ADDRESSING GUN VIOLENCE IN AMERICA

POLICY SOLUTIONS AND IDEAS TO BUILD A SAFER FUTURE IN 2020

July 2019
Welcome

Gun violence is a national crisis. In 2017, annual gun deaths reached their highest level in at least 40 years. In response, the American people are unequivocally demanding action. More than two-thirds of Americans support stronger gun laws. Data from Gallup spanning 18 years shows that support for “stricter gun laws” rose to a high of 67% in 2018—the highest it’s been in almost two decades.

Fed up with politicians who have done nothing to address gun violence in the wake of mass shooting after mass shooting, Americans are paying more attention than ever before to where candidates stand on gun safety. In the 2018 midterm elections, voters elected gun violence prevention champions up and down the ballot. In the first few months of 2019, the House of Representatives passed H.R. 8, universal background checks legislation. H.R. 8 is currently languishing in the Senate, along with a number of other important bills.

But where federal action has stalled, local and state leaders have stepped up, passing sweeping gun safety reforms, including enacting extreme risk protection order laws, prohibitions against the sale or possession of guns by domestic abusers, and bans against the high-capacity magazines often used in mass shootings. Businesses have also taken action against gun violence, increasing the minimum age to buy a firearm from 18 to 21 at retail stores nationwide and severing ties with the NRA’s membership program, among other initiatives.

**With gun safety increasingly becoming a deciding issue for voters, effectively framing and discussing gun policy and gun violence prevention will be critical to appealing to a broad base of American voters in both the primary and general presidential elections.**

The team at Giffords designed this guide to help candidates and campaigns develop and discuss policy proposals and effectively communicate the need to protect our country from gun violence. In addition to the resources offered here, we are happy to make our policy and messaging experts available. Looking forward to seeing you out on the campaign trail!

Sincerely,

Peter Ambler
Executive Director, Giffords
@PeterMAmbler
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Framework: Talking About Gun Safety in 60 Seconds

In the past, gun violence prevention advocates have focused arguments around statistics and policy (e.g. “Americans are 25 times more likely to be killed in a gun homicide than people in other industrialized countries” and “we need to close the loophole that allows criminals to easily buy guns”). There is certainly a time and place for these arguments. But our opponents make an argument grounded in values, such as freedom and the right to defend one’s family, not statistics. In order to effectively amplify our message, gun safety advocates need to make a values-based counter argument based on two central tenets: safety and responsibility.

Lead with Values

“With freedom comes responsibility. This applies to our freedom of speech, freedom of the press, and certainly to our right to bear arms. Responsibility means taking action to keep guns out of the hands of dangerous people and safely storing guns to keep them away from children.”

Point to the Effectiveness of Stronger Gun Laws

“I did my research because, like most everyone, I wanted to know what more could be done about gun violence. The truth is, in the past couple of years, our nation has experienced four of the deadliest mass shootings in modern American history. But we’ve also seen remarkable progress at the state level. States that have passed strong gun laws have gun death rates well below the national average.”

End with a Call to Action

“Politicians have failed to take action for fear of losing money from special interests like the gun lobby. We should not let gun violence tear apart our communities. We must fight to pass stronger, more effective gun laws—like criminal background checks on all gun sales—that put the safety of our community and our country before the interests of the gun lobby.”
## Language Tips: Most Effective Language

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<thead>
<tr>
<th>OFTEN USED LANGUAGE</th>
<th>MORE EFFECTIVE LANGUAGE</th>
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<td>Gun control</td>
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<td>Saving lives from gun violence</td>
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<td>Gun violence is <em>avoidable, preventable</em></td>
<td>Gun violence is <em>heartbreaking, unacceptable</em></td>
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<td>Gun violence is a <em>public health risk, a national security threat, an epidemic</em></td>
<td>Gun violence is a <em>public safety issue, a public safety threat</em></td>
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<td>We need laws that restrict the types of guns people can own</td>
<td>We need laws that keep guns out of the hands of dangerous people</td>
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<td>We need <em>bold new</em> gun laws</td>
<td>We need <em>commonsense, stronger gun laws</em></td>
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<td>Stronger gun laws will <em>benefit our children</em></td>
<td>Stronger gun laws will <em>benefit our country and our communities</em></td>
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<td>Elected officials who oppose stronger gun laws are <em>selfish, have no courage, have no common sense</em></td>
<td>Elected officials who oppose stronger gun laws are <em>in the pocket of the corporate gun lobby, unwilling to compromise, bought off, part of the problem in Washington</em></td>
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GUN VIOLENCE IN AMERICA
Facts About Gun Violence

Historical Trends

For more than a decade, the overall gun death rate in the United States remained relatively stable, with decreases in gun homicides offset by increases in gun suicides. But that changed in recent years, with gun deaths increasing by 16% from 2014 to 2017. In 2017, gun deaths reached their highest level in at least 40 years, with 39,773 deaths. Nonfatal firearm injuries are also on the rise. And national gun violence rates can obscure the even higher levels of violence in disproportionately impacted and underserved communities of color.

Statistics about Gun Violence in the United States

- 136,000 Americans are shot each year—over 1.2 million in the past decade.
- Nearly two-thirds of all gun deaths are gun suicides, and one-third of gun deaths are gun homicides.
- Americans are 11 times more likely to be killed by a gun than people in other high-income countries.
- Americans are 25 times more likely to be killed in a gun homicide than people in other high-income countries.
- Americans are 10 times more likely to die by gun suicide than people in other high-income countries.
- Women in the US are 21 times more likely to be killed in a gun homicide than women in other high-income countries.
- Across 29 high-income countries, 93% of children ages 0 to 14 years killed with guns live in the United States.
- In US states with high gun ownership, firearm homicide rates are 36 times higher than in other high-income countries and firearm suicide rates are 15 times higher.
- In US states with low gun ownership, firearm homicides rates are 14 times higher than in other high-income countries and firearm suicide rates are three times higher.

Suicide and Guns

The majority of gun deaths are self-inflicted—and these deaths can be prevented. The easy availability of firearms to those in distress makes suicide attempts far more likely to result in death. Firearms are a particularly lethal means of suicide, and more
than half of all suicides in the United States are carried out with a firearm. White men comprise 74% of gun suicide victims. Gun suicides also have a disproportionate impact on young adults, older Americans, and veterans. Access to a gun triples the risk of suicide death; thus, gun suicides tend to concentrate in states with higher rates of firearm ownership and broad firearm access.

Urban Gun Violence
The gun violence epidemic hits underserved communities of color particularly hard. Gun homicides are concentrated in cities, and within cities, gun violence is further clustered within racially segregated, economically disenfranchised neighborhoods. Gun homicide rates in these neighborhoods have reached a crisis point: black Americans are 10 times more likely than white Americans to die by gun homicide.

Domestic Violence
For the millions of American women and children affected by domestic violence every year, guns in the hands of domestic abusers pose a serious and lethal threat. Each year, more than 600 women in America are shot and killed by an intimate partner, and millions of women have been nonfatally shot or threatened with a gun by an intimate partner. When an abuser has access to a gun, a domestic violence victim is five times more likely to be killed.

Kids and Guns
Exposure to gun violence can cause lasting trauma, psychological distress, and decreased potential among children. Each year, nearly 1,500 minors are killed by guns, and three million children are directly exposed to gun violence. Young children are most at risk of gun homicide in the home, often related to domestic or family violence. Older children are at increased risk of gun suicide and gun homicides in their neighborhoods and communities.

The Economic Cost of Gun Violence
Beyond the devastating human toll it wreaks on society, gun violence has an outsized economic impact on Americans. Economists estimate that gun violence costs the American economy at least $229 billion every year, including $8.6 billion in direct expenses. This translates to a cost of roughly $700 every year for each American.
Overview of Federal Gun Laws

After decades of inaction by Congress, the Democratic majority in the House of Representatives in the 116th Congress has begun to take action to close the gaps in our federal gun laws. But the Senate has yet to do the same. As a result, these loopholes remain, making it far too easy for dangerous people to obtain firearms and allowing gun violence to persist at unacceptably high rates nationwide.

Federal law regulates who may legally buy and sell guns, imposes minimal duties on sellers, and restricts the sale of a small class of highly lethal guns and ammunition. In none of these areas, however, is federal law comprehensive.

- **Gun Eligibility:** Generally speaking, law-abiding Americans over the age of 18 (for long guns) and 21 (for handguns) are able to purchase and possess firearms. Under federal law, there are nine categories of people—including convicted felons, some (but not all) domestic abusers, and people with certain mental health histories—who are prohibited from purchasing or possessing guns under federal law. However, many people likely to harm themselves or others do not fall within these categories.

- **Background Checks:** Ensuring that prohibited people do not purchase a firearm is primarily accomplished through a background check requirement that is currently inconsistent and incomplete. The most glaring problem with the current system is that unlicensed gun sellers are not required to conduct background checks, making it far too easy for criminals to evade the law. In February 2019, the House passed H.R. 8, the Bipartisan Background Checks Act, to close this loophole.

- **The Most Lethal Weapons:** Federal law is similarly insufficient in terms of regulating the types of weapons that may be transferred to civilians. The National Firearms Act, enacted in 1934, requires the registration of machine guns and a limited number of other firearms, but does nothing to limit access to the vast majority of semiautomatic firearms, including assault rifles, and large-capacity magazines, which are often used by mass shooters.

- **Law Enforcement:** The federal agencies tasked with firearms law enforcement and regulatory oversight—primarily the Federal Bureau of Investigation (FBI) and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)—are similarly limited in their ability to comprehensively enforce the laws and adequately regulate the firearms industry due to decades of underfunding, inadequate staffing, and dangerous policy riders that prevent the agencies from effectively carrying out their missions.
• **Research:** While an average of 100 Americans are shot and killed each day, federal agencies have been discouraged from researching gun violence. Over 20 years ago, Congress began including vague restrictions by Congress in appropriations bills and deliberately defunding such research. Federal funding for intervention programs in the cities most affected by the gun violence epidemic is similarly insufficient.

### Overview of State Gun Laws

Certain states have taken significant steps to close the loopholes in the national gun laws described above. These states, which often have gun death rates significantly lower than the national average, have laws that exceed federal law and the laws of other states. In particular:

- **Background Checks:** Twenty states have extended the background check requirement to at least some sales by unlicensed individuals, either by requiring all gun sales to be processed by a licensed firearms dealer at the point of sale, or by instating a permitting requirement that requires a background check.

- **Disarming Domestic Abusers:** More than half of the states have taken steps to keep guns out of the hands of domestic abusers in ways that exceed federal law.

- **Extreme Risk Laws:** Seventeen states have enacted extreme risk laws. As described below, extreme risk laws provide a legal mechanism for family...
members or law enforcement officers to seek a court order temporarily removing a person’s access to guns, based on evidence of dangerousness.

- **Dangerous Weapons:** Seven states ban semiautomatic assault weapons, and nine states ban large-capacity magazines.

- **Child Access Prevention:** Fourteen states impose liability on adults who fail to securely store their firearms. These laws, known as “child access prevention” laws, have been shown to be effective at reducing youth suicides, as well as unintentional firearm deaths and injuries of children.

- **Guns in Public:** States have drastically different approaches to **concealed carry**, with seven states requiring a person to show a particular need for a permit in order to carry a concealed weapon, 15 states allowing a person to carry a concealed weapon even without a permit, and the remaining 28 states falling somewhere in between.

- **Licensing:** Sixteen states have laws requiring gun dealers to obtain a state or local license, providing administrative oversight for these businesses beyond what ATF is able to provide, and reducing the number of guns that end up in the hands of criminals.

The shooting on February 14, 2018, at Marjory Stoneman Douglas High School in Parkland, Florida, spurred significant action at the state level. In 2018 Republican and Democratic leaders in 26 states enacted 67 new gun laws, including dramatic reforms in Florida, Vermont, and New Jersey. This includes eight new extreme risk laws, nine laws restricting bump stocks (the device used to murder 58 people in Las Vegas in 2017), and 11 laws to keep guns away from domestic abusers.

### The Supreme Court and the Second Amendment

In spite of the mounting demand for stronger gun laws and the progress made in the states in recent years, the gun lobby frequently tries to argue that any and all gun safety laws are unconstitutional. This couldn’t be farther from the truth. In fact, the Supreme Court has made it abundantly clear that a broad range of gun laws are fully consistent with the Second Amendment.

The Supreme Court outlined the relevant constitutional principles in its landmark decision in *District of Columbia v. Heller*, 554 U.S. 570 (2008). There, the Court held for the first time that the Second Amendment protects an individual right
of law-abiding citizens to possess a handgun in the home for self-defense. But it also made clear that the Second Amendment right is “not unlimited,” and does not confer a “right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose.” The Court noted that lower courts have historically found that “prohibitions on carrying concealed weapons were lawful under the Second Amendment,” and listed a number of fully constitutional laws, including “longstanding prohibitions on the possession of firearms by felons and the mentally ill,” laws forbidding guns in “sensitive places” like schools and government buildings, and “conditions and qualifications” on the commercial sale of firearms. The Court also noted that laws banning “dangerous and unusual weapons,” like combat-style weaponry most useful in military service, are consistent with the Second Amendment. Finally, the Court declared that its analysis should not be read to suggest “the invalidity of laws regulating the storage of firearms to prevent accidents.”

Since Heller, lower courts have heard more than 1,300 Second Amendment challenges to gun laws, and have overwhelmingly rejected them, finding in more than 90% of cases that the challenged laws did not violate the Constitution. Thus, courts have made clear that the vast majority of gun laws are fully constitutional.

Importantly, however, in spite of the current recognition that the right to keep and bear arms is not absolute, opponents of gun regulation continue to advocate for courts to adopt an unlimited view of the Second Amendment—and with the confirmation of Brett Kavanaugh in October, the judicial consensus in support of reasonable regulation may face new threats in the years to come.

The Supreme Court’s decision in District of Columbia v. Heller in 2008 represented a turning point in Second Amendment jurisprudence.
In January 2019, the Supreme Court agreed to hear a Second Amendment case for the first time in nearly a decade. The case, *New York State Rifle & Pistol Association v. City of New York*, involves a challenge to a unique (and uniquely restrictive) New York City regulation that prevents some City gun owners from transporting licensed handguns to locations outside the city limits. Even if the Court were to strike down New York City’s rule, it would not immediately affect any other gun laws in the country, because the city’s law does not exist in any other jurisdiction. But the possibility that the Court could announce a new standard or methodology for Second Amendment cases that could call into question a range of other commonsense laws is of grave concern.

Moreover, as the Trump administration continues to place judges with hard-line Second Amendment views on the federal bench, the judiciary may increasingly be receptive to extreme views of gun rights that are hostile to historically accepted regulations. Accordingly, the next president—and the next Senate—must prioritize the confirmation of judges who understand that gun rights have always gone hand-in-hand with gun regulations, and that the Second Amendment right does not prevent policy-makers from passing lifesaving gun laws to keep our communities safe.

### The Gun Lobby

For decades, the gun lobby, including the National Rifle Association, National Shooting Sports Foundation, and Gun Owners of America, has had a stranglehold over many of our political leaders. These lobbying organizations have worked to undermine any effort to strengthen our gun laws or close the loopholes that have allowed gun violence to continue unabated. They also actively push an agenda that would weaken the laws we do have and speed up the proliferation of firearms in American society. Fortunately, dangerous gun lobby-backed policies have failed at the federal level in recent years. If the gun lobby had its way, Congress would:

- **Mandate concealed carry reciprocity**, forcing states with strong concealed carry laws to honor permits from states with weak or nonexistent concealed carry laws, making it easier for dangerous and untrained individuals to carry loaded, hidden guns in more public places. In December 2017, *H.R. 38*, the Concealed Carry Reciprocity Act (Hudson) passed the House of Representatives, but failed to move in the Senate.

- **Deregulate silencers**, devices designed to suppress the sound of gunfire, and weaken the law regarding the interstate transportation of firearms.
In the 115th Congress, H.R. 3668, the SHARE Act (Duncan), which would have both deregulated silencers and weakened the law regarding interstate transportation, was placed on the House calendar, but the House never voted on it. Similar legislation did not advance in the Senate.

- Prevent the Department of Veterans Affairs from providing information to the background check system, potentially allowing veterans most at risk of harming themselves or others to have easy access to firearms. In March of 2017 the House of Representatives passed H.R. 1181, the Veterans 2nd Amendment Protection Act (Roe), but that bill failed to move in the Senate.

- Repeal the Gun-Free School Zones Act, H.R. 34, the Safe Students Act (Massie), passed by the 115th Congress, requires individuals to have passed a criminal background check, have a state-issued license, and meet state requirements to carry a gun on school property; exceptions exist to allow armed guards and law enforcement on school grounds. Its repeal would allow unlicensed, untrained, and potentially dangerous individuals to legally carry a gun in K–12 schools.

Over the course of the past few years, the favorability of the gun lobby has plummeted as more and more Americans recognize its negative impact on community safety. As gun safety groups have grown more organized and better funded, the gun lobby, and the NRA in particular, has become increasingly toxic and fallen into disarray. In the 2018 midterm elections, gun safety groups outspent the gun lobby for the first time ever. And as recent reporting uncovers evidence of questionable financial transactions and organizational chaos, multiple government entities have opened investigations into the NRA.

Despite its weakening influence, there’s no doubt the gun lobby will continue to deliberately misinform the public about the efficacy of gun safety laws, undermine strong legislative proposals, and lead administrative agencies astray. In the 116th Congress, the proposals mentioned above were introduced once again. It will be up to a new presidential administration to resist these efforts and prioritize gun violence prevention initiatives that save lives and keep communities safe.
THE ISSUES & POLICY SOLUTIONS
Universal Background Checks

Most everyone agrees that no one should be able to buy a gun without passing a background check. But right now, loopholes in our laws make it far too easy for dangerous individuals—like domestic abusers and people with violent criminal records—to get their hands on a gun. A universal background check law would ensure that people prohibited from purchasing firearms are prevented from obtaining guns at a gun show, online, or from a stranger in an unlicensed sale. Closing this and other loopholes is a critical step towards keeping guns out of the hands of dangerous people and making our country safer.

Public Opinion

• 94% of Americans support requiring background checks for all gun buyers. Even gun owners show high support for universal background checks, at 90%. (Quinnipiac, May 2019)

• 89% of Americans believe that requiring background checks at gun shows or other private sales will make a difference when it comes to reducing gun violence. (NPR/PBS NewsHour/Marist Poll, February 2019)

• Broad support exists on both sides of the aisle for expanding background checks to include sales at gun shows and between private individuals, with Democrats at 92% and Republicans at 78%. (Reuters/Ipsos, February 2019)

Recommended Proof Points

• Over three million gun sales to dangerous individuals have been stopped due to background checks. (Bureau of Justice Statistics)

• A 2017 study estimated that 22% of US gun owners acquired their most recent firearm without a background check—which translates to millions of people obtaining millions of guns, no questions asked, each year. (Annals of Internal Medicine)

• State laws that require handgun purchasers to obtain permits or otherwise undergo background checks have been associated with lower rates of gun homicide, suicide, and gun trafficking. (JAMA)

• People who commit crimes with firearms overwhelmingly obtain these firearms from unlicensed sources. A 2013 study found that approximately
80% of all firearms acquired for criminal purposes were obtained from sources who were not required to run a background check. (Injury Prevention)

Legislative Landscape + Policy Background

Federal law prohibits certain people, including individuals with felony convictions, domestic abusers, and people who have been involuntarily committed to mental hospitals, from obtaining or possessing firearms. This law is enforced primarily through the National Instant Criminal Background Check System (NICS), which licensed gun dealers are required to contact, either directly through the FBI or indirectly through state and local law enforcement, before selling or transferring a firearm.

Under current federal law, however, unlicensed sellers can sell guns without conducting any background check on the purchaser. As a result, people who are prohibited from purchasing firearms are able to do so through an unregulated sale from an unlicensed seller, including online or at a gun show. A universal background check requirement for all gun transfers—with reasonable exceptions for hunting, self-defense, and family—is the strongest policy solution to prevent prohibited individuals from getting their hands on guns. Twenty states have already either wholly or partially closed the background check loophole.

There are further flaws in our existing background check system that allow dangerous individuals to get their hands on firearms. Though 89% of background checks are processed within minutes, occasionally the FBI will need time to conduct

H.R. 8, the Bipartisan Background Checks Act, passed the House of Representatives in February 2019. Universal background checks are supported by the vast majority of Americans—including Republicans and gun owners.
more research. Due to the federal “default proceed” rule, the FBI is allowed only three business days to conduct and finish its investigation before the dealer is permitted to complete the sale. One of the most glaring examples of this loophole’s danger occurred in 2015 when a 21-year-old white supremacist shot and killed nine African-American worshipers at the Emanuel AME Church in Charleston, South Carolina. Although the shooter should have failed a background check because of his history of unlawful controlled substance use, his background check was not completed within three business days, and the dealer chose to proceed with the sale.

Additionally, the background check system is only as strong as the records it contains. After the Virginia Tech shooting in 2007 and the Sutherland Springs shooting in 2018, the NICS Improvement Amendment Act of 2007 and the Fix NICS Act of 2018 were enacted, respectively, to strengthen reporting of criminal history and mental health records by federal and state agencies to NICS. Among other things, these laws increased incentives that the Department of Justice must administer to increase this reporting, including grant programs such as the National Criminal History Improvement Program (NCHIP) and the NICS Act Record Improvement Program (NARIP). These programs need additional resources to help states submit records in a timely fashion.

The FBI also needs more funding to support additional NICS examiners and the surge in requests for NICS background checks over the past several years. In 2018 alone, NICS examiners processed over 26 million background checks—the second highest total ever. Increased funding will help guarantee that the FBI has the staff capacity to conduct NICS background checks, maintain quick and efficient processing to avoid default proceed sales, and process denial appeals within the required 60 days.

POLICY RECOMMENDATIONS

• Universal Background Checks: In February 2019, the House of Representatives passed H.R. 8, the Bipartisan Background Checks Act, by a vote of 240–190. H.R. 8 mirrors the most comprehensive and up-to-date versions of state laws and would:

  • Require a background check on every firearm sale or transfer, reducing firearms trafficking through unregulated secondary sales.
  • Aid law enforcement’s ability to trace crime guns, which depends on licensed gun dealers’ sales records.
  • Contain reasonable and explicit exceptions to allow a person to responsibly loan a gun for hunting or target shooting, to give a gun as a gift to a close family member, or to provide a gun in the moment for self-defense.
• **Default Proceeds:** Congress should take action to prohibit firearms dealers from selling a firearm before a background check is completed, something allowed under current federal law because of the so-called Charleston Loophole. In February 2019, the House of Representatives passed H.R. 1112, the Enhanced Background Checks Act, which addresses this dangerous loophole by allowing the FBI much-needed additional time to investigate whether the firearm should be transferred.

• **NICS Denial Notifications:** Individuals with violent criminal histories and other prohibited people who lie when attempting to buy a gun are violating federal law. They may also be planning violent crimes. While federal law enforcement is notified of these denials, state and local law enforcement rarely hear about it—and if they do, it is often too late. Congress should pass bipartisan legislation (H.R. 1671 and S. 875) to notify state and local law enforcement when a prohibited firearm purchaser fails a background check at a licensed dealer. Should Congress fail to do this, the next president should take executive action to require such notification.

• **Adequate Funding for NICS:** Congress should budget $100 million in funding for the NARIP and NCHIP grant programs that support states and federal agencies reporting to NICS. Congress should also invest an additional $50 million in funding for the FBI to support additional NICS examiners. NICS background checks have surged over the past several years and additional resources will help ensure the proper reporting of records.

• **Fugitives from Justice:** Congress should enact legislation to clarify that individuals subject to outstanding arrest warrants are legally prohibited from purchasing firearms. In February of 2017, the FBI issued new guidance around its interpretation of the federal law prohibiting any “fugitive from justice” from purchasing or possessing firearms. Pursuant to this new interpretation, the guidance directed that **almost 500,000 records** be removed from NICS. Congress must act quickly to correct this issue.

**EXECUTIVE ACTIONS**

The president’s annual budget requests should include adequate funding for the NARIP and NCHIP grant programs, as well as for the FBI. The next administration should also update the regulatory definition of “engaged in the business” of dealing in firearms, in order to clarify for law enforcement and the public which gun sellers must be licensed and conduct background checks. In addition, the executive branch should ensure that the NIAA and the Fix NICS Act are appropriately enforced. This means working with states and federal agencies to improve the reporting of all relevant records to NICS and strong enforcement of the incentives in those laws.
Correcting the Record

**MISCONCEPTION**
Universal background checks will not reduce gun violence.

**REBUTTAL**
One of the main reasons America has such uniquely high levels of gun violence is that we have weak laws riddled with loopholes, which allows dangerous people to obtain guns. A 2017 study estimated that 22% of US gun owners acquired their most recent firearm without a background check—which translates to millions of Americans acquiring millions of guns, no questions asked, each year. While no one gun law will prevent every shooting, requiring a background check on every gun sale would keep more guns out of dangerous hands and go a long way towards saving lives.

**MISCONCEPTION**
Background checks shouldn’t be a priority because they wouldn’t have prevented recent mass shootings.

**REBUTTAL**
Gun deaths in the United States have reached their highest level in at least 40 years, with nearly 40,000 Americans dying from gun violence in 2017—more than 100 people every day. We must do more to ensure that people prohibited from purchasing firearms can’t obtain guns at a gun show, online, or from a stranger in an unlicensed sale. While mass shootings tend to receive the most media attention, the reality is that many communities experience a daily toll of gun violence that too often goes unrecognized. In these communities, stopping the flow of illegal guns is of paramount concern. Closing the background checks loophole is a critical first step toward addressing gun violence and making our communities safer.

**MISCONCEPTION**
Criminals will always find a way to get a gun. A background check law will do nothing to change that.

**REBUTTAL**
Should we repeal all of our laws because criminals violate them from time to time? No. Background checks won’t stop every act of gun violence, but they will make it harder for dangerous people to get their hands on guns and hurt themselves or others. Since 1994, background checks have stopped over
three million dangerous individuals from getting guns, including convicted felons and abusive partners.

**MISCONCEPTION**

Requiring background checks violates the Second Amendment.

**REBUTTAL**

The Supreme Court has said explicitly that laws that keep dangerous people from getting their hands on guns are fully constitutional, and background checks are the best way to enforce those prohibitions. No one is suggesting that we chip away at the right of Americans to own guns to protect themselves and their families. Not only does requiring a background check on all gun sales not violate the Second Amendment—it is a critical first step towards making our communities safer.

**MISCONCEPTION**

A universal background check law will make the process of buying a gun more burdensome.

**REBUTTAL**

There are currently over 55,000 firearms dealers licensed by ATF, all of which would be authorized to conduct background checks on behalf of unlicensed sellers under a universal background check law. These dealers are not hard to come by—there are twice as many gun dealers as post offices in the United States—and even the most rural states still have substantial numbers of these businesses. Background checks are quick and easy for law-abiding gun purchasers. In at least 90% of cases, the results of background checks processed through the National Instant Criminal Background Check System are determined immediately.
Gun Violence Research

Gun violence is a public safety threat that has significant public health implications. But unlike other public health crises in this country, we don’t have nearly the same understanding of its causes or how to prevent it. It’s time for Congress to invest in federal research at the Centers for Disease Control and Prevention (CDC) and National Institutes of Health (NIH). While the gun lobby has effectively prevented our federal research institutions from studying gun violence for over twenty years, funding from Congress can change that. The House Labor, Health and Human Services, and Education Appropriations bill for 2020 has done just this by allocating $50 million of funding for gun violence research at CDC and NIH.

Recommended Proof Points

• The federal government spends roughly $35 million per year researching car crashes, but less than $2 million researching gun deaths. Annual car crash deaths have declined dramatically, while the number of gun deaths has remained relatively stable, and has even begun ticking upward in recent years.

• Researchers estimate that gun violence receives less than 2% of the funding it would be expected to receive based on the scope and toll of the problem. The federal government spends only $57 in research monies per gun death; by contrast, lung disease, cancer, and heart disease receive $6,556, $2,996, and $1,740 per death, respectively.

• Gun violence costs an estimated $229 billion each year. On average, a single gun homicide generates at least $448,000 in medical care and criminal justice expenses—and most of those costs are paid by taxpayers, with each American shouldering over $700 of this cost annually.

Legislative Landscape + Policy Background

The National Center for Injury Prevention and Control was established at the Centers for Disease Control and Prevention in 1992 as the leading federal organization for violence prevention. In order to fulfill its statutory mandate, the Injury Center conducts and funds research to prevent injury. In 1993, the Injury Center conducted a study that found that individuals with a gun in the home were more likely to be the victim of homicide.
Threatened by the potential policy and market implications of the study, the gun lobby moved to discredit its findings, launching a campaign to investigate and eliminate the Injury Center altogether. In 1996, self-described “NRA point person” Representative Jay Dickey (R-AR) sponsored an amendment to the FY 1997 Omnibus that stated that “none of the funds made available for Injury Prevention and Control at the Centers for Disease Control and Prevention may be used to advocate or promote gun control.”

In that same bill, $2.6 million was earmarked for research on traumatic brain injury, the exact amount the CDC had budgeted for firearms research the year before. The inclusion of this language in every funding bill since, along with the removal of funding for gun violence research, has sent a strong message to the CDC that gun violence research is no longer welcome, leading to the disappearance of virtually all federally funded research into gun violence.

However, in 2018, Health and Human Services Secretary Alex Azar acknowledged that his agency is not legally prohibited from studying gun violence—a sentiment echoed by the FY18 omnibus bill. In October 2018, CDC Director Robert Redfield stated that the CDC has no restrictions on potential research, and should money be appropriated by Congress, the CDC will move forward with gun violence research.

In 2019 the House-passed Labor, Health and Human Services, Education FY 2020 appropriations bill included $50 million for gun violence research, split evenly between CDC and NIH.
POLICY RECOMMENDATION

- **Fund gun violence research at the federal level:** Congress must appropriate adequate federal funding to study gun violence through the CDC and NIH, treating gun violence like the public health crisis it is.

EXECUTIVE ACTIONS

The President should submit budget requests every year that include robust funding for gun violence research, and should provide guidance about the importance of such research to all funding agencies, including an evaluation of the amount of funding that would be appropriate given the scope of the gun violence crisis. The president should also work to ensure that individuals considered for key positions within the Department of Health and Human Services share a commitment to funding research in this area.

Correcting the Record

**MISCONCEPTION**

CDC can already do this research if they want to. They simply aren’t making it a priority.

**REBUTTAL**

While congressional Republicans insist that the CDC is free to study what it wishes, they hold the purse strings—and those purse strings have been closed to gun violence research for over 20 years. The actions of Congressman Dickey were so impactful because they combined restrictive new language with a pointed change in funding: exactly the amount spent on gun violence research the year before was earmarked for a different subject. The message was clear. If Congress has changed its mind, it must make that message equally clear by designating funding for gun violence research.

**MISCONCEPTION**

We’re already studying mental health. We don’t need this research.

**REBUTTAL**

The vast majority of people with mental illness are not violent, and they’re much more likely to be victims of gun violence than perpetrators. Despite what the gun lobby would have you believe, gun violence is its own public health and public safety problem, and we must know more in order to solve it.
MISCONCEPTION
American tax dollars should not be used to fund gun control research.

REBUTTAL
The federal government has taken an active role in solving public health threats for decades. Gun violence kills nearly 40,000 Americans each year and injures tens of thousands more. When automobile accidents and tobacco posed threats on a similar scale, the government intervened to learn more about the risks and find ways to mitigate them. Gun violence is no different. Research into automobile and smoking deaths hasn’t led to the confiscation of cars or cigarettes—but it has saved lives.

MISCONCEPTION
The NIH already does this research. They have the funding they need.

REBUTTAL
Given the scope of our gun violence crisis, current levels of funding for gun violence research are nowhere near sufficient. Researchers estimate that gun violence receives less than 2% of the funding it would be expected to receive based on the scope and toll of the problem. Congress must make clear that combating our gun violence crisis is worth the investment and allocate dedicated funding for this purpose. This is particularly true at the CDC, where prevention is a core priority.
Extreme Risk Laws

Extreme risk protection orders empower families and law enforcement to prevent tragedies by temporarily removing access to guns among individuals shown to be at elevated risk of endangering themselves or others. In many states, families and law enforcement have little to no ability to limit a person’s access to guns even when the person has demonstrated signs of a serious crisis. Congress should provide support for states to implement extreme risk laws, which can save lives while ensuring critical legal protections for respondents.

Recommended Proof Points

- Firearms are used in half of all American suicides, with such deaths claiming an average of 22,000 lives each year, more than 60 every day.
- 85% of suicide attempts with a firearm are fatal, making firearms the most lethal commonly available means of suicide. Temporarily reducing access to guns substantially increases the likelihood that an individual will survive a suicidal crisis.
- Extreme risk laws are proven to save lives: studies in Connecticut and in Indiana have proven that for every 10–20 orders issued, one life was saved through an averted suicide.
- The Connecticut study also found that the issuing of risk warrants provided a gateway to behavioral health treatment; nearly one-third (29%) of subjects received treatment in the state system, an indication that the warrant provided a portal to critically needed mental health and substance use-related services.

Legislative Landscape + Policy Background

After a homicide or suicide involving a firearm, families and community members often seek answers about how these tragedies could have been prevented. Extreme risk laws may provide one such answer.

Extreme risk laws allow the courts, upon request from law enforcement or family members, to issue extreme risk protection orders that temporarily disarm a person in crisis. These laws fill a critical gap in the law which makes it hard for families and law enforcement to intervene to limit a person’s access to guns, even when that person has demonstrated signs of a serious crisis.
Extreme risk protection orders can be used when an individual demonstrates behaviors indicating that they may pose a danger to themselves or others. These laws are modeled on domestic violence restraining order laws, ensuring due process in the form of a hearing that occurs soon after an order is issued. Seventeen states—California, Colorado, Connecticut, Delaware, Florida, Hawaii, Illinois, Indiana, Maryland, Massachusetts, Nevada, New Jersey, New York, Oregon, Rhode Island, Vermont, and Washington—and the District of Columbia now have some version of an extreme risk law.

**POLICY RECOMMENDATION**

- **Support State Passage of Extreme Risk Laws:** States have demonstrated significant, bipartisan interest in extreme risk laws. Congress should incentivize states to pass these laws and help states to effectively implement them by providing grant funding. The Extreme Risk Protection Order Act ([H.R. 1236](https://www.congress.gov/bill/116th-congress/house-bill/1236)/[S. 506](https://www.congress.gov/bill/116th-congress/senate-bill/506)) would provide grants to states which enact extreme risk laws.

**EXECUTIVE ACTION**

The president can use existing grant programs within the Department of Justice to provide funding to states to improve implementation of their extreme risk laws, develop materials and training for key stakeholders, and strategically evaluate extreme risk laws.

**Correcting the Record**

**MISCONCEPTION**

If a person is subject to an extreme risk law, they should be required to undergo a mental health evaluation.

**REBUTTAL**

Many people who are dangerous are not diagnosably mentally ill, and the mental health and disability communities have raised concerns about such requirements. A petitioner who has sought an ERPO for his or her family or community member may be concerned that involuntary observation or temporary commitment will involve an unwarranted or unnecessary intrusion into the person’s autonomy and privacy. A petitioner may not want a person confined to a mental institution but may know that the person’s possession of a gun poses a serious threat to the safety of the individual or others. Research demonstrates that forced treatment is often less effective than voluntary treatment. Extreme risk laws allow a person to be disarmed while family members work to get the respondent into voluntary treatment, when appropriate.
**MISCONCEPTION**

Extreme risk laws allow guns to be confiscated from people without adequate due process.

**REBUTTAL**

Extreme risk laws are modeled on states’ domestic violence protection order procedures, which have been utilized across the country for decades and withstood legal challenges. Ex parte protection orders are available in emergency circumstances, and are necessary to allow law enforcement and family members to disarm someone in such circumstances when waiting two weeks for a hearing could allow that person time to commit violence—against themselves or other people—with a gun. If a person at risk of harming themselves or others were to receive notice of an extreme risk petition without an immediate removal of guns, such notice could critically exacerbate the risk of suicide or violence, putting lives at risk. The term “confiscation” is unnecessarily derisive and disregards the crucial public safety concerns that extreme risk laws address.

**MISCONCEPTION**

Extreme risk laws will be misused to maliciously target police officers or former spouses/intimate partners.

**REBUTTAL**

A petition for an extreme risk protection order must be made under oath and contain a sworn affidavit. In the unlikely event that someone seeks an ERPO maliciously using false evidence, that person would perjure themselves by lying under oath and be subject to civil penalties. Guns in the wrong hands pose an unacceptable risk of violence. Extreme risk laws offer a temporary solution that can provide the respondent with an opportunity to seek help and support to succeed in the future. Sometimes people who have jobs that require them to carry or possess firearms, such as law enforcement officers, pose a risk of harming themselves or others. In the event that a police officer is subject to an ERPO, employers should temporarily reassign the employee to a role that does not require that individual to carry a firearm.
Guns and Domestic Violence

For the millions of American women and children affected by domestic violence every year, guns in the hands of abusers pose a serious threat. In fact, the presence of a gun in a domestic violence situation makes it five times more likely an abused woman will die. Protecting the lives of American women and their families requires lawmakers to take steps to ensure that dangerous domestic abusers and convicted stalkers don’t have access to guns.

Recommended Proof Points

- **Guns turn already violent situations deadly.** More than half of all intimate partner homicides are committed by dating partners. 55% of intimate partner homicides in America are committed with firearms.

- **Guns and domestic violence are a deadly mix.** The presence of a gun in a domestic violence situation makes it five times more likely an abused woman will die.

- **Gun violence is an American problem.** American women are 21 times more likely to be killed in a gun homicide than their peers in other high-income countries. Each year, more than 600 women in America are shot and killed by an intimate partner—that’s one woman every 16 hours.

Legislative Landscape + Policy Background

Current federal law prohibits abusers who have been convicted of crimes and abusers subject to certain domestic violence protective orders from purchasing or possessing guns. However, federal laws do not apply to many abusers who victimize dating partners or family members other than a partner or child. Federal firearm prohibitions also do not apply to individuals convicted of misdemeanor stalking, despite the fact that felony stalking charges are often pled down to this level and that stalking is a strong predictor of future violence. The federal gun prohibition that applies to a person subject to a domestic violence restraining order does not go into effect until the court has held a full hearing, leaving victims vulnerable and abusers armed during this particularly dangerous period.

Since 2013, 33 states have passed laws to close domestic violence loopholes. Many of these laws close the boyfriend and stalking loopholes and establish procedures...
for the recovery of firearms from domestic abusers who have fallen under federal or state gun prohibitions.

State laws that restrict firearm access in domestic violence cases when a restraining order has been issued are linked to a 13% reduction in intimate partner homicides committed with firearms. Reductions in intimate partner homicides are even larger when state laws close the boyfriend loophole and require that abusers provide proof that they actually relinquished their firearms.

On April 4, 2019, despite open opposition from the National Rifle Association, the House of Representatives passed the Violence Against Women Reauthorization Act, which would address these issues. Thirty-three House Republicans voted for the bill. The Senate has yet to take this up.

**POLICY RECOMMENDATION**

- **Dating partners:** Congress should enact legislation to prevent abusive dating partners from purchasing and possessing firearms. Legislation to do that includes S. 120, the Protecting Domestic Violence and Stalking Victims Act (Klobuchar); H.R. 569, the Zero Tolerance for Domestic Abusers Act (Dingell/Fitzpatrick); H.R. 511, the Protecting Domestic Violence and Stalking Victims Act (Brown); and H.R. 1585, the Violence Against Women Reauthorization Act (Bass).

- **Stalkers:** Congress should enact legislation to prevent abusive convicted stalkers from purchasing and possessing firearms. Legislation to do that includes S. 120, the Protecting Domestic Violence and Stalking Victims Act (Klobuchar); H.R. 569, the Zero Tolerance for Domestic Abusers Act (Dingell/Fitzpatrick); H.R. 511, the Protecting Domestic Violence and Stalking Victims Act (Brown); and H.R. 1585, the Violence Against Women Reauthorization Act (Bass).

- **Temporary restraining orders:** Congress should extend the gun prohibition to apply to abusers subject to temporary restraining orders during the time period preceding a hearing. Legislation to do that includes H.R. 511, the Protecting Domestic Violence and Stalking Victims Act (Brown) and H.R. 1585, the Violence Against Women Reauthorization Act (Bass).

- **Relinquishment:** Federal funds should also be available to assist state and local governments in establishing and implementing protocols and training for the recovery and storage of firearms from domestic abusers who are no longer eligible to possess guns. Congress should pass legislation that specifically authorizes funds to be used for this purpose, including H.R. 1585, the Violence Against Women Reauthorization Act (Bass) and H.R. 1287, the No Guns For Abusers Act (Swalwell).
EXECUTIVE ACTION

Even in the absence of legislation, agencies within the Department of Justice should prioritize federal funding to disarm abusers and others who are prohibited from possessing guns.

Correcting the Record

**MISCONCEPTION**

Firearms will help victims of domestic abuse better protect themselves.

**REBUTTAL**

The evidence is clear—a gun in a domestic violence situation makes it five times more likely the woman will die. Arming domestic abuse victims will not make them or anyone else any safer. We should aim to deescalate domestic violence situations, not make it easier for them to turn deadly. Efforts to arm domestic abuse victims are not supported by domestic violence advocacy organizations.

**MISCONCEPTION**

Doesn’t prohibiting someone who is subject to a temporary restraining order from having firearms lack due process and thus infringe upon Second Amendment rights?

**REBUTTAL**

The current law fails to provide adequate protection to victims. A court can issue a temporary protective order against an abuser but it does not provide victims of abuse with any immediate protection. Victims are forced to wait until the court can hold a full hearing for the abuser’s access to guns to be removed, unless a state law addresses the issue. This means that, in the days or weeks leading up to the hearing, abusers remain armed and victims remain exposed. Additionally, studies suggest that the period immediately following the obtaining of a restraining order is when risk of violence is most elevated. Expanding gun prohibitions to include temporary restraining orders ensures that there is court oversight of these dangerous situations and gives victims the protection they need, while ensuring that a person accused of abuse receives full due process.
**MISCONCEPTION**

We should only be focusing on recent dating partners, not anyone the person has ever dated.

**REBUTTAL**

A victim of dating partner abuse shouldn’t fail to receive protection because of when the relationship ended. In many cases, problems arise when a dangerous former dating partner won’t let go, even though it may have been years since the end of the relationship. The law allows a former domestic or dating partner abuser to regain his or her eligibility to possess a gun through expungement, pardons, and restoration of rights procedures. These procedures are available to a person who has truly changed over time—but the law cannot simply assume that an abuser has changed just because time has passed.

**Of Note**

Traditionally, the so-called “boyfriend loophole” has garnered the most bipartisan support of all the domestic violence prohibitors that need addressing. Reportedly the Department of Justice supports closing this loophole. Conversely, temporary restraining orders have had the most difficulty gaining bipartisan support.
Urban Gun Violence

Gun violence does not impact all Americans equally. Black men represent less than seven percent of the population but account for over half of all gun homicide victims. For young black men, the murder rate is more than 20 times the national average. This violence is a cycle: exposure to firearm violence—being shot, being shot at, or witnessing a shooting—doubles the probability that a young person will commit a violent act within two years. Everyday gun violence can be addressed most effectively through evidence-based violence intervention programs, which focus on the highest-risk individuals in impacted communities by utilizing law enforcement, social services, healthcare providers, and community engagement.

Recommended Proof Points

• Violence intervention programs are proven to be effective at reducing gun violence. For example, Oakland, California, launched an ongoing partnership between community members, social service providers, and law enforcement officials to work together to reduce violence, build police-community trust, and improve outcomes for high-risk individuals. As a result, shootings and homicides have been cut nearly in half since 2012.

• Violence intervention programs are also proven to be effective at saving taxpayer dollars. In six years, Massachusetts’s state violence intervention program helped reduce gun homicides by 35%, while the national gun homicide rate rose 14%. The program offered a financial benefit as well: for every $1 invested, taxpayers in two Massachusetts cities saved an estimated $7.35.

• These strategies require consistent funding to be successful. Large cuts in funding for violence prevention programs in Chicago in 2008, 2012, and 2015–2016 corresponded with large spikes in homicides in those years. Similarly the city of Stockton, California, saw an increase in homicides after discontinuing funding for its highly successful intervention program. When funding was restored, homicides decreased within the first two years of implementation.
Legislative Landscape + Policy Background

Gun violence disproportionately impacts communities of color in American cities. Roughly half of all gun homicides take place in just 127 cities, which account for just a quarter of the US population. Within cities, gun violence is further clustered within racially segregated, economically disenfranchised neighborhoods. For example, in Boston, 53% of the city’s gun violence occurred in less than 3% of the city’s streets. This pattern of gun violence in cities fuels the racial disparities seen in gun homicide rates: black Americans are 10 times more likely than white Americans to die by gun homicide.

In many cities heavily impacted by interpersonal gun violence, such violence is driven by a very small subset of individuals. One analysis of more than 20 cities found that less than 1% of a city’s population is generally connected to over 50% of the city’s shootings and homicides. In Oakland, around 400 individuals—or 0.1% of the city’s population—were found to be responsible for the majority of the city’s homicides at any given time.

A handful of strategies have proven to be successful at intervening with those at highest risk, helping to break cycles of violence. Community-based violence intervention programs deploy targeted services for high-risk individuals with clear and swift consequences from law enforcement for those who continue to perpetrate violence. Another type of violence intervention efforts, street outreach programs, treat violence as a communicable disease and work to disrupt its transmission among members of the community. Lastly, hospital-based violence intervention

There are solutions to the interpersonal gun violence tearing apart communities in cities across the country—we just need to implement them.
programs allow hospitals to provide counseling, case management, and social services to patients recovering from gunshot wounds. To be successful, these strategies require consistent funding, which Congress should swiftly provide.

**POLICY RECOMMENDATION**

- **Fund Violence Intervention Strategies.** A small number of existing federal grant programs have provided funding to cities, states and community-based organizations for violence intervention strategies in the past, although this funding has been inadequate and inconsistent. These programs include:
  - **Office of Community Oriented Policing Services** grants,
  - **Community-Based Violence Prevention** grants,
  - **Children Exposed to Violence** grants, and
  - **The Innovations in Community Based Crime Reduction Program** (formerly known as the Byrne Criminal Justice Innovation Program).

Congress should expand these programs, or better yet, create a new funding stream focused specifically on providing strong, long-term funding for the most effective violence intervention strategies in communities that need them the most.

**EXECUTIVE ACTIONS**

The president should include funding for evidence-based violence intervention programs in any budget request. The administration can also use the existing grant programs described above to guide funding toward such programs.

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### Correcting the Record

#### MISCONCEPTION

These programs are too expensive.

#### REBUTTAL

It’s true that these types of evidence-based programs cost money, but they’re strategic and cost-effective investments that create returns in so many ways. A single gun homicide generates nearly $450,000 in medical care and criminal justice expenses. In total, gun violence costs the United States $229 billion every year—and much of this tab is picked up by taxpayers. Each American shoulders over $700 of this cost annually. But evidence-based violence intervention and prevention programs have been proven to save both lives and money. For example, in just one year, a $2 million program in two Massachusetts cities generated nearly $15 million in savings from decreases
in crime, and Massachusetts taxpayers saved as much as $7.35 for every dollar invested in the program.

**MISCONCEPTION**
These types of programs will impact mass incarceration and add to our existing problem of criminalizing men of color.

**REBUTTAL**
The most effective programs share a common premise, borne out by years of data: a very small and readily identifiable segment of a city’s population is responsible for the vast majority of that city’s gun violence. By strategically intervening with this small population—usually only a few hundred people—these programs have been able to cut gun homicide rates by as much as 50% in just a few years. Importantly, such programs aim to reduce gun violence without contributing to the high levels of incarceration that have wreaked havoc on communities of color.

Deterrence actions are most effective when punishment becomes more certain: it is not the length of the sentence that matters as much as the certainty that engaging in a particular behavior will result in negative consequences. This “focused deterrence” works to improve behaviors by effectively communicating that the rules have changed for group members and continued violent behavior will bring swift enforcement actions. Group norms are more likely to change when group members understand that one member’s decision to resort to violence will have negative consequences for everyone in the group. This has proven true in California cities like Richmond and Stockton, where the use of focused deterrence programs has led to decreases in gun violence without worsening mass incarceration.
Regulating Extremely Lethal Weapons

Although any firearm can be dangerous in the wrong hands, some weapons and accessories—such as assault weapons, large-capacity magazines, and bump stocks—are particularly lethal and should be more strictly regulated or banned. These devices are designed to maximize casualties and kill people quickly and efficiently. As a result, they are often the weapon of choice for mass shooters.

Public Opinion

- 63% of voters support a nationwide ban on the sale of assault weapons. (Quinnipiac, May 2019)
- 70% of voters support a ban on large capacity magazines. (Politico, February 2018)
- 8 in 10 Americans, including 77% of Republicans, support banning bump stocks (NPR/Ipsos, October 2017)

Recommended Proof Points

- A review of mass shootings between 2009 and 2017 found that shootings involving large-capacity magazines resulted in twice as many fatalities, with 14 times as many injuries per incident on average, compared to those without. Even after removing the October 2017 shooting in Las Vegas, large-capacity magazines still resulted in nearly twice as many fatalities and six times as many injuries during this time frame.
- Another analysis of mass shootings between 1982 and 2012 found that large-capacity ammunition magazines were recovered in 50% of incidents.
- Research examining the effect of the federal assault weapons ban on high-fatality mass shootings (six or more deaths) found that the number of high-fatality mass shootings fell by 37% and the number of people dying in such shootings fell by 43%, compared with the 10-year period before the ban. But after the ban lapsed in 2004, the numbers shot up again—an astonishing 183% increase in high-fatality mass shootings and a 239% increase in deaths during such shootings.

Legislative Landscape + Policy Background

Assault weapons are a class of semiautomatic firearms with certain features that
enable rapid fire. Far too many times in recent years, the easy availability of these weapons has turned places that are supposed to be safe—schools, churches, concerts—into scenes of terror and devastation.

Under current federal law, an individual must be 21 to purchase a handgun from a gun dealer, but only needs to be 18 to purchase an assault weapon.

The danger posed by assault weapons is substantially increased by detachable large-capacity ammunition magazines, typically defined as magazines holding more than 10 rounds of ammunition. Large-capacity magazines allow the shooter to fire a large number of rounds in a row and then quickly reload. The time required to reload a weapon can be critical in enabling victims to escape and law enforcement or others to intervene—without it, mass shooters are able to maximize the damage they inflict.

Bump stocks and other trigger-activating devices allow semiautomatic firearms to fire at a rate similar to an automatic firearm. In October 2017, a gunman in Las Vegas used a bump stock to fire more than 1,100 rounds of ammunition in 11 minutes, killing 58 people and injuring more than 500. After the tragic shooting in Las Vegas, the public called on Congress to ban bump stocks and similar devices, a call that Congress has so far not heeded.

POLICY RECOMMENDATIONS

- **Regulate existing assault weapons under the NFA**: Congress should regulate semiautomatic assault weapons under the National Firearms Act (NFA), the same way that gun silencers and machine guns are regulated, and consider banning the future sale and production of assault weapons. In order to possess NFA firearms, individuals must undergo a background check process that includes the submission of photo identification and fingerprints and requires the registration of the firearm with ATF. Individuals must also pay a $200 transfer tax, an amount that has not changed since the NFA was established in 1934. Bills to regulate assault weapons include the following:
  - **H.R. 1296/S. 66**, which would prohibit the future manufacture and sale of assault weapons.
  - **H.R. 1236**, which would require any semiautomatic rifle that has the capacity to accept a detachable magazine to be regulated under the NFA.

- **Ban large-capacity magazines**: Congress should ban magazines that hold more than 10 rounds of ammunition. **H.R. 1186/S. 447** would do just this.

- **Ban bump stocks**: Although the Department of Justice recently implemented
a new rule to regulate bump stocks like machine guns, effectively banning them, this regulation has been tied up in litigation. Congress should pass legislation to ban bump stocks and similar trigger-activating devices.

- **Raise the purchase age:** Under current federal law a purchaser must be 21 to buy a handgun, but only 18 to buy a long gun. Congress should raise the age and require that purchasers be 21 to buy any gun. Legislation to do that includes H.R. 717/S. 1395, which would prohibit the sale of assault weapons to people under 21.

**EXECUTIVE ACTION**
The administration should consider banning the importation of assault weapons. Previous administrations have been inconsistent in this area, even though the executive branch has clear authority regarding these kinds of imports.

**Correcting the Record**

**MISCONCEPTION**
The federal assault weapons ban was ineffective.

**REBUTTAL**
Despite its limited duration, studies show that the federal assault weapons ban that was in effect from 1994 to 2004 resulted in a marked decrease in the use of assault weapons and large-capacity ammunition magazines in crime. Other studies have found that the share of recovered crime guns classified as assault weapons declined after the federal ban was adopted and then steadily climbed after the ban expired. The expiration of the federal assault weapons ban was also associated with increased drug-trafficking-related gun violence in Mexico, which often involves assault weapons first sold in the US. The 1994 act did suffer from notable limitations, however, which should be addressed in future regulation. The ban was limited to guns with multiple military-style features, but also included some purely cosmetic features, allowing manufacturers to successfully circumvent the law by making minor modifications. The law also did not successfully regulate assault weapons manufactured before the date it took effect.

**MISCONCEPTION**
Why do you want to prevent law-abiding gun owners from owning the modern sporting rifles which would be included in many assault weapons ban proposals?

**REBUTTAL**
The gun industry has marketed military-style weapons as “sporting rifles”
in order to increase their attractiveness to the general public. In reality, however, these weapons pose a serious danger to the public, and should be treated as the public safety threat that they are. Assault weapons and large-capacity magazines significantly increase a shooter’s ability to injure and kill large numbers of people quickly because they enable the individual to fire repeatedly without needing to reload, and because of this, are frequently used in mass shootings.

**MISCONCEPTION**
There are millions of existing assault weapons in circulation, and no law will stop criminals from getting their hands on guns now in circulation, so how will banning assault weapons make any difference?

**REBUTTAL**
Regulating assault weapons under the NFA will bring the existing stock under the same legal regime that applies to machine guns. The NFA has virtually eliminated the use of machine guns in crime by ensuring that these types of weapons are registered with ATF and their owners pass rigorous background checks. Modern assault weapons are far more lethal than the Prohibition-era Tommy Guns regulated under the NFA, and they should be regulated as the dangerous weapons they are. Moreover, by complying with the NFA regime, law-abiding sport shooters and others can continue to possess legally owned assault weapons while ensuring they do not fall into the hands of individuals intending to do serious harm.
Reducing Gun Trafficking

The devastating toll of gun violence is clear proof that it is far too easy for dangerous individuals to get their hands on firearms. We must take action to crack down on the illegal flow of guns into communities around the country. That will require passing a clear law that finally makes interstate gun trafficking a serious crime, enacting strong regulations regarding straw and bulk purchases, and mandating the reporting of lost or stolen firearms. Reducing gun trafficking will also require strong limits on new technology that allows anyone to build their own assault rifle or handgun without a background check.

Recommended Proof Points

- Residents of states with strong gun laws are often the victim of states with weak gun laws. In New York, for example, 74% of guns used in crimes between 2010 and 2015 originated out of state. Nationwide, the percentage of out-of-state guns used in crimes was 29%.

- Straw purchases are far too common. A survey of licensed gun dealers indicated that they witnessed over 33,000 attempted straw purchases of guns in a single year.

- Gun traffickers often buy large quantities of guns at once in order to supply them to convicted felons and other prohibited persons. In fact, guns purchased in bulk are up to 64% more likely to be used for illegal purposes than guns purchased individually.

Legislative Landscape + Policy Background

Gun trafficking refers to the diversion of guns from lawful commerce into the illegal market. Trafficking occurs through several different channels, many of which are enabled by inadequate federal laws that allow guns from states with weak laws to be transported into states with strong laws.

Straw purchases are one of the most common channels of gun trafficking. A straw purchase occurs when the actual buyer of a firearm uses another person to undergo the background check necessary to purchase a firearm from a federally licensed firearms dealer. Straw purchases allow prohibited persons to circumvent the background check system, and although they are prohibited by federal law, they are
often treated as a mere paperwork violation and left unchecked.

Although trafficked guns are frequently used in crime, weak federal law provides straw purchasers an opportunity to escape prosecution. If law enforcement is able to recover a gun after it is used in a crime, the gun can often be traced through the original store of purchase (which is required to keep a record of the sale) to a straw purchaser. But the straw purchaser may then falsely claim that the gun they purchased was lost or stolen. In states that do not require gun owners to report lost or stolen guns (all but seven states), straw purchasers can make this false claim with impunity. This claim allows the straw purchasers to conceal gun trafficking and may prevent law enforcement officers from identifying the ultimate user of a gun.

Traffickers will often purchase multiple guns at the same time so that they can be illegally resold in states with stronger gun laws. To counter this strategy, current federal law requires gun dealers to provide a report to ATF any time a person buys more than one handgun within five consecutive business days. The Department of Justice has said that these reports “produce timely, actionable investigative leads for ATF,” yet they are not required for multiple sales of long guns, such as assault rifles, even though these are commonly trafficked across the border to Mexico.

In recent years, efforts to circumvent traditional firearms retail channels have increased due to the proliferation of self-assembled firearms, which can be built from kits or 3D printed. These guns are often referred to as “ghost guns” because they are untraceable and don’t have serial numbers. Ghost guns have been called the “new frontier of illegal firearms trafficking” because they allow criminals to bypass
the background check system entirely by building their own firearms at home.

Ghost guns, specifically those that are 3D printed, would continue to proliferate under a proposed rule by the Trump administration to move control over firearms exports from the jurisdiction of the State Department to the jurisdiction of the Commerce Department. The proposal would include the code for 3D-printed guns, which the State Department currently blocks from being posted on the internet. Once the technical data to print firearms is online, it can be accessed anywhere by anyone, making 3D-printed firearms an attractive option for criminals. The proposed rule would also eliminate congressional oversight of firearm exports, endangering national security and facilitating international crime and terrorism.

POLICY RECOMMENDATIONS

• **Universal Background Checks:** Many of the guns used in crimes in states with strong gun laws originate in states with weaker gun laws. For example, 74% of New York’s crime guns from 2010–15 came from out of state, with most passing through the “Iron Pipeline” of states with weak gun laws along I-95, like Virginia and Georgia. Closing the loopholes in our federal background checks law is essential to ensuring guns aren’t sold to dangerous people.

• **Crack Down on Straw Purchases and Trafficking:** While straw purchases are currently prohibited under federal law, they are often treated as a mere paperwork violation and left unchecked. Congress should pass a clear statute prohibiting the diversion of guns into the illegal market to ensure gun trafficking is treated as the serious and dangerous offense that it is.

• **Multiple Sales Reporting:** Congress should require gun stores to report multiple sales of all firearms, not just handguns, to law enforcement. Under current law, federally licensed firearms dealers must provide a report to ATF any time a person buys more than one pistol within five consecutive business days. This provision should be expanded to all firearms to provide law enforcement with the opportunity to investigate individuals with potentially dangerous intentions.

• **Prevent the Distribution of Ghost Guns:** Congress must pass comprehensive legislation to prevent dangerous individuals from skirting the background check system to obtain a firearm, either by assembling it from parts ordered online or using a 3D printer. The Untraceable Firearms Act (H.R. 6643/S.3300 in the 115th Congress) would prohibit the manufacture and sale of firearms without serial numbers, require any person engaged in selling firearm kits and unfinished receivers to obtain a dealer’s license and conduct background checks, and mandate that a person who runs a business putting together firearms or finishing receivers obtain a manufacturer’s license and put serial numbers on firearms.
• **Maintain Oversight of Gun Exports:** Congress should also pass legislation to ensure that firearms are not removed from the United States Munitions List (H.R. 1134, the Prevent Crime and Terrorism Act or S. 459, the Stopping the Traffic in Overseas Proliferation of Ghost Guns Act).

• **Require the Reporting of Lost and Stolen Firearms:** While gun dealers are required to report any lost or stolen firearm that they become aware of, there is no current federal law that requires gun owners to inform law enforcement when their firearms have been lost or stolen. Consequently, straw purchasers often claim that guns that were in their possession were lost or stolen in order to hide their involvement in gun trafficking.

• **Support the Publication of an ATF Trafficking Report:** It has been close to 20 years since ATF last issued a comprehensive report on firearms trafficking. As a result, policymakers and the public know far less than they should about how guns are being trafficked to dangerous individuals or into states with strong gun laws. Under the next president, ATF should author such a report.

**EXECUTIVE ACTIONS**

The next administration should ensure that federal law enforcement focuses its efforts on high-level gun trafficking investigations, including investigations involving organized criminal activities that disburse firearms across state lines. Producing an annual report on firearms trafficking is critical, as is ensuring that firearm exports remain under the jurisdiction of the State Department.
Federal Oversight of Gun Dealers

Data from the ATF shows that corrupt or irresponsible gun dealers are the leading source of guns on the black market. Despite the need for strong dealer oversight, ATF faces numerous obstacles that enable corrupt dealers to go undetected and unpunished. Stronger regulations for gun dealers, as well as stronger enforcement of existing laws, would reduce the number of guns that end up in the hands of criminals.

Public Opinion

- According to a 2013 poll, 85% of those surveyed (including 79% of all gun owners and 64% of NRA members) support allowing ATF to temporarily take away a gun dealer’s license if an audit reveals record-keeping violations and the dealer cannot account for 20 or more guns.

- A May 2012 poll found that 79% of NRA members and 80% of non-NRA gun owners support requiring gun retailers to perform employee background checks—a measure also endorsed by the National Shooting Sports Foundation, the trade association for the firearms industry.

Recommended Proof Points

- ATF data shows that corrupt or irresponsible gun dealers are the leading source of guns on the black market.

- A 2004 report by the US Department of Justice’s Office of the Inspector General (OIG) found that ATF’s program for inspecting federal firearms licensees (FFLs), including gun dealers, importers, manufacturers, collectors, and pawnbrokers, was “not fully effective for ensuring that FFLs comply with federal firearms laws because inspections are infrequent and of inconsistent quality, and follow-up inspections and adverse actions have been sporadic.”

- A 2013 follow-up report by OIG found that although ATF had made some improvements in its inspection program, over 58% of FFLs had not been inspected within the past five years due, in part, to a lack of resources. In 2017, ATF was able to inspect only 8.2% of all FFLs.

- In 2018 alone, federal firearms licensees reported over 8,800 firearms lost or stolen from their inventories.

- ATF’s funding has not kept pace with the demands of the gun market. Over the past eight years, the number of silencers registered with ATF under the
National Firearms Act has more than quintupled, with 285,087 silencers registered in 2010 (10% of all registered NFA weapons) and nearly 1.5 million registered in February 2018 (27.07% of all registered NFA weapons).

- A 2018 *New York Times* article found that “senior officials at the Bureau of Alcohol, Tobacco, Firearms and Explosives regularly overrule their own inspectors, allowing gun dealers who fail inspections to keep their licenses even after they were previously warned to follow the rules.”

### Legislative Landscape + Policy Background

The Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) is responsible for enforcing federal gun laws and regulating the gun industry, but insufficient funding and gun lobby-backed restrictions make it difficult for the ATF to achieve its mission. Proper oversight of gun dealers is an essential function of ATF. Gun dealers supply the majority of guns sold to the public, including guns eventually recovered in crimes, but they are subject to few federal regulations and weak enforcement of these regulations. Loopholes or weaknesses in the current method of federal oversight include the following:

- ATF may conduct only one unannounced inspection of each federal firearms licensee (FFL) per year.

- While some states require gun dealers to implement security measures and run background checks on employees, federal law does not.

- The gun industry has unique immunity from civil liability. In 2004, the Protection of Lawful Commerce in Arms Act (PLCAA) became law, barring lawsuits against gun manufacturers and dealers in federal and state court.

As a consequence, corrupt gun dealers represent a major source of guns trafficked to dangerous individuals and criminals, either directly or through straw purchasers (people who buy guns for individuals who are prohibited from buying them) and gun traffickers (people who purchase guns to resell on the black market). Guns lost or stolen from dealers who fail to responsibly secure their inventories are also a major source of guns on the black market.

ATF can only perform its intended functions if it has the resources to do so. It has been under-resourced for many years, and prevented from effectively enforcing the law due to harmful policy riders. ATF needs additional funding to better investigate and prevent illegal gun trafficking, and ensure that federal firearms licensees are conducting business in compliance with federal laws and regulations. ATF also would greatly benefit from additional resources and updated procedures to better utilize technology to streamline its workload.
Even with the appropriate resources, the ability of federal law enforcement officers to do their jobs effectively will remain hindered until restrictive policy riders on annual funding bills are repealed. Collectively known as the Tiahrt Amendments, these riders do the following:

- **Hamstring ATF’s ability to trace crime guns by** prohibiting the use of searchable databases and banning the consolidation of gun sales records maintained by federally licensed firearm dealers (FFLs).
- **Prohibit the release of crime gun trace data to the public**, preventing researchers from clearly identifying trafficking patterns.
- **Forbid ATF from requiring FFLs to take a physical inventory**, making it easier for dealers to avoid accountability for failing to keep proper records and report lost and stolen guns in a timely fashion.

By placing such restrictions on federal agencies, Congress significantly weakens law enforcement’s ability to enforce gun laws, prevent gun crime, and keep communities safe. Former Acting Director Brandon referred to these restrictions as “not optimum, but it’s the law.” Congress should repeal these restrictions.

In addition, federal law exempts firearms and ammunition from the jurisdiction of the Consumer Product Safety Commission (CPSC). This means that gun manufacturers are not required to comply with federal safety standards in designing their products and the CPSC lacks authority to recall defective firearms.

**POLICY RECOMMENDATIONS**

- **Improve Regulation of Gun Dealers:** Congress should pass legislation to increase the frequency of ATF inspections of gun dealers and strengthen penalties for corrupt gun dealers. Congress should also appropriate additional funding to ATF to train additional investigators to enhance the agency’s regulatory capacity.

- **Require Gun Dealers to Store Inventory Securely:** Congress should require dealers to adopt enhanced security measures to ensure that they are not easy targets for thieves, such as securing all firearms when premises are closed and running background checks on all employees. H.R. 939 would establish secure storage requirements for gun dealers.

- **Repeal PLCAA:** The gun lobby enjoys liability protections that no other industry has. The potential for civil liability creates a strong incentive for an industry to improve its practices with an eye to public safety.

- **Repeal Restrictive Riders:** Congress should repeal restrictive riders which prevent the ATF from effectively carrying out its mission, including
prohibitions against the consolidation of firearm sales records; maintaining an electronic, searchable database; disclosing trace data to the public; and conducting a physical inventory.

- **Give CPSC Jurisdiction:** Congress should repeal the exemption of firearms and ammunition from the Consumer Product Safety Act (H.R. 1115), or better yet, require CPSC to issue and enforce design safety standards for these products.

**EXECUTIVE ACTION**

The president should submit a budget request that includes increased resources for ATF, and call for the repeal of restriction appropriations riders. The administration should aggressively enforce the law against corrupt gun dealers and not intervene in support of PLCAA in lawsuits against the gun industry.

**Correcting the Record**

**MISCONCEPTION**

We just need to enforce gun laws that are already on the books.

**REBUTTAL**

ATF is the only federal agency charged with enforcing gun laws, but it is chronically under-resourced and has fewer special agents than the Las Vegas Police Department. ATF and FBI are lacking the resources necessary to enforce current gun laws, while harmful policy riders prevent the ATF from effectively carrying out its mission. Additionally, our current federal gun laws are riddled with loopholes, making it difficult for any federal law enforcement agency to effectively enforce gun laws.
Permitting and Licensing

Licenses are required by law for many activities, such as driving and fishing, but with the exception of a few states, our country does not require a license to purchase or possess a gun. In the states that do have them, licensing laws have shown to be effective at reducing gun homicides and trafficking. We must do more to support these systems, which help keep guns out of the wrong hands and ensure that gun owners exercise their Second Amendment rights legally and responsibly.

Public Opinion

- 77% of Americans support requiring individuals to obtain a license before being able to purchase a gun. (Quinnipiac, May 2019)
- 77% of Americans support laws that require gun owners to obtain a firearm license. (New England Journal of Medicine, March 2013)

Recommended Proof Points

- When Connecticut passed a licensing law, its firearm homicide rate decreased by 40% and its firearm suicide rate decreased by 15%. Conversely, when Missouri repealed its licensing law, its firearm homicide rate increased by 25% and its firearm suicide rate increased by 16%.
- A study of licensing laws across 80 large urban counties found that these laws are associated with an 11% decrease in firearm homicides.
- Intrastate gun trafficking is 68% lower in cities where the state has discretionary permit-to-purchase licensing.

Legislative Landscape + Policy Background

“Permit-to-purchase” laws require an individual to obtain a license or permit from law enforcement before purchasing a gun. “License to own” laws require an individual to obtain a license to purchase a firearm that must remain valid for as long as the person owns the firearm. These laws have been enacted in states across the country and have been proven to reduce firearm homicides and help keep guns out of the hands of prohibited individuals. Permitting and licensing laws apply to all guns in some states that have them, and just to handguns in others. In states which have had effective handgun licensing laws on the books for decades, like Connecticut,
Massachusetts, New Jersey, and New York, the vast majority of crime guns originate in other states, indicating that gun traffickers seek guns elsewhere.

A strong permit-to-purchase or licensing system should include key criteria that would encourage responsible firearm ownership, including requiring that an individual undergo a thorough background check, submit fingerprints and a photograph, and pass a gun safety course as part of the application process. It should require the permit to be shown prior to the purchase of a firearm from any seller, even if the seller is unlicensed. Finally, there should be a requirement that permits be renewed within five years of issuance and a set process for revocation of the license should a permit-holder become prohibited from possessing a firearm.

POLICY RECOMMENDATIONS

- **Require a Permit/License for Firearm Purchases:** Congress should strive to expand firearm permitting/licensing requirements, which have been proven to save lives at the state level. To start, federal leaders should incentivize more states to enact permit-to-purchase laws through grant funding. The Handgun Purchaser Licensing Act (H.R. 5490/S. 2662 in the 115th Congress) would authorize grants for states that require licenses for handgun purchases. Congress should also consider requiring individuals to obtain a license or permit to purchase either a handgun or any firearm. Legislation could give each state the option of creating its own permitting/licensing program. State systems would be required to meet a federal floor in regards to age, training requirements, and factors that prohibit an individual from obtaining a license. In a number of states around the country, lax rules surrounding gun shows make it easy for prohibited individuals to purchase firearms.
Alternatively, Congress could establish a single federal license—similar to a passport—that would be required to purchase a firearm.

**EXECUTIVE ACTION**
The incoming administration should ensure that federal funds are appropriately directed towards support for state permit-to-purchase and gun owner licensing systems, including resources for key stakeholders, technology, staffing, and technical assistance.

**Correcting the Record**

**MISCONCEPTION**
Requiring a person to obtain permission from a government agency before buying a gun violates the Second Amendment.

**REBUTTAL**
A person often has to seek a permit or license to exercise a constitutional right, such as to exercise free speech rights by hosting a parade or protest, to marry, to drive a car, and to build a home on one’s own property. Courts have repeatedly ruled that if permits are issued or denied based on clear, justifiable criteria, with full due process protections in place, permitting and licensing laws do not impinge on constitutional rights.
Protecting Children

Firearms pose a grave threat to children, whether in school, at home, or on the streets. Keeping guns properly stored can reduce the risk of youth injuries and suicides. But instead of doing more to limit children’s access to firearms, the gun lobby wants to allow guns in schools. Teachers are trained to teach—not to serve as law enforcement—and no existing evidence suggests arming teachers will protect children in schools. In fact, due to confusion and panic in active shooter situations, even armed and trained police officers have a history of shooting or nearly shooting other civilians who are near the active shooter, especially when these innocent civilians are armed.

Public Opinion

• Polling indicates that arming teachers is an incredibly unpopular proposition, opposed by seven out of ten teenagers, eight out of ten teachers, and seven out of ten parents.

• A March 2018 poll found that 82% of teachers—including 63% of teachers who own guns—oppose carrying guns in schools. 61% of gun owners oppose arming teachers.

Recommended Proof Points

• No available evidence suggests armed personnel make schools safer. A study published in March 2019 found “no evidence that the presence of resource officers in schools lessened the severity of school shooting incidents.”

• Engaging with active shooters can harm bystanders and even lead to casualties among police officers. Only 3% of active shooter situations end when armed civilians interfere; meanwhile, unarmed civilians are more effective at ending active shooter situations, which occurs 13% of the time. And even trained professionals miss their targets when engaged in firefights, putting bystanders at high risk of being shot unintentionally. A Rand Corporation study of the NYPD found that officers hit their targets less than 20% of the time when experiencing return fire.

• Arming teachers will likely increase, rather than decrease, students’ exposure to gun violence in schools. Studies have shown that guns do not protect those who possess them from being shot and that the risks associated with
gun access vastly outweigh the likelihood of self-defense use. Individuals successfully defend themselves with a gun in less than 1% of crimes, but the presence of guns in the home significantly increases the risk of gun death for all household members.

- Laws making schools gun-free zones have made K–12 schools safer. School-associated student homicide rates decreased after federal laws restricting guns within 1,000 feet of schools were adopted in the early 1990s. The gun lobby’s claim that “gun-free zones” invite mass shootings has been thoroughly debunked by research showing that the overwhelming majority—nearly 90%—of all high-fatality gun massacres since 1966 have occurred wholly or partly in locations where civilian guns were allowed or there was armed security or law enforcement present.

- Too many children have access to firearms. Kids with access to guns sometimes bring them to school—and use them. Over two-thirds of students who used guns to commit “targeted violence” against their school acquired the gun or guns used in their attacks from their own home or that of a relative. Another analysis of acts of gun violence at primary and secondary schools involving shooters under the age of 18 found that 80% of guns used in these attacks were taken from the child’s home or those of relatives or friends. Alarmingly, over 4.6 million children and teens under age 18 live in homes with loaded and unlocked firearms. Many children know where their parents keep their guns and have accessed household guns—even if their parents think otherwise.

Legislative Landscape + Policy Background

The vast majority of states prohibit civilians from carrying or possessing a firearm on K–12 school property. Twenty-seven states also have child access prevention laws, the strongest of which impose criminal liability whenever a minor is likely to gain access to a negligently stored firearm.

In the summer of 2018, the New York Times reported that the Department of Education was considering issuing guidance allowing states to use federal funds intended for a “well-rounded education” to arm teachers or provide firearm training to teachers. While the department did not ultimately issue this guidance, Education Secretary Betsy Devos continued to insist she had no legal authority to prohibit schools from doing so; in spring 2019, internal department memos revealed she in fact did have the authority to deny the use of Title IV-A funds for this purpose. The House FY20 Labor, Health and Human Services, Education and Related Agencies Appropriations bill includes report language requiring the secretary to issue guidance within 30 days of the bill’s passage clarifying that states may not use Title IV-A funds...
to arm or train teachers with firearms.

**POLICY RECOMMENDATIONS**

- **Prevent Children from Accessing Firearms in the Home:** Research has shown there is an increased risk of suicide, unintentional injury, and death for children and young people when firearms are easy to access in the home. Child access prevention (CAP) laws hold adults liable when parents or guardians directly provide a firearm to a minor or when minors gain access to negligently stored firearms. Congress should support state efforts to reduce children’s access to firearms.
  
  - **S. 193/H.R. 2867** would provide grants to states to enact CAP laws and require gun owners to store their firearms securely in the home.

- **Prevent the Use of Federal Funds to Arm Teachers:** Guns have no place in our nation’s schools. Proposals pushed by the gun lobby to arm teachers ignore the truth about gun violence and pose a clear, demonstrable danger to our students, teachers, and communities. Arming teachers is likely to result in even more shootings at schools, both intentional and unintentional. Teachers attempting to take down an active shooter can harm bystanders and even lead to casualties among police officers. Congress should pass a law prohibiting states from using federal education funds to arm or train teachers.
  
  - The FY2020 Labor, Health and Human Services, Education, and Related Agencies (H.R. 2740) bill acknowledges there is no evidence that arming teachers makes schools safer.
• **Raise the Age to Purchase and Possess Long Guns:** Under current federal law a purchaser must be 21 to buy a handgun, but only 18 to buy a long gun. Congress should raise the age and require that purchasers be 21 to buy any gun. **H.R. 717** and **S. 1395** would prohibit the sale of assault weapons to people under 21.

• **Invest in Gun Safety Technology:** Gun safety technology allows firearms to be accessed only by authorized users. This technology includes personalized firearms and accessories, like fingerprint trigger locks, which add an extra layer of security to gun safes or locking devices. Gun safety technology has the potential to reduce gun deaths and injuries by preventing unauthorized users—especially children—from using firearms. Congress should help bring gun safety technology to the market.
  - **H.R. 942**, the SAFETY Act, would provide research and development tax credits to developers of gun safety technology.

**EXECUTIVE ACTION**

The president should ensure that individuals considered for key positions within the Department of Education agree that the department has the authority to prevent the use of federal education funds for gun purchases or training for teachers.

**Correcting the Record**

**MISCONCEPTION**

Arming school personnel is the only way to protect students from an active shooter.

**REBUTTAL**

No evidence exists that suggests arming teachers makes schools safer. Guns have no place in our nation’s schools. Laws that allow guns in schools ignore the truth about gun violence and pose a clear, demonstrable danger to our students, teachers, and communities. Laws deeming schools gun-free zones have significantly reduced gun violence in these areas—school-associated student homicide rates decreased dramatically after the enactment of federal laws prohibiting guns on the grounds of K–12 schools. Federal and state laws that prohibit guns at schools are vital to keeping children and educators safe.
MISCONCEPTION
The Trump administration’s Federal Commission on School Safety determined that minimum age laws have no impact on homicides, suicides, or unintentional deaths. Why would you support this policy if it won’t lead to safer schools?

REBUTTAL
Actually, one of the studies reviewed in the Trump administration’s report did find that state laws raising the minimum legal purchase age to 21 years were associated with a 9% reduction in rates of firearm suicides among youth aged 18 through 20 years, the group such laws would presumably impact the most. Additionally, given the wealth of research demonstrating that adolescents and young adults are predisposed to engaging in riskier behavior, and the fact that 18–20 year olds account for a disproportionate number of gun homicide offenders, it seems reasonable that age restrictions for this high-risk group could reduce violence.
Guns in Public Places

The presence of guns in public places can quickly escalate everyday conflicts into deadly altercations, causing irreversible damage. Yet the gun lobby continues to push irresponsible proposals that would weaken or eliminate the permitting requirements for carrying concealed firearms in public, and supports legislation that would force states with strong concealed carry laws to honor permits from states with weak or nonexistent concealed carry laws. Such proposals would make it legal for more dangerous and untrained people to carry loaded, hidden guns in more public places. These policies are opposed by law enforcement because they put public safety at risk.

Public Opinion

• 88% of gun owners support laws that require a permit to carry a concealed gun in public.

Recommended Proof Points

• A 2017 study found that in states with weak permitting laws, violent crime rates were 13% to 15% higher than predicted had such laws not been in place.

• Weak concealed-carry permitting laws are significantly associated with 10.6% higher rates of homicide committed with handguns compared with states with stronger permitting systems.

Legislative Landscape + Policy Background

Historically, almost every state has prohibited or strictly limited the carrying of concealed, loaded weapons in public places. These restrictions were among the earliest gun laws adopted in the United States. In the late 20th century, some states began to grant law enforcement discretion to issue concealed carry permits to individuals who passed a background check and received firearm safety training and/or demonstrated a particular need to carry hidden, loaded guns in public. At the behest of the gun lobby, however, many states have weakened those permit requirements in recent years, and 15 states have eliminated the permit requirement entirely.

At the federal level, legislation that would mandate that each state recognize
concealed carry permits from every other state has become one of the gun lobby’s top priorities. In December 2017, the House of Representatives passed H.R. 38, the Concealed Carry Reciprocity Act. Fourteen Republicans stood with the Democratic minority in opposition to this bill, which would have made it legal for more dangerous and untrained people to carry loaded, hidden guns in more public places. Fortunately, the bill did not advance in the Senate.

Standards for issuing concealed carry permits are dangerously lax in many states, and 15 “permitless carry” states do not require any permit at all to carry a concealed firearm. The Concealed Carry Reciprocity Act would have forced states with strong gun laws to allow anyone legally allowed to carry a concealed gun in another state—including a resident of a permitless carry state with no training requirement—to carry a loaded, concealed handgun.

Law enforcement groups are overwhelmingly opposed to federally mandated concealed carry because it would put them in a confusing and dangerous position. Under the proposal, there would be no way for officers to easily verify that someone is carrying lawfully because officers would be required to know the permitting standards of every state, a heavy and unnecessary burden. And there would be no mechanism for police in one state to verify whether a permit from another state was valid or had been cancelled or revoked. Most alarmingly, the bill passed by the House of Representatives in 2017 went so far as to open up law enforcement personnel to personal liability if an officer mistakenly questioned a person’s legal authority to carry a concealed firearm.
Federally mandated concealed carry reciprocity is a blatant attempt to circumvent the high standards for carrying a concealed weapon in states with strong gun laws. Our leaders must continue to oppose such efforts.

**POLICY RECOMMENDATION**

- **Oppose Efforts to Enact Concealed Carry Reciprocity:** Concealed carry reciprocity has been the gun lobby’s top legislative priority in Congress for several years. The Concealed Carry Reciprocity Act (H.R. 38/S. 69) would force states with strong gun laws to comply with weak laws from other states, endangering public safety, and making it substantially more difficult for police to enforce lifesaving gun laws. This bill would also undermine states’ ability to choose which other states’ permits to recognize and eviscerate standards for determining how or if guns can be concealed and carried in public.

**Correcting the Record**

**MISCONCEPTION**

Concealed carry reciprocity would make it easy for people to travel with their permits nationwide, similar to how driver’s licenses work.

**REBUTTAL**

Driver’s licenses are standard, verifiable documents that meet almost the same criteria in every state, whereas concealed carry permits do not contain uniform information or standard security features. The appearances of these permits vary significantly among states: some states issue permits that resemble paper library cards, while others issue permits that lack photo identification. Furthermore, to obtain a driver’s license, people must also undergo several forms of testing—including a vision exam, exams that test knowledge of driving and relevant laws, and an in-person driving test. Underage applicants in most states must also fulfill practice hours or complete driver’s education classes. Training to obtain a concealed carry permit, however, varies widely throughout the states. A number of states require classroom instruction and live-fire training to obtain a permit to carry concealed. In 19 states, however, individuals do not need to undergo any training to carry concealed weapons and in 15 states individuals do not even need a permit—never mind training—to carry concealed, loaded firearms in public. Finally, law enforcement in any state can verify the validity of a driver’s license from any other state, but there is no mechanism for checking whether an out-of-state carry permit is valid.
MISCONCEPTION

Laws that make it easier for people to carry concealed guns will reduce crime. Every year, millions of gun owners and concealed carry permit holders use firearms defensively, thwarting crime and attackers.

REBUTTAL

There is no credible statistical evidence that shows that weak concealed carry laws reduce crime. In fact, the evidence suggests that permissive concealed carry laws may actually increase the frequency of some types of crime, such as assault. Claims that firearms are used defensively millions of times every year have also been widely discredited. Even when a firearm is used in self-defense, which is rare, research shows that a firearm is no more likely to reduce a person’s chance of being injured during a crime than other various forms of protection. One study suggests that carrying a firearm may actually increase a victim’s risk of firearm injury during the commission of a crime.

MISCONCEPTION

People should be able to travel between states with their guns without running into legal issues.

REBUTTAL

Federal law already provides people who travel between states with properly secured firearms with immunity from prosecution under state laws. This law is more than sufficient to allow the interstate transportation of firearms, since guns that are not properly secured pose a serious public safety threat. In fact, in recent years, many cities have reported alarming spikes in the number of guns stolen from cars. In Tennessee, the number doubled in one year, from 2,203 guns in 2016 to 4,064 guns in 2017.
Regardless of congressional action or lack thereof, the next president should use the full extent of his or her authority to focus the efforts of federal agencies on activities that address gun violence in all its forms. These efforts must involve high-level, conscious collaboration across agencies such as ATF, FBI, and DOJ, alongside state and local agencies across the country.

An interagency working group should identify areas in which action can be taken on particular aspects of the gun violence epidemic, with a focus on efforts that involve data collection and analysis, the creation and implementation of new protocols, and increased support for particular programs associated with guns. This working group should meet with stakeholders, such as representatives from the most affected communities, law enforcement, domestic violence advocates, medical professionals, and mental health advocates, in developing its recommendations.

In addition to convening such a working group, the incoming administration should take the actions described below to address our nation’s gun violence crisis.

**Universal Background Checks**

The president should submit budget requests every year that include adequate funding for the NICS Act Record Improvement Program (NARIP), the National Criminal History Improvement Program (NCHIP), and the FBI. The administration should also update the regulatory definition of “engaged in the business” of dealing in firearms, in order to clarify for law enforcement and the public which gun sellers must be licensed and conduct background checks. In addition, it is the job of the executive branch to ensure that the NICS Improvement Amendment Act (NIAA) and Fix NICS Act are appropriately enforced. This
means working with states and federal agencies to improve the reporting of all relevant records to NICS, and strong enforcement of the incentives in those laws.

**Gun Violence Research**

The president should submit budget requests every year that include robust funding for gun violence research, and should provide guidance about the importance of such research to all funding agencies, including an evaluation of the amount of funding that would be appropriate given the scope of the crisis. The president should also work to ensure that individuals considered for key positions within the Department of Health and Human Services share a commitment to funding research in this area.

**Extreme Risk Laws**

The administration can use existing grant programs within the Department of Justice to provide funding to states to improve implementation of their extreme risk laws, develop materials and training for key stakeholders, and strategically evaluate extreme risk laws.

**Guns and Domestic Violence**

Even in the absence of legislation, agencies within the Department of Justice may prioritize the prosecution of armed domestic abusers and use federal funding to disarm abusers and others who are prohibited from possessing guns.

**Urban Gun Violence**

The president should include strong, consistent funding to cities, states, and community-based organizations to implement violence intervention programs in any budget request. The
administration can also use existing grant programs within the Department of Justice to guide funding toward violence intervention programs.

Regulating Extremely Lethal Weapons

The administration should consider banning the importation of assault weapons. Previous administrations have been inconsistent in this area, even though the executive branch has clear authority regarding these kinds of imports.

Reducing Gun Trafficking

The incoming administration should ensure that federal law enforcement focuses its efforts on high-level gun trafficking investigations, including investigations involving organized criminal activities that disburse firearms across state lines. Producing an annual report on firearms trafficking is critical. The administration should also ensure that firearm exports remain under the jurisdiction of the State Department, so as to prevent international gun trafficking and the proliferation of 3D printed guns.

Federal Oversight of Gun Dealers

The president should submit a budget request that includes increased resources for ATF, and call for the repeal of restrictive appropriations riders. The administration should also aggressively enforce the law against corrupt gun dealers and manufacturers, including by revoking their federal licenses when appropriate, and not intervene in support of PLCAA in lawsuits against the gun industry.

Permitting and Licensing

The incoming administration should ensure that federal funds
are appropriately directed towards support for state permit-to-purchase or license-to-own systems, including resources for key stakeholders, technology, staffing, and technical assistance.

Protecting Children

The president should ensure that individuals considered for key positions within the Department of Education agree that the department has the authority to prevent the use of federal education funds for gun purchases or training for teachers.
Giffords is a national nonprofit organization committed to fighting for a safer America, one where our children grow up without fear of gun violence.

Americans are 25 times more likely to be killed by a gun than people in other developed nations—but it doesn’t have to be this way. Gun deaths are preventable, which is why Giffords is committed to tackling our national gun violence epidemic.

Founded by former Congresswoman Gabrielle Giffords and her husband, Navy Combat veteran and retired NASA astronaut Capt. Mark Kelly, Giffords brings together people from all walks of life to speak up, stand together, and demand action that will make America safer. With offices in Washington D.C. and San Francisco, experts at Giffords research and propose policies that will prevent future tragedies and mobilize voters and lawmakers in support of safer gun laws.