



Transportation of a Loaded Rifle or Shotgun on a Public Roadway

Public Safety Committee Meeting

Colonel Edwin C. Roessler Jr.
Chief of Police

June 26, 2018

Board of Supervisors (BOS) Meeting - April 10, 2018

At the April 10, 2018 Board Meeting, the County Attorney's Office and the Fairfax County Police Department were directed to research the adoption of any firearms safety authority granted to localities through current enabling legislation, but not yet adopted by Fairfax County.

Regulation of transportation of a loaded rifle or shotgun

Code of Virginia § 15.2-915.2

The governing body of any county or city may by ordinance make it unlawful for any person to transport, possess or carry a loaded shotgun or loaded rifle in any vehicle on any public street, road, or highway within such locality. Any violation of such ordinance shall be punishable by a fine of not more than \$100. Conservation police officers, sheriffs and all other law-enforcement officers shall enforce the provisions of this section. No ordinance adopted pursuant to this section shall be enforceable unless the governing body adopting such ordinance so notifies the Director of the Department of Game and Inland Fisheries by registered mail prior to May 1 of the year in which such ordinance is to take effect.

The provisions of this section shall not apply to duly authorized law-enforcement officers or military personnel in the performance of their lawful duties, nor to any person who reasonably believes that a loaded rifle or shotgun is necessary for his personal safety in the course of his employment or business.

The Board of Supervisors considered enacting an ordinance pursuant to this grant of authority in the 1990s, but ultimately declined to do so.

Trooper Kevin Carder Manion E.O.W. 2006

Trooper Kevin Manion was accidentally shot and killed while assisting another trooper investigating a single vehicle automobile accident on Route 649, in Clarke County.

The crash occurred when a pickup truck went into a ditch and overturned. During the crash investigation a rifle inside the pickup truck discharged as the pickup was being moved. The round struck Trooper Manion in the chest in an area not protected by his vest.

The truck's two occupants were arrested at the scene on alcohol related charges. Investigation revealed that the rifle had been stolen earlier that day during a residential burglary. The driver of the pickup truck was subsequently charged with second degree murder, possession of a firearm by a felon, larceny of a firearm, and daytime breaking and entering.

The driver pled guilty to involuntary manslaughter in December 2006 and was sentenced to 10 years.

Virginia Jurisdictions with a Local Ordinance Based on § 15.2-915.2 and Reported Arrests Since Date of Enactment

| LAW ENFORCEMENT AGENCY | NUMBER OF ARRESTS |
|--|--------------------------|
| ALBERMARLE COUNTY POLICE DEPARTMENT | 0 |
| CITY OF ALEXANDRIA POLICE DEPARTMENT | 0 |
| CHESTERFIELD COUNTY SHERIFF'S OFFICE | 0 |
| FAUQUIER COUNTY SHERIFF'S OFFICE | 4 |
| CITY OF FREDERICKSBURG POLICE DEPARTMENT | 0 |
| JAMES CITY COUNTY POLICE DEPARTMENT | 0 |
| LOUDOUN COUNTY SHERIFF'S OFFICE | 0 |
| NORTHUMBERLAND COUNTY SHERIFF'S OFFICE | 0 |
| PETERSBURG BUREAU OF POLICE | 0 |
| ROANOKE COUNTY POLICE DEPARTMENT | 8 |
| RICHMOND POLICE DEPARTMENT | 0 |
| SURRY COUNTY SHERIFF'S OFFICE | 0 |
| VIRGINIA BEACH POLICE DEPARTMENT | 15 |
| CITY OF WILLIAMSBURG POLICE DEPARTMENT | 0 |

New Kent County Sheriff's Office, City of Roanoke Police Department, and Warren County Sheriff's Office were not available to provide arrest data for this presentation.

FCPD Incidents for Brandishing of Weapons CY2010-2018

| Weapon Type | Number of Incidents | Number of Incidents Involving a Brandishing From Vehicle |
|--------------------|----------------------------|---|
| SHOTGUNS | 30 | 2 (6.6%) |
| RIFLE | 70 | 4 (5.7%) |

Discussion

Code of Virginia § 15.2-915.2

| Pros | Cons |
|---|--|
| Demonstration of interest in firearms regulation. | No evidence of problems in the County related to transportation of loaded shotguns and rifles. |
| Opportunity to educate residents about firearms safety. | Will require officers to manipulate the weapon(s) to determine if loaded, which could compromise officer safety. |

Discussion

Best practices for transportation of firearms in a motor vehicle

NRA

- It is recommended that firearms be transported unloaded, cased, and locked in the automobile trunk or otherwise inaccessible to the driver or any passenger (exception-handguns).

DEPARTMENT OF GAME AND INLAND FISHERIES

- Always unload and case firearms before transporting them.

POLICEONE.COM

- Never transport a loaded firearm. When transporting your firearm, be sure it is unloaded and that cylinder or action is open.

Draft Ordinance Section 6-1-2.2. Transporting loaded rifle or shotgun on a public roadway

- (a) It shall be unlawful for any person to transport, possess or carry a loaded shotgun or loaded rifle in any vehicle on a public street, road or highway within the county. Any violation of this section shall be punishable by a fine of not more than \$100.

- (b) The provisions of this section shall not apply to duly authorized law enforcement officers or military personnel in the performance of their lawful duties nor to any person who reasonably believes that a loaded rifle or shotgun is necessary for his personal safety in the course of his employment or business.

Draft Ordinance Section 6-1-2.2. With additional exception for transporting loaded rifle or shotgun

- (a) It shall be unlawful for any person to transport, possess or carry a loaded shotgun or loaded rifle in any vehicle on any public street, road or highway within the county. Any violation of this section shall be punishable by a fine of not more than \$100.

- (b) The provisions of this section shall not apply to duly authorized law enforcement officers or military personnel in the performance of their lawful duties, to any person who reasonably believes that a loaded rifle or shotgun is necessary for his personal safety in the course of his employment or business, ***nor to any person transporting a malfunctioning rifle or shotgun for the purpose of having it repaired or otherwise rendered safe.***

Code of Virginia § 15.2-1209.1. Allowing counties to regulate carrying of loaded firearms on public highways (Currently Not Utilized)

The governing body of any county is hereby empowered to adopt ordinances making it unlawful for any person to carry or have in his possession, for the purpose of hunting, while on any part of a public highway within such county a loaded firearm when such person is not authorized to hunt on the private property on both sides of the highway along which he is standing or walking; and to provided a penalty for violation of such ordinance not to exceed a fine of \$100. The provisions of this section shall not apply to persons carrying loaded firearms in moving vehicles or for purposes other than hunting, or to persons acting at the time in defense of persons or property.

Code of Virginia § 15.2-915.5. Allowing counties authorities to regulate disposition of firearms acquired by localities (Currently Not Utilized)Cont.

A. No locality or agent of such locality may participate in any program in which individuals are given a thing of value provided by another individual or other entity in exchange for surrendering a firearm to the locality or agent of such locality unless the governing body of the locality has enacted an ordinance, pursuant to § 15.2-1425, authorizing the participation of the locality or agent of such locality in such program.

B. Any ordinance enacted pursuant to this section shall require that any firearm received, except a firearm of the type defined in § 18.2-288 or 18.2-299 or a firearm the transfer for which is prohibited by federal law, shall be offered for sale by public auction or sealed bids to a person licensed as a dealer pursuant to 18 U.S.C. § 921 et seq. Notice of the date, time, and place of sale shall be given by advertisement in at least two newspapers published and having general circulation in the Commonwealth, at least one of which shall have general circulation in the locality in which the property to be sold is located. At least 30 days shall elapse between publication of the notice and the auction or the date on which sealed bids will be opened. Any firearm remaining in possession of the locality or agent of the locality after attempts to sell at public auction or by sealed bids shall be disposed of in a manner the locality deems proper, which may include destruction of the firearm or, subject to any registration requirements of federal law, sale of the firearm to a licensed dealer.

Draft Ordinance Section 6-1-2.3. Carrying of loaded firearms on public highway (Enabling Code of Virginia § 15.2-1209.1)

- (a) No person shall carry or have a loaded firearm in his possession, for the purpose of hunting, while standing or walking on any part of a public highway within the county when such person is not authorized to hunt on the private property on both sides of the highway along which he is standing or walking. Any violation of this section shall be punishable by a fine of not more than \$100.
- (b) The provisions of this section shall not apply to persons carrying loaded firearms in moving vehicles or for purposes other than hunting, or to persons acting at the time in defense of persons or property.

Discussion

Code of Virginia § 15.2-916. Prohibiting shooting of compound bows, slingbows, arrowguns, crossbows, longbows, and recurve bows. Effective July 1, 2018

Any locality may prohibit the shooting of an arrow from a bow or arrowgun in a manner that can be reasonably expected to result in the impact of the arrow upon the property of another without permission from the owner or tenant of such property. For the purposes of this section, “bow” includes all compound bows, crossbows, slingbows, longbows, and recurve bows having a peak draw weight of 10 pounds or more. The term “bow” does not include bows that have a peak draw weight of less than 10 pounds or that are designed or intended to be used principally as toys. The term “arrow” means a shaft-like projectile intended to be shot from a bow.

Draft amendment of County Code Section 6-4-1. Shooting of bows and arrowguns

It shall be unlawful for any person to shoot an arrow from a bow or arrowgun in a manner that can be reasonably expected to result in the impact of the arrow upon the property of another without permission from the owner, fee holder or tenant of the property on which the arrow is expected to impact. For the purposes of this section, “bow” includes all compound bows, crossbows, longbows and recurve bows having a peak draw weight of ten pounds or more. The term “bow” does not include bows which have a peak draw of less than ten pounds or which are designed or intended to be used principally as toys. The term “arrow” means a shaft-like projectile intended to be shot from a bow.