



Federal Gun Violence Prevention Policy Priorities

117TH Congress

UNIVERSAL BACKGROUND CHECKS

The Brady Handgun Violence Prevention Act of 1994 requires federally-licensed firearm dealers to conduct background checks on every sale. However, there is a major loophole — the law does not require background checks for sales or transfers between private parties, including at gun shows and on the internet. Requiring a background check on every gun sale and transfer, including private and online sales, with certain exemptions, is critical to preventing gun violence. Universal background checks should include a specific exemption for temporary transfers to prevent imminent death or self-harm.

ELIMINATE DEFAULT PROCEED

The majority of federal gun background checks are done instantly. However, in some cases when FBI documentation is potentially incomplete or unclear, FBI investigators must track down state and local records to complete the background check. Current federal law states that if a federally licensed firearms dealer does not hear from the FBI within three business days, the dealer can proceed with the sale even though a background check on the buyer has not been completed. This is called a “default proceed” sale and is often referred to as the “Charleston loophole.” Default proceed sales must be eliminated and gun background checks should be completed before a firearm sale can proceed.

EXTREME RISK LAWS

Extreme risk laws are an effective state-level policy that allows for the temporary removal of firearms from those who pose a danger to themselves or others. The federal government can play an important role in helping states and localities implement these laws by creating a federal grant program to provide federal funding to advance implementation efforts, while also creating an incentive for additional states to enact these laws. At least the following six implementation activities should be supported by federal grant funding: building infrastructure to support implementation; training law enforcement, judges, and court clerks; educating allied professionals and diverse community stakeholders; enhancing social services; supporting research to inform policy and practice regarding implementation; and improving states’ reporting of records to the national background check system.

FUND COMMUNITY VIOLENCE PREVENTION PROGRAMS

Community-based violence intervention efforts work with those impacted by gun violence to reduce the cycles of community gun violence, address the underlying causes of gun violence, and promote health equity. Community-based violence intervention and prevention programs bring together community members, social service providers, and, in some cases, law enforcement to identify and provide support for individuals at highest risk for gun violence. They also help individuals cope with the trauma that is associated with living in neighborhoods where witnessing gun violence is routine. Federal grant programs

at the Departments of Health and Human Services and Justice should be directed to support community-based violence intervention and prevention efforts.

REAUTHORIZE THE VIOLENCE AGAINST WOMEN ACT

Guns and domestic violence are a lethal combination. Federal domestic violence firearm prohibitions should be expanded in the following ways to reduce abusers' access to firearms.

- Update the definition of an intimate partner to include a dating partner or former dating partner, effectively closing the “dating partner loophole” and ensuring that current or former dating or sexual partners subject to protective orders are prohibited from purchasing and possessing firearms.
- Prohibit purchase and possession of firearms for those convicted of misdemeanor crimes of stalking.
- Prohibit people who are subject to domestic violence protective orders, including temporary orders, from purchasing and possessing firearms for the duration of the order.
- Provide federal funding to states and localities to develop and implement firearm removal procedures in domestic violence situations.

SUPPORT LETHAL MEANS SAFETY COUNSELING

Lethal means safety counseling is the process of assessing whether an individual has access to a firearm or other lethal means and then working with the individual and their support system to reduce access to these means until risk resolves. Lethal means safety counseling is a healthcare intervention that can be used to help prevent suicides, homicides, and unintentional gun deaths, as well as nonfatal firearm injuries. Congress should increase implementation of programs focused on lethal means safety and ensure training is culturally appropriate and is based on best practices. Training should be provided to professionals who routinely see veterans in and outside the Veterans Health Administration. New grant programs should be developed to establish or scale programs to provide education and training to health care professionals and health care students on lethal means safety counseling.

FUND GUN VIOLENCE RESEARCH AND IMPROVE DATA INFRASTRUCTURE

Reliable data and research is critical to understanding and implementing evidence-based policies and programs to reduce gun violence. For far too long, funding for and research publications on gun violence has been lacking. Additionally, while there are a number of federally government-funded data sources related to firearms, the data is considered “disordered and highly segmented.” There is a critical need for more accurate data and timely reporting on gun violence in the United States. Congress should appropriate at least \$50 million for gun violence research funding. In addition to improving timeliness of data collection and increasing data accessibility, Congress should:

- Ensure implementation and adoption of National Incident-Based Reporting System (NIBRS) by funding technical assistance to law enforcement agencies to support implementation of NIBRS.
- Improve tracking nonfatal gunshot injuries.
- Define “mass shooting” as four or more injured or killed, excluding the perpetrator, regardless of place or gang and/or drug involvement.
- Integrate federal public health data and criminal justice data on firearms.

STOP GHOST GUNS

Prohibit the manufacture, purchase, or possession of ghost guns, which are untraceable guns that are assembled through kits or made with 3D printers. These types of guns undermine virtually all gun violence prevention laws and they make ballistic identification and tracing impossible. All unfinished frames and

3D printed guns should be required to have a serial number imprinted on the frame. Background checks should be required for any person who wishes to purchase a firearm kit or the code for a 3D printed gun.

JUSTICE IN POLICING

Police brutality and widespread discrimination undermine police legitimacy, and thereby fuel community gun violence. In many Black and Brown communities distrust in law enforcement stems from a legacy of racist policies and state-sanctioned violence, often carried out by police, as well as the ongoing crisis of mass incarceration and police brutality. Unsurprisingly, when individuals experience police discrimination or brutality they are less likely to trust or rely on law enforcement. Consequently, these community members are reticent to report criminal activity or act as witnesses in criminal investigations. Instead, some rely on informal channels of justice – like retaliatory violence – to resolve conflict. When communities view the police force as legitimate they are more willing to work with law enforcement to identify and detain those responsible for committing acts of gun violence, and to intervene before conflicts develop into shootings. It is past time to hold police accountable and make much needed changes to law enforcement. Congress should pass the Justice in Policing Act which would help hold police accountable, end racial profiling, change the culture of law enforcement, address systemic racism and bias, increase police legitimacy, and help reduce community violence.

REPEAL PLCAA

Under the Protection of Lawful Commerce in Arms Act (PLCAA), firearms manufacturers and dealers cannot be held liable when crimes have been committed with their products. In addition to preventing victims of gun violence from pursuing civil action lawsuits against irresponsible gun manufacturers and dealers, PLCAA also poses a serious threat to public health as it removes regulation and litigation as incentives for manufacturers to make their products safer. The gun industry should not be protected from litigation, as every other industry is subject to. PLCAA must be immediately repealed.