

The Quorum

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Federal Gun Safety Legislation – The Bipartisan Safer Communities Act

On June 25th President Biden signed into law the first major gun safety legislation passed by Congress in nearly 30 years. The signing of this legislation, called the Bipartisan Safer Communities Act, came after a horrific string of mass shooting in Buffalo New York and Uvalde Texas. The Senate passed the legislation 65 to 33 with 15 Republicans joining all 50 Democrats to overcome the 60-vote filibuster. The House voted 234-193 to pass the bill. So, what's in the bill, is it supported by research, and does it address the AAP's call for gun violence prevention?

Components of S.2938 – The Bipartisan Safer Communities Act

\$750 million to states to encourage the implementation of red flag laws: Red flag laws allow authorities to temporarily remove guns from people deemed dangerous to themselves or others by the court.¹ Red flag laws are currently in place in 19 states and the District of Columbia and are essentially petitions that law enforcement, family members, teachers, or even employers can file to a court to have an individual's gun temporarily removed. Research on red flag laws is overall promising, particularly in preventing suicides, with studies finding that for every 10 to 20 firearms removed, approximately one life can be saved through an averted suicide.^{2,3} In terms of red flag laws ability to reduce mass shootings, the research is also promising. A study from the Violence Prevention Research Program at UC Davis found that California's gun violence restraining order (GVRO) law, which went into effect on January 1, 2016, was used most often by law enforcement to prevent firearm assault and homicide.⁴ Mass shooting threats occurred in 58 out of 200, or almost 30%, of all GVROs, of which 6 of the cases involved minors, all of whom targeted schools. Thus, the overwhelming consensus around gun violence research is in support of red flag laws. The AAP has also listed red flag laws as a top gun violence prevention advocacy priority.

Increased federal funding for mental health programs: This provision has been touted heavily by Republicans who have grasped onto the narrative that mass shootings are not a result of guns but mental illness. And while increases in mental health funding is obviously welcomed, mental health advocates are concerned that this will further perpetuate the idea that people with mental health diagnoses are

dangerous and largely responsible for gun violence, which is not the case. Research shows that only 3% to 5% of violent acts are committed by individuals with a serious mental illness.⁵ So even if we cured all cases of schizophrenia, bipolar disorder, and depression, there would only be a 4% reduction in gun violence. Since mental health is not a central problem of gun violence, this provision will do little to prevent mass shootings.

Closure of the “Boyfriend Loophole”: This is a background check issue or law that would prevent individuals convicted of domestic abuse from owning a gun. Prior to S.2938, the law only applied to people who were married to, living with, or had a child with, the victim. However, this previous law didn’t protect individuals, many times women, who were victims of domestic violence but never married or had a child with their abuser. Under previous law, for example, if a woman was dating a man who was convicted of domestic abuse, but not living with and didn’t have a child with him, he could still purchase a gun and pass a background check. S.2938 closes this loophole. However, many researchers argue that this provision doesn’t go far enough as abusers who are subjected to restraining orders and perhaps not yet convicted of domestic violence can still purchase a gun. This is incredibly problematic as more than a thousand women are killed by intimate partners every year in the US, according to CDC data.⁶ Researchers view this provision as a missed opportunity to include all domestic violence convicts and individuals with restraining orders, the latter of which implies that the individual engaged in violent behavior and should not be in possession of a gun.

Tougher Background Checks on Buyers Younger than 21: This provision would give authorities up to 10 business days to review the juvenile and mental health records of gun purchasers younger than 21. This is similar to the red flag laws outlined above in that it attempts to keep guns out of the hands of potentially violent individuals, however, it differs in preventing some individuals from ever purchasing a gun. Researchers argue that this provision will be extremely hard to implement as juvenile records are typically sealed and mental health records are protected, with the exception being if an individual was committed. Overall, researchers view this provision as more of a symbolic change than one that will actually keep guns away from violent individuals.

Summary

Overall, S.2938, the Bipartisan Safer Communities Act, is a mixed bag, with some provision that will likely be effective in reducing gun violence and some that

won't. But perhaps what is most significant is what's NOT in the bill, including AAP recommended provisions such as an assault rifle ban and gun safety lock provisions, the latter of which evidence has shown are associated with a reduction in gun deaths of children.⁷ Moreover, the last assault weapons ban was signed into law by President Bill Clinton in 1994 and expired on September 3, 2004. A 2019 study found that mass shooting fatalities were 70% less likely to occur during the federal ban period.⁸

According to the Gun Violence Archive, there have been at least 281 mass shootings in the US in 2022.⁹ And as of June 8, 2022, there has been 27 school shootings. The Bipartisan Safer Communities Act is undoubtably a step in the right direction, but more must be done.

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