



COMMONWEALTH of VIRGINIA

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The Honorable John T. Frey
Clerk of the Circuit Court
Fairfax County Circuit Court
4110 Chain Bridge Road
Fairfax, Virginia 22030

Dear Mr. Frey:

I am responding to your request for an official advisory opinion in accordance with § 2.2-505 of the *Code of Virginia*.

Issue Presented

You inquire whether the term “state-certified,” as used in § 18.2-308(G)(7) and (P1)(7) of the *Code of Virginia*, refers to an instructor certified by any state in the United States or only to an instructor certified by the Commonwealth of Virginia.

Response

It is my opinion that the term “state-certified” as used in § 18.2-308(G)(7) and (P1)(7) refers to a firearms instructor that is certified by any state in the United States.

Applicable Law and Discussion

To qualify for a Virginia concealed handgun permit, the law requires the permit applicant to demonstrate competence with a handgun.¹ The required types of proof to demonstrate competence are listed in § 18.2-308(G) and (P1). One form of acceptable proof is “[c]ompleting any firearms training . . . conducted by a state-certified or National Rifle Association-certified firearms instructor.”²

Finding no cases directly on point, I rely on the familiar rules of statutory construction to answer your inquiry. Foremost, in construing a statute, the plain meaning of the language determines the legislative intent unless a literal construction would lead to a manifest absurdity.³ Further, statutes must be construed to give meaning to all of the words enacted by the General

¹ VA. CODE ANN. § 18.2-308(G) (Supp. 2012) concerns the competency requirements for a Virginia resident concealed handgun permit. Section 18.2-308(P1) (Supp. 2012) concerns the competency requirements for a nonresident concealed handgun permit. These requirements are similar.

² Section 18.2-308(G)(7); § 18.2-308(P1)(7).

³ *Halifax Corp. v. First Union Nat'l Bank*, 262 Va. 91, 99-100, 546 S.E.2d 696, 702 (2001).

Assembly, and a court is “not free to add language, nor to ignore language, contained in statutes.”⁴


Other statutes in the *Code of Virginia* specify a particular board or agency that must certify an individual for that person to be “state-certified.”⁵ The applicable provisions of § 18.2-308 do not indicate a requirement that a firearms instructor be certified by any board or agency of the Commonwealth, or contain any other reference to Virginia or the Commonwealth. Absent language qualifying or limiting the certification to a particular state, the certification requirement must extend to all “state-certified” firearms instructors.⁶ Additionally, it would appear unreasonable to limit the “state-certified” certification to only a Virginia certified firearms instructor when the handgun competency requirements apply equally to resident and non-resident concealed handgun permit applicants.

Conclusion

Accordingly, it is my opinion that the term “state-certified” as used in § 18.2-308(G)(7) and (P1)(7) refers to a firearms instructor that is certified by any state in the United States.

With kindest regards, I am

Very truly yours,



Kenneth T. Cuccinelli, II
Attorney General

⁴ Signal Corp. v. Keane Fed. Sys., 265 Va. 38, 46, 574 S.E.2d 253, 257 (2003).

⁵ For example, “an individual who is not licensed by [the Virginia Real Estate Appraisal Board]” cannot represent himself as a “state certified real estate appraiser.” VA. CODE ANN. § 54.1-2017 (2009).

⁶ For example, the General Assembly could have chosen to limit the training conducted by a Virginia-certified or Department of Criminal Justice-certified firearms instructor. Cf. 2012 Op. Va. Att’y Gen. 28, 29-30 (concluding that because § 8.01-341(5), which provides practicing attorneys an exemption from jury service, does not expressly limit the exemption to Virginia attorneys, “the exemption must extend to all licensed practicing attorneys.”).