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HOUSE BILL NO. 1424

Offered January 18, 2024

A *BILL to amend and reenact § 18.2-308.2:2 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 18.2-308.2:6, relating to firearm purchases; permit to purchase a firearm required; penalties.*

Patron—Hope

Referred to Committee on Public Safety

**Be it enacted by the General Assembly of Virginia:**

**1. That § 18.2-308.2:2 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 18.2-308.2:6 as follows:**

**§ 18.2-308.2:2. Criminal history record information check required for the transfer of certain firearms.**

A. Any person purchasing from a dealer a firearm as ~~herein~~ defined in this section shall present a valid permit to purchase a firearm issued by the Department of State Police pursuant to § 18.2-308.2:6 and shall consent in writing, on a form to be provided by the Department of State Police, to have the dealer obtain criminal history record information. Such form shall include only the written consent; the name, birth date, gender, race, citizenship, and social security number and/or any other identification number; the number of firearms by category intended to be sold, rented, traded, or transferred; and answers by the applicant to the following questions: (i) has the applicant been convicted of a felony offense or a misdemeanor offense listed in § 18.2-308.1:8 or found guilty or adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of a delinquent act that if committed by an adult would be a felony or a misdemeanor listed in § 18.2-308.1:8; (ii) is the applicant subject to a court order restraining the applicant from harassing, stalking, or threatening the applicant's child or intimate partner, or a child of such partner, or is the applicant subject to a protective order; (iii) has the applicant ever been acquitted by reason of insanity and prohibited from purchasing, possessing, or transporting a firearm pursuant to § 18.2-308.1:1 or any substantially similar law of any other jurisdiction, been adjudicated legally incompetent, mentally incapacitated, or adjudicated an incapacitated person and prohibited from purchasing a firearm pursuant to § 18.2-308.1:2 or any substantially similar law of any other jurisdiction, been involuntarily admitted to an inpatient facility or involuntarily ordered to outpatient mental health treatment and prohibited from purchasing a firearm pursuant to § 18.2-308.1:3 or any substantially similar law of any other jurisdiction, or been the subject of a temporary detention order pursuant to § 37.2-809 and subsequently agreed to a voluntary admission pursuant to § 37.2-805; and (iv) is the applicant subject to an emergency substantial risk order or a substantial risk order entered pursuant to § 19.2-152.13 or 19.2-152.14 and prohibited from purchasing, possessing, or transporting a firearm pursuant to § 18.2-308.1:6 or any substantially similar law of any other jurisdiction.

B. 1. No dealer shall sell, rent, trade, or transfer from his inventory any such firearm to any other person who is a resident of Virginia until he has (i) obtained written consent and the other information on the consent form specified in subsection A, and provided the Department of State Police with the name, birth date, gender, race, citizenship, and social security and/or any other identification number and the number of firearms by category intended to be sold, rented, traded, or transferred and; (ii) requested criminal history record information by a telephone call to or other communication authorized by the State Police and is authorized by subdivision 2 to complete the sale or other such transfer; and (iii) received from the prospective purchaser a valid permit to purchase a firearm issued by the Department of State Police pursuant to § 18.2-308.2:6. To establish personal identification and residence in Virginia for purposes of this section, a dealer must require any prospective purchaser to present one photo-identification form issued by a governmental agency of the Commonwealth or by the United States Department of Defense or a special identification card without a photograph issued pursuant to § 46.2-345.2 that demonstrates that the prospective purchaser resides in Virginia. For the purposes of this section and establishment of residency for firearm purchase, residency of a member of the armed forces shall include both the state in which the member's permanent duty post is located and any nearby state in which the member resides and from which he commutes to the permanent duty post. A member of the armed forces whose photo identification issued by the Department of Defense does not have a Virginia address may establish his Virginia residency with such photo identification and either permanent orders assigning the purchaser to a duty post, including the Pentagon, in Virginia or the purchaser's Leave and Earnings Statement. When the identification presented to a dealer by the prospective purchaser is a driver's license or other photo identification issued by the Department of

59 Motor Vehicles or a special identification card without a photograph issued pursuant to § 46.2-345.2,  
60 and such identification form or card contains a date of issue, the dealer shall not, except for a renewed  
61 driver's license or other photo identification issued by the Department of Motor Vehicles or a renewed  
62 special identification card without a photograph issued pursuant to § 46.2-345.2, sell or otherwise  
63 transfer a firearm to the prospective purchaser until 30 days after the date of issue of an original or  
64 duplicate driver's license or special identification card without a photograph unless the prospective  
65 purchaser also presents a copy of his Virginia Department of Motor Vehicles driver's record showing  
66 that the original date of issue of the driver's license was more than 30 days prior to the attempted  
67 purchase. *Additionally, no dealer shall sell or otherwise transfer a firearm to a prospective purchaser*  
68 *until 14 days after the date of issue of a permit to purchase a firearm.*

69 In addition, no dealer shall sell, rent, trade, or transfer from his inventory any assault firearm to any  
70 person who is not a citizen of the United States or who is not a person lawfully admitted for permanent  
71 residence.

72 Upon receipt of the request for a criminal history record information check, the State Police shall (a)  
73 review its criminal history record information to determine if the buyer or transferee is prohibited from  
74 possessing or transporting a firearm by state or federal law, (b) inform the dealer if its record indicates  
75 that the buyer or transferee is so prohibited, and (c) provide the dealer with a unique reference number  
76 for that inquiry.

77 2. The State Police shall provide its response to the requesting dealer during the dealer's request or  
78 by return call without delay. A dealer who fulfills the requirements of subdivision 1 and is told by the  
79 State Police that a response will not be available by the end of the dealer's fifth business day may  
80 immediately complete the sale or transfer and shall not be deemed in violation of this section with  
81 respect to such sale or transfer.

82 3. Except as required by subsection D of § 9.1-132 *and subdivision 4*, the State Police shall not  
83 maintain records longer than 30 days, except for multiple handgun transactions for which records shall  
84 be maintained for 12 months, from any dealer's request for a criminal history record information check  
85 pertaining to a buyer or transferee who is not found to be prohibited from possessing and transporting a  
86 firearm under state or federal law. However, the log on requests made may be maintained for a period  
87 of 12 months, and such log shall consist of the name of the purchaser, the dealer identification number,  
88 the unique approval number, and the transaction date.

89 4. On the last day of the week following the sale or transfer of any firearm, the dealer shall mail or  
90 deliver the written consent form required by subsection A to the Department of State Police. The State  
91 Police shall immediately initiate a search of all available criminal history record information to  
92 determine if the purchaser is prohibited from possessing or transporting a firearm under state or federal  
93 law. If the search discloses information indicating that the buyer or transferee is so prohibited from  
94 possessing or transporting a firearm, the State Police shall inform the chief law-enforcement officer in  
95 the jurisdiction where the sale or transfer occurred and the dealer without delay. *The Department of*  
96 *State Police shall maintain a searchable database of all consent forms delivered pursuant to this*  
97 *subsection. The State Police shall make the information in such database available, upon request, to*  
98 *criminal justice agencies as defined in § 9.1-101, including local law-enforcement agencies, through the*  
99 *Virginia Criminal Information Network. Information provided under this subsection shall be used only*  
100 *for the purposes of the administration of criminal justice as defined in § 9.1-101. No liability shall be*  
101 *imposed on any law-enforcement official who disseminates information or fails to disseminate*  
102 *information in good faith compliance with the requirements of this subsection, but this provision shall*  
103 *not be construed to grant immunity for gross negligence or willful misconduct.*

104 5. Notwithstanding any other provisions of this section, rifles and shotguns may be purchased by  
105 persons who are citizens of the United States or persons lawfully admitted for permanent residence but  
106 residents of other states *may purchase rifles and shotguns* under the terms of ~~subsections~~ *subsection A*  
107 *and B this subsection* upon furnishing the dealer with one photo-identification form issued by a  
108 governmental agency of the person's state of residence and one other form of identification determined  
109 to be acceptable by the Department of Criminal Justice Services, *provided that such persons have been*  
110 *issued a valid permit to purchase a firearm by the Department of State Police pursuant to*  
111 *§ 18.2-308.2:6.*

112 6. For the purposes of this subsection, the phrase "dealer's fifth business day" does not include  
113 December 25.

114 C. No dealer shall sell, rent, trade, or transfer from his inventory any firearm, except when the  
115 transaction involves a rifle or a shotgun and can be accomplished pursuant to the provisions of  
116 subdivision B 5, to any person who is a dual resident of Virginia and another state pursuant to  
117 applicable federal law unless he has first obtained from the Department of State Police a report  
118 indicating that a search of all available criminal history record information has not disclosed that the  
119 person is prohibited from possessing or transporting a firearm under state or federal law *and received*  
120 *from the prospective purchaser a valid permit to purchase a firearm issued by the Department of State*

*Police pursuant to § 18.2-308.2:6.*

To establish personal identification and dual resident eligibility for purposes of this subsection, a dealer shall require any prospective purchaser to present one photo-identification form issued by a governmental agency of the prospective purchaser's state of legal residence and other documentation of dual residence within the Commonwealth. The other documentation of dual residence in the Commonwealth may include (i) evidence of currently paid personal property tax or real estate tax or a current (a) lease, (b) utility or telephone bill, (c) voter registration card, (d) bank check, (e) passport, (f) automobile registration, or (g) hunting or fishing license; (ii) other current identification allowed as evidence of residency by 27 C.F.R. § 178.124 and ATF Ruling 2001-5; or (iii) other documentation of residence determined to be acceptable by the Department of Criminal Justice Services and that corroborates that the prospective purchaser currently resides in Virginia.

D. If any buyer or transferee is denied the right to purchase a firearm under this section, he may exercise his right of access to and review and correction of criminal history record information under § 9.1-132 or institute a civil action as provided in § 9.1-135, provided any such action is initiated within 30 days of such denial.

E. Any dealer who willfully and intentionally requests, obtains, or seeks to obtain criminal history record information under false pretenses, or who willfully and intentionally disseminates or seeks to disseminate criminal history record information except as authorized in this section, ~~shall be~~ *is* guilty of a Class 2 misdemeanor.

F. For purposes of this section:

"Actual buyer" means a person who executes the consent form required in subsection B or C, or other such firearm transaction records as may be required by federal law.

"Antique firearm" means:

1. Any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898;

2. Any replica of any firearm described in subdivision 1 of this definition if such replica (i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition or (ii) uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and that is not readily available in the ordinary channels of commercial trade;

3. Any muzzle-loading rifle, muzzle-loading shotgun, or muzzle-loading pistol that is designed to use black powder, or a black powder substitute, and that cannot use fixed ammunition. For purposes of this subdivision, the term "antique firearm" shall not include any weapon that incorporates a firearm frame or receiver, any firearm that is converted into a muzzle-loading weapon, or any muzzle-loading weapon that can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breech-block, or any combination thereof; or

4. Any curio or relic as defined in this subsection.

"Assault firearm" means any semi-automatic center-fire rifle or pistol which expels single or multiple projectiles by action of an explosion of a combustible material and is equipped at the time of the offense with a magazine which will hold more than 20 rounds of ammunition or designed by the manufacturer to accommodate a silencer or equipped with a folding stock.

"Curios or relics" means firearms that are of special interest to collectors by reason of some quality other than is associated with firearms intended for sporting use or as offensive or defensive weapons. To be recognized as curios or relics, firearms must fall within one of the following categories:

1. Firearms that were manufactured at least 50 years prior to the current date, which use rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and that is not readily available in the ordinary channels of commercial trade, but not including replicas thereof;

2. Firearms that are certified by the curator of a municipal, state, or federal museum that exhibits firearms to be curios or relics of museum interest; and

3. Any other firearms that derive a substantial part of their monetary value from the fact that they are novel, rare, bizarre, or because of their association with some historical figure, period, or event. Proof of qualification of a particular firearm under this category may be established by evidence of present value and evidence that like firearms are not available except as collectors' items, or that the value of like firearms available in ordinary commercial channels is substantially less.

"Dealer" means any person licensed as a dealer pursuant to 18 U.S.C. § 921 et seq.

"Firearm" means any handgun, shotgun, or rifle that will or is designed to or may readily be converted to expel single or multiple projectiles by action of an explosion of a combustible material.

"Handgun" means any pistol or revolver or other firearm originally designed, made and intended to fire single or multiple projectiles by means of an explosion of a combustible material from one or more barrels when held in one hand.

"Lawfully admitted for permanent residence" means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the

182 immigration laws, such status not having changed.

183 G. The Department of Criminal Justice Services shall promulgate regulations to ensure the identity,  
184 confidentiality, and security of all records and data provided by the Department of State Police pursuant  
185 to this section.

186 H. The provisions of this section shall not apply to (i) transactions between persons who are licensed  
187 as firearms importers or collectors, manufacturers or dealers pursuant to 18 U.S.C. § 921 et seq.; (ii)  
188 purchases by or sales to any law-enforcement officer or agent of the United States, the Commonwealth  
189 or any local government, or any campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of  
190 Chapter 8 of Title 23.1; or (iii) antique firearms or curios or relics.

191 I. The provisions of this section shall not apply to restrict purchase, trade, or transfer of firearms by  
192 a resident of Virginia when the resident of Virginia makes such purchase, trade, or transfer in another  
193 state, in which case the laws and regulations of that state and the United States governing the purchase,  
194 trade, or transfer of firearms shall apply. A National Instant Criminal Background Check System (NICS)  
195 check shall be performed prior to such purchase, trade, or transfer of firearms.

196 J. All licensed firearms dealers shall collect a fee of \$2 for every transaction for which a criminal  
197 history record information check is required pursuant to this section, except that a fee of \$5 shall be  
198 collected for every transaction involving an out-of-state resident. Such fee shall be transmitted to the  
199 Department of State Police by the last day of the month following the sale for deposit in a special fund  
200 for use by the State Police to offset the cost of conducting criminal history record information checks  
201 under the provisions of this section.

202 K. Any person willfully and intentionally making a materially false statement on the consent form  
203 required in subsection B or C or on such firearm transaction records as may be required by federal law  
204 ~~shall be~~ *is* guilty of a Class 5 felony.

205 L. Except as provided in § 18.2-308.2:1, any dealer who willfully and intentionally sells, rents,  
206 trades, or transfers a firearm in violation of this section ~~shall be~~ *is* guilty of a Class 6 felony.

207 L1. Any person who attempts to solicit, persuade, encourage, or entice any dealer to transfer or  
208 otherwise convey a firearm other than to the actual buyer, as well as any other person who willfully and  
209 intentionally aids or abets such person, ~~shall be~~ *is* guilty of a Class 6 felony. This subsection shall not  
210 apply to a federal law-enforcement officer or a law-enforcement officer as defined in § 9.1-101, in the  
211 performance of his official duties, or other person under his direct supervision.

212 M. Any person who purchases a firearm with the intent to (i) resell or otherwise provide such  
213 firearm to any person who he knows or has reason to believe is ineligible to purchase or otherwise  
214 receive from a dealer a firearm for whatever reason or (ii) transport such firearm out of the  
215 Commonwealth to be resold or otherwise provided to another person who the transferor knows is  
216 ineligible to purchase or otherwise receive a firearm, ~~shall be~~ *is* guilty of a Class 4 felony and *shall be*  
217 sentenced to a mandatory minimum term of imprisonment of one year. However, if the violation of this  
218 subsection involves such a transfer of more than one firearm, the person shall be sentenced to a  
219 mandatory minimum term of imprisonment of five years. The prohibitions of this subsection shall not  
220 apply to the purchase of a firearm by a person for the lawful use, possession, or transport thereof,  
221 pursuant to § 18.2-308.7, by his child, grandchild, or individual for whom he is the legal guardian if  
222 such child, grandchild, or individual is ineligible, solely because of his age, to purchase a firearm.

223 N. Any person who is ineligible to purchase or otherwise receive or possess a firearm in the  
224 Commonwealth who solicits, employs, or assists any person in violating subsection M ~~shall be~~ *is* guilty  
225 of a Class 4 felony and shall be sentenced to a mandatory minimum term of imprisonment of five years.

226 O. Any mandatory minimum sentence imposed under this section shall be served consecutively with  
227 any other sentence.

228 P. All driver's licenses issued on or after July 1, 1994, shall carry a letter designation indicating  
229 whether the driver's license is an original, duplicate, or renewed driver's license.

230 Q. Prior to selling, renting, trading, or transferring any firearm owned by the dealer but not in his  
231 inventory to any other person, a dealer may require such other person to consent to have the dealer  
232 obtain criminal history record information to determine if such other person is prohibited from  
233 possessing or transporting a firearm by state or federal law. The Department of State Police shall  
234 establish policies and procedures in accordance with 28 C.F.R. § 25.6 to permit such determinations to  
235 be made by the Department of State Police, and the processes established for making such  
236 determinations shall conform to the provisions of this section.

237 R. Except as provided in subdivisions 1 and 2, it ~~shall be~~ *is* unlawful for any person who is not a  
238 licensed firearms dealer to purchase more than one handgun within any 30-day period. For the purposes  
239 of this subsection, "purchase" does not include the exchange or replacement of a handgun by a seller for  
240 a handgun purchased from such seller by the same person seeking the exchange or replacement within  
241 the 30-day period immediately preceding the date of exchange or replacement. A violation of this  
242 subsection is punishable as a Class 1 misdemeanor.

243 1. Purchases in excess of one handgun within a 30-day period may be made upon completion of an

enhanced background check, as described in this subsection, by special application to the Department of State Police listing the number and type of handguns to be purchased and transferred for lawful business or personal use, in a collector series, for collections, as a bulk purchase from estate sales, and for similar purposes. Such applications shall be signed under oath by the applicant on forms provided by the Department of State Police, shall state the purpose for the purchase above the limit, and shall require satisfactory proof of residency and identity. Such application shall be in addition to the firearms sales report required by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). The Superintendent of State Police shall promulgate regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the implementation of an application process for purchases of handguns above the limit.

Upon being satisfied that these requirements have been met, the Department of State Police shall immediately issue to the applicant a nontransferable certificate, which shall be valid for seven days from the date of issue. The certificate shall be surrendered to the dealer by the prospective purchaser prior to the consummation of such sale and shall be kept on file at the dealer's place of business for inspection as provided in § 54.1-4201 for a period of not less than two years. Upon request of any local law-enforcement agency, and pursuant to its regulations, the Department of State Police may certify such local law-enforcement agency to serve as its agent to receive applications and, upon authorization by the Department of State Police, issue certificates immediately pursuant to this subdivision. Applications and certificates issued under this subdivision shall be maintained as records as provided in subdivision B 3. The Department of State Police shall make available to local law-enforcement agencies all records concerning certificates issued pursuant to this subdivision and all records provided for in subdivision B 3.

2. The provisions of this subsection shall not apply to:

- a. A law-enforcement agency;
- b. An agency duly authorized to perform law-enforcement duties;
- c. A state or local correctional facility;
- d. A private security company licensed to do business within the Commonwealth;
- e. The purchase of antique firearms;
- f. A person whose handgun is stolen or irretrievably lost who deems it essential that such handgun be replaced immediately. Such person may purchase another handgun, even if the person has previously purchased a handgun within a 30-day period, provided that (i) the person provides the firearms dealer with a copy of the official police report or a summary thereof, on forms provided by the Department of State Police, from the law-enforcement agency that took the report of the lost or stolen handgun; (ii) the official police report or summary thereof contains the name and address of the handgun owner, a description of the handgun, the location of the loss or theft, the date of the loss or theft, and the date the loss or theft was reported to the law-enforcement agency; and (iii) the date of the loss or theft as reflected on the official police report or summary thereof occurred within 30 days of the person's attempt to replace the handgun. The firearms dealer shall attach a copy of the official police report or summary thereof to the original copy of the Virginia firearms transaction report completed for the transaction and retain it for the period prescribed by the Department of State Police;
- g. A person who trades in a handgun at the same time he makes a handgun purchase and as a part of the same transaction, provided that no more than one transaction of this nature is completed per day;
- h. A person who holds a valid Virginia permit to carry a concealed handgun;
- i. A person who purchases a handgun in a private sale. For purposes of this subdivision, "private sale" means a purchase from a person who makes occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection of curios or relics or who sells all or part of such collection of curios and relics; or
- j. A law-enforcement officer. For purposes of this subdivision, "law-enforcement officer" means any employee of a police department or sheriff's office that is part of or administered by the Commonwealth or any political subdivision thereof and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic, or highway laws of the Commonwealth.

**§ 18.2-308.2:6. Permit to purchase a firearm; application; penalties.**

*A. For the purposes of this section:*

*"Dealer" means any person licensed as a dealer pursuant to 18 U.S.C. § 921 et seq.*

*"Department" means the Department of State Police.*

*"Firearm" means any handgun, shotgun, or rifle that will or is designed to or may readily be converted to expel single or multiple projectiles by action of an explosion of a combustible material.*

*"Permit" means a permit to purchase a firearm.*

*"Superintendent" means the Superintendent of State Police.*

*B. Any person 21 years of age or older may submit an application to obtain a permit. Such application shall be submitted in person to the Department or to a local law-enforcement agency to be*

305 considered for processing and approval. Any local law-enforcement agency that receives an application  
306 shall forward such form to the Department for processing and approval. Except as otherwise provided  
307 in this section, the Department shall upon receipt of an application issue a permit to any person who is  
308 not prohibited from purchasing, possessing, or transporting a firearm under this article or under any  
309 other provision of state or federal law.

310 C. Application for a permit shall be in the form prescribed by the Department and shall set forth the  
311 applicant's name, birth date, gender, race, citizenship, social security number or any identification  
312 number, the type of firearm sought, and answers by the applicant to the following questions: (i) has the  
313 applicant been convicted of a felony offense or a misdemeanor offense listed in § 18.2-308.1:8 or found  
314 guilty or adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of a  
315 delinquent act that if committed by an adult would be a felony or a misdemeanor listed in  
316 § 18.2-308.1:8; (ii) is the applicant subject to a court order restraining the applicant from harassing,  
317 stalking, or threatening the applicant's child or intimate partner, or a child of such partner, or is the  
318 applicant subject to a protective order; (iii) has the applicant ever been acquitted by reason of insanity  
319 and prohibited from purchasing, possessing, or transporting a firearm pursuant to § 18.2-308.1:1 or any  
320 substantially similar law of any other jurisdiction, been adjudicated legally incompetent, mentally  
321 incapacitated, or adjudicated an incapacitated person and prohibited from purchasing a firearm  
322 pursuant to § 18.2-308.1:2 or any substantially similar law of any other jurisdiction, been involuntarily  
323 admitted to an inpatient facility or involuntarily ordered to outpatient mental health treatment and  
324 prohibited from purchasing a firearm pursuant to § 18.2-308.1:3 or any substantially similar law of any  
325 other jurisdiction, or been the subject of a temporary detention order pursuant to § 37.2-809 and  
326 subsequently agreed to a voluntary admission pursuant to § 37.2-805; and (iv) is the applicant subject  
327 to an emergency substantial risk order or a substantial risk order entered pursuant to § 19.2-152.13 or  
328 19.2-152.14 and prohibited from purchasing, possessing, or transporting a firearm pursuant to  
329 § 18.2-308.1:6 or any substantially similar law of any other jurisdiction.

330 As a condition for the issuance of a permit pursuant to this section, the applicant shall submit to  
331 fingerprinting where the applicant resides and provide personal descriptive information to be forwarded  
332 with the fingerprints through the Central Criminal Records Exchange to the Federal Bureau of  
333 Investigation for the purpose of obtaining criminal history record information regarding the applicant,  
334 and obtaining fingerprint identification information from federal records pursuant to criminal  
335 investigations by state and local law-enforcement agencies. Where feasible and practical, the local  
336 law-enforcement agency may transfer information electronically to the Department instead of inked  
337 fingerprint cards. Upon completion of the criminal history records check, the Department shall return  
338 the fingerprint cards to the submitting local agency or, in the case of scanned fingerprints, destroy the  
339 electronic record. The local agency shall then promptly notify the person that he has 21 days from the  
340 date of the notice to request return of the fingerprint cards, if any. All fingerprint cards not claimed by  
341 the applicant within 21 days of notification by the local agency shall be destroyed. All optically scanned  
342 fingerprints shall be destroyed upon completion of the criminal history records check without requiring  
343 that the applicant be notified. Fingerprints taken for the purposes described in this section shall not be  
344 copied, held, or used for any other purposes.

345 D. Application form blanks shall be obtainable from the Department and from dealers.

346 E. Except as provided in this subsection, no person shall be denied a permit. No permit shall be  
347 issued to:

348 1. Any person younger than 21 years of age;

349 2. Any person prohibited from purchasing, possessing, or transporting a firearm under this article or  
350 under any other provision of state or federal law;

351 3. Any person who, within the two years prior to the date of application, has been convicted of any  
352 offense that is an act of violence, force, or threat as defined in § 19.2-152.7:1 and contained in  
353 Chapter 4 (§ 18.2-30 et seq.) or any offense contained in Article 4 (§ 18.2-279 et seq.), 5 (§ 18.2-288 et  
354 seq.), 6 (§ 18.2-299 et seq.), or 7 (§ 18.2-308.1 et seq.) that would ordinarily be punishable as a Class  
355 1 misdemeanor;

356 4. Any person who is an unlawful user of or addicted to any controlled substance. An inference that  
357 a person is an unlawful user or addicted to any controlled substance may be drawn from evidence of a  
358 recent use or possession of a controlled substance or a pattern of use or possession that reasonably  
359 covers the present time, such as a conviction for use or possession of a controlled substance within the  
360 past year, multiple arrests for such offenses within the past five years if the most recent arrest occurred  
361 within the past year, or persons found through a drug test to use a controlled substance unlawfully,  
362 provided that the test was administered within the past year;

363 5. Any person who within the two years prior to the date of application has not completed a firearms  
364 safety or training course or class available to the general public offered by a law-enforcement agency,  
365 institution of higher education, or private or public institution or organization or by a firearms training  
366 school utilizing instructors certified or approved by the Department of Criminal Justice Services. Such

firearms safety or training course shall include all of the following:

- a. Instruction regarding knowledge, safe handling, and storage of firearms and ammunition;
- b. Instruction regarding safe firearms shooting fundamentals that shall include live fire shooting exercises conducted on a range with the expenditure of a minimum of 10 rounds of ammunition;
- c. Identification of ways to develop and maintain firearm shooting skills;
- d. Instruction regarding federal and state laws pertaining to the lawful purchase, ownership, transportation, use, and possession of firearms; and
- e. Instruction regarding the laws pertaining to the use of deadly force for self-defense and techniques for avoiding a criminal attack and how to manage a violent confrontation, including conflict resolution;

or

6. Any person for whom the issuance would not be in the interest of the public health, safety, or welfare of the Commonwealth because the person is found to be lacking in essential character or temperament necessary to be entrusted with a firearm.

In making this determination, upon receipt of an application, the Department shall conduct an investigation and shall consider whether the person is likely to engage in conduct, other than lawful self-defense, that would pose a danger to self or others, as evidenced by whether the applicant has any history of threats or acts of violence by the applicant directed toward self or others or any history of use, attempted use, or threatened use of physical force by the applicant against another person, or other incidents indicating a likely risk, including determining whether the applicant has been subject to any recent arrests or criminal charges for disqualifying crimes or has been experiencing any mental health issues such as suicidal ideation or violent impulses, the applicant's use of drugs or alcohol, and any other relevant evidence. The Department shall consider the risks associated with firearm possession, such as failure to consistently secure a firearm when not in the applicant's immediate control; the initiating or escalating of conflicts with strangers, intimate partners, family members, cohabitants, and invited guests such that a firearm is likely to be displayed or discharged other than in lawful self-defense; the likelihood an applicant would engage in violence or engage in conduct or make statements, including verbal threats involving a firearm or displaying a firearm, that would have the tendency to threaten or terrorize members of the public; and unintentional or reckless discharge of a firearm in public. If, in the course of that investigation, the Department finds credible evidence that an applicant is likely to engage in conduct, other than lawful self-defense, that would pose a danger to self or others, the Department shall submit to the court a sworn, written statement indicating that, in the opinion of the Department, based on the relevant evidence set forth in the statement, the applicant lacks the essential character or temperament necessary to be entrusted with a firearm.

The statement of the Department shall be based upon personal knowledge of specific evidence or acts, or upon a written statement made under oath before a notary public of a competent person having personal knowledge of the specific evidence or acts.

F. Upon receipt of the application form, the Department shall review criminal history record information to determine if the applicant is prohibited from possessing or transporting a firearm by state or federal law and investigate the application. In investigating the application, the Department shall contact the law-enforcement agencies of the locality in which the applicant resides and inquire as to any facts and circumstances relevant to the applicant's qualification for a permit to purchase a firearm. Unless grounds exist for the denial of the application, the Department shall grant the permit within 30 days from the date of receipt of the application form.

G. If the Department determines that an applicant does not qualify for a permit, the application shall be denied and the Department shall notify the applicant in a writing, setting forth the specific reasons for such determination.

H. 1. A permit shall be valid for a period of five years from the date of issuance.

2. Each permit shall bear a unique permit number, the full name and address of the holder, the date on which the permit expires, and any other information required by state law or regulation.

I. If at any time following the issuance of a permit the holder becomes disqualified for any of the reasons set forth in this section, the permit shall be void and shall be returned within five days by the holder to the Superintendent. Any person who fails to return a voided permit to the Superintendent within five days is guilty of a Class 1 misdemeanor.

J. 1. A permit may be revoked at any time by the Superintendent upon a finding that the holder no longer qualifies for the permit. The Superintendent shall give written notice of revocation without unnecessary delay to the holder of a permit and shall also immediately notify the law-enforcement agencies of the locality in which the holder of the permit resides. Within five days of notice of revocation, the permit shall be returned by the holder to the Superintendent. Any person who fails to return a revoked permit to the Superintendent within five days of notice of revocation is guilty of a Class 1 misdemeanor.

2. In any case where the Superintendent has given written notice of revocation and there is probable

428 *cause to believe that the permit holder has firearms in his custody, possession, or control, the*  
429 *Department shall take action to ensure removal of such firearms.*

430 *K. Any person aggrieved by the denial or revocation of a permit may present a petition for review to*  
431 *the Court of Appeals. The petition for review shall be filed within 60 days of the denial or revocation.*  
432 *The petition for review shall be accompanied by a copy of the original application and notice of denial*  
433 *or revocation, as applicable. The petitioner shall, in all cases, serve a copy of the petition for review*  
434 *upon the chief law-enforcement officer of the locality in which he resides and upon the Superintendent.*  
435 *Subject to the provisions of subsection B of § 17.1-410, the decision of the Court of Appeals shall be*  
436 *final.*

437 *L. Any person willfully and intentionally making a materially false statement on the application form*  
438 *for a permit is guilty of a Class 5 felony.*

439 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**  
440 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the**  
441 **necessary appropriation cannot be determined for periods of imprisonment in state adult**  
442 **correctional facilities; therefore, Chapter 1 of the Acts of Assembly of 2023, Special Session I,**  
443 **requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of**  
444 **\$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary**  
445 **appropriation cannot be determined for periods of commitment to the custody of the Department**  
446 **of Juvenile Justice.**