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HOUSE JOINT MEMORIAL 12

53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

INTRODUCED BY

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A JOINT MEMORIAL

REQUESTING THE FEDERAL BUREAU OF INVESTIGATION TO NOTIFY NEW MEXICO LAW ENFORCEMENT AGENCIES WHEN A PERSON WHO IS PROHIBITED FROM PURCHASING A FIREARM ATTEMPTS TO DO SO WITHIN NEW MEXICO.

WHEREAS, more than ninety Americans are killed with guns, and hundreds more are injured, every day; and

WHEREAS, in an average month, more than fifty women in the United States are shot and killed by their intimate partners; and

WHEREAS, women in the United States are sixteen times more likely to be shot and killed than women in other countries of similar economic status; and

WHEREAS, an analysis of mass shootings from 2009 to 2016 indicates that a majority of those shootings, fifty-four percent, were related to domestic or family violence and that

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1 thirty-four percent of those shootings were carried out by a
2 shooter who was prohibited from possessing firearms; and

3 WHEREAS, nearly one thousand seven hundred New Mexicans
4 were killed with guns from 2011 to 2015; and

5 WHEREAS, firearms are the most common weapon used by
6 domestic abusers to kill women in New Mexico; and

7 WHEREAS, New Mexico recognizes that more must be done to
8 keep guns out of the hands of domestic abusers and other people
9 with dangerous histories; and

10 WHEREAS, background checks conducted using the federal
11 bureau of investigation's national instant criminal background
12 check system, commonly referred to as "NICS", stops thousands
13 of gun sales to convicted felons, domestic abusers and other
14 people whose histories make them a danger each year; and

15 WHEREAS, when a person fails a background check, it serves
16 as a warning sign to law enforcement that someone with a
17 dangerous history is trying to obtain a gun; and

18 WHEREAS, thirty percent of criminals who fail background
19 checks are re-arrested within five years; and

20 WHEREAS, it is a federal offense for a person to lie about
21 the person's ineligibility to obtain a firearm when completing
22 the required background check form, but only a tiny fraction of
23 those crimes are investigated by federal law enforcement
24 officials, and fewer still are prosecuted in federal court; and

25 WHEREAS, "point-of-contact" states, including Virginia and

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1 Pennsylvania, in which state law enforcement officials perform
2 background checks for attempted gun purchases and learn in real
3 time when a potential purchaser is prohibited from making a
4 purchase, have used data showing purchase prohibitions to close
5 an enforcement gap and to investigate and prosecute hundreds of
6 people who are prohibited from purchasing a firearm and who lie
7 when attempting to buy one; and

8 WHEREAS, New Mexico is not a "point-of-contact" state, and
9 it relies on the national instant criminal background check
10 system unit of the federal bureau of investigation to perform
11 background checks and examine records that result in denial of
12 an attempted firearm purchase; and

13 WHEREAS, when a potential firearm buyer fails a background
14 check in New Mexico and is denied a firearm, neither the fact
15 of that denial nor the records that indicated the buyer was
16 prohibited are currently being reported to New Mexico law
17 enforcement officials; and

18 WHEREAS, since 1998, more than twenty-five thousand
19 prohibited purchasers, including thousands of domestic abusers,
20 have tried to buy firearms from licensed dealers in New Mexico
21 and have been denied after failing a national instant criminal
22 background check system background check; and

23 WHEREAS, without knowledge of the denial of a person's
24 attempt to purchase a firearm and the reasons behind the
25 denial, local law enforcement agencies are powerless to

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1 investigate the attempted purchasers or to intervene before the
2 prohibited purchasers are able to obtain a firearm by other
3 means;

4 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
5 STATE OF NEW MEXICO that the federal bureau of investigation be
6 requested to share information regarding denied attempts to
7 purchase firearms with New Mexico law enforcement agencies in
8 order to provide those agencies with the tools they need to
9 keep firearms out of the hands of domestic abusers and other
10 people with dangerous histories; and

11 BE IT FURTHER RESOLVED that copies of this memorial be
12 transmitted to the director of the federal bureau of
13 investigation, the New Mexico congressional delegation and the
14 secretary of public safety.