

HOUSE BILL NO. 1235

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Public Safety

on \_\_\_\_\_)

(Patron Prior to Substitute--Delegate Zehr)

A BILL to amend and reenact § 18.2-308.07 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 18.2-308.01:1, relating to carrying concealed handguns; protective orders.

**Be it enacted by the General Assembly of Virginia:**

**1. That § 18.2-308.07 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 18.2-308.01:1 as follows:**

**§ 18.2-308.01:1. Carrying a concealed handgun with a valid protective order.**

A. It shall be an affirmative defense to the prohibition against carrying a concealed handgun in clause (i) of subsection A of § 18.2-308 for any person 21 years of age or older who is not prohibited from purchasing, possessing, or transporting a firearm under state or federal law and is protected by a protective order issued pursuant to § 16.1-253.1, 16.1-253.4, 16.1-279.1, 19.2-152.8, 19.2-152.9, or 19.2-152.10 for 45 days after such order was issued or until such order expires or is otherwise dissolved by the issuing court, whichever occurs first.

B. If during the period set forth in subsection A, the person issued the protective order applies for a concealed handgun permit, such affirmative defense to the prohibition against carrying a concealed handgun in clause (i) of subsection A of § 18.2-308 shall be extended for an additional 45 days from the date of the application. The clerk shall certify on the application that the period has been extended for an additional 45 days from the date of the application and shall indicate the date on which the period expires. A copy of the certified application shall be given to such person and shall serve as a de facto permit. The clerk shall expedite the processing of any application for a concealed handgun permit submitted by a person in accordance with this subsection.

27           C. The person issued the protective order shall have such order on his person at all times during  
28 which he is carrying a concealed handgun, except if such person has been given a copy of a certified  
29 application pursuant to subsection B, then such person shall have such certified application on his person  
30 at all times during which he is carrying a concealed handgun. Such person shall display the order or  
31 certified application and a photo identification issued by a government agency of the Commonwealth or  
32 by the U.S. Department of Defense or U.S. State Department (passport) upon demand by a law-  
33 enforcement officer.

34           D. Failure to display the order or certified application and photo identification upon demand by a  
35 law-enforcement officer is punishable by a \$25 civil penalty, which shall be paid into the state treasury.  
36 Any attorney for the Commonwealth of the county or city in which the alleged violation occurred may  
37 bring an action to recover the civil penalty. A court may waive such penalty upon presentation to the court  
38 of a valid order or certified application and government-issued photo identification. Any law-enforcement  
39 officer may issue a summons for the civil violation of failure to display the order or certified application  
40 and photo identification upon demand.

41           **§ 18.2-308.07. Entry of information into the Virginia Criminal Information Network.**

42           A. An order issuing a concealed handgun permit pursuant to § 18.2-308.04, or the copy of the  
43 permit application certified by the clerk as a de facto permit pursuant to § 18.2-308.01:1 or 18.2-308.05,  
44 shall be provided to the State Police and the law-enforcement agencies of the county or city by the clerk  
45 of the court. The State Police shall enter the permittee's name and description in the Virginia Criminal  
46 Information Network so that the permit's existence and current status will be made known to law-  
47 enforcement personnel accessing the Network for investigative purposes.

48           B. The Department of State Police shall enter the name and description of a person issued a  
49 nonresident permit pursuant to § 18.2-308.06 in the Virginia Criminal Information Network so that the  
50 permit's existence and current status are known to law-enforcement personnel accessing the Network for  
51 investigative purposes.

52           C. The State Police shall withhold from public disclosure permittee information submitted to the  
53 State Police for purposes of entry into the Virginia Criminal Information Network, except that such

**54** information shall not be withheld from any law-enforcement agency, officer, or authorized agent thereof  
**55** acting in the performance of official law-enforcement duties when such information is related to an  
**56** ongoing criminal investigation or prosecution, nor shall such information be withheld from an entity that  
**57** has a valid contract with any local, state, or federal law-enforcement agency for the purpose of performing  
**58** official duties of the law-enforcement agency when such information is related to an ongoing criminal  
**59** investigation or prosecution. However, nothing in this subsection shall be construed to prohibit the release  
**60** of (i) records by the State Police concerning permits issued to nonresidents of the Commonwealth pursuant  
**61** to § 18.2-308.06 or (ii) statistical summaries, abstracts, or other records containing information in an  
**62** aggregate form that does not identify any individual permittees.

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