

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 18.2-308.2:5 of the Code of Virginia, relating to criminal history record*  
3 *information check required to sell firearm; exception for purchase of service weapon.*

4 [S 675]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 18.2-308.2:5 of the Code of Virginia is amended and reenacted as follows:**8 **§ 18.2-308.2:5. Criminal history record information check required to sell firearm; penalty.**

9 A. No person shall sell a firearm for money, goods, services or anything else of value unless he has  
10 obtained verification from a licensed dealer in firearms that information on the prospective purchaser has  
11 been submitted for a criminal history record information check as set out in § 18.2-308.2:2 and that a  
12 determination has been received from the Department of State Police that the prospective purchaser is  
13 not prohibited under state or federal law from possessing a firearm or such sale is specifically exempted  
14 by state or federal law. The Department of State Police shall provide a means by which sellers may  
15 obtain from designated licensed dealers the approval or denial of firearm transfer requests, based on  
16 criminal history record information checks. The processes established shall conform to the provisions of  
17 § 18.2-308.2:2, and the definitions and provisions of § 18.2-308.2:2 regarding criminal history record  
18 information checks shall apply to this section mutatis mutandis. The designated dealer shall collect and  
19 disseminate the fees prescribed in § 18.2-308.2:2 as required by that section. The dealer may charge and  
20 retain an additional fee not to exceed \$15 for obtaining a criminal history record information check on  
21 behalf of a seller.

22 B. Notwithstanding the provisions of subsection A and unless otherwise prohibited by state or federal  
23 law, a person may sell a firearm to another person if:

24 1. The sale of a firearm is to an authorized representative of the Commonwealth or any subdivision  
25 thereof as part of an authorized voluntary gun buy-back or give-back program; ~~or~~

26 2. The sale occurs at a firearms show, as defined in § 54.1-4200, and the seller has received a  
27 determination from the Department of State Police that the purchaser is not prohibited under state or  
28 federal law from possessing a firearm in accordance with § 54.1-4201.2; *or*

29 3. *The sale of a firearm is conducted pursuant to § 59.1-148.3, with the exception of a sale*  
30 *conducted pursuant to subsection C of § 59.1-148.3.*

31 C. Any person who willfully and intentionally sells a firearm to another person without obtaining  
32 verification in accordance with this section is guilty of a Class 1 misdemeanor.

33 D. Any person who willfully and intentionally purchases a firearm from another person without  
34 obtaining verification in accordance with this section is guilty of a Class 1 misdemeanor.

ENROLLED

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