

State Legislative Strategies to Reduce Gun Violence

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The Legal Framework

Overview of U.S. Gun Laws



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Federal Regulatory Framework

- 1938: Licensing of gun manufacturers, importers and dealers (FFLs); designation of certain categories of prohibited persons
- 1968: Gun Control Act of 1968: Expands prohibited purchaser categories
- 1993: Brady Act requires background checks on firearm transfers by licensed dealers to screen for prohibited persons
- ATF enforces gun laws regarding purchase and sale



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Gaps in Federal Gun Policy

- No background checks on transfers by unlicensed sellers (“private sale loophole”); estimated to be 40% of all gun transfers



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Gaps in Federal Gun Policy

- No consumer product safety oversight; gun industry is exempt from Consumer Product Safety Act

TEDDY BEARS HAVE TO MEET CONSUMER HEALTH & SAFETY STANDARDS

- 1 All least four types of federal safety standards cover teddy bears: sharp edges and points, small parts, hazardous materials, and flammability.
- 2 From 1994 to 1997, eight models of teddy bears were recalled by the United States Consumer Product Safety Commission due to possible choking hazards. The total number of teddy bears manufactured during this period was more than 750,000.
- 3 Teddy bears killed no one in the United States in 1997. From 1994 to 1997 there were 71 toy-related deaths in the United States.

BUT GUNS DON'T!

- 1 There are no federal safety standards for the domestic manufacture of firearms.
- 2 No federal health and safety agency has the authority to recall defective firearms or force changes in design.
- 3 Guns killed 32,438 people in the United States in 1997. From 1994 to 1997 there were 140,938 gun-related deaths in the United States. In 1997, for every time a firearm was used by a civilian to kill in self-defense, there were 4 unintentional deaths, 43 criminal homicides, and 75 suicides involving firearms.

THE SOLUTION

The Firearms Safety and Consumer Protection Act would end the gun industry's deadly exemption from health and safety regulation. Only then will America experience a meaningful reduction in firearms violence.

Category	Count
Homicides	17,246
Unintentional	981
Undetermined	267
Suicides	11,929

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Gaps in Federal Gun Policy

- No regulation of military-style assault weapons



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Gaps in Federal Gun Policy

- No regulation of powerful 50 caliber sniper rifles



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Gaps in Federal Gun Policy

- No licensing of gun owners
- No registration of firearms (except some machine guns)
- No limit on number of firearms that may be purchased
- No waiting period



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Recent Changes to Federal Gun Policy

- 2004: Expiration of federal ban on assault weapons
- 2005: Gun industry immunity
- 2004 – present: Limits on ATF's ability to share crime gun trace data (Tiahrt Amendment)



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Overview of State Gun Laws

- State Legislation is an Important Way to Fill Gaps in Federal Law
 - Address concerns of specific communities and regions
 - Improve community health and safety
 - Act as a catalyst for broader reform



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Examples of State Gun Laws



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Gun Sales and Transfers

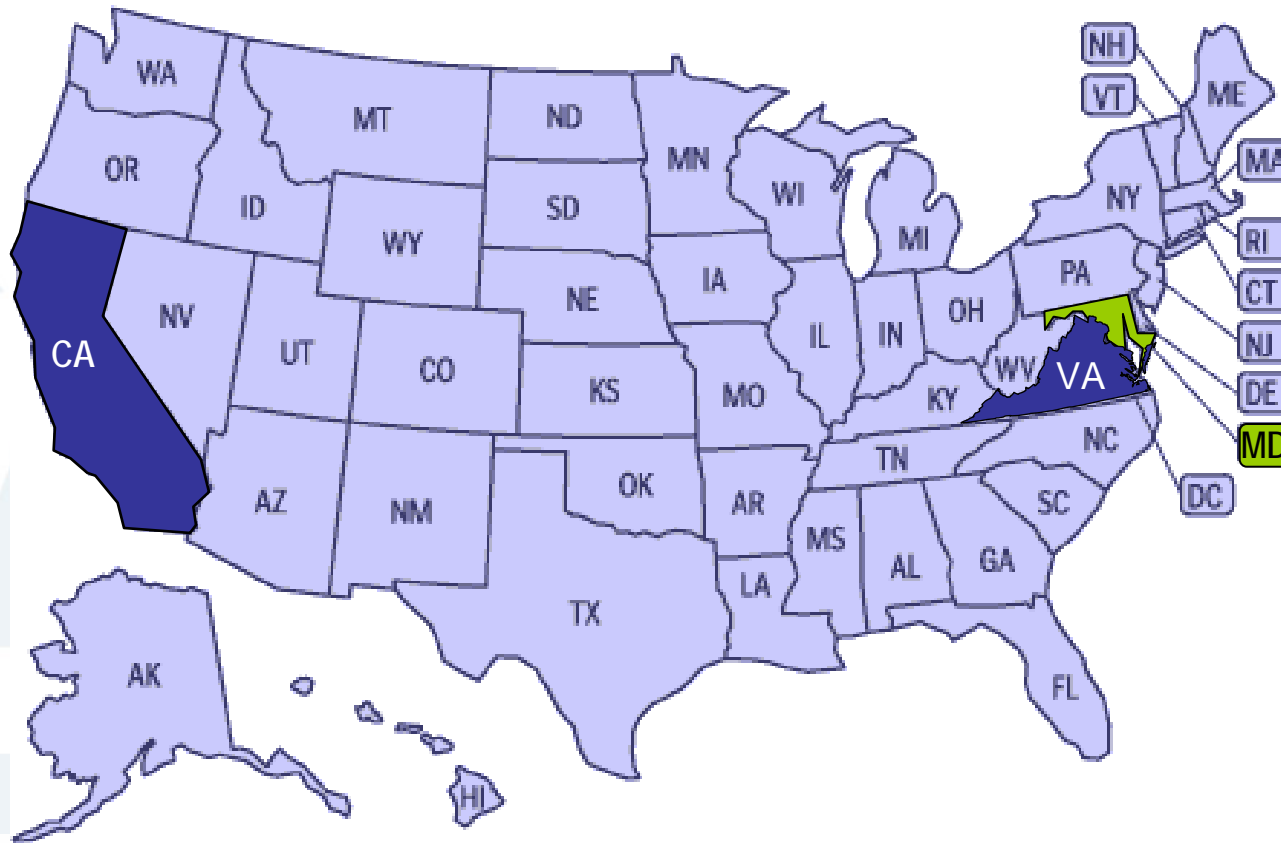


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Limits on Multiple Purchases or Sales

Sampling of State Law



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Other State Laws Regulating Gun Sales and Transfers

- 12 states impose a waiting period on firearm purchases
- 26 states license and/or regulate gun dealers



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Gun Ownership



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Other State Laws Regulating Gun Ownership

- 6 states require gun owners to report lost or stolen firearms to law enforcement
- 1 state requires safe storage of firearms; 26 states have weaker CAP laws



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Regulation of Unsafe Handguns and Military-Style Firearms

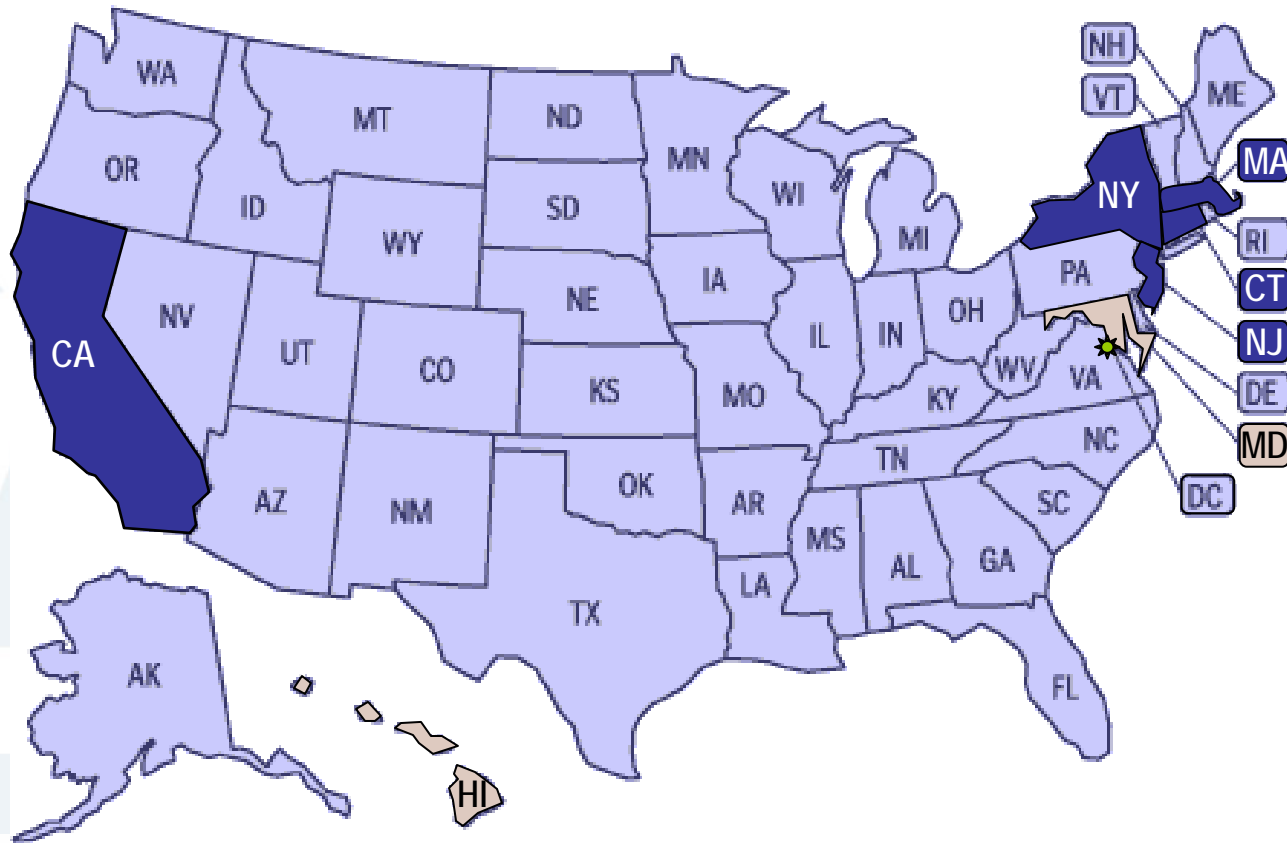


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Assault Weapons

Sampling of State Law

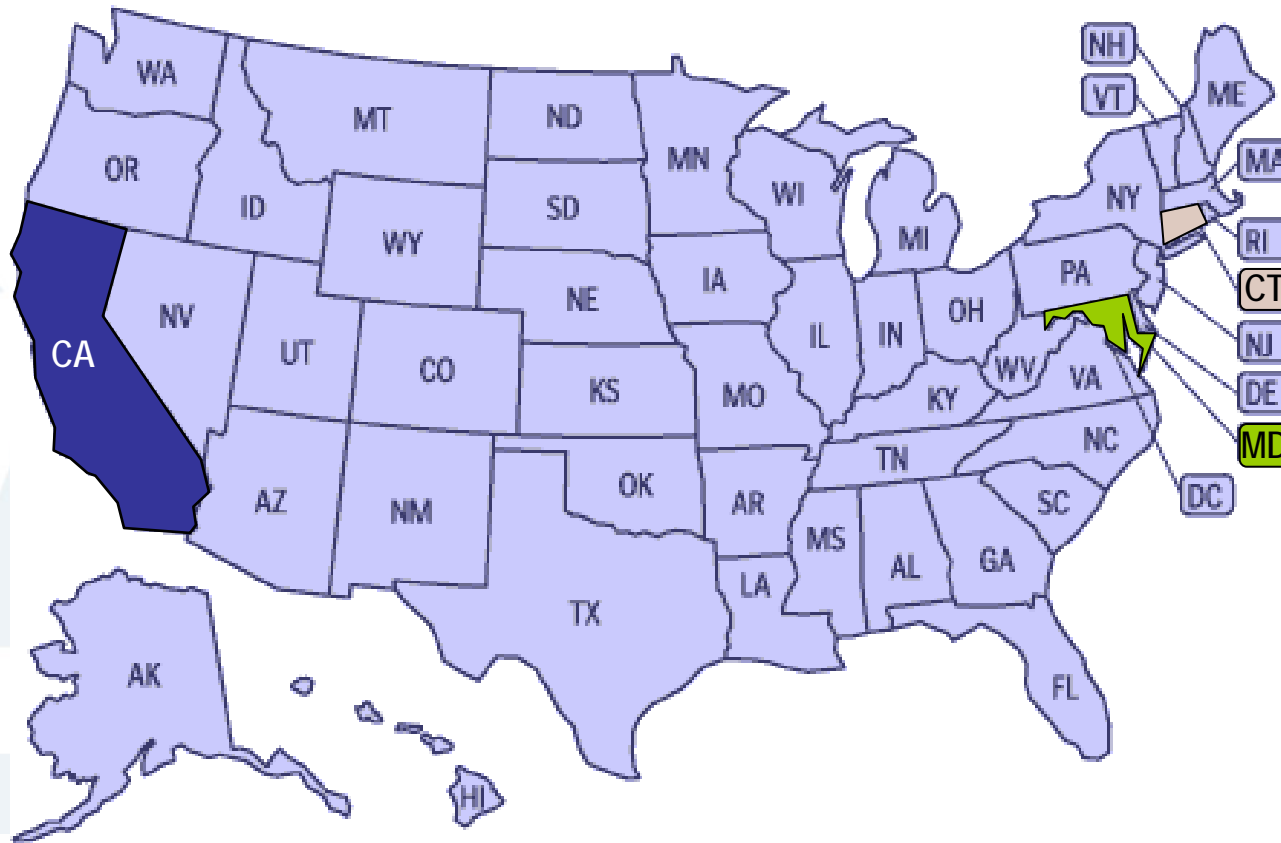


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50 Caliber Rifles

Sampling of State Law



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Other State Laws Regulating Unsafe Handguns and Military-Style Firearms

- 8 states impose design/safety standards on handguns
- 6 states ban large capacity ammunition magazines



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Snapshot of Selected Federal and State Guns Laws

Policy Area	Federal Law	State Laws*	Washington Law	California Law
Gun Sales and Transfers				
Background Checks by Private Sellers at Time of Transfer	No	5 states; 4 states at gun shows only	No	Yes
Waiting Period	No	12 states	Limited ¹	Yes
Restrictions on Multiple Purchases or Sales of Firearms	No	3 states	No	Yes
Dealer Licensing or Regulation	Yes	26 states	Yes	Yes
Gun Ownership				
License or Permit for Gun Owners	No	11 states	No	Handguns only
Registration of Firearms	No	1 state	No ²	Limited
Reporting of Lost or Stolen Firearms	FFLs only	6 states	No	No
Safe Storage of Firearms	No	1 state	No	No
Regulation of Unsafe Handguns or Military-Style Firearms				
Design Safety Standards for Handguns	No	8 states	No	Yes
Regulation of Sale of Semi-Automatic Assault Weapons	No	9 states	No	Yes
Regulation of Large Capacity Ammunition Magazines	No	6 states	No	Yes
Regulation of 50 Caliber Sniper Rifles	No	3 states	No	Yes

¹ 5 day waiting period on handgun transfers by dealers; does not apply to concealed pistol license holders.

² Dealers must submit records of all pistol transfers to state and local law enforcement.

**Because of space limitations, chart does not reflect variations in state laws.*

Legal Community Against Violence: Who We Are

- A national public interest law center dedicated to preventing gun violence
- Free legal assistance to public officials and activists working to prevent gun violence
- www.lcav.org provides the most comprehensive source for federal, state and local gun laws in the U.S.
- To request assistance, contact LCAV at requestassistance@lcav.org



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Thank you.

Questions?



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