

Gun Legislation in Virginia

House Committee on Militia, Police, and Public Safety- Subcommittee #1 January 17, 2019

GIFFORDS SUPPORTS THE FOLLOWING BILLS:

Background Checks- HB 2479 (Plum)

- Closing the background checks loophole will save lives. In 2014 alone, the NICS database stopped 147,000 prohibited people across the country from buying guns from federally licensed dealers. But too many other dangerous people are slipping through the cracks and obtaining firearms due to unregulated sales.
- State laws that require handgun purchasers to obtain permits or otherwise undergo background checks [have been associated](#) with lower rates of gun homicides, suicides, and gun trafficking. When Missouri repealed its law requiring a permit to purchase a handgun even if the seller was not licensed, the homicide rate rose by 25%. When Connecticut implemented a similar law, its homicide rate dropped by 40%. We know background checks save lives.
- This policy has widespread support, even among gun owners and Republicans: 97% of Americans—including 99% of Democrats, 97% of Republicans, and 97% of gun owners support background checks on unlicensed sales.
- Twenty states and Washington DC have extended the background check requirement beyond federal law to at least some sales by unlicensed individuals. *Note, however, that Nevada's background check law, enacted through a voter ballot initiative in 2016, has not yet been implemented.

Establish an Extreme Risk Protective Order- HB 1763 (Sullivan, Hurst)

- This legislation creates a legal mechanism to temporarily separate a person from their firearms and prevent them from accessing firearms when the court finds that they pose a substantial danger to themselves or others.
- Every year in VA, more than a thousand people die by suicide. More than half kill themselves with a gun. An extreme risk protective order is another tool for law enforcement to keep their communities and its residents safe, particularly from firearm suicide.
- More than a dozen states have enacted some form of an “extreme risk” law, either as a protective order or a risk warrant. In a review of 762 risk warrant cases in Connecticut, researchers at Duke University estimated one life was saved for every ten removals.
- This bill would enable this lifesaving policy while also providing due process by:

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- Requiring judicial oversight over the process
- Requiring an independent investigation and the presentation of evidence
- Limiting emergency orders to 14 days
- Providing the person with a hearing
- Requiring the return of the firearms when the order expires

Unusually Dangerous Firearms- HB 2492 (Tran), HB 1691 (Simon)

- HB 2492 bans the sale, purchase, possession, and transport of assault firearms in the Commonwealth. The bill also modifies the definition of assault firearm to any rifle or pistol that is equipped with a magazine that holds more than 10 rounds of ammunition, and would ban the transfer of these magazines.
- These weapons are designed to increase the number of casualties in a shooting. Seven states and DC have addressed this issue.
- HB 1691 creates a punishment for any person who manufactures, imports, sells, transfers, or possesses any undetectable firearm.
- New technologies have made it possible for determined individuals to create workable firearms made out of plastic, increasing the risk that such a firearm will evade airport metal detectors.

One Handgun a Month – HB 2604 (Ward)

- Limiting handgun purchases to one per month will help reduce gun trafficking by preventing purchasers from buying large numbers of handguns to resell.
- A 2007 University of Pennsylvania report to the National Institute of Justice found that guns purchased in bulk were up to 64% more likely to be used for illegal purposes than guns purchased individually.
- Virginia also had the 7th highest rate of crime gun exports among the states in 2016—meaning that crime guns originally sold in Virginia were recovered after being used in crimes in other states at the 7th highest rate among the states, per capita.

Reporting Lost or Stolen Firearms – H.B. 1644 (Bourne)

- This legislation will require a person to report to the State Police or local law enforcement within 24 hours if a gun is lost and stolen.
- Lost and stolen reporting laws help deter straw purchasing and the illegal trafficking of firearms.
- Virginia also had the 7th highest rate of crime gun exports among the states in 2016—meaning that crime guns originally sold in Virginia were recovered after being used in crimes in other states at the 7th highest rate among the states, per capita.
- Lost and stolen reporting laws also facilitate the return of the lost or stolen firearm to the lawful owner. Timely reporting to law enforcement enables police to trace guns more effectively and makes it more likely that there will be a successful prosecution of the person who stole the guns.

Child Access Prevention- HB 1957 (Toscano), HB 2285 (Hayes)

- HB 1957 provides that if a child is found to be in need of services, the court that permits the child to remain with their parents may require the parent to certify that firearms located in the house are reasonably secure as to prevent such child's access.
- HB 2285 ensures that a person can be held accountable for leaving a loaded, unsecured firearm around a child and raises the age of a child in existing law from 14 to 18.
- Unintentional shootings and youth suicides occur far too often when there is a gun present in the home, especially when guns are not stored safely and securely. In May 2019, two toddlers in Virginia were killed because of easy access to a firearm.
- Every year, almost 1,000 children and teenagers die from either suicides or unintentional shootings.
- 73% of children under age 10 living in homes with guns reported knowing the location of their parents' firearms, and 36% had handled the guns.

Gun in Public Places- HB 1654 (Rasoul), HB 1899 (Bell)

- HB 1654 prohibits the carrying of a loaded shotgun or rifle in places open to the public in certain counties.
- Guns carried into public spaces increase the risk that everyday disagreements will escalate into shootouts, especially in places where disputes frequently occur—in bars, at sporting events, and in traffic.
- HB 1899 requires the training for a CCW permit to be completed in-person, and not online, electronically, or by video.
- By allowing the training for concealed carry applicants to be conducted entirely online, electronically, or by video, Virginia's law misses an opportunity to ensure that people who carry concealed guns know how safely handle firearms.
- People carrying hidden, loaded handguns in public create unnecessary risks of intentional or accidental shootings.
- Permissive concealed carry laws violate the shared expectation that public places will be safe environments free from guns and gun violence.

Local Authority Regarding Guns- HB 1992 (Price), HB1856 (McQuinn)

- HB 1992 repeals the law that prohibits localities in Virginia from adopting ordinances that regulate firearms.
- Virginia's law deprives cities, towns, and counties of their own, independent authority to tackle gun violence through local laws. Local laws can address the unique issues and dangers facing each different community.
- HB 1856 allows localities to adopt an ordinance that prohibits firearms in libraries.
- Localities should be free to codify their communities' shared expectation that public places like libraries will be free from guns.

Firearms at Permitted Events – HB 1956 (Toscano)

- This bill allows local authorities to prohibit firearms at events that require a permit.

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- Counties, towns and cities in Virginia should be able to prohibit firearms at permitted events in public spaces where they increase the risk of intentional and unintentional shootings.
- When guns are present, disagreements could easily escalate into a deadly assault.

Hate Crimes- H.B. 2244 (Sullivan)

- H.B. 2244 prohibits gun possession by a person convicted of a hate crime.
- Between 2010 and 2014, roughly 43,000 hate crimes were committed in the U.S. involving the use or threatened use of a gun. And since 2014, hate crime incidents across the US have become more numerous and more violent; the Southern Poverty Law Center has tracked a 17% increase in the number of active hate groups since 2014.
- Individuals with a prior conviction for a violent misdemeanor are nine times more likely to commit subsequent violent crimes. People who have committed hate crimes are an even greater risk because they tend to escalate their conduct to ensure their message of hate is received.

Charleston Loophole- H.B. 2399 (Lopez)

- H.B. 2399 extend the time period for law enforcement to complete a background check on a gun purchaser to five business days. Under federal law, a licensed gun dealer can transfer a gun after three business days even if the background check is not complete. This bill would prevent these transfers until five business days have passed, giving the State Police more time to ensure that the buyer is eligible to possess guns.
- In 2015, nine African Americans were murdered in Emanuel AME Church in Charleston, South Carolina. The shooter should have failed a background check but had obtained the gun when the background check could not be completed within the 3-business-day window. This same loophole also allowed 4,864 other prohibited purchasers to buy guns in 2017 alone.

ABOUT GIFFORDS Giffords is a nonprofit organization dedicated to saving lives from gun violence. Led by former Congresswoman Gabrielle Giffords and her husband, Navy combat veteran and retired NASA astronaut Captain Mark Kelly, Giffords inspires the courage of people from all walks of life to make America safer.