

NUMBER FIFTY (2015)

EXECUTIVE ACTION TO PREVENT GUN VIOLENCE

Importance of the Issue:

Like too many communities around the nation, cities and counties across the Commonwealth have experienced the devastating effects of gun violence. While Virginians will never forget the tragic massacre of young promise that occurred at Virginia Tech in 2007, or the most recent murders of two young journalists on air in Roanoke, gun violence has tragically impacted families and communities from Lee County to the Eastern Shore, from Loudoun to Halifax, in ways that have changed those communities forever.

Through the efforts of many Virginians within both the public and private sectors, our Commonwealth has taken great steps to limit access to guns to those who have mental health issues, previous felony convictions, or a current protective order. But, as events around our nation and Virginia's own recent history show, more must be done.

It has been estimated that nearly 40% of all guns sold in America are sold by private, unlicensed sellers either online or through gun shows. These sellers are not required by federal or state law to perform any background checks before transferring a firearm. While law enforcement can appropriately monitor compliance by Federal Firearm Licensees ("FFLs"), unlicensed sellers face little to no regulation in their selling of firearms. Without appropriate safeguards, this large gap in our firearm regulatory scheme gives criminals and other persons incapable of passing a background check easy access to firearms. In a state where "open carry" is lawful, our law enforcement personnel have no way to determine if a person openly carrying a firearm is in lawful possession or is a convicted criminal taking advantage of a gap in our regulatory system.

The ease of access to firearms by criminals and others intent on harm is even more problematic when viewed in light of the general open access to our public facilities. Every day, over 60,000 Virginians report to work in state government buildings across the Commonwealth to provide services to their fellow Virginians. Our citizens rely on open access to these facilities to

address their personal and professional needs. Whether it is to incorporate a business, renew a driver's license, apply for a job, seek a permit, or just to attend a public hearing, our government facilities are essential to allowing our citizens access to their government representatives. Allowing "open carry" in these facilities by individuals who may not lawfully possess a firearm exposes our state employees and fellow citizens to unnecessary risk.

There is no magic solution to curbing gun violence. As the National Institute of Justice noted, no single approach will prevent gun violence: "To reduce gun violence, a sustained program that addresses both demand and supply is needed. A successful intervention will have elements of federal-local law enforcement collaboration, community involvement, targeted intervention tactics and continuous program evaluation."

My administration, in consultation with the Office of the Attorney General, along with federal and local law enforcement, is committed to doing everything within our power to prevent gun violence in our communities. Accordingly, pursuant to my authority under Article V of the Constitution of Virginia and under the Code of Virginia, I am ordering the following:

I. Establish Joint Task Force to Prosecute Gun Crimes

There shall be established a Joint Task Force to Prosecute Gun Crimes (the "Task Force"), to be led by the Attorney General of Virginia and the Secretary of Public Safety and Homeland Security. The Task Force shall be comprised of representatives from state and local law enforcement and prosecutors, the Virginia State Police, and the Department of Criminal Justice Services, along with federal partners, and shall develop strategies and coordinate efforts to strictly enforce existing gun laws under state and federal law. Following from successful law enforcement efforts in the past, the Task Force will put special emphasis on enforcing two key protections under the law:

- 1) that only licensed firearms dealers engage in the business of selling firearms
- 2) that persons prohibited from owning firearms are prevented from obtaining them

The Task Force will rely principally on the investigatory powers of state and federal law enforcement agencies, in partnership with local agencies, in order to pursue effective enforcement actions, using both criminal and civil proceedings, to enforce the gun laws.

Additionally, I am asking the Task Force to identify those areas within our regulatory system that significantly hamper law enforcement's ability to effectively pursue illegal transfers of weapons and how our Commonwealth can be better situated to address these areas.

II. Authorize Attorney General to Coordinate and Bring Criminal Cases Against Firearms Law Offenders

In order to facilitate enforcement of the existing gun laws, I am invoking my authority under § 2.2-511 and asking the Attorney General to coordinate these prosecutorial efforts and bring such cases as he may deem most appropriate, in order to protect the citizens of the Commonwealth from illegal firearms sales. I also reserve the right to initiate any other legal proceedings that may be necessary to protect the citizens of the Commonwealth from illegal firearms sales.

III. Establish Tip Line for Illegal Gun Activity

The Virginia State Police coordinates the criminal background checks used by licensed firearm dealers to confirm that prohibited individuals are not able to purchase firearms. To aid in enforcement of the gun laws already on the books, I hereby order the Virginia State Police to establish a Tip Line that will enable citizens to report violations of the gun laws and to collect a reward for any successful prosecutions flowing from the information provided.

IV. **Trace Guns Used in Crime**

Gun violence occurs every day in the Commonwealth, oftentimes by individuals who should never have had a gun in the first place. In order to aid in the Task Force's work, I hereby direct the Virginia State Police to set a policy to request tracing of every gun used in the commission of a crime in the Commonwealth, working with local and federal law enforcement to accomplish this goal.

Obtaining this information will be critical to enforcing the gun laws already on the books in Virginia.

V. **Encourage Judges and Prosecutors to Seek Gun Forfeiture in Felony and Other Cases**

Cases of domestic violence in which there is access to firearms often end in needless tragedy. The power to prevent gun purchases, however, is not effective when the domestic abuser or felon already has access to guns.

Accordingly, in consultation with the Office of the Attorney General, we will be working, through training and advocacy, to encourage prosecutors and judges to use their broad power in both criminal sentencing and in domestic violence protective orders to require persons prohibited from obtaining guns to forfeit guns they may already possess.

VI. **Banning Firearms in State Government Buildings**

We must take every precaution to protect our citizens and state employees from gun violence. We cannot wait until a tragedy occurs to decide to address it. Prevention requires us to address areas of concern before they are realized. Accordingly, I hereby declare that it is the policy of the Commonwealth that open carry of firearms shall be prohibited in offices occupied by executive branch agencies, unless held by law enforcement, authorized security, or military personnel authorized to carry firearms in accordance with their duties. Within 30 days of the date of this Executive Order, the Director of the Department of General Services (DGS) shall issue guidance prohibiting carrying weapons openly in offices occupied by executive branch agencies.

I further order the Director of DGS, within 30 days of the date of this Executive Order, to propose regulations to ban the carrying of concealed weapons in offices occupied by executive branch agencies, unless held by law enforcement, authorized security, or military personnel authorized to carry firearms in accordance with their duties.

Conclusion

All Virginians have the right to feel safe and secure in going about their daily lives. The Governor of Virginia has no more sacred responsibility than to see to it that the public is safe, using all legal means to secure this right. My administration, in partnering with the Attorney General of Virginia, along with federal and local law enforcement, today renews and re-emphasizes this commitment. Working together, it is my hope that these initiatives will help reduce senseless gun violence in Virginia so that we may all feel more safe and secure living in our great Commonwealth.

Effective Date of this Order

This Executive Order shall be effective upon its signing and shall remain in full force and effect, unless otherwise amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this Fifteenth day of October 2015.

Terence R. McAuliffe, Governor

Attest:

Levar M. Stoney, Secretary of the Commonwealth