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HOUSE BILL NO. 1015
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 §§ 18.2-57, 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 of concealed weapons by persons convicted of a misdemeanor hate crime prohibited; penalty.

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-57, 18.2-308.2, and 18.2-308.2:2 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-57. Assault and battery; penalty.

A. 1. Any person who commits a simple assault or assault and battery is guilty of a Class 1 misdemeanor.

2. Any person who commits a simple assault or assault and battery, and if the person intentionally selects the person against whom a simple assault is committed because of his race, religious conviction, gender, disability, gender identity, sexual orientation, color, or ethnic or national origin, *is guilty of a Class 1 misdemeanor, and the penalty upon conviction shall include a term of confinement of at least six months.*

B. However, if a person intentionally selects the person against whom an assault and battery resulting in bodily injury is committed because of his race, religious conviction, gender, disability, gender identity, sexual orientation, color, or ethnic or national origin, the person is guilty of a Class 6 felony, and the penalty upon conviction shall include a term of confinement of at least six months.

C. In addition, if any person commits an assault or an assault and battery against another knowing or having reason to know that such other person is a judge, a magistrate, a law-enforcement officer as defined in subsection H, a correctional officer as defined in § 53.1-1, a person directly involved in the care, treatment, or supervision of inmates in the custody of the Department of Corrections or an employee of a local or regional correctional facility directly involved in the care, treatment, or supervision of inmates in the custody of the facility, a person directly involved in the care, treatment, or supervision of persons in the custody of or under the supervision of the Department of Juvenile Justice, an employee or other individual who provides control, care, or treatment of sexually violent predators committed to the custody of the Department of Behavioral Health and Developmental Services, a firefighter as defined in § 65.2-102, or a volunteer firefighter or any emergency medical services personnel member who is employed by or is a volunteer of an emergency

32 medical services agency or as a member of a bona fide volunteer fire department or volunteer emergency
33 medical services agency, regardless of whether a resolution has been adopted by the governing body of a
34 political subdivision recognizing such firefighters or emergency medical services personnel as employees,
35 engaged in the performance of his public duties anywhere in the Commonwealth, such person is guilty of a
36 Class 6 felony, and, upon conviction, the sentence of such person shall include a mandatory minimum term of
37 confinement of six months.

38 Nothing in this subsection shall be construed to affect the right of any person charged with a violation of
39 this section from asserting and presenting evidence in support of any defenses to the charge that may be
40 available under common law.

41 D. In addition, if any person commits a battery against another knowing or having reason to know that
42 such other person is a full-time or part-time employee of any public or private elementary or secondary
43 school and is engaged in the performance of his duties as such, he is guilty of a Class 1 misdemeanor and the
44 sentence of such person upon conviction shall include a sentence of 15 days in jail, two days of which shall
45 be a mandatory minimum term of confinement. However, if the offense is committed by use of a firearm or
46 other weapon prohibited on school property pursuant to § 18.2-308.1, the person shall serve a mandatory
47 minimum sentence of confinement of six months.

48 E. In addition, any person who commits a battery against another knowing or having reason to know that
49 such individual is a health care provider as defined in § 8.01-581.1 who is engaged in the performance of his
50 duties in a hospital or in an emergency room on the premises of any clinic or other facility rendering
51 emergency medical care is guilty of a Class 1 misdemeanor. The sentence of such person, upon conviction,
52 shall include a term of confinement of 15 days in jail, two days of which shall be a mandatory minimum term
53 of confinement.

54 F. In addition, any person who commits an assault or an assault and battery against another knowing or
55 having reason to know that such individual is an operator of a vehicle operated by a public transportation
56 service as defined in § 18.2-160.2 who is engaged in the performance of his duties is guilty of a Class 1
57 misdemeanor. The sentence of such person, upon conviction, shall also prohibit such person from entering or
58 riding in any vehicle operated by the public transportation service that employed such operator for a period of
59 not less than six months as a term and condition of such sentence.

60 G. In addition, any person who commits a battery against another knowing or having reason to know that
61 such individual is a sports official for an entity sponsoring an interscholastic or intercollegiate sports event or
62 any person performing services as a sports official for a public entity or a private, nonprofit organization that

63 sponsors an amateur sports event who (i) is engaged in the performance of his duties or (ii) is on the premises
64 of such event prior to engaging in his duties or upon conclusion of his duties is guilty of a Class 1
65 misdemeanor. The sentence of such person, upon conviction, may also prohibit such person from attending
66 any such sports event operated by the entity or organization that employed such sports official for a period of
67 not less than six months as a term and condition of such sentence.

68 H. As used in this section:

69 "Disability" means a physical or mental impairment that substantially limits one or more of a person's
70 major life activities.

71 "Hospital" means a public or private institution licensed pursuant to Chapter 5 (§ 32.1-123 et seq.) of Title
72 32.1 or Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2.

73 "Judge" means any justice or judge of a court of record of the Commonwealth including a judge
74 designated under § 17.1-105, a judge under temporary recall under § 17.1-106, or a judge pro tempore under
75 § 17.1-109, any member of the State Corporation Commission, or of the Virginia Workers' Compensation
76 Commission, and any judge of a district court of the Commonwealth or any substitute judge of such district
77 court.

78 "Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's
79 office that is part of or administered by the Commonwealth or any political subdivision thereof who is
80 responsible for the prevention or detection of crime and the enforcement of the penal, traffic or highway laws
81 of the Commonwealth, any conservation officer of the Department of Conservation and Recreation
82 commissioned pursuant to § 10.1-115, any special agent of the Virginia Alcoholic Beverage Control
83 Authority, conservation police officers appointed pursuant to § 29.1-200, full-time sworn members of the
84 enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217, and any
85 employee with internal investigations authority designated by the Department of Corrections pursuant to
86 subdivision 11 of § 53.1-10, and such officer also includes jail officers in local and regional correctional
87 facilities, all deputy sheriffs, whether assigned to law-enforcement duties, court services or local jail
88 responsibilities, auxiliary police officers appointed or provided for pursuant to §§ 15.2-1731 and 15.2-1733,
89 auxiliary deputy sheriffs appointed pursuant to § 15.2-1603, police officers of the Metropolitan Washington
90 Airports Authority pursuant to § 5.1-158, and fire marshals appointed pursuant to § 27-30 when such fire
91 marshals have police powers as set out in §§ 27-34.2 and 27-34.2:1.

92 "School security officer" means the same as that term is defined in § 9.1-101.

93 "Sports official" includes an umpire, referee, judge, scorekeeper, timekeeper, or other person who is a
94 neutral participant in a sports event.

95 I. "Simple assault" or "assault and battery" shall not be construed to include the use of, by any school
96 security officer or full-time or part-time employee of any public or private elementary or secondary school
97 while acting in the course and scope of his official capacity, any of the following: (i) incidental, minor or
98 reasonable physical contact or other actions designed to maintain order and control; (ii) reasonable and
99 necessary force to quell a disturbance or remove a student from the scene of a disturbance that threatens
100 physical injury to persons or damage to property; (iii) reasonable and necessary force to prevent a student
101 from inflicting physical harm on himself; (iv) reasonable and necessary force for self-defense or the defense
102 of others; or (v) reasonable and necessary force to obtain possession of weapons or other dangerous objects or
103 controlled substances or associated paraphernalia that are upon the person of the student or within his control.

104 In determining whether a person was acting within the exceptions provided in this subsection, due
105 deference shall be given to reasonable judgments that were made by a school security officer or full-time or
106 part-time employee of any public or private elementary or secondary school at the time of the event.

107 **§ 18.2-308.2. Possession or transportation of firearms, firearms ammunition, stun weapons,**
108 **explosives or concealed weapons by convicted felons; penalties; petition for restoration order; when**
109 **issued.**

110 A. It ~~shall be~~ *is* unlawful for (i) any person who has been convicted of a felony; (ii) any person
111 adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of murder in violation
112 of § 18.2-31 or 18.2-32, kidnapping in violation of § 18.2-47, robbery by the threat or presentation of
113 firearms in violation of § 18.2-58, or rape in violation of § 18.2-61; or (iii) any person under the age of 29
114 who was adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of a
115 delinquent act which would be a felony if committed by an adult, other than those felonies set forth in clause
116 (ii), whether such conviction or adjudication occurred under the laws of the Commonwealth, or any other
117 state, the District of Columbia, the United States or any territory thereof, to knowingly and intentionally
118 possess or transport any firearm or ammunition for a firearm, any stun weapon as defined by § 18.2-308.1, or
119 any explosive material, or to knowingly and intentionally carry about his person, hidden from common
120 observation, any weapon described in subsection A of § 18.2-308. However, such person may possess in his
121 residence or the curtilage thereof a stun weapon as defined by § 18.2-308.1. Any person who violates this
122 ~~section shall be~~ *subsection is* guilty of a Class 6 felony. However, any person who violates this ~~section~~

123 *subsection* by knowingly and intentionally possessing or transporting any firearm and who was previously
124 convicted of a violent felony as defined in § 17.1-805 shall be sentenced to a mandatory minimum term of
125 imprisonment of five years. Any person who violates this ~~section~~ *subsection* by knowingly and intentionally
126 possessing or transporting any firearm and who was previously convicted of any other felony within the prior
127 10 years shall be sentenced to a mandatory minimum term of imprisonment of two years. The mandatory
128 minimum terms of imprisonment prescribed for violations of this ~~section~~ *subsection* shall be served
129 consecutively with any other sentence.

130 *AI. It is unlawful for any person who commits a violation of subdivision A 2 of § 18.2-57 on or after July*
131 *1, 2026, and is subsequently adjudicated delinquent or convicted of such offense, whether such adjudication*
132 *or conviction occurred under the laws of the Commonwealth, or the substantially similar laws of any other*
133 *state, the District of Columbia, or the United States or any territory thereof, to knowingly and intentionally*
134 *possess or transport any firearm or ammunition for a firearm, any stun weapon as defined in § 18.2-308.1, or*
135 *any explosive material, or to knowingly and intentionally carry about his person, hidden from common*
136 *observation, any weapon described in subsection A of § 18.2-308. However, such person may possess in his*
137 *residence or the curtilage thereof a stun weapon as defined in § 18.2-308.1. Any person who violates this*
138 *subsection is guilty of a Class 1 misdemeanor.*

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

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

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

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

173 C2. The prohibitions of subsection A *or AI* shall not prohibit any person other than a person convicted of
174 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
175 possessing, transporting, or carrying (i) antique firearms or (ii) black powder in a quantity not exceeding five
176 pounds if it is intended to be used solely for sporting, recreational, or cultural purposes in antique firearms.
177 For the purposes of this subsection, "antique firearms" means any firearm described in subdivision 3 of the
178 definition of "antique firearm" in subsection F of § 18.2-308.2:2.

179 D. For the purpose of this section:

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

182 "Explosive material" means any chemical compound mixture, or device, the primary or common purpose
183 of which is to function by explosion; the term includes, but is not limited to, dynamite and other high
184 explosives, black powder, pellet powder, smokeless gun powder, detonators, blasting caps, and detonating

185 cord but shall not include fireworks or permissible fireworks as defined in § 27-95.

186 **§ 18.2-308.2:2. Criminal history record information check required for the transfer of certain**
187 **firearms.**

188 A. Any person purchasing from a dealer a firearm as herein defined shall consent in writing, on a form to
189 be provided by the Department of State Police, to have the dealer obtain criminal history record information.
190 Such form shall include only the written consent; the name, birth date, gender, race, citizenship, and social
191 security number and/or any other identification number; the number of firearms by category intended to be
192 sold, rented, traded, or transferred; and answers by the applicant to the following questions: (i) has the
193 applicant been convicted of a felony offense or a misdemeanor offense listed in § 18.2-308.1:8 or found
194 guilty or adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of a
195 delinquent act that if committed by an adult would be a felony or a misdemeanor listed in § 18.2-308.1:8; (ii)
196 is the applicant subject to a court order restraining the applicant from harassing, stalking, or threatening the
197 applicant's child or intimate partner, or a child of such partner, or is the applicant subject to a protective order;
198 (iii) has the applicant ever been acquitted by reason of insanity and prohibited from purchasing, possessing,
199 or transporting a firearm pursuant to § 18.2-308.1:1 or any substantially similar law of any other jurisdiction,
200 been adjudicated legally incompetent, mentally incapacitated, or adjudicated an incapacitated person and
201 prohibited from purchasing a firearm pursuant to § 18.2-308.1:2 or any substantially similar law of any other
202 jurisdiction, been involuntarily admitted to an inpatient facility or involuntarily ordered to outpatient mental
203 health treatment and prohibited from purchasing a firearm pursuant to § 18.2-308.1:3 or any substantially
204 similar law of any other jurisdiction, or been the subject of a temporary detention order pursuant to
205 § 37.2-809 and subsequently agreed to a voluntary admission pursuant to § 37.2-805; ~~and~~ (iv) is the applicant
206 subject to an emergency substantial risk order or a substantial risk order entered pursuant to § 19.2-152.13 or
207 19.2-152.14 and prohibited from purchasing, possessing, or transporting a firearm pursuant to § 18.2-308.1:6
208 or any substantially similar law of any other jurisdiction; *and (v) has the applicant ever been convicted of*
209 *violating subdivision A 2 of § 18.2-57, whether such conviction or adjudication occurred under the laws of*
210 *the Commonwealth, or any other state, the District of Columbia, or the United States or any territory thereof.*

211 B. 1. No dealer shall sell, rent, trade, or transfer from his inventory any such firearm to any other person
212 who is a resident of Virginia until he has (i) obtained written consent and the other information on the consent
213 form specified in subsection A, and provided the Department of State Police with the name, birth date,
214 gender, race, citizenship, and social security and/or any other identification number and the number of
215 firearms by category intended to be sold, rented, traded, or transferred and (ii) requested criminal history

216 record information by a telephone call to or other communication authorized by the State Police and is
217 authorized by subdivision 2 to complete the sale or other such transfer. To establish personal identification
218 and residence in Virginia for purposes of this section, a dealer must require any prospective purchaser to
219 present one photo-identification form issued by a governmental agency of the Commonwealth or by the
220 United States Department of Defense or a special identification card without a photograph issued pursuant to
221 § 46.2-345.2 that demonstrates that the prospective purchaser resides in Virginia. For the purposes of this
222 section and establishment of residency for firearm purchase, residency of a member of the armed forces shall
223 include both the state in which the member's permanent duty post is located and any nearby state in which the
224 member resides and from which he commutes to the permanent duty post. A member of the armed forces
225 whose photo identification issued by the Department of Defense does not have a Virginia address may
226 establish his Virginia residency with such photo identification and either permanent orders assigning the
227 purchaser to a duty post, including the Pentagon, in Virginia or the purchaser's Leave and Earnings
228 Statement. When the identification presented to a dealer by the prospective purchaser is a driver's license or
229 other photo identification issued by the Department of Motor Vehicles or a special identification card without
230 a photograph issued pursuant to § 46.2-345.2, and such identification form or card contains a date of issue,
231 the dealer shall not, except for a renewed driver's license or other photo identification issued by the
232 Department of Motor Vehicles or a renewed special identification card without a photograph issued pursuant
233 to § 46.2-345.2, sell or otherwise transfer a firearm to the prospective purchaser until 30 days after the date of
234 issue of an original or duplicate driver's license or special identification card without a photograph unless the
235 prospective purchaser also presents a copy of his Virginia Department of Motor Vehicles driver's record
236 showing that the original date of issue of the driver's license was more than 30 days prior to the attempted
237 purchase.

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

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

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

251 3. Except as required by subsection D of § 9.1-132, the State Police shall not maintain records longer than
252 30 days, except for multiple handgun transactions for which records shall be maintained for 12 months, from
253 any dealer's request for a criminal history record information check pertaining to a buyer or transferee who is
254 not found to be prohibited from possessing and transporting a firearm under state or federal law. However,
255 the log on requests made may be maintained for a period of 12 months, and such log shall consist of the name
256 of the purchaser, the dealer identification number, the unique approval number, and the transaction date.

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

264 5. Notwithstanding any other provisions of this section, rifles and shotguns may be purchased by persons
265 who are citizens of the United States or persons lawfully admitted for permanent residence but residents of
266 other states under the terms of subsections A and B upon furnishing the dealer with one photo-identification
267 form issued by a governmental agency of the person's state of residence and one other form of identification
268 determined to be acceptable by the Department of Criminal Justice Services.

269 6. For the purposes of this subsection, the phrase "dealer's fifth business day" does not include December
270 25.

271 C. No dealer shall sell, rent, trade, or transfer from his inventory any firearm, except when the transaction
272 involves a rifle or a shotgun and can be accomplished pursuant to the provisions of subdivision B 5, to any
273 person who is a dual resident of Virginia and another state pursuant to applicable federal law unless he has
274 first obtained from the Department of State Police a report indicating that a search of all available criminal

275 history record information has not disclosed that the person is prohibited from possessing or transporting a
276 firearm under state or federal law.

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

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

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

294 F. For purposes of this section:

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

297 "Antique firearm" means:

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

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

304 3. Any muzzle-loading rifle, muzzle-loading shotgun, or muzzle-loading pistol that is designed to use

305 black powder, or a black powder substitute, and that cannot use fixed ammunition. For purposes of this
306 subdivision, the term "antique firearm" shall not include any weapon that incorporates a firearm frame or
307 receiver, any firearm that is converted into a muzzle-loading weapon, or any muzzle-loading weapon that can
308 be readily converted to fire fixed ammunition by replacing the barrel, bolt, breech-block, or any combination
309 thereof; or

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

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

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

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

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

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

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

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

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

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

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

340 H. The provisions of this section shall not apply to (i) transactions between persons who are licensed as
341 firearms importers or collectors, manufacturers or dealers pursuant to 18 U.S.C. § 921 et seq.; (ii) purchases
342 by or sales to any law-enforcement officer or agent of the United States, the Commonwealth or any local
343 government, or any campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title
344 23.1; or (iii) antique firearms or curios or relics.

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

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

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

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

361 L1. Any person who attempts to solicit, persuade, encourage, or entice any dealer to transfer or otherwise
362 convey a firearm other than to the actual buyer, as well as any other person who willfully and intentionally
363 aids or abets such person, shall be guilty of a Class 6 felony. This subsection shall not apply to a federal

364 law-enforcement officer or a law-enforcement officer as defined in § 9.1-101, in the performance of his
365 official duties, or other person under his direct supervision.

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

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

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

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

383 Q. Prior to selling, renting, trading, or transferring any firearm owned by the dealer but not in his
384 inventory to any other person, a dealer may require such other person to consent to have the dealer obtain
385 criminal history record information to determine if such other person is prohibited from possessing or
386 transporting a firearm by state or federal law. The Department of State Police shall establish policies and
387 procedures in accordance with 28 C.F.R. § 25.6 to permit such determinations to be made by the Department
388 of State Police, and the processes established for making such determinations shall conform to the provisions
389 of this section.

390 R. Except as provided in subdivisions 1 and 2, it shall be unlawful for any person who is not a licensed
391 firearms dealer to purchase more than one handgun within any 30-day period. For the purposes of this
392 subsection, "purchase" does not include the exchange or replacement of a handgun by a seller for a handgun
393 purchased from such seller by the same person seeking the exchange or replacement within the 30-day period

394 immediately preceding the date of exchange or replacement. A violation of this subsection is punishable as a
395 Class 1 misdemeanor.

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

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

- 417 2. The provisions of this subsection shall not apply to:
- 418 a. A law-enforcement agency;
 - 419 b. An agency duly authorized to perform law-enforcement duties;
 - 420 c. A state or local correctional facility;
 - 421 d. A private security company licensed to do business within the Commonwealth;
 - 422 e. The purchase of antique firearms;
 - 423 f. A person whose handgun is stolen or irretrievably lost who deems it essential that such handgun be

424 replaced immediately. Such person may purchase another handgun, even if the person has previously
425 purchased a handgun within a 30-day period, provided that (i) the person provides the firearms dealer with a
426 copy of the official police report or a summary thereof, on forms provided by the Department of State Police,
427 from the law-enforcement agency that took the report of the lost or stolen handgun; (ii) the official police
428 report or summary thereof contains the name and address of the handgun owner, a description of the
429 handgun, the location of the loss or theft, the date of the loss or theft, and the date the loss or theft was
430 reported to the law-enforcement agency; and (iii) the date of the loss or theft as reflected on the official police
431 report or summary thereof occurred within 30 days of the person's attempt to replace the handgun. The
432 firearms dealer shall attach a copy of the official police report or summary thereof to the original copy of the
433 Virginia firearms transaction report completed for the transaction and retain it for the period prescribed by the
434 Department of State Police;

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

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

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

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

446 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
447 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary**
448 **appropriation is _____ for periods of imprisonment in state adult correctional facilities; therefore,**
449 **Chapter 725 of the Acts of Assembly of 2025 requires the Virginia Criminal Sentencing Commission to**
450 **assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the**
451 **estimated amount of the necessary appropriation is _____ for periods of commitment to the custody**
452 **of the Department of Juvenile Justice.**