

**CITY OF NORTHAMPTON
MASSACHUSETTS**

In the City Council, April 5th, 2018

Upon the Recommendation of: Councilor Ryan R. O'Donnell
Councilor Alisa F. Klein
Northampton Youth Commission (pending review)

**R-18.078
A RESOLUTION**

**IN SUPPORT OF LEGISLATION TO REDUCE
GUN VIOLENCE IN MASSACHUSETTS**

SECTION 1

RECOGNIZING THE LEADERSHIP OF YOUNG PEOPLE

WHEREAS, On March 24th, 2018, thousands of people led by young people marched from Northampton High School to City Hall as part of the Pioneer Valley “March for Our Lives” movement to demand action from government at all levels to end gun violence in the midst of an ongoing epidemic of mass shootings across the United States; and

WHEREAS, The Pioneer Valley March for Our Lives effort demonstrates and affirms that renewed leadership and urgent action are required to end gun violence in Massachusetts and the United States; and

WHEREAS, Because of its past leadership in passing and enforcing strong gun laws, the Commonwealth of Massachusetts has one of the lowest rates of deaths by guns in the United States, according to the US Centers for Disease Control and Prevention;¹

NOW THEREFORE BE IT RESOLVED that the City Council expresses its gratitude to the organizers and participants in the Pioneer Valley March for Our Lives march and all those who continue to demand action, and offers its ongoing support of this movement; and

¹ Andersen, Travis. “Mass. has lowest US rate of gun deaths.” *Boston Globe*. January 11, 2017

BE IT FURTHER RESOLVED that the City Council calls on Massachusetts to continue its leadership in passing and enforcing strong gun violence prevention laws.

SECTION 2

EXTREME RISK PROTECTION ORDERS

WHEREAS, Among other priorities, participants in Pioneer Valley March for Our Lives demanded action on specific legislation currently pending in the Massachusetts State House, H.3610 and H.3081, which would establish “extreme risk protective orders,” whereby a judge could temporarily remove guns from persons ruled to be dangerous to themselves or others; and

WHEREAS, Such legislation would allow family members, healthcare providers and law enforcement officials to go to court and request review by a judge who could then order the seizure of weapons for up to 10 days before an evidentiary hearing, whereupon the order could be extended for up to one year; and

WHEREAS, While access to guns ~~are~~is the true problem, not mental illness, legislation of this kind may help in cases in which a potential shooter has shown clear signs of troubling behavior, as in the mass shooting on February 14th, 2018 at the Marjory Stoneman Douglas High School in Parkland, FL; and

WHEREAS, Similar protective order laws are already in effect in California, Connecticut, Indiana, Oregon and Rhode Island;

BE IT FURTHER RESOLVED that the City Council supports H.3610 and H.3081 and calls for the Legislature to approve these bills expeditiously.

SECTION 3

UNIVERSAL BACKGROUND CHECKS

WHEREAS, Currently in the United States, private and illicit gun sales create a loophole whereby 22 percent of all guns sold² and 80 percent of guns sold for criminal intent are sold without the buyer undergoing a background

² Miller, M., Hepburn, L., & Azrael, D. Firearm Acquisition Without Background Checks: Results of a National Survey. *Annals of Internal Medicine*, 2017 Feb 21; 166(4):233-239.

check and no record is kept;³ and

WHEREAS, In Massachusetts, though private sellers may not sell more than four guns per year and are required to check the validity of a purchaser's Firearm Identification Card which is issued after a background check, "point of sale" background checks are not required for private gun sales;⁴ and

WHEREAS, The Giffords Law Center points out that "licensing laws do not necessarily prevent prohibited people from accessing firearms as effectively as point-of-transfer background checks," since someone granted a license could fall into a prohibited category between the issuance of a license and the purchase of a firearm;⁵ and

WHEREAS, Massachusetts is currently working to develop an automated system to facilitate sending records to the federal background check database;⁶ and

WHEREAS, In its 2008 *District of Columbia vs. Heller* decision, the U.S. Supreme Court ruled that universal background checks are a valid means of placing conditions and qualifications on the Second Amendment; and

WHEREAS, Research demonstrates that a strong system of background checks on people who wish to purchase guns can save lives;⁷

BE IT FURTHER RESOLVED that the City Council supports H.1283 which would require all private gun sales to take place at an authorized dealer's location and make use of the dealer's background check system, and calls for the Legislature to approve this bill expeditiously.

SECTION 4

DATA COLLECTION ON MULTIPLE GUN PURCHASES

WHEREAS, No federal limit currently exists on the number of guns an individual may purchase at any one time⁸; and

³ Wintemute, G. (2013). *Background Checks for Firearm Transfers: Assessment and Recommendations*, Davis, CA: UC Davis Medical School, Violence Prevention Research Program.

⁴ Giffords Law Center, "Background Checks in Massachusetts" <http://lawcenter.giffords.org/background-checks-in-massachusetts/>

⁵ Giffords Law Center, "Universal Background Checks." <http://lawcenter.giffords.org/gun-laws/policy-areas/background-checks/universal-background-checks/>

⁶ Rocheleau, Matt. "Mass. slow to send records to federal gun background check database, prompting concerns" Boston Globe. February 22, 2018.

⁷ *Ibid.*

⁸ Weil, DS & Knox, RC, Effects of Limiting Handgun Purchases on Interstate Transfer of Firearms, *JAMA* 1996;275,1759-1761.

WHEREAS, Every year, approximately 50,000 guns are found to be sold nationally for illicit purposes across state lines with many more likely undetected in an underground market used by people who are unable to pass a background check;⁹ and

WHEREAS, Massachusetts also currently has no law restricting sales or purchases of multiple firearms;¹⁰

BE IT FURTHER RESOLVED that the City Council supports S.1292 to reduce illegal trafficking of firearms by gathering information relating to the number of multiple-gun purchases by one person, and whether any were used in a crime, and calls for the Legislature to approve this bill expeditiously.

SECTION 5

DIVESTMENT OF GUN MANUFACTURERS AND RETAILERS

WHEREAS, Taxpayer money should not finance industries that endanger the public health, whether that be the fossil fuel industry, the tobacco industry, or the gun industry; and

WHEREAS, Of the Commonwealth's \$71 billion worth of investments, about \$5 million is currently invested in six companies that derive substantial revenue from the sale of ammunition, guns, or gun-related accessories;¹¹ and

WHEREAS, History shows that divestment can be an effective tactic to apply financial pressure on such industries to alter their behavior, affect a public debate, and lead to significant social change; and

WHEREAS, State Treasurer Deborah Goldberg, who oversees the Commonwealth's pension fund, State Senator Cynthia Creem and State Representative Lori Ehrlich have called for divestment of Massachusetts' pension fund from all companies that manufacture guns and ammunition; and

WHEREAS, Connecticut¹² and New Jersey¹³ are weighing similar measures;

9 Aisch, G. & Keller, J. (2015, Nov 13). How Gun Traffickers Get Around State Gun Laws. New York Times. Downloaded from <https://www.nytimes.com/interactive/2015/11/12/us/gun-traffickers-smuggling-state-gun-laws.html>.

¹⁰ Giffords Law Center. "Multiple Purchases & Sales of Firearms in Massachusetts" <http://lawcenter.giffords.org/multiple-purchases-sales-of-firearms-in-massachusetts/>

¹¹ Leung, Shirley. "Legislation would force Mass. pension fund to sell gun stocks" Boston Globe. March 15, 2018.

¹² Altamari, Dave, "Connecticut Considers Divesting From Gun Manufacturers" Hartford Courant. March 1, 2018.

¹³ Marcus, Samantha. "N.J. lawmakers want to ban state investments with gun makers" NJ.com February 23, 2018.

BE IT FURTHER RESOLVED that the City Council supports SD. 2578, which would ask the Pension Reserves Investment Management (PRIM) Board to divest the state pension fund of its holdings in companies that derive 15 percent or more of their revenue from the sale of ammunition, guns, or gun-related accessories, and calls for the Legislature to approve this bill expeditiously.

SECTION 6

THIS RESOLUTION

BE IT FURTHER RESOLVED that the City Council shall send this resolution to Governor Charles Baker, Speaker of the House Robert DeLeo, Senate President Harriet Chandler, Senator Stanley Rosenberg, and the Chairs and Vice-Chairs of the Legislature's Joint Committee on Public Safety and Homeland Security.

In City Council, April 5, 2018

Passed First Reading, on Roll Call Vote of 8 Yes, 0 No, 1 Absent (Councilor Carney)

Attest: Lana Krutts, Clerk of Council

In City Council, April 19, 2018

Passed Second Reading, on Roll Call Vote of 7 Yes, 0 No, 2 Absent (Councilors Bidwell and O'Donnell)

Attest: Lana Krutts, Clerk of Council

Rules suspended, passed two readings and enrolled.

I hereby certify that the above Resolution passed the Northampton City Council on April 19, 2018

Attest: Lana Krutts, Clerk of Council