

Dear Constituent,

One of the top “hot-button” issues during the 2020 General Assembly related to the purchase and private ownership of firearms. There were numerous bills and resolutions and unfortunately none will reduce crime but will reduce the freedom of law-abiding citizens.

House Democrats abandoned all pretense of moderation in their pursuit of their gun control agenda. **Fortunately, ill-conceived legislation that would have banned the most common self-defense and sporting firearms were defeated**, but a significant number of bills curtailing our right to keep and bear arms were approved and sent to the Governor’s desk. We Republicans were committed to stopping gun violence, but we’re committed to doing it in a way that respects the Second Amendment -- and a way that works. In fact, we made many legislative attempts to increase the criminal penalties for those who use firearms in the commission of a crime which has been proven to actually reduce crime! Unfortunately, putting and keeping violent criminals in prison violates the Governor’s and Democrat’s criminal justice “reform” agenda, so in order to provide the illusion of making our streets safer they turned their sights toward law-abiding citizens.

To help you follow these changes, I have enclosed a summary of these bills below. Keep in mind that after a bill is passed by the House and Senate, it must be signed by the Governor before becoming law.

Our Republican caucus stood united this session in defense of your rights, and I’m happy to say that while we lacked the votes necessary to defeat them, we were successful in making terrible bills somewhat better. Thanks to the hard work and diligence of my colleagues, we were able to limit the damage to your 2nd Amendment rights to a significant degree.

As always, if you have any questions or would like to share any thoughts, please do not hesitate to reach out.

Sincerely,
Buddy

2020 General Assembly Critical Firearms/2nd Amendment Legislation

HB 2 Firearm transfers; criminal history record information check; penalty. Requires a background check for any **firearm sale** and directs the Department of State Police (the Department) to establish a process for transferors to obtain such a background check from licensed firearms dealers. A person **who sells** a firearm to another person without obtaining the required background check is guilty of a Class 1 misdemeanor. The bill also provides that a **purchaser** who receives a firearm from another person without obtaining the required background check is guilty of a Class 1 misdemeanor. The bill removes the provision that makes background checks of prospective purchasers or transferees at firearms shows voluntary. The bill also provides that the Department shall have three business days to complete a background check before a firearm may be transferred. **(HB2 only requires background check for the sale and purchase of firearms. Gifts or bequests will not require a background check).** Passed the House: Y-54 N-44; I voted “NAY”.

HB 9 Reporting lost or stolen firearms; civil penalty. Requires that, if a firearm is lost or stolen from a person who lawfully possessed it, such person shall report the loss or theft of the firearm to any local law-enforcement agency or the Department of State Police within 48 hours after such person discovers the loss or theft or is informed by a person with personal knowledge of the loss or theft. The bill requires the relevant law-enforcement agency to enter the report information into the National Crime Information Center. A violation is punishable by a civil penalty of not more than \$250. The bill provides that a person who, in good faith, reports the loss or theft is immune from criminal or civil liability for acts or omissions that result from the loss or theft. The immunity does not apply to a person who knowingly gives a false report. The bill does not apply to the loss or theft of an antique firearm. **Passed the House: Y-55 N-44; I voted “NAY”. (Why should a victim of a crime face the possibility of criminal prosecution?)**

HB 421 Control of firearms by localities. Authorizes any locality by ordinance to prohibit the possession or carrying of firearms, ammunition, or components or any combination thereof in (i) any building, or part thereof, owned or used by such locality for governmental purposes; (ii) any public park

owned by the locality; (iii) any recreation or community center facility; or (iv) any public street, road, alley, sidewalk or public right-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit. Provisions limiting the authority of localities and state governmental entities to bring lawsuits against certain firearms manufacturers and others are also repealed. **Passed the House: Y-54 N-45; I voted “NAY”. (Creating a “patchwork” of local firearms ordinances will not stop criminals but will snare law abiding citizens traveling innocently throughout Virginia).**

HB 674 Firearms; removal from persons posing substantial risk; penalties. Creates a procedure by which any attorney for the Commonwealth or law-enforcement officer may apply to a general district court, circuit court, or juvenile and domestic relations district court judge or magistrate for an emergency substantial risk order to prohibit a person who poses a substantial risk of injury to himself or others from purchasing, possessing, or transporting a firearm. Upon service of an emergency substantial risk order, the person who is subject to the order shall be given the opportunity to voluntarily relinquish any firearm. An emergency substantial risk order shall expire on the fourteenth day following issuance of the order. The bill requires a court hearing in the circuit court for the jurisdiction where the order was issued within 14 days from issuance of an emergency substantial risk order to determine whether a substantial risk order should be issued. Seized firearms shall be retained by a law-enforcement agency for the duration of an emergency substantial risk order or a substantial risk order or, for a substantial risk order and with court approval, may be transferred to a third party 21 years of age or older chosen by the person from whom they were seized. The court may extend the substantial risk order for a period not longer than 180 days. The bill provides that persons who are subject to a substantial risk order, until such order has been dissolved by a court, are guilty of a Class 1 misdemeanor for purchasing, possessing, or transporting a firearm; are disqualified from having a concealed handgun permit; and may not be employed by a licensed firearms dealer. **Passed the House: Y-52 N-48; I voted “NAY”. (I have serious “due process” concerns about this legislation. Current law already provides for “temporary and permanent detention orders”, which can lead to the prohibition, possession, or purchase of firearms, which requires a Court hearing before a citizen loses his/her constitutional rights. HB674 does not).**

HB 812 Purchase of handguns; limitation on handgun purchases; penalty.

Prohibits any person who is not a licensed firearms dealer from purchasing more than one handgun in a 30-day period and establishes such an offense as a Class 1 misdemeanor. The bill exempts from this provision (i) persons who have been issued a certificate by the Department of State Police under certain circumstances and with an enhanced background check, (ii) law-enforcement agencies and officers, (iii) state and local correctional facilities, (iv) licensed private security companies, (v) persons who hold a valid Virginia concealed handgun permit, (vi) persons whose handgun has been stolen or irretrievably lost or who are trading in a handgun, (vii) purchases of handguns in a private sale, and (viii) purchases of antique firearms. **(This legislation has already been proven to have absolutely no effect on reducing gun violence and only impacts law abiding citizens). Passed the House: Y-51 N-48; I voted "NAY".**

HB 1083 Allowing access to firearms by minors; penalty. Provides that any person who recklessly leaves a loaded, unsecured firearm in such a manner as to endanger the life or limb of any person under the age of 14 is guilty of a Class 1 misdemeanor. Current law provides that any person who recklessly leaves a loaded, unsecured firearm in such a manner as to endanger the life or limb of any child under the age of 14 is guilty of a Class 3 misdemeanor. **Passed the House Y-55 N-43; I voted "NAY". (Not needed because failure to secure a firearm is already a crime!**