



## Virginia Citizens Defense League, Inc.

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### VCDL 2012 Gun Bill Analysis Summary

Bill Number	Patron	VCDL Position	Description
SB 4	Stuart	Neutral	Castle Doctrine. The Crime Commission should study this bill
HB 14	Habeeb	Neutral	Castle Doctrine. The Crime Commission should study this bill
HB 20	Wilt	Strongly Support	Protects right to carry/transport gun during an emergency
HB 22	Cole	Strongly Support	Requires localities to try to sell a firearm before destroying it
HB 25	Cole	Strongly Support	Protects concealed handgun permit info from dissemination
HB 26	Cole	Strongly Support	Provides civil penalty of \$25 for not having permit when asked
HB 47	Bell	Neutral	Castle Doctrine. The Crime Commission should study this bill
HB 48	Bell	Neutral	Castle Doctrine. The Crime Commission should study this bill
SB 64	Stanley	Neutral	Castle Doctrine. The Crime Commission should study this bill
SB 67	Stanley	Strongly Support	Removes fingerprinting as local option for getting permit
HB 91	Marshall	Strongly Support	Allows faculty at higher-ed to carry concealed with permit
HB 139	Cole	Strongly Support	Constitutional carry - no permit needed, but is an option
HB 224	Herring	Strongly Oppose	Misdemeanor domestic violence removes gun rights forever
HB 237	Cosgrove	Strongly Support	Feds would do background check for long gun sales
SB 245	Obenshain	Strongly Support	Right to carry/transport gun during emergency protected
SB 288	Sherwood	Neutral	Permits city/county treasurers to carry in a courthouse
SB 323	Carrico	Strongly Support	Repeals One Handgun a Month
SB 324	Carrico	Strongly Support	Preempts state agencies from firearms regulations/policies
HB 364	McClellan	Strongly Oppose	Purports to close a non-existent "gun show loophole"
HB 375	Pogge	Strongly Support	Locality employees can store guns in private vehicles
SB 379	McEachin	Strongly Oppose	Makes private firearms sales illegal
SB 389	Marsden	Strongly Oppose	Bans BB guns on K-12 school property
HB 458	BaCote	Strongly Oppose	Allows localities to ban guns in libraries
HB 592	Merricks	Support	Similar to HB 859, but not as good or clean
HB 754	Cline	Strongly Support	Removes fingerprinting as local option for getting permit
HB 797	Morrissey	Strongly Oppose	Yet another penalty for gun owner who is intoxicated
HB 859	Gilbert	Strongly Support	Exempts permit holders from state background check on purchases
HB 923	Lingamfelter	Support	Reorganizes and recodifies concealed weapon law
HB 940	Lingamfelter	Strongly Support	Repeals One Handgun a Month
HB 925	Lingamfelter	Neutral	Castle Doctrine. The Crime Commission should study this bill
HB 929	Lingamfelter	Oppose	Gives <u>retired</u> Commonwealth Attorneys special carry privileges
HB 952	Bell	Neutral	Allows Virginia Correction Officers to carry with a permit
HB 992	Loupassi	Strongly Oppose	Misdemeanor domestic violence removes gun rights forever
HB 1012	Ramadan	Strongly Support	Removes \$2 fee for background checks of gun purchases
HB 1052	Anderson	Strongly Support	Removes ban on carry in non-sterile areas of airport terminals
HB 1135	Lee Ware	Strongly Support	Recognizes permits from all other states



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# VCDL Firearm Bill Analysis for the 2012 General Assembly Session January 18, 2012

In Memory of James Kadison

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# Table of Contents

Bills That VCDL Strongly Supports .....	3
Bills That VCDL Supports .....	5
Bills That VCDL Strongly Opposes.....	6
Bills That VCDL Opposes .....	7
Bills On Which VCDL is Neutral .....	8

## Bills That VCDL Strongly Supports

**HB 20, Delegate Wilt**, clarifies that during a declared emergency a person's right to carry or transport a lawfully possessed firearms shall not be infringed.

**HB 22, Delegate Cole**, requires that any locality holding a "gun buy-up" have an ordinance authorizing such things and also must attempt to sell any such firearms before destroying them. The sale would be by public auction or sealed bid to Federal Firearm License holders. This puts money into the coffers of the locality, while protecting a perfectly good piece of property from being needlessly destroyed. Localities do not destroy automobiles or other valuable property they come into possession of, a gun should be no different.

**HB 25, Delegate Cole**, prevents the Circuit Court Clerk from disseminating Concealed Handgun Permit holder information, except to police acting in the performance of their duties. The lives of many individuals who have Concealed Handgun Permits are put in unnecessary danger when their private information is revealed based on a Freedom of Information Act request. Currently the Virginia State Police are barred from releasing such information.

**HB 26, Delegate Cole**, provides a civil penalty of \$25 for a Concealed Handgun Permit holder who does not display the permit and photo identification when demanded by a law enforcement officer. A court may waive such penalty upon presentation to the court of a valid permit and a government-issued photo identification. A criminal penalty for simply forgetting to carry a permit does not make sense.

**SB 67, Senator Stanley**, removes fingerprinting as a local option for getting a Concealed Handgun Permit. Currently only about 1/3 of localities fingerprint. Fingerprinting is not required to do a thorough background check and is expensive.

**HB 91, Delegate R.G. Marshall**, allows faculty with Concealed Handgun Permits to carry a concealed handgun at their universities and colleges. This will serve as a deterrent to criminals who won't know who is capable of stopping them, and provides for self-defense as intended by the circuit courts who issued the permits.

**HB 139, Delegate Cole**, allows anyone who can lawfully possess a handgun to carry a concealed handgun without a Concealed Handgun Permit as long as the handgun is not being carried to commit a crime. Concealed Handgun Permits will still be available to those who want them. Such permits are required to carry in certain areas as per current law and for carrying in other states that recognize Virginia permits.

**HB 237, Delegate Cosgrove**, provides for the sharing of certain Virginia specific disqualifying information for firearms purchase with the federal government. Long gun sales would be run through the federal NICS systems, while handguns sales would continue being run through the Virginia Instant Check system.

**SB 245, Senator Obenshain**, clarifies that during a declared emergency a person's right to carry or transport a lawfully possessed firearms shall not be infringed.

**SB 323, Senator Carrico**, repeals Virginia's One Handgun a Month law. This law has done nothing to lower crime or to stop illegal gun trafficking. It has only served as a roadblock for the law-abiding gun owner. Currently only California, New Jersey, Maryland, and Virginia have such a law. South Carolina repealed their law in 2004.

**SB 324, Senator Carrico**, state-agency preemption bill. In a manner similar to localities, state agencies would be disallowed from having regulations or policies dealing with the purchase, possession, transfer, ownership, carrying, storage, or transporting of firearms, ammunition, or components thereof without express authority from the General Assembly. There is an exception for employment policies, and there are other exceptions for certain agencies. This bill is an important step towards having consistent and uniform gun laws in Virginia. At a recent VCDL meeting, Attorney General Cuccinelli agreed that such a law is needed in Virginia.

## Bills That VCDL Strongly Supports (continued)

**HB 375, Delegate Pogge**, provides that locality employees may store their firearms in their locked private vehicles. Without this provision, locality employees are disarmed going to and from work.

**HB 754, Delegate Cline**, removes fingerprinting as a local option for getting a Concealed Handgun Permit. Currently only about 1/3 of localities fingerprint. Fingerprinting is not required to do a thorough background check and is expensive.

**HB 859, Delegate Gilbert**, Delegate Merricks, exempts Concealed Handgun Permit holders from the Virginia Insta-Check System (VICS) when purchasing any firearm provided that the purchaser produces his permit and a photo ID. Federal background checks under the National Instant Check System (NICS) are still performed. Since all state disqualifications are checked for a person getting a Concealed Handgun Permit, and CHP holders are already exempt from one handgun a month rationing, this removes the redundant check when purchasing a firearm, saving the state time and money.

**HB 940, Delegate Lingamfelter**, repeals Virginia's One Handgun a Month law. This law has done nothing to lower crime or to stop illegal gun trafficking. It has only served as a roadblock for the law-abiding gun owner. Currently only California, New Jersey, Maryland, and Virginia have such a law. South Carolina repealed their law in 2004.

**HB 1012, Delegate Ramadan**, eliminates the two-dollar fee for a background check on the purchase of a firearm. That fee amounts to a poll tax. Since the reason given for needing background checks on firearms purchasers is "public safety," the public should pay for such checks out of the General Fund.

**HB 1052, Delegate Anderson**, removes the ban on the otherwise lawful carry of firearms into the *non-sterile* area of an airport terminal only. This restores Virginia law to where the law was prior to 2004. This preserves the right of self-defense for those purchasing tickets, renting cars, picking up/dropping off passengers, etc.

**HB 1135, Delegate Lee Ware**, recognizes Concealed Handgun Permits from all other states. It removes the unnecessary restriction that an out-of-state permit be verifiable 24 hours a day, 7 days a week. If someone is stopped for a traffic violation and has a Concealed Handgun Permit from a recognized state, there is no need for the officer to do anything but accept the permit at face value. If the permit holder has committed a serious crime, the police will then have him in custody and have plenty of time to verify the validity of the permit. There are 14 states that already recognize all other permits without the need for 24/7 validation, many having done so for a decade. Three neighboring states honor all out-of-state permits already: North Carolina, Tennessee, and Kentucky.

## Bills That VCDL Supports

**HB 592, Delegate Merricks**, exempts Concealed Handgun Permit holders from the Virginia Insta-Check System (VICS) when purchasing any firearm provided that the purchaser produces his permit and a photo ID. Federal background checks under the National Instant Check System (NICS) are still performed. Since all state disqualifications are checked for a person getting a Concealed Handgun Permit, and CHP holders are already exempt from one handgun a month rationing, this removes the redundant check when purchasing a firearm, saving the state time and money. HB 859 (Delegate Gilbert) is a better, cleaner bill and is preferred over this one.

**HB 923, Delegate Lingamfelter**, reorganizes and recodifies, but does not change, the current laws on carrying concealed weapons and getting concealed handgun permits. Over the years, modifications made to the concealed carry laws have made it very difficult to navigate and to read.

## Bills That VCDL Strongly Opposes

**SB 224, Senator Herring**, changes Virginia's assault and battery law so that a misdemeanor domestic violence conviction would disarm the convicted person forever under federal law. The whole concept of taking away a person's constitutionally protected rights for any misdemeanor is unacceptable and Virginia should not follow the federal government's lead on this issue.

**HB 364, Delegate McClellan**, requires any private sales at gun shows go through a background check. The Virginia State Crime Commission did not recommend this bill when asked three years ago. This requirement is just the first step in ultimately setting up a private sale registration scheme and it will unnecessarily raise the price of privately sold guns. Few guns used in crimes are purchased at gun shows, so this bill will have no noticeable affect on crime. The bill includes plenty of felony charges thrown in to catch the unwary.

**SB 379, Senator McEachin**, makes the private sale of a firearm from one individual to another illegal. It is important that private sales are not outlawed for two reasons: 1) The State should not be interfering with the sale of a privately-owned lawful item and 2) private sales help insure that the government does not know what guns are legally owned by any individual, avoiding future confiscations as have occurred in Illinois, California, New York and Washington D.C.

**SB 389, Senator Marsden**, prohibits possessing pneumatic guns on public or private K-12 schools. A solution looking for a problem. Also, the Commonwealth should not be dictating to private schools what they can and can't allow when it comes to pneumatic guns.

**HB 458, Delegate BaCote**, allows localities to ban firearms and/or ammunition in libraries by ordinance. This bill would destroy preemption and would create a web of complicated gun laws that would do nothing to deter criminals, but would make it much harder for a law-abiding citizen to be able to carry a handgun for self-defense. Crimes are committed in and around libraries and people need to be able to protect themselves wherever they may be.

**HB 797, Delegate Morrissey**, creates a new crime for someone openly carrying a handgun in a public place who is under the influence of alcohol or drugs. It is already a crime to be in a public place while intoxicated. This is just another attempt to give gun owners "special treatment." Unlike driving a vehicle through crowded streets while under the influence, a handgun does not need to be handled or even touched for a person to get home.

**HB 992, Delegate Loupassi**, changes Virginia's assault and battery law so that a misdemeanor domestic violence conviction would disarm the convicted person forever under federal law. The whole concept of taking away a person's constitutionally protected rights for any misdemeanor is unacceptable and Virginia should not follow the federal government's lead on this issue.

## Bills That VCDL Opposes

**HB 929, Delegate Lingamfelter**, gives retired Commonwealth Attorneys the same status as a police officer as to where they can carry a handgun. This is yet another bill to give special treatment to off-duty and retired government employees denied to even the most law-abiding citizens of Virginia.

## Bills On Which VCDL is Neutral

**SB 4, Senator Stuart**, provides that an occupant in a dwelling is justified in using any degree of force if they or another occupant is in danger of immediate death or grievous bodily injury by a third party who is illegally in the dwelling and who has made an overt act toward an occupant. It also protects the occupant against a civil suit if they have to use such force. It is important that this bill not in any way weaken the current deadly force provisions in common law outside of a dwelling. VCDL suggests this bill be studied by the Crime Commission.

**HB 14, Delegate Habeeb**, provides that an occupant in a dwelling who uses any degree of force if they or another occupant is in danger of immediate death or grievous bodily injury by a third party who is illegally in the dwelling and who has made an overt act toward an occupant, is protected against a civil suit. VCDL suggests this bill be studied by the Crime Commission.

**HB 47, Delegate Richard Bell**, provides that an occupant in a dwelling who uses any degree of force if they or another occupant is in danger of immediate death or grievous bodily injury by a third party who is illegally in the dwelling and who has made an overt act toward an occupant, is protected against a civil suit. VCDL suggests this bill be studied by the Crime Commission.

**HB 48, Delegate Richard Bell**, provides that an occupant in a dwelling is justified in using any degree of force if they or another occupant is in danger of immediate death or grievous bodily injury by a third party who is illegally in the dwelling and who has made an overt act toward an occupant. It also protects the occupant against a civil suit if they have to use such force. It is important that this bill not in any way weaken the current deadly force provisions in common law outside of a dwelling. VCDL suggests this bill be studied by the Crime Commission.

**SB 64, Senator Stanley**, provides that an occupant in a dwelling is justified in using any degree of force if they or another occupant is in danger of immediate death or grievous bodily injury by a third party who is illegally in the dwelling and who has made an overt act toward an occupant. It also protects the occupant against a civil suit if they have to use such force. It is important that this bill not in any way weaken the current deadly force provisions in common law outside of a dwelling. VCDL suggests this bill be studied by the Crime Commission.

**HB 288, Delegate Sherwood**, permits city or county treasurers to carry a concealed handgun in a courthouse while in the performance of their duties.

**HB 925, Delegate Lingamfelter**, provides that an occupant in a dwelling is justified in using any degree of force if they or another occupant is in danger of immediate death or grievous bodily injury by a third party who is illegally in the dwelling and who has made an overt act toward an occupant. It also protects the occupant against a civil suit if they have to use such force. It is important that this bill not in any way weaken the current deadly force provisions in common law outside of a dwelling. VCDL suggests this bill be studied by the Crime Commission.

**HB 952, Delegate Bell**, allows a Virginia correctional officer to carry a concealed weapon without a Concealed Handgun Permit.