



June 10, 2026

**Submitted Via Email**

Milton E. Potter  
President  
36<sup>th</sup> Legislature  
United States Virgin Islands  
[mpotter@legvi.org](mailto:mpotter@legvi.org)

**Re: Testimony on Amendment No. 36-364 to Bill No. 36-0144**

Dear Senator Potter,

On behalf of Second Amendment Foundation (“SAF”) and our members and supporters, the undersigned respectfully submits this letter regarding Amendment No. 36-364 to Bill 36-0144.

SAF is a nonprofit organization whose purpose is dedicated to safeguarding and promoting the fundamental rights of individuals enshrined in the Second Amendment of the United States Constitution. SAF engages in legal action to ensure the principles of armed self-defense, personal liberty, and the ownership of arms are defended, secured, and restored. Through public education initiatives, SAF teaches the importance of the Second Amendment to promote a society that values and exercises the right to keep and bear arms. SAF is involved in over 50 active cases around the country that seek to advance the Second Amendment. That includes several cases proceeding in the Third Circuit Court of Appeals, and various petitions pending before the United States Supreme Court.

There are a number of constitutional issues with Amendment No. 36-364. The bill would implement many different Second Amendment violations, including restricting carry in places where such restrictions are impermissible, banning common arms in violation of *Heller*, implementing exorbitant fees that effectively tax a constitutional right, and more. I would be happy to answer any questions the Senate has on each of those topics, to the extent any Senators are interested in hearing SAF’s substantive arguments.

However, our focus here is on a much more practical consideration. Setting aside any debate on who is right and wrong for the moment, what is *not* debatable is that



many of the very laws that the bill would enact are already awaiting court rulings that would be binding on the Virgin Islands.

For example, Amendment No. 36-364 would implement a “vampire rule” under which carry would not be permitted on private property held open to the public unless the property owner posts signs allowing it or otherwise communicates such authorization. That exact issue is about to be decided by the Supreme Court as soon as Thursday, June 11, 2026, but certainly by the end of this month or early July. *See Wolford v. Lopez*, No. 24-1046, *cert. granted in part*, 146 S. Ct. 79 (2025) (U.S. argued Jan. 20, 2026).<sup>1</sup>

The Supreme Court is also deciding a case concerning whether marijuana users have Second Amendment rights, which may comment more broadly on what the standards are to disarm someone. *See United States v. Hemani*, No. 24-1234, *cert. granted*, 146 S. Ct. 326 (2025) (U.S. argued Mar. 2, 2026).<sup>2</sup> That may have direct bearing on whether Amendment No. 36-364’s attempt to restrict gun rights for young adults is constitutional, and indeed the Supreme Court is currently holding several petitions on that issue as well (including a SAF case), possibly to remand for further proceedings after *Hemani* is decided.<sup>3</sup>

Further, the Virgin Islands comes under the jurisdiction of the Third Circuit Court of Appeals, and so its rulings are binding law in the territory. The Third Circuit is currently deciding whether “assault weapon” bans and magazine capacity limits are constitutional. *See Association of New Jersey Rifle & Pistol Clubs, Inc. v. Platkin*, Nos. 24-2415, 24-2450 & 24-2506 (3d Cir. argued Oct. 15, 2025) (en banc). Separately, SAF also has pending cases in Delaware on these same issues, which likewise ultimately fall under the Third Circuit’s jurisdiction (*Gray v. Jennings* and *Graham v. Jennings*).

In another case brought by SAF, the Third Circuit is also deciding whether a number of so-called “sensitive places” restrictions enacted by New Jersey are

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<sup>1</sup> SAF’s amicus brief in that case is available online here: <https://saf.org/wp-content/uploads/2025/11/Wolford-amicus-11.21.25.pdf>

<sup>2</sup> SAF’s amicus brief in that case is available online here: <https://saf.org/wp-content/uploads/2026/01/Hemani-amicus-1.29.26.pdf>

<sup>3</sup> Alex Rivenbark, *The Second Amendment landscape*, SCOTUSblog (Feb. 9, 2026, 9:30 AM), <https://www.scotusblog.com/2026/02/the-second-amendment-landscape/> (“There are currently at least two relevant petitions pending at the court, including *Paris v. Second Amendment Foundation*, in which the government argues that laws setting a minimum age of 21 for gun rights are consistent with history from the time of the founding through the 19th century.”).



constitutional, including essentially the same list of places that Amendment No. 36-364 would enact. *See Koons v. Attorney General of New Jersey*, Nos. 23-1900 & 23-2043 (3d Cir. argued Feb. 11, 2026) (en banc).

Given all these cases with rulings that are either imminent or coming in the near future, SAF believes it is incumbent upon the Senate to fully appreciate the broader constitutional and legal implications of enacting this legislation, as you will soon have a much better idea whether the Supreme Court and the Third Circuit consider large swaths of it unconstitutional or not. There is no reason for taxpayers to incur the expense of potential lawsuits, especially at a time when the Virgin Islands are already under federal scrutiny for related issues.<sup>4</sup> These questions are all about to be answered in other cases.

SAF reiterates that to the extent there are any questions on the substance of why much of this legislation is unconstitutional, we are happy to explain our point of view. But the pending cases discussed above are reason enough for the Senate to seriously consider a wait-and-see approach on Bill 36-0144 and Amendment No. 36-364.

Please do not hesitate to reach out to me with any questions.

Kind Regards,

A handwritten signature in black ink that reads "Kostas Moros". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Kostas Moros  
[kmoros@saf.org](mailto:kmoros@saf.org)  
Director of Legal Research and Education  
Second Amendment Foundation

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<sup>4</sup> U.S. Department of Justice, Office of Public Affairs, *Justice Department Sues the Virgin Islands Police Department for Unconstitutional Practices Resulting in Effective Denials of Gun Permits* (Dec. 16, 2025), <https://www.justice.gov/opa/pr/justice-department-sues-virgin-islands-police-department-unconstitutional-practices>.