

**ACTION ALERT**

***Long Island Council of Churches, Public Issues Committee***

**Background Check Expansion Legislation for Gun Sales**

Both the US Senate and the US House of Representatives have introduced bills that would expand current background check legislation. The House bill is H.R.8, introduced by Rep. Mike Thompson [D-CA-5] on January 8, 2019. In the Senate, the bill is S.42, introduced by Sen. Christopher Murphy [D-CT] on the same day. H.R. 8 went to a vote on February 27 and passed. Now the bill must pass the Senate.

Among other things, the new legislation, once passed would close the loophole that allows guns to be sold at gun shows, over the internet, and in private transactions without a background check. Evidence shows that requiring background checks on all gun sales saves lives and makes American communities safer.

Please read the attached fact sheet from Everytown for Gun Safety and then call your Senators to urge them to vote in favor of this legislation.

Charles E. Schumer (D)  
United States Senate  
(202) 224-6542

Kirsten E. Gillibrand (D)  
United States Senate  
(202) 224-4451

You can use the following script for your call.

Hello. My name is \_\_\_\_\_ and I am a constituent of Sen.\_\_\_\_\_.

I am calling in regard to the background check expansion legislation, H.R.8/S.42. The House passed this bill on February 27. I urge the Senator to support this legislation and vote in favor of the bill. I am concerned about this issue because \_\_\_\_\_. Please let the Senator know that I appreciate her/his work on behalf of all.



## **H.R. 8 Would Save Lives and Protect Our Communities**

**Bottom Line:** The 116<sup>th</sup> Congress' top priority should be passing H.R. 8, bipartisan legislation to require background checks on all gun sales. Background checks are associated with reduced rates of firearm homicide, suicide and firearm trafficking, and they are the backbone of any comprehensive gun violence prevention policy.

- Poll after poll demonstrates overwhelming support for requiring background checks on all gun sales—including among majorities of both gun owners and Republicans.<sup>1</sup>
- ❑ **A loophole in federal law enables people with felony convictions, domestic abusers, fugitives from justice, and people prohibited from possessing guns due to mental illness to buy guns with no background checks and no questions asked.**
  - Under federal law, certain categories of people are not allowed to buy or possess firearms, including convicted felons, domestic abusers and people who have been involuntarily committed.
  - For 25 years, federal law has enforced this prohibition by requiring a background check before anyone buys a gun from a licensed dealer.
  - But the law does not cover sales by any non-dealers (“unlicensed sellers”), enabling criminals and other prohibited people to buy guns from unlicensed sellers with no background checks and no questions asked—even from strangers they meet online.
- ❑ **H.R. 8 would block prohibited people from buying guns by requiring background checks for all gun sales.**
  - No one should be able to avoid a background check simply by purchasing a gun from an unlicensed seller.
  - Under this bill, unlicensed sellers would meet their buyers at a licensed gun dealer, who would run a background check using the same process already used for sales from their own inventory. Exceptions apply for family, law enforcement, hunting and emergency self-defense.
  - Twenty states and D.C. already have laws requiring background checks for all handgun sales—either via point-of-sale background checks, as part of a purchase permit, or both.<sup>2</sup>
  - Eleven states have passed new or improved background checks laws since the Sandy Hook massacre,<sup>3</sup> and nearly half of Americans are now covered by these comprehensive background checks laws.<sup>4</sup>
- ❑ **Criminals routinely exploit the massive background check loophole, going online to get armed with no questions asked.**
  - Background checks stop sales to prohibited people every day. Since 1994, **over 3.5 million sales** have been blocked to violent criminals and other prohibited people.<sup>5</sup> In 2017 alone, over 170,000 sales were denied—39 percent of them to convicted felons.<sup>6</sup>
  - And yet millions of guns change hands each year through sales by unlicensed sellers. In fact, a 2015 survey found that nearly a quarter of Americans (22 percent) who acquired a firearm within the past two years did so without a background check.<sup>7</sup>



- Since the introduction of the federal background check system twenty-five years ago, the Internet has emerged as a massive, unregulated marketplace. Investigations have shown that, in some states, as many as 1 in 10 would-be gun buyers on Armslist.com have prohibiting criminal records.<sup>8</sup>
- ❑ **Evidence shows that requiring background checks on all gun sales saves lives and makes American communities safer.**
  - State laws requiring background checks for all handgun sales—by point-of-sale check and/or permit—are associated with **lower firearm homicide rates,<sup>9</sup> lower firearm suicide rates<sup>10</sup> and lower firearm trafficking.<sup>11</sup>**
    - State laws requiring background checks for all handgun sales are associated with **48 percent lower rates of gun trafficking in cities<sup>12</sup> and 29 percent lower rates of gun trafficking across state lines.<sup>13</sup>**
  - When Connecticut passed a law requiring all handgun buyers to pass a background check both at the point of sale and as part of a permit process, it was associated with a **40 percent reduction in the gun homicide rate<sup>14</sup> and a 15 percent reduction in the gun suicide rate.<sup>15</sup>**
  - By contrast, when Missouri decided to repeal its purchase permit law requiring background checks, the state experienced a **25 percent increase in its firearm homicide rate<sup>16</sup> and a 16 percent increase in its firearm suicide rate.<sup>17</sup>**
- ❑ **Background checks are the primary method to enforce gun possession laws.**
  - Strong laws targeted at people who pose a risk of violence to themselves and others have been shown to disrupt firearm access and save lives.
    - For instance, research has found that state laws barring firearm access by domestic abusers reduce intimate partner homicide rates.<sup>18,19</sup>
    - Similarly, state laws that prohibit violent misdemeanor offenders from possessing firearms are associated with lower rates of intimate partner homicides.<sup>20</sup>
  - Requiring background checks for gun buyers is the most comprehensive intervention to keep guns out of the wrong hands. Loopholes in our background check system weaken gun possession laws, enabling criminals to get armed with no questions asked and making it difficult to enforce the law and protect communities from gun violence.
- ❑ **In too many tragic homicide cases, prohibited purchasers have been able to arm themselves simply because the law didn't require a background check. A few recent examples include:**
  - A background check requirement for unlicensed sales could have saved a woman who was shot and killed in January 2018 in Appleton, WI by her husband, who was able to purchase the firearm from a seller he met online, despite his prohibiting felony conviction.<sup>21</sup>
  - It could have saved a woman, her husband, and six children—aged 6 to 13—who were all killed by her former partner in August 2015 near Houston, TX. Despite an extensive prohibiting criminal history, the killer was able to buy a gun from a stranger he met online.<sup>22</sup>
  - Or another woman who was shot and killed by her ex-boyfriend in May 2016 in North Las Vegas, NV. The killer, who also seriously injured her two children in the shooting, had a



prohibiting restraining order against him, but was able to purchase a firearm from an unlicensed seller.<sup>23</sup>

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<sup>1</sup> Pew Research Center. 2018. Gun Policy Remains Divisive, But Several Proposals Still Draw Bipartisan Support. Available at <https://pewrsr.ch/2SnLhzn>

<sup>2</sup> Nine states require only a point-of-sale check for sales by unlicensed handgun sellers (CA, CO, DE, NV, NC, OR, PA, VT, and WA), seven states require only a background check on those sales pursuant to a purchase permit (HI, IA, IL, MA, MI, NE, and RI), and four states and DC require a background check at both occasions (CT, DC, MD, NJ, and NY).

<sup>3</sup> CA, CO, CT, DE, MD, NV, NJ, NY, OR, VT, and WA.

<sup>4</sup> US Census Bureau, Population Division, *Annual Estimates of the Resident Population: April 1, 2010 to July, 2017*. (2017). Available here: [https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=PEP\\_2017\\_PEPANNRES&src=pt](https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=PEP_2017_PEPANNRES&src=pt). Data for 2017 used.

<sup>5</sup> Karberg JC, Frandsen RJ, Durso JM, Buskirk TD, Lee AD. Bureau of Justice Statistics. Background checks for firearm transfers, 2015 - Statistical tables. <https://goo.gl/SbaLbt>. Data for 2016 and 2017 were obtained by Everytown from the FBI directly. Data for 2018 are currently unavailable and were estimated based on a five-year average of background check denials from 2013-2017. Though the majority of the transactions and denials reported by FBI and BJS are associated with a firearm sale or transfer, a small number may be for concealed carry permits and other reasons not related to a sale or transfer.

<sup>6</sup> Data obtained by Everytown from the FBI directly pursuant to a FOIA request. The data represents denial transactions from the National Instant Criminal Background Check System (NICS) from January 1, 2017 through December 31, 2017. The numbers include denials issued by state agencies that serve as Full/Partial Points of Contact for firearm background checks.

<sup>7</sup> Matthew Miller, Lisa Hepburn, and Deborah Azrael, *Firearm Acquisition Without Background Checks: Results of a National Survey*, 166 *Annals of Internal Medicine*, pp. 233-239 (February 2017).

<sup>8</sup> Everytown for Gun Safety, *Online and Off the Record: Washington State's Vast Internet Gun Market*, September 2014, available at <http://bit.ly/1rgZOKa>.

<sup>9</sup> Fleegler EW, Lee LK, Monuteaux MC, Hemenway D, Mannix R. Firearm legislation and firearm-related fatalities in the United States. *JAMA Internal Medicine*. 2013; 173(9):732-740.

<sup>10</sup> Fleegler EW, Lee LK, Monuteaux MC, Hemenway D, Mannix R. Firearm legislation and firearm-related fatalities in the United States. *JAMA Internal Medicine*. 2013; 173(9):732-740.

<sup>11</sup> Webster DW, Vernick JS, Bulzacchelli MT. Effects of state-level firearm seller accountability policies on firearm trafficking. *Journal of Urban Health*. 2009. 86(4):525-537; Federal law bars felons from having firearms, but does not bar misdemeanors outside the domestic violence context. Webster DW, Vernick JS, McGinty EE, & Alcorn T. Preventing the diversion of guns to criminals through effective firearm sales laws. In *Reducing Gun Violence in America: Informing Policy with Evidence and Analysis*. 2013. Vol. 9781421411118, pp. 109-121.

<sup>12</sup> Webster DW, Vernick JS, Bulzacchelli MT. Effects of state-level firearm seller accountability policies on firearm trafficking. *Journal of Urban Health*. 2009. 86(4):525-537.

<sup>13</sup> Federal law bars felons from having firearms, but does not bar misdemeanors outside the domestic violence context. Webster DW, Vernick JS, McGinty EE, & Alcorn T. Preventing the diversion of guns to criminals through effective firearm sales laws. In *Reducing Gun Violence in America: Informing Policy with Evidence and Analysis*. 2013. Vol. 9781421411118, pp. 109-121.

<sup>14</sup> Kara E. Rudolph, Elizabeth A. Stuart, Jon S. Vernick, and Daniel W. Webster, *Association Between Connecticut's Permit-to-Purchase Handgun Law and Homicides*, 105 *American Journal of Public Health* 8, pp. e49-e54 (August 2015).

<sup>15</sup> Cassandra K. Crifasi, Daniel W. Webster, et al., *Effects of Changes in Permit-to-Purchase Handgun Laws in Connecticut and Missouri on Suicide Rates*, *Preventative Medicine* 79, 43-49 (October 2015).

<sup>16</sup> Daniel W. Webster, Cassandra K. Crifasi, and Jon S. Vernick, *Erratum to: Effects of the Repeal of Missouri's Handgun Purchaser Licensing Law on Homicides*, 3 *Journal of Urban Health* 91, (June 2014).

<sup>17</sup> Cassandra K. Crifasi, Daniel W. Webster, et al., *Effects of Changes in Permit-to-Purchase Handgun Laws in Connecticut and Missouri on Suicide Rates*, *Preventative Medicine* 79, 43-49 (October 2015).

<sup>18</sup> Zeoli AM, McCourt A, Buggs S, Frattaroli S, Lilley D, Webster DW. Analysis of the strength of legal firearms restrictions for perpetrators of domestic violence and their associations with intimate partner homicide. *American Journal of Epidemiology*. 2018; 187(7):1449-1455.

<sup>19</sup> Díez C, Kurland RP, Rothman EF, Bair-Merritt M, Fleegler E, Xuan Z, Galea S, Ross CS, Kalesan B, Goss KA, Siegel M. State intimate partner violence-related firearm laws and intimate partner homicide rates in the United States, 1991-2015. *Annals of Internal Medicine*. 2017; 167(8):536-543.

<sup>20</sup> Zeoli AM, McCourt A, Buggs S, Frattaroli S, Lilley D, Webster DW. Analysis of the strength of legal firearms restrictions for perpetrators of domestic violence and their associations with intimate partner homicide. *American Journal of Epidemiology*. 2018; 187(7):1449-1455.

<sup>21</sup> Alison Dirr, Appleton Post-Crescent, "Five years apart, Armslist was source of guns in high-profile domestic violence cases," Sep. 19, 2018, available at <https://bit.ly/2Pu4Yl9>



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<sup>22</sup> Miya Shay, ABC, "Family massacre suspect reportedly details how 8 killings were planned, executed," Aug. 12, 2015, available at <https://abc7.ws/2PQLeKC>

<sup>23</sup> Kimber Laux, Las Vegas Review-Journal, "Report reveals details about North Las Vegas day care shooting," June 17, 2016, available at <https://bit.ly/2q3gvim>