

Virginia Firearms Transaction Program

NEWSLETTER

04-1

Department of State Police

July 2004

Legislation Enacted by the 2004 Virginia General Assembly Affecting the Virginia Firearms Transaction Program

The following new or amended legislation is effective July 1, 2004:

(House Bill 1302) Repeals provisions regulating sales of firearms to residents of contiguous states and purchase of firearms by Virginia residents in contiguous states.

As of July 1, 2004, the VFTP will process criminal history record information checks for the transfer of rifles or shotguns to a resident of any state.

(House Bill 404) Allows the holder of a valid Virginia concealed handgun permit to purchase more than one handgun in a 30-day period. The bill also allows a person to purchase more than one handgun in a 30-day period if purchased through a private sale. Private sale is defined as a sale by a person who makes occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection of curios or relics, or who sells all or part of his personal collection of curios or relics.

As of July 1, 2004, the VFTP will be modified to accept valid concealed handgun permits as an exemption to the handgun restriction.

(House Bill 375) Provides that for the purpose of firearm purchases, the permanent duty post of a member of the armed services is considered his or her residence. Where a purchaser presents a

copy of his or her permanent orders assigning him or her to a duty post in Virginia along with a photo-identification issued by the Department of Defense, no other documentation of residency shall be required by the seller. The bill removes the requirement that firearm safety information be posted and handed out where firearms are sold.

As of July 1, 2004, members of the armed services will be required to present, only, a copy of his or her permanent orders and military photo-ID to establish Virginia residency.

The Virginia Firearms Safety and Laws brochure will continue to be distributed to registered dealers upon request.

The Virginia Firearms Transaction Program brochure will also remain available and will continue to be distributed along with newly consigned Virginia Firearms Transaction Records (SP-65 forms). Additional brochures are available upon request. This brochure provides general information for your customers pertaining to the VFTP, as well as the appeal processes available to any individual denied the purchase of a firearm.

Legislation Enacted by the 2004 Virginia General Assembly Affecting Concealed Handgun Permits

Effective July 1, 2004, Virginia Code Section 18.2-308 is amended and reenacted as follows:

(House Bill 215) Provides that an out-of-state concealed "weapons" permit authorizes the holder of the permit to carry a "handgun" in the Commonwealth if the permit holder is at least 21 years of age. The bill allows recognition of the other state's permit even if the other state has a lower age requirement and permits weapons other than handguns. Virginia's age requirement (21 years) would apply and the only weapon authorized while the permit holder is in Virginia is a handgun. The bill allows the Superintendent of State Police, in consultation with the Attorney General, to enter into reciprocity agreements with any state qualifying for recognition under these requirements. In addition, the bill establishes a procedure for nonresidents of the Commonwealth who are at least 21 years old to apply to the Virginia Department of State Police for a five-year permit to carry a concealed handgun. The bill also requires residents of the Commonwealth to submit proof of demonstrated competence when applying for a concealed handgun permit. Previously, it was left to the court's discretion as to whether or not to require proof of competency.

(House Bill 402) Provides that a copy of a concealed handgun permit application will become a *de facto permit* if the court does not grant or deny the permit within 45 days of receipt of the completed application.

(House Bill 444) States that there is no requirement as to the length of time an applicant for a concealed handgun permit must have been a resident or domiciliary of the county or city where he or she resides.

(House Bill 1205) Allows any law enforcement officer to carry a firearm in a concealed manner anywhere such law enforcement officer may travel in Virginia.

The VFTP Procedures Manual for Firearms Dealers, Ninth Edition, July 1, 2004, will be distributed to all licensed and registered firearm dealers in the near future. The revised manual will also be made available on the Department of State Police web site at www.virginiatrooper.org/.

COMMENTS OR EDITORIALS SHOULD BE ADDRESSED TO



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