

U.S. NEWS

States Move To Keep Guns From Fugitives

By ZUSHA ELINSON

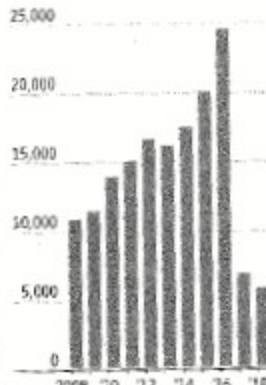
AUSTIN, Texas—Dalton Broesche was wanted for felony assault in the Houston area, but he was able to buy an AR-15-style rifle at a gun store here this summer and take it to a popular city park.

The purchase was legal because it took place in the same state where he was charged with a crime. Had Mr. Broesche crossed state lines to buy the firearm, he would have been denied.

The federal background-check system can flag only fugitives who cross state lines, according to a Justice Department ruling three years ago that reversed a policy dating to when the Federal Bureau of Investigation began conducting instant background checks in 1998. Since the change, the number of gun purchases denied to fugitives has plummeted, to 5,754 last year from 24,502 in 2016, according to the FBI.

Now, with recent mass shootings increasing concern about guns falling into the wrong hands, lawmakers in Texas and Wisconsin are proposing bills that would block fugitives who don't cross state lines from buying firearms. They would join three states with histories of stronger gun regulations that already have such prohibitions: California, Massachusetts and Oregon, according to an analysis by the Giffords Law Center to Prevent Gun Violence.

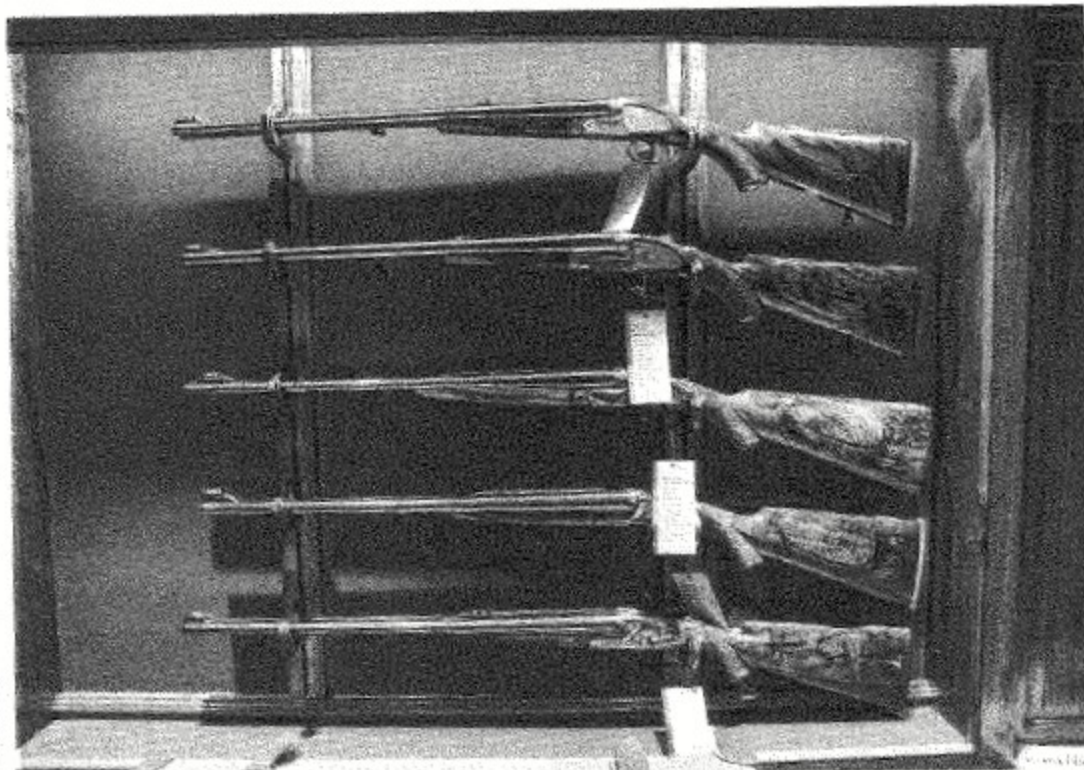
Number of fugitives denied gun purchases



Source: Federal Bureau of Investigation

few gun-control measures have passed in recent years, the bill is being sponsored by both Republicans and Democrats. "Nobody wants these fugitives to have access to weapons. It doesn't matter whether you have a 'D' or an 'R' next to your name," said Lisa Subeck, a Democratic state representative who is co-sponsoring the bill.

In Texas, one of the most firearm-friendly states in the country, gun-rights and gun-control advocates agree that selling guns to people who are evading arrest for violent crimes is a problem, but they disagree on the solution. Gina Hinojosa, a Democratic state representative from Austin, said she is planning to introduce a bill blocking fugitive gun



Firearms are displayed for sale at a Houston store. Bills in Texas and Wisconsin would widen restrictions on gun sales to fugitives.

Mike Cox, who heads the powerful Texas State Rifle Association, said the problem should be fixed by the federal government, not states.

The FBI denied gun sales to people running from the law inside or outside of their state since the inception of its National Instant Criminal Background Check System 21 years ago. But behind the scenes was a long-running debate between the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives, which enforces gun laws, over who counted as a fugitive, according to a 2016 report by the Justice Department's inspector general.

The ATF argued for the definition from a 1960s gun control law—"any person who has fled from any State to

avoid prosecution," according to the report. In 2008, the agencies asked the Justice Department to settle the score, but there was no decision for nearly a decade.

"The reason it lingered around for years is because even the most opinionated attorneys realized how ridiculous" basing gun denials on whether a person crosses state lines would sound to most of the public, said Stephen Morris, a retired assistant FBI director who oversaw the background-check section.

Following pressure by the inspector general's office to settle the dispute, the Justice Department sided with the narrower definition after the 2016 election before President Trump took office. The department im-

plemented the rule under the new administration, writing in a memo that "the mere existence of an outstanding warrant" isn't enough to stop someone from buying a gun.

An average of 16,000 fugitives every year were denied firearm purchases under the broader definition between 2008 and 2016, according to the FBI. In the past two years, that has dropped to 6,000.

Three weeks after a judge issued the warrant for his arrest for allegedly threatening to stab a family member, Mr. Broesche, 23 years old, went to pick up a Ruger AR-556 rifle that he had purchased online at Central Texas Gun Works in Austin.

On Aug. 14, a 911 caller reported that Mr. Broesche was walking with the AR-15 and a

large knife toward a party of children at Pease Park in Austin. When police officers arrived, they found Mr. Broesche armed with a handgun and a knife. His rifle, mounted on a bipod with a scope, was on a nearby trail. "I made a huge mistake," he told the officers, according to a police affidavit.

Two attorneys for Mr. Broesche, currently in custody in Austin, declined to comment.

On a call the next month with the FBI, Michael Cargill, the owner of Central Texas Gun Works, asked how Mr. Broesche could have passed the check at the time with a felony warrant out for his arrest.

"We don't make the laws; we just enforce them," the FBI representative replied, according to a recording of the call.