

July 17, 2013

Pennsylvania House Judiciary Committee

Public Hearing on Pennsylvania Procedure for Firearm Background Checks

Testimony of Mayors Against Illegal Guns

With more than 950 mayors, including over 200 in Pennsylvania, and 1.5 million supporters, Mayors Against Illegal Guns is the largest gun violence prevention organization in America. Our top policy goal is keeping guns out of the hands of felons and other dangerous people by requiring background checks before all gun sales. Background checks are the best enforcement mechanism we have, serving to ensure that people currently prohibited from buying guns are actually stopped at the point of sale. Today's testimony will show:

- Pennsylvania's background check system is an effective law enforcement tool that prevents tens of thousands of criminals, domestic abusers and other dangerous people from obtaining firearms.
- A dangerous loophole in Pennsylvania's law allows people to buy long guns without a background check.
- Long guns are used in dozens of homicides each year in Pennsylvania and hundreds nationwide.
- Background checks are very convenient and do not interfere with the rights of lawful gun owners.
- Given that the background system has been successful in preventing crime, that long guns are used in crimes and that background checks do not hinder the rights of lawful citizens, the expansion of the background check system to private sales of long guns is a common sense crime prevention measure.

Testimony of Lancaster Mayor Richard Gray

Pennsylvania Chairman, Mayors Against Illegal Guns

My name is Rick Gray, I am the mayor of Lancaster and I am also the Pennsylvania state chairman of Mayors Against Illegal Guns. Our organization is comprised of more than 950 mayors in 46 states¹ and more than 1.5 million grassroots supporters, making us the largest gun violence prevention organization in America. In Pennsylvania we have more than 200 mayors in 54 counties.²

We believe the background check system in place is effective, and the State Police are doing a good job running it. The goal of the background check system is to block gun sales to prohibited purchasers like felons, domestic abusers and people with dangerous mental illnesses, and it is

¹ Mayors Against Illegal Guns. <http://www.mayorsagainstilllegalguns.org/html/members/members.shtml>

² Ibid. <http://www.mayorsagainstilllegalguns.org/html/members/members.shtml> - PA

largely meeting that goal. But we are excusing some gun purchasers from background checks,³ and we would like to see that loophole closed.

I would like to explore some of the myths about background checks put forth by some who are opposed to them. The most erroneous myth is that background checks do not prevent crime because criminals will not submit to them. This is false.

Nationally, our background check system has blocked about 2 million prohibited purchasers from buying guns,⁴ including more than 250,000 domestic abusers.⁵ In 2011 alone, our state system blocked 9,600 prohibited purchasers in Pennsylvania.⁶ So criminals *are* submitting to background checks and our state and federal systems are blocking them from buying guns.

The second myth is that background checks do not reduce crime because bad guys will find another way to get guns, or they will use other weapons. This is also false.

Pennsylvania is one of 16 states that go beyond federal law and require background checks for private sales of handguns.⁷ In those states⁸ 38% fewer women are shot to death by their intimate partners⁹ and 49% fewer people commit suicide with guns than in states with weaker background check laws.¹⁰

³ Section 6111(f)(2) of Title 18 of the Pennsylvania Consolidated Statutes.

⁴ Between the inception of the NICS system in 1998 and 2012, the FBI issued 987,578 denials. National Instant Criminal Background Check System (NICS) Operations 2012 <http://www.fbi.gov/about-us/cjis/nics/reports/2012-operations-report>. Between 1998 and 2010, state and local agencies issued 945,915 denials, and it is estimated they have issued 150,000 denials in the two years since data was last released. Bureau of Justice Statistics. Background Checks for Firearm Transfers, 2010 - Statistical Tables. February 2013. <http://1.usa.gov/Z8vYsa%29>.

⁵ Bureau of Justice Statistics. Background Checks for Firearm Transfers, 2010 - Statistical Tables. February 2013. <http://1.usa.gov/Z8vYsa%29>.

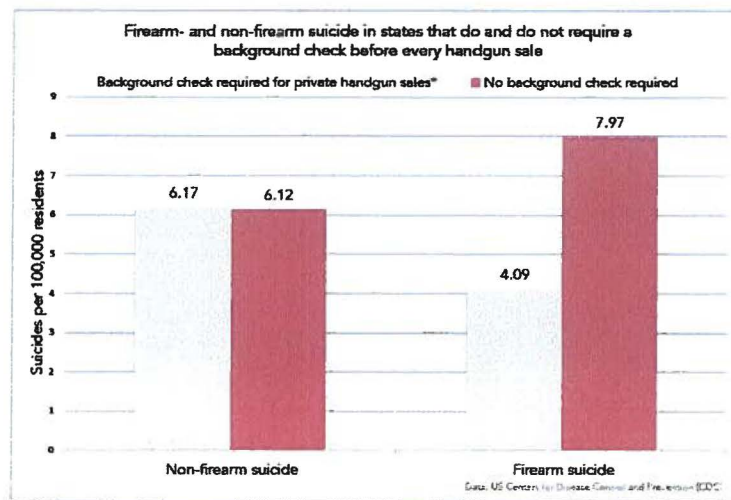
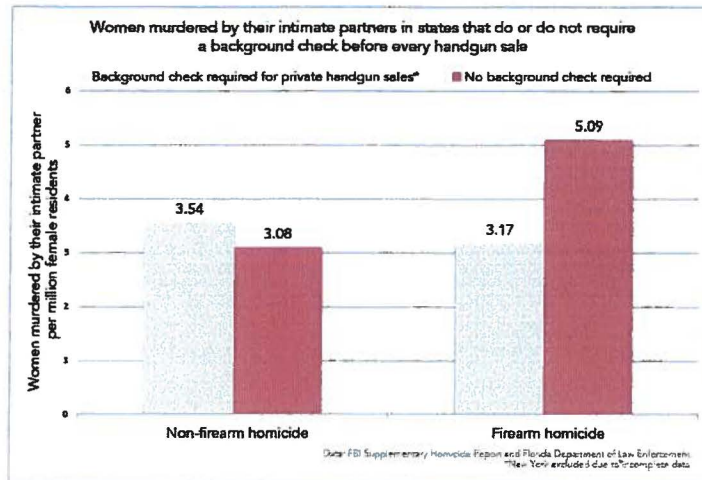
⁶ PICS issued 11,088 denials and 1,488 were reversed on appeal. Pennsylvania State Police Annual Firearms Report 2011. http://www.portal.state.pa.us/portal/server.pt/document/1271891/pennsylvania_state_police_2011_firearms_annual_report_pdf

⁷ CA, CO, CT, DE, NY, RI, and the District of Columbia require background checks at the time of purchase for all gun sales. MD and PA require background checks for all handgun sales, but not for long guns transferred in private sales. HI, MA, NJ and IL require purchase permits for all gun sales, but not necessarily at the time of purchase. IA, MI, NC and NE require purchase permits for all handguns, but not necessarily at the time of purchase.

⁸ For the purpose of this analysis, DE and CO are treated as states that do not require background checks on private handgun sales because their background check laws were just passed in 2013.

⁹ Mayors Against Illegal Guns analysis of FBI and Florida Department of Law Enforcement data. New York was excluded due to incomplete data. U.S. Department of Justice, Federal Bureau of Investigation, Supplementary Homicide Reports, 2011. <http://bit.ly/VIGvFe>. Florida Department of Law Enforcement. Supplementary Homicide Report. 2010.

¹⁰ Centers for Disease Control and Prevention, National Center for Injury Prevention and Control. Web-based Injury Statistics Query and Reporting System (WISQARS) [online]. (2005) [cited 2012 Dec. 20]. www.cdc.gov/ncipc/wisqars



Background checks save lives. And people in states with stronger background checks are not simply picking up other weapons. The rates of non-firearm suicide and domestic violence murders are about the same in both sets of states.

States with stronger background check laws also see 17% fewer aggravated assaults with guns¹¹ and 39% fewer cops killed with handguns than states with weaker laws.¹² We see less trafficking too: states with stronger background check laws export 64% fewer guns that are recovered from crime scenes in other states.¹³ Background checks save lives and reduce gun crime. If we close the loophole for long guns, we can save more lives.

¹¹ NY, IL, HI, MS were excluded due to insufficient data. FBI Uniform Crime Reports. 2011.

¹² Law enforcement officers who were killed with handguns that were not their own. Federal Bureau of Investigation, 2001-2011.

¹³ Bureau of Alcohol, Tobacco, Firearms and Explosives. 2009.

In April of this year, Kenneth Phillip of Bucks County got out of prison and killed his ex-wife Violeta with a shotgun in front of her 16-year-old daughter. It's unclear how he got that long gun, but if he had been required to undergo a background check, Violeta might be alive today. Phillip drove off and then fired that shotgun three times at Officer Timothy Friel who returned fire, killing Phillip.¹⁴

Long guns account for about 10.5% of gun murders in this country.¹⁵ We know that long guns are used in at least 784 homicides a year¹⁶ and that leaves out more than 4,500 reported homicides for which the type of gun is unknown.¹⁷ How many long gun murders are enough to move us to do something?

**U.S. Gun Homicides by Type of Gun 2007-2011
When Type of Gun is Reported**

Rifles	1,874	5.0%
Shotguns	2,044	5.5%
Handguns	33,034	88.2%
Other guns	483	1.3%
Total known	37,435	100.0%

Source: FBI Uniform Crime Reports

U.S. Yearly Gun Homicide Averages

Gun homicides per year	12,035
Gun homicides per year - gun type unknown	4,548
Known long gun homicides per year	784

Sources: FBI Uniform Crime Reports and CDC Fatal Injury Reports

Another myth is that expanding background checks infringes on the rights of lawful gun owners. This is not true. Our background check laws do not prevent anyone from lawfully possessing or buying a gun, and most gun owners don't mind doing background checks. In fact, we found that most gun owners believe we already have a system that requires background checks for every gun sale.¹⁸

The fact is, going to a licensed gun dealer to get a background check before a private gun transfer is more convenient in Pennsylvania than buying stamps or getting a Big Mac. An

¹⁴ Northampton cop cleared for fatally shooting man who killed ex-wife in Lower South. By Jo Ciavaglia. Bucks County Courier Times. May 12, 2013. http://www.phillyburbs.com/news/crime/northampton-cop-cleared-for-fatally-shooting-man-who-killed-ex/article_7fa81d30-2663-538f-a8cf-6c7b876931a0.html

¹⁵ Over the last five years for which data is available, rifles and shotguns accounted for 3,918 out of 37,435 total gun homicides where the type of gun was reported. FBI Uniform Crime Reports. 2007-2011. <http://1.usa.gov/11YWuam>.

¹⁶ Ibid.

¹⁷ The CDC reports 60,173 gun homicides over the last five years for which data is available. National Vital Statistics Reports: Deaths: Final Data for 2006-2010.

¹⁸ Republican Pollster Frank Luntz found that 53% of gun owners and 57% of NRA members erroneously believed that "everyone who wants to buy a gun has to pass a background check to complete the purchase." The poll, published in July 2012, surveyed 945 gun owners nationwide (MoE +/-3%). <http://www.mayorsagainstillegalguns.org/downloads/pdf/poll-07-24-2012.pdf>

estimated 99.97% of Pennsylvania residents live within ten miles of a licensed gun dealer,¹⁹ and there are more licensed firearms dealers than post offices²⁰ or McDonald's.²¹ In 2011, the typical background check was automated and took 2 or 3 minutes. Even when an operator had to assist, most people were approved in less than 7 minutes.²²

The right to keep and bear guns is not infringed by background checks, unless the rights at issue are those of felons and other prohibited purchasers.

There are many other myths and conspiracy theories that we can get into, but I wanted to refute the three that I have heard the most. My written testimony cites all the sources for these facts. Again, background checks *do* stop criminals from getting guns. Background checks *do* reduce crime and save lives. And background checks *do not* interfere with the rights of lawful gun owners.

We stand with the State Police and support the current background check system. It's proven to be successful, and it's time to expand it to every gun sale in Pennsylvania.

Testimony of Oxford Mayor Geoffrey Henry

I am the mayor of a small town in rural Chester County and I am also a gun owner. I oversee the police department and I personally know most of the 5,000 residents of Oxford, many of whom are gun owners as well. We have been discussing gun violence at our borough council meetings and at a town hall I organized that drew people from many of the surrounding communities. Sometimes those talks have become contentious, but we recently passed a resolution that affirms the right to own guns, and also asserts the responsibility of police and government to strengthen the background check system and reduce crime with sensible gun laws.²³ Our resolution was a result of many discussions like the one we're having today, which led to compromise, and in the end, consensus.

I believe this body will eventually find consensus with mayors, the State Police and other law enforcement agencies on the need to extend background checks to every gun sale. I am a Republican mayor, and I want to give a Republican perspective on the issue of background checks.

¹⁹ Proximity was estimated based on locations of gun dealers and population data by census block.

<http://www.demandaction.org/dealers>

²⁰ There are 1,952 Post Offices in Pennsylvania. <http://webpmt.usps.gov/pmt011.cfm>

²¹ As of 2012, there were 528 McDonald's restaurants and 2,309 licensed gun dealers in Pennsylvania. There are 58,344 federally licensed gun dealers in the United States – nearly twice the number of post offices and four times the number of McDonald's restaurants.

²² Pennsylvania State Police Annual Firearms Report 2011.

http://www.portal.state.pa.us/portal/server.pt/document/1271891/pennsylvania_state_police_2011_firearms_annual_report_pdf

²³ Oxford council OKs gun check resolution. Chester County Daily Local. Marcella Peyre-Ferry. May 21, 2013.

<http://www.dailylocal.com/article/20130521/NEWS01/130529892/oxford-council-oks-gun-check-resolution>

The rationale for excluding long guns from the background check requirement in Pennsylvania appears to be that shotguns and rifles are not used as frequently in crime as handguns. But the nightmare that unfolded in Bucks County when a man with an illegal shotgun killed his ex-wife and fired on a police officer was no less horrifying than it would have been had he used a handgun.²⁴ The killing of three Pittsburgh Police officers by Richard Poplawski in 2009 was no less deadly because he used a semi-automatic long gun than it would have been with a handgun.²⁵ We have the same duty to protect our citizens from violent crime whether it is perpetrated with long guns or handguns.

There are nine categories of prohibited purchasers, including felons, domestic abusers and people with severe mental illness who have been involuntarily committed to psychiatric hospitals.²⁶ Nobody disagrees with the State Police that these are people who should not have guns. In order to prevent them from getting guns, we subject them to background checks for sales of handguns and long guns at licensed dealers. We also require checks for sales of handguns from private sellers. But if the same private seller transfers a long gun to the same buyer, we do not require a background check. The question is why not?

Put simply, we should enforce the laws on the books. We enforce our prohibited purchaser laws by requiring background checks for every handgun sale, but we do not enforce the same laws with background checks for every long gun sale.

We have an opportunity to enforce current law, to support our police and to save lives without creating any new government agency or task force, and without even making any new laws. We already have a background check system in place that's working, the State Police are doing a great job administering it, but we are not getting the most out of it. We do not need a new law – we just need to repeal a loophole in the law we have.²⁷ This is a matter of simplifying our uniform firearms code. Subjecting a few more gun sales to background checks will cost very little and it will save money by preventing crime.

Connecticut, Colorado and Delaware all passed laws in the past few months requiring background checks for private sales of long guns, bringing the tally to six states and the District of Columbia that require background checks for every gun sale at the time of purchase;²⁸ Pennsylvania would be the seventh. The public wants this – 88% of Pennsylvania voters support

²⁴ Police: Feasterville murder victim planned to marry later this month. Bucks County Courier Times. Jo Ciavaglia. April 21, 2013. http://www.phillyburbs.com/my_town/hamptons/police-feasterville-murder-victim-planned-to-marry-later-this-month/article_dd5e129f-d38c-5171-a470-b834dd53a9e0.html

²⁵ Although news reports vary about whether the long gun Poplawski used was automatic or semi-automatic, Detective Joseph Bielewicz of the Pittsburgh Police describes it as an AK-47 type semi-automatic rifle.

²⁶ People are prohibited from possessing or receiving guns if they (1) have been convicted of a felony or are under felony indictment; (2) are a fugitive from justice; (3) are an unlawful user of or addicted to any controlled substance; (4) have been involuntarily committed to a mental institution or judged to be mentally defective; (5) are aliens illegally or unlawfully in the United States, or certain other aliens admitted under a nonimmigrant visa; (6) have been dishonorably discharged from the military; (7) have renounced their U.S. citizenship; (8) are under a qualifying domestic violence restraining order; (9) have been convicted of a misdemeanor crime of domestic violence. 18 U.S.C. § 922(g) and § 922(n).

²⁷ Section 6111(f)(2) of Title 18 of the Pennsylvania Consolidated Statutes.

²⁸ CA, CO, CT, DE, NY, RI, and the District of Columbia require background checks at the time of purchase for all gun sales.

“requiring all gun buyers to pass a criminal background check, no matter where they buy the gun and no matter whom they buy it from.”²⁹

Long guns are used in an estimated 10.5% of all gun murders in this country.³⁰ In Pennsylvania, we know that between 2007 and 2011, there were at least 129 long gun murders – an average of about 26 every year – and since we only know the type of gun in 78% percent of the cases, the number of people murdered with long guns each year is likely higher than this figure.³¹

**PA Gun Homicides by Type of Gun 2007-2011
When Type of Gun is Reported**

Rifles	62	3.0%
Shotguns	67	3.2%
Handguns	1,956	94.8%
Total known	2,085	100.0%

Source: FBI Uniform Crime Reports

Pennsylvania Yearly Homicide Averages

Gun homicides per year	531
Gun homicides per year - gun type unknown	114
Known long gun homicides per year	26

Sources: FBI Uniform Crime Reports, CDC Fatal Injury Reports

Are 26 murders a year enough to take meaningful action? We require background checks for handguns because they are used to murder people. But long guns are also used to murder people. I myself own a rifle, and I certainly would not want to risk selling it someone without a background check. I think we can come to a consensus that even one murder is too many. We cannot continue to exempt certain guns based on barrel length. Felons, domestic abusers, and people with severe mental illnesses are prohibited from having both handguns and long guns, no matter who they get the gun from. It is time that we start enforcing the law on all gun sales, licensed and private, regardless of the type of gun.

²⁹ A poll conducted by Douglas Schoen, LLC for Mayors Against Illegal Guns February 18-21, 2013 surveyed 600 likely voters (MoE +/-4%) in Pennsylvania and found 88% favor “requiring all gun buyers to pass a criminal background check, no matter where they buy the gun and no matter whom they buy it from.” http://libcloud.s3.amazonaws.com/9/14/5/1408/PA_MAIG_Release_030513.pdf. Recent independent polls from Quinnipiac University and Franklin & Marshall College have found support in Pennsylvania ranging from 85% to 95%.

³⁰ Over the last five years for which data is available, rifles and shotguns accounted for 3,918 out of 37,435 total gun homicides where the type of gun was reported. FBI Uniform Crime Reports. 2007-2011. <http://1.usa.gov/11YWuam>

³¹ FBI Uniform Crime Reports over the last five years for which data are available show 6.2% of gun homicides in Pennsylvania were committed with long guns. CDC data show there were 2,655 gun homicides over the last five years for which data were available. FBI Uniform Crime Reports – Table 20. Murder by state, type of weapon 2007-2011. http://www2.fbi.gov/ucr/cius2007/data/table_20.html. Centers for Disease Control. National Vital Statistics Reports: Deaths: Final Data for 2006-2010.



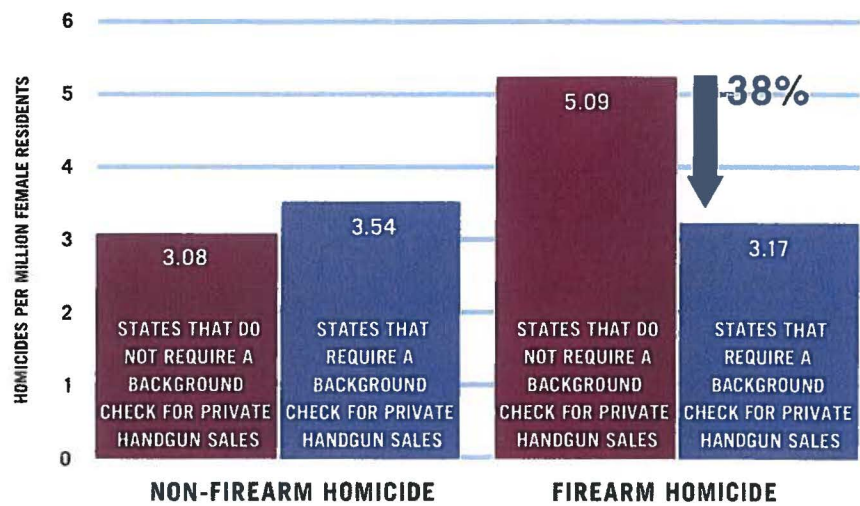
GUN BACKGROUND CHECKS REDUCE CRIME AND SAVE LIVES

Background checks are the only systematic way to keep guns out of the hands of criminals. But under current federal law, background checks are only required for gun sales at licensed dealers. An estimated 40 percent of gun transfers take place between “private” parties — often at gun shows or through anonymous online transactions — and are not subject to a federal background check. Last year, an estimated **6.6 million guns** were transferred this way — no checks, no records, no questions asked.

Fourteen states and Washington, DC, go beyond federal law by requiring a background check for private handgun sales: CA, CT, IA, HI, IL, MD, MA, MI, NE, NJ, NY, NC, PA, and RI. Evidence from these states shows that requiring a background check for private gun sales reduces crime and saves lives.

WOMEN MURDERED BY INTIMATE PARTNERS

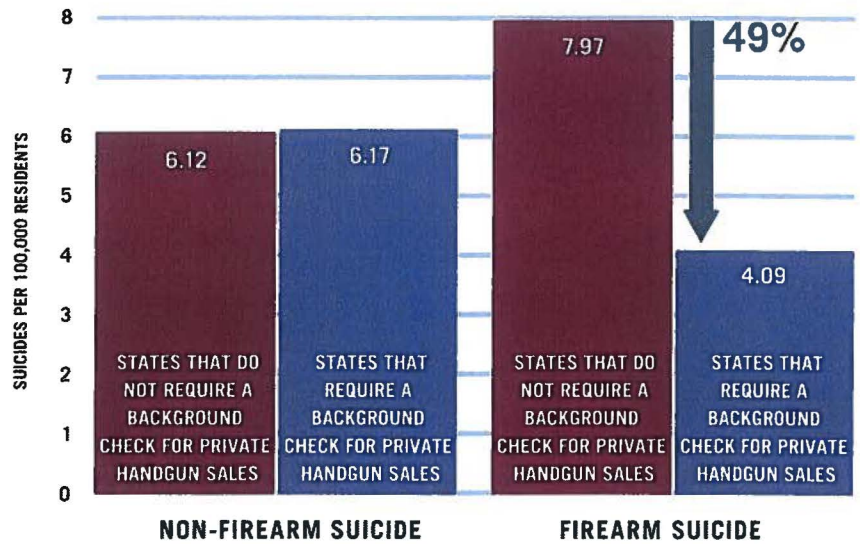
In states that require a background check for private handgun sales, 38 percent fewer women are shot to death by their intimate partners.



DATA: FBI SUPPLEMENTARY HOMICIDE REPORT AND FLORIDA DEPARTMENT OF LAW ENFORCEMENT, 2010. *NEW YORK EXCLUDED DUE TO INCOMPLETE DATA.

SUICIDE

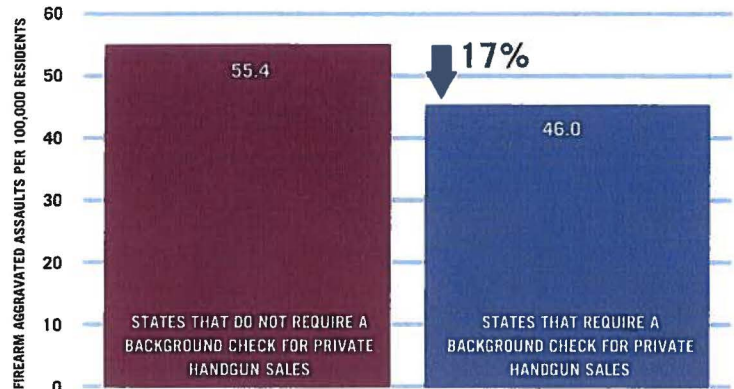
In states that require a background check for private handgun sales, there are 49 percent fewer firearm suicides, while the rates of suicide by other methods are nearly identical.



DATA: U.S. CENTERS FOR DISEASE CONTROL AND PREVENTION (CDC), 2010.

AGGRAVATED ASSAULTS WITH FIREARMS

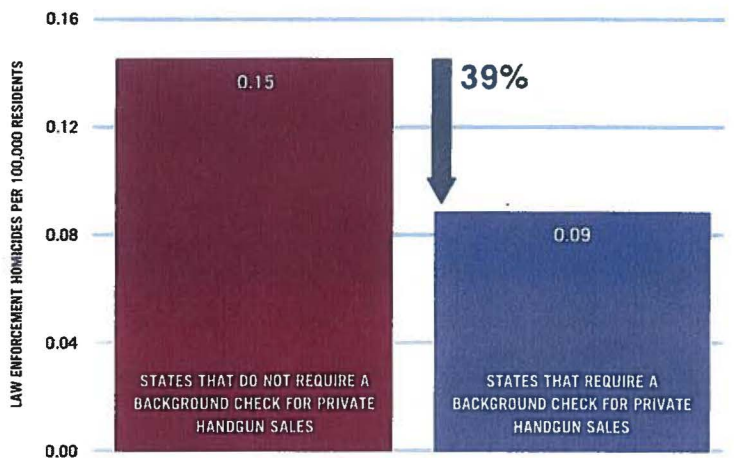
In states that require background checks for all handgun sales, there are 17% fewer firearm aggravated assaults.



DATA: FBI UNIFORM CRIME REPORTS, 2011
NY, IL, HI AND MS EXCLUDED DUE TO INSUFFICIENT DATA

POLICE KILLED WITH HANDGUNS

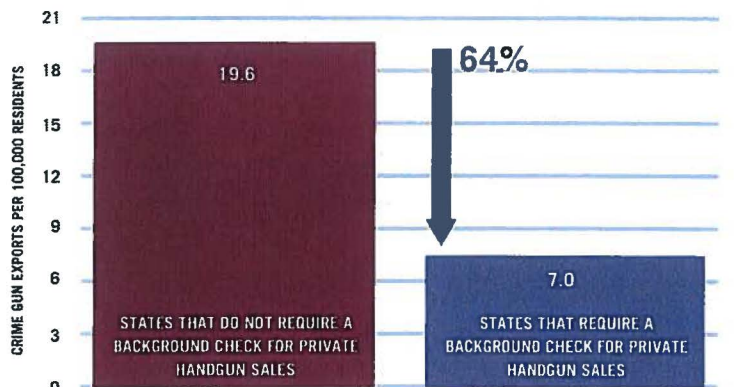
In states that require background checks for private handgun sales, 39 percent fewer law enforcement are shot to death with handguns.



DATA: FEDERAL BUREAU OF INVESTIGATION, 2001-2011.
LAW ENFORCEMENT KILLED WITH HANDGUNS THAT WERE NOT THEIR OWN.

CRIME GUNS TRAFFICKED TO OTHER STATES

States that require a background check for private handgun sales 'exported' 64 percent fewer crime guns — guns originally sold in-state that were later recovered at crime scenes in other states.



DATA: BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES, 2009