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From: **Senator Thom Tillis** <[donotreply@tillis.senate.gov](mailto:donotreply@tillis.senate.gov)>

Date: Friday, June 24, 2022

Subject: Response from Senator Tillis

To:

Dear \_\_\_\_\_:

Thank you for taking the time to share your thoughts about the Bipartisan Safer Communities Act (BSCA). I appreciate hearing from you.

I am proud to have worked in a bipartisan manner to work with my Senate colleagues to develop a commonsense proposal to protect America's children, keep our schools safe, and reduce the threat of violence across our country. The BSCA is the result of extensive negotiations to develop legislation that will save lives while preserving the Second Amendment rights of law-abiding Americans. The full Senate voted 65-33 to pass the BSCA. I look forward to seeing this important measure signed into law.

Recent acts of gun violence, particularly those in Uvalde, Texas and Buffalo, New York, sparked a national debate about how to prevent future attacks and how to keep our communities and our loved ones safe. These recent mass shootings are a sad reminder that evil exists in the world. Deaths from gun violence are truly tragic, and my heart goes out to all those impacted by these senseless acts of terror.

The BSCA is a carefully negotiated response to gun violence that will make our communities safer by expanding access to mental health services, investing in school safety, strengthening existing laws, and funding crisis intervention programs.

### **What does the Bipartisan Safer Communities Act do?**

The BSCA provides significant investments in mental health services. This includes investing in school services such as early identification and intervention programs and school-based mental health and wrap-around services. It also increases access to mental and behavioral health services for those in crisis using telehealth programs. The BSCA also provides for a national expansion of Certified Community Behavioral Health Clinics that will provide 365/24/7 mental health care services in our communities.

The BSCA supports school safety measures, including school violence prevention efforts, as well as providing training to school personnel and students. It also provides funds to provide academic enrichment and youth development

opportunities which will help improve outcomes for students by connecting them to community organizations. The BSCA also includes funding for mental health resources, drug and violence prevention, mentoring, crisis intervention, and high-quality training for school personnel on suicide prevention and human trafficking.

Finally, the BSCA strengthens existing laws to help crack down on criminals who abuse our firearm laws, while also protecting the Second Amendment rights of law-abiding gun owners. This includes encouraging states to upload juvenile records into the National Instant Criminal Background Check System (NICS), providing for an investigative period for buyers under 21 to review juvenile and mental health records, criminalizing straw purchases, clarifying the definition of a firearm dealer, and providing protections for domestic violence victims. The BSCA also provides grant funding for crisis intervention and violence prevention programs which also include mental health courts, drug courts, and veterans' courts.

**Does this legislation create new background checks and waiting periods?**

No, the BSCA does not expand the background check system, does not change the age to purchase a firearm, and does not create a mandatory waiting period for all purchasers. Instead, the BSCA works to strengthen our existing background check system by ensuring juvenile records and mental health adjudications are considered before issuing a firearm to an individual under 21. For someone without a juvenile record, they will still be able to purchase a firearm on the same day. If a juvenile record is found, there will be an investigative period in which authorities can determine if the juvenile record would be disqualifying had the crime been committed if the individual were an adult.

**Will this legislation create a national “red flag” law?**

Absolutely not, the BSCA does not create a national “red flag” law. Further, it does not compel states to enact crisis intervention programs. Instead, the legislation provides formula funding for all states to enact violence prevention and crisis intervention programs that are best suited to the needs of their state. This funding can go towards crisis intervention programs, mental health courts, drug courts, veterans courts, and other programs to reduce violence and keep our communities safe. It is ultimately up to each state to determine how this funding will be used to best serve the needs of their residents.

**What guardrails does this legislation put in place to protect due process for law-abiding North Carolinians?**

I am very concerned about protecting and preserving our constitutional rights, which is why I fought to ensure strong due process protections were included in this legislation. For states that choose to use crisis intervention order programs,

the legislation requires strong due process and evidentiary protections to protect our constitutional rights and prevent abuse. That means new due process guardrails for states with existing crisis intervention order programs and for those that choose to implement new ones. This includes both pre and post-deprivation due process rights that include notice, the right to an in-person hearing, unbiased adjudicators, knowledge of opposing evidence, right to present evidence, right to confront adverse witnesses, and the right to be represented by legal counsel. It requires heightened evidentiary standards to justify crisis intervention and requires penalties for those who attempt to abuse the program.

I am proud of my work to advance commonsense, bipartisan legislation that improves mental health care, strengthens school safety, and saves lives while protecting the Second Amendment rights of law-abiding North Carolinians. I am grateful for the work of my colleagues Senators John Cornyn (R-TX), Chris Murphy (D-CT), and Kyrsten Sinema (D-AZ) to find common ground and produce solutions.

Again, thank you for taking the time to contact me. Please do not hesitate to get back in touch with me again about other important issues.

Sincerely,



Thom Tillis  
U.S. Senator

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