

1/22/21

HB 1304

Rep. Ben Koppelman- Testimony

Mr. Chairman and Members of the Committee,

Thank you for the opportunity to introduce HB 1304 to you today. I introduced this bill to achieve two goals: remove the hours of carry restrictions from law and adjust the penalties for this portion of the weapons chapter to be more reasonable and consistent with other sections of the chapter.

For any of you who have been through the state concealed carry classes, you may remember this section, where the instructor attempts to explain the hours of carry for a handgun and the applicability of the section. It often yields many questions and is considered confusing and hard to put into practice. The language currently has different rules for carrying a handgun during daytime hours versus nighttime hours.

I believe this language has been in code for quite a long time and certainly predates constitutional carry as well as many other modern carry provisions of the weapons chapter. Let's keep in mind that individuals that are not allowed to possess a handgun are breaking the law if a handgun is in their possession, whether loaded or unloaded, secured or unsecured, concealed or in the open. I realize that there is value in keeping a simple direction of how a handgun is to be carried if not concealed, especially for those that don't qualify for constitutional carry due to residency requirements. It is worth pointing out that these provisions already do not apply to a concealed weapons license holder, anyone who qualifies for constitutional carry, or anyone who has concealed weapons license reciprocity. After talking to some in law enforcement, this appears to be a provision that is very rarely if ever used. It seems to make sense to simplify this section of code.

As far as the penalty, the intent here would be to make the penalty for 62.1-03-01 an infraction which would be consistent with the other rules of carry sections that can be found in 62.1-02. Also, the intent would be to make the general penalty for 62.1-03 to require a "willful" violation in order to be charged with a crime. In discussions about this bill with BCI, it was brought to my attention that we needed an amendment to achieve these goals dealing with the penalty and that is why you will see that marked up amendment attached to my testimony.

Mr. Chairman, I request that you attach the amendment 21.0777.01001, and give the amended bill a Do-Pass recommendation. I would be happy to answer any questions that you may have.