

VCDL WAS NEUTRAL ON THESE ENACTED BILLS

HB1092 Retired police can carry concealed, unlike regular citizens (§18.2-308)

Carrying concealed handguns; retired law-enforcement officers. States that a retired law-enforcement officer who receives proof of consultation and favorable review to carry a concealed handgun without a concealed handgun permit is authorized to carry a concealed handgun in the same manner as a law-enforcement officer authorized to carry a concealed handgun.

VCDL Comments: This bill allows retired police to be able to carry a concealed handgun without a permit wherever they may go. VCDL has no problem with good people like retired-police carrying a concealed handgun wherever they may go, but it gets tiresome that the government gives special privileges such as this to its own, while restricting the very citizens it is supposed to be serving. Law-abiding citizens, too, should be able to carry a concealed handgun wherever we might go and not need a state-issued permission slip to do so. CH433

HB1379 Redundant child-care gun storage requirements in some counties (§15.2-914)

Child-care facilities in certain counties and cities; local regulation of possession and storage of firearms, ammunition, or components or combination thereof. Provides that certain Northern Virginia localities may adopt local ordinances that regulate the possession and storage of firearms, ammunition, or components or combination thereof at child-care facilities, so long as such regulation remains no more extensive in scope than comparable state regulations applicable to family day-care homes.

VCDL Comments: An unnecessary bill, it attempts to keep a preempted Fairfax County ordinance that should have been removed a long time ago on their books. CH649

HB637 Coast Guard officers exempt from CHP fees the public must pay (§18.2-308)

Concealed handgun permit; fees. Waives the concealed handgun permit fee (maximum \$50) for certain designated boarding team members and boarding officers of the United States Coast Guard.

VCDL Comments: This bill exempts boarding team members or boarding officers of the Coast Guard from having to pay for their concealed handgun permits. VCDL does not see a need to keep adding to the list of special interest groups who don't have to pay the \$50 fee for a concealed handgun permit. CH754

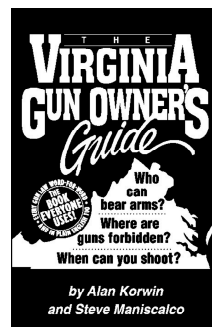
HB84 Access to VA criminal records for foreign-issued search warrants (§19.2-70.3)

Foreign search warrants to be honored. Provides that a Virginia corporation or other entity that provides electronic communication services or remote computing services to the general public, when properly served with a warrant and affidavit in support of the warrant, issued by a judicial officer or court of another state with jurisdiction over the matter, to produce a record or other information pertaining to a subscriber to or customer of such service or the contents of electronic communications, or both, shall produce the record or other information as if that warrant had been issued by a Virginia court. This provision applies only to records relating to certain violent or sexual criminal offenses, computer fraud and identity theft. CH319

SB501 CHP disqualification for certain out-of-state intoxication offenses (§18.2-308)

Concealed handgun permits; disqualifying convictions. Provides that a conviction from another state for driving while intoxicated or for drunkenness in public within the preceding three years disqualifies an individual from obtaining a concealed handgun permit. CH387

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At least 16 new gun-related laws enacted in Virginia in 2010

The Virginia Citizens Defense League (VCDL) did its usual excellent job of identifying, tracking, lobbying and cataloging bills that concern gun owners in the Commonwealth. GunLaws.com owes VCDL a great debt of gratitude for doing this work and allowing us to post the results here for you. If you're not a member, and your gun rights are important to you, do the right thing and join or just donate a few bucks to help them with their work. <http://www.vcdl.org>. You can link to each bill to read the actual new language here: <http://www.vcdl.org/static/2010leg.html>

KEY to the listings:

- BILL NUMBER, General plain-English description, statute(s) affected
- Official short description of the bill
- VCDL's remarks about the bill
- Chapter number (Official sequential enactment number)

VCDL SUPPORTED THESE ENACTED BILLS:

HB109 Protect handgun sales records from abuse (§15.2-1207, 15.2-1206)

Certain firearms taxes; destruction of records. Repeals local authority to impose a license tax of not more than \$25 on persons engaged in the business of selling pistols and revolvers. Also, a recordkeeping requirement for such persons is deleted and the clerk of the circuit court shall destroy any such existing records.

VCDL Comments: This bill repeals the law that allows counties to require that all handgun sales be reported to the county. It also requires that any such information received in the past be destroyed. CH495

HB1191 Expand ability to issue concealed-handgun permits (§18.2-308)

Issuance of concealed handgun permits; clerk of court. Allows a circuit court judge to authorize the clerk of court to issue concealed handgun permits in instances where the application is complete, the background check does not indicate that the applicant is disqualified, and, after consulting with the local sheriff or police department, there are no other questions or issues surrounding the application. The bill further provides that the court clerk is immune from suit arising from any acts or omissions relating to the issuance of concealed handgun permits without judicial review unless the clerk was grossly negligent or engaged in willful misconduct. This bill is not to be construed to limit, withdraw, or overturn any defense or immunity already existing in statutory or common law, or to affect any cause of action accruing prior to July 1, 2010.

VCDL Comments: This bill allows a court to authorize a Clerk to issue concealed handgun permits without judicial review as long as the person is not disqualified from receiving such a permit based on a background check and consulting with either the local sheriff or police department. It also allows a Circuit Court Clerk to sign a concealed handgun permit without the judge's approval in such a case. CH576

HB505 Repeal the ban on CHP carry in alcohol-serving restaurants (§18.2-308)

Concealed handguns; restaurants; penalty. Allows a person with a concealed handgun permit to carry a concealed handgun onto the premises of a restaurant or club and prohibits such person from consuming alcoholic beverages while on the premises. A person who consumes alcohol in violation of the provisions of the bill is guilty of a Class 2 misdemeanor. This bill is identical to SB 334.

VCDL Comments: This bill repeals the ban on concealed handgun permit holders carrying a concealed handgun in a restaurant. It has a caveat that the permit holder does not consume alcohol in the restaurant while carrying concealed. VCDL prefers Delegate Cole's bill HB 106, which simply repeals the ban in its entirety.

CH709

HB8 Concealed Handgun Permits can be renewed by U.S. mail (§18.2-308)

Renewal of concealed handgun permits. Allows a person who previously has been issued a Virginia concealed handgun permit to submit an application to renew the permit via the United States mail. This bill is identical to SB 3.

VCDL Comments: This bill clarifies that CHPs can be renewed via the US mail. This is a matching bill to SB 3, below. CH741

HB885 Handgun possession allowed properly secured in vehicle or vessel (§18.2-308)

Possession of concealed weapons in vehicles. Creates a new exemption to the general prohibition against carrying concealed weapons by allowing a person who may lawfully possess a firearm to carry a handgun in a private motor vehicle or vessel if the handgun is secured in a container or compartment.

VCDL Comments: This bill allows anyone who may lawfully possess firearm, to carry a handgun secured in a container or compartment in a vehicle or vessel. CH841

SB3 Concealed Handgun Permits can be renewed by U.S. mail (§18.2-308)

Renewal of concealed handgun permits. Allows a person who previously has been issued a Virginia concealed handgun permit to submit an application to renew the permit via the United States mail. This bill is identical to HB 8.

VCDL Comments: This bill clarifies that CHPs can be renewed via the US mail. CH586

SB334 Repeal the ban on CHP carry in alcohol-serving restaurants (§18.2-308)

Concealed handguns; restaurants; penalty. Allows a person with a concealed handgun permit to carry a concealed handgun onto the premises of a restaurant or club and prohibits such person from consuming alcoholic beverages while on the premises. A person who consumes alcohol in violation of the provisions of the bill is guilty of a Class 2 misdemeanor. This bill is identical to HB 505.

VCDL Comments: This bill repeals the ban on concealed handgun permit holders carrying a concealed handgun in a restaurant. It has a caveat that the permit holder does not consume alcohol in the restaurant while carrying concealed. VCDL prefers Delegate Cole's bill HB 106, which simply repeals the ban in its entirety. CH602

SB408 Handgun possession allowed properly secured in vehicle or vessel (§18.2-308)

Possession of concealed weapons in vehicles. Creates a new exemption to the general prohibition against carrying concealed weapons by allowing a person who may lawfully

possess a firearm to carry a handgun in a private motor vehicle or vessel if the handgun is secured (amended from the former "locked") in a container or compartment. CH740

HB1217 Firearms safety instruction for elementary grades (Eddie Eagle) §22.1-204.1

Firearm safety education program. Allows local school boards to offer firearm safety education programs in the elementary grades. To assist local school boards opting to provide such instruction, the Board of Education must establish a standardized program of firearm safety education for students in the elementary school grades to promote the protection and safety of children. The bill requires that the program objectives incorporate, among other principles of firearm safety, accident prevention and the rules of the National Rifle Association's Eddie Eagle Gunsafe Program. Local school boards offering the program must comply with Board curriculum guidelines and integrate the instruction in appropriate subject areas, if feasible, to ensure that every elementary school student receives instruction in firearm safety education.

VCDL Comments: This bill allows local school boards to provide a firearms safety program for students based on the Eddie Eagle Gunsafe Program by the NRA. CH859

SB533 Right to direct oral appeal ("ore tenus") for CHP denials (§18.2-308)

Concealed handgun permit applications; right to ore tenus hearing. Clarifies that anyone who is denied a concealed handgun permit has the same right to an ore tenus hearing as a person who has previously held a concealed handgun permit. This bill is identical to HB 871.

VCDL Comments: This bill clarifies that a first time concealed handgun applicant has a right to an ore tenus hearing if he or she is denied the permit. CH677

VCDL OPPOSED THIS ENACTED BILL**SB89 The Commonwealth's attorney can respond on a petition for rights restoration (§§ 18.2-308.1:1, 18.2-308.1:3, and 18.2-308.2)**

Petition to restore right to possess, etc., firearm; notice to attorney for the Commonwealth. Provides that if a person files a petition to restore his right to possess or carry a firearm, a copy of the petition shall be mailed or delivered to the attorney for the Commonwealth of the city or county in which the petition is filed. The attorney for the Commonwealth shall be made a party defendant to the proceeding and may file an objection or answer to the petition within 21 days after service.

VCDL Comments: This bill adds a new requirement for someone petitioning to get their right to keep and bear arms restored—the Commonwealth's attorney where the petition is filed will be notified and will be entitled to respond. Is there a problem that requires the Commonwealth to make rights restoration even more complicated? CH871
