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May 15, 2026

Sheriff Roger L. Harris
9119 Dean Ridings Ln.
P.O. Box 124
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In re: Assault Weapons Ban (SB 749 / HB 217) & Public Carry Ban (SB 727 / HB 1524)

Dear Sheriff Harris,

Today it has come to my attention that certain legislation enacted by the General Assembly of Virginia was yesterday signed into law by the Governor of Virginia, to wit: an Assault Weapon Ban (SB 749 / HB 217) and a Public Carry Ban (SB 727 / HB 1524). I write to state that this legislation is inconsistent with the Second Amendment of the U.S. Constitution and Article I, Section 13 of the Virginia Constitution. These laws are unconstitutional and cannot be lawfully enforced.

U.S. Supreme Court precedent expounds the Second Amendment right of the people to keep and bear arms as necessary for a well-regulated militia. Under *U.S. v. Miller*, 307 U.S. 174 (1939), the Second Amendment secures the right of the citizen-soldier to arm himself with those instruments that have "some reasonable relationship to the preservation or efficiency of a well-regulated militia." The arms of a basic infantryman are the primary instruments of a militia. The primary basic infantry weapon for the U.S. military is the M4A1 carbine, equipped with a 30-round magazine. The most popular rifle in America, the AR-15, is modeled after the M4A1 and has an estimated circulation of over 32 million. In *District of Columbia v. Heller*, 554 U.S. 570 (2008), the U.S. Supreme Court ruled that the Second Amendment protects an individual right to possess firearms that are in "common use" for lawful purposes. In *New York State Rifle & Pistol Ass'n, Inc. v. Bruen*, 597 U.S. 1 (2022), the Supreme Court ruled that Second Amendment restrictions must be consistent with "the Nation's historical tradition of firearm regulation." In the historical tradition of Virginia, the law not only permitted but required its citizens to arm themselves with the instruments of a basic infantryman – a musket and 20 rounds – for service in the militia. The Assault Weapons Ban (SB 749 / HB 217) and the Public Carry Ban (SB727 / HB1524) are undoubtedly inconsistent with the historical tradition of Virginia, as articulated by *Miller*, and are thus unconstitutional under *Bruen*. Moreover, *Heller* secures the right of Virginians to keep and bear the most popular rifle in America, an AR-15, for the lawful purpose of readiness for service in the Virginia militia, Va. Code Ann. § 44-1 (2026), as the Founders intended.

Thanking you for your time and attention to this important matter, I am,

Sincerely yours,

G. Ryan McHaffey
Commonwealth's Attorney
Spotsylvania County