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HOUSE RESOLUTION NO. 202

Offered January 14, 2015

Memorializing the Congress of the United States to restore gun ownership rights for federal felons.

Patron—Fariss

Referred to Committee on Rules

WHEREAS, the Gun Control Act of 1968, 18 U.S.C. § 922(g)(1), prohibits any person convicted of a crime punishable by imprisonment for one year or more "to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition," unless the person has been pardoned, has had his civil rights restored, or has had his conviction expunged or set aside, unless the pardon, restoration, or expungement expressly bars shipping, transporting, possessing, or receiving firearms; and

WHEREAS, federal law places restrictions on firearm possession by several groups of persons, including fugitives from justice, unlawful users of any controlled substances, illegal aliens, and persons who have been committed to a mental institution, have been dishonorably discharged from the United States Armed Services, have renounced their American citizenship, have been subject to a court order issued to restrain such person from harassing, stalking, or threatening an intimate partner or child, and have been convicted in any court of a misdemeanor crime of domestic violence; and

WHEREAS, persons for whom the right to possess firearms is prohibited may apply at the state level for the restoration of civil rights for a state conviction; however, the restoration of federal firearms privileges must be submitted to the Secretary of the Treasury, who has delegated the responsibility for determining firearms restoration and whether a person would likely be a danger to public safety to the Bureau of Alcohol, Tobacco and Firearms; and

WHEREAS, states vary in their laws, policies, and procedures concerning the restoration of civil rights; however, Congress has not funded the federal firearms restoration program operated by the Bureau of Alcohol, Tobacco and Firearms since 1992, causing a long waiting list of persons seeking federal firearms restoration; and

WHEREAS, uniform procedures among the states and federal funding are needed to allow earnest post-conviction federal felons and other persons to bear arms; now, therefore, be it

RESOLVED by the House of Delegates, That the Congress of the United States be urged to restore gun ownership rights for federal felons; and, be it

RESOLVED FURTHER, That the Congress of the United States be urged to enact legislation permitting federal district courts to restore gun ownership rights that have been revoked under federal law; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

INTRODUCED

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