

The Bipartisan Safer Communities Act: Implications for State and Local Action

Jonas Oransky, Legal Director, Everytown for Gun Safety

August 9, 2022



Recent Federal Action on Gun Violence Prevention

- Reauthorization of the Violence Against Women Act, including the first gun safety provision signed into law by President Biden
- Finalization of a federal rule cracking down on ghost guns
- House passage of the Federal Extreme Risk Protection Order Act and the Protecting Our Kids Act
- First Senate confirmation of an ATF Director (Steve Dettelbach) since 2015
- **Passage of the Bipartisan Safer Communities Act, signed on June 25**



THE BIPARTISAN SAFER COMMUNITIES ACT

- Supporting state **Red Flag/extreme risk laws**
- Enhancing **background checks** for buyers under 21
- Funding **community violence intervention**
- **Disarming domestic abusers**
- Clarifying who must run a **background check**
- Cracking down on **gun trafficking**
- Providing **school safety funding**



Funding for Red Flag Implementation

- Provides \$750 million in funding (over 5 years) to states for crisis intervention programs, including the implementation of Red Flag (or “Extreme Risk”) laws
 - Red Flag states (see <http://gunlawrankings.org/> for a complete list) should apply for this funding and put it to use, with a statewide coordination effort, a public awareness campaign, and a task force to train state and local actors
 - States without Red Flag laws should take this opportunity to create these programs now
 - *Local action: Towns and cities can also use this money, including to create and train dedicated Red Flag teams*

Enhancing Background Checks for People Under 21

- Establishes an enhanced investigation process for gun buyers under 21
 - The enhanced check will pause a gun sale for up to ten business days while the background check system checks with in-state officials for additional records that disqualify a buyer from purchasing a gun
 - Note: Does not create any new crimes or firearm prohibitions for 18-20 year olds
 - States should prepare to assist with the new investigation, streamlining the process for identifying potentially prohibiting records
 - *Local action: Towns and cities should ensure local law enforcement is ready to help*

Funding Community Violence Intervention Programs

- Makes a \$250 million investment (over 5 years) in community-based violence intervention programs
 - Funds evidence-informed violence intervention programs proven to break the cycle of violence in the most affected communities using a public health approach
 - *Local action: Town and city governments, along with community orgs, will apply directly for this money, and can prepare grant applications immediately*
 - States should work to encourage grant applications, and can be a central organ for conducting research and providing technical assistance

Disarming Domestic Abusers and the Dating Partner Loophole

- Prohibits gun possession by people convicted of abusing dating partners (lasts for five years if a first-time offense and no subsequent assaults)
 - Adds current and recent dating partners to the existing federal gun laws
 - Working with the courts, states can identify which people convicted under their codes qualify under the law, provide guidance, and mark those records consistently
 - States should also pass their own prohibition and firearm surrender laws (see <http://gunlawrankings.org/> for a complete list)
 - *Local action: Officials should take this opportunity to improve illegal-gun relinquishment, with clear and thorough programs to remove guns promptly*

Clarifying Who Must Run Background Checks on Gun Sales

- 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 run background checks
 - By updating the definition, unlicensed 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 sales records

Cracking Down on Gun Trafficking

- Creates the first ever federal law against interstate gun trafficking and straw purchasing
 - Gives law enforcement the tools they need to prosecute bad actors upstream before firearms are trafficked into our communities
 - State and local actors can make themselves available to work with federal officials trying to identify and stop gun traffickers. They can also look to build new tools that map the sources of crime guns that turn up on their streets

Funding School Safety Resources

- Funds \$300 million in school violence prevention efforts for primary and secondary schools
 - States should put this money to use, including for education campaigns about secure firearm storage, threat assessment teams, and tip lines
 - *Local action: Officials can lead on secure storage education, sending information home through the schools*
- Invests \$2 billion in school improvement programs and school based mental health initiatives