

HOUSE BILL NO. 158

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Public Safety

on _____)

(Patrons Prior to Substitute--Delegates McClure and Jones [HB 12])

A BILL to amend the Code of Virginia by adding a section numbered 18.2-56.3, relating to firearm locking device required for sale or transfer of firearm; warning against accessibility to children; penalty.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-56.3 as follows:

§ 18.2-56.3. Firearm lock required for sale or transfer of firearm; child safety warning required; penalty.

A. As used in this section, "locking device" means (i) a device that if installed on a firearm and secured by means of a key or a mechanically, electronically, or electromechanically operated combination lock prevents the firearm from being discharged without first deactivating or removing the device by means of a key or a mechanically, electronically, or electromechanically operated combination lock or (ii) a locking mechanism incorporated into the design of a firearm that prevents discharge of the firearm by any person who does not have access to the key or other device designed to unlock the mechanism and thereby allow discharge of the firearm.

B. Except as provided in subsection C, it is unlawful for any licensed manufacturer, licensed importer, or licensed dealer to sell, deliver, or transfer any firearm to any person other than a licensed manufacturer, licensed importer, or licensed dealer unless the transferee is provided with a locking device for that firearm and the firearm is accompanied by the following warning, which shall appear in conspicuous and legible type in capital letters and which shall be printed on a separate sheet of paper included within the packaging enclosing the firearm: THE USE OF A LOCKING DEVICE OR SAFETY LOCK IS ONLY ONE ASPECT OF RESPONSIBLE FIREARM STORAGE. FIREARMS SHOULD BE STORED UNLOADED AND LOCKED IN A LOCATION THAT IS BOTH SEPARATE FROM THEIR

27 AMMUNITION AND INACCESSIBLE TO CHILDREN. FAILURE TO PROPERLY LOCK AND
28 STORE YOUR FIREARM MAY RESULT IN CIVIL OR CRIMINAL LIABILITY.

29 C. This section shall not apply to (i) the manufacture for, transfer to, or possession by the
30 Commonwealth or the United States or a department or agency of the Commonwealth or the United States
31 of a firearm or (ii) the transfer to or possession by a law-enforcement officer employed by an entity
32 referred to in clause (i) of a firearm for law-enforcement purposes.

33 D. A violation of this section is punishable as a Class 3 misdemeanor.

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