



NEWS FROM U.S. SENATOR FOR WEST VIRGINIA

Joe Manchin III

The Public Safety and Second Amendment Rights Protection Act

Our bill does three major things: 1) expands the existing background check system to cover commercial sales, including sales at gun shows and internet sales; 2) strengthens the existing instant check system by encouraging states to put all their available records into the National Instant Criminal Background Check System (NICS); 3) establishes a National Commission on Mass Violence to study in-depth all the causes of mass violence in our country.

1. Leveling the playing field for gun sales:

- Under current law, if you buy a gun at a gun show from a licensed dealer, you have to undergo a background check by that dealer. But you can go to a non-dealer table at the gun show, or into the parking lot, and buy a gun without a background check.
 - Our bill ensures that anyone buying a gun at a gun show has to undergo a background check by a licensed dealer.
- Under current law, if you buy a gun online interstate (from one state to another), the gun must be shipped to a licensed dealer, you must go to that dealer and get a background check before you purchase the gun. However, for intrastate (in the same state) sales, no background check is required and you can sell the gun to the person without ever meeting face-to-face.
 - Our bill requires that the current system for interstate sales be expanded to cover intrastate sales as well—so all purchasers buying guns online must undergo a background check by a licensed dealer.
- As under current law, background checks are performed by licensed dealers, and recordkeeping will not change—dealers will keep the records in bound books, like they do now. The federal government cannot keep records.

- Our bill explicitly bans the federal government from creating a registry and creates a new penalty for misusing records to create a registry—a felony punishable by 15 years in prison.
- As under current law, temporary transfers do not require background checks, so, for example, you can loan your hunting rifle to your buddy without any new restrictions or requirements.
- As under current law, transfers between family, friends, and neighbors do not require background checks. You can give or sell a gun to your brother, your neighbor, your coworker without a background check. You can post a gun for sale on the cork bulletin board at your church or your job without a background check.
- Our bill also fixes problems in current law that unfairly limit the Second Amendment rights of law abiding gun owners by:
 - Allowing interstate handgun sales from licensed dealers. Outdated current law only allows interstate sales of rifles and shotguns. This will bring more sales into the background check system.
 - Allowing active military to buy firearms in their home states and the state in which they are stationed. Current law restricts them to purchasing only from their duty station.
 - Allowing dealer-to-dealer sales at gun shows taking place in a state in which they are not a resident. Currently these sales are only permitted for dealers from the same state in which the gun show is being held.
 - Protecting sellers from lawsuits if the buyer is cleared through the expanded background checks system and the weapon is subsequently used in a crime. This is the same treatment gun dealers receive now.
 - Authorizing the use of a state concealed carry permit that has been issued within the last five years in lieu of a background check when purchasing a firearm from a dealer because background checks are required to receive conceal carry permits.

2. Getting all the names of prohibited purchasers into the background check system

- There are serious problems currently with states not putting records into the NICS system. One tragic example: records on the Virginia Tech shooter

that would have put him on the prohibited purchasers list had not been entered into the system.

- Our bill encourages states to provide all their available records to NICS by eliminating unnecessary responsibilities for states and directing future grant money towards creating systems to send records to NICS. The bill will also reduce federal funds to states that do not comply.
- Provides additional Second Amendment protections to our veterans.
- Requires that if a background check at a gun show does not result in a definitive response from NICS within 48 hours, the sale may proceed. After four years, when the NICS improvements are completed, the background check would be required to clear in 24 hours. Current law is three business days.

3. Establishes a National Commission on Mass Violence

- Creates a commission of non-elected experts in their fields who will study the causes of mass violence in the United States, looking at all aspects of the problem, including mental health, guns, school safety and portrayals of violence in the media. This broad approach is absolutely necessary to truly address our culture of violence.

WHAT THE BILL WILL NOT DO

The bill will not, in any way, shape, or form infringe upon anyone's Second Amendment rights to keep and bear arms.

The bill will not take away anyone's guns.

The bill will not ban any type of firearm.

The bill will not ban or restrict the use of any kind of bullet or any size clip or magazine.

The bill will not create a national registry; in fact, it explicitly prohibits it.

