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**HOUSE BILL NO. 270****AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the House Committee on Public Safety

on February 2, 2024)

(Patron Prior to Substitute—Delegate Reid)

A *BILL to amend and reenact §§ 15.2-915.5, 18.2-308.2:2, and 18.2-308.2:5 of the Code of Virginia and to amend the Code of Virginia by adding in Title 52 a chapter numbered 14, consisting of sections numbered 52-55 through 52-58, relating to sale, transfer, etc., of firearms; Virginia Assault Firearm Buy-Back Program and Fund established; penalties.*

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

**1. That §§ 15.2-915.5, 18.2-308.2:2, and 18.2-308.2:5 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 52 a chapter numbered 14, consisting of sections numbered 52-55 through 52-58, as follows:**

**§ 15.2-915.5. Disposition of firearms acquired by local law-enforcement agencies or localities.**

A. No ~~locality or agent of such locality~~ *local law-enforcement agency, as that term is defined in § 52-55,* may participate in any program in which individuals are given a thing of value provided by another individual or other entity in exchange for surrendering a firearm to the *local law-enforcement agency, locality, or agent of such locality unless the governing body of the locality has enacted an ordinance, pursuant to § 15.2-1425, authorizing the participation of the locality or agent of such locality in such program* *the local law-enforcement agency participates in the Virginia Assault Firearm Buy-Back Program as authorized by the provisions in Chapter 14 (§ 52-55 et seq.) of Title 52.*

B. Any ~~ordinance enacted pursuant to this section shall require that any firearm received as part of the Virginia Assault Firearm Buy-Back Program as authorized by the provisions in Chapter 14 (§ 52-55 et seq.) of Title 52,~~ except a firearm of the type defined in § 18.2-288 or 18.2-299 or a firearm the transfer for which is prohibited by federal law, shall be destroyed by the *local law-enforcement agency or locality unless the person surrendering the firearm requests in writing that the firearm be offered for sale by public auction or sealed bids to a person licensed as a dealer pursuant to 18 U.S.C. § 921 et seq. Notice of the date, time, and place of any sale conducted pursuant to this subsection shall be given by advertisement in at least two newspapers published and having general circulation in the Commonwealth, at least one of which shall have general circulation in the locality in which the property to be sold is located. At least 30 days shall elapse between publication of the notice and the auction or the date on which sealed bids will be opened. Any firearm remaining in possession of the locality or agent of the locality after attempts to sell at public auction or by sealed bids shall be disposed of in a manner the locality deems proper, which may include destruction of the firearm or, subject to any registration requirements of federal law, sale of the firearm to a licensed dealer.*

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

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

B. 1. No dealer shall sell, rent, trade, or transfer from his inventory any such firearm to any other person

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60 who is a resident of Virginia until ~~he has~~ (i) *he has* obtained written consent and the other information on the  
61 consent form specified in subsection A, and provided the Department of State Police with the name, birth  
62 date, gender, race, citizenship, and social security and/or any other identification number and the number of  
63 firearms by category intended to be sold, rented, traded, or transferred ~~and~~; (ii) *he has* requested criminal  
64 history record information by a telephone call to or other communication authorized by the State Police and is  
65 authorized by subdivision 2 to complete the sale or other such transfer; *and (iii) at least five days have*  
66 *elapsed from the time the prospective purchaser completed the consent form specified in subsection A.* To  
67 establish personal identification and residence in Virginia for purposes of this section, a dealer must require  
68 any prospective purchaser to present one photo-identification form issued by a governmental agency of the  
69 Commonwealth or by the United States Department of Defense or a special identification card without a  
70 photograph issued pursuant to § 46.2-345.2 that demonstrates that the prospective purchaser resides in  
71 Virginia. For the purposes of this section and establishment of residency for firearm purchase, residency of a  
72 member of the armed forces shall include both the state in which the member's permanent duty post is located  
73 and any nearby state in which the member resides and from which he commutes to the permanent duty post.  
74 A member of the armed forces whose photo identification issued by the Department of Defense does not have  
75 a Virginia address may establish his Virginia residency with such photo identification and either permanent  
76 orders assigning the purchaser to a duty post, including the Pentagon, in Virginia or the purchaser's Leave and  
77 Earnings Statement. When the identification presented to a dealer by the prospective purchaser is a driver's  
78 license or other photo identification issued by the Department of Motor Vehicles or a special identification  
79 card without a photograph issued pursuant to § 46.2-345.2, and such identification form or card contains a  
80 date of issue, the dealer shall not, except for a renewed driver's license or other photo identification issued by  
81 the Department of Motor Vehicles or a renewed special identification card without a photograph issued  
82 pursuant to § 46.2-345.2, sell or otherwise transfer a firearm to the prospective purchaser until 30 days after  
83 the date of issue of an original or duplicate driver's license or special identification card without a photograph  
84 unless the prospective purchaser also presents a copy of his Virginia Department of Motor Vehicles driver's  
85 record showing that the original date of issue of the driver's license was more than 30 days prior to the  
86 attempted purchase.

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

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

95 2. The State Police shall provide its response to the requesting dealer during the dealer's request or by  
96 return call without delay. A dealer who fulfills the requirements of subdivision 1 and is told by the State  
97 Police that a response will not be available by the end of the dealer's fifth business day may ~~immediately~~  
98 complete the sale or transfer *after at least five days have elapsed from the time the prospective purchaser*  
99 *completed the consent form specified in subsection A* and shall not be deemed in violation of this section with  
100 respect to such sale or transfer.

101 3. Except as required by subsection D of § 9.1-132, the State Police shall not maintain records longer than  
102 30 days, except for multiple handgun transactions for which records shall be maintained for 12 months, from  
103 any dealer's request for a criminal history record information check pertaining to a buyer or transferee who is  
104 not found to be prohibited from possessing and transporting a firearm under state or federal law. However,  
105 the log on requests made may be maintained for a period of 12 months, and such log shall consist of the name  
106 of the purchaser, the dealer identification number, the unique approval number, and the transaction date.

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

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

119 6. For the purposes of this subsection, the phrase "dealer's fifth business day" does not include December  
120 25.

121 C. No dealer shall sell, rent, trade, or transfer from his inventory any firearm, except when the transaction

122 involves a rifle or a shotgun and can be accomplished pursuant to the provisions of subdivision B 5, to any  
 123 person who is a dual resident of Virginia and another state pursuant to applicable federal law unless he has  
 124 first obtained from the Department of State Police a report indicating that a search of all available criminal  
 125 history record information has not disclosed that the person is prohibited from possessing or transporting a  
 126 firearm under state or federal law.

127 To establish personal identification and dual resident eligibility for purposes of this subsection, a dealer  
 128 shall require any prospective purchaser to present one photo-identification form issued by a governmental  
 129 agency of the prospective purchaser's state of legal residence and other documentation of dual residence  
 130 within the Commonwealth. The other documentation of dual residence in the Commonwealth may include (i)  
 131 evidence of currently paid personal property tax or real estate tax or a current (a) lease, (b) utility or telephone  
 132 bill, (c) voter registration card, (d) bank check, (e) passport, (f) automobile registration, or (g) hunting or  
 133 fishing license; (ii) other current identification allowed as evidence of residency by 27 C.F.R. § 178.124 and  
 134 ATF Ruling 2001-5; or (iii) other documentation of residence determined to be acceptable by the Department  
 135 of Criminal Justice Services and that corroborates that the prospective purchaser currently resides in Virginia.

136 D. If any buyer or transferee is denied the right to purchase a firearm under this section, he may exercise  
 137 his right of access to and review and correction of criminal history record information under § 9.1-132 or  
 138 institute a civil action as provided in § 9.1-135, provided any such action is initiated within 30 days of such  
 139 denial.

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

144 F. For purposes of this section:

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

147 "Antique firearm" means:

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

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

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

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

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

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

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

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

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

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

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

181 "Handgun" means any pistol or revolver or other firearm originally designed, made and intended to fire  
 182 single or multiple projectiles by means of an explosion of a combustible material from one or more barrels

183 when held in one hand.

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

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

190 H. The provisions of this section shall not apply to (i) transactions between persons who are licensed as  
191 firearms importers or collectors, manufacturers or dealers pursuant to 18 U.S.C. § 921 et seq.; (ii) purchases  
192 by or sales to any law-enforcement officer or agent of the United States, the Commonwealth or any local  
193 government, or any campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title  
194 23.1; or (iii) antique firearms or curios or relics.

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

200 J. All licensed firearms dealers shall collect a fee of \$2 for every transaction for which a criminal history  
201 record information check is required pursuant to this section, except that a fee of \$5 shall be collected for  
202 every transaction involving an out-of-state resident. Such fee shall be transmitted to the Department of State  
203 Police by the last day of the month following the sale for deposit in a special fund for use by the State Police  
204 to offset the cost of conducting criminal history record information checks under the provisions of this  
205 section.

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

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

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

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

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

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

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

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

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

244 immediately preceding the date of exchange or replacement. A violation of this subsection is punishable as a  
245 Class 1 misdemeanor.

246 1. Purchases in excess of one handgun within a 30-day period may be made upon completion of an  
247 enhanced background check, as described in this subsection, by special application to the Department of State  
248 Police listing the number and type of handguns to be purchased and transferred for lawful business or  
249 personal use, in a collector series, for collections, as a bulk purchase from estate sales, and for similar  
250 purposes. Such applications shall be signed under oath by the applicant on forms provided by the Department  
251 of State Police, shall state the purpose for the purchase above the limit, and shall require satisfactory proof of  
252 residency and identity. Such application shall be in addition to the firearms sales report required by the  
253 federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). The Superintendent of State Police  
254 shall promulgate regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the  
255 implementation of an application process for purchases of handguns above the limit.

256 Upon being satisfied that these requirements have been met, the Department of State Police shall  
257 immediately issue to the applicant a nontransferable certificate, which shall be valid for seven days from the  
258 date of issue. The certificate shall be surrendered to the dealer by the prospective purchaser prior to the  
259 consummation of such sale and shall be kept on file at the dealer's place of business for inspection as  
260 provided in § 54.1-4201 for a period of not less than two years. Upon request of any local law-enforcement  
261 agency, and pursuant to its regulations, the Department of State Police may certify such local law-  
262 enforcement agency to serve as its agent to receive applications and, upon authorization by the Department of  
263 State Police, issue certificates immediately pursuant to this subdivision. Applications and certificates issued  
264 under this subdivision shall be maintained as records as provided in subdivision B 3. The Department of State  
265 Police shall make available to local law-enforcement agencies all records concerning certificates issued  
266 pursuant to this subdivision and all records provided for in subdivision B 3.

267 2. The provisions of this subsection shall not apply to:

268 a. A law-enforcement agency;

269 b. An agency duly authorized to perform law-enforcement duties;

270 c. A state or local correctional facility;

271 d. A private security company licensed to do business within the Commonwealth;

272 e. The purchase of antique firearms;

273 f. A person whose handgun is stolen or irretrievably lost who deems it essential that such handgun be  
274 replaced immediately. Such person may purchase another handgun, even if the person has previously  
275 purchased a handgun within a 30-day period, provided that (i) the person provides the firearms dealer with a  
276 copy of the official police report or a summary thereof, on forms provided by the Department of State Police,  
277 from the law-enforcement agency that took the report of the lost or stolen handgun; (ii) the official police  
278 report or summary thereof contains the name and address of the handgun owner, a description of the  
279 handgun, the location of the loss or theft, the date of the loss or theft, and the date the loss or theft was  
280 reported to the law-enforcement agency; and (iii) the date of the loss or theft as reflected on the official police  
281 report or summary thereof occurred within 30 days of the person's attempt to replace the handgun. The  
282 firearms dealer shall attach a copy of the official police report or summary thereof to the original copy of the  
283 Virginia firearms transaction report completed for the transaction and retain it for the period prescribed by the  
284 Department of State Police;

285 g. A person who trades in a handgun at the same time he makes a handgun purchase and as a part of the  
286 same transaction, provided that no more than one transaction of this nature is completed per day;

287 h. A person who holds a valid Virginia permit to carry a concealed handgun;

288 i. A person who purchases a handgun in a private sale. For purposes of this subdivision, "private sale"  
289 means a purchase from a person who makes occasional sales, exchanges, or purchases of firearms for the  
290 enhancement of a personal collection of curios or relics or who sells all or part of such collection of curios  
291 and relics; or

292 j. A law-enforcement officer. For purposes of this subdivision, "law-enforcement officer" means any  
293 employee of a police department or sheriff's office that is part of or administered by the Commonwealth or  
294 any political subdivision thereof and who is responsible for the prevention and detection of crime and the  
295 enforcement of the penal, traffic, or highway laws of the Commonwealth.

296 **§ 18.2-308.2:5. Criminal history record information check required to sell firearm; penalty.**

297 A. No person shall sell a firearm for money, goods, services, or anything else of value unless (i) he has  
298 obtained verification from a licensed dealer in firearms that information on the prospective purchaser has  
299 been submitted for a criminal history record information check as set out in § 18.2-308.2:2 and that a  
300 determination has been received from the Department of State Police that the prospective purchaser is not  
301 prohibited under state or federal law from possessing a firearm or such sale is specifically exempted by state  
302 or federal law and (ii) at least five days have elapsed from the time the prospective purchaser completed the  
303 written consent form provided by the Department of State Police to have a designated licensed dealer obtain  
304 criminal history record information. The Department of State Police shall provide a means by which sellers

305 may obtain from designated licensed dealers the approval or denial of firearm transfer requests, based on  
 306 criminal history record information checks. The processes established shall conform to the provisions of §  
 307 18.2-308.2:2, and the definitions and provisions of § 18.2-308.2:2 regarding criminal history record  
 308 information checks shall apply to this section mutatis mutandis. The designated dealer shall collect and  
 309 disseminate the fees prescribed in § 18.2-308.2:2 as required by that section. The dealer may charge and  
 310 retain an additional fee not to exceed \$15 for obtaining a criminal history record information check on behalf  
 311 of a seller.

312 B. Notwithstanding the provisions of subsection A and unless otherwise prohibited by state or federal law,  
 313 a person may sell a firearm to another person if:

314 1. The sale of a firearm is to an authorized representative of the Commonwealth or any subdivision  
 315 thereof as part of an authorized voluntary gun buy-back or give-back program;

316 2. The sale occurs at a firearms show, as defined in § 54.1-4200, and the seller has received a  
 317 determination from the Department of State Police that the purchaser is not prohibited under state or federal  
 318 law from possessing a firearm in accordance with § 54.1-4201.2; or

319 3. The sale of a firearm is conducted pursuant to § 59.1-148.3, with the exception of a sale conducted  
 320 pursuant to subsection C of § 59.1-148.3.

321 C. Any person who willfully and intentionally sells a firearm to another person without obtaining  
 322 verification *or before at least five days have elapsed since the time the prospective purchaser completed the*  
 323 *written consent form provided by the Department of State Police to have a designated licensed dealer obtain*  
 324 *criminal history record information* in accordance with this section is guilty of a Class 1 misdemeanor.

325 D. Any person who willfully and intentionally purchases a firearm from another person without obtaining  
 326 verification *or before at least five days have elapsed since the time the prospective purchaser completed the*  
 327 *written consent form provided by the Department of State Police to have a designated licensed dealer obtain*  
 328 *criminal history record information* in accordance with this section is guilty of a Class 1 misdemeanor.

#### 329 CHAPTER 14.

#### 330 VIRGINIA ASSAULT FIREARM BUY-BACK PROGRAM AND FUND.

##### 331 § 52-55. Definitions.

332 *As used in this chapter, unless the context requires a different meaning:*

333 *"Assault firearm" means the same as that term is defined in § 18.2-308.2:2.*

334 *"Fund" means the Virginia Assault Firearm Buy-Back Fund.*

335 *"Local law-enforcement agency" means any local police department or sheriff's office that is a part of or*  
 336 *administered by the Commonwealth or any political subdivision thereof.*

337 *"Program" means the Virginia Assault Firearm Buy-Back Program.*

##### 338 § 52-56. Virginia Assault Firearm Buy-Back Program established; report.

339 A. *The Department of State Police (the Department) shall develop policies for the establishment of*  
 340 *uniform standards for the creation of the Virginia Assault Firearm Buy-Back Program. The Department shall*  
 341 *(i) inform local law-enforcement agencies of the policies and procedures to be used for the Program; (ii)*  
 342 *provide guidelines to participating local law-enforcement agencies on implementation of the Program,*  
 343 *including (a) designating when and where a person may surrender an assault firearm; (b) the handling,*  
 344 *storage, and disposal of surrendered assault firearms; and (c) the requirements for reporting to the*  
 345 *Department any information about surrendered assault firearms; (iii) establish a formula for determining the*  
 346 *monetary incentive for a surrendered assault firearm that shall offer the person surrendering such assault*  
 347 *firearm an amount equal to the original purchase price, including taxes and any verifiable delivery fees, plus*  
 348 *an additional 10 percent of the original purchase price; (iv) establish guidelines for determining the buy-*  
 349 *back amount to be offered when the original purchase price cannot be identified with documentation; and (v)*  
 350 *establish requirements for remitting the funds to the person surrendering an assault firearm within 30*  
 351 *calendar days, including a requirement that such person shall receive an additional \$100 for every month the*  
 352 *disbursement is delayed.*

353 B. *The establishment of the Program by a local law-enforcement agency is voluntary, and nothing in this*  
 354 *chapter shall be construed to be a mandate that a local law-enforcement agency establish or participate in*  
 355 *the Program.*

356 C. *The Department shall submit a report to the General Assembly on or before November 1 each year on*  
 357 *the Program. The report shall include the following: (i) the number of local law-enforcement agencies that*  
 358 *participate in the Program or have established a local Program, (ii) the number of assault firearms that have*  
 359 *been bought back through the Program, and (iii) a summary on how the moneys in the Fund have been used*  
 360 *for development and implementation of the Program.*

##### 361 § 52-57. Participation by a local law-enforcement agency; establishing a local Program.

362 A *local law-enforcement agency may establish a local Program, and a person may surrender an assault*  
 363 *firearm to the participating local law-enforcement agency in accordance with § 52-56. The identity of any*  
 364 *person who surrenders an assault firearm pursuant to this chapter shall be kept confidential.*

##### 365 § 52-58. Virginia Assault Firearm Buy-Back Fund established.

366 *There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia*

367 *Assault Firearm Buy-Back Fund. The Fund shall be established on the books of the Comptroller. All funds*  
368 *appropriated for such purpose and any gifts, donations, grants, bequests, and other funds received on its*  
369 *behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund*  
370 *shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon,*  
371 *at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the*  
372 *Fund shall be used solely for the purposes of development and implementation of the Program, including*  
373 *assisting local law-enforcement agencies with implementing the Program within such agencies' localities.*  
374 *Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by*  
375 *the Comptroller upon written request signed by the Superintendent.*

376 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**  
377 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary**  
378 **appropriation cannot be determined for periods of imprisonment in state adult correctional facilities;**  
379 **therefore, Chapter 1 of the Acts of Assembly of 2023, Special Session I, requires the Virginia Criminal**  
380 **Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the**  
381 **Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for**  
382 **periods of commitment to the custody of the Department of Juvenile Justice.**