



COMMONWEALTH OF VIRGINIA
Office of the Commonwealth's Attorney
Goochland County

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May 26, 2206

VIA EMAIL screasey@goochlandva.us

Sheriff Steven N. Creasey
Goochland County Sheriff's Office
2938 River Road W.
Goochland VA 23063

Re: Senate Bill 749 and House Bill 217

Dear Sheriff Creasey:

I write to inform you that my office will not prosecute charges brought solely under Senate Bill 749 (House Bill 217). This new law, effective July 1, 2026, imposes criminal penalties on possession, transfer, purchase, and related (previously lawful) conduct involving commonly owned firearms and magazines. I cannot in good conscience devote the resources of this office to enforcing laws that burden the constitutional right to keep and bear arms.

The Virginia Constitution provides that "the right of the people to keep and bear arms shall not be infringed," and that protection is coextensive with the Second Amendment to the United States Constitution. These are fundamental constitutional guarantees. I believe it is incumbent upon this office to exercise prosecutorial discretion in a manner that protects the lawful exercise of fundamental rights rather than punishing peaceable citizens for conduct newly deemed criminal by these laws.

Accordingly, my office will decline to initiate or pursue prosecutions based on alleged violations of SB 749 (specifically Va. Code § 18.2-287.4:1). To be clear, this decision will not adversely impact this office's prosecution of incidents that involve violence, threats, another independently chargeable offense, or circumstances that present a clear and immediate danger to public safety. I believe this decision, which is not taken lightly, reflects a principled decision to preserve constitutional liberties and to ensure that our finite prosecutorial resources are directed toward genuine criminal conduct.

Again, this decision is not made lightly. It is not a proper exercise of prosecutorial discretion to simply not enforce laws passed by the legislature. It is my firm opinion, however, that in passing this "assault weapons" ban, the legislature passed a state law that infringes on the "higher law" of the land in our United States Constitution and in the Constitution of Virginia.



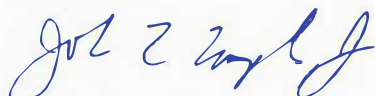
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Of course, in the United States the question of constitutionality of laws passed by legislatures is resolved by our judiciary. Thankfully, that process – in the form of multiple lawsuits challenging the new law – is already underway. I am thankful for the many people and organizations pursuing the proper course to challenge the law. I am hopeful – and given recent plethora of “gun laws” and second amendment-related court decisions, I am optimistic – that the U.S. Supreme Court will eventually address and resolve this issue.

I appreciate the professional responsibilities carried by you and the deputies of the Goochland County Sheriff’s Office. I recognize these new laws place all of Virginia law enforcement agencies in a difficult position.

I wanted to state my position clearly and in advance so that there will be no misunderstanding between our offices. Please convey this policy to your deputies as appropriate. I remain available to discuss implementation concerns and any public safety issues that require our coordinated attention.

Very truly yours,



John L. Lumpkins Jr.
Commonwealth’s Attorney

cc: Members of the Board of Supervisors (via email)
Dr. Jeremy Raley, Goochland County Administrator (via email)
Tara McGee, Esq. Goochland County Attorney (via email)

