Where Do the Candidates Stand on Gun Violence Prevention?

A Voters' Guide to the 2014 Election for Lieutenant Governor



Introduction

CeaseFire Pennsylvania¹ is the advocacy arm of CeaseFirePA, Pennsylvania's leading gun violence prevention organization. We seek commonsense legislative reforms to reduce gun violence, stop the flow of illegal guns into our communities, and keep guns out of the hands of those who should not have them. We proudly work with mayors, police chiefs, and local, state and federal elected officials along with more than 40,000 citizen activists in cities and towns across Pennsylvania. For more information about our mission and accomplishments, please visit <u>www.ceasefirepa.org</u>.

CeaseFire Pennsylvania wants the public to know where the candidates for Lieutenant Governor stand on the issue of gun violence prevention. We sent a questionnaire to each official candidate in the primary to be held May 20. The questionnaire was designed to assess the candidate's position on commonsense gun violence prevention measures and the level of importance each candidate attributes to reducing gun violence. Nineteen specific proposals were presented to the candidates. These proposals are based on judicial rulings about permissible regulation of firearms and ammunition and laws that other states have enacted in working to stem the flow of illegal guns and reduce gun violence. We analyzed the responses, and have prepared this Voters Guide, just as we did earlier this spring for the gubernatorial election.

Three candidates – all Democrats -- submitted responses – Brad Koplinski, Mark Smith and Mike Stack. Their responses are provided and analyzed in this report.

Significantly, Koplinski, Smith and Stack each expressed unequivocal support for every gun violence prevention measure presented. Each of these candidates also submitted a strong statement outlining his commitment to and plans for reducing gun violence.

Three candidates, declined to respond: Republican Lieutenant Governor Jim Cawley and Democrats State Representative Brandon Neuman and former Congressman Mark Critz. In the charts and analysis that follows, they are listed as NR (No Response). CeaseFire Pennsylvania is disappointed that these candidates chose not to inform the public about their positions on this critical public policy issue.

For more information about each of the policy measures, please review our Voters' Guide to the 2014 Gubernatorial Election, available at <u>http://www.ceasefirepa.org/2014Report/</u>.

¹ CeaseFire Pennsylvania is organized under the nonprofit corporation laws of the Commonwealth of Pennsylvania and has been recognized as exempt from income tax under 501(c)(4) of the Internal Revenue Service Code.

2014 CeaseFire Pennsylvania Lieutenant Governor Questionnaire

And Candidate Responses

Keeping Firearms and Ammunition Out of the Hands of Those Defined by Law As Prohibited Purchasers

1. Expand the Background Check System to Cover the Private Sale of Long Guns.

Background checks are a good idea and an effective policy. The data shows that background checks work to keep guns out of the hands of those who are not allowed to have them because of their criminal records or mental health histories. But loopholes in the law enable some of these people to buy guns. This is because current law requires background checks for all sales at federally licensed dealers, and for all sales of handguns in PA, regardless of the seller. However, private sales of long guns – rifles, shotguns and semi-automatic rifles – are exempt from the background check system. Do you support or oppose legislation expanding the PA background check system to cover the private sale of long guns in the same manner as the private sale of handguns?

Brad Koplinski: Support. Mark Smith: Support. Mike Stack: Support.

Jim Cawley: No Response. Mark Critz: No Response. Brandon Neuman: No Response.

2. Require background checks for the sale of ammunition and prohibit the sale of ammunition to individuals who are prohibited from possessing firearms.

Certain categories of people are prohibited by state or federal law from possessing firearms. Currently, no federal or Pennsylvania law requires ammunition purchasers to demonstrate eligibility to own firearms or proof of age in order to purchase ammunition. **Do you support or oppose requiring background checks for ammunition sales and prohibiting the sale of ammunition to individuals who are prohibited from possessing firearms?**

Brad Koplinski: Support. Mark Smith: Support. Mike Stack: Support.

Jim Cawley: No Response. Mark Critz: No Response. Brandon Neuman: No Response.

3. Maintain the Pennsylvania Instant Criminal Background Check System

Pennsylvania is a "*point of contact*" state, which means we utilize our own state background check system in addition to the federal background check system. Neither system is a registry of people who own guns. The background check systems are only a record of people who are legally prohibited from purchasing firearms. The gun lobby wants to eliminate the Pennsylvania Instant Criminal Background Check System and have Pennsylvania use only the National Background Check System. The Pennsylvania State Police believe Pennsylvania's background check system not only works to block gun sales to prohibited purchasers but has more data than the federal system and has additional benefits to law enforcement agents. **Do you support or oppose the elimination of the Pennsylvania Instant Criminal Background Check System?**

Brad Koplinski: Oppose. Mark Smith: Oppose. Mike Stack: Oppose.

Jim Cawley: No Response. Mark Critz: No Response. Brandon Neuman: No Response.

4. Require gun dealers to notify law enforcement when a potential customer fails a background check.

All gun purchases at federally licensed dealers are subject to background checks. In addition, any time a handgun is transferred in Pennsylvania, a gun dealer (Federally Licensed Firearms dealer) is required to run a background check in the National Instant Background Check System (NICS). When a prospective buyer fails a check, the firearm dealer should be required to report the results to local and state law enforcement agencies for further investigation. **Do you support or oppose requiring firearms dealers to notify law enforcement when a background check is failed?**

Brad Koplinski: Support. Mark Smith: Support. Mike Stack: Support.

Jim Cawley: No Response. Mark Critz: No Response. Brandon Neuman: No Response.

5. Strengthen the requirement that individuals who become prohibited by law from possessing firearms surrender their firearms.

With the exception of persons subject to an active protection from abuse order, Pennsylvania law gives persons prohibited from possessing firearms a "reasonable period of time, not to exceed 60 days from the date of the imposition" of the firearm prohibition, in which to sell or transfer his or her firearms to another eligible person who is not a member of the prohibited person's household. However,

Pennsylvania has <u>no law</u> requiring persons who have become prohibited from possessing firearms to provide proof to a court that he or she has sold or transferred his or her firearms or ammunition. Pennsylvania should require persons prohibited from possessing firearms to provide proof to a court that he or she has sold or transferred his or her firearms and ammunition to law enforcement, a licensed dealer, or an approved third party. **Do you support or oppose strengthening the requirement that individuals who become prohibited by law from possessing firearms surrender their firearms?**

Brad Koplinski: Support. "I have negotiated PFAs for the YWCA Legal Clinic. Making sure that those under PFAs don't have access to firearms is a powerful and equalizing tool. Insuring that other individuals that shouldn't have guns, don't, is vital to keeping our neighborhoods safer and the court verification should be mandatory." **Mark Smith:** Support. **Mike Stack:** Support.

Jim Cawley: No Response. Mark Critz: No Response. Brandon Neuman: No Response.

6. Require background checks for gun dealer employees.

No federal or Pennsylvania law requires employees of gun dealers or ammunition sellers to undergo background checks – a requirement in a number of other states. State law already requires background checks for certain sensitive employers that include reviews of civil and criminal proceedings, as well as personal, family/social, military, education, past employment and a signed statement of truth. **Do you support or oppose requiring firearms dealers to perform employee background checks?**

Brad Koplinski: Support. Mark Smith: Support. Mike Stack: Support.

Jim Cawley: No Response. Mark Critz: No Response. Brandon Neuman: No Response.

7. Require gun dealers to provide inventory reports to law enforcement.

Neither federal nor Pennsylvania law requires dealers to provide inventory reports to law enforcement. Federal law requires firearms dealers to maintain records of the acquisition and sale of firearms, and to report the loss or theft of any firearm within 48 hours of discovery to ATF and the appropriate local authorities. Pennsylvania law requires dealers to keep a record in triplicate of every firearm sold and retain the records for 20 years, and to report sales (but not acquisitions) of handguns to the Firearms Division of the Pennsylvania State Police, which maintains a permanent database of handgun sales.

This piecemeal reporting of the inventory of firearms dealers makes the federal requirements that dealers report lost or stolen firearms, as well as the federal and state requirements of a background check, difficult to enforce. As a result, illegal trafficking by firearms dealers to persons ineligible to possess firearms is difficult to detect. Pennsylvania should require firearms dealers to provide periodic inventory reports to law enforcement. **Do you support or oppose requiring gun dealers to provide periodic inventory reports to law enforcement?**

Brad Koplinski: Support. Mark Smith: Support. Mike Stack: Support.

Jim Cawley: No Response. Mark Critz: No Response. Brandon Neuman: No Response.

8. Require ammunition sellers to obtain a license.

A licensing requirement is necessary to allow state and local law enforcement to enforce any other laws regulating the sale or transfer or ammunition, and provides a vehicle for the prosecution of unlicensed persons selling ammunition to criminals. It could also require ammunition sellers to conduct background checks on employees who have access to ammunition and impose on ammunition sellers requirements similar to those imposed on firearms dealers. **Do you support or oppose requiring ammunition sellers to obtain a license?**

Brad Koplinski: Support. Mark Smith: Support. Mike Stack: Support.

Jim Cawley: No Response. Mark Critz: No Response. Brandon Neuman: No Response.

Expanding the Tools Available to Law Enforcement to Stop Trafficking and Illegal Possession

9. Reporting lost or stolen firearms to the police. Lost or stolen reporting is a reform designed to crack down on the major sources of crime guns: loss, theft, and straw purchasers – people who buy guns and then sell them illegally to people who can't buy them on their own. By requiring missing firearms to be reported, police can begin looking for a lost or stolen gun before it winds up at the scene of a crime. In addition, if a gun that was already reported as lost or stolen is later used in a crime, the police do not need to waste valuable time questioning the original owner about the whereabouts of his gun. Finally, when police repeatedly trace crime guns back to an owner who claims each gun was "lost" but never reported, police may be able to flag a potential trafficker or straw purchaser. **Do you support or oppose statewide legislation requiring that gun owners report lost or stolen firearms to the police?**

Brad Koplinski: Support. "We passed Lost and Stolen legislation in Harrisburg. I was pressured strongly from the NRA and their members to oppose it. I stood up to their letter, calls and threats of lawsuits and was proud to support it and vote for its passage." **Mark Smith:** Support. **Mike Stack:** Support.

Jim Cawley: No Response. Mark Critz: No Response. Brandon Neuman: No Response.

10. Stronger penalties for individuals found guilty of illegal possession and trafficking.

Many crimes committed with guns are committed by individuals who are prohibited from possessing guns, including: individuals convicted of a felony, juveniles, people restricted under a protection from abuse order, or people suffering a mental illness. Too often, gun charges are dropped or not taken fully into account during sentencing. Stronger penalties for illegal possession and trafficking will help deter these crimes and send a strong message that even when the gun is not fired, gun crimes are crimes of violence worthy of serious punishment. **Do you support or oppose strengthening penalties for individuals guilty of illegal possession and trafficking?**

Brad Koplinski: Support. Mark Smith: Support. Mike Stack: Support.

Jim Cawley: No Response. Mark Critz: No Response. Brandon Neuman: No Response.

11. Allow PA municipalities to enact local laws to reduce gun violence based on local needs.

Local municipalities face the brunt of gun violence and are in the best position to know what type of additional legislation is needed to address gun violence in their communities. What works in a big city may not always be necessary in a smaller town. While commonsense, responsible statewide gun laws are essential to effectively protect public safety, cities and towns need the authority to enact specific, local gun violence prevention laws in order to suit local needs. Pennsylvania could authorize certain, local jurisdictions within the state to regulate firearms and ammunition.

(a) Support for Local Authority

Do you support or oppose giving municipalities in Pennsylvania the authority to regulate firearms and ammunition?

Brad Koplinski: Support. Mark Smith: Support. Mike Stack: Support.

Jim Cawley: No Response. Mark Critz: No Response. Brandon Neuman: No Response.

(b) Punishing Local Authorities

The gun lobby supports legislation that would allow gun owners and gun organizations to sue towns and cities that enact such local ordinances, even if those ordinances have not been enforced against that gun owner or organization. Do you support or oppose giving special standing to gun owners and organizations to sue town and cities?

Brad Koplinski: Oppose. Mark Smith: Oppose. Mike Stack: Oppose.

Jim Cawley: No Response. Mark Critz: No Response. Brandon Neuman: No Response.

Measures to Ensure Safe Storage and Security of Firearms

12. Strengthen standards for firearms locking devices, and require that they be used.

Every year, firearms cause thousands of unintentional deaths and injuries. Children and young adults are the most frequent victims of such accidents. The presence of unlocked guns in the home increases the risk of intentional shootings as well. At least two studies have found that the risk of suicide increases in homes where guns are kept loaded and/or unlocked. By contrast, keeping firearms locked, unloaded, and storing ammunition in a locked location separate from firearms assist in reducing youth suicide and unintentional injury in homes with children and teenagers where guns are stored.

Pennsylvania law prohibits a licensed dealer from transferring a handgun unless he or she provides the transferee with a locking device, the transferee purchases a locking device, or the design of the handgun

incorporates a locking device. However, there is no law requiring that the provided locking device be utilized, or that a gun be stored in a secure location.

Pennsylvania should strengthen its law regarding locking devices by: extending it to long guns, requiring testing and setting standards for locking devices, and/or requiring that all firearms be stored with a locking device in place. Do you support or oppose strengthening standards for firearms locking devices, and/or requiring that all firearms be stored with a locking device in place?

Brad Koplinski: Support. **Mark Smith:** Support. **Mike Stack:** Support.

Jim Cawley: No Response. Mark Critz: No Response. Brandon Neuman: No Response.

13. Child Access Prevention

Unlike many other states, Pennsylvania does not have any child access prevention policies that penalize adults who give children unsupervised access to firearms. Unfortunately, Pennsylvania is not immune from the tragic consequences when children get access to their parents' guns: every year there are accidents as well as criminal shootings by children who have found guns in and taken guns from their own homes. Child access prevention laws have been shown to be effective at reducing unintentional firearm deaths among children. **Do you support or oppose adopting child access prevention laws in Pennsylvania?**

Brad Koplinski: Support. Mark Smith: Support. Mike Stack: Support.

Jim Cawley: No Response. Mark Critz: No Response. Brandon Neuman: No Response.

Assault Weapons and High Capacity Magazines

14. Ban the sale and possession of assault weapons.

Assault weapons are semi-automatic firearms designed with military features to allow rapid and accurate spray firing. They are not designed for sport; they are designed to kill humans quickly and efficiently. Features such as pistol grips and the ability to accept a detachable magazine clearly distinguish assault weapons from standard sporting firearms by enabling assault weapons to spray large amounts of fire quickly and accurately. A study analyzing FBI data shows that 20% of the law enforcement officers killed nationally in the line of duty from 1998 to 2001 were killed with an assault weapon. Pennsylvania is not immune from the threat to public safety posed by assault weapons. In May 2008, **Philadelphia Police Officer Stephen Liczbinski** was murdered with an assault weapon. In April 2009, **Pittsburgh**

Police Officer Eric Kelly was murdered with an assault weapon. And in December 2009, **Penn Hills Police Officer Michael Crawshaw** was murdered with an assault weapon.

(A) Renewing the federal ban on assault weapons

Do you support or oppose renewing the Federal ban on the sale and possession of assault weapons?

Brad Koplinski: Support. Mark Smith: Support. Mike Stack: Support.

Jim Cawley: No Response. Mark Critz: No Response. Brandon Neuman: No Response.

(B) Banning assault weapons in Pennsylvania

Do you support or oppose imposing a ban under Pennsylvania law on the sale and possession of assault weapons?

Brad Koplinski: Support. Mark Smith: Support. Mike Stack: Support.

Jim Cawley: No Response. Mark Critz: No Response. Brandon Neuman: No Response.

15. Limiting High Capacity Magazines

Automatic and semi-automatic firearms often use a detachable magazine or feeding device to store cartridges (which hold ammunition). Although the statutory definitions vary, magazines with a capacity of more than 10 rounds of ammunition are generally considered to be "large capacity" magazines. Because of their ability to hold so many rounds of ammunition, large capacity magazines significantly increase the lethality of the automatic and semi-automatic firearms with which they are used. **Do you support or oppose imposing a limit under Pennsylvania law on magazine capacity?**

Brad Koplinski: Support. Mark Smith: Support. Mike Stack: Support.

Jim Cawley: No Response. Mark Critz: No Response. Brandon Neuman: No Response.

16. National Reciprocity of Concealed Carry Laws

Under Pennsylvania law, to obtain a license to carry a concealed firearm in public, an individual must apply to the county sheriff (or in Philadelphia the Chief of Police) for a concealed carry permit. Until 2013, reciprocity agreements with other states were enabling Pennsylvanians to avoid this process by obtaining concealed carry permits from other states and using them to carry concealed here at home. In early 2013, Attorney General Kathleen Kane closed the "Florida Loophole," by renegotiating the reciprocity agreement and making clear that Pennsylvania residents who want to carry concealed in PA must have a valid PA concealed carry permit. She has renegotiated reciprocity agreements with other states as well. However, there is an effort to pass a federal reciprocity law so that every state would be required to recognize and allow use of concealed carry permits issued in other state. This undermines state law and local authority to determine who should have the right to carry concealed. **Do you support or oppose national reciprocity for concealed carry**?

Brad Koplinski: Oppose. Mark Smith: Oppose. Mike Stack: Oppose.

Jim Cawley: No Response. Mark Critz: No Response. Brandon Neuman: No Response.

17. Guns on college or university campuses.

Pennsylvania should prohibit the possession of firearms and ammunition on any college or university campus. In compliance with the federal Gun-Free Schools Act, Pennsylvania law *already* prohibits anyone, even a concealed weapons license holder, from possessing firearms in the buildings or on the grounds of any private or public elementary or high school. Pennsylvania law also requires each public or private institution of higher learning to publish a statement of policy regarding the possession and use of weapons. However, the Pennsylvania State System of Higher Education (PASSHE) is now considering a policy that would allow guns to be carried on the fourteen campuses of the system, although guns would still be barred from activities, classes and buildings. **Do you support or oppose prohibiting the possession of firearms and ammunition on PA college campuses**?

Brad Koplinski: Support. Mark Smith: Support. Mike Stack: Support.

Jim Cawley: No Response. Mark Critz: No Response. Brandon Neuman: No Response.

18. Candidate's Proposed Actions to Reduce Gun Violence

Please identify any additional steps or actions you would take, promote or advocate to reduce gun violence in Pennsylvania. Please include in your response to this questionnaire any statements or press releases you have issued relating to gun violence and/or gun violence prevention.

Brad Koplinski: "The Lt. Governor asks as President of State Senate. As such, s/he can push the agenda. The State Senate picked up three more Democrats in 2012 and has the ability to elect even more this year. Traditionally, Democrats are better on issues regarding the prevention of gun violence and having more of them will help get good legislation passed. As President of the Senate, with a more supportive Senate and a proactive Governor, I will make the prevention of gun violence in Pennsylvania a priority.

I have participated in rallies and days of action on these issues to help raise awareness and push for legislation. I would continue to do so even more publicly as Lt. Governor and push to make sure that common sense gun legislation is passed. Additionally, it is vital to push back on legislation that would be harmful and increase access to firearms by those that should not have them. I will make sure that I use the Senate's procedures to prevent these dangerous bills from coming to a vote.

Being from the center part of the Commonwealth and from a city that has known considerable gun violence, I can speak from both sides and help bridge the seemingly vast gap. I believe that most gun owners believe in common sense gun legislation like background checks and increased spending for mental health, lost and stolen. But the lobbying organization has turned into a full blown subsidiary of gun manufacturers. Legislators need to have the courage and common sense to realize that the people are with them and that we all should want smart legislation that will keep our families and neighborhoods safe."

Mark Smith: "Gun violence is a serious problem plaguing Pennsylvania's cities and small communities. Upon taking office, I will work with advocacy groups like CeaseFirePA, lobby the legislature and work with the Governor to curb gun violence. I fully support the following measures:

- Expanding background checks
- Closing the gun show loophole
- Expanding access to mental health treatment

I grew up in a hunting household and living in rural PA hunting is a way of life. I understand the heritage and tradition that accompanies firearm ownership. The best way to protect the right to bear arms is to ensure that ownership and use is well regulated.

That is why I am unequivocally for common sense gun law reform. Criminals and mentally unstable individuals should not have access to firearms. This brings me to my last point: now is the time to put a ban on assault rifles in Pennsylvania. When I take office, I will do whatever I can to protect our children and our communities."

Mike Stack: "No other candidate in the race for Governor or Lieutenant Governor can match my record of support for sensible gun law reforms in Pennsylvania. I have been a consistent supporter of taking guns off the streets and supporting laws that make gun manufacturers and gun owners take more responsibility for guns and ammunition they make and own. My record speaks for itself.

I have sponsored CAP legislation that would make it a summary offense to store or leave a firearm within reach of a child, with increasing penalties if the firearm is loaded or results in injury. I have introduced legislation in the past to require lost or stolen handgun reporting. Currently, I have legislation to close the long gun loophole. I also am working on legislation to make it illegal to possess a firearm while under the influence of alcohol or drugs.

However, there is something more that I bring to the table. My status as an active member and Captain in the Pennsylvania National Guard provides me military credentials that no one else in this campaign has, giving me added credibility as a champion and spokesperson for gun law reform.

The NRA has consistently given me a failing grade. I would be honored to have CeaseFirePA's endorsement in this election and will wear it like a badge of honor right next to my NRA 'F.'"

Jim Cawley: No Response. Mark Critz: No Response. Brandon Neuman: No Response.

W	here do the
ca	andidates stand?
,	-Support
2	X=Oppose
	Position unclear
*	*= Provided
0	commentary
I	NR=Did not
I	respond









Mark Smith

Mike Stack

WIIKE STACK

Background Checks for Private Sale of Long Guns	NR	NR	~	NR	~	*
Background Checks for Ammunition	NR	NR	~	NR	~	~
Maintain PA Background Check System	NR	NR	~	NR	~	~
Notify Law Enforcement of Failed Background Checks	NR	NR	~	NR	~	¥
Surrendering Firearms	NR	NR	√*	NR	~	~
Background Checks for Employees of Gun Dealers	NR	NR	~	NR	~	~
Dealer Inventory Reporting	NR	NR	~	NR	~	~
Licensure for Ammunition Sales	NR	NR	~	NR	~	~
Lost or Stolen Reporting	NR	NR	√*	NR	~	~
Stronger Penalties	NR	NR	~	NR	~	~

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Where do the	
candidates stand?	
✓=Support	
X=Oppose	
?=Position unclear	
*= Provided	
commentary	
NR=Did not	
respond	





Koplinsky



Brandon Neuman

Smith



Mike Stack

Local Authority	NR	NR	1	NR	~	~	
Oppose Special Standing to Sue Municipalities	NR	NR	~	NR	~	~	
Require Use of Locking Devices	NR	NR	~	NR	~	~	
Child Access Prevention	NR	NR	~	NR	~	~	
Assault Weapons Ban Federal	NR	NR	~	NR	~	~	
Assault Weapons Ban State	NR	NR	~	NR	~	~	
Limit High Capacity Magazines	NR	NR	~	NR	~	~	
Oppose National Reciprocity for Concealed Carry	NR	NR	~	NR	~	~	
Banning Guns on Campus	NR	NR	~	NR	~	~	

?

Support for Proposed Measures

?

100%

?

100%

100%

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