



THE BIPARTISAN SAFER COMMUNITIES ACT

A bipartisan group of senators have come together to find common ground and save lives in the wake of horrific shootings in Uvalde, Buffalo, and too many other communities. The Bipartisan Safer Communities Act, negotiated by Senators Chris Murphy, John Cornyn, Kyrsten Sinema, and Thom Tillis, includes the following provisions:

- **Supporting State Extreme Risk or “Red Flag” Laws.** Provides \$750 million in much-needed funding over the next five years to support crisis intervention services, including the implementation of state Red Flag laws. Starting in 2022, the funding will be distributed to states according to the well-established formula in the Byrne JAG grant program. In addition to the newly available \$750 million spread over 5 years, any funding a state or local government receives annually through the Byrne JAG grant program can be used to support the implementation of Red Flag laws.
 - All 19 states that currently have Red Flag laws on the books will be able to use this new funding to strengthen implementation, and funding will also be available for any state that passes a Red Flag law in the next 5 years.
 - The shooter in Buffalo could potentially have been stopped by a Red Flag order had a judge been asked to issue one, and this funding will be instrumental in ensuring family members and law enforcement know when and how to use the tools provided by state law to prevent a crisis from becoming deadly.
 - Red Flag laws are a proven tool to reduce gun suicides and prevent mass shootings.
 - After Connecticut increased enforcement of its Red Flag law, there was a 14 percent reduction in the firearm suicide rate.
 - In 56 percent of mass shootings, the shooter exhibited dangerous warning signs before the shooting – including the shooters in Orlando, FL (who shot 102 people, 49 fatally, in 2016), Thousand Oaks, CA (who shot 13 people, 12 fatally, in 2018), and Parkland, FL (who shot 34 people, 17 fatally, in 2018).
 - This new funding could also be used for drug courts, mental health courts, and veteran courts.
- **Disarming Domestic Abusers by Addressing the Dating Partner Loophole.** Expands the current prohibition preventing convicted domestic abusers from buying or possessing guns to include not only those who abused their current or former spouses, but also those who abused their current or recent dating partners. Abusive dating partners convicted of misdemeanor crimes will be prohibited from purchasing or possessing firearms for at least five years so long as they are not otherwise prohibited, have never been convicted of any other misdemeanor crime of domestic violence against a dating partner, and were not convicted of any misdemeanor assault during that five-year period.
 - Nineteen states have addressed the dating partner loophole with regards to misdemeanor crimes of domestic violence, and this new provision makes it clear that convicted abusers who are in a current or recent dating relationship are not allowed access to a gun under federal law. This will strengthen the existing background check



system that already stops 7,500 convicted domestic abusers per year and provides a new tool for law enforcement seeking to disarm them.

- State laws prohibiting abusive dating partners from having access to guns that are stronger than this federal prohibition will remain in place.
 - Addressing the dating partner loophole has become increasingly necessary: The share of homicides committed by dating partners has grown for three decades, and now women are as likely to be killed by dating partners as by spouses.
 - In the United States, 67% of female intimate partner homicide victims were killed with a gun in 2019, the most recent year for which data is available.
- **Enhancing Background Checks for Gun Buyers Under Age 21.** Establishes an enhanced background check process and investigative period for buyers under age 21 that will require checking with state law enforcement, local law enforcement, and either state or local courts before a sale proceeds.
 - The investigative period will prevent instantaneous sales, in which a teenager can buy an assault weapon and walk out right after paying. Instead, the sale will be paused for up to three business days while investigators check for prohibiting information that already disqualifies the buyer from purchasing a gun under current law, but that may not be in the background check system. This provision will sunset after 10 years.
 - The enhanced background check will only apply to 18-, 19- and 20-year-olds purchasing long guns, like rifles, from a dealer. People under 21 are already prohibited from purchasing handguns from a dealer and a gun dealer cannot sell any gun to a person under 18.
 - This enhanced background check will pause a gun sale to someone under 21 for up to three business days. If any information is found during those three business days that requires additional investigation, the pause can be expanded up to 10 business days to determine if the buyer is prohibited from purchasing a gun.
 - This enhanced background check will not create a new database of juvenile records, add any juvenile records into the background checks system, unseal any juvenile records, or change who is prohibited from owning a gun.
 - Keeping guns out of the hands of young people who shouldn't have them is critical.
 - Since 2018, six of the nine deadliest mass shootings in the United States have been carried out by gunmen 21 years of age or younger. The shooters in Uvalde and Buffalo were both 18 years old.
 - Eighteen to 20-year-olds commit gun homicides at triple the rate of adults 21 years and older.
 - The firearm suicide rate among young people has increased 53 percent in the last decade.
 - Today guns are the leading cause of death for children and teens in the United States.
 - **Clarifying Who Must Run A Background Check.** Clarifies existing law on what it means to be "engaged in the business" of selling firearms, so that it is clearer when unlicensed people selling guns to strangers are required to obtain a Federal Firearms License and run background checks on all their sales. The bill will also provide funding to states to make more records available to the background check system.



- By clarifying this provision, unlicensed firearms sellers who sell guns for profit at gun shows and online will know that they must become a licensed dealer, conduct background checks, and keep appropriate records, and prosecutors will have the tools necessary to hold them accountable if they don't comply.
- The online market for firearms has grown rapidly in recent years. Each year, sellers without a license post an average of 1.6 million ads on Armslist offering firearms for sale. An Everytown analysis of ads on Armslist revealed that a narrow group of sellers, who should have obtained licenses but did not, are offering guns on Armslist in extremely high volumes — those offering 25 or more guns accounted for 1 in 500 sellers but offered 1 in 20 guns.
- This could have prevented the Midland-Odessa, Texas shooting, where the shooter was turned away from a gun store after failing a background check, but then bought a gun from an unlicensed seller with no background check.
- **Cracking Down on Gun Trafficking.** Establishes the first ever federal laws against interstate gun trafficking and straw purchasing to stop the flow of illegal guns into cities. According to ATF, straw purchasing is one of the three primary ways guns are diverted from legal markets, and the bill will make it illegal to buy a gun for someone a person knows or has reasonable cause to believe is prohibited from possessing them or planning to commit a crime. An analysis of ATF data shows that, from 2016 to 2020, more than 99,000 traced crime guns were purchased with the intent to traffic them.
 - This bill will give law enforcement tools to prosecute up-stream offenders before firearms are trafficked into our communities, and to crack down on the trafficking rings fueling the interstate pipelines of illegal guns.
 - Rogue gun dealers can be held accountable for selling guns to straw purchasers or gun traffickers they know or have reasonable cause to believe are prohibited, intend to commit a felony (such as straw purchasing), or intend to dispose of the firearm to a prohibited person or person intending to commit a felony.
 - The US Sentencing Commission is directed to develop appropriate sentencing guidelines that take into account the defendant's role, culpability, any coercion or domestic violence survivor history, and other mitigating factors.
 - Current law does not actually make it illegal to organize a straw purchasing ring or be the ultimate recipient of trafficked firearms, and prosecutors who want to fight gun trafficking must build cases by cobbling together paperwork violations and charges for lesser offenses that lack the leverage necessary to reach the organizers of trafficking schemes.
- **Funding Community Violence Intervention.** The bill includes \$250 million in dedicated funding for evidence-informed, community-based violence intervention programs that have been proven to reduce gun violence in the most affected communities using a public health approach. The grant program will be run through by the Department of Justice, and build off the new \$50 million grant program that is funding community violence intervention programs and was funded in the fiscal year 2022 omnibus appropriation package.
 - Gun violence is a public health crisis that disproportionately impacts Black and brown communities, reflecting our nation's persistent racial inequities and low financial investment in communities of color. This funding will support organizations providing



culturally competent, trauma-responsive services to those individuals and communities most impacted by gun violence.

- **Investing in Mental Health Services and Access.** Provides critical resources to expand community mental health services for children and families, fund school-based mental health and supportive services, invest in telehealth mental health services to expand access, and invest in community crisis intervention programs.
 - The funding in this bill will also support a variety of mental health, trauma intervention, and suicide prevention programs, including significant additional funding for the National Suicide Prevention Lifeline.
 - Six out of every 10 gun deaths in the U.S. are gun suicides, and communities that experience frequent gun violence also experience community trauma and severe mental health impacts. Resources that increase access to mental health services will save lives.
- **Funding School Safety Resources.** Funds school violence prevention efforts, training, and the implementation of safety measures at primary and secondary schools.
 - The bill will provide \$300 million in funding for grant programs run pursuant to the bipartisan STOP School Violence Act, providing additional funding for schools to implement evidence-based school safety programs, including programmatic interventions such as tip lines and threat assessment, and targeted school security improvements.
 - The first half of the 2021-2022 school year saw the most instances of gunfire on school grounds and most people shot in that time period since Everytown started tracking gunfire on school grounds in 2013.

Everytown for Gun Safety supports the Bipartisan Safer Communities Act, and urges the Senate to pass it immediately. If passed, this will be the first major gun safety law in more than 25 years.