

HOUSE JOINT MEMORIAL 12

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

INTRODUCED BY

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Pursuant to House Rule 24-1, this document incorporates amendments that have been adopted prior to consideration of this measure by the House. It is a tool to show the amendments in context and is not to be used for the purpose of amendments.

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

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

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

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

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

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

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

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

WHEREAS, it is a federal offense for a person to lie about the person's ineligibility to obtain a firearm when completing

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the required background check form, but only a tiny fraction of those crimes are investigated by federal law enforcement officials, and fewer still are prosecuted in federal court; and

WHEREAS, "point-of-contact" states, including Virginia and Pennsylvania, in which state law enforcement officials perform background checks for attempted gun purchases and learn in real time when a potential purchaser is prohibited from making a purchase, have used data showing purchase prohibitions to close an enforcement gap and to investigate and prosecute hundreds of people who are prohibited from purchasing a firearm and who lie when attempting to buy one; and

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

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

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

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background check system background check; and

WHEREAS, without knowledge of the denial of a person's attempt to purchase a firearm and the reasons behind the denial, local law enforcement agencies are powerless to investigate the attempted purchasers or to intervene before the prohibited purchasers are able to obtain a firearm by other means;

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

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