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HOUSE BILL NO. 1597

Offered January 8, 2025

Prefiled January 3, 2025

A BILL to amend the Code of Virginia by adding sections numbered 18.2-308.7:1, 18.2-308.7:2, and 18.2-308.7:3, relating to secure storage of firearms; penalties.

Patrons—Feggans and Reaser

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding sections numbered 18.2-308.7:1, 18.2-308.7:2, and 18.2-308.7:3 as follows:

§ 18.2-308.7:1. Secure storage of firearms; penalty.

A. For purposes of this section, "firearm safety device" means the same as that term is defined in § 58.1-339.14.

B. No person who possesses a firearm on any premises where such person knows, or reasonably should know, that a minor or a person who is prohibited by law from possessing a firearm is, or is likely to be, present shall store such firearm on the premises unless such firearm is unloaded and secured with a firearm safety device. A firearm may be stored loaded, provided that (i) such firearm is stored in a biometric storage device and (ii) no minor or prohibited person is an authorized user for the lock of such biometric storage device.

C. Any person who violates this section is guilty of a Class 4 misdemeanor. Any person who violates this section and a minor or person who is prohibited by law from possessing a firearm obtains the firearm is guilty of a Class 1 misdemeanor. However, any person who violates this section and a minor or person who is prohibited by law from possessing a firearm obtains the firearm and uses it (i) in the commission of a crime or (ii) to cause injury to himself or another person is guilty of a Class 5 felony.

D. The provisions of this section shall not apply to (i) any person in lawful possession of a firearm who is carrying such firearm on or about his person, (ii) the storage of any antique firearm as defined in § 18.2-308.2:2, or (iii) possession by a minor or person prohibited by law from possessing a firearm that obtains or discharges the firearm (a) as a result of illegal entry onto the premises or (b) in a lawful act of self-defense or the defense of another person.

E. Nothing in this section shall be construed as preventing any person from lawfully authorizing a minor to access a firearm in accordance with § 18.2-56.2.

F. Every dealer, as defined in § 18.2-308.2:2, shall post in a conspicuous manner at the premises of such dealer a notice stating: "Secure firearm storage is the law in Virginia. Any person who possesses a firearm on any premises where such person knows, or should know, that a minor or a person who is prohibited by law from possessing a firearm is, or is likely to be, present is required by law to store such firearm unloaded and secured with a firearm safety device. Failure to securely store such firearm is a crime and may subject you to imprisonment, fine, or both."

§ 18.2-308.7:2. Secure storage of firearms in unattended vehicles; penalty.

A. For purposes of this section, "locked box or container" means a secure container that is fully enclosed; opaque; locked by a padlock, key lock, combination lock, or other similar locking device that renders the firearm inaccessible to anyone other than its owner or another authorized user; and, in the case of a box or container used to store a pistol, hard-sided. "Locked box or container" does not include the glove compartment of an unattended vehicle or the center console of an unattended vehicle unless such console has been specifically designed to securely store firearms.

B. Any person who stores or leaves a firearm in an unattended vehicle shall:

1. Store such firearm in a locked box or container inside the vehicle;
2. Ensure that such locked box or container is not visible from outside of the vehicle;
3. Ensure that such locked box or container is affixed to the interior of the vehicle; and
4. Ensure that the vehicle is locked.

C. Any person who violates this section is guilty of a Class 4 misdemeanor. Any person who violates this section and another person obtains the firearm is guilty of a Class 1 misdemeanor. However, any person who violates this section and another person obtains the firearm and uses it (i) in the commission of a crime or (ii) to cause injury to himself or another person is guilty of a Class 5 felony.

§ 18.2-308.7:3. Secure storage of firearms education; public information.

A. The Superintendent of State Police, in conjunction with the Commissioner of Health, shall develop, promote, and coordinate a public awareness campaign designed to educate the public on the importance of

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59 *the secure storage of firearms and the prevention of firearm access by children and persons prohibited by*  
60 *law of possessing a firearm. The campaign shall include resources and information regarding the*  
61 *Commonwealth's secure firearm storage laws, the availability of tax credits to defray the cost of the purchase*  
62 *of firearm safety devices, how to obtain and effectively use firearm safety devices, the risks associated with*  
63 *access to firearms in the home, and the availability of resources and programs to mitigate such risks.*

64 *B. The educational materials developed pursuant to this section shall be made publicly available on the*  
65 *websites of the Department of State Police and the Department of Health. The Commissioner of Health shall*  
66 *make such materials available to other agencies upon request.*

67 *C. Beginning on January 1, 2027, the Superintendent of State Police shall update annually the materials*  
68 *developed pursuant to this section.*

69 **2. That the Superintendent of State Police, in conjunction with the Commissioner of Health, shall**  
70 **create the public awareness campaign resources and materials required pursuant to the provisions of §**  
71 **18.2-308.7:3 of the Code of Virginia, as created by this act, no later than January 1, 2026.**

72 **3. That the provisions of this act may result in a net increase in periods of imprisonment or**  
73 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary**  
74 **appropriation cannot be determined for periods of imprisonment in state adult correctional facilities;**  
75 **therefore, Chapter 2 of the Acts of Assembly of 2024, Special Session I, requires the Virginia Criminal**  
76 **Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the**  
77 **Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for**  
78 **periods of commitment to the custody of the Department of Juvenile Justice.**