

**VIRGINIA:**

**IN THE CIRCUIT COURT FOR THE CITY OF LYNCHBURG**

**MELODY BOYER,  
NATASHA ROUSSEAU,  
GUN OWNERS OF AMERICA, INC.,  
GUN OWNERS FOUNDATION,  
VIRGINIA CITIZENS DEFENSE LEAGUE, and  
VIRGINIA CITIZENS DEFENSE FOUNDATION,**

**Plaintiffs,**

**v.**

**Case No. \_\_\_\_\_**

**COLONEL JEFFREY S. KATZ,  
In His Official Capacity as  
Superintendent of the Virginia State Police  
7700 Midlothian Turnpike  
North Chesterfield, VA 23235,**

**Defendant.**

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

COME NOW Plaintiffs, by counsel, and move this Court for:

**(1)** a declaratory judgment pursuant to Va. Code § 8.01-184 finding that:

- (i)** Va. Code § 18.2-308.7(C) (prohibiting “any person younger than 21 years of age” from “knowingly and intentionally purchas[ing] a handgun or assault firearm anywhere in the Commonwealth”); and
- (ii)** Va. Code § 18.2-308.2:5 (criminalizing the private sale of firearms unless the prospective purchaser completes a government-administered background check) (collectively, the “Challenged Statutes”);

are unconstitutional under Article I, Section 13 of the Virginia Constitution, in that they not only prohibit 18-to-20-year-old adult Virginians from purchasing handguns and

pejoratively named “assault firearms,” but they also criminalize the private marketplace of firearms that existed in Virginia for centuries;

**(2)** a temporary and then permanent injunction pursuant to Va. Code § 8.01-620 *et seq.* enjoining the Superintendent of the Virginia State Police and his successors, officers, agents, servants, employees, all persons in active concert or participation with him who receive actual notice of the injunction(s), and all law enforcement divisions, agencies, and officers with notice of such injunction(s), from enforcing the Challenged Statutes; and

**(3)** such further relief as the Court may deem appropriate, and in support thereof state as follows:

### **INTRODUCTION**

1. Six years ago, this Court presciently applied a textual and historical framework to recognize “the right of adults under 21 to purchase a handgun, the ‘quintessential self-defense weapon,’” under Article I, Section 13 of the Virginia Constitution. *Elhert v. Settle*, 105 Va. Cir. 326, 336 (Lynchburg 2020) (quoting *District of Columbia v. Heller*, 554 U.S. 570, 629 (2008)).

2. Then, in a later decision in that same case, this Court “reaffirm[ed] its earlier ruling” that, “[i]n Virginia, persons 18 to 20 years of age have a right to bear arms.” *Wilson v. Settle*, 2024 Va. Cir. LEXIS 612, at \*7, \*8 (Lynchburg Dec. 17, 2024).

3. In so holding, this Court enjoined Defendant’s enforcement of Va. Code § 18.2-308.2:5, one of the Challenged Statutes here, because it operated to prohibit “the private sale of handguns to adults under 21 years of age.” *Elhert*, 105 Va. Cir. at 338; *see also Wilson*, 2024 Va. Cir. LEXIS 612, at \*8 (“history and tradition of firearm regulations support the conclusion that the Act is unconstitutional as-applied to persons 18 to 20 years of age”).

4. Indeed, as this Court explained, Va. Code § 18.2-308.2:5 did not expressly prohibit 18-to-20-year-olds from purchasing handguns. However, the Challenged Statute “required all firearm purchases to be subject to a background check.” *Wilson v. Hanley*, 116 Va. Cir. 425, 431 (Lynchburg 2025).

5. And, “[i]n order to obtain a background check from the National Instant Criminal Background Check System (‘NICS system’), both the buyer’s age and type of firearm are required....” *Wilson*, 2024 Va. Cir. LEXIS 612, at \*8.

6. That presented a problem, because federal law, both then and now, prohibits firearm dealers from transferring a handgun to anyone under 21 years of age. 18 U.S.C. § 922(b)(1).<sup>1</sup> Accordingly, the federal government’s NICS system “automatically rejects handgun transfers to individuals under the age of 21.” *Wilson*, 116 Va. Cir. at 432.

7. So, “although Virginia law permit[ed] those 18 to 21 years of age” to purchase handguns in private, non-dealer sales, “there was no lawful mechanism for them to acquire the required background check, thus effectively barring them from lawfully purchasing a handgun” altogether. *Wilson*, 116 Va. Cir. at 432.

8. Accordingly, this Court declared unconstitutional and permanently enjoined enforcement of Va. Code § 18.2-308.2:5 as applied to “adults 18 to 20 years of age under Article I, Section 13....” *Wilson*, 2024 Va. Cir. LEXIS 612, at \*11.

9. But ultimately, this Court “could not ignore the glaring infirmities in the statute itself.” *Wilson*, 116 Va. Cir. at 432. Applying the severability framework articulated in *Ayotte v. Planned Parenthood*, 546 U.S. 320 (2006), this Court then struck the Challenged Statute “in its

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<sup>1</sup> Even so, federal law does not prohibit the *private* sale of handguns to individuals under the age of 21.

entirety,” even as applied to adults over the age of 21. *Wilson*, 116 Va. Cir. at 432. Thus, Virginia’s General Assembly was forced to return to the drawing board.

10. But when the General Assembly revisited the issue of so-called “universal background checks” (“UBC”) earlier this year, it ignored this Court’s careful explication of the meaning of Article I, Section 13. Instead, the General Assembly opted to thumb its nose at this Court.

11. Rather than enact a law that *cured* the UBC statute’s constitutional deficiencies and *complied with* this Court’s prior rulings, the General Assembly doubled down and enacted HB1525, which Governor Spanberger signed into law on April 22, 2026.

12. First, without changing the text of the UBC statute at all, HB1525 simply demanded that Defendant “administer, enforce, and otherwise implement § 18.2-308.2:5 of the Code of Virginia from the effective date of this bill” – as if this Court’s rulings had never issued. HB1525, § 2 (Exhibit A).<sup>2</sup> As this Court explained at a hearing on June 3, 2026, “the new law ... essentially ... reviv[es] a ... statute that the Court struck in its entirety as being unconstitutional.” Transcript of June 3, 2026 Hearing at 7:13-15.

13. Second, HB1525 amended Va. Code § 18.2-308.7 to include a new subsection (C), making it “unlawful for any person younger than 21 years of age to knowingly and intentionally purchase a handgun or assault firearm anywhere in the Commonwealth.” HB1525, § 1.

14. Violation of either of the Challenged Statutes is a class 1 misdemeanor. *See* Va. Code §§ 18.2-308.7(D), 18.2-308.2:5.

15. In other words, the General Assembly did precisely what this Court warned the Commonwealth it could not do – ban 18-to-20-year-olds, who unquestionably “have a right to bear

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<sup>2</sup> <https://lis.blob.core.windows.net/files/1225476.PDF>.

arms” (*Wilson*, 2024 Va. Cir. LEXIS 612, at \*8), from purchasing various classes of commonly owned firearms available to all other adults.

16. As a result, Virginia law now doubly bans 18-to-20-year-olds from acquiring protected arms. First, it requires that 18-to-20-year-old recipients of private transfers of handguns obtain a federal background check which they cannot obtain under federal law. Second, it expressly prohibits them from acquiring handguns and “assault firearms” at all, from any source, in the first place.

17. Since this Court last addressed the UBC law in *Wilson*, another development has further narrowed the ability of that statute to even function as written, even if it *were* constitutional. In the original 2020 complaint challenging the UBC law in what became *Wilson*, the plaintiffs pointed out that the firearm transfer background checks being conducted directly by the Virginia State Police at gun shows, without the involvement of a licensed dealer, were unlawful under federal law.<sup>3</sup> See *Wilson* Complaint, ¶¶ 84-95 (explaining that VSP’s access to NICS for these “gun show” background checks is unlawful, and could be revoked at any time).

18. Following a recent audit, the FBI has now restricted the Virginia State Police’s use of the NICS system, and they may no longer access NICS to conduct the “voluntary” gun show background checks for private buyers and sellers as an alternative to transferring a firearm through a licensed dealer. The Virginia State Police are not, in fact, conducting these “voluntary” gun show checks at this time, because they cannot.

19. Although this Court previously ruled in what became *Wilson* that “[b]y itself, the voluntary-background-check exception would not save the Act [because] [a]n infringement on the right to keep and bear arms would not be overlooked based on the lifting of the infringement on

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<sup>3</sup> For avoidance of doubt, Plaintiffs seek no declaration or other relief regarding or arising out of federal law.

approved dates and at certain locations” (*Ehlert v. Settle*, 105 Va. Cir. 326, 337 (Lynchburg 2020)), the Court needn’t even consider this “gun show background check” provision at all in the present case – it is now officially off the table for the reasons originally alleged in 2020.

20. Of course, the Challenged Statutes violate the Virginia state constitutional right to keep and bear arms for the same reasons that this Court already found otherwise, and they should suffer the same fate as the UBC law in the first case. They likewise violate Article I, Section 13 by criminalizing both the purchase of popular firearms pejoratively named “assault firearms” *and* the private sale of firearms generally.

21. Since 1776, the Virginia Constitution has provided “[t]hat a well regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defense of a free state.” Va. Const. art. I, § 13.

22. In a 1971 amendment, the words “therefore, the right of the people to keep and bear arms shall not be infringed” were added after the militia clause. Va. Const. art. I, § 13.

23. By that 1971 amendment, Virginians sought to clarify that Article I, Section 13 is *at least* coextensive with the Second Amendment’s protections in the U.S. Constitution. Virginians understood their 1971 amendments to Article I, Section 13 to codify no new rights, but rather simply to ensure, at minimum, interpretive parity with the federal Second Amendment.

24. Consequently, following *N.Y. State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1 (2022), nearly all Virginia courts<sup>4</sup> to have heard Article I, Section 13 challenges have applied *Bruen*’s textual and historical methodology to ascertain the scope of the Virginia Constitution’s right to keep and bear arms. *See Wilson*, 2024 Va. Cir. LEXIS 612, at \*9 (“This prohibition ... constitutes

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<sup>4</sup> *But see Commonwealth v. Verrocchio*, 113 Va. Cir. 369 (Culpeper Cnty. 2024) (upholding a ban on firearm possession by an individual subject to a protective order, relying only in part on “United States Supreme Court jurisprudence”).

an unconstitutional infringement ... under the new *Bruen* test.”); *see also Stickley v. City of Winchester*, 110 Va. Cir. 300, 318 (Winchester 2022); Order Granting Preliminary Injunction, *Crump v. Katz*, No. CL26000201-00 (Va. Cir. Ct. Lancaster June 30, 2026) (applying *Bruen* to preliminarily enjoin the Commonwealth’s recently enacted bans on “assault firearms” and certain ammunition magazines).

25. Plaintiffs do not bring any claim or seek any relief under the Second Amendment to the U.S. Constitution. Rather, they proceed only under Article I, Section 13 of the Constitution of Virginia.

26. Nevertheless, Second Amendment jurisprudence is instructive on the meaning of Article I, Section 13, as numerous Virginia courts including this Court have recognized. *See, e.g., Stickley*, 110 Va. Cir. at 318 (“it is appropriate for this Court to examine Second Amendment jurisprudence to determine whether the [challenged] provisions ... violate Article I, Section 13”); *Wilson*, 116 Va. Cir. at 431 (“*Bruen* set forth a new test for evaluating the constitutionality of firearm regulations”); Order Granting Preliminary Injunction, *Crump v. Katz*, No. CL26000201-00 (Va. Cir. Ct. Lancaster June 30, 2026) (applying *Bruen* to preliminarily enjoin the Commonwealth’s recently enacted bans on “assault firearms” and certain ammunition magazines); Letter Opinion, *Santolla v. Katz*, No. CL26-1139 (Va. Cir. Ct. Washington June 29, 2026) (same).<sup>5</sup>

27. Therefore, Plaintiffs refer to the Second Amendment and federal case law only with an eye towards interpreting the text and context of Article I, Section 13.

28. Like Article I, Section 13, the Second Amendment provides that “the right of the people to keep and bear Arms, shall not be infringed.”

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<sup>5</sup> <https://www.courthousenews.com/wp-content/uploads/2026/06/santolla-v-katz-ruling.pdf>.

29. In *District of Columbia v. Heller*, 554 U.S. 570, 580, 581 (2008), the U.S. Supreme Court explained that the term “the people” “unambiguously refers to all members of the political community, not an unspecified subset,” and covers “all Americans.”

30. Likewise, *Heller* explained that handguns are “the quintessential self-defense weapon,” and so a ban on these popular arms is simply “invalid.” *Heller*, 554 U.S. at 629.

31. In *McDonald v. City of Chicago*, 561 U.S. 742 (2010), the Court made clear that the Fourteenth Amendment incorporates the Second Amendment’s protections against the states.

32. Then, in *N.Y. State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1, 17 (2022), the Court instructed that, when the Constitution’s “plain text covers an individual’s conduct, the Constitution presumptively protects that conduct.” Thus, “the government must demonstrate that the regulation is consistent with th[e] ... historical tradition of firearm regulation.” *Id.*

33. Applying that framework here easily resolves this case. The General Assembly has banned 18-to-20-year-olds – unquestionably members of “the people,” able to vote and defend this nation in their military – from acquiring handguns and so-called “assault firearms”<sup>6</sup> – “arms.” As this Court already explained, “there is no such history or tradition supporting a restriction on adults 18 to 20 years of age.” *Wilson*, 2024 Va. Cir. LEXIS 612, at \*9.

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<sup>6</sup> To be clear, Plaintiffs here do not challenge the Virginia statutes generally restricting “assault firearms.” See Va. Code §§ 18.2-287.4:1, 18.2-308.09(1), 18.2-308.1:9, 18.2-308.2:1, 18.2-308.2:2(A), 18.2-308.2:3, 18.2-308.2:2(F)(1)-(7), 18.2-308.2:5(E), 18.2-287.4, 18.2-309.1, 19.2-386.28. This is not an “assault firearms” case, and those statutes already have been preliminarily enjoined in the *Crump* and *Santolla* cases cited above, and remain the subject of these other cases. Rather, Plaintiffs challenge Va. Code § 18.2-308.7(C), which singles out 18-to-20-year-olds for differential treatment with respect to “assault firearms.” Thus, Plaintiffs do not ask this Court to rule on any “assault firearms” ban generally, but rather only that, whatever the rule is with respect to “assault firearms” for adults ages 21 and older, it should be the same for adults ages 18 to 20. In other words, Plaintiffs seek a ruling that 18-to-20-year-olds enjoy the full scope of Article I, Section 13 rights, and that any special restriction applicable to them, but not older adults, is unconstitutional.

34. Moreover, numerous courts, including Virginia courts, already have held the obvious – that acquiring a firearm is conduct protected by the enumerated right to keep and bear arms. Indeed, “[t]he right to possess firearms for protection implies a *corresponding right to acquire* and maintain proficiency in their use; the core right wouldn’t mean much without the training and practice that make it effective.” *Lynchburg Range & Training v. Northam*, 2020 Va. Cir. LEXIS 57, at \*7 (Lynchburg 2020) (emphasis added) (citing *Ezell v. City of Chicago*, 651 F.3d 684, 704 (7th Cir. 2011)); *see also Jackson v. City & County of San Francisco*, 746 F.3d 953, 967 (9th Cir. 2014) (emphasis added) (“Thus ‘the right to possess firearms for protection implies a corresponding right’ *to obtain* the bullets necessary to use them.”); *Teixeira v. County of Alameda*, 873 F.3d 670, 677-78 (9th Cir. 2017) (“[T]he core Second Amendment right to keep and bear arms for self-defense ‘wouldn’t mean much’ without the ability to acquire arms.”); *Reese v. BATFE*, 127 F.4th 583, 590 (5th Cir. 2025) (“the right to ‘keep and bear arms’ surely implies the right to purchase them”); *Ortega v. Grisham*, 148 F.4th 1134, 1143 (10th Cir. 2025) (“Common sense dictates that the right to bear arms requires a right to acquire arms....”); *United States v. Clerfe*, 2026 U.S. App. LEXIS 24094, at \*8 (3d Cir. Aug. 10, 2026) (“agree[ing]” that “[t]he right to keep arms[] necessarily involves the right to purchase them”); *Andrews v. State*, 50 Tenn. 165, 178 (1871) (“The right to keep arms, necessarily involves the right to purchase them, ... and to purchase and provide ammunition suitable for such arms....”).

35. “Constitutional rights ... implicitly protect those closely related acts necessary to their exercise.” *Luis v. United States*, 578 U.S. 5, 26 (2016) (Thomas, J., concurring in the judgment); *see also* Antonin Scalia & Bryan A. Garner, Reading Law: The Interpretation of Legal Texts 192 (2012) (“Authorization of an act also authorizes a necessary predicate act.”).

36. Any argument that the Challenged Statutes could escape constitutional scrutiny because they merely ban *purchases* – rather than *possession* – therefore fails immediately and completely. See *United States v. Hicks*, 649 F. Supp. 3d 357, 360 (W.D. Tex. 2023) (rejecting the argument that “Congress could throttle gun ownership without implicating Second Amendment scrutiny by just banning the buying and selling of firearms. What a marvelous, Second Amendment loophole!”), *rev’d on other grounds*, 2025 U.S. App. LEXIS 18297 (5th Cir. July 23, 2025).

37. As *Bruen* makes clear, when the Constitution’s “plain text covers an individual’s conduct, the Constitution presumptively protects that conduct. The government must then justify its regulation by demonstrating that it is consistent with the ... historical tradition of firearm regulation. Only then may a court conclude that the individual’s conduct falls outside the Second Amendment’s [and Article I, Section 13’s] ‘unqualified command.’” *Bruen*, 597 U.S. at 24.

38. Plaintiffs’ desired conduct, to acquire and possess handguns and “assault firearms” for self-defense, and to privately purchase and sell firearms free from governmental interference, is presumptively protected.

39. Accordingly, the burden shifts to Defendant to prove that the Challenged Statutes have relevant historical analogues in the Founding era. Defendant cannot do so.

40. Defendant therefore cannot meet *Bruen*’s standard with respect to the Challenged Statutes, and this Court should declare them to be unconstitutional under Article I, Section 13, and enjoin their enforcement.

41. All told, this Court’s intervention is once again necessary to protect the rights of 18-to-20-year-old Virginians to keep and bear arms, and to preserve the centuries-old right to engage in the private and noncommercial transfer of a firearm without government interference.

## **PARTIES**

42. Plaintiff Melody Boyer is a natural person, a United States citizen, and a resident of Campbell County, Virginia. She is a law-abiding person with no criminal record and is eligible to acquire and possess firearms under Virginia and federal law. She is a member of Organizational Plaintiffs Gun Owners of America, Inc. and Virginia Citizens Defense League, and she is a supporter of Organizational Plaintiffs Gun Owners Foundation and Virginia Citizens Defense Foundation.

43. Plaintiff Boyer is 19 years old and is a current student at Liberty University, within this jurisdiction. Recognizing that, as a legal adult, she is responsible for her own personal protection, Plaintiff Boyer wishes to acquire a handgun for training and self-defense. To that end, she has agreed to purchase a Glock 19 pistol within the City of Lynchburg from Ryan Thomas, a resident of the City, for a price of \$650. Plaintiff Boyer and Mr. Thomas would immediately complete this private transaction, consistent with federal law and the remainder of Virginia law, but for Defendant's enforcement of the Challenged Statutes. Plaintiff Boyer also wishes to purchase an AR-15-style rifle from Mr. Thomas for \$900, in a private sale within the City. However, the Challenged Statutes doubly restrict her planned purchase – first, by banning Plaintiff Boyer from purchasing an “assault firearm” by virtue of her age (Va. Code § 18.2-308.7(C)), and second, by banning private sales of firearms generally (Va. Code § 18.2-308.2:5). Plaintiff Boyer would immediately purchase an “assault firearm” in a private sale if legally able, and she does not wish to submit to a background check for these sorts of private, intrastate sales, which are perfectly lawful under federal law. See Declaration of Melody Boyer (Exhibit B).

44. Plaintiff Natasha Rousseau is a natural person, a United States citizen, and a resident of the City of Lynchburg, Virginia. She is a law-abiding person with no criminal record

and is eligible to acquire and possess firearms under Virginia and federal law. She is a member of Organizational Plaintiffs Gun Owners of America, Inc. and Virginia Citizens Defense League, and she is a supporter of Organizational Plaintiffs Gun Owners Foundation and Virginia Citizens Defense Foundation.

45. Plaintiff Rousseau is 18 years old and is a current student at Liberty University, within this jurisdiction. Recognizing that, as a legal adult, she is responsible for her own personal protection, Plaintiff Rousseau wishes to acquire a handgun for training and self-defense. To that end, she also has agreed to purchase a Smith & Wesson Shield pistol within the City of Lynchburg from Ryan Thomas, a resident of the City, for a price of \$300. Plaintiff Rousseau and Mr. Thomas would immediately complete this private transaction, consistent with federal law and the remainder of Virginia law, but for Defendant's enforcement of the Challenged Statutes. Plaintiff Rousseau also wishes to purchase an AR-15-style rifle from Mr. Thomas for \$900, in a private sale within the City. However, the Challenged Statutes doubly restrict her planned purchase – first, by banning Plaintiff Rousseau from purchasing an “assault firearm” by virtue of her age (Va. Code § 18.2-308.7(C)), and second, by banning private sales of firearms generally (Va. Code § 18.2-308.2:5). Plaintiff Rousseau would immediately purchase an “assault firearm” in a private sale if legally able, and she does not wish to submit to a background check for these sorts of private, intrastate sales, which are perfectly lawful under federal law. *See Declaration of Natasha Rousseau (Exhibit C).*

46. Plaintiff Gun Owners of America, Inc. (“GOA”) is a California non-stock corporation with its principal place of business in Springfield, Virginia. GOA is organized and operated as a nonprofit membership organization that is exempt from federal income taxes under Section 501(c)(4) of the U.S. Internal Revenue Code. GOA was formed in 1976 to preserve and

defend the Second Amendment rights of gun owners. GOA has over two million members and supporters across the country, including tens of thousands in Virginia, some of whom reside within the jurisdiction of this Court.

47. GOA has individual members and supporters in Virginia, like Plaintiffs Boyer and Rousseau, who are legal adults, but under the age of 21, and who wish to purchase handguns and “assault firearms” for self-defense and other lawful purposes. Likewise, GOA has individual members and supporters in Virginia who would sell handguns and “assault firearms” to otherwise legally eligible purchasers in Virginia, but for their age-based ineligibility to purchase these firearms under the Challenged Statutes. Indeed, Ryan Thomas, the would-be seller to Plaintiffs Boyer and Rousseau in this case, is also a GOA member, and he is harmed by the inability to sell his firearms to Plaintiffs. Moreover, GOA has individual members and supporters throughout in Virginia who wish to engage in private, noncommercial sales of firearms. These members and supporters do not wish to submit to background checks for these private, intrastate transactions, which are perfectly lawful under federal law. The Challenged Statutes therefore irreparably harm GOA’s members and supporters’ Article I, Section 13 rights to keep and bear arms. *See* Declaration of Erich Pratt (Exhibit D).

48. Plaintiff Gun Owners Foundation (“GOF”) is a Virginia non-stock corporation with its principal place of business in Springfield, VA. GOF was formed in 1983 and is organized and operated as a nonprofit legal defense and educational foundation that is exempt from federal income taxes under Section 501(c)(3) of the U.S. Internal Revenue Code. Although not a “traditional” membership organization, courts have found GOF to possess “indicia of membership” under *Hunt v. Wash. State Apple Advert. Comm’n*, 432 U.S. 333 (1977), for purposes of representing its supporters’ interests in litigation. *See, e.g., Texas v. BATFE*, 737 F. Supp. 3d

426, 438 (N.D. Tex. 2024); *Silencer Shop Found. v. BATFE*, 2026 U.S. Dist. LEXIS 174125, at \*23 (N.D. Tex. Aug. 5, 2026). GOF is financially supported by gun owners across the country, including by Plaintiffs Boyer and Rousseau, other residents of Virginia, and two of GOF's board members residing in Virginia, all of whom receive updates about GOF's activities and fund the organization's activities so that it can, *inter alia*, file litigation such as this to preserve, protect, and defend their right to keep and bear arms. GOF's supporters wish to purchase handguns and "assault firearms," and also to engage in private, noncommercial transactions of firearms, free from criminal liability under the Challenged Statutes. Thus, Plaintiffs Boyer and Rousseau, and other GOF supporters like them, will be irreparably harmed by the Challenged Statutes' blatantly unconstitutional infringement of their Article I, Section 13 rights. See Declaration of Erich Pratt (Exhibit D).

49. Plaintiff Virginia Citizens Defense League ("VCDL") is a non-stock corporation incorporated in 1998, and with its principal place of business in Newington, Virginia. VCDL is organized and operated as a nonprofit civil league and is exempt from federal income taxes under Section 501(c)(4) of the U.S. Internal Revenue Code. VCDL is a membership organization with tens of thousands of members and supporters across Virginia and throughout the nation, including within the jurisdiction of this Court. VCDL operates as a nonpartisan, grassroots organization dedicated to advancing the enumerated right to keep and bear arms as guaranteed by Article I, Section 13 of the Virginia Constitution and other rights.

50. VCDL has individual members and supporters in Virginia, like Plaintiffs Boyer and Rousseau, who are legal adults, but under the age of 21, and who wish to purchase handguns and "assault firearms" for self-defense and other lawful purposes. Likewise, VCDL has individual members and supporters in Virginia who would sell handguns and "assault firearms" to otherwise

legally eligible purchasers in Virginia, but for their age-based ineligibility to purchase these firearms under the Challenged Statutes. Indeed, Ryan Thomas, the would-be seller to Plaintiffs Boyer and Rousseau in this case, is also a VCDL member, and he is harmed by the inability to sell his firearms to Plaintiffs. Moreover, VCDL has individual members and supporters in Virginia who wish to engage in private, noncommercial sales of firearms. These members and supporters do not wish to submit to background checks for these private, intrastate transactions, which are perfectly lawful under federal law. The Challenged Statutes therefore irreparably harm VCDL's members and supporters' Article I, Section 13 rights to keep and bear arms. See Declaration of Philip Van Cleave (Exhibit E).

51. Virginia Citizens Defense Foundation ("VCDF") is a Virginia non-stock corporation with its principal place of business in Newington, VA. VCDF was formed in 2024 and is organized and operated as a nonprofit legal defense and educational foundation that is exempt from federal income taxes under Section 501(c)(3) of the U.S. Internal Revenue Code. Although not a "traditional" membership organization, VCDF has "indicia of membership" under *Hunt v. Wash. State Apple Advert. Comm'n*, 432 U.S. 333 (1977), for purposes of representing its supporters' interests in litigation. VCDF is financially supported by gun owners across the country, including by Plaintiffs Boyer and Rousseau and by other residents of Virginia, all of whom receive updates about VCDF's activities and fund the organization's activities so that it can, *inter alia*, file litigation such as this to preserve, protect, and defend their right to keep and bear arms. VCDF's supporters wish to purchase handguns and "assault firearms," and also to engage in private, noncommercial transactions of firearms, free from criminal liability under the Challenged Statutes. Thus, Plaintiffs Boyer and Rousseau, and other VCDF supporters like them, will be irreparably

harm by the Challenged Statutes’ blatantly unconstitutional infringement of their Article I, Section 13 rights. See Declaration of Philip Van Cleave (Exhibit E).

52. Defendant Colonel Jeffrey S. Katz is the Superintendent of the Virginia Department of State Police. Defendant Katz is vested with authority to enforce the criminal laws of the Commonwealth of Virginia and to supervise the operations of the Virginia Department of State Police. See, e.g., Va. Code §§ 52-1, 52-8, 52-9. As Superintendent, Defendant Katz is responsible for the creation, implementation, execution, and administration of the Department’s policies, practices, and enforcement activities, including those relating to firearms and magazines and the Challenged Statutes. Defendant Katz is sued in his official capacity.

### **JURISDICTION AND VENUE**

53. This Court has jurisdiction to grant the relief sought pursuant to Va. Code §§ 8.01-184 and 8.01-620.

54. Venue is proper and preferred in this Court pursuant to Va. Code § 8.01-261(15)(c), permissible pursuant to Va. Code §§ 8.01-262(3) and (4), and is otherwise proper.

### **OPERATIVE FACTS**

#### **I. PLAINTIFFS HAVE STANDING.**

55. Plaintiffs wish to purchase handguns and “assault firearms,” and to engage in private, noncommercial sales of firearms, free from criminal liability under the Challenged Statutes. To that end, Plaintiffs Boyer and Rousseau, and the 18-to-20-year-old members and supporters of Plaintiffs GOA, GOF, VCDL, and VCDF, all wish to acquire handguns, “assault firearms,” and other firearms via private transactions, both within this jurisdiction and throughout the Commonwealth, but cannot legally do so because of the Challenged Statutes. Likewise, the adult members and supporters of Plaintiffs GOA, GOF, VCDL, and VCDF who are over the age

of 21 wish to engage in private, noncommercial, intrastate firearm transactions, free from liability under the Challenged Statutes.

56. Of course, Plaintiffs need not actually violate the law in order to seek relief from the Challenged Statutes. Nor must Plaintiffs await an actual arrest or prosecution to challenge the Challenged Statutes. Indeed, a plaintiff can “bring a pre-enforcement suit when he ‘has alleged an intention to engage in a course of conduct arguably affected with a constitutional interest, but proscribed by a statute, and there exists a credible threat of prosecution thereunder.’” *Susan B. Anthony List v. Driehaus*, 573 U.S. 149, 160 (2014). Courts presume a credible threat of prosecution absent compelling evidence to the contrary. *See, e.g., Antonyuk v. James*, 120 F.4th 941, 1006 (2d Cir. 2024) (“[W]e ‘presume ... intent [to enforce the law] in the absence of a disavowal by the government or another reason to conclude that no such intent existed.’”); *Bryant v. Woodall*, 1 F.4th 280, 286 (4th Cir. 2021) (“[L]aws that are ‘recent and not moribund’ typically do present a credible threat.”); *Harrell v. Fla. Bar*, 608 F.3d 1241, 1257 (11th Cir. 2010) (“If a challenged law or rule was recently enacted, or if the enforcing authority is defending the challenged law or rule in court, an intent to enforce the rule may be inferred.”).

57. Thus, “[w]hen an individual is subject to such a threat, an actual arrest, prosecution, or other enforcement action is not a prerequisite to challenging the law.” *Susan B. Anthony List*, 573 U.S. at 158; *see also MedImmune, Inc. v. Genentech, Inc.*, 549 U.S. 118, 128-29 (2007) (observing that, “where threatened action by government is concerned, we do not require a plaintiff to expose himself to liability before bringing suit to challenge the basis for the threat”); *Steffel v. Thompson*, 415 U.S. 452, 459 (1974) (same); *Black v. Commonwealth*, 262 Va. 764, 777-78 (2001) (“Threat of prosecution under a criminal statute ‘tends to chill the exercise of [constitutional]

rights.” (quoting *N.C. Right to Life, Inc. v. Bartlett*, 168 F.3d 705, 710 (4th Cir. 1999))), *aff’d in part*, *Virginia v. Black*, 538 U.S. 343 (2003).

58. Here, Defendant has not disavowed enforcement of the Challenged Statutes. To the contrary, the General Assembly and the Governor – Defendant’s boss – recently enacted a statute that *demands* he enforce one of the Challenged Statutes *despite* this Court’s prior order enjoining its enforcement.

59. Plaintiffs Boyer and Rousseau are also members of Plaintiffs GOA and VCDL and supporters of Plaintiffs GOF and VCDF.

60. In addition to Plaintiffs Boyer and Rousseau, Plaintiffs GOA, GOF, VCDL, and VCDF (the “Organizational Plaintiffs”) together have tens of thousands of members and supporters across Virginia, many of whom also wish to purchase handguns, “assault firearms,” and other firearms, free from criminal liability under the Challenged Statutes. The Organizational Plaintiffs assert the rights and interests of these members and supporters in a representational capacity.

61. The Organizational Plaintiffs’ members and supporters desire and overwhelmingly support GOA, GOF, VCDL, and VCDF’s involvement in litigation to protect their right to privately purchase handguns, “assault firearms,” and other firearms.

62. Protection of the rights and interests advanced in this litigation is germane to the Organizational Plaintiffs’ respective missions, which include the preservation and protection of the right to keep and bear arms under federal and state constitutions. The Organizational Plaintiffs routinely litigate cases throughout the country on behalf of their members and supporters. The Organizational Plaintiffs are capable of fully and faithfully representing the interests of their members and supporters without participation by each of the individuals. *See Wilson*, 2024 Va.

Cir. LEXIS 612, a \*1-2 (“This Court found that ... the organizational members had representational standing to go forward with their claims.”).

63. The Supreme Court has ruled that “an association has standing to bring suit on behalf of its members when: (a) its members would otherwise have standing to sue in their own right; (b) the interests it seeks to protect are germane to the organization's purpose; and (c) neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit.” *Hunt v. Wash. State Apple Advert. Comm’n*, 432 U.S. 333, 343 (1977).

64. As shown *supra*, the individual Plaintiffs both have standing to sue in their own right.

65. As shown *supra*, the Organizational Plaintiffs exist and raise funds to pursue the organizations’ purposes, including to bring litigation such as this to defend the constitutional rights of their members and supporters to keep and bear arms.

66. Moreover, the individual Plaintiffs’ participation in this suit is not required to assert the claims or request the relief sought herein.

67. Accordingly, the Organizational Plaintiffs have representational standing in this action.

68. Plaintiffs likewise have demonstrated entitlement to preliminary and permanent injunctive relief.

69. To obtain a permanent injunction, “a party must establish the ‘traditional prerequisites, i.e., irreparable harm and lack of an adequate remedy at law’ before a request for injunctive relief will be sustained.” *Levisa Coal Co. v. Consolidation Coal Co.*, 276 Va. 44, 61 (2008).

70. For a preliminary injunction, Rule 3:26 now applies. A “court may issue a preliminary injunction only if it first determines that the movant will more likely than not suffer irreparable harm without the preliminary injunction.” In addition:

If the irreparable-harm threshold has been met, the court must determine whether the following factors support the issuance of a preliminary injunction:

i. whether the movant has asserted a legally viable claim based on credible facts (not mere allegations) demonstrating that the underlying claim will more likely than not succeed on the merits;

ii. whether the balance of hardships – that is, the harm to the movant without the preliminary injunction compared with the harm to the nonmovant with the preliminary injunction – favors granting the preliminary injunction; and

iii. whether the public interest, if any, supports the issuance of a preliminary injunction.

A preliminary injunction may be issued only if it is supported by factors (i) and (ii), and it is not contrary to the public interest in factor (iii).

71. Finally, Rule 3:26 provides that, “[n]otwithstanding subsection (d)(i), in rare cases in which the likely irreparable harm to the movant is severe and any corresponding harm to the nonmovant is slight, a preliminary injunction may be issued upon a clear showing that the underlying claim has substantial merit warranting interim relief, even if the court cannot determine at the time that the movant will likely succeed on the merits.”

72. As demonstrated *supra*, Plaintiffs are likely to prevail on the merits. As this Court already recognized, the *Heller/Bruen* framework applies for determining the original meaning of the Second Amendment, and thus also of the at-least-coextensive Article I, Section 13.

73. Under that framework, the conduct in which the individual Plaintiffs wish to engage, the acquisition of firearms for lawful purposes, is covered by Article I, Section 13’s plain text.

74. Defendant can offer no relevant historical analogues that justify bans on the acquisition of firearms by law-abiding adults, including those ages 18 to 20.

75. Nor can Defendant demonstrate a historical tradition of criminalizing the private, noncommercial sale of firearms between adult Virginians, free from governmental interference.

76. Accordingly, as this Court recognized in *Wilson*, Plaintiffs are likely to prevail on the merits.

77. Further, Plaintiffs have no adequate remedy at law to redress their injuries, and issuance of temporary and permanent injunctive relief is necessary to preserve the status quo and prevent imminent and irreparable constitutional harm.

78. Indeed, “it is generally understood that ‘the temporary violation of a constitutional right itself is enough to establish irreparable harm.’” *Stickley*, 110 Va. Cir. at 326 (collecting cases); accord *Young v. Northam*, 107 Va. Cir. 281, 288 (Culpeper Cnty. 2021) (“A ‘presumption of irreparable injury flows from a violation of constitutional rights.’”); *LaFave v. County of Fairfax*, 2023 Va. Cir. LEXIS 203, at \*19 (Fairfax Cnty. June 23, 2023) (“Virginia courts have held that a temporary violation of a constitutional right is enough to establish irreparable harm.... Further, as the U.S. Supreme Court has recently noted in *Bruen*, the constitutional right to bear arms in public for self-defense is not a second-class right...”); see also *Elrod v. Burns*, 427 U.S. 347, 373 (1976) (“The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.”); *Bruen*, 597 U.S. at 70 (“The constitutional right to bear arms ... is not ‘a second-class right, subject to an entirely different body of rules than the other Bill of Rights guarantees.’”).

79. Unless the Challenged Statutes are enjoined, Plaintiffs will be denied the right to purchase handguns, “assault firearms,” and other firearms in private, noncommercial, intrastate firearm transactions. But for the Challenged Statutes, Plaintiffs would engage in these constitutionally protected activities.

80. The balance of equities also weighs in Plaintiffs' favor. Plaintiffs' state constitutional rights are being violated in real and concrete ways. In contrast, as Plaintiffs are law-abiding Virginians, their purchase of handguns, "assault firearms," and other firearms – conduct that has occurred lawfully for centuries – will cause Defendant no harm whatsoever.

81. Finally, the public interest supports the granting of an injunction, because it is always in the public interest that the government be prevented from infringing enumerated constitutional rights. *See Stickley*, 110 Va. Cir. at 326 (citation omitted) ("'[T]he public interest favors enjoining a constitutional violation, not allowing the unconstitutional application of a statute to perpetuate.' Therefore, it is not adverse to the public interest to grant a preliminary injunction in order to preserve a constitutional right pending trial."); *Legend Night Club v. Miller*, 637 F.3d 291, 302-03 (4th Cir. 2011) ("Maryland is in no way harmed by issuance of an injunction that prevents the state from enforcing unconstitutional restrictions. ... [U]pholding constitutional rights is in the public interest.").

### **COUNT I** **(Va. Const. art. I, § 13, Right to Keep and Bear Arms)**

82. Paragraphs 1 through 81 are realleged in full and hereby incorporated by reference.

83. Article I, Section 13 of the Virginia Constitution provides "[t]hat a well regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defense of a free state, therefore, the right of the people to keep and bear arms shall not be infringed...."

84. The latter text incorporates the operative clause<sup>7</sup> of the federal Second Amendment, and was added to Article I, Section 13 in 1971. However, Virginians did not gain any new rights

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<sup>7</sup> "[T]he right of the people to keep and bear Arms, shall not be infringed." U.S. Const. amend. II.

as a result of this effort to modernize the Virginia Constitution over 50 years ago, or even after its original enumeration in the 1776 Declaration of Rights.

85. Protection of the natural, individual right to self-defense is not an act of legislative grace; the right exists with or without its documentary recognition and therefore *pre-exists* any constitution. *See, e.g., District of Columbia v. Heller*, 554 U.S. 570, 592 (2008) (noting that “it has always been widely understood that the Second Amendment, like the First and Fourth Amendments, codified a *pre-existing* right”); *see also United States v. Cruikshank*, 92 U.S. 542, 553 (1876) (“Neither is it in any manner dependent upon that instrument for its existence.”).

86. In other words, Article I, Section 13 is the Commonwealth’s recognition of a pre-existing right with which Virginians were endowed by their Creator, and it operates as a fixed limitation on the power of state or local government to enact legislation affecting firearms.

87. As the 1969 Virginia Commission on Constitutional Revision recognized:

most of the provisions of the Virginia Bill of Rights hav[ing] their parallel in the Federal Bill of Rights is ... no good reason not to look first to Virginia’s Constitution for the safeguards of the fundamental rights of Virginians. The Commission believes that the Virginia Bill of Rights should be a living and operating instrument of government and should, by stating the basic safeguards of the people’s liberties, minimize the occasion for Virginians to resort to the Federal Constitution and the federal courts. [*Report of the Commission on Constitutional Revision* at 86 (1969); *see also Richmond Newspapers, Inc. v. Commonwealth*, 222 Va. 574 (1981).]

88. Consequently, Article I, Section 13 provides an independent basis for the protection of individual rights without the need to resort to federal law. And although Article I, Section 13 may provide even stronger protection than the U.S. Constitution, it must, at a minimum, protect rights on a coextensive basis.

89. Indeed, based on the textual similarity between Article I, Section 13 and the Second Amendment’s operative clause, the 1971 General Assembly’s well-documented legislative intent

in amending Article I, Section 13, and the federal incorporation doctrine and Supremacy Clause, Article I, Section 13 “cannot provide fewer rights than the rights inherent under the Second Amendment.” *Stickley v. City of Winchester*, 110 Va. Cir. 300, 316, 317 (Winchester 2022); see also *DiGiacinto v. Rector & Visitors of George Mason Univ.*, 281 Va. 127, 134 (2011); *Elhert v. Settle*, 105 Va. Cir. 326, 330 (Lynchburg 2020) (“No party disputes that *Heller* and *McDonald* should provide the framework for analyzing the present case. ... [T]he Court finds *Heller* and *McDonald* to be highly persuasive in evaluating Virginia’s constitutional right to keep and bear arms.”).

90. The 1969 floor debates from the House of Delegates and Senate make clear that the legislature “desired to align Article I, Section 13, with the Second Amendment.” *Stickley*, 110 Va. Cir. at 312. Several excerpts and exchanges from the floor debates evince this understanding:

**Delegate Harrell:** This merely puts into the Constitution of Virginia what is in the Constitution of the United States, to which, of course, we are all subject. Certainly our Constitution could not be in derogation of the federal Constitution....

...

**Senator Bateman:** Senator Barnes, it is the intent or purpose of this amendment to do anything other than what is done or protected by the safeguards of the second amendment to the Constitution of the United States?

**Senator Barnes:** No, Sir, the purpose is identical.

**Senator Bateman:** And the purpose only to guarantee that which is already guaranteed there?

**Senator Barnes:** That is right....

[*Id.* at 312-13.]

91. Article I, Section 13 is not the only Virginia constitutional provision that has been held coextensive with its federal counterpart. See, e.g., *Willis v. Mullett*, 263 Va. 653, 657 (2002) (due process under Article I, Section 11); *Elliott v. Commonwealth*, 267 Va. 464, 473-74 (2004) (free speech under Article I, Section 12).

92. Consistent with Virginia courts’ analyses of other constitutional provisions, when a protection under the Virginia Declaration of Rights is coextensive with a federal constitutional right, Virginia courts often will apply the federal standard of review to the Virginia constitutional claim. See *Shivaee v. Commonwealth*, 270 Va. 112, 119 (2005) (“Because the due process protections afforded under the Constitution of Virginia are co-extensive with those of the federal constitution, the same analysis will apply to both.”); *Vlaming v. W. Point Sch. Bd.*, 480 F. Supp. 3d 711, 721 (E.D. Va. 2020) (citation omitted) (“[C]ourts apply the same analysis to both federal and Virginia constitutional claims even though the claims ‘arise under different sources of constitutional law.’ Accordingly, courts may look to federal constitutional law when deciding Virginia constitutional claims.”).

93. Consequently, although Plaintiffs do not bring any claims under the Second Amendment or under any other provision of the U.S. Constitution or federal law, discussion of Second Amendment authorities is appropriate because “the Court cannot examine Article I, Section 13, of the Constitution of Virginia, and the constitutionality of [the Challenged Statutes] in a vacuum.” *Stickley*, 110 Va. Cir. at 318; see also *Lynchburg Range & Training v. Northam*, 455 F. Supp. 3d 238, 248 (W.D. Va. 2020) (no removal jurisdiction for an Article I, Section 13 challenge).

94. Notably, another Virginia Circuit Court – the *Stickley* court – already has performed an extensive analysis of Article I, Section 13, its appropriate standard of review, and its application to a City of Winchester firearm ordinance passed pursuant to state law. *Stickley*, 110 Va. Cir. at 314; see also *Elhert*, 105 Va. Cir. at 329 (concluding “Article I, § 13 should be interpreted with a history-and-tradition framework”).

95. In granting a preliminary injunction against portions of the Winchester ordinance, the *Stickley* court held that 1) Article I, Section 13 is at least coextensive<sup>8</sup> with the Second Amendment based on its text and history; 2) the Second Amendment’s textual and historical standard of review applies to Article I, Section 13 challenges; and 3) under that standard of review, a prohibition of firearms in public places like parks and public events is unconstitutional. *Stickley*, 110 Va. Cir. at 318, 320, 325.

96. The coextensive constitutional standard of review for Article I, Section 13 challenges is set forth in *District of Columbia v. Heller*, 554 U.S. 570 (2008), as reiterated and elaborated by *N.Y. State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1 (2022). *Stickley*, 110 Va. Cir. at 320; see also *Wilson v. Hanley*, 116 Va. Cir. 425, 431 (Lynchburg 2025) (“Under *Bruen*, any regulation affecting the right to bear arms must be rooted in the ‘historical tradition of firearm regulation’ ....”).

97. Beginning with *Heller*’s analysis, the Supreme Court has consistently and “expressly rejected the application of any judge-empowering interest-balancing inquiry that asks whether the statute burdens a protected interest in a way or to an extent that is out of proportion to the statute’s salutary effects upon other important governmental interests,” when it comes to the pre-existing right to keep and bear arms. *Bruen*, 597 U.S. at 22 (cleaned up); see also *McDonald v. City of Chicago*, 561 U.S. 742 (2010); *Caetano v. Massachusetts*, 577 U.S. 411 (2016) (per curiam).

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<sup>8</sup> While Article I, Section 13 must be at least coextensive with the Second Amendment, it is unnecessary to decide whether Article I, Section 13 might be broader in this case, because the Challenged Statutes are unconstitutional under both the Supreme Court’s explication of the Second Amendment’s minimum standard and this Court’s prior decisions.

98. This categorical rejection of judicial interest balancing reflects the Framers’ understanding that the pre-existing right to keep and bear arms “‘is the very *product* of an interest balancing by the people’ and it ‘surely elevates above all other interests the right of law-abiding, responsible citizens to use arms’ for self-defense.” *Bruen*, 597 U.S. at 26. Indeed,

[t]he very enumeration of the right takes out of the hands of government – even the Third Branch of Government – the power to decide on a case-by-case basis whether the right is really worth insisting upon. A constitutional guarantee subject to future judges’ assessments of its usefulness is no constitutional guarantee at all. [*Heller*, 554 U.S. at 634.]

99. At bottom, *Bruen* “requires courts to assess whether modern firearms regulations are consistent with the ... text and historical understanding” of the enumerated right to keep and bear arms, rather than engage in any interest-balancing or policy-laden analyses. *Bruen*, 597 U.S. at 26.

100. Under this constitutional test, when the Constitution’s “plain text covers an individual’s conduct, the Constitution presumptively protects that conduct. The government must then justify its regulation by demonstrating that it is consistent with the ... historical tradition of firearm regulation. Only then may a court conclude that the individual’s conduct falls outside the Second Amendment’s [and Article I, Section 13’s] ‘unqualified command.’” *Bruen*, 597 U.S. at 24.

101. As the Third Circuit recently recognized in striking down New Jersey’s ban on “assault firearms,” courts must “[s]tart with ‘Step One,’ a consideration of the commitment that, ‘when the Second Amendment’s plain text covers an individual’s conduct, the Constitution presumptively protects that conduct.’” *Bruen*, 497 U.S. at 17. It is a straightforward inquiry.” *ANJRPC, Inc. v. Att’y Gen. N.J.*, 183 F.4th 211, 254 (3d Cir. 2026).

102. Indeed, a firearm regulation is “presumptively unconstitutional” if it “place[s] any restrictions on either the ‘keep[ing]’ (i.e., possession) or the ‘bear[ing]’ (i.e., carrying) of arms.” *Wolford v. Lopez*, 146 S. Ct. 2032, 2044, 2043 (2026).

103. In other words, if Plaintiffs’ “proposed course of conduct” falls within the obvious scope of Article I, Section 13’s text, such conduct is *presumed* protected and the Challenged Statutes are *presumed* unconstitutional unless Defendant carries his burden of “affirmatively” proving otherwise by showing a broad and enduring historical tradition of similar regulation. *Bruen*, 597 U.S. at 32, 19; *see also Wolford v. Lopez*, 146 S. Ct. 2032, 2044 (2026) (“If a challenged law falls within the plain text ... it is presumptively unconstitutional....”).

104. Courts then move to the second step, and only then are purported historical analogues considered. When “‘a challenged regulation addresses a general societal problem that has persisted since the 18th century,’ our analysis at *Bruen*’s second step is ‘fairly straightforward.’ *Bruen*, 597 U.S. at 26. In such cases, the ‘lack of a distinctly similar historical regulation addressing that problem’; the enactment of regulations that ‘addressed the societal problem ... through materially different means’; or courts’ rejection of analogous regulations on constitutional grounds are all ‘relevant evidence that the challenged regulation is inconsistent with the Second Amendment.’” *ANJRPC*, 183 F.4th at 243. The Supreme Court made this clear in *Wolford*. Historical analogues come into play only after the threshold textual step is met. Indeed, “discussion of historical materials and precedents [is] out of place at *Bruen*’s first step. At that stage, as we have explained, the question is simply whether a challenged law falls within the Second Amendment’s ‘plain text.’” 146 S. Ct. at 2049.

105. Article I, Section 13’s absolutist language contains no limitation on *who* may exercise the right. Rather, it unequivocally declares that the right “shall not be infringed.”

106. Accordingly, the right presumptively belongs to all “the people,” presumptively protects “all instruments that constitute bearable arms,” and presumptively covers all “lawful purposes.” *Heller*, 554 U.S. at 581, 582, 624.

107. Plaintiffs Boyer and Rousseau, and the members and supporters of the Organizational Plaintiffs, are all law-abiding citizens, part of “the people,” and wish to acquire and possess bearable arms for lawful purposes. They unquestionably satisfy *Bruen*’s first step.

108. Only if Defendant can conclusively demonstrate via historical tradition that those who originally ratified Article I, Section 13 never considered certain persons, arms, or activities to be within its protections can this Court conclude that Plaintiffs’ “conduct falls outside [Article I, Section 13’s] ‘unqualified command.’” *Bruen*, 597 U.S. at 17.

109. Otherwise, that which Article I, Section 13 protects, it protects absolutely.

110. Of course, handgun acquisition is nothing new, nor is the acquisition of so-called “assault firearms” or other firearms. Nor is the acquisition of firearms by 18-to-20-year-olds new. And private sales of these firearms have occurred for centuries, free from governmental interference. Thus, Defendant will be unable to produce relevant historical analogues to the Challenged Statutes.

111. A number of courts already have analyzed the operative constitutional text such that Plaintiffs, along with their activities outlined above, clearly enjoy a presumption of constitutional protection. For example, there is no question that “ordinary, law-abiding, adult citizens [] are part of ‘the people’” under the plain text. *Bruen*, 597 U.S. at 31. Further, there is no question that Plaintiffs’ proposed course of conduct – purchasing handguns, “assault firearms,” and other firearms – falls squarely within the right to “keep and bear arms.” *See United States v. Rahimi*, 602 U.S. 680, 689 (2024) (emphases added) (“when a firearm regulation is challenged ... the

*Government must show* that the restriction ‘is consistent with the Nation’s historical tradition of firearm regulation’”); *Luis v. United States*, 578 U.S. 5, 26 (2016) (Thomas, J., concurring in the judgment) (“Constitutional rights ... implicitly protect those closely related acts necessary to their exercise.”). And finally, Plaintiffs’ desired “arms” – handguns, “assault firearms,” and other firearms – undoubtedly qualify. *Bruen*, 597 U.S. at 32; *ANJRPC*, 183 F.4th at 239.

112. Consequently, and to reiterate, Defendant bears the heavy burden of proving that the Challenged Statutes’ ban on the private purchase of handguns, “assault firearms,” and other firearms by members of “the people” is “consistent with the ... historical tradition of firearm regulation.” *Bruen*, 597 U.S. at 24. He cannot meet that stringent test.

113. When conducting this Article I, Section 13 historical analysis, a number of methodological precepts bear emphasis. First, “when it comes to interpreting the Constitution, not all history is created equal.” *Bruen*, 597 U.S. at 34. “Constitutional rights are enshrined with the scope they were understood to have *when the people adopted them*.” *Id.* Accordingly, only historical evidence contemporaneous with the Founding era (*i.e.*, when Virginia first adopted its Declaration of Rights in 1776) is relevant in elucidating the scope of the right Article I, Section 13’s Framers protected. *See id.* at 35 (“[W]e must ... guard against giving postenactment history more weight than it can rightly bear.”); *id.* at 36 (“[T]o the extent later history contradicts what the text says, the text controls.”); *id.* (“[P]ostratification adoption or acceptance of laws that are *inconsistent* with the original meaning of the constitutional text obviously cannot overcome or alter that text.”); *id.* (“[B]ecause post-Civil War discussions of the right to keep and bear arms ‘took place 75 years after the ratification of the Second Amendment, they do not provide as much insight into its original meaning as earlier sources.’”); *id.* at 37 (treating 19th-century evidence “as mere confirmation of what the Court thought had already been established”); *id.* (“[W]e have

generally assumed that the scope of the protection applicable to the Federal Government and States is pegged to the public understanding of the right when the Bill of Rights was adopted in 1791.”); *id.* at 66 n.28 (“We will not address any of the 20th-century historical evidence brought to bear.... As with ... late-19th-century evidence, the 20th-century evidence ... does not provide insight into the meaning of the Second Amendment when it contradicts earlier evidence.”); *see also Espinoza v. Mont. Dep’t of Revenue*, 591 U.S. 464, 482 (2020) (rejecting examples of 19th century-era laws even from “more than 30 States” as failing to “establish an early American tradition”).

114. In other words, pre- and post-enactment historical evidence can only serve a confirmatory role, and cannot in itself establish a tradition that never otherwise existed *at* ratification.

115. Moreover, the fact that Article I, Section 13 was amended in 1971 to include the Second Amendment’s operative clause is inapposite and does not change the relevant time period for historical inquiry. *See Stickley*, 110 Va. Cir. at 322 (rejecting the argument that courts should “consider[] the historical tradition as it existed when the General Assembly amended Article I, Section 13”). As discussed *supra*, the General Assembly’s “purpose [was] only to guarantee that which [wa]s already guaranteed [in the Second Amendment],” *id.* at 313, and the Second Amendment guarantees a “pre-existing” right that is immune to post-enactment contradictions. *Heller*, 554 U.S. at 592; *Bruen*, 597 U.S. at 35.

116. Plaintiffs are aware of only one post-*Bruen* Article I, Section 13 decision that rejected Founding-era primacy in favor of the public understanding as of 1971. This outlier court, *LaFave v. County of Fairfax*, 2023 Va. Cir. LEXIS 203 (Fairfax Cnty. June 23, 2023), held that “the operable period of history for purposes of the analysis that is required in this case should be 1971.” *Id.* at \*14.

117. But while the *LaFave* court’s choice of temporal focal point made a difference in that case, this Court “need not address this issue” because “the public understanding of the right to keep and bear arms in both [1776] and [1971] was, for all relevant purposes, the same with respect to” bans on the firearms and magazines at issue here. *Bruen*, 597 U.S. at 38.

118. Indeed, the Challenged Statutes first went into effect in 2020 (UBC law) and 2026 (young adult ban), respectively. Prior to their enactment, adult Virginians could (and did) freely purchase handguns, “assault firearms,” and other firearms via private transaction. This modern statutory scheme is unprecedented and postdates 1971 *by decades*, and so it cannot inform the public understanding of the Article I, Section 13 right even then.

119. Second, it is Defendant’s burden – and his alone – to affirmatively prove that the Challenged Statutes comport with the original public understanding of the Article I, Section 13 right. *Bruen*, 597 U.S. at 60 (“Of course, we are not obliged to sift the historical materials for evidence to sustain [the] statute. That is respondents’ burden.”). If Defendant fails to prove a broad and enduring historical tradition justifying the Challenged Statutes, Plaintiffs are entitled to the relief they seek. *See id.* at 24 (emphasis added) (announcing that “*only*” when the government carries its burden “may a court conclude that the individual’s conduct falls outside the Second Amendment’s ‘unqualified command’”).

120. Third, in proffering historical evidence, Defendant must establish a widespread Founding-era tradition. *Bruen*, 597 U.S. at 24 (emphasis added) (contemplating a “historical *tradition* of firearm regulation”); *id.* at 30 (requiring “well-established and representative” history); *id.* at 65 (rejecting historical evidence from a mere handful of states as “outliers”). While the *Bruen* Court did not articulate just how much historical evidence constitutes a “tradition,” this Court need not resolve that question because there is *no* relevant evidence – none – to support the

Challenged Statutes. Defendant cannot possibly show the existence in Virginia of any relevant historical analogues to the Challenged Statutes, because none exist. Even if the Court indulged the questionable expansion of this search beyond Virginia, Defendant would still come up woefully short in meeting his burden.

121. Fourth, temporal relevance is not the only consideration. As the Supreme Court recently explained while applying *Bruen* in *United States v. Rahimi*, 602 U.S. 680, 692 (2024), a challenged regulation must be “consistent with the principles that underpin our regulatory tradition,” and “[a] court must ascertain whether the new law is ‘relevantly similar’ to laws that our tradition is understood to permit....” Accordingly, the “how and why” of purported historical analogues must align with the Challenged Statutes if they are to offer any support. *Bruen*, 597 U.S. at 29.<sup>9</sup> But even so, “when a challenged regulation addresses a general societal problem that has persisted since the 18th century, the lack of a distinctly similar historical regulation addressing that problem is relevant evidence that the challenged regulation is inconsistent with the Second Amendment.” *Id.* at 26.

122. Because Defendant cannot possibly bear his historical burden, the Challenged Statutes violate Article I, Section 13.

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<sup>9</sup> For example, “a green truck and a green hat are relevantly similar if one’s metric is ‘things that are green.’ They are not relevantly similar if the applicable metric is ‘things you can wear.’” *Id.* (citation omitted). Accordingly, Defendant cannot cobble together a purported tradition of disparate laws that did *not* ban young adult Americans from purchasing handguns or imposing background checks on the private, noncommercial transfer of firearms. Thus, Founding-era prohibitions on firearm sales to noncitizen Indians – by way of example – have *nothing* to do with the Challenged Statutes here, nor do they address the same purported societal problems (*i.e.*, different “how” and “why”).

123. Indeed, as this Court already held, “there is no ... history or tradition supporting a restriction on adults 18 to 20 years of age” to purchase handguns. *Wilson v. Settle*, 2024 Va. Cir. LEXIS 612, at \*9 (Lynchburg Dec. 17, 2024).

124. For starters, “[i]n Virginia, the Code defines an adult as a person 18 years of age or older.” *Wilson*, 2024 Va. Cir. LEXIS 612, at \*9.<sup>10</sup>

125. Thus, “[w]hile courts have long held that age-based restrictions on the sale of firearms with regard to *minors* is supported by history and tradition,” *Wilson*, 2024 Va. Cir. LEXIS 612, at \*9 (emphasis added), 18-to-20-year-old Virginians *are not minors* and enjoy the full scope of constitutional rights.

126. Indeed, under Virginia law, those 18 to 20 years old may serve on juries (Va. Code § 8.01-337), vote (U.S. Const. amend. XXVI), hold public office (Va. Code § 24.2-500), and join the military,<sup>11</sup> where they are entrusted with a whole host of deadly weapons.

127. There is no historical doubt that adults ages 18 to 20 enjoyed Second Amendment rights at the Founding and beyond. In fact, the Supreme Court already has surveyed this Founding-era historical tradition. In *United States v. Miller*, 307 U.S. 174 (1939), the Court collected representative state militia laws from Massachusetts, New York, and Virginia, enacted between 1784 and 1786, which required individuals as young as 16 periodically to train, in public, with firearms “provide[d] himself, at his own Expense.” *Id.* at 181; *see also id.* at 180-82; *Heller*, 554 U.S. at 624 (“The traditional militia was formed from a pool of men bringing arms ‘in common use at the time’ for lawful purposes like self-defense.”). Then, on May 8, 1792, just a few months

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<sup>10</sup> Moreover, Virginia law provides that “[t]he militia of the Commonwealth of Virginia shall consist of all able-bodied residents ... who are at least 16 years of age....” Va. Code § 44-1. Thus, at minimum, Article I, Section 13’s protection of the “militia, composed of the body of the people,” must include this subset.

<sup>11</sup> See <https://www.usa.gov/join-military>.

after the Second Amendment was ratified, the Second Militia Act, 1 Stat. 271, provided that “every free able-bodied white male citizen ... who is or shall be of age of eighteen years, and under the age of forty-five years (except as is herein after excepted) shall severally and respectively be enrolled in the militia.”

128. Thus, because the Second Amendment’s prefatory militia clause “does not limit” the Amendment’s operative “right of the people” clause, “but rather announces a purpose” that serves a “clarifying function,” the Second Amendment must protect, at a minimum, those persons who belong to the “Militia.” *Heller*, 554 U.S. at 577, 578. Otherwise, there would be no “link between the stated purpose and the command” of the operative clause. *Id.* at 577.

129. Accordingly, as a matter of plain text, as confirmed by Founding-era history, the Second Amendment protects, *at a minimum*, 18-to-20-year-old adult Americans, a class of individuals who undoubtedly belonged to the “Militia” when the text was adopted.<sup>12</sup>

130. Even outside of the militia context, adults ages 18 to 20 retained the right to acquire, possess, and carry firearms at the Founding. As the Fifth Circuit recently observed, “[w]hile it may be true that eighteen-to-twenty-year-olds could not then serve on juries, firearm restrictions are notably absent from the government’s list of founding-era age-limited civil and political rights.” *Reese v. BATFE*, 127 F.4th 583, 591 (5th Cir. 2025). Thus, even though some Founding-era authorities labeled those under the age of 21 “infants,” and certainly knew how to impose special restrictions on that age group, such legal minority status did not reach firearms. Indeed,

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<sup>12</sup> Of course, although not relevant here, the Second Amendment naturally protects a greater scope of individuals than just the “Militia,” by virtue of its use of the more expansive term “the people” in its operative clause. See *Heller*, 554 U.S. at 580-81 (noting “the ‘militia’ in colonial America consisted of a subset of ‘the people,’” and “strong[ly] presum[ing] that the Second Amendment right ... belongs to all Americans”). Thus, “the people” includes octogenarians, even though they would not have been included in the “Militia.”

“young individuals were expected to keep the peace rather than disturb it. In addition to serving in the militia, eighteen-to-twenty-year-olds could be obliged to join the *posse comitatus*, ... and bring ‘such arms or weapons as they have or can provide.’ Before the emergence of standing police forces, the *posse comitatus* was made up of civilians who accompanied sheriffs or other officials in pursuit of fugitives.” *Id.* at 598 (citation omitted). Based on this indisputable historical record, the Fifth Circuit invalidated a federal prohibition on the commercial purchase of handguns by adults under the age of 21. *Id.* at 600.

131. Likewise, the Third Circuit recently held that a Pennsylvania restriction on 18-to-20-year-olds’ public carry of handguns is not “consistent with the principles that underpin founding-era firearm regulations....” *Lara v. Comm’r Pa. State Police*, 125 F.4th 428, 445 (3d Cir. 2025); *see also Firearms Pol’y Coal., Inc. v. McCraw*, 623 F. Supp. 3d 740, 756 (N.D. Tex. 2022) (Texas “cannot sufficiently establish that a prohibition on law-abiding 18-to-20-year-olds carrying a handgun in public for self-defense is consistent with this Nation’s historical tradition of firearm regulation.”).

132. The Eighth Circuit also observed the same traditions. Invalidating a Minnesota ban on public carry of firearms by 18-to-20-year-olds, the Eighth Circuit explained that “Minnesota cites common law evidence that (as minors) 18 to 20-year-olds did not have full rights. Minnesota, however, does not put forward common law analogues restricting the right to bear arms.” *Worth v. Jacobson*, 108 F.4th 677, 695 (8th Cir. 2024). Indeed, there were none.

133. Even the nonbinding Eleventh Circuit, which upheld a restriction on firearm purchases by 18-to-20-year-olds, acknowledged the limitations of its holding. Unable to find a Founding-era firearm regulation restricting the Second Amendment rights of these young adults, the Eleventh Circuit pointed generally to Founding-era young adults’ assumed “lack[]” of “cash

and the capacity to contract”<sup>13</sup> as evidence of an inability to purchase firearms. *NRA v. Bondi*, 133 F.4th 1108, 1123 (11th Cir. 2025), *petition for writ of certiorari filed sub nom. NRA v. Glass*, No. 24-1185 (U.S. May 16, 2025). Even so, the court freely acknowledged that “Founding-era laws required minors to carry arms,” and it “assume[d] that the Second Amendment protects individuals under the age of 21” with respect to firearm-related conduct *other* than purchases. *Id.* at 1123, 1130.

134. Of course, to justify a *firearm* restriction, *Bruen* requires a historical tradition of *firearm* regulation (597 U.S. at 17, 24), not a tradition of economic data, contract law principles, and vague assumptions about Founding-era attitudes. The Eleventh Circuit’s decision in *Bondi* conflicts with the weight of authority to the contrary, and is unpersuasive because of that court’s own admission that the Founders never restricted firearm rights of 18-to-20-year-old adults.<sup>14</sup>

135. All told, there is a wealth of authority directly buttressing this Court’s prior conclusions.

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<sup>13</sup> Of course, “[t]he members of the first Congress were ignorant of thermal heat imaging devices; with late teenage males, they were familiar.” *NRA v. BATFE*, 714 F.3d 334, 342 (5th Cir. 2013) (Jones, J., dissenting from denial of rehearing en banc). Young adults have always “lacked cash” in comparison to their older counterparts, but that is no reason to deny them Article I, Section 13 rights.

<sup>14</sup> The same is true for the Tenth Circuit’s decision in *Rocky Mountain Gun Owners v. Polis*, 121 F.4th 96 (10th Cir. 2024). Although observing that “Pineda, who presents himself to be an ordinary, law-abiding citizen under the age of 21 – is part of ‘the people’ as defined by the Second Amendment,” the Tenth Circuit ultimately upheld a Colorado restriction on firearm purchases by those under age 21. *Id.* at 116. But it did so not according to historical tradition, but rather a misplaced reliance on *Heller*’s dicta regarding “conditions and qualifications on the commercial sale of arms.” *Id.* at 119. Rather than holding the government to its historical burden as *Bruen* required, the Tenth Circuit cited “academics” for the proposition that *Heller*’s passing discussion of laws assumed to have sufficient historical support when challenged *actually* created a “safe harbor” from the Second Amendment’s very plain text. *Id.* at 119 n.5, 119-20. Thus, the Tenth Circuit engaged in no historical analysis of firearm regulations whatsoever, and the interest balancing it employed in its place violated *Bruen* several times over.

136. Likewise, more broadly, there is no historical tradition supporting the criminalization of private, noncommercial, intrastate transactions of firearms. By requiring a background check (and therefore governmental documentation) for every single firearm transaction in the Commonwealth, the Challenged Statutes effectively create a system of firearm registration. But as then-Judge Kavanaugh observed in *Heller v. District of Columbia*, 670 F.3d 1244 (D.C. Cir. 2011), “[r]egistration of all lawfully possessed guns – as distinct from licensing of gun owners or mandatory record-keeping by gun sellers – has not traditionally been required in the United States and even today remains highly unusual. Under *Heller*’s history-and tradition-based test, [such a] registration requirement is therefore unconstitutional.” *Id.* at 1270 (Kavanaugh, J., dissenting).

137. The Challenged Statutes are therefore unconstitutional in their entirety, and this Court should enjoin them as to all adult Virginians.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs pray that this Court:

1. Enter a declaratory judgment finding that Va. Code §§ 18.2-308.7(C) and 18.2-308.2:5 are unconstitutional under Article I, Section 13 of the Virginia Constitution;
2. Issue temporary and then permanent injunctions enjoining the Superintendent of the Virginia State Police and his successors, officers, agents, servants, employees, all persons in active concert or participation with him who receive actual notice of the injunction(s), and all law enforcement divisions, agencies, and officers with notice of such injunction(s), from enforcing Va. Code §§ 18.2-308.7(C) and 18.2-308.2:5; and
3. Grant such further relief as the Court may deem appropriate.

Respectfully submitted,

**MELODY BOYER,  
NATASHA ROUSSEAU,  
GUN OWNERS OF AMERICA, INC.,  
GUN OWNERS FOUNDATION,  
VIRGINIA CITIZENS DEFENSE LEAGUE, and  
VIRGINIA CITIZENS DEFENSE FOUNDATION,**

**BY:**



**COUNSEL**

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*Counsel for Plaintiffs*

# EXHIBIT A

# VIRGINIA ACTS OF ASSEMBLY - 2026 RECONVENED SESSION

## CHAPTER 1102

*An Act to amend and reenact § 18.2-308.7 of the Code of Virginia, relating to possession or transportation of certain firearms by certain persons; penalty; emergency.*

[H 1525]

Approved April 22, 2026

**Be it enacted by the General Assembly of Virginia:**

**1. That § 18.2-308.7 of the Code of Virginia is amended and reenacted as follows:**

**§ 18.2-308.7. Possession, transportation, or purchase of certain firearms by certain persons; penalty.**

*A. For the purposes of this section:*

*"Assault firearm" means the same as that term is defined in § 18.2-308.2:2.*

*"Handgun" means the same as that term is defined in § 18.2-307.1.*

*B. It shall be unlawful for any person under younger than 18 years of age to knowingly and intentionally possess or transport a handgun or assault firearm anywhere in the Commonwealth. For the purposes of this section, "handgun" means any pistol or revolver or other firearm originally designed, made and intended to fire single or multiple projectiles by means of an explosion of a combustible material from one or more barrels when held in one hand and "assault firearm" means any (i) semi-automatic centerfire rifle or pistol which expels single or multiple projectiles by action of an explosion of a combustible material and is equipped at the time of the offense with a magazine which will hold more than 20 rounds of ammunition or designed by the manufacturer to accommodate a silencer or equipped with a folding stock or (ii) shotgun with a magazine which will hold more than seven rounds of the longest ammunition for which it is chambered. A violation of this section shall be a Class 1 misdemeanor.*

*C. It is unlawful for any person younger than 21 years of age to knowingly and intentionally purchase a handgun or assault firearm anywhere in the Commonwealth.*

*D. A violation of this section is a Class 1 misdemeanor.*

*This section E. The provisions of subsection B shall not apply to:*

*1. Any person (i) while in his home or on his property; (ii) while present in the his home or on the property of his parent, grandparent, or legal guardian; or (iii) while on the property of another who has provided prior permission; and with the prior permission possessing the firearm with the consent of his parent, grandparent, or legal guardian if the person has the landowner's written permission on his person while on such property who owns such firearm;*

*2. Any person who, while accompanied by an adult, is present at, or going to and from, a lawful shooting range or firearms educational class; provided that the weapons are unloaded while being transported;*

*3. Any person who, while accompanied by an adult, is actually engaged in lawful hunting or going to and from a hunting area or preserve; provided that the weapons are unloaded while being transported; and*

*4. Any person while engaged in official training or carrying out his duties in as a law-enforcement officer or as a member of the Armed Forces of the United States or the National Guard of this the Commonwealth or any other state;*

*5. Any cadet who is participating in training, competitive, or ceremonial activities as a member of the Corps of Cadets or the Reserve Officers' Training Corps at a public institution of higher education; and*

*6. Any active duty law-enforcement officer in the course of his duties or an active participant in a Trooper Basic Academy Session administered by the Virginia State Police.*

**2. That the Department of State Police shall administer, enforce, and otherwise implement § 18.2-308.2:5 of the Code of Virginia from the effective date of this bill.**

**3. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 725 of the Acts of Assembly of 2025 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be for periods of commitment to the custody of the Department of Juvenile Justice.**

**4. That an emergency exists and this act is in force from its passage.**

# EXHIBIT B

**VIRGINIA:**

**IN THE CIRCUIT COURT FOR THE CITY OF LYNCHBURG**

**MELODY BOYER,  
NATASHA ROUSSEAU,  
GUN OWNERS OF AMERICA, INC.,  
GUN OWNERS FOUNDATION,  
VIRGINIA CITIZENS DEFENSE LEAGUE, and  
VIRGINIA CITIZENS DEFENSE FOUNDATION,**

**Plaintiffs,**

**v.**

**Case No. \_\_\_\_\_**

**COLONEL JEFFREY S. KATZ,  
In His Official Capacity as  
Superintendent of the Virginia State Police  
7700 Midlothian Turnpike  
North Chesterfield, VA 23235,**

**Defendant.**

**DECLARATION OF MELODY BOYER**

1. My name is Melody Boyer. I am a U.S. citizen and resident of Campbell County, Virginia. I make this declaration in support of Plaintiffs' Complaint for Declaratory and Injunctive Relief. Unless otherwise stated, I make this declaration based on personal knowledge. If called as a witness, I can testify to the truth of the statements contained herein.

2. I am currently 19 years old and a sophomore engineering student at Liberty University. I will turn 21 in December of 2027.

3. I am a member of Gun Owners of America, Inc. and a member of Virginia Citizens Defense League. I am also a financial supporter of Gun Owners Foundation and Virginia Citizens Defense Foundation.

4. I am a law-abiding adult citizen with no criminal record, and I have no legal disqualification that would prevent me from acquiring and possessing firearms under Virginia or federal law generally.

5. I recognize that, as a legal adult, I am responsible for my own personal protection, and firearms are among the most effective tools for self-defense today. I also value my personal privacy, and I do not wish to submit to government-mandated "background checks" that produce searchable records of what firearms I own.

6. To that end, I wish to legally acquire and possess handguns and semiautomatic rifles, some of which are pejoratively named "assault firearms" under Virginia law, via private transfer, without the involvement of a licensed firearms dealer. Until very recently, private transfers of firearms between Virginia residents were legal, and have been for centuries.

7. Specifically, I wish to purchase from Ryan Thomas, a U.S. citizen, resident of the City of Lynchburg, and a lawful gun owner, a Glock 19 handgun for the price of \$650 via private transfer, to take place within the City of Lynchburg.

8. I also wish to purchase from Mr. Thomas a 6.5 Grendel-caliber AR-15-style semiautomatic rifle for the price of \$900, also via private transfer, to take place within the City of Lynchburg. I understand that this popular AR-15-style rifle qualifies as an "assault firearm" under Virginia law.

9. Mr. Thomas already has agreed to transfer these firearms to me at his home in the City of Lynchburg, on these terms, consistent with federal law and the remainder of Virginia law. However, we are prohibited from completing this transaction by Va. Code §§ 18.2-308.7(C) and 18.2-308.2:5 (the "Challenged Statutes"). Although I am a legal adult, Section 18.2-308.7(C) prohibits me from purchasing any handgun or "assault firearm" because I am "younger than 21

years of age.” Likewise, Section 18.2-308.2:5 doubly prohibits our desired transaction by criminalizing the private sale of firearms unless the prospective purchaser completes a government-administered background check.

10. I would immediately purchase the Glock 19 handgun and AR-15-style rifle from Mr. Thomas in a private sale in the City of Lynchburg if legally able, but I am barred from purchasing both. Even so, I do not wish to submit to an unconstitutional background check for these sorts of private, intrastate sales, which are perfectly lawful under federal law. I further understand that it is impossible under federal law for a licensed dealer to transfer a handgun to me.

11. I wish to purchase these firearms for personal protection and other lawful purposes, such as hunting and target shooting.

12. Indeed, I practice target shooting regularly at informal shooting ranges on the property of my parents and the property of their next-door neighbors in Campbell County.

13. The Challenged Statutes infringe my right to keep and bear arms under Article I, Section 13 of the Virginia Constitution.

14. The Challenged Statutes therefore cause me irreparable harm by preventing me from acquiring weapons for my own self-protection.

15. Pursuant to Va. Code § 8.01-4.3, and in accordance Va. Code of § 8.01-628, I hereby affirm under penalty of perjury that (1) all of the foregoing declarations, (2) the allegations of the Complaint for Declaratory and Injunctive Relief, and (3) the facts stated in the Motion for Temporary Restraining Order and Preliminary Injunction to which this Declaration pertains, are true and accurate to the best of my knowledge.

City / County of Campbell  
Commonwealth/State of Virginia  
The foregoing instrument was acknowledged  
before me this 3 day of October,  
2026, by Melody Boyer  
(name of person seeking acknowledgment)  
Notary Public:  
My commission expires: 11/30/24

Melody Boyer  
Melody Boyer  
10/3/26  
Date



# EXHIBIT C

**VIRGINIA:**

**IN THE CIRCUIT COURT FOR THE CITY OF LYNCHBURG**

**MELODY BOYER,  
NATASHA ROUSSEAU,  
GUN OWNERS OF AMERICA, INC.,  
GUN OWNERS FOUNDATION,  
VIRGINIA CITIZENS DEFENSE LEAGUE, and  
VIRGINIA CITIZENS DEFENSE FOUNDATION,**

**Plaintiffs,**

**v.**

**Case No. \_\_\_\_\_**

**COLONEL JEFFREY S. KATZ,  
In His Official Capacity as  
Superintendent of the Virginia State Police  
7700 Midlothian Turnpike  
North Chesterfield, VA 23235,**

**Defendant.**

**DECLARATION OF NATASHA ROUSSEAU**

1. My name is Natasha Rousseau. I am a U.S. citizen and resident of the City of Lynchburg, Virginia. I make this declaration in support of Plaintiffs' Complaint for Declaratory and Injunctive Relief. Unless otherwise stated, I make this declaration based on personal knowledge. If called as a witness, I can testify to the truth of the statements contained herein.

2. I am currently 18 years old and a freshman student residing on campus at Liberty University. I will turn 21 in September of 2029.

3. I am a member of Gun Owners of America, Inc. and a member of Virginia Citizens Defense League. I am also a financial supporter of Gun Owners Foundation and Virginia Citizens Defense Foundation.

4. I am a law-abiding adult citizen with no criminal record, and I have no legal disqualification that would prevent me from acquiring and possessing firearms under Virginia or federal law generally.

5. I recognize that, as a legal adult, I am responsible for my own personal protection, and firearms are among the most effective tools for self-defense today. I also value my personal privacy, and I do not wish to submit to government-mandated "background checks" that produce searchable records of what firearms I own.

6. To that end, I wish to legally acquire and possess handguns and semiautomatic rifles, some of which are pejoratively named "assault firearms" under Virginia law, via private transfer, without the involvement of a licensed firearms dealer. Until very recently, private transfers of firearms between Virginia residents were legal, and have been for centuries.

7. Specifically, I wish to purchase from Ryan Thomas, a U.S. citizen, resident of the City of Lynchburg, and a lawful gun owner, a Smith & Wesson Shield handgun for the price of \$300 via private transfer, to take place within the City of Lynchburg.

8. I also wish to purchase from Mr. Thomas an AR-15-style semiautomatic rifle for the price of \$900, also via private transfer, to take place within the City of Lynchburg. I understand this popular AR-15-style rifle qualifies as an "assault firearm" under Virginia law.

9. Mr. Thomas already has agreed to transfer these firearms to me at his home in the City of Lynchburg, on these terms, consistent with federal law and the remainder of Virginia law. However, we are prohibited from completing this transaction by Va. Code §§ 18.2-308.7(C) and 18.2-308.2:5 (the "Challenged Statutes"). Although I am a legal adult, Section 18.2-308.7(C) prohibits me from purchasing any handgun or "assault firearm" because I am "younger than 21 years of age." Likewise, Section 18.2-308.2:5 doubly prohibits our desired transaction by

criminalizing the private sale of firearms unless the prospective purchaser completes a government-administered background check.

10. I would immediately purchase the Smith & Wesson Shield handgun and AR-15-style "assault firearm" from Mr. Thomas in a private sale in the City of Lynchburg if legally able, and I do not wish to submit to an unconstitutional background check for these sorts of private, intrastate sales, which are perfectly lawful under federal law. I further understand that it is impossible under federal law for a licensed dealer to transfer a handgun to me.

11. I wish to purchase these firearms for personal protection and other lawful purposes, such as hunting and target shooting.

12. The Challenged Statutes infringe my right to keep and bear arms under Article I, Section 13 of the Virginia Constitution.

13. The Challenged Statutes therefore cause me irreparable harm by preventing me from acquiring weapons for my own self-protection.

14. Pursuant to Va. Code § 8.01-4.3, and in accordance Va. Code of § 8.01-628, I hereby affirm under penalty of perjury that (1) all of the foregoing declarations, (2) the allegations of the Complaint for Declaratory and Injunctive Relief, and (3) the facts stated in the Motion for Temporary Restraining Order and Preliminary Injunction to which this Declaration pertains, are true and accurate to the best of my knowledge.



*Christina L. Boyer*  
my commission expires  
Oct 31, 2026

*Natasha Rousseau*  
\_\_\_\_\_  
Natasha Rousseau

*10/1/2026*  
\_\_\_\_\_  
Date

# EXHIBIT D

**VIRGINIA:**

**IN THE CIRCUIT COURT FOR THE CITY OF LYNCHBURG**

**MELODY BOYER,  
NATASHA ROUSSEAU,  
GUN OWNERS OF AMERICA, INC.,  
GUN OWNERS FOUNDATION,  
VIRGINIA CITIZENS DEFENSE LEAGUE, and  
VIRGINIA CITIZENS DEFENSE FOUNDATION,**

**Plaintiffs,**

**v.**

**Case No. \_\_\_\_\_**

**COLONEL JEFFREY S. KATZ,  
In His Official Capacity as  
Superintendent of the Virginia State Police  
7700 Midlothian Turnpike  
North Chesterfield, VA 23235,**

**Defendant.**

**DECLARATION OF ERICH PRATT**

1. My name is Erich Pratt. I am a U.S. citizen and resident of Virginia. I make this declaration in support of Plaintiffs' Complaint for Declaratory and Injunctive Relief and Motion for Temporary Restraining Order and Preliminary Injunction. Unless otherwise stated, I make this declaration based on personal knowledge. If called as a witness, I can testify to the truth of the statements contained herein.

2. I am the Senior Vice President of Gun Owners of America, Inc. ("GOA") and the Senior Vice President of Gun Owners Foundation ("GOF"), and I am authorized to testify on behalf of GOA and GOF for matters set forth in this declaration.

3. GOA is a California non-stock corporation with its principal place of business in Springfield, Virginia.

4. GOA is organized and operated as a nonprofit membership organization that is exempt from federal income taxes under Section 501(c)(4) of the U.S. Internal Revenue Code. GOA was formed in 1976 to preserve and defend the Second Amendment rights of gun owners. GOF is a Virginia non-stock corporation with its principal place of business in Springfield, Virginia.

5. GOF is organized and operated as a nonprofit legal defense and educational foundation that is exempt from federal income taxes under Section 501(c)(3) of the U.S. Internal Revenue Code. GOF was formed in 1983 and is supported by gun owners across the country. Donations by supporters of GOF fund the organization's activities, including litigation such as this to defend their right to keep and bear arms.

6. GOF funds its litigation efforts, in part, by way of individual contributions, along with contributions received from individuals through the Combined Federal Campaign. GOF's supporters provide the funds directly used to support GOF's litigation efforts, which efforts would be impossible without contributions from GOF's supporters. GOF's supporters contribute to GOF specifically so that it can bring litigation like this. As part of keeping its supporters up to date on this and other litigation, and various other Second Amendment topics, GOF provides its supporters with a newsletter which provides updates directly to them, keeping them advised of what GOF is doing. In addition to another of GOF's board members, I am a financial supporter of GOF, as I personally have contributed funds to GOF to further its mission.

7. GOA and GOF together have more than two million members and supporters nationwide, including tens of thousands who are Virginia residents, some of whom reside in or visit this jurisdiction.

8. In my leadership capacity, I am in regular contact with GOA and GOF members and supporters regarding their concerns, questions, requests, and suggestions on how GOA and GOF can best represent their interests.

9. Ever since Va. Code § 18.2-308.7(C) and Va. Code § 18.2-308.2:5 (the “Challenged Statutes”) were enacted or otherwise amended in 2026, a material concern of a significant number of GOA and GOF’s members and supporters has been that the Challenged Statutes prohibit the private transfer of firearms in general, and the transfer of handguns and semiautomatic firearms pejoratively labeled “assault firearms” to law-abiding adult Virginians under the age of 21.

10. Many of these GOA and GOF members and supporters are themselves adults under the age of 21 and wish to acquire handguns and “assault firearms,” and they would do so but for Defendant’s threat of criminal enforcement against them.

11. Likewise, many of GOA and GOF’s members and supporters are adult Virginians who have engaged in private, noncommercial, intrastate firearm transactions in the past and wish to lawfully continue doing so but for Defendant’s threat of criminal enforcement against them.

12. For example, GOA members, GOF supporters, and Virginia residents Melody Boyer and Natasha Rousseau, ages 19 and 18 respectively, wish to engage in conduct now proscribed by the Challenged Statutes. Boyer and Rousseau wish to acquire handguns and semiautomatic AR-15-style “assault firearms” via private transfer from Ryan Thomas, another GOA member, in a private sale to take place in the City of Lynchburg. Thomas has agreed to sell these firearms to Boyer and Rousseau, and these GOA and GOF members and supporters would immediately complete their desired transactions but for the Challenged Statutes.

13. Many other GOA and GOF members and supporters wish to engage in the same and similar activities as Ms. Boyer and Ms. Rousseau, including the private transfer of firearms

generally, and the acquisition of handguns and “assault firearms” by those who are legal adults under the age of 21.

14. GOA and GOF’s members and supporters desire and overwhelmingly support GOA and GOF’s involvement in this litigation to protect their right to engage in private, noncommercial, intrastate firearm transactions without the involvement of a licensed firearms dealer, and to acquire handguns and popular “assault firearms.”

15. Protection of the rights and interests advanced in this litigation is germane to GOA and GOF’s mission, which includes protecting Article I, Section 13 of the Virginia Constitution and the rights of Virginians and GOA and GOF members and supporters to continue Virginia’s centuries-old tradition of private firearm transfers and the acquisition, keeping, and bearing of handguns and semiautomatic firearms by legal adults. GOA and GOF routinely litigate cases throughout the country on behalf of their members and supporters, and are capable of fully and faithfully representing the interests of their members and supporters without individual participation by each.

16. Ms. Boyer, Ms. Rousseau, Mr. Thomas, and other members and supporters of GOA and GOF all wish to conduct private firearm transfers, including the transfer of handguns and so-called “assault firearms” to legal adults 18 to 20 years of age, free from criminal liability under the Challenged Statutes.

17. Pursuant to Va. Code § 8.01-4.3, and in accordance with Va. Code of § 8.01-628, I hereby affirm under penalty of perjury that (1) all of the foregoing declarations, (2) the allegations of the Complaint for Declaratory and Injunctive Relief, and (3) the facts stated in the Motion for Temporary Restraining Order and Preliminary Injunction to which this Declaration pertains, are true and accurate to the best of my knowledge.

*Erich Pratt*

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Erich Pratt

September 29, 2026

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Date

# EXHIBIT E

**VIRGINIA:**

**IN THE CIRCUIT COURT FOR THE CITY OF LYNCHBURG**

**MELODY BOYER,  
NATASHA ROUSSEAU,  
GUN OWNERS OF AMERICA, INC.,  
GUN OWNERS FOUNDATION,  
VIRGINIA CITIZENS DEFENSE LEAGUE, and  
VIRGINIA CITIZENS DEFENSE FOUNDATION,**

**Plaintiffs,**

**v.**

**Case No. \_\_\_\_\_**

**COLONEL JEFFREY S. KATZ,  
In His Official Capacity as  
Superintendent of the Virginia State Police  
7700 Midlothian Turnpike  
North Chesterfield, VA 23235,**

**Defendant.**

**DECLARATION OF PHILIP VAN CLEAVE**

1. My name is Philip Van Cleave. I am a U.S. citizen and resident of Virginia. I make this declaration in support of Plaintiffs' Complaint for Declaratory and Injunctive Relief and Motion for Temporary Restraining Order and Preliminary Injunction. Unless otherwise stated, I make this declaration based on personal knowledge. If called as a witness, I can testify to the truth of the statements contained herein.

2. I am the President of Virginia Citizens Defense League ("VCDL") and the President of Virginia Citizens Defense Foundation ("VCDF"), and I am authorized to testify on behalf of VCDL and VCDF for matters set forth in this declaration.

3. VCDL is a Virginia non-stock corporation with its principal place of business in Newington, Virginia. VCDL was formed in 1998 and is organized and operated as a nonprofit

civic league that is exempt from federal income taxes under Section 501(c)(4) of the U.S. Internal Revenue Code.

4. VCDL has tens of thousands of members and supporters across Virginia, including within this jurisdiction, and operates as a nonprofit, nonpartisan, grassroots organization dedicated to advancing the enumerated right to keep and bear arms as guaranteed by Article I, Section 13 of the Constitution of the Commonwealth of Virginia.

5. VCDF is a Virginia non-stock corporation with its principal place of business in Newington, Virginia. VCDF was formed in 2024 and is organized and operated as a nonprofit legal defense and educational foundation that is exempt from federal income taxes under Section 501(c)(3) of the U.S. Internal Revenue Code.

6. VCDF is supported by gun owners across the country, including Virginia residents, such as Plaintiffs Melody Boyer and Natasha Rousseau. Donations by supporters of VCDF fund the organization's activities, including litigation such as this to defend their right to keep and bear arms.

7. VCDF funds its litigation efforts, in part, by way of individual contributions. VCDF's supporters provide the funds directly used to support VCDF's litigation efforts, which efforts would be impossible without contributions from VCDF's supporters. VCDF's supporters contribute to VCDF specifically so that it can bring litigation such as this, and VCDF regularly provides updates to them regarding its activities, as well as various Second Amendment-related topics.

8. In my leadership capacity, I am in regular contact with VCDL and VCDF members and supporters regarding their concerns, questions, requests, and suggestions on how VCDL and VCDF can best represent their interests.

9. Ever since Va. Code § 18.2-308.7(C) and Va. Code § 18.2-308.2:5 (the “Challenged Statutes”) were enacted or otherwise amended in 2026, a material concern of a significant number of VCDL and VCDF’s members and supporters has been that the Challenged Statutes prohibit the private transfer of firearms in general, and the transfer of handguns and semiautomatic firearms pejoratively labeled “assault firearms” to law-abiding adult Virginians under the age of 21.

10. Many of these VCDL and VCDF members and supporters are adults under the age of 21 and wish to acquire handguns and “assault firearms,” and they would do so but for Defendant’s threat of criminal enforcement against them.

11. Likewise, many of VCDL and VCDF’s members and supporters are adult Virginians who have engaged in private, noncommercial, intrastate firearm transactions in the past and wish to lawfully continue doing so but for Defendant’s threat of criminal enforcement against them.

12. For example, VCDL members, VCDF supporters, and Virginia residents Melody Boyer and Natasha Rousseau, ages 19 and 18 respectively, wish to engage in conduct now proscribed by the Challenged Statutes. Boyer and Rousseau wish to acquire handguns and semiautomatic AR-15-style “assault firearms” via private transfer from Ryan Thomas, another VCDL member, in a private sale to take place in the City of Lynchburg. Thomas has agreed to sell these firearms to Boyer and Rousseau, and these VCDL and VCDF members and supporters would immediately complete their desired transactions but for the Challenged Statutes.

13. Many other VCDL and VCDF members and supporters wish to engage in the same and similar activities as Ms. Boyer and Ms. Rousseau, including the private transfer of firearms generally, and the acquisition of handguns and “assault firearms” by those who are legal adults under the age of 21.

14. VCDL and VCDF's members and supporters desire and overwhelmingly support VCDL and VCDF's involvement in this litigation to protect their right to engage in private, noncommercial, intrastate firearm transactions without the involvement of a licensed firearms dealer, and to acquire handguns and popular "assault firearms."

15. Protection of the rights and interests advanced in this litigation is germane to VCDL and VCDF's mission, which includes protecting Article I, Section 13 of the Virginia Constitution and the rights of Virginians and VCDL and VCDF members and supporters to continue Virginia's centuries-old tradition of private firearm transfers and the acquisition, keeping, and bearing of handguns and semiautomatic firearms by legal adults. VCDL and VCDF routinely litigate cases throughout the country on behalf of their members and supporters, and are capable of fully and faithfully representing the interests of their members and supporters without individual participation by each.

16. Ms. Boyer, Ms. Rousseau, Mr. Thomas, and other members and supporters of VCDL and VCDF all wish to conduct private firearm transfers, including the transfer of handguns and so-called "assault firearms" to legal adults 18 to 20 years of age, free from criminal liability under the Challenged Statutes.

17. Pursuant to Va. Code § 8.01-4.3, and in accordance with Va. Code of § 8.01-628, I hereby affirm under penalty of perjury that (1) all of the foregoing declarations, (2) the allegations of the Complaint for Declaratory and Injunctive Relief, and (3) the facts stated in the Motion for Temporary Restraining Order and Preliminary Injunction to which this Declaration pertains, are true and accurate to the best of my knowledge.

*Philip Van Cleave*

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Philip Van Cleave

September 29, 2026

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Date