**Virginia
Regulatory
Town Hall**

Notice of Intended Regulatory Action
Agency Background Document

Agency Name:	Department of Criminal Justice Service
VAC Chapter Number:	6 VAC 20-130-10 through 20-130-120
Regulation Title:	Regulations Governing the Privacy and Security of Criminal History Record Information Checks for Firearm Purchase
Action Title:	Firearm Purchase Record Checks
Date:	October 18, 2000

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

Purpose

Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.

The current regulation related to firearms purchases does not hold dealers accountable who continuously violate the legal requirements for purchase of firearms. The changes recommended by the Virginia State Police relate to sanctions for violations by dealers who violate the legal requirements for firearms and the appeals process related to these sanctions.

Basis

Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.

The authority for these regulations is based on Code of Virginia §18.2-308.2:2.

Substance

Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.

This amendment provides sanctions for dealers who violate regulations regarding firearms purchases, and provides an appeals process for those dealers. The sanctions are progressive in five steps and are described in the attached regulation under 6 VAC 20-130-110.

Alternatives

Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.

Without sanctions, dealers who violate the law regarding purchase of firearms are jeopardizing public safety. Experience has shown the Virginia State Police that such dealers will continue to operate without regard for the law as long as they are permitted to do so. There are no other alternatives.

Family Impact Statement

Please provide a preliminary analysis of the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

This regulation expands the ability of the Virginia State Police to ensure public safety by sanctioning dealers who are not complying with the law in regards to purchase of firearms in Virginia.