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SENATE BILL NO. 1430

Offered January 15, 2021

A *BILL to amend and reenact § 18.2-308.2:5 of the Code of Virginia, relating to criminal history record information check required to sell firearm; National Firearms Act.*

Patron—DeSteph

Referred to Committee on the Judiciary

Be it enacted by the General Assembly of Virginia:**1. That § 18.2-308.2:5 of the Code of Virginia is amended and reenacted as follows:****§ 18.2-308.2:5. Criminal history record information check required to sell firearm; penalty.**

A. No person shall sell a firearm for money, goods, services or anything else of value unless he has obtained verification from a licensed dealer in firearms that information on the prospective purchaser has been submitted for a criminal history record information check as set out in § 18.2-308.2:2 and that a determination has been received from the Department of State Police that the prospective purchaser is not prohibited under state or federal law from possessing a firearm or such sale is specifically exempted by state or federal law. The Department of State Police shall provide a means by which sellers may obtain from designated licensed dealers the approval or denial of firearm transfer requests, based on criminal history record information checks. The processes established shall conform to the provisions of § 18.2-308.2:2, and the definitions and provisions of § 18.2-308.2:2 regarding criminal history record information checks shall apply to this section mutatis mutandis. The designated dealer shall collect and disseminate the fees prescribed in § 18.2-308.2:2 as required by that section. The dealer may charge and retain an additional fee not to exceed \$15 for obtaining a criminal history record information check on behalf of a seller.

B. Notwithstanding the provisions of subsection A and unless otherwise prohibited by state or federal law, a person may sell a firearm to another person if:

1. The sale of a firearm is to an authorized representative of the Commonwealth or any subdivision thereof as part of an authorized voluntary gun buy-back or give-back program; ~~or~~

2. The sale occurs at a firearms show, as defined in § 54.1-4200, and the seller has received a determination from the Department of State Police that the purchaser is not prohibited under state or federal law from possessing a firearm in accordance with § 54.1-4201.2; *or*

3. *The sale of the firearm is governed by the provisions of the National Firearms Act (NFA) (26 U.S.C. § 5801 et seq.) and the purchaser has been previously approved pursuant to a background check conducted by the Federal Bureau of Investigation in accordance with the NFA provisions and regulations governing the sale and transfer of such firearm.*

C. Any person who willfully and intentionally sells a firearm to another person without obtaining verification in accordance with this section is guilty of a Class 1 misdemeanor.

D. Any person who willfully and intentionally purchases a firearm from another person without obtaining verification in accordance with this section is guilty of a Class 1 misdemeanor.

INTRODUCED

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