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HOUSE BILL NO. 502

Offered January 10, 2024

Prefiled January 8, 2024

A *BILL to amend and reenact §§ 8.01-217, 16.1-331, 18.2-308.04, 18.2-308.06, 18.2-308.2:2, 18.2-308.2:4, 19.2-13, 20-88.54, 22.1-287.1, 23.1-405, 23.1-407, 24.2-418, 24.2-444, 30-394, 32.1-261, 32.1-267, 32.1-269.1, 32.1-292.2, 40.1-96, 40.1-102, 46.2-323, 46.2-341.12, 46.2-345, 46.2-345.2, 46.2-2906, 54.1-3319, 54.1-4108, 59.1-118, and 65.2-900 of the Code of Virginia, relating to nonbinary sex or gender designation option.*

Patrons—Cohen, Bennett-Parker and Henson; Senator: Ebbin

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-217, 16.1-331, 18.2-308.04, 18.2-308.06, 18.2-308.2:2, 18.2-308.2:4, 19.2-13, 20-88.54, 22.1-287.1, 23.1-405, 23.1-407, 24.2-418, 24.2-444, 30-394, 32.1-261, 32.1-267, 32.1-269.1, 32.1-292.2, 40.1-96, 40.1-102, 46.2-323, 46.2-341.12, 46.2-345, 46.2-345.2, 46.2-2906, 54.1-3319, 54.1-4108, 59.1-118, and 65.2-900 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-217. How name of person may be changed.

A. Any person desiring to change his own name, or that of his child or ward, may apply therefor to the circuit court of the county or city in which the person whose name is to be changed resides, or if no place of abode exists, such person may apply to any circuit court which shall consider such application if it finds that good cause exists therefor under the circumstances alleged. An incarcerated person may apply to the circuit court of the county or city in which such person is incarcerated. In case of a minor who has no living parent or guardian, the application may be made by his next friend. In case of a minor who has both parents living, the parent who does not join in the application shall be served with reasonable notice of the application pursuant to § 8.01-296 and, should such parent object to the change of name, a hearing shall be held to determine whether the change of name is in the best interest of the minor. It shall not be necessary to effect service upon any parent who files an answer to the application. If, after application is made on behalf of a minor and an ex parte hearing is held thereon, the court finds by clear and convincing evidence that such notice would present a serious threat to the health and safety of the applicant, the court may waive such notice.

B. Every application shall be under oath and shall include the place of residence of the applicant, the names of both parents, including the maiden name of his mother, the date and place of birth of the applicant, the applicant's felony conviction record, if any, whether the applicant is a person for whom registration with the Sex Offender and Crimes Against Minors Registry is required pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, whether the applicant is presently incarcerated or a probationer with any court, and if the applicant has previously changed his name, his former name or names. *If such application requires the sex or gender of the applicant, the application shall permit the choice between "male," "female," or "nonbinary."*

C. On any such application and hearing, if such be demanded, the court, shall, unless the evidence shows that the change of name is sought for a fraudulent purpose or would otherwise infringe upon the rights of others or, in a case involving a minor, that the change of name is not in the best interest of the minor, order a change of name.

D. No application shall be accepted by a court for a change of name of a probationer, person for whom registration with the Sex Offender and Crimes Against Minors Registry is required pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, or incarcerated person unless the court finds that good cause exists for consideration of such application under the reasons alleged in the application for the requested change of name. If the court accepts the application, the court shall mail or deliver a copy of the application to the attorney for the Commonwealth for the jurisdiction where the application was filed and the attorney for the Commonwealth for any jurisdiction in the Commonwealth where a conviction occurred that resulted in the applicant's probation, registration with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, or incarceration. The attorney for the Commonwealth where the application was filed shall be entitled to respond and represent the interests of the Commonwealth by filing a response within 30 days after the mailing or delivery of a copy of the application. The court shall conduct a hearing on the application and may order a change of name if, after receiving and considering evidence concerning the circumstances regarding the requested change of name, the court determines that the change of name (i) would not frustrate a legitimate law-enforcement purpose, (ii) is not sought for a fraudulent purpose, and (iii) would not otherwise

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59 infringe upon the rights of others. Such order shall contain written findings stating the court's basis for
60 granting the order.

61 E. The provisions of subsection D are jurisdictional and any order granting a change of name
62 pursuant to subsection D that fails to comply with any provision of subsection D is void ab initio. The
63 attorney for the Commonwealth for the jurisdiction where such an application was filed has the authority
64 to bring an independent action at any time to have such order declared void. If the attorney for the
65 Commonwealth brings an independent action to have the order declared void, notice of the action shall
66 be served upon the person who was granted a change of name who shall have 30 days after service to
67 respond. If the person whose name was changed files a response objecting to having the order declared
68 void, the court shall hold a hearing. If an order granting a change of name is declared void pursuant to
69 this subsection, or if a person is convicted of perjury pursuant to § 18.2-434 for unlawfully changing his
70 name pursuant to § 18.2-504.1 based on conduct that violates this section, the clerk of the court entering
71 the order or the order of conviction shall transmit a certified copy of the order to (i) the State Registrar
72 of Vital Records, (ii) the Department of Motor Vehicles, (iii) the State Board of Elections, (iv) the
73 Central Criminal Records Exchange, and (v) any agency or department of the Commonwealth that has
74 issued a license to the person where such license utilizes the person's changed name, if known to the
75 court and identified in the court order.

76 F. The order shall contain no identifying information other than the applicant's former name or
77 names, new name, and current address. The clerk of the court shall spread the order upon the current
78 deed book in his office, index it in both the old and new names, and transmit a certified copy of the
79 order and the application to the State Registrar of Vital Records and the Central Criminal Records
80 Exchange. Transmittal of a copy of the order and the application to the State Registrar of Vital Records
81 and the Central Criminal Records Exchange shall not be required of a person who changed his or her
82 former name by reason of marriage and who makes application to resume a former name pursuant to
83 § 20-121.4.

84 G. If the applicant shall show cause to believe that in the event his change of name should become a
85 public record, a serious threat to the health or safety of the applicant or his immediate family would
86 exist, the chief judge of the circuit court may waive the requirement that the application be under oath
87 or the court may order the record sealed and direct the clerk not to spread and index any orders entered
88 in the cause, and a certified copy shall not be transmitted to the State Registrar of Vital Records or the
89 Central Criminal Records Exchange. At such time as a name change order is received by the State
90 Registrar of Vital Records, for a person born in the Commonwealth, together with a proper request and
91 payment of required fees, the Registrar shall issue certifications of the amended birth record which do
92 not reveal the former name or names of the applicant unless so ordered by a court of competent
93 jurisdiction. Such certifications shall not be marked "amended" and show the effective date as provided
94 in § 32.1-272. Such order shall set forth the date and place of birth of the person whose name is
95 changed, the full names of his parents, including the maiden name of the mother and, if such person has
96 previously changed his name, his former name or names.

97 **§ 16.1-331. Petition for emancipation.**

98 Any minor who has reached his sixteenth birthday and is residing in this Commonwealth, or any
99 parent or guardian of such minor, may petition the juvenile and domestic relations district court for the
100 county or city in which either the minor or his parents or guardian resides for a determination that the
101 minor named in the petition be emancipated. The petition shall contain, in addition to the information
102 required by § 16.1-262, the gender of the minor and, if the petitioner is not the minor, the name of the
103 petitioner and the relationship of the petitioner to the minor. *The petition shall permit the choice*
104 *between "male," "female," or "nonbinary" when designating the gender of the minor.* If the petition is
105 based on the minor's desire to enter into a valid marriage, the petition shall also include the name, age,
106 date of birth, if known, and residence of the intended spouse. The petitioner shall also attach copies of
107 any criminal records of each individual intending to be married. The petitioner shall also attach copies
108 of any protective order issued between the individuals to be married.

109 **§ 18.2-308.04. Processing of the application and issuance of a concealed handgun permit.**

110 A. The clerk of court shall enter on the application the date on which the application and all other
111 information required to be submitted by the applicant is received.

112 B. Upon receipt of the completed application, the court shall consult with either the sheriff or police
113 department of the county or city and receive a report from the Central Criminal Records Exchange.

114 C. The court shall issue the permit via United States mail and notify the State Police of the issuance
115 of the permit within 45 days of receipt of the completed application unless it is determined that the
116 applicant is disqualified. Any order denying issuance of the permit shall be in accordance with
117 § 18.2-308.08. If the applicant is later found by the court to be disqualified after a five-year permit has
118 been issued, the permit shall be revoked.

119 D. A court may authorize the clerk to issue concealed handgun permits, without judicial review, to
120 applicants who have submitted complete applications, for whom the criminal history records check does

not indicate a disqualification and, after consulting with either the sheriff or police department of the county or city, about which application there are no outstanding questions or issues. The court clerk shall be immune from suit arising from any acts or omissions relating to the issuance of concealed handgun permits without judicial review pursuant to this section unless the clerk was grossly negligent or engaged in willful misconduct. This section shall not be construed to limit, withdraw, or overturn any defense or immunity already existing in statutory or common law, or to affect any cause of action accruing prior to July 1, 2010.

E. The permit to carry a concealed handgun shall specify only the following information: name, address, date of birth, gender, height, weight, color of hair, color of eyes, and signature of the permittee; the signature of the judge issuing the permit, of the clerk of court who has been authorized to sign such permits by the issuing judge, or of the clerk of court who has been authorized to issue such permits pursuant to subsection D; the date of issuance; and the expiration date. *The permit shall use "male," "female," or "nonbinary," as applicable, when designating the gender of the permittee.* The permit to carry a concealed handgun shall be of a size comparable to a Virginia driver's license, may be laminated or use a similar process to protect the permit, and shall otherwise be of a uniform style prescribed by the Department of State Police.

§ 18.2-308.06. Nonresident concealed handgun permits.

A. Nonresidents of the Commonwealth 21 years of age or older may apply in writing to the Virginia Department of State Police for a five-year permit to carry a concealed handgun. The applicant shall submit a photocopy of one valid form of photo identification issued by a governmental agency of the applicant's state of residency or by the U.S. Department of Defense or U.S. State Department (passport). Every applicant for a nonresident concealed handgun permit shall also submit two photographs of a type and kind specified by the Department of State Police for inclusion on the permit and shall submit fingerprints on a card provided by the Department of State Police for the purpose of obtaining the applicant's state or national criminal history record. As a condition for issuance of a concealed handgun permit, the applicant shall submit to fingerprinting by his local or state law-enforcement agency and provide personal descriptive information to be forwarded with the fingerprints through the Central Criminal Records Exchange to the U.S. Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding the applicant and obtaining fingerprint identification information from federal records pursuant to criminal investigations by state and local law-enforcement agencies. The application shall be on a form provided by the Department of State Police, requiring only that information necessary to determine eligibility for the permit. If the permittee is later found by the Department of State Police to be disqualified, the permit shall be revoked and the person shall return the permit after being so notified by the Department of State Police. The permit requirement and restriction provisions of subsection C of § 18.2-308.02 and § 18.2-308.09 shall apply, mutatis mutandis, to the provisions of this subsection.

B. The applicant shall demonstrate competence with a handgun in person by one of the following:

1. Completing a hunter education or hunter safety course approved by the Virginia Department of Wildlife Resources or a similar agency of another state;

2. Completing any National Rifle Association or United States Concealed Carry Association firearms safety or training course;

3. Completing any firearms safety or training course or class available to the general public offered by a law-enforcement agency, institution of higher education, or private or public institution or organization or firearms training school utilizing instructors certified by the National Rifle Association, the United States Concealed Carry Association, or the Department of Criminal Justice Services or a similar agency of another state;

4. Completing any law-enforcement firearms safety or training course or class offered for security guards, investigators, special deputies, or any division or subdivision of law enforcement or security enforcement;

5. Presenting evidence of equivalent experience with a firearm through participation in organized shooting competition approved by the Department of State Police or current military service or proof of an honorable discharge from any branch of the armed services;

6. Obtaining or previously having held a license to carry a firearm in the Commonwealth or a locality thereof, unless such license has been revoked for cause;

7. Completing any in-person firearms training or safety course or class conducted by a state-certified, National Rifle Association-certified, or United States Concealed Carry Association-certified firearms instructor;

8. Completing any governmental police agency firearms training course and qualifying to carry a firearm in the course of normal police duties; or

9. Completing any other firearms training that the Virginia Department of State Police deems adequate.

182 A photocopy of a certificate of completion of any such course or class; an affidavit from the
183 instructor, school, club, organization, or group that conducted or taught such course or class attesting to
184 the completion of the course or class by the applicant; or a copy of any document that shows
185 completion of the course or class or evidences participation in firearms competition shall satisfy the
186 requirement for demonstration of competence with a handgun.

187 C. The Department of State Police may charge a fee not to exceed \$100 to cover the cost of the
188 background check and issuance of the permit. Any fees collected shall be deposited in a special account
189 to be used to offset the costs of administering the nonresident concealed handgun permit program.

190 D. The permit to carry a concealed handgun shall contain only the following information: name,
191 address, date of birth, gender, height, weight, color of hair, color of eyes, and photograph of the
192 permittee; the signature of the Superintendent of the Virginia Department of State Police or his designee;
193 the date of issuance; and the expiration date. *The permit shall use "male," "female," or "nonbinary," as*
194 *applicable, when designating the gender of the permittee.*

195 E. The Superintendent of the State Police shall promulgate regulations, pursuant to the Administrative
196 Process Act (§ 2.2-4000 et seq.), for the implementation of an application process for obtaining a
197 nonresident concealed handgun permit.

198 **§ 18.2-308.2:2. Criminal history record information check required for the transfer of certain**
199 **firearms.**

200 A. Any person purchasing from a dealer a firearm as herein defined shall consent in writing, on a
201 form to be provided by the Department of State Police, to have the dealer obtain criminal history record
202 information. Such form shall include only the written consent; the name, birth date, gender, race,
203 citizenship, and social security number ~~and/or~~ or any other identification number; the number of
204 firearms by category intended to be sold, rented, traded, or transferred; and answers by the applicant to
205 the following questions: (i) has the applicant been convicted of a felony offense or a misdemeanor
206 offense listed in § 18.2-308.1:8 or found guilty or adjudicated delinquent as a juvenile 14 years of age
207 or older at the time of the offense of a delinquent act that if committed by an adult would be a felony
208 or a misdemeanor listed in § 18.2-308.1:8; (ii) is the applicant subject to a court order restraining the
209 applicant from harassing, stalking, or threatening the applicant's child or intimate partner, or a child of
210 such partner, or is the applicant subject to a protective order; (iii) has the applicant ever been acquitted
211 by reason of insanity and prohibited from purchasing, possessing, or transporting a firearm pursuant to
212 § 18.2-308.1:1 or any substantially similar law of any other jurisdiction, been adjudicated legally
213 incompetent, mentally incapacitated, or adjudicated an incapacitated person and prohibited from
214 purchasing a firearm pursuant to § 18.2-308.1:2 or any substantially similar law of any other jurisdiction,
215 been involuntarily admitted to an inpatient facility or involuntarily ordered to outpatient mental health
216 treatment and prohibited from purchasing a firearm pursuant to § 18.2-308.1:3 or any substantially
217 similar law of any other jurisdiction, or been the subject of a temporary detention order pursuant to
218 § 37.2-809 and subsequently agreed to a voluntary admission pursuant to § 37.2-805; and (iv) is the
219 applicant subject to an emergency substantial risk order or a substantial risk order entered pursuant to
220 § 19.2-152.13 or 19.2-152.14 and prohibited from purchasing, possessing, or transporting a firearm
221 pursuant to § 18.2-308.1:6 or any substantially similar law of any other jurisdiction. *Such form shall*
222 *permit the choice between "male," "female," or "nonbinary" when designating the gender of the*
223 *applicant.*

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

photograph issued pursuant to § 46.2-345.2, and such identification form or card contains a date of issue, the dealer shall not, except for a renewed driver's license or other photo identification issued by the Department of Motor Vehicles or a renewed special identification card without a photograph issued pursuant to § 46.2-345.2, sell or otherwise transfer a firearm to the prospective purchaser until 30 days after the date of issue of an original or duplicate driver's license or special identification card without a photograph unless the prospective purchaser also presents a copy of his Virginia Department of Motor Vehicles driver's record showing that the original date of issue of the driver's license was more than 30 days prior to the attempted purchase.

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

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

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

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

4. On the last day of the week following the sale or transfer of any firearm, the dealer shall mail or deliver the written consent form required by subsection A to the Department of State Police. The State Police shall immediately initiate a search of all available criminal history record information to determine if the purchaser is prohibited from possessing or transporting a firearm under state or federal law. If the search discloses information indicating that the buyer or transferee is so prohibited from possessing or transporting a firearm, the State Police shall inform the chief law-enforcement officer in the jurisdiction where the sale or transfer occurred and the dealer without delay.

5. Notwithstanding any other provisions of this section, rifles and shotguns may be purchased by persons who are citizens of the United States or persons lawfully admitted for permanent residence but residents of other states under the terms of subsections A and B upon furnishing the dealer with one photo-identification form issued by a governmental agency of the person's state of residence and one other form of identification determined to be acceptable by the Department of Criminal Justice Services.

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

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

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

305 30 days of such denial.

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

310 F. For purposes of this section:

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

313 "Antique firearm" means:

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

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

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

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

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

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

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

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

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

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

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

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

350 "Lawfully admitted for permanent residence" means the status of having been lawfully accorded the
351 privilege of residing permanently in the United States as an immigrant in accordance with the
352 immigration laws, such status not having changed.

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

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

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

366 J. All licensed firearms dealers shall collect a fee of \$2 for every transaction for which a criminal

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

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

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

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

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

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

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

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

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

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

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.

§ 18.2-308.2:4. Firearm verification check; penalty.

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.

B. A dealer who is receiving by sale, transfer, or trade a firearm from a person who is not a dealer may choose to obtain a verification check from the Department to determine if the firearm has been reported to a law-enforcement agency as lost or stolen. If a dealer chooses to obtain a verification check, the procedures in this section shall be followed.

C. The person selling, transferring, or trading the firearm to the dealer shall present a valid photo identification issued by a state or federal governmental agency and shall consent in writing, on a form to be provided by the Department, to have the dealer obtain a verification check to determine if the firearm has been reported to a law-enforcement agency as lost or stolen. Such form shall include only the written consent; the name, address, birth date, gender, race, and verifiable government identification number on the photo identification presented by the person selling, transferring, or trading the firearm; and the serial number, caliber, make, and, if available, model of the firearm. *Such form shall permit the choice between "male," "female," or "nonbinary" when designating the gender of the person selling, transferring, or trading the firearm.*

D. A dealer shall (i) obtain written consent and identifying information on the consent form specified in subsection C; (ii) provide the Department with the serial number, caliber, make, and, if available, model of the firearm intended to be sold, traded, or transferred to the dealer; (iii) request a verification check by telephone or other manner authorized by the Department; and (iv) receive information from the Department as to whether the firearm has been reported to a law-enforcement agency as lost or stolen.

To establish personal identification and residence for purposes of this section, a dealer shall require a

prospective transferee to present one photo-identification form containing a verifiable identification number issued by a governmental agency of the Commonwealth, a similar photo-identification form from another state government or by the U.S. Department of Defense, or other documentation of residence determined acceptable by the Department.

E. Upon receipt of the request for a verification check, the Department shall (i) query firearms databases to determine if the firearm has been reported to a law-enforcement agency as lost or stolen, (ii) inform the dealer if the firearm has been reported to a law-enforcement agency as lost or stolen, and (iii) provide the dealer with a unique response for that inquiry.

The Department shall provide its response to the requesting dealer electronically or by return call without delay. If the verification check discloses that the firearm cannot be lawfully sold, transferred, or traded, the Department shall have until the end of the dealer's next business day to advise the dealer that its records indicate the firearm cannot be lawfully sold, transferred, or traded pursuant to state or federal law.

In the case of electronic failure or other circumstances beyond the control of the Department, the dealer shall be advised immediately of the reason for such delay and be given an estimate of the length of such delay. After such notification, the Department shall, as soon as possible but in no event later than the end of the dealer's next business day, inform the requesting dealer if the firearm cannot be lawfully sold, transferred, or traded pursuant to state or federal law.

F. The Department shall maintain a log of requests made for a period of 12 months from the date the request was made, consisting of the serial number, caliber, make, and, if available, model of the firearm; the dealer identification number; and the transaction date.

G. The dealer shall maintain the consent form for a period of 12 months from the date of the transaction if the firearm is determined to be lost or stolen. If the firearm is determined not to be lost or stolen, the consent form shall be destroyed by the dealer within two weeks from the date of such determination.

H. The Superintendent of State Police shall promulgate regulations to ensure the identity, confidentiality, and security of all records and data provided pursuant to this section.

I. The provisions of this section shall not apply to transactions between persons who are licensed as firearms importers, manufacturers, or dealers pursuant to 18 U.S.C. § 921 et seq.

J. Any person who willfully and intentionally makes a material false statement on the consent form is guilty of a Class 1 misdemeanor.

§ 19.2-13. Special conservators of the peace; authority; jurisdiction; registration; liability of employers; penalty; report.

A. Upon the submission of an application, which shall include the results of the background investigation conducted pursuant to subsection C, from (i) any sheriff or chief of police of any county, city, or town; (ii) any corporation authorized to do business in the Commonwealth; (iii) the owner, proprietor, or authorized custodian of any place within the Commonwealth; or (iv) any museum owned and managed by the Commonwealth, a circuit court judge of any county or city shall appoint special conservators of the peace who shall serve as such for such length of time as the court may designate, but not exceeding four years under any one appointment, during which time the court shall retain jurisdiction over the appointment order, upon a showing by the applicant of a necessity for the security of property or the peace and presentation of evidence that the person or persons to be appointed as a special conservator of the peace possess a valid registration issued by the Department of Criminal Justice Services in accordance with the provisions of subsection C. Upon an application made pursuant to clause (ii), (iii), or (iv), the court shall, prior to entering the order of appointment, transmit a copy of the application to the local attorney for the Commonwealth and the local sheriff or chief of police who may submit to the court a sworn, written statement indicating whether the order of appointment should be granted. However, a judge may deny the appointment for good cause, and shall state the specific reasons for the denial in writing in the order denying the appointment. A judge also may revoke the appointment order for good cause shown, upon the filing of a sworn petition by the attorney for the Commonwealth, sheriff, or chief of police for any locality in which the special conservator of the peace is authorized to serve or by the Department of Criminal Justice Services. Prior to revocation, a hearing shall be set and the special conservator of the peace shall be given notice and the opportunity to be heard. The judge may temporarily suspend the appointment pending the hearing for good cause shown. A hearing on the petition shall be heard by the court as soon as practicable. If the appointment order is suspended or revoked, the clerk of court shall notify the Department of Criminal Justice Services, the Department of State Police, the applicable local law-enforcement agencies in all cities and counties where the special conservator of the peace is authorized to serve, and the employer of the special conservator of the peace.

The order of appointment shall provide that a special conservator of the peace may perform only the duties for which he is qualified by training as established by the Criminal Justice Services Board. The

551 order of appointment shall provide that such duties shall be exercised only within geographical
552 limitations specified by the court, which shall be within the confines of the county, city or town that
553 makes application or on the real property where the corporate applicant is located, or any real property
554 contiguous to such real property, limited, except as provided in subsection F, to the city or county
555 wherein application has been made, and only when such special conservator of the peace is engaged in
556 the performance of his duties as such; however, a court may, in its discretion, specify in the order of
557 appointment additional jurisdictions in which a special conservator of the peace employed by the
558 Shenandoah Valley Regional Airport Commission or the Richmond Metropolitan Transportation
559 Authority may exercise his duties. The order may provide that the special conservator of the peace shall
560 have the authority to make an arrest outside of such geographical limitations if the arrest results from a
561 close pursuit that was initiated when the special conservator of the peace was within the confines of the
562 area wherein he has been authorized to have the powers and authority of a special conservator of the
563 peace; the order shall further delineate a geographical limitation or distance beyond which the special
564 conservator of the peace may not effectuate such an arrest that follows from a close pursuit. The order
565 shall require the special conservator of the peace to comply with the provisions of the United States
566 Constitution and the Constitution of Virginia. The order shall not identify the special conservator of the
567 peace as a law-enforcement officer pursuant to § 9.1-101. The order may provide, however, that the
568 special conservator of the peace is a "law-enforcement officer" for the purposes of Article 4 (§ 37.2-808
569 et seq.) of Chapter 8 of Title 37.2 or Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1, but
570 such designation shall not qualify the special conservator of the peace as a "qualified law-enforcement
571 officer" or "qualified retired law-enforcement officer" within the meaning of the federal Law
572 Enforcement Officer Safety Act, 18 U.S.C. § 926(B) et seq., and the order of appointment shall
573 specifically state this. The order may also provide that a special conservator of the peace who has
574 completed the minimum training standards established by the Criminal Justice Services Board, has the
575 authority to affect arrests, using up to the same amount of force as would be allowed to a
576 law-enforcement officer employed by the Commonwealth or any of its political subdivisions when
577 making a lawful arrest. The order shall prohibit blue flashing lights, but upon request and for good
578 cause shown may provide that the special conservator of the peace may use flashing lights and sirens on
579 any vehicle used by the special conservator of the peace when he is in the performance of his duties.
580 Prior to granting an application for appointment, the circuit court shall ensure that the applicant has met
581 the registration requirements established by the Criminal Justice Services Board.

582 B. All applications and orders for appointments of special conservators of the peace shall be
583 submitted on forms developed by the Office of the Executive Secretary of the Supreme Court of
584 Virginia in consultation with the Department of Criminal Justice Services and shall specify the duties for
585 which the applicant is qualified. *If such forms require the sex or gender of the applicant, the forms shall*
586 *permit the choice between "male," "female," or "nonbinary."* The applications and orders shall specify
587 the geographic limitations consistent with subsection A.

588 C. No person shall seek appointment as a special conservator of the peace from a circuit court judge
589 without possessing a valid registration issued by the Department of Criminal Justice Services, except as
590 provided in this section. Applicants for registration may submit an application on or after January 1,
591 2004. A temporary registration may be issued in accordance with regulations established by the Criminal
592 Justice Services Board while awaiting the results of a state and national fingerprint search. However, no
593 person shall be issued a valid registration or temporary registration until he has (i) complied with, or
594 been exempted from the compulsory minimum training standards as set forth in this section; (ii)
595 submitted his fingerprints on a form provided by the Department to be used for the conduct of a
596 national criminal records search and a Virginia criminal history records search; (iii) submitted the results
597 of a background investigation, performed by any state or local law-enforcement agency, which may, at
598 its discretion, charge a reasonable fee to the applicant and which shall include a review of the
599 applicant's criminal history records and may include a review of the applicant's school records,
600 employment records, or interviews with persons possessing general knowledge of the applicant's
601 character and fitness for such appointment; and (iv) met all other requirements of this article and Board
602 regulations. No person with a criminal conviction for a misdemeanor involving (a) moral turpitude, (b)
603 assault and battery, (c) damage to real or personal property, (d) controlled substances or imitation
604 controlled substances as defined in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, (e)
605 prohibited sexual behavior as described in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or (f)
606 firearms, or any felony, or who is required to register with the Sex Offender and Crimes Against Minors
607 Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, or who is prohibited from possessing,
608 transporting, or purchasing a firearm shall be eligible for registration or appointment as a special
609 conservator of the peace. A special conservator of the peace shall report if he is arrested for, charged
610 with, or convicted of any misdemeanor or felony offense or becomes ineligible for registration or
611 appointment as a special conservator of the peace pursuant to this subsection to the Department of
612 Criminal Justice Services and the chief law-enforcement officer of all localities in which he is authorized

to serve within three days of such arrest or of becoming ineligible for registration or appointment as a special conservator of the peace. Any appointment for a special conservator of the peace shall be eligible for suspension and revocation after a hearing pursuant to subsection A if the special conservator of the peace is convicted of any offense listed in this subsection or becomes ineligible for registration or appointment as a special conservator of the peace pursuant to this subsection. All appointments for special conservators of the peace shall become void on September 15, 2004, unless they have obtained a valid registration issued by the Department of Criminal Justice Services.

D. Each person registered as or seeking registration as a special conservator of the peace shall be covered by evidence of a policy of (i) personal injury liability insurance, as defined in § 38.2-117; (ii) property damage liability insurance, as defined in § 38.2-118; and (iii) miscellaneous casualty insurance, as defined in subsection B of § 38.2-111, which includes professional liability insurance that provides coverage for any activity within the scope of the duties of a special conservator of the peace as set forth in this section, in an amount and with coverage for each as fixed by the Board, or self-insurance in an amount and with coverage as fixed by the Board. Any person who is aggrieved by the misconduct of any person registered as a special conservator of the peace and recovers a judgment against the registrant, which is unsatisfied in whole or in part, may bring an action in his own name against the insurance policy of the registrant.

E. Effective July 1, 2015, all persons currently appointed or seeking appointment or reappointment as a special conservator of the peace are required to register with the Department of Criminal Justice Services, regardless of any other standing the person may have as a law-enforcement officer or other position requiring registration or licensure by the Department. The employer of any special conservator of the peace shall notify the circuit court, the Department of Criminal Justice Services, the Department of State Police, and the chief law-enforcement officer of all localities in which the special conservator of the peace is authorized to serve within 30 days after the date such individual has left employment and all powers of the special conservator of the peace shall be void. Failure to provide such notification shall be punishable by a fine of \$250 plus an additional \$50 per day for each day such notice is not provided.

F. When the application is made by any sheriff or chief of police, the circuit court shall specify in the order of appointment the name of the applicant authorized under subsection A and the geographic jurisdiction of the special conservator of the peace. Such appointments shall be limited to the city or county wherein application has been made. When the application is made by any corporation authorized to do business in the Commonwealth, any owner, proprietor, or authorized custodian of any place within the Commonwealth, or any museum owned and managed by the Commonwealth, the circuit court shall specify in the order of appointment the name of the applicant authorized under subsection A and the specific real property where the special conservator of the peace is authorized to serve. Such appointments shall be limited to the specific real property within the county, city, or town wherein application has been made. In the case of a corporation or other business, the court appointment may also include, for good cause shown, any real property owned or leased by the corporation or business, including any subsidiaries, in other specifically named cities and counties, but shall provide that the powers of the special conservator of the peace do not extend beyond the boundaries of such real property. The clerk of the appointing circuit court shall transmit to the Department of State Police, the clerk of the circuit court of each locality where the special conservator of the peace is authorized to serve, and the sheriff or chief of police of each such locality a copy of the order of appointment that shall specify the following information: the person's complete name, address, date of birth, social security number, gender, race, height, weight, color of hair, color of eyes, firearm authority or limitation as set forth in subsection G, date of the order, and other information as may be required by the Department of State Police. *The order of appointment shall use "male," "female," or "nonbinary" when designating the gender of the special conservator of the peace.* The Department of State Police shall enter the person's name and other information into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. The Department of State Police may charge a fee not to exceed \$10 to cover its costs associated with processing these orders. Each special conservator of the peace so appointed on application shall present his credentials to the chief of police or sheriff or his designee of all jurisdictions where he has conservator powers. If his powers are limited to certain areas of real property owned or leased by a corporation or business, he shall also provide notice of the exact physical addresses of those areas. Each special conservator shall provide to the circuit court a temporary registration letter issued by the Department of Criminal Justice Services to include the results of the background check prior to seeking an appointment by the circuit court. Once the applicant receives the appointment from the circuit court the applicant shall file the appointment order and a copy of the application with the Department of Criminal Justice Services in order to receive his special conservator of the peace registration document. If the court appointment includes any real property owned or leased by the corporation or business in

674 other specifically named cities and counties not within the city or county wherein application has been
675 made, the clerk of the appointing court shall transmit a copy of the order of appointment to (i) the clerk
676 of the circuit court for each jurisdiction where the special conservator of the peace is authorized to serve
677 and (ii) the sheriff or chief of police of each jurisdiction where the special conservator of the peace is
678 authorized to serve.

679 If any such special conservator of the peace is the employee, agent or servant of another, his
680 appointment as special conservator of the peace shall not relieve his employer, principal or master from
681 civil liability to another arising out of any wrongful action or conduct committed by such special
682 conservator of the peace while within the scope of his employment.

683 Effective July 1, 2002, no person employed by a local school board as a school security officer, as
684 defined in § 9.1-101, shall be eligible for appointment as a conservator for purposes of maintaining
685 safety in a public school in the Commonwealth. All appointments of special conservators of the peace
686 granted to school security officers as defined in § 9.1-101 prior to July 1, 2002 are void.

687 G. The court may limit or prohibit the carrying of weapons by any special conservator of the peace
688 initially appointed on or after July 1, 1996, while the appointee is within the scope of his employment
689 as such.

690 H. The governing body of any locality or the sheriff of a county where no police department has
691 been established may enter into mutual aid agreements with any entity employing special conservators of
692 the peace that is located in such locality for the use of their joint forces and their equipment and
693 materials to maintain peace and good order. Any law-enforcement officer or special conservator of the
694 peace, while performing his duty under any such agreement, shall have the same authority as lawfully
695 conferred on him within his own jurisdiction.

696 I. No special conservator of the peace shall display or use the word "police" on any uniform, badge,
697 credential, or vehicle in the performance of his duties as a special conservator of the peace. Other than
698 special conservators of the peace employed by a state agency, no special conservator of the peace shall
699 use the seal of the Commonwealth on any uniform, badge, credential, or vehicle in the performance of
700 his duties. However, upon request and for good cause shown, the order of appointment may provide that
701 a special conservator of the peace who (i) meets all requirements, including the minimum compulsory
702 training requirements, for law-enforcement officers set forth in Chapter 1 (§ 9.1-100 et seq.) of Title 9.1
703 and (ii) is employed by the Shenandoah Valley Regional Airport Commission or the Richmond
704 Metropolitan Transportation Authority may use the word "police" on any badge, uniform, or vehicle in
705 the performance of his duties or the seal of the Commonwealth on any badge or credential in the
706 performance of his duties.

707 **§ 20-88.54. Pleadings and accompanying documents.**

708 A. In a proceeding under this chapter, a petitioner seeking to establish a support order, to determine
709 parentage of a child, or to register and modify a support order of a tribunal of another state or a foreign
710 country shall file a petition. Unless otherwise ordered under § 20-88.55, the petition or accompanying
711 documents shall provide, so far as known, the name, residential address, and social security numbers of
712 the obligor and the obligee or the parent and alleged parent, and the name, sex, residential address,
713 social security number, and date of birth of each child for whose benefit support is sought or whose
714 parentage is to be determined. *The petition shall permit the choice between "male," "female," or*
715 *"nonbinary" when designating the sex of each child named in the petition.* Unless filed at the time of
716 registration, the petition shall be accompanied by a copy of any support order known to have been
717 issued by another tribunal. The petition may include any other information that may assist in locating or
718 identifying the respondent.

719 B. The petition shall specify the relief sought. The petition and accompanying documents shall
720 conform substantially with the requirements imposed by the forms mandated by federal law for use in
721 cases filed by a support enforcement agency.

722 **§ 22.1-287.1. Directory information.**

723 A. Notwithstanding §§ 22.1-287 and 22.1-288, directory information, as defined by the federal
724 Family Educational Rights and Privacy Act (20 U.S.C. § 1232g) (FERPA), and which may include a
725 student's name, sex, address, telephone listing, date and place of birth, major field of study, participation
726 in officially recognized activities and sports, weight and height as a member of an athletic team, dates of
727 attendance, degrees and awards received, and other similar information, may be disclosed in accordance
728 with federal and state law and regulations, provided that the school has given notice to the parent or
729 eligible student of (i) the types of information that the school has designated as directory information,
730 (ii) the right of the parent or eligible student to refuse the designation of any or all of the types of
731 information about the student as directory information, and (iii) the period of time within which the
732 parent or eligible student must notify the school in writing that he does not want any or all of the types
733 of information about the student designated as directory information. *Such directory information shall*
734 *permit the choice between "male," "female," or "nonbinary" when designating the sex of a student.*
735 However, no school shall disclose the address, telephone number, or email address of a student pursuant

to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) unless the parent or eligible student has affirmatively consented in writing to such disclosure. Additionally, except as required by state or federal law, no school shall disclose the address, telephone number, or email address of a student pursuant to 34 C.F.R. § 99.31(a)(11) unless (a) the disclosure is to students enrolled in the school or to school board employees for educational purposes or school business and the parent or eligible student has not opted out of such disclosure in accordance with this subsection and school board policy or (b) the parent or eligible student has affirmatively consented in writing to such disclosure. This subsection shall not apply to any disclosure, other than a disclosure pursuant to 34 C.F.R. § 99.31(a)(11), permitted under FERPA.

B. For purposes of this section, an "eligible student" is a student 18 years of age or older or a student under the age of 18 who is emancipated.

§ 23.1-405. Student records and personal information; social media.

A. As used in this section:

"Social media account" means a personal account with an electronic medium or service through which users may create, share, or view user-generated content, including, without limitation, videos, photographs, blogs, podcasts, messages, emails, or website profiles or locations. "Social media account" does not include an account (i) opened by a student at the request of a public or private institution of higher education or (ii) provided to a student by a public or private institution of higher education such as the student's email account or other software program owned or operated exclusively by a public or private institution of higher education.

B. Each public institution of higher education and private institution of higher education may require any student who attends, or any applicant who has been accepted to and has committed to attend, such institution to provide, to the extent available, from the originating secondary school and, if applicable, any institution of higher education he has attended a complete student record, including any mental health records held by the previous school or institution. Such records shall be kept confidential as required by state and federal law, including the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g)(FERPA).

C. Student directory information, as defined by FERPA, and which may include a student's name, sex, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height as a member of an athletic team, dates of attendance, degrees and awards received, and other similar information, may be disclosed, provided that the institution has given notice to the student of (i) the types of information that the institution has designated as directory information, (ii) the right of the student to refuse the designation of any or all of the types of information about the student as directory information, and (iii) the period of time within which the student must notify the institution in writing that he does not want any or all of the types of information about the student designated as directory information. *Such directory information shall permit the choice between "male," "female," or "nonbinary" when designating the sex of a student.* However, no institution shall disclose the address, telephone number, or email address of a student pursuant to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) unless the student has affirmatively consented in writing to such disclosure. Additionally, except as required by state or federal law, no institution shall disclose the address, telephone number, or email address of a student pursuant to 34 C.F.R. § 99.31(a)(11) unless (a) the disclosure is to students enrolled in the institution for educational purposes or institution business and the student has not opted out of such disclosure in accordance with this subsection and institution policy or (b) the student has affirmatively consented in writing to such disclosure except as required by state or federal law. This subsection shall not apply to disclosures, other than disclosures pursuant to 34 C.F.R. § 99.31(a)(11), permitted under FERPA.

D. No public institution of higher education shall sell students' personal information, including names, addresses, phone numbers, and email addresses, to any person. This subsection shall not apply to transactions involving credit, debit, employment, finance, identity verification, risk assessment, fraud prevention, or other transactions initiated by the student.

E. No public or private institution of higher education shall require a student to disclose the username or password to any of such student's personal social media accounts. Nothing in this subsection shall prevent a campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 from performing his official duties.

§ 23.1-407. Reporting of enrollment information to Sex Offender and Crimes Against Minors Registry.

A. Each associate-degree-granting and baccalaureate (i) public institution of higher education and (ii) private institution of higher education shall electronically transmit the complete name, social security number or other identifying number, date of birth, and gender of each applicant accepted to attend the institution to the Department of State Police, in a format approved by the Department of State Police, for comparison with information contained in the Virginia Criminal Information Network and National Crime Information Center Sex Offender Registry File. *Such data shall permit the choice between*

797 "male," "female," or "nonbinary" when designating the gender of each applicant. Such data shall be
798 transmitted (a) before an accepted applicant becomes a student in attendance pursuant to 20 U.S.C. §
799 1232g(a)(6) or (b) in the case of institutions with a rolling or instantaneous admissions policy, in
800 accordance with guidelines developed by the Department of State Police in consultation with the
801 Council.

802 B. Whenever it appears from the records of the Department of State Police that an accepted applicant
803 has failed to comply with the duty to register, reregister, or verify his registration information pursuant
804 to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the Department of State Police shall promptly investigate
805 and, if there is probable cause to believe a violation has occurred, obtain a warrant or assist in obtaining
806 an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the institution of higher
807 education is located.

808 **§ 24.2-418. Application for registration.**

809 A. Each applicant to register shall provide, subject to felony penalties for making false statements
810 pursuant to § 24.2-1016, the information necessary to complete the application to register. Unless
811 physically disabled, he shall sign the application. The application to register shall be only on a form or
812 forms prescribed by the State Board.

813 The form of the application to register shall require the applicant to provide the following
814 information: full name; gender; date of birth; social security number, if any; whether the applicant is
815 presently a United States citizen; address of residence in the precinct; place of last previous registration
816 to vote; and whether the applicant has ever been adjudicated incapacitated and disqualified to vote or
817 convicted of a felony, and if so, whether the applicant's right to vote has been restored. *The registration*
818 *application shall permit the choice between "male," "female," or "nonbinary" when designating the*
819 *gender of the applicant.* The form shall contain a statement that whoever votes more than once in any
820 election in the same or different jurisdictions is guilty of a Class 6 felony. Unless directed by the
821 applicant or as permitted in § 24.2-411.2 or 24.2-411.3, the registration application shall not be
822 pre-populated with information the applicant is required to provide.

823 The form of the application to register shall request that the applicant provide his telephone number
824 and email address, but no application shall be denied for failure to provide such information.

825 B. The form shall permit any individual, as follows, or member of his household, to furnish, in
826 addition to his residence street address, a post office box address located within the Commonwealth to
827 be included in lieu of his street address on the lists of registered voters and persons who voted, which
828 are furnished pursuant to §§ 24.2-405 and 24.2-406, on voter registration records made available for
829 public inspection pursuant to § 24.2-444, or on lists of absentee voter applicants furnished pursuant to
830 § 24.2-706 or 24.2-710. The voter shall comply with the provisions of § 24.2-424 for any change in the
831 post office box address provided under this subsection.

832 1. Any active or retired law-enforcement officer, as defined in § 9.1-101 and in 5 U.S.C. § 8331(20),
833 but excluding officers whose duties relate to detention as defined in 5 U.S.C. § 8331(20);

834 2. Any party granted a protective order issued by or under the authority of any court of competent
835 jurisdiction, including but not limited to courts of the Commonwealth of Virginia;

836 3. Any party who has furnished a signed written statement by the party that he is in fear for his
837 personal safety from another person who has threatened or stalked him;

838 4. Any party participating in the address confidentiality program pursuant to § 2.2-515.2;

839 5. Any active or retired federal or Virginia justice, judge, or magistrate and any active or retired
840 attorney employed by the United States Attorney General or Virginia Attorney General; and

841 6. Any person who has been approved to be a foster parent pursuant to Chapter 9 (§ 63.2-900 et
842 seq.) of Title 63.2.

843 C. If the applicant formerly resided in another state, the general registrar shall send the information
844 contained in the applicant's registration application to the appropriate voter registration official or other
845 authority of another state where the applicant formerly resided, as prescribed in subdivision 15 of
846 § 24.2-114.

847 **§ 24.2-444. Duties of general registrars and Department of Elections as to voter registration**
848 **records; public inspection; exceptions.**

849 A. Registration records shall be kept and preserved by the general registrar in compliance with
850 §§ 2.2-3803, 2.2-3808, and 24.2-114. The Department shall provide to each general registrar, for each
851 precinct in his county or city, lists of registered voters for inspection. The lists shall contain the name,
852 address, year of birth, gender and all election districts applicable to each registered voter. *The lists shall*
853 *use "male," "female," or "nonbinary" when designating the gender of registered voters.* The lists shall be
854 opened to public inspection at the office of the general registrar when the office is open for business.
855 New lists shall be provided not less than once each year to all localities except those in which an
856 updated list is made available electronically for public inspection, and supplements containing additions,
857 deletions, and changes shall be provided not less than (i) weekly during the 60 days preceding any
858 general election and (ii) monthly at other times. Notwithstanding any other provision of law regarding

the retention of records, upon receipt of any new complete list, the general registrar shall destroy the obsolete list and its supplements. The Department shall provide to each general registrar lists of persons denied registration for public inspection. Such lists may be provided electronically through the Virginia voter registration system and produced in whole or in part upon a request for public inspection.

B. The general registrars shall maintain for at least two years and shall make available for public inspection and copying and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of the registration records pursuant to §§ 24.2-427, 24.2-428 and 24.2-428.1, including lists of the names and addresses of all persons to whom notices are sent, and information concerning whether each person has responded to the notice as of the date that inspection of the records is made.

C. No list provided by the Department under subsection A nor any record made available for public inspection under subsection B shall contain any of the following information: (i) an individual's social security number, or any part thereof; (ii) the residence address of an individual who has furnished a post office box address in lieu of his residence address as authorized by subsection B of § 24.2-418; (iii) the declination by an individual to register to vote and related records; (iv) the identity of a voter registration agency through which a particular voter is registered; or (v) the day and month of birth of an individual. No voter registration records other than the lists provided by the Department under subsection A and the records made available under subsection B shall be open to public inspection.

§ 30-394. Citizen commissioners; application process; qualifications; selection.

A. Within three days following the selection of the fifth member of the Committee, the Committee shall adopt an application and process by which residents of the Commonwealth may apply to serve on the Commission as citizen commissioners. The Division of Legislative Services shall assist the Committee in the development of the application and process.

The application for service on the Commission shall require applicants to provide personal contact information and information regarding the applicant's race, ethnicity, gender, age, date of birth, education, and household income. *The application shall permit the choice between "male," "female," or "nonbinary" when designating the gender of the applicant.* The application shall require an applicant to disclose, for the period of three years immediately preceding the application period, the applicant's (i) voter registration status; (ii) preferred political party affiliation, if any, and any political party primary elections in which he has voted; (iii) history of any partisan public offices or political party offices held or sought; (iv) employment history, including any current or prior employment with the Congress of the United States or one of its members, the General Assembly or one of its members, any political party, or any campaign for a partisan public office, including a volunteer position; and (v) relevant leadership experience or involvements with professional, social, political, volunteer, and community organizations and causes.

The application shall require an applicant to disclose information regarding the partisan activities and employment history of the applicant's parent, spouse, child, sibling, parent-in-law, child-in-law, or sibling-in-law, or any person with whom the applicant is a cohabitating member of a household, for the period of three years immediately preceding the application period.

The Committee may require applicants to submit three letters of recommendation from individuals or organizations.

The application process shall provide for both paper and electronic or online applications. The Committee shall cause to be advertised throughout the Commonwealth information about the Commission and how interested persons may apply.

B. To be eligible for service on the Commission, a person shall have been a resident of the Commonwealth and a registered voter in the Commonwealth for three years immediately preceding the application period. He shall have voted in at least two of the previous three general elections. No person shall be eligible for service on the Commission who:

1. Holds, has held, or has sought partisan public office or political party office;
2. Is employed by or has been employed by a member of the Congress of the United States or of the General Assembly or is employed directly by or has been employed directly by the United States Congress or by the General Assembly;
3. Is employed by or has been employed by any federal, state, or local campaign;
4. Is employed by or has been employed by any political party or is a member of a political party central committee;
5. Is a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2 or a lobbyist's principal as defined in § 2.2-419 or has been such a lobbyist or lobbyist's principal in the previous five years; or

6. Is a parent, spouse, child, sibling, parent-in-law, child-in-law, or sibling-in-law of a person described in subdivisions 1 through 5, or is a cohabitating member of a household with such a person.

C. The application period shall begin no later than December 1 of the year ending in zero and shall

920 end four weeks after the beginning date. During this period, interested persons shall submit a completed
921 application and any required documentation to the Division of Legislative Services. All applications shall
922 be reviewed by the Division of Legislative Services to ensure an applicant's eligibility for service
923 pursuant to subsection B, and any applicant who is ineligible for service shall be removed from the
924 applicant pool.

925 The Division of Legislative Services shall make available the application for persons to use when
926 submitting a paper application and shall provide electronic access for electronic submission of
927 applications.

928 D. Within two days of the close of the application period, the Division of Legislative Services shall
929 provide to the Speaker of the House of Delegates, the leader in the House of Delegates of the political
930 party having the next highest number of members in the House of Delegates, the President pro tempore
931 of the Senate of Virginia, and the leader in the Senate of Virginia of the political party having the next
932 highest number of members in the Senate of Virginia the applications and documentation submitted by
933 those applicants who are eligible for service on the Commission pursuant to subsection B and submitted
934 complete applications, including any required documentation.

935 E. By January 1 of the year ending in one, those persons receiving the applications pursuant to
936 subsection D shall each submit to the Committee a list of at least 16 citizen candidates for service on
937 the Commission. In selecting citizen candidates, they shall give consideration to the racial, ethnic,
938 geographic, and gender diversity of the Commonwealth.

939 They shall notify the Division of Legislative Services of the citizen candidates submitted to the
940 Committee for consideration, and the Division of Legislative Services shall promptly provide to the
941 Committee the applications and documentation for each citizen candidate being considered. Only the
942 applications and documentation for each citizen candidate shall be maintained as public records.

943 F. Within two weeks of receipt of the lists of citizen candidates and related materials pursuant to
944 subsection E, but no later than January 15, the Committee shall select, by a majority vote in a public
945 meeting, two citizen members from each list submitted. In making its selections, the Committee shall
946 ensure the citizen commissioners are, as a whole, representative of the racial, ethnic, geographic, and
947 gender diversity of the Commonwealth. The Committee shall promptly notify those eight citizens of
948 their selection to serve as a citizen commissioner of the Commission.

949 No member of the Committee shall communicate with a member of the General Assembly or the
950 United States Congress, or any person acting on behalf of a member of the General Assembly or the
951 United States Congress, about any matter related to the selection of citizen commissioners after receipt
952 of the lists submitted pursuant to subsection E.

953 G. Notwithstanding the provisions of § 1-210 regarding the computation of time, if an act required
954 by this section is to be performed on a Saturday, Sunday, or legal holiday, or any day or part of a day
955 on which the government office where the act to be performed is closed, the act required shall be
956 performed on the first business day immediately preceding the Saturday, Sunday, or legal holiday, or
957 day on which the government office is closed.

958 **§ 32.1-261. New certificate of birth established on proof of adoption, legitimation or**
959 **determination of paternity, or change of sex.**

960 A. The State Registrar shall establish a new certificate of birth for a person born in the
961 Commonwealth upon receipt of the following:

962 1. An adoption report as provided in § 32.1-262, a report of adoption prepared and filed in
963 accordance with the laws of another state or foreign country, or a certified copy of the decree of
964 adoption together with the information necessary to identify the original certificate of birth and to
965 establish a new certificate of birth; except that a new certificate of birth shall not be established if so
966 requested by the court decreeing the adoption, the adoptive parents, or the adopted person if 18 years of
967 age or older.

968 2. A request that a new certificate be established and such evidence as may be required by regulation
969 of the Board proving that such person has been legitimated or that a court of the Commonwealth has,
970 by final order, determined the paternity of such person. The request shall state that no appeal has been
971 taken from the final order and that the time allowed to perfect an appeal has expired.

972 3. An order entered pursuant to subsection D of § 20-160. The order shall contain sufficient
973 information to identify the original certificate of birth and to establish a new certificate of birth in the
974 names of the intended parents.

975 4. A surrogate consent and report form as authorized by § 20-162. The report shall contain sufficient
976 information to identify the original certificate of birth and to establish a new certificate of birth in the
977 names of the intended parents.

978 5. Upon request of a person and in accordance with requirements of the Board, the State Registrar
979 shall issue a new certificate of birth to show a change of sex of the person and, if a certified copy of a
980 court order changing the person's name is submitted, to show a new name. Requirements related to
981 obtaining a new certificate of birth to show a change of sex shall include a requirement that the person

requesting the new certificate of birth submit a form furnished by the State Registrar and completed by a health care provider from whom the person has received treatment stating that the person has undergone clinically appropriate treatment for gender transition. Requirements related to obtaining a new certificate of birth to show a change of sex shall not include any requirement for evidence or documentation of any medical procedure. *Applicants for a new certificate of birth to show a change of sex shall be permitted to choose between "male," "female," or "nonbinary" when designating the sex of such applicant.*

6. Nothing in this section shall deprive the circuit court of equitable jurisdiction to adjudicate, upon application of a person, that the sex of such person residing within the territorial jurisdiction of the circuit court has been changed. In such an action, the person may petition for the application of the standard of the person's jurisdiction of birth; otherwise, the requirements of this section shall apply.

B. When a new certificate of birth is established pursuant to subsection A, the actual place and date of birth shall be shown. It shall be substituted for the original certificate of birth. Thereafter, the original certificate and the evidence of adoption, paternity or legitimation shall be sealed and filed and not be subject to inspection except upon order of a court of the Commonwealth or in accordance with § 32.1-252. However, upon receipt of notice of a decision or order granting an adult adopted person access to identifying information regarding his birth parents from the Commissioner of Social Services or a circuit court, and proof of identification and payment, the State Registrar shall mail an adult adopted person a copy of the original certificate of birth.

C. Upon receipt of a report of an amended decree of adoption, the certificate of birth shall be amended as provided by regulation.

D. Upon receipt of notice or decree of annulment of adoption, the original certificate of birth shall be restored to its place in the files and the new certificate and evidence shall not be subject to inspection except upon order of a court of the Commonwealth or in accordance with § 32.1-252.

E. The State Registrar shall, upon request, establish and register a Virginia certificate of birth for a person born in a foreign country (i) upon receipt of a report of adoption for an adoption finalized pursuant to the laws of the foreign country as provided in subsection B of § 63.2-1200.1, or (ii) upon receipt of a report or final order of adoption entered in a court of the Commonwealth as provided in § 32.1-262; however, a Virginia certificate of birth shall not be established or registered if so requested by the court decreeing the adoption, the adoptive parents or the adopted person if 18 years of age or older. If a circuit court of the Commonwealth corrects or establishes a date of birth for a person born in a foreign country during the adoption proceedings or upon a petition to amend a certificate of foreign birth, the State Registrar shall issue a certificate showing the date of birth established by the court. After registration of the birth certificate in the new name of the adopted person, the State Registrar shall seal and file the report of adoption which shall not be subject to inspection except upon order of a court of the Commonwealth or in accordance with § 32.1-252. The birth certificate shall (i) show the true or probable foreign country of birth and (ii) state that the certificate is not evidence of United States citizenship for the child for whom it is issued or for the adoptive parents. However, for any adopted person who has attained United States citizenship, the State Registrar shall, upon request and receipt of evidence demonstrating such citizenship, establish and register a new certificate of birth that does not contain the statement required by clause (ii).

F. If no certificate of birth is on file for the person for whom a new certificate is to be established under this section, a delayed certificate of birth shall be filed with the State Registrar as provided in § 32.1-259 or 32.1-260 before a new certificate of birth is established, except that when the date and place of birth and parentage have been established in the adoption proceedings, a delayed certificate shall not be required.

G. When a new certificate of birth is established pursuant to subdivision A 1, the State Registrar shall issue along with the new certificate of birth a document, furnished by the Department of Social Services pursuant to § 63.2-1220, listing all post-adoption services available to adoptive families.

§ 32.1-267. Records of marriages; duties of officer issuing marriage license and person officiating at ceremony; blocking of social security number.

A. For each marriage performed in the Commonwealth, a record showing personal data, including the age of the married parties, the marriage license, and the certifying statement of the facts of marriage, shall be filed with the State Registrar as provided in this section. *If such record requires the sex or gender of the parties to the marriage, the record shall use "male," "female," or "nonbinary," as applicable, when designating the sex or gender of the parties to the marriage.*

B. The officer issuing a marriage license shall prepare the record based on the information obtained under oath or by affidavit from the parties to be married. The parties shall also include their social security numbers or other control numbers issued by the Department of Motor Vehicles pursuant to § 46.2-342 and affix their signatures to the application for such license.

C. Every person who officiates at a marriage ceremony shall certify to the facts of marriage and file

the record in duplicate with the officer who issued the marriage license within five days after the ceremony. In the event such officiant dies or becomes incapacitated before completing the certificate of marriage, the official who issued the marriage license shall complete the certificate of marriage upon the order of the court to which is submitted proof that the marriage was performed.

D. Every officer issuing marriage licenses shall on or before the tenth day of each calendar month forward to the State Registrar a record of each marriage filed with him during the preceding calendar month.

E. The State Registrar shall furnish forms for the marriage license, marriage certificate, and application for marriage license used in the Commonwealth. Such forms shall be configured so as to cause the social security number or control number required pursuant to the provisions of subsection B to appear only on the application for marriage license retained by the officer issuing the marriage license and the copy of such license forwarded to the State Registrar pursuant to the provisions of subsection D.

F. Applications for marriage licenses filed on and after July 1, 1997, and marriage registers recording such applications, which have not been configured to prevent disclosure of the social security number or control number required pursuant to the provisions of subsection B shall not be available for general public inspection in the offices of clerks of the circuit courts. The clerk shall make such applications and registers available for inspection only (i) upon the order of the circuit court within which such application was made or register is maintained, (ii) pursuant to a lawful subpoena duces tecum issued to the clerk, (iii) upon the written authorization of either of the applicants, or (iv) upon the request of a law-enforcement officer or duly authorized representative of the Division of Child Support Enforcement in the course of performing his official duties. Nothing in this subsection shall be construed to restrict public access to marriage licenses or to prohibit the clerk from making available to the public applications for marriage licenses and marriage registers stored in any electronic medium or other format that permits the blocking of the field containing the social security or control number required pursuant to the provisions of subsection B, so long as access to such number is blocked.

§ 32.1-269.1. Amending death certificates; change and correction of demographic information by affidavit or court order.

A. Notwithstanding § 32.1-276, a death certificate registered under this chapter may be amended only in accordance with this section and such regulations as may be adopted by the Board to protect the integrity and accuracy of such death certificate. Such regulations shall specify the minimum evidence required for a change in any such death certificate.

B. A death certificate that is amended under this section shall be marked "amended," and the date of amendment and a summary description of the evidence submitted in support of the amendment shall be endorsed on or made a part of the death certificate. The Board shall prescribe by regulation the conditions under which omissions or errors on death certificates may be corrected.

C. The State Registrar, upon receipt of an affidavit and supporting evidence testifying to corrected information on a death certificate within 45 days of the filing of a death certificate, shall amend such death certificate to reflect the new information and evidence.

D. The State Registrar, upon receipt of an affidavit and supporting evidence testifying to corrected information on a death certificate more than 45 days after the filing of a death certificate, including the correct spelling of the name of the deceased, the deceased's parent or spouse, or the informant; the sex, age, race, date of birth, place of birth, citizenship, social security number, education, occupation or kind or type of business, military status, or date of death of the deceased; the place of residence of the deceased, if located within the Commonwealth; the name of the institution; the county, city, or town where the death occurred; or the street or place where the death occurred, shall amend such death certificate to reflect the new information and evidence. *The State Registrar shall permit the choice between "male," "female," or "nonbinary" when designating the sex of the deceased.*

E. For death certificate amendments received more than 45 days after the filing of a death certificate, other than the correction of information by the State Registrar pursuant to subsection D, the surviving spouse or immediate family, as defined by the regulations of the Board, of the deceased; attending funeral service licensee; or other reporting source may file a petition with the circuit court of the county or city in which the decedent resided as of the date of his death, or the Circuit Court of the City of Richmond, requesting an order to amend a death certificate, along with an affidavit sworn to under oath that supports such request. A copy of the petition shall be served upon (i) the State Registrar pursuant to Chapter 8 (§ 8.01-285 et seq.) of Title 8.01 and (ii) any person listed as an informant on the death certificate, unless such person provides an affidavit in support of such petition. The clerk shall submit such petition and any evidence received with the petition to the judge for entry of an order without the necessity of a hearing, unless the judge decides a hearing is necessary. The clerk shall transmit a certified copy of the court's order to the State Registrar, who shall amend such death certificate in accordance with the order. The matters for which a petition may be filed include changing the name of the deceased, the deceased's parent or spouse, or the informant; the marital status of the deceased; or the place of residence of the deceased, when the place of residence is outside the Commonwealth.

F. When an applicant, as defined by the regulations of the Board, does not submit the minimum documentation required by regulation to amend a death certificate or when the State Registrar finds reason to question the validity or sufficiency of the evidence, the death certificate shall not be amended and the State Registrar shall so advise the applicant. An aggrieved applicant may petition the circuit court of the county or city in which he resides, or the Circuit Court of the City of Richmond, for an order compelling the State Registrar to amend the death certificate; an aggrieved applicant who is currently residing out of state may petition any circuit court in the Commonwealth for such an order. A copy of the petition shall be served upon (i) the State Registrar pursuant to Chapter 8 (§ 8.01-285 et seq.) of Title 8.01 and (ii) any person listed as an informant on the death certificate, unless such person provides an affidavit in support of such petition. The clerk shall submit such petition and any evidence received with the petition to the judge for entry of an order without the necessity of a hearing, unless the judge decides a hearing is necessary. The State Registrar or his authorized representative may appear and testify in such proceeding. The clerk shall transmit a certified copy of the court's order to the State Registrar, who shall amend such death certificate in accordance with the order.

§ 32.1-292.2. The Virginia Donor Registry.

A. In order to save lives by reducing the shortage of organs and tissues for transplantation and to implement cost savings for patients and various state agencies by eliminating needless bureaucracy, there is hereby established the Virginia Donor Registry (~~hereinafter referred to as the Registry~~), which shall be created, compiled, operated, maintained, and modified as necessary by the Virginia Transplant Council in accordance with the regulations of the Board of Health and the administration of the Department of Health. At its sole discretion, the Virginia Transplant Council may contract with a third party or parties to create, compile, operate, maintain, or modify the Registry. Pertinent information on all Virginians who have indicated a willingness to donate organs and tissues in accordance with the Revised Uniform Anatomical Gift Act (§ 32.1-291.1 et seq.) shall be compiled, maintained, and modified as necessary in the Registry by the Virginia Transplant Council.

B. The Registry and all information therein shall be confidential and subject to access only by personnel of the Department of Health and designated organ procurement organizations, eye banks, and tissue banks, operating in or serving Virginia that are members of the Virginia Transplant Council, for the purpose of identifying and determining the suitability of a potential donor according to the provisions of subdivision B 4 of § 32.1-127 or subsection G of § 46.2-342.

C. The purpose of the Registry shall include, but not be limited to:

1. Providing a means of recovering an anatomical gift for transplantation, therapy, education, or research as authorized by the Revised Uniform Anatomical Gift Act (§ 32.1-291.1 et seq.) and subsection G of § 46.2-342; and

2. Collecting data to develop and evaluate the effectiveness of educational initiatives promoting organ, eye, and tissue donation that are conducted or coordinated by the Virginia Transplant Council or its members.

D. The Board, in consultation with the Virginia Transplant Council, shall promulgate regulations necessary to create, compile, operate, maintain, modify as necessary, and administer the Virginia Donor Registry. The regulations shall include, but not be limited to:

1. Recording the data subject's full name, address, sex, birth date, age, driver's license number or unique identifying number, and other pertinent identifying personal information. *Such regulations shall permit the choice between "male," "female," or "nonbinary" when designating the sex of the data subject;*

2. Authorizing the Virginia Transplant Council to analyze Registry data under research protocols that are designed to identify and assess the effectiveness of mechanisms to promote and increase organ, eye, and tissue donation within the Commonwealth; and

3. Providing that any Virginian whose name has been placed in the registry may have his name deleted by filing an appropriate form with the Virginia Transplant Council or in accordance with the Revised Uniform Anatomical Gift Act (§ 32.1-291.1 et seq.).

§ 40.1-96. Contents of employment certificates.

The employment certificate required to be issued shall state the name, sex, date of birth, and place of residence of the child. *The employment certificate shall permit the choice between "male," "female," or "nonbinary" when designating the sex of the child.* It shall certify that all the conditions and requirements for issuing an employment certificate under the provisions of this chapter have been fulfilled and shall be signed by the Commissioner. It shall state the kind of evidence of age accepted for the employment certificate. Except for work coming within one of the exceptions in § 40.1-79.01, the certificate shall show the name and address of the employer for whom and the nature of the specific occupation in which the employment certificate authorizes the child to be employed and shall be valid only for the occupation so designated. It shall bear a number, shall show the date of its issue, and shall be signed by the child for whom it is issued by means specified by the Commissioner. The employment

certificate shall be issued to the employer, by means specified by the Commissioner, on or prior to the first day of employment. The employer and Commissioner shall retain a manual or electronic copy of the certificate, so long as the youth is employed or for a period of 36 months, whichever is longer.

§ 40.1-102. Issuance of theatrical permit.

No permit shall be issued unless the Commissioner is satisfied that the environment in which the drama, play, performance, concert or entertainment is to be produced is a proper environment for the child and that the conditions of such employment are not detrimental to the health or morals of such child and that the child's education will not be neglected or hampered by its participation in such drama, play, performance, concert or entertainment. Applications for permits and every permit granted shall specify the name, age and sex of each child, together with such other facts as may be necessary for the proper identification of each child and the dates when, and the theaters or other places of amusement in which such drama, play, performance, concert or entertainment is to be produced and shall specify the name of the drama, play, performance, concert or entertainment in which each child is permitted to participate. *Such application shall permit, and the permit shall reflect, the choice between "male," "female," or "nonbinary" when designating the sex of the child.* Such application shall be filed with the Commissioner not less than five days before the date of such drama, play, performance, concert or entertainment. A permit shall be revocable by the Commissioner should it be found that the environment in which the drama, play, performance, concert or entertainment is being produced is not a proper environment for the child and that the conditions of such employment are detrimental to the health or morals of such child. The Commissioner shall prescribe and supply the forms required for carrying out the provisions of this section.

§ 46.2-323. Application for driver's license; proof of completion of driver education program; penalty.

A. Every application for a driver's license, temporary driver's permit, learner's permit, or motorcycle learner's permit shall be made on a form prescribed by the Department and the applicant shall write his usual signature in ink in the space provided on the form. The form shall include notice to the applicant of the duty to register with the Department of State Police as provided in Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, if the applicant has been convicted of an offense for which registration with the Sex Offender and Crimes Against Minors Registry is required.

B. Every application shall state the full legal name, year, month, and date of birth, social security number, sex, and residence address of the applicant; whether or not the applicant has previously been licensed as a driver and, if so, when and by what state, and whether or not his license has ever been suspended or revoked and, if so, the date of and reason for such suspension or revocation. Applicants shall be permitted to choose between "male," "female," or ~~"non-binary"~~ "nonbinary" when designating the applicant's sex on the driver's license application form. The Department, as a condition for the issuance of any driver's license, temporary driver's permit, learner's permit, or motorcycle learner's permit shall require the surrender of any driver's license or, in the case of a motorcycle learner's permit, a motorcycle license issued by another state and held by the applicant. The applicant shall also answer any questions on the application form or otherwise propounded by the Department incidental to the examination. The applicant may also be required to present proof of identity, residency, and social security number or non-work authorized status, if required to appear in person before the Department to apply.

The Commissioner shall require that each application include a certification statement to be signed by the applicant under penalty of perjury, certifying that the information presented on the application is true and correct.

If the applicant fails or refuses to sign the certification statement, the Department shall not issue the applicant a driver's license, temporary driver's permit, learner's permit or motorcycle learner's permit.

Any applicant who knowingly makes a false certification or supplies false or fictitious evidence shall be punished as provided in § 46.2-348.

C. Every application for a driver's license shall include a photograph of the applicant supplied under arrangements made by the Department. The photograph shall be processed by the Department so that the photograph can be made part of the issued license.

D. Notwithstanding the provisions of § 46.2-334, every applicant for a driver's license who is under 18 years of age shall furnish the Department with satisfactory proof of his successful completion of a driver education program approved by the State Department of Education.

E. Every application for a driver's license submitted by a person less than 18 years old and attending a public school in the Commonwealth shall be accompanied by a document, signed by the applicant's parent or legal guardian, authorizing the principal, or his designee, of the school attended by the applicant to notify the juvenile and domestic relations district court within whose jurisdiction the minor resides when the applicant has had 10 or more unexcused absences from school on consecutive school days.

F. The Department shall electronically transmit application information to the Department of State

Police, in a format approved by the State Police, for comparison with information contained in the Virginia Criminal Information Network and National Crime Information Center Convicted Sexual Offender Registry Files, at the time of issuance of a driver's license, temporary driver's permit, learner's permit, or motorcycle learner's permit. Whenever it appears from the records of the State Police that a person has failed to comply with the duty to register, reregister, or verify his registration information pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the State Police shall promptly investigate and, if there is probable cause to believe a violation has occurred, obtain a warrant or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the person made application of licensure.

§ 46.2-341.12. Application for commercial driver's license or commercial learner's permit.

A. No entry-level driver shall be eligible to (i) apply for a Virginia Class A or Class B commercial driver's license for the first time, (ii) upgrade to a Class A or Class B commercial driver's license for the first time, or (iii) apply for a hazardous materials, passenger, or school bus endorsement for the first time, unless he has completed an entry-level driver training course related to the license, classification, or endorsement he is applying for and the training is provided by a training provider. An individual is not required to complete an entry-level driver training course related to the license, classification, or endorsement he is applying for if he is exempted from such requirements under 49 C.F.R. § 380.603.

B. Every application to the Department for a commercial driver's license or commercial learner's permit shall be made upon a form approved and furnished by the Department, and the applicant shall write his usual signature in ink in the space provided. The applicant shall provide the following information:

1. Full legal name;
2. Current mailing and residential addresses;
3. Physical description including sex, height, weight, and eye and hair color;
4. Year, month, and date of birth;
5. Social security number;
6. Domicile or, if not domiciled in the Commonwealth, proof of status as a member of the active duty military, military reserves, National Guard, active duty United States Coast Guard, or Coast Guard Auxiliary pursuant to 49 U.S.C. § 31311(a)(12); and
7. Any other information required on the application form.

Applicants shall be permitted to choose between "male," "female," or ~~"non-binary"~~ "nonbinary" when designating the applicant's sex on the commercial driver's license or commercial learner's permit application form.

The applicant's social security number shall be provided to the Commercial Driver's License Information System as required by 49 C.F.R. § 383.153.

C. Every applicant for a commercial driver's license or commercial learner's permit shall also submit to the Department the following:

1. A consent to release driving record information;
2. Certifications that:
 - a. He either meets the federal qualification requirements of 49 C.F.R. Parts 383 and 391, or he is exempt from or is not subject to such federal requirements;
 - b. He either meets the state qualification requirements established pursuant to § 52-8.4, or he is exempt from or is not subject to such requirements;
 - c. The motor vehicle in which the applicant takes the skills test is representative of the class and, if applicable, the type of motor vehicle for which the applicant seeks to be licensed;
 - d. He is not subject to any disqualification, suspension, revocation or cancellation of his driving privileges;
 - e. He does not have more than one driver's license;
3. Other certifications required by the Department;
4. Any evidence required by the Department to establish proof of identity, citizenship or lawful permanent residency, domicile, and social security number notwithstanding the provisions of § 46.2-328.1 and pursuant to 49 C.F.R. Part 383;
5. A statement indicating whether (i) the applicant has previously been licensed to drive any type of motor vehicle during the previous 10 years and, if so, all states that licensed the applicant and the dates he was licensed, and (ii) whether or not he has ever been disqualified, or his license suspended, revoked or canceled and, if so, the date of and reason therefor; and

6. An unexpired employment authorization document (EAD) issued by the U.S. Citizenship and Immigration Services (USCIS) or an unexpired foreign passport accompanied by an approved Form I-94 documenting the applicant's most recent admittance into the United States for persons applying for a nondomiciled commercial driver's license or nondomiciled commercial learner's permit.

D. Every application for a commercial driver's license shall include a photograph of the applicant

1289 supplied under arrangements made therefor by the Department in accordance with § 46.2-323.

1290 E. The Department shall disqualify any commercial driver for a period of one year when the records
1291 of the Department clearly show to the satisfaction of the Commissioner that such person has made a
1292 material false statement on any application or certification made for a commercial driver's license or
1293 commercial learner's permit. The Department shall take such action within 30 days after discovering
1294 such falsification.

1295 F. The Department shall review the driving record of any person who applies for a Virginia
1296 commercial driver's license or commercial learner's permit, for the renewal or reinstatement of such
1297 license or permit or for an additional commercial classification or endorsement, including the driving
1298 record from all jurisdictions where, during the previous 10 years, the applicant was licensed to drive any
1299 type of motor vehicle. Such review shall include checking the photograph on record whenever the
1300 applicant or holder appears in person to renew, upgrade, transfer, reinstate, or obtain a duplicate
1301 commercial driver's license or to renew, upgrade, reinstate, or obtain a duplicate commercial learner's
1302 permit. If appropriate, the Department shall incorporate information from such other jurisdictions' records
1303 into the applicant's Virginia driving record, and shall make a notation on the applicant's driving record
1304 confirming that such review has been completed and the date it was completed. The Department's
1305 review shall include (i) research through the Commercial Driver License Information System established
1306 pursuant to the Commercial Motor Vehicle Safety Act and the National Driver Register Problem Driver
1307 Pointer System in addition to the driver record maintained by the applicant's previous jurisdictions of
1308 licensure and (ii) requesting information from the Drug and Alcohol Clearinghouse in accordance with
1309 49 C.F.R. § 382.725. This research shall be completed prior to the issuance, renewal, transfer, or
1310 reinstatement of a commercial driver's license or additional commercial classification or endorsement.

1311 The Department shall verify the name, date of birth, and social security number provided by the
1312 applicant with the information on file with the Social Security Administration for initial issuance of a
1313 commercial learner's permit or transfer of a commercial driver's license from another state. The
1314 Department shall make a notation in the driver's record confirming that the necessary verification has
1315 been completed and noting the date it was done. The Department shall also make a notation confirming
1316 that proof of citizenship or lawful permanent residency has been presented and the date it was done.

1317 G. Every new applicant for a commercial driver's license or commercial learner's permit, including
1318 any person applying for a commercial driver's license or permit after revocation of his driving privileges,
1319 who certifies that he will operate a commercial motor vehicle in non-excepted interstate or intrastate
1320 commerce shall provide the Department with an original or certified copy of a medical examiner's
1321 certificate prepared by a medical examiner as defined in 49 C.F.R. § 390.5. Upon receipt of an
1322 appropriate medical examiner's certificate, the Department shall post a certification status of "certified"
1323 on the record of the driver on the Commercial Driver's License Information System. Any new applicant
1324 for a commercial driver's license or commercial learner's permit who fails to comply with the
1325 requirements of this subsection shall be denied the issuance of a commercial driver's license or
1326 commercial learner's permit by the Department.

1327 H. Every existing holder of a commercial driver's license or commercial learner's permit who certifies
1328 that he will operate a commercial motor vehicle in non-excepted interstate or intrastate commerce shall
1329 provide the Department with an original or certified copy of a medical examiner's certificate prepared by
1330 a medical examiner as defined in 49 C.F.R. § 390.5. Upon receipt of an appropriate medical examiner's
1331 certificate, the Department shall post a certification status of "certified" and any other necessary
1332 information on the record of the driver on the Commercial Driver's License Information System. If an
1333 existing holder of a commercial driver's license fails to provide the Department with a medical
1334 certificate as required by this subsection, the Department shall post a certification status of "noncertified"
1335 on the record of the driver on the Commercial Driver's License Information System and initiate a
1336 downgrade of his commercial driver's license as defined in 49 C.F.R. § 383.5.

1337 I. Any person who provides a medical certificate to the Department pursuant to the requirements of
1338 subsections G and H shall keep the medical certificate information current and shall notify the
1339 Department of any change in the status of the medical certificate. If the Department determines that the
1340 medical certificate is no longer valid, the Department shall initiate a downgrade of the driver's
1341 commercial driver's license as defined in 49 C.F.R. § 383.5.

1342 J. If the Department receives notice that the holder of a commercial driver's license has been issued a
1343 medical variance as defined in 49 C.F.R. § 390.5, the Department shall indicate the existence of such
1344 medical variance on the commercial driver's license document of the driver and on the record of the
1345 driver on the Commercial Driver's License Information System using the restriction code "V."

1346 K. Any holder of a commercial driver's license who has been issued a medical variance shall keep
1347 the medical variance information current and shall notify the Department of any change in the status of
1348 the medical variance. If the Department determines that the medical variance is no longer valid, the
1349 Department shall initiate a downgrade of the driver's commercial driver's license as defined in 49 C.F.R.
1350 § 383.5.

L. Any applicant applying for a hazardous materials endorsement must comply with Transportation Security Administration requirements in 49 C.F.R. Part 1572. A lawful permanent resident of the United States requesting a hazardous materials endorsement must additionally provide his U.S. Citizenship and Immigration Services (USCIS) alien registration number.

M. Notwithstanding the provisions of § 46.2-208, the Department may release to the FMCSA medical information relating to the issuance of a commercial driver's license or a commercial learner's permit collected by the Department pursuant to the provisions of subsections F, G, H, I, and J.

§ 46.2-345. Issuance of special identification cards; fee; confidentiality; penalties.

A. On the application of any person who is a resident of the Commonwealth, the parent of any such person who is under the age of 18, or the legal guardian of any such person, the Department shall issue a special identification card to the person, provided that:

1. Application is made on a form prescribed by the Department and includes the applicant's full legal name; year, month, and date of birth; social security number; sex; and residence address. Applicants shall be permitted to choose between "male," "female," or "~~non-binary~~" "*nonbinary*" when designating the applicant's sex on the application form;

2. The applicant presents, when required by the Department, proof of identity, legal presence, residency, and social security number or non-work authorized status;

3. The Department is satisfied that the applicant needs an identification card or the applicant shows he has a bona fide need for such a card; and

4. The applicant does not hold a driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, or special identification card without a photograph.

Persons 70 years of age or older may exchange a valid Virginia driver's license for a special identification card at no fee. Special identification cards subsequently issued to such persons shall be subject to the regular fees for special identification cards.

B. The fee for the issuance of an original, duplicate, reissue, or renewal special identification card is \$2 per year, with a \$10 minimum fee. Persons 21 years old or older may be issued a scenic special identification card for an additional fee of \$5.

C. Every special identification card shall expire on the applicant's birthday at the end of the period of years for which a special identification card has been issued. At no time shall any special identification card be issued for less than three nor more than eight years, except under the provisions of subsection B of § 46.2-328.1 and except that those cards issued to children under the age of 15 shall expire on the child's sixteenth birthday. Notwithstanding these limitations, the Commissioner may extend the validity period of an expiring card if (i) the Department is unable to process an application for renewal due to circumstances beyond its control, (ii) the extension has been authorized under a directive from the Governor, and (iii) the card was not issued as a temporary special identification card under the provisions of subsection B of § 46.2-328.1. However, in no event shall the validity period be extended more than 90 days per occurrence of such conditions. Any special identification card issued to a person required to register pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 shall expire on the applicant's birthday in years which the applicant attains an age equally divisible by five. For each person required to register pursuant to Chapter 9 of Title 9.1, the Department may not waive the requirement that each such person shall appear for each renewal or the requirement to obtain a photograph in accordance with subsection C of § 46.2-323.

D. A special identification card issued under this section may be similar in size, shape, and design to a driver's license, and include a photograph of its holder, but the card shall be readily distinguishable from a driver's license and shall clearly state that it does not authorize the person to whom it is issued to drive a motor vehicle. Every applicant for a special identification card shall appear in person before the Department to apply for a renewal, duplicate or reissue unless specifically permitted by the Department to apply in another manner.

E. Special identification cards, for persons at least 15 years old but less than 21 years old, shall be immediately and readily distinguishable from those issued to persons 21 years old or older. Distinguishing characteristics shall include unique design elements of the document and descriptors within the photograph area to identify persons who are at least 15 years old but less than 21 years old. These descriptors shall include the month, day, and year when the person will become 21 years old.

F. Special identification cards for persons under age 15 shall bear a full face photograph. The special identification card issued to persons under age 15 shall be readily distinguishable from a driver's license and from other special identification cards issued by the Department. Such cards shall clearly indicate that it does not authorize the person to whom it is issued to drive a motor vehicle.

G. Unless otherwise prohibited by law, a valid Virginia driver's license shall be surrendered upon application for a special identification card without the applicant's having to present proof of legal presence as required by § 46.2-328.1 if the Virginia driver's license is unexpired and it has not been revoked, suspended, or cancelled. The special identification card shall be considered a reissue and the

1412 expiration date shall be the last day of the month of the surrendered driver's license's month of
1413 expiration.

1414 H. Any personal information, as identified in § 2.2-3801, which is retained by the Department from
1415 an application for the issuance of a special identification card is confidential and shall not be divulged to
1416 any person, association, corporation, or organization, public or private, except to the legal guardian or
1417 the attorney of the applicant or to a person, association, corporation, or organization nominated in
1418 writing by the applicant, his legal guardian, or his attorney. This subsection shall not prevent the
1419 Department from furnishing the application or any information thereon to any law-enforcement agency.

1420 I. Any person who uses a false or fictitious name or gives a false or fictitious address in any
1421 application for an identification card or knowingly makes a false statement or conceals a material fact or
1422 otherwise commits a fraud in any such application shall be guilty of a Class 2 misdemeanor. However,
1423 where the name or address is given, or false statement is made, or fact is concealed, or fraud committed,
1424 with the intent to purchase a firearm or where the identification card is obtained for the purpose of
1425 committing any offense punishable as a felony, a violation of this section shall constitute a Class 4
1426 felony.

1427 J. The Department shall utilize the various communications media throughout the Commonwealth to
1428 inform Virginia residents of the provisions of this section and to promote and encourage the public to
1429 take advantage of its provisions.

1430 K. The Department shall electronically transmit application information to the Department of State
1431 Police, in a format approved by the State Police, for comparison with information contained in the
1432 Virginia Criminal Information Network and National Crime Information Center Convicted Sexual
1433 Offender Registry Files, at the time of issuance of a special identification card. Whenever it appears
1434 from the records of the State Police that a person has failed to comply with the duty to register,
1435 reregister, or verify his registration information pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the
1436 State Police shall promptly investigate and, if there is probable cause to believe a violation has occurred,
1437 obtain a warrant or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the
1438 jurisdiction in which the person made application for the special identification card.

1439 L. When requested by the applicant, the applicant's parent if the applicant is a minor, or the
1440 applicant's guardian, and upon presentation of a signed statement by a licensed physician confirming the
1441 applicant's condition, the Department shall indicate on the applicant's special identification card that the
1442 applicant has any condition listed in subsection K of § 46.2-342 or that the applicant is blind or vision
1443 impaired.

1444 M. The Department shall establish a method by which an applicant for an original, reissued, or
1445 renewed special identification card may indicate his blood type. If the applicant chooses to indicate his
1446 blood type, the Department shall make a notation of this designation on his special identification card
1447 and in his record. Such notation on the special identification card shall only be used by emergency
1448 medical services agencies in providing emergency medical support. Upon written request of the license
1449 holder or his legal guardian to have the designation removed, the Department shall issue the special
1450 identification card without such designation upon the payment of applicable fees.

1451 Notwithstanding any other provision of law, the Department shall not disclose any data collected
1452 pursuant to this subsection except to the subject of the information and by designation on the special
1453 identification card. Nothing herein shall require the Department to verify any information provided for
1454 the designation. No action taken by any person, whether private citizen or public officer or employee,
1455 with regard to any blood type designation displayed on a special identification card, shall create a
1456 warranty of the reliability or accuracy of the document or electronic image, nor shall it create any
1457 liability on the part of the Commonwealth or of any department, office, or agency or of any officer,
1458 employee, or agent thereof.

1459 **§ 46.2-345.2. Issuance of special identification cards without photographs; fee; confidentiality;**
1460 **penalties.**

1461 A. On the application of any person with a sincerely held religious belief prohibiting the taking of a
1462 photograph who is a resident of the Commonwealth and who is at least 15 years of age, the Department
1463 shall issue a special identification card without a photograph to the person, provided that:

1464 1. Application is made on a form prescribed by the Department and includes the applicant's full legal
1465 name; year, month, and date of birth; social security number; sex; and residence address. Applicants
1466 shall be permitted to choose between "male," "female," or "~~non-binary~~" "nonbinary" when designating
1467 the applicant's sex on the application form;

1468 2. The applicant presents, when required by the Department, proof of identity, legal presence,
1469 residency, and social security number or non-work authorized status;

1470 3. The applicant presents an approved and signed U.S. Department of the Treasury Internal Revenue
1471 Service (IRS) Form 4029 or if such applicant is a minor, the applicant's parent or legal guardian
1472 presents an approved and signed IRS Form 4029; and

1473 4. The applicant does not hold a driver's license, commercial driver's license, temporary driver's

1474 permit, learner's permit, motorcycle learner's permit, or special identification card.

1475 B. The fee for the issuance of an original, duplicate, or reissue special identification card without a
1476 photograph is \$10 per year, with a \$20 minimum fee.

1477 C. Every special identification card without a photograph shall expire on the applicant's birthday at
1478 the end of the period of years for which a special identification card without a photograph has been
1479 issued. At no time shall any special identification card without a photograph be issued for more than
1480 eight years. Notwithstanding these limitations, the Commissioner may extend the validity period of an
1481 expiring card if (i) the Department is unable to process an application for re-issue due to circumstances
1482 beyond its control or (ii) the extension has been authorized under a directive from the Governor.
1483 However, in no event shall the validity period be extended more than 90 days per occurrence of such
1484 conditions.

1485 D. A special identification card without a photograph issued under this section may be similar in
1486 size, shape, and design to a driver's license and shall not include a photograph of its holder. The card
1487 shall be readily distinguishable from a driver's license and shall clearly state that federal limits apply,
1488 that the card is not valid identification to vote, and that the card does not authorize the person to whom
1489 it is issued to drive a motor vehicle. Every applicant for a special identification card without a
1490 photograph shall appear in person before the Department to apply for a duplicate or reissue unless
1491 specifically permitted by the Department to apply in another manner.

1492 E. Unless otherwise prohibited by law, a valid Virginia driver's license or special identification card
1493 shall be surrendered for a special identification card without a photograph without the applicant's having
1494 to present proof of legal presence as required by § 46.2-328.1 if the Virginia driver's license or special
1495 identification card is unexpired and has not been revoked, suspended, or canceled. The special
1496 identification card without a photograph shall be considered a reissue, and the expiration date shall be
1497 the last day of the month of the surrendered driver's license's or special identification card's month of
1498 expiration.

1499 F. Any personal information, as identified in § 2.2-3801, that is retained by the Department from an
1500 application for the issuance of a special identification card without a photograph is confidential and shall
1501 not be divulged to any person, association, corporation, or organization, public or private, except to the
1502 legal guardian or the attorney of the applicant or to a person, association, corporation, or organization
1503 nominated in writing by the applicant, his legal guardian, or his attorney. This subsection shall not
1504 prevent the Department from furnishing the application or any information thereon to any
1505 law-enforcement agency.

1506 G. Any person who uses a false or fictitious name or gives a false or fictitious address in any
1507 application for a special identification card without a photograph or knowingly makes a false statement
1508 or conceals a material fact or otherwise commits a fraud in any such application is guilty of a Class 2
1509 misdemeanor. However, where the special identification card without a photograph is obtained for the
1510 purpose of committing any offense punishable as a felony, a violation of this section shall constitute a
1511 Class 4 felony.

1512 H. When requested by the applicant, the applicant's parent if the applicant is a minor, or the
1513 applicant's guardian, and upon presentation of a signed statement by a licensed physician confirming the
1514 applicant's condition, the Department shall indicate on the applicant's special identification card without
1515 a photograph that the applicant has any condition listed in subsection K of § 46.2-342.

1516 I. The Department shall establish a method by which an applicant for an original, reissued, or
1517 renewed special identification card without a photograph may indicate his blood type. If the applicant
1518 chooses to indicate his blood type, the Department shall make a notation of this designation on his
1519 special identification card without a photograph and in his record. Such notation on the special
1520 identification card without a photograph shall only be used by emergency medical services agencies in
1521 providing emergency medical support. Upon written request of the license holder or his legal guardian to
1522 have the designation removed, the Department shall issue the special identification card without a
1523 photograph without such designation upon the payment of applicable fees.

1524 Notwithstanding any other provision of law, the Department shall not disclose any data collected
1525 pursuant to this subsection except to the subject of the information and by designation on the special
1526 identification card without a photograph. Nothing herein shall require the Department to verify any
1527 information provided for the designation. No action taken by any person, whether private citizen or
1528 public officer or employee, with regard to any blood type designation displayed on a special
1529 identification card without a photograph, shall create a warranty of the reliability or accuracy of the
1530 document or electronic image, nor shall it create any liability on the part of the Commonwealth or of
1531 any department, office, or agency or of any officer, employee, or agent thereof.

1532 J. Unless the Code specifies that a photograph is required, a special identification card without a
1533 photograph shall be treated as a special identification card.

1534 **§ 46.2-2906. Application for escort vehicle driver certificate; driving record; proof of completion**

1535 of escort vehicle driver training; fee.

1536 A. Every application for an escort vehicle driver certificate shall be made on a form prescribed by
1537 the Department, and the applicant shall write his usual signature in ink in the space provided on the
1538 form. A person who applies for an escort vehicle driver certificate must meet the following
1539 requirements:

- 1540** 1. Be at least 18 years of age;
- 1541** 2. Hold a valid Virginia driver's license or a valid driver's license for another state;
- 1542** 3. Authorize the Department to review his driving record;
- 1543** 4. Present satisfactory proof of successful completion of an eight-hour escort vehicle driver
1544 certification training course, as required by § 46.2-2904;
- 1545** 5. Pass the escort vehicle driver certification knowledge test as required by § 46.2-2905 with a score
1546 of 80 percent or higher; and
- 1547** 6. Pay the appropriate fee for certificate issuance.

1548 B. Every application shall state the applicant's full legal name; year, month, and date of birth; social
1549 security number; sex; and residence address. *Applicants shall be permitted to choose between "male,"*
1550 *"female," or "nonbinary" when designating the applicant's sex on the application.* The applicant shall
1551 also answer any questions on the application form, or otherwise propounded, and provide any other
1552 information as required by the Department incidental to the application.

1553 C. The Commissioner shall require that each application include a certification statement, to be
1554 signed by the applicant under penalty of perjury, certifying that the information presented on the
1555 application is true and correct. If the applicant fails or refuses to sign the certification statement, the
1556 Department shall not issue the applicant an escort vehicle driver certificate.

1557 Any applicant who knowingly makes a false certification or supplies false or fictitious evidence shall
1558 be punished as provided in § 46.2-348.

1559 § 54.1-3319. Counseling.

1560 A. A pharmacist shall conduct a prospective drug review before each new prescription is dispensed
1561 or delivered to a patient or a person acting on behalf of the patient. Such review shall include screening
1562 for potential drug therapy problems due to therapeutic duplication, drug-disease contraindications,
1563 drug-drug interactions, including serious interactions with nonprescription or over-the-counter drugs,
1564 incorrect drug dosage or duration of drug treatment, drug-allergy interactions, and clinical abuse or
1565 misuse. A pharmacist may conduct a prospective drug review before refilling a prescription to the extent
1566 the pharmacist deems appropriate in his professional judgment.

1567 B. A pharmacist shall offer to counsel any person who presents a new prescription for filling. The
1568 offer to counsel may be made in any manner the pharmacist deems appropriate in his professional
1569 judgment, and may include any one or a combination of the following:

- 1570** 1. Face-to-face communication with the pharmacist or the pharmacist's designee;
- 1571** 2. A sign posted in such a manner that it can be seen by patients;
- 1572** 3. A notation affixed to or written on the bag in which the prescription is to be delivered;
- 1573** 4. A notation contained on the prescription container; or
- 1574** 5. By telephone.

1575 For the purposes of medical assistance and other third-party reimbursement or payment programs,
1576 any of the above methods, or a combination thereof, shall constitute an acceptable offer to provide
1577 counseling, except to the extent this subsection is inconsistent with regulations promulgated by the
1578 federal Health Care Financing Administration governing 42 U.S.C. § 1396r-8 (g)(2)(A)(ii). A pharmacist
1579 may offer to counsel any person who receives a refill of a prescription to the extent deemed appropriate
1580 by the pharmacist in his professional judgment.

1581 C. If the offer to counsel is accepted, the pharmacist shall counsel the person presenting the
1582 prescription to the extent the pharmacist deems appropriate in his professional judgment. Such
1583 counseling shall be performed by the pharmacist himself and may, but need not, include the following:

- 1584** 1. The name and description of the medication;
- 1585** 2. The dosage form, dosage, route of administration, and duration of drug therapy;
- 1586** 3. Special directions and precautions for preparation, administration, and use by the patient;
- 1587** 4. Common adverse or severe side effects or interactions and therapeutic contraindications that may
1588 be encountered, including their avoidance, and the action required if they occur;
- 1589** 5. Techniques for self-monitoring drug therapy;
- 1590** 6. Proper storage and disposal;
- 1591** 7. Prescription refill information; and
- 1592** 8. Action to be taken in the event of a missed dose.

1593 Nothing in this section shall be construed as requiring a pharmacist to provide counseling when the
1594 person presenting the prescription fails to accept the pharmacist's offer to counsel. If the prescription is
1595 delivered to a person residing outside of the local telephone calling area of the pharmacy, the pharmacist
1596 shall either provide a toll-free telephone number or accept reasonable collect calls from such person.

D. Reasonable efforts shall be made to obtain, record, and maintain the following patient information generated at the individual pharmacy:

1. Name, address, telephone number, date of birth or age, and gender; *patients shall be permitted to choose between "male," "female," or "nonbinary" when designating the gender of the patient;*

2. Individual history where significant, including known allergies and drug reactions, and a comprehensive list of medications and relevant devices; and

3. Any additional comments relevant to the patient's drug use, including any failure to accept the pharmacist's offer to counsel.

Such information may be recorded in the patient's manual or electronic profile, or in the prescription signature log, or in any other system of records and may be considered by the pharmacist in the exercise of his professional judgment concerning both the offer to counsel and content of counseling. The absence of any record of a failure to accept the pharmacist's offer to counsel shall be presumed to signify that such offer was accepted and that such counseling was provided.

E. This section shall not apply to any drug dispensed to an inpatient of a hospital or nursing home, except to the extent required by regulations promulgated by the federal Health Care Financing Administration implementing 42 U.S.C. § 1396r-8 (g)(2)(A).

§ 54.1-4108. Permit required; method of obtaining permit; no convictions of certain crimes; approval of weighing devices; renewal; permanent location required.

A. No person shall engage in the activities of a dealer as defined in § 54.1-4100 without first obtaining a permit from the chief law-enforcement officer of each county, city, or town in which he proposes to engage in business.

B. To obtain a permit, the dealer shall file with the proper chief law-enforcement officer an application form which includes the dealer's full name, any aliases, address, age, date of birth, sex, and fingerprints; the name, address, and telephone number of the applicant's employer, if any; and the location of the dealer's place of business. *Such form shall permit the choice between "male," "female," or "nonbinary" when designating the sex of the dealer.* Upon filing this application and the payment of a \$200 application fee, the dealer shall be issued a permit by the chief law-enforcement officer or his designee, provided that the applicant has not been convicted of a felony or crime of moral turpitude within seven years prior to the date of application. The permit shall be denied if the applicant has been denied a permit or has had a permit revoked under any ordinance similar in substance to the provisions of this chapter.

C. Before a permit may be issued, the dealer must have all weighing devices used in his business inspected and approved by local or state weights and measures officials and present written evidence of such approval to the proper chief law-enforcement officer.

D. This permit shall be valid for one year from the date issued and may be renewed in the same manner as such permit was initially obtained with an annual permit fee of \$200. No permit shall be transferable.

E. If the business of the dealer is not operated without interruption, with Saturdays, Sundays, and recognized holidays excepted, the dealer shall notify the proper chief law-enforcement officer of all closings and reopenings of such business. The business of a dealer shall be conducted only from the fixed and permanent location specified in his application for a permit.

F. The chief law-enforcement officer may waive the permit fee for retail merchants that are not required to be licensed as pawnbrokers under Chapter 40 (§ 54.1-4000 et seq.), provided the retail merchant has a permanent place of business and purchases of precious metals and gems do not exceed five percent of the retail merchant's annual business.

§ 59.1-118. Permit issued by chief of police or sheriff; revocation.

The chief of police of a city or the sheriff of a county may issue, to persons regularly engaged in the business of collecting secondhand building materials for resale, a semiannual or annual permit covering all sales and acquisitions made by such persons. The chief of police or sheriff may refuse to issue a permit, and may revoke any permit issued, to any person convicted of a felony or crime of moral turpitude within the three years prior to the request for the permit. The applicant shall file with the chief of police or sheriff, or his designee, an application form that shall include the applicant's full name, address, age, sex, and fingerprints; the name, address, and telephone number of the applicant's employer, if any; and the location of the applicant's place of business. *Such form shall permit the choice between "male," "female," or "nonbinary" when designating the sex of the applicant.* A permit shall be valid for one year from the date of issuance and may be renewed in the same manner as such permit was initially obtained. A fee of not more than \$50 may be charged annually for the issuance of the permit.

§ 65.2-900. Records and reports of accidents.

A. Every employer shall keep a record of all injuries or deaths of its employees which occur in the course of employment. Within ten days after the occurrence of such injury or death, and knowledge of injury as provided in § 65.2-600, a report of the injury or death shall be made and transmitted to the

1658 Commission by the employer, its representative or, in the case of an insured employer, its insurance
1659 carrier, in accordance with regulations adopted by the Commission which may authorize the transmission
1660 of such reports in written, magnetic, electronic, or facsimile media. The Commission shall provide forms
1661 and instructions for reporting as required by this section. The Commission shall provide the Department
1662 of Labor and Industry with such reports.

1663 B. The accident report shall contain the name, nature, and location of the business of the employer
1664 and the name, age, sex, and wages and occupation of the injured employee, and shall state the date and
1665 hour of the accident causing the injury and the nature and cause of the injury, together with such other
1666 information as may be required by the Commission. *Such report shall permit the choice between "male,"*
1667 *"female," or "nonbinary" when designating the sex of the injured employee.* However, those injuries
1668 deemed minor by the Commission shall be reported in the manner prescribed by the Commission.