

Testimony of CeaseFirePA Before the Pennsylvania House Judiciary Committee

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Introduction

CeaseFirePA is a statewide organization partnering with mayors, police chiefs, faith leaders, community organizations and individual Pennsylvanians taking a stand against gun violence. We are the largest gun violence prevention organization in Pennsylvania and engage in education, coalition-building and advocacy with the goals of reducing gun violence, stopping the flow of illegal guns into our communities and keeping guns out of the hands of those who should not have them.

Pennsylvania suffers close to 1500 gun deaths a year, and the problem is not limited to our large urban centers. Towns and municipalities across the Commonwealth are struggling with the problem and looking for tools to address it. It is up to our legislators in Harrisburg to give them these tools. We thank the Committee and especially Chairman Marsico and Chairman Petrarca for holding this hearing and for the opportunity to present testimony. And we urge Chairman Marsico, Chairman Petrarca and the committee members to hold votes on several pieces of legislation discussed herein in the very near future.

Gun Deaths in Pennsylvania

Pennsylvania suffers close to 1500 gun deaths every year, whether by homicide, suicide or unintentional shootings.¹ PA is one of a growing number of states where we have more gun deaths than deaths due to automobile accidents.² This is striking, given that 90% of American households have access to a car, while just under 33% of American households have a gun.³ We should learn from our successful history of using regulation to make cars and driving safer, that regulation of firearms based on data and evidence can help save lives without unduly burdening the rights of law abiding citizens.

In 2015, in PA, there were 1485 firearms deaths: 533 of which were homicides and 932 of which were suicides.⁴ These figures are fairly consistent with national figures: there are more than 20,000 suicides completed with firearms in the United States each year, accounting for $\frac{2}{3}$ of all

¹ Centers For Disease Control and Prevention, WISQARS Fatal Injury Data, https://webappa.cdc.gov/sasweb/ncipc/DataRestriction_inj.html. This testimony is using 2015 Pennsylvania data compiled in WISQARS.

² Violence Policy Center, *Gun Deaths Outpace Motor Vehicle Deaths in 21 States and District of Columbia (Jan. 2016)*, <http://www.vpc.org/studies/gunsvscars16.pdf>.

³ *Id.*

⁴ Centers For Disease Control and Prevention, WISQARS Fatal Injury Data, https://webappa.cdc.gov/sasweb/ncipc/DataRestriction_inj.html. This testimony is using 2015 Pennsylvania data compiled in WISQARS.

gun deaths in the United States as well as more than ½ of all suicides. Clearly, suicide represents a large part of our gun violence problem. It is not a separate problem, nor can it be ignored in the discussion of policies to prevent gun violence.

Different demographics in PA experience gun violence and gun deaths differently. Of those 533 homicides, 446 victims were male and 370 victims were black. 350 of the 533 homicide victims were black males, representing 66%. By contrast, of the 932 suicides, 807 were males, and 872 were white. 757 of the 932 suicides were white males, representing 81%.

106 of the 1485 gun death victims were between the ages of 0 and 19. 39 of these deaths were suicide, and 66 were homicide. 52 of the 66 homicide victims were young black males.⁵

White and black males in PA make up the largest portion of our PA gun deaths, but they experience gun violence -- and the risk of gun death -- in very different ways.⁶

Suicide is a critical part of the gun violence problem and a necessary part of any discussion of policy solutions. Three factors explain why guns and suicide are intricately linked. First, guns are lethal, and as a result, suicide attempts by firearm are much more likely to be fatal than attempts with other means. Put simply, those who use firearms in suicide attempts have a lower chance of survival than those who attempt suicide with other means. Approximately 85% of attempted firearm suicides result in death, while less than 3% of suicides by drug overdose, the most common method of suicide nationally, result in death.

Second, the easy accessibility of guns in the United States facilitates firearm suicide. Due to the lack of strong regulations on the sale of firearms in Pennsylvania, it is relatively easy for people who plan to attempt suicide by firearm to obtain the means to do so. Also, a person is more likely to commit suicide if there is a gun in his or her home. States where it is common to own a gun have 3.8 times more suicide deaths than do states where gun ownership is less common. It is unlikely that a gun will be used to commit suicide if there is no gun in the home. If a person's preferred method of suicide is unavailable, he or she is unlikely to use an alternate means. Moreover, since Pennsylvania does not have any safe storage or child access prevention laws in place, it is more likely that a gun in the home will be available to household members other than the gun owner.

Third, both the decision and action of suicide are often impulsive. One-quarter of survivors of suicide attempts said that they made their attempt within 5 minutes of their decision to do so, while half made their attempt within 20 minutes, and three-quarters made their attempt within an hour. Suicide by firearm is more often fatal than suicide attempted by other means, thereby depriving a person of the chance to reconsider his or her decision.

During the April hearings before this Committee, it was suggested that the instrument used in a suicide attempt is not relevant to prevention of suicide. Data and evidence have demonstrated that this is false and that means does matter. There is strong evidence that ready access to a

⁵ *Id.*

⁶ *Id.*

firearm can increase the risk of suicide. Having a gun in the home increases the risk of suicide by a factor of 5, while it increases the risk of suicide by a firearm by a factor of 17.⁷ Guns in homes are more likely to be used for suicide than for self-defense.⁸ In fact, for every time a gun is used for self-defense at home it is used 11 times for suicide.⁹ In addition, over 75% of firearms that were used in attempted and completed suicides were found in the homes of the victims, or the homes of their friends and families.

Pennsylvania has a gun violence problem. Pennsylvania also recognizes and protects the right to bear arms, more strongly than many other states. This has resulted in a regulatory system that does not require license or registration prior to purchase, has no waiting period prior to purchase, has no training requirement prior to purchase, does not limit the number of firearms or amount of ammunition an individual may purchase, allows open carry without a license (except in Philadelphia), provides a relatively permissive process for obtaining a concealed carry license, has no child access prevention laws, has no safe storage requirements, does not require an owner to report when his or her firearm is lost or stolen, and allows the private sale of long guns without a background check. The gaps in this system contribute to the level of gun violence and gun deaths PA experiences.

Emergency Risk Protection Orders

Often, the issue of mental illness is blamed for our gun violence problem. But people living with mental illness are much more likely to become victims of violence than perpetrators. However, often mass shootings and murder-suicide incidents highlight the deadly results when those struggling with mental illness have easy access to guns.

Current law is both under and over inclusive in trying to prohibit those living with mental illness from accessing firearms. At this time, to be a prohibited purchaser because of mental illness requires someone to be declared incompetent by a judge or involuntarily committed to an institution for 72 hours. In cases where that occurs, the individual loses his or her rights to possess or purchase firearms for life, even if he or she receives treatment or is otherwise deemed to no longer be a threat to themselves or others. This means that many people who are unlikely to harm themselves or others have lost all firearms rights. Conversely, the very high bar required to become a prohibited purchaser by reason of mental health history necessarily excludes those in sudden or imminent crisis who have never been previously identified as likely to harm

⁷ Kellermann, Arthur L.MD, MPH, et al. "Injuries and Deaths Due to Firearms in the Home." Journal of Trauma, Injury, Infection, and Critical Care 45 (1998): 263-67; see also <http://smartgunlaws.org/dangers-of-gun-use-for-self-defense-statistics/>.

⁸ Kellermann, Arthur L.MD, MPH, et al. "Injuries and Deaths Due to Firearms in the Home." Journal of Trauma, Injury, Infection, and Critical Care 45 (1998): 263-67; see also <http://smartgunlaws.org/dangers-of-gun-use-for-self-defense-statistics/>.

⁹ Kellermann, Arthur L.MD, MPH, et al. "Injuries and Deaths Due to Firearms in the Home." Journal of Trauma, Injury, Infection, and Critical Care 45 (1998): 263-67; see also <http://smartgunlaws.org/dangers-of-gun-use-for-self-defense-statistics/>.

themselves or others. Such a person likely will have retained the ability to purchase or possess firearms, often with fatal consequences.

However, in such cases, friends, families or others often are aware that the individual is in crisis and poses a risk of harming himself or others. Another tool is needed to address this situation and to temporarily remove firearms from the individual and/or temporarily block the individual's ability to purchase firearms. That can be achieved through an Extreme Risk Protection Order or Gun Violence Restraining Order. According to the Educational Fund to Stop Gun Violence, eight states currently have such laws in place – California, Connecticut, Florida, Indiana, Maryland, Oregon, Vermont, and Washington. 30 states have bills pending, including Pennsylvania, where several such bills including HB 2227 have been introduced.¹⁰

Across the country, ERPO or "red flag" bills have been gaining attention since the mass shooting at Marjorie Stoneman Douglas High School in Parkland, Florida. Almost every time we read or hear about one of these cases, we learn that someone -- a friend, family member, teacher, or law enforcement agency -- had some knowledge that the perpetrator was in crisis or at risk. A procedure to help protect such individuals and prevent them from harming themselves or others offers a way to fill the gap short of involuntary commitment or an incompetence hearing and short of a lifetime ban on firearms rights. Instead, lives can be saved, and individuals can be encouraged to get the help they need when they need it.

CeaseFirePA strongly believes that enacting an Extreme Risk Protection Order bill would save lives here in PA. Modeled after the procedures in place for applying for and obtaining temporary restraining orders in domestic violence cases, the ERPO bills provide for a civil process, with due process protections built in, to fill the gap in cases where other firearms prohibitions would not keep guns out of the hands of those at high risk of harming themselves or others.

There are two main steps in the ERPO process. First, there is an initial hearing, which may or may not occur ex parte. The presiding judge will hear evidence about whether the subject of the requested order presents a danger to himself or others. The judge may issue a temporary and short term order to require relinquishment of any firearms the subject possesses and to temporarily bar the subject from purchasing firearms. Before the order expires, another hearing will be held, with both sides present and able to present evidence. Following that hearing, the judge may extend the Order for a longer time period, typically up to one year, or may terminate the order and ensure that any relinquished firearms are returned to the subject.¹¹

Data demonstrates that ERPO laws and procedures can and do save lives. Connecticut has had in a place a Risk Warrant law since 1999 that provides law enforcement a process to temporarily remove firearms from those where there is probable cause to believe they pose a significant risk of harm to themselves or others. Dr. Jeffery Swanson of Duke University studied the data from the first 14 years CT's Risk Warrant law was in place and found:

¹⁰ Website of Educational Fund to Stop Gun Violence, <http://efsgv.org/extreme-risk-protection-orders>.

¹¹ Educational Fund to Stop Gun Violence, <http://efsgv.org/wp-content/uploads/2018/04/ERPO-One-Page-April-2018.pdf>.

- 762 risk-warrants were issued, with increasing frequency after the 2007 Virginia Tech shooting.
- Police found firearms in 99% of cases.
- Police removed an average of seven guns per subject.
- Suicidality or self-injury was a listed concern in $\geq 61\%$ of cases where such material was available.
- 21 risk-warrant subjects went on to die by suicide, a rate about 40 times higher than the adult suicide rate in Connecticut.
- 6 of 21 suicides were by firearm. Known case fatality rates of suicide methods were used to estimate that the 21 suicides likely represent 142 attempts, mostly by means less lethal than guns.
- In the absence of a risk-warrant and if firearms had been available and used in more of the risk-warrant subjects' attempts, more would have died by suicide.
- Most risk-warrant subjects (88%) were not known to Connecticut's public behavioral health system when the warrants were served – despite their elevated risk of self-harm.
- After risk-warrant: Nearly one-third (29%) of subjects received treatment in the state system.
- Risk-warrants provided a portal to critical mental health and substance abuse services.¹²

Dr. Swanson and his team concluded:

The data demonstrate that Risk Warrant/ERPO type processes do reach and impact individuals at an elevated risk for suicide, can prevent suicide by intervention, can help individuals obtain the treatment they need, and can save lives because those who still attempt suicide resort to less lethal means by virtue of temporary loss of access to firearms.¹³

CeaseFirePA urges the Committee to strongly consider and vote out the ERPO/GVRO bills pending in the House and Senate.

Protecting Domestic Violence Victims and Survivors

There is a deadly connection between domestic violence and firearms. Women are 5 times more likely to be killed by abusers when there is a gun in the home.¹⁴ According to the Pennsylvania Coalition Against Domestic Violence, "In the past decade, at least 1,554 Pennsylvanians died as

¹² Educational Fund to Stop Gun Violence, <http://efsgv.org/wp-content/uploads/2017/09/CT-Risk-Warrant-Data-One-pager-ERPO-9-15-17-FINAL.pdf>.

¹³ Educational Fund to Stop Gun Violence, <http://efsgv.org/wp-content/uploads/2017/09/CT-Risk-Warrant-Data-One-pager-ERPO-9-15-17-FINAL.pdf>.

¹⁴ J.C. Campbell, S.W. Webster, J.Koziol-McLain, et al., "Risk factors for femicide within physically abuse intimate relationships: results from a multi-state case control study," 93 Amer. J. of Public Health 1089-97 (2003).

a result of domestic violence—including children, police officers, coworkers, passersby, and perpetrators who killed themselves. In 2016, there were 146 domestic violence-related fatalities in Pennsylvania, with 57 of the 102 domestic violence victims (54%) dying from gunshot wounds."¹⁵ In addition, that year, two Pennsylvania law enforcers were murdered responding to domestic violence calls. Domestic Violence calls are the highest fatality risk for our law enforcers. Keeping guns out of the hands of domestic abusers is critical.

There are dangerous loopholes in Pennsylvania law that allow domestic abusers continued access to firearms. Currently, it is within the issuing judge's discretion whether to order surrender of firearms as part of a protection from abuse order. Only 14% of final protection from abuse orders issued in PA now include such a surrender or relinquishment provision. This should not be an issue of discretion.

Senate Bill 501, unanimously passed by the PA Senate, would disarm dangerous domestic abusers. It provides that within 48 hours of a Misdemeanor Domestic Violence Conviction or within 24 hours of a Final Protection From Abuse Order, the abuser must turn over his firearms to law enforcement, to a licensed firearms dealer, or, in the case of a Final PFA, to a designated attorney.

The provisions of Senate Bill 501 are designed to protect domestic abuse victims and the law enforcement officers who work to keep them safe. CeaseFirePA urges this Committee to vote out this bill and send it to the House floor.

The PA Background Check System for Firearms Purchases

Although CeaseFirePA believes that there are many steps Pennsylvania can and should take to strengthen our gun laws in the effort to reduce gun violence, we proudly acknowledge that the Pennsylvania background check system is working well and has two key elements that should serve as a model for other states. The first is the requirement that every sale of a handgun (with very limited exceptions for close familial transfers) requires a background check. The second is the existence and operation of the Pennsylvania Instant Criminal Background Check System (PICS). We urge the Committee to enact measures that would further strengthen and improve this system and to reject measures that would strip it of its effectiveness. Simply put, we urge the expansion of the background check system to cover long gun sales in the same manner as handgun sales; and we urge the maintenance of PICS.

Under the Brady Act, any firearms sales by a federally licensed dealer require a background check. Under Pennsylvania law, all handgun sales in Pennsylvania also require a background check, regardless of whether the seller is a federally licensed dealer or a private seller. Private sales of long guns, however, are exempt from the background check requirement.

¹⁵ http://www.pcadv.org/Resources/PA_HomicidePrevention%20pdf.pdf.

For the purpose of compliance with the Brady Act, Pennsylvania is a Point of Contact State. This means that Pennsylvania conducts its own background checks, checking both national and state databases for records that would establish someone to be a prohibited purchaser. As explained by Major Scott R. Snyder, Acting Deputy Commissioner of Staff Pennsylvania State Police in his 2011 Testimony to the Senate Committee on Law and Justice: Act 17 of 1995, which created PICS, [resulted from] a consensus that Pennsylvania’s citizens would best be served by requiring the State Police to establish, maintain, and operate Pennsylvania’s own instantaneous background records check system for firearms transactions. PICS became operational on July 1, 1998.¹⁶ Acting Deputy Commissioner Snyder further testified in 2011 that since its inception, "PICS has processed over 6.6 million calls for background checks – an average of more than 550,000 calls per year. . . . The PICS Instant Check Unit and the Pennsylvania State Police have prevented prohibited persons from illegally obtaining firearms more than 100,000 times."¹⁷ From 2011 through 2016, an additional 60,000 sales to prohibited purchasers have been blocked by PICS.¹⁸

PICS Requests & Denials (Number is final denials, excluding denials that have been overturned)

| YEAR | Number of PICS Requests | Number of PICS Denials |
|-------------|--------------------------------|-------------------------------|
| 2016 | 1,137,975 | 15,104 |
| 2015 | 989,298 | 13,774 |
| 2014 | 893,054 | 11,739 |
| 2013 | 1,125,362 | 11,188 |
| 2012 | 1,028,362 | 9086 |

The success of PICS is mirrored by the success of the background check system nationally. "Since the system was established [in 1998], background checks have blocked over 3 million sales to people with felony convictions, domestic abusers, fugitives, and other people prohibited

¹⁶ Pennsylvania State Police Testimony, Senate Committee on Law and Justice, May 11, 2011, at 1.

¹⁷ *Id.* at 2..

¹⁸ The Firearms Annual Report, Pennsylvania State Police (for years 2012-16), www.psp.pa.gov.

by law from having guns."¹⁹ It is clear that the background check system works to prevent prohibited purchasers from buying guns, and it does so quickly and inexpensively.

Background checks in no way infringe on the rights of law abiding gun owners. Accordingly, the wide spread support for expansion of the background check system as reflected in Pennsylvania and national polls reflects support from gun owners.²⁰ But the gaps in the background check laws are serious -- that certain gun sales are exempt from background checks provides a legal avenue for those who wish to avoid background checks to purchase firearms. In many cases, this proves deadly and tragic. Pennsylvania has not been immune from such tragedy, including the March 8, 2012 shooting at Western Psychiatric Institute and Clinic. The shooter there was able to obtain a gun in a private sale in another state without a background check, and bring it to PA with deadly results.

There are too many instances just like this that happen all over this country every day. In fact, interviews with prisoners convicted of gun crimes demonstrates how big a problem the exemptions for private sales are: very few of the inmates convicted of gun crimes obtained their guns from a seller where a background check was required; moreover, "96.1% of those inmates who were already prohibited from possessing a gun at the time of the crime obtained the firearm through an unlicensed private seller."²¹ Where private sales are exempt from background checks, they are the avenue of choice for those most likely to be buying firearms with criminal intent.

In Pennsylvania, we are fortunate that private sales of handguns require background checks. However, we do have a private seller loophole that should be closed. CeaseFirePA Supports HB 1400, a straightforward bill that eliminates the exemption of private sales of long guns from the background check requirement. It ensures that virtually every gun sale in Pennsylvania (except for close familial transfers) requires a background check, regardless of the type of gun or who the seller is. This is a commonsense expansion of a system that has been working well in Pennsylvania. It does not burden the rights of law abiding gun owners (who already are accustomed to PA's requirement of background checks in private sales of handguns) and closes a legal avenue by which those who seek to avoid background checks can buy certain types of firearms in Pennsylvania. Although it is true that the majority of gun crimes are committed with handguns, a significant portion of crime guns are long guns. In fact, 25% of firearms recovered in Pennsylvania by the ATF in 2011 (the most recent year for which ATF data is available) were

¹⁹ <https://everytownresearch.org/background-checks-loophole/>

²⁰ See, e.g., Franklin and Marshall Poll, March 20, 2018 (86% of Pennsylvanians strongly favor enhancing the background check system); see also <https://www.fandm.edu/news/latest-news/2018/03/29/f-m-poll-about-half-of-pa-registered-voters-very-interested-in-midterm-elections>; <https://poll.qu.edu/national/release-detail?ReleaseID=2521> (97% of Americans are in favor of Universal Background checks).

²¹ Center to Prevent Gun Violence, Private Sales Policy Summary, updated July 2013.

long guns.²² This is not insignificant. Moreover, although most homicides in Pennsylvania also are committed with handguns, every year many homicides are committed with long guns.²³ From 2006 to 2015, 48% of PA law enforcement officers fatally shot were killed with long guns. This almost doubles the national figure.²⁴ Without question, our police officers have been preyed on by criminals using long guns.

Those intent on criminal activity can do great harm with any type of firearm. Accordingly, the avenues for purchase of firearms without background checks should be closed. The background check system prevents guns from getting into the wrong hands. The type of gun and type of seller should not matter. When guns get into the wrong hands, tragedy results. The sale and transfer of long guns should be subject to the same requirement as the sale and transfer of handguns. This is common sense, and it is precisely what H.B. 1400 provides.

The Pennsylvania Instant Criminal Background Check System Should Be Maintained

PICS has been a highly effective system that prevents prohibited purchasers from obtaining firearms, offers access to a broader range of records than NICS and offers additional law enforcement benefits. Pennsylvania should maintain PICS as a system that is working.

Accordingly, we urge the Committee to reject any efforts to eliminate PICS. Over the years that PICS has been in effect, there have been attempts or proposals to eliminate PICS and fully rely on NICS for background checks. These efforts have been opposed by the State Police for good reason. During his 2011 testimony (and reiterated in his July 2013 testimony before this Committee), Acting Deputy Commissioner Snyder explained why PICS is a highly valuable system that should be maintained in Pennsylvania:

- PICS includes records NICS does not, including full access to the Commonwealth Law Enforcement Access Network (“CLEAN”), which contains arrest warrants; all protection from abuse orders; and -- until recently when 642,000 records were uploaded, certain mental health records.
- PICS offers better procedures for keeping guns out of the hands of those who should not have them: under NICS procedures, if a determination cannot be made in three days, a sale can go through. [This is now known as the Charleston loophole, because that is how the shooter at the

²² Bureau of Alcohol, Tobacco and Firearms Gun Tracing Data for Pennsylvania 2011, <http://www.atf.gov/files/statistics/download/trace-data/2011/2011-trace-data-pennsylvania.pdf>.

²³ Crime in Pennsylvania, Annual Uniform Crime Report 2011, <http://www.paucrs.pa.gov/UCR/Reporting/Annual/AnnualFrames.asp?year=2011>; Budget Hearing, Pennsylvania State Police and Office of Homeland Security (February 20, 2013) <http://www.pabudget.com/Display/SiteFiles/154/Documents/HearingTestimony/StatePoliceTranscript.pdf>, at 62-63.

²⁴ Officer Down Memorial Page, <https://www.odmp.org/search/browse?state=PA>.

Charleston AME Church was able to purchase his firearm.] However, under PICS, a delay status may persist for fifteen days, after which the sale does not go through but the purchaser has a right to challenge the "undetermined" status. As Acting Deputy Commissioner Snyder stated, "the PICS process provides additional assurance that no firearm will be sold or transferred to a prohibited person once the background check is initiated."

- PICS offers an easier way for a denied purchaser to challenge the denial status, and in fact, unlike the NICS challenge process which places the burden on the challenger, the PICS challenge unit assumes the burden of proof and investigates the validity of the denial.²⁵

Acting Deputy Commissioner Snyder also testified about some of the additional benefits of the PICS. He explained that PICS has assisted in the capture of hundreds of fugitives by its identification and follow-up investigative procedures. He also noted, "PICS also provides a proactive means to fight domestic violence. When a background check call is forwarded to a legal assistant and the subject has an outstanding protection from abuse order, PICS personnel immediately notify the applicable police agency that the subject is attempting to acquire a firearm."²⁶

Given the statistics reported above about the increasing use of firearms in domestic violence cases, the ability of PICS to alert law enforcement that someone subject to a protection from abuse order is trying to purchase a firearm is a critical life-saving tool. Finally, Acting Deputy Commissioner Snyder noted that PICS, unlike NICS, can provide law enforcement officers and agencies in Pennsylvania with a background check prior to returning firearms to those who are claiming a right to the firearm.²⁷

Pennsylvania should be proud of the PICS system and ensure that we maintain it and appropriate the necessary funding to ensure it operates at full capacity.

Protecting Our Schools and Students

Although recent events continue to highlight the uniquely American problem of mass shootings inside our public schools, as the Law Center to Prevent Gun Violence has reported,²⁸ schools are some of the safest places for our children, with only a very small percentage of homicides of school-age children occurring on school grounds, on the way to or from school or during school-sponsored events.²⁹ And, following enactment of federal laws regulating guns in schools in the

²⁵ Pennsylvania State Police Testimony, Senate Committee on Law and Justice, May 11, 2011, at 2-5; see also Pennsylvania State Police Testimony, House Judiciary Committee, July 17, 2013, at 2-3.

²⁶ *Id.*

²⁷ *Id.*

²⁸ <http://smartgunlaws.org/gun-laws/policy-areas/firearms-in-public-places/guns-in-schools/>.

²⁹ Centers for Disease Control & Prevention, Morbidity & Mortality Weekly Report, School-Associated Student Homicides – United States, 1992-2006 (Jan. 18, 2008), at

1990s, there was a significant decrease in the homicide rates for school-age children during school or school-sponsored events in the U.S.³⁰ The answer to ending end school shootings and ensuring our students' safety lies in blocking access to guns by those who should not have them.

In the majority of cases where a school shooter was a juvenile, the weapon was obtained from home, where it was inadequately secured. This is what happened in last week's shooting in Santa Fe, Texas: the guns used by the shooter belonged to his father. Approximately [1.7 million American children](#) live in a home with an unlocked and loaded gun. Accordingly, enacting safe storage and child access prevention laws such as HB 1635 would be a key step in helping to prevent school shootings.

The best way to keep people safe -- including in our schools -- is not to react to attacks as they occur, but to prevent them from occurring in the first place. To achieve this, we can:

- implement threat assessment procedures to identify potential perpetrators before they come to school to kill, and provide the resources to ensure identified threats are contained, as clearly did not happen in Parkland;
- ban assault weapons and close the background check private sale loophole;
- ensure all firearms in the home are securely locked, with ammunition locked separately.

Despite recent efforts to solve this problem by allowing teachers and other nonsecurity school personnel to carry guns in school, many stakeholders emphatically believe that this will not promote school safety. In December 2013, our Joint State Government Commission released its Violence Prevention in Pennsylvania report, commissioned following the tragic shooting at Sandy Hook Elementary School in Newtown, CT on Dec. 14, 2012.³¹ Recommendation No. 30 reads: "[T]he Advisory Committee strongly opposes arming school administrators, teachers or other non-law enforcement personnel."³² The Report offered a brief, but striking analysis underlying its conclusion:

While there are some school administrators and teachers who may be willing to be trained to carry weapons on school property, the Advisory Committee is

<http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5702a1.htm>; National Center for Education Statistics. Digest of education statistics- Table 228.10: School-associated violent deaths of all persons, homicides and suicides of youth ages 5-18 at school, and total homicides and suicides of youth ages 5-18, by type of violent death: 1993- 93 to 2012-13. December 2015.

³⁰ Centers for Disease Control & Prevention, Morbidity & Mortality Weekly Report, School-Associated Student Homicides – United States, 1992-2006 (Jan. 18, 2008), at <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5702a1.htm>. The rates decreased from 0.07 per 100,000 students to 0.03 per 100,000 students. Id.

³¹ Joint State Government Commission, Violence Prevention in Pennsylvania, Report of the Advisory Committee on Violence Prevention, Dec. 2013, <http://jsg.legis.state.pa.us/resources/documents/ftp/publications/2013-365-VPAC%20Report%201.1.14.pdf>.

³² Joint State Government Commission, Violence Prevention in Pennsylvania, Report of the Advisory Committee on Violence Prevention, at 8 (emphasis added).

opposed to doing so, openly expressing concerns about the safety of a teacher in a classroom wearing a handgun on his hip; these concerns range from the possibility of the teacher being disarmed by disruptive students to creating an environment of fear that is not conducive to learning. Additionally, the presence of these firearms will inevitably raise questions as to when the school employee should use his weapon. Although police officers undergo extensive training in the use of their weapons, teachers do not. Therefore, it is unreasonable to expect a teacher to have the same firearms competency as a law enforcement officer, and not sound policy to assign such responsibility to a teacher. Parameters for use of the weapons would only be as good as the person entrusted to carry one. Additionally, some law enforcement personnel have expressed concerns that if an armed teacher or administrator is in a school building during an active shooter incident and law enforcement enters the building and sees an armed person running down a hallway, they may take action to stop the person before the person can identify himself. In the confusion and mayhem of such an incident, it would be all too easy for the teacher or administrator to become a casualty of the police. Another concern is that school employees who bring a weapon into the workplace (i.e., the school) could potentially become perpetrators of violence themselves against their coworkers or students. Despite initial enthusiasm, the prospect of arming teachers has lost any impetus nationwide.³³

Furthermore, the American Federation of Teachers and the National Education Association, the nation's two largest teachers' organizations, oppose allowing guns in schools.³⁴

Second, the provisions of SB 383 are simply inadequate to ensure student or faculty safety. SB 383 allows teachers to have access to firearms in the classroom without providing any additional guidance to the school or school personnel. There is no language in SB 383 about how such firearms must be stored or secured in order to prevent a student or other unauthorized person from obtaining the firearm or to prevent the risk of unintentional or "accidental" shootings. Significantly, the requirements that a teacher or other member of the school personnel possess a concealed carry license and complete some training course are inadequate to ensure safety of our students and faculty. In Pennsylvania, there is no requirement that a concealed carry licensee complete any training -- either safety or proficiency -- to obtain or renew a license. The training programs enumerated in SB 383 section 510.3b i-iv only contemplate trainings for various law enforcement or retired law enforcement personnel. Section 5103bv appears to be a "catch-all" provision, under which it is likely anticipated most teachers and faculty would seek to

³³ Joint State Government Commission, Violence Prevention in Pennsylvania, Report of the Advisory Committee on Violence Prevention, at 113-14.

³⁴ "AFT, NEA: Arming Educators Won't Keep Schools Safe" December 20, 2012, available at: <http://www.nea.org/home/53943.htm>

qualify. Without such a program in place, it is unclear what standards any non-law enforcement school personnel would have to meet to qualify to be armed in school under this statute.

There are steps PA can take to make our children and schools safer -- including appropriating funds for security assessments and upgrades, keeping firearms inaccessible to those likely to harm themselves or others, and providing young people and others in crisis with the help they need before danger becomes imminent. Arming teachers and other nonsecurity school personnel is not a solution, and we urge this Committee to reject any attempt to do so.

Conclusion

During the April hearings and today, this Committee has heard about numerous bills and proposed policies to address our gun violence problem. It is time for the Committee to take action, hold votes and send good bills to the House floor. Adopting smart gun laws will save many lives, without infringing upon the rights of law-abiding gun owners.