

**TESTIMONY OF CLAI LASHER-SOMMERS
EXECUTIVE DIRECTOR – GUN SENSE VERMONT**

**BEFORE
HOUSE JUDICIARY COMMITTEE
March 14, 2018**

Chair Grad and members of the Committee, my name is Clai Lasher-Sommers. I was born in Vermont and now serve as the Executive Director for GunSense Vermont.

Thank you for the opportunity to speak today. GunSense Vermont is a growing coalition of concerned citizens—gun owners, non-gun owners, Democrats, Republicans, Progressives, Independents, and more—who understand that there is no other threat to public safety in the United States that looms as large as gun violence. GunSense Vermont advocates for universal background check legislation and other measures that will keep guns out of the hands of people who should not have them.

On behalf of Gun Sense Vermont, I am here today to urge the committee to support S. 55. **Vermont needs a background check law that is comprehensive--one that covers unlicensed sellers. People that we have already identified as too dangerous at the federal level, like convicted felons, domestic abusers, and the severely mentally ill can easily avoid a background check by purchasing from private sellers.**

Under current federal law, guns sold between private parties, person-to-person or at gun shows are exempt from the background-check requirement.

Requiring criminal background checks on all gun sales is the single most effective policy for keeping guns out of the hands of people with dangerous histories. Current Vermont law has no background check requirements. While federal law requires licensed gun dealers to conduct criminal background checks, there's no such requirement for unlicensed sellers. Prohibited purchasers like convicted felons, domestic abusers, and the severely mentally ill can exploit this gap in the law and avoid a background check by purchasing guns from private sellers-- often in sales arranged online or at gun shows.

The way the current NICS systems works Licensed gun sellers start a NICS check by contacting the Federal Bureau of Investigation (FBI) or state point of contact. The check is usually run by phone or computer after the prospective buyer provides a government-issued I.D. and completes a federal Firearms Transaction Record (FTR).

The dealer records information about the gun being sold, including manufacturer, type, model, caliber/gauge and serial number. The dealer is required to retain the FTR regardless of whether sale is made or the buyer passes their background check.

The NICS background check is valid for up to 30 days and only covers a single transaction (a single transaction can involve multiple guns). In most cases, a check takes only a couple of minutes.

According to the FBI, roughly 92% of checks render an instant verdict. If a check is clean, the gun is sold. If it's denied, the sale doesn't go through. In about 8% of cases, the verdict is delayed, and the seller has to wait three days. If there is no verdict after three days, the sale can go through.

In April 2015, Dylann Roof was sold a .45-caliber Glock pistol at a Charleston, S.C.-area gun store despite confessing to drug possession a month earlier. The seller ran an NICS background check, which was delayed and assigned to an FBI official in West Virginia. The official failed to discover the confession for drug possession before three days had passed, and the sale to Mr. Roof was completed. The confession would have disqualified him from buying the gun he used to murder nine people at Emanuel African Methodist Episcopal Church on June 17, 2015.

Background checks are a systematic way to keep guns out of the wrong hands and save lives.

Since enacted they have blocked over 3 million sales to people with felony convictions, domestic abusers, fugitives, and other people prohibited by law from having guns.¹ This loophole in the system make it easy for millions of guns to change hands each year with no

background check, and no questions asked.² In fact, an estimated 22 percent of gun transfers take place without a background check—often between strangers who meet online, or at gun shows.³ As of January 1, 2017, nineteen states and Washington, D.C, go beyond federal law by requiring background checks for all handgun sales.⁴

In the 19 states (CA, CO, CT, DE, HI, IA, IL, MD, MA, MI, NE, NV, NJ, NY, NC, OR, PA, RI, and WA) that have background checks that go beyond federal law:

- **47% fewer women shot to death by intimate partner** (Everytown compared the number of women killed with guns by current or former partners between 2010 and 2014 in states that did or did not require background checks for unlicensed handgun sales. Data were obtained from the FBI's Supplementary Homicide Reports and from the Florida Department of Law Enforcement)

- **47% Fewer Suicides** (Everytown compared the number of people who committed suicide with guns between 2011 and 2015 in states that did or did not require background checks for unlicensed handgun sales. Data were obtained from the Centers for Disease Control and Prevention's Fatal Injury Reports in December 2016.)

- **53% fewer law enforcement officers shot and killed in the line of duty.** (Everytown compared the number of law enforcement officers feloniously killed in the line of duty with guns that were not their own

between 2011 and 2015 in states that did or did not require background checks for unlicensed handgun sales. Data on deaths were obtained from the FBI's Law Enforcement Officers Killed and Assaulted database in December 2016. Population data for law enforcement officers ("Police Protection - Persons with Power of Arrest") were taken from the United States Census Bureau.)

In closing, today, I can't get on a plane in the United States without someone doing a background check on me, but I could go places in this country and buy a weapon and not have that done. I'm grateful that today in Vermont we have the opportunity to pass lifesaving legislation.

Thank you.

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