

## HOUSE BILL NO. 1597

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Finance and Appropriations

on \_\_\_\_\_)

(Patron Prior to Substitute—Delegate Feggans)

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.

**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. Storage of firearms; penalty.**

A. Any person who possesses a firearm in a residence where such person knows that a minor or a person who is prohibited by law from possessing a firearm is present shall store such firearm and the ammunition for such firearm in a locked container, compartment, or cabinet that is inaccessible to such minor or prohibited person. 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. Any person who violates this section is guilty of a Class 4 misdemeanor.

B. 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 or (ii) the storage of any antique firearm as defined in § 18.2-308.2:2.

C. 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.

D. 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: "Any person who possesses a firearm in a residence where such person knows that a minor or a person who is prohibited by law from possessing a firearm is present shall store such firearm and the ammunition for such firearm in a locked container, compartment, or cabinet that is inaccessible to such minor or prohibited person. A violation of this law is a Class 4 misdemeanor."

**§ 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,

31 key lock, combination lock, or other similar locking device that renders the firearm inaccessible to anyone  
32 other than its owner or another authorized user; and, in the case of a box or container used to store a  
33 handgun, as defined in § 18.2-308.2:2, hard-sided. "Locked box or container" does not include the glove  
34 compartment of an unattended vehicle or the center console of an unattended vehicle unless such console has  
35 been specifically designed to securely store firearms.

36 "Unattended motor vehicle" means a motor vehicle that is left unattended on a public highway or other  
37 public property and the owner, operator, or any passenger of such motor vehicle is unable to observe such  
38 motor vehicle.

39 B. No person shall leave, place, or store any handgun, as defined in § 18.2-307.1, in any unattended  
40 motor vehicle when such handgun is visible to any person who is outside such unattended motor vehicle. Any  
41 person found to be in violation of this subsection is subject to a civil penalty of no more than \$500. All  
42 penalties collected under this subsection shall be paid into the state treasury to be credited to the Literary  
43 Fund as provided in § 46.2-114.

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

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

49 D. Any theft or loss of a firearm from a vehicle shall be reported to law enforcement. Any person who fails  
50 to report the theft or loss of a firearm and otherwise violates the provisions of this subsection or subsection C  
51 is guilty of a Class 4 misdemeanor. Any person who violates this subsection and another person obtains the  
52 firearm is guilty of a Class 1 misdemeanor.

53 E. For purposes of § 46.2-1213, any violation of this section deems the unattended motor vehicle as  
54 illegally parked, and such unattended motor vehicle may be subject to removal.

55 **§ 18.2-308.7:3. Secure storage of firearms education; public information.**

56 A. The Superintendent of State Police, in conjunction with the Commissioner of Health, from such funds  
57 as are available, shall develop, promote, and coordinate a public awareness campaign designed to educate  
58 the public on the importance of the secure storage of firearms and the prevention of firearm access by a  
59 minor or person who is prohibited by law from possessing a firearm. The campaign shall include resources

60 *and information regarding the Commonwealth's secure firearm storage laws, the availability of tax credits to*  
61 *defray the cost of the purchase of firearm safety devices, how to obtain and effectively use firearm safety*  
62 *devices, the risks associated with access to firearms in the home, and the availability of resources and*  
63 *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.**