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HOUSE BILL NO. 1078

Offered January 12, 2022

Prefiled January 12, 2022

A BILL to amend and reenact §§ 18.2-308.2:5 and 18.2-433.2 of the Code of Virginia, relating to limitations on use or transfer of firearms and other weapons.

Patron—Cordoza

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-308.2:5 and 18.2-433.2 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-308.2:5. Criminal history record information check required to sell firearm; penalty.

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

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

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

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

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

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

E. Nothing in this article shall be construed to prohibit the transfer, other than a sale, of firearms between a person and his spouse, parent, brother, sister, child, including an adopted child, grandparent, or grandchild, provided that the transferee is not otherwise not prohibited by law from possessing such firearms.

§ 18.2-433.2. Paramilitary activity prohibited; penalty.

A person is guilty of unlawful paramilitary activity, punishable as a Class 5 felony, if he:

1. Teaches or demonstrates to any other person the use, application, or making of any firearm, explosive or incendiary device, or technique capable of causing injury or death to persons, knowing or having reason to know or intending that such training will be employed for use in, or in furtherance of, a civil disorder; or

2. Assembles with one or more persons for the purpose of training with, practicing with, or being instructed in the use of any firearm, explosive or incendiary device, or technique capable of causing injury or death to persons, intending to employ such training for use in, or in furtherance of, a civil disorder; or

3. Violates subsection A of § 18.2-282 while assembled with one or more persons for the purpose of and with the intent to intimidate any person or group of persons.