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HOUSE BILL NO. 1015
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Governor
on April 13, 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 *purchase, possess, or transport any firearm. Any person who violates this subsection is guilty of a Class 1*
 136 *misdemeanor. Any person who violates this subsection and is prohibited from purchasing, possessing, or*
 137 *transporting any firearm pursuant to this subsection shall be prohibited from purchasing, possessing, or*
 138 *transporting any firearm for three years following the date of the conviction, at which point the person*
 139 *convicted of such offense shall no longer be prohibited from purchasing, possessing, or transporting a*
 140 *firearm.*

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

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

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

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

181 D. For the purpose of this section:

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

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

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

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

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

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

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

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

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

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

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

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

271 6. For the purposes of this subsection, the phrase "dealer's fifth business day" does not include December
272 25.

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

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

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

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

296 F. For purposes of this section:

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

299 "Antique firearm" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

342 H. The provisions of this section shall not apply to (i) transactions between persons who are licensed as
343 firearms importers or collectors, manufacturers or dealers pursuant to 18 U.S.C. § 921 et seq.; (ii) purchases
344 by or sales to any law-enforcement officer or agent of the United States, the Commonwealth or any local
345 government, or any campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title
346 23.1; or (iii) antique firearms or curios or relics.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 420 a. A law-enforcement agency;
- 421 b. An agency duly authorized to perform law-enforcement duties;
- 422 c. A state or local correctional facility;
- 423 d. A private security company licensed to do business within the Commonwealth;
- 424 e. The purchase of antique firearms;

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

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

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

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

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

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

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