SENATE RESOLUTION No. 118

STATE OF NEW JERSEY

214th LEGISLATURE

INTRODUCED MAY 23, 2011

Sponsored by:
Senator LORETTA WEINBERG
District 37 (Bergen)

SYNOPSIS
Commends Senator Frank Lautenberg for efforts to prevent terrorists from accessing firearms and explosives and urges Congress to pass “Denying Firearms and Explosives to Dangerous Terrorists Act of 2011.”

CURRENT VERSION OF TEXT
As introduced.
A SENATE RESOLUTION commending United States Senator Frank Lautenberg for seeking to prevent terrorists from accessing firearms and explosives and urging the United States Congress to pass the “Denying Firearms and Explosives to Dangerous Terrorists Act of 2011.”

WHEREAS, Current federal law requires firearms dealers to conduct a background check through the Federal Bureau of Investigation’s (FBI) National Instant Criminal Background Check System (NICS) before transferring a firearm to a purchaser; and

WHEREAS, The Brady Handgun Violence Protection Act established the following nine disqualifications that when identified by a NICS check prohibit a person from receiving a firearm from a dealer: (1) known fugitives from justice; (2) individuals dishonorably discharged from military service; (3) unlawful drug users and convicted drug addicts or dealers; (4) individuals who have ever been involuntarily committed to a mental institution or have been legally declared mentally incompetent; (5) illegal aliens; (6) individuals who have officially renounced their American citizenship; (7) individuals convicted of misdemeanor domestic violence offenses; (8) individuals under certain domestic violence restraining orders; and (9) felons; and

WHEREAS, Unless a known or suspected terrorist also meets one of these nine disqualifying criteria, a firearms dealer is not alerted that the person is, or is suspected to be, a terrorist and the sale proceeds as it would normally, placing a firearm or explosives into the hands of a person potentially intent on harming the United States; and

WHEREAS, A 2010 report by the Government Accountability Office found that between 2004 and 2010, a known or suspected terrorist attempted to purchase a firearm or explosives on 1,228 occasions, and the sale was permitted to proceed in 91 percent of these cases despite information available to the FBI suggesting the person may be a terrorist; and

WHEREAS, In January of 2011, Senator Frank Lautenberg introduced the “Denying Firearms and Explosives to Dangerous Terrorists Act of 2011” to address this “Terror Gap” in the federal law; and

WHEREAS, If enacted, the bill would provide the Attorney General with the authority to deny the sale of firearms when a NICS check reveals that a person attempting to purchase a firearm or explosives is a known or suspected terrorist if the Attorney General reasonably believes that the person will use the firearm or explosives in connection with a terrorist act; and

WHEREAS, To protect the citizens of New Jersey from dangerous terrorists it is altogether fitting and proper for this House to urge the United States Congress to pass the “Denying Firearms and Explosives to Dangerous Terrorists Act of 2011”; now, therefore,

BE IT RESOLVED by the Senate of the State of New Jersey:
1. This House commends United States Senator Frank Lautenberg for seeking to protect Americans by preventing terrorists from accessing firearms and explosives and urges Congress to pass the “Denying Firearms and Explosives to Dangerous Terrorists Act of 2011.”

2. Duly authenticated copies of this resolution, signed by the Senate President, and attested by the Secretary of the Senate, shall be transmitted to the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress elected from this State.

STATEMENT

This resolution commends United States Senator Frank Lautenberg for seeking to protect Americans by preventing terrorists from accessing firearms and explosives and urges Congress to pass the “Denying Firearms and Explosives to Dangerous Terrorists Act of 2011.”

Current federal law requires firearms dealers to conduct a background check through the National Instant Criminal Background Check System (NICS) before transferring a firearm to a purchaser. Unless a known or suspected terrorist meets other disqualifying criteria, the dealer is not alerted that the person is, or is suspected to be, a terrorist and the sale proceeds as it would normally, potentially placing a firearm or explosives into the hands of a person who may be intent on harming the United States.

In January of 2011, Senator Lautenberg introduced the “Denying Firearms and Explosives to Dangerous Terrorists Act of 2011” to address this “Terror Gap” in the federal law. If enacted, the bill would provide the Attorney General with the authority to deny the sale of firearms or explosives when a NICS check reveals that a person attempting to purchase a firearm or explosives is a known or suspected terrorist.