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HOUSE BILL NO. 797

Offered January 10, 2024

Prefiled January 9, 2024

A BILL to amend and reenact §§ 15.2-915.4, 18.2-308.02, 18.2-308.06, and 22.1-204.1 of the Code of Virginia and to repeal § 46.2-749.6 of the Code of Virginia, relating to demonstrated competence for a concealed handgun permit; firearms instructors and safety programs.

Patron—Hope

Referred to Committee on Public Safety

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-915.4, 18.2-308.02, 18.2-308.06, and 22.1-204.1 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-915.4. Counties, cities and towns authorized to regulate use of pneumatic guns.

A. A locality may prohibit, by ordinance, the shooting of pneumatic guns in any areas of the locality that are in the opinion of the governing body so heavily populated as to make such conduct dangerous to the inhabitants thereof, and may require supervision by a parent, guardian, or other adult supervisor approved by a parent or guardian of any minor ~~below the age of~~ *younger than 16 years of age* in all uses of pneumatic guns on private or public property. The ordinance may specify that minors ~~above the age of 16 years of age or older~~ may, with the written consent of a parent or guardian, use a pneumatic gun at any place designated for such use by the local governing body or on private property with the consent of the owner. The ordinance may specify that any minor, whether permitted by a parent or guardian to use a pneumatic gun or not, shall be responsible for obeying all laws, regulations and restrictions governing such use. Any penalty for a pneumatic gun offense set forth in such an ordinance shall not exceed a Class 3 misdemeanor.

B. No such ordinance authorized by subsection A shall prohibit the use of pneumatic guns at facilities approved for shooting ranges, on other property where firearms may be discharged, or on or within private property with permission of the owner or legal possessor thereof when conducted with reasonable care to prevent a projectile from crossing the bounds of the property.

C. Training of minors in the use of pneumatic guns shall be done only under direct supervision of a parent, guardian, Junior Reserve Officers Training Corps instructor, or a certified instructor. Training of minors ~~above the age of 16 years of age or older~~ may also be done without direct supervision if approved by the minor's instructor, with the permission of and under the responsibility of a parent or guardian, and in compliance with all requirements of this section. Ranges and instructors may be certified by ~~the National Rifle Association~~, a state or federal agency that has developed a certification program, any service of the Department of Defense, or any person authorized by these authorities to certify ranges and instructors.

D. Commercial or private areas designated for use of pneumatic paintball guns may be established and operated for recreational use. Equipment designed to protect the face and ears shall be provided to participants at such recreational areas, and signs must be posted to warn against entry into the paintball area by persons who are unprotected or unaware that paintball guns are in use.

E. As used in this section, "pneumatic gun" means any implement, designed as a gun, that will expel a BB or a pellet by action of pneumatic pressure. "Pneumatic gun" includes a paintball gun that expels by action of pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact.

§ 18.2-308.02. Application for a concealed handgun permit; Virginia resident or domiciliary.

A. Any person 21 years of age or older may apply in writing to the clerk of the circuit court of the county or city in which he resides, or if he is a member of the United States Armed Forces and stationed outside the Commonwealth, the county or city in which he is domiciled, for a five-year permit to carry a concealed handgun. There shall be no requirement regarding the length of time an applicant has been a resident or domiciliary of the county or city. The application shall be on a form prescribed by the Department of State Police, in consultation with the Supreme Court, requiring only that information necessary to determine eligibility for the permit. Additionally, the application shall request but not require that the applicant provide an email or other electronic address where a notice of permit expiration can be sent pursuant to subsection C of § 18.2-308.010. The applicant shall present one valid form of photo identification issued by a governmental agency of the Commonwealth or by the U.S. Department of Defense or U.S. State Department (passport). No information or documentation other than that which is allowed on the application in accordance with this section may be requested or required by

59 the clerk or the court.

60 B. The court shall require proof that the applicant has demonstrated competence with a handgun in
61 person and the applicant may demonstrate such competence by one of the following, but no applicant
62 shall be required to submit to any additional demonstration of competence, nor shall any proof of
63 demonstrated competence expire:

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

66 2. Completing any ~~National Rifle Association or United States Concealed Carry Association~~ firearms
67 safety or training course *certified or approved by the Department of Criminal Justice Services*;

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

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

76 5. Presenting evidence of equivalent experience with a firearm through participation in organized
77 shooting competition or current military service or proof of an honorable discharge from any branch of
78 the armed services;

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

81 7. Completing any in-person firearms training or safety course or class conducted by a state-certified;
82 ~~National Rifle Association-certified, or United States Concealed Carry Association-certified or~~
83 *Department of Criminal Justice Services-approved* firearms instructor;

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

86 9. Completing any other firearms training that the court deems adequate.

87 *Any course, class, or training to demonstrate competence with a handgun as required by this*
88 *subsection shall include a live fire shooting exercise conducted on a range, including the expenditure of*
89 *a minimum of 10 rounds of ammunition. Any course, class, training, or other method to demonstrate*
90 *competence with a handgun that does not have such a live fire shooting exercise shall not constitute*
91 *evidence of qualification under this subsection.*

92 A photocopy of a certificate of completion of any of the courses or classes; an affidavit from the
93 instructor, school, club, organization, or group that conducted or taught such course or class attesting to
94 the completion of the course or class by the applicant; or a copy of any document that shows
95 completion of the course or class or evidences participation in firearms competition shall constitute
96 evidence of qualification under this subsection.

97 C. The making of a materially false statement in an application under this article shall constitute
98 perjury, punishable as provided in § 18.2-434.

99 D. The clerk of court shall withhold from public disclosure the applicant's name and any other
100 information contained in a permit application or any order issuing a concealed handgun permit, except
101 that such information shall not be withheld from any law-enforcement officer acting in the performance
102 of his official duties or from the applicant with respect to his own information. The prohibition on
103 public disclosure of information under this subsection shall not apply to any reference to the issuance of
104 a concealed handgun permit in any order book before July 1, 2008; however, any other concealed
105 handgun records maintained by the clerk shall be withheld from public disclosure.

106 E. An application is deemed complete when all information required to be furnished by the applicant,
107 including the fee for a concealed handgun permit as set forth in § 18.2-308.03, is delivered to and
108 received by the clerk of court before or concomitant with the conduct of a state or national criminal
109 history records check.

110 F. For purposes of this section, a member of the United States Armed Forces is domiciled in the
111 county or city where such member claims his home of record with the United States Armed Forces.

112 **§ 18.2-308.06. Nonresident concealed handgun permits.**

113 A. Nonresidents of the Commonwealth 21 years of age or older may apply in writing to the Virginia
114 Department of State Police for a five-year permit to carry a concealed handgun. The applicant shall
115 submit a photocopy of one valid form of photo identification issued by a governmental agency of the
116 applicant's state of residency or by the U.S. Department of Defense or U.S. State Department (passport).
117 Every applicant for a nonresident concealed handgun permit shall also submit two photographs of a type
118 and kind specified by the Department of State Police for inclusion on the permit and shall submit
119 fingerprints on a card provided by the Department of State Police for the purpose of obtaining the
120 applicant's state or national criminal history record. As a condition for issuance of a concealed handgun

121 permit, the applicant shall submit to fingerprinting by his local or state law-enforcement agency and
 122 provide personal descriptive information to be forwarded with the fingerprints through the Central
 123 Criminal Records Exchange to the U.S. Federal Bureau of Investigation for the purpose of obtaining
 124 criminal history record information regarding the applicant and obtaining fingerprint identification
 125 information from federal records pursuant to criminal investigations by state and local law-enforcement
 126 agencies. The application shall be on a form provided by the Department of State Police, requiring only
 127 that information necessary to determine eligibility for the permit. If the permittee is later found by the
 128 Department of State Police to be disqualified, the permit shall be revoked and the person shall return the
 129 permit after being so notified by the Department of State Police. The permit requirement and restriction
 130 provisions of subsection C of § 18.2-308.02 and § 18.2-308.09 shall apply, mutatis mutandis, to the
 131 provisions of this subsection.

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

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

135 2. Completing any ~~National Rifle Association or United States Concealed Carry Association~~ firearms
 136 safety or training course *certified or approved by the Department of Criminal Justice Services*;

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

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

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

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

150 7. Completing any in-person firearms training or safety course or class conducted by a state-certified;
 151 ~~National Rifle Association-certified, or United States Concealed Carry Association-certified or~~
 152 *Department of Criminal Justice Services-approved* firearms instructor;

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

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

157 *Any course, class, or training to demonstrate competence with a handgun as required by this*
 158 *subsection shall include a live fire shooting exercise conducted on a range, including the expenditure of*
 159 *a minimum of 10 rounds of ammunition. Any course, class, training, or other method to demonstrate*
 160 *competence with a handgun that does not have such a live fire shooting exercise shall not constitute*
 161 *evidence of qualification under this subsection.*

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

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

170 D. The permit to carry a concealed handgun shall contain only the following information: name,
 171 address, date of birth, gender, height, weight, color of hair, color of eyes, and photograph of the
 172 permittee; the signature of the Superintendent of the Virginia Department of State Police or his designee;
 173 the date of issuance; and the expiration date.

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

177 **§ 22.1-204.1. Firearm safety education program.**

178 Local school boards may provide firearm safety education programs for students in the elementary
 179 school grades. To assist local school boards electing to provide firearm safety education programs, the
 180 Board of Education shall establish curriculum guidelines for a standardized program of firearm safety
 181 education for the elementary school grades to promote the protection and safety of children enrolled in

182 the public schools. The curriculum guidelines shall incorporate, ~~among other~~ *the* principles of firearm
183 safety; ~~and~~ accident prevention ~~and the rules upon which the Eddie Eagle Gunsafe Program offered by~~
184 ~~the National Rifle Association is based~~. Local school boards electing to provide firearm safety education
185 shall offer instruction pursuant to the Board's curriculum guidelines and shall integrate firearm safety
186 education into appropriate subject areas, if feasible, to ensure that every elementary grade student
187 completes the course of study in firearm safety education.
188 **2. That § 46.2-749.6 of the Code of Virginia is repealed.**