

SENATE BILL NO. _____ HOUSE BILL NO. _____

1 A BILL to amend and reenact § 18.2-308 of the Code of Virginia, relating to concealed handgun
2 permits; access to permittee information.

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

4 **1. That § 18.2-308 of the Code of Virginia is amended and reenacted as follows:**

5 § 18.2-308. Personal protection; carrying concealed weapons; when lawful to carry.

6 A. If any person carries about his person, hidden from common observation, (i) any pistol,
7 revolver, or other weapon designed or intended to propel a missile of any kind by action of an explosion
8 of any combustible material; (ii) any dirk, bowie knife, switchblade knife, ballistic knife, machete, razor,
9 slingshot, spring stick, metal knucks, or blackjack; (iii) any flailing instrument consisting of two or more
10 rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun
11 chahka, nun chuck, nunchaku, shuriken, or fighting chain; (iv) any disc, of whatever configuration,
12 having at least two points or pointed blades which is designed to be thrown or propelled and which may
13 be known as a throwing star or oriental dart; or (v) any weapon of like kind as those enumerated in this
14 subsection, he shall be guilty of a Class 1 misdemeanor. A second violation of this section or a
15 conviction under this section subsequent to any conviction under any substantially similar ordinance of
16 any county, city, or town shall be punishable as a Class 6 felony, and a third or subsequent such
17 violation shall be punishable as a Class 5 felony. For the purpose of this section, a weapon shall be
18 deemed to be hidden from common observation when it is observable but is of such deceptive
19 appearance as to disguise the weapon's true nature.

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

22 Except as provided in subsection J1, this section shall not apply to:

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

- 24 2. Any law-enforcement officer, wherever such law-enforcement officer may travel in the
25 Commonwealth;
- 26 3. Any regularly enrolled member of a target shooting organization who is at, or going to or
27 from, an established shooting range, provided that the weapons are unloaded and securely wrapped
28 while being transported;
- 29 4. Any regularly enrolled member of a weapons collecting organization who is at, or going to or
30 from, a bona fide weapons exhibition, provided that the weapons are unloaded and securely wrapped
31 while being transported;
- 32 5. Any person carrying such weapons between his place of abode and a place of purchase or
33 repair, provided the weapons are unloaded and securely wrapped while being transported;
- 34 6. Any person actually engaged in lawful hunting, as authorized by the Board of Game and
35 Inland Fisheries, under inclement weather conditions necessitating temporary protection of his firearm
36 from those conditions, provided that possession of a handgun while engaged in lawful hunting shall not
37 be construed as hunting with a handgun if the person hunting is carrying a valid concealed handgun
38 permit;
- 39 7. Any State Police officer retired from the Department of State Police, any local law-
40 enforcement officer, auxiliary police officer or animal control officer retired from a police department or
41 sheriff's office within the Commonwealth, any special agent retired from the State Corporation
42 Commission or the Alcoholic Beverage Control Board, any conservation police officer retired from the
43 Department of Game and Inland Fisheries, and any Virginia Marine Police officer retired from the Law
44 Enforcement Division of the Virginia Marine Resources Commission, other than an officer or agent
45 terminated for cause, (i) with a service-related disability; (ii) following at least 15 years of service with
46 any such law-enforcement agency, board or any combination thereof; or (iii) who has reached 55 years
47 of age, provided such officer carries with him written proof of consultation with and favorable review of
48 the need to carry a concealed handgun issued by the chief law-enforcement officer of the last such
49 agency from which the officer retired or, in the case of special agents, issued by the State Corporation
50 Commission or the Alcoholic Beverage Control Board. A copy of the proof of consultation and

51 favorable review shall be forwarded by the chief or the Board to the Department of State Police for entry
52 into the Virginia Criminal Information Network. The chief law-enforcement officer shall not without
53 cause withhold such written proof if the retired law-enforcement officer otherwise meets the
54 requirements of this section.

55 For purposes of applying the reciprocity provisions of subsection P, any person granted the
56 privilege to carry a concealed handgun pursuant to this subdivision, while carrying the proof of
57 consultation and favorable review required, shall be deemed to have been issued a concealed handgun
58 permit.

59 For purposes of complying with the federal Law Enforcement Officers Safety Act of 2004, a
60 retired law-enforcement officer who receives proof of consultation and review pursuant to this
61 subdivision shall have the opportunity to annually participate, at the retired law-enforcement officer's
62 expense, in the same training and testing to carry firearms as is required of active law-enforcement
63 officers in the Commonwealth. If such retired law-enforcement officer meets the training and
64 qualification standards, the chief law-enforcement officer shall issue the retired officer certification,
65 valid one year from the date of issuance, indicating that the retired officer has met the standards of the
66 agency to carry a firearm; and

67 8. Any State Police officer who is a member of the organized reserve forces of any of the armed
68 services of the United States, national guard, or naval militia, while such officer is called to active
69 military duty, provided such officer carries with him written proof of consultation with and favorable
70 review of the need to carry a concealed handgun issued by the Superintendent of State Police. The proof
71 of consultation and favorable review shall be valid as long as the officer is on active military duty and
72 shall expire when the officer returns to active law-enforcement duty. The issuance of the proof of
73 consultation and favorable review shall be entered into the Virginia Criminal Information Network. The
74 Superintendent of State Police shall not without cause withhold such written proof if the officer is in
75 good standing and is qualified to carry a weapon while on active law-enforcement duty.

76 For purposes of applying the reciprocity provisions of subsection P, any person granted the
77 privilege to carry a concealed handgun pursuant to this subdivision, while carrying the proof of

78 consultation and favorable review required, shall be deemed to have been issued a concealed handgun
79 permit.

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

- 82 1. Carriers of the United States mail;
- 83 2. Officers or guards of any state correctional institution;
- 84 3. —Repealed.]
- 85 4. Conservators of the peace, except that the following conservators of the peace shall not be
86 permitted to carry a concealed handgun without obtaining a permit as provided in subsection D hereof:
87 (a) notaries public; (b) registrars; (c) drivers, operators or other persons in charge of any motor vehicle
88 carrier of passengers for hire; or (d) commissioners in chancery;
- 89 5. Noncustodial employees of the Department of Corrections designated to carry weapons by the
90 Director of the Department of Corrections pursuant to § 53.1-29; and
- 91 6. Harbormaster of the City of Hopewell.

92 D. Any person 21 years of age or older may apply in writing to the clerk of the circuit court of
93 the county or city in which he resides, or if he is a member of the United States Armed Forces, the
94 county or city in which he is domiciled, for a permit to carry a concealed handgun. There shall be no
95 requirement regarding the length of time an applicant has been a resident or domiciliary of the county or
96 city. The application shall be made under oath before a notary or other person qualified to take oaths and
97 shall be made only on a form prescribed by the Department of State Police, in consultation with the
98 Supreme Court, requiring only that information necessary to determine eligibility for the permit. The
99 clerk shall enter on the application the date on which the application and all other information required
100 to be submitted by the applicant is received. The court shall consult with either the sheriff or police
101 department of the county or city and receive a report from the Central Criminal Records Exchange. As a
102 condition for issuance of a concealed handgun permit, the applicant shall submit to fingerprinting if
103 required by local ordinance in the county or city where the applicant resides and provide personal
104 descriptive information to be forwarded with the fingerprints through the Central Criminal Records

105 Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record
106 information regarding the applicant, and obtaining fingerprint identification information from federal
107 records pursuant to criminal investigations by state and local law-enforcement agencies. However, no
108 local ordinance shall require an applicant to submit to fingerprinting if the applicant has an existing
109 concealed handgun permit issued pursuant to this section and is applying for a new five-year permit
110 pursuant to subsection I. Where feasible and practical, the local law-enforcement agency may transfer
111 information electronically to the State Police instead of inked fingerprint cards. Upon completion of the
112 criminal history records check, the State Police shall return the fingerprint cards to the submitting local
113 agency or, in the case of scanned fingerprints, destroy the electronic record. The local agency shall then
114 promptly notify the person that he has 21 days from the date of the notice to request return of the
115 fingerprint cards, if any. All fingerprint cards not claimed by the applicant within 21 days of notification
116 by the local agency shall be destroyed. All optically scanned fingerprints shall be destroyed upon
117 completion of the criminal history records check without requiring that the applicant be notified.
118 Fingerprints taken for the purposes described in this section shall not be copied, held or used for any
119 other purposes. The court shall issue the permit and notify the State Police of the issuance of the permit
120 within 45 days of receipt of the completed application unless it is determined that the applicant is
121 disqualified. Any order denying issuance of the permit shall state the basis for the denial of the permit
122 and the applicant's right to and the requirements for perfecting an appeal of such order pursuant to
123 subsection L. An application is deemed complete when all information required to be furnished by the
124 applicant is delivered to and received by the clerk of court before or concomitant with the conduct of a
125 state or national criminal history records check. If the court has not issued the permit or determined that
126 the applicant is disqualified within 45 days of the date of receipt noted on the application, the clerk shall
127 certify on the application that the 45-day period has expired, and send a copy of the certified application
128 to the applicant. The certified application shall serve as a de facto permit, which shall expire 90 days
129 after issuance, and shall be recognized as a valid concealed handgun permit when presented with a valid
130 government-issued photo identification pursuant to subsection H, until the court issues a permit or finds
131 the applicant to be disqualified. If the applicant is found to be disqualified after the de facto permit is

132 issued, the applicant shall surrender the de facto permit to the court and the disqualification shall be
133 deemed a denial of the permit and a revocation of the de facto permit. If the applicant is later found by
134 the court to be disqualified after a permit has been issued, the permit shall be revoked. The clerk of court
135 may withhold from public disclosure the social security number contained in a permit application in
136 response to a request to inspect or copy any such permit application, except that such social security
137 number shall not be withheld from any law-enforcement officer acting in the performance of his official
138 duties.

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

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

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

145 3. An individual who was ineligible to possess a firearm pursuant to § 18.2-308.1:2 and whose
146 competency or capacity was restored pursuant to § 37.2-1012 less than five years before the date of his
147 application for a concealed handgun permit.

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

151 5. An individual who is subject to a restraining order, or to a protective order and prohibited by §
152 18.2-308.1:4 from purchasing or transporting a firearm.

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

155 7. An individual who has been convicted of two or more misdemeanors within the five-year
156 period immediately preceding the application, if one of the misdemeanors was a Class 1 misdemeanor,
157 but the judge shall have the discretion to deny a permit for two or more misdemeanors that are not Class

158 1. Traffic infractions and misdemeanors set forth in Title 46.2 shall not be considered for purposes of
159 this disqualification.

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

162 9. An individual who has been convicted of a violation of § 18.2-266 or a substantially similar
163 local ordinance or of public drunkenness within the three-year period immediately preceding the
164 application, or who is a habitual drunkard as determined pursuant to § 4.1-333.

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

166 11. An individual who has been discharged from the Armed Forces of the United States under
167 dishonorable conditions.

168 12. An individual who is a fugitive from justice.

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

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

182 15. An individual who has been convicted of stalking.

183 16. An individual whose previous convictions or adjudications of delinquency were based on an
184 offense which would have been at the time of conviction a felony if committed by an adult under the

185 laws of any state, the District of Columbia, the United States or its territories. For purposes of this
186 disqualifier, only convictions occurring within 16 years following the later of the date of (i) the
187 conviction or adjudication or (ii) release from any incarceration imposed upon such conviction or
188 adjudication shall be deemed to be "previous convictions."

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

191 18. An individual who has received mental health treatment or substance abuse treatment in a
192 residential setting within five years prior to the date of his application for a concealed handgun permit.

193 19. An individual not otherwise ineligible pursuant to this section, who, within the three-year
194 period immediately preceding the application for the permit, was found guilty of any criminal offense
195 set forth in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of this title or of a criminal offense of illegal
196 possession or distribution of marijuana or any controlled substance, under the laws of any state, the
197 District of Columbia, or the United States or its territories.

198 20. An individual, not otherwise ineligible pursuant to this section, with respect to whom, within
199 the three-year period immediately preceding the application, upon a charge of any criminal offense set
200 forth in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of this title or upon a charge of illegal possession or
201 distribution of marijuana or any controlled substance under the laws of any state, the District of
202 Columbia, or the United States or its territories, the trial court found that the facts of the case were
203 sufficient for a finding of guilt and disposed of the case pursuant to § 18.2-251 or the substantially
204 similar law of any other state, the District of Columbia, or the United States or its territories.

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

207 G. The court shall require proof that the applicant has demonstrated competence with a handgun
208 and the applicant may demonstrate such competence by one of the following, but no applicant shall be
209 required to submit to any additional demonstration of competence:

210 1. Completing any hunter education or hunter safety course approved by the Department of
211 Game and Inland Fisheries or a similar agency of another state;

- 212 2. Completing any National Rifle Association firearms safety or training course;
- 213 3. Completing any firearms safety or training course or class available to the general public
- 214 offered by a law-enforcement agency, junior college, college, or private or public institution or
- 215 organization or firearms training school utilizing instructors certified by the National Rifle Association
- 216 or the Department of Criminal Justice Services;
- 217 4. Completing any law-enforcement firearms safety or training course or class offered for
- 218 security guards, investigators, special deputies, or any division or subdivision of law enforcement or
- 219 security enforcement;
- 220 5. Presenting evidence of equivalent experience with a firearm through participation in organized
- 221 shooting competition or current military service or proof of an honorable discharge from any branch of
- 222 the armed services;
- 223 6. Obtaining or previously having held a license to carry a firearm in the Commonwealth or a
- 224 locality thereof, unless such license has been revoked for cause;
- 225 7. Completing any firearms training or safety course or class conducted by a state-certified or
- 226 National Rifle Association-certified firearms instructor;
- 227 8. Completing any governmental police agency firearms training course and qualifying to carry a
- 228 firearm in the course of normal police duties; or
- 229 9. Completing any other firearms training which the court deems adequate.

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

235 H. The permit to carry a concealed handgun shall specify only the following information: name,
236 address, date of birth, gender, height, weight, color of hair, color of eyes, and signature of the permittee;
237 the signature of the judge issuing the permit, or of the clerk of court who has been authorized to sign
238 such permits by the issuing judge; and the date of issuance. The permit to carry a concealed handgun

239 shall be no larger than two inches wide by three and one-fourth inches long and shall be of a uniform
240 style prescribed by the Department of State Police. The person issued the permit shall have such permit
241 on his person at all times during which he is carrying a concealed handgun and shall display the permit
242 and a photo-identification issued by a government agency of the Commonwealth or by the United States
243 Department of Defense or United States State Department (passport) upon demand by a law-
244 enforcement officer.

245 H1. If a permit holder is a member of the Virginia National Guard, Armed Forces of the United
246 States, or the Armed Forces reserves of the United States, and his five-year permit expires during an
247 active-duty military deployment outside of the permittee's county or city of residence, such permit shall
248 remain valid for 90 days after the end date of the deployment. In order to establish proof of continued
249 validity of the permit, such a permittee shall carry with him and display, upon request of a law-
250 enforcement officer, a copy of the permittee's deployment orders or other documentation from the
251 permittee's commanding officer that order the permittee to travel outside of his county or city of
252 residence and that indicate the start and end date of such deployment.

253 I. Persons who previously have held a concealed handgun permit shall be issued, upon
254 application as provided in subsection D, a new five-year permit unless there is good cause shown for
255 refusing to reissue a permit. If the circuit court denies the permit, the specific reasons for the denial shall
256 be stated in the order of the court denying the permit. Upon denial of the application, the clerk shall
257 provide the person with notice, in writing, of his right to an ore tenus hearing. Upon request of the
258 applicant made within 21 days, the court shall place the matter on the docket for an ore tenus hearing.
259 The applicant may be represented by counsel, but counsel shall not be appointed, and the rules of
260 evidence shall apply. The final order of the court shall include the court's findings of fact and
261 conclusions of law.

262 J. Any person convicted of an offense that would disqualify that person from obtaining a permit
263 under subsection E or who violates subsection F shall forfeit his permit for a concealed handgun and
264 surrender it to the court. Upon receipt by the Central Criminal Records Exchange of a record of the
265 arrest, conviction or occurrence of any other event that would disqualify a person from obtaining a

266 concealed handgun permit under subsection E, the Central Criminal Records Exchange shall notify the
267 court having issued the permit of such disqualifying arrest, conviction or other event.

268 J1. Any person permitted to carry a concealed handgun, who is under the influence of alcohol or
269 illegal drugs while carrying such handgun in a public place, shall be guilty of a Class 1 misdemeanor.
270 Conviction of any of the following offenses shall be prima facie evidence, subject to rebuttal, that the
271 person is "under the influence" for purposes of this section: manslaughter in violation of § 18.2-36.1,
272 maiming in violation of § 18.2-51.4, driving while intoxicated in violation of § 18.2-266, public
273 intoxication in violation of § 18.2-388, or driving while intoxicated in violation of § 46.2-341.24. Upon
274 such conviction that court shall revoke the person's permit for a concealed handgun and promptly notify
275 the issuing circuit court. A person convicted of a violation of this subsection shall be ineligible to apply
276 for a concealed handgun permit for a period of five years.

277 J2. An individual who has a felony charge pending or a charge pending for an offense listed in
278 subdivision E 14 or E 15, holding a permit for a concealed handgun, may have the permit suspended by
279 the court before which such charge is pending or by the court that issued the permit.

280 J3. No person shall carry a concealed handgun onto the premises of any restaurant or club as
281 defined in § 4.1-100 for which a license to sell and serve alcoholic beverages for on-premises
282 consumption has been granted by the Virginia Alcoholic Beverage Control Board under Title 4.1 of the
283 Code of Virginia; however, nothing herein shall prohibit any sworn law-enforcement officer from
284 carrying a concealed handgun on the premises of such restaurant or club or any owner or event sponsor
285 or his employees from carrying a concealed handgun while on duty at such restaurant or club if such
286 person has a concealed handgun permit.

287 J4. Any individual for whom it would be unlawful to purchase, possess or transport a firearm
288 under § 18.2-308.1:2 or 18.2-308.1:3, who holds a concealed handgun permit, may have the permit
289 suspended by the court that issued the permit during the period of incompetency, incapacity or
290 disability.

291 K. No fee shall be charged for the issuance of such permit to a person who has retired from
292 service (i) as a magistrate in the Commonwealth; (ii) as a special agent with the Alcoholic Beverage

293 Control Board or as a law-enforcement officer with the Department of State Police, the Department of
294 Game and Inland Fisheries, or a sheriff or police department, bureau or force of any political subdivision
295 of the Commonwealth, after completing 15 years of service or after reaching age 55; (iii) as a law-
296 enforcement officer with the United States Federal Bureau of Investigation, Bureau of Alcohol, Tobacco
297 and Firearms, Secret Service Agency, Drug Enforcement Administration, United States Citizenship and
298 Immigration Services, Customs Service, Department of State Diplomatic Security Service, U.S.
299 Marshals Service or Naval Criminal Investigative Service, after completing 15 years of service or after
300 reaching age 55; (iv) as a law-enforcement officer with any police or sheriff's department within the
301 United States, the District of Columbia or any of the territories of the United States, after completing 15
302 years of service; or (v) as a law-enforcement officer with any combination of the agencies listed in
303 clauses (ii) through (iv), after completing 15 years of service. The clerk shall charge a fee of \$10 for the
304 processing of an application or issuing of a permit, including his costs associated with the consultation
305 with law-enforcement agencies. The local law-enforcement agency conducting the background
306 investigation may charge a fee not to exceed \$35 to cover the cost of conducting an investigation
307 pursuant to this section. The \$35 fee shall include any amount assessed by the Federal Bureau of
308 Investigation for providing criminal history record information, and the local law-enforcement agency
309 shall forward the amount assessed by the Federal Bureau of Investigation to the State Police with the
310 fingerprints taken from the applicant. The State Police may charge a fee not to exceed \$5 to cover their
311 costs associated with processing the application. The total amount assessed for processing an application
312 for a permit shall not exceed \$50, with such fees to be paid in one sum to the person who accepts the
313 application. Payment may be made by any method accepted by that court for payment of other fees or
314 penalties. No payment shall be required until the application is accepted by the court as a complete
315 application. The order issuing such permit, or the copy of the permit application certified by the clerk as
316 a de facto permit pursuant to subsection D, shall be provided to the State Police and the law-enforcement
317 agencies of the county or city. The State Police shall enter the permittee's name and description in the
318 Virginia Criminal Information Network so that the permit's existence and current status will be made
319 known to law-enforcement personnel accessing the Network for investigative purposes. The State Police

320 shall withhold from public disclosure permittee information submitted to the State Police for purposes of
321 entry into the Virginia Criminal Information Network, except that such information shall not be
322 withheld from any law-enforcement officer acting in the performance of his official duties. However,
323 nothing in this subsection shall be construed to prohibit the release of records by the State Police
324 concerning permits issued to nonresidents of the Commonwealth pursuant to subsection P1.

325 L. Any person denied a permit to carry a concealed handgun under the provisions of this section
326 may present a petition for review to the Court of Appeals. The petition for review shall be filed within
327 60 days of the expiration of the time for requesting an ore tenus hearing pursuant to subsection I, or if an
328 ore tenus hearing is requested, within 60 days of the entry of the final order of the circuit court following
329 the hearing. The petition shall be accompanied by a copy of the original papers filed in the circuit court,
330 including a copy of the order of the circuit court denying the permit. Subject to the provisions of
331 subsection B of § 17.1-410, the decision of the Court of Appeals or judge shall be final. Notwithstanding
332 any other provision of law, if the decision to deny the permit is reversed upon appeal, taxable costs
333 incurred by the person shall be paid by the Commonwealth.

334 M. For purposes of this section:

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

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

341 "Law-enforcement officer" means those individuals defined as a law-enforcement officer in §
342 9.1-101, campus police officers appointed pursuant to Chapter 17 (§ 23-232 et seq.) of Title 23, law-
343 enforcement agents of the Armed Forces of the United States, the Naval Criminal Investigative Service,
344 and federal agents who are otherwise authorized to carry weapons by federal law. "Law-enforcement
345 officer" shall also mean any sworn full-time law-enforcement officer employed by a law-enforcement

346 agency of the United States or any state or political subdivision thereof, whose duties are substantially
347 similar to those set forth in § 9.1-101.

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

351 N. As used in this article:

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

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

356 O. The granting of a concealed handgun permit shall not thereby authorize the possession of any
357 handgun or other weapon on property or in places where such possession is otherwise prohibited by law
358 or is prohibited by the owner of private property.

359 P. A valid concealed handgun or concealed weapon permit or license issued by another state
360 shall authorize the holder of such permit or license who is at least 21 years of age to carry a concealed
361 handgun in the Commonwealth, provided (i) the issuing authority provides the means for instantaneous
362 verification of the validity of all such permits or licenses issued within that state, accessible 24 hours a
363 day, and (ii) except for the age of the permit or license holder and the type of weapon authorized to be
364 carried, the requirements and qualifications of that state's law are adequate to prevent possession of a
365 permit or license by persons who would be denied a permit in the Commonwealth under this section.
366 The Superintendent of State Police shall (a) in consultation with the Office of the Attorney General
367 determine whether states meet the requirements and qualifications of this section, (b) maintain a registry
368 of such states on the Virginia Criminal Information Network (VCIN), and (c) make the registry available
369 to law-enforcement officers for investigative purposes. The Superintendent of the State Police, in
370 consultation with the Attorney General, may also enter into agreements for reciprocal recognition with
371 any state qualifying for recognition under this subsection.

372 P1. Nonresidents of the Commonwealth 21 years of age or older may apply in writing to the
373 Virginia Department of State Police for a five-year permit to carry a concealed handgun. Every applicant
374 for a nonresident concealed handgun permit shall submit two photographs of a type and kind specified
375 by the Department of State Police for inclusion on the permit and shall submit fingerprints on a card
376 provided by the Department of State Police for the purpose of obtaining the applicant's state or national
377 criminal history record. As a condition for issuance of a concealed handgun permit, the applicant shall
378 submit to fingerprinting by his local or state law-enforcement agency and provide personal descriptive
379 information to be forwarded with the fingerprints through the Central Criminal Records Exchange to the
380 Federal Bureau of Investigation for the purpose of obtaining criminal history record information
381 regarding the applicant and obtaining fingerprint identification information from federal records
382 pursuant to criminal investigations by state and local law-enforcement agencies. The application shall be
383 made under oath before a notary or other person qualified to take oaths on a form provided by the
384 Department of State Police, requiring only that information necessary to determine eligibility for the
385 permit. If the permittee is later found by the Department of State Police to be disqualified, the permit
386 shall be revoked and the person shall return the permit after being so notified by the Department of State
387 Police. The permit requirement and restriction provisions of subsections E and F shall apply, mutatis
388 mutandis, to the provisions of this subsection.

389 The applicant shall demonstrate competence with a handgun by one of the following:

- 390 1. Completing a hunter education or hunter safety course approved by the Virginia Department
391 of Game and Inland Fisheries or a similar agency of another state;
- 392 2. Completing any National Rifle Association firearms safety or training course;
- 393 3. Completing any firearms safety or training course or class available to the general public
394 offered by a law-enforcement agency, junior college, college, or private or public institution or
395 organization or firearms training school utilizing instructors certified by the National Rifle Association
396 or the Department of Criminal Justice Services or a similar agency of another state;

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

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

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

405 7. Completing any firearms training or safety course or class conducted by a state-certified or
406 National Rifle Association-certified firearms instructor;

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

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

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

416 The Department of State Police may charge a fee not to exceed \$100 to cover the cost of the
417 background check and issuance of the permit. Any fees collected shall be deposited in a special account
418 to be used to offset the costs of administering the nonresident concealed handgun permit program. The
419 Department of State Police shall enter the permittee's name and description in the Virginia Criminal
420 Information Network so that the permit's existence and current status are known to law-enforcement
421 personnel accessing the Network for investigative purposes.

422 The permit to carry a concealed handgun shall contain only the following information: name,
423 address, date of birth, gender, height, weight, color of hair, color of eyes, and photograph of the

424 permittee; the signature of the Superintendent of the Virginia Department of State Police or his
425 designee; the date of issuance; and the expiration date. The person to whom the permit is issued shall
426 have such permit on his person at all times when he is carrying a concealed handgun in the
427 Commonwealth and shall display the permit on demand by a law-enforcement officer.

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

431 Q. A valid concealed handgun permit issued by the State of Maryland shall be valid in the
432 Commonwealth provided, (i) the holder of the permit is licensed in the State of Maryland to perform
433 duties substantially similar to those performed by Virginia branch pilots licensed pursuant to Chapter 9
434 (§ 54.1-900 et seq.) of Title 54.1 and is performing such duties while in the Commonwealth, and (ii) the
435 holder of the permit is 21 years of age or older.

436 R. For the purposes of participation in concealed handgun reciprocity agreements with other
437 jurisdictions, the official government-issued law-enforcement identification card issued to an active-duty
438 law-enforcement officer in the Commonwealth who is exempt from obtaining a concealed handgun
439 permit under this section shall be deemed a concealed handgun permit.

440 S. For the purposes of understanding the law relating to the use of deadly and lethal force, the
441 Department of State Police, in consultation with the Supreme Court on the development of the
442 application for a concealed handgun permit under this section, shall include a reference to the Virginia
443 Supreme Court website address or the Virginia Reports on the application.

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