

January 19, 2017



The Honorable Nikki R. Haley
Governor of South Carolina
1205 Pendleton Street
Columbia SC 29201

Dear Governor Haley,

I enclose a copy of my recent *Washington Post* op-ed. It outlines a simple way to prevent many suicides: allow individuals to put their *own* names onto a "Do Not Sell List" to prevent impulsive gun purchase during a suicidal crisis.

I also enclose a one-page model act adopting the idea. Because the proposal can piggyback on the existing federal background check system, it would be very inexpensive to implement.

I would welcome the opportunity to communicate with anyone in your office about the idea. Thanks for your consideration.

Sincerely,



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The Washington Post

Opinions

A gun registry that could prevent suicide

By **Fredrick Vars** January 18 at 12:03 PM

Fredrick Vars is a professor at the University of Alabama School of Law.

Two-and-a-half years ago, Cheryl Hanna had many reasons to be happy. She was 48, a successful Vermont law professor and married with two children. But Hanna was privately battling severe depression. In the days leading up to her suicide, she had twice voluntarily admitted herself to a hospital for psychiatric treatment. Shortly after her second hospitalization, she legally bought a handgun and used it the next day to kill herself.

People at risk for suicide, like Hanna, should have the option to make it more difficult for themselves to buy a gun during a suicidal crisis. What if we allowed people to put their own names into the existing federal background check system and thereby prevent themselves from buying a gun from a licensed dealer? The signup process — whether by mail or online — would be voluntary and confidential and require identity verification. People could have their names removed from the system by request, with a waiting period to ensure adequate deliberation.

This simple proposal could save lives. More than 20,000 gun suicides occur each year in the United States, hundreds committed with recently acquired weapons. One study found that the rate of firearm suicide was 57 times higher among recent handgun buyers than among the general population. Many suicides are impulsive, and most people who survive an attempt change their minds. With a gun, there is seldom a second chance. So it is not surprising that mandatory delays in buying a handgun are associated with lower suicide rates.

A gun registry that could prevent suicide - The Washington Post

Many people at high risk would sign up for the proposal. For a paper e-published Oct. 5 in the journal *Suicide and Life-Threatening Behavior*, my co-authors Karen Cropsey, Cheryl McCullumsmith, Richard Shelton and I surveyed 200 inpatients and outpatients receiving psychiatric care at the University of Alabama at Birmingham. We reported that 46 percent of participants said they would be willing to put their names on a “no guns” list. Presumably, they would do so because they fear impulsive gun suicide. This suggests that perhaps millions of volunteers would register for the proposal and hundreds of lives could be saved each year.

We did not expect so many volunteers, particularly in Alabama, where gun rights are important to a high percentage of people, but in retrospect this should not have been surprising. People seeking treatment for mental illness understand that they are at high risk of suicide. Almost all would rather live than die. That so many would want to put firearms further out of reach is understandable and a powerful expression of their autonomy and will to live.

Significantly, this proposal has the potential to save lives at little cost. The federal background check system is already operating and funded. The only new permanent expense would be processing signups and removals. A simple federal statute could implement the proposal nationwide, but it could also work at the state level.

Because the proposal is voluntary and confidential, it would not raise any serious constitutional concerns. This is not gun control; it is self-control. The Second Amendment gives us a right to bear arms for self-defense. For some people, self-defense means keeping firearms at a safe distance.

Cheryl Hanna was one of those people. Her suicidal impulses were the motivation for her voluntary hospitalizations. She had sat in her car in the parking lot of gun shop a couple of weeks before her death, contemplating the very course of action she eventually couldn't resist. When asked about this proposal, Hanna's husband, Paul Henninge, said: “I think she would have signed up for this in the last two months of her life. I know she had her good days. And I think she would have done that.”

People who fear suicide should have this option. Help them help themselves.

Proposed “Do Not Sell List” [STATE] Act

SYNOPSIS: Under current law, people who fear that they may commit suicide are not allowed to restrict their legal ability to purchase firearms.

This bill would authorize people to add their own names into the background check system to protect themselves against impulsive gun suicide.

BE IT ENACTED BY THE LEGISLATURE OF [STATE]:

Section 1. The [STATE AGENCY RESPONSIBLE FOR NICS REPORTING (“AGENCY”)] within one-year of the passage of this Act shall develop and launch a secure Internet-based platform to allow any person in the United States to register to add their name to the “[STATE] Do Not Sell List.” [AGENCY] shall assure that this Internet-based platform credibly (i) verifies the identity of any persons who opt to register, (ii) prevents unauthorized disclosures of any registering persons, and (iii) informs the individual of the legal effects of registration.

Section 2. Once the Internet-based platform becomes operative, any person may request via the platform to be added to the “[STATE] Do Not Sell List.” [AGENCY] shall on an ongoing basis ensure that registry information is reflected in the NICS Index Denied Persons File, and conveyed to any other state that adopts an analogous “Do Not Sell List.”

Section 3. Registering for the “[STATE] Do Not Sell List” or registering in any other state that adopts an analogous “Do Not Sell List” renders receipt of a firearm illegal. If a person is in the NICS due to registering in [STATE] or in another state, receipt of a firearm from a person or entity required to perform a background check violates this section. Knowing transfer of a firearm to a person validly registered on the “Do Not Sell List” is punishable by a fine up to \$1000.

Section 4. A person requesting to be added to the “[STATE] Do Not Sell List” may subsequently request that his or her name be removed from the registry by a secure method conveyed to [STATE]’s Internet-based platform. [AGENCY] shall wait twenty-one days after receipt before removing the requesting person from the NICS Index Denied Persons File for [STATE] and notifying any other participating state, and then [AGENCY] shall purge any and all records of the sign-up, transactions, and removal.

Section 5. In employment, education, housing, insurance, government benefits, and contracting, it shall be illegal to inquire whether an individual under this Section has requested to be added to or removed from the “[STATE] Do Not Sell List” and it shall be illegal to take action based such information. Anyone adversely affected by such illegal inquiry or action has a private cause of action for appropriate relief.