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HOUSE BILL NO. 2241
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee for Courts of Justice
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 is unlawful for any person who has been convicted, on or after July 1, 2025, of violating subsection*
35 *A of § 18.2-57 if it is reflected on the sentencing order for such conviction or appears on the face of the*
36 *warrant upon such conviction that such person intentionally selected the person against whom the offense*
37 *was committed because of his race, religious conviction, gender, disability, gender identity, sexual*
38 *orientation, color, or ethnic or national origin, whether such conviction or adjudication occurred under the*
39 *laws of the Commonwealth, or any other state, the District of Columbia, or the United States or any territory*
40 *thereof, to knowingly and intentionally possess or transport any firearm or ammunition for a firearm, any*
41 *stun weapon as defined by § 18.2-308.1, or any explosive material, or to knowingly and intentionally carry*
42 *about his person, hidden from common observation, any weapon described in subsection A of § 18.2-308.*
43 *However, such person may possess in his residence or the curtilage thereof a stun weapon as defined by §*
44 *18.2-308.1. Any person who violates this subsection is guilty of a Class 1 misdemeanor.*

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

58 C. Any person prohibited from possessing, transporting, or carrying a firearm, ammunition for a firearm,
59 or a stun weapon under subsection A or A1 may petition the circuit court of the jurisdiction in which he

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

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

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

85 D. For the purpose of this section:

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

88 "Explosive material" means any chemical compound mixture, or device, the primary or common purpose

89 of which is to function by explosion; the term includes, but is not limited to, dynamite and other high
90 explosives, black powder, pellet powder, smokeless gun powder, detonators, blasting caps, and detonating
91 cord but shall not include fireworks or permissible fireworks as defined in § 27-95.

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

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

118 *Commonwealth, or any other state, the District of Columbia, or the United States or any territory thereof.*

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

146 In addition, no dealer shall sell, rent, trade, or transfer from his inventory any assault firearm to any

147 person who is not a citizen of the United States or who is not a person lawfully admitted for permanent
148 residence.

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

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

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

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

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

176 determined to be acceptable by the Department of Criminal Justice Services.

177 6. For the purposes of this subsection, the phrase "dealer's fifth business day" does not include December
178 25.

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

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

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

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

202 F. For purposes of this section:

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

205 "Antique firearm" means:

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

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

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

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

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

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

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

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

231 3. Any other firearms that derive a substantial part of their monetary value from the fact that they are
232 novel, rare, bizarre, or because of their association with some historical figure, period, or event. Proof of
233 qualification of a particular firearm under this category may be established by evidence of present value and

234 evidence that like firearms are not available except as collectors' items, or that the value of like firearms
235 available in ordinary commercial channels is substantially less.

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

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

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

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

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

248 H. The provisions of this section shall not apply to (i) transactions between persons who are licensed as
249 firearms importers or collectors, manufacturers or dealers pursuant to 18 U.S.C. § 921 et seq.; (ii) purchases
250 by or sales to any law-enforcement officer or agent of the United States, the Commonwealth or any local
251 government, or any campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title
252 23.1; or (iii) antique firearms or curios or relics.

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

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

263 section.

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

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

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

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

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

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

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

291 Q. Prior to selling, renting, trading, or transferring any firearm owned by the dealer but not in his

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

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

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

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

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

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

326 a. A law-enforcement agency;

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

328 c. A state or local correctional facility;

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

330 e. The purchase of antique firearms;

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

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

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

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

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

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