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February 24, 2009

John Watkins Talks About Guns and REAL ID

As the 2009 session of Virginia's General Assembly is approaching its close, I'd like to tell you about some of the issues that were in the headlines and of interest to a great number of the citizens of the 10<sup>th</sup> Senatorial District.

There were three primary pieces of firearms legislation, one of which I sponsored. SB 1166, which passed the Senate and was ultimately killed in a House subcommittee, would have done two things. It would have placed in statute a Freedom of Information exemption for information filed by firearms purchasers that is required in order for a background check to be performed. My bill would have retained the privacy of those forms and that information. Secondly, it raised the fee for the background check from \$2 to \$5 in state, and from \$5 to \$8 for out-of-state background checks.

This was a modest increase in a program that has not been increased since its inception back in 1989. Other background checks, i.e., to obtain a concealed weapons permit, permits for loan originator applications, and other business filings are considerably higher and usually run somewhere in the \$30 to \$50 range.

The number of background checks performed by the State Police has risen from roughly 40,000 in 1990 to 240,000 last year. This system has resulted in the apprehension of some 10,000 people who were trying to illegally purchase weapons here in Virginia. Without the additional funds, our State Police will be forced to reduce other public safety priorities to provide for the background checks needed for gun purchases.

The second piece of legislation was the "gun show loophole," which was introduced by Senator Marsh. I voted against this legislation. I was concerned that the way the statute was drawn it could be broadened to prevent the ability of individuals to sell or barter a weapon with neighbors, friends or relatives. It also included all hunting weapons.

The third piece of legislation is still in debate at this time. This bill would require localities that come into possession of confiscated weapons to sell or auction these weapons. I think we should not put localities in the business of selling firearms. Localities should have the discretion to request proposals for the purchase of valuable weapons, but they should also have the discretion to destroy every day handguns, etc., that repeatedly are utilized in criminal activity. This legislation should be voted on in this final week of the legislature.

Another topic of high interest this session was the REAL ID Act, considered at this year's session as Senate Bill 1431.

Federally mandated REAL ID has been an issue at the General Assembly over the last five years. This specific legislation would have mandated Virginia not to adhere to any of the regulatory structure of REAL ID. This requirement would thwart any attempt by the Commonwealth to establish legal identity mandated by state law six years ago because of the issues surrounding immigration. It would seem counterproductive to me to abandon the requirements for legal presence at this time.

As the federal regulations continue to proceed with the implementation of REAL ID, many of the practicalities of its implementation are moving the Department of Motor Vehicles in a preferred direction. The state will ultimately control the data bases that have the information on Virginia citizens. This is not unlike many license and registration systems that currently exist in Virginia with the State Corporation Commission and the Department of Professional and Occupational Regulation, as well as the Health Department.

With that in mind, I would indicate this legislation has been modified to protect much of the REAL ID information and to limit some of the types of information that are retained. Full implementation of REAL ID for individuals under 50 years of age will take place fairly soon. For those of us older than 50, it will be phased in later years.

The major hurdle that remains to be overcome is that the federal government is going to require a compliant system for identification in order for one to board an airplane, even for domestic flights, a ship and perhaps any form of mass transit in the future. I think it is important that we all keep in mind that one-third of the hijackers who attacked New York and Washington, DC on 9/11 had Virginia identification. We have had to make significant changes in order to avoid anything like that from ever happening again.

I voted in favor of SB 1431. It is now in the House of Delegates and will be voted on during this final week of the General Assembly.

To learn more about any other legislation of interest to you, please visit the General Assembly web site at: <http://legis.state.va.us>. As always, I value your opinions and suggestions, and invite you to call or write to me on issues of concern to you.

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