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VCDL Firearm Bill Analysis for the 2020 General Assembly Session January 20, 2020

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Bills That VCDL Strongly Supports

SB 129, Senator Norment, requires students in all grades to receive a minimum of 2 hours of education on firearms safety and accident prevention. The Board of Education and the Department of Criminal Justice Services will develop the curriculum.

SB 173, Senator Hanger, allows a person with a concealed handgun permit to possess a stun weapon while they are in a motor vehicle. There should also be an exception for a concealed handgun permit holder to leave a stun weapon in a closed container in a vehicle.

HB 161, Delegate McGuire, allows a resident who would qualify to get a Virginia concealed handgun permit to be able to carry a concealed handgun without a permit anywhere that person could lawfully openly carry a handgun. This is referred to as “Constitutional Carry,” which Virginia currently has only for openly carried handguns. Sixteen other states have Constitutional Carry: Alaska, Arizona, Arkansas, Idaho, Kansas, Kentucky, Maine, Mississippi, Missouri, New Hampshire, North Dakota, Oklahoma, South Dakota, Vermont, West Virginia, and Wyoming. Sixteen other states plan to introduce it or have introduced it: Colorado, Georgia, Indiana, Iowa, Louisiana, Nevada, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, and Wisconsin. None of the states that have adopted Constitutional Carry have repealed it.

HB 162, Delegate McGuire, state and local government waives sovereign immunity in “firearm-free zones” if a person lawfully present in such a zone is injured.

HB 224, Delegate Freitas, allows a person who would qualify to get a Virginia concealed handgun permit to be able to carry a concealed handgun without a permit anywhere that person could lawfully openly carry a handgun. This is referred to as “Constitutional Carry,” which Virginia currently has only for openly carried handguns. Sixteen other states have Constitutional Carry: Alaska, Arizona, Arkansas, Idaho, Kansas, Kentucky, Maine, Mississippi, Missouri, New Hampshire, North Dakota, Oklahoma, South Dakota, Vermont, West Virginia, and Wyoming. Sixteen other states plan to introduce it or have introduced it: Colorado, Georgia, Indiana, Iowa, Louisiana, Nevada, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, and Wisconsin. None of the states that have adopted Constitutional Carry have repealed it. This bill is an improvement over HB 161, as it allows any qualified person to carry concealed, not just qualified residents.

SB 319, Senator Chase, requires that any property owned by the Commonwealth or any political subdivision of the Commonwealth, or that is used by a public body, and where firearms are prohibited, require armed security on those premises.

HB 373, Delegate McGuire, repeals the prohibition on carrying of firearms in a place of worship during a service, unless a person has “good and sufficient reason” to do so. This is a Jim Crow-esqu Blue law where “good and sufficient reason” is not defined anywhere and it is totally at the discretion of each judge as to whether a person falls under that exemption. What is a “place of worship?” If a person has a prayer group in their home, is it considered a service in a “place of worship” at that time? The Commonwealth should not be dictating to churches what they can or cannot do as far as their own security. Finally, churches would continue to be able to prohibit or restrict firearms at all times using Virginia’s trespass law, which has a much more severe penalty than 18.2-283 does anyway.

Bills That VCDL Strongly Supports (Cont'd)

SB 476, Senator Chase, requires that the Commonwealth provide coverage of damages and an additional \$350,000 to someone who is killed or injured by a criminal attack on the grounds, buildings, or properties of a public elementary or secondary school or institute of higher education where the carry of a concealed handgun is prohibited by law or policy and there was no armed security officer present. Gun-free zones are dangerous and if the Commonwealth wants to create them, then they are culpable for any harm to those who denied the ability to protect themselves.

SB 477, Senator Chase, requires that the Commonwealth provide coverage of damages and an additional \$350,000 to someone who is killed or injured by a criminal attack on the grounds, buildings, or properties of the Commonwealth where the carry of a concealed handgun is prohibited by law or policy and there was no armed security officer present. Gun-free zones are dangerous and if the Commonwealth wants to create them, then they are culpable for any harm to those who denied the ability to protect themselves.

HB 596, Delegate Walker, repeals the current requirement for a person to have “good and sufficient reason” to carry a firearm while a meeting is being held for religious purposes in a place of worship. This is an old Blue Law that interferes with the right of a place of worship to decide on its own security needs.

HB 669, Delegate M.L. Cole, allows employees for the Commonwealth or any political subdivision, and who have a concealed handgun permit, to be able to carry a concealed handgun in the workplace. There is an exception for workplaces with armed security stationed at the workplace. This bill makes for a much safer environment for government workers.

HB 888, Delegate Filler-Corn, removes sales tax from gun safes that sell for \$1,500 or less. This encourages citizens to purchase a gun safe, including those with quick-opening biometric systems.

SB 901, Senator Chase, allows a person who would qualify to get a Virginia concealed handgun permit to be able to carry a concealed handgun without a permit anywhere that person could lawfully openly carry a handgun. This is referred to as “Constitutional Carry,” which Virginia currently has only for openly carried handguns. Sixteen other states have Constitutional Carry: Alaska, Arizona, Arkansas, Idaho, Kansas, Kentucky, Maine, Mississippi, Missouri, New Hampshire, North Dakota, Oklahoma, South Dakota, Vermont, West Virginia, and Wyoming. Sixteen other states plan to introduce it or have introduced it: Colorado, Georgia, Indiana, Iowa, Louisiana, Nevada, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, and Wisconsin. None of the states that have adopted Constitutional Carry have repealed it. This bill is an improvement over HB 161, as it allows any qualified person to carry concealed, not just qualified residents.

SB 928, Senator Newman, continues to allow for possession, purchase, or transport of a firearm or a firearms magazine that was legal on January 1, 2020, in any locality that, by ordinance, resolution, or motion allows for such possession, purchase, or transport.

HB 934, Delegate Edmunds, continues to allow for possession, purchase, or transport of a firearm or a firearms magazine that was legal on January 1, 2020, in any locality that declares itself a Second Amendment Sanctuary by an ordinance, resolution, or motion. It also prohibits the Commonwealth from withholding funds on the basis of such a locality declaring itself a sanctuary.

Bills That VCDL Strongly Supports (Cont'd)

HB 939, Delegate Webert, allows elementary schools and requires high schools to offer a firearm safety education program. The Board of Education and the Department of State Police will develop the curriculum. Parents can have their children opted out of the program. The program will not use firearms and the program will be taught by a school-resource officer, a law-enforcement officer, or a U.S. Armed-Forces instructor.

SB 950, Senator Chase, only allows funding for the Governor's personal security staff if the Governor does not take any action to deny law-abiding citizens their right to carry, possess, or transport. What's good for the goose is good for the gander.

SB 958, Senator Chase, repeals the current requirement for a person to have "good and sufficient reason" to carry a firearm while a meeting is being held for religious purposes in a place of worship. This is an old Blue Law that interferes with the right of a place of worship to decide on its own security needs.

HB 976, Delegate Fariss, allows the state police officers on the Executive Protection Unit to only possess a firearm anywhere a civilian can possess a firearm by law.

SB 1009, Senator Chase, waves the sovereign immunity for the Commonwealth or a locality if such government entity creates a firearm-free zone and a person lawfully present sustains injuries while in such zone. For a department, agency, authority, board, commission, or council of the Commonwealth, if they create a firearm-free zone on any area open to the public, then they assume an affirmative duty to protect invitees while lawfully on the premises of such property and they, too, wave their sovereign immunity. Anytime a person is disarmed, whoever disarms them should be responsible for the disarmed person's safety during the time they are disarmed.

HB 1382, Delegate Campbell, waives sovereign immunity for any locality that prohibits gun and ammunition in their buildings and are civilly sued by a individual who claims that his injuries, at least in part, were caused by that policy. The locality will be subject to the ordinary negligence standard for invitees.

HB 1485, Delegate LaRock, allows an employee of local government to carry a concealed handgun in the workplace if the employee has a concealed handgun permit. Some local governments are already doing this in Virginia.

HB 1486, Delegate LaRock, repeals the current requirement for a person to have "good and sufficient reason" to carry a firearm while a meeting is being held for religious purposes in a place of worship. This is an old Blue Law that interferes with the right of a place of worship to decide on its own security needs.

HB 1689, Delegate Campbell, protects the People's right to keep and bear arms under Article 1, Section 13 of the Virginia Constitution by invalidating any gun laws that infringe on that right.

HB 1723, Delegate Davis, creates a "Firearms Safety Awareness Week" during the last full week in September. During that period, there will be no tax on gun safes, ammunition lock boxes, etc. that deal with the safe storage of firearms or ammunition.

Bills That VCDL Strongly Supports (Cont'd)

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Bills That VCDL Supports

SB 82, Senator DeSteph, creates a mandatory minimum sentence of 3 years to be served consecutively for those who knowingly violate a domestic abuse protection order while armed with a firearm or other deadly weapon.

SB 82, Senator DeSteph, creates a mandatory minimum sentence of 6 months for those who brandish a weapon at a person they know, or have reason to know, is a law enforcement officer.

SB 84, Senator DeSteph, makes it illegal to have a concealed firearm while committing, or attempting to commit, murder, rape, forcible sodomy, and various other violent crimes.

SB 85, Senator DeSteph, creates various mandatory minimum terms for those using stolen firearms in a violent crime, stealing firearms, or selling or distributing stolen firearms.

SB 86, Senator DeSteph, increases the penalties and mandatory minimums for those using a firearm in the commission of a violent crime.

SB 88, Senator DeSteph, adds mandatory minimum terms for those discharging firearms maliciously, or accidentally, at a residence; discharging a firearm in a public place; or shooting from a vehicle to create risk of death or injury to another.

SB 89, Senator DeSteph, creates a mandatory minimum term of 3 years to be served consecutively for those who knowingly violate a domestic abuse protection order or a regular protection order while armed with a firearm or other deadly weapon.

SB 268, Senator Bell, removes sales tax from gun safes that sell for \$1,000 or less. This encourages citizens to purchase a gun safe, including those with quick-opening biometric systems. HB 888, which removes tax from safes that are less than \$1,500, is a better bill.

SB 691, Senator Obenshain, creates a “School Guardian Fund and Program” to facilitate screening for persons who are authorized to carry a firearm on school property.

SB 805, Senator Morrissey, creates various grades of punishment for committing a robbery using a deadly weapon or instrument.

HB 936, Delegate Brewer, creates a mandatory minimum term of 5 years for committing a robbery using a deadly weapon or instrument.

HB 1175, Delegate Pointdexter, increases the penalties and mandatory minimums for those using a firearm in the commission of a violent crime.

HB 1470, Delegate Head, allows a person who owns a large parcel of land that spans more than one locality to use the hunting ordinances that apply to the largest area to the entire parcel. This simplifies both compliance and enforcement of hunting on that parcel.

Bills That VCDL Supports (Cont'd)

HB 1471, Delegate Head, if a hunter is hunting on a large parcel of land that spans more than one locality, the firearms ordinance of the first locality he hunts in will apply, even if he crosses into one or more of the other localities. The hunter will have an affirmative defense if he is in compliance with the firearm laws of the first locality when he was charged in one of the other localities. This simplifies compliance with firearm laws.

HB 1487, Delegate LaRock, removes sales tax from gun safes that sell for \$1,000 or less. This encourages citizens to purchase a gun safe, including those with quick-opening biometric systems. HB 888, which removes tax from safes that are less than \$1,500, is a better bill.

Bills That VCDL Strongly Opposes

HB 2, Delegate Plum, requires that all private sales of firearms go through a federal firearms licensed dealer (“Universal Background Check”). The dealer may charge up to a \$15 fee for the transfer. The bill also triples the number of days that the State Police have to approve the sale of a firearm before the firearm can be sold without approval, which complies with federal law. This bill will do nothing about crime, but it will make it harder and more expensive for a citizen to sell or trade one of his firearms to another citizen. No dealer is required to make such a transfer, possibly making a private transfer all but impossible or not possible in a timely manner. The dealer’s and State Police fees will raise the price of the firearm. Finally, this bill will also lead to an inevitable “Universal Registration” scheme at some point in the future to provide for enforcement. Firearms confiscation is the end goal, as is happening right now in California and Hawaii with their universal background checks and associated gun registrations. Illinois has universal background checks, but a 2015 survey of criminals in Illinois prisons showed that only 3% got their firearms after going through a background check! The rest got their guns using straw purchases, theft, from friends, from family, and the black market. This bill strips a person from 18 to 20 years-old from being able to legally own a handgun, unless that handgun was a gift from a parent. Under current law it is legal for someone in that age range to purchase a handgun from a private seller. Finally, this bill prevents a minor under the age of 18 to be able to hunt with a firearm unless the parent remains with the minor at all times while hunting. An unjustified restriction on law-abiding gun owners.

HB 9, Delegate Bourne, requires that a person report a lost or stolen firearm within 24 hours of discovering the firearm is lost or stolen. The penalty is up to \$250. A person in good faith who reports such a lost or stolen firearm is immune from any criminal or civil damage from acts using the firearm. The victim gets punished twice: once by the theft or loss and next by the government for not reporting the loss quickly enough. Who’s to say exactly when the victim “discovered” the loss or theft? The bill also is setting a precedent that the victim is somehow liable for the misuse of a stolen firearm if he doesn’t report it stolen quickly enough. An unjustified restriction on law-abiding gun owners.

SB 13, Senator Ebbin, prohibits firearms and other weapons in Capitol Square buildings and grounds. Over 90% of public mass-shootings happen in gun-free zones, such as SB 13 creates. A magistrate, court officer, judge, city or county treasurer, commissioner or deputy commissioner of the Virginia Workers' Compensation Commission are exempt, but not a concealed handgun permit holder? Government arming itself, while disarming the public. A solution in search of a problem: there have not been any incidents to justify this ban in the People’s House. An unjustified restriction on law-abiding gun owners.

SB 14, Senator Saslaw, makes “trigger activators” illegal and a **Class 6 felony**, even though, with one exception in another state, crimes are not committed with these items. SB 14 is a solution in search of a problem. An unjustified restriction on law-abiding gun owners.

SB 15, Senator Ebbin, prohibits firearms and other weapons in buildings that are either owned or leased by the Commonwealth. Over 90% of public mass-shootings happen in gun-free zones, such as SB 15 creates. A magistrate, court officer, judge, city or county treasurer, commissioner or deputy commissioner of the Virginia Workers' Compensation Commission are exempt, but not a concealed handgun permit holder? A solution in search of a problem: there have not been any incidents to justify this ban. An unjustified restriction on law-abiding gun owners.

Bills That VCDL Strongly Opposes (Cont'd)

SB 16, Senator Saslaw, makes the following things illegal: carrying a loaded shotgun that holds more than 7 rounds in public; possession, sale, etc. of “assault firearms,” with a definition so broad as to catch almost all centerfire semi-automatic firearms; magazines that hold more than 10 rounds. SB 16 turns law-abiding citizens who own a perfectly legal and constitutionally protected product on June 30, into a felon on July 1. The Virginia Tech massacre commission concluded that the killer having 10-round magazines would have made no difference in the outcome. The Virginia Beach Chief of Police said such a limitation would have made no difference in the massacre in their Building #2. Studies have shown that for self-defense larger magazines are beneficial. There is nothing in SB 16 that would lower crime. Its sole purpose is to disarm the public. Grandfathering existing “assault firearms” owners disarms the next generation and does not make this bill more palatable. An unjustified restriction on law-abiding gun owners.

SB 18, Senator Saslaw, takes away the right of anyone who is 18, 19, or 20 years old to purchase a firearm from a dealer or in a private sale. It also creates a “universal background check” scheme. Finally, this bill prevents a minor under the age of 18 to be able to hunt with a firearm unless the parent remains with the minor at all times while hunting and prohibits a minor under the age of 18 from being able to have access to a loaded firearm at home, even in an emergency and if highly trained. If young adults between 18 and 21 are mature enough to vote and serve in the military, they are mature enough to own and carry firearms. An unjustified restriction on law-abiding gun owners.

SB 35, Senator Surovell, allows localities to prohibit the carry of firearms or ammunition at any permitted event, or any event that would otherwise require a permit. It also allows localities to prohibit the carry of firearms into local government buildings and parks. This legislation is a solution in search of a problem. The only casualties in recent memory at a permitted event were the victims of the intentional misuse of a vehicle as a weapon, yet no ban has been proposed for vehicles at permitted events. Current laws already cover any crimes that can be committed at such events. The only incident in a local government building was a disgruntled employee that murdered co-workers in a gun-free zone. Disarming the law abiding does NOT make them safer. SB 35 is a solution in search of a problem. It is an unjustified restriction on law-abiding gun owners.

SB 51, Senator Spruill, prohibits a concealed handgun permit holder who is carrying concealed from consuming alcoholic beverages in a public park or public space. A solution in search of a problem. The law already has a punishment for a person carrying a concealed handgun who is under the influence, regardless of where they are drinking. An unjustified restriction on law-abiding gun owners.

SB 64, Senator Lucas, prohibits one or more persons from intimidating others by drilling, parading, or marching with any firearm or explosive device. Who decides what is “intimidation,” considering a violation is a **felony**? This bill would allow anyone to shut down any rally or meeting of a gun club or a gun organization by making a false accusation of intimidation. There is no penalty for someone lying about intimidation, either. An unjustified restriction on right to free speech, right to free association, and the right to keep and bear arms.

SB 67, Senator McClellan, requires that a person report a lost or stolen firearm within 24 hours of discovering the firearm is lost or stolen. The penalty for reporting late is \$250. A person in good faith who reports such a lost or stolen firearm is immune from any criminal or civil damage from acts using the firearm. The victim is punished twice: once by the theft or loss and next by the government for not reporting the loss quickly enough. Who is to say exactly when the victim “discovered” the loss or theft? The bill is also setting a precedent that a victim, who did not report the firearm stolen quickly enough, is somehow liable for the misuse of that stolen firearm.

Bills That VCDL Strongly Opposes (Cont'd)

SB 69, Senator Locke, reinstates the old “One Handgun a Month” law, with a new exception for replacing handguns that were documented as stolen. There was no evidence to show that the old One Handgun a Month law did anything to reduce crime or gun trafficking. Improvements in the background check system over the years have also made this bill unnecessary. An unjustified restriction on law-abiding gun owners.

SB 70, Senator Lucas, requires that all private sales of firearms go through a federal firearms licensed dealer (“Universal Background Check”). The dealer may charge up to a \$15 fee for the transfer. The bill also triples the number of days that the State Police must approve the sale of a firearm before the firearm can be sold without approval, which complies with federal law. This bill will do nothing about crime, but it will make it harder and more expensive for a citizen to sell or trade one of his firearms to another citizen. No dealer is required to make such a transfer, possibly making a private transfer all but impossible or not possible in a timely manner. The dealer’s and State Police fees will raise the price of the firearm. Finally, this bill will also lead to an inevitable “Universal Registration” scheme at some point in the future to provide for enforcement. Firearms confiscation is the end goal, as is happening right now in California and Hawaii with their universal background checks and associated gun registrations. Illinois has universal background checks, but a 2015 survey of criminals in Illinois prisons showed that only 3% got their firearms after going through a background check! The rest got their guns using straw purchases, theft, from friends, from family, and the black market. Finally, this bill strips a person from 18 to 20 years-old from being able to legally own a handgun, unless that handgun was a gift. Under current law it is legal for someone in that age range to purchase a handgun from a private seller. This bill is an unjustified restriction on law-abiding gun owners.

SB 71, Senator Lucas, treats child day centers or religious preschools as if they were a K-12 school for purposes of possessing firearms or other weapons. This bill is a solution in search of a problem. “Gun-free zones” are where over 90% of public mass killings occur. An unjustified restriction on law-abiding gun owners.

SB 75, Senator Howell, for purposes of someone recklessly leaving a loaded, unsecured firearm in such a manner as to endanger life or limb of a person who is not an adult and is under a certain age, raises that age from 14 to 18. A person under 18-years-old can be both very mature and have had training with firearms where leaving the loaded firearm out is not dangerous or negligent. In fact, there have been plenty of cases where a person under 18-years-old has used a firearm to stop a violent home-invasion. An unjustified restriction on law-abiding gun owners.

SB 76, Senator Howell, takes away a person’s right to possess a firearm if they are subject to a permanent protective order that does not deal with family abuse. There are two sides to every story and a protective order which prohibits possession of firearms altogether can be gotten in bad faith and used as a weapon to disarm someone with the intent of attacking them once they are disarmed. Also, this kind of protective order is handed out like candy during divorces and a restriction on merely possessing a firearm at home is overreach. The bill also provides no timeframe for a firearm to be returned to the owner once the protective order is listed and exempts police if the firearms are lost or stolen!

HB 142, Delegate Davis, removes the online training option for those wishing to get a concealed handgun permit. **HB 142** is a solution to a non-existent problem and would hurt those who might be in a hurry to get their concealed carry permit due to an unanticipated and immediate threat to their life. An unjustified restriction on law-abiding gun owners.

Bills That VCDL Strongly Opposes (Cont'd)

SB 240, Senator Barker, creates an Emergency Substantial Risk Order (ESRO) and a Substantial Risk Order (SRO), AKA “Red Flag” laws. The ESRO, which allows the police to confiscate the firearms from the subject of the ESRO, is issued ex-parte, so the subject will have no idea what has transpired and no way to legally defend himself against an ESRO issued upon false or misleading facts. While the subject’s firearms are taken, the “dangerous” subject is left walking around with the rest of us, still perfectly able to harm himself or others. The ESRO strips the subject of a constitutionally-protected civil right for up to 14 days without the subject being allowed due process to defend himself or to confront his accuser. The subject of the ESRO is not charged with a crime, yet he is presumed to be dangerous until he can prove he is not, just the opposite of the protections in the Constitution. SROs can be extended endlessly, again, without the subject having been convicted of anything. The State does not provide a lawyer to represent a poor person who cannot afford their own lawyer. The police are given a blank check to be careless, as they are not responsible for damages or even the loss of the subject’s firearms! ESROs and SROs are about confiscation, not public safety, and disgruntled people will use them to get legal “revenge” against another, based merely upon conjecture that the subject might do something in the future. The punishment for lying about the need for an ESRO is a mere misdemeanor, while that lie could cause the victim to have his civil rights violated, his property seized indefinitely, pay untold legal fees, suffer undo emotional stress, and possibly be killed. Under a similar law in Maryland, an innocent citizen was shot to death by police during an unannounced raid. A relative of the victim had falsely claimed the victim was dangerous. ESROs violate the First, Second, Fourth, Fifth, Sixth, Tenth, and Fourteenth Amendments.

SB 248, Senator Favola, creates a “Gun Violence Intervention and Prevention Fund” to provide money to various organizations and local government agencies for the purpose of reducing gun violence. This is just another effort to villainize and single out firearms, not reduce crime. Take the words “Gun” and “Firearms” out of the bill and make it about any illegal violence. A person killed by someone misusing a knife is just as dead as a person killed by someone misusing a firearm.

SB 263, Senator Bell, removes the online training option for those wishing to get a concealed handgun permit. **SB 263** is a solution to a non-existent problem and would hurt those who might be in a hurry to get their concealed carry permit due to an unanticipated and immediate threat to their life. An unjustified restriction on law-abiding gun owners.

HB 264, Delegate Lopez, removes the online training option for those wishing to get a concealed handgun permit. **HB 264** is a solution to a non-existent problem and would hurt those who might be in a hurry to get their concealed carry permit due to an unanticipated and immediate threat to their life. An unjustified restriction on law-abiding gun owners.

HB 318, Delegate Kory, makes possession of ammunition on K-12 school grounds a Class 1 misdemeanor. Currently a person leaving their unloaded firearm in a vehicle can take their ammunition with them into a school and not leave it in the vehicle with their firearm. An unjustified restriction on law-abiding gun owners.

SB 353, Senator Bell, requires outdoor shooting ranges to be at least 500 yards away from any property zoned for residential use, unless it meets requirements of the U.S. Dept. of Energy, Office of Health, Safety and Security have been met. There is no grandfathering provision for existing outdoor ranges. This bill makes it harder for law-abiding citizens to have a place to shoot.

Bills That VCDL Strongly Opposes (Cont'd)

HB 355, Delegate Kory, requires that all private sales of firearms go through a federal firearms licensed dealer (“Universal Background Check”). The dealer may charge up to a \$15 fee for the transfer. The bill also triples the number of days that the State Police must approve the sale of a firearm before the firearm can be sold without approval, which complies with federal law. This bill will do nothing about crime, but will make it harder and more expensive for a citizen to sell or trade one of his firearms to another citizen. No dealer is required to make such a transfer, possibly making a private transfer all but impossible or not possible in a timely manner. The dealer’s and State Police fees will raise the price of the firearm. Finally, this bill will also lead to an inevitable “Universal Registration” scheme at some point in the future to provide for enforcement. Firearms confiscation is the end goal, as is happening right now in California and Hawaii with their universal background checks and associated gun registrations. Illinois has universal background checks, but a 2015 survey of criminals in Illinois prisons showed that only 3% got their firearms after going through a background check! The rest got their guns using straw purchases, theft, from friends, from family, and the black market. This bill strips a person from 18 to 20 years-old from being able to legally own a handgun, unless that handgun was a gift from a parent. Under current law it is legal for someone in that age range to purchase a handgun from a private seller. Finally, this bill prevents a minor under the age of 18 to be able to hunt with a firearm unless the parent remains with the minor at all times while hunting. An unjustified restriction on law-abiding gun owners.

SB 372, Senator Saslaw, takes away a person’s right to possess a firearm if they are subject to a permanent protective order that does not deal with family abuse. There are two sides to every story and a protective order which prohibits possession of firearms altogether can be gotten in bad faith and used as a weapon to disarm someone with the intent of attacking them once they are disarmed. Also, this kind of protective order is handed out like candy during divorces and a restriction on merely possessing a firearm at home is overreach. The bill also provides no timeframe for a firearm to be returned to the owner once the protective order is listed and exempts police if the firearms are lost or stolen!

HB 421, Delegate Price, guts Virginia’s firearms preemption laws. It not only allows localities to create a confusing patchwork of areas where possession of a firearm, ammunition, and components of the same are prohibited, it also removes the restrictions on localities controlling the carrying, storage, and transporting of those items. This bill takes us back to the days before 2004 when local gun laws were so confusing that no one knew what all of them were, even the police. Current law allows only the General Assembly, with its 140 members vs 2 to 9 members for local government, to make a case-by-case decision on anything affecting firearms, making for a set of uniform gun laws across the Commonwealth. And most importantly, civil rights should be uniform across the state to provide equal protection under the law. Finally, there have been no issues with the current firearms preemption law. Let’s not fix something that isn’t broken. An unjustified restriction on law-abiding gun owners.

HB 423, Delegate Price, creates a “Gun Violence Survivor Assistance Fund” to provide money to make accessibility adjustments to the home of those disabled resulting from violence using a firearm. This is just another effort to villainize and single out firearms, not help victims of crime. Someone bludgeoned does not qualify, even though brain injuries are extremely disabling. Stabbing victims, including those whose spinal cord has been cut, don’t qualify. Yet someone who is shot by a police officer or a citizen in self-defense qualifies! Take the words “Gun” and “Firearms” out of the bill and make it about any illegal violence.

Bills That VCDL Strongly Opposes (Cont'd)

HB 425, Delegate Simon, requires gun dealers who sell more than one firearm to an individual in a single transaction to report said transaction to the State Police on a form provided by the State Police. So a person who purchases a handgun and a shotgun from a dealer now has their purchase reported to the State Police. Exactly what information the State Police get is not defined in the bill, but could include information about the guns purchased, making a defacto gun-registry.

HB 426, Delegate Simon, makes the carrying of any loaded centerfire handgun which has a magazine that will hold more than 20 rounds of ammunition or has a threaded barrel illegal in the Cities of Alexandria, Chesapeake, Fairfax, Falls Church, Newport News, Norfolk, Richmond, or Virginia Beach or in the Counties of Arlington, Fairfax, Henrico, Loudoun, or Prince William. It also bans the carry of loaded shotguns in those localities. For loaded rifles, the bill has conflicting provisions, seeming to allow some loaded semi-automatic rifles, but then bans the carry of all rifles in the specified localities. And there is no exception for the most law-abiding of the law-abiding: concealed handgun permit holders. An unjustified restriction on law-abiding gun owners.

HB 450, Delegate Levine, takes away a person's gun rights, even if an appeals court at the time they review a person's involuntary admission to an inpatient facility or a mandatory admission to an outpatient treatment facility finds the person no longer requires such treatment. Rather than just restoring the person's gun rights right there, the bill forces the person to go through a separate restoration process. This puts a completely unnecessary financial and time-consuming burden on the person to get their gun rights restored.

HB 459, Delegate Sullivan, takes away a person's right to purchase, possess, or transport a firearm if they are guilty of certain misdemeanor assault and battery convictions. The bill has a provision to petition the court for rights restoration after two years have elapsed since the conviction. **Misdemeanors** should never strip away a person's civil rights. This is just an excuse to disarm gun owners.

HB 463, Delegate Hayes, for purposes of someone recklessly leaving a loaded, unsecured firearm in such a manner as to endanger life or limb of a person who is not an adult and is under a certain age, raises that age from 14 to 18, removes the "reckless" requirement and replaces it with "negligent," and increases the penalty from a misdemeanor to a felony. Charging someone with a felony should require that their actions be reckless. Also, if a 17-year-old breaks into a person's home and there is a loaded gun on a table, the homeowner could be charged with a felony under this bill. The homeowner's actions weren't reckless, as they weren't expecting anyone under 18 to be in their home, but without the reckless requirement, the homeowner could be charged because they unintentionally "endangering the life or limb of a person under the age of 18!" Finally, a person under 18-years-old can be both very mature and have had training with firearms where leaving the loaded firearm out is not dangerous or negligent. In fact, there have been plenty of cases where a person under 18-years-old has used a firearm to stop a violent home-invasion. An unjustified restriction on law-abiding gun owners.

SB 479, Senator Howell, takes away a person's right to possess a firearm if they are subject to a permanent protective order that does not deal with family abuse. There are two sides to every story and a protective order which prohibits possession of firearms altogether can be gotten in bad faith and used as a weapon to disarm someone with the intent of attacking them once they are disarmed. Also, this kind of protective order is handed out like candy during divorces and a restriction on merely possessing a firearm at home is overreach. The bill also provides no timeframe for a firearm to be returned to the owner once the protective order is listed and exempts police if the firearms are lost or stolen!

Bills That VCDL Strongly Opposes (Cont'd)

SB 490, Senator Favola, takes away a person's right to purchase, possess, or transport a firearm if they are guilty of certain misdemeanor assault and battery convictions. The bill has a provision to petition the court for rights restoration after five years have elapsed since the conviction. **Misdemeanors** should never strip away a person's civil rights. This is just an excuse to disarm gun owners.

SB 506, Senator Edwards, guts Virginia's firearms preemption laws. It not only allows localities to create a confusing patchwork of areas where possession of a firearm, ammunition, and components of the same are prohibited, it also removes the restrictions on localities controlling the carrying, storage, and transporting of those items. This bill takes us back to the days before 2004 when local gun laws were so confusing that no one knew what all of them were, even the police. Current law allows only the General Assembly, with its 140 members vs 2 to 9 members for local government, to make a case-by-case decision on anything affecting firearms, making for a set of uniform gun laws across the Commonwealth. And most importantly, civil rights should be uniform across the state to provide equal protection under the law. Finally, there have been no issues with the current firearms preemption law. Let's not fix something that isn't broken. An unjustified restriction on law-abiding gun owners.

SB 543, Senator Edwards, requires background checks for private sales at gun shows using the Virginia State Police to do the background check.

HB 567, Delegate Helmer, prohibits indoor shooting ranges in private buildings unless there are fewer than 50 employees in the building or it is used by 90% law enforcement and officers information is entered into a log book. This bill has no real purpose other than to restrict large, private indoor ranges.

HB 568, Delegate Helmer, requires a firearm in a motor vehicle or vessel be place in a locked container, other than a glove box, with exceptions for police and concealed handgun permit holders. This bill makes the firearm useless for self-defense and is a solution in search of a problem. An unjustified restriction on law-abiding gun owners.

HB 569, Delegate Helmer, undoes significant changes to concealed handgun reciprocity that made it equitable and simple to enforce. The current law has been working perfectly and allows Virginia concealed handgun permit holders the maximum number of states where their permit is honored when travelling. The current law, signed by Governor McAuliffe, was in response to the Attorney General abusing his power to decide which states' concealed handgun permits met the criteria required by Virginia. The current law depoliticizes reciprocity decisions. An unjustified restriction on law-abiding gun owners.

SB 581, Senator Howell, for purposes of someone recklessly leaving a loaded, unsecured firearm in such a manner as to endanger life or limb of a person who is not an adult and is under a certain age, raises that age from 14 to 18 and makes the punishment a **felony**. A person under 18-years-old can be both very mature and have had training with firearms where leaving the loaded firearm out is not dangerous or negligent. In fact, there have been plenty of cases where a person under 18-years-old has used a firearm to stop a violent home-invasion. An unjustified restriction on law-abiding gun owners.

SB 593, Senator Hanger, requires family day homes to have firearms unloaded and locked up separate from any ammunition during hours of operation, making the firearms useless for self-defense or defense of the children. An unjustified restriction on law-abiding gun owners.

Bills That VCDL Strongly Opposes (Cont'd)

HB 599, Delegate Murphy, prohibits firearms and other weapons in buildings that are either owned or leased by the Commonwealth. Over 90% of public mass-shootings happen in gun-free zones, such as SB 15 creates. A magistrate, court officer, judge, city or county treasurer, commissioner or deputy commissioner of the Virginia Workers' Compensation Commission are exempt, but not a concealed handgun permit holder? A solution in search of a problem: there have not been any incidents to justify this ban. An unjustified restriction on law-abiding gun owners.

HB 600, Delegate Hope, requires family day homes to have firearms unloaded and locked up separate from any ammunition during hours of operation, making the firearms useless for self-defense or defense of the children. An unjustified restriction on law-abiding gun owners.

SB 614, Senator Deeds, adds Charlottesville and Albemarle County to the list of localities where there are restrictions on the carry of certain loaded firearms. VCDL has been unable to find any cases where this code section has been enforced, much less any convictions. This code section should be repealed as unnecessary.

HB 674, Delegate Sullivan, creates an Emergency Substantial Risk Order (ESRO) and a Substantial Risk Order (SRO), AKA "Red Flag" laws. The ESRO, which allows the police to confiscate the firearms from the subject of the ESRO, is issued ex-parte, so the subject will have no idea what has transpired and no way to legally defend himself against an ESRO issued upon false or misleading facts. While the subject's firearms are taken, the "dangerous" subject is left walking around with the rest of us, still perfectly able to harm himself or others. The ESRO strips the subject of a constitutionally-protected civil right for up to 14 days without the subject being allowed due process to defend himself or to confront his accuser. The subject of the ESRO is not charged with a crime, yet he is presumed to be dangerous until he can prove he is not, just the opposite of the protections in the Constitution. SROs can be extended endlessly, again, without the subject having been convicted of anything. The State does not provide a lawyer to represent a poor person who cannot afford their own lawyer. The police are given a blank check to be careless, as they are not responsible for damages or even the loss of the subject's firearms! ESROs and SROs are about confiscation, not public safety, and disgruntled people will use them to get legal "revenge" against another, based merely upon conjecture that the subject might do something in the future. The punishment for lying about the need for an ESRO is a mere misdemeanor, while that lie could cause the victim to have his civil rights violated, his property seized indefinitely, pay untold legal fees, suffer undo emotional stress, and possibly be killed. Under a similar law in Maryland, an innocent citizen was shot to death by police during an unannounced raid. A relative of the victim had falsely claimed the victim was dangerous. ESROs violate the First, Second, Fourth, Fifth, Sixth, Tenth, and Fourteenth Amendments.

SB 684, Senator Mason, takes away a person's gun rights, even if an appeals court at the time they review a person's involuntary admission to an inpatient facility or a mandatory admission to an outpatient treatment facility finds the person no longer requires such treatment. Rather than just restoring the person's gun rights right there, the bill forces the person to go through a separate restoration process. This puts a completely unnecessary financial and time-consuming burden on the person to get their gun rights restored.

HB 750, Delegate Jones, prohibits a concealed handgun permit holder who is carrying concealed from consuming alcoholic beverages in a public park or public space. A solution in search of a problem. The law already has a punishment for a person carrying a concealed handgun who is under the influence, regardless of where they are drinking. An unjustified restriction on law-abiding gun owners.

Bills That VCDL Strongly Opposes (Cont'd)

SB 781, Senator Lewis, makes it a crime to leave an unattended handgun in public view in any public place where the public assemble, street, highway, or other public conveyance, or sidewalk. If a handgun is left on the seat of a locked vehicle (something someone without a concealed handgun permit might do), it could trigger this law.

HB 812, Delegate Ward, reinstates the old “One Handgun a Month” law, with a new exception for replacing handguns that are documented as stolen. There was no evidence to show that the old One Handgun a Month law did anything to reduce crime or gun trafficking. Improvements in the background check system over the years have also made this bill unnecessary. Unlike the repealed law, there is no exception for concealed handgun permit holders, either. An unjustified restriction on law-abiding gun owners.

HB 856, Delegate Murphy, takes away a person’s right to possess a firearm if they are subject to a permanent protective order that does not deal with family abuse. There are two sides to every story and a protective order which prohibits possession of firearms altogether can be gotten in bad faith and used as a weapon to disarm someone with the intent of attacking them once they are disarmed. Also, this kind of protective order is handed out like candy during divorces and a restriction on merely possessing a firearm at home is overreach. The bill also provides no timeframe for a firearm to be returned to the owner once the protective order is listed and exempts police if the firearms are lost or stolen!

HB 899, Delegate Levine, makes the manufacture, import, sale, transfer, or possession of “restricted ammunition” a felony. The problem is the definition of “restricted ammunition” has not been updated in a long time and doesn’t take into account common, and modern, self-defense ammunition wholly comprised of a metal other than lead, such as solid copper and sintered metals (which don’t penetrate hard barriers).

HB 900, Delegate Levine, takes away a person’s right to purchase, possess, or transport a firearm if they are guilty of certain misdemeanors. The bill has NO provision to petition the court for rights restoration, making a misdemeanor conviction a lifetime prohibition on possessing firearms! **Misdemeanors** should never strip away a person’s civil rights. This is just an excuse to disarm gun owners and to do so permanently.

HB 960, Delegate Levine, adds a retail tax to all ammunition and firearm sales, providing a total tax of 10%. The money goes into a fund dealing with student mental health and safety. This bill places an unnecessary burden on law-abiding gun owner to discourage the purchase of firearms and ammunition under the guise of the tax being necessary to fund something that has nothing to do with lawful purchase and ownership of guns and ammunition.

Bills That VCDL Strongly Opposes (Cont'd)

HB 961, Delegate Levine, makes the following things illegal: carrying a loaded shotgun that holds more than 7 rounds in public; possession, sale, etc. of “assault firearms,” with a definition so broad as to catch almost all centerfire semi-automatic firearms; magazines that hold more than 10 rounds, silencers, and “trigger activators.” A person who owns an “assault firearm” on July 1, 2020, can keep the gun if they register it. **HB 961** turns law-abiding citizens who own a perfectly legal and constitutionally protected product on June 30, into a felon on July 1. The Virginia Tech massacre commission concluded that the killer having 10-round magazines would have made no difference in the outcome. The Virginia Beach Chief of Police said such a limitation would have made no difference in the massacre in their Building #2. Studies have shown that for self-defense larger magazines are beneficial. It is extremely rare for a silencer to be used in a crime, as it makes the firearm much longer than usual. Most crimes committed with silencers deals with the unlawful possession of a homemade silencer. There is nothing in **HB 961** that would lower crime. Its sole purpose is to disarm the public. Grandfathering existing “assault firearms” owners disarms the next generation and does not make this bill more palatable. This bill is rife with unjustified restrictions and is nothing short of a full-fledged attack on law-abiding gun owners.

HB 1004, Delegate Mullen, takes away a person’s right to possess a firearm if they are subject to a permanent protective order that does not deal with family abuse. There are two sides to every story and a protective order which prohibits possession of firearms altogether can be gotten in bad faith and used as a weapon to disarm someone with the intent of attacking them once they are disarmed. Also, this kind of protective order is handed out like candy during divorces and a restriction on merely possessing a firearm at home is overreach. The bill also provides no timeframe for a firearm to be returned to the owner once the protective order is listed and exempts police if the firearms are lost or stolen!

HB 1079, Delegate Hope, prohibits firearms and other weapons in Capitol Square buildings and grounds. Over 90% of public mass-shootings happen in gun-free zones, such as SB 13 creates. A magistrate, court officer, judge, city or county treasurer, commissioner or deputy commissioner of the Virginia Workers' Compensation Commission are exempt, but not a concealed handgun permit holder? Government arming itself, while disarming the public. A solution in search of a problem: there have not been any incidents to justify this ban in the People’s House. An unjustified restriction on law-abiding gun owners.

HB 1080, Delegate Hope, prohibits special conservators of the peace from being able to carry a firearm on K-12 school property in any way other than a regular citizen can. It also prohibits school boards from authorizing someone to carry a gun on school property other than someone authorized by statute.

HB 1083, Delegate Hayes, for purposes of someone recklessly leaving a loaded, unsecured firearm in such a manner as to endanger life or limb of a person who is not an adult and is under a certain age, raises that age from 14 to 18 and makes the punishment a **felony**. A person under 18-years-old can be both very mature and have had training with firearms where leaving the loaded firearm out is not dangerous or negligent. In fact, there have been plenty of cases where a person under 18-years-old has used a firearm to stop a violent home-invasion. An unjustified restriction on law-abiding gun owners.

HB 1287, Delegate Murphy, provides that no person, corporation, or proprietorship licensed as a firearms dealer shall employ any person who is prohibited from possessing a firearm. Under current law such restriction is limited to persons employed as a seller for the transfer of firearms. This bill affects large employers, like Cabelas, Bass Pro and Walmart! So, for example, if a janitor had written a hot check 30 years ago when he was 22, he could now no longer be employed at either store. This bill is not about fighting crime, only vindictively striking out at gun stores.

Bills That VCDL Strongly Opposes (Cont'd)

HB 1312, Delegate Kory, treats a building owned or used by a local government as if the building is a courthouse for purposes of banning firearms, ammunition, etc. If a local government has an office in a building, the other tenants of the building are now in a gun-free zone, where most of the public mass shootings occur. This is a solution in search of a problem. Citizens have been carrying in Virginia local government buildings for countless years and the only incident in memory was a government employee who killed his fellow workers in what was already a gun-free zone for him and his victims in Virginia Beach.

HB 1447, Delegate Sickles, makes an additional penalty if someone is under the influence and is in possession of a loaded firearm. Besides the Class 1 misdemeanor, the person is prohibited from getting a concealed handgun permit for five years. Merely possessing a loaded firearm while intoxicated does not mean the gun was going to be used to endanger anybody, or even touched for that matter.

HB 1499, Delegate Bourne, creates a “Gun Violence Intervention and Prevention Fund” to provide money to various organizations and local government agencies for the purpose of reducing gun violence. This is just another effort to villainize and single out firearms, not reduce crime. Take the words “Gun” and “Firearms” out of the bill and make it about any illegal violence. A person killed by someone misusing a knife is just as dead as a person killed by someone misusing a firearm.

HB 1502, Delegate Ward, reinstates the old “One Handgun a Month” law, with a new exception for replacing handguns that were documented as stolen. There was no evidence to show that the old One Handgun a Month law did anything to reduce crime or gun trafficking. Improvements in the background check system over the years have also made this bill unnecessary. An unjustified restriction on law-abiding gun owners.

HB 1510, Delegate McQuinn, prohibits guns in any building owned or used by the Commonwealth or a political subdivision. If state or local government has an office in a building, the other tenants of the building are now in a gun-free zone, where most of the public mass shootings occur. This is a solution in search of a problem. Citizens have been carrying in Virginia local government buildings for countless years and the only incident in memory was a government employee who killed his fellow workers in what was already a gun-free zone for him and his victims in Virginia Beach.

HB 1687, Delegate Rasoul, adds a 15% retail tax to all ammunition and firearm sales, even private sales. The money goes into a fund dealing with violence intervention and prevention. This bill places an unnecessary burden on law-abiding gun owner to discourage the purchase of firearms and ammunition under the guise of the tax being necessary to fund something that has nothing to do with lawful purchase and ownership of guns and ammunition.

Bills That VCDL Strongly Opposes (Cont'd)

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Bills That VCDL Opposes

HB 72, Delegate Kory, increases the penalty for someone recklessly leaving a loaded, unsecured firearm in such a manner as to endanger the life or limb of any child under the age of 14 from a Class 3 misdemeanor to a Class 6 felony. Since the penalty is a life-changing felony, how does one determine if the action of leaving a loaded, unsecured firearm was reckless or merely accidental or inadvertent?

SB 436, Senator Surovell, creates a “Virginia Voluntary Do Not Sell List,” where a person can voluntarily have their name added and, later, removed if desired. A person on the list cannot purchase a firearm, under penalty of a misdemeanor if they try. What this bill actually accomplishes is a mystery, but a person could maliciously put another person on the list. The penalty for doing so, if caught, is a misdemeanor.

SB 825, Senator Chase, exempts local government employees from restrictions on carrying certain firearms in certain localities. VCDL supports that part. But the bill also puts a new restriction on concealed handgun permit holders carrying those same certain firearms in a government building.

Bills That VCDL Opposes (Cont'd)

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Bills On Which VCDL is Neutral

HB 78, Delegate Kory, takes away a person's firearms rights for a misdemeanor conviction of domestic violence. The bill allows for the restoration of the person's firearms rights after 2 years if the person petitions the circuit court and the judge and Commonwealth Attorney agree the right should be restored.

HB 427, Delegate Simon, adds some provision to the definition of "undetectable firearms" to cover other screening technologies besides X-ray machines used in airports.

HB 458, Delegate Sullivan, adds "fugitive" to list of people who cannot purchase, possess, or transport a firearm.

HB 853, Delegate Murphy, makes it illegal for a person to recklessly allow firearm access to anyone the person knows is prohibited from possessing or transporting a firearm. It also adds "or has reason to believe" the other person is prohibited from possessing or transporting a firearm.

HB 964, Delegate Jenkins, makes a person convicted of a violent felony wait one year after his right to vote has been restored by the Governor before he can petition to get his gun rights restored. If the person is convicted of a violent misdemeanor after his voting rights have been restored, then he must wait two years after the date of his misdemeanor conviction before he can petition to get his gun rights restored.

HB 1288, Delegate Murphy, takes away a person's firearms rights for a misdemeanor conviction of domestic violence. The bill allows for the restoration of the person's firearms rights after 5 years if the person petitions the circuit court and the judge and Commonwealth Attorney agree the right should be restored.

Bills On Which VCDL is Neutral

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