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SENATE BILL NO. 1023

Offered January 11, 2017

Prefiled January 4, 2017

A *BILL to amend and reenact §§ 18.2-308.07 and 18.2-308.014 of the Code of Virginia, relating to concealed handgun permits; access to Virginia Criminal Information Network.*

Patrons—Stuart, Chafin, Suetterlein and Wagner; Delegate: Cole

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-308.07 and 18.2-308.014 of the Code of Virginia are amended and reenacted as follows:

§ 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, 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.

D. Notwithstanding any other provision of law, the Department of State Police shall prohibit access to information regarding Virginia concealed handgun permits in the Virginia Criminal Information Network by law-enforcement personnel, agencies, officers, or other authorized agents thereof in any state unless such state is identified by the Department of State Police pursuant to subsection C of § 18.2-308.014.

§ 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 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

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59 such agreement.

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

64 C. *The Department of State Police shall maintain a list of states that recognize a Virginia concealed*
65 *handgun permit as valid in the state and shall publish such list on the official Department of State*
66 *Police website. Nothing in this subsection shall be construed to create a private cause of action.*