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HOUSE BILL NO. 351

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on February 28, 2024)

(Patron Prior to Substitute—Delegate Clark)

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; warning against accessibility to children; penalty.

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; warning against accessibility to children; 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. Any person who purchases a firearm shall either (i) obtain or purchase from a licensed dealer a locking device for such firearm if a minor is present in such person's residence for 14 days or more in a calendar month or (ii) complete a certification statement on a form provided by the Department of State Police certifying that a minor is not present in such person's residence for 14 days or more in a calendar month.

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 (i) the firearm is accompanied by the following warning, which shall appear in conspicuous and legible type in capital letters and shall be printed 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, and (ii) the transferee (a) obtains or purchases from such licensed manufacturer, licensed importer, or licensed dealer a locking device for such firearm if a minor is present in such person's residence for 14 days or more in a calendar month or (b) completes a certification statement on a form provided by the Department of State Police certifying that a minor is not present in such person's residence for 14 days or more in a calendar month.

D. The provisions of 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.

E. A violation of this section is punishable as a Class 3 misdemeanor.

2. That the provisions of this act shall not become effective unless reenacted by the 2025 Session of the General Assembly.

SENATE SUBSTITUTE

HB351S1