



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

P.O. Box 513, Newington, VA 22122 • 804-639-0600 • [president@vcdl.org](mailto:president@vcdl.org) • [vcdl.org](http://vcdl.org)

# VCDL Firearm Bill Analysis for the 2019 General Assembly Session January 21, 2019

In memory of Dale Welch

Philip Van Cleave  
President  
804-639-0600  
804-874-8235  
[president@vcdl.org](mailto:president@vcdl.org)

# Table of Contents

Bills That VCDL <a href="#">Strongly Supports</a> .....	3
Bills That VCDL <a href="#">Supports</a> .....	5
Bills That VCDL <a href="#">Strongly Opposes</a> .....	7
Bills That VCDL <a href="#">Opposes</a> .....	9
Bills On Which VCDL is Neutral.....	11

## Bills That VCDL Strongly Supports

**SB 1012, Senator Chase**, allows firefighters or emergency medical services (EMS) personnel to carry a concealed firearm everywhere they may go while on duty and as long as they were previously employed as a law-enforcement officer or served in the armed forces. Firefighters and EMS workers often arrive at the scene of a crime before the police do and need to be able to protect themselves if attacked. They should not have to spend time disarming themselves when going into a location where firearms are normally prohibited, such as a school or courthouse. All that should be required by this bill is that the firefighters or EMS personnel have a concealed handgun permit.

**SB 1024, Senator Black**, repeals the prohibition on carrying of firearms in a place of worship during a service, unless a person has “good and sufficient reason” to do so. This is a Jim Crow-esqu Blue law where “good and sufficient reason” is not defined anywhere and it is totally at the discretion of each judge as to whether a person falls under that exemption. What is a “place of worship?” If a person has a prayer group in their home, is it considered a service in a “place of worship” at that time? The Commonwealth should not be dictating to churches what they can or cannot do as far as their own security. Finally, churches would continue to be able to prohibit or restrict firearms at all times using Virginia’s trespass law, which has a much more severe penalty than 18.2-283 does anyway.

**SB 1158, 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 thirteen other states have Constitutional Carry: Alaska, Arizona, Arkansas, Idaho, Kansas, Maine, Mississippi, Missouri, New Hampshire, North Dakota, Vermont, West Virginia, and Wyoming. Eighteen other states plan to introduce it or have introduced it: Colorado, Georgia, Indiana, Iowa, Kentucky, Louisiana, Nevada, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, and Wisconsin. **None of the states that have adopted Constitutional Carry have repealed it.**

**SB 1179, Senator Stuart**, allows a person in the military who is domiciled in Virginia, but stationed outside of Virginia, to apply for a resident concealed handgun permit.

HB1656, Delegate Cole, allows private or religious schools to have a school security officer, who may carry a firearm if he meets certain criteria. This is a move in the right direction, but the Commonwealth should not be dictating to private or religious schools how they handle their own security in the first place.

**HB 2253, Delegate Pogge**, requires that the State Police issue non-resident concealed handgun permits within 90 days. It includes a provision for a 90-day temporary permit if the non-resident permit is not issued within the 90-day limit. The state police charge more than the average state for such a permit and are currently taking SIX MONTHS to process both new permits and renewals, which is the longest in the country by far. Most states process non-resident permits in 75 days or less. This law would take effect on October 1, 2019.

**HB 2548, Delegate Rush**, improves the mechanism for firearms rights restoration.

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

This page left blank intentionally.

## Bills That VCDL Supports

**HB 2206, Delegate Filler-Corn**, removes sales tax from metal gun safes that sell for \$1,000 or less. This encourages citizens to purchase a gun safe, including those with quick-opening biometric systems.

## Bills That VCDL Supports (Cont'd)

This page left blank intentionally.

## Bills That VCDL Strongly Opposes

**SB 1078, Senator Howell**, takes away a person's right to possess a firearm if they are subject to a permanent protective order that does not deal with family abuse. There are two sides to every story and a protective order which prohibits possession of firearms altogether can be gotten in bad faith and used as a weapon to disarm someone with the intent of attacking them once they are disarmed. Also, this kind of protective order is handed out like candy during divorces and a restriction on merely possessing a firearm at home is overreach.

**SB 1163, Senator Saslaw**, makes any previously legal firearm accessory that can "increase the rate-of-fire" of a semi-automatic rifle illegal. There is no grandfathering of any existing devices nor compensation for confiscation or destruction of these devices (a "taking" under the Constitution). Since there is no limit as to how tiny the "increased rate of fire" can be, almost any modification to a semi-automatic rifle might arguably qualify. Keep in mind that a person can bump fire an unmodified semi-automatic rifle with just their bare hands using any of several well-known techniques!

**SB 1164, Senator Saslaw**, 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. The dealer may charge a fee of up to \$15, raising the price of the firearm. Finally, this bill will also lead to an inevitable "Universal Registration" scheme at some point in the future to provide for enforcement. Firearms confiscation is the end goal, as is happening right now in California and Hawaii with their universal background checks and associated gun registrations. Illinois has universal background checks, but a 2015 survey of criminals in Illinois prisons showed that only 3% got their firearms after going through a background check! The rest got their guns using straw purchases, theft, from friends, from family, and the black market.

**SB 1210, Senator Lucas**, prohibits one or more persons from intimidating others by drilling, parading, or marching with any firearm or explosive device. Who decides what is considered "intimidation," considering a violation is a felony?

**SB 1467, Senator Saslaw**, takes away a person's right to possess a firearm if they are subject to a permanent protective order that does not deal with family abuse. There are two sides to every story and a protective order which prohibits possession of firearms altogether can be gotten in bad faith and used as a weapon to disarm someone with the intent of attacking them once they are disarmed. Also, this kind of protective order is handed out like candy during divorces and a restriction on merely possessing a firearm at home is overreach. The bill also provides no timeframe for a firearm to be returned to the owner once the protective order is listed.

**SB 1748, Senator Ebbin**, a "kitchen sink" gun-control bill, reduces the number of rounds that a shotgun can hold legally, makes it illegal to possess or transport an "assault" firearm, reduces the magazine size to qualify as a non-assault firearm from 20 to 10 rounds, takes away the ability for aliens lawfully admitted for permanent residence to purchase an assault firearm from a gun dealer, prevents a person under 18-years-old from possessing or transporting a handgun or shotgun with a magazine that will hold more than 7 rounds of ammunition, and makes the sale of magazines that hold more than 10 rounds of ammunition illegal. This bill is a broad assault on the rights of law abiding gun owners and will do nothing to reduce crime. From a practical point of view, handguns that have only 7-round magazines are not common. The commission that studied the Virginia Tech massacre said that limiting Cho to 10-round magazines would have done nothing to mitigate the outcome of that massacre.

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

**HB 1899, Delegate Bell, John J.**, removes online training as an option for those wishing to get a concealed handgun permit. **HB 1899** is a solution to a non-existent problem and would hurt those who might be in a hurry to get their concealed carry permit due to an unanticipated and immediate threat to their life.

**HB 2027, Delegate Murphy**, makes the parents, or others standing in loco parentis, open to civil liability if a child comes into the possession of a firearm because the civil defendant failed to “reasonably” secure that firearm and a person or property is injured or damaged, or a person is killed, on school property. “Reasonably” isn’t defined and will therefore vary for each defendant. There needs to be a clear definition of what is “reasonable” so that a person can comply with the law.

**HB 2504, Delegate Murphy**, takes away a person’s right to possess a firearm if they are subject to a permanent protective order that does not deal with family abuse. There are two sides to every story and a protective order which prohibits possession of firearms altogether can be gotten in bad faith and used as a weapon to disarm someone with the intent of attacking them once they are disarmed. Also, this kind of protective order is handed out like candy during divorces and a restriction on merely possessing a firearm at home is overreach.

**HB 2797, Delegate Filler-Corn**, makes it illegal for a person 18, 19, or 20 years old to purchase a handgun or “assault firearm” unless they have a high school diploma or equivalency or is a member of the Armed Forces or National Guard. The purchaser must also sign a form allowing the Virginia State Police to do a background check on them. The term “assault firearm” is redefined as one that has only 10-round magazine, as opposed to the current 20-round magazine. This bill illustrates how little those who push gun control understand guns and gun laws. It is illegal for a dealer under FEDERAL law to sell a handgun to anyone under 21 years of age and no state law can change that.



## Bills That VCDL Opposes

HB 1776, Delegate Cole, allows localities to have an ordinance that prohibits the use of Tannerite in or near residential areas. What is “near?” 50 feet, 100 yards, 10 miles?

## Bills That VCDL Opposes (Cont'd)

This page left blank intentionally.

## Bills On Which VCDL is Neutral

SB 1251, Senator Reeves, allows bona fide manufacturers, distributors, or retailers of switchblade knives that sells or distributes such knives outside of the Commonwealth to possess switchblade knives while in the Commonwealth.

**SB 1321, Senator Hanger**, requires firearms or ammunition in a licensed family day home to be stored in a locked container during hours of operation or lawfully carried on an individual's person.

**HB 2066, Delegate Yancey**, increases penalties for possession or use of stolen firearms.

**HB 2235, Delegate Bourne**, allows a court to issue a permanent protective order, when a person is convicted of certain felonies. VCDL will monitor this bill to make sure it is not modified in a way that would make the bill unacceptable.

HB 2372, Delegate Hope, requires firearms or ammunition in a licensed family day home to be stored in a locked container during hours of operation or lawfully carried on an individual's person.

## Bills On Which VCDL is Neutral

This page left blank intentionally.