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HOUSE BILL NO. 1936

Offered January 11, 2023

Prefiled January 10, 2023

A BILL to amend and reenact § 15.2-915.5 of the Code of Virginia and to amend the Code of Virginia by adding in Title 52 a chapter numbered 14, consisting of sections numbered 52-55 through 52-58, relating to establishment of Virginia Firearm Buy-Back Program and Fund.

Patrons—Plum, Kory, Lopez and Shin

Referred to Committee on Public Safety

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-915.5 of the Code of Virginia is amended and that the Code of Virginia is amended by adding in Title 52 a chapter numbered 14, consisting of sections numbered 52-55 through 52-58, as follows:

§ 15.2-915.5. Disposition of firearms acquired by localities.

A. No ~~locality or agent of such locality~~ *local law-enforcement agency, as that term is defined in § 52-55*, may participate in any program in which individuals are given a thing of value provided by another individual or other entity in exchange for surrendering a firearm to the locality or agent of such locality unless the governing body of the locality has enacted an ordinance, pursuant to § 15.2-1425, authorizing the participation of the locality or agent of such locality in such program ~~the local law-enforcement agency participates in the Virginia Firearm Buy-Back Program as authorized by the provisions of Chapter 14 (§ 52-55 et seq.) of Title 52.~~

B. Any ordinance enacted pursuant to this section shall require that any firearm received, except a firearm of the type defined in § 18.2-288 or 18.2-299 or a firearm the transfer for which is prohibited by federal law, shall be destroyed by the locality ~~unless the person surrendering the firearm requests in writing that the firearm be offered for sale by public auction or sealed bids to a person licensed as a dealer pursuant to 18 U.S.C. § 921 et seq.~~ Notice of the date, time, and place of any sale conducted pursuant to this subsection shall be given by advertisement in at least two newspapers published and having general circulation in the Commonwealth, at least one of which shall have general circulation in the locality in which the property to be sold is located. At least 30 days shall elapse between publication of the notice and the auction or the date on which sealed bids will be opened. Any firearm remaining in possession of the locality or agent of the locality after attempts to sell at public auction or by sealed bids shall be disposed of in a manner the locality deems proper, which may include destruction of the firearm or, subject to any registration requirements of federal law, sale of the firearm to a licensed dealer.

CHAPTER 14.**VIRGINIA FIREARM BUY-BACK PROGRAM AND FUND.****§ 52-55. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Firearm" means any handgun, assault firearm, or rifle.

"Fund" means the Virginia Firearm Buy-Back Fund.

"Local law-enforcement agency" means any local police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof.

"Program" means the Virginia Firearm Buy-Back Program.

§ 52-56. Virginia Firearm Buy-Back Program established.

A. The Department of State Police shall develop policies for the establishment of uniform standards for the creation of the Virginia Firearm Buy-Back Program. The Department shall (i) inform local law-enforcement agencies of the policies and procedures to be used for the Program; (ii) provide guidelines to participating local law-enforcement agencies on implementation of the Program, including (a) designating when and where a person may surrender a firearm; (b) the handling, storage, and disposal of surrendered firearms; and (c) the requirements for reporting to the Department any information about surrendered firearms; and (iii) establish a formula for determining the monetary incentive for a surrendered firearm.

B. The establishment of the Program by a local law-enforcement agency is voluntary, and nothing in this chapter shall be construed to be a mandate that a local law-enforcement agency establish or participate in the Program.

§ 52-57. Participation by a local law-enforcement agency; establishing a local Program.

A local law-enforcement agency may establish a local Program, and a person may surrender a

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59 *firearm to the participating local law-enforcement agency in accordance with § 52-56. The identity of*
60 *any person who surrenders a firearm pursuant to this chapter shall be kept confidential.*

61 ***§ 52-58. Virginia Firearm Buy-Back Fund established.***

62 *There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia*
63 *Firearm Buy-Back Fund. The Fund shall be established on the books of the Comptroller. All funds*
64 *appropriated for such purpose and any gifts, donations, grants, bequests, and other funds received on its*
65 *behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the*
66 *Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including*
67 *interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in*
68 *the Fund. Moneys in the Fund shall be used solely for the purposes of development and implementation*
69 *of the Program, including assisting local law-enforcement agencies with implementing the Program*
70 *within such agencies' localities. Expenditures and disbursements from the Fund shall be made by the*
71 *State Treasurer on warrants issued by the Comptroller upon written request signed by the*
72 *Superintendent.*