

MEMORANDUM

TO Interested Parties

FROM Giffords

DATE September 4, 2019

RE H.R. 8 Would Have Prevented the Mass shooting in Odessa & Midland

On Saturday, August 31, a gunman opened fire on multiple locations in Odessa and Midland, Texas, killing seven and injuring at least 25. Just four weeks prior, Texas was the home to another horrific mass shooting in El Paso, where a shooter motivated by racism killed 22 people in a Walmart. Throughout the state, someone is killed by a gun every three hours.

In Odessa and Midland, the shooter had **previously failed a criminal background check when trying to purchase a gun due to mental health reasons**. Yet loopholes in our nation's gun laws allowed him to [bypass the background check system altogether](#) and obtain the AR-style weapon used in his deadly assault from an unlicensed seller who wasn't required to run a background check.

Background Checks Overview

Federal law prohibits certain people, including individuals with felony convictions, from obtaining or possessing firearms. This law is enforced primarily through the [National Instant Criminal Background Check System](#) (NICS), which licensed gun dealers are required to contact, either directly through the FBI or indirectly through state and local law enforcement, before selling or transferring a firearm. Since its implementation in the 1990s, NICS has stopped [over three million](#) gun sales or transfers from licensed dealers.

However, dangerous loopholes in federal law allow people prohibited from purchasing or possessing guns to acquire them far too easily. Under current federal law, unlicensed sellers can sell guns at gun shows, online, and person-to-person without conducting any background check on the purchaser. This loophole can have dangerous consequences: [Up to 80%](#) of firearms used for criminal purposes are obtained without a background check.

The Truth About Background Checks

The message that many gun lobby supporters have parroted since the Odessa and Midland shooting—that gun laws don't work—is contradicted by an abundance of evidence. Despite the announcement that a NICS background check successfully prohibited the shooter from obtaining a gun in the past, Senator Ted Cruz (R-TX) tweeted simply, "[Gun control doesn't work](#)." State legislator Matt Schaefer echoed this falsehood, rejecting universal background checks as "[so-called gun control solutions](#)" that "[will \[not\] work to stop a person with evil intent](#)." Similarly, President Donald Trump stated that "[Background checks... if you look at the last four](#)



COURAGE TO FIGHT GUN VIOLENCE

or five, going back even five or six or seven years — for the most part, as strong as you make your background checks, they would not have stopped any of it.”

The evidence says otherwise. In the ten states with the strongest gun laws, Americans are three times less likely to die from gun violence than in the ten states with the weakest gun laws. While a number of states have made great strides in tackling our nation’s gun violence epidemic, our inconsistent patchwork of state laws allows criminals to [easily exploit](#) loopholes in federal law. To name just a few examples: A [recent report](#) found that people who bought guns from Armslist.com, a major online marketplace, were nearly four times as likely to have a criminal record that would prevent them from passing a background check. In 2015, a Harris County, Texas, man allegedly [shot and killed](#) his former partner, her husband, and her six children using a gun that he purchased online. He was prohibited from possessing guns because of his lengthy criminal history. The year before, a prohibited man with multiple felony convictions obtained a gun through an unlicensed dealer on Facebook and [killed four people](#) in West Virginia.

Legislative Solutions

At the beginning of the 116th Congress, the U.S. House of Representatives passed [H.R. 8, the Bipartisan Background Checks Act](#), a bill that mirrors the most comprehensive and up-to-date versions of [state universal background check laws](#) with penalties of a fine and/or jail time for noncompliance. **H.R. 8 requires background checks for all gun sales**—also known as universal background checks—with reasonable and narrowly defined exceptions.

Universal background checks have the support of [over 90 percent of Americans](#). The business community—including leading companies such as [Walmart](#), [Dick’s Sporting Goods](#), [TOMS Shoes](#), and [Levi Strauss Co.](#)—has urged lawmakers to take action to address our nation’s gun violence crisis. Our leaders must finally listen to the will of the American people and take action to address this epidemic.

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