

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact § 18.2-308 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 18.2-308.7:1, relating to carrying concealed weapons; secured storage of firearms; penalty.

[S 1329]

Approved

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-308 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 18.2-308.7:1 as follows:

§ 18.2-308. Carrying concealed weapons; exceptions; penalty.

A. If any person carries about his person, hidden from common observation, (i) any pistol, revolver, or other weapon designed or intended to propel a missile of any kind by action of an explosion of any combustible material; (ii) any dirk, bowie knife, stiletto knife, ballistic knife, machete, razor, sling bow, spring stick, metal knucks, or blackjack; (iii) any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain; (iv) any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart; or (v) any weapon of like kind as those enumerated in this subsection, he is guilty of a Class 1 misdemeanor. A second violation of this section or a conviction under this section subsequent to any conviction under any substantially similar ordinance of any county, city, or town shall be punishable as a Class 6 felony, and a third or subsequent such violation shall be punishable as a Class 5 felony. For the purpose of this section, a weapon shall be deemed to be hidden from common observation when it is observable but is of such deceptive appearance as to disguise the weapon's true nature. It shall be an affirmative defense to a violation of clause (i) regarding a handgun, that a person had been issued, at the time of the offense, a valid concealed handgun permit.

B. This section shall not apply to any person while in his own place of abode or the curtilage thereof.

C. Except as provided in subsection A of § 18.2-308.012, this section shall not apply to:

1. Any person while in his own place of business;
2. Any law-enforcement officer, or retired law-enforcement officer pursuant to § 18.2-308.016, wherever such law-enforcement officer may travel in the Commonwealth;
3. Any person who is at, or going to or from, an established shooting range, provided that the weapons are unloaded and securely wrapped while being transported;
4. Any regularly enrolled member of a weapons collecting organization who is at, or going to or from, a bona fide weapons exhibition, provided that the weapons are unloaded and securely wrapped while being transported;

5. Any person carrying such weapons between his place of abode and a place of purchase or repair, provided the weapons are unloaded and securely wrapped while being transported;

6. Any person actually engaged in lawful hunting, as authorized by the Board of Wildlife Resources, under inclement weather conditions necessitating temporary protection of his firearm from those conditions, provided that possession of a handgun while engaged in lawful hunting shall not be construed as hunting with a handgun if the person hunting is carrying a valid concealed handgun permit;

7. Any attorney for the Commonwealth or assistant attorney for the Commonwealth, wherever such attorney may travel in the Commonwealth;

~~8. Any person who may lawfully possess a firearm and is carrying a handgun while in a personal, private motor vehicle or vessel and such handgun is secured in a container or compartment in the vehicle or vessel;~~

9. Any enrolled participant of a firearms training course who is at, or going to or from, a training location, provided that the weapons are unloaded and securely wrapped while being transported; and

~~10. 9. Any judge or justice of the Commonwealth, wherever such judge or justice may travel in the Commonwealth.~~

D. This section shall also not apply to any of the following individuals while in the discharge of their official duties, or while in transit to or from such duties:

1. Carriers of the United States mail;
2. Officers or guards of any state correctional institution;
3. Conservators of the peace, except that a judge or justice of the Commonwealth, an attorney for the Commonwealth, or an assistant attorney for the Commonwealth may carry a concealed handgun pursuant to subdivisions C 7 and ~~40~~ 9. However, the following conservators of the peace shall not be permitted to carry a

ENROLLED

SB1329ER

concealed handgun without obtaining a permit as provided in this article: (i) notaries public; (ii) registrars; (iii) drivers, operators, or other persons in charge of any motor vehicle carrier of passengers for hire; or (iv) commissioners in chancery; and

4. Noncustodial employees of the Department of Corrections designated to carry weapons by the Director of the Department of Corrections pursuant to § 53.1-29.

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

A. For purposes of this section:

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

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

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

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

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

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

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

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