

**REPORT OF THE VIRGINIA
DEPARTMENT OF STATE POLICE**

**A Report on Establishing a Registry for
Eligibility to Lawfully Possess a Firearm
for On-site Rental Use at a Sport
Shooting Range – September 2021
(2021 Appropriation Act, Item 425.S.)**

TO THE GENERAL ASSEMBLY OF VIRGINIA



HOUSE DOCUMENT NO. 11

**COMMONWEALTH OF VIRGINIA
RICHMOND
2021**

A Report on Establishing a Registry for Eligibility to Lawfully Possess a Firearm for On-site Rental Use at a Sport Shooting Range

A Report to the Commonwealth of Virginia General Assembly



September 2021

**Colonel Gary T. Settle
Superintendent**

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Superintendent
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Lt. Colonel Tracy S. Russillo
Deputy Superintendent

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF STATE POLICE
P. O. Box 27472, Richmond, VA 23261-7472

September 30, 2021

TO: The Commonwealth of Virginia General Assembly

Pursuant to House Bill 1800 Item 425.S of the 2021 Virginia Acts of Assembly, Special Session I, I am respectfully submitting herewith a report on *Establishing a Registry for Eligibility to Lawfully Possess a Firearm for On-site Rental Use at a Sport Shooting Range*.

Respectfully,

A handwritten signature in black ink that reads "Gary T. Settle".

Superintendent

Enclosures

Firearms Rental Mental Health Registry Report

Senate Finance & Appropriations Committee Request on Gun Rentals

The Virginia State Police Firearms Transaction Center (FTC) is the FBI National Instant Criminal Background Check System (NICS) Point of Contact (POC) for all licensed firearms dealers and the gun buying population in the Commonwealth of Virginia. The POC services are provided by a Call Center and an Internet-based instant background check program referred to as "VCheck." Clients of the POC consist of all federally licensed Virginia firearm dealers and all individuals who buy, pawn, transfer, or redeem firearms from a federally licensed dealer in the state. The work affects the ability of all individuals to purchase, trade, redeem from pawn, or possess firearms.

VCheck is a complex system that serves a multitude of functionalities. This system interfaces with the Virginia Computerized Criminal History System (CCH), the Virginia Criminal Information Network (VCIN), the Virginia Mental Health Database, the National Crime Information Center (NCIC), The International Justice and Public Safety Network (NLETS), National Instant Criminal Background Check System (NICS), Immigration and Customs Enforcement (ICE), and the FBI Interstate Identification Index (III, Fingerprint-based Criminal History Records) files. The VCheck system also contains the Virginia Firearms Transaction Program Billing System, the Firearms Dealer Registration Program, Firearms Seller Identification Program, Nonresident Concealed Handgun Permit Program, and Machine Gun Registry.

Problem

Virginia would like to require background checks on in-store gun rentals at shooting ranges in the Commonwealth. An enhanced VCheck, that is currently being built, is scheduled to go into production in February of 2022, and would need an immediate upgrade to include the ability to process background checks for gun rentals. The new system would need to be modified due to the National Instant Background Check System (NICS) not allowing access to their system for in-store gun rentals. They do allow for background checks for gun rentals that leave the store premises, however, NICS and ATF have stated that in-store rentals are not considered a transfer and therefore a background check is not required. Background checks for in-store gun rentals would only be able to retrieve mental health entries from Virginia. All out-of-state mental health entries and all military entries would be excluded, since they are contained in NICS.

The new registry would be built to accommodate a registration module for shooting ranges, since not all ranges possess a Federal Firearms License (FFL). There would need to be a new internal module added for background checks to be processed. There would need to be an external component added to the system to allow for entry of personal identifying information (PII) for persons wishing to rent a firearm at a shooting range for the required criminal history / mental health check. The system would be integrated with the billing system to allow for proper billing of the required background checks.

There are an estimated 60 Firearm Shooting Ranges in Virginia, with 38 of those possibly renting firearms to individuals on-site. Based upon a sample created by selecting the four largest ranges, each store estimated an average between 30 and 40 gun rentals each day. Factoring in the remaining stores that would be expected to conduct half that number, we estimate an influx of 720 additional background checks to the daily workload. Based on the current percentage of delayed transactions, this would equate to roughly 55% that would need to be processed by an internal technician versus those that are automatic approvals. Additionally, a certain volume of transactions also require additional “research”, meaning personnel must make contact with courts or other police agencies in order to obtain disposition information or additional details that are not contained in the criminal history itself, in order to determine a final outcome. This may involve making phone calls, sending faxes or emails, querying court databases, and creating file notations with the retrieved information in order to appropriately notate the file and make a determination. This percentage of required research for transactions is currently 3%, which should also be taken into account due to additional personnel and resources to conduct such work. In total, this would equate to an added 396 transactions that would require review by a technician, plus 22 of those transactions that would require additional research.

The FTC would need to have a minimum of four (4) positions allocated for the combination of added duties to include: conducting the background checks, processing of the additional research for certain transactions, and providing needed outreach activities relevant to violations of attempted possession of firearms while onsite at shooting ranges in the Commonwealth. Additional consideration would need to be given to the influx in requests for investigation that would be distributed amongst the various divisions in the Bureau of Field Operations where the gun ranges are located (Section 18.2-308.2:2). The FTC often provides additional information and guidance for troopers investigating these violations as well.

To arrive at this estimate for additional positions, we considered the average number of transactions a technician works in a day, which is approximately 120 (calculated based upon the average of 15 transactions per hour). With this calculation we estimated a need of three technicians simply to cover the additional transaction volume, plus the need to complete research transactions, for which the time required to complete often varies from case to case. Additionally, the transaction program in place for dealers requires administrative duties to be completed on a daily basis, which would be mimicked for the Gun Rental Registry. These duties include answering phone calls from dealers and the general public, assignment and mailing of forms, password resets for the IT system, billing processes, and various other tasks. The added volume of transactions will cause an added requirement to cover the demand for these administrative tasks and the providing of investigative assistance to the field for violations, which combined would necessitate a fourth position.

Requested Activities

This report will consider the following:

- VCheck System changes needed to collect the necessary information
- Appropriate form for collection of information to determine mental health and criminal history of customers requesting gun rentals at shooting ranges
- Timeline by which this registry can be implemented
- Necessary costs for implementation of the background check registry for gun rentals

A new form created for shooting ranges (SP-65R) for gun rentals is included as Attachment A. This form would need to be printed and shipped to all newly registered ranges. The cost of printing a batch of forms is estimated at \$72.26 per thousand forms. Each case contains 1,600 forms, and a case costs \$115.62. The FTC would need at least 20 additional cases to remain in stock to be ready for distribution to registered shooting ranges. The initial run of forms is estimated at \$2,312.40, with a rolling yearly cost dependent on the amount of gun rental transactions that would occur.

The current system upgrade for VCheck is scheduled to go into production in February of 2022. The Information Technology (I.T.) Division would be able to begin work on the Gun Rental module for the system beginning March 1, 2022. It is estimated the upgrade could be implemented in 20 sprints (average sprint time is 2 weeks) with a go-live date in early 2023; with a cost of \$1,117,600.00. I.T. services and cost estimates are shown in Attachment B.

Funds are requested to cover personnel expenses for four full-time Administrative Procedures Specialist positions that would register shooting ranges, conduct background checks, process research required for missing dispositions and possible prohibitors for possessing a firearm, and provide associated outreach activities relevant to violations of possession of a firearm while onsite at a shooting range in the Commonwealth. These positions would have to cover all hours available for open ranges from 8am - 10pm, seven days a week. The cost for these positions would be \$79,566.16 per employee for four employees. That would be \$318,264.64 additional funds. Personnel expenses are listed in the graph below.

Budget Details

Position	Qty	Per Employee	Total Per Position Type
Administrative Procedures Specialist	4	\$79,566.16	\$318,264.64
Total	4		\$318,264.64

Item	Year One Cost	Year Two Cost
Office Space	\$14,280.00	\$14,280.00
Furniture	\$19,444.00	\$0.00
IT Hardware	\$7,964.00	\$6,160.00
Total Cost	\$41,688.00	\$20,440.00

Forms	Case Quantity	Cost Per Case	Total Cost
SP-65R Gun Rental	20	\$115.62	\$2,312.40
Total Cost			\$2,312.40

Other Items	Year One Cost	Year Two Cost
VCheck System Development	\$1,117,600.00	\$0.00
Total Cost	\$1,117,600.00	\$0.00

Estimated Cost	Total Year One Cost	Total Year Two Cost
Total	\$1,479,865.04	\$338,704.64
Total Two Year Cost	\$1,818,569.68	

Virginia Firearms Transaction Record
Gun Rental Transaction

Gun Rental Transaction Serial Number _____

WARNING: You may not receive a firearm if prohibited by Federal or State law. The information you provide will be used to determine whether you are prohibited from receiving a firearm. **NOTE:** Prepare in original only. All entries on this form must be in ink.

SECTION A - TO BE COMPLETED PERSONALLY BY THE PROSPECTIVE RECIPIENT OF A FIREARM(S) FOR A GUN RENTAL TRANSACTION

1. Transferee's (Renter's) Name (Last, First, Middle) _____

2. Current Residence Address (Number and Street Address, City, State, Zip) _____

3. <input type="checkbox"/> Male <input type="checkbox"/> Female	4. Birth Date (Month, Day, Year)	5. Height Ft. _____ In. _____	6. Weight	7. Place of Birth: (City and State)	8. Social Security Number (Optional)
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9. Race (Ethnicity) (Check one or more boxes) American Indian or Alaska Native Black or African American Native Hawaiian or Other Pacific Islander
 Hispanic or Latino Asian White

10. Are you a citizen of the United States?
 Yes
 No If "No," what is your INS-issued alien number or admission number? _____ Country of citizenship? _____

Certification of Transferee - Answer the questions below by writing "yes" or "no" in the boxes to the right of the questions.
AN UNTRUTHFUL ANSWER MAY SUBJECT YOU TO CRIMINAL PROSECUTION

11. Are you the actual renter of the firearm(s)? You are not the actual renter if you are acquiring the firearm(s) on behalf of another person.	
12. Have you been convicted of a felony offense or found guilty or 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? A person who has been convicted of a felony is not prohibited from purchasing, receiving, or possessing a firearm if: (1) under the law where the conviction occurred, the person has been pardoned, this conviction has been expunged or set aside, or the person has had civil rights (the right to vote, sit on a jury and hold public office) restored AND (2) the person is not prohibited by the law where the conviction occurred from receiving or possessing firearms. Persons subject to this exception should answer "no."	
13. Are you subject to a court order restraining you from harassing, stalking, or threatening your child or an intimate partner, or a child of such partner or are you subject to a protective order, substantial risk order or an emergency substantial risk order.	
14. Have you ever been acquitted by reason of insanity and prohibited from purchasing, possessing or transporting a firearm pursuant to §18.2-308.1:1 or any substantially similar law of any other jurisdiction, been adjudicated legally incompetent, mentally incapacitated or adjudicated an incapacitated person and prohibited from purchasing a firearm pursuant to § 18.2-308.1:2 or any substantially similar law of any other jurisdiction, or been involuntarily admitted to an inpatient facility or involuntarily ordered to outpatient mental health treatment and prohibited from purchasing a firearm pursuant to § 18.2-308.1:3 or any substantially similar law of any other jurisdiction, or been the subject of a temporary detention order pursuant to §37.2-809 and subsequently agreed to voluntary admission pursuant to §37.2-805?	
15. Are you under indictment or information in any court for a felony, or any other crime, for which the judge could imprison you for more than one year? (An "information" is a formal accusation of a crime made by a prosecuting attorney.)	
16. Have you been convicted in any court of a misdemeanor offense for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation?	
17. Are you a fugitive from justice?	
18. Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, or narcotic drug, or any other controlled substance?	
19. Have you been discharged from the Armed Forces under dishonorable conditions?	
20. Have you been convicted in any court of a misdemeanor crime of domestic violence?	
21. Have you ever renounced your United States Citizenship?	
22. Are you an alien illegally in the United States?	
23. Are you currently enrolled into the Virginia Voluntary Do Not Sell List. Any person enrolled into the Voluntary Do Not Sell List pursuant to Chapter 12 (§ 52-50 et seq.) of Title 52 is prohibited from purchasing, possessing or transporting a firearm.	
23. Have you been convicted as an adult or adjudicated delinquent as a juvenile of an offense that occurred on or after July 1, 2021 of a misdemeanor assault & battery on a family or household member pursuant to § 18.2-308.1:8 or any substantially similar law of any other jurisdiction?	

I certify that the above answers are true and correct. I understand that I may not receive a firearm if I am prohibited by federal or state law. I understand that the making of a false statement on this form is punishable as a felony. I hereby consent to having the State Police request a criminal history record information check in connection with this transaction.

24. Transferee's Signature and Date	25. UPIN or UFIN (if applicable)	26. State Police Approval Number or Other Final Status
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SECTION B-- MUST BE COMPLETED BY TRANSFEROR

27. Establishment of Identification and Residency

30 days must have elapsed since the date of issue of an original or duplicate driver's license unless a copy of the Virginia DMV driver's record shows the original date of issue was more than 30 days.

A. Photo-ID Issued by a Governmental Agency: _____ Issue Date _____ State: _____
(Driver's License Number or Identification Card Number or Other)

B. Secondary ID: _____ **The secondary form of ID must contain a name and address and must be the exact name and address as appears on the primary form of ID.**

C. Military Personnel: Identification Card Permanent Orders to a Duty Post in Virginia or the Pentagon Leave and Earnings Statement

28. Fee Collected:

29. No. of Firearms by Category

Pistol(s) _____ Revolver(s) _____ Rifle(s) _____ Shotgun(s) _____

30. Employee Seller Identification Number

31. Gun Rental Registration Number

(Signature) _____ (Date) _____

State Police Superintendent or Designee

IT Services Cost Estimate

Request Information

FP SR/Control #:	n/a	Date Received:	5/26/2021	User Contact:	Mike Matthews	Development Environment:	JAVA/ORACLE
Brief Description:	VCheck Updates as follows: - VCheck 2 would have to be modified to have a new area like DOF, GUN QUERY, and FIREARM TRANSACTIONS created for GUN RENTALS. - Create a new registration area like DEALERS in order to register all new shooting ranges. We could not use the dealer side because not all shooting ranges have an FFL to sell firearms. They might rent but they don't necessarily have to sell so we would need a way to register them. - Create a new form to be used with a different numbering system which I would do, I do not know that is needed for this part of the project. - The background check to be completed would have to be altered because for in-store rentals we would not be able to access NICS. We would not be able to run a QNP or QPC since the FEDS do not consider in-store rental to be a transfer. This would need to have all other additional queries available for us to run. It would be a check of the FBI, VACCH, VA Protective order, VA WANTED, VA MENTAL HEALTH. This would also have to create a different queue for people to work in since we couldn't afford for the rental to get mixed in with the firearm purchases. The delays would be incredible. Who would wait for 1 hour to rent a firearm at a shooting range.						
Is this estimate for a FOIA request?	No	Project Manager:	Julie Wilson	Funding Source	General Funds		

Estimated Effort		
Epic/Feature	# Sprints	Cost
VCheck2 External Enhancements		
SSO: New users for firing ranges	1	\$ 50,880.00
Break assumption that all ext users are tied to a dealer (new roles, form changes for no longer having an assumed dealer, DB changes, etc)	1	\$ 50,880.00
New form module with add/view and a search	4	\$ 203,520.00
		\$ -
		\$ -
VCheck2 Internal Enhancements		
Firing Range management (like Dealer management)	3	\$ 152,640.00
Updates to Seller module to handle expanded role (not all firing range rental employees are sellers, but will need bg check)	3	\$ 152,640.00
New form module with add/view/edit and a search	3	\$ 152,640.00
New background check type (Fire set of queries)	3	\$ 152,640.00
Billing for Firing Ranges for new transaction type	2	\$ 101,760.00
		\$ -
		\$ -
Subtotal		\$ 1,017,600.00
Other Charges		
Hardware (Licenses - PVUs & SSO)		\$100,000
Subtotal		\$ 100,000.00
Estimate:		\$ 1,117,600.00

Prepared by: Scott Shefferly, Tanuja Gowrineni, Chris Dombroski, Pavan Gandhari, Ajay Mozar

Date: 6/7/2021

Team Costs	Analyst	Developer	Java Architect	QA	Scrum Master	Product Owner
	\$ 70.00	\$ 92.00	\$ 100.00	\$ 85.00	\$ 85.00	\$ 85.00
Number of People:	0	3	1	2	1	1
Hours per Sprint:	80	80	16	80	80	80
Cost per Resource	\$ -	\$ 22,080.00	\$ 1,600.00	\$ 13,600.00	\$ 6,800.00	\$ 6,800.00
Total Cost Per Sprint:	\$ 50,880.00					

