



# 2013 STATE SCORECARD

## *Why Gun Laws Matter*

a joint project of the Law Center to Prevent Gun Violence and the Brady Campaign

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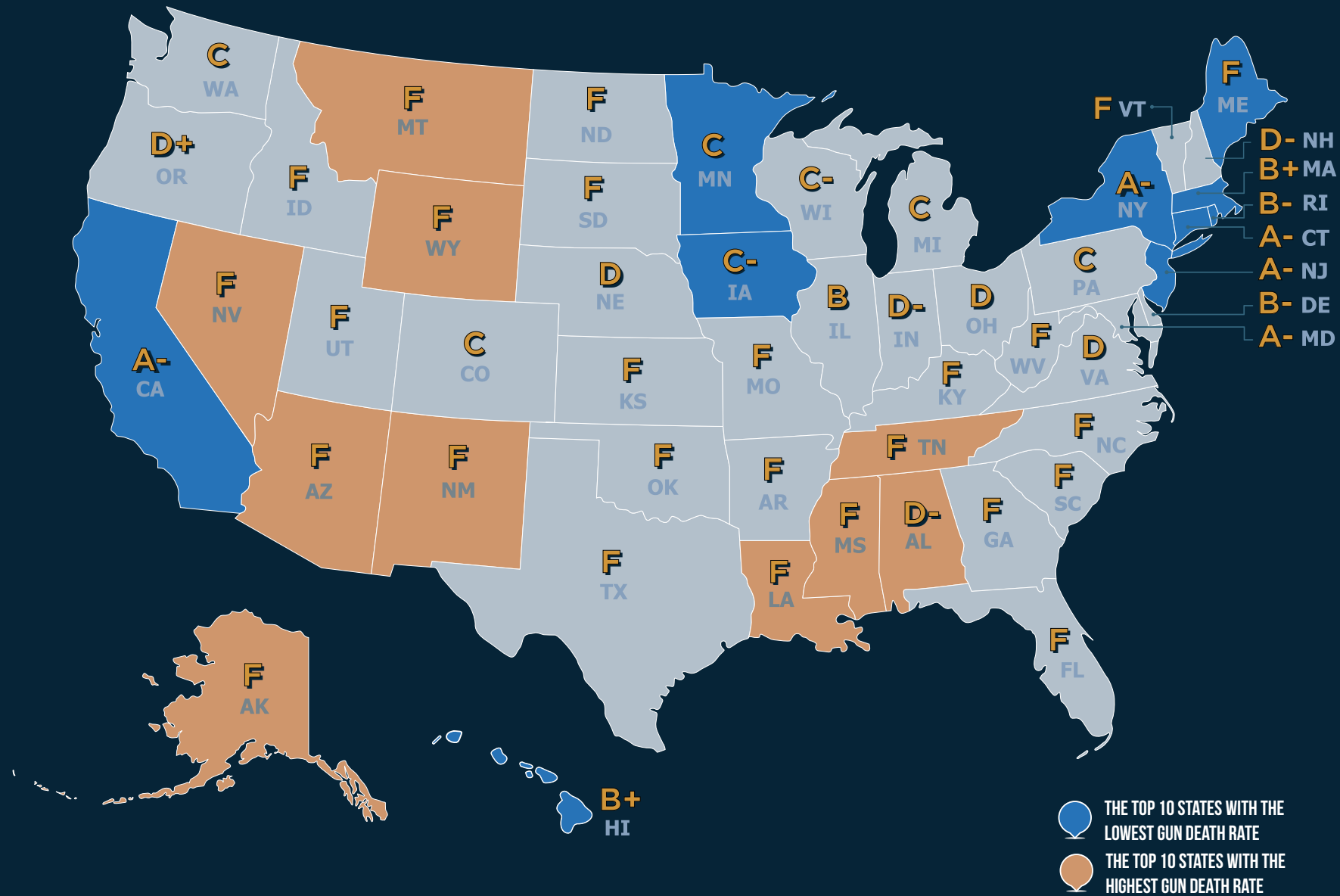
## *Since Newtown, so much has changed.*

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The slaughter of innocent children at Sandy Hook Elementary School sent shockwaves through the nation and ignited a passionate call for our leaders to take steps to prevent gun violence. When Congress failed to pass any new gun violence prevention legislation in 2013, including the overwhelmingly popular legislation to expand background checks, state legislatures answered the call.

Starting last January, legislators in state houses across the country began introducing a record number of bills to strengthen gun laws. Even states with historically weak gun laws, like Florida, Missouri, and Texas, took action towards sensible gun legislation. In fact, **twenty-one states** enacted new laws to curb gun violence in their communities, with eight of these states passing major reforms—far eclipsing the corporate gun lobby’s limited success in state legislatures in 2013.

# 2013 STATE SCORECARD<sup>1</sup>



## Gun laws really do matter.

State gun laws fill enormous gaps that exist in our nation's federal laws, and help to reduce gun violence and keep citizens safe. In part because these laws help to keep guns out of the hands of dangerous people and aid law enforcement in solving gun crimes, many of the states with the strongest gun laws also have the lowest gun death rates.

Because state laws differ widely, the Law Center to Prevent Gun Violence and the Brady Campaign to Prevent Gun Violence have teamed up to evaluate and compare the laws of all fifty states, as they have both done in years past. Together, we have ranked all fifty states based on thirty policy approaches to regulating guns and ammunition, such as background checks on gun sales, reporting lost or stolen firearms, and prohibiting dangerous people from purchasing weapons.<sup>2</sup>

States received points for having effective laws in each policy area, with stronger laws receiving more points. States lost points for irresponsible measures that increase the likelihood of gun violence, such as laws that allow individuals to carry loaded, concealed weapons in public without a permit. Ultimately, every state was awarded a letter grade indicating the overall strength or weakness of its gun laws.

Because so many states enacted strong new laws in 2013, several states received a higher grade than in past rankings. Thanks to new laws enacted in 2013, six states' grades improved compared to the Law Center's 2012 publication *Gun Laws Matter*.<sup>3</sup>

## Gun laws can make a real difference to public safety.

Seven states with the highest grades also have the lowest gun death rates nationwide. Conversely, many states with the weakest gun laws have the highest gun death rates. While more research is needed to determine the precise relationship, it is clear that the data supports the conclusion that state gun laws and the rate of gun deaths are closely tied.

State laws fill some of the most critical gaps in federal law. One of the most dangerous gaps exists because the federal Brady Law only requires background checks for sales by a licensed gun dealer. Because of this, roughly 40% of all gun purchases do not require background checks, allowing dangerous people to skirt the law.<sup>4</sup>

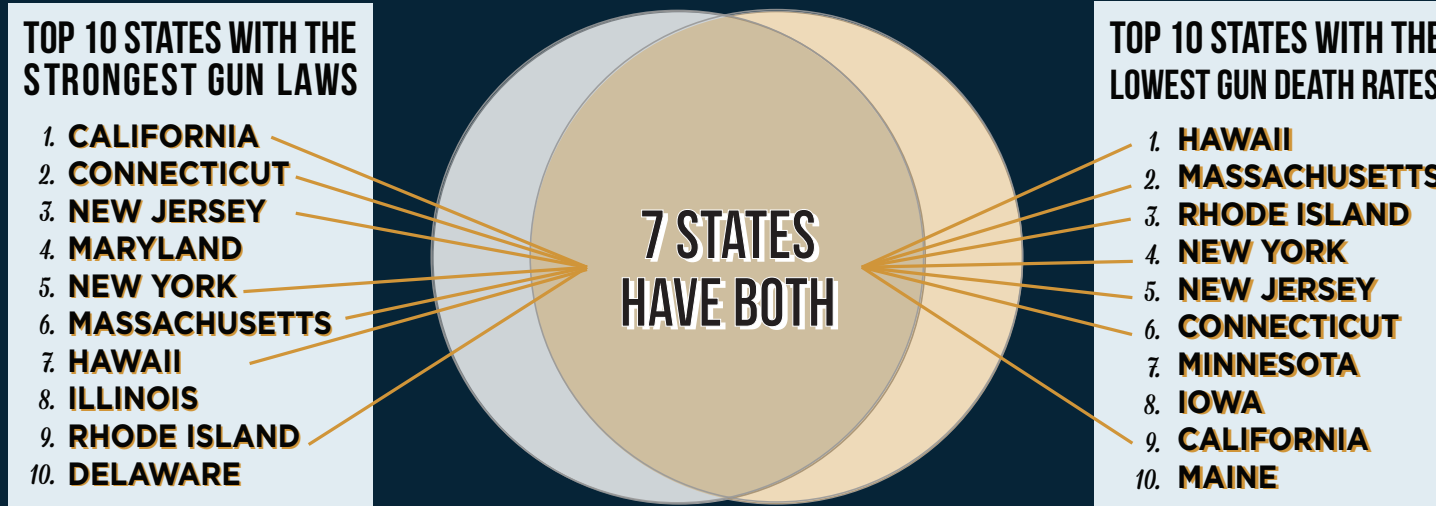
When Congress failed to finish the job and expand background checks to cover these other gun sales in April of 2013, many states passed life-saving legislation to protect their communities from gun violence.

- **FIVE STATES** strengthened regulation of unlicensed firearms sales by requiring background checks on all gun sales or improved the purchase permit process;
- **FOUR STATES** added a requirement that owners report lost or stolen firearms to police;
- **THREE STATES** enacted laws to strengthen record-keeping and/or background check requirements for ammunition sales;
- **FOUR STATES** strengthened existing restrictions on military-style assault weapons; and
- **FIVE STATES** added or strengthened existing restrictions on large capacity ammunition magazines.<sup>5</sup>

These new laws are adding pressure to Congress to finish the job and expand background checks to cover all gun sales including online and at gun shows.

## DO GUN LAWS WORK?

Strong gun laws are clearly associated with lower gun death rates. Legislators should work to save lives in their communities by fighting to enact sensible gun laws.



## STRONG BACKGROUND CHECK LAWS ARE THE FIRST STEP TO KEEPING GUNS OUT OF THE HANDS OF DANGEROUS PEOPLE.

In 2012, only two states—California and Rhode Island—had laws that require background checks on all gun sales at the point of purchase. Two additional states—Maryland and Pennsylvania—had laws that require point of purchase background checks on handgun sales only. In 2013, four more states—Connecticut, New York, Delaware, and Colorado—enacted laws to protect the safety of their communities with universal background checks on all firearms sales.<sup>6</sup>

2012

2013

# FAILING THE GRADE



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24 of the 25 states that traffic the most crime guns to other states per capita received grades of D+ or lower.

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A state's gun laws also matter greatly to the safety of residents in neighboring states. The strength or weakness of a state's gun laws correlates to the number of crime guns trafficked across state lines. This means, for example, that guns purchased in a state with weak laws are often trafficked into states with stronger laws where they are found at crime scenes.

A report published by Mayors Against Illegal Guns examined a number of the state laws included in our ranking and found that states that had enacted one or more of the laws to curb gun trafficking exported fewer guns that later turned up at crime scenes in other states.<sup>6</sup>

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***After Newtown, the nation demanded stronger gun laws. State legislators and governors have responded to the call.***

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They understand that solutions to the epidemic of gun violence are in their hands and are acting to keep their communities safe. Americans must continue to make their voices heard and demand stronger gun laws to protect public safety. The research demonstrates that strong laws can—and do—help keep our communities safe from gun violence.



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# Notes

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<sup>1</sup>The combined expertise of the Law Center and Brady Campaign informed our grading system. Only states that have enacted several significant firearms laws received enough points to receive a grade in the A range. The states in the B and C ranges have enacted fewer laws, but do have some important gun safety measures on the books. The D states have only a small handful of firearms regulation while the F states have enacted little to no firearms regulation and, in many cases, have lost points for irresponsible gun laws.

<sup>2</sup>For an in-depth summary of the state firearms laws in each state, visit <http://smartgunlaws.org/search-gun-law-by-state/>.

<sup>3</sup>The grades of five additional states have also improved; however, in these states, the changes were due to a re-weighting of the grading scale that was done to reflect the importance of requiring background checks for private firearms sales as opposed to other policies.

<sup>4</sup>Philip J. Cook & Jens Ludwig, *Guns in America: National Survey on Private Ownership and Use of Firearms*, U.S. Department of Justice, National Institute of Justice Research in Brief 6-7 (May 1997).

<sup>5</sup>Connecticut, Colorado, Delaware, and New York added laws requiring background checks for all gun sales. Illinois enacted a law requiring unlicensed firearms sellers to verify that the potential purchaser is the holder of a valid permit before making a transfer. Delaware, Illinois, Maryland, and New York enacted laws requiring gun owners to report the loss or theft of their firearms to law enforcement. California, Connecticut, Maryland, and New York strengthened existing bans on military-style assault weapons. California and New York strengthened existing laws banning large capacity ammunition magazines and Connecticut, Colorado, and Maryland enacted new bans.

<sup>6</sup>An additional eight states require background checks for unlicensed firearms sales by requiring a permit to purchase. The potential purchaser must successfully undergo a background check to obtain the permit. These permits vary greatly. Some states require permits only for handgun sales while others require permits for all firearms. Permits also vary in duration, from 10 days to as much as 10 years. Illinois improved its permitting system in 2013 by requiring unlicensed firearms sellers to verify that the potential purchaser is the holder of a valid permit before selling the firearm.

<sup>7</sup>Mayors Against Illegal Guns, *Trace the Guns: The Link between Gun Laws and Interstate Gun Trafficking* (Sept. 2010).

The Law Center to Prevent Gun Violence is a non-profit organization dedicated to ending the epidemic of gun violence in America. The Law Center's trusted and in-depth legal expertise, analysis, and comprehensive tracking are relied upon by the media, legislators, and advocates from across the country.

Formed in the wake of the July 1, 1993 assault weapon massacre at a law firm in San Francisco, the Law Center is now the premier clearinghouse for information about federal and state firearms laws and Second Amendment litigation nationwide.

For more information, visit our website: [smartgunlaws.org](http://smartgunlaws.org) or call 415.433.2062.

The Brady Campaign to Prevent Gun Violence works to pass, enforce, and protect sensible laws and public policy that directly addresses gun violence at the federal and state level. We do this by engaging and activating the American public to hold our elected officials accountable to represent the will and best interests of the American people, and to elect officials who support common sense gun laws.

Through our advocacy campaigns and Million Mom March and Brady Chapters, we work locally to educate people about the risks associated with gun ownership, to engage victims and survivors of gun violence to share their stories, to hold Congresspeople accountable in their local districts and to pass sensible local and state gun laws.

For more information, visit our website: [BradyCampaign.org](http://BradyCampaign.org) or call 202.898.0792.





Methodology for Awarding Points for Gun Laws Matter/Brady Scorecard

Policy and Description	Points <sup>1</sup>
<b>Background Checks and Access to Firearms</b>	<b>23</b>
<p>1. <b>Background Checks=11</b>            Laws that regulate firearms sales by persons who are not licensed by the federal government (federal law requires only federally licensed dealers to conduct background checks and complete and maintain records of sales)</p>	Require background checks for all unlicensed sales 11 – Require background checks for unlicensed sales of select firearms only or at gun shows only (6) – Require a permit to purchase that is valid for 30 days or less (3)
<p>2. <b>Mental Health Reporting=2</b>            Laws requiring that relevant mental health records are sent to the F.B.I. for the purpose of firearm purchaser background checks</p>	Require that records are sent to the F.B.I. for inclusion in the National Instant Criminal Background Check System 2
<p>3. <b>Categories of Prohibited People=5</b>            Laws that establish categories of persons deemed ineligible to purchase or possess firearms</p>	Prohibit violent and firearms-related misdemeanants 1 Prohibit individuals listed on terror watch list or “no fly” list 1 Prohibit drug or alcohol abusers 1 Prohibit juvenile offenders 1 Prohibit history of serious mental illness 1
<p>4. <b>Background Check Procedure=1</b>            Laws that regulate the background check process used to identify persons who are not legally permitted to purchase or possess firearms</p>	Point of contact state for all firearms 1 – Point of contact state for handguns only (.5)
<p>5. <b>Domestic Violence and Firearms=4</b>            Laws intended to keep firearms out of the hands of domestic violence perpetrators</p>	Require removal of firearms at DV scene 2 Require removal when protective order issued 2
<b>Other Regulation of Sales and Transfers</b>	<b>24</b>
<p>6. <b>Dealer Regulations=6</b>            Laws that require firearms dealers to be licensed and/or laws that impose other requirements on dealers such as recordkeeping, security practices, or employee background checks</p>	Require dealer license 6 – No license but other regulations on dealers (e.g. ban residential dealers, require employee background checks, security require sales and/or loss or theft reporting (3)
<p>7. <b>Maintaining Records of Gun Sales=6</b>            Laws that require firearms sellers to send records to a centralized database where they are maintained by a government agency</p>	Require records sent to law enforcement 6 – Handguns and some other firearms (3)
<p>8. <b>Purchases and Sales of Multiple Firearms=6</b>            Laws that restrict the number of firearms that may be purchased by or sold to an individual within a given time frame</p>	Restrict multiple purchase or sales 6

<sup>1</sup> Points listed in parentheses indicate that a state has adopted only a partial version of a given policy. Parenthetical points are awarded instead of, not in addition to, the total possible points for the policy.

9. <b>Waiting Periods=6</b> Laws that require that a specified number of days elapse between the time a firearm is purchased and the time it is physically transferred to the purchaser	Require waiting period of 3 days or more – Require 1-2 day waiting period or waiting period for select guns only	6 (3)
<b>Gun Owner Accountability</b>		<b>18</b>
10. <b>Licensing of Gun Owners and Purchasers=6</b> Laws that require an individual to obtain a license or permit authorizing him or her to purchase and/or possess a firearm	Require license for purchase or possession of all firearms – Require license for select firearms only	6 (3)
11. <b>Registration of Firearms=6</b> Laws that require gun owners to record the ownership of their firearms with a designated law enforcement agency	Require registration for all firearms – Require registration for select firearms only	6 (3)
12. <b>Reporting Lost or Stolen Firearms=6</b> Laws that require individuals to report the loss or theft of their firearms within a specified period of time	Require reporting of lost or stolen firearms	6
<b>Firearms in Public Places</b>		<b>6</b>
13. <b>Concealed Weapons Permitting=5</b> Laws that regulate the carrying of concealed firearms	Discretionary (“May issue”) permitting system “Shall issue” permitting system Allow concealed carry with no permit	5 0 (-3)
14. <b>Openly Carrying=1</b> Laws that regulate the open carrying of firearms	Prohibit open carry of all firearms – Prohibit open carry of some firearms or require a permit	1 (.5)
15. <b>Guns in Public Places Categories=-4</b> Laws that allow guns in bars, on school property and in other sensitive areas	Allow hidden guns in bars Allow hidden guns on campus and/or K-12 Allow hidden guns in state parks Allow hidden guns in houses of worship	-1 -1 -1 -1
16. <b>Guns in Parking Areas=-2</b> Laws that require employers and/or other businesses to allow firearms to be stored in parking areas on private property	Require businesses to allow guns in vehicles in parking areas	-2
17. <b>Shoot First Laws (“Stand Your Ground”)=-3</b> Laws that remove the traditional “duty to retreat” from an area outside the home prior to the use of deadly force in self-defense	Remove duty to retreat anywhere outside the home – Remove duty to retreat when in vehicle only	-3 (-1)
<b>Classes of Weapons and Ammunition/Magazines</b>		<b>13</b>
18. <b>Assault Weapons=3</b> Laws that ban or regulate semi-automatic firearms designed with military features to allow rapid and accurate spray firing	Ban assault weapons – Regulate assault weapons or ban select assault weapons only	3 (1)
19. <b>Large Capacity Ammunition Magazines=3</b> Laws that ban detachable magazines with a capacity to store a large number of rounds of ammunition (usually more than 10) for automatic	Ban large capacity ammunition magazines – Over 10 rounds – Over 15 rounds	3 (2)

and semi-automatic firearms		
20. <b>Fifty Caliber Rifles=1</b> Laws that ban military firearms that combine long range, accuracy, and massive power	Ban fifty caliber rifles – Ban select fifty caliber rifles or regulate fifty caliber rifles	1 (.5)
21. <b>Ammunition Regulation=6</b> Laws that regulate the transfer of firearm ammunition	Require license to purchase, sell or possess ammunition	6
<b>Consumer and Child Safety</b>		<b>8</b>
22. <b>Minimum Age to Purchase and/or Possess=2</b> Laws that restrict possession and/or purchase of firearms to minors	Stronger than federal law for all firearms possession or purchase	2
23. <b>Safe Storage (Locking Devices)=2</b> Laws that require the sale and/or use of a wide range of disabling devices designed to keep unauthorized users from gaining access to guns and to reduce the risk of suicide and unintentional death and injury	Require use of locking device – Require locking device with firearms sale	2 (1)
24. <b>Personalized and Owner-Authorized Firearms=1</b> Laws that require firearms to be equipped with technology that allows them to be fired only by an authorized user	Personalized firearm law	1
25. <b>Child Access Prevention=1</b> Laws that impose liability on adults who leave firearms accessible to children or otherwise allow children access to firearms	Negligence-based law – Knowing/intentional or recklessness-based law	1 (.5)
26. <b>Design Safety Standards for Handguns =2</b> Laws that require firearms to meet design and construction standards to reduce the risk of unintentional death and injury	Require specific design and safety standards such as a chamber load indicator or magazine disconnect mechanism and/or allow only sale of approved guns listed on an official roster	2
<b>Investigating Gun Crimes</b>		<b>2</b>
27. <b>Microstamping=2</b> Laws that require firearms to be equipped with technology that stamps a code on to the cartridge casing when the gun is fired. The code identifies the firearm that fired the round	Require firearms be equipped with microstamping technology	2
<b>Local Authority to Regulate</b>		<b>6</b>
28. <b>Local Laws Allowed=6</b> Laws regulating the scope of local authority to regulate firearms	Allow broad local regulation – Allow substantial local regulation	6 (4)
<b>Other</b>		
29. <b>Nullification of Federal Law=-1</b> Laws that declare firearms and/or ammunition made and kept in state exempt from federal law	Declare federal law inapplicable	-1
30. <b>Medical Gag Rule=-2</b> Laws that penalize medical providers for discussing firearm ownership and/or storage with patients	Penalize medical providers for discussing firearms with patients	-2

<b>Total</b>	<b>100</b>
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For more information on the point allocation and the grading system, please contact the Law Center to Prevent Gun Violence or the Brady Campaign.

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