

The Maggie Toulouse Oliver

# GUN SAFETY PLAN

■ Taking on the NRA. Protecting American families. ■

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## Gun Safety Plan

I'm a mom and like other moms, I worry about my kids. The epidemic of gun violence in our country only makes me worry more. Whether it's when I drop my 9-year-old off at school or when my 22-year-old is out with his friends, the threat of someone using a gun to hurt them is always in the back of my mind. Yes, I support the right to bear arms for hunting, recreation and self-defense. I support all of the amendments to the Constitution and that includes the Second Amendment. At the same time, our nation has been besieged by a crisis of gun violence in recent years. This epidemic has claimed the lives of too many innocent Americans--far too many of them children-- and it is well beyond time for Congress to act to protect Americans from the scourge of gun violence. In the U.S. Senate, I will fight for common-sense gun-safety legislation as if my own children's lives depended on it--because they do.

### Federal Ban of Assault Weapons and Accessories

In 1994, after two back-to-back mass shootings left 13 dead and 25 more wounded, our country took action and placed a federal ban on assault weapons.<sup>1</sup> After the ban was passed, the number of people who died in mass shooting incidents fell dramatically.<sup>2</sup> Sadly, the ban expired in 2004, and the number of mass shooting deaths rose 239% in the 10 years that followed.<sup>3</sup> It is unforgivable that our leaders in Washington did not and do not have the courage to renew this ban--and to make it permanent.

During just one 24-hour period, more than 30 people were murdered in the shootings in El Paso and Dayton, Ohio, and more than 50 were injured.<sup>4</sup> So far in 2019, we have had more mass shootings than days in the year.<sup>5</sup> We must implement a comprehensive ban on military-grade assault weapons and gear in order to stop this epidemic. To that end, **I propose a complete ban on the sale of assault rifles such as the AR-15.**

It is also critical that we **expand and clarify the definition of an assault rifle.** Currently, under federal law, the AR-15-style weapon the Dayton shooter used is not technically classified as an assault rifle.<sup>6</sup> Instead, it's considered a pistol. In order for an assault weapon ban to be effective, clarification and expansion of the definition of assault weapons is vital.

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<sup>1</sup> ["The Real Reason Congress Banned Assault Weapons in 1994 – and Why it Worked," Christopher Ingraham, 2/22/2018](#)

<sup>2</sup> ["It's Time to Bring Back the Assault Weapons Ban, Gun Violence Experts Say," Christopher Ingraham, Washington Post, 2/15/2018](#)

<sup>3</sup> ["The Real Reason Congress Banned Assault Weapons in 1994 – and Why it Worked," Christopher Ingraham, 2/22/2018](#)

<sup>4</sup> ["El Paso, Dayton make 251 mass shootings in the US in 216 days, more shootings than days in the year](#)

<sup>5</sup> ["El Paso, Dayton make 251 mass shootings in the US in 216 days, more shootings than days in the year](#)

<sup>6</sup> ["The Pistol That Looks Like a Rifle: The Dayton Shooter's Gun," Bill Chappell, NPR, 8/8/2019](#)

Furthermore, we need to **outlaw the possession of attachments that help turn rifles into weapons of mass destruction**, including high-capacity magazines, like those used by the shooter in Dayton.<sup>7</sup> In only 32 seconds, the shooter managed to fire 41 rounds. While I support the right to bear arms for hunters and in self-defense, there is no practical reason magazines of that size need to be commercially available.

We also need to **strengthen existing regulations for deadly attachments to firearms, such as silencers**. Silencers reduce the accountability of gunshot detection systems, increase the risk of ambushes, and assist criminals in evading law enforcement.<sup>8</sup> In addition, Congress needs to take action to **solidify our ban on bump stocks**. Although there is currently a federal ban on bump stocks,<sup>9</sup> we cannot rely on executive orders that can be modified or undone at any point in the future. As Senator, I will push for comprehensive legislation to ensure that our kids and our communities are safe for years to come.

We also need to consider **a ban on dangerous types of ammunition** that put the lives of our public defenders at risk, such as “Green Tip” ammo. In 2015, the Bureau of Alcohol, Tobacco, Firearms and Explosives moved to ban M855 ammunition, which has the power to pierce through the bulletproof vests worn by police officers.<sup>10</sup> Currently, these deadly bullets may only be sold through a loophole in the 1986 Firearm Protections Act, which allows for the sale of armor piercing rounds if they are used primarily for sporting purposes, and only in rifles. I support hunting, but it is wrong to value our right to hunt with armor piercing bullets over the lives of Americans. Keeping citizens safe is always the number one priority and a comprehensive ban of assault grade weapons is crucial to maintaining that security.

### **Universal Background checks, including mental health and internet history**

Currently, the FBI background check system used in the sale and purchase of firearms does not have access to millions of individuals’ records,<sup>11</sup> including mental health diagnoses and criminal records. These incomplete databases allowed mass shooters like the Charleston and Texas church shooters to purchase the weapons they used despite previous criminal records. In order to stop gun violence, the first change we need to make is **upgrading the infrastructure we use to conduct background checks**. In 2019, there is no reason the FBI should not have access to digital databases allowing them to perform the checks immediately. We also need to **extend the amount of time federal agents are given to complete a background check**. Currently, if a background check does not return results within three days, the sale can move forward without

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<sup>7</sup> [“Dayton Shooter’s friend allegedly bought the gunman body armor, 100 round magazine,” CBS News, 8/12/2019](#)

<sup>8</sup> <https://lawcenter.giffords.org/gun-laws/policy-areas/hardware-ammunition/silencers/>

<sup>9</sup> [“Trump Administration moves to ban bump stocks,” Michael BAlasmo, The Associated Press, 12/18/2018](#)

<sup>10</sup> <https://www.atf.gov/file/11266/download>

<sup>11</sup> [“FBI Database for gun buyers missing millions of records,” Devlin Barret, Washington Post, 11/10/2017](#)

the results. In 2013, a poll found 76 percent of Americans and 67 percent of gun owners approved of extending the time needed for a background check from three days to five days if needed.<sup>12</sup>

Furthermore, we need to **close the so-called gun show loophole** and require background checks for **all** gun sales. In order to avoid burdening private sellers, we need to create an online portal that allows them to easily conduct background checks on any potential purchaser.

Background checks should not only include official records, but also a prospective gun owner's online history. Prior to the El Paso shooting, the shooter wrote a lengthy manifesto expressing his hatred of immigrants. Similar manifestos were written and published on the internet by other mass shooters, including the Charleston church shooter. These murderers' hatred didn't start the day they wrote their manifestos. Prior to his attack, the Charleston shooter was "self-radicalized" online for years by white supremacist websites.<sup>13</sup>

**Background checks should not only assess the person who wants to own a gun, but they should also include individuals who would be able to easily access the firearm.** When Adam Lanza took the lives of 26 people at Sandy Hook Elementary, he did so with a weapon legally purchased by his mother. Lanza had been diagnosed with mental health disorders and was not receiving treatment, but still had access to the family guns. Background checks should be extended to close relatives and other members of the household.<sup>14</sup>

Expanding background checks ensures that guns do not fall into the wrong hands. It is a common sense and popular step that would save countless lives.

### **Regulate ghost gun market**

Under federal law, the lower receiver is the only part of a gun legally labeled as a firearm.<sup>15</sup> Everything else can be purchased legally without a serial number and without a background check being performed. Even worse, partial receiver blanks that are up to 80 percent complete are not classified as firearms, meaning they are not regulated under the Gun Control Act.<sup>16</sup> This creates the so-called Ghost Gun Market of guns that have no serial number and are untraceable.

Using basic tools and any one of countless online tutorials, anyone can turn an 80-percent-complete receiver into what the ATF considers a firearm. Once that is complete, anyone can

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<sup>12</sup> ["After Newtown — Public Opinion on Gun Policy and Mental Illness," Colleen L. Barry, NEJM Group, 3/21/2013](#)

<sup>13</sup> ["Prosecutors say Dylann Roof 'self-radicalized' online, wrote another manifesto in jail," Mark Berman, The Washington Post, 8/22/2016](#)

<sup>14</sup> ["Adam Lanza's Mental Problems 'Completely Untreated' Before Newtown Shootings, Report Says," Allison Leighman, The New York Times, 11/21/2014](#)

<sup>15</sup> <https://www.atf.gov/firearms/qa/are-%E2%80%9C80%E2%80%9D-or-%E2%80%9Cunfinished%E2%80%9D-receivers-illegal>

<sup>16</sup> <https://www.atf.gov/firearms/qa/are-%E2%80%9C80%E2%80%9D-or-%E2%80%9Cunfinished%E2%80%9D-receivers-illegal>

legally get all the parts to build a fully-functioning, untraceable AR-15 for \$1,200 online.<sup>17</sup> These guns can be made almost entirely with 3D printers and plastic, meaning they could remain undetectable through traditional security systems.<sup>18</sup>

With self-assembled guns being used in shootings nationwide,<sup>19</sup> **we need to crack down on the purchase of untraceable gun parts.** Every gun part sold, from the stock to the barrel, should include a serial number. We should also **regulate the sale of partial receivers** by increasing the standards of what is considered a receiver. Furthermore, we should **crack down on individuals who create tutorials on how to transform partial receivers into fully functioning ones.** If we want to keep guns out of the hands of violent criminals, we cannot overlook how easy it is for them to make a gun in their own home.

### **Enact Red Flag Laws**

Not all violent behavior can be detected before someone purchases a weapon. In order to keep weapons out of the hands of people who might harm themselves or others, our country needs to **pass federal legislation allowing law enforcement officers and family members to petition the courts to take away the firearms of potentially dangerous people before they can hurt someone.** These laws, known as “Red Flag” laws, are supported by the majority of Americans, including the majority of Republicans and gun owners.<sup>20</sup> Days after El Paso, a Texas grandmother prevented another tragedy by reporting her grandson, who had been plotting a mass shooting.<sup>21</sup> The man lived with his aunt and uncle and they did not trust him to be alone in their house because of his weapons. I admire the courage of that family for reporting their relative, but they should not have had to wait until the day he was planning a shooting. As Senator, I will work to pass federal Red Flag legislation so that the people closest to dangerous individuals have a chance to prevent tragedy before it strikes. This policy would empower caring family members to be the front-line defense against gun violence.

### **Raise the minimum age to purchase a rifle to 21**

After the Parkland shooting, both Walmart and Dick’s Sporting Goods raised their minimum age requirement to purchase all firearms and ammunition to 21.<sup>22</sup> The ability for companies to enact policies to keep our citizens safe is valuable, but we should not leave that responsibility to companies only. Currently, federal law allows any individual over the age of 18 to purchase a firearm. We should **pass federal legislation to raise the minimum age to purchase all firearms to 21.** According to a 2018 poll by the Economist/YouGov, the majority of Americans, even the

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<sup>17</sup> [“Ghost Guns: How Criminals Circumvent Firearm Laws,” Chris Ramirez, KOB 4, 7/20/2018](#)

<sup>18</sup> [“Ghost Guns,” Giffords Law Center](#)

<sup>19</sup> [“Ghost Guns: How Criminals Circumvent Firearm Laws,” Chris Ramirez, KOB 4, 7/20/2018](#)

<sup>20</sup> [“Poll: Americans, Including Republicans and Gun Owners, Broadly support Red Flag Laws,” Leigh Paterson, NPR, 8/20/2019](#)

<sup>21</sup> [“‘Tragedy Averted’: Texas Grandma Praised For Stopping Alleged Planned Mass Shooting,” Merrit Kennedy, 8/5/2019](#)

<sup>22</sup> [“Walmart will raise age for purchase of guns and ammunition to 21,” Eli Rosenberg, 2/28/2018](#)

majority of Republicans, support raising the minimum age to purchase a firearm or ammunition to 21.<sup>23</sup>

Currently, young adults commit a disproportionate amount of violent offenses. Young adults (18-24) have the highest rates of homicide in the nation.<sup>24</sup> Between 1980-2008, the age group was responsible for 37.5 percent of homicides despite representing only 10.6 percent of the population.<sup>25</sup> Prior to 24 years old, the areas of the brain that regulate risk-taking behavior, emotions, decision-making and self-control have not fully developed.<sup>26</sup> We need to enact a federal minimum age requirement for purchasing a firearm that is in line with our brain's natural development. Age requirements is one of the ways we keep our kids safe from smoking and consuming alcohol. It only makes sense that we keep guns out of kids' hands.

### **Restore gun research and tax guns to fund it**

Since 1996, the Centers for Disease Control and Prevention has been prohibited from using federally funded studies to advocate for gun control.<sup>27</sup> We shouldn't be hiding the results of our federal research into gun control; instead, we need to trust that our agencies are able to provide unbiased reports and help keep our society safe. That's why **I support repealing the Dickey Amendment and allowing the CDC to properly research the effects of gun violence.** Understanding why gun violence happens is crucial to stopping gun violence.

Federal research into the gun crisis is one of my top priorities. However, we need to make sure this research doesn't hinder the operation of the CDC. In order to fund the research, **I support increasing the tax on firearm purchases to 20 percent and the tax on ammunition to 50 percent.** We already use taxes on gasoline and airlines go toward making our highways and airways safer.<sup>28</sup> It only makes sense to do the same for the firearm industry. Further, we could **use revenues raised through this program to fund school-safety grants.**

### **Fund smart guns**

With hundreds of thousands of firearms stolen every year from law abiding gun owners,<sup>29</sup> we need to **invest in smart gun technology** to prevent those firearms from endangering the lives of our citizens. "Smart guns" are firearms that use biometric scanning or RFID technology to make sure they can only be fired by the rightful owner. Although there are currently no smart guns

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<sup>23</sup> [https://d25d2506sfb94s.cloudfront.net/cumulus\\_uploads/document/fw0vdfqfpc/econTabReport.pdf](https://d25d2506sfb94s.cloudfront.net/cumulus_uploads/document/fw0vdfqfpc/econTabReport.pdf)

<sup>24</sup> [Understanding Aggressive Behavior Across the Life Span, Jianghong Liu, Gary Lewis, and Lois Evans, NIH, 4/4/2012](#)

<sup>25</sup> ["Homicide Trends in the United States, 1980-2008, Alexia Cooper and Erica Smith, U.S. Department of Justice, 11/11/2011](#)

<sup>26</sup> ["Maturation of the adolescent brain," Mariam Arain Et Al, NIH, 4/3/2013](#)

<sup>27</sup> ["Congress hasn't banned research on gun violence. It just won't fund it," Victor Dazuz, Washington Post, 3/21/2018](#)

<sup>28</sup> ["What are the major federal tax exices, and what do they raise?" Tax Policy Institute](#)

<sup>29</sup> ["Up to 600,000 guns are stolen every year in the US – that's one every minuet," Breian Freskos, The guardian, 9/21/2016](#)

available on the market, they have been an achievable goal for decades. In fact, in 1996 Smith and Wesson made a deal with the U.S. government to use 2 percent of the company's revenue for smart gun research. Sadly, the partnership ended because of attacks by the National Rifle Association.<sup>30</sup> Today, there is a market for smart guns. A 2016 Johns Hopkins survey found that nearly 60 percent of Americans said they would consider purchasing a smart gun if they were to buy a new handgun.<sup>31</sup>

As Senator, **I will support using federal funding to promote smart gun research.** Smart gun research cannot just exist at the government level; we need to work with private industry to make sure the technology is properly implemented. That's why **I support extending the research and development tax credit program to private gun manufacturers** that enact their own smart gun research programs.<sup>32</sup> Firearm technology hasn't advanced significantly since World War II.<sup>33</sup> If we treated other industries the same way we treat the gun industry, we would still be driving around without seatbelts.

### **Require liability insurance for gun owners**

After the tragic shooting in El Paso, more than \$1.6 million was raised for victims.<sup>34</sup> The ability for our country to rally together in the face of great tragedy is wonderful, but sadly many of the tens of thousands of victims of gun violence nationwide are left covering their own medical costs.<sup>35</sup> **Requiring gun liability insurance for gun owners nationwide will help victims of gun violence get the coverage they need.** New Mexico already requires insurance for automobiles because of the dangers they can cause, it only makes sense to extend the requirement to firearms.<sup>36</sup>

In order to keep the cost of insurance affordable for responsible gun owners, the insurance plans will reward gun owners who engage in proper gun safety. Lower rates would be provided to individuals who take measures to make sure their firearms are safe and secure, such as purchasing a gun safe or taking gun safety lessons. Just like car insurance, individuals from higher risk pools, such as young people, would be required to pay higher rates. I support the rights of responsible gun owners, but we cannot deny the dangers of firearms. Liability insurance for firearms will help offset the cost.

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<sup>30</sup> ["The Smart Gun Doesn't Exist for the Dumbest Reasons," Polly Mosendz Austin Carr, and Neil Weinberg, 4/15/2019](#)

<sup>31</sup> ["Survey: Most Americans Support Smart Guns," Johns Hopkins University, 1/21/2016](#)

<sup>32</sup> ["The R&D Tax Aspects of Smart Gun Technology," Charles R Goulding, Tricia Genova, and Michael wilshere, R&D Tax Savers](#)

<sup>33</sup> ["Google Glass+Guns=Disaster," Janelle Dumalaon, The Daily Beast, 7/12/2017](#)

<sup>34</sup> ["More than \\$1.6 million raised for El Paso Community Foundation's Victims Relief Fund," Maria Cortes Gonzalez, 8/8/2019](#)

<sup>35</sup> "States Set Aside Millions of Dollars for Crime Victims, But Some Gun Violence Survivors don't get the funds they Desperately Need.," Elizabeth Van Broclin, The Trace, [4/18/2018](#)

<sup>36</sup> <http://www.mvd.newmexico.gov/vehicle-insurance.aspx>