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Contact: Brian Fallon

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202-224-7433

PRESIDENT BUSH SIGNS SCHUMER-MCCARTHY LEGISLATION TO KEEP GUNS OUT OF THE HANDS OF THE MENTALLY ILL

**In the Wake of Virginia Tech Shootings,
New Law Will Provide Much-Needed Updates
to the NICS Background Check System**

**Schumer's Efforts to Negotiate a Bipartisan Compromise on the Bill
Overcame a Hold in the Senate - Today, the Bill Becomes Law**

WASHINGTON, DC - Six years after a tragic double-murder inside a Long Island church and less than a year after the tragic shootings on the Virginia Tech campus, today U.S. Senator Charles E. Schumer announced that President George W. Bush has signed his legislation that will help keep firearms out of the hands of the mentally ill. The law - supported by both the Brady Campaign to Prevent Gun Violence and the National Rifle Association (NRA)-will help states do a better job of passing critical mental health information along to the federal government for inclusion in the National Instant Criminal Background Check System (NICS). Schumer first introduced a version of the bill together with Rep. Carolyn McCarthy (D-NY) in 2002, after a mentally troubled shooter killed a priest and parishioner at a church in New York.

"From the time that Father Penzes and Eileen Tosner were killed by a mentally disturbed person who shouldn't have had a gun, we have worked hard to pass hard to this legislation," Schumer said. "Had it become law earlier, it may well have saved the lives of 32 students who were killed at Virginia Tech by another mentally ill gunman. We believe this law will do real good and save lives. This is the kind of logical, bipartisan approach that people are demanding out of Washington."

The legislation received heightened attention after the massacre on Virginia Tech's campus last spring. That incident also involved a gunman with a substantial mental health history. Both incidents exposed grave shortcomings in the system meant to prevent convicted felons and other dangerous individuals from obtaining firearms. The legislation signed into law today would strengthen states' ability to pass critical mental health information along to the federal government for inclusion in NICS, so that a pre-purchase background check would show whether a person is ineligible to buy a firearm.

The House passed a similar bill earlier this year. But Senate action had been slowed since September, when Oklahoma Sen. Tom Coburn placed a hold on the bill, preventing expedited passage. That same month, a group of Virginia Tech victims' relatives visited Capitol Hill to urge that the hold be lifted so the bill could pass. A

compromise brokered by Schumer helped the bill win Senate passage in December, paving the way for the legislation to arrive on the President's desk.

A criminal background check is only as good as the records that the states provide to the system. Millions of criminal and mental health records are inaccessible to the NICS system, mostly because state and local governments have non-computerized or outdated records. Furthermore, the records are often spotty, as states are not required by law to turn over all pertinent information that could potentially prohibit a person from buying a gun. As a result, many people who by law should not have access to guns are allowed to purchase them.

In the case of the Virginia Tech shooting, the assailant, Seung Hui Cho, allegedly acquired the two firearms in two separate transactions, both within weeks of the massacre. For both purchases, he was required to show the store clerk a driver's license and complete paperwork before passing the background check. Because the shooter's mental health information was not in the system, he was able to pass his pre-purchase background checks.

However, two years before buying the guns, Cho was accused of stalking two of his fellow female students at Virginia Tech, and had been civilly committed. At the time, a judge found that Cho presented an "imminent danger to himself as a result of mental illness." He was then briefly admitted to a psychiatric facility for an overnight stay as an outpatient. This information was never conveyed to the federal government and never appeared on Cho's background checks.

The law signed today will provide funds to state agencies and state courts to upgrade their computers to ensure speedy delivery of information. Using a carrot-and-stick approach, states who with inadequate compliance will risk losing 5% of their funding under the Crime Control and Safe Streets Act of 1968. Significant incentives will be provided to states with good reporting records. States who that comply will be required to share information-such as an individual's relevant, disqualifying history of mental illness-with the FBI. The law will also require federal agencies like the Department of Homeland Security to make their records available to the NICS database to ensure timely and thorough background checks of those who purchase guns. Additionally, it the law will requires states to set up procedures whereby a person who previously had been deemed mentally ill can petition to regain the right to own a firearm.

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