

State Laws and Published Ordinances – Virginia
Current through the 2022 Regular Session of the General Assembly.

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Alleghany County

Altavista

Big Stone Gap

Charlottesville

Colonial Beach

Dumfries

Emporia

Fairfax

Farmville

Franklin

Gate City

Hampton

Hanover County

Harrisonburg

Herndon

Hopewell

Isle of Wright County

James City County

King William County

Leesburg

Lexington

Louisa

Manassas Park

Marion

Mount Jackson

Norton

Price Edward County

Prince George County

Prince William County

Quantico

Roanoke

Rocky Mount

Salem

South Hills

Southampton County

Staunton

Surry County

Warrenton

Waynesboro

Wytheville

Title 15.2 – Counties, Cities and Towns
Subtitle II – Powers of Local Government
Chapter 9 – General Powers of Local Governments
Article 1 – Public Health and Safety; Nuisances

Section 15.2-915. Control of firearms; applicability to authorities and local governmental agencies.

A. No locality shall adopt or enforce any ordinance, resolution or motion, as permitted by § 15.2-1425, and no agent of such locality shall take any administrative action, governing the purchase, possession, transfer, ownership, carrying, storage, or transporting of firearms, ammunition, or components or combination thereof other than those expressly authorized by statute. For purposes of this section, a statute that does not refer to firearms, ammunition, or components or combination thereof shall not be construed to provide express authorization.

Nothing in this section shall prohibit a locality from adopting workplace rules relating to terms and conditions of employment of the workforce. However, no locality shall adopt any workplace rule, other than for the purposes of a community services board or behavioral health authority as defined in § 37.2-100, that prevents an employee of that locality from storing at that locality's workplace a lawfully possessed firearm and ammunition in a locked private motor vehicle. Nothing in this section shall prohibit a law-enforcement officer, as defined in § 9.1-101, from acting within the scope of his duties.

The provisions of this section applicable to a locality shall also apply to any authority or to a local governmental entity, including a department or agency, but not including any local or regional jail, juvenile detention facility, or state-governed entity, department, or agency.

B. Any local ordinance, resolution, or motion adopted prior to July 1, 2004, governing the purchase, possession, transfer, ownership, carrying, or transporting of firearms, ammunition, or components or combination thereof, other than those expressly authorized by statute, is invalid.

C. In addition to any other relief provided, the court may award reasonable attorney fees, expenses, and court costs to any person, group, or entity that prevails in an action challenging (i) an ordinance, resolution, or motion as being in conflict with this section or (ii) an administrative action taken in bad faith as being in conflict with this section.

D. For purposes of this section, "**workplace**" means "workplace of the locality."

Title 18.2 – Crimes and Offenses Generally
CHAPTER 7. CRIMES INVOLVING HEALTH AND SAFETY
Article 5 – Uniform Machine Gun Act

Section 18.2-288. Definitions.

When used in this article:

(1) "Machine gun" applies to any weapon which shoots or is designed to shoot automatically more than one shot, without manual reloading, by a single function of the trigger.

(3) "Person" applies to and includes firm, partnership, association or corporation.

Section 18.2-290. Use of machine gun for aggressive purpose.

Unlawful possession or use of a machine gun for an offensive or aggressive purpose is hereby declared to be a Class 4 felony.

Section 18.2-291. What constitutes aggressive purpose.

Possession or use of a machine gun shall be presumed to be for an offensive or aggressive purpose:

(1) When the machine gun is on premises not owned or rented for bona fide permanent residence or business occupancy by the person in whose possession the machine gun may be found;

(2) When the machine gun is in the possession of, or used by, a person who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions;

(3) When the machine gun has not been registered as required in § 18.2-295; or

Section 18.2-293. What article does not apply to.

The provisions of this article shall not be applicable to:

(1) The manufacture for, and sale of, machine guns to the armed forces or law-enforcement officers of the United States or of any state or of any political subdivision thereof, or the transportation required for that purpose; and

(2) Machine guns and automatic arms issued to the national guard of Virginia by the United States or such arms used by the United States army or navy or in the hands of troops of the national guards of other states or territories of the United States passing through Virginia, or such arms as may be provided for the officers of the State Police or officers of penal institutions.

Section 18.2-293.1. What article does not prohibit.

Nothing contained in this article shall prohibit or interfere with:

(1) The possession of a machine gun for scientific purposes, or the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament, or keepsake; and

(2) The possession of a machine gun for a purpose manifestly not aggressive or offensive.

Provided, however, that possession of such machine guns shall be subject to the provisions of § 18.2-295.

Section 18.2-294. Manufacturer's and dealer's register; inspection of stock.

Every manufacturer or dealer shall keep a register of all machine guns manufactured or handled by him. This register shall show the model and serial number, date of manufacture, sale, loan, gift, delivery or receipt of every machine gun, the name, address, and occupation of the person to whom the machine gun was sold, loaned, given or delivered, or from whom it was received. Upon demand every manufacturer or dealer shall permit any marshal, sheriff or police officer to inspect his entire stock of machine guns, parts, and supplies therefor, and shall produce the register, herein required, for inspection. A violation of any provisions of this section shall be punishable as a Class 3 misdemeanor.

Section 18.2-295. Registration of machine guns.

Every machine gun in this Commonwealth shall be registered with the Department of State Police within twenty-four hours after its acquisition or, in the case of semi-automatic weapons which are converted, modified or otherwise altered to become machine guns, within twenty-four hours of the conversion, modification or alteration. Blanks for registration shall be prepared by the Superintendent of State Police, and furnished upon application. To comply with this section the application as filed shall be notarized and shall show the model and serial number of the gun, the name, address and occupation of the person in possession, and from whom and the purpose for which, the gun was acquired or altered. The Superintendent of State Police shall upon registration required in this section forthwith furnish the registrant with a certificate of registration, which shall be valid as long as the registrant remains the same. Certificates of registration shall be retained by the registrant and produced by him upon demand by any peace officer. Failure to keep or produce such certificate for inspection shall be a Class 3 misdemeanor, and any peace officer, may without warrant, seize the machine gun and apply for its confiscation as provided in § 18.2-296. Upon transferring a registered machine gun, the transferor shall forthwith notify the Superintendent in writing, setting forth the date of transfer and name and address of the transferee. Failure to give the required notification shall constitute a Class 3 misdemeanor. Registration data shall not be subject to inspection by the public.

Article 6 – "Sawed-Off" Shotgun and "Sawed-Off" Rifle Act

Section 18.2-299. Definitions.

When used in this article:

"Sawed-off shotgun" means any weapon, loaded or unloaded, originally designed as a shoulder weapon, utilizing a self-contained cartridge from which a number of ball shot pellets or projectiles may be fired simultaneously from a smooth or rifled bore by a single function of the firing device and which has a barrel length of less than 18 inches for smooth bore weapons and 16 inches for rifled weapons. Weapons of less than .225 caliber shall not be included.

"Sawed-off rifle" means a rifle of any caliber, loaded or unloaded, which expels a projectile by action of an explosion of a combustible material and is designed as a shoulder weapon with a barrel or barrels length of less than 16 inches or which has been modified to an overall length of less than 26 inches.

"Crime of violence" applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder, manslaughter, kidnapping, rape, mayhem, assault with intent to maim, disable, disfigure or kill, robbery, burglary, housebreaking, breaking and entering and larceny.

"Person" applies to and includes firm, partnership, association or corporation.

Section 18.2-300. Possession or use of "sawed-off" shotgun or rifle.

A. Possession or use of a "sawed-off" shotgun or "sawed-off" rifle in the perpetration or attempted perpetration of a crime of violence is a Class 2 felony.

B. Possession or use of a "sawed-off" shotgun or "sawed-off" rifle for any other purpose, except as permitted by this article and official use by those persons permitted possession by § 18.2-303, is a Class 4 felony.

Section 18.2-303. What article does not apply to.

The provisions of this article shall not be applicable to:

(1) The manufacture for, and sale of, "sawed-off" shotguns or "sawed-off" rifles to the armed forces or law-enforcement officers of the United States or of any state or of any political subdivision thereof, or the transportation required for that purpose; and

(2) "Sawed-off" shotguns, "sawed-off" rifles and automatic arms issued to the National Guard of Virginia by the United States or such arms used by the United States Army or Navy or in the hands of troops of the national guards of other states or territories of the United States passing through Virginia, or such arms as may be provided for the officers of the State Police or officers of penal institutions.

Section 18.2-303.1. What article does not prohibit.

Nothing contained in this article shall prohibit or interfere with the possession of a "sawed-off" shotgun or "sawed-off" rifle for scientific purposes, the possession of a "sawed-off" shotgun or "sawed-off" rifle possessed in compliance with federal law or the possession of a "sawed-off" shotgun or "sawed-off" rifle not usable as a firing weapon and possessed as a curiosity, ornament, or keepsake.

Section 18.2-304. Manufacturer's and dealer's register; inspection of stock.

Every manufacturer or dealer shall keep a register of all "sawed-off" shotguns and "sawed-off" rifles manufactured or handled by him. This register shall show the model and serial number, date of manufacture, sale, loan, gift, delivery or receipt of every "sawed-off" shotgun and "sawed-off" rifle, the name, address, and occupation of the person to whom the "sawed-off" shotgun or "sawed-off" rifle was sold, loaned, given or delivered, or from whom it was received. Upon demand every manufacturer or dealer shall permit any marshal, sheriff or police officer to inspect his entire stock of "sawed-off" shotguns and "sawed-off" rifles, and "sawed-off" shotgun or "sawed-off" rifle barrels, and shall produce the register, herein required, for inspection. A violation of any provision of this section shall be punishable as a Class 3 misdemeanor.

Article 7 – Other Illegal Weapons

Section 18.2-308.1. Possession of firearm, stun weapon, or other weapon on school property prohibited; penalty.

B. If any person knowingly possesses any firearm designed or intended to expel a projectile by action of an explosion of a combustible material while such person is upon (i) the property of any child day center or public, private, or religious preschool, elementary, middle, or high school, including buildings and grounds; (ii) that portion of any property open to the public and then exclusively used for school-sponsored functions or extracurricular activities while such functions or activities are taking place; or (iii) any school bus owned or operated by any such school, he is guilty of a Class 6 felony.

C. If any person knowingly possesses any firearm designed or intended to expel a projectile by action of an explosion of a combustible material within the building of a child day center or public, private or religious elementary, middle or high school building and intends to use, or attempts to use, such firearm, or displays such weapon in a threatening manner, such person is guilty of a Class 6 felony and sentenced to a mandatory minimum term of imprisonment of five years to be served consecutively with any other sentence.

E. The exemptions set out in §§ 18.2-308 and 18.2-308.016 shall apply, mutatis mutandis, to the provisions of this section. The provisions of this section shall not apply to (i) persons who possess such weapon or weapons as a part of the school's curriculum or activities; ... (iii) persons who possess such weapon or weapons as a part of any program sponsored or facilitated by either the school or any organization authorized by the school to conduct its programs either on or off the school premises; (iv) any law-enforcement officer, or retired law-enforcement officer qualified pursuant to subsection C of § 18.2-308.016; ... (vi) a person who possesses an unloaded firearm or a stun weapon that is in a closed container, or a knife having a metal blade, in or upon a motor vehicle, or an unloaded shotgun or rifle in a firearms rack in or upon a motor vehicle; (vii) a person who has a valid concealed handgun permit and possesses a concealed handgun while in a motor vehicle in a parking lot, traffic circle, or other means of vehicular ingress or egress to the school; (viii) a school security officer authorized to carry a firearm pursuant to Section 22.1-280.2:1; or (ix) an armed security officer, licensed pursuant to Article 4 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1, hired by a child day center or a private or religious school for the protection of students and employees as authorized by such school. For the purposes of this subsection, "weapon" includes a knife having a metal blade of three inches or longer and "closed container" includes a locked vehicle trunk.

Section 18.2-308.1:1. Purchase, possession, or transportation of firearms by persons acquitted by reason of insanity; penalty.

A. It shall be unlawful for any person acquitted by reason of insanity and committed to the custody of the Commissioner of Behavioral Health and Developmental Services, pursuant to Chapter 11.1 (§ 19.2-182.2 et seq.) of Title 19.2, on a charge of treason, any felony or any offense punishable as a misdemeanor under Title 54.1 or a Class 1 or Class 2 misdemeanor

under this title, except those misdemeanor violations of (i) Article 2 (§ 18.2-266 et seq.) of Chapter 7 of this title, (ii) Article 2 (§ 18.2-415 et seq.) of Chapter 9 of this title, (iii) § 18.2-119, or (iv) an ordinance of any county, city, or town similar to the offenses specified in clause (i), (ii), or (iii), to knowingly and intentionally purchase, possess, or transport any firearm. A violation of this subsection shall be punishable as a Class 1 misdemeanor.

B. Any person so acquitted may, upon discharge from the custody of the Commissioner, petition the general district court in the city or county in which he resides or, if the person is not a resident of the Commonwealth, the general district court of the city or county in which the most recent of the proceedings described in subsection A occurred to restore his right to purchase, possess, or transport a firearm. A copy of the petition shall be mailed or delivered to the attorney for the Commonwealth for the jurisdiction where the petition was filed who shall be entitled to respond and represent the interests of the Commonwealth. The court shall conduct a hearing if requested by either party. If the court determines, after receiving and considering evidence concerning the circumstances regarding the disability referred to in subsection A and the person's criminal history, treatment record, and reputation as developed through character witness statements, testimony, or other character evidence, that the person will not be likely to act in a manner dangerous to public safety and that the granting of the relief would not be contrary to the public interest, the court shall grant the petition. Any person denied relief by the general district court may petition the circuit court for a de novo review of the denial. Upon a grant of relief in any court, the court shall enter a written order granting the petition, in which event the provisions of subsection A do not apply. The clerk of court shall certify and forward forthwith to the Central Criminal Records Exchange, on a form provided by the Exchange, a copy of any such order.

C. As used in this section, "treatment record" shall include copies of health records detailing the petitioner's psychiatric history, which shall include the records pertaining to the commitment or adjudication that is the subject of the request for relief pursuant to this section.

Section 18.2-308.1:2. Purchase, possession or transportation of firearm by persons adjudicated legally incompetent or mentally incapacitated; penalty.

A. It shall be unlawful for any person who has been adjudicated (i) legally incompetent pursuant to former § 37.1-128.02 or former § 37.1-134, (ii) mentally incapacitated pursuant to former § 37.1-128.1 or former § 37.1-132, or (iii) incapacitated pursuant to Chapter 20 (§ 64.2-2000 et seq.) of Title 64.2 to purchase, possess, or transport any firearm. A violation of this subsection shall be punishable as a Class 1 misdemeanor.

B. Any person whose competency or capacity has been restored pursuant to former § 37.1-134.1, former § 37.2-1012, or § 64.2-2012 may petition the general district court in the city or county in which he resides or, if the person is not a resident of the Commonwealth, the general district court of the city or county in which the most recent of the proceedings described in subsection A occurred to restore his right to purchase, possess or transport a firearm. A copy of the petition shall be mailed or delivered to the attorney for the Commonwealth for the jurisdiction where the petition was filed who shall be entitled to respond and represent the interests of the Commonwealth. The court shall conduct a hearing if requested by either party. If the court determines, after receiving and considering evidence concerning the circumstances regarding the disability referred to in subsection A and the person's criminal history, treatment record, and reputation as developed through character witness statements, testimony, or other character evidence, that the person will not be likely to act in a manner dangerous to public safety and that the granting of the relief would not be contrary to the public interest, the court shall grant the petition. Any person denied relief by the general district court may petition the circuit court for a de novo review of the denial. Upon a grant of relief in any court, the court shall enter a written order granting the petition, in which event the provisions of subsection A do not apply. The clerk of court shall certify and forward forthwith to the Central Criminal Records Exchange, on a form provided by the Exchange, a copy of any such order.

C. As used in this section, "treatment record" shall include copies of health records detailing the petitioner's psychiatric history, which shall include the records pertaining to the commitment or adjudication that is the subject of the request for relief pursuant to this section.

Section 18.2-308.1:3. Purchase, possession, or transportation of firearm by persons involuntarily admitted or ordered to outpatient treatment; penalty.

A. It shall be unlawful for any person (i) involuntarily admitted to a facility or ordered to mandatory outpatient treatment pursuant to § 19.2-169.2, (ii) involuntarily admitted to a facility or ordered to mandatory outpatient treatment as the result of a commitment hearing pursuant to Article 5 (§ 37.2-814 et seq.) of Chapter 8 of Title 37.2, notwithstanding the outcome of any appeal taken pursuant to § 37.2-821; (iii) involuntarily admitted to a facility or ordered to mandatory outpatient treatment as a minor 14 years of age or older as the result of a commitment hearing pursuant to Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1, notwithstanding the outcome of any appeal taken pursuant to § 16.1-345.6; (iv) who was the subject of a temporary detention order pursuant to § 37.2-809 and subsequently agreed to voluntary admission pursuant to § 37.2-805;r (v) who, as a minor 14 years of age or older, was the subject of a temporary detention order pursuant to § 16.1-340.1 and subsequently agreed to voluntary admission pursuant to § 16.1-338; or (vi) who was found incompetent to stand trial and likely to remain so for the foreseeable future and whose case was disposed of in accordance with § 19.2-169.3, to purchase, possess, or transport a firearm. A violation of this subsection shall be punishable as a Class 1 misdemeanor.

B. Any person prohibited from purchasing, possessing or transporting firearms under this section may, at any time following his release from involuntary admission to a facility, his release from an order of mandatory outpatient treatment, his release from voluntary admission pursuant to § 37.2-805 following the issuance of a temporary detention order, his release from a training center, or his release as provided by § 19.2-169.3, petition the general district court in the city or county in which he resides or, if the person is not a resident of the Commonwealth, the general district court of the city or county in which the most recent of the proceedings described in subsection A occurred to restore his right to purchase, possess, or transport a firearm. A copy of the petition shall be mailed or delivered to the attorney for the Commonwealth for the jurisdiction where the petition was filed who shall be entitled to respond and represent the interests of the Commonwealth. The court shall conduct a hearing if requested by either party. If the court determines, after receiving and considering evidence concerning the circumstances regarding the disabilities referred to in subsection A and the person's criminal history, treatment record, and reputation as developed through character witness statements, testimony, or other character evidence, that the person will not likely act in a manner dangerous to public safety and that granting the relief would not be contrary to the public interest, the court shall grant the petition. Any person denied relief by the general district court may petition the circuit court for a de novo review of the denial. Upon a grant of relief in any court, the court shall enter a written order granting the petition, in which event the provisions of subsection A do not apply. The clerk of court shall certify and forward forthwith to the Central Criminal Records Exchange, on a form provided by the Exchange, a copy of any such order.

C. As used in this section, "treatment record" shall include copies of health records detailing the petitioner's psychiatric history, which shall include the records pertaining to the commitment or adjudication that is the subject of the request for relief pursuant to this section.

Section 18.2-308.1:4. Purchase or transportation of firearm by persons subject to protective orders; penalties.

A. It is unlawful for any person who is subject to (i) a protective order entered pursuant to § 16.1-253.1, 16.1-253.4, 16.1-278.2, 16.1-279.1, 19.2-152.8, 19.2-152.9, or 19.2-152.10; (ii) an order issued pursuant to subsection B of § 20-103; (iii) an order entered pursuant to subsection D of § 18.2-60.3; (iv) a preliminary protective order entered pursuant to subsection F of § 16.1-253 where a petition alleging abuse or neglect has been filed; or (v) an order issued by a tribunal of another state, the United States or any of its territories, possessions, or commonwealths, or the District of Columbia pursuant to a statute that is substantially similar to those cited in clauses (i), (ii), (iii), or (iv) to purchase or transport any firearm while the order is in effect. Any person with a concealed handgun permit shall be prohibited from carrying any concealed firearm, and shall surrender his permit to the court entering the order, for the duration of any protective order referred to herein. A violation of this subsection is a Class 1 misdemeanor.

B. In addition to the prohibition set forth in subsection A, it is unlawful for any person who is subject to a protective order entered pursuant to § 16.1-279.1 or 19.2-152.10 or an order issued by a tribunal of another state, the United States or any of its territories, possessions, or commonwealths, or the District of Columbia pursuant to a statute that is substantially similar to § 16.1-279.1 or 19.2-152.10 to knowingly possess any firearm while the order is in effect, provided that for a period of 24 hours after being served with a protective order in accordance with subsection C of § 16.1-279.1 or subsection D of § 19.2-152.10 such person may continue to possess and, notwithstanding the provisions of subsection A, transport any firearm possessed by such person at the time of service for the purposes of surrendering any such firearm to a law-enforcement agency in accordance with subsection C or selling or transferring any such firearm to a dealer as defined in § 18.2-308.2:2 or to any person who is not otherwise prohibited by law from possessing such firearm in accordance with subsection C. A violation of this subsection is a Class 6 felony.

C. Upon issuance of a protective order pursuant to § 16.1-279.1 or 19.2-152.10, the court shall order the person who is subject to the protective order to (i) within 24 hours after being served with a protective order in accordance with subsection C of § 16.1-279.1 or subsection D of § 19.2-152.10 (a) surrender any firearm possessed by such person to a designated local law-enforcement agency, (b) sell or transfer any firearm possessed by such person to a dealer as defined in § 18.2-308.2:2, or (c) sell or transfer any firearm possessed by such person to any person who is not otherwise prohibited by law from possessing such firearm and (ii) within 48 hours after being served with a protective order in accordance with subsection C of § 16.1-279.1 or subsection D of § 19.2-152.10, certify in writing, on a form provided by the Office of the Executive Secretary of the Supreme Court, that such person does not possess any firearms or that all firearms possessed by such person have been surrendered, sold, or transferred and file such certification with the clerk of the court that entered the protective order. The willful failure of any person to certify in writing in accordance with this section that all firearms possessed by such person have been surrendered, sold, or transferred or that such person does not possess any firearms shall constitute contempt of court.

D. The person who is subject to a protective order pursuant to § 16.1-279.1 or 19.2-152.10 shall be provided with the address and hours of operation of a designated local law-enforcement agency and the certification forms when such person is served with a protective order in accordance with subsection C of § 16.1-279.1 or subsection D of § 19.2-152.10.

E. A law-enforcement agency that takes into custody a firearm surrendered to such agency pursuant to subsection C by a person who is subject to a protective order pursuant to § 16.1-279.1 or 19.2-152.10 shall prepare a written receipt containing the name of the person who surrendered the firearm and the manufacturer, model, and serial number of the firearm and provide a copy to such person. Any firearm surrendered to and held by a law-enforcement agency pursuant to subsection C shall be returned by such agency to the person who surrendered the firearm upon the expiration or dissolution of the protective order entered pursuant to § 16.1-279.1 or 19.2-152.10. Such agency shall return the firearm within five days of receiving a written request for the return of the firearm by the person who surrendered the firearm and a copy of the receipt provided to such person by the agency. Prior to returning the firearm to such person, the law-enforcement agency holding the firearm shall confirm that such person is no longer subject to a protective order issued pursuant to § 16.1-279.1 or 19.2-152.10 and is not otherwise prohibited by law from possessing a firearm. A firearm surrendered to a law-enforcement agency pursuant to subsection C may be disposed of in accordance with the provisions of § 15.2-1721 if (i) the person from whom the firearm was seized provides written authorization for such disposal to the agency or (ii) the firearm remains in the possession of the agency more than 120 days after such person is no longer subject to a protective order issued pursuant to § 16.1-279.1 or 19.2-152.10 and such person has not submitted a request in writing for the return of the firearm.

F. Any law-enforcement agency or law-enforcement officer that takes into custody, stores, possesses, or transports a firearm pursuant to this section shall be immune from civil or criminal liability for any damage to or deterioration, loss, or theft of such firearm.

G. The law-enforcement agencies of the counties, cities, and towns within each judicial circuit shall designate, in coordination with each other, and provide to the chief judges of all circuit and district courts within the judicial circuit, one or more local law-enforcement agencies to receive and store firearms pursuant to this section. The law-enforcement agencies shall provide the chief judges with a list that includes the addresses and hours of operation for any law-enforcement agencies so designated that such addresses and hours of operation may be provided to a person served with a protective order in accordance with subsection C of § 16.1-279.1 or subsection D of § 19.2-152.10.

Section 18.2-308.1:5. Purchase or transportation of firearm by persons convicted of certain drug offenses prohibited.

Any person who, within a 36-consecutive-month period, has been convicted of two misdemeanor offenses under Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1, subsection B of former § 18.2-248.1:1, or § 18.2-250 shall be ineligible to purchase or transport a handgun. However, upon expiration of a period of five years from the date of the second conviction and provided the person has not been convicted of any such offense within that period, the ineligibility shall be removed.

Section 18.2-308.2. Possession or transportation of firearms, firearms ammunition, stun weapons, explosives or concealed weapons by convicted felons; penalties; petition for permit; when issued. [Effective until January 1, 2021]

A. It shall be unlawful for (i) any person who has been convicted of a felony; (ii) any person adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of murder in violation of § 18.2-31 or 18.2-32, kidnapping in violation of § 18.2-47, robbery by the threat or presentation of firearms in violation of § 18.2-58, or rape in violation of § 18.2-61; or (iii) any person under the age of 29 who was adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of a delinquent act which would be a felony if committed by an adult, other than those felonies set forth in clause (ii), whether such conviction or adjudication occurred under the laws of the Commonwealth, or any other state, the District of Columbia, the United States or any territory thereof, to knowingly and intentionally possess or transport any firearm or ammunition for a firearm, any stun weapon as defined by § 18.2-308.1, or any explosive material, or to knowingly and intentionally carry about his person, hidden from common observation, any weapon described in subsection A of § 18.2-308. However, such person may possess in his residence or the curtilage thereof a stun weapon as defined by § 18.2-308.1. Any person who violates this section shall be guilty of a Class 6 felony. However, any person who violates this section by knowingly and intentionally possessing or transporting any firearm and who was previously convicted of a violent felony as defined in § 17.1-805 shall be sentenced to a mandatory minimum term of imprisonment of five years. Any person who violates this section by knowingly and intentionally possessing or transporting any firearm and who was previously convicted of any other felony within the prior 10 years shall be sentenced to a mandatory minimum term of imprisonment of two years. The mandatory minimum terms of imprisonment prescribed for violations of this section shall be served consecutively with any other sentence.

B. The prohibitions of subsection A shall not apply to **(i)** any person who possesses a firearm, ammunition for a firearm, explosive material or other weapon while carrying out his duties as a member of the Armed Forces of the United States or of the National Guard of Virginia or of any other state, **(ii)** any law-enforcement officer in the performance of his duties, **(iii)** any person who has been pardoned or whose political disabilities have been removed pursuant to Article V, Section 12 of the Constitution of Virginia provided the Governor, in the document granting the pardon or removing the person's political disabilities, may expressly place conditions upon the reinstatement of the person's right to ship, transport, possess or receive firearms, **(iv)** any person whose right to possess firearms or ammunition has been restored under the law of another state subject to conditions placed upon the reinstatement of the person's right to ship, transport, possess, or receive firearms by such state, or **(v)** any person adjudicated delinquent as a juvenile who has completed a term of service of no less than 2 years in the Armed Forces of the United States and, if such person has been discharged from the Armed Forces of the United States, received an honorable discharge and who is not otherwise prohibited under clause (i) or (ii) of subsection A.

C. Any person prohibited from possessing, transporting, or carrying a firearm, ammunition for a firearm, or a stun weapon under subsection A may petition the circuit court of the jurisdiction in which he resides or, if the person is not a resident of the Commonwealth, the circuit court of any county or city where such person was last convicted of a felony or adjudicated delinquent of a disqualifying offense pursuant to subsection A, for a permit to possess or carry a firearm, ammunition for a firearm, or a stun weapon; however, no person who has been convicted of a felony shall be qualified to petition for such a permit unless his civil rights have been restored by the Governor or other appropriate authority. A copy of the petition shall be mailed or delivered to the attorney for the Commonwealth for the jurisdiction where the petition was filed who shall be entitled to respond and represent the interests of the Commonwealth. The court shall conduct a hearing if requested by either party. The court may, in its discretion and for good cause shown, grant such petition and issue a permit. The provisions of this section relating to firearms, ammunition for a firearm, and stun weapons shall not apply to any person who has been granted a permit pursuant to this subsection.

C1. Any person who was prohibited from possessing, transporting or carrying explosive material under subsection A may possess, transport or carry such explosive material if his right to possess, transport or carry explosive material has been restored pursuant to federal law.

C2. The prohibitions of subsection A shall not prohibit any person other than a person convicted of an act of violence as defined in § 19.2-297.1 or a violent felony as defined in subsection C of § 17.1-805 from possessing, transporting, or carrying (i) antique firearms or (ii) black powder in a quantity not exceeding five pounds if it is intended to be used solely for sporting, recreational, or cultural purposes in antique firearms. For the purposes of this subsection, "antique firearms" means any firearm described in subdivision 3 of the definition of "antique firearm" in subsection F of § 18.2-308.2:2.

D. For the purpose of this section:

"Ammunition for a firearm" means the combination of a cartridge, projectile, primer, or propellant designed for use in a firearm other than an antique firearm as defined in § 18.2-308.2:2.

"Explosive material" means any chemical compound mixture, or device, the primary or common purpose of which is to function by explosion; the term includes, but is not limited to, dynamite and other high explosives, black powder, pellet powder, smokeless gun powder, detonators, blasting caps and detonating cord but shall not include fireworks or permissible fireworks as defined in § 27-95.

Section 18.2-308.2. Possession or transportation of firearms, firearms ammunition, stun weapons, explosives or concealed weapons by convicted felons; penalties; petition for restoration order; when issued. [Effective January 1, 2021]

A. It shall be unlawful for **(i)** any person who has been convicted of a felony; **(ii)** any person adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of murder in violation of § 18.2-31 or 18.2-32, kidnapping in violation of § 18.2-47, robbery by the threat or presentation of firearms in violation of § 18.2-58, or rape in violation of § 18.2-61; or **(iii)** any person under the age of 29 who was adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of a delinquent act which would be a felony if committed by an adult, other than those felonies set forth in clause (ii), whether such conviction or adjudication occurred under the laws of the Commonwealth, or any other state, the District of Columbia, the United States or any territory thereof, to knowingly and intentionally possess or transport any firearm or ammunition for a firearm, any stun weapon as defined by § 18.2-308.1, or any explosive material, or to knowingly and intentionally carry about his person, hidden from common observation, any weapon described in subsection A of § 18.2-308. However, such person may possess in his residence or the curtilage thereof a stun weapon as defined by § 18.2-308.1. Any person who violates this section shall be guilty of a Class 6 felony. However, any person who violates this section by knowingly and intentionally possessing or transporting any firearm and who was previously convicted of a violent felony as defined in § 17.1-805 shall be sentenced to a mandatory minimum term of imprisonment of five years. Any person who violates this section by knowingly and intentionally possessing or transporting any firearm and who was previously convicted of any other felony within the prior 10 years shall be sentenced to a mandatory minimum term of imprisonment of two years. The mandatory minimum terms of imprisonment prescribed for violations of this section shall be served consecutively with any other sentence.

B. The prohibitions of subsection A shall not apply to **(i)** any person who possesses a firearm, ammunition for a firearm, explosive material or other weapon while carrying out his duties as a member of the Armed Forces of the United States or of the National Guard of Virginia or of any other state, **(ii)** any law-enforcement officer in the performance of his duties, **(iii)** any person who has been pardoned or whose political disabilities have been removed pursuant to Article V, Section 12 of the Constitution of Virginia provided the Governor, in the document granting the pardon or removing the person's political disabilities, may expressly place conditions upon the reinstatement of the person's right to ship, transport, possess or receive firearms, **(iv)** any person whose right to possess firearms or ammunition has been restored under the law of another state subject to conditions placed upon the reinstatement of the person's right to ship, transport, possess, or receive firearms by such state, or **(v)** any person adjudicated delinquent as a juvenile who has completed a term of service of no less than two years in the Armed Forces of the United States and, if such person has been discharged from the Armed Forces of the United States, received an honorable discharge and who is not otherwise prohibited under clause (i) or (ii) of subsection A.

C. Any person prohibited from possessing, transporting, or carrying a firearm, ammunition for a firearm, or a stun weapon under subsection A may petition the circuit court of the jurisdiction in which he resides or, if the person is not a resident of the Commonwealth, the circuit court of any county or city where such person was last convicted of a felony or adjudicated delinquent of a disqualifying offense pursuant to subsection A, for a restoration order that unconditionally authorizes possessing, transporting, or carrying a firearm, ammunition for a firearm, or a stun weapon; however, no person who has been convicted of a felony shall be qualified to petition for such an order unless his civil rights have been restored by the Governor or other appropriate authority. A copy of the petition shall be mailed or delivered to the attorney for the Commonwealth for the jurisdiction where the petition was filed who shall be entitled to respond and represent the interests of the Commonwealth. The court shall conduct a hearing if requested by either party. The court may, in its discretion and for good cause shown, grant such petition and issue a restoration order. Such order shall contain the petitioner's name and date of birth. The clerk shall certify and forward forthwith to the Central Criminal Records Exchange (CCRE), on a form provided by the CCRE, a copy of the order to be accompanied by a complete set of the petitioner's fingerprints. The Department of State Police shall forthwith enter the petitioner's name and description in the CCRE so that the order's existence will be made known to law-enforcement personnel accessing the computerized criminal history records for investigative purposes. The provisions of this section relating to firearms, ammunition for a firearm, and stun weapons shall not apply to any person who has been issued a restoration order pursuant to this subsection.

C1. Any person who was prohibited from possessing, transporting or carrying explosive material under subsection A may possess, transport or carry such explosive material if his right to possess, transport or carry explosive material has been restored pursuant to federal law.

C2. The prohibitions of subsection A shall not prohibit any person other than a person convicted of an act of violence as defined in § 19.2-297.1 or a violent felony as defined in subsection C of § 17.1-805 from possessing, transporting, or carrying (i) antique firearms or (ii) black powder in a quantity not exceeding five pounds if it is intended to be used solely for sporting, recreational, or cultural purposes in antique firearms. For the purposes of this subsection, "antique firearms" means any firearm described in subdivision 3 of the definition of "antique firearm" in subsection G of § 18.2-308.2:2.

D. For the purpose of this section:

"Ammunition for a firearm" means the combination of a cartridge, projectile, primer, or propellant designed for use in a firearm other than an antique firearm as defined in § 18.2-308.2:2.

"Explosive material" means any chemical compound mixture, or device, the primary or common purpose of which is to function by explosion; the term includes, but is not limited to, dynamite and other high explosives, black powder, pellet powder, smokeless gun powder, detonators, blasting caps and detonating cord but shall not include fireworks or permissible fireworks as defined in § 27-95.

Section 18.2-308.2:01. Possession or transportation of certain firearms by certain persons.

A. It shall be unlawful for any person who is not a citizen of the United States or who is not a person lawfully admitted for permanent residence to knowingly and intentionally possess or transport any assault firearm or to knowingly and intentionally carry about his person, hidden from common observation, an assault firearm.

B. It shall be unlawful for any person who is not a citizen of the United States and who is not lawfully present in the United States to knowingly and intentionally possess or transport any firearm or to knowingly and intentionally carry about his person, hidden from common observation, any firearm. A violation of this section shall be punishable as a Class 6 felony.

C. For purposes of this section, **"assault firearm"** means any semi-automatic center-fire rifle or pistol that expels single or multiple projectiles by action of an explosion of a combustible material and is equipped at the time of the offense with a magazine which will hold more than 20 rounds of ammunition or designed by the manufacturer to accommodate a silencer or equipped with a folding stock.

Section 18.2-308.2:1. Prohibiting the selling, etc., of firearms to certain persons.

A. Any person who sells, barter, gives, or furnishes, or has in his possession or under his control with the intent of selling, bartering, giving, or furnishing, any firearm to any person he knows is prohibited from possessing or transporting a firearm pursuant to § 18.2-308.1:1, 18.2-308.1:2, 18.2-308.1:3, subsection B of § 18.2-308.1:4, § 18.2-308.1:6 or 18.2-308.2, subsection B of § 18.2-308.2:01, or § 18.2-308.7 shall be guilty of a Class 4 felony. However, this prohibition shall not be applicable when the person convicted of the felony, adjudicated delinquent, or acquitted by reason of insanity has (i) been issued a permit pursuant to subsection C of § 18.2-308.2 or been granted relief pursuant to subsection B of § 18.2-308.1:1, or § 18.2-308.1:2 or 18.2-308.1:3; (ii) been pardoned or had his political disabilities removed in accordance with subsection B of § 18.2-308.2; or (iii) obtained a permit to ship, transport, possess, or receive firearms pursuant to the laws of the United States.

B. Any person who sells, barter, gives, or furnishes, or has in his possession or under his control with the intent of selling, bartering, giving, or furnishing, any firearm to any person he knows is prohibited from purchasing, possessing or transporting a firearm pursuant to § 18.2-308.1:7 is guilty of a Class 1 misdemeanor.

Section 18.2-308.2:2. Criminal history record information check required for the transfer of certain firearms.

A. Any person purchasing from a dealer a firearm as herein defined shall consent in writing, on a form to be provided by the Department of State Police, to have the dealer obtain criminal history record information. Such form shall include only the written consent; the name, birth date, gender, race, citizenship, and social security number and/or any other identification number; the number of firearms by category intended to be sold, rented, traded, or transferred; and answers by the applicant to the following questions: (i) has the applicant been convicted of a felony offense or found guilty or adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of a delinquent act that would be a felony if committed by an adult; (ii) is the applicant subject to a court order restraining the applicant from harassing, stalking, or threatening the applicant's child or intimate partner, or a child of such partner, or is the applicant subject to a protective order; (iii) has the applicant ever been acquitted by reason of insanity and prohibited from purchasing, possessing or transporting a firearm pursuant to § 18.2-308.1:1 or any substantially similar law of any other jurisdiction, been adjudicated legally incompetent, mentally incapacitated or adjudicated an incapacitated person and prohibited from purchasing a firearm pursuant to § 18.2-308.1:2 or any substantially similar law of any other jurisdiction, or been involuntarily admitted to an inpatient facility or involuntarily ordered to outpatient mental health treatment and prohibited from purchasing a firearm pursuant to § 18.2-308.1:3 or any substantially similar law of any other jurisdiction, or been the subject of a temporary detention order pursuant to § 37.2-809 and subsequently agreed to a voluntary admission pursuant to § 37.2-805; and (iv) is the applicant subject to an emergency substantial risk order or a substantial risk order entered pursuant to § 19.2-152.13 or 19.2-152.14 and prohibited from purchasing, possessing, or transporting a firearm pursuant to § 18.2-308.1:6 or any substantially similar law of any jurisdiction.

B.

1. No dealer shall sell, rent, trade or transfer from his inventory any such firearm to any other person who is a resident of Virginia until he has (i) obtained written consent and the other information on the consent form specified in subsection A, and provided the Department of State Police with the name, birth date, gender, race, citizenship, and social security and/or any other identification number and the number of firearms by category intended to be sold, rented, traded or transferred and (ii) requested criminal history record information by a telephone call to or other communication authorized by the State Police and is authorized by subdivision 2 to complete the sale or other such transfer. To establish personal identification and residence in Virginia for purposes of this section, a dealer must require any prospective purchaser to present 1 photo-identification form issued by a governmental agency of the Commonwealth or by the United States Department of Defense that demonstrates that the prospective purchaser resides in Virginia. For the purposes of this section and establishment of residency for firearm purchase, residency of a member of the armed forces shall include both the state in which the member's permanent duty post is located and any nearby state in which the member resides and from which he commutes to the permanent duty post. A member of the armed forces whose photo identification issued by the Department of Defense does not have a Virginia address may establish his Virginia residency with such photo identification and either permanent orders assigning the purchaser to a duty post, including the Pentagon, in Virginia or the purchaser's Leave and Earnings Statement. When the photo identification presented to a dealer by the prospective purchaser is a driver's license or other photo identification issued by the Department of Motor Vehicles, and such identification form contains a date of issue, the dealer shall not, except for a renewed driver's license or other photo identification issued by the Department of Motor Vehicles, sell or otherwise transfer a firearm to the prospective purchaser until 30 days after the date of issue of an original or duplicate driver's license unless the prospective purchaser also presents a copy of his Virginia Department of Motor Vehicles driver's record showing that the original date of issue of the driver's license was more than 30 days prior to the attempted purchase.

In addition, no dealer shall sell, rent, trade, or transfer from his inventory any assault firearm to any person who is not a citizen of the United States or who is not a person lawfully admitted for permanent residence.

Upon receipt of the request for a criminal history record information check, the State Police shall (a) review its criminal history record information to determine if the buyer or transferee is prohibited from possessing or transporting a firearm by state or federal law, (b) inform the dealer if its record indicates that the buyer or transferee is so prohibited, and (c) provide the dealer with a unique reference number for that inquiry.

2. The State Police shall provide its response to the requesting dealer during the dealer's request, or by return call without delay. A dealer who fulfills the requirements of subdivision 1 and is told by the State Police that a response will not be available by the end of the dealer's third business day may immediately complete the sale or transfer and shall not be deemed in violation of this section with respect to such sale or transfer.

3. Except as required by subsection D of § 9.1-132, the State Police shall not maintain records longer than 30 days, except for multiple handgun transactions for which records shall be maintained for 12 months, from any dealer's request for a criminal history record information check pertaining to a buyer or transferee who is not found to be prohibited from possessing and transporting a firearm under state or federal law. However, the log on requests made may be maintained for a period of 12 months, and such log shall consist of the name of the purchaser, the dealer identification number, the unique approval number and the transaction date.

4. On the last day of the week following the sale or transfer of any firearm, the dealer shall mail or deliver the written consent form required by subsection A to the Department of State Police. The State Police shall immediately initiate a search of all available criminal history record information to determine if the purchaser is prohibited from possessing or transporting a firearm under state or federal law. If the search discloses information indicating that the buyer or transferee is so prohibited from possessing or transporting a firearm, the State Police shall inform the chief law-enforcement officer in the jurisdiction where the sale or transfer occurred and the dealer without delay.

5. Notwithstanding any other provisions of this section, rifles and shotguns may be purchased by persons who are citizens of the United States or persons lawfully admitted for permanent residence but residents of other states under the terms of subsections A and B upon furnishing the dealer with 1 photo-identification form issued by a governmental agency of the person's state of residence and 1 other form of identification determined to be acceptable by the Department of Criminal Justice Services.

6. For the purposes of this subsection, the phrase "**dealer's third business day**" shall not include December 25.

C. No dealer shall sell, rent, trade or transfer from his inventory any firearm, except when the transaction involves a rifle or a shotgun and can be accomplished pursuant to the provisions of subdivision B 5, to any person who is a dual resident of Virginia and another state pursuant to applicable federal law unless he has first obtained from the Department of State Police a report indicating that a search of all available criminal history record information has not disclosed that the person is prohibited from possessing or transporting a firearm under state or federal law.

To establish personal identification and dual resident eligibility for purposes of this subsection, a dealer shall require any prospective purchaser to present one photo-identification form issued by a governmental agency of the prospective purchaser's state of legal residence and other documentation of dual residence within the Commonwealth. The other documentation of dual residence in the Commonwealth may include (i) evidence of currently paid personal property tax or real estate tax or a current (a) lease, (b) utility or telephone bill, (c) voter registration card, (d) bank check, (e) passport, (f) automobile registration, or (g) hunting or fishing license; (ii) other current identification allowed as evidence of residency by 27 C.F.R. § 178.124 and ATF Ruling 2001-5; or (iii) other documentation of residence determined to be acceptable by the Department of Criminal Justice Services and that corroborates that the prospective purchaser currently resides in Virginia.

D. If any buyer or transferee is denied the right to purchase a firearm under this section, he may exercise his right of access to and review and correction of criminal history record information under § 9.1-132 or institute a civil action as provided in § 9.1-135, provided any such action is initiated within 30 days of such denial.

E. Any dealer who willfully and intentionally requests, obtains, or seeks to obtain criminal history record information under false pretenses, or who willfully and intentionally disseminates or seeks to disseminate criminal history record information except as authorized in this section shall be guilty of a Class 2 misdemeanor.

F. For purposes of this section:

"**Actual buyer**" means a person who executes the consent form required in subsection B or C, or other such firearm transaction records as may be required by federal law.

"**Antique firearm**" means:

1. Any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898;

2. Any replica of any firearm described in subdivision 1 of this definition if such replica (i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition or (ii) uses rimfire or conventional centerfire

fixed ammunition that is no longer manufactured in the United States and that is not readily available in the ordinary channels of commercial trade;

3. Any muzzle-loading rifle, muzzle-loading shotgun, or muzzle-loading pistol that is designed to use black powder, or a black powder substitute, and that cannot use fixed ammunition. For purposes of this subdivision, the term "antique firearm" shall not include any weapon that incorporates a firearm frame or receiver, any firearm that is converted into a muzzle-loading weapon, or any muzzle-loading weapon that can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breech-block, or any combination thereof; or

4. Any curio or relic as defined in this subsection.

"Assault firearm" means any semi-automatic center-fire rifle or pistol which expels single or multiple projectiles by action of an explosion of a combustible material and is equipped at the time of the offense with a magazine which will hold more than 20 rounds of ammunition or designed by the manufacturer to accommodate a silencer or equipped with a folding stock.

"Curios or relics" means firearms that are of special interest to collectors by reason of some quality other than is associated with firearms intended for sporting use or as offensive or defensive weapons. To be recognized as curios or relics, firearms must fall within one of the following categories:

1. Firearms that were manufactured at least 50 years prior to the current date, which use rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and that is not readily available in the ordinary channels of commercial trade, but not including replicas thereof;

2. Firearms that are certified by the curator of a municipal, state, or federal museum that exhibits firearms to be curios or relics of museum interest; and

3. Any other firearms that derive a substantial part of their monetary value from the fact that they are novel, rare, bizarre, or because of their association with some historical figure, period, or event. Proof of qualification of a particular firearm under this category may be established by evidence of present value and evidence that like firearms are not available except as collectors' items, or that the value of like firearms available in ordinary commercial channels is substantially less.

"Dealer" means any person licensed as a dealer pursuant to 18 U.S.C. § 921 et seq.

"Firearm" means any handgun, shotgun, or rifle that will or is designed to or may readily be converted to expel single or multiple projectiles by action of an explosion of a combustible material.

"Handgun" means any pistol or revolver or other firearm originally designed, made and intended to fire single or multiple projectiles by means of an explosion of a combustible material from 1 or more barrels when held in one hand.

"Lawfully admitted for permanent residence" means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed.

G. The Department of Criminal Justice Services shall promulgate regulations to ensure the identity, confidentiality and security of all records and data provided by the Department of State Police pursuant to this section.

H. The provisions of this section shall not apply to (i) transactions between persons who are licensed as firearms importers or collectors, manufacturers or dealers pursuant to 18 U.S.C. § 921 et seq.; (ii) purchases by or sales to any law-enforcement officer or agent of the United States, the Commonwealth or any local government, or any campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1; or (iii) antique firearms, curios or relics.

I. The provisions of this section shall not apply to restrict purchase, trade or transfer of firearms by a resident of Virginia when the resident of Virginia makes such purchase, trade or transfer in another state, in which case the laws and regulations of that state and the United States governing the purchase, trade or transfer of firearms shall apply. A National Instant Criminal Background Check System (NICS) check shall be performed prior to such purchase, trade or transfer of firearms.

J. All licensed firearms dealers shall collect a fee of \$2 for every transaction for which a criminal history record information check is required pursuant to this section, except that a fee of \$5 shall be collected for every transaction involving an out-of-state resident. Such fee shall be transmitted to the Department of State Police by the last day of the month following the sale for deposit in a special fund for use by the State Police to offset the cost of conducting criminal history record information checks under the provisions of this section.

K. Any person willfully and intentionally making a materially false statement on the consent form required in subsection B or C or on such firearm transaction records as may be required by federal law, shall be guilty of a Class 5 felony.

L. Except as provided in § 18.2-308.2:1, any dealer who willfully and intentionally sells, rents, trades or transfers a firearm in violation of this section shall be guilty of a Class 6 felony.

L1. Any person who attempts to solicit, persuade, encourage, or entice any dealer to transfer or otherwise convey a firearm other than to the actual buyer, as well as any other person who willfully and intentionally aids or abets such person, shall be guilty of a Class 6 felony. This subsection shall not apply to a federal law-enforcement officer or a law-enforcement officer as defined in § 9.1-101, in the performance of his official duties, or other person under his direct supervision.

M. Any person who purchases a firearm with the intent to (i) resell or otherwise provide such firearm to any person who he knows or has reason to believe is ineligible to purchase or otherwise receive from a dealer a firearm for whatever reason or (ii) transport such firearm out of the Commonwealth to be resold or otherwise provided to another person who the transferor knows is ineligible to purchase or otherwise receive a firearm, shall be guilty of a Class 4 felony and sentenced to a mandatory minimum term of imprisonment of one year. However, if the violation of this subsection involves such a transfer of more than one firearm, the person shall be sentenced to a mandatory minimum term of imprisonment of five years. The prohibitions of this subsection shall not apply to the purchase of a firearm by a person for the lawful use, possession, or transport thereof, pursuant to § 18.2-308.7, by his child, grandchild, or individual for whom he is the legal guardian if such child, grandchild, or individual is ineligible, solely because of his age, to purchase a firearm.

N. Any person who is ineligible to purchase or otherwise receive or possess a firearm in the Commonwealth who solicits, employs or assists any person in violating subsection M shall be guilty of a Class 4 felony and shall be sentenced to a mandatory minimum term of imprisonment of 5 years.

O. Any mandatory minimum sentence imposed under this section shall be served consecutively with any other sentence.

P. All driver's licenses issued on or after July 1, 1994, shall carry a letter designation indicating whether the driver's license is an original, duplicate or renewed driver's license.

Q. Prior to selling, renting, trading, or transferring any firearm owned by the dealer but not in his inventory to any other person, a dealer may require such other person to consent to have the dealer obtain criminal history record information to determine if such other person is prohibited from possessing or transporting a firearm by state or federal law. The Department of State Police shall establish policies and procedures in accordance with 28 C.F.R. § 25.6 to permit such determinations to be made by the Department of State Police, and the processes established for making such determinations shall conform to the provisions of this section.

R. Except as provided in subdivisions 1 and 2, it shall be unlawful for any person who is not a licensed firearms dealer to purchase more than one handgun within any 30-day period. For the purposes of this subsection, "purchase" does not include the exchange or replacement of a handgun by a seller for a handgun purchased from such seller by the same person seeking the exchange or replacement within the 30-day period immediately preceding the date of exchange or replacement. A violation of this subsection is punishable as a Class 1 misdemeanor.

1. Purchases in excess of one handgun within a 30-day period may be made upon completion of an enhanced background check, as described in this subsection, by special application to the Department of State Police listing the number and type of handguns to be purchased and transferred for lawful business or personal use, in a collector series, for collections, as a bulk purchase from estate sales, and for similar purposes. Such applications shall be signed under oath by the applicant on forms provided by the Department of State Police, shall state the purpose for the purchase above the limit, and shall require satisfactory proof of residency and identity. Such application shall be in addition to the firearms sales report required by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). The Superintendent of State Police shall promulgate regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the implementation of an application process for purchases of handguns above the limit.

Upon being satisfied that these requirements have been met, the Department of State Police shall immediately issue to the applicant a nontransferable certificate, which shall be valid for seven days from the date of issue. The certificate shall be surrendered to the dealer by the prospective purchaser prior to the consummation of such sale and shall be kept on file at the dealer's place of business for inspection as provided in § 54.1-4201 for a period of not less than two years. Upon request of any local law-enforcement agency, and pursuant to its regulations, the Department of State Police may certify such local law-enforcement agency to serve as its agent to receive applications and, upon authorization by the Department of State Police, issue certificates immediately pursuant to this subdivision. Applications and certificates issued under this subdivision shall be maintained as records as provided in subdivision B 3. The Department of State Police shall make available to local law-enforcement agencies all records concerning certificates issued pursuant to this subdivision and all records provided for in subdivision B 3.

2. The provisions of this subsection shall not apply to:

- a. A law-enforcement agency;
- b. An agency duly authorized to perform law-enforcement duties;
- c. A state or local correctional facility;
- d. A private security company licensed to do business within the Commonwealth;

e. The purchase of antique firearms;

f. A person whose handgun is stolen or irretrievably lost who deems it essential that such handgun be replaced immediately. Such person may purchase another handgun, even if the person has previously purchased a handgun within a 30-day period, provided that (i) the person provides the firearms dealer with a copy of the official police report or a summary thereof, on forms provided by the Department of State Police, from the law-enforcement agency that took the report of the lost or stolen handgun; (ii) the official police report or summary thereof contains the name and address of the handgun owner, a description of the handgun, the location of the loss or theft, the date of the loss or theft, and the date the loss or theft was reported to the law-enforcement agency; and (iii) the date of the loss or theft as reflected on the official police report or summary thereof occurred within 30 days of the person's attempt to replace the handgun. The firearms dealer shall attach a copy of the official police report or summary thereof to the original copy of the Virginia firearms transaction report completed for the transaction and retain it for the period prescribed by the Department of State Police;

g. A person who trades in a handgun at the same time he makes a handgun purchase and as a part of the same transaction, provided that no more than one transaction of this nature is completed per day;

h. A person who holds a valid Virginia permit to carry a concealed handgun;

i. A person who purchases a handgun in a private sale. For purposes of this subdivision, "private sale" means a purchase from 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 such collection of curios and relics; or

j. A law-enforcement officer. For purposes of this subdivision, "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.

Section 18.2-308.2:3. Criminal background check required for employees of a gun dealer to transfer firearms; exemptions; penalties.

A. No person, corporation, or proprietorship licensed as a firearms dealer pursuant to 18 U.S.C. § 921 et seq. shall employ any person to act as a seller, whether full-time or part-time, permanent, temporary, paid or unpaid, for the transfer of firearms under § 18.2-308.2:2, if such employee would be prohibited from possessing a firearm under § 18.2-308.1:1, 18.2-308.1:2, or 18.2-308.1:3, subsection B of § 18.2-308.1:4, or § 18.2-308.1:6, 18.2-308.1:7, 18.2-308.1:8, 18.2-308.2, or 18.2-308.2:01, or is an illegal alien, or is prohibited from purchasing or transporting a firearm pursuant to subsection A of § 18.2-308.1:4 or § 18.2-308.1:5.

B. Prior to permitting an applicant to begin employment, the dealer shall obtain a written statement or affirmation from the applicant that he is not disqualified from possessing a firearm and shall submit the applicant's fingerprints and personal descriptive information to the Central Criminal Records Exchange to be forwarded to the Federal Bureau of Investigation (FBI) for the purpose of obtaining national criminal history record information regarding the applicant.

C. ... Within five working days of the employee's next birthday, after August 1, 2000, the dealer shall submit the employee's fingerprints and personal descriptive information to the Central Criminal Records Exchange to be forwarded to the Federal Bureau of Investigation (FBI) for the purpose of obtaining national criminal history record information regarding the request.

C1. In lieu of submitting fingerprints pursuant to this section, any dealer holding a valid federal firearms license (FFL) issued by the Bureau of Alcohol, Tobacco and Firearms (ATF) may submit a sworn and notarized affidavit to the Department of State Police on a form provided by the Department, stating that the dealer has been subjected to a record check prior to the issuance and that the FFL was issued by the ATF. The affidavit may also contain the names of any employees that have been subjected to a record check and approved by the ATF. This exemption shall apply regardless of whether the FFL was issued in the name of the dealer or in the name of the business. The affidavit shall contain the valid FFL number, state the name of each person requesting the exemption, together with each person's identifying information, including their social security number and the following statement: "I hereby swear, under the penalty of perjury, that as a condition of obtaining a federal firearms license, each person requesting an exemption in this affidavit has been subjected to a fingerprint identification check by the Bureau of Alcohol, Tobacco and Firearms and the Bureau of Alcohol, Tobacco and Firearms subsequently determined that each person satisfied the requirements of 18 U.S.C. § 921 et seq. I understand that any person convicted of making a false statement in this affidavit is guilty of a Class 5 felony and that in addition to any other penalties imposed by law, a conviction under this section shall result in the forfeiture of my federal firearms license."

D. The Department of State Police, upon receipt of an individual's record or notification that no record exists, shall submit an eligibility report to the requesting dealer within 30 days of the applicant beginning his duties for new employees or within 30 days of the applicant's birthday for a person employed prior to July 1, 2000.

E. If any applicant is denied employment because of information appearing on the criminal history record and the applicant disputes the information upon which the denial was based, the Central Criminal Records Exchange shall, upon written request, furnish to the applicant the procedures for obtaining a copy of the criminal history record from the Federal Bureau of Investigation. The information provided to the dealer shall not be disseminated except as provided in this section.

F. The applicant shall bear the cost of obtaining the criminal history record unless the dealer, at his option, decides to pay such cost.

G. Upon receipt of the request for a criminal history record information check, the State Police shall establish a unique number for that firearm seller. Beginning September 1, 2001, the firearm seller's signature, firearm seller's number and the dealer's identification number shall be on all firearm transaction forms. The State Police shall void the firearm seller's number when a disqualifying record is discovered. The State Police may suspend a firearm seller's identification number upon the arrest of the firearm seller for a potentially disqualifying crime.

H. This section shall not restrict the transfer of a firearm at any place other than at a dealership or at any event required to be registered as a gun show.

I. Any person who willfully and intentionally requests, obtains, or seeks to obtain criminal history record information under false pretenses, or who willfully and intentionally disseminates or seeks to disseminate criminal history record information except as authorized by this section and § 18.2-308.2:2, shall be guilty of a Class 2 misdemeanor.

J. Any person willfully and intentionally making a materially false statement on the personal descriptive information required in this section shall be guilty of a Class 5 felony. Any person who offers for transfer any firearm in violation of this section shall be guilty of a Class 1 misdemeanor. Any dealer who willfully and knowingly employs or permits a person to act as a firearm seller in violation of this section shall be guilty of a Class 1 misdemeanor.

K. There is no civil liability for any seller for the actions of any purchaser or subsequent transferee of a firearm lawfully transferred pursuant to this section.

L. The provisions of this section requiring a seller's background check shall not apply to a licensed dealer.

M. Any person who willfully and intentionally makes a false statement in the affidavit as set out in subdivision C 1 shall be guilty of a Class 5 felony.

N. For purposes of this section:

"Dealer" means any person, corporation or proprietorship licensed as a dealer pursuant to 18 U.S.C. § 921 et seq.

"Firearm" means any handgun, shotgun, or rifle that will or is designed to or may readily be converted to expel single or multiple projectiles by action of an explosion of a combustible material.

"Place of business" means any place or premises where a dealer may lawfully transfer firearms.

"Seller" means for the purpose of any single sale of a firearm any person who is a dealer or an agent of a dealer, who may lawfully transfer firearms and who actually performs the criminal background check in accordance with the provisions of § 18.2-308.2:2.

"Transfer" means any act performed with intent to sell, rent, barter, trade or otherwise transfer ownership or permanent possession of a firearm at the place of business of a dealer.

Section 18.2-308.2:4. Firearm verification check; penalty.

A. For the purposes of this section:

"Dealer" means any person licensed as a dealer pursuant to 18 U.S.C. § 921 et seq.

"Department" means the Department of State Police.

"Firearm" means any handgun, shotgun, or rifle that will or is designed to or may readily be converted to expel single or multiple projectiles by action of an explosion of a combustible material.

B. A dealer who is receiving by sale, transfer, or trade a firearm from a person who is not a dealer may choose to obtain a verification check from the Department to determine if the firearm has been reported to a law-enforcement agency as lost or stolen. If a dealer chooses to obtain a verification check, the procedures in this section shall be followed.

C. The person selling, transferring, or trading the firearm to the dealer shall present a valid photo identification issued by a state or federal governmental agency and shall consent in writing, on a form to be provided by the Department, to have the dealer obtain a verification check to determine if the firearm has been reported to a law-enforcement agency as lost or

stolen. Such form shall include only the written consent; the name, address, birth date, gender, race, and verifiable government identification number on the photo identification presented by the person selling, transferring, or trading the firearm; and the serial number, caliber, make, and, if available, model of the firearm.

D. A dealer shall **(i)** obtain written consent and identifying information on the consent form specified in subsection C; **(ii)** provide the Department with the serial number, caliber, make, and, if available, model of the firearm intended to be sold, traded, or transferred to the dealer; **(iii)** request a verification check by telephone or other manner authorized by the Department; and **(iv)** receive information from the Department as to whether the firearm has been reported to a law-enforcement agency as lost or stolen.

To establish personal identification and residence for purposes of this section, a dealer shall require a prospective transferee to present 1 photo-identification form containing a verifiable identification number issued by a governmental agency of the Commonwealth, a similar photo-identification form from another state government or by the U.S. Department of Defense, or other documentation of residence determined acceptable by the Department.

E. Upon receipt of the request for a verification check, the Department shall **(i)** query firearms databases to determine if the firearm has been reported to a law-enforcement agency as lost or stolen, **(ii)** inform the dealer if the firearm has been reported to a law-enforcement agency as lost or stolen, and **(iii)** provide the dealer with a unique response for that inquiry.

The Department shall provide its response to the requesting dealer electronically or by return call without delay. If the verification check discloses that the firearm cannot be lawfully sold, transferred, or traded, the Department shall have until the end of the dealer's next business day to advise the dealer that its records indicate the firearm cannot be lawfully sold, transferred, or traded pursuant to state or federal law.

In the case of electronic failure or other circumstances beyond the control of the Department, the dealer shall be advised immediately of the reason for such delay and be given an estimate of the length of such delay. After such notification, the Department shall, as soon as possible but in no event later than the end of the dealer's next business day, inform the requesting dealer if the firearm cannot be lawfully sold, transferred, or traded pursuant to state or federal law.

F. The Department shall maintain a log of requests made for a period of 12 months from the date the request was made, consisting of the serial number, caliber, make, and, if available, model of the firearm; the dealer identification number; and the transaction date.

G. The dealer shall maintain the consent form for a period of 12 months from the date of the transaction if the firearm is determined to be lost or stolen. If the firearm is determined not to be lost or stolen, the consent form shall be destroyed by the dealer within 2 weeks from the date of such determination.

H. The Superintendent of State Police shall promulgate regulations to ensure the identity, confidentiality, and security of all records and data provided pursuant to this section.

I. The provisions of this section shall not apply to transactions between persons who are licensed as firearms importers, manufacturers, or dealers pursuant to 18 U.S.C. § 921 et seq.

J. Any person who willfully and intentionally makes a material false statement on the consent form is guilty of a Class 1 misdemeanor.

Section 18.2-308.2:5. Criminal history record information check required to sell firearm; penalty.

A. No person shall sell a firearm for money, goods, services or anything else of value unless he has obtained verification from a licensed dealer in firearms that information on the prospective purchaser has been submitted for a criminal history record information check as set out in § 18.2-308.2:2 and that a determination has been received from the Department of State Police that the prospective purchaser is not prohibited under state or federal law from possessing a firearm or such sale is specifically exempted by state or federal law. The Department of State Police shall provide a means by which sellers may obtain from designated licensed dealers the approval or denial of firearm transfer requests, based on criminal history record information checks. The processes established shall conform to the provisions of § 18.2-308.2:2, and the definitions and provisions of § 18.2-308.2:2 regarding criminal history record information checks shall apply to this section *mutatis mutandis*. The designated dealer shall collect and disseminate the fees prescribed in § 18.2-308.2:2 as required by that section. The dealer may charge and retain an additional fee not to exceed \$ 15 for obtaining a criminal history record information check on behalf of a seller.

B. Notwithstanding the provisions of subsection A and unless otherwise prohibited by state or federal law, a person may sell a firearm to another person if:

1. The sale of a firearm is to an authorized representative of the Commonwealth or any subdivision thereof as part of an authorized voluntary gun buy-back or give-back program; or

2. The sale occurs at a firearms show, as defined in § 54.1-4200, and the seller has received a determination from the Department of State Police that the purchaser is not prohibited under state or federal law from possessing a firearm in accordance with § 54.1-4201.2.

C. Any person who willfully and intentionally sells a firearm to another person without obtaining verification in accordance with this section is guilty of a Class 1 misdemeanor.

D. Any person who willfully and intentionally purchases a firearm from another person without obtaining verification in accordance with this section is guilty of a Class 1 misdemeanor.

Section 18.2-308.4. Possession of firearms while in possession of certain substances.

A. It shall be unlawful for any person unlawfully in possession of a controlled substance classified in Schedule I or II of the Drug Control Act (§ 54.1-3400 et seq.) of Title 54.1 to simultaneously with knowledge and intent possess any firearm. A violation of this subsection is a Class 6 felony and constitutes a separate and distinct felony.

B. It shall be unlawful for any person unlawfully in possession of a controlled substance classified in Schedule I or II of the Drug Control Act (§ 54.1-3400 et seq.) to simultaneously with knowledge and intent possess any firearm on or about his person. A violation of this subsection is a Class 6 felony and constitutes a separate and distinct felony and any person convicted hereunder shall be sentenced to a mandatory minimum term of imprisonment of two years. Such punishment shall be separate and apart from, and shall be made to run consecutively with, any punishment received for the commission of the primary felony.

C. It shall be unlawful for any person to possess, use, or attempt to use any pistol, shotgun, rifle, or other firearm or display such weapon in a threatening manner while committing or attempting to commit the illegal manufacture, sale, distribution, or the possession with the intent to manufacture, sell, or distribute a controlled substance classified in Schedule I or Schedule II of the Drug Control Act (§ 54.1-3400 et seq.) or more than one pound of marijuana. A violation of this subsection is a Class 6 felony, and constitutes a separate and distinct felony and any person convicted hereunder shall be sentenced to a mandatory minimum term of imprisonment of five years. Such punishment shall be separate and apart from, and shall be made to run consecutively with, any punishment received for the commission of the primary felony.

Section 18.2-308.5. Manufacture, import, sale, transfer or possession of plastic firearm prohibited.

It shall be unlawful for any person to manufacture, import, sell, transfer or possess any plastic firearm. As used in this section, "**plastic firearm**" means any firearm, including machine guns and sawed-off shotguns as defined in this chapter, containing less than 3.7 ounces of electromagnetically detectable metal in the barrel, slide, cylinder, frame or receiver of which, when subjected to inspection by X-ray machines commonly used at airports, does not generate an image that accurately depicts its shape. A violation of this section shall be punishable as a Class 5 felony.

Section 18.2-308.7. Possession or transportation of certain firearms by persons under the age of 18; penalty.

It shall be unlawful for any person under 18 years of age to knowingly and intentionally possess or transport a handgun or assault firearm anywhere in the Commonwealth. For the purposes of this section, "**handgun**" means any pistol or revolver or other firearm originally designed, made and intended to fire single or multiple projectiles by means of an explosion of a combustible material from one or more barrels when held in one hand and "**assault firearm**" means any (i) semi-automatic centerfire rifle or pistol which expels single or multiple projectiles by action of an explosion of a combustible material and is equipped at the time of the offense with a magazine which will hold more than 20 rounds of ammunition or designed by the manufacturer to accommodate a silencer or equipped with a folding stock or (ii) shotgun with a magazine which will hold more than seven rounds of the longest ammunition for which it is chambered. A violation of this section shall be a Class 1 misdemeanor.

This section shall not apply to:

1. Any person (i) while in his home or on his property; (ii) while in the home or on the property of his parent, grandparent, or legal guardian; or (iii) while on the property of another who has provided prior permission, and with the prior permission of his parent or legal guardian if the person has the landowner's written permission on his person while on such property;
2. Any person who, while accompanied by an adult, is at, or going to and from, a lawful shooting range or firearms educational class, provided that the weapons are unloaded while being transported;
3. Any person actually engaged in lawful hunting or going to and from a hunting area or preserve, provided that the weapons are unloaded while being transported; and
4. Any person while carrying out his duties in the Armed Forces of the United States or the National Guard of this Commonwealth or any other state.

Section 18.2-308.8. Importation, sale, possession or transfer of Striker 12's prohibited; penalty.

It shall be unlawful for any person to import, sell, possess or transfer the following firearms: the Striker 12, commonly called a "streetsweeper," or any semi-automatic folding stock shotgun of like kind with a spring tension drum magazine capable of holding 12 shotgun shells. A violation of this section shall be punishable as a Class 6 felony.

Section 18.2-309. Furnishing certain weapons to minors; penalty.

B. If any person sells, barter, gives or furnishes, or causes to be sold, bartered, given or furnished, to any minor a handgun, having good cause to believe him to be a minor, such person shall be guilty of a Class 6 felony. This subsection shall not apply to any transfer made between family members or for the purpose of engaging in a sporting event or activity.

Section 18.2-311.1. Removing, altering, etc., serial number or other identification on firearm.

Any person, firm, association or corporation who or which intentionally removes, defaces, alters, changes, destroys or obliterates in any manner or way or who or which causes to be removed, defaced, altered, changed, destroyed or obliterated in any manner or way the name of the maker, model, manufacturer's or serial number, or any other mark or identification on any pistol, shotgun, rifle, machine gun or any other firearm shall be guilty of a Class 1 misdemeanor.

**Title 54.1 – Professions and Occupations
Subtitle V – Occupations Regulated by Local Governing Bodies
Chapter 42 – Dealers in Firearms**

Section 54.1-4200. Definitions.

For the purpose of this chapter, unless the context requires a different meaning:

"Dealer in firearms" means (i) any person, firm, partnership, or corporation engaged in the business of selling, trading or transferring firearms at wholesale or retail; (ii) any person, firm, partnership, or corporation engaged in the business of making or fitting special barrels, stocks, or trigger mechanisms to firearms; or (iii) any natural person that is a pawnbroker.

"Engaged in business" means as applied to a dealer in firearms a person, firm, partnership, or corporation that devotes time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through repetitive purchase or resale of firearms, but such term shall not involve a person who makes occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or who sells all or part of his personal collection of firearms.

"Firearms show" means any gathering or exhibition, open to the public, not occurring on the permanent premises of a dealer in firearms, conducted principally for the purposes of exchanging, selling or trading firearms as defined in § 18.2-308.2:2.

Section 54.1-4201. Inspection of records.

A. Every dealer in firearms shall keep at his place of business, for not less than a period of 2 years, the original consent form required to be completed by § 18.2-308.2:2 for each firearm sale.

B. Every dealer in firearms shall admit to his place of business during regular business hours the chief law-enforcement officer, or his designee, of the jurisdiction in which the dealer is located, or any law-enforcement official of the Commonwealth, and shall permit such law-enforcement officer, in the course of a bona fide criminal investigation, to examine and copy those federal and state records related to the acquisition or disposition of a particular firearm required by this section. This section shall not be construed to authorize the seizure of any records.

Section 54.1-4201.1. Notification by sponsor of firearms show to State Police and local law-enforcement authorities required; records; penalty.

A. No promoter of a firearms show shall hold such show without giving notice at least 30 days prior to the show to the State Police and the sheriff or chief of police of the locality in which the firearms show will be held. The notice shall be given on a form provided by the State Police. A separate notice shall be required for each firearms show.

"Promoter" means every person, firm, corporation, club, association, or organization holding a firearms show in the Commonwealth.

The promoter shall maintain for the duration of the show a list of all vendors or exhibitors in the show for immediate inspection by any law-enforcement authorities, and within five days after the conclusion of the show, by mail, by hand, by email, or by fax, transmit a copy of the complete vendor or exhibitor list to the law-enforcement authorities to which the 30-day prior notice was required. The vendor or exhibitor list shall contain the full name and residence address and the business name and address, if any, of the vendors or exhibitors.

B. A willful violation of this section shall be a Class 3 misdemeanor.

C. The provisions of this section shall not apply to firearms shows held in any town with a population of not less than 1,995 and not more than 2,010, according to the 1990 United States census.

Section 54.1-4201.2. Firearm transactions by persons other than dealers; voluntary background checks.

A. The Department of State Police shall be available at every firearms show held in the Commonwealth and shall make determinations in accordance with the procedures set out in § 18.2-308.2:2 of whether a prospective purchaser or transferee is prohibited under state or federal law from possessing a firearm prior to the completion of any firearm transaction at a firearms show held in the Commonwealth. The Department of State Police shall establish policies and procedures in accordance with 28 C.F.R. § 25.6 to permit such determinations to be made by the Department of State Police.

The Department of State Police may charge a reasonable fee for the determination.

B. The promoter, as defined in § 54.1-4201.1, shall give the Department of State Police notice of the time and location of a firearms show at least 30 days prior to the show. The promoter shall provide the Department of State Police with adequate space, at no charge, to conduct such prohibition determinations. The promoter shall ensure that a notice that such determinations are available is prominently displayed at the show.

C. No person who sells or transfers a firearm at a firearms show after receiving a determination from the Department of State Police that the purchaser or transferee is not prohibited by state or federal law from possessing a firearm shall be liable for selling or transferring a firearm to such person.

D. The provisions of § 18.2-308.2:2, including definitions, procedures, and prohibitions, shall apply, mutatis mutandis, to the provisions of this section.

Section 54.1-4202 Penalties for violation of the provisions of this chapter.

Any person convicted of a first offense for willfully violating the provisions of this chapter shall be guilty of a Class 2 misdemeanor. Any person convicted of a second or subsequent offense under the provisions of this chapter shall be guilty of a Class 1 misdemeanor.

Alexandria Code of Ordinances

Current through Ordinance Number 5453, adopted September 17, 2022. (Supplement Number 144)

Title 13 – Miscellaneous Offenses

Chapter 2 – Weapons

Article B – Transfer or Sale of Pistols or Revolvers

Division I – Generally

Section 13-2-22. Condition of pistol or revolver when delivered to purchaser.

Every pistol or revolver sold or otherwise disposed of by a pistol or revolver dealer shall be securely wrapped and unloaded when delivered.

Section 13-2-23. Procedure for sale of pistols or revolvers; sale to certain persons prohibited.

(a) Every person desiring to purchase or otherwise acquire in the city a pistol or revolver shall sign in duplicate and deliver to the seller or person disposing thereof an application for the purchase of a pistol or revolver, containing his full name, address, occupation, color, place and date of birth, height and weight, some descriptive mark of identification, the date and hour of the application, the caliber, make, model and manufacturer's number of the weapon to be acquired and a statement that he has never been convicted of a crime of violence. The seller or person disposing of the weapon shall within six (6) hours after the application, sign and attach his address and deliver one (1) copy of the application to the chief of police, and he shall retain the other copy for five (5) years. Forms for such application shall be furnished by the police chief at the expense of the city. It shall be unlawful for any person to give false information or offer false evidence of his identity in making an application or in acquiring a pistol or revolver. No person shall within the city deliver or otherwise dispose of a pistol or revolver until 72 hours shall have elapsed from the time of the application.

(b) No person shall within the city sell or otherwise dispose of a pistol or revolver to a person whom he has reasonable cause to believe is not a fit and proper person to possess the same, is not of sound mind, is under the age of 18 years, is a drug addict or is a person who has been convicted of a crime of violence.

(c) If, within the 72 hour waiting period required by this section, the police chief or anyone designated by him shall inform the proposed seller or person proposing to dispose of a pistol or revolver that the applicant is not a fit and proper person to possess the weapon, is not of sound mind, is under the age of 18 years, is a drug addict or is a person who has been convicted of a crime of violence, such information shall be prima facie evidence that the seller or person disposing thereof had reasonable cause to believe the applicant is so unqualified to acquire such weapon.

(d) A crime of violence, as used in this section, shall be taken to mean murder, manslaughter, rape, mayhem, maliciously disfiguring another, abduction, kidnapping, burglary, house-breaking, robbery, larceny, assault with intent to kill, commit rape or robbery, assault with a dangerous weapon, assault with intent to commit any offense punishable by imprisonment in the penitentiary or an attempt to commit any of such crimes.

Section 13-2-25. Dealers' record of purchases.

A true record of purchases of pistols or revolvers made by dealers in pistols or revolvers shall be kept in ink, in a book kept for the purpose by every dealer in pistols or revolvers, which record shall contain the date of purchase, the caliber, make, model and manufacturer's number of the weapon.

Division 2 – Permits for Engaging in Business as Dealers

Section 13-2-41. Required.

Any person desiring to engage in the business of selling or dealing in pistols or revolvers in the city at retail shall obtain from the chief of police a permit to deal in such weapons. This permit shall be in addition to the revenue license required by section 58-394, of the Code of Virginia, and of any city revenue license.

Section 13-2-42. Application.

The application for a pistol and revolver dealer's permit shall give the real name of the applicant, or applicants, if a firm, and of the officers and manager if a corporation, and also the trade name, if any and the place of business.

Section 13-2-43. Issuance or refusal after investigation.

The chief of police shall issue a pistol and revolver dealer's permit to the applicant upon being satisfied, after investigation, that the applicant is a fit and proper person, or in a case of a corporation, the officers and manager are fit and proper persons, to engage in such business; otherwise he shall refuse the permit.

Section 13-2-44. Term; fee.

Pistol and revolver dealers' permits shall be issued for a period not to exceed one (1) year, and a fee of six dollars (\$6.00) shall be charged therefor.

Section 13-2-45. Location of business.

Each pistol and revolver dealer's permit shall indicate the location at which the holder of the permit may engage in business thereunder. Every pistol and revolver dealer obtaining a permit under the provisions of this division shall carry on the business covered by the permit only in the location designated in the permit.

Section 13-2-46. Display.

Every pistol and revolver dealer's permit issued under authority of this division shall be displayed, at the location indicated in the permit, where it can be easily read.

Section 13-2-47. Revocation.

The pistol or revolver dealer's permit of any person shall be revoked by a committee to be composed of the city manager, the mayor, a member of council to be named by the mayor, and the chief of police, after notice and opportunity to be heard, for violation of any provision of this article or because of after discovered or new facts deemed sufficient to the committee to make the holder of the permit an unfit and improper person to engage in such business.

Alleghany County Code of Ordinances

Current through Amendment Number O- 22- 6, adopted June 2, 2022. (Supplement Number 47)

**Chapter 66 – Zoning
Article XXI – Definitions**

Section 66-678. Other definitions.

Home occupation means the use of part of a single-family dwelling or an accessory building for financial gain, providing the following criteria are met (Amdmt. No. 93-4, 8-17-93; Amdmt. No. O-02-2, 2-19-02):

(1) General restrictions:

- i. Boardinghouses, bed and breakfast inns, bed and breakfast homestays, private educational institutions, the sale of firearms, or other uses specifically listed in any established zone classification, unless the criteria for a home occupation is met, shall not be deemed home occupations.

Altavista Code of Ordinances

Current through Ordinances of September 13, 2022 (5). (Supplement Number 17 Update 5)

Chapter 86 – Zoning
Article IV – Development Standards
Division 1 – Use and Design Standards

Section 86-454. Home occupations.

(d) Criteria for home occupations. Uses classified as home occupations shall be permitted in all zoning districts which allow single-family residences. The following regulations shall apply to all home occupations:

(7) ... The sale of firearms as a home occupation shall be prohibited.

Big Stone Gap Code of Ordinances
Current through Ordinance Number 12-2018, adopted June 12, 2018. (Supplement Number 23)

Chapter 13 – Offenses and Miscellaneous Provisions
Article IV– Weapons

Section 13-114. Carrying firearm, stun weapon or taser on school property.

(a) If any person carries about his person any pistol or other firearm designed or intended to propel a missile of any kind or any stun weapon or taser into any public building upon the property of any public, private or parochial elementary, junior high or high school he shall be guilty of a Class 2 misdemeanor.

(b) The exemptions set out in section 13-112 shall apply, *mutatis mutandis*, to the provisions of this section. The provisions of this section shall not apply to persons who carry such weapon as a part of the curriculum or other programs sponsored by the school or any organization permitted by the school to use its premises or to any law-enforcement officer while engaged in his duties as such.

Section 13-122. Furnishing certain weapons to minors.

If any person sells, barter, gives, or furnishes, or causes to be sold, bartered, given or furnished, to any minor a pistol, dirk, switchblade knife or bowie knife, having good cause to believe him to be a minor, such person shall be guilty of a Class 4 misdemeanor.

Charlottesville Code of Ordinances
Current through Ordinances of October 17, 2022. (Supplement Number 56)

Chapter 33 – Weapons

Section 33-2. Dealers in firearms, dirks or bowie knives, Permit.

(a) No person shall engage in the business of selling firearms, dirks or bowie knives without having first procured an annual permit from the city manager to engage in such business. Such permit shall be used by such person in applying for his business license under chapter 14 of this Code.

(b) The city manager shall refuse to grant a permit under this section to any person who:

- (1) Is not of good moral repute or character; or
- (2) Has been convicted in any court of record of a crime of violence or of a crime involving moral turpitude; or
- (3) Is a drug addict, habitual drunkard or mentally incompetent; or
- (4) Has been convicted of the sale of firearms, dirks or bowie knives without a permit authorizing such sale.

Section 33-4. Furnishing certain weapons to minors prohibited.

(a) No person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished, to any minor under eighteen (18) years of age, firearms, cartridges, dirks, switch-blade knives or bowie knives, having good cause to believe such minor to be under eighteen (18) years of age.

(b) Any person violating this section shall be guilty of a Class 4 misdemeanor.

Chapter 34 – Zoning
Article IX – Generally Applicable Regulations
Division 9 – Standards for Provisional Uses

Section 34-1172. Standards, Home occupations.

(17) The following are specifically prohibited, and shall not be deemed or construed as activities constituting a home occupation:

j. Retail or wholesale sales, where any goods or merchandise are (i) displayed or otherwise offered or available on-site for sale or purchase, or (ii) delivered to or picked-up by purchasers on-site, including, without limitation: antique shops, sales of firearms, computer sales, and similar activities.

Colonial Beach Code of Ordinances

Current through Ordinance Number 721, adopted February 16, 2022. (Supplement Number 89)

Chapter 22 – Weapons

Section 22-8. Sale or delivery of weapons to minors.

If any person, within the town, sells, barter, gives or furnishes, or causes to be sold, bartered, given or furnished, to any person under eighteen (18) years of age, a pistol dirk or bowie knife, having good cause to believe him to be under eighteen (18) years of age, such person shall be guilty of a Class 4 misdemeanor.

Dumfries Code of Ordinances

Current through Ordinance Number O-2019-008, enacted September 17, 2019. (Supplement Number 17)

Chapter 30 – Fire Prevention and Protection

Article V – Explosives, Fireworks and Model Rocketry

Section 30-43. Manufacture, assembly and testing of fireworks, explosive materials and fireworks, generally.

The manufacture, assembly and testing of explosives, ammunition, blasting agents and fireworks shall be prohibited in Prince William County, with the following exceptions:

(1) The hand loading of small arms ammunition prepared for personal use and not offered for resale.

Emporia Code of Ordinances

Current through Ordinance Number 22-21, enacted June 7, 2022. (Supplement Number 70)

Chapter 50 – Offenses and Miscellaneous Provisions

Article II – Weapons

Section 50-64. Pistol permit – Required prior to purchase.

It shall be unlawful for any person to purchase a pistol of any calibre or description within the city unless such person shall have obtained a written permit from the chief of police of the city authorizing such purchase. Any such pistol purchased in violation of this section shall, by order of the court, be forfeited to the city and may be seized by any officer as forfeited, and such as may be needed for police officers and conservators of the peace shall be devoted to that purpose, and the remainder shall be destroyed by the officer having them in charge.

Section 50-65. Same – Exhibiting to seller.

It shall be unlawful for any person to sell a pistol of any calibre or description within the city to any person unless such purchaser shall first exhibit to the person selling the pistol, a written permit, executed by the chief of police of the city, authorizing the sale and purchase of a pistol within the city.

Fairfax Code of Ordinances

Current through Ordinance Number 2022-11, adopted July 26, 2022. (Supplement Number 23)

Chapter 14 – Businesses

Article V – Pistol Dealers

Division 1 – Generally

Section 14-191. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Applicant means any person, firm or corporation applying to the chief of police for a certificate of registration to sell firearms.

Chief of police means the chief of the city police department or his designated agent.

Crime of violence means any of the following crimes or an attempt to commit any of the following crimes: murder, voluntary manslaughter, rape, robbery, burglary, kidnapping and crimes involving assaults and bodily woundings.

Fixed ammunition means any ammunition composed of a projectile or projectiles, a casing and a primer, all of which shall be contained as one unit.

Habitual drunkard means any person who has been convicted of being intoxicated in public three or more times within a period of one year.

Licensed dealer means any person, firm or corporation engaged in the business of selling at retail or renting pistols in the city, who is either licensed or required to be licensed as such under state or federal law.

Pistol means any firearm with a barrel less than 16 inches in length that uses fixed ammunition.

Registrant means any person registering with the chief of police to purchase a pistol.

Section 14-192. Sales to certain persons prohibited.

(a) No licensed dealer or other person shall sell, barter, give, furnish, lend, rent or otherwise transfer or cause to be sold, bartered, given, furnished, lent, rented or otherwise transferred to any person under 21 years of age, a pistol, having good cause to believe him to be a person under 21 years of age.

(b) No licensed dealer or other person shall sell, barter, give, furnish, lend, rent or otherwise transfer or cause to be sold, bartered, given, furnished, lent, rented or otherwise transferred any pistol to any person whom he has reasonable cause to believe has been convicted of a crime of violence or a felony within the past ten years, or is a drug addict, or is an habitual drunkard, or is a fugitive from justice or is of unsound mind.

(c) No licensed dealer or other person shall sell, barter, give, furnish, lend, rent or otherwise transfer or cause to be sold, bartered, given, furnished, lent, rented or otherwise transferred any pistol to any person whose record of registration to purchase, borrow, receive, rent or otherwise acquire a pistol has been rejected by the chief of police under the provisions of this article, nor to any person who fails to present a valid record of his registration with the chief of police to purchase a pistol.

Section 14-193. Appeal from decision of chief of police.

- (a) Any person aggrieved by a directive of rejection by the chief of police may, within ten days of receipt of notice thereof, appeal to the general district court of the city or other court of competent jurisdiction.
- (b) For good cause shown the court may authorize the sale of the weapon, or, in the case of an application for registration by a licensed dealer, the court may direct the chief of police to issue a registration certificate.

Division 2 – Dealer's Registration

Section 14-211. Required.

It shall be unlawful for any person to engage in the business of selling at retail or renting pistols without having in force a registration approved by the chief of police as provided in this division.

Section 14-212. Application; fee.

(a) Any person, before engaging in the business of selling at retail or renting pistols in the city, shall be required to register with the chief of police on application forms furnished by the chief of police. The application form shall contain the following information:

- (1) Name and business address.
- (2) Residence address.
- (3) Federal firearms license number.
- (4) If the dealer is a state corporation, the name and addresses of the officers and directors of such corporation.
- (5) If the dealer is a foreign corporation, the name and addresses of the officers and directors of such corporation and the name and address of the registered agent for the purpose of service of process in the state.
- (6) A statement that the applicant or all members of a firm or corporation applying for a license is over the age of 21 years, has not been committed to an institution for treatment of a mental illness or drug addiction in the past ten years preceding the date of such application, has not been convicted of a felony within the past ten years, has not been convicted of a crime of violence, is not an habitual drunkard and has not been denied the privilege of selling firearms in any other jurisdiction.

(b) The application shall be sworn to before a notary public, by the applicant if he be an individual, if a firm by one of the members, and if a corporation by the president.

(c) Every application shall be accompanied by a fee of \$25.00 payable to the city, which shall not be refundable in any case.

Section 14-213. Issuance or denial.

(a) The chief of police shall conduct an investigation of each application, shall approve the application within ten days, exclusive of Saturdays, Sundays and holidays, from the date of the filing of the application, and shall issue an appropriate certificate of registration to the applicant, unless he shall refuse and reject the application for any of the following reasons:

- (1) The applicant is under the age of 21 years.
- (2) The applicant has been committed to an institution for the treatment of mental illness or drug addiction within ten years prior to the date of application.
- (3) The applicant has been convicted of a crime of violence.
- (4) The applicant has been convicted of a felony within the past ten years.
- (5) The applicant is an habitual drunkard.
- (6) The applicant has been denied the privilege of selling firearms in any other jurisdiction.
- (7) Any statement contained in the application is untrue.
- (8) The applicant is not licensed by state or federal law or does not intend to engage in the retail sale or rental of pistols in the city.

(b) The chief of police shall inform the applicant of the reasons for the rejection. Such information shall not be privileged and the applicant, upon the filing of the application, shall be deemed to have waived any privilege for the nondisclosure thereof.

(c) Any applicant aggrieved by the determination of the chief of police shall have the right of appeal as set forth in this division.

Section 14-214. Display.

The registration shall be displayed on the premises where the pistols are sold or rented.

Section 14-215. Revocation.

Conviction of a licensed dealer of a violation of any of the provisions of this article shall be sufficient cause for the chief of police to revoke the licensed dealer's registration for the city for a period of time not to exceed one year from the date of such revocation. The notice of revocation of the registration shall be sent by the chief of police, by registered mail, to the premises where the registration is displayed.

Section 14-216. Sales to be conducted on designated premises.

A licensed dealer shall conduct the sale or rental of pistols only on the premises designated in the certificate.

Division 3 – Purchaser's Registration

Section 14-236. Contents.

(a) Any person desiring to purchase, borrow, receive, rent or otherwise acquire a pistol from a licensed dealer or other person shall register under oath on forms provided by the chief of police which shall be signed, in duplicate, by such person stating his full name, address, occupation, place and date of birth, the date and hour of registration, the length of time he has resided in the state prior to the registration, all previous places of residence outside of the state for the past ten years, and a statement that he has never been convicted in this state or elsewhere of a crime of violence or a felony within the past ten years, that he is not an habitual drunkard or a drug addict, that he is not a fugitive from justice, that he has not been denied the right to purchase a pistol in any other jurisdiction, and that he has never been committed to an institution for treatment of mental illness from which he has not been discharged for a period of ten years or more prior to the date of his registration to purchase a pistol.

(b) The licensed dealer or other person who proposes to sell, barter, give, furnish, lend, rent or otherwise transfer a pistol shall sign and attach his address to the record of registration and mail or deliver the record of registration to the chief of police. The chief of police shall mark the date and hour of the receipt of the record of registration in his office. The original record of registration shall remain the property of the police department. A duplicate copy of the record of registration shall be retained by the dealer for six years.

Section 14-237. Waiting period for validity.

(a) Except as provided in this section, the chief of police shall review the registration of a purchaser of a pistol within 72 hours of the delivery of the registration to the chief of police, excluding Saturdays, Sundays and holidays, and if he finds one or more of the enumerated statements on the registration to be untrue, such registration shall be rejected.

(b) Where the registrant is a nonresident of the city, but has been a resident of the state for more than three years immediately preceding the date of registration, the time shall be extended to five days.

(c) Where the registrant is a nonresident or has not resided in the state for a period of three years immediately preceding the date of registration, the time shall be extended to 30 days.

Section 14-238. Denial.

(a) If, within the prescribed period, the chief of police shall inform in writing the licensed dealer or other person who proposes to sell the pistol that the registration was rejected for one or more of the following reasons: The registrant:

- (1)** Is under the age of 21 years;
- (2)** Has been committed to an institution for treatment of mental illness or drug addiction, and has not been discharged therefrom for a period of ten years or more preceding the date of such registration;
- (3)** Has been convicted of a crime of violence;
- (4)** Has been convicted of a felony within the past ten years;
- (5)** Is an habitual drunkard;
- (6)** Is a fugitive from justice; or
- (7)** Has made a statement on the registration that is untrue.

It shall be unlawful for the licensed dealer or other person to deliver the pistol to the registrant.

(b) A copy of the letter of rejection of the chief of police shall be furnished the registrant by the licensed dealer.

Farmville Code of Ordinances

Current through Ordinance Number 212, enacted September 14, 2022. (Supplement Number 52)

Chapter 18 – Offenses, Miscellaneous

Section 18-49. Weapons, Sale to minors.

It shall be unlawful for any person to sell, barter, give, furnish or cause to be sold, bartered, given or furnished to any minor under eighteen (18) years of age a pistol, dirk or bowie knife, having good reason to believe him to be a minor under eighteen (18) years of age.

Franklin Code of Ordinances Current through January 1, 2021.

Chapter 31 – Weapons

Section 31-9. Sale or delivery of weapons to minors.

If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished, to any person under 18 years of age, a pistol, dirk or bowie knife, having good cause to believe him to be under 18 years of age, such person shall be guilty of a class 4 misdemeanor.

Gate City Code of Ordinances Current through Amendment of January 11, 2022. (Supplement Number 4)

Chapter 30– Zoning **Article I – In General**

Section 30-3. Definitions.

Home occupation means any occupation, profession, enterprise, or activity conducted by one or more members of a family residing on the premises which is incidental and secondary to the use of the premises for dwelling purposes, provided that not more than one person other than a family member of the resident family is employed on the premises.

However, a home occupation shall not be interpreted to include the conduct of beauty parlors, barbershops, nursing homes, convalescent homes, rest homes, antique or craft resale, restaurants, tearooms, tourist homes, fortunetellers, firearm sales, or similar establishments. Unspecified businesses must be approved by the planning commission.

Hampton Code of Ordinances Current through Ordinance Number 22-0009, adopted June 8, 2022. (Supplement Number 25)

Chapter 27 – Pawnbrokers; Junk and Secondhand Dealers

Section 27-1. Definitions.

"Secondhand dealer" means any natural person who buys, sells, barter or exchanges used or secondhand articles, including but not limited to such items as firearms, office machines, household appliances, radios, television sets, cellphones, electronic equipment, sporting equipment, photographic equipment, or any other secondhand merchandise intended to be resold for use as such. This definition does not include those persons who exclusively buy, sell, barter or exchange used or secondhand clothing, furniture and non-electronic children's articles; nor does it include those persons who buy, sell, barter or exchange used or secondhand items defined and regulated by chapter 27.1.

Section 27-2. Violations of chapter.

(a) Unless otherwise specifically provided in this chapter, a violation of any provision of this chapter shall constitute a Class 4 misdemeanor.

(b) In addition to any penalty that may be imposed for a violation of this chapter, upon the second conviction of any pawnbroker or secondhand dealer for a violation of this chapter, the judge of a court of competent jurisdiction may, at his discretion, revoke or suspend the license of the offender.

Section 27-4. Identification numbers on property acquired.

No pawnbroker or secondhand dealer shall remove, change, alter or conceal any serial or other identification number which may be attached or affixed to any property of any kind received by such pawnbroker or secondhand dealer, without the consent of the chief of police of Hampton, Virginia or his designee, nor shall such dealer knowingly take in pawn, buy or acquire or keep in his possession any such property, the serial or identification number of which has been removed, changed or altered, without the consent of the chief of police of Hampton, Virginia or his designee.

Hanover County Code of Ordinances Current through Ordinance Number 22-06, adopted April 13, 2022. (Supplement Number 83,)

Chapter 24 – Weapons

Section 24-3. Carrying firearm on school property.

(a) If any person carries about his person any pistol or any other firearm designed or intended to propel a missile of any kind, into any public building upon the property of any public, private or parochial elementary, junior high or high school, during school hours, he shall be guilty of a Class 2 misdemeanor.

(b) The exemptions set out in section 24-1 shall apply, mutatis mutandis, to the provisions of this section. The provisions of this section shall not apply to persons who carry such weapons as a part of the curriculum or other programs sponsored by the school or any organization permitted by the school to use its premises.

Section 24-7. Sale or delivery of weapons to minors.

If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished, to any person under eighteen (18) years of age, a pistol, dirk or bowie knife, having good cause to believe him to be under eighteen (18) years of age, such person shall be guilty of a Class 4 misdemeanor.

Chapter 26 – Zoning Ordinance

Article 3 – District Regulations

Division 15 – M-3, Heavy Industrial District

Section 26-183. Conditional uses.

The following uses may be permitted as conditional uses:

2. The manufacturing, compounding, processing, packaging, fabrication or treatment of the following:

(d) Explosives, including ammunition and fireworks, and explosive storage.

Harrisonburg Code of Ordinances

Current through Ordinances of June 28, 2022. (Supplement Number 56, Update 2)

Title 16 – Offenses

Chapter 6 – Crimes Involving Health and Safety

Article C – Dangerous Use of Firearms or Other Weapons

Section 16-6-38. Furnishing certain weapons to minors.

If any person sells, barter, gives or furnishes, or causes to be sold, bartered, given or furnished, to any minor a pistol, dirk, switchblade knife or bowie knife, having good cause to believe him to be a minor, such person shall be guilty of a Class 4 misdemeanor.

Section 16-6-40. Removing, altering, etc., serial number or other identification on firearm.

Any person, firm, association or corporation who or which intentionally removes, defaces, alters, changes, destroys or obliterates in any manner or way, or who or which causes to be removed, defaced, altered, changed, destroyed or obliterated in any manner or way, the name of the maker, model, manufacturer's or serial number, or any other mark or identification of any pistol, shotgun, rifle, machine gun or any other firearm shall be guilty of a Class 1 misdemeanor.

Herndon Code of Ordinances

Current through Ordinance Number 22-0-14, enacted June 14, 2022. (Supplement Number 82)

Chapter 78 – Zoning

Article VIII – Accessory Uses

Section 78-80.5. Standards for home-businesses as accessory uses.

(2) Prohibited businesses. A home-based business may consist of any lawful business except a business that involves:

a. The on-site storage or presence of explosives; hazardous materials, hazardous substances, or hazardous waste; toxic substances; firearms; or any substance or activity that is determined to constitute a threat to the public health or safety of the town, using the intent and standards of this section. (Nothing in this section shall affect or purport to regulate any power of any person given by general law of this commonwealth to purchase, possess, transfer, own, carry or transport firearms, ammunition, or components of a combination thereof);

Hopewell Code of Ordinances

Current through Ordinance Number 2021-01, adopted January 12, 2021. (Supplement Number 4)

Chapter 37 – Weapons

Section 37-3. Possession, etc., of firearms of home-made construction.

It shall be unlawful and a Class 1 misdemeanor for any person within the city to have in his possession, make or manufacture and sell or trade any pistol, gun or rifle of home-made construction; provided, however that this shall in no way apply to pistols, guns and rifles or other like firearms that are manufactured by persons who are engaged in such a manufacturing business.

Section 37-8. Sale or delivery of certain weapons to minors.

If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished, to any person under eighteen (18) years of age, a pistol, dirk or bowie knife, having good cause to believe him to be under eighteen (18) years of age, such person shall be guilty of a Class 4 misdemeanor.

Isle of Wight County Code of Ordinances

Current through Ordinance of September 15, 2022. (Supplement Number 79, 8- 22)

Appendix B – Zoning

Article V – Supplementary Use Regulations.

Section 5-5002. Supplementary use regulations for residential use types.

I. Home occupation, Type I and Type II.

5. Uses that are prohibited as home occupations. The following uses shall be prohibited as home occupations:

Gun shops, sale of firearms

James City County Code of Ordinances

Current through Ordinance Number 107A-73, adopted March 8, 2022. (Supplement Number 64)

Chapter 24 – Zoning

Article V – Districts

Division 9 – Limited Business District, LB

Section 24-368. Use list.

Reference Section 24-11 for special use permit requirements for certain commercial uses and exemptions.

In the Limited Business District, LB, all buildings or structures to be erected or land to be used shall be for one or more of the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
	Firearms sales and service		SUP

Section 24-369. Special provisions for areas within the limited business district, LB, designated neighborhood commercial or low-density residential on the comprehensive plan.

(b) Uses permitted with a special use permit only. For areas within the Limited Business District, LB, that are designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan, buildings to be erected or land to be used shall be for one or more of the uses permitted in section 24-368 only after the issuance of a special use permit by the board of supervisors. A special use permit application shall demonstrate to the planning director substantial conformance to the county's Neighborhood Commercial Development Standards policy.

King William County Code of Ordinances

Current through Ordinance Number 09-21R2, adopted September 27, 2021. (Supplement Number 23)

Chapter 86 – Zoning

Article V – Permitted Uses in Principal Zoning Districts

Section 86-172. Explanation of symbols in table.

The columns to the right, one column representing each principal zoning district, contain abbreviation codes which identify the principal zoning district or districts in which each use is permitted. The following abbreviations identify whether a use is permitted by right, a conditional use, or a special exception use:

A use by right is a use that is permitted in a specified zoning district and for which the permit may be approved by the zoning administrator after meeting the requirements of applicable codes and ordinances. The abbreviation used to indicate a "use by right" in the table is "R". When that code is used in the table, it indicates that the corresponding use is permitted by right in the district indicated at the top of the column.

A conditional use is a use that, while permitted in a district, each specific use must be approved as a legislative action by the board of supervisors after review by the planning commission with notices and hearings that are required for a zoning change. The abbreviation used to indicate a conditional use in the table is "C".

Section 86-173. Interpretation of the table.

Table of Permitted Uses in Zoning Districts

Description of Uses	A-C	R-R	R-1	B-1	B-2	M	R-C
Manufacturing							
Firearms						R	

Leesburg Code of Ordinances

Current through Ordinance Number 2022-0-023, adopted September 13, 2022. (Supplement Number 22)

**Chapter 24 – Offenses and Miscellaneous Provisions
Article IV – Offenses Against Public Safety
Division 2 – Weapons**

Section 24-160. Sale or delivery of weapons to minors.

If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished, to any minor under 18 years of age, a pistol, dirk, switchblade knife or bowie knife, having good cause to believe him to be a minor under 18 years of age, such person shall be guilty of a misdemeanor.

Lexington Code of Ordinances

Current through December 16, 2021.

Chapter 409 – Weapons

Section 409-3. Furnishing weapons to minors.

If any person sells, barter, gives or furnishes or causes to be sold, bartered, given or furnished to any minor under 18 years of age a gun, rifle, air rifle, pistol, cartridge, dirk, switchblade knife or bowie knife, having good cause to believe him to be a minor under 18 years of age, such person shall be guilty of a misdemeanor.

Louisa Code of Ordinances

Current through February 18, 2020.

Chapter 113 – Offenses

Section 113-34. Furnishing certain weapons to minors unlawful.

If any person sells, barter, gives or furnishes or causes to be sold, bartered, given or furnished to any minor a pistol, dirk, switchblade knife or bowie knife, having good cause to believe him to be a minor, such person shall be guilty of a misdemeanor punishable by a fine of not more than \$100.

Chapter 165 Zoning

Article VI General Commercial District (GC)

Section 165-44. Permitted and special uses.

B. Uses with special use permits.

(14) Gun dealers.

Manassas Park Code of Ordinances

Current through Ordinance Number 22-1700- 1104, adopted October 18, 2022. (Supplement Number 73 update 1)

Chapter 26 – Weapons

Section 26-6. Possession, sale, etc., of firearms of home-made construction.

It shall be unlawful for any person within the city to have in his possession, make or manufacture and sell or trade any pistol, gun or rifle of home-made construction; provided that, this shall in no way apply to pistols, guns and rifles or other like firearms that are manufactured by reputable persons that are engaged in such a manufacturing business.

Section 26-9. Sale or delivery of weapons to minors.

If any person sells, barter, gives or furnishes, or causes to be sold, bartered, given or furnished, to any person under eighteen (18) years of age a pistol, dirk, switchblade knife or bowie knife, having good cause to believe him to be under eighteen (18) years of age, such person shall be guilty of a Class 4 misdemeanor.

Marion Code of Ordinances

Current through Ordinance of October 18, 2021. (Supplement Number 34)

Chapter 46 – Offenses and Miscellaneous Provisions

Section 46-25. Furnishing weapons to minors.

No person shall sell, barter, give, furnish, or cause to be sold, bartered, given or furnished to any minor a pistol, dirk, switchblade knife or Bowie knife, when having good cause to believe him to be a minor under 18 years of age. Any person violating the provisions of this section shall be guilty of a class 1 misdemeanor.

Mount Jackson Code of Ordinances

Current through Ordinance Number 04-2021, enacted December 30, 2021. (Supplement Number 6)

Chapter 18 – Businesses

Article II – Licensing

Division 2 – Special Provisions

Section 18-74. Firearms dealers.

Every person selling firearms in the town shall pay for the privilege an annual license tax of \$50.00 in addition to the administrative license fee imposed by section 18-31, which tax shall not be prorated. Licenses issued under this section shall not be transferred.

Chapter 38 – Offenses and Miscellaneous Provisions

Article III – Weapons

Section 38-72. Furnishing pistols, dirks, etc., to minors.

It shall be unlawful for any person to sell, barter, give or furnish or cause to be sold, bartered, given or furnished, to any minor under 18 years of age a pistol, dirk, switchblade knife or bowie knife, having good cause to believe him to be a minor under 18 years of age. Any person violating this section shall be fined not less than \$25.00 nor more than \$100.00.

Norton Code of Ordinances

Current through Ordinances of June 15, 2021. (Supplement Number 13)

Chapter 14 – Offenses and Miscellaneous Provisions

Article IV – Weapons

Section 14-138.1. Removing, altering, etc., serial number or other identification on firearm.

Any person, firm, association, or corporation who or which intentionally removes, defaces, alters, changes, destroys or obliterates in any manner or way or who or which causes to be removed, defaced, altered, changed, destroyed or obliterated in any manner or way the name of the maker, model, manufacturer's or serial number, or any other mark or identification on any pistol, shotgun, rifle, machine gun or any other firearm shall be guilty of a Class 1 misdemeanor.

Prince Edward County Code of Ordinances

Current through Ordinance of October 11, 2022. (Supplement Number 2)

Chapter 62 – Offenses and Miscellaneous

III – Weapons

Section 62-86. Permit required.

(a) No person within the county shall purchase, temporarily use or otherwise procure as his own property any pistol, dirk, Bowie knife, blackjack, or any weapon of like kind unless such person shall procure from the sheriff a permit in writing signed by the sheriff, granting such person permission to make such purchase or procure such weapon. Such permit shall be delivered to and kept on file by the person from whom such purchase is made and from whom such weapon is procured and shall be open to inspection to any police officer.

(b) No person shall sell, give, or deliver to any person within the county any pistol, dirk, Bowie knife, blackjack or any other weapon of like kind unless the person to whom such weapon is sold, given or delivered shall deliver to the person who shall sell, give or deliver such weapon a permit as is referred to in subsection (a).

Section 62-87. Record of weapons sold.

All dealers in firearms or other deadly weapons within the county shall keep an accurate record of the number and character of weapons sold, including any pistol, dirk, Bowie knife, blackjack or any weapon of like kind. Such record shall show the date of sale, the name of the purchaser, and the number, character and name of the weapon. All such records shall be kept open for the inspection of any police officer. A copy of all records of sales of such weapons during the preceding month shall be made and certified to the sheriff by such dealer on the first day of each month.

Prince George County Code of Ordinances

Current through Ordinance Number 0-22-27, adopted September 13, 2022. (Supplement Number 20, Update 1)

Chapter 90 – Zoning

Article IX – B-1 General Business District

Section 90-393. Uses and structures permitted by special exception.

In the B-1 general business district, structures may be erected or land may be used for one or more of the following uses:

(31) Outdoor flea markets, provided the following are met:

- a. No sale or trading of guns and other weapons.

Prince William County Code of Ordinances

Current through Ord. Number 22-28, adopted June 28, 2022. (Supplement Number 41)

Chapter 9.2 – Fire Prevention and Protection

Article VII – Explosives, Fireworks And Model Rocketry

Section 9.2-48. Manufacture, assembly and testing of fireworks, explosive materials and fireworks, generally.

The manufacture, assembly and testing of explosives, ammunition, blasting agents and fireworks shall be prohibited in Prince William County, with the following exceptions:

- (a)** The hand loading of small arms ammunition prepared for personal use and not offered for resale.

Chapter 32 – Zoning

Article II – Administration, Public Uses and Uses of a Public Nature, General Standards for Planned Development Districts

Part 280 – Planned Development Districts

Division 2 – Non-Residential and Mixed Residential/Commercial Land Bays

Section 32-280.41. Overall site planning and site development requirements applicable to non-residential and mixed residential/commercial land bays.

1. Notwithstanding the provisions of Articles III and IV, the following uses are specifically prohibited in non-residential and mixed residential/commercial land bays:

- (f)** Gun store.

Quantico Code of Ordinances

Current through Ordinance Number O-2017-1, enacted February 9, 2017. (Supplement Number 16)

Chapter 38 – Fire Prevention and Protection

Article III – Explosives, Fireworks, and Model Rocketry

Section 38-55. Manufacture, assembly and testing of fireworks, explosive materials and fireworks, generally.

The manufacture, assembly and testing of explosives, ammunition, blasting agents and fireworks shall be prohibited in Prince William County, with the following exceptions:

- (1)** The hand loading of small arms ammunition prepared for personal use and not offered for resale.

Roanoke Code of Ordinances

Current through Ordinance Number 41770, adopted June 15, 2020. (Supplement Number 84)

**Chapter 21 – Offenses, Miscellaneous
Article III – Weapons**

Section 21-84. Sale or delivery of weapons to minors.

If any person sells, barter, gives or furnishes, or causes to be sold, bartered, given or furnished, to any person under eighteen (18) years of age a pistol, dirk, switchblade knife or Bowie knife, having good cause to believe him to be under eighteen (18) years of age, such person shall be guilty of a Class 4 misdemeanor.

Roanoke County Code of Ordinances

Current through Ordinance Number 051022-12, adopted May 10, 2022. (Supplement Number 36)

**Appendix A – Zoning Ordinance
Article IV – Use and Design Standards**

Section 30-82-3. Home Occupations, Type I and Type II.

(B) General standards:

3. There shall be no outside storage of goods, products, equipment, or other materials inconsistent with a residential use associated with the home occupation. No toxic, explosive, flammable, radioactive, or other hazardous materials used in conjunction with the home occupation shall be used, sold, or stored on the site. The sale of firearms as a home occupation shall be prohibited.

Rocky Mount Code of Ordinances

Current through Ordinance of August 13, 2018. (Supplement Number Add. 2)

**Chapter 18 – Businesses
Article IV – Secondhand Dealers**

Section 18-151. Definition.

For the purposes of this article, the word "dealer" means any person who deals or engages in the business of purchasing secondhand or used silver, silverplated, gold, goldplated or pewter items, watches and jewelry and guns.

Section 18-153. License, Required.

Every dealer coming under this article shall first obtain a license before engaging in business.

Section 18-159. Holding period.

All merchandise purchased subject to this article shall be held on the premises intact without any change or alteration for inspection by any law enforcement officer for a period of at least 48 hours.

Salem Code of Ordinances

Current through Ordinance of March 28, 2022. (2) (Supplement Number 23 Update 1)

**Chapter 22 – Businesses
Article II – Licensing
Division 1 – Generally**

Section 22-79. Junk dealers, canvassers and dealers in certain secondhand merchandise.

(b) Dealers in certain secondhand merchandise.

(1) Requirement of register for dealers in certain secondhand merchandise. Every person who is a dealer in or is in the business of purchasing secondhand or used ... guns and coins shall keep at his place of business a register in which he shall record with respect to each purchase of any of the foregoing items the following information:

- a. A complete and accurate description of the goods, articles or things purchased, including the number of items;
- b. The time and date of receiving the goods, articles or things purchased;
- c. The amount of money paid for the goods, articles or things purchased; and
- d. The name and complete and accurate address of the person selling the goods, articles or things purchased, which information shall be taken from a valid driver's license or special identification card issued by the state division of motor vehicles, or other reliable identification card or document, together with a particular description of such person.

(6) License tax required.

a. On every dealer of secondhand merchandise as enumerated in subsection (b)(1), located in the city, there shall be a license tax of \$200.00, and the license shall be a personal privilege license and shall be granted only upon order of the council and shall not be prorated or transferred.

(c) Regulatory license. The license for junk dealers, canvassers and dealers in certain secondhand merchandise is a regulatory license by authority of Code of Virginia, title 58.1.

**Chapter 58 – Offenses and Miscellaneous Provisions
Article V – Weapons**

Section 58-147. Furnishing certain weapons to minors.

(b) If any person sells, barter, gives or furnishes, or causes to be sold, bartered, given or furnished, to any minor a handgun, having good cause to believe him to be a minor, such person shall be guilty of a class 6 felony. This subsection shall not apply to any transfer made between family members or for the purpose of engaging in a sporting event or activity.

South Hill Code of Ordinances

Current through Ordinance Number 2021-5, enacted September 13, 2021. (Supplement Number 19 Rev)

**Chapter 50 – Offenses
Article XI – Crimes Involving Weapons**

Section 50-703. Removing, altering, serial number or other identification on firearm.

Any person who intentionally removes, defaces, alters, changes, destroys or obliterates in any manner or way or who causes to be removed, defaced, altered, changed, destroyed or obliterated in any manner or way the name of the maker, model, manufacturer's or serial number, or any other mark or identification on any pistol, shotgun, rifle, machine gun or any other firearm shall be guilty of a class 1 misdemeanor.

**Chapter 94.1 – Zoning
Article IV – Permitted Uses in Zoning Districts**

Section 94.1-76. Table of permitted uses.

Table 4.1 Uses Permitted by Zoning District

Description of Uses Permitted	Districts in which specific uses are permitted: R = Permitted by right S = Permitted only with a special exception permit												
	R1-40	R1-15	R1-10	R1-6	R2-8	R2-16	O-M	C-1	C-2	C-3	MX-3	I-G	I-P
Firearms, ammunition and accessories sales, service and repairs									R	R		R	

Southampton County Code of Ordinances

Current through Ordinances of September 23, 2022. (Supplement Number 28 Update 3)

**Chapter 18 – Zoning
Article XII– Industrial District, General, M-2**

Section 18-313. Potentially hazardous uses permitted with a conditional use permit.

The following uses or the manufacture, compounding, processing, packaging, or treatment of products not specifically listed above or below, but which may have accompanying hazards, such as fire, explosion, noise, vibration, dust or the emission of smoke, odor, toxic gases or other pollutants, may, if not in conflict with any state or county law or ordinance, be located in the M-2 general industrial district, only after the location and nature of such use shall have been approved by the board of supervisors as conditional uses after public hearing, as provided in article XVIII. In cases of doubt regarding the nature of a process or use, the board of supervisors may require an engineering report describing the process or use and the probable impact thereof at property lines in terms of the factors listed above or other significant factors as may be associated with a particular process or use. The board of supervisors shall review the plans and statements and shall not permit such buildings, structures, or uses until there has been shown that the public health, safety, morals, and general welfare will be properly protected, and that necessary safeguards will be provided for the protection of streams or other water areas or surrounding property and persons. The board of supervisors, in reviewing the plans and statements shall

consult with other agencies created for the promotion of public health and safety, and shall pay particular attention to protection of the county and its neighbors from the harmful effects of air or water pollution of any type.

(13) Explosives, including ammunition and fireworks and explosive storage.

Staunton Code of Ordinances

Current through Ordinance 2020-26, passed October 8, 2020.

**Title 9 – Public Peace, Morals and Welfare
Chapter 9.05 – Offenses Miscellaneous**

Section 9.05.170. Sale of certain weapons to pupils of Virginia School for Deaf and Blind.

It shall be unlawful for any person to sell, barter, give, furnish, or cause to be sold, bartered, given or furnished, to any pupil of the Virginia School for the Deaf and Blind, situated in the city, a pistol, gun, rifle, dirk or bowie knife.

Surry County Code of Ordinances

Current through Ordinance Number 2019-03, enacted November 7, 2019. (Supplement Number 10)

**Chapter 16 – Licenses, Taxation and Miscellaneous Regulations
Article III – Business License Tax
Division 2 – Schedule of License Taxes**

Section 16-169. Repair service occupations.

Every person conducting or engaging in any of the following repair service occupations, businesses or trades shall pay for the privilege an annual license tax in the amount established in section 12-16(14):

(8) Gunsmith, gun repairing;

**Appendix A – Zoning
Article IV – Supplementary Regulations**

Section 4-500. Supplementary Regulations for Residential Uses

4-506 Home occupations, community and rural.

B. General standards.

11. The following uses shall be prohibited as home occupations:

Gun shops, sale of fire arms, gunsmiths

Warrenton Code of Ordinances

Current through Ordinance , enacted June 8, 2021 (1). (Supplement Number 44)

**Chapter 9 – Licenses
Article II – Businesses, Professions
Division 2 – Special License Tax Provisions**

Section 9-82. Pistol dealers.

Every person selling pistols in the town, in addition to any other tax provided, shall pay for the privilege a license tax which shall not be prorated.

Division 3 – Classified Businesses and Occupations

Section 9-112. Repair services.

Every person conducting or engaging in any of the repair service occupations, businesses or trades set out in this section shall pay for the privilege a license tax. The repair service occupations referred to in this section shall be as follows:

(6) Gunsmiths and gun repairing.

**Chapter 11 – Offenses, Miscellaneous
Article II – Weapons**

Section 11-56. Furnishing certain weapons to minors.

If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor a pistol, dirk, switchblade knife or bowie knife, having good cause to believe him to be a minor, such person shall be guilty of a class 4 misdemeanor.

Waynesboro Code of Ordinances

Current through Ordinance Number 2022-46, adopted July 25, 2022. (Supplement Number 66, Update 2)

Chapter 22 – Businesses

Article II – Licenses

Division 2 – Classified Businesses and Occupations

Section 22-72. Retail sales.

(a) Every person engaged in retail sales, including operators of coin-operated machines or devices, shall pay for the privilege an annual license tax of \$30.00 or \$0.20 per \$100.00 of gross receipts, whichever is greater.

(d) Retail sales shall be those shown below, but are not limited to the following:

(24) Firearm and knife dealers;

... Prior to the issuance of a license for the sale of firearms or knives, all dealers will obtain a permit from the city manager on such forms as the city manager shall provide.