You ask whether the firearms regulation contained in the Virginia State Parks Regulations\(^1\) duly adopted by the Department of Conservation and Recreation conflicts with § 18.2-308 of the Code of Virginia.

You advise that a hunter education instructor for the Department of Game and Inland Fisheries believes that a conflict exists between § 18.2-308 and the regulation. The instructor advises that the firearms regulation prohibits individuals with a valid concealed weapon permit from bringing firearms on the lands controlled by the Department of Conservation and Recreation.

Section 18.2-308 sets forth the prerequisites for carrying concealed weapons. Specifically, § 18.2-308(O) provides that the granting of a concealed weapons permit does not authorize the possession of such weapons "on property or in places where such possession is otherwise prohibited by law." Consequently, the Attorney General concludes in a 1995 opinion that a concealed handgun permit allows the holder to carry a handgun in an area not otherwise prohibited, because the granting of a concealed handgun permit merely exempts an individual from the general prohibition.\(^2\) Similarly, a 2000 opinion notes that, where the carrying of a concealed weapon is otherwise prohibited by law, the authority under § 18.2-308 to carry a concealed weapon is negated.\(^3\)

The firearms regulation adopted by the Department of Conservation and Recreation provides:

No person except employees, police officers, or officers of the department [of Conservation and Recreation] shall carry or possess firearms of any description, or airguns, within [a state] park. This regulation shall not apply in areas designated for hunting by the Department of Conservation and Recreation.\(^4\)

Additionally, the territorial scope of the Virginia State Parks Regulations shall be effective within and upon all state parks, historical and natural areas, roads, sites and other recreational areas in the Commonwealth which may be under the jurisdiction of the
Department of Conservation and Recreation and shall regulate the use thereof by all persons.\[^5\]

The Department of Conservation and Recreation is the state agency responsible for the management of all state parks.\[^6\] Section 10.1-104(A)(4) authorizes the Department "[t]o prescribe rules and regulations necessary or incidental to the performance of duties or execution of powers conferred by law." Therefore, the Department clearly and unambiguously is charged with both the responsibility and the authority to regulate the property at issue.

Thus, in accordance with the prior opinions of the Attorney General on this subject and in light of the properly promulgated regulations of the Department of Conservation and Recreation, I am required to conclude that a person with a concealed weapons permit is prohibited from carrying a concealed weapon onto property falling within the purview of these regulations.

\[^1\]4 VAC 5-30-10 to 5-30-400 (Law. Coop. 1996).


\[^3\]2000 Op. Va. Att’y Gen. 100, 101 (concluding that person who possesses concealed weapons permit is still prohibited from possessing firearms on school property or school buses).

\[^4\]4 VAC 5-30-200.

\[^5\]4 VAC 5-30-30.


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