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HOUSE BILL NO. 1443

Offered January 16, 2018

A *BILL to amend and reenact § 18.2-308.016 of the Code of Virginia, relating to carrying concealed handguns; retired law-enforcement officers.*

Patron—Mullin

Referred to Committee on Militia, Police and Public Safety

Be it enacted by the General Assembly of Virginia:**1. That § 18.2-308.016 of the Code of Virginia is amended and reenacted as follows:****§ 18.2-308.016. 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 Authority, 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 conservation officer retired from the Department of Conservation and Recreation, 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 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 *or who has transferred to a civilian position within such law-enforcement agency, commission or board*, 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 within which he transferred* 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

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

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

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

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

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