

IMPLEMENTING THE BIPARTISAN SAFER COMMUNITIES ACT: ONE YEAR IN

While the Biden administration has taken important steps to ensure the Bipartisan Safer Communities Act is effective and saves as many lives as possible, the work of implementing this game-changing new law has just begun.

Following devastating mass shootings in Buffalo and Uvalde last year, Americans refused to let Congress continue to ignore gun violence. GIFFORDS worked alongside lawmakers to draft and pass the first federal gun safety legislation in nearly 30 years: **The Bipartisan Safer Communities Act (BSCA)**. This historic, bipartisan achievement didn't happen overnight—its passage was the result of years of tireless work by survivors and advocates across the country.

The BSCA included provisions to enhance background checks, partially close the dating partner loophole, define firearms trafficking, clarify language about gun dealer licensing, and fund community violence intervention, crisis intervention, and school-based gun violence prevention programs. The BSCA is proof that progress is possible on this issue, and it puts our movement in a much stronger position to fight for additional gun safety policies—like universal background checks. Read our full report, *Implementing the Bipartisan Safer Communities Act: One Year In*, at giffords.org/bsca-report.

IMPLEMENTATION

Comprehensive implementation of any law is critical to ensuring its effectiveness. As a federal bill that affects every community, to succeed the BSCA will require federal agencies to partner closely with state and local agencies—a complicated endeavor.

In our latest report, our attorneys have analyzed ongoing implementation efforts, finding that while community violence intervention strategies and school-based gun violence prevention programs are being properly resourced, the federal government must do more to update the background check system, address domestic violence, and combat gun trafficking.

Below, we offer recommendations for further implementation.

► Background Checks

The BSCA enhanced background checks for gun buyers under 21.

In the past year, the FBI conducted more than 89,000 expanded NICS background checks for firearm purchasers under 21 and denied more than 160 firearm transactions solely because of the BSCA.

Implementation Recommendations:

- ATF should issue new rules to update dealers' responsibilities.
- ATF should help stakeholders understand how the new law works in conjunction with state gun laws.
- The FBI should issue new rules for NICS regarding background checks for people under 21.

► Intimate Partner Violence

The BSCA updated the definition of a "dating relationship" to include people who are dating or have previously dated, closing a key gap in federal law.

Prosecutors and ATF agents have been trained on the new definition, and there are ongoing efforts to ensure that dating relationships are documented in local police reports and court records.

Implementation Recommendations:

- State and local law enforcement should be trained on firearm relinquishment.
- ATF should clarify the precise definition of "dating relationship."

► Community Violence Intervention

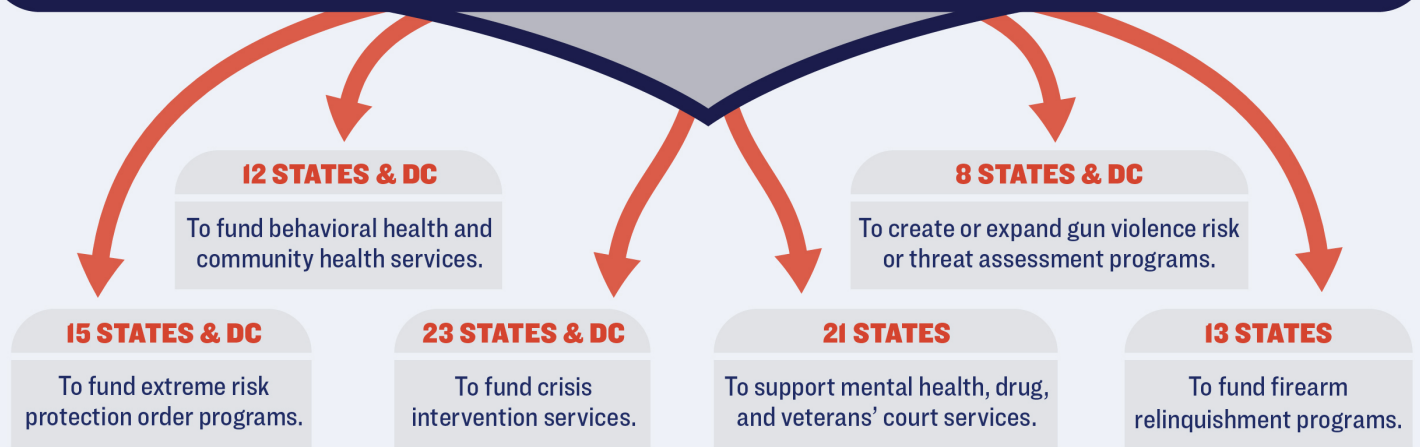
The BSCA allocated \$250 million to the Department of Justice's Community-Based Violence Intervention and Prevention Initiative.

The DOJ awarded a total of \$100 million to 53 cities and nonprofits in September 2022 and more funding is in process.

Implementation Recommendations:

- The federal government should allocate more funding to CVI work.
- The federal government should establish a federal Office of Community Violence Intervention.

BYRNE STATE CRISIS INTERVENTION PROGRAM FUNDING



► Crisis Intervention

The BSCA created the Byrne State Crisis Intervention Program, funding it with \$750 million through FY-26.

In the past year, 46 states, four US territories, and Washington DC applied for and were awarded funding under this program—a total of \$241 million across these 51 jurisdictions.

Implementation Recommendations:

- States and territories should pass and implement ERPO laws.
- Awardees should engage regularly with the technical assistance advisors.

► School-Based Programs

The BSCA appropriated more than \$2 billion to advance school-based efforts to prevent gun violence through four federal programs.

The Department of Education announced nearly \$1 billion in Stronger Connections grants to state education agencies and awarded \$286 million in mental health services grants.

Implementation Recommendations:

- The DOE should provide guidance reiterating the role school-based programs play in reducing gun violence.
- The DOE should emphasize that firearm purchases and training are a prohibited use of all DOE grant funds.

► Gun Trafficking

The BSCA established federal statutes to clearly define and penalize gun trafficking and straw purchasing.

At least 18 cases were filed between August 2, 2022, and February 10, 2023, charging 35 defendants with offenses under the new statutes.

Implementation Recommendations:

- Congress should ensure that the BSCA's equity-first sentencing guideline amendments go into effect.
- The federal government should fund ATF to investigate gun trafficking channels.
- US attorneys should work with law enforcement to target the largest crime gun sources.

► Gun Dealer Licensing

The BSCA updated the language about which gun sellers need a license, significantly reducing the size of the background check loophole.

Prosecutions for engaging in the business of dealing in firearms without a license increased 52%.

Implementation Recommendations:

- The DOJ and ATF should clarify precisely who is engaged in the business of dealing in firearms and place parameters around the exceptions.
- Congress should fully close the loophole and ensure that background checks are required for every gun sale.



Read the full report: giffords.org/bsca-report