

## The National Rifle Association's Opposition to the Proposed "Universal Background Check" for the Private Transfer of Firearms in Colorado

### Introduction

The National Rifle Association (NRA) thanks Governor John Hickenlooper and his administration for including our organization in this vitally important conversation regarding Second Amendment rights in Colorado.

The NRA and its tens of thousands of members in Colorado wholly oppose the imposition of a so-called "universal background check" for the private transfer of firearms statewide.

Below you will find outlined why we oppose this unnecessary and restrictive measure on law-abiding citizens, supported by national and state specific data, as well as background information.

### Crime Data and National Trends as it Relates to "Universal Background Checks"

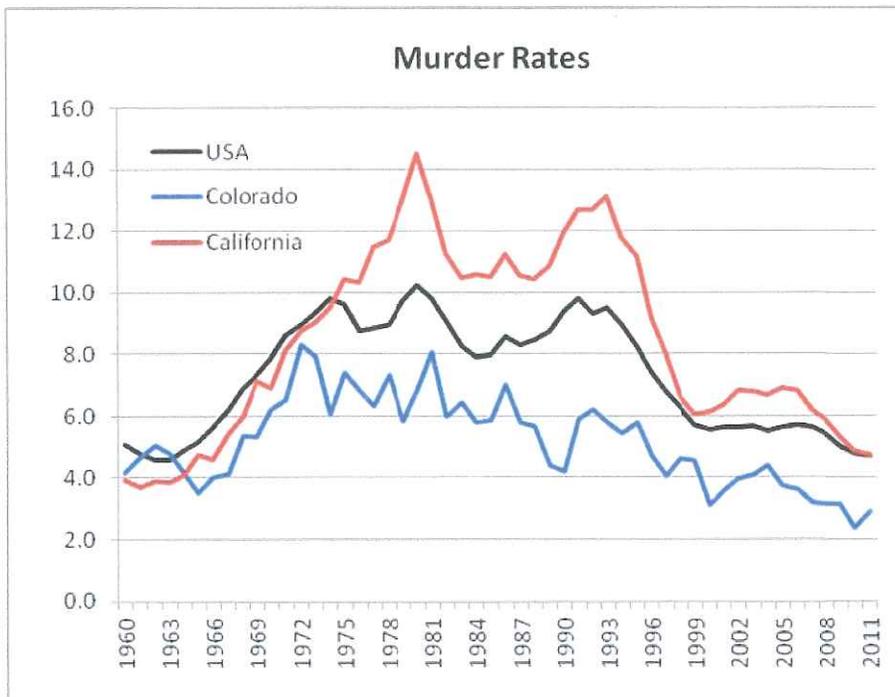
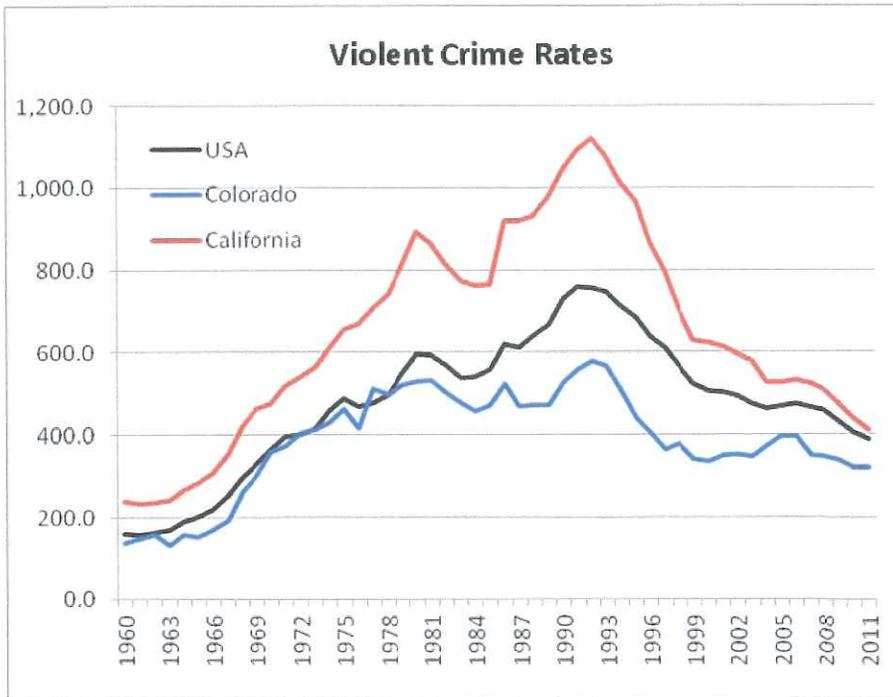
California has been referenced and pointed to as a model for how to implement a so called "universal background check." Below are crime data statistics for California compared with those in Colorado and the United States:

**Total violent crime and murder rates, USA, Colorado and California, 1960-2011**  
Data: FBI Uniform Crime Reports  
Section

	USA		Colorado		California	
	Total	Murder	Total	Murder	Total	Murder
1960	160.9	5.1	137.3	4.2	239.0	3.9
1961	158.1	4.8	149.3	4.7	232.7	3.7
1962	162.3	4.6	156.8	5.0	234.8	3.9
1963	168.2	4.6	130.3	4.8	241.2	3.8
1964	190.6	4.9	158.6	4.2	265.6	4.1
1965	200.2	5.1	152.7	3.5	282.2	4.7
1966	220.0	5.6	168.9	4.0	305.1	4.6
1967	253.2	6.2	191.8	4.1	352.1	5.4
1968	298.4	6.9	263.0	5.4	422.9	6.0
1969	328.7	7.3	298.8	5.3	462.3	7.1
1970	363.5	7.9	356.7	6.2	474.8	6.9
1971	396.0	8.6	373.6	6.5	518.6	8.1

1972	401.0	9.0	405.4	8.3	540.7	8.8
1973	417.4	9.4	414.0	7.9	565.8	9.0
1974	461.1	9.8	429.8	6.0	610.6	9.5
1975	487.8	9.6	463.1	7.4	655.4	10.4
1976	467.8	8.7	417.0	6.8	669.3	10.3
1977	475.9	8.8	511.9	6.3	706.0	11.5
1978	497.8	9.0	498.0	7.3	742.9	11.7
1979	548.9	9.8	522.1	5.8	811.1	13.0
1980	596.6	10.2	528.6	6.9	893.6	14.5
1981	593.5	9.8	531.7	8.1	863.0	13.0
1982	570.8	9.1	504.2	6.0	814.7	11.2
1983	538.1	8.3	476.4	6.4	772.6	10.5
1984	539.9	7.9	457.8	5.8	763.4	10.6
1985	558.1	8.0	471.0	5.8	765.3	10.5
1986	620.1	8.6	523.6	7.0	920.5	11.3
1987	612.5	8.3	467.5	5.8	918.0	10.6
1988	640.6	8.5	472.6	5.7	929.8	10.4
1989	666.9	8.7	471.4	4.4	977.7	10.9
1990	729.6	9.4	526.0	4.2	1,045.2	11.9
1991	758.2	9.8	559.3	5.9	1,089.9	12.7
1992	757.7	9.3	578.8	6.2	1,119.7	12.7
1993	747.1	9.5	567.3	5.8	1,077.8	13.1
1994	713.6	9.0	509.6	5.4	1,013.0	11.8
1995	684.5	8.2	440.2	5.8	966.0	11.2
1996	636.6	7.4	404.5	4.7	862.7	9.1
1997	611.0	6.8	363.2	4.0	798.3	8.0
1998	567.6	6.3	377.9	4.6	703.7	6.6
1999	523.0	5.7	340.5	4.6	627.2	6.0
2000	506.5	5.5	334.0	3.1	621.6	6.1
2001	504.5	5.6	349.6	3.6	615.2	6.4
2002	494.4	5.6	352.9	4.0	595.4	6.8
2003	475.8	5.7	346.5	4.1	579.6	6.8
2004	463.2	5.5	372.0	4.4	527.8	6.7
2005	469.0	5.6	396.7	3.7	526.0	6.9
2006	473.6	5.7	394.8	3.6	533.3	6.8
2007	466.9	5.6	350.6	3.2	522.6	6.2
2008	457.5	5.4	347.1	3.2	506.2	5.9
2009	431.9	5.0	338.8	3.2	473.3	5.3
2010	403.6	4.8	320.8	2.4	440.6	4.9
2011	386.3	4.7	320.2	2.9	411.1	4.8

The charts below help to better illustrate the above numbers:



The above numbers illustrate one main and overriding trend. Crime and murder in the last two decades have continued to decline at a similar rate in California, Colorado and nationally on average.

Some try to argue that the so-called “universal background check” in California is a main contributing factor to this decrease. Please review the quote below from the California Department of Justice for a better picture as to why these rates have declined:

*“Between 1986 and 1999 the crime rate increased (peaking in 1991 nationally and in 1992 in California) and then decreased. The increased crime rate was largely due to the crack cocaine epidemic, while the subsequent decrease was largely related to the decline in the use of crack. The use of handguns by juveniles and youth (increasing then decreasing) accounted for most of the changes in the rate of violent crime. Violent crime by adults over 30 years of age and property crime by individuals of all ages did not go through this cycle of increase and decrease, and generally decreased over the entire period.”*

(<http://ag.ca.gov/cjsc/publications/misc/why/4sec4.pdf>)

The California DOJ attributes the decrease in their violent crime to a wide variety of factors. With respect to gun-related crime, the CA DOJ attributes the decrease to a decrease in juvenile carrying of handguns. Juveniles, of course, are already prohibited under federal law from buying handguns from dealers (age minimum is 21) and from anyone else (minimum age 18). Private sales regulation would have had no effect on juveniles.

Also take into consideration when looking at the above data that 48 of the 50 states do not have this so-called “universal background check” regulation on the transfer of private firearms, Colorado included, yet the crime rates both nationally and in Colorado continued to decline at a similar or even higher rate.

## **Summation**

The legal sale of firearms through both private and FFL transfer and the laws that regulate them affect only those who abide by those laws.

Those who urge passage of the so called “universal background check” fail to appreciate that laws which affect the rights of law abiding citizens have no impact on those who do not obey the law in the first place. As such there is really no reasonable basis for this proposal.

Criminals often will not acquire firearms through legal or lawful means. Adding yet another intrusive and unnecessary burden upon law-abiding citizens in Colorado fails to address the real issues at hand and will have no impact on those criminal elements in the state.

There is no statistical data related to a so-called “universal background check” which validates such implementation, this is wishful thinking at best. As seen in the most prevalent example listed above, no correlation exists between lower violent crime and murder rates in California, a state which has enacted such a measure and imposed such a restriction. California, in relation to its violent crime and murder rates, has continued to surpass the national and Colorado averages

even with such measures in place. This is a failed policy at a minimum and is overly burdensome to law-abiding citizens in protecting themselves and their families against crime.

Let us also not forget that in 2000, Colorado closed the so called "gun show loophole" and required all dealers at gun shows in the state to screen prospective buyers. As can be seen from the data above, there was a spike in murders from 2000-2004. Although the data does not specifically cite what percentage of the murders included firearms, it demonstrates that even after "closing the gun-show loophole," violent crime and murder still spiked and such a law had no discernible positive impact.

Last year alone, 414,838 background checks were processed by the FBI using the NICS system in Colorado. This is an increase of almost 79,000 background checks from 2011 and put Colorado as 19<sup>th</sup> on the list of states with the most checks on record.

Presently, only those transfers being processed by an FFL go through this step in Colorado. Yet, the CBI Instacheck program as of Monday of this week still had roughly 10,000 transfers in the system with a wait time of processing this application estimated at over a week. Average wait times are normally processed within minutes to hours. CBI also just recently submitted a proposal to the legislature requesting funds in the amount of \$500,000 to assist in this problem but was quickly denied such a request.

What type of result can the law-abiding citizens of Colorado expect from an organization such as the CBI Instacheck with regard to their confirmed constitutional right when this program fails to meet taxpayer funded expectations of duty at current levels?

Enacting such a law would unintentionally criminalize the citizenry we hope to protect. Under a proposed "universal background check" a grandfather in Colorado Springs would be unable to buy a youth model shotgun for his grandson as a Christmas gift. If this grandfather did buy his grandson the shotgun he would be a criminal. Under the so called "universal background check" plan this long standing traditional gift would be considered a straw purchase and carry a potential penalty of ten year's incarceration under federal law.

By enacting such a law, we are putting into place a new set of regulations which will have no measurable positive impact upon the law-abiding citizenry you are trying to protect.

A so-called "universal background check" will have no impact upon the criminals who currently disobey the laws we have today.