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# NORTHERN VIRGINIA BAPTIST ASSOCIATION, INC. COMMISSION ON CIVIL AND SOCIAL ACTIONS

## GUN LAWS IN VIRGINIA



Compiled by  
Dr. George W. Farmer, Jr chairperson

# Gun laws in Virginia

(Wikipedia)

This document is a compendium of data concerning gun laws in the State of Virginia. These data are drawn from the general data bases of Wikipedia and should be assessed in light of the reputation of that data source. It is a convenient array of relevant information and is provided to give the reader useful background information.

**Gun laws in Virginia** regulate the sale, possession, and use of [firearms](#) and [ammunition](#) in the [Commonwealth](#) of [Virginia](#) in the United States.

## SUMMARY STATEMENT

This compendium of data concerning gun laws in Virginia has been developed to provide interested individuals background data to aid in making decisions concerning purchasing and storing guns of all types available in the Commonwealth of Virginia. This document does not endorse or oppose the gun laws as they exist, but is provided as a resource that hopefully will aid those who seek objective information concerning the possession of firearms in the State.

It is important to recognize that laws concerning guns are on the books and that those laws are “morality neutral.” Moreover, the Northern Virginia Baptist Association has not established a position based on the scriptures concerning the purchase or use of guns. We provide this information more or less as a “clearinghouse” with the goal of increasing the prospects that individuals may use it to help them make informed decisions concerning the purchase and use of fire arms.

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**SUMMARY TABLE**

Subject/Law	Long Guns	Handguns	Relevant Statutes	Notes
State permit required to purchase?	No	No		
Firearm registration?	No	No	<a href="#">§ 18.2-295</a>	Fully automatic firearms (machine guns) are required to be registered with the state police.
Owner license required?	No	No		Proof of age and citizenship required for the purchase of "assault weapons".
Permit required for concealed carry?	N/A	Yes	<a href="#">§ 18.2-308</a>	<p>Virginia is a "shall issue" state for concealed carry. Permits are issued to non-residents and training is permitted online or in person.</p> <p>In a vehicle, a firearm is exempt from the requirement for a concealed carry permit if the firearm is "properly secured in a container or compartment within the vehicle" (ie glove box, <a href="#">center console</a>, trunk, etc). The container/compartment does not have to be locked, the firearm may be within the reach of the driver or a passenger, and the firearm may be loaded.<sup>[a]</sup> This does not preempt an employer from prohibiting firearms "at a place of employment if there is a company policy or signage prohibiting firearms on the premises."<sup>[a]</sup> Furthermore, a "county or city may by ordinance make it unlawful for any person to transport, possess or carry a loaded shotgun or loaded rifle in any vehicle on any public street, road, or highway within such locality." However, this does not "apply to duly authorized law-enforcement officers or military personnel in the performance of their lawful duties, nor to any person who reasonably believes that a loaded rifle or shotgun is necessary for his personal safety in the course of his employment or business."</p>
Permit required for open carry?	No	No	<a href="#">§ 15.2-915.2</a> <a href="#">§ 18.2-287.4</a> <a href="#">§ 18.2-282</a>	<p>Open carry is generally allowed without a permit for people 18 years of age and older. The following cities and counties have exceptions that disallow the open carry of "assault weapons" (any firearm that is equipped with a magazine that will hold more than 20 rounds of ammunition or is designed by the manufacturer to accommodate a silencer or equipped with a folding stock) or shotguns equipped with a magazine that holds more than 7 rounds: the Cities of Alexandria, Chesapeake, Fairfax, Falls Church, <a href="#">Newport News</a>, Norfolk, Richmond, and Virginia Beach and in the Counties of Arlington, Fairfax, Henrico, Loudoun, and Prince William. These restrictions do not apply to valid concealed carry permit holders. Stated differently, you may open carry an assault weapon/shotgun with more than 7 rounds with a permit in the</p>

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				<p>aforementioned locations, but do not need a permit to do so in any other locality in Virginia.</p> <p>In a vehicle, a firearm may be considered "openly carried" if the firearm is openly visible, though this is not as well established as the "secured in a container/compartment" rule mentioned above.</p>
State preemption of local restrictions?	Yes	Yes	<a href="#">§ 15.2-915</a>	Virginia has state preemption for most but not all firearm laws.
Assault weapon law?	Yes	Yes	<a href="#">§ 18.2-308.2:2</a> <a href="#">§ 18.2-308.2:01§ 18.2-308.7</a>	<p>Proof of age (18+ for long arms, 21+ for pistols) and proof of citizenship (or permanent residence license) are required for the purchase of "assault weapons". "Assault weapons" are defined as a semi-automatic, centerfire, firearm equipped with a folding stock, or equipped at the time with a magazine capable of holding more than 20 rounds, or capable of accommodating a silencer/suppressor.</p>
Magazine restriction?	No	No	<a href="#">§ 18.2-287.4</a> <a href="#">§ 18.2-282.</a>	Magazines capable of holding more than 20 rounds are legal but, they make the firearm an "assault weapon", subject to law accordingly.
<a href="#">NFA</a> weapons restricted?	No	No	<a href="#">§ 18.2-308.8</a> <a href="#">§ 18.2-308.5</a> <a href="#">§ 18.2-295</a>	Fully automatic firearms (machine guns) must be registered with the state police. Plastic firearms and some destructive devices (such as the striker 12 shotgun) are prohibited outside law enforcement. SBS, SBR, AOWs, and suppressors are legal with NFA paperwork.
Background checks required for private sales?	No	No		

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### Overview

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The [Constitution of Virginia](#) protects the right of the people to keep and bear arms from government infringement.<sup>[8]</sup> The Commonwealth of Virginia preempts local regulation of several aspects of firearms, though some local regulation is explicitly permitted. Virginia passed the [Uniform Machine Gun Act](#), which was drafted by the National Conference of Commissioners on Uniform State Laws.<sup>[9][10]</sup> The only firearms in Virginia that are prohibited are the [Armsel Striker](#), also known as the Striker 12, similar shotguns, and any "plastic firearms." Firearms must contain at least 3.7 ounces of electromagnetically detectable metal in the barrel, slide, cylinder, frame or receiver, and when subjected to x-ray machines, generate an image that accurately depicts their shape.<sup>[11]</sup> For example, [Glock](#) pistols which have [polymer](#) frames and metal slides and barrels are legal. There are no magazine capacity limitations, except that a concealed handgun permit (CHP) is required in order to carry magazines with more than 20 rounds in some urban, public areas.<sup>[12]</sup>

Prohibited places include courthouses, air carrier terminals, schools, Capitol and General Assembly buildings (open carrying only, members of the General Assembly and those with a valid CHP are permitted in the Capitol General Assembly buildings), and churches, though some exceptions apply, including a 2011 Attorney General opinion that personal protection constitutes good and sufficient reason to carry at a church.<sup>[12]</sup> George Mason University, Virginia Commonwealth University, and Virginia Polytechnic University (Virginia Tech) currently possess rules that prohibit firearms on school property.

A 2006 opinion issued by State Attorney General Robert F. McDonnell stated "... the governing boards of Virginia's public colleges and universities may not impose a general prohibition on the carrying of concealed weapons by permitted individuals ... Pursuant to specific grants of statutory authority, however, it is my opinion that colleges and universities may regulate the conduct of students and employees to prohibit them from carrying concealed weapons on campus."<sup>[13]</sup>

In 2011, the Virginia Supreme Court found that the language used by [George Mason University](#) (GMU) to "... not impose a total ban of weapons on campus. Rather, the regulation is tailored, restricting weapons only in those places where people congregate and are most vulnerable – inside campus buildings and at campus events. Individuals may still carry or possess weapons on the open grounds of GMU, and in other places on campus not enumerated in the regulation."<sup>[13]</sup>

There are age restrictions on the possession of firearms and some people are prohibited from possessing firearms due to certain criminal convictions. Licensed dealers must have the [Virginia State Police](#) conduct a [background check](#) prior to completing the sale of certain firearms. Persons who are not in the business of selling firearms, but make occasional, private sales, are not required to perform a background check before selling their firearms. Before July 1, 2012, a person could not purchase more than one handgun per 30-day period, though some exceptions applied; most significantly, holders of valid Concealed Handgun Permits (CHP) from Virginia were exempt from this restriction.<sup>[11][2]</sup> The bill that repealed the "one-handgun-a-month law" was signed into law by Governor [Bob McDonnell](#) on February 28 of that year.<sup>[14]</sup>

[Open carry](#) of a handgun without a permit is legal in Virginia at age 18, withstanding other applicable laws. [Concealed carry](#) of a handgun is allowed for persons who hold a valid CHP (concealed handgun permit), comply with certain restrictions, or who hold certain positions. Virginia [shall issue](#) a CHP to applicants 21 years of age or older, provided that they meet certain safety training requirements and do not have any disqualifying criminal convictions. Consuming an alcoholic beverage in [ABC](#) on-premises licensed restaurants and clubs, while carrying a concealed handgun, is prohibited; nor may any person carry a concealed handgun in a public place while under the influence of alcohol or [illegal drugs](#). Any person permitted to carry a concealed firearm may not carry one in such manner in a public place while intoxicated. Possession of a firearm can compound the penalty for various other

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offenses, including illegal drug possession. Open carry while intoxicated is not addressed in the law and can be presumed to be legal unless otherwise specified.<sup>[15][12][16]</sup>

There are some restrictions on the use of weapons. Brandishing a firearm is punishable by up to a year in jail.<sup>[17]</sup>

### Concealed carry reciprocity

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VA code [18.2-308.014 \(reciprocity\)](#) states:

A valid concealed handgun or concealed weapon permit or license issued by another state shall authorize the holder of such permit or license who is at least 21 years of age to carry a concealed handgun in the Commonwealth, provided

- (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 if available;
- (ii) the permit or license holder carries a photo identification issued by a [government agency](#) of any state or by the U.S. Department of Defense or U.S. Department of State and displays the permit or license and such identification upon demand by a law-enforcement officer; and
- (iii) the permit or license holder has not previously had a Virginia concealed handgun permit revoked.

See also<sup>[edit]</sup>

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- [Law of Virginia](#)

External links<sup>[edit]</sup>

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- ["Crimes Involving Health and Safety"](#). *Legislative Information System*. Virginia General Assembly.
- ["Virginia Gun Laws Summary"](#). *National Rifle Association Institute for Legislative Action*. March 2, 2016.
- Jouvenal, Justin; Lamothe, Dan. ["Senior Navy official charged with pointing gun at men during argument"](#). *The Washington Post*. July 19, 2016.

References<sup>[edit]</sup>

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1. <sup>^</sup> [Jump up to:<sup>¶</sup> <sup>¶</sup> <sup>¶</sup> <sup>¶</sup> "Gun Laws: Virginia"](#). *National Rifle Association – Institute for Legislative Action*. 2012-07-25. Retrieved 2012-12-30.
2. <sup>^</sup> [Jump up to:<sup>¶</sup> <sup>¶</sup> <sup>¶</sup> <sup>¶</sup> "Virginia State Law Summary"](#). *Law Center to Prevent Gun Violence*. 2012-01-01. Retrieved 2012-12-30.
3. <sup>^</sup> ["Concealed or Contained?"](#). *www.radford.edu*. Retrieved 2019-01-31.
4. <sup>^</sup> ["Attorney General Opinion" \(PDF\)](#). Archived from [the original](#) (PDF) on 2015-09-24.
5. <sup>^</sup> [http://www.vsp.state.va.us/Firearms\\_MachineGun.shtm](http://www.vsp.state.va.us/Firearms_MachineGun.shtm)
6. <sup>^</sup> ["Virginia State Police Letter Confirming Legality of Open Carry" \(PDF\)](#). Retrieved 2011-12-23.
7. <sup>^</sup> ["Virginia State Police – Firearms Reciprocity/Recognition"](#). *Vsp.state.va.us*. Retrieved 2011-12-23.
8. <sup>^</sup> ["Article I, Section 13. Militia; standing armies; military subordinate to civil power"](#). *Law.lis.virginia.gov*. Retrieved 2017-12-08.
9. <sup>^</sup> ["Second Amendment Foundation – Firearm Regulation, by John Brabner-Smith"](#). *Saf.org*. Retrieved 2011-12-23.

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10. [^ "University of Pennsylvania Law Review, Note, 98 \(1950\): 905. F.J.K". Saf.org. Retrieved 2011-12-23.](#)
11. [^ "Code of Virginia § 18.2-308.5". Law.lis.virginia.gov. Retrieved 2017-12-08.](#)
12. [^ "Attorney General Opinion" \(PDF\).](#)
13. [^ Jump up to: # 2 "Virginia Supreme Court Rules Against Campus Carry". Concealedcampus.org. 2011-01-13. Retrieved 2013-09-30.](#)
14. [^ Meola, Olympia \(2012-02-29\). "McDonnell signs repeal of one-gun-a-month law". Richmond Times-Dispatch. Retrieved 2012-04-18.](#)
15. [^ "Code of Virginia § 18.2-308.012". Law.lis.virginia.gov. Retrieved 2017-12-08.](#)
16. [^ "Code of Virginia § 18.2-308". Law.lis.virginia.gov. Retrieved 2017-12-08.](#)
17. [https://www.washingtonpost.com/local/public-safety/senior-navy-official-charged-for-allegedly-pointing-gun-at-men-during-argument/2016/07/19/9b231ad4-4dc7-11e6-aa14-e0c1087f7583\\_story.html?wpisrc=nl\\_buzz&wpmm](https://www.washingtonpost.com/local/public-safety/senior-navy-official-charged-for-allegedly-pointing-gun-at-men-during-argument/2016/07/19/9b231ad4-4dc7-11e6-aa14-e0c1087f7583_story.html?wpisrc=nl_buzz&wpmm)

# Virginia Gun Control Laws

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The issues surrounding guns and gun control have become increasingly controversial due to the growing number of high-profile mass shootings in the United States. Gun control laws originate from both federal and state legislation, although the [federal government](#) has relatively limited control over the ownership and use of firearms. When it comes to state [gun control laws](#), ownership restrictions tend to vary widely from state to state.

As in other states, Virginia gun control laws prohibit the ownership of sawed-off shotguns and machine guns. They also prohibit the carrying of certain weapons designed to accommodate silencers. Virginia's gun control laws also restrict who is permitted to own guns. For example, individuals convicted of a felony or who are subject to a protective order (restraining order), may not own or purchase guns. In addition, in order to purchase a rifle or shotgun from a licensed gun dealer, an individual must be at least 18 years of age -- and at least 21 years of age to purchase a handgun. Note that state police have one day in which to conduct a criminal record check on a prospective gun buyer.

The main provisions of Virginia's gun [control](#) laws are listed in the following table, with links to related articles.

Code Section	<a href="#">18.2-279</a> , et seq.
Illegal Arms	Sawed-off shotgun/rifle; machine gun
Waiting Period	State Police have until end of next business day after inquiry for possible criminal record by telephone
Who May Not Own	1. Convicted felons or those subject to protective order; 2. Minors: handguns; 3. Aliens; 4. Legally incompetent, mentally incapacitated, involuntary committed, insanity-acquitted
Law Prohibiting Firearms On or Near School Grounds	Felony. <a href="#">18.2-308.1</a>

*Note: State laws are always subject to change through the passage of new legislation, rulings in the higher courts (including federal decisions), ballot initiatives, and other means. While we strive to provide the most current information available, please consult a [Virginia criminal defense attorney](#) or conduct your own legal research to verify the state law(s) you are researching.*



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### **More Information**

For additional information relating to Virginia's gun control laws, feel free to take a look at the links to related resources listed below. You can also read more about gun control laws, in general, by reading FindLaw's article, [Details on State Gun Control Laws](#). Finally, if you have more specific questions, need more individualized assistance, or need legal representation for a gun-related crime, you may want to contact a Virginia [criminal defense attorney](#).

### **Research the Law**

- [Virginia Law](#)
- [Official State Codes](#) - Links to the official online statutes (laws) in all 50 states and DC.

### **Virginia Gun Control Laws: Related Resources**

- [Gun Laws](#)
- [Find a Criminal Law Attorney](#)