

**REPORT OF THE
DEPARTMENT OF STATE POLICE ON**

**CONSENT FORMS RECEIVED BY
THE DEPARTMENT OF STATE
POLICE FOR THE FIREARMS
TRANSACTION PROGRAM**

**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**



SENATE DOCUMENT NO. 28

**COMMONWEALTH OF VIRGINIA
RICHMOND
1995**



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COMMONWEALTH of VIRGINIA

DEPARTMENT OF STATE POLICE

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January 11, 1995

TO: The Honorable George Allen, Governor of Virginia
and Members of the General Assembly

Senate Bill 766, approved by the 1993 General Assembly, requested the Department of State Police to provide a report indicating the number of consent forms received pursuant to § 18.2-308.2:2 of the *Code of Virginia* during the period July 1, 1993, through December 31, 1994; the number of such forms which, because of the number of firearms involved in the transaction, resulted in further investigation by the State Police; and the results of any investigation.

In fulfillment of that request, enclosed is the document titled *Consent Forms Received by the Department of State Police for the Firearms Transaction Program* for your review and consideration.

Sincerely,


Superintendent

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Executive Summary

This report is being submitted per Senate Bill 766 passed by the 1993 Session of the General Assembly. The Bill required, "That the Department of State Police, on or before January 15, 1995, shall submit a report to the General Assembly indicating the number of consent forms received pursuant to § 18.2-308.2:2 of the *Code of Virginia* during the period July 1, 1993, through December 31, 1994; the number of such forms which, because of the number of firearms involved in the transaction, resulted in further investigation by the State Police; and the results of any investigation."

Since the amendment of § 18.2-308.2:2 prohibiting the purchase of more than one handgun within a thirty-day period became effective July 1, 1993, the Department of State Police has received a total of 356,306 consent forms. As stated in the *Code*, purchases in excess of one handgun within a thirty-day period may be made upon the completion of an enhanced background check by special application to the Department of State Police. Upon satisfactory completion of the enhanced background check, a certificate shall be issued authorizing the purchase of multiple handguns for lawful business use, lawful personal use, collector series, and bulk purchase from estate sales and for similar purposes.

During the period July 1, 1993, through December 31, 1994, 620 applications for multiple handgun purchases were received and processed. Of the 620 applications received, 61 or 9.8 percent were denied. The amendments to § 18.2-308.2:2 have not significantly affected the number of consent forms received or the number of multiple handgun purchases within the Commonwealth.

Since the implementation of this procedure, Virginia has ceased to be the source state for firearms trafficking to Northeast corridor.

I. Introduction

This report is being submitted in accordance with Senate Bill 766, passed by the 1993 Session of the General Assembly. It required the Department of State Police to provide a report to the General Assembly indicating the number of consent forms received pursuant to § 18.2-308.2:2 of the *Code of Virginia* during the period July 1, 1993, through December 31, 1994. The report is to include the number of such forms which, because of the number of firearms involved in the transactions, resulted in further investigation by the State Police, and the results of any investigation.

The 1993 Session of the General Assembly added language to § 18.2-308.2:2 providing for the maintenance of records relating to multiple handgun purchases. This change inserted language that allowed records concerning multiple handgun purchases to be maintained for twelve (12) months. Previously, the *Code* section only allowed the maintenance of firearms transaction records for thirty (30) days.

Information for this report was obtained from the Department of State Police Firearms Transaction Center. The Firearms Transaction Center is the sole repository for all of the Department's information concerning firearms and related information.

II. History

In 1992, Virginia was cited by the Bureau of Alcohol, Tobacco and Firearms as a major source state for the flow of illegal weapons for the east coast, particularly New York City, New York, and Washington, DC. This was based on the trace information supplied by the National Tracing Center to the New York Field Division's Project LEAD. In reaction to these findings, the General Assembly of Virginia passed laws limiting the number of firearms that an individual can purchase in a year. The intent of these laws was to reduce the number of firearms recovered in crimes and traced to purchasers in Virginia.

III. Findings

The State Police Firearms Transaction Center (FTC) is responsible for processing firearms transaction requests for the Commonwealth of Virginia. This program was implemented on November 1, 1989, and has served as a model for other states wishing to implement similar programs. Interest in this program has heightened due to the passage of the Brady Handgun Violence Prevention Act, the "Brady Act," by the federal government. The Brady Act requires up to a five (5) day waiting period prior to the transfer of handguns except in those states having an instant criminal history record check program. States having such programs are exempt from the five (5) day waiting period. Virginia is an exempted state.

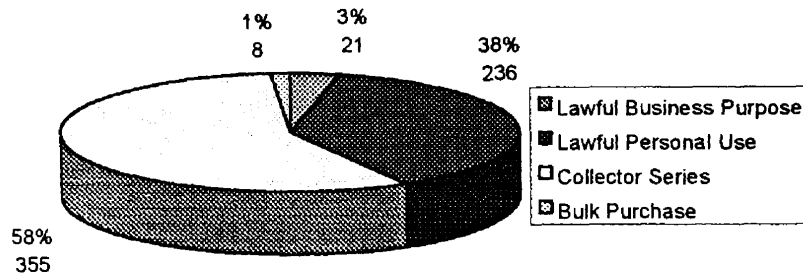
From the period July 1, 1993, through December 31, 1994, the FTC processed 356,306 transactions. These transactions included all calls for record checks as provided in § 18.2-308.2:2 of the *Code of Virginia*. Of these, 2,901 or .81 percent were declined or they were advised of a nonapproval. Additionally, 239 wanted persons were identified as they attempted to purchase firearms during this period. Reasons for nonapproval of a firearm purchase are contained in Article 7 of Title 18.2 of the *Code of Virginia* and include: the purchaser being a nonresident of Virginia; having a criminal record; having been acquitted by reason of insanity and committed to the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services; or not being a citizen of the United States.

Since the implementation of the thirty-day prohibition on multiple handgun purchases in 1993, purchasers are required, under § 18.2-308.2:2(Q), to apply for a Multiple Handgun Purchase Certificate which authorizes the purchase of more than one handgun in a thirty-day period. To receive a certificate, the purpose must either be for lawful business use, lawful personal use, inclusion in a collector series, a bulk purchase from an estate sale, or for similar purposes.

The application process is managed by the Department of State Police through regulations implemented specifically for this process [See 10:1 V.A.R. 80-84 October 4, 1993]. Through these regulations, local law enforcement agencies can act as an agent for the State Police and provide the services for multiple handgun purchases. The application process is merely an enhancement to the program already in place. The process requires satisfactory proof of residency and identity, and is in addition to the firearms sales report required by the Bureau of Alcohol, Tobacco and Firearms (ATF). Additionally, the State Police contacts local law enforcement agencies for charges or offenses not reported to the Central Criminal Records Exchange (CCRE).

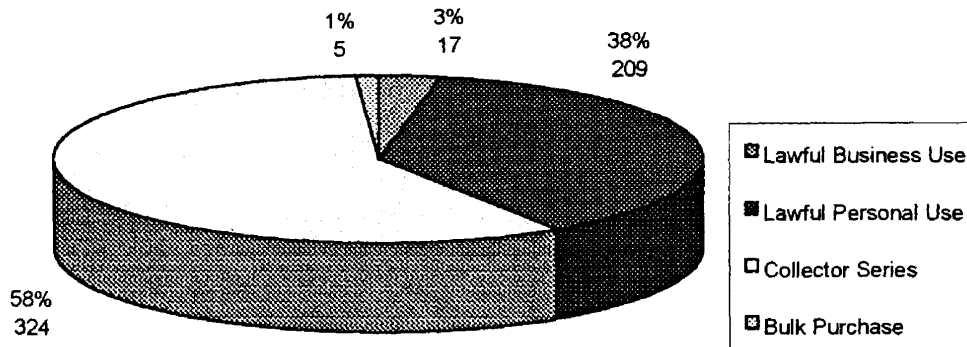
Since this law came into effect on July 1, 1993, the Department of State Police has received a total of 620 applications for the purchase of multiple handguns. A breakdown of applications, by purpose, is shown in the following graph:

**APPLICATIONS RECEIVED
JULY 1, 1993 TO DECEMBER 31, 1994**



From these applications, 555 certificates were issued. The following graph illustrates the categories by percentage:

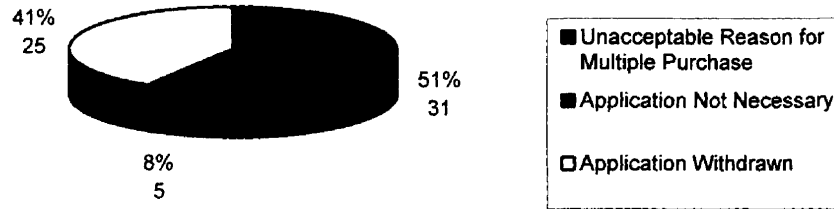
**CERTIFICATES ISSUED
JULY 1, 1993 TO DECEMBER 31, 1994**



Applications for Multiple Handgun Purchases can be denied for the following reasons: pending felony charge, felony conviction, wanted record, controlled substance user, mentally defective, committed/mental institution, dishonorable discharge, illegal alien and those who have renounced U.S. Citizenship. These categories apply to both buyers and recipients of handguns. In addition, records are maintained for categories such as: when an application is not necessary, when the application is withdrawn, and unacceptable reason for firearms purchase. There were 61 denials during this period with four applications in pending status.

The percentages for the above categories are shown in the following graph:

**MULTIPLE HANDGUN PURCHASE DENIALS
JULY 1, 1993 TO DECEMBER 31, 1994**



Of the 555 certificates issued, only 67 were not used and 488 certificates were used for their intended purpose.

IV. Conclusion

Since the implementation of the multiple handgun purchase process, only 9.8 percent of the total number of applications received have been denied.

Additionally, according to the Bureau of Alcohol, Tobacco and Firearms, Virginia has ceased to be the source state for firearms trafficking to New York City. It has fallen to eighth in the states identified as sources of firearms used in firearms trafficking.

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