



Agenda Item Summary

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Submitted By

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Reviewed By

CLP

Agenda Item Title

A Resolution in Support of Federal Legislation Requiring Universal Background Checks for All Gun Sales

Overview

Trustees Tucker and Salzman have requested this item be placed on the Village Board agenda for consideration of a resolution supporting the enactment of federal legislation which would require universal background checks for all gun sales.

Staff Recommendation

Approval.

Fiscal Impact

N/A.

Background

The United States Supreme Court ruled in *McDonald v. City of Chicago* and the Village of Oak Park, 561 U.S. 742 (2010), that the Second Amendment to the United States Constitution guarantees the right of individuals to own and possess firearms, including handguns, and such right is applicable to state and local governments as well as to the federal government. In addition, the Court held that such right is still subject to the government's responsibility to regulate the ownership, possession and use of firearms, including handguns. In the United States, an estimated 40% of all gun transfers take place with no background check of the buyer, including sales online and at gun shows.

On November 4, 2014, during the Gubernatorial General Election, an advisory referendum calling for federal legislation requiring universal background checks for all gun purchases was adopted by 92.4% of the 19,530 voters of Oak Park who voted at that election.

The National Instant Criminal Background Check System (NICS) is an effective tool to keep guns out of the hands of criminals and other dangerous individuals, and since its inception, the background check system has blocked over two million gun sales to people who were prohibited from possessing guns. Despite this success, the system is subject to legal loopholes and missing records. For example, it is estimated that state and federal agencies have failed to report hundreds of thousands of records of persons with dangerous mental illness into the NICS database, and 12 states have each submitted fewer than one hundred (100) mental health

records. Evidence shows that background checks can save lives, as evidenced by the facts that in 16 states that already require background checks for unlicensed handgun sales, gun trafficking is 48% lower than in states that fail to require background checks for all gun sales; the rate of women murdered by an intimate partner with a gun was 38% lower than in other states; and the firearm suicide rate was 49% lower than in other states.

Legislation was proposed in the United States Senate known as the “Safe Communities, Safe Schools Act of 2013” (Senate Bill 649) which would make universal background checks a precondition for the sale of all firearms, including those sold at gun shows and online. However, Senate Bill 649 did not pass because only 54 senators voted in favor of the bill and 60 votes were required to make the bill filibuster proof. As a result, universal background check legislation continues to be in congressional gridlock.

More than 50 national organizations support requiring a background check for all gun sales, including the U.S. Conference of Mayors, National Urban League, National Association for the Advancement of Colored People, National Coalition Against Domestic Violence, the International Associations of Chiefs of Police, the Major Cities Chiefs Association and the Police Executive Research Forum.

Alternatives

The Board could defer action and request additional information.

Previous Board Action

N/A.

Citizen Advisory Commission Action

N/A.

Anticipated Future Actions/Commitments

N/A.

Intergovernmental Cooperation Opportunities

N/A.

Performance Management (MAP) Alignment

N/A.