

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 18.2-56.3, relating to firearm*
3 *locking device required for purchase of a firearm; households where minor resides; warning against*
4 *accessibility to children; penalty.*

5 [H 351]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**8 **1. That the Code of Virginia is amended by adding a section numbered 18.2-56.3 as follows:**9 **§ 18.2-56.3. Firearm locking device required for purchase of a firearm; warning against**
10 **accessibility to children; penalty.**11 *A. As used in this section, "locking device" means (i) a device that if installed on a firearm and*
12 *secured by means of a key or a mechanically, electronically, or electromechanically operated*
13 *combination lock prevents the firearm from being discharged without first deactivating or removing the*
14 *device by means of a key or mechanically, electronically, or electromechanically operated combination*
15 *lock or (ii) a locking mechanism incorporated into the design of a firearm that prevents discharge of the*
16 *firearm by any person who does not have access to the key or other device designed to unlock the*
17 *mechanism and thereby allow discharge of the firearm.*18 *B. Any person who purchases a firearm shall either (i) obtain or purchase from a licensed dealer a*
19 *locking device for such firearm if a minor is present in such person's residence for 14 days or more in*
20 *a calendar month or (ii) complete a certification statement on a form provided by the Department of*
21 *State Police certifying that a minor is not present in such person's residence for 14 days or more in a*
22 *calendar month.*23 *C. It is unlawful for any licensed manufacturer, licensed importer, or licensed dealer to sell, deliver,*
24 *or transfer any firearm to any person, other than a licensed manufacturer, licensed importer, or licensed*
25 *dealer, unless (i) the firearm is accompanied by the following warning, which shall appear in*
26 *conspicuous and legible type in capital letters and shall be printed on a separate sheet of paper*
27 *included within the packaging enclosing the firearm: THE USE OF A LOCKING DEVICE OR SAFETY*
28 *LOCK IS ONLY ONE ASPECT OF RESPONSIBLE FIREARM STORAGE. FIREARMS SHOULD BE*
29 *STORED UNLOADED AND LOCKED IN A LOCATION THAT IS BOTH SEPARATE FROM THEIR*
30 *AMMUNITION AND INACCESSIBLE TO CHILDREN. FAILURE TO PROPERLY LOCK AND STORE*
31 *YOUR FIREARM MAY RESULT IN CIVIL OR CRIMINAL LIABILITY, and (ii) the transferee (a) obtains*
32 *or purchases from such licensed manufacturer, licensed importer, or licensed dealer a locking device for*
33 *such firearm if a minor is present in such person's residence for 14 days or more in a calendar month*
34 *or (b) completes a certification statement on a form provided by the Department of State Police*
35 *certifying that a minor is not present in such person's residence for 14 days or more in a calendar*
36 *month.*37 *D. The provisions of this section shall not apply to (i) the manufacture for, transfer to, or possession*
38 *by the Commonwealth or the United States or a department or agency of the Commonwealth or the*
39 *United States of a firearm or (ii) the transfer to or possession by a law-enforcement officer employed by*
40 *an entity referred to in clause (i) of a firearm for law-enforcement purposes.*41 *E. A violation of this section is punishable as a Class 3 misdemeanor.*