

[House Judiciary](#)

House Judiciary Committee

4/10/18, 10:00 a.m., 140 Main Capitol

By Nicole Trayer, Pennsylvania Legislative Services

Committee(s):	House Judiciary Committee
Audio:	 (click here) (Note: Depending on your audio player and the length of the hearing this could take a few minutes to load.)
Meeting type:	Public hearing
Subject:	Public safety, gun laws and violence
Bills discussed:	SB 501 , HB 1400 , HB 671
Keyword(s):	background check, long gun, school safety, mass shooting, domestic
Testimony:	Rep. Cris Dush (R-Jefferson) Rep. Mike Schlossberg (D-Lehigh) Rep. James Santora (R-Delaware) Rep. Carolyn Comitta (D-Chester)
Members Present:	Chairman Ron Marsico (R-Dauphin), Minority Chairman Joseph Petrarca (D-Westmoreland), and Representatives Rick Saccone (R-Allegheny), Bryan Barbin (D-Cambria), Barry Jozwiak (R-Berks), Stephen Bloom (R-Cumberland), Daniel Miller (D-Allegheny), Paul Schemel (R-Franklin), Martina White (R-Philadelphia), Ryan Bizzarro (D-Erie), Hal English (R-Allegheny), Becky Corbin (R-Chester), Timothy Briggs (D-Montgomery), Jason Dawkins (D-Philadelphia), Sheryl Delozier (R-Cumberland), Kate Klunk (R-York), Eric Nelson (R-Westmoreland), and Joanna McClinton (D-Philadelphia).

The committee held a public hearing on public safety, gun laws and violence in Pennsylvania.

[Rep. Dush](#) said if an individual with evil intent has the will to commit violence they will find a way to accomplish their ends. He stated that society needs to start focusing on the core of the issue and what is causing people to commit evil acts rather than the instruments used to carry them out. He noted that "virtually every single person that has been involved with school shootings in the US has not had a father figure in the house" and that society has ultimately forgotten who it answers to. Rep. Dush said there is a problem with the fact that "we have kicked God out of schools." He called for a return to the "old style teaching" and to "start bringing Him back into our places of education." Ultimately, Rep. Dush commented that this is a good versus evil issue. "We cannot sit by and do nothing and we cannot sit by and be distracted by instruments that the evil people use or the other issues that fail to address the core of what is actually going on," he said.

Chairman Marsico asked if there are any particular bills or concepts before the committee that Rep. Dush supports or does not support on the issue. Rep. Dush said Sen. Donald White (R-Indiana) has a bill that he has sponsored to allow teachers and school employees to be armed after receiving the proper security training.

Rep. Saccone said the conversation tends to focus on the instruments used to commit violence and that according to 2009 statistics from the Department of Justice (DOJ) there were 348 murders committed with rifles, 1,825 with knives and 801 with fists and feet. He said the underlying cause of why people are committing violence needs to be addressed and not what instrument they use to do it. Additionally, he said conducting threat assessments is as important to school safety as instituting physical measures. He added that he is in support of doing that for every school district in Pennsylvania and that it could be done for free through the National Rifle Association's (NRA) School Shield Program. Rep. Dush replied that he agrees on the need for threat assessments and that they must be done to give the school districts options.

Rep. Barbin commented that the House Veterans Affairs and Emergency Preparedness Committee recently held hearings on the topic of school safety and learned that the Pennsylvania State Police (PSP) has completed 97 threat assessments of public schools. He said addressing the core of the issue is important, but the threat assessment must be done first.

Rep. Schlossberg said he has more of a progressive perspective toward gun safety measures. He said he would confine his advocacy to the bills that stand the most realistic chance of passage, including [SB 501](#). He stated that this legislation is "vitally important to some of our most threatened and endangered citizens" and that there is a strong connection between mass shootings and domestic violence. Between 2009 and 2016, perpetrators of domestic violence were responsible for more than 54 percent of all mass shootings nationwide, he pointed out. Rep. Schlossberg also expressed support for legislation Rep. Todd Stephens (R-Montgomery) plans to introduce, HB 2227. He said this bill would allow for firearms to be removed from an individual if there was sufficient evidence that they posed an extreme risk of violence towards themselves or others. He expressed hope that a ban on certain semi-automatic weapons and high capacity magazines could also be considered. Regarding school safety, Rep. Schlossberg said he is uncomfortable with the conversation surrounding certain mandatory measures such as choke points or metal detectors. He observed that schools, however, are not the only places where mass shootings occur and that underlying issues such as poverty, drugs, gang activity and crowded classrooms should be addressed to find the "root causes of school violence."

Rep. Santora spoke on his bill, [HB 1400](#). He said most of the time it is the individual behind the weapon that is the problem and that this bill would specifically address that by expanding background checks and close the gun show loophole which allows individuals to purchase long guns from private sellers without a background check. He explained that current law requires background checks when purchasing long guns from licensed dealers, however. He said his hope is that the General Assembly can get to a vote on this legislation and stressed that HB 1400 "focuses on the person." Rep. Santora also called for action on SB 501 and noted that numerous occasions have occurred across Pennsylvania where abusers have taken their firearm back from a family member or friend and used it to kill the person who has the protection from abuse (PFA) order against them. To address school safety, he mentioned an initiative in Delaware County to have a button in every school that bypasses the 911 system in the event of an active shooter or other danger and puts a call out to any law enforcement agency in the area to respond.

Chairman Marsico asked how many co-sponsors there are for HB 1400. Rep. Santora said over 60 and that it is a bipartisan sponsorship.

Rep. Schemel said it has been reported that closing the gun show loophole is probably the one reform that would be the least effective and that in the mass shootings over the last three years

none of them have been done by a shooter who acquired their weapon through that system. He asked if Rep. Santora had any data to indicate that HB 1400 would have an effect "other than just doing something." Rep. Santora said it can prevent an event from happening in the future and that there have been many cases of police coming under fire by long gun. He added that long guns are still used in crimes despite the fact that hand guns are used more often. Rep. Schemel said hand guns can't be acquired in Pennsylvania at a gun show without a background check, but are used in the majority of the crimes. Rep. Santora replied that it is not just gun shows and that long guns can be bought from any private seller in person or online without a background check. Rep. Schemel said that is correct, but that weapons used to perpetrate crimes are not generally purchased through legal means. Rep. Santora agreed HB 1400 will not prevent all crimes, but said he has done his job if he can prevent even one.

Rep. Saccone said private sales are not the problem. He said if a private seller chooses to sell a long gun without a background check then they are still responsible by law for how it's used. He agreed with Rep. Schemel that this is a solution that may not be effective and would end up penalizing law abiding citizens. Rep. Santora wanted to know how this law would affect a law abiding private citizen. Rep. Saccone said it would put another requirement on them to go to a licensed dealer and pay for the background check in order to pass their long gun to another individual. Rep. Santora clarified that HB 1400 does not prevent them from acquiring that firearm. Rep. Saccone said it does not, but that it adds another "obstacle" to the process.

Rep. Miller said he believes the discussion of universal background checks is "a very solid one" and one that is worth pursuing. Despite family relationships, he said in some cases family members should not be able to pass a long gun to certain members of their family whether it be due to mental illness or other circumstances. He expressed concern over the amount of long gun usage on police officers and in other crimes such as domestic violence. He pointed out that the capability of long guns is "catastrophic" when used by individuals who should not have them. Rep. Santora said in the last 10 years half of the law enforcement officers who died in the line of duty in Pennsylvania and across the country were killed by long guns. He highlighted a provision in HB 1400 that requires gun show attendees to only pay for one background check for the entire length of the event.

Rep. Comitta said the conversation about gun safety measures is "long overdue" and that the hearings must lead to action. She offered statistics that show "broad, bipartisan support for universal background checks" and referenced a March 2018 poll by Franklin & Marshall College that found that 94 percent of those responding would support enhancement to the background check system required to purchase a firearm. She said Pennsylvania's current law does not require background checks for the private sale of long guns which allows someone prohibited from buying a firearm to do so anyway. She pointed out that long guns were responsible for 48 percent of Pennsylvania law enforcement officers fatally shot between 2006 and 2015 as well as 24 percent of women fatally shot by an intimate partner between 2011 and 2015. "Both of those figures are dramatically higher than national statistics," she said. Rep. Comitta offered support for SB 501 and shared research that shows in an average month in the US, 50 women are shot to death by intimate partners. She also mentioned that she voted against [HB 671](#) last year that would subject municipalities with firearm ordinances to unprecedented court battles and potentially require them to foot the legal bills of organizations such as the NRA. She said she was "appalled" to see the bill pass the House despite objections and that she hopes the Senate will see that the legislation "protects special interest groups and not Pennsylvania residents."

Rep. Jozwiak asked Rep. Comitta if she was aware of the clause in HB 1400 that allows a background check to be valid for 48 hours. Rep. Comitta said she was not aware of that detail. Rep. Jozwiak said that means an individual can buy a gun one day and purchase one the next without a background check. Additionally, he mentioned that sheriffs in Pennsylvania revoke the firearm permit from individuals immediately when they receive PFA orders and that federal law prohibits all types of firearms in possession of anyone convicted of a PFA. "Those laws are already in effect," he said. Rep. Comitta responded that SB 501 is meant to strengthen the existing laws and require the surrender of a firearm within 48 hours to law enforcement or a licensed dealer. Rep. Jozwiak said the 60-day rule is for those convicted of a felony or a class one misdemeanor in order to allow them time to sell their weapons or get rid of them. He added that a judge will order the guns be removed at the time the PFA is served if the victim feels their life is threatened. Rep. Comitta said her understanding is that it is up to the discretion of the judge and SB 501 would make it a mandatory surrender of the firearm. Rep. Jozwiak said his point is that all of these laws are already in effect.

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