



## 2011 Update • Changes to Edition 7

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Sincere thanks to **The Virginia Citizens Defense League** for compiling the info below.  
If you're not a member, join—this is how you keep your gun laws righteous. [vcdl.org](http://vcdl.org)

**HB1856 • CH234 • Concealed handgun permits; lost or destroyed permits.** Allows a CHP holder to obtain a replacement permit in the event the original permit is lost or destroyed. The permit holder would submit a notarized statement to the clerk of the court that the permit was lost or destroyed and pay a fee not to exceed \$5, and the clerk would be required to issue a replacement within 10 business days. The replacement will have the same expiration date as the original permit. *VCDL Comments:* This bill clarifies that the Circuit Court Clerk must replace a lost or stolen permit within ten days of getting a notarized statement of the loss, for a fee of \$5.00.

**SB757 • CH832 • Pneumatic gun regulations.** Prohibits a locality from adopting an ordinance to ban shooting pneumatic guns on private property, with permission of the property owner, if reasonable care is taken to prevent a projectile from crossing the property bounds. The bill invalidates any existing local ordinances that conflict with this act. *VCDL Comments:* This bill frees someone on private property to discharge an air gun as long as they have permission from the property owner and reasonable care is taken to ensure the projectile does not cross the bounds of the property. Any local ordinances to the contrary, such as Fairfax County has, would be invalid.

**SB839 • CH835 • Homestead exemptions.** Adds one firearm, not to exceed \$3,000 in value, to the list of items every householder shall be entitled to hold exempt from creditor process. The bill also increases the maximum exemption for a motor vehicle from \$2,000 to \$6,000. This bill is identical to HB1422, CH761. *VCDL Comments:* This bill allows a person to keep one firearm for household use if they are subject to a creditor process (updates Virginia's Homestead laws).

**HB1411 • CH684 • Reckless handling of firearms; revocation of hunting license.** Provides that a person's hunting or trapping license, or privilege to hunt or trap while possessing a firearm, may be revoked for a period of one to five years for a violation of §18.2-56.1 (reckless handling of firearms) while hunting. Revocation for a person whose privilege to hunt has been revoked, who hunts with a firearm, will be for a period of one year to life. Currently, the penalties are revocation for a period of one year to life, and for hunting with a firearm while the privilege is revoked, an additional period of one to five years. *VCDL Comments:* This bill limits the penalty for reckless handling of a firearm while hunting or trapping to a maximum of five years of prohibition from carrying while hunting/trapping, down from the current one year to *life* prohibition. However, if the person then hunts during the prohibition period, they can be prohibited from carrying while hunting/trapping for one year to life, up from the current one to five additional years.

**HB1552 • CH231 • Issuance of concealed handgun permits.** Amends language relating to the issuance of *de facto* concealed-handgun permits. Current law states that if a court does not issue a permit or find that the applicant is disqualified, within 45 days of receipt

of the application, the clerk is to certify the application and send it to the applicant. The certified application then serves as a *de facto* permit until the actual permit is issued or the applicant is found to be disqualified. The clerk must mail or e-mail the certified application to the applicant within five business days of the expiration of the 45-day period. *VCDL Comments:* This bill specifies that the Circuit Court Clerk is to mail a certified concealed-handgun-permit application to serve as a temporary concealed-handgun permit, within five days of the expiration of the application-processing period.

**HB1699 • CH775 • Restoration of firearms rights; hearings.** Smooths the process for requesting and conducting a hearing, sought by a person to restore the right to possess or carry a firearm after being acquitted due to insanity, adjudicated legally incompetent or mentally incapacitated, or involuntarily committed for mandatory treatment. *VCDL Comments:* This bill cleans up conflicting/inconsistent wording dealing with a person who has been acquitted by reason of insanity from certain charges, to petition to have gun rights restored after completing treatment.

**HB1779 • CH402 • Preliminary protective orders.** Applies the ban on purchasing and transporting a firearm to persons subject to preliminary protective orders, where a petition alleging abuse or neglect has been filed. Under current law, persons subject to a preliminary protective order are prohibited from purchasing or transporting a firearm regardless of any allegation. This bill is identical to SB 754, CH373. *VCDL Comments:* This bill is an improvement to current law dealing with abuse-based protective orders, which restrict purchase or transport of firearms. The bill makes such restrictions only after an *actual finding* of abuse (not just an accusation). However, the bill should be changed to require that the finding of abuse be made at an adjudicatory hearing (so that the order cannot be made *ex parte*, i.e. by one party only).

**HB1857 • CH235 • Transfer of firearms; documentation of residence.** Clarifies that a member of the military may show permanent orders of assignment to the Pentagon as documentation of residency, when purchasing a firearm from a licensed dealer. *VCDL Comments:* This bill clarifies that someone with permanent orders to a Pentagon duty post can use their ID as photo-identification to purchase a firearm in Virginia.

*VCDL supports the bills above, and is neutral on the bills below:*

**HB1777 • CH401 • Fake birth certificate; penalty.** Provides that any person who manufactures, sells, or transfers a fictitious birth certificate or the birth certificate of another for the purpose of establishing a false identity for himself or for another person is guilty of a Class 6 felony. Current law punishes obtaining, possessing, transferring and selling as a Class 1 misdemeanor. *VCDL Comments:* This bill cleans up some wording dealing with penalty for faking a birth certificate to obtain a gun illegally.

**HB1889 • CH459 • Tracking dogs.** Allows the use of tracking dogs on a lead to find wounded or dead bear or deer during archery, muzzleloader, or firearm bear-or-deer hunting seasons, so long as those who are conducting the retrieval effort have permission to hunt on or have access to the land, and don't have a weapon in their possession. *VCDL Comments:* This bill deals with retrieving certain wounded animals while hunting using tracking dogs and while armed with a gun.

**SB903 • CH282 • Definition of violent felony; penalty.** Removes an "and" in the list of violent felonies to make it clear that a person does not need to be convicted of both §18.2-308.1 (possession of weapon on school property) and §18.2-308.2 (possession of firearm by a felon) in order to have the offense qualify as a violent felony for the purpose of the sentencing guidelines. The bill also provides that using a firearm in a threatening manner in a school is the only felony in §18.2-308.1 that qualifies as a violent felony. *VCDL Comments:* Fixed to make only someone who intends or attempts to harm someone with a gun on K-12 school grounds a violent felon.