



Resolution Demanding the Governor of Virginia Accept and Use the \$5 Million in the 2022 Bipartisan Safer Communities Act (BSCA) Awarded to Virginia in 2023 to Prevent Gun Tragedies

Sponsored by Paul Friedman, Boyd Walker, Sean Casey, and Kelly Johnson

Whereas on June 25, 2022, President Joe Biden signed the Bipartisan Safer Communities Act (BSCA) into law;

Whereas “the BSCA provides a \$750 million incentive program, allotted over five years, to states that implement crisis intervention services. These [services] can include mental health courts, drug courts, and extreme risk protection orders, also known as “red flag” laws. Red flag laws generally allow specified parties—primarily law enforcement officers and family members, but sometimes others—to petition courts to order the temporary removal of firearms from individuals who are judicially determined to present a risk of harm to themselves or others;”

Whereas out of concern for due process concerns, the BSCA “seeks to guarantee certain protections to individuals who may be subject to red flag laws—such as “the right to an in-person hearing, an unbiased adjudicator, the right to know opposing evidence, the right to present evidence, and the right to confront adverse witnesses,” as well as the right to bring counsel to the hearing. The BSCA does this by conditioning state use of federal funds on the state including such protections in its red flag law.

Whereas States that choose not to implement red flag laws will not have their share of this funding reduced and may use it for other qualifying crisis intervention programs;”

Whereas in 2020, Virginia passed the *Emergency Substantial Risk Order (ESRO)* law and shall use these funds to facilitate and promote this law;

Whereas to receive these funds, states must apply for them and agree to accept them from the Department of Justice;

Whereas Virginia is among the states that have been awarded funds but have yet to join with the 47 other states to accept them.

Therefore, be it Resolved,

That the ADC demands that the Governor of the Commonwealth of Virginia accept and use the \$5 Million in 2022 Bipartisan Safer Communities Act awarded to Virginia in 2023 to prevent gun tragedies.

Notes

- 1) <https://www.npr.org/2022/06/25/1107626030/biden-signs-gun-safety-law>
- 2) <https://firearmslaw.duke.edu/2022/07/the-bipartisan-safer-communities-act-what-does-the-law-do-and-how-might-it-be-impacted-by-bruen/>
- 3) <https://firearmslaw.duke.edu/2022/07/the-bipartisan-safer-communities-act-what-does-the-law-do-and-how-might-it-be-impacted-by-bruen/>
- 4) <https://law.lis.virginia.gov/vacode/19.2-152.13/>
- 5) <https://data.ojp.usdoj.gov/stories/s/O-BJA-2023-171458/b5xz-as5z/>
- 6) <https://bj.a.ojp.gov/funding/O-BJA-2023-171458.pdf>