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SENATE BILL NO. 832

Offered January 11, 2017

Prefiled November 15, 2016

A BILL to amend and reenact § 54.1-4201.2 of the Code of Virginia, relating to firearm transactions; voluntary background checks; clarification.

Patron—DeSteph

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 54.1-4201.2 of the Code of Virginia is amended and reenacted as follows:****§ 54.1-4201.2. Firearm transactions by persons other than dealers; voluntary background checks.**

A. The Department of State Police shall be available at every firearms show held in the Commonwealth to make determinations in accordance with the procedures set out in § 18.2-308.2:2 of whether a prospective purchaser or transferee is prohibited under state or federal law from possessing a firearm. The Department of State Police shall establish policies and procedures in accordance with 28 C.F.R. § 25.6 to permit such determinations to be made by the Department of State Police.

Unless otherwise required by state or federal law, any party involved in the transaction may decide whether or not to have such a determination made.

The Department of State Police may charge a reasonable fee for the determination.

B. The promoter, as defined in § 54.1-4201.1, shall give the Department of State Police notice of the time and location of a firearms show at least 30 days prior to the show. The promoter shall provide the Department of State Police with adequate space, at no charge, to conduct such prohibition determinations. The promoter shall ensure that a notice that such determinations are available is prominently displayed at the show.

C. No person who sells or transfers a firearm at a firearms show after receiving a determination from the Department of State Police that the purchaser or transferee is not prohibited by state or federal law from possessing a firearm shall be liable for selling or transferring a firearm to such person.

D. The provisions of § 18.2-308.2:2, including definitions, procedures, and prohibitions, shall apply, ~~mutatis mutandis~~ *with the necessary changes having been made*, to the provisions of this section.

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