



# Newsletter

2007-1

July 1, 2007

Firearms Transaction Center  
Virginia Firearms Transaction Program

## *New or Amended Legislation July 1, 2007*

### House Bill 2653

*Prohibits anyone other than a law - enforcement officer or someone under an officer's supervision from attempting to persuade a firearms dealer to make an illegal sale.*

### House Bill 2106

*Eliminates the requirement that a person with a valid concealed handgun permit submit fingerprints when applying to renew that permit.*

### House Bill 2547

*Amends existing provisions related to regulation of firearms along public highways by clarifying that the provisions apply to hunting.*

## **VFTP Procedures Manual for Firearm Dealers**

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The procedures manual is revised effective July 1 to incorporate instruction for VCheck. The revised manual is reorganized, in its entirety, by new arrangement of related processes and compiling each section as a separate PDF file. The organizational changes to the manual will accommodate downloading and printing of the entire manual or selected sections from the Internet. The Procedures Manual for Firearms Dealers, Tenth Edition, is available to all firearm dealers via the department's website. Printed copies will be provided upon request.



## **Identification Requirements—Military Personnel**

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Active military personnel permanently stationed in Virginia are treated as Virginia residents for the purchase of a handgun. Identification and residency are established by a military photo-identification card issued by the United States Department of Defense and permanent orders assigning the purchaser to a duty post in Virginia.

If permanently assigned to a mobile unit in Virginia, and the homeport is listed as Virginia; the transaction may be processed as a Virginia resident the same as any other permanent military assignment to Virginia supported by military assignment orders. The individual is treated as a non-Virginia resident if the homeport is listed as any place other than Virginia. Individuals retired from military service are subject to the same identification and residency requirements as any other person wishing to purchase a firearm; i.e., a primary and secondary form of ID.

Regulation 6VAC20-130-60, which was amended in Virginia Register Volume 21, Issue 16, effective May 18, 2006, authorizes firearm dealers to accept a Department of Defense photo-identification plus a secondary form of identification *other than military duty assignment orders* as documentation of identification and residency. The Office of the Attorney General has confirmed that the photo-identification issued by the United States Department of Defense must be accompanied by the permanent order assigning the purchaser to a duty post in Virginia in order to establish residency for a firearm purchase under Virginia Code § 18.2-308.2:2(B. 1).

**The Code of Virginia is the controlling authority.**

**The Department of State Police has requested that the regulation be brought into conformity with the Code of Virginia.**

## Multiple Handgun Purchase Transactions

*Unnecessary query of the concealed handgun permit database may prevent an instant clearance.* When entering a firearms transaction on VCheck, click on "concealed handgun permit" only if your customer is using the permit as an exemption to the handgun purchase restriction. The same applies when calling the FTC Call Center 800-telephone line for the transfer of a single handgun to an individual who has not purchased a handgun in the last 30 days.

A law enforcement officer is exempt from the handgun purchase restriction. In this instance, a law-enforcement officer means *any employee of a police department or sheriff's office that is part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth* (Virginia Code § 18.2-308.2:2 P.2.j.) In VCheck, click on "Law Enforcement Officer" only if your customer is actively employed as a law enforcement officer. The name of the law enforcement agency is required.

A retired law enforcement officer is exempt from the handgun purchase exemption only if he or she is a resident of Virginia and presents a concealed handgun permit from the agency that he or she retired from. In this instance, the individual is using his or her Virginia-issued retiree/permit credentials as an exemption to the handgun purchase restriction and the transaction should be entered, or called in, as a "concealed handgun permit" transaction.

## Nonresident Transactions *Reminder*

Rifles and shotguns may be purchased by persons who are residents of other states under the terms of subsection A and B, Section 18.2-308.2:2, Code of Virginia; i.e., one photo-identification form issued by a governmental agency of the purchaser's state of residence and one other documentation of residence, any of which must show an address identical to that shown on the photo-identification form. The issuance date requirement applies only to those licenses issued by the Virginia Department of Motor Vehicles. Pursuant to federal law [18 U.S.C. 922(b)(3)], a licensee may sell a rifle or shotgun to a person who is not a resident of the State where the licensee's business premises is located in an over-the-counter transaction provided the transaction complies with State law in the State where the licensee is located and in the State where the purchaser resides. As an example, prospective purchasers who reside in the District of Columbia must present a registration certificate at the time of application to purchase the rifle or shotgun. Please contact the FTC Help Desk or the Bureau of Alcohol, Tobacco, Firearms and Explosives if you have any questions concerning sales to nonresidents.

**VCheck Update: An average of 60% of the total volume of activity is processed via VCheck! To date, the highest volume of VCheck activity occurred on April 22, 2007, wherein VCheck captured 70% of that day's transactions. If you have not registered with VCheck yet, please contact the State Police Firearms Transaction Center Support Team at (804)674-2273 or 804-674-2275 or [firearms@vsp.virginia.gov](mailto:firearms@vsp.virginia.gov).**



### ATTENTION

### VIRGINIA FIREARMS DEALERS

In order to provide you with time-sensitive information that may affect our businesses, your association asks that you send an e-mail to [virginiafirearmsdealers@cox.net](mailto:virginiafirearmsdealers@cox.net) so that we may add you to our mailing list. Simply write "Add" in the subject line.

Robert Marcus, President,  
Virginia Firearms Dealers Association  
(757) 377-5300

← **This space is available to YOU for messages to your VCheck partners.** Please submit messages to the email address listed below. It is suggested that requests be received at least 60 days in advance of the January or July Newsletter.

*Rules: We read all submissions promptly and will contact you if we are going to post your message. You will not be contacted if your message is not selected for posting. All postings must contain your name and email address. Postings must contain comments or information that are relevant to the group topic and of interest to the entire group. Messages of a political, sexual, or racial nature will not be accepted. The State Police reserves the right to refuse messages or comments deemed inappropriate by the State Police.*

Submit comments or editorials to:

Firearms Transaction Center  
Virginia Firearms Transaction Program  
Post Office Box 85608  
Richmond, Virginia 23285-5608  
Help Desk: 804-674-2292  
Fax: 804-674-2791  
E-mail: [firearms@vsp.virginia.gov](mailto:firearms@vsp.virginia.gov)

### WE WANT TO HEAR FROM YOU

A VCheck online survey will be emailed to all VCheck participants in the near future.