

SAFEGUARDING VIRGINIA'S EVIDENCE-BASED GUN VIOLENCE PREVENTION LAWS



In the last two years, the Virginia General Assembly has made significant progress in the fight against gun violence that must be maintained. The 2021 election has created a dynamic that puts Virginia's newly-passed public health policies to prevent gun violence at risk.

It is imperative to protect these policies to ensure the safety of not only all Virginians, but also the neighboring states along the I-95 Corridor - a region the ATF refers to as the "Iron Pipeline." These states have been affected for decades by lax Virginia gun laws that have enabled illegal firearm trafficking in the region for far too long.

Over the last two years, gun violence prevention advocates helped secure the following legislative victories:

LOCAL AUTHORITY FOR GUN VIOLENCE PREVENTION

Since the 1970s, the [NRA has targeted state legislatures](#) to enact what is called "firearm preemption" legislation, or laws that prohibit the regulation of firearms by local governments. State preemption statutes threaten public safety because they create a gap between the people passing laws and those living with them every day, and thwart local innovation in gun violence prevention strategies that can be shaped to address the forms of gun violence impacting those communities the most.

During the 2020 legislative session, the Virginia General Assembly passed [HB421/SB35](#), giving the power back to local communities to adopt local solutions to address gun violence. Now Virginia's localities are able to prioritize the safety of their residents.

- Following passage of this law, localities including Alexandria, Newport News, Fairfax County and Falls Church passed [ordinances](#) limiting open carry of firearms in some public spaces, parks, and at special events.
- Since passage of this law in 2020, more than 16 localities have passed local gun safety ordinances, impacting more than 2.8 million people.
- Prior to the passage of this law in 2020, officials in Richmond, Virginia banned bats, shields, knives, and poles from a white supremacist protest organized shortly after the deadly violence in Charlottesville. But, because of the state's preemption laws at the time, local officials couldn't prohibit guns at the rally.

"ONE GUN PER MONTH"

In 2020, the Virginia General Assembly passed [HB812/SB69](#), reinstating a prohibition against individuals purchasing more than one handgun within a 30-day period.

Laws limiting the number of firearm purchases per sale can help reduce gun trafficking. After Virginia originally introduced its one-gun-per-month law, there was a [significant reduction](#) in the number of crime guns recovered outside the state and traced back to Virginia dealers.

After Virginia's one-gun-per-month law was repealed in 2012, the number of crime guns recovered in surrounding states originating in Virginia skyrocketed.

- For example, in 2012, 476 crime guns recovered in Maryland originated in Virginia. In comparison, 533 were recovered in 2014; 780 in 2016; 1,036 in 2018; and 1,070 in 2020, according to [ATF](#) trace data. It's abundantly clear that a repeal of this law would once again escalate gun trafficking into neighboring states.

VIRGINIA'S RISK ORDER LAW

In 2020, the Virginia General Assembly passed [HB674/SB240](#), creating a mechanism for law enforcement and Commonwealth Attorneys to use a civil court process to temporarily remove firearms from an individual at risk of harming themselves or others through the creation of an Extreme Risk Protective Order (ERPO).

- For the first year after the law was implemented (July 1, 2020-June 30, 2021), 128 emergency risk orders and 74 final risk orders were issued in the Commonwealth.
- Easy access to firearms [significantly increases](#) the risk of suicide; individuals who are in crisis and have easy access to a firearm are particularly vulnerable. [Studies](#) show that the implementation of ERPO laws have been very successful in averting gun homicides and suicides. For instance, data on ERPO laws suggest that [one life](#) is saved for every 10 to 20 ERPOs issued.
- Further, a [recent study](#) showed that extreme risk laws may provide exactly the type of urgent and individualized intervention that could prevent future mass shootings.
- Every year, [nearly 700 Virginians](#) die by firearm suicide. ERPOs are an effective intervention for temporary moments of crisis. If the Commonwealth's ERPO law is repealed, more Virginian lives will be placed in danger.

EXPANSION OF BACKGROUND CHECKS

Over the last two years, the Commonwealth has expanded its firearm background check system in two critically important ways:

Passed [HB2/SB70](#) in 2020 to require a background check before all firearms sales, including sales originating online, sales at gun shows, and all private sales.

- With the enactment of this law, prohibited purchasers – like individuals with felony records or those convicted of domestic abuse – can no longer bypass background checks by purchasing guns online or from unlicensed sellers.

Passed [HB2128](#) in 2021 to address the “Charleston loophole” by expanding the number of days that the Virginia state police has to conduct a background check from three business days to five business days before a firearm can legally be transferred by a licensed dealer.

- This loophole references the 2015 mass shooting and hate crime that killed nine Black worshippers at the Emanuel African Methodist (A.M.E) Episcopal Church in Charleston, S.C.
- A dangerous gap in federal law allows gun dealers to complete the transfer of a firearm to a purchaser after three business days even if the purchaser's background check isn't completed. This loophole enabled the AME Church shooter to acquire his gun despite a criminal history that legally prohibited him from possessing firearms.
- By extending the amount of time Virginia State Police have to complete background checks from 3 to 5 business days, prohibited purchasers will be less likely to get their hands on deadly weapons.

VIRGINIA'S CHILD ACCESS PREVENTION (CAP) LAW

In 2020, Virginia took an important step to expand protections for minors in Virginia homes. [HB1083](#) increased the penalty from a class 3 to class 1 misdemeanor for recklessly leaving a loaded, unsecured firearm in such a manner as to endanger the life or limb of any person under the age of 14.

- [Research](#) has shown that the risk of suicide and unintentional shootings among youth increases in homes where guns are kept loaded and/or unlocked.
- Secure firearm storage helps prevent gun deaths and injuries in children, and [research](#) suggests that CAP laws increase secure storage behavior.
- A 2019 U.S. Department of Homeland Security [study](#) found that 76% of school shootings are facilitated by kids' access to guns at home.

REGULATING FIREARMS IN SENSITIVE PLACES

In 2021, the Virginia General Assembly enacted [HB2081](#) and [HB2295](#), laws safeguarding the Commonwealth's democratic processes by cracking down on voter intimidation through a ban on guns at polling places, electoral board meetings, and state office buildings, surroundings, or within the Virginia State Capitol.

- In 2021, with gun violence continuing to plague communities at epidemic levels, the presence of armed individuals in these sensitive spaces where democratic processes are taking place creates real health and safety risks. The presence of guns makes it more likely that confrontations will turn deadly and that Virginia residents will be fearful to engage in the electoral process.

Additionally, in 2021, [HB1909](#) was passed, allowing school boards to deem an offsite building that it owns or leases as a gun free zone as long as school employees are regularly present there for official duties. Giving school boards the authority to ban guns from school grounds is key to keeping youth in Virginia safe.

PROHIBITIONS FOR PEOPLE CONVICTED OF DOMESTIC ABUSE AND SUBJECT TO PROTECTIVE ORDERS

In 2021, the Commonwealth passed [HB1992](#), a 3-year prohibition on purchase & possession of firearms by persons convicted of assault and battery of a family or household member.

In 2020, the Commonwealth passed [HB1004/SB479](#), an expansion of the prohibition on firearm possession by persons subject to a final family abuse protective order to include persons subject to any type of final protective order from possessing firearms.

- Firearm access fuels domestic violence and makes it more likely to be fatal. Domestic violence assaults involving a gun are [12 times more likely](#) to result in death than those involving other weapons or bodily force.

Over the last two years, Virginia has seen an [epidemic](#) of gun violence made worse by the COVID-19 pandemic, which has disparately impacted communities of color. Virginia's best defense to rising gun violence is protecting the state's comprehensive set of evidence-based policies that are proven to save lives. With [1,019 Virginians](#) dying by firearms every year, we simply do not have time to waste. Repealing any of these laws is a matter of life and death.

