



Chair Grad and committee members:

My name is Alison Shih and I serve as Counsel for Everytown for Gun Safety where I'm responsible for supporting state legislative efforts in Vermont. Everytown is the largest gun violence prevention organization in the country, with nearly 6 million supporters including moms, mayors, survivors, gun owners, and everyday Americans fighting for public safety measures that can help save lives.

Thank you for hearing my testimony today and thank you for your careful consideration of this important, life saving legislation. S.30 and the proposed amendments demonstrate Vermont's commitment to gun safety and protecting Vermonters.

I want to focus my testimony today on one particular aspect of the amendments that will ensure the effectiveness of Vermont's existing background check system.

As legislators in Vermont, you've continually demonstrated a commitment to ensuring that people who pose a risk to public safety due to a history of dangerous behavior are unable to purchase firearms. From requiring a background check on all firearm sales¹ to passing an extreme risk law²—you all have made significant strides to enact common sense gun laws to protect Vermonters and keep guns out of the hands of those who would use them to do harm to themselves or others.

However, there is more work to be done. Since 1993, a dangerous loophole in federal law has permitted firearms sales to proceed after three days even if a background check has not been completed, undermining the efficacy of the laws you have passed to help keep people safe.³

This loophole has proven to be deadly. It's known as the "Charleston Loophole" because of the horrific shooting in 2015 in Charleston, South Carolina when nine worshipers were shot in church by a man who was legally prohibited from owning a firearm, but was able to buy one because of this dangerous loophole. Recognizing the danger, twenty states and DC have enacted laws to address it.⁴ We urge you all to make Vermont the 21st state.

¹ Vt. Stat. Ann. tit. 13, § 4019

² 13 V.S.A. § 4053

³ <https://www.everytown.org/solutions/close-the-charleston-loophole/>

⁴ <https://everytownresearch.org/map/what-states-have-addressed-the-charleston-loophole/>

CA, CO, CT, DE, DC, FL, HI, IL, MD, MA, MN, NJ, NY, NC, PA, RI, TN, UT, VA, WA, WI. These provisions take a variety of forms, including (1) laws that explicitly prohibit or delay a gun transfer if a background check is incomplete, (2) purchase permit systems that give authorities longer time periods to evaluate applications, and (3) statutory waiting periods on gun transfers.



I want to focus on *why* some background checks take longer than three days. 89% of all background checks are completed within minutes and 97% are completed within three days.⁵ That's because most checks are quite simple. It is typically easy and fast to determine whether someone has a felony conviction in Vermont, another state, or for a federal crime that would make someone ineligible to carry a firearm. Often though, the checks that take longer are the ones where it's more complicated to decipher a person's history, and we also know that those are the cases that are more likely to result in a denial.

Take, for example, misdemeanor domestic violence records. Searching misdemeanor records is often a bit more complicated. The person performing the background check needs to determine whether a conviction for misdemeanor assault, for example, was domestic abuse or not. And this requires the person to dig deeply into the court's records to identify the allegations and the person's relationship to the victim. This kind of record searching simply takes longer. From 2006 to 2015, nearly one out of every three gun sale denials to attempted buyers convicted of misdemeanor domestic abuse took longer than three business days.⁶ Importantly, checks that take longer than 3 days are **four times more likely** to result in a denial.⁷

In response to a FOIA request, the FBI reported that 5,807 illegal purchasers acquired guns through the Charleston Loophole that later had to be retrieved by law enforcement between January 1 and November 12, 2020. That's more than any other entire calendar year.⁸ And because ATF agents are responsible for retrieving these guns, it's their lives that are placed in jeopardy by having to go into potentially dangerous situations to recover guns that never should have been sold to begin with.

Allowing people to purchase a firearm before a background check is completed directly undermines existing Vermont laws and puts all Vermonters at risk. Extending the background check to 30 days will protect victims of abuse and would have prevented the mass shooting in

⁵ Everytown for Gun Safety Support Fund, "Undeniable: How Long-Standing Loopholes in the Background Check System Have Been Exacerbated by COVID-19," December 10, 2020, <https://everytownresearch.org/report/background-check-loopholes/>.

⁶ Everytown for Gun Safety Support Fund, "Guns and Violence Against Women: America's Uniquely Lethal Intimate Partner Violence Problem," October 17, 2019, <https://everytownresearch.org/report/guns-and-violence-against-women-americas-uniquely-lethal-intimate-partner-violence-problem/>.

⁷ Everytown for Gun Safety Support Fund, "How COVID-19 Has Made a Federal Background Check Loophole Even Deadlier," April 13, 2020, <https://everytownresearch.org/report/covid-background-check-loophole/>; Everytown for Gun Safety Support Fund, "Undeniable: How Long-Standing Loopholes in the Background Check System Have Been Exacerbated by COVID-19," December 10, 2020, <https://everytownresearch.org/report/background-check-loopholes/>; Joshua Eaton, "FBI Never Completes Hundreds of Thousands of Gun Checks," *Virgin Island Daily News*, December 4, 2019, <https://bit.ly/2Cit56Z>



Charleston. Good gun safety policy is proactive. This bill could prevent Vermonters from experiencing a similar tragedy.

This legislation will not unduly burden law-abiding gun purchasers. The vast majority of their background checks will be completed within a matter of minutes, and nearly all of them will be completed within three days. Very few people that are legally able to purchase a firearm will have a background check that takes longer than three days. And those that take longer than three days will be able to purchase a firearm once the background check is completed.

But this law *will* stop many prohibited people from obtaining firearms in the first place. It will help protect victims of abuse and also protect law enforcement. And importantly, it will close a gap in the law that undermines your existing efforts to protect Vermonters by ensuring guns are sold only to people legally able to possess them.

Thank you very much for the opportunity to testify in support of this important legislation. I'm happy to take any questions you may have.