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HOUSE JOINT RESOLUTION NO. 43

Offered January 8, 2020

Prefiled January 3, 2020

Directing the Department of Criminal Justice Services to study the enforcement of the law prohibiting individuals subject to permanent protective orders for family abuse from possessing firearms while such order is in effect. Report.

Patrons—Sullivan and Lopez

Referred to Committee on Rules

WHEREAS, in 2016, the General Assembly enacted legislation making it unlawful for any person who is subject to a permanent protective order (i.e., a protective order with a maximum duration of two years) for family abuse to knowingly possess any firearm while the order is in effect, provided that for a period of 24 hours after being served with a protective order such person may continue to possess and transport any firearm possessed by such person at the time of service for the purpose of selling or transferring any such firearm to any person who is not otherwise prohibited by law from possessing such firearm; and

WHEREAS, currently, there are no standard procedures regarding the relinquishment of firearms by such persons who have become prohibited from possessing them and no requirement of proof of such relinquishment; and

WHEREAS, with no current standard relinquishment process, there is no mechanism to ensure such prohibited persons have relinquished their firearms; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Department of Criminal Justice Services be requested to study the enforcement of the law prohibiting individuals subject to permanent protective orders for family abuse from possessing firearms while such order is in effect.

In conducting its study, the Department of Criminal Justice Services shall (i) determine the current methods of enforcement of the laws prohibiting persons subject to permanent family abuse protective orders from possessing firearms while such order is in effect; (ii) analyze the effectiveness of such methods of enforcement; (iii) assess the effectiveness of laws in other states regarding the relinquishment of firearms by individuals subject to protective orders who are prohibited from possessing firearms, including laws that require proof of such relinquishment, and establish a standard procedure for the relinquishment of firearms; and (iv) provide guidance on the most effective methods of enforcing laws prohibiting persons subject to permanent family abuse protective orders from possessing firearms while such order is in effect and the most efficient procedures regarding the surrender or transfer of firearms by such prohibited persons.

All agencies of the Commonwealth shall provide assistance to the Department of Criminal Justice Services for this study, upon request.

The Department of Criminal Justice Services shall complete its study by November 30, 2020, and shall submit to the Governor and the General Assembly an executive summary and a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2021 Regular Session of the General Assembly and shall be posted on the General Assembly's website.

INTRODUCED

HJ43