PASSED: 9-0

RESOLUTION 17-14

SUPPORTING RESPONSIBLE GUN REGULATIONS - Calling for the Repeal of IC 35-47-11.1 and Supporting Universal Background Checks

WHEREAS, the prevention of violence and the cultivation of a community free from fear is at the heart of the duty of local government to protect the health, welfare, and safety of its residents; and

WHEREAS, the ability of local government to fulfill this core duty is severely compromised by both the presence and absence of certain State gun regulations; and

WHEREAS, in 2011, the Indiana General Assembly created a new chapter of the Indiana Code, Chapter 35-47-11.1, which prohibits a political subdivision from regulating the possession and carrying of firearms, ammunition and firearm accessories; and

WHEREAS, this means that absent certain exceptions, local government cannot prevent persons from carrying a gun into a public meeting at City Hall, a soccer game at Bryan Park, a community pool, a City-sponsored parade, or a community play at the Buskirk-Chumley theater; and

WHEREAS, the presence of guns in everyday spaces creates fear and presents the opportunity for community harm; and

WHEREAS, so weak are Indiana's gun laws that the Law Center to Prevent Gun Violence gives Indiana a "D-" for the strength of its gun laws; and

WHEREAS, indeed, over the past three years, the Indiana General Assembly has considered a number of legislative proposals that are much more likely to threaten the public good, than protect it. Such proposals include, but are not limited to: expanding the number and type of persons who can carry handguns without permits; eliminating the handgun permitting requirement altogether; loosening up who can carry guns on school property; and, prohibiting State universities from regulating firearms on campus; and

WHEREAS, instead of working to make it easier to get guns into the hands of the wrong people, Indiana lawmakers should work toward responsible gun ownership by both restoring the ability of local government to decide where guns are permissible and by implementing universal background checks at the point at which any firearm is sold; and

WHEREAS, implementing universal background checks at the point of sale ensures that individuals who should not have a gun, do not get a gun; and

WHEREAS, currently, federal law requires licensed firearms dealers to perform background checks on prospective purchasers and maintain records of all gun sales; however, this requirement does not extend to private sellers; and

WHEREAS, similarly, Indiana law requires a federally-licensed dealer to conduct a background check prior to transferring a handgun, but does not make this requirement of unlicensed private firearm sellers; and

WHEREAS, this is a dangerous loophole that makes it easier for guns to get into the hands of persons otherwise prohibited from carrying a firearm, such as felons, domestic violence abusers, and those with a severe mental illness; and

WHEREAS, this is a loophole that can be easily closed by requiring background checks at the point of transfer of any firearm from any seller; and

WHEREAS, this is a commonsense measure that will respect the Second Amendment rights of all Hoosiers, while keeping us all safer; and

WHEREAS, indeed, since the federal requirement that firearms dealers (not private dealers) conduct background checks, more than 2.4 million gun sales to prohibited persons were prevented from 1994-2012;[1] and

WHEREAS, approximately eighteen states and the District of Columbia have extended the background check requirement beyond federal law to at least some private sales;[2] and

WHEREAS, background checks work. In states that require a background check for every handgun sale:

- 38 percent fewer women are shot to death by intimate partners;
- 39 percent fewer law enforcement officers are shot to death with handguns;
- 49 percent fewer people commit suicide with firearms;[3] and

WHEREAS, background checks in the interest of public safety is a requirement that is supported by an overwhelming majority of Hoosiers -- a recent scientific survey conducted by Ball State University indicates that fully 83 percent of Hoosiers support background checks by private sellers;[4] furthermore, 74 percent of the National Rifle Association's own members support background checks;[5] and

WHEREAS, Indiana's gun laws do not just hurt Indiana residents. Sixty percent of guns recovered in Chicago come from out of state; twenty percent come from Indiana. While Chicago is working to stem gun violence by enacting tougher gun laws, those laws are of little effect if all it takes is a short trip to Indiana to buy a gun from a private dealer without a background check;[6] and

WHEREAS, Bloomington is a peaceful place where residents guard the wellbeing of the community and each other; it is not a place that has been ruptured by the systemic gun violence occurring throughout the country; and

WHEREAS, Bloomington is safe and we want to keep it that way.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. Indiana lawmakers are urged to repeal Indiana Code 35-47-11.1 and restore the right of local communities to regulate the possession and carrying of firearms, ammunition, and firearm accessories in the interest of protecting their residents.

SECTION II. Indiana lawmakers are urged to pass a law requiring private sellers to conduct universal background checks.

SECTION III. The City Clerk is directed to send a copy of this resolution, duly adopted, to members of the Indiana General Assembly representing Bloomington and to the Governor of Indiana.

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[1] Jennifer C. Karberg, et al., *Background Checks for Firearm Transfers, 2012 – Statistical Tables* (Washington: Bureau of Justice Statistics, 2014), available http:/www.bjs.gov/content/pub/pdf/bcft12st.pdf

[2] Jurisdictions with background checks: California, Colorado, Connecticut, Delaware, Hawaii, Iowa, Illinois, Maryland, Massachusetts, Michigan, Nebraska, New Jersey, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Washington, and the District of Columbia.

[3] Mayors Against Illegal Guns, *Gun Background Checks Reduce Crime and Save Lives*, available at http://libcloud.s3.amazonaws.com/9/a2/3/1982/MAIG_-_2_-_Background_checks_national_charts_-_b.pdf

[4] Bowen Center for Public Affairs, *Hoosier Survey*, November 2015, available at http://bowencenterforpublicaffairs.org/wp-content/uploads/2015/11/HoosierSurvey2015FinalReport.pdf.

[5] Luntz Global, *Gun Owners Poll for Mayors Against Illegal Guns*, July 2012, available at http://every.tw/luntz.

[6] City of Chicago, Office of the Mayor, Chicago Police Department, *Tracing the Guns: The Impact of Illegal Guns on Violence in Chicago*, May 27, 2014, available at http://www.chicagobusiness.com/Assets/downloads/20151102-Tracing-Guns.pdf.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 22nd day of March, 2017.

SUSAN SANDBERG, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 23rd day of March, 2017.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 23rd day of March, 2017.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This resolution is sponsored by Councilmember Chopra and calls for the Indiana General Assembly to enact responsible gun regulation. Specifically, the resolution calls for the General Assembly to repeal 35-47-11.1, a measure that prohibits political subdivisions from regulating the possession and carrying of firearms, ammunition and firearm accessories. The resolution also urges Indiana lawmakers to implement universal background checks for all private gun sales; presently, under federal law, only authorized dealers are required to conduct background checks. The resolution directs the City Clerk to send copies of the resolution to members of the Indiana General Assembly representing Bloomington and to the Governor.

Distributed to: Mayor, Clerk, Council Administrator, Legal