



Commonwealth of Virginia
Office of the Governor

Executive Order

NUMBER FORTY-NINE (2020)

AMENDED

DECLARATION OF A STATE OF EMERGENCY DUE TO POTENTIAL CIVIL UNREST AT THE VIRGINIA STATE CAPITOL

Importance of the Issue

The Commonwealth of Virginia is a welcoming state. Virginians understand that diversity of opinion keeps our democracy strong. The more voices involved in our political dialogue, the stronger we are. Civil discourse, even and especially, amongst those who disagree, is critical to our democracy's evolution and success. When the civility of that political discourse breaks down, the Commonwealth suffers. Three years ago, Virginia and the nation, watched horrified as civil protest was marred by violence and hate. The events that occurred in Charlottesville, Virginia demonstrated what can happen when peaceful demonstrations are hijacked by those who come into the Commonwealth and do not value the importance of peaceful assembly. We lost three Virginians. We must take all precautions to prevent that from ever happening again.

Credible intelligence gathered by Virginia's law enforcement agencies indicates that tens of thousands of advocates plan to converge on Capitol Square for events culminating on January 20, 2020. Available information suggests that a substantial number of these demonstrators are expected to come from outside the Commonwealth, may be armed, and have as their purpose not peaceful assembly but violence, rioting, and insurrection. Assuring that Virginia's Capitol Square and surrounding public areas are sheltered safe places for those who come to participate in the democratic process, as well as those who work on or near Capitol Square, is my greatest priority.

The anticipated effects of the potential convergence of tens of thousands of demonstrators on Capitol Square, some of whom may not come to assemble peacefully, constitutes an emergency as described in § 44-146.16 of the *Code of Virginia (Code)*. Therefore, by virtue of the authority vested in me by the Constitution of Virginia, by §§ 2.2-103 and 44-146.13 *et seq.* of the *Code*, as Governor and Director of Emergency Management and Commander-in-Chief of the Commonwealth's armed forces, I proclaim that a state of emergency will exist starting on

January 17, 2020 through January 21, 2020. Accordingly, I direct state and local governments to render appropriate assistance to prepare for this event, to alleviate any conditions resulting from the situation, and to implement recovery and mitigation operations and activities so as to return impacted areas to pre-event conditions as much as possible. Emergency services shall be conducted in accordance with § 44-146.13 *et seq.* of the *Code*.

In order to marshal all public resources and appropriate preparedness, response, and recovery measures, I order the following actions:

- A. Activation of the Virginia Emergency Operations Center and the Virginia Emergency Support Team, as directed by the State Coordinator of Emergency Management, to coordinate the provision of assistance to state and local governments and to facilitate emergency services assignments to other agencies.
- B. Authorization for the heads of executive branch agencies, on behalf of their regulatory boards as appropriate, and with the concurrence of their Cabinet Secretary, to waive any state requirement or regulation, and enter into contracts without regard to normal procedures or formalities, and without regard to application or permit fees or royalties. All waivers issued by agencies shall be posted on their websites.
- C. To provide for the shelter and safety of state employees who work on or near the Virginia State Capitol and those who come to peacefully assemble, and consistent with the General Assembly's prohibition on weapons in the Virginia State Capitol and the Pocahontas Buildings, and Executive Order 50 (McAuliffe), which prohibits firearms in offices occupied by executive branch agencies, no weapons, including firearms, may be carried or possessed on any land, real property, or improvements owned by the Commonwealth of Virginia within the area bounded by Broad Street, Ninth Street, Bank Street and Governor Street in the City of Richmond, Virginia, as well as any Commonwealth-owned parking lots for Virginia's Department of Transportation, the Madison Building, the Monroe Building, the Patrick Henry Building, Washington Building, the Jefferson Building, and the Oliver Hill Building.
 1. "Firearm" means any handgun, pistol, revolver, or other weapon designed or intended to propel or expel a projectile or missile of any kind by action of an explosion of any combustible material; rifle, shotgun, automatic or semi-automatic gun; assault firearm as defined in § 18.2-308.2:2 of the Code; machine gun; 3D printed gun; or similar weapon. Firearm does not include any ceremonial firearm currently on display in a legislative branch agency.
 2. "Weapon" means any weapon as defined in paragraphs (ii) through (v) of subsection A of § 18.2-308 of the *Code* and any stun weapon, as defined under § 18.2-308.1 of the *Code*, with the exception of a pocket knife having a folding metal blade of less than three inches. "Weapons" also includes, but is not limited to, sticks, torches, poles, bats, shields, helmets, caustic substances (i.e., pepper spray), hazardous materials, scissors, razor blades, needles, toy guns, toy weapons, fireworks, glass bottles, laser pointers, aerosol containers, baseballs,

softballs, UAVs/Drones, or any item that can inflict bodily harm that is visible, other than firearms.

3. The prohibition with respect to weapons (other than firearms) shall not apply to (a) any person possessing a knife customarily used for food preparation or service and using it for such purpose, (b) any person who possesses a knife or blade that he uses customarily in his trade and using it in such trade, (c) any tool used by a person customarily in his trade and being used pursuant to a contract with a legislative branch agency, or (d) any tool used by a state employee as a condition of his position and being used in the scope of employment. The prohibition with respect to weapons (other than firearms) shall not apply to any ceremonial weapon currently on display or use in a legislative branch agency.
4. This prohibition applies to both the open and the concealed carry of firearms and other weapons.

D. Exempt from paragraph C's prohibition are:

1. All on-duty sworn law enforcement personnel providing security for the areas listed in paragraph C during this emergency, as determined by the Chief of the Division of Capitol Police; and
2. Any other person otherwise acting in coordination with the Division of Capitol Police, as determined by its chief.

E. Pursuant to § 44-146.17 of the *Code*, violation of this Order shall be punishable as a Class 1 misdemeanor.

Effective Date of the Executive Order

This Amended Executive Order shall be effective from 5:00 p.m., Friday, January 17, until 5:00 p.m., Tuesday, January 21, 2020. Capitol Square will be open from 7:00 a.m. to 5:00 p.m. on the above days. Nothing in this Order rescinds or amends Executive Order 50 (McAuliffe), which remains in full force and effect.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 17th day of January, 2020.



Handwritten signature of Ralph S. Northam in black ink.

Ralph S. Northam, Governor

Attest:

Handwritten signature of Kelly Thomasson in black ink.

Kelly Thomasson, Secretary of the Commonwealth