



Kids deserve the best.

December 1, 2023

Honorable Helen Koppe  
Office of Regulatory Affairs, Enforcement Programs and Services  
Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)  
U.S. Department of Justice  
99 New York Ave. NE  
Washington, DC 20226

Re: *Public Comment on Definition of “Engaged in the Business” as a Dealer in Firearms (Docket No. ATF 2022R-17)*

On behalf of Children’s Wisconsin, we appreciate the opportunity to provide comments on the proposed rule: Definition of “Engaged in the Business” as a Dealer in Firearms (Docket No. ATF 2022R-17).

Children’s Wisconsin (Children’s) is the state’s only independent health system dedicated solely to the health and well-being of kids. We serve children and families from every county across the state, with inpatient hospitals in the state’s major population centers of Milwaukee and Northeastern Wisconsin, and more than 30 primary, specialty, and urgent care clinics. We care for every part of a child’s health from critical care at one of our hospitals, to routine check-ups in our primary care clinics. Children’s also focuses on all elements of pediatric well-being by providing dental care, school health nurses, foster care and adoption services, family resource centers, child health advocacy, health education, family preservation and support, mental health services, pediatric research, and the statewide poison hotline.

Firearm injury is the leading cause of death among children, adolescents, and young adults<sup>1</sup> in the United States. Homicide, suicide, non-fatal shootings and accidents involving guns are killing and harming our children at an alarming rate across the nation and in our local communities. At Children’s, the number of fatalities from firearms has increased each year since 2018. Since 2020, Children’s has experienced an alarming **250% increase** in children we see who have been victims of firearm injuries. Tragically, we know that many more children who are violently injured never make it to Children’s. The children we care for who are victims of gun violence have unique biopsychosocial needs including physical rehabilitation and rates of post-injury mental health needs far above the national norm in those who have not experienced firearm injuries<sup>2</sup>. This is an urgent public health crisis that requires a comprehensive approach which includes public policy solutions to keep our children safe.

Children with gunshot wounds in southeastern Wisconsin most often come through Children’s Emergency Department and Trauma Center (EDTC) – the only pediatric Level 1 trauma center in our

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<sup>1</sup> Andrews, A.L., Killings, X., Oddo, E.R., Gastineau, K.A.B., & Hink, A.B. (2022). Pediatric firearm injury mortality epidemiology. (2022). *Pediatrics*, 149(3), e2021052739

<sup>2</sup>Oddo, E.R., Maldonado, L., Hink, A.B., Simpson, A.N., & Andrews, A.L. (2021). Increase in mental health diagnoses among youth with nonfatal firearm injuries. *Academic Pediatrics*, 21(7), 1203-1208.

area. Care providers across specialties come together to treat the child and provide whatever lifesaving measures are needed, including hospitalization, surgery, and care in our intensive care unit. The immediate care provided to kids and families impacted by gun violence is key to not only to their physical health, but their mental and emotional well-being, too. Importantly, approximately 80% of the children we see admitted to Children's with gunshot wounds are also seen by our psychology team to support their holistic healing.

Beyond immediate life-saving care, Children's also provides physical and occupational therapies, social work supports and mental and behavioral care children may need. Kids and families impacted by violence often engage with Children's Project Ujima – a collaborative, multidisciplinary program working to prevent the cycle of violent crimes through individual, family and community intervention and prevention strategies. Project Ujima staff work with families to create care and safety plans and offer youth development programming, support groups, advocacy in the school and legal settings, connections to resources and much more. Team members support victims of violence throughout their recovery at Children's, in their homes, and in their communities.

While we excel in providing lifesaving care and comprehensive social and emotional supports to children who have experienced gun violence and their families, the quality of that child and family's life is forever changed – whether due to permanent injury/disability, quality of life, mental health impacts and the trauma they've endured. In addition to its devastating physical and psychological impacts, violence is extremely expensive. The estimated annual financial impact associated with medical care, mental health care, rehabilitation services, and lost wages from gun violence is \$8.4 billion in Wisconsin alone<sup>3</sup>.

The trauma caused by firearm violence is entirely preventable. At Children's, we are committed to advocating for policy solutions to prevent senseless injuries and deaths among Wisconsin children. Research suggests that universal background checks form an essential foundation for most other gun violence prevention policies<sup>4,5,6</sup>. Universal background check policies ensure that those policies will be applicable more broadly and not just to those who buy guns from federally licensed firearm dealers. States with laws requiring universal background checks for all gun sales have lower homicide rates than states without such laws<sup>6</sup>. The vast majority of Americans, including gun owners, support universal background checks.<sup>7,8</sup>

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<sup>3</sup> Everytown for Gun Safety. (2023). Gun Violence in Wisconsin. Retrieved from <https://everystat.org/wp-content/uploads/2019/10/Gun-Violence-in-Wisconsin-2.pdf>

<sup>4</sup> Castillo-Carniglia, A., Kagawa, R.M.C., Cerda, M., Crifasi, C.L., Vernick, J.S., Webster, D.W., & Wintemute, G.J. (2019). California's comprehensive background check and misdemeanor violence prohibition policies and firearm mortality. *Annals of Epidemiology*, 30, 50-56.

<sup>5</sup> Galea, S. & Abdalla, S.M. (2022). State firearms laws and firearm-related mortality and morbidity. *JAMA*, 328(12), 1189-1190

<sup>6</sup> McCort, A.D., Crifasi, C.K., Stuart, E.A., Vernick, J.S., Kagawa, R.M.C., Wintemute, G.J., & Webster, D.W. (2020). Purchaser licensing, point-of-sale background check laws, and firearm homicide and suicide in 4 US states, 1985-2017. *American Public Health Association*, 110(10), 15546-1552.

<sup>7</sup> Quinnipiac University Poll (2019). 86% back democrats' bill on gun background checks. Retrieved from <https://poll.qu.edu/Poll-Release-Legacy?releaseid=2604>

<sup>8</sup> Marquette University Law School poll (2019). Retrieved from: <https://law.marquette.edu/poll/2019/09/04/>

The background check system utilized by federally licensed firearm dealers was created to help keep firearms out of the hands of individuals who are not allowed to purchase or possess them in the first place. However, loopholes in the system undermine the efficacy of the background check system, including gaps that allow unlicensed gun sellers to sell guns online and at gun shows without running background checks on their buyers. This proposed rule makes it clear that if someone is selling firearms with the intent to make a profit – whether for sale online or at a gun show – then they are presumed to be in the business of dealing firearms and will need to be licensed and follow certain requirements, including to run background checks on prospective purchasers prior to sales. If implemented, this rule would promote public safety by expanding background checks to more firearm sales and ensure firearm dealers are engaged in responsible firearm sale practices.

The proposed rule would promote safety by expanding background checks to more sales and help keep firearms from those who are prohibited from having them with the goal of reducing firearm violence. Children's Wisconsin strongly supports the ATF in finalizing the proposed rule to improve the safety for the children in our state.

Thank you for the opportunity to provide comments. We appreciate your consideration.



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