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HOUSE BILL NO. 502
Offered January 10, 2024
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A *BILL to amend and reenact §§ 8.01-217, 16.1-331, 18.2-308.04, 18.2-308.06, 18.2-308.2:2, 18.2-308.2:4, 19.2-13, 20-88.54, 22.1-287.1, 23.1-405, 23.1-407, 24.2-418, 24.2-444, 30-394, 32.1-261, 32.1-267, 32.1-269.1, 32.1-292.2, 40.1-96, 40.1-102, 46.2-323, 46.2-341.12, 46.2-345, 46.2-345.2, 46.2-2906, 54.1-3319, 54.1-4108, 59.1-118, and 65.2-900 of the Code of Virginia, relating to nonbinary sex or gender designation option.*

Patrons—Cohen, Bennett-Parker and Henson; Senator: Ebbin

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-217, 16.1-331, 18.2-308.04, 18.2-308.06, 18.2-308.2:2, 18.2-308.2:4, 19.2-13, 20-88.54, 22.1-287.1, 23.1-405, 23.1-407, 24.2-418, 24.2-444, 30-394, 32.1-261, 32.1-267, 32.1-269.1, 32.1-292.2, 40.1-96, 40.1-102, 46.2-323, 46.2-341.12, 46.2-345, 46.2-345.2, 46.2-2906, 54.1-3319, 54.1-4108, 59.1-118, and 65.2-900 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-217. How name of person may be changed.

A. Any person desiring to change his own name, or that of his child or ward, may apply therefor to the circuit court of the county or city in which the person whose name is to be changed resides, or if no place of abode exists, such person may apply to any circuit court which shall consider such application if it finds that good cause exists therefor under the circumstances alleged. An incarcerated person may apply to the circuit court of the county or city in which such person is incarcerated. In case of a minor who has no living parent or guardian, the application may be made by his next friend. In case of a minor who has both parents living, the parent who does not join in the application shall be served with reasonable notice of the application pursuant to § 8.01-296 and, should such parent object to the change of name, a hearing shall be held to determine whether the change of name is in the best interest of the minor. It shall not be necessary to effect service upon any parent who files an answer to the application. If, after application is made on behalf of a minor and an ex parte hearing is held thereon, the court finds by clear and convincing evidence that such notice would present a serious threat to the health and safety of the applicant, the court may waive such notice.

B. Every application shall be under oath and shall include the place of residence of the applicant, the names of both parents, including the maiden name of his mother, the date and place of birth of the applicant, the applicant's felony conviction record, if any, whether the applicant is a person for whom registration with the Sex Offender and Crimes Against Minors Registry is required pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, whether the applicant is presently incarcerated or a probationer with any court, and if the applicant has previously changed his name, his former name or names. *If such application requires the sex or gender of the applicant, the application shall permit the choice between "male," "female," or "nonbinary."*

C. On any such application and hearing, if such be demanded, the court, shall, unless the evidence shows that the change of name is sought for a fraudulent purpose or would otherwise infringe upon the rights of others or, in a case involving a minor, that the change of name is not in the best interest of the minor, order a change of name.

D. No application shall be accepted by a court for a change of name of a probationer, person for whom registration with the Sex Offender and Crimes Against Minors Registry is required pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, or incarcerated person unless the court finds that good cause exists for consideration of such application under the reasons alleged in the application for the requested change of name. If the court accepts the application, the court shall mail or deliver a copy of the application to the attorney for the Commonwealth for the jurisdiction where the application was filed and the attorney for the Commonwealth for any jurisdiction in the Commonwealth where a conviction occurred that resulted in the applicant's probation, registration with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, or incarceration. The attorney for the Commonwealth where the application was filed shall be entitled to respond and represent the interests of the Commonwealth by filing a response within 30 days after the mailing or delivery of a copy of the application. The court shall conduct a hearing on the application and may order a change of name if, after receiving and considering evidence concerning the circumstances regarding the requested change of name, the court determines that the change of name (i) would not frustrate a legitimate law-enforcement purpose, (ii) is not sought for a fraudulent purpose, and (iii) would not otherwise infringe upon the rights of others. Such order shall contain written findings stating the court's basis for granting the order.

59 E. The provisions of subsection D are jurisdictional and any order granting a change of name pursuant to
60 subsection D that fails to comply with any provision of subsection D is void ab initio. The attorney for the
61 Commonwealth for the jurisdiction where such an application was filed has the authority to bring an
62 independent action at any time to have such order declared void. If the attorney for the Commonwealth brings
63 an independent action to have the order declared void, notice of the action shall be served upon the person
64 who was granted a change of name who shall have 30 days after service to respond. If the person whose name
65 was changed files a response objecting to having the order declared void, the court shall hold a hearing. If an
66 order granting a change of name is declared void pursuant to this subsection, or if a person is convicted of
67 perjury pursuant to § 18.2-434 for unlawfully changing his name pursuant to § 18.2-504.1 based on conduct
68 that violates this section, the clerk of the court entering the order or the order of conviction shall transmit a
69 certified copy of the order to (i) the State Registrar of Vital Records, (ii) the Department of Motor Vehicles,
70 (iii) the State Board of Elections, (iv) the Central Criminal Records Exchange, and (v) any agency or
71 department of the Commonwealth that has issued a license to the person where such license utilizes the
72 person's changed name, if known to the court and identified in the court order.

73 F. The order shall contain no identifying information other than the applicant's former name or names,
74 new name, and current address. The clerk of the court shall spread the order upon the current deed book in his
75 office, index it in both the old and new names, and transmit a certified copy of the order and the application
76 to the State Registrar of Vital Records and the Central Criminal Records Exchange. Transmittal of a copy of
77 the order and the application to the State Registrar of Vital Records and the Central Criminal Records
78 Exchange shall not be required of a person who changed his or her former name by reason of marriage and
79 who makes application to resume a former name pursuant to § 20-121.4.

80 G. If the applicant shall show cause to believe that in the event his change of name should become a
81 public record, a serious threat to the health or safety of the applicant or his immediate family would exist, the
82 chief judge of the circuit court may waive the requirement that the application be under oath or the court may
83 order the record sealed and direct the clerk not to spread and index any orders entered in the cause, and a
84 certified copy shall not be transmitted to the State Registrar of Vital Records or the Central Criminal Records
85 Exchange. At such time as a name change order is received by the State Registrar of Vital Records, for a
86 person born in the Commonwealth, together with a proper request and payment of required fees, the Registrar
87 shall issue certifications of the amended birth record which do not reveal the former name or names of the
88 applicant unless so ordered by a court of competent jurisdiction. Such certifications shall not be marked
89 "amended" and show the effective date as provided in § 32.1-272. Such order shall set forth the date and
90 place of birth of the person whose name is changed, the full names of his parents, including the maiden name
91 of the mother and, if such person has previously changed his name, his former name or names.

92 **§ 16.1-331. Petition for emancipation.**

93 Any minor who has reached his sixteenth birthday and is residing in this Commonwealth, or any parent or
94 guardian of such minor, may petition the juvenile and domestic relations district court for the county or city
95 in which either the minor or his parents or guardian resides for a determination that the minor named in the
96 petition be emancipated. The petition shall contain, in addition to the information required by § 16.1-262, the
97 gender of the minor and, if the petitioner is not the minor, the name of the petitioner and the relationship of
98 the petitioner to the minor. *The petition shall permit the choice between "male," "female," or "nonbinary"*
99 *when designating the gender of the minor.* If the petition is based on the minor's desire to enter into a valid
100 marriage, the petition shall also include the name, age, date of birth, if known, and residence of the intended
101 spouse. The petitioner shall also attach copies of any criminal records of each individual intending to be
102 married. The petitioner shall also attach copies of any protective order issued between the individuals to be
103 married.

104 **§ 18.2-308.04. Processing of the application and issuance of a concealed handgun permit.**

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

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

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

114 D. A court may authorize the clerk to issue concealed handgun permits, without judicial review, to
115 applicants who have submitted complete applications, for whom the criminal history records check does not
116 indicate a disqualification and, after consulting with either the sheriff or police department of the county or
117 city, about which application there are no outstanding questions or issues. The court clerk shall be immune
118 from suit arising from any acts or omissions relating to the issuance of concealed handgun permits without
119 judicial review pursuant to this section unless the clerk was grossly negligent or engaged in willful

120 misconduct. This section shall not be construed to limit, withdraw, or overturn any defense or immunity
121 already existing in statutory or common law, or to affect any cause of action accruing prior to July 1, 2010.

122 E. The permit to carry a concealed handgun shall specify only the following information: name, address,
123 date of birth, gender, height, weight, color of hair, color of eyes, and signature of the permittee; the signature
124 of the judge issuing the permit, of the clerk of court who has been authorized to sign such permits by the
125 issuing judge, or of the clerk of court who has been authorized to issue such permits pursuant to subsection
126 D; the date of issuance; and the expiration date. *The permit shall use "male," "female," or "nonbinary," as*
127 *applicable, when designating the gender of the permittee.* The permit to carry a concealed handgun shall be
128 of a size comparable to a Virginia driver's license, may be laminated or use a similar process to protect the
129 permit, and shall otherwise be of a uniform style prescribed by the Department of State Police.

130 **§ 18.2-308.06. Nonresident concealed handgun permits.**

131 A. Nonresidents of the Commonwealth 21 years of age or older may apply in writing to the Virginia
132 Department of State Police for a five-year permit to carry a concealed handgun. The applicant shall submit a
133 photocopy of one valid form of photo identification issued by a governmental agency of the applicant's state
134 of residency or by the U.S. Department of Defense or U.S. State Department (passport). Every applicant for a
135 nonresident concealed handgun permit shall also submit two photographs of a type and kind specified by the
136 Department of State Police for inclusion on the permit and shall submit fingerprints on a card provided by the
137 Department of State Police for the purpose of obtaining the applicant's state or national criminal history
138 record. As a condition for issuance of a concealed handgun permit, the applicant shall submit to
139 fingerprinting by his local or state law-enforcement agency and provide personal descriptive information to
140 be forwarded with the fingerprints through the Central Criminal Records Exchange to the U.S. Federal
141 Bureau of Investigation for the purpose of obtaining criminal history record information regarding the
142 applicant and obtaining fingerprint identification information from federal records pursuant to criminal
143 investigations by state and local law-enforcement agencies. The application shall be on a form provided by
144 the Department of State Police, requiring only that information necessary to determine eligibility for the
145 permit. If the permittee is later found by the Department of State Police to be disqualified, the permit shall be
146 revoked and the person shall return the permit after being so notified by the Department of State Police. The
147 permit requirement and restriction provisions of subsection C of § 18.2-308.02 and § 18.2-308.09 shall apply,
148 mutatis mutandis, to the provisions of this subsection.

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

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

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

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

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

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

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

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

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

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

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

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

180 D. The permit to carry a concealed handgun shall contain only the following information: name, address,

181 date of birth, gender, height, weight, color of hair, color of eyes, and photograph of the permittee; the
182 signature of the Superintendent of the Virginia Department of State Police or his designee; the date of
183 issuance; and the expiration date. *The permit shall use "male," "female," or "nonbinary," as applicable, when*
184 *designating the gender of the permittee.*

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

188 **§ 18.2-308.2:2. Criminal history record information check required for the transfer of certain**
189 **firearms.**

190 A. Any person purchasing from a dealer a firearm as herein defined shall consent in writing, on a form to
191 be provided by the Department of State Police, to have the dealer obtain criminal history record information.
192 Such form shall include only the written consent; the name, birth date, gender, race, citizenship, and social
193 security number ~~and/or~~ or any other identification number; the number of firearms by category intended to be
194 sold, rented, traded, or transferred; and answers by the applicant to the following questions: (i) has the
195 applicant been convicted of a felony offense or a misdemeanor offense listed in § 18.2-308.1:8 or found
196 guilty or adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of a
197 delinquent act that if committed by an adult would be a felony or a misdemeanor listed in § 18.2-308.1:8; (ii)
198 is the applicant subject to a court order restraining the applicant from harassing, stalking, or threatening the
199 applicant's child or intimate partner, or a child of such partner, or is the applicant subject to a protective order;
200 (iii) has the applicant ever been acquitted by reason of insanity and prohibited from purchasing, possessing,
201 or transporting a firearm pursuant to § 18.2-308.1:1 or any substantially similar law of any other jurisdiction,
202 been adjudicated legally incompetent, mentally incapacitated, or adjudicated an incapacitated person and
203 prohibited from purchasing a firearm pursuant to § 18.2-308.1:2 or any substantially similar law of any other
204 jurisdiction, been involuntarily admitted to an inpatient facility or involuntarily ordered to outpatient mental
205 health treatment and prohibited from purchasing a firearm pursuant to § 18.2-308.1:3 or any substantially
206 similar law of any other jurisdiction, or been the subject of a temporary detention order pursuant to § 37.2-
207 809 and subsequently agreed to a voluntary admission pursuant to § 37.2-805; and (iv) is the applicant
208 subject to an emergency substantial risk order or a substantial risk order entered pursuant to § 19.2-152.13 or
209 19.2-152.14 and prohibited from purchasing, possessing, or transporting a firearm pursuant to § 18.2-308.1:6
210 or any substantially similar law of any other jurisdiction. *Such form shall permit the choice between "male,"*
211 *"female," or "nonbinary" when designating the gender of the applicant.*

212 B. 1. No dealer shall sell, rent, trade, or transfer from his inventory any such firearm to any other person
213 who is a resident of Virginia until he has (i) obtained written consent and the other information on the consent
214 form specified in subsection A, and provided the Department of State Police with the name, birth date,
215 gender, race, citizenship, and social security ~~and/or~~ or any other identification number and the number of
216 firearms by category intended to be sold, rented, traded, or transferred and (ii) requested criminal history
217 record information by a telephone call to or other communication authorized by the State Police and is
218 authorized by subdivision 2 to complete the sale or other such transfer. To establish personal identification
219 and residence in Virginia for purposes of this section, a dealer must require any prospective purchaser to
220 present one photo-identification form issued by a governmental agency of the Commonwealth or by the
221 United States Department of Defense or a special identification card without a photograph issued pursuant to
222 § 46.2-345.2 that demonstrates that the prospective purchaser resides in Virginia. For the purposes of this
223 section and establishment of residency for firearm purchase, residency of a member of the armed forces shall
224 include both the state in which the member's permanent duty post is located and any nearby state in which the
225 member resides and from which he commutes to the permanent duty post. A member of the armed forces
226 whose photo identification issued by the Department of Defense does not have a Virginia address may
227 establish his Virginia residency with such photo identification and either permanent orders assigning the
228 purchaser to a duty post, including the Pentagon, in Virginia or the purchaser's Leave and Earnings
229 Statement. When the identification presented to a dealer by the prospective purchaser is a driver's license or
230 other photo identification issued by the Department of Motor Vehicles or a special identification card without
231 a photograph issued pursuant to § 46.2-345.2, and such identification form or card contains a date of issue,
232 the dealer shall not, except for a renewed driver's license or other photo identification issued by the
233 Department of Motor Vehicles or a renewed special identification card without a photograph issued pursuant
234 to § 46.2-345.2, sell or otherwise transfer a firearm to the prospective purchaser until 30 days after the date of
235 issue of an original or duplicate driver's license or special identification card without a photograph unless the
236 prospective purchaser also presents a copy of his Virginia Department of Motor Vehicles driver's record
237 showing that the original date of issue of the driver's license was more than 30 days prior to the attempted
238 purchase.

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

242 Upon receipt of the request for a criminal history record information check, the State Police shall (a)

243 review its criminal history record information to determine if the buyer or transferee is prohibited from
 244 possessing or transporting a firearm by state or federal law, (b) inform the dealer if its record indicates that
 245 the buyer or transferee is so prohibited, and (c) provide the dealer with a unique reference number for that
 246 inquiry.

247 2. The State Police shall provide its response to the requesting dealer during the dealer's request or by
 248 return call without delay. A dealer who fulfills the requirements of subdivision 1 and is told by the State
 249 Police that a response will not be available by the end of the dealer's fifth business day may immediately
 250 complete the sale or transfer and shall not be deemed in violation of this section with respect to such sale or
 251 transfer.

252 3. Except as required by subsection D of § 9.1-132, the State Police shall not maintain records longer than
 253 30 days, except for multiple handgun transactions for which records shall be maintained for 12 months, from
 254 any dealer's request for a criminal history record information check pertaining to a buyer or transferee who is
 255 not found to be prohibited from possessing and transporting a firearm under state or federal law. However,
 256 the log on requests made may be maintained for a period of 12 months, and such log shall consist of the name
 257 of the purchaser, the dealer identification number, the unique approval number, and the transaction date.

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

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

270 6. For the purposes of this subsection, the phrase "dealer's fifth business day" does not include December
 271 25.

272 C. No dealer shall sell, rent, trade, or transfer from his inventory any firearm, except when the transaction
 273 involves a rifle or a shotgun and can be accomplished pursuant to the provisions of subdivision B 5, to any
 274 person who is a dual resident of Virginia and another state pursuant to applicable federal law unless he has
 275 first obtained from the Department of State Police a report indicating that a search of all available criminal
 276 history record information has not disclosed that the person is prohibited from possessing or transporting a
 277 firearm under state or federal law.

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

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

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

295 F. For purposes of this section:

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

298 "Antique firearm" means:

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

301 2. Any replica of any firearm described in subdivision 1 of this definition if such replica (i) is not designed
 302 or redesigned for using rimfire or conventional centerfire fixed ammunition or (ii) uses rimfire or
 303 conventional centerfire fixed ammunition that is no longer manufactured in the United States and that is not

304 readily available in the ordinary channels of commercial trade;

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

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

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

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

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

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

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

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

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

332 "Handgun" means any pistol or revolver or other firearm originally designed, made and intended to fire
333 single or multiple projectiles by means of an explosion of a combustible material from one or more barrels
334 when held in one hand.

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

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

341 H. The provisions of this section shall not apply to (i) transactions between persons who are licensed as
342 firearms importers or collectors, manufacturers or dealers pursuant to 18 U.S.C. § 921 et seq.; (ii) purchases
343 by or sales to any law-enforcement officer or agent of the United States, the Commonwealth or any local
344 government, or any campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title
345 23.1; or (iii) antique firearms or curios or relics.

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

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

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

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

362 L1. Any person who attempts to solicit, persuade, encourage, or entice any dealer to transfer or otherwise
363 convey a firearm other than to the actual buyer, as well as any other person who willfully and intentionally
364 aids or abets such person, shall be guilty of a Class 6 felony. This subsection shall not apply to a federal law-

365 enforcement officer or a law-enforcement officer as defined in § 9.1-101, in the performance of his official
366 duties, or other person under his direct supervision.

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

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

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

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

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

391 R. Except as provided in subdivisions 1 and 2, it shall be unlawful for any person who is not a licensed
392 firearms dealer to purchase more than one handgun within any 30-day period. For the purposes of this
393 subsection, "purchase" does not include the exchange or replacement of a handgun by a seller for a handgun
394 purchased from such seller by the same person seeking the exchange or replacement within the 30-day period
395 immediately preceding the date of exchange or replacement. A violation of this subsection is punishable as a
396 Class 1 misdemeanor.

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

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

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

- 419 a. A law-enforcement agency;
- 420 b. An agency duly authorized to perform law-enforcement duties;
- 421 c. A state or local correctional facility;
- 422 d. A private security company licensed to do business within the Commonwealth;
- 423 e. The purchase of antique firearms;
- 424 f. A person whose handgun is stolen or irretrievably lost who deems it essential that such handgun be
425 replaced immediately. Such person may purchase another handgun, even if the person has previously

426 purchased a handgun within a 30-day period, provided that (i) the person provides the firearms dealer with a
427 copy of the official police report or a summary thereof, on forms provided by the Department of State Police,
428 from the law-enforcement agency that took the report of the lost or stolen handgun; (ii) the official police
429 report or summary thereof contains the name and address of the handgun owner, a description of the
430 handgun, the location of the loss or theft, the date of the loss or theft, and the date the loss or theft was
431 reported to the law-enforcement agency; and (iii) the date of the loss or theft as reflected on the official police
432 report or summary thereof occurred within 30 days of the person's attempt to replace the handgun. The
433 firearms dealer shall attach a copy of the official police report or summary thereof to the original copy of the
434 Virginia firearms transaction report completed for the transaction and retain it for the period prescribed by the
435 Department of State Police;

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

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

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

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

447 **§ 18.2-308.2:4. Firearm verification check; penalty.**

448 A. For the purposes of this section:

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

450 "Department" means the Department of State Police.

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

453 B. A dealer who is receiving by sale, transfer, or trade a firearm from a person who is not a dealer may
454 choose to obtain a verification check from the Department to determine if the firearm has been reported to a
455 law-enforcement agency as lost or stolen. If a dealer chooses to obtain a verification check, the procedures in
456 this section shall be followed.

457 C. The person selling, transferring, or trading the firearm to the dealer shall present a valid photo
458 identification issued by a state or federal governmental agency and shall consent in writing, on a form to be
459 provided by the Department, to have the dealer obtain a verification check to determine if the firearm has
460 been reported to a law-enforcement agency as lost or stolen. Such form shall include only the written consent;
461 the name, address, birth date, gender, race, and verifiable government identification number on the photo
462 identification presented by the person selling, transferring, or trading the firearm; and the serial number,
463 caliber, make, and, if available, model of the firearm. *Such form shall permit the choice between "male,"*
464 *"female," or "nonbinary" when designating the gender of the person selling, transferring, or trading the*
465 *firearm.*

466 D. A dealer shall (i) obtain written consent and identifying information on the consent form specified in
467 subsection C; (ii) provide the Department with the serial number, caliber, make, and, if available, model of
468 the firearm intended to be sold, traded, or transferred to the dealer; (iii) request a verification check by
469 telephone or other manner authorized by the Department; and (iv) receive information from the Department
470 as to whether the firearm has been reported to a law-enforcement agency as lost or stolen.

471 To establish personal identification and residence for purposes of this section, a dealer shall require a
472 prospective transferee to present one photo-identification form containing a verifiable identification number
473 issued by a governmental agency of the Commonwealth, a similar photo-identification form from another
474 state government or by the U.S. Department of Defense, or other documentation of residence determined
475 acceptable by the Department.

476 E. Upon receipt of the request for a verification check, the Department shall (i) query firearms databases
477 to determine if the firearm has been reported to a law-enforcement agency as lost or stolen, (ii) inform the
478 dealer if the firearm has been reported to a law-enforcement agency as lost or stolen, and (iii) provide the
479 dealer with a unique response for that inquiry.

480 The Department shall provide its response to the requesting dealer electronically or by return call without
481 delay. If the verification check discloses that the firearm cannot be lawfully sold, transferred, or traded, the
482 Department shall have until the end of the dealer's next business day to advise the dealer that its records
483 indicate the firearm cannot be lawfully sold, transferred, or traded pursuant to state or federal law.

484 In the case of electronic failure or other circumstances beyond the control of the Department, the dealer
485 shall be advised immediately of the reason for such delay and be given an estimate of the length of such
486 delay. After such notification, the Department shall, as soon as possible but in no event later than the end of

487 the dealer's next business day, inform the requesting dealer if the firearm cannot be lawfully sold, transferred,
488 or traded pursuant to state or federal law.

489 F. The Department shall maintain a log of requests made for a period of 12 months from the date the
490 request was made, consisting of the serial number, caliber, make, and, if available, model of the firearm; the
491 dealer identification number; and the transaction date.

492 G. The dealer shall maintain the consent form for a period of 12 months from the date of the transaction if
493 the firearm is determined to be lost or stolen. If the firearm is determined not to be lost or stolen, the consent
494 form shall be destroyed by the dealer within two weeks from the date of such determination.

495 H. The Superintendent of State Police shall promulgate regulations to ensure the identity, confidentiality,
496 and security of all records and data provided pursuant to this section.

497 I. The provisions of this section shall not apply to transactions between persons who are licensed as
498 firearms importers, manufacturers, or dealers pursuant to 18 U.S.C. § 921 et seq.

499 J. Any person who willfully and intentionally makes a material false statement on the consent form is
500 guilty of a Class 1 misdemeanor.

501 **§ 19.2-13. Special conservators of the peace; authority; jurisdiction; registration; liability of**
502 **employers; penalty; report.**

503 A. Upon the submission of an application, which shall include the results of the background investigation
504 conducted pursuant to subsection C, from (i) any sheriff or chief of police of any county, city, or town; (ii)
505 any corporation authorized to do business in the Commonwealth; (iii) the owner, proprietor, or authorized
506 custodian of any place within the Commonwealth; or (iv) any museum owned and managed by the
507 Commonwealth, a circuit court judge of any county or city shall appoint special conservators of the peace
508 who shall serve as such for such length of time as the court may designate, but not exceeding four years under
509 any one appointment, during which time the court shall retain jurisdiction over the appointment order, upon a
510 showing by the applicant of a necessity for the security of property or the peace and presentation of evidence
511 that the person or persons to be appointed as a special conservator of the peace possess a valid registration
512 issued by the Department of Criminal Justice Services in accordance with the provisions of subsection C.
513 Upon an application made pursuant to clause (ii), (iii), or (iv), the court shall, prior to entering the order of
514 appointment, transmit a copy of the application to the local attorney for the Commonwealth and the local
515 sheriff or chief of police who may submit to the court a sworn, written statement indicating whether the order
516 of appointment should be granted. However, a judge may deny the appointment for good cause, and shall
517 state the specific reasons for the denial in writing in the order denying the appointment. A judge also may
518 revoke the appointment order for good cause shown, upon the filing of a sworn petition by the attorney for
519 the Commonwealth, sheriff, or chief of police for any locality in which the special conservator of the peace is
520 authorized to serve or by the Department of Criminal Justice Services. Prior to revocation, a hearing shall be
521 set and the special conservator of the peace shall be given notice and the opportunity to be heard. The judge
522 may temporarily suspend the appointment pending the hearing for good cause shown. A hearing on the
523 petition shall be heard by the court as soon as practicable. If the appointment order is suspended or revoked,
524 the clerk of court shall notify the Department of Criminal Justice Services, the Department of State Police,
525 the applicable local law-enforcement agencies in all cities and counties where the special conservator of the
526 peace is authorized to serve, and the employer of the special conservator of the peace.

527 The order of appointment shall provide that a special conservator of the peace may perform only the
528 duties for which he is qualified by training as established by the Criminal Justice Services Board. The order
529 of appointment shall provide that such duties shall be exercised only within geographical limitations specified
530 by the court, which shall be within the confines of the county, city or town that makes application or on the
531 real property where the corporate applicant is located, or any real property contiguous to such real property,
532 limited, except as provided in subsection F, to the city or county wherein application has been made, and only
533 when such special conservator of the peace is engaged in the performance of his duties as such; however, a
534 court may, in its discretion, specify in the order of appointment additional jurisdictions in which a special
535 conservator of the peace employed by the Shenandoah Valley Regional Airport Commission or the
536 Richmond Metropolitan Transportation Authority may exercise his duties. The order may provide that the
537 special conservator of the peace shall have the authority to make an arrest outside of such geographical
538 limitations if the arrest results from a close pursuit that was initiated when the special conservator of the
539 peace was within the confines of the area wherein he has been authorized to have the powers and authority of
540 a special conservator of the peace; the order shall further delineate a geographical limitation or distance
541 beyond which the special conservator of the peace may not effectuate such an arrest that follows from a close
542 pursuit. The order shall require the special conservator of the peace to comply with the provisions of the
543 United States Constitution and the Constitution of Virginia. The order shall not identify the special
544 conservator of the peace as a law-enforcement officer pursuant to § 9.1-101. The order may provide,
545 however, that the special conservator of the peace is a "law-enforcement officer" for the purposes of Article 4
546 (§ 37.2-808 et seq.) of Chapter 8 of Title 37.2 or Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1,
547 but such designation shall not qualify the special conservator of the peace as a "qualified law-enforcement

548 officer" or "qualified retired law-enforcement officer" within the meaning of the federal Law Enforcement
549 Officer Safety Act, 18 U.S.C. § 926(B) et seq., and the order of appointment shall specifically state this. The
550 order may also provide that a special conservator of the peace who has completed the minimum training
551 standards established by the Criminal Justice Services Board, has the authority to affect arrests, using up to
552 the same amount of force as would be allowed to a law-enforcement officer employed by the Commonwealth
553 or any of its political subdivisions when making a lawful arrest. The order shall prohibit blue flashing lights,
554 but upon request and for good cause shown may provide that the special conservator of the peace may use
555 flashing lights and sirens on any vehicle used by the special conservator of the peace when he is in the
556 performance of his duties. Prior to granting an application for appointment, the circuit court shall ensure that
557 the applicant has met the registration requirements established by the Criminal Justice Services Board.

558 B. All applications and orders for appointments of special conservators of the peace shall be submitted on
559 forms developed by the Office of the Executive Secretary of the Supreme Court of Virginia in consultation
560 with the Department of Criminal Justice Services and shall specify the duties for which the applicant is
561 qualified. *If such forms require the sex or gender of the applicant, the forms shall permit the choice between*
562 *"male," "female," or "nonbinary."* The applications and orders shall specify the geographic limitations
563 consistent with subsection A.

564 C. No person shall seek appointment as a special conservator of the peace from a circuit court judge
565 without possessing a valid registration issued by the Department of Criminal Justice Services, except as
566 provided in this section. Applicants for registration may submit an application on or after January 1, 2004. A
567 temporary registration may be issued in accordance with regulations established by the Criminal Justice
568 Services Board while awaiting the results of a state and national fingerprint search. However, no person shall
569 be issued a valid registration or temporary registration until he has (i) complied with, or been exempted from
570 the compulsory minimum training standards as set forth in this section; (ii) submitted his fingerprints on a
571 form provided by the Department to be used for the conduct of a national criminal records search and a
572 Virginia criminal history records search; (iii) submitted the results of a background investigation, performed
573 by any state or local law-enforcement agency, which may, at its discretion, charge a reasonable fee to the
574 applicant and which shall include a review of the applicant's criminal history records and may include a
575 review of the applicant's school records, employment records, or interviews with persons possessing general
576 knowledge of the applicant's character and fitness for such appointment; and (iv) met all other requirements
577 of this article and Board regulations. No person with a criminal conviction for a misdemeanor involving (a)
578 moral turpitude, (b) assault and battery, (c) damage to real or personal property, (d) controlled substances or
579 imitation controlled substances as defined in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, (e)
580 prohibited sexual behavior as described in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or (f)
581 firearms, or any felony, or who is required to register with the Sex Offender and Crimes Against Minors
582 Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, or who is prohibited from possessing,
583 transporting, or purchasing a firearm shall be eligible for registration or appointment as a special conservator
584 of the peace. A special conservator of the peace shall report if he is arrested for, charged with, or convicted of
585 any misdemeanor or felony offense or becomes ineligible for registration or appointment as a special
586 conservator of the peace pursuant to this subsection to the Department of Criminal Justice Services and the
587 chief law-enforcement officer of all localities in which he is authorized to serve within three days of such
588 arrest or of becoming ineligible for registration or appointment as a special conservator of the peace. Any
589 appointment for a special conservator of the peace shall be eligible for suspension and revocation after a
590 hearing pursuant to subsection A if the special conservator of the peace is convicted of any offense listed in
591 this subsection or becomes ineligible for registration or appointment as a special conservator of the peace
592 pursuant to this subsection. All appointments for special conservators of the peace shall become void on
593 September 15, 2004, unless they have obtained a valid registration issued by the Department of Criminal
594 Justice Services.

595 D. Each person registered as or seeking registration as a special conservator of the peace shall be covered
596 by evidence of a policy of (i) personal injury liability insurance, as defined in § 38.2-117; (ii) property
597 damage liability insurance, as defined in § 38.2-118; and (iii) miscellaneous casualty insurance, as defined in
598 subsection B of § 38.2-111, which includes professional liability insurance that provides coverage for any
599 activity within the scope of the duties of a special conservator of the peace as set forth in this section, in an
600 amount and with coverage for each as fixed by the Board, or self-insurance in an amount and with coverage
601 as fixed by the Board. Any person who is aggrieved by the misconduct of any person registered as a special
602 conservator of the peace and recovers a judgment against the registrant, which is unsatisfied in whole or in
603 part, may bring an action in his own name against the insurance policy of the registrant.

604 E. Effective July 1, 2015, all persons currently appointed or seeking appointment or reappointment as a
605 special conservator of the peace are required to register with the Department of Criminal Justice Services,
606 regardless of any other standing the person may have as a law-enforcement officer or other position requiring
607 registration or licensure by the Department. The employer of any special conservator of the peace shall notify
608 the circuit court, the Department of Criminal Justice Services, the Department of State Police, and the chief

609 law-enforcement officer of all localities in which the special conservator of the peace is authorized to serve
610 within 30 days after the date such individual has left employment and all powers of the special conservator of
611 the peace shall be void. Failure to provide such notification shall be punishable by a fine of \$250 plus an
612 additional \$50 per day for each day such notice is not provided.

613 F. When the application is made by any sheriff or chief of police, the circuit court shall specify in the
614 order of appointment the name of the applicant authorized under subsection A and the geographic jurisdiction
615 of the special conservator of the peace. Such appointments shall be limited to the city or county wherein
616 application has been made. When the application is made by any corporation authorized to do business in the
617 Commonwealth, any owner, proprietor, or authorized custodian of any place within the Commonwealth, or
618 any museum owned and managed by the Commonwealth, the circuit court shall specify in the order of
619 appointment the name of the applicant authorized under subsection A and the specific real property where the
620 special conservator of the peace is authorized to serve. Such appointments shall be limited to the specific real
621 property within the county, city, or town wherein application has been made. In the case of a corporation or
622 other business, the court appointment may also include, for good cause shown, any real property owned or
623 leased by the corporation or business, including any subsidiaries, in other specifically named cities and
624 counties, but shall provide that the powers of the special conservator of the peace do not extend beyond the
625 boundaries of such real property. The clerk of the appointing circuit court shall transmit to the Department of
626 State Police, the clerk of the circuit court of each locality where the special conservator of the peace is
627 authorized to serve, and the sheriff or chief of police of each such locality a copy of the order of appointment
628 that shall specify the following information: the person's complete name, address, date of birth, social
629 security number, gender, race, height, weight, color of hair, color of eyes, firearm authority or limitation as
630 set forth in subsection G, date of the order, and other information as may be required by the Department of
631 State Police. *The order of appointment shall use "male," "female," or "nonbinary" when designating the*
632 *gender of the special conservator of the peace.* The Department of State Police shall enter the person's name
633 and other information into the Virginia Criminal Information Network established and maintained by the
634 Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. The Department of State Police may charge a
635 fee not to exceed \$10 to cover its costs associated with processing these orders. Each special conservator of
636 the peace so appointed on application shall present his credentials to the chief of police or sheriff or his
637 designee of all jurisdictions where he has conservator powers. If his powers are limited to certain areas of real
638 property owned or leased by a corporation or business, he shall also provide notice of the exact physical
639 addresses of those areas. Each special conservator shall provide to the circuit court a temporary registration
640 letter issued by the Department of Criminal Justice Services to include the results of the background check
641 prior to seeking an appointment by the circuit court. Once the applicant receives the appointment from the
642 circuit court the applicant shall file the appointment order and a copy of the application with the Department
643 of Criminal Justice Services in order to receive his special conservator of the peace registration document. If
644 the court appointment includes any real property owned or leased by the corporation or business in other
645 specifically named cities and counties not within the city or county wherein application has been made, the
646 clerk of the appointing court shall transmit a copy of the order of appointment to (i) the clerk of the circuit
647 court for each jurisdiction where the special conservator of the peace is authorized to serve and (ii) the sheriff
648 or chief of police of each jurisdiction where the special conservator of the peace is authorized to serve.

649 If any such special conservator of the peace is the employee, agent or servant of another, his appointment
650 as special conservator of the peace shall not relieve his employer, principal or master from civil liability to
651 another arising out of any wrongful action or conduct committed by such special conservator of the peace
652 while within the scope of his employment.

653 Effective July 1, 2002, no person employed by a local school board as a school security officer, as defined
654 in § 9.1-101, shall be eligible for appointment as a conservator for purposes of maintaining safety in a public
655 school in the Commonwealth. All appointments of special conservators of the peace granted to school
656 security officers as defined in § 9.1-101 prior to July 1, 2002 are void.

657 G. The court may limit or prohibit the carrying of weapons by any special conservator of the peace
658 initially appointed on or after July 1, 1996, while the appointee is within the scope of his employment as
659 such.

660 H. The governing body of any locality or the sheriff of a county where no police department has been
661 established may enter into mutual aid agreements with any entity employing special conservators of the peace
662 that is located in such locality for the use of their joint forces and their equipment and materials to maintain
663 peace and good order. Any law-enforcement officer or special conservator of the peace, while performing his
664 duty under any such agreement, shall have the same authority as lawfully conferred on him within his own
665 jurisdiction.

666 I. No special conservator of the peace shall display or use the word "police" on any uniform, badge,
667 credential, or vehicle in the performance of his duties as a special conservator of the peace. Other than special
668 conservators of the peace employed by a state agency, no special conservator of the peace shall use the seal of
669 the Commonwealth on any uniform, badge, credential, or vehicle in the performance of his duties. However,

670 upon request and for good cause shown, the order of appointment may provide that a special conservator of
 671 the peace who (i) meets all requirements, including the minimum compulsory training requirements, for law-
 672 enforcement officers set forth in Chapter 1 (§ 9.1-100 et seq.) of Title 9.1 and (ii) is employed by the
 673 Shenandoah Valley Regional Airport Commission or the Richmond Metropolitan Transportation Authority
 674 may use the word "police" on any badge, uniform, or vehicle in the performance of his duties or the seal of
 675 the Commonwealth on any badge or credential in the performance of his duties.

676 **§ 20-88.54. Pleadings and accompanying documents.**

677 A. In a proceeding under this chapter, a petitioner seeking to establish a support order, to determine
 678 parentage of a child, or to register and modify a support order of a tribunal of another state or a foreign
 679 country shall file a petition. Unless otherwise ordered under § 20-88.55, the petition or accompanying
 680 documents shall provide, so far as known, the name, residential address, and social security numbers of the
 681 obligor and the obligee or the parent and alleged parent, and the name, sex, residential address, social security
 682 number, and date of birth of each child for whose benefit support is sought or whose parentage is to be
 683 determined. *The petition shall permit the choice between "male," "female," or "nonbinary" when designating*
 684 *the sex of each child named in the petition.* Unless filed at the time of registration, the petition shall be
 685 accompanied by a copy of any support order known to have been issued by another tribunal. The petition may
 686 include any other information that may assist in locating or identifying the respondent.

687 B. The petition shall specify the relief sought. The petition and accompanying documents shall conform
 688 substantially with the requirements imposed by the forms mandated by federal law for use in cases filed by a
 689 support enforcement agency.

690 **§ 22.1-287.1. Directory information.**

691 A. Notwithstanding §§ 22.1-287 and 22.1-288, directory information, as defined by the federal Family
 692 Educational Rights and Privacy Act (20 U.S.C. § 1232g) (FERPA), and which may include a student's name,
 693 sex, address, telephone listing, date and place of birth, major field of study, participation in officially
 694 recognized activities and sports, weight and height as a member of an athletic team, dates of attendance,
 695 degrees and awards received, and other similar information, may be disclosed in accordance with federal and
 696 state law and regulations, provided that the school has given notice to the parent or eligible student of (i) the
 697 types of information that the school has designated as directory information, (ii) the right of the parent or
 698 eligible student to refuse the designation of any or all of the types of information about the student as
 699 directory information, and (iii) the period of time within which the parent or eligible student must notify the
 700 school in writing that he does not want any or all of the types of information about the student designated as
 701 directory information. *Such directory information shall permit the choice between "male," "female," or*
 702 *"nonbinary" when designating the sex of a student.* However, no school shall disclose the address, telephone
 703 number, or email address of a student pursuant to the Virginia Freedom of Information Act (§ 2.2-3700 et
 704 seq.) unless the parent or eligible student has affirmatively consented in writing to such disclosure.
 705 Additionally, except as required by state or federal law, no school shall disclose the address, telephone
 706 number, or email address of a student pursuant to 34 C.F.R. § 99.31(a)(11) unless (a) the disclosure is to
 707 students enrolled in the school or to school board employees for educational purposes or school business and
 708 the parent or eligible student has not opted out of such disclosure in accordance with this subsection and
 709 school board policy or (b) the parent or eligible student has affirmatively consented in writing to such
 710 disclosure. This subsection shall not apply to any disclosure, other than a disclosure pursuant to 34 C.F.R. §
 711 99.31(a)(11), permitted under FERPA.

712 B. For purposes of this section, an "eligible student" is a student 18 years of age or older or a student
 713 under the age of 18 who is emancipated.

714 **§ 23.1-405. Student records and personal information; social media.**

715 A. As used in this section:

716 "Social media account" means a personal account with an electronic medium or service through which
 717 users may create, share, or view user-generated content, including, without limitation, videos, photographs,
 718 blogs, podcasts, messages, emails, or website profiles or locations. "Social media account" does not include
 719 an account (i) opened by a student at the request of a public or private institution of higher education or (ii)
 720 provided to a student by a public or private institution of higher education such as the student's email account
 721 or other software program owned or operated exclusively by a public or private institution of higher
 722 education.

723 B. Each public institution of higher education and private institution of higher education may require any
 724 student who attends, or any applicant who has been accepted to and has committed to attend, such institution
 725 to provide, to the extent available, from the originating secondary school and, if applicable, any institution of
 726 higher education he has attended a complete student record, including any mental health records held by the
 727 previous school or institution. Such records shall be kept confidential as required by state and federal law,
 728 including the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g)(FERPA).

729 C. Student directory information, as defined by FERPA, and which may include a student's name, sex,
 730 address, telephone listing, date and place of birth, major field of study, participation in officially recognized

731 activities and sports, weight and height as a member of an athletic team, dates of attendance, degrees and
 732 awards received, and other similar information, may be disclosed, provided that the institution has given
 733 notice to the student of (i) the types of information that the institution has designated as directory
 734 information, (ii) the right of the student to refuse the designation of any or all of the types of information
 735 about the student as directory information, and (iii) the period of time within which the student must notify
 736 the institution in writing that he does not want any or all of the types of information about the student
 737 designated as directory information. *Such directory information shall permit the choice between "male,"*
 738 *"female," or "nonbinary" when designating the sex of a student.* However, no institution shall disclose the
 739 address, telephone number, or email address of a student pursuant to the Virginia Freedom of Information
 740 Act (§ 2.2-3700 et seq.) unless the student has affirmatively consented in writing to such disclosure.
 741 Additionally, except as required by state or federal law, no institution shall disclose the address, telephone
 742 number, or email address of a student pursuant to 34 C.F.R. § 99.31(a)(11) unless (a) the disclosure is to
 743 students enrolled in the institution for educational purposes or institution business and the student has not
 744 opted out of such disclosure in accordance with this subsection and institution policy or (b) the student has
 745 affirmatively consented in writing to such disclosure except as required by state or federal law. This
 746 subsection shall not apply to disclosures, other than disclosures pursuant to 34 C.F.R. § 99.31(a)(11),
 747 permitted under FERPA.

748 D. No public institution of higher education shall sell students' personal information, including names,
 749 addresses, phone numbers, and email addresses, to any person. This subsection shall not apply to transactions
 750 involving credit, debit, employment, finance, identity verification, risk assessment, fraud prevention, or other
 751 transactions initiated by the student.

752 E. No public or private institution of higher education shall require a student to disclose the username or
 753 password to any of such student's personal social media accounts. Nothing in this subsection shall prevent a
 754 campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 from performing his official
 755 duties.

756 **§ 23.1-407. Reporting of enrollment information to Sex Offender and Crimes Against Minors**
 757 **Registry.**

758 A. Each associate-degree-granting and baccalaureate (i) public institution of higher education and (ii)
 759 private institution of higher education shall electronically transmit the complete name, social security number
 760 or other identifying number, date of birth, and gender of each applicant accepted to attend the institution to
 761 the Department of State Police, in a format approved by the Department of State Police, for comparison with
 762 information contained in the Virginia Criminal Information Network and National Crime Information Center
 763 Sex Offender Registry File. *Such data shall permit the choice between "male," "female," or "nonbinary"*
 764 *when designating the gender of each applicant.* Such data shall be transmitted (a) before an accepted
 765 applicant becomes a student in attendance pursuant to 20 U.S.C. § 1232g(a)(6) or (b) in the case of
 766 institutions with a rolling or instantaneous admissions policy, in accordance with guidelines developed by the
 767 Department of State Police in consultation with the Council.

768 B. Whenever it appears from the records of the Department of State Police that an accepted applicant has
 769 failed to comply with the duty to register, reregister, or verify his registration information pursuant to Chapter
 770 9 (§ 9.1-900 et seq.) of Title 9.1, the Department of State Police shall promptly investigate and, if there is
 771 probable cause to believe a violation has occurred, obtain a warrant or assist in obtaining an indictment
 772 charging a violation of § 18.2-472.1 in the jurisdiction in which the institution of higher education is located.

773 **§ 24.2-418. Application for registration.**

774 A. Each applicant to register shall provide, subject to felony penalties for making false statements
 775 pursuant to § 24.2-1016, the information necessary to complete the application to register. Unless physically
 776 disabled, he shall sign the application. The application to register shall be only on a form or forms prescribed
 777 by the State Board.

778 The form of the application to register shall require the applicant to provide the following information:
 779 full name; gender; date of birth; social security number, if any; whether the applicant is presently a United
 780 States citizen; address of residence in the precinct; place of last previous registration to vote; and whether the
 781 applicant has ever been adjudicated incapacitated and disqualified to vote or convicted of a felony, and if so,
 782 whether the applicant's right to vote has been restored. *The registration application shall permit the choice*
 783 *between "male," "female," or "nonbinary" when designating the gender of the applicant.* The form shall
 784 contain a statement that whoever votes more than once in any election in the same or different jurisdictions is
 785 guilty of a Class 6 felony. Unless directed by the applicant or as permitted in § 24.2-411.2 or 24.2-411.3, the
 786 registration application shall not be pre-populated with information the applicant is required to provide.

787 The form of the application to register shall request that the applicant provide his telephone number and
 788 email address, but no application shall be denied for failure to provide such information.

789 B. The form shall permit any individual, as follows, or member of his household, to furnish, in addition to
 790 his residence street address, a post office box address located within the Commonwealth to be included in
 791 lieu of his street address on the lists of registered voters and persons who voted, which are furnished pursuant

792 to §§ 24.2-405 and 24.2-406, on voter registration records made available for public inspection pursuant to §
 793 24.2-444, or on lists of absentee voter applicants furnished pursuant to § 24.2-706 or 24.2-710. The voter
 794 shall comply with the provisions of § 24.2-424 for any change in the post office box address provided under
 795 this subsection.

796 1. Any active or retired law-enforcement officer, as defined in § 9.1-101 and in 5 U.S.C. § 8331(20), but
 797 excluding officers whose duties relate to detention as defined in 5 U.S.C. § 8331(20);

798 2. Any party granted a protective order issued by or under the authority of any court of competent
 799 jurisdiction, including but not limited to courts of the Commonwealth of Virginia;

800 3. Any party who has furnished a signed written statement by the party that he is in fear for his personal
 801 safety from another person who has threatened or stalked him;

802 4. Any party participating in the address confidentiality program pursuant to § 2.2-515.2;

803 5. Any active or retired federal or Virginia justice, judge, or magistrate and any active or retired attorney
 804 employed by the United States Attorney General or Virginia Attorney General; and

805 6. Any person who has been approved to be a foster parent pursuant to Chapter 9 (§ 63.2-900 et seq.) of
 806 Title 63.2.

807 C. If the applicant formerly resided in another state, the general registrar shall send the information
 808 contained in the applicant's registration application to the appropriate voter registration official or other
 809 authority of another state where the applicant formerly resided, as prescribed in subdivision 15 of § 24.2-114.

810 **§ 24.2-444. Duties of general registrars and Department of Elections as to voter registration**
 811 **records; public inspection; exceptions.**

812 A. Registration records shall be kept and preserved by the general registrar in compliance with §§ 2.2-
 813 3803, 2.2-3808, and 24.2-114. The Department shall provide to each general registrar, for each precinct in his
 814 county or city, lists of registered voters for inspection. The lists shall contain the name, address, year of birth,
 815 gender and all election districts applicable to each registered voter. *The lists shall use "male," "female," or*
 816 *"nonbinary" when designating the gender of registered voters.* The lists shall be opened to public inspection
 817 at the office of the general registrar when the office is open for business. New lists shall be provided not less
 818 than once each year to all localities except those in which an updated list is made available electronically for
 819 public inspection, and supplements containing additions, deletions, and changes shall be provided not less
 820 than (i) weekly during the 60 days preceding any general election and (ii) monthly at other times.
 821 Notwithstanding any other provision of law regarding the retention of records, upon receipt of any new
 822 complete list, the general registrar shall destroy the obsolete list and its supplements. The Department shall
 823 provide to each general registrar lists of persons denied registration for public inspection. Such lists may be
 824 provided electronically through the Virginia voter registration system and produced in whole or in part upon
 825 a request for public inspection.

826 B. The general registrars shall maintain for at least two years and shall make available for public
 827 inspection and copying and, where available, photocopying at a reasonable cost, all records concerning the
 828 implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency
 829 of the registration records pursuant to §§ 24.2-427, 24.2-428 and 24.2-428.1, including lists of the names and
 830 addresses of all persons to whom notices are sent, and information concerning whether each person has
 831 responded to the notice as of the date that inspection of the records is made.

832 C. No list provided by the Department under subsection A nor any record made available for public
 833 inspection under subsection B shall contain any of the following information: (i) an individual's social
 834 security number, or any part thereof; (ii) the residence address of an individual who has furnished a post
 835 office box address in lieu of his residence address as authorized by subsection B of § 24.2-418; (iii) the
 836 declination by an individual to register to vote and related records; (iv) the identity of a voter registration
 837 agency through which a particular voter is registered; or (v) the day and month of birth of an individual. No
 838 voter registration records other than the lists provided by the Department under subsection A and the records
 839 made available under subsection B shall be open to public inspection.

840 **§ 30-394. Citizen commissioners; application process; qualifications; selection.**

841 A. Within three days following the selection of the fifth member of the Committee, the Committee shall
 842 adopt an application and process by which residents of the Commonwealth may apply to serve on the
 843 Commission as citizen commissioners. The Division of Legislative Services shall assist the Committee in the
 844 development of the application and process.

845 The application for service on the Commission shall require applicants to provide personal contact
 846 information and information regarding the applicant's race, ethnicity, gender, age, date of birth, education,
 847 and household income. *The application shall permit the choice between "male," "female," or "nonbinary"*
 848 *when designating the gender of the applicant.* The application shall require an applicant to disclose, for the
 849 period of three years immediately preceding the application period, the applicant's (i) voter registration status;
 850 (ii) preferred political party affiliation, if any, and any political party primary elections in which he has voted;
 851 (iii) history of any partisan public offices or political party offices held or sought; (iv) employment history,
 852 including any current or prior employment with the Congress of the United States or one of its members, the

853 General Assembly or one of its members, any political party, or any campaign for a partisan public office,
854 including a volunteer position; and (v) relevant leadership experience or involvements with professional,
855 social, political, volunteer, and community organizations and causes.

856 The application shall require an applicant to disclose information regarding the partisan activities and
857 employment history of the applicant's parent, spouse, child, sibling, parent-in-law, child-in-law, or sibling-in-
858 law, or any person with whom the applicant is a cohabitating member of a household, for the period of three
859 years immediately preceding the application period.

860 The Committee may require applicants to submit three letters of recommendation from individuals or
861 organizations.

862 The application process shall provide for both paper and electronic or online applications. The Committee
863 shall cause to be advertised throughout the Commonwealth information about the Commission and how
864 interested persons may apply.

865 B. To be eligible for service on the Commission, a person shall have been a resident of the
866 Commonwealth and a registered voter in the Commonwealth for three years immediately preceding the
867 application period. He shall have voted in at least two of the previous three general elections. No person shall
868 be eligible for service on the Commission who:

869 1. Holds, has held, or has sought partisan public office or political party office;

870 2. Is employed by or has been employed by a member of the Congress of the United States or of the
871 General Assembly or is employed directly by or has been employed directly by the United States Congress or
872 by the General Assembly;

873 3. Is employed by or has been employed by any federal, state, or local campaign;

874 4. Is employed by or has been employed by any political party or is a member of a political party central
875 committee;

876 5. Is a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2 or a lobbyist's
877 principal as defined in § 2.2-419 or has been such a lobbyist or lobbyist's principal in the previous five years;
878 or

879 6. Is a parent, spouse, child, sibling, parent-in-law, child-in-law, or sibling-in-law of a person described in
880 subdivisions 1 through 5, or is a cohabitating member of a household with such a person.

881 C. The application period shall begin no later than December 1 of the year ending in zero and shall end
882 four weeks after the beginning date. During this period, interested persons shall submit a completed
883 application and any required documentation to the Division of Legislative Services. All applications shall be
884 reviewed by the Division of Legislative Services to ensure an applicant's eligibility for service pursuant to
885 subsection B, and any applicant who is ineligible for service shall be removed from the applicant pool.

886 The Division of Legislative Services shall make available the application for persons to use when
887 submitting a paper application and shall provide electronic access for electronic submission of applications.

888 D. Within two days of the close of the application period, the Division of Legislative Services shall
889 provide to the Speaker of the House of Delegates, the leader in the House of Delegates of the political party
890 having the next highest number of members in the House of Delegates, the President pro tempore of the
891 Senate of Virginia, and the leader in the Senate of Virginia of the political party having the next highest
892 number of members in the Senate of Virginia the applications and documentation submitted by those
893 applicants who are eligible for service on the Commission pursuant to subsection B and submitted complete
894 applications, including any required documentation.

895 E. By January 1 of the year ending in one, those persons receiving the applications pursuant to subsection
896 D shall each submit to the Committee a list of at least 16 citizen candidates for service on the Commission. In
897 selecting citizen candidates, they shall give consideration to the racial, ethnic, geographic, and gender
898 diversity of the Commonwealth.

899 They shall notify the Division of Legislative Services of the citizen candidates submitted to the
900 Committee for consideration, and the Division of Legislative Services shall promptly provide to the
901 Committee the applications and documentation for each citizen candidate being considered. Only the
902 applications and documentation for each citizen candidate shall be maintained as public records.

903 F. Within two weeks of receipt of the lists of citizen candidates and related materials pursuant to
904 subsection E, but no later than January 15, the Committee shall select, by a majority vote in a public meeting,
905 two citizen members from each list submitted. In making its selections, the Committee shall ensure the
906 citizen commissioners are, as a whole, representative of the racial, ethnic, geographic, and gender diversity of
907 the Commonwealth. The Committee shall promptly notify those eight citizens of their selection to serve as a
908 citizen commissioner of the Commission.

909 No member of the Committee shall communicate with a member of the General Assembly or the United
910 States Congress, or any person acting on behalf of a member of the General Assembly or the United States
911 Congress, about any matter related to the selection of citizen commissioners after receipt of the lists
912 submitted pursuant to subsection E.

913 G. Notwithstanding the provisions of § 1-210 regarding the computation of time, if an act required by this

914 section is to be performed on a Saturday, Sunday, or legal holiday, or any day or part of a day on which the
915 government office where the act to be performed is closed, the act required shall be performed on the first
916 business day immediately preceding the Saturday, Sunday, or legal holiday, or day on which the government
917 office is closed.

918 **§ 32.1-261. New certificate of birth established on proof of adoption, legitimation or determination**
919 **of paternity, or change of sex.**

920 A. The State Registrar shall establish a new certificate of birth for a person born in the Commonwealth
921 upon receipt of the following:

922 1. An adoption report as provided in § 32.1-262, a report of adoption prepared and filed in accordance
923 with the laws of another state or foreign country, or a certified copy of the decree of adoption together with
924 the information necessary to identify the original certificate of birth and to establish a new certificate of birth;
925 except that a new certificate of birth shall not be established if so requested by the court decreeing the
926 adoption, the adoptive parents, or the adopted person if 18 years of age or older.

927 2. A request that a new certificate be established and such evidence as may be required by regulation of
928 the Board proving that such person has been legitimated or that a court of the Commonwealth has, by final
929 order, determined the paternity of such person. The request shall state that no appeal has been taken from the
930 final order and that the time allowed to perfect an appeal has expired.

931 3. An order entered pursuant to subsection D of § 20-160. The order shall contain sufficient information to
932 identify the original certificate of birth and to establish a new certificate of birth in the names of the intended
933 parents.

934 4. A surrogate consent and report form as authorized by § 20-162. The report shall contain sufficient
935 information to identify the original certificate of birth and to establish a new certificate of birth in the names
936 of the intended parents.

937 5. Upon request of a person and in accordance with requirements of the Board, the State Registrar shall
938 issue a new certificate of birth to show a change of sex of the person and, if a certified copy of a court order
939 changing the person's name is submitted, to show a new name. Requirements related to obtaining a new
940 certificate of birth to show a change of sex shall include a requirement that the person requesting the new
941 certificate of birth submit a form furnished by the State Registrar and completed by a health care provider
942 from whom the person has received treatment stating that the person has undergone clinically appropriate
943 treatment for gender transition. Requirements related to obtaining a new certificate of birth to show a change
944 of sex shall not include any requirement for evidence or documentation of any medical procedure. *Applicants*
945 *for a new certificate of birth to show a change of sex shall be permitted to choose between "male," "female,"*
946 *or "nonbinary" when designating the sex of such applicant.*

947 6. Nothing in this section shall deprive the circuit court of equitable jurisdiction to adjudicate, upon
948 application of a person, that the sex of such person residing within the territorial jurisdiction of the circuit
949 court has been changed. In such an action, the person may petition for the application of the standard of the
950 person's jurisdiction of birth; otherwise, the requirements of this section shall apply.

951 B. When a new certificate of birth is established pursuant to subsection A, the actual place and date of
952 birth shall be shown. It shall be substituted for the original certificate of birth. Thereafter, the original
953 certificate and the evidence of adoption, paternity or legitimation shall be sealed and filed and not be subject
954 to inspection except upon order of a court of the Commonwealth or in accordance with § 32.1-252. However,
955 upon receipt of notice of a decision or order granting an adult adopted person access to identifying
956 information regarding his birth parents from the Commissioner of Social Services or a circuit court, and proof
957 of identification and payment, the State Registrar shall mail an adult adopted person a copy of the original
958 certificate of birth.

959 C. Upon receipt of a report of an amended decree of adoption, the certificate of birth shall be amended as
960 provided by regulation.

961 D. Upon receipt of notice or decree of annulment of adoption, the original certificate of birth shall be
962 restored to its place in the files and the new certificate and evidence shall not be subject to inspection except
963 upon order of a court of the Commonwealth or in accordance with § 32.1-252.

964 E. The State Registrar shall, upon request, establish and register a Virginia certificate of birth for a person
965 born in a foreign country (i) upon receipt of a report of adoption for an adoption finalized pursuant to the
966 laws of the foreign country as provided in subsection B of § 63.2-1200.1, or (ii) upon receipt of a report or
967 final order of adoption entered in a court of the Commonwealth as provided in § 32.1-262; however, a
968 Virginia certificate of birth shall not be established or registered if so requested by the court decreeing the
969 adoption, the adoptive parents or the adopted person if 18 years of age or older. If a circuit court of the
970 Commonwealth corrects or establishes a date of birth for a person born in a foreign country during the
971 adoption proceedings or upon a petition to amend a certificate of foreign birth, the State Registrar shall issue
972 a certificate showing the date of birth established by the court. After registration of the birth certificate in the
973 new name of the adopted person, the State Registrar shall seal and file the report of adoption which shall not
974 be subject to inspection except upon order of a court of the Commonwealth or in accordance with § 32.1-252.

975 The birth certificate shall (i) show the true or probable foreign country of birth and (ii) state that the
 976 certificate is not evidence of United States citizenship for the child for whom it is issued or for the adoptive
 977 parents. However, for any adopted person who has attained United States citizenship, the State Registrar
 978 shall, upon request and receipt of evidence demonstrating such citizenship, establish and register a new
 979 certificate of birth that does not contain the statement required by clause (ii).

980 F. If no certificate of birth is on file for the person for whom a new certificate is to be established under
 981 this section, a delayed certificate of birth shall be filed with the State Registrar as provided in § 32.1-259 or
 982 32.1-260 before a new certificate of birth is established, except that when the date and place of birth and
 983 parentage have been established in the adoption proceedings, a delayed certificate shall not be required.

984 G. When a new certificate of birth is established pursuant to subdivision A 1, the State Registrar shall
 985 issue along with the new certificate of birth a document, furnished by the Department of Social Services
 986 pursuant to § 63.2-1220, listing all post-adoption services available to adoptive families.

987 **§ 32.1-267. Records of marriages; duties of officer issuing marriage license and person officiating at**
 988 **ceremony; blocking of social security number.**

989 A. For each marriage performed in the Commonwealth, a record showing personal data, including the age
 990 of the married parties, the marriage license, and the certifying statement of the facts of marriage, shall be filed
 991 with the State Registrar as provided in this section. *If such record requires the sex or gender of the parties to*
 992 *the marriage, the record shall use "male," "female," or "nonbinary," as applicable, when designating the sex*
 993 *or gender of the parties to the marriage.*

994 B. The officer issuing a marriage license shall prepare the record based on the information obtained under
 995 oath or by affidavit from the parties to be married. The parties shall also include their social security numbers
 996 or other control numbers issued by the Department of Motor Vehicles pursuant to § 46.2-342 and affix their
 997 signatures to the application for such license.

998 C. Every person who officiates at a marriage ceremony shall certify to the facts of marriage and file the
 999 record in duplicate with the officer who issued the marriage license within five days after the ceremony. In
 1000 the event such officiant dies or becomes incapacitated before completing the certificate of marriage, the
 1001 official who issued the marriage license shall complete the certificate of marriage upon the order of the court
 1002 to which is submitted proof that the marriage was performed.

1003 D. Every officer issuing marriage licenses shall on or before the tenth day of each calendar month forward
 1004 to the State Registrar a record of each marriage filed with him during the preceding calendar month.

1005 E. The State Registrar shall furnish forms for the marriage license, marriage certificate, and application
 1006 for marriage license used in the Commonwealth. Such forms shall be configured so as to cause the social
 1007 security number or control number required pursuant to the provisions of subsection B to appear only on the
 1008 application for marriage license retained by the officer issuing the marriage license and the copy of such
 1009 license forwarded to the State Registrar pursuant to the provisions of subsection D.

1010 F. Applications for marriage licenses filed on and after July 1, 1997, and marriage registers recording such
 1011 applications, which have not been configured to prevent disclosure of the social security number or control
 1012 number required pursuant to the provisions of subsection B shall not be available for general public
 1013 inspection in the offices of clerks of the circuit courts. The clerk shall make such applications and registers
 1014 available for inspection only (i) upon the order of the circuit court within which such application was made or
 1015 register is maintained, (ii) pursuant to a lawful subpoena duces tecum issued to the clerk, (iii) upon the
 1016 written authorization of either of the applicants, or (iv) upon the request of a law-enforcement officer or duly
 1017 authorized representative of the Division of Child Support Enforcement in the course of performing his
 1018 official duties. Nothing in this subsection shall be construed to restrict public access to marriage licenses or to
 1019 prohibit the clerk from making available to the public applications for marriage licenses and marriage
 1020 registers stored in any electronic medium or other format that permits the blocking of the field containing the
 1021 social security or control number required pursuant to the provisions of subsection B, so long as access to
 1022 such number is blocked.

1023 **§ 32.1-269.1. Amending death certificates; change and correction of demographic information by**
 1024 **affidavit or court order.**

1025 A. Notwithstanding § 32.1-276, a death certificate registered under this chapter may be amended only in
 1026 accordance with this section and such regulations as may be adopted by the Board to protect the integrity and
 1027 accuracy of such death certificate. Such regulations shall specify the minimum evidence required for a change
 1028 in any such death certificate.

1029 B. A death certificate that is amended under this section shall be marked "amended," and the date of
 1030 amendment and a summary description of the evidence submitted in support of the amendment shall be
 1031 endorsed on or made a part of the death certificate. The Board shall prescribe by regulation the conditions
 1032 under which omissions or errors on death certificates may be corrected.

1033 C. The State Registrar, upon receipt of an affidavit and supporting evidence testifying to corrected
 1034 information on a death certificate within 45 days of the filing of a death certificate, shall amend such death
 1035 certificate to reflect the new information and evidence.

1036 D. The State Registrar, upon receipt of an affidavit and supporting evidence testifying to corrected

1037 information on a death certificate more than 45 days after the filing of a death certificate, including the
1038 correct spelling of the name of the deceased, the deceased's parent or spouse, or the informant; the sex, age,
1039 race, date of birth, place of birth, citizenship, social security number, education, occupation or kind or type of
1040 business, military status, or date of death of the deceased; the place of residence of the deceased, if located
1041 within the Commonwealth; the name of the institution; the county, city, or town where the death occurred; or
1042 the street or place where the death occurred, shall amend such death certificate to reflect the new information
1043 and evidence. *The State Registrar shall permit the choice between "male," "female," or "nonbinary" when*
1044 *designating the sex of the deceased.*

1045 E. For death certificate amendments received more than 45 days after the filing of a death certificate,
1046 other than the correction of information by the State Registrar pursuant to subsection D, the surviving spouse
1047 or immediate family, as defined by the regulations of the Board, of the deceased; attending funeral service
1048 licensee; or other reporting source may file a petition with the circuit court of the county or city in which the
1049 decedent resided as of the date of his death, or the Circuit Court of the City of Richmond, requesting an order
1050 to amend a death certificate, along with an affidavit sworn to under oath that supports such request. A copy of
1051 the petition shall be served upon (i) the State Registrar pursuant to Chapter 8 (§ 8.01-285 et seq.) of Title 8.01
1052 and (ii) any person listed as an informant on the death certificate, unless such person provides an affidavit in
1053 support of such petition. The clerk shall submit such petition and any evidence received with the petition to
1054 the judge for entry of an order without the necessity of a hearing, unless the judge decides a hearing is
1055 necessary. The clerk shall transmit a certified copy of the court's order to the State Registrar, who shall
1056 amend such death certificate in accordance with the order. The matters for which a petition may be filed
1057 include changing the name of the deceased, the deceased's parent or spouse, or the informant; the marital
1058 status of the deceased; or the place of residence of the deceased, when the place of residence is outside the
1059 Commonwealth.

1060 F. When an applicant, as defined by the regulations of the Board, does not submit the minimum
1061 documentation required by regulation to amend a death certificate or when the State Registrar finds reason to
1062 question the validity or sufficiency of the evidence, the death certificate shall not be amended and the State
1063 Registrar shall so advise the applicant. An aggrieved applicant may petition the circuit court of the county or
1064 city in which he resides, or the Circuit Court of the City of Richmond, for an order compelling the State
1065 Registrar to amend the death certificate; an aggrieved applicant who is currently residing out of state may
1066 petition any circuit court in the Commonwealth for such an order. A copy of the petition shall be served upon
1067 (i) the State Registrar pursuant to Chapter 8 (§ 8.01-285 et seq.) of Title 8.01 and (ii) any person listed as an
1068 informant on the death certificate, unless such person provides an affidavit in support of such petition. The
1069 clerk shall submit such petition and any evidence received with the petition to the judge for entry of an order
1070 without the necessity of a hearing, unless the judge decides a hearing is necessary. The State Registrar or his
1071 authorized representative may appear and testify in such proceeding. The clerk shall transmit a certified copy
1072 of the court's order to the State Registrar, who shall amend such death certificate in accordance with the
1073 order.

1074 **§ 32.1-292.2. The Virginia Donor Registry.**

1075 A. In order to save lives by reducing the shortage of organs and tissues for transplantation and to
1076 implement cost savings for patients and various state agencies by eliminating needless bureaucracy, there is
1077 hereby established the Virginia Donor Registry (~~hereinafter referred to as the Registry~~), which shall be
1078 created, compiled, operated, maintained, and modified as necessary by the Virginia Transplant Council in
1079 accordance with the regulations of the Board of Health and the administration of the Department of Health.
1080 At its sole discretion, the Virginia Transplant Council may contract with a third party or parties to create,
1081 compile, operate, maintain, or modify the Registry. Pertinent information on all Virginians who have
1082 indicated a willingness to donate organs and tissues in accordance with the Revised Uniform Anatomical Gift
1083 Act (§ 32.1-291.1 et seq.) shall be compiled, maintained, and modified as necessary in the Registry by the
1084 Virginia Transplant Council.

1085 B. The Registry and all information therein shall be confidential and subject to access only by personnel
1086 of the Department of Health and designated organ procurement organizations, eye banks, and tissue banks,
1087 operating in or serving Virginia that are members of the Virginia Transplant Council, for the purpose of
1088 identifying and determining the suitability of a potential donor according to the provisions of subdivision B 4
1089 of § 32.1-127 or subsection G of § 46.2-342.

1090 C. The purpose of the Registry shall include, but not be limited to:

1091 1. Providing a means of recovering an anatomical gift for transplantation, therapy, education, or research
1092 as authorized by the Revised Uniform Anatomical Gift Act (§ 32.1-291.1 et seq.) and subsection G of § 46.2-
1093 342; and

1094 2. Collecting data to develop and evaluate the effectiveness of educational initiatives promoting organ,
1095 eye, and tissue donation that are conducted or coordinated by the Virginia Transplant Council or its members.

1096 D. The Board, in consultation with the Virginia Transplant Council, shall promulgate regulations
1097 necessary to create, compile, operate, maintain, modify as necessary, and administer the Virginia Donor

1098 Registry. The regulations shall include, but not be limited to:

1099 1. Recording the data subject's full name, address, sex, birth date, age, driver's license number or unique
1100 identifying number, and other pertinent identifying personal information. *Such regulations shall permit the*
1101 *choice between "male," "female," or "nonbinary" when designating the sex of the data subject;*

1102 2. Authorizing the Virginia Transplant Council to analyze Registry data under research protocols that are
1103 designed to identify and assess the effectiveness of mechanisms to promote and increase organ, eye, and
1104 tissue donation within the Commonwealth; and

1105 3. Providing that any Virginian whose name has been placed in the registry may have his name deleted by
1106 filing an appropriate form with the Virginia Transplant Council or in accordance with the Revised Uniform
1107 Anatomical Gift Act (§ 32.1-291.1 et seq.).

1108 **§ 40.1-96. Contents of employment certificates.**

1109 The employment certificate required to be issued shall state the name, sex, date of birth, and place of
1110 residence of the child. *The employment certificate shall permit the choice between "male," "female," or*
1111 *"nonbinary" when designating the sex of the child.* It shall certify that all the conditions and requirements for
1112 issuing an employment certificate under the provisions of this chapter have been fulfilled and shall be signed
1113 by the Commissioner. It shall state the kind of evidence of age accepted for the employment certificate.
1114 Except for work coming within one of the exceptions in § 40.1-79.01, the certificate shall show the name and
1115 address of the employer for whom and the nature of the specific occupation in which the employment
1116 certificate authorizes the child to be employed and shall be valid only for the occupation so designated. It
1117 shall bear a number, shall show the date of its issue, and shall be signed by the child for whom it is issued by
1118 means specified by the Commissioner. The employment certificate shall be issued to the employer, by means
1119 specified by the Commissioner, on or prior to the first day of employment. The employer and Commissioner
1120 shall retain a manual or electronic copy of the certificate, so long as the youth is employed or for a period of
1121 36 months, whichever is longer.

1122 **§ 40.1-102. Issuance of theatrical permit.**

1123 No permit shall be issued unless the Commissioner is satisfied that the environment in which the drama,
1124 play, performance, concert or entertainment is to be produced is a proper environment for the child and that
1125 the conditions of such employment are not detrimental to the health or morals of such child and that the
1126 child's education will not be neglected or hampered by its participation in such drama, play, performance,
1127 concert or entertainment. Applications for permits and every permit granted shall specify the name, age and
1128 sex of each child, together with such other facts as may be necessary for the proper identification of each
1129 child and the dates when, and the theaters or other places of amusement in which such drama, play,
1130 performance, concert or entertainment is to be produced and shall specify the name of the drama, play,
1131 performance, concert or entertainment in which each child is permitted to participate. *Such application shall*
1132 *permit, and the permit shall reflect, the choice between "male," "female," or "nonbinary" when designating*
1133 *the sex of the child.* Such application shall be filed with the Commissioner not less than five days before the
1134 date of such drama, play, performance, concert or entertainment. A permit shall be revocable by the
1135 Commissioner should it be found that the environment in which the drama, play, performance, concert or
1136 entertainment is being produced is not a proper environment for the child and that the conditions of such
1137 employment are detrimental to the health or morals of such child. The Commissioner shall prescribe and
1138 supply the forms required for carrying out the provisions of this section.

1139 **§ 46.2-323. Application for driver's license; proof of completion of driver education program;**
1140 **penalty.**

1141 A. Every application for a driver's license, temporary driver's permit, learner's permit, or motorcycle
1142 learner's permit shall be made on a form prescribed by the Department and the applicant shall write his usual
1143 signature in ink in the space provided on the form. The form shall include notice to the applicant of the duty
1144 to register with the Department of State Police as provided in Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, if the
1145 applicant has been convicted of an offense for which registration with the Sex Offender and Crimes Against
1146 Minors Registry is required.

1147 B. Every application shall state the full legal name, year, month, and date of birth, social security number,
1148 sex, and residence address of the applicant; whether or not the applicant has previously been licensed as a
1149 driver and, if so, when and by what state, and whether or not his license has ever been suspended or revoked
1150 and, if so, the date of and reason for such suspension or revocation. Applicants shall be permitted to choose
1151 between "male," "female," or ~~"non-binary"~~ "nonbinary" when designating the applicant's sex on the driver's
1152 license application form. The Department, as a condition for the issuance of any driver's license, temporary
1153 driver's permit, learner's permit, or motorcycle learner's permit shall require the surrender of any driver's
1154 license or, in the case of a motorcycle learner's permit, a motorcycle license issued by another state and held
1155 by the applicant. The applicant shall also answer any questions on the application form or otherwise
1156 propounded by the Department incidental to the examination. The applicant may also be required to present
1157 proof of identity, residency, and social security number or non-work authorized status, if required to appear in
1158 person before the Department to apply.

1159 The Commissioner shall require that each application include a certification statement to be signed by the

1160 applicant under penalty of perjury, certifying that the information presented on the application is true and
1161 correct.

1162 If the applicant fails or refuses to sign the certification statement, the Department shall not issue the
1163 applicant a driver's license, temporary driver's permit, learner's permit or motorcycle learner's permit.

1164 Any applicant who knowingly makes a false certification or supplies false or fictitious evidence shall be
1165 punished as provided in § 46.2-348.

1166 C. Every application for a driver's license shall include a photograph of the applicant supplied under
1167 arrangements made by the Department. The photograph shall be processed by the Department so that the
1168 photograph can be made part of the issued license.

1169 D. Notwithstanding the provisions of § 46.2-334, every applicant for a driver's license who is under 18
1170 years of age shall furnish the Department with satisfactory proof of his successful completion of a driver
1171 education program approved by the State Department of Education.

1172 E. Every application for a driver's license submitted by a person less than 18 years old and attending a
1173 public school in the Commonwealth shall be accompanied by a document, signed by the applicant's parent or
1174 legal guardian, authorizing the principal, or his designee, of the school attended by the applicant to notify the
1175 juvenile and domestic relations district court within whose jurisdiction the minor resides when the applicant
1176 has had 10 or more unexcused absences from school on consecutive school days.

1177 F. The Department shall electronically transmit application information to the Department of State Police,
1178 in a format approved by the State Police, for comparison with information contained in the Virginia Criminal
1179 Information Network and National Crime Information Center Convicted Sexual Offender Registry Files, at
1180 the time of issuance of a driver's license, temporary driver's permit, learner's permit, or motorcycle learner's
1181 permit. Whenever it appears from the records of the State Police that a person has failed to comply with the
1182 duty to register, reregister, or verify his registration information pursuant to Chapter 9 (§ 9.1-900 et seq.) of
1183 Title 9.1, the State Police shall promptly investigate and, if there is probable cause to believe a violation has
1184 occurred, obtain a warrant or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the
1185 jurisdiction in which the person made application of licensure.

1186 **§ 46.2-341.12. Application for commercial driver's license or commercial learner's permit.**

1187 A. No entry-level driver shall be eligible to (i) apply for a Virginia Class A or Class B commercial driver's
1188 license for the first time, (ii) upgrade to a Class A or Class B commercial driver's license for the first time, or
1189 (iii) apply for a hazardous materials, passenger, or school bus endorsement for the first time, unless he has
1190 completed an entry-level driver training course related to the license, classification, or endorsement he is
1191 applying for and the training is provided by a training provider. An individual is not required to complete an
1192 entry-level driver training course related to the license, classification, or endorsement he is applying for if he
1193 is exempted from such requirements under 49 C.F.R. § 380.603.

1194 B. Every application to the Department for a commercial driver's license or commercial learner's permit
1195 shall be made upon a form approved and furnished by the Department, and the applicant shall write his usual
1196 signature in ink in the space provided. The applicant shall provide the following information:

1197 1. Full legal name;

1198 2. Current mailing and residential addresses;

1199 3. Physical description including sex, height, weight, and eye and hair color;

1200 4. Year, month, and date of birth;

1201 5. Social security number;

1202 6. Domicile or, if not domiciled in the Commonwealth, proof of status as a member of the active duty
1203 military, military reserves, National Guard, active duty United States Coast Guard, or Coast Guard Auxiliary
1204 pursuant to 49 U.S.C. § 31311(a)(12); and

1205 7. Any other information required on the application form.

1206 Applicants shall be permitted to choose between "male," "female," or "~~non-binary~~" "nonbinary" when
1207 designating the applicant's sex on the commercial driver's license or commercial learner's permit application
1208 form.

1209 The applicant's social security number shall be provided to the Commercial Driver's License Information
1210 System as required by 49 C.F.R. § 383.153.

1211 C. Every applicant for a commercial driver's license or commercial learner's permit shall also submit to
1212 the Department the following:

1213 1. A consent to release driving record information;

1214 2. Certifications that:

1215 a. He either meets the federal qualification requirements of 49 C.F.R. Parts 383 and 391, or he is exempt
1216 from or is not subject to such federal requirements;

1217 b. He either meets the state qualification requirements established pursuant to § 52-8.4, or he is exempt
1218 from or is not subject to such requirements;

1219 c. The motor vehicle in which the applicant takes the skills test is representative of the class and, if
1220 applicable, the type of motor vehicle for which the applicant seeks to be licensed;

1221 d. He is not subject to any disqualification, suspension, revocation or cancellation of his driving

1222 privileges;

1223 e. He does not have more than one driver's license;

1224 3. Other certifications required by the Department;

1225 4. Any evidence required by the Department to establish proof of identity, citizenship or lawful permanent

1226 residency, domicile, and social security number notwithstanding the provisions of § 46.2-328.1 and pursuant

1227 to 49 C.F.R. Part 383;

1228 5. A statement indicating whether (i) the applicant has previously been licensed to drive any type of motor

1229 vehicle during the previous 10 years and, if so, all states that licensed the applicant and the dates he was

1230 licensed, and (ii) whether or not he has ever been disqualified, or his license suspended, revoked or canceled

1231 and, if so, the date of and reason therefor; and

1232 6. An unexpired employment authorization document (EAD) issued by the U.S. Citizenship and

1233 Immigration Services (USCIS) or an unexpired foreign passport accompanied by an approved Form I-94

1234 documenting the applicant's most recent admittance into the United States for persons applying for a

1235 nondomiciled commercial driver's license or nondomiciled commercial learner's permit.

1236 D. Every application for a commercial driver's license shall include a photograph of the applicant supplied

1237 under arrangements made therefor by the Department in accordance with § 46.2-323.

1238 E. The Department shall disqualify any commercial driver for a period of one year when the records of the

1239 Department clearly show to the satisfaction of the Commissioner that such person has made a material false

1240 statement on any application or certification made for a commercial driver's license or commercial learner's

1241 permit. The Department shall take such action within 30 days after discovering such falsification.

1242 F. The Department shall review the driving record of any person who applies for a Virginia commercial

1243 driver's license or commercial learner's permit, for the renewal or reinstatement of such license or permit or

1244 for an additional commercial classification or endorsement, including the driving record from all jurisdictions

1245 where, during the previous 10 years, the applicant was licensed to drive any type of motor vehicle. Such

1246 review shall include checking the photograph on record whenever the applicant or holder appears in person to

1247 renew, upgrade, transfer, reinstate, or obtain a duplicate commercial driver's license or to renew, upgrade,

1248 reinstate, or obtain a duplicate commercial learner's permit. If appropriate, the Department shall incorporate

1249 information from such other jurisdictions' records into the applicant's Virginia driving record, and shall make

1250 a notation on the applicant's driving record confirming that such review has been completed and the date it

1251 was completed. The Department's review shall include (i) research through the Commercial Driver License

1252 Information System established pursuant to the Commercial Motor Vehicle Safety Act and the National

1253 Driver Register Problem Driver Pointer System in addition to the driver record maintained by the applicant's

1254 previous jurisdictions of licensure and (ii) requesting information from the Drug and Alcohol Clearinghouse

1255 in accordance with 49 C.F.R. § 382.725. This research shall be completed prior to the issuance, renewal,

1256 transfer, or reinstatement of a commercial driver's license or additional commercial classification or

1257 endorsement.

1258 The Department shall verify the name, date of birth, and social security number provided by the applicant

1259 with the information on file with the Social Security Administration for initial issuance of a commercial

1260 learner's permit or transfer of a commercial driver's license from another state. The Department shall make a

1261 notation in the driver's record confirming that the necessary verification has been completed and noting the

1262 date it was done. The Department shall also make a notation confirming that proof of citizenship or lawful

1263 permanent residency has been presented and the date it was done.

1264 G. Every new applicant for a commercial driver's license or commercial learner's permit, including any

1265 person applying for a commercial driver's license or permit after revocation of his driving privileges, who

1266 certifies that he will operate a commercial motor vehicle in non-excepted interstate or intrastate commerce

1267 shall provide the Department with an original or certified copy of a medical examiner's certificate prepared

1268 by a medical examiner as defined in 49 C.F.R. § 390.5. Upon receipt of an appropriate medical examiner's

1269 certificate, the Department shall post a certification status of "certified" on the record of the driver on the

1270 Commercial Driver's License Information System. Any new applicant for a commercial driver's license or

1271 commercial learner's permit who fails to comply with the requirements of this subsection shall be denied the

1272 issuance of a commercial driver's license or commercial learner's permit by the Department.

1273 H. Every existing holder of a commercial driver's license or commercial learner's permit who certifies that

1274 he will operate a commercial motor vehicle in non-excepted interstate or intrastate commerce shall provide

1275 the Department with an original or certified copy of a medical examiner's certificate prepared by a medical

1276 examiner as defined in 49 C.F.R. § 390.5. Upon receipt of an appropriate medical examiner's certificate, the

1277 Department shall post a certification status of "certified" and any other necessary information on the record of

1278 the driver on the Commercial Driver's License Information System. If an existing holder of a commercial

1279 driver's license fails to provide the Department with a medical certificate as required by this subsection, the

1280 Department shall post a certification status of "noncertified" on the record of the driver on the Commercial

1281 Driver's License Information System and initiate a downgrade of his commercial driver's license as defined in

1282 49 C.F.R. § 383.5.

1283 I. Any person who provides a medical certificate to the Department pursuant to the requirements of

1284 subsections G and H shall keep the medical certificate information current and shall notify the Department of
1285 any change in the status of the medical certificate. If the Department determines that the medical certificate is
1286 no longer valid, the Department shall initiate a downgrade of the driver's commercial driver's license as
1287 defined in 49 C.F.R. § 383.5.

1288 J. If the Department receives notice that the holder of a commercial driver's license has been issued a
1289 medical variance as defined in 49 C.F.R. § 390.5, the Department shall indicate the existence of such medical
1290 variance on the commercial driver's license document of the driver and on the record of the driver on the
1291 Commercial Driver's License Information System using the restriction code "V."

1292 K. Any holder of a commercial driver's license who has been issued a medical variance shall keep the
1293 medical variance information current and shall notify the Department of any change in the status of the
1294 medical variance. If the Department determines that the medical variance is no longer valid, the Department
1295 shall initiate a downgrade of the driver's commercial driver's license as defined in 49 C.F.R. § 383.5.

1296 L. Any applicant applying for a hazardous materials endorsement must comply with Transportation
1297 Security Administration requirements in 49 C.F.R. Part 1572. A lawful permanent resident of the United
1298 States requesting a hazardous materials endorsement must additionally provide his U.S. Citizenship and
1299 Immigration Services (USCIS) alien registration number.

1300 M. Notwithstanding the provisions of § 46.2-208, the Department may release to the FMCSA medical
1301 information relating to the issuance of a commercial driver's license or a commercial learner's permit
1302 collected by the Department pursuant to the provisions of subsections F, G, H, I, and J.

1303 **§ 46.2-345. Issuance of special identification cards; fee; confidentiality; penalties.**

1304 A. On the application of any person who is a resident of the Commonwealth, the parent of any such
1305 person who is under the age of 18, or the legal guardian of any such person, the Department shall issue a
1306 special identification card to the person, provided that:

1307 1. Application is made on a form prescribed by the Department and includes the applicant's full legal
1308 name; year, month, and date of birth; social security number; sex; and residence address. Applicants shall be
1309 permitted to choose between "male," "female," or "~~non-binary~~" "nonbinary" when designating the applicant's
1310 sex on the application form;

1311 2. The applicant presents, when required by the Department, proof of identity, legal presence, residency,
1312 and social security number or non-work authorized status;

1313 3. The Department is satisfied that the applicant needs an identification card or the applicant shows he has
1314 a bona fide need for such a card; and

1315 4. The applicant does not hold a driver's license, commercial driver's license, temporary driver's permit,
1316 learner's permit, motorcycle learner's permit, or special identification card without a photograph.

1317 Persons 70 years of age or older may exchange a valid Virginia driver's license for a special identification
1318 card at no fee. Special identification cards subsequently issued to such persons shall be subject to the regular
1319 fees for special identification cards.

1320 B. The fee for the issuance of an original, duplicate, reissue, or renewal special identification card is \$2
1321 per year, with a \$10 minimum fee. Persons 21 years old or older may be issued a scenic special identification
1322 card for an additional fee of \$5.

1323 C. Every special identification card shall expire on the applicant's birthday at the end of the period of
1324 years for which a special identification card has been issued. At no time shall any special identification card
1325 be issued for less than three nor more than eight years, except under the provisions of subsection B of § 46.2-
1326 328.1 and except that those cards issued to children under the age of 15 shall expire on the child's sixteenth
1327 birthday. Notwithstanding these limitations, the Commissioner may extend the validity period of an expiring
1328 card if (i) the Department is unable to process an application for renewal due to circumstances beyond its
1329 control, (ii) the extension has been authorized under a directive from the Governor, and (iii) the card was not
1330 issued as a temporary special identification card under the provisions of subsection B of § 46.2-328.1.
1331 However, in no event shall the validity period be extended more than 90 days per occurrence of such
1332 conditions. Any special identification card issued to a person required to register pursuant to Chapter 9 (§ 9.1-
1333 900 et seq.) of Title 9.1 shall expire on the applicant's birthday in years which the applicant attains an age
1334 equally divisible by five. For each person required to register pursuant to Chapter 9 of Title 9.1, the
1335 Department may not waive the requirement that each such person shall appear for each renewal or the
1336 requirement to obtain a photograph in accordance with subsection C of § 46.2-323.

1337 D. A special identification card issued under this section may be similar in size, shape, and design to a
1338 driver's license, and include a photograph of its holder, but the card shall be readily distinguishable from a
1339 driver's license and shall clearly state that it does not authorize the person to whom it is issued to drive a
1340 motor vehicle. Every applicant for a special identification card shall appear in person before the Department
1341 to apply for a renewal, duplicate or reissue unless specifically permitted by the Department to apply in
1342 another manner.

1343 E. Special identification cards, for persons at least 15 years old but less than 21 years old, shall be
1344 immediately and readily distinguishable from those issued to persons 21 years old or older. Distinguishing

1345 characteristics shall include unique design elements of the document and descriptors within the photograph
1346 area to identify persons who are at least 15 years old but less than 21 years old. These descriptors shall
1347 include the month, day, and year when the person will become 21 years old.

1348 F. Special identification cards for persons under age 15 shall bear a full face photograph. The special
1349 identification card issued to persons under age 15 shall be readily distinguishable from a driver's license and
1350 from other special identification cards issued by the Department. Such cards shall clearly indicate that it does
1351 not authorize the person to whom it is issued to drive a motor vehicle.

1352 G. Unless otherwise prohibited by law, a valid Virginia driver's license shall be surrendered upon
1353 application for a special identification card without the applicant's having to present proof of legal presence
1354 as required by § 46.2-328.1 if the Virginia driver's license is unexpired and it has not been revoked,
1355 suspended, or cancelled. The special identification card shall be considered a reissue and the expiration date
1356 shall be the last day of the month of the surrendered driver's license's month of expiration.

1357 H. Any personal information, as identified in § 2.2-3801, which is retained by the Department from an
1358 application for the issuance of a special identification card is confidential and shall not be divulged to any
1359 person, association, corporation, or organization, public or private, except to the legal guardian or the
1360 attorney of the applicant or to a person, association, corporation, or organization nominated in writing by the
1361 applicant, his legal guardian, or his attorney. This subsection shall not prevent the Department from
1362 furnishing the application or any information thereon to any law-enforcement agency.

1363 I. Any person who uses a false or fictitious name or gives a false or fictitious address in any application
1364 for an identification card or knowingly makes a false statement or conceals a material fact or otherwise
1365 commits a fraud in any such application shall be guilty of a Class 2 misdemeanor. However, where the name
1366 or address is given, or false statement is made, or fact is concealed, or fraud committed, with the intent to
1367 purchase a firearm or where the identification card is obtained for the purpose of committing any offense
1368 punishable as a felony, a violation of this section shall constitute a Class 4 felony.

1369 J. The Department shall utilize the various communications media throughout the Commonwealth to
1370 inform Virginia residents of the provisions of this section and to promote and encourage the public to take
1371 advantage of its provisions.

1372 K. The Department shall electronically transmit application information to the Department of State Police,
1373 in a format approved by the State Police, for comparison with information contained in the Virginia Criminal
1374 Information Network and National Crime Information Center Convicted Sexual Offender Registry Files, at
1375 the time of issuance of a special identification card. Whenever it appears from the records of the State Police
1376 that a person has failed to comply with the duty to register, reregister, or verify his registration information
1377 pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the State Police shall promptly investigate and, if there
1378 is probable cause to believe a violation has occurred, obtain a warrant or assist in obtaining an indictment
1379 charging a violation of § 18.2-472.1 in the jurisdiction in which the person made application for the special
1380 identification card.

1381 L. When requested by the applicant, the applicant's parent if the applicant is a minor, or the applicant's
1382 guardian, and upon presentation of a signed statement by a licensed physician confirming the applicant's
1383 condition, the Department shall indicate on the applicant's special identification card that the applicant has
1384 any condition listed in subsection K of § 46.2-342 or that the applicant is blind or vision impaired.

1385 M. The Department shall establish a method by which an applicant for an original, reissued, or renewed
1386 special identification card may indicate his blood type. If the applicant chooses to indicate his blood type, the
1387 Department shall make a notation of this designation on his special identification card and in his record. Such
1388 notation on the special identification card shall only be used by emergency medical services agencies in
1389 providing emergency medical support. Upon written request of the license holder or his legal guardian to
1390 have the designation removed, the Department shall issue the special identification card without such
1391 designation upon the payment of applicable fees.

1392 Notwithstanding any other provision of law, the Department shall not disclose any data collected pursuant
1393 to this subsection except to the subject of the information and by designation on the special identification
1394 card. Nothing herein shall require the Department to verify any information provided for the designation. No
1395 action taken by any person, whether private citizen or public officer or employee, with regard to any blood
1396 type designation displayed on a special identification card, shall create a warranty of the reliability or
1397 accuracy of the document or electronic image, nor shall it create any liability on the part of the
1398 Commonwealth or of any department, office, or agency or of any officer, employee, or agent thereof.

1399 **§ 46.2-345.2. Issuance of special identification cards without photographs; fee; confidentiality;**
1400 **penalties.**

1401 A. On the application of any person with a sincerely held religious belief prohibiting the taking of a
1402 photograph who is a resident of the Commonwealth and who is at least 15 years of age, the Department shall
1403 issue a special identification card without a photograph to the person, provided that:

1404 1. Application is made on a form prescribed by the Department and includes the applicant's full legal
1405 name; year, month, and date of birth; social security number; sex; and residence address. Applicants shall be

1406 permitted to choose between "male," "female," or "~~non-binary~~" "*nonbinary*" when designating the applicant's
1407 sex on the application form;

1408 2. The applicant presents, when required by the Department, proof of identity, legal presence, residency,
1409 and social security number or non-work authorized status;

1410 3. The applicant presents an approved and signed U.S. Department of the Treasury Internal Revenue
1411 Service (IRS) Form 4029 or if such applicant is a minor, the applicant's parent or legal guardian presents an
1412 approved and signed IRS Form 4029; and

1413 4. The applicant does not hold a driver's license, commercial driver's license, temporary driver's permit,
1414 learner's permit, motorcycle learner's permit, or special identification card.

1415 B. The fee for the issuance of an original, duplicate, or reissue special identification card without a
1416 photograph is \$10 per year, with a \$20 minimum fee.

1417 C. Every special identification card without a photograph shall expire on the applicant's birthday at the
1418 end of the period of years for which a special identification card without a photograph has been issued. At no
1419 time shall any special identification card without a photograph be issued for more than eight years.
1420 Notwithstanding these limitations, the Commissioner may extend the validity period of an expiring card if (i)
1421 the Department is unable to process an application for re-issue due to circumstances beyond its control or (ii)
1422 the extension has been authorized under a directive from the Governor. However, in no event shall the
1423 validity period be extended more than 90 days per occurrence of such conditions.

1424 D. A special identification card without a photograph issued under this section may be similar in size,
1425 shape, and design to a driver's license and shall not include a photograph of its holder. The card shall be
1426 readily distinguishable from a driver's license and shall clearly state that federal limits apply, that the card is
1427 not valid identification to vote, and that the card does not authorize the person to whom it is issued to drive a
1428 motor vehicle. Every applicant for a special identification card without a photograph shall appear in person
1429 before the Department to apply for a duplicate or reissue unless specifically permitted by the Department to
1430 apply in another manner.

1431 E. Unless otherwise prohibited by law, a valid Virginia driver's license or special identification card shall
1432 be surrendered for a special identification card without a photograph without the applicant's having to present
1433 proof of legal presence as required by § 46.2-328.1 if the Virginia driver's license or special identification
1434 card is unexpired and has not been revoked, suspended, or canceled. The special identification card without a
1435 photograph shall be considered a reissue, and the expiration date shall be the last day of the month of the
1436 surrendered driver's license's or special identification card's month of expiration.

1437 F. Any personal information, as identified in § 2.2-3801, that is retained by the Department from an
1438 application for the issuance of a special identification card without a photograph is confidential and shall not
1439 be divulged to any person, association, corporation, or organization, public or private, except to the legal
1440 guardian or the attorney of the applicant or to a person, association, corporation, or organization nominated in
1441 writing by the applicant, his legal guardian, or his attorney. This subsection shall not prevent the Department
1442 from furnishing the application or any information thereon to any law-enforcement agency.

1443 G. Any person who uses a false or fictitious name or gives a false or fictitious address in any application
1444 for a special identification card without a photograph or knowingly makes a false statement or conceals a
1445 material fact or otherwise commits a fraud in any such application is guilty of a Class 2 misdemeanor.
1446 However, where the special identification card without a photograph is obtained for the purpose of
1447 committing any offense punishable as a felony, a violation of this section shall constitute a Class 4 felony.

1448 H. When requested by the applicant, the applicant's parent if the applicant is a minor, or the applicant's
1449 guardian, and upon presentation of a signed statement by a licensed physician confirming the applicant's
1450 condition, the Department shall indicate on the applicant's special identification card without a photograph
1451 that the applicant has any condition listed in subsection K of § 46.2-342.

1452 I. The Department shall establish a method by which an applicant for an original, reissued, or renewed
1453 special identification card without a photograph may indicate his blood type. If the applicant chooses to
1454 indicate his blood type, the Department shall make a notation of this designation on his special identification
1455 card without a photograph and in his record. Such notation on the special identification card without a
1456 photograph shall only be used by emergency medical services agencies in providing emergency medical
1457 support. Upon written request of the license holder or his legal guardian to have the designation removed, the
1458 Department shall issue the special identification card without a photograph without such designation upon the
1459 payment of applicable fees.

1460 Notwithstanding any other provision of law, the Department shall not disclose any data collected pursuant
1461 to this subsection except to the subject of the information and by designation on the special identification card
1462 without a photograph. Nothing herein shall require the Department to verify any information provided for the
1463 designation. No action taken by any person, whether private citizen or public officer or employee, with regard
1464 to any blood type designation displayed on a special identification card without a photograph, shall create a
1465 warranty of the reliability or accuracy of the document or electronic image, nor shall it create any liability on
1466 the part of the Commonwealth or of any department, office, or agency or of any officer, employee, or agent

1467 thereof.

1468 J. Unless the Code specifies that a photograph is required, a special identification card without a
1469 photograph shall be treated as a special identification card.

1470 **§ 46.2-2906. Application for escort vehicle driver certificate; driving record; proof of completion of**
1471 **escort vehicle driver training; fee.**

1472 A. Every application for an escort vehicle driver certificate shall be made on a form prescribed by the
1473 Department, and the applicant shall write his usual signature in ink in the space provided on the form. A
1474 person who applies for an escort vehicle driver certificate must meet the following requirements:

1475 1. Be at least 18 years of age;

1476 2. Hold a valid Virginia driver's license or a valid driver's license for another state;

1477 3. Authorize the Department to review his driving record;

1478 4. Present satisfactory proof of successful completion of an eight-hour escort vehicle driver certification
1479 training course, as required by § 46.2-2904;

1480 5. Pass the escort vehicle driver certification knowledge test as required by § 46.2-2905 with a score of 80
1481 percent or higher; and

1482 6. Pay the appropriate fee for certificate issuance.

1483 B. Every application shall state the applicant's full legal name; year, month, and date of birth; social
1484 security number; sex; and residence address. *Applicants shall be permitted to choose between "male,"*
1485 *"female," or "nonbinary" when designating the applicant's sex on the application.* The applicant shall also
1486 answer any questions on the application form, or otherwise propounded, and provide any other information as
1487 required by the Department incidental to the application.

1488 C. The Commissioner shall require that each application include a certification statement, to be signed by
1489 the applicant under penalty of perjury, certifying that the information presented on the application is true and
1490 correct. If the applicant fails or refuses to sign the certification statement, the Department shall not issue the
1491 applicant an escort vehicle driver certificate.

1492 Any applicant who knowingly makes a false certification or supplies false or fictitious evidence shall be
1493 punished as provided in § 46.2-348.

1494 **§ 54.1-3319. Counseling.**

1495 A. A pharmacist shall conduct a prospective drug review before each new prescription is dispensed or
1496 delivered to a patient or a person acting on behalf of the patient. Such review shall include screening for
1497 potential drug therapy problems due to therapeutic duplication, drug-disease contraindications, drug-drug
1498 interactions, including serious interactions with nonprescription or over-the-counter drugs, incorrect drug
1499 dosage or duration of drug treatment, drug-allergy interactions, and clinical abuse or misuse. A pharmacist
1500 may conduct a prospective drug review before refilling a prescription to the extent the pharmacist deems
1501 appropriate in his professional judgment.

1502 B. A pharmacist shall offer to counsel any person who presents a new prescription for filling. The offer to
1503 counsel may be made in any manner the pharmacist deems appropriate in his professional judgment, and may
1504 include any one or a combination of the following:

1505 1. Face-to-face communication with the pharmacist or the pharmacist's designee;

1506 2. A sign posted in such a manner that it can be seen by patients;

1507 3. A notation affixed to or written on the bag in which the prescription is to be delivered;

1508 4. A notation contained on the prescription container; or

1509 5. By telephone.

1510 For the purposes of medical assistance and other third-party reimbursement or payment programs, any of
1511 the above methods, or a combination thereof, shall constitute an acceptable offer to provide counseling,
1512 except to the extent this subsection is inconsistent with regulations promulgated by the federal Health Care
1513 Financing Administration governing 42 U.S.C. § 1396r-8 (g)(2)(A)(ii). A pharmacist may offer to counsel
1514 any person who receives a refill of a prescription to the extent deemed appropriate by the pharmacist in his
1515 professional judgment.

1516 C. If the offer to counsel is accepted, the pharmacist shall counsel the person presenting the prescription to
1517 the extent the pharmacist deems appropriate in his professional judgment. Such counseling shall be
1518 performed by the pharmacist himself and may, but need not, include the following:

1519 1. The name and description of the medication;

1520 2. The dosage form, dosage, route of administration, and duration of drug therapy;

1521 3. Special directions and precautions for preparation, administration, and use by the patient;

1522 4. Common adverse or severe side effects or interactions and therapeutic contraindications that may be
1523 encountered, including their avoidance, and the action required if they occur;

1524 5. Techniques for self-monitoring drug therapy;

1525 6. Proper storage and disposal;

1526 7. Prescription refill information; and

1527 8. Action to be taken in the event of a missed dose.

1528 Nothing in this section shall be construed as requiring a pharmacist to provide counseling when the person

1529 presenting the prescription fails to accept the pharmacist's offer to counsel. If the prescription is delivered to a
1530 person residing outside of the local telephone calling area of the pharmacy, the pharmacist shall either
1531 provide a toll-free telephone number or accept reasonable collect calls from such person.

1532 D. Reasonable efforts shall be made to obtain, record, and maintain the following patient information
1533 generated at the individual pharmacy:

1534 1. Name, address, telephone number, date of birth or age, and gender; *patients shall be permitted to*
1535 *choose between "male," "female," or "nonbinary" when designating the gender of the patient;*

1536 2. Individual history where significant, including known allergies and drug reactions, and a
1537 comprehensive list of medications and relevant devices; and

1538 3. Any additional comments relevant to the patient's drug use, including any failure to accept the
1539 pharmacist's offer to counsel.

1540 Such information may be recorded in the patient's manual or electronic profile, or in the prescription
1541 signature log, or in any other system of records and may be considered by the pharmacist in the exercise of
1542 his professional judgment concerning both the offer to counsel and content of counseling. The absence of any
1543 record of a failure to accept the pharmacist's offer to counsel shall be presumed to signify that such offer was
1544 accepted and that such counseling was provided.

1545 E. This section shall not apply to any drug dispensed to an inpatient of a hospital or nursing home, except
1546 to the extent required by regulations promulgated by the federal Health Care Financing Administration
1547 implementing 42 U.S.C. § 1396r-8 (g)(2)(A).

1548 **§ 54.1-4108. Permit required; method of obtaining permit; no convictions of certain crimes;**
1549 **approval of weighing devices; renewal; permanent location required.**

1550 A. No person shall engage in the activities of a dealer as defined in § 54.1-4100 without first obtaining a
1551 permit from the chief law-enforcement officer of each county, city, or town in which he proposes to engage in
1552 business.

1553 B. To obtain a permit, the dealer shall file with the proper chief law-enforcement officer an application
1554 form which includes the dealer's full name, any aliases, address, age, date of birth, sex, and fingerprints; the
1555 name, address, and telephone number of the applicant's employer, if any; and the location of the dealer's place
1556 of business. *Such form shall permit the choice between "male," "female," or "nonbinary" when designating*
1557 *the sex of the dealer.* Upon filing this application and the payment of a \$200 application fee, the dealer shall
1558 be issued a permit by the chief law-enforcement officer or his designee, provided that the applicant has not
1559 been convicted of a felony or crime of moral turpitude within seven years prior to the date of application. The
1560 permit shall be denied if the applicant has been denied a permit or has had a permit revoked under any
1561 ordinance similar in substance to the provisions of this chapter.

1562 C. Before a permit may be issued, the dealer must have all weighing devices used in his business
1563 inspected and approved by local or state weights and measures officials and present written evidence of such
1564 approval to the proper chief law-enforcement officer.

1565 D. This permit shall be valid for one year from the date issued and may be renewed in the same manner as
1566 such permit was initially obtained with an annual permit fee of \$200. No permit shall be transferable.

1567 E. If the business of the dealer is not operated without interruption, with Saturdays, Sundays, and
1568 recognized holidays excepted, the dealer shall notify the proper chief law-enforcement officer of all closings
1569 and reopenings of such business. The business of a dealer shall be conducted only from the fixed and
1570 permanent location specified in his application for a permit.

1571 F. The chief law-enforcement officer may waive the permit fee for retail merchants that are not required to
1572 be licensed as pawnbrokers under Chapter 40 (§ 54.1-4000 et seq.), provided the retail merchant has a
1573 permanent place of business and purchases of precious metals and gems do not exceed five percent of the
1574 retail merchant's annual business.

1575 **§ 59.1-118. Permit issued by chief of police or sheriff; revocation.**

1576 The chief of police of a city or the sheriff of a county may issue, to persons regularly engaged in the
1577 business of collecting secondhand building materials for resale, a semiannual or annual permit covering all
1578 sales and acquisitions made by such persons. The chief of police or sheriff may refuse to issue a permit, and
1579 may revoke any permit issued, to any person convicted of a felony or crime of moral turpitude within the
1580 three years prior to the request for the permit. The applicant shall file with the chief of police or sheriff, or his
1581 designee, an application form that shall include the applicant's full name, address, age, sex, and fingerprints;
1582 the name, address, and telephone number of the applicant's employer, if any; and the location of the
1583 applicant's place of business. *Such form shall permit the choice between "male," "female," or "nonbinary"*
1584 *when designating the sex of the applicant.* A permit shall be valid for one year from the date of issuance and
1585 may be renewed in the same manner as such permit was initially obtained. A fee of not more than \$50 may be
1586 charged annually for the issuance of the permit.

1587 **§ 65.2-900. Records and reports of accidents.**

1588 A. Every employer shall keep a record of all injuries or deaths of its employees which occur in the course
1589 of employment. Within ten days after the occurrence of such injury or death, and knowledge of injury as

1590 provided in § 65.2-600, a report of the injury or death shall be made and transmitted to the Commission by
1591 the employer, its representative or, in the case of an insured employer, its insurance carrier, in accordance
1592 with regulations adopted by the Commission which may authorize the transmission of such reports in written,
1593 magnetic, electronic, or facsimile media. The Commission shall provide forms and instructions for reporting
1594 as required by this section. The Commission shall provide the Department of Labor and Industry with such
1595 reports.

1596 B. The accident report shall contain the name, nature, and location of the business of the employer and the
1597 name, age, sex, and wages and occupation of the injured employee, and shall state the date and hour of the
1598 accident causing the injury and the nature and cause of the injury, together with such other information as
1599 may be required by the Commission. *Such report shall permit the choice between "male," "female," or*
1600 *"nonbinary" when designating the sex of the injured employee.* However, those injuries deemed minor by the
1601 Commission shall be reported in the manner prescribed by the Commission.

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HB502