

**BOARD OF SUPERVISORS  
BUSSINESS MEETING  
ACTION ITEM**

**SUBJECT:** Amendments to Chapter 684 of the Codified Ordinances of Loudoun County - Weapons and Explosives

**ELECTION DISTRICT:** Countywide

**CRITICAL ACTION DATE:** At the pleasure of the Board

**STAFF CONTACTS:** Ernest Brown, General Services  
Milissa Spring, County Attorney's Office

**PURPOSE:** To consider proposed amendments to Chapter 684 of the Codified Ordinances of Loudoun County, Weapons and Explosives, by adding a new section 684.04 Possession of Firearms on County Property, and a definition for "ammunition" to section 684.001.

**RECOMMENDATION:** Staff recommends that the Board of Supervisors (Board) approve amendments to Chapter 684 that prohibit possession of firearms or ammunition in buildings, recreation/community centers, and parks owned or used by the County as provided as Attachment 1 to the March 2, 2021 Board Business Meeting Action Item.

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**BACKGROUND:** § [15.2-915 E](#) of the Code of Virginia authorizes any locality to prohibit the possession, carrying or transportation of firearms, ammunition, or components or any combination thereof in (i) any building, or part thereof, owned or used by the locality (ii) any public park owned or operated by the locality, (iii) any recreation or community center facility operated by the locality, or (iv) any public street, road, alley, sidewalk or public right-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit. In buildings that are not owned by a locality, any such ordinance shall apply only to the part of the building that is being used for a governmental purpose and when such building, or part thereof, is being used for a governmental purpose.

During the February 10, 2021 Public Hearing, the Board voted (7-2: Supervisors Buffington and Kershner opposed) to forward amendments to Chapter 684 of the Codified Ordinances - Weapons and Explosives, to the March 2, 2021, Board Business Meeting for action. This action was preceded by a vote during the Board's September 1, 2020<sup>1</sup> Business Meeting (6-2-1: Supervisors Buffington and Kershner opposed; Supervisor Letourneau abstained) to direct staff to prepare a

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<sup>1</sup> September 1, 2020, Board of Supervisors Business Meeting [Item 5, Response to BMI-Impacts of Firearms Legislation](#); [Supplemental Item 5, Response to BMI-Impacts of Firearms Legislation](#)

draft ordinance to implement the authority given the Board by the 2020 amendments to § 15.2-915. The draft ordinance is provided as Attachment 1 to this Item and described below.

As drafted, proposed section 684.04(a) prohibits the possession of firearms or ammunition in buildings owned or used by the County, those parts of buildings used by the County for public purposes even if not owned by the County, public parks owned or operated by the County, and in recreation or community centers operated by the County. Proposed section 684.04(b) provides that the County may implement security measures to prevent unauthorized access to such buildings/facilities by those in possession of firearms. Depending on the Board's direction with regard to ordinance implementation, security measures could include screening by x-ray and/or magnetometer by a law enforcement officer or contracted security professional. Considerations regarding ordinance implementation are addressed in the Issues section below. Section 684.04(c) requires that notice of the prohibitions set forth in the ordinance be posted at the entrances to all affected buildings/facilities. Section 684.04(d) of the draft ordinance includes language that specifically exempts certain individuals, thus permitting the following to possess a firearm or ammunition in a County building/facility or park: sworn law enforcement officers; private security personnel employed by the County; private security guards at permitted special events; active duty military personnel acting within the scope of their official duties; and retired law enforcement officers who are authorized to carry a concealed weapon under federal law, as well as those engaged in activities associated with Reserve Officer Training Corps, or intercollegiate athletics or where the sport engaged in by such program or team involves the use of a firearm, or where a firearm is used in educational programs or events which are conducted or permitted by the County. Any individual would be entitled to store lawfully possessed firearms and ammunition in a locked private vehicle lawfully parked on County property.

In addition to the provisions described above, the amendment to section .001 of Chapter 684 adds a definition, 684.001(j) for the word "ammunition" as that term is currently undefined in the chapter and will now be used in new section 684.04 Possession of Firearms on County Property. The definition provided in the draft ordinance states that ammunition "means a cartridge, pellet, ball, missile or projectile adapted for use in a firearm."

**ISSUES:** The exemptions proposed in section 684.04(d) of the draft ordinance are consistent with those contained in similar proposed or adopted ordinances in other Northern Virginia jurisdictions. The Board could choose to add additional exemptions to the applicability of the prohibition against possession of weapons in County buildings/facilities and parks, such as for individuals who have a valid permit to carry a concealed handgun or other scenarios the Board deems appropriate.

At the February 10, 2021 Public Hearing, a Supplemental Item was presented with a revised proposed ordinance provided as Attachment 2. This revised draft ordinance includes the following additional exemption as paragraph (e):

**“(e) In public parks owned or operated by the County, or by any authority or local governmental entity created or controlled by the County, individuals who possess a valid concealed handgun permit may conceal carry firearms pursuant to such permit, but in no case may they carry a semi-automatic center-fire rifle or pistol that expels single or multiple projectiles by action of an explosion of a combustible material 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 a shotgun with a magazine that will hold more than seven rounds of the longest ammunition for which it is chambered.”**

As part of the Board’s discussion regarding the above language, staff was requested to provide additional information for consideration regarding concealed handgun permits, specifically reciprocity offered by the Commonwealth of Virginia, the application process and requirements to be met in order to receive a permit, and potential workload impacts of incorporating an exemption allowing individuals who have a valid permit to carry a concealed handgun to legally possess a weapon under the permit in County parks. This information is provided in Attachment 3.

With respect to the Board’s question about the ability of the staff of the Clerk of the Circuit Court to accommodate a potential uptick in concealed handgun permit applications, staff consulted with Mr. Clemens, who indicated that he was unable to estimate how much of an increase in permit applications might result from the adoption of the revised draft ordinance. Staff has been told that the Sheriff’s Office, which conducts the background checks for concealed handgun permit applications, processed 2,043 such applications in the last quarter of 2020, and 2,760 applications in the 3<sup>rd</sup> quarter of 2020. The Sheriff’s Office has one employee in its Records Section who is dedicated to performing these background checks, which consists of searching records in NCIC and VCIN, as well as local law enforcement and DMV.

An additional motion was presented at the Public Hearing and forwarded to the March 2 Business meeting regarding potential security enhancements related to enforcement.

If the ordinance is adopted without direction for funding security enhancements, staff will plan to bring an item to the Finance/Government Operations and Economic Development Committee (FGOEDC) to discuss potential security enhancements related to enforcement. This item will include recommendations for additional security screening at certain County facilities. In general, the Department of General Services (DGS) will be responsible for ensuring proper signage is posted at all applicable County facilities, parks and properties and will also be responsible for coordinating and managing screening stations at specified buildings. The wording and appearance of the signage will be created in collaboration with County Administration, County Attorney’s Office, Public Affairs and Communication (PAC), the Commonwealth’s Attorney’s Office, Loudoun County Sheriff’s Office, and DGS.

Should the Board adopt this ordinance, public and employee education will be important prior to implementation. PAC will issue notice through their channels to the public and employees. The County's Safety and Security Program Manager, along with staff from the Department of Human Resources, will develop educational programs to inform employees about the new ordinance.

**FISCAL IMPACT:** If the Board adopts an ordinance prohibiting the possession of firearms at the locations listed therein, at a minimum there would be fiscal impacts associated with the creation of signs containing the required notices, staff training on proper procedural protocol and public outreach. This is anticipated to be less than \$15,000 and can be absorbed within DGS' existing FY 2021 budget.

Should the Board desire to place additional screening stations at high volume service centers such as the Government Center, Shenandoah Building and the Sterling Service Center at Ridgetop Circle, these three facilities would incur annual costs of approximately \$550,000 per year. The cost for screening at each facility is estimated to be approximately \$183,000 per year. This cost includes equipment rental and contractual staffing for each location. Additionally, one-time costs for modification are estimated at approximately \$50,000 per facility. For FY 2021, sufficient expenditure savings exist within the General Fund that can be reallocated for the costs of the one-time modifications and operations for the remainder of the fiscal year, estimated at \$350,000. For FY 2022, the Proposed Budget contains funding in DGS for the ongoing annual operational costs of \$550,000 for this purpose. A motion is provided should the Board desire to implement screening during the current fiscal year at the three facilities noted herein.

As noted above, if the Board adopts the proposed ordinance and does not move to approve and fund additional screening, staff will bring an item to the FGOEDC regarding enforcement options. Funding has been planned in the FY 2022 Proposed Budget for security screening enhancements related to this potential ordinance adoption. Should the Board determine either not to adopt the ordinance or to adopt the ordinance but determine not to adopt enhanced security measures, this funding would be available for other purposes as part of the FY 2022 Budget Work Session process in March 2021.

**ALTERNATIVES:**

1. The Board may approve, reject, or modify the original draft ordinance provided as Attachment 1 to the March 2, 2021 Board of Supervisors Business Meeting Action Item: or,
2. The Board may approve, reject, or modify the revised draft ordinance provided as Attachment 2 to the March 2, 2021 Board of Supervisors Business Meeting Action Item.
3. Should the Board approve either ordinance, or approve either ordinance with modifications, the Board may also authorize staff to expend FY 2021 available funds to begin screening operations this year, or alternatively, staff will develop an item for the FGOEDC specific to enforcement and implementation options for the committee's consideration at a later date.

**DRAFT MOTIONS:**

1. I move that the Board of Supervisors approve the amendments to Chapter 684 of the Codified Ordinances - Weapons and Explosives, as provided in Attachment 1 of the March 2, 2021, Board of Supervisors Business Meeting Action Item.

I further move that the Board of Supervisors direct staff to implement security screening stations at the Government Center, Shenandoah Building and the Sterling Service Center at Ridgetop Circle and authorize staff to utilize existing FY 2021 General Fund appropriation authority for this purpose.

OR

2. I move that the Board of Supervisors approve the amendments to Chapter 684 of the Codified Ordinances - Weapons and Explosives, as provided in Attachment 2 of the March 2, 2021, Board of Supervisors Business Meeting Action Item.

I further move that the Board of Supervisors direct staff to implement security screening stations at the Government Center, Shenandoah Building and the Sterling Service Center at Ridgetop Circle and authorize staff to utilize existing FY 2021 General Fund appropriation authority for this purpose.

OR

3. I move an alternate motion.

**ATTACHMENTS:**

1. Draft ordinance amending Chapter 684 of the Codified Ordinances of Loudoun County, Weapons and Explosives, by creating proposed section 684.04 Possession of Firearms on County Property, and adding additional language to section 684.001, Definitions.
2. Draft ordinance amending Chapter 684 of the Codified Ordinances of Loudoun County, Weapons and Explosives, by creating proposed section 684.04 Possession of Firearms on County Property including exemption for lawful concealed carry in County Parks, and adding additional language to section 684.001, Definitions.
3. Additional information regarding Commonwealth of Virginia Conceal Carry permit reciprocity, application process and requirements and potential workload impacts.

#### 684.04 POSSESSION OF FIREARMS ON COUNTY PROPERTY

(a) The possession, carrying, or transportation of any firearms, ammunition, or components or combination thereof is prohibited in:

(1) Any building, or part thereof, owned or used by the County, or by any authority or local governmental entity created or controlled by the County, for governmental purposes;

(2) Any public park owned or operated by the County, or by any authority or local governmental entity created or controlled by the County;

(3) Any recreation or community center operated by the County, or by any authority or local governmental entity created or controlled by the County; and

(4) Those parts of any building, not owned by the County or by any authority or local governmental entity created or controlled by the locality, being used for a governmental purpose; this ordinance shall apply only to that part of such building actually being used for a governmental purpose.

(b) Pursuant to this section, the County may implement security measures that are designed to reasonably prevent the unauthorized access of such buildings, parks, recreation or community centers by a person with any firearms, ammunition, or components or combination thereof, such as the use of metal detectors and increased use of security personnel.

(c) Notice of the prohibitions contained in this section shall be posted: (i) at all entrances of any building, or part thereof, owned or used by the County, or by any authority or local governmental entity created or controlled by the County, for governmental purposes; (ii) at all entrances of any public park owned or operated by the locality, or by any authority or local governmental entity created or controlled by the County; and (iii) at all entrances of any recreation or community center facilities operated by the County, or by any authority or local governmental entity created or controlled by the County.

(d) The prohibitions listed in this section shall not apply to:

(1) Sworn law enforcement personnel;

(2) Private security personnel employed or contracted by the County, or an authority or other governmental entity created or controlled by the County, when such personnel are working in or at any location listed in subparagraph (a) above, and who are authorized to carry firearms as part of their duties;

(3) Security personnel at permitted special events engaged by private entities conducting the special event and approved by the County through the special event permit application process;

(4) Active duty military personnel acting within the scope of their official duties;

(5) Activities of (i) a Senior Reserve Officers' Training Corps program operated at a public or private institution of higher education in accordance with the provisions of 10 U.S.C. § 2101 et seq. or (ii) any intercollegiate athletics program operated by a public or private institution of higher education and governed by the National Collegiate Athletic Association or any club sports team

recognized by a public or private institution of higher education where the sport engaged in by such program or team involves the use of a firearm. Such activities shall follow strict guidelines developed by such institutions for these activities and shall be conducted under the supervision of staff officials of such institutions;

(6) Educational programs and events, including historical reenactments, which are conducted or permitted by the County or any authority or local governmental entity created or controlled by the County, when such educational programs or events involve the use or display of firearms that are incapable of discharging a projectile;

(7) Individuals participating in managed deer hunts and other wildlife management events conducted by the County, or by any authority or local governmental entity created or controlled by the County, the Commonwealth of Virginia or the United States government;

(8) Individuals who are authorized to carry a concealed weapon pursuant to the Law Enforcement Officers Safety Act, 18 U.S.C. §§ 926B and 926C, as amended; or

(9) An otherwise lawfully possessed firearm, ammunition, components or combination thereof that is stored out of sight in a locked private vehicle lawfully parked on County property.

684.001 DEFINITIONS.

As used in this chapter, unless the context clearly requires a different meaning:

- (a) "Sheriff" means the Sheriff of the County or his or her designee.
- (b) "Firearm" means any weapon which will, is designed to or may be readily converted to expel a projectile by the action of an explosive, provided that stud nailing guns, rivet guns and similar construction equipment, neither designed or intended as weapons, shall not be deemed firearms.
- (c) "Gun" means and includes any rifle, shotgun, pistol or other firearm, and also includes any air gun, air rifle, pneumatic gun or other similar device designed and intended to expel a projectile through a gun barrel of any length by means of explosive, expansion or release of compressed gas or compressed air.
- (d) "Parcel" means any lot or other contiguous area of land in one ownership or in which all of the owners have joined in a written acknowledgment of the rights of all of them to shoot on all of such land, which constitutes, when combined, an area of not less than twenty acres.
- (e) "Pistol" means a gun having a barrel of less than sixteen inches in length.
- (f) "Recreational shooting" means the discharge of firearms or weapons, except bows and arrows, at fixed or moveable artificial targets.
- (g) "Rifle" means a gun designed, made and intended to be fired from the shoulder and designed and made to use the energy of an explosive or compressed gas or compressed air to expel a single projectile through a rifled barrel for each pull of the trigger.
- (h) "Shotgun" means a weapon designed, made and intended to be fired from the shoulder and designed and made to use the energy of an explosive in a shotgun shell to fire through a smooth bore one or a number of balls shot for each pull of the trigger.
- (i) "Starting pistol" means any device which is designed or functions to simulate the firing of a weapon by means of a primer or other explosive charge, but which cannot be readily converted for use as a firearm.
- (j) **"Ammunition" means a cartridge, pellet, ball, missile or projectile adapted for use in a firearm.**

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(2) Any public park owned or operated by the County, or by any authority or local governmental entity created or controlled by the County;

(3) Any recreation or community center operated by the County, or by any authority or local governmental entity created or controlled by the County; and

(4) Those parts of any building, not owned by the County or by any authority or local governmental entity created or controlled by the locality, being used for a governmental purpose; this ordinance shall apply only to that part of such building actually being used for a governmental purpose.

(b) Pursuant to this section, the County may implement security measures that are designed to reasonably prevent the unauthorized access of such buildings, parks, recreation or community centers by a person with any firearms, ammunition, or components or combination thereof, such as the use of metal detectors and increased use of security personnel.

(c) Notice of the prohibitions contained in this section shall be posted: (i) at all entrances of any building, or part thereof, owned or used by the County, or by any authority or local governmental entity created or controlled by the County, for governmental purposes; (ii) at all entrances of any public park owned or operated by the locality, or by any authority or local governmental entity created or controlled by the County; and (iii) at all entrances of any recreation or community center facilities operated by the County, or by any authority or local governmental entity created or controlled by the County.

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recognized by a public or private institution of higher education where the sport engaged in by such program or team involves the use of a firearm. Such activities shall follow strict guidelines developed by such institutions for these activities and shall be conducted under the supervision of staff officials of such institutions;

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(9) An otherwise lawfully possessed firearm, ammunition, components or combination thereof that is stored out of sight in a locked private vehicle lawfully parked on County property.

**(e) In public parks owned or operated by the County, or by any authority or local governmental entity created or controlled by the County, individuals who possess a valid concealed handgun permit may conceal carry firearms pursuant to such permit, but in no case may they carry a semi-automatic center-fire rifle or pistol that expels single or multiple projectiles by action of an explosion of a combustible material 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 a shotgun with a magazine that will hold more than seven rounds of the longest ammunition for which it is chambered.**

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- (c) “Gun” means and includes any rifle, shotgun, pistol or other firearm, and also includes any air gun, air rifle, pneumatic gun or other similar device designed and intended to expel a projectile through a gun barrel of any length by means of explosive, expansion or release of compressed gas or compressed air.
- (d) “Parcel” means any lot or other contiguous area of land in one ownership or in which all of the owners have joined in a written acknowledgment of the rights of all of them to shoot on all of such land, which constitutes, when combined, an area of not less than twenty acres.
- (e) “Pistol” means a gun having a barrel of less than sixteen inches in length.
- (f) “Recreational shooting” means the discharge of firearms or weapons, except bows and arrows, at fixed or moveable artificial targets.
- (g) “Rifle” means a gun designed, made and intended to be fired from the shoulder and designed and made to use the energy of an explosive or compressed gas or compressed air to expel a single projectile through a rifled barrel for each pull of the trigger.
- (h) “Shotgun” means a weapon designed, made and intended to be fired from the shoulder and designed and made to use the energy of an explosive in a shotgun shell to fire through a smooth bore one or a number of balls shot for each pull of the trigger.
- (i) “Starting pistol” means any device which is designed or functions to simulate the firing of a weapon by means of a primer or other explosive charge, but which cannot be readily converted for use as a firearm.
- (j) **“Ammunition” means a cartridge, pellet, ball, missile or projectile adapted for use in a firearm.**

## Issue #1, Reciprocity:

Under § 18.2-308.014 of the Code of Virginia, 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.

## Issue #2, the process to obtain a concealed handgun permit (see application attached):

First time applicants or those renewing expiring permits (permits are valid for 5 years under state law) must mail or file their application with the Clerk of the Circuit Court and provide a copy of a government-issued photo ID along with the required documents and fee.

Virginia Code § 18.2-308.02 requires that the applicant provide proof that he or she has demonstrated competence with a handgun *in person* [as of January 1, 2021] and may demonstrate such competence by one of the following:

1. Completing any hunter education or hunter safety course approved by the Department of Wildlife Resources or a similar agency of another state;
2. Completing any National Rifle Association firearms safety or training course;
3. Completing any firearms safety or training course or class available to the general public offered by a law-enforcement agency, institution of higher education, or private or public institution or organization or firearms training school utilizing instructors certified by the National Rifle Association or the Department of Criminal Justice Services;
4. Completing any law-enforcement firearms safety or training course or class offered for security guards, investigators, special deputies, or any division or subdivision of law enforcement or security enforcement;
5. Presenting evidence of equivalent experience with a firearm through participation in organized shooting competition or current military service or proof of an honorable discharge from any branch of the armed services;
6. Obtaining or previously having held a license to carry a firearm in the Commonwealth or a locality thereof, unless such license has been revoked for cause;

7. Completing any in-person firearms training or safety course or class conducted by a state-certified or National Rifle Association-certified firearms instructor;
8. Completing any governmental police agency firearms training course and qualifying to carry a firearm in the course of normal police duties; or
9. Completing any other firearms training that the court deems adequate.

A photocopy of a certificate of completion of any of the courses or classes; an affidavit from the instructor, school, club, organization, or group that conducted or taught such course or class attesting to the completion of the course or class by the applicant; or a copy of any document that shows completion of the course or class or evidences participation in firearms competition shall constitute evidence of qualification under this subsection. Proof of demonstrated competence does not expire.

Under Virginia Code § 18.2-308.06, non-residents of Virginia 21 years of age or older may obtain a permit to carry a concealed handgun by applying to the Virginia Department of State Police. Applicants must provide photo identification and submit to fingerprinting by his/her local or state law enforcement agency as part of a criminal history record check to be performed by the FBI. The applicant must demonstrate competence with a handgun, in person, in the same manner as a Virginia resident (see #1-9 above).

### **#3 Disqualifications for a concealed handgun permit**

<http://law.lis.virginia.gov/vacode/title18.2/chapter7/section18.2-308.09/>

§ 18.2-308.09. Disqualifications for a concealed handgun permit.

The following persons shall be deemed disqualified from obtaining a permit:

1. (Effective until July 1, 2021) An individual who is ineligible to possess a firearm pursuant to § [18.2-308.1:1](#) [person acquitted by reason of insanity], [18.2-308.1:2](#) [person adjudicated legally incompetent of mentally incapacitated], [18.2-308.1:3](#) [person involuntarily admitted or ordered to outpatient treatment], or [18.2-308.1:6](#) [person subject to substantial risk order], or the substantially similar law of any other state or of the United States.

1. (Effective July 1, 2021) An individual who is ineligible to possess a firearm pursuant to § [18.2-308.1:1](#), [18.2-308.1:2](#), [18.2-308.1:3](#), [18.2-308.1:6](#), or [18.2-308.1:7](#) [persons enrolled in the Voluntary Do Not Sell Firearms List] or the substantially similar law of any other state or of the United States.

2. An individual who was ineligible to possess a firearm pursuant to § [18.2-308.1:1](#) and who was discharged from the custody of the Commissioner pursuant to § [19.2-182.7](#) less than five years before the date of his application for a concealed handgun permit.

3. An individual who was ineligible to possess a firearm pursuant to § [18.2-308.1:2](#) and whose competency or capacity was restored pursuant to § [64.2-2012](#) less than five years before the date of his application for a concealed handgun permit.
4. An individual who was ineligible to possess a firearm under § [18.2-308.1:3](#) and who was released from commitment less than five years before the date of this application for a concealed handgun permit.
5. An individual who is subject to a restraining order, or to a protective order and prohibited by § [18.2-308.1:4](#) from purchasing, possessing, or transporting a firearm.
6. (Effective January 1, 2021) An individual who is prohibited by § [18.2-308.2](#) from possessing or transporting a firearm, except that a restoration order may be obtained in accordance with subsection C of that section.
7. An individual who has been convicted of two or more misdemeanors within the five-year period immediately preceding the application, if one of the misdemeanors was a Class 1 misdemeanor, but the judge shall have the discretion to deny a permit for two or more misdemeanors that are not Class 1. Traffic infractions and misdemeanors set forth in Title 46.2 shall not be considered for purposes of this disqualification.
8. An individual who is addicted to, or is an unlawful user or distributor of, marijuana, synthetic cannabinoids, or any controlled substance.
9. An individual who has been convicted of a violation of § [18.2-266](#) or a substantially similar local ordinance, or of public drunkenness, or of a substantially similar offense under the laws of any other state, the District of Columbia, the United States, or its territories within the three-year period immediately preceding the application.
10. An alien other than an alien lawfully admitted for permanent residence in the United States.
11. An individual who has been discharged from the armed forces of the United States under dishonorable conditions.
12. An individual who is a fugitive from justice.
13. An individual who the court finds, by a preponderance of the evidence, based on specific acts by the applicant, is likely to use a weapon unlawfully or negligently to endanger others. The sheriff, chief of police, or attorney for the Commonwealth may submit to the court a sworn, written statement indicating that, in the opinion of such sheriff, chief of police, or attorney for the Commonwealth, based upon a disqualifying conviction or upon the specific acts set forth in the statement, the applicant is likely to use a weapon unlawfully or negligently to endanger others. The statement of the sheriff, chief of police, or the attorney for the Commonwealth shall be based upon personal knowledge of such individual or of a deputy sheriff, police officer, or assistant attorney for the Commonwealth of the specific acts, or upon a written statement made under oath before a notary public of a competent person having personal knowledge of the specific acts.

14. An individual who has been convicted of any assault, assault and battery, sexual battery, discharging of a firearm in violation of § [18.2-280](#) or [18.2-286.1](#) or brandishing of a firearm in violation of § [18.2-282](#) within the three-year period immediately preceding the application.
15. An individual who has been convicted of stalking.
16. An individual whose previous convictions or adjudications of delinquency were based on an offense that would have been at the time of conviction a felony if committed by an adult under the laws of any state, the District of Columbia, the United States or its territories. For purposes of this disqualifier, only convictions occurring within 16 years following the later of the date of (i) the conviction or adjudication or (ii) release from any incarceration imposed upon such conviction or adjudication shall be deemed to be "previous convictions." Disqualification under this subdivision shall not apply to an individual with previous adjudications of delinquency who has completed a term of service of no less than two years in the Armed Forces of the United States and, if such person has been discharged from the Armed Forces of the United States, received an honorable discharge.
17. An individual who has a felony charge pending or a charge pending for an offense listed in subdivision 14 or 15.
18. An individual who has received mental health treatment or substance abuse treatment in a residential setting within five years prior to the date of his application for a concealed handgun permit.
19. An individual not otherwise ineligible pursuant to this article, who, within the three-year period immediately preceding the application for the permit, was found guilty of any criminal offense set forth in Article 1 (§ [18.2-247](#) et seq.) or former § [18.2-248.1:1](#) or of a criminal offense of illegal possession or distribution of marijuana, synthetic cannabinoids, or any controlled substance, under the laws of any state, the District of Columbia, or the United States or its territories.
20. An individual, not otherwise ineligible pursuant to this article, with respect to whom, within the three-year period immediately preceding the application, upon a charge of any criminal offense set forth in Article 1 (§ [18.2-247](#) et seq.) or former § [18.2-248.1:1](#) or upon a charge of illegal possession or distribution of marijuana, synthetic cannabinoids, or any controlled substance under the laws of any state, the District of Columbia, or the United States or its territories, the trial court found that the facts of the case were sufficient for a finding of guilt and disposed of the case pursuant to § [18.2-251](#) or the substantially similar law of any other state, the District of Columbia, or the United States or its territories.

## #4 Workload Impact

With respect to the Board's question about the ability of the staff of the Clerk of the Circuit Court to accommodate a potential uptick in concealed handgun permit applications, staff consulted with Mr. Clemens, who indicated that he was unable to estimate how much of an increase in permit applications might result from the adoption of the revised draft ordinance. The civil division is responsible for accepting and processing the applications submitted to the Clerk's Office. Following review of the application by a judge, one deputy clerk is responsible for processing the court orders and issuing the permits. The Records Section of the Sheriff's Office conducts the background checks for concealed handgun permit applications. Collectively the offices of the Clerk and the Sheriff processed 2,043 such applications in the last quarter of 2020, and 2,760 applications in the 3rd quarter of 2020. This was a significant increase over the typical number of applications, which may be attributable to a January 1, 2021 change in state law that now requires that proof of demonstrated competence with a handgun must be done in person; taking a course online is no longer sufficient to obtain a permit.

The Sheriff's Office has one employee in its Records Section who is dedicated to performing the required background checks, which consists of searching records in NCIC/VCIN, local law enforcement and DMV. Should the Board adopt the revised ordinance to allow concealed handgun permit holders to possess a weapon in a County park, any increase in the number of applications would likely be short-lived and affected agencies would absorb the increased volume with current staffing.