

50

State Actions to Reduce Gun Violence



DECEMBER 2022

This report is not intended to be a complete summary of the federal, state, or local law that may be relevant to the recommended best practices, particularly on issues where the law is in flux due to the Supreme Court's 2022 decision in *New York State Rifle & Pistol Association, Inc. v. Bruen*.

ACKNOWLEDGMENTS

Copyright © December 2022 Violence Policy Center

Violence Policy Center
805 15th Street, NW
Suite 601
Washington, DC 20005
202-822-8200

The Violence Policy Center (VPC) is a national nonprofit educational organization that conducts research and public education on violence in America and provides information and analysis to policymakers, journalists, advocates, and the general public.

This study was authored by VPC Research Fellow Gary Klein. Mr. Klein, a long-time consumer advocate and litigator, was responsible for a variety of gun safety and gun violence prevention projects at the Office of the Massachusetts Attorney General. He publishes a blog on gun safety which can be found at www.gunaccidentjournal.net.

For a complete list of VPC publications with document links, please visit <http://www.vpc.org/publications/>.

To learn more about the Violence Policy Center, please visit www.vpc.org.

To make a tax-deductible contribution to help support the work of the Violence Policy Center, please visit www.vpc.org/contribute.

50 State Actions to Reduce Gun Violence

In light of the difficulty achieving consensus about gun violence prevention at the federal level in the current political climate, leadership and innovation on gun violence prevention must come at the state and local levels. State legislators, law enforcement leaders, and state attorneys general must take the lead to find the pathway that most effectively protects their residents in collaboration with concerned communities. There is substantial evidence that states with comprehensive and effective gun laws have fewer incidents of gun homicides, gun suicides, and unintentional shooting deaths.

These 50 proposals for state or local action have demonstrated success where they have been enacted and are a starting point for states interested in promoting public safety by addressing preventable gun violence.

I. REGULATING ACCESS TO FIREARMS

1. Establish Licensing Systems for Firearms in States Without Existing Systems, Including Periodic Review or Renewal of Licensee Status

Licenses or permits to purchase are designed to restrict those who can legally obtain firearms or certain specific categories of firearms. The goal of licensing systems is to limit access to firearms for people who have a history that suggests that they are potentially dangerous to themselves or others. Such systems also allow states to impose fees that reasonably offset investigatory costs and/or the costs of gun violence to taxpayers.

In licensing systems, prior to obtaining a weapon, the purchaser must fill out a license or permit application with the local or state licensing authority and pay all required fees. A background check consistent with state law (which should, as discussed below, appropriately include more categories of prohibition than federal law) can then be conducted.¹

¹ See Michael Csere, [State Comparison of Gun Permit Fees](#), OLR RESEARCH PAPER (Feb. 26, 2013). Ten states currently require a permit or license to purchase a firearm. For more detail on each state's requirements, see [information](#) compiled by the Johns Hopkins Center for Gun Violence Solutions.

A licensing system allows states to take an appropriate amount of time to complete comprehensive background checks, fully implement registration systems (see below), or enforce requirements for pre-license safety training. In addition, some states require fingerprint records at the time of licensing in order to facilitate investigation of gun crimes.

Finally, the temporary delay in gun acquisition that is associated with a license requirement can help deter impulsive gun purchases by first-time gun buyers. This, in turn, can help reduce suicides, domestic violence, and other impulsive or planned acts of violence.

2. Establish Universal Background Check Systems

Background checks are designed to prevent the legal sale of guns to persons who are not permitted to acquire them. At present, federal law requires only that Federal Firearms License (FFL) holders conduct pre-transfer background checks of gun buyers.² This means that under federal law intra-state private sellers can legally transfer guns with no background check at all. States can require that a comprehensive background check precede all gun transfers. If the transferee does not pass the check, the gun cannot then be lawfully transferred.

The most common method for implementing universal background checks is to require that in addition to FFL transfers, all private sales, including gun show and Internet sales, be completed only after a background check conducted by a federally licensed gun dealer.³ In any background check system that applies to private transfers, criminal penalties and/or a gun license revocation procedure are necessary to deter illegal transfers.

3. States Should Choose to Operate as a “NICS” Point of Contact (POC) and Mandate Transmission of More Information

States have the option of requiring dealers to conduct background checks through state or local agencies, called “Points of Contact,” instead of directly through the federal National Instant Criminal Background Check System (NICS).⁴ States that conduct their own background checks can search comprehensive state records and databases that go beyond those that are part of a NICS check.

2 18 U.S.C. § 922t.

3 *E.g.*, Va. Code Ann. §§ 18.2-308.2:2; 18.2-308.2:5.

4 28 CFR §§ 25.1 - 25.11 (including amendments as of July 13, 2022).

Best practice is then for states to report their POC search outcomes to NICS so that they will be part of the searchable record for background checks made for the same person if a check is later performed in another state.

4. Enhance Licensing and/or “Prohibited Person” Standards in States with Existing POC Systems

Whether states already have POC systems or when they are implemented for the first time, they can legislate other categories of persons who are prohibited from possessing firearms or obtaining a gun license.⁵ Examples include persons convicted of violent misdemeanors, persons convicted of misdemeanor crimes related to gun use or possession, or persons who exceed a set limit on DUI convictions.

5. In States Without Gun License Requirements to Purchase a Gun, Tighten Requirements for Concealed Carry Permits by Limiting the Persons Who are Eligible

Concealed carry of loaded guns can greatly increase the likelihood of deadly and violent confrontation in public spaces while offering little self-defense benefit. In addition, there is the increased possibility of injuries from unintentional discharges. States that allow purchase of guns without permits for self-defense in the home, should nevertheless consider creating clearly defined and objective categories of persons who are ineligible for permits to carry outside the home in order to prevent dangerous or volatile people from walking around with loaded firearms.⁶ States should also run periodic background checks to identify permit holders who have become ineligible for carry permits.

6. Uniform Age Requirements for Gun Possession

We set a minimum age for driving, voting, and drinking. Young adults are at elevated risk for attempting suicide and engaging in aggressive or violent behavior. Federal law prohibits purchase from a federally licensed dealer (FFL) of long guns until the age of 18, and handguns until the age of 21. Under federal law, a purchaser must be 18 to buy ammunition for rifles and shotguns, and 21 for handgun ammunition from FFLs. Several states, sometimes in conjunction with licensing laws, require purchasers of any firearm to be 21. Other states allow the possession of firearms by those under the age of 18. The goal on both the state and federal levels should be a ban on the possession

⁵ [New York Consolidated Laws, Penal Law - PEN § 400.00](#), sec 4(c)(as Amended July 1, 2022).

⁶ These requirements must be consistent with the Supreme Court’s decision in *New York State Rifle & Pistol Association, Inc. v. Bruen*, 142 S. Ct. 2111 (2022) which provides for a limited right to carry guns for self-defense outside the home.

of long guns and handguns for those under the age of 21.⁷ Consideration can also be given to increasing the age for purchase and possession for specific types of firearms, such as assault weapons (although best practice is to ban assault weapons as a class entirely as discussed below).

7. Create Laws that Prevent Gun and Ammunition Hoarding

No state currently limits how many guns a legal purchaser can buy or own, even though possessing a large number of guns adds nothing to the right to self-defense.⁸ Similarly, storage of excessive amounts of ammunition is unnecessary and potentially dangerous. States should explore limiting the number of guns that a buyer can acquire in a given period of time and placing limits on the total number of guns and the amount of ammunition that can be stored in one building. In addition to providing a useful protection to aid against gun trafficking, limits on the number of guns or the amount of ammunition stored in a single building protects against theft and potential mayhem.

8. Repeal Statewide Legislative Firearms Preemptions to Allow Local Communities to Regulate Guns Within Their Jurisdiction

Community standards regarding guns differ within many states based on law enforcement and public safety needs, the specific types of gun violence impacting a community, concerns regarding gun trafficking, and population density. Within jurisdictions, local communities (particularly urban areas) sometimes prefer to make alternative choices about guns from those made at the state level. These community-based democratic choices should not be precluded by statewide preemption laws.

9. Establish Statewide Standards for Licensing, Inspection, and Security Requirements for Gun Dealers

In all states, gun dealers and distributors must be effectively regulated to prevent a race to the bottom, where the least scrupulous dealers have a competitive advantage by skirting the law. Effective regulation of gun dealers requires not just the type of regulation applicable to all commercial enterprises (business licensing, zoning requirements, etc.) but also: gun

7 Age limits on gun ownership have been the subject of constitutional challenge. *See generally, Hirschfeld v. Bureau of Alcohol, Tobacco, Firearms & Explosives*, 14 F.4th 322 (4th Cir. 2021), cert. denied sub nom. *Marshall v. Bureau of Alcohol, Tobacco, Firearms & Explosives*, 142 S. Ct. 1447 (2022) (constitutionality challenge became moot because the plaintiff turned 21 while the case was pending).

8 A few states prohibit dealers from selling purchasers more than one handgun each month. *E.g.*, N.J. Stat. Ann. §§ 2C:58-2(a)(7), 2C:58-3(i), 2C:58-3.4.

and ammunition storage laws designed to prevent theft; requirements that dealers comply in a timely fashion with federal and/or state requirements to report lost and stolen guns; compliance with federal requirements for reporting sales of multiple guns; security protocols for recording sales to customers including video and requirements for retention of such records; prominent warning signs on the health threats posed by firearms possession; requirements that guns deemed illegal under state law not be stocked or sold; and, attention to situations with the indicia of straw purchases or sale to persons who are potentially dangerous to themselves or others.⁹

State law should also provide for periodic inspections and straightforward license revocation procedures in the event of noncompliance. As discussed below, states should also consider additional requirements for gun dealers to report either all transfers or certain specifically designated transfers by category of firearm.

10. Allocate Funding for License Enforcement (for Individual Licensees, Dealer Licensees, and Shooting Ranges)

In states that have established systems for licensing of gun owners, funding is necessary to determine if licensing requirements are met. When a gun owner commits an act that would prohibit that person from obtaining a gun license, states should have an enforcement mechanism to immediately suspend or revoke the license in order to prevent a follow-on act of violence, including suicide. Similarly, an attempt to acquire a weapon, ammunition, or an ammunition magazine that is prohibited by state or federal law should be grounds for license revocation.

State law should also provide for periodic inspections or monitoring of gun dealer records, practices, and procedures. When licensed gun dealers engage in transactions prohibited by law, their licenses should be revoked by a procedure consistent with due process.

Periodic inspections of shooting ranges are also necessary to verify compliance with all applicable laws and regulations, as well as zoning and public safety requirements, including those designed to address the threat posed by lead contamination.

⁹ *E.g.*, Massachusetts General Law c. 140, §§ 122 - 123.

II. ENHANCEMENTS TO FIREARM REGULATION

11. Establish a Registration System for All Firearm Transfers

State law should require that all gun sales and transfers be registered.¹⁰ When guns are connected to crimes, they should always be traceable to their last legal owner. Registration systems also help provide protections against gun trafficking. Finally, such systems allow the state to provide notice of identified gun defects directly to the owner of registered guns in order to facilitate gun safety recalls and to thereby prevent unintentional injuries involving defective weapons.

12. Mandatory Reporting and Tracing for Gun Death (Homicides, Suicides, and Unintentional) and Gun Crime to Include Make, Model, Caliber, Weapon Type, and Serial Number

States should provide additional law enforcement incentives and sanctions to enforce a mandate that the firearms recovered in all gun deaths, serious injuries, and gun crimes be reported and traced.¹¹ In addition, law enforcement officials should routinely obtain and analyze information from available firearm trace databases to aid in the development and implementation of strategies to reduce illegal firearms trafficking and to identify the sources and types of firearms most commonly associated with crime as well as death and injury. This tool would facilitate efforts to combat trafficking, identify weapons that are disproportionately dangerous or defective, and assist law enforcement efforts to identify the perpetrators of violent crime and their accomplices.

13. Mandatory Theft Reporting

Under federal law, FFL holders are required to report to the Attorney General and to the appropriate local authorities the theft or loss of a firearm from the licensee's inventory or collection within 48 hours after the theft or loss is discovered.¹² State law should also require that when a gun is stolen from any licensee or gun owner, the theft is promptly reported.¹³ Not only

10 Mandatory firearm registration is constitutional because it regulates rather than prohibits firearms ownership. *E.g., Justice v. Cicero*, 577 F.3d 768 (7th Cir. 2009). Examples of state laws requiring registration include [Haw. Rev. Stat. Ann. § 134-3\(b\)](#) (registration with local police); [Massachusetts General Law c. 140, §§128A and 129C](#) (reporting requirements for all gun transfers).

11 See Collins, T., R. Greenberg, M. Siegel, Z. Xuan, E. F. Rothman, S. W. Cronin, and D. Hemenway, "State Firearm Laws and Interstate Transfer of Guns in the USA, 2006–2016," *JOURNAL OF URBAN HEALTH*, Vol. 95, No. 3 (June 2018) (use of gun trace data to show that crime guns are being trafficked from states with weak gun laws into states with stronger gun laws).

12 [18 USC 923\(g\)\(6\)](#).

13 *E.g., Mass. Gen. Laws, c. 140, § 129C* (requiring reporting "forthwith" to both state and local authorities).

does this facilitate tracing, but it also protects those whose guns have been stolen from being connected to crimes later committed with that gun. Failure to report a stolen gun should lead to criminal penalties as well as potential liability if a person is later injured with an unreported stolen weapon. Potential responsibility for bad acts committed with unreported stolen guns additionally provides an incentive to engage in safe storage practices to avoid theft.

14. Extreme Risk Protection Orders (“ERPO”)

Extreme risk laws allow a family member, law enforcement officer, medical professional, or another individual to present evidence to a judge that an individual constitutes a risk to themselves or others.¹⁴ The judge, if the evidence warrants, can order the potentially dangerous person to surrender weapons and place the person into the background check system to protect against that person’s future purchase of guns. The evidence presented in connection with ERPO proceedings typically include matters such as prior history of violence, evidence of ongoing substance abuse, evidence of prior suicidal behavior, and proof of incidents of prior risky gun use. Among other things, such laws can help prevent someone who has threatened themselves or others from owning or acquiring a gun.

ERPO laws should also allow a person to self-designate as an extreme risk, in order to allow persons who are temporarily lucid to prevent their own acquisition of guns later when violent or suicidal thoughts recur.¹⁵

15. Expand Domestic Violence Protections to Prevent Abuse with Guns and to Establish Statewide Domestic Violence Task Forces

State law should prohibit the possession of firearms by those with domestic violence convictions or who are subject to protective orders related to domestic abuse.¹⁶ Those laws should also apply to abuse by dating partners and stalkers. Mechanisms should be put in place to ensure that all relevant information is supplied to the background check system and that law enforcement officers are required to remove all guns from the possession of domestic violence offenders.¹⁷ States and localities should establish domestic violence task forces to study the factors that

14 In 2022, the federal government allocated \$750 million to support and incentivize states to implement extreme risk protection laws. Bipartisan Safer Communities Act, [Public Law No: 117-159](#), Sec. 12003.

15 See Ian Ayres and Fredrick E. Vars, “Weapon of Choice,” HARVARD UNIVERSITY PRESS (2020) (Part I).

16 See Susan B. Sorenson and Devan Spear, “[New Data on Intimate Partner Violence and Intimate Relationships: Implications for Gun Laws and Federal Data Collection](#),” 107 PREVENTIVE MEDICINE 103–108 (2018) (reporting on the use of guns in intimate relationships).

17 See [N.C. Gen. Stat. § 50B-3.1](#).

contribute to domestic violence and homicide and identify and implement additional prevention and intervention strategies.

16. Time, Place, and Manner Carry Restrictions

There are many places in our society – e.g., schools, playgrounds, parks, bars and restaurants, places of worship, municipal and other government buildings, sporting event and concert venues, public monuments, and museums – where guns should not be allowed either concealed or openly.¹⁸ And, as all too clearly illustrated in recent years, there are numerous additional settings where open carry is used to intimidate both the public and policymakers. These include political protests, parades, retail premises, polling sites, crime scenes, and numerous other locales. In such situations the carrying of guns is provocative and threatening while creating a risk that law enforcement will not be able to distinguish lawful from unlawful behavior. Limitations should be placed on where firearms, open or concealed, can be carried; with maximum public safety – including avoidance of law enforcement confusion – as the controlling factor. Any such restrictions should be coupled with requirements for safe storage in vehicles so that temporarily stored guns are not targets for theft and misuse.

17. Ghost Gun Protections and Bans

Ghost guns are firearms, typically built by individuals rather than manufacturers, that have no serial number or other identifiable markings, rendering them untraceable.¹⁹ Internet-based retailers and

18 New York's recent law bans public carry in the following places:

- Airports
- Bars and restaurants that serve alcohol
- Courthouses
- Daycare facilities, playgrounds, and other locations where children gather
- Educational institutions
- Emergency shelters, including domestic violence shelters and homeless shelters
- Entertainment venues
- Federal, state, and local government buildings
- Health and medical facilities
- Houses of worship
- Libraries
- Polling sites
- Public demonstrations and rallies
- Public transportation including subways and buses
- Times Square

New York Consolidated Laws, Penal Law - PEN § 400.00, sec. 265.01(e) "Criminal possession of a firearm, rifle or shotgun in a sensitive location" (as Amended July 1, 2022). The law also makes 'no carry' the default for private property, unless deemed permissible by property owners. *Id.* at sec. 265.01-d "Criminal possession of a weapon in a restricted location."

19 See "Campaign for Gun Industry Accountability" VIOLENCE POLICY CENTER.

manufacturers offer partially milled receiver blanks for ghost guns (sometimes called “80 percent kits”) together with instructions on how to build a gun from them. Machines are readily available to convert “80 percent” receivers to fully functioning receivers. Ghost guns have become a popular way for criminals who cannot legally buy a gun (because they cannot pass a background check) to obtain a firearm. It is also an increasingly common method used to make firearms, such as assault weapons, that are banned by state law. They have also quickly become popular with criminal gun traffickers.

While federal law provides a regulatory framework for these guns, states should also ban and criminalize the sale,²⁰ manufacturing, and possession of ghost guns by requiring serial numbers on all receivers, or by redefining similarly to federal law what constitutes a “firearm” to include all partially milled receivers for guns even if further work is required for the receiver to be completed. States should also provide for enhanced penalties for crimes involving use of a ghost gun.

These provisions remain necessary to allow state and local law enforcement officials to appropriately enforce ghost gun bans against manufacturers, sellers, purchasers, and those who use such guns to commit crimes.

18. Three-Dimensional Printing Ban

Three-dimensional (3D) printing plans are available for receivers that can be built into various types of firearms, including ghost guns and firearms that are designed to be undetectable to standard metal screening devices. Use of a 3D printer to make the receiver for any gun should be banned and criminalized by states in ways that enhance the new federal regulation.²¹ Transfer, publication, or sale of plans for 3D-printed guns should also be banned.

19. End “Stand Your Ground” Laws

So-called “Stand Your Ground” laws have facilitated violent conflicts because they encourage gun owners to confront perceived threats rather than to de-escalate dangerous situations by safely withdrawing.²² Under “Stand Your Ground” laws, the misperception of danger has led to innocent people being pointlessly killed or wounded. Similarly, poorly trained gun owners can strike innocent bystanders rather than the person who is generating the dangerous situation. State laws should discourage, rather than facilitate, armed conflict.

20 87 Fed. Reg. 24652 (April 26, 2022). The new rule took effect on August 24, 2022.

21 *Id*

22 See Michelle Degli Esposti, PhD, Douglas J. Wiebe, PhD, and Antonio Gasparrini, PhD, “Analysis of ‘Stand Your Ground’ Self-Defense Laws and Statewide Rates of Homicides and Firearm Homicides” JAMA NETWORK (February 21, 2022); “Effects of Stand-Your-Ground Laws on Violent Crime,” RAND CORPORATION (April 22, 2020).

20. Prohibit Use of Weapons in Connection with Enforcement of Criminal Laws by Persons Who are Not Law Enforcement Officers, Except in Cases of Self-Defense or to Prevent Imminent Harm to Others

States should reject laws that, by encouraging armed residents to use weapons to make arrests in situations that are not grounded in legitimate concerns about self-defense or defense of others, encourage and facilitate vigilante gun violence. Choices made by non-deputized untrained residents can lead to, rather than prevent, violent incidents.

III. REGULATING SPECIFIC TYPES OF NON-SPORTING FIREARMS AND AMMUNITION

21. Large-Capacity Ammunition Magazine Bans

Large-capacity ammunition magazines (generally viewed as magazines capable of holding more than 10 rounds) coupled with semiautomatic firearms facilitate mass shootings and thwart law enforcement efforts.²³ Such magazines have no legitimate sporting or self-defense use. Almost without exception, their ban has been found to be constitutional in state and federal courts.

22. Junk Gun Ban

Junk guns are relatively inexpensive, poor-quality handguns that are often ultra-concealable and prone to defects. They are made by a variety of manufacturers and have been banned in some states by implementation of various testing requirements.²⁴ They have no sporting purpose, can be dangerous to operate, and are prone to criminal use.

23. Assault Weapon (Rifle, Pistol, Shotgun) Bans

Assault weapons are military-bred firearms originally designed for anti-personnel use by troops. They have long been the weapon of choice for those, such as the shooter in the 2017 Las Vegas mass shooting, whose intent is to kill as many people as possible in the shortest amount of time.

23 Christopher S. Koper, et al., “Criminal Use of Assault Weapons and High-Capacity Semiautomatic Firearms: an Updated Examination of Local and National Sources,” 95 JOURNAL OF URBAN HEALTH No. 3, 313–321 (2018). These bans have generally been found to be constitutional, but the Supreme Court has required further evaluation under its new jurisprudence governing cases brought under the Second Amendment. *See* *Duncan v. Bonta*, 19 F.4th 1087 (9th Cir. 2021), cert. granted, judgment vacated, 142 S.Ct. 2895 (2022).

24 *Minn. Stat. §§ 624.712, 624.716* (defining and prohibiting “Saturday Night Specials”).

These weapons, including AR- and AK-type assault rifles, as well as pistol and shotgun versions of such guns, lack any legitimate civilian use or sporting purpose. Their ban has been found to be constitutional in every appellate court to have considered the issue.²⁵

In restricting assault weapons, states must take into account inevitable efforts by manufacturers to circumvent such laws by designing new guns the form, function, and lethality of which is similar to restricted weapons.²⁶

24. Fifty Caliber Sniper Rifle Ban

Fifty caliber sniper rifles are purpose-built anti-materiel weapons, accurate at distances up to a mile, that can penetrate armor plating and down aircraft on take-off and landing.²⁷ Designed for military use, the exact same weapons utilized by U.S. troops around the world can be purchased under federal law in the United States as easily as a hunting rifle. Like assault weapons, they have no legitimate sporting or self-defense use and should be banned for all purposes under state law.

25. Ban on Weapons and Devices Designed to Evade National Firearms Act (NFA) Prohibitions

The National Firearms Act of 1934 (NFA) was designed to limit civilian access to “gangster weapons” such as fully automatic machine guns, short-barreled rifles and shotguns, firearm silencers, explosive devices, and related products. The law contains heightened application, registration, and fees compared to other federal firearms laws. In 1986, Congress banned the manufacture and sale of new machine guns for civilian sale, although a pre-1986 pool of such weapons for civilian sale/possession remains accessible to those willing to meet the NFA’s requirements. A recent trend in the gun industry has been to identify technical loopholes in the NFA that allow its members to manufacture and sell “work-around” weapons and products that the NFA was intended to ban.²⁸ These include: short-barreled shotguns and rifles; trigger activator devices that allow weapons to mimic full-auto fire; full-auto “replacement parts” kits that can be used to illegally convert semiautomatic weapons to full auto; and, firearms that look like other consumer products (e.g., cell phone guns). States can ban the possession of all or some NFA-regulated firearms, including those with variations designed to circumvent the NFA. In addition, an area that merits exploration on

25 *E.g., Worman v. Healey*, 922 F.3d 26, 37 (1st Cir. 2019) cert. denied, 141 S. Ct. 109 (2020); *Kolbe v. Hogan*, 849 F.3d 114, 127 (4th Cir. 2017) cert. denied, 138 S. Ct. 469 (2017).

26 *Id*

27 See “50 Caliber Anti-Armor Sniper Rifles” VIOLENCE POLICY CENTER.

28 See “Campaign for Gun Industry Accountability” VIOLENCE POLICY CENTER.

the state level is the degree to which post-1986 machine guns are obtained for personal use via “dealer samples” for law enforcement or other individuals. States can also conduct periodic audits of NFA-registered firearms to ensure compliance with applicable laws, including illegal transfers.

26. Bans on Certain Types of Excessively Dangerous Ammunition

In 1986 Congress passed a ban on armor-piercing handgun ammunition with the goal of limiting the availability of handgun rounds that could penetrate the most common level of bullet-resistant vests worn by law enforcement officers.²⁹ Unfortunately, due to definitional limits of the law, the gun industry has worked its way around the ban. Today, armor-piercing handgun ammunition can still be found on the civilian market.³⁰ At the same time, the firearms industry is marketing handguns with armor-piercing capability, such as 50 caliber handguns and pistols such as the FN Five-seveN, which was deliberately designed to allow troops to penetrate the body armor worn by their battlefield enemies (while FN has officially removed the armor-piercing ammo designed for the pistol from the civilian marketplace, it remains attainable). Other handguns that can penetrate police body armor include pistol versions of AR and AK assault rifles, which offer the firepower of a rifle round in a pistol configuration. Other problematic ammunition types include sabot slugs, steel flechettes, incendiary rounds, Black Talon-type anti-personnel rounds, and others. States should also consider a mechanism under which government actors can review and supervise the possible introduction of novel forms of ammunition to assess their risks to the public before they become available. Focus should also be given to increased regulation of black and smokeless powder.³¹

27. Regulation of Internet Sales of Guns and Ammunition

Internet sales of guns and ammunition are neither properly supervised nor sufficiently regulated. Such sales are often used to facilitate illegal transfers of weapons and ammunition, including circumventing required background checks, providing weapons or ammunition to underage persons, or enabling straw purchases.³² Transactions involving unlicensed individuals on the Internet are difficult or impossible to regulate. Similarly, enforcement of state laws against Internet sellers is frequently complicated or impracticable. In addition, shipping and delivery of weapons and ammunition is vulnerable to mis-delivery and theft.

29 See 18 U.S.C. § 921(a)(17)(B).

30 E.g., <https://www.ammoland.com/2020/10/dangy-dagger-9mm-round-defeats-level-3a-body-armor/#axzz7R1yahloK>; <https://www.firequest.com/ARM-223.html>.

31 See e.g., “Time Bomb: How the NRA Blocked Regulation of Smokeless and Black Powder to the Benefit of Its Gun Industry ‘Corporate Partners,’” VIOLENCE POLICY CENTER (October 2018).

32 See, e.g., Oppel, Jr. and Hassan, “How Online Gun Sales Can Exploit a Major Loophole in Background Checks,” NEW YORK TIMES (August 13, 2019); Jason Meisner, “3 Men Charged with Trafficking Dozens of Guns Bought Over Armslist.com to Chicago Gang Members,” CHICAGO TRIBUNE (May 15, 2018).

All Internet sales of guns and ammunition should be conducted through federally licensed gun dealers in or near the buyer’s jurisdiction. Unlicensed individuals should be subject to criminal penalties for shipping guns to a private address and purchasers should not be allowed to receive them. Relatedly, shipping companies should be penalized for knowingly transmitting weapons to a private address and should be required to have customers certify that no guns are present in certain packages. In addition, there should be criminal penalties for Internet transferors of guns that are later used in crimes.

IV. PROTECTIONS AGAINST SUICIDES AND/OR UNINTENTIONAL SHOOTINGS

28. Child Access Prevention (“CAP”)

Strong CAP laws are designed to prevent access by children to guns in order to avoid unintentional shootings, suicides, theft, and misuse (including school shootings).³³ CAP laws should not only criminalize the negligence involved in allowing children to access a gun, they should also require safe storage, storage of guns and ammunition locked separately, and require that gunmakers incorporate features such as effective manual safeties, minimum trigger pull weights, magazine safety disconnects, and integrated gun locks (see below) in order to prevent young children from firing guns.

29. Waiting Period

Waiting (cool down) period requirements for gun purchases are designed to help avoid impulsive gun purchases, particularly by first-time gun buyers.³⁴ They can have an impact on suicides, domestic violence, and other impulsive or planned acts of violence.

30. Safe Storage

Safe storage laws require that guns and ammunition be locked when not in use. Typically, this means that guns must be secured with a gun lock or placed in a locked safe when not under the

33 Firearm-related deaths recently passed motor vehicle fatalities as the leading cause of death for American children and teens ages one to 19 years old. Jason E. Goldstick, Ph.D.; Rebecca M. Cunningham, M.D., and Patrick M. Carter, M.D., “[Current Causes of Death in Children and Adolescents in the United States](#),” 386 *NEW ENGL. J. MED.* 1955-1956 (May 19, 2022). See also Azrael et al., “[Firearm Storage in Gun-Owning Households with Children: Results of a 2015 National Survey](#),” 95 *J. OF URBAN HEALTH* 295–304 (2018).

34 For example, California has a 10-day waiting period between purchase of a gun and its delivery to a member of the public. Cal. Penal Code §§ 26815, 27540.

direct control of the owner.³⁵ Ammunition must also be locked up. These laws aim to prevent access by unauthorized persons, including children, and to reduce incidents of theft.

31. Improvement of Gun Lock and Gun Safe Minimum Standards

To be effective, gun locks and gun safes must not be subject to easy breach. Design and construction standards should be approved by a state regulator and enforced to avoid the sale and use of flimsy locks that can be easily cut or safes that can be breached (e.g., with simply the blow of a hammer).³⁶

V. ENHANCEMENTS TO FIREARM PRODUCT SAFETY

32. Require Minimum Safety Features on All Guns Sold

Manufacturers should not be allowed to sell guns without basic safety features³⁷ including:

- *External Manual Safety*: A lever on the gun that, when switched to the off or “safe” position, prevents the weapon from being fired.
- *Loaded Chamber Indicator*: A device (also sometimes called a “load indicator” or “chamber load indicator”) that makes the gun user aware that there is a round in the chamber that can be fired if the trigger is pulled.³⁸
- *Magazine Safety Disconnect*: A device that prevents a gun from firing when the ammunition magazine is removed from the weapon (a circumstance in which many gun users believe, incorrectly, that there is no ammunition in the gun).³⁹
- *Minimum Trigger Pull that Prevents Young Children from Firing the Gun*: The term “trigger pull” refers to the amount of pressure that must be applied to the trigger to fire the gun. For example, a 10-pound trigger pull has been found, in Massachusetts, to be safe to prevent an average five-year-old from being able to fire a gun.⁴⁰

35 E.g., *Mass. Gen. Laws*, ch. 140, § 131L.

36 See “Home: What You Should Know Before Buying a Handgun Safe,” HANDGUN SAFE RSCH. Proposals on this issue have been made but not advanced on the federal level. See also, e.g., *Safe Gun Storage Act of 2019*, H.R. 4691, 116th Cong. (2019).

37 “Misfire: The Gun Industry’s Lack of Accountability for Defective Firearms,” VIOLENCE POLICY CENTER (March, 2021); Gary Klein, “In the Hands of the Maker: The Failure of Consumer Product Safety Oversight of Guns,” LOYOLA CONSUMER LAW REVIEW, Volume 33, No. 1 (May, 2021).

38 See Cal. Penal Code §§ 16380, 32010(d)(2).

39 See Cal. Penal Code §§ 16900, 32010(d)(2).

40 940 C.M.R. § 16.05(2).

33. Collection and Publication of Information About Potential Gun Defects from Manufacturers and the Public

Gun defects and the deaths and injuries they cause from unintended discharges are common and underreported. States can require that all safety-related complaints be reported by manufacturers to a central state authority. States can also provide public portals for consumer safety complaints about guns. By publishing available information on reported defects, states can both warn consumers about defective guns while increasing pressure on manufacturers to recall and fix them without charge to the owner.⁴¹

34. Recall Reporting by Manufacturers to States, Procedures for State-Enforced Recalls/Safety Bans

Voluntary gun recalls by manufacturers are frequent, poorly advertised, and inadequately executed. No state agency has a process for mandating a recall of a defective gun or for supervising recalls when they occur. Consequently, millions of dangerous guns that fire when dropped, discharge without a trigger pull, or have other dangerous defects remain unrepaired and in the hands of consumers.⁴²

States should have processes for requiring that voluntary gun recalls are reported to state authorities and for supervising the notice and advertising of such recalls to state residents. In addition, nothing prevents a state from establishing a process to use available information to require recall, repair, or other compensation to consumers who have purchased dangerously malfunctioning guns. If a manufacturer cannot establish that it can properly redesign a defective gun to correct its problems on a going-forward basis, that gun can be banned for future in-state sales.

35. Gun Locks, Warnings and Disclosures at Point of Purchase, Including Warnings Related to Safe Storage

Gun users should receive effective trigger-locking devices, disclosures, and prominent safety warnings when they purchase a gun, just as they receive such information (and government-mandated safety features) at the point of sale of any other potentially dangerous product. Every owner should receive a functional and secure gun lock when buying any gun, included as part of

41 Gary Klein, “[In the Hands of the Maker: The Failure of Consumer Product Safety Oversight of Guns](#),” LOYOLA CONSUMER LAW REVIEW, Volume 33, No. 1 (May, 2021).

42 *Id.* See also “[Misfire: The Gun Industry’s Lack of Accountability for Defective Firearms](#),” VIOLENCE POLICY CENTER (March, 2021).

the purchase price. Warnings about safe storage, together with disclosures for suicide prevention, domestic violence prevention, dangers of guns to children, and related risks should also be presented. Finally, a description of state penalties for misuse of a firearm should be required.

For many owners, point of purchase will be the last opportunity for the state to mandate direct disclosures to consumers about unsafe gun use and other public safety concerns.

36. Minimum Warranty Requirements

All guns should come with effective warranties of a significant duration. Some gun owners rarely fire their guns and therefore may not learn about a defect until a warranty has expired. Similarly, exercise of warranty rights associated with a gun that fires when dropped are necessary sometimes only years after purchase when the loaded gun is first dropped. Because defective guns affect public safety, states should make it easy for gun owners to return them to be fixed or replaced when they do not function as advertised.

37. Premarket Testing to Help Identify Firearm Defects

All newly designed gun models should be tested (at manufacturer expense) under rigorous state standards before they are allowed to come to market.⁴³ Testing requirements should include, for example, minimum melting point tests for metal and polymer receivers,⁴⁴ drop-fire tests to identify guns prone to firing when dropped,⁴⁵ tests to be sure that guns have legally required safety features that work properly, trigger-pull tests, and tests to assess the rate of misfire incidents. A state certification system should be implemented as a condition for allowing any gun to be legally sold. Because individual guns can still be defective despite testing of gun designs, premarket testing should not be a basis to grant manufacturers a liability waiver or to minimize warranty claims for a particular make or model of gun.

43 *E.g., California:* Cal. Penal Code §§ 31900, 31910; Title 11, Division 5, Chapter 5, Department of Justice Regulations for Laboratory Certification and Handgun Testing, § 4046, et seq. (b)(2). *Massachusetts:* 140 G.L. § 123, clause Eighteenth through Twenty-first. *New York:* N.Y. Comp. Codes R. & Regs. tit. 9, § 482.6.

44 *E.g., Haw. Rev. Stat. Ann. § 134-15(a)* (800 degrees Fahrenheit). *Illinois:* 720 Ill. Comp. Stat. 5/24-3(A)(h) (800 degrees). *Massachusetts:* 140 M.G. L. § 123, clause Eighteenth (900 degrees).

45 *See* Title 11, Division 5, Chapter 5, Department of Justice Regulations for Laboratory Certification and Handgun Testing, § 4052 (b)(2) (California procedures for drop test).

38. Safety Training Standards and Minimum Training Requirements as a Condition of Licensing

States can mandate in-classroom safety training and certification as well as periodic range certification requirements and supervise those programs to make sure they are effective.⁴⁶ Because many studies show that shooting ranges can have unsafe levels of lead and other toxins, states should also mandate air purity requirements and otherwise regulate range safety. All safety instructors should be certified and all curricula for safety courses should be state approved – with frequent monitoring.

39. Ban or Regulate Advertisements by Gun Manufacturers

Gun advertising consistently falsely implies that owning a gun makes families safer despite statistical evidence to the contrary. Such advertising plays on fear and appeals to machismo without warning prospective gun owners of the safety dangers of guns, of the increased risk of suicide, or of the liabilities associated with misuse.⁴⁷ Gun advertisements also fail to make clear that the presence of guns in a household creates significant dangers to children and family members.

Gun advertisements, including marketing by local, state, and national organizations, should be banned or heavily regulated. Similarly to advertising of other dangerous products, gun advertisements should be required to limit false or misleading claims about the benefits of buying a gun and should include prominent disclosure of safety risks.

40. Regulation of Transportation of Guns in Private Vehicles

Transportation of firearms in vehicles should be strictly regulated. Guns should be securely locked in a separate compartment or trunk.⁴⁸ Too often guns are stolen from vehicles, found by children, or accessed during road-rage incidents. Absent attention to the issue, the current trend toward creating more safe spaces where guns are not allowed will lead to risky storage choices and/or to unintentional gun injury or death as firearms are stowed. Those additional risks can only be mitigated by adequate regulation of safe storage in vehicles.

46 See “[The Effects of Firearm Safety Training Requirements](#),” RAND CORP. (Apr. 22, 2020), (summarizing the limited research on the effectiveness of firearm safety training).

47 See, e.g., Brinker, “[For Sale at Smith & Wesson: Guns, and a Healthy Dose of Fear](#),” THE BOSTON GLOBE (July 30, 2022).

48 E.g., Conn. Gen. Stat. § 29-35.

VI. IMPROVING PUBLIC UNDERSTANDING OF GUN VIOLENCE

41. Facilitate and Fund Evidence-Based Community Violence Prevention Programs

Increasingly, there are evidence-based programs that effectively address gun violence in communities where such violence is prevalent.⁴⁹ States should actively fund programs that are shown to reduce gun violence, particularly since such programs are likely to cost less than addressing the externalized costs of such violence, including police investigation, medical assistance to victims, and the costs associated with addressing the trauma associated with victimization and loss.

42. Data Collection and Reporting Requirements

Robust data collection has provided the foundation for successful efforts to reduce deaths and injury associated with myriad products including motor vehicles, drugs, household appliances, and airplanes. More complete and comprehensive data should be collected and analyzed for all firearm deaths, injuries, and crimes to aid in the understanding of firearms violence and effective approaches to decrease it. In cases of lethal victimization (homicide, suicide, murder/suicide, unintentional death, justifiable homicide) data collection should include as much detail as possible about the circumstances surrounding the incident. This should be publicly available and could include relationship, location (e.g., room in home, business, motor vehicle, sidewalk, etc.), geographic location (including county-level data), race/ethnicity, sexual orientation, concealed handgun permit holder status (if applicable), and connection to other crimes. For weapons use resulting in unintentional injury or property damage, an explanation of the circumstances in which the gun discharged should also be recorded. In all instances, the make, model, caliber, weapon type, and place of purchase should be identified and made publicly available.

If nothing else, states should mandate crime incident reporting by state and local law enforcement agencies to the National Incident-Based Reporting System (NIBRS), a project of the FBI. As stated on its website, “the FBI has made nationwide implementation of NIBRS a top priority because NIBRS can provide more useful statistics to promote constructive discussion, measured planning, and informed policing.”⁵⁰

49 See generally “Community Based Violence Intervention and Prevention Initiative,” BUREAU OF JUSTICE ASSISTANCE, DEPARTMENT OF JUSTICE (April 19, 2022).

50 See “National Incident-Based Reporting System (NIBRS)” FBI, CRIMINAL JUSTICE INFORMATION SERVICES, UNIFORM CRIME REPORTING PROGRAM.

More generally, data must be rigorously collected, comprehensively reported, and made readily available to researchers, policymakers, advocates, community leaders, and law enforcement to more accurately evaluate the impact of firearms violence in their states or communities.

43. Facilitate and Fund Gun Violence Research

States should encourage research on guns and gun violence. Like any other public health issue, the more we know, the more effective and better targeted the response can be. Law enforcement and other state agencies can tabulate, coordinate, and publicize information they already collect. Such efforts can help identify areas of greatest impact, new trends, as well as aid in identifying potential points of intervention. States should also fund grants and other support to qualified gun researchers who propose innovative projects that inform communities and benefit public safety. Finally, as new laws are passed, funding should be allocated to evaluate any resulting increase or decrease in gun violence.

44. Link Relevant Data Sets Within States, Counties

States should mandate a single form of gun mortality, injury, and crime data reporting for all jurisdictions in order to facilitate linking and evaluation of data on a statewide basis. A single data dictionary should be mandated in order to create a consistent form of data reporting (for example, gang involvement). When possible, multi-state consortiums should consider mandating a single form of data reporting in order to generate a larger database. In addition, states should explore ways in which data from different institutions and agencies (e.g., health care, domestic violence prevention, youth services, criminal justice, etc.) can be comprehensively collected and integrated to increase the knowledge base and aid in violence prevention.

45. Fund Public Service Announcements Intended to Inform the Public of the Risks Associated with Guns

Safe storage of guns can reduce gun-related deaths and injuries, particularly in families with children.⁵¹ In addition, avoidance of gun violence saves money and resources in public health systems and preserves law enforcement resources.

Public health and/or law enforcement funding can be earmarked for public service announcements to encourage gun owners to lock up and store their weapons when they aren't being used, whether

51 See, e.g., Johns Hopkins Center for Gun Violence Prevention and Policy Fact Sheet “[Safe Gun Storage](#)” JOHNS HOPKINS, BLOOMBERG SCHOOL OF PUBLIC HEALTH; Michael C. Monuteaux, Deborah Azrael, and Matthew Miller, “[Association of Increased Safe Household Firearm Storage with Firearm Suicide and Unintentional Death Among US Youths](#),” 173 JAMA PEDIATRICS no. 7, 647-62 (2019).

or not state laws require gun locks. Additional announcements should cover the risks of guns in the home, the importance of effective gun safety practices, the importance of choosing guns that have necessary safety features, the tragic consequences of gun violence, and the consequences of failure to comply with state gun laws.

46. Mandatory Collection of Information on Lethal Incidents Involving Concealed Handgun Permit Holders and Persons Legally Allowed to “Open Carry” Under State Law

To better inform law enforcement, policymakers, and communities, investigations of lethal incidents should always identify whether the weapon used was possessed by or stolen from a concealed handgun permit holder or borne in public under a state’s “open carry” law. For incidents in which self-defense is claimed, data should be collected and made available on the nature of the use in justifiable homicide or other self-defense cases, whether there is an appropriate basis for a claim of self-defense (or defense of others), and whether an arrest and conviction resulted. For non-self defense incidents, such as homicides, suicides, and unintentional deaths, data should be collected, reported and used to identify whether the gun used was linked to a concealed handgun permit holder or by a person legally permitted to engage in open carry.

VII. VICTIM PROTECTIONS

47. Victim Compensation Programs

Victims of gun violence have too few ways to receive compensation and other support. Among other issues, the gun manufacturer tort immunities established by the Protection of Lawful Commerce in Arms Act (PLCAA)⁵² frequently stand in the way of gun violence victims who seek compensation from gun manufacturers or gun retailers for their injuries. States can establish or expand victim compensation programs, including programs that provide direct financial assistance to gun violence victims. These programs could be funded by taxes on gun sales or on gun license fees or by a similar mechanism that places responsibility on the gun industry for the injuries caused by its highly dangerous products.

52 15 U.S.C. §§ 7901-7903.

48. Taxation to Offset External Costs of Gun Violence

In general, gun manufacturers benefit from a system that passes many of the externalized costs associated with firearms violence onto taxpayers. These include uncompensated medical costs of doctors and hospitals (even when the victim has adequate health insurance, costs are shared beyond those responsible), law enforcement activities and investigations, costs associated with prosecuting perpetrators of gun violence and, as mentioned above, costs of financial support to incapacitated or traumatized victims.⁵³ It is therefore appropriate for states to use their taxing power to offset these obligations, because they will otherwise be borne by taxpayers.

49. Tort Law Enhancements

Many states provide for enhanced penalties for crimes involving guns. When tort claims are available to victims of gun violence, damages available against potentially liable parties, including punitive damages, should also be enhanced, based on the same public policy considerations. In light of the federal restriction on victims' rights that PLCAA represents, states can respond by providing enhanced opportunities for victims to recover damages in those cases in which federal immunity does not protect manufacturers and others who sell guns. States should also repeal their state-level laws that prevent or restrict lawsuits against the gun industry.⁵⁴

50. Gun-Seller Liability Standards

When the negligence of gun manufacturers or gun sellers contributes to an event of gun violence or an unintentional shooting, these businesses should be held accountable just as any other business is responsible for damages caused by its negligent acts. One of the several unfortunate consequences of immunity under PLCAA is that it undermines incentives for these businesses to exercise care in their business practices. States can help to rebuild such incentives by a combination of laws and practices including state prosecution of damages claims under state law that are not barred by PLCAA, by license enforcement standards that penalize negligence, and by establishing standards for business practices under state unfair business practice laws that serve as a check on irresponsible behavior.⁵⁵

53 Zirui Song, et al. "Changes in Health Care Spending, Use, and Clinical Outcomes After Nonfatal Firearm Injuries Among Survivors and Family Members," 175(6) ANNALS OF INTERNAL MEDICINE 795-803 (June 2022).

54 *E.g.*, Idaho Code Ann. §§ 5-247, 6-1410 (providing nearly complete immunity to gun manufacturers by government or private actors).

55 *E.g.*, 940 Code of Mass. Regs. § 16.00.



Violence Policy Center

805 15th Street, NW Suite 601

Washington, DC 20005

202-822-8200

WWW.VPC.ORG