

## Firearms Purchase Identification Requirements:

### Virginia Resident Transactions:

The primary form of ID must consist of a valid photo identification issued by a governmental agency of the Commonwealth or of the prospective purchaser's home state that establishes the prospective purchaser's identity and residency.

Where the primary form is a photo-ID issued by the Virginia Department of Motor Vehicles (DMV), the prospective purchaser must wait until 30-days have passed from the date of issue of an original or duplicate driver's license unless a copy of his/her DMV driver's record is presented showing that the original date of issue was more than 30-days prior to the attempted purchase.

### Nonresident Transactions:

Pursuant to guidance provided by ATF, the transfer of firearms (handguns or long guns) to non-residents is not permissible in private sale transactions at firearms shows in the Commonwealth of Virginia.



## Have a felony conviction?

If you are denied the right to purchase a firearm because you have been convicted of a felony as described in Code §18.2-308.2, you may still be eligible to purchase a firearm if your rights have been restored under both state and federal law. Information pertaining to the restoration of firearm rights is available at:

[http://www.vsp.state.va.us/  
Firearms\\_Restoration.shtm](http://www.vsp.state.va.us/Firearms_Restoration.shtm)

## Virginia State Police Firearms Transaction Center



**Ph: (804) 674-2292**

**Ph: (804) 674-2788**

**Fax: (804) 674-2791**

**Virginiatrooper.org**  
**“Firearms/Concealed  
Handguns”**

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VIRGINIA STATE POLICE

# Background Checks for Private Sales



This pamphlet is prepared by the Department of State Police to aid in the process of voluntary background checks for the private sales of firearms within the Commonwealth of Virginia.

For additional copies contact:

Department of State Police  
Criminal Justice Information Services Division  
Firearms Transactions Center  
[www.virginiatrooper.org](http://www.virginiatrooper.org)  
“Forms/Publications”

## Background Checks for Private Sales

Code §54.1-4201.2 enacted by the 2016 General Assembly requires the Department of State Police to be available at every firearms show held in the Commonwealth to make determinations in accordance with Code §18.2-308.2:2 of whether a prospective purchaser or transferee is prohibited under state or federal law from possession of a firearm in private transactions upon request.

Participation in these background checks is optional based upon agreement entered into by prospective purchaser and transferor.

The State Police will charge a fee of \$2.00 which will be collected in advance of the background check.

To locate State Police personnel for conducting a background check on-site speak with the gun show promoter or look for the VSP signs pointing to the designated area.



## Firearms Eligibility Test

A person who answers “yes” to any of the below questions may be prohibited from purchasing or possessing a firearm.

1. Are you under indictment for a felony offense?
2. Are you the subject of an active misdemeanor or felony warrant from any state?
3. Have you ever been convicted, as an adult, in any court of a felony offense?
4. If you are 28 years old or younger, have you ever been adjudicated as a juvenile 14 years of age or older at the time of the offense of a delinquent act, which would be a felony if committed by an adult?
5. Were you adjudicated as a juvenile 14 years of age or older at the time of the offense of murder in violation of Code §18.2-31 or §18.2-32, kidnapping in violation of Code §18.2-47, robbery by the threat or presentation of firearms in violation of Code §18.2-58, or rape in violation of Code §18.2-61? (If adjudicated as a delinquent for these offenses, you must answer yes. You are ineligible regardless of your current age and prohibited for life unless allowed by restoration of rights by the Governor of Virginia and order of the circuit court in the jurisdiction in which you reside.)
6. Have you ever been convicted in any court of a misdemeanor crime punishable by more than 2 years even if the maximum punishment was not received?
7. Is there an outstanding protective or restraining order against you from any court that involves your spouse, a former spouse, an individual with whom you share a child in common, or someone you cohabitated with as an intimate partner?
8. Is there an outstanding protective or restraining order against you from any court that involves stalking, sexual batter, alleged abuse or acts of violence against a family or household member?

9. Are you an unlawful user of, or addicted to, marijuana, or any depressant, stimulant, or narcotic drug, or any controlled substance? The Federal Gun Control Act defines an addicted person, or unlawful user, as a person who has a conviction for use or possession of a controlled substance within the past year or persons found through a drug test to use a controlled substance unlawfully, provided that the test was administered within the past year.

10. Have you ever been acquitted by reason of insanity?

11. Have you even been adjudicated legally incompetent or mentally incapacitated or adjudicated an incapacitated person?

12. Have you ever been involuntarily admitted to a facility or involuntarily ordered to outpatient mental health treatment?

13. Have you ever been the subject of a temporary detention order and subsequently agreed to voluntary admission for mental health treatment?

14. Have you been discharged from the Armed Forces under dishonorable discharge?

15. Are you an alien illegally in the United States?

16. Are you a nonimmigrant alien? A nonimmigrant alien is prohibited from receiving a firearm unless he or she falls within an exception to the nonimmigrant alien prohibition (e.g.; hunting license/permit; waiver).

17. are you a person who, having been a citizen of the United States, has renounced your citizenship?

18. Have you ever been convicted for the misdemeanor crime of domestic violence? This includes all misdemeanors that involve the use, threat of, or attempted use of physical force (e.g., simple assault, assault and battery) if the offense is committed by one of the following parties: a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent or guardian, or by a person similarly situated to a spouse, parent or guardian of the victim.

19. Are you a person who, within a 36 month period, within the last 5 years, has been convicted under Virginia law of 2 misdemeanor offenses for Possession of Controlled Substance or Possession of Marijuana? (Handgun purchases only).