

SENATE BILL NO. 837

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice

on _____)

(Patron Prior to Substitute—Senator Sturtevant)

A BILL to amend and reenact §§ 18.2-308.02, 18.2-308.06, and 18.2-308.014 of the Code of Virginia, relating to concealed handgun permits; minimum age requirement.

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-308.02, 18.2-308.06, and 18.2-308.014 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-308.02. Application for a concealed handgun permit; Virginia resident or domiciliary.

A. Any person ~~21~~ 18 years of age or older may apply in writing to the clerk of the circuit court of the county or city in which he resides, or if he is a member of the United States Armed Forces and stationed outside the Commonwealth, the county or city in which he is domiciled, for a five-year permit to carry a concealed handgun. There shall be no requirement regarding the length of time an applicant has been a resident or domiciliary of the county or city. The application shall be on a form prescribed by the Department of State Police, in consultation with the Supreme Court, requiring only that information necessary to determine eligibility for the permit. Additionally, the application shall request but not require that the applicant provide an email or other electronic address where a notice of permit expiration can be sent pursuant to subsection C of § 18.2-308.010. The applicant shall present one valid form of photo identification issued by a governmental agency of the Commonwealth or by the U.S. Department of Defense or U.S. State Department (passport). No information or documentation other than that which is allowed on the application in accordance with this section may be requested or required by the clerk or the court.

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

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

2. Completing any National Rifle Association or United States Concealed Carry Association firearms

31 safety or training course;

32 3. Completing any firearms safety or training course or class available to the general public offered by a
33 law-enforcement agency, institution of higher education, or private or public institution or organization or
34 firearms training school utilizing instructors certified by the National Rifle Association, the United States
35 Concealed Carry Association, or the Department of Criminal Justice Services;

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

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

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

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

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

48 9. Completing any other firearms training that the court deems adequate.

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

54 C. The making of a materially false statement in an application under this article shall constitute perjury,
55 punishable as provided in § 18.2-434.

56 D. The clerk of court shall withhold from public disclosure the applicant's name and any other information
57 contained in a permit application or any order issuing a concealed handgun permit, except that such
58 information shall not be withheld from any law-enforcement officer acting in the performance of his official
59 duties or from the applicant with respect to his own information. The prohibition on public disclosure of

information under this subsection shall not apply to any reference to the issuance of a concealed handgun permit in any order book before July 1, 2008; however, any other concealed handgun records maintained by the clerk shall be withheld from public disclosure.

E. An application is deemed complete when all information required to be furnished by the applicant, including the fee for a concealed handgun permit as set forth in § 18.2-308.03, is delivered to and received by the clerk of court before or concomitant with the conduct of a state or national criminal history records check.

F. For purposes of this section, a member of the United States Armed Forces is domiciled in the county or city where such member claims his home of record with the United States Armed Forces.

§ 18.2-308.06. Nonresident concealed handgun permits.

A. Nonresidents of the Commonwealth ~~24~~ 18 years of age or older may apply in writing to the Virginia Department of State Police for a five-year permit to carry a concealed handgun. The applicant shall submit a photocopy of one valid form of photo identification issued by a governmental agency of the applicant's state of residency or by the U.S. Department of Defense or U.S. State Department (passport). Every applicant for a nonresident concealed handgun permit shall also submit two photographs of a type and kind specified by the Department of State Police for inclusion on the permit and shall submit fingerprints on a card provided by the Department of State Police for the purpose of obtaining the applicant's state or national criminal history record. As a condition for issuance of a concealed handgun permit, the applicant shall submit to fingerprinting by his local or state law-enforcement agency and provide personal descriptive information to be forwarded with the fingerprints through the Central Criminal Records Exchange to the U.S. Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding the applicant and obtaining fingerprint identification information from federal records pursuant to criminal investigations by state and local law-enforcement agencies. The application shall be on a form provided by the Department of State Police, requiring only that information necessary to determine eligibility for the permit. If the permittee is later found by the Department of State Police to be disqualified, the permit shall be revoked and the person shall return the permit after being so notified by the Department of State Police. The permit requirement and restriction provisions of subsection C of § 18.2-308.02 and § 18.2-308.09 shall apply, mutatis mutandis, to the provisions of this subsection.

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

1. Completing a hunter education or hunter safety course approved by the Virginia Department of Wildlife

89 Resources or a similar agency of another state;

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

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

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

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

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

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

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

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

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

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

D. The permit to carry a concealed handgun shall contain only the following information: name, address, date of birth, gender, height, weight, color of hair, color of eyes, and photograph of the permittee; the signature of the Superintendent of the Virginia Department of State Police or his designee; the date of issuance; and the expiration date.

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

§ 18.2-308.014. Reciprocity.

A. A valid concealed handgun or concealed weapon permit or license issued by another state shall authorize the holder of such permit or license who is at least ~~24~~ 18 years of age to carry a concealed handgun in the Commonwealth, provided (i) the issuing authority provides the means for instantaneous verification of the validity of all such permits or licenses issued within that state, accessible 24 hours a day if available; (ii) the permit or license holder carries a photo identification issued by a government agency of any state or by the U.S. Department of Defense or U.S. Department of State and displays the permit or license and such identification upon demand by a law-enforcement officer; and (iii) the permit or license holder has not previously had a Virginia concealed handgun permit revoked. The Superintendent of State Police shall enter into agreements for reciprocal recognition with such other states that require an agreement to be in place before such state will recognize a Virginia concealed handgun permit as valid in such state. The Attorney General shall provide the Superintendent with any legal assistance or advice necessary for the Superintendent to perform his duties set forth in this subsection. If the Superintendent determines that another state requires that an agreement for reciprocal recognition be executed by the Attorney General or otherwise formally approved by the Attorney General as a condition of such other state's entering into an agreement for reciprocal recognition, the Attorney General shall (a) execute such agreement or otherwise formally approve such agreement and (b) return to the Superintendent the executed agreement or, in a form deemed acceptable by such other state, documentation of his formal approval of such agreement within 30 days after the Superintendent notifies the Attorney General, in writing, that he is required to execute or otherwise formally approve such agreement.

B. For the purposes of participation in concealed handgun reciprocity agreements with other jurisdictions, the official government-issued law-enforcement identification card issued to an active-duty law-enforcement

147 officer in the Commonwealth who is exempt from obtaining a concealed handgun permit under this article
148 shall be deemed a concealed handgun permit.

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