



Virginia

Summary of State Firearms Law

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Overview

In its publication [Gun Laws Matter: A Comparison of State Firearms Laws and Statistics](#), LCAV ranked each state based on a review of state laws in 25 different firearms-related policy areas. Virginia ranked 16th out of 50 – having enacted a modest number of gun violence prevention laws. Among other things:

- Firearms dealers in Virginia must contact the Department of State Police ("DSP") prior to selling a firearm, and DSP conducts a [background check](#) on the firearm purchaser.
- After the Virginia Tech massacre in 2007, in which a mentally ill individual killed 32 people and himself with firearms he purchased after passing a background check, Virginia significantly improved its [reporting of mental health records](#) to the database used for firearm purchaser background checks.
- Virginia generally [limits handgun purchases](#) to one per person in any 30-day period.
- Virginia requires all employees of federally licensed [firearms dealers](#) to undergo background checks prior to beginning employment.
- Virginia imposes some regulations on [gun shows](#).

However, Virginia law does **not**:

- Require a background check prior to [the transfer of a firearm between unlicensed individuals](#);
- Require firearms dealers to obtain a [state license](#);
- Regulate the transfer or possession of [50 caliber rifles](#) or [large capacity ammunition magazines](#);
- Require firearm owners to [report lost or stolen firearms](#);
- Impose a [waiting period](#) prior to purchase of a firearm; or
- Regulate unsafe handguns ("[junk guns](#)" or "[Saturday night specials](#)").

Virginia also imposes only a few restrictions on [assault weapons](#). Local governments in Virginia generally [lack authority](#) to regulate firearms or ammunition, and local courts must issue a [concealed handgun permit](#) to any applicant who meets basic qualifications.

Virginia Statistics

Gun Deaths

Virginia ranks 26th among the states in the number of gun deaths per capita. In 2007, 825 people died from firearm-related injuries in Virginia.¹

Crime Guns

Mayors Against Illegal Guns recently developed web pages detailing [data about each state's crime gun imports and exports](#). Virginia consistently ranks among the top three interstate suppliers of crime guns. [Virginia](#) exports crime guns at a rate more than double the average among the states, and at more than double the rate at which it imports crime guns.²

Number of Federally Licensed Firearms Dealers

There are 1,427 federally licensed firearms dealers and pawnbrokers in Virginia.³

¹ National Center for Injury Prevention and Control, U.S. Centers for Disease Control and Prevention, *WISQARS Injury Mortality Reports, 1999-2007* (2011), at http://webappa.cdc.gov/sasweb/ncipc/mortrate10_sy.html.

² Mayors Against Illegal Guns, *Trace the Guns: The Link Between Gun Laws and Interstate Gun Trafficking* (September 2010), at <http://www.tracetheguns.org/report.pdf>.

³ U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, *List of Federal Firearms Licensees* (September 2011), at <http://www.atf.gov/about/foia/ffl-list.html>.

Virginia “Right to Bear Arms”

Virginia’s constitution provides a right to bear arms, but no court has ever invalidated a law based on this provision. See [LCAV’s State Right to Bear Arms Provisions](#) for more-detailed information.

Local Authority to Regulate Firearms in Virginia

Virginia has preempted most areas of local firearms regulation. See [LCAV's State Preemption/Local Authority to Regulate Firearms summary](#) for further information.

State Firearms Policies in Virginia

Please note that many firearm-related laws have exceptions for military and law enforcement personnel.

Persons Prohibited from Firearm Possession

Virginia Prohibited Purchasers Generally

See [Regulating Guns in America: Prohibited Purchasers](#) for a comprehensive discussion of this issue.

[Federal law prohibits certain persons from purchasing or possessing firearms](#), such as felons, certain domestic abusers, and certain people with a history of mental illness.

In addition, Virginia prohibits the:

- Knowing and intentional possession, purchase, or transportation of a firearm by a person acquitted by reason of insanity and "committed to the custody of the Commissioner of Behavioral Health and Developmental Services" on a charge of: 1) treason; 2) any felony; or 3) certain misdemeanors, unless his or her eligibility to purchase, possess or transport a firearm has been restored in accordance with Virginia law;⁴
- Purchase, possession or transportation of a firearm by any person adjudicated "legally incompetent," "mentally incapacitated," or "incapacitated," whose competency or capacity has not been restored ([Virginia enacted a law in 2011](#) establishing a procedure by which these individuals could petition for their eligibility to be restored);⁵
- Purchase, possession or transportation of a firearm by a person who has been involuntarily admitted to a facility designated by the Commissioner of Behavioral Health and Developmental Services or ordered to mandatory outpatient treatment pursuant to a finding of incompetence or as the result of a commitment hearing, or, who was the subject of a temporary detention order and subsequently agreed to voluntary admission to such a facility, unless his or her eligibility to purchase, possess or transport a firearm has been restored in accordance with Virginia law;⁶
- Purchase or transportation of a firearm by any person subject to a protective order, or certain other court orders, while the order is in effect;⁷
- Purchase or transportation of a handgun, for at least five years, by any person who, within a 36-month period, has been convicted of two or more misdemeanor drug offenses under Virginia law;⁸

⁴ [Va. Code Ann. § 18.2-308.1:1](#).

⁵ [Va. Code Ann. § 18.2-308.1:2](#).

⁶ [Va. Code Ann. § 18.2-308.1:3](#).

⁷ [Va. Code Ann. § 18.2-308.1:4](#).

⁸ [Va. Code Ann. § 18.2-308.1:5](#) (referencing [Va. Code Ann. §§ 18.2-250](#) or [18.2-250.1](#)).

- Knowing and intentional possession or transportation of a firearm by any person: 1) convicted of a felony; 2) adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of murder, kidnapping, robbery by the threat or presentation of firearms, or rape; or 3) who is under the age of 29 and was found guilty as a juvenile (14 years of age or older) of a delinquent act which would be a felony if committed by an adult, unless a court has, in its discretion and for good cause shown issued the person a permit to possess a firearm;⁹ or
- Knowing and intentional possession or transportation of a firearm by any person who is not a citizen of the U.S. or who is not lawfully present in the United States.¹⁰

For information on the background check process used to enforce these provisions, see the [Virginia Background Checks](#) section.

⁹ [Va. Code Ann. § 18.2-308.2\(A\), \(C\)](#). Note that a convicted felon may not be issued a permit unless his or her civil rights have been restored. *Id.*

¹⁰ [Va. Code Ann. § 18.2-308.2:01](#).

Virginia Minimum Age to Purchase / Possess Firearms

Virginia prohibits any person under age 18 from knowingly and intentionally possessing or transporting a handgun or assault firearm, or a shotgun "which will hold more than seven rounds of the longest ammunition for which it is chambered," anywhere in Virginia.¹¹ This section does not apply to any person:

- While in his or her home or on his or her property or in the home or on the property of his or her parent, grandparent, or legal guardian;
- On another person's property if he or she has the landowner's written permission on his or her person while on such property, and his or her parent or legal guardian has granted permission;
- 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; or
- Actually engaged in lawful hunting or going to and from a hunting area or preserve, provided that the weapons are unloaded while being transported.

Virginia law also prohibits anyone from furnishing a handgun to a person under age 18, having good cause to believe that he or she is a minor. This rule does not apply to a transfer made between family members or for the purpose of engaging in a sporting event or activity.¹²

There is no minimum age to purchase or possess rifles in Virginia.

[Federal age restrictions](#) impose stricter limits.

See [Regulating Guns in America: Minimum Age to Purchase / Possess Firearms](#) for a comprehensive discussion of this issue.

¹¹ [Va. Code Ann. § 18.2-308.7](#). In addition to other criminal penalties, a court that has found a child at least 13 years of age guilty of the unlawful use or possession of a handgun or a "Striker 12, commonly called a 'streetsweeper'" must order that the child be denied a driver's license. [Va. Code Ann. § 16.1-278.9](#). The denial of driving privileges shall be for at least 30 days, except when the offense involves possession of a concealed handgun or a striker 12 or any semi-automatic folding stock shotgun with a spring tension drum magazine capable of holding 12 shotgun shells, in which case the denial of driving privileges shall be for two years unless the offense is committed by a child under the age of 16 years and three months, in which event the child's ability to apply for a driver's license shall be delayed for a period of two years following the date he reaches the age of 16 and three months. *Id.*

¹² [Va. Code Ann. § 18.2-309](#). See also [Va. Code Ann. § 1-207](#) (defining "minor").

Domestic Violence and Firearms in Virginia

Virginia law does **not**:

- Prohibit individuals convicted of domestic violence misdemeanors from possessing firearms or ammunition (unlike [federal law](#));
- Require courts to notify domestic abusers when they become prohibited from possessing firearms or ammunition under [federal law](#);
- Require the surrender of firearms or ammunition by domestic abusers who have become prohibited from possessing firearms or ammunition under federal law; or
- Explicitly authorize or require the removal of firearms or ammunition at the scene of a domestic violence incident.

Virginia prohibits anyone subject to a domestic violence protective order, including an *ex parte* order, from purchasing or transporting a firearm while the order is in effect. It does not prohibit firearm *possession* by such individuals.¹³ Such orders are available to family and household members of the abuser.¹⁴ They are also available to victims of stalking, but only if a warrant has been issued for the arrest of the stalker.¹⁵

In 2011, Virginia amended the part of this law that applies to persons subject to preliminary protective orders for the protection of a child, so that the defendant is only prohibited from purchasing or transporting a firearm if a court has made a finding of abuse or neglect.¹⁶

Any concealed weapon permittee who is the subject of a domestic violence protective order, including an *ex parte* order, is prohibited from carrying a concealed firearm and must surrender his or her permit to the court entering the order, for the duration of the order.¹⁷

See [Regulating Guns in America: Domestic Violence and Firearms](#) for a comprehensive discussion of this issue.

¹³ [Va. Code Ann. § 18.2-308.1:4](#).

¹⁴ [Va. Code Ann. § 18.2-308.1:4](#) (citing Va. Code Ann. §§ 16.1-253(F) and 16.1-278.2, which authorize orders to protect a child in a case of abuse or neglect, and Va. Code Ann. §§ 16.1-253.1 and 16.1-253.4, which authorize orders to protect family and household members).

¹⁵ [Va. Code Ann. § 18.2-308.1:4](#) (citing Va. Code Ann. §§ 19.2-152.8, 19.2-152.9, 19.2-152.10, which authorize a protective order against stalking when a warrant has been issued for the stalker's arrest).

¹⁶ [2011 Va. ALS 402](#).

¹⁷ *Id.*

Disarming Prohibited Persons in Virginia

Virginia has no law requiring the removal of firearms from, or the surrender of firearms by, [persons who have become prohibited from possessing them](#).

However, a concealed weapon permittee convicted of an offense that would disqualify that person from obtaining a permit is required to forfeit his permit (but not his firearm) and surrender it to the court that issued it.¹⁸ Upon receipt by the Central Criminal Records Exchange of a record of the arrest, conviction or occurrence of any other event that would disqualify a person from obtaining a concealed handgun permit, the Central Criminal Records Exchange must notify the court that issued the permit of the disqualifying arrest, conviction or other event. Upon receipt of such notice of a conviction, the court must revoke the permit and promptly notify the State Police and the person whose permit was revoked of the revocation.¹⁹ Notably, many of the events that disqualify an individual from obtaining a concealed weapons permit also disqualify the individual from possessing firearms altogether.

In addition, a concealed weapon permittee who is the subject of a domestic violence protective order must surrender his or her permit to the court entering the order, for the duration of the order.²⁰

¹⁸ [Va. Code Ann. § 18.2-308\(J\)](#).

¹⁹ *Id.*

²⁰ [Va. Code Ann. § 18.2-308.1:4](#).

Sales & Transfers

Background Checks in Virginia

See [Regulating Guns in America: Background Checks](#) for a comprehensive discussion of this issue.

[Federal law requires federally licensed firearms dealers \(but not private sellers\) to initiate a background check on the purchaser prior to sale of a firearm.](#) Federal law provides states with the option of serving as a state "point of contact" and conducting their own background checks using state, as well as federal, records and databases, or having the checks performed by the FBI using only the federal [National Instant Criminal Background Check System \("NICS"\) database](#). (Note that state files are not always included in the federal database.)

In Virginia, all firearms transfers by licensed dealers are processed directly through the Department of State Police ("DSP") which enforces the federal purchaser prohibitions referenced above.²¹

Before transferring a firearm from his or her inventory, a licensed dealer must:

- Require a prospective purchaser to present one piece of government issued photo-identification, and a separate documentation of residence;
- Obtain the purchaser's written consent to a background check and the other information on a consent form;
- Request criminal history record information regarding the purchaser by a telephone call to or other communication authorized by DSP; and
- Provide DSP with the name, birth date, gender, race, citizenship, and social security and/or any other identification number of the purchaser, and the number of firearms by category intended to be transferred.²²

The DSP must generally process each dealer's background check request "during the dealer's call [to the DSP], or by return call without delay."²³ Virginia law provides that most background checks must be processed by the end of the following business day, or the dealer is free to complete the transfer.²⁴ A Virginia administrative regulation requires a dealer who processes a transfer because he or she has not received a response from the DSP by the end of the dealer's next business day, to notify DSP of the transfer by telephone.²⁵

²¹ [Bureau of Justice Statistics Survey of State Procedures Related to Firearm Sales, 2005 \(November 2006\)](#) and [Va. Code Ann. § 18.2-308.2:2](#).

²² [Va. Code Ann. § 18.2-308.2:2\(B\)\(1\)](#).

²³ [Va. Code Ann. § 18.2-308.2:2\(B\)\(2\)](#).

²⁴ *Id.*

²⁵ [19 Va. Admin. Code § 30-100-10\(A\)](#). Non-residents seeking to purchase a handgun are treated differently, and the DSP is allowed up to 10 days to process background checks in those situations. [Va. Code Ann. § 18.2-308.2:2\(C\)](#). See [6 Va. Admin. Code §§ 20-130-10—20-130-100](#), and [19 Va. Admin. Code §§ 30-100-10—30-100-110](#) for additional information regarding the procedures used to perform background checks in Virginia.

See the section below for information regarding the [Retention of Sales / Background Check Records in Virginia](#).

Virginia does not require private sellers (sellers who are not licensed dealers) to initiate a background check when transferring a firearm. See [Regulating Guns in America: Private Sales](#).

Mental Health Reporting in Virginia

See [Regulating Guns in America: Mental Health Reporting](#) for a comprehensive discussion of this issue.

Federal law prohibits possession of a firearm or ammunition by any person who has been “adjudicated as a mental defective” or involuntarily “committed to any mental institution.”²⁶ No federal law, however, requires states to report the identities of these individuals to the [National Instant Criminal Background Check System \(“NICS”\) database](#), which the FBI uses to perform background checks prior to firearm transfers.

Pursuant to Virginia law, clerks of court must certify and forward “forthwith” to the Central Criminal Records Exchange (“Exchange”) a copy of any order for treatment issued upon a finding that a defendant, including a juvenile, is incompetent. Such treatment includes both inpatient treatment in a hospital and outpatient treatment.²⁷

Virginia law also requires clerks of court to certify and forward to the Exchange a copy of any order from a commitment hearing for: 1) involuntary admission to a mental health facility, as soon as practicable but no later than the close of business on the next business day; or 2) mandatory outpatient treatment, prior to the close of that business day.²⁸ Clerks of court must also forward to the Exchange, as soon as practicable but no later than the close of business on the next business day, certification of any person who has agreed to voluntary admission in a mental health facility after being the subject of a temporary detention.²⁹ Copies of the orders sent to the Exchange must be kept confidential in a separate file and used only to determine firearms eligibility. The Department of State Police (“DSP”) may forward “only a person’s eligibility to possess, purchase, or transfer a firearm to the National Instant Criminal Background Check System.”³⁰ Clerks of court must certify and forward “forthwith” to the Exchange copies of any order adjudicating a person incapacitated as well as an order restoring a person’s capacity. The order and the accompanying forms must be kept confidential and in a separate file and may be used only to determine firearm eligibility.³¹

The chief law enforcement officer of a county or city must ensure that any acquittal by reason of insanity is reported to the Exchange immediately following the acquittal.³² In addition, court clerks and/or law enforcement (depending on the type of charge) are required to submit reports to the Exchange regarding certain criminal charges that remain pending due to mental incompetency or incapacity of the defendant. Court clerks must submit these reports electronically.³³

Court clerks must certify and forward to the Exchange copies of any order granting a petition to restore the right to purchase, possess or transport a firearm to a person

²⁶ [18 U.S.C. § 922\(d\)\(4\)](#).

²⁷ [Va. Code Ann. § 19.2-169.2](#).

²⁸ [Va. Code Ann. § 37.2-819](#).

²⁹ *Id.*

³⁰ *Id.*

³¹ [Va. Code Ann. § 37.2-1014](#).

³² [Va. Code Ann. § 19.2-390](#).

³³ *Id.*

previously ineligible due to any of the conditions mentioned above.³⁴ Such petitions must be granted if a court determines that the circumstances regarding the firearms prohibition and the person's criminal history, treatment record, and reputation are such 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.³⁵

In response to the Virginia Tech tragedy, Virginia Governor Timothy Kaine issued an Executive Order on April 30, 2007 directing all executive branch employees and law enforcement officials to consider court-ordered outpatient treatment as involuntary admission to a mental health facility, and to report it to the State Police and NICS.³⁶ In 2008, this order was partially codified by several of the provisions described above.

Note that a 2002 Virginia Attorney General Opinion determined that the Department of State Police is authorized to provide mental health information to the FBI so long as the information is kept confidential and used only to determine a person's eligibility to possess, purchase or transfer a firearm.³⁷

For general information on the background check process and categories of prohibited purchasers or possessors, see the [Virginia Background Checks](#) section and the section entitled [Prohibited Purchasers Generally](#).

³⁴ [Va. Code Ann. §§ 18.2-308.1:1, 18.2-308.1:2, 18.2-308.1:3.](#)

³⁵ *Id.*

³⁶ Va. Exec. Order No. 50 (April 30, 2007).

³⁷ Va. Att'y Gen. Op. No. 01-062, 2002 Va. AG LEXIS 72 (April 4, 2002).

Multiple Purchases / Sales of Firearms in Virginia

Virginia law prohibits any person who is not a licensed firearms dealer from purchasing more than one handgun within any 30-day period.³⁸ This requirement does not apply to:

- A law enforcement officer or agency or other agency authorized to perform law enforcement duties;
- State and local correctional facilities;
- Private security firms licensed to do business with the state;
- The purchase of antique firearms;
- A person whose handgun is stolen or lost and who “deems it essential that such handgun be replaced immediately.” The person must provide a copy or summary of a police report;
- A person who trades in a handgun at the same time he or she purchases a handgun as part of the same transaction so long as only one such transaction occurs per day;
- A concealed carry permit holder; or
- A private handgun purchase.³⁹

In addition, the provision does not apply to persons who have been issued a nontransferable certificate by the Department of State Police. The certificate is valid for seven days from the date of issue and can only be obtained after completion of an “enhanced background check” and a special application listing the number and type of handguns to be purchased and the purpose for the purchase above the limit (including lawful business or personal use, as part of a collection, or as a bulk purchase from an estate sale). Applications must be signed under oath and require proof of residency and identity. The certificate must be surrendered to the dealer by the prospective purchaser prior to the transfer.⁴⁰

See [Regulating Guns in America: Restrictions on Multiple Purchases or Sales of Firearms](#) for a comprehensive discussion of this issue.

³⁸ [Va. Code Ann. § 18.2-308.2:2\(P\)](#).

³⁹ *Id.*

⁴⁰ *Id.*

Retention of Sales / Background Check Records in Virginia

In Virginia, firearms dealers must keep the original background check consent form (required as part of every Virginia firearms sale) for at least two years, and permit certain law enforcement officers to examine and copy a form related to a particular firearm in the course of a bona fide criminal investigation.⁴¹

Every firearm manufacturer or dealer must also keep a register of all machine guns, "sawed-off" rifles and "sawed-off" shotguns manufactured, sold, loaned, given or delivered, and must on demand allow any police officer to inspect his or her entire stock of such weapons and produce the register for inspection.⁴²

Virginia law prohibits the Department of State Police ("DSP") from maintaining dealer background check records longer than 30 days for any request "pertaining to a buyer or transferee who is not found to be prohibited from possessing and transporting a firearm under state or federal law."⁴³ However, records of multiple handgun transactions must be maintained for twelve months, and the log on all background check requests (which consists of the name of the purchaser, the dealer identification number, the unique approval number and the transaction date) may be maintained for twelve months.⁴⁴ A dealer who requests a background check in connection with an intended sale or transfer of a handgun, which indicates the prospective purchaser or transferee is not a prohibited purchaser, but who nonetheless determines that the sale or transfer will not be completed, must notify the DSP by telephone.⁴⁵

In 2010, [Virginia repealed](#) a law that had allowed counties to require sellers of handguns to furnish the clerk of the circuit court "with the name and address of the purchaser, the date of the purchase, and the number, make and caliber of the weapon sold" within 10 days of any handgun sale. The new law also required the courts to destroy every record of the reports previously received.⁴⁶

See [Regulating Guns in America: Retention of Firearm Sales and Background Check Records](#) for a comprehensive discussion of this issue.

⁴¹ [Va. Code Ann. § 54.1-4201.](#)

⁴² [Va. Code Ann. §§ 18.2-294](#) and [18.2-304.](#)

⁴³ [Va. Code Ann. § 18.2-308.2:2\(B\)\(3\).](#)

⁴⁴ *Id.*

⁴⁵ [19 Va. Admin. Code § 30-100-10\(B\).](#)

⁴⁶ 2010 Va. ALS 495 (amending [Va. Code Ann. § 15.2-1207](#)).

Virginia Waiting Periods

Virginia imposes no waiting period between the time of purchase and the actual physical transfer of a firearm. See the [Background Checks](#) section for information regarding the time it takes the Department of State Police to process a background check.

See [Regulating Guns in America: Waiting Periods](#) for a comprehensive discussion of this issue.

Gun Dealers & Other Sellers

Virginia Dealer Regulations

See [Regulating Guns in America: Dealer Regulations](#) for a comprehensive discussion of this issue.

[Federal law requires firearms dealers to obtain a license](#) from the Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF), although resource limitations prevent the ATF from properly overseeing all its licensees.

Virginia does not require firearms dealers to obtain a state license. For the laws requiring federally licensed dealers to conduct background checks on firearm purchasers, see the [Virginia Background Checks](#) section. Also see the [Virginia Assault Weapons](#) section for assault weapon sales-related provisions.

In 2010, [Virginia repealed](#) a law that had allowed counties to require sellers of handguns to furnish the clerk of the circuit court "with the name and address of the purchaser, the date of the purchase, and the number, make and caliber of the weapon sold" within 10 days of any handgun sale.⁴⁷ The repealed law had also allowed a county to impose a license tax up to \$25 on persons engaged in the business of selling handguns to the public.⁴⁸

Virginia law prohibited a federally licensed firearms dealer from employing any person to act as a seller of firearms if the employee is an illegal alien, or is otherwise prohibited from possessing, purchasing or transporting a firearm under state law.⁴⁹ Prior to permitting an applicant to begin employment, the dealer must obtain a written statement or affirmation from the applicant that he or she is not disqualified from possessing a firearm and must submit the applicant's fingerprints and personal descriptive information to the Central Criminal Records Exchange to be forwarded to the FBI for a criminal history check.⁵⁰ A dealer can obtain an exemption from this requirement if it submits a sworn notarized affidavit on a form prepared by the Department of State Police ("DSP") stating that the seller was subjected to a record check prior to the ATF's issuance of the federal license.⁵¹ Upon receipt of the request for a criminal history record information check, DSP must establish a unique number for that firearm seller.⁵² 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. DSP must void the seller's number when a disqualifying record is discovered, and may suspend a seller's number upon the seller's arrest for a potentially disqualifying crime.⁵³ This section does not restrict the transfer of a firearm at any place other than a dealership, or at any event required to be registered as a gun show.⁵⁴

See the [Virginia Private Sales](#) section for laws that apply to gun sales generally.

⁴⁷ 2010 Va. ALS 495 (amending [Va. Code Ann. § 15.2-1207](#)).

⁴⁸ *Id.* (repealing former [Va. Code Ann. § 15.2-1206](#)).

⁴⁹ [Va. Code Ann. § 18.2-308.2:3\(A\)](#).

⁵⁰ [Va. Code Ann. § 18.2-308.2:3\(B\)](#).

⁵¹ [Va. Code Ann. § 18.2-308.2:3\(D1\)](#).

⁵² [Va. Code Ann. § 18.2-308.2:3\(G\)](#).

⁵³ *Id.*

⁵⁴ [Va. Code Ann. § 18.2-308.2:3\(H\)](#).

Private Sales in Virginia

See [Regulating Guns in America: Private Sales](#) for a comprehensive discussion of this issue.

Virginia has no law requiring a background check on the purchaser of a firearm when the seller is not a licensed dealer. Virginia law does, however, prohibit any person from selling, bartering, giving or furnishing, or having in his or her possession or under his or her control with the intent of selling, bartering, giving or furnishing, any firearm to any person he or she knows is:

- A person acquitted by reason of insanity and committed to the custody of the Commissioner of Behavioral Health and Developmental Services on a charge of: 1) treason; 2) any felony; or 3) certain misdemeanors;
- Convicted of a felony;
- Not a citizen of the United States and not lawfully present in the United States;
- Under the age of 29 and was found guilty as a juvenile (14 years of age or older) of a delinquent act which would be a felony if committed by an adult; or
- Under 18 years of age, if the firearm is a handgun, assault firearm, or shotgun ("which will hold more than seven rounds of the longest ammunition for which it is chambered").⁵⁵

This prohibition does not apply if the person has had his or her eligibility to purchase or possess a firearm restored under Virginia law.⁵⁶

⁵⁵ [Va. Code Ann. § 18.2-308.2:1](#). See also [Va. Code Ann. §§ 18.2-308.2\(A\), 18.2-308.7](#).

⁵⁶ *Id.*

Virginia Gun Shows

Virginia law requires any person, firm, corporation, club, association, or organization holding a firearms show to give 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.⁵⁷ The notice must be given on a form provided by the State Police. A separate notice is required for each firearms show.⁵⁸

The promoter must also 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.⁵⁹ Within five days after the conclusion of the show, the promoter must 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 must contain the full name and residence address and the business name and address, if any, of the vendors or exhibitors.⁶⁰

Virginia law exempts from these requirements any 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.⁶¹

See the [Virginia Private Sales](#) section for additional state laws that may apply at gun shows.

See [Regulating Guns in America: Gun Shows](#) for a comprehensive discussion of this issue.

⁵⁷ [Va. Code Ann. § 54.1-4201.1\(A\)](#).

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ [Va. Code Ann. § 54.1-4201.1\(C\)](#).

Virginia Immunity Statutes

Virginia law states that localities do not have the authority to bring suit against a firearms or ammunition marketer, manufacturer, distributor, dealer, seller, or trade association for damages, abatement, injunctive relief or any other remedy resulting from or relating to the lawful design, marketing, manufacture, distribution, sale, or transfer of firearms or ammunition to the public. This provision applies equally to any state governmental entity, including a department, agency, or authority. The right to bring any such action is reserved exclusively to the Attorney General on behalf of the Commonwealth.⁶² Localities may bring an action, however, against a firearms or ammunition marketer, manufacturer, distributor, dealer, seller, or trade association for breach of contract or warranty or negligence as to firearms or ammunition purchased by the locality or for injuries resulting from negligence or breach of warranty or contract.⁶³

For detailed information about government and private party lawsuits against the gun industry, the status of litigation involving gun industry immunity statutes in various states, or pending gun industry immunity legislation, visit the [Brady Center's Legal Action Project](#) and the [Coalition to Stop Gun Violence's Gun Industry Immunity page](#).

See [LCAV's policy page on Immunity Statutes / Manufacturer Litigation](#) for further information.

⁶² [Va. Code Ann. § 15.2-915.1](#).

⁶³ *Id.*

Gun Owner Responsibilities

Licensing of Gun Owners or Purchasers in Virginia

Virginia has no law requiring gun owners or purchasers to obtain a license. See [Regulating Guns in America: Licensing of Gun Owners or Purchasers](#) for a comprehensive discussion of this issue.

Virginia Registration of Firearms

Virginia has no law requiring firearms to be registered. See the section entitled [Retention of Sales / Background Check Records in Virginia](#) for information about the reporting of sales and background check information.

See [Regulating Guns in America: Registration of Firearms](#) for a comprehensive discussion of this issue.

Reporting Lost or Stolen Firearms in Virginia

Virginia does not require firearm owners to report the loss or theft of a firearm. See [Regulating Guns in America: Reporting Lost or Stolen Firearms](#) for a comprehensive discussion of this issue.

However, Virginia law provides an exception to the prohibition against the purchase of more than one handgun within a 30-day period if the person provides a copy of an official police report or summary thereof, on forms provided by the Department of State Police, which shows that the handgun owned by the person was lost or stolen within 30 days of the person's attempt to replace the handgun.⁶⁴ See the [Multiple Purchases/Sales of Firearms in Virginia](#) section for further information.

⁶⁴ [Va. Code Ann. § 18.2-308.2:2\(P\)\(2\)\(f\)](#).

Firearms in Public Places

Concealed Weapons Permitting in Virginia

See [Regulating Guns in America: Carrying Concealed Weapons](#) for a comprehensive discussion of this issue.

Virginia allows a person to carry a concealed handgun if he or she has a permit.⁶⁵

Virginia is a "shall issue" state, meaning that the circuit court of the county or city in which the applicant resides must issue a concealed weapons permit if the applicant meets certain basic qualifications. More specifically, Virginia law provides, in part, that "[a]ny person 21 years of age or older may apply in writing to the clerk of the circuit court of the county or city in which he resides...for a five-year permit to carry a concealed handgun."⁶⁶

Virginia law requires the court to consult with either the sheriff or police department of the county or city where the applicant resides and receive a report from the Central Criminal Records Exchange. However, Virginia law only requires the applicant to submit to fingerprinting "if required by local ordinance"⁶⁷

Under [a law that Virginia enacted in 2010](#), the court may authorize the clerk to issue a permit without judicial review, to applicants "for whom the criminal history records check does not indicate a disqualification and, after consulting with either the sheriff or police department of the county or city, about which there are no outstanding questions or issues concerning the application." The 2010 law also states that only a circuit court judge may deny issuance of a permit.⁶⁸

⁶⁵ [Va. Code Ann. § 18.2-308\(A\)](#). The prohibition against carrying a concealed handgun without a permit does not apply to:

- Any person while in his or her own place of abode or the curtilage thereof;
- Any person while in his or her own place of business;
- Any regularly enrolled member of a target shooting organization who is at, or going to or from, an established shooting range, or any regularly enrolled member of a weapons collecting organization who is at, or going to or from, a bona fide weapons exhibition, provided that the weapons are unloaded and securely wrapped while being transported;
- Any person carrying such weapons between his or her place of abode and a place of purchase or repair, provided the weapons are unloaded and securely wrapped while being transported;
- Any person actually engaged in lawful hunting under inclement weather conditions necessitating temporary protection of his or her firearm from those conditions;
- Carriers of the United States mail in the discharge of their official duties, or while in transit to or from such duties;
- Any attorney or assistant attorney for the Commonwealth in the discharge of his or her official duties, or while in transit to or from such duties.

[Va. Code Ann. § 18.2-308\(B\), \(C\)](#).

⁶⁶ [Va. Code Ann. § 18.2-308\(D\)](#).

⁶⁷ *Id.*

⁶⁸ [Va. Code Ann. § 18.2-308\(D\)](#).

Virginia law disqualifies any person from obtaining a permit who:

- Is prohibited from possessing firearms for mental health reasons under federal law;
- Has been acquitted of a crime by reason of insanity unless he or she was discharged from custody more than five years ago;
- Has been adjudicated legally incompetent or incapacitated unless his or her competency or capacity was restored more than five years ago;
- Has been involuntarily admitted to a mental health facility, ordered to mandatory outpatient treatment, or the subject of a temporary detention order who agrees to voluntary admission to a mental health facility, unless, in the case of involuntary admission, he or she was released more than five years ago;
- Has been convicted of a felony, has a felony charge pending, or is under age 29 and was found guilty as a juvenile at age 14 or older of an act which would be a felony if committed by an adult under federal law or the laws of any state;
- Has been convicted of two or more misdemeanors within the last five years (with certain exceptions);
- Has been convicted of any assault, assault and battery, sexual battery, discharging a firearm in a public place, or brandishing a firearm within the last three years, or has such a charge pending;
- Has been convicted of stalking, or has such a charge pending;
- Is subject to a restraining order or protective order against family abuse or to protect the health and safety of any person;
- Has received mental health treatment or substance abuse treatment in a residential setting within the last five years;
- Is an alien other than an alien lawfully admitted for permanent resident in the U.S.;
- Is a fugitive from justice;
- Was discharged from the U.S. Armed Forces under dishonorable conditions;
- Is addicted to, or is an unlawful user or distributor of marijuana, synthetic cannabinoids, or any controlled substance (or who has been convicted of possession of such a substance within the last three years, including where judgment of guilt is deferred pending a probationary period);
- Has been convicted of drunk driving or of public drunkenness within the last three years, or who is a "habitual drunkard"; or

- Has been found "likely to use a weapon unlawfully or negligently to endanger others" based on a sworn statement by local law enforcement (based on their personal knowledge, or that of another competent person).⁶⁹

In addition, Virginia law states that a concealed handgun permit holder convicted of being under the influence of alcohol or illegal drugs while carrying a concealed handgun in a public place shall have his or her permit revoked and shall be ineligible to apply for a new permit for five years.⁷⁰

Firearm Safety Training

Virginia concealed weapon permit applicants must provide proof that the applicant has demonstrated competence with a handgun by one of the following:

- An approved hunting or firearms course;
- Evidence of equivalent experience with a firearm; or
- Proof that the applicant previously held a license to carry a firearm in Virginia, unless such license has been revoked for cause.⁷¹

In 2009, Virginia [enacted a law](#) allowing concealed weapon permit applicants to fulfill this requirement with an electronic, video, or online course conducted by a state-certified or National Rifle Association-certified firearms instructor.⁷²

Duration & Renewal

Virginia permits to carry concealed handguns are valid for five years.⁷³ Permit holders "shall be issued" a renewal permit by submitting a new application, unless the permit holder has become disqualified for a permit under the categories listed above.⁷⁴ Renewal applicants are not required to appear in person and the application for the new permit may be submitted via mail.⁷⁵

Disclosure or Use of Information

[A law enacted in Virginia in 2009](#) requires the State Police to withhold information about permits and permit holders from public disclosure. The law allows disclosure:

- To law enforcement agencies and officers for law enforcement purposes;
- Of records by the State Police concerning permits issued to nonresidents; and

⁶⁹ [Va. Code Ann. § 18.2-308\(E\)](#).

⁷⁰ [Va. Code Ann. § 18.2-308\(J1\)](#). Additional application and background check requirements, as well as permit suspension and disqualification information, are detailed under [Va. Code Ann. § 18.2-308\(D\)-\(P1\)](#).

⁷¹ [Va. Code Ann. § 18.2-308\(G\)](#).

⁷² [Va. Code Ann. § 18.2-308\(G\)\(7\)](#).

⁷³ [Va. Code Ann. § 18.2-308\(D\)](#).

⁷⁴ [Va. Code Ann. § 18.2-308\(I\)](#).

⁷⁵ *Id.*

- Of statistical summaries, abstracts, or other records containing information in an aggregate form that does not identify any individual permittees.⁷⁶

Virginia law also states that concealed weapons permit applications may be destroyed at the discretion of the clerk of each circuit court after 10 years.⁷⁷ Fingerprints taken as part of a concealed handgun permit application may not be copied, held or used for any other purposes.⁷⁸ Upon completion of the criminal history records check, the State Police must return the fingerprint cards to the submitting local agency or, in the case of scanned fingerprints, destroy the electronic record. All fingerprint cards not claimed by the applicant within 21 days of notification by the local agency must be destroyed.⁷⁹

Reciprocity

Virginia law states that a valid concealed handgun permit or license issued by another state shall be valid in Virginia, so long as:

- (i) the issuing authority provides the means for instantaneous verification of the validity of all such permits or licenses issued within that state, accessible 24 hours a day; and
- (ii) the requirements and qualifications of that state’s law are adequate to prevent possession of a permit by persons who would be denied a permit in the Commonwealth under this section.⁸⁰

The Superintendent of State Police, in consultation with the Office of the Attorney General, determines whether states meet the requirements and qualifications of Virginia law.⁸¹ The Superintendent also must maintain a registry of such states on the Virginia Criminal Information Network, and make the registry available to law enforcement officers for investigative purposes. The Superintendent of State Police may also enter into agreements for reciprocal recognition with any qualifying state.⁸² See the [Virginia State Police's website](#) for lists of states with which Virginia has reciprocity agreements, and whose concealed weapons permits Virginia recognizes.⁸³

⁷⁶ [Va. Code Ann. § 18.2-308\(K\)](#).

⁷⁷ [Va. Code Ann. § 17.1-213\(B\)\(2\)](#).

⁷⁸ [Va. Code Ann. § 18.2-308\(D\)](#).

⁷⁹ *Id.*

⁸⁰ [Va. Code Ann. § 18.2-308\(P\)](#).

⁸¹ *Id.*

⁸² *Id.*

⁸³ In addition, a valid concealed handgun permit issued by the State of Maryland is valid in Virginia so long as the holder of the permit is 21 years of age or older, is licensed in the State of Maryland to perform duties substantially similar to those performed by Virginia branch pilots licensed pursuant to [Va. Code Ann. § 54.1-900 et seq.](#), and is performing such duties while in Virginia. [Va. Code Ann. § 18.2-308\(Q\)](#).

Open Carrying in Virginia

Virginia does not generally prohibit the [open carrying of firearms in public](#). However, Virginia *does* prohibit the carrying of certain kinds of loaded firearms on or about the person, openly or concealed, in public places in certain cities.⁸⁴ For further information, see the [Other Location Restrictions](#) section below.

⁸⁴ [Va. Code Ann. § 18.2-287.4](#).

Location Restrictions

Guns in Vehicles in Virginia

While Virginia generally prohibits any person from carrying a concealed firearm about the person, this prohibition does not apply to individuals licensed to carry a concealed handgun.⁸⁵ In addition, [a law enacted in Virginia in 2010](#) exempts from the general prohibition against carrying concealed weapons any person who may lawfully possess a firearm and is carrying a handgun while in a personal, private motor vehicle or vessel if the handgun is secured in a container or compartment.⁸⁶

⁸⁵ [Va. Code Ann. § 18.2-308\(A\)](#). The prohibition also does not apply to any person carrying such weapons between his place of abode and a place of purchase or repair, provided the weapons are unloaded and securely wrapped while being transported. [Va. Code Ann. § 18.2-308\(B\)\(5\)](#).

⁸⁶ [Va. Code Ann. § 18.2-308\(B\)\(10\)](#). See also [Va. Code Ann. § 18.2-287.4](#). (stating that “The exemptions set forth in § 18.2-308 shall apply, mutatis mutandis, to the provisions of this section.”).

Guns in Schools in Virginia

Virginia prohibits the possession of any firearm on:

- Any public, private or religious elementary, middle or high school, including buildings and grounds;
- That portion of any property open to the public and exclusively used for school-sponsored functions or extracurricular activities while such functions or activities are taking place; and
- Any school bus owned or operated by such school.⁸⁷

The law provides exceptions for any person who possesses:

- A firearm as a part of the school's curriculum or activities;
- A firearm 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;
- An unloaded firearm in a closed container in or upon a motor vehicle, or an unloaded shotgun or rifle in a firearms rack in or upon a motor vehicle; or
- A valid concealed handgun permit and 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.⁸⁸

In 2010, the Supreme Court of Virginia rejected a challenge to George Mason University's regulation restricting the possession and carrying of firearms inside campus buildings and at campus events.⁸⁹ The court pointed out that the regulation was tailored, restricting weapons only in those places where people congregate and are most vulnerable. Individuals could still carry or possess weapons on the open grounds of this public university, and in other places on campus not enumerated in the regulation.⁹⁰

See [LCAV's policy page on Guns in Schools](#) for further information.

⁸⁷ [Va. Code Ann. § 18.2-308.1\(B\)](#). [Va. Code Ann. § 22.1-277.07\(A\)](#) provides that a school board must expel for at least one year any student who has brought a firearm, air rifle or BB gun onto school property or to a school-sponsored activity. Also see [Op. Att'y Gen. Va. 03-083 \(2003\)](#), [2003 Va. AG LEXIS 46](#) (opining that the school board may discipline a student in possession of an unloaded firearm in a locked vehicle trunk).

⁸⁸ [Va. Code Ann. § 18.2-308.1\(B\)](#).

⁸⁹ *Digiacinto v. Rector & Visitors of George Mason Univ.*, 704 S.E.2d 365, 369 (Va. 2011).

⁹⁰ *Id.*

Other Location Restrictions in Virginia

Virginia prohibits the carrying of certain kinds of loaded firearms on or about the person, openly or concealed, on any public street, road, alley, sidewalk, public right-of-way, or in any public park or any other place of whatever nature that is open to the public in certain cities.⁹¹ More specifically, the law applies to a loaded: (i) 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 that 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 that will hold more than seven rounds of the longest ammunition for which it is chambered.⁹² The law only applies in the Cities of Alexandria, Chesapeake, Fairfax, Falls Church, Newport News, Norfolk, Richmond, or Virginia Beach or in the Counties of Arlington, Fairfax, Henrico, Loudoun, or Prince William.⁹³ Concealed handgun permit holders and individuals actually engaged in lawful hunting or lawful recreational shooting activities at an established shooting range or shooting contest are among the exceptions.⁹⁴

Virginia also prohibits the possession of firearms by anyone, even concealed handgun permit holders, in:

- A place of worship while a meeting for religious purposes is being held, unless the person has a "good and sufficient reason."⁹⁵ (Note, however, that the Attorney General of Virginia has opined that carrying a weapon for personal protection constitutes a "good and sufficient reason" under this law. 2011 Va. AG LEXIS 23, *4);
- Any courthouse; or⁹⁶
- Any "air carrier airport terminal."⁹⁷

In 2010, [Virginia enacted a law](#) that allows concealed handgun permit holders to carry firearms in any restaurant or club licensed to serve alcoholic beverages for on-premises consumption. Concealed handgun permit holders were previously prohibited from carrying concealed handguns in these locations. Under the new law, permit holders are only prohibited from consuming an alcoholic beverage while on the premises.⁹⁸

Virginia law also states that a concealed handgun permit does not authorize the possession of a firearm on property or in places where such possession is prohibited by law or the owner of private property.⁹⁹

A law Virginia enacted in 2010 explicitly allows certain counties and cities to regulate the possession and storage of firearms and ammunition in family day homes so long as such

⁹¹ [Va. Code Ann. § 18.2-287.4.](#)

⁹² *Id.*

⁹³ *Id.*

⁹⁴ *Id.*

⁹⁵ [Va. Code Ann. § 18.2-283.](#)

⁹⁶ [Va. Code Ann. § 18.2-283.1.](#)

⁹⁷ [Va. Code Ann. § 18.2-287.01.](#)

⁹⁸ [Va. Code Ann. § 18.2-308\(J3\).](#)

⁹⁹ [Va. Code Ann. § 18.2-308\(O\).](#)

regulation remains no more extensive in scope than comparable state regulations applicable to family day homes.¹⁰⁰

Virginia has no laws prohibiting firearms in the following places, although administrative regulations may apply:

- Parks;
- Hospitals;
- Sports arenas;
- Gambling facilities; or
- Polling places.

¹⁰⁰ Va. Code Ann. § 15.2-914.

Consumer & Child Safety

Virginia Design Safety Standards for Handguns

Virginia prohibits the manufacture, importation, sale, transfer or possession of any firearm containing less than 3.7 ounces of electromagnetically detectable metal in the barrel, slide, cylinder, frame or receiver and which, when subjected to inspection by X-ray machines commonly used at airports, does not generate an image that accurately depicts its shape.¹⁰¹

Virginia does not otherwise regulate firearms commonly known as "junk guns" or "Saturday night specials."

See [Regulating Guns in America: Design Safety Standards for Handguns](#) for a comprehensive discussion of this issue.

¹⁰¹ [Va. Code Ann. § 18.2-308.5.](#)

Locking Devices in Virginia

Virginia law does not require a locking device to accompany the sale of a firearm (although the [federal law](#) applies). Virginia law also does not require firearm owners to lock their weapons, although it is unlawful for any person to recklessly leave a loaded, unsecured firearm in such a manner as to endanger the life or limb of any child under the age of 14.¹⁰² State administrative regulations may also govern the secure control of firearms in certain locations.

See [Regulating Guns in America: Locking Devices](#) for a comprehensive discussion of this issue.

¹⁰² [Va. Code Ann. § 18.2-56.2](#).

Personalized / Owner-Authorized Firearms in Virginia

Virginia does not require firearms to be personalized. See [*Regulating Guns in America: Personalized Firearms*](#) for a comprehensive discussion of this issue.

Virginia Child Access Prevention

Virginia law prohibits anyone from recklessly leaving a loaded, unsecured firearm in such a manner as to endanger the life or limb of any child under the age of 14.¹⁰³ It is also unlawful for any person knowingly to authorize a child under the age of 12 to use a firearm except when the child is under the supervision of an adult.¹⁰⁴ For purposes of this rule, "adult" means a parent, guardian, or similar person or a person 21 years or over who has the permission of the parent, guardian, or similar person to supervise the child in the use of a firearm.¹⁰⁵

State administrative regulations govern storage of firearms in certain locations.

See [Regulating Guns in America: Child Access Prevention](#) for a comprehensive discussion of this issue.

¹⁰³ [Va. Code Ann. § 18.2-56.2](#).

¹⁰⁴ [Va. Code Ann. § 18.2-56.2\(B\)](#).

¹⁰⁵ *Id.*

Classes of Weapons / Ammunition

Assault Weapons in Virginia

See [Regulating Guns in America: Assault Weapons](#) for a comprehensive discussion of this issue.

Virginia prohibits any person:

- Who is not a citizen of the U.S., or who is not lawfully admitted for permanent residence, from knowingly and intentionally possessing or transporting any assault firearm;¹⁰⁶ or
- Who is a firearms dealer from transferring any assault firearm to such a person;¹⁰⁷ and
- From importing, selling, possessing or transferring "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 twelve shotgun shells."¹⁰⁸

Virginia law defines "assault firearm" as:

[A]ny 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.¹⁰⁹

With certain exceptions, Virginia law prohibits any person under 18 years of age from knowingly and intentionally possessing or transporting an assault firearm.¹¹⁰ For purposes of this provision, an "assault firearm" means either:

- A semi-automatic centerfire rifle or pistol equipped with a magazine that will hold more than 20 rounds of ammunition, is designed by the manufacturer to accommodate a silencer or is equipped with a folding stock; or
- A shotgun with a magazine which will hold more than seven rounds of the longest ammunition for which it is chambered.¹¹¹

Virginia law also prohibits the carrying of certain loaded high-powered firearms in public places in certain cities. See the [Other Location Restrictions](#) section above for further information.

¹⁰⁶ [Va. Code Ann. § 18.2-308.2:01.](#)

¹⁰⁷ [Va. Code Ann. § 18.2-308.2:2\(B\)\(1\).](#)

¹⁰⁸ [Va. Code Ann. § 18.2-308.8.](#)

¹⁰⁹ [Va. Code Ann. § 18.2-308.2:2\(G\).](#)

¹¹⁰ [Va. Code Ann. § 18.2:308.7.](#)

¹¹¹ *Id.*

Large Capacity Ammunition Magazines in Virginia

Virginia has no law restricting large capacity ammunition magazines. Virginia law does prohibit the carrying of certain loaded high-powered firearms in public places in certain cities. See the [Other Location Restrictions](#) section above for further information.

See [Regulating Guns in America: Large Capacity Ammunition Magazines](#) for a comprehensive discussion of this issue.

Fifty Caliber Rifles in Virginia

Virginia has no law restricting fifty caliber rifles. See [Regulating Guns in America: Fifty Caliber Rifles](#) for a comprehensive discussion of this issue.

Machine Guns/Automatic Firearms in Virginia

Virginia law allows the possession of a machine gun for scientific purposes or for any purpose manifestly not aggressive or offensive.¹¹² However, Virginia law requires every machine gun to be registered with the Department of State Police within 24 hours after its acquisition.¹¹³ Possession or use of a machine gun is presumed to be for an offensive or aggressive purpose when: (i) 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; (ii) the machine gun is in the possession of, or used by, a person who has been convicted of a crime of violence; (iii) the machine gun has not been registered as required by Virginia law; or (iv) empty or loaded shells which have been or are susceptible of use in the machine gun are found in the immediate vicinity thereof.¹¹⁴

An application to register a machine gun must be notarized and 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.¹¹⁵ The Superintendent of State Police must furnish the registrant with a certificate of registration, which is valid as long as the registrant remains the same. Certificates of registration must be retained by the registrant and produced by him or her upon demand by any peace officer.¹¹⁶ Any peace officer may, without warrant, seize any machine gun if the owner does not comply. Upon transferring a registered machine gun, the transferor must notify the Superintendent, in writing, setting forth the date of transfer and name and address of the transferee. Registration data is not subject to inspection by the public.¹¹⁷

Every manufacturer or dealer must keep a register of all machine guns manufactured or handled by him or her that shows 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.¹¹⁸ Upon demand every manufacturer or dealer must permit any marshal, sheriff, or police officer to inspect his or her entire stock of machine guns, parts, and supplies therefor, and shall produce the register for inspection.¹¹⁹

“Machine gun” means “any weapon which shoots or is designed to shoot automatically more than one shot, without manual reloading, by a single function of the trigger.”¹²⁰

See [LCAV's policy page on Machine Guns](#) for further information.

¹¹² [Va. Code Ann. § 18.2-293.1](#). Unlawful possession or use of a machine gun for an offensive or aggressive purpose is a Class 4 felony. [Va. Code Ann. § 18.2-290](#).

¹¹³ [Va. Code Ann. § 18.2-295](#). See also [Va. Code Ann. § 18.2-293.1](#).

¹¹⁴ [Va. Code Ann. § 18.2-291](#).

¹¹⁵ [Va. Code Ann. § 18.2-295](#).

¹¹⁶ *Id.*

¹¹⁷ *Id.*

¹¹⁸ [Va. Code Ann. § 18.2-294](#).

¹¹⁹ *Id.*

¹²⁰ [Va. Code Ann. § 18.2-288\(1\)](#).

Non-Powder Guns in Virginia

Virginia law explicitly authorizes a locality to:

- Restrict the shooting and use of pneumatic guns in any areas of the locality that are in the opinion of the governing body so heavily populated as to make such conduct dangerous to the inhabitants;
- Require supervision by a parent, guardian, or other adult supervisor approved by a parent or guardian of any minor below the age of 16 in all uses of pneumatic guns on private or public property;
- Specify that minors above the age of 16 may, with the written consent of a parent or guardian, use a pneumatic gun at any place designated for such use by the local governing body or on private property with the consent of the owner; and
- Specify that any minor, whether permitted by a parent or guardian to use a pneumatic gun or not, shall be responsible for obeying all laws, regulations and restrictions governing such use.¹²¹

However, no such ordinance may prohibit the use of pneumatic guns:

- At facilities approved for shooting ranges;
- On other property where firearms may be discharged; or
- On or within private property with permission of the owner or legal possessor thereof when conducted with reasonable care to prevent a projectile from crossing the bounds of the property.¹²²

Virginia law requires the training of minors in the use of pneumatic guns be done only under direct supervision of a parent, guardian, Junior Reserve Officers Training Corps instructor, or a certified instructor.¹²³ Training of minors above the age of 16 may also be done without direct supervision if approved by the minor's instructor, with the permission of and under the responsibility of a parent or guardian.¹²⁴

"Pneumatic gun" means any implement, designed as a gun, that will expel a BB or a pellet by action of pneumatic pressure.¹²⁵

See [Regulating Guns in America: Non-Powder Guns](#) for a comprehensive discussion of this issue.

¹²¹ [Va. Code Ann. § 15.2-915.4\(A\)](#).

¹²² [Va. Code Ann. § 15.2-915.4\(B\)](#).

¹²³ [Va. Code Ann. § 15.2-915.4\(C\)](#). Ranges and instructors may be certified by the National Rifle Association, a state or federal agency that has developed a certification program, any service of the Department of Defense, or any person authorized by these authorities to certify ranges and instructors. *Id.*

¹²⁴ *Id.*

¹²⁵ [Va. Code Ann. § 15.2-915.4\(E\)](#). Virginia law also requires a school board to expel from school attendance for at least one year any student whom such school board has determined to have possessed a pneumatic gun as defined in subsection E of § 15.2-915.4 on school property or at a school-sponsored activity. [Va. Code Ann. § 22.1-277.07](#).

Ammunition Regulation in Virginia

See [Regulating Guns in America: Ammunition Regulation](#) for a comprehensive discussion of this issue.

In 2009, Virginia [enacted a law](#) that prohibits the knowing and intentional possession or transportation of ammunition by any person: 1) convicted of a felony; 2) adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of murder, kidnapping, robbery by the threat or presentation of firearms, or rape; or 3) who is under the age of 29 and was found guilty as a juvenile (14 years of age or older) of a delinquent act which would be a felony if committed by an adult.¹²⁶

Virginia law does not:

- Prohibit other individuals ineligible to possess firearms under state law from possessing ammunition;
- Prohibit the sale or possession of unreasonably dangerous ammunition;¹²⁷
- Impose a minimum age for the purchase or possession of ammunition (although [federal law](#) applies);
- Require a license for the purchase or possession of ammunition; or
- Require a license to sell ammunition.

¹²⁶ [Va. Code Ann. § 18.2-308.2\(A\)](#).

¹²⁷ Pursuant to [Va. Code Ann. § 18.2-308.3](#), it is a separate and distinct felony to knowingly use or attempt to use "restricted firearm ammunition" while committing or attempting to commit a crime. [Va. Code Ann. § 18.2-308.3](#) provides that: "Restricted firearm ammunition" applies to bullets, projectiles or other types of ammunition that are: (i) coated with or contain, in whole or in part, polytetrafluorethylene or a similar product, (ii) commonly known as "KTW" bullets or "French Arcanes;" or (iii) any cartridges containing bullets coated with a plastic substance with other than lead or lead alloy cores, jacketed bullets with other than lead or lead alloy cores, or cartridges of which the bullet itself is wholly comprised of a metal or metal alloy other than lead. This definition shall not be construed to include shotgun shells or solid plastic bullets.

Investigating Gun Crimes

Virginia Microstamping/Ballistic Identification

Virginia has no law regarding firearm microstamping or ballistic identification. See [*Regulating Guns in America: Ballistic Identification*](#) for a comprehensive discussion of this issue.

Firearms Trafficking in Virginia

See [LCAV's policy page on Firearms Trafficking](#) for further information on this topic.

Virginia penalizes:

- Any person who willfully and intentionally makes a materially false statement on the required firearm purchaser background check forms.¹²⁸
- Any dealer who willfully and intentionally sells, trades or transfers a firearm without the required background check.¹²⁹
- 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.¹³⁰
- Any person who purchases a firearm with the intent to: (i) resell or otherwise provide such firearm to any person who he or she 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.¹³¹
- 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 purchasing a firearm for resale to an ineligible buyer.¹³²
- Any person who obtains, possesses, sells, or transfers a fictitious birth certificate or any document for the purpose of establishing a false status, occupation, membership, license or identity for himself or herself or any other person, with the intent that such document be used to purchase a firearm.¹³³
- Any person who intentionally removes, defaces, alters, changes, destroys or obliterates or who causes to be removed, defaced, altered, changed, destroyed or obliterated the name of the maker, model, manufacturer's or serial number, or any other mark or identification on any firearm.¹³⁴

For information about Virginia's law limiting handgun purchases to one handgun per month, see [Multiple Purchases / Sales of Firearms in Virginia](#) above.

¹²⁸ [Va. Code Ann. §18.2-308.2:2\(K\).](#)

¹²⁹ [Va. Code Ann. § 18.2-308.2:2\(B\), \(L\).](#)

¹³⁰ [Va. Code Ann. § 18.2-308.2:2\(L1\).](#)

¹³¹ [Va. Code Ann. § 18.2-308.2:2\(M\).](#)

¹³² [Va. Code Ann. § 18.2-308.2:2\(N\).](#)

¹³³ [Va. Code Ann. § 18.2-204.1\(C\).](#)

¹³⁴ [Va. Code Ann. § 18.2-311.1.](#)

Virginia State Links

[Attorney General of Virginia](#)

[The Virginia Center for Public Safety](#) [formerly Virginians Against Handgun Violence]

[Bureau of Alcohol, Tobacco, Firearms and Explosives, Washington Field Division \(DC and VA\)](#)