

## Castle: Congress Should Heed Kaine Recommendations -- August 31, 2007

Washington, D.C. --- Delaware

Congressman Michael Castle praised recommendations released yesterday by Virginia Governor Tim Kaine and his panel, which was formed in response to the shootings at Virginia Tech earlier this year.

One of the recommendations includes passing Rep. Castle's bill, HR 96, The Gun Show Loophole Closing Act of 2007, and HR 2640, NICS Improvement Amendments.

"I applaud the panel's recommendations to strengthen Brady background checks by improving the collection of all disqualifying records from states and requiring background checks on all gun sales, including ones at gun shows -- which I have been pushing for years.

"A background check is only as good as the records included in the database, and all relevant records relating to persons disqualified from acquiring a firearm under federal law must be included in the National Instant Background Check System. I encourage the Senate to swiftly take up pending legislation, which passed the House of Representatives in June.

"Background checks save lives, and I hope the recommendations in this report will help gain traction on legislation I have introduced, the Gun Show Loophole Closing Act, to require background checks on all gun sales at gun shows, not just those performed by licensed dealers.

"If adopted, the panel's recommendations would make it harder for criminals or the mentally ill to obtain a firearm while protecting the rights of gun owners," Castle said.

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Below are the primary recommendations in the report related to firearms law.

VI-1

"All states should report information necessary to conduct federal background checks on gun purchases. There should be federal incentives to ensure compliance. This should apply to states whose requirements are different from federal law. States should become fully compliant with federal law that disqualifies persons from purchasing or possessing firearms who have been found by a court or other lawful authority to be a danger to themselves or others as a result of mental illness. Reporting of such information should include not just those who are disqualified because they have been found to be dangerous,

but all other categories of disqualification as well. In a society divided on many gun control issues, laws that specify who is prohibited from owning a firearm stand as examples of broad agreement and should be enforced.

#### VI-2

"Virginia should require background checks for all firearms sales, including those at gun shows. In an age of widespread information technology, it should not be too difficult for anyone, including private sellers, to contact the Virginia Firearms Transaction Program for a background check that usually only takes minutes before transferring a firearm. The program already processes transactions made by registered dealers at gun shows. The practice should be expanded to all sales.

#### Virginia

should also provide an enhanced penalty for guns sold without a background check and later used in a crime.

#### VI-3

"Anyone found to be a danger to themselves or others by a court-ordered review should be entered in the Central Criminal Records Exchange database regardless of whether they voluntarily agreed to treatment. Some people examined for a mental illness and found to be a potential threat to themselves or others are given the choice of agreeing to mental treatment voluntarily to avoid being ordered by the courts to be treated involuntarily. That does not appear on their records, and they are free to purchase guns. Some highly respected people knowledgeable about the interaction of mentally ill people with the mental health system are strongly opposed to requiring voluntary treatment to be entered on the record and be sent to a state database.

#### Their

concern is that it might reduce the incentive to seek treatment voluntarily, which has many advantages to the individuals (e.g., less time in hospital, less stigma, less cost) and to the legal and medical personnel involved (e.g., less time, less paperwork, less cost).

#### However,

there still are powerful incentives to take the voluntary path, such as a shorter stay in a hospital and not having a record of mandatory treatment. It does not seem logical to the panel to allow someone found to be dangerous to be able to purchase a firearm.

#### VI-4

"The existing attorney general's opinion regarding the authority of universities and colleges to ban guns on campus should be clarified immediately. The universities in Virginia have received or developed various interpretations of the law. The Commonwealth's attorney general has provided some guidance to universities, but additional clarity is needed from the attorney general or from state legislation regarding guns at universities and colleges.

#### VI-5

"The Virginia General Assembly should adopt legislation in the

2008

session clearly establishing the right of every institution of higher education in the Commonwealth to regulate the possession of firearms on campus if it so desires. The panel recommends that guns be banned on campus grounds and in buildings unless mandated by law.

VI-6

"Universities and colleges should make clear in their literature what their policy is regarding weapons on campus. Prospective students and their parents, as well as university staff, should know the policy related to concealed weapons so they can decide whether they prefer an armed or arms-free learning environment."

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