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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 February 25, 2026)

(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; and if the person.

2. Any person who commits a simple assault or assault and battery against a person he 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 medical services agency or as a member of a bona fide volunteer fire department or volunteer emergency medical services agency, regardless of whether a resolution has been adopted by the governing body of a political subdivision recognizing such firefighters or emergency medical services personnel as employees, engaged in the performance of his public duties anywhere in the Commonwealth, such person is guilty of a Class 6 felony, and, upon conviction, the sentence of such person shall include a mandatory minimum term of confinement of six months.

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

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

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

F. In addition, any person who commits an assault or an assault and battery against another knowing or having reason to know that such individual is an operator of a vehicle operated by a public transportation service as defined in § 18.2-160.2 who is engaged in the performance of his duties is guilty of a Class 1 misdemeanor. The sentence of such person, upon conviction, shall also prohibit such person from entering or riding in any vehicle operated by the public transportation service that employed such operator for a period of

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60 not less than six months as a term and condition of such sentence.

61 G. In addition, any person who commits a battery against another knowing or having reason to know that
62 such individual is a sports official for an entity sponsoring an interscholastic or intercollegiate sports event or
63 any person performing services as a sports official for a public entity or a private, nonprofit organization that
64 sponsors an amateur sports event who (i) is engaged in the performance of his duties or (ii) is on the premises
65 of such event prior to engaging in his duties or upon conclusion of his duties is guilty of a Class 1
66 misdemeanor. The sentence of such person, upon conviction, may also prohibit such person from attending
67 any such sports event operated by the entity or organization that employed such sports official for a period of
68 not less than six months as a term and condition of such sentence.

69 H. As used in this section:

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

72 "Hospital" means a public or private institution licensed pursuant to Chapter 5 (§ 32.1-123 et seq.) of Title
73 32.1 or Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2.

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

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

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

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

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

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

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

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

122 residence or the curtilage thereof a stun weapon as defined by § 18.2-308.1. Any person who violates this
 123 ~~section shall be~~ *subsection is* guilty of a Class 6 felony. However, any person who violates this ~~section~~
 124 *subsection* by knowingly and intentionally possessing or transporting any firearm and who was previously
 125 convicted of a violent felony as defined in § 17.1-805 shall be sentenced to a mandatory minimum term of
 126 imprisonment of five years. Any person who violates this ~~section~~ *subsection* by knowingly and intentionally
 127 possessing or transporting any firearm and who was previously convicted of any other felony within the prior
 128 10 years shall be sentenced to a mandatory minimum term of imprisonment of two years. The mandatory
 129 minimum terms of imprisonment prescribed for violations of this ~~section~~ *subsection* shall be served
 130 consecutively with any other sentence.

131 *A1. It is unlawful for any person who commits a violation of subdivision A 2 of § 18.2-57 on or after July*
 132 *1, 2026, and is subsequently adjudicated delinquent or convicted of such offense, whether such adjudication*
 133 *or conviction occurred under the laws of the Commonwealth, or the substantially similar laws of any other*
 134 *state, the District of Columbia, or the United States or any territory thereof, to knowingly and intentionally*
 135 *possess or transport any firearm or ammunition for a firearm, any stun weapon as defined in § 18.2-308.1, or*
 136 *any explosive material, or to knowingly and intentionally carry about his person, hidden from common*
 137 *observation, any weapon described in subsection A of § 18.2-308. However, such person may possess in his*
 138 *residence or the curtilage thereof a stun weapon as defined in § 18.2-308.1. Any person who violates this*
 139 *subsection is guilty of a Class 1 misdemeanor.*

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

153 C. Any person prohibited from possessing, transporting, or carrying a firearm, ammunition for a firearm,
 154 or a stun weapon under subsection A *or A1* may petition the circuit court of the jurisdiction in which he
 155 resides or, if the person is not a resident of the Commonwealth, the circuit court of any county or city where
 156 such person was last convicted of a felony or adjudicated delinquent of a disqualifying offense pursuant to
 157 subsection A; *or A1* for a restoration order that unconditionally authorizes possessing, transporting, or
 158 carrying a firearm, ammunition for a firearm, or a stun weapon; however, no person who has been convicted
 159 of a felony shall be qualified to petition for such an order unless his civil rights have been restored by the
 160 Governor or other appropriate authority. A copy of the petition shall be mailed or delivered to the attorney for
 161 the Commonwealth for the jurisdiction where the petition was filed who shall be entitled to respond and
 162 represent the interests of the Commonwealth. The court shall conduct a hearing if requested by either party.
 163 The court may, in its discretion and for good cause shown, grant such petition and issue a restoration order.
 164 Such order shall contain the petitioner's name and date of birth. The clerk shall certify and forward forthwith
 165 to the Central Criminal Records Exchange (CCRE), on a form provided by the CCRE, a copy of the order to
 166 be accompanied by a complete set of the petitioner's fingerprints. The Department of State Police shall
 167 forthwith enter the petitioner's name and description in the CCRE so that the order's existence will be made
 168 known to law-enforcement personnel accessing the computerized criminal history records for investigative
 169 purposes. The provisions of this section relating to firearms, ammunition for a firearm, and stun weapons
 170 shall not apply to any person who has been issued a restoration order pursuant to this subsection.

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

174 C2. The prohibitions of subsection A *or A1* shall not prohibit any person other than a person convicted of
 175 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
 176 possessing, transporting, or carrying (i) antique firearms or (ii) black powder in a quantity not exceeding five
 177 pounds if it is intended to be used solely for sporting, recreational, or cultural purposes in antique firearms.
 178 For the purposes of this subsection, "antique firearms" means any firearm described in subdivision 3 of the
 179 definition of "antique firearm" in subsection F of § 18.2-308.2:2.

180 D. For the purpose of this section:

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

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

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

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

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

212 B. 1. No dealer shall sell, rent, trade, or transfer from his inventory any such firearm to any other person
213 who is a resident of Virginia until he has (i) obtained written consent and the other information on the consent
214 form specified in subsection A, and provided the Department of State Police with the name, birth date,
215 gender, race, citizenship, and social security and/or any other identification number and the number of
216 firearms by category intended to be sold, rented, traded, or transferred and (ii) requested criminal history
217 record information by a telephone call to or other communication authorized by the State Police and is
218 authorized by subdivision 2 to complete the sale or other such transfer. To establish personal identification
219 and residence in Virginia for purposes of this section, a dealer must require any prospective purchaser to
220 present one photo-identification form issued by a governmental agency of the Commonwealth or by the
221 United States Department of Defense or a special identification card without a photograph issued pursuant to
222 § 46.2-345.2 that demonstrates that the prospective purchaser resides in Virginia. For the purposes of this
223 section and establishment of residency for firearm purchase, residency of a member of the armed forces shall
224 include both the state in which the member's permanent duty post is located and any nearby state in which the
225 member resides and from which he commutes to the permanent duty post. A member of the armed forces
226 whose photo identification issued by the Department of Defense does not have a Virginia address may
227 establish his Virginia residency with such photo identification and either permanent orders assigning the
228 purchaser to a duty post, including the Pentagon, in Virginia or the purchaser's Leave and Earnings
229 Statement. When the identification presented to a dealer by the prospective purchaser is a driver's license or
230 other photo identification issued by the Department of Motor Vehicles or a special identification card without
231 a photograph issued pursuant to § 46.2-345.2, and such identification form or card contains a date of issue,
232 the dealer shall not, except for a renewed driver's license or other photo identification issued by the
233 Department of Motor Vehicles or a renewed special identification card without a photograph issued pursuant
234 to § 46.2-345.2, sell or otherwise transfer a firearm to the prospective purchaser until 30 days after the date of
235 issue of an original or duplicate driver's license or special identification card without a photograph unless the
236 prospective purchaser also presents a copy of his Virginia Department of Motor Vehicles driver's record
237 showing that the original date of issue of the driver's license was more than 30 days prior to the attempted
238 purchase.

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

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

246 inquiry.

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

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

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

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

270 6. For the purposes of this subsection, the phrase "dealer's fifth business day" does not include December
271 25.

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

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

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

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

295 F. For purposes of this section:

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

298 "Antique firearm" means:

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

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

305 3. Any muzzle-loading rifle, muzzle-loading shotgun, or muzzle-loading pistol that is designed to use
306 black powder, or a black powder substitute, and that cannot use fixed ammunition. For purposes of this
307 subdivision, the term "antique firearm" shall not include any weapon that incorporates a firearm frame or

308 receiver, any firearm that is converted into a muzzle-loading weapon, or any muzzle-loading weapon that can
309 be readily converted to fire fixed ammunition by replacing the barrel, bolt, breech-block, or any combination
310 thereof; or

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

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

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

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

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

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

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

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

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

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

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

341 H. The provisions of this section shall not apply to (i) transactions between persons who are licensed as
342 firearms importers or collectors, manufacturers or dealers pursuant to 18 U.S.C. § 921 et seq.; (ii) purchases
343 by or sales to any law-enforcement officer or agent of the United States, the Commonwealth or any local
344 government, or any campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title
345 23.1; or (iii) antique firearms or curios or relics.

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

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

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

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

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

367 M. Any person who purchases a firearm with the intent to (i) resell or otherwise provide such firearm to
368 any person who he knows or has reason to believe is ineligible to purchase or otherwise receive from a dealer
369 a firearm for whatever reason or (ii) transport such firearm out of the Commonwealth to be resold or

370 otherwise provided to another person who the transferor knows is ineligible to purchase or otherwise receive
 371 a firearm, shall be guilty of a Class 4 felony and sentenced to a mandatory minimum term of imprisonment of
 372 one year. However, if the violation of this subsection involves such a transfer of more than one firearm, the
 373 person shall be sentenced to a mandatory minimum term of imprisonment of five years. The prohibitions of
 374 this subsection shall not apply to the purchase of a firearm by a person for the lawful use, possession, or
 375 transport thereof, pursuant to § 18.2-308.7, by his child, grandchild, or individual for whom he is the legal
 376 guardian if such child, grandchild, or individual is ineligible, solely because of his age, to purchase a firearm.

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

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

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

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

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

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

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

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

- 419 a. A law-enforcement agency;
- 420 b. An agency duly authorized to perform law-enforcement duties;
- 421 c. A state or local correctional facility;
- 422 d. A private security company licensed to do business within the Commonwealth;
- 423 e. The purchase of antique firearms;
- 424 f. A person whose handgun is stolen or irretrievably lost who deems it essential that such handgun be

425 replaced immediately. Such person may purchase another handgun, even if the person has previously
 426 purchased a handgun within a 30-day period, provided that (i) the person provides the firearms dealer with a
 427 copy of the official police report or a summary thereof, on forms provided by the Department of State Police,
 428 from the law-enforcement agency that took the report of the lost or stolen handgun; (ii) the official police
 429 report or summary thereof contains the name and address of the handgun owner, a description of the
 430 handgun, the location of the loss or theft, the date of the loss or theft, and the date the loss or theft was
 431 reported to the law-enforcement agency; and (iii) the date of the loss or theft as reflected on the official police

432 report or summary thereof occurred within 30 days of the person's attempt to replace the handgun. The
433 firearms dealer shall attach a copy of the official police report or summary thereof to the original copy of the
434 Virginia firearms transaction report completed for the transaction and retain it for the period prescribed by the
435 Department of State Police;

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

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

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

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

447 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
448 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary**
449 **appropriation cannot be determined for periods of imprisonment in state adult correctional facilities;**
450 **therefore, Chapter 725 of the Acts of Assembly of 2025 requires the Virginia Criminal Sentencing**
451 **Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of**
452 **Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of**
453 **commitment to the custody of the Department of Juvenile Justice.**