



# NORTH CAROLINIANS AGAINST GUN VIOLENCE EDUCATION FUND

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## Legislative Report for the 2007 Long Session, NC General Assembly

Lisa Price, Exec. Director, North Carolinians Against Gun Violence Education Fund, August 10, 2007

The 2007 long session of the NCGA began in late January and ended August 2. The legislature will reconvene for the short session May 13, 2008. Although in general it was a disappointing one for gun violence prevention, there were a few bright spots. This is a very controversial topic in a climate difficult to pass legislation nationally and in many states. With every bill we faced stiff opposition from the gun lobby. Sometimes the most we can do is prevent bad bills from passing. Thanks very much to all who helped to lobby for and against bills.

We initiated, HB 1847, Require Reporting of Lost and Stolen Guns, whose main sponsor was Rep. Larry Hall, (D-Durham). Other primary sponsors were Earl Jones (D-Halifax) and Paul Luebke (D-Durham); there were 12 other Democratic sponsors and two Republicans. It was supported by the NC Association of Chiefs of Police; Raleigh, Durham, and Charlotte-Mecklenburg police departments; and the Police Benevolent Association.

Its main objectives were to reduce illegal gun trafficking and gun crimes. Currently, there is no requirement for gun owners to report lost or stolen guns to NC law enforcement. One kind of gun trafficker, straw buyers, buy guns legally but sell them to those prohibited from purchasing. When these guns are used in crimes and traced to the straw buyer, he tells law enforcement they were "lost or stolen" and stays in business. Having a law to require reporting of lost and stolen guns would enable law enforcement to prosecute these lying straw buyers.

Although it passed House Judiciary I Committee by a vote of 10-5, it was defeated in the NC House 77 to 41. We were able, however, to get about 20 more votes for the bill than are usually cast in favor of gun regulation, and Rep. Paul Luebke noted this as a significant step forward at our June reception honoring legislators. Opponents said such things as: gun owners whose guns were stolen would be penalized and everyone already reports such losses to get insurance and catch criminals. NCGV will probably try again with Report Lost and Stolen. Connecticut passed it this year after years of trying; this was our first attempt.

We supported HB 1287, Report Denial of Pistol Permits, with primary sponsors Reps. Maggie Jeffus (D-Guilford), Ronnie Sutton (D-Robeson) and Pricey Harrison (D-Guilford). This common-sense, well-crafted bill requires that a denial by a sheriff of a permit to purchase be reported to a computerized database available to sheriffs statewide. Thus, for example, someone known to be a danger to himself or others could not get the permit in another county. In 2005 a similar bill passed the House, but was not taken up in the Senate after the gun lobby weighed in. This year it passed the House 88-27 but a motion for a favorable report was not passed in the Senate Judiciary III Committee by a very close voice vote. Opponents said it would put names into a statewide database and keep guns from those who had a right to own them. It was unclear if the Sheriffs Association was for or against it. Because it passed the House, it could come up again in the 2008 short session.

A bill we worked against for several years, HB 573, Authorize Judges to Carry Concealed Weapons in Courthouses, finally will become law, unless vetoed by the governor. It first passed the House 91-20 and then the Senate 40-7. This unnecessary law will give judges the right to carry concealed handguns in their courtrooms. We argued that there are already bailiffs in most courtrooms and metal-detectors in many; if some courtrooms failed to have adequate protection, it could be upgraded. When we saw the bill was going to pass

the Senate we tried to amend it to make it a local option, but this failed in J-III and was never offered in the full Senate. After the bill passed J-III, we tried unsuccessfully to have it bottled up in another Senate committee and not considered by the full Senate. Unlike Report Lost and Stolen Guns and Report Denial of Pistol Permits, Judges will not threaten the safety of many North Carolinians. However, at every hearing, NRA, NC Gun Dealers Group, and NC Sporting Dog Association lobbyists testified for the bill.

At the closing days of the session, Database Development/Mental Health Commitment Orders, sponsored by Reps. Rick Glazier (D-Cumberland), Pricey Harrison (D-Guilford), and Jennifer Weiss (D-Wake), was made a provision of the House Studies Bill. This provision is especially significant after the terrible Virginia Tech shootings by a dangerous mentally ill student who was able to purchase guns. It directs several state agencies, such as the Dept. of Health and Human Services, State Bureau of Investigation, Crime Control and Public Safety, to form a task force and develop plans for a database re. involuntary commitments of individuals to psychiatric institutions. Law enforcement officials charged with issuing handgun permits would have automated access to the database and could deny permits because of commitments. Unfortunately, the Senate did not concur with the House Studies Bill. Sponsors are looking into getting authorization from the Easley administration for agencies to develop the data system and recommend how to implement it. This report could go to the NCGA in the 2008 short session and would probably need legislative authorization to implement the system. U.S. Rep. Carolyn McCarthy's HR 2640 NICS Improvement Bill, which has passed the U.S. House, would help states enter such information into the National Instant Check System (NICS).

Some extreme gun lobby bills never came to a vote in committee and thus we never asked you to lobby against them! Our lobbyist, Jon Carr talked effectively with committee chairs and House leadership to keep them off the agenda. HB 476, Castle Doctrine (which gun violence prevention organizations call "Shoot First") would have encouraged gun carriers to shoot when they felt threatened by someone; now shooting is to be used as a last resort to actual danger. It was bottled up in Rep. Dan Blue's Judiciary II Comm. HB 830, Concealed Handgun Permit Valid in Parks and HB 831, Personal Protection in Restaurants, would have allowed concealed handguns where they are now restricted. Common sense tells us not to have guns in parks where families gather or in restaurants, especially where alcohol is served. These were bottled up in Rep. Deborah Ross's Judiciary I Committee.

The pattern is clear: the gun lobby encourages the "right" of as many individuals as possible to own guns and the necessity for individuals to protect themselves. They distrust government. Those of us concerned with preventing gun violence want government to protect the right of citizens to be safe from gun violence caused by guns in the wrong hands, such as those of criminals, the dangerous mentally ill, domestic abusers, children and terrorists. Despite the gun lobby's continued blocking of our bills, we must keep working to pass state and national laws to protect the public's health and safety. Thank you again for your continued help.