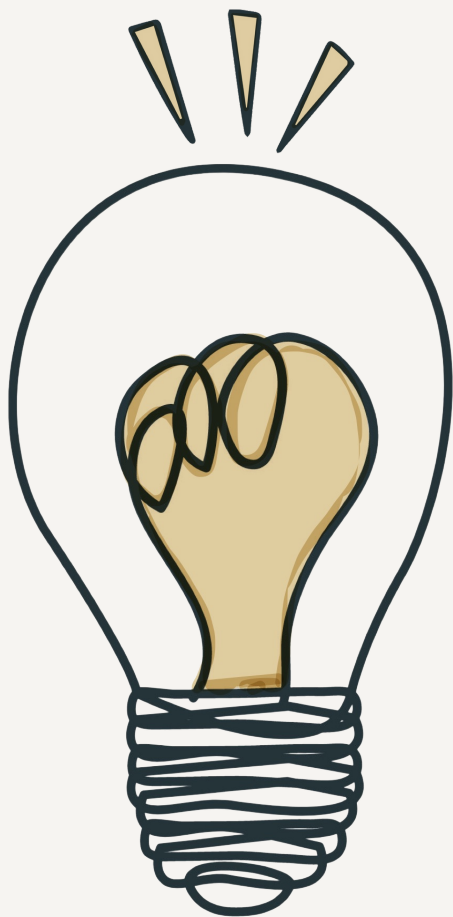


FIREARMS RESTRICTIONS AND PROTECTIVE ORDERS IN VIRGINIA

Supporting Respondent Education



This resource was developed in partnership with the Virginia Domestic Violence & Firearms Workgroup. A project of the Virginia Sexual & Domestic Violence Action Alliance

INTRODUCTION

Recent changes in Virginia code pertaining to firearms, firearm restrictions, surrender of firearms, and new Substantial Risk Orders can **substantially impact the lives and safety of survivors of intimate partner violence**. It is essential that advocates, courts, and local law enforcement agencies are knowledgeable about both the legal remedies as they pertain to firearms and the processes and procedures in their communities for implementation of these new remedies.

This document is intended to serve as a resource for sexual and domestic violence advocates and systems partners to maximize safety and to ensure compliance with Virginia law. **For more information on how to best use this tool and/or for technical assistance and training to support implementation in your community, please contact the Virginia Sexual & Domestic Violence Action Alliance.**

In addition to supporting safety planning and helping to navigate legal options for survivors, advocates can work with local courts, law enforcement, and systems partners to ensure that respondents of final protective orders fully understand the firearms restrictions that may be impacting them and how to comply with those laws most effectively. **Clear, consistent, and accessible respondent education is key to supporting survivor and community safety.**

Some of the questions (regarding respondent education and compliance) that advocates, courts, and law enforcement can be working together to address include:

- **What kind of information will a respondent need to know to safely comply with Virginia law?**
 - Start with some basic information like the deadline to surrender, where to surrender, how to surrender, and the type of proof required if any.
 - Note that Virginia law requires respondents in final protective order cases to relinquish access to their firearms within 24 hours after being served with the order. See Va. Code Ann. § [18.2-308.1:4](#).
- **How can courts, law enforcement, and advocates clearly communicate these requirements with a respondent? What points of contact exist (i.e. service of the order, court hearing, etc.)?**
 - Be sure that language accessibility is considered in any educational materials produced. Avoid using overly technical or legal terminology - use plain and simple language.
- **How will a respondent's firearms be turned over, stored, and returned?**
- **Are there best practices (i.e. compliance hearings, respondent liaisons) that your locality might consider adopting?**

One simple practice that will support respondent education and compliance with the law is the use of a locality-specific info-sheet or educational resource that can be provided during the protective order process and prior to firearms surrender. This is a low-cost, easy practice to implement that can result in a smoother and safer firearm surrender process for everyone.

Consider the resources on the following pages...

Page 3: A Virginia-specific respondent info-sheet that you can adapt for educational use in your local courts, by advocates, and/or by local law enforcement.

Page 4: A best practice firearm surrender notice from the Pulaski Co. Sheriff's Office in Pulaski, VA

Page 5: A best practice respondent info-sheet from Fairfax Co., Virginia.

For more information on how to best use these tools and/or for technical assistance and training to support adaptation and implementation in your community, please contact the Virginia Sexual & Domestic Violence Action Alliance.

HOW DO I TRANSFER MY FIREARMS?

Respondent Education form to accompany FORM DC-649 MASTER 07/20

1) What is a firearm (as defined by Virginia law)?

- Handgun
- Shotgun
- Rifle
- Assault weapon

2) If I have firearms, what am I required to do by Virginia law?

Within 24 hours after being served with a protective order, you must:

- Transfer your firearms to the designated local law enforcement agency;
- Sell or transfer your firearms to a dealer as defined in Va. Code Ann. § 18.2-308.2:2, or
- Sell or transfer your firearms to any person who is legally allowed to possess such firearms.

DO:

- unload your firearm.
- put your firearm in the trunk.
- call ahead to the law enforcement agency.

DO NOT:

- bring a loaded firearm to the law enforcement agency.
- bring ammunition with the firearm when you turn it in.
- put your firearm in a locked glove compartment.
- bring a firearm to court.

3) How do I sell or transfer my firearms?

- Ask the judge or court services staff about the local procedure for transferring firearms to law enforcement. If they do not have this information, call your local law enforcement agency to ask about their procedures for transfer and storage. **DO NOT show up to the local law enforcement agency with your firearms. Call first, ask them how to proceed and what to expect before traveling anywhere with your firearms.**
- If you wish to sell or transfer your firearms to a local, licensed firearms dealer, look under “firearms dealers” in your yellow pages or in an internet search. Make sure they are a licensed dealer as defined in Va. Code Ann. § 18.2-308.2:2 and call to inquire about their transfer process, storage details, and/or selling guidance before showing up.

4) If I transfer my firearms to law enforcement, a licensed dealer, or to a person who can legally possess a firearm, how long will they have to keep them for me?

- Firearms are to be kept out of your possession as long as the order is in effect. **This is required by state and federal law and is punishable as a class 6 felony, 1-5 years imprisonment and/or a fine up to \$2,500, in Virginia.** If you have transferred your firearms to law enforcement or to a licensed dealer, ask about their process for firearms return when the order has expired or is no longer in effect.

SPOTLIGHT: PULASKI COUNTY, VA



Pulaski County Sheriff's Office

Michael W. Worrell – Sheriff

802 East Main Street

Pulaski, VA 24301

Phone: 540-980-7800 Fax: 540-980-7834

<http://www.sheriffsoffice.org>



Surrendering Firearms

If you are a subject of Permanent Protective Order firearms can be surrendered to the Pulaski County Sheriff's Office located at 802 E. Main St. Pulaski, VA. This can be done 7 days a week 24hrs. a day.

If firearms have been surrendered to Pulaski County Sheriff's Office due to being a subject of a Permanent Protective Order and the Permanent Protective Order has expired, you must request in writing to retrieve the firearms.

This can be done by the person who surrendered the firearms by mailing or delivering the request to:

Pulaski County Sheriff's Office
802 E. Main St.
Pulaski, VA 24301
Attention Investigator Phillips

SPOTLIGHT: FAIRFAX COUNTY, VA

Notice to Respondents of a Family Abuse Final Protective Order

- You are receiving this notification because you are the named Respondent in a family abuse final protective order issued pursuant to Va. Code Ann. § 16.1-279.1.
- Virginia law provides that it is a felony for an individual who is the Respondent in a family abuse final protective order to possess firearms during the period of the protective order. (Va. Code Ann. §18.2-308.1:4)
 - “Firearm” means any weapon that will or is designed to or may readily be converted to expel single or multiple projectiles by the action of an explosion of a combustible material; or the frame or receiver of any such weapon. (Va. Code Ann. § 18.2-433.1)
- A violation of this law is a Class 6 felony, and a conviction for this crime may result in a prison sentence and permanent loss of firearms rights.
- Virginia law provides that you may possess a firearm during the first 24 hours following service of the final protective order if the purpose for possessing the firearm is to transfer or sell it to a person who is legally entitled to possess firearms.
- You are required to complete the **Protective Order Firearm Certification** form within 48 hours after being served with a Protective Order pursuant to Virginia Code 18.2-308.1:4. This form requires you to certify that (a) you do not possess any firearms OR (b) that you have surrendered, sold or transferred all firearms that were in your possession.
- The Fairfax County Sheriff’s Office will offer storage options to you at the time they serve your order, or you may contact the Sheriff’s Office directly to coordinate transfer of any firearms to their storage facility. Call 703-246-4249 Monday through Friday, 8 a.m. – 4:30 p.m., and 703-246-4407 all other times.
- Please be aware that there are additional legal requirements and criminal penalties contained in Va. Code Ann. § 18.2-308.1:4 that regulate an individual’s ability to possess, purchase or transport firearms while they are the respondent in any protective order.
- Upon the expiration or withdrawal of a final protective order, the Respondent can be returned their firearms or retrieve them from the Sheriff’s office with a valid form of government-issued identification.
- **If you have questions about compliance with this law, please consult with an attorney.**