



Virginia Citizens Defense League, Inc.

P.O. Box 513, Newington, VA 22122 • 804-639-0600 • president@vcdl.org • vcdl.org

VCDL Firearm Bill Analysis for the 2016 General Assembly Session Update January 17, 2016

Philip Van Cleave
President
804-639-0600
804-874-8235
president@vcdl.org

Table of Contents

Bills That VCDL Strongly Supports	3
Bills That VCDL Supports	7
Bills That VCDL Strongly Opposes	9
Bills That VCDL Opposes	17
Bills On Which VCDL is Neutral.....	19

Bills That VCDL Strongly Supports

HB 12, Delegate Ware, R. Lee, Jr., changes the concealed handgun law to honor the concealed handgun permits from all other states if the permit holder is at least 21 years old. The out-of-state permit holder will have to also show government-issued photo-identification at the request of a law-enforcement officer. By honoring all other states, Virginia permits will be honored in more states, including Georgia, New Hampshire, and Colorado. Eighteen other states already honor all permits, some doing so for over a decade. SB 610 and HB 1163 are superior versions of this bill.

SB 48, Senator Black, 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. Currently seven other states have Constitutional Carry: Alaska, Arizona, Arkansas, Kansas, Maine, Vermont, and Wyoming.

HB 49, Delegate Cole, codifies that the right to keep and bear arms is an individual right, as per District of Columbia v. Heller.

HB 83, Delegate Marshal, R.G., prevents anyone working for the Commonwealth or its localities from aiding the federal government in enforcing any federal gun control laws passed after December 1, 2015. This is constitutional and courts have ruled that the federal government cannot coerce a state into enforcing federal laws. This bill keeps Virginia from helping the federal government enforce any unconstitutional gun laws, including registration and confiscation.

HB 119, Delegate Webert, authorizes members of the Virginia National Guard who have concealed handgun permits to carry on Virginia National Guard facilities and privately owned facilities under the control of the Virginia National Guard. Our military members need the ability to defend themselves at all times, especially with the ongoing and very real threats from terrorist groups.

HB 132, Delegate Marshal, R.G., the Commonwealth must provide coverage for any claim up to \$350,000 on behalf of a concealed handgun permit holder who is killed or injured by an illegal act of a third party while in buildings, grounds or properties owned or leased by the Commonwealth and where carrying of a concealed handgun is prohibited by regulation. If a person is not allowed to protect themselves, then the Commonwealth should take on the responsibility and liability of providing such protection.

HB 133, Delegate Marshal, R.G., a public institution of higher education must provide coverage for any claim up to \$350,000 on behalf of a concealed handgun permit holder who is killed or injured by an illegal act of a third party while in buildings, grounds or properties owned or leased by the public institution of higher education and where carrying of a concealed handgun is prohibited by regulation adopted by the institution. If a person is not allowed to protect themselves, then the institution should take on the responsibility and liability of providing such protection.

SB 175, Senator Stuart, prohibits the Virginia State Police from providing Virginia concealed handgun permittee information to law enforcement in states that do not have a reciprocal licensing agreement with Virginia. This would prevent states that are hostile to gun ownership, such as Maryland, from going on “fishing trips” to find an excuse to arrest or harass Virginia concealed handgun permit holders.

Bills That VCDL Strongly Supports (Cont'd)

HB 206, Delegate Weibert, removes the requirement for a second form of ID for purchasing a firearm from a dealer. The second form of ID is a unique Virginia requirement that has been rendered unnecessary because of changes to how Virginia drivers licenses are now issued. The bill also allows members of the armed forces to use their permanent duty papers as proof of residency for purchasing a firearm since their military ID does not have a Virginia address.

HB 260, Delegate LaRock, requires the chief law-enforcement officer to certify a request for the transfer of a firearm that is covered under the National Firearms Act (NFA) within 60 days, unless the officer knows the person receiving the firearms is prohibited from doing so. This bill will make ownership of NFA firearms uniform across the state. Currently the chief law-enforcement officers in some jurisdictions refuse to do any such certification, while others do them as a matter of course. This bill is no longer needed due to a very recent change in federal law.

HB 273, Delegate LaRock, removes the requirement for a second form of ID for purchasing a firearm from a dealer. The second form of ID is unique to Virginia and is not required by federal law. This requirement was put in place decades ago because Virginia drivers licenses used to be issued to people without any proof of legal presence in Virginia. Because legal proof of presence is now required to get a drivers license, there is no longer a need for the second form of ID. The bill also allows members of the armed forces to use their permanent duty papers as proof of residency for purchasing a firearm since their military ID does not have a Virginia address.

HB 377, Delegate Rush, improves the mechanism for firearms rights restoration. This bill has some issues that are being resolved between VCDL and Delegate Rush.

HB 382, Delegate Fowler, allows state agency employees to store a firearm and ammunition in a locked motor vehicle in the agency's parking area. This matches what was done many years ago for employees of local government.

HB 433, Delegate Vilanueva, gives a judge discretion on revoking a concealed handgun permit from a permit holder who was arrested for intoxication. If the judge does not feel the person was showing a reckless disregard for safety, then he does not have to revoke the permit. For example, if a concealed handgun permit holder is intoxicated and decides to sleep it off in a parked automobile and the permit holder is arrested because there was an otherwise lawfully concealed handgun in the vehicle, the judge may well decide the permit holder was in no way acting with a reckless disregard for safety. Under current law the permit has to be revoked, even if the permit holder was clearly not being reckless.

HB 443, Delegate Campbell, 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. Currently seven other states have Constitutional Carry: Alaska, Arizona, Arkansas, Kansas, Maine, Vermont, and Wyoming.

HB 560, Delegate Lingamfelter, fixes an issue in the brandishing law, making sure that intent is considered. A person must have the intent to induce fear in the mind of another or reasonably should know his actions will do so. This protects gun owners from being charged with brandishing when there is no intended or actual threat to anyone.

Bills That VCDL Strongly Supports (Cont'd)

HB 563, Delegate Lingamfelter, gives a Federal Firearms Licensee (FFL) standing for a court challenge if a local government unlawfully destroys firearms from a gun buy-up. Current law doesn't allow legal standing for the FFL. This is important in making sure that localities are compliant with this law. Currently Fredericksburg is doing buy-ups and unlawfully destroying the firearms.

HB 593, Delegate Marshal, R.G., clarifies that neither the Department of General Services nor any other department, agency, or institution of the Commonwealth can control the carry of a concealed handgun by any lawful concealed handgun permit holder unless given specific statutory authority by the General Assembly. This nullifies Governor McAuliffe's overreach on a recent gun ban in state agencies.

SB 608, Senator Reeves, requires law enforcement to take reasonable steps to return a stolen gun used in a crime back to its rightful owner. It also updates the procedures for police to follow with recovered firearms.

SB 610, Senator Reeves, changes the concealed handgun law to honor the concealed handgun permits from all other states if the permit holder is at least 21 years old. It also requires the Attorney General to enter into reciprocal agreements, where such an agreement is required by the other state. By honoring all other states, Virginia permits will be honored in more states, including Georgia, New Hampshire, and Colorado. Eighteen other states already honor all permits, some doing so for over a decade.

SB 616, Senator Chase, changes the concealed handgun law to honor the concealed handgun permits from all other states if the permit holder is at least 21 years old. The out-of-state permit holder will have to also show government-issued photo-identification at the request of a law-enforcement officer. By honoring all other states, Virginia permits will be honored in more states, including Georgia, New Hampshire, and Colorado. Eighteen other states already honor all permits, some doing so for over a decade. SB 610 and HB 1163 are superior versions of this bill.

SB 626, Senator Vogel, a protective order will act as a concealed handgun permit while in effect. The person must be at least 21 years old and be able to purchase, possess, and transport a firearm legally. This bill will actually make a person with a protective order safer.

HB 766, Delegate Gilbert, a protective order will act as a concealed handgun permit while in effect. The person must be at least 21 years old and be able to purchase, possess, and transport a firearm legally. This bill will actually make a person with a protective order safer.

HB 768, Delegate Gilbert, provides that DCJS will provide funding to entities that offer free firearms safety or training courses approved by DCJS to victims of domestic violence, sexual abuse, stalking, and family abuse. This bill will actually make victims safer.

HB 804, Delegate Lingamfelter, provides immunity from civil or criminal liability for a lost or stolen firearm, if the owner reports the firearm lost or stolen within 14 days of when the person discovers or is informed of the loss or theft. NOTE: If this bill retains any penalty, including a civil penalty, for not reporting the loss or theft, this bill would be STRONGLY OPPOSED.

HB 810, Delegate Lingamfelter, removes the requirement for a proof of citizenship when purchasing an "assault firearm." This removes an unusual requirement that has caught many gun owners by surprise when trying to purchase such a firearm. Federal law does not require any such proof.

Bills That VCDL Strongly Supports (Cont'd)

HB 1096, Delegate Webert, is a state-agency preemption bill for the purchase, possession, transfer, ownership, carrying, storage, or transporting of firearms, ammunition, or components or combinations thereof other than those expressly authorized by statute, with exceptions for certain state agencies, such as the Department of Corrections. This bill basically mirrors the local government firearm preemption law, 15.2-915.

HB 1163, Delegate Webert, changes the concealed handgun law to honor the concealed handgun permits from all other states if the permit holder is at least 21 years old. It also requires the Attorney General to enter into reciprocal agreements, where such an agreement is required by the other state. By honoring all other states, Virginia permits will be honored in more states, including Georgia, New Hampshire, and Colorado. Eighteen other states already honor all permits, some doing so for over a decade.

Bills That VCDL Supports

HB 48, Delegate Cole, requires that any forfeiture of property action in connection with the commission of a crime be stayed until there is an actual conviction and any appeals exhausted. Firearms are forfeited at the drop of a hat and many times are not returned, even if the owner is found not to be guilty of the alleged crime.

HB 76, Delegate Marshall, R.G., allows K-12 school boards to appoint certain individuals to carry a concealed handgun on school property. The designated individuals will receive special training covering the use and display of a firearm, safe carrying and storage of a concealed firearm, and proper response until the police arrive in an emergency situation. This is a step in the right direction, but simply permitting all lawfully armed persons to carry in schools is a better way to protect those schools.

HB 79, Delegate Marshall, R.G., allows full-time faculty members of public institutions of higher education to carry a concealed handgun on campus. This is a step in the right direction, but simply permitting all lawfully armed persons to carry at universities and colleges is a better way to protect those institutions, as has been successfully done at Liberty University and universities in Utah, Colorado, and a growing list of other states.

HB 90, Delegate Taylor, authorizes members of the Virginia National Guard who have concealed handgun permits to be able to carry on Virginia National Guard facilities and privately owned facilities under the control of the Virginia National Guard. However, the commanding officer can prohibit the carry of concealed handguns during training or other exercises. HB 119 does not give the commanding officer the ability to mitigate self-defense, and HB 119 is therefore preferred over this bill.

SB 108, Senator Petersen, requires that any forfeiture of property action in connection with the commission of a crime be stayed until there is an actual conviction. Firearms are forfeited at the drop of a hat and many times are not returned, even if the owner is found not to be guilty of the alleged crime.

SB 178, Senator Garrett, gives the General Assembly control to determine which states' concealed handgun permit qualifies to have recognition by Virginia. The State Police shall then enter into an agreement for reciprocal recognition with those states which qualify. This bill needs to be fixed to say that State Police will enter into a reciprocal agreement IF POSSIBLE, as the other state may not wish to recognize Virginia. This bill is not as good as a bill like Delegate Ware's HB 12, which simply honors the permits of all other states.

HB 761, Delegate Freitas, allows female concealed handgun permit holders to carry at public colleges and universities. A good start as it protects the fairer sex, but leaves men vulnerable to attack.

HB 763, Delegate Freitas, prohibits state or local government employees from assisting the federal government in enforcing any federal regulation that was not made law by an act of Congress. HB 83 is a superior bill for gun owners in that it also covers acts of Congress on gun control after 12/1/2015.

HB 784, Delegate Adams, a person who has honorably served in the military for at least one year, but had a conviction as a juvenile of a crime that would have been a felony for an adult, is not automatically disqualified from getting a concealed handgun permit.

Bills That VCDL Supports (Cont'd)

HB 840, Delegate Webert, authorizes members of the Virginia National Guard who have concealed handgun permits to be able to carry on Virginia National Guard facilities and privately owned facilities under the control of the Virginia National Guard. However, the commanding officer can prohibit the carry of concealed handguns during training or other exercises. HB 119 does not give the commanding officer the ability to mitigate self-defense, and HB 119 is therefore preferred over this bill.

HB 1107, Delegate Lingamfelter, provides that all states which had concealed carry reciprocity with Virginia as of December 1, 2015 will remain valid until June 1, 2017. During that interval, the Crime Commission will provide a report to the General Assembly about how other states' concealed carry requirements compare to Virginia's concealed carry requirements. HB 12 is a superior bill in that it simply recognizes the concealed handgun permits of all other states.

Bills That VCDL Strongly Opposes

SB 49, Senator Howell, makes possessing a firearm illegal if that person has a restraining or protective order against them. The current law allows a person to be able to possess a firearm to protect themselves, but not purchase or transport a firearm, nor have a concealed handgun permit, while the order is in effect. During divorce proceedings it is not unusual for both parties to have a protective order issued against each other. Sometimes the order can be issued ex-parte, so the person may not even be aware that their guns at home are now unlawful for them to possess. The Commonwealth should not take away the right of either party to at least be able to protect themselves in their own home, nor should a constitutional right be taken away without due process.

SB 95, Senator Marsden, holds a person civilly liable for injury to another, or damage to the property of another, or a wrongful death of another that is caused in the commission of a crime, if the person did not adequately secure a firearm from theft or unauthorized possession. This punishes the victim of the gun theft twice – once by his gun getting stolen and then by a civil suit. We do not punish a car owner if his car gets stolen and is then used in a crime. Also, there is no definition of what “adequately secured” means.

SB 96, Senator Marsden, makes possessing a firearm illegal if that person has a restraining or protective order against them. The current law allows a person to be able to possess a firearm to protect themselves, but not purchase or transport a firearm, nor have a concealed handgun permit, while the order is in effect. During divorce proceedings it is not unusual for both parties to have a protect order issued against each other. Sometimes the order can be issued ex-parte, so the person may not even be aware that their guns at home are now unlawful for them to possess. The Commonwealth should not take away the right of either party to at least be able to protect themselves in their own home, nor should a constitutional right be taken away without due process.

SB 97, Senator Marsden, reinstates the old “One Handgun a Month” law. 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 have also made the bill unnecessary.

HB 128, Delegate Hope, removes the ability for a concealed handgun permit holder to carry in the General Assembly, the Capitol, or any buildings controlled by the legislature. Only police would be able to carry. Concealed handgun permit holders are the most law-abiding of any group of citizens. There have been zero problems with permit holders carrying at the Capitol. This bill is a solution where this no problem.

SB 138, Senator Favola, allows a locality to adopt an ordinance prohibiting a gun store to be within 1,000 feet of a school. Gun stores are mainstream, wholesome, highly regulated businesses, so it doesn't make any sense to keep them away from a school or any other location. We don't keep gas stations and convenience stores 1,000 feet from a school even though they sell alcohol and sexually explicit magazines.

HB 149, Delegate Simon, requires concealed handgun permit applicants be screened using the federal Terrorist Screening Database. A person's name is put in that database without any due process and many times names are in the database erroneously, so it should not be used to screen permit applicants.

SB 156, Senator Favola, allows a family member of a concealed handgun permit applicant to ask the court to deny the applicant. This is a solution in search of a problem. Allowing a vindictive spouse or family member to be able to interfere with an applicant getting a permit is simply a bad idea.

Bills That VCDL Strongly Opposes (Cont'd)

SB 184, Senator Marsden, creates a magazine limitation of 10 rounds for open carriers who do not have a concealed carry permit and applies anywhere in the Commonwealth. It also redefines the magazine size of an “assault weapon” to more than 10 rounds from more than 20 rounds under current law. 10 is an arbitrary number that was probably chosen because that’s how many fingers we have on our hands. This will only restrict the law-abiding, as criminals will have no problem getting higher-capacity magazines.

SB 185, Senator Marsden, prohibits open carry of a loaded rifle or pistol by a non-concealed handgun permit holder. There have been no problems with people open carrying handguns or rifles in the Commonwealth. Criminals virtually always carry their guns concealed.

SB 186, Senator Marsden, greatly restricts the number of safety courses that satisfy the requirement for a concealed carry permit. It also makes it so that any proof of training expires after 5 years (the number of fingers on one hand). There have been no problems with the current training requirements for a concealed handgun permit, so restricting them and making them expire provides no benefits. It will also make it harder to find training, as there will be significantly less options available.

SB 187, Senator Marsden, creates a gun owner registration scheme for those who wish to buy guns in a private transaction by requiring the purchaser to have a Firearms Transfer Permit. The State Police can take as long as they want to issue such a permit and the permit applicant will have to wait for however long it takes to get that permit. A person who does not have a permit and sees a gun they want to buy from a private seller will be out of luck. One cannot anticipate when such an event might happen. Currently a person can simply do a private sale without any kind of delay or red tape. Criminals will simply not get a Firearms Transfer Permit and one is not needed when stealing a gun or purchasing a gun off the black market.

SB 199, Senator Lucas, requires all private sales at gun shows go through a background check. The Virginia State Crime Commission did not recommend this approach when asked eight years ago. A gun show may not even be able to find a willing dealer to do such background checks due to the paperwork and the mandatory 20-year retention of that paperwork. This bill will unnecessarily raise the price of privately sold guns and puts an unreasonable burden on the gun show promoter to identify all private sellers before the show even begins. The result will be to make it much harder to hold a gun show in Virginia. Gun shows bring a lot of revenue to the Commonwealth. According to a report from the U.S. Department of Justice, less than 1% of guns used in crimes are purchased at gun shows, so this bill will have no noticeable effect on crime. Finally, the private sale background check requirement is just the first step in ultimately setting up a “Universal Background Check” scheme that can only be enforced by means of a “Universal Gun Registration.”

SB 214, Senator Favola, requires that when purchasing a gun through a gun dealer the purchaser must be screened using the federal Terrorist Screening Database. A person’s name is put in that database without any due process and many times names are in the database erroneously, so it should not be used to screen firearm purchasers.

SB 217, Senator Marsden, makes it a crime for someone to authorize a child six-years-old or younger to use a firearm or an air gun under any circumstances. It also lowers the age for supervised use of a firearm down to seven-years-old. Determining the maturity of a child is not the job of government, but of the parents.

Bills That VCDL Strongly Opposes (Cont'd)

SB 220, Senator McEachin, requires that all private sales of firearms go through a federal firearms licensed dealer (“Universal Background Check”). 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. No fee limit is placed on what a dealer can charge for such a transfer, either. 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.

SB 263, Senator Surovell, requires concealed handgun permit applicants be screened using the federal Terrorist Screening Database. A person’s name is put in that database without any due process and many times names are in the database erroneously, so it should not be used to screen permit applicants. The bill also sets up a poorly thought out process whereby selling a firearm for the purpose of terrorism is a felony, but buying a firearm for the purpose of terrorism is a misdemeanor.

SB 300, Senator Ebbin, makes it a Class 1 misdemeanor for a person to carry a loaded firearm openly or concealed, on or about his person, in a public place and be intoxicated. It also makes it a Class 2 misdemeanor for merely drinking an alcoholic beverage in a restaurant or club while carrying a handgun, openly or concealed. A conviction disqualifies the person from getting a concealed handgun permit for five years. A restaurant can determine if they wish to serve someone openly carrying a handgun and current laws already deal with someone being intoxicated in public. This is a solution looking for a problem.

SB 301, Senator Ebbin, requires all private sales at gun shows go through a background check. The Virginia State Crime Commission did not recommend this approach when asked eight years ago. A gun show may not even be able to find a willing dealer to do such background checks due to the paperwork and the mandatory 20-year retention of that paperwork. This bill will unnecessarily raise the price of privately sold guns and puts an unreasonable burden on the gun show promoter to identify all private sellers before the show even begins. The result will be to make it much harder to hold a gun show in Virginia. Gun shows bring a lot of revenue to the Commonwealth. According to a report from the U.S. Department of Justice, less than 1% of guns used in crimes are purchased at gun shows, so this bill will have no noticeable affect on crime. Finally, the private sale background check requirement is just the first step in ultimately setting up a “Universal Background Check” scheme that can only be enforced by means of a “Universal Gun Registration.”

SB 302, Senator Ebbin, makes it a crime for someone to authorize a child four-years-old or younger to use a firearm or an air gun under any circumstances. It also lowers the age for supervised use of a firearm down to five-years-old. Determining the maturity of a child is not the job of government, but of the parents.

HB 368, Delegate Davis, adds an exception to the requirement that localities resell firearms obtained by a gun buy up. The exception is for a firearm accompanied by a signed request that the firearm be destroyed. The language is vague, allowing the request to come from anyone, such as a city council member, the organization providing the money for the buy-up, a gun-control organization, etc. This law is already being abused by the City of Fredericksburg and this will make the law rife for even more abuse.

Bills That VCDL Strongly Opposes (Cont'd)

SB 411, Senator Barker, creates a “warrant and order for removal of firearms for persons posing a substantial risk of personal injury to self or others,” and would be completely ex-parte. The warrant is used to confiscate all firearms from the person named in the warrant and such firearms can be kept from 14 days up to 180 days. It also disqualifies the person from having a concealed handgun permit. This bill is unnecessary as current law prohibits a person who has been committed either voluntarily or involuntarily from having firearms until they are cured. Gun confiscation schemes similar to this are being used in California.

HB 422, Delegate Murphy, allows a locality to adopt an ordinance prohibiting a gun store to be within 1,000 feet of a school. Gun stores are mainstream, wholesome, highly regulated businesses, so it doesn't make any sense to keep them away from a school or any other location. We don't keep gas stations and convenience stores 1,000 feet from a school even though they sell alcohol and sexually explicit magazines.

HB 423, Delegate Simon, creates a 1,000 foot zone around any public, private, or religious elementary, middle, or high school, including buildings and grounds where possession of a firearm is prohibited by anyone except police and concealed handgun permit holders, if the permit holders carry their handgun concealed. This would basically prohibit anyone without a permit from carrying in a huge part of the state. There is no easy way for a person to know if they are within 1,000 feet of a school in all directions. It will also be impossible to enforce such a law generally.

HB 424, Delegate Simon, allows a locality, by ordinance, to create a 1,000 foot zone around any public, private, or religious elementary, middle, or high school, including buildings and grounds where possession of a firearm is prohibited by anyone except police and concealed handgun permit holders, if the permit holders carry their handgun concealed. This would basically prohibit anyone without a permit from carrying in a huge part of the state. There is no easy way for a person to know if they are within 1,000 feet of a school in all directions. It will also be impossible to enforce such a law generally.

HB 425, Delegate Simon, requires a person be screened using the federal Terrorist Screening Database when purchasing a firearm or when applying for a concealed handgun permit. A person's name is put in that database without any due process and many times names are in the database erroneously, so it should not be used to screen firearm purchasers or to block an application for a concealed handgun permit.

SB 430, Senator Saslaw, requires that when purchasing a gun through a gun dealer the purchaser must be screened using the federal Terrorist Screening Database. A person's name is put in that database without any due process and many times names are in the database erroneously, so it should not be used to screen firearm purchasers.

Bills That VCDL Strongly Opposes (Cont'd)

HB 482, Delegate Kory, requires all private sales at gun shows go through a background check. The Virginia State Crime Commission did not recommend this approach when asked eight years ago. A gun show may not even be able to find a willing dealer to do such background checks due to the paperwork and the mandatory 20-year retention of that paperwork. This bill will unnecessarily raise the price of privately sold guns and puts an unreasonable burden on the gun show promoter to identify all private sellers before the show even begins. The result will be to make it much harder to hold a gun show in Virginia. Gun shows bring a lot of revenue to the Commonwealth. According to a report from the U.S. Department of Justice, less than 1% of guns used in crimes are purchased at gun shows, so this bill will have no noticeable affect on crime. Finally, the private sale background check requirement is just the first step in ultimately setting up a “Universal Background Check” scheme that can only be enforced by means of a “Universal Gun Registration.”

SB 520, Senator McPike, eliminates the option for a person to get firearms safety training over the internet when applying for a concealed handgun permit. There have been no issues with concealed handgun permit holders due to training issues, so the bill is a solution looking for a problem.

SB 546, Senator Favola, takes away the right of someone to possess or transport a firearm for certain misdemeanor convictions. Misdemeanors are not meant to take away someone’s civil rights because, by definition, they are minor crimes.

HB 599, Delegate Plum, requires all private sales at gun shows go through a background check. The Virginia State Crime Commission did not recommend this approach when asked eight years ago. A gun show may not even be able to find a willing dealer to do such background checks due to the paperwork and the mandatory 20-year retention of that paperwork. This bill will unnecessarily raise the price of privately sold guns and puts an unreasonable burden on the gun show promoter to identify all private sellers before the show even begins. The result will be to make it much harder to hold a gun show in Virginia. Gun shows bring a lot of revenue to the Commonwealth. According to a report from the U.S. Department of Justice, less than 1% of guns used in crimes are purchased at gun shows, so this bill will have no noticeable affect on crime. Finally, the private sale background check requirement is just the first step in ultimately setting up a “Universal Background Check” scheme that can only be enforced by means of a “Universal Gun Registration.”

HB 617, Delegate Bell, J.J., eliminates the option for a person to get firearms safety training over the internet when applying for a concealed handgun permit. There have been no issues with concealed handgun permit holders due to training issues, so the bill is a solution looking for a problem.

HB 632, Delegate Bell, J.J., requires all private sales at gun shows go through a background check. The Virginia State Crime Commission did not recommend this approach when asked eight years ago. A gun show may not even be able to find a willing dealer to do such background checks due to the paperwork and the mandatory 20-year retention of that paperwork. This bill will unnecessarily raise the price of privately sold guns and puts an unreasonable burden on the gun show promoter to identify all private sellers before the show even begins. The result will be to make it much harder to hold a gun show in Virginia. Gun shows bring a lot of revenue to the Commonwealth. According to a report from the U.S. Department of Justice, less than 1% of guns used in crimes are purchased at gun shows, so this bill will have no noticeable affect on crime. Finally, the private sale background check requirement is just the first step in ultimately setting up a “Universal Background Check” scheme that can only be enforced by means of a “Universal Gun Registration.”

Bills That VCDL Strongly Opposes (Cont'd)

HB 658, Delegate Filler-Corn, makes possessing a firearm illegal if that person has a restraining or protective order against them. The current law allows a person to be able to possess a firearm to protect themselves, but not purchase or transport a firearm, nor have a concealed handgun permit, while the order is in effect. During divorce proceedings it is not unusual for both parties to have a protective order issued against each other. Sometimes the order can be issued ex-parte, so the person may not even be aware that their guns at home are now unlawful for them to possess. The Commonwealth should not take away the right of either party to at least be able to protect themselves in their own home, nor should a constitutional right be taken away without due process.

HB 979, Delegate Lopez, increases the time that the Virginia State Police can drag their heels in completing a background check for a firearms purchase and delay that purchase from 1 business day to 5 business days.

HB 980, Delegate Lopez, creates a gun owner registration scheme for those who wish to buy guns in a private transaction by requiring the purchaser to have a Firearms Transfer Permit. The State Police can take as long as they want to issue such a permit and the permit applicant will have to wait for however long it takes to get that permit. A person who does not have a permit and sees a gun they want to buy from a private seller will be out of luck. One cannot anticipate when such an event might happen. Currently a person can simply do a private sale without any kind of delay or red tape. Criminals will simply not get a Firearms Transfer Permit and one is not needed when stealing a gun or purchasing a gun off the black market.

HB 981, Delegate Lopez, removes the provision that any firearms training or safety course or class offered by an NRA-certified instructor will suffice to get a concealed handgun permit. This would nonsensically mean that a superior course developed and offered by an NRA-certified instructor would not suffice, but a lesser standard-NRA course would suffice.

HB 982, Delegate Lopez, makes it a crime for someone to authorize a child four-years-old or younger to use a firearm or an air gun under any circumstances. It also lowers the age for supervised use of a firearm down to five-years-old. Determining the maturity of a child is not the job of government, but of the parents.

HB 983, Delegate Lopez, bans magazines which will hold more than 20 rounds of ammunition. If a firearm only has magazines made for it that hold more than 20 rounds, then three such magazines acquired before July 1, 2016 can be kept if registered, but the rest must be given up or sold. Such registration may also require the magazine to be permanently marked and storage for the magazine must be made available for the State Police to inspect. Finally, the magazines could only be possessed in a few numerated places. This bill is one that only a police state would support. According to the FBI just a little over 300 people were killed with long guns in their latest report on crime. Of those, only a fraction would have had a magazine that would hold more than 20 rounds. This bill would do nothing for crime, but would put an onerous responsibility on gun owners to register their magazines every year. Under the Fifth Amendment, criminals would not have to register their magazines.

HB 1000, Delegate Levine, prohibits firearms sales over the internet unless a background check is done on the purchaser. This is already covered by federal law for all sales by firearms dealers and for any private sales that cross state lines. For a private sale between Virginia residents, background checks are not required in any venue. However someone knowingly selling to an individual who is prohibited from possessing firearms is already illegal.

Bills That VCDL Strongly Opposes (Cont'd)

HB 1001, Delegate Levine, requires that when purchasing a gun through a gun dealer the purchaser must be screened using the federal Terrorist Screening Database. A person's name is put in that database without any due process and many times names are in the database erroneously, so it should not be used to screen firearm purchasers.

HB 1025, Delegate Sickles, creates a "warrant and order for removal of firearms for persons posing a substantial risk of personal injury to self or others." The warrant is used to confiscate all firearms from the person named in the warrant and such guns can be kept from 14 up to 180 days. This bill is unnecessary as current law prohibits a person who has been committed either voluntarily or involuntarily from having firearms until they are cured. Gun confiscation schemes similar to this are being used in California.

HB 1055, Delegate Pillion, controls the possession of firearms and ammunition in a foster care home. This bill does not allow for the lawful carry of a firearm for self-defense purposes in a foster care home when children are present. It requires the firearm be locked up when at home and firearms can only be carried off the property.

HB 1106, Delegate Murphy, takes away the right of someone to possess or transport a firearm for certain misdemeanor convictions. Misdemeanors are not meant to take away someone's civil rights because, by definition, they are minor crimes.

HB 1109, Delegate Murphy, allows a family member of a concealed handgun permit applicant to ask the court to deny the applicant. This is a solution in search of a problem. Allowing a vindictive spouse or family member to be able to interfere with an applicant getting a permit is simply a bad idea.

Bills That VCDL Strongly Opposes (Cont'd)

This page left blank intentionally.

Bills That VCDL Opposes

SB 104, Senator Ebbin, while increasing the amount of marijuana one can legally possess for personal use, disqualifies a person from getting a concealed handgun permit for three years or purchasing or transporting a handgun for possession of marijuana that is so minor that it is subject only to a civil penalty.

SB 260, Senator Surovell, revokes the permit of a concealed handgun permit holder who receives mental health or substance abuse treatment in a residential setting. This will serve to discourage concealed handgun permit holders from receiving such treatment.

HB 332, Delegate Miller, allows a judge to carry a concealed handgun without a concealed handgun permit anywhere he may go in the state. This is the government giving itself special perks again, while denying those same rights to the citizens of the Commonwealth. There's no reason a judge can't get a concealed handgun permit just like everyone else. And as far as carrying anywhere he goes, we need to apply that wording to anyone who has a concealed handgun permit. That fixes it for judges and for Virginia's 400,000 permit holders. Our lives are equally valuable.

SB 479, Senator Carrico, allows retired police to be able to carry in air carrier airport terminals and anywhere else they go in the state, including K-12 school property. This bill is giving special capabilities to retired law-enforcement officers (none of whom are authorized to enforce the law any more), while not giving the same capabilities to concealed handgun permit holders, who are just as law abiding, just as worthy, and don't enforce laws either.

SB 544, Senator Newman, allows a judge to carry a concealed handgun without a concealed handgun permit anywhere he may go in the state. This is the government giving itself special perks again, while denying those same rights to the citizens of the Commonwealth. There's no reason a judge can't get a concealed handgun permit just like everyone else. And as far as carrying anywhere he goes, we need to apply that wording to anyone who has a concealed handgun permit. That fixes it for judges and for Virginia's 400,000 permit holders. Our lives are equally valuable.

HB 783, Delegate Adams, provides a mandatory minimum sentence of six-months for brandishing a firearm when a law-enforcement officer is present. Mandatory minimums are one-size-fits-all approach that does not take into account actual circumstances.

HB 997, Delegate Levine, while increasing the amount of marijuana one can legally possess for personal use, disqualifies a person from getting a concealed handgun permit for three years or purchasing or transporting a handgun for possession of marijuana that is so minor that it is subject only to a civil penalty.

HB 1049, Delegate Rasoul, requires a gun show promoter to include information on which of his vendors or exhibitors were selling or transferring firearms. It also removes a long time exemption for the annual Hillsville gun show. This bill puts more unnecessary burdens on gun show promoters.

HB 1074, Delegate Heretick, while increasing the amount of marijuana one can legally possess for personal use, disqualifies a person from getting a concealed handgun permit for three years or purchasing or transporting a handgun for possession of marijuana that is so minor that it is subject only to a civil penalty.

Bills That VCDL Opposes (Cont'd)

This page left blank intentionally.

Bills On Which VCDL is Neutral

HB 167, Delegate Cole, allows a school board to arm employees who are former law-enforcement officers. The idea of having armed individuals to protect our schools is a good one, but this bill is too restrictive to be of much use.

SB 198, Senator Lucas, allows retired internal investigators for the Department of Corrections to carry a concealed handgun without a permit.

SB 205, Senator Edwards, allows a retiring internal investigator with the Department of Corrections to purchase his handgun from the Commonwealth.

HB 244, Delegate Ward, creates an action for an injunction or an order of abatement for a “nuisance” caused by various things, including the unlawful discharge of a firearm or the unlawful possession of a dangerous or deadly weapon.

SB 259, Senator Surovell, adds ammunition as something that cannot be possessed by a person who has been involuntarily admitted or ordered to outpatient treatment for a mental health issue.

SB 323, Senator Favola, requires that a person be served a protection order before the restrictions on purchase and transport of a firearm apply. It also provides that a person subject to an emergency protection order, once served, may not physically possess a firearm while in the residence of the alleged victim or transport a firearm while such order is in effect.

HB 439, Delegate Lingamfelter, increases penalties for using a firearm to commit certain violent crimes, but there is no penalty for any of the other weapons that could be used to commit the exact same crimes, such as knives, clubs, hatchets, crowbars, etc.

HB 809, Delegate Lingamfelter, prohibits someone from knowingly selling, bartering, giving, or furnishing an “assault firearm” to a person who is not in the United States legally.

HB 1087, Delegate Gilbert, creates a felony penalty for a person violating a protection order while armed with a firearm or other deadly weapons. It is currently unlawful to transport a firearm while under a protection order, so this bill is adding an increased penalty for doing so while in violation of the protection order itself.

Bills On Which VCDL is Neutral

This page left blank intentionally.