

My name is Ann Braden, and I'm the president of GunSenseVT, which is an independent, Vermont-based grassroots organization focused on keeping guns out of the wrong hands. Thank you so much for taking the time to hear this testimony and consider the merits of this bill. I'm here to speak in support of S. 31, specifically focusing on the data that supports sending the NICS system the names of those who have been adjudicated as a danger to themselves or others and the evidence regarding the public health impact of background checks.

First, here's a bit about my background. I was a middle school social studies teacher in Brattleboro before my children were born. I had never been involved in advocacy like this, but when the Newtown shooting happened, as a parent of a two young children (a 3 year-old son and a newborn baby girl), I felt that as a society we needed to make sure we were taking the basic precautions to keep guns out of the wrong hands and protect our most vulnerable citizens. Over the next few months, I connected with other Vermonters around the state who shared the same conviction. However, it was clear that even though statewide polling showed that the vast majority of Vermonters are in favor of strengthening our gun laws, an organized grassroots movement was going to be necessary in order for those voices to be heard in the statehouse. That's how GunSenseVT got started. Since then, supporters throughout the state have spent hundreds of hours gathering petition signatures and have connected with friends and neighbors at more than a hundred local grassroots events. Together we delivered 1,400 letters to senators and 12,000 petition signatures from Vermonters asking that action be taken on this issue.

We are glad to see that lawmakers are taking this issue seriously and that the time has come to consider this bill based on its merits.

What this bill is designed to do is to ensure that the federal law prohibiting dangerous individuals from possessing guns can be better enforced. Right now we are an outlier compared to other states based on our inaction. Looking specifically at the communication of court records regarding individuals who are deemed to be a danger to themselves or others, 38 states have reporting laws in

place; we are among the 12 states who don't.<sup>1</sup> Many of these states have taken action just in the past few years after seeing the consequences of inaction in Virginia.

Virginia is the best place to zero in on the data demonstrating the need to send the NICS system the names of those adjudicated to be a danger to themselves or others. In 2005 a Virginia Tech student was found by a court to be a danger to himself or others and required outpatient mental health treatment. At the time, Virginia did not have a law requiring such a finding to be communicated to the NICS system. In 2007, that student purchased two guns, passing a background check because his court records were not in the system, even though by definition he was prohibited from possessing a firearm by federal law. One month later he shot and killed 32 Virginia Tech students and faculty and then killed himself.<sup>2</sup>

In 2008, the following year, Virginia passed a law requiring key records involved with court-ordered outpatient mental health treatment (among others) to be communicated to the NICS system.<sup>3</sup> Then in 2011, they passed an additional law that created a state petition system for rights to be restored, and because of that they were able to receive a federal grant of over \$750,000 from the NICS Act Record Improvement Program (or NARIP) to upgrade the state background check system and help the district courts automate the process of communicating this information to the NICS system.<sup>4</sup>

Between August 2010 and November 2013, the number of mental health records submitted in Virginia rose by 45 percent. Meanwhile, the number of blocked gun sales to people with serious mental illness rose similarly, by 47 percent from 2010 to 2013.<sup>5</sup>

As you can see from the graphs in the handout, as other states followed suit and submitted more records, it was accompanied by a significant increase in denials of prohibited dangerously mentally ill people in other states, as well. 17 other states passed laws in the immediate aftermath of Virginia Tech, and then between 2011 and 2013, 18 additional states have either passed new legislation or substantially amended pre-existing laws to better facilitate the communication of these key records.

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<sup>1</sup> "Closing the Gap: Strengthening the Background Check System to Keep Guns Away from the Dangerously Mentally Ill." Everytown for Gun Safety. 2013. <http://everytown.org/documents/2014/10/closing-the-gaps.pdf>

<sup>2</sup> Virginia Tech Shooting Fast Facts. CNN. <http://www.cnn.com/2013/10/31/us/virginia-tech-shootings-fast-facts/>

<sup>3</sup> Va. Code Ann. §§ 18.2-308.1:1, 18.2-308.1:2 (2011)

<sup>4</sup> U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, NARIP Awards, available at <http://bjs.ojp.usdoj.gov/index.cfm?ty=tp&tid=491#funding>

<sup>5</sup> Virginia had reported 139,185 records as of August 2010 and 201,365 records as of November 2013. 215 sales to the seriously mentally ill were blocked in 2010 and 316 were blocked in 2013. Data obtained from the Virginia Department of State Police. Obtained via the report: "Closing the Gap: Strengthening the Background Check System to Keep Guns Away from the Dangerously Mentally Ill." Everytown for Gun Safety. 2013. <http://everytown.org/documents/2014/10/closing-the-gaps.pdf>

Between 2011 and 2013 alone, there has been a 65% increase in the number of denials based on the individual having been adjudicated as dangerously mentally ill.<sup>6</sup>

According to the FixNICS.org website run by the National Shooting Sports Foundation, in Vermont we have only submitted 23 records to the NICS system. Maine, on the other hand, which passed a law like this in 2009 has submitted over 2,400. Maine has just over double the size of our population in Vermont, yet they have submitted more than 100 times more records.<sup>7</sup> This is an issue that needs to be addressed.

A background check is only as good as the records in the database, and similarly, the system will be most effective at blocking prohibited individuals from buying a gun if all gun sales require a background check. To examine the second question -- the impact that background checks have on public health -- there are two relevant studies referred to in the white paper "Comprehensive Background Checks for Firearm Sales," by Garen Wintemute published by the Johns Hopkins University Press in 2013. Both studies examined people seeking to purchase a gun who have a history of arrests. One group of individuals were prohibited from purchasing a gun because of a background check, and the other group was able to go ahead with the purchase. The first study found that the group whose firearm purchases were approved had a statistically significant increased risk of committing subsequent crimes involving firearms. The second study also found that that group had a higher risk of later committing a firearm-related crime, while simultaneously there was no difference in risk found when it came to committing crimes that did not involve firearms.<sup>8</sup>

Along the same lines, an examination of the FBI data from 2011 shows that in the states that require criminal background checks on unlicensed sales, 38% fewer women are shot to death by their intimate partners, while the non-firearm homicide rate is basically the same for both groups.<sup>9</sup> A second analysis of the FBI data using a broader span of time, pulling data from 2008 – 2012, found that in the

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<sup>6</sup> These figures exclude denials made by the 13 point-of-contact states, including three of the five states that have submitted the most mental health records per capita. They also partially exclude denials made by the 8 partial point-of-contact states. For a full list of these states, see <http://www.fbi.gov/about-us/cjis/nics/poc>. Obtained via the report: "Closing the Gap: Strengthening the Background Check System to Keep Guns Away from the Dangerously Mentally Ill." Everytown for Gun Safety. 2013. <http://everytown.org/documents/2014/10/closing-the-gaps.pdf>

<sup>7</sup> "FixNICS: State Ranking." National Shooting Sports Foundation. <http://www.fixnics.org/staterankings.cfm>

<sup>8</sup> Wintemute, Garen. "Comprehensive Background Checks for Firearm Sales," In: Webster W, Vernick J (eds). Reducing Gun Violence in America. The Johns Hopkins University Press; 2013. pp 95-107.

<sup>9</sup> U.S. Department of Justice, Federal Bureau of Investigation, Supplementary Homicide Reports, 2010, available at <http://bit.ly/V1GvFe> (excludes New York due to incomplete data)

states that require criminal background checks on unlicensed sales, 46% fewer women are shot to death by their intimate partner.<sup>10</sup>

This is in part due to the lethality of a gun. A study done comparing women who had been murdered by their intimate partners with women who had been abused but survived found that in the cases of the surviving women, a gun had been present in the home 15.4% of the time. In the case of the women who had been killed, a gun had been present in the home 53% of the time. According to two different studies in the American Journal of Public Health and the Annals of Emergency Medicine, the presence of a gun in a domestic violence situation means that the woman is 3-5 times more likely to be killed.<sup>1112</sup> Moreover, based on a recent analysis of FBI homicide data it has been found that female intimate partners are more likely to be murdered with a firearm than all other means combined.<sup>13</sup>

When obstacles are placed in the path of violent individuals to make it harder for them to obtain a gun, lives are saved. And while this certainly won't stop violence or save all lives, it will make it harder for someone like a convicted domestic abuser to gain easy access.

We support sending the court records of dangerous individuals to the NICS system in order to strengthen the background check, and we support requiring a background check no matter where a gun is sold.

Thank you for your consideration.

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<sup>10</sup> "State Background Check Requirement and Rates of Domestic Violence Homicide."

<http://everytown.org/documents/2015/01/dv-background-checks-fact-sheet.pdf>

<sup>11</sup> J.C. Campbell, D.W. Webster, J. Koziol-McLain, et al., "Risk factors for femicide within physically abusive intimate relationships: results from a multi-site case control study," 93 Amer. J. of Public Health 1089-1097 (2003)

<sup>12</sup> Douglas Wiebe, "Homicide and Suicide Risks Associated with Firearms in the Home: A National Case-Control Study," Annals of Emergency Medicine 41, no. 6 (2003): 775.

<sup>13</sup> When Men Murder Women: An Analysis of 2010 Homicide Data: Females Murdered by Males in Single Victim/Single Offender Incidents. 2012. Violence Policy Center. Washington, DC. Retrieved February 19, 2015. <http://www.vpc.org/studies/wmmw2012.pdf>.