



Legislation Text

File #: 20-0028, Version: 1

City of Alexandria, Virginia

MEMORANDUM

DATE: SEPTEMBER 9, 2019

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

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

DOCKET TITLE:

Public Hearing. Second Reading and Final Passage of an Ordinance to Prohibit Firearms on City Property.
[ROLL-CALL VOTE]

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

RECOMMENDATION: That City Council hold a public hearing, second reading and consider final passage of the proposed ordinance.

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 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 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.

The Special Session was held on July 9, 2019 and the General Assembly adjourned until November 19, 2019 with no action on legislation, including bipartisan legislation filed to provide localities with additional authority in the area of firearm regulation, including House Bill 4005 (by Del. Cia Price), House Bill 4007 (by Del. Glenn Davis), Senate Bill 4001 (by Sen. John Edwards), and Senate Bill 4013 (by Senate Majority Leader Tommy Norment).

All legislation filed during the Special Session was referred to the Virginia Crime Commission for consideration and recommendations by the Commission. The Alexandria City Council submitted a letter to the

Crime Commission in support of legislation to afford localities the authority to regulate firearms in government buildings and on government property.

This ordinance was originally introduced for first reading at the July 9, 2019 City Council meeting. Council requested changes related to the effective date of the ordinance as well as some changes based on public input in order to clarify both the kinds of public property this ordinance would apply to as well as which individuals the ordinance would apply to. The current draft of the ordinance clarifies that the ordinance would apply to public facilities and parks but not public streets or rights of way. In addition, the current draft of the ordinance clarifies that the ordinance would not apply to historic re-enactors displaying or demonstrating inoperative, unloaded firearms at special events at public parks or at public facilities.

This ordinance is presented in hopeful anticipation of action by the General Assembly 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.

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, recreational or community facilities 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 draft ordinance also specifically excludes historical reenactors and those possessing inoperative, unloaded firearms when such persons are participating in or traveling to/from special events that involve the display or demonstration of these firearms.

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 contingent on action by the General Assembly and includes a reenactment clause for Council. The ordinance would only become effective should the General Assembly pass legislation that would authorize the City to enact such an ordinance and should Council reenact the proposed ordinance after receiving such authorization.

ATTACHMENTS:

1. Ordinance Cover Sheet
2. Proposed Ordinance

STAFF:

Joanna Anderson, City Attorney
George McAndrews, Senior Assistant City Attorney
Sarah Graham Taylor, Legislative Director