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MEMORANDUM

TO: All Interested Parties, Citizens of Warren County, Virginia, and Law Enforcement Partners
FROM: John S. Bell, Commonwealth's Attorney, Warren County, Virginia
DATE: May 26, 2026
RE: Non-Enforcement Policy Regarding Recently Enacted Virginia Firearms Legislation

I. PURPOSE

This memorandum sets forth the official policy of the Office of the Commonwealth's Attorney for Warren County, Virginia, regarding the enforcement of certain recently enacted Virginia firearms statutes. It is issued pursuant to the constitutional authority and prosecutorial discretion vested in the Office of the Commonwealth's Attorney under Article VII, Section 4 of the Constitution of Virginia, and in accordance with the values and commitments of the citizens of Warren County.

II. BACKGROUND AND LEGISLATIVE CONTEXT

During the 2026 session of the Virginia General Assembly, the Democratic-controlled legislature passed, and Governor Abigail Spanberger subsequently signed into law, a sweeping package of firearms legislation that fundamentally alters the rights of law-abiding Virginia gun owners. Among the most significant measures enacted are the following:

- A ban on the future sale, purchase, importation, manufacture, or transfer of so-called "assault firearms" and standard-capacity magazines exceeding 15 rounds, effective July 1, 2026 (SB 727/HB 1524);
- A prohibition on the purchase of certain commonly owned firearms by legal adults between the ages of 18 and 20, effective immediately upon enactment (HB 1525).
- Expanded restrictions on where lawfully permitted individuals may carry firearms on public property; and
- New criminal statutes targeting so-called "ghost guns" and imposing additional storage mandates on lawful firearm owners.

These laws represent one of the most expansive restrictions on the right to keep and bear arms in the Commonwealth's history. Major gun rights organizations, including the National Rifle Association and the Virginia Citizens Defense League, have vowed immediate legal challenges to several of these measures, particularly the assault weapons ban, on grounds that they are unconstitutional under the Second Amendment to the United States Constitution and Article I, Section 13 of the Constitution of Virginia.

III. THE WARREN COUNTY SECOND AMENDMENT SANCTUARY RESOLUTION

This Office does not act in a vacuum. The citizens and elected leaders of Warren County have already spoken with clarity and force on this matter. On December 10, 2019, following a public hearing attended by more than 1,000 residents, the Warren County Board of Supervisors voted 4-0 (with one abstention) to adopt a Second Amendment Sanctuary Resolution, formally declaring Warren County a Second Amendment Sanctuary jurisdiction.

That resolution expressed the clear will of Warren County's citizens that the Second Amendment to the United States Constitution and Article I, Section 13 of the Constitution of Virginia shall not be infringed, and that the resources and personnel of Warren County shall not be used to enforce laws that unlawfully restrict the constitutional right of law-abiding citizens to keep and bear arms. The overwhelming public support demonstrated at that hearing—with thousands of citizens signing petitions and hundreds attending in person—reflects the bedrock values of this community.

This Office honors and affirms that resolution. The 2019 Second Amendment Sanctuary Resolution is not merely a symbolic gesture—it is a declaration of principle by the elected representatives of the people of Warren County, and this Office is bound by duty to the citizens who elected it to uphold that principle.

IV. CONSTITUTIONAL BASIS AND PROSECUTORIAL DISCRETION

The Second Amendment to the United States Constitution guarantees that “the right of the people to keep and bear Arms, shall not be infringed.” The Supreme Court of the United States has affirmed, in *District of Columbia v. Heller* (2008) and *McDonald v. City of Chicago* (2010), that this is an individual right of constitutional dimension, protected against infringement by both the federal and state governments. In *New York State Rifle & Pistol Association v. Bruen* (2022), the Court further held that firearms regulations must be consistent with the Nation's historical tradition of firearm regulation.

The Commonwealth's Attorney is an independently elected constitutional officer of the Commonwealth. It is well-established under Virginia law and the traditions of our criminal justice system that the Commonwealth's Attorney exercises broad prosecutorial discretion in determining which matters to pursue and how to allocate the limited resources of this Office. This discretion is a cornerstone of our system of justice and is not subject to direction by the Governor or the General Assembly with respect to individual charging decisions.

It is this Office's considered legal and constitutional judgment that several of the recently enacted firearms statutes are facially unconstitutional or constitutionally suspect under *Heller*, *McDonald*, and *Bruen*, and that their enforcement would violate the rights of law-abiding citizens of Warren County. Accordingly, and consistent with this Office's exercise of lawful prosecutorial discretion, this Office declines to pursue prosecution under the statutes identified below.

V. NON-ENFORCEMENT POLICY

Effective immediately, the Office of the Commonwealth's Attorney for Warren County, Virginia, hereby adopts the following policy:

1. This Office will not prosecute any law-abiding citizen of Warren County for the possession, purchase, sale, transfer, or transportation of firearms, ammunition, or magazines that were lawful prior to the enactment of the 2026 Virginia firearms legislation described herein, where no other criminal conduct is alleged.
2. This Office will not expend its resources to prosecute charges brought solely under the assault weapons ban (SB 727/HB 1524), the age restriction on handgun purchases (HB 1525), or the expanded public-carry restrictions, pending the outcome of constitutional litigation challenging those statutes.
3. This Office will continue to vigorously prosecute all violent crimes involving the use or threatened use of firearms, all crimes committed by individuals prohibited by law from possessing firearms, and all matters involving the trafficking of illegal weapons.
4. This policy shall be reviewed on an ongoing basis and will be updated as courts issue rulings regarding the constitutionality of the affected statutes.

VI. CONCLUSION

The citizens of Warren County are lawful, responsible, and Constitution-loving people. They have made clear, through their overwhelming support of the 2019 Second Amendment Sanctuary Resolution and through the ballot box, that they expect their elected officials to defend their constitutional rights. This Office was elected to serve the people of Warren County—not to serve as an instrument of unconstitutional encroachment upon their liberties.

The right to keep and bear arms is not a privilege granted by government—it is a fundamental right endowed by our Creator and enshrined in both the United States Constitution and the Constitution of Virginia. This Office will honor that right, honor the will of the people of Warren County, and honor its oath to “support the Constitution of the United States, and the Constitution of the Commonwealth of Virginia.”

Questions regarding this memorandum may be directed to the Office of the Commonwealth’s Attorney for Warren County at (540) 635-5441.

Respectfully submitted,



John S. Bell
Commonwealth’s Attorney
Warren County, Virginia