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HOUSE BILL NO. 1235

Offered January 10, 2024

Prefiled January 10, 2024

A *BILL to amend and reenact § 18.2-308.07 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 18.2-308.01:1, relating to carrying concealed handguns; protective orders.*

Patrons—Zehr and Green

Referred to Committee on Public Safety

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-308.07 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 18.2-308.01:1 as follows:

§ 18.2-308.01:1. Carrying a concealed handgun with a valid protective order.

A. The prohibition against carrying a concealed handgun in clause (i) of subsection A of § 18.2-308 shall not apply to any person 21 years of age or older who is not prohibited from purchasing, possessing, or transporting a firearm under state or federal law and is protected by a protective order issued pursuant to § 16.1-253.1, 16.1-253.4, 16.1-279.1, 19.2-152.8, 19.2-152.9, or 19.2-152.10 for 45 days after such order was issued or until such order expires or is otherwise dissolved by the issuing court, whichever occurs first.

B. If during the period set forth in subsection A, the person issued the protective order applies for a concealed handgun permit, the prohibition against carrying a concealed handgun in clause (i) of subsection A of § 18.2-308 shall not apply to such person for an additional 45 days from the date of the application. The clerk shall certify on the application that the period has been extended for an additional 45 days from the date of the application and shall indicate the date on which the period expires. A copy of the certified application shall be given to such person and shall serve as a de facto permit. The clerk shall expedite the processing of any application for a concealed handgun permit submitted by a person in accordance with this subsection.

C. The person issued the protective order shall have such order on his person at all times during which he is carrying a concealed handgun, except if such person has been given a copy of a certified application pursuant to subsection B, then such person shall have such certified application on his person at all times during which he is carrying a concealed handgun. Such person shall display the order or certified application and a photo identification issued by a government agency of the Commonwealth or by the U.S. Department of Defense or U.S. State Department (passport) upon demand by a law-enforcement officer.

D. Failure to display the order or certified application and photo identification upon demand by a law-enforcement officer is punishable by a \$25 civil penalty, which shall be paid into the state treasury. Any attorney for the Commonwealth of the county or city in which the alleged violation occurred may bring an action to recover the civil penalty. A court may waive such penalty upon presentation to the court of a valid order or certified application and government-issued photo identification. Any law-enforcement officer may issue a summons for the civil violation of failure to display the order or certified application and photo identification upon demand.

E. Notwithstanding any other provision of law, during the period that subsection A or B applies to a person issued a protective order, such person may carry a handgun any place a law-enforcement officer may carry a firearm.

§ 18.2-308.07. Entry of information into the Virginia Criminal Information Network.

A. An order issuing a concealed handgun permit pursuant to § 18.2-308.04, or the copy of the permit application certified by the clerk as a de facto permit pursuant to § 18.2-308.01:1 or 18.2-308.05, shall be provided to the State Police and the law-enforcement agencies of the county or city by the clerk of the court. The State Police shall enter the permittee's name and description in the Virginia Criminal Information Network so that the permit's existence and current status will be made known to law-enforcement personnel accessing the Network for investigative purposes.

B. The Department of State Police shall enter the name and description of a person issued a nonresident permit pursuant to § 18.2-308.06 in the Virginia Criminal Information Network so that the permit's existence and current status are known to law-enforcement personnel accessing the Network for investigative purposes.

C. The State Police shall withhold from public disclosure permittee information submitted to the State Police for purposes of entry into the Virginia Criminal Information Network, except that such

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59 information shall not be withheld from any law-enforcement agency, officer, or authorized agent thereof
60 acting in the performance of official law-enforcement duties when such information is related to an
61 ongoing criminal investigation or prosecution, nor shall such information be withheld from an entity that
62 has a valid contract with any local, state, or federal law-enforcement agency for the purpose of
63 performing official duties of the law-enforcement agency when such information is related to an ongoing
64 criminal investigation or prosecution. However, nothing in this subsection shall be construed to prohibit
65 the release of (i) records by the State Police concerning permits issued to nonresidents of the
66 Commonwealth pursuant to § 18.2-308.06 or (ii) statistical summaries, abstracts, or other records
67 containing information in an aggregate form that does not identify any individual permittees.