

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 15.2-915.5 of the Code of Virginia and to amend the Code of Virginia by*
 3 *adding a section numbered 15.2-915.6, relating to local law-enforcement agencies; firearm give-back or*
 4 *buy-back programs.*

5 [H 702]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**8 **1. That § 15.2-915.5 of the Code of Virginia is amended and reenacted and that the Code of Virginia is**
 9 **amended by adding a section numbered 15.2-915.6 as follows:**10 **§ 15.2-915.5. Disposition of firearms acquired by local law-enforcement agencies or localities.**11 A. No locality or agent of such locality may participate in any program in which individuals are given a
 12 thing of value provided by another individual or other entity in exchange for surrendering a firearm to the
 13 locality or agent of such locality unless the governing body of the locality has enacted an ordinance, pursuant
 14 to § 15.2-1425, authorizing the participation of the locality or agent of such locality in such program.15 B. Any ordinance enacted pursuant to this section shall require that any firearm received, except a firearm
 16 of the type defined in § 18.2-288 or 18.2-299 or a firearm the transfer for which is prohibited by federal law,
 17 as part of a firearm give-back or buy-back program as authorized by § 15.2-915.6 shall be destroyed by the
 18 local law-enforcement agency or locality unless the person surrendering the firearm requests in writing that
 19 the firearm be offered for sale by public auction or sealed bids to a person licensed as a dealer pursuant to 18
 20 U.S.C. § 921 et seq. Notice of the date, time, and place of any sale conducted pursuant to this subsection shall
 21 be given by advertisement in at least two newspapers published and having general circulation in the
 22 Commonwealth, at least one of which shall have general circulation in the locality in which the property to be
 23 sold is located. At least 30 days shall elapse between publication of the notice and the auction or the date on
 24 which sealed bids will be opened. Any firearm remaining in possession of the locality or agent of the locality
 25 after attempts to sell at public auction or by sealed bids shall be disposed of in a manner the locality deems
 26 proper, which may include destruction of the firearm or, subject to any registration requirements of federal
 27 law, sale of the firearm to a licensed dealer.28 **§ 15.2-915.6. Firearm give-back or buy-back programs; report.**

29 A. For purposes of this section:

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

31 "Destroyed" means permanently rendering a firearm inoperable through approved mechanical means,
 32 including melting, shredding, or crushing, so that it cannot be restored.33 "Historically significant firearm" means any firearm that (i) is at least 40 years old; (ii) is not an antique
 34 firearm; and (iii) possesses historical, collector, or educational value.35 B. Each county or city law-enforcement agency shall and any town law-enforcement agency may develop
 36 policies and procedures to implement either a firearm give-back program or a firearm buy-back program by
 37 January 1, 2028, and annually thereafter. Such policies shall:

38 1. Designate when and where a person may voluntarily return a firearm;

39 2. Require that any firearm voluntarily returned under such a program be subjected to forensic testing
 40 and, if such firearm is determined to have been used in the commission of a crime, that such firearm may be
 41 retained by the receiving law-enforcement agency for use as evidence;42 3. Require that any firearm voluntarily returned under such a program be returned to the original owner
 43 as provided in § 52-25.1 if such firearm is determined to be lost or stolen;44 4. Require that any firearm voluntarily returned under such a program be destroyed within 90 days after
 45 a determination that such firearm is not evidence and is not required for prosecution;46 5. Exempt any antique firearm or historically significant firearm, whether operable or inoperable, from
 47 mandatory destruction and provide for donation to a museum, historical society, or educational institution,
 48 or transfer to a federally licensed firearms dealer for sale or auction; however, if no museum, historical
 49 society, educational institution, or federally licensed firearms dealer agrees to accept such antique firearm or
 50 historically significant firearm, the firearm shall be destroyed within 180 days after it has been determined
 51 that such firearm is not evidence and is not required for prosecution; and

52 6. Require that the identity of any person who surrenders a firearm be kept confidential.

53 B. All local law-enforcement agencies adopting a program pursuant to this section shall submit an annual
 54 report to the Department of State Police that includes the number of firearms received through the
 55 implemented program. Any proceeds that may be generated from the sale or auction of a returned firearm
 56 shall be deposited into the locality's general fund or used solely for the administration of the locality's

57 *firearm give-back program or firearm buy-back program.*