



February 13, 2019

The Honorable Jerrold Nadler
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

The Honorable Doug Collins
Ranking Member
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

The American College of Physicians (ACP) is pleased to submit this statement and appreciates that this hearing about gun violence has been convened. We applaud efforts to reduce firearms-related violence and we would like to share with you the College's policy recommendations, including our support for legislation to reduce firearms-related violence that have already been introduced in the 116th Congress, as well as actions that can be taken at the state level. As an organization representing physicians who see first-hand the devastating impact firearms-related injuries and deaths have on the health of their patients, we have a responsibility to be part of the solution in trying to mitigate firearms-related tragedies. We wish to assist in the Judiciary Committee's efforts by offering our input and suggestions about how to reduce in our communities and we stand ready to work with you moving forward.

The American College of Physicians is the largest medical specialty organization and the second-largest physician group in the United States. ACP members include 154,000 internal medicine physicians (internists), related subspecialists, and medical students. Internal medicine physicians are specialists who apply scientific knowledge and clinical expertise to the diagnosis, treatment, and compassionate care of adults across the spectrum from health to complex illness.

For more than 20 years, ACP has advocated for the need to address firearm-related injuries and deaths in the United States. Yet, tragically, firearm violence continues to be a public health crisis that requires the nation's immediate attention and demands bipartisan intervention from the U.S. Congress. ACP is concerned about not only the alarming number of mass shootings in the United States but also the daily toll of firearm violence in neighborhoods, homes, workplaces, and public and private places across the country.

On October 30, 2018, the Annals of Internal Medicine published ACP's updated position paper on reducing firearms injuries and deaths. Entitled, "[Reducing Firearm Injuries and Deaths in the United States: A Position Paper from the American College of Physicians](#)," the policy recommendations in the paper build on current ACP policies and are based on analyses of common-sense approaches that the evidence suggests will be effective in reducing deaths and injuries from firearm-related violence. The paper was an update and expansion of ACP's 2014 position paper. The new paper reaffirms many of ACP's 2014 recommendations, such as

banning sales of assault weapons and requiring universal background checks, and proposes new policies on issues including extreme risk protection orders, domestic violence, child access prevention, and others that are found to be effective in reducing gun-related injuries and deaths. A summary of the paper can be found [here](#).

ACP's paper presents reasonable and evidence-based proposals to stem firearm-related violence, consistent with the Second Amendment that could help move and guide the discussion in Congress on ways to address this growing epidemic. It also reaffirms the reality that physicians are indeed on the front lines of encountering patients who have been subjected to firearm-related violence and that this issue is very much a threat to the public health. This prompted a strong negative reaction from the National Rifle Association (NRA) through social media where physicians were told to "stay in their lane." Physicians and other supporters from across the nation quickly took to Twitter in a sharp rebuke to share personal stories of treating and caring for victims of firearm violence through a campaign known as #ThisIsOurLane. This social media maelstrom caught the attention of major media outlets and garnered substantial coverage, including from The New York Times, The Wall Street Journal, Time, the Associated Press, and National Public Radio.

WHAT CAN AND SHOULD BE DONE ON THE FEDERAL LEVEL?

Background Checks

There must be universal background checks, including for private sales and sales at gun shows. ACP supports enacting legislation that would strengthen the accuracy and reporting of the National Instant Criminal Background Check System (NICS), as well as, expand Brady background checks to cover all firearm sales, including unlicensed firearms sellers currently not required to use background checks. To that end, ACP strongly [supports the Bipartisan Background Checks Act of 2019 \(H.R. 8\)](#), legislation introduced in the 116th Congress to expand and enhance the NICS. H.R. 8 would strengthen the accuracy and reporting of the National Instant Criminal Background Check System (NICS) as well as expand Brady background checks to cover all firearm sales, including unlicensed firearms sellers currently not required to use background checks. With some exceptions, the legislation would also expand background checks to cover all private and commercial firearm transfers and sales, including those at gun shows, over the internet, or in classified ads.

- ***Domestic Violence Loopholes*** in the background check system that allow domestic violence offenders to buy and own guns should be closed. Domestic violence offenders include dating partners, cohabitants, stalkers, those who victimize a family member other than a partner or child, and those with temporary restraining orders. Close loopholes in the background check system that enable many domestic violence offenders to obtain firearms: Federal law prohibits abusers who have been convicted of domestic violence misdemeanors and abusers subject to certain domestic violence protective orders from purchasing or possessing guns. However, federal laws intended to prevent access to firearms by domestic abusers have significant limitations, in that they do not apply to many abusers who victimize non-spouse partners or family members other than a child, and they do not apply to persons with temporary, versus permanent,

domestic violence restraining orders. ACP calls on these domestic violence loopholes to be closed by prohibiting sales and possession of firearms by persons convicted of domestic violence offenses on persons outside of their own household, as well as for any person with a temporary restraining order during the time when the restraining order is in effect. States can also work to address this loophole through state-level legislation.

Assault Weapons and Large Capacity Magazines

Sales of semiautomatic firearms that are designed to increase their rapid killing capacity (often called “assault weapons”) should be banned to reduce lethality in mass shootings. Large capacity magazines and bump stocks that allow shooters to continue firing without reloading should also be banned. ACP, therefore, supports enacting legislation to ban the manufacture, sale, transfer, and subsequent ownership for civilian use of semi-automatic firearms that are designed to increase their rapid killing capacity (often called “assault weapons”) and their large capacity magazines, and retaining the current ban on automatic weapons for civilian use. Only as an interim step toward a complete ban, ACP supports increasing the minimum age to purchase semi-automatic firearms to 21, consistent with the federal requirement for handguns. Accordingly, [ACP supports the Raise the Age Act, H.R. 717](#), legislation that would prohibit anyone under 21 from buying semiautomatic rifles, with exceptions for active duty personnel and some police officers.

Firearms Research

There must be dedicated and increased federal funding for research on gun violence; current restrictions should be lifted. The College therefore supports the [Gun Violence Prevention Research Act of 2019, H.R. 674 and S. 184](#). The bill would authorize funding for the Centers for Disease Control and Prevention (CDC) to study firearms safety and gun violence prevention. As data-driven decision makers, ACP has long advocated for robust research about the causes and consequences of firearm violence and unintentional injuries as well as for strategies to reduce firearm-related injuries. The College believes that more research is needed on firearm violence and on intervention and prevention strategies to reduce injuries and deaths caused by firearms. The CDC should receive adequate funding to study the effect of firearm violence and unintentional firearm-related injury on public health and safety. The College strongly supports allocating \$50 million each year for fiscal years 2020 to 2025 for the CDC to fund research on the prevention of firearms-related injuries and deaths to support at least 10 to 20 multi-year studies and help rebuild lost research capacity in this area of study. Access to data should not be restricted, as gaps in data are a major barrier to robust scientific research.

Concealed Carry

Congress should not pass any legislation which would require any state to accept concealed carry permits from other states with weaker standards to obtain such permits. Despite ACP’s [objections](#), we were disappointed in 2017 that the House passed the Concealed Carry Reciprocity Act of 2017, H.R. 38, which we believed would have been a serious setback to much-needed efforts to reduce firearms-related injury and death in this country. For instance, a state that requires gun safety training should not have to accept permits from ones that don’t. Concealed carry reciprocity makes it possible for individuals who would not meet the

requirements in states with more restrictive firearms safety concealed carry laws to carry hidden, loaded firearms in public and poses a threat to public health and safety. For example, 27 states and the District of Columbia currently prohibit individuals convicted of misdemeanor violent crimes from carrying concealed firearms in public. Reciprocity would allow individuals from the other 24 states that do not prohibit individuals convicted of misdemeanor violent crimes to carry firearms into states and jurisdictions that do, making their residents less safe and undermining federalism and state rights. In addition, reciprocity would pre-empt stronger state laws requiring training in firearm safety as a condition of obtaining a permit, weaken background checks and endanger victims of domestic violence by pre-empting state laws that prohibit individuals who have had restraining orders or been charged with domestic violence from obtaining concealed weapon permits. A 2017 study by Stanford University researchers estimated that weak 'shall issue' permitting laws were associated with a 13-15 percent increase in violent crime rates after 10 years.

WHAT CAN BE DONE ON THE STATE LEVEL?

Extreme Risk Protection Orders

States should consider **enacting *Extreme Risk Protection Orders (ERPO)* to allow families and law enforcement to obtain a ruling from an impartial judge within 72 hours to temporarily remove guns from individuals at imminent risk of using them to harm themselves or others, with due process. ERPOs empower families, household members, or law enforcement officers to ask a judge to temporarily remove a person's access to firearms who is found to be at imminent risk of using them to harm themselves or others.** Depending on the state, family members or law enforcement can go to court and seek an order that would allow police to remove guns from an individual's home and restrict their ability to purchase firearms if that individual poses a threat to himself/herself or others. If the judge agrees that this person is a threat, then those guns would be temporarily removed from the home of the individual – for as few as several weeks to up to a year. According to the Brady Campaign, [42 percent](#) of mass shooters exhibit warning signs before committing their crimes. Many deaths and grievous injuries from suicides and attempted suicides using guns might be prevented if family members could petition a court to remove guns from a loved one who they know to be at imminent risk of harming themselves. [Eleven states](#) currently have ERPO laws. Eight of these states allow family or household members as well as law enforcement to submit a petition for an ERPO, including Maryland which also allows mental health providers to petition. Three states limit the category of petitioners to law enforcement only. Additionally, two states have risk-based firearm removal laws that are similar to ERPOs.

Child Access Prevention

States should consider **enacting laws to require adults who have guns in their homes to store them safely and securely so they don't end up in the hands of children or others who might use them to harm themselves or others.** The presence of unlocked and/or loaded guns in homes increases the risk of both unintentional gun injuries and intentional shootings. Child access prevention laws hold firearm owners accountable for the safe storage of firearms by imposing criminal liability on those who negligently store firearms under circumstances where minors could or do gain access to them. According to the American Academy of Pediatrics,

about 1/3rd of American children live in homes with firearms, and of these households, 43 percent contain at least 1 unlocked firearm. Thirteen percent of households with guns contain at least 1 firearm that is unlocked and loaded or stored with ammunition. It is also important for physicians to discuss with their patients the risks that may be associated with having a firearm in the home and recommend ways to mitigate such risks, just like they would with anything that could pose a risk to their patients' health, including not using seatbelts, not getting vaccinated, or using tobacco. In December 2017, Annals of Internal Medicine published a [pledge](#) about doctors discussing firearm safety with patients. Over 2,400 doctors have committed to date.

Conclusion

There are many steps that can and should be taken by Congress and the states to address this growing public health crisis. ACP will continue to speak out on the need to address firearm-related violence and is committed to advancing reasonable, evidence-based policy reforms to curb such violence. We remain committed to this endeavor and we call on Congress to pass the measures and recommendations stated above as a necessary first step in addressing the public health crisis created by firearms violence. ACP sincerely appreciates that this hearing has been convened and for the commitment to ensure that Congress addresses reducing firearm violence. We stand ready to continue to serve as a resource and welcome the opportunity to continue to work with you as you in developing policy about this issue during the 116th Congress. Please contact Jared Frost, Senior Associate, Legislative Affairs, by phone at (202) 261-4526 or via email at jfrost@acponline.org with any further questions or if you need additional information.

Sincerely,



Ana María López, MD, MPH, MACP
President