

NATIONAL LAW ENFORCEMENT PARTNERSHIP TO PREVENT GUN VIOLENCE



March 12, 2013

Dear Senator Schumer:



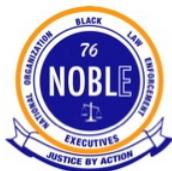
I write to convey the strong support of the National Law Enforcement Partnership to Prevent Gun Violence (the Partnership) for your bill, S. 374, the "Fix Gun Checks Act of 2013."



The Partnership is an alliance of the nation's law enforcement leadership organizations concerned about the unacceptable level of gun violence in the United States. Our members include the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA); Hispanic American Police Command Officers Association (HAPCOA); International Association of Campus Law Enforcement Administrators (IACLEA); International Association of Chiefs of Police (IACP); Major Cities Chiefs Association (MCC); National Association of Women Law Enforcement Executives (NAWLEE); National Organization of Black Law Enforcement Executives (NOBLE); Police Executive Research Forum (PERF); and the Police Foundation (PF).



We commend you for your leadership on this crucial public safety measure, and for your comprehensive approach that will both extend the federal background check requirement to private firearm sales, and improve background checks by encouraging states to report all of their disqualifying records to the National Instant Criminal Background Check System (NICS).



As you know, current law requires background checks for firearms purchased through federally licensed firearms dealers, but no check is required for private sales, including those that occur at gun shows, out of automobile trunks, and through Internet and classified ads, for example. It is estimated that up to 40 percent of firearms transactions occur without any background screening. Allowing such transactions to occur without background checks is tantamount to permitting 40 percent of passengers to board an airplane without having to pass through airline security.



The effectiveness of the Brady Law is indisputable: background checks work. Federal and state background checks blocked more than 2 million prohibited purchases from federally licensed dealers between 1994, when the Brady Law took effect, and 2010, according to the Department of

Justice's Bureau of Justice Statistics. It stands to reason that expanding the Brady background check requirement to all sales will prevent considerably more prohibited purchasers from acquiring firearms and doing harm in our communities. A background check law would affect only people already prohibited by law from buying guns and would have no effect on law-abiding citizens' ability to purchase firearms, as has been demonstrated since 1994. While background checks are preventing purchases to prohibited purchasers whose disqualifying records are in the NICS database, too many prohibited purchasers have fallen through the cracks and are able to acquire firearms because of incomplete records in NICS. As of October 31, 2012, only nine federal agencies out of 61 cited had reported mental health disqualification records to NICS. In addition, 19 states – with a total of 60 million residents – had each submitted fewer than 100 mental health disqualification records to NICS, 14 states had submitted fewer than ten, and one state had submitted zero mental health records.

A lack of background checks on private sales, and incomplete NICS records are allowing dangerous people to easily acquire deadly weapons, with devastating results. It is time to address and fix both of these problems, as your bill does.

For 40 years, dealers have been required to keep copies of the 4473 forms that purchasers fill-out, and all sellers must continue to do so under an expanded background check system. These seller-retained records are critical to law enforcement's ability to investigate gun crime and bring perpetrators to justice. When a gun is recovered in crime, that record is the only way to track down the last owner. Because seller receipts are completely decentralized, they do not compromise the privacy of law-abiding gun owners and cannot result in registration. Federal law requires the FBI to destroy, within 24 hours, any record of a sale that is generated through the background check system (unless the sale is denied), making registration impossible. Further, unless seller receipts are required for private sales, gun traffickers could simply claim to have complied with the background check requirement, which would hamper enforcement.

Law enforcement and the public, including gun owners, overwhelmingly support background checks for all firearm purchasers. A January 2013 Gallup poll found that 91% of Americans favor requiring criminal background checks for all gun sales, and a CBS poll from the same time found that 92% of Americans favor background checks on all potential buyers. Another January 2013 poll by Douglas E. Schoen found that 88% of gun owners, including 86% of NRA members, believe that all gun buyers should be required to pass a background check. Few policy matters register such vast public support.

The lack of a law requiring background checks on all gun purchasers is cutting too many lives short, and causing needless pain and suffering all across

America. We urge Congress to follow the will of the American public and stand with law enforcement to enact this critically important legislation without delay.

Lives depend on it.

Sincerely,

Chief Jim Johnson, Baltimore County, MD
Chair, National Law Enforcement Partnership to Prevent Gun Violence