

HB8 Concealed Handgun Permits can be renewed by U.S. mail (§18.2-308)

Renewal of concealed handgun permits. Allows a person who previously has been issued a Virginia concealed handgun permit to submit an application to renew the permit via the United States mail. CH741 (This bill is identical to SB3, CH586).

HB885 Handgun possession in properly secured in vehicle or vessel (§18.2-308)

Possession of concealed weapons in vehicles. Creates a new exemption to the general prohibition against carrying concealed weapons by allowing a person who may lawfully possess a firearm to carry a handgun in a private motor vehicle or vessel if the handgun is secured (amended from the former “locked”) in a container or compartment. CH841 This bill is identical to SB408 CH740

SB334 Repeal the ban on CHP carry in alcohol-serving restaurants (§18.2-308)

Concealed handguns; restaurants; penalty. Allows a person with a concealed handgun permit to carry a concealed handgun onto the premises of a restaurant or club and prohibits such person from consuming alcoholic beverages while on the premises. A person who consumes alcohol in violation of the provisions of the bill is guilty of a Class 2 misdemeanor. This bill is identical to HB 505. *VCDL Comments:* This bill repeals the ban on concealed handgun permit holders carrying a concealed handgun in a restaurant. It has a caveat that the permit holder does not consume alcohol in the restaurant while carrying concealed. VCDL prefers Delegate Cole’s bill HB 106, which simply repeals the ban in its entirety. CH602

HB1217 Firearms safety for elementary grades (Eddie Eagle) §22.1-204.1

Allows local school boards to offer firearm safety education programs in elementary grades. To assist local school boards to provide such instruction, the Board of Ed. must establish a standardized program of firearm safety education for students to promote the protection and safety of children. The bill requires that the program objectives incorporate, among other principles of firearm safety, accident prevention and the rules of the NRA’s Eddie Eagle Gunsafe Program. Local school boards offering the program must comply with Board curriculum guidelines and integrate the instruction in appropriate subject areas, if feasible, to ensure that every elementary school student receives instruction in firearm safety education. *VCDL Comments:* This bill allows local school boards to provide a firearms safety program for students based on the Eddie Eagle Gunsafe Program by the NRA. CH859

SB533 Right to direct oral appeal (“ore tenus”) for CHP denials (§18.2-308)

Concealed handgun permit applications; right to *ore tenus* hearing. Clarifies that anyone who is denied a concealed handgun permit has the same right to an *ore tenus* hearing as a person who has previously held a concealed handgun permit. This bill is identical to HB 871. *VCDL Comments:* This bill clarifies that a first-time concealed handgun applicant has a right to an *ore tenus* hearing if he or she is denied the permit. CH677

SB89 The Commonwealth’s attorney can respond on a petition for rights restoration (§§ 18.2-308.1:1, 18.2-308.1:3, and 18.2-308.2) VCDL opposed this bill.

Petition to restore right to possess, etc., firearm; notice to Commonwealth attorney. If a person files a petition to restore his right to possess or carry a firearm, a copy of the petition shall be mailed or delivered to the Commonwealth attorney of the city or county in which the petition is filed. The Commonwealth attorney shall be made a party defendant to the proceeding and may file an objection or answer to the petition within 21 days after service. *VCDL Comments:* This bill adds a new requirement for someone petitioning to get their right to keep and bear arms restored—the Commonwealth’s attorney where the petition is filed will be notified and will be entitled to respond. Is there a problem that requires the Commonwealth to make rights restoration even more complicated? CH871

HB1092 Retired police can carry concealed, unlike regular citizens (§18.2-308)

Carrying concealed handguns; retired law-enforcement officers. States that a retired law-enforcement officer who receives proof of consultation and favorable review to carry a concealed handgun without a concealed handgun permit is authorized to

carry a concealed handgun in the same manner as a law-enforcement officer authorized to carry a concealed handgun. *VCDL Comments:* This bill allows retired police to be able to carry a concealed handgun without a permit wherever they may go. VCDL has no problem with good people like retired-police carrying a concealed handgun wherever they may go, but it gets tiresome that government gives special privileges such as this to its own, while restricting the very citizens it is supposed to be serving. Law-abiding citizens, too, should be able to carry a concealed handgun wherever we might go and not need a state-issued permission slip to do so. CH433

HB1379 Child-care gun storage requirements in some counties (§15.2-914)

Child-care facilities in certain counties and cities; local regulation of possession and storage of firearms, ammunition, or components or combination thereof. Provides that certain Northern Virginia localities may adopt local ordinances that regulate the possession and storage of firearms, ammunition, or components or combination thereof at child-care facilities, so long as such regulation remains no more extensive in scope than comparable state regulations applicable to family day-care homes. *VCDL Comments:* An unnecessary bill, it attempts to keep a preempted Fairfax County ordinance that should have been removed long ago on their books. CH649

HB637 Coast Guard officers exempt from CHP fees public must pay (§18.2-308)

Concealed handgun permit; fees. Waives the concealed handgun permit fee (maximum \$50) for certain designated boarding team members and boarding officers of the United States Coast Guard. *VCDL Comments:* This bill exempts boarding team members or boarding officers of the Coast Guard from having to pay for their concealed handgun permits. VCDL does not see a need to keep adding to the list of special interest groups who don’t have to pay the \$50 fee for a concealed handgun permit. CH754

HB84 Access to VA criminal records for out-of-state search warrants (§19.2-70.3)

Provides that a Virginia corporation or other entity that provides electronic communication services or remote computing services to the general public, when properly served with a warrant and affidavit in support of the warrant, issued by a judicial officer or court of another state with jurisdiction over the matter, to produce a record or other information about a subscriber to or customer of such service or the contents of electronic communications, or both, shall produce the record or other information as if that warrant had been issued by a Virginia court. This provision applies only to records relating to certain violent or sexual criminal offenses, computer fraud and identity theft. CH319

SB501 Disqualification for certain out-of-state intoxication offenses (§18.2-308)

Provides that a conviction from another state for driving while intoxicated or for drunkenness in public within the preceding three years disqualifies an individual from obtaining a concealed handgun permit. CH387

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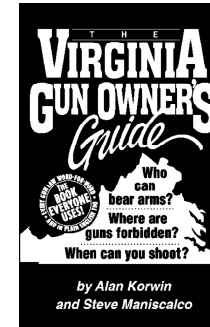
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2012 Update • Changes to Edition 7

Sincere thanks to **The Virginia Citizens Defense League** for help in compiling the info here. If you’re not a member, join—this is how you keep your gun laws righteous. Do the right thing and join or just donate a few bucks to help them with their work—protecting your right to keep and bear arms. You can read the wording of any of these bills on their site: <http://www.vcdl.org>, and track the laws as they go through the process each legislative season.

KEY: Senate and House bills are numbered with “SB” or “HB” respectively, as they move through the legislative process. The “CH” chapter number is then assigned to every bill that passes and is signed into law by the governor. The section of law, indicated by the “§” sign, is the numbered piece of each law once it is enacted. Copyright 2012 Alan Korwin. All rights reserved.

SB67 • CH557 (HB754 CH175) • §18.2-308 • The law that used to allow localities to fingerprint CHP applicants or renewals has been repealed. There is now no fingerprinting in Virginia for CHPs.

HB375 • CH757 • §15.2-915 • Localities can no longer ban their employees from storing legally possessed firearms or ammunition in their locked private motor vehicles. This frees those employees from being disarmed driving to and from work. However, a community services board or behavioral health authority (per §37.2-100) retains power to create such a ban.

SB563 • CH291 • §18.2-308 • Various CHP-law fixes: 1- Anyone at or going to or from an established shooting range can legally transport a concealed firearm if it is unloaded and securely wrapped (used to apply only to certain club members); 2- The same applies for a person enrolled in a firearms-training course; 3- Courts cannot request or require any information or documents for a CHP applicant beyond what’s specified by law; 4- Courts must mail your CHP when it’s ready (they can’t require pick up or anything else); Courts must provide the exact reason if they deny a CHP application; 5- Authorities must act when they *receive* applications or payments, not when they “accept” them (removes wiggle room).

HB20 • CH42 (SB245 CH158) • §44-146.15 • Clarifies that carrying and transporting (along with the existing right to possess, sell or transfer) firearms during a state of emergency cannot be limited or banned. Government emergency shelters can ban guns, but only to the extent necessary to ensure public safety. Existing gun bans, such as carrying on K-12 school grounds, for example, still apply.

HB22 • CH211 • §15.2-915.5 • Forbids localities from holding a gun buy-up without first enacting a local ordinance authorizing it. Any firearms (except sawed offs or full autos) obtained in a buy-up must be offered for sale by auction to FFLs with at least 30 days prior public notice. Any firearms not sold at the auction may be destroyed, or simply sold to FFLs. Localities can no longer waste taxpayer money or arbitrarily destroy such public property through deceptive buy-up programs.

HB26 • CH132 • §18.2-308 • A valid concealed-handgun permit is now an affirmative defense to a Class 1 misdemeanor charge of possession of a concealed handgun. Failure to show a CHP and photo ID when asked by a

law-enforcement officer is now a \$25 civil penalty (not a criminal act). Courts have the option to dismiss the penalty completely (so you should ask).

HB288 • CH295 • §18.2-283.1 • A city or county treasurer may carry firearms and other weapons into any courthouse while on official business, expanding the list of special people who have rights you do not.

SB323 • CH257 • §18.2-308.2:2 • One-Gun-A-Month Is Repealed! The one-handgun-a-month government-rationing program for this constitutionally protected legal product is repealed completely (but the perpetrators of the infringement are still at large). This is an 863-word reduction in state gun law, because all the bureaucratic red tape and schemes are eliminated too. You no longer need to worry about committing a crime because you can't remember the exact date of your last purchase. This bill is identical to HB940 CH37.

SB663 • CH723 • §24.2-643 • A valid CHP is an acceptable form of identification for voting purposes.

SB573 • CH209 • §30-34.2:2 (New) • The Capitol Police may destroy any unclaimed firearms in their possession for more than 60 days, after a reasonable attempt to notify the rightful owner by mail, as long as it is not needed in a criminal prosecution. Such destruction of public property is an abusive waste of a valuable resource, but the police are not required to destroy such guns, it is their option, and smart police typically cherry pick such lost-and-found goods.

2011 Update • Changes to Edition 7

HB1856 • CH234 • Concealed handgun permits; lost or destroyed permits. Allows a CHP holder to obtain a replacement permit if the original permit is lost or destroyed. You would submit a notarized statement to the clerk of the court that the permit was lost or destroyed and pay a fee not to exceed \$5, and the clerk is required to issue a replacement within 10 business days. The replacement will have the same expiration date as the original permit. *VCDL Comments:* This bill clarifies that the clerk *must* replace a lost or stolen permit within ten days of getting a notarized statement of the loss, for a \$5 fee.

SB757 • CH832 • Pneumatic gun regulations. Prohibits a locality from adopting an ordinance that bans shooting pneumatic guns on private property (with the property owner's permission), if reasonable care is taken to prevent a projectile from crossing the property bounds. This invalidates any existing local ordinances (such as one in Fairfax County) that conflict with this act.

SB839 • CH835 • Homestead exemptions. Adds one firearm, not to exceed \$3,000 in value, to the list of items every householder shall be entitled to hold exempt from creditor process. The bill also increases the maximum exemption for a motor vehicle from \$2,000 to \$6,000. This bill is identical to HB1422, CH761. *VCDL Comments:* This bill allows a person to keep one firearm for household use if they are subject to a creditor process (updates Virginia's Homestead laws).

HB1411 • CH684 • Reckless handling of firearms; revocation of hunting license. Provides that a person's hunting or trapping license, or privilege to hunt or trap while possessing a firearm, may be revoked for a period of one to five years for a violation of §18.2-56.1 (reckless handling of firearms) while hunting. Revocation for a person whose privilege to hunt has been revoked, who hunts with a firearm, will be for a period of one year to life. Currently,

penalties are revocation for a period of one year to life, and for hunting with a firearm while the privilege is revoked, an additional period of one to five years. *VCDL Comments:* This bill limits the penalty for reckless handling of a firearm while hunting or trapping to a maximum of five years of prohibition from carrying while hunting/trapping, down from the current one year to *life* prohibition. However, if the person then hunts during the prohibition period, they can be prohibited from carrying while hunting/trapping for one year to life, up from the current one to five additional years.

HB1552 • CH231 • Issuance of concealed handgun permits. Amends language relating to the issuance of *de facto* concealed-handgun permits. Current law states that if a court does not issue a permit or find that the applicant is disqualified, within 45 days of receipt of the application, the clerk is to certify the application and send it to the applicant. The certified application then serves as a *de facto* permit until the actual permit is issued or the applicant is found to be disqualified. The clerk must mail or e-mail the certified application to the applicant within five business days of the expiration of the 45-day period. *VCDL Comments:* This bill specifies that the Circuit Court Clerk is to mail a certified concealed-handgun-permit application to serve as a temporary concealed-handgun permit, within five days of the expiration of the application-processing period.

HB1699 • CH775 • Restoration of firearms rights; hearings. Smooths the process for requesting and conducting a hearing, sought by a person to restore the right to possess or carry a firearm after being acquitted due to insanity, adjudicated legally incompetent or mentally incapacitated, or involuntarily committed for mandatory treatment. *VCDL Comments:* This bill cleans up conflicting/inconsistent wording dealing with a person who has been acquitted by reason of insanity from certain charges, to petition to have gun rights restored after completing treatment.

HB1779 • CH402 • Preliminary protective orders. Applies the ban on purchasing and transporting a firearm to persons subject to preliminary protective orders, where a petition alleging abuse or neglect has been filed. Currently, persons subject to a preliminary protective order are prohibited from purchasing or transporting a firearm regardless of any allegation. This bill is identical to SB754, CH373. *VCDL Comments:* This bill is an improvement to current law dealing with abuse-based protective orders, which restrict purchase or transport of firearms. The bill makes such restrictions only after an *actual finding* of abuse (not just an accusation). However, the bill should be changed to require that the finding of abuse be made at an adjudicatory hearing (so that the order cannot be made *ex parte*, i.e. by one party only).

HB1857 • CH235 • Transfer of firearms; documentation of residence. Clarifies that a member of the military may show permanent orders of assignment to the Pentagon as documentation of residency, when purchasing a firearm from a licensed dealer. *VCDL Comments:* This bill clarifies that someone with permanent orders to a Pentagon duty post can use their ID as photo-identification to purchase a firearm in Virginia.

HB1777 • CH401 • Fake birth certificate; penalty. Provides that any person who manufactures, sells, or transfers a fictitious birth certificate or the birth certificate of another for the purpose of establishing a false identity for himself or another person is guilty of a Class 6 felony. Current law punishes obtaining, possessing, transferring and selling as a Class 1 misdemeanor. *VCDL Comments:* This bill cleans up some wording dealing with penalty for faking a birth certificate to obtain a gun illegally.

HB1889 • CH459 • Tracking dogs. Allows use of tracking dogs on a lead to find wounded or dead bear or deer during archery, muzzleloader, or firearm bear-or-deer hunting seasons, so long as those who conduct the effort have permission to hunt on or have access to the land, and don't have a weapon in their possession.

SB903 • CH282 • Definition of violent felony; penalty. Removes an "and" in the list of violent felonies to make it clear that a person does not need to be convicted of both §18.2-308.1 (possession of weapon on school property) and §18.2-308.2 (possession of firearm by a felon) in order to have the offense qualify as a violent felony for sentencing purposes. The bill also provides that using a firearm in a threatening manner in a school is the only felony in §18.2-308.1 that qualifies as a violent felony. *VCDL Comments:* Fixed to make only someone who intends or attempts to harm someone with a gun on K-12 school grounds a violent felon.

2010 Update • Changes to Edition 7

Call, email, fax or write for our **free full-color catalog**. Always check our website for the latest news and changes. At least 16 new gun-related laws were enacted.

HB109 Protect handgun sales records from abuse (§15.2-1207, 15.2-1206) Certain firearms taxes; destruction of records. Repeals local authority to impose a license tax of not more than \$25 on persons engaged in the business of selling pistols and revolvers. Also, a recordkeeping requirement for such persons is deleted and the circuit court clerk shall destroy any such existing records. *VCDL Comments:* This bill repeals the law that allows counties to require that all handgun sales be reported to the county. It also requires that any such information received in the past be destroyed. CH495

HB1191 Expand ability to issue concealed-handgun permits (§18.2-308) Issuance of concealed handgun permits; clerk of court. Allows a circuit court judge to authorize the clerk of court to issue concealed handgun permits in instances where the application is complete, the background check does not indicate that the applicant is disqualified, and, after consulting with the local sheriff or police department, there are no other questions or issues surrounding the application. The bill further provides that the court clerk is immune from suit arising from any acts or omissions relating to the issuance of concealed handgun permits without judicial review unless the clerk was grossly negligent or engaged in willful misconduct. This bill is not to be construed to limit, withdraw, or overturn any defense or immunity already existing in statutory or common law, or to affect any cause of action accruing prior to July 1, 2010. *VCDL Comments:* This bill allows a court to authorize a Clerk to issue concealed handgun permits without judicial review as long as the person is not disqualified from receiving such a permit based on a background check and consulting with either the local sheriff or police department. It also allows a Circuit Court Clerk to sign a concealed handgun permit without the judge's approval in such a case. CH576

HB505 Repeal the ban on CHP carry in alcohol-serving restaurants (§18.2-308) Concealed handguns; restaurants; penalty. Allows a person with a concealed handgun permit to carry a concealed handgun onto the premises of a restaurant or club and prohibits such person from consuming alcoholic beverages while on the premises. A person who consumes alcohol in violation of the provisions of the bill is guilty of a Class 2 misdemeanor. This bill is identical to SB 334. *VCDL Comments:* This bill repeals the ban on concealed handgun permit holders carrying a concealed handgun in a restaurant. It has a caveat that the permit holder does not consume alcohol in the restaurant while carrying concealed. VCDL prefers Delegate Cole's bill HB 106, which simply repeals the ban in its entirety. CH709