

Gun Legislation in Virginia

Senate Committee on Courts of Justice Hearing
January 16, 2019

GIFFORDS SUPPORTS THE FOLLOWING BILLS:

Background Checks - S.B. 1454 (Lucas), S.B. 1164 (Saslaw), S.B. 1162 (Saslaw)

- 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 When Missouri repealed its law requiring a permit to purchase a handgun even if the seller was not licensed, the homicide rate rose by 25%.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 private sales. *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- S.B. 1458 (Barker)

- 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:
 - 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

Mechanical Devices designed to increase the rate of fire of firearms; penalty- S.B. 1008 (Ebbin), S.B. 1163 (Saslaw)

- S.B. 1008 would prohibit the manufacture, import, sale or offer to sell, possession, transfer, or transportation of a trigger activator, which includes a trigger crank or bump-fire device, that is designed to increase the rate of fire of a semiautomatic rifle to simulate the rate of a machine gun.
- S.B. 1163 would prohibit the manufacture, importation, sale, possession, transfer, or transportation of a trigger activator, which includes a trigger crank or bump-fire device.
- In October 2017, a gunman in Las Vegas used multiple bump stock devices to convert semi-automatic rifles into weapons that fired 9 shots per second. He used those weapons to carry out the deadliest mass shooting attack in modern history.
- Bump stocks and other similar devices are marketed to shooters seeking to convert their weapon to simulate the rapid, continuous fire of an automatic firearm.
- In November of 2017, Massachusetts Lt. Gov Politio (R) signed a bill to ban bump stocks and in New Jersey, a bump stock ban has passed through the Legislature with zero no votes and was signed into law by then-Governor Christie (R).

One Handgun a Month - S.B. 1034 (Locke), S.B. 1446 (Locke)

- 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 - S.B. 1324 (McClellan)

- 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.

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Domestic Violence Protective Order Bill - S.B. 1467 (Saslaw)

- Prohibit gun possession by a person subject to final protective order issued based on violence, force or threat, regardless of the relationship between the parties. Legislation Virginia enacted in 2016 prohibits a person subject to a protective order from possessing firearms if the parties had a domestic relationship, but does not provide this protection to victims of dating partner abuse or stalking. This legislation will prevent any person subject to a final order of protection from purchasing, possessing, or transporting firearms.
- This legislation will also require these individuals to turn over their firearms within 24 hours, and certify to the courts that the firearms have been transferred. It would provide an orderly process for the removal of guns for the duration of these orders, and ensure that they are properly stored and returned at the end of the order.
- In Virginia, on average, one person is killed by an intimate partner with a gun nearly every week. Family and intimate partner assaults with firearms are 12 times more likely to be lethal than assaults without firearms. Domestic violence victims are five times more likely to be killed if their abuser has a gun.

Local Authority to Prohibit Firearms at Permitted Events - S.B. 1473 (Deeds)

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

Child Access Prevention- S.B. 1096 (Howell)

- This legislation increases the penalty 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.
- In 2015 alone, more than 1,000 children and teenagers died 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- S.B. 1482 (Deeds), S.B. 1303 (Edwards)

- S.B. 1482 would extend the prohibition of the carrying of certain firearms in public places to the County of Albemarle and the City of Charlottesville.
- S.B. 1303 would allow a locality to adopt an ordinance that prohibits firearms, ammunition, or any components thereof at any regular or special meeting of its local governing body.
- People carrying hidden, loaded handguns in public create unnecessary risks of intentional or accidental shootings.
- Carrying concealed weapons ("CCW") increases the risk that everyday disagreements will escalate into shootouts, especially in places where disputes frequently occur—in bars, at sporting events, and in traffic.

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- Permissive concealed carry laws violate the shared expectation that public places will be safe environments free from guns and gun violence.

GIFFORDS OPPOSES THE FOLLOWING BILLS:

Permitless Carry - S.B. 1158 (Black)

- This dangerous bill would allow people who have never passed a background check to carry hidden, loaded guns in public.
- If someone is going to carry a hidden, loaded weapon in public, it is in the interest of public safety that they are trained and legally qualify to own a gun.
- Permitless carry makes it much harder for law enforcement to identify prohibited people who are illegally carrying guns in public.

Carrying Dangerous Weapon to Place of Religious Worship- S.B. 1024 (Black)

- This legislation repeals the statutory prohibition on carrying a gun, pistol, bowie knife, dagger, or any other dangerous weapon in a place of worship.
- Allowing guns in places of worship violate the shared expectation that these places will be safe environments free from guns and gun violence.

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.