



FOR IMMEDIATE RELEASE

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\*\*\*MEDIA ADVISORY\*\*\*

**ARIZONA SHOOTINGS: TWENTY-EIGHT STATES HAVE SUBMITTED  
FEWER THAN 100 MENTAL HEALTH RECORDS TO BACKGROUND  
CHECK DATABASE FOR GUN SALES**

*Failure Leaves More than a Million Mental Health Records Out and Allows Dangerous  
People to Buy Firearms*

**Firearms Policy Experts and Virginia Tech Massacre Family Members Available  
for Interview**

The Tucson shooter, Jared Loughner, bought a shotgun and passed a background check less than a year after he was rejected from the Army in 2008 for habitual drug use. He should have failed the shotgun background check, but he didn't because his record wasn't in the National Instant Criminal Background Check System (NICS). He went on to buy a second gun, which he used to murder 6 people and injure 13 others.

Federal law prohibits dangerous people including felons, the mentally ill, and drug users from buying or possessing guns. But these people too often slip through the cracks and pass background checks because many key records are not in the database. At Virginia Tech, Seung Hui Cho was declared mentally ill by a judge, thereby barring him from gun possession under federal law – but his record was never submitted to NICS. Cho was then able to pass a background check and buy the guns he used to kill 32 people.

In response to Virginia Tech, Congress unanimously passed the NICS Improvement Amendments Act of 2007, which was designed to improve reporting into the system. It requires that all federal agencies report relevant records into NICS, and it created a system of incentives for states to improve their reporting.

But federal data from August 2010 show there is a wide disparity in states' compliance.

Below is a state-by-state breakdown of state records submitted to NICS. For each state, the chart includes the total records submitted in 2006, total records submitted as of August 31, 2010, and total records submitted by each state per capita.

<b>State</b>	<b>Mental Health Records Submitted through Dec. 31, 2006</b>	<b>Mental Health Records Submitted through Aug. 31, 2010</b>	<b>2010 Mental Health Records per 100,000 inhabitants</b>
Alaska	0	0	0
Delaware	0	0	0
Hawaii	0	0	0
Idaho	0	0	0
Mass.	0	0	0
Minnesota	0	0	0
New Mexico	0	0	0
North Dakota	0	0	0
Pennsylvania	0	0	0
Rhode Island	0	0	0
Oregon	0	1	0
Louisiana	0	1	0
South Dakota	0	1	0.1
Nebraska	0	1	0.1
Mississippi	0	2	0.1
Oklahoma	0	2	0.1
Kentucky	1	4	0.1
New Jersey	0	8	0.1
Illinois	0	14	0.1
New Hampshire	1	2	0.2
Montana	0	3	0.3
South Carolina	0	13	0.3
Wyoming	3	3	0.5
Maryland	2	45	0.8
Maine	0	24	1.8
Utah	5	72	2.6
Iowa	46	94	3.1
Vermont	0	25	4
Alabama	24	230	4.8
Nevada	0	163	6
Wisconsin	0	518	9.1
Tennessee	2	760	12
District of Columbia	0	80	13.3
Indiana	0	1,736	26.8
Georgia	0	2,991	30.9
West Virginia	0	609	32.9
Arkansas	46	1,422	48.8
Arizona	0	5,036	78.8
Kansas	972	3,185	111.6
North Carolina	304	12,932	135.6

<b>Connecticut</b>	0	5,327	149
<b>Florida</b>	0	32,411	172.4
<b>Missouri</b>	388	11,404	190.4
<b>Ohio</b>	1	22,440	194.5
<b>Texas</b>	0	60,680	241.3
<b>Colorado</b>	7,804	21,696	431.4
<b>Washington</b>	15	32,947	490
<b>California</b>	21	256,106	687.5
<b>New York</b>	1	154,962	799.7
<b>Michigan</b>	71,304	97,827	989.8
<b>Virginia</b>	78,478	139,185	1,739.60
<b>Totals</b>	<b>159,418</b>	<b>864,962</b>	<b>Avg. 280.2</b>

Counting additional submissions by federal agencies, the FBI reported total size of the NICS “Mental Defective/Committed” file to total 1,107,758 records, as of December, 31 2010. According to estimates from the General Accounting Office, at least another 1.5 million disqualifying mental health records are still missing from the file, as well as millions more missing records on various other types of prohibited purchasers.

As the number of records has increased, so has the number of mentally ill people attempting to buy guns rejected by the background check system. In 2006 only 405 federal NICS database searches resulted in rejection due to mental health issues. In 2010 that number increased to 1,292. The large number of missing records suggest that thousands of mentally ill individuals purchase firearms each year because of the failing background check system.

Many states have made little or no progress reporting, largely because from FY 2009 through FY 2011 Congress appropriated only 5.3% of the amount authorized by the NICS Improvement Amendments Act in grants to states to improve reporting.

The failure to promptly put all relevant records into the database has frustrated some family members of Virginia Tech victims.

“Although the number of records submitted to the federal gun background check system has increased since the NICS Improvement Act was enacted in January 2008, it is clear that the system is still broken, said Peter Read, Lt. Col., USAF (Ret.), father of Mary Read, who was killed at Virginia Tech. “It’s been over 3 years since my daughter and 31 others were shot and killed at Virginia Tech because of a broken and inadequate background check system. Now, it has happened again. Enough is enough.”

For more information, please read the Mayors Against Illegal Guns’ letter calling for full funding of the NICS Improvement Act:

[http://mayorsagainstillegalguns.org/downloads/pdf/nics\\_letter\\_support\\_3\\_12\\_10.pdf](http://mayorsagainstillegalguns.org/downloads/pdf/nics_letter_support_3_12_10.pdf)

### **Available for Interviews**

- **Edgar Domenech**, former Acting Director and Deputy Director of ATF who led ATF's VA Tech investigation and is now New York City Sheriff.
- **Peter Read**, Lt. Col. USAF (Ret.), father of Mary Read, killed at the Virginia Tech shootings.
- **John Feinblatt**, Chief Advisor to NYC Mayor Michael Bloomberg for Policy and Strategic Planning
- **Arkadi Gerney**, Special Advisor to Mayor Bloomberg on firearms policy and staff for Mayors Against Illegal Guns

### *About Mayors Against Illegal Guns*

Since its inception in April 2006, Mayors Against Illegal Guns has grown from 15 mayors to over 550. Mayors Against Illegal Guns has united the nation's mayors around these common goals: protecting their communities by holding gun offenders and irresponsible gun dealers accountable, demanding access to trace data that is critical to law enforcement efforts to combat illegal gun trafficking, and working with legislators to fix gaps, weaknesses and loopholes in the law that make it far too easy for criminals and other prohibited purchasers to get guns.

Contact: Mayor Bloomberg's Press Office (212) 788-2958