

# Virginia Firearms Transaction Program Newsletter

2005-1

July 2005

## Legislation Enacted by the 2005 Virginia General Assembly

**Section 18.2-308.2:2**, of the Code of Virginia, is amended and reenacted effective July 1, 2005, as follows:

### (House Bill 2931)

Eliminates the requirement that prospective firearm purchasers fill out duplicate information on the Virginia Firearms Transaction Record, SP-65, as is required on the Federal 4473 form. The applicant will be required to provide written consent for the background check on the state form, and provide certain information for the State Police to complete the required background check. In addition, the bill allows local or state law enforcement authorities to examine both state and federal firearm transaction records maintained by a licensed firearms dealer in the Commonwealth.

**The SP-65 form is revised as of July 1, 2005. All firearms dealers registered with the State Police Firearms Transaction Center will receive a consignment of the revised forms prior to that date. The new form should be utilized as of July 1, 2005, and any unused forms previously consigned should be destroyed.**

### (House Bill 2060)

Exempts law-enforcement officers from the provision limiting a person from purchasing more than 1 handgun in a 30-day period. As of July 1, 2005, the SP-65, will capture this additional type of multiple handgun transaction.

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## VFTP Appeal Process

The criminal history record information check, required prior to the purchase of a firearm in Virginia, is accomplished by a name check in conjunction with the purchaser's race, sex, and date of birth. It is not unusual to receive a "hit" response when we query the national and state databases due to similar personal descriptors of the prospective purchaser and those listed on an arrest record. When this occurs, research is conducted to determine if the prospective purchaser may be the same individual contained in these files; and if the individual is eligible to purchase or possess a firearm. It is not unusual for a criminal history record to include numerous alias names and dates of birth.

Upon notification of confirmed denial, all firearms dealers should advise the denied individual of their right to appeal the decision. The avenues of appeal are listed on the back page of the Virginia Firearms Transaction Program (yellow) brochure. This brochure should be provided to all denied persons.

The denied individual may:

1. Contact the FTC at (804) 674-2292 to discuss the ineligible determination and/or to provide additional information deemed pertinent to the final determination of eligibility.
2. Email the FTC Manager at [Donna.Tate@vsp.virginia.gov](mailto:Donna.Tate@vsp.virginia.gov) to discuss the ineligible determination and/or to provide additional information deemed pertinent to the final determination of eligibility.
3. Review their criminal history record and request correction of the record if the record is found to be in error, pursuant to § 9.1-132, Code of Virginia; provided that any such action is initiated within 30-days of the denial.
4. Exercise their right to institute a civil action pursuant to Section 9.1-135 of the Code of Virginia; provided that any such action is initiated within 30-days of the denial.
5. Elect to direct their challenge to the accuracy of a record in writing to: FBI, NICS Operations Center, Criminal Justice Information Services Division, 1000 Custer Hollow Road, Module C-3, Clarksburg, West Virginia 26306-0147 or; email: [nicsappeals@leo.gov](mailto:nicsappeals@leo.gov).

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## Legislation Enacted by the 2005 Virginia General Assembly

### (House Bill 2722)

Makes it unlawful for a juvenile adjudicated delinquent on or after July 1, 2005, of murder, kidnapping, armed robbery, or rape, who was at least 14 years old at the time of offense, to possess or transport firearms, stun weapons, tasers, or concealed handguns for the "rest of his or her life." Prior to this amendment, such person would be able to possess a firearm at age 29.

## The FTC Support Team

Would you like to receive assistance and/or training on a specific issue or problem related to the VFTP?

In an effort to support the firearm dealers, we have developed a team of Liaison Specialists to provide in-depth assistance on various topics concerning the firearm transaction process in Virginia. The FTC Support Team will provide training and instructional information to licensed firearms dealers registered with the Firearms Transaction Center.

Mark Coleman and Matthew Rice are the members of the FTC Support Team and will respond to questions related to state and federal firearm laws, requirements and procedures of the VFTP. They are available to travel to dealer sites and provide individualized training as well as be onsite at certain gun show events.

To schedule a training session, you can contact one of the members of the FTC Support Team directly. These sessions can be tailored to fit your time and/or topic needs.

### To contact a member of the team:

Mark A. Coleman  
Firearms Transaction Center Dealer Liaison

*mark.coleman@vsp.virginia.gov*  
Phone: 804-674-2273

Matthew J. Rice  
Firearms Transaction Center Dealer Liaison

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Phone: 804-674-2275

### **VFTP Fact:**

If a prospective purchaser has a Military ID card issued by the US Department of Defense, has PCS (Permanent Change of Station) Orders to Virginia, and is the holder of a **Virginia** Non-Resident Concealed Handgun Permit, he **is** entitled to the same multiple handgun purchase privileges as a purchaser with a Resident Concealed Handgun Permit.

## VFTP Appeal Process

It may be necessary for the denied individual to submit fingerprint impressions for comparison with the fingerprint classification of the individual named in the prohibiting criminal record. Upon determination that the individual submitting the fingerprints is not the same individual, the denied transaction will be reversed to approval and a **Unique Firearms Identification Number (UFIN)** may be issued.

The UFIN will be provided to the individual for use in future firearm purchases. The number should be relayed to the VFTP through the firearms dealer at the time of application. Although a complete criminal history record information check will continue to be performed at the time of purchase, the UFIN will prompt us to check the appropriate appeals file for quick turnover of your customer's transaction.

**The UFIN will improve VFTP service to lawfully eligible individuals while reducing administrative work for the Firearms Transaction Center.**

The VFTP Firearms Dealers Procedures Manual, VFTP Newsletters, Special Bulletins, and VFTP Technical Bulletins are available on the Department of State Police website, [www.virginiatrooper.org/](http://www.virginiatrooper.org/).



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