



The Safe Virginia Initiative

Report and Policy Recommendations

January 2019

Acknowledgments

The Safe Virginia Initiative would like to thank the following for their participation in events during 2018:

Felicia Cosby, Richmond City School Board Member
Stephanie Younger, youth activist
Reverend Marcus Martin, Pastor of Newbridge Baptist Church
The Honorable Birdie H. Jamison, retired Richmond City Judge
Eric English, Deputy Police Chief, Richmond Police Department
Councilman Chris Hilbert, President of Richmond City Council
The Honorable Levar Stoney, Mayor, City of Richmond
The Honorable Brian Moran, Virginia Secretary of Public Safety and Homeland Security
Kelly Roskam, Counsel, The Coalition to Stop Gun Violence
Nicky Zamostny, Assistant Secretary, Office of the Secretary of Public Safety and Homeland Security;
Anthony Wilson, Chief of Police, Blacksburg Police Department
Lori Haas, The Coalition to Stop Gun Violence
Darcy Hirsh, The Jewish Community Relations Council of Greater Washington
Dr. Rizwan Jaka, Board Member - Interfaith Conference of Metropolitan Washington, and the AD-AMS Center
Alex Robbins, the Office of Virginia Congressman Gerry Connolly
The Honorable Carlos Clanton, Norfolk City School Board
Dr. Rebecca Adams
Linda Bryant, Parole Board Member and former Deputy Attorney General
Dr. Jared Cotton, Superintendent, Chesapeake Public Schools
Dr. Patricia King, Chesapeake City School Board
Melanie Cornelisse, Moms Demand Action, Chesapeake
Shana Turner, Mothers Against Senseless Killings - MASK
Jessica L. Greis-Edwardson, Senior Assistant Commonwealth's Attorney, Fairfax County
Mehagen McRae, Attorney and Partner, Law Firm of Fayeze Goriup McRae PLLC
Jonathan Yglesias, Policy Director, Virginia Sexual and Domestic Violence Action Alliance
Kacey Kirkland, Victims Service Specialist, Fairfax County Police Department
Jacqi Smith, Detective, Fairfax County Police Department
Professor Angela Hattery, George Mason University
Professor Earl Smith, George Mason University
Eli Nichols, President, Students Demand Action - GMU
Neuteyshe Felizor, Voter Registration Lead, Students Demand Action - GMU
Dawnee Giammitorio, Survivor Engagement Lead, Virginia Moms Demand Action
Lisette Johnson, Survivor Fellow, Everytown for Gun Safety and Moms Demand Action
Laura Morris, Domestic Violence Survivor, Survivor Membership Lead, DC Chapter, Moms Demand Action
Clovia "Miss Community" Lawrence, radio host and community activist, WKJS 99.3/105.7 Kiss FM
Captain Carol Adams, Richmond Police Department and the Carol Adams Foundation for victims of domestic abuse
Mrs. Kristy Burrus
Janae Armstead, ambassador for the East End Teen Center's Summer Writing Institute, Richmond
Mr. Michael Harris



Contents

4

Introduction

6

A Recent History of Gun Violence in Virginia

10

Events Organized by SVI

17

Policy Recommendations

Introduction

In February 2018, 17 students and staff were shot and killed at Marjory Stoneman Douglas High School in Parkland, Florida. The shooting set off widespread outrage across the country. People demanded that elected officials address the threat from the proliferation of guns not only to students but to individuals of all ages across our society. This nationwide appeal was led by Parkland students and young people across the country, and was joined by teachers, parents, business leaders, police – people from every walk of life.

In Virginia, House Speaker Kirk Cox formed the bipartisan House Select Committee on School Safety. Unfortunately, despite requests from House Democrats, the decision was made that the Select Committee would specifically exclude any exploration of gun safety proposals as well as the role that access to guns contributes to the multiple incidents of carnage.

After listening to a broad cross-section of the public demanding action on common sense gun safety, House Democrats created the Safe Virginia Initiative (“SVI”) with the defined mission to listen to the public and experts in the field for guidance in order to formulate a series of reasonable gun safety proposals to address these serious concerns.

Two co-chairs, Delegate Eileen Filler Corn and Delegate Kathleen Murphy were appointed to lead SVI with four additional Delegates from across our Commonwealth appointed as regional chairs; Delores McQuinn, Chris Hurst, John Bell and Cliff Hayes.

Throughout 2018, the SVI co-chairs and regional chairs organized and hosted town halls across the Commonwealth. This provided the opportunity for the sharing of perspectives from urban, suburban, exurban and rural areas. A special effort was made to invite and include all members of the General Assembly. Similarly, SVI made it a priority to hear from the full spectrum of views on this sensitive but vitally important issue.

Participants in the town halls included students of all ages, victim advocates, gun safety advocacy groups, law enforcement, clergy, representatives from gun rights organizations, and elected officials. Representatives from groups specifically interested in gun violence prevention like Moms Demand Action and the Coalition to Stop Gun Violence as well as representatives from the gun rights organization, the Virginia Citizens Defense League also attended. Each provided the perspective of its particular group.

Sadly, the scourge of gun violence and mass murder has not diminished. Since that tragic day in Parkland, there have been more than 280 mass shootings in America. The country has witnessed school shootings in Texas, a mass shooting in a Temple in Pittsburgh where Jewish victims were worshipping, a shooting in Kentucky where victims were targeted because of their race and a mass shooting in California where some of the victims had even survived a prior mass shooting in Las Vegas. Clearly, when it comes to guns in our society, the status quo is not working. Lawmakers need to act now.



Members of SVI listened as individuals from all sides spoke. Their voices were overwhelming; their message was firm – people want action from their representatives in the Virginia General Assembly. They want sensible regulations. They want both parties to work together for a safer Virginia.

It is our goal to encourage that outcome.

Delegate Eileen Filler-Corn, 41st District, House Democratic Caucus Leader
Delegate Kathleen Murphy, 34th District
Co-Chairs, Safe Virginia Initiative

A Recent History of Gun Violence in Virginia

2017 marked ten years since the massacre at Virginia Tech, where 32 students and faculty members were murdered on campus. While it was by no means the first instance of gun violence in Virginia, it earned the unfortunate distinction of being the deadliest mass shooting in U.S. history, a record that was surpassed in 2016 with the Pulse nightclub shooting in Orlando, and again in 2017 at the Harvest Music Festival in Las Vegas. After the Virginia Tech shooting in 2007, then-Governor Tim Kaine formed the Virginia Tech Review Panel to study the events leading up to the shooting, the emergency response, the aftermath, and to make recommendations for legislative and regulatory action.

The final report on that tragedy provided an extensive set of recommendations, mostly relating to mental health services, emergency preparation and response by universities and law enforcement, and trauma support in the aftermath. Many of these recommendations were enacted and have been successful. While we will not address them in this report, it is important to note that the Virginia Tech Review Panel recognized the inexorable connection between gun violence and firearm regulations and made recommendations to change firearm laws at the time.

Based on the report's recommendations, Governor Kaine and the General Assembly clarified state laws on background checks to include outpatient treatment for mental health, and strengthened mental health reporting procedures. The panel also recommended that Virginia require background checks on all firearm purchases, including at gun shows.

Sadly, the General Assembly has largely failed to take any action on this recommendation. The one compromise occurred in 2016 when then-Governor Terry McAuliffe reached a compromise with Republicans and signed legislation to institute voluntary background checks at gun shows.

Beyond these few recommendations, the Virginia Tech Review Panel did not address the broader issue of gun threats. The report stated, "The panel recognizes the deep divisions in American society regarding the ready availability of rapid fire weapons and high capacity magazines, but this issue was beyond the scope of this review."

“It is vital to recognize the connection between the availability of weapons of mass destruction and the murder of innocent victims.”

It is unfortunate that the Majority leaders in Virginia so often cite polarizing views as a reason to avoid meaningful conversations on gun reform. We believe this was one of Speaker Cox’s reasons for not including gun violence prevention in the Select Committee’s scope.

While the Virginia Tech shooter did not use automatic weapons or a bump stock, he did use high capacity magazines to cause mass casualties. Gun violence cannot fully be addressed, then or now, without discussing the tools that make mass murder easier and quicker to inflict. We are confident in the House Select Committee on School Safety’s ability to assess school safety measures indirectly related to firearms but it is vital to recognize the connection between the availability of weapons of mass destruction and the murder of innocent victims.

Following Sandy Hook

As a result of the 2012 mass shooting at Sandy Hook School in Connecticut, where 20 children and 6 adults were killed, then-Governor Bob McDonnell convened the Task Force on School and Campus Safety. While the Virginia Tech Review Panel focused only on higher education, the Task Force on School and Campus Safety included K-12 schools as well, and its recommendations largely centered on institutional security and infrastructure.

The Task Force did make a few recommendations to reform gun laws, including increasing the penalty for individuals who are barred from purchasing a firearm due to mental health reasons from a Class 1 misdemeanor to a Class 6 felony but to date there has been no legislative reform on this topic.

While Governor McDonnell’s Task Force did recommend increasing penalties for “straw purchases,” when a person who is legally able to purchase a gun does so in order to give it to someone who is not legally authorized, the legislation that passed the General Assembly was not expected to be effective.

A 2013 *Virginian-Pilot* article noted that “straw purchases” were already illegal and stated, “a recent study for Virginia lawmakers estimated that the proposed state bill would result in one or two additional convictions annually in the state.” The article even quoted the bill’s sponsor, then-state senator Tom Garrett, as saying, “this is a message bill.” The Task Force’s recommendation and the resulting legislation could hardly be described as a legitimate effort to reduce gun violence.

In 2017, the *Richmond Times-Dispatch* reviewed state gun laws over the past decade and found that, “mass shootings had virtually no effect on the gun control debate in terms of legislation that would tighten existing laws. In fact, the opposite occurred. Gun rights, not gun restrictions, have grown stronger.” The article mentions only the legislation on mental health records, recommended by the Virginia Tech Review Panel, as an example of impactful gun reform.

Nearly all other changes loosened laws meant to prevent gun violence, including repealing the law restricting handgun purchases to one a month, allowing concealed guns in restaurants that serve alcohol, and accepting concealed-carry permits from other states. The overall lack of effective legislation resulting from these mass shootings and subsequent reports demonstrates a clear need to take action.

To date, Virginia has not adequately studied gun violence or ways to prevent it, nor has the Commonwealth instituted meaningful reform. The Safe Virginia Initiative aimed to change the narrative and drive toward common-sense gun safety policy. In 2018, Democratic House and Senate members introduced nearly 70 bills aimed at addressing gun violence prevention. Sadly, the Republican majority blocked those bills from passage and some were never allowed to be heard before a committee.

Among the bills that have been introduced, but never made it to the House floor for a vote were:

- Instituting universal background checks (HB 717, Plum)
- Limiting handgun purchases to one per month (HB 353, Reid)
- Temporarily removing firearms from individuals in crisis through an extreme risk protective order (HB 198, Sullivan)

- Requiring safe gun storage in day-care centers (HB 929, Hope)
- Requiring parental permission for minors to possess firearms (HB 281, Price)
- Increasing penalties for those who put children at risk of harm by recklessly placing guns that are loaded and unsecured (HB 707, Filler-Corn)
- Requiring in-person training (rather than online or video) for those obtaining concealed carry permits (HB 91, J. Bell)
- Allowing localities to prohibit carrying firearms and major public events, protests and demonstrations (HB 649, Simon)
- Prohibiting carrying of semi-automatic weapons with more than 10 rounds in a public space (HB 1009, Toscano)
- Removing sales tax on biometric or combination gun safes to incentivize safe gun storage (HB 172, Filler-Corn)
- Keeping guns away from those who have committed certain sex crimes, or who have been involuntarily committed (HB 405, HB 1100, Levine)
- Banning bump stocks and high-capacity magazines (HB 41, Levine; HB 597, Carr; HB 819, Kory)

In fact, the only gun safety measure that made it to the House floor in 2018 was a proposed rule change by SVI Co-Chair Delegate Kathleen Murphy that would ban members of the public from bringing guns into the Gallery of the House Chamber from one hour before the session to one hour after session. Delegate Murphy's bill to provide security for Members of the House of Delegates failed on a party-line vote.

The Safe Virginia Initiative

Year after year, the Majority leadership in the General Assembly has blocked efforts to address gun violence or to promote gun violence prevention. This inaction has resulted in widespread demand for action by people and organizations in every corner of the Commonwealth. They are demanding that we take action to prevent needless deaths from gun violence. They clearly reject empty words of sympathy. Doing nothing is not an option.

From May through November, six events were organized by SVI regional co-chairs throughout Virginia. They brought together gun owners, faith leaders, law enforcement officials, concerned parents, school administrators and others to discuss specific ways to save lives by preventing gun violence.

May 5, 2018 -- Gun Violence in Urban Communities Martin Luther King, Jr. Middle School, Richmond

Hosted by Delegate Delores McQuinn, Metropolitan Richmond Regional Co-Chair

As the first Community Forum on Gun Safety and Gun Violence began, Richmond City School Board Member Felicia Cosby started the conversation by saying how our nation rightfully mourned the deaths of 17 high school students in Parkland, Florida. And then she told the audience a brutal and frank truth.

“But a little known fact is that last year we mourned the loss of innocence of 23 students in Richmond Public Schools who were victims of guns,” she said. “They were shot. Five died.”

Cosby went on to say how some of the victims were in preschool and kindergarten. “There is a lot we are doing to make sure our [school] facilities are secure. However these things are happening to young people in our communities.”

Delegate Delores McQuinn organized this forum to address the gun violence occurring every day without news headlines.



“What could be done?” she asked. “What policies could be put in place to address these many, many issues that are affecting all of us.”

Julia Brown spoke from the audience and shared why we can’t wait for more people to die before action is taken.

“When you see gun violence you feel empathy,” she said. “But until those detectives knock at your house at one thirty in the morning... you feel helpless.”

It was less than two months since Brown’s 18-year-old granddaughter, Latifah Hudnall, was shot and killed outside a convenience store in Richmond.

“But her murder has caused me to step up and come in front of all of you,” Brown said.

The Henrico High School student was weeks away from graduating and getting a cosmetology certificate. A 17-year-old young man has been charged with her murder and for reckless handling of a firearm.

Gun Violence Prevention Policies discussed included:

- Requiring universal background checks for every gun purchaser
- Providing more gun safety education and awareness for adults and children
- Banning guns from libraries
- Continuing to ban guns from churches
- Involving the community in a gun “buy-back” and other initiatives to keep illegal guns off the streets
- Providing more violence intervention programs for youth
- Regulating semi-automatic long guns and large capacity magazines
- Supporting additional possession prohibitions for domestic abusers



Residents voice concerns, opinions at safety task force

radio  | wvtf

Dems Hold First Gun Safety Meeting

June 26, 2018 -- Gun Violence and Suicide Prevention Virginia Military Institute, Lexington

Hosted by Delegate Chris Hurst, Southwest Regional Co-Chair

Heads began to nod as Blacksburg Police Chief Tony Wilson told a familiar story.

“I have officers that come in every day that say, ‘Chief, we left a gun in a house that scares me to death,’” he said. “‘Not just for his family. We’re going to go there over and over again. It’s just a matter of time before he shoots one of us.’”

That concern has led 13 states to pass laws creating extreme risk protective orders (ERPO) or gun violence restraining orders. These orders allow law enforcement and, in some cases, family members to petition a court for the temporary removal of firearms from someone thought to be a danger to themselves or someone else.

The forum began with a presentation from Kelly Roskam, counsel for the Coalition to Stop Gun Violence, on ERPO laws around the country. Following her presentation, Delegate Hurst led a panel discussion on the potential impacts of implementing an ERPO in Virginia. After the discussion, the panelists took questions from the audience. A particular focus was on the potential for an ERPO to reduce gun suicide. Two-thirds of all gun deaths in Virginia are suicides; Virginia has a higher gun suicide rate than the national rate and gun suicides per capita occur at much higher rates in western and southwestern Virginia than the rest of the state.

During the discussion, participants brought up several ideas and thoughts for consideration:

- Several rural law enforcement officers shared concerns about safe storage of firearms that could be seized if ERPO policies are in place.
- Sheriffs and police chiefs with small police forces shared concerns about the safety of officers who often must go into homes with multiple firearms on site.
- Commonwealth’s Attorneys and law enforcement officers shared concerns about multi-generational households with multiple firearms in the house and whether or not they would be able to seize all firearms on the property under ERPO warrants

July 5, 2018 -- Beyond Thoughts & Prayers The ADAMS Center, Sterling

Hosted by Delegate John Bell, Northern Virginia Regional Co-Chair

In response to ongoing tragedies in our country's schools and debate on gun safety being barred in the 2018 legislative session in Richmond, "Beyond Thoughts & Prayers" aimed to provide an opportunity for a community dialogue in order to present comprehensive gun safety solutions throughout Virginia.

Aptly timed after celebrating Independence Day, this event was an opportunity for meaningful civic engagement, hosting local elected officials and faith leaders from across northern Virginia. Members of the audience included people of Christian, Muslim, Jewish, Quaker, Sikh, and Catholic faiths.

The discussion included questions such as "What are practical responses to ongoing tragedies in our country?" "Should guns be allowed in places of worship?" and "What is the relationship between faith and the Second Amendment?"

Hurunnessa Fariad, Outreach and Interfaith Coordinator for the ADAMS Center said, "this is something where we all have to work together. All of us are on the same page but we can't do it when we build walls of distinction between one another and we don't work together."

Those in attendance were most concerned with addressing:

- Potential increased regulation of semi-automatic long guns
- Dispelling myths and misconceptions about guns
- Requiring universal background checks and closing the "gun show loophole"
- Protecting families from domestic violence and firearm-related crimes



**October 9, 2018 -- South Hampton Roads Regional Town Hall
St. Joseph AME Zion Church, Chesapeake**

Hosted by Senator Lionell Spruill, Sr. and Delegate C.E. "Cliff" Hayes, Jr., Hampton Roads Regional Co-Chair

After lengthy discussion, most participants strongly voiced their opposition to having teachers keep guns in the classroom as a strategy to provide additional safety. Many of the experts in attendance, including law enforcement personnel, teachers, and school administrators felt the carrying of weapons could create a more hostile, unsafe environment.

In addition, participants stressed that there are enough professional training requirements for Virginia's educators. They rejected the idea that there should be a requirement for skilled gun safety training recertification classes added to an already full schedule of instruction, test preparation and many other requirements asked of our teachers. Finally, attendees felt that only trained, law enforcement officials should handle the de-escalation of a serious safety risk.

Support for mental health screenings was also discussed at length. The consensus was that people known to be a risk to themselves and/or others because of a mental health crisis should not be allowed to own a weapon.



Additionally, there was a consensus that professional school counselors needed to spend more time devoted to carrying out their profession in school settings. It was pointed out that it is not uncommon for school counselors to be used to assist with standardized test preparation. There was agreement that this certainly should not be the case. Finally, there was solid agreement that there should be increased funding to lower the counselor to student ratio to a more manageable, effective level.

Other policies discussed included:



- Banning guns in places of worship
- Support for increased funding for school security infrastructure
- Support for retired police officers to be allowed to work part-time in schools

October 24th, 2018 -- “Guns and Domestic Violence: A Lethal Combination”
Johnson Center Student Commons, George Mason University, Fairfax County

Hosted by Delegate Eileen Filler-Corn, SVI Co-Chair

Roosevelt @ Mason, an undergraduate on campus think tank joined SVI in sponsoring this event. Mark Rozell, Dean of the Schar School of Policy and Government, George Mason University, served as moderator.

The nearly one hundred people in the audience included advocates Lori Haas from The Coalition to Stop Gun Violence, Martina Leinz from the Brady Campaign to Prevent Gun Violence of Northern Virginia, many members of Moms Demand Action, Students Demand Action-GMU, the Fairfax County Office of Women & Domestic and Sexual Violence Services and at least three members of the Virginia Citizens Defense League. Many members of the Virginia House of Delegates were in attendance as well to hear from participants.

The panel answered many questions from the audience and from the elected officials, with multiple panelists providing their perspective on a given question. Panelists also posed questions to the General Assembly members in the audience, and Dean Rozell gave the elected officials time to respond.



During discussion, participants brought up the following policies for consideration:

- Any purchase of gun should include a background check
- Creation of strong reporting rules for lost or stolen weapons
- A risk warrant protective order for minors
- Providing judges greater flexibility to require removal of guns from access by children
- Stricter penalties for improper gun storage around minors upon identification of serious mental health challenges
- A sales tax exemption for gun safes
- The need for child access protection laws
- Extreme Risk Protection Orders to reduce the suicide rate in Virginia

November 3rd, 2018 -- SVI Youth Summit New Bridge Baptist Church, Richmond

Hosted by Delegate Delores McQuinn, Metropolitan Richmond Regional Co-Chair

Panelists offered a wealth of practical information and personal reflections that generated a robust conversation and genuine reflections and concerns. The young participants talked about their experiences and feelings involving guns and violence and brought up other topics of concern including having positive violence prevention interventions and after school programs, suicide prevention strategies and programs, practical tactics to deal with and prevent bullying, and educational programs to provide more awareness and prevention of sex trafficking within their community. The attendees offered various ideas for solutions and they indicated they would like to have more opportunities to express themselves.

The teens were also enlightened by Mr. Rob “Peace” Edwards. He delivered a powerful spoken word presentation and told the teens about his journey down the “wrong” path of life and how he was able to turn his life around. Rev. Marcus Martin ended the Summit on a positive note with words of encouragement for the youth and a “Teen Challenge.” A survey was given to the participants referencing six possible policy/legislative actions. The policies were explained by retired Richmond City Judge, Birdie H. Jamison, who also assisted with moderating the Summit.

The six policies surveyed were:

- Universal background checks
- Extreme risk protection orders
- Domestic abuser firearm possession prohibitions
- Child access prevention laws
- Urban gun violence intervention programs
- Regulations on assault weapons and large capacity magazines



59 out of 68 respondents (87%) indicated that either five or all six of the policy/legislative concerns were “Very Important.”

Policy Recommendations

1. Prevent suicides by creating an Extreme Risk Protective Order

Each year in Virginia, more than a thousand people die by suicide. More than half kill themselves with a gun. Overwhelmingly, a firearm is the preferred method for suicide and is by far the most lethal means of doing so. The rate of firearm suicides in Virginia is higher than the national average and has been steadily increasing this decade.

Law enforcement officers are responding to the rising number of suicide calls, often to the homes of individuals with whom police or sheriff's deputies have had prior contact. Family members feel helpless to affect change in a meaningful way to save their loved one and often know they have access to a gun. This does not have to be the paradigm in Virginia when guns and someone in a crisis come together.

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.

For Virginia, we recommend a law to create an extreme risk protective order as another tool for law enforcement to keep their communities and its residents safe, particularly from firearm suicide. In order to satisfy concerns about the rights of every Virginian to due process, any policy enacted should include the following:

- Only an attorney for the Commonwealth or a law-enforcement officer may file a petition for an order
- Any judge of a circuit court, general district court, or juvenile and domestic relations district court or any magistrate should be petitioned
- No petition shall be filed unless an independent investigation has been conducted by law enforcement that determines probable cause for the petition exists
- The order shall prohibit a person from purchasing, possessing, or transporting a firearm for the duration of the order

- An emergency order should be issued first, lasting 14 days. Officers should give the gun owner a written receipt of any firearms taken from their possession. Voluntary relinquishment should be encouraged
- After 14 days, a circuit court hearing must be held in front of a judge. A judge can then decide to let the order expire or extend it for up to six months
- Once the order is expired, the person subject to it should simply be able to receive back all firearms in custody with a written request

2. Requiring the reporting of lost or stolen firearms

Less than a third of states around the country require gun owners to report lost or stolen guns to a law enforcement agency. Sensible and responsible gun ownership should include reporting whenever a dangerous item in the owner's possession can no longer be found. If a tiger or a lion escapes from a zoo, the zookeeper calls the police to alert the public to the potential danger.

Violent crimes all across the country are committed each day with guns previously lost or stolen. In 2015, researchers from Harvard and Northeastern Universities found that on average, 250,000 guns are stolen per year. However, there are far fewer reports of lost or stolen guns. The study also found that a disproportionate majority of stolen firearms occurs in the South. There were several risk factors for having a gun stolen including owning six or more guns, owning guns for protection, carrying a gun in the past month, storing guns unsafely, and living in the Southern region of the United States.

We recommend a requirement for gun owners to responsibly report any lost or stolen firearms. Any policy enacted should include the following:

- Any person who lawfully possesses a firearm should report the loss or theft of the firearm to any local law-enforcement agency or the Department of State Police within 24 hours after they discover the loss or theft or is informed by a person with personal knowledge of the loss or theft
- That law-enforcement agency should enter the report information into the National Crime Information Center (NCIC)
- Any person who, in good faith, reports the loss or theft of a gun should be immune from criminal or civil liability for acts or omissions that result from the loss or theft
- Any policy shouldn't apply to the loss or theft of an antique firearm

3. Reinstating the “one handgun a month” law in Virginia

In March, 2017, undercover investigators in New York busted a massive gun trafficking ring led by a man from Prince William County but operated largely in Richmond and Henrico County.

“Officials said pointedly that some defendants were ‘mocking Virginia’s weak gun laws’ in recordings overheard on court-ordered wiretaps,” according to media coverage at the time.

Sadly, Virginia is a chief contributor to what is known as the “Iron Pipeline” and is considered a “net exporter” or “supplier state,” since more guns are trafficked out of the state than into it. One reason the Commonwealth is a top exporter is because of its weak gun laws, including the lack of lost and stolen firearm laws. Virginia is one of the top five outside sources of guns linked to crimes in 13 other states. Virginia is the top source state for crime guns in the District of Columbia, Maryland, New York, and West Virginia.

Between 2012 and 2014, Virginia had the 9th highest rate of guns exported and used to commit crimes; the rate was 61% higher than the national average. In 2016, more than 9,000 guns purchased in Virginia were later recovered at crime scenes or were suspected in the commission of crimes. 41% of these guns were recovered in states other than Virginia. In 2016, 37% of Virginia’s guns had short “time to crime,” meaning these guns were recovered in a crime within two years of the original purchase date, a strong indicator of gun trafficking.

In 1993, Virginia enacted the “one handgun a month” law, aimed at reducing the illegal trafficking of guns and drugs between the Commonwealth and northern states. Three years later, the Virginia State Crime Commission studied the effectiveness of the law and found that Virginia went from first to eighth on an ATF list of east coast states most responsible for sourcing illegally trafficked firearms. Further, the study found, “it can be concluded that law-abiding gun purchasers in Virginia are not unduly burdened by Virginia’s one-gun-a-month law.”

4. Improving the safety of survivors of domestic violence and family abuse

In 2016, Virginia's General Assembly and then-Governor Terry McAuliffe took a meaningful step forward in protecting survivors of domestic violence. HB 1391, introduced and chief co-patroned by Delegates Kathleen Murphy and Eileen Filler-Corn, made it a crime for anyone subject to a protective order in cases of family abuse from possessing a gun. Individuals subject to any protective order are already prohibited from purchasing or transporting a firearm.

Unfortunately, a method of retrieving any firearm from an abuser remains elusive. However, there is a way this can be done safely, efficiently and with respect to the rights of gun owners.

In addition to creating an effective removal mechanism, a firearm possession prohibition should be expanded to include other types of orders that already have a ban on buying new guns or transporting them. Those include temporary protective orders issued after a hearing where both the accuser and accused appear in court as well as orders issued against those convicted of stalking.

Data proving the fatal link between guns and domestic violence has been available for nearly thirty years. In 1992, a study published in the Journal of the American Medical Association (JAMA) found that domestic assaults with a gun were 12 times more likely to be fatal compared to assaults with other weapons or bodily force. Another study specifically looking at women at risk of homicide found that an abuser's access to firearms increased five-fold a woman's chances of being killed. "This suggests that abusers who possess guns tend to inflict the most severe abuse," the researchers said.

5. Extending federal background check requirements to require "universal" background checks

The public polling data is clear: people want background checks on all gun purchases. Twenty states have listened and put laws in place that enhance current federal regulations, including Iowa, Michigan, Nebraska and North Carolina.

In 2016, Virginia passed a law allowing State Police to conduct voluntary background checks at gun shows but there currently is no requirement for background checks on private sales. Nearly a quarter of gun owners bought their most recent firearm without a background check.

For many years, Delegate Ken Plum has introduced legislation to require background checks for private sales and have requests processed by State Police and licensed firearms dealers. It is time for the General Assembly to pass this legislation that will save lives.

While more data on the effectiveness of state-level background check laws is needed, several well designed studies show a correlation between enhanced background checks and lower rates of both gun homicide and suicide. States that have more rigorous background check requirements have homicide and suicide rates less than the national average. In a study looking at incarcerated offenders in states with no additional background check laws, 96% of the sample group acquired a gun without a background check before it was used in the crime that sent them to prison. Background checks reported to the National Instant Criminal Background Check System (NICS) often take less than 90 seconds and are nearly 100% accurate, according to an audit of the system.

6. Repealing the law allowing for video training for concealed handgun permits

In 2009, the General Assembly passed legislation that allowed the training required in order to get a concealed handgun permit to be completed online, often followed by a simple quiz. Before this became law, Virginia required applicants to complete firearm competency courses through law enforcement or state agencies, by demonstrating ability at an approved firearms competition, or at a safety class administered by the National Rifle Association. These steps help to make sure that those individuals who wish to conceal carry a firearm actually know how to use their gun. Today, there is no requirement for “live fire” training as a part of a permit application.

While 24 other states require applicants to actually pick up and fire a gun and demonstrate some level of proficiency, Virginia does not. Those states include Texas where “an applicant must attend 1-2 hours of range instruction class and demonstrate handgun proficiency (shooting) with a (qualified instructor.)” Tennessee, Kentucky and South Carolina have similar requirements for in-person training in order to be issued a permit.

Anyone who has a concealed carry permit should be prepared to use their gun at any time. A lack of training could have deadly consequences both in practice or in public arenas. Consider Virginia law enforcement officers who spend hours on the range and must have at least 70% accuracy to graduate from a training academy. When a crisis occurs and lethal force must be used, officers “fall back” on their training. For any concealed carry permit holder, it is clear that many have little or no hands-on training to fall back on.

7. Increase the safety of children by enacting child access prevention laws (CAP) and promote the safe storage of firearms

On one Tuesday in May, 2018, two toddlers in Virginia were killed because of easy access to a dangerous firearm. One boy was accidentally shot and killed himself in Roanoke, while in Louisa Country, another was killed by his four-year-old brother. According to reports, the gun was owned by the children's father and their mother was in the home with the children when the shooting occurred.

While it's a misdemeanor for a gun owner to recklessly leave a loaded firearm in the presence of a child under 14, charges are sometimes not filed against the owner. And parents who own guns are often woefully ignorant about what their child knows or is capable of achieving. One study found that 80% of children 14 and under know where a gun is located in their home and a third have handled them.

CAP laws can vary in their specific intent but all try to reduce the risk of gun death or injury for children. Virginia has failed to ensure the safety of children from gun violence with a weak statute for adults who leave loaded guns around and by not requiring safer storage of firearms.

We recommend passing legislation that will do the following:

- Increase the criminal penalty for those who recklessly leave a firearm in the presence of a child under 14.
- Prohibit minors from handling firearms without permission and oversight from a parent or guardian
- Creating a tax exemption for purchasing qualifying gun safes
- Increasing the legal age to buy a firearm from 18-21, allowing for reasonable exemptions

Conclusion

In early 2018, a mass school shooting re-ignited the public focus on gun violence. But what the Safe Virginia Initiative town halls consistently demonstrated is that the issue is much more extensive than mass shootings – it's suicide, it's domestic violence, it's shootings on our streets and it's attacks on faith communities. And when we consider gun violence in all these forms, far more Virginians are affected by it than many people realize.

Throughout the course of the year, Virginians from across the Commonwealth and from all walks of life expressed concern for the safety of themselves and their communities, as well as frustration with the lack of substantive action by the General Assembly to date. And so often, they asked for the same policy solutions, whether they were from Hampton Roads or Richmond, rural or urban, children or adults.

It is notable that not one of these policy recommendations contradicts the right of law-abiding citizens to own firearms. Instead, they are directed toward keeping weapons out of the hands of those who pose a substantial risk to themselves or others, and they are met with widespread support among gun owners and gun safety advocates alike.

In the 2019 General Assembly session, there will be a reasonable package of bills to support each of the policy recommendations outlined in this report. Some have been introduced before; others have not. But we hope that the collective voices of Virginians who have stood up over the past year for common-sense gun safety will resonate across party lines in both legislative chambers. It is past time to address this epidemic – we must act now. Each life lost to gun violence is one too many.



Paid for and Authorized by the Virginia House Democratic Caucus
Printed in House