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HOUSE BILL NO. 10

Offered January 12, 2022

Prefiled December 17, 2021

A BILL to amend and reenact §§ 18.2-308.02, 18.2-308.03, and 18.2-308.10 of the Code of Virginia, relating to fees for resident concealed handgun permits.

Patron—Anderson

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-308.02, 18.2-308.03, and 18.2-308.10 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-308.02. Application for a concealed handgun permit; Virginia resident or domiciliary.

A. Any person 21 years of age or older may apply in writing to the clerk of the circuit court of the county or city in which he resides, or if he is a member of the United States Armed Forces and stationed outside the Commonwealth, the county or city in which he is domiciled, for a five-year permit to carry a concealed handgun. There shall be no requirement regarding the length of time an applicant has been a resident or domiciliary of the county or city. The application shall be on a form prescribed by the Department of State Police, in consultation with the Supreme Court, requiring only that information necessary to determine eligibility for the permit. Additionally, the application shall request but not require that the applicant provide an email or other electronic address where a notice of permit expiration can be sent pursuant to subsection C of § 18.2-308.010. The applicant shall present one valid form of photo identification issued by a governmental agency of the Commonwealth or by the U.S. Department of Defense or U.S. State Department (passport). No information or documentation other than that which is allowed on the application in accordance with this section may be requested or required by the clerk or the court.

B. The court shall require proof that the applicant has demonstrated competence with a handgun in person and the applicant may demonstrate such competence by one of the following, but no applicant shall be required to submit to any additional demonstration of competence, nor shall any proof of demonstrated competence expire:

1. Completing any hunter education or hunter safety course approved by the Department of Wildlife Resources or a similar agency of another state;

2. Completing any National Rifle Association firearms safety or training course;

3. Completing any firearms safety or training course or class available to the general public offered by a law-enforcement agency, institution of higher education, or private or public institution or organization or firearms training school utilizing instructors certified by the National Rifle Association or the Department of Criminal Justice Services;

4. Completing any law-enforcement firearms safety or training course or class offered for security guards, investigators, special deputies, or any division or subdivision of law enforcement or security enforcement;

5. Presenting evidence of equivalent experience with a firearm through participation in organized shooting competition or current military service or proof of an honorable discharge from any branch of the armed services;

6. Obtaining or previously having held a license to carry a firearm in the Commonwealth or a locality thereof, unless such license has been revoked for cause;

7. Completing any in-person firearms training or safety course or class conducted by a state-certified or National Rifle Association-certified firearms instructor;

8. Completing any governmental police agency firearms training course and qualifying to carry a firearm in the course of normal police duties; or

9. Completing any other firearms training that the court deems adequate.

A photocopy of a certificate of completion of any of the courses or classes; an affidavit from the instructor, school, club, organization, or group that conducted or taught such course or class attesting to the completion of the course or class by the applicant; or a copy of any document that shows completion of the course or class or evidences participation in firearms competition shall constitute evidence of qualification under this subsection.

C. The making of a materially false statement in an application under this article shall constitute perjury, punishable as provided in § 18.2-434.

D. The clerk of court shall withhold from public disclosure the applicant's name and any other

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59 information contained in a permit application or any order issuing a concealed handgun permit, except
60 that such information shall not be withheld from any law-enforcement officer acting in the performance
61 of his official duties or from the applicant with respect to his own information. The prohibition on
62 public disclosure of information under this subsection shall not apply to any reference to the issuance of
63 a concealed handgun permit in any order book before July 1, 2008; however, any other concealed
64 handgun records maintained by the clerk shall be withheld from public disclosure.

65 E. An application is deemed complete when all information required to be furnished by the applicant,
66 including the fee for a concealed handgun permit as set forth in § 18.2-308.03, is delivered to and
67 received by the clerk of court before or concomitant with the conduct of a state or national criminal
68 history records check.

69 F. For purposes of this section, a member of the United States Armed Forces is domiciled in the
70 county or city where such member claims his home of record with the United States Armed Forces.

71 **§ 18.2-308.03. Fees for concealed handgun permits.**

72 A. The clerk shall charge a fee of \$40 *Unless otherwise provided in this article, no fee shall be*
73 *charged* for the processing of an application or issuing of a permit, including ~~his the clerk of courts'~~
74 costs associated with the consultation with law-enforcement agencies. ~~The local law-enforcement agency~~
75 ~~conducting the background investigation may charge a fee not to exceed \$35 to cover the cost of~~
76 ~~conducting an investigation pursuant to this article. The \$35 fee shall include any amount assessed by~~
77 ~~the U.S. Federal Bureau of Investigation for providing criminal history record information, and the local~~
78 ~~law-enforcement agency shall forward the amount assessed by the U.S. Federal Bureau of Investigation~~
79 ~~to the State Police with the fingerprints taken from any nonresident applicant. The State Police may~~
80 ~~charge a fee not to exceed \$5 to cover its costs associated with processing the application. The total~~
81 ~~amount assessed for processing an application for a permit shall not exceed \$50, with such fees to be~~
82 ~~paid in one sum to the person who receives the application. Payment may be made by any method~~
83 ~~accepted by that court for payment of other fees or penalties. No payment shall be required until the~~
84 ~~application is received by the court as a complete application.~~

85 B. No fee shall be charged for the issuance of such permit to a person who has retired from service
86 (i) as a magistrate in the Commonwealth; (ii) as a special agent with the Virginia Alcoholic Beverage
87 Control Authority or as a law-enforcement officer with the Department of State Police, the Department
88 of Wildlife Resources, or a sheriff or police department, bureau, or force of any political subdivision of
89 the Commonwealth, after completing 15 years of service or after reaching age 55; (iii) as a
90 law-enforcement officer with the U.S. Federal Bureau of Investigation, Bureau of Alcohol, Tobacco and
91 Firearms, Secret Service Agency, Drug Enforcement Administration, United States Citizenship and
92 Immigration Services, U.S. Customs and Border Protection, Department of State Diplomatic Security
93 Service, U.S. Marshals Service, or Naval Criminal Investigative Service, after completing 15 years of
94 service or after reaching age 55; (iv) as a law-enforcement officer with any police or sheriff's
95 department within the United States, the District of Columbia, or any of the territories of the United
96 States, after completing 15 years of service; (v) as a law-enforcement officer with any combination of
97 the agencies listed in clauses (ii) through (iv), after completing 15 years of service; (vi) as a designated
98 boarding team member or boarding officer of the United States Coast Guard, after completing 15 years
99 of service or after reaching age 55; (vii) as a correctional officer as defined in § 53.1-1, after completing
100 15 years of service; or (viii) as a probation and parole officer authorized pursuant to § 53.1-143, after
101 completing 15 years of service.

102 **§ 18.2-308.010. Renewal of concealed handgun permit.**

103 A. 1. Persons who previously have held a concealed handgun permit shall be issued, upon
104 application as provided in § 18.2-308.02, a new five-year permit unless it is found that the applicant is
105 subject to any of the disqualifications set forth in § 18.2-308.09. Persons who previously have been
106 issued a concealed handgun permit pursuant to this article shall not be required to appear in person to
107 apply for a new five-year permit pursuant to this section, and the application for the new permit,
108 including a photocopy of the applicant's valid photo identification, may be submitted via the United
109 States mail. The circuit court that receives the application shall promptly notify an applicant if the
110 application is incomplete or if the fee submitted for the permit pursuant to § 18.2-308.03 is incorrect.

111 2. If a new five-year permit is issued while an existing permit remains valid, the new five-year
112 permit shall become effective upon the expiration date of the existing permit, provided that the
113 application is received by the court at least 90 days but no more than 180 days prior to the expiration of
114 the existing permit.

115 3. Any order denying issuance of the new permit shall be in accordance with subsection A of
116 § 18.2-308.08.

117 B. If a permit holder is a member of the Virginia National Guard, Armed Forces of the United
118 States, or the Armed Forces Reserves of the United States, and his five-year permit expires during an
119 active-duty military deployment outside of the permittee's county or city of residence, such permit shall
120 remain valid for 90 days after the end date of the deployment. In order to establish proof of continued

validity of the permit, such a permittee shall carry with him and display, upon request of a law-enforcement officer, a copy of the permittee's deployment orders or other documentation from the permittee's commanding officer that order the permittee to travel outside of his county or city of residence and that indicate the start and end date of such deployment.

C. If the clerk has an electronic system for, and issuance of, concealed handgun permits and such system has the capability of sending electronic notices to permit holders and if a permit holder requests such notice on the concealed handgun application form, the clerk that issued the permit shall notify the permit holder by electronic mail at least 90 days prior to the permit expiration date that the permit will expire. The failure of a clerk to send the notice required by this subsection or the failure of the permit holder to receive such notice shall not extend the validity of the existing permit beyond its expiration date.

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