

## Virginia Needs Universal Background Checks Now

The Commonwealth of Virginia does not require that every individual seeking to purchase a firearm undergo a background check. Private sellers (i.e. at gun shows or online) are not required to conduct background checks, creating a loophole for prohibited persons to easily access firearms. Universal background checks are necessary to disrupt the supply of illegal firearms into communities affected by gun violence. By denying prohibited individuals' firearms purchases, a recent study found universal background checks reduce gun homicide.<sup>1</sup> The gun homicide rate in Virginia has increased 59% in the last five years;<sup>2</sup> Virginia needs universal background checks in order to save Virginians' lives.

### What is the current background check law in Virginia?

- In Virginia, a federally licensed firearm dealer must not sell, rent, trade, or transfer a firearm until the dealer has been informed by the State Police that the purchaser is not prohibited from purchasing a firearm under state or federal law.<sup>3</sup>
- Private sellers are not required by law to comply with the process stated above.<sup>4</sup>

### Who is prohibited from purchasing firearms in Virginia?

Federal Law Firearm Prohibitions <sup>5</sup>	Virginia Law Firearm Prohibitions <sup>6</sup>
<p><b>Criminal History</b> -Convicted felons -Individuals indicted on a felony charge -Fugitives from justice</p> <p><b>Dishonorable Discharge</b> -Individuals dishonorably discharged</p> <p><b>Drug Use</b> - Unlawful users of/or individuals addicted to any controlled substance</p> <p><b>Domestic Violence</b> -Persons convicted of misdemeanor crimes of domestic violence -Individuals subject to certain restraining or protective order</p> <p><b>Mental Health</b> -Individuals adjudicated as a mental defective or committed to a mental institution</p> <p><b>Non-Citizenship</b> -Individuals in the US illegally or on a nonimmigrant visa -Individuals who renounced his or her citizenship</p>	<p><b>Criminal History</b> - Convicted felons - Individuals 29 or younger adjudicated delinquent at 14 or older for a crime which would be a felony if committed by an adult</p> <p><b>Drug Use</b> -Individuals convicted of 2 misdemeanor drug offenses within 36 months</p> <p><b>Domestic Violence</b> -Individuals subject to certain protection orders</p> <p><b>Mental Health</b> - Individuals acquitted by reason of insanity and committed to custody of the Commissioner of Behavioral Health and Developmental Services on charge of treason, any felony, or specific offenses punishable as a misdemeanor -Individuals involuntarily admitted to a facility or ordered to mandatory outpatient treatment -Individuals adjudicated legally incompetent or mentally incapacitated</p> <p><b>Minor Age</b> -Individuals under 18 (re: handguns and assault firearms)</p>

### How do background checks work in Virginia?

- Virginia is a full point of contact (POC) state, meaning the state is responsible for all firearm background checks. The Virginia Department of State Police conducts background checks via the Virginia Firearms Transaction Program (VFTP). When an individual goes to a federally licensed firearm dealer to purchase a firearm, their name must be run through a series of databases to ensure they are not prohibited by state or federal law.<sup>7</sup>
- VFTP has been considered an exemplary program and has served as a model for other states.<sup>8</sup> Between 1989 and 2015, VFTP has denied 62,741 firearm transactions.<sup>9</sup> With universal background checks, VFTP would be able to deny even more prohibited individuals from purchasing guns.

### Why are universal background checks needed?

- Millions of people acquire guns without background checks every year, and they do so disproportionately in states that do not regulate private gun sales, like Virginia. A 2015 survey found nearly 1 in 4 gun owners (22%) who recently acquired firearms did so without a background check.<sup>10</sup>
- Background checks help keep guns away from high-risk individuals and ensure prohibited persons cannot purchase firearms. This is important since prohibited persons include individuals at high risk of committing violence, such as perpetrators of domestic violence.
- Background checks create a clear legal standard for sellers and purchasers and discourage transfers to individuals who are prohibited by state or federal law from purchasing firearms.

### Do background checks work?

- Universal background checks reduce firearm mortality. They have been found to be one of the state laws most associated with a reduction in the firearm death rate, including lower rates of firearm homicide and firearm suicide.<sup>11 12</sup>
- Universal background checks also reduce illegal gun trafficking. Virginia is considered a top exporter of trafficked guns. In 2016, more than 9,000 guns originally purchased in Virginia were later recovered in crime scenes or suspected of use in crimes in Virginia and other states.<sup>13</sup>

### Who supports background checks?

- A 2017 Quinnipiac University poll found 94% of Virginia voters support requiring background checks for all gun buyers. This includes 99% of Democrats, 90% of Republicans, and 94% of Independent voters.<sup>14</sup>
- The Commission on Accreditation for Law Enforcement Agencies (CALEA), Hispanic American Police Command Officers Association (HAPCOA), International Association of Campus Law Enforcement Administrators (IACLEA), International Association of Chiefs of Police, Major Cities Chiefs Association (MCCA), National Association of Women Law Enforcement Executives (NAWLEE), National Organization of Black Law Enforcement Executives (NOBLE), Police Executive Research Forum (PERF), Police Foundation (PF), American Bar Association, and eight national health professional organizations have endorsed legislation requiring background checks for private firearm sales.<sup>15 16 17</sup>

**Bottom Line: Universal background checks on firearm sales will enforce existing laws and save lives. Virginia should enact universal background checks on gun sales to close the loopholes that currently allow prohibited individuals to purchase firearms.**

<sup>1</sup> Bindu Kalesan, Matthew E Mobily, Olivia Keiser, Jeffrey A Fagan, Sandro Galea, Firearm legislation and firearm mortality in the USA: a cross-sectional, state-level study, In *The Lancet*, Volume 387, Issue 10030, 2016, Pages 1847-1855, ISSN 0140-6736, [https://doi.org/10.1016/S0140-6736\(15\)01026-0](https://doi.org/10.1016/S0140-6736(15)01026-0).

<sup>2</sup> Centers for Disease Control and Prevention, National Center for Health Statistics. Underlying Cause of Death 1999-2016 on CDC WONDER Online Database, released December, 2017. Data are from the Multiple Cause of Death Files, 1999-2016, as compiled from data provided by the 57 vital statistics jurisdictions through the Vital Statistics Cooperative Program. Accessed at <http://wonder.cdc.gov/ucd-icd10.html> on Jan 2, 2018.

<sup>3</sup> Va. Code § 18.2-308.2:2

<sup>4</sup> Va. Code § 54.1-4201.2

<sup>5</sup> 18 USC § 922(g)(1) - (g)(9)

<sup>6</sup> Va. Code § 18.2-308.1:1 - 308.7

<sup>7</sup> "Virginia Firearms Transaction Program." *Virginia State Police*, Virginia Department of State Police, [www.vsp.state.va.us/Firearms\\_VFTP.shtm](http://www.vsp.state.va.us/Firearms_VFTP.shtm).

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- <sup>8</sup> “Virginia Firearms Transaction Program.” *Virginia State Police*, Virginia Department of State Police, [www.vsp.state.va.us/Firearms\\_VFTP.shtm](http://www.vsp.state.va.us/Firearms_VFTP.shtm).
- <sup>9</sup> Annual Report: Facts and Figures. Virginia State Police, Virginia Department of State Police, [http://www.vsp.state.va.us/Annual\\_Report.shtm](http://www.vsp.state.va.us/Annual_Report.shtm).
- <sup>10</sup> Matthew Miller, Lisa Hepburn, Deborah Azrael. Firearm Acquisition Without Background Checks: Results of a National Survey. *Ann Intern Med*. 2017;166:233–239. doi: 10.7326/M16-1590
- <sup>11</sup> Bindu Kalesan, Matthew E Mobily, Olivia Keiser, Jeffrey A Fagan, Sandro Galea, Firearm legislation and firearm mortality in the USA: a cross-sectional, state-level study, In *The Lancet*, Volume 387, Issue 10030, 2016, Pages 1847-1855, ISSN 0140-6736, [https://doi.org/10.1016/S0140-6736\(15\)01026-0](https://doi.org/10.1016/S0140-6736(15)01026-0).
- <sup>12</sup> Michael D. Anestis, Edward A. Selby, Sarah E. Butterworth, Rising longitudinal trajectories in suicide rates: The role of firearm suicide rates and firearm legislation, In *Preventive Medicine*, Volume 100, 2017, Pages 159-166, <https://doi.org/10.1016/j.ypmed.2017.04.032>.
- <sup>13</sup> Author’s analysis of Bureau of Alcohol, Tobacco, Firearms and Explosives, “Firearms Trace Data - 2016,” October 11, 2017, available at <https://www.atf.gov/resource-center/firearms-trace-data-2016>
- <sup>14</sup> Quinnipiac University. (2017). “Do you support or oppose requiring background checks for all gun buyers?” Question 31, April 6-10, 2017. Retrieved from <https://poll.qu.edu/virginia/release-detail?ReleaseID=2451>
- <sup>15</sup> International Association of Chiefs of Police. Taking a Stand: Reducing Gun Violence in Our Communities. A Report from the International Association of Chiefs of Police 2007 Great Lakes Summit on Gun Violence. Alexandria, VA: International Association of Chiefs of Police; 2007. Accessed at [www.theiacp.org/Portals/0/pdfs/GVR\\_A-page-iii\\_IACP-Taking-A-Stand.pdf](http://www.theiacp.org/Portals/0/pdfs/GVR_A-page-iii_IACP-Taking-A-Stand.pdf)
- <sup>16</sup> Weinberger SE, Hoyt DB, Lawrence HC 3rd, Levin S, Henley DE, Alden ER et al. Firearm-related injury and death in the United States: a call to action from 8 health professional organizations and the American Bar Association. *Ann Intern Med*, 2015;162:513-6
- <sup>17</sup> <https://www.lepartnership.org/policy-agenda/>