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HOUSE BILL NO. 702

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Public Safety

on _____)

(Patron Prior to Substitute—Delegate Cole, J.G.)

A BILL to direct local law-enforcement agencies to implement a firearm give-back program or a firearm buy-back program.

Be it enacted by the General Assembly of Virginia:

9 **1. § 1. That each local law-enforcement agency shall develop policies and procedures to implement either a**
10 firearm give-back program or a firearm buy-back program by January 1, 2028, and annually thereafter.
11 Such policies shall include requirements that require (i) that each local law-enforcement agency designate
12 when and where a person may voluntarily return a firearm, which shall be subsequently subjected to
13 forensic testing; (ii) that such firearm shall be returned to the original owner as provided in § 52-25.1, if
14 such firearm is determined to be lost or stolen; (iii) that such firearm may be retained by the receiving law-
15 enforcement agency to be used as evidence if such firearm is determined to have been used in the
16 commission of a crime; (iv) that returned firearms shall be destroyed within 90 days after a determination
17 that such firearms are not evidence and are not required for prosecution; (v) that any antique firearm,
18 whether operable or inoperable, shall be exempt from mandatory destruction; (vi) that any antique firearm
19 may be donated to a museum, historical society, or educational institution, or transferred to a federally
20 licensed firearms dealer for sale or auction; (vii) that any historically significant firearm may be donated to
21 a museum, historical society, or educational institution, or transferred to a federally licensed firearms
22 dealer for sale or auction; (viii) that any antique firearm or historically significant firearm shall be
23 destroyed only if, within 180 days after it has been determined that such firearm is not evidence and is not
24 required for prosecution, no museum, historical society, educational institution, or federally licensed
25 firearms dealer agrees to accept the firearm; and (ix) that the identity of any person who surrenders a
26 firearm shall be kept confidential. Such policies and procedures shall also require local law-enforcement
27 agencies to submit an annual report to the Department of State Police that includes the number of firearms
28 that have been received through the implemented program. Any proceeds that may be generated from the
29 sale or auction of a returned firearm shall be deposited into the locality's general fund or used solely for the
30 administration of the locality's firearm give-back program or firearm buy-back program.

For purposes of this act:

"Antique firearm" means the same as that term is defined in subsection F of § 18.2-308.2:2.

"Destroyed" means permanently rendering a firearm inoperable through approved mechanical means, including melting, shredding, or crushing, so that it cannot be restored.

"Historically significant firearm" means any firearm that (i) is at least 40 years old; (ii) is not an antique firearm, as that term is defined in § 18.2-308.2:2; and (iii) possesses historical, collector, or educational value.