

The Source

Women's Policy, Inc.

CONGRESS PASSES GUN CONTROL MEASURE; INCLUDES DOMESTIC VIOLENCE OFFENDERS

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Washington, DC – On December 19, the Senate approved, by voice vote, a bill (H.R. 2640) that will expand the National Instant Criminal Background Check System (NICS). Following Senate passage of an amended version, the House approved the bill, by unanimous consent, on December 19. The president is expected to sign the bill into law. The House passed the original version of the bill on June 13 (see *The Source*, 6/15/07 below).

Sponsored by Rep. Carolyn McCarthy (D-NY), the NICS Improvement Amendments Act of 2007 will make more electronic data available to states for checking the criminal and mental health records, including misdemeanor domestic violence records, of people who want to purchase guns. The bill would authorize \$250 million for FY 2008-2010 to assist states in updating their electronic records.

During its consideration of the bill, the Senate adopted, by unanimous consent, an amendment, sponsored by Sens. Chuck Schumer (D-NY) and Patrick Leahy (D-VT), to allow veterans with certain psychological conditions, such as post-traumatic stress disorder, to purchase guns.

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HOUSE APPROVES GUN CONTROL MEASURE; INCLUDES DOMESTIC VIOLENCE OFFENDERS

June 15, 2007 (volume 11, number 53 – ISSN 1526-8713)

Washington, DC – On June 13, the House approved, by voice vote, a bill that would expand the National Instant Criminal Background Check System. Sponsored by Rep. Carolyn McCarthy (D-NY), the measure would make more electronic data available to

states for checking the criminal and mental health records, including misdemeanor domestic violence records, of people who want to purchase guns. The bill would authorize \$250 million for FY 2008-2010 to assist states in updating their electronic records.

Rep. McCarthy said, “[T]he National Instant Criminal Background Check System, or NICS, is deeply flawed. Millions of criminals’ records are not accessible by NICS, and millions of others are missing critical data, such as arrest dispositions, due to data backlogs. The primary cause of delay in NICS background checks is the lack of updates due to funding and technology issues in the states. Many states have not automated the records concerning mental illness, restraining orders, or misdemeanor convictions for domestic violence. Simply put, the NICS system must be updated on both the state and the federal level.” She continued, “According to a Third Way report, over 91 percent of those adjudicated for mental illness cannot be stopped by a background check due to flaws in the system. But this issue allows other barred individuals to purchase firearms. Twenty-five percent of felony convictions do not make it into the NICS system. That is why I introduced the NICS Improvement Act with Mr. Dingell [(D-MI)]...I think the most important thing that we must all remember, we have an opportunity to save lives. That is why I came to Congress. This has been a long, long journey for me...to make sure that more citizens are safer today than they were yesterday.”

“I rise in opposition to H.R. 2640, the National Instant Criminal Background Check System Improvements Amendments Act, and I urge caution,” said Rep. Ron Paul (R-TX). He continued, “In my opinion, H.R. 2640 is a flagrantly unconstitutional expansion of restriction on the exercise of the right to bear arms protected under the second amendment. H.R. 2640 also seriously undermines the privacy rights of all Americans, gun owners and non-gun owners alike, by creating and expanding massive federal government databases, including medical and other private records of every American. H.R. 2640 illustrates how placing restrictions on the exercise of one right, in this case, the right to bear arms, inevitably leads to expanded restriction on other rights as well. In an effort to make the Brady background check on gun purchases more efficient, H.R. 2640 pressures states and mandates federal agencies to dump massive amounts of information about the private lives of all Americans into a central federal government database. Among the information that must be submitted to the database are medical, psychological, and drug treatment records that have traditionally been considered protected from disclosure under the physician/patient relationship, as well as records related to misdemeanor domestic violence...I urge my colleagues to join me in opposing this bill.”