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HOUSE BILL NO. 1689

Offered January 17, 2020

A *BILL to amend the Code of Virginia by adding in Article 4 of Chapter 7 of Title 18.2 a section numbered 18.2-287.5, relating to limitations on laws regarding the control of firearms.*

Patron—Campbell, R.R.

Referred to Committee on Public Safety

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 4 of Chapter 7 of Title 18.2 a section numbered 18.2-287.5 as follows:

§ 18.2-287.5. Limitations on laws regarding the control of firearms.

A. Any law of the Commonwealth, executive order, administrative regulation, local ordinance, or court order shall be considered an unlawful infringement on the right of the people to keep and bear arms as guaranteed by Article I, Section 13 of the Constitution of Virginia and the Second Amendment to the Constitution of the United States if such law, executive order, administrative regulation, local ordinance, or court order:

1. Imposes any tax, fee, or stamp on any firearm, ammunition, or firearm component;

2. Requires the registration of any firearm, ammunition, or firearm component;

3. Requires any person to register as an owner of a firearm, ammunition, or firearms component;

4. Prohibits any person from possessing, using, or transferring a firearm who is not prohibited from possessing a firearm; or

5. Requires any person to surrender his firearm, ammunition, or firearms component who is not prohibited from possessing a firearm.

B. Any law of the Commonwealth, executive order, administrative regulation, local ordinance, or court order that unlawfully infringes on the right of the people to keep and bear arms as guaranteed by Article I, Section 13 of the Constitution of Virginia and the Second Amendment to the Constitution of the United States pursuant to subsection A is void and unenforceable in the Commonwealth. Such law, executive order, administrative regulation, local ordinance, or court order is against the public policy of the Commonwealth.

C. It is the duty of the courts and law-enforcement agencies of the Commonwealth and political subdivisions of the Commonwealth to protect the rights of its citizens, including the right of the people to keep and bear arms within the Commonwealth, from unlawful infringement of such rights.

D. No person, including any public official or employee of the Commonwealth or its political subdivisions, shall enforce any law, executive order, administrative regulation, local ordinance, or court order that unlawfully infringes on a person's right to keep and bear arms pursuant to subsection A.

E. Any person who knowingly deprives or attempts to deprive another person of such other person's right to keep and bear arms by enforcing any law, executive order, administrative regulation, local ordinance, or court order that unlawfully infringes on a person's right to keep and bear arms pursuant to subsection A, even acting under the color of any state law, shall be liable for an unlawful deprivation of a person's constitutional rights and such injured person shall be entitled to damages, including punitive damages, and in the discretion of the court to an award of the cost of the litigation and reasonable attorney fees in an amount to be fixed by the court.

INTRODUCED

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