



House Bill 923: Reorganization of the Concealed Weapons Statute

October 2, 2012

Overview



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House Bill 923



- House Bill 923, introduced by Delegate Scott Lingamfelter during the 2012 Regular Session of the General Assembly, would reorganize the concealed weapons statute, Va. Code § 18.2-308, by separating it into 17 separate statutes.

House Bill 923



- The express goal of the bill was not to make any substantive changes to current law, but simply to divide it into “several distinct sections according to a logical organization scheme.”
- The resulting statutes are intended to be less cumbersome than the existing, lengthy statute, and easier to understand.

Background



- Va. Code § 18.2-308 is Virginia's concealed weapons statute.
- In 1975, it consisted of three short paragraphs, and was not divided into subsections.
 - First paragraph prohibited concealed weapons;
 - Second paragraph exempted law enforcement and any person in his own place of abode;
 - Third paragraph allowed a circuit court to grant permission to carry a concealed weapon for one year.

Background



- Since 1975, Va. Code § 18.2-308 has been modified practically every year by the General Assembly.
 - In 34 out of 37 Regular Sessions, some change was made to the statute.
- The statute now contains over 50 paragraphs, divided into 27 distinct subsections, and is 11 pages long in the Michie's edition of the Code of Virginia.

Background



- Virginia Code § 18.2-308 now addresses the following subjects:
 - Criminalizes the carrying of concealed weapons;
 - General exemptions from this prohibition;
 - Exemptions for law enforcement;
 - Exemptions for retired law enforcement;
 - Process for applying for a concealed handgun permit;
 - Persons ineligible from obtaining a permit;
 - Criminalizes making a false statement on a permit application;

Background



- Virginia Code § 18.2-308 now deals with the following subjects (continued):
 - Acceptable methods for an applicant to demonstrate to the circuit court that he has demonstrated competence with a handgun;
 - What information a concealed weapons permit shall contain;
 - The civil penalty if an individual fails to display his permit upon demand by law enforcement;
 - Applications for new permits upon expiration of an existing permit;

Background



- Virginia Code § 18.2-308 now deals with the following subjects (continued):
 - The forfeit of a permit after conviction for a disqualifying criminal offense;
 - Criminalizing the carrying of a concealed handgun while under the influence of alcohol or illegal drugs;
 - Permits a court to suspend the permit of a person who is charged with a felony;
 - Criminalizes the carrying of a concealed handgun while consuming alcohol in a restaurant or club;

Background



- Virginia Code § 18.2-308 now deals with the following subjects (continued):
 - The revocation of a permit if the holder is adjudicated legally incompetent or mentally incapacitated, or is civilly committed or ordered to outpatient treatment;
 - The fees paid by an application for a permit;
 - Replacement of permits;
 - Petition for review to the Va. Ct. of Appeals if an application for a permit is denied;
 - Validity of other states' permits in Virginia; and
 - Application for permits by non-residents.

Background



- A review of HB 923 shows that it satisfies its objective of logically dividing Va. Code § 18.2-308 into separate statutes, without making any substantive changes.
- All the cross-references to other statutes have been appropriately modified.
- The other amendments made to Va. Code § 18.2-308 during the 2012 Session do not interfere with the organizational scheme proposed by the bill.

Policy Consideration



- Should the General Assembly split Va. Code § 18.2-308 into a number of smaller statutes, each one focusing on a distinct sub-topic related to concealed handguns?



Discussion
