April 17, 2012

The Honorable Steven L. Beshear  
Governor of Kentucky  
700 Capitol Ave., Suite 100  
Frankfort, KY 40601

Dear Governor Beshear,

This week here in Virginia and across the world, we are remembering the tragedy and celebrating the lives of those innocent individuals who lost their lives at Virginia Tech five years ago on April 16, 2007. A senseless act of violence forever changed the lives of so many individuals and it will be remembered as one of the most horrific rampages by a lone gunman in history. The victims will continue to be remembered in Virginia and beyond. As Governor of Virginia, I believe that we can all work together to help prevent these acts from occurring again anywhere in our Nation.

I write to ask for your support in providing critical information to the National Instant Criminal Background Check System (NICS). This system is about saving lives and protecting people from harm by not permitting the transfer of firearm or explosive materials into the hands of prohibited persons. Launched by the FBI on November 30, 1998, NICS information is required to be used by federal firearms licensees to instantly determine whether a prospective buyer is eligible to purchase a firearm or explosive. In the last decade, more than 100 million checks have been made, leading to more than 700,000 denials.

In January of 2008, President George W. Bush signed the NICS Improvement Amendments Act of 2007 (NIAA) in remembrance of the victims of the April 16th tragedy on the Virginia Tech campus. The NICS Improvement Amendments Act (NIAA) seeks to address the gap in information available to NICS about such prohibiting mental health adjudications and commitments and other prohibiting backgrounds. The Virginia Tech shooter was able to purchase a firearm from a federal firearms licensee because information about his prohibiting mental health was not available to deny transfer of the firearms used in the shootings. Although at the time of the event, Virginia was submitting information to NICS due to uncertainties in the law, we were not submitting information on those persons who were voluntarily admitted to a treatment facility, but were required to receive out-patient treatment. This problem was corrected immediately by Executive Order and later followed-up and expanded by a statutory
change in the Code of Virginia. Filling these information gaps will better enable the FBI or other State Point of Contacts to operate as intended, to keep guns out of the hands of persons prohibited by federal or state law.

The Commonwealth of Virginia continues to be a leader in submitting information to the National Instant Criminal Background Check System. I would encourage you to evaluate your state’s reporting of mental health and other critical information to NICS, and take any required action related to that reporting to prevent tragedies such as the shooting at Virginia Tech from happening again.

Sincerely,

Robert F. McDonnell

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