Gun Lobby Would Scrap State Database That is Best in Nation

Richmond, Virginia— The National Rifle Association (NRA) is calling on its membership to help repeal a 1989 law that created the Virginia Firearms Transaction Program (VFTP). A state-of-the-art database that is second to none in the nation, the VFTP works in conjunction with the FBI's National Instant Background Checks System (NICS) to check the background of those purchasing firearms in the Commonwealth of Virginia.

Under federal law, a background check is required on any individual who purchases a firearm(s) from a federally-licensed firearms dealer. This system allows authorities to deny the sale of firearms to persons who are prohibited under federal law from buying them (i.e., convicted felons, those adjudicated mentally ill by a court, individuals who are the subject of an active restraining order, etc.).

In an August 18 alert to its members, the NRA described the VFTP as "obsolete and unnecessary." The truth, however, is that the VFTP is indispensable. Not only does it provide a more thorough check than NICS would alone, but it also saves time for law-abiding Virginia residents who purchase firearms.

Testifying before the House Subcommittee on Domestic Policy in May 2007, Rachel Brand of the Department of Justice stated that, "In addition to the databases searched by the NICS, State databases may also be checked by [Point of Contact (POC)] States for disqualifying information. These State databases include the State's own criminal history records, which generally have more complete information on arrest dispositions, including information on whether the charges were dismissed or the person was convicted of the arrest charge or some different charge. POC States may also check State records that have not been provided to the FBI on individuals who have a disqualifying mental health record or are under a domestic violence restraining order." That same month, a report by the organization Third Way entitled "Missing Records" found that the NICS database was missing millions of records that should disqualify individuals from purchasing firearms, including ¼ of felony conviction records and nine out of ten disqualifying mental health records.

In the case of the VFTP, Virginia's state database contains numerous records that the NICS system does not: juvenile convictions being one glaring example. Another example is protective orders—the NICS system only accepts protective orders by intimate partners whereas the Virginia system includes all protective orders.

Additionally, the Virginia State Police—who administer the VFTP database—lead the nation in investigations into denials of applications to purchase a firearm. Each year since 2000, Virginia has had the largest number of arrests of denied purchasers. In 2009, the Virginia State Police requested 1,420 criminal investigations based on illegal attempts to purchase firearms, resulting in 856 closed arrests (60%). Due to a lack of manpower and resources, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) refers only 7% of background check denials nationwide to field offices for investigation.

Most disturbingly, the elimination of the VFTP would effectively repeal Virginia's

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One-Handgun-Per-Month law, which was enacted in 1993 to curb illegal firearms trafficking. According to the Virginia State Police, the state would be unable to enforce the law without the VFTP.

“Unable to repeal the One-Handgun-a-Month law through our legislature last session, the NRA has now devised an underhanded method to achieve its goal of increased gun sales,” said Andrew Goddard, President of the Richmond Million Mom March Chapter. “Apparently, straw purchasers and traffickers now fall under the heading of ‘law-abiding citizens.’”

This is not the first time the NRA has attempted to undermine the background check system for firearm purchasers. After the Brady Act was signed in 1994, the NRA funded lawsuits in nine different states that sought to have the law struck down as unconstitutional. The NRA argued that states could not be compelled to submit records to the federal background check system maintained by the FBI. The Supreme Court agreed with that principle, but rejected the NRA’s argument that “the whole statute must be voided.” In large part because of this litigation, millions of records are missing today from NICS that otherwise would be stopping dangerous individuals from buying guns.

“For years, the NRA has told us to ‘enforce the [gun] laws on the books,’” said Virginia Center for Public Safety Board Member Lori Haas. “But when they’re done eradicating Virginia’s public safety regime, there won’t be any laws left to enforce.”

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The Virginia Center for Public Safety (VACPS) is a statewide organization that was founded in 1992 after a young person was shot outside a school in Hampton Roads. The organization seeks to create a safer Virginia through education, public forums, youth outreach, and work in the public policy arena. VACPS believes that a chief cause of gun violence is the easy access that criminals and youth have to guns in the state.

As the nation's largest, non-partisan, grassroots organization leading the fight to prevent gun violence, the Brady Campaign to Prevent Gun Violence, working with its dedicated network of Million Mom March Chapters, is devoted to creating an America free from gun violence, where all Americans are safe at home, at school, at work, and in our communities.

Protest Easy Guns (PEG) is a grassroots protest movement of Americans that emerged in response to the deadliest shooting rampage in U.S. history at Virginia Tech. We are outraged at how easy it is to obtain a gun in the United States and believe it is time to change lax laws that allow criminals and dangerous individuals easy access to guns. Each of the movement’s “Lie-In” protests includes 32 individuals (symbolizing the number of students and teachers murdered at Virginia Tech) who lie on the ground for just a few minutes (signifying the brief amount of time it takes to buy a gun in the United States). Our goal is to encourage like-minded citizens to stage their own protests around the country so that we can influence the public discourse and ultimately the legislative process with regard to this critical national problem.
Angel Fund is the family, friends, neighbors and advocates of Reema Samaha, who was tragically killed on April 16, 2007 at Virginia Tech by a lone gunman, along with 31 other students and faculty. There were many complex issues that contributed to the Virginia Tech

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tragedy: mental illness, campus safety and security, lack of information sharing, privacy and gun laws. We would like to address those policies and laws we felt contributed to the tragedy and to seek practical and reasonable solutions to avoid another similar tragedy. We, therefore, would like to honor Reema's memory by making the world a safer place through education, advocacy and implementing practical solutions.

Students for Gun Free Schools (SGFS) opposes efforts to force universities and colleges to allow students and faculty to carry concealed handguns on their campuses. Serious efforts to prevent future tragedies on our nation's campuses should start with measures to identify warning signs in student behavior; secure treatment for those with mental health conditions; improve the screening of gun purchasers; limit the firepower available to shooters; and protect the rights of universities to set policies regarding firearms on campus. We call on university administrators and our elected officials to implement these measures in the interest of campus (and public) safety.

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