

**PRESENTATION TESTIMONY OF ATTORNEY GENERAL  
GORDON C. RHEA, ESQ.  
THIRTY-SIXTH LEGISLATURE OF THE VIRGIN ISLANDS  
COMMITTEE OF THE WHOLE  
“2026 SECOND AMENDMENT RIGHTS AND PUBLIC SAFETY ACT”  
June 12, 2026**

Good day, Chairman Potter, distinguished Senators of the Thirty-Sixth Legislature, Legislative staff, and members of the listening and viewing audience. I am Gordon Rhea, Attorney General of the Virgin Islands. Joining me this morning is Sean Bailey, an Assistant Attorney General in the Solicitor General Division. It is an honor and a privilege to appear before you.

The Department of Justice appreciates the opportunity to comment on the measure before the Committee, and we offer this testimony in full support of its passage. Let me first be precise about what is before you. The Committee is considering Bill No. 36-0144, and the measure we ask you to advance is Amendment No. 36-364, an amendment in the nature of a substitute offered by Chairman Joseph. If adopted, the substitute would replace the text of Bill No. 36-0144 in its entirety and enact what would be cited as the “2026 Second Amendment Rights and Public Safety Act.” For ease of reference, I will refer to it this morning simply as “the Act.” The Act amends Title 23 of the Virgin Islands Code, Chapter 5, which governs the

possession, receipt, purchase, sale, transfer, transportation, and carrying of firearms in our Territory.

I want to begin with the single most important point I can make this morning, and it is a simple one. This Act is about balance. It is written to protect the constitutional rights of law-abiding Virgin Islanders to keep and bear arms, and, at the very same time, to give our police the clear, common-sense tools they need to keep illegal guns out of the wrong hands and keep our community safe. Those two goals are not in conflict. The Act states its own purpose plainly: it is designed “to safeguard the right of the people to keep and bear arms, while enabling law enforcement to protect the people of the Virgin Islands from unlawful gun violence in a manner that is consistent with the [N]ation’s historical tradition of firearm regulation.”<sup>1</sup> That is exactly the balance this measure strikes.

### **Why this Act, and why now.**

These revisions are both timely and necessary, because the law that governs firearms throughout this country has changed, and our Territory’s statutes must change with it. In recent years the United States Supreme Court has reshaped how every jurisdiction in the Nation — including the Virgin Islands — may regulate

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<sup>1</sup>2026 Second Amendment Rights and Public Safety Act § 2(f) (statement of legislative findings and purpose) (hereinafter “the Act”).

firearms. In the landmark *Bruen* case, the Court struck down a New York licensing law because it forced ordinary citizens to prove a special reason — a so-called “proper cause” — before they could be licensed to carry a firearm.<sup>2</sup> The Court held that requirement unconstitutional. Our own existing firearms statutes contain the very same kind of requirement that the Supreme Court has now said the Constitution does not allow.

I want to be candid with this Committee about what that means, because the risk here is not theoretical. Aspects of our current firearms framework are already the subject of active litigation in federal court, and the constitutionality of our existing scheme is squarely in question. If our statutes were to be struck down by a federal court before this Legislature has put a sound replacement in place, the result would not be more freedom under the law — it would be a vacuum. Our police could lose the very authority they rely on today to license gun owners, to register firearms, and to keep weapons away from felons and other dangerous individuals. Protections this body has built over many years could be erased by a single court order and replaced by nothing at all.

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<sup>2</sup>*N.Y. State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1, 70 (2022).

That is the outcome this Act is designed to prevent. Passing this measure is how we keep control of our own firearms policy — thoughtfully, on our own terms, and through the local democratic process — rather than waiting to have it dictated to us by a federal court. The choice before this Committee is not whether the Virgin Islands will have strong, enforceable firearms laws or weak ones. The choice is whether we will write those laws ourselves, in a manner that both honors the Constitution and protects our people, or whether we will leave that task to the federal courts.

**The Act honors the rights of law-abiding citizens.**

The Supreme Court’s recent decisions do not leave us without options, and they certainly do not require us to abandon public safety. The Court has been equally clear that the right to keep and bear arms, while fundamental, is not unlimited. The Justices themselves have said that governments may still keep firearms away from felons and the dangerously mentally ill, may forbid carrying them in sensitive places such as schools and government buildings, and may regulate especially dangerous weapons.<sup>3</sup>

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<sup>3</sup>See *District of Columbia v. Heller*, 554 U.S. 570, 626–627 (2008); *McDonald v. City of Chicago*, 561 U.S. 742, 786 (2010).

I also want to speak directly to a concern I know some members of our community hold sincerely — that any system of licensing and registration is itself an infringement of their Second Amendment rights. I respect that concern, and I want to address it honestly and directly. The Supreme Court has said the opposite. Even as it struck down New York’s law, the Court made clear that states and territories may require a license to carry a handgun for self-defense.<sup>4</sup> Licensing and registration, done the right way, are fully constitutional — and this Act does them the right way.

In fact, for the law-abiding gun owner, this Act is a marked improvement over the law we have today. Among other things, the Act:

- eliminates the “proper cause” requirement entirely — no applicant will have to prove a special need to exercise a constitutional right; if an applicant meets the clear, objective qualifications set out in the Act, the Commissioner *shall* issue the license;<sup>5</sup>

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<sup>4</sup>See *Bruen*, 597 U.S. at 79 (Kavanaugh, J., concurring) (noting that the decision does not prohibit licensing requirements for carrying a handgun for self-defense).

<sup>5</sup>2026 Act § 454 (objective, “shall issue” criteria for licensure).

- sets a firm, enforceable deadline — the Commissioner must act on a completed application within 45 days, ending the indefinite delays of the past;<sup>6</sup>
- lowers the cost of exercising the right, setting the application fee at \$150 and renewals at \$50;<sup>7</sup>
- permits law-abiding, licensed residents to carry a concealed firearm in public for their own protection;<sup>8</sup>
- protects those who are already licensed by providing an orderly transition and renewal process, so that no current licensee is left behind;<sup>9</sup>
- and expressly respects the privacy of the home — the Act states plainly that nothing in its safe-storage provisions authorizes any search or inspection of a person’s property beyond what the Fourth Amendment already permits.<sup>10</sup>

These are not the features of a regime that is hostile to gun owners. They are the features of a regime that takes the Constitution seriously.

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<sup>6</sup>Id. § 456(d) (determination on a completed application within 45 days).

<sup>7</sup>Id. §§ 455(d), 457(c) (\$150 application fee; \$50 renewal fee).

<sup>8</sup>Id. § 453(i) (licensed concealed carry; open carry and longarm carry restricted).

<sup>9</sup>Id. § 452(b) (transition and renewal for existing licensees).

<sup>10</sup>Id. § 489a(e) (no search or inspection authorized beyond the Fourth Amendment).

## **The Act gives law enforcement the tools to keep our community safe.**

At the same time, the Act preserves and strengthens the common-sense protections our community depends on — all of them well within the limits the Supreme Court has recognized. Among other things, the Act:

- keeps firearms out of the hands of those who should not have them — convicted violent felons, fugitives from justice, persons subject to domestic-violence protection orders, and those who have been adjudicated a danger to themselves or others;<sup>11</sup>
- keeps firearms out of sensitive places — government buildings, schools and colleges, hospitals, correctional facilities, polling places while voting is underway, houses of worship that have not chosen to permit them, and large public events such as Carnival;<sup>12</sup>
- prohibits the most dangerous weapons, which have no place in our neighborhoods — explosive devices, automatic weapons, short-barreled rifles and shotguns, untraceable “ghost guns,” and military-grade .50-caliber rifles;<sup>13</sup>

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<sup>11</sup>Id. § 454(a) (disqualifying conditions, consistent with longstanding federal categories).

<sup>12</sup>Id. § 453(i) (sensitive places).

<sup>13</sup>Id. § 453(e) (prohibited weapons).

- restricts especially dangerous accessories, including large-capacity magazines, bump stocks, silencers, and the conversion devices used to turn ordinary firearms into illegal machine guns;<sup>14</sup>
- establishes clear responsibilities for the safe storage of firearms, so that guns are kept out of the reach of children and those who would misuse them;<sup>15</sup>
- and encourages voluntary compliance through a 90-day period during which residents who hold an unlicensed or unregistered firearm may come forward, surrender it to the Virgin Islands Police Department without fear of prosecution, and then apply to license and register it lawfully.<sup>16</sup>

The Act also provides meaningful penalties for those who break these laws — penalties that, to be effective, must be enforced and prosecuted to the fullest extent the law allows.

### **The local need.**

This Act was not drafted in the abstract. It was drafted to meet the real needs of the people of the Virgin Islands. In the St. Thomas–St. John District,

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<sup>14</sup>Id. §§ 492–493 (restricted accessories).

<sup>15</sup>Id. § 489a (safe storage).

<sup>16</sup>Id. § 452(c)–(d) (90-day surrender period and immunity).

approximately 20 percent of the criminal cases we prosecute involve an illegal firearm, and approximately 60 percent involve violence. Those percentages are similar in the St. Croix District. Firearms are too often used in crimes of violence to intimidate and to harm victims, sometimes irreparably. The Government of the Virgin Islands has a solemn responsibility to enact and to enforce laws that allow the Virgin Islands Police Department to protect our community from unlawful gun violence. To be effective, those laws must be both constitutionally sound and vigorously enforced.

### **How the Act was developed.**

Drafting a measure to comprehensively reform the Territory's firearm laws was not a simple undertaking. Many issues were considered and many people consulted. We reviewed the firearm statutes of jurisdictions across the country that have recently revised their own laws to conform to the Supreme Court's decisions, and we studied how the courts have treated those revisions — taking care to build a framework designed to withstand challenge.

This work was made possible by the dedication of the attorneys of the Department of Justice; by the leadership of Governor Bryan and his staff; by the contributions of the Virgin Islands Police Department, and in particular Police

Commissioner Mario Brooks and Assistant Commissioner Sean Santos; and by the leadership of this Legislature — especially Senator Clifford A. Joseph, Sr., who offered the substitute before you today, together with Senators Marise C. James, Kenneth L. Gittens, and Angel L. Bolques, Jr., whose firearm-related proposals have been incorporated into this Act.

### **A durable framework.**

The Supreme Court’s Second Amendment jurisprudence is constantly evolving, and not always in predictable ways. That is why the provisions of this Act are specifically designed to be severable, so that if any single provision were later held invalid, the remainder of the Act would survive and remain enforceable.<sup>17</sup> The Act also preserves the rights of existing licensees through a savings clause.<sup>18</sup> And because the Act brings our Code up to date with current constitutional standards, future revisions should be more straightforward, and far less burdensome, than this comprehensive undertaking has been.

### **Conclusion.**

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<sup>17</sup>Id. § 452(e) (severability).

<sup>18</sup>Id. § 8 (savings clause).

This legislation will significantly improve how we regulate the possession and carrying of firearms in the Territory. More than that, it will bring our laws into the present day, in conformity with the decisions of the United States Supreme Court, while keeping faith with our obligation to protect the people of these islands. It strikes the balance our community deserves: full respect for the constitutional rights of law-abiding citizens, paired with meaningful, common-sense regulation that allows our law enforcement officers to do their jobs and keep us safe.

The Department of Justice supports this measure, and we respectfully urge the 36th Legislature of the Virgin Islands not only to support Amendment No. 36-364, but to pass it into law. I thank this Committee for affording the Department the opportunity to testify.

This concludes my formal remarks. Assistant Attorney General Bailey and I are prepared to answer any questions the Committee may have.