

### HB 1010, the Pennsylvania Background Checks Bill

- ❑ **Bottom Line:** Although felons, domestic abusers, and people with severe mental illness are prohibited from buying or owning firearms, a dangerous loophole in Pennsylvania law allows individuals to buy long guns in private sales without background checks. Although handguns are used more frequently in crimes, long guns are used disproportionately by criminals to murder law enforcement officers and by domestic abusers to murder women. House Bill 1010, currently being considered by the state legislature, would close this dangerous gap and enforce the law that prohibits dangerous people from buying long guns.
- ❑ **House Bill 1010 would repeal the exemption in Pennsylvania law that currently allows prohibited purchasers to avoid background checks when buying long guns from private sellers. The bill simplifies and enforces current law by closing the current loophole for private sales of military-style assault weapons and other long guns.<sup>1</sup>**
  - **Current federal law** requires background checks for any gun purchase at a federally licensed firearm dealer but does not require background checks for the approximately 6.6 million guns sold every year by private, unlicensed sellers.<sup>2</sup>
  - **Current state law** requires background checks for private sales of handguns—but does not require background checks for private sales of military-style assault weapons and other long guns.<sup>3</sup>
  - **Long guns are defined by their barrel length.**<sup>4</sup> The term “long gun” applies to most rifles and shotguns, including military-style assault weapons like the AR-15 type rifles used in the recent mass shootings in Newtown, CT and Aurora, CO.
  - **H.B. 1010 would:**
    - **Not** prevent any lawful gun owner from acquiring or transferring firearms.
    - **Not** create a registry: government gun registries would still be prohibited under state law.<sup>5</sup>
    - **Not** burden lawful long gun purchasers. Private purchasers would meet their sellers at gun dealers or sheriff’s offices, just as they already do for private handgun sales.
      - Pennsylvania’s automated background check system typically takes less than four minutes to issue approvals.<sup>6</sup>
      - An estimated 99.97% of all Pennsylvania residents live within 10 miles of a licensed gun dealer.<sup>7</sup>
    - **Not** require background checks for transfers between immediate family members. As is currently the case for private handgun sales, background checks would not be required for transfers between spouses, parents and children, or grandparents and grandchildren.<sup>8</sup>
- ❑ **Long guns are dangerous in the hands of prohibited people. Although handguns are used more frequently in crimes, long guns are used disproportionately by criminals to murder law enforcement officers and by domestic abusers to murder women.**
  - In the past five years, at least half of the Pennsylvania law enforcement officers murdered with guns were killed with long guns.<sup>9</sup>
  - In 2012, at least a quarter of the law enforcement officers murdered with guns in the United States were killed with long guns.<sup>10</sup>
  - In 2010, 18% of women murdered with guns by their intimate partners were killed with long guns.<sup>11</sup>

- Nationally, long guns have been used in at least 3,918 homicides over the past five years for which data are available, 10.5% of all gun murders where the type of gun is known.<sup>12</sup>
  - In Pennsylvania, long guns are used in 6.2% of gun murders where the type of gun is known, at least 129 homicides in the past five years for which data are available.<sup>13</sup>
  - Long guns that would be covered by HB 1010 include military-style weapons like the AR-15-type rifles used in the mass shootings in Newtown and Aurora.
- ❑ **Long guns have recently been used in notorious murders and mass shootings in Pennsylvania.**
- On August 5, 2013, Rockne Newell shot and killed three people and injured at least two others at a municipal meeting in Ross Township. Newell fired 23 shots from a .223 caliber rifle before retrieving a handgun and continuing to fire.<sup>14</sup>
  - On April 18, 2013, Kenneth Phillip followed his ex-wife to a Bucks County parking lot in violation of a restraining order that prohibited him from possessing guns. Phillip pointed a 12-gauge shotgun into the window of her vehicle and fired three times, killing his ex-wife and injuring her 16-year-old daughter as she tried to pull her mother away from the muzzle of the gun.<sup>15</sup>
  - On April 4, 2009, Richard Poplawski waited for Pittsburgh police to respond to a 911 call at his home. When police arrived, he killed three officers<sup>16</sup> with a military-style assault rifle.<sup>17</sup>
- ❑ **Background checks work to reduce gun crime.**
- Since its inception in 1998, the background check system has blocked more than 2 million prohibited purchases,<sup>18</sup> including more than 250,000 sales to domestic abusers,<sup>19</sup> from taking place. The Pennsylvania background check system blocked over 9,000 prohibited purchases in 2012 alone.<sup>20</sup>
  - In states like Pennsylvania that go beyond federal law and require background checks for private sales of handguns, 38% fewer women are killed with guns by intimate partners,<sup>21</sup> 49% fewer people commit suicide with guns,<sup>22</sup> and 39% fewer law enforcement officers are killed with handguns.<sup>23</sup>
  - States that require background checks for private sales of handguns also experience significantly fewer aggravated assaults<sup>24</sup> and dramatically less illegal gun trafficking.<sup>25</sup>
- ❑ **The bipartisan HB 1010, introduced by Rep. Steve Santarsiero (Bucks) on March 20, 2013, is currently before the House Judiciary Committee.**
- The bill has more than 50 co-sponsors as of September 2013, including four Republicans and several key Judiciary Committee members.<sup>26</sup>
  - The committee held a hearing on Pennsylvania's background check system in July 2013, but has not yet scheduled a hearing for HB 1010.
  - A similar bill in the state Senate (SB 665) would also repeal the long gun loophole. Unlike the House bill, however, SB 665 would also repeal the exception for transfers between close family members.<sup>27</sup> The Senate Judiciary Committee has not yet scheduled a hearing on the bill.
- ❑ **Sixteen states and the District of Columbia have acted to narrow the private sale loophole. Ten of those states now require background checks for private sales of long guns.**
- Ten of those states and the District of Columbia require background checks for private sales and transfers of both handguns and long guns: CA, CO, CT, DE, HI, IL, MA, NJ, NY, and RI.<sup>28</sup>
    - CO, CT, and DE have added their background check requirements for long guns in recent months.
  - Pennsylvania is one among six states that currently require background checks only for handgun sales and transfers: IA, MD, MI, NC, NE, and PA.<sup>29</sup>

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<sup>1</sup><http://www.legis.state.pa.us/cfdocs/legis/PN/Public/btCheck.cfm?txtType=PDF&sessYr=2013&sessInd=0&billBody=H&billTyp=B&billNbr=1010&pn=1227>

<sup>2</sup> 18 U.S.C. § 922(a)(1)(A).

<sup>3</sup> Section 6111(f)(2) of Title 18 of the Pennsylvania Consolidated Statutes.

<sup>4</sup> Pistols or revolvers with barrels longer than 15", shotguns with barrels longer than 18 inches, rifles with barrels over 16 inches or any firearm with an overall length more than 26 inches.

<sup>5</sup> Sections 6111(b)(1.1)(v), 6111.4 of Title 18 of the Pennsylvania Consolidated Statutes.

<sup>6</sup> Testimony of Lieutenant Colonel Scott R. Snyder, Deputy Commissioner of Staff, Pennsylvania State Police before the Pennsylvania House Judiciary Committee, July 17, 2013.

<sup>7</sup> <http://www.demandaction.org/dealers>

<sup>8</sup> Section 6111(c) of Title 18 of the Pennsylvania Consolidated Statutes.

<sup>9</sup> Officer Down Memorial Page.

<http://www.odmp.org/search?name=&agency=&state=Pennsylvania&from=2008&to=2012&cause=Gunfire&filter=all>

<sup>10</sup> Officer Down Memorial Page. <http://www.odmp.org/search?cause=Gunfire&from=2012&to=2012&o=>

<sup>11</sup> In cases where the type of gun is reported. U.S. Department of Justice, Federal Bureau of Investigation, 2010 Supplementary Homicide Report, 2010.

<sup>12</sup> FBI Uniform Crime Reports. 2007-2011. <http://1.usa.gov/11YWuam>.

<sup>13</sup> FBI Uniform Crime Reports – Table 20. Murder by state, type of weapon 2007-2011. [http://www2.fbi.gov/ucr/cius2007/data/table\\_20.html](http://www2.fbi.gov/ucr/cius2007/data/table_20.html).

<sup>14</sup> The Pocono Record reported that Newell initially used a Ruger Mini-14 rifle, which has a barrel length of 16.12" to 22" and a caliber of .223. <http://www.ruger.com/products/mini14TacticalRifle/models.html>. Staff Reports, *Police: Ross accused gunman used Ruger rifle and .44 magnum handgun*, Pocono Record, August 6, 2013. <http://www.poconorecord.com/apps/pbcs.dll/article?AID=/20130806/NEWS/130809855/-1/NEWSMAP>

<sup>15</sup> Jo Ciavaglia, *Northampton cop cleared for fatally shooting man who killed ex-wife in Lower South*, Bucks County Courier Times, May 12, 2013. [http://www.phillyburbs.com/news/crime/northampton-cop-cleared-for-fatally-shooting-man-who-killed-ex/article\\_7fa81d30-2663-538f-a8cf-6c7b876931a0.html](http://www.phillyburbs.com/news/crime/northampton-cop-cleared-for-fatally-shooting-man-who-killed-ex/article_7fa81d30-2663-538f-a8cf-6c7b876931a0.html)

<sup>16</sup> Paula Reed Ward, *Evidence in Poplawski trial set a bloody scene: 900-plus rounds found after shootout*, Pittsburgh Post-Gazette, June 23, 2011. <http://www.post-gazette.com/stories/local/neighborhoods-city/evidence-in-poplawski-trial-sets-a-bloody-scene-303316/>

<sup>17</sup> Although news reports vary about whether the long gun Poplawski used was automatic or semi-automatic, Detective Joseph Bielewicz of the Pittsburgh Police describes it as an AK-47 type semi-automatic rifle.

<sup>18</sup> Between the inception of the NICS system in 1998 and 2012, the FBI issued 987,578 denials. National Instant Criminal Background Check System (NICS) Operations 2012 <http://www.fbi.gov/about-us/cjis/nics/reports/2012-operations-report>. Between 1998 and 2010, state and local agencies issued 945,915 denials, and it is estimated they have issued 150,000 denials in the two years since data was last released. Bureau of Justice Statistics. Background Checks for Firearm Transfers, 2010 - Statistical Tables. February 2013. <http://1.usa.gov/Z8vYsa%29>.

<sup>19</sup> Bureau of Justice Statistics. Background Checks for Firearm Transfers, 2010 - Statistical Tables. February 2013. <http://1.usa.gov/Z8vYsa%29>.

<sup>20</sup> PICS issued 10,907 denials and 1,821 were reversed on appeal. Pennsylvania State Police Annual Firearms Report 2012.

<sup>21</sup> Mayors Against Illegal Guns analysis of FBI and Florida Department of Law Enforcement data. New York was excluded due to incomplete data. U.S. Department of Justice, Federal Bureau of Investigation, Supplementary Homicide Reports, 2011. <http://bit.ly/V1GvFe>. Florida Department of Law Enforcement. Supplementary Homicide Report. 2010.

<sup>22</sup> Centers for Disease Control and Prevention, National Center for Injury Prevention and Control. Web-based Injury Statistics Query and Reporting System (WISQARS) [online]. (2005) [cited 2012 Dec. 20]. [www.cdc.gov/ncipc/wisqars](http://www.cdc.gov/ncipc/wisqars)

<sup>23</sup> Law enforcement officers who were killed with handguns that were not their own. Federal Bureau of Investigation, 2001-2011.

<sup>24</sup> NY, IL, HI, MS were excluded due to insufficient data. FBI Uniform Crime Reports. 2011.

<sup>25</sup> According to data from the Bureau of Alcohol, Tobacco, Firearms and Explosives (2009), states that require a background check for private handgun sales 'exported' 64 percent fewer crime guns — guns originally sold in-state that were later recovered at crime scenes in other states. According to research from Johns Hopkins University, there is 48 percent less intrastate gun trafficking, as measured by the share of guns recovered at crime scenes within two years of their original sale, in cities that require background checks for private handgun sales. Daniel Webster, Jon Vernick, & Maria Bulzacchelli, "Effects of State-level Firearm Seller Accountability Policies On Firearm Trafficking," *Journal of Urban Health*, July 2009.

<sup>26</sup> [http://www.legis.state.pa.us/cfdocs/billinfo/bill\\_history.cfm?year=2013&sind=0&body=H&type=B&bn=1010](http://www.legis.state.pa.us/cfdocs/billinfo/bill_history.cfm?year=2013&sind=0&body=H&type=B&bn=1010)

<sup>27</sup> <http://www.legis.state.pa.us/cfdocs/legis/PN/Public/btCheck.cfm?txtType=PDF&sessYr=2013&sessInd=0&billBody=S&billTyp=B&billNbr=0665&pn=1015>

<sup>28</sup> CA, CO, CT, DE, NY, RI, and the District of Columbia require background checks at the time of purchase for all gun sales. HI, MA, NJ and IL require purchase permits for all gun sales but do not necessarily require background checks for private sales at the time of purchase.

<sup>29</sup> MD and PA require background checks for all handgun sales, but not for long guns transferred in private sales. IA, MI, NC and NE require purchase permits for all handguns but do not necessarily require background checks for private sales at the time of purchase.