



Published: 11.27.2005

Bill: Add names of mentally ill to no-gun list

THE ASSOCIATED PRESS

WASHINGTON - In Alabama, a man with a history of mental illness killed two police officers with a rifle he bought on Christmas Eve.

In suburban New York, a schizophrenic walked into a church during Mass and shot to death a priest and a parishioner.

In Texas, a woman taking anti-psychotic medication used a shotgun to kill herself.

Not one of their names was in a database that licensed gun dealers must check before making sales - even though federal law prohibits the mentally ill from purchasing guns.

Most states have privacy laws barring such information from being shared with law enforcement. Legislation pending in Congress that has bipartisan support seeks to get more of the disqualifying records in the database.

In addition to mandating the sharing of mental health records, the legislation would require that states improve their computerized record-keeping for felony records and domestic violence restraining orders and convictions, which also are supposed to bar people from purchasing guns.

Similar measures, opposed by some advocates for the mentally ill and gun-rights groups, did not pass Congress in 2002 and 2004.

Information "will save lives"

The FBI, which maintains the National Instant Criminal Background Check System, has not taken a position on the bill, but the bureau is blunt about what adding names to its database would do.

"The availability of this information will save lives," the FBI said in a recent report.

More than 53 million background checks for gun sales have been conducted since 1998, when the NICS replaced a five-day waiting period. More than 850,000 sales have been denied, the FBI reported; in most of those cases, the applicant had a criminal record.

Legislation sponsored by Rep. Carolyn McCarthy, D-N.Y., says millions of records are either missing or incomplete. "The computer is only as good as the information you put in it," McCarthy said.

In the Alabama case, police say Farron Barksdale ambushed the officers as they arrived at the home of his mother in Athens, Ala., on Jan. 2, 2004. Barksdale had been committed involuntarily to mental hospitals on at least two occasions, authorities said.

Facing the death penalty, he has pleaded not guilty and not guilty by reason of mental disease and defect.

The shootings led Alabama lawmakers to share with the FBI the names of people who have been committed involuntarily to mental institutions. But just 20 other states provide NICS at least some names of people with serious mental illness, a disqualifier for gun purchases under federal law since 1968.

Shayla Stewart had been hospitalized five times in Texas, twice by court order. Yet Stewart was able to buy a shotgun at a Wal-Mart in 2003 because Texas considers mental health records confidential.

The same is true in New York, where Peter Troy was twice admitted to mental hospitals but bought a .22-caliber rifle that he used in the shootings inside a Long Island church in March 2002. Troy is serving consecutive life terms for the killings.

As a result of the church shootings, McCarthy and Sen. Charles Schumer, D-N.Y., introduced legislation that year to close the gaps in the background check system.

The bill passed the House without opposition but stalled in the Senate. In 2004, the measure again had the support of lawmakers who support gun rights, but it did not pass Congress.

McCarthy, whose husband was among six people shot to death on a Long Island Rail Road train in 1993, has introduced it again this year, but it has not yet been taken up by a House Judiciary subcommittee.

Measure called unfair

Michael Faenza, president and chief executive of the National Mental Health Association, said forcing states to share information on the mentally ill would violate patient privacy and contribute to the stigma they face.

"It's just not fair. On the one hand, we want there to be very limited access to guns," Faenza said. "But here you're singling out people because of a medical condition and denying them rights held by everyone else."

Several states have determined that they can flag residents who should not be allowed to buy a gun without compromising the privacy of mental health patients, said Matt Bennett, a spokesman for Americans for Gun Safety, which supports the bill.

Some states that provide some or all mental health records are: Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Hawaii, Iowa, Kentucky, Louisiana, Michigan and New Jersey.

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