

**THE VIRGINIA DEPARTMENT OF
STATE POLICE DEVELOPED AND
ADMINISTERS THE VIRGINIA
FIREARMS TRANSACTION PROGRAM
(VFTP)**

This program became operational on November 1, 1989, and provides for a timely, point-of-sale, approval or disapproval decision regarding the sale or transfer of firearms based upon the results of a criminal history record information (CHRI) check concerning the prospective purchaser. This program was the first of its type in the nation. Virginia was able to implement this program because the Central Criminal Records Exchange maintained by the Virginia State Police is one of the most complete record repositories in the nation and provides the database for the VFTP. The VFTP authorizes properly licensed and registered firearms dealers to request CHRI checks on prospective purchasers by contacting the Department of State Police via a toll free number, between the hours of 8AM and 10 PM, 7 days a week, including all holidays except Christmas. The purchaser's name and certain personal descriptive data are entered into a computer system while the dealer remains on the telephone. On the average it takes two minutes to provide a firearms dealer with an approval or initial disapproval decision.

**THE VIRGINIA STATE POLICE FIREARMS
TRANSACTION CENTER IS THE POINT OF
CONTACT (POC) FOR THE FBI'S NATIONAL
INSTANT CRIMINAL BACKGROUND
CHECK SYSTEM (NICS).**

**VIRGINIA'S APPROACH TO FIREARMS
RECORDS CHECKS DOES NOT INFRINGE
ON AN INDIVIDUAL'S ABILITY TO
PURCHASE OR POSSESS A FIREARM,
WHILE THOSE INDIVIDUALS WHO ARE
PROHIBITED BY STATE OR FEDERAL LAW
ARE DENIED LEGAL ACCESS TO
FIREARMS.**

**DEALERS ARE REQUIRED BY VIRGINIA
LAW TO COLLECT A FEE** of \$2.00 from Virginia residents for every transaction that requires a CHRI check and a fee of \$5.00 from non-Virginia residents. These fees are sent to the State Police to offset the cost of conducting the record checks.

**A VIRGINIA FIREARMS TRANSACTION
RECORD FORM** must be completed by the prospective purchaser, which attests that they are eligible to purchase or possess a firearm and, by signature, provides written consent for the firearm dealer to contact the State Police to initiate a criminal history record information check.

**IT IS UNLAWFUL UNDER VIRGINIA LAW
FOR ANY PERSON TO WILLFULLY AND
INTENTIONALLY MAKE A FALSE
STATEMENT ON THE REQUIRED STATE
AND FEDERAL CONSENT FORMS
COMPLETED AT THE TIME OF THE
TRANSACTION.**

IDENTIFICATION & RESIDENCY must be established by a primary and secondary form of identification presented to the firearm dealer at the time of purchase.

The **primary** form of ID must consist of a valid photo-identification issued by a governmental agency of the Commonwealth or of the prospective purchaser's home state that establishes the prospective purchaser's identity and residency.

Where the primary form is issued by the Department of Motor Vehicles (DMV), a firearm may not be transferred until 30-days after the date of issue of an original license. In instances of a duplicate driver's license, the prospective purchaser must also present a copy of his or her Virginia DMV driver's transcript showing that the original date of issue of the duplicate license was more than 30-days prior to the attempted purchase. All operator licenses contain an issuance date and an identifier of N (new license) R (reissue) D (duplicate) or P (previously issued) displayed after the issuance date.

The **secondary** form of identification must show an address identical to that shown on the primary form of identification. Some acceptable secondary forms of identification are:

- ↪ a current lease
- ↪ evidence of currently paid personal property tax or real estate tax
- ↪ a current utility or telephone bill
- ↪ a current voter registration card
- ↪ a current bank check
- ↪ a current automobile registration
- ↪ a current hunting or fishing license

**VIRGINIA HANDGUN PURCHASE
RESTRICTIONS**

Section 18.2-308.2:2, Code of Virginia, prohibits the purchase of more than one handgun in any 30-day period, with the following exceptions:

- ↪ Licensed firearm dealers.
- ↪ A law enforcement agency.
- ↪ A law enforcement officer.
- ↪ An agency duly authorized to perform law-enforcement duties.
- ↪ State and local correctional facilities.
- ↪ A private security company licensed to do business within the Commonwealth.
- ↪ The purchase of antique firearms.
- ↪ The exchange or replacement of a handgun by a seller for a handgun purchased from such seller by the same person seeking the exchange or replacement within a 30-day period of its original purchase.
- ↪ The replacement of a single lost or stolen handgun.
- ↪ The trade of a handgun for a handgun.
- ↪ A valid Virginia permit to carry a concealed handgun.
- ↪ The private purchase of a handgun. A private sale means a purchase from a person who makes occasional sales, exchanges or purchases of firearms for the enhancement of a personal collection of curios or relics, or who sells all or part of such collection of curios and relics.



**PROOF OF CITIZENSHIP
OR LAWFUL ADMISSION
FOR PERMANENT U.S.
RESIDENCE MUST BE**

**ESTABLISHED TO PURCHASE AN ASSAULT
FIREARM** by one of the following types of ID presented to the dealer at the time of purchase:

- ↪ A certified birth certificate or certificate of birth abroad issued by the US State Department.
- ↪ A certificate of citizenship or a certificate of naturalization issued by the Immigration and Naturalization service.
- ↪ An unexpired US Passport.
- ↪ A US Citizen identification card.
- ↪ A current voter registration card.
- ↪ A current selective service registration card.
- ↪ An immigrant or registration card issued by the Immigration and Naturalization Service.

**"ASSAULT FIREARM"
MEANS ANY SEMI-
AUTOMATIC CENTER-FIRE
RIFLE OR PISTOL WHICH
EXPELS A PROJECTILE BY
ACTION OF AN EXPLOSION
AND IS EQUIPPED AT THE
TIME OF THE OFFENSE
WITH A MAGAZINE WHICH
WILL HOLD MORE THAN
TWENTY ROUNDS OF
AMMUNITION OR
DESIGNED BY THE
MANUFACTURER TO
ACCOMMODATE A
SILENCER OR EQUIPPED
WITH A FOLDING STOCK.**

Are you lawfully eligible to purchase a firearm?



A person who answers "yes" to any of the questions below may be prohibited from purchasing or possessing a firearm pursuant to state and/or federal law.

- ☞ Are you under indictment for a felony offense?
- ☞ Have you ever been convicted, as an adult, in any court of a felony offense?
- ☞ If you are 28 years old or younger, have you ever been adjudicated delinquent as a juvenile 14 years of age or older at the time of offense of a delinquent act, which would be a felony if committed by an adult?
- ☞ Were you adjudicated delinquent on or after July 1, 2005, as a juvenile 14 years of age or older at the time of the offense of murder, kidnapping, robbery, or rape?
- ☞ Have you ever been convicted in any court of a misdemeanor crime punishable by more than 2 years even if the maximum punishment was not received?
- ☞ Is there an outstanding protective or restraining order against you from any court?
- ☞ Is there an outstanding felony or misdemeanor warrant of arrest pending against you from any jurisdiction?
- ☞ Have you been convicted of the use or possession of a controlled substance within the past year or have you been found through a drug test to use a controlled substance unlawfully within the past year?
- ☞ Have you ever been adjudicated legally incompetent, mentally incapacitated, or been involuntarily committed to a mental institution?
- ☞ Have you been discharged from the Armed Forces under dishonorable discharge?
- ☞ Are you an alien illegally in the United States?
- ☞ Are you a nonimmigrant alien?
- ☞ Are you a person who, having been a citizen of the United States, has renounced your citizenship?
- ☞ Have you ever been convicted for the misdemeanor crime of domestic violence?
- ☞ Have you purchased a handgun from any source within the last 30-days? (Handgun Purchases Only)
- ☞ Are you a person who, within a 36 consecutive month period, has been convicted, under Virginia law, of 2 misdemeanor offenses for Possession of Controlled Substance or Possession of Marijuana? (Handgun Purchases Only)

IT IS UNLAWFUL FOR:

- ☞ Any person to purchase more than one handgun within a 30-day period without a Multiple Handgun Purchase Certificate issued by the State Police, or other authorized exceptions.
- ☞ Any person to import, sell, possess, or transfer a Striker 12 or any semi-automatic folding stock shotgun or like kind with a spring tension drum magazine capable of holding 12 shotgun shells.
- ☞ Any person who purchases a firearm to provide such firearm to any person who is ineligible to purchase or otherwise receive from a dealer a firearm for whatever reason or to transport such firearm out of the Commonwealth to be resold or otherwise provided to an ineligible person.
- ☞ Any ineligible person to solicit, employ, or assist any person in the purchase of a firearm for illegal purposes.

THE VIRGINIA STATE POLICE PURSUE ILLEGAL ACTIVITY RELATED TO THE SALE OR ATTEMPT TO PURCHASE FIREARMS.

In any instance of a denied firearm transaction, the individual completing the consent form may have:

- ☞ Attempted to purchase or possess a firearm in violation of Code § 18.2-308.2:2 (materially make a false statement on consent form) punishable as a Class 5 felony.
- ☞ Attempted to possess a firearm in violation of Code § 18.2-26 (attempt to commit non-capital felony) punishable as a Class 6 felony.
- ☞ Illegally purchased a firearm in violation of Code § 18.2-308.2 (convicted felon in possession of a firearm), punishable as a Class 6 felony.
- ☞ Illegally purchased a firearm in violation of Code § 18.2-308.1:5 (purchase or transportation of a firearm by persons convicted of certain drug offenses), punishable as a Class 1 misdemeanor.
- ☞ Attempted to purchase a firearm in violation of Code § 18.2-308.1:4 (purchase of firearm by person subject to a protective or restraining order), punishable as a Class 1 misdemeanor.

IF YOU ARE DENIED THE PURCHASE OR PAWN REDEMPTION OF A FIREARM and do not believe that you are prohibited by state or federal law from purchasing or possessing a firearm, you may:

- ☞ Contact the FTC at (804) 674-2292 to discuss the ineligible determination and/or to provide additional information deemed pertinent to the final determination of eligibility.
- ☞ Contact the FTC at E-Mail Address donna.tate@vsp.virginia.gov to discuss the ineligible determination and/or to provide additional information deemed pertinent to the final determination of eligibility.
- ☞ Review your criminal history record and request correction of the record if the record is found to be in error, pursuant to § 9.1-132, Code of Virginia, provided that any such action is initiated within 30-days of the denial.
- ☞ Exercise your right to institute a civil action pursuant to § 9.1-135 of the Code of Virginia, provided that any such action is initiated within 30-days of the denial.
- ☞ Elect to direct your challenge to the accuracy of a record, in writing, to: FBI, NICS Operations Center, Criminal Justice Information Services Division, 1000 Custer Hollow Road, Module C-3, Clarksburg, West Virginia 26306-0147 or Email: nicsappeals@leo.gov This process of appeal is authorized by 28 CFR 25.10.

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 ©

Virginia Firearms Transaction Program

