

NATIONAL LAW ENFORCEMENT PARTNERSHIP TO PREVENT GUN VIOLENCE

“Proposals to Reduce Gun Violence: Protecting Our Communities While Respecting the Second Amendment”

U.S. Senate Judiciary Committee

Subcommittee on the Constitution, Civil Rights and Human Rights

Baltimore County, MD, Chief Jim Johnson, Chair

National Law Enforcement Partnership To Prevent Gun Violence

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Chairman Durbin, Ranking Member Cruz, and members of the Subcommittee, on behalf of the National Law Enforcement Partnership to Prevent Gun Violence, I want to thank you for the opportunity to provide testimony for your hearing, “Proposals to Reduce Gun Violence: Protecting Our Communities While Respecting the Second Amendment.”

The Partnership, founded in 2010, is an alliance of the nation’s law enforcement leadership organizations concerned about the unacceptable level of gun violence in the United States. It includes the Commission on Accreditation of Law Enforcement Agencies; Hispanic American Police Command Officers Association; International Association of Campus Law Enforcement Administrators; International Association of Chiefs of Police; Major Cities Chiefs Association; National Association of Women Law Enforcement Executives; National Organization of Black Law Enforcement Executives; Police Executive Research Forum, and the Police Foundation.

The gun violence epidemic in our country is devastating. More than 30 homicides occur in America each day. Two thousand children, ages 18 and under, die of firearm-related deaths in the U.S. every year. Law enforcement officers, charged with protecting the public safety, are increasingly targets of gun violence. In 2011, for the first time in 14 years, firearms were the leading cause of death for police officers killed in the line of duty, according to the National Law Enforcement Officers Memorial Fund. This disturbing trend persists today. In just the two-week period after the Newtown massacre, six police officers were killed and 10 injured in 12 separate shootings.

The organizations in the Partnership are united in calling on Congress to:

- Require background checks for *all* firearm purchasers;
- Ensure that prohibited purchaser records in the National Instant Criminal Background Check System (NICS), are up-to-date and accurate; and
- Limit high-capacity ammunition feeding devices to ten rounds.

Seven of our nine groups, including the largest organizations among us, also support a ban on assault weapons and Senator Dianne Feinstein's assault weapons legislation.

We strongly support these measures because we know they will save lives by preventing dangerous people from acquiring guns and keeping excessive firepower out of our communities.

These vital measures are constitutional.

These measures are crucial for public safety and do not infringe on an individual's constitutional right to possess firearms. In the 2008 case of District of Columbia v. Heller, 554 U.S. 570 (2008), the United States Supreme Court ruled that the Second Amendment protects an individual's right to possess a firearm. The ruling also recognized that "like most rights, the right secured by the Second Amendment is not unlimited," and listed several categories of restrictions that are presumptively constitutional, such as: laws prohibiting convicted felons or mentally ill from possessing firearms; laws prohibiting the carrying of firearms in government buildings or schools; and laws prohibiting possession of "dangerous and unusual" weapons that are not "in common use at the time."

Congress must enact legislation to require background checks for all firearms purchasers and ensure that prohibited purchaser records in NICS are up-to-date and accurate.

Background checks will prevent prohibited purchasers, such as convicted felons and those with mental health disqualifications, from purchasing firearms. They will not impede law-abiding citizens from purchasing guns.

While background checks are required for firearm purchases through federally licensed gun dealers, no check is required for private sales, such as those occurring through Internet postings, print ads or gun shows. Private transactions are estimated to account for up to 40 percent of firearm transactions. Allowing these transactions to occur without background checks is tantamount to permitting 40 percent of passengers to board an airplane without going through airline security.

Background checks work. They stopped nearly 2 million prohibited purchases between 1994, when the Brady Law went into effect, and 2009. We can only imagine how many lives have been saved and other tragedies averted because we require background checks through licensed gun dealers. We do not have to imagine, however, the real life impact of not having checks in place for private purchases. One example of a tragedy that could have been averted, if universal background checks were in place, occurred last October in Brookfield, Wisconsin. A prohibited purchaser who was under a domestic violence

restraining order shot seven women in a salon, killing three. The shooter had answered an online advertisement and all too easily bought a gun without a background check. Applying background checks to all sales will clearly save lives and prevent needless suffering.

Since we already have a national background check system in place, extending background checks to *all* firearm sales would be simple – and would not have an impact on anyone’s ability to purchase a gun except prohibited purchasers.

A federal law requiring background checks is necessary as Interstate gun trafficking is a serious problem that states cannot combat alone. In 2009, the Bureau of Alcohol, Tobacco, Firearms and Explosives reported that 30 percent of crime guns crossed state borders. We know that in places like New York, Chicago, and even my jurisdiction of Baltimore County, a high percentage of crime guns are coming from states with weaker laws.

Congress must enact legislation to ban assault weapons and limit high-capacity ammunition magazines.

Assault weapons were originally designed for the battlefield, and have no place in our communities. These weapons were developed to enable a shooter to rapidly spray-fire multiple rounds at an enemy in combat, not for gunning down small children, moviegoers, firefighters or the law enforcement officers protecting them.

Law abiding citizens do not need semiautomatic assault weapons and have no need for high-capacity magazines holding more than ten rounds. This kind of firepower, however, has particular utility and has proven especially destructive in the hands of those intent on doing harm, as we have seen from Aurora to Newtown.

The carnage caused by these unusually dangerous weapons is devastating, including to our law enforcement officers, as criminals up the ante with firepower in excess of what even our police officers typically use. We do not typically supply law enforcement with 120-round drums, for example, yet in my own jurisdiction’s evidence room we have several such drums that have been seized.

Banning high-capacity magazines would reduce the number of bullets a shooter can use before having to stop to reload, and reloading can provide a critical window of time in which to take down a shooter, as we saw in Tucson.

Studies show that the 1994 assault weapons ban was effective. In 1998, four years after the assault weapons and high-capacity ammunition magazine ban was enacted, the percentage of firearms with large-capacity magazines recovered by Virginia police decreased and continued to drop until it hit a low of 9 percent in 2004, the year the ban expired. It hit a high of 20 percent in 2010,

according to a Washington Post analysis. After the 1994 law expired, 37 percent of police agencies saw increases in criminals' use of assault weapons, according to a 2010 Police Executive Research Forum survey.

The actions we support are important for the safety and protection of both our citizens and our law enforcement officers. These common-sense measures would not infringe on Americans' Second Amendment rights, nor would they place an undue burden on law-abiding citizens' ability to buy firearms. The assault weapons ban would affect only a particularly dangerous class of weapons, and law-abiding citizens will continue to be able to acquire and choose from the vast array of firearm models on the market.

Congress must enact legislation to combat straw purchasing.

There is currently no federal law prohibiting an individual from purchasing a firearm for a prohibited purchaser. As a result, these straw purchasers can only be prosecuted for minor paperwork violations. We must do more to tackle the problem of straw purchasing and gun trafficking, which is why seven of the nine organizations in the Partnership are already on record in support of the Stop Illegal Trafficking in Firearms Act, sponsored by Senator Leahy, and the Gun Trafficking Prevention Act, sponsored by Senator Gillibrand.

As law enforcement professionals responsible for protecting the safety of our citizens and communities as well as our own officers, we urge you to support these sensible measures that will keep guns out of dangerous hands, and stem the excessive firepower that has caused massive destruction and needless suffering across our great nation.

Thank you.

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