

Legislation Proposal

Centralization of Firearm Records

MAP

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Abstract

Law enforcement is extremely inhibited in combating the issue of gun trafficking because there is no central repository of firearm sales records, meaning tracing trafficked guns is a lengthy, inefficient process. In addition, the FBI is mandated to destroy background check records 24 hours after approval, prohibiting law enforcement from analyzing patterns in falsified background checks. Our solution is to repeal the Firearm Owners' Protection Act of 1986 and amend Electronic Code of Federal Regulations Title 28 § 25.9 to allow the ATF to maintain a central repository of firearm sales records, and to mandate the FBI to maintain background check records indefinitely, consolidating them into the ATF's central repository database.

Youth Perspective on Gun Violence

We believe that gun violence is a life issue: one that affects our most fundamental right to life. We should have the ability to attend school and live without threats of violence or death. We stand as a unified front to defend this right and advocate for those who have already suffered as a result of poor gun safety laws, inadequate regulations, and a lack of action.

Moreover, gun violence is detrimental to youth's mental health. Situations that are perceived as unpredictable and uncontrollable are much more likely to bring on high levels of helplessness, anxiety, and fear. Due to this, youth are often left with overwhelming feelings of stress and fear from witnessing shootings, or even from preparative measures such as lock-down drills.

Our generation believes plain and simple: enough is enough. It's time to end gun violence.

Catholic Perspective on this Issue

Gun violence fails to respect the inherent dignity and value of every human life. The terrible atrocities that have resulted from mass shootings have stolen many innocent lives in an instant. Violence that inflicts an incredible amount of suffering, grief, and death is simply intolerable in any society.

As such, the USCCB consistently and vehemently urges policy changes in the wake of gun violence tragedies that have become far too frequent in our nation. Specifically, the USCCB supports measures that control the sale and use of firearms, along with universal background checks for gun purchases.

The Problem of Gun Trafficking

1. "Gun trafficking" refers to the diversion of guns from lawful commerce into the illegal market. Every year, tens of thousands of guns enter the illegal market through a number of channels, including: straw purchases, corrupt gun dealers, sales by unlicensed sellers who aren't required to conduct background checks, gun thefts, and bulk gun purchases. This ultimately leads to heightened rates of crime, gun homicide, mass shootings, and more, as found by Gifford's Law Center.
2. Gun trafficking is a serious issue, as Interpol concludes that firearm trafficking is linked into other issues such as corruption, environmental crime, human trafficking, maritime piracy, terrorism, and more. What is more serious, however, is that law enforcement efforts are seriously hampered in combating the issue due to **no central repository of firearm sales records**. Though federal law requires licensed firearms dealers to maintain records of gun sales indefinitely, including information about firearm(s) being purchased, as well as the purchaser, the NRA-backed Firearm Owners' Protection Act of 1986 prohibits the Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF)



from maintaining a central repository of firearm sales records. Moreover, the requirement to maintain sales records does not extend to private sellers, leading to the “Gun Show Loophole,” which is a major source of trafficked guns.

3. Without a central repository of all firearm sales records, gun tracing is a slow, cumbersome process. As described in a report from the Government Accountability Office, the ATF “must take a number of steps to trace a crime gun, including, as applicable, contacting the importer, manufacturer, and wholesaler of the firearm in order to identify the ... retailer who sold the firearm to the first retail purchaser.” A 2010 report by the Washington Post furthers that a gun tracing investigation by the ATF often involves making phone calls and poring over handwritten paperwork. According to a 2013 report from the Center for American Progress, this “antiquated and inefficient system” means that “a firearms trace can take days, or even weeks, thereby frustrating criminal investigations.”
4. Firearm sales and background check records can be used by law enforcement in a number of ways to solve gun crimes and identify gun sellers and purchasers who are violating state and federal gun laws. For example, sales records can enable officers to identify the last retail purchaser of a firearm that has been used in a crime, which can lead to the identification and prosecution of violent criminals. However, because law enforcement have no central repository of sales records, and because federal law requires the FBI to destroy background check records 24 hours after approval, law enforcement are unable to adequately address the problem of gun trafficking.

MAP's Solution: Centralization of Records

Our solution is to repeal the Firearm Owners' Protection Act of 1986 and divert funds to allow the ATF to maintain a central repository of firearm sales records.

- This database would allow law enforcement to immediately check the sales history of any gun used in a crime. The National Trace Center itself, and its 350 employees, likely would be obsolete if the ATF were permitted to create a modern, searchable database. By keeping track of weapons sales, the government will be able to track the spread of illegal arms, and therefore be able to identify key patterns, such as when large amounts of illegal guns are coming from just a few sellers.
- Centralized records of gun ownership would greatly increase the efficiency of the tracing process. These records would also help law enforcement retrieve firearms from persons who have become legally prohibited from possessing them, and they could be used to alert law enforcement to the presence of guns at a private residence when they are responding to an emergency call.

The second part of our solution is to amend the Electronic Code of Federal Regulations (e-CFR) Title 28 § 25.9 to prohibit the FBI from destroying its background check records. These records shall be maintained indefinitely, and consolidated into the ATF's central repository database of firearm sales records for use by law-enforcement.

- This would allow law enforcement to uncover corrupt dealers by looking at patterns in background check records. For example, dealers may attempt to hide sales to people who would fail a background check by putting the name of someone with a clean record on the background check application. Another way in which law enforcement could use background check records is to uncover gun trafficking rings. To identify gun traffickers, federal law requires dealers to report sales of more than two firearms in a five-day period to the ATF. Individuals can simply evade this requirement by buying guns from multiple dealers. Without a centralized repository of records, dealers have no way of knowing that buyers are visiting multiple dealers.