, any local law-enforcement officer, auxiliary police officer or animal control officer retired from a police department or sheriff's office within the Commonwealth, any special agent retired from the State Corporation Commission or the Virginia Alcoholic Beverage Control Board, any employee with internal investigations authority designated by the Department of Corrections pursuant to subdivision 11 of § 53.1-10 retired from the Department of Corrections, any conservation police officer retired from the Department of Game and Inland Fisheries, any Virginia Marine Police officer retired from the Law Enforcement Division of the Virginia Marine Resources Commission, any campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1 retired from a campus police department, any retired member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217, and any retired investigator of the security division of the Virginia Lottery, other than an officer or agent terminated for cause, (i) with a service-related disability; (ii) following at least 10 years of service with any such law-enforcement agency, commission, board, or any combination thereof; (iii) who has reached 55 years of age; or (iv) who is on long-term leave from such law-enforcement agency or board due to a service-related injury, provided such officer carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement officer of the last such agency from which the officer retired or the agency that employs the officer or, in the case of special agents, issued by the State Corporation Commission or the Virginia Alcoholic Beverage Control Board. A copy of the proof of consultation and favorable review shall be forwarded by the chief, Commission, or Board to the Department of State Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall not without cause withhold such written proof if the retired law-enforcement officer otherwise meets the requirements of this section. An officer set forth in clause (iv) who receives written proof of consultation to carry a concealed handgun shall surrender such proof of consultation upon return to work or upon termination of employment with the law-enforcement agency. Notice of the surrender shall be forwarded to the Department of State Police for entry into the Virginia Criminal Information Network. However, if such officer retires on disability because of the service-related injury, and would be eligible under clause (i) for written proof of consultation to carry a concealed handgun, he may retain the previously issued written proof of consultation.

2. Any person who is eligible for retirement with at least 20 years of service with a law-enforcement agency, commission, or board mentioned in subdivision 1 who has resigned in good standing from such law-enforcement agency, commission, or board to accept a position covered by a retirement system that is authorized under Title 51.1, provided such person carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement officer of the agency from which he resigned or, in the case of special agents, issued by the State Corporation Commission or the Virginia Alcoholic Beverage Control Board. A copy of the proof of consultation and favorable review shall be forwarded by the chief, Commission, or Board to the Department of State Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall not without cause withhold such written proof if the law-enforcement officer otherwise meets the requirements of this section.

3. Any State Police officer who is a member of the organized reserve forces of any of the Armed Services of the United States or National Guard, while such officer is called to active military duty, provided such officer carries with him written proof of consultation with and favorable review of the

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59 need to carry a concealed handgun issued by the Superintendent of State Police. The proof of
60 consultation and favorable review shall be valid as long as the officer is on active military duty and
61 shall expire when the officer returns to active law-enforcement duty. The issuance of the proof of
62 consultation and favorable review shall be entered into the Virginia Criminal Information Network. The
63 Superintendent of State Police shall not without cause withhold such written proof if the officer is in
64 good standing and is qualified to carry a weapon while on active law-enforcement duty.

65 4. Any retired or resigned attorney for the Commonwealth or assistant attorney for the
66 Commonwealth who (i) was not terminated for cause and served at least 10 years prior to his
67 retirement or resignation; (ii) during the most recent 12-month period, has met, at his own expense, the
68 standards for qualification in firearms training for active law-enforcement officers in the
69 Commonwealth; (iii) carries with him written proof of consultation with and favorable review of the
70 need to carry a concealed handgun issued by the attorney for the Commonwealth from whose office he
71 retired or resigned; and (iv) meets the requirements of a "qualified retired law enforcement officer"
72 pursuant to the federal Law Enforcement Officers Safety Act of 2004 (18 U.S.C. § 926C). A copy of the
73 proof of consultation and favorable review shall be forwarded by the attorney for the Commonwealth to
74 the Department of State Police for entry into the Virginia Criminal Information Network.

75 B. For purposes of complying with the federal Law Enforcement Officers Safety Act of 2004, a
76 retired or resigned law-enforcement officer, including a retired or resigned attorney for the
77 Commonwealth or assistant attorney for the Commonwealth, who receives proof of consultation and
78 review pursuant to this section shall have the opportunity to annually participate, at the retired or
79 resigned law-enforcement officer's expense, in the same training and testing to carry firearms as is
80 required of active law-enforcement officers in the Commonwealth. If such retired or resigned
81 law-enforcement officer meets the training and qualification standards, the chief law-enforcement officer
82 shall issue the retired or resigned officer certification, valid one year from the date of issuance,
83 indicating that the retired or resigned officer has met the standards of the agency to carry a firearm.

84 C. A retired or resigned law-enforcement officer, including a retired or resigned attorney for the
85 Commonwealth or assistant attorney for the Commonwealth, who receives proof of consultation and
86 review pursuant to this section may annually participate and meet the training and qualification standards
87 to carry firearms as is required of active law-enforcement officers in the Commonwealth. If such retired
88 or resigned law-enforcement officer meets the training and qualification standards, the chief
89 law-enforcement officer shall issue the retired or resigned officer certification, valid one year from the
90 date of issuance, indicating that the retired or resigned officer has met the standards of the
91 Commonwealth to carry a firearm. A copy of the certification indicating that the retired or resigned
92 officer has met the standards of the Commonwealth to carry a firearm shall be forwarded by the chief,
93 Commission, ~~or~~ Board, or attorney for the Commonwealth to the Department of State Police for entry
94 into the Virginia Criminal Information Network.

95 D. For all purposes, including for the purpose of applying the reciprocity provisions of
96 § 18.2-308.014, any person granted the privilege to carry a concealed handgun pursuant to this section,
97 while carrying the proof of consultation and favorable review required, shall be deemed to have been
98 issued a concealed handgun permit.

99 **§ 18.2-308.016. (Effective July 1, 2018) Retired law-enforcement officers; carrying a concealed**
100 **handgun.**

101 A. Except as provided in subsection A of § 18.2-308.012, § 18.2-308 shall not apply to:

102 1. Any State Police officer retired from the Department of State Police, any officer retired from the
103 Division of Capitol Police, any local law-enforcement officer, auxiliary police officer or animal control
104 officer retired from a police department or sheriff's office within the Commonwealth, any special agent
105 retired from the State Corporation Commission or the Virginia Alcoholic Beverage Control Authority,
106 any employee with internal investigations authority designated by the Department of Corrections
107 pursuant to subdivision 11 of § 53.1-10 retired from the Department of Corrections, any conservation
108 police officer retired from the Department of Game and Inland Fisheries, any Virginia Marine Police
109 officer retired from the Law Enforcement Division of the Virginia Marine Resources Commission, any
110 campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1 retired
111 from a campus police department, any retired member of the enforcement division of the Department of
112 Motor Vehicles appointed pursuant to § 46.2-217, and any retired investigator of the security division of
113 the Virginia Lottery, other than an officer or agent terminated for cause, (i) with a service-related
114 disability; (ii) following at least 10 years of service with any such law-enforcement agency, commission,
115 board, or any combination thereof; (iii) who has reached 55 years of age; or (iv) who is on long-term
116 leave from such law-enforcement agency or board due to a service-related injury, provided such officer
117 carries with him written proof of consultation with and favorable review of the need to carry a
118 concealed handgun issued by the chief law-enforcement officer of the last such agency from which the
119 officer retired or the agency that employs the officer or, in the case of special agents, issued by the
120 State Corporation Commission or the Virginia Alcoholic Beverage Control Authority. A copy of the

proof of consultation and favorable review shall be forwarded by the chief, Commission, or Board to the Department of State Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall not without cause withhold such written proof if the retired law-enforcement officer otherwise meets the requirements of this section. An officer set forth in clause (iv) who receives written proof of consultation to carry a concealed handgun shall surrender such proof of consultation upon return to work or upon termination of employment with the law-enforcement agency. Notice of the surrender shall be forwarded to the Department of State Police for entry into the Virginia Criminal Information Network. However, if such officer retires on disability because of the service-related injury, and would be eligible under clause (i) for written proof of consultation to carry a concealed handgun, he may retain the previously issued written proof of consultation.

2. Any person who is eligible for retirement with at least 20 years of service with a law-enforcement agency, commission, or board mentioned in subdivision 1 who has resigned in good standing from such law-enforcement agency, commission, or board to accept a position covered by a retirement system that is authorized under Title 51.1, provided such person carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement officer of the agency from which he resigned or, in the case of special agents, issued by the State Corporation Commission or the Virginia Alcoholic Beverage Control Authority. A copy of the proof of consultation and favorable review shall be forwarded by the chief, Commission, or Board to the Department of State Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall not without cause withhold such written proof if the law-enforcement officer otherwise meets the requirements of this section.

3. Any State Police officer who is a member of the organized reserve forces of any of the Armed Services of the United States or National Guard, while such officer is called to active military duty, provided such officer carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the Superintendent of State Police. The proof of consultation and favorable review shall be valid as long as the officer is on active military duty and shall expire when the officer returns to active law-enforcement duty. The issuance of the proof of consultation and favorable review shall be entered into the Virginia Criminal Information Network. The Superintendent of State Police shall not without cause withhold such written proof if the officer is in good standing and is qualified to carry a weapon while on active law-enforcement duty.

4. Any retired or resigned attorney for the Commonwealth or assistant attorney for the Commonwealth who (i) was not terminated for cause and served at least 10 years prior to his retirement or resignation; (ii) during the most recent 12-month period, has met, at his own expense, the standards for qualification in firearms training for active law-enforcement officers in the Commonwealth; (iii) carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the attorney for the Commonwealth from whose office he retired or resigned; and (iv) meets the requirements of a "qualified retired law enforcement officer" pursuant to the federal Law Enforcement Officers Safety Act of 2004 (18 U.S.C. § 926C). A copy of the proof of consultation and favorable review shall be forwarded by the attorney for the Commonwealth to the Department of State Police for entry into the Virginia Criminal Information Network.

B. For purposes of complying with the federal Law Enforcement Officers Safety Act of 2004, a retired or resigned law-enforcement officer, including a retired or resigned attorney for the Commonwealth or assistant attorney for the Commonwealth, who receives proof of consultation and review pursuant to this section shall have the opportunity to annually participate, at the retired or resigned law-enforcement officer's expense, in the same training and testing to carry firearms as is required of active law-enforcement officers in the Commonwealth. If such retired or resigned law-enforcement officer meets the training and qualification standards, the chief law-enforcement officer shall issue the retired or resigned officer certification, valid one year from the date of issuance, indicating that the retired or resigned officer has met the standards of the agency to carry a firearm.

C. A retired or resigned law-enforcement officer, including a retired or resigned attorney for the Commonwealth or assistant attorney for the Commonwealth, who receives proof of consultation and review pursuant to this section may annually participate and meet the training and qualification standards to carry firearms as is required of active law-enforcement officers in the Commonwealth. If such retired or resigned law-enforcement officer meets the training and qualification standards, the chief law-enforcement officer shall issue the retired or resigned officer certification, valid one year from the date of issuance, indicating that the retired or resigned officer has met the standards of the Commonwealth to carry a firearm. A copy of the certification indicating that the retired or resigned officer has met the standards of the Commonwealth to carry a firearm shall be forwarded by the chief, Commission, or Board, or attorney for the Commonwealth to the Department of State Police for entry into the Virginia Criminal Information Network.

D. For all purposes, including for the purpose of applying the reciprocity provisions of

182 § 18.2-308.014, any person granted the privilege to carry a concealed handgun pursuant to this section,
183 while carrying the proof of consultation and favorable review required, shall be deemed to have been
184 issued a concealed handgun permit.