

HJR

4

<TARGET><BILL>HJR 4</BILL><SUBJECT>HJR
4</SUBJECT><COMM>HJUD28</COMM></TARGET>

HOUSE COMMITTEE REPORT

(7)
 Date Referred to Committee: January 24, 2013 FURTHER REFERRALS:

Date of Committee Action: 2/2/13

The JUDICIARY Committee considered: HJR 4

HOUSE JOINT RESOLUTION NO. 4

Urging the President of the United States to rescind 23 executive orders related to regulation of firearms; and urging the United States Congress to refrain from passing legislation that restricts the right of individuals to keep and bear arms.

HJR 4 OPPOSE GUN CONTROL ORDERS & LEGISLATION

Recommends it be replaced with HCS or CS for HJR 4 (JUD)
 For Senate Bills with new title: Technical Title New Title: HCR _____ Same Title New Title

- attach amendments
- add new referral to _____ Committee
- Letter of Intent _____ Committee

- List of Abbrev for Depts.:
- ADM
 - CED
 - COR
 - CRT
 - EED
 - DEC
 - DFG
 - GOV
 - DHS
 - LWF
 - LAW
 - LEG
 - MVA
 - DNR
 - DPS
 - REV
 - DOT
 - UA

NEW FISCAL NOTES				
*FN# is assigned by Chief Clerk's Office				
*FN#	List by Dept(s):	Fiscal	Indet.	Zero
	H. JUD			✓

PREVIOUS FISCAL NOTES				
FN#	List by Dept(s):	Fiscal	Indet.	Zero

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
<i>Millett</i>	Millett	✓			
<i>M. Greenberg</i>	Greenberg			✓	
<i>Pruiett</i>	Pruiett	✓			
<i>Lynn</i>	LYNN	X			
<i>Foster</i>	FOSTER	X			
<i>LeDoux</i>	LeDoux	X			
Chair: <i>Wes Keller</i>	Keller	✓			
Chair:					

FISCAL NOTE

STATE OF ALASKA
2013 LEGISLATIVE SESSION

Bill Version CSHJR 4 (JUD)
 Fiscal Note Number _____
 () Publish Date _____

Identifier (file name) _____ Dept. Affected _____
 Title Oppose Gun Control Orders & Legislation Appropriation _____
 Sponsor _____ Allocation _____
 Requester Millett OMB Component Number _____
(H) Judiciary

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	FY14 Appropriation Requested	Included in Governor's FY14 Request	Out-Year Cost Estimates				
			FY15	FY16	FY17	FY18	FY19
OPERATING EXPENDITURES	FY14	FY14	FY15	FY16	FY17	FY18	FY19
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE		(Thousands of Dollars)					
1002	Federal Receipts						
1003	GF Match						
1004	GF						
1005	GF/Prgm (DGF)						
1037	GF/MH (UGF)						
1178	temp code (UGF)						
TOTAL		0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES

Estimated **SUPPLEMENTAL (FY13) operating costs** _____ (separate supplemental appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Estimated **CAPITAL (FY14) costs** _____ (separate capital appropriation required)
 (discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? _____
 If yes, by what date are the regulations to be adopted, amended, or repealed? _____ Discuss details in analysis section.

Why this fiscal note differs from previous version (if initial version, please note as such)

Prepared by House Judiciary
 Division _____
 Approved by Rep. Keller~Chair

Phone 465-6265
 Date/Time _____
 Date 2/11/2011

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2013 LEGISLATIVE SESSION

BILL NO. CSHJR 4 (JUD)

Analysis

HJR 4 is not expected to have a financial impact on the State of Alaska.

28-LS0362\N
Strasbaugh
2/8/13

CS FOR HOUSE JOINT RESOLUTION NO. 4()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES MILLETT, Lynn, Johnson, Hawker, Chenault, Higgins, LeDoux, Peggy Wilson, Gattis, Saddler, Feige

A RESOLUTION

1 **Urging the President of the United States to rescind 23 executive orders, executive**
2 **actions, and executive recommendations, related to regulation of firearms; and urging**
3 **the United States Congress to refrain from passing legislation that restricts the right of**
4 **individuals to keep and bear arms.**

5 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 **WHEREAS** the Second Amendment to the Constitution of the United States and art.
7 I, sec. 19, Constitution of the State of Alaska, guarantee the right of individuals to keep and
8 bear arms; and

9 **WHEREAS** President Barack Obama has issued 23 executive orders, executive
10 actions, and executive recommendations, intended to reduce gun-related violence, and some
11 of those orders, actions, or recommendations may limit or restrict the ability of law-abiding
12 persons in the state to keep and bear arms as they have the right to do under the Second
13 Amendment to the Constitution of the United States; and

14 **WHEREAS** President Barack Obama has asked the United States Congress to pass
15 several gun control laws that, if passed, will restrict the ability of law-abiding people in the

1 state to own firearms and firearm accessories; and

2 **WHEREAS** the hearts of all Alaskans go out to the victims and families left behind in
3 the wake of gun-related tragedies like those that took place in Newtown, Connecticut, and
4 Aurora, Colorado; and

5 **WHEREAS**, when the federal government tries to curtail individual rights that are
6 guaranteed by the Second Amendment to the Constitution of the United States, Alaskans
7 expect their elected officials to defend those rights; and

8 **WHEREAS** Alaskans will not accept a one-size-fits-all approach by the federal
9 government that uses gun-control in a misguided attempt to curb gun-related crime; and

10 **WHEREAS** new laws banning firearms will only punish law-abiding Alaskans, not
11 individuals guilty of crimes; and

12 **WHEREAS** banning certain types of firearms and high capacity ammunition
13 magazines will not keep them out of the hands of criminals or mentally ill persons; and

14 **WHEREAS**, in 2012, the Congressional Research Service reported that "according to
15 a 1997 survey of 203,300 state and federal prisoners who had been armed during the
16 commission of the crimes for which they were incarcerated, fewer than 1 in 50, or less than 2
17 percent, used, carried, or possessed a semiautomatic assault weapon or machine gun"; and

18 **WHEREAS** a 1997 investigative report to the National Institute of Justice, United
19 States Department of Justice, found, regarding the effectiveness of the federal assault
20 weapons ban under the Public Safety and Recreational Firearms Use Protection Act, a subtitle
21 of the Violent Crime Control and Law Enforcement Act of 1994, that "the evidence is not
22 strong enough for us to conclude that there was any meaningful effect"; and

23 **WHEREAS** a 2004 investigative report to the National Institute of Justice, United
24 States Department of Justice, following up on the 1997 report to the National Institute of
25 Justice on the effectiveness of the federal assault weapons ban under the Public Safety and
26 Recreational Firearms Use Protection Act, found that, between 1994 and 2003, there had been
27 "no discernible reduction in the lethality of and injuriousness of gun violence"; and

28 **WHEREAS** Alaskans cherish their Second Amendment rights and use firearms
29 responsibly for numerous legitimate purposes, including hunting, target shooting, competitive
30 shooting, and personal protection at home and in the backcountry; and

31 **WHEREAS** Alaska has one of the highest rates of gun ownership in the nation but

1 one of the lowest rates of gun crimes in the nation; and

2 **WHEREAS** firearms are part of the state's culture, heritage, and history and will
3 continue to be for future generations of Alaskans; and

4 **WHEREAS** members of the Twenty-Eighth Alaska State Legislature simply believe
5 the best approach to preventing future incidents should be identified at the state level;

6 **BE IT RESOLVED** that the Alaska State Legislature urges President Barack Obama
7 to rescind ~~the~~^{the} 23 executive orders, executive actions, and executive recommendations related to
8 regulation of firearms; and be it

9 **FURTHER RESOLVED** that the Alaska State Legislature urges the United States
10 Congress to refrain from passing legislation that restricts the right of individuals, guaranteed
11 by the Second Amendment to the United States Constitution, to keep and bear arms.

12 **COPIES** of this resolution shall be sent to the Honorable Barack Obama, President of
13 the United States; the Honorable Joseph R. Biden, Jr., Vice-President of the United States and
14 President of the U.S. Senate; the Honorable John Boehner, Speaker of the U.S. House of
15 Representatives; the Honorable Harry Reid, Majority Leader of the U.S. Senate; the
16 Honorable Eric H. Holder, Jr., Attorney General of the United States; the Honorable B. Todd
17 Jones, acting Director, U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S.
18 Department of Justice; and the Honorable Lisa Murkowski and the Honorable Mark Begich,
19 U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska
20 delegation in Congress.

Alaska Legislature
Representative Charisse Millett

Session:

State Capitol Building, Room 403
Juneau, AK 99801
Phone (907) 465-3879
Fax (907) 465-2069



Interim:

Anchorage LIO
716 W 4th Ave., Room 390
Anchorage, AK 99501
Phone (907) 269-0222
Fax (907) 269-0223

MEMORANDUM

To: Chairman Wes Keller, House Judiciary Committee
From: Rep. Charisse Millett
Subject: Hearing request for HJR 4
Date: Wednesday, January 24, 2013

I respectfully request a hearing on House Joint Resolution 4 in the House Judiciary Committee at your earliest convenience. All the necessary documents are included with this request.

The resolution urges the Obama Administration to revoke any of the 23 executive orders that could restrict Alaskans right to keep and bear arms under the Second Amendment of the United States Constitution and the Alaska State Constitution. It also urges the U.S. Congress no to pass any new gun control legislation.

Jeff Turner is the staffer assigned to this legislation and he can be reached at (907) 465-6588.

###

Alaska Legislature

Representative Charisse Millett

Session:

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District 24

Version: 28-LS0362/A

HOUSE JOINT RESOLUTION 4 – SPONSOR STATEMENT

“Urging the President of the United States to rescind 23 executive orders related to regulation of firearms; and urging the United States Congress to refrain from passing legislation that restricts the right of individuals to keep and bear arms.”

Alaskans have the individual right to keep and bear arms under the United States Constitution and the Alaska State Constitution. That fundamental right is enjoyed by thousands of Alaskans who use firearms safely and responsibly to hunt and compete in shooting sports. Firearms are the first line of defense for their homes and lives in wilderness areas of the state.

Earlier this month President Obama issued 23 executive orders related to gun control. Many of those orders could restrict the ability of law abiding Alaskans, who use firearms responsibly, from having access to them. Proposed legislation is piling up in congress that outright ignores the Second Amendment by banning many types of firearms and creating gun registries that could be used to seize lawfully owned guns.

The tragedies in Newtown, Connecticut and Aurora, Colorado were heartbreaking for all Americans; however, the best approach to preventing those incidents from happening again should come at the state level. Alaskans take the Second Amendment very seriously and expect their elected officials to stand up and protect it.

House Joint Resolution 4 urges the Obama Administration and the United States Congress to defend that right by rejecting any legislation or executive orders that will weaken the right to keep and bear arms.

House Joint Resolution 4 was referred to the House Judiciary Committee.

Prepared by Jeff Turner on January 25, 2013

ENERGY CO-CHAIR
CHARISSE MILLETT

R - ANCHORAGE (HD24)

HOUSEMAJORITY.ORG/MILLETT



PRESS RELEASE

CAPITOL ROOM 403

JUNEAU: 465-3879
ANCHORAGE: 269-0222

RESOLUTION OPPOSES NEW FEDERAL GUN CONTROL LAWS ***HJR 4 Also Asks President to Revoke 23 Executive Orders***

Thursday, January 24, 2013, Juneau, Alaska – Alaskans have the individual right to keep and bear arms under the United States Constitution and the Alaska State Constitution. Rep. Charisse Millett, R-Anchorage, today introduced a resolution urging the Obama Administration and the United States Congress to defend that right by rejecting any legislation or executive orders that will weaken that right.

“Alaskans take the Second Amendment very seriously and expect their elected officials to stand up and protect it,” Millett said. “While the hearts of all Alaskans go out to the victims and the families left behind in the wake of the tragedies in Newtown, Connecticut and Aurora, Colorado, we believe that the best approach to preventing these incidents from happening again should come at the state level.”

Earlier this month President Obama issued 23 executive orders related to gun control. Many of those orders could restrict the ability of law abiding Alaskans, who use firearms responsibly, from having access to them.

“Proposed legislation is piling up in congress that outright ignores the Second Amendment by banning many types of firearms and creating gun registries that could be used to seize lawfully owned guns,” Millett said.

House Joint Resolution 4 was referred to the House Judiciary Committee. A copy of the resolution is included with this new release.

For more information, contact Representative Millett at (907) 465-3879.

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HOUSE JOINT RESOLUTION NO. 4

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE MILLETT

Introduced: 1/24/13

Referred:

A RESOLUTION

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2 **regulation of firearms; and urging the United States Congress to refrain from passing**
3 **legislation that restricts the right of individuals to keep and bear arms.**

4 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

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6 I, sec. 19, Constitution of the State of Alaska, guarantee the right of individuals to keep and
7 bear arms; and

8 **WHEREAS** President Barack Obama has issued 23 executive orders intended to
9 reduce gun-related violence, and some of those orders may limit or restrict the ability of law-
10 abiding persons in the state to keep and bear arms as they have the right to do under the
11 Second Amendment to the Constitution of the United States; and

12 **WHEREAS** President Barack Obama has asked the United States Congress to pass
13 several gun control laws that, if passed, will restrict the ability of law-abiding people in the
14 state to own firearms and firearm accessories; and

15 **WHEREAS** the hearts of all Alaskans go out to the victims and families left behind in

1 the wake of gun-related tragedies like those that took place in Newtown, Connecticut, and
2 Aurora, Colorado; and

3 **WHEREAS**, when the federal government tries to curtail individual rights that are
4 guaranteed by the Second Amendment to the Constitution of the United States, Alaskans
5 expect their elected officials to defend those rights; and

6 **WHEREAS** Alaskans will not accept a one-size-fits-all approach by the federal
7 government that uses gun-control in a misguided attempt to curb gun-related crime; and

8 **WHEREAS** new laws banning firearms will only punish law-abiding Alaskans, not
9 individuals guilty of crimes; and

10 **WHEREAS** banning certain types of firearms and high capacity ammunition
11 magazines will not keep them out of the hands of criminals or mentally ill persons; and

12 **WHEREAS**, in 2012, the Congressional Research Service reported that "according to
13 a 1997 survey of 203,300 state and federal prisoners who had been armed during the
14 commission of the crimes for which they were incarcerated, fewer than 1 in 50, or less than 2
15 percent, used, carried, or possessed a semiautomatic assault weapon or machine gun"; and

16 **WHEREAS** a 1997 investigative report to the National Institute of Justice, United
17 States Department of Justice, found, regarding the effectiveness of the federal assault
18 weapons ban under the Public Safety and Recreational Firearms Use Protection Act, a subtitle
19 of the Violent Crime Control and Law Enforcement Act of 1994, that "the evidence is not
20 strong enough for us to conclude that there was any meaningful effect"; and

21 **WHEREAS** a 2004 investigative report to the National Institute of Justice, United
22 States Department of Justice, following up on the 1997 report to the National Institute of
23 Justice on the effectiveness of the federal assault weapons ban under the Public Safety and
24 Recreational Firearms Use Protection Act, found that, between 1994 and 2003, there had been
25 "no discernible reduction in the lethality of and injuriousness of gun violence"; and

26 **WHEREAS** the United States Congress could more effectively curb gun violence by
27 focusing its efforts on programs that help identify and treat mentally ill persons instead of
28 banning certain types of firearms and high capacity ammunition magazines; and

29 **WHEREAS** Alaskans cherish their Second Amendment rights and use firearms
30 responsibly for numerous legitimate purposes, including hunting, target shooting, competitive
31 shooting, and personal protection at home and in the backcountry; and

1 **WHEREAS** firearms are part of the state's culture, heritage, and history and will
2 continue to be for future generations of Alaskans; and

3 **WHEREAS** members of the Twenty-Eighth Alaska State Legislature simply believe
4 the best approach to preventing future incidents should be identified at the state level;

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9 by the Second Amendment to the United States Constitution, to keep and bear arms.

10 **COPIES** of this resolution shall be sent to the Honorable Barack Obama, President of
11 the United States; the Honorable Joseph R. Biden, Jr., Vice-President of the United States and
12 President of the U.S. Senate; the Honorable John Boehner, Speaker of the U.S. House of
13 Representatives; the Honorable Harry Reid, Majority Leader of the U.S. Senate; the
14 Honorable Eric H. Holder, Jr., Attorney General of the United States; the Honorable B. Todd
15 Jones, acting Director, U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S.
16 Department of Justice; and the Honorable Lisa Murkowski and the Honorable Mark Begich,
17 U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska
18 delegation in Congress.



NOW IS THE TIME

The President's plan to protect our children
and our communities by reducing gun violence

WH.GOV/NOW-IS-THE-TIME

JANUARY
SIXTEENTH
TWO THOUSAND AND THIRTEEN

Our nation has suffered too much at the hands of dangerous people who use guns to commit horrific acts of violence. As President Obama said following the Sandy Hook Elementary School tragedy, ***"We won't be able to stop every violent act, but if there is even one thing that we can do to prevent any of these events, we have a deep obligation, all of us, to try."***

Most gun owners are responsible and law-abiding, and they use their guns safely. The President strongly believes that the Second Amendment guarantees an individual right to bear arms. But to better protect our children and our communities from tragic mass shootings like those in Newtown, Aurora, Oak Creek, and Tucson, there are four common-sense steps we can take right now.

THE PRESIDENT'S PLAN INCLUDES:

1. Closing background check loopholes to keep guns out of dangerous hands;
2. Banning military-style assault weapons and high-capacity magazines, and taking other common-sense steps to reduce gun violence;
3. Making schools safer; and
4. Increasing access to mental health services.

While no law or set of laws will end gun violence, it is clear that the American people want action. If even one child's life can be saved, then we need to act. Now is the time to do the right thing for our children, our communities, and the country we love.

1. CLOSING BACKGROUND CHECK LOOPHOLES TO KEEP GUNS OUT OF DANGEROUS HANDS

Most gun owners buy their guns legally and use them safely, whether for self-defense, hunting, or sport shooting. Yet too often, irresponsible and dangerous individuals have been able to easily get their hands on firearms. We must strengthen our efforts to keep guns from falling into the wrong hands.

REQUIRE BACKGROUND CHECKS FOR ALL GUN SALES

The single most important thing we can do to prevent gun violence and mass shootings, like the one in Newtown, is to make sure those who would commit acts of violence cannot get access to guns. A critical tool in achieving that goal is the National Instant Criminal Background Check System, which was created by the Brady Act to ensure that guns are not sold to those prohibited from buying them, including felons and those convicted of domestic violence. Over the last 14 years it has helped keep more than 1.5 million guns out of the wrong hands. It is able to make 92 percent of background check determinations on the spot. However, too many guns are still sold without a background check and too many individuals prohibited from having a gun slip through the cracks. We need to strengthen the system by requiring every gun buyer to go through a background check and ensuring that the background check system has complete information on people prohibited from having guns.

We should:

- **Require criminal background checks for all gun sales:** Right now, federally licensed firearms dealers are required to run background checks on those buying guns, but studies estimate that nearly 40 percent of all gun sales are made by private sellers who are exempt from this requirement. A national survey of inmates found that only 12 percent of those who used a gun in a crime acquired it from a retail store or pawn shop, where a background check should have been run. Congress should pass legislation that goes beyond just closing the “gun show loophole” to require background checks for all firearm sales, with limited, common-sense exceptions for cases like certain transfers between family members and temporary transfers for hunting and sporting purposes.
- **Call on licensed dealers and private sellers to do their part through executive action:** Private sellers can already choose to sell their guns through licensed dealers so the dealer can run a background check on the buyer, and the Administration is calling on them to do so. The Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) will send an open letter to licensed dealers giving them guidance on how best to facilitate these checks.

STRENGTHEN THE BACKGROUND CHECK SYSTEM

The background check system is the most efficient and effective way to keep guns out of the hands of dangerous individuals, but we need to make sure it has access to complete information about these individuals. For example, although the number of mental health records available to the system has increased by 800 percent since 2004, a recent report by the Government Accountability Office found that there are still 17 states that have made fewer than 10 mental health records available. We need to make sure reliable data on prohibited purchasers is available to the background check system. The Administration is announcing four new executive actions to enhance the system's ability to identify dangerous people and stop them from getting guns:

- **Address unnecessary legal barriers that prevent states from reporting information about those prohibited from having guns:** Some states have cited concerns about restrictions under the Health Insurance Portability and Accountability Act as a reason not to share relevant information on people prohibited from gun ownership for mental health reasons. The Administration will begin the regulatory process to remove any needless barriers, starting by gathering information about the scope and extent of the problem.
- **Improve incentives for states to share information with the background check system:** States are a critical source for several key categories of relevant records and data, including criminal history records and records of persons prohibited from having guns for mental health reasons. The Department of Justice will invest \$20 million in FY2013 to give states stronger incentives to make this data available. The Administration is also proposing \$50 million for this purpose in FY2014, and will look for additional ways to ensure that states are doing their part to provide relevant information.
- **Hold federal agencies accountable for sharing reliable information with the background check system:** Some federal agencies also have relevant records. The President is issuing a Presidential Memorandum holding agencies to requirements that they identify these records, make them available to the background check system, and regularly report that those records are complete and up-to-date.
- **Make sure dangerous people are prohibited from having guns:** The background check system is designed to keep guns out of the hands of those forbidden by law to have them. But we need to make sure our laws are effective at identifying the dangerous or untrustworthy individuals that should not have access to guns. The President will direct the Attorney General, in consultation with other relevant agencies, to review the laws governing who is prohibited from

having guns and make legislative and executive recommendations to ensure dangerous people aren't slipping through the cracks.

2: BANNING MILITARY-STYLE ASSAULT WEAPONS AND HIGH-CAPACITY MAGAZINES, AND TAKING OTHER COMMON-SENSE STEPS TO REDUCE GUN VIOLENCE

We need to do more to prevent easy access to instruments of mass violence. We also need to provide law enforcement with additional tools to prevent gun violence, end the freeze on gun violence research, make sure health care providers know they can report credible threats of violence and talk to their patients about gun safety, and promote responsible gun ownership.

GET MILITARY-STYLE ASSAULT WEAPONS AND HIGH-CAPACITY MAGAZINES OFF THE STREETS

A 2010 survey by the Police Executive Research Forum found that more than one-third of police departments reported an increase in criminals' use of assault weapons and high-capacity magazines since the prohibition on high-capacity magazines and assault weapons expired in 2004. To protect law enforcement and enhance public safety, we must redouble our efforts to:

- **Reinstate and strengthen the ban on assault weapons:** The shooters in Aurora and Newtown used the type of semiautomatic rifles that were the target of the assault weapons ban that was in place from 1994 to 2004. That ban was an important step, but manufacturers were able to circumvent the prohibition with cosmetic modifications to their weapons. Congress must reinstate and strengthen the prohibition on assault weapons.
- **Limit ammunition magazines to 10 rounds:** The case for prohibiting high-capacity magazines has been proven over and over; the shooters at Virginia Tech, Tucson, Aurora, Oak Creek, and Newtown all used magazines holding more than 10 rounds, which would have been prohibited under the 1994 law. These magazines enable any semiautomatic weapon to be used as an instrument of mass violence, yet they are once again legal and now come standard with many handguns and rifles. Congress needs to reinstate the prohibition on magazines holding more than 10 rounds.
- **Finish the job of getting armor-piercing bullets off the streets:** It is already illegal to manufacture and import armor-piercing ammunition except for military or law enforcement use.

But it is generally still not illegal to possess or transfer this dangerous ammunition. Congress should finish the job of protecting law enforcement and the public by banning the possession of armor-piercing ammunition by, and its transfer to, anyone other than the military and law enforcement.

GIVE LAW ENFORCEMENT ADDITIONAL TOOLS TO PREVENT AND PROSECUTE GUN CRIME

In order to prevent and respond to gun violence, we must give law enforcement every tool they need to keep us safe. That includes passing stronger laws to stop those who would put guns into the hands of criminals, keeping 15,000 cops on the street, and eliminating restrictions that keep federal law enforcement from doing its job.

- **Create serious punishments for gun trafficking:** Today, criminals can easily buy guns from unlicensed dealers, or acquire them with the help of so-called “straw purchasers” who pass the required background check to buy guns from licensed dealers. But there is no explicit law against straw purchasing, so straw purchasers and others who traffic guns can often only be prosecuted for paperwork violations. We cannot allow those who help put guns into the hands of criminals to get away with just a slap on the wrist. Congress should close these loopholes with new gun trafficking laws that impose serious penalties for these crimes.
- **Help communities across the country keep 15,000 cops on the street:** One of the most important steps we can take to reduce gun violence is to keep police officers at their posts in our neighborhoods and communities. The President is calling on Congress to act on the Administration’s \$4 billion proposal to help keep 15,000 cops on the street in cities and towns across the country.
- **Take executive action to enhance tracing data:** When law enforcement recovers a gun during a criminal investigation, they can trace that gun’s path from its manufacturer, to the dealer who sold it, to its first purchaser. This gun tracing process helps law enforcement solve violent crimes by generating leads in specific cases and can reveal gun trafficking patterns when large amounts of tracing data are combined. However, not all federal law enforcement agencies are uniformly required to trace all guns they recover and keep in custody. The President will issue a Presidential Memorandum requiring them to trace all such firearms.
- **Take executive action to help law enforcement avoid returning guns to the wrong hands:** Law enforcement should never be put in the position of unknowingly returning a gun to an individual who is prohibited from having it. Currently, when law enforcement must

return firearms seized as part of an investigation, they do not have the ability to conduct a full background check on the owner. The Administration will propose regulations to ensure that law enforcement has access to the database needed for complete background checks.

- **Finally give the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) a confirmed director:** The ATF has not had a confirmed director for six years. There is no excuse for leaving the key agency enforcing gun laws in America without a leader. It is time for Congress to confirm an ATF director.
- **Eliminate restrictions that force the ATF to authorize importation of dangerous weapons simply because of their age:** ATF is required to authorize the importation of certain “curio or relic” firearms, and outdated regulations include all firearms manufactured more than 50 years ago in the definition of “curio or relic.” But today, firearms manufactured more than 50 years ago include large numbers of semiautomatic military-surplus rifles, some of which are easily convertible into machine guns or otherwise appealing for use in crime. Congress should get rid of restrictions that prevent ATF from changing this definition, enabling ATF to ensure that firearms imported as curios or relics are actually of interest as collectibles, rather than letting these rules be used as a way to acquire fully functional and powerful military weapons.
- **Maximize enforcement efforts to prevent gun violence and prosecute gun crime:** The Attorney General will work with all United States Attorneys to continue to ensure that every appropriate resource is focused on preventing gun violence. To this end, the Attorney General will ask all U.S. Attorneys to consider whether supplemental efforts would be appropriate in their districts, in areas such as prosecutions of people who have been convicted of a felony and illegally seek to obtain a firearm, or people who attempt to evade the background check system by providing false information.
- **Analyze information on lost and stolen guns and make it widely available to law enforcement:** The Department of Justice will publish an annual report on lost and stolen guns to ensure that data collected by ATF is available. This report will include state-by-state statistics about guns reported as missing. Making this data available will provide valuable information to law enforcement about how to target its resources, and give states and cities the information they need to pass laws and take other effective steps to make sure that lost and stolen guns are reported. The Department will also identify best practices that are working today and encourage states and cities to follow those models.

- **Provide effective training for active shooter situations for 14,000 law enforcement officers, first responders, and school officials:** One of the best ways to minimize the loss of life in a mass shooting is to make sure law enforcement, first responders, school officials, and others are prepared to respond to an active shooter. The Administration will immediately expand access to federal training, and federal agencies will ensure that protocols for responding to active shooter situations are consistent. And Congress should provide an additional \$14 million to help train 14,000 more police officers and other public and private personnel to respond to active shooter situations.

END THE FREEZE ON GUN VIOLENCE RESEARCH

There are approximately 30,000 firearm-related homicides and suicides a year, a number large enough to make clear this is a public health crisis. But for years, the Centers for Disease Control (CDC) and other scientific agencies have been barred by Congress from using funds to “advocate or promote gun control,” and some members of Congress have claimed this prohibition also bans the CDC from conducting any research on the causes of gun violence. However, research on gun violence is not advocacy; it is critical public health research that gives all Americans information they need.

- **Conduct research on the causes and prevention of gun violence, including links between video games, media images, and violence:** The President is issuing a Presidential Memorandum directing the Centers for Disease Control and scientific agencies to conduct research into the causes and prevention of gun violence. It is based on legal analysis that concludes such research is not prohibited by any appropriations language. The CDC will start immediately by assessing existing strategies for preventing gun violence and identifying the most pressing research questions, with the greatest potential public health impact. And the Administration is calling on Congress to provide \$10 million for the CDC to conduct further research, including investigating the relationship between video games, media images, and violence.
- **Better understand how and when firearms are used in violent death:** To research gun violence prevention, we also need better data. When firearms are used in homicides or suicides, the National Violent Death Reporting System collects anonymous data, including the type of firearm used, whether the firearm was stored loaded or locked, and details on youth gun access. Congress should invest an additional \$20 million to expand this system from the 18 states

currently participating to all 50 states, helping Americans better understand how and when firearms are used in a violent death and informing future research and prevention strategies.

PRESERVE THE RIGHTS OF HEALTH CARE PROVIDERS TO PROTECT THEIR PATIENTS AND COMMUNITIES FROM GUN VIOLENCE

We should never ask doctors and other health care providers to turn a blind eye to the risks posed by guns in the wrong hands.

- **Clarify that no federal law prevents health care providers from warning law enforcement authorities about threats of violence:** Doctors and other mental health professionals play an important role in protecting the safety of their patients and the broader community by reporting direct and credible threats of violence to the authorities. But there is public confusion about whether federal law prohibits such reports about threats of violence. The Department of Health and Human Services is issuing a letter to health care providers clarifying that no federal law prohibits these reports in any way.
- **Protect the rights of health care providers to talk to their patients about gun safety:** Doctors and other health care providers also need to be able to ask about firearms in their patients' homes and safe storage of those firearms, especially if their patients show signs of certain mental illnesses or if they have a young child or mentally ill family member at home. Some have incorrectly claimed that language in the Affordable Care Act prohibits doctors from asking their patients about guns and gun safety. Medical groups also continue to fight against state laws attempting to ban doctors from asking these questions. The Administration will issue guidance clarifying that the Affordable Care Act does not prohibit or otherwise regulate communication between doctors and patients, including about firearms.

ENCOURAGE GUN OWNERS TO LIVE UP TO THEIR RESPONSIBILITY TO STORE GUNS SAFELY

The President believes that the Second Amendment guarantees an individual right to bear arms, and he respects our nation's rich hunting and sport shooting traditions and the millions of responsible Americans who participate in them every year. But this right comes with a responsibility to safely store guns to prevent them from accidentally or intentionally being used to harm others. The Administration is encouraging gun owners to take responsibility for keeping their guns safe and encouraging the development of technology that will make it easier for gun owners to meet this

responsibility, and the Consumer Product Safety Commission is assessing the need for new standards for gun locks.

- **Launch a national responsible gun ownership campaign:** The Administration will encourage gun owners to take responsibility for keeping their guns safe with a national campaign. The campaign will promote common-sense gun safety measures like the use of gun safes and trigger locks, separate storage of guns and ammunition, and the reporting of lost and stolen weapons to law enforcement.
- **Review and enhance as warranted safety standards for gun locks and gun safes:** We also need to make sure that gun locks and gun safes work as intended. Several gun locks have been subject to recall due to their failure to function properly; that is not acceptable. The Chair of the Consumer Product Safety Commission (CPSC) intends to review the effectiveness of gun locks and gun safes, including existing voluntary industry standards, and take any steps that may be warranted to improve the standards as well as to protect the public from unreasonable risks of injury or death that arise when those products within the CPSC's jurisdiction fail.
- **Encourage the development of innovative gun safety technology:** Despite rapid advances in technologies in recent years, there are few readily available firearms that utilize these new technologies to help guard against unauthorized access and use. The President is directing the Attorney General to work with technology experts to review existing and emerging gun safety technologies, and to issue a report on the availability and use of those technologies. In addition, the Administration will issue a challenge to the private sector to develop innovative and cost-effective gun safety technology and provide prizes for those technologies that are proven to be reliable and effective.

3: MAKING SCHOOLS SAFER

We need to make our schools safer, not only by enhancing their physical security and making sure they are prepared to respond to emergencies like a mass shooting, but also by creating safer and more nurturing school climates that help prevent school violence. Each school is different and should have the flexibility to address its most pressing needs. Some schools will want trained and armed police; others may prefer increased counseling services. Either way, each district should be able to choose what is best to protect its own students.

PUT UP TO 1,000 MORE SCHOOL RESOURCE OFFICERS AND COUNSELORS IN SCHOOLS AND HELP SCHOOLS INVEST IN SAFETY

Putting school resource officers and mental health professionals in schools can help prevent school crime and student-on-student violence. School resource officers are specially trained police officers that work in schools. When equipped with proper training and supported by evidence-based school discipline policies, they can deter crime with their presence and advance community policing objectives. Their roles as teachers and counselors enable them to develop trusting relationships with students that can result in threats being detected and crises averted before they occur. School psychologists, social workers, and counselors can help create a safe and nurturing school climate by providing mental health services to students who need help. Not every school will want police officers or additional school counselors, but we should do what we can to help schools get the staff they determine they need to stay safe.

- **Take executive action to provide incentives for schools to hire school resource officers:** COPS Hiring Grants, which help police departments hire officers, can already be used by departments to fund school resource officers. This year, the Department of Justice will provide an incentive for police departments to hire these officers by providing a preference for grant applications that support school resource officers.
- **Put up to 1,000 new school resource officers and school counselors on the job:** The Administration is proposing a new Comprehensive School Safety program, which will help school districts hire staff and make other critical investments in school safety. The program will give \$150 million to school districts and law enforcement agencies to hire school resource officers, school psychologists, social workers, and counselors. The Department of Justice will also develop a model for using school resource officers, including best practices on age-appropriate methods for working with students.
- **Invest in other strategies to make our schools safer:** School districts could also use these Comprehensive School Safety Grants to purchase school safety equipment; develop and update public safety plans; conduct threat assessments; and train “crisis intervention teams” of law enforcement officers to work with the mental health community to respond to and assist students in crisis. And the General Services Administration will use its purchasing power to help schools buy safety equipment affordably.

ENSURE EVERY SCHOOL HAS A COMPREHENSIVE EMERGENCY MANAGEMENT PLAN

In the unthinkable event of another school shooting, it is essential that schools have in place effective and reliable plans to respond. A 2010 survey found that while 84 percent of public schools had a written response plan in the event of a shooting, only 52 percent had drilled their students on the plan in the past year. We must ensure that every school has a high-quality plan in place and that students and staff are prepared to follow it.

- **Give schools and other institutions a model for how to develop and implement reliable plans:** The Departments of Education, Justice, Health and Human Services, and Homeland Security will release—by May 2013—a set of model, high-quality emergency management plans for schools, houses of worship, and institutions of higher education, along with best practices for developing these plans and training students and staff to follow them. In addition, the Department of Homeland Security, in coordination with the Department of Justice, will assist interested schools, houses of worship, and institutions of higher education in completing their own security assessments.
- **Help schools develop and implement emergency plans:** Congress should provide \$30 million of one-time grants to states to help their school districts develop and implement emergency management plans. But schools also need to take responsibility for getting effective plans in place. Going forward, Congress should require states and school districts that receive school safety funding from the Department of Education to have comprehensive, up-to-date emergency plans in place for all of their schools.

CREATE A SAFER CLIMATE AT SCHOOLS ACROSS THE COUNTRY

A report issued by the U.S. Secret Service and the Department of Education after the Columbine shooting found that one of the best things schools can do to reduce violence and bullying is to improve a school's climate and increase trust and communication between students and staff. Fortunately, we already have evidence-based strategies which have been found to reduce bullying and other problem behaviors like drug abuse or poor attendance, while making students feel safer at school and improving academic performance.

- **Help 8,000 schools create safer and more nurturing school climates:** With technical assistance from the Department of Education, 18,000 schools have already put in place

evidence-based strategies to improve school climate. These strategies involve certain steps for the whole school (like consistent rules and rewards for good behavior), with more intensive steps for groups of students exhibiting at-risk behavior, and individual services for students who continue to exhibit troubling behavior. The Administration is proposing a new, \$50 million initiative to help 8,000 more schools train their teachers and other school staff to implement these strategies. The Administration will also develop a school climate survey, providing reliable data to help schools implement policies to improve climate.

- **Share best practices on school discipline:** Students who are suspended or expelled are far more likely to repeat a grade, not graduate, or become involved in the juvenile justice system. As a result, effective school discipline policies are critical to addressing school and community crime and violence issues. The Department of Education will collect and disseminate best practices on school discipline polices and help school districts develop and equitably implement their policies.

4: IMPROVING MENTAL HEALTH SERVICES

As President Obama said, “We are going to need to work on making access to mental health care as easy as access to a gun.” Today, less than half of children and adults with diagnosable mental health problems receive the treatment they need. While the vast majority of Americans with a mental illness are not violent, several recent mass shootings have highlighted how some cases of mental illness can develop into crisis situations if individuals do not receive proper treatment. We need to do more than just keep guns out of the hands of people with serious mental illness; we need to identify mental health issues early and help individuals get the treatment they need before these dangerous situations develop.

MAKE SURE STUDENTS AND YOUNG ADULTS GET TREATMENT FOR MENTAL HEALTH ISSUES

Three-quarters of mental illnesses appear by the age of 24, yet less than half of children with diagnosable mental health problems receive treatment. And several recent mass shootings, including those at Newtown, Tucson, Aurora, and Virginia Tech, were perpetrated by students or other young people.

- **Reach 750,000 young people through programs to identify mental illness early and refer them to treatment:** We need to train teachers and other adults who regularly interact with students to recognize young people who need help and ensure they are referred to mental

health services. The Administration is calling for a new initiative, Project AWARE (Advancing Wellness and Resilience in Education), to provide this training and set up systems to provide these referrals. This initiative, which would reach 750,000 young people, has two parts:

- **Provide “Mental Health First Aid” training for teachers:** Project AWARE includes \$15 million for training for teachers and other adults who interact with youth to detect and respond to mental illness in children and young adults, including how to encourage adolescents and families experiencing these problems to seek treatment.
- **Make sure students with signs of mental illness get referred to treatment:** Project AWARE also includes \$40 million to help school districts work with law enforcement, mental health agencies, and other local organizations to assure students with mental health issues or other behavioral issues are referred to the services they need. This initiative builds on strategies that, for over a decade, have proven to decrease violence in schools and increase the number of students receiving mental health services.
- **Support individuals ages 16 to 25 at high risk for mental illness:** Efforts to prevent school shootings and other gun violence can’t end when a student leaves high school. Individuals ages 16 to 25 are at high risk for mental illness, substance abuse, and suicide, but they are among the least likely to seek help. Even those who received services as a child may fall through the cracks when they turn 18. The Administration is proposing \$25 million for innovative state-based strategies supporting young people ages 16 to 25 with mental health or substance abuse issues.
- **Help schools address pervasive violence:** Twenty-two percent of 14 to 17 year olds have witnessed a shooting in their lifetime. Research shows that exposure to community violence can impact children’s mental health and development and can substantially increase the likelihood that these children will later commit violent acts themselves. To help schools break the cycle of violence, Congress should provide \$25 million to offer students mental health services for trauma or anxiety, conflict resolution programs, and other school-based violence prevention strategies.
- **Train more than 5,000 additional mental health professionals to serve students and young adults:** Experts often cite the shortage of mental health service providers as one reason it can be hard to access treatment. To help fill this gap, the Administration is proposing \$50 million to train social workers, counselors, psychologists, and other mental health professionals. This would provide stipends and tuition reimbursement to train more than 5,000 mental health professionals serving young people in our schools and communities.

- **Launch a national conversation to increase understanding about mental health:** The sense of shame and secrecy associated with mental illness prevents too many people from seeking help. The President is directing Secretaries Sebelius and Duncan to launch a national dialogue about mental illness with young people who have experienced mental illness, members of the faith community, foundations, and school and business leaders.

ENSURE COVERAGE OF MENTAL HEALTH TREATMENT

While most mental illnesses are treatable, those with mental illness often can't get needed treatment if they don't have health insurance that covers mental health services. The Affordable Care Act will provide one of the largest expansions of mental health coverage in a generation by extending health coverage to 30 million Americans, including an estimated 6 to 10 million people with mental illness. The Affordable Care Act will also make sure that Americans can get the mental health treatment they need by ensuring that insurance plans cover mental health benefits at parity with other benefits.

- **Finalize requirements for private health insurance plans to cover mental health services:** The Administration will issue final regulations governing how existing group health plans that offer mental health services must cover them at parity under the Mental Health Parity and Addiction Equity Act of 2008. In addition, the Affordable Care Act requires all new small group and individual plans to cover ten essential health benefit categories, including mental health and substance abuse services. The Administration intends to issue next month the final rule defining these essential health benefits and implementing requirements for these plans to cover mental health benefits at parity with medical and surgical benefits.
- **Make sure millions of Americans covered by Medicaid get quality mental health coverage:** Medicaid is already the biggest funder of mental health services, and the Affordable Care Act will extend Medicaid coverage to as many as 17 million hardworking Americans. There is some evidence that Medicaid plans are not always meeting mental health parity requirements today, an issue that will only become more important as Medicaid is expanded. The Administration is issuing a letter to state health officials making clear that these plans must comply with mental health parity requirements.

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For Immediate Release

January 16, 2013

Presidential Memorandum -- Engaging in Public Health Research on the Causes and Prevention of Gun Violence

January 16, 2013

MEMORANDUM FOR THE SECRETARY OF HEALTH AND HUMAN SERVICES

SUBJECT: Engaging in Public Health Research on the Causes and Prevention of Gun Violence

In addition to being a law enforcement challenge, gun violence is also a serious public health issue that affects thousands of individuals, families, and communities across the Nation. Each year in the United States there are approximately 30,000 firearm-related deaths, and approximately 11,000 of those deaths result from homicides. Addressing this critical issue requires a comprehensive, multifaceted approach.

Recent research suggests that, in developing such an approach, a broader public health perspective is imperative. Significant strides can be made by assessing the causes of gun violence and the successful efforts in place for preventing the misuse of firearms. Taking these steps will improve our understanding of the gun violence epidemic and will aid in the continued development of gun violence prevention strategies.

Therefore, by the authority vested in me as President by the Constitution and the laws of the United States of America, I hereby direct the following:

Section 1. Research. The Secretary of Health and Human Services (Secretary), through the Director of the Centers for Disease Control and Prevention and other scientific agencies within the Department of Health and Human Services, shall conduct or sponsor research into the causes of gun violence and the ways to prevent it. The Secretary shall begin by identifying the most pressing research questions with the greatest potential public health impact, and by assessing existing public health interventions being implemented across the Nation to prevent gun violence.

Sec. 2. General Provisions. (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

- (i) the authority granted by law to an executive department or agency, or the head thereof; or
- (ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

Sec. 3. Publication. You are hereby authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA

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February 04, 2013 11:00 AM EST

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For Immediate Release

January 16, 2013

Presidential Memorandum -- Tracing of Firearms in Connection with Criminal Investigations

January 16, 2013

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Tracing of Firearms in Connection with Criminal Investigations

Reducing violent crime, and gun-related crime in particular, is a top priority of my Administration. A key component of this effort is ensuring that law enforcement agencies at all levels -- Federal, State, and local -- utilize those tools that have proven most effective. One such tool is firearms tracing, which significantly assists law enforcement in reconstructing the transfer and movement of seized or recovered firearms. Responsibility for conducting firearms tracing rests with the Department of Justice's Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). Over the years, firearms tracing has significantly assisted law enforcement in solving violent crimes and generating thousands of leads that may otherwise not have been available.

Firearms tracing provides two principal benefits. First, tracing is an important investigative tool in individual cases, providing law enforcement agents with critical information that may lead to the apprehension of suspects, the recovery of other guns used in the commission of crimes, and the identification of potential witnesses, among other things. Second, analysis of tracing data in the aggregate provides valuable intelligence about local, regional, and national patterns relating to the movement and sources of guns used in the commission of crimes, which is useful for the effective deployment of law enforcement resources and development of enforcement strategies. Firearms tracing is a particularly valuable tool in detecting and investigating firearms trafficking, and has been deployed to help combat the pernicious problem of firearms trafficking across the Southwest border.

The effectiveness of firearms tracing as a law enforcement intelligence tool depends on the quantity and quality of information and trace requests submitted to ATF. In fiscal year 2012, ATF processed approximately 345,000 crime-gun trace requests for thousands of domestic and international law enforcement agencies. The Federal Government can encourage State and local law enforcement agencies to take advantage of the benefits of tracing all recovered firearms, but Federal law enforcement agencies should have an obligation to do so. If Federal law enforcement agencies do not conscientiously trace every firearm taken into custody, they may not only be depriving themselves of critical information in specific cases, but may also be depriving all Federal, State, and local agencies of the value of complete information for aggregate analyses.

Maximizing the effectiveness of firearms tracing, and the corresponding impact on combating violent crimes involving firearms, requires that Federal law enforcement agencies trace all recovered firearms taken into Federal custody in a timely and efficient manner.

Therefore, by the authority vested in me as President by the Constitution and the laws of the United States of America, I hereby direct the following:

Section 1. Firearms Tracing. (a) Federal law enforcement agencies shall ensure that all firearms recovered after the date of this memorandum in the course of criminal investigations and taken into Federal custody are traced through ATF at the earliest time practicable. Federal law enforcement agencies, as well as other executive departments and agencies, are encouraged, to the extent practicable, to take steps to ensure that firearms recovered prior to the date of this memorandum in the course of criminal investigations and taken into Federal custody are traced through ATF.

(b) Within 30 days of the date of this memorandum, ATF will issue guidance to Federal law enforcement agencies on submitting firearms trace requests.

(c) Within 60 days of the date of this memorandum, Federal law enforcement agencies shall ensure that their operational protocols reflect the requirement to trace recovered firearms through ATF.

(d) Within 90 days of the date of this memorandum, each Federal law enforcement agency shall submit a report to the Attorney General affirming that its operational protocols reflect the requirements set forth in this memorandum.

(e) For purposes of this memorandum, "Federal law enforcement agencies" means the Departments of State, the Treasury, Defense, Justice, the Interior, Agriculture, Energy, Veterans Affairs, and Homeland Security, and such other agencies and offices that regularly recover firearms in the course of their criminal investigations as the President may designate.

Sec. 2. General Provisions. (a) Nothing in this memorandum shall be construed to impair or otherwise affect the authority granted by law to a department or agency, or the head thereof.

(b) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

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January 16, 2013

Presidential Memorandum -- Engaging in Public Health Research on the Causes and Prevention of Gun Violence

MEMORANDUM FOR THE SECRETARY OF HEALTH AND HUMAN SERVICES

SUBJECT: Engaging in Public Health Research on the Causes and Prevention of Gun Violence

In addition to being a law enforcement challenge, gun violence is also a serious public health issue that affects thousands of individuals, families, and communities across the Nation. Each year in the United States there are approximately 30,000 firearm-related deaths, and approximately 11,000 of those deaths result from homicides. Addressing this critical issue requires a comprehensive, multifaceted approach.

Recent research suggests that, in developing such an approach, a broader public health perspective is imperative. Significant strides can be made by assessing the causes of gun violence and the successful efforts in place for preventing the misuse of firearms. Taking these steps will improve our understanding of the gun violence epidemic and will aid in the continued development of gun violence prevention strategies.

Therefore, by the authority vested in me as President by the Constitution and the laws of the United States of America, I hereby direct the following:

Section 1. Research. The Secretary of Health and Human Services (Secretary), through the Director of the Centers for Disease Control and Prevention and other scientific agencies within the Department of Health and Human Services, shall conduct or sponsor research into the causes of gun violence and the ways to prevent it. The Secretary shall begin by identifying the most pressing research questions with the greatest potential public health impact, and by assessing existing public health interventions being implemented across the Nation to prevent gun violence.

Sec. 2. General Provisions. (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

- (i) the authority granted by law to an executive department or agency, or the head thereof, or
 - (ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.
- (b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.
- (c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

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Presidential Memorandum -- Improving Availability of Relevant Executive Branch Records to the National Instant Criminal Background Check System

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Improving Availability of Relevant Executive Branch Records to the National Instant Criminal Background Check System

Since it became operational in 1998, the National Instant Criminal Background Check System (NICS) has been an essential tool in the effort to ensure that individuals who are prohibited under Federal or State law from possessing firearms do not acquire them from Federal Firearms Licensees (FFLs). The ability of the NICS to determine quickly and effectively whether an individual is prohibited from possessing or receiving a firearm depends on the completeness and accuracy of the information made available to it by Federal, State, and tribal authorities.

The NICS Improvement Amendments Act of 2007 (NIAA) (Public Law 110-180) was a bipartisan effort to strengthen the NICS by increasing the quantity and quality of relevant records from Federal, State, and tribal authorities accessible by the system. Among its requirements, the NIAA mandated that executive departments and agencies (agencies) provide relevant information, including criminal history records, certain adjudications related to the mental health of a person, and other information, to databases accessible by the NICS. Much progress has been made to identify information generated by agencies that is relevant to determining whether a person is prohibited from receiving or possessing firearms, but more must be done. Greater participation by agencies in identifying records they possess that are relevant to determining whether an individual is prohibited from possessing a firearm and a regularized process for submitting those records to the NICS will strengthen the accuracy and efficiency of the NICS, increasing public safety by keeping guns out of the hands of persons who cannot lawfully possess them.

Therefore, by the authority vested in me as President by the Constitution and the laws of the United States of America, I hereby direct the following:

Section 1. Improving the Availability of Records to the NICS. (a) Within 45 days of the date of this memorandum, and consistent with the process described in section 3 of this memorandum, the Department of Justice (DOJ) shall issue guidance to agencies regarding the identification and sharing of relevant Federal records and their submission to the NICS.

(b) Within 60 days of issuance of guidance pursuant to subsection (a) of this section, agencies shall submit a report to DOJ advising whether they possess relevant records, as set forth in the guidance, and setting forth an implementation plan for making information in those records available to the NICS, consistent with applicable law.

(c) In accordance with the authority and responsibility provided to the Attorney General by the Brady Handgun Violence Prevention Act (Public Law 103-159), as amended, the Attorney General, consistent with the process described in section 3 of this memorandum, shall resolve any disputes concerning whether agency records are relevant and should be made available to the NICS.

(d) To the extent they possess relevant records, as set forth in the guidance issued pursuant to subsection (a) of this section, agencies shall prioritize making those records available to the NICS on a regular and ongoing basis.

Sec. 2. Measuring Progress. (a) By October 1, 2013, and annually thereafter, agencies that possess relevant records shall submit a report to the President through the Attorney General describing:

- (i) the relevant records possessed by the agency that can be shared with the NICS consistent with applicable law;
- (ii) the number of those records submitted to databases accessible by the NICS during each reporting period;
- (iii) the efforts made to increase the percentage of relevant records possessed by the agency that are submitted to databases accessible by the NICS;

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(iv) any obstacles to increasing the percentage of records that are submitted to databases accessible by the NICS;

(v) for agencies that make qualifying adjudications related to the mental health of a person, the measures put in place to provide notice and programs for relief from disabilities as required under the NIAA;

(vi) the measures put in place to correct, modify, or remove records accessible by the NICS when the basis under which the record was made available no longer applies; and

(vii) additional steps that will be taken within 1 year of the report to improve the processes by which records are identified, made accessible, and corrected, modified, or removed.

(b) If an agency certifies in its annual report that it has made available to the NICS its relevant records that can be shared consistent with applicable law, and describes its plan to make new records available to the NICS and to update, modify, or remove existing records electronically no less often than quarterly as required by the NIAA, such agency will not be required to submit further annual reports. Instead, the agency will be required to submit an annual certification to DOJ, attesting that the agency continues to submit relevant records and has corrected, modified, or removed appropriate records.

Sec. 3. NICS Consultation and Coordination Working Group. To ensure adequate agency input in the guidance required by section 1(a) of this memorandum, subsequent decisions about whether an agency possesses relevant records, and determinations concerning whether relevant records should be provided to the NICS, there is established a NICS Consultation and Coordination Working Group (Working Group), to be chaired by the Attorney General or his designee.

(a) Membership. In addition to the Chair, the Working Group shall consist of representatives of the following agencies:

(i) the Department of Defense;

(ii) the Department of Health and Human Services;

(iii) the Department of Transportation;

(iv) the Department of Veterans Affairs;

(v) the Department of Homeland Security;

(vi) the Social Security Administration;

(vii) the Office of Personnel Management;

(viii) the Office of Management and Budget; and

(ix) such other agencies or offices as the Chair may designate.

(b) Functions. The Working Group shall convene regularly and as needed to allow for consultation and coordination between DOJ and agencies affected by the Attorney General's implementation of the NIAA, including with respect to the guidance required by section 1(a) of this memorandum, subsequent decisions about whether an agency possesses relevant records, and determinations concerning whether relevant records should be provided to the NICS. The Working Group may also consider, as appropriate:

(i) developing means and methods for identifying agency records deemed relevant by DOJ's guidance;

(ii) addressing obstacles faced by agencies in making their relevant records available to the NICS;

(iii) implementing notice and relief from disabilities programs; and

(iv) ensuring means to correct, modify, or remove records when the basis under which the record was made available no longer applies.

(c) Reporting. The Working Group will review the annual reports required by section 2(a) of this memorandum, and member agencies may append to the reports any material they deem appropriate, including an identification of any agency best practices that may be of assistance to States in supplying records to the NICS.

Sec. 4. General Provisions. (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to a department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) Independent agencies are strongly encouraged to comply with the requirements of this memorandum.

Sec. 5. Publication. The Attorney General is hereby authorized and directed to publish this memorandum in the *Federal Register*.

BARACK OBAMA

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REASON-RUPE

Public Opinion Survey

JANUARY 2013 TOPLINE RESULTS

RELEASED: JANUARY 30, 2013

The Reason-Rupe January 2013 Poll interviewed 1000 adults on both mobile (500) and landline (500) phones, including 228 respondents without landlines from January 17 to 21, 2013. The margin of sampling error is +/- 3.8%. Princeton Survey Research Associates International (PSRAI) conducted the survey. Interviews were done in English by Princeton Data Source LLC. Statistical results are weighted to correct known demographic discrepancies. When feasible, answer choices within questions were rotated. For more methodological information, please visit <http://reason.com/reason-rupe-poll-methodology>.

The poll questionnaire, crosstabs, and analysis can be found at reason.com/poll.

31 Which do you think is more important for technological innovation in our country

Private sector investment	66%
Government investment	25%
Don't Know/Refused	9%
Total	100%

32 In just a few words, what, if anything, should be the government's reaction to the school shooting that occurred in Newtown, Connecticut last month? (OPEN)

(Some respondents provided up to three answers, Percentages Sum to More than 100%, ASKED OF HALF SAMPLE)

% of Respondents Who Mentioned...

Nothing/Federal Government Should Not Get Involved	21%
Security at Schools	20%
Stronger/More Gun Control	16%
Better Mental Health Services	12%
Ban Assault Weapons/Large Magazine Clips	9%
More Background Checks	7%
Respondent Agrees with President Obama's Plan	7%
Enforce Existing Gun Laws	6%
Respondent Wants Government to do Something	5%
Let States Handle Gun Laws	2%
Ban All Guns/Turn guns and ammunition into authorities	1%
Other	13%
Answer Given	91%
Don't Know/Refused	9%
Total	100%

33 Of the following factors that some say might have helped prevent the Newtown tragedy, which one do you consider MOST important?

Better mental health treatment	24%
Stricter gun control laws	19%
Better parenting	18%
Having armed school officials or armed guards on site	17%
Less violence in media and video games	10%
Don't Know/Refused	4%
Something else	3%
Haven't you followed this news story enough to say?	3%
All of above	1%
Combination of above	1%
Total	100%

34 If the federal ban on assault weapons that expired in 2004 were still in effect, do you think it would have helped avoid the Newtown tragedy, or not?

Yes	27%
No	67%
Depends (VOL.)	1%
Don't Know/Refused	4%
Total	100%

35 If the federal ban on assault weapons that expired in 2004 were still in effect, how would it have helped avoid the Newtown tragedy? (OPEN) (ASKED IF Q34=1)

Would have made it more difficult for Lanza to obtain the weapons used	42%
Would have prevented Lanza from obtaining weapons used	30%
Weapons wouldn't have fired bullets so rapidly/reducing number of casualties	10%
Other (i.e. no reason for civilian to own assault weapon)	18%
Answer Given	93%
Don't Know/Refused	7%

36 Do you think people should be prohibited from owning assault weapons, or should people be allowed to own them?

Prohibited from owning assault weapons	44%
Allowed to own assault weapons	51%
Don't Know/Refused	5%
Total	100%

37 In just a few words, how would you describe an assault weapon? (OPEN)
(Some respondents provided up to three answers, Percentages Sum to More than 100%, ASKED OF HALF SAMPLE)

% of Respondents Who Mentioned....	
Automatic Weapon	29%
Fires Rapidly	27%
Large Magazines	23%
Fires Multiple Rounds	17%
Powerful/Dangerous Gun	15%
Military Style Weapon	13%
Any Weapon i.e. knife or gun	8%
Semi-Automatic	7%
Designed to kill many people	7%
Not for Hunting or Traditional Protection	4%
Other	6%

	Answer Given	93%
	Don't Know	7%
	Total	100%
38	Many elected officials have called for swift government action in response to the Newtown school shooting. Which comes closest to your view	
	Elected officials are exploiting the tragedy for political reasons	52%
	Elected officials are reacting responsibly	41%
	Don't Know/Refused	7%
	Total	100%
39	Do you or does any other member of your household own a handgun, rifle, shotgun, or any other kind of firearm? Is that you or another member of your household?	
	<i>NET Household Owns Firearm</i>	42%
	<i>NET Household Does Not Own Firearm</i>	54%
	Yes, self	17%
	Yes, other member of household	13%
	Yes, self and other member of household (VOL.)	12%
	No	54%
	Don't Know/Refused	4%
	Total	100%
40	Please tell me which comes closer to your own opinion...the less government the better; or, there are more things government should be doing	
	The less government the better	47%
	There are more things government should be doing	46%
	Don't Know/Refused	7%
	Total	100%
41	Please tell me which comes closer to your own opinion...we need a strong government to handle today's complex economic problems; or, people would be better able to handle today's problems within a free market with less govt involvement	
	We need a strong government to handle today's complex economic problems	45%
	People would be better able to handle today's problems within a free market with less govt involvement	49%
	Don't Know/Refused	7%
	Total	100%

	<p>INTRODUCED: 01/29/2013 DISPOSITION: Pending LOCATION: Senate State, Veterans & Military Affairs Committee SUMMARY: Concerns the inapplicability of certain federal firearms Laws within Colorado. STATUS: 01/29/2013 INTRODUCED. 01/29/2013 To SENATE Committee on STATE, VETERANS AND MILITARY AFFAIRS. gun: FireFreeAct, optout</p>
LA H 5	<p>AUTHOR: Morris [R] TITLE: Semi Automatic Weapons PREFILED: 01/28/2013 DISPOSITION: Pending LOCATION: House Administration of Criminal Justice Committee SUMMARY: Prohibits the enforcement of federal restrictions regarding the ownership of semi automatic firearms. STATUS: 01/28/2013 PREFILED. 01/28/2013 To HOUSE Committee on ADMINISTRATION OF CRIMINAL JUSTICE. gun: optout</p>
MO H 209	<p>SPONSOR: Richardson [R] TITLE: Federal Firearm Law INTRODUCED: 01/17/2013 DISPOSITION: Pending LOCATION: HOUSE SUMMARY: Specifies that a federal official must not enforce a federal firearm law when the firearm is manufactured and remains in the state and that any new federal law banning or restricting ownership of a semi-automatic firearm is unenforceable. STATUS: 01/17/2013 INTRODUCED. gun: FireFreeAct, optout</p>
MO S 150	<p>SPONSOR: Munzlinger [R] TITLE: Federal Firearms Laws INTRODUCED: 01/16/2013 DISPOSITION: Pending LOCATION: Senate General Laws Committee SUMMARY: Relates to certain federal Laws regarding fierarms. STATUS: 01/31/2013 To SENATE Committee on GENERAL LAWS. gun: optout</p>
MS H 625	<p>AUTHOR: Formby [R] TITLE: Firearm Protection Act INTRODUCED: 01/21/2013 DISPOSITION: Pending</p>

LOCATION: House Judiciary B Committee

SUMMARY:

Prohibits enforcement of federal law regarding firearms, accessories or ammunition manufactured in the state that remains within the borders of the state; provides that any federal law which attempts to ban a semi-automatic firearm or to limit the size of a magazine of a firearm or other limitation on firearms in this state shall be unenforceable in the state; provides a penalty for violations of this act.

STATUS:

01/21/2013 To HOUSE Committee on JUDICIARY B.
gun: FireFreeAct, optout

MS H 778

AUTHOR: Brown C [D]
TITLE: Federal Regulation Exempt Firearms
INTRODUCED: 01/21/2013
DISPOSITION: Pending
LOCATION: House Judiciary A Committee
SUMMARY:

Exempts from federal regulation under the commerce clause of the constitution of the United States a firearm, a firearm accessory or ammunition manufactured and retained in Mississippi.

STATUS:

01/21/2013 INTRODUCED.
01/21/2013 To HOUSE Committee on JUDICIARY A.
gun: optout

MS H 1013

AUTHOR: Arnold [R]
TITLE: Federal Firearm Laws Enforcing
INTRODUCED: 01/21/2013
DISPOSITION: Pending
LOCATION: House Judiciary A Committee
SUMMARY:

Prohibits enforcement of federal law regarding firearms, accessories, or ammunition manufactured in the state that remains within the borders of the state; provides that any federal law which attempts to ban a semi-automatic firearm or to limit the size of a magazine of a firearm or other limitation on firearms in this state shall be unenforceable in the state; provides a penalty for violations of this act.

STATUS:

01/21/2013 INTRODUCED.
01/21/2013 To HOUSE Committee on JUDICIARY A.
gun: optout

MS S 2519

AUTHOR: Hill [R]
TITLE: Firearm Protection Act
INTRODUCED: 01/21/2013
DISPOSITION: Pending
LOCATION: Senate Judiciary A Committee
SUMMARY:

Creates the Firearm Protection Act; provides that any federal law that attempts to enforce a weapons ban of a semiautomatic firearm or to limit the size of magazine of a firearm or other limitation on firearms in the state shall be unenforceable.

	STATUS:	
	01/21/2013	INTRODUCED.
	01/21/2013	To SENATE Committee on JUDICIARY, DIVISION A.
	gun:	optout
MS S 2529	AUTHOR:	Potts Parks [R]
	TITLE:	Firearms Protection and Reciprocity Act
	INTRODUCED:	01/21/2013
	DISPOSITION:	Pending
	LOCATION:	Senate Judiciary A Committee
	SUMMARY:	
		Protects the second amendment rights of Mississippi citizens and citizens of reciprocating states; creates the firearms protection Act; provides that any federal law that attempts to ban a semiautomatic firearm or limit the size of a magazine or firearm or other limitation on firearms in the state shall be unenforceable.
	STATUS:	
	01/21/2013	INTRODUCED.
	01/21/2013	To SENATE Committee on JUDICIARY, DIVISION A.
	gun:	optout
MS S 2607	AUTHOR:	Potts Parks [R]
	TITLE:	Firearms Freedom Act
	INTRODUCED:	01/21/2013
	DISPOSITION:	Pending
	LOCATION:	Senate Judiciary A Committee
	SUMMARY:	
		Protects the second amendment rights of Mississippi citizens; exempts firearms, firearms accessories, or ammunition manufactured and retained in the state from federal regulation under the commerce clause of the US Constitution.
	STATUS:	
	01/21/2013	INTRODUCED.
	01/21/2013	To SENATE Committee on JUDICIARY, DIVISION A.
	gun:	optout
MS S 2748	AUTHOR:	Harkins [R]
	TITLE:	Firearms Protection Act
	INTRODUCED:	01/21/2013
	DISPOSITION:	Pending
	LOCATION:	Senate Judiciary A Committee
	SUMMARY:	
		Creates the Firearm Protection Act; provides that any federal law that attempts to ban a semiautomatic firearm or to limit the size of a magazine of a firearm or other limitation on firearms in this state shall be unenforceable; provides a penalty.
	STATUS:	
	01/21/2013	To SENATE Committee on JUDICIARY, DIVISION A.
	gun:	optout
MS S 2761	AUTHOR:	McDaniel [R]
	TITLE:	Firearms
	INTRODUCED:	01/21/2013
	DISPOSITION:	Pending

	LOCATION:	Senate Judiciary A Committee
	SUMMARY:	Prohibits state or local enabling of federal gun ban enforcement.
	STATUS:	
	01/21/2013	To SENATE Committee on JUDICIARY, DIVISION A.
	gun:	optout
MS S 2762	AUTHOR:	Massey [R]
	TITLE:	Firearm Federal Regulation
	INTRODUCED:	01/21/2013
	DISPOSITION:	Pending
	LOCATION:	Senate Judiciary A Committee
	SUMMARY:	Exempts from federal regulation under the commerce clause of the constitution of the United States a firearm, a firearm accessory, or ammunition manufactured and retained in Mississippi.
	STATUS:	
	01/21/2013	To SENATE Committee on JUDICIARY, DIVISION A.
	gun:	optout
MS S 2768	AUTHOR:	Fillingane J [R]
	TITLE:	Unenforceable Semiautomatic Firearm Law
	INTRODUCED:	01/21/2013
	DISPOSITION:	Pending
	LOCATION:	Senate Judiciary A Committee
	SUMMARY:	Relates to firearms; provides that any federal law that attempts to ban a semiautomatic firearm or to limit the size of a magazine of a firearm or other limitation on firearms in this state shall be unenforceable; provides a penalty.
	STATUS:	
	01/21/2013	To SENATE Committee on JUDICIARY, DIVISION A.
	gun:	optout
MS S 2774	AUTHOR:	Hill [R]
	TITLE:	Firearms Freedom Act
	INTRODUCED:	01/21/2013
	DISPOSITION:	Pending
	LOCATION:	Senate Judiciary A Committee
	SUMMARY:	Exempts from federal regulation under the commerce clause of the Constitution of the United States a firearm, a firearm accessory, or ammunition manufactured and retained in the state.
	STATUS:	
	01/21/2013	INTRODUCED.
	01/21/2013	To SENATE Committee on JUDICIARY, DIVISION A.
	gun:	optout
MT H 302	AUTHOR:	Kerns [R]
	TITLE:	Ban on Semi Auto Firearms
	INTRODUCED:	01/24/2013
	DISPOSITION:	Pending
	LOCATION:	House Judiciary Committee
	SUMMARY:	

Prohibits state enforcement of any federal ban on semi-auto firearms, magazines; relates to federal government; relates to law enforcement.

STATUS:

01/24/2013 INTRODUCED.
01/25/2013 Filed as Draft 1783.
01/25/2013 To HOUSE Committee on JUDICIARY.
gun: optout

ND H 1183

AUTHOR: Streyle [R]
TITLE: State Governmental Entities
INTRODUCED: 01/11/2013
DISPOSITION: Pending
LOCATION: House Judiciary Committee
SUMMARY:

Relates to forbidding state governmental entities from providing aid and assistance to the federal government or any other governmental entity for the investigation, enforcement, and prosecution of federal firearms laws not in force as of January 1, 2013; provides a penalty; provides for retroactive application; declares an emergency.

STATUS:

01/11/2013 INTRODUCED.
01/11/2013 To HOUSE Committee on JUDICIARY.
gun: optout

NE L 451

AUTHOR: Janssen C [NP]
TITLE: Federal Restrictions on Firearms
INTRODUCED: 01/22/2013
DISPOSITION: Pending
LOCATION: Judiciary Committee
SUMMARY:

Prohibits federal restrictions on firearms, magazines, and firearm accessories as prescribed.

STATUS:

01/24/2013 To LEGISLATIVE Committee on JUDICIARY.
gun: optout

NM H 114

AUTHOR: Espinoza [R]
TITLE: Firearms
INTRODUCED: 01/16/2013
DISPOSITION: Pending
LOCATION: House Consumer and Public Affairs Committee
SUMMARY:

Relates to firearms; prohibits the enforcement of Federal firearm Laws; provides for the defense of New Mexico residents by the Attorney General; provides penalties.

STATUS:

01/16/2013 To HOUSE Committee on JUDICIARY.
gun: FireFreeAct, optout

PA H 357

PN: 357
AUTHOR: Metcalfe [R]
TITLE: Federal Firearm Laws
INTRODUCED: 01/25/2013

	<p>DISPOSITION: Pending</p> <p>LOCATION: House Judiciary Committee</p> <p>SUMMARY: Provides that any Federal law which attempts to register, restrict or ban a firearm or to limit the size of a magazine of a firearm in this Commonwealth shall be unenforceable in this Commonwealth; imposes penalties.</p> <p>STATUS: 01/25/2013 INTRODUCED. 01/25/2013 To HOUSE Committee on JUDICIARY. gun: optout</p>
PA H 469	<p>AUTHOR: Tallman [R]</p> <p>TITLE: Regulation of Firearms</p> <p>INTRODUCED: 02/04/2013</p> <p>DISPOSITION: Pending</p> <p>LOCATION: House Judiciary Committee</p> <p>SUMMARY: Prohibits the regulation of firearms by an executive order, rule or regulation of the President of the United States or a Federal executive agency.</p> <p>STATUS: 02/04/2013 INTRODUCED. 02/04/2013 To HOUSE Committee on JUDICIARY. gun: optout</p>
SC S 285	<p>AUTHOR: Grooms [R]</p> <p>TITLE: Firearms Liberty Act</p> <p>INTRODUCED: 01/23/2013</p> <p>DISPOSITION: Pending</p> <p>LOCATION: Senate Judiciary Committee</p> <p>SUMMARY: Enacts the South Carolina firearms liberty act; provides that a firearm, firearm accessory, or ammunition manufactured and retained in South Carolina is exempt from federal regulation under the commerce clause of the constitution of the United States; provides that any federal law to restrict the ownership or manufacture of a firearm pursuant to this article may not be enforced by federal, state, or local law enforcement officials.</p> <p>STATUS: 01/23/2013 INTRODUCED. 01/23/2013 To SENATE Committee on JUDICIARY. gun: FireFreeAct, optout</p>
SC S 316	<p>AUTHOR: Bright [R]</p> <p>TITLE: Second Amendment Preservation Act</p> <p>INTRODUCED: 01/30/2013</p> <p>DISPOSITION: Pending</p> <p>LOCATION: Senate Judiciary Committee</p> <p>SUMMARY: Relates to firearms; adds article 9 to enact the second amendment preservation act to nullify unconstitutional actions taken by the federal government in regard to the infringement of the right to keep and bear arms; prohibits enforcement of unconstitutional acts and convictions for failing to follow unconstitutional federal requirements.</p> <p>STATUS:</p>

	01/30/2013	INTRODUCED.
	01/30/2013	To SENATE Committee on JUDICIARY.
	gun:	optout
SD H 1222	AUTHOR:	Nelson S [R]
	TITLE:	Unenforceable Federal Law on Firearms
	INTRODUCED:	01/28/2013
	DISPOSITION:	Pending
	LOCATION:	House State Affairs Committee
	SUMMARY:	
		Provides that any federal law that attempts to ban firearms, to limit the size of firearm magazines, or to impose other limitations on firearms is unenforceable in South Dakota, to provide a penalty, and to declare an emergency.
	STATUS:	
	01/28/2013	INTRODUCED.
	01/28/2013	To HOUSE Committee on STATE AFFAIRS.
	gun:	optout
TN H 10	SAME AS:	TN S 40
	AUTHOR:	Faison [R]
	TITLE:	Firearms and Ammunition
	INTRODUCED:	01/10/2013
	DISPOSITION:	Pending
	LOCATION:	HOUSE
	SUMMARY:	
		Prohibits the allocation of state or local public funds to the regulation or enforcement of any federal law, executive order, rule or regulation that becomes effective on or after January 1, 2013, that imposes restrictions on citizens who lawfully possess or carry firearms in this state; allows the allocation of state or local personnel or property to such regulation or enforcement if federal funding is provided.
	STATUS:	
	01/10/2013	INTRODUCED.
	gun:	optout
TN H 42	SAME AS:	TN S 100
	AUTHOR:	Carr J [R]
	TITLE:	Firearms and Ammunition
	INTRODUCED:	01/15/2013
	DISPOSITION:	Pending
	LOCATION:	HOUSE
	SUMMARY:	
		Prohibits the enforcement and prosecution of certain federal law implemented or executed on or after January 1, 2013, concerning certain firearms, firearm accessories or ammunition.
	STATUS:	
	01/15/2013	INTRODUCED.
	gun:	optout
TN H 248	SAME AS:	TN S 250
	AUTHOR:	Butt [R]
	TITLE:	Firearms and Ammunition
	INTRODUCED:	01/29/2013

DISPOSITION: Pending
LOCATION: HOUSE

SUMMARY:
Relates to firearms and ammunition; expands and amends the Tennessee Firearms Freedom Act to address federal actions in this state.

STATUS:
01/29/2013 INTRODUCED.
gun: optout

TN H 587

AUTHOR: Van Huss [R]
TITLE: Firearms and Ammunition
INTRODUCED: 01/31/2013
DISPOSITION: Pending
LOCATION: HOUSE

SUMMARY:
Relates to Firearms and Ammunition; prohibits the enforcement and prosecution of certain federal law implemented or executed on or after January 1, 2013, concerning certain firearms, firearm accessories or ammunition.

STATUS:
01/31/2013 INTRODUCED.
gun: optout

TN S 40

SAME AS: TN H 10
AUTHOR: Niceley [R]
TITLE: Firearms and Ammunition
INTRODUCED: 01/10/2013
DISPOSITION: Pending
LOCATION: Senate Judiciary Committee

SUMMARY:
Relates to firearms and ammunition; prohibits the allocation of state or local public funds to the regulation or enforcement of any federal law, executive order, rule or regulation that becomes effective on or after January 1, 2013, that imposes restrictions on citizens who lawfully possess or carry firearms in this state; allows the allocation of state or local personnel or property to such regulation or enforcement if federal funding is provided.

STATUS:
01/30/2013 To SENATE Committee on JUDICIARY.
gun: optout

TN S 100

SAME AS: TN H 42
AUTHOR: Hensley [R]
TITLE: Firearms and Ammunition
INTRODUCED: 01/23/2013
DISPOSITION: Pending
LOCATION: Senate Judiciary Committee

SUMMARY:
Relates to firearms and ammunition; prohibits the enforcement and prosecution of certain federal law implemented or executed on or after January 1, 2013, concerning certain firearms, firearm accessories or ammunition.

STATUS:
01/30/2013 To SENATE Committee on JUDICIARY.
gun: optout

TN S 250	<p>SAME AS: TN H 248 AUTHOR: Beavers [R] TITLE: Firearms and Ammunition INTRODUCED: 01/29/2013 DISPOSITION: Pending LOCATION: Senate Judiciary Committee SUMMARY: Relates to firearms and ammunition; expands and amends the Tennessee Firearms Freedom Act to address federal actions in this state. STATUS: 01/31/2013 To SENATE Committee on JUDICIARY. gun: optout</p>
TN S 795	<p>AUTHOR: Bowling [R] TITLE: Firearms and Ammunition INTRODUCED: 01/31/2013 DISPOSITION: Pending LOCATION: SENATE SUMMARY: Relates to Firearms and Ammunition; prohibits the allocation of state or local public funds, personnel or property to the regulation or enforcement of any federal law, executive order, rule or regulation, or any treaty signed by the United States, that becomes effective on or after January 1, 2013, that imposes restrictions on citizens who lawfully possess or carry firearms in this state. STATUS: 01/31/2013 INTRODUCED. gun: optout</p>
TN S 799	<p>AUTHOR: Beavers [R] TITLE: Firearms and Ammunition INTRODUCED: 01/31/2013 DISPOSITION: Pending LOCATION: SENATE SUMMARY: Relates to Firearms and Ammunition; prohibits the enforcement and prosecution of certain federal law implemented or executed on or after January 1, 2013, concerning certain firearms, firearm accessories or ammunition. STATUS: 01/31/2013 INTRODUCED. gun: optout</p>
TX H 553	<p>AUTHOR: Otto [R] TITLE: Firearms and the Second Amendment INTRODUCED: 01/15/2013 DISPOSITION: Pending LOCATION: HOUSE SUMMARY: Relates to firearms and the preservation of the Second Amendment to the United States Constitution; provides penalties. STATUS: 01/15/2013 INTRODUCED. gun: optout</p>

VA H 2340

AUTHOR: Marshall R [R]
TITLE: Prevention of the Right to Keep and Bear Arms
INTRODUCED: 01/18/2013
DISPOSITION: Pending
LOCATION: House Appropriations Committee
SUMMARY:

Relates to prevent any agency, political subdivision, or employee of Virginia from assisting the Federal government of the United States in any investigation, prosecution, detention, arrest, search, or seizure, under the authority of any federal statute enacted, or Executive Order or regulation issued, after December 31, 2012, infringing the individual Right to Keep and Bear Arms by imposing new restrictions on private ownership or private transfer of firearms, firearm magazines, ammunition, or components.

STATUS:

01/30/2013 To HOUSE Committee on APPROPRIATIONS.
gun: optout

WY H 104

AUTHOR: Kroeker [R]
TITLE: Firearms
INTRODUCED: 01/08/2013
LAST AMEND: 02/01/2013
DISPOSITION: Pending
LOCATION: SENATE
SUMMARY:

Relates to firearms; provides that any federal law which attempts to ban a semi-automatic firearm or to limit the size of a magazine of a firearm or other limitation on firearms in this state shall be unenforceable in Wyoming; provides a penalty; provides for an effective date.

STATUS:

02/01/2013 Amended on HOUSE floor.
02/01/2013 Passed HOUSE. *****To SENATE.
gun: optout

Rep. Shirkey offered the following resolution:

House Resolution No. 18.

A resolution to reaffirm the right to keep and bear arms under the Michigan Constitution, the supremacy of the Second Amendment over the Commerce Clause, the limitations of the Office of the President to ban firearms by use of executive order, and the intent of the Michigan Legislature to not recognize or enforce unconstitutional or otherwise unlawful firearm restrictions placed upon its citizens.

Whereas, Article I, Section 6 of the Michigan Constitution, clearly affirms a right to keep and bear arms. This provision prescribes that the primary purpose of the right to keep and bear arms is not related solely to hunting, but clearly allows Michigan citizen's to be able to protect one's self and family from the private lawlessness of other persons or potential tyranny of governments; and

Whereas, There are also federalism provisions under the United States Constitution that prohibit the federal government from contradicting those portions of Michigan's firearms law that are clearly under direct state control. The Tenth Amendment guarantees to the states and their people all powers not granted to the federal government elsewhere in the United States Constitution; and

Whereas, Article I, Section 8 of the United States Constitution provides the federal government with the power to regulate commerce. However, this provision only empowers the government to regulate commerce between states and cannot be used to impose regulations onto firearms beyond this scope or that are at cross-purposes with the Second Amendment; and

Whereas, The President of the United States may not issue executive orders that would violate the separation-of-powers doctrine by inserting the executive branch into areas that are beyond presidential authority, within the arena of Congressional legislation, or otherwise incompatible with the express or implied will of Congress; and

Whereas, Several new federal laws or executive actions have been proposed that would overstep the bounds of both the Second Amendment, Michigan's sovereign constitution, and its firearm laws; and

Whereas, It is not the intent of the Michigan legislature to pass laws that would prohibit, ban, or limit the sales of semi-automatic firearms, especially when based upon mere cosmetic reasons or misclassifications. Furthermore, it is not the intent of the Michigan Legislature to pass laws that would prohibit, ban, or limit the use of otherwise lawful ammunition, to mandate the use of "coded," "serialized," or "chipped" ammunition, to otherwise create databases of such ammunition, or to outlaw the ability of people to hand-load otherwise lawful ammunition. Furthermore, it is not the intent of the Michigan Legislature to regulate the family or private transfer or sale of firearms beyond what is currently required under law; and

Whereas, It is not the intent of the Michigan Legislature to pass laws that would mandate the use of so called "smart gun" technology that wirelessly or otherwise authenticates and enables a firearm to be used by only one person. Furthermore, it is not the intent of the Michigan Legislature to allow for licensing schemes for the purchase of firearms that would mandate facial recognition, iris scans, fingerprinting, or other advanced biometric technology. Furthermore, it is not the intent of the Michigan Legislature to pass laws that would infringe upon the ability of firearm owners to keep such weapons loaded and readily accessible within their homes, or that would allow for officials to inspect firearms within their homes without first obtaining a valid search warrant issued in conjunction with a lawful criminal investigation; and

Whereas, It is not the intent of the Michigan Legislature to direct health care professionals to make routine patient inquiries into firearm ownership, to disseminate such information to outside parties, or to prohibit firearm ownership to individuals based upon their reporting of the past use of pain killers or other medications for surgical recovery, dental procedures, and other legitimate medical purposes. Furthermore, it is not the intent of the Michigan Legislature to pass laws that

would make firearm ownership or use dependent upon the purchase of personal insurance policies or other similar risk instruments; and

Whereas, It is however the intent of the Michigan Legislature to ensure that such firearm schemes are not imposed upon the citizens of Michigan by either the federal government or itself, and would view such infringements as violations of both the Second Amendment and the Michigan Constitution; now, therefore, be it

Resolved by the House of Representatives, That we reaffirm the right to keep and bear arms under the Michigan Constitution, the supremacy of the Second Amendment over the Commerce Clause, the limitations of the Office of the President to ban firearms by use of executive order, and the intent of the Michigan Legislature to not recognize or enforce unconstitutional firearm restrictions placed upon its citizens; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, members of the Michigan congressional delegation, and the head of the Bureau of Alcohol, Tobacco, and Firearms.