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**SENATE BILL NO. 643**

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Finance and Appropriations  
on February 5, 2026)

(Patrons Prior to Substitute—Senators Surovell and Carroll Foy [SB 797])

*A BILL to amend and reenact §§ 18.2-308.2:2 and 18.2-308.2:5 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 18.2-308.2:6, relating to certain firearm purchase requirements; penalties.*

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

1. That §§ 18.2-308.2:2 and 18.2-308.2:5 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 18.2-308.2:6 as follows:

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

14 A. Any person purchasing from a dealer a firearm as ~~herein~~ defined *in this section* shall consent in  
15 writing, on a form to be provided by the Department of State Police, to have the dealer obtain criminal history  
16 record information. Such form shall include only the written consent; the name, birth date, gender, race,  
17 citizenship, and social security number and/or any other identification number; the number of firearms by  
18 category intended to be sold, rented, traded, or transferred; and answers by the applicant to the following  
19 questions: (i) has the applicant been convicted of a felony offense or a misdemeanor offense listed in  
20 § 18.2-308.1:8 or found guilty or adjudicated delinquent as a juvenile 14 years of age or older at the time of  
21 the offense of a delinquent act that if committed by an adult would be a felony or a misdemeanor listed in  
22 § 18.2-308.1:8; (ii) is the applicant subject to a court order restraining the applicant from harassing, stalking,  
23 or threatening the applicant's child or intimate partner, or a child of such partner, or is the applicant subject to  
24 a protective order; (iii) has the applicant ever been acquitted by reason of insanity and prohibited from  
25 purchasing, possessing, or transporting a firearm pursuant to § 18.2-308.1:1 or any substantially similar law  
26 of any other jurisdiction, been adjudicated legally incompetent, mentally incapacitated, or adjudicated an  
27 incapacitated person and prohibited from purchasing a firearm pursuant to § 18.2-308.1:2 or any substantially  
28 similar law of any other jurisdiction, been involuntarily admitted to an inpatient facility or involuntarily  
29 ordered to outpatient mental health treatment and prohibited from purchasing a firearm pursuant to  
30 § 18.2-308.1:3 or any substantially similar law of any other jurisdiction, or been the subject of a temporary  
31 detention order pursuant to § 37.2-809 and subsequently agreed to a voluntary admission pursuant to  
32 § 37.2-805; and (iv) is the applicant subject to an emergency substantial risk order or a substantial risk order  
33 entered pursuant to § 19.2-152.13 or 19.2-152.14 and prohibited from purchasing, possessing, or transporting  
34 a firearm pursuant to § 18.2-308.1:6 or any substantially similar law of any other jurisdiction. *However, any*  
35 *person purchasing a handgun from a dealer shall present a valid firearm purchaser license issued by the*  
36 *Department of State Police pursuant to § 18.2-308.2:6.*

37 B. 1. No dealer shall sell, rent, trade, or transfer from his inventory any such firearm to any other person  
38 who is a resident of Virginia until he has (i) obtained written consent and the other information on the consent  
39 form specified in subsection A, and provided the Department of State Police with the name, birth date,  
40 gender, race, citizenship, and social security and/or any other identification number and the number of  
41 firearms by category intended to be sold, rented, traded, or transferred and (ii) requested criminal history  
42 record information by a telephone call to or other communication authorized by the State Police and is  
43 authorized by subdivision 2 to complete the sale or other such transfer. *If such prospective purchaser is*  
44 *purchasing a handgun, such prospective purchaser shall provide the dealer with a valid firearm purchaser*  
45 *license issued by the Department of State Police pursuant to § 18.2-308.2:6; however, no dealer shall require*  
46 *a prospective purchaser to show a valid firearm purchaser license if such prospective purchaser is renting a*  
47 *handgun from the dealer solely for the purpose of engaging in lawful recreational shooting activities at an*  
48 *established shooting range.* To establish personal identification and residence in Virginia for purposes of this  
49 section, a dealer must require any prospective purchaser to present one photo-identification form issued by a  
50 governmental agency of the Commonwealth or by the United States Department of Defense or a special  
51 identification card without a photograph issued pursuant to § 46.2-345.2 that demonstrates that the  
52 prospective purchaser resides in Virginia. For the purposes of this section and establishment of residency for  
53 firearm purchase, residency of a member of the armed forces shall include both the state in which the  
54 member's permanent duty post is located and any nearby state in which the member resides and from which  
55 he commutes to the permanent duty post. A member of the armed forces whose photo identification issued by  
56 the Department of Defense does not have a Virginia address may establish his Virginia residency with such  
57 photo identification and either permanent orders assigning the purchaser to a duty post, including the  
58 Pentagon, in Virginia or the purchaser's Leave and Earnings Statement. When the identification presented to a  
59 dealer by the prospective purchaser is a driver's license or other photo identification issued by the Department

60 of Motor Vehicles or a special identification card without a photograph issued pursuant to § 46.2-345.2, and  
61 such identification form or card contains a date of issue, the dealer shall not, except for a renewed driver's  
62 license or other photo identification issued by the Department of Motor Vehicles or a renewed special  
63 identification card without a photograph issued pursuant to § 46.2-345.2, sell or otherwise transfer a firearm  
64 to the prospective purchaser until 30 days after the date of issue of an original or duplicate driver's license or  
65 special identification card without a photograph unless the prospective purchaser also presents a copy of his  
66 Virginia Department of Motor Vehicles driver's record showing that the original date of issue of the driver's  
67 license was more than 30 days prior to the attempted purchase.

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

71 Upon receipt of the request for a criminal history record information check, the State Police shall (a)  
72 review its criminal history record information to determine if the buyer or transferee is prohibited from  
73 possessing or transporting a firearm by state or federal law, (b) *verify the validity of the buyer or transferee's*  
74 *firearm purchaser license, if applicable,* (c) inform the dealer if its record indicates that the buyer or  
75 transferee is so prohibited, and (d) provide the dealer with a unique reference number for that inquiry.

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

81 3. Except as required by subsection D of § 9.1-132 and subdivision 4, the State Police shall not maintain  
82 records longer than 30 days, except for multiple handgun transactions for which records shall be maintained  
83 for 12 months, from any dealer's request for a criminal history record information check pertaining to a buyer  
84 or transferee who is not found to be prohibited from possessing and transporting a firearm under state or  
85 federal law. However, the log on requests made may be maintained for a period of 12 months, and such log  
86 shall consist of the name of the purchaser, the dealer identification number, the unique approval number, and  
87 the transaction date.

88 4. ~~On the last day of the week following the sale or transfer of any firearm, the dealer shall mail or deliver  
89 the written consent form required by subsection A to the Department of State Police.~~ The State Police shall  
90 immediately initiate a search of all available criminal history record information to determine if the purchaser  
91 is prohibited from possessing or transporting a firearm under state or federal law. If the search discloses  
92 information indicating that the buyer or transferee is so prohibited from possessing or transporting a firearm,  
93 the State Police shall inform the chief law-enforcement officer in the jurisdiction where the sale or transfer  
94 occurred and the dealer without delay. *The Department of State Police shall maintain a searchable database  
95 of all attempted purchase transactions pursuant to this subdivision. The State Police shall make the  
96 information in such database available, upon request, to criminal justice agencies as defined in § 9.1-101,  
97 including local law-enforcement agencies, through the Virginia Criminal Information Network. Information  
98 provided under this subsection shall be used only for the purposes of the administration of criminal justice as  
99 defined in § 9.1-101. No liability shall be imposed on any law-enforcement official who disseminates  
100 information or fails to disseminate information in good faith compliance with the requirements of this  
101 subdivision, but this provision shall not be construed to grant immunity for gross negligence or willful  
102 misconduct.*

103 5. Notwithstanding any other provisions of this section, rifles and shotguns may be purchased by persons  
104 who are citizens of the United States or persons lawfully admitted for permanent residence but residents of  
105 other states *may purchase rifles and shotguns* under the terms of ~~subseetions~~ subsection A and B this  
106 subsection upon furnishing the dealer with one photo-identification form issued by a governmental agency of  
107 the person's state of residence and one other form of identification determined to be acceptable by the  
108 Department of Criminal Justice Services.

109 6. For the purposes of this subsection, the phrase "dealer's fifth business day" does not include December  
110 25.

111 C. No dealer shall sell, rent, trade, or transfer from his inventory any firearm, except when the transaction  
112 involves a rifle or a shotgun and can be accomplished pursuant to the provisions of subdivision B 5, to any  
113 person who is a dual resident of Virginia and another state pursuant to applicable federal law unless he has  
114 first obtained from the Department of State Police a report indicating that a search of all available criminal  
115 history record information has not disclosed that the person is prohibited from possessing or transporting a  
116 firearm under state or federal law *and, if such sale, rental, trade, or transfer involves a handgun, received  
117 from the prospective purchaser a valid firearm purchaser license issued by the Department of State Police  
118 pursuant to § 18.2-308.2:6. However, no dealer shall require a prospective purchaser to show a valid  
119 firearm purchaser license if such prospective purchaser is renting a handgun from the dealer solely for the  
120 purpose of engaging in lawful recreational shooting activities at an established shooting range.*

121 To establish personal identification and dual resident eligibility for purposes of this subsection, a dealer

122 shall require any prospective purchaser to present one photo-identification form issued by a governmental  
 123 agency of the prospective purchaser's state of legal residence and other documentation of dual residence  
 124 within the Commonwealth. The other documentation of dual residence in the Commonwealth may include (i)  
 125 evidence of currently paid personal property tax or real estate tax or a current (a) lease, (b) utility or telephone  
 126 bill, (c) voter registration card, (d) bank check, (e) passport, (f) automobile registration, or (g) hunting or  
 127 fishing license; (ii) other current identification allowed as evidence of residency by 27 C.F.R. § 178.124 and  
 128 ATF Ruling 2001-5; or (iii) other documentation of residence determined to be acceptable by the Department  
 129 of Criminal Justice Services and that corroborates that the prospective purchaser currently resides in Virginia.

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

134 E. Any dealer who willfully and intentionally requests, obtains, or seeks to obtain criminal history record  
 135 information under false pretenses; or who willfully and intentionally disseminates or seeks to disseminate  
 136 criminal history record information except as authorized in this section, ~~shall be~~ is guilty of a Class 2  
 137 misdemeanor.

138 F. For purposes of this section:

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

141 "Antique firearm" means:

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

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

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

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

155 "Assault firearm" means ~~any~~:

156 1. A semi-automatic center-fire rifle ~~or pistol~~ which expels single or multiple projectiles by action of an  
 157 explosion of a combustible material and is equipped at the time of the offense with a magazine which will  
 158 hold more than 20 rounds of ammunition ~~or designed by the manufacturer to accommodate a silencer or~~ ~~equipped with a folding stock with a fixed magazine capacity in excess of 15 rounds;~~

159 2. A semi-automatic center-fire rifle that has the ability to accept a detachable magazine, not including an  
 160 attached tubular device designed to accept and capable of operating only with .22 caliber rimfire  
 161 ammunition, and that has one or more of the following characteristics: (i) a folding, telescoping, or  
 162 collapsible stock; (ii) a thumbhole stock or pistol grip that protrudes conspicuously beneath the action of the  
 163 rifle; (iii) a second handgrip or a protruding grip that can be held by the non-trigger hand; (iv) a grenade  
 164 launcher; or (v) a threaded barrel capable of accepting (a) a muzzle brake, (b) a muzzle compensator, (c) a  
 165 sound suppressor, or (d) a flash suppressor;

166 3. A semi-automatic shotgun that expels single or multiple projectiles by action of an explosion of a  
 167 combustible material that has one of the following characteristics: (i) a folding, telescoping, or collapsible  
 168 stock; (ii) a thumbhole stock or pistol grip that protrudes conspicuously beneath the action of the shotgun;  
 169 (iii) the ability to accept a detachable magazine; (iv) a fixed magazine capacity in excess of seven rounds; or  
 170 (v) any characteristic of like kind as enumerated in clauses (i) through (iv);

171 4. A shotgun with a revolving cylinder;

172 5. A firearm that has the capacity to accept a belt ammunition feeding device; or

173 6. A firearm that has been modified to be operable as an assault firearm as described in subdivisions 1  
 174 through 5.

175 An "assault firearm" does not include any firearm that is an antique firearm, has been rendered  
 176 permanently inoperable, or is manually operated by bolt, pump, lever, or slide action.

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

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

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

186        3. Any other firearms that derive a substantial part of their monetary value from the fact that they are  
187 novel, rare, bizarre, or because of their association with some historical figure, period, or event. Proof of  
188 qualification of a particular firearm under this category may be established by evidence of present value and  
189 evidence that like firearms are not available except as collectors' items, or that the value of like firearms  
190 available in ordinary commercial channels is substantially less.

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

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

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

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

200        *"Rent" or "renting" includes a temporary change in dominion or control of a firearm for use at or on the  
201 premises of a dealer's business location in exchange for money or other consideration.*

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

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

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

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

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

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

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

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

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

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

246 other sentence.

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

249 Q. Prior to selling, renting, trading, or transferring any firearm owned by the dealer but not in his  
250 inventory to any other person, a dealer ~~may~~ shall require such other person to consent to have the dealer  
251 obtain criminal history record information to determine if such other person is prohibited from possessing or  
252 transporting a firearm by state or federal law. *Any person purchasing a handgun from a dealer shall present a*  
253 *valid firearm purchaser license issued by the Department of State Police pursuant to § 18.2-308.2:6.*  
254 *However, no dealer shall require a prospective purchaser to show a valid firearm purchaser license if such*  
255 *prospective purchaser is renting a firearm from the dealer solely for the purpose of engaging in lawful*  
256 *recreational shooting activities at an established shooting range.* The Department of State Police shall  
257 establish policies and procedures in accordance with 28 C.F.R. § 25.6 to permit such determinations to be  
258 made by the Department of State Police, and the processes established for making such determinations shall  
259 conform to the provisions of this section.

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

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

276 Upon being satisfied that these requirements have been met, the Department of State Police shall  
277 immediately issue to the applicant a nontransferable certificate, which shall be valid for seven days from the  
278 date of issue. The certificate shall be surrendered to the dealer by the prospective purchaser prior to the  
279 consummation of such sale and shall be kept on file at the dealer's place of business for inspection as  
280 provided in § 54.1-4201 for a period of not less than two years. Upon request of any local law-enforcement  
281 agency, and pursuant to its regulations, the Department of State Police may certify such local  
282 law-enforcement agency to serve as its agent to receive applications and, upon authorization by the  
283 Department of State Police, issue certificates immediately pursuant to this subdivision. Applications and  
284 certificates issued under this subdivision shall be maintained as records as provided in subdivision B 3. The  
285 Department of State Police shall make available to local law-enforcement agencies all records concerning  
286 certificates issued pursuant to this subdivision and all records provided for in subdivision B 3.

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

288 a. A law-enforcement agency;

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

290 c. A state or local correctional facility;

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

292 e. The purchase of antique firearms;

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

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

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

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

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

**§ 18.2-308.2:5. Firearm purchaser license check required to sell handgun; penalties.**

317       A. No person shall sell a ~~firearm~~ handgun for money, goods, services, or anything else of value unless he  
318       *the prospective purchaser has a firearm purchaser license issued by the Department of State Police pursuant*  
319       *to § 18.2-308.2:6 and has obtained verification from a licensed dealer in firearms that information on the*  
320       *prospective purchaser has been submitted for a criminal history record information check as set out in*  
321       *§ 18.2-308.2:2 and that a determination has been received from the Department of State Police that the*  
322       *prospective purchaser is not prohibited under state or federal law from possessing a firearm or such sale is*  
323       *specifically exempted by state or federal law. The Department of State Police shall provide a means by which*  
324       *sellers may obtain from designated licensed dealers the approval or denial of firearm transfer requests, based*  
325       *on criminal history record information checks. The processes established shall conform to the provisions of*  
326       *§ 18.2-308.2:2, and the definitions and provisions of § 18.2-308.2:2 regarding criminal history record*  
327       *information checks shall apply to this section mutatis mutandis. The designated dealer shall collect and*  
328       *disseminate the fees prescribed in § 18.2-308.2:2 as required by that section. The dealer may charge and*  
329       *retain an additional fee not to exceed \$15 for obtaining a criminal history record information check on behalf*  
330       *of a seller.*

331       B. Notwithstanding the provisions of subsection A and unless otherwise prohibited by state or federal law,  
332       a person may sell a firearm to another person if:

333       1. The sale of a ~~firearm~~ handgun is to an authorized representative of the Commonwealth or any  
334       subdivision thereof as part of an authorized voluntary gun buy-back or give-back program;

335       2. The sale occurs at a firearms show, as defined in § 54.1-4200, and the seller has received a  
336       determination from the Department of State Police that the purchaser is not prohibited under state or federal  
337       law from possessing a firearm in accordance with § 54.1-4201.2; or

338       3. The sale of a ~~firearm~~ handgun is conducted pursuant to § 59.1-148.3, with the exception of a sale  
339       conducted pursuant to subsection C of § 59.1-148.3.

340       C. Any person who ~~willfully and intentionally~~ sells, *or causes to be sold*, a ~~firearm~~ handgun to another person  
341       *without obtaining verification in accordance with this section verifying the validity of the buyer's*  
342       *firearm purchaser license* is guilty of a Class 1 misdemeanor. *The Department of State Police may confirm*  
343       *the validity of the buyer's firearm purchaser license upon request but may not disclose the reason for*  
344       *suspension or revocation of such license or any personally identifiable information. This subsection shall not*  
345       *apply to any sale made between family members or for the purpose of engaging in a sport shooting event or*  
346       *activity. For purposes of this section, "sport shooting" includes target shooting and related training or*  
347       *practice.*

348       D. Any person who willfully and intentionally purchases a ~~firearm~~ handgun from another person ~~without~~  
349       *obtaining verification in accordance with* ~~in violation of~~ this section is guilty of a Class 1 misdemeanor.

**§ 18.2-308.2:6. Firearm purchaser license to purchase a handgun; application; penalties.**

350       A. *For the purposes of this section:*

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

352       "Department" means the Department of State Police.

353       "Firearm purchaser license" means a physical or electronic license to purchase a handgun.

354       "Handgun" means the same as that term is defined in § 18.2-308.2:2.

355       "Revocation" means any action that would disqualify a firearm purchaser license holder from qualifying  
356       for such a license. "Revocation" does not include expiration of a firearm purchaser license.

357       "Superintendent" means the Superintendent of State Police.

358       B. Any person 21 years of age or older may submit an application to obtain a firearm purchaser license.  
359       Such application shall be submitted in person to the Department or electronically in a manner specified by  
360       the Department or to a local law-enforcement agency to be considered for processing and approval. Any  
361       local law-enforcement agency that receives an application shall forward such form to the Department for  
362       processing and approval. Except as otherwise provided in this section, the Department shall upon receipt of  
363       an application issue a firearm purchaser license to any person who is not prohibited from purchasing,  
364       possessing, or transporting any firearm, as defined in § 18.2-308.2:2, under this article or under any other  
365       provision of state or federal law.

366       C. The application for a firearm purchaser license shall be on a form prescribed by the Department and  
367       shall set forth the applicant's full name, current residential and mailing addresses, date of birth, sex, race,  
368       ethnicity, citizenship, and social security number or any other identification number. The applicant shall

370 attach a copy of one valid form of photo identification issued by a federal or state governmental agency;  
371 however, the applicant may grant permission on such form to use a Virginia-issued Department of Motor  
372 Vehicles photograph or other photograph that meets U.S. State Department passport standards. The  
373 applicant shall also include a copy of a certificate of completion for a firearms safety or training course or  
374 class as described in subdivision G 4. The application shall include answers by the applicant to the following  
375 questions: (i) has the applicant been convicted of a felony offense or a misdemeanor offense listed in  
376 § 18.2-308.1:8 or found guilty or adjudicated delinquent as a juvenile 14 years of age or older at the time of  
377 the offense of a delinquent act that if committed by an adult would be a felony or a misdemeanor listed in  
378 § 18.2-308.1:8; (ii) is the applicant subject to a court order restraining the applicant from harassing,  
379 stalking, or threatening the applicant's child or intimate partner, or a child of such partner, or is the  
380 applicant subject to a protective order; (iii) has the applicant ever been acquitted by reason of insanity and  
381 prohibited from purchasing, possessing, or transporting a firearm pursuant to § 18.2-308.1:1 or any  
382 substantially similar law of any other jurisdiction, been adjudicated legally incompetent, mentally  
383 incapacitated, or adjudicated an incapacitated person and prohibited from purchasing a firearm pursuant to  
384 § 18.2-308.1:2 or any substantially similar law of any other jurisdiction, been involuntarily admitted to an  
385 inpatient facility or involuntarily ordered to outpatient mental health treatment and prohibited from  
386 purchasing a firearm pursuant to § 18.2-308.1:3 or any substantially similar law of any other jurisdiction, or  
387 been the subject of a temporary detention order pursuant to § 37.2-809 and subsequently agreed to a  
388 voluntary admission pursuant to § 37.2-805; and (iv) is the applicant subject to an emergency substantial risk  
389 order or a substantial risk order entered pursuant to § 19.2-152.13 or 19.2-152.14 and prohibited from  
390 purchasing, possessing, or transporting a firearm pursuant to § 18.2-308.1:6 or any substantially similar law  
391 of any other jurisdiction.

392 D. As a condition for the issuance of a firearm purchaser license pursuant to this section, the applicant  
393 shall submit to electronic fingerprinting and provide personal descriptive information to be forwarded with  
394 the fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for  
395 the purpose of obtaining criminal history record information regarding the applicant. The results of such  
396 fingerprint search shall be returned to the Superintendent of the Department, or his designee.

397 E. Blank application forms shall be obtainable from the Department and from dealers.

398 F. The Department shall charge a license application fee that will cover as nearly as practicable the  
399 direct and indirect costs to the Department incurred by creating and administering the firearm purchaser  
400 licensing program and issuing licenses. Such fees shall be deposited into a special account to be used to  
401 offset the costs of such licensing program, including any subscription fees, maintenance fees, and  
402 enhancements related to the database required by subsection Q.

403 G. Except as provided in this subsection, no person shall be denied a firearm purchaser license. No  
404 firearm purchaser license shall be issued to:

405 1. Any person younger than 21 years of age;

406 2. Any person prohibited from purchasing, possessing, or transporting a firearm under this article or  
407 under any other provision of state or federal law;

408 3. Any person who, within the two years prior to the date of application, has not completed a firearms  
409 safety or training course or class approved by the Department of Criminal Justice Services, available to the  
410 general public, and offered by a law-enforcement agency, institution of higher education, or private or public  
411 institution or organization or by a firearms training school utilizing instructors certified or approved by the  
412 Department of Criminal Justice Services. In order to be approved by the Department of Criminal Justice  
413 Services, such firearms safety or training course or class shall include the following:

414 (a) Instruction regarding knowledge, safe handling, and storage of firearms and ammunition;

415 (b) Instruction regarding safe firearms shooting fundamentals that shall include live fire shooting  
416 exercises conducted on a range with the expenditure of a minimum of 10 rounds of ammunition;

417 (c) Identification of ways to develop and maintain firearm shooting skills;

418 (d) Instruction regarding federal and state laws pertaining to the lawful purchase, ownership,  
419 transportation, use, and possession of firearms; and

420 (e) Instruction regarding the laws pertaining to the use of deadly force for self-defense and techniques for  
421 avoiding a criminal attack and how to manage a violent confrontation, including conflict resolution.

422 4. The provisions of subdivision 3 shall not apply to any person who (i) is a current law-enforcement  
423 officer, (ii) retired in good standing from a federal, state, or local law-enforcement agency who has obtained  
424 a concealed handgun permit with ongoing qualification, or (iii) is an active duty member of the military who  
425 is 21 years of age or older.

426 H. An application is deemed complete when all information required to be furnished by the applicant,  
427 including the fee for a firearm purchaser license, is delivered to and received by the Department. Upon  
428 receipt of the completed application, the Department shall review criminal history record information to  
429 determine if the applicant is prohibited from possessing or transporting a firearm, as defined in  
430 § 18.2-308.2:2, by state or federal law and investigate the application. Unless grounds exist for the denial of  
431 the application, the Department shall grant the firearm purchaser license within 45 days from the date of

432 receipt of the completed application form.

433 I. If the Department determines that an applicant does not qualify for a firearm purchaser license, the  
434 application shall be denied and the Department shall notify the applicant in writing, setting forth the specific  
435 reasons for such determination.

436 J. Upon the issuance of a firearm purchaser license or denial of an application for a firearm purchaser  
437 license, the Department shall notify the law-enforcement agency of the locality where the applicant resides  
438 that such a license has been issued or denied.

439 K. 1. A firearm purchaser license shall be valid for a period of five years from the date of issuance. Any  
440 firearm purchaser license may be renewed and shall be on a form prescribed by the Department consistent  
441 with the requirements of this section.

442 2. Each firearm purchaser license shall bear a unique license number, the full name and address of the  
443 holder, a photograph of the holder, the date on which the firearm purchaser license expires, the seal of the  
444 Department, and any other information required by state law or regulation. The firearm purchaser license  
445 shall be comparable to a Virginia driver's license and may be issued in an electronic format to persons who  
446 hold a physical firearm purchaser license. A physical firearm purchaser license may be laminated or  
447 protected using a similar process to protect such physical license. Such firearm purchaser license shall  
448 otherwise be of a uniform style prescribed by the Department.

449 L. The Department shall enroll the firearm purchaser license holder in the Virginia Record of Arrest and  
450 Prosecution (Rap) Back Service pursuant to § 52-46.

451 M. A firearm purchaser license shall be revoked at any time by the Department upon a finding that the  
452 holder no longer qualifies for the firearm purchaser license. The Department shall give written notice of  
453 revocation without unnecessary delay to the holder of a firearm purchaser license and shall also immediately  
454 notify the law-enforcement agency of the locality in which the holder of the firearm purchaser license resides.  
455 After notification of revocation, if there is probable cause to believe that the holder of the firearm purchaser  
456 license has firearms in his custody, possession, or control, the local law-enforcement agency shall take action  
457 to ensure removal of such firearms.

458 N. A firearm purchaser license shall be suspended by the Department upon a finding that the holder has a  
459 charge pending for an offense that would disqualify the holder of the firearm purchaser license. Upon final  
460 disposition of such charge, the holder of the firearm purchaser license may submit a written request to the  
461 Department requesting reinstatement of his firearm purchaser license if he remains eligible for such license  
462 and such license has not expired.

463 O. Any person aggrieved by the denial or revocation of a firearm purchaser license may file a petition in  
464 the circuit court of the locality in which he resides or with the Department if such person resides out of state.  
465 Such petition shall be filed within 60 days of the denial or revocation. Such petition shall be accompanied by  
466 a copy of the original application and notice of denial or revocation, as applicable. A copy of such petition  
467 shall be served upon the chief law-enforcement officer of the locality in which he resides and upon the  
468 Superintendent.

469 P. The making of a materially false statement in an application under this section shall constitute perjury,  
470 punishable as provided in § 18.2-434.

471 Q. 1. The Department shall enter the name and description of a person issued a firearm purchaser license  
472 into the Virginia Criminal Information Network. The Department shall withhold from public disclosure  
473 firearm purchaser licensee information submitted to the Department for purposes of entry into the Virginia  
474 Criminal Information Network, except that such information shall not be withheld from any law-enforcement  
475 agency or officer, or any authorized agent of such agency or officer acting in the performance of official law-  
476 enforcement duties when such information is related to an ongoing criminal investigation or prosecution, nor  
477 shall such information be withheld from an entity that has a valid contract with any local, state, or federal  
478 law-enforcement agency for the purpose of performing official duties of the law-enforcement agency when  
479 such information is related to an ongoing criminal investigation or prosecution. However, nothing in this  
480 subdivision shall be construed to prohibit the release of statistical summaries, abstracts, or other records  
481 containing information in an aggregate form that does not identify any individual firearm purchaser  
482 licensees.

483 2. The Department shall keep and maintain a computerized database containing the following: (i) the  
484 number of applications for firearm purchaser licenses and firearm purchaser licenses issued by month and  
485 year; (ii) the age, sex, race, ethnicity, and jurisdiction of all applicants and licensees; (iii) the number of  
486 denied applications for firearm purchaser licenses; (iv) the number of revoked or suspended firearm  
487 purchaser licenses and the reason for such revocation or suspension; and (v) any other relevant data. The  
488 Department shall make such data available upon request to institutions of higher education and other  
489 research organizations or institutions in the Commonwealth. The Department shall remove the names and  
490 other personal identifying information from the data before it is released to the institution of higher  
491 education or research organization or other institution in the Commonwealth.

492 3. Data provided under this subsection shall be used only for the purposes of the administration of  
493 criminal justice as defined in § 9.1-101, except as otherwise provided in this subsection. No liability shall be

494 imposed upon any law-enforcement official who disseminates information or fails to disseminate information  
495 in good faith compliance with the requirements of this subsection. However, this provision shall not be  
496 construed to grant immunity for gross negligence or willful misconduct.

497 R. The provisions of this section shall not apply to (i) transactions between persons who are licensed as  
498 firearms importers or collectors, manufacturers, or dealers pursuant to 18 U.S.C. § 921 et seq.; (ii) purchases by or sales to any law-enforcement agency of the United States, the Commonwealth, or any local  
499 government, or any campus police department established under Article 3 (§ 23.1-809 et seq.) of Chapter 8  
500 of Title 23.1; or (iii) antique firearms or curios or relics.

502 **2. That the provisions of the first enactment of this act shall become effective on July 1, 2028.**

503 3. That the Department of State Police (the Department) shall create a verification process for a seller  
504 of a handgun to contact the Department to obtain verification of a purchaser's firearm purchaser  
505 license.

506 4. That the Virginia State Crime Commission (the Commission) shall develop a plan for  
507 implementation of the provisions of this act in coordination with the Department of State Police and  
508 the Department of Criminal Justice Services. The development of such plan shall consider additional  
509 staffing needs and cost estimates. The Commission shall provide such plan to the Chairs of the Senate  
510 Committee on Finance and Appropriations and House Committee on Appropriations by November 1,  
511 2026.

512 5. That the provisions of this act may result in a net increase in periods of imprisonment or  
513 commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary  
514 appropriation cannot be determined for periods of imprisonment in state adult correctional facilities;  
515 therefore, Chapter 725 of the Acts of Assembly of 2025 requires the Virginia Criminal Sentencing  
516 Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of  
517 Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of  
518 commitment to the custody of the Department of Juvenile Justice.