

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 officer retired from
40 the Division of Capitol Police, any local law-enforcement officer, auxiliary police officer or animal
41 control officer retired from a police department or sheriff's office within the Commonwealth, any special
42 agent retired from the State Corporation Commission or the Alcoholic Beverage Control Board, any
43 conservation police officer retired from the Department of Game and Inland Fisheries, and any Virginia
44 Marine Police officer retired from the Law Enforcement Division of the Virginia Marine Resources
45 Commission, other than an officer or agent terminated for cause, (i) with a service-related disability; (ii)
46 following at least 15 years of service with any such law-enforcement agency, board or any combination
47 thereof; (iii) who has reached 55 years of age; or (iv) who is on long-term leave from such law-
48 enforcement agency or board due to a service-related injury, provided such officer carries with him
49 written proof of consultation with and favorable review of the need to carry a concealed handgun issued
50 by the chief law-enforcement officer of the last such agency from which the officer retired or the agency

51 that employs the officer or, in the case of special agents, issued by the State Corporation Commission or
52 the Alcoholic Beverage Control Board. A copy of the proof of consultation and favorable review shall
53 be forwarded by the chief or the Board to the Department of State Police for entry into the Virginia
54 Criminal Information Network. The chief law-enforcement officer shall not without cause withhold such
55 written proof if the retired law-enforcement officer otherwise meets the requirements of this section. An
56 officer set forth in clause (iv) of this subdivision who receives written proof of consultation to carry a
57 concealed handgun shall surrender such proof of consultation upon return to work or upon termination
58 of employment with the law-enforcement agency. Notice of the surrender shall be forwarded to the
59 Department of State Police for entry into the Virginia Criminal Information Network. However, if such
60 officer retires on disability because of the service-related injury, and would be eligible under clause (i)
61 of this subdivision for written proof of consultation to carry a concealed handgun, he may retain the
62 previously issued written proof of consultation.

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

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

75 8. Any State Police officer who is a member of the organized reserve forces of any of the armed
76 services of the United States, national guard, or naval militia, while such officer is called to active
77 military duty, provided such officer carries with him written proof of consultation with and favorable

78 review of the need to carry a concealed handgun issued by the Superintendent of State Police. The proof
79 of consultation and favorable review shall be valid as long as the officer is on active military duty and
80 shall expire when the officer returns to active law-enforcement duty. The issuance of the proof of
81 consultation and favorable review shall be entered into the Virginia Criminal Information Network. The
82 Superintendent of State Police shall not without cause withhold such written proof if the officer is in
83 good standing and is qualified to carry a weapon while on active law-enforcement duty.

84 For purposes of applying the reciprocity provisions of subsection P, any person granted the
85 privilege to carry a concealed handgun pursuant to this subdivision, while carrying the proof of
86 consultation and favorable review required, shall be deemed to have been issued a concealed handgun
87 permit; and

88 9. Any attorney for the Commonwealth or assistant attorney for the Commonwealth, wherever
89 such attorney may travel in the Commonwealth.

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

- 92 1. Carriers of the United States mail;
- 93 2. Officers or guards of any state correctional institution;
- 94 3. [Repealed.]
- 95 4. Conservators of the peace, except that an attorney for the Commonwealth or assistant attorney
96 for the Commonwealth may carry a concealed handgun pursuant to subdivision B 9. However, the
97 following conservators of the peace shall not be permitted to carry a concealed handgun without
98 obtaining a permit as provided in subsection D hereof: (a) notaries public; (b) registrars; (c) drivers,
99 operators or other persons in charge of any motor vehicle carrier of passengers for hire; or (d)
100 commissioners in chancery;
- 101 5. Noncustodial employees of the Department of Corrections designated to carry weapons by the
102 Director of the Department of Corrections pursuant to § 53.1-29; and
- 103 6. Harbormaster of the City of Hopewell.

104 D. Any person 21 years of age or older may apply in writing to the clerk of the circuit court of
105 the county or city in which he resides, or if he is a member of the United States Armed Forces, the
106 county or city in which he is domiciled, for a five-year permit to carry a concealed handgun. There shall
107 be no requirement regarding the length of time an applicant has been a resident or domiciliary of the
108 county or city. The application shall be made under oath before a notary or other person qualified to take
109 oaths and shall be made only on a form prescribed by the Department of State Police, in consultation
110 with the Supreme Court, requiring only that information necessary to determine eligibility for the
111 permit. The clerk shall enter on the application the date on which the application and all other
112 information required to be submitted by the applicant is received. The court shall consult with either the
113 sheriff or police department of the county or city and receive a report from the Central Criminal Records
114 Exchange. As a condition for issuance of a concealed handgun permit, the applicant shall submit to
115 fingerprinting if required by local ordinance in the county or city where the applicant resides and
116 provide personal descriptive information to be forwarded with the fingerprints through the Central
117 Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal
118 history record information regarding the applicant, and obtaining fingerprint identification information
119 from federal records pursuant to criminal investigations by state and local law-enforcement agencies.
120 However, no local ordinance shall require an applicant to submit to fingerprinting if the applicant has an
121 existing concealed handgun permit issued pursuant to this section and is applying for a new five-year
122 permit pursuant to subsection I. Where feasible and practical, the local law-enforcement agency may
123 transfer information electronically to the State Police instead of inked fingerprint cards. Upon
124 completion of the criminal history records check, the State Police shall return the fingerprint cards to the
125 submitting local agency or, in the case of scanned fingerprints, destroy the electronic record. The local
126 agency shall then promptly notify the person that he has 21 days from the date of the notice to request
127 return of the fingerprint cards, if any. All fingerprint cards not claimed by the applicant within 21 days
128 of notification by the local agency shall be destroyed. All optically scanned fingerprints shall be
129 destroyed upon completion of the criminal history records check without requiring that the applicant be
130 notified. Fingerprints taken for the purposes described in this section shall not be copied, held or used

131 for any other purposes. The court shall issue the permit and notify the State Police of the issuance of the
132 permit within 45 days of receipt of the completed application unless it is determined that the applicant is
133 disqualified. Any order denying issuance of the permit shall state the basis for the denial of the permit
134 and the applicant's right to and the requirements for perfecting an appeal of such order pursuant to
135 subsection L. An application is deemed complete when all information required to be furnished by the
136 applicant is delivered to and received by the clerk of court before or concomitant with the conduct of a
137 state or national criminal history records check. If the court has not issued the permit or determined that
138 the applicant is disqualified within 45 days of the date of receipt noted on the application, the clerk shall
139 certify on the application that the 45-day period has expired, and send a copy of the certified application
140 to the applicant. The certified application shall serve as a de facto permit, which shall expire 90 days
141 after issuance, and shall be recognized as a valid concealed handgun permit when presented with a valid
142 government-issued photo identification pursuant to subsection H, until the court issues a five-year
143 permit or finds the applicant to be disqualified. If the applicant is found to be disqualified after the de
144 facto permit is issued, the applicant shall surrender the de facto permit to the court and the
145 disqualification shall be deemed a denial of the permit and a revocation of the de facto permit. If the
146 applicant is later found by the court to be disqualified after a five-year permit has been issued, the permit
147 shall be revoked. The clerk of court may withhold from public disclosure the social security number
148 contained in a permit application in response to a request to inspect or copy any such permit application,
149 except that such social security number shall not be withheld from any law-enforcement officer acting in
150 the performance of his official duties.

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

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

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

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

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

163 5. An individual who is subject to a restraining order, or to a protective order and prohibited by §
164 18.2-308.1:4 from purchasing or transporting a firearm.

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

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

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

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

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

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

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

181 13. An individual who the court finds, by a preponderance of the evidence, based on specific acts
182 by the applicant, is likely to use a weapon unlawfully or negligently to endanger others. The sheriff,
183 chief of police, or attorney for the Commonwealth may submit to the court a sworn written statement

184 indicating that, in the opinion of such sheriff, chief of police, or attorney for the Commonwealth, based
185 upon a disqualifying conviction or upon the specific acts set forth in the statement, the applicant is likely
186 to use a weapon unlawfully or negligently to endanger others. The statement of the sheriff, chief of
187 police, or the attorney for the Commonwealth shall be based upon personal knowledge of such
188 individual or of a deputy sheriff, police officer, or assistant attorney for the Commonwealth of the
189 specific acts, or upon a written statement made under oath before a notary public of a competent person
190 having personal knowledge of the specific acts.

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

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

195 16. An individual whose previous convictions or adjudications of delinquency were based on an
196 offense which would have been at the time of conviction a felony if committed by an adult under the
197 laws of any state, the District of Columbia, the United States or its territories. For purposes of this
198 disqualifier, only convictions occurring within 16 years following the later of the date of (i) the
199 conviction or adjudication or (ii) release from any incarceration imposed upon such conviction or
200 adjudication shall be deemed to be "previous convictions."

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

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

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

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

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

219 G. The court shall require proof that the applicant has demonstrated competence with a handgun
220 and the applicant may demonstrate such competence by one of the following, but no applicant shall be
221 required to submit to any additional demonstration of competence, nor shall any proof of demonstrated
222 competence expire:

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

225 2. Completing any National Rifle Association firearms safety or training course;

226 3. Completing any firearms safety or training course or class available to the general public
227 offered by a law-enforcement agency, junior college, college, or private or public institution or
228 organization or firearms training school utilizing instructors certified by the National Rifle Association
229 or the Department of Criminal Justice Services;

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

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

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

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

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

242 9. Completing any other firearms training which the court deems adequate.

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

248 H. The permit to carry a concealed handgun shall specify only the following information: name,
249 address, date of birth, gender, height, weight, color of hair, color of eyes, and signature of the permittee;
250 the signature of the judge issuing the permit, or of the clerk of court who has been authorized to sign
251 such permits by the issuing judge; the date of issuance; and the date of expiration. The permit to carry a
252 concealed handgun shall be no larger than two inches wide by three and one-fourth inches long and shall
253 be of a uniform style prescribed by the Department of State Police. The person issued the permit shall
254 have such permit on his person at all times during which he is carrying a concealed handgun and shall
255 display the permit and a photo-identification issued by a government agency of the Commonwealth or
256 by the United States Department of Defense or United States State Department (passport) upon demand
257 by a law-enforcement officer.

258 H1. If a permit holder is a member of the Virginia National Guard, Armed Forces of the United
259 States, or the Armed Forces reserves of the United States, and his five-year permit expires during an
260 active-duty military deployment outside of the permittee's county or city of residence, such permit shall
261 remain valid for 90 days after the end date of the deployment. In order to establish proof of continued
262 validity of the permit, such a permittee shall carry with him and display, upon request of a law-

263 enforcement officer, a copy of the permittee's deployment orders or other documentation from the
264 permittee's commanding officer that order the permittee to travel outside of his county or city of
265 residence and that indicate the start and end date of such deployment.

266 I. Persons who previously have held a concealed handgun permit shall be issued, upon
267 application as provided in subsection D, a new five-year permit unless there is good cause shown for
268 refusing to reissue a permit. If the new five-year permit is issued while an existing permit remains valid,
269 the new five-year permit shall become effective upon the expiration date of the existing permit, provided
270 that the application is received by the court at least 90 days but no more than 180 days prior to the
271 expiration of the existing permit. If the circuit court denies the permit, the specific reasons for the denial
272 shall be stated in the order of the court denying the permit. Upon denial of the application, the clerk shall
273 provide the person with notice, in writing, of his right to an ore tenus hearing. Upon request of the
274 applicant made within 21 days, the court shall place the matter on the docket for an ore tenus hearing.
275 The applicant may be represented by counsel, but counsel shall not be appointed, and the rules of
276 evidence shall apply. The final order of the court shall include the court's findings of fact and
277 conclusions of law.

278 J. Any person convicted of an offense that would disqualify that person from obtaining a permit
279 under subsection E or who violates subsection F shall forfeit his permit for a concealed handgun and
280 surrender it to the court. Upon receipt by the Central Criminal Records Exchange of a record of the
281 arrest, conviction or occurrence of any other event that would disqualify a person from obtaining a
282 concealed handgun permit under subsection E, the Central Criminal Records Exchange shall notify the
283 court having issued the permit of such disqualifying arrest, conviction or other event. Upon receipt of
284 such notice of a conviction, the court shall revoke the permit of a person disqualified pursuant to this
285 subsection, and shall promptly notify the State Police and the person whose permit was revoked of the
286 revocation.

287 J1. Any person permitted to carry a concealed handgun, who is under the influence of alcohol or
288 illegal drugs while carrying such handgun in a public place, shall be guilty of a Class 1 misdemeanor.
289 Conviction of any of the following offenses shall be prima facie evidence, subject to rebuttal, that the

290 person is "under the influence" for purposes of this section: manslaughter in violation of § 18.2-36.1,
291 maiming in violation of § 18.2-51.4, driving while intoxicated in violation of § 18.2-266, public
292 intoxication in violation of § 18.2-388, or driving while intoxicated in violation of § 46.2-341.24. Upon
293 such conviction that court shall revoke the person's permit for a concealed handgun and promptly notify
294 the issuing circuit court. A person convicted of a violation of this subsection shall be ineligible to apply
295 for a concealed handgun permit for a period of five years.

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

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

306 J4. The court shall revoke the permit of any individual for whom it would be unlawful to
307 purchase, possess or transport a firearm under § 18.2-308.1:2 or 18.2-308.1:3, and shall promptly notify
308 the State Police and the person whose permit was revoked of the revocation.

309 K. No fee shall be charged for the issuance of such permit to a person who has retired from
310 service (i) as a magistrate in the Commonwealth; (ii) as a special agent with the Alcoholic Beverage
311 Control Board or as a law-enforcement officer with the Department of State Police, the Department of
312 Game and Inland Fisheries, or a sheriff or police department, bureau or force of any political subdivision
313 of the Commonwealth, after completing 15 years of service or after reaching age 55; (iii) as a law-
314 enforcement officer with the United States Federal Bureau of Investigation, Bureau of Alcohol, Tobacco
315 and Firearms, Secret Service Agency, Drug Enforcement Administration, United States Citizenship and
316 Immigration Services, Customs Service, Department of State Diplomatic Security Service, U.S.

317 Marshals Service or Naval Criminal Investigative Service, after completing 15 years of service or after
318 reaching age 55; (iv) as a law-enforcement officer with any police or sheriff's department within the
319 United States, the District of Columbia or any of the territories of the United States, after completing 15
320 years of service; or (v) as a law-enforcement officer with any combination of the agencies listed in
321 clauses (ii) through (iv), after completing 15 years of service. The clerk shall charge a fee of \$10 for the
322 processing of an application or issuing of a permit, including his costs associated with the consultation
323 with law-enforcement agencies. The local law-enforcement agency conducting the background
324 investigation may charge a fee not to exceed \$35 to cover the cost of conducting an investigation
325 pursuant to this section. The \$35 fee shall include any amount assessed by the Federal Bureau of
326 Investigation for providing criminal history record information, and the local law-enforcement agency
327 shall forward the amount assessed by the Federal Bureau of Investigation to the State Police with the
328 fingerprints taken from the applicant. The State Police may charge a fee not to exceed \$5 to cover their
329 costs associated with processing the application. The total amount assessed for processing an application
330 for a permit shall not exceed \$50, with such fees to be paid in one sum to the person who accepts the
331 application. Payment may be made by any method accepted by that court for payment of other fees or
332 penalties. No payment shall be required until the application is accepted by the court as a complete
333 application. The order issuing such permit, or the copy of the permit application certified by the clerk as
334 a de facto permit pursuant to subsection D, shall be provided to the State Police and the law-enforcement
335 agencies of the county or city. The State Police shall enter the permittee's name and description in the
336 Virginia Criminal Information Network so that the permit's existence and current status will be made
337 known to law-enforcement personnel accessing the Network for investigative purposes. The State Police
338 shall withhold from public disclosure permittee information submitted to the State Police for purposes of
339 entry into the Virginia Criminal Information Network, except that such information shall not be
340 withheld from any law-enforcement agency, officer, or authorized agent thereof acting in the
341 performance of official law-enforcement duties, nor shall such information be withheld from an entity
342 that has a valid contract with any local, state, or federal law-enforcement agency for the purpose of
343 performing official duties of the law-enforcement agency. However, nothing in this subsection shall be

344 construed to prohibit the release of (a) records by the State Police concerning permits issued to
345 nonresidents of the Commonwealth pursuant to subsection P1, or (b) statistical summaries, abstracts, or
346 other records containing information in an aggregate form that does not identify any individual
347 permittees.

348 K1. The clerk of a circuit court that issued a valid concealed handgun permit shall, upon
349 presentation of the valid permit and proof of a new address of residence by the permit holder, issue a
350 replacement permit specifying the permit holder's new address. The clerk of court shall forward the
351 permit holder's new address of residence to the State Police. The State Police may charge a fee not to
352 exceed \$5, and the clerk of court issuing the replacement permit may charge a fee not to exceed \$5. The
353 total amount assessed for processing a replacement permit pursuant to this subsection shall not exceed
354 \$10, with such fees to be paid in one sum to the person who accepts the information for the replacement
355 permit.

356 L. Any person denied a permit to carry a concealed handgun under the provisions of this section
357 may present a petition for review to the Court of Appeals. The petition for review shall be filed within
358 60 days of the expiration of the time for requesting an ore tenus hearing pursuant to subsection I, or if an
359 ore tenus hearing is requested, within 60 days of the entry of the final order of the circuit court following
360 the hearing. The petition shall be accompanied by a copy of the original papers filed in the circuit court,
361 including a copy of the order of the circuit court denying the permit. Subject to the provisions of
362 subsection B of § 17.1-410, the decision of the Court of Appeals or judge shall be final. Notwithstanding
363 any other provision of law, if the decision to deny the permit is reversed upon appeal, taxable costs
364 incurred by the person shall be paid by the Commonwealth.

365 M. For purposes of this section:

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

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

372 "Law-enforcement officer" means those individuals defined as a law-enforcement officer in §
373 9.1-101, campus police officers appointed pursuant to Chapter 17 (§ 23-232 et seq.) of Title 23, law-
374 enforcement agents of the Armed Forces of the United States, the Naval Criminal Investigative Service,
375 and federal agents who are otherwise authorized to carry weapons by federal law. "Law-enforcement
376 officer" shall also mean any sworn full-time law-enforcement officer employed by a law-enforcement
377 agency of the United States or any state or political subdivision thereof, whose duties are substantially
378 similar to those set forth in § 9.1-101.

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

382 N. As used in this article:

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

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

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

390 P. A valid concealed handgun or concealed weapon permit or license issued by another state
391 shall authorize the holder of such permit or license who is at least 21 years of age to carry a concealed
392 handgun in the Commonwealth, provided (i) the issuing authority provides the means for instantaneous
393 verification of the validity of all such permits or licenses issued within that state, accessible 24 hours a
394 day, and (ii) except for the age of the permit or license holder and the type of weapon authorized to be
395 carried, the requirements and qualifications of that state's law are adequate to prevent possession of a

396 permit or license by persons who would be denied a permit in the Commonwealth under this section.
397 The Superintendent of State Police shall (a) in consultation with the Office of the Attorney General
398 determine whether states meet the requirements and qualifications of this section, (b) maintain a registry
399 of such states on the Virginia Criminal Information Network (VCIN), and (c) make the registry available
400 to law-enforcement officers for investigative purposes. The Superintendent of the State Police, in
401 consultation with the Attorney General, may also enter into agreements for reciprocal recognition with
402 any state qualifying for recognition under this subsection.

403 P1. Nonresidents of the Commonwealth 21 years of age or older may apply in writing to the
404 Virginia Department of State Police for a five-year permit to carry a concealed handgun. Every applicant
405 for a nonresident concealed handgun permit shall submit two photographs of a type and kind specified
406 by the Department of State Police for inclusion on the permit and shall submit fingerprints on a card
407 provided by the Department of State Police for the purpose of obtaining the applicant's state or national
408 criminal history record. As a condition for issuance of a concealed handgun permit, the applicant shall
409 submit to fingerprinting by his local or state law-enforcement agency and provide personal descriptive
410 information to be forwarded with the fingerprints through the Central Criminal Records Exchange to the
411 Federal Bureau of Investigation for the purpose of obtaining criminal history record information
412 regarding the applicant and obtaining fingerprint identification information from federal records
413 pursuant to criminal investigations by state and local law-enforcement agencies. The application shall be
414 made under oath before a notary or other person qualified to take oaths on a form provided by the
415 Department of State Police, requiring only that information necessary to determine eligibility for the
416 permit. If the permittee is later found by the Department of State Police to be disqualified, the permit
417 shall be revoked and the person shall return the permit after being so notified by the Department of State
418 Police. The permit requirement and restriction provisions of subsections E and F shall apply, mutatis
419 mutandis, to the provisions of this subsection.

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

421 1. Completing a hunter education or hunter safety course approved by the Virginia Department
422 of Game and Inland Fisheries or a similar agency of another state;

- 423 2. Completing any National Rifle Association firearms safety or training course;
- 424 3. Completing any firearms safety or training course or class available to the general public
425 offered by a law-enforcement agency, junior college, college, or private or public institution or
426 organization or firearms training school utilizing instructors certified by the National Rifle Association
427 or the Department of Criminal Justice Services or a similar agency of another state;
- 428 4. Completing any law-enforcement firearms safety or training course or class offered for
429 security guards, investigators, special deputies, or any division or subdivision of law enforcement or
430 security enforcement;
- 431 5. Presenting evidence of equivalent experience with a firearm through participation in organized
432 shooting competition approved by the Department of State Police or current military service or proof of
433 an honorable discharge from any branch of the armed services;
- 434 6. Obtaining or previously having held a license to carry a firearm in the Commonwealth or a
435 locality thereof, unless such license has been revoked for cause;
- 436 7. Completing any firearms training or safety course or class conducted by a state-certified or
437 National Rifle Association-certified firearms instructor;
- 438 8. Completing any governmental police agency firearms training course and qualifying to carry a
439 firearm in the course of normal police duties; or
- 440 9. Completing any other firearms training that the Virginia Department of State Police deems
441 adequate.

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

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

450 Department of State Police shall enter the permittee's name and description in the Virginia Criminal
451 Information Network so that the permit's existence and current status are known to law-enforcement
452 personnel accessing the Network for investigative purposes.

453 The permit to carry a concealed handgun shall contain only the following information: name,
454 address, date of birth, gender, height, weight, color of hair, color of eyes, and photograph of the
455 permittee; the signature of the Superintendent of the Virginia Department of State Police or his
456 designee; the date of issuance; and the expiration date. The person to whom the permit is issued shall
457 have such permit on his person at all times when he is carrying a concealed handgun in the
458 Commonwealth and shall display the permit on demand by a law-enforcement officer.

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

462 Q. A valid concealed handgun permit issued by the State of Maryland shall be valid in the
463 Commonwealth provided, (i) the holder of the permit is licensed in the State of Maryland to perform
464 duties substantially similar to those performed by Virginia branch pilots licensed pursuant to Chapter 9
465 (§ 54.1-900 et seq.) of Title 54.1 and is performing such duties while in the Commonwealth, and (ii) the
466 holder of the permit is 21 years of age or older.

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

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

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