



Legislation Text

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City of Alexandria, Virginia

MEMORANDUM

DATE: JUNE 28, 2019

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: MARK B. JINKS, CITY MANAGER /s/

DOCKET TITLE:

Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Prohibit Firearms on City Property. (Second Reading, Public Hearing and Final Passage Scheduled for Saturday, September 14, 2019.) (This item is not a public hearing)

ISSUE: Consideration of an ordinance to prohibit firearms on City property.

RECOMMENDATION: That City Council pass the ordinance (Attachment 2) on first reading and schedule it for second reading, public hearing and final passage on Saturday, September 14, 2019.

BACKGROUND: Gun violence and the resulting need for common sense gun safety laws, rules and regulations has been a longstanding issue in Virginia and in the United States. However, pursuant to the Dillon Rule, Virginia law precludes local governments from enacting local gun control measures, including but not limited to any prohibition on firearms in City buildings or on City property.

In response to the mass shooting in Virginia Beach on May 31, 2019, Governor Northam called for a Special Session of the General Assembly - which is being held concurrent with the City Council meeting on July 9, 2019 - to address "the emergency of gun violence in Virginia." The Governor indicated that one of his priorities for this Special Session is legislation to expand local authority to regulate firearms, including in government buildings.

This ordinance is presented in hopeful anticipation of action by the General Assembly during the Special Session on this issue, specifically the passage of legislation to afford localities authority to adopt or enforce any ordinance, resolution, or administrative policy to prohibit or restrict the possession, transportation, or carrying of firearms in public buildings or on property owned or used by a locality.

Note that the ordinance is broadly drafted and may need to be amended based on the specific language used in any legislation on this issue that is adopted by the General Assembly.

DISCUSSION: The attached ordinance prohibits the possession, carrying, or transportation of firearms in buildings owned, leased or operated by the City as well as in parks or other property owned or used by the City. The prohibition extends to City employees, agents, or volunteers in workplaces owned, operated or managed by the City but does not apply to military personnel acting within the scope of their official duties, sworn law enforcement officers or private security personnel hired by the City when these individuals

are present in buildings or on property included in the firearm prohibition.

The prohibition would be enforced through the City's existing trespassing ordinance (City Code § 13-1-33). A person carrying a firearm in a building or on property where firearms are prohibited by this ordinance would be asked to leave the property. If he or she declines to do so, he or she becomes a trespasser and the police would then be summoned. If the person declines to leave after being asked to do so by a police officer, the person would be charged with trespassing, which is a Class 1 misdemeanor, punishable by 12 months in jail, a \$2500 fine, or both.

The effective date of the ordinance is currently set at July 1, 2020 and is contingent on action by the General Assembly. The ordinance would only become effective should the General Assembly pass legislation that would authorize the City to enact such an ordinance. This date could be changed to reflect any action taken during the Special Session on July 9, 2019 or, should no action be taken during the Special Session, be left at July 1, 2020 in anticipation of action during the 2020 Regular Session of the General Assembly.

ATTACHMENTS:

1. Ordinance Cover Sheet
2. Proposed Ordinance

STAFF:

Joanna Anderson, City Attorney
George McAndrews, Senior Assistant City Attorney
Sarah Graham Taylor, Legislative Director
Laura B. Triggs, Deputy City Manager