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**HOUSE BILL NO. 351**

Offered January 10, 2024

Prefiled January 5, 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 purchase of a firearm; households where minor resides; penalty.*

Patrons—Clark, Helmer, Anthony, Callsen, Carr, Cohen, Cole, Convirs-Fowler, Glass, Henson, Hernandez, Hope, Keys-Gamarra, LeVere Bolling, Lopez, Maldonado, Martinez, Price, Rasoul, Seibold, Shin, Simonds, Ward and Willett; Senators: Favola and Salim

Referred to Committee on Public Safety

**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 locking device required for purchase of a firearm; households where minor resides; 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 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 D, any person who purchases a firearm shall either (i) purchase a locking device for such firearm if such person resides in the same household as a minor or (ii) complete a certification statement on a form provided by the Department of State Police, under penalty of perjury, certifying that he does not reside in the same household as a minor.

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 (i) purchases a locking device for such firearm if such person resides in the same household as a minor or (ii) completes a certification statement on a form provided by the Department of State Police, under penalty of perjury, certifying that he does not reside in the same household as a minor.

D. This section does 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.

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

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

INTRODUCED

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