

ORDINANCE NO. 3936

AN ORDINANCE to amend and reordain Section 13-2-1 (CONCEALED WEAPONS), Chapter 2 (WEAPONS), Title 13 (MISCELLANEOUS OFFENSES) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 13-2-1 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 13-2-1 Concealed weapons.

(a) Except as provided in subsections (a) through (d), any person who carries about his person, hidden from common observation, any handgun or other weapon designed or intended to propel a missile of any kind, dirk, bowie knife, switchblade knife, ballistic knife, razor, slingshot, spring stick, metal knucks, blackjack, any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nunchuck, nunchaku, shuriken or fighting chain, disc of whatever configuration having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart, or any weapon of like kind, shall be guilty of a class 1 misdemeanor, and such weapon shall, by order of the court, be forfeited to the city and may be seized by an officer as forfeited, and any forfeited weapons that may be needed for police officers and conservators of the peace shall be devoted to that purpose, and the remainder shall be destroyed by the officer having them in charge.

(b) This section shall not apply to the following persons and, where noted, only when engaged in certain activities:

(1) any person while in his own place of abode or the curtilage thereof; and

(2) any police officers, sheriffs, deputy sheriffs or regular game wardens appointed pursuant to section 29.1-200, et seq., of the Code of Virginia (1950), as amended;

(3) any regularly enrolled member of a target shooting organization who is at, or going to or from, an established shooting range provided that the weapons being carried are unloaded and securely wrapped while being transported;

(4) any regularly enrolled member of a weapons collecting organization who is at, or going to or from, a bona fide weapons exhibition provided that the weapons are unloaded and securely wrapped while being transported;

(5) any person carrying such weapons between his place of abode and a place of purchase or repair provided the weapons are unloaded and securely wrapped while being transported;

(6) any person actually engaged in lawful hunting, as authorized by the state board of game and inland fisheries, under

inclement weather conditions necessitating temporary protection of his firearm from those conditions; and

(7) any state police officer who has retired from the department of state police and any local law enforcement officer who has retired from a police department or sheriff's office within the commonwealth, who retired with a service disability or following at least 15 years of service, excluding any person terminated for cause; provided, that such officer carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the chief law enforcement officer of the agency from which the officer retired.

(c) This section shall not apply to any of the following individuals while in the discharge of their official duties, or while in transit to or from such duties:

(1) carriers of the United States mail;

(2) officers or guards of any state correctional institution;

(3) campus police officers appointed pursuant to section 23-232, et seq., of the Code of Virginia (1950), as amended;

(4) conservators of the peace, except that the following conservators of the peace shall not be permitted to carry a concealed weapon without obtaining a permit therefor:

a. notaries public;

b. registrars;

c. drivers, operators or other persons in charge of any motor vehicle carrier of passengers for hire;

d. commissioners in chancery; and

e. noncustodial employees of the department of corrections designated to carry weapons by the secretary of public safety or the director of the department of corrections pursuant to section 53.1-29 of the Code of Virginia (1950), as amended;

(5) law enforcement agents of the armed forces of the United States and federal agents who are otherwise authorized to carry weapons by federal law while engaged in the performance of their duties; and

(6) law enforcement agents of the United States naval criminal investigative service.

(d) This section's prohibition against the carrying of any handgun shall not apply to any person possessing a valid concealed handgun permit issued pursuant to and in accordance with section 18.2-308 of the Code of Virginia (1950), as amended. For purposes of this section, "handgun" means any pistol or revolver or other firearm, except a machine gun, originally designed, made and intended to fire a projectile by means of an explosion from one or more barrels when held in one hand.

(e) Any person who applies to the clerk of the Alexandria Circuit Court for a permit to carry a concealed handgun, under

section 18.2-308 of the Code of Virginia (1950), as amended, shall, as part of the application process, submit to fingerprinting by the chief of police and provide personal descriptive information as required by the chief of police. The applicant's fingerprint cards and personal descriptive information shall be forwarded by the chief of police to the Virginia state police for a state criminal history records check. The state police shall forward a fingerprint card and the descriptive information to the Federal Bureau of Investigation for a national criminal history records check. Upon completion of the state and national criminal history records checks, the state police are to return the fingerprint cards to the chief of police. Following the completion of the records checks, the chief of police shall notify the applicant in writing that he has 21 days from the date of the notice to request the return of the fingerprint cards prepared pursuant to this section that are in the possession of the police department. Any cards not claimed by an applicant within this 21-day period shall be destroyed. Fingerprints taken for the purposes described in this section shall not be copied, held or used for any other purpose.

Section 2. That this ordinance shall become effective upon July 1, 1997.

KERRY J. DONLEY
Mayor

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