Gun Violence Prevention

★ Americans strongly support gun restrictions as a means to reduce violence. States can and have enacted gun restrictions that are much stronger and more effective than federal law.

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Summary

- **Gun violence claimed the lives of 29,573 people in the United States in 2001.**
- **The Brady law has proven to be one of the most efficient law enforcement tools available, preventing more than 975,000 illegal firearms transactions from occurring through licensed gun dealers.**
- **Forty percent of gun transactions nationwide occur through unlicensed sellers and private deals that require no background check, no questions asked.**
- **88 percent of traced crime guns have changed hands at least once after they were purchased from a licensed dealer.**
- **There are over 65 million handguns in circulation in the United States today, and that number increases by 2 million each year.**
- **Many states already have strong laws regulating firearms transfers by unlicensed sellers.**
- **Americans, including gun owners, strongly support gun restrictions.**

Gun violence claimed the lives of 29,573 people in the United States in 2001, according to the Centers for Disease Control and Prevention.

For every American who dies from a gunshot, at least two others are seriously wounded. All told, nearly 100,000 Americans pass through the doors of hospital emergency rooms every year with serious or fatal gun injuries. The medical and social costs of gun violence to our country are estimated at $100 billion per year.[1]

Since its enactment in 1993, the Brady law has proven to be one of the most efficient law enforcement tools available, preventing more than 975,000 illegal firearms transactions from occurring through licensed gun dealers.[2]

Federal law prohibits convicted felons, individuals convicted of violent misdemeanors, domestic abusers, juveniles, and people with serious mental illnesses from buying or owning guns. The Brady law calls for background checks on individuals who seek to purchase handguns, in order to screen out prohibited purchasers. But the Brady law's application, and therefore its effectiveness, is limited because the law only applies to licensed gun dealers.

Forty percent of gun transactions nationwide occur through unlicensed sellers and private deals that require no background check, no questions asked.[3]

In most states, private gun sales are totally unregulated. Guns can be sold anonymously from homes, in alleys, and on the street, without any legal oversight. The lack of an enforceable barrier between the legal and the illegal markets means that criminals and other prohibited gun buyers can still obtain guns, and they do so *easily*. This gaping loophole in federal law, and most state laws, may explain why 88 percent of traced crime guns have changed hands through at least one private transaction.

There are over 65 million handguns in circulation in the United States today, and that number increases by 2 million each year.

Handguns are extremely durable products that can be circulated from buyer to buyer, easily outliving their owners. These dangerous weapons remain functional and deadly for years. That is why it is essential to apply commonsense regulations, like the Brady law's background checks, to all gun transactions.

There are several policy options that would reduce the violence by regulating the distribution of firearms.

In the absence of federal standards, states can curtail the flow of guns into the illegal market by giving police the tools they need to keep guns out of the wrong hands. The harder it is for gun sellers to hide their activities, the easier it is to prevent criminal access to firearms. States can:

- Require background checks for all transactions at gun shows.
- Institute background checks on all gun sales.
- Require handgun licensing and registration.
- Prohibit the transfer of semiautomatic assault weapons. This is especially urgent because the federal assault weapon ban will likely expire in September 2004.

Many states already have strong laws regulating firearms transfers by unlicensed sellers.

IN, MD, MI, MO, NE, NC, and PA have laws that require criminal background checks on all handgun sales. CA, CT, HI, MA, NJ and NY have taken regulation a step further, requiring the licensing and registration of handguns.

Americans, including gun owners, strongly support gun restrictions.

A 2001 Lake Snell Perry and Associates poll found that: 92 percent of Americans and 86 percent of gun owners favor criminal background checks for all gun sales; 85 percent of Americans and 73 percent of gun owners favor handgun licensing; and 83 percent of Americans and 72 percent of gun owners favor the registration of all new handguns. A 2001 Zogby poll found that 86 percent of Americans and 78 percent of gun owners favor closing the gun show loophole.

This policy summary relies in large part on information from the Coalition to Stop Gun Violence.

Endnotes

[1] Cook and Ludwig, "Gun Violence: The Real Costs," 2000.

[2] Bureau of Justice Statistics, "Background Checks for Firearm Transfers," NCJ 195235, September 2001.

[3] Cook and Ludwig, "Guns in America: National Survey on Private Ownership and Use of Firearms, National Institute of Justice Research in Brief," May 1997.

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For more information...

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Brady Campaign to Prevent Gun Violence
1225 Eye Street NW, Suite 1100
Washington, DC 20005
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www.bradycampaign.org

Million Mom March
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www.millionmommarch.org

Americans for Gun Safety
2000 L Street NW, Suite 702
Washington, DC 20036
202-775-0300
www.americansforgunsafety.com

Johns Hopkins Center for Gun Policy and Research
624 N. Broadway
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410-614-3243
www.jhsph.edu/gunpolicy/index.html

Violence Policy Center
1140 19th Street NW, Suite 600
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One Handgun A Month Act

Summary: The One Handgun A Month Act combats illegal gun trafficking by limiting individuals to the purchase of no more than one handgun in any 30 day period.

SECTION 1. SHORT TITLE

This Act shall be called the "One Handgun A Month Act."

SECTION 2. ONE HANDGUN A MONTH

After section XXX, the following new section XXX shall be inserted:

(A) DEFINITION—In this section:

"Handgun" means a firearm described in 18 USC 921(a)(29).

(B) LIMIT ON HANDGUN TRANSFERS

1. Except as provided in this section, no person shall receive transfer of more than one handgun in any 30 day period, and no person shall transfer to any individual more than one handgun in any 30 day period.

2. The [State Police] shall establish a centralized system for ensuring compliance with this section.

3. The limit on handgun transfers shall not apply to:

   a. Any law enforcement officer or agency; or
   b. Any person licensed under 18 U.S.C. 923 for the purposes of acquiring handguns as inventory.

(C) PENALTIES

Any person who violates any provision of this section shall, if convicted, be fined not more than $5,000 or be imprisoned for not more than one year, or both.

SECTION 3. EFFECTIVE DATE

This Act shall take effect on July 1, 2004.

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Universal Background Checks Act

Summary: The Universal Background Checks Act ensures that the transfer of a firearm is preceded by a thorough background check of the intended recipient of that firearm.

SECTION 1. SHORT TITLE

This Act shall be called the "Universal Background Checks Act."

SECTION 2. UNIVERSAL BACKGROUND CHECKS

After section XXX, the following new section XXX shall be inserted:

1. A person shall not transfer or receive transfer of any firearm unless the transferee has first passed a background check identical to the background check required under 18 U.S.C. 922(t) for transfers by federal firearms licensees. The background check required under this section may be conducted by a person licensed under 18 U.S.C. 923 or by a law enforcement agency.

2. Any person licensed under 18 U.S.C. 923 and whose licensed premises are within the state, shall, upon request by a transferor of a firearm who is not licensed under 18 U.S.C. 923 conduct a background check on the intended recipient of that firearm, following the same procedures as if the transfer involved a firearm in the inventory of the licensed dealer.

3. This section shall not apply to:

   a. The transfer of a firearm to a law enforcement officer or agency.
   b. The transfer of a curio or relic, as defined under 27 C.F.R. 178.11.
   c. The transfer of a firearm to a person licensed under 18 U.S.C. 923.

4. Any person who violates any provision of this section shall upon conviction be fined not more than $1,000 for the first offense, or $5,000 for each subsequent offense.

SECTION 3. EFFECTIVE DATE

This Act shall take effect on July 1, 2004.

Gun Owner Accountability Act

Summary: The Gun Owner Accountability Act ensures that law enforcement officials have reliable information to trace the ownership of guns used in crime.

SECTION 1. SHORT TITLE

This Act shall be called the "Gun Owner Accountability Act."

SECTION 2. RECORDS OF TRANSFER

After section XXX, the following new section XXX shall be inserted:

1. For every firearm transferred in the state on or after January 1, 2005, the [State Police] shall maintain a record of transfer containing the name, current address, and driver license number or state identification card number of the recipient of the firearm; the date of the transfer; the make, model and serial number of the firearm; and the name, address and, if applicable, federal firearms license number of the transferor.

2. Once each year, the [State Police] shall inform each person for whom such a record exists that the person is the owner of record of that firearm, identified by make, model and serial number, unless and until the person provides to the [State Police] one of the following:

   a. Reliable evidence that the firearm has been lawfully transferred, including the name, current address, and driver license number or state identification card number of the legal recipient;
   b. A copy of a report of the theft of the firearm filed with a law enforcement agency; or
   c. Reliable evidence that the firearm has been destroyed.

3. The [State Police] may collect from each person for whom a record of transfer exists a fee, not to exceed $5.00 per firearm per year, to cover the costs of administering the program established by this section.

4. Any person who violates the provisions of this section, including a refusal to pay any fees authorized by this section, shall upon conviction be fined not more than $5,000 or be imprisoned for not more than one year, or both.

SECTION 3. EFFECTIVE DATE

This Act shall take effect on July 1, 2004.

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Handgun Buyer Licensing Act

Summary: The Handgun Buyer Licensing Act ensures that every person who wishes to acquire a handgun first demonstrates at least a minimum level of knowledge and skill in the safe and lawful handling, storage and use of handguns, and has demonstrated to a law enforcement agency that he or she is not prohibited by law from acquiring or possessing a handgun.

SECTION 1. SHORT TITLE

This Act shall be called the "Handgun Buyer Licensing Act."

SECTION 2. HANDGUN BUYER LICENSING

After section XXX, the following new section XXX shall be inserted:

(A) DEFINITIONS—In this section:

1. "Handgun" means a firearm described in 18 USC 921(a)(29).

2. "Law enforcement agency" means the office of Sheriff of any county or the office of the Chief of Police of any city or municipality.

(B) HANDGUN BUYER LICENSE

1. A person shall not transfer or receive transfer of any handgun unless the transferee displays a valid handgun buyer license and one other government-issued identification card bearing the transferee's name, date of birth, current address, signature, and photograph.

2. Upon receipt of a written application, a local law enforcement agency shall, within 14 days, provide a handgun buyer license, unless the local law enforcement agency finds that the applicant is not qualified to receive a handgun buyer license.

3. An applicant shall be qualified to receive a handgun buyer license if he or she:

a. Has completed a safe handling course approved by the [Superintendent of State Police] and covering all of the following topics:
   (1) The basic operation of pistols and revolvers.
   (2) Safe procedures for loading and unloading pistols and revolvers.
   (3) The operation of safety devices found on pistols or revolvers.
   (4) Basic rules of safe handling of firearms.
   (5) Safe storage of firearms and ammunition.
   (6) Current laws governing the possession, transfer and use of firearms.
   (7) Current laws governing the lawful use of lethal force.

b. Has passed a test of the knowledge and skills covered in the safe handling course.

c. Has provided to the law enforcement agency a full set of fingerprints for the purpose of conducting a background check.

d. Is not prohibited by the laws of [STATE] or of the United States from acquiring or possessing a firearm.

e. Is, at the time such determination is made, a current resident of [STATE], as demonstrated by a current mortgage stub, residential rental agreement, utility bill, or other comparable document in the name of the intended recipient and bearing a valid address in [STATE].

4. A handgun buyer license shall be valid for 4 years after it is issued. The local law enforcement agency may collect an application fee of up to $20 to defray costs.

5. The denial of, or failure to timely issue, a handgun buyer license may be appealed to the [Superintendent] of State Police. The Superintendent shall have the authority to promulgate rules in order to comply with this section.

6. A local law enforcement agency shall revoke a handgun buyer license if, after it is issued, the licensee becomes prohibited by the laws of [STATE] or of the United States from acquiring or possessing a firearm, or the licensee is no longer a current resident of [STATE].

7. This section shall not require the display of a handgun buyer license to:

a. Any law enforcement officer or agency; or
b. Any person licensed under 18 USC sec. 923 for the purposes of receiving a handgun as inventory.

8. No civil liability shall arise from any action or inaction on the part of a local law enforcement agency in connection with either the approval or denial of a handgun buyer license.

9. Any person who willfully violates the provisions of this section, or a person who attempts through misrepresentation to obtain a handgun in violation of this section, shall upon conviction be fined not more than $10,000 or imprisoned for not more than one year, or both.

SECTION 3. EFFECTIVE DATE

This Act shall take effect on July 1, 2004.

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Assault Weapons Protection Act

Summary: The Assault Weapons Protection Act bans the purchase, sale or transfer of semiautomatic assault weapons.

SECTION 1. SHORT TITLE

This Act shall be called the "Assault Weapons Protection Act."

SECTION 2. FINDINGS AND PURPOSE

(A) FINDINGS—The legislature finds:

1. Semiautomatic assault weapons are military-style guns designed to quickly kill large numbers of people. The shooter can simply point, rather than carefully aim, the weapon to quickly spray a wide area with a hail of bullets.

2. According to FBI data, between 1998 and 2001, one in five law enforcement officers slain in the line of duty was killed with an assault weapon.

3. Gun manufacturers have for many years made, marketed and sold to civilians semiautomatic versions of military assault weapons designed with features specifically intended to increase lethality for military applications.

4. Assault weapons have been used in some of America's most notorious murders, including the 1999 massacre at Columbine High School and the 2002 Washington, D.C.-area sniper shootings.

(B) PURPOSE—This law is enacted to protect the health and safety of state residents by prohibiting the purchase, sale and transfer of semiautomatic assault weapons.

SECTION 3. ASSAULT WEAPONS PROTECTION

After section XXX, the following new section XXX shall be inserted:

(A) DEFINITIONS—In this section:

1. "Assault weapon" means:

   a. Any semiautomatic or pump-action rifle or semiautomatic pistol that is capable of accepting a detachable magazine and that also possesses any of the following:
      1) If the firearm is a rifle, a pistol grip located behind the trigger.
      2) If the firearm is a rifle, a stock in any configuration, including but not limited to a thumbhole stock, a folding stock, or a telescoping stock, that allows the bearer of the firearm to grasp the firearm with the trigger hand such that the web of the trigger hand, between the thumb and forefinger, can be placed below the top of the external portion of the trigger during firing.
      3) If the firearm is a pistol, a shoulder stock of any type or configuration, including but not limited to a folding stock or a telescoping stock.
      4) A barrel shroud.
      5) A muzzle brake or muzzle compensator.

6) Any feature designed to be capable of functioning as a protruding grip that can be held by the hand that is not the trigger hand, except this does not include an extension of the stock along the bottom of the barrel that does not substantially or completely encircle the barrel.

b. Any pistol that is capable of accepting a detachable magazine at any location outside of the pistol grip.
c. Any semiautomatic pistol, or any semiautomatic center-fire rifle, with a fixed magazine that has the capacity to accept more than 10 rounds of ammunition.
d. Any shotgun capable of accepting a detachable magazine.
e. Any shotgun with a revolving cylinder magazine.
f. Any conversion kit or other combination of parts from which an assault weapon, as defined herein, can be assembled if the parts are in the possession or under the control of any person.

2. "Large-capacity detachable magazine" means a magazine, the function of which is to deliver one or more ammunition cartridges into the firing chamber, which can be removed from the firearm without the use of any tool, and which has the capacity to hold more than 10 rounds of ammunition.

3. "Barrel shroud" means a covering, other than a slide, that is attached to, or that substantially or completely encircles the barrel of a firearm and that allows the bearer of the firearm to hold the barrel with the non-shooting hand while firing the firearm, without burning that hand, except that the term shall not include an extension of the stock along the bottom of the barrel that does not substantially or completely encircle the barrel.

4. "Muzzle brake" means a device attached to the muzzle of a weapon that utilizes escaping gas to reduce recoil.

5. "Muzzle compensator" means a device attached to the muzzle of a weapon that utilizes escaping gas to control muzzle movement.

6. "Conversion kit" means any part or combination of parts designed and intended for use in converting a firearm into an assault weapon.

(B) PROHIBITION ON ASSAULT WEAPONS

1. No person shall manufacture, possess, purchase, sell or otherwise transfer any assault weapon, or assault weapon conversion kit.

2. No person shall possess or have under his or her control at one time both:

a. A semiautomatic or pump-action rifle or semiautomatic pistol capable of accepting a detachable magazine, and
b. A large-capacity detachable magazine capable of use with that firearm.

3. This section shall not apply to:

a. Any law enforcement agency or officer acting within the scope of his or her profession.
b. Any person licensed under 18 U.S.C. 923 for the purpose of selling an assault weapon or large-capacity detachable magazine to a law enforcement agency.
c. The possession of an unloaded assault weapon or large-capacity detachable magazine for the purpose of permanently relinquishing it to a law enforcement agency, pursuant to regulations adopted for such purpose by [the state police]. Any assault weapon relinquished pursuant to this paragraph shall be destroyed.

d. An assault weapon that has been permanently disabled so that it is incapable of discharging a projectile.
e. The possession of an assault weapon while lawfully engaged in shooting at a duly licensed, lawfully operated shooting range.
f. The possession of an assault weapon while lawfully participating in a sporting event officially sanctioned by a club or organization established in whole or in part for the purpose of sponsoring sport shooting events.
g. The possession of an assault weapon or large-capacity detachable magazine by a person who received the weapon by inheritance, bequest or succession, as long as the person complies with this section within 30 days of receipt.
h. The possession of an assault weapon that was legally possessed on the effective date of this Act, only if the person legally possessing the assault weapon has complied with all of the requirements of paragraph 4 of this section.

4. In order to continue to possess an assault weapon that was legally possessed on the effective date of this Act, the person possessing the assault weapon must:

a. Within 90 days following the effective date of this Act, submit to a background check identical to the background check conducted in connection with the purchase of a firearm from a licensed gun dealer.
b. Unless the person is prohibited by law from possessing a firearm, immediately register the assault weapon with the [state police] pursuant to regulations adopted for such purpose.
c. Safely and securely store the assault weapon pursuant to regulations adopted for such purpose by the [state police]. The [state police] may, no more than once per year, conduct an inspection to ensure compliance with this subsection.
d. Annually renew both the registration and the background check.
e. Possess the assault weapon only on property owned or immediately controlled by the person, or while engaged in the legal use of the assault weapon at a duly licensed firing range, or while traveling to or from either of these locations for the purpose of engaging in the legal use of the assault weapon, provided that the assault weapon is stored unloaded and in a separate locked container during transport.
f. Pay a fee to the [state police] for each registration and registration renewal, provided that such fee may not exceed the costs incurred by the [state police] in administering the registration program.

(C) PENALTIES

Any person who willfully violates the provisions of this section shall upon conviction be fined not more than $10,000 or imprisoned for not more than two years, or both.

SECTION 4. EFFECTIVE DATE

This Act shall take effect on July 1, 2004.