

Policy Brief

Bipartisan Safer Communities Act S. 2938

June 2022

PARTIALLY CLOSES THE BOYFRIEND LOOPHOLE

This legislation addresses a key gap in federal law that leaves victims of abuse vulnerable to injury and death by an armed domestic abuser. Current law currently only prohibits gun possession among individuals convicted of misdemeanor domestic violence if the abuser has been married to, lived with, or had a child with the victim. New provision extends existing federal law to cover dating abusers who are convicted of misdemeanor domestic violence, but it does not extend them to cover dating abusers subject to final domestic violence protective orders. (NCADV) Persons convicted of a misdemeanor crime of domestic violence as part of a dating relationship cannot purchase or possess a firearm for at least five years

EXPANDS FEDERAL BACKGROUND CHECKS FOR 19-21-YEAR-OLDS WHO WANT TO PURCHASE A FIREARM

Establish an enhanced background check process and up to three-business-day investigative period for buyers under age 21 that will require checking with state law enforcement, local law enforcement, and either state or local courts before a sale proceeds. This strengthens current law that already stops a gun dealer from selling a handgun to a person under 21, and any gun to a person under 18. This also includes reviewing juvenile mental health records for individuals 16 years or older seeking to purchase a firearm (OMB)

AUTHORIZED FEDERAL FUNDING RED FLAG LAW IMPLEMENTATION

This legislation provides \$750 million in federal funding to support state implementation and establishment of state-level extreme risk protection order (ERPO) laws. This bill authorizes Byrne JAG funding for state crisis intervention orders, also known as ERPO laws or red flag laws, which are proven to be effective tools that help reduce gun suicides and mass shootings funds.

"Red-flag" laws remove guns from people deemed to be a danger to themselves or others would be able to be applied to any number of anti-violence programs. The 19 states -- and Washington, DC -- that already have these laws on the books would also be eligible for funding to improve the effectiveness of their established programs. There is a provision that could allow states to opt entirely out of "red flag" laws, choosing other anti-violence measures instead

CLARIFY EXISTING LAW ON FEDERAL LICENSE TO BUY & SELL FIREARMS

This legislation amends current law to clarify who needs a Federal license to buy and sell firearms and run background checks; Federal law provides that persons "engaged in the business" of dealing in firearms must be licensed and conduct background checks on purchasers. Unlicensed sellers are not required to conduct background checks. The proposal would make a minor change to the language that determines which gun sellers must obtain a license and conduct background checks. The loophole that allows unlicensed sellers to sell guns without conducting background checks would remain open.

OTHER MEASURES:

- **Funds to "Harden" Schools & Improve Security Measures** - \$300 million for school security grants, including \$100 million for a program that can be used to "harden" schools (i.e. increase physical security at schools) meant to make them more difficult to target.
- **Community Violence Intervention Funds** - The bill would invest \$250 million in community-based violence intervention programs that have been proven to reduce gun violence in the most affected communities
- **NCIS** - \$100 million to help the National Criminal Instant Background Check System continue the work of keeping guns out of dangerous hands
- **988 Implementation** - support implementation of the 9-8-8 Suicide and Crisis Lifeline that the Federal government will expand this summer
- **Gun Trafficking** - This bill establishes federal statutes to clearly define and penalize firearms trafficking and straw purchasing. These statutes would create new avenues for the investigation and prosecution of these often-overlooked crimes.

MENTAL HEALTH, MEDICAID & SCHOOLS

Invest & Expand Mental Health Programs - This legislation provides critical resources to expand community mental health services for children and families, funds school-based mental health and supportive services, invests in telehealth mental health services to expand access, and invests in community crisis intervention programs. It also:

- Requires the Secretary of HHS to provide technical assistance and issue guidance to states on **improving access to telehealth under Medicaid and CHIP** including best practices to support services delivered via telehealth in schools and strategies to promote the delivery of accessible and culturally competent care via telehealth.
- Requires the Secretary of HHS, in consultation with the Secretary of Education, to issue guidance to state Medicaid agencies, local education agencies, and school-based entities to **support the delivery of services to children covered by Medicaid and CHIP in school-based settings.**
- **Provides \$50 million in funding for grants** to states to implement, enhance, or expand school-based services under Medicaid and CHIP.
- **Provide \$250 million for the Community Mental Health Services Block Grant** which enable States, the District of Columbia, and territories to expand access to mental health care.
- **Funding to increase awareness of mental health issues among school-aged children, and youths** & train school personnel and other adults who interact with school-aged children and youths to detect and respond to mental health issues.
- **Training for primary care providers and pediatric primary care providers** to be able to better provide mental health care and connect patients to mental health experts
- **Provide \$1 billion to help schools** put in place comprehensive strategies to create safe and healthy learning environments for all students.
- **Funding for before & after school care** - funding to support afterschool, before school, and summer programs, which have all been shown to reduce the risk of violent incidents and law enforcement interactions, while increasing student achievement.

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For more information, please visit futureswithoutviolence.org, or email Kiersten Stewart at KStewart@futureswithoutviolence.org or Tiffany Garner at TGarner@futureswithoutviolence.org

References:

[OMB](#), [Giffords](#), [Everytown](#), [Georgetown University Health Policy Institute](#)