



COMMONWEALTH of VIRGINIA

Office of the Governor

Robert F. McDonnell
Governor

January 14, 2011

Mr. David A. Johnson, Director
Department of Conservation and Recreation
203 Governor Street
Richmond, Virginia 23219

Dear Mr. Johnson:

I have reviewed the opinion that I provided in September of 2008 as Attorney General to then Senator Ken T. Cuccinelli, II regarding the authority of the Department of Conservation and Recreation to issue a regulation prohibiting the open carrying of firearms in State Parks. I have attached a copy of that opinion.

In summary, the opinion states that because the General Assembly enacted § 18.2-287.4 of the Code of Virginia, it had no intention of further restricting the carrying of firearms in public parks. I am not aware of any legislative action since the issuance of that opinion which would change the conclusion reached therein. Lacking specific legislative authorization to further regulate firearms, the Department of Conservation and Recreation can not promulgate a regulation that does so.

Therefore, I am directing the Department of Conservation and Recreation to cease enforcement of § 4VAC5-30-200. The Department should notify all state park officials immediately of this change. Further, I am directing that § 4VAC5-30-200 be repealed through an exempt Administrative Process Act regulatory action to bring it into conformity with this opinion and law.

I appreciate your prompt action on this issue.

Sincerely,

A handwritten signature in black ink that reads "Robert F. McDonnell".

Robert F. McDonnell