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SENATE BILL NO. 63

Offered January 10, 2018

Prefiled November 30, 2017

A BILL to amend and reenact § 15.2-915 of the Code of Virginia, relating to control of firearms by localities; lawful demonstrations and protests.

Patrons—Favola and McClellan; Delegate: Kory

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 15.2-915 of the Code of Virginia is amended and reenacted as follows:****§ 15.2-915. Control of firearms; applicability to authorities and local governmental agencies.**

A. No locality shall adopt or enforce any ordinance, resolution or motion, as permitted by § 15.2-1425, and no agent of such locality shall take any administrative action, governing the purchase, possession, transfer, ownership, carrying, storage or transporting of firearms, ammunition, or components or combination thereof other than those expressly authorized by statute. For purposes of this section, a statute that does not refer to firearms, ammunition, or components or combination thereof, shall not be construed to provide express authorization.

Nothing in this section shall prohibit a locality from adopting workplace rules relating to terms and conditions of employment of the workforce. However, no locality shall adopt any workplace rule, other than for the purposes of a community services board or behavioral health authority as defined in § 37.2-100, that prevents an employee of that locality from storing at that locality's workplace a lawfully possessed firearm and ammunition in a locked private motor vehicle. Nothing in this section shall prohibit a law-enforcement officer, as defined in § 9.1-101, from acting within the scope of his duties.

The provisions of this section applicable to a locality shall also apply to any authority or to a local governmental entity, including a department or agency, but not including any local or regional jail, juvenile detention facility, or state-governed entity, department, or agency.

B. Any local ordinance, resolution or motion adopted prior to the effective date of this act governing the purchase, possession, transfer, ownership, carrying or transporting of firearms, ammunition, or components or combination thereof, other than those expressly authorized by statute, is invalid.

C. In addition to any other relief provided, the court may award reasonable attorney fees, expenses, and court costs to any person, group, or entity that prevails in an action challenging (i) an ordinance, resolution, or motion as being in conflict with this section or (ii) an administrative action taken in bad faith as being in conflict with this section.

D. For purposes of this section, "workplace" means "workplace of the locality."

E. Nothing in this section shall prohibit a locality from adopting an ordinance that prohibits the open carry of firearms, ammunition, or components or a combination thereof, during a demonstration, march, parade, protest, rally, or other similar event. Such an ordinance shall not apply to any law-enforcement officer as defined in § 9.1-101, armed security officer as defined in § 9.1-138, member of the Armed Forces of the United States, member of the Armed Forces Reserves, or member of the National Guard acting in the performance of his lawful duties or to any person having a valid concealed handgun permit.

INTRODUCED

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