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HOUSE BILL NO. 2241  
AMENDMENT IN THE NATURE OF A SUBSTITUTE  
(Proposed by the House Committee on Public Safety  
on \_\_\_\_\_)  
(Patron Prior to Substitute—Delegate Tran)

*A BILL to amend and reenact §§ 18.2-308.2 and 18.2-308.2:2 of the Code of Virginia, relating to possession or transportation of firearms, firearms ammunition, stun weapons, or explosives or carrying concealed weapons by persons convicted of a misdemeanor hate crime prohibited; penalty.*

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

**1. That §§ 18.2-308.2 and 18.2-308.2:2 of the Code of Virginia are amended and reenacted as follows:**

**§ 18.2-308.2. Possession or transportation of firearms, firearms ammunition, stun weapons, explosives or concealed weapons by convicted felons; penalties; petition for restoration order; when issued.**

A. It ~~shall be~~ *is* unlawful for (i) any person who has been convicted of a felony; (ii) any person adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of murder in violation of § 18.2-31 or 18.2-32, kidnapping in violation of § 18.2-47, robbery by the threat or presentation of firearms in violation of § 18.2-58, or rape in violation of § 18.2-61; or (iii) any person under the age of 29 who was adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of a delinquent act which would be a felony if committed by an adult, other than those felonies set forth in clause (ii), whether such conviction or adjudication occurred under the laws of the Commonwealth, or any other state, the District of Columbia, the United States or any territory thereof, to knowingly and intentionally possess or transport any firearm or ammunition for a firearm, any stun weapon as defined by § 18.2-308.1, or any explosive material, or to knowingly and intentionally carry about his person, hidden from common observation, any weapon described in subsection A of § 18.2-308. However, such person may possess in his residence or the curtilage thereof a stun weapon as defined by § 18.2-308.1. Any person who violates this ~~section shall be~~ *subsection is* guilty of a Class 6 felony. However, any person who violates this ~~section~~ *subsection* by knowingly and intentionally possessing or transporting any firearm and who was previously convicted of a violent felony as defined in § 17.1-805 shall be sentenced to a mandatory minimum term of imprisonment of five years. Any person who violates this ~~section~~ *subsection* by knowingly and intentionally possessing or transporting any firearm and who was previously convicted of any other felony within the prior

31 10 years shall be sentenced to a mandatory minimum term of imprisonment of two years. The mandatory  
32 minimum terms of imprisonment prescribed for violations of this ~~section~~ *subsection* shall be served  
33 consecutively with any other sentence.

34 *A1. It shall be unlawful for any person who has been convicted of violating subsection A of § 18.2-57 and*  
35 *who intentionally selected the person against whom the offense was committed because of his race, religious*  
36 *conviction, gender, disability, gender identity, sexual orientation, color, or ethnic or national origin, whether*  
37 *such conviction or adjudication occurred under the laws of the Commonwealth, or any other state, the*  
38 *District of Columbia, or the United States or any territory thereof, to knowingly and intentionally possess or*  
39 *transport any firearm or ammunition for a firearm, any stun weapon as defined by § 18.2-308.1, or any*  
40 *explosive material, or to knowingly and intentionally carry about his person, hidden from common*  
41 *observation, any weapon described in subsection A of § 18.2-308. However, such person may possess in his*  
42 *residence or the curtilage thereof a stun weapon as defined by § 18.2-308.1. Any person who violates this sub*  
43 *section is guilty of a Class 1 misdemeanor.*

44 B. The prohibitions of ~~subsection~~ *subsections A and A1* shall not apply to (i) any person who possesses a  
45 firearm, ammunition for a firearm, explosive material or other weapon while carrying out his duties as a  
46 member of the Armed Forces of the United States or of the National Guard of Virginia or of any other state,  
47 (ii) any law-enforcement officer in the performance of his duties, (iii) any person who has been pardoned or  
48 whose political disabilities have been removed pursuant to Article V, Section 12 of the Constitution of  
49 Virginia provided the Governor, in the document granting the pardon or removing the person's political  
50 disabilities, may expressly place conditions upon the reinstatement of the person's right to ship, transport,  
51 possess or receive firearms, (iv) any person whose right to possess firearms or ammunition has been restored  
52 under the law of another state subject to conditions placed upon the reinstatement of the person's right to ship,  
53 transport, possess, or receive firearms by such state, or (v) any person adjudicated delinquent as a juvenile  
54 who has completed a term of service of no less than two years in the Armed Forces of the United States and,  
55 if such person has been discharged from the Armed Forces of the United States, received an honorable  
56 discharge and who is not otherwise prohibited under clause (i) or (ii) of subsection A.

57 C. Any person prohibited from possessing, transporting, or carrying a firearm, ammunition for a firearm,  
58 or a stun weapon under subsection A *or A1* may petition the circuit court of the jurisdiction in which he  
59 resides or, if the person is not a resident of the Commonwealth, the circuit court of any county or city where

60 such person was last convicted of a felony or adjudicated delinquent of a disqualifying offense pursuant to  
61 subsection A *or* A1, for a restoration order that unconditionally authorizes possessing, transporting, or  
62 carrying a firearm, ammunition for a firearm, or a stun weapon; however, no person who has been convicted  
63 of a felony shall be qualified to petition for such an order unless his civil rights have been restored by the  
64 Governor or other appropriate authority. A copy of the petition shall be mailed or delivered to the attorney for  
65 the Commonwealth for the jurisdiction where the petition was filed who shall be entitled to respond and  
66 represent the interests of the Commonwealth. The court shall conduct a hearing if requested by either party.  
67 The court may, in its discretion and for good cause shown, grant such petition and issue a restoration order.  
68 Such order shall contain the petitioner's name and date of birth. The clerk shall certify and forward forthwith  
69 to the Central Criminal Records Exchange (CCRE), on a form provided by the CCRE, a copy of the order to  
70 be accompanied by a complete set of the petitioner's fingerprints. The Department of State Police shall  
71 forthwith enter the petitioner's name and description in the CCRE so that the order's existence will be made  
72 known to law-enforcement personnel accessing the computerized criminal history records for investigative  
73 purposes. The provisions of this section relating to firearms, ammunition for a firearm, and stun weapons  
74 shall not apply to any person who has been issued a restoration order pursuant to this subsection.

75 C1. Any person who was prohibited from possessing, transporting or carrying explosive material under  
76 subsection A *or* A1 may possess, transport or carry such explosive material if his right to possess, transport or  
77 carry explosive material has been restored pursuant to federal law.

78 C2. The prohibitions of subsection A *or* A1 shall not prohibit any person other than a person convicted of  
79 an act of violence as defined in § 19.2-297.1 or a violent felony as defined in subsection C of § 17.1-805 from  
80 possessing, transporting, or carrying (i) antique firearms or (ii) black powder in a quantity not exceeding five  
81 pounds if it is intended to be used solely for sporting, recreational, or cultural purposes in antique firearms.  
82 For the purposes of this subsection, "antique firearms" means any firearm described in subdivision 3 of the  
83 definition of "antique firearm" in subsection F of § 18.2-308.2:2.

84 D. For the purpose of this section:

85 "Ammunition for a firearm" means the combination of a cartridge, projectile, primer, or propellant  
86 designed for use in a firearm other than an antique firearm as defined in § 18.2-308.2:2.

87 "Explosive material" means any chemical compound mixture, or device, the primary or common purpose  
88 of which is to function by explosion; the term includes, but is not limited to, dynamite and other high

89 explosives, black powder, pellet powder, smokeless gun powder, detonators, blasting caps and detonating  
90 cord but shall not include fireworks or permissible fireworks as defined in § 27-95.

91 **§ 18.2-308.2:2. Criminal history record information check required for the transfer of certain**  
92 **firearms.**

93 A. Any person purchasing from a dealer a firearm as herein defined shall consent in writing, on a form to  
94 be provided by the Department of State Police, to have the dealer obtain criminal history record information.  
95 Such form shall include only the written consent; the name, birth date, gender, race, citizenship, and social  
96 security number and/or any other identification number; the number of firearms by category intended to be  
97 sold, rented, traded, or transferred; and answers by the applicant to the following questions: (i) has the  
98 applicant been convicted of a felony offense or a misdemeanor offense listed in § 18.2-308.1:8 or found  
99 guilty or adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of a  
100 delinquent act that if committed by an adult would be a felony or a misdemeanor listed in § 18.2-308.1:8; (ii)  
101 is the applicant subject to a court order restraining the applicant from harassing, stalking, or threatening the  
102 applicant's child or intimate partner, or a child of such partner, or is the applicant subject to a protective order;  
103 (iii) has the applicant ever been acquitted by reason of insanity and prohibited from purchasing, possessing,  
104 or transporting a firearm pursuant to § 18.2-308.1:1 or any substantially similar law of any other jurisdiction,  
105 been adjudicated legally incompetent, mentally incapacitated, or adjudicated an incapacitated person and  
106 prohibited from purchasing a firearm pursuant to § 18.2-308.1:2 or any substantially similar law of any other  
107 jurisdiction, been involuntarily admitted to an inpatient facility or involuntarily ordered to outpatient mental  
108 health treatment and prohibited from purchasing a firearm pursuant to § 18.2-308.1:3 or any substantially  
109 similar law of any other jurisdiction, or been the subject of a temporary detention order pursuant to §  
110 37.2-809 and subsequently agreed to a voluntary admission pursuant to § 37.2-805; ~~and~~ (iv) is the applicant  
111 subject to an emergency substantial risk order or a substantial risk order entered pursuant to § 19.2-152.13 or  
112 19.2-152.14 and prohibited from purchasing, possessing, or transporting a firearm pursuant to § 18.2-308.1:6  
113 or any substantially similar law of any other jurisdiction; *and (v) has the applicant ever been convicted of*  
114 *violating subsection A of § 18.2-57 and intentionally selected the person against whom the offense was*  
115 *committed because of his race, religious conviction, gender, disability, gender identity, sexual orientation,*  
116 *color, or ethnic or national origin, whether such conviction or adjudication occurred under the laws of the*  
117 *Commonwealth, or any other state, the District of Columbia, or the United States or any territory thereof.*

118 B. 1. No dealer shall sell, rent, trade, or transfer from his inventory any such firearm to any other person  
119 who is a resident of Virginia until he has (i) obtained written consent and the other information on the consent  
120 form specified in subsection A, and provided the Department of State Police with the name, birth date,  
121 gender, race, citizenship, and social security and/or any other identification number and the number of  
122 firearms by category intended to be sold, rented, traded, or transferred and (ii) requested criminal history  
123 record information by a telephone call to or other communication authorized by the State Police and is  
124 authorized by subdivision 2 to complete the sale or other such transfer. To establish personal identification  
125 and residence in Virginia for purposes of this section, a dealer must require any prospective purchaser to  
126 present one photo-identification form issued by a governmental agency of the Commonwealth or by the  
127 United States Department of Defense or a special identification card without a photograph issued pursuant to  
128 § 46.2-345.2 that demonstrates that the prospective purchaser resides in Virginia. For the purposes of this  
129 section and establishment of residency for firearm purchase, residency of a member of the armed forces shall  
130 include both the state in which the member's permanent duty post is located and any nearby state in which the  
131 member resides and from which he commutes to the permanent duty post. A member of the armed forces  
132 whose photo identification issued by the Department of Defense does not have a Virginia address may  
133 establish his Virginia residency with such photo identification and either permanent orders assigning the  
134 purchaser to a duty post, including the Pentagon, in Virginia or the purchaser's Leave and Earnings  
135 Statement. When the identification presented to a dealer by the prospective purchaser is a driver's license or  
136 other photo identification issued by the Department of Motor Vehicles or a special identification card without  
137 a photograph issued pursuant to § 46.2-345.2, and such identification form or card contains a date of issue,  
138 the dealer shall not, except for a renewed driver's license or other photo identification issued by the  
139 Department of Motor Vehicles or a renewed special identification card without a photograph issued pursuant  
140 to § 46.2-345.2, sell or otherwise transfer a firearm to the prospective purchaser until 30 days after the date of  
141 issue of an original or duplicate driver's license or special identification card without a photograph unless the  
142 prospective purchaser also presents a copy of his Virginia Department of Motor Vehicles driver's record  
143 showing that the original date of issue of the driver's license was more than 30 days prior to the attempted  
144 purchase.

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

147 residence.

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

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

158       3. Except as required by subsection D of § 9.1-132, the State Police shall not maintain records longer than  
159 30 days, except for multiple handgun transactions for which records shall be maintained for 12 months, from  
160 any dealer's request for a criminal history record information check pertaining to a buyer or transferee who is  
161 not found to be prohibited from possessing and transporting a firearm under state or federal law. However,  
162 the log on requests made may be maintained for a period of 12 months, and such log shall consist of the name  
163 of the purchaser, the dealer identification number, the unique approval number, and the transaction date.

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

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

176 6. For the purposes of this subsection, the phrase "dealer's fifth business day" does not include December  
177 25.

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

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

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

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

201 F. For purposes of this section:

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

204 "Antique firearm" means:

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

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

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

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

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

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

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

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

230 3. Any other firearms that derive a substantial part of their monetary value from the fact that they are  
231 novel, rare, bizarre, or because of their association with some historical figure, period, or event. Proof of  
232 qualification of a particular firearm under this category may be established by evidence of present value and  
233 evidence that like firearms are not available except as collectors' items, or that the value of like firearms



234 available in ordinary commercial channels is substantially less.

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

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

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

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

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

247 H. The provisions of this section shall not apply to (i) transactions between persons who are licensed as  
248 firearms importers or collectors, manufacturers or dealers pursuant to 18 U.S.C. § 921 et seq.; (ii) purchases  
249 by or sales to any law-enforcement officer or agent of the United States, the Commonwealth or any local  
250 government, or any campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title  
251 23.1; or (iii) antique firearms or curios or relics.

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

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

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

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

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

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

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

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

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

290 Q. Prior to selling, renting, trading, or transferring any firearm owned by the dealer but not in his  
291 inventory to any other person, a dealer may require such other person to consent to have the dealer obtain

292 criminal history record information to determine if such other person is prohibited from possessing or  
293 transporting a firearm by state or federal law. The Department of State Police shall establish policies and  
294 procedures in accordance with 28 C.F.R. § 25.6 to permit such determinations to be made by the Department  
295 of State Police, and the processes established for making such determinations shall conform to the provisions  
296 of this section.

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

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

313 Upon being satisfied that these requirements have been met, the Department of State Police shall  
314 immediately issue to the applicant a nontransferable certificate, which shall be valid for seven days from the  
315 date of issue. The certificate shall be surrendered to the dealer by the prospective purchaser prior to the  
316 consummation of such sale and shall be kept on file at the dealer's place of business for inspection as  
317 provided in § 54.1-4201 for a period of not less than two years. Upon request of any local law-enforcement  
318 agency, and pursuant to its regulations, the Department of State Police may certify such local  
319 law-enforcement agency to serve as its agent to receive applications and, upon authorization by the  
320 Department of State Police, issue certificates immediately pursuant to this subdivision. Applications and

321 certificates issued under this subdivision shall be maintained as records as provided in subdivision B 3. The  
322 Department of State Police shall make available to local law-enforcement agencies all records concerning  
323 certificates issued pursuant to this subdivision and all records provided for in subdivision B 3.

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

325 a. A law-enforcement agency;

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

327 c. A state or local correctional facility;

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

329 e. The purchase of antique firearms;

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

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

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

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

349 j. A law-enforcement officer. For purposes of this subdivision, "law-enforcement officer" means any

**350** employee of a police department or sheriff's office that is part of or administered by the Commonwealth or  
**351** any political subdivision thereof and who is responsible for the prevention and detection of crime and the  
**352** enforcement of the penal, traffic, or highway laws of the Commonwealth.