



## Legislative State and Federal Platform

Sandy Hook Promise Action Fund advocates for the creation and enforcement of existing gun violence prevention laws, policy and regulations in the areas of

- Mental Health & Wellness - identification, intervention and help for individuals who may want to hurt themselves or others.
- Gun Safety - ensuring that those who should not have access to a firearm are restricted and that all firearms are kept safe and secure at all times from children and teens.
- Gun Lethality - reduction in the lethality of firearms – specifically in the area of magazine size.
- Research - funding needs to be provided for research to identify evidenced-based policy and non-policy programs.

SHP strongly believes in upholding the rights of gun owners – we do not support bans on firearms or believe the sole cause of gun violence is the gun. In addition to policy, Sandy Hook Promise believes education and programmatic change are critical to prevention.

Below details each legislative area of focus.

### **Mental Health and Wellness**

**Increasing access to care, reducing mental health stigma, and providing the tools the public needs to identify and help individuals in crisis and/or lacking mental wellness.** While the vast majority of mental illness does not cause violent behavior, sometimes untreated mental illness can result in harm to an individual or a community. Often times, violence prevention can be as simple as making sure someone who is sick can get help. If implemented, the following initiatives would increase access, reduce the stigma, and give the public the tools they need to understand, recognize, and react appropriately to mental illness.

#### *1. Increase access to inpatient psychiatric care*

Access to mental health care is a cornerstone of a strong and healthy community. When an individual is in crisis, it is essential that he or she be able to seek quality treatment immediately, and for as long as it is needed. Getting care to the people who need it doesn't just keep our communities safe; it's the right thing to do. Sandy Hook Promise is devoted to making sure that anyone who needs help has access to help. But when state budgets are tight, human services are often among the first things to be cut, and in states across the country there are waiting lines for crucial treatment.

Sandy Hook Promise supports initiatives that prioritize and increase funding for inpatient psychiatric beds.

## *2. Promote alternatives to inpatient services with intensive outpatient psychiatric care*

In some instances, inpatient care is the best option to treat a severe mental illness. But in many cases, especially those concerning children and young adults, a less restrictive environment is most conducive to recovery and to maintaining a healthy and thriving family dynamic. Families should have more than one option when making a treatment decision for a loved one. Additional options are also essential for families with adolescents who turn 18 and become responsible for their own treatment decisions while receiving treatment. The availability of intensive outpatient psychiatric care as an alternative to inpatient treatment can help promote the continuation of care as adolescents' transition into adulthood.

Sandy Hook Promise supports initiatives that will increase inpatient and outpatient treatment options for children, adolescents, and adults.

## *3. Support media campaigns to reduce stigma*

Every illness is worthy of compassion, and mental illness is no exception. Public perception of mental illness, while improving, has long been associated with shame, embarrassment, and fear, and those suffering from mental illness are likely to face a degree of discrimination. There is a perception, which is frequently fueled by the media, that mental illness is linked to violence. The reality is that a mentally ill individual is much more likely to be the victim of violence than the perpetrator. This dangerous misperception can cause an individual to unnecessarily fear those with mental illness, rather than intervene and help. A negative stigma can also cause delays or avoidance of treatment for fear of harmful backlash from family, friends, and colleagues.<sup>1</sup>

Sandy Hook Promise supports legislation that would establish and fund media campaigns to help shift public perception of mental health and wellness.

## *4. Advance research that explores the biological causes of violence*

We know that mental illness alone does not cause violent behavior. As stated above, a person suffering from mental illness is far more likely to be the victim of a crime than the perpetrator. It has been suggested that violence is spurred from a combination of biological and environmental factors, and yet there is still much to be learned about brain development and why certain individuals are drawn to harmful or violent behavior.

Sandy Hook Promise supports legislative initiatives that recognize the importance of and funding for the advancement of research to understand the biological root causes of violent behavior.

## *5. Mental Health First Aid, Threat Assessment and Social and Emotional Development in schools and community-based organizations (CBOs)*

Mental Health First Aid is a national program that teaches individuals how to respond to a person with a developing mental illness or emerging crisis. Mental Health First Aid teaches about the impact of mental illness and substance abuse and how to spot signs, gives a plan to assess and intervene, and provides resources on where to turn for help. In 2013, the federal government authorized grants to ensure that Mental Health First Aid training is available across the country, but there is still a great need.<sup>2</sup>

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<sup>1</sup> Murphy, David, Brandon Stratford, Rachel Gooze, Elizabeth Bringewatt, P. Mae Cooper, Rachel Carney, and Angela Rojas. *Are the Children Well? A Model and Recommendations for Promoting the Mental Wellness of the Nation's Young People*. Issue brief, Child Trends and Robert Wood Johnson Foundation.

<sup>2</sup> "Evidence Base." *Mental Health First Aid*. Web. Aug. 2014.

Sandy Hook Promise supports legislation that provides funding for and requires that Mental Health First Aid Training be given to all teachers, childcare providers and community-based organizations.

Additionally, funding is needed in the areas of evidenced-based threat assessment and social and emotional learning. Sandy Hook Promise will be introducing threat assessment solutions for funding and will continue to support legislation that funds social and emotional learning – such as the Jesse Lewis Bill.

*6. Train law enforcement to recognize and respond appropriately to mental illness*

While a person with mental illness is more likely to be the victim rather than the perpetrator of crime, there is a greater likelihood that he or she will have some interaction with the criminal justice system in his or her lifetime. In fact, nearly two-thirds of people in prison suffer or have recently suffered from some kind of mental illness. Mental illnesses can manifest differently depending on the individual, and it is important for law enforcement to be able to recognize the signs and intervene quickly, so that no harm will come to the person experiencing the crisis or others. Crisis Intervention Team (CIT) training, which is a national program, teaches law enforcement how to appropriately respond to an individual experiencing a mental health crisis.<sup>3</sup>

Sandy Hook Promise supports legislation that would promote or fund CIT training programs for law enforcement.

*7. Promote the integration of mental health care within the standard practice of medical care*

Around half of Americans will develop a mental health challenge throughout the course of their lifetime, and most will begin to manifest or originate during childhood. Assessing a child's mental health and wellness should be as routine to a doctor's visit as measuring the child's height and weight. Nurses, nurse practitioners, and pediatricians play an integral role in a child's development. Regular well and sick visits give medical professionals the opportunity to build relationships with the child and his or her parent(s) and many times, the nurse or doctor will be responsible for educating parents and directing them to additional resources if needed. It is just as important for a pediatrician to recognize and treat signs of addiction or depression as it is for a doctor to treat an ear infection. But since mental and physical health are addressed separately in training, not all doctors feel comfortable or able to guide parents about warning signs or provide additional mental or social support services. Including training on how to identify mental illness and intervene quickly and effectively in the standard practice of pediatric care would help integrate mental and physical wellness.<sup>4</sup>

Sandy Hook Promise supports initiatives that promote training for medical professionals to include more comprehensive mental health and wellness care into their standard practice of health care for children.

*8. Fund research for programs that support preventive care and mental wellness*

Funding for research to prevent illness and promote health is frequently prioritized based on the complexity and lethality of a particular disease. For instance, funding for cancer research has a clear and

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<sup>3</sup> *Crisis Intervention Teams*. National Alliance on Mental Illness, Web.

<sup>4</sup> Murphy, David, Brandon Stratford, Rachel Gooze, Elizabeth Bringewatt, P. Mae Cooper, Rachel Carney, and Angela Rojas. *Are the Children Well? A Model and Recommendations for Promoting the Mental Wellness of the Nation's Young People*. Issue brief, Child Trends and Robert Wood Johnson Foundation.

well-supported goal of eradicating the disease. But programs that promote wellness by supporting children with coping and life skills necessary to build healthy adults are not often a top priority. While targeted approaches that treat acute mental illness are crucial, there is also a strong need for universal approaches devoted to fostering general well being.<sup>5</sup>

Sandy Hook Promise supports initiatives that invest in preventive health care and mental health and wellness interventions. We also support initiatives that promote and prioritize funding for programs that support preventive care and mental wellness, not simply the treatment and eradication of mental illness.

*9. Institute and promote mental wellness training for teachers*

As children develop, their parents and teachers are able to teach and model healthy behaviors and coping skills. It is just as important for child's future for him or her to develop social-emotional tools as it is for that child to learn reading and math. At every age, children need the teaching and reinforcement of self-care, stress reduction, conflict resolution, and coping skills. Additionally, teachers should not only be trained on how to identify and respond to mental health disorders, but on how to integrate preventive mental wellness measures into every day learning. Instead of focusing on how to respond when a child is already struggling with a problem, teachers and parents can build healthy environments for children by giving them the social and emotional skills necessary to face challenges while maintaining mental wellness.

Sandy Hook Promise supports initiatives that fund and promote mental wellness training for teachers.

*10. Research solutions to reduce children's exposure to Adverse Childhood Experiences (ACEs) and address the impacts of those experiences*

Adverse Childhood Experiences (ACEs) are instances of childhood maltreatment such as emotional, psychological, or sexual abuse, neglect, or family dysfunction. Research has overwhelmingly shown a connection between childhood trauma and adult onset of disease, mental illness, behavioral health problems, and becoming the victim or perpetrator of violence.<sup>6</sup> While the research finds a conclusive link between ACEs and chronic mental and physical illness in adulthood, ACEs are a complex problem with no clear solution. A child's negative experiences are impacted by parents, caregivers, teachers, and peers and are influenced by environmental and interpersonal factors such as socio-economic status, living conditions within the community, access to health and wellness resources, parenting skills, and social-emotional wellness. Thus, funding must be prioritized to advance the awareness of the impact of Adverse Childhood Experiences, and resources must be made available to mitigate the causal factors associated with child abuse and neglect with programs such as Early Start, prenatal care, and parenting skills.<sup>7</sup>

Sandy Hook Promise supports initiatives that fund and promote ongoing research to study the impact of Adverse Childhood Experiences as well as interventions that prevent or mitigate the instances of ACEs.

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<sup>5</sup> Murphy, David, Brandon Stratford, Rachel Gooze, Elizabeth Bringewatt, P. Mae Cooper, Rachel Carney, and Angela Rojas. *Are the Children Well? A Model and Recommendations for Promoting the Mental Wellness of the Nation's Young People*. Issue brief, Child Trends and Robert Wood Johnson Foundation.

<sup>6</sup> "Injury Prevention & Control: Adverse Childhood Experiences (ACE) Study." *Centers for Disease Control and Prevention*. Centers for Disease Control and Prevention, 13 May 2014.

<sup>7</sup> Centers for Disease Control and Prevention. *Press Release: Child Abuse and Neglect Cost the United States \$124 Billion*. Centers for Disease Control and Prevention, 1 Feb. 2012.

## **Gun Safety/Access and Enhanced School Security**

**SAFETY:** There are approximately 90 deaths per day as a result of an individual using a firearm. In many of these deaths, the firearms were not used by the owners – instead they were used by children, young people and adults who found, stole and/or took an unsecured firearm from its rightful, legal owner. The following safety initiatives would help ensure that guns are only readily accessible to their legal owners and out of the hands of people who shouldn't have them:

### *1. Safe storage of firearms*

In the United States, hundreds of people die each year from unintentional or accidental firearm deaths. One of the best ways for gun owners to protect their children is to make sure that guns are stored securely and cannot be accessed by adults or children who are not trained to use them. Safe storage not only protects children when there is a gun in a home, but it also makes it harder for guns to be stolen and end up in the hands of criminals.<sup>8</sup>

Sandy Hook Promise supports legislation that requires guns to be stored safely away from children and imposes criminal or civil liability if a child gains access to and uses a firearm.

### *2. Firearm locks*

Currently, federal law requires a “secure storage or safety device” (not necessarily a lock) to accompany a handgun when transferred directly from a manufacturer or dealer, but it is not required for private sales. Trigger locks provide an extra level of security in the event that a child gains access to a gun. A lock prevents the gun from being fired unless it is disabled or defeated.<sup>9</sup>

Sandy Hook Promise supports legislation requiring that trigger locks be included with the purchase and transfer of every firearm.

### *3. Encouraging parents and doctors to ask about child safety*

Each year, guns kill thousands of children and teens, and many more are injured.<sup>10</sup> Parents and doctors can play an important role in preventing accidental injury and death by helping to ensure that if there is a firearm in the home, it is safely secured and out of reach of children. Parents can protect their children by asking a simple question of themselves and every other person who is responsible for the care of their children, even if that care is temporary: “Is there an unlocked gun where my child lives, learns, or plays?”

Family doctors can also play an important role in protecting children. During well visits, doctors often inquire about child safety. For instance, new parents are advised about protecting children from household hazards like sharp corners, electricity, and kitchen appliances and teenagers are warned about the importance of wearing seat belts and of the dangers of drug and alcohol abuse. But when it comes to guns and firearm safety, more often than not, doctors are silent.<sup>11</sup>

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<sup>8</sup> "Safe Storage & Gun Locks Policy Summary." *Law Center to Prevent Gun Violence RSS*. Sept. 2013. Web.

<sup>9</sup> "Safe Storage & Gun Locks Policy Summary." *Law Center to Prevent Gun Violence RSS*. Sept. 2013. Web.

<sup>10</sup> "Deaths: Final Data for 2011." Centers for Disease Control and Prevention, Web.

<sup>11</sup> Rho, Helena. "Pediatricians vs. the NRA: The Fight Isn't Over Yet." *Slate Magazine*. 1 Feb. 2013.

Sandy Hook Promise supports legislation and initiatives that promote the inclusion of a conversation about firearms and firearm safety within the dialogue doctors and parents have to protect the safety of their children.

#### *4. Advance smart gun technology and availability*

A "smart gun" is a firearm designed with special features designed to make it impossible for it to be fired by any person who is not authorized to use the gun. While this technology is evolving, there is promise that these features will help limit incidents of accidental shootings or misuse by children or others who gain unauthorized access and will render any stolen firearms inoperable.

Sandy Hook Promise supports initiatives that advance research and funding for the advancement of smart gun technology.

ACCESS: Sandy Hook Promise strongly supports the right of law-abiding individuals to keep and bear arms but also believes that firearms should be kept out of the hands of the severely mentally ill and individuals who pose a risk to themselves or others. If enacted, the following initiatives would ensure that guns are not sold to criminals or the mentally ill, and they would put procedures in place to make sure law enforcement has the tools to ensure that guns don't end up in the wrong hands.

#### *5. Closing the background check loophole*

Federal law requires that a background check take place for every gun sale made by a federal firearms licensee. But so-called "private sales," both online and at some gun shows, can skirt a background check, allowing guns to land into the hands of criminals and the mentally ill.

Sandy Hook Promise supports legislation that expands the requirement for background checks. With a few common sense exceptions, no gun should be sold in the United States to a buyer without first determining whether he or she is prohibited by law from possessing a firearm.

#### *6. Ending illegal gun trafficking and straw purchases*

Across the country, criminals who would not be able to pass a background check can turn to the black market to illegally purchase guns. Illegal guns can come from a number of different sources, including theft or sales without a background check by corrupt firearm licensees. Guns can also be transferred to criminals or the dangerously mentally ill via straw purchases: the illegal practice of buying a gun for someone who wouldn't be able to pass a background check on their own.<sup>12</sup>

Aside from supporting comprehensive background checks and enforcing existing laws, Sandy Hook Promise supports legislation that would increase penalties for trafficking and straw purchases. We also support initiatives that require individuals to report lost or stolen guns right away, so that law enforcement can help recover them.

#### *7. Gun violence restraining order*

In the aftermath of a shooting incident, we often hear stories from friends or family members about the warning signs the shooter exhibited. If a family is concerned that a loved one poses a risk to themselves or others, but a crime has not yet been committed and the individual does not meet the criteria for

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<sup>12</sup> "Gun Trafficking & Straw Purchases Policy Summary." *Law Center to Prevent Gun Violence RSS*. Oct. 2013.

firearms prohibition under the mental health categories of the law, there is little they can do to protect their loved one or the public. Gun Violence Restraining Orders allow family and friends to intervene and ask law enforcement to temporarily bar an unstable person from buying or possessing firearms. The individual is then entitled to a hearing to overturn the order if his or her condition improves or a judge sees fit.<sup>13</sup>

Sandy Hook Promise supports legislation that would enable family or friends to alert law enforcement to a potentially dangerous situation and give law enforcement the tools and authority they need to remove firearms in the interest of public safety.

#### *8. Keeping guns out of the hands of domestic abusers*

A domestic abuser's ability to access guns can increase the risk of intimate partner homicides more than five times compared to when the abuser does not have access to guns. Federal law currently bars individuals who are the subject of protective orders or those who have been convicted of a misdemeanor of domestic violence from possessing guns. But those restrictions have significant loopholes that can put women and children at risk. For instance, federal law specifies that the abuser must be a current or former spouse or family member or share a child. Additionally, law enforcement does not have the ability to temporarily remove guns at the issuance of a temporary restraining order, leaving a victim vulnerable to violence in a high stress situation.

Sandy Hook Promise supports legislation that gives law enforcement the ability to temporarily remove weapons at the scene of a domestic violence incident and upon issuance of a temporary restraining order. Since not all domestic abusers are united by marriage or children, Sandy Hook Promise supports expanding the list of people who are subject to a protective order and are prohibited from purchasing or possessing firearms to include current or former dating partners and cohabitants and convicted stalkers.<sup>14</sup>

#### *9. Making sure guns stay out of the hands of the mentally ill*

Federal law currently prohibits individuals who have been formally involuntarily committed from purchasing or possessing firearms. But the law does not account for those who have been involuntarily hospitalized for a short period of time for a mental health emergency. If an individual is suffering from a mental health crisis so severe that it requires involuntarily hospitalization, even for a short period of time, he or she is at an elevated risk of harming him or herself or others and should have the same level of protection as someone who has gone through a formal commitment process.<sup>15</sup>

Sandy Hook Promise supports legislation that would temporarily restrict individuals who have been subject to any involuntarily hospitalization for a mental health evaluation from purchasing or possessing firearms. The individual should be able to regain their ability after a fixed period of time or through an appeal.

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<sup>13</sup> "2014 California Firearms Legislation: Governor Signs Two Bills to Strengthen California's Gun Laws." *Law Center to Prevent Gun Violence RSS*. 8 July 2014. Web.

<sup>14</sup> Stachelberg, Winnie, Arkadi Gerney, Chelsea Parsons, and Megan Knauss. "Preventing Domestic Abusers and Stalkers from Accessing Guns." *Center for American Progress*. 9 May 2013. Web.

<sup>15</sup> *Commonsense Solutions: How State Laws Can Reduce Gun Deaths Associated with Mental Illness*. Publication. Americans for Responsible Solutions, The Law Center to Prevent Gun Violence, 12 Aug. 2014. Web.

### *10. Strengthening NICS*

When a firearm is purchased from a Federal Firearm Licensee, the licensee must conduct a background check. To conduct the check, the licensee runs a search with the National Instant Criminal Background Check System (NICS) to determine whether the applicant has a criminal background or is a prohibited buyer due to some other disqualifier. While the NICS check is required under federal law, there is no legal requirement for states to submit information to NICS.<sup>16</sup> In states without strong standards for reporting to NICS, an individual who has been adjudicated as mentally ill or has been involuntarily committed could pass a background check where that information is not available and could potentially purchase firearms.

Sandy Hook Promise supports legislation that would require or incentivize states to enter crucial information into NICS.

### *11. Adding violent misdemeanors to the list of federal disqualifiers*

When purchasing a gun in United States, the buyer's name is run through the National Instant Criminal Background Check System (NICS). Information in NICS determines whether the buyer has a criminal background or if he or she has been adjudicated as a mentally defective or has been involuntarily committed to a mental institution. NICS will also disqualify a buyer if he or she is a fugitive from justice, has renounced citizenship, is subject to a court restraining order, or has been convicted of a misdemeanor offense of domestic violence. Any of these factors will prohibit the buyer from purchasing a firearm. While 34 states have added other factors to this list, a conviction for a violent misdemeanor other than domestic violence is not a prohibiting factor for gun ownership under federal law.

Sandy Hook Promise believes that individuals convicted of violent misdemeanors like assault, battery, and stalking should not have access to guns. We support legislation that adds violent misdemeanors to the list of factors that prohibit gun ownership.

### *12. Requiring colleges and school to report violent or threatening behavior*

The college years can be a chaotic time for students, and a period in which serious mental health and wellness issues can surface. Since many college students are living outside of the family unit for the first time, especially for those who turn 18, they rely on the college to provide mental health care and wellness resources. But for college-age students, there can be an information gap between the school, parents, and outside agencies should a serious problem occur. For instance, if a college treats a student for a serious mental illness and reports signs of violent behavior or suicidality, there is no mechanism that forces the school to inform the police or other relevant agencies. If a student who displays these warning signs attempts to purchase a firearm, his or her state of residence would not have the information necessary to prevent the purchase.<sup>17</sup>

Sandy Hook Promise supports legislation that would require schools to report violent, threatening, or suicidal behavior to a relevant law enforcement agency. Upon investigation, law enforcement should have the ability to temporarily remove or restrict the purchase of firearms.

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<sup>16</sup> "Mental Health Reporting Policy Summary." *Law Center to Prevent Gun Violence RSS*. 16 Sept. 2013. Web.

<sup>17</sup> *Commonsense Solutions: How State Laws Can Reduce Gun Deaths Associated with Mental Illness*. Publication. Americans for Responsible Solutions, The Law Center to Prevent Gun Violence, 12 Aug. 2014. Web.



ENHANCE SCHOOL SECURITY: Sandy Hook Promise strongly supports the enhancement of school and college security. These initiatives, systems, and programs can and should be both physical (brick 'n mortar/electronic) as well as training for teachers/School Resource Officers/security protecting schools and colleges.

*1. Helping local school districts enhance school security*

Parents and caregivers need to feel secure that their children are safe from danger while they are at school. While no legislative initiative could prevent every violent act, schools should be given basic tools to improve security and prevent people who are not authorized from entering their buildings or properties. Since each municipality is unique, school districts should have the ability to choose the safety measures that fit their individual needs and preference, whether through physical infrastructure improvements that harden walls and windows or well-trained School Resource Officers.

Sandy Hook Promise supports legislation that provides funding for school districts to develop safety enhancement plans, make physical infrastructure improvements, or hire School Resource Officers, if they so choose.

*2. Building safe and supportive schools*

There is no doubt that safe and supportive school environments can help reduce school violence. Schools that foster a positive and healthy learning environment help students develop positive relationships with adults and peers, gain life and coping skills, and help students become better able to regulate their emotions and behavior, and achieve academic success. Initiatives such as anti-bullying campaigns, dropout prevention, and social-emotional skill development can all help foster a safe, supportive, and violence-free school environment.<sup>18</sup>

Sandy Hook Promise supports legislation that would enable and encourage schools to assess and develop plans to implement a safe and supportive school framework.

**Reduction in the Lethality of Firearms**

In the event that a firearm does end up in the wrong hands, the following initiative would help to limit the death and physical destruction.

*1. Limit magazine capacity of firearm magazines to 10 bullets or fewer (excluding law enforcement)*

Magazines, which can be attached to or separate from a firearm, are cartridges that hold ammunition. The capacity of a magazine determines how many bullets can be fired before reloading is necessary. For instance, if a magazine is limited to 10 bullets, a shooter must pause to reload three times more than a shooter with a 30-round magazine. The use of smaller magazines within a firearm can limit the lethality of a mass shooting event by forcing the shooter to reload more frequently than is necessary when using a large capacity magazine. Each time the shooter must pause to reload can provide an opportunity for bystanders or law enforcement to disarm, distract, or escape from a shooter.

Sandy Hook Promise supports laws setting the maximum capacity of ammunition magazines to 10 rounds.

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<sup>18</sup> "Safe and Supportive Schools: Helping Traumatized Children Learn." *Trauma Sensitive Schools*.