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Senate Bill 35 – Waiting Period for Handgun Purchases Committee on Judiciary and Public Safety March 11th, 2015

Thank you to the committee for holding a public hearing on Senate Bill 35 today. This legislation will bring Wisconsin into line with the 42 other states that do not have a 48-hour waiting period on handgun purchases. Throughout the drafting process we have worked diligently to strike the balance of continuing needed safeguards while also recognizing technological advancements that have been made in the background check system.

Under SB 35, a dealer will be allowed to deliver a handgun to the purchaser as soon as they have received confirmation from the Department of Justice, which operates the Handgun Hotline. When the 48 hour rule was enacted in 1976, Wisconsin did not have an instant background check system. However, today the vast majority of approvals are done within an hour. In rare instances where there is a question about the purchase or individual, a “delay” may be issued and SB 35 allows for up to three additional days to complete the background check in those cases.

The Assembly hearing on this bill was held two weeks ago. After that meeting, I was contacted by a female constituent from Antigo. She wrote me a letter in support of the legislation, and I promised to share her words here with the committee. You will find the letter attached to my testimony, and here is just a brief portion:

“I am a women’s health Nurse Practitioner, and I regularly encounter women in my practice who either have been or are currently in a violent relationship. Allowing a woman, or anyone for that matter, the ability to purchase a gun when they need it can help save lives. Women are more often targeted by criminals, and a gun can help level the playing field against a larger and stronger assailant.”

Today, women are the single fastest growing demographic group of new shooters and are enrolling in conceal carry training at record numbers. Our bill recognizes this trend by allowing women another avenue towards self-protection and ability to possess their legal firearm without the unnecessary time-tax and window of vulnerability.

Thank you and I am happy to answer any questions you may have.

March 3, 2015

Mary Czaja
Wisconsin State Representative
35th Assembly District

Dear Rep. Czaja,

Thank you again for your efforts at eliminating the 48-hour waiting period for handgun purchases in our great State of Wisconsin. I am writing this letter to support *Assembly Bill 49*. The advancing technology for background checks can have a potential gun purchaser cleared within an hour in most cases. While not foolproof, we need to put faith in the National Instant Criminal Background Check System (NICS), and to make the effort to maintain our freedoms and rights as Americans.

I am a Women's Health Nurse Practitioner, and I regularly encounter women in my practice who either have been, or are currently, in a violent relationship. Allowing a woman, or anyone for that matter, the ability to purchase a gun when they need it can help save lives. Women are more often targeted by criminals, and a gun can help level the playing field against a larger and stronger assailant. Also, I think we all realize that a restraining order is not worth the paper upon which it was written, and expecting that piece of paper to keep a woman safe is putting her at the mercy of the merciless.

We hear so much in the media about gun violence and the taking of lives with a gun, but unfortunately, we don't hear many of the stories about people who have used guns in justifiable defense. The website [www.thewellarmedwoman.com](http://thewellarmedwoman.com), owned by Carrie Lightfoot, is an excellent, quality resource for information about firearms for women. Here is a link to many stories of women who have used guns for a situation of personal defense: <http://thewellarmedwoman.com/women-and-guns/survival-stories>.

Many more stories about defensive use of firearms exist, of course. Unfortunately, not all of the victims had a gun when they needed it. Please also listen to a recording of Ruth, an elderly woman who was killed while she was on the phone with the 911 dispatcher: <https://www.youtube.com/watch?v=-48kiEluxE4> (Martin, 2014).

Criminologist Professor Gary Kleck from Florida State University states that guns are used over 2.5 million times a year in personal defense (Worley, Winter 2009). Other statistics dispute this number, but even half of that number is huge. Having a gun for protection in a violent situation will not guarantee a good outcome for the victim—one can do everything right, and bad things can still happen. Unfortunately, we will never know exactly how many lives were saved as a result of having a firearm at the time of an attack. However, we certainly hear about all the gun deaths caused by criminals and some mentally ill individuals! The thought that criminals and a handful of mentally ill individuals can force a change in our Constitution that takes away the rights from millions of law-abiding citizens in this country should frighten all of us.

Freedom is not free. Ask the men and women throughout our history who have fought and died for our country and our freedoms. We need to keep every right and freedom intact that we can, even if we do not necessarily agree with them, because at least with them, we have a choice. Without them, we do not.

Thanks again for your work!

Sincerely,

Virginia Smith, MSN, WHNP-BC
Antigo, WI 54409

References

- Martin, T. (2014, June 14). *Call Ruth 911*. [Video file]. Retrieved March 3, 2015 from <http://www.youtube.com/watch?v=-48kiEluxE4>
- Women's survival stories*. (n.d.). Retrieved March 3, 2015 from <http://thewellarmedwoman.com/women-and-guns/survival-stories>
- Worley, J. (Winter 2009). In defense of self- defense. *Florida State University Research in Review*. Retrieved March 3, 2015 from http://www.rinr.fsu.edu/issues/2009winter/cover01_c.asp

WISCONSIN FORCE

Wisconsin Firearm Owners, Ranges,
Clubs and Educators, Inc.

Phone 888-337-3534
www.wisconsinforce.org

March 11, 2015

Committee on Criminal Justice and Public Safety

Mr. Chairman and Members of the Committee,

Re: Waiting Period for Handgun Purchases SB-35/AB-49

Allowing consumers to take their purchases home after a licensed firearm dealer receives notice from the Department of Justice that the background check indicates the purchaser is not prohibited from possessing a firearm is only common sense. This is the current process for both rifles and shotguns. The logic of customers trading in a used handgun having to wait two days to take their handgun home never made sense. With new technology there is no question the waiting period should be eliminated.

The 48-Hour Rule for handgun purchases was first enacted in Wisconsin in 1976. Due to the advent of instant background checks, such as the National Instant Criminal Background Check System (NICS), the 48 hour waiting period has become an unnecessary burden for both the consumer and the dealer.

The most important consumer is the victim of domestic violence that is pushed into defending themselves, waiting until the situation reaches a point that they feel they must. These situations many times include defending the lives of their children. Waiting 48 hours can mean life or death. Those intent on doing evil always find a way. Abusers tend to be bigger and stronger than their victims who should be allowed to level the playing field.

In doing a random search, we contacted the small businesses listed below from across the state, and we received overwhelming support of this legislation. They all agreed that this legislation would be a huge benefit to both themselves and their customers. We believe this is the overwhelming consensus of gun shops in Wisconsin.

Advanced Combat Supplies, Beaver Dam
Armed Conflict Solutions LLC, Beaver Dam
Central Wisconsin Firearms, Wausau
Cimino's Gun and Archery, Merrill
Deerfield Pistol and Archery Center, Deerfield
Fox Valley Firearms, Appleton
Gunslingers LLC, Menasha
Holub Machine & Repair LLC, Black Creek

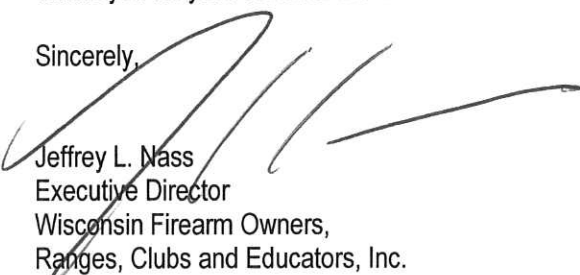
Jims Gun Shop, Eagle River
Keith's Gun Repair, Fond du Lac
Lauer Custom Weaponry, Chippewa Falls
Nelson Sporting Goods, Tomah
Nemesis Specialties, Janesville
River Valley Specialized Machining LLC, Stevens Point
The Rifle Shop, Frederic

Wisconsin FORCE (Firearm Owners, Ranges, Clubs, and Educators Inc.) enthusiastically supports AB-49. It is time to reduce the burdens placed on domestic violence victims, small business, and law-abiding Wisconsinites.

Wisconsin Firearm Owners, Ranges, Clubs, and Educators Inc. believes that passing this legislation would greatly serve the citizens of Wisconsin and gun shops across the state. We encourage you to pass this bill.

Thank you for your consideration.

Sincerely,



Jeffrey L. Nass
Executive Director
Wisconsin Firearm Owners,
Ranges, Clubs and Educators, Inc.

WHY AMERICA NEEDS BACKGROUND CHECKS ON ALL GUN SALES

WHY IT MATTERS:

Performing a background check with every gun sale is the easiest and most effective way to prevent dangerous weapons from falling into the hands of criminals, violent abusers, and the dangerously mentally ill. Right now, federal law doesn't require a background check on private gun sales, which account for approximately 40% of all gun sales in America.

For example, Radcliffe Haughton walked into a salon in Wisconsin in October, killing his estranged wife and two others, and injuring 4 other innocent women.

Haughton was known for his abusive behavior. His wife, Zina, had filed a restraining order against him after he had vowed to burn her and her two daughters with gas, because he believed Zina was cheating on him.

Because of the restraining order, Haughton was prohibited from owning a gun and would not have passed a background check. Nevertheless, he purchased a semi-automatic weapon from a private seller, who was not required to perform a background check. Two days later, Haughton was able to walk into the salon with a dangerous, semiautomatic handgun and kill his wife and injure so many others.

If a background check were required for every gun sale, it would have been much more difficult for Haughton to legally purchase a gun – and may have saved the lives of his wife and her coworkers.

THE DETAILS:

- 40% of all guns in the US are sold through private sellers - at gun shows and increasingly over the internet - and require no criminal background check. That would be like 4 out of every 10 people being allowed to bypass security at the airport.
- 30% of guns involved in trafficking are connected to gun shows, where background checks aren't required.
- Most of America agrees that background checks are important to keeping guns out of the wrong hands. Even 74% of NRA members and 87% of non-NRA gun owners support requiring criminal background checks of anyone purchasing a gun.



Fact:

The federal background check requirement doesn't apply to private sellers at gun shows, at flea markets, or if they sell firearms in-state over the Internet.

PERFORMING BACKGROUND CHECKS ON ALL GUN SALES IS THE EASIEST WAY TO KEEP GUNS OUT OF THE HANDS OF CRIMINALS, VIOLENT ABUSERS, AND THE DANGEROUSLY MENTALLY ILL, WITHOUT PREVENTING A LAW ABIDING CITIZEN FROM OWNING A GUN FOR SELF DEFENSE OR SPORT.

FOR MORE INFORMATION, VISIT OUR WEBSITE SMARTGUNLAWS.ORG
OR CALL OUR OFFICE AT 415.433.2062

Owning the only shooting range in my area; the 48 hour wait gives me a competitive advantage. My customers can buy a handgun, pass the background check and shoot it the same day. That said, I support the removal of the 48 hour wait. You will hear people stating that the wait saves lives. They will say the wait prevents crimes of passion and suicide. One of the problems with that argument is no solid evidence of these claims exists. When researching this topic I turned to the fact sheets of "The Law Center to Prevent Gun Violence," one of the largest anti-gun legal organizations in the country. The fact sheets provided by them include statistics on the effectiveness of a gun, but not the effectiveness of the waiting period in preventing suicide and murder. If the so called "cooling off period" had any effect, it should be measurable. Another problem with this argument is that it presumes a person is guilty with no evidence of intention or action to do harm.

In this discussion we must not forget the two other provisions this act fixes. The first is the requirement that firearms dealers and manufactures be licenced by the US Treasury. The BATF that issues these licences is no longer a part of the US Treasury. The current law is therefore outdated and can not be followed.

The second provision is the mandate that the WI DOJ provide background approval or denials within 3 days. For example, if a person can not get an instant result from the background check the DOJ has three days to complete the check. Currently the amount of time taken is left up to the men and women of the WI DOJ handgun hotline.

I would like to add; I do not believe this reform is enough. WI now has a concealed carry permit. With this permit we trust residents to carry a firearm in public, but we do not trust them to purchase a firearm. 21 other states allow permit holders to bypass the background check and waiting period completely. So we need to ask ourselves ... since we trust CCW holders to carry a gun, why do we need to do another background check in order for the same person to buy a gun? Is this really a safety issue, or is the WI government just collecting another \$10 background check tax?

STATES WITH WAIT: 11 (WI is the shortest)

All Guns : 5

California (10 days)

District of Columbia (10 days)

Hawaii (14 days)

Illinois (24 hours) (long guns); 72 hours (handguns)

Rhode Island (7 days)

HG & AR: 1

Minnesota (7 days)

HG: 5

Florida (3 days)

Iowa (3 days)

Maryland (7 days)

New Jersey (7 days)

Wisconsin (48 hours)

NO BG CHECK WITH PERMIT: 21

Alaska (concealed weapons permits)

Arizona (concealed weapons permits)

Arkansas (concealed weapons permits)

Georgia (concealed weapons permits)

Hawaii (permits to acquire and licenses to carry)

Idaho (concealed weapons permits)

Iowa (permits to acquire a handgun and concealed weapons permits)

Kansas (concealed weapons permits issued on or after 7/1/10)

Kentucky (concealed weapons permits)

Michigan (licenses to purchase a pistol and concealed pistol licenses)

Mississippi (concealed weapons permits, but not security guard permits)

Montana (concealed weapons permits)

Nebraska (handgun purchase certificates and concealed handgun permits)

Nevada (concealed weapons permits issued on or after 7/1/11)

North Carolina (permits to purchase a handgun and concealed handgun permits)

North Dakota (concealed weapons permits)

South Carolina (concealed weapons permits)

Texas (concealed weapons permits)

Utah (concealed weapons permits)

Washington (concealed weapons permits issued on or after 7/22/11)

Wyoming (concealed weapons permits)

testimony



To: Members of the Criminal Justice Committee
Date: March 11, 2015
From: Tony Gibart, Public Policy Director
Re: Opposition to SB 35

Wisconsin Coalition Against Domestic Violence
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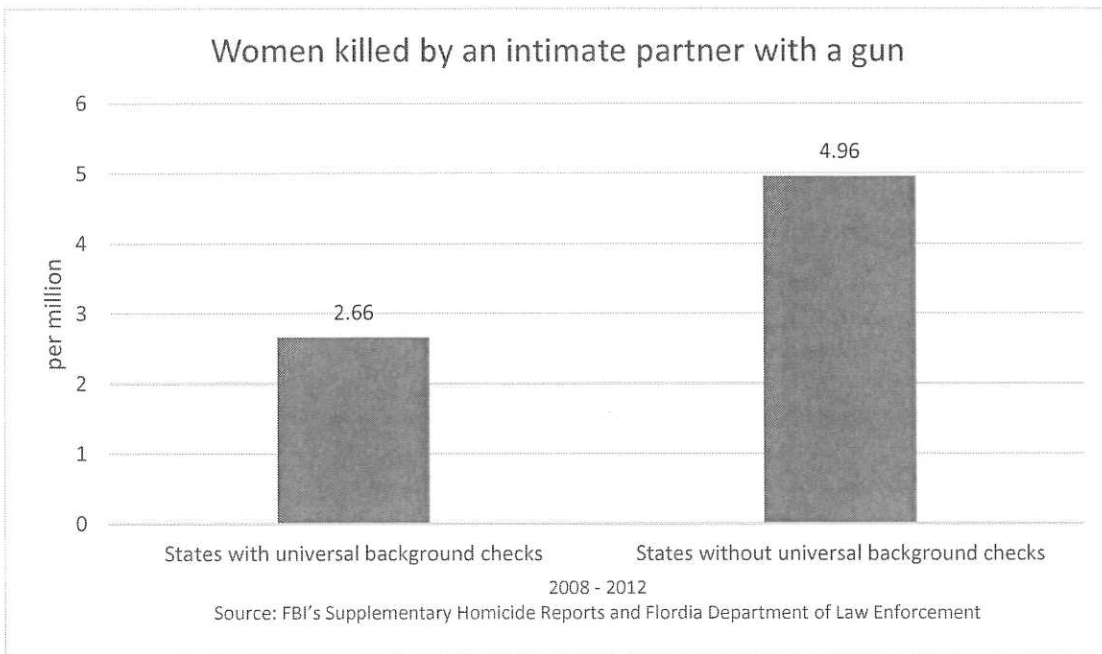
Chairperson Wanggaard and Members of the Committee, thank you for the opportunity to provide testimony in opposition to Senate Bill 35. My name is Tony Gibart, and I represent End Domestic Abuse Wisconsin. End Abuse is the statewide membership organization that is the voice for survivors of domestic violence and local domestic violence victim service providers. Advocates for victims of domestic violence work tirelessly to prevent homicides and to keep victims safe. While certainly not the intent, eliminating the 48-hour waiting period on handgun sales, as called for under this legislation, would put victims and their families at needless risk.

It seems that gun safety opponents and proponents talk past each other. As an organization that has a history of productively working with both sides of this issue, I hope we can help bring clarity to the debate. There have been a few claims made in support of this legislation that I would like to specifically address.

First, supporters of this legislation claim individuals intent on doing harm will use methods other than a gun, so a waiting period on gun sales doesn't really matter. The facts are that family and intimate assaults with firearms are **12 times** more likely to result in death than non-firearm assaults and an abused woman living in a home with a gun is **5 times** more likely to be killed than an abused woman who does not have a gun in her home. Of course the fact guns are more deadly than other weapons is common sense. If you had the opportunity to choose whether an attacker against you or a family member had a gun or some other weapon, we would all choose some other weapon because we all know guns are more deadly.

Second, supporters say the background check system is quick and efficient so a waiting period is not necessary. Separation is the most dangerous time for victims. Advocates work with victims to take extraordinary precautions during these relatively short and discrete periods of intense risk. Limiting access to handguns for a short period of time can make a difference as it gives victims time to go to a shelter or take other steps, and it provides time for would-be murders to consider different courses.

Moreover, the fact that background checks are quick and efficient is another reason we should close the private sale loophole. As the chart below shows, this would save the lives of many domestic violence victims in Wisconsin. States that have background checks on private sales have a gun-related domestic violence homicide rate for women that is 46% lower than states like Wisconsin that do not require the simple and efficient check. Those of us who have asked for the passage of background checks on gun sales are told that requiring this check is too time consuming and burdensome. Yet with this bill, the speed and efficiency of background checks are being put forth as a justification to roll back a current protection.



Therefore, if this bill is going to move forward, we urge the committee to amend it to also include background checks on private gun sales. In Wisconsin, we are familiar with a horrific domestic violence homicide that killed three women at the Azana Spa in Brookfield. The brother of one the victims, who is a lifelong NRA member, firmly believes his sister would be alive if background checks were in place. The common rebuttal that criminals will always find a way to get guns doesn't hold water in domestic abuse cases. Domestic abusers, like the shooter at the Azana Spa, typically aren't individuals who are otherwise connected to criminal activity. They don't have connections to gangs and organized crime. To get a gun, they go to a firearms dealer or they write things on armslist.com, such as the Azana shooter wrote:

"Looking for a handgun that is \$300 or best offer. Looking to buy ASAP. Prefer full size. Prefer 45 or 40 caliber. I constantly check emails. Also I'm hoping to has a high mag capacity. I'm a serious buyer so please email me ASAP. Have cash now and looking to buy now."

This bill creates another avenue for domestic abusers to acquire guns to terrorize and in some instances kill their victims. We urge this committee to either reject the bill or be consistent and include background checks on all private sales of firearms. Thank you again for the opportunity to submit testimony.