

Letter in Support of S.30

January 27, 2022

Speaker Krowinski and esteemed Representatives:

We, the undersigned group of organizations representing a broad spectrum of Vermonters from all corners of the state, write in strong support of S.30, as amended by the House Judiciary Committee, which would implement the following lifesaving reforms:

- closing the “Charleston Loophole” by ensuring that law enforcement has sufficient time to complete a background check of prospective gun purchasers;
- affirming the ability of Vermont’s judges to disarm domestic abusers who are subject to an emergency Relief From Abuse (RFA) order by ordering them to relinquish their firearms and prohibiting firearm possession while the order is in effect;
- prohibiting the possession of guns in hospital buildings;
- affirming the ability of health care providers to notify law enforcement when they reasonably believe a person poses an extreme risk to themselves or others by purchasing or possessing a dangerous weapon; and
- requiring the state to annually report data on the use of extreme risk protection orders and their impact on suicide rates.

We hold a great deal of respect for Vermonters’ right to own guns for personal protection, hunting, and sport shooting, and understand that many Vermonters have passed down a tradition of responsible gun ownership and self-sufficiency from generation to generation. This bill would protect Vermont communities while respecting this tradition by taking common-sense steps to ensure that guns are kept out of the hands of people with a demonstrated history of domestic abuse or other dangerous behavior, and out of places such as hospitals where emotions run high and the presence of guns could exacerbate a tense situation and place hospital employees and patrons at risk of violence.

Since the beginning of the pandemic, gun ownership has spiked significantly in Vermont, where there were 64% more guns sold in 2020 than in 2019. Between January 2020 and November 2021, an estimated 113,500 guns were sold in Vermont.¹ This has led to more gun sales than ever slipping through the “Charleston Loophole,” which takes its name from the awful shooting in 2015 in Charleston, South Carolina when nine worshipers were shot in church by a white supremacist who was legally prohibited from owning a firearm, but was able to buy one despite that prohibition because of a dangerous gap in federal law. This loophole allows gun sales to proceed by default after three business days even if a background check is not completed, even though background checks that take longer than three business days are four times more likely to result in a denial.²

According to the FBI, between January 1 and November 12, 2020, 5,807 illegal purchasers nationwide acquired guns through sales that were allowed to proceed as a result of the Charleston Loophole, guns that

¹ Analysis of data provided by Daniel Nass and Champe Barton, “How Many Guns Did Americans Buy Last Month? We’re Tracking the Sales Boom,” *The Trace*, December 1, 2021, <https://www.thetrace.org/2020/08/gun-sales-estimates/>.

² Eaton J. “FBI Never Completes Hundreds of Thousands of Gun Checks.” *The Virgin Island Daily News*. (2019). <https://bit.ly/2Cit56Z>

later had to be retrieved by law enforcement officers —more than in any other full calendar year.³ This includes at least 28 firearm retrievals issued to the ATF here in Vermont since 2020 – 9 of which have not yet been completed.⁴

This makes it all the more important to pass measures to ensure the efficacy of Vermont’s background check system, a foundational gun safety policy which ensures that those with dangerous histories such as convictions for domestic abuse or other violent behavior can’t get their hands on a gun and use it to harm themselves or others. Vermont’s background check system stops hundreds of attempts by prohibited purchasers to acquire guns every year – we need to make sure it continues to provide comprehensive protection to Vermonters.

S.30 will also affirm Vermont judges’ ability to disarm dangerous domestic abusers by ordering a defendant subject to an emergency relief from abuse (RFA) order to relinquish their firearms and not to possess firearms while the order is in effect. This will provide clarity in state law and codify key protections for victims of domestic abuse. Half of all homicides in Vermont are domestic violence-related, and more than half of those crimes are committed with firearms.⁵ The days immediately following the filing of a restraining order are extremely dangerous for a person suffering abuse. By affirming avenues to disarm domestic abusers, S.30 will help to protect victims and their families during this vulnerable period.

The bill would also utilize a public health lens to study Vermont’s firearm suicide rates and affirm avenues for medical professionals to intervene in crisis situations. Roughly 88% of gun deaths in Vermont are suicides,⁶ and we know that means matter a great deal when discussing suicide. Having ready access to a gun triples the risk of suicide.⁷ Approximately 90 percent of suicide attempts involving firearms end in death, compared to only 4 percent involving any other means.⁸

And critically, research shows that the vast majority of people that survive a suicide attempt do not go on to die by suicide,⁹ meaning that the difference between living to see a better day or dying by suicide is often determined by the presence of a gun. The challenges to our mental health and well-being posed by the COVID-19 pandemic reinforce the need to support avenues to remove access to firearms for those in crisis and connect them to supportive services during their time of need.

Given the vast number of new gun owners, the challenges to mental health and financial stability posed by the pandemic, and the fact that the rate of gun deaths in Vermont rose 24% in 2020 compared to 2019,¹⁰ it is incumbent upon all of us to support measures that respect the rights of all Vermonters while

³ https://everytownresearch.org/documents/2021/02/2021-0075-final-response-packet_atf_everytown_redacted.pdf/

⁴ Testimony of Jeffrey Wallin, Director of the Vermont Crime Information Center, before the Vermont House Judiciary Committee on 1/13/2022, https://www.youtube.com/watch?v=HLKeXY_031I&t=34s

⁵ Vermont Attorney General’s Office, “Vermont Domestic Violence Fatality Review Commission, 2018 Report,” 2019, <https://legislature.vermont.gov/assets/Legislative-Reports/2018-Final-DV-Report.pdf>.

⁶ Everytown for Gun Safety Support Fund, “EveryStat: Vermont,” <https://everystat.org/#Vermont>.

⁷ Andrew Anglemyer, Tara Horvath, and George Rutherford, “The Accessibility of Firearms and Risk for Suicide and Homicide Victimization Among Household Members: A Systematic Review and Meta-Analysis,” *Annals of Internal Medicine* 160, no. 2 (2014): 101–110, <https://doi.org/10.7326/M13-1301>.

⁸ Andrew Conner, Deborah Azrael, and Matthew Miller, “Suicide Case-Fatality Rates in the United States, 2007 to 2014: A Nationwide Population-Based Study,” *Annals of Internal Medicine* 171, no. 2 (2019): 885–95, <https://doi.org/10.7326/M19-1324>.

⁹ David Owens, Judith Horrocks, and Allan House, “Fatal and Non-Fatal Repetition of Self-Harm: Systematic Review,” *British Journal of Psychiatry* 181, no. 3 (2002): 193-99, <https://doi.org/10.1192/bjp.181.3.193>.

¹⁰ Centers for Disease Control and Prevention, National Center for Health Statistics, WONDER Online Database, Underlying Cause of Death. 2019–2020.

keeping us all safe from gun violence. Thank you for your leadership and your consideration of our request.

Sincerely:

AFT Vermont
American Academy of Pediatrics Vermont Chapter
AWARE (Hardwick, VT)
Circle (Barre, VT)
Clarina Howard Nichols Center (Morrisville, VT)
Everytown for Gun Safety
Giffords: Courage to Fight Gun Violence
Gunsense Vermont
Mosaic (Barre, VT)
New Story Center (Rutland, VT)
Pride Center of Vermont (Burlington, VT)
Safeline, Inc. (Chelsea, VT)
Steps to End Domestic Violence (Burlington, VT)
Umbrella (St. Johnsbury, VT)
Vermont Academy of Family Physicians
Vermont Association of Hospitals and Health Systems
The Vermont Forensic Nursing Program
Vermont Medical Society
Vermont Moms Demand Action for Gun Sense In America
Vermont-NEA
The Vermont Network Against Domestic and Sexual Violence
Vermont Students Demand Action for Gun Sense In America
Voices Against Violence/Laurie's House (St. Albans, VT)
WISE of the Upper Valley