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HOUSE BILL NO. 1096

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Militia, Police and Public Safety
on February 5, 2016)

(Patrons Prior to Substitute—Delegates Webert and Marshall, R.G. [HB 593])

A BILL to amend and reenact § 29.1-501 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-601.2, relating to regulation of firearms by state entities.

Be it enacted by the General Assembly of Virginia:

1. That § 29.1-501 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-601.2 as follows:

§ 2.2-601.2. Regulation of firearms by state entities prohibited.

A. Notwithstanding any provision of law to the contrary, no department, agency, authority, board, commission, council, or other state entity shall adopt or enforce any rule or regulation, as defined in § 2.2-4001, or policy nor shall any appointee, employee, or agent of any such entity take any administrative action governing the purchase, possession, transfer, ownership, carrying, storage, or transporting of firearms, ammunition, or components or combinations thereof other than those expressly authorized by statute. For purposes of this section, no statute that does not refer to firearms, ammunition, or components or combinations thereof shall be construed to provide express authority.

B. Any rule, regulation, or policy adopted by a state entity prior to July 1, 2016, governing the purchase, possession, transfer, ownership, carrying, storage, or transportation of firearms, ammunition, or components or combinations thereof, other than those rules, regulations, or policies expressly authorized by statute, is invalid.

C. Nothing in this section shall prohibit a law-enforcement officer, as defined in § 9.1-101, from acting within the scope of his duties.

D. This section shall not apply to the rules, regulations, policies, or administrative actions of the Department of Corrections, Department of Juvenile Justice, Department of State Police, Virginia National Guard, Department of Behavioral Health and Developmental Services, Department of Social Services, Virginia Port Authority, Office of the State Inspector General, or any institution of higher education. Nothing in this section shall prohibit the adoption or enforcement of any rule or regulation (i) necessary for compliance with the Fire Prevention Code or (ii) necessary for the operation of Reserve Officer Training Corps programs.

§ 29.1-501. Promulgation of regulations; publication of proposed regulations or change therein; validation; evidentiary nature of publication.

A. The Board may promulgate regulations pertaining to the hunting, taking, capture, killing, possession, sale, purchase, and transportation of any wild bird, wild animal, or inland water fish, and the feeding of any game, game animals, or fur-bearing animals as defined in § 29.1-100, or the feeding of any wildlife that results in property damage, endangers any person or wildlife, or creates a public health concern. Such regulations may govern the possession, carrying, transportation, and storage of firearms, ammunition, or components or combinations thereof.

B. The full text or an informative summary of any proposed regulation or change in the regulations shall be published not less than ~~fifteen~~ 15 nor more than ~~thirty~~ 30 days before it may be acted upon. The publication shall name the time and place that the specified matters will be taken up, at which time any interested citizen shall be heard. If the proposed regulation or change in the regulations is of local application, the publication shall appear in a newspaper published in or within reasonable proximity to the affected locality. However, if the proposed regulation or change in the regulations is of statewide application, the publication shall be made in a sufficient number of newspapers having a general circulation throughout the entire Commonwealth.

C. A copy of proposed regulations or a change in the regulations, of either local application or statewide application, shall be published in the Virginia Register of Regulations pursuant to § 2.2-4031.

D. Prima facie evidence of any regulation may be given in all courts and proceedings by the production of a copy of the regulation, which shall be certified by the Director or his deputy.