



ol. W. Gerald Massengill
Superintendent

(804) 674-2000

COMMONWEALTH of VIRGINIA
DEPARTMENT OF STATE POLICE

P. O. BOX 27472, RICHMOND, VA 23261-7472

December 31, 2002

Dear Mr.

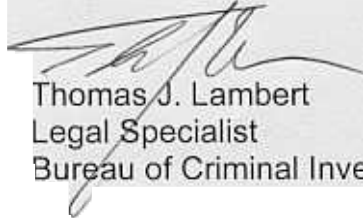
Lieutenant Robert Kemmler has asked that I respond to your letter of December 24, 2002. In that letter you requested clarification regarding the carrying of weapons in an ABC licensed establishment and as to when a weapon is considered concealed.

I have enclosed the applicable Virginia laws. I should note that I am prohibited from interpreting these laws for you or providing an opinion regarding the application of those laws to a particular fact pattern. With that limitation in mind, the direct answers to your two questions are contained in the language of § 18.2-308 of the Code of Virginia. Paragraph A of that section notes that only weapons "hidden from common observation" may not be carried in the Commonwealth. That paragraph further defines "hidden from common observation" to cover situations not only where the weapon can not be seen, but also where the weapon "is observable but is of such deceptive appearance as to disguise the weapon's true nature." Thus a weapon is unlawfully concealed when a holster or other method of carrying the weapon conceals the weapon or disguises its nature.

The prohibition against carrying weapons in ABC licensed establishments; § 18.2-308(J)(3), is limited to "**concealed weapons**." There is no exception to this prohibition for persons with concealed weapons permits. The plain language of the statute would therefore not prohibit the open carrying of a weapon unless prohibited by the owner of the establishment in accordance with § 18.2-308 (O).

hope this information is of some help

Sincerely,



Thomas J. Lambert
Legal Specialist
Bureau of Criminal Investigation

TJL/lg

Enclosure

c: Lt. Robert Kemmler
Criminal Justice Information Services