

**Governor's School and Campus Safety Task Force
Public Safety Work Group
Proposed Recommendations
January 31, 2013**

Civil Immunity

Recommendation PS – 1

This proposal expands current Virginia law by extending immunity to any person who reports, with good faith, information that an individual poses credible danger of serious bodily injury or death to one or more students, school personnel, or others on school property. Both present law and the proposal include institutions of higher education.

Background

Current law provides limited immunity for teachers, administrators, or staff who report bomb threats or drug or alcohol use in schools.

Need

The need to gather information about persons who may present a threat to persons in schools is obvious. Expansion of the scope of persons protected is necessary, because limiting the immunity to school staff fails to cover many people who may be in a better position to receive information about threats, such as students and parents. In an increasingly litigious society, immunity is necessary to encourage communication of threats, so that they may be investigated and the risk assessed before a violent incident occurs.

Anticipated Pros and Cons to Implementation of Recommendation(s)

Trial lawyers might oppose.

Proposed Amendment

Proposed amendment under development.

Fiscal Impact

There will be no fiscal impact to implement this recommendation.

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Lockdown Drills Mandated

Recommendation PS – 2

This recommendation requires all public schools to conduct one lockdown drill by February 1 of each year.

Background

Fire drills are required in code to be conducted once a week for the first month of school and once a month every month thereafter. Requiring all schools to conduct one lockdown drill each school year will assist them in preparing for an intruder or other internal incident. It will assist them in training for protecting in place or determining what is reasonable and necessary for such an incident. Conduct of one (1) lockdown drill, shall be accomplished no later than February 1 of each school year. The February time line would prevent schools from waiting to the end of the school year to conduct the drill. Virginia law already requires fire drills and one tornado drill.

Need

While school children have long practiced fire drills, lockdown drills require an entirely different process and are not as widely practiced. Compliance with, and timeliness of this particular drill is important. Requiring it before February 1 will make the drill happen while it is still relevant to the school calendar.

Anticipated Pros and Cons to Implementation of Recommendation(s)

Schools must give up some curriculum time to accomplish the drill, typically less than 15 minutes. Some will argue that performing the drill may traumatize children. There appears to be no research to support this hypothesis. Training improves the chances of proper performance in an actual emergency.

Proposed Amendment

Proposed amendment to Code Section 22.1-137 under development.

Fiscal Impact

There will be no immediate fiscal impact to implement this recommendation.

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Designation of Emergency Manager For Schools

Recommendation PS – 3

Each school division within the Commonwealth shall designate an Emergency Manager who can coordinate school preparedness within the division and also coordinate with the local emergency responders. The designated staff member would be required to complete a minimum training requirement.

Background

There is currently no specified coordination contact for schools and emergency responders.

Need

There is a lack of school preparedness coordination between the school divisions and the localities.

Anticipated Pros and Cons to Implementation of Recommendation(s)

This would be a mandate by the state to the locality and/or the school division, which some might find objectionable, but it is a mandate with no budgetary impact. The major challenge would be identifying a staff member qualified to serve in the position. Local Emergency Managers would likely support the recommendation because it would provide another avenue for coordination between the school system and the locality. The training specified is available through the Federal Emergency Management Agency as an on-line, self-directed course of study at no cost to the individual or to the school divisions. The training is designed specifically to familiarize school personnel with the National Incident Management System and help them work with local emergency response agencies.

Proposed Amendment

Proposed amendment under development.

Fiscal Impact

There will be no expected fiscal impact to implement this recommendation.

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Juvenile Records Information Sharing

Recommendation PS – 4

Facilitates sharing of juvenile intake and petition information with school divisions and public and private institutions of higher education.

Background

This proposal amends and re-enacts §§ 16.1-260, 16.1-300, 16.1-305.2, of the Code of Virginia relating to sharing juvenile intake and petition information with school divisions and public and private institutions of higher education.

It makes the following changes:

- Requires juvenile intake officers to notify school division superintendents, the chief of campus police departments, and the local chief of police or sheriff of any juvenile who poses a credible danger to the school, staff, or students.
- Requires notification of intake petitions filed on certain offenses to be shared with the chief of the campus police department in which the juveniles is enrolled. Under current law, this information is shared only with the school division superintendent.
- Adds to information subject to the notification requirements to be provided to the school division superintendent (and chief of the campus police department) to include:
 - Any delinquency petition for all violent juvenile felony offenses and
 - Any petition filed pursuant to the Psychiatric Treatment of Minors Act.
- Retains the limitation on the redisclosure of intake petition information to that provided for in § 16.1-305.2.
- Adds an exception to the confidentiality of Department of Juvenile Justice records to provide for the sharing of confidential juvenile information with school division or public or private nonprofit institution of higher education threat assessment teams.
- Allows the notification of intake petition information to be shared with any threat violence prevention or threat assessment team established by a school division, a public institution of higher education, or a private nonprofit institution of higher education.
- Prohibits the sharing of any petition filed pursuant to the Psychiatric Treatment of Minors Act with any students.

Need

Currently, Code prohibits the sharing of information from DJJ to schools and campus authorities. Valuable information should be shared when needed if individuals pose a clear and imminent threat to self or others.

Proposed Amendment

Proposed amendment to §§ 16.1-260, 16.1-300, 16.1-305.2, is under development.

Fiscal Impact:

There will be no fiscal impact to implement this recommendation.

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Public Safety Study

Recommendation PS –5

The Public Safety Workgroup of the Governor's School and Campus Safety Taskforce will commission and oversee a study to evaluate and assess the feasibility of armed security personnel within the school building, weighing the pros and cons and assessing the risks and liability concerns. Report from this study will be provided by June 30, 2013 to the Governor's School and Campus Safety Task Force.

Background

With the public concern over the massacre at Sandy Hook in Connecticut, there is a need to evaluate the necessity, validity, risks, liability and costs associated with providing an increased level of armed surveillance in our public and private schools.

Need

There needs to be a reasonable and thorough study of categories of security and law enforcement personnel currently working on schools and campuses. Options available for increased armed personnel and required training will be examined and reported back to the Governor's School and Campus Safety Task Force.

Anticipated Pros and Cons to Implementation of Recommendation(s)

Many may feel there is an immediate need to react and provide either more School Resource Officers or arm school principals or school security officers in order to solve this problem.

Proposed Amendment

None needed.

Fiscal Impact

There will be a fiscal impact, to be determined, to implement this recommendation.

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Funding For SRO Incentive Grant Fund

Recommendation PS – 6

This recommendation restores funding to Code of Virginia Section § 9.1-110. School Resource Officer Grants Program and Fund.

Background

From the funds appropriated for such purpose and from the gifts, donations, grants, bequests, and other funds received on its behalf, there is established (i) the School Resource Officer Grants Program, to be administered by the Board, in consultation with the Board of Education, and (ii) a special nonreverting fund within the state treasury known as the School Resource Officer Incentive Grants Fund, hereinafter known as the "Fund." The Fund shall be established on the books of the Comptroller, and any moneys remaining in the Fund at the end of the biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall remain in the Fund and be credited to it.

A. Subject to the authority of the Board to provide for its disbursement, the Fund shall be disbursed to award matching grants to local law-enforcement agencies and local school boards that have established a collaborative agreement to employ uniformed school resource officers, as defined in § [9.1-101](#), in middle and high schools within the relevant school division. The Board may disburse annually up to five percent of the Fund for the training of the school resource officers. School resource officers shall be certified law-enforcement officers and shall be employed to help ensure safety, to prevent truancy and violence in schools, and to enforce school board rules and codes of student conduct.

B. The Board shall establish criteria for making grants from the Fund, including procedures for determining the amount of a grant and the required local match. Any grant of general funds shall be matched by the locality on the basis of the composite index of local ability to pay. The Board may adopt guidelines governing the Program and the employment and duties of the school resource officers as it deems necessary and appropriate.

Need

The SRO Incentive Grant Fund currently has no general funds available for making SRO grants. The general funds that were used to make SRO grants have been eliminated over the past 7 years as a result of state budget reductions.

Proposed Amendment

Recommendation restores appropriation.

Fiscal Impact

There will be a fiscal impact, to be determined, to implement this recommendation.

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Critical Incident Response Model Curriculum

Recommendation PS – 7

This recommendation requires DCJS, VSP, and DOE to develop a model Critical Incident Response training for school personnel to be implemented in both an online and in classroom module. It also requires the production of a prevention video on response to a critical incident in the school. Some school personnel are not currently receiving training on responding to critical incidents in schools.

Background

Currently, there is not a requirement for school employees to attend response to critical incident training. This recommendation requires DCJS, VSP, and DOE to develop and implement a training series on critical incident response for school personnel which is easily accessible and available in a video format.

Need

The anticipated result of this recommendation is that school personnel will have access to readily available training and easily understood actions that they can take to respond to critical incidents within the school building that will reduce potential injuries and casualties.

Proposed Amendment

Proposed amendment under development.

Fiscal Impact

There will be a fiscal impact, to be determined, to implement this recommendation.

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Mandatory Establishment of Security And Vulnerability Checklists And Sharing of Crisis Management Plans With Law Enforcement and First Responders

Recommendation PS – 8

A - Mandates an annual school safety team vulnerability checklist be conducted using a standardized safety protocol provided by the VCSS and inclusive of CPTED principles. Results of such checklist will be shared with local law enforcement.

B - Requires School Superintendants to share the results of the safety audits with the Chief Law Enforcement Officer and the school crisis, emergency and medical response plans with the Chief Law Enforcement Officer and Chief Fire/EMS official of their locality.

Background

Code of Virginia currently mandates schools to conduct school safety audits annually as determined by the Virginia Center for school safety. However, school safety team building security vulnerability checks are not mandated. The school safety audit survey of principals was not intended to replace building security checks.

Need

The need for this mandate is based on today's safety concerns in our public schools. Law enforcement would be better prepared to respond to an incident or crisis in a school if the strengths and weaknesses identified in the reports were known.

Proposed Amendment

Proposed amendment under development to § 22.1-279.8. (School safety audits and school crisis, emergency management, and medical emergency response plans required.)

Fiscal Impact

There will be a fiscal impact, to be determined, to implement this recommendation.

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Funding For Facility Upgrades

Recommendation PS – 9

Proposes the creation of a \$10 million fund to provide grants and loans to localities, subject to local match, for facility upgrades of older facilities to improve security.

Background

Propose the creation of a fund to provide grants and loans to localities, subject to a local match, for facility upgrades of older schools to improve security.

Need

Incorporation of security considerations when designing school buildings is current practice, and the design of new school buildings usually takes security into account, subject to cost constraints. In many localities, school facilities remain in use that were built over 30 years ago. Due to the cost of new construction, these older buildings remain necessary resources for Virginia localities and must remain in use. This fund would assist localities in making needed upgrades to improve security by retrofitting such items as video surveillance systems, entry controls, including key-card entry, and panic buttons either in central offices or classrooms to summon police.

Anticipated Pros and Cons to Implementation of Recommendation(s)

The primary resistance will be cost. The initially suggested appropriation was \$6 million, as the cost of capital improvements can be very substantial.

Proposed Amendment

Under development.

Fiscal Impact

There will be a fiscal impact, to be determined.

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Mandatory Study of College Threat Assessment Teams

Recommendation PS – 10

DCJS will conduct a study to determine compliance with 2008 legislation and evaluate the nature and quality of threat assessment teams in Virginia colleges and universities. Recommendations will be made to the General Assembly on needed improvements. Universities will be required to participate in this study.

Background

Following the tragedy at Virginia Tech in 2007, the General Assembly created legislation in 2008 mandating that all public colleges and universities develop violence prevention committees and threat assessment teams. DCJS offered training courses on the development, implementation and management of such teams from 2008- 2012. At this time, there has been no dedicated study evaluating the quality or impact of these teams. Also, there is no mechanism to determine if improvements or modifications are necessary to facilitate the success of these teams.

§ [23-9.2:10](#). Violence prevention committee; threat assessment team.

A. Each public college or university shall have in place policies and procedures for the prevention of violence on campus, including assessment and intervention with individuals whose behavior poses a threat to the safety of the campus community.

B. The board of visitors or other governing body of each public institution of higher education shall determine a committee structure on campus of individuals charged with education and prevention of violence on campus. Each committee shall include representatives from student affairs, law enforcement, human resources, counseling services, residence life, and other constituencies as needed. Such committee shall also consult with legal counsel as needed. Once formed, each committee shall develop a clear statement of: (i) mission, (ii) membership, and (iii) leadership. Such statement shall be published and available to the campus community.

C. Each committee shall be charged with: (i) providing guidance to students, faculty, and staff regarding recognition of threatening or aberrant behavior that may represent a threat to the community; (ii) identification of members of the campus community to whom threatening behavior should be reported; and (iii) policies and procedures for the assessment of individuals whose behavior may present a threat, appropriate means of intervention with such individuals, and sufficient means of action, including interim suspension or medical separation to resolve potential threats.

D. The board of visitors or other governing body of each public institution of higher education shall establish a specific threat assessment team that shall include members from law enforcement, mental health professionals, representatives of student affairs and human resources, and, if available, college or university counsel. Such team shall implement the assessment, intervention and action policies set forth by the committee pursuant to subsection C.

E. Each threat assessment team shall establish relationships or utilize existing relationships with local and state law-enforcement agencies as well as mental health agencies to expedite assessment and intervention with individuals whose behavior may present a threat to safety. Upon a preliminary determination that an individual poses a threat of violence to self or others, or exhibits significantly disruptive behavior or need for assistance, a threat assessment team may obtain criminal history record information, as provided in §§ [19.2-389](#) and [19.2-389.1](#), and health records, as provided in § [32.1-127.1:03](#). No member of a threat assessment team shall redisclose any criminal history record information or health information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose for which such disclosure was made to the threat assessment team.

Need

1. DCJS should conduct a study to determine compliance with the new law and to evaluate the nature and quality of threat assessment teams in Virginia colleges and universities, and should make recommendations to the General Assembly on any needed improvements.
2. Virginia colleges and universities should be required to participate in a safety audit of college threat assessment services at their institution, including the release of deidentified data on cases.

Proposed Amendment

Legislation is under development to add these duties to DCJS.

Fiscal Impact

There will be a fiscal impact, to be determined, to implement this recommendation.

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Mandated Reporting Threat Assessment Analysis

Recommendation PS – 11

Requires schools to annually report to the VCSS quantitative data collected on threat assessment. VCSS will examine the effectiveness of these processes and analyze statewide trends.

Background

School divisions shall annually report, to the Virginia Center for School Safety, quantitative data collected on threat assessments. The content of required data elements will be determined by the Virginia Center for School Safety.

Many school divisions have been using the UVA paradigm for threat assessments. However, collecting quantitative information and not conducting any qualitative review is not academically sound. There is currently no information available on how many threat assessments are being done, or research on the appropriateness of measures taken or how they have occurred and been sustained. Collecting quantitative data is the first step and would allow VCSS to examine this issue, along with trends, state-wide.

Need

If threat assessment teams in K-12 schools are to continue or be mandated, there needs to be dedicated research to determine the effectiveness of such a program.

Proposed Amendment

Proposed amendment to § 22.1-279.8 under development.

Fiscal Impact

There will be a fiscal impact, to be determined, to implement this recommendation.

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Funding For Threat Assessment Protocols

Recommendation PS – 12

Creates a fund within the Virginia Center for School Safety to provide assistance to localities for developing threat assessment based protocols.

Background

Many of the tragic school shooting incidents share as a common theme the failure of a school or community to identify persons who present a risk of violence prior to a crisis developing. This proposal creates the Virginia School and Campus Safety Fund to support Virginia Center for School Safety in providing technical assistance to localities in developing behavior-based threat assessment protocols.

Need

Additional funds are needed for Virginia Center for School Safety to offer technical assistance to localities on the development and implementation of such teams. DCJS has historical knowledge in the development and management of college and university threat assessment teams and understands the processes and assistance needed to institute them at the K-12 level.

Proposed Amendment

Proposed amendment to § 9.1-102 under development.

Fiscal Impact

There will be a fiscal impact, to be determined, to implement this recommendation.

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Mandated K-12 Threat Assessment Teams

Recommendation PS – 13

This recommendation requires each School Board to establish a violence prevention committee and requires each K-12 school to have a threat assessment team similar to those required of public colleges and universities in §23-9.2:10 of the Code of Virginia.

- Requires local school boards to develop and implement policies and procedures for violence prevention and establish a committee tasked with violence prevention education and intervention.

- Requires the division superintendent to establish a specific threat assessment team in each school in the division.

Background

Threat assessment is an approach to violence prevention in schools that was recommended by the FBI, Secret Service, and US Department of Education. Following the Virginia Tech shooting, the General Assembly mandated that Virginia public colleges and universities establish threat assessment teams. However, Virginia did not mandate threat assessment for K-12 public schools

Need

According to the DCJS School Safety Audit, the majority of Virginia schools now use threat assessment and most of them use the guidelines for threat assessment developed at the University of Virginia. There is a body of peer-reviewed research on the UVA guidelines in Virginia schools showing that use of the UVA guidelines for responding to student threats of violence have a positive impact on schools and students, including reductions in school suspensions, reductions in bullying, increased use of counseling for students and involvement of parents in resolving student threats. There is also evidence of improved student behavior, as reflected in declining suspension rates in schools using the UVA guidelines in comparison to schools not using the UVA guidelines.

However, a substantial number of school divisions do not use threat assessment and among those who do use threat assessment, there is a need for ongoing training for new staff members. A few years after training, there will be turnovers in school administration, counselors, and school resource officers, with new staff that are not trained in threat assessment.

The University of Virginia has provided training in threat assessment on a division by division basis over the past 10 years. Approximately 6-8 divisions receive training each year upon request. This is a slow process that will not reach all schools or provide updated training for schools after staff turnover occurs. So there is a need to provide larger scale training and a need to train trainers for each school division so that the school divisions can provide in-house training for new staff.

Training in threat assessment using the UVA guidelines requires each school to send a team for one day of training and to purchase and review the manual, Guidelines for Responding to Student Threats of Violence. The team should consist of a school administrator, one or more mental health professionals (typically school counselor and school psychologist, and school social workers if available), and a school resource officer.

Specific requirements are outlined below:

1. Each public school K-12 should have a threat assessment team. All schools should have a trained threat assessment team within two years.
2. Each threat assessment team should include a school administrator who heads the team, a school counselor, a school psychologist, and a law enforcement representative such as a school resource officer. Additional team members may be included on the team at the discretion of the school division. The school administrator who heads the team must be based in the school.
3. The Virginia Center for School Safety of the DCJS should establish standards for threat assessment training and certify that schools have completed adequate training. This training can include a requirement for training new team members.

This recommendation also eliminates specific barriers to information sharing on specific threats.

Proposed Amendment

Proposed amendment under development.

Fiscal Impact

There will be a fiscal impact, to be determined, to implement this recommendation.

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Criminal Offenses

Recommendation PS – 14

Straw-man purchases, prohibited under existing Virginia law, occur when a person who lawfully may purchase a firearm purchases a firearm with the intent to transfer that firearm to a person who is ineligible to purchase a firearm. Depending on circumstances, this is punishable either as a Class 6 felony (1-5 years) or as a Class 5 felony. (1-10 years). This proposal increases the punishment for all straw-man transactions, adds a mandatory 1 year punishment for the purchaser, and adds a new mandatory punishment of 10 years for the ineligible person if the transaction involves multiple firearms.

Background

Propose to increase the penalty for “straw-man” purchases of firearms from Class 6 (1-5 years) / Class 5 (1-10 years) to Class 4 (2-10 years) and adds/increases mandatory minimum punishments.

Need

The purpose of this change is to deter persons from purchasing firearms with the intent to transfer them to ineligible persons.

Anticipated Pros and Cons to Implementation of Recommendation(s)

Other than cost, or an argument that the punishment is too harsh, there are no counter-arguments to the recommendation. No significant opposition to this proposal should be expected, as gun rights advocates generally do not publicly advocate for the freedom to make straw-man purchases. For maximum effectiveness, a public information campaign providing notice of the increased penalties would be desirable. Law enforcement could place signage at gun shows (where they are present anyway) and state police could provide window signage for gun shops to post on a voluntary basis.

Proposed Amendment

Proposed amendment under development.

Fiscal Impact

There will be a fiscal impact, to be determined, to implement this recommendation.

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Criminal Offenses

Recommendation PS – 15

Virginia law (Virginia Code §§ 18.2-308.1:1, 18.2-308.1:2, 18.2-308.1:3 and 18.2-308.1:4) presently prohibits purchase or transport of firearms by: 1) persons acquitted by reason of insanity; 2) persons adjudicated legally incompetent or mentally incapacitated; 3) persons involuntarily committed or involuntarily admitted to outpatient treatment, or voluntarily admitted following the issuance of a temporary detention order; and 4) persons subject to protective orders. A violation of state law is punishable as a Class 1 misdemeanor (up to 12 months in jail). Violation of parallel provisions of federal law presently is a felony. This proposal would increase the punishment for the state law violation to a Class 6 felony, punishable by 1-5 years in prison or, in the discretion of the court, up to 12 months in jail.

Background

The prohibition of persons who are the subject of a protective order or mental health problems from purchasing or transporting firearms presently is a violation of both Virginia law and federal law, however there is inconsistent treatment. Virginia law makes it a Class 1 misdemeanor for a person to violate one of the attached Code provisions and the federal law makes it a felony to violate the same provisions. A person who violates these sections has been identified by the Commonwealth under existing law as a person who should not be permitted to purchase or carry a firearm.

Need

1. The increased penalty reflects the seriousness of ineligible persons purchasing and carrying firearms.
2. In addition to authorizing increased punishment in serious cases, the proposed felony sentence gives the Court the option of placing the offender on probation for up to five years, subject to court supervision.

Anticipated Pros and Cons to Implementation of Recommendation(s)

1. Although this proposal would not broaden the prohibition against possessing firearms, some of the persons presently covered by these code sections, such as persons committed for mental health treatment or persons subject to a domestic violence protective order are subject to disqualifications that may be temporary. Addition of a felony conviction to the record would create a further disqualification. This provision may be opposed by gun rights advocates for this reason.
2. Education and domestic violence advocacy groups may support this proposal.

Proposed Amendment Proposed Amendment

Proposed amendment under development.

Fiscal Impact

There will be a fiscal impact, to be determined, to implement this recommendation.

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Criminal Offenses

Recommendation PS – 16

Creates new criminal offenses for entering a school while armed or while in possession of an explosive device while intending to commit a violent felony listed in Code § 19.2-297.1. Proposed punishment is a Class 5 felony (1-10 years).

Background

The Code Section 18.2-308.1 was enacted by the 1979 General Assembly. It has been the subject of several sessions of the Virginia General Assembly as weapons have evolved.

The prohibition against persons possessing firearms on public, private or religious elementary, middle or high school building and intends to use, or attempts to use, such firearm, or displays such weapon in a threatening manner is currently a Class 5 felony. Our schools are charged with overseeing our most precious commodity, our children. This is also the place our children are most vulnerable, as there is a large group of children assembled in a single place making schools an easy target for someone intent on terrorizing our communities and intent on achieving a high body count. Therefore, the punishment for possessing a firearm with the intent to use it or an attempt to use it should reflect our societal values and the seriousness of our intent to protect our schools and our children.

Need

1. The current punishment is insufficient for the serious nature of the crime.
2. As these laws are strengthened the deterrence of the increased punishment may impact the number of and seriousness of incidents. In addition, with the increased punishment, these people will not be in the public after conviction for extended periods of time.

Anticipated Pros and Cons to Implementation of Recommendation(s)

3. The Gun rights groups do not feel that any laws should be changed that impact a person's right to possess a firearm. They will challenge any changes to increase the punishment for these violations. Their argument in this situation is weak, since these persons have displayed mental health issues to a health care provider and the prohibition is not a permanent prohibition.
4. The Virginia Education Association as well as other school groups, will support this legislation because of the potential deterrent effect as well as the increased punishment of those convicted of this crime.

Proposed Amendment

Proposed amendment under development.

Fiscal Impact

There will be a fiscal impact, to be determined, to implement this recommendation.