

AN ACT EXEMPTING FROM FEDERAL REGULATION UNDER THE COMMERCE CLAUSE OF THE CONSTITUTION OF THE UNITED STATES A FIREARM, A FIREARM ACCESSORY, OR AMMUNITION MANUFACTURED AND RETAINED IN THE COMMONWEALTH OF VIRGINIA; AND PROVIDING AN APPLICABILITY DATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF VIRGINIA:

Section 1. Short title. [Sections 1 through 6] may be cited as the "Virginia Firearms Freedom Act".

Section 2. Legislative declarations of authority. The legislature declares that the authority for [sections 1 through 6] is the following:

(1) The 10th amendment to the United States constitution guarantees to the states and their people all powers not granted to the federal government elsewhere in the constitution and reserves to the state and people of the Commonwealth of Virginia certain powers as they were understood at the time that Virginia was admitted to statehood in 1788. The guaranty of those powers is a matter of contract between the state and people of the Commonwealth of Virginia and the United States as of the time that the compact with the United States was agreed upon and adopted by the Commonwealth of Virginia and the United States in 1788.

(2) The ninth amendment to the United States constitution guarantees to the people rights not granted in the constitution and reserves to the people of the Commonwealth of Virginia certain rights as they were understood at the time that Virginia was admitted to statehood in 1788. The guaranty of those rights is a matter of contract between the state and people of the Commonwealth of Virginia and the United States as of the time that the compact with the United States was agreed upon and adopted by the Commonwealth of Virginia and the United States in 1788.

(3) The regulation of intrastate commerce is vested in the states under the 9th and 10th amendments to the United States constitution, particularly if not expressly preempted by federal law. Congress has not expressly preempted state regulation of intrastate commerce pertaining to the manufacture on an intrastate basis of firearms, firearms accessories, and ammunition.

(4) The second amendment to the United States constitution reserves to the people the right to keep and bear arms as that right was understood at the time that the Commonwealth of Virginia was admitted to statehood in 1788, and the guaranty of the right is a matter of contract between the state and people of the Commonwealth of Virginia and the United States as of the time that the compact with the United States was agreed upon and adopted by the Commonwealth of Virginia and the United States in 1788.

(5) Article I Section 13 of the Constitution of the Commonwealth of Virginia clearly secures to citizens of the Commonwealth of Virginia, and prohibits government interference with, the right of individual citizens of the state to keep and bear arms. This constitutional protection is unchanged from the 1776 constitution of the Commonwealth of Virginia, which was approved by the people of the Commonwealth of Virginia, and the right exists as it was understood at the time that the compact with the United States was agreed upon and adopted by the Commonwealth of Virginia and the United States in 1788.

Section 3. Definitions. As used in [sections 1 through 6, the following definitions apply:

(1) "Firearms accessories" means items that are used in conjunction with or mounted upon a firearm but are not essential to the basic function of a firearm, including but not limited to telescopic or laser sights, magazines, flash or sound suppressors, folding or aftermarket stocks and grips, speedloaders, ammunition carriers, and lights for target illumination.

(2) "Generic and insignificant parts" includes but is not limited to springs, screws, nuts, and pins.

(3) "Manufactured" means that a firearm, a firearm accessory, or ammunition has been created from basic materials for functional usefulness, including but not limited to forging, casting, machining, or other processes for working materials.

Section 4. Prohibitions. A personal firearm, a firearm accessory, or ammunition that is manufactured commercially or privately in the Commonwealth of Virginia and that remains within the borders of the Commonwealth of Virginia is not subject to federal law or federal regulation, including registration, under the authority of congress to regulate interstate commerce. It is declared by the legislature that those items have not traveled in interstate commerce. This section applies to a firearm, a firearm accessory, or ammunition that is manufactured in the Commonwealth of Virginia from basic materials and that can be manufactured without the inclusion of any significant parts imported from another state. Generic and insignificant parts that have other manufacturing or consumer product applications are not firearms, firearms accessories, or ammunition, and their importation into the Commonwealth of Virginia and incorporation into a firearm, a firearm accessory, or ammunition manufactured in the Commonwealth of Virginia does not subject the firearm, firearm accessory, or ammunition to federal regulation. It is declared by the legislature that basic materials, such as unmachined steel and unshaped wood, are not firearms, firearms accessories, or ammunition and are not subject to congressional authority to regulate firearms, firearms accessories, and ammunition under interstate commerce as if they were actually firearms, firearms accessories, or ammunition. The authority of congress to regulate interstate commerce in basic materials does not include authority to regulate firearms, firearms accessories, and ammunition made in the Commonwealth of Virginia

from those materials. Firearms accessories that are imported into the Commonwealth of Virginia from another state and that are subject to federal regulation as being in interstate commerce do not subject a firearm to federal regulation under interstate commerce because they are attached to or used in conjunction with a firearm in the Commonwealth of Virginia.

Section 5. Exceptions. [Section 4] does not apply to:

- (1) a firearm that cannot be carried and used by one person;
- (2) a firearm that has a bore diameter greater than 1 1/2 inches and that uses smokeless powder, not black powder, as a propellant;
- (3) ammunition with a projectile that explodes using an explosion of chemical energy after the projectile leaves the firearm; or
- (4) a firearm that discharges two or more projectiles with one activation of the trigger or other firing device.

Section 6. Marketing of firearms. A firearm manufactured or sold in the Commonwealth of Virginia under [sections 1 through 6] must have the words "Made in Virginia" clearly stamped on a central metallic part, such as the receiver or frame.

Section 7. Codification instruction. [Sections 1 through 6] are intended to be codified as an integral part of Title 59.1 , and the provisions of Title 59.1 apply to [sections 1 through 6].

Section 8. Applicability. [This act] applies to firearms, firearms accessories, and ammunition that are manufactured, as defined in [section 3], and retained in the Commonwealth of Virginia effective immediately.