



STATES UNITED
TO PREVENT GUN VIOLENCE
CEASEFIREUSA.ORG

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The Federal Background Check System Should Be Strengthened

Colorado Ceasefire and States United to Prevent Gun Violence share the nation's sadness and frustration upon learning Friday that the federal background check system should have blocked the firearm purchase made by the Charleston shooter. The shooter had a felony arrest for drug possession, which should have prevented his purchase. Coloradans should know the Colorado instacheck system is stronger than the federal one and less susceptible to the error that caused a dangerous individual's background check to slip through the cracks.

The path to this stronger system is a tragic one. In April 1999 Coloradans were rocked by the Columbine massacre. But just a few months later, we were again shocked by the shooting deaths of three little girls in Castle Rock at the hands of their father. While the girls played in the front yard, a gun dealer performed a background check for their father's gun purchase. He passed the check, as the FBI database didn't contain his restraining order.

At the behest of Republican Governor Bill Owens, the Colorado General Assembly passed a bill to return background checks to the Colorado Bureau of Investigation, which has access to a more complete set of data than the FBI. This bipartisan law, which was sponsored by Republican Senator Dave Owen, not only made Colorado the "point of contact" for background checks, but also included a "deny on arrest" provision. That provision was made permanent in the 2010, despite vehement opposition by the gun lobby. Under this provision, if the applicant has an arrest for a gun-possession prohibitive crime, such as in the case of the Charleston shooter, the transfer can only take place after there is a final disposition of the charges.

Background checks work, but they work best when there are no loopholes. Colorado voters understand that. In 2000 they overwhelmingly (70%-30%) approved requiring background checks at gun shows. In 2013, after the Aurora and Sandy Hook massacres, the General Assembly extended the checks to all gun transfers. From 2001 to today, nearly 83,000 gun transfers have been denied because the purchaser had on record a prohibiting crime. These are exactly the people that our society deems should not be armed.

Unfortunately, under federal law, if the federal system cannot give a clear approval or denial to a firearm background check request within a 3-day period, the sale may proceed. Nationally, this "default" period has led to firearms transfers to over 15,000 prohibited purchasers whose relevant records were not located within the 3-day period. While these sales represent a small percentage of the 2.4 million persons who were successfully identified and prohibited from purchasing firearms in the US, we can and should do better.

What this tragic incident demonstrates is that we need to bolster the federal background check

system to ensure that all relevant records are available and accessible, that states are sharing their records with federal partners and that there are sufficient funds to ensure it runs efficiently and effectively.

We agree with federal law enforcement that the automated records system used in NICS should be improved, more states should serve as liaisons for conducting background checks, more research time should be allowed when necessary to effectively conduct a search and loopholes should be closed.

This incident reminds us of how very grateful we are to the members of the General Assemblies of 2000 and 2010, and particularly to Gov. Owens and Sen. Owen for their wisdom, foresight, and determination to protect the lives of the people of Colorado.

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The Colorado Ceasefire Capitol Fund is a statewide organization that works to reduce gun violence through legislation and education.

States United to Prevent Gun Violence (www.CeasefireUSA.org) is a national non-profit organization working to support 30 state-based gun violence prevention groups and help build new state-led organizations. States United believes that all Americans deserve to live in a country free from the fear, threat, and devastation caused by gun violence.