



## MAJOR CITIES CHIEFS ASSOCIATION

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**Before the**  
**United States House of Representatives**  
**Hearing on Gun Violence Prevention Task Force**  
**Washington, DC**

**March 15, 2013**

**The Need for Background Checks:**  
**Preventing Criminals and the Dangerously Mentally Ill**  
**from Getting Guns**

### **Introduction**

Thank you Chairman Thompson, vice chairs of the Task Force, and distinguished Members of Congress. I appear before you today to discuss the need for legislative action in implementing universal background checks for firearms purchases nationwide. Currently, our system possesses gaps and loopholes that make it easy for criminals and the dangerously mental ill to gain access to guns. As a nation we need to update our vetting process for purchasing firearms, and work together to provide for a more secure America.

I speak to you today both as a Police Chief of the Austin Police Department, and as a member of the Major Cities Chiefs Association – representing the 63 largest police departments in the Nation – where gun violence takes its greatest toll. I am also honored to be here today as a representative of the Mayors Against Illegal Guns. Mayors and Chiefs have formed an unprecedented alliance to stop gun violence in our Nation’s cities, and together we vigorously support the work of Congressman Thompson and the Gun Violence Prevention Task Force.

The universal background check is a first and essential step toward comprehensive reform of gun laws. Without this essential element, there can be no lasting impact on gun violence – because without this legislation, guns will continue to be sold to those who are not permitted to possess a

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firearm. Today, I will review a few of the many reasons why law enforcement executives in America feel so strongly about the need for this legislation.

### Gun Show Loophole

Currently, Federal law requires Federal Firearms License (FFL) dealers to perform background checks on all buyers. However, unlicensed private persons who sell firearms at gun shows or to other private persons are not required to conduct background checks. This loophole in our system facilitates criminals and the dangerously mentally ill to purchase firearms outside of the regular NICS clearance process.

Going forward, unlicensed private persons *and* firearms dealers should be required to conduct background checks through a Federal Firearms Licensee for both gun show purchases and individual sales or transfers. Universal background check legislation to eliminate the Gun Show Loophole must be pursued.

### Mental Health Records

Recent tragedies have taught us that failure to examine mental health status represents an enormous gap in the current process. We implore you to examine how current mental health records may be incorporated into the NICS. The assailants in Aurora, CO; Tucson, AZ; Virginia Tech; and Newtown, CT *all* had documented and lengthy histories of severe mental instability. Cops like me deal with mentally ill persons every day, but we cannot do anything to stop them from buying guns unless or until Congress acts to strengthen the background check process. Without the link to mental health status, NICS cannot do the job for which it was created.

### Straw Purchase Buyers

Universal background checks also tie directly into combatting straw purchase buyers. These are individuals who are recruited and paid to purchase firearms for those who are legally prohibited from buying guns, such as previously convicted felons or individuals illegally residing in the United States.

The Major Cities Chiefs support pending legislation in the House that would make straw purchases a new federal offense. The Major Cities

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Chiefs President, Charles Ramsey, gave a statement this past Tuesday, 12 March 2013, before the House regarding this issue.

### Background Check Success

For critics of the universal background check, let it be known that since its adoption, background checks required under the Brady Law have been very successful at combatting gun violence and preventing firearms from landing in the hands of those who are disqualified.

For example, 1.9 million people were blocked from obtaining a firearm between 1994 and 2009 because of a failed background check. Additionally, out of six million attempted legal firearms purchases in 2012, nearly 153,000 persons were denied, with federal and state denials nearly even. Finally, a 2010 study of 20 major cities over a 36 year period found the Brady Law and sentencing enhancements for gun crimes to be associated with reductions in both homicide and gun homicide.

### Conclusion

Far too many tragic events have reminded us that reform of our background check system is long overdue. The time is now to make the NICS process *universal* without the gaps and loopholes that defeat the purpose for which it was intended. Without legislation, our Nation can expect more tragedies at the hands of those who can easily acquire firearms vis-à-vis a gun show or straw purchaser. As Chiefs, we are sworn to protect. The officers who safeguard our citizens will continue to face these threats until Congress adopts appropriate legislation. A universal background check is not only requested it is *required* to properly vet the purchase and sale of all firearms.

On behalf of the Mayors Against Illegal Guns, the Major Cities Chiefs, and my colleagues in law enforcement, I thank you for your courage and leadership on this issue. We will continue to support your efforts to strengthen the Nation's first line of defense against gun violence – a background check that works.

Thank you for your time, and I look forward to hearing your questions.

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