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SENATE BILL NO. 763

Offered January 21, 2022

A *BILL to amend and reenact § 15.2-915 of the Code of Virginia, relating to control of firearms by localities; concealed handgun permit exception.*

Patron—Obenshain

Referred to Committee on the Judiciary

Be it enacted by the General Assembly of Virginia:**1. That § 15.2-915 of the Code of Virginia is amended and reenacted as follows:****§ 15.2-915. Control of firearms; applicability to authorities and local governmental agencies.**

A. No locality shall adopt or enforce any ordinance, resolution, or motion, as permitted by § 15.2-1425, and no agent of such locality shall take any administrative action, governing the purchase, possession, transfer, ownership, carrying, storage, or transporting of firearms, ammunition, or components or combination thereof other than those expressly authorized by statute. For purposes of this section, a statute that does not refer to firearms, ammunition, or components or combination thereof shall not be construed to provide express authorization.

Nothing in this section shall prohibit a locality from adopting workplace rules relating to terms and conditions of employment of the workforce. However, no locality shall adopt any workplace rule, other than for the purposes of a community services board or behavioral health authority as defined in § 37.2-100, that prevents an employee of that locality from storing at that locality's workplace a lawfully possessed firearm and ammunition in a locked private motor vehicle. Nothing in this section shall prohibit a law-enforcement officer, as defined in § 9.1-101, from acting within the scope of his duties.

The provisions of this section applicable to a locality shall also apply to any authority or to a local governmental entity, including a department or agency, but not including any local or regional jail, juvenile detention facility, or state-governed entity, department, or agency.

B. Any local ordinance, resolution, or motion adopted prior to July 1, 2004, governing the purchase, possession, transfer, ownership, carrying, or transporting of firearms, ammunition, or components or combination thereof, other than those expressly authorized by statute, is invalid.

C. In addition to any other relief provided, the court may award reasonable attorney fees, expenses, and court costs to any person, group, or entity that prevails in an action challenging (i) an ordinance, resolution, or motion as being in conflict with this section or (ii) an administrative action taken in bad faith as being in conflict with this section.

D. For purposes of this section, "workplace" means "workplace of the locality."

E. Notwithstanding the provisions of this section, a locality may adopt an ordinance that prohibits the possession, carrying, or transportation of any firearms, ammunition, or components or combination thereof (i) in any building, or part thereof, owned or used by such locality, or by any authority or local governmental entity created or controlled by the locality, for governmental purposes; (ii) in any public park owned or operated by the locality, or by any authority or local governmental entity created or controlled by the locality; (iii) in any recreation or community center facility operated by the locality, or by any authority or local governmental entity created or controlled by the locality; or (iv) in any public street, road, alley, or sidewalk or public right-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit. In buildings that are not owned by a locality, or by any authority or local governmental entity created or controlled by the locality, such ordinance shall apply only to the part of the building that is being used for a governmental purpose and when such building, or part thereof, is being used for a governmental purpose.

Any such ordinance may include security measures that are designed to reasonably prevent the unauthorized access of such buildings, parks, recreation or community center facilities, or public streets, roads, alleys, or sidewalks or public rights-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit by a person with any firearms, ammunition, or components or combination thereof, such as the use of metal detectors and increased use of security personnel.

The provisions of this subsection *and any ordinance enacted pursuant to this subsection* shall not apply to *any person who holds a valid Virginia permit to carry a concealed handgun issued in accordance with Article 6.1 (§ 18.2-307.1 et seq.) of Chapter 7 of Title 18.2 or to the activities of* (i) a Senior Reserve Officers' Training Corps program operated at a public or private institution of higher education in accordance with the provisions of 10 U.S.C. § 2101 et seq. or (ii) any intercollegiate

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59 athletics program operated by a public or private institution of higher education and governed by the
60 National Collegiate Athletic Association or any club sports team recognized by a public or private
61 institution of higher education where the sport engaged in by such program or team involves the use of
62 a firearm. Such activities shall follow strict guidelines developed by such institutions for these activities
63 and shall be conducted under the supervision of staff officials of such institutions.

64 F. Notice of any ordinance adopted pursuant to subsection E shall be posted (i) at all entrances of
65 any building, or part thereof, owned or used by the locality, or by any authority or local governmental
66 entity created or controlled by the locality, for governmental purposes; (ii) at all entrances of any public
67 park owned or operated by the locality, or by any authority or local governmental entity created or
68 controlled by the locality; (iii) at all entrances of any recreation or community center facilities operated
69 by the locality, or by any authority or local governmental entity created or controlled by the locality;
70 and (iv) at all entrances or other appropriate places of ingress and egress to any public street, road,
71 alley, or sidewalk or public right-of-way or any other place of whatever nature that is open to the public
72 and is being used by or is adjacent to a permitted event or an event that would otherwise require a
73 permit.