

Written Testimony – Brandon Flood (CeaseFirePA)
Senate Democratic Policy Committee Hearing
October 30, 2023

Good morning, Chairwoman Muth and members of the Senate Democratic Policy Committee. My name is Brandon Flood and I serve as the Deputy Director for Government Affairs for CeaseFirePA, which is the Commonwealth's leading gun violence prevention advocacy organization.

First and foremost, thank you for convening this vitally important public hearing. Secondly, thank you for the opportunity to further highlight a critically important loophole that exists in Pennsylvania law which literally enables criminals to access military style rifles without so much as being subject to a standard background check.

One very glaring and recent example of how this loophole has given rise to death and devastation is the June 2023 ambush shooting outside of state police barracks at involving two Pennsylvania State Troopers in Juniata County, one of which was fatally wounded. These brave souls were and are the late Trooper Jacque Rougeau and Lt. James Wagner. We are forever grateful for their service and sacrifice.

According to the district attorney who was charged with investigating this tragedy, the perpetrator was legally prohibited from purchasing a firearm, but was able to purchase the AR-15 that he used to carry out this heinous act on law enforcement from a private seller due the seller's lack of a legal obligation to run a background check on the perpetrator. In other words, this widely known gap in Pennsylvania law literally serves as a billboard and instructional guide on how to obtain a long gun for those who are well aware that they are legally prohibited from owning or possessing a firearm. Equipped with this knowledge, we should be spending more time proactively closing this loophole as opposed to being reactionary once a tragedy has already occurred.

Pennsylvania's "long gun loophole," allows that unlicensed sellers may only sell a handgun or short-barreled rifle or shotgun to an unlicensed purchaser at the place of business of a licensed importer, manufacturer, dealer or county sheriff's office. However, this requirement does not apply to firearms defined as 'long guns' that are sold by private sellers.¹ This is the legal loophole that facilitated the June 2023 State Trooper ambush and that deliberately places our law enforcement officials and the public at-large in harm's way.

When it comes to the sale and transfers of firearms, background checks ensure that individuals with certain criminal history or other clear indicators that they pose a risk to public safety or their own life, such as protections from abuse or mental health commitments, cannot access a firearm. Since a federal background check requirement was instituted in 1994, the sale of more than 3 million illegal firearms has been prevented.² Within the context of Pennsylvania, since 1998, more than 92,000 firearm sales to prohibited purchasers in Pennsylvania have been denied.³ In 2021 alone, background checks resulted in a total of 3,897 final denials by the Pennsylvania State Police.⁴ While this is certainly significant, it should also be noted that only 40 percent of all gun sales in the U.S. are through a federally licensed dealer.⁵ It is this dynamic that provides prohibited persons and criminals with an alternative means to purchase firearms for nefarious purposes. This should be especially troubling to anyone that claims to place a

¹ [Title 18 - PA General Assembly \(state.pa.us\)](https://www.state.pa.us)

² [Dangerous Gaps in Gun Laws Exposed by the Coronavirus Gun Sale Surge - Center for American Progress](https://www.centerforamericanprogress.org)

³ [Background Checks and Pennsylvania | Everytown](https://www.everytown.org)

⁴ [Pennsylvania State Police Firearms Annual Report 2021 \(pa.gov\)](https://www.pa.gov)

⁵ [Universal Background Checks for Gun Purchases \(aap.org\)](https://www.aap.org)

premium on public safety as it has been proven that the AR-15 style weapon, which are considered long guns in Pennsylvania, are the weapon of choice for the perpetrators of the worst kind of mass shootings in our nation.⁶ Specifically, assault weapons are used in 10%–30% of fatal mass shootings, and they account for 13% of killings of law enforcement officers in the line of duty.⁷ This includes but is not limited to the Sandy Hook Elementary School shooting in 2012, the Las Vegas concert shooting in 2017, the Sutherland Church shooting in 2017, the Pittsburgh Synagogue Shooting in 2018, the Parkland High School shooting in 2018, the El Paso Walmart Shooting in 2019, Buffalo supermarket massacre in 2021, the Uvalde Elementary School shooting in 2022, the tragic ambush shooting of two Pennsylvania State Troopers in June of this year, the mass shooting in the Kingessing section of Philadelphia this past July, and the Lewiston, Maine mass shooting just this past week. .

We hear “Pennsylvania’s gun laws are already robust and that nothing more needs to be done on this front.”⁸ That wasn’t true for Trooper Jacques Rougeau or to PSP Lieutenant James Wagner and their families. Instituting a universal background check policy is not some underhanded attempt to encroach upon the rights of Pennsylvanians who are eligible to purchase and possess a firearm or the rights of existing responsible gun owners. On the contrary, our shared objective is simply to prevent criminals and would-be bad actors from being able to obtain deadly firearms that they cannot legally possess before someone is injured, rather than after another life is lost.

I use the term “shared objective” very deliberately as CeaseFirePA Education Fund is not an outlier in its support for the adoption of a universal background policy. In fact, universal background check policies are overwhelming supported by Pennsylvanians and according to a poll conducted in June of 2022 by the Third Way organization and Republican polling firm GS Strategy Group, 89% of all voters, 80% of Republicans, and 85 percent of gun owners believe that private gun sales should be subject to background checks.⁹ This overwhelming support not only originates from the fact that this is sound and common-sense public policy but is also predicated upon empirical data that shows a 15-percent reduction in both firearm homicides and total homicides in states that have adopted universal background check laws.¹⁰

As of today, a total of 20 states and the District of Columbia have adopted universal background check policy into law. These include conservative states such as New Mexico and North Carolina, and moderate states such as Iowa, Michigan, Nebraska and Nevada. It is our hope that the results of today’s hearing as well as our continued collective advocacy on this issue will compel the Commonwealth of Pennsylvania to become the 21st state to adopt such a policy.

Once again, thank you Chairwoman Muth for extending us an opportunity to testify today and I would be more than delighted to answer any questions that either you or the committee may have for me.

⁶ [Assault Weapons | Giffords](#)

⁷ [Policies That Reduce Gun Violence: Restricting Large Capacity Magazines | Johns Hopkins | Bloomberg School of Public Health \(jhu.edu\)](#)

⁸ [Pa. House passes two gun bills, with another failing by single vote - pennlive.com](#)

⁹ [Pennsylvania Voters Support Gun Safety Reforms – Third Way](#)

¹⁰ [Universal Background Checks Lower Homicide Rates | SPH \(bu.edu\)](#)