



Van H. Wanggaard

Wisconsin State Senator

February 26, 2015

Testimony in Favor of Assembly Bill 49

Thank you Chairman Kleefisch and committee members for having me here to speak today on Assembly Bill 49. I am pleased to work with Representatives Quinn, Kremer, Czaja, and Thiesfeldt in introducing and advancing this legislation.

Assembly Bill 49 allows a federally licensed firearm dealer to transfer ownership of a handgun after a thorough background check indicating that the purchaser is not prohibited from possessing a firearm. To give you an idea of how thorough that background check is, it checks 11 different databases for more than two dozen potential flags. These systems cross-reference a variety of databases and check everything from criminal convictions, mental health adjudications, outstanding warrants, and restraining orders to ensure a purchaser is eligible to own a firearm. Although most checks are done within an hour, if an issue arises the Department of Justice still has up to three additional business days to complete their background check before a dealer can hand over a firearm.

Wisconsin instituted its 48 Hour Waiting period on handgun purchases in 1976, prior to the advent of instant background checks like the National Instant Background Check (NICS) and Wisconsin's Handgun Hotline. I was a police officer when this bill passed in 1976. And I remember what it was like to do a background check in 1976. First, the department would receive a request for a record check and record personnel would hand search file drawers of 3x5 cards to see if a person was on file. If any arrest records were found, they would pull a report. And that was only for our city. If someone had been arrested in another jurisdiction like Union Grove or Caledonia, we wouldn't have that record. Compare that with the dozens of background checks that are done in a matter of an hour or two.

Many argue that the 48-hour waiting period was meant as a "Cooling Off" period. Currently, only 8 states, including Wisconsin require a waiting period at the point of sale prior to transfer of a handgun. Study after study on the effects of waiting periods for handgun purchases have concluded that there is no correlation between waiting periods and drops in homicide or suicide rates. For example, a study commissioned by the Journal of the American Medical Association concluded there is no statistical correlation between handgun waiting periods and a reduction in homicide rates or overall suicide rates.

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Additionally, statistics from the federal Bureau of Alcohol, Tobacco, and Firearms show that the average time from purchase to crime for handguns in Wisconsin is nearly 11 years. In addition, a deeper study of "Time to Crime" statistics shows no correlation between a waiting period and longer or shorter crime to time rates. Some are higher, and some are lower. Although it is great talking point, and it makes people feel better, there is no empirical evidence that this cooling off period is effective at preventing crime, homicide or suicide.

Unfortunately crimes of passion have shown to be committed in the moment, utilizing any weapon available at the time. Someone doesn't have to wait to take home a baseball bat, knives, rifles, shotguns, or any other type of weapon in order to commit a crime of passion. In fact, I cannot think of another legal product which requires a 48 hour waiting period – potentially lethal or not. The 48-hour waiting period also, unfortunately, affects potential victims. Recently, this was proven by a vicious case in my district, where a husband brutally murdered his wife with a hatchet at a local motel. The day prior to the murder, the wife attempted to purchase a handgun from a gun dealership in Caledonia after her husband made threats to her safety. However, because of the 48 hour waiting period she was unable to take possession of the handgun in time to potentially save her life. As evidenced by this case, the 48 hour waiting period neither prevents crime nor allows victims to protect themselves.

The 48-hour waiting period made sense in the 1970's when the bill was passed because it allowed time for a background check. In the 21st Century, we have the ability to conduct an infinitely more thorough background check in dramatically less time. Empirical Evidence shows that there is little to no statistical evidence showing a relationship between homicide, suicide, or crime rates and a waiting period. And the waiting period not only doesn't prevent crime, but also can harm efforts to prevent crime.

I want to thank you for your time today and would welcome any questions.



MARY CZAJA

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Assembly Bill 49 – Waiting Period for Handgun Purchases Committee on Criminal Justice and Public Safety February 26th, 2015

Thank you, Chairman Kleefisch and members of the Criminal Justice Committee for holding a public hearing on Assembly Bill 49 today. This legislation will bring Wisconsin into line with the 42 other states that do not have a 48-hour waiting period on handgun purchases. My fellow bill authors and I have worked diligently to strike the balance of continuing needed safeguards for society while also recognizing technological advancements that have been made in the background check system.

Under AB 49, a dealer will be allowed to deliver a handgun to the purchaser as soon as they have received confirmation from the Department of Justice, which operates the Handgun Hotline. When the 48 hour rule was enacted in 1976, Wisconsin did not have an instant background check system – in contrast, today the vast majority of approvals are done within an hour. In rare instances where there is a question about the purchase or individual, a “delay” may be issued and AB 49 allows for up to three additional days to complete the background check in those cases.

Today, women are the single fastest growing demographic group of new shooters and are enrolling in conceal carry training at record numbers. Our bill recognizes this trend by allowing women another avenue towards self-protection and ability to possess their legal firearm without the unnecessary time-tax and window of vulnerability.

I am happy to answer any questions.

NATIONAL RIFLE ASSOCIATION OF AMERICA
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MEMORANDUM

DATE: February 26, 2015
TO: Assembly Criminal Justice Committee
FROM: John Commerford, State Liaison
RE: Assembly Bill 49

Mr. Chairman, members of the committee, I appreciate the opportunity to address you this morning. My name is John Commerford and I am speaking to you today on behalf of the National Rifle Association Institute for Legislative Action to express our support for Assembly Bill 49. This legislation addresses an antiquated statute that is long overdue for an update.

The mandatory 48 hour waiting period on handgun purchases was first enacted into law in 1976, long before the creation and adoption of instant background checks. Advances in background checks, such as the National Instant Background Check System (NICS) and the Wisconsin Handgun Hotline have turned this antiquated statute into nothing more than a Time Tax on both the purchaser and seller.

Under current state law, a law abiding citizen can visit one of the nearly 2,000 Federal Firearms License (FFL) holders in the state, fill out a 4473 (ATF required firearms transaction record), pass a NICS check, pay for their purchase and walk out with a rifle or shotgun the very same day. If that customer chooses to purchase a handgun at the same time, they would be required to fill out a 4473 and the nearly duplicative state mandated form, pass an instant background check conducted by the handgun hotline, pay a \$10 fee and then wait 48 hours to pick up their purchase.

This legislation will not change anything other than allowing a dealer to deliver a handgun to the purchaser as soon as they have received confirmation from the Department of Justice that the transfer may proceed. If an examiner requires additional time to review the purchase a "delay" may be issued. The delay allows the examiner to take up to three additional days to issue an approval or denial of the transfer.

Currently, there are 7 other states that require a point of sale waiting period on handgun purchases. These waiting periods are mainly found in states who seek to dissuade firearm ownership through various gun control schemes. Additional waiting periods may be found through states requiring law abiding citizens to obtain permission from the state for firearm ownership through licensing or permitting.

With the majority of background checks conducted by the Department of Justice taking less than an hour, why should an individual who has proven themselves to be law abiding have to waiting 48 hours to take possession of their purchase?

On behalf of the National Rifle Association and gun owners throughout Wisconsin I respectfully request your support of AB 49.

Thank you for your consideration.

testimony



To: Members of the Criminal Justice Committee
Date: February 26, 2015
From: Tony Gibart, Public Policy Coordinator
Re: Opposition to AB 49

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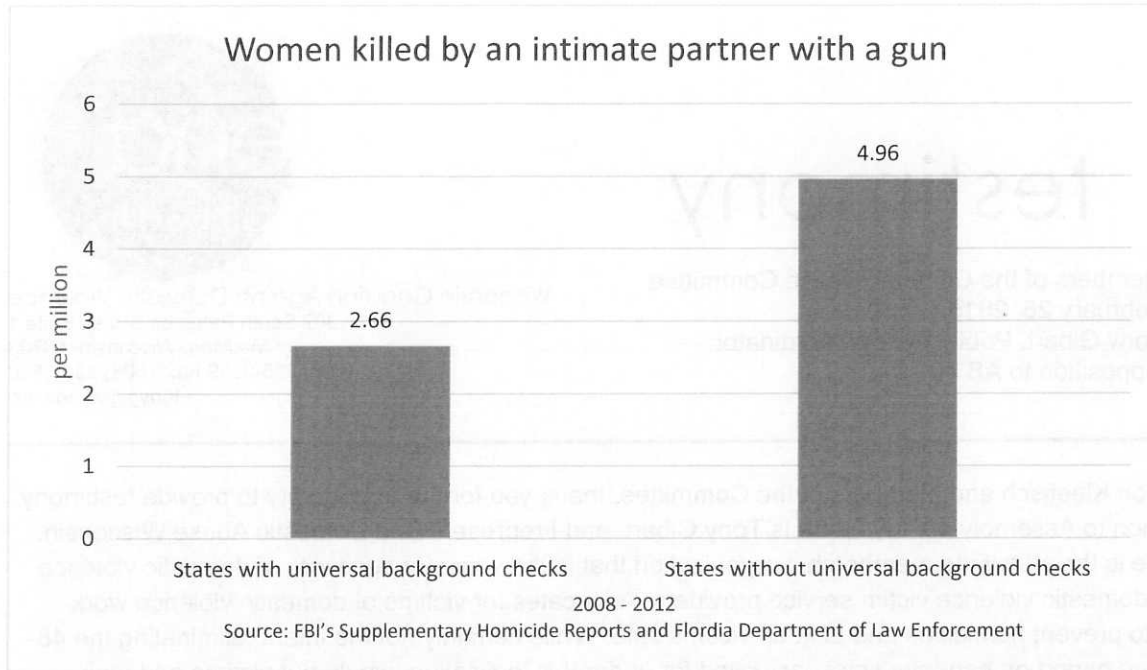
Chairperson Kleefisch and Members of the Committee, thank you for the opportunity to provide testimony in opposition to Assembly 49. My name is Tony Gibart, and I represent End Domestic Abuse Wisconsin. End Abuse is the statewide membership organization that is the voice for survivors of domestic violence and local domestic violence victim service providers. Advocates for victims of domestic violence work tirelessly to prevent homicides and to keep victims safe. While certainly not the intent, eliminating the 48-hour waiting period on handgun sales, as called for under this legislation, would put victims and their families at needless risk.

It seems that gun safety opponents and proponents talk past each other. As an organization that has a history of productively working with both sides of this issue, I hope we can help bring clarity to the debate. There have been a few claims made in support of this legislation that I would like to specifically address.

First, supporters of this legislation claim individuals intent on doing harm will use methods other than a gun, so a waiting period on gun sales doesn't really matter. The facts are that family and intimate assaults with firearms are **12 times** more likely to result in death than non-firearm assaults and an abused woman living in a home with a gun is **5 times** more likely to be killed than an abused woman who does not have a gun in her home. Of course the fact guns are more deadly than other weapons is common sense. If you had the opportunity to choose whether an attacker against you or a family member had a gun or some other weapon, we would all choose some other weapon because we all know guns are more deadly.

Second, supporters say the background check system is quick and efficient so a waiting period is not necessary. I have shared with this committee before that periods of separation are the most dangerous times for victims. Advocates work with victims to take extraordinary precautions during these relatively short and discrete periods of intense risk. Limiting access to handguns for a short period of time can make a difference as it gives victims time to go to a shelter or take other steps, and it provides time for would-be murders to consider different courses.

Moreover, the fact that background checks are quick and efficient is another reason we should close the private sale loophole. As the chart below shows, this would save the lives of many domestic violence victims in Wisconsin. States that have background checks on private sales have a gun-related domestic violence homicide rate for women that is 46% lower than states like Wisconsin that do not require the simple and efficient check. Those of us who have asked for the passage of background checks on gun sales are told that requiring this check is too time consuming and burdensome. Yet with this bill, the speed and efficiency of background checks are being put forth as a justification to roll back a current protection.



Therefore, if this bill is going to move forward, we urge the committee to amend it to also include background checks on private gun sales. In Wisconsin, we are familiar with a horrific domestic violence homicide that killed three women at the Azana Spa in Brookfield. The brother of one the victims, who is a lifelong NRA member, firmly believes his sister would be alive if background checks were in place. The common rebuttal that criminals will always find a way to get guns doesn't hold water in domestic abuse cases. Domestic abusers, like the shooter at the Azana Spa, typically aren't individuals who are otherwise connected to criminal activity. They don't have connections to gangs and organized crime. To get a gun, they go to a firearms dealer or they write things on armslist.com, such as the Azana shooter wrote:

"Looking for a handgun that is \$300 or best offer. Looking to buy ASAP. Prefer full size. Prefer 45 or 40 caliber. I constantly check emails. Also I'm hoping to has a high mag capacity. I'm a serious buyer so please email me ASAP. Have cash now and looking to buy now."

This bill creates another avenue for domestic abusers to acquire guns to terrorize and in some instances kill their victims. We urge this committee to either reject the bill or be consistent and include background checks on all private sales of firearms. Thank you again for the opportunity to submit testimony.

WISCONSIN FORCE

Wisconsin Firearm Owners, Ranges,
Clubs and Educators, Inc.

Phone 888-337-3534
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February 26, 2015

Committee on Criminal Justice and Public Safety

Mr. Chairman and Members of the Committee,

Re: Waiting Period for Handgun Purchases AB-49

Allowing consumers to take their purchases home after a licensed firearm dealer receives notice from the Department of Justice that the background check indicates the purchaser is not prohibited from possessing a firearm is only common sense. This is the current process for both rifles and shotguns. The logic of customers trading in a used handgun having to wait two days to take their handgun home never made sense. With new technology there is no question the waiting period should be eliminated.

The 48-Hour Rule for handgun purchases was first enacted in Wisconsin in 1976. Due to the advent of instant background checks, such as the National Instant Criminal Background Check System (NICS), the 48 hour waiting period has become an unnecessary burden for both the consumer and the dealer.

In doing a random search, we contacted the small businesses listed below from across the state, and we received overwhelming support of this legislation. They all agreed that this legislation would be a huge benefit to both themselves and their customers. We believe this is the overwhelming consensus of gun shops in Wisconsin.

Advanced Combat Supplies, Beaver Dam
Armed Conflict Solutions LLC, Beaver Dam
Central Wisconsin Firearms, Wausau
Cimino's Gun and Archery, Merrill
Deerfield Pistol and Archery Center, Deerfield
Fox Valley Firearms, Appleton
Gunslingers LLC, Menasha
Holub Machine & Repair LLC, Black Creek

Jims Gun Shop, Eagle River
Keith's Gun Repair, Fond du Lac
Lauer Custom Weaponry, Chippewa Falls
Nelson Sporting Goods, Tomah
Nemesis Specialties, Janesville
River Valley Specialized Machining LLC, Stevens Point
The Rifle Shop, Frederic

Wisconsin FORCE (Firearm Owners, Ranges, Clubs, and Educators Inc.) enthusiastically supports AB-49. It is time to reduce the burdens placed on small business and law-abiding Wisconsinites.

Wisconsin Firearm Owners, Ranges, Clubs, and Educators Inc. believes that passing this legislation would greatly serve the citizens of Wisconsin and gun shops across the state. We encourage you to pass this bill.

Thank you for your consideration.

Sincerely,



Jeffrey L. Nass
Executive Director
Wisconsin Firearm Owners,
Ranges, Clubs and Educators, Inc.