

The Case for Gun Policy Reforms in America



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The Burden of Gun Violence in the United States

More than 31,000 people a year in the United States die from gunshot wounds.¹ Because victims are disproportionately young, gun violence is one of the leading causes of premature mortality in the U.S. In addition to these deaths, in 2010, there were an estimated 337,960 non-fatal violent crimes committed with guns,² and 73,505 persons treated in hospital emergency departments for non-fatal gunshot wounds.^{3,4}

Gun violence in the United States is unusually high for a nation of such wealth. Although there is little difference in the overall crime rates between the United States and other high-income countries, the homicide rate in the U.S. is seven times higher than the combined homicide rate of 22 other high-income countries.⁵ This is because the *firearm* homicide rate in the U.S. is twenty times greater than in these other high-income countries. The higher prevalence of gun ownership and much less restrictive gun laws are important reasons why violent crime in the U.S. is so much more lethal than in countries of similar income levels.

There are enormous economic costs associated with gun violence in the U.S. Firearm-related deaths and injuries resulted in medical and lost productivity expenses of about \$32 billion in 2005.⁶ But the overall cost of gun violence goes well beyond these figures. When lost quality of life, psychological and emotional trauma, decline in property values, and other legal and societal consequences are included, the cost of gun violence in the U.S. was estimated to be about \$100 billion annually in 1998.⁷ A new study has examined the direct and indirect costs of violent crime in eight geographically-diverse U.S. cities, and estimated the average annual cost of violent crime was more than \$1,300 for every adult and child. Because much of these costs are due to lowering residential property values, violent crime greatly reduces tax revenues that local governments need to address a broad array of citizens' needs. The direct annual cost of violent crime to all levels of government was estimated to be \$325 per resident.⁸

Gun Control Policies in the United States

Debates about gun control often drift towards general arguments about whether guns make us safer or less safe, and gun control is equated with restricting gun ownership. However, with recent Supreme Court decisions overturning laws which ban firearm possession in the District of Columbia and Chicago, current gun control policies in the U.S. do not disarm law-abiding adults over the age of 21. Rather, gun control laws today focus on one or more of four general objectives. These laws aim to:

1. Define conditions that prohibit a person from possessing firearms;
2. Implement regulations to prevent prohibited persons from possessing firearms;
3. Restrict carrying of concealed firearms outside the home; and
4. Regulate the design of firearms to enhance public and personal safety.

Below, we draw upon research evidence to suggest how improvements in each of these types of gun policies could enhance public safety in the United States.

Rationale for Current Conditions that Prohibit Firearm Possession

Federal law prohibits certain categories of individuals from possessing firearms, including: felons; fugitives; persons convicted of a misdemeanor crime for domestic violence; those who are subject to certain restraining orders for domestic violence; unlawful users of or those addicted to controlled substances; those who have been found by a judge to be mentally incompetent, a danger to themselves or others as a result of mental illness, or been involuntarily committed to a mental institution; those who have been dishonorably discharged from the military; illegal aliens; and persons who have renounced their U.S. citizenship. In addition, federal law sets 21 years as the minimum age at which a person can lawfully purchase a handgun from a federally licensed firearms dealer, but sets 18 as the minimum legal age for handgun possession and for transfers of handguns from anyone who is not a licensed gun dealer.⁹

Most of these categories of persons prohibited from possessing firearms can be justified based on data indicating increased risk for violence. Individuals with prior felony convictions are far more likely to commit future crimes of violence than non-felons. A history of perpetrating intimate partner violence (IPV) is associated with increased risk of subsequent murder of an intimate partner, and a perpetrator's ownership of a firearm increases the risk of domestic homicide five-fold for victims.¹⁰ Several studies indicate that a significant proportion of domestic violence abusers also commit serious offenses against strangers and non-family members.^{11,12,13,14}

Firearm prohibitions for drug abusers are also justified. Substance abuse is associated with increased risk of domestic violence,^{15,16,17,18} and incarceration for violent crime,¹⁹ as well as suicide.^{20,21} Homicide offenders are nearly five times more likely to abuse drugs than non-offender controls.²² Although the majority of persons with mental illnesses are not violent,^{23,24} and only a small portion of violence is attributable to mental illness alone,²⁵ persons with serious mental illnesses, such as schizophrenia, bipolar disorder, and major depression, are more likely to commit violence against others and themselves than are individuals who do not have these disorders.^{26,27, 28}

Minimum age restrictions for firearm possession are prudent because the risk of perpetrating or being victimized by serious violent crimes increases rapidly during adolescence and in the early 20s.^{29, 30} (See Figure below.) Brain structures related to risk-taking and impulse-control are developing throughout adolescence, and this may contribute to heightened risk of violent behavior among this age group.^{31,32}

Why Firearms Prohibitions for High-Risk Persons Should be Broadened

Criminal Prohibitions

In addition to the exclusion criteria for firearm possession under federal law, many states have additional disqualifications for legal firearm possession. The differences in exclusion criteria across states are significant. For example, New Jersey prohibits firearm possession by anyone who has been convicted of a crime for which the penalty can be 6 months or more of

imprisonment, and sets the minimum legal age for handgun possession at 21 years. In contrast, 13 states have standards for legal firearm possession that either mirror or are weaker than federal standards.

Most people believe that criminals should not be able to possess firearms lawfully. Yet, our current laws permit many people who have been convicted of crimes—most misdemeanor crimes adjudicated in adult court and felony crimes handled in juvenile court—to possess firearms. Data from two studies of individuals who have committed the most serious crimes indicate that prior to committing these crimes, the perpetrators were not prohibited from possessing a firearm under federal law. A recent study, based on surveys of inmates in state prisons, examined the criminal history and ages of persons imprisoned for committing crimes with a gun in the 13 states with standards for legal gun ownership that do not go beyond those set in federal law. At the time when they committed the gun crime leading to their incarceration, only 27 percent of these gun offenders were prohibited from possessing firearms because they had previously been convicted of a felony. Of these offenders, 60 percent could legally possess guns prior to committing the gun crime that led to their incarceration, including four percent who had prior misdemeanor convictions involving violence and/or firearms, six percent convicted of other misdemeanors, five percent convicted of a felony in a juvenile court, and 13 percent with prior arrests but no convictions.³³

Some may assume that persons convicted of misdemeanor crimes do not pose a significant threat for committing serious violent crimes. But many suspects charged with felony crimes are convicted of lesser charges as a result of a plea agreement. Research has shown that misdemeanants who were legally able to purchase handguns committed crimes involving violence following those purchases at a rate two to ten times higher than that of handgun purchasers with no prior convictions.³⁴ Handgun purchasers with a history of arrest but no convictions have an equally high or higher risk of committing violent crimes following handgun purchases as do misdemeanants who legally purchased a handgun.³⁵

We believe the evidence above justifies an extension of firearm prohibitions for persons with a history of criminal behavior to include persons convicted of all misdemeanor crimes of violence, as well as individuals who have committed felony crimes as a juvenile. Such prohibitions do not necessarily need to be life-long. Many states have laws prohibiting firearm possession for individuals convicted of serious crimes as juveniles. These restrictions are time-limited, based on either the age of the individual or the number of years since the prohibiting conviction.

Substance Abusers

Federal law prohibits firearm possession by anyone who is addicted to illegal drugs, but regulations written to implement the law provide a relatively narrow definition of who would be prohibited. A person would be determined to be prohibited if he has “a conviction for use or possession of a controlled substance within the past year; multiple arrests for such offenses within the past 5 years, if the most recent arrest occurred within the past year; or ... [is] found through a drug test to use a controlled substance unlawfully, provided the test was administered within the past year.”³⁶ The number of drug abusers prohibited from possessing firearms might

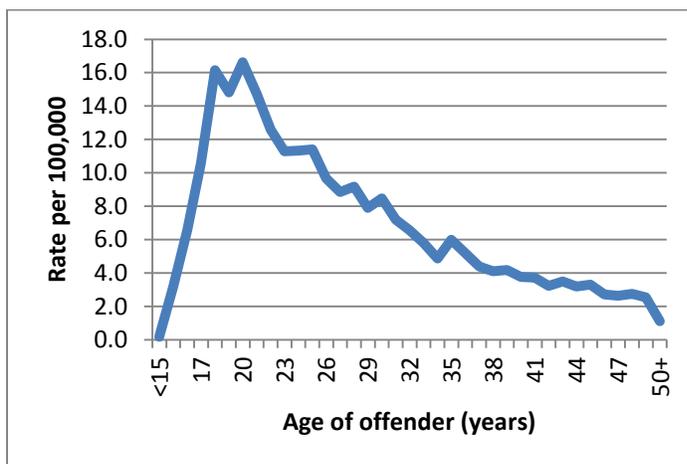
be increased significantly by revamping these regulations to, for example, expand the period following a drug conviction for which a person is prohibited from possessing firearms.

Expanding firearm prohibitions to include persons who are alcoholics or problem drinkers could potentially reduce alcohol-related violence. Alcohol abuse is strongly associated with the perpetration of violence. Yet federal firearm laws do not prohibit alcoholics from possessing firearms, and only 16 states have statutes prohibiting alcohol abusers from possessing firearms. Furthermore, some states with gun prohibitions for alcohol abusers lack regulations to allow authorities to enforce the prohibition.³⁷

Youth Under Age 21

Restrictions on youths' ability to purchase and possess firearms should be broadened. Although federal law and most state law allows youth 18 to 20 years of age to legally possess a handgun, youth of these ages have some of the highest rates of homicide offending. Age-specific homicide offending rates rise sharply in the late teens and peak at age 20.³⁸ (See figure below.) In an examination of the background and legal status of gun offenders incarcerated in the 13 states with the weakest standards for legal firearm ownership, the largest segment of offenders who would have been prohibited in other states with stricter standards were those who were between 18 and 20 years of age.³³ Heightened risk-taking, and concerns for protecting youth and the public from alcohol abuse resulted in laws in all 50 states, establishing 21 as the minimum legal age for alcoholic beverage consumption. These laws led to significant reductions in deaths from motor vehicle crashes involving drivers ages 18-20.³⁹ Yet, *thirty-eight states allow 18- to 20-year-olds to legally possess as many handguns as they desire.

Homicide offending per 100,000 population in 2009 for specific ages of offenders.*



* Data from the Supplemental Homicide Reports, Uniform Crime Reporting System, Federal Bureau of Investigation, U.S. Department of Justice.

*On February 5, 2014, this White Paper was updated to reflect the following correction: Thirty-eight states allow 18-20 year olds to legally possess as many handguns as they desire. An earlier version incorrectly reported forty-five states allowed 18-20 year olds to legally possess as many handguns as they desire.

Regulating Gun Sales Can Prevent Diversion of Guns to Criminals and Underage Youth

The Brady Law – Necessary But Insufficient

Central to effective gun policy is being able to identify higher-risk, prohibited persons attempting to buy guns, and to prevent those purchases. The Brady Law is the foundation for the federal government's attempt to achieve this objective. Before the Brady Law, "gun control" within many states worked on the honor system. Firearm purchasers simply completed a form indicating whether they met any of the exclusion criteria for legal firearm possession, without independent verification of the information provided. With the passage of the Brady bill, gun purchasers buying from a federally licensed firearm dealer are subject to a background check. Since the Brady Law was enacted in 1994, more than 2 million applications to purchase or transfer firearms were denied because the applicant was prohibited from purchasing firearms.⁴⁰ Some unknown, but likely larger number of prohibited individuals did not attempt to purchase a firearm because they were legally prohibited.

But the Brady Law only requires prospective purchasers to pass a background check if they are purchasing the firearm from a licensed firearm dealer. Data from a nationally representative sample of gun owners indicate that 40 percent of firearm acquisitions are from individuals who are not licensed gun dealers. Not surprisingly, criminals exploit the private sales loophole. Data from a national survey of inmates indicated that nearly 80 percent of those who had used a handgun in a crime had acquired it through a transaction with an individual who was not a licensed gun dealer. An advocate for closing the private sale loophole[†] once likened current federal gun policy to an airline security system which offers passengers a choice between submitting oneself to our current screening system, or side-stepping it, and boarding with whatever you would like to bring on board. Should we expect gun laws with the private-sale purchaser screening loophole to be any more effective than voluntary airline passenger screening?

A widely cited study evaluated the impact of the Brady Law and concluded that the law did not affect homicide and suicide rates.⁴¹ The ability of the Brady Law to reduce homicides and suicides is certainly diminished by the giant loophole for private firearm sales that criminals and traffickers exploit. We believe that the Brady Law should be viewed as a necessary foundation for federal gun control laws, but that it is insufficient for achieving the goal of preventing prohibited persons from accessing firearms.

Federal Regulations of Retail Gun Sellers are Weak, Seller Protections are Broad

Any effective system of gun control must have adequate regulation and oversight of those who could reap substantial profits by evading the laws. Unfortunately, Congress has repeatedly weakened regulation, oversight, and accountability of federally licensed gun dealers. The Firearm Owners Protection Act of 1986 reduced penalties for gun sales law violations, increased standards of evidence for successful prosecution of gun sellers, and limited the Bureau of Alcohol, Tobacco and Firearms (ATF) compliance inspections. Federal gun policies adopted first

[†] Jeri Bonavia, Executive Director, Wisconsin Anti-Violence Effort.

in 2003, and known as the Tiahrt amendments, after the legislation's sponsor, Rep. Todd Tiahrt (R-KS), limit public access to crime gun trace data, prohibit the use of gun trace data in hearings pertaining to licensure of gun dealers and litigation against gun dealers, and restrict ATF's authority to require gun dealers to conduct a physical inventory of their firearms. Another act of Congress, The Protection of Lawful Commerce in Arms Act of 2005 provides broad protections from lawsuits against firearm manufacturers and retail sellers.⁴²

Available research shows the harms of policies which inadequately hold gun sellers accountable for dangerous and illegal practices. In a national survey of armed criminals, illegal purchases from licensed gun dealers (e.g., no background check conducted) were as common as were legal purchases from licensed gun dealers.⁴³ Data from federal gun trafficking investigations indicate that scofflaw gun dealers are the most important channels for diverting guns to traffickers and criminals.⁴⁴ Phone surveys of gun dealers reveal that many are willing to bend or break the law to make a sale.^{45,46} Findings from a study of Chicago's underground illegal gun markets found that certain retailers, set up just across the city's border, colluded with traffickers to funnel large numbers of guns to gang members.⁴⁷

Better Regulation and Oversight of Gun Sellers Reduces Diversions of Guns to Criminals

Diversion of guns to criminals shortly following retail sales is much less common in states that license retail gun sellers, require careful record keeping that can be reviewed by local or state law enforcement, and where law enforcement agencies conduct regular compliance inspections.⁴⁸ Undercover stings to catch retailers facilitating illegal sales, followed by lawsuits against scofflaw gun dealers, also deter the diversion of guns to criminals.^{49,50}

The case of a large gun shop near Milwaukee demonstrates how accountability measures, or the lack thereof, can have a dramatic effect on the diversion of guns to criminals. In 1999, a report was released that indicated that Badger Guns & Ammo had sold more guns that were later traced to crime than any other retail gun seller in the nation. Within days of the report being publicized in the news, the gun dealer voluntarily changed his sales practices. Abruptly after this change, the diversion of guns to criminals in Milwaukee within a year of being sold by the dealer dropped by 73 percent.⁵¹ The enactment of the Tiahrt amendments, which, among several protections for gun sellers, prevented the release of data connecting gun shops to crime guns, was associated with a 204 percent increase in the diversion of guns to criminals soon after sales by Badger Guns & Ammo.⁵²

Weaknesses in U.S. gun laws may cause skepticism about whether gun control can work. Yet, a growing body of research shows that common-sense policies adopted at the state and local level succeed in reducing the diversion of guns to criminals. A study using crime gun trace data from 54 U.S. cities examined the association between gun sales regulations and the diversion of guns to criminals. Strong regulation and oversight of licensed gun dealers, regulation of gun sales by private sellers, and permit-to-purchase licensing systems (which require potential gun purchasers to apply for a license directly with a law enforcement agency, where they are typically photographed and fingerprinted) were each associated with significantly fewer guns that were diverted to criminals.⁴⁸ A systematic observational study of gun sales at gun shows found anonymous undocumented firearms sales to be ubiquitous, and illegal straw sales more than six times as common in states that do not regulate private sales, compared with California,

which does regulate such sales.⁵³ Separate research shows that states which do not regulate private gun sales, adopt permit-to-purchase licensing systems, or have gun owner accountability measures, like mandatory reporting of gun thefts, export significantly more guns used by criminals to other states that have constrained the supply of guns for criminals by adopting strict gun sales regulations.^{54,55} Broad adoption of these policies could greatly enhance our ability to keep guns from those most likely to use them in crime.

A common response to calls for stricter gun control laws from opponents of reform is that there is no need to change our gun laws; we just have to “enforce the laws on the books.” But we do not have to choose between needed reforms and better enforcement. Effective enforcement of gun control laws can deter illegal gun trafficking,⁵⁶ but loopholes, high standards of evidence, and weak penalties make it difficult to enforce laws designed to keep guns from prohibited persons. Stronger gun laws will lead to better enforcement of those laws.

Firearm Prohibitions for High-Risk Groups Reduce Violence and Save Lives

There has been very little research of high scientific quality that directly examines whether laws prohibiting individuals in high-risk groups from purchasing or possessing firearms reduce criminal offending by prohibited individuals.^{57,58} One study examined the impact of a California law that expanded firearm prohibitions to include persons convicted of misdemeanor crimes of violence. A study of legal handgun purchasers in California before and after the law found that denial of firearm purchase applications by violent misdemeanants was associated with lower rates of violence by this high-risk group.⁵⁹

Federal law and laws in many states prohibit firearm possession by individuals who were either previously convicted of a misdemeanor for domestic violence, or currently subject to a restraining order sought by a current or former intimate partner. Enforcement of these laws appears to be spotty,^{60, 61} and could be improved through proactive efforts to disarm prohibited IPV offenders.⁶² Nevertheless, evaluations have found that laws prohibiting firearm possession by persons restrained by court-issued protective orders for victims of domestic violence reduce domestic homicides; however, there was no measurable effect of laws prohibiting persons convicted of misdemeanors for domestic violence.^{63,64}

Youth under age 18 are forbidden by federal law from purchasing or possessing handguns.⁶⁵ Most states have enacted their own laws setting a minimum legal age for handgun purchase or possession, usually at age 18. Only five have set the minimum age for handgun possession at 21. Evaluations have failed to find any beneficial effects of these laws on either juvenile homicide victimization or youth suicide.^{66, 67} But prior studies have not examined the most direct outcome, violent crime perpetration by the restricted ages. Another type of age-based firearm restriction are so-called “child access prevention” (CAP) laws requiring gun owners to store their firearms so that children and teens cannot easily access firearms unsupervised. Studies have found CAP laws to be effective in reducing accidental shootings of children by as much as 23 percent,^{68,69} and suicides of adolescents by 8 percent.⁷⁰

Right-to-Carry Laws Do Not Make Us Safer and Likely Increase Aggravated Assaults

So-called right to carry (RTC) laws allow individuals who are not legally proscribed from possessing firearms to carry concealed weapons in public, either by making it easy to get a permit to do so, or by not requiring such permits at all. Arguments for RTC laws are premised on the idea that everyone who is eligible to legally own a firearm is law-abiding, and is at low risk for committing a violent crime. Research cited above concerning weak standards for legal firearm ownership calls this into question. A recent review of concealed carry permit holders in North Carolina examined criminal offending in the group over a five-year period. During that period, more than 2,400 permit holders were convicted of crimes (excluding traffic violations), including more than 200 felonies and 10 murders or manslaughters. An additional 900 had been convicted of a drunk driving offense, an offense commonly associated with substance abuse.⁷¹

A large body of research has been conducted to investigate the effect of RTC laws on violence. Most notably, research led by John Lott, Jr. suggests that RTC laws have led to significant reductions in violent crime.⁷² But the research showing crime-reducing effects of RTC laws, including Lott's, has been carefully reviewed by a National Council of Research panel of experts, and others, and has been found to have serious flaws.^{73,74,75} The most consistent finding across studies which correct for these flaws is that RTC laws are associated with an increase in aggravated assaults.⁷⁶ Using various statistical methods, estimates range from a one to nine percent increase in aggravated assaults as a result of RTC laws.^{77,78}

Regulating the Design of Guns Can Save Lives

Not all firearms are created equal. One characteristic of guns that is relevant to public safety, particularly in regard to mass shootings, is ammunition capacity. Large capacity magazines (LCM), typically defined as holding more than 10 rounds of ammunition, increase the number of rounds someone can fire without stopping to reload. An assault weapon is generally defined as a civilian version of a military style weapon. Assault weapons are typically capable of accepting LCMs.

Assault weapons and LCMs are common characteristics of guns discussed in policy debates because they are disproportionately used in mass shootings. Mass shootings involving assault weapons typically involve more victims per incident than mass shootings with other weapons.⁷⁹ Recent examples of firearms with LCM being used in mass shootings include Jared Lee Loughner's use of a Glock 9mm semi-automatic pistol, with a magazine holding 33 rounds of ammunition, to murder 6 and wound 13 others, including Congresswoman Gabrielle Giffords, in January 2011. The suspect in the mass shooting at a movie theater in Aurora, Colorado that left 12 dead and 58 injured used an assault rifle with a 100-round magazine. Weapons with LCMs were also used in the mass shootings at Virginia Tech University and Fort Hood, Texas. It is impossible to determine if these and other perpetrators of mass shootings would have been able to acquire assault weapons or LCMs had the weapons and magazines been banned. But if the perpetrators had used firearms that were not equipped with LCMs, it seems very likely that fewer people would have been injured and killed.

In September, 1994, a federal law went into effect which banned the manufacture, transfer and possession of certain assault weapons and all ammunition magazines that held more than 10 rounds; but the law expired in 2004. The ban had important limitations. It allowed “copy cat” assault weapons with only slight differences from banned models, it allowed the import of rifles that could accept LCM, and, most importantly, it allowed for the “grandfathering” of assault weapons and LCMs manufactured before the effective date of the law. In contrast, the Australian government developed a process for the government to buy banned weapons from citizens when that country banned semi-automatic and pump-action rifles and shotguns in response to a mass shooting. In the decade following enactment of the policy, there was not a single mass shooting, and declines in homicide rates accelerated.⁸⁰

Criminologist Christopher Koper led a study to evaluate the federal assault weapon and LCM ban which revealed the limitation of the law’s impact.⁸¹ Just prior to the ban going into effect, production of assault rifles and assault pistols surged. Nevertheless, the percentage of crime guns recovered by police which were assault weapons dropped 70 percent between 1992-1993 (just prior to the ban) and 2001-2002. But assault weapons accounted for only 6 percent of all crime guns prior to the ban. For assaults with LCMs, which were used in 13 to 20 percent of gun crimes in selected cities, there was no detectable change in criminal use following the ban. (In contrast, a separate study of firearms recovered by police in Virginia found that the percentage of firearms with LCMs dropped sharply following the federal ban of LCMs, and then rebounded when the ban expired.⁸²) Koper and colleagues found no detectable effects of the law on gun violence. The researchers attribute this negative finding of the LCM ban’s effect to several factors, including the wide availability of grandfathered LCMs, their relatively low cost, and criminals’ high demand for LCMs.

The finding of this study underscores the need to be realistic about the likely impact of an assault weapons or LCM ban. Ammunition capacity of 10 or more rounds becomes relevant in only a small percentage of shootings. A study of shootings in Jersey City, NJ found that 10 or more rounds were fired in only 4.7 percent of the incidents.⁸³ Koper indicated that the lack of statistically significant findings does not mean that the law did not prevent a small percentage of the over 10,000 firearm-involved homicides and nonfatal woundings of nearly 50,000 people annually. Even if the ban eventually prevented only 1 of every 5 of the five percent of incidents in which LCM are relevant, that would translate into about 100 fewer homicides and 500 fewer people wounded by gunshots per year. Such effects would not be definitively detectable with national data, but would be nonetheless meaningful, given the magnitude of the problem. Further, focusing solely on the “body count” glosses over the considerable psychological trauma and other social costs resulting from mass shootings. We have decided to regulate the design of numerous consumer products, such as cribs and small, high-powered magnets, in order to prevent far fewer deaths than could be prevented with a ban of LCMs. Opponents of such bans do not have a compelling reason why law-abiding citizens need to have firearms with unlimited ammunition capacity.

Aside from ammunition capacity, other characteristics of firearms that are relevant to public safety include how easily the gun can be concealed, and how prone it is to misfire or fire unintentionally. Concealability and a tendency to misfire or fire unintentionally are two of the characteristics that define what some refer to as “junk guns” or “Saturday night specials.” These

weapons are over-represented among crime guns after controlling for handgun purchaser demographics, gun dealer characteristics, and sale conditions.⁸⁴ Within a year following one gun dealer's decision to stop selling junk handguns, the number of guns sold by the dealer that were linked to crime showed a 73 percent reduction.⁴⁸ When Maryland banned the sale of junk handguns, researchers found that such guns were much less likely to be used in crime in Baltimore than in other cities,⁸⁵ and that the enactment of the law was associated with an estimated 8 to 11 percent reduction in gun homicides.⁸⁶

Although unintentional or accidental shootings account for a small share of firearm-related mortality and morbidity, these deaths and injuries are highly preventable through proper design of firearms. Some of these incidents occur because inexperienced gun handlers, often children, do not realize that a gun is loaded, or that a pistol can have a round loaded in the chamber to fire even after the ammunition clip is removed. Unintentional shootings of this type can be prevented by magazine safety disconnect devices and loaded chamber indicators, relatively inexpensive safety features already available on some handguns.⁸⁷ Guns can also be designed so that they cannot be fired by unauthorized users, and thus, prevent unintentional and self-inflicted shootings by underage youth, as well as some crimes committed with stolen guns.⁸⁸

There is Broad Public Support for Many Needed Reforms to Our Gun Laws

Much has been made of an apparent drop in public support for gun control in recent years. Much of this is based on findings from Gallup polls, in which respondents are asked a very general question about whether gun laws should be made stricter, less strict, or kept as they are. This may be a reasonable barometer of respondents' general attitudes toward guns and government regulation, but it tells us little about what specific policies people believe are in place, and which policies citizens support. A recent survey of gun owners found that more than half of respondents believed erroneously that background checks are required for all gun sales. In reality, most states limit background check requirements to persons purchasing firearms from a licensed gun dealer. This survey of gun owners also found: 1) 82 percent favored mandatory background checks for *all* firearms sales, not just for those by licensed dealers, 2) 68 percent supported laws mandating reporting of gun thefts, and 3) broad support of stricter standards for issuing permits to carry concealed firearms than are in place in most states.^{‡89} Another poll from 2011 on specific gun policies found broad public support for a number of measures which either expand current prohibitions for potentially dangerous people (e.g., people on terrorist watch list, persons arrested for drug crimes), or enhance accountability, so that prohibited persons cannot access firearms. Although there is relatively less support for creating a national registry for all gun owners and their guns, and for banning high-capacity ammunition magazines, such policies still garner the support of 66 percent and 58 percent of all adults, respectively, along with a plurality of gun owners.⁹⁰ We suspect that support for adopting these reforms would be even greater if more people knew the facts about weaknesses in current gun laws, and the effectiveness of regulations that most would consider reasonable.

[‡] Support for specific restrictions on issuing of concealed carry permits if applicant is: younger than 21 (69%), has been arrested for domestic violence (73%), been convicted of a misdemeanor crime of violence (78%), has not completed safety training for carrying concealed firearms (80%).

Conclusion

The burden of gun violence on American society is substantial, whether measured in years of productive life lost, disability, fear, or economic costs. The toll is unprecedented among high-income nations. Weaknesses in current gun laws contribute to this burden by establishing low standards for legal gun ownership and significant loopholes in policies designed to keep guns from prohibited persons. When states expand firearm prohibitions to high-risk groups, and adopt comprehensive measures to prevent diversion of guns to prohibited persons, fewer guns are diverted to criminals, and there is less violence.

Some mistakenly believe that the Second Amendment to the U.S. Constitution would prohibit the kinds of legal reforms we believe are warranted. In 2008, in *District of Columbia v. Heller*,⁹¹ the U.S. Supreme Court ruled that the Second Amendment protected an individual right to own guns, striking down Washington, D.C.'s law banning handgun possession in the home. However, the *Heller* decision also mentioned numerous types of presumptively valid gun laws, including "laws imposing conditions and qualifications on the commercial sale of arms." Since *Heller*, lower courts have overwhelmingly upheld the constitutionality of a wide range of gun laws other than handgun bans.⁹²

Contrary to recent media reports, a large majority of the public, including gun owners, favors remedying many current weaknesses in our gun laws. There are real political hurdles to enacting new gun control laws, and the power of the gun lobby is substantial. But politicians who want to correct flaws in our current laws, which enable dangerous people to get guns, could do so knowing that there is broad support for those policies, the reforms are constitutional, and the policies would enhance public safety.

References

¹ Centers for Disease Control and Prevention. Web-based Injury Statistics Query and Reporting System (WISQARS) [Online]. National Center for Injury Control and Prevention, Centers for Disease Control and Prevention (producer). Available from: URL: <http://www.cdc.gov/injury/wisqars/index.html>. [2012, Mar. 15].

² Truman JL. Criminal Victimization, 2010. National Crime Victimization Survey. NCJ 235508, Washington, DC: United States Department of Justice, Bureau of Justice Statistics, Sept. 2010.

³ Centers for Disease Control and Prevention. Web-based Injury Statistics Query and Reporting System (WISQARS) [Online]. National Center for Injury Control and Prevention, Centers for Disease Control and Prevention (producer). Available from: URL: <http://www.cdc.gov/injury/wisqars/index.html>. [2012, Mar. 15].

⁴ Vyrostek SB, Annett JL, Ryan GW. Surveillance for Fatal and Non-Fatal Injuries – United States, 2001. *MMWR*. 2004; 53(SS07):1-57.

⁵ Richardson EG, Hemenway D. Homicide, suicide, and unintentional firearm mortality: comparing the United States with other high-income countries, 2003. *Journal of Trauma* 2011; 70:238-243.

⁶ Centers for Disease Control and Prevention. Web-based Injury Statistics Query and Reporting System (WISQARS) [Online]. National Center for Injury Control and Prevention, Centers for Disease Control and Prevention (producer). Available from: URL: <http://www.cdc.gov/injury/wisqars/index.html>. [2012, Mar. 22].

⁷ Cook PJ, Ludwig J. Gun Violence: The Real Costs. New York: Oxford University Press, 2000.

⁸ Shapiro RJ, Hassett KA. *The Economic Benefits of Reducing Violent Crime: A Case Study of 8 American Cities*. Center for American Progress, Washington, DC, June 2012.

⁹ 18 U.S.C. § 922(d) (2012).

¹⁰ Campbell JC, Webster DW, Koziol-McLain J, et al. Risk factors for femicide within physically abusive intimate relationships: Results from a multi-site case control study. *American Journal of Public Health* 2003; 93:1089-1097.

¹¹ Etter, GW, Birzer, ML. Domestic violence abusers: A descriptive study of the characteristics of defenders in protection form abuse orders in Sedgwick County, Kansas. *Journal of Family Violence*. 2007; 22:113-119.

¹² Fagan JA, Stewart DK, Hansen KV. Violent Men or Violent Husbands? Background Factors and Situational Correlates. In D. Finkelhor, R. Gelles, G. Hotaling, M.A. Straus (Eds.), *The Dark Side of Families: Current Family Violence Research* (pp. 49-68). Beverly Hills, CA: Sage Publications, 1983.

¹³ Gayford JJ. Wife battering: A preliminary study of 100 cases. *British Medical Journal*. 1975; 1: 194-197.

¹⁴ Hotaling GT, Straus MA, Lincoln, AJ. Intrafamily Violence, and Crime and Violence Outside the Family. In L. Ohlin, M. Tonry (Eds.) *Family Violence* (pp. 315-375). Chicago: University of Chicago Press, 1989.

¹⁵ Sharps PW, Campbell JC, Campbell D, et al. The role of alcohol use in intimate partner femicide. *American Journal of Addiction*. 2001;10:122-35.

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- ¹⁶ Rivara FP, Mueller BA, Somes G, et al. Alcohol and illicit drug abuse and the risk of violent death in the home. *JAMA*. 1997;278:569-75.
- ¹⁷ Kelleher K, Chaffin M, Hollenberg J, et al. Alcohol and drug disorders among physically abusive and neglectful parents in a community-based sample. *American Journal of Public Health*. 1994;84:1586-90.
- ¹⁸ Walton-Moss BJ, Manganello J, Frye V, et al. Risk factors for intimate partner violence and associated injury among urban women. *Journal of Community Health*. 2005;30:377-89.
- ¹⁹ McClelland GM, Teplin LA. Alcohol intoxication and violent crime: implications for public health policy. *American Journal of Addiction*. 2001;10(Suppl):70-85.
- ²⁰ Rivara FP, Mueller BA, Somes G, et al. Alcohol and illicit drug abuse and the risk of violent death in the home. *JAMA*. 1997;278:569-75.
- ²¹ Borowsky IW, Ireland M, Resnick MD. Adolescent suicide attempts: risks and protectors. *Pediatrics*. 2001;107:485-93.
- ²² Rivara FP, Mueller BA, Somes G, et al. Alcohol and illicit drug abuse and the risk of violent death in the home. *JAMA*. 1997;278:569-75.
- ²³ Swanson JW, Swartz MS, Van Dorn RA, Elbogen EB, Wagner HR, Rosenheck RA, et al. A National Study of Violent Behavior in Persons With Schizophrenia. *Archives of General Psychiatry*. 2006;63(5):490-9.
- ²⁴ Swanson J. Mental disorder, substance abuse, and community violence: An epidemiological approach. In: Monahan J, Steadman JH, editors. *Violence and Mental Disorders: Developments in Risk Assessment*. Chicago: University of Chicago Press; 1994.
- ²⁵ Swanson J. Mental disorder, substance abuse, and community violence: An epidemiological approach. In: Monahan J, Steadman JH, editors. *Violence and Mental Disorders: Developments in Risk Assessment* Chicago: University of Chicago Press; 1994.
- ²⁶ Monahan J, Steadman H, Silver E, Appelbaum P, Robbins P, Mulvey E, et al. *Rethinking Risk Assessment: The MacArthur Study of Mental Disorder and Violence*. New York: Oxford University Press. 2001.
- ²⁷ Swanson J, Borum R, Swartz M, et al. Violent behavior preceding hospitalization among persons with severe mental illness. *Social Psychiatry and Psychiatric Epidemiology*. 1999;33:75-80.
- ²⁸ Nock MK, Borges G, Bromet EJ, Cha CB, Kessler RC, Lee S. Suicide and Suicidal Behavior. *Epidemiologic Reviews*. 2008; 30, 133-154.

-
- ²⁹ Fox JA, Zawitz MW. Homicide trends in the US: age, gender, and race trends. Bureau of Justice Statistics, US Department of Justice, Washington DC. 2010.
- ³⁰ Fabio A, Loeber R, Balasubramani GK, Roth J, Fu W, Farrington DP. Why some generations are more violent than others: assessment of age, period, and cohort effects. *Am J Epidemiology*. 2006;164(2):151-60.
- ³¹ Steinberg L. Risk taking in adolescence: what changes, and why? . *Ann N Y Acad Sci*. 2004;1021:51-8.
- ³² Johnson SB, Blum RW, Giedd JN. Adolescent Maturity and the Brain: The Promise and Pitfalls of Neuroscience Research in Adolescent Health Policy. *Journal of Adolescent Health*. 2009;45(3):216-21.
- ³³ Vittes KA, Vernick JS, Webster DW. Legal status and source of offenders' firearms in states with the least stringent criteria for gun ownership. *Injury Prevention* 2012; Epub.
- ³⁴ Wintemute GJ, Drake CM, Beaumont JJ, Wright MA. Prior misdemeanor convictions as a risk factor for later violent and firearm-related criminal activity among authorized purchasers of handguns. *JAMA*. 1998;280:2083-7.
- ³⁵ Wright MA, Wintemute GJ. Felonious or violent criminal activity that prohibits gun ownership among prior handgun purchasers: incidence and risk factors. *J Trauma* 2010;69:948-55.
- ³⁶ 18 U.S.C § 922(g)(3) (2012); 27 C.F.R. § 478.11 (2012).
- ³⁷ Webster DW, Vernick JS. Keeping Firearms from Drug and Alcohol Abusers. *Injury Prevention* 2009;15:425-427.
- ³⁸ Bureau of Justice Statistics. Homicide Trends in the U.S. 2012 [cited 2012 March 20]; Available from: <http://bjs.ojp.usdoj.gov/content/homicide/teens.cfm>.
- ³⁹ O'Malley PM, Wagenaar AC. Effects of minimum drinking age laws on alcohol use, related behaviors and traffic crash involvement among American youth: 1976-1987. *Journal of Studies on Alcohol*. 1991;52:478-491.
- ⁴⁰ Bureau of Justice Statistics. *Background Checks for Firearms Transfer, 2009 – Statistical Table*. Washington, DC: U.S. Department of Justice; 2010.
- ⁴¹ Ludwig J, Cook PJ. The impact of the Brady Act on homicide and suicide rates. *JAMA*. 2000; 284:2718-21.
- ⁴² Vernick JS, Rutkow L, Salmon DA. Availability of litigation as a public health tool for firearm injury prevention: comparison of guns, vaccines, and motor vehicles. *American Journal of Public Health*. 2007;97:1991-1997.

-
- ⁴³ Webster DW, Vites KA, Vernick JS. *Analyzing Policies to Restrict Firearm Access by High Risk Persons: Findings from a National Survey of Criminals Incarcerated for Violent Crimes*. Report submitted to The Joyce Foundation by the Johns Hopkins Center for Gun Policy and Research, July 2012.
- ⁴⁴ Bureau of Alcohol, Tobacco and Firearms (ATF). *Crime Gun Trace Reports (2000): The Youth Gun Interdiction Initiative*. Washington, DC: U.S. Department of the Treasury, 2002.
- ⁴⁵ Sorenson SB, Vites KA. Buying a handgun for someone else: Firearm dealers' willingness to sell. *Injury Prevention*. 2003; 9:147-150.
- ⁴⁶ Wintemute GJ, Cook PJ, Wright MA. Risk factors among handgun retailers for frequent and disproportionate sales of guns used in violent and firearm related crimes. *Injury Prevention* 2005; 11:357-363.
- ⁴⁷ Cook PJ, Ludwig J, Venkadesh S, Braga AA. Underground gun markets. *The Economic Journal* 2007;117:F588-F618.
- ⁴⁸ Webster DW, Vernick JS, Bulzacchelli MT. Effects of state-level firearm seller accountability policies on firearms trafficking. *Journal of Urban Health* 2009;86:525-537.
- ⁴⁹ Webster DW, Bulzacchelli MT, Zeoli AM, Vernick JS. Effects of undercover police stings of gun dealers on the supply of new guns to criminals. *Injury Prevention*.2006; 12:225-230.
- ⁵⁰ Webster DW. Supplemental expert report submitted for City of New York V. A-1 Jewerly & Pawn, Inc. et al., 06 CV 2233, City of New York V. Bob Moates' Sport Shop, INC., et al., 06 CV 6504, May 27, 2008.
- ⁵¹ Webster DW, Vernick JS, Bulzacchelli MT. Effects of a gun dealer's change in sales practices on the supply of guns to criminals. *Journal of Urban Health* 2006; 83:778-787.
- ⁵² Webster DW, Vernick JS, Bulzacchelli MT, Vites KA. Recent federal gun laws, gun dealer accountability and the diversion of guns to criminals in Milwaukee. *Journal of Urban Health* 2012;89:87-97.
- ⁵³ Wintemute GJ. Gun shows across a multistate American gun market: observational evidence of the effects of regulatory policies. *Injury Prevention* 2007;13:150-156.
- ⁵⁴ Webster DW. State gun laws and the diversion of guns to criminals: intrastate and interstate effects. Paper presented at the annual meeting of the American Society of Criminology, Washington, DC, November 2011.
- ⁵⁵ Knight BG. State Gun Policy and Cross-State Externalities: Evidence from Crime Gunn Tracing. National Bureau of Economic Research Working Paper 17469. September 2011. <http://www.nber.org/papers/w17469>

⁵⁶ Braga AA, Pierce GL. Disrupting illegal firearms markets in Boston: The effects of Operation Ceasefire on the supply of new handguns to criminals. *Criminology and Public Policy*. 2005;4:717-748.

⁵⁷ Hahn RA, Bilukha O, Crosby A, et al. Task Force on Community Preventive Services. Firearms laws and the reduction of violence: a systematic review. *American Journal of Preventive Medicine* 2005;28(2S1):40-64.

⁵⁸ Welford CA, Pepper J,

⁵⁹ Wintemute GJ, Wright MA, Drake CM, Beaumont JJ. Subsequent criminal activity among violent misdemeanants who seek to purchase handguns: risk factors and effectiveness of denying handgun purchase. *Journal of the American Medical Association* 2001;285:1019-1026.

⁶⁰ Moracco KE, 2006. Frattaroli and Teret, 2006. Seave et al. 2006.

⁶¹ Webster DW, Frattaroli S, Vernick JS, O'Sullivan C, Roehl J, Campbell JC. Women with protective orders report failure to remove firearms from their abusive partners: Results from an exploratory study. *Journal of Women's Health* 2010;19:93-98.

⁶² Vitti KA, Webster DW, Frattaroli S, Claire BE, Wintemute GJ. Removing guns from batterers: Findings from a survey of domestic violence restraining order recipients in California. *Violence Against Women*, in press.

⁶³ Vigdor ER, Mercy JA. Do laws restricting access to firearms by domestic violence offenders prevent intimate partner homicide? *Evaluation Review* 2006;30:313-346.

⁶⁴ Zeoli AM, Webster DW. Effects of domestic violence policies, alcohol taxes and police staffing levels on intimate partner homicide in large U.S. cities. *Injury Prevention* 2010;16:90-95.

⁶⁵ 18 U.S.C. § 922 (x) (2012).

⁶⁶ Webster DW, Vernick JS, Zeoli AM, Manganello J. Association between youth-focused firearm laws and youth suicides. *JAMA*; 2004;292:594-601

⁶⁷ Marvell TB. The impact of banning juvenile gun possession. *Journal of Law and Economics* 2001;44:691-713.

⁶⁸ Cummings P, Grossman DC, Rivara FP, Koepsell TD. State gun safe storage laws and child mortality due to firearms. *JAMA* 1997;278:1084-6.

⁶⁹ Hepburn L, Azrael D, Miller M, Hemenway D. The effects of child access prevention laws on unintentional child firearm fatalities, 1979-2000. *J Trauma* 2006;61:423-8.

⁷⁰ Webster DW, Vernick JS, Zeoli AM, Manganello J. Association between youth-focused firearm laws and youth suicides. *JAMA*; 2004;292:594-601.

⁷¹ Luo M. Guns in public and out of Sight. *The New York Times* Dec. 26, 2011. <http://www.nytimes.com/2011/12/27/us/more-concealed-guns-and-some-are-in-the-wrong-hands.html>

⁷² Lott JR, Mustard D. Crime, Deterrence and Right-to-Carry Concealed Handguns. *Journal of Legal Studies*. 1997; 26: 1-68

⁷³ Aneja A, Donohue JJ, Zhang A. The Impact of Right-to-Carry Laws and the NRC Report: Lessons for the Empirical Evaluation of Law and Policy. *American Law and Economics Review*. 2011;13(2):565-632.

⁷⁴ National Research Council. *Firearms and Violence: A Critical Review*. Washington, DC: National Academies Press. 2005.

⁷⁵ Ayers I, Donohue JJ. Shooting down the more guns, less crime hypothesis. *Stanford Law Review*. 2003;55:1993-312.

⁷⁶ Aneja A, Donohue JJ, Zhang A. The Impact of Right-to-Carry Laws and the NRC Report: Lessons for the Empirical Evaluation of Law and Policy. *American Law and Economics Review*. 2011;13(2):565-632.

⁷⁷ Aneja A, Donohue JJ, Zhang A. The Impact of Right-to-Carry Laws and the NRC Report: Lessons for the Empirical Evaluation of Law and Policy. *American Law and Economics Review*. 2011;13(2):565-632.

⁷⁸ Ayers I, Donohue JJ. Shooting down the more guns, less crime hypothesis. *Stanford Law Review*. 2003;55:1993-312.

⁷⁹ Roth JA, Koper CS. Appendix A in *Impact Evaluation of the Public Safety and Recreational Firearm Use Protection Act of 1994*. Urban Institute: Washington, DC, 1997.

⁸⁰ Chapman S, Alpers A, Agho K, Jones M. Australia's 1996 gun law reforms: faster falls in firearm deaths, firearm suicides, and a decade without mass shootings. *Injury Prevention* 2006;12:365-372.

⁸¹ Koper CS, Woods DJ, Roth JA. An Updated Assessment of the Federal Assault Weapons Ban: Impacts on Gun Markets and Gun Violence, 1994-2003. Report to the National Institute of Justice, U.S. Department of Justice. Jerry Lee Center for Criminology, University of Pennsylvania, 2004.

⁸² Fallis DS, Grimaldi JV. Va. Data Show Drop in Criminal Firepower During Assault Gun Ban, *The Washington Post*, January 23, 2011.

-
- ⁸³ Reedy DC, Koper CS. Impact of handgun types of gun assault outcomes: a comparison of outcomes with semi-automatic pistols and revolvers. *Injury Prevention* 2003;9:151-155.
- ⁸⁴ Wright MA, Wintemute GJ, Webster DW. Factors affecting a recently-purchased handgun's risk for use in crime under circumstances that suggest gun trafficking. *Journal of Urban Health* 2010; 87:352-364.
- ⁸⁵ Vernick JS, Webster DW, Hepburn LM. Maryland's law banning Saturday night special handguns: Effects on crime guns. *Injury Prevention* 1999; 5:259-263.
- ⁸⁶ Webster DW, Vernick JS, Hepburn LM. Effects of Maryland's law banning Saturday night special handguns on homicides. *American Journal of Epidemiology* 2002;155:406-412.
- ⁸⁷ Vernick JS, O'Brien M, Hepburn LM, Johnson SB, Webster DW, Hargarten SW. Unintentional and undetermined firearm related deaths: a preventable death analysis for three safety devices. *Injury Prevention* 2003;9:307-311.
- ⁸⁸ Teret SP, Webster DW. Reducing gun deaths in the United States: Personalized guns would help – and would be achievable. *British Medical Journal* 1999;318:1160-1161.
- ⁸⁹ Mayors Against Illegal Guns and Luntz Global. Gun Owners Poll. July 2012. <http://www.mayorsagainstillegalsguns.org/downloads/pdf/poll-07-24-2012.pdf>
- ⁹⁰ Momentum Analysis & American Viewpoint/National Survey/January 2011, http://www.mayorsagainstillegalsguns.org/downloads/pdf/maig_poll_01_18_2011.pdf
- ⁹¹ 554 U.S. 570 (2008).
- ⁹² Vernick JS, Rutkow L, Webster DW, Teret SP. Changing the constitutional landscape for firearms: the Supreme Court's recent second amendment decisions. *American Journal of Public Health* 2011;101:2021-6.