

Talking Points

Gun Violence Prevention

NCJW Message: NCJW endorses and resolves to work for laws, policies, and programs that regulate firearms and ammunition to promote gun safety and prevent gun violence. We support measures to: require a criminal background check for all gun sales; ban military-style assault weapons and high-capacity magazines; make gun trafficking a federal crime; and eliminate loopholes that allow convicted stalkers and domestic abusers access to guns. These common-sense proposals would close deadly gaps in our gun laws and ensure law enforcement agencies have the tools they need to detect and deter gun trafficking.

Talking Points:

- **Require criminal background checks for gun sales.** Background checks are the only systematic way to stop felons, domestic abusers, and other dangerous people from buying firearms. Current federal law only requires background checks for gun sales at licensed dealers. In the US, an estimated 1 in 5 gun transfers take place without going through a licensed dealer, including online and at gun shows. NCJW supports legislation that requires a criminal background check for all commercial gun sales including those at gun shows, over the internet, or in classified ads. Recent polling shows 97% of the public, and three-quarters of National Rifle Association (NRA) members, are in favor of background checks.
- **Ban assault weapons and high-capacity magazines.** Military-style assault weapons and high-capacity ammunition magazines are designed to kill large numbers of people quickly, and have no legitimate use in civilian hands. Today, even people with criminal records can and do buy assault weapons from unlicensed private sellers who don't conduct background checks. An assault weapons ban would ban the import, sale, manufacture, transfer, or possession of a semi-automatic assault weapon and high-capacity ammunition feeding devices.
- **Make gun trafficking a federal crime.** Every year, tens of thousands of guns find their way into the hands of criminals through illegal trafficking channels. However, there is no clear and effective statute that makes gun trafficking a federal crime. Prosecutors who want to combat traffickers are forced to rely on a weak law that prohibits "engaging in the business of selling guns without a federal license," which carries the same punishment as trafficking chicken or livestock. This law simply isn't strong enough to close trafficking networks and keep illegal guns off our streets. Federal legislation should give law enforcement the tools they must have to investigate and prosecute straw purchasers, gun traffickers, and their entire criminal networks.

- **Eliminate loopholes that allow convicted stalkers and domestic abusers access to guns.** Existing loopholes in federal law leave guns in the hands of dangerous domestic abusers and stalkers, often with deadly results. Though federal law generally prohibits gun possession by domestic abusers, this prohibition typically does not apply when the victim is a dating partner as opposed to a spouse. And, though current law prohibits stalkers who are convicted of felony offenses from gun possession, it does not prohibit those convicted of misdemeanor stalking offenses. So, stalkers can buy and possess guns, and domestic abusers can have guns, simply because they are not married to their victims.

Frequently Asked Questions:

Why is now the time to advocate for new gun laws? On an average day, 96 Americans are killed by guns, and Americans are 25 times more likely to be killed with a gun than people in other developed nations. Mass shootings are on the rise and we are not safe at work, in school, at the movies, or in our houses of worship. We have waited too long for Congress to pass common sense public safety legislation that will reduce gun violence and save lives.

Who supports gun violence prevention legislation? A February 2018 Quinnipiac poll found that 66% of Americans want stricter gun laws — the highest level recorded since polling began after Sandy Hook. A ban on assault weapons was backed by 67%, tougher legislation supported by 50% of gun owners, and backing for universal background checks was at 97% of those surveyed, with the same amount of support among gun owners and non-gun owners alike.

Why do we need background checks on commercial transactions? Since the initial passage of the 1994 Brady Law, which made background checks a requirement for gun purchases from licensed dealers, over 3 million attempts to purchase firearms have been blocked due to a background check (about half of these blocked attempts were by felons). Yet, an estimated 1 out of 5 gun transfers do take not occur through licensed dealers, but through online retailers and at gun shows. The internet is a vast marketplace for guns where millions of buyers can easily find unlicensed sellers and purchase guns in almost total anonymity. Background checks are the only systematic way to stop felons, domestic abusers, and other dangerous people from buying firearms.

Didn't Congress pass an assault weapons ban years ago? Congress passed, and President Clinton signed into law, a federal assault weapons ban in 1994, but the bill expired in 2004 and was never renewed.

Was the assault weapons ban effective? According to a Department of Justice Study, the 1994 Assault Weapons Ban resulted in a 6.7% decrease in total gun murders. After the ban expired, 37% of police departments reported noticeable increases in criminals' use of assault weapons, as

noted in a 2010 report by the Police Executive Research Forum. The shooters at Virginia Tech, Tucson, Aurora, Oak Creek, Newtown, Umpqua Community College, San Bernardino, Orlando, Las Vegas, Sutherland Springs, and Parkland all used magazines holding more than 10 rounds, which would have been prohibited under the 1994 law. These magazines turn any semi-automatic weapon into an instrument of mass violence, yet they are legal and now come standard with many handguns and rifles.

What's the “boyfriend loophole?” Although the Violence Against Women Act prohibits some people with orders of protection from purchasing guns, perpetrators of dating violence and stalkers as well as individuals under a temporary restraining order are not covered under current prohibitions. This “boyfriend loophole” in federal law allow stalkers to buy and possess guns, and domestic abusers to have guns simply because they are not married to their victims. In an average month, 50 women are shot to death by intimate partners in the US, and more than half of all women killed by intimate partners in the US are killed with guns.

How can we stop gun trafficking? Today, criminals can easily buy guns from unlicensed dealers or acquire them with the help of so-called “straw purchasers” who pass the required background check to buy guns from licensed dealers. But there is no explicit law against straw purchasing, so straw purchasers and other gun traffickers can often only be prosecuted for paperwork violations. Congress should close these loopholes and ensure public safety by making gun trafficking a federal crime.