



## VA Senate Bill 610 Would Undermine Public Safety in Virginia

- ❑ **Bottom Line:** VA SB 610 would lower Virginia public safety standards by allowing dangerous and untrained people to carry hidden loaded guns throughout the state—people who could not qualify for a carry permit under Virginia law. Permitting standards vary drastically across the country, and by recognizing permits from every other state, SB 610 would allow violent criminals, stalkers, and people with no safety training to carry hidden loaded guns in public.
  - **Even Virginia’s own residents would be able to take advantage of the dramatically lowered standards.** If a Virginian would be unable to qualify for the in-state permit, he could simply obtain an out-of-state permit from a weaker system—and carry back at home.
- ❑ **Current Virginia law only recognizes concealed carry permits from states with requirements that match Virginia’s**—preventing people who would be denied an in-state permit from carrying on the streets of Richmond and Norfolk.
  - Virginia has strong permit issuance standards, as the legislature has set a high bar for public safety and for preventing dangerous people from carrying guns.
  - Only 5 out-of-state permits are currently recognized as matching Virginia’s standards.
    - In a December 2015 review of state permitting standards, Virginia’s attorney general revoked recognition from many states that have laws weaker than Virginia’s.
  - Non-Virginians may carry in Virginia by obtaining a non-resident permit.
- ❑ **SB 610 would radically change state law, allowing permit holders from every state to carry in Virginia and eroding public safety.** Many states allow concealed carry by a wide variety of dangerous people who are currently ineligible to carry in Virginia<sup>1</sup>:
  - Nine states, including Georgia, grant permits to people with ***no firearm safety training***.<sup>2</sup>
  - States like Florida will grant permits to people ***without running a full federal criminal history background check***. Florida has granted permits to over 1,400 convicted felons.<sup>3</sup>
  - Some states, including Tennessee, give permits to ***people with recent convictions for assault and sexual battery***, including violent convictions against their girlfriends.<sup>4</sup>
  - States like Arkansas, Kansas, North Dakota, and neighboring Kentucky will grant permits to ***convicted stalking offenders***, including those who stalked ex-wives and ex-girlfriends.<sup>5</sup>
  - Most states grant permits to ***domestic abusers*** subject to preliminary domestic violence restraining orders.<sup>6</sup>
  - Nearby states like South Carolina grant permits to people recently ***convicted of certain drug crimes*** or of driving under the influence.<sup>7</sup>
  - Many states will grant permits to people recently released from involuntary commitment ***with severe mental illness***.<sup>8</sup>
- ❑ **The threats posed by lax carry standards are real.** Marqus Hill shot and killed an 18-year-old in Pennsylvania in 2010. Hill could not qualify for a Pennsylvania carry permit, but he was legally able to carry in the state at the time of the murder because he had obtained a Florida permit. Subsequently, Pennsylvania changed its laws—but it was too late to stop this deadly incident.<sup>9</sup>



## Explainer: How SB 610 Works to Recognize All State Carry Permits

### ❑ Under current law:

- **Issuance standards.** An out-of-state carry permit authorizes the holder to carry in Virginia if the permit requirements are strong enough to disqualify anyone who would be disqualified from getting a Virginia permit:
  - “A valid...permit or license issued by another state shall authorize the holder...to carry...in the Commonwealth, provided...the requirements and qualifications of that state’s law are adequate to prevent possession of a permit or license by persons who would be denied a permit in the Commonwealth.” Va Code 18.2-308.014(A).
- **Confirmation by law enforcement.** In order to have its permit recognized in Virginia, an out-of-state issuing authority must enable Virginia law enforcement to confirm that a permit is valid, and must make that access possible 24 hours a day:
  - “A valid...permit or license [shall authorize carry in Virginia], provided...the issuing authority provides the means for instantaneous verification of the validity of all such permits or licenses issued within that state, accessible 24 hours a day.” Va Code 18.2-308.014(A).

### ❑ Under SB 610:

- **Issuance standards.** The bill repeals all issuance standards, striking the provision entirely from the law:
  - “[provided] ~~the requirements and qualifications of that state’s law are adequate to prevent possession of a permit or license by persons who would be denied a permit in the Commonwealth~~”
- **Confirmation by law enforcement.** The bill repeals the confirmation requirement, instead making it optional that a state is able to confirm a permit’s validity:
  - “provided...the issuing authority provides the means for instantaneous verification of the validity of all such permits or licenses issued within that state, accessible 24 hours a day, ***if available***” (emphasis added).

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<sup>1</sup> Virginia’s permit requirements appear at Va Code Ann 18.2-308.09.

<sup>2</sup> AL, GA, ID, IN, MS, NH, NY, PA, and SD

<sup>3</sup> In states like Florida, a full National Instant Criminal Background Check System (NICS) check is not conducted. That state has issued more than 1,400 permits to offenders who had pled guilty or no contest to felonies, and more than 200 permits to people with outstanding warrants. <http://bit.ly/1zTPKXX>.

<sup>4</sup> Tenn Code Ann 39-17-1351. Felons are prohibited from possessing guns under federal law, but misdemeanants generally are not. Spouses convicted of violent misdemeanor offenses are prohibited under federal law, but non-married intimate partners generally are not—and can receive concealed carry permits in many states.

<sup>5</sup> A.C.A. 5-73-309; KSA 75-7c04; KRS 237.110. Stalkers convicted of felonies are prohibited from possessing guns under federal law, but those convicted of misdemeanors are not—and can receive carry permits in many states.

<sup>6</sup> People subject to final domestic violence restraining orders are prohibited under federal law, but those subject to temporary restraining orders are not.

<sup>7</sup> S.C. Code Ann 23-31-215(A).

<sup>8</sup> Virginia will not grant permits to any person released from involuntary commitment in the past five years.

<sup>9</sup> See Laura Olson, Pa. Attorney General closes “Florida Loophole” on concealed-gun permits, Pittsburgh Post-Gazette, Feb. 8, 2013, available at <http://bit.ly/1xLlrp5>.