

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 18.2-57, 18.2-308.2, and 18.2-308.2:2 of the Code of Virginia, relating to*
 3 *possession or transportation of firearms, firearms ammunition, stun weapons, or explosives or carrying of*
 4 *concealed weapons by persons convicted of a misdemeanor hate crime prohibited; penalty.*

5 [H 1015]

6 Approved

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

8 **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**
 9 **follows:**

10 **§ 18.2-57. Assault and battery; penalty.**

11 A. 1. Any person who commits a simple assault or assault and battery is guilty of a Class 1 misdemeanor;
 12 ~~and if the person.~~

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

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

21 C. In addition, if any person commits an assault or an assault and battery against another knowing or
 22 having reason to know that such other person is a judge, a magistrate, a law-enforcement officer as defined in
 23 subsection H, a correctional officer as defined in § 53.1-1, a person directly involved in the care, treatment, or
 24 supervision of inmates in the custody of the Department of Corrections or an employee of a local or regional
 25 correctional facility directly involved in the care, treatment, or supervision of inmates in the custody of the
 26 facility, a person directly involved in the care, treatment, or supervision of persons in the custody of or under
 27 the supervision of the Department of Juvenile Justice, an employee or other individual who provides control,
 28 care, or treatment of sexually violent predators committed to the custody of the Department of Behavioral
 29 Health and Developmental Services, a firefighter as defined in § 65.2-102, or a volunteer firefighter or any
 30 emergency medical services personnel member who is employed by or is a volunteer of an emergency
 31 medical services agency or as a member of a bona fide volunteer fire department or volunteer emergency
 32 medical services agency, regardless of whether a resolution has been adopted by the governing body of a
 33 political subdivision recognizing such firefighters or emergency medical services personnel as employees,
 34 engaged in the performance of his public duties anywhere in the Commonwealth, such person is guilty of a
 35 Class 6 felony, and, upon conviction, the sentence of such person shall include a mandatory minimum term of
 36 confinement of six months.

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

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

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

53 F. In addition, any person who commits an assault or an assault and battery against another knowing or
 54 having reason to know that such individual is an operator of a vehicle operated by a public transportation
 55 service as defined in § 18.2-160.2 who is engaged in the performance of his duties is guilty of a Class 1
 56 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 not less than six months as a term and condition of such sentence.

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

H. As used in this section:

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

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

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

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

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

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

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

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

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

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

119 observation, any weapon described in subsection A of § 18.2-308. However, such person may possess in his
 120 residence or the curtilage thereof a stun weapon as defined by § 18.2-308.1. Any person who violates this
 121 ~~section shall be~~ *subsection is* guilty of a Class 6 felony. However, any person who violates this ~~section~~
 122 *subsection* by knowingly and intentionally possessing or transporting any firearm and who was previously
 123 convicted of a violent felony as defined in § 17.1-805 shall be sentenced to a mandatory minimum term of
 124 imprisonment of five years. Any person who violates this ~~section~~ *subsection* by knowingly and intentionally
 125 possessing or transporting any firearm and who was previously convicted of any other felony within the prior
 126 10 years shall be sentenced to a mandatory minimum term of imprisonment of two years. The mandatory
 127 minimum terms of imprisonment prescribed for violations of this ~~section~~ *subsection* shall be served
 128 consecutively with any other sentence.

129 *A1. It is unlawful for any person who commits a violation of subdivision A 2 of § 18.2-57 on or after July*
 130 *1, 2026, and is subsequently adjudicated delinquent or convicted of such offense, whether such adjudication*
 131 *or conviction occurred under the laws of the Commonwealth, or the substantially similar laws of any other*
 132 *state, the District of Columbia, or the United States or any territory thereof, to knowingly and intentionally*
 133 *possess or transport any firearm or ammunition for a firearm, any stun weapon as defined in § 18.2-308.1, or*
 134 *any explosive material, or to knowingly and intentionally carry about his person, hidden from common*
 135 *observation, any weapon described in subsection A of § 18.2-308. However, such person may possess in his*
 136 *residence or the curtilage thereof a stun weapon as defined in § 18.2-308.1. Any person who violates this*
 137 *subsection is guilty of a Class 1 misdemeanor.*

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

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

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

172 C2. The prohibitions of subsection A *or A1* shall not prohibit any person other than a person convicted of
 173 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
 174 possessing, transporting, or carrying (i) antique firearms or (ii) black powder in a quantity not exceeding five
 175 pounds if it is intended to be used solely for sporting, recreational, or cultural purposes in antique firearms.
 176 For the purposes of this subsection, "antique firearms" means any firearm described in subdivision 3 of the
 177 definition of "antique firearm" in subsection F of § 18.2-308.2:2.

178 D. For the purpose of this section:

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

181 "Explosive material" means any chemical compound mixture, or device, the primary or common purpose
182 of which is to function by explosion; the term includes, but is not limited to, dynamite and other high
183 explosives, black powder, pellet powder, smokeless gun powder, detonators, blasting caps, and detonating
184 cord but shall not include fireworks or permissible fireworks as defined in § 27-95.

185 **§ 18.2-308.2:2. Criminal history record information check required for the transfer of certain**
186 **firearms.**

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

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

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

240 Upon receipt of the request for a criminal history record information check, the State Police shall (a)
241 review its criminal history record information to determine if the buyer or transferee is prohibited from
242 possessing or transporting a firearm by state or federal law, (b) inform the dealer if its record indicates that

243 the buyer or transferee is so prohibited, and (c) provide the dealer with a unique reference number for that
244 inquiry.

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

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

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

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

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

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

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

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

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

293 F. For purposes of this section:

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

296 "Antique firearm" means:

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

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

303 3. Any muzzle-loading rifle, muzzle-loading shotgun, or muzzle-loading pistol that is designed to use
304 black powder, or a black powder substitute, and that cannot use fixed ammunition. For purposes of this

305 subdivision, the term "antique firearm" shall not include any weapon that incorporates a firearm frame or
306 receiver, any firearm that is converted into a muzzle-loading weapon, or any muzzle-loading weapon that can
307 be readily converted to fire fixed ammunition by replacing the barrel, bolt, breech-block, or any combination
308 thereof; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

365 M. Any person who purchases a firearm with the intent to (i) resell or otherwise provide such firearm to
366 any person who he knows or has reason to believe is ineligible to purchase or otherwise receive from a dealer

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

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

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

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

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

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

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

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

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

417 a. A law-enforcement agency;

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

419 c. A state or local correctional facility;

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

421 e. The purchase of antique firearms;

422 f. A person whose handgun is stolen or irretrievably lost who deems it essential that such handgun be
 423 replaced immediately. Such person may purchase another handgun, even if the person has previously
 424 purchased a handgun within a 30-day period, provided that (i) the person provides the firearms dealer with a
 425 copy of the official police report or a summary thereof, on forms provided by the Department of State Police,
 426 from the law-enforcement agency that took the report of the lost or stolen handgun; (ii) the official police
 427 report or summary thereof contains the name and address of the handgun owner, a description of the
 428 handgun, the location of the loss or theft, the date of the loss or theft, and the date the loss or theft was

429 reported to the law-enforcement agency; and (iii) the date of the loss or theft as reflected on the official police
430 report or summary thereof occurred within 30 days of the person's attempt to replace the handgun. The
431 firearms dealer shall attach a copy of the official police report or summary thereof to the original copy of the
432 Virginia firearms transaction report completed for the transaction and retain it for the period prescribed by the
433 Department of State Police;

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

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

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

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

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