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HOUSE BILL NO. 158

Offered January 10, 2024

Prefiled January 2, 2024

A BILL to amend the Code of Virginia by adding a section numbered 18.2-56.3, relating to firearm locking device required for sale or transfer of firearm; warning against accessibility to children; penalty.

Patrons—McClure, Jones, Lopez, Anthony, Askew, Bennett-Parker, Clark, Cohen, Convirs-Fowler, Cousins, Henson, Hope, Keys-Gamarra, Laufer, Maldonado, Martinez, Mundon King, Reaser, Seibold, Shin, Simon, Simonds, Tran and Willett; Senators: Bagby, Favola, Marsden and Salim

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-56.3 as follows:

§ 18.2-56.3. Firearm lock required for sale or transfer of firearm; child safety warning required; penalty.

A. As used in this section, "locking device" means (i) a device that if installed on a firearm and secured by means of a key or a mechanically, electronically, or electromechanically operated combination lock prevents the firearm from being discharged without first deactivating or removing the device by means of a key or a mechanically, electronically, or electromechanically operated combination lock or (ii) a locking mechanism incorporated into the design of a firearm that prevents discharge of the firearm by any person who does not have access to the key or other device designed to unlock the mechanism and thereby allow discharge of the firearm.

B. Except as provided in subsection C, it is unlawful for any licensed manufacturer, licensed importer, or licensed dealer to sell, deliver, or transfer any firearm to any person other than a licensed manufacturer, licensed importer, or licensed dealer unless the transferee is provided with a locking device for that firearm and the firearm is accompanied by the following warning, which shall appear in conspicuous and legible type in capital letters and which shall be printed on a label affixed to the firearm and on a separate sheet of paper included within the packaging enclosing the firearm: THE USE OF A LOCKING DEVICE OR SAFETY LOCK IS ONLY ONE ASPECT OF RESPONSIBLE FIREARM STORAGE. FIREARMS SHOULD BE STORED UNLOADED AND LOCKED IN A LOCATION THAT IS BOTH SEPARATE FROM THEIR AMMUNITION AND INACCESSIBLE TO CHILDREN. FAILURE TO PROPERLY LOCK AND STORE YOUR FIREARM MAY RESULT IN CIVIL OR CRIMINAL LIABILITY.

C. This section shall not apply to (i) the manufacture for, transfer to, or possession by the Commonwealth or the United States or a department or agency of the Commonwealth or the United States of a firearm or (ii) the transfer to or possession by a law-enforcement officer employed by an entity referred to in clause (i) of a firearm for law-enforcement purposes.

D. A violation of this section is punishable as a Class 1 misdemeanor.

INTRODUCED

HB158