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**Testimony on S.31**  
**For Senate Health & Welfare Committee**

First I want to express my appreciation to the Honorable Senators and staff who are allowing me to testify. I am representing the Vermont Chapter of the American Academy of Pediatrics (AAP), and am here today to express our support for S.31.

Some have framed the question before the committee today as follows: Does the state have a right or reason to impose a legal requirement upon citizens that the sale of a firearm in Vermont be accompanied by a background check conducted on the purchaser? I would like to ask that you consider a slightly different question: *do Vermont children and their families have a right to expect that when a gun is sold in Vermont, a background check has been required?*

This is not a newly conceived or extreme idea. Federal law has stipulated for many years that felons and others deemed dangerous through judicial proceedings should not be allowed to purchase guns – and so federally licensed dealers have routinely conducted background checks in order to prevent such prohibited persons from purchase. But of course many with criminal backgrounds or violent intent learned quickly that they could avoid the background check by seeking to buy guns in the so-called secondary market, through private sales or ones initiated through the Internet.

Recognizing this flaw in our background checks system, many citizens have called for *comprehensive background checks*, which extend the legislative intent to cover virtually all sales rather than just those conducted by licensed dealers.

After Newtown, members of our AAP chapter signed and distributed a letter to all Vermont legislators and other leaders, urging a number of measures to help keep our children and all citizens safer from gun violence. Here in Vermont, victims of domestic violence are particularly at risk. The **first** of the steps we suggested involved background checks like the ones S 31 proposes.

In the public hearing on this bill last week, some opponents suggested that we imagine how absurd it would be to be required to conduct a background check in the course of selling a car.... But think of it: any car sold and driven in Vermont is subject to registration and annual inspection and licensure of its drivers to ensure their fitness to drive... And why is that? Precisely because the state has a legitimate interest in protecting all of its citizens. This is what we mean when we speak of the public health law perspective.

From our point of view the state has a perfectly legitimate reason to require that those who purchase guns here are subject to a basic background check, one that ensures that the buyer is not concealing something that would have disqualified him or her as a prohibited person. After all, the weapon they are acquiring – a gun – really has its primary usefulness in its ability to kill or intimidate – isn't that the very reason that people want one for self-defense?

Consider the legal status regarding sales of firearms in Vermont as of right now. An individual who would be prohibited from purchase at a Federally Licensed Dealer's shop can seek to buy a gun from a non-licensed seller privately – and as long as he or she presents him- or herself as a perfectly normal law-abiding citizen, the seller has NO obligation to seek any information about the buyer's background. The seller has no liability unless he or she knows or has reason to believe that the purchaser is a prohibited person. Just by asking no questions, the sale can happen – and a legal gun becomes an illegal one. After that, the gun might be used to commit a crime, or it might be trafficked within the state or across state lines to a state where

laws are tighter. Do we really want Vermont to be seen as a “safe haven” for such purchases?

It would seem to me that the law-abiding private seller might in fact WELCOME the requirement of a background check – because no good Vermonter, sportsperson or hunter or service member or anyone – really wants guns to wind up in dangerous hands. The background check requirement simply offers more assurance that the buyer is legal.

Yes, we understand the argument that “only law-abiding citizens will be impacted” and inconvenienced by this law – that criminals would always evade it. Yet that argument is debunked by a growing body of evidence from other states showing that background checks DO deter criminals from acquiring guns and committing crimes with them. Maybe criminals aren’t always so “clever” after all.

Any public health law or regulation carries with it some sacrifice of perfect liberty – whether it’s a requirement to wash hands or to vaccinate children or to take steps to stop bullying in schools. These rules are accepted because they do offer real protection and security to our citizens. Requiring a background check for the sale of a firearm is hardly unreasonable!

So I ask again, on behalf of all pediatric health care professionals who care for children in Vermont: doesn’t every child and family in our state have a right to know that our laws require that when someone seeks to buy a gun here, a background check will be done?

Thank you very much.