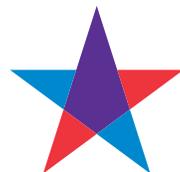


A COMPREHENSIVE APPROACH TO PREVENTING GUN VIOLENCE

116TH CONGRESS



BRADY
UNITED AGAINST GUN VIOLENCE

INTRODUCTION

The 2018 midterm elections were a substantial step forward for the gun violence prevention (GVP) movement. For the first time in a generation, GVP champions in Congress have an opportunity to pass meaningful legislation. Since the passage of the Brady Background Check Bill 25 years ago, not one comprehensive GVP law has made its way to a President's desk, but members of the 116th Congress who ran and won on this issue have a mandate from their constituents to make life-saving legislation a priority.

Since the Brady law was enacted, over 300 million background checks have taken place, and over 3 million firearm sales to prohibited purchasers have been stopped. We take great pride in this law, enacted with bipartisan support in the House of Representatives, passed by unanimous consent in the Senate, and signed into law by President Clinton.

Anyone who doubts that gun violence is an epidemic should understand this staggering fact: more Americans have been shot and killed since 1968 than have died on battlefields in all the wars in American history combined. In 2017 alone, gun violence claimed the lives of nearly 40,000 Americans. Our kids and teens are growing up in neighborhoods that are crippled by gun violence and we are not doing nearly enough to provide solutions that give young people a chance to survive and thrive. In far too many communities, parents who drop their kids off at school are steeling themselves against the fear that their child's school could be the next target of a shooting. An America like this is not one that lives up to the ideals of our great nation, one that promises the right to live freely.

The American people sent a message in the 2018 midterm elections: it is past time to act. Through a combination of proactive policy measures, tools for community empowerment, and government transparency and accountability, the 116th Congress can take real steps to protect the American people from the scourge of gun violence.

PROACTIVE GUN VIOLENCE PREVENTION

For too long, Congress has only debated gun violence prevention in the wake of a national tragedy. However, with proactive legislation, we can work to stop gun violence before it happens. Congress must enact proactive measures that save lives.

EXPANDING, STRENGTHENING, AND SUPPORTING THE BRADY BACKGROUND CHECK SYSTEM

The first priority for proactive gun violence prevention must be to ensure that Brady Background Checks are truly universal. Since the Brady Background Check Bill was signed into law, the National Instant Criminal Background Check System (NICS) prevented an average of 396 prohibited people from purchasing guns every day between 1994 and 2015. However, at least 1 in every 5 guns is still purchased without a background check. The system is clearly saving lives, but gaps remain that must be fixed.

To close these gaps, **Congress must extend background checks, with very narrow exceptions, to every gun sale and transfer.** While U.S. law requires all federally licensed gun dealers to conduct a background check on potential buyers, individuals who are not federally licensed may transfer guns to acquaintances, at gun shows, or through websites like Armslist.com without conducting a background check. Legislation must be passed to close this gap and prevent dangerous individuals from sidestepping the system.

In order to be effective, background checks must also be completed before a buyer or transferee takes possession of a firearm. Under current law, a licensed dealer may transfer a gun to a buyer after three days, even if the background check has yet to determine if they are legally allowed to purchase a gun. Known as the “Charleston Loophole,” this gap has allowed prohibited people to acquire firearms at an alarming rate. Between 2013 and 2017, over 18,500 firearms were transferred to prohibited buyers as a result of this loophole. Closing it will ensure that a thorough check is completed on every individual, and that guns are kept out of the hands of dangerous individuals like convicted felons and domestic abusers.



AT LEAST 1 IN EVERY 5 GUNS IS STILL PURCHASED WITHOUT A BACKGROUND CHECK.

With structural deficiencies in the Brady Background Check system addressed, it is critical to concentrate on expanding the categories of individuals who are considered too dangerous to possess guns. Under current law, dating partners who do not share a child in common do not qualify as “intimate partners” who could be prohibited from buying and owning firearms in the domestic violence context. Since 1980, the number of intimate homicides committed by a spouse has dropped from 69 to 47 percent but the percentage perpetrated by a non-married partner skyrocketed from 27 to 49 percent. The 1996 Lautenberg Amendment, which created the domestic violence misdemeanor prohibitor, made a meaningful impact on intimate partner violence with guns,

but is woefully outdated given modern dating and marriage patterns. Closing the “boyfriend loophole” so dating partners convicted of domestic abuse will be treated the same as spouses will protect more women experiencing dating violence. Additionally, those convicted of misdemeanor stalking can still buy and own guns under current law, despite the fact that 76 percent of women murdered by partners were stalked by them first.

Despite a near-universal recognition that hate crimes - those motivated by bias against a person’s race, religion, disability, sexual orientation, ethnicity, gender or gender identity - are uniquely heinous and thus prosecuted more strictly, individuals convicted of a hate crime misdemeanor are still able to purchase and possess firearms. In fact, many perpetrators of violent crimes will “plead down” to hate crime misdemeanors from felony charges to keep their firearms. **Congress must act swiftly to expand the categories of persons that are prohibited from purchasing guns** to ensure that the Brady Background Check System is working to protect the most vulnerable among us.

WEAPONS OF WAR IN PLACES OF PEACE

Weapons of war, including military-style assault rifles and high-capacity magazines, have no place on America’s streets. These weapons, known for their ability to exact maximum destruction and casualties, are often the guns of choice for mass shooters. From the tragic shooting that killed 20 students and 6 educators at Sandy Hook Elementary in 2012, to the recent Las Vegas massacre and the attack at Marjory Stoneman Douglas High School, easy access to these lethal weapons and high capacity magazines are a tragically consistent common factor. Assault-

style weapons are responsible for 1 out of every 5 law enforcement gun deaths, and when used in mass shootings, result in 47 percent more deaths. Congress must act to prevent common civilian access to such weapons by enacting tighter restrictions on purchasing and possessing them.

Congress must also act to ban certain accessories from the civilian market that further enhance the lethality of these weapons of war. Through the rulemaking process, the Administration recently clarified that devices commonly referred to as “bump stocks” fall within the statutory definition of machine-guns and are therefore illegal. Bump stocks are one of many devices that increase the rate of fire of a semi-automatic rifle to approximate a rate of fire of a fully automatic machine-gun. Although the recent ruling on bump stocks is welcome, the only way to ensure that bump stocks remain illegal, and to guarantee that similar accessories do not replace them, is for Congress to pass a law banning such devices.

Military-style assault weapons are not the only guns that uniquely threaten American communities - “ghost guns” and 3-D printed guns allow criminals and other dangerous individuals to evade the background check process by building firearms with purchased components, or printing those components themselves at home. Ghost guns lack serial numbers, and thus are essentially “invisible” to law enforcement. If found at a crime scene, law enforcement has little means by which to trace the weapons’ origin or ownership. 3-D printed guns can be made entirely of plastics, rendering most modern security devices like metal detectors ineffective. Similar to ghost guns, these firearms are manufactured without serial numbers and cannot be traced by law enforcement. **Congress should outlaw the manufacture of ghost and 3-D guns** to protect public safety and uphold the important tenets of our background check system.

EMPOWERING COMMUNITIES

EXTREME RISK LAWS - PROTECTIONS FOR PEOPLE IN CRISIS

Avoidable gun violence tragedies take place in the United States every single day. In many corners of the country, family members, spouses, housemates, and even law enforcement watch as people in crisis indicate that they may be a threat to themselves and others, yet are powerless to prevent them from easily and legally accessing guns. To counter this issue, 13 states have enacted extreme risk protective order (ERPO) or gun violence restraining order (GVRO) laws that allow family members or law enforcement to petition a civil court to temporarily remove firearms and prohibit their purchase from a person in the midst of a crisis. These orders are based on behavioral indicators of dangerousness, and contain due process protections for the individuals subject to the orders. These laws save lives: researchers in Connecticut found that for every 10-20 orders issued, at least 1 life was saved. As self-inflicted gunshots account for the highest percentage of gun violence deaths in the county, we must empower family and law enforcement to help people in crisis. **Congress must provide grants to encourage states to pass these meaningful laws,** and provide incentives for implementation and education programs that make the public aware of these protections and how to best utilize them.

A PUBLIC HEALTH CRISIS - FUNDING FEDERAL RESEARCH

It is indisputable that gun violence is a public health epidemic in the United States today. Despite rapid advances in medical technology and a heightened awareness of the gun violence crisis in communities across the country, gun injuries and deaths continue to rise in both rural and urban areas. In order to fully understand the scope of the problem and to identify the best policy solutions to prevent these deaths, Congress must provide funding to the Centers for Disease Control and Prevention (CDC) to conduct thorough, evidence-based research on this issue. **Congress must move swiftly to appropriate a minimum of \$50 million in committed funding for the CDC to study this epidemic over the next five years.**

HEALING COMMUNITIES & PREVENTING FUTURE VIOLENCE

In conjunction with effective policy measures and dedicated funding for comprehensive research, efforts to mitigate the disproportionate impact of gun violence on urban environments and communities of color must start in those communities, and it must start now. A recent study by the Boston University School of Medicine shows that, as a direct result of gun violence, life expectancy for Black Americans has been reduced by 4 years. The impact in reduced life expectancy, in lives cut short by gun violence, in communities plagued by gun violence cannot be discounted. Gun violence costs our nation approximately \$229 billion annually, and urban communities bear the

heaviest human, financial, and emotional burdens by far. Worse still, the vast majority of everyday gun violence is perpetrated by a very small portion of each community. Up to 70 percent of gun crimes are committed by less than 0.5 percent of its residents. Evidence-based gun violence prevention and intervention programs are proven to help break these cycles of violence, and investments in these programs frequently pay for themselves several times over. **Funding these programs at a federal level to ensure stable, long-term support** would have a large impact on stemming the plague of urban gun violence.

RESPONSIBLE GUN OWNERSHIP & ENDING FAMILY FIRE

Improperly stored firearms lie at the heart of far too many tragedies nationwide, especially for the most vulnerable among us - our youth and those in crisis. Eight kids and teens are injured or killed by guns that are improperly stored in the home, and 4.6 million kids live in homes with guns that are both unsecured and loaded. Additionally, easy access to a gun in the home frequently turns impulsive ideation about self-harm into a lethal event. Congress has a plethora of options when considering how best to reduce the number of unintentional shooting injuries and deaths, including: passing laws encouraging safe storage through the use of tax incentives; broadening the scope of firearms required to be sold with gun storage or safety devices; requiring safe storage warnings be issued with the purchase of every gun; mandating magazine disconnects that render a gun inoperable when the magazine is separated from the gun; and funding or mandating research, development, and manufacturing of “smart gun” technology.

BRADY'S COMPREHENSIVE APPROACH

1. Expand background checks to all gun sales and transfers with very narrow exceptions
2. Expand the categories of persons prohibited from purchasing guns
3. Prevent access to assault weapons and high capacity magazines
4. Ban accessories like bumpstocks which enhance lethality
5. Outlaw the manufacture of ghost guns and 3-D printed guns
6. Provide grants to encourage passing extreme risk laws
7. Fully fund gun violence research at the CDC
8. Fund local community based programs to break the cycle of gun violence in urban areas
9. Promote safe storage and responsible gun ownership
10. Repeal PLCAA
11. Hold the ATF accountable for meaningful gun industry oversight
12. Eliminate Tiahrt

PUBLIC TRANSPARENCY AND ACCOUNTABILITY

REMOVING GUN INDUSTRY PROTECTIONS & HOLDING THEM ACCOUNTABLE

In 2005, President George W. Bush signed a top legislative priority of the corporate gun industry into law – the Protection of Lawful Commerce in Arms Act (PLCAA). PLCAA significantly contributes to the gun violence epidemic by providing the gun industry with special protections from civil lawsuits at the expense of victims of gun violence. Courts have held that in many cases PLCAA removes key incentives for the gun industry to adopt life-saving business practices and instead provides cover to irresponsible gun dealers who supply the criminal gun market. This small minority of gun dealers profits from dangerous business practices with no accountability to their victims. No other American industry enjoys such civil immunity. **Congress must take immediate action to repeal PLCAA.**

Additionally, the corporate gun industry has hidden data from the public that would best inform policy solutions to the gun violence epidemic and reveal holistically how gun companies supply the criminal gun market. In 2003, the so-called Tiahrt Amendment was first added to the bill funding the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and limited ATF from publicly disclosing information from the Firearms Trace System database. Over time, the Tiahrt Amendment has been interpreted to shield the most negligent gun dealers from the light of public scrutiny, while also depriving the public of access

to key data to develop effective policy solutions to stem the flow of illegal guns. **Congress should hold hearings regarding ATF oversight of the gun industry, and work expeditiously to eliminate the Tiahrt Amendment**, pulling back the shroud of secrecy that insulates the gun industry from meaningful reform.

ENSURING GOVERNMENT AGENCIES DO THEIR JOBS

A small minority of gun industry businesses engage in reckless and illegal practices that put Americans at risk of gun violence. The ATF knows exactly who these actors are, yet allows them to operate. ATF inspection reports of dealers obtained via a lawsuit by the Brady Center show that the ATF allowed many of the worst violators in the gun industry to keep their licenses after failed compliance inspections. The reports also show that ATF leniency for repeat and serious gun industry violators is the rule rather than the exception. The ATF's failure to enforce the law and revoke the licenses of repeat violators is a significant contributor to the country's crime gun problem. Congress must exercise its oversight powers to hold the ATF accountable for failing to revoke the licenses of the worst violators in the gun industry.

The inspection process is also hamstrung by laws pushed by the gun lobby to protect the worst violators in the industry. Decades ago, Congress set a stringent requirement for ATF inspectors: to revoke a license, the ATF must prove that federally licensed dealers "willfully" violated the law – a requirement that other regulatory statutes lack. It is time for Congress to revisit this unnecessarily heightened standard.

CONCLUSION

There is no one solution to saving American lives from the epidemic of gun violence. The responsibility to act is shared among our leaders in Congress, our communities, and ourselves. But the 116th Congress can take a leading role by using its power to enact life-saving laws, conduct oversight hearings into the agencies responsible for enforcing our laws, and by fully funding key intervention and research programs through the appropriations process that have languished under previous leadership entirely beholden to the gun industry.

Positive change can happen. We at Brady know that because we worked tirelessly until the Brady Background Check Law was finally enacted 25 years ago. We are at a new moment in time, again prepared to make history. The American people have made it clear that this problem can no longer be ignored, and we at the Brady Campaign are committed to working with you to ensure that life-saving change and comprehensive solutions are delivered to the American people.

