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**SENATE BILL NO. 82**

Offered January 10, 2024

Prefiled January 1, 2024

A *BILL to amend and reenact §§ 9.1-141, 17.1-410, 18.2-287.4, 18.2-307.1 through 18.2-308.1, 18.2-308.1:4, 18.2-308.1:6, 19.2-152.13, 19.2-152.14, 22.1-131.1, and 44-39.1 of the Code of Virginia, relating to concealed handgun permit; concealed weapons permit.*

Patron—McGuire

Referred to Committee for Courts of Justice

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 9.1-141, 17.1-410, 18.2-287.4, 18.2-307.1 through 18.2-308.1, 18.2-308.1:4, 18.2-308.1:6, 19.2-152.13, 19.2-152.14, 22.1-131.1, and 44-39.1 of the Code of Virginia are amended and reenacted as follows:**

**§ 9.1-141. Powers of Board relating to private security services business.**

A. The Board may adopt regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.); establishing compulsory minimum, entry-level, in-service, and advanced training standards for persons employed by private security services businesses in classifications defined in § 9.1-138. The regulations may include provisions delegating to the Board's staff the right to inspect the facilities and programs of persons conducting training to ensure compliance with the law and Board regulations. In establishing compulsory training standards for each of the classifications defined in § 9.1-138, the Board shall be guided by the policy of this section to secure the public safety and welfare against incompetent or unqualified persons engaging in the activities regulated by this section and ~~Article 4 (§ 9.1-138 et seq.) of this chapter~~ *article*. The regulations may provide for partial exemption from such compulsory, entry-level training for persons having previous employment as law-enforcement officers for a local, state, or the federal government, to include units of the United States armed forces, or for persons employed in classifications defined in § 9.1-138. However, no such exemption shall be granted to persons having less than five continuous years of such employment, nor shall an exemption be provided for any person whose employment as a law-enforcement officer or whose employment as a private security services business employee was terminated because of his misconduct or incompetence. The regulations may include separate provisions for full exemption from compulsory training for persons having previous training that meets or exceeds the minimum training standards and has been approved by the Department. However, no such exemption shall be granted to persons whose employment as a private security services business employee was terminated because of his misconduct or incompetence. No regulation adopted by the Board shall prevent any person employed by an electronic security business, other than an alarm respondent, or as a locksmith from carrying a firearm in the course of his duties when such person carries with him a valid concealed ~~handgun~~ *weapons* permit issued in accordance with Article 6.1 (§ 18.2-307.1 et seq.) of Chapter 7 of Title 18.2.

B. The Board may enter into an agreement with other states for reciprocity or recognition of private security services businesses and their employees, duly licensed by such states. The agreements shall allow those businesses and their employees to provide and perform private security services within the Commonwealth to secure the public safety and welfare against incompetent, unqualified, unscrupulous, or unfit persons engaging in the activities of private security services businesses.

C. The Board may adopt regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) to secure the public safety and welfare against incompetent, unqualified, unscrupulous, or unfit persons engaging in the activities of private security services businesses that:

1. Establish the qualifications of applicants for registration, certification, or licensure under ~~Article 4 (§ 9.1-138) of this chapter~~ *article*;

2. Examine, or cause to be examined, the qualifications of each applicant for registration, certification, or licensure, including when necessary the preparation, administration, and grading of examinations;

3. Certify qualified applicants for private security training schools and instructors or license qualified applicants as practitioners of private security services businesses;

4. Levy and collect fees for registration, certification, or licensure and renewal that are sufficient to cover all expenses for administration and operation of a program of registration, certification, and licensure for private security services businesses and training schools;

5. Are necessary to ensure continued competency, and to prevent deceptive or misleading practices by practitioners and effectively administer the regulatory system adopted by the Board;

59 6. Receive complaints concerning the conduct of any person whose activities are regulated by the  
60 Board, to conduct investigations, and to take appropriate disciplinary action if warranted; and

61 7. Revoke, suspend, or fail to renew a registration, certification, or license for just cause as  
62 enumerated in Board regulations.

63 D. In adopting its regulations under subsections A and C, the Board shall seek the advice of the  
64 Private Security Services Advisory Board established pursuant to § 9.1-143.

65 **§ 17.1-410. Disposition of appeals; finality of decisions.**

66 A. Each appeal of right taken to the Court of Appeals and each appeal for which a petition for  
67 appeal has been granted shall be considered by a panel of the court.

68 When the Court of Appeals has (i) dismissed an appeal in any case in accordance with the Rules of  
69 Court or (ii) decided an appeal, its decision shall be final, without appeal to the Supreme Court, in:

70 1. Appeals in criminal cases pursuant to subsections A or E of § 19.2-398 and § 19.2-401. Such  
71 finality of the Court of Appeals' decision shall not preclude a defendant, if he is convicted, from  
72 requesting the Court of Appeals or Supreme Court on direct appeal to reconsider an issue which was the  
73 subject of the pretrial appeal; and

74 2. Appeals involving involuntary treatment of prisoners pursuant to § 53.1-40.1 or 53.1-133.04.

75 3. Appeals involving denial of a concealed ~~handgun~~ *weapons* permit pursuant to § 18.2-308.08.

76 B. All other decisions of the Court of Appeals shall be appealable to the Supreme Court in  
77 accordance with the provisions of § 17.1-411.

78 **§ 18.2-287.4. Carrying loaded firearms in public areas prohibited; penalty.**

79 It ~~shall be~~ *is* unlawful for any person to carry a loaded ~~(a)~~ (i) semi-automatic center-fire rifle or  
80 pistol that expels single or multiple projectiles by action of an explosion of a combustible material and  
81 is equipped at the time of the offense with a magazine that will hold more than 20 rounds of  
82 ammunition or designed by the manufacturer to accommodate a silencer or equipped with a folding  
83 stock or ~~(b)~~ (ii) shotgun with a magazine that will hold more than seven rounds of the longest  
84 ammunition for which it is chambered on or about his person on any public street, road, alley, sidewalk,  
85 or public right-of-way, or in any public park or any other place of whatever nature that is open to the  
86 public in the Cities of Alexandria, Chesapeake, Fairfax, Falls Church, Newport News, Norfolk,  
87 Richmond, or Virginia Beach or in the Counties of Arlington, Fairfax, Henrico, Loudoun, or Prince  
88 William.

89 The provisions of this section shall not apply to law-enforcement officers, licensed security guards,  
90 military personnel in the performance of their lawful duties, or any person having a valid concealed  
91 ~~handgun~~ *weapons* permit or to any person actually engaged in lawful hunting or lawful recreational  
92 shooting activities at an established shooting range or shooting contest. Any person violating the  
93 provisions of this section ~~shall be~~ *is* guilty of a Class 1 misdemeanor.

94 The exemptions set forth in §§ 18.2-308 and 18.2-308.016 shall apply, mutatis mutandis, to the  
95 provisions of this section.

96 **§ 18.2-307.1. Definitions.**

97 As used in this article, unless the context requires a different meaning:

98 "Ballistic knife" means any knife with a detachable blade that is propelled by a spring-operated  
99 mechanism.

100 "Handgun" means any pistol or revolver or other firearm, except a machine gun, originally designed,  
101 made, and intended to fire a projectile by means of an explosion of a combustible material from one or  
102 more barrels when held in one hand.

103 "Law-enforcement officer" means those individuals defined as a law-enforcement officer in § 9.1-101,  
104 law-enforcement agents of the armed forces of the United States and the Naval Criminal Investigative  
105 Service, and federal agents who are otherwise authorized to carry weapons by federal law.

106 "Law-enforcement officer" also means any sworn full-time law-enforcement officer employed by a  
107 law-enforcement agency of the United States or any state or political subdivision thereof, whose duties  
108 are substantially similar to those set forth in § 9.1-101.

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

112 "Personal knowledge" means knowledge of a fact that a person has himself gained through his own  
113 senses, or knowledge that was gained by a law-enforcement officer or prosecutor through the  
114 performance of his official duties.

115 "Spring stick" means a spring-loaded metal stick activated by pushing a button that rapidly and  
116 forcefully telescopes the weapon to several times its original length.

117 "*Weapon*" means any of the items, including items of like kind, enumerated in subsection A of  
118 § 18.2-308.

119 **§ 18.2-308. Carrying concealed weapons; exceptions; penalty.**

120 A. If any person carries about his person, hidden from common observation, (i) any pistol, revolver,

or other weapon designed or intended to propel a missile of any kind by action of an explosion of any combustible material; (ii) any dirk, bowie knife, stiletto knife, ballistic knife, machete, razor, sling bow, spring stick, metal knucks, or blackjack; (iii) any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain; (iv) any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart; or (v) any weapon of like kind as those enumerated in this subsection, he is guilty of a Class 1 misdemeanor. A second violation of this section or a conviction under this section subsequent to any conviction under any substantially similar ordinance of any county, city, or town shall be punishable as a Class 6 felony, and a third or subsequent such violation shall be punishable as a Class 5 felony. For the purpose of this section, a weapon shall be deemed to be hidden from common observation when it is observable but is of such deceptive appearance as to disguise the weapon's true nature. It shall be an affirmative defense to a violation of ~~elause (i) regarding a handgun, this section~~ that a person had been issued, at the time of the offense, a valid concealed ~~handgun weapons~~ permit.

B. This section shall not apply to any person while in his own place of abode or the curtilage thereof.

C. Except as provided in subsection A of § 18.2-308.012, this section shall not apply to:

1. Any person while in his own place of business;

2. Any law-enforcement officer, or retired law-enforcement officer pursuant to § 18.2-308.016, wherever such law-enforcement officer may travel in the Commonwealth;

3. Any person who is at, or going to or from, an established shooting range, provided that the weapons are unloaded and securely wrapped while being transported;

4. Any regularly enrolled member of a weapons collecting organization who is at, or going to or from, a bona fide weapons exhibition, provided that the weapons are unloaded and securely wrapped while being transported;

5. Any person carrying such weapons between his place of abode and a place of purchase or repair, provided the weapons are unloaded and securely wrapped while being transported;

6. Any person actually engaged in lawful hunting, as authorized by the Board of Wildlife Resources, under inclement weather conditions necessitating temporary protection of his firearm from those conditions, provided that possession of a ~~handgun weapon~~ while engaged in lawful hunting shall not be construed as hunting with a ~~handgun weapon~~ if the person hunting is carrying a valid concealed ~~handgun weapons~~ permit;

7. Any attorney for the Commonwealth or assistant attorney for the Commonwealth, wherever such attorney may travel in the Commonwealth;

8. Any person who may lawfully possess a firearm and is carrying a ~~handgun weapon~~ while in a personal, private motor vehicle or vessel and such ~~handgun weapon~~ is secured in a container or compartment in the vehicle or vessel;

9. Any enrolled participant of a firearms training course who is at, or going to or from, a training location, provided that the weapons are unloaded and securely wrapped while being transported; and

10. Any judge or justice of the Commonwealth, wherever such judge or justice may travel in the Commonwealth.

D. This section shall also not apply to any of the following individuals while in the discharge of their official duties, or while in transit to or from such duties:

1. Carriers of the United States mail;

2. Officers or guards of any state correctional institution;

3. Conservators of the peace, except that a judge or justice of the Commonwealth, an attorney for the Commonwealth, or an assistant attorney for the Commonwealth may carry a concealed ~~handgun weapon~~ pursuant to subdivisions C 7 and 10. However, the following conservators of the peace shall not be permitted to carry a concealed ~~handgun weapon~~ without obtaining a permit as provided in this article: (i) notaries public; (ii) registrars; (iii) drivers, operators, or other persons in charge of any motor vehicle carrier of passengers for hire; or (iv) commissioners in chancery; and

4. Noncustodial employees of the Department of Corrections designated to carry weapons by the Director of the Department of Corrections pursuant to § 53.1-29.

#### **§ 18.2-308.01. Carrying a concealed weapon with a permit.**

A. The prohibition against carrying a concealed ~~handgun weapon~~ in ~~elause (i) of~~ subsection A of § 18.2-308 shall not apply to a person who has a valid concealed ~~handgun weapons~~ permit issued pursuant to this article. The person issued the permit shall have such permit on his person at all times during which he is carrying a concealed ~~handgun weapon~~ and shall display the permit and a photo identification issued by a government agency of the Commonwealth or by the U.S. Department of Defense or U.S. State Department (passport) upon demand by a law-enforcement officer. A person to

182 whom a nonresident permit is issued shall have such permit on his person at all times when he is  
183 carrying a concealed ~~handgun~~ *weapon* in the Commonwealth and shall display the permit on demand by  
184 a law-enforcement officer. A person whose permit is extended due to deployment shall carry with him  
185 and display, upon request of a law-enforcement officer, a copy of the documents required by subsection  
186 B of § 18.2-308.010.

187 B. Failure to display the permit and a photo identification upon demand by a law-enforcement officer  
188 ~~shall be~~ *is* punishable by a \$25 civil penalty, which shall be paid into the state treasury. Any attorney  
189 for the Commonwealth of the county or city in which the alleged violation occurred may bring an action  
190 to recover the civil penalty. A court may waive such penalty upon presentation to the court of a valid  
191 permit and a government-issued photo identification. Any law-enforcement officer may issue a summons  
192 for the civil violation of failure to display the concealed ~~handgun~~ *weapons* permit and photo  
193 identification upon demand.

194 C. The granting of a concealed ~~handgun~~ *weapons* permit pursuant to this article shall not thereby  
195 authorize the possession of any handgun or other weapon on property or in places where such  
196 possession is otherwise prohibited by law or is prohibited by the owner of private property.

197 D. *Any concealed handgun permit issued prior to July 1, 2024, shall include weapons other than*  
198 *handguns and shall be treated as a concealed weapons permit.*

199 **§ 18.2-308.02. Application for a concealed weapons permit; Virginia resident or domiciliary.**

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

213 B. The court shall require proof that the applicant has demonstrated competence with a ~~handgun~~  
214 *weapon* in person and the applicant may demonstrate such competence by one of the following, but no  
215 applicant shall be required to submit to any additional demonstration of competence, nor shall any proof  
216 of demonstrated competence expire:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**§ 18.2-308.03. Fees for concealed weapons permits.**

A. The clerk shall charge a fee of \$10 for the processing of an application or issuing of a *concealed weapons* permit, including his costs associated with the consultation with law-enforcement agencies. The local law-enforcement agency conducting the background investigation may charge a fee not to exceed \$35 to cover the cost of conducting an investigation pursuant to this article. The \$35 fee shall include any amount assessed by the U.S. Federal Bureau of Investigation for providing criminal history record information, and the local law-enforcement agency shall forward the amount assessed by the U.S. Federal Bureau of Investigation to the State Police with the fingerprints taken from any nonresident applicant. The State Police may charge a fee not to exceed \$5 to cover its costs associated with processing the application. The total amount assessed for processing an application for a permit shall not exceed \$50, with such fees to be paid in one sum to the person who receives the application. Payment may be made by any method accepted by that court for payment of other fees or penalties. No payment shall be required until the application is received by the court as a complete application.

B. No fee shall be charged for the issuance of such permit to a person who has retired from service (i) as a magistrate in the Commonwealth; (ii) as a special agent with the Virginia Alcoholic Beverage Control Authority or as a law-enforcement officer with the Department of State Police, the Department of Wildlife Resources, or a sheriff or police department, bureau, or force of any political subdivision of the Commonwealth, after completing 15 years of service or after reaching age 55; (iii) as a law-enforcement officer with the U.S. Federal Bureau of Investigation, Bureau of Alcohol, Tobacco and Firearms, Secret Service Agency, Drug Enforcement Administration, United States Citizenship and Immigration Services, U.S. Customs and Border Protection, Department of State Diplomatic Security Service, U.S. Marshals Service, or Naval Criminal Investigative Service, after completing 15 years of service or after reaching age 55; (iv) as a law-enforcement officer with any police or sheriff's department within the United States, the District of Columbia, or any of the territories of the United States, after completing 15 years of service; (v) as a law-enforcement officer with any combination of the agencies listed in clauses (ii) through (iv), after completing 15 years of service; (vi) as a designated boarding team member or boarding officer of the United States Coast Guard, after completing 15 years of service or after reaching age 55; (vii) as a correctional officer as defined in § 53.1-1, after completing 15 years of service; or (viii) as a probation and parole officer authorized pursuant to § 53.1-143, after completing 15 years of service.

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

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

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

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

D. A court may authorize the clerk to issue concealed ~~handgun~~ *weapons* permits, without judicial review, to 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~~ *weapons* 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~~ *weapon* 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 to carry a concealed ~~handgun~~ *weapon* 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.

**§ 18.2-308.05. Issuance of a de facto permit.**

If the court has not issued the permit or determined that the applicant is disqualified within 45 days of the date of receipt noted on the application, the clerk shall certify on the application that the 45-day period has expired, and mail or send via electronic mail a copy of the certified application to the applicant within five business days of the expiration of the 45-day period. The certified application shall serve as a de facto permit, which shall expire 90 days after issuance, and shall be recognized as a valid concealed ~~handgun~~ *weapons* permit when presented with a valid government-issued photo identification pursuant to subsection A of § 18.2-308.01, until the court issues a five-year permit or finds the applicant to be disqualified. If the applicant is found to be disqualified after the de facto permit is issued, the applicant shall surrender the de facto permit to the court and the disqualification shall be deemed a denial of the permit and a revocation of the de facto permit.

**§ 18.2-308.06. Nonresident concealed weapons 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~~ *weapon*. 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~~ *weapons* 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~~ *weapons* 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~~ *weapon* 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.

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

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

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

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

**§ 18.2-308.07. Entry of information into the Virginia Criminal Information Network.**

A. An order issuing a concealed ~~handgun~~ *weapons* permit pursuant to § 18.2-308.04, or the copy of the permit application certified by the clerk as a de facto permit pursuant to § 18.2-308.05, shall be provided to the State Police and the law-enforcement agencies of the county or city by the clerk of the court. The State Police shall enter the permittee's name and description in the Virginia Criminal Information Network so that the permit's existence and current status will be made known to law-enforcement personnel accessing the Network for investigative purposes.

B. The Department of State Police shall enter the name and description of a person issued a nonresident permit pursuant to § 18.2-308.06 in the Virginia Criminal Information Network so that the permit's existence and current status are known to law-enforcement personnel accessing the Network for investigative purposes.

C. The State Police shall withhold from public disclosure permittee information submitted to the State Police for purposes of entry into the Virginia Criminal Information Network, except that such information shall not be withheld from any law-enforcement agency, officer, or authorized agent thereof acting in the performance of official law-enforcement duties when such information is related to an ongoing criminal investigation or prosecution, nor shall such information be withheld from an entity that has a valid contract with any local, state, or federal law-enforcement agency for the purpose of performing official duties of the law-enforcement agency when such information is related to an ongoing criminal investigation or prosecution. However, nothing in this subsection shall be construed to prohibit the release of (i) records by the State Police concerning permits issued to nonresidents of the Commonwealth pursuant to § 18.2-308.06 or (ii) statistical summaries, abstracts, or other records containing information in an aggregate form that does not identify any individual permittees.

**§ 18.2-308.08. Denial of a concealed weapons permit; appeal.**

A. Only a circuit court judge may deny issuance of a concealed ~~handgun~~ *weapons* permit to a Virginia resident or domiciliary who has applied for a permit pursuant to § 18.2-308.04. Any order denying issuance of a concealed ~~handgun~~ *weapons* permit shall state the basis for the denial of the permit, including, if applicable, any reason under § 18.2-308.09 that is the basis of the denial, and the clerk shall provide notice, in writing, upon denial of the application, of the applicant's right to an ore tenus hearing and the requirements for perfecting an appeal of such order.

B. Upon request of the applicant made within 21 days, the court shall place the matter on the docket for an ore tenus hearing. The applicant may be represented by counsel, but counsel shall not be appointed, and the rules of evidence shall apply. The final order of the court shall include the court's findings of fact and conclusions of law.

C. Any person denied a permit to carry a concealed ~~handgun~~ *weapon* by the circuit court may appeal to the Court of Appeals. Such person shall file a notice of appeal with the clerk of the circuit court noting an appeal to the Court of Appeals and file his opening brief with the Court of Appeals within 60 days of the expiration of the time for requesting an ore tenus hearing, or if an ore tenus hearing is requested, within 60 days of the entry of the final order of the circuit court following the hearing. The opening brief shall be accompanied by a copy of the original papers filed in the circuit court, including

a copy of the order of the circuit court denying the permit. The decision of the Court of Appeals or judge shall be final. Notwithstanding any other provision of law, if the decision to deny the permit is reversed upon appeal, taxable costs incurred by the person shall be paid by the Commonwealth.

**§ 18.2-308.09. Disqualifications for a concealed weapons permit.**

The following persons shall be deemed disqualified from obtaining a permit:

1. An individual who is ineligible to possess a firearm pursuant to § 18.2-308.1:1, 18.2-308.1:2, 18.2-308.1:3, 18.2-308.1:6, 18.2-308.1:7, or 18.2-308.1:8 or the substantially similar law of any other state or of the United States.

2. An individual who was ineligible to possess a firearm pursuant to § 18.2-308.1:1 and who was discharged from the custody of the Commissioner pursuant to § 19.2-182.7 less than five years before the date of his application for a concealed ~~handgun~~ weapons permit.

3. An individual who was ineligible to possess a firearm pursuant to § 18.2-308.1:2 and whose competency or capacity was restored pursuant to § 64.2-2012 less than five years before the date of his application for a concealed ~~handgun~~ weapons permit.

4. An individual who was ineligible to possess a firearm under § 18.2-308.1:3 and who was released from commitment less than five years before the date of this application for a concealed ~~handgun~~ weapons permit.

5. An individual who is subject to a restraining order, or to a protective order and prohibited by § 18.2-308.1:4 from purchasing, possessing, or transporting a firearm.

6. An individual who is prohibited by § 18.2-308.2 from possessing or transporting a firearm, except that a restoration order may be obtained in accordance with subsection C of that section.

7. An individual who has been convicted of two or more misdemeanors within the five-year period immediately preceding the application, if one of the misdemeanors was a Class 1 misdemeanor, but the judge shall have the discretion to deny a permit for two or more misdemeanors that are not Class 1. Traffic infractions and misdemeanors set forth in Title 46.2 shall not be considered for purposes of this disqualification.

8. An individual who is addicted to, or is an unlawful user or distributor of, marijuana, synthetic cannabinoids, or any controlled substance.

9. An individual who has been convicted of a violation of § 18.2-266 or a substantially similar local ordinance, or of public drunkenness, or of a substantially similar offense under the laws of any other state, the District of Columbia, the United States, or its territories within the three-year period immediately preceding the application.

10. An alien other than an alien lawfully admitted for permanent residence in the United States.

11. An individual who has been discharged from the armed forces of the United States under dishonorable conditions.

12. An individual who is a fugitive from justice.

13. An individual who the court finds, by a preponderance of the evidence, based on specific acts by the applicant, is likely to use a weapon unlawfully or negligently to endanger others. The sheriff, chief of police, or attorney for the Commonwealth may submit to the court a sworn, written statement indicating that, in the opinion of such sheriff, chief of police, or attorney for the Commonwealth, based upon a disqualifying conviction or upon the specific acts set forth in the statement, the applicant is likely to use a weapon unlawfully or negligently to endanger others. The statement of the sheriff, chief of police, or the attorney for the Commonwealth shall be based upon personal knowledge of such individual or of a deputy sheriff, police officer, or assistant attorney for the Commonwealth of the specific acts, or upon a written statement made under oath before a notary public of a competent person having personal knowledge of the specific acts.

14. An individual who has been convicted of any assault, assault and battery, sexual battery, discharging of a firearm in violation of § 18.2-280 or 18.2-286.1 or brandishing of a firearm in violation of § 18.2-282 within the three-year period immediately preceding the application.

15. An individual who has been convicted of stalking.

16. An individual whose previous convictions or adjudications of delinquency were based on an offense that would have been at the time of conviction a felony if committed by an adult under the laws of any state, the District of Columbia, the United States or its territories. For purposes of this disqualifier, only convictions occurring within 16 years following the later of the date of (i) the conviction or adjudication or (ii) release from any incarceration imposed upon such conviction or adjudication shall be deemed to be "previous convictions." Disqualification under this subdivision shall not apply to an individual with previous adjudications of delinquency who has completed a term of service of no less than two years in the Armed Forces of the United States and, if such person has been discharged from the Armed Forces of the United States, received an honorable discharge.

17. An individual who has a felony charge pending or a charge pending for an offense listed in subdivision 14 or 15.

18. An individual who has received mental health treatment or substance abuse treatment in a



residential setting within five years prior to the date of his application for a concealed ~~handgun~~ *weapons* permit.

19. An individual not otherwise ineligible pursuant to this article, who, within the three-year period immediately preceding the application for the permit, was found guilty of any criminal offense set forth in Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1, Article 1 (§ 18.2-247 et seq.), or former § 18.2-248.1:1 or of a criminal offense of illegal possession or distribution of marijuana, synthetic cannabinoids, or any controlled substance, under the laws of any state, the District of Columbia, or the United States or its territories.

20. An individual, not otherwise ineligible pursuant to this article, with respect to whom, within the three-year period immediately preceding the application, upon a charge of any criminal offense set forth in Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1, Article 1 (§ 18.2-247 et seq.), or former § 18.2-248.1:1 or upon a charge of illegal possession or distribution of marijuana, synthetic cannabinoids, or any controlled substance under the laws of any state, the District of Columbia, or the United States or its territories, the trial court found that the facts of the case were sufficient for a finding of guilt and disposed of the case pursuant to § 18.2-251 or the substantially similar law of any other state, the District of Columbia, or the United States or its territories.

**§ 18.2-308.010. Renewal of concealed weapons permit.**

A. 1. Persons who previously have held a concealed ~~handgun~~ *weapons* permit shall be issued, upon application as provided in § 18.2-308.02, a new five-year permit unless it is found that the applicant is subject to any of the disqualifications set forth in § 18.2-308.09. Persons who previously have been issued a concealed ~~handgun~~ *weapons* permit pursuant to this article shall not be required to appear in person to apply for a new five-year permit pursuant to this section, and the application for the new permit, including a photocopy of the applicant's valid photo identification, may be submitted via the United States mail. The circuit court that receives the application shall promptly notify an applicant if the application is incomplete or if the fee submitted for the permit pursuant to § 18.2-308.03 is incorrect.

2. If a new five-year permit is issued while an existing permit remains valid, the new five-year permit shall become effective upon the expiration date of the existing permit, provided that the application is received by the court at least 90 days but no more than 180 days prior to the expiration of the existing permit.

3. Any order denying issuance of the new permit shall be in accordance with subsection A of § 18.2-308.08.

B. If a permit holder is a member of the Virginia National Guard, Armed Forces of the United States, or the Armed Forces Reserves of the United States, and his five-year permit expires during an active-duty military deployment outside of the permittee's county or city of residence, such permit shall remain valid for 90 days after the end date of the deployment. In order to establish proof of continued validity of the permit, such a permittee shall carry with him and display, upon request of a law-enforcement officer, a copy of the permittee's deployment orders or other documentation from the permittee's commanding officer that order the permittee to travel outside of his county or city of residence and that indicate the start and end date of such deployment.

C. If the clerk has an electronic system for, and issuance of, concealed ~~handgun~~ *weapons* permits and such system has the capability of sending electronic notices to permit holders and if a permit holder requests such notice on the concealed ~~handgun~~ *weapons* application form, the clerk that issued the permit shall notify the permit holder by electronic mail at least 90 days prior to the permit expiration date that the permit will expire. The failure of a clerk to send the notice required by this subsection or the failure of the permit holder to receive such notice shall not extend the validity of the existing permit beyond its expiration date.

**§ 18.2-308.011. Replacement permits.**

A. The clerk of a circuit court that issued a valid concealed ~~handgun~~ *weapons* permit shall, upon presentation by the permit holder of the valid permit and written notice of a change of address on a form provided by the Department of State Police, issue a replacement permit specifying the permit holder's new address. The clerk of court shall forward the permit holder's new address of residence to the State Police. The State Police may charge a fee not to exceed \$5, and the clerk of court issuing the replacement permit may charge a fee not to exceed \$5. The total amount assessed for processing a replacement permit pursuant to this subsection shall not exceed \$10, with such fees to be paid in one sum to the person who receives the information for the replacement permit.

B. The clerk of a circuit court that issued a valid concealed ~~handgun~~ *weapons* permit shall, upon submission of a notarized statement by the permit holder that the permit was lost or destroyed or that the permit holder has undergone a legal name change, issue a replacement permit. The replacement permit shall have the same expiration date as the permit that was lost, destroyed, or issued to the permit holder under a previous name. The clerk shall issue the replacement permit within 10 business days of receiving the notarized statement and may charge a fee not to exceed \$5.

**§ 18.2-308.012. Prohibited conduct; penalties.**

A. Any person permitted to carry a concealed ~~handgun~~ *weapon* who is under the influence of alcohol or illegal drugs while carrying such ~~handgun~~ *weapon* in a public place is guilty of a Class 1 misdemeanor. Conviction of any of the following offenses shall be prima facie evidence, subject to rebuttal, that the person is "under the influence" for purposes of this section: manslaughter in violation of § 18.2-36.1, maiming in violation of § 18.2-51.4, driving while intoxicated in violation of § 18.2-266, public intoxication in violation of § 18.2-388, or driving while intoxicated in violation of § 46.2-341.24. Upon such conviction that court shall revoke the person's permit for a concealed ~~handgun~~ *weapon* and promptly notify the issuing circuit court. A person convicted of a violation of this subsection shall be ineligible to apply for a concealed ~~handgun~~ *weapons* permit for a period of five years.

B. No person who carries a concealed ~~handgun~~ *weapon* onto the premises of any restaurant or club as defined in § 4.1-100 for which a license to sell and serve alcoholic beverages for on-premises consumption has been granted by the Virginia Alcoholic Beverage Control Authority under Title 4.1 may consume an alcoholic beverage while on the premises. A person who carries a concealed ~~handgun~~ *weapon* onto the premises of such a restaurant or club and consumes alcoholic beverages is guilty of a Class 2 misdemeanor. However, nothing in this subsection shall apply to a federal, state, or local law-enforcement officer.

**§ 18.2-308.013. Suspension or revocation of permit.**

A. Any person convicted of an offense that would disqualify that person from obtaining a permit under § 18.2-308.09 or who violates subsection C of § 18.2-308.02 shall forfeit his permit for a concealed ~~handgun~~ *weapon* and surrender it to the court. Upon receipt by the Central Criminal Records Exchange of a record of the arrest, conviction, or occurrence of any other event that would disqualify a person from obtaining a concealed ~~handgun~~ *weapons* permit under § 18.2-308.09, the Central Criminal Records Exchange shall notify the court having issued the permit of such disqualifying arrest, conviction, or other event. Upon receipt of such notice of a conviction, the court shall revoke the permit of a person disqualified pursuant to this subsection, and shall promptly notify the State Police and the person whose permit was revoked of the revocation.

B. An individual who has a felony charge pending or a charge pending for an offense listed in subdivision 14 or 15 of § 18.2-308.09, holding a permit for a concealed ~~handgun~~ *weapon*, may have the permit suspended by the court before which such charge is pending or by the court that issued the permit.

C. The court shall revoke the permit of any individual for whom it would be unlawful to purchase, possess, or transport a firearm under § 18.2-308.1:2 or 18.2-308.1:3, and shall promptly notify the State Police and the person whose permit was revoked of the revocation.

**§ 18.2-308.014. Reciprocity.**

A. A valid concealed handgun or concealed weapon permit or license issued by another state shall authorize the holder of such permit or license who is at least 21 years of age to carry a concealed ~~handgun~~ *weapon* in the Commonwealth, provided *that* (i) the issuing authority provides the means for instantaneous verification of the validity of all such permits or licenses issued within that state, accessible 24 hours a day if available; (ii) the permit or license holder carries a photo identification issued by a government agency of any state or by the U.S. Department of Defense or U.S. Department of State and displays the permit or license and such identification upon demand by a law-enforcement officer; and (iii) the permit or license holder has not previously had a Virginia concealed handgun *or weapons* permit revoked. The Superintendent of State Police shall enter into agreements for reciprocal recognition with such other states that require an agreement to be in place before such state will recognize a Virginia concealed ~~handgun~~ *weapons* permit as valid in such state. The Attorney General shall provide the Superintendent with any legal assistance or advice necessary for the Superintendent to perform his duties set forth in this subsection. If the Superintendent determines that another state requires that an agreement for reciprocal recognition be executed by the Attorney General or otherwise formally approved by the Attorney General as a condition of such other state's entering into an agreement for reciprocal recognition, the Attorney General shall (a) execute such agreement or otherwise formally approve such agreement and (b) return to the Superintendent the executed agreement or, in a form deemed acceptable by such other state, documentation of his formal approval of such agreement within 30 days after the Superintendent notifies the Attorney General, in writing, that he is required to execute or otherwise formally approve such agreement.

B. For the purposes of participation in concealed handgun *or weapons* reciprocity agreements with other jurisdictions, the official government-issued law-enforcement identification card issued to an active-duty law-enforcement officer in the Commonwealth who is exempt from obtaining a concealed ~~handgun~~ *weapons* permit under this article shall be deemed a concealed ~~handgun~~ *weapons* permit.

**§ 18.2-308.015. Inclusion of Supreme Court website on application.**

For the purposes of understanding the law relating to the use of deadly and lethal force, the Department of State Police, in consultation with the Supreme Court on the development of the

application for a concealed ~~handgun~~ *weapons* permit under this article, shall include a reference to the Virginia Supreme Court website address or the Virginia Reports on the application.

**§ 18.2-308.016. Retired law-enforcement officers; carrying a concealed weapon.**

A. Except as provided in subsection A of § 18.2-308.012, § 18.2-308 shall not apply to:

1. Any State Police officer retired from the Department of State Police, any officer retired from the Division of Capitol Police, any local law-enforcement officer, auxiliary police officer or animal control officer retired from a police department or sheriff's office within the Commonwealth, any special agent retired from the State Corporation Commission or the Virginia Alcoholic Beverage Control Authority, any employee with internal investigations authority designated by the Department of Corrections pursuant to subdivision 11 of § 53.1-10 retired from the Department of Corrections, any conservation police officer retired from the Department of Wildlife Resources, any conservation officer retired from the Department of Conservation and Recreation, any Virginia Marine Police officer retired from the Law Enforcement Division of the Virginia Marine Resources Commission, any campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1 retired from a campus police department, any retired member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217, and any retired investigator of the security division of the Virginia Lottery, other than an officer or agent terminated for cause, (i) with a service-related disability; (ii) following at least 10 years of service with any such law-enforcement agency, commission, board, or any combination thereof; (iii) who has reached 55 years of age; or (iv) who is on long-term leave from such law-enforcement agency or board due to a service-related injury, provided such officer carries with him written proof of consultation with and favorable review of the need to carry a concealed ~~handgun~~ *weapon* issued by the chief law-enforcement officer of the last such agency from which the officer retired or the agency that employs the officer or, in the case of special agents, issued by the State Corporation Commission or the Virginia Alcoholic Beverage Control Authority. A copy of the proof of consultation and favorable review shall be forwarded by the chief, Commission, or Board to the Department of State Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall not without cause withhold such written proof if the retired law-enforcement officer otherwise meets the requirements of this section. An officer set forth in clause (iv) who receives written proof of consultation to carry a concealed ~~handgun~~ *weapon* shall surrender such proof of consultation upon return to work as a law-enforcement officer or upon termination of employment with the law-enforcement agency. Notice of the surrender shall be forwarded to the Department of State Police for entry into the Virginia Criminal Information Network. However, if such officer retires on disability because of the service-related injury, and would be eligible under clause (i) for written proof of consultation to carry a concealed ~~handgun~~ *weapon*, he may retain the previously issued written proof of consultation.

2. Any person who is eligible for retirement with at least 20 years of service with a law-enforcement agency, commission, or board mentioned in subdivision 1 who has resigned in good standing from such law-enforcement agency, commission, or board to accept a position covered by a retirement system that is authorized under Title 51.1, provided such person carries with him written proof of consultation with and favorable review of the need to carry a concealed ~~handgun~~ *weapon* issued by the chief law-enforcement officer of the agency from which he resigned or, in the case of special agents, issued by the State Corporation Commission or the Virginia Alcoholic Beverage Control Authority. A copy of the proof of consultation and favorable review shall be forwarded by the chief, Commission, or Board to the Department of State Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall not without cause withhold such written proof if the law-enforcement officer otherwise meets the requirements of this section.

3. Any State Police officer who is a member of the organized reserve forces of any of the Armed Services of the United States or National Guard, while such officer is called to active military duty, provided such officer carries with him written proof of consultation with and favorable review of the need to carry a concealed ~~handgun~~ *weapon* issued by the Superintendent of State Police. The proof of consultation and favorable review shall be valid as long as the officer is on active military duty and shall expire when the officer returns to active law-enforcement duty. The issuance of the proof of consultation and favorable review shall be entered into the Virginia Criminal Information Network. The Superintendent of State Police shall not without cause withhold such written proof if the officer is in good standing and is qualified to carry a weapon while on active law-enforcement duty.

4. Any retired or resigned attorney for the Commonwealth or assistant attorney for the Commonwealth who (i) was not terminated for cause and served at least 10 years prior to his retirement or resignation; (ii) during the most recent 12-month period, has met, at his own expense, the standards for qualification in firearms training for active law-enforcement officers in the Commonwealth; (iii) carries with him written proof of consultation with and favorable review of the need to carry a concealed ~~handgun~~ *weapon* issued by the attorney for the Commonwealth from whose office he retired

674 or resigned; and (iv) meets the requirements of a "qualified retired law enforcement officer" pursuant to  
675 the federal Law Enforcement Officers Safety Act of 2004 (18 U.S.C. § 926C). A copy of the proof of  
676 consultation and favorable review shall be forwarded by the attorney for the Commonwealth to the  
677 Department of State Police for entry into the Virginia Criminal Information Network.

678 B. For purposes of complying with the federal Law Enforcement Officers Safety Act of 2004, a  
679 retired or resigned law-enforcement officer, including a retired or resigned attorney for the  
680 Commonwealth or assistant attorney for the Commonwealth, who receives proof of consultation and  
681 review pursuant to this section shall have the opportunity to annually participate, at the retired or  
682 resigned law-enforcement officer's expense, in the same training and testing to carry firearms as is  
683 required of active law-enforcement officers in the Commonwealth. If such retired or resigned  
684 law-enforcement officer meets the training and qualification standards, the chief law-enforcement officer  
685 shall issue the retired or resigned officer certification, valid one year from the date of issuance,  
686 indicating that the retired or resigned officer has met the standards of the agency to carry a firearm.

687 C. A retired or resigned law-enforcement officer, including a retired or resigned attorney for the  
688 Commonwealth or assistant attorney for the Commonwealth, who receives proof of consultation and  
689 review pursuant to this section may annually participate and meet the training and qualification standards  
690 to carry firearms as is required of active law-enforcement officers in the Commonwealth. If such retired  
691 or resigned law-enforcement officer meets the training and qualification standards, the chief  
692 law-enforcement officer shall issue the retired or resigned officer certification, valid one year from the  
693 date of issuance, indicating that the retired or resigned officer has met the standards of the  
694 Commonwealth to carry a firearm. A copy of the certification indicating that the retired or resigned  
695 officer has met the standards of the Commonwealth to carry a firearm shall be forwarded by the chief,  
696 Commission, Board, or attorney for the Commonwealth to the Department of State Police for entry into  
697 the Virginia Criminal Information Network.

698 D. For all purposes, including for the purpose of applying the reciprocity provisions of  
699 § 18.2-308.014, any person granted the privilege to carry a concealed ~~handgun~~ *weapon* pursuant to this  
700 section, while carrying the proof of consultation and favorable review required, shall be deemed to have  
701 been issued a concealed ~~handgun~~ *weapons* permit.

702 **§ 18.2-308.1. Possession of firearm, stun weapon, or other weapon on school property**  
703 **prohibited; penalty.**

704 A. If any person knowingly possesses any (i) stun weapon as defined in this section; (ii) knife,  
705 except a pocket knife having a folding metal blade of less than three inches; or (iii) weapon, including a  
706 weapon of like kind, designated in subsection A of § 18.2-308, other than a firearm; upon (a) the  
707 property of any child day center or public, private, or religious preschool, elementary, middle, or high  
708 school, including buildings and grounds; (b) that portion of any property open to the public and then  
709 exclusively used for school-sponsored functions or extracurricular activities while such functions or  
710 activities are taking place; or (c) any school bus owned or operated by any such school, he is guilty of a  
711 Class 1 misdemeanor.

712 B. If any person knowingly possesses any firearm designed or intended to expel a projectile by  
713 action of an explosion of a combustible material while such person is upon (i) the property of any child  
714 day center or public, private, or religious preschool, elementary, middle, or high school, including  
715 buildings and grounds; (ii) that portion of any property open to the public and then exclusively used for  
716 school-sponsored functions or extracurricular activities while such functions or activities are taking  
717 place; or (iii) any school bus owned or operated by any such school, he is guilty of a Class 6 felony.

718 C. If any person knowingly possesses any firearm designed or intended to expel a projectile by  
719 action of an explosion of a combustible material within the building of a child day center or public,  
720 private, or religious preschool, elementary, middle, or high school and intends to use, or attempts to use,  
721 such firearm, or displays such weapon in a threatening manner, such person is guilty of a Class 6 felony  
722 and sentenced to a mandatory minimum term of imprisonment of five years to be served consecutively  
723 with any other sentence.

724 D. The child day center and private or religious preschool provisions of this section (i) shall apply  
725 only during the operating hours of such child day center or private or religious preschool and (ii) shall  
726 not apply to any person (a) whose residence is on the property of a child day center or a private or  
727 religious preschool and (b) who possesses a firearm or other weapon prohibited under this section while  
728 in his residence.

729 E. The exemptions set out in §§ 18.2-308 and 18.2-308.016 shall apply, *mutatis mutandis*, to the  
730 provisions of this section. The provisions of this section shall not apply to (i) persons who possess such  
731 weapon or weapons as a part of the school's curriculum or activities; (ii) a person possessing a knife  
732 customarily used for food preparation or service and using it for such purpose; (iii) persons who possess  
733 such weapon or weapons as a part of any program sponsored or facilitated by either the school or any  
734 organization authorized by the school to conduct its programs either on or off the school premises; (iv)  
735 any law-enforcement officer, or retired law-enforcement officer qualified pursuant to subsection C of

§ 18.2-308.016; (v) any person who possesses a knife or blade which he uses customarily in his trade; (vi) a person who possesses an unloaded firearm or a stun weapon that is in a closed container, or a knife having a metal blade, in or upon a motor vehicle, or an unloaded shotgun or rifle in a firearms rack in or upon a motor vehicle; (vii) a person who has a valid concealed ~~handgun~~ *weapons* permit and possesses a concealed handgun ~~or~~, a stun weapon, *or other weapon* while in a motor vehicle in a parking lot, traffic circle, or other means of vehicular ingress or egress to the school; (viii) a school security officer authorized to carry a firearm pursuant to § 22.1-280.2:1; or (ix) an armed security officer, licensed pursuant to Article 4 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1, hired by a child day center or a private or religious school for the protection of students and employees as authorized by such school. For the purposes of this subsection, "weapon" includes a knife having a metal blade of three inches or longer and "closed container" includes a locked vehicle trunk.

F. Nothing in subsection E or any other provision of law shall be construed as providing an exemption to the provisions of this section for a special conservator of the peace appointed pursuant to § 19.2-13, other than the specifically enumerated exemptions that apply to the general population as provided in subsection E.

G. As used in this section:

"Child day center" means a child day center, as defined in § 22.1-289.02, that is licensed in accordance with the provisions of Chapter 14.1 (§ 22.1-289.02 et seq.) of Title 22.1 and is not operated at the residence of the provider or of any of the children.

"Stun weapon" means any device that emits a momentary or pulsed output, which is electrical, audible, optical or electromagnetic in nature and which is designed to temporarily incapacitate a person.

**§ 18.2-308.1:4. Purchase or transportation of firearm by persons subject to protective orders; penalties.**

A. It is unlawful for any person who is subject to (i) a protective order entered pursuant to § 16.1-253.1, 16.1-253.4, 16.1-278.2, 16.1-279.1, 19.2-152.8, 19.2-152.9, or 19.2-152.10; (ii) an order issued pursuant to subsection B of § 20-103; (iii) an order entered pursuant to subsection D of § 18.2-60.3; (iv) a preliminary protective order entered pursuant to subsection F of § 16.1-253 where a petition alleging abuse or neglect has been filed; or (v) an order issued by a tribunal of another state, the United States or any of its territories, possessions, or commonwealths, or the District of Columbia pursuant to a statute that is substantially similar to those cited in clauses (i), (ii), (iii), or (iv) to purchase or transport any firearm while the order is in effect. Any person with a concealed ~~handgun~~ *weapons* permit shall be prohibited from carrying any concealed ~~firearm~~ *weapon*, and shall surrender his permit to the court entering the order, for the duration of any protective order referred to herein. A violation of this subsection is a Class 1 misdemeanor.

B. In addition to the prohibition set forth in subsection A, it is unlawful for any person who is subject to a protective order entered pursuant to § 16.1-279.1 or 19.2-152.10 or an order issued by a tribunal of another state, the United States or any of its territories, possessions, or commonwealths, or the District of Columbia pursuant to a statute that is substantially similar to § 16.1-279.1 or 19.2-152.10 to knowingly possess any firearm while the order is in effect, provided that for a period of 24 hours after being served with a protective order in accordance with subsection C of § 16.1-279.1 or subsection D of § 19.2-152.10 such person may continue to possess and, notwithstanding the provisions of subsection A, transport any firearm possessed by such person at the time of service for the purposes of surrendering any such firearm to a law-enforcement agency in accordance with subsection C or selling or transferring any such firearm to a dealer as defined in § 18.2-308.2:2 or to any person who is not otherwise prohibited by law from possessing such firearm in accordance with subsection C. A violation of this subsection is a Class 6 felony.

C. Upon issuance of a protective order pursuant to § 16.1-279.1 or 19.2-152.10, the court shall order the person who is subject to the protective order to (i) within 24 hours after being served with a protective order in accordance with subsection C of § 16.1-279.1 or subsection D of § 19.2-152.10 (a) surrender any firearm possessed by such person to a designated local law-enforcement agency, (b) sell or transfer any firearm possessed by such person to a dealer as defined in § 18.2-308.2:2, or (c) sell or transfer any firearm possessed by such person to any person who is not otherwise prohibited by law from possessing such firearm and (ii) within 48 hours after being served with a protective order in accordance with subsection C of § 16.1-279.1 or subsection D of § 19.2-152.10, certify in writing, on a form provided by the Office of the Executive Secretary of the Supreme Court, that such person does not possess any firearms or that all firearms possessed by such person have been surrendered, sold, or transferred and file such certification with the clerk of the court that entered the protective order. The willful failure of any person to certify in writing in accordance with this section that all firearms possessed by such person have been surrendered, sold, or transferred or that such person does not possess any firearms shall constitute contempt of court.

D. The person who is subject to a protective order pursuant to § 16.1-279.1 or 19.2-152.10 shall be

797 provided with the address and hours of operation of a designated local law-enforcement agency and the  
798 certification forms when such person is served with a protective order in accordance with subsection C  
799 of § 16.1-279.1 or subsection D of § 19.2-152.10.

800 E. A law-enforcement agency that takes into custody a firearm surrendered to such agency pursuant  
801 to subsection C by a person who is subject to a protective order pursuant to § 16.1-279.1 or 19.2-152.10  
802 shall prepare a written receipt containing the name of the person who surrendered the firearm and the  
803 manufacturer, model, and serial number of the firearm and provide a copy to such person. Any firearm  
804 surrendered to and held by a law-enforcement agency pursuant to subsection C shall be returned by such  
805 agency to the person who surrendered the firearm upon the expiration or dissolution of the protective  
806 order entered pursuant to § 16.1-279.1 or 19.2-152.10. Such agency shall return the firearm within five  
807 days of receiving a written request for the return of the firearm by the person who surrendered the  
808 firearm and a copy of the receipt provided to such person by the agency. Prior to returning the firearm  
809 to such person, the law-enforcement agency holding the firearm shall confirm that such person is no  
810 longer subject to a protective order issued pursuant to § 16.1-279.1 or 19.2-152.10 and is not otherwise  
811 prohibited by law from possessing a firearm. A firearm surrendered to a law-enforcement agency  
812 pursuant to subsection C may be disposed of in accordance with the provisions of § 15.2-1721 if (i) the  
813 person from whom the firearm was seized provides written authorization for such disposal to the agency  
814 or (ii) the firearm remains in the possession of the agency more than 120 days after such person is no  
815 longer subject to a protective order issued pursuant to § 16.1-279.1 or 19.2-152.10 and such person has  
816 not submitted a request in writing for the return of the firearm.

817 F. Any law-enforcement agency or law-enforcement officer that takes into custody, stores, possesses,  
818 or transports a firearm pursuant to this section shall be immune from civil or criminal liability for any  
819 damage to or deterioration, loss, or theft of such firearm.

820 G. The law-enforcement agencies of the counties, cities, and towns within each judicial circuit shall  
821 designate, in coordination with each other, and provide to the chief judges of all circuit and district  
822 courts within the judicial circuit, one or more local law-enforcement agencies to receive and store  
823 firearms pursuant to this section. The law-enforcement agencies shall provide the chief judges with a list  
824 that includes the addresses and hours of operation for any law-enforcement agencies so designated that  
825 such addresses and hours of operation may be provided to a person served with a protective order in  
826 accordance with subsection C of § 16.1-279.1 or subsection D of § 19.2-152.10.

827 **§ 18.2-308.1:6. Purchase, possession, or transportation of firearms by persons subject to**  
828 **substantial risk orders; penalty.**

829 It is unlawful for any person who is subject to an emergency substantial risk order or a substantial  
830 risk order entered pursuant to § 19.2-152.13 or 19.2-152.14 or an order issued by a tribunal of another  
831 state, the United States or any of its territories, possessions, or commonwealths, or the District of  
832 Columbia pursuant to a statute that is substantially similar to § 19.2-152.13 or 19.2-152.14 to purchase,  
833 possess, or transport any firearm while the order is in effect. Any such person with a concealed ~~handgun~~  
834 *weapons* permit is prohibited from carrying any concealed firearm while the order is in effect and shall  
835 surrender his permit to the court entering the order pursuant to § 19.2-152.13 or 19.2-152.14. A violation  
836 of this section is a Class 1 misdemeanor.

837 **§ 19.2-152.13. Emergency substantial risk order.**

838 A. Upon the petition of an attorney for the Commonwealth or a law-enforcement officer, a judge of  
839 a circuit court, general district court, or juvenile and domestic relations district court or a magistrate,  
840 upon a finding that there is probable cause to believe that a person poses a substantial risk of personal  
841 injury to himself or others in the near future by such person's possession or acquisition of a firearm,  
842 shall issue an ex parte emergency substantial risk order. Such order shall prohibit the person who is  
843 subject to the order from purchasing, possessing, or transporting a firearm for the duration of the order.  
844 In determining whether probable cause for the issuance of an order exists, the judge or magistrate shall  
845 consider any relevant evidence, including any recent act of violence, force, or threat as defined in §  
846 19.2-152.7:1 by such person directed toward another person or toward himself. No petition shall be filed  
847 unless an independent investigation has been conducted by law enforcement that determines that grounds  
848 for the petition exist. The order shall contain a statement (i) informing the person who is subject to the  
849 order of the requirements and penalties under § 18.2-308.1:6, including that it is unlawful for such  
850 person to purchase, possess, or transport a firearm for the duration of the order and that such person is  
851 required to surrender his concealed ~~handgun~~ *weapons* permit if he possesses such permit, and (ii)  
852 advising such person to voluntarily relinquish any firearm within his custody to the law-enforcement  
853 agency that serves the order.

854 B. The petition for an emergency substantial risk order shall be made under oath and shall be  
855 supported by an affidavit.

856 C. Upon service of an emergency substantial risk order, the person who is subject to the order shall  
857 be given the opportunity to voluntarily relinquish any firearm in his possession. The law-enforcement  
858 agency that executed the emergency substantial risk order shall take custody of all firearms that are

voluntarily relinquished by such person. The law-enforcement agency that takes into custody a firearm pursuant to the order shall prepare a written receipt containing the name of the person who is subject to the order and the manufacturer, model, condition, and serial number of the firearm and shall provide a copy thereof to such person. Nothing in this subsection precludes a law-enforcement officer from later obtaining a search warrant for any firearms if the law-enforcement officer has reason to believe that the person who is subject to an emergency substantial risk order has not relinquished all firearms in his possession.

D. An emergency substantial risk order issued pursuant to this section shall expire at 11:59 p.m. on the fourteenth day following issuance of the order. If the expiration occurs on a day that the circuit court for the jurisdiction where the order was issued is not in session, the order shall be extended until 11:59 p.m. on the next day that the circuit court is in session. The person who is subject to the order may at any time file with the circuit court a motion to dissolve the order.

E. An emergency substantial risk order issued pursuant to this section is effective upon personal service on the person who is subject to the order. The order shall be served forthwith after issuance. A copy of the order, petition, and supporting affidavit shall be given to the person who is subject to the order together with a notice informing the person that he has a right to a hearing under § 19.2-152.14 and may be represented by counsel at the hearing.

F. The court or magistrate shall forthwith, but in all cases no later than the end of the business day on which the emergency substantial risk order was issued, enter and transfer electronically to the Virginia Criminal Information Network (VCIN) established and maintained by the Department of State Police (Department) pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 the identifying information of the person who is subject to the order provided to the court or magistrate. A copy of an order issued pursuant to this section containing any such identifying information shall be forwarded forthwith to the primary law-enforcement agency responsible for service and entry of the order. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department into the VCIN, and the order shall be served forthwith upon the person who is subject to the order. However, if the order is issued by the circuit court, the clerk of the circuit court shall forthwith forward an attested copy of the order containing the identifying information of the person who is subject to the order provided to the court to the primary law-enforcement agency providing service and entry of the order. Upon receipt of the order by the primary law-enforcement agency, the agency shall enter the name of the person subject to the order and other appropriate information required by the Department into the VCIN and the order shall be served forthwith upon the person who is subject to the order. Upon service, the agency making service shall enter the date and time of service and other appropriate information required into the VCIN and make due return to the court. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested and forwarded forthwith to the primary law-enforcement agency responsible for service and entry of the order. Upon receipt of the dissolution or modification order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department into the VCIN and the order shall be served forthwith.

G. The law-enforcement agency that serves the emergency substantial risk order shall make due return to the circuit court, which shall be accompanied by a written inventory of all firearms relinquished.

H. Proceedings in which an emergency substantial risk order is sought pursuant to this section shall be commenced where the person who is subject to the order (i) has his principal residence or (ii) has engaged in any conduct upon which the petition for the emergency substantial risk order is based.

I. A proceeding for a substantial risk order shall be a separate civil legal proceeding subject to the same rules as civil proceedings.

#### **§ 19.2-152.14. Substantial risk order.**

A. Not later than 14 days after the issuance of an emergency substantial risk order pursuant to § 19.2-152.13, the circuit court for the jurisdiction where the order was issued shall hold a hearing to determine whether a substantial risk order should be entered. The attorney for the Commonwealth for the jurisdiction that issued the emergency substantial risk order shall represent the interests of the Commonwealth. Notice of the hearing shall be given to the person subject to the emergency substantial risk order and the attorney for the Commonwealth. Upon motion of the respondent and for good cause shown, the court may continue the hearing, provided that the order shall remain in effect until the hearing. The Commonwealth shall have the burden of proving all material facts by clear and convincing evidence. If the court finds by clear and convincing evidence that the person poses a substantial risk of personal injury to himself or to other individuals in the near future by such person's possession or acquisition of a firearm, the court shall issue a substantial risk order. Such order shall prohibit the

person who is subject to the order from purchasing, possessing, or transporting a firearm for the duration of the order. In determining whether clear and convincing evidence for the issuance of an order exists, the judge shall consider any relevant evidence including any recent act of violence, force, or threat as defined in § 19.2-152.7:1 by such person directed toward another person or toward himself. The order shall contain a statement (i) informing the person who is subject to the order of the requirements and penalties under § 18.2-308.1:6, including that it is unlawful for such person to purchase, possess, or transport a firearm for the duration of the order and that such person is required to surrender his concealed handgun weapons permit if he possesses such permit, and (ii) advising such person to voluntarily relinquish any firearm that has not been taken into custody to the law-enforcement agency that served the emergency substantial risk order.

B. If the court issues a substantial risk order pursuant to subsection A, the court shall (i) order that any firearm that was previously relinquished pursuant to § 19.2-152.13 from the person who is subject to the substantial risk order continue to be held by the agency that has custody of the firearm for the duration of the order and (ii) advise such person that a law-enforcement officer may obtain a search warrant to search for any firearms from such person if such law-enforcement officer has reason to believe that such person has not relinquished all firearms in his possession.

If the court finds that the person does not pose a substantial risk of personal injury to himself or to other individuals in the near future, the court shall order that any firearm that was previously relinquished be returned to such person in accordance with the provisions of § 19.2-152.15.

C. The substantial risk order may be issued for a specified period of time up to a maximum of 180 days. The order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on the last day of the 180-day period if no date is specified. Prior to the expiration of the order, an attorney for the Commonwealth or a law-enforcement officer may file a written motion requesting a hearing to extend the order. Proceedings to extend an order shall be given precedence on the docket of the court. The court may extend the order for a period not longer than 180 days if the court finds by clear and convincing evidence that the person continues to pose a substantial risk of personal injury to himself or to other individuals in the near future by such person's possession or acquisition of a firearm at the time the request for an extension is made. The extension of the order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on the last day of the 180-day period if no date is specified. Nothing herein shall limit the number of extensions that may be requested or issued. The person who is subject to the order may file a motion to dissolve the order one time during the duration of the order; however, such motion may not be filed earlier than 30 days from the date the order was issued.

D. Any person whose firearm has been voluntarily relinquished pursuant to § 19.2-152.13 or this section, or such person's legal representative, may transfer the firearm to another individual 21 years of age or older who is not otherwise prohibited by law from possessing such firearm, provided that:

1. The person subject to the order and the transferee appear at the hearing;
2. At the hearing, the attorney for the Commonwealth advises the court that a law-enforcement agency has determined that the transferee is not prohibited from possessing or transporting a firearm;
3. The transferee does not reside with the person subject to the order;
4. The court informs the transferee of the requirements and penalties under § 18.2-308.2:1; and
5. The court, after considering all relevant factors and any evidence or testimony from the person subject to the order, approves the transfer of the firearm subject to such restrictions as the court deems necessary.

The law-enforcement agency holding the firearm shall deliver the firearm to the transferee within five days of receiving a copy of the court's approval of the transfer.

E. The court shall forthwith, but in all cases no later than the end of the business day on which the substantial risk order was issued, enter and transfer electronically to the Virginia Criminal Information Network (VCIN) established and maintained by the Department of State Police (Department) pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 the identifying information of the person who is subject to the order provided to the court and shall forthwith forward the attested copy of the order containing any such identifying information to the primary law-enforcement agency responsible for service and entry of the order. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department into the VCIN and the order shall be served forthwith upon the person who is subject to the order and due return made to the court. Upon service, the agency making service shall enter the date and time of service and other appropriate information required by the Department into the VCIN and make due return to the court. If the person who is subject to an emergency substantial risk order fails to appear at the hearing conducted pursuant to this section because such person was not personally served with notice of the hearing pursuant to subsection A, or if personally served was incarcerated and not transported to the hearing, the court may extend the emergency substantial risk order for a period not to exceed 14 days. The extended emergency substantial risk order shall specify a date for a hearing to be conducted pursuant to this section and shall be served



forthwith on such person and due return made to the court. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested and forwarded forthwith to the primary law-enforcement agency responsible for service and entry of the order. Upon receipt of the dissolution or modification order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network, and the order shall be served forthwith and due return made to the court.

**§ 22.1-131.1. Certain school board property; establishment of gun-free zone permitted.**

Notwithstanding the provisions of § 15.2-915, in addition to ensuring compliance with the federal Gun-Free School Zones Act of 1990, 18 U.S.C. § 922(q), any school board may deem any building or property that it owns or leases where employees of such school board are regularly present for the purpose of performing their official duties, outside of school zones, as that term is defined in 18 U.S.C. § 921, as a gun-free zone and may prohibit any individual from knowingly purchasing, possessing, transferring, carrying, storing, or transporting firearms, ammunition, or components or combination thereof while such individual is upon such property. Such prohibition shall not apply to (i) any law-enforcement officer; (ii) any retired law-enforcement officer qualified to carry firearms pursuant to subsection C of § 18.2-308.016; (iii) any individual who possesses an unloaded firearm that is in a closed container in or upon a motor vehicle or an unloaded shotgun or rifle in a firearms rack in or upon a motor vehicle; or (iv) any individual who has a valid concealed ~~handgun~~ weapons permit and possesses a concealed ~~handgun~~ weapon while in a motor vehicle in a parking lot, traffic circle, or other means of vehicular ingress to or egress from the school board property.

**§ 44-39.1. Possession of weapons by members at National Guard facilities.**

To the extent permitted by federal law and by the terms of any contract between the Virginia National Guard and a privately owned facility, any member of the Virginia National Guard who possesses a valid concealed ~~handgun~~ weapons permit issued pursuant to Article 6.1 (§ 18.2-307.1 et seq.) of Chapter 7 of Title 18.2 shall be permitted to possess a concealed ~~handgun~~ weapon owned by such member at all facilities of the Virginia National Guard and at all privately owned facilities under contract with the Virginia National Guard. Nothing herein precludes the commanding officer of any member from prohibiting such member from possessing a concealed ~~handgun~~ weapon while such member is participating in any training or other exercises where the commanding officer determines that (i) such possession would interfere with the conduct of such training or other exercises, (ii) such possession may result in mission impairment, or (iii) the member is unfit to carry a ~~handgun~~ weapon.