

Bills - Sponsor – Title - Summary

HB 2 - Plum - Firearm transfers; criminal history record information checks, penalty. Firearm transfers; criminal history record information checks; penalty. Requires a background check for any firearm transfer and directs the Department of State Police (the Department) to establish a process for transferors to obtain such a check from licensed firearms dealers. A transferor who sells a firearm to another person without obtaining the required background check is guilty of a Class 6 felony. The bill also provides that a transferee who receives a firearm from another person without obtaining the required background check is guilty of a Class 1 misdemeanor. The bill exempts transfers (i) between immediate family members; (ii) that occur by operation of law; (iii) by the executor or administrator of an estate or by the trustee of a testamentary trust; (iv) at firearms shows in accordance with law; (v) that are part of a buy-back or give-back program; (vi) of antique firearms; (vii) that occur at a shooting range, shooting gallery, or any other area designed for the purpose of target shooting, for use during target practice, a firearms safety or training course or class, a shooting competition, or any similar lawful activity; or (viii) that are temporary transfers that (a) occur within the continuous presence of the owner of the firearm or (b) are necessary to prevent imminent death or great bodily harm. The bill removes the provision that makes background checks of prospective purchasers or transferees at firearms shows voluntary. The bill also provides that the Department shall have three business days to complete a criminal history record information check before a firearm may be transferred. The bill establishes an appropriation for the fiscal impact of the bill and authorizes the Director of the Department of Planning and Budget to allocate such appropriation among the agencies and programs impacted by the bill.

HB 9 - Bourne - Firearms; reporting those lost or stolen, civil penalty. Reporting lost or stolen firearms; civil penalty. Requires that, if a firearm is lost or stolen from a person who lawfully possessed it, such person shall report the loss or theft of the firearm to any local law-enforcement agency or the Department of State Police within 24 hours after such person discovers the loss or theft or is informed by a person with personal knowledge of the loss or theft. The bill requires the relevant law-enforcement agency to enter the report information into the National Crime Information Center. A violation is punishable by a civil penalty of not more than \$250. The bill provides that a person who, in good faith, reports the loss or theft is immune from criminal or civil liability for acts or omissions that result from the loss or theft. The immunity does not apply to a person who knowingly gives a false report. The bill does not apply to the loss or theft of an antique firearm.

SB 12 - Saslaw - Firearm transfers; criminal history record information checks, penalty. Firearm transfers; criminal history record information checks; penalty. Requires a background check for any firearm transfer and requires the Department of State Police to establish a process for transferors of firearms to obtain such a check from licensed firearms dealers. A transferor who fails to obtain a required background check and sells the firearm to another person is guilty of a Class 1 misdemeanor. The bill exempts transfers (i) between immediate family members; (ii) that occur by operation of law; (iii) by the executor or administrator of an estate or by the trustee of a testamentary trust; (iv) at firearms shows in accordance with law; (v) that are part of a buyback or give-back program; (vi) of antique firearms; (vii) that occur at a shooting range, shooting gallery, or any other area designed for the purpose of target shooting or for use during target practice, a firearms safety or training course or class, a shooting competition, or any similar lawful activity; or (viii) that are temporary transfers that (a) occur within the continuous presence of the owner of the firearm or (b) are necessary to prevent imminent death or great bodily harm. The bill removes the provision that makes background checks of prospective purchasers or transferees at firearms shows voluntary.

SB 13 - Ebbin - Capitol Square; possessing or transporting a weapon within Square, penalty. Possessing or transporting a weapon within Capitol Square; penalty. Makes it a Class 1 misdemeanor for a person to possess or transport any (i) gun or other weapon designed or intended to propel a missile or projectile of any kind; (ii) frame, receiver, muffler, silencer, missile, projectile, or ammunition designed for use with a dangerous weapon; or (iii) other dangerous weapon within Capitol Square, which includes the state-owned buildings that border its boundary streets. A dangerous weapon includes a bowie knife, switchblade knife, ballistic knife, machete, razor, slingshot, spring stick, fighting chain, throwing star, and oriental dart or any weapon of like kind. The bill provides exceptions for law-enforcement officers, conservators of the peace, magistrates, court officers, judges, county or city treasurers, commissioners or deputy

commissioners of the Virginia Workers' Compensation Commission, authorized security personnel, and active military personnel while in the conduct of such individuals' official duties. The bill requires that notice of the provisions prohibiting the possessing or transporting of such weapons be posted at each public entrance to Capitol Square. The bill provides that any weapon or item possessed or transported in violation of these provisions is subject to seizure by a law-enforcement officer and forfeiture to the Commonwealth.

SB 14 - Saslaw - Trigger activators; prohibition, penalty. Trigger activators; prohibition; penalty. Prohibits the manufacture, importation, sale or offer to sell, possession, transfer, or transportation of a trigger activator, defined in the bill as (i) a device designed to be attached to a semi-automatic firearm, which allows the firearm to discharge two or more shots in a burst by activating the device, including a bump-fire device or a binary trigger, but does not convert the semi-automatic firearm into a machine gun or (ii) a manual or power-driven trigger activating device designed so that when attached to a semi-automatic firearm it increases the rate of fire of that firearm, including a trigger crank, but does not convert the semiautomatic firearm into a machine gun. A violation is punishable as a Class 6 felony.

SB 15 - Ebbin - Weapons; carrying into building owned or leased by the Commonwealth, penalty. Carrying weapon into building owned or leased by the Commonwealth; penalty. Makes it a Class 1 misdemeanor for a person to transport any (i) gun or other weapon designed or intended to propel a missile or projectile of any kind; (ii) frame, receiver, muffler, silencer, missile, projectile, or ammunition designed for use with a dangerous weapon; or (iii) other dangerous weapon into a building owned or leased by the Commonwealth or any agency thereof, where employees of the Commonwealth or agency thereof are regularly present for the purpose of performing their official duties. The bill provides exceptions for law-enforcement officers, conservators of the peace, magistrates, court officers, judges, city or county treasurers, commissioners or deputy commissioners of the Virginia Workers' Compensation Commission, authorized security personnel, and active military personnel while in the conduct of such individuals' official duties. The bill requires that notice of the provisions prohibiting the carrying of such weapons be posted at each public entrance to all buildings owned or leased by the Commonwealth or any agency thereof.

SB 16 - Saslaw - Assault firearms and certain firearm magazines; prohibiting sale, transport, etc., penalties. Prohibiting sale, transport, etc., of assault firearms and certain firearm magazines; penalties. Expands the definition of "assault firearm" and prohibits any person from importing, selling, transferring, manufacturing, purchasing, possessing, or transporting an assault firearm. A violation is a Class 6 felony. The bill prohibits a dealer from selling, renting, trading, or transferring from his inventory an assault firearm to any person. The bill also prohibits a person from carrying a shotgun with a magazine that will hold more than seven rounds of the longest ammunition for which it is chambered in a public place; under existing law, this prohibition applies only in certain localities. The bill makes it a Class 1 misdemeanor to import, sell, barter, or transfer any firearm magazine designed to hold more than 10 rounds of ammunition.

SB 18 - Saslaw - Firearms; criminal history record information checks, age requirement, penalty. Firearms; criminal history record information checks; age requirement; penalty. Provides that a person must be at least 21 years old, or must be at least 18 years old by the effective date of the bill, to purchase a firearm. The bill requires a background check for any firearm transfer and requires the Department of State Police to establish a process for transferors of firearms to obtain such a check from licensed firearms dealers. A transferor who fails to obtain a required background check and transfers the firearm to another person is guilty of a Class 1 misdemeanor. The bill exempts certain transfers from the required background check. The bill removes the provision that makes background checks of prospective purchasers or transferees at firearms shows voluntary. The bill also provides that any person who recklessly leaves a loaded, unsecured firearm in such a manner as to endanger the life or limb of any person under the age of 18 is guilty of a Class 6 felony and that it is a Class 1 misdemeanor for any person knowingly to authorize a child under the age 18 to use a firearm except when the person is under the supervision of an adult. Current law provides that any person who recklessly leaves a loaded, unsecured firearm in such a manner as to endanger the life or limb of any child under the age of 14 is guilty of a Class 3 misdemeanor and it is a Class 1 misdemeanor for any person knowingly to authorize a child under the age 12 to use a firearm except when the person is under the supervision of an adult. The bill also raises the age from 18 to 21 for any person to knowingly and intentionally possess or transport a handgun or assault firearm anywhere in the Commonwealth.

SB 22 - Saslaw - Handguns; limitation on purchases, penalty. Purchase of handguns; limitation on handgun purchases; penalty. Prohibits any person who is not a licensed firearms dealer from purchasing more than one handgun in a 30-day period and establishes such an offense as a Class 1 misdemeanor. The bill exempts from this provision (i) persons who have been issued a certificate by the Department of State Police under certain circumstances and with an enhanced background check, (ii) law-enforcement agencies and officers, (iii) state and local correctional facilities, (iv) licensed private security companies, (v) persons who hold a valid Virginia concealed handgun permit, (vi) persons whose handgun has been stolen or irretrievably lost or who are trading in a handgun, (vii) purchases of handguns in a private sale, and (viii) purchases of antique firearms

SB 35 - Surovell - Firearms, etc.; permitted events. Control of firearms by localities; permitted events. Authorizes any locality by ordinance to prohibit the possession or carrying of firearms, ammunition, or components or any combination thereof in a public space during a permitted event or an event that would otherwise require a permit. The bill contains technical amendments.

SB 51 - Spruill - Carrying a concealed handgun; consumption of alcohol in a public park, penalty. Carrying a concealed handgun; consumption of alcohol in a public park; penalty. Prohibits a person who carries a concealed handgun onto the premises of any public park or other public space when alcoholic beverages have been approved for sale or consumption therein from consuming an alcoholic beverage while on the premises. A violation of this provision is a Class 2 misdemeanor.

SB 64 - Lucas - Paramilitary activities; penalty. Paramilitary activities; penalty. Provides that a person is guilty of unlawful paramilitary activity if such person assembles with another person with the intent of intimidating any person or group of persons by drilling, parading, or marching with any firearm, any explosive or incendiary device, or any components or combination thereof. Such unlawful paramilitary activity is punishable as a Class 5 felony.

SB 67 - McClellan - Firearms; reporting those lost or stolen, civil penalty. Reporting lost or stolen firearms; civil penalty. Requires that, if a firearm is lost or stolen from a person who lawfully possessed it, such person shall report the loss or theft of the firearm to any local law-enforcement agency or the Department of State Police within 24 hours after such person discovers the loss or theft or is informed by a person with personal knowledge of the loss or theft. The bill requires the relevant law-enforcement agency to enter the report information into the National Crime Information Center. A violation is punishable by a civil penalty of not more than \$250. The bill provides that a person who, in good faith, reports the loss or theft is immune from criminal or civil liability for acts or omissions that result from the loss or theft. The immunity does not apply to a person who knowingly gives a false report. The bill does not apply to the loss or theft of an antique firearm.

SB 69 - Locke - Handguns; limitation on purchases, penalty. Purchase of handguns; limitation on handgun purchases; penalty. Prohibits any person who is not a licensed firearms dealer from purchasing more than one handgun in a 30-day period and establishes such an offense as a Class 1 misdemeanor. The bill exempts from this provision (i) persons who have been issued a certificate by the Department of State Police under certain circumstances and with an enhanced background check, (ii) law-enforcement agencies and officers, (iii) state and local correctional facilities, (iv) licensed private security companies, (v) persons who hold a valid Virginia concealed handgun permit, (vi) persons whose handgun has been stolen or irretrievably lost or who are trading in a handgun, (vii) purchases of handguns in a private sale, and (viii) purchases of antique firearms.

SB 70 - Lucas - Firearm transfers; criminal history record information check, penalty. Firearm transfers; criminal history record information checks; penalty. Requires a background check for any firearm transfer and directs the Department of State Police (the Department) to establish a process for transferors to obtain such a check from licensed firearms dealers. A transferor who sells a firearm to another person without obtaining the required background check is guilty of a Class 6 felony. The bill also provides that a transferee who receives a firearm from another person without obtaining the required background check is guilty of a Class 1 misdemeanor. The bill exempts transfers (i) between immediate family members; (ii) that occur by operation of law; (iii) by the executor or administrator of an estate or by the trustee of a testamentary trust; (iv) at firearms shows in accordance with law; (v) that are part of a buy-back or give-back program;

(vi) of antique firearms; (vii) that occur at a shooting range, shooting gallery, or any other area designed for the purpose of target shooting or for use during target practice, a firearms safety or training course or class, a shooting competition, or any similar lawful activity; or (viii) that are temporary transfers that (a) occur within the continuous presence of the owner of the firearm or (b) are necessary to prevent imminent death or great bodily harm. The bill removes the provision that makes background checks of prospective purchasers or transferees at firearms shows voluntary. The bill also provides that the Department shall have three business days to complete a criminal history record information check before a firearm may be transferred.

SB 71 - Lucas - Firearms; possession on school property. Firearms on school property. Adds public, private, or religious preschools and child day centers that are not operated at the residence of the provider or of any of the children to the list of schools where possessing a firearm on school property or on a school bus is prohibited. Under current law, the list of such schools only includes public, private, or religious elementary, middle, or high schools.

SB 75 - Howell - Minors; allowing access to firearms, penalty. Allowing access to firearms by minors; penalty. Provides that any person who recklessly leaves a loaded, unsecured firearm in such a manner as to endanger the life or limb of any person under the age of 18 is guilty of a Class 3 misdemeanor. Current law provides that any person who recklessly leaves a loaded, unsecured firearm in such a manner as to endanger the life or limb of any child under the age of 14 is guilty of a Class 3 misdemeanor.

SB 76 - Howell - Protective orders; possession of firearms, penalty. Protective orders; possession of firearms; penalty. Provides that it is a Class 6 felony for a person who is subject to a permanent protective order (i.e., a protective order with a maximum duration of two years) for subjecting another person to an act of violence, force, or threat to possess a firearm while the order is in effect, which is equivalent to the existing penalty for possession of a firearm by a person subject to a permanent protective order for family abuse. The bill also provides that such person may continue to possess and transport a firearm for 24 hours after being served with the order for the purposes of selling or transferring the firearm to another person.

SB 82 - DeSteph - Protective order; violation of order, armed with firearm or other deadly weapon. Violation of protective order; armed with firearm or other deadly weapon; mandatory minimum sentence; penalty. Provides for a three-year mandatory minimum sentence to be served consecutively with any other sentence upon a conviction for violation of a protective order while knowingly armed with a firearm or other deadly weapon. Current law does not specify a mandatory minimum sentence.

SB 83 - DeSteph - Firearms; brandishing, etc., at a law-enforcement officer, penalty. Brandishing a firearm; law-enforcement officer; penalty. Provides for a six-month mandatory minimum sentence upon conviction of a person for pointing, holding, or brandishing a firearm or air-operated or gas-operated weapon or object similar in appearance at someone who the person knows or has reason to know is a law-enforcement officer in such manner as to reasonably induce fear in the mind of another.

SB 84 - DeSteph - Firearms; concealment while committing certain felonies, penalty. Concealment of firearm in committing felony; penalty. Provides that a person is guilty of a separate felony if he carries about his person any pistol, shotgun, rifle, or other firearm that is hidden from common observation while committing or attempting to commit certain other felonies. A first offense is punishable by a mandatory minimum term of confinement of three years and a second or subsequent offense is punishable by a mandatory minimum term of confinement of five years.

SB 85 - DeSteph - Stolen firearms; penalties. Stolen firearms; penalties. Creates or enhances penalties for crimes related to larceny of a firearm or use of a stolen firearm during the commission of a felony. The bill provides that it is (i) a Class 3 felony with a five-year mandatory minimum sentence to commit larceny of a firearm with the intent to sell or distribute and (ii) a Class 5 felony with a two-year mandatory minimum sentence to sell or distribute, attempt to sell or distribute, or possess with the intent to sell or distribute a stolen firearm. The bill adds a one-year mandatory minimum sentence to the crime of receiving a stolen firearm, which is a Class 6 felony. Finally, the bill increases the mandatory minimum

sentences for possession of a firearm during the commission of a felony, if such firearm was stolen, from three years to five years for a first offense and from five years to 10 years for a second or subsequent offense.

SB 86 - DeSteph - Firearms; use or display while committing felony, penalty. Use or display of firearm in committing felony; penalty. Increases from three to five years for a first offense and from five to 10 years for a second or subsequent offense the mandatory minimum sentences for use or display of a firearm during the commission of certain felonies.

SB 88 - DeSteph - Discharging firearm; penalty. Discharging firearm; penalty. Imposes a mandatory minimum term of imprisonment of three years for violations of (i) maliciously discharging a firearm within or at an occupied building or dwelling house; (ii) willfully discharging a firearm within or at any school building, upon the buildings or grounds of any school, or upon any public property within 1,000 feet of the property line of a school; and (iii) intentionally discharging a firearm while in or on a motor vehicle so as to create risk of death or injury to another person. The bill also imposes a mandatory minimum term of imprisonment of one year for violations of (a) unlawfully, but not maliciously, discharging a firearm within or at an occupied building or dwelling house and (b) willfully discharging a firearm in a public place when such discharge results in bodily injury to another person. The bill imposes a mandatory minimum term of confinement in jail of 90 days for violations of willfully discharging a firearm in a public place when such discharge does not result in bodily injury to another person.

SB 89 - DeSteph - Protective orders; violation of order while armed with firearm or other deadly weapon, etc. Violation of protective order while armed with firearm or other deadly weapon; mandatory minimum sentence; penalty. Provides for a three-year mandatory minimum sentence to be served consecutively with any other sentence upon a conviction for violation of a protective order while knowingly armed with a firearm or other deadly weapon. Current law does not specify a mandatory minimum sentence.