



## ***Virginia Citizens Defense League, Inc.***

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# VCDL Firearm Bill Analysis for the 2024 General Assembly Session January 15, 2023

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## Bills That VCDL Strongly Supports

**HB 11, Delegate Ware**, updates Virginia's knife laws to remove the remaining restrictions on carrying concealed dirks, bowie knives, stiletto knives, and razors. There is no clear definition of these knives and that could ensnare otherwise law-abiding citizens who carry a knife every day for work in a restaurant, on a farm, in a factory, for recreation, like hunting, fishing, camping, or for many other legitimate reasons. Most people carry a knife of some kind every single day. It is fundamentally unjust to expect citizens to try to figure out if the knife they carry everyday meets some nebulous prohibition in Virginia law. It is mostly minorities who are arrested for this victimless crime. With strong bipartisan support, the past two sessions have seen repeal of bans on automatically opening knives (switchblades) enacted. It is time to finish this effort by removing the last remaining bans on concealed carry of knives.

**HB 16, Delegate Garrett**, repeals the prohibition on the otherwise lawful carrying of firearms by a concealed handgun permit holder in the Capitol, General Assembly Building, Capitol Square, and property that is owned or leased by the Commonwealth, such as rest stops, DMV, and ABC stores. Permit holders have been lawfully carrying in all those places for decades without incident and have a natural right to be able to defend themselves there.

**SB 82, Senator McGuire**, changes a concealed handgun permit to a concealed weapon permit. This change gives permit holders more options for self-defense by allowing the carry of less-lethal weapons. Florida and some other states have concealed weapon permits. Virginia had a concealed weapon permit until 1995.

**HB 289, Delegate Wiley**, allows a person to store firearms in their motor vehicle in a publicly or privately-owned parking lot, traffic circle, or other means of vehicular ingress or egress to property that is open to the public. When a person has a firearm in their vehicle, they need to be able to leave that firearm in their vehicle if they cannot take it with them onto public or private property. The firearm must be left in the vehicle and the property must be open to the public.

**HB 302, Delegate Ballard**, adds gun safes sold by commercial retailers as eligible for an existing tax credit. Currently only gun safes sold by federal firearms licensees are eligible. This will give gun owners more diversity in gun safe models, availability, and cost.

**HB 389, Delegate Griffin**, allows someone without a concealed handgun permit, but who would qualify for one, to carry a concealed handgun anywhere they could lawfully open carry a handgun. Twenty-seven states now have Constitutional Carry, none have repealed it, and more states are expected to follow suit this year. Neighboring Kentucky, Tennessee and West Virginia are all Constitutional Carry states.

**HB 390, Delegate Griffin**, allows someone protected by a protective order, and not otherwise prohibited, to carry a concealed handgun without needing a concealed handgun permit for 45 days after the order is issued, or until the order expires or is dissolved, whichever comes first. If the protected person applies for a concealed handgun permit during this period, the permit process will be expedited, and the person can continue to carry a concealed handgun until the permit is approved. This bill provides a person under an unexpected threat to be able to discretely carry a handgun to protect themselves in case the protective order is violated, and the protected person is in danger. It also provides a disincentive for the target of the protective order to violate that order with the intent to do harm.

## Bills That VCDL Strongly Supports (Cont'd)

**SB 583, Senator Diggs**, exempts highway rest areas from the state agency gun ban. Rest areas are open to the public 24 hours a day and have no special security. Since this gun ban on rest areas has been in place, 4 people were shot in a rest area on I-81: <https://www.foxnews.com/us/virginia-rest-stop-shooting-hospital-suspect-found-dead-police>. People have been stabbed at rest stops: <https://www.13newsnow.com/article/news/crime/sheriff-17-year-old-stabbed-at-virginia-rest-stop/291-504255229> and <https://patch.com/virginia/manassas/suicide-linked-manassas-rest-area-stabbing-state-police>. According to the website used by the Virginia State Police for criminal statistics, <https://va.beyond2020.com/>, there were 66 rest area crimes in 2020, 57 in 2021, and 82 in 2022. Those crimes include aggravated assault, negligent manslaughter, kidnapping/abduction, forceable rape, forceable sodomy, and forceable fondling.

**SB 639, Senator Sturtevant**, repeals “Red Flag” Substantial Risk Orders (SROs). SROs don’t get any help for a person in crisis, they only confiscate that person’s firearms. This does nothing to prevent the person from committing suicide or harming others. SROs also do not give a person a chance to defend the accusation against them for two weeks. Justice and Due Process delayed is justice and Due Process denied. Virginia’s Temporary Detention Orders have existed for years and DO get a person in crisis help and they only take away a person’s right to possess firearms after it is determined by medical experts that the person actually does need help.

**HB 756, Delegate Walker**, exempts highway rest areas from the state agency gun ban. Rest areas are open to the public 24 hours a day and have no special security. Since this gun ban on rest areas has been in place, 4 people were shot in a rest area on I-81: <https://www.foxnews.com/us/virginia-rest-stop-shooting-hospital-suspect-found-dead-police>. People have been stabbed at rest stops: <https://www.13newsnow.com/article/news/crime/sheriff-17-year-old-stabbed-at-virginia-rest-stop/291-504255229> and <https://patch.com/virginia/manassas/suicide-linked-manassas-rest-area-stabbing-state-police>. According to the website used by the Virginia State Police for criminal statistics, <https://va.beyond2020.com/>, there were 66 rest area crimes in 2020, 57 in 2021, and 82 in 2022. Those crimes include aggravated assault, negligent manslaughter, kidnapping/abduction, forceable rape, forceable sodomy, and forceable fondling.

**HB 872, Delegate Earley**, allows a person to store their firearm and ammunition in their private motor vehicles in public parking areas owned by the Commonwealth, with exceptions for jails, prisons, and detention centers.

**HB 945, Delegate Lopez**, expands the existing tax credit once per year, at face value, for the purchase of any locking firearm safety-device to include devices that prevent the firearm from firing until disengaged. Currently only devices used to store a firearm are covered.

**HB 1030, Delegate Freitas**, allows someone without a concealed handgun permit, but who would qualify for one, to carry a concealed handgun anywhere they could lawfully open carry a handgun. Twenty-seven states now have Constitutional Carry, none have repealed it, and more states are expected to follow suit this year. Neighboring Kentucky, Tennessee and West Virginia are all Constitutional Carry states.

**HB 1141, Delegate Cordoza**, sets 90 days as the maximum number of days that the Virginia State Police can take when processing a non-resident concealed handgun permit. Currently there is no limit and people have had to wait well over 6 to 8 months to get a permit issued! If the permit has not yet been approved after 90 days, then the permit is issued at that point. If the applicant is later found to be disqualified, the permit is revoked, and the applicant has to return it. As a reference, residents pay a maximum of \$50 and the permit must be issued in 45 days. The non-resident permit fee is \$100.

## Bills That VCDL Strongly Supports (Cont'd)

**HB 1198, Delegate Scott**, removes the fee to get a resident concealed handgun permit. Since one should not have to pay a fee to exercise a right, such as a poll tax, the fee should be covered by the general fund.

**HB 1230, Delegate Zehr**, any school board employee approved by the school board and training from the DCJS can carry a firearm on school property. The more good people with guns on school property, the safer the school will be. Utah allows anyone with a concealed carry permit to carry in their schools and has had zero school shootings.

**HB 1235, Delegate Zehr**, allows someone protected by a protective order, and not otherwise prohibited, to carry a concealed handgun without needing a concealed handgun permit for 45 days after the order is issued, or until the order expires or is dissolved, whichever comes first. If the protected person applies for a concealed handgun permit during this period, the permit process will be expedited, and the person can continue to carry a concealed handgun until the permit is approved. The protected person can carry anywhere a police officer can carry. This bill provides a person under an unexpected threat to be able to discretely carry a handgun to protect themselves in case the protective order is violated, and the protected person is in danger. It also provides a disincentive for the target of the protective order to violate that order with the intent to do harm.

**HB 1325, Delegate Taylor**, removes a requirement for a weekly report from gun dealers that is no longer needed.

Bills That VCDL Strongly Supports (Cont'd)

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## Bills That VCDL Supports

**HB 35, Delegate Clark**, adds any locking or deactivation device to the list of items, such as gun safes, that are eligible for a tax credit once per year, at face value.

**SB 56, Senator McDougle**, adds off-duty law-enforcement officers to those who can carry in state agency buildings and offices.

**HB 395, Delegate Griffin**, creates a new type of concealed handgun permit, called an enhanced concealed handgun permit. In addition to classroom training, the enhanced permit courses will require the applicant to shoot a minimum of 100 rounds of ammunition. A person with an enhanced concealed handgun permit can carry anywhere a law-enforcement officer may carry a firearm. Currently there are seven states with enhanced permits: Arkansas, Idaho, Mississippi, Montana, North Dakota, South Dakota, and neighboring Tennessee.

**HB 1321, Delegate Wyatt**, adds off-duty law-enforcement officers to those who can carry in state agency buildings and offices.

## Bills That VCDL Supports (Cont'd)

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## Bills That VCDL Strongly Opposes

**HB 2, Delegate Helmer**, prohibits the sale, possession, transfer, and transport of an “assault firearm” made on or after July 1, 2024. It also prohibits sale, possession, transfer, and transport of an “assault firearm” to anyone under the age of 21. Magazines that hold more than 10 rounds and were made on or after July 1, 2024 are prohibited. The U.S. Supreme Court has said in both *DC v Heller*, and recently *The New York State Rifle and Pistol Association v Bruen*, that any firearm “in common use” is protected by the Second Amendment. The guns and magazines targeted by this bill are among the most common guns and magazines in the United States, making this bill unconstitutional.

**SB 2, Senator Deeds**, prohibits the sale, possession, transfer, and transport of an “assault firearm” made on or after July 1, 2024. It also prohibits sale, possession, transfer, and transport of an “assault firearm” to anyone under the age of 21. Magazines that hold more than 10 rounds and were made on or after July 1, 2024 are prohibited. The U.S. Supreme Court has said in both *DC v Heller*, and recently *The New York State Rifle and Pistol Association v Bruen*, that any firearm “in common use” is protected by the Second Amendment. The guns and magazines targeted by this bill are among the most common guns and magazines in the United States, making this bill unconstitutional.

**HB 12, Delegate Jones**, requires gun dealers to provide a handgun locking-device for handgun sales, along with a warning message in the box and on a warning label affixed to the handgun. None of this is necessary as federal law already requires a locking device be supplied by dealers for handgun purchases. The federal government also provides a safety brochure that is required to be available to purchasers. Is the State going to provide the stickers and warning papers to dealers, so they don’t have to bear the additional cost for those items? Should the taxpayer have to bear this unnecessary expense? This bill would also add an additional cost for a locking device to those doing a private sale under the current Universal Background Check requirement. Oddly, the bill exempts sales to law enforcement. Since this bill is supposed to be about safety, are law enforcement families not worthy of being protected, too?

**HB 22, Delegate Jones**, makes “auto sears,” including legally owned and registered auto sears, **illegal** after July 1, 2024 – no grandfathering. Auto sears convert a semi-automatic firearm into a fully automatic firearm. Auto sears are considered machine guns by themselves and are already illegal under federal law if they were made after 1986 or are not registered with the federal government. Legally owned auto sears, which are extremely expensive due to a very limited quantity that can be owned, are not being used to commit crimes. There is no reason to ban legally owned and federally registered auto sears.

**HB 23, Delegate Laufer**, prohibits firearms in facilities that provide mental health services or developmental services, including hospitals, emergency departments, or emergency medical care facilities, if they offer such services. Disarming visitors and guests, including concealed handgun permit holders, at such facilities violates their right to protect themselves in an emergency. A U.S. District Court in the 2<sup>nd</sup> Circuit has restrained enforcement of just such a law for being unconstitutional under *New York State Rifle and Pistol Association v Bruen* Supreme Court ruling.

## Bills That VCDL Strongly Opposes (Cont'd)

**HB 46, Delegate Bennett-Parker**, requires a person with a protective order against them or a person with a domestic violence conviction to surrender, sell, or turn their guns over to someone 21-years-old or older and someone who does not live with them. It requires the person to be advised that if a police officer believes they have not turned over all their guns, that the officer can get a search warrant to look for any such guns. There are multiple problems with the bill as written. If a husband and wife co-own a shotgun for home defense, for example, and the husband gets a protective order issued against him, the wife would no longer have access to that co-owned shotgun. That punishes the wife and needlessly endangers her life. There is also the question of not allowing a person 18 to 20-years-old to retain the guns. A person in that age range can legally possess rifles, shotguns, and handguns. Why can't young adults be used to hold the guns?

**SB 47, Senator Favola**, requires a person with a protective order against them or a person with a domestic violence conviction to surrender, sell, or turn their guns over to someone 21-years-old or older and someone who does not live with them. It requires the person to be advised that if a police officer believes they have not turned over all their guns, that the officer can get a search warrant to look for any such guns. There are multiple problems with the bill as written. If a husband and wife co-own a shotgun for home defense, for example, and the husband gets a protective order issued against him, the wife would no longer have access to that co-owned shotgun. That punishes the wife and needlessly endangers her life. There is also the question of not allowing a person 18 to 20-years-old to retain the guns. A person in that age range can legally possess rifles, shotguns, and handguns. Why can't young adults be used to hold the guns?

**SB 55, Senator Salim**, requires that a person must wait three days before a purchased or rented firearm can be transferred to them. Gun sales, both private and commercial, will require a buyer to make two trips to a dealer to get the firearm, and such trips could be lengthy. The bill will also do severe harm to gun shows, as most are only two days long and would therefore require all purchasers to travel to a gun store, possibly across the state, to pick up the firearm. There are many sad cases where someone who urgently needed a firearm for self-defense was murdered while in the waiting period. California has a 10-day waiting period, with plenty of mass murders and a violent crime rate double that of Virginia in 2022. Virginia has the 9<sup>th</sup> lowest crime rate in the U.S. (<https://www.statista.com/statistics/200445/reported-violent-crime-rate-in-the-us-states/>). So much for the promise to citizens that the system would be an "instant check."

**SB 57, Senator Salim**, makes it illegal for a concealed handgun permit holder to carry a concealed handgun onto the premises of any restaurant or club which sells alcoholic beverages for on-premise consumption. This is a classic example of a solution looking for a problem to solve. Virginia's 680,000 permit holders, as well as hundreds of thousands of non-resident permit holders visiting Virginia, have been peaceably carrying concealed handguns in restaurants and clubs that serve alcohol since 2010.

**SB 99, Senator Ebbin**, bans the carry of 1) a semiautomatic centerfire rifle or pistol that has a fixed magazine that holds more than 10 rounds or 2) a semiautomatic centerfire rifle or pistol that accepts a detachable magazine of any size and has any of a variety of cosmetic features or 3) a semi-automatic shotgun with any of a variety of cosmetic features, on or about a person on a public street, road, alley, sidewalk, public right-of-way, in a park, or in any place open to the public. It doesn't matter if the firearm is unloaded. Concealed handgun permit holders and licensed security guards are no longer exempt from this code section, even though neither one has caused any legal issues by carrying such loaded firearms publicly for over a decade. Of course, the government, our servant, exempts itself from all this nonsense. The U.S. Supreme Court has already ruled that citizens have the right to carry firearms outside of their homes and in public, so this bill is unconstitutional on its face.

## Bills That VCDL Strongly Opposes (Cont'd)

**SB 100, Senator Ebbin**, makes unfinished firearm frames and receivers and unserialized commercially made firearms unlawful to purchase, sell, or transfer unless they are serialized. Even a chunk of aluminum, if sold to the public to become a frame or receiver once completed, must be serialized under this bill. The bill doesn't make an exception for the millions of legal firearms made before 1968 that were unserialized nor does the bill grandfather existing homemade firearms. This bill is unconstitutional, as there was no analog in the history or traditions of firearms with any such limitations at the time the Bill of Rights was adopted. Homemade guns have been legal since before the United States existed.

**HB 113, Delegate Sullivan**, takes away a person's right to possess, purchase, or transport a handgun for 5 years for a second offense of misdemeanor drunk driving and adds a prohibition for possessing a handgun to an existing prohibition on purchasing or transporting of a handgun for 5 years for a second offense of misdemeanor illegal drug possession. A person should not lose any of their basic civil rights for a misdemeanor, which is a minor crime by definition, regardless of the reasons for the misdemeanor. There is also no nexus between driving and handgun ownership. While trying to reduce drunk driving is a laudable goal, if it is so dangerous as to take away a person's civil rights, then make the second offense a felony and the problem is solved.

**HB 158, Delegate McClure**, requires gun dealers to provide a handgun locking-device for handgun sales, along with a warning message in the box and on a warning label affixed to the handgun. None of this is necessary as federal law already requires a locking device be supplied by dealers for handgun purchases. The federal government also provides a safety brochure that is required to be available to purchasers. Is the State going provide the stickers and warning papers to dealers, so they don't have to bear the additional cost for those items? Should the taxpayer have to bear this unnecessary expense? This bill would also add an additional cost for a locking device to those doing a private sale under the current Universal Background Check requirement. Oddly, the bill exempts sales to law enforcement. Since this bill is supposed to be about safety, are law enforcement families not worthy of being protected, too?

**HB 173, Delegate Simon**, makes unfinished firearm frames and receivers and unserialized commercially made firearms unlawful to purchase, sell, or transfer unless serialized. Even a chunk of aluminum, if sold to the public to become a frame or receiver once completed, must be serialized under this bill. The bill doesn't make an exception for the millions of firearms made before 1968 that were unserialized nor does it grandfather in existing homemade firearms. This bill is unconstitutional, as there was no analog in the history or traditions of firearms with any such limitations at the time the Bill of Rights was adopted. Homemade guns have been legal since before the United States existed.

**HB 175, Delegate Simon**, bans the carry of 1) a semiautomatic centerfire rifle or pistol that has a fixed magazine that holds more than 10 rounds or 2) a semiautomatic centerfire rifle or pistol that accepts a detachable magazine of any size and has any of a variety of cosmetic features or 3) a semi-automatic shotgun with any of a variety of cosmetic features, on or about a person on a public street, road, alley, sidewalk, public right-of-way, in a park, or in any place open to the public. It doesn't matter if the firearm is unloaded. Concealed handgun permit holders and licensed security guards are no longer exempt from this code section, even though neither one has caused any legal issues by carrying such loaded firearms publicly for over a decade. Of course, the government, our servant, exempts itself from all this nonsense. The U.S. Supreme Court has already ruled that citizens have the right to carry firearms outside of their homes and in public, so this bill is unconstitutional on its face.

## Bills That VCDL Strongly Opposes (Cont'd)

**HB 183, Delegate Simon**, requires all firearms in a home, that are not being carried on or about the owner, to be in a locked container and the ammunition to be locked in a separate container if there is someone in the home who is under 18 years of age or if there is a prohibited person in the home. This one-size-fits-all bill does not take into account the many minors under the age of 18 who are thoroughly familiar with firearms and have been trained in handling firearms safely by their parents. In fact, minors under the age of 18 have used firearms to stop violent home invasions or other serious crimes taking place in their home. There is already a law against letting someone under the age of 14 get access to a gun that was stored in a careless manner.

**SB 210, Senator Perry**, makes “auto sears” including legally owned and registered auto sears **illegal** after July 1, 2024 – no grandfathering. Auto sears convert a semi-automatic firearm into a fully automatic firearm. Auto sears are considered machine guns by themselves and are already illegal under federal law if they were made after 1986 or are not registered with the federal government. Legally owned auto sears, which are extremely expensive due to a very limited quantity that can be owned, are not being used to commit crimes. There is no reason to ban legally owned and federally registered auto sears.

**SB 258, Senator Surovell**, expands the items a judge shall consider and may consider for ESROs and SROs. ESROs and SROs are unconstitutional due to their lack of due process before a person’s civil rights are taken away. But this bill is also unconstitutional because it confiscates the firearms of third parties living in the same home, even if those firearms are locked away from the target of the SRO. Someone living with a felon can keep their guns as long as the felon doesn’t have access to them. Why would this be any different?

**HB 270, Delegate Reid**, requires that a person must wait three days before a purchased or rented firearm can be transferred to them. The bill makes it illegal to sell, purchase, or transfer semi-automatic firearms as well as magazines that hold more than 10 rounds. The bill also creates a gun buy up scheme. The ban on sales or transfers of semi-automatic firearms and magazines that hold more than 10 rounds is unconstitutional under *NYRPA v. Bruen*, as both are in common use and there is no historical analog to those restrictions. The buy-up program is misnamed a “buy-back” program (the Commonwealth never owned the firearms, so it cannot buy back something it never owned or sold). The bill requires all such turned in firearms (except machine guns, short barreled rifles and shotguns) to be destroyed, instead of offering them to Federal Firearms Licensees (FFLs) at auction, which would put funds back in the Commonwealth’s coffers. That said, buying up firearms or other lawfully held property is not a business the Commonwealth should be in. Is the Commonwealth going to buy up, and then destroy, used automobiles so they can’t be used by drunk drivers? Under this bill gun sales, both private and commercial, will require a buyer to make two trips to a dealer to get the firearm, and such trips could be lengthy. The bill will also do severe harm to gun shows, as most are only two days long and would therefore require all purchasers to travel to a gun store, possibly across the state, to pick up the firearm. There are many sad cases where someone who urgently needed a firearm for self-defense was murdered while in the waiting period. California has a 10-day waiting period, with plenty of mass murders and a violent crime rate double that of Virginia in 2022. Virginia has the 9<sup>th</sup> lowest crime rate in the U.S. (<https://www.statista.com/statistics/200445/reported-violent-crime-rate-in-the-us-states/>).

## Bills That VCDL Strongly Opposes (Cont'd)

**SB 273, Senator Subramanyam**, requires that a person must wait five days before a purchased or rented firearm can be transferred to them. Gun sales, both private and commercial, will require a buyer to make two trips to a dealer to get the firearm, and such trips could be lengthy. The bill will also do severe harm to gun shows, as most are only two days long and would therefore require all purchasers to travel to a gun store, possibly across the state, to pick up the firearm. There are many sad cases where someone who urgently needed a firearm for self-defense was murdered while in the waiting period. California has a 10-day waiting period, with plenty of mass murders and a violent crime rate double that of Virginia in 2022. Virginia has the 9<sup>th</sup> lowest crime rate in the U.S. (<https://www.statista.com/statistics/200445/reported-violent-crime-rate-in-the-us-states/>). So much for the promise to citizens that the system would be an “instant check.”

**HB 318, Delegate Helmer**, allows a highly regulated industry, the firearms industry, to be sued civilly for a variety of already illegal actions. It also holds the manufacturers and sellers of even the most benign of firearm accessories, like a butt stock or a gun case, liable to a civil lawsuit if it doesn't “properly” protect that item from theft or misuse by a criminal! How could a firearm accessory seller reasonably know if they were selling a gun sling to a prohibited person? This bill is designed to have a chilling effect on all aspects of the firearms industry. At a time when the federal government is pulling FFL licenses for even the tiniest paperwork mistakes, this bill is just piling on with more ways to destroy the firearm industry.

**HB 319, Delegate Helmer**, takes firearm courses offered by the National Rifle Association and the United States Concealed Carry Association and any of either one's instructors off the list of courses that satisfy the training requirement to get a concealed handgun permit. The NRA has been known for its top-notch firearm training since its inception. The USCCA offers similar training courses. This bill, which seems like a personal vendetta against the NRA and the USCCA, would make it significantly harder and more expensive for permit applicants to get the training required by Virginia. If the goal is the get as many people trained as possible, this bill will do just the opposite.

**SB 319, Senator Salim**, makes battery in a “dating relationship” a misdemeanor and takes away the right to purchase, possess, or transport a firearm for three years. Misdemeanors should never take away a civil right. This will also not stand up to court challenge under the Supreme Court's Bruen decision as there was no history or tradition of taking away a person's right to keep and bear arms over misdemeanor battery of anyone.

**SB 327, Senator Salim**, makes it illegal for anyone under 21 to purchase any kind of firearm. It also redefines the term “assault firearm” to cover more firearms, including standard, ubiquitous Glock handguns. This bill is unconstitutional. Courts have ruled the 2<sup>nd</sup> Amendment covers those 18 and older.

**HB 362, Delegate McClure**, makes battery in a “dating relationship” a misdemeanor and takes away the right to purchase, possess, or transport a firearm for three years. Misdemeanors should never take away a civil right. This will also not stand up to court challenge under the Supreme Court's Bruen decision as there was no history or tradition of taking away a person's right to keep and bear arms over misdemeanor battery of anyone.



## Bills That VCDL Strongly Opposes (Cont'd)

**SB 368, Senator Boyasco**, requires all firearms in a home, that are not being carried on or about the owner, to be in a locked container and the ammunition to be locked in a separate container if there is someone in the home who is under 18 years of age or if there is a prohibited person in the home. This one-size-fits-all bill does not take into account the many minors under the age of 18 who are thoroughly familiar with firearms and have been trained in handling firearms safely by their parents. In fact, minors under the age of 18 have used firearms to stop violent home invasions or other serious crimes taking place in their home. There is already a law against letting someone under the age of 14 get access to a gun that was stored in a careless manner.

**SB 383, Senator Deeds**, restricts firearms at public institutions of higher education by requiring such firearms be part of an authorized program or activity inside a building. A solution in search of a problem. Higher education students are adults and have a right to self-defense.

**SB 447, Senator Marsden**, creates a \$500 civil penalty and subjects a vehicle to towing if a person leaves a handgun in an unattended vehicle and that vehicle is either unlocked or the handgun is not in a locked container. This bill punishes the innocent victim of breaking and entering. The car owner should not be considered to be at fault even if a criminal opens an unlocked car door. It is the criminal who is solely to blame. And it is absurd that the victim is punished if he did lock the car but did not lock the gun up in some other compartment or container, too. Punish criminals and stop harassing good people.

**HB 454, Delegate Callsen**, restricts firearms at public institutions of higher education by requiring such firearms be part of an authorized program or activity inside a building. A solution in search of a problem. Higher education students are adults and have a right to self-defense.

**HB 466, Delegate Helmer**, severely restricts concealed handgun permit recognition with other states. Currently, Virginia honors permits from all other states, which, in turn, allows Virginians to be able to carry in most of those states. And permit holders from other states have been carrying in Virginia without incident for years. This bill is an unjust and demeaning slap in the face to law-abiding Virginia gun owners, as it will reduce the number of states where a Virginia permit holder can carry a handgun for self-defense. It will also discourage gun owners outside of Virginia from visiting the Commonwealth, effecting the state's economy. This bill is a solution in search of a problem that destroys an extremely successful law.

**SB 491, Senator Carroll Foy**, allows a highly regulated industry, the firearms industry, to be sued civilly for a variety of already illegal actions. It also holds the manufacturers and sellers of even the most benign of firearm accessories, like a butt stock or a gun case, liable to a civil lawsuit if it doesn't "properly" protect that item from theft or misuse by a criminal! How could a firearm accessory seller reasonably know if they were selling a gun sling to a prohibited person? This bill is designed to have a chilling effect on all aspects of the firearms industry. At a time when the federal government is pulling FFL licenses for even the tiniest paperwork mistakes, this bill is just piling on with more ways to destroy the firearm industry.

**SB 515, Senator Williams Graves**, prohibits firearms in facilities that provide mental health services or developmental services, including hospitals, emergency departments, or emergency medical care facilities, if they offer such services. Disarming visitors and guests, including concealed handgun permit holders, at such facilities violates their right to protect themselves in an emergency. A U.S. District Court in the 2<sup>nd</sup> Circuit has restrained enforcement of just such a law for being unconstitutional under *New York State Rifle and Pistol Association v Bruen* Supreme Court ruling.

## Bills That VCDL Strongly Opposes (Cont'd)

**SB 522, Senator Williams Graves**, requires a person to have firearms training or to show firearms competence within the last 5 years to be able to purchase a firearm. A similar law in Maryland was struck down by the courts as unconstitutional under the *New York State Rifle and Pistol Association v. Bruen* Supreme Court ruling.

**SB 551, Senator Deeds**, requires that a person must wait two days before a purchased or rented firearm can be transferred to them. Gun sales, both private and commercial, will require a buyer to make two trips to a dealer to get the firearm, and such trips could be lengthy. The bill will also do severe harm to gun shows, as most are only two days long and would therefore require all purchasers to travel to a gun store, possibly across the state, to pick up the firearm. There are many sad cases where someone who urgently needed a firearm for self-defense was murdered while in the waiting period. California has a 10-day waiting period, with plenty of mass murders and a violent crime rate double that of Virginia in 2022. Virginia has the 9<sup>th</sup> lowest crime rate in the U.S. (<https://www.statista.com/statistics/200445/reported-violent-crime-rate-in-the-us-states/>). So much for the promise to citizens that the system would be an “instant check.”

**HB 585, Delegate Mundon King**, prevents home-based gun dealers from operating within 1.5 miles of any elementary or middle school. This bill will put most home-based firearms dealers out of business for no reason. Firearms dealers are highly regulated and such a business operating out of a home is not going to have a storefront that even indicates guns are available there. How many convenience stores that sell alcohol or vaping products are within 1.5 miles of a school? Children can wander into a convenience store, but not a home-based gun business. This bill is a solution to a problem that doesn't exist.

**HB 602, Delegate Price**, creates a state agency named the Virginia Center for Firearm Violence and Prevention. The agency would only be targeting violence committed using firearms and ignoring the root causes of crime, as well as all the other ways violence is inflicted on victims – knives, blunt objects, hands and feet, etc. Half of violent crimes are not committed with a firearm! The term “Firearm Violence” in the name of the agency gives away the true agenda: “firearm violence” is a term coined by the gun-control lobby to blame guns, which are inanimate objects, and not the criminals that misuse guns. If a police officer shoots someone, the officer gets the blame, not his gun. But, if a criminal shoots someone, the gun gets the blame and not the criminal. No one says, “tire iron violence” or “hand and feet violence.” Instead we just call it “violent crime.” But there is an agenda with firearms, so the rules and commonsense get thrown out the window.

**HB 637, Delegate Sullivan**, creates a Substantial Risk Order (Red Flag) Training Program. This program is designed to encourage the use of SROs and does not train people on the harm the misuse of SROs can inflict on someone's civil rights and personal safety. It also doesn't address the importance of using Temporary Detention Orders instead of SROs to get help for a person having a mental health crisis or who is suicidal.

**SB 642, Senator Perry**, makes battery in a “dating relationship” a misdemeanor and takes away the right to purchase, possess, or transport a firearm for three years. Misdemeanors should never take away a civil right. This will also not stand up to court challenge under the Supreme Court's *Bruen* decision as there was no history or tradition of taking away a person's right to keep and bear arms over misdemeanor battery of anyone.

## Bills That VCDL Strongly Opposes (Cont'd)

**HB 791, Delegate Henson**, makes it a Class 6 felony to possess a pneumatic gun, such as an Airsoft gun, on school property. The pneumatic gun can be left in a vehicle if it is unloaded and in a closed container. CHP holders can have a loaded, concealed pneumatic gun in their vehicle as long as the CHP holder stays in the vehicle. This bill is a solution in search of a problem and treats BB guns as if they are firearms, which they are not.

**HB 797, Delegate Hope**, removes firearm courses offered by the National Rifle Association or the United States Concealed Carry Association or their instructors from the list of courses that satisfy the training requirement to get a concealed handgun permit, among other things. The NRA has been known for its top-notch firearm training since its inception. The bill also requires all courses to have a range session in which at least ten rounds of ammunition are fired. This bill will make it harder and more expensive for a person to get training, which is not a good thing, and it is clearly a mean-spirited vendetta against the National Rifle Association, as it even removes the option of someone getting an NRA license plate! Another solution to a non-existent problem.

**HB 798, Delegate Hope**, takes away a person's civil right to purchase, possess, or transport a firearm for a misdemeanor conviction of simple assault, assault and battery, and stalking for five years. No misdemeanor, which by definition is a minor crime, should ever be used to take away anyone's civil rights.

**HB 799, Delegate Hope**, adds fingerprinting as a requirement for getting a concealed handgun permit. This will increase the cost of getting a permit, put a burden on new and renewing applicants to appear at a police station during working hours, and is totally unnecessary. The previous fingerprinting requirement was repealed well over a decade ago and permit holders continue to be the most law-abiding of Virginia's citizens. Another bill intended to make it harder for citizens to get a concealed carry permit.

**HB 861, Delegate Hernandez**, prohibits firearms in facilities that provide mental health services or developmental services, including hospitals, emergency departments, or emergency medical care facilities, if they offer such services. Disarming visitors and guests, including concealed handgun permit holders, at such facilities violates their right to protect themselves in an emergency. A U.S. District Court in the 2<sup>nd</sup> Circuit has restrained enforcement of just such a law for being unconstitutional under *New York State Rifle and Pistol Association v Bruen* Supreme Court ruling.

**HB 939, Delegate Shin**, prohibits firearms within 100 feet of electoral board, voter registration, or voter satellite buildings or within 100 feet of a drop-off location or an absentee voter precinct. This bill creates a confusing array of locations where guns are prohibited and makes it likely to entrap unsuspecting gun owners.

**HB 1174, Delegate Sickles**, makes it illegal for anyone under 21 to purchase any kind of firearm. It also redefines the term "assault firearm" to cover more firearms, including standard, ubiquitous Glock handguns. This bill is unconstitutional. Courts have ruled the 2<sup>nd</sup> Amendment covers those 18 and older.

**HB 1181, Delegate Laufer**, creates a 5% tax on firearms and ammunition to fund a Gun Violence Intervention and Prevention Grant Program. Since this program is supposed to be for public safety, it should be paid for out of the general fund. Placing the burden on lawful gun-owners who have nothing to do with criminal behavior in the Commonwealth is both wrong and unfair.



## Bills That VCDL Opposes

**HB 36, Delegate Willett**, this bill makes it a Class 1 misdemeanor for a gun owner to allow a minor to possess a firearm and that firearm is then either used unlawfully, possessed in a school zone, or intentionally or negligently used to cause bodily injury to the minor or to another person. It is also a Class 1 misdemeanor if a firearm owner knows there is a minor in the home, doesn't secure a firearm, the minor gets access to the firearm, takes that firearm outside the home, and the firearm is either used in an unlawful manner, possessed in a school zone, or used to cause bodily injury to the minor or another person. It is a Class 5 felony if the gun owner provides a firearm to a minor, or allows a minor to get access to an unsecured firearm, knowing either the minor in the home has been determined to be a moderate to imminent threat risk by a school or the minor has been charged with, convicted of, or adjudicated delinquent of a juvenile felony. There are too many ways that a parent could be unreasonably charged under this bill. For example, there is no exception for self-defense. There are plenty of cases where minors have used guns to stop home invaders or stop a violent attack on a family member. The term "close proximity" is vague as is the standard for school-initiated threat assessment. This bill really applies to minors aged 14 to 17, as 18.2-56.2 already covers those age 14 and under. We don't hold parents of 14 to 17-year-olds responsible if their minor steals a car and goes joy riding, commits a robbery, or burglarizes a home. The minor is held responsible for their actions and the adults are charged only if they conspired with the minor to commit the crime.

**SB 44, Senator VanValkenburg**, this bill makes it a Class 1 misdemeanor for a gun owner to allow a minor to possess a firearm and that firearm is then either used unlawfully, possessed in a school zone, or intentionally or negligently used to cause bodily injury to the minor or to another person. It is also a Class 1 misdemeanor if a firearm owner knows there is a minor in the home, doesn't secure a firearm, the minor gets access to the firearm, takes that firearm outside the home, and the firearm is either used in an unlawful manner, possessed in a school zone, or used to cause bodily injury to the minor or another person. It is a Class 5 felony if the gun owner provides a firearm to a minor, or allows a minor to get access to an unsecured firearm, knowing either the minor in the home has been determined to be a moderate to imminent threat risk by a school or the minor has been charged with, convicted of, or adjudicated delinquent of a juvenile felony. There are too many ways that a parent could be unreasonably charged under this bill. For example, there is no exception for self-defense. There are plenty of cases where minors have used guns to stop home invaders or stop a violent attack on a family member. The term "close proximity" is vague as is the standard for school-initiated threat assessment. This bill really applies to minors aged 14 to 17, as 18.2-56.2 already covers those age 14 and under. We don't hold parents of 14 to 17-year-olds responsible if their minor steals a car and goes joy riding, commits a robbery, or burglarizes a home. The minor is held responsible for their actions and the adults are charged only if they conspired with the minor to commit the crime.

**SB 225, Senator Pakarsky**, requires schools to notify parents by text and on the school's website, within 30-days of the start of school, that the parents are responsible for making sure they have secured their firearms from their children, as required under 18.2-56.2. That part of this bill is acceptable as it is simply advising parents on current law. But the bill crosses the line into advocacy when it starts pushing firearm statistics, which are often misrepresented or misleading; tells parents to talk to other parents about guns; and even lectures parents on how to behave around their own children! Government should not be doing advocacy.

## Bills That VCDL Opposes (Cont'd)

**SB 363, Senator Ebbin**, makes it illegal for a person, association, or corporation to knowingly possess or sell a firearm which has had the serial number removed, altered, changed, destroyed, or obliterated. Making it illegal to alter a serial number was recently struck down by a federal judge in neighboring West Virginia as unconstitutional, since serial numbers weren't even required on firearms until 1968.

**SB 484, Senator Aird**, creates a Community Builders Program and Fund to reduce youth involvement that leads to "gun violence." Words mean things. By focusing only on violence through the misuse of firearms, the program isn't concerned with violence using knives, clubs, bats, etc. Reducing youth violence is laudable and the bill would be fine if it just focused on all kinds of violence and not make it just about guns.

**HB 498, Delegate Cohen**, requires schools to notify parents by text and on the school's website, within 30-days of the start of school, that the parents are responsible for making sure they have secured their firearms from their children, as required under 18.2-56.2. That part of this bill is acceptable as it is simply advising parents on current law. But the bill crosses the line into advocacy when it starts pushing firearm statistics, which are often misrepresented or misleading; tells parents to talk to other parents about guns; and even lectures parents on how to behave around their own children! Government should not be doing advocacy.

**HB 626, Delegate Rasoul**, creates a Community Builders Program and Fund to reduce youth involvement that leads to "gun violence." Words mean things. By focusing only on violence through the misuse of firearms, the program isn't concerned with violence using knives, clubs, bats, etc. Reducing youth violence is laudable and the bill would be fine if it just focused on all kinds of violence and not make it just about guns.

## Bills on Which VCDL is Neutral

**SB 203, Senator Diggs**, increases some penalties for the intentional misuse of firearms to commit serious crimes. But this begs the question, why aren't all aggravated crimes treated the same when it comes to sentencing?

**SB 221, Senator DeSteph**, adds a criminal provision for carrying a concealed firearm while committing a violent crime.

**HB 351, Delegate Clark**, requires a person to either purchase a locking device when they purchase a firearm or provide a sworn statement to the Virginia State Police saying they don't live in a home with a minor. A dealer has to make sure the purchaser of a firearm doesn't have any minors in the home, or the dealer will be required to sell the gun with a safety lock. This bill isn't going to magically turn irresponsible people into responsible people, so it's effect won't be significant. Law-enforcement officers' duty weapons are exempted, but what about THEIR children? It is absolutely possible for a child to get access to an officer's duty weapon when he is not on duty. Some examples:

<https://kdvr.com/news/problem-solvers/no-punishment-for-detective-after-teenage-son-uses-duty-weapon-to-shoot-homes/>, <https://www.cnn.com/videos/us/2016/12/24/police-officer-toddler-son-shoots-self-fathers-gun-orig.cnn>

**HB 553, Delegate Obenshain**, increases some penalties for the intentional misuse of firearms to commit serious crimes. But this begs the question, why aren't all aggravated crimes treated the same when it comes to sentencing?

## Bills on Which VCDL is Neutral (Cont'd)

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