

Violations and Penalties

Class 2 Felony

- ◆ Possession or use of a “sawed-off” shotgun in the commission or attempted commission of a crime of violence (§ 18.2-300).
- ◆ Possession or use of a machine gun in the commission or attempted commission of a crime of violence (§ 18.2-289).
- ◆ Aggravated, malicious wounding of another with a firearm with intent to maim, disfigure, disable or kill (§ 18.2-51.2).

Class 3 Felony

- ◆ Maliciously shooting with a firearm any person with the intent to maim, disfigure, disable or kill (§ 18.2-51).

Class 4 Felony

- ◆ Unauthorized possession or use of a “sawed-off” shotgun (§ 18.2-300).
- ◆ Unlawful possession or use of a machine gun for an offensive or aggressive purpose (§ 18.2-290).
- ◆ Maliciously discharging a firearm within or at an occupied building so as to endanger a life (§ 18.2-279).
- ◆ Willfully discharging a firearm on public property within 1,000 feet of any school (§ 18.2-280).
- ◆ Any person who uses a false or fictitious name or address in any application for a driver’s license with the intent to purchase a firearm (§ 46.2-348).

Class 5 Felony

- ◆ The purchase of a firearm with intent to resell or provide it to a person who is ineligible to purchase or receive a firearm (§ 18.2-308.2:2).
- ◆ The purchase of a firearm with the intent to transport it out of the Commonwealth to be resold or otherwise provided to an ineligible person (§ 18.2-308.2:2).
- ◆ Making a materially false statement on the consent form authorizing a firearms dealer to obtain criminal history record information (§ 18.2-308.2:2).
- ◆ Manufacture, import, sale, transfer or possession of a plastic firearm (§ 18.2-308.5).
- ◆ Use or attempted use of restricted ammunition (e.g., plastic coated) in commission or attempted commission of a crime (§ 18.2-308.3).

Class 6 Felony

- ◆ Knowingly possess a firearm while in unlawful possession of a schedule I or II controlled substance or more than one pound of marijuana (§ 18.2-308.4).
- ◆ Possession of an unregistered firearm muffler or silencer (§ 18.2-308.6).
- ◆ The knowing and intentional possession or transportation of a firearm by a convicted felon (§ 18.2-308.2).
- ◆ Discharging a firearm within or at an occupied building so as to endanger a life (§ 18.2-279).
- ◆ Setting a spring or remote firearm activated by a person coming in contact therewith (§ 18.2-281).
- ◆ Brandishing a firearm for other than excusable or justifiable self-defense on public property within 1000 feet of any school (§ 18.2-282).
- ◆ Use or display of a firearm in the commission or attempted commission of designated felonies (§ 18.2-53.1). Mandatory 3 year term of imprisonment for a first offense and 5 year mandatory term of imprisonment for a second or subsequent offense).
- ◆ Shooting with a firearm any person with the intent to maim, disfigure, disable or kill (§ 18.2-51).
- ◆ Unlawfully wounding another person with a firearm while in the commission or attempted commission of a felony (§ 18.2-53).
- ◆ Importation, sale, possession, or transfer of a Striker 12; commonly called a “streetsweeper” (§ 18.2-308.8).
- ◆ The sale or transfer of a firearm by a dealer in violation of the requirement for a criminal history record information check (§ 18.2-308.2:2).
- ◆ Knowingly selling or furnishing a firearm to a person known to be a felon or known to have been acquitted of criminal charges by reason of insanity (§ 18.2-308.2:1).
- ◆ Possession of a firearm on school property (§ 18.2-308.1).
- ◆ Furnishing a handgun to a minor (§ 18.2-309).
- ◆ It is unlawful for a person adjudicated delinquent on or after July 01, 2005, of murder, kidnapping, armed robbery, or rape who was 14 years of age or older at the time of the offense to possess or transport firearms, stun weapons, tasers or concealed weapons for the rest of his or her life. Under current law, such a person would be able to possess these weapons at age 29. (§ 18.2-308.2).

Class 1 Misdemeanor

- ◆ The carrying of a concealed firearm by any person other than a felon (§ 18.2-308). Second offense punishable as a Class 6 felony and subsequent offenses as a Class 5 felony.
- ◆ Possession of a loaded handgun or assault firearm by any person under the age of 18 while in any public place or upon any public highway in violation of a local ordinance (§ 18.2-308.7).
- ◆ To knowingly and intentionally possess or transport a firearm by any person acquitted of any felony or designated misdemeanors by reason of insanity (§ 18.2-308.1:1).
- ◆ Removing, altering, etc., the serial number or other identification mark on a firearm (§ 18.2-311.1).
- ◆ Willfully discharging a firearm in a public place (§ 18.2-280).
- ◆ Brandishing a firearm for other than excusable or justifiable self defense (§ 18.2-282).
- ◆ Possessing in or transporting into any courthouse a firearm (§ 18.2-283.1).
- ◆ Carrying a loaded semi-automatic center fire rifle or pistol with a 20 plus round magazine or a shotgun which will hold more than 7 rounds on any public place (§ 18.2-287.4). (certain counties and cities only)
- ◆ Reckless handling of a firearm so as to endanger the life, limb or property of any other person (§ 18.2-56.1).
- ◆ Knowingly authorizing a child under the age of twelve to use a firearm except when the child is under the supervision of an adult (§ 18.2-56.2).
- ◆ Possession or transportation of a firearm into any air carrier airport terminal in the Commonwealth (§ 18.2-287.01).

Class 2 Misdemeanor

- ◆ Hunting with a firearm while under the influence of any intoxicant or narcotic drug (§ 18.2-285).

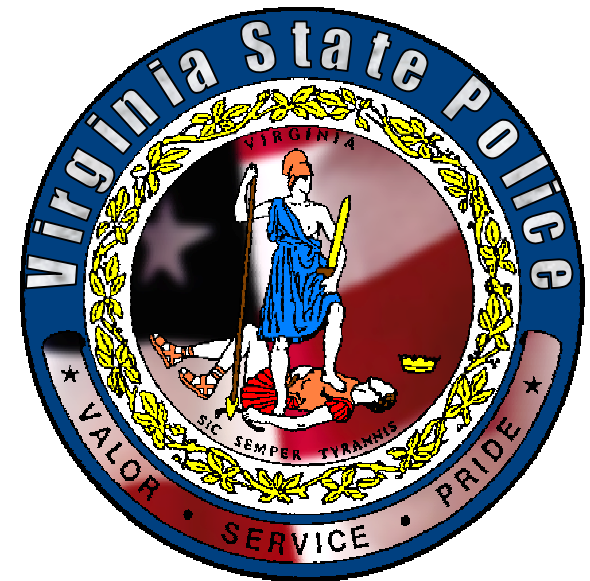
Class 3 Misdemeanor

- ◆ Recklessly leaving a loaded, unsecured firearm in a manner so as to endanger the life or limb or any child under the age of 14 (§ 18.2-56.2).

Class 4 Misdemeanor

- ◆ Carrying a firearm into a place of worship without good cause (§ 18.2-283).
- ◆ Discharging a firearm, crossbow or bow and arrow in or across any road, or within the right-of-way thereof, or in a street of any city or town. (§ 18.2-286).

A Summary of Virginia Firearms Laws



This is a summary of the applicable laws governing the use, possession, and transportation of firearms in Virginia. The Code of Virginia contains the details of these laws.

This pamphlet is prepared by the Department of State Police. Additional copies may be received by contacting:

Department of State Police
Criminal Justice Information Services Division
Firearms Transaction Center
Post Office Box 85608
Richmond, Virginia, 23285-5608
(804) 674-2292

Possession of a Firearm by a Juvenile

§ 18.2-308.7 It shall be unlawful for any person under 18 years of age to knowingly and intentionally possess or transport a handgun or assault firearm anywhere in the Commonwealth, except:

While in his home or on his property.

While in the home or on the property of his parent, grandparent, or legal guardian.

While on the property of another who has provided prior permission, and with the prior permission of his parent or legal guardian if the person has the landowner's written permission on his person while on such property.

While accompanied by an adult, is at, or going to or from, a lawful shooting range or firearms educational class, provided the weapons are unloaded while being transported.

While actually engaged in lawful hunting or going to and from a hunting area or preserve, provided the weapons are unloaded while being transported.

While carrying out his or her duties in the armed forces of the United States or the National Guard of this Commonwealth or any other state.

Transporting Firearms

§ 18.2-308 Prohibits the carrying of any pistol, revolver, or other weapon designed or intended to propel a missile of any kind by action of an explosion of any combustible material; any dirk, bowie knife, switchblade knife, ballistic knife, machete, razor, slingshot, spring stick, metal knucks, or blackjack; any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain; any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart; or any weapon of like kind by any person hidden from common observance about his person. Any of the enumerated weapons shall be seized and forfeited to the Commonwealth. A weapon shall be deemed to be hidden from common observation when it is observable but is of such deceptive appearance as to disguise the weapon's true nature.

Based on the statute and decisions rendered by the Supreme Court, a weapon is considered to be concealed at any time it is placed in a location as to be within reach of the person, without the person being required to make an overt act to retrieve such weapon, when such weapon is hidden from common observation. Placing a weapon under the seat, on the seat hidden from common observation, or at any location from which he weapon can readily be retrieved is considered to be concealed. A person carrying a weapon in the unlocked glove compartment of an automobile, if the person does not have a permit or otherwise fall within any statutory exemption, is a violation of law, unless some particular fact or circumstance renders the weapon inaccessible.

Resident Concealed Handgun Permits

Any 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 or she resides, or if he or she is a member of the United States armed forces, the county or city in which he is domiciled, for a five-year permit to carry a concealed handgun. There is no requirement as to the length of time an applicant for a Concealed Handgun Permit must have been a resident or domiciliary of the county or city where he or she resides. The application may be obtained from the circuit court or the Virginia State Police website.

Nonresident Concealed Handgun Permits

The 2004 Virginia General Assembly amended Section § 18.2-308 to allow the issuance of nonresident concealed handgun permits. Nonresidents of the Commonwealth 21 years of age and older may apply in writing to the Virginia State Police for a five-year permit to carry a concealed handgun.

Punishment for Conviction of a Felony

- Class 1 - Death or imprisonment for life.
- Class 2 - Imprisonment for life or for a term not less than 20 years and/or a fine not more than \$100,000.
- Class 3 - Imprisonment not less than 5 or more than 20 years and/or a fine not more than \$100,000.
- Class 4 - Imprisonment not less than 2 years or more than 10 and/or a fine not more than \$100,000.
- Class 5 - Imprisonment not less than 1 year or more than 10, or the discretion of the jury or court trying the case, confinement not more than 12 months and/or a fine not more than \$2,500.
- Class 6 - Imprisonment not less than 1 year or more than 5 or the discretion of the jury or court trying the case, confinement not more than 12 months and/or a fine not more than \$2,500.

Punishment for Conviction of a Misdemeanor

- Class 1 - Confinement in jail for not more than 12 months and/or a fine of not more than \$2,500.
- Class 2 - Confinement in jail for not more than 6 months and/or a fine of not more than \$1,000.
- Class 3 - A fine of not more than \$500.
- Class 4 - A fine of not more than \$250.

Donna K. Tate, Manager
Firearms Transaction Center
Virginia State Police
Post Office Box 85608
Richmond, Virginia 23285-5608
(804) 674-2292

donna.tate@vsp.virginia.gov

www.vsp.state.va.us

August 2005 VFPT ©