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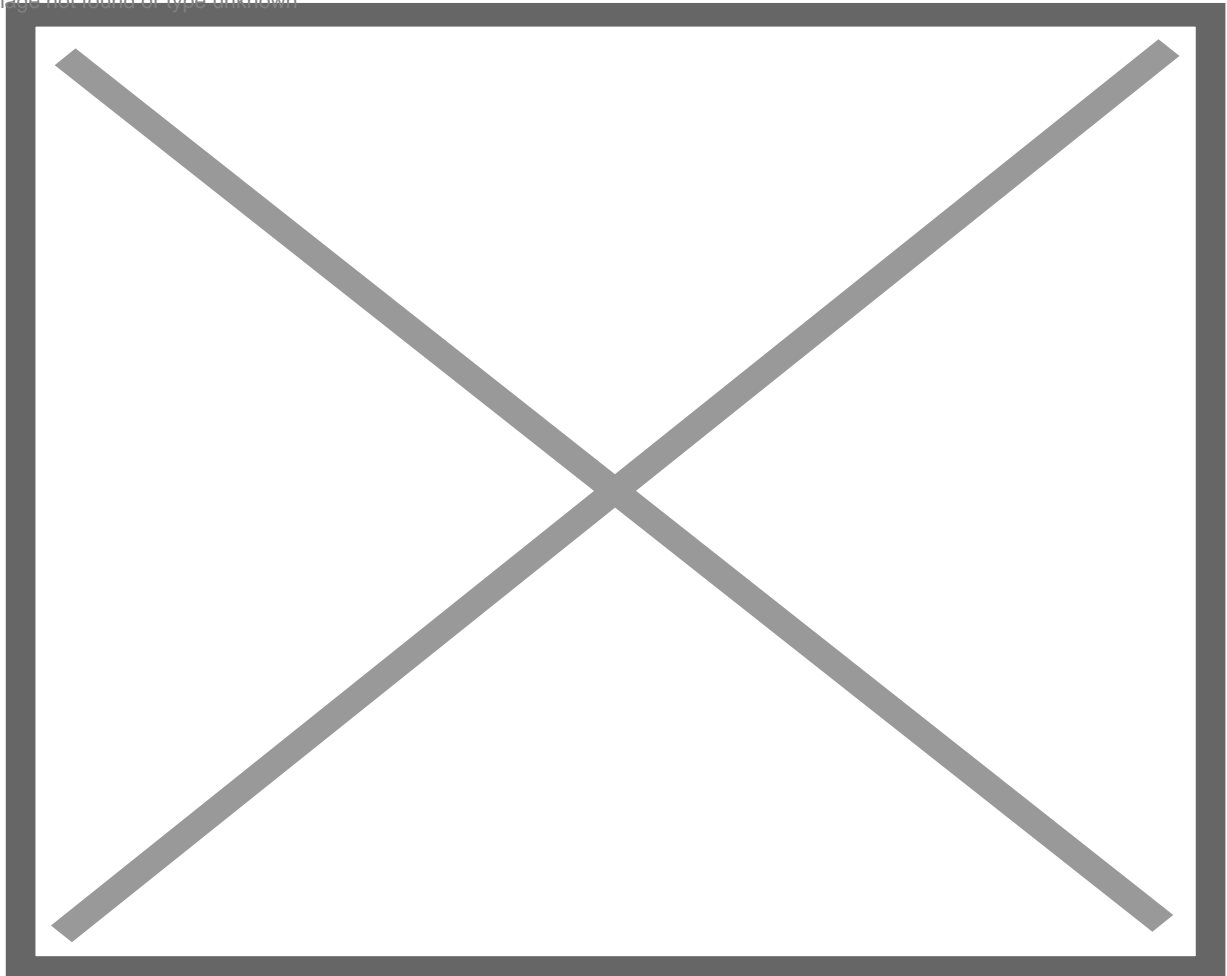
Bills Seeking to Ban Assault Rifles and Restrict Gun Component Importation Held In Committee Over Constitutional Concerns

Legislation to increase firearm license period passes first stage

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Assault rifles. By. GETTY IMAGES

Concerns that two bills sponsored by Senator Dwayne DeGraff could infringe on the constitutional rights of Virgin Islanders if they were enacted into law prompted him to hold the measures in committee on Tuesday.

The bills in question were touted as public safety measures that would reduce the number of illegal and unlicensed firearms circulating in the local community.

Bill 35-0243 is a measure that would require someone who intends to buy firearm components that would have to be mailed or shipped to the Virgin Islands to first get permission from the VIPD commissioner. Bill 35-0250 would add a section to Title 23 of the Virgin Islands Code banning assault rifles territory-wide.

“I’m trying to save lives,” said Senator DeGraff, who asserted that modified and assault rifles are “being used to kill people.” His good intentions, though, were described as trampling on the rights afforded to Virgin Islanders through the Second Amendment — the right to bear arms.

Gregory Magras was a concerned citizen invited to comment, who told lawmakers that he remained “very concerned about the cavalier way in which we handle the constitutional rights of the people of the Virgin Islands.” Arguing against Bill 35-0243, he contended that it would give the police commissioner the power to “deny me the right to own a functional firearm,” by theoretically withholding permission for Mr. Magras to import a necessary component to repair a firearm.

Acting Attorney General Ian Clement proposed amending the measure by “rewriting the bill as an anti-modification law” as opposed to an “anti-import statute.” This, he said, would make it a “criminal act to alter a weapon to make it more lethal.” He described the current language in Bill No. 35-0243 as “too ambiguous.”

Mr. Clement also suggested that the language in Bill No. 35-0250 – the proposed assault weapons ban – be expanded to include not only assault rifles, which are defined in current law as being automatic weapons, but also semi-automatic weapons like AR15s. These weapons, said Mr. Clement, are “frequently used in mass shooting incidents and alarmingly are turning up on the streets of the Virgin Islands.” The Second Amendment, as explained by Mr. Clement, does not offer the same protections for people who carry “dangerous or unusual weapons.”

Another testifier, Horace Magras, told senators that “the need to address crime should not be at a cost to individuals’ rights.” Instead, he suggested that “importation of firearms, illegal firearms and ammunition should be the focus.” Levi MacSheen, owner of Star Time Firearms, told committee members that he could not “support the outright ban on assault rifles.” Instead, he advocated for “stricter policies for the possession and imposing more rigorous requirements for approval of such firearms.”

Meanwhile, VIPD Assistant Commissioner Sidney Elskoe indicated that the department “takes a somewhat neutral position” but “remains cognizant and ready to perform its duty to ensure safety.”

The attempts by Senator DeGraff to clamp down on gun crime were mired with challenges throughout the entire hearing. Horace Magras accused the bills of unfairly targeting “duly licensed firearm owners.” “These are not the folks that are committing crimes with these firearms,” he argued.

With a mountain of opinions before them, committee members, too, were fearful of running afoul of the Constitution. Instead of a blanket ban on assault rifles, Senator Franklin Johnson suggested finding ways of “stopping the infiltration of all of these unlicensed firearms that are coming into our territory.” Senator Angel Bolques Jr. expressed the hope that the bill sponsor would strongly consider the acting AG’s suggestions “concerning how the law should specifically be crafted so that there is no constitutional issue.”

Mounting reservations from those present prompted Senator DeGraff to hold the bills in committee at the call of the chair.

A third firearms-related measure was approved, despite some concerns raised by the Magras brothers. Bill No. 35-0215, sponsored by Senator Milton Potter, would increase the firearm license period from three to five years. A fee increase to prevent a “drop off in revenues” for the VIPD was attached. The bill, according to Mr. Potter, will reduce “administrative burden...while maintaining stringent monitoring protocols.” He promised to introduce an amendment requiring a firearm refresher course during each five-year period when the measure is discussed before the Committee on Rules and Judiciary.

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