

2002

2001-2002 Report of Committee Hearings

Assembly Select Committee on Gun Violence

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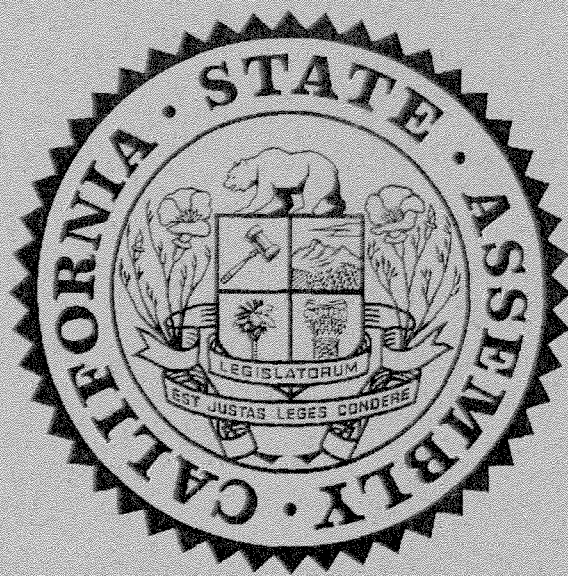
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California State Legislature

ASSEMBLY SELECT COMMITTEE
ON GUN VIOLENCE

2001-2002

REPORT OF COMMITTEE HEARINGS



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ASSEMBLYMAN PAUL KORETZ, CHAIR



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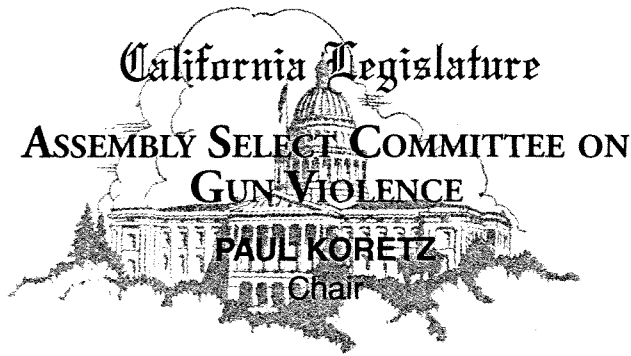
Committee Consultant
Sandra DeBourelando

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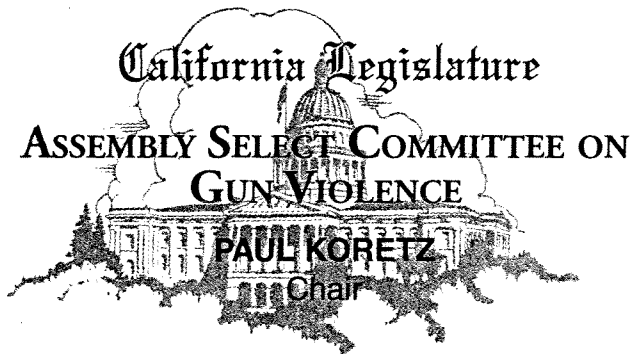
Kevin Shelley
San Francisco

Committee Consultant
Sandra DeBourelando

Committee Member	District	Phone
<u>Paul Koretz, Chair</u>	Dem-42	(916) 319-2042
<u>Dion Aroner</u>	Dem-14	(916) 319-2014
<u>Judy Chu</u>	Dem-49	(916) 319-2049
<u>Ellen M. Corbett</u>	Dem-18	(916) 319-2018
<u>Richard L. Dickerson</u>	Rep-2	(916) 319-2002
<u>Marco Antonio Firebaugh</u>	Dem-50	(916) 319-2050
<u>Dario Frommer</u>	Dem-43	(916) 319-2043
<u>Jackie Goldberg</u>	Dem-45	(916) 319-2045
<u>Jerome Horton</u>	Dem-51	(916) 319-2051
<u>Hannah-Beth Jackson</u>	Dem-35	(916) 319-2035
<u>Alan Lowenthal</u>	Dem-54	(916) 319-2054
<u>Abel Maldonado</u>	Rep-33	(916) 319-2033
<u>Robert Pacheco</u>	Rep-60	(916) 319-2060
<u>Kevin Shelley</u>	Dem-12	(916) 319-2012

ASSEMBLY SELECT COMMITTEE ON GUN VIOLENCE

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Nationwide, approximately 29,000 Americans die each year from gunshot wounds. In addition, there are about 80,000 nonfatal injuries, of which about 20,000 result in paralysis of the victim.

In response to a national and state concern about the prevalence of gun violence, the Assembly Select Committee on Gun Violence was created to provide a forum to discuss, review and debate public policy on gun violence prevention in California.

Our mission is to reduce firearm related deaths and injuries in the state and to make California a role model for other states in the area of gun violence prevention. Our goal is to create an awareness and understanding about the impacts of gun violence on our children, our families and our communities.

To accomplish its goals, the Committee brings together representatives from law enforcement, public health, gun violence prevention organizations, academia and elected officials to discuss, examine, and review firearms policy in the state.



ASSEMBLY SELECT COMMITTEE ON GUN VIOLENCE

LIST OF HEARINGS FOR 2001-2002

**ASSEMBLY SELECT COMMITTEE ON GUN VIOLENCE
HEARINGS 2001-2002**

**The Committee held six informational hearings in the 2001-2002
Legislative Session. *These are as follows:***

◆ **GUN VIOLENCE AS A PUBLIC HEALTH ISSUE”**

August 14, 2001 ◆ LAC+USC Medical Center, Los Angeles, CA

This hearing focused on gun violence as a public health issue. The committee heard testimony from physicians, public health researchers, law enforcement and community activists who spoke on how gun violence was straining public health systems and offered solution on how to remedy the situation.

◆ **GUN SAFETY, TESTING AND CERTIFICATION**

Thursday, August 23 ◆ State Capitol ◆ Room 127, Sacramento, CA

This hearing provided an opportunity for committee to compare current and proposed procedures for acquiring a firearm in California. Senator Jack Scott and Assemblyman Kevin Shelley provided testimony on their proposed legislation, which would strengthen requirements for qualifying to purchase a handgun in the state.

◆ **WEAPONS BUY BACK PROGRAMS**

September 25, 2001 ◆ Hiram Johnson State Office Building ◆ San Francisco, CA

Hearing was intended to gain insight into how gun buy-back programs work. Representatives from law enforcement, local housing authorities and gun violence prevention advocates testified that gun buy-back programs appear to be successful in removing guns from communities. Support also was registered for AB 566 (Koretz) which would have implemented a one year assault weapon buy-back program.

◆ **OVERSIGHT ON IMPLEMENTATION OF SB 15**

October 30, 2001 ◆ Junipero Serra State Building ◆ Los Angeles, CA

The hearing provided some oversight on Senate Bill 15 (Senator Richard Polanco), which was designed to eliminate sale of cheap, easily concealed, unsafe handgun, commonly known as Saturday Night Specials. The hearing laid the groundwork for legislation (AB 2902) to close some of the loopholes in SB 15, that was signed into law in 2002.

◆ **.50 BMG CALIBER SNIPER RIFLES**

February 22, 2002 ◆ ◆ West Hollywood City Council ◆ West Hollywood, CA

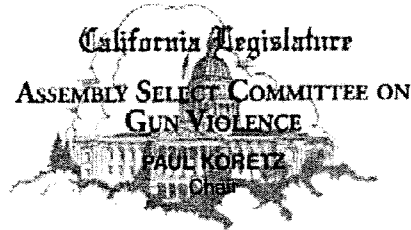
Law enforcement representatives, community organizations, gun violence prevention advocates, firearm experts, DOJ, and a California Congressman all testified to the potential dangers of allowing civilians unregulated access to the .50 BMG caliber sniper rifle. Except for a representative of the .50 caliber Shooters Association, The testimony supported regulation of the .50 BMG caliber rifle.

◆ **OVERVIEW OF CALIFORNIA FIREARM LAWS**

October 16, 2002, West Hollywood Park Auditorium ◆ West Hollywood, CA

This hearing was intended to provide the committee with an overview of what California's firearm laws and policies and what more should be done to reduce gun violence in the state.

ASSEMBLY SELECT COMMITTEE ON GUN VIOLENCE
INFORMATIONAL HEARING
"GUN VIOLENCE AS A PUBLIC HEALTH ISSUE"
LAC+USC MEDICAL CENTER, LOS ANGELES
AUGUST 14, 2001



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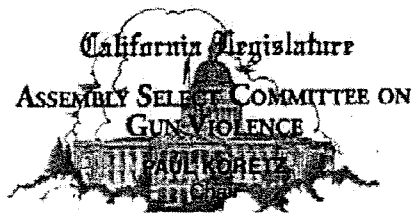
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CALIFORNIA ASSEMBLY SELECT COMMITTEE ON GUN VIOLENCE
INFORMATIONAL HEARING
"GUN VIOLENCE AS A PUBLIC HEALTH ISSUE"

August 14, 2001 ♦ 10:00 a.m. – 1:00 p.m.
LAC+USC Medical Center, Los Angeles

- 10:00 a.m. WELCOME AND INTRODUCTIONS**
- Assemblyman Paul Koretz, Chair, Select Committee on Gun Violence
- 10:15 a.m. OVERVIEW OF THE PROBLEM**
- Deirdre Anglin, M.D., MPH, Dept. of Emergency Medicine, LAC+USC Medical Center
- 10:30 a.m. GUN VIOLENCE IN CITY OF LOS ANGELES**
- Rocky Delgadillo, City Attorney City of Los Angeles
 - Captain Frank Merriman, Homicide Bureau, LA County Sheriff's Department
- 10:45 a.m. GUN VIOLENCE AND ITS IMPACT ON HEALTH CARE**
- Michael Sise, M.D., F.A.C.S., Trauma Medical Director, Scripps Mercy Hospital, CA Medical Association
 - Robin Doroshov, M.D., Past President, So. CA Chapter American Academy of Pediatrics
 - Bill Durston, M.D., CA Chapter of American College of Emergency Physicians
- 11:30 a.m. STATISTICS OF GUN VIOLENCE**
- Billie Weiss, Director, Injury and Violence Prevention Program, Dept. of Public Health, LA County
- 11:45 a.m. GUN VIOLENCE PREVENTION AND POLICY RECOMMENDATIONS**
- Susan Sorenson, Ph. D., Community Health Sciences, UCLA School of Public Health
 - Eric Gorovitz, Coalition to Stop Gun Violence
 - Andres Soto, Trauma Foundation
- 12:30 p.m. COMMUNITY OUTREACH**
- Charlie Blek, Million Mom March
 - Niko and Theo Milonopoulos, Kidz Vvoice-LA
- 12:45 p.m. PUBLIC COMMENT**
- 1:00 p.m. ADJOURNMENT**





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Robert Pacheco
Walnut

Kevin Shelley
San Francisco

Committee Consultant
Sandra DeBourelando

FOR IMMEDIATE RELEASE:

CONTACT: Scott Svonkin
(310) 652-4242
(310) 780-1142 cell

Assemblyman Paul Koretz Seeks Solutions to the Epidemic of Gun Violence from Physicians and Public Health Experts

Assemblyman Also Vows to Close Gun Maker Loophole

(Los Angeles) Arguing that the California Supreme Court was wrong when it ruled last week that gun manufacturers cannot be held responsible when their products are used to commit crimes, Assemblyman Paul Koretz (D-West Hollywood) announced his plan to introduce legislation with Darrell Steinberg next week to abrogate the decision.

Koretz, chair of the Assembly Select Committee on Gun Violence, was joined by physicians concerned about the epidemic of gun violence, county public health and law enforcement officials, public health researchers, and community activists at a Los Angeles County-USC Medical Center press conference today. The press conference that preceded the first of a series of special committee hearings that focused on gun violence as a public health issue.

"Gun violence not only is straining our already overburdened public health system, it is exacting an immeasurable toll on our families' and communities' general economic and social well-being," Koretz said. "Therefore it only makes sense that public health advocates must be part of the equation in reducing the epidemic of gun violence in our society."

Gun violence causes nearly 40,000 deaths a year throughout the nation, with California averaging 4,000 deaths per year between 1990-98. It now the second leading cause of injury related death and is expected to be the leading cause by 2010 if the trend continues.

The first-term Assemblyman said "we need to analyze reliable data for the cost to taxpayers of the economic and human costs as consequences of gun violence, starting with emergency room and hospital personnel".



Physicians who will testify at the hearing on the impact of gun violence on health care programs are Dr. Dierdre Anglin, LAC-USC Dept. of Emergency Medicine; Dr. Michael Sise, Scripps Mercy Hospital Trauma Medical Center, San Diego; Dr. Robin Doroshov, past president of the CA Pediatric Association; and Dr. Bill Durston, CA Emergency Room Physicians.

Testimony today from doctors and violence prevention advocates will speak to the need to hold gun manufacturers liable when their products are used for criminal activities, Koretz said “the legislation I am authoring to repeal the 1983 statute the Court cited as the basis for its decision should receive widespread support”.

“The court majority clearly misinterpreted the statute, which was aimed at providing immunity to gun manufacturers of the now banned "Saturday Night Special" Koretz said. “The dissenting opinion not only correctly stated the Legislature’s intent in enacting the law, it also invited us to give the courts clear direction.”

Among those presenting the committee with gun violence statistics, prevention strategies, and policy recommendations are Billie Weiss, MPH, Director of Injury and Violence Prevention Program for L.A. County; Dr. Susan Sorenson, UCLA School of Public Health; Eric Gorovitz, Coalition to Stop Gun Violence; Andres Soto, Trauma Foundation; Charlie Blek and Million Mom Marchers.

“I’m particularly concerned that so many young people are the victims,” Koretz said. “We can no longer allow the extremist fringe dictate public policy that results in the slaughter of our innocent children.”

Koretz said that he believes that other legislators will introduce similar legislation in response to the court decision in *Merrill v Navegar, Inc.* He indicated he expected to work with them as well as with the medical community, public health officials, and community groups.

The Assembly Select Committee on Gun Violence is a bipartisan informational and research committee that meets upon the call of the Chair.

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**ASSEMBLY SELECT COMMITTEE ON GUN VIOLENCE
INFORMATIONAL HEARING
"GUN VIOLENCE AS A PUBLIC HEALTH ISSUE"
LAC+USC MEDICAL CENTER, LOS ANGELES
August 14, 2001**

Committee members in attendance: Assemblymembers Chu, Firebaugh, Frommer, Goldberg, Horton and Koretz

SUMMARY OF GUN VIOLENCE AS A PUBLIC HEALTH ISSUE HEARING

Assemblyman Koretz (Chair, Assembly Select Committee on Gun Violence) announced that he was pleased to convene the first hearing of the Select Committee on Gun Violence for this year.

He welcomed everyone and introduced committee members in attendance: Assemblymembers Firebaugh, Frommer, Horton, Chu and Goldberg and thanked them for agreeing to serve with him on the committee.

He noted how honored he was to have been appointed to Chair the Select Committee. He stated he has been a longtime advocate of reducing gun violence and discussed his prior experience while on the West Hollywood City Council.

He announced that the topic of the hearing is gun violence as a public health issue. He said he chose the topic because he believed there is a huge disconnect between the debate over gun control and the doctors who are left dealing with the aftermath of this violence. He noted that gun violence not only is straining our already overburdened public health system, but also is exacting an immeasurable toll on the general economic and social well being of families and communities. He noted it makes sense that public health advocates should be part of the equation in reducing the epidemic of gun violence in our society.

Koretz reported that gun violence causes nearly 40,000 deaths a year throughout the nation; California averaged 4,000 deaths per year between 1990-98. He stated that gun violence is now the second leading cause of injury-related death and is expected to be the leading cause by 2010 if the trend continues. He emphasized the need to collect and analyze reliable data on the economic consequences of gun violence, starting with emergency room and hospital personnel costs. In addition to the costs to taxpayers, he also said the human costs must be considered.

He stated the Committee would hear from individuals who are on the frontline of dealing with injuries and death as a result of gun violence in our society. He said it is important to assess the impact of gun violence on health care programs, and to identify recommendations and solutions to stemming the epidemic of gun violence.

He began by introducing the first witness, Dr. Deirdre Anglin, Department of Emergency Medicine at LAC+USC Medical Center, who provided an overview of gun violence in the public health arena.

Dr. Anglin stated that she began working in the emergency department at Los Angeles County + University of California Medical Center in the late 1980s with a focus on acute care for firearm injuries. She said it soon became apparent to her that firearm injuries had become a significant public health problem.

She recounted that when she practiced medicine in Canada, she saw five firearm injuries in a year, but that it was not uncommon to see double that in one night in the U.S. She stated the level of gun regulation in Canada is different, because the ability of private individuals to own a gun in Canada is more strictly regulated.

Dr. Anglin reported that there are nearly 200 million privately owned firearms in the United States¹ with approximately 70 million being handguns. She said that handguns are used in 80% of homicides involving firearms and that semiautomatic handguns are replacing revolvers as the firearm of choice. She noted that semi-automatic handguns are associated with an increase in the number of gunshot wounds per person, as well as an increase in the fatality rate for firearm injuries.

In further testimony, she reported that injuries and deaths due to firearms in the US peaked in 1993. That year there were 39,595 firearm deaths, with 18,839 (48%) homicides, 19,213 (49%) suicides, and 1,543 (3%) unintentional firearm injuries. There were also 104,390 nonfatal firearm injuries, with 76,491 (73%) due to assaults, 6,514 (6%) intentionally self-inflicted, and 21,385 (20%) unintentional. She said that it was predicted that by 2003, firearm injuries would overtake motor vehicle crashes as the leading cause of injury death, and in fact in 10 states it did.

Dr. Anglin reported that between 1993-1998 there was a marked decline in firearm violence and injuries and deaths. She said that assaultive, intentionally self-inflicted, and unintentional firearm injuries have all decreased by over 40%. She noted these declines have been consistent across population subgroups (i.e. ethnic, gender). Further, the number of children and adolescents killed by firearms each day has dropped to 10.

She reported that the societal costs of firearm injuries consists of direct medical costs (i.e. EMS, emergency department resuscitation, surgery, inpatient care, rehabilitation and repeat hospitalization, mental health), indirect medical costs (i.e. long-term disability, lost productivity, premature death), and quality of life costs. Additionally, firearm violence is associated with enormous costs related to law enforcement, the criminal justice system, and incarceration.

She reported that the mean medical cost for a firearm injury in the U.S. is \$17,000 per person, which translates to four billion dollars in total lifetime medical costs. She noted that one study estimated the direct and indirect medical costs of firearm violence in California to be approximately \$18 billion, and that 80% of these costs are borne by the taxpayers. She said it was important to understand the financial burden firearm injuries have on the medical care system.

Dr. Anglin noted that there have been great advances in reducing morbidity and mortality rates for various diseases over the past century. Yet firearm injuries and deaths have continued to rise. She suggested that we apply the same public health model used to reduce or eradicate those diseases should be used to prevent or eliminate firearm injuries. Similar to other forms of injury, firearm injuries are not unpredictable, random events, nor "accidents". She stated that the first step in reducing firearm

injuries is to define the problem and to institute surveillance. Once the causes and risk factors are identified, interventions can then be developed. She stressed the importance of evaluating the effectiveness of the each intervention. She noted that primary prevention of firearm injuries is preferable to human and financial cost of treating firearm injuries. While medical advances in the treatment of firearm injuries will continue, the preventive efforts need to be focused on primary prevention.

Dr. Anglin noted that there is not one specific intervention that will work for all injuries, but there are complementary interventions. She cited as an example safety design features, such as safety locks to prevent unintentional injuries. Other successful interventions include aggressive enforcement, firearm tracing, tougher licensure requirements, and the Brady Law. She emphasized the need to determine which interventions have been successful.

She urged California to institute a firearm injury surveillance system modeled on the National Electronic Injury Surveillance System (NEISS) to gather accurate data on firearm injuries and deaths. It would enable data to be gathered on firearm injuries to patients who are treated and discharged from emergency departments, not just those who are severely injured or killed. This data could be linked with police reports, crime lab reports, medical examiner reports and death certificates to help identify the underlying causes of firearm injuries and deaths. With a more complete picture of firearm injuries, policymakers could do a better job of crafting measures of interventions that work.

She reported that The US Department of Health and Human Services has set goals in "Healthy People 2010" for decreasing the rates of firearm deaths, firearm injuries, and percentages of individuals living in homes with loaded and unlocked firearms. She noted that we have made great strides in the past seven years in decreasing the rates of injury and death from firearms, and urged that we continue our efforts to decrease them further.

Assemblyman Horton asked about other examples of laws between the U.S. and Canada, which might make a difference.

Dr. Anglin noted that socioeconomic status plays a role in gun violence, and there might be less of a difference in socio-economic status in Canada.

Assemblyman Horton asked what other interventions have been effective in reducing gun violence. **Dr. Anglin** replied that enforcement of gun laws, such as the Brady Handgun law, led to 60% reduction in New York City. She concluded that other societal influences must also be considered, as well as the societal costs of firearm injuries, including direct costs and indirect costs.

Dr. Susan Sorenson (Community Health Sciences, UCLA School of Public Health) discussed what she believed was public health's unique approach to violence prevention. She noted that the criminal justice system focuses more "downstream" on the gun user, whereas public health looks more "upstream."

She explained that upstream strategies in reducing gun violence generally fall into two categories. Examples of the first category include built-in locking mechanisms and magazine disconnects. The second category would include social-change, which seeks to identify the causes of gun violence. She

noted that possible remedies to the social change approach include increasing educational, employment and recreational opportunities in the community. She emphasized that there is general consensus among criminologists and law enforcement that the social change approach is only part of the solution and a multidisciplinary approach is needed.

She noted that to do comparison of firearm incidents, the U.S. needs to be compared with other "frontier" countries such as Australia and Switzerland. She reported that the United States was lowest among such countries in non-fatal crime. However, the U. S. was six times higher than the other countries for fatal crimes. She noted that the U.S. does not have a gun regulation system as other countries. In many countries, handguns are not kept for protection.

Dr. Sorensen cited a number of points of intervention, which she said were effective in reducing gun violence. These include the following:

Quality and safety standards of the manufacturers: she noted that gun tracing shows that most of the guns used in crime are new (1-3 years old); therefore, focusing on the manufacturer will have some impact.

Firearm sales: she stated that some of the policy changes have led to a decline in "kitchen table" or residential sales, which comprised a majority of the illegal sales.

Marketing and advertising: she raised the issue of whether a manufacturer who markets a firearm as being resistant to fingerprints should be allowed to do this.

Possession: she stated that we should all be in agreement that guns should stay out of hands of adolescents. They are more likely to use a gun for a homicide or suicide regardless of their ethnic background. We need to know where they are getting their guns.

Dr. Sorenson stated that most of the gun policies are concentrated on the "downstream," particularly on adolescents and illegal uses. She noted that this policy tends to focus more on minorities.

She noted that some gun policies have been evaluated for effectiveness. She cited a Virginia law, which denies gun ownership to persons who have criminal records. She said this law has had a positive impact nationally. She reported that, prior to its passage, 27% of guns sold in the U. S. were traced to Virginia. Since passage, there has been a dramatic drop in Virginia gun sales. She noted that restrictions on who can own a gun is valuable, because we know that people with misdemeanor convictions are more likely to commit a gun related crime.

On the other hand, she questioned the effectiveness of alternatives commonly offered by gun control proponents. For example, with regard to waiting periods, she said research shows that suicides increase dramatically in the week following the purchase of the gun; thus, she questioned whether waiting periods work.

She also noted that surveys indicate that gun owners who undergo safety training are more likely to keep their guns loaded and unlocked; and research is starting to show that carrying a concealed weapon showed no useful purpose.

She urged that before any new gun legislation be considered that we consider both the effectiveness of existing laws, and the validity of gun proponents' views. She concluded that it is important to know if the laws we pass do work and recommended that legislators include an evaluation of whether their laws work.

Eric Gorovitz (Coalition to Stop Gun Violence) stated that the theme that has been repeated most is prevention. He remarked that dealing with the criminals after a crime has been committed gets at a very small part of the problem. He also advocated that we focus more on upstream prevention. He recommended that we build on what we know to be effective, which we have not done in California.

Gorovitz stated that one upstream approach would be to deal with the manufacturer. He referenced some of the numerous examples we have for other products such as automotive designs and airbags. He suggested that the first step is to repeal the statute that protects manufacturers from any liability.

Gorovitz said a second step is redesigning guns to prevent unintentional deaths. He noted that the ratio of unintentional firearm injuries to deaths is 16-1 (in part that may be due to dramatic improvement in trauma care). Nonetheless, unintentional deaths are still something we can reduce. He suggested a chamber load indicator as one example, noting that if we can have a camera to tell us how many pictures are left, we should be able to design a handgun to tell us how many bullets are left in the chamber.

He reported that his organization's number one priority is to shut down illegal sale of guns. He suggested gun registration as a solution to addressing this problem, because we would have the information on who owns a gun and whether a gun offered for sale is stolen.

Gorovitz also advocated better tracing of guns. He said that law enforcement only does this to solve a crime but does not do it a matter of practice. Tracing would help us know which types of guns are more likely to be used in crimes. He noted that California has a law that requires gun tracing, but it isn't implemented because of a lack of resources. He stated that tracing would provide us with valuable information on patterns of guns used in crime. He noted, because most of the guns used in crimes are new guns, tracing will have a dramatic impact even if we ignore the other guns that are out there.

Andres Soto (Trauma Foundation) reported that his organization's problem is not one of policy but of the politics of gun policy. He noted that the Little Hoover Commission issued a report, which included a recommendation that the Governor establish a center to focus on youth violence prevention. He suggested that the state should establish a gun violence center, which could also serve as an independent body to evaluate the impact of our gun laws. He noted that we couldn't rely on law enforcement alone to evaluate our gun laws; we need a holistic approach.

Soto also opined that the 2nd Amendment does not protect an individual person's right to own a gun. He said there are some states that give individuals the right to own guns, but that the 2nd Amendment does not provide this right. He also noted that gun ownership is a male issue and we should look at it from a gender point of view. **Soto** also suggested that we need to consider the issue of lead exposure at gun ranges. He noted that suicides are also a problem at gun ranges.

Soto concluded that one of the biggest problems with gun politics is the law enforcement lobby and its political influence. He noted that there is a split in the law enforcement community, because many of them go to gun shows and, therefore, they tend to oppose laws that regulate guns.

Assemblyman Horton stated that Soto spoke to what he (Horton) thought was part of the solution, and that is the politics of gun policy. He asked if there is a coalition formed to speak to this issue. Soto noted that during the past 5-6 years there has been a loose coalition of activists and that the number of bills that have been passed is a testament of the public's support for the coalition's point of view.

Billie Weiss (Director, Injury and Violence Prevention Program, Dept. of Public Health, Los Angeles County) stated that gun violence is the leading cause of death and disability for the population under 35. She reported that 20% of Los Angeles county residents report owning a firearm.

Weiss noted that for every firearm death there are 2.5 persons injured severely enough to require treatment at a trauma center. She urged providers and health departments to implement the e-code (external cause of injury code), which has been mandated by the Legislature, to track the costs of treating firearm injuries in emergency rooms.

She noted the actual charge, not the average cost, per emergency visit is \$14,480. The overall annual cost for treating victims of gun-related violence is \$58 million in emergency visits, and \$158 million in hospital charges.

Weiss stated that in public health the focus is on prevention. She emphasized the need to educate providers on gun violence prevention and recommended that this be part of their training. She further noted that law enforcement plays a different role in arena, because they tend to focus on the problem after the fact. She advocated the need to foster coalitions and support networks to intervene on the problem of gun violence. She stated that we need to make sure what we do is effective and stop funding programs that do not work. She reported that Los Angeles has formed a large coalition of organizations that works together on gun violence prevention. Stressing the need for community based collaboration, Weiss noted that every large U.S. City recording a significant decrease in gun crime has had a large community collaborative focused on gun violence prevention.

She said the magnitude and characteristics of gun violence constitute an epidemic. There is an effort at the national level to collect data on this epidemic, through the National Fatal Death Reporting System, but that we need to do a better job of collecting data at the local level. We need funding to be able to do this.

She emphasized the need for surveillance at the state level and that we should require health departments to collect data as we do with other diseases. Los Angeles is doing this, because the Board of Supervisors saw the need. She noted that because Los Angeles so big, it is important that it be done locally and not statewide. She said that the same public health models that led to the reduction of other diseases could be implemented in gun violence. She emphasized the need to implement a firearm injury and data system to help us determine which interventions have been successful in reducing firearm fatalities and injuries.

Michael Sise, M.D., F.A.C.S. (Trauma Medical Director, Scripps Mercy Hospital, CA Medical Association) also testified that firearm fatality is the second most common death next to auto accidents. He reported that every two hours someone's child is killed with a gun either intentionally or accidentally.

He also noted that the number one cause of death on the job for women is firearms, and that it is the same for all ethnicities if you control for poverty.

He reported that the proliferation of guns is clearly a public health problem and that the data is compelling. Access to firearms is the number one factor in predicting homicide and suicide. He recommended that every handgun manufacturer should be required to meet handgun safety standards. He also urged physicians to educate their patients about gun safety at home.

He concluded by stating that firearm injuries are totally preventable.

Koretz asked how law enforcement could work with the medical community to reduce gun violence. **Dr. Sise** responded that we have advocated good community policing to lower levels of gun violence.

Robin Doroshow, M.D. (Past President, So. CA Chapter American Academy of Pediatrics) began her testimony by stating that, when her mother worked in the medical field, she saw the dread of parents who had to put their children in an iron lung due to polio and their joy when a vaccination was developed. We now have the same challenge for gun violence and that the cost to our society is similar to the polio epidemic.

She reported that 20,000 people are paralyzed each year with gun injuries, which is comparable to the number of individuals with polio when her mother practiced medicine. Policies such as vaccinations and use of car seats have had an enormous impact on protecting our children. She recommended that we enact similar laws to protect our children from gun violence. The best way to protect children from firearm injuries is to remove weapons from the home.

She described how children today are afraid of being shot at school and noted that seven to ten percent of children have reported carrying a handgun to school because of that fear. The American Academy of Pediatrics' position is the "best way to protect children from firearms is to remove the firearms," she said.

Dr. Doroshow commented that while her organization is supportive of "smart gun technology", they believe that it does not get at the critical problem, which is the handguns already in homes.

She suggested we should model our policies on those of societies where the level of gun violence is low or non-existent. The 25 most industrial nations have a rate of gunshot injuries that is less than 10% of the United States. We need to ask what we are doing wrong.

She also noted that most gunshot victims die before they reach the hospital, and that suicide with a weapon is highly effective, with an 85% "success" rate.

Assemblyman Horton inquired if there were studies that addressed the various types of gun related issues and whether there were recommendations for each issue. Dr. Doroshov stated that there have been numerous studies showing that a child's exposure to violence in the media makes that child more prone to using violence to handle a stressful situation.

Bill Durston, M.D. (CA Chapter of American College of Emergency Physicians) reported that the current rate of firearm deaths in the U.S. is comparable to the rate of deaths due to AIDS. He noted that the U.S. firearm ownership rate parallels the death rate from firearm ownership. There are approximately 200 million privately owned firearms in the U.S. It is estimated that 30 to 40 % of adults keep firearms in their homes.

He stated that firearm deaths and injuries are particularly rampant in adolescents and young adults in this country. The rate of firearm deaths for U.S. children younger than 15 years of age is nearly 12 times greater than the rate in the other 25 leading industrialized nations of the world.

A child in the United States is currently far more likely to catch a bullet than to catch the measles.ⁱ The homicide rate for U.S. males ages 15-24 is more than ten times higher than in most other developed countries. Three quarters of homicides are committed by firearms in the U.S. while less than a third of homicides are committed by firearms in most other countries.

He noted that the Brady Handgun Violence Prevention Act, that require background checks and a 5 day waiting period prior to the purchase of a handgun is the most significant firearms legislation to be enacted at the federal level. He suggested that this law is having a positive effect in reducing firearm deaths. However, he also noted that others have attributed fewer firearm deaths to other factors, such as the booming economy, waning use of crack cocaine, and tougher sentencing laws for criminals.

He commented that the effectiveness of individual firearms injury prevention measures are difficult to assess using typical medical research methodology, because investigators can not randomly assign "treatment" and "control" groups as with other studies.

Dr. Durston said that if the public health model of disease control were applied to firearm injuries the single most effective intervention would be to eradicate the vehicle of injury (firearms) from the environment. He noted that although there is a strong correlation between the rates of firearm ownership and firearm violence, gun control remains a controversial issue in the United States, even within the medical community.

He said that the two most common arguments put forth by opponents of gun control are: 1) that the Second Amendment to the U.S. Constitution prohibits restrictions on firearms ownership by private citizens; and 2) that there is evidence that "responsible gun ownership" deters crime.

He stated that it is important for physicians interested in firearm violence prevention to be familiar with the Second Amendment. He stated that both court decisions, and reviews by legal historians have repeatedly established that the Second Amendment was intended to protect the rights of states to maintain armed militias and that it does not imply a right of individual citizens to own firearms. Therefore, physicians should not shy away from advocating gun control legislation as a means of reducing firearm violence.

He also contended that the belief that “responsible gun ownership” deters crime is based largely on anecdotal reports and quasi-scientific studies published outside of the medical literature. In fact, there is strong data in the medical literature showing a direct association between rates of firearms ownership and rates of homicide and other violent crime.

He concluded by disagreeing with the gun proponents' view that more education is the answer. He said that education does not work as well as legislation. He noted that legislation creates more incentives for compliance, especially if fines are included.

Suzanne Verge (Million Mom March) reported that she was there to support the victims and survivors.

Niko and Theo Milonopoulos (Kidz Voice-LA) stated that they support tough gun legislation, not watered down laws with loopholes. They proposed the elimination of the pre-emption issue and urged strong national gun safety laws.

The goal of Kidz Voice LA is to provide kids with a voice in the debate on gun violence and to help them be informed about the legislative process. They stated there are about 20 kids involved right now, some as young as 8 years old. They research and formulate their own ideas, without much adult involvement. The Milonopoulos' reported that they operate their office out of their home.

Koretz announced the next scheduled hearing for the committee would be on Thursday, August 23, in the State Capitol upon the adjournment of the Assembly.

Koretz adjourned the hearing at 1:30 p.m.

Deirdre Anglin, MD, MPH
Associate Professor of Emergency Medicine
Keck School of Medicine
University of Southern California

GUN VIOLENCE AS A PUBLIC HEALTH ISSUE

As an emergency physician at one of the busiest, if not the busiest emergency department in the United States, I provide medical care to patients with firearm injuries on a daily basis – multiple times a day. I first began working in the emergency department at Los Angeles County + University of California Medical Center in the late 1980s at which time my focus was to provide acute care to the victims of firearm injuries. However a short time later, after managing large numbers of patients injured and dying from gunshot wounds, I was struck by what a significant public health issue that firearm injuries and deaths have become. They affect not only individuals, but also families, and communities throughout the country.

Types of Firearms

There are nearly 200 million privately owned firearms in the United States¹ with approximately 70 million being handguns.² Research has shown that there is a handgun present in 15% - 30% of all US homes. While handguns only account for one-third of all firearms owned, they are the weapons used in 80% of homicides involving firearms.³ Semi-automatic handguns are replacing revolvers as the firearm of choice. Since the mid 1980s sales of semi-automatic handguns have increased 800%.⁴ In research on firearms used in gang related homicides in Los Angeles, the increase in handguns as the homicide weapon beginning in the mid 1980s was due to the increased use of semi-automatic handguns.⁵ Semi-automatic handguns have a rapid-fire mechanism, and can hold numerous bullets in large capacity magazines, which may be easily reloaded. Semi-automatic handguns are associated with an increase in the number of gunshot wounds per person, on-scene deaths, and an increase in the case fatality rate for firearm injuries.⁶ Assault-type firearms are not frequently involved in firearm violence.

Trends in Firearm Injuries

The etiologies of firearm injuries and deaths are categorized into assaultive violence and homicides, suicides and intentionally inflicted injuries, and unintentional injuries. Injuries may be nonfatal or fatal. The ratios of nonfatal to fatal firearm injuries vary according to manner of injury: 4:1 for assaults; 16:1 for unintentional; and 85% of intentionally inflicted firearm injuries are fatal.⁷

In 1993, injuries and deaths due to firearms in the US peaked. That year there were 39,595 firearm deaths, with 18,839 (48%) homicides, 19,213 (49%) suicides and 1,543 (3%) unintentional firearm injuries. There were also 104,390 nonfatal firearm injuries, with 76,491 (73%) due to assaults, 6,514 (6%) intentionally self-inflicted, and 21,385 (20%) unintentional.⁸ Firearms killed 15 children and adolescents each day. For 15 – 24 year old African-American and white males their firearm homicide rates doubled during this period.⁹ It was predicted that by 2003, firearm injuries would overtake motor vehicle crashes as the leading cause of injury death, and in fact in 10 states it did.¹⁰

Between 1993 and 1998 in the US there has been a marked decline in firearm violence and injuries and deaths due to firearms. Assaultive, intentionally self-inflicted, and unintentional firearm injuries have all decreased by over 40%.⁸ Deaths due to firearms have also decreased by over 30% for homicides, over 10% for suicides, and almost 40% for unintentional firearm deaths.⁸ These declines have been consistent across population subgroups (i.e. ethnic, gender). Further, the number of children and adolescents killed by firearms each day has dropped to 10.

Cost of Firearm Injuries

The societal cost of firearm injuries consists of direct medical costs (i.e. EMS, emergency department resuscitation, surgery, inpatient care, rehabilitation and repeat hospitalization, mental health), indirect medical costs (i.e. long-term disability, lost productivity, premature death), and quality of life costs.

Additionally, firearm violence is associated with enormous costs related to law enforcement, the criminal justice system, and incarceration. Studies have estimated that the mean medical cost for a firearm injury is \$17,000 per person. This yielded a total lifetime medical cost in the US for firearm injuries sustained in 1994 of \$1.4 to 4.0 billion.¹¹ One study of the direct and indirect medical costs of firearm violence in 1993 in California estimated it to be approximately \$18 billion. Research has shown that up to 80% of these costs are borne by the taxpayers. Understanding these costs is important in order to appreciate the financial burden on the medical care system, and as part of the evaluation of firearm violence-reduction programs.

Prevention of Firearm Violence

Over the past century, great advances have been made in reducing the morbidity and mortality from various diseases, in particular infectious diseases. Yet during the same period of time, there has been a dramatic rise in firearm injuries and deaths. The same public health model that was applied to those diseases can be applied to the prevention of firearm injuries. Similar to other forms of injury, firearm injuries are not unpredictable, random events, nor "accidents". They are not simply on account of being at the "wrong place at the wrong time". The first step in reducing firearm injuries is to define the problem and to institute surveillance. Then, the causes and risk factors need to be identified. Interventions may then be developed, tested and evaluated. Lastly the interventions need to be implemented and their effectiveness measured. Clearly, primary prevention of firearm injuries prior to their occurrence is preferable to treatment of firearm injuries. While medical advances in the treatment of firearm injuries will continue, the preventive efforts need to be focused on primary prevention.

What Has Been Successful?

In view of the significant decreases in firearm injuries, it is important to determine which interventions have been successful. It is likely that the decrease is not due to one intervention alone, but rather to complementary interventions such as has been used in motor vehicle crashes (i.e. seat belts and efforts to decrease drinking and driving). Policing techniques involving "hot spot" patrols have resulted in a decrease in firearm violence. Aggressive enforcement of gun laws was shown in New York City to lead to a 60% decrease in firearm homicides.¹² Tracing of firearms by the ATF has been able to identify suppliers of firearms used in crimes. Tougher licensure requirements have resulted in a decrease in the number of federally licensed firearms dealers. The Brady Handgun Violence Prevention Act has resulted in increased background checks. Firearm safety education for children and firearm buybacks has not been shown to be effective. Other societal influences during this time period must also be considered. Overall rates of violent crimes in the US have also decreased. Further, the degree to which the improved economy has influenced the firearm injury rates is unknown.

What Should we Do Now?

There are a number of areas in which our efforts need to be focussed. A firearm injury surveillance system modeled on the National Electronic Injury Surveillance System (NEISS)¹³ needs to be instituted in California. Such an emergency department based system would enable accurate and scientific gathering of data regarding firearm injuries and deaths. It would help identify the underlying causes of firearm injuries and deaths. It would enable data to be gathered on firearm injuries of patients who are treated and discharged from emergency departments, not only those who are severely injured or killed. This data could be linked with police reports, crime lab reports, medical examiner reports and death certificates to give us a complete picture of firearm injuries upon which to base the development of interventions. This system would need to be adequately funded in order to insure accurate data collection. The cost of a surveillance system would be far outweighed by the benefit of the data gathered. In addition, a firearm fatality reporting system (similar to the FARS – Fatal Accident Reporting System) also needs to be instituted in order to monitor all firearm fatalities.

Additionally, to improve data related to firearm injuries, external cause of injury codes (e-codes) need to be mandatory for all patient visits to the emergency department, not only those who are hospitalized. This would further aid in targeting populations at high risk for firearm injuries.

Violence and firearm injury prevention programs currently in place must have rigorous evaluations to determine those that are effective. Communities need to be safer, as fear fuels firearm sales. From previous research, we know that the presence of a handgun in the home increases the risk of a firearm-related homicide or suicide involving someone in the home or an acquaintance.

Firearm safety mechanisms, which have been shown to be effective, need to be implemented. New safety mechanisms should also be developed and implemented, based on their effectiveness.

Conclusion

The US Department of Health and Human Services have set goals in Healthy People 2010 for decreasing the rates of firearm deaths, firearm injuries and percentages of individuals living in homes with loaded and unlocked firearms. We have made great strides in the past 7 years in decreasing the rates of injury and death from firearms. Let us continue the momentum and continue our efforts to decrease them further.

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Essay on Firearms Violence

Prepared by Bill Durston, M.D.

Co-chairperson, Injury Prevention Subcommittee,
California Chapter of the American College of Emergency Physicians (Cal/ACEP)

Revised August 14, 2001

For presentation to the California Assembly Select Committee on Gun Violence

Note: This essay was originally prepared by Dr. Durston to assist the Cal/ACEP Board of Directors in developing a position statement and action plan regarding firearms violence prevention. The official Cal/ACEP Position Statement and Action Plan can be found on pages 3 and 4 of this essay, and on Cal/ACEP's web page at calacep.org. Dr. Durston's essay has not been officially endorsed in its entirety by Cal/ACEP and is not intended to represent Cal/ACEP policy.

Background

Firearms violence is at epidemic levels in California and in the United States. In 1998, there were over 30,000 fatal shootings in the United States.¹ It is estimated that there are at least two to three times this many non-fatal gunshot wounds every year in our country.^{2,3} Over 3000 Californians are killed annually by firearms.⁴ By comparison, there were approximately 3000 deaths due to polio in the entire United States at the height of the polio epidemic in 1952. The current rate of firearms deaths in the U.S. is comparable to the rate of deaths due to AIDS.⁴ By 1991, the annual number of firearms related deaths exceeded the number of deaths due to motor vehicle accidents in seven states, including California.⁵ It is estimated that the annual cost of medical treatment of gunshot injuries in the United States is \$2.3-4 billion.^{6,7} The overall cost to society of firearms related injuries in the United States has been estimated to be \$112 billion annually.⁸

Firearms related deaths and injuries are particularly rampant in adolescents and young adults in this country.^{9,10,11,12,13} The rate of firearms-related deaths for U.S. children younger than 15 years of age is nearly 12 times greater than the rate in the other 25 leading industrialized nations of the world.^{14,15} A child in the United States is currently far more likely to catch a bullet than to catch the measles.^{1,16} The homicide rate for U.S. males ages 15-24 is more than ten times higher than in most other developed countries, with three quarters of homicides being committed by firearms in the U.S. while less than a quarter% of homicides are committed by firearms in most other countries.¹⁷

The much higher rate of firearms violence in the United States as compared with all other industrialized countries corresponds with a much higher rate of firearms ownership in the U.S.^{18,19,20} Within the United States, as well, the community rates of firearms fatalities generally parallel community rates of firearms ownership.^{21,22,23,24,25,26,27} There are approximately 200 million privately owned firearms in the United States.²⁸ It is estimated that 30-40% of adults keep firearms in their home.²⁹

Most persons who keep firearms at home cite personal protection as the reason for having guns.^{29,30} In fact, however, multiple studies in the medical literature have shown that having a gun in the home substantially increases the chances of a household resident being shot and killed or injured.^{31,32,33,34,35,36,37} In one of these studies, it was found that for every time a gun in the home was used to kill someone in self-defense, there were 43 firearms related homicides, suicides, or accidental deaths.³⁴ There is also substantial evidence in the medical literature demonstrating that enactment and enforcement of legislation which reduces firearms availability is effective in reducing firearms fatalities.^{38,39,40,41,42,43,44,45,46}

The most significant firearms legislation to be enacted at the federal level in the United States over the past decade has been the Brady Handgun Violence Prevention Act, implemented in February, 1994, requiring background checks and a 5 day waiting period prior to the purchase of a handgun from a federally licensed firearms dealer. Other, less far-reaching firearms violence control measures have included enactment and enforcement of tougher state and local gun control laws,^{38,40,47} tougher licensure for firearms dealers,^{48,49} the development of firearms safety locks,⁵⁰ and bans in some states on assault weapons⁵¹ and low-priced, concealable handguns^{52,53} In California in 1999, Governor Gray Davis signed bills outlawing "Saturday night specials" and assault rifles, limiting handgun purchases to one a month, and requiring child safety locks on new firearms,⁵⁴ but the Governor also vowed to veto any additional firearms legislation.⁵⁵ Just before the end of the 2000 legislative session, a law to require a safety course and passage of a safe handling test prior to purchase of a handgun (AB-273), was withdrawn by its author because of the threat of a veto by the Governor.⁵⁶

From 1993 to 1997, there was a 21% drop in overall firearms mortality in the U.S.,¹ suggesting that the Brady Act and other efforts to reduce firearms violence may be having a positive effect.⁵⁷ Though the recent decline in firearms fatalities gives reason for hope, firearms violence is still epidemic in our country. For the firearms fatality rate in the United States to drop to the average level for the other 35 leading economic nations of the world, there would have to be an 88% decline from 1993 levels.⁵⁸ For the U.S. rate to drop to the level in England, where private possession of handguns is prohibited outside of sporting and hunting clubs, the U.S. rate would have to drop 97% from 1993 levels.⁵⁸

Just how much the Brady Act is responsible for the drop in firearms mortality has recently been questioned.⁵⁹ It has been argued that other factors, such as the booming economy, waning use of crack cocaine, or tougher sentencing laws for criminals, may be more responsible for declining firearms violence. The effectiveness of individual firearms injury prevention measures is difficult to assess using typical medical research methodology. Investigators are not able to randomly assign "treatment" and "control" groups; it is difficult to control for confounding variables; there is not a uniform reporting system for firearms injuries; and the extent and effect of illegal gun trafficking is hard to assess.⁶⁰ Applying the public health model of disease control to firearms injuries, however, one would expect that the most effective intervention would be to eradicate the vehicle of injury (firearms) from the environment.⁶¹ Since handguns account for approximately 70-80% of all firearms-related homicides,⁶² suicides,⁶³ and accidental deaths,⁶⁴ reducing or eliminating the availability of handguns would be expected to be a particularly effective intervention. In support of this argument, the ban on new handgun purchases which was imposed in Washington D.C. in 1976, and which was followed by a

25% drop in firearms homicides and a 23% drop in firearms suicides over the next 10 years, is the best documented example of effective firearms injury prevention in the United States.³⁸

Despite the evidence in the medical and the criminology literature linking rates of firearms violence with rates of firearms ownership, the issue of gun control remains a controversial one in the United States. The two most common arguments put forth by opponents of gun control are: 1) that the Second Amendment to the U.S. Constitution prohibits restrictions on firearms ownership by private citizens; and 2) that there is evidence that "responsible gun ownership" deters crime.

Although interpretation of the Second Amendment is not, strictly speaking, a medical issue, physicians are governed in their practice and guided in formulating policy recommendations by the laws of the land. Physicians interested in firearms violence prevention should be familiar, therefore, with the Second Amendment. The full text of the Second Amendment reads, "A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed." Opponents of gun control typically omit the first portion of the amendment, which refers to "a well-regulated militia," and cite only the last phrase referring to the "right of the people to keep and bear arms." It has been repeatedly established in Supreme Court decisions,^{65,66} in decisions of lower courts, and in reviews by legal-historians^{67,68} that the Second Amendment was intended to protect the rights of states to maintain armed militias and that it does not imply a right of individual citizens to own firearms. The Second Amendment has no bearing, therefore, on whether or not federal, state, or local governments can enact gun control legislation, or on whether or not physicians, legislators, or other policy makers should advocate gun control legislation as a means of reducing firearms violence.

The contention that "responsible gun ownership" deters crime is based largely on anecdotal reports and quasi-scientific studies published outside of the medical literature. One of the most often quoted studies claims that there are 2.5 million incidents of defensive gun use annually in the United States.⁶⁹ Another study frequently cited by opponents of gun control purports to show that allowing private citizens to carry concealed weapons reduces crime.⁷⁰ Serious methodological flaws have been noted in these studies,^{71,72,73} and their conclusions are not consistent with other studies in the criminology literature^{26,74,75} or with the large body of data in the medical literature, cited above, showing a direct association between rates of firearms ownership and rates of homicide and other violent crime.

Numerous physicians specialty associations, including the American College of Physicians,⁷⁶ the American Academy of Family Physicians,⁷⁷ and the American College of Surgeons,⁷⁸ support a variety of measures to reduce firearms violence. The American Academy of Pediatrics has called for firearms regulation, to include bans of handguns and assault weapons, as the most effective way to reduce firearm-related injuries in children.⁷⁹ In 1998, the American College of Emergency Physicians endorsed the Eastern Association of Surgery for Trauma position paper on violence in America.⁸⁰ The EAST position paper calls for restrictions on private ownership of handguns and licensing and registration of all individual firearms, in addition to other measures to reduce overall violence.⁸¹ In Canada, the Canadian Association of Emergency Physicians was effective in promoting the passage of extensive firearms regulations in 1995 in Bill

C-68, which included controls on the sale of ammunition, a ban on semi-automatic military assault weapons and short-barelled handguns, and mandatory registration of all firearms.

On April 6, 2000, the Board of Directors of the California Chapter of the American College of Emergency Physicians (CAL/ACEP) voted to make firearms injury prevention one of CAL/ACEP's legislative priorities. On December 7, 2000, CAL/ACEP's Board of Directors approved the following position statement and action plan for addressing firearms violence.

CalACEP's Position on Firearms Violence Prevention

Firearms violence is at epidemic levels in California and the rest of the United States. The rate of firearms mortality is many times greater in the United States than in any other democratic, industrialized nation. It is the position of the California Chapter of the American College of Emergency Physicians (CAL/ACEP) that Firearms violence is a preventable public health problem. CAL/ACEP reaffirms its support of ACEP's endorsement⁸⁰ of the position paper of the Eastern Association for Surgery of Trauma regarding firearms injury prevention.⁸¹

CAL/ACEP believes that the organization has a duty to work in the arena of injury prevention. Accordingly, CAL/ACEP will actively track and foster legislation to reduce firearms violence, will promote educational activities that teach the risks of having firearms in the home, and will explore liaisons with other organizations working on firearms violence prevention.

CAL/ACEP's Action Plan to Reduce Firearms Violence

- **Establish a firearms injury prevention fund within the existing Emergency Medicine Research and Education Foundation**
- **Develop a media campaign, including a slide show and a speaker's bureau, to impart the following messages to other physicians, patients, policy makers, and the general public:**
 - **Firearms violence is at epidemic levels in the United States, and is much more prevalent in our country than in other democratic, industrialized nations.**
 - **Medical research shows that a gun in the home is much more likely to be used to kill a household member than to kill an intruder.**
 - **It is best not to keep a gun in the home.**
 - **If you do keep a gun in the home, you should keep it locked up and you should know how to use it safely.**
- **Actively track and foster legislation to reduce firearms violence.**
- **Explore liaisons with other organizations working on firearms violence prevention.**

AMA leader takes aim at gun-death 'epidemic'

By Muriel Dobbin

Washington - A California doctor who is the new president of the American Medical Association has antagonized the gun lobby and offended some fellow physicians by vowing to spend his year in office on a crusade against "the epidemic of gun violence," which he denounced as a public health crisis.

Dr. Richard Corlin is seeking to set up a federally coordinated and funded violent-death reporting system that would allow states to collect detailed information about homicides, suicides and accidental fatalities that could be used as preventive guidelines for police and public health officials.

He underscored the need for such a tracking system by offering statistics showing that since 1962, more than 1 million Americans died in firearm suicides, homicides and unintentional shootings. In 1998 alone, 30,708 Americans died by gunfire, and 64,000 were injured. Medical costs from gun injuries were estimated at an annual \$2.3 billion.

"This is not an attack on the politics of guns and it is not about gun control," Corlin said. "What is needed here is an epidemiological approach, meaning that a problem is scientifically studied before a diagnosis is made."

He said that for every year of life lost to cancer, \$794 is being spent on research, compared with \$31 for every year lost to gun violence.

The Centers for Disease Control and Prevention, which was suggested by Corlin as the national coordinator for such a system, lost previous congressional funding for gun-injury research in the mid-1990s after lobbying by the National Rifle Association. Corlin's project would call for a \$20 million appropriation for the CDC.

The AMA president's proposal evoked hostile reaction, not only from the NRA but from some gun-owning doctors, such as Tim Wheeler, a Californian and founder of Doctors for Responsible Gun Ownership.

Wheeler accused Corlin of "throwing a bombshell" that would split the 290,000-strong AMA membership. He said that almost one-third of physicians own firearms, 45 percent for hunting, 38 percent for self-defense and 17 percent for target practice.

He also said the AMA was losing members because of its "long history of promoting gun control in the political arena."

Bill Parkerson, NRA director of research and information, accused Corlin of relying on "a chain of discredited sound bites" for a plan that he said represents a "smokescreen for gun control."

"The NRA does not pretend to be experts on epidemiology, and we do not fault honest research, but this is biased," said Parkerson, who predicted that civil libertarians would have problems with the kind of investigation that was being advocated, because it risked prying into personal lives.

Parkerson said doctors should leave research on violence to criminologists and worry instead about statistics showing that about 100,000 people die annually as a result of medical mistakes.

In an interview, Corlin responded, "The NRA is misstating what this is about. This is about reducing gun violence. It is not about gun control, and we will not be drawn in by the rhetoric of the left or right."

The 60-year-old AMA leader, a gastroenterologist in Santa Monica, said he decided to launch a violence-control research mission a year ago when a staff member died in a random shooting and the child of a friend was involved in a fatal gun accident at home.

He acknowledged that reaction to his inauguration speech last month included 500 e-mails, most from non-doctors and many negative. Corlin said the similar phrasing of many messages suggested they were inspired by the gun lobby. He added that he planned to reply to letters from doctors.

Corlin and his supporters compared his proposal of a national violent-death reporting system to the Department of Transportation's Fatality Analysis Reporting System, which was developed in the 1960s to improve driver safety and reduce road deaths by using data nationally coordinated and locally collected.

It was such information, said Corlin, that gradually led to the use of seat belts and air bags in cars, and the setting up of guard rails and freeway exit and entry ramps.

"We are not looking at a behavioral problem with guns here, but a public health crisis of drastic dimensions," Corlin said.

The system he had in mind, explained Corlin, would track the circumstances of violent deaths, from homicides and suicides to accidents. It would include uniform data from crime labs, medical examiners and police, which would be linked and analyzed by the CDC in order to work out methods of prevention, from intervention with a suicidal person to making gun design safer and changing police patrol patterns in neighborhoods with crime problems.

Currently there is no national center for data collection, although pilot projects have been set up at Harvard Injury Control Research Center and at the University of Wisconsin medical center.

"Data has to be neutral," said Cathy Barber, who runs the Harvard pilot. "We are not only talking about guns. We are trying to find out how fatalities happen, whether by guns, knives or overdoses."

Jack Lewin, president of the California Medical Association, praised Corlin for "a courageous and timely stand."

"The NRA is imbued with paranoia about this," he said. "An alternative to gun control is what is being suggested. This is aimed at using scientific intervention by stepping back and studying what is happening."

Arinn Dixon, a spokeswoman for Physicians for Social Responsibility, which was founded more than two decades ago, said Corlin had dramatized the need for a violent-death reporting system.

"We train doctors about counseling patients on gun violence, and it is a problem that data does not exist on a national level," Dixon said.

Robert Seltzer of the New York-based Doctors Against Handgun Injury said, "It is unreasonable to oppose gathering epidemiological data which can tell you what patterns exist in violence. ... The NRA should be prepared to support an objective research program."

OPINION

A view of the firearm debate from a trauma center

By Michael J. Sise

The "Code Trauma" call came in the early evening — a young male with a life-threatening gunshot wound.

Our struggle against the inevitable began quickly and lasted throughout the night. There was nothing we could do to save him — no medications or operations would restore him to his family. Despite our work that night, by morning he was gone.

It wasn't clear who shot him. The article in the morning paper told of a lone gunman who fired three or four shots from a standard handgun. A young girl was also wounded but would survive. There were no answers, only the question, "Why?"

Sometimes my early morning drive home after a busy night on trauma call seems like a trip to a foreign land, and it's better if everyone's still asleep, and I have the chance to quietly consider what happened the night before. It often takes time to focus on the everyday details of home life and put aside the grief that comes from watching another family's child die.

There is no hardening of the heart for those of us who provide trauma care. Instead, there is the accumulated memory of the faces of those we've lost, the sorrow of their families, and the crystal clear notion that it was always preventable.

For us, the debate over firearms is not one of statistics and policies. Instead, there are vivid images of the

Sise is director of trauma services at Scripps hospitals.

faces of the victims, the tears of their families, and the early morning drives home.

There is precious little time to care for the injured without wasting it on the debate over firearm ownership. Very few of us have the interest, money or inclination to wage a political battle with those who oppose all efforts to reduce the number of firearms within reach.

We have become an armed society with guns in 40 percent of our homes, many of them loaded and ready to fire. Those who oppose firearm regulation have prevailed, and there will be no comprehensive firearm injury reduction policy for the foreseeable future. We are left with the challenge of dealing with the aftermath.

The gun lobby almost shut down the Centers for Disease Control over the reporting of firearm injury statistics and studies of ways to reduce them. Those of us who provide trauma care see the reality behind those statistics night after night.

It was easier to deliver bad news to a family when I was younger. I didn't understand grief then. It gets more difficult each time. Now each young person who dies despite our best efforts seems more like my own child. Their family's grief is also mine.

No one can experience these things without being changed. The disconnect between those who fight sensible gun policy and those of us who care for firearm victims cannot be more complete. They sensationalize their arguments with comments about taking their guns from "my cold, dead



Lamberto Alvarez

hands," and we are left to hold the hands of the victims of firearm violence as their lives drain away.

Firearm deaths among teens in San Diego County were studied in the late 1990s. The Suicide Homicide Audit Committee found that the No. 1 preventable factor in firearms deaths among youth was access to a firearm.

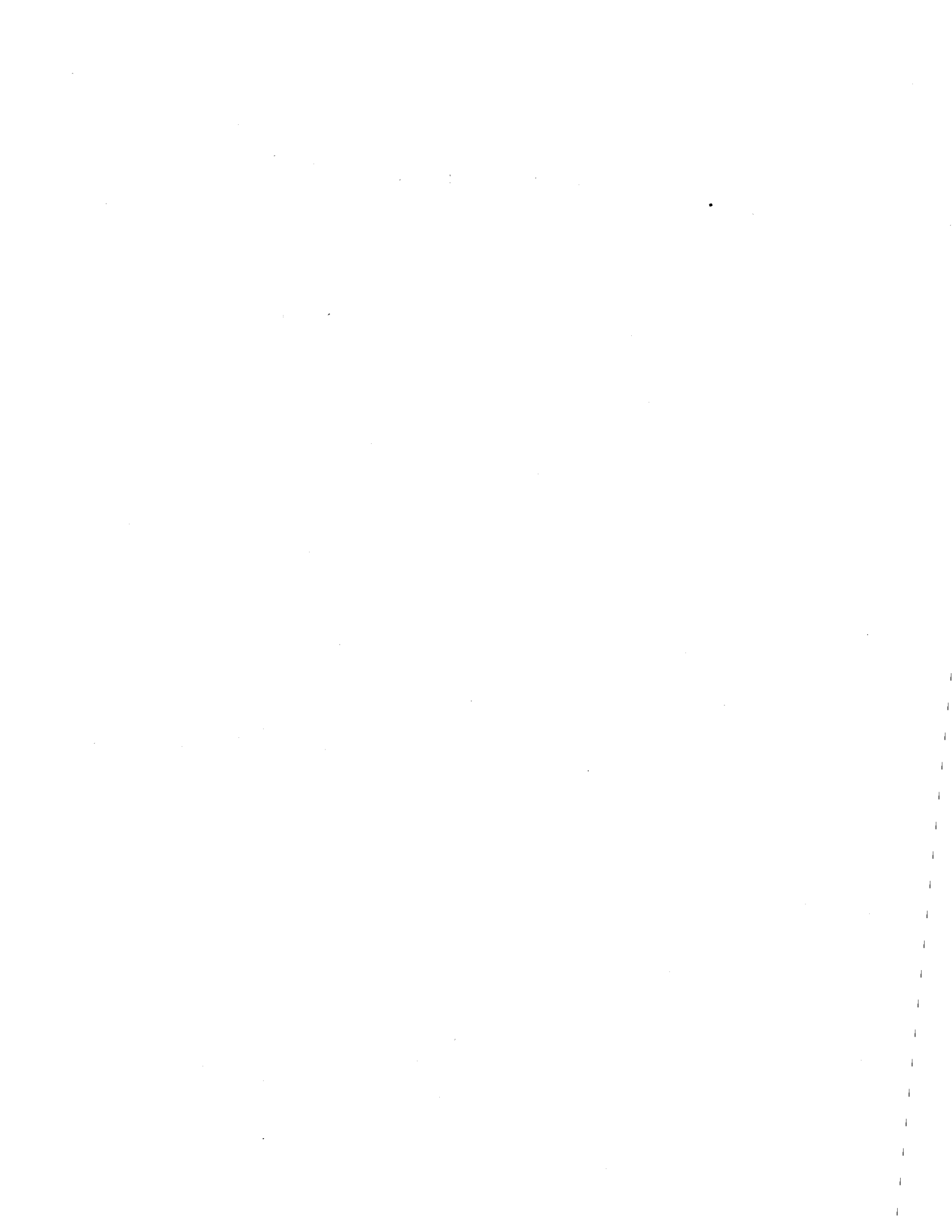
This was no surprise to those of us who work in emergency rooms and

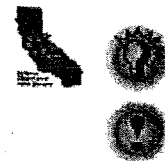
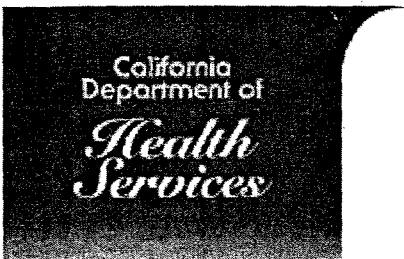
trauma centers each night. We've already read the studies showing that families with firearms in their homes are many times more likely to have a teen suicide or homicide than families without them. Our only surprise is that our community seems complacent whenever another young person dies a preventable death from firearm injury.

We're left to temper our outrage

with the notion that "if they only knew what we know" or "if they saw what we see," they would certainly take action.

There will be other difficult nights on trauma call, and there will be other quiet mornings of private grief. How long this continues, is not for us to say. We can only prepare ourselves for struggles that we can't win, sorrow we can't console, and questions we can't answer.





EPIC

Epidemiology and Prevention
for Injury Control Branch

Firearm Injury Surveillance Program

Firearm Injuries in the '90's

How many Californians were seriously injured with firearms each year? ([Figure 1](#))

- An average of 4,420 people were killed with firearms each year from 1991-99.
- Firearm deaths peaked at 5,438 in 1993 and then declined to 3,009 in 1999, the lowest annual total of any year on record (since 1977).
- This variation is due almost entirely to changes in the number of firearm homicides.

How do firearm deaths compare to motor vehicle traffic deaths? ([Figure 2](#))

- Prior to 1990 (from 1977 through 1989), 69,370 Californians died in motor vehicle traffic collisions compared to 50,525 from firearms, for an annual average of 5,336 traffic deaths and 3,887 firearm deaths.
- From 1991 through 1999, 35,392 Californians died in motor vehicle traffic collisions (averaging 3,932 per year), compared to 39,781 from firearms (averaging 4,420 per year). In 1998, firearm injury deaths dipped below motor vehicle traffic deaths for the first year since 1991. In 1999, motor vehicle traffic deaths dipped back down below firearm injury deaths.

Which is more common, firearm homicide or firearm suicide? ([Figure 3](#))

- Since 1991, firearm homicides have outnumbered firearm suicides in California. From 1991-1999:
 - 54% of firearm deaths were homicides.
 - 41% of firearm deaths were suicides.
 - 2% of firearm deaths were unintentional gun injuries.
- 1998 was the first year since 1988 that firearm suicides outnumbered firearm homicides. In 1999, this pattern continued.

What percent of homicides ([Figure 4](#)) and suicides ([Figure 5](#)) involve a firearm?

- From 1991-99, 73% of all homicides were committed with a firearm and 52% of all suicides were committed with a firearm.

How lethal are firearms? ([Figure 6](#))

- Of serious injuries (deaths and nonfatal hospitalizations) from 1991-99:

- o 9 out of 10 suicide attempts with a firearm were fatal, compared to 1 of 10 suicide attempts by other means.
- o 1 of 3 firearm assaults were fatal, compared to 1 of 14 assaults by other means.
- o 1 of 11 unintentional gunshots were fatal, compared to 1 of 21 unintentional injuries by other means.

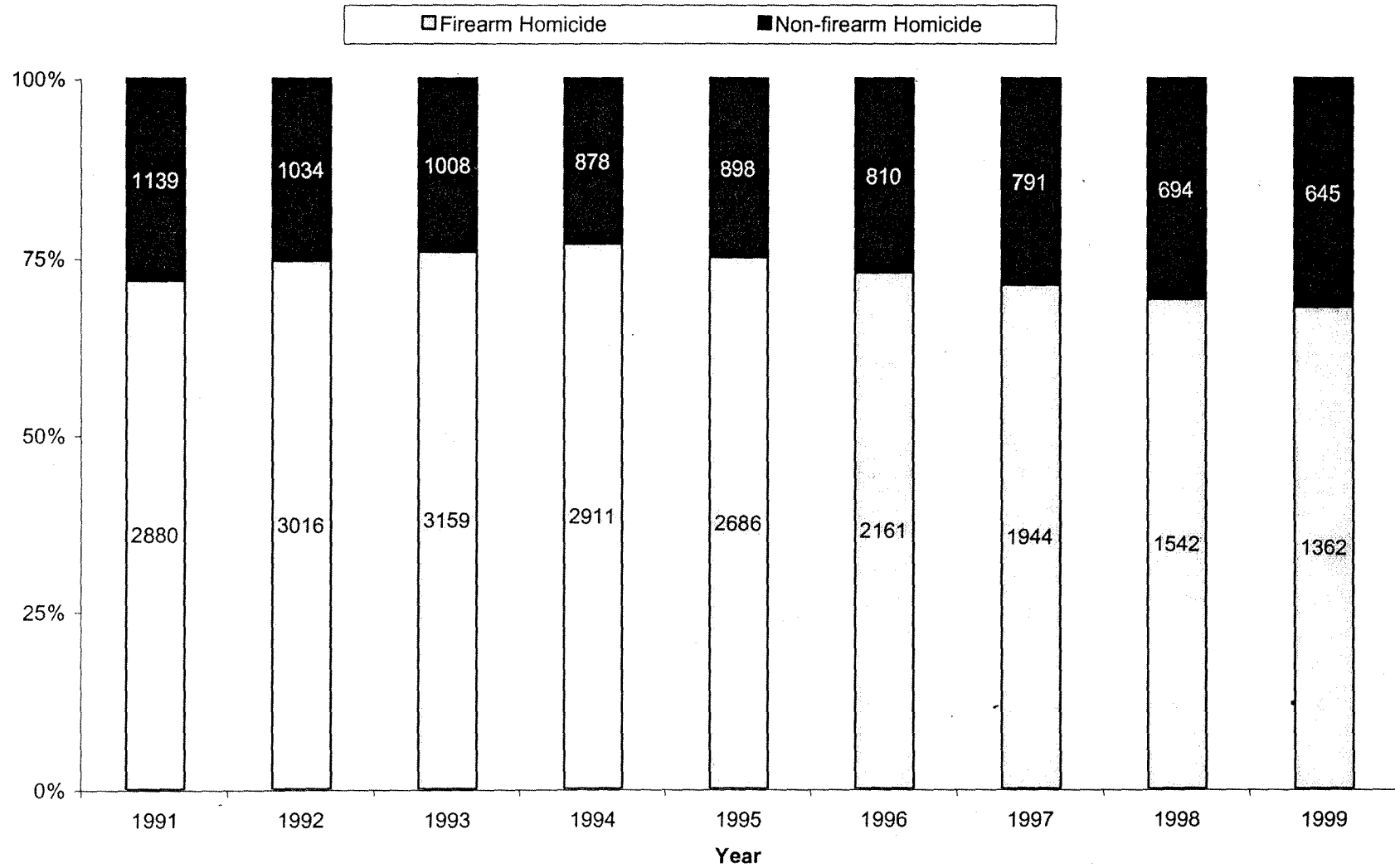
[Back to FISP Home Page](#)

Sources: California Department of Health Services; death records. California Office of Statewide Health Planning and Development (OSHPD); hospital discharge records. California Department of Justice; supplemental homicide reports. California Department of Health Services; Behavioral Risk Factor Survey;

Prepared by: California Department of Health Services,
[Epidemiology and Prevention for Injury Control \(EPIC\) Branch.](#)

Figure 1

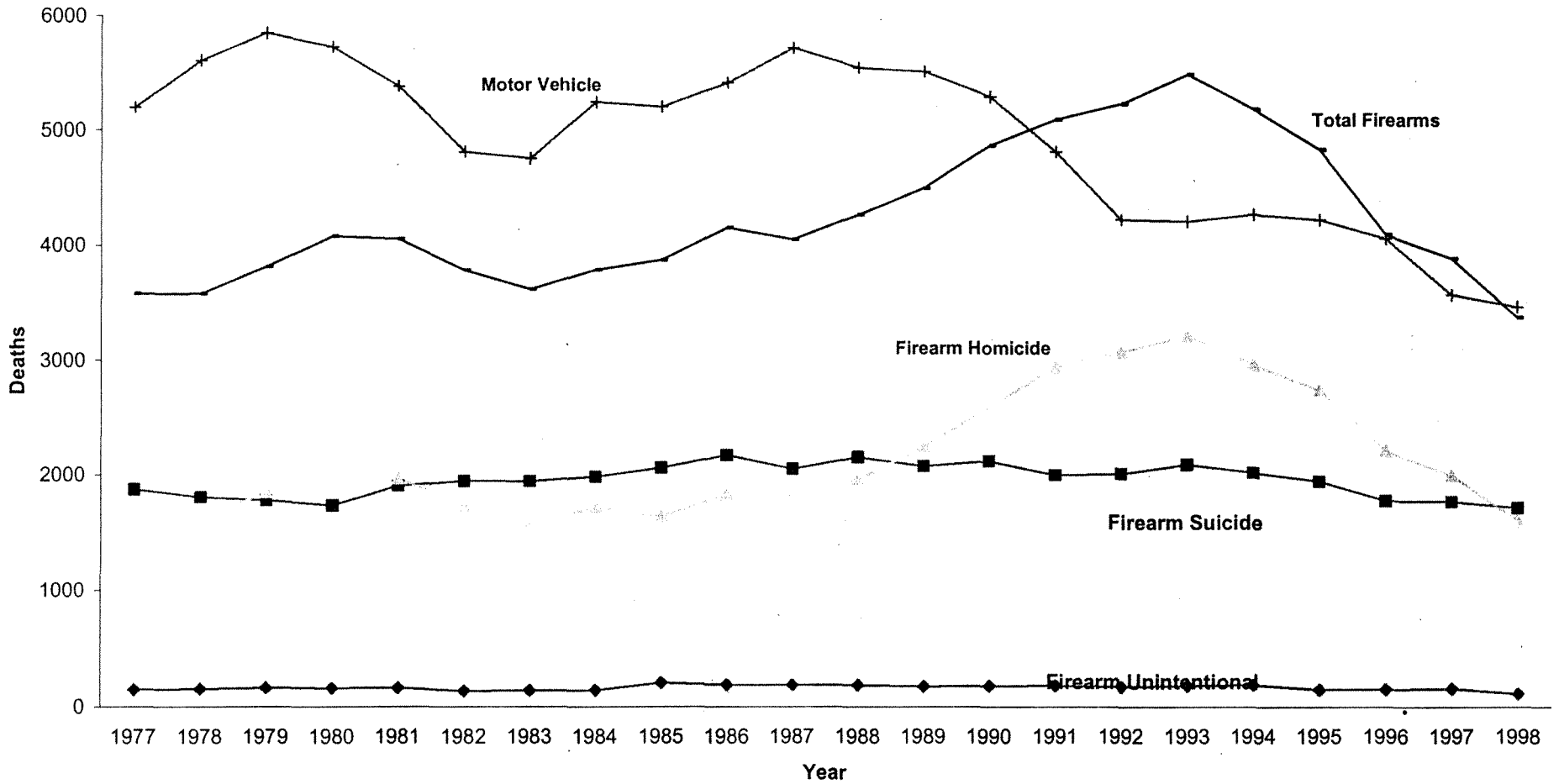
Homicides with firearms and other means, California, 1991-99



Source: California Department of Health Services (CDHS), Death Records
Prepared by: CDHS, Epidemiology and Prevention for Injury Control (EPIC) Branch, 5/21/02

Figure 2

Deaths from Firearm and Motor Vehicle Traffic Injuries
California, 1977-1998



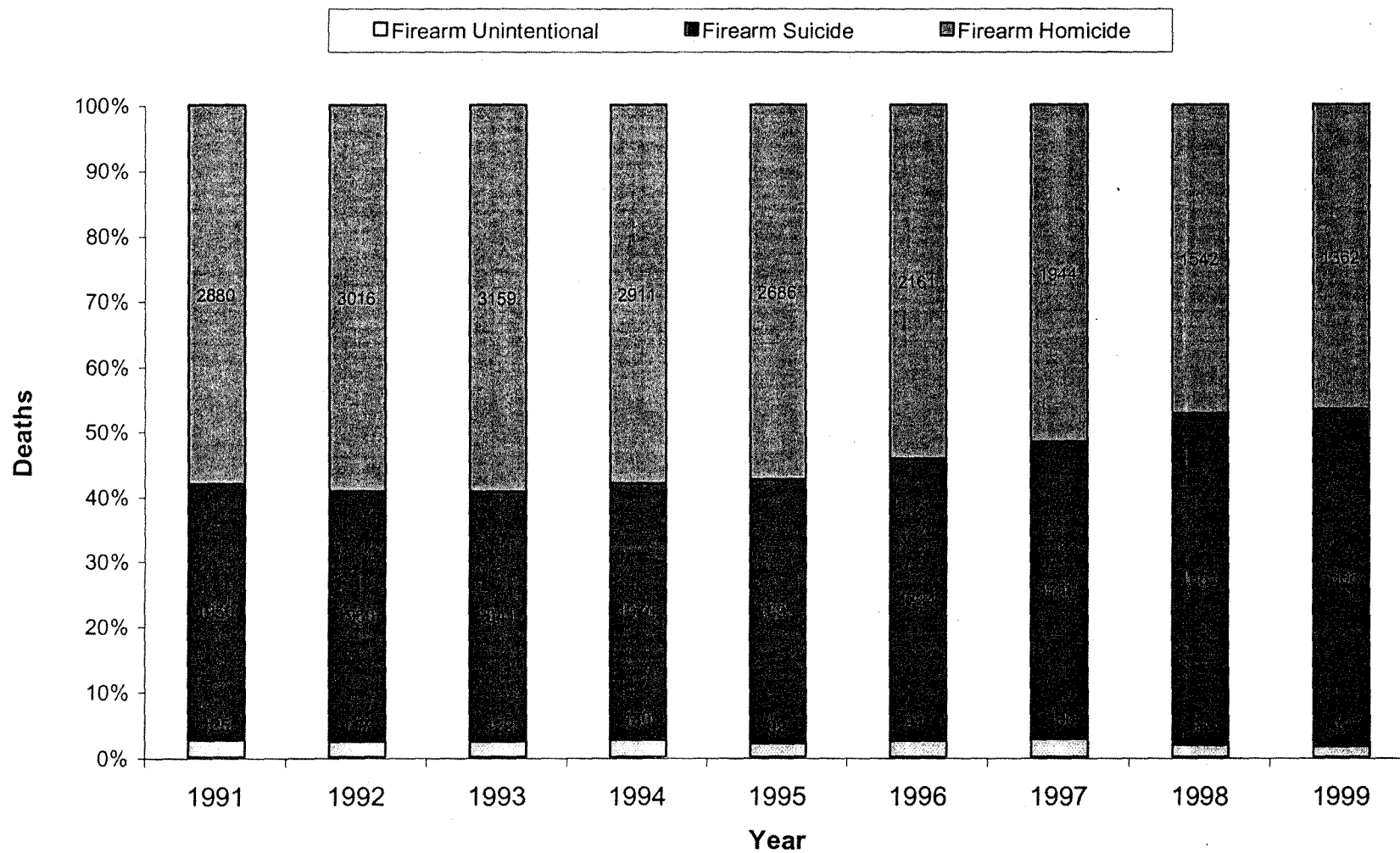
*ICD9 Codes E922, E955.0-E955.4, E965.0-E965.4, E970, E985.0-E985.4

**ICD9 Codes E810-E819

Source: California Department of Health Services (CDHS), Death Records

Prepared by: CDHS, Epidemiology and Prevention for Injury Control Branch 12/4/2000

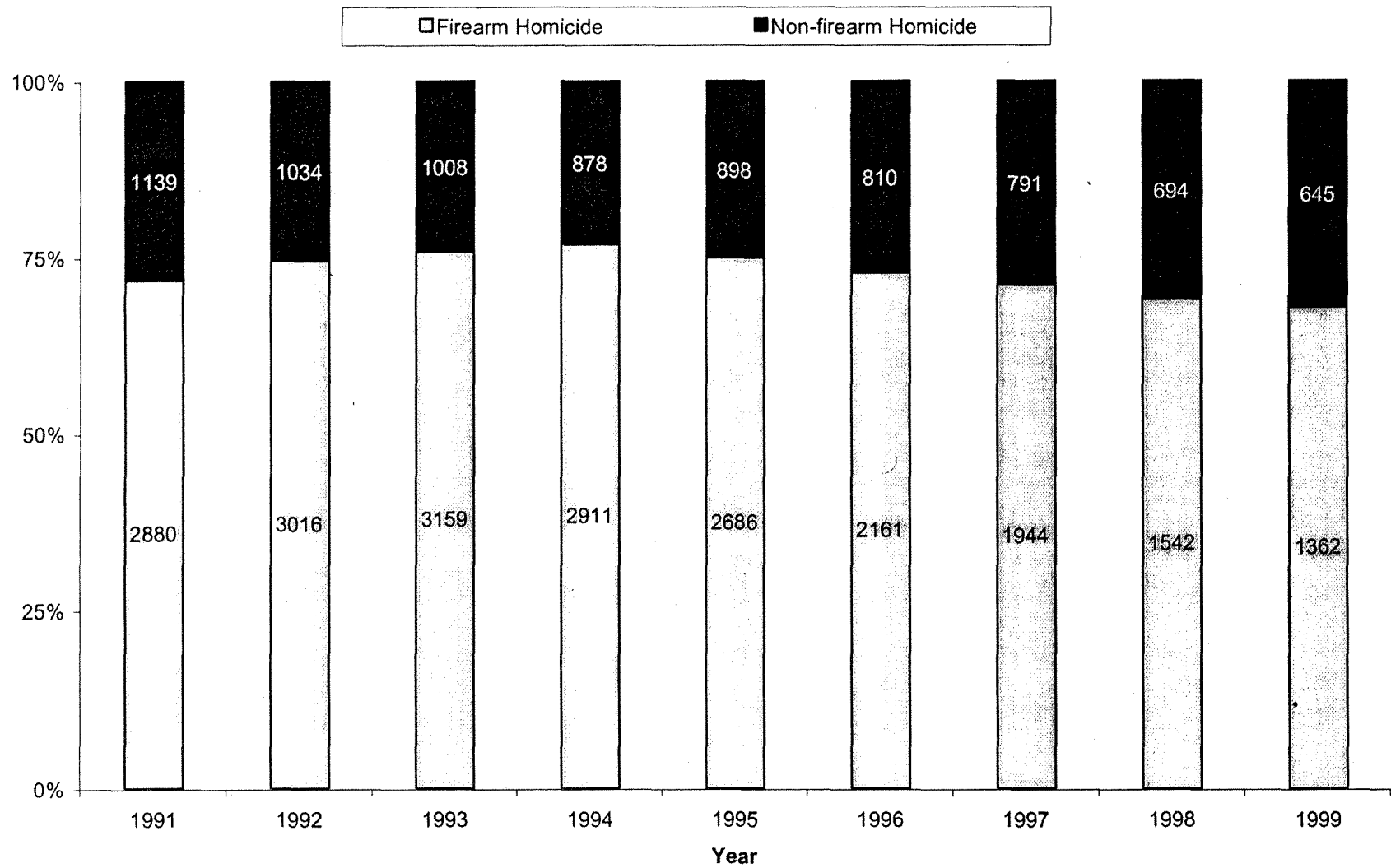
Percentage of California Firearm Injury Deaths by Intent, 1991-1999



Source: California Department of Health Services (CDHS), Death Records
 Prepared by: CDHS, Epidemiology and Prevention for Injury Control (EPIC) Branch, 5/21/02

Figure 4

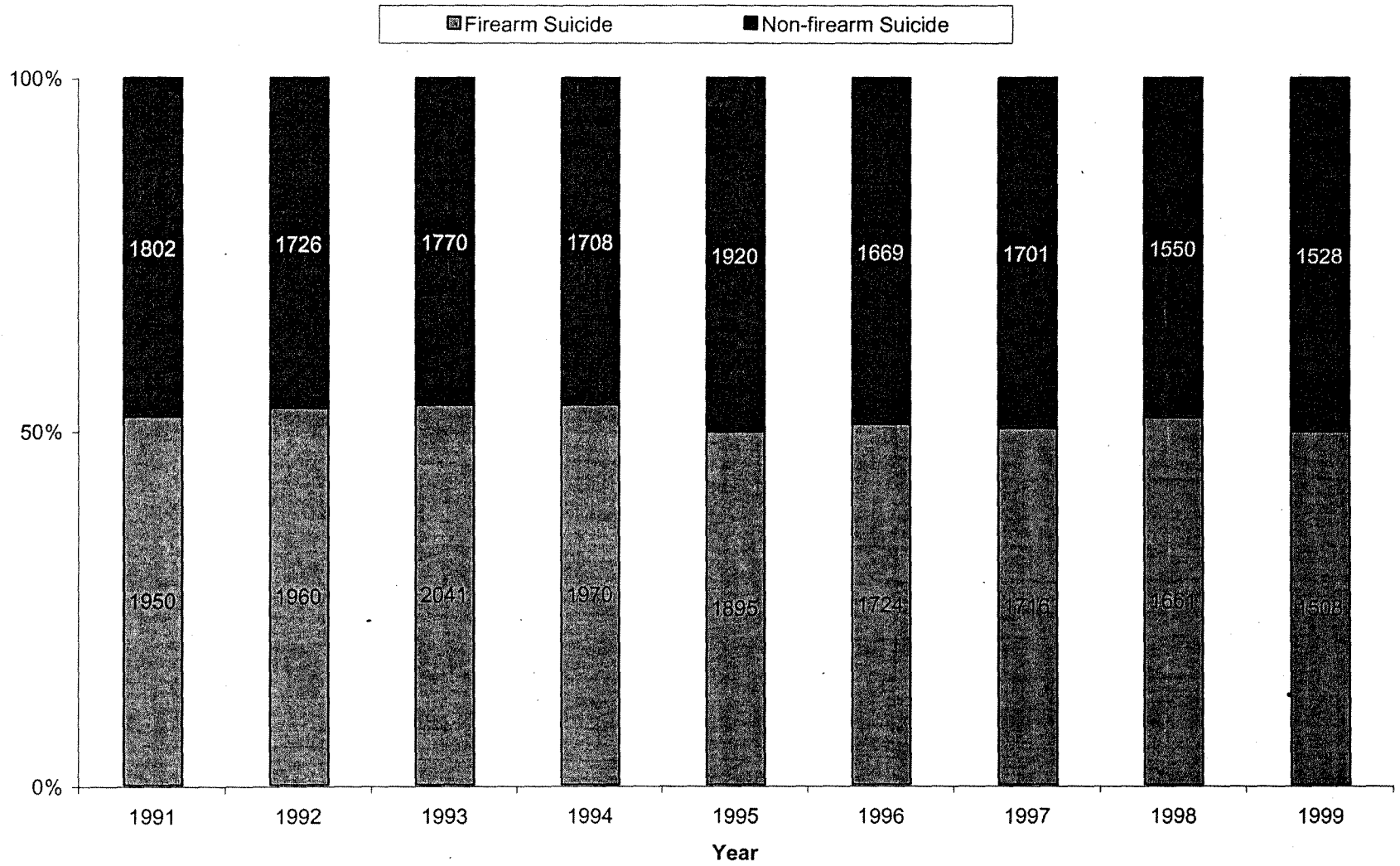
Homicides with firearms and other means, California, 1991-99



Source: California Department of Health Services (CDHS), Death Records
Prepared by: CDHS, Epidemiology and Prevention for Injury Control (EPIC) Branch, 5/21/02

Figure 5

Suicides with firearms and other means, California, 1991-99



Source: California Department of Health Services (CDHS), Death Records
Prepared by: CDHS, Epidemiology and Prevention for Injury Control (EPIC) Branch, 5/21/02

Figure 6

Firearm Injuries, 1991 to 2000
Fatal Injuries
California Residents

	<1	1-4	5-12	13-15	16-20	21-44	45-64	65+	Total
1991	0	11	34	152	876	2,713	693	552	5,031
1992	2	14	26	154	827	2,825	739	590	5,177
1993	2	12	33	161	885	2,973	773	599	5,438
1994	0	9	22	166	871	2,831	685	548	5,132
1995	1	11	31	161	844	2,512	717	510	4,787
1996	1	9	26	108	676	2,066	670	489	4,045
1997	2	15	31	81	595	1,949	658	503	3,834
1998	0	8	17	85	499	1,617	613	489	3,328
1999	0	8	16	56	421	1,429	600	479	3,009
2000	1	9	16	56	430	1,504	589	487	3,092
2001	1	7	16	47	438	1,634	622	508	3,273
Total	10	113	268	1,227	7,362	24,053	7,359	5,754	46,146

Prepared by California Department of Health Services, EPIC Branch

Source: California Department of Health Services, Vital Statistics Death Statistical Master File

Warning: 1999 and later death data use ICD-10 cause of death codes.

Use caution in comparing 1999 and later death data to previous years' death data or any hospitalization data.

January 7, 2003

[Return to Firearm Special Topics Page](#)

Firearm Injuries, 2000
Fatal Injuries
California Residents

	<1	1-4	5-12	13-15	16-20	21-44	45-64	65+	Total
Male	0	4	10	51	389	1,320	490	438	2,702
Female	1	5	6	5	41	184	99	49	390
Unknown/Other	0	0	0	0	0	0	0	0	0
Total	1	9	16	56	430	1,504	589	487	3,092

Prepared by California Department of Health Services, EPIC Branch

Source: California Department of Health Services, Vital Statistics Death Statistical Master File

Warning: 1999 and later death data use ICD-10 cause of death codes.

Use caution in comparing 1999 and later death data to previous years' death data or any hospitalization data.

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**Fatal Injuries by Age Group
California, 1998**

Cause of Death	Total	<1	1-4	5-12	13-15	16-20	21-44	45-64	65+
Total Injuries	14,062	84	236	235	220	1,225	6,083	3,093	2,886
Unintentional	8,225	49	186	190	103	584	3,219	1,848	2,046
Cut/Pierce	9	0	0	0	0	1	5	1	2
Drowning/Submersion	483	7	77	34	10	42	177	84	52
Fall	1,116	1	4	3	0	7	119	174	808
Fire/Burn	234	3	10	14	0	3	48	51	105
<i>Fire/Flames</i>	223	3	10	14	0	3	47	47	99
<i>Hot Object/Substance</i>	11	0	0	0	0	0	1	4	6
Firearms	56	0	0	1	3	16	23	9	4
Machinery	51	0	2	1	0	1	23	16	8
Motor Vehicle Traffic	3,421	17	53	119	75	439	1,419	692	607
<i>Occupant</i>	2,159	15	30	73	49	339	907	383	363
<i>Motorcyclist</i>	167	0	0	0	1	9	119	34	4
<i>Pedalcycle</i>	103	0	0	8	6	7	40	32	10
<i>Pedestrian</i>	595	0	16	30	12	35	187	155	160
<i>Other</i>	10	1	0	0	0	1	6	1	1
<i>Unspecified</i>	387	1	7	8	7	48	160	87	69
Pedal Cyclist,Other	11	0	1	1	0	0	2	5	2
Pedestrian,Other	132	0	17	6	1	11	49	29	19
Transport,Other	184	1	5	1	2	14	78	51	32
Natural/Environmental	83	2	0	0	1	0	23	27	30
Overexertion	0	0	0	0	0	0	0	0	0
Poisoning	1,773	0	2	0	5	34	1,111	558	63
Struck by Object	120	0	4	3	2	9	38	30	34
Suffocation	202	17	8	3	1	2	31	44	96
Unintentional,Other	350	1	3	4	3	5	73	77	184
Intentional-Suicide	3,211	0	0	4	48	170	1,410	883	696
Cut/Pierce	58	0	0	0	0	4	21	19	14
Firearms	1,661	0	0	3	26	93	630	463	446
Poisoning	544	0	0	0	1	12	250	186	95
Suffocation/Hanging	692	0	0	1	19	49	369	149	105
Suicide,Other	256	0	0	0	2	12	140	66	36
Intentional-Homicide	2,236	30	42	34	63	452	1,266	253	96
Battering	18	12	5	1	0	0	0	0	0
Cut/Pierce	256	0	1	3	2	40	162	40	8
Fight-Unarmed	20	0	1	0	0	4	12	2	1
Firearms	1,542	0	8	13	52	382	917	132	38
Homicide,Other	400	18	27	17	9	26	175	79	49
Undetermined/Other	254	5	7	3	5	16	130	66	22
Undetermined Intent	201	5	7	3	3	11	92	59	21
Legal Intervention/War	53	0	0	0	2	5	38	7	1
Late Effects	136	0	1	4	1	3	58	43	26

**Nonfatal Hospitalized Injuries by Age Group
California, 1998**

Cause of Injury	Total	<1	1-4	5-12	13-15	16-20	21-44	45-64	65+
Total Injuries	221,513	1,683	7,111	9,614	5,662	13,702	64,487	37,967	81,287
Unintentional	181,291	1,479	6,824	9,104	4,051	8,311	42,689	30,725	78,108
Cut/Pierce	4,817	17	189	357	136	371	2,349	949	449
Drowning/Submersion	606	65	244	96	32	29	82	28	30
Fall	93,319	543	2,372	3,654	1,253	1,399	10,288	12,952	60,858
Fire/Burn	3,289	126	548	203	56	133	1,061	617	545
<i>Fire/Flames</i>	1,209	13	66	78	34	61	504	252	201
<i>Hot Object/Substance</i>	2,080	113	482	125	22	72	557	365	344
Firearms	653	0	11	58	46	161	302	63	12
Machinery	1,756	1	25	22	15	121	1,003	453	116
Motor Vehicle Traffic	30,127	102	865	1,838	919	3,619	12,991	5,735	4,058
<i>Occupant</i>	20,363	92	391	752	521	2,880	8,878	3,823	3,026
<i>Motorcyclist</i>	2,613	0	3	42	64	199	1,680	552	73
<i>Pedalcycle</i>	1,235	0	21	257	100	97	509	199	52
<i>Pedestrian</i>	4,672	8	446	764	210	295	1,366	901	682
<i>Other</i>	205	2	2	17	12	32	70	45	25
<i>Unspecified</i>	1,039	0	2	6	12	116	488	215	200
<i>Pedal Cyclist,Other</i>	3,067	2	92	689	289	206	1,044	551	194
<i>Pedestrian,Other</i>	476	0	72	52	12	25	134	92	89
<i>Transport,Other</i>	3,484	3	53	202	187	341	1,576	704	418
Natural/Environmental	4,447	48	372	436	86	140	1,332	1,021	1,012
Overexertion	5,247	5	25	101	149	274	1,930	1,331	1,432
Poisoning	10,075	159	843	235	217	467	3,095	2,438	2,621
Struck by Object	6,176	45	299	630	433	631	2,308	970	860
Suffocation	1,294	107	184	48	13	19	104	205	614
Unintentional,Other	12,458	256	630	483	208	375	3,090	2,616	4,800
Intentional-Self-Inflicted	15,675	0	2	104	967	1,981	8,925	2,834	862
Cut/Pierce	2,219	0	0	12	153	279	1,398	277	100
Firearms	145	0	0	0	3	14	82	29	17
Poisoning	12,338	0	1	75	765	1,584	6,858	2,385	670
Suffocation/Hanging	203	0	0	9	19	37	112	16	10
Self-Inflicted,Other	770	0	1	8	27	67	475	127	65
Intentional-Assault	14,093	162	129	149	449	2,788	8,230	1,736	450
Battering	565	99	69	32	18	34	187	55	71
Cut/Pierce	3,295	2	0	7	73	713	2,161	308	31
Fight-Unarmed	3,392	5	6	41	117	471	2,059	562	131
Firearms	3,048	2	8	24	145	1,101	1,605	147	16
Assault,Other	3,793	54	46	45	96	469	2,218	664	201
Undetermined/Other	1,496	28	38	19	46	150	747	314	154
Undetermined Intent	1,242	27	38	18	45	124	570	274	146
Legal Intervention/War	254	1	0	1	1	26	177	40	8
Late Effects	8,958	14	118	238	149	472	3,896	2,358	1,713

Medical Cost of Fatal and Non-Fatal Injuries by Age Group					
CALIFORNIA					
Average 1996-1997 Cost in 1996 Dollars .					
Mechanism	Total	0-20	21-44	45-64	65+
Total Medical Cost	7,127,701,830	874,253,439	2,126,701,532	1,269,239,113	2,857,507
Unintentional	5,904,613,527	636,979,201	1,516,264,175	1,030,089,398	2,721,280
Cut Pierce	59,941,229	11,338,569	30,881,266	11,974,064	5,747
Drowning Submersion	27,879,744	11,458,673	8,061,598	5,170,951	3,188
Fall	2,901,241,110	130,436,659	325,202,499	383,729,319	2,061,872
Fire/Burn	119,705,539	23,857,065	34,002,714	25,398,811	36,446
<i>Fire Flame</i>	64,979,368	7,975,273	21,651,955	15,437,074	19,915
<i>Hot Object Scald</i>	54,726,171	15,881,792	12,350,759	9,961,737	16,531
Firearms	32,291,066	12,006,589	14,034,133	5,385,366	864
Machinery	37,021,532	3,629,830	20,198,049	10,716,030	2,477
Motor Vehicle Traffic	1,722,659,270	299,826,208	746,308,902	352,775,968	323,748
<i>Occupant</i>	1,074,033,657	192,924,149	462,789,227	207,048,294	211,271
<i>Motorcycle</i>	169,370,086	14,999,302	112,262,782	33,423,303	8,684
<i>Pedalcycle</i>	71,311,501	8,527,141	31,007,591	16,371,066	15,405
<i>Pedestrian</i>	82,002,041	18,465,155	27,611,164	20,543,343	15,382
<i>Other</i>	298,600,250	62,141,845	102,236,358	70,353,232	63,868
<i>Unspecified</i>	27,341,735	2,768,615	10,401,780	5,036,729	9,134
Pedal Cyclist, Other	86,465,146	18,247,766	35,775,817	20,645,904	11,795
Pedestrian, Other	22,060,913	3,218,037	8,617,413	6,486,097	3,739
Transport, Other	148,768,570	23,412,023	74,493,150	29,692,706	21,170
Natural/Environment	48,250,153	8,883,426	16,167,853	11,865,207	11,333
Overexertion	79,357,703	9,488,128	30,843,232	18,302,200	20,724
Poisoning	125,242,132	11,953,682	39,555,258	35,701,445	38,031
Struck by/Against	148,037,738	34,909,421	50,690,730	32,741,739	29,695
Suffocation	44,035,036	6,798,412	5,589,975	9,162,387	22,484
Other	301,656,648	27,514,713	75,841,589	70,341,206	127,959
Intentional-Suicide	221,775,639	23,654,832	107,927,291	54,624,989	35,568
Cut-Pierce	25,228,401	3,443,872	14,840,441	4,049,960	2,894
Firearms	45,345,463	4,925,059	14,420,105	13,557,849	12,442
Poisoning	85,980,496	11,337,370	43,823,632	20,878,608	9,940
Suffocation/Hanging	19,677,804	1,321,461	8,242,054	5,397,236	4,717
Other	45,543,476	2,627,071	26,601,059	10,741,336	5,574

Intentional-Assault	683,879,146	171,002,776	350,140,482	106,347,792	56,388.
Battering	39,486,572	33,985,481	2,843,548	742,676	1,914.
Cut-Pierce	72,451,972	15,105,402	43,576,689	9,735,630	4,034.
Unarmed fight	99,414,760	12,675,366	59,092,462	21,835,868	5,811.
Firearms	282,425,199	89,230,367	154,196,133	25,118,647	13,880.
Other	150,676,489	13,171,107	73,339,333	38,339,756	25,826.
Undetermined/Other	39,424,154	6,835,052	17,092,318	10,575,215	4,921.
Undetermined Intent	31,846,818	5,341,659	12,452,158	9,614,030	4,438.
Legal Intervention/War	7,873,977	1,500,489	4,727,352	1,060,339	585.
Late Effects	285,221,118	35,970,908	136,738,392	70,090,886	42,420.

Last Updated on 13-July-2000
By CSN-EIRC and CSN-NIDTAC

APPENDIX II STATE BY STATE BREAKDOWN OF GUN-RELATED DEATHS

State	Homicide	Suicide	Unintentional and Intent Unknown	All	Death Rate Per 100,000
ALABAMA	374	391	83	848	19.1
ALASKA	31	85	11	127	20.4
ARIZONA	305	497	51	853	19.2
ARKANSAS	201	242	31	474	18.8
CALIFORNIA	2,029	1,730	104	3,863	12.3
COLORADO	102	348	15	465	11.7
CONNECTICUT	81	106	1	188	6
DELAWARE	15	34	2	51	6.9
DISTRICT OF COLUMBIA	202	13	5	220	56.4
FLORIDA	735	1,210	34	1,979	13.2
GEORGIA	451	645	72	1,168	15.1
HAWAII	18	40	0	58	5.1
IDAHO	27	143	12	182	14.5
ILLINOIS	839	411	40	1,290	11.9
INDIANA	325	450	39	814	13.9
IOWA	30	212	9	251	8.7
KANSAS	108	182	14	304	11.9
KENTUCKY	168	356	570	1,094	13.8
LOUISIANA	538	386	970	1,894	22.9
MAINE	11	82	94	187	7
MARYLAND	428	270	710	1,408	14.9
MASSACHUSETTS	72	142	218	432	4.6
MICHIGAN	554	557	1,144	2,255	14
MINNESOTA	79	257	346	682	8.7
MISSISSIPPI	285	271	606	1,162	23.4
MISSOURI	296	452	795	1,543	16.3
MONTANA	25	120	151	296	18.1
NEBRASKA	39	99	144	282	10.4
NEVADA	112	272	389	773	25.6
NEW HAMPSHIRE	12	70	85	167	8.2
NEW JERSEY	197	189	402	788	6
NEW MEXICO	98	173	286	557	18





Background

Firearms are a leading cause of injury morbidity and mortality in Los Angeles County. To monitor trends in firearm injuries, the Injury and Violence Prevention Program uses several sources to identify individuals with firearm-related injuries of differing levels of severity. This report discusses data for all non-fatal firearm injuries that were severe enough to require hospitalization.

While total lifetime costs are highest for fatal injuries, direct costs, those associated with medical care, are highest for non-fatal hospitalized injuries¹. To minimize the enormous human and financial toll that firearm injuries place on Los Angeles County, successful prevention programs must be developed. This report is designed to provide information useful to prevention programs – specifically the demographic characteristics of persons hospitalized for non-fatal firearm injuries.

Methods

Each year the Injury and Violence Prevention Program receives hospital discharge data from the Office of Statewide Health Planning and Development (OSHPD). The dataset includes records for every admission to non-federal acute care hospitals located in Los Angeles County and for Los Angeles County residents who were hospitalized elsewhere in the state. Since this report is intended to reflect the incidence of firearm injuries within Los Angeles, county residents who were hospitalized in an out-of-county facility are excluded from this report. In addition, patients who died after hospitalization are excluded to eliminate duplication of mortality data.

All records for injury-related admissions in the hospital discharge data are coded with the International Classification of Disease 9th Revision (ICD-9) e-codes. Firearm injuries were selected using the e-codes recommended by the CDC². The CDC categorizes injuries in two ways: by mechanism (i.e. firearm, fall, etc.) and by intent (homicide, suicide, unintentional, undetermined, and other). All rates are calculated using Los Angeles County population data estimates based on the 1990 US Census. The 1980 California population was used as a standard to calculate age-adjusted rates. All rates are reported per 100,000 population.

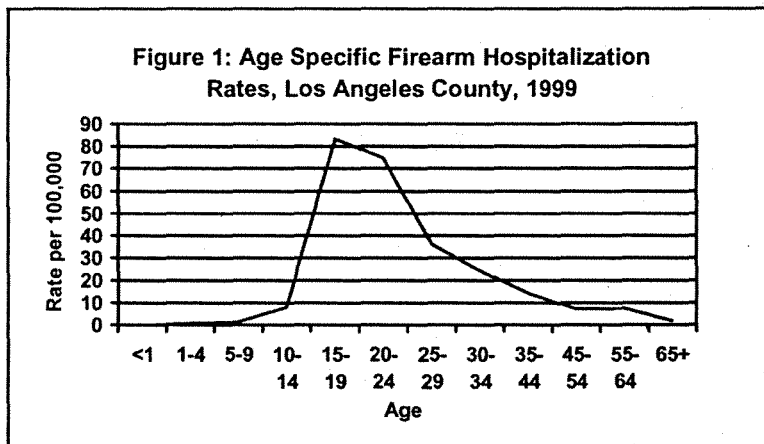
Results

There were 1,995 hospital discharges for non-fatal firearm injuries in Los Angeles County during 1999. Most of the patients were male (91%), Hispanic (54%) or African American (29%), and young (average age of 26 years). Over half (56%) of all patients were discharged from one of three facilities – LAC+USC Medical Center, Martin Luther King/Drew Medical Center, and Harbor/UCLA Medical Center. The total charges for treating these patients was more than \$69 million, an average of \$34,800 per hospitalization.

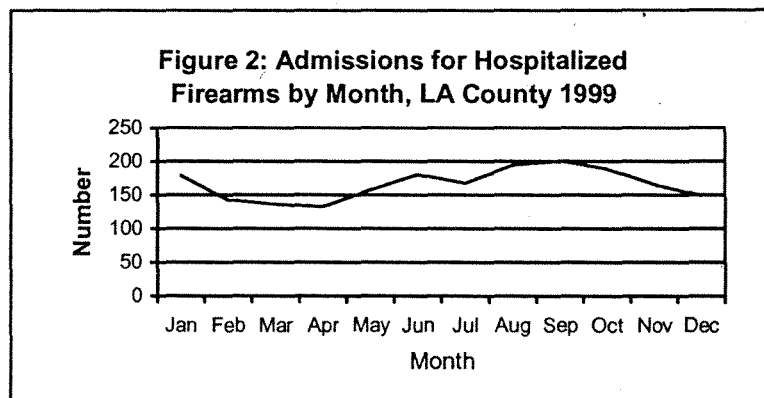
The majority (82%) of patients were hospitalized for assaults. Unintentional injuries (11%) and suicide attempts (4%) caused most of the rest of the hospitalizations, while injuries of undetermined intent (2%) or due to legal intervention (1%) contributed only a small number. Over 80% of all firearm hospitalizations among African Americans and Hispanics and 77% among Asians/Others were caused by assaults. However, only 55% of firearm hospitalizations among Caucasians were attributed to assaults. Unintentional injuries and suicides accounted for 20% and 18%, respectively, of hospitalizations among Caucasians, the highest percentages of any racial/ethnic group. While there were almost twice as many Hispanics as African Americans hospitalized, the rate of hospitalization among African Americans (78/100,000) was almost three times higher than the rate among Hispanics (27/100,000). African Americans have the highest firearm hospitalization rates of any racial/ethnic group for injuries of every intent.

The average age of patients hospitalized for suicide attempts (42 years) was considerably higher than that for assaults (25 years) or unintentional injuries (26 years). Intentionally self-inflicted injuries tend to be more severe, so the average charges for treating suicide attempts (\$51,516) were much greater than the average charges for assaults (\$34,761) or unintentional injuries (\$32,123).

The average age of all patients was 26, but hospitalization rates peaked among 15-24 year olds. Age specific rates for 15-19 and 20-24 year olds were more than twice as high as the rates for any other age group (Figure 1). This pattern held true for unintentional injuries and assaults separately, but not for suicide attempts, where the highest rates were among 25-29 and 45-54 year olds.



The fewest number of firearm injuries occurred during March (136) and April (132), and the greatest number during September (201). The number of firearm admissions in each month is shown in Figure 2. More firearm injuries were admitted on Sundays (404) and Saturdays (375) than during any weekday.



Overall, 39% of firearm injury admissions occurred on weekends.

Firearm injuries are not distributed evenly throughout the county. Hospital discharge data does not include information about location where the injury occurred; however, it does include the zipcode of the patient's residence. 1,795 (90%) of the patients hospitalized in Los Angeles County facilities also lived in the county. Of these, over one third lived in Service Planning Area (SPA) 6 (South). The rate of firearm hospitalizations among SPA 6 residents was over twice that of SPA 8 (South Bay), which had the next highest rate, and more than 9 times the rate of SPA 1 (Antelope Valley), which had the lowest rate of firearm hospitalizations (Table 1).

Table 1. Number and Rates of Non-Fatal Firearm Hospitalizations by Service Planning Area, Los Angeles County, 1999

SPA	SPA Name	Number	Rate/100,000
1	Antelope Valley	22	7.3
2	San Fernando	185	12.0
3	San Gabriel	137	9.0
4	Metro	258	23.1
5	West	41	9.0
6	South	612	67.2
7	East	216	18.8
8	South Bay	322	25.9

Due to cases occurring in zip codes that cross SPA boundaries, the sum of hospitalizations by SPA does not equal the total number for the county.

Discussion

This report shows that non-fatal firearm injuries that require hospitalization are a major burden on Los Angeles County, disproportionately affecting young men of color. However, firearm injuries that result in hospitalization are just the tip of the iceberg. In 1999, there were also 1,004 firearm-related fatalities, 2,412 Emergency Medical Service responses for firearm injuries, and 2,083 firearm-related emergency department visits to five public hospitals. Approximately 48%, or about 1,000 of the emergency department visits did not result in hospitalization, so the ratio of fatal to non-fatal firearm injuries is about 1 to 3. This is much higher the ratio of 1 to 1.3 reported for the state of California by the CDC³. This emphasizes the importance of examining non-fatal injury data when designing firearm injury prevention programs for Los Angeles County.

Commonly reported injury modes vary by the severity of injury. Mortality data is a poor source for information about unintentional firearm injuries, of which only 10% are fatal. Conversely, hospitalization data on suicides/suicide attempts are not useful, because 90% of intentionally self-inflicted firearm injuries result in death³. There are clear differences in the demographics of patients suffering from intentional and unintentional injuries. Of persons hospitalized for firearm injuries, 11% were unintentional and 4% were suicide attempts. However among Caucasians, 20% of firearm hospitalizations were for unintentional injuries and 18% were for suicide attempts. The percent of injuries classified as assaults varied from 55% among Caucasians to 77% among Asians/Others, and 86% among both Hispanics and African Americans. The age of the patients also varied significantly with the intent of injury. The mean age was between 25 and 27 years for unintentional injuries, assaults, and injuries of undetermined intent, but was 42 years for suicide attempts. Since suicides make up a larger percentage of

Caucasian hospitalizations than for any other racial/ethnic group, the average age of Caucasian patients (34 years) is higher than that of African Americans (27 years), Asians/Others (25 years), or Hispanics (24 years).

The financial burden of caring for victims of firearm injuries largely falls to Los Angeles County. The County's Department of Health Services (DHS) has six hospitals, three of which have level 1 trauma centers; these three facilities accounted for over half of all discharges for firearm-related injuries. A population-based study of firearm-related hospital discharges in California found that only 25% of patients had private insurance⁴. However, only 17% of all patients hospitalized in Los Angeles County for non fatal firearm injuries had private insurance and fewer than 9% of patients hospitalized at one of the 6 DHS hospitals had private insurance.

This clearly demonstrates the importance of using data representing a wide variety of injury severity to examine the total impact of firearm injuries on a population. The Injury and Violence Prevention Program will continue to monitor hospital discharge data as well as numerous other data sources to gain a full picture of firearm injuries in Los Angeles County.

References

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4. Vassar MJ, Kizer KW. Hospitalizations for firearm-related injuries. A population-based study of 9562 patients. JAMA, 1996 Jun 12;275(22):1734-9.



Background

Firearms are a major source of injury morbidity and mortality in Los Angeles County. The Department of Health Services (DHS) Injury and Violence Prevention Program uses information from death certificates, hospitalizations, emergency department visits, and emergency medical services (EMS) responses to monitor firearm injuries in the county. This report summarizes pre-hospital EMS responses for firearm injuries in Los Angeles County in 2000.

Methods

All public and private EMS providers (approximately 18,000) are required to report information about their response to a request for assistance to the Los Angeles County EMS Agency. An EMS report is completed each time an EMS response is initiated even if no treatment was provided. The information collected includes: patient demographics such as age, gender, race/ethnicity, and residence address, and details about the injury such as the mechanism and severity of the injury, and the resulting medical and trauma complaints. In addition, EMS data include information about the location where the provider picked up the patient, the type of transport, transport provider, and the specific therapies provided in the field and during transport. Information from all reports is entered into a central database maintained by Los Angeles County EMS Agency.

Records for all EMS responses in Los Angeles County in 2000 were reviewed. The mechanism of the injury was used to identify patients with firearm injuries. As many as seven mechanisms of injury could be reported for each patient. A record was considered a firearm injury if any of the mechanisms of injury mentioned a gunshot wound. This report includes only pre-hospital EMS firearm injury responses; records for EMS transports between hospitals were excluded.

Results

There were 3,238 EMS responses for firearm injuries in Los Angeles County during 2000. These responses accounted for less than 1% of all EMS responses throughout the county. Overall, 89% of the patients were male, and the average age was 28 years (Table 1). Over 99% of the records were missing race/ethnicity and none of the records included patient's city of residence. The city in which the EMS response originated was reported for 81% of responses. Slightly more than half of the firearm injury responses (52%) originated in the city of Los Angeles. Of the remaining records, 176 (5%) were from Compton and 166 (5%) were from Long Beach.

The date of occurrence was reported for all responses. The number was lowest in February and highest in July (Figure 1). Almost one-third of the responses occurred during summer while one-fifth took place during winter. Throughout the year, there were more responses on Saturdays and Sundays than any weekday. Weekends accounted for 37% of all firearm injury EMS responses.

Among the 3,238 patients with firearm injuries, there were 3,200 reported trauma complaints. As many as four trauma complaints could be listed per person, but for 1,040 (32%) cases there were no recorded trauma complaints. The most common trauma complaints were penetrating wounds to the extremities (916), followed by penetrating wounds to the chest (430), head (386), abdomen (253), and back (215). The mechanism of injury included information about the intent of the injury for only 14% of the patients. Of these 453 injuries, 73% were classified as assaults, 22% as intentionally self-inflicted and 5% as unintentionally self-inflicted.

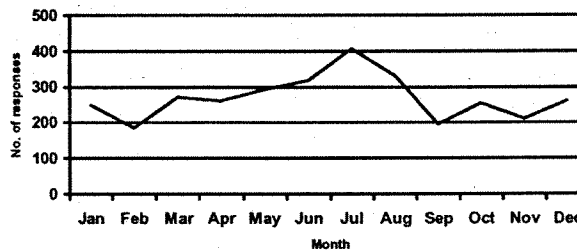
Of the 3,238 firearm injury EMS responses, 2,978 (92%) resulted in a patient being treated and/or transported. For 248 (8%) responses, the patient was dead when the EMS provider arrived and for 2 (<1%) responses no patient was found at the scene. Information was missing for the remaining 10 responses. Patients were transported to the hospital by ambulance (with or without a medic), helicopter, police vehicle, or private vehicle. The transport mode was reported for 98% of the responses (Table 2).

The hospital to which the patient was transported was reported for 83% of the responses. Of the four hospitals receiving the most EMS firearm injury transports, three are

Age Group (Years)	Male	(%)	Female	(%)
0-9	43	(2%)	16	(1%)
10-14	46	(2%)	18	(5%)
15-19	658	(23%)	86	(23%)
20-24	672	(24%)	82	(17%)
25-29	422	(15%)	44	(12%)
30-34	309	(11%)	32	(9%)
35-44	365	(13%)	58	(16%)
45-54	142	(5%)	26	(7%)
55-64	61	(2%)	13	(4%)
65+	79	(3%)	10	(3%)
Unknown	42	(1%)	4	(1%)
Total*	2,839		369	

*Excludes 30 records for which gender was not reported.

Figure 1. EMS responses for firearm injuries, Los Angeles County, 2000



Transport Mode	Number
Ambulance with medic	2,260
Ambulance without medic	348
Helicopter	52
No Transport	448
Police	14
Private Vehicle	31
Total*	3,153

*Excludes 85 cases with other or missing values

DHS hospitals: Martin Luther King, Jr/Drew Medical Center (MLK), LAC+USC Medical Center, and Harbor/UCLA Medical Center. Overall, MLK received the most patients transported by EMS for firearm injuries. Seventy-five of 148 hospitals in the county received at least one patient with firearm injuries via EMS. Table 3 lists the ten hospitals that received the most firearm-related EMS patients during 2000.

Discussion

The demographic characteristics of persons receiving EMS for firearm injuries are similar to persons with firearm injuries reported from other data sources. In Los Angeles County during 1999 (2000 data are not yet available), 88% of firearm injury deaths and 91% of firearm injury hospitalizations were among males. During 2000, 89% of firearm injury EMS responses were among males. The average age of EMS patients (28 years) was similar to that of patients hospitalized for firearm injuries (26 years), while the average age of persons who died from firearm injuries was 35 years. The increase in age for firearm injury fatalities is partially due to the increase in completed suicides among older persons. Suicide attempts are more likely to result in death than assaults or unintentional injuries¹, so they affect mortality statistics to a greater extent.

Table 3. Hospitals that received the most firearm-related EMS transports, Los Angeles County, 2000

Facility	Number
MLK/Drew Med Center	686
LAC+USC Med Center	534
St Francis Med Center	211
Harbor/UCLA Med Center	182
Cadars Sinai Med Center	139
Holy Cross Hospital	79
Long Beach Memorial Med Ctr	79
St. Mary's Med Center	76
Daniel Freeman Memorial Hosp	54
UCLA Medical Center	49

While the demographic characteristics of patients with firearm injuries did not change from 1999 to 2000, there was a 34% increase in the total number of firearm transports. This increase could not be attributed to a single age or gender group; however, a greater percentage of transports were due to assaults. While final mortality data for 2000 are not yet available, reports indicate that there were also increases in firearm-related homicides and other firearm-related crimes, both in Los Angeles County and nationally.

The reporting of transport mode significantly increased from 53% in 1999 to 98% in 2000. Of the patients with known transport mode, the percentage transported via ambulance with medic increased from 61% to 72%. Conversely, there were decreases in the percentage of patients transported by ambulance without medic (14% to 11%) and of patients with no transport (20% to 14%). This suggests that in addition to the overall increase in firearm transports, a greater percentage of the injuries are severe enough to require transport with a medic.

¹ CDC. Firearm-associated deaths and hospitalizations--California, 1995-1996. MMWR. 1999;48:485-488.

**Lifetime Cost of Fatal Injuries by Age Group
Average 1996-1997, Los Angeles County, CA**

Cause of Death	Total	<1	1-4	5-12	13-15	16-20	21-44	45-64	65+
Total	3,932,126,828	22,048,077	78,590,406	85,999,032	95,736,051	629,784,251	2,549,616,080	429,539,991	40,812,940
Unintentional	1,662,394,303	11,498,098	53,186,309	61,696,262	30,828,892	164,907,379	1,081,306,996	229,744,260	29,226,107
Cut/Pierce	2,751,938	0	0	0	0	0	2,413,446	252,164	86,328
Drowning/Submersion	84,862,820	1,435,534	13,880,000	7,950,950	5,630,122	7,094,799	39,780,000	8,306,387	785,028
Fall	85,508,946	0	2,877,937	1,702,765	0	1,929,837	46,040,000	23,250,000	9,708,407
Fire/Burn	26,992,548	0	2,877,724	2,249,469	0	1,269,629	12,763,008	5,770,585	2,062,133
<i>Fire/Flames</i>	24,350,686	0	2,877,724	2,249,469	0	608,038	10,940,000	5,770,585	1,904,870
<i>Hot Object/Substance</i>	2,641,862	0	0	0	0	661,591	1,823,008	0	157,263
Firearms	18,219,357	0	0	0	1,929,364	3,245,729	11,450,000	1,510,433	83,831
Machinery	10,179,802	0	0	0	0	661,428	8,484,234	1,005,846	28,294
Motor Vehicle Traffic	779,180,781	4,317,405	22,061,468	42,382,379	20,069,125	130,539,080	456,514,288	90,433,568	12,863,468
<i>Occupant</i>	466,974,269	4,317,405	8,155,098	19,090,000	11,940,000	94,350,000	274,400,000	48,080,000	6,641,766
<i>Motorcyclist</i>	48,063,122	0	0	609,129	0	5,131,683	40,070,000	2,079,347	172,963
<i>Pedalcycle</i>	22,020,885	0	0	5,233,250	609,129	3,917,397	9,714,288	2,339,266	207,555
<i>Pedestrian</i>	185,893,190	0	11,990,000	17,450,000	6,302,977	14,840,000	98,360,000	31,450,000	5,500,213
<i>Other</i>	259,918	0	0	0	0	0	0	259,918	0
<i>Unspecified</i>	55,969,397	0	1,916,370	0	1,217,019	12,300,000	33,970,000	6,225,037	340,971
Pedal Cyclist,Other	6,564,523	0	0	0	661,428	606,519	3,639,113	1,555,697	101,766
Pedestrian,Other	20,451,817	479,092	3,353,642	546,281	0	1,984,293	10,310,000	3,370,855	407,654
Transport,Other	26,704,263	0	0	608,506	608,506	1,984,283	19,410,000	3,889,193	203,775
Natural/Environment	13,805,352	1,916,367	0	608,509	0	1,322,862	8,491,299	1,296,453	169,862
Overexertion	637,650	0	0	0	0	0	606,514	0	31,136
Poisoning	517,429,046	479,723	959,446	1,093,825	662,062	9,032,392	424,500,000	80,180,000	521,598
Struck by Object	10,952,007	0	959,427	609,131	0	1,986,158	4,835,094	2,283,982	278,215
Suffocation	27,111,037	2,390,492	5,737,180	2,305,607	660,438	660,438	10,860,000	3,535,151	961,731
Unintentional,Other	31,042,416	479,485	479,485	1,638,840	607,847	2,589,932	21,210,000	3,103,946	932,881
Intentional-Suicide	669,810,366	0	0	3,039,758	14,576,010	61,529,954	469,540,000	112,569,604	8,555,040
Cut/Pierce	17,845,088	0	0	0	0	602,867	15,070,000	2,019,604	152,617
Firearms	312,105,856	0	0	1,824,172	4,468,089	37,640,000	208,000,000	55,170,000	5,003,595
Poisoning	109,391,445	0	0	0	3,154,778	603,446	80,260,000	24,280,000	1,093,221
Suffocation/Hanging	157,089,405	0	0	1,215,586	4,413,316	16,780,000	112,900,000	20,390,000	1,390,503
Suicide,Other	73,378,572	0	0	0	2,539,827	5,903,641	53,310,000	10,710,000	915,104
Intentional-Homicide	1,484,409,630	9,591,167	22,530,152	17,798,914	47,846,560	398,834,182	917,709,084	67,936,121	* 2,163,450
Battering	19,449,340	5,757,020	7,676,027	1,093,883	0	1,324,182	3,598,228	0	0
Cut/Pierce	105,407,465	0	485,276	552,466	614,694	10,960,000	83,260,000	9,076,121	458,908
Fight-Unarmed	2,420,856	0	0	0	0	0	2,420,856	0	0
Firearms	1,218,271,787	0	4,783,844	10,500,000	45,910,000	376,200,000	738,900,000	41,280,000	697,943
Homicide,Other	138,860,182	3,834,147	9,585,005	5,652,565	1,321,866	10,350,000	89,530,000	17,580,000	1,006,599
Undetermined/Other	61,450,767	958,812	2,394,856	607,516	1,876,079	2,528,449	44,680,000	8,180,006	225,049
Undetermined Intent	45,555,952	958,812	2,394,856	607,516	1,268,277	2,528,449	30,210,000	7,419,592	168,450
Legal Intervention/War	15,894,815	0	0	0	607,802	0	14,470,000	760,414	56,599
Late Effects	54,061,762	0	479,089	2,856,582	608,510	1,984,287	36,380,000	11,110,000	643,294

Source: Injury Cost and Consequences Model, based on California Hospital and Discharge Data and Vital Statistics.
Prepared by Eduardo Romano and Ted Miller, Pacific Institute for Research and Evaluation.
3/8/2000

Lifetime Cost of Non-Fatal Injuries by Age Group
Average 1996-1997 Cost in 1996 Dollars, Los Angeles County, CA

Cause of Injury	Total	<1	1-4	5-12	13-15	16-20	21-44	45-64	65+
Total	4,943,067,734	37,641,124	168,033,093	220,953,254	133,536,220	386,050,401	2,008,091,262	793,923,096	1,194,839,284
Unintentional	3,804,990,354	29,536,812	159,908,384	207,211,752	94,370,548	217,731,813	1,316,441,555	633,560,376	1,146,229,114
Cut/Pierce	126,798,833	445,649	5,766,463	8,054,988	3,925,266	13,550,000	74,690,000	16,810,000	3,556,467
Drowning/Submersion	40,774,532	3,172,236	20,700,000	4,342,383	2,050,679	2,107,512	6,545,234	1,661,610	194,878
Fall	1,763,650,000	12,180,000	60,620,000	82,910,000	29,270,000	43,470,000	346,900,000	281,900,000	906,400,000
Fire/Burn	59,830,623	2,027,712	6,913,928	3,368,908	749,937	2,227,953	22,380,000	13,153,106	9,009,079
<i>Fire/Flames</i>	25,159,437	31,449	807,957	1,738,668	480,000	934,693	11,000,000	6,587,489	3,579,181
<i>Hot Object/Substance</i>	34,671,186	1,996,263	6,105,971	1,630,240	269,937	1,293,260	11,380,000	6,565,617	5,429,898
Firearms	23,751,531	43,237	163,921	710,212	2,045,778	6,229,180	13,100,000	1,333,585	125,618
Machinery	46,678,900	0	992,073	552,978	427,607	2,306,462	33,430,000	8,245,115	724,665
Motor Vehicle Traffic	912,143,929	2,214,660	26,422,058	52,424,792	24,378,683	96,565,094	470,219,353	151,525,165	88,394,124
<i>Occupant</i>	522,683,403	1,758,603	8,924,800	13,110,000	12,420,000	66,570,000	278,600,000	86,700,000	54,600,000
<i>Motorcyclist</i>	84,577,035	0	835,560	998,661	1,042,362	6,725,261	63,730,000	10,200,000	1,045,191
<i>Pedalcycle</i>	35,196,812	0	80,924	330,373	398,883	3,320,974	20,430,000	5,585,385	5,050,273
<i>Pedestrian</i>	39,299,691	0	237,403	7,508,872	2,580,746	6,292,458	16,800,000	4,913,779	966,433
<i>Other</i>	221,846,747	424,994	15,850,000	29,950,000	7,321,753	12,670,000	85,710,000	43,460,000	26,460,000
<i>Unspecified</i>	8,540,241	31,063	493,371	526,886	614,939	986,401	4,949,353	666,001	272,227
Pedal Cyclist,Other	66,220,487	0	2,076,097	13,120,000	4,940,054	3,908,771	28,710,000	8,922,133	4,543,432
Pedestrian,Other	11,662,127	0	1,233,645	1,232,305	499,414	353,953	5,592,021	1,648,744	1,102,045
Transport,Other	62,178,010	208,413	1,233,973	2,683,729	2,625,835	4,709,429	34,140,000	10,910,000	5,666,631
Natural/Environment	53,361,078	778,789	4,361,724	5,771,217	852,176	3,481,296	21,580,000	10,810,000	5,725,876
Overexertion	104,659,989	260,847	287,835	2,836,525	3,293,106	8,471,676	51,670,000	21,940,000	15,900,000
Poisoning	87,806,767	1,342,061	5,023,013	1,128,030	1,100,783	3,422,880	34,690,000	22,460,000	18,640,000
Struck by Object	156,929,817	962,435	7,877,382	14,950,000	10,950,000	15,650,000	71,600,000	24,870,000	10,070,000
Suffocation	18,347,166	1,203,389	3,056,272	1,245,685	92,049	537,607	1,684,947	3,150,918	7,376,299
Unintentional,Other	270,196,565	4,697,384	13,180,000	11,880,000	7,169,181	10,740,000	99,510,000	54,220,000	68,800,000
Intentional-Self-Inflicted	215,056,071	0	30,289	1,743,030	10,673,638	25,825,523	139,934,109	30,357,996	6,491,486
Cut/Pierce	54,244,326	0	0	531,315	2,643,358	6,727,811	37,640,000	5,567,907	1,133,935
Firearms	6,077,137	0	0	0	74,768	648,014	3,249,151	1,734,903	370,301
Poisoning	110,376,119	0	30,289	479,398	6,162,638	14,500,000	67,530,000	17,720,000	3,953,794
Suffocation/Hanging	11,698,386	0	0	605,895	511,003	1,563,572	8,124,958	770,318	122,640
Self-Inflicted,Other	32,660,103	0	0	126,422	1,281,871	2,386,126	23,390,000	4,564,868	910,816
Intentional-Assault	602,486,266	7,504,511	4,652,662	3,663,563	21,571,782	120,073,308	365,069,123	60,582,150	19,369,167
Battering	12,183,515	5,235,591	3,046,703	426,174	440,864	303,308	1,729,123	460,645	541,107
Cut/Pierce	86,452,827	72,566	0	414,773	1,583,751	14,190,000	61,990,000	7,841,505	360,232
Fight-Unarmed	100,460,201	114,664	261,590	486,604	2,317,724	11,060,000	67,420,000	15,480,000	3,319,619
Firearms	253,927,697	872,005	443,779	1,283,704	13,010,000	79,850,000	146,100,000	10,870,000	1,498,209
Assault,Other	149,462,026	1,209,685	900,590	1,052,308	4,219,443	14,670,000	87,830,000	25,930,000	13,650,000
Undetermined/Other	33,893,920	390,808	822,611	685,480	1,176,698	3,329,757	19,046,475	6,292,574	2,149,517
Undetermined Intent	26,512,129	390,808	822,611	642,779	1,079,775	2,459,895	13,390,000	5,648,830	2,077,431
Legal Intervention/War	7,381,791	0	0	42,701	96,923	869,862	5,656,475	643,744	72,086
Late Effects	286,641,123	208,993	2,619,147	7,649,429	5,743,554	19,090,000	167,600,000	63,130,000	20,600,000

Medical Cost of Fatal and Non-Fatal Injuries by Age Group

Los Angeles County, CA

Average 1996-1997 Cost in 1996 Dollars

Mechanism	Total	0-20	21-44	45-64	65+
Total Medical Cost	2,020,979,248	234,364,805	645,297,726	380,738,012	760,578,706
Unintentional	1,576,239,939	156,149,640	412,917,797	293,332,710	713,839,792
Cut Pierce	21,485,501	4,444,338	10,754,628	4,843,082	1,443,453
Drowning Submersion	9,172,624	4,615,734	2,960,991	1,135,251	460,648
Fall	799,909,154	36,666,402	94,715,908	118,398,330	550,128,514
Fire/Burn	30,201,938	5,382,827	8,492,861	8,617,682	7,708,568
<i>Fire Flame</i>	16,022,406	1,771,235	5,188,325	5,270,573	3,792,273
<i>Hot Object Scald</i>	14,179,532	3,611,592	3,304,536	3,347,109	3,916,295
Firearms	8,383,981	2,849,755	4,628,192	743,665	162,369
Machinery	7,049,169	472,455	4,293,800	1,816,783	466,130
Motor Vehicle Traffic	431,579,651	67,763,383	201,547,896	90,467,529	71,800,844
<i>Occupant</i>	245,869,351	37,077,352	115,374,112	50,507,584	42,910,303
<i>Motorcycle</i>	38,294,461	3,216,595	29,086,050	4,820,924	1,170,893
<i>Pedalcycle</i>	15,664,147	1,470,148	7,912,680	2,520,977	3,760,343
<i>Pedestrian</i>	23,620,059	5,933,853	8,734,767	4,811,107	4,140,332
<i>Other</i>	102,416,734	18,817,103	37,740,000	26,949,815	18,909,815
<i>Unspecified</i>	5,714,899	1,248,332	2,700,288	857,122	909,158
Pedal Cyclist, Other	21,223,683	4,138,608	9,649,451	3,977,421	3,458,204
Pedestrian, Other	5,001,156	704,417	2,558,635	911,589	826,515
Transport, Other	23,313,576	2,673,610	11,429,221	5,064,460	4,146,284
Natural/Environment	14,160,643	2,754,306	4,786,131	3,916,943	2,703,264
Overexertion	23,522,505	2,602,846	8,937,160	5,681,109	6,301,389
Poisoning	36,573,762	3,009,243	11,166,221	10,673,333	11,724,964

Struck by/Against	40,639,158	8,995,645	13,756,719	12,415,593	5,471,201
Suffocation	9,939,480	1,738,192	589,338	1,873,804	5,738,148
Other	94,083,958	7,337,880	22,650,645	22,796,136	41,299,297
Intentional-Suicide	65,846,799	6,451,502	36,021,127	14,829,868	8,544,303
Cut-Pierce	7,782,854	1,098,763	4,753,665	1,202,095	728,331
Firearms	9,857,407	457,784	3,755,869	3,210,187	2,433,567
Poisoning	24,613,228	3,566,667	12,489,068	5,845,015	2,712,479
Suffocation/Hanging	7,126,615	437,528	4,292,420	1,187,306	1,209,360
Other	16,466,696	890,760	10,730,105	3,385,265	1,460,566
Intentional-Assault	256,761,989	59,447,019	134,150,175	39,405,957	23,758,839
Battering	5,475,453	4,758,949	285,262	185,643	245,600
Cut-Pierce	24,949,815	3,391,032	16,197,162	4,415,905	945,716
Unarmed fight	31,951,397	3,245,843	19,072,037	7,563,174	2,070,343
Firearms	134,691,321	42,138,465	73,023,920	11,998,392	7,530,544
Other	59,694,003	5,912,730	25,571,794	15,242,843	12,966,636
Undetermined/Other	13,249,934	1,703,259	5,969,350	3,571,520	2,005,806
Undetermined Intent	9,810,533	1,420,707	4,088,802	2,896,279	1,404,745
Legal Intervention/War	1,932,144	224,395	1,527,360	146,204	34,185
Late Effects	106,640,121	10,570,121	55,800,000	28,780,000	11,490,000

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Hold for release:

4 p.m. EDT - Tuesday, Aug. 3, 1999

Contact: Keith Lawrence

(919) 681-8059

keith.lawrence@duke.edu

Note to editors: Philip Cook can be reached for additional comment at (919) 613-7360.

A YEAR'S GUNSHOT INJURIES COST U.S. TAXPAYERS MORE THAN \$1 BILLION IN LIFETIME MEDICAL COSTS

DURHAM, N.C. - In 1994, more than 38,000 people in the United States died from gunshots; nearly another 100,000 people were injured. These statistics represent the "enormous human toll of gun violence," and cost U.S. taxpayers more than \$1 billion in lifetime medical costs, says a new study that appears in the Aug. 4 issue of *The Journal of the American Medical Association* (JAMA).

The estimated medical costs of treating fatal and non-fatal gunshot injuries in the United States in 1994 was \$2.3 billion, of which \$1.1 billion was paid for by taxpayers through government programs, the JAMA article states.

The article's authors -- Philip Cook of Duke University, Bruce Lawrence and Ted Miller of the National Public Services Research Institute in Landover, Md., and Jens Ludwig of Georgetown University -- used hospital discharge figures from Maryland and New York, emergency department records from South Carolina and information from a number of other sources, including the National Spinal Cord Injury Statistical Center, to calculate their findings. The researchers say they primarily used 1994 figures for their study because this data was the most up-to-date and comprehensive available.

The researchers calculated that the mean medical cost per injury was about \$17,000, of which 49 percent was paid by taxpayers, 18 percent by private insurance and 33 percent by other sources. "While medical costs are a relatively small component of the total burden imposed on society by gun violence, they represent a substantial cost to the medical system," the article states.

Cook, the director of the Terry Sanford Institute of Public Policy at Duke, said in an interview that many people see gun violence as someone else's problem, that it has nothing to do with them or their circumstances. "But if they are taxpayers, they should be concerned about it, if for no other reason than so much of the cost is shared through government programs and insurance. In that respect, we all share in the pain."

The researchers note in their article that this "study presents what we feel are the first nationally representative estimates for the sources of payments for medical costs that are specific to gunshot injuries."

"While measuring medical costs is not as straightforward as counting the number of victims, valid cost estimates are important for at least two reasons," the authors write. "First, such estimates are relevant to evaluating gun violence-reduction programs. Second, reliable estimates for the financial burden that gun violence imposes on the medical care system may help guide reimbursement

policies."

To calculate lifetime medical costs, the researchers measured acute-care hospital costs and follow-up charges that included prescriptions, medical supplies (such as crutches), home health care and follow-up physician visits. While the mean medical cost per injury ran about \$17,000 for the 134,445 fatal and non-fatal gunshot injuries in 1994, the non-fatal gunshot injuries that required hospitalization resulted in more than \$35,000 per case in lifetime medical costs.

The researchers also determined that:

- Gunshot injuries due to assaults accounted for 74 percent of the total medical costs.
- Government programs are the primary payers for 40 percent to 50 percent of hospitalized gunshot injury cases. These same programs are the primary payers for 62.5 percent of spinal injury cases due to gunshots and 88.6 percent of spinal injury cases after initial hospitalization.
- Non-fatal self-inflicted gunshot injuries have higher lifetime costs than unintentional injuries or assaults.
- For non-fatal gunshot injury victims, the majority of medical treatment costs come after the patient has been discharged from the hospital.

"We see our estimates as being the lower bound," Cook said in the interview. "There are some costs we were not able to include but which nonetheless add to the cost, such as the cost of treatment for psychological injuries associated with the shooting. We also were not able to take into full account the follow-up costs for brain injuries."

The research was supported by a grant from the Joyce Foundation in Chicago.

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Costs of Firearm Injuries

www.helpnetwork.org

In 2000, there were 28,663 firearm deaths in the United States. In addition, an estimated 55,087 nonfatal firearm injuries and 21,187 bb/pellet gun injuries were treated in U.S. emergency departments.

Centers for Disease Control, WISQARS. <http://www.cdc.gov/ncipc/wisqars/#nonfatal>.

Based on an average medical cost of \$17,000 per injury, the 134,445 gunshot injuries in the U.S. in 1994 cost \$2.3 billion in lifetime medical costs, of which \$1.1 billion (49%) was paid by taxpayers.

Cook PJ, Lawrence BA, Ludwig J, Miller TR. The medical costs of gunshot injuries in the United States. JAMA. 1999;282:447-454.

The total annual cost of gun violence in America is estimated at \$100 billion per year, including costs incurred by Americans trying to avoid becoming victimized by gun violence.

Cook PJ, Ludwig J. Gun violence: The Real Costs. Oxford University Press 2000.

The estimated average cost of medical care for a fatal gunshot wound is \$14,482. The average estimated total cost (medical care, police services, and lost productivity) of each fatality is \$938,500.

Miller TR, Cohen MA. Costs of gunshot and cut/stab wounds in the United States, with some Canadian comparisons. Accident Analysis and Prevention 1997;29(3):329-341.

The most serious firearm injuries, such as traumatic brain injury (TBI) and spinal cord injury (SCI) can require a lifetime of care and rehabilitative service costing upwards of \$1,000,000 over the course of a patient's life.

-National Spinal Cord Injury Statistical Center (NSCISC). Spinal cord injury facts and figures at a glance. The University of Alabama at Birmingham. January 1998.

An estimated 1.5 million cases of TBI occur annually in the United States, with firearms causing 10% of all TBIs, and 44% of all TBI-related deaths. Direct medical costs including rehabilitation for TBI treatment are estimated at \$48.3 billion annually.

-Centers for Disease Control and Prevention, Safe USA fact sheet: What You Should Know about Traumatic Brain Injury. <http://www.cdc.gov/safeusa/home/tbi.htm>

-Spinal Cord Injury Information Network, <http://www.spinalcord.uab.edu/show.asp?durki=21446>

In the U.S the direct cost of violence-related SCI is estimated at \$1.81 billion/year. During the first year after the injury, medical expenses are estimated at \$217,868, and \$17,275 annually thereafter.

-DeVivo MJ. Causes and costs of spinal cord injury in the United States. Spinal Cord. 1997;35:809-813.

The estimated average cost per firearm injury survivor in the United States is \$38,000 (including medical care, police services, and lost productivity due to physical injury).

- Miller TR, Cohen MA. Costs of gunshot and cut/stab wounds in the United States, with some Canadian comparisons. Accident Analysis and Prevention 1997;29(3):329-341.

The estimated cost of health care expenditures for firearm-related injuries in the United States in 1995 was \$4 billion, based on data extrapolated from one institution.

- Kizer KW, Vassar MJ, Harry RL, Layton KD. Hospitalization charges, costs, and income for firearm-related injuries at a university trauma center. Journal of the American Medical Association 1995;273(22):1768-1773.

Based on studies of two sample populations, at least 80% of the costs of firearm injuries are borne, directly or indirectly, by taxpayers.

- Wintemute GJ and Wright MA. Initial and subsequent hospital costs of firearm injuries. Journal of Trauma 1992; 33:556-560.

THE ECONOMIC COSTS OF GUN VIOLENCE

VIOLENCE PREVENTION

Injuries and deaths attributable to gun violence have enormous economic implications for the United States. Deaths and injuries inflicted by firearms cost the United States about \$20 billion every year, which includes hospitalization, other medical costs, and lost productivity. Often, these costs must be paid for with public tax dollars. In addition, many urban trauma centers have become so inundated with gun violence patients that the immense costs are forcing them to shut down.

PSR's Prescription

In addition to the human costs that gun violence imposes on countless people, Americans also pay a financial price for the gun violence epidemic. Federal taxes, imposed on firearms, should better reflect the true costs that guns impose on society. Taxes on firearms and ammunition should be used to fund medical care for gun-related injuries. Further, imposing federal safety standards on the design, manufacturing, and distribution of firearms would reduce the financial burden caused by unsafe gun industry practices.

FACTS

In 1990, researchers estimated that the costs of direct medical spending and lost productivity in the United States totaled \$20.4 billion.

Wendy Max and Dorothy Rice, "Shooting in the Dark Estimating the Cost of Firearm Injuries," Health Affairs, Vol. 12, No. 4, Winter 1993, p. 171-185.

Firearm-related injuries make up 0.5% of all injuries, yet they represent 9% of total cost of injury over a lifetime. Almost 85-98% of all health care expenses due to gunshot injuries and fatalities are charged to taxpayers.

Michael Martin, et. al., "The Cost of Hospitalization for Firearm Injuries," The Journal of the American Medical Association, Vol. 260, November 25, 1998, p. 3048 and Ordog et. al., "Hospital costs of Firearm Injuries." Abstract. Journal of Trauma, Feb. 1995, p. 1.

A 1999 study revealed that for every firearm victim treated at a local trauma care center, an average of \$8,664 was lost to uncompensated care.

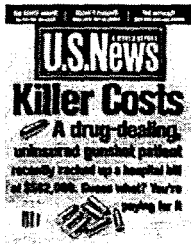
Fath, et. al. "Urban Trauma Care is Threatened by Inadequate Reimbursement." The American Journal of Surgery, 1999, p. 371.

Between 1986 and 1991, 92 of the 549 trauma care centers in the United States closed, primarily because of the cost of uncompensated care for injuries caused by gun violence.

"Congress Acts to Resuscitate Nation's Financially Ailing Trauma Care Systems," The Journal of the American Medical Association, Vol. 267, June 10, 1992, p. 2996.



Cover Story



Read about gun-critics' recent gains in court, a *U.S. News Online* special

GUNS, MONEY & MEDICINE

The proliferation of powerful new weapons has sent the cost of crime spiraling. Here's why you pay

One glance in the rearview mirror of his 1978 Cadillac Eldorado and 21-year-old Dewayne Bellamy knew that his evening was over. Approaching the car near a decaying corner of the nation's capital was the teenage son of a woman with whom Bellamy was having an affair.



The boy had a gun. Before Bellamy could draw from his own arsenal of semiautomatic weapons, he heard the familiar pop of a 9-millimeter pistol. There was no pain, no blood. Only after he awoke from a coma three days later did Bellamy receive two pieces of news. The first was that he had been shot 13 times. The second was that he would never walk again.

From the moment paramedics lifted him into the ambulance, Bellamy became the charge of the nation's taxpayers. And for the next eight months, the meter would never stop ticking. Covering everything from \$3 scalpels to \$2,283 CT scans, Bellamy's hospital bills would ultimately total \$562,561. Doctors' fees would add tens of thousands more to the tab. For Bellamy, a onetime car thief who used to earn \$5,000 a day selling crack cocaine, that's big money. But he doesn't worry about it. After all, he's not paying the bills.

In emergency rooms and rehabilitation centers across the country, Bellamy's is a depressingly familiar tale. By the year 2003, according to the federal Centers for Disease Control and Prevention, gunfire will have surpassed auto accidents as the leading cause of injury death in the United States. In seven states, it already has. But unlike victims of car crashes, who are almost always privately insured, 4 out of 5 gunshot victims are on public

assistance or uninsured. That means taxpayers bear the brunt of medical costs that have spiked nearly ninefold in the past decade, to a stunning \$4.5 billion a year.

Nationwide, the number of violent crimes has held steady for the past four years, yet gun sales continue to soar. While most gun owners buy their weapons legally, keeping them for self-protection and recreation, a flourishing illegal-drug trade has caused a dramatic rise in the number of powerful semiautomatic weapons used to commit crimes. The result is a flood of new gunshot victims to the nation's emergency rooms.

Multiple wounds. Although injuries from military-style assault weapons are rare, multiple wounds inflicted by semiautomatics such as 9-millimeter pistols are becoming so common as to make some trauma specialists practically nostalgic for the days of the cheap Saturday night special. "It seems like we never see just one shot anymore," says orthopedic surgeon Andrew Burgess of the University of Maryland's shock-trauma center in Baltimore. The increased firepower means doctors are saving fewer patients--and seeing greater damage to those who do survive.



Today's gunshot victims are a distinctive breed. Headlines highlight shootings of innocent bystanders, but the fact is that probably half of gun homicide victims--in some cities as many as 70 percent--are offenders themselves. They are due no less care, doctors say, but they confront modern medicine with an unsettling paradox: Physicians invest countless hours at huge expense to bind wounds and even heal their gunshot patients, only to return them to the streets, where many promptly resume a life of crime. "About 20 percent of our gunshot victims are what we call our 'frequent fliers,'" says Burgess. "It's not as if they leave here and find Jesus."

Criminals or bystanders, those shot by semiautomatic weapons can test the limits of even the best emergency care. Lamarr Wilson of Newark, N.J., was one such victim. Shot seven times with a semiautomatic, the 23-year-old was riddled with so many holes that doctors in the trauma unit of the University of Medicine and Dentistry of New Jersey couldn't treat them fast enough. "We'd plug up one hole, only to find two more," says Tonni Glick, an emergency room nurse. The perforations caused the contents of Wilson's bowels to spill into his lacerated vital organs. Wilson's abdominal skin eroded so badly it had to be replaced with a sheet of plastic wrap. Altogether, he endured 14 different surgical procedures. "This one, we never thought he'd make it," says Glick. "But these young guys are tough. We saved his life." A Medicaid patient, Wilson spent 61 days in the hospital. The bottom line: \$268,181.

In the seemingly endless debate over gun control, one fact is unassailable: Gunshot patients are far more expensive to take care of than are victims of other kinds of crime. A typical stab wound, for example, cost \$6,446 to treat in 1992; the average gunshot case cost \$14,541. Although gunshot wounds account for fewer than 1 percent of injuries in hospitals nationwide, they generate 9 percent of injury treatment costs. That's because more than half of all gunshot victims require expensive emergency surgery. Typical are laparotomies (average cost at one urban hospital: \$41,000), thoracotomies (average cost: \$26,000) and procedures on the neck and extremities. And that's often just the beginning: About a fifth of all gunshot victims require additional surgery later on.

"Disruption." One reason for the higher treatment costs is physics. A bullet causes trauma to human tissue by transmitting energy beyond the capacity of the tissue to absorb and dissipate it. That causes what doctors call "disruption." The extent of the damage depends on the size and speed of the bullet and the type of tissue affected. A bullet can stretch human tissue, creating an opening that in the most severe cases may expand to many times the size of the bullet. Whether the cavity is temporarily or permanently damaged depends on the body area affected. Elastic tissue like that of a bowel wall is more resistant to permanent damage; inelastic tissue like that of the liver and brain is less so. "If a rubber ball and a raw egg of equal weight are dropped on a cement floor from the same height, these two missiles of equal kinetic energy will sustain different degrees of damage," explains Dr. Jeremy Hollerman of the Hennepin County Medical Center in Minneapolis. "The rubber ball behaves like skeletal muscle or lung, the raw egg like the brain or liver."

At higher velocities, bullets pack more destructive force, causing more extensive damage to soft tissue. Bullets fired at high velocity also tend to create a kind of suctioning action when they strike human tissue, carrying external bacteria deep into internal wounds. (Contrary to popular



belief, bullets are not sterilized in the heat of firing.) Slugs are often left in the body when their removal poses a greater danger to a victim, but they can cause lead poisoning and degenerative arthritis if lodged in a joint. Bullets fired at high velocity are also more likely to shatter when they strike bone or metal, producing multiple and even more destructive projectiles. Says Dr. Kenneth Swan of the University of Medicine and Dentistry of New Jersey: "In the face, these secondary (bullets) often cause more damage to the brain and eyes than the primary bullet."

"T10 complete." When they survive, victims of multiple gunshots almost always go on to live more complicated--and more expensive--lives. Nestor

Cantor, 22, of Brooklyn, N.Y., took seven shots in the small of his back from a 9-millimeter semiautomatic fired by a hit man in Richmond Hill, Queens. The bullets exploded, driving lead fragments deep into his spinal cord. Extensive operations repaired lacerations to his bladder and liver and drained fluid from his lungs. The doctors call Cantor a "T10 complete"--paralyzed from the waist down. Two weeks in the intensive care unit, 3½ months at Bellevue Hospital and 1½ years in a public rehabilitation facility have generated a Medicaid bill in excess of \$300,000. "I never see what it costs," says Cantor. "I haven't paid anything out of my pocket."

At George Washington University Medical Center in Washington, D.C., former Medical Director Keith Ghezzi, an emergency room physician, totes up the financial toll of a weekend of violence in the nation's capital. A typical gunshot patient spent 16 days in the intensive care unit at \$1,487 per day. The patient required drugs costing \$13,580, X-rays at \$2,738, and bandages, tubes and miscellaneous supplies totaling \$16,280. Nursing care, physical therapy and other services added thousands more to the bill. By the time the man was discharged from the hospital, he had racked up a bill of \$100,838, not including doctor's fees. Medicaid will pay about 70 percent of the bill; the patient will pay nothing.

The story is repeated every few days. Last year, a homeless man who had served time for armed robbery and assault was taken to George Washington after he was shot while wielding a knife outside the White House. In just two days, the man received more than \$70,000 in medical care. He died. The hospital ate the cost of his treatment.

Cost shifting. Such cases show how handgun violence affects Americans who have never even seen a gun or heard one fired in anger. Like most institutions, George Washington covers the costs of treating uninsured and underinsured patients by increasing the bills of those who do pay. Such cost shifting, a recent report to Congress estimated, forced private patients to pay an average of 29 percent above the actual costs of their care in 1993. According to one study, the University of California-Davis Medical Center, despite incurring three-year losses of nearly \$2.2 million on gunshot victims, actually made a profit on its trauma center, so heavily did it shift the burden to patients who could pay.

As health maintenance organizations demand more and more savings, however, hospitals are finding it more difficult to pawn off on anyone the costs of the uninsured. The consequences for trauma units are dire. Once sure-fire moneymakers, more than 60 urban trauma centers have closed in the past 10 years, leaving less than one quarter of the nation's population residing anywhere near top-flight trauma care. In a study by the General Accounting Office for members of Congress, all the shuttered trauma centers blamed their troubles on the growing burden of uncompensated services--millions of dollars of which resulted from treating indigent victims of handgun violence.

For every patient who dies from a gunshot wound--and there were 39,720 in 1994--three others are injured seriously enough to be hospitalized. Of those, one on average suffers from a disabling, lifelong injury. The worst injuries are to the spinal cord, and the higher on the cord the blow, the greater the area paralyzed. If a patient is injured anywhere between the first and third cervical vertebrae, for instance, he may lose all feeling from the neck down. Most spinal-cord-injured gunshot victims are paraplegics, paralyzed only from the waist down.

Eddie Matos was unluckier than most. In the past six months, the 21-year-old former drug dealer has not moved from his room at New York's Goldwater Memorial Hospital, where he keeps the shades pulled tight and watches soap operas and videos all day. He could motor around the grounds in the \$5,000 electric wheelchair he operates by puffing on a straw. But why bother? he says. He sees the same old patients, and they all look like him. Before his accident, Matos was a prospering businessman. He had four "spots": three for crack, one for cocaine. One spot could make \$11,000 on a weekend; Matos kept \$2,000. The money bought cars--a Cadillac, a Pathfinder, a Mustang and a Volvo. It bought jewelry and his own apartment. It also paid for a 9-millimeter semiautomatic pistol. "My favorite," Matos says. "It does damage."

He should know. One night in September 1990, another man with a 9 millimeter jumped Matos outside a grocery store and shot him once in the neck. The gunman has since "gotten his," Matos says. But his own life is shattered. Lying in the quadraplegic ward of the aging city-run hospital, his only movements are the painful spasms that convulse his muscles every so often. He cannot feed himself or breathe without a ventilator. He must clench a wand in his teeth to turn the pages of a book. Matos has stayed at Goldwater longer than any other gunshot victim. His treatment has cost the public well over \$1 million.

Aiming to maim? For patients paralyzed by gunfire, bills like Matos's are not uncommon. Quadraplegics, paralyzed from the neck down, require round-the-clock care. They need aides to change catheters, tracheotomy tubes and bladder bags; to feed, bathe and clothe them; to help wean them, if possible, from their ventilators. Unable to cough, their lungs must be suctioned several times a day to prevent pneumonia, which threatens lives already shortened by ventilator dependency. Bladder infections, which strike with troubling frequency, must be attacked aggressively or they will spread. Beyond medical care, there is arduous physical therapy to prevent muscle atrophy and occupational therapy to help patients function in a nonhandicapped world.

All in all, a bullet in the spinal cord is an expensive proposition. In 1992 dollars (the most recent figures available), the National Spinal Cord Injury Statistical Center estimated first-year medical costs for a high quadraplegic (injured in the uppermost cervical vertebra) at \$417,067, plus \$74,707 for

each year thereafter. The first-year costs for a paraplegic were \$152,396, plus \$15,507 for each year thereafter. For a 25-year-old quadraplegic, that would amount to lifetime medical costs of \$1.3 million; for a paraplegic, \$427,700.

So common are spinal cord injuries among gunshot victims today that some health care providers suspect gunmen are deliberately aiming for the neck. "It's as if the gunmen are saying, 'We don't want to kill you; we just want to paralyze you,'" says Glick of the University of Medicine and Dentistry of New Jersey. "We want to keep you alive so you will always remember what happened to you." In Los Angeles, at least half of all spinal cord injuries are caused by gunshots. Since most insurance plans have lifetime benefit caps, even those patients with private health insurance eventually end up on Medicaid. Roughly 75 percent of all gunshot victims are under 30, as are half of all spinal cord victims. That means better survival rates, of course--and many costly years ahead.

At the Kessler Institute for Rehabilitation in West Orange, N.J., whose stellar reputation for treating head- and spinal-cord-injured victims has attracted celebrities like dancer Ben Vereen and actor Christopher Reeve, gunshot survivor Talmadge Conover improved steadily under a rehabilitation program that costs \$1,000 a day. But once the 18-year-old paraplegic returned to his drab third-floor apartment in a fading section of Newark, N.J., with three bullets still in his abdomen, he found it harder to keep doing the pull-ups that flipped his skinny body from side to side. The result: bedsores so infected they started eating away at his bone. Now, Conover is recovering from a successful skin-graft operation, studying for a high school equivalency degree and working the phones from a \$30,000 Clinitron bed, a sort of heated hammock of delicate silicone balls. He says he has stopped dealing cocaine. Estimated cost of his treatment: more than \$134,000.

Carrying a nine. That Conover was shot with a 9-millimeter semiautomatic weapon would come as no surprise to anyone who has spent time in an urban trauma center. Introduced in the early 1900s, "nines" are now the weapon of choice on city streets. They are cheap and concealable, and, with extended magazines, they allow the shooter to fire up to 36 rounds without reloading. "You carry [a nine] to get a rep," explains Matos, "to get respect."

The Treasury Department's Bureau of Alcohol, Tobacco and Firearms lists two brands of 9 millimeters--the \$410 Ruger P89 and the \$609 Glock 17--among the top 10 guns found at crime scenes. There are now more than 3 million 9 millimeters on America's streets, and while many of those are arming law enforcement officers, the number of 9 millimeters used by criminals has nearly doubled since 1987. In Philadelphia in 1987, 9 millimeters sent 57 victims to local trauma hospitals; by 1993, the number of victims hospitalized by 9 millimeters had soared to 351.

Vernon Parker, a 31-year-old Brooklyn man, still carries nine bullets in his right thigh from the 17 rounds of an Intratec TEC-9 semiautomatic fired into him outside a housing project in the Bedford-Stuyvesant section on Oct. 19, 1993. (The manufacture of TEC-9s, along with certain magazines, was banned under the 1994 assault weapons law, but thousands made before the ban remain in circulation.) Slugs from the TEC-9 struck Parker's groin, buttocks and shoulder, necessitating three operations and two years in the hospital. The cost: well over \$500,000. Today, there is little hope that Parker will walk again. "It used to be that just flashing a gun was enough," says Parker, a convicted drug dealer who speaks from experience. "But these young guys today, they'll shoot a whole crowd in broad daylight just to get one dead."

To doctors after a while, the entries on emergency-room-admissions forms start to look the same: *GSW, BL, M, 1976, MA*--gunshot wound, black, male, 20 years old, medical assistance. Only the faces change. "There is a lot of frustration and angst about these injuries," says Stephen Hargarten, an emergency room physician at the Medical College of Wisconsin in Milwaukee. It is no longer enough, he says, for emergency room doctors to simply treat gunshot victims and release them. "Doctors must leave the bedside," he says, "and go to the legislatures."

Solutions? And so they are. Physicians are lobbying for restrictions on U.S. handguns as strict as those for imports. They want childproof guns, a heavier tax on ammunition and other reforms.

In their more discouraging moments, however, doctors admit the prognosis is poor. Nestor Cantor, after all, says he knows seven people who have been shot, six of them killed. Eddie Matos counts at least five. Talmadge Conover says he knows more than a dozen victims of handgun violence, three of them dead. He has had days when he wanted to join them. But in a country where there is one handgun for every other household, even those relegated to wheelchairs show no inclination to disarm. The phenomenon, says Cantor, "is just too big. It's out of control."

BY SUSAN HEADDEN

[Read about gun-critics' recent gains in court, a U.S. News Online special](#)

THE LINE ON SEMIAUTOMATICS

SPEED AND POWER: Most gunshot injuries are caused by small- and medium-caliber revolvers, but emergency room specialists point to an alarming increase in multiple wounds caused by high-powered semiautomatic pistols.

POPULARITY: Semiautomatics are popular with the young. In one survey of inmates in four states, 55 percent of juveniles admitted to carrying a

semiautomatic pistol.

FIREARMS IN CIRCULATION: 216 million

HANDGUNS IN CIRCULATION: 72 million

9-MM SEMIAUTOMATICS IN CIRCULATION: 3 million

PREVENTION: Emergency room doctors are urging policy makers to focus on gun design. There can be safer guns, they argue, just as there are safer cars.

**ASSEMBLY SELECT COMMITTEE ON GUN VIOLENCE
INFORMATIONAL HEARING
GUN SAFETY, TRAINING AND CERTIFICATION HEARING
STATE CAPITOL, SACRAMENTO, CA
AUGUST 23, 2001**



**ASSEMBLY SELECT COMMITTEE ON GUN VIOLENCE
INFORMATIONAL HEARING
GUN SAFETY, TESTING AND CERTIFICATION
Thursday, August 23 ♦ State Capitol ♦ Room 127**

AGENDA

Members:

Dion Aroner
Berkeley

Judy Chu
Monterey Park

Ellen Corbett
San Leandro

Richard Dickerson
Redding

Marco A. Firebaugh
East Los Angeles

Dario Frommer
Los Angeles

Jackie Goldberg
Los Angeles

Jerome Horton
Inglewood

Hannah-Beth Jackson
Santa Barbara

Alan Lowenthal
Long Beach

Abel Maldonado
Santa Maria

Robert Pacheco
Walnut

Kevin Shelley
San Francisco

Committee Consultant
Sandra DeBourelando

- 1:00 p.m. **INTRODUCTIONS AND OPENING REMARKS**
 - ♦ ASSEMBLYMAN PAUL KORETZ, CHAIR

- 1:15 p.m. **OVERVIEW OF CURRENT LAW AND ASSESSMENT OF LEGISLATIVE PROPOSALS**
 - ♦ RANDY ROSSI, DIRECTOR, FIREARMS DIVISION, CA DEPARTMENT OF JUSTICE
 - ♦ SENATOR JACK SCOTT, 21ST DISTRICT
 - ♦ ASSEMBLYMAN KEVIN SHELLEY, 12TH DISTRICT

- 1:45 P.M. **SHOULD HANDGUN TESTING AND CERTIFICATION BE REQUIRED FOR GUN OWNERSHIP**
 - ♦ Sergeant Wayne Bilowit, Los Angeles County Sheriff's Department
 - ♦ OFFICER WILLIAM FLANNERY, LOS ANGELES POLICE DEPARTMENT
 - ♦ JOHN LOVELL, CALIFORNIA POLICE CHIEFS' ASSOCIATION

- 2:15 P.M. **WHY TESTING AND CERTIFICATION FOR GUN OWNERSHIP IS UNNECESSARY**
 - ♦ ED WORLEY, NATIONAL RIFLE ASSOCIATION (INVITED)
 - ♦ SAM PAREDES, GUN OWNERS OF CALIFORNIA (INVITED)

- 2:30 P.M. **WHY TESTING AND CERTIFICATION REQUIREMENTS FOR GUN OWNERSHIP IS BENEFICIAL**
 - ♦ Eric Gorovitz, Coalition to Stop Gun Violence
 - ♦ ANDRES SOTO, TRAUMA FOUNDATION
 - ♦ RICHARD PAN, M.D., AMERICAN ACADEMY OF PEDIATRICS'

- 3:00 P.M. **PUBLIC COMMENT**

- 3:30 P.M. **ADJOURNMENT**



**ASSEMBLY SELECT COMMITTEE ON GUN VIOLENCE
GUN SAFETY, TRAINING AND CERTIFICATION HEARING
STATE CAPITOL, SACRAMENTO, CA
August 23, 2001**

Committee Members in attendance: Assemblymembers Chu, Dickerson, Goldberg, Koretz, Robert Pacheco, and Shelley

SUMMARY OF GUN SAFETY, TRAINING AND CERTIFICATION HEARING

Assemblyman Paul Koretz (Chair, Select Committee on Gun Violence) began the hearing by welcoming everyone and introducing Committee members in attendance. He then alluded to his previous accomplishments enacting safe and sane gun policies during his tenure as a Councilmember for the City of West Hollywood, which included a ban on assault weapons in 1988 and a ban on "Saturday Night Specials" in 1996.

Koretz stated that, unfortunately, gun violence is still an epidemic in our state, claiming more than 4400 victims each year. He noted that if the trend continues, gun violence would be the leading cause of death in 15-19 year olds by the end of the decade. He urged everyone to not rest on past accomplishments, because there is so much more we can do to intervene on this monumental problem.

Koretz announced that the purpose of this hearing was to help the Committee gain a better understanding of legislative proposals designed to strengthen handgun training and safety programs in the state and how these would impact the current policy. It is important for this Committee to be briefed on this issue, because the members should have opportunity to participate in this debate.

Mr. Koretz reported that representatives from the National Rifle Association, Gun Owners of California and the California Rifle and Pistol Association had been invited to participate, but they declined, saying that they were not interested in any further debates on this issue. He commented that he was sorry to learn this, as there are many committee members who are new to this issue and would have benefited from any testimony these organizations might have provided.

Senator Jack Scott (D- Pasadena) began his testimony by noting that most people would be surprised to know you can purchase a gun and not have any training on how to use it. He said he is authoring legislation this session that would provide such training.

He noted that his pending legislation would also make it harder for someone to falsify his or her identity to purchase a gun. Under his bill, a person would need to provide a fingerprint, along with a valid California driver's license or I.D. to verify his or her identity.

He added that once someone completes the first part of the process, he or she would need to receive instruction on how to handle a handgun, including how to load and unload the ammunition or clip. There also would be training on how to store guns safely.

Senator Scott noted that he and Assemblyman Shelley have worked together to eliminate any outstanding concerns which law enforcement might have had with their pending legislation. He stated the end result is a common sense bill that will improve safety and reduce death and injuries.

Assemblyman Shelley joined in the discussion by alluding to the current status of handgun training in the state as "grab a coke, eat popcorn, watch a video and get a gun." He said there currently is no assurance that you know how to properly use a gun or how to store it. The proposed legislation would provide the public with some assurance that a prospective gun owner knows how to handle and properly store a firearm.

Shelley said that he and Senator Scott had eliminated one of the criticisms about the legislation, which required a consumer to go to multiple places to fulfill the requirements of the law. The current version of the legislation allows everything to be done at one site. The dealer will be responsible for the background check, thumbprint and testing.

While **Shelley** expressed disappointment that consumers will no longer be required to actually fire a gun, he said that this is still a very good bill.

Koretz asked if this legislation would result in a delay to obtain a handgun. **Senator Scott** responded that the current 10 day waiting period would not change under the pending legislation. **Assemblyman Shelley** noted there was concern with an earlier version of the bill that it would cause a delay because of the need to go to more than one location to complete the processing and handgun training. However, now that everything is done at one location the time will still be only 10 days.

Mr. Dickerson raised a concern that he felt the purpose of the committee was to find solutions to reducing gun violence. He said that you do not eliminate gun violence through legislation, because legislation cannot fix abhorrent behavior. He said the committee needs to look at what can be done to curb violence.

Assemblywoman Goldberg responded that she did not think that they were mutually exclusive. She said she was in favor of anything that would result in prevention. She reported that during her 23 years of teaching, the main difference she noticed with gangs was the proliferation of guns, which replaced other non-lethal ways of fighting. She said the availability of guns has led to deadlier consequences for people dealing with anger.

Senator Scott responded that he agreed with Dickerson on trying to address ways to prevent violence. He noted that kids who grow up with violence in their home often have no respect for law enforcement. He suggested community policing as one effective tool to counter that problem. However, Senator Scott said he disagreed with Dickerson about legislation not being a solution. He stated we are lawmakers and that is what we do.

Randy Rossi (Department of Justice) began his testimony by providing background on firearms purchasing trends in the state. He stated that 1,000 Californians buy firearms each day. The breakdown for the type of guns purchased is 50% handguns and 50% long guns. He commented that this year was unusual because more long guns were purchased. He remarked that handgun sales for semiautomatics versus revolvers is currently two to one. However, in the 1970's the converse was true.

Rossi reported that there are approximately 2,450 firearm dealers in the state. He said the requirement to be a firearm dealer is much more stringent in California compared to other states.

He noted that 80% of the firearm transactions are carried out by 20% of the dealers. Of those dealers, approximately 400 have electronic scanners, which directly interface with the DOJ in transferring information on firearm transactions. The remaining dealers rely on an MCI operator to electronically feed the information to the department. He stated that one of the problems with the current system is that it is not fingerprint based.

Assemblyman Robert Pacheco asked if the fingerprint required in the Shelley/Scott bill is new. **Rossi** responded that the purpose behind the fingerprint is to tie the purchaser to the fingerprint for identity purposes.

Assemblyman Pacheco continued to probe whether the thumbprint would be used to check if that individual had committed a crime. **Mr. Rossi** again responded that the purpose of the thumbprint was to verify the identity of the handgun purchaser. He said that at this time, DOJ does not envision using the thumbprint for any other purpose.

Assemblyman Pacheco continued to question whether there were other uses planned for the thumbprint. **Rossi** stated that the thumbprint is done on the back of the dealer record of sale form and kept with the dealer.

Mr. Pacheco wanted to know if the thumbprint could be scanned from that form. **Rossi** answered "possibly". He remarked that if DOJ wanted to use a thumbprint for other purposes, DOJ would want it to be electronically stored. He did note that district attorneys believe the thumbprint is an important tool for them in prosecuting someone for a firearm-related violation.

Mr. Rossi noted that one percent of those submitting to a background check fall into the prohibited category.

He indicated that under the current system, 80% of the dealers complete the DROS transaction through a phone call with no scanning of the prospective buyer's driver's license, and that the proposed legislation is important because all dealers will need to electronically transmit information to DOJ.

He noted a drawback with the current process of handgun training is that it allows a person to either watch a video or take a test and then receive a lifetime card. In addition, **Rossi** said that the current test, which only requires a person to score 70% on the test, is not an accurate indicator of whether he or she could handle a firearm. The handgun safety certificate as proposed in the pending legislation would need to be renewed every five years rather than having a lifetime card. **Mr. Rossi** said that he believed this was a good thing.

Rossi stated the Attorney General believes it is important that the purchaser demonstrate some understanding of the complexity of the weapon, especially now that the vast majority of purchasers are opting for semiautomatic handguns. He also noted it was important for DOJ to visit dealers in an enforcement capacity to ensure they are complying with the law.

Senator Scott stated that without the thumbprint for proof of identity, someone could easily deny they were unlawfully trying to purchase a gun.

Koretz asked Rossi if he knew of other states with similar requirements as in the proposed legislation. **Rossi** responded that he was not aware of any states with similar requirements as California. He did note that some states might be more stringent than California on the enforcement side.

Wayne Bilowit (Los Angeles County Sheriff's Department) noted that he likes the testing requirement in the proposed legislation. He said he dreads calls of accidental discharges. He cited a personal situation where he had purchased a weapon, which had instructions in Russian and that even the dealer did not know how to operate the gun.

Koretz asked if there was a requirement that dealers need to know how to operate the weapons they sell. **Rossi** said that under the proposed legislation, which does not go into effect until January of 2003, dealers will receive training and a certificate from DOJ indicating that they have the background to teach a prospective buyer how to operate any handgun they sell.

Assemblywoman Chu asked Sergeant Bilowit about Sheriff Baca's position on the pending legislation. He responded that Sheriff Baca is very supportive of the measure.

Senator Scott also reported he had accepted amendments to gain the support of the sheriff's association.

Don Farrell/Bill Flannery (Gun Unit, Los Angeles Police Department) testified that Chief Bernard Parks is committed to reducing gun violence and strongly supports the legislation. He said it is only common sense that a purchaser knows how to use the gun. The Los Angeles Police Department had heard similar arguments against fingerprinting when the Los Angeles City Council passed a resolution requiring all handgun sold in the City to have a fingerprint on the back of the DROS form.

He said they did this because they were having problems prosecuting individuals who had illegally purchased a gun. He reported that this has enabled them to aggressively prosecute these individuals. He stated they use the analog to see if the name of a purchaser comes back as a convicted felon. If it does, they will check the fingerprint. Otherwise the fingerprint will eventually be destroyed.

Eric Gorovitz (Coalition To Stop Gun Violence) reported that California has been a leader in enacting strong firearm laws. One of the last steps the state needs to do to reduce gun violence is to improve its licensing system. Licensing would be effective at preventing prohibited persons from getting a gun. He reported that most of the guns used in crimes are less than three years old.

so this legislation will have an impact. He also emphasized the importance of safety training and knowing how to handle a gun before purchasing it.

Gorovitz said he would have preferred that consumers actually had to fire a gun before purchasing it. He stated this was particularly important for purchasers of semiautomatic guns, because they need to be familiar with the use of a magazine and also with the knowledge that there could still be a bullet in the chamber once it is removed.

Koretz asked what other states are doing in terms of handgun training.

Gorovitz responded that some states such as Hawaii require the person to spend two hours at the firing range. Maryland has more stringent licensing laws, and a number of states have stronger permit requirements where they need to communicate with law enforcement. California is not pushing the envelope on this issue. "We are not selling a burdensome standard that is not done elsewhere," he noted.

Koretz commented that part of the reason the firing requirement was omitted was due to the fact that CA is so spread out and therefore it was not practical.

Assemblywoman Chu asked in which areas California was ahead of other states. Gorovitz cited some key laws, which put California in the forefront on firearms laws, including a 10 day waiting period for purchasing firearms; background checks at gun shows; dealer involvement in legally transferring a gun, and strong safe storage laws.

Senator Scott noted there are states where you do not need a permit to carry a concealed weapon and another thirty states where you need a permit, but they are required to issue you a permit as long as you have not committed a felony. He said that while California has made some significant steps, it pales in comparison to Western Europe where firearm fatalities are only one-tenth of that of the United States.

Koretz noted that one of the most interesting statistics he has heard is that the majority of guns used in a crime have been purchased within the last three years. He said it is encouraging to know that the laws we are implementing today will make a difference. **Gorovitz** agreed, saying that this is particularly true for guns used by young people.

Dr. Richard Pan (American Academy of Pediatrics) stated that his organization was in favor of the Handgun Safety Certificate because it will reduce incidents of accidental gun discharges among children.

With no public comment being offered, the meeting was adjourned at 3:00 p.m. by Assemblyman Koretz.

Addendum: Both Assembly Bill 35 (Shelley) and Senate Bill 52 (Scott) were signed into law.

MAJOR ISSUES ADDRESSED IN HANDGUN SAFETY TRAINING BILLS

ISSUE:	CURRENT LAW:	SB 52 AND AB 35:
COST:	<ul style="list-style-type: none"> • \$20 fee (\$10 to DOJ; \$10 to instructor) • \$15 background check (DROS) <p>Total cost: \$35.00</p>	<ul style="list-style-type: none"> • \$25 fee (\$15 to DOJ; \$10 to instructor) • \$15 background check (DROS) • \$10 equipment and enforcement fee <p>Total cost: \$50.00</p>
LOANS:	<ol style="list-style-type: none"> 1. Loans exceeding 30 days must be processed through a licensed dealer or law enforcement agency – recipient must have BFSC 2. Intrafamily transfers do not have to be processed through a dealer – recipient must obtain BFSC (12078(c)) 3. Loans for 30 days or less between persons personally known to one another do not have to be processed through a dealer – recipient does not have to obtain BFSC 	<ol style="list-style-type: none"> 1. Same rule – recipient must have HSC 2. Same rule – recipient must obtain HSC 3. Same rule EXCEPT recipient must now have HSC 4. NEW: Loans in the presence of the owner are permitted for up to one day – recipient does not have to have a HSC
MINORS:	<ol style="list-style-type: none"> 1. Cannot purchase any firearms 2. Cannot obtain BFSC 3. Parents, grandparents, and guardians can loan them handguns to be used in their presence in order to engage in a recreational sporting or motion picture, television or other entertainment event 4. Other adults can loan handguns to minors who are 16 years of age or 	Same rules

(MINORS, CONT.):	older for 10 days or less to participate in one of the above activities if parent/guardian gives prior written consent.	
18, 19 and 20-YEAR OLDS:	<ol style="list-style-type: none"> 1. Can purchase firearms but not handguns 2. Can be loaned a handgun – general rules regarding loans (above) determine whether or not a BFSC is required 	Same rules
EXEMPTIONS FROM HANDGUN SAFETY CERTIFICATE REQUIREMENT:	<p>As specified in Penal Code section 12081, including</p> <ol style="list-style-type: none"> 1. Hunter Safety License holders 2. Importers and wholesalers 3. Directors of Civilian Marksmanship 	<p>Exemptions are the same, except for the following:</p> <ol style="list-style-type: none"> 1. Not exempt (no handgun safety training) 2. Only exempt for the course and scope of their business 3. Not exempt
PENALTIES:	<ol style="list-style-type: none"> 1. A dealer who delivers a handgun to a person without a BFSC is guilty of a wobbler 2. Collusion on BFSC test is a wobbler 3. Alteration, forgery, or falsification of a BFSC is not specifically prohibited, but could be a violation of Penal Code section 483.5 (a wobbler) 4. A person who transfers a handgun to a person without a BFSC does not commit a crime, even where a BFSC was required 5. A person who obtains a handgun without a BFSC does not commit a crime. 	<ol style="list-style-type: none"> 1. Same rule regarding HSC 2. Same rule regarding HSC 3. Alteration, forgery, or falsification of a HSC is a misdemeanor 4. A person who transfers a handgun to a person without a HSC is guilty of a misdemeanor 5. A person who obtains a handgun without a BFSC is guilty of a misdemeanor
DOJ ENFORCEMENT:	<ul style="list-style-type: none"> • 2 agents • 60 investigations/year • Many leads are not investigated 	<ul style="list-style-type: none"> • More agents • More investigations and better follow-up of leads • Ability to fund new Armed Prohibited Database

STEPS TO BUY A HANDGUN:

STATUS QUO (Basic Firearms Safety Certificate):	SB 52: (Handgun Safety Certificate)
<p>Take and pass a written test (existing law allows the test to be administered by a DOJ-certified instructor or an authorized gun dealer)</p> <p>OR</p> <p>Watch Video</p> <p>OR</p> <p>Take safety course from DOJ-certified instructor</p>	<p>Take and pass a written test (same rules – can still be done at the gun store and administered by an authorized gun dealer)</p>
<p>Go to gun dealer</p> <ul style="list-style-type: none"> • No thumbprint required • Magnetic swipe of C.D.L. or C.I.D. (strip readers are installed in approximately 80% of gun stores) OR gun dealer may call DOJ and gives identifying information about buyer • No proof of CA residency required, other than C.D.L. or C.I.D. (they can be obtained without any proof of CA residency) • Background check – DROS (form is retained by gun dealer, but information is transmitted to DOJ either electronically or verbally as specified above) • 10 day waiting period • No hands-on training or knowledge by gun buyers is required 	<p>Go to gun dealer</p> <ul style="list-style-type: none"> • Thumbprint taken by dealer and placed on the back of the DROS form. The thumbprint can be used in a subsequent prosecution (to prove that a person who was prohibited from possessing firearms attempted to buy a gun; or to prove the identity of a person who bought the gun legally, but later used it in a crime) • MANDATORY magnetic swipe of C.D.L. or C.I.D in order to verify the validity of the buyer's identification and to transmit information about the buyer to DOJ (except in unusual circumstances, such as when the magnetic strip reader is not operating, when telephonic transfer of information would be permitted) • Proof of CA residency required (such as utility or property tax bill in the applicant's name) in order to enforce existing law that gun buyers must be CA residents • Background check – DROS (form is still retained by gun dealer, but information would have to be transmitted electronically) • 10 day waiting period • Safety features demonstration by purchaser of the safety features of the handgun purchased, at the time of each purchase. A DOJ-certified instructor, or other person with firearms expertise, conducts the demonstration (usually a gun dealer or the dealer's employee)



2003 DANGEROUS WEAPONS CONTROL LAWS
12800 through 12809 Basic Firearm Safety Certificate

ARTICLE 8 HANDGUN SAFETY CERTIFICATE (COMMENCING WITH SECTION 12800)

12800. It is the intent of the Legislature in enacting this article to require that persons who obtain handguns have a basic familiarity with those firearms, including, but not limited to, the safe handling and storage of those firearms. It is not the intent of the Legislature to require a handgun safety certificate for the mere possession of a firearm.

12801. (a) As used in this article, the following definitions shall apply:

(1) "Department" means the Department of Justice.

(2) "DOJ Certified Instructor" or "certified instructor" means a person designated as a handgun safety instructor by the Department of Justice pursuant to subdivision (d) of Section 12804.

(b) No person shall do either of the following:

(1) Purchase or receive any handgun, except an antique firearm, as defined in paragraph (16) of subsection (a) of Section 921 of Title 18 of the United States Code, without a valid handgun safety certificate.

(2) Sell, deliver, loan, or transfer any handgun, except an antique firearm, as defined in paragraph (16) of subsection (a) of Section 921 of Title 18 of the United States Code, to any person who does not have a valid handgun safety certificate.

(c) Any person who violates subdivision (b) is guilty of a misdemeanor.

(d) The provisions of this section are cumulative, and shall not be construed as restricting the application of any other law. However, an act or omission punishable in different ways by different provisions of this code shall not be punished under more than one provision.

12802. (a) No person may commit an act of collusion as specified in Section 12072.

(b) Any person who alters, counterfeits, or falsifies a handgun safety certificate or who uses or attempts to use any altered, counterfeited, or falsified handgun safety certificate to purchase a handgun is guilty of a misdemeanor.

(c) The provisions of this section are cumulative and shall not be construed as restricting the application of any other law. However, an act or omission punishable in different ways by this section and different provisions of this code shall not be punished under more than one provision.

12803. (a) No certified instructor may issue a handgun safety certificate to any person who has not complied with this article. Proof of compliance shall be forwarded to the department by certified instructors as frequently as the department may determine.

(b) No certified instructor may issue a handgun safety certificate to any person who is under 18 years of age.

(c) A violation of this section shall be grounds for the department to revoke the instructor's certification to issue handgun safety certificates.

12804. (a) The department shall develop an instruction manual in English and in Spanish by October 1, 2002. The department shall make the instructional manual available to firearms dealers licensed pursuant to Section 12071, who shall make it available to the general public. Essential portions of the manual may be included in the pamphlet described in Section 12080.

(b) The department shall develop audiovisual materials in English and in Spanish by March 1, 2003, to be issued to instructors certified by the department.

(c)(1) The department shall develop a written objective test, in English and in Spanish, and prescribe its content, form, and manner, to be administered by an instructor certified by the department. If the person taking the test is unable to read, the examination shall be administered orally. The test shall cover, but not be limited to, all of the following:

(A) The laws applicable to carrying and handling firearms, particularly handguns.

(B) The responsibilities of ownership of firearms, particularly handguns.

(C) Current law as it relates to the private sale and transfer of firearms.

(D) Current law as it relates to the permissible use of lethal force.

(E) What constitutes safe firearm storage.

(F) Issues associated with bringing a handgun into the home.

(G) Prevention strategies to address issues associated with bringing firearms into the home.

(2) If the person taking the test is unable to read English or Spanish, the test may be applied orally by a translator.

(d) The department shall prescribe a minimum level of skill, knowledge and competency to be required of all handgun safety certificate instructors.

(e) If a dealer licensed pursuant to Section 12071 or his or her employee, or where the managing officer or partner is certified as an instructor pursuant to this article, he or she shall also designate a separate room or partitioned area for a person to take the objective test, and maintain adequate supervision to assure that no acts of collusion occur while the objective test is being administered.

(f) The department shall solicit input from any reputable association or organization, including any law enforcement association that has as one of its objectives the promotion of firearms safety, in the development of the handgun safety certificate instructional materials.

(g) The department shall develop handgun safety certificates to be issued by instructors certified by the department, to those persons who have complied with this article.

(h) The department shall be immune from any liability arising from implementing this section.

(i) The department shall update test materials related to this article every five years.

(j) Department Certified Instructor applicants shall have a certification to provide training from one of the following organizations as specified, or any entity found by the department to give comparable instruction in firearms safety, or the applicant shall have similar or equivalent training to that provided by the following, as determined by the department:

- (1) Department of Consumer Affairs, State of California-Firearm Training Instructor.
- (2) Director of Civilian Marksmanship, Instructor or Rangemaster.
- (3) Federal Government, Certified Rangemaster or Firearm Instructor.
- (4) Federal Law Enforcement Training Center, Firearm Instructor Training Program or Rangemaster.
- (5) United States Military, Military Occupational Specialty (MOS) as marksmanship or firearms instructor. Assignment as Range Officer or Safety Officer are not sufficient.
- (6) National Rifle Association-Certified Instructor, Law Enforcement Instructor, Rangemaster, or Training Counselor.
- (7) Commission on Peace Officer Standards and Training (POST), State of California-Firearm Instructor or Rangemaster.
- (8) Authorization from a State of California accredited school to teach a firearm training course.

12805. (a) An applicant for a handgun safety certificate shall successfully pass the objective test referred to in paragraph (1) of subdivision (c) of Section 12804, with a passing grade of at least 75 percent. Any person receiving a passing grade on the objective test shall immediately be issued a handgun safety certificate by the instructor.

(b) An applicant who fails to pass the objective test upon the first attempt shall be offered additional instructional materials by the instructor such as a videotape or booklet. The person may not retake the objective test under any circumstances until 24 hours have elapsed after the failure to pass the objective test upon the first attempt. The person failing the test on the first attempt shall take another version of the test upon the second attempt. All tests shall be taken from the same instructor except upon permission by the department, which shall be granted only for good cause shown. The instructor shall make himself or herself available to the applicant during regular business hours in order to retake the test.

(c) The certified instructor may charge a fee of twenty-five dollars (\$25), fifteen dollars (\$15) of which is to be paid to the department pursuant to subdivision (e).

(d) An applicant to renew a handgun safety certificate shall be required to pass the objective test. The certified instructor may charge a fee of twenty-five dollars (\$25), fifteen dollars (\$15) of which is to be forwarded to the department pursuant to subdivision (e).

(e) The department may charge the certified instructor up to fifteen dollars (\$15) for each handgun safety certificate issued by that instructor to cover the department's cost in carrying out and enforcing this article, and enforcing this title, as determined annually by the department.

(f) All money received by the department pursuant to this article shall be deposited into the Firearms Safety and Enforcement Special Fund created pursuant to Section 12076.5.

(g) The department shall conduct enforcement activities, including, but not limited to, law enforcement activities to ensure compliance with Title 2 (commencing with Section 12000) of Part 4.

12806. (a) A handgun safety certificate shall include, but not be limited to, the following information:

- (1) A unique handgun safety certificate identification number.

- (2) The holder's full name.
- (3) The holder's date of birth.
- (4) The holder's driver's license or identification number.
- (5) The holder's signature.
- (6) The signature of the issuing instructor.
- (7) The date of issuance.
- (b) The handgun safety certificate shall expire five years after the date that it was issued by the certified instructor.

12807. (a) The following persons, properly identified, are exempted from the handgun safety certificate requirement in subdivision (b) of Section 12801:

- (1) Any active or honorably retired peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2.
- (2) Any active or honorably retired federal officer or law enforcement agent.
- (3) Any reserve peace officer, as defined in Section 832.6.
- (4) Any person who has successfully completed the course of training specified in Section 832.
- (5) A firearms dealer licensed pursuant to Section 12071, who is acting in the course and scope of his or her activities as a person licensed pursuant to Section 12071.
- (6) A federally licensed collector who is acquiring or being loaned a handgun that is a curio or relic, as defined in Section 178.11 of Title 27 of the Code of Federal Regulations, who has a current certificate of eligibility issued to him or her by the department pursuant to Section 12071.
- (7) A person to whom a handgun is being returned, where the person receiving the firearm is the owner of the firearm.
- (8) A family member of a peace officer or deputy sheriff from a local agency who receives a firearm pursuant to Section 50081 of the Government Code.
- (9) Any individual who has a valid concealed weapons permit issued pursuant to Section 12050.
- (10) An active, or honorably retired member of the United States Armed Forces, the National Guard, the Air National Guard, the active reserve components of the United States, where individuals in those organizations are properly identified. For purposes of this section, proper identification includes the Armed Forces Identification Card, or other written documentation certifying that the individual is an active or honorably retired member.
- (11) Any person who is authorized to carry loaded firearms pursuant to subdivision (c) or (d) of Section 12031.
- (12) Persons who are the holders of a special weapons permit issued by the department pursuant to Section 12095, 12230, 12250, or 12305.

(b) The following persons who take title or possession of a handgun by operation of law in a representative capacity, until or unless they transfer title ownership of the handgun to themselves in a personal capacity, are exempted from the handgun safety certificate requirement in subdivision (b) of Section 12801:

(1) The executor or administrator of an estate.

(2) A secured creditor or an agent or employee thereof when the firearms are possessed as collateral for, or as a result of, or an agent or employee thereof when the firearms are possessed as collateral for, or as a result of, a default under a security agreement under the Commercial Code.

(3) A levying officer, as defined in Section 481.140, 511.060, or 680.260 of the Code of Civil Procedure.

(4) A receiver performing his or her functions as a receiver.

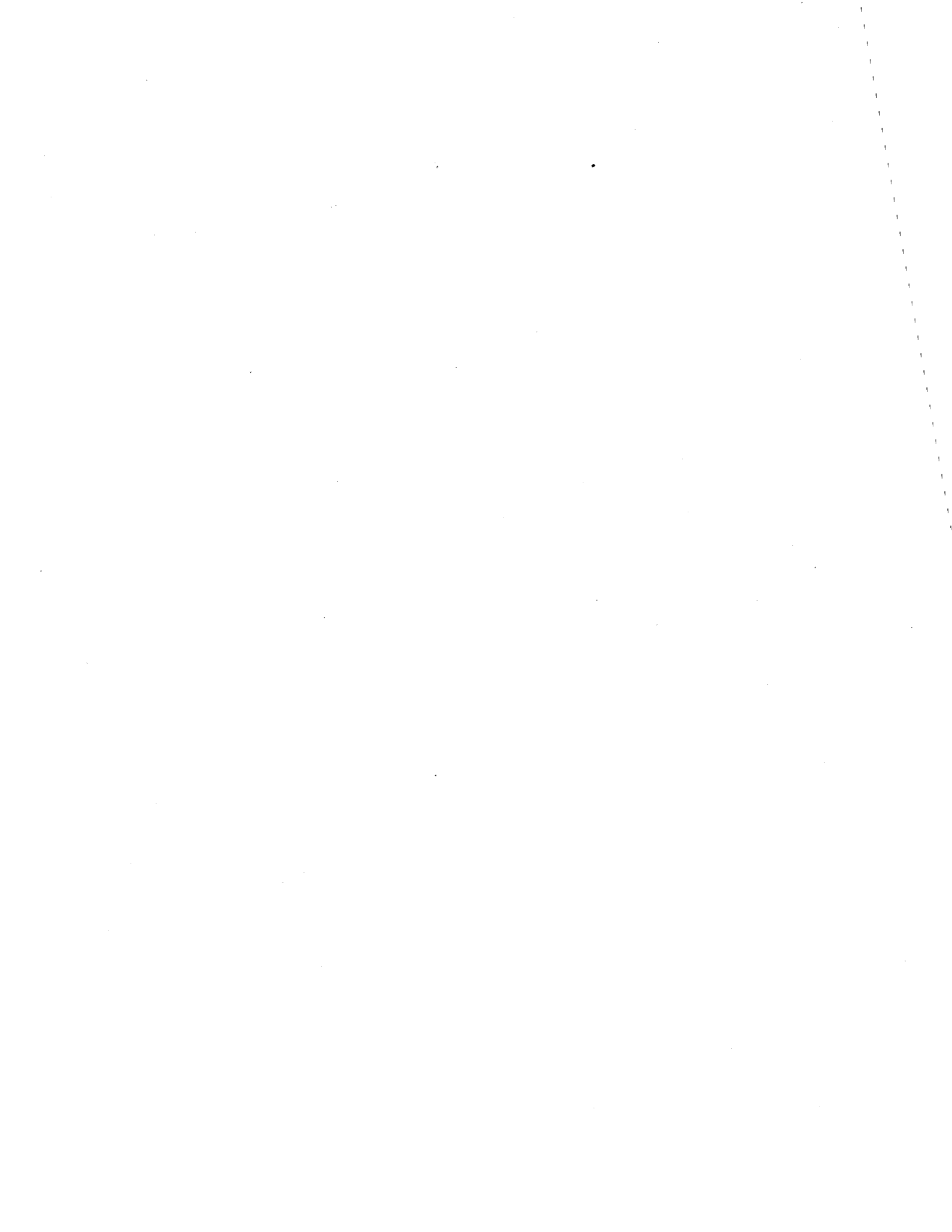
(5) A trustee in bankruptcy performing his or her duties.

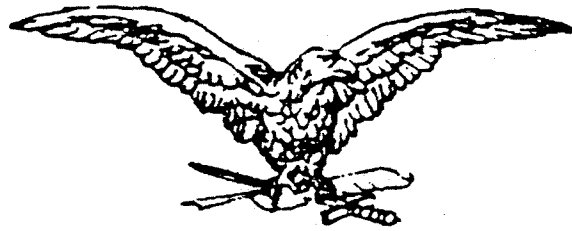
(6) An assignee for the benefit of creditors performing his or her functions as an assignee.

12808. (a) In the case of loss or destruction of a handgun safety certificate, the issuing instructor shall issue a duplicate certificate upon request and proof of identification to the certificate holder.

(b) The department may authorize the issuing instructor to charge a fee not to exceed fifteen dollars (\$15), for a duplicate certificate. Revenues from this fee shall be deposited in the Firearms Safety and Enforcement Special Fund, created pursuant to Section 12076.5.

12809. Except for the provisions of Section 12804, this article shall become operative on January 1, 2003.





Los Angeles Times

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Respecting Guns' Power

With notable fringe exceptions, the more one values firearms the more one respects their lethal power and the need to use them properly. That understanding even inspired a slogan: "Guns don't kill people; people do."

That said, what reasonable argument is there against a law that addresses what might be termed "the people factor"? Requiring prospective gun buyers to prove they know how to safely handle a firearm would put responsibility, literally, in their hands.

State Sen. Jack Scott, whose son died in 1993 when the shotgun a friend was showing off discharged, thinks California's existing safety training requirements are wholly inadequate. We agree.

True, handgun buyers must obtain a state firearms certificate. But to get one they need only pass a written test on gun safety or watch a video. *Either/or.* Handgun buyers are not required to demonstrate any skill in actually handling the weapon. There's no way of knowing whether they really know how to load and unload the weapon or even store it safely. Since most gun buyers find it convenient to take the existing test or watch the video at the store where they've made their purchase, the dealer has a strong incentive to see buyers through the legal steps that let them complete the sale— but little incentive to stop someone

who fails the written test or sleeps through the video.

Scott's bill, SB 52, and a similar measure that passed the Assembly last week, would change that. Prospective handgun buyers would need a handgun safety license. To get that license, buyers would need proof that they had successfully completed a state-certified gun-handling demonstration, along with a tougher written test on safety rules and current gun laws. The state Department of Justice would design both tests, and while prospective buyers could still take them at a dealer's shop, Scott's bill would also fund undercover operations to ensure compliance.

The day before Kevin Shelley's (D-San Francisco) Assembly bill passed, Scott's bill cleared the Senate. So it seems reasonable to hope that one of the two bills will make it to the governor's desk. Both are prudent, modest steps that could prevent gun accidents. Even Gov. Gray Davis, gunshy after the firearms lobby vilified him for signing measures requiring trigger locks and limits on gun sales in 1999, has signaled he just might sign one of these measures if they make it to him.

He should. It's scary enough that current law permits Californians who may not have a clue about safely handling a handgun to buy one. Even scarier is the thought that lawmakers would want to keep it that way.

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Modest measures

Gov. Davis should sign handgun safety bills

The Legislature seems poised to pass a handgun safety measure that deserves to be signed into law. But supporters fear Gov. Gray Davis will veto the bipartisan bill because he's deep in his re-election mode and doesn't want to cross the politically potent gun lobby.

Identical measures by Sen. Jack Scott, D-Pasadena, and Assemblyman Kevin Shelley, D-San Francisco, would help ensure that prospective gun buyers handle firearms safely. The bills also would require handgun buyers to submit a thumbprint for identification and to pass a written test.

Current law enables handgun buyers to obtain a basic safety certificate from a gun dealer by passing a written test or by taking a safety course or by watching a video.

The bills by Scott and Shelley also would require that prospective buyers provide proof of residency in addition to a California driver's license or an identification card. Gun dealers would be obliged to obtain electronic verification of the buyer's identity.

Why would the governor balk at signing a bill designed to strengthen handgun safety and reduce injuries and deaths? Because the gun lobby reflexively opposes any reform that imposes on the convenience of prospective buyers.

But owning a firearm carries with it the responsibility to know how to safely load, unload, clean and store it. These bills would require that buyers know at least that much. They also would make it tougher for criminals to buy handguns from dealers by lying about their backgrounds when filling out purchase applications.

Scott and Shelley have modified their measures to make them more palatable to law enforcement groups that oppose the reform. They jettisoned the licensing provision and gave ground on the firearm proficiency requirement. A buyer still would be required to demonstrate he understands how to handle the weapon safely to someone authorized by the state Department of Justice. But this wouldn't necessarily entail firing the handgun.

What's left is a rather modest attempt to make it more difficult for criminals and sociopaths to get a handgun. It also includes a good-faith effort to enhance gun safety. That seems a small price to pay for the slight inconvenience to law-abiding gun buyers.

If Gov. Davis wants to understand the need for this legislation, he should consult trauma center physicians who deal each day with the death and destruction caused by handguns.

San Francisco Chronicle

THE VOICE OF THE WEST

EDITORIALS

Gunning for safety

GUN CONTROL foes often insist that firearm laws miss an important point. Instead of targeting the weapon, enforcement should go after people who misuse guns.

A pair of pending state laws take up this challenge. The bills don't ban weapons or register firearms, the hot-button issues that inflame debate and frighten politicians.

Instead, the measures raise the bar on gun safety and background checks. The two measures, AB35 by Assemblyman Kevin Shelley, D-San Francisco, and SB52 by state Sen. Jack Scott, D-Pasadena, should be approved and signed by Gov. Gray Davis in the name of public safety.

Currently, handgun buyers need astonishing little training. A would-be purchaser takes a short written test or, more likely, opts to watch a video on safety. A certificate is issued, the purchase is made, and, after a 10-day wait for a background check, the buyer can pick up the weapon.

The two bills would remedy this sketchy introduction to gun ownership in important ways. A state-certified instructor would demonstrate the workings of the gun, after which a buyer must learn to load, fire and handle the weapon.

Applying a safety lock, now required to be sold with weapons, would be part of the instructions. A more comprehensive written test covering gun laws, safe storage and

firearms hazards would also be given.

Along with such instruction and testing would go better screening of handgun purchasers. Would-be buyers, barred from gun ownership by criminal record or mental history, sometimes make use of safety certificates issued to a legitimate buyer.

The bills would require a thumbprint on the certificate to make it harder for disqualified buyers to obtain weapons.

Pro-gun forces oppose the two bills on the grounds that either will lead to registration of guns and their owners. But the legislation does nothing of the sort. The two measures aim to cut down on gun accidents and illegal purchases through education and screening.

Each of the nearly identical bills has passed its legislative house of ori-

gin, suggesting a final version has the support of both the Senate and Assembly. In the end, it will be up to Gov. Gray Davis, who should support the moderate, sensible spirit of the measures.

An estimated 365,000 guns are sold in California each year, and about half of those are handguns, according to the state Department of Justice. It makes sense to screen this lethal commerce with a dose of safety and security. Both bills are effective ways to achieve this goal.

*Handgun buyers
should learn
firearms safety
and submit to
legal checks before
a purchase.*

Opinion

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Good legislation is likely to reach Gov. Davis, but he is still using last year's excuse

Gun 'license' is just a safety certificate

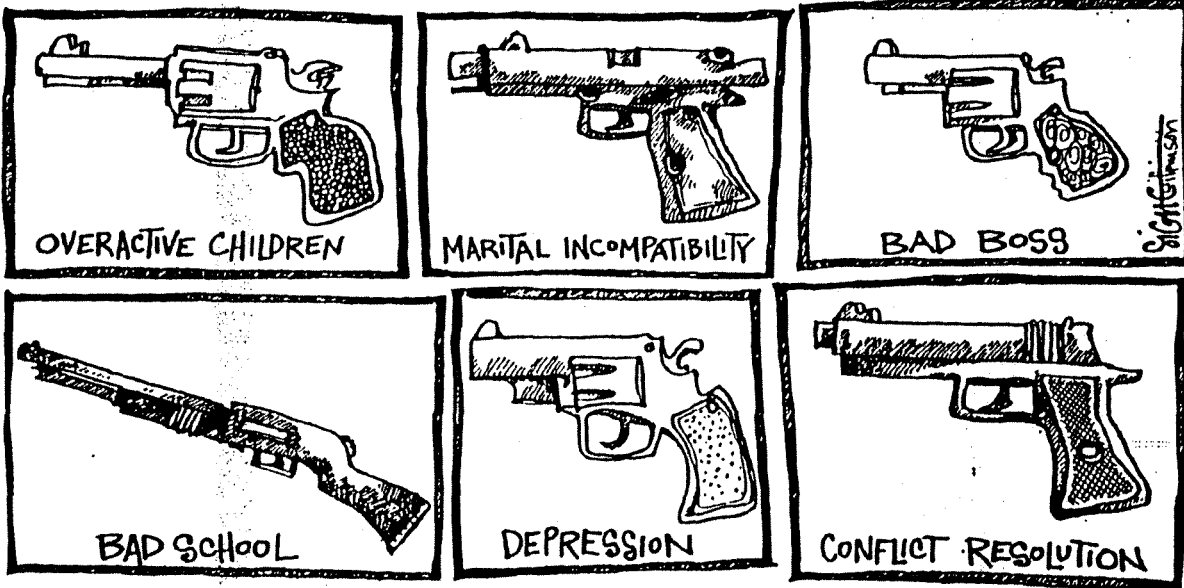
Last year, Gov. Gray Davis called for a moratorium on gun legislation. He said the state needed time to absorb the laws it had just passed. Rather than face a confrontation with Davis, the sponsor of the most important gun bill of the session, the licensing of handgun buyers, pulled it from the hopper.

Editorial

The opinion of the Mercury News

Now, two similar versions of last year's bill have passed the Assembly and the Senate; at least one appears certain to reach Davis' desk. And yet the governor is using the same excuse. He hasn't vowed to use his veto, but a spokesman said that Davis' "bias" would be to hold off new laws until the state evaluates the old ones.

We see no further cause for delay. There's nothing stopping the governor from studying the effects of the 1999 gun controls. They were good laws, like the ban on some semiautomatic weapons and limits on handgun purchases. Licensing is a separate matter. Lawmakers have had two years to debate the issue, refine bills and witness the consequences of



AMERICAN HOME REMEDIES

firearms negligence. Perhaps the problem is the use of "license." The term certainly is a bugaboo to the gun lobby, which claims government has no right to license a Second Amendment right. Veins start popping at the mere mention of it. But license in this case is shorthand for a safety certificate, proving that prospective buyers are

who they say they are and know how to store and discharge handguns properly. In other words, a license is a common-sense protection for the owner and the public. SB 52, sponsored by Assembly Majority Leader Kevin Shelley, D-San Francisco, and AB 35, sponsored by Sen. Jack Scott, D-Pasadena, would build on existing requirements. Under current law,

a handgun owner must either take a written test showing knowledge of gun safety or watch (more likely sleep through) a video on gun safety at a gun dealer. Under the Shelley-Scott bills, prospective buyers would have to take an actual firearms test, showing proficiency and safe handling — but not marksmanship — as well as the written test. State-ap-

proved instructors would give the gun buyer a certificate of completion.

Gun buyers in California already must undergo a 10-day background check. That wouldn't change. However, under the bills a handgun buyer would also have to provide a fingerprint to the county sheriff or a local police department. The purpose is not harassment of gun buyers but proof of identity — to prevent felons from trying to buy handguns with fake IDs. This should be done by law enforcement, not a gun dealer.

The license would be good for five years. The new requirements could raise current handgun fees by \$20 to \$30 plus the cost of a safety course and firing test — a burden that, on balance, is fair.

Scott's bill passed easily in the Senate, which is more receptive to gun controls. Shelley's bill squeaked by the Assembly with a bare majority, with Assemblyman Joe Simitian, D-Palo Alto, casting a critical vote in committee.

Because of the gun lobby, the Legislature hasn't taken a comprehensive approach to gun controls. Progress has been incremental, one difficult and, for many legislators, courageous vote at a time.

Handgun licensing is an important part of that effort.

SMITH WILKINSON — PHILADELPHIA DAILY NEWS

Gun license test isn't intrusive; it's just smart

Boning up this week for my California driving exam and DMV Experience – a good thing, too, since who would've guessed that a large truck traveling 55 mph needs 800 feet to stop? – I'm struck with this thought:

What's all the fuss about at the Capitol these days over licensing handguns? We all have to take driving tests – we prove who we are, we take a written test, we demonstrate our acumen in finding the wipers and defroster, we may even take our examiner out for a little spin – so what's the big deal about taking a test to get a gun license?

Answer: Ask the National Rifle Association. Once again, the gun lobby managed to get everyone in a dither over a bill that was perfectly reasonable, absolutely sane and made complete sense when you are talking about a product – like a car or truck – that must be handled with care.

The bill, AB 237, which would require anyone buying or borrowing a handgun to get a safety license, was set for Assembly debate this week but was pulled back at the last minute Wednesday by its author, Assemblyman Jack Scott, D-Altadena. For this, we can largely thank Gov. Gray Davis, who indicated he would veto any more gun legislation this session until current gun laws could be evaluated. Scott reasoned he'd best pursue the bill next year – or “however long it takes for it to become law.”

Like the plodding, sure-footed tortoise, the idea will find its way to the finish line, vowed Scott, a state Senate candidate.



MARJIE LUNDSTROM

“I'm certainly a determined proponent of this kind of sensible gun legislation,” said Scott, who has faced the NRA before.

“Every dangerous product we have in society we tend to regulate,” he said. “We regulate cars. We put childproof caps on aspirin bottles.”

Likewise, this bill – rewritten in the Senate – would have required that all handgun buyers other than current or retired peace officers obtain a license first from the Department of Justice. Applicants would apply to their local police agency, where they would be thumb-printed and prove state residency. They would undergo safety training, perform handling and shooting proficiency demonstrations and take a written test – a procedure remarkably similar to the DMV drill.

Yet for many committed gun owners, this is a difficult plan to stomach – thanks in large part to the hysteria whipped up by the NRA. The very organization that should be leading the charge for gun safety and responsible gun ownership fell back instead on its tried-and-true scare tactics.

“If law-abiding gun owners want to avoid the next worst thing to total CONFISCATION in California, it is imperative that you contact Assemblyman Jack Scott ...” read a July 17 mailing to California members.

And call they did. Staffers reported receiving at least 15,000 phone calls in the last month. Some callers accused the assemblyman of “turning California into Nazi Germany” and comparing him to Hitler; others claimed to see through his secret agenda to eventually confiscate Californians' guns.

“Communism is written into this bill,” one caller said Tuesday.

Then the politicians started saying silly things. On Monday, before the state Senate narrowly approved the measure, Sen. Ray Haynes, R-Riverside, griped that “lawnmowers are more dangerous than guns. Heck, in some cases, if you misuse your microwave, it is more dangerous than a gun.”

Now I'm not sure what special insight the senator has into killer lawnmowers and microwaves, but I do know that the Centers for Disease Control and Prevention does not create a special category for these items in its mortality tables.

It does, however, do so for firearm deaths and motor vehicle fatalities, and there are far too many of both. In 1998, 42,337 died in car wrecks and 30,708 died from gun injuries.

True, the vast majority of gun deaths in this country are intentional – more than

29,000 are suicides or homicides – and no amount of target practice or written testing is likely to cure these sick psyches. Opponents are right to say that the measure probably won't stop hardened criminals from firing away, but then the DMV's tests don't exactly thwart drunken drivers or habitually stupid motorists, either.

But we still require the tests.

The point is, the 861 accidental gun deaths in this country in 1998 were 861 too many – particularly since 121 involved children under age 15. They were tragic, senseless, absolutely preventable deaths that this legislation would go a long way toward addressing.

It is precisely the logic we accept with the DMV – that people ought to know how to operate a car before they aim it at oncoming traffic and push the pedal. No one likes to visit the DMV (honestly, do you know how many telephone buttons you have to punch to set up an appointment?), but we do. We do it because we know cars can be dangerous, especially when driven by incompetent, poorly trained drivers.

And here's a news flash: If I slunk my driver's test next week, I doubt that Big Brother is going to penalize the rest of you and come take all your cars away. Besides now that I know a big truck needs 800 feet of leeway, the road's a lot safer place.

After all, cars don't kill. Drivers do.

MARJIE LUNDSTROM'S column appears Thursdays and Sundays. Write her at P.O. Box 15778, Sacramento, CA 95852, or call (916) 321-1055; e-mail: mlundstrom@sacbee.com.

Compliments of
Senator K. Maurice Johannessen
4th Senatorial District

A-6

Thursday
June 14, 2001
Record Searchlight

Editorial

Latest gun bill before legislators misses the target

California's gun owners and would-be gun owners should feel uneasy about what some Sacramento lawmakers are up to these days. It's as if they're attempting to turn a citizen's right to bear arms into a privilege.

Among a volley of gun bills in the Legislature, Senate Bill 52 is the most menacing. The bill's author, Sen. Jack Scott, D-Altadena, is pushing for the creation of a "handgun safety license" that would add unnecessary burdens to gun ownership.

A person would apply for the license at a police department or sheriff's office, pay a fee and take a written test of safety rules and firearms laws. The applicant would supply a thumbprint and actually fire a gun as part of a safe-handling demonstration. Certain exemptions would be allowed for people with military or peace officer backgrounds.

Scott may have good intentions — his 27-year-old son died in an accidental shooting eight years ago — but his legislation goes beyond what is needed. We already have enough requirements to own a pistol or revolver, including background checks, a waiting period

and the need for a safety certificate. This bill would place added burdens on law-abiding citizens. Criminals wouldn't bother going through the process; they can get a gun easier on the black market or by other means.

One danger is that once fees and rules are in place, it's easy for officials to increase those fees and impose ever more restrictions. Once thumbprints are required, can a mug shot not be far behind? Would we get to the point where tests became so difficult to pass that they would severely limit gun ownership?

From a practical standpoint, local law enforcement has more important tasks than processing handgun safety licenses. Assemblyman Dick Dickerson, R-Redding, speculates the legislation would remove 1,000 officers from street patrols across the state just to deal with paperwork. Is that any way to stop crime?

Dickerson, a former law enforcement officer, has opposed these types of gun control efforts, as has state Sen. Maurice Johannessen, R-Redding. Johannessen said these "feel-good bills" are ridiculous and don't do any good. We agree with our two representatives in Sacramento and are encouraged by Gov. Gray Davis' reluctance to approve any more restrictions on gun owners. We're waiting, along with the governor, to learn the effectiveness of gun laws that Davis signed two years ago.

We're concerned about firearm safety as we all should be, but present gun ownership laws contain sufficient precautions. We don't need more laws whose impact on crime can't be proven. If anything, this bill would tie up law enforcement with more bureaucratic requirements. Enough is enough.

GUN LICENSING LEADS TO INCREASED CRIME, LOST LIVES

By JOHN R. LOTT Jr.

Los Angeles Times, August 23, 2000

John R. Lott Jr. is a senior research scholar at the Yale University Law School. The second edition of his book "*More Guns, Less, Crime*" (University of Chicago Press) was released in July

Who could possibly oppose licensing handgun owners? Requiring training for potential gun owners both in a classroom and at a firing range before they are allowed to buy a gun seems obvious. Licensing, especially when eventually coupled with registration, will supposedly also help identify criminals and prevent them from getting guns.

Yet, as usual with guns, the debate over licensing mentions just the possible benefits while ignoring the real costs to people's safety. If the California Senate passes licensing this week, it will not only cost Californians hundreds of millions of dollars annually, but, more important, it will increase violent crime.

In theory, if a gun is left at the scene of the crime, licensing and registration will allow a gun to be traced back to its owner. But, amazingly, despite police spending tens of thousands of man hours administering these laws in Hawaii (the one state with both rules), as well as in big urban areas with similar laws, such as Chicago and Washington, D.C., there is not even a single case where the laws have been instrumental in identifying someone who has committed a crime.

The reason is simple. First, criminals very rarely leave their guns at the scene of the crime. Would-be criminals also virtually never get licenses or register their weapons.

So what of the oft-stated claim that licensing will somehow allow even more comprehensive background checks and thus keep criminals from getting guns in the first place?

Unfortunately for gun control advocates, there is not a single academic study concluding that background checks reduce violent crime.

The Journal of the American Medical Assn. this month published an article showing that the Brady law produced no reduction in homicides or suicides. Other, more comprehensive research actually found that the waiting period in the Brady law slightly increased rape rates.

The Clinton administration keeps issuing press releases boasting that violent crime rates have fallen since 1994, when the Brady law was adopted. Yet violent crime started falling in 1991. The Brady law did not apply to 18 states, but after 1994 their violent crime fell as quickly as other states.

While still asserting that the law "must have some effect," U.S. Atty. Gen. Janet Reno was reduced this month to saying, "It might just take longer to measure it."

The reason why the Brady law does not affect criminals is simple. It is the law-abiding citizens, not the criminals, who obey the laws. For example, the waiting-period provision in the law prevented law-abiding women who were stalked or threatened from quickly obtaining a gun for self-defense.

There are still other problems with the law that the state Legislature is considering. When added to the current state waiting period, the processing time for a license will delay access to a gun by a month. While even short waiting periods increase rape rates, waiting periods longer than 10 days make it difficult for law-abiding citizens to obtain guns to protect themselves and increase all categories of violent crime.

The hundreds of dollars it will take to pay for the license and the up-to-eight-hour training course, as well

as the many arcane reasons for losing a license, will reduce gun ownership by law-abiding people.

Since no other state has such restrictive rules for simply owning a gun, it is difficult to know how much gun ownership will decline, but similar rules for obtaining concealed handgun permits reduce the number of permits issued by 60%. The reduction in permits increased violent crime.

It is already illegal for criminals to go around carrying guns. Making it difficult for law-abiding citizens to even own guns in their own homes is not going to make them safer from the criminals.

Part of the proposed "training" appears better classified as indoctrination, making gun owners memorize grossly exaggerated fears of the risks of owning a gun.

It will also be the the poor who bear the brunt of these costs and who will be priced out of gun ownership. They are also most vulnerable to crime and benefit the most from being able to protect themselves.

With all the new gun laws already scheduled to go into effect after the November elections, why don't legislators simply require that California homeowners to put out a sign stating: "This home is a gun-free zone"? Legislators could lead by example and start with their own homes.

Study examines gun laws and crime

By David Williams

CNN

ATLANTA, Georgia (CNN) -- Guns sold in states with laws requiring both the licensing and registration of handguns are less likely to be used in crimes committed in that state, according to a Johns Hopkins University study released Thursday.

The study, conducted by the university's Center for Gun Policy Research, analyzed data collected by the Bureau of Alcohol Tobacco and Firearms on guns recovered from crimes committed in 25 U.S. cities over a two-year period. The study was funded by the Centers for Disease Control and Prevention.

It divided the cities into three categories: cities in states with both licensing and registration laws, cities with either licensing or registration laws and cities that did not have licensing or registration laws.

The study found that in cities with both laws, 33.7 percent of guns recovered from crimes were originally purchased from in-state dealers, compared to 84.2 percent in cities with neither law.

In cities in states with either licensing or registration laws, 72.7 percent were purchased in-state.

Study co-author Jon Vernick said the study shows the combination of licensing and registration laws make it harder for criminals to get firearms.

"One thing we think is striking about the study is that although there is a big difference between cities that have both licensing and registration and the other two categories, there's a much smaller difference between cities that require either licensing or registration, but not both, and cities that have neither one," Vernick said.

Disagreement over what survey means

Blaine Rummel, a spokesman for the Coalition to Stop Gun Violence, said the study proves gun laws work. He supports a national licensing and registration law.

"The licensing and registration system in the state is inhibiting the flow of criminals within the state's borders. So what happens is criminals must go out of state to states that don't have licensing and registration," he said. "So you have to go through hurdles, which means that less criminals are getting guns, which means you can infer that there is a drop in crime."

But David Kopel, research director of the Independence Institute and a former assistant attorney general for the state of Colorado, said it may be inaccurate to assume that restricting gun ownership reduces crime.

"Before you take the data from this study and say 'we should leap out to say this proves we should have national licensing and registration' it would be useful to know one of the things they didn't look at, which was. 'Does licensing and registration also depress gun ownership by law abiding people?'" Kopel said.

"Are the cities that have these restrictive laws ...also cities where you have fewer people able to protect themselves from crime?"

Vernick said the study only looked at in-state gun sales, not the laws' effects on crime or gun crime.

"It's very, very, hard to figure out the reason crime goes up and down or that crime itself is higher or lower in one place or another," he said. "The reason is that there are so many factors that could effect why crime goes up and down over time or why it goes up and down from place to place."

ORIGINAL ARTICLES

Relationship between licensing, registration, and other gun sales laws and the source state of crime guns

D W Webster, J S Vernick, L M Hepburn

Abstract

Objective—To determine the association between licensing and registration of firearm sales and an indicator of gun availability to criminals.

Methods—Tracing data on all crime guns recovered in 25 cities in the United States were used to estimate the relationship between state gun law categories and the proportion of crime guns first sold by in-state gun dealers.

Results—In cities located in states with both mandatory registration and licensing systems (five cities), a mean of 33.7% of crime guns were first sold by in-state gun dealers, compared with 72.7% in cities that had either registration or licensing but not both (seven cities), and 84.2% in cities without registration or licensing (13 cities). Little of the difference between cities with both licensing and registration and cities with neither licensing nor registration was explained by potential confounders. The share of the population near a city that resides in a neighboring state without licensing or registration laws was negatively associated with the outcome.

Conclusion—States with registration and licensing systems appear to do a better job than other states of keeping guns initially sold within the state from being recovered in crimes. Proximity to states without these laws, however, may limit their impact.

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Keywords: firearms; evaluation; law; gun control

There is general consensus among scientists that firearm availability is positively associated with homicide risks¹; assaults with firearms are, on average, much more lethal than assaults with other common weapons.² However, there is much less agreement about the effectiveness of government efforts to control firearm availability. Skeptics of gun control laws argue that criminals can easily evade regulations by acquiring guns through theft, straw purchases (those by legally eligible purchasers on behalf

of individuals legally proscribed from purchasing guns), and other difficult-to-regulate private sales.^{3,4} Cook and colleagues argue that restrictions on legal gun sales can reduce the supply and consequently raise the price of acquiring guns within illicit as well as licit gun markets. Restricted supplies and increased prices may reduce gun availability within these interconnected markets.^{5,6}

In the United States, federal law proscribes gun sales to specific groups deemed to be potentially dangerous, such as persons convicted of serious crimes, and requires criminal background checks of persons buying guns from licensed dealers. But in many states this requirement is fulfilled via "instant check" procedures vulnerable to the use of falsified identification cards and straw purchasers.⁷ Some states in the United States, however, have much more extensive regulatory systems that include registration of firearms, licensing of buyers, and very restrictive eligibility criteria for firearm purchases.

Permit-to-purchase licensing systems require prospective gun purchasers to have direct contact with law enforcement or judicial authorities that scrutinize purchase applications, and some allow these agencies broad discretion to disapprove applications. Some licensing laws require applicants to be fingerprinted and allow officials weeks or even months to conduct extensive background checks. Mandatory registration makes it easier to trace guns used in crime to their last known legal owner, and to investigate possible illegal transfers. In combination, these laws have the potential to significantly restrict gun acquisition by high risk individuals through stricter eligibility criteria, safeguards against falsified applications, and increased legal risks and costs associated with illegal gun transfers to proscribed individuals. Recently, several United States gun control groups have made licensing of buyers and registration of handguns the centerpiece of their advocacy agenda.

Most industrialized countries place broad restrictions on private ownership of firearms.^{8,9} For example, Canada created a centralized registry for purchased handguns in 1951, and instituted very restrictive permit-to-purchase requirements for handguns in 1969. These restrictions were expanded to long guns in

Center for Injury Research and Policy, Center for Gun Policy and Research, Johns Hopkins University, Bloomberg School of Public Health, Baltimore
D W Webster
J S Vernick
L M Hepburn

Correspondence to:
Daniel W Webster, Center for Injury Research and Policy, Johns Hopkins School of Public Health, 624 N Broadway, Rm 593, Baltimore, MD 21205-1996, USA
dwebster@jhsph.edu

1977.⁸ Evaluations of the 1977 law were mixed, but suggested that the law was associated with a reduction in homicides.¹⁰⁻¹² In a cross sectional study of gun control laws in the United States, Kleck and Patterson also present mixed evidence that permit-to-purchase laws were associated with lower rates of homicide.¹³

With few exceptions,^{14, 15} previous evaluations of state gun sales laws have not examined the state in which the guns used to commit violence were sold. This study addresses this gap by examining whether states with licensing, registration, and other gun sales regulations have proportionately fewer of their crime guns that were originally purchased from within the state. Having a low proportion of crime guns with in-state origins would suggest that guns are relatively difficult for persons at risk for criminal involvement to obtain from in-state gun dealers, acquaintances, or homes that are burglarized. Interstate gun traffickers offer an alternative source of guns to criminals in states with restrictive gun laws, however the costs, risks, and inconvenience are likely to be greater. These added costs might curtail access to guns among high risk individuals^{5, 6} and consequently reduce rates of lethal violence.^{2, 16}

Methods

STUDY SAMPLE AND DATA

This study uses city level data for 27 cities located in 23 states that have participated in a federally funded program called the Youth Crime Gun Interdiction Initiative (YCGII). Each of these cities agreed to submit information on *all* crime guns recovered by local law enforcement agencies to the Bureau of Alcohol, Tobacco, and Firearms (ATF) for tracing. (Despite its name, the YCGII was not limited to guns recovered from youth.) In most other jurisdictions, police only attempt to trace a non-random sample of the crime guns they recover, creating the possibility for selection bias.¹⁷ A crime gun was defined by ATF as any firearm that was "illegally possessed, used in a crime, or suspected to have been used in a crime."¹⁸

Data were available for all 27 cities for all crime guns recovered by police from 1 August 1997 through 31 July 1998.¹⁸ For 17 of the 27 cities, data were also available for guns recovered from 1 July 1996 through 30 April 1997.¹⁹ To increase the reliability and sample size of our analyses, we combined data from the two reporting periods for those cities where it was available. Due to limited resources and the difficulty of tracing older guns, ATF did not always attempt to complete traces for guns that were manufactured before 1990. Therefore, in order to study a sample of crime guns that were comprehensively traced, we limited our analyses to recovered crime guns that were sold during or after 1 January 1990. With one exception, discussed below, all of the state licensing and registration laws of interest went into effect well before 1990.

Proportion of crime guns from in-state gun dealers
Our primary outcome measure is the proportion of traceable crime guns that were originally purchased from an in-state gun dealer. In our data, this outcome measure was positively correlated with another indicator of gun availability to high risk individuals—the proportion of homicides of males ages 15 and above that were committed with guns (Pearson's $r = 0.40$, $p = 0.048$).

State gun sales laws

Our primary explanatory variable of interest is the set of state level firearm sales laws. Information about these laws was obtained from ATF and United States Department of Justice publications,^{20, 21} and through legal research. Two key laws of interest were permit-to-purchase licensing of firearm buyers and registration of firearms. Based on these laws, we grouped all states into three categories. In category A, we grouped states with both permit-to-purchase licensing *and* registration. Category B consisted of states with either licensing *or* registration (but not both). Category C groups those states with neither permit-to-purchase licensing nor registration.

Though our categorization was based on licensing and registration laws, states with both of these laws often have many additional firearm sales restrictions that could enhance the effectiveness of their gun regulatory system (see table 1). For example, states with permit-to-purchase laws often require relatively long maximum waiting periods and prohibit gun sales to persons convicted of certain misdemeanor crimes. In addition, states with both licensing and registration typically allowed criminal justice agencies to use discretion in issuing permits.

There was only one state with a change in its gun sales laws from 1 January 1990 through 31 July 1998 that would alter its category. Connecticut enacted its permit-to-purchase licensing and registration system beginning 1 October 1994; but permits for handgun sales were not mandatory until 1 October 1995. Before Connecticut's new law, Bridgeport (one of the YCGII cities) would have been placed in category C; after the law, it would be grouped in category A. Therefore, we excluded Bridgeport from our primary analyses. Instead, we conducted a separate analysis comparing the source state of Bridgeport's crime guns first purchased before and after its regulatory system became available in October 1994, and contrasted this pre-law versus post-law difference with other cities in category C. We chose the 1994 date because it was the earliest date after which handgun buyers were obtaining permits.

We also excluded Washington, DC from our primary analysis. In 1976, the District of Columbia banned most handgun possession and purchase. Therefore, its laws are not truly comparable to the other states we examined.

Potential confounders

Factors other than gun sales laws, such as proximity to persons living in other states, may

Table 1 State gun sales laws in effect in 25 Youth Crime Gun Interdiction Initiative cities, overall classification of the set of these laws, and the percentage of the city's crime guns that were first purchased from in-state gun dealers

Category of state's gun sales laws*	City, state	% Of city crime guns first purchased within the state	Permit to purchase	Registration†	Private purchases regulated‡	Purchase restrictions: certain misdemeanors	Possession restrictions: youth <21 years old	Fingerprint required on purchase application	Maximum wait >7 days	One gun/month
A	Boston, MA	31.4	X§	X	X			X	X	
	Detroit, MI	47.5	X§	X	X			X	X	
	Jersey City, NJ	13.0	X§	X	X	X		X	X	
	New York, NY	14.0	X§	X	X			X	X	
	St Louis, MO	62.9	X	X	X	X	X			
B	Baltimore, MD	73.0		X	X	X	X			X
	Chicago, IL	64.7	X		X				X	
	Inglewood, CA	69.9		X	X	X			X	
	Los Angeles, CA	78.0		X	X	X			X	
	Minneapolis, MN	74.4	X		X					
	Philadelphia, PA	66.7		X	X	X				
	Salinas, CA	82.3		X	X	X			X	
C	Atlanta, GA	86.0								
	Birmingham, AL	88.3								
	Cincinnati, OH	67.4								
	Cleveland, OH	85.6								
	Gary, IN	89.3			X					
	Houston, TX	88.3								
	Memphis, TN	70.8			X	X		X	X	
	Miami, FL	90.1								
	Richmond, VA	90.6				X				X
	Milwaukee, WI	80.9								
	San Antonio, TX	90.0								
	Seattle, WA	78.1				X	X			
	Tucson, AZ	89.0								

*Category A = permit to purchase licensing and registration systems; category B = permit to purchase licensing or registration but not both; category C = neither permit to purchase licensing or registration.

†Includes those states where police retain records of handgun purchases.

‡Permit or background check required for sales through non-licensed dealers.

§Permit issued with law enforcement agency discretion.

also affect the source state of a city's crime guns. The following hypothesized determinants of the proportion of a city's crime guns originating from in-state gun dealers, in addition to gun sales laws, were considered in the analyses: (1) nearest driving distance from the city of interest to another state in category C, (2) the ratio of out-of-state to in-state population within a 50 or 100 mile radius of the city, (3) the proportion of the population within a 50 or 100 mile radius of the city that reside in a state in category C, (4) the proportion of the state's population that had moved from another state within the previous year,²² and (5) the proportion of a city's crime guns that were recovered in cases involving drug crimes (illicit drug selling networks often extend across state borders).

Differences in gun ownership between states, attributable to cultural and demographic differences, may be an important determinant of whether restrictive gun sales laws are passed in a state. Lower levels of gun ownership within a state that are independent of the effects of those restrictive laws that are not controlled for in our analysis could bias our estimates of the laws' effects. Controlling for pre-law gun ownership levels is somewhat problematic, however, because direct measures of state level gun ownership are not available and the implementation dates of the laws differ across states. Therefore, we used the per cent of a state's suicides during 1996-97 that were committed with firearms as a proxy measure of gun ownership based on the rationale that this fraction will be strongly influenced by gun availability.²³ This measure, however, may underestimate the level of pre-law gun ownership not attributable to restrictive gun laws in states that subsequently passed such

restrictions because the laws may have depressed gun ownership levels in the effected states. If this is the case, this control variable may overcorrect the estimate of the laws' effects. We, therefore, included this covariate in a sensitivity analysis to provide a lower bound point estimate of the laws' effects.

Population data were obtained from the United States census,²⁴ and the population residing within a 50 and 100 mile radius of the center of each city was determined using the Census' Master Area Block Level Equivalency program.²⁵ Driving distances from central city locations to the borders of other states were determined using Map Expert 2.0 computer mapping software.²⁶

DATA ANALYSIS

Analysis of variance of the mean proportion of crime guns originating in-state was used for comparisons across the three categories of gun sales laws. Dunnett's C statistic was used to compare between group means with unequal variances.²⁷ Ordinary least squares linear regression analysis was used to estimate the independent association between the hypothesized explanatory variables and the outcome. Theoretically relevant covariates were dropped from the model if their effects were not statistically significant and if their exclusion did not appear to influence the other estimates. Cook's distance²⁸ and the standardized difference in the beta values were examined to assess whether particular observations exerted undue influence on the regression coefficients.

Results

For the 25 cities in our analysis, 108 000 crime guns were recovered by the police during the

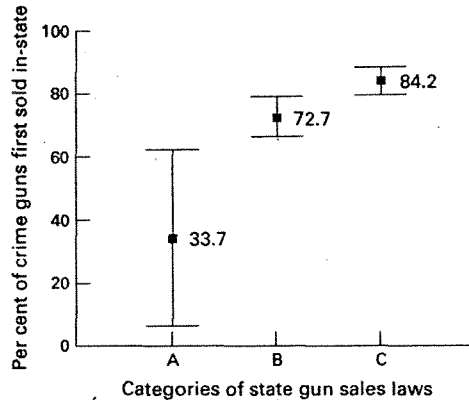


Figure 1 Mean and 95% confidence interval for the percentage of crime guns first sold by in-state gun dealers by gun law category. Category A: licensing and permit to purchase and at least two other gun sales laws; category B: licensing or permit to purchase but not both; category C: neither licensing or permit to purchase.

Key points

- Only a few states in the United States require firearm owners to be licensed and their guns to be registered.
- The proportion of a city's crime guns that come from in-state, versus out-of-state, is an important measure of how hard it is for criminals to get guns in those states.
- Cities in states with both licensing and registration have a much smaller proportion of their crimes guns coming from in-state.
- Licensing and registration laws can make it harder for criminals and juveniles to get guns.

study period. Because we limit our analysis to crime guns first purchased since 1990, to calculate the proportion of guns in our dataset successfully traced to a source state, it is first necessary to eliminate from the denominator those guns bought before 1990. Using information on the sales dates and ATF's reasons for not completing a trace, we estimated that 60 202 guns were first purchased before 1990. Of the remaining 47 798 guns, 35 000 (73.2%) were successfully traced by ATF to a source state.

Table 1 depicts the categorization of the 25 YCGII cities based upon their gun sales laws. In general, the categories are ordered by the comprehensiveness of the laws. The mean percentage of crime guns with in-state origins for category A cities (33.7%) was significantly less than that for cities in category B (72.7%) and category C (84.2%) (both differences significant at $p < 0.001$; see fig 1). Apparent in fig 1 and confirmed by a formal test (Levene statistic = 8.58, $df_1 = 2$, $df_2 = 22$, $p = 0.002$) is that the variance in the outcome measure among the five cities in category A is larger than in categories B and C.

The regression analyses indicated that the large bivariate differences between cities in category A and those in categories B and C remained after controlling for potential confounders (table 2). The estimates from model 1 indicate that the percentage of crime guns with in-state origins was 48.5 percentage points lower in category A cities compared with category C cities ($p < 0.001$). The percentage of crime guns with in-state origins in category B

cities was 12.8 percentage points lower than in category C cities ($p = 0.039$). The percentage of the population within a 100 mile radius of a city that resided beyond the state border in a category C state was negatively associated with the percentage of crime guns with in-state origins ($\beta = -19.9$, $SE(\beta) = 7.5$, $p = 0.016$).

Model 2 in table 2 presents our findings with the surrogate measure of gun ownership within the state added to the model. This indicator of gun ownership was positively associated with the percentage of crime guns that had been sold by in-state gun dealers ($\beta = 0.682$, $SE(\beta) = 0.180$, $p = 0.001$). The magnitude of the estimate for the difference between category A and category C cities was reduced ($\beta = -37.1$, $SE(\beta) = 5.88$, $p < 0.001$) but remained large and highly significant. However, the estimate for the difference between category B versus category C cities was reduced substantially and is no longer statistically significant ($\beta = -4.25$, $SE(\beta) = 4.95$, $p = 0.402$).

Population migration into the state and the proportion of recovered guns associated with drug offenses were not significantly associated with the proportion of a city's crime guns first sold by an in-state gun dealer. Driving distance from the city to the nearest state border and distance to the nearest state with weaker gun sales laws were not included in the models due to colinearity with other covariates. The proportion of total population within a 50 mile radius of the city residing outside the state border was not included in the models because its inclusion lead to an extremely large Cook's distance statistic for one city. This covariate did not have a statistically significant effect on the outcome measure, and its exclusion from the models did not substantially effect the gun law estimates.

Table 2 Results from ordinary least squares regression on the percentage of a city's crime guns that were originally purchased from in-state gun dealers

Explanatory variables	Model 1			Model 2		
	β (SE)	Standardized β	Significance	β (SE)	Standardized β	Significance
Category A v C state gun sales laws	-48.5 (6.6)	-0.886	<0.001	-37.1 (5.9)	-0.678	<0.001
Category B v C state gun sales laws	-12.8 (5.8)	-0.261	0.039	-4.3 (5.0)	-0.087	0.402
Ratio of population within 100 mile radius living outside state border in category C state	-19.9 (7.5)	-0.239	0.016	-17.4 (5.8)	-0.208	0.008
Ratio of annual in-migration to total state population	-0.413 (2.6)	-0.019	0.876	-0.965 (2.0)	-0.045	0.637
% Of guns recovered from drug crimes	0.548 (0.32)	0.155	0.100	0.114 (0.27)	0.032	0.676
Proxy for state prevalence of gun ownership				0.682 (0.18)	0.377	0.001
Model statistics	$R^2 = 0.85$	Adjusted $R^2 = 0.82$		$R^2 = 0.92$	Adjusted $R^2 = 0.89$	

The percentage of Bridgeport's crime guns that had been sold by in-state dealers decreased from 84.9% (124/146) for guns purchased before Connecticut's licensing and registration laws went into effect to 81.5% (44/54) for guns purchased afterward. In contrast, among the other category C cities, the proportion of crime guns with in-state origins increased from 79.8% (6289/7883) to 87.9% (6798/7732) for guns sold during the same two time periods. While these divergent trends are suggestive of moderate effects from Connecticut's mandatory licensing and registration law, the 81.5% of Bridgeport's crime guns that had been sold by in-state dealers after the law's effective date was significantly higher than was observed in the five other category A cities.

Discussion

We found great variation among cities in the percentage of their crime guns that originated from in-state gun dealers. This variation was largely explained by the presence or absence of comprehensive state regulations of gun sales that fit our definition of category A—permit-to-purchase licensing and mandatory registration of handguns—and to a lesser degree by proximity to people in states with minimal restrictions on gun sales. After adjusting for confounders, the percentage of crime guns recovered in cities in category A that had been purchased from in-state dealers was less than half as high as would have been expected if the weakest state laws (category C) had been in effect.

The wide variation in the proportion of crime guns from in-state dealers within category A suggests that there are important determinants of our outcome other than the presence of licensing and registration systems. Some of the variance within this category appears to be explained by complementary sales restrictions. Category A cities with the lowest proportion of their crime guns originating from in-state dealers—Boston, Jersey City, and New York—were in states that also allowed law enforcement discretion in issuing permits to purchase handguns, had longer waiting periods, and required purchase applicants to be fingerprinted. In contrast, St Louis, Missouri, with the highest proportion of crime guns sold by in-state gun dealers among category A cities, had none of these provisions.

The very strong cross sectional association between permit-to-purchase licensing and registration laws, and lower proportions of crime guns with in-state origins, is tempered somewhat by the modest change observed in Bridgeport after Connecticut adopted a licensing and registration system. This relatively modest change in Bridgeport may be due to the newness of law, the availability of older used guns purchased within the state prior to the new law, or to the lack of some of the other sales restrictions mentioned above that have been in place for years in other states with licensing and registration systems. In addition,

our use of the date the licensing and registration system became operational as the intervention point rather than the date, 12 months later, on which these regulations became mandatory may have created a conservative bias in our findings of the law's effect.

Interestingly, after adjusting for gun ownership as well as other potential confounders, there was no significant difference between cities in categories B and C in the proportion of their crime guns that had originated from in-state gun dealers. This finding suggests that state level gun control measures may not have a substantial impact on criminal gun availability unless the measures are very comprehensive, including both licensing, registration and other restrictions.

The potential benefits from comprehensive state gun control measures appear to be diminished by the lack of such controls in other states. Consistent with other research,^{18 19 29} proximity to people living in states with weak gun laws increased the proportion of a city's crime guns originating from out-of-state gun dealers.

There are several potential limitations to this study. First, our outcome measure may seem somewhat removed from the most important public health outcomes such as homicides. However, there is general consensus among scholars that reduced access to guns among high risk individuals is likely to lead to reduced rates of lethal violence,¹ and the proportion of crime guns that originate from in-state gun dealers should be directly related to how easy it is for high risk individuals to obtain guns. Indeed, we found that the proportion of a city's crime guns that had been sold by an in-state gun dealer was positively associated with another indicator of gun availability to high risk individuals, the proportion of homicides of males ages 15 and above that were committed with firearms.

Criminals and delinquent youth tend to obtain guns in private transactions with acquaintances and to a lesser degree from thefts.^{29 30} Although these transactions are difficult to regulate directly, laws that restrict legal gun ownership and gun transfers such as licensing and registration could constrain the supply of guns from these typical sources of crime guns.⁵ With fewer guns from local sources, criminals and juveniles must identify out-of-state sources. But interstate traffickers face barriers and risks that may limit their ability to make up for significant in-state supply restrictions. Perhaps as a result of these supply constraints, street prices of guns in places with very restrictive gun control laws tend to be significantly higher than in places with more lax laws.³

Omission or inadequate measurement of confounders is always a potential limitation in evaluations of gun policies. By focusing on the effects of state gun sales law on the proportion of crime guns originating from in-state gun dealers, however, the findings from this study may be less vulnerable to certain threats to validity that can bias gun control evaluations that focus on the laws' effects on violent crime.

Violent crime is influenced by a large number of factors, many of which are difficult to measure adequately. In contrast, there are likely to be many fewer unmeasured factors that affect the proportion of crime guns from in-state gun dealers—our final models explained 82% and 89% of the variance in this outcome.

The relatively small, non-random sample of cities, selected by ATF for their willingness to submit information on all crime guns recovered by police, limits the generalizability of the findings. However, the cities in this study are diverse with respect to region and population size, and appear to be representative of their states based on the very high correlation between the cities' and states' measures of our outcome variable ($r = 0.97$, $p < 0.001$).

Kleck has suggested that police in states with firearm registries may be less inclined to request an ATF trace of a crime gun that is registered within the state because much of the information from the ATF trace may be obtainable from the state registry.¹⁷ If pervasive within YCGII cities, such practices could bias our findings. However, the police departments that submitted information for this study agreed to submit information to ATF on all recovered crime guns. ATF devoted considerable resources to assist local agencies making trace requests and to oversee the collection of data. ATF officials working on the YCGII indicate that the protocols for initiating ATF trace requests used by the participating police departments were generally independent from other police investigations, whether or not a state had a registration system. Furthermore, the proportion of crime guns sold by in-state dealers when the state had a registration system but no permit-to-purchase licensing system (five of the seven cities in category B) was quite high (67%–82%) indicating that the agencies were clearly submitting data to ATF for guns that should also be in the state registry.

Our analyses were limited to guns sold less than years before recovery by the police because ATF did not trace all crime guns manufactured before 1990. Associations between state gun laws and in-state origins of crime guns may differ for older versus newer guns. Any differences between older and newer guns, however, would have to be quite substantial to negate the very large magnitude of effect for category A state laws.

Finally, the way we choose to categorize state gun sales laws limits our ability to estimate of the independent effects of each of type of regulation of interest. Due to the high correlation between the presence of many of the laws we considered, preliminary analyses revealed substantial multicollinearity when we attempted to generate separate estimates for each law of interest.

Implications for prevention

Understanding the benefits of restrictive firearm sales laws can help policymakers to make informed legislative choices. Our findings suggest that comprehensive gun sales regulations

that include permit-to-purchase licensing and registration can affect the availability of guns to criminals. Conversely, the absence of these regulations may increase the availability of guns to criminals in nearby states.

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**ASSEMBLY SELECT COMMITTEE ON GUN VIOLENCE
INFORMATIONAL HEARING
GUN BUY-BACK PROGRAMS
TUESDAY, SEPTEMBER 25, 2001
SAN FRANCISCO, CA**



INFORMATIONAL HEARING

"GUN BUY-BACK PROGRAMS"
THEIR IMPACT ON REDUCING GUN VIOLENCE

September 25, 2001 ♦ 10:00 a.m. – 12:00 Noon
Hiram Johnson State Office Building ♦ 455 Golden Gate Avenue
San Francisco

Members:

Dion Aroner
Berkeley

Judy Chu
Monterey Park

Ellen Corbett
San Leandro

Richard Dickerson
Redding

Marco A. Firebaugh
East Los Angeles

Dario Frommer
Los Angeles

Jackie Goldberg
Los Angeles

Jerome Horton
Inglewood

Hannah-Beth Jackson
Santa Barbara

Alan Lowenthal
Long Beach

Abel Maldonado
Santa Maria

Robert Pacheco
Walnut

Kevin Shelley
San Francisco

Committee Consultant
Sandra DeBourelando

- 10:00 a.m. **WELCOME AND INTRODUCTIONS**
 - ♦ ASSEMBLYMAN PAUL KORETZ, CHAIR, SELECT COMMITTEE ON GUN VIOLENCE
- 10:15 a.m. **"BUYBACK AMERICA" -- HUD SPONSORED PROGRAM**
 - ♦ JIM WILLIAMS, DIRECTOR OF SAFETY, SAN FRANCISCO HOUSING AUTHORITY
- 10:30 a.m. **LAW ENFORCEMENT'S UTILIZATION OF GUN BUY-BACK PROGRAMS**
 - ♦ CAPTAIN ALEX FAGAN, SAN FRANCISCO POLICE DEPARTMENT
 - ♦ LIEUTENANT KITT CRENSHAW, SAN FRANCISCO POLICE DEPARTMENT
 - ♦ SERGEANT WAYNE BILOWIT, LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
- 11:15 a.m. **POLICY RECOMMENDATIONS FOR GUN BUY BACK PROGRAMS**
 - ♦ EVIE DOLVEN, ALAMEDA COUNTY MILLION MOM MARCH
 - ♦ ERIC GOROVITZ, COALITION TO STOP GUN VIOLENCE
 - ♦ ANDRES SOTO, TRAUMA FOUNDATION
 - ♦ LEIGH MARACEK, PHYSICIANS FOR A VIOLENCE FREE SOCIETY
- 11:45 a.m. **PUBLIC COMMENT**
- Noon **ADJOURNMENT**



**ASSEMBLY SELECT COMMITTEE ON GUN VIOLENCE
GUN BUY-BACK PROGRAMS
TUESDAY, SEPTEMBER 25, 2001
SAN FRANCISCO, CA**

Committee members in attendance: Assemblymembers Koretz and Shelley

Summary of Gun Buy-Back Hearing

Law enforcement organizations, housing authority representatives and community organizations spoke of past successes of local gun buyback programs and the need to continue such programs. The hearing confirmed that there is widespread support at the local level for gun buy-back programs.

Assemblyman Paul Koretz, (Chair of Assembly Select Committee on Gun Violence) welcomed everyone and introduced members and special guests.

Before proceeding, Koretz requested a moment of silence for the victims of the September 11 terrorists attacks, especially, the heroes who gave their lives to save others

Koretz stated he is passionate about gun violence prevention, noting that he has spent most of his career fighting for the enactment of policies intended to reduce, and hopefully someday eliminate gun violence in our society. He discussed his previous experience while on the West Hollywood City Council.

Koretz announced the topic of the hearing was gun buy-back programs. He noted it was important for the committee to gain some insight from those in the field, who had first hand experience with gun buy-back programs. "I have been interested in this program as *one* tool in our overall effort of gun violence prevention," stated Koretz. While it may not be a panacea, he believes that any effort to reduce the number of guns in circulation for inappropriate use would be a worthwhile endeavor.

Koretz noted that California and the nation have witnessed numerous mass murders committed with assault weapons. He stated that assault weapons are designed for combat situations and have no real utility as a sporting or defensive weapon, and thus, a gun buy-back program would have the potential to save lives by removing them from our streets. He added that this was why he had decided to introduce legislation this year, AB 566, which would provide for a one-year gun buy-back program for assault weapons.

Koretz reported that Assemblyman Robert Pacheco also had introduced legislation last year, AB 2487, to allow local sheriff's departments to operate voluntary gun buy-back programs.

Koretz emphasized that while he had pending legislation, that this was an informational hearing, and not a hearing on any specific bill.

Kortez stated the hearing would provide the committee with an opportunity to learn more about programs such as "Buy-Back America", a \$15 million program sponsored by the U.S. Department of Housing and Urban Development under Secretary Andrew Cuomo. In addition, the committee would hear about local gun buy-back events and whether these worked.

The first witness to speak was **Captain Alex Fagan (San Francisco Police Department)** who reported that any buy-back program that removes weapons from the street is a good thing. He said you cannot put a price tag on the good will that develops as a result of these programs. He also encouraged the enactment of legislation such as AB 566, which would create a one-year assault weapon buy-back program, providing \$100 for each assault weapon relinquished to a police or sheriff's department

Jim Williams (Director of Safety for the San Francisco Housing Authority (SFHA)) discussed the successful gun buy-back program his agency held in 2000, which resulted in the purchase of over 400 weapons. He reported that, in addition to getting 400 guns off the streets, the gun buy-back program helped establish stronger relationships among community members, residents, the SFHA and the San Francisco Police Department.

Mr. Williams stated he receives six to eight calls each month asking when he is going to have another gun buy-back program. He noted that funding for their gun buy-back program was provided through the U.S. Department of Housing and Development. He also expressed disappointment that, in 2001, the Bush administration eliminated funding for the HUD gun buy-back program.

Speakers also discussed creative ways to provide incentives other than monetary. **Evie Dolven (Million Mom March, Alameda Chapter)** reported that their organization had been involved in a successful gun buy-back program in Oakland where more than 300 weapons were recovered by offering computers and sporting event tickets in exchange for weapons.

Sergeant Wayne Bilowit (Los Angeles County Sheriff's Department) stated that the Los Angeles County Sheriff's Department believes gun buy-back programs do work. He applauded the outstanding feature in the Koretz bill that allows owners to turn in their assault weapon without fear of a penalty. He also reported that Los Angeles County has conducted gun buy-back programs with some of its contract cities, which have been successful. He did note that one of the difficulties of the program was the cost to law enforcement, which had to be paid for separately.

Andres Soto (Trauma Foundation) discussed the problem with any gun violence prevention program is the need for evaluation. He proposed establishing statewide gun violence research center that can independently study the successfulness of various gun violence prevention programs. He said that one limitation of gun buy-back programs is that manufacturers are

constantly flooding the market with new guns to replace the ones that were taken out of circulation. He also stated that no one knows if someone uses the money from the program to purchase new guns.

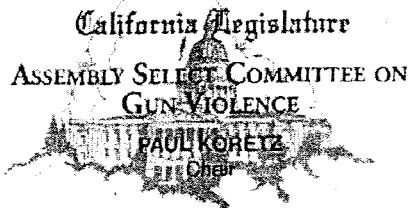
Mr. Soto did say he believed that providing immunity to individuals who had failed to register their assault weapon could be a significant incentive for someone to turn in their gun.

Koretz stated that targeting assault weapons has the potential for considerably greater impact on fighting crime than general gun buy-back programs, because once this weapon is removed from circulation it cannot be replaced. Since the legal supply of assault weapons in California is now capped, the removal of assault weapons through this voluntary buy-back program will actually reduce the number of these dangerous weapons on our streets.

Koretz concluded the hearing by suggesting that proposals to create more public –private partnerships should be considered for any future efforts to help fund gun buy-back programs. He noted that the testimony reinforced the concept of non-monetary incentives such as tickets to sporting events or computers as a viable option for continuation of gun buy-back programs.

Koretz adjourned the hearing at 12:30 p.m.

Addendum: Mr. Koretz's legislation, AB 566, which would have allowed a one year buy-back program for assault weapons was held in the Assembly Appropriations Committee.



Members:

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Berkeley

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Sandra DeBourelando

FOR IMMEDIATE RELEASE

CONTACT: SCOTT J. SVONKIN
(310) 652-4242 Office
(310) 780-1142 cell

Koretz Hearing Finds Strong Support for Gun Buy Back Programs

Hearing Confirms Need for AB 566 – Assault Weapons Buyback

(San Francisco) – Law enforcement organizations, housing authority representatives and community organizations spoke of past successes of local gun buy back programs and the need to continue such programs at a hearing Tuesday of the Assembly Select Committee on Gun Violence.

"It was apparent from all the testimony that there is widespread support at the local level for gun buy back programs," said Assemblyman Paul Koretz, Chair of the Committee. "The hearing reinforced my commitment to continue to fight for the enactment of my bill, AB 566. It would create a one-year assault weapon buyback program, providing \$100 for each assault weapon relinquished to a police or sheriff's department.

"Both California and the nation have been the site of numerous mass murders committed using these weapons," said Koretz. "These firearms are designed for combat situations, and they are ill-suited for sporting or defensive use. We have the potential to save lives with every one of these weapons we can take off our streets."

"The outstanding feature in the Koretz bill is that owners can turn in their assault weapon without fear of a penalty," stated Sergeant Wayne Bilowit, of the Los Angeles County Sheriff's Department.

"Providing immunity for weapons that people failed to register should be a significant incentive for individuals wanting to turn in assault weapons," responded Andres Soto, Policy Director with the Trauma Foundation. "While the \$100 proposed in AB 566 may be lower than the actual fair market value for the weapon, it may not be necessary to offer more for a weapon that is already illegal to own", he concluded.

"We would a measure such as AB 566 support, " said Captain Alex Fagan of the San Francisco Police Department. "Any weapon you remove from the street is always a good thing." "Whatever the costs, you can not put a price tag on the community good will that develops as a result of these programs."

Another speaker, Jim Williams, Director of Safety for the San Francisco Housing Authority, which ran a successful buy back program sponsored by the U.S. Department of Housing and Development reported that he receives at least six to eight calls each month on when they are going to have another program.

Speakers also discussed creative ways to provide incentives other than monetary. Evie Dolven, Million Mom March, Alameda Chapter reported that their organization had been involved in a successful buyback program in Oakland where more than 300 weapons were recovered by offering computers and sporting event tickets in exchange for weapons.

"I appreciate the recommendations and proposals made by the speakers on gun buy back programs," said Koretz. "I am particularly interested in suggestions on developing more public private partnerships for such programs in an effort to offer more non-monetary sources of incentives. I may want to consider incorporating some of these proposals into AB 566."

The bill is a currently in Assembly Appropriations and will be considered when the Legislature convenes in January 2002. The measure also has drawn the support of state Attorney General Bill Lockyer, the California Organization of Police and Sheriffs (COPS), The California State Sheriff's Association, and the California Peace Officers' Association.

The next hearing of the Select Committee on Gun Violence will be held on Tuesday, October 30 in downtown Los Angeles at the Junipero Serra State Building. The hearing will focus on state's new handgun testing law, which took effect in January of this year.

#



106th CONGRESS
1st Session

Gun Buyback Partnership Grant Act
H. R. 724

To assist State and local governments in conducting community gun buy back programs.

IN THE HOUSE OF REPRESENTATIVES

February 11, 1999

*Mr. KENNEDY of Rhode Island (for himself and Mr. BLAGOJEVICH)
introduced the following bill; which was referred to the Committee on the Judiciary*

A BILL

To assist State and local governments in conducting community gun buy back programs.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Gun Buy Back Partnership Grant Act of 1999'.

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS- The Congress finds that--

- (1) 36,000 Americans are killed by guns every year;
- (2) 10 children are killed by handguns every day;
- (3) guns are present in almost 35 percent of all American homes, and the presence of a gun in a home triples the risk of homicide in that home;
- (4) nearly \$4,000,000,000 is spent every year on health care expenditures for firearms-related injuries; and

(5) according to studies, between 1985 and 1994, 709 law enforcement officers in the United States were feloniously killed in the line of duty, and more than 92 percent of such law enforcement officers were killed by the use of a gun.

(b) PURPOSE- The purpose of this Act is to reduce the number of guns on the streets by helping State and local law enforcement departments conduct community gun buy back programs.

SEC. 3. PROGRAM AUTHORIZED.

(a) GRANTS- The Director of the Bureau of Justice Assistance may make grants to States or units of local government to conduct community gun buy back programs.

(b) DISTRIBUTION AND USE OF FUNDS- The Director of the Bureau of Justice Assistance shall distribute each grant made under subsection (a) directly to the State or unit of local government involved, which shall use the grant only to conduct a community gun buy back program.

(c) MINIMUM AMOUNT- Unless all applications submitted by any State or unit of local government pursuant to this Act have been funded, each qualifying State or unit of local government shall be allocated in each fiscal year pursuant to subsection (a) not less than 0.50 percent of the total amount appropriated for the fiscal year pursuant to this Act.

(d) MAXIMUM AMOUNT- During a fiscal year, the Director of the Bureau of Justice Assistance shall not, under this Act, provide a qualifying State or unit of local government with more than 5 percent of the total amount appropriated for the fiscal year pursuant to this Act.

(e) MATCHING FUNDS- A grant made under this Act shall not be used to cover more than 50 percent of the cost of conducting a community gun buy back program, except to the extent that the Director of the Bureau of Justice Assistance waives such requirement, in whole or in part, after determining the existence of a fiscal hardship on the part of the grant recipient.

(f) PREFERENTIAL CONSIDERATION- In awarding grants under this Act, the Director of the Bureau of Justice Assistance shall give preferential consideration to an application from a jurisdiction which will conduct a community gun buy back program that will destroy all guns received by the program. For purposes of the preceding sentence a community gun buy back program which will donate to a State or local museum for display any inoperable gun that is a curio or relic or that has historic significance shall be treated in the same manner as a community gun buy back program that will destroy all guns received by the program.

SEC. 4. APPLICATIONS.

(a) STATE APPLICATIONS- To request a grant under this Act, the chief executive of a State shall submit an application to the Director of the Bureau of Justice Assistance, signed by the Attorney General of the State requesting the grant, in such form and containing such information as the Director may reasonably require.

(b) LOCAL APPLICATIONS- To request a grant under this Act, the chief executive of a unit of local government shall submit an application to the Director of the Bureau of Justice Assistance, signed by the chief law enforcement officer of the unit of local government requesting the grant, in such form and

containing such information as the Director may reasonably require.

(c) RENEWAL- A State or unit of local government shall be eligible to receive a grant under this Act annually.

(d) REGULATIONS- Not later than 90 days after the date of enactment of this Act, the Director of the Bureau of Justice Assistance shall promulgate regulations to implement this Act, which shall specify the information that must be included and the requirements that the States and units of local government must meet in submitting the applications for grants under this Act.

SEC. 5. DEFINITIONS.

In this Act:

(1) COMMUNITY GUN BUY BACK PROGRAM- The term 'community gun buy back program' means a program conducted by State or local law enforcement authorities under which such authorities purchase or accept donations of guns from persons desiring to dispose of them.

(2) GUN- The term 'gun' means a firearm (as defined in section 921(a)(3) of title 18, United States Code).

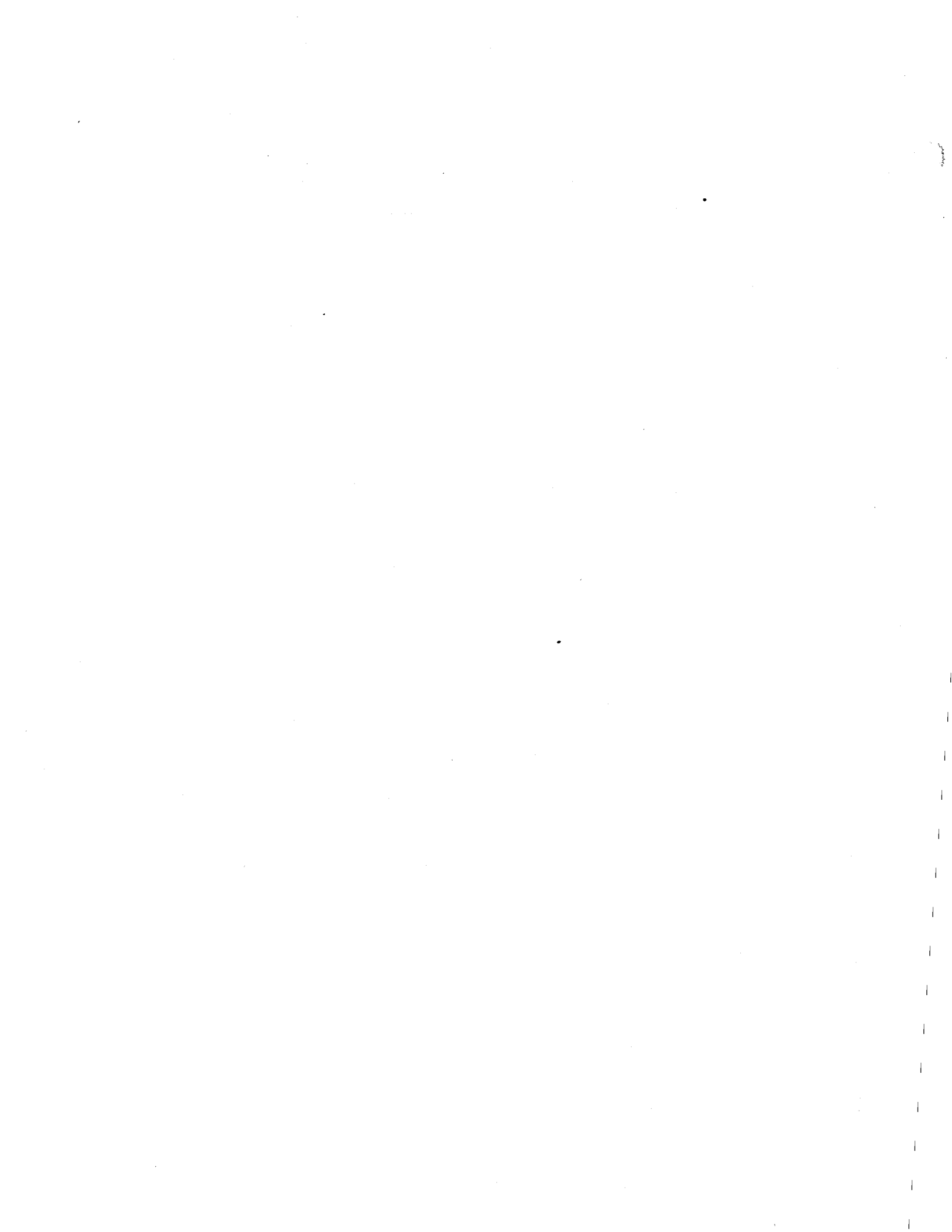
(3) QUALIFYING STATE OR UNIT OF LOCAL GOVERNMENT- The term 'qualifying State or unit of local government' means a State or unit of local government whose application for a grant under this Act meets the applicable requirements prescribed by or under this Act.

(4) STATE- The term 'State' means each of the 50 States, the District of Columbia, Puerto Rico, the United States Virgin Islands, American Samoa, and the Northern Mariana Islands.

SEC. 6. LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.

For grants under this Act, there are authorized to be appropriated to the Director of the Bureau of Justice Assistance not more than \$15,000,000 for each fiscal year.

END



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press release

[HUD News](#)

HUD No. 00-141

Further Information:

In the Washington, DC area: 202/708-0685

Or contact your local HUD office

For Release

11 a.m. Tuesday

June 20, 2000

CUOMO, GEPHARDT AND OTHER CONGRESS MEMBERS CRITICIZE PROPOSALS TO HALT HUD'S GUN SAFETY EFFORTS AND REDUCE BUDGET REQUEST

WASHINGTON – Housing and Urban Development Secretary Andrew Cuomo, House Minority Leader Richard A. Gephardt and other Members of Congress today denounced efforts in Congress to halt HUD initiatives to reduce gun violence, along with efforts to reduce President Clinton's Fiscal Year 2001 budget request for HUD by \$2.5 billion.

Representatives David E. Bonior of Michigan, Barney Frank of Massachusetts, Carolyn McCarthy of New York, Rosa L. DeLauro of Connecticut, Carrie Meek of Florida, Jerrold Nadler of New York and Dan Schakowsky of Illinois joined Cuomo and Gephardt at a Capitol news conference.

Cuomo and the Members of Congress noted that amendments proposed to the appropriations bill for HUD's Fiscal Year 2001 budget would deny HUD any funds to administer the Communities for Safer Guns Coalition, and would also prevent the Department from enforcing, implementing or administering the provisions of the landmark gun safety agreement that Cuomo and other government officials signed with Smith & Wesson on March 17.

"HUD's efforts to reduce gun violence are saving lives, and our programs to create affordable housing and revitalize communities are bringing new opportunity to people and places left behind," Cuomo said. "If HUD is prevented from carrying out these important initiatives, families and neighborhoods around the nation will suffer."

"The VA-HUD Appropriations bill that the Republicans have brought to the floor of the House drastically cuts funding from some of the most successful community development and affordable housing initiatives taking place around the country," Gephardt said. "These Republican cuts move America in exactly the wrong direction."

GUN SAFETY

Spearheaded by HUD, the Communities for Safer Guns Coalition has grown to more than 400 communities across the country since it was launched three months ago. Officials in the coalition sign a pledge saying they support giving favorable consideration to making purchases from gun manufacturers who have adopted a set of new gun safety and dealer responsibility standards. The reference applies to comparable weapons available at a comparable price that meet law enforcement agency needs.

Smith & Wesson, the country's largest handgun maker, became the first and so far only company to

adopt new gun safety standards in the agreement with the Clinton Administration and state and local officials. The standards require major changes in the design, distribution and marketing of guns to make them safer and to help keep them out of the hands of children and criminals.

"Secretary Cuomo and a number of the nation's mayors successfully negotiated an agreement with gun manufacturer Smith & Wesson in March," said McCarthy, whose husband was killed and son seriously wounded by a gunman on the Long Island Rail Road. "This agreement has been embraced by more than 411 communities across the nation from Los Angeles to Long Island, New York. The agreement is making our communities safer and we should allow it to continue without congressional tampering."

BUDGET

The House Appropriations Subcommittee on VA, HUD, and Independent Agencies cut \$2.5 billion last month from HUD's Fiscal Year 2001 budget request, significantly reducing spending that President Clinton requested for HUD programs.

The President offered the Congress a challenge and an opportunity, Cuomo said, but the House Appropriations Committee failed to accept it. The Committee eliminated 120,000 new rental assistance vouchers from HUD's new proposed budget. It also cut \$400 million from Community Development Block Grants, \$37 million for the America's Private Investment Companies Act, \$30 million for the Community Gun Safety and Violence Reduction Initiative, \$20 million for faith-based and community groups, \$180 million for homeless assistance programs, and \$69 million for elderly housing.

##

Clinton offers \$15m for buy-back scheme to get guns off US streets

[Gun violence in America: links, reports and background](#)

Martin Kettle in Washington
Friday September 10, 1999
The Guardian

Too many neighbourhoods in the United States were "awash with guns", President Bill Clinton warned yesterday, as he committed the US government to buying back up to 300,000 firearms currently in private hands.

Mr Clinton's announcement, timed to increase the pressure on congress to pass a package of gun control measures this autumn, offered \$15m (£9.3m) in grants to police departments and local authorities for schemes which will offer a suggested \$50 per weapon to those who turn in a gun.

"Every gun turned in through a buy-back programme means potentially one less tragedy," Mr Clinton said in a White House speech.

Andrew Cuomo, the US housing secretary, whose department will oversee distribution of the grants, said: "While you are working on reducing the sale of guns to people who shouldn't have them, you also have to do something about the number of guns that are currently in circulation." Although this represents the largest ever effort by the federal government to reduce the number of guns in the US, it will only scratch the surface.

There are more than 200m guns in circulation and more than a third of households possess a firearm. If successful, the scheme would reduce the total number of guns in the US by less than a fifth of 1%.

Buy-back schemes have become an increasingly popular policy in American cities in recent years.

A buy-back programme in Washington DC last month was so successful that the city had to double the funds allocated for the scheme on the first day of operation. It offered \$100 per eligible and operable gun - no questions asked - and brought in 2,306 weapons in two days.

Yesterday's announcement drew cautious support from police organisations but was criticised by the country's most influential gun lobbyists, the National Rifle Association.

Hubert Williams, of the Washington-based Police Foundation, said: "This is certainly not the answer to our problem but it does help, and we have to use and adapt any reasonable method we can to reduce the level of violence in these communities."

The NRA was "not opposed" to buy-back programmes, according to spokesman Wayne LaPierre, but considered them "sound bites and photo ops that have no impact on a criminal that wants a gun".

The move comes in the wake of a series of high profile shooting incidents this year, including the Columbine high school massacre in Littleton, Colorado, in April, which have made guns into a major political issue in the run-up to the presidential election in 2000.

A survey this week by the US Conference of Mayors shows that 556 people have died in shootings in 44 US cities in the past five months. Firearms deaths are more than 30 times more common in the US than in Britain.

US politicians are currently deadlocked on the gun control issue, after the house of representatives threw out a package of reforms in June. Earlier that month, senate had passed several gun control measures, including one imposing background checks on gun show weapons sales.

The two houses are currently in talks aimed at reconciling their differences on the issue to see if a gun law reform bill can be passed before congress adjourns in November.

Guardian Unlimited © Guardian Newspapers Limited 2001

Senate Backs Bush Plan to Terminate Buyback Program

Friday, August 03, 2001

President Bush's plan to end the government's gun buyback program won support in the Senate Thursday after a proposal to continue funding for the program was voted down 65-33.

The White House announced last month that it would end the Buyback America program. The Clinton-era program sends up to \$500,000 to local police stations to purchase guns in and around housing projects for about \$50 each, then destroy them.

Critics said that there was no proof the program took guns out of the hands of criminals and that the money could be better spent to upgrade public housing.

"Do they take away the semiautomatic and the .38 used in commission of crimes? Absolutely not," said Sen. Larry Craig, R-Idaho.

Still, the vote was not a clear indication of the Senate's position on gun control programs. The measure voted on, sponsored by Sen. Charles Schumer, D-N.Y., would have taken \$15 million from programs provided to public housing authorities for anti-drug efforts.

The Department of Housing and Urban Development said that Buyback America removed 20,000 guns from city streets in its first year — but that the total amounted to between 1 and 2 percent of the guns in the communities where the program was run.

"Someone is alive today because of this program," Schumer said.

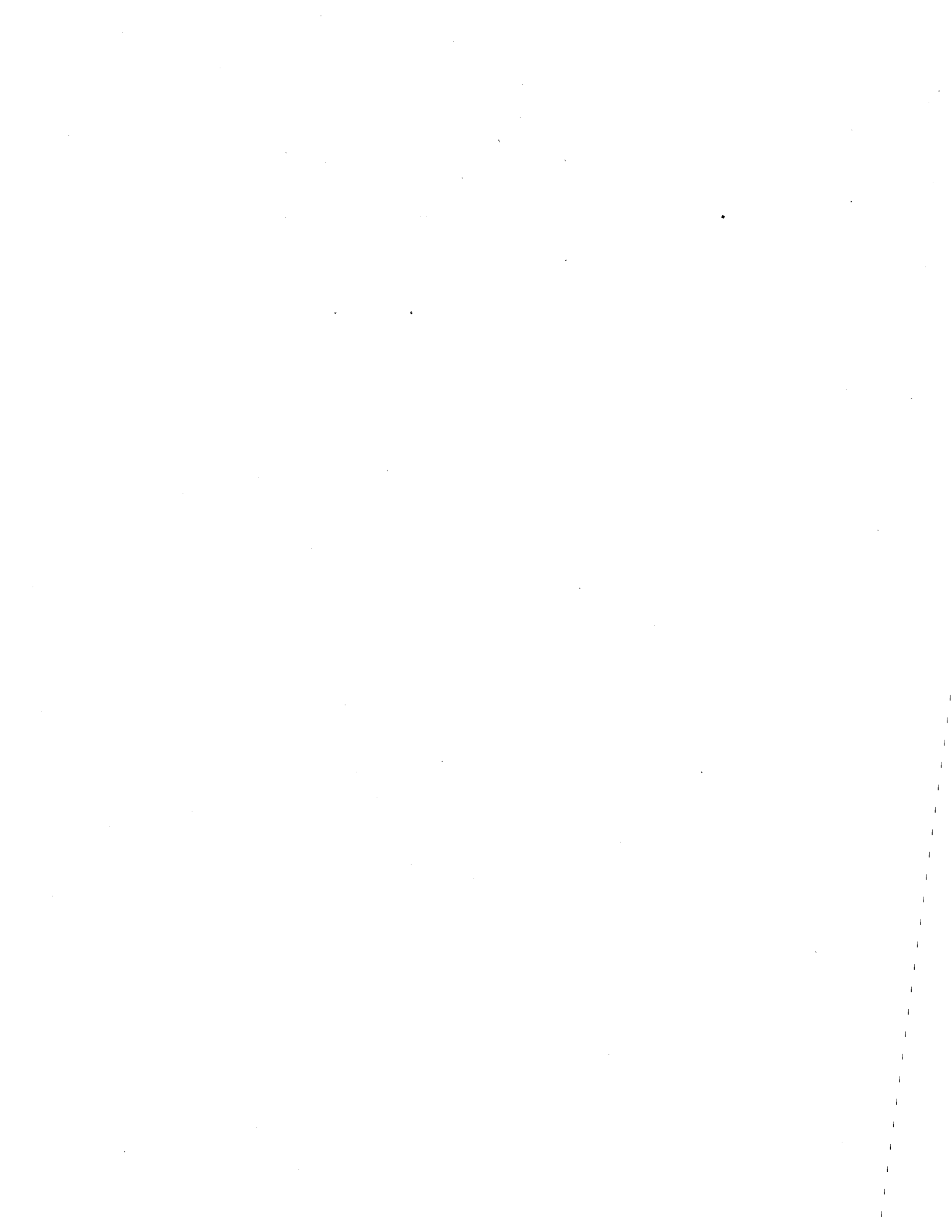
Schumer tried to add the measure to a \$113.4 billion measure that financed programs such as housing, environment, veterans and science programs. That bill passed by 94-5.

By 69-30, senators also rejected an effort by Sen. John McCain, R-Ariz., to cut \$5 million from some of the hundreds of home-state projects the bill contains and increase spending for the adjudication of veterans' claims.

McCain, a longtime campaigner against such earmarks, had proposed cutting funds in half for 18 projects in the bill, including \$100,000 to develop the Alabama Quail; \$1 million to improve a rodeo and fair facility in Dona Ana County, N.M.; and \$1 million to help Louisiana celebrate the upcoming bicentennial of the Louisiana Purchase.

The overall bill would boost veterans spending by 9 percent to \$51 billion; restore a \$300 million drug-elimination program for low-income housing that Bush proposed killing; and provide \$416 million for the Americorps national service program, \$4 million more than Bush wants.

The Associated Press contributed to this report.





SAN FRANCISCO POLICE DEPARTMENT PUBLIC AFFAIRS OFFICE

March 24, 2000
00-29

FOR IMMEDIATE NEWS RELEASE

GUN BUY-BACK PRESS CONFERENCE MARCH 28

The San Francisco Police Department, in conjunction with the San Francisco Housing Authority and the Mayor's Office, will launch a Gun Buy-Back Program by conducting a press conference on **Tuesday, March 28** at the **Ella Hutch Community Center, 1050 McAllister Street** at 11 A. M. Sponsored by the Department of Housing and Urban Development (HUD), the Gun Buy-Back Program is an effort to get guns off the streets by offering, on a no-questions asked basis, \$100 in cash to a person for each operable gun handed over to the police at selected public housing sites in San Francisco.

Highlights of the press conference will be various speakers, including Mayor Willie Brown Jr., Police Chief Fred H. Lau, Housing Commission Chair Sululagi Palega Sr., and Housing Commissioner and District Attorney's Office prosecutor Vernon C. Grigg III, who will speak on the history, benefits, and provisions of the program. At the press conference, police officers will demonstrate safety precautions that will be used when checking the turned in firearms that will be turned in.

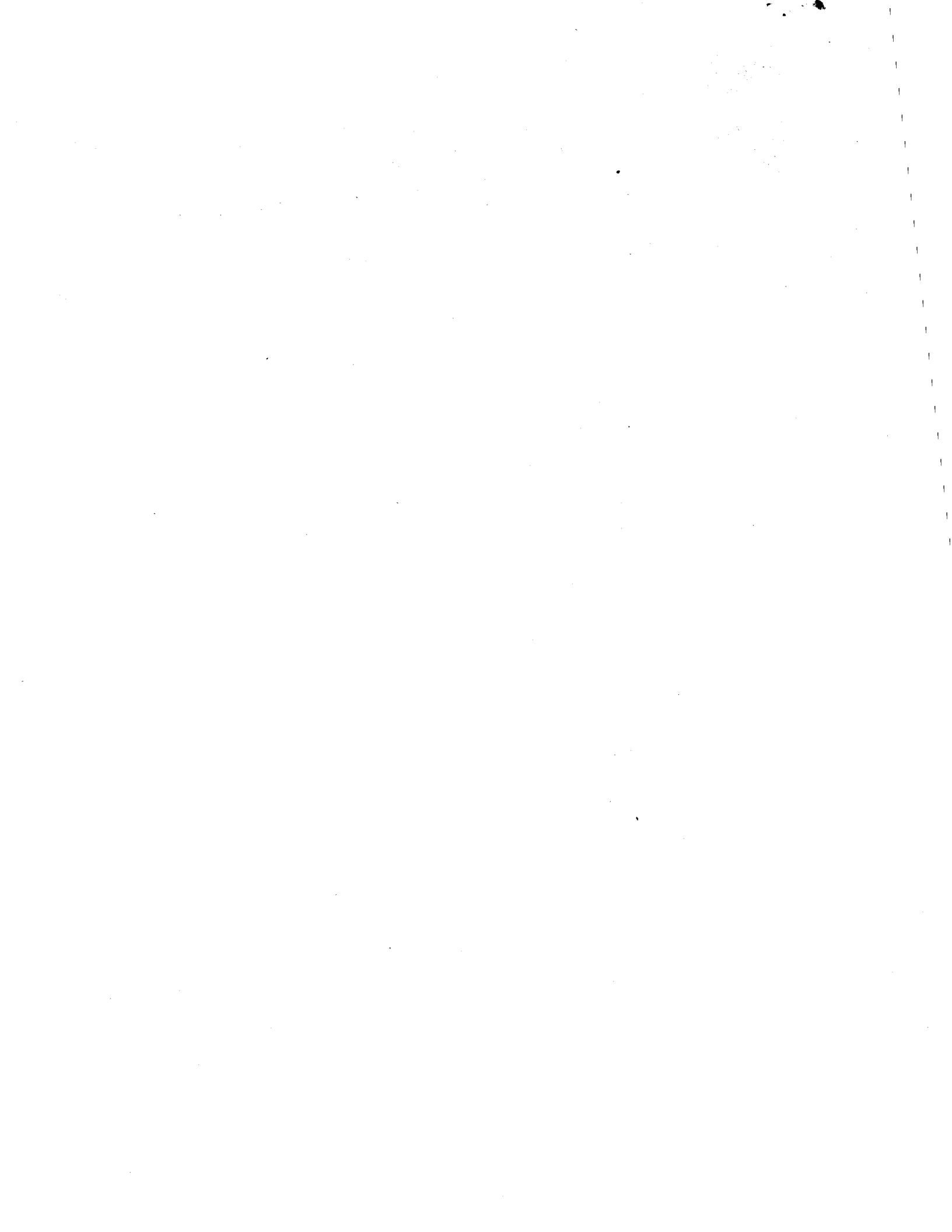
The Gun Buy-Back Program will be in operation on **Saturday, April 1** and **Sunday, April 2** between 12 noon and 4 P. M. at the following four sites:

- April 1 **Potrero Hill Community Police Substation, 1090 Connecticut St., and Hunter's View Community Police Substation, 130 Westpoint Rd.**
- April 2 **Sunnydale Community Police Substation, 1654 Sunnydale Ave., and Ella Hill Hutch Community Center, 1050 McAllister St.**

For more information, please contact:

Jim Culp, S. F. Housing Authority, 554-1300

Officer Sherman Ackerson, Public Affairs Office, 553-1651



Justino Aquila, OF THE EXAMINER STAFF

Tuesday, April 4, 2000

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originally printed by the Hearst Examiner

When money ran low at a gun buyback event over the weekend, members of the San Francisco Police Department knew there was only one thing to do: find the nearest ATM.

After spending the weekend collecting an array of weapons for the no-questions-asked program where firearms are exchanged for cash, Northern Station cops had to think fast when more people showed up than they had anticipated.

"People were expecting cash," said Lt. Nicole Greely, who works out of the Northern Station and loaned \$2,000 of her own money. "We gave them our word, and we were going to come through."

Each gun donor received \$100. Everything from sawed-off shotguns to rifles were collected at drop-off sites in Hunters Point, Potrero Hill, Visitacion Valley and the Western Addition. The event, sponsored by the San Francisco Housing Authority, had a \$50,000 budget, but officials had only enough cash to cover the 150-200 guns they expected would be turned in during the two-day event.

So when the cash ran low, and people were still in line with unwanted guns, several officers pulled out their wallets, headed to ATMs or got money from personal stashes to help pay for them. Three-hundred weapons were collected by the end of the weekend.

Greely loaned her vacation and property tax money to the cause. Police officers working at the gun drop-off at the Ella Hill Hutch Community Center at 1050 McAllister St. loaned \$4,000 to the program during the weekend, including Greely's contribution.

"When I saw the large number of citizens show up around noontime, I thought, 'I should have gotten more cash,'" said ~~Jim Williams~~, director of administrative services and security for the San Francisco Housing Authority.

Williams had anticipated receiving only about half the number of guns that were actually exchanged.

"We saw the lines weren't going down by the afternoon," Williams said. "I was more than pleased with the teamwork spirit between the Authority and San Francisco police."

By Monday morning, everyone who loaned money for guns got a check from the San Francisco Housing Authority.

"I don't know how many people would raise \$4,000 to buy weapons," said Capt. Alex Fagan of

the Northern Station. "I only hope future programs are this successful."

Police Chief Fred Lau said he was proud to see the commitment of many people who made sure the program ran smoothly.

"I've always said that San Francisco has the biggest heart," Lau said. "The Police Department is part of this terrific city.

The guns will be evaluated to assess whether any were used in unsolved crimes before they are destroyed, police officials said.

And though the event ran smoothly, there was potential for disaster.

"We recognize there's a problem with unsecured weapons," Fagan said. "One gun was presumed empty by the owner, but it wasn't. The results could have been

tragic." <

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Westside Weekly

Friday, October 29, 1999

Gunning for Safety

West Hollywood City Council is applying for federal gun buyback money; the suggested price would be \$50 per gun.

Cory Fisher

Westside Weekly

West Hollywood -- In a municipality known for its strong stand on gun control, plans are in the works for the city to apply for federal funds to use for purchasing guns from private citizens. But it may be a year or more before the trade begins here.

Last week, a unanimous City Council directed the city staff to explore and develop a gun buyback program, reflecting a growing nationwide trend.

This year alone, buy back programs have been launched in nearby Compton and in Atlanta; Dayton, Ohio; New York City; South Bend, Ind. The most recent program -- in Washington, D.C., -- brought in a total above 2,306 firearms at \$100 each in just two days.

And in an ambitious plan to get as many as 300,000 guns off the streets, President Clinton announced last month that the Department of Housing and Urban Development would invest \$15 million in buyback grants for cities and public housing agencies.

As a result, Councilmen Paul Koretz and Jeffrey Prang, co-sponsors of the item, have met with the officials from the city's Public Safety Department and the county Sheriff's Department to begin the steps of applying for federal funds.

Under Clinton's plan, which offers up to \$500,000 to each city that applies, the suggested price for each gun would be \$50. With the exception of stolen guns and those needed in criminal investigations, the initiative requires each city to destroy any guns they buy. Overseen by local law officers, federal provisions require that no amnesty be granted for crimes that had been committed before the firearms are returned.

Although concrete plans are not yet in place, the Sheriff's Department West Hollywood station would most likely set aside blocks of time to oversee the purchasing of guns, said Deputy Don Mueller. It could be a one-week or one-month period annually, he said.

"This is a way to get more guns off the street without having to dip into our own pockets," said Koretz's deputy, Scott Svonkin. "Even if we only bought back 10, that could mean we've prevented one injury or death."

The Coalition to Stop Gun Violence, an umbrella group that represents about 40 anti-gun groups across the nation, said it has yet to chart the effectiveness of gun buyback programs. But they are still considered "a catalyst to reduce gun deaths," said the Coalition's legal counsel Josh Horwitz. The National Rifle Association was not so agreeable.

"These programs have no effect on crime. They're nothing more than a feel good political drill," said Steve Helsley, the NRA's state liaison. "The people who turn in guns aren't the ones you have a problem with. Cities like West Hollywood are paying a high price for symbolism and vanity."

While cities such as Compton continue to struggle with relatively high rates of random gun violence, buyback programs are still a worthwhile use of federal funds in less violence-plagued cities such as West Hollywood, insists Prang's deputy, Howard Jacobs.

"We recognize that gun violence is not a major issue in our city," Jacobs said. "But raising awareness is an equally important component. Implementing such a program in our city serves to educate more people about the dangers of guns. That's always been our focus in this office." According to city officials, the Public Safety Commission will not finalize buyback guidelines until the federal grant is secure.

"We're a long way off from implementation," Sheriff's Deputy Mueller said. "It's a year away at minimum."



August 8, 2001

Few Objections Over End of Gun-Buyback Program

Gun-control advocates had few objections to President Bush eliminating a gun-buyback program managed by the U.S. Housing and Urban Development Department (HUD), the White House Weekly reported July 31.

Under the BuyBack America program established in 1999, people who turned in firearms received \$50. The program was aimed at reducing the number of guns on urban streets and in public-housing complexes.

Like Bush, anti-gun groups questioned the effectiveness of the \$15 million program in reducing gun-related crime. "The limited studies on buybacks show they have very little effect," said Josh Sugarman, executive director of the Violence Policy Center. "We have not supported the gun-buyback program because until you can turn off the spigot of guns in America, it can almost act as a subsidy."

Sugarman said that gun owners would often turn in broken firearms and use the funds to purchase new and better guns. "For communities, the gun buyback program is a good way to organize groups and gain connections with the police department. But as a crime-fighting tool, it's never been proven to be that effective," Sugarman said.

The Brady Center to Prevent Gun Violence also said it would not protest the end of HUD's buyback program.

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Join Together, a project of the Boston University School of Public Health, is a national resource for communities working to reduce substance abuse and gun violence. For information, email info@jointogether.org.



AB 566 (Koretz)

As Amended –

Assault Weapon Buyback Program

FACT SHEET

PURPOSE

While the sale and transfer of military-style assault weapons is prohibited under California law, tens of thousands of these weapons, both registered and unregistered, are believed to be in California. By establishing a voluntary buyback program for assault weapon owners wishing to participate, this bill would reduce the number of these dangerous weapons on the streets of California.

SUMMARY

AB566 would create a one-year assault weapon buyback program, under which any assault weapon owner would be eligible to receive \$100 for each assault weapon relinquished to a law enforcement agency. Owners of unregistered assault weapons would not be subject to prosecution if they participated in this program.

COMMENTS

Assault weapons are firearms with characteristics appropriate for military use. Designed for combat situations, they are ill-suited for sporting or defensive use. Both California and the nation have been the site of numerous mass murders committed employing these firearms. While their sale and transfer is prohibited under California law, possession of assault weapons already in private hands is lawful, so long as the weapons are registered. Tens of thousands of these weapons, both registered and unregistered, are believed to be in the hands of Californians.

Under AB566, assault weapon owners who wish to participate may turn in their weapon to any police or sheriff's department. They would be required to make advance arrangements with the agency receiving the weapon. Owners would not be required to identify themselves, but would provide the name and address to which they desired payment of \$100 per weapon to be mailed.

The owner of an unregistered weapon who chooses to participate in this program would receive amnesty from prosecution. Weapons relinquished under this program could be retained by law enforcement or destroyed.

The Department of Justice would conduct a major educational campaign to make gun owners aware of the program, and of the necessity to make advance arrangements with the receiving agency for those wishing to participate.

Administrative costs to the Department of Justice and to local law enforcement would be paid under this bill. A total appropriation of \$1.75 million would be allocated as follows: \$1 million for payments for the guns, \$600,000 for public education, and \$150,000 for administrative costs.

The program would expire on January 1, 2003, unless extended by subsequent legislative action.

AB566 has the potential for considerably greater impact than general gun buyback programs. Generally, guns removed from circulation through buyback programs may be readily replaced by guns new to the California market. However, since the legal supply of assault weapons in California is now capped, the removal of assault weapons through this voluntary buyback program actually reduces the

number of these dangerous weapons on California's streets.

STATUS

Committee on Appropriations, held

SUPPORT

Association for Los Angeles Deputy Sheriffs
Attorney General Bill Lockyer
California Attorneys for Criminal Justice
California Organization of Police and Sheriffs
California Peace Officers' Association
California Police Chiefs Association
California State Sheriffs' Association
Handgun Control
Los Angeles County Sheriff Lee Baca
Million Mom March, Orange County Chapter
Million Mom March, California State Council
Orange County Citizens for the Prevention of Gun
Violence
Physicians for a Violence-free Society
Riverside Sheriff's Association
Santa Ana Police Officers Association
Trauma Foundation
West Hollywood Councilman Jeffrey Prang

OPPOSITION

California Rifle and Pistol Association
California Shooting Sports Association
The California Sportsman's Lobby, Inc.
National Rifle Association of America
Outdoor Sportsmen's Coalition of California
Safari Club International
San Bernardino County Sheriff Gary S. Penrod,

VOTES

Public Safety Committee, do pass as amended, 5-0

Consultant: Sandra DeBourelando
319-2042
Version: December 6, 2002



HOME

PROFILE

NEWS

EDITORIALS

LEGISLATION

DISTRICT INFO

FEEDBACK

Press Release - 4/5/00

ASSEMBLY PUBLIC SAFETY COMMITTEE SUPPORTS GUN BUYBACK MEASURE TO TAKE GUNS OFF THE STREET

For Immediate Release
CONTACT: KEVIN GOULD
PHONE: (916) 319-2060

Sacramento-The Assembly Committee on Public Safety supported Assemblymember Bob Pacheco's Assembly Bill 2487, allowing county sheriff's departments to operate voluntary gun buyback programs in counties.

"I am pleased that my colleagues have agreed with the importance of providing citizens with the option of handing in firearms for compensation. We must continue to find creative solutions to reduce the number of unwanted guns in our communities. Each gun that is relinquished is one less gun capable of getting into the hands of someone who would choose to do harm," said Assemblyman Pacheco.

Funding for the buyback would be derived from cash donations and would allow those making donations to receive a 15% tax credit to their state tax. Individuals relinquishing firearms would receive cash payments reflecting a fair market value.

"In past years, the Legislature has passed firearms restrictions on assault weapons, the number of firearms that may be purchased monthly, and mandatory trigger locks. This measure balances the rights of gun owners and the importance of reducing violence perpetrated with the use of firearms by providing an incentive for those who desire to relinquish their weapons," noted Pacheco.

A similar buyback program was operated by President Clinton in 1999, where over 2900 firearms were turned in within two days. Owners received \$100 for each weapon relinquished.

Pacheco's measure will now go to the Assembly Committee on Revenue & Taxation before being heard in Assembly Appropriations.



BuyBack America

let's do it together

one less gun, one less tragedy

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what's happening in your community

Select a state to see information about your community:

California

View the complete [BuyBack project summary list](#) (requires a PDF reader)

State	Applicant Name	Amount Funded
Alabama	Housing Authority of the City Foley	\$1,430
	<p>The Housing Authority of Foley will reprogram \$1,000 of its FY 1999 Public and Indian Housing Drug Elimination Program grant funding (\$25,000) and will receive \$430 in matching funds from HUD for a total of \$1,430 for the Gun BuyBack Initiative. The Authority's goal is to take approximately 28 guns of the street. In taking guns out to the hands of owners, it is hoped that there will be a reduction in gun violence in public housing. The Housing Authority will work in cooperation with the Foley Police Department in disposing the weapons.</p> <p>Contact Person: Donald C. Hyché Phone: (334) 943-5370</p>	
	Prichard Housing Authority	\$7,500
	<p>The Prichard Housing Authority will reprogram \$5,245 of its FY1999 Public and Indian Housing Drug Elimination Program grant funding (\$94,574) and will receive \$2,255 in matching funds from HUD for a total of \$7,500 for its Gun BuyBack Initiative. The Authority seeks to remove approximately 150 guns off the street in exchange for \$50 per gun. They will achieve this goal through utilizing public service announcements, press conferences and releases. The Prichard Police Department shall destroy all guns in accordance with established state and federal laws.</p> <p>Contact Person: Charles Pharr Phone: (334) 456-3324</p>	
	Talladega Housing Authority	\$2,860
	<p>The Housing Authority of the City of Talladega will reprogram \$2,000 of its FY1999 PHDEP grant funding (\$109,310) and will receive \$860 in matching funds from HUD for a total of \$2,860 for its Gun Buyback Initiative. The goal of this program is to take approximately 57 guns off the street. For every gun that is brought in, the person returning it will receive a \$50 gift certificate food or merchandise. Talladega Housing Authority will seek additional funding sources from the private sector. The Authority will work in cooperation with the Talladega City Police Department in their disposal of the guns.</p> <p>Contact Person: Royce Faulkner Phone: (205) 362-5010</p>	
Arizona	Flagstaff Housing Authority	\$5,005
	<p>The Flagstaff Housing Authority will reprogram \$3,500 of its</p>	

FY1999 Public and Indian Housing Drug Elimination Program grant funding (\$53,226) and will receive \$1,505 in matching funds from HUD for a total of \$5,005 for its Gun BuyBack Initiative. The Housing Authority anticipates removing approximately 100 guns off the street at a cost of \$50 each. The Housing Authority will work in cooperation with the Flagstaff Police Department in their disposal of the guns in an effort to reduce the number of accidental shootings, suicides, domestic and gun violence in and around public housing. To increase public awareness of firearm safety and other areas that are crucial to public safety, members of local TV, radio and newspaper media have already pledged their support to publicize this program.

Contact Person: Michael A. Gouhin
Phone: (520) 526-0002

Arkansas Housing Authority of the City of Camden \$30,030

The Housing Authority of the City of Camden, Arkansas will reprogram \$21,000 of its FY1999 Public and Indian Housing Drug Elimination Program grant funding (\$117,448) and will receive \$9,030 in matching funds from HUD for a total of \$30,030 for its Gun BuyBack Initiative. The Housing Authority will remove approximately 600 guns off the street in exchange for \$50 in cash and/or any gift certificates donated by local merchants. Camden is hoping to use several larger gift certificates for a large drawing. The initiative will be located near one of Camden's larger family developments adjacent to a heavily traveled area, historically the site of much drug and criminal activity. The Housing Authority's goal is to reduce the number of accidental shootings, suicides, domestic and gun violence in and around public housing. The Housing Authority will work in cooperation with the Camden Police Department in their disposal of the guns.

Contact Person: James R. Coleman
Phone: (870) 836-9309

California Marin Housing Authority \$4,290

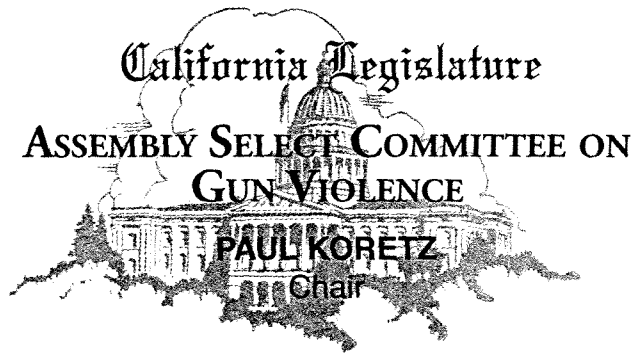
The Marin Housing Authority will reprogram \$3,000 of its FY1999 Public and Indian Housing Drug Elimination Program grant funding (\$109,970) and will receive \$1,290 in matching funds from HUD for a total of \$4,290 for its Gun BuyBack Initiative. The authority's goal is to take approximately 575 guns off the street during the period March 1, 2000 through March 1, 2001. The Marin Housing Authority will provide \$50 gift certificates for all guns surrendered. The program will be administered by the Marin County Sheriff's Department and promoted by the Marin Housing Authority, the Marin City Resident Management Corporation and the Sheriff's Department.

Contact Person: Janet Miller Schoder
Phone: (415) 491-2533

San Francisco Housing Authority \$71,500

The San Francisco Housing Authority will reprogram \$50,000 of its FY1999 Public and Indian Housing Drug Elimination Program grant funding (\$1,333,719) and will receive \$21,500 in matching funds from HUD for a total of \$71,500 for its Gun BuyBack Initiative. The authority's goal is to take approximately 500 guns off the street at a cost of \$100 each. The San Francisco Housing Authority will also provide gift certificates, food vouchers or other incentives of value. The Housing Authority will work in cooperation with the San Francisco Police Department in the disposal of guns. This initiative will improve stronger bonds with the community in partnership to reduce crime and

**ASSEMBLY SELECT COMMITTEE ON GUN VIOLENCE
INFORMATIONAL HEARING
OVERSIGHT OF THE IMPLEMENTATION OF SB 15
TUESDAY, OCTOBER 30, 2001
LOS ANGELES, CA**



Members:

Dion Aroner
Berkeley

Judy Chu
Monterey Park

Ellen Corbett
San Leandro

Richard Dickerson
Redding

Marco A. Firebaugh
East Los Angeles

Dario Frommer
Los Angeles

Jackie Goldberg
Los Angeles

Jerome Horton
Inglewood

Hannah-Beth Jackson
Santa Barbara

Alan Lowenthal
Long Beach

Abel Maldonado
Santa Maria

Robert Pacheco
Walnut

Kevin Shelley
San Francisco

Committee Consultant
Sandra DeBourelando

INFORMATIONAL HEARING

"OVERSIGHT ON IMPLEMENTATION OF SB 15"

October 30, 2001 ♦ 9:00 a.m. – 11:00 Noon

Junipero Serra State Building ♦ Carmel Room A ♦ 320 W. Fourth Street
Los Angeles, CA

9:00 a.m.

WELCOME AND INTRODUCTIONS

- ♦ ASSEMBLYMAN PAUL KORETZ, CHAIR, SELECT COMMITTEE ON GUN VIOLENCE

9:15 a.m.

HISTORY OF SENATE BILL 15

- ♦ SENATOR RICHARD POLANCO, 22ND DISTRICT

9:30 a.m.

IMPLEMENTATION OF SENATE BILL 15

- ♦ RANDY ROSSI, DIRECTOR OF FIREARMS, CA DEPT OF JUSTICE

9:45 a.m.

TESTING HANDGUNS: A REPORT FROM THE EXPERTS

- ♦ MIKE SHANAHAN, TUESDAIL LABORATORIES, INC.
- ♦ WHIT COLLINS, FIREARMS CONSULTANT

10:00 a.m.

POLICY IMPLICATIONS OF SENATE BILL 15: IS IT WORKING?

PERSPECTIVE FROM FIREARM ADVOCATES

- ♦ MARC HALCON, CALIFORNIA FIREARMS DEALERS ASSOCIATION (INVITED)
- ♦ ROBERT RICKER, RICKER & ASSOCIATES (INVITED)
- ♦ ED WORLEY, CALIFORNIA NATIONAL RIFLE ASSOCIATION (INVITED)

10:20 a.m.

PERSPECTIVE FROM GUN VIOLENCE PREVENTION ADVOCATES

- ♦ LUIS TOLLEY, BRADY CAMPAIGN
- ♦ SUZANNE VERGE, MILLION MOM MARCH
- ♦ ERIC GOROVITZ, COALITION TO STOP GUN VIOLENCE
- ♦ ANDRES SOTO, TRAUMA FOUNDATION

10:45 a.m.

PUBLIC COMMENT

11:00 a.m.

ADJOURNMENT



ASSEMBLY SELECT COMMITTEE ON GUN VIOLENCE
INFORMATIONAL HEARING
OVERSIGHT OF THE IMPLEMENTATION OF SB 15
TUESDAY, OCTOBER 30, 2001
LOS ANGELES, CA

Committee Members in attendance: Assemblymembers Chu, Koretz and Goldberg

Summary of Oversight Hearing on SB 15

Assemblyman Koretz (Chair, Select Committee on Gun Violence) began the hearing by welcoming everyone to the final hearing of 2001 of the Select Committee on Gun Violence.

He thanked the committee members for agreeing to serve with him on the Committee and acknowledged that they share his concern and commitment to find safe and sane solutions to the epidemic of gun violence.

He stated that the Committee has attempted to be as inclusive as possible by inviting a broad-based group of stakeholders to participate in the hearings. His assessment was that they had accomplished that goal for the most part, but there are some organizations, which have consistently refused our invitation. He indicated his disappointment by their lack of participation, hoped they would participate in the future, and said that he will continue to reach out to them.

Koretz announced the Governor signed AB 35 (Shelley) and SB 52 (Scott), which creates a certification process for future gun purchasers and were the topic of the last committee hearing.

He explained that the focus of today's hearing was to provide some oversight on Senate Bill 15, by Senator Richard Polanco, which was designed to eliminate the sale of cheap, easily concealed, unsafe handguns, commonly known as Saturday Night Specials.

Koretz noted that SB 15 was signed into law in 1999, but the key provisions on handgun testing did not take effect until January 1, 2001 so the California Department of Justice would have adequate time to set up the program.

He noted this was an ideal time to look at this new law and evaluate its effectiveness, and he hoped the Committee could do more oversight hearings in the future on other key firearms legislation.

Koretz reported that prior to the passage of this law, more than 33 cities throughout the state had enacted their own of ban Saturday Night Specials, including the City of West Hollywood where he served as Councilman. However, the hearing is not about the merits of Saturday Night Specials, but rather, whether the intent of SB 15 has been accomplished. And, if not, why and what if anything should be done?

Senator Richard Polanco (D-Los Angeles) provided the Committee with background on the history of SB 15. He explained that it had been a real challenge to get the bill enacted and that it had taken him three attempts to succeed. He reported he had previously introduced this legislation as SB 500 in 1997 and SB 1500 in 1998. He noted that both bills were passed by the Legislature, but were later vetoed by Governor Wilson. He reported that Governor Davis signed SB 15 into law in 1999.

Polanco acknowledged that SB 15 could be improved and would welcome an effort to strengthen the current law by closing some of the loopholes that exist.

Randy Rossi (Director of Firearms, Department of Justice) testified that manufacturers have taken advantage of the flexibility in the current law. He stated that manufacturers handpick which guns to test, as well as the ammunition. In addition, if they anticipate a problem with a firearm, they can stop the test before the test reaches the threshold of misfires, which would cause it to fail.

He recommended that some type of random testing be done on handguns that have passed the safety testing to see if DOJ can duplicate the results. He also noted it would be beneficial to know which guns initially failed the testing but eventually passed, so that DOJ could determine if any modifications were made to the firearms to enable it to pass.

Koretz asked Mr. Rossi whether he was surprised by the number of handguns that have passed the safety testing. He responded no, because the current law favors the manufacturer.

Mike Shanahan (Truesdail Laboratories) reported that 50 percent of the guns they tested fail after the first attempt. He noted that one manufacturer came back three times with the same gun in an attempt to get it passed. He also commented that sometimes the test is stopped to do some type of modification to the gun such as smoothing out the barrel with a file. Realizing what he had said, he quickly clarified his comment, stating that he meant there was more quality control as opposed to real modifications. He explained that quite often guns tend to jam during the first 100 rounds, because many guns require some type of "breaking in" period.

Whit Collins (Firearms Consultant) noted that the weight of the bullet is regulated, but not the velocity. He suggested that something should be done to also measure the velocity of ammunition to ensure an accurate test result.

He also suggested that manufacturers be held to some type of standard when choosing ammunition for the handgun testing. In addition, he said that manufacturers should disclose the type of ammunition recommended for their handguns and that this should be the same as what is used in the testing.

Luis Tolley (Brady Campaign) stated they were encouraged that the current legislation has led to safer guns. He commented that "Ring of Fire Companies", which had been known to produce cheap handguns known as "Saturday Night Specials", have stopped production, gone out of business, or redesigned the weapon. "While the law is working in terms of its effect, there still is a problem with manufacturers gaming the system. A jam is not a minor issue," he stated.

Tolley recommended that the Department of Justice should have greater oversight of the handgun testing process. "For instance, DOJ should have the testing history for handguns that pass, so that they can see what changes might have been made to the gun, if any, to help it pass," suggested Tolley. He stated that modifying a weapon in order to pass the testing should be illegal.

Eric Gorovitz (Coalition To Stop Gun Violence) raised a concern about the "break in" cycle of guns as mentioned by Mike Shanahan. He stated that most guns that do not function reliably when new should not be expected to have a "break in" period. He said it is hard to tell if we have achieved our goals with the current law, because we need more information.

Andres Soto (Trauma Foundation) said he was shocked and disappointed at the guns approved for listing on the Safe Handgun Roster. He also raised concerns about the gun industry's move to develop smaller guns called **pocket rockets** and suggested that we should re-visit the size issue.

Kortez adjourned the hearing at 12:45 p.m.

Addendum

The testimony provided at the hearing revealed that loopholes exist in current law, which could adversely affect the outcome of how handguns are certified as "safe".

As a result of the hearing, Assemblyman Koretz introduced AB 2902, which incorporated many of the proposed recommendations. This measure would provide the Department of Justice (DOJ) with greater oversight authority of state mandated handgun safety testing to ensure that the integrity of the process is maintained.

Under AB 2902, the California Department of Justice (DOJ) would be authorized to annually retest up to 5% of guns listed on the Safe Handgun Roster to ensure compliance with the law. (Currently, there are approximately 700 guns listed on the Roster). The bill would authorize DOJ to remove any handgun from the Safe Handgun Roster if that weapon fails the random testing done by the department.

The bill also would require that the ammunition used in the handgun testing be the same type recommended by the manufacturer in the user manual or if none is recommended, any standard ammunition of correct caliber that is commercially available and in new condition.

Additionally, this bill would stipulate that any handgun submitted to an independent laboratory for testing not be refined or modified in any way from those which are available for retail sale. This also would apply to the magazine used in the testing.

Governor Davis signed AB 2902 into law in 2002.

Senate Bill No. 15

CHAPTER 248

An act to add Chapter 1.3 (commencing with Section 12125) to Title 2 of Part 4 of the Penal Code, relating to firearms.

[Approved by Governor August 27, 1999. Filed with Secretary of State August 30, 1999.]

LEGISLATIVE COUNSEL'S DIGEST

SB 15, Polanco. Firearms.

Existing law makes it a misdemeanor or felony to manufacture or cause to be manufactured, import into the state, keep for sale, offer or expose for sale, give, lend, or possess specified weapons, but not including an unsafe handgun.

This bill, commencing January 1, 2001, would make it a misdemeanor to manufacture or cause to be manufactured, import into the state for sale, keep for sale, offer or expose for sale, give, or lend any unsafe handgun, except as specified. By creating new crimes, this bill would impose a state-mandated local program.

This bill additionally would require every person licensed to manufacture firearms pursuant to federal law who manufactures firearms in this state and every person who imports into the state for sale, keeps for sale, or offers or exposes for sale any firearm to certify under penalty of perjury that every model, kind, class, style, or type of pistol, revolver, or other firearm capable of being concealed upon the person that he or she manufactures or imports, keeps, or exposes for sale is not a prohibited unsafe handgun. By expanding the crime of perjury, this bill would impose a state-mandated local program.

The bill also would require any pistol, revolver, or other firearm capable of being concealed upon the person manufactured in this state, imported into the state for sale, kept for sale, or offered or exposed for sale, to be tested by an independent laboratory certified by the Department of Justice to determine whether that pistol, revolver, or other firearm capable of being concealed upon the person meets or exceeds specified standards defining unsafe handguns. The bill would require the Department of Justice to certify laboratories for this purpose on or before January 1, 2001.

The bill also would require the Department of Justice, on and after January 1, 2001, to compile, publish, and thereafter maintain a roster listing all of the pistols, revolvers, and other firearms capable of being concealed upon the person that are not unsafe handguns by the manufacturer, model number, and model name. The bill would specify that its provisions do not apply to the sale, loan, or transfer of any pistol, revolver, or other firearm capable of being concealed

upon the person listed as a curio or relic. The bill would authorize the department to charge every person in this state who is licensed as a manufacturer of firearms pursuant to federal law, and any person in this state who manufactures or causes to be manufactured, imports into the state for sale, keeps for sale, or offers or exposes for sale any pistol, revolver, or other firearm capable of being concealed upon the person in this state, an annual fee not exceeding the costs of preparing, publishing, and maintaining the roster and the costs of research and development, report analysis, firearms storage, and other program infrastructure costs necessary to implement the bill.

The bill would state the intent of the Legislature that the Department of Justice pursue an internal loan from special fund revenues available to the department to cover startup costs for the unsafe handgun program established pursuant to the bill. The bill would require the department to repay any loan with the proceeds of fees collected under that program within 6 months.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Chapter 1.3 (commencing with Section 12125) is added to Title 2 of Part 4 of the Penal Code, to read:

CHAPTER 1.3. UNSAFE HANDGUNS

12125. (a) Commencing January 1, 2001, any person in this state who manufactures or causes to be manufactured, imports into the state for sale, keeps for sale, offers or exposes for sale, gives, or lends any unsafe handgun shall be punished by imprisonment in a county jail not exceeding one year.

(b) This section shall not apply to any of the following:

(1) The manufacture in this state, or importation into this state, of any prototype pistol, revolver, or other firearm capable of being concealed upon the person when the manufacture or importation is for the sole purpose of allowing an independent laboratory certified by the Department of Justice pursuant to Section 12130 to conduct an independent test to determine whether that pistol, revolver, or other firearm capable of being concealed upon the person is prohibited by this chapter, and, if not, for the department to add the firearm to the roster of pistols, revolvers, and other firearms capable of being concealed upon the person that may be sold in this state pursuant to Section 12131.

(2) The importation or lending of a pistol, revolver, or other firearm capable of being concealed upon the person by employees or authorized agents determining whether the weapon is prohibited by this section.

(3) Firearms listed as curios or relics, as defined in Section 178.11 of Title 27 of the Code of Federal Regulations.

(4) The sale to, purchase by, or possession of any pistol, revolver or other firearm capable of being concealed upon the person by the Department of Justice, any police department, any sheriff's official, any marshal's office, the Youth and Adult Correctional Agency, the California Highway Patrol, any district attorney's office, and the military or naval forces of this state or of the United States for use in the discharge of their official duties. Nor shall anything in this section prohibit the possession of any pistol, revolver, or other firearm capable of being concealed upon the person by sworn members of these agencies, whether the sworn member is on or off duty, or an individual who is retired from service with a law enforcement agency and who is not otherwise prohibited from possessing a concealable firearm upon his or her retirement.

(c) Violations of subdivision (a) are cumulative with respect to each handgun and shall not be construed as restricting the application of any other law. However, an act or omission punishable in different ways by this section and other provisions of law shall not be punished under more than one provision, but the penalty to be imposed shall be determined as set forth in Section 654.

12126. As used in this chapter, "unsafe handgun" means any pistol, revolver, or other firearm capable of being concealed upon the person, as defined in subdivision (a) of Section 12001, for which any of the following is true:

(a) For a revolver:

(1) It does not have a safety device that, either automatically in the case of a double-action firing mechanism, or by manual operation in the case of a single-action firing mechanism, causes the hammer to retract to a point where the firing pin does not rest upon the primer of the cartridge.

(2) It does not meet the firing requirement for handguns pursuant to Section 12127.

(3) It does not meet the drop safety requirement for handguns pursuant to Section 12128.

(b) For a pistol:

(1) It does not have a positive manually operated safety device, as determined by standards relating to imported guns promulgated by the federal Bureau of Alcohol, Tobacco, and Firearms.

(2) It does not meet the firing requirement for handguns pursuant to Section 12127.

(3) It does not meet the drop safety requirement for handguns pursuant to Section 12128.

12127. (a) As used in this chapter, the "firing requirement for handguns" means a test in which the manufacturer provides three handguns of the make and model for which certification is sought, these handguns not being in any way modified from those that would be sold if certification is granted, to an independent testing laboratory certified by the Attorney General pursuant to Section 12130. The laboratory shall fire 600 rounds from each gun, stopping after each series of 50 rounds has been fired for 5 to 10 minutes to allow the weapon to cool, stopping after each series of 100 rounds has been fired to tighten any loose screws and clean the gun in accordance with the manufacturer's instructions, and stopping as needed to refill the empty magazine or cylinder to capacity before continuing. The ammunition used shall be of the type recommended by the handgun manufacturer in the user manual, or if none is recommended, any standard ammunition of the correct caliber in new condition. A handgun shall pass this test if each of the three test guns meets both of the following:

(1) Fires the first 20 rounds without a malfunction that is not due to faulty magazine or ammunition.

(2) Fires the full 600 rounds with no more than six malfunctions that are not due to faulty magazine or ammunition and without any crack or breakage of an operating part of the handgun that increases the risk of injury to the user.

(b) If a pistol or revolver fails the requirements of either paragraph (1) or (2) of subdivision (a) due to either a faulty magazine or faulty ammunition, the pistol or revolver shall be retested from the beginning of the "firing requirement for handguns" test. A new model of the pistol or revolver that failed due to a faulty magazine or ammunition may be submitted for the test to replace the pistol or revolver that failed.

(c) As used in this section, "malfunction" means a failure to properly feed, fire, or eject a round, or failure of a pistol to accept or reject a manufacturer-approved magazine, or failure of a pistol's slide to remain open after a manufacturer-approved magazine has been expended.

12128. As used in this chapter, the "drop safety requirement for handguns" means that at the conclusion of the firing requirements for handguns described in Section 12127, the same certified independent testing laboratory shall subject the same three handguns of the make and model for which certification is sought, to the following test:

A primed case (no powder or projectile) shall be inserted into the chamber. For pistols, the slide shall be released, allowing it to move forward under the impetus of the recoil spring, and an empty magazine shall be inserted. For both pistols and revolvers, the weapon shall be placed in a drop fixture capable of dropping the pistol from a drop height of 1m + 1cm (39.4 + 0.4 in.) onto the largest

side of a slab of solid concrete having minimum dimensions of 7.5 × 15 × 15 cm (3 × 6 × 6 in.). The drop distance shall be measured from the lowermost portion of the weapon to the top surface of the slab. The weapon shall be dropped from a fixture and not from the hand. The weapon shall be dropped in the condition that it would be in if it were dropped from a hand (cocked with no manual safety applied). If the design of a pistol is such that upon leaving the hand a "safety" is automatically applied by the pistol, this feature shall not be defeated. An approved drop fixture is a short piece of string with the weapon attached at one end and the other end held in an air vise until the drop is initiated.

The following six drops shall be performed:

- (a) Normal firing position with barrel horizontal.
- (b) Upside down with barrel horizontal.
- (c) On grip with barrel vertical.
- (d) On muzzle with barrel vertical.
- (e) On either side with barrel horizontal.
- (f) If there is an exposed hammer or striker, on the rearmost point of that device, otherwise on the rearmost point of the weapon.

The primer shall be examined for indentations after each drop. If indentations are present, a fresh primed case shall be used for the next drop.

The handgun shall pass this test if each of the three test guns does not fire the primer.

12129. Every person who is licensed as a manufacturer of firearms pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code who manufactures firearms in this state, and every person who imports into the state for sale, keeps for sale, or offers or exposes for sale any firearm, shall certify under penalty of perjury and any other remedy provided by law that every model, kind, class, style, or type of pistol, revolver, or other firearm capable of being concealed upon the person that he or she manufactures or imports, keeps, or exposes for sale is not an unsafe handgun as prohibited by this chapter.

12130. (a) Any pistol, revolver, or other firearm capable of being concealed upon the person manufactured in this state, imported into the state for sale, kept for sale, or offered or exposed for sale, shall be tested within a reasonable period of time by an independent laboratory certified pursuant to subdivision (b) to determine whether that pistol, revolver, or other firearm capable of being concealed upon the person meets or exceeds the standards defined in Section 12126.

(b) On or before October 1, 2000, the Department of Justice shall certify laboratories to verify compliance with the standards defined in Section 12126. The department may charge any laboratory that is seeking certification to test any pistol, revolver, or other firearm

capable of being concealed upon the person pursuant to this chapter a fee not exceeding the costs of certification.

(c) The certified testing laboratory shall, at the manufacturer's or importer's expense, test the firearm and submit a copy of the final test report directly to the Department of Justice along with a prototype of the weapon to be retained by the department. The department shall notify the manufacturer or importer of its receipt of the final test report and the department's determination as to whether the firearm tested may be sold in this state.

12131. (a) On and after January 1, 2001, the Department of Justice shall compile, publish, and thereafter maintain a roster listing all of the pistols, revolvers, and other firearms capable of being concealed upon the person that have been tested by a certified testing laboratory, have been determined not to be unsafe handguns, and may be sold in this state pursuant to this title. The roster shall list, for each firearm, the manufacturer, model number, and model name.

(b) (1) The department may charge every person in this state who is licensed as a manufacturer of firearms pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code, and any person in this state who manufactures or causes to be manufactured, imports into the state for sale, keeps for sale, or offers or exposes for sale any pistol, revolver, or other firearm capable of being concealed upon the person in this state, an annual fee not exceeding the costs of preparing, publishing, and maintaining the roster pursuant to subdivision (a) and the costs of research and development, report analysis, firearms storage, and other program infrastructure costs necessary to implement this chapter.

(2) Any pistol, revolver, or other firearm capable of being concealed upon the person that is manufactured by a manufacturer who manufactures or causes to be manufactured, imports into the state for sale, keeps for sale, or offers or exposes for sale any pistol, revolver, or other firearm capable of being concealed upon the person in this state, and who fails to pay any fee required pursuant to paragraph (1), may be excluded from the roster.

12131.5. (a) A firearm shall be deemed to satisfy the requirements of subdivision (a) of Section 12131 if another firearm made by the same manufacturer is already listed and the unlisted firearm differs from the listed firearm only in one or more of the following features:

(1) Finish, including, but not limited to, bluing, chrome-plating, oiling, or engraving.

(2) The material from which the grips are made.

(3) The shape or texture of the grips, so long as the difference in grip shape or texture does not in any way alter the dimensions, material, linkage, or functioning of the magazine well, the barrel, the chamber, or any of the components of the firing mechanism of the firearm.

(4) Any other purely cosmetic feature that does not in any way alter the dimensions, material, linkage, or functioning of the magazine well, the barrel, the chamber, or any of the components of the firing mechanism of the firearm.

(b) Any manufacturer seeking to have a firearm listed under this section shall provide to the Department of Justice all of the following:

(1) The model designation of the listed firearm.

(2) The model designation of each firearm that the manufacturer seeks to have listed under this section.

(3) A statement, under oath, that each unlisted firearm for which listing is sought differs from the listed firearm only in one or more of the ways identified in subdivision (a) and is in all other respects identical to the listed firearm.

(c) The department may, in its discretion and at any time, require a manufacturer to provide to the department any model for which listing is sought under this section, to determine whether the model complies with the requirements of this section.

12132. This chapter shall not apply to any of the following:

(a) The sale, loan, or transfer of any firearm pursuant to Section 12082 or 12084 in order to comply with subdivision (d) of Section 12072.

(b) The sale, loan, or transfer of any firearm that is exempt from the provisions of subdivision (d) of Section 12072 pursuant to any applicable exemption contained in Section 12078, if the sale, loan, or transfer complies with the requirements of that applicable exemption to subdivision (d) of Section 12072.

(c) The sale, loan, or transfer of any firearm as described in paragraph (3) of subdivision (b) of Section 12125.

(d) The delivery of a pistol, revolver, or other firearm capable of being concealed upon the person to a person licensed pursuant to Section 12071 for the purposes of the service or repair of that firearm.

(e) The return of a pistol, revolver, or other firearm capable of being concealed upon the person by a person licensed pursuant to Section 12071 to its owner where that firearm was initially delivered in the circumstance set forth in subdivision (d).

(f) The return of a pistol, revolver, or other firearm capable of being concealed upon the person by a person licensed pursuant to Section 12071 to its owner where that firearm was initially delivered to that licensee for the purpose of a consignment sale or as collateral for a pawnbroker loan.

(g) The sale, loan, or transfer of any pistol, revolver, or other firearm capable of being concealed upon the person listed as a curio or relic, as defined in Section 178.11 of the Code of Federal Regulations.

12133. The provisions of this chapter shall not apply to a single-action revolver that has at least a five-cartridge capacity with

a barrel length of not less than three inches, and meets any of the following specifications:

(a) Was originally manufactured prior to 1900 and is a curio or relic, as defined in Section 178.11 of Title 27 of the Code of Federal Regulations.

(b) Has an overall length measured parallel to the barrel of at least seven and one-half inches when the handle, frame or receiver, and barrel are assembled.

(c) Has an overall length measured parallel to the barrel of at least seven and one-half inches when the handle, frame or receiver, and barrel are assembled and that is currently approved for importation into the United States pursuant to the provisions of paragraph (3) of subsection (d) of Section 925 of Title 18 of the United States Code.

SEC. 2. It is the intent of the Legislature that the Department of Justice pursue an internal loan from special fund revenues available to the department to cover startup costs for the program established pursuant to Section 1 of this act. Any loan shall be repaid with the proceeds of fees collected under that program within six months.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.



California Department of Justice
FIREARMS DIVISION
Randy Rossi, Director

INFORMATION BULLETIN

*Subject: IMPLEMENTATION OF SENATE BILL 15
DROS ENTRY AND PROCESSING CHANGES
AND REQUIREMENTS*

No.:
2000 FD-07
Date:
12/12/2000

*For further information contact:
Firearms Division
(916) 227-3703*

TO: ALL LICENSED FIREARM DEALERS, SECONDHAND DEALERS, AND/OR PAWN BROKERS

INTRODUCTION

Effective January 1, 2001, with the exception of specified exempted transactions, no pistol, revolver, or other firearm capable of being concealed upon a person may be manufactured, imported into the state for sale, kept for sale, offered or exposed for sale, given, or loaned to another person in California unless that handgun has passed a safety test performed by a Department of Justice (DOJ) certified laboratory and is listed on the DOJ roster of certified handguns (Senate Bill (SB)15 (Polanco)). This requirement applies to both new and used handguns.

On June 29, 2000, the DOJ Firearms Division successfully implemented emergency regulations that addressed laboratory certification criteria as needed to implement the handgun testing program. Shortly thereafter, the Firearms Division began receiving and processing applications for certification from laboratories around the country. Currently, five laboratories are certified and are testing handguns. As of this date, more than 150 handguns have passed the safety testing requirements and have been placed on the DOJ roster of certified handguns.

The DOJ roster will be continually updated. Dealers are encouraged to obtain a copy of the roster and update it regularly by contacting the Firearms Division's toll free hotline at 1-877-reg-a-gun or by obtaining a copy online at the Firearms Division's web site located at <http://caag.state.ca.us/firearms/certlist.htm>.

Generally, retail sales of handguns that are not listed on the roster will be unlawful beginning January 1, 2001. Accordingly, firearms dealers, secondhand dealers, and pawn brokers should take action to ensure that non-certified handguns are not offered for sale after December 31, 2000, with the exception of certain exempted transactions/handguns which are addressed in this bulletin. End of year sales/transfers of non-certified handguns will be considered valid provided that the DROS process is started on or before December 31, 2000. The DROS number must be assigned and the transaction dated on or before December 31, 2000. If the handgun is not delivered within 30 days of the date of the DROS, the transaction must be canceled and the handgun may not be delivered or offered for sale to the public. The dealer may either sell such a handgun out-of-state or offer it for sale to authorized peace officers as described in Penal Code (PC) section 12078(a)(1) pursuant to procedures addressed in this Information Bulletin. Transactions initiated by December 31, 2000, that have been placed on temporary hold by the DOJ pending clarification of information and/or receipt of court disposition information, may be completed.

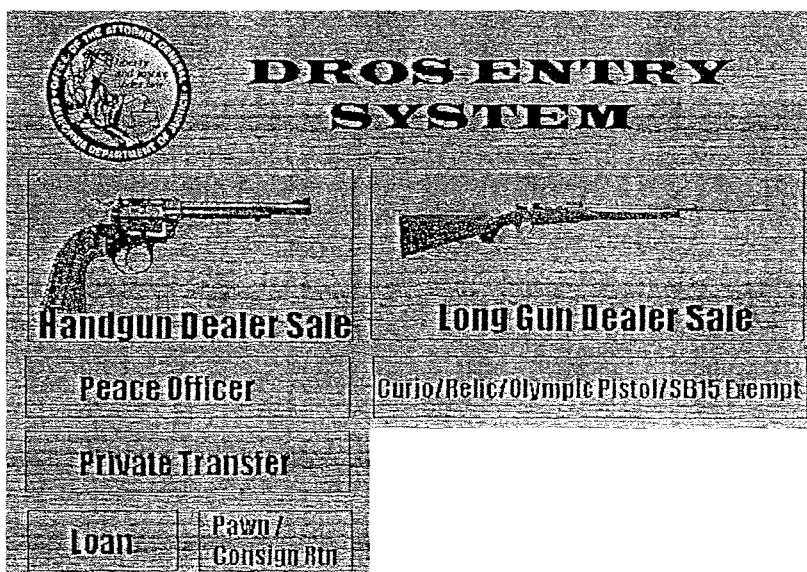
CHANGES TO THE DROS PROCESS

Effective January 1, 2001, changes to the DROS Entry System (DES) will be implemented to incorporate SB 15 requirements. As a result, dealers using Point-of-Sale Devices (PSD) and/or

Coupled Intranet (CI) Personal Computers (PCs) will notice slight changes to a few of the DES screens. Most notably, the DES "Main Menu" screen, the "Handgun Sale" screen, and the "Correct Handgun" main menu screen will all be modified. The DROS Worksheet (see Attachment) has also been revised to include these changes to assist dealers who use the telephone to transmit sales/transfers of firearms by contacting the DES. Dealers are encouraged to make copies of the revised DROS Worksheet and to discard and discontinue using older versions. The revised DROS Worksheet is also available at the Firearms Division's web site.

DEALER PSD/COUPLED INTRANET (CI) SB 15 DROS PROCESSING INSTRUCTIONS

The PSD and CI main menu screens now include the following seven transaction type menu selections:



All handgun sales that are **not exempt** from the requirements of SB 15 must be processed using the "**Handgun Sale**" transaction type.

To process a handgun sale through the PSD or CI PC, select "Handgun Sale" from the main menu. Once the selection has been made, the handgun DES screen will appear.

- A prompt to select a "Gun Make" from the "Gun Make" drop-down menu will appear.
- A different drop-down menu of certified handgun models relating to the specific make you selected will appear.
- A handgun model selection must be made from the menu in order to complete the transaction. Upon making your selection, it is important that you take into consideration the following specified handgun model characteristics: Model

name/number; caliber; barrel length; gun type (e.g., revolver, semi-automatic, etc.). After selecting a handgun model from the menu roster, the Make, Model, Caliber, Barrel Length, and Gun Type fields will automatically be filled in by the DES.

TELEPHONIC DEALER INSTRUCTIONS

Dealers who use the telephone for handgun sales transactions will also notice a difference in the telephonic process when communicating a "Handgun" over the phone. Telephonic dealers will be required to specify a handgun make and model from the same DOJ roster of certified handguns. Upon selecting a handgun from the DOJ certified roster and subsequently communicating this information to the DES Customer Service Representative (CSR), **please be sure to verify with the CSR the handgun Make, Model, Caliber, Barrel Length, and Gun Type.**

PROCESSING SB 15 EXEMPT TRANSACTIONS

Generally, all SB 15-exempt transactions will be processed as before. The primary difference is that you must select the appropriate transaction type from the main menu in order for the DROS to be exempted from the SB 15 requirements. Telephonic dealers must communicate the appropriate transaction type to the DES CSR over the telephone. The remainder of this section will inform you of what types of handguns and DROS transactions are exempt from the SB 15 requirements and how they must be processed.

SB 15 EXEMPT HANDGUNS

All curio/relic handguns as defined in Section 178.11 of Title 27 of the Code of Federal Regulations are exempt from the provisions of SB 15. Also exempt are single-action revolvers that have at least a five-cartridge capacity with a barrel length of not less than three inches, and that meet any of the following specifications:

1. Was originally manufactured prior to 1900 and is a curio or relic, as defined in Section 178.11 of Title 27 of the Code of Federal Regulations;
2. Has an overall length measured parallel to the barrel of at least seven and one-half inches when the handle, frame or receiver, and barrel are assembled; or
3. Has an overall length measured parallel to the barrel of at least seven and one-half inches when the handle, frame or receiver, and barrel are assembled and that is currently approved for importation into the United States pursuant to the provisions of paragraph (3) of subsection (d) of Section 925 of Title 18 of the United States Code.

Additionally, Olympic pistols listed in PC section 12132(h)(2) are exempt from the provisions of SB 15. Consequently, firearms dealers, secondhand dealers, and pawn brokers may retain curio/relic handguns and/or firearms defined as Olympic pistols in their inventories for sales to the public.

SB 15 EXEMPT TRANSACTIONS

The following transaction types are also exempt from the requirements of SB 15:

- Sale/transfer/loan of a non-certified handgun that is exempt from the provisions of subdivision (d) of PC section 12072 pursuant to any applicable exemptions contained in PC section 12078 including, but not limited to, the sale to any law enforcement agency or the military for use in the discharge of official duties. This includes sales to a peace officers purchasing a “duty weapon,” provided the officer presents the dealer with a letter from the employing agency indicating that the handgun is to be used in the discharge of the officer’s official duties.
- Sale/transfer of non-certified handguns to authorized representatives of cities/counties, or state or federal governments.
- Private party sales/transfers of non-certified handguns.
- Return of a non-certified handgun to its owner that was originally delivered to the dealer for service/repair.
- The return of a non-certified handgun to its owner where the firearm was initially delivered to the dealer/pawn broker for the purpose of a consignment sale or as collateral for a loan.

The following list of questions and answers is provided to assist you in processing the most common SB 15-exempt transactions. Many of these questions were raised by dealers at the Firearms Division’s training seminars conducted in October 2000.

1. *A peace officer wants to purchase a firearm for a duty weapon that is not on the DOJ roster of certified handguns. The officer has presented a letter from the Law Enforcement Agency (LEA) stating that the firearm is being purchased as a duty weapon. How do I process the DROS?*

Answer: If you are using a PSD or CI, from the main menu select the “Peace Officer” transaction type. If you are a telephonic dealer, advise the DES CSR that it is a “peace officer handgun sale.” The peace officer waiting period exemption will also apply.

2. *How do I process a DROS for a handgun that is exempt under PC section 12133(a), (b) or (c)? (qualifying single action revolver)*

Answer: From the main menu on the PSD/CI DES select the Curio/Relic/Olympic/SB 15-Exempt menu, and complete the handgun DROS entry screen. Telephonic dealers must advise the DES CSR that the transaction type is a Curio/Relic/Olympic/SB 15-Exempt.

3. *How do I process a curio/relic handgun exempted from the requirements of SB 15?*

Answer: From the main menu on the PSD/CI DES select the Curio/Relic/Olympic/SB 15 Exempt menu, and complete the handgun DROS entry screen. Telephonic dealers must advise the DES CSR that the transaction type is a Curio/Relic/Olympic/SB 15-Exempt.

4. *How do I process an Olympic target shooting pistol that is exempted pursuant to AB 2351?*

Answer: From the main menu PSD/CI DROS entry screen select Curio/Relic/Olympic Pistol/SB 15-Exempt and complete the handgun DROS entry screen. Be sure that the pistol model you enter is one that is listed in subdivision (h) of PC section 12132. Telephonic dealers must advise the DES CSR that the transaction type is a Curio/Relic/Olympic Pistol/SB 15-Exempt.

5. *Can a fully licensed California firearms dealer accept a "dealer to dealer" transfer from out of state when the handgun is not listed on the DOJ roster of certified handguns?*

EXAMPLE: A California resident would like to purchase a handgun while on vacation in Nevada and requests the Nevada dealer to ship the firearm to a licensed California Dealer.

Answer: No, unless the handgun is listed on the DOJ roster of certified handguns. If the handgun is listed on the DOJ roster then the transaction would be processed as a "Handgun Dealer Sale" while adhering to the SB 15 processing instructions addressed in this bulletin.

6. *Can a licensed dealer continue consignment sales of firearms that are not listed on the roster of certified handguns? Does the seller have to return to sign the seller portion of the DROS, if numerous firearms are involved?*

Answer: PC section 12132, subdivision (f) allows for the return of a handgun from consignment or pawn. The implication is that these transactions are still permissible, but the handgun could not be sold in California by the dealer as a dealer sale where the handgun is abandoned, forfeited to pay the consignment fee or title is taken as the result of the default of a collateral loan (pawn). Assuming that the title of the firearm never transfers to the dealer, dealers may continue facilitating consignment sales via the DROS process. All handguns brought into the dealer's inventory for consignment sales must be clearly labeled as such and should be placed on exhibit on or in a separate display shelf/case that is clearly marked "Consignment Sales."

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Additionally, dealers must continue to report any handguns accepted for sale or consignment pursuant to Business and Professions Code (B&P) section 21628, and must retain such property in their possession for a period of thirty (30) days pursuant to B&P section 21636.

To initiate the transaction of such sales, the consignor must be present. The dealer must complete the "Revolver/Pistol Information" and "Private Party Transfer" (Seller Information) portions of the DROS Worksheet (Attachment), write "consignment sale" on it, and retain it on file until a purchaser is found. A separate DROS worksheet must be completed for each handgun taken in for sale on consignment. Once a purchaser has been identified, complete the DROS as a "Private Party" transaction and retrieve the copy(s) of the previously completed DROS worksheet from your files and attach it to the DROS. Also, you must note "Consignment" in the "DROS comment" field upon completing consignment sales.

Dealers must adhere to this process to maintain non-certified handguns in their inventory for consignment sales. DOJ inspection staff will begin inspecting dealer handgun inventories and consignment sales DROS worksheet files to verify compliance with SB 15. Failure to maintain the appropriate paperwork relative to consignment sales may result in criminal sanctions and/or removal of the firearms dealer from the DOJ Centralized List of firearms dealers.

Note: Dealers are admonished not to attempt to place their existing inventories of non-certified handguns for sale on consignment with other secondhand dealers as DOJ and other law enforcement authorities will view this as an act of collusion to circumvent the requirements of SB15. Such action may result in both criminal sanctions against dealers and/or their removal from the DOJ Centralized List.

7. *When is it appropriate to DROS a handgun as a "Pawn/Consignment Return" transaction?*

Answer: It is appropriate to select the "Pawn/Consignment Return" transaction type upon completing a DROS to return a firearm to the person who originally pawned it or placed it with a dealer for a consignment sale. Typically, with the exception of personal handgun importer transactions, the "Pawn/Consignment Return" transaction is used to return firearms to the original owner upon the termination of the property bailment.

8. *Are dealers limited to the amount of fees that they may charge for transacting consignment sales because the transaction is being processed as a "Private Party Sale?"*

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Answer: No, a consignment transaction is not limited to the \$10 transfer fee since the dealer is supplying the customer with more services than a private party sale. In the past, consignment sales were processed as dealer sales for simplicity sake and to allow for simplified records. However, in light of the new legislation, it will be necessary for consignment sales to be handled as separate legal transactions.

9. *Can a dealer who has transferred his/her dealership inventory of non-certified handguns into his/her personal collection, using the DROS process sell any of these handguns as a "Private Party" after January 1, 2001?*

Answer: A dealer may sell privately owned non-certified handguns from his/her personal collection by processing the transaction as a "Private Party" transfer. However, this is in recognition of a dealer's private handgun collection pursuant to 27 CFR 178.125a, PC section 12078, subdivision (n), and 12072, subdivision (9)(B)(vii), and *is NOT viewed by the California DOJ as an exception to PC section 12125, et. seq., which would enable a dealer to transfer the non-certified handguns from his/her dealer stock to personal possession in order for resale to circumvent the requirements of SB 15.*

In addition, a dealer must wait a year after placing handguns in his/her personal inventory (27 CFR 178.125a) before selling them. The dealer shall complete the DROS as a private party transaction and must comply with the statutory requirement of "infrequent" firearm sales because under this particular circumstance, the dealer is acting as a "private party" and not a "dealer" (PC 12070(c)(i)(A)).

10. *Can a dealer sell a frame or receiver that is listed on the roster of certified handguns?*

Answer: No, PC section 12131.5 states that a firearm cannot be altered in dimension, material, linkage, or functioning of the magazine well, barrel, the chamber, or any components of the firing mechanism of the firearm, from the certified firearm. Consequently, dealers may sell only complete firearms as approved for placement on the roster.

11. *If a dealer takes in a non-certified handgun for repair, can it be returned to the owner?*

Answer: Yes, return of a handgun to its owner if brought in for repair is allowed.

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12. *A law enforcement agency wishes to purchase non-certified duty handguns for its officers. Can I process this sale?*

Answer: Yes, law enforcement agencies are exempt from the provisions of SB 15 (PC section 12125 (b)(4)). To process such transactions from the main menu, select the "Peace Officer" transaction menu and complete the handgun DROS screen. Telephonic dealers must advise the DES CSR that the transaction type is "Peace Officer."

13. *Can shooting ranges continue to rent non-certified handguns?*

Answer: Yes, provided the loan occurs on the premises of the target facility and the handgun is at all times kept within the premises of the target range (PC sections 12132(b), 12078(h)).

14. *If a customer defaults on his/her pawned non-certified handgun, what alternatives are available to the dealer to sale/dispose of the firearm?*

Answer: Dealers may offer such handguns for sale out-of-state or display them for sale to law enforcement personnel who must obtain authorization from their agencies to purchase such handguns as duty weapons. Such firearms must be clearly labeled and placed on exhibit in a separate shelf/display case in the dealer's place of business that is clearly marked "Only for Sale to Law Enforcement Personnel." Because in a default situation, title of the handgun does pass to the dealer, such handguns may not otherwise be sold in California by a dealer.

PROCESSING DROS CORRECTIONS FOR CERTIFIED HANDGUN TRANSACTIONS

The "Correct Handgun" menu screen has been revised to add "Certified Gun" to the options listed on the drop-down menu. When correcting certified handgun information relative to a gun make, model, caliber, and barrel length that was previously submitted, from the "Correct Handgun" menu screen, select "Certified Handgun"; subsequently, the "Certified Gun" drop down menu will appear; then, re-select a new entry from the "Certified Handgun" drop down menu. Telephonic dealers must advise the DES CSR that they are making a correction to a certified handgun DROS. To correct a "gun serial number," select "Serial Number" from the "Correct Handgun" menu screen as there has been no change to this portion of the DROS correction process relative to "Certified Handguns." All non-certified handgun corrections will continue to be processed in the same manner that they are currently done.

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INFORMATION/QUESTIONS

If you would like to view the text of the regulations or SB 15, please go to our web site at <http://caag.state.ca.us/firearms>. If you have any questions regarding this Information Bulletin, the laboratory certification process, or the handgun testing program, please call the Firearms Information Services Section at (916) 227-3703.

Sincerely,

A handwritten signature in black ink, appearing to read "Randy Rossi", with a large, stylized flourish above the name.

RANDY ROSSI, Director
Firearms Division

For

BILL LOCKYER
Attorney General

Attachment



Handgun testing law misfires | Many cheap models meet requirements, state list reports

The San Diego Union - Tribune; San Diego, Calif.; Sep 3, 2001; James P. Sweeney;

Abstract:

The total includes an unknown but significant number of models that are only cosmetically different from each other -- a chrome rather than blue-steel finish, for example. But it also includes at least 12 guns manufactured by so-called Ring of Fire companies, a cluster of Southern California manufacturers who have been accused of flooding the nation with inexpensive handguns.

The guns, derringers ranging from .22 caliber to .38 caliber, passed on the first attempt, [Aaron Davis] said. The guns sell for \$100 to \$125. The .38-caliber model was redesigned to strengthen the trigger before the tests.

Dealers and gun-rights groups such as the National Rifle Association want dealers to be able to resell used guns that are not on the approved list. Such guns can be sold by private parties if dealers process the transactions.

Full Text:

Copyright SAN DIEGO UNION TRIBUNE PUBLISHING COMPANY Sep 3, 2001

SACRAMENTO -- A tough new handgun safety test designed to pinch the supply of cheap, disposable Saturday night specials doesn't appear to be pushing many guns to the sidelines.

Through its first eight months, nearly 600 handgun models have passed the punishing firing and drop tests, according to a list compiled by the state Department of Justice.

The total includes an unknown but significant number of models that are only cosmetically different from each other -- a chrome rather than blue-steel finish, for example. But it also includes at least 12 guns manufactured by so-called Ring of Fire companies, a cluster of Southern California manufacturers who have been accused of flooding the nation with inexpensive handguns.

The legislation that required the safety tests originally was aimed at the Ring of Fire, firms such as Bryco Arms of Costa Mesa, Davis Industries of Chino and Phoenix Arms of Ontario.

"They tried to make the test so tough that those guns wouldn't survive, but it obviously hasn't worked," said Bruce Cavanaugh of San Diego, a former president of the California Firearms Dealers Association.

It's unknown how many guns have failed the tests. Private laboratories that do the testing are not required to report failures to the state, although most apparently do. Manufacturers also can, and do, resubmit weapons that wash out initially.

Attorney General Bill Lockyer publicly accused at least one manufacturer of attempting to manipulate the tests, and others are known to be carefully selecting ammunition to improve their guns' prospects.

Gun enthusiasts, dealers and manufacturers say the new law has done little more than create another expensive, annoying paper drill that has had almost no impact on the availability of cheap handguns in the state.

As a result, just two years after the handgun measure was celebrated as another major gun-control breakthrough in California, all involved in the debate are discussing a major overhaul.

"We are very concerned about some of the guns that are on the (approved) list and some of the loopholes that we overlooked," said Luis Tolley of the Brady Campaign to Prevent Gun Violence, which sponsored the legislation.

Said Chuck Michel, a San Pedro attorney for the California Rifle and Pistol Association, "There is a fix-it bill pending because they recognize there are a lot of problems."

But Tolley and others say the number of guns on the list also reflects design improvements inspired by the law.

The Brady Campaign, formerly Handgun Control, had been pushing for at least three years for legislation to curb production and sales of inexpensive, easily concealed handguns.

Such a law proved difficult to draft, and the gun-control movement ultimately settled for Senate Bill 15, which passed amid the post-Columbine fever of 1999. The measure decreed a series of safety tests, although supporters offered little evidence that many people were being killed or injured because handguns were poorly made.

To pass, three versions of each model must fire 600 rounds with no more than six malfunctions. Each gun is then dropped a little over 3 feet onto a concrete pad from six directions with the hammer cocked and the safety off. All three must withstand the exercise without discharging.

Although the legislation was signed in late 1999, it did not take effect until Jan. 1 of this year. Since then, the test results have not followed any pattern, those involved say.

"I've seen what people think is a cheaply made handgun, just because it's low-cost, and it worked quite well. And I've seen a very expensive gun that most police would be happy to carry that failed," said Mike Shanahan, who does gun testing for Truesdail Laboratories of Tustin.

Dean Wilkerson, who operates a testing lab in Van Nuys, said "it's the luck of the draw" with a lot of handguns.

"I have failed some high-quality guns," Wilkerson said. "You've got to shoot three handguns, 600 rounds each, and two of them passed with no malfunctions at all, and the third one failed because it has seven malfunctions."

Wilkerson said he has tested a lot of Ring of Fire models. While some failed, more than a few passed, he said.

"They passed with no problem, and there are higher quality guns that didn't pass," Wilkerson said.

Aaron Davis of Davis Industries said the company had no trouble getting its 12 models, representing four guns, passed and placed on the state list.

The guns, derringers ranging from .22 caliber to .38 caliber, passed on the first attempt, Davis said.

The guns sell for \$100 to \$125. The .38-caliber model was redesigned to strengthen the trigger before the tests.

"I don't personally like (the tests), but we will try to do whatever they want us to do," Davis said.

In February, Attorney General Lockyer publicly berated Phoenix Arms for allegedly attempting to maneuver some of its guns through the process by halting a test and restarting it with a new set of weapons, and by submitting a specific brand of ammunition. The handgun in question, however, later passed. Company officials declined to comment.

"We have seen some models where they are trying with this ammo and then they switch," said Randy Rossi, who heads the attorney general's firearms division. "They stop the test and try with another ammo, and then they stop the test and they try with a third ammo."

"We want to know of those situations where a gun is maybe so frail that even the manufacturer has to be very selective as to what ammunition will work well."

In early talks on potential changes, the Brady Campaign and the Attorney General's Office say they want to require labs to report all failures. They also say the state should have clear authority to randomly test a sample, perhaps 10 percent to 15 percent, of handguns that pass.

Additionally, the Brady Campaign wants to allow recalling firearms later found to have problems, and it would like to see weapons tested with a standard, or recommended, ammunition.

"I don't really think we know, unless we have the ability to randomly test and receive reports from the laboratories, of instances where a specific model has tried and failed, tried and failed, tried and failed, tried and passed," Rossi said.

"But this is a very tricky balancing act because we do not want to discourage manufacturers from submitting their firearms, improving their firearms and then having the public benefit from those improvements."

Dealers and gun-rights groups such as the National Rifle Association want dealers to be able to resell used guns that are not on the approved list. Such guns can be sold by private parties if dealers process the transactions.

The attorney general has told dealers they can conduct consignment sales of unlisted guns, although the law is unclear on the subject.

Used handguns historically have accounted for a significant slice of dealers' sales and their profit margin is much higher than that for new guns.

"They managed to create a monster," said Louis Baldrige, owner of the El Cajon Gun Exchange. "It has not accomplished what they hoped to accomplish, unless they wanted to make life more difficult for dealers."

Credit: COPLEY NEWS SERVICE



Attorney General Bill Lockyer Orders 'Ring of Fire' Handgun Maker to Stop Selling and Manufacturing Unsafe Weapon

February 2, 2001

01-011

FOR IMMEDIATE RELEASE

(Sacramento) – Attorney General Bill Lockyer today ordered the Phoenix Arms Company to immediately stop selling and manufacturing their HP 22-three-inch barrel model handgun in California due to the weapons inability to meet the recently enacted handgun safety standards. The Phoenix Arms Company of Ontario, California -- known as one of the state's "Ring of Fire" handgun manufacturers – served as an impetus for the safety standards created by Senate Bill 15, the "Saturday Night Special" law, authored by Richard Polanco in 1999.

"The purpose of the unsafe handgun law is to protect families and children from dangerous guns," Lockyer said. "I won't let Phoenix Arms or any other gun manufacturer needlessly put the lives of Californians at risk in order to make a profit."

Under state law, effective January 1, 2001, handguns manufactured or sold in California must first pass a series of tests conducted by a DOJ-certified independent laboratory relative to safety and functionality. Handguns that fail to meet the safety standards are deemed to be "unsafe" and are prohibited from being manufactured or sold in California. Among the tests used by DOJ-certified labs are a 600-round firing test with six or fewer malfunctions and a drop-safety test from six different positions at a height of 1 meter.

Late last year, Phoenix Arms submitted their HP 22-three-inch and HP 22-five-inch barrel models for testing. While the original testing report indicated that the five-inch model passed the safety tests, the three-inch model experienced a series of malfunctions during the testing process. Prior to the completion of the official testing process, the owner of Phoenix Arms Company requested that the lab discontinue testing, and submitted new handguns for continued testing. The laboratory found that only by using a specific brand of ammunition were the handguns able to pass the safety tests, and reported to the Attorney General's Firearms Division the difficulty encountered during the testing procedure.

Due to the unusual nature of the testing results, the Attorney General's Firearms Division submitted both firearm models for re-testing by another certified laboratory. The subsequent testing resulted in the approval of the HP 22-five-inch model and the failure during the firing test of the 22-three-inch model. During the firing test, the 3 three-inch model handguns each malfunctioned more than six times within the first 200 rounds using the specified ammunition.

For more information about the handgun safety law and a comprehensive list of the more than 260 handguns already certified as not "unsafe" in California, go to the Attorney General's Firearms Division website at <http://caag.state.ca.us/firearms>.

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AB 2902 (Koretz)

As Amended 8-22-02

Co-authors: Senators Kuehl, Polanco, Romero Scott & Soto

"Handgun Testing Improvement Act"

FACT SHEET

PURPOSE

Assembly Bill 2902 is designed to close certain loopholes in current law regarding the testing of handguns.

This measure would provide the Department of Justice (DOJ) with greater oversight authority of state mandated handgun safety testing to ensure that the integrity of the process is maintained.

SUMMARY

Under AB 2902, the CA Department of Justice (DOJ) would be authorized to annually retest up to 5% of guns listed on the Safe Handgun Roster to ensure compliance with the law. (Currently, there are approximately 700 guns listed on the Roster). The bill also would authorize DOJ to remove any handgun from the Safe Handgun Roster if that weapon fails the random testing done by the department.

The bill also would require that the ammunition used in the handgun testing be the same type recommended by the manufacturer in the user manual or if none is recommended, any standard ammunition of correct caliber that is commercially available and in new condition.

Additionally, this bill would stipulate that any handgun submitted to an independent laboratory for testing not be refined or modified in any way from those which are available for retail sale. This also would apply to the magazine used in the testing.

COMMENTS

In October of 2001, the Assembly Select Committee on Gun Violence convened a hearing to provide oversight on the implementation of SB 15 (Polanco-D), which was intended to eliminate the sale of cheap, easily concealed, unsafe handguns, commonly known as Saturday Night Specials.

While SB 15 was signed into law in 1999, the key provisions on handgun testing did not take effect until January 1, 2001 so that DOJ would have adequate time to set up the program.

The testimony provided at the hearing from witnesses, including Senator Polanco, Randy Rossi, (DOJ), firearms experts, and gun testing laboratories, all revealed that loopholes exist in current law, which could adversely affect the outcome of how handguns are certified as "safe".

AB 2902 was introduced in response to the recommendations presented to the Committee as to how the Legislature could improve on the implementation of SB 15.

STATUS

Signed into Law

SUPPORT

Attorney General (sponsor)
The Brady Campaign
California Alliance for Consumer Protection
Legal Community Against Gun Violence
Los Angeles County District Attorney's Office
San Bernardino County Sheriff's Department

OPPOSITION

California Rifle and Pistol Association
National Rifle Association

VOTES

Assembly Public Safety 5-2
Assembly Appropriations 16-8
Assembly Floor 42-35
Senate Public Safety 4-1
Senate Appropriations 7-4
Senate Floor 25-12
Assembly Concurrence 45-23

Consultant: Sandra DeBourelando
916-319-2918

**ASSEMBLY SELECT COMMITTEE ON GUN VIOLENCE
INFORMATIONAL HEARING
.50 BMG CALIBER SNIPER RIFLES
WEST HOLLYWOOD, CA
FRIDAY, FEBRUARY 22, 2002**



**ASSEMBLY SELECT COMMITTEE ON GUN VIOLENCE
INFORMATIONAL HEARING**

".50 CALIBER SNIPER RIFLE"

West Hollywood City Hall ♦ ♦ 8300 Santa Monica Blvd. ♦ ♦ West Hollywood CA
February 22, 2002 ♦ 10:30 a.m. – 1:00 p.m.

Members:

Dion Aroner
Berkeley

Judy Chu
Monterey Park

Ellen Corbett
San Leandro

Richard Dickerson
Redding

Marco A. Firebaugh
East Los Angeles

Dario Frommer
Los Angeles

Jackie Goldberg
Los Angeles

Jerome Horton
Inglewood

Hannah-Beth Jackson
Santa Barbara

Alan Lowenthal
Long Beach

Abel Maldonado
Santa Maria

Robert Pacheco
Walnut

Kevin Shelley
San Francisco

Committee Consultant
Sandra DeBourelando

AGENDA

- 10:45 a.m. WELCOME AND INTRODUCTIONS**
 - Assemblyman Paul Koretz, Chair, Select Committee on Gun Violence
- 10:55 a.m. CONGRESSIONAL HEARINGS ON THE .50 CALIBER**
 - Congressman Henry Waxman, (D-Los Angeles)
- 11:10a.m. LOCAL GOVERNMENT'S RESPONSE TO THE .50 CALIBER**
 - Jeffrey Prang, City Councilman, West Hollywood
- 11:15 a.m. DOES THE .50 CALIBER POSE A TERRORISM THREAT?**
 - Tom Diaz, Violence Policy Center
- 11:30 a.m. SHOULD THE .50 CALIBER BE REGULATED**
 - LA County Sheriff's Department
 - Suzanne Verge, Million Mom March
 - Ann Reiss Lane, Women Against Gun Violence
 - Celeste Brown, Consumer Federation of California
 - Whit Collins, Firearms & Ammunition Design History Consultant
- 12:00 noon PROPOSALS TO REGULATE THE .50 CALIBER**
 - Andres Soto, Trauma Foundation
 - Stanley Voyles, Prosecutor, Santa Clara County
- 12:20 p.m. HOW WOULD .50 CALIBER LEGISLATION BE IMPLEMENTED**
 - Dale Ferranto, Assistant Director, Firearms Division, DOJ
- 12:40 p.m. PUBLIC COMMENT**
- 1:00 p.m. ADJOURNMENT**

ASSEMBLY SELECT COMMITTEE ON GUN VIOLENCE
INFORMATIONAL HEARING
.50 BMG CALIBER SNIPER RIFLES
WEST HOLLYWOOD, CA
FRIDAY, FEBRUARY 22, 2002

Committee Members in attendance: Assemblymembers Chu and Koretz

Summary of the .50 Caliber Sniper Rifle Hearing

Assemblyman Paul Koretz began the hearing by announcing the recent introduction of legislation, AB 2222, which would regulate the sale and possession of .50 BMG caliber rifles. He stated that the .50 BMG caliber is one of the U.S. military's highest-powered sniper rifles. This weapon is capable of punching holes through military personnel carriers at a distance of 2,000 yards, the length of 20 football fields. It is deadly accurate up to a mile and effective at more than four miles. It is said to be capable of bringing down airplanes and helicopters with a single shot. Yet, current law classifies .50 BMG caliber guns as "rifles" or "long guns", which subjects them to the least government regulation. "Sawed-off shotguns and handguns are more highly regulated than this military sniper rifle," noted Koretz.

"I think that the public would be shocked to know that any 18-year-old high school student with a valid driver's license could purchase this deadly weapon," he said. "Therefore, placing more restrictions on who can possess this weapon is just good public policy."

Assemblymember Chu stated that this is another important step in reducing senseless gun violence. "I do not see any justification for any Californian having a .50 caliber rifle," she said.

Congressman Henry Waxman (D-California) began his testimony by discussing an investigation he has conducted on the .50 BMG caliber weapons. He noted that his committee has issued three reports on the widespread availability of these weapons, their armor piercing ammunition capabilities and their use in criminal and terrorists enterprises. He reported the investigation uncovered shocking information about the capabilities of .50 caliber weapons, noting they are among the most dangerous and powerful weapons available today and are virtually unregulated.

One of the most chilling parts of the investigation involved GAO agents going undercover to assess the availability of specialized armor piercing ammunition. The agents taped several conversations in which dealers assured them that this ammunition could be used for "taking out" civilian aircraft, helicopters, armored limousines and other targets. The dealers went as far as to make arrangements to ship the ammunition to agents in the D.C. area.

Congressman Waxman showed the committee a poster, which displayed an advertisement by the Tromix Company, promoting its .50 caliber rifles by demonstrating shots fired through the

cockpit windshield of a McDonald Douglas DC-9 aircraft. He commented that it was difficult to imagine what legitimate purpose this manufacturer was suggesting with these ads.

He added it is not difficult to imagine what a terrorist could do with these deadly weapons. He emphasized that the risks are not theoretical, noting that his investigation found that doomsday religious cults, white supremacists, criminal militias and Mexican drug cartels had acquired these weapons. He reported that terrorists organizations-including Osama bin Laden and al Qaeda, have obtained these weapons.

Congressman Waxman stated that even the military is concerned about its own vulnerability to .50 BMG caliber weapons. He said the U.S. Air Force commissioned a study in 1995 by the Rand Corporation, which found that .50 BMG caliber weapons present a security threat - particularly in their ability to destroy aircraft on U.S. bases overseas. He reported that he has introduced legislation, along with several other congressional members, calling for more stringent regulation of these dangerous weapons. However, no action by Congress appears imminent; therefore, state action may be the public's best hope. He encouraged the Select Committee on Gun Violence to act now to stem the widespread availability of these weapons.

Jeffrey Prang (Councilman, City of West Hollywood) said that it was appropriate to hold this hearing in West Hollywood, because rational and prudent gun control began here under Koretz's leadership. He said local government is the first line of accountability that the public looks to in response to gun violence, because it is primarily responsible for public safety in the community.

He said that fierce resistance from gun advocacy groups such as the NRA limits the types of policies we can enact. He stated that most people support prudent gun control, which relegates gun ownership to people who are law abiding. He stated that we really need a national comprehensive gun control policy, but that we will have to fight this battle locally, piece by piece, until there is the will in Washington, D.C. to enact such a plan.

Prang announced that he had a resolution from the City of West Hollywood supporting legislation to regulate the .50 BMG caliber gun.

Koretz asked if there was anything to preclude the City of West Hollywood from enacting a ban of .50 BMG caliber rifles at the local level. Councilman Prang said that he would look into that, but did not think there would be a problem.

Tom Diaz (Violence Policy Center) said it was urgent that the California State Legislature act promptly to regulate this weapon, because the .50 BMG caliber market has exploded lately. During the past four years, the number of manufacturers making .50 BMG caliber guns has tripled. He said that new .50 BMG caliber models are popping up overnight, and their price is plummeting from \$7,000 to a little over \$1,500. He reported that the sale of .50 BMG caliber guns is one of the hottest trends in the firearms industry, and is part of a broader phenomenon within the gun culture, known as the sniper subculture.

Diaz stated that the sniper subculture glorifies the sniper fantasy and is fueled by the gun industry's desperate need to create new markets at any cost. This subculture feeds on the

dangerous political fantasy of insurrection, which is best captured by the belief that when all else fails, "vote from the rooftops," a motto VPC chose for a cover for one of their reports. He explained that the translation for "Voting From The Rooftops" means that when you disagree with America's democratic process, take out your sniper rifle and start killing the people you disagree with.

He said that VPC began studying the phenomenon of civilian sales of the .50 BMG caliber rifle about five years ago as part of a report on the gun industry business in America. He noted that VPC issued its first report; "One Shot, One Kill, Civilian Sales Of Military Sniper Rifles" in 1999, at which time, they also contacted Congressman Waxman to share the results of this report. He stated that VPC and Congressman Waxman have continued to work closely on this issue.

Diaz stated that the mass market of .50 BMG caliber sniper rifles has gone beyond the question of gun control, and is now a question of homeland defense or national security. VPC has documented the acquisition of .50 BMG caliber rifles by terrorist organizations and violent criminals in a second report issued last year, "*Voting From The Rooftops, How The Gun Industry Armed Osama bin Laden, Other Foreign And Domestic Terrorists, and Common Criminals with .50 Caliber Sniper Rifles.*"

Diaz disputed a statement issued by Barrett Firearms Manufacturing Company which defended the sale of 25 .50 BMG caliber rifles to an agent of Osama bin Laden, saying it was part of an official U.S aid program to Afghan Freedom Fighters. He noted that VPC just issued a new report, which demonstrates beyond a doubt that Osama bin Laden's 25 sniper rifles were not part of an official U.S. aid program. He commented that this was typical of the evasion of responsibility practiced by the gun industry.

Diaz noted that these weapons are ideal tools for terrorism, because of their capacity to deliver enormously destructive levels of power over a range equal to 20 football fields. He stated that our military and 17 armies around the world have expressed interest in strictly controlling .50 BMG caliber weapons, because they know how effective these weapons are at destroying material targets such as fuel tanks, light armored vehicles, and aircraft at staggering distances. He noted that one need only imagine the civilian equivalent of these targets to understand the terrorist threat."

Diaz reported that part of the problem is that no one knows how many weapons are in circulation. While the .50 Caliber Shooters Association estimates their membership at about 2700, VPC believes that there are 5,000-10,000 weapons currently in circulation.

He that one a leading authority on the .50 BMG caliber was quoted as saying "how can exaggerate the capability of this weapon? Here is a bullet that even at a one and one-half miles crashes into a target with more energy than Dirty Harry's .44 magnum at point blank." Those were the words of Major John Plaster, who wrote one of the books on the subject called the Ultimate Sniper.

Diaz pointed out that the tremendous energy of the .50 BMG caliber is more impressive when it

is enhanced by armor piecing, incendiary and explosive bullets. He reported that there is documentation that ammunition designed for military use is readily available on the civilian market, and even if they were not available in the United States, it is still available at armories around the world.

He emphasized that terrorists already have access to the most lethal forms of .50 BMG caliber ammunition. He reminded everyone of the ability of terrorists to turn ordinary objects into weapons of mass destruction and identified the .50 BMG caliber gun as having the capability to leverage ordinary objects into weapons of mass destruction. There are industrial facilities with storage tanks that if struck with explosive, incendiary, or armor-piercing ammunition, could cause serious devastation.

Diaz alluded to a 1995 Rand Report, which warned the U.S. Air Force about the security threats to its bases from the .50 BMG caliber. The report said that an air force base is a classic "target-rich environment" because of its aircraft, fuel tanks, navigation aids, maintenance facilities and ground equipment.

He suggested that responsible authorities need to move quickly to treat .50 BMG caliber weapons as machine guns along with other weapons of war in order to defend ourselves from the potential threat of this weapon. He recommended that, at the federal level, we should include these weapons under the National Firearms Act, and, at the state level, we would regulate them as machine guns.

Diaz reported that VPC generally does not support attempts to put these weapons into the classification of assault weapons, unless there is a strong oversight agency with administrative powers to issue implementing regulations. Attempts to define and control what is an assault weapon has historically been bogged down into political fights over long periods of time, and the gun industry has used these fights to circumvent most legislative attempts to control assault weapons. On the other hand, the model of the National Firearms Act at the federal level and comparable state legislation provide a clear bright line that is easy to understand and enforce.

He also showed slides of typical advertising for .50 caliber guns illustrating an incendiary round, which hits a target, creates a blast, and then explodes violently. VPC has documented sales of this type of ammunition on its website.

Anne Reiss Lane (Women Against Gun Violence) observed that many of the significant gun laws in the state were borne out of tragedy. She asked the committee why we must always wait for some type of tragedy before we enact sensible legislation. She announced that WAGV supports legislation to regulate the .50 BMG caliber gun, and would seek to enact legislation at the local level should this measure not pass in the legislature.

Whit Collins (Firearms Expert Consultant) reported on some of the .50 BMG caliber sites found on the Internet. He alerted the Committee to the proliferation of new emerging models of .50 BMG caliber guns, which are built from kits designed to allow easy concealment, because they can readily be taken apart. These kits lack instructions on how to safely mount the parts onto the owner's gun, which poses serious safety issues. He suggested that these firearms should

be regulated the same way as fully assembled guns.

Collins also noted other problem websites. One of these was Ferret50.com, which converts the AR .50 to a .50 BMG caliber single shot. He remarked that this website states its goal is to put a Ferret .50 caliber in every free hand before the "obvious happens". He surmised that this was an attempt to play on anti-government fears of a fringe group of militant gun owners who are suspicious of anything that government may do. He reported that another website of concern was River Valley Ordinance Works. He said that it was troubling to know that individuals could market and ship ammunition removed from Department of Defense cartridges that contain over a gram of incendiary explosive materials. The product just needs to be labeled as hazardous waste in order to be shipped, and that for twenty dollars the Department of Transportation could ship up to 600 of these bullets to most people who ordered them.

John Burt (**Fifty Caliber Shooters' Assn.**) stated that, although Mr. Diaz has tainted him as a terrorist, that he was just a retired police officer with more than 20 years of service. The Fifty Caliber Shooters Association has been in existence since 1985 and that he and his wife have been shooting competitively for more than 12 years. He reported that California has the largest number of members in the Association and that they want to be included in any debate on regulating the .50 caliber gun.

Burt claimed that much of the technology developed for the .50 BMG caliber weapon has come from his association, which has been passed on to the military. He credited his organization with developing the .50 BMG caliber target rifle, which he said that the military copied for their own uses in the late 1980's, around the time of the Gulf War.

He described their sport as long distance accuracy shooting and compared it to other types of extreme sports such as someone jumping out of an airplane with a snowboard attached to their feet. **Burt** emphasized that the owners of these weapons should not be considered a danger or threat to anyone. He reported that, during the 12 years that he has been shooting, there has never been an incident where anyone has been hurt.

He expressed concern about pending legislation to regulate the .50 BMG caliber rifle, and stated that, at this point, they were officially opposed to it. He indicated that his association feared that this legislation would cause their guns to be taken away from them.

Koretz noted that his legislation would allow current members to register and legally keep their gun and asked if this would solve Mr. Burt's concern. **Burt** responded that the association is opposed to registration because it believes that is synonymous with confiscation, which is what they fear most. He emphasized that they are law abiding and have done nothing wrong.

Koretz inquired about the appeal of firing a weapon that carries this level of potential danger. **Burt** responded that he does not attach any danger to shooting this gun. He stated his wife has set two world records and that there are many other females and disabled shooters. He noted the weapon's appeal is that it is very powerful and can shoot extreme long distances accurately. **Burt** described the sport as one of physics and mathematics. He noted that their organization was comprised of doctors, lawyers and scientists who go out on weekends and exercise their mind by participating in this sport.

Koretz stated that he is not opposed to target shooting, noting that he was a pretty good target shooter when he was younger and had received a marksmanship award from the NRA. However, he raised concern about the potential for something to go wrong with these weapons when they are not in the hands of a target shooting enthusiasts, but rather in the hands of a terrorist. He stated that because these weapons are highly dangerous, we need to ensure that we do not make them available to some terrorist who, for example, would use it to take down an emergency medical helicopter in Los Angeles County.

Koretz asked Mr. Burttt if his organization shared his concern and had a compromise plan, which would allow target shooting, but at the same time protect the general public.

Burttt responded that the association maintains an active liaison with the military and law enforcement and has put together a study that they distribute to these groups demonstrating that they are law-abiding. He further added that Mr. Diaz's goal is to take everyone's gun away, and that is why his association is uncomfortable working with the Violence Policy Center on this issue. He emphasized that there are no current problems with the .50 BMG caliber and there never has been a documented killing with the weapon in California. He concluded that he was just trying to preserve a sport that has been around for 17 years without an incident.

Andres Soto (Trauma Foundation) began his testimony by describing key structures in the City of Richmond, where he resides, such as the San Rafael Bridge or the Chevron Refinery, that are vulnerable targets for an act of terrorism using a .50 BMG caliber sniper gun. He described another possible terrorist target as airliners, which fly less than one mile from the ground as they are taking off or landing. He stated that this would be an ideal target for someone using a weapon with the range of the .50 BMG caliber gun.

He said that pending legislation would require people to register their weapon if they currently possess a .50 BMG caliber, however, new purchasers would need to show good cause for the need for this weapon before they would be permitted to own the gun. He said that the California State Department of Justice would be entrusted with the responsibility of determining who should be allowed to obtain a permit to own a .50 BMG caliber in the future.

Mr. Soto cautioned that sometimes a firearm is labeled as a sporting weapon so that someone can call himself or herself a gun enthusiast, but that this is a ruse to keep these weapons available to general public. Finally, he said that New York, Connecticut and Illinois also have plans to introduce legislation to regulate these weapons.

Stanley Voyles (Deputy District Attorney, Santa Clara County) started his testimony by describing three different rounds of bullets he had on display. These included a .223 round, which is a standard round fired by the M-16; a 30.06 round, which is used for big game hunting and military uses; and, the .50 BMG caliber. He noted that he wanted to illustrate that there is a qualitative difference between the .50 BMG caliber and other rounds of ammunition.

Mr. Voyles said that .50 BMG caliber weapons fall into a gap in our regulation of firearms. He thought they could have been included when assault weapons were regulated. but did not think

that their true danger was appreciated at the time. He suggested that the same cost benefit analysis currently used for the assault weapon also could be applied to the .50 BMG caliber gun, which is that its function as a sporting weapon is substantially outweighed by the devastation it can cause.

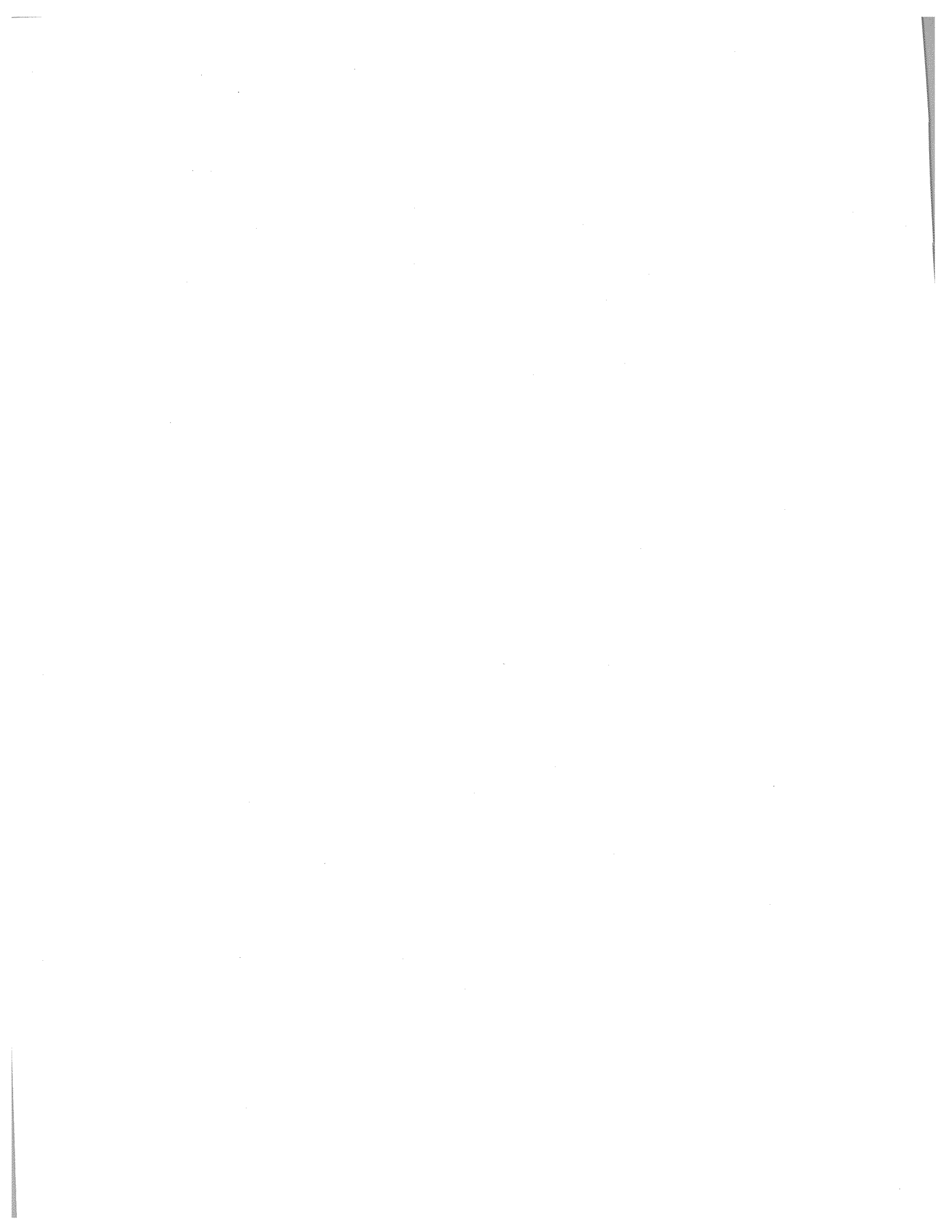
At the same time, he did acknowledge that the use of the weapon for sporting purposes is legitimate and that a law could be crafted to accommodate their interest. He felt that the .50 BMG caliber weapon should not be treated the same way in law as the assault weapons, but should be included in the machine gun statutes, which have better penalty provisions. The assault weapons act has a registration provision, which allows basically anyone to have one. He proposed that the .50 BMG caliber weapon be included in the machine gun section of the statutes, where there would be a permit provision to possess one. He suggested that the law could be tailored to allow individuals who are legitimate target shooters to have weapons, but not those individuals who just want to blow up old cars, etc.

Mr. Voyles expressed dissatisfaction with the current definition of the .50 BMG caliber weapon in the proposed legislation. He suggested that a better definition would be to ban any weapon which fires a caliber over a certain level although he was not sure what the number should be. He proposed that we utilize the permit procedure to allow any legitimate uses.

He indicated that using the term "derivative" in the current version of the bill could pose a problem in prosecuting these cases, because it will be difficult to prove that the person knew what the characteristics of their weapon were.

Dale Ferranto, Assistant Director, Firearms Division, DOJ (Department of Justice) provided information on how the Department would handle the regulation of the .50 BMG caliber gun under the assault weapon or machine gun statutes or a combination of both. The Department of Justice did not have an official position on the proposed legislation. The objective of the testimony was to help the committee understand the difference between regulating the .50 BMG caliber gun as an assault weapon versus as a machine gun. The assault weapons statutes would allow current owners to keep their gun as long as they registered it, and future purchasers could obtain a permit if they could show a good cause why they needed the gun. By contrast, under the machine gun statute, only specially permitted persons could own the gun and no hobby purposes would be allowed for the weapon.

Addendum: Assembly Bill 2222 to regulate the sale and possession on .50 BMG caliber rifles was introduced by Mr. Koretz. The measure failed passage in the Assembly Public Safety Committee. Mr. Koretz has re-introduced the bill as AB 50 in the 2003 Legislative Session.



100 BUCKLEUP
SACRAMENTO, CA 94249-0042
(916) 319-2042
FAX: (916) 319-2142

Assembly
California Legislature

PAUL KORETZ
ASSEMBLYMEMBER, FORTY-SECOND DISTRICT

VICE-CHAIR
LABOR AND EMPLOYMENT COMMITTEE
CHAIR
SELECT COMMITTEE ON GUN VIOLENCE
MEMBER OF:
HEALTH COMMITTEE
PUBLIC SAFETY COMMITTEE
BUSINESS AND PROFESSIONS COMMITTEE
REVENUE AND TAXATION COMMITTEE

DISTRICT OFFICE
8490 SUNSET BLVD., SUITE 542
WEST HOLLYWOOD, CA 90069
(310) 652-4242
FAX: (310) 289-4250

SCOTT J. SVONKIN, CHIEF OF STAFF

FOR IMMEDIATE
RELEASE

CONTACT: SCOTT J. SVONKIN
(310) 652-4242
(310) 780-1142

Koretz, Congressman Waxman Push for Legislation to Regulate the .50 Caliber Sniper Rifle

Hearing Underscores Potential Terrorism Threat of the .50 Caliber Rifle

(West Hollywood) – Law enforcement representatives, community organizations, gun violence prevention advocates, firearm experts, DOJ, and a local Congressman all testified to the potential dangers of allowing civilians unregulated access to the .50 caliber sniper rifle at a hearing Friday of the Assembly Select Committee on Gun Violence.

"It was apparent from the testimony presented today that there is widespread support for some type of regulation of the sale of this military style weapon, which is designed to take down helicopters and airplanes," said Assemblyman, Paul Koretz, Chair of the Committee. "In light of the tragic 9-11 event, I have introduced Assembly Bill 2222 to ensure that terrorists and criminals do not gain access to this deadly weapon of destruction. Placing more restrictions on who can possess this weapon is just good public policy."

The .50 caliber sniper rifle was used by the military in the Gulf War to take out Iraq's armored vehicles. It is one of the U.S. military's highest powered sniper rifles capable of piercing an armored car or tearing through a 600 pound safe or taking down planes, It is deadly accurate at up to a mile and effective at more than 4 miles.

"Current law classifies .50 caliber guns as "long guns" subject to the least government regulation for any firearm," noted Koretz. "Sawed-off shotguns and handguns are more highly regulated than this military sniper rifle. I think that the public would be shocked to know that any 18 year old high school student with a valid driver's license can purchase this deadly weapon."

Congressman Henry Waxman (D-Los Angeles), who also is sponsoring legislation in Congress to regulate the .50 caliber rifle joined Koretz in pushing for the enactment of similar legislation in the state.

"Fifty caliber sniper rifles are more available in the United State than virtually anywhere else in the world," said Waxman. "They are less regulated in the United States than handguns since the minimum age for buyers is only 18 rather than 21. At a minimum

these, these dangerous weapons should be regulated like machine guns, grenade launchers, and other military weapons, all of which require federal permits."

Noting that the .50 caliber is unique among other guns currently available to civilians, Tom Diaz, Senior Vice President of the Violence Policy Center testified as to why these weapons should be categorized differently than other guns.

"Given their acknowledged design purpose, sniper rifles are clearly, qualitatively different from any other class of firearm," reported Diaz. Other firearms sold in the civilian market are at least nominally designed and sold for sporting or supposed self-defense purposes. Sniper rifles, on the other hand, are signed and sold for the express purpose of killing people and destroying property."

According to Koretz, even for the casual "target shooter" these weapons pose a threat to society. The bullets from these military style weapons travel at a tremendous velocity and travel miles after passing through their target. Therefore, it is just a matter of time before some devastating event occurs involving a .50 caliber weapon.

The original military purpose of these weapons was to destroy jeeps, tanks, personnel carriers and other vehicles. The most common model, the Barrett 82A1, was developed in the 1980's and was used extensively in the Persian Gulf War.

This rifle can bring down airplanes and helicopters with a single shot. It can rip through armored limousines and it said to punch holes through military personnel carriers at a distance of 2000 yards, the length of 20 football fields.

In addition to California, four other states—Connecticut, Illinois, Massachusetts and New York also are sponsoring legislation to regulate the .50 caliber sniper rifle.

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Prepared Testimony of Rep. Henry A. Waxman
Ranking Member, Committee on Government Reform
U.S. House of Representatives
before the
California Assembly Select Committee on Gun Violence
February 22, 2002

Informational Hearing:
"Fifty Caliber Sniper Rifle"

Thank you Chairman Koretz, and members of the Committee, for inviting me to speak about the long-range, fifty caliber sniper weapon. I think this is a very important issue—one that has become even more urgent since September 11—and I commend you for calling this hearing.

I began an investigation into fifty caliber weapons over three years ago. During this investigation, I issued three reports on the widespread availability of these weapons, their armor piercing ammunition, and their use in criminal and terrorist enterprises. The U.S. General Accounting Office played an important role in these investigations, sending agents undercover to purchase weapons and special armor piercing ammunition. I would like to make these reports part of the record.

What we learned was shocking. Fifty-caliber weapons are among the most dangerous and powerful weapons available today. They can hit targets accurately one mile away and can inflict damage to targets up to four miles away. According to one leading authority, they can "wreck several million dollars' worth of jet aircraft with one or two dollars' worth of cartridge." Yet they are virtually unregulated. In fact, they are less regulated than handguns.

When I began this investigation, the U.S. Marines invited us to their Scout Sniper School at Quantico, Virginia. They explained that fifty caliber sniper rifles are military weapons. They were used by our forces in World War I, in Vietnam, and in the Gulf War, and they are being used in Afghanistan. These Marine snipers then provided a demonstration in which they shot through everything imaginable—bulletproof glass, a 3½-inch thick manhole cover, even a 600 pound safe. I brought a video of that demonstration, and I will submit that for the record.

In one of the most chilling parts of our investigation, GAO special agents went

undercover to assess the availability of specialized armor piercing ammunition. They taped several conversations in which dealers assured them that this ammunition could be used for "taking out" civilian aircraft, helicopters, armored limousines, and other targets. The dealers then went ahead—even after these conversations—and arranged to ship the ammunition to the agents at locations near Washington, D.C.

One manufacturer of these weapons, the Tromix Company, recently advertised its fifty caliber rifles by displaying shots fired through the cockpit windshield of a McDonald Douglas DC-9 aircraft. I brought posters of this so the Committee could see. It is difficult to imagine what legitimate purpose this manufacturer is suggesting with these ads.

It is not difficult to imagine, however, what terrorists could do with these weapons. The risks are not theoretical. During our investigation, we found that these weapons had been acquired by doomsday religious cults, white supremacists, criminal militias, and Mexican drug cartels. There have also been cases in which terrorist organizations—including Osama bin Laden and al Qaeda—obtained the weapons.

Even the U.S. military is concerned about its own vulnerability to fifty caliber weapons. In 1995, the U.S. Air Force commissioned a study by the RAND Corporation which found that fifty caliber rifles present a security threat, particularly in their ability to destroy aircraft on U.S. bases overseas. According to the report, fifty caliber sniper rifles provide a "deadly option against parked aircraft."

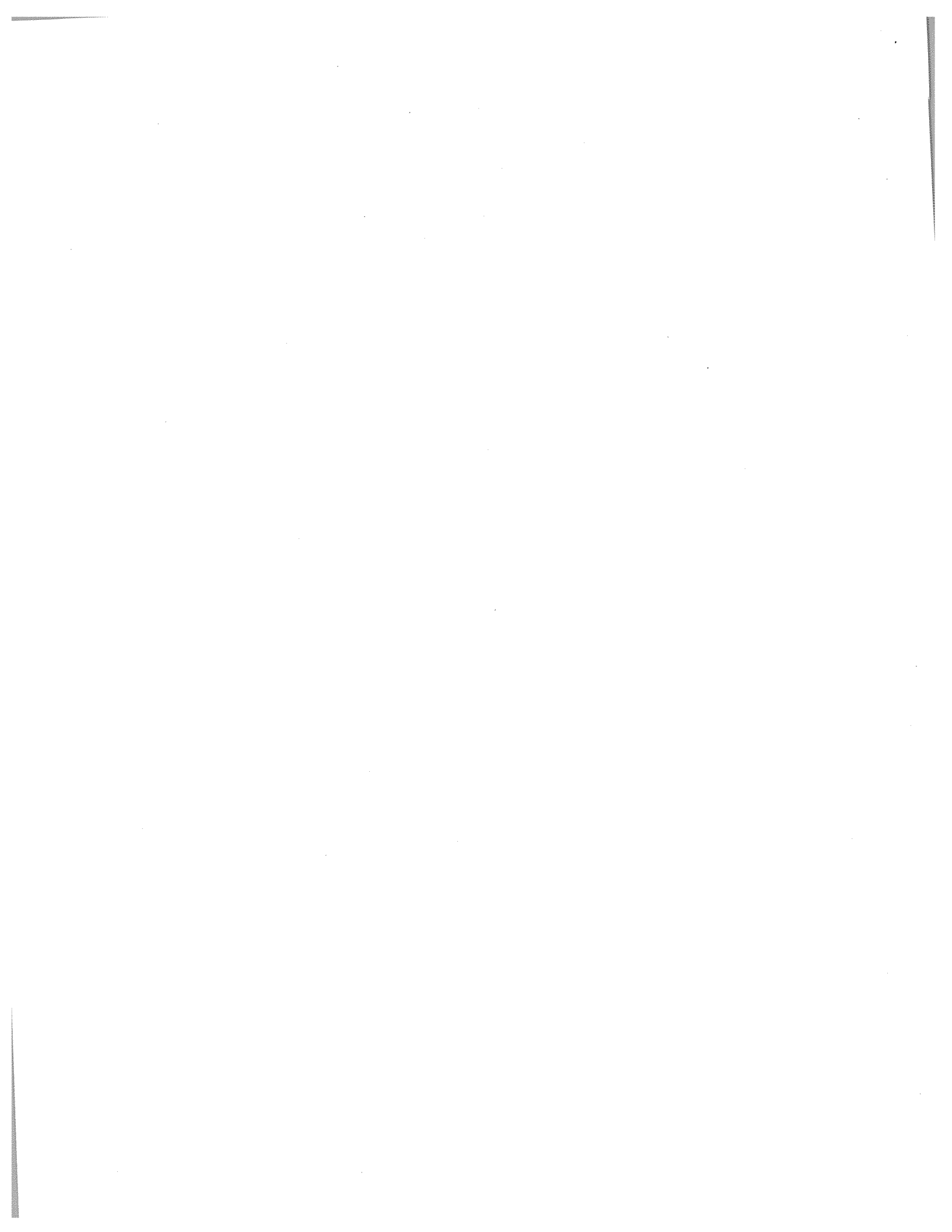
Other groups, such as the Violence Policy Center, have also issued warnings. They submitted a report to Congress detailing the vulnerability of major sporting events, critical infrastructure networks, and the nation's chemical and nuclear facilities. We have also received numerous warnings from high-level government security experts at the Secret Service, the Bureau of Alcohol, Tobacco, and Firearms, and other law enforcement agencies.

In an effort to reduce these risks, I have introduced legislation with several other members in the last two sessions of Congress calling for more stringent regulation of these dangerous weapons. Currently, fifty caliber sniper weapons are regulated less strictly than handguns at the federal level. Individuals have to wait until they turn 21 to buy a handgun, but any 18-year-old is allowed to purchase a fifty caliber weapon. Our bill would recognize the military nature of fifty caliber rifles and classify them in the same category as machine-guns, restricting their possession to individuals who are registered and undergo criminal background checks.

Unfortunately, no action by Congress appears imminent. The Republican leadership in the House has failed to schedule a vote on our bill. Moreover, the current Administration also appears unwilling to address this serious problem. Although I have written to Governor Tom Ridge, President Bush's Director for Homeland Security, to enlist his support for my legislation, I have received no response.

Under these circumstances, state action may be the public's best hope. I encourage this

Committee to act now to stem the widespread availability of these weapons of war.



50 Caliber Weapons Statement

Audio

Video

Statement

Reports

May 3, 1999

Statement by Rep. Henry Waxman Long-Range 50 Caliber Sniper Weapons

Good morning. I want to thank the General Accounting Office, the Violence Policy Center, and Arizona Ammunition Inc. for being here today. I also want to thank Rep. Dan Burton, Chairman of the Government Reform Committee, for his cooperation and the courtesy he has extended to us in making this room available.

This is not, of course, an official hearing of the Government Reform Committee. Only Chairman Burton and other Republican members are authorized to convene official committee hearings. Instead, this is an unofficial hearing organized by the Democratic members of the Government Reform Committee.

In particular, I want to commend Rep. Rod Blagojevich for his leadership in making today's hearing possible. In February, he initiated our Democratic inquiry into firearms. Today is the first in a series of events where we will release the results of our ongoing investigation.

This morning's focus is on a legal and extremely powerful weapon—the semi-automatic fifty caliber long range sniper rifle. This weapon has a firing range of four miles and is extraordinarily accurate for at least one mile. And it is capable of destroying automobiles, helicopters, and other specialized vehicles.

Three months ago, we asked investigators at the GAO to conduct an undercover investigation to determine the accessibility of both the semi-automatic fifty caliber rifle and a particularly powerful type of ammunition called API, or armor piercing incendiary, bullets. We also asked that they try to trace actual ownership and use of this weapon. The GAO Special Agents assigned to this project have completed their undercover investigation and will provide us with a briefing on their findings in a few minutes.

Before hearing those findings, I want to make a personal observation. I had and continue to have a real reservation about making our investigation public. My concern is that providing information about the semi-automatic fifty caliber rifle might have the opposite effect of what we intend. The disaster at Littleton has caused demand for the TEC-DC9 to increase. There is a risk that publicizing the dangers of fifty caliber sniper weapons could have a similar effect.

I believe, however, that the risks of speaking out are less than the dangers of remaining silent. GAO has found that this semi-automatic sniper weapon is already in the hands of:

- International and domestic terrorist organizations.

- Alleged assassins,
- A mentally ill cop killer,
- "Survivalists" and "doomsday" cults stockpiling hundreds of weapons, and
- International drug cartels.

It almost seems that the only people who don't know about these guns and the threat they pose to public safety are millions of law abiding Americans who will be outraged by GAO's findings.

So, despite my hesitation, I believe it is important that this information be made public. We must build public awareness so that we can keep these weapons of war out of the civilian market.

In preparation for this hearing, the minority staff completed a report on the long-range fifty caliber sniper rifle. This report outlines the history of the development of the weapon, as well as its use by the military in the Gulf War. It also analyzes the findings of the GAO investigators. This report is available on the side table.

Before we turn to GAO's statement, I want to give everyone a sense of what we're talking about today. What is this weapon? What is it used for? And what is it capable of? When we first began to ask these questions, we found out that the fifty caliber sniper weapon was primarily a military weapon. In fact, it was used extensively during the Gulf War to take out vehicles, bunkers, and other facilities.

As part of the investigation, the U.S. Marines invited the minority staff to Quantico to see the weapon in action at their test-firing range. We have a video that shows what we learned about the weapon from the Marines. This video was made possible by the efforts of Captain Ukeiley, who is the Officer in Charge at the Scout Sniper Instructor School at Quantico; Staff Sergeant Bryan Zickefoose, who helped brief us; and Major Mike Walker, who set this up and organized everything. We thank them for their help. I would like to play the video now.

With that, I'll conclude my comments, and I look forward to hearing about GAO's undercover investigation.

Please review the [reports on 50 caliber weapons and ammunition](#)

Please review the [audio tapes made by GAO undercover investigators](#)

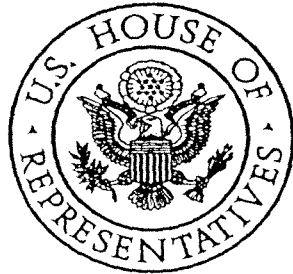
Please review the [video demonstration from the US Marine Corps](#)

Return to [Legislation and Issues](#)

Return to [Waxman Home](#)

Audio	Video	Statement	Reports
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Congressman Henry A. Waxman



BACKGROUND MATERIALS ON FIFTY CALIBER WEAPONS

Minority Staff Reports, Committee on Government Reform

- Long-Range Fifty Caliber Sniper Weapons
- Fifty Caliber Armor Piercing Military Ammunition in the United States Civilian Market
- Suspect Organizations and Individuals Possessing Long-Range Fifty Caliber Sniper Weapons

General Accounting Office Reports

- Weaponry: Availability of Fifty Caliber Semiautomatic Rifles
- Weaponry: Fifty Caliber Rifle Crime

February 22, 2002



Long-Range Fifty Caliber Sniper Weapons

Prepared for:

Rep. Rod R. Blagojevich
Ranking Minority Member
Subcommittee on National Security,
Veterans Affairs, and International Relations
Committee on Government Reform

Rep. Henry A. Waxman
Ranking Minority Member
Committee on Government Reform

Minority Staff Report
Committee on Government Reform
U.S. House of Representatives

May 3, 1999



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EXECUTIVE SUMMARY

This congressional staff report presents the results of an investigation into long-range fifty caliber sniper weapons. The investigation was conducted at the requests of Rep. Rod R. Blagojevich, the ranking minority member of the Subcommittee on National Security, Veterans Affairs, and International Relations, and Rep. Henry A. Waxman, the ranking minority member of the Committee on Government Reform. The investigation included an extensive undercover component conducted by the Office of Special Investigations of the United States General Accounting Office (GAO).

Long-range fifty caliber sniper weapons are among the most destructive and powerful weapons legally available in the United States. The most common model, the Barrett 82A1, was developed in the 1980s and saw extensive use in the Persian Gulf War. This semi-automatic weapon can hit targets accurately one mile away and can inflict effective damage to targets over four miles away. It can also fire specialized ammunition capable of piercing several inches of metal, exploding on impact, or providing tracers for accurate night shooting. According to one leading authority, the manufacturer of the Barrett model 82A1 promoted the weapon as able to "wreck several million dollars' worth of jet aircraft with one or two dollars' worth of cartridge."

Although the general public has little awareness of these weapons or their potential threat to public safety, they are widely available through specialized gun stores and the Internet. In fact, there are fewer restrictions placed on purchases of long-range fifty caliber sniper weapons than on handguns. The GAO investigators found that since the end of the Gulf War thousands of long-range fifty caliber sniper weapons have been sold in the domestic civilian market. By pursuing weapons traces, the investigators further found that some of these weapons have ended up in the hands of suspected terrorist groups, a mentally ill cop killer, and drug trafficking cartels.

During their undercover investigation, the GAO investigators found that long-range fifty caliber sniper weapons are readily available. Posing as potential weapon purchasers, the investigators found that gun dealers in Delaware, Pennsylvania, Virginia, and West Virginia were willing to sell them new long-range fifty caliber sniper weapons. The only limitations on sales were that investigators had to present identification showing they were at least 18 years old and had not been convicted of a felony. In comparison, purchasers of handguns must show that they are at least 21 years old. There were no restrictions on sales of second-hand fifty caliber weapons and, unlike handgun regulations, there were no federal restrictions on minimum age of possession.

The undercover GAO investigators also found that the specialized armor piercing ammunition used by these weapons is readily available. Using the Internet, the investigators selected and contacted three sellers of this ammunition. All three dealers were willing to sell the ammunition to the GAO investigators. The dealers continued to offer the ammunition to the investigators even after the investigators informed the dealers that they wanted the ammunition shipped to Washington, D.C., and needed ammunition capable of piercing an armored limousine or "taking down" a helicopter.

I. DESCRIPTION OF THE WEAPON

Fifty caliber rifles are among the most destructive and powerful firearms sold legally in the United States. These weapons, which weigh approximately 28 pounds, can be used to hit targets over a mile away. The original military purpose of these weapons was to destroy jeeps, tanks, personnel carriers, and other vehicles. Their tremendous force provided tactical advantages for armed forces by enabling

a single person to disable multiple vehicles in a matter of seconds. The massive strength of these weapons also allowed them to be used against many objects other than vehicles, such as bunkers, fuel stations, and communication centers.

The term "fifty caliber" refers to the size of the ammunition used in these weapons. The diameter of these rounds is ½ inch (or ".50"), although their lengths vary from about three to six inches. Fifty caliber rifles are "accurate" up to 2,000 yards, meaning they will strike the intended target within this range. These weapons are "effective" up to 7,500 yards, meaning that, although accuracy cannot be guaranteed, the round will cause its intended effect at this distance if it strikes the target. Their effective range of 7,500 yards is equivalent to 75 football fields lined up end to end--a distance of over four miles.

These weapons can penetrate several inches of steel, concrete, or other reinforced substances, making them particularly effective against light armor. In fact, they are so powerful that many ranges used for target shooting do not have sufficient safety features, such as reinforced backstops, to accommodate them.

One text, *The Ultimate Sniper*, provides an account of a Michigan ammunition dealer test-firing his fifty caliber rifle. According to this report, the dealer "test-fired his bullets at simulated wooden frame houses and found they blew completely through six houses--not six walls, *six houses!*"⁽¹⁾ In addition, *The Ultimate Sniper* states:

How can anyone exaggerate the .50-caliber performance? Here's a bullet that even at 1½ miles crashes into a target with more energy than Dirty Harry's famous .44 Magnum at point-blank. But tremendous energy can hardly be surprising for a cartridge that's five times larger than a .30-06--indeed, its 750-grain projectile is almost twice that of many elephant gun cartridges.⁽²⁾ Although the fifty caliber rifle originally was designed to cause substantial damage to vehicles and other reinforced structures, recent technological advances have vastly improved its accuracy. The gun now is extremely successful as an anti-personnel weapon. As described by *The Ultimate Sniper*, today's "awesome .50-caliber rifles . . . deliver amazing, sniper-grade accuracy."⁽³⁾

In addition to improvements in accuracy, manufacturers also have produced weapons capable of firing multiple rounds. Instead of the standard "bolt action" models, which require the user to reinsert additional rounds after each firing, newer models reload automatically to allow the shooter to fire up to ten bullets in rapid succession. In addition, enhancements have been developed to make the rifle easier to fire, such as "muzzle breaks" to greatly reduce the effects of recoil and "sight bases" that can accept almost any optical or electro-optical sight.

The fifty caliber rifle can be made even more lethal through the use of specialized ammunition. Due to its mass, for example, "armor piercing" ammunition can travel with greater accuracy at farther distances to penetrate more deeply than other forms of ammunition. With armor piercing ammunition, these weapons can penetrate several inches of steel and can pierce bullet-proof glass. Even more damaging, "armor piercing incendiary" ammunition explodes on impact and "armor piercing tracing" ammunition leaves a lighted residue trail to increase accuracy during night shooting.

The combination of its power, technological advances to improve accuracy, enhancements to ease use, and specialized ammunition make the fifty caliber rifle one of the deadliest rifles available today. In addition to destroying vehicles, it has been adapted for "sniping" against individuals and could be utilized for the destruction of other targets, such as armored limousines. *The World's Sniping Rifles*, a

catalogue of various caliber rifles and accessories, explains how the Barrett Company even promoted the weapon's ability to destroy jet aircraft:

There was a good deal of skepticism at the thought of using such a heavy weapon for sniping but, after Barrett pointed out that the object was to wreck several million dollars' worth of jet aircraft with one or two dollars' worth of cartridge, the whole thing began to make more sense and the idea spread.⁽⁴⁾

II. ORIGIN AND MANUFACTURE OF THE WEAPON

A. Development of the Modern Semi-Automatic Fifty Caliber Weapon

Although bolt-action fifty caliber rifles have been available in the United States for some time, the modern semi-automatic version was not developed until the 1980s by the Barrett Company. Barrett's semi-automatic model 82A1, which is the most common semi-automatic fifty caliber rifle in use today, was developed with the military in mind. This model, which saw extensive use in the Gulf War, provided the United States military with the capability to destroy vehicles, aircraft, and bunkers at long range. A description in *Sniper: The Skills, the Weapons, and the Experience* provides an example of how the U.S. military took advantage of its tremendous firepower:

The Barrett M82A1 was used in the Gulf War; a hundred rifles were rushed to the Marine Corps in time to see action in the desert. In one engagement, Sergeant Kenneth Terry of 3rd Battalion, 1st Marines, hit and knocked out an Iraqi BMP armoured personnel carrier with two armour-piercing incendiary rounds at a range of 1100 metres. At the loss of the Iraqi vehicle the other two BMPs in the patrol promptly surrendered to the American forces.⁽⁵⁾ In addition to enabling individual soldiers to engage enemy tanks and personnel carriers, the fifty caliber rifle has been promoted as an anti-personnel tool in circumstances in which enemy positions are not even visible. According to another military expert:

It's the .50's tremendous ability to penetrate bunkers and buildings that makes it so deadly, as reflected by the penetration data This means you can pulverize enemy positions and induce casualties without necessarily seeing an enemy soldier. When firing at positions, don't be thrifty; riddle them with enough bullets to ensure damage.⁽⁶⁾ As the benefits of fifty caliber rifles became evident, they began to be acquired by all branches of the U.S. military, many law enforcement agencies throughout the country, foreign militaries, and other groups as well. For example, these weapons have been used by Irish Republican Army snipers, causing serious security concerns:

In at least two of these attacks a [fifty caliber] Barrett Model 82 heavy sniping rifle was used; capable of piercing light armour, it has a maximum range in excess of a mile. This had serious implications for the security forces patrolling the border areas: armoured Land-Rovers and soldier's body armour no longer afforded their users protection from such a weapon.⁽⁷⁾ The newest trend in fifty caliber rifles is the renovation of the World War I Browning M2 heavy machine gun. This new version, produced by TNW Co., is an update of the infantry model and weighs 84 pounds without its 44-pound tripod. Although it feeds rounds of ammunition through a belt much like a machine gun, this version has been modified to fire with separate trigger pulls in order to bypass federal restrictions against machine guns. This weapon allows uninterrupted firing of all rounds on the belt rather than being

limited to a ten round chamber, as in the Barrett model. According to a 1998 review in *Guns & Ammo*, this updated model has been "appropriately blessed" by the Bureau of Alcohol, Tobacco, and Firearms for sale in the United States.⁽⁸⁾

B. Manufacturers of the Weapon

There are several domestic manufacturers of fifty caliber rifles. The largest is the Barrett Company, located in Murfreesboro, Tennessee. Barrett describes its semi-automatic model 82A1 as "Heavy Firepower for Light Infantry."

Harris Gun Works, Inc., located in Phoenix, Arizona, also manufactures these weapons. Harris entered the "heavy gun" market in 1987. Harris sells a single shot M1987 model, a five shot M1987/R model, a reduced length M92 model, and an M93 model that has seen service in Somalia and Bosnia. In addition to these bolt-action versions, Harris produces made-to-order semi-automatics.

Until 1998, Pauza Specialties, located in Baytown, Texas, also sold a semi-automatic Model P50, but it has gone out-of-business. Two other companies, Knight's Manufacturing Co. and the McMillan Bros. Rifle Co., are close to final production of semi-automatic models. Knight estimates an August 1999 production date, and McMillan estimates production beginning early in the year 2000. Several additional companies produce bolt-action fifty caliber weapons, such as the AMAC Company and L.A.R. Manufacturing Ltd., which sells the "Grizzly 50 Big Boar."

C. Costs of the Weapon

The cost of a new fifty caliber sniper rifle can range from about \$4,000 to \$7,000. The retail price for a new Barrett model 82A1 with two ten round magazines and an air and watertight case is approximately \$6,800. On the other hand, the cost of a modern second-hand fifty caliber rifle is only about \$3,000. An Internet search conducted by the minority staff revealed the sale of one used fifty caliber sniper rifle for only \$29.95.

III. CURRENT DISTRIBUTION AND AVAILABILITY OF THE WEAPON

Since the Gulf War, fifty caliber sniper rifles have become widely available in the civilian market. The minority staff was able to find multiple advertisements in newspapers, magazines, the Internet, and other sources offering fifty caliber weapons for sale. The advertising techniques used to promote these weapons are highlighted in a report by Tom Diaz of the Violence Policy Center in Washington, D.C., which is scheduled to be released on the same day as this report.⁽⁹⁾

In order to assess the availability of these weapons in the U.S. civilian market, Rep. Rod R. Blagojevich, the ranking member of the Subcommittee on National Security, Veterans Affairs, and International Relations, and Rep. Henry A. Waxman, the ranking member of the Committee on Government Reform, requested the Office of Special Investigations of the General Accounting Office (GAO) to conduct an investigation. GAO analyzed databases maintained by the Bureau of Alcohol, Tobacco, and Firearms (ATF) and gathered independent information by contacting manufacturers directly.

In addition, GAO agents went undercover to purchase weapons in various states surrounding the D.C.

area. These undercover agents also obtained recordings of telephone conversations they had with out-of-state ammunition dealers to determine the availability of the more lethal specialized ammunition. Finally, GAO investigated law enforcement files to determine what types of individuals have successfully obtained these weapons. The following discussion summarizes information that the GAO investigators have provided to Reps. Blagojevich and Waxman.

A. Distribution in the United States Civilian Market

As a first step, GAO requested and obtained records from ATF about companies manufacturing the fifty caliber rifle between 1987 and 1998. These records show that the Barrett Company manufactured and sold over 2,800 fifty caliber rifles in the domestic civilian market during this period. The majority of these weapons, over 2,200, were sold after the Gulf War in 1991.

Barrett's self-reported data may underestimate the number of fifty caliber weapons it made and sold in the domestic civilian market. The GAO investigators found unexplained discrepancies in Barrett's self-reported data. For example, in its 1997 report, Barrett stated that it exported 240 fifty caliber rifles. However, Barrett reported manufacturing only 60 such weapons during that year. When the GAO investigators sought an explanation, ATF was unable to explain the basis for the discrepancy.

In order to reconcile these conflicting reports, GAO attempted to obtain accurate manufacturing and sales information directly from the Barrett Company. GAO first telephoned Barrett's offices in Murfreesboro, Tennessee, and asked the company to provide information voluntarily. GAO requested, for example, the number of fifty caliber rifles manufactured by Barrett, the number sold, and the number exported. GAO also made additional inquiries for any information Barrett might have regarding reports of criminal uses, if any, of the fifty caliber rifles they had produced.

In response, Barrett initially told GAO to send all of its questions in writing, which GAO submitted (Attachment A). Barrett failed to respond to these questions, however, and informed GAO that it would not cooperate in any manner with its attempt to gather this information.

B. Availability of the Weapon for Purchase

1. The Minimal Legal Restrictions on Purchase

Currently, there are three principal categories of firearm regulations in the United States. The most restrictive category applies to highly powerful and destructive weapons regulated under the National Firearms Act (NFA). NFA firearms are particularly destructive devices that impose an unusually grave threat. They may have abnormally high power, be relatively concealable, or fire automatically. Some common examples include sawed-off shotguns and machine guns. Prospective purchasers may buy NFA weapons only through licensed dealers and may not buy such weapons second-hand. Purchasers are required to fill out license transfer applications with ATF and supply fingerprints to be processed by the FBI in detailed criminal background checks. ATF reports that this process takes about 60 days.

The second category, which is regulated under the Gun Control Act, applies to handguns. Under this category, federal law requires potential handgun purchasers to be at least 21 years old. With narrow exceptions, no person under 18 is permitted to possess a handgun. Because federal law also prohibits sales to convicted felons and other categories of prohibited individuals, purchasers are required to go through an instant criminal background check procedure prior to completion of the sale.

The third category applies to "long guns" or rifles. Also regulated under the Gun Control Act, this category is the least regulated. For example, the minimum age for long gun purchasers is 18. Although buyers still must obtain a federal background check, there is no federal minimum age for possession, and there is no regulation on second-hand sales. Although states may regulate these weapons, some allow children as young as 14 to use them.

Although long-range fifty caliber weapons have tremendous destructive force, they are regulated under federal law as "long guns." This means their purchase and ownership are given the least scrutiny of any firearm. Not only are fifty caliber weapons the most powerful firearms not currently regulated under the NFA, but purchasers and users of fifty caliber rifles are not required to meet the federal requirements even for handgun owners. As a result, an 18-year old high school senior with a few thousand dollars and a valid state driver's license can emerge from a gun shop with one of the premier military rifles ever made. Moreover, teenagers younger than 18 are allowed to lawfully possess these weapons in many states.

2. GAO's Findings

The results of the GAO undercover investigation demonstrate that fifty caliber rifles are easily obtainable throughout the United States. In conducting its investigation, GAO sent an undercover agent to licensed gun dealers in Delaware, Maryland, Pennsylvania, Virginia, and West Virginia. In all cases, the agent claimed he was a resident of Virginia who wanted to buy a Barrett model 82A1. The dealers in Delaware, Pennsylvania, Virginia, and West Virginia all stated that they would sell the weapon to the agent if the agent provided a driver's license and a second form of identification to conduct a federal background check.

Many of the dealers urged the GAO investigators to buy their weapons soon because of the possibility that fifty caliber rifles would be banned in the future as a result of their power. For example, according to the GAO investigators, one dealer stated:

You'd better buy one soon. It's only a matter of time before someone lets a round go on a range that travels so far, it hits a school bus full of kids. The government will definitely ban .50 calibers. The gun is just too powerful. Maryland was the only state that prohibited the sale of fifty caliber semi-automatic rifles to the undercover agents. Maryland has listed the Barrett model 82A1 as an assault weapon and has restricted sales to in-state residents. In addition, Maryland requires a seven-day waiting period while state police perform their own background check.

In addition to purchasing fifty caliber rifles from commercial dealers with federal firearms licenses, GAO also determined that "used" fifty caliber rifles are easily available from private citizens through the Internet and through ads in gun publications. Since second-hand sales are not regulated in any manner by the federal government, GAO found that private individuals could sell fifty caliber weapons to buyers who would not pass even the federal government's limited prerequisites, such as the limitation on sales to convicted felons.

C. Availability of Armor Piercing Ammunition for Purchase

The GAO undercover agents also investigated the availability of various forms of specialized ammunition for the fifty caliber rifle, such as armor piercing (AP) ammunition, armor piercing incendiary (API) ammunition, and armor piercing tracer (APT) ammunition. The GAO investigation

found that all forms of this ammunition were easily available for purchase.

GAO found that three of the weapons dealers contacted by the undercover agent regarding the purchase of rifles also offered to order specialized ammunition. According to GAO, the dealers in Delaware, Pennsylvania, and West Virginia informed the agent that purchasing these kinds of ammunition was not subject to any federal, state, or local restrictions. The dealer in Virginia told the agent that this specialized ammunition was illegal to sell or possess in that state. The dealer in Maryland said he would sell such ammunition only to Maryland residents. Although the GAO investigator told the dealers in Delaware, Pennsylvania, and West Virginia that the investigator was a resident of Virginia, none of the other dealers warned the agent about Virginia's restrictions.

An undercover GAO agent also contacted by telephone several dealers that advertised specialized ammunition over the Internet. The agent called ammunition dealers in Alaska, Nebraska, and Oregon and recorded conversations in which he purported to be a customer interested in buying ammunition for shipment to Washington, D.C., or Virginia. The agent found that he could secure the purchase of specialized ammunition from any of the three dealers within a matter of minutes.

The dealers in Nebraska and Oregon stated that they could make the transaction when the agent faxed a copy of his driver's license with a signed statement that he was over 21 and was violating no federal, state, or local restrictions on the purchase. Although the agent said he was from Virginia, which bans this type of ammunition, neither dealer expressed a reservation about selling the ammunition to a Virginia resident. According to the GAO investigator, the dealer in Alaska said he had 10,000 rounds of armor piercing ammunition and would sell the ammunition to the investigator. However, the Alaska dealer said the investigator would have to pick up the ammunition in Alaska because UPS did not ship goods from Alaska to the lower 48 states.

The GAO investigator taped the conversations with the three ammunition dealers. These conversations reveal that the ammunition dealers continued to offer to sell special armor piercing ammunition to the investigator even after the investigator said he wanted the ammunition shipped to his work address in Washington, D.C., and needed it to pierce an armored limousine or, theoretically, to "take down" a helicopter.⁽¹⁰⁾

For example, the agent's conversation with the dealer in Nebraska included the following interchanges:

Agent: Okay, let me ask you this now. This ammo will go through, say, metal, won't it?
Dealer: Uh, yeah, it'll go through metal. Yeah, it's incendiary.
 ...
Agent: Okay. Do you think it would go through, like, an armored limousine?
Dealer: Oh . . . well . . . I think it would. *(laughing)*
Agent: How 'bout like bullet-proof glass?
Dealer: Oh, yeah, it'll go through that.
Agent: Even if it's ballistic glass, it'll still go through?
Dealer: Right.
Agent: With the first round, probably?
Dealer: Right.
 ...
Agent: Okay. Now, I live on the East Coast, can you send that to me?
Dealer: Uh, yeah, we ship it to the East Coast, whereabouts do you live?
Agent: Uh, I live in Virginia . . .
Dealer: Okay.
Agent: But I'd like it shipped to DC.

Dealer: Okay.

Later in the conversation, the agent and the dealer discussed whether ordinary "sniper round" ammunition or specialized armor piercing incendiary (API) ammunition would best meet the agent's needs:

Agent: Okay. Do you know though, sir, if I got the sniper round instead of the API, would that still go through ballistic glass?

Dealer: Uh, yeah. That will still go through--oh, I don't know--I don't think we've tested on ballistic glass. It'll go through three inch aircraft window.

Agent: Okay. But then, the--you know, the first round, would probably, the bullet would probably veer off though, would it not?

Dealer: Uh, I think--depending, I've never tested it, but I'm pretty sure's anything out of that 50 gun will shoot through ballistic glass.

Agent: Okay, but say an armored limousine, though. These sniper rounds may not go through an armored limousine, or . . . ?

Dealer: Uh, we've never tested it on that. Because it is a brass, you know what I am saying?

Agent: Okay. Well, I think I'm better off with API because I'm going to be using this against, um, you know, something with an armored limousine and something with ballistic glass, and I just want to make sure I'm going to be able to penetrate. I don't want to take the risk of getting the sniper round. Um, so. Alright, so put me on with your assistant there and maybe I can figure out how I can get this shipped to me.

Dealer: Okay.

The agent's conversation with the dealer in Alaska was similar:

Dealer: I have slapronds, which are armor-piercing . . . slapronds are special lubricated armor-piercing, they are a steel penetrating tip-- .30 caliber tip inside of a .50 caliber-- like an old accelerator that Remington used to do.

Agent: Right.

Dealer: And they'll go through six inches of steel up to a 45 degree angle at a thousand yards.

Agent: Okay. Um, and so you say they'll go up through six inches of steel--they'll penetrate . . .

Dealer: Hm mmm.

Agent: . . . at a thousand yards?

Dealer: At a 45 degree angle at a thousand yards.

Agent: Okay. So for sure then they'd go through an armored limousine?

Dealer: Oh, yeah. *(laughing)*

Agent: No question about that, right?

Dealer: No question, fifty will go through any of it.

Agent: Okay. Even if I don't get the API, it still would go through an armored limousine?

Dealer: Uh, huh. The ball will.

Agent: Are you sure about that?

Dealer: Oh, yeah. We've played with stuff. I go through four inches, five inches of steel up here easy.

Agent: Yeah, because, I mean, it's very important for me to get this, because there's going to be some day when I am going to need this ammunition, because I'm going to be--I'm going to need to defeat an armored-type vehicle someday, I know that . . .

Dealer: Well, then, when them cattle carts come running down your drive, you'd better be able to stop it. ⁽¹¹⁾

Agent: Exactly, but you know, you can think who drives in armored limousines, that's why I'm going to need it someday, those people in armored limousines.

In the conversation with the dealer in Oregon, the dealer said he believed, but could not "guarantee," that the armor piercing ammunition would penetrate an armored limousine, as the following interchanges indicate:

Agent: I'm very much interested to making sure that these rounds can go through like the bullet-proof glass. Do you think

they'll go through bullet-proof glass?

...

Dealer: Well, in the old days, in the old [??], they used 700 grains, 720 or something. But nowadays they use 660, so they're getting a little more velocity out of it. And, I just can't see glass standing up to that.

Agent: How about an armored limousine?

Dealer: Yeah, you're using it to test it?

Agent: Well, I . . .

Dealer: Because we have some people who are testing armored cars. Like 30-06 AP rounds.

Agent: Well, I . . . these would be a lot . . . theoretically the .50 cal should be a lot stronger than a 30-06. . . *Dealer:* Right, right.

Agent: AP.

Dealer: Right . . . So it should go through.

Agent: Well, yeah, I guess you say testing against armored limousines . . . Yeah, I'll be testing against armored limousines. But, but it's gotta work.

Dealer: Right.

Agent: You know, I don't want to have the chance of it not working.

Dealer: Uh, well, there's no way that I can guarantee it. I'm not familiar with the glass they're using nowadays.

Agent: But, but, but you've had no complaints from your customers about these being misfires or anything, these rounds are pretty good?

Dealer: Oh, yeah. Oh, yeah.

The Oregon dealer also was confident that the ammunition could be used to "take down" a helicopter:

Agent: Right. And then, if I theoretically wanted to use these rounds to take down an aircraft, say either a helicopter or something like that, I should be able to take a helicopter down, shouldn't I?

Dealer: Yeah, they're not armored. They're not armored to a point that it would stop. If you look at, uh, a military helicopter that's been through, uh, like the ones that came back from Vietnam, they've got, uh, little plates of metal where they weld up the bullet holes. They just take a little piece of metal and they just weld over the bullet holes. It makes the guy, the next guy, feel more comfortable when he's in there.

Agent: I guess so.

Dealer: (laughing) You don't want to see a bullet hole in there.

Agent: Okay.

Dealer: So, yeah, it'll go through any light stuff like that.

The final interchange with the Oregon dealer included the following passages:

Agent: Good. You know, I'm very happy to see that we'll be able to do business here, because, I'm a little bit concerned, because here on the East Coast when you go to buy ammunition--these large, heavy-duty .50 cal--they ask a lot of questions.

Dealer: Oh.

Agent: And I don't like people asking me questions why I want this ammunition.

Dealer: Well, see, they use them out here for hunting.

Agent: Um huh. Well, you could say I'm going to be using this for hunting also, but just hunting of a different kind.

Dealer: (laughing) As long as it's noth-nothing illegal.

Agent: Well, I wouldn't consider it illegal.

Dealer: Okay. Alright.

Full transcripts of these conversations are included with this report as Attachment B. (Online note: the [transcripts and actual recordings are available here.](#))

IV. SUSPECT ORGANIZATIONS AND INDIVIDUALS POSSESSING THE WEAPON

One of the principal proponents of the fifty caliber rifle is the "Fifty Caliber Shooter's Association" (FCSA). According to this organization, the migration of long-range fifty caliber sniper

rifles from military to civilian markets has spawned sporting interest in the weapon. FCSA, which is registered in Tennessee and operated from California, sponsors shooting competitions and provides supplier lists and consulting information on fifty caliber rifles and ammunition. It has approximately 1,700 members from 15 different countries. In addition, its webpage indicates that it provides a service to military and law enforcement agencies by assisting with research and instruction. The GAO investigators informed Reps. Blagojevich and Waxman that they had no reason to suspect that this organization or its members were engaged in illegal or suspicious activities. On the contrary, GAO felt that FCSA and its members appeared to be law-abiding citizens engaged in what they believe is a legitimate sporting activity.

The GAO investigators did find, however, that long-range fifty caliber sniper weapons have been linked to suspect organizations and individuals. As part of its investigation, GAO traced the origins of 28 fifty caliber weapons about which various U.S. law enforcement agencies have filed inquiries. GAO reported that these weapons have been found at the scene of some extremely troubling criminal activities. In particular, the GAO investigators discovered examples of criminal misuse of fifty caliber weapons in connection with known domestic and international terrorist organizations, outlaw motorcycle gangs, religious cults, international and domestic drug traffickers, and violent criminals.

For example, one trace led the investigators to seven suspects involved in an alleged plot to assassinate Fidel Castro by shooting down his airplane using two semi-automatic fifty caliber weapons. The suspects were arrested by the U.S. Coast Guard in the Caribbean and indicted by a federal grand jury. Additional pending cases include several foreign terrorist organizations attempting to smuggle overseas fifty caliber weapons purchased legally in the United States.

The GAO investigators also found a case in Montana in which members of a doomsday religious cult had built underground bunkers and acquired hundreds of weapons and thousands of rounds of ammunition to prepare for the end of the world. In an ATF crackdown, agents found ten semi-automatic fifty caliber rifles purchased with stolen and falsified identifications. The cult members were convicted of federal firearms violations.

In another case, ATF combined efforts with the IRS to investigate a survivalist/tax protester in Georgia who had stockpiled over 100 different firearms. Two of these weapons were Barrett semi-automatic sniper rifles the suspect was able to purchase with a false identification.

The GAO investigators also tracked down a fifty caliber weapon seized at the home of a mentally ill suspect who shot and killed a police officer responding to a domestic complaint in Michigan. Police found the weapon among 15 other firearms inside the killer's home, although the gun used in the killing was not a fifty caliber weapon. Investigators concluded that, despite his mental illness, the killer was able to purchase the rifles legally because he had no prior felony convictions.

The GAO investigators found numerous other examples of fifty caliber weapons being confiscated during the execution of drug warrants, and they reported that a fifty caliber semi-automatic weapon was recovered by Mexican law enforcement authorities in the aftermath of a shoot-out between members of an international drug cartel in Sinaloa, Mexico. This weapon was traced to an original purchaser in Wyoming, leading the GAO investigators to conclude that the accessibility of these weapons in the United States is becoming known worldwide.

[Print this document in PDF format \(Viewable with Adobe's Acrobat Reader\)](#)

[Listen to the recordings made by the GAO investigators](#)

Return to Rep. Waxman's statement on the GAO investigation

Return to Waxman Home

1. Maj. John L. Plaster, U.S.A.R. (ret.), *The Ultimate Sniper: An Advanced Training Manual for Military & Police Snipers*, 215, Paladin Press (Colorado 1993) (emphasis in original).
2. *Id.*
3. *Id.*
4. Ian V. Hogg, *The World's Sniping Rifles, with Sighting Systems and Ammunition*, 108, Stackpole Books (Pennsylvania 1998).
5. Adrian Gilbert, *Sniper: The Skills, the Weapons, and the Experiences*, 214, St. Martin's Press (New York 1994).
6. *The Ultimate Sniper*, *supra* note 1, at 222.
7. *Sniper: The Skills, The Weapons, and the Experience*, *supra* note 5, at 167.
8. *Exclusive: Semi-Auto Belt-Fed .50 BMG*, *Guns & Ammo*, 41 (Jan. 1998).
9. Tom Diaz, *A Clear and Present Danger: Military Sniper Rifles in Civilian Markets*, The Violence Policy Center.
10. The dealer in Oregon initially expressed reservations about shipping the ammunition to Washington, D.C., because he was not sure if this was legal. Later in the conversation, however, the dealer agreed to ship the ammunition if the agent faxed a message saying that it was "okay" to ship the ammunition.
11. The mention of "cattle carts" apparently refers to the vehicles used by ATF personnel in Waco, Texas, during the service of the search warrant against David Koresh.

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December 19, 2001

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BERNARD SANDERS, VERMONT,
INDEPENDENT

The Honorable Colin L. Powell
Secretary of State
U.S. Department of State
Washington, D.C. 20520

Dear Secretary Powell:

I am writing to commend you for the State Department's decision to restrict the export of long-range fifty caliber sniper weapons. The Department's action will help keep these dangerous weapons out of the hands of foreign terrorists and enhance our national security. Moreover, your bold action on this issue stands in marked contrast to the actions of other members of the Cabinet, who have been unwilling to risk offending the gun lobby.

On October 9, 2001, I wrote to urge you to take action to halt the export of fifty caliber sniper weapons to foreign nationals. These weapons are among the most dangerous firearms in the world. They are capable of bringing down airplanes and helicopters, they can pierce armored personnel vehicles, and they have extraordinary range (up to a mile with accuracy and up to four miles with effectiveness). My letter was prompted by an October 1 article in Forbes Magazine, which stated that the Administration had recently reversed the policy of the Clinton Administration and given the largest domestic manufacturer of fifty caliber weapons permission to sell these weapons to foreign individuals.

In response to my letter, officials from the Office of Defense Trade Controls in the State Department met with my staff to explain recent actions taken by the State Department to curtail the spread of these dangerous weapons. Your staff explained that the Department has suspended indefinitely any further approval of applications for the export of fifty caliber weapons to foreign individuals or to commercial entities that intend to resell these weapons in foreign countries.

Your staff took issue with the statement in the Forbes article that decisions by the Bush Administration earlier in the year to approve the export of fifty caliber weapons represented a reversal of policy. The staff then proceeded to explain that in light of the September 11 terrorist attacks, the State Department has reconsidered its policy and has decided to suspend any further exports of these weapons for civilian use in foreign countries.

The Honorable Colin L. Powell
December 19, 2001
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According to your staff, the State Department had earlier in the year approved 75 fifty caliber weapons for export to commercial dealers in foreign countries. Prior to the decision to suspend these exports, 16 of these weapons had already been shipped. Your staff then explained that in response to terrorism concerns, the State Department has suspended the authority to export the remaining 59 fifty caliber weapons. The Department also has rejected applications to export over 300 additional fifty caliber weapons to commercial dealers or private individuals. In addition, the State Department has decided to suspend issuing any additional approvals to export these weapons to dealers or individuals.

By taking this swift action, your Department stood up to the gun industry and clearly recognized the serious threat to national security posed by these powerful sniper weapons. Unfortunately, there are many devastating attacks that terrorists could launch with fifty caliber sniper weapons, including shooting down civilian airplanes, attacking chemical and nuclear facilities, and destroying key infrastructure points throughout the world. I commend you for your Department's steps to halt the spread of these weapons abroad, and I want to work with you to codify the Department's new policy on a permanent basis.

My only regret is that your Department's courage in taking on the gun lobby has not been shared by others in the Bush Administration. At the same time that I wrote you to urge restrictions on exports, I also wrote Governor Tom Ridge, the President's Director for the Office of Homeland Defense, to urge him to restrict the distribution of fifty caliber weapons domestically.¹ This action is urgently needed because within the United States these weapons are subject to fewer restrictions than handguns, but Governor Ridge has not responded to my letter. In addition, Attorney General John Ashcroft has blocked efforts by the Federal Bureau of Investigation to examine the records of gun purchases by suspected terrorists,² as well as reduced the length of time that these records can be held by the FBI from 90 days to 24 hours.³

I hope your example will help persuade others in the Administration to change course. As your Department's recent actions recognize, federal policymakers should put the interests of national security and public safety ahead of those of the gun lobby.

Sincerely,


Henry A. Waxman
Ranking Minority Member

¹Letter from Rep. Henry A. Waxman to Tom Ridge, Director of the Office of Homeland Security (Oct. 9, 2001).

²*Justice Dept. Bars Use of Gun Checks in Terror Inquiry*, New York Times (Dec. 6, 2001).

³*Ashcroft Pushes Gun Proposals; Destroy Records of Purchases After 24 Hours, He Urges*, Chicago Tribune (June 29, 2001).

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October 9, 2001

HENRY A. WAXMAN, CALIFORNIA,
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DIANE E. WATSON, CALIFORNIA

BERNARD SANDERS, VERMONT,
INDEPENDENT

The Honorable Tom Ridge
Director
Office of Homeland Security
The White House
Washington, D.C. 20500

Dear Governor Ridge:

I am writing to urge that you take action to remedy a serious terrorist threat: the national security risk posed by long-range fifty caliber military sniper weapons. Fifty caliber weapons are extremely powerful and have an extraordinary range. They are capable of bringing down airplanes and helicopters, they can pierce armored personnel vehicles, and they can be fired from thousands of yards away.

A new report by the Violence Policy Center documents the terrorist threat in alarming detail. The report is entitled *Voting from the Rooftops: How the Gun Industry Armed Osama bin Laden, Other Foreign and Domestic Terrorists, and Common Criminals with 50 Caliber Sniper Rifles*. It demonstrates how terrorists could use these readily available weapons to cause massive carnage at civilian airports, at chemical and nuclear facilities, and at key infrastructure points throughout the country.

I believe there are some immediate measures that the Administration must take to address this threat.

First, I urge you to work with Secretary Powell to take immediate action to halt the export of fifty caliber weapons to foreign nationals. As I understand it, exports of fifty caliber weapons are regulated by the State Department through the Arms Export Control Office, which grants permits to U.S. manufacturers to export weapons abroad. An October 1, 2001, article in Forbes Magazine reported that the State Department recently reversed the policy of the prior Administration and gave the largest domestic manufacturer of fifty caliber weapons permission to sell these weapons to private individuals in Europe. Given the threat these weapons pose to our military troops and civilian populations, I believe it is urgent to prevent further proliferation of these weapons among foreign nationals abroad.

In addition, I urge the Administration to support legislation to require that persons who buy or possess fifty caliber weapons obtain federal licenses. As you may know, fifty caliber

The Honorable Tom Ridge

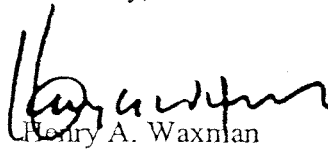
October 9, 2001

Page 2

sniper weapons are more available in the United States than virtually anywhere else in the world. They are even less regulated in the United States than handguns since the minimum age for buyers is only 18 rather than 21. At a minimum, these dangerous weapons should be regulated like machine guns, grenade launchers, and other military weapons, all of which require federal permits.

I commend you on your appointment and look forward to working with you on this important issue and the other security challenges facing our nation.

Sincerely,

A handwritten signature in black ink, appearing to read "Henry A. Waxman". The signature is fluid and cursive, with a large initial "H" and "W".

Henry A. Waxman
Ranking Member



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Voting From the Rooftops

How the Gun Industry Armed Osama bin Laden, Other Foreign and Domestic Terrorists, and Common Criminals with 50 Caliber Sniper Rifles

Executive Summary

Two years ago, in its report *One Shot, One Kill*, the Violence Policy Center warned that the unfettered sale to civilians of military sniper rifles presented a "serious threat to American national security."¹ That report focused particularly on the dangers presented by the 50 caliber heavy sniper rifles, noting that these powerful weapons of war present a "whole new order of threat" by their ability to "knock down aircraft, including helicopters, and punch through concrete block, armored vehicles, and other materials that may be relied upon for executive protection."² These devastating features are exactly why Barrett 50 caliber heavy sniper rifles, for example, are in the armories of U.S. Marine Corps snipers and at least 17 other armies around the world.³

The report sparked an ongoing national debate—with the predictable defense of these weapons by their manufacturers, the National Rifle Association, and other elements of the gun lobby. But civilian sales of 50 caliber sniper rifles have not been restrained. This report documents that—to the contrary—the 50 caliber market has exploded. There is an array of new manufacturers, a proliferation of models, and a dramatic reduction in price. Today, 50 caliber rifles are still easier to buy than handguns: a youth of 18 years can legally buy a sniper rifle, but cannot buy a handgun until age 21. The difference from two years ago is that he now has a much broader choice of guns, and the price has plummeted to within easy range of a modest budget.

Most alarming in the wake of the September 11, 2001, terrorist attacks on the World Trade Center and the Pentagon is the 50 caliber's threat as an ideal tool for assassination and terrorism, including its ability to attack and cripple key elements of the nation's critical infrastructure—including aircraft and other transportation, electrical power grids, pipeline networks, chemical plants, and other hazardous industrial facilities. This report documents in detail the following facts and others that underscore the clear and present danger 50 caliber sniper rifles present to all Americans. *It proves beyond doubt that terrorists and other ruthless criminals now have the means, the training, and the motivation to inflict extraordinary harm on America with 50 caliber sniper rifles.*

- ***At least 25 Barrett 50 caliber sniper rifles were sold to Osama bin Laden's Al Qaeda terror network.***⁴ Because sales of 50 caliber rifles are unrestricted and cannot be tracked, there is no way of knowing how many other sniper rifles—whether made by Barrett or one of its many competitors—have been sold to Al Qaeda or other terrorist organizations. However, at least two, and probably more, Barrett 50 caliber sniper rifles were sold to the Irish Republican Army (IRA), which used them to assassinate British troops and Irish constables in Northern Ireland.⁵ The use of the Barrett sniper rifles in a calculated campaign of terror by assassination in Ireland won them the epithet "supergun" in the press.⁶

- ***A fundamentalist Islamic organization offers a two-week training course at a site within the United States entitled "The Ultimate Jihad Challenge," which includes "live fire sniper/counter sniper" and "shooting at, thru & from vehicle"—skills that directly enhance the threat from among any who possess a sniper rifle.***⁷ The "Ultimate Jihad Challenge" course is among several advertised on the Internet web site of Sakina Security Services. The company specifically notes that because of strict firearms laws overseas, the training must be done "in our 1,000-acre state of the art shooting range in the United States." Sakina's web site features "Jihad Links," including a link to *Harkat-ul-Mujahideen*, one of the organizations listed in President George W. Bush's September 24, 2001, order freezing assets of terrorist organizations. The "Ultimate Jihad Challenge," however, is only the most troubling example of the sniper training that gun industry entrepreneurs freely offer to civilians in the United States.⁸
- ***Terrorism analysts have warned repeatedly that terrorists may "attempt to engineer a chemical disaster using conventional means to attack an industrial plant or storage facility, rather than develop and use an actual chemical weapon,"⁹ in other words "to transform a target into a weapon by focusing on facilities that handle explosive, toxic, or volatile chemicals."¹⁰ Fifty caliber sniper rifles are ideal tools for many such scenarios.*** Given the Osama bin Laden terror network's interest in chemical weapon capacity,¹¹ and its vicious use of commercial aircraft as flying bombs, this is a grave threat. The public version of this report documents generally how bin Laden's Al Qaeda and other terrorists who have 50 caliber sniper rifles can turn a chemical target into a weapon of mass destruction, with the potential for thousands of casualties. A restricted appendix that will be made available on request only to Members of Congress, federal officials with anti-terrorism responsibilities, and chief law enforcement officers, examines several specific scenarios and relates the capabilities of the 50 caliber sniper rifle to those scenarios.⁹ *The VPC believes that it is urgent for the public to understand the danger 50 caliber sniper rifles present. But it does not want to give a "road map" to terrorists, even though detailed descriptions of these weapons' capabilities are already available from manufacturer advertising and widely published sniper cult literature.*
- ***A 1995 RAND report for the U.S. Air Force specifically warns of the threat that 50 caliber sniper rifles—like the Barretts obtained by Al Qaeda—present to the security of aircraft on Air Force bases.¹² Applying precisely the same analysis to civil aviation facilities compels the conclusion that the 50 caliber sniper rifles now known to be in the hands of bin Laden and other terrorists are a threat of the highest order to both commercial and private civil aviation.*** This threat extends not only to the destruction of scheduled airliners, but also to civil aircraft serving business executives, celebrities, and government officials. The RAND report notes that its logic regarding air base attacks "would apply equally well to strikes against such valuable, and vulnerable, installations" as "satellite downlink and control facilities, oil pipelines, and port facilities—whose destruction could seriously impede U.S. response to crisis or conflict."¹³
- ***50 caliber sniper rifles continue to be found in the arsenals of domestic terrorist and extremist groups, including among others a group in Michigan that planned to kill the state's governor, U.S. Senator, and federal judges, and another in West Virginia that plotted to blow up an FBI facility.¹⁴ Insurrectionist rhetoric threatening federal officials and public figures is common on a popular bulletin board catering to sniper rifle owners and enthusiasts.¹⁵***
- ***An e-mail threat to "kill a well-known political figure" was received by Sniper Country, one of a number of Internet web sites popular among the growing civilian sniper culture.¹⁶ Sniper Country says it turned the threat over to the U.S. Secret Service, which reportedly found the threat to have been made by a minor. The web site has since posted a "warning to Minors and Militants" advising that it does not support their activities. Nevertheless, the incident is graphic proof of a danger the VPC warned of in its first report two years ago—the ability of widespread "instructional" material available in the sniper***

subculture to roil troubled minds and teach home-grown terrorists or impressionable juveniles how to use the destructive capabilities of sniper rifles to maximum effect."¹⁷

This dangerous situation exists because the gun industry is the only consumer product industry, with the ambiguous exception of tobacco, whose products are not subject to basic consumer health and safety regulation. Accordingly, the industry is free to design, make, and market these products with no independent review balancing their benefits against the enormous risk they present.^b

This report discusses in detail the real and growing threats that the 50 caliber sniper rifle in the hands of Al Qaeda and other terror groups can inflict on America in the new age of unrestrained terror in the homeland:

- *Section One—The Capability of the 50 Caliber Sniper Rifle* describes the capabilities of the 50 caliber sniper rifle and the highly destructive ammunition for it, readily available on the civilian market. This section is documented by literature from manufacturers themselves, like Barrett Firearms Manufacturing Company, citations from U.S. military manuals, books and other articles written by acknowledged experts, and experiences of civilian gun owners posted on Internet bulletin boards.
- *Section Two—The Threats* documents the acquisition of 50 caliber sniper rifles by Al Qaeda and other foreign and domestic terrorist and criminal interests. It proves false the oft-repeated claim that no 50 caliber sniper rifle has ever been used in a criminal incident within the United States, and demonstrates the dangerous link between 50 caliber sniper rifles and criminals.
- *Section Three—Tools for Terror* outlines specific dangers that the 50 caliber sniper rifles in the hands of Al Qaeda present to American security. In addition to the assassination danger, which is more or less obvious to the reasonable layperson, this section analyzes the threat that the 50 caliber sniper rifle's anti-materiel capability presents to America's vital infrastructure. The latter threat—designed for war fighting—may be less apparent to the layperson, but it is at least equal to and may exceed the assassination threat, depending on the target of either threat. A restricted appendix to this section is not available to the general public.
- *Section Four—Proliferating for Profit* documents the continuing growth of the civilian market for military sniper rifles, and the 50 caliber sniper rifle in particular. It describes the nexus between military development programs and civilian sales of new guns, and the exploitation of U.S. military resources by the National Rifle Association and other pro-gun groups promoting the 50 caliber sniper rifle. It provides background on the sniper subculture, including information on sniper training schools catering to civilians.
- *Section Five—The Future is Now* describes the likely future of the civilian sniper rifle market, including new models in other heavy calibers with capabilities equivalent to the 50 caliber sniper rifle that gun manufacturers are bringing to market. It outlines a program for action to lessen the danger 50 caliber sniper rifles present, including most importantly bringing them immediately under the licensing and registration regimen of the National Firearms Act of 1934 (NFA). All other weapons of war, such as machine guns, are controlled in the civilian market under the NFA.

a) The VPC hopes that this restricted appendix will encourage those with law enforcement or counter-terrorism responsibility to "think outside of the box" about the threat that these weapons present.

b) See the frontispiece to this report for a list of Violence Policy Center publications examining other consequences of America's unregulated gun industry.



Violence Policy Center

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Looking for something?



Criminal Use of the 50 Caliber Sniper Rifle

- Branch Davidian cult members fired 50 caliber sniper rifles at federal agents during their initial gun battle on February 28, 1993. The weapons' ability to penetrate "any tactical vehicle in the FBI's inventory" prompted the agency to request military armored vehicles "to give FBI personnel adequate protection from the .50 caliber rifles" and other more powerful weapons the Branch Davidians might have had.
- On February 27, 1992, a Wells Fargo armored delivery truck was attacked in a "military style operation" in Chamblee, Georgia, by several men using a smoke grenade and a Barrett 50 caliber sniper rifle. Two employees were wounded.
- On April 28, 1995, Albert Petrosky walked into an Albertson's Grocery Store in suburban Denver, Colorado, and gunned down his estranged wife and the store manager. Armed with an L.A.R. Grizzly 50 caliber sniper rifle, an SKS Chinese semi-automatic assault rifle, a .32 revolver, and a 9mm semi-automatic pistol, Petrosky then walked out into the shopping center parking lot, where he exchanged fire with a federal IRS agent passing by and killed Sgt. Timothy Mossbrucker of the Jefferson County Sheriff's Department. Petrosky, who was known to his friends as "50-cal Al," fired all four weapons, including the 50 caliber rifle, during this murderous rampage.
- On March 19, 1998, following an undercover investigation, federal law enforcement officers arrested three members of a radical Michigan group known as the North American Militia. The men were charged with plotting to bomb federal office buildings, destroy highways, utilities and public roads, and assassinate the state's governor, senior U.S. Senator, federal judges and other federal officials. All three were ultimately convicted. A 50 caliber sniper rifle was among the weapons found in their possession.
- Wisconsin father and son James and Theodore Oswald were sentenced in 1995 to multiple life terms for armed robbery and the murder of a Waukesha police captain. The two had "a small armory of sophisticated and expensive weapons, including two custom-made .50-caliber rifles powerful enough to assault an armored car—which the two were considering doing," according to the Waukesha county sheriff.
- In the summer of 1995, Canadian officials in British Columbia found a Barrett 50 caliber sniper rifle, 500 rounds of ammunition for it, and enough explosives to fill a five ton truck at a remote site. It is believed that members of a Texas militia group planned to set up a training camp at the site. Although at least one convicted felon was identified as a suspect, the investigation was dropped due to difficulties in prosecuting across national borders. The incident prompted one Texas Constitutional Militia official to observe, "We are not all raving maniacs. I'd kind of like to keep our lunatics on our side of the border."
- According to the General Accounting Office, 50 caliber sniper rifles have been found in the armories of drug dealers in California, Missouri, and Indiana, and a federal investigation in 1999 was "targeting the movement of .50 caliber semi-automatic rifles

from the United States to Mexico for use by drug cartels."

- At least two persons have been charged with illegally making and selling 50 caliber sniper rifles. Robert W. Stewart of Mesa, Arizona, a convicted felon, is charged with felony possession of firearms by being in possession of Maadi-Griffin 50 caliber "kit guns" he was selling from his home, along with other firearms alleged to be in his possession. Stewart has become a folk hero among hard-line gun rights advocates and 50 caliber enthusiasts. He is distinguished, among other things, by his recent assertion that convicted felons have the right to have guns: "I don't care if he's a mass murderer, he killed 50,000 people. He still has a right to have a gun. A gun is just a tool."

Another convicted felon, Wayne Frank Barbuto, has been charged in Salt Lake with attempting to sell two 50 caliber sniper rifles to undercover federal agents. The government believes Barbuto manufactured the guns himself. It is not clear whether this refers to kit guns of the Maadi-Griffin type.

All contents © 2001 Violence Policy Center



Violence Policy Center

1140 19th Street, NW
Suite 600
Washington, DC 20036

202.822.8200 voice
202.822.8205 fax
www.vpc.org web

FOR IMMEDIATE RELEASE:
October 7, 2001

CONTACTS: Naomi Seligman
Communications Director
nseligman@vpc.org
(202) 822-8200 x105

***U.S. Gun Industry Armed Osama bin Laden's Terror Network:
Al Qaeda Bought 25 Barrett 50 Caliber Sniper Rifles***

***"Super Guns" Can Down Helicopters, Defeat Armored Limousines,
Destroy Aircraft at Terminals, Ignite Fuel Tanks, All From 1,800 yards***

Violence Policy Center Report Documents Sale, Details Terror Potential

WASHINGTON, DC— The U.S. gun industry sold at least twenty-five 50 caliber sniper rifles to Al Qaeda, Osama bin Laden's terror network, a study released by the Violence Policy Center (VPC) today reports. The study, *Voting From the Rooftops*, details the tremendous power of the Barrett M82A1 50 caliber sniper rifles—which U.S. Marines used in the Gulf War to knock out Iraqi armored vehicles from 1,750 yards away—and the gun's potential use to commit terror acts that could cause enormous casualties. The Barrett sniper rifle has spawned a burgeoning market for these types of weapons that are becoming cheaper, lighter and more widely available. There are known to be at least fifteen 50 caliber sniper rifle manufacturers—nearly double the number of companies that were manufacturing and marketing 50 calibers to civilians in 1999.

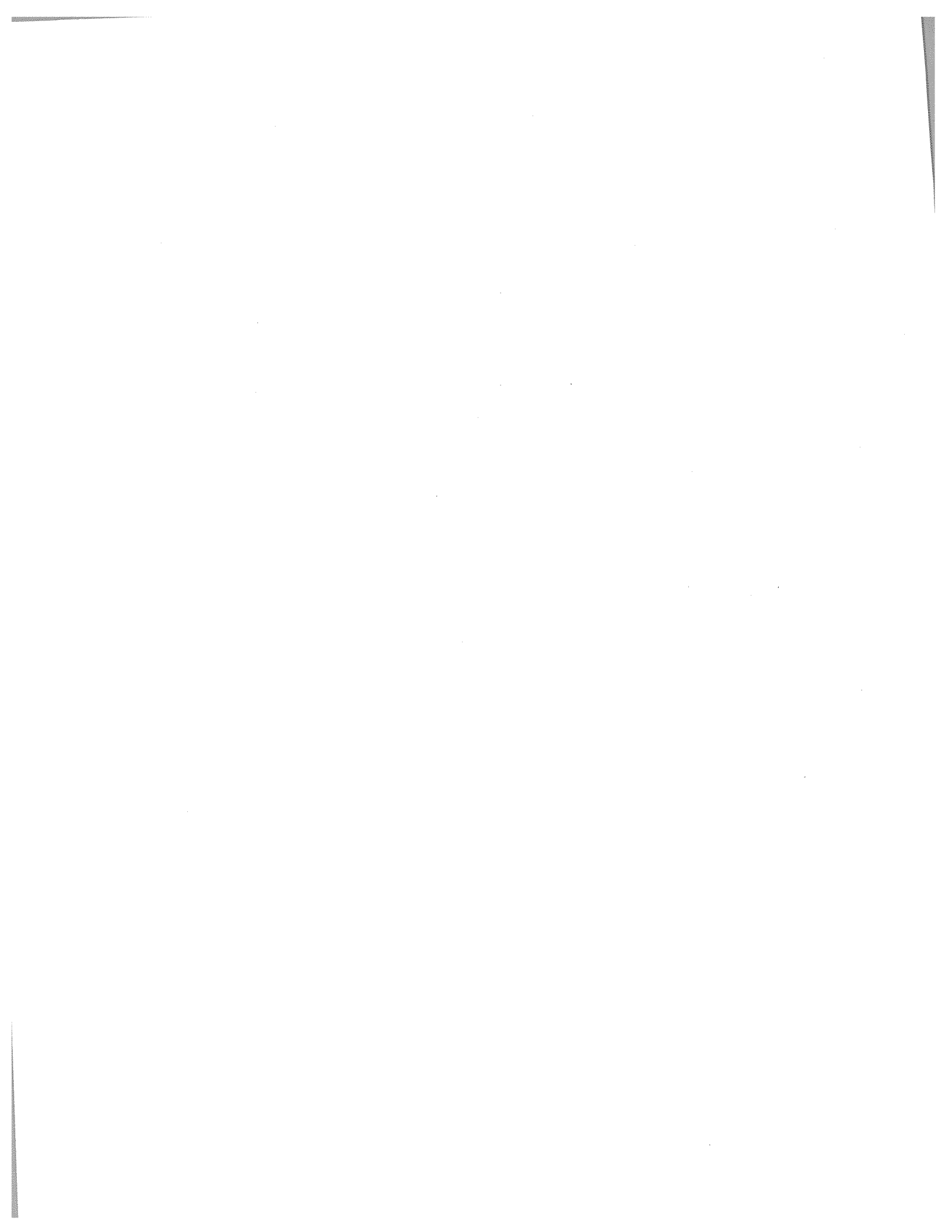
"We can be shocked, but not surprised that the gun industry would sell these dangerous military weapons to Al Qaeda," said the study's author, Tom Diaz, VPC's senior policy analyst. "These 50 caliber sniper rifles are ideal tools for terror and assassination."

Voting from the Rooftops explains the enormous range of 50 caliber sniper rifles, the explosive power of special armor-piercing and armor-piercing incendiary ammunition easily available in the United States, and why this war-fighting power in the hands of Al Qaeda and other terrorists creates a grave threat to all Americans. Among the dangers the study details are:

- How 50 caliber sniper rifles can create disaster at industrial facilities handling explosive, toxic or volatile chemical—the kind of threat terrorism analysts already warn transforms a target into a weapon.
- Why a report for the Air Force warned that 50 caliber sniper rifles endanger aircraft, bulk fuel tanks, fuel trucks and other airport facilities—terrorists can turn planes into "bombs on the ground."
- The rash of 50 caliber sniper rifles found in the arsenals of domestic terrorist and extremist groups, including one that plotted to kill a state governor, U.S. Senator, and federal judges.

To obtain a copy of Voting from the Rooftops please call Naomi Seligman at 202.822.8200 X105 or visit the VPC website at www.vpc.org.

—END—



The New York Times

SUNDAY, OCTOBER 7, 2001

THE WEAPONS

In 80's, Afghan Militias Used U.S. Rifles

By JAMES DAO

WASHINGTON, Oct. 6 — In the late 1980's, an American-based agent for Al Qaeda, the terrorist network led by Osama bin Laden, shipped to Afghanistan 25 military-style rifles capable of shooting down helicopters, piercing armor or destroying fuel tanks from long distances, according to a report by a gun control organization.

The American-made weapons, Barrett .50-caliber rifles, were apparently used by Muslim militias trained by Mr. bin Laden to fight Soviet troops in Afghanistan, the report by the Violence Policy Center says.

But the report asserts that the rifles — which are used by military snipers but are also sold commercially — are probably still available to Al Qaeda members for attacks inside the United States or against American troops in Afghanistan.

“Osama bin Laden and his Al Qaeda network have understood the destructive power of the .50-caliber sniper rifle for more than a decade,” the report says. “It would be absurd to think that they have forgotten it.”

The Violence Policy Center, a Washington-based group, plans to circulate the report on Capitol Hill in the coming week to encourage support for legislation that would require buyers of .50-caliber rifles to be licensed by the federal government. It would also ban the sale of armor-

piercing ammunition and prohibit the export of the weapons to civilians. Similar licensing rules apply to buyers of machine guns.

Such legislation has been introduced in recent years by Representatives Henry A. Waxman, Democrat of California, and Rod R. Blagojevich, Democrat of Illinois.

But the legislation has been blocked by the gun owners lobby, led by the National Rifle Association, which commands the support of the House Republican leadership and a significant number of centrist Democrats. Those groups contend that the rifle is mainly purchased by law-abiding owners who collect them or use them for target practice.

The center's report was based in part on testimony by Essam al Ridi, an Egyptian-born flight instructor who worked as Mr. bin Laden's pilot, during the trial this year of four men who were found guilty of conspiring with Mr. bin Laden to bomb the American embassies in Kenya and Tanzania in 1998.

Mr. al Ridi testified that he acquired the rifles because they were powerful, relatively light and capable of firing Russian ammunition. “It's made in such a way where you could have a heavy cannon, but mobile by an individual,” he said, according to a court transcript.

The report says Barrett Firearms Manufacturing Inc., based in Murfreesboro, Tenn., made only 123 of

the guns in 1988 — meaning a purchase of 25 rifles would have represented a fifth of its sales that year.

Officials at Barrett did not return calls for comment.

The report says that .50-caliber rifles, which are now produced domestically by up to 15 companies, can hit targets from about 2,000 yards. With steel-core or incendiary ammunition, the guns could disable armor-plated limousines and troop carriers, penetrate concrete bunkers, blow holes in aircraft or turn fuel tanks and chemical plants “into bombs,” the report contends.

“Such weapons give light forces a portable and quite deadly option against parked aircraft,” the report says, quoting from a 1995 study by the RAND Corporation that warned of the potential use of .50-caliber rifles against Air Force bases.

The Violence Policy Center notes that a Web site belonging to a London organization called Sakina Security Services, which British authorities have linked to Muslim extremists, has offered live-fire sniper training somewhere in the United States.

The report also says that .50-caliber rifles have been confiscated from drug dealers, bank robbers and American extremist groups, including the Branch Davidians.

Sept. 11, Mr. Waxman said in an interview, showed how terrorists “can use relatively low-tech methods to bring destruction.”

The Atlanta Constitution

TUESDAY, OCT. 9, 2001

Bin Laden rifles bought in U.S.?

Gun control group cites security issue

By EUNICE MOSCOSO
emoscoso@ajc.com

Washington — Osama bin Laden's al-Qaida network, in the late 1980s, bought at least 25 military-style rifles capable of shooting down helicopters and destroying other targets from long distances, according to a report by a gun control advocacy group.

The U.S.-manufactured weapons, Barrett .50-caliber rifles, were shipped to Afghanistan and probably used against Soviet troops, according to the Violence Policy Center report.

Thousands of these and similar firearms also have been sold in the United States and could be used by terrorists here, the report says.

"This is not a gun control issue. This is a national security issue," said Tom Diaz, a senior policy analyst at the Violence Policy Center. "It's the equivalent of a rocket or a mortar. It's a weapon of war."

But the maker of the guns, Barrett Firearms Manufacturing, based in Murfreesboro, Tenn., says the report is full of errors.

"We only ship rifles to countries that the U.S. State Department allows us to ship to," said Mary Scott Smith, vice president of the company. "There are a lot of documents that must be obtained from the customer, which is always either military or law enforcement."

In addition, she said the company's research shows no incidence of a crime or conviction of a crime with a Barrett .50-caliber rifle.

"The weapons weigh about 30 pounds each. They're about 5 feet long. They are definitely not concealable. They cost upwards to \$8,000. It's not the type of rifle that could be used in a crime," she said.

According to the report, the .50-caliber rifles have been purchased legally in the United States by groups including al-Qaida and the Irish Republican Army, then shipped to other countries. The IRA used two of the rifles to assassinate British troops and Irish constables in Northern

Ireland, the report says.

The guns, produced by up to 15 companies, also pose a threat domestically because they are powerful, easy to buy, and can reach targets more than 1,000 yards away, Diaz said.

The rifles can blast through lightly armored vehicles and ignite fuel tanks, he said. They have been confiscated from drug dealers, bank robbers and U.S. extremist groups, including the Branch Davidians, the report said.

But Smith said that Diaz and the Violence Policy Center are engaging in "scare tactics" and that the weapons are mostly purchased by "professional people like doctors and lawyers" who belong to target shooting clubs.

The report's information on al-Qaida was based in part on testimony from the trial earlier this year of four men who were found guilty of conspiring with bin Laden to bomb the U.S. embassies in Kenya and Tanzania in 1998.

Essam al-Ridi, an Egyptian-born flight instructor who worked as bin Laden's pilot, testified that he

acquired the rifles because they were powerful, relatively light and capable of firing Russian ammunition.

Diaz said those guns could still be in Afghanistan.

"For all we know, if any American forces go in there, they could end up being used against our own troops," he said.

Smith pointed out that many weapons in Afghanistan were supplied by the U.S. government to help in the war against the Russians.

"We have no idea what types of rifles, missiles, airplanes, tanks, guns that might have been," she said.

The Violence Policy Center will share the report with members of Congress this week in hopes of pushing legislation to regulate the rifles in the same way machine guns are.

"If a civilian owns a machine gun, the owner has to be licensed under the National Firearms Act," Diaz said. But the .50-caliber rifles are treated by the law as "ordinary, garden-variety rifles."

"An 18-year-old can buy one of these things," he said. "We regulate them less than we do handguns."



[Barrett News](#) [Letters to Congress](#) [What's Happening in Congress](#) [Barrett Under Attack](#) [Talbot Sals Record](#)

A MESSAGE FROM BARRETT FIREARMS MANUFACTURING INC. IN RESPONSE TO RECENT NEWS ARTICLES ACCUSING BARRETT OF SELLING GUNS TO BIN LADEN

Mr. Tom Diaz of the Violence Policy Center (VPC) has obtained information from the recent trial of a suspected terrorist and has taken several facts out of context to suit his anti-gun agenda. Mr. Diaz would have you believe that the U.S. gun industry is so greedy, evil and un-American that it can and would sell guns to terrorists. Based on Mr. Diaz' misleading information, news articles are appearing stating that Barrett Firearms Manufacturing Inc. sold guns to Bin Laden and that now our troops will face these weapons.

What is the truth? Well, during the 1980's it must be remembered that the U.S. was supporting the Afghanistan "freedom fighters" or Mujahedeen in their fight against the Russian invaders. As part of the U.S. initiative, various types of small arms, ammunition and even anti-aircraft Stinger missiles were given to these "freedom fighters" in support of their cause. In retrospect we can say that we learned too late that our former friends would become our enemies, and yes, our troops now face the very weapons our government supplied the opposition.

So how did the Mujahedeen buy this equipment from U.S. companies? Did they walk up to the manufacturer of the Stinger missile, say they were from Afghanistan, hated Russians, and needed a few Stinger missiles to knock some of their planes out of the sky? Certainly not. Officials of the US government either sent them missiles from their own stock or arranged the sale through the current manufacturer. The latter was the case for the Barrett rifles, but Mr Diaz omitted these facts. If cognizant U.S. Government officials request the support of an arms manufacturer in such cases, should we to dispute their judgment?

Mr. Diaz has painted an inaccurate picture for the American people allowing them to believe that there is a gun free-for-all bazaar going on in the U.S. where there are no restrictions to prevent foreign governments or terrorists from buying guns. Mr. Diaz ignores the fact that many laws are in place to govern every one of these sales, and they are strictly enforced. For the export of munitions, the U.S. State Department conducts a lengthy and thorough review of every case, studying the need for the materiel, verifying the credentials of those signing the import documents, and even examining the human rights record of the receiving country. No gun manufacturer would be foolish enough to risk being closed down for violating these laws.

Barrett Firearms Manufacturing Inc., like other gun manufacturers in the U.S., has been a law-abiding supplier of firearms to the U.S. government and other friendly governments approved by the U.S. State Department. The agency that regulates us, the Bureau of Alcohol, Tobacco, and Firearms, was sent to visit our factory after Mr. Diaz' accusations and concluded that Barrett is now and has been in full compliance with the law.

Mr. Diaz' comments have been detrimental to the reputation of Barrett Firearms. Many of our customers, vendors, families, and friends have read these headlines and now have a negative opinion of our company. Some of our subcontractors have now refused to supply us. This is bad for Barrett and bad for our country. Since the September 11th attack, Barrett and every other supplier of guns to the U.S. military have been contacted to support the anti-terrorist cause. And once again Barrett Manufacturing will answer our government's call. We're all struggling to respond quickly while at the same time fighting the false accusations of Tom Diaz or the frivolous lawsuits of municipalities and others that seek to blame the gun

industry for the ills of society.

Unfortunately, Mr. Diaz has recently published a 100+ page diatribe against .50 caliber weapons and the gun industry in general, and in this he has produced a very useful document for terrorist use which points out likely terrorist targets and even gives the actual locations of certain key "targets." He seems to want his readers to believe that .50 caliber rifles, and only .50 caliber rifles, would be needed by terrorists to attack America. We now know this is not true. This new information which could benefit terrorists comes as no surprise as it follows VPC's now-famous map showing where terrorist gunmen should stand to hit targets in Washington DC. Someone needs to ask Mr. Diaz: "Are you with us, or with the terrorists?"

The Management of Barrett Firearms Manufacturing, Inc.

© Barrett Firearms Manufacturing, Inc.

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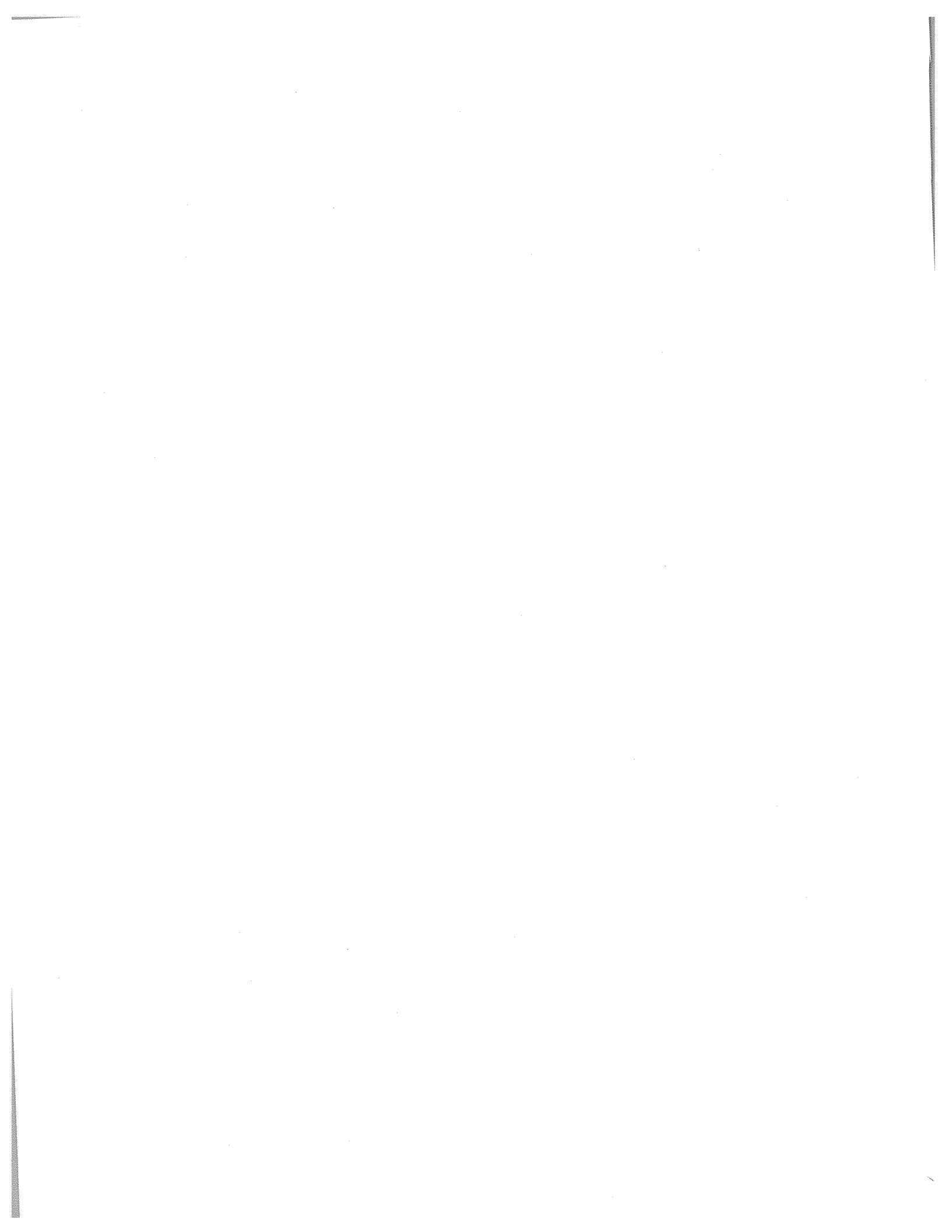
FCSA Needs You! Join FCSA Now!

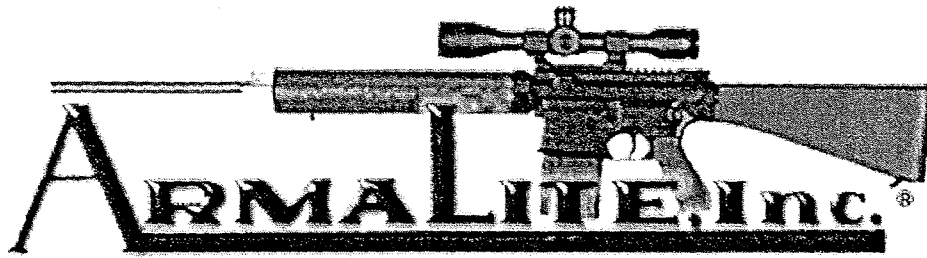
Fifty Caliber Shooter's Association Fact Sheet

- The Fifty Caliber Shooter's Association, Inc. (FCSA) was established in 1985 by a small group of dedicated people who set for themselves the mission to advance the sporting uses of the .50 BMG cartridge. The FCSA is a non-profit organization registered in Tennessee.
- The FCSA provides a quarterly magazine, a suppliers list and consulting information on fifty caliber rifles and ammunition to all it's members.
- Our primary sport at this time is 1000 yard shooting competition with a mission to advance the art of long range accuracy shooting with fifty caliber rifles. The FCSA sponsors approximately eight (8) to ten (10) organized 1000 yard rifle matches per year in various locations in the continental United States.
- FCSA is affiliated with the National Rifle Association (NRA) and encourages members to join National Rifle Association (NRA). However, NRA membership is not mandatory to be a member of FCSA.
- FCSA is directly involved in the political fight to protect its members and to preserve the rights of .50 BMG owners & shooters in this country.
- FCSA has approximately 1900 members and is growing steadily. FCSA members represent more than fifteen (15) different countries.
- Our members have an average age of 45, with several competition shooters in their 70's. Several of our competitors are women, and they have distinguished themselves as excellent markspersons having set world records on more than one occasion. 46% of our members are college educated; 65% are salaried professionals or business owners and 60% have annual incomes exceeding \$50,000. 7% are military or law enforcement personnel. OUR MEMBERSHIP LIST IS STRICTLY CONFIDENTIAL.
- The FCSA provides a service to military and law enforcement with research and instruction. It has been the private sector perfectionist of the Fifty Caliber Shooters' Assn. who has lead the way in refining .50 caliber cartridges, rifles and 1000 yard plus shooting know how.
- Fifty Caliber rifles are not the weapon of choice of the criminal. Instances have occurred but they are rare. The fifty caliber rifle is too large and heavy to be employed in your normal criminal behavior, and accessibility to ammo is difficult because it is not available through normal retail sales outlets.
- The decision to purchase a fifty caliber should be given careful consideration. Fifty caliber rifles are expensive and range in price from @\$2500.00 to as much as \$7000.00. The sport of competitive shooting also carries with it a commitment of significant financial obligation with all the ancillary support equipment that is necessary.
- Fifty Caliber ammunition is classified as small arms ammunition and is not an anti-tank ammunition as some rumors would have you believe.
- The FCSA is a club governed by an elected President and Board of Directors and is operated according to a set of guidelines established in our published bylaws. All sanctioned FCSA shooting competitions are conducted according to rules established by the shooting members and published in the FCSA competition rules manual. The guiding philosophy of FCSA members are to enjoy each others company as well as our sport while at the same time promoting the sporting aspects of Fifty Caliber BMG shooting.

FCSA
P.O. Box 111,
Monroe, UT 84754-0111

BY-LAWS

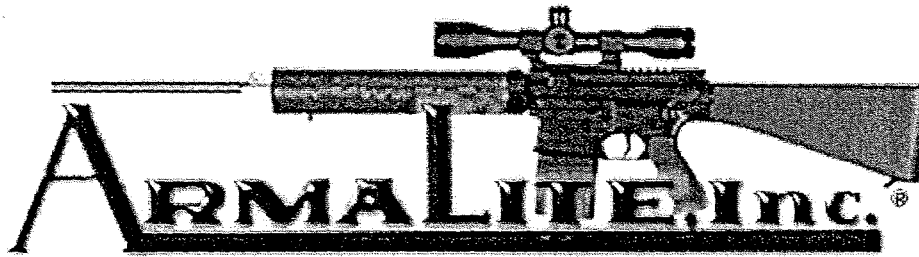




TALIBUN MIX COVER

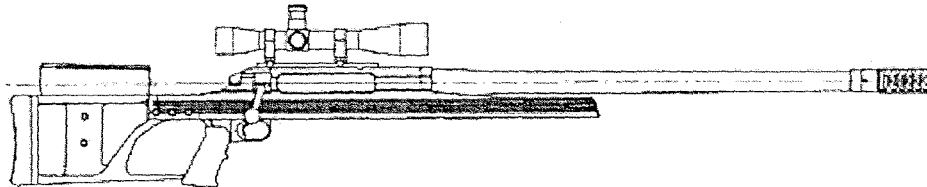
The advertisement features a central image of Osama bin Laden, dressed in a white turban and a white thobe, holding a small, ornate silver tray with a lit incense burner. The background is dark and textured. In the top left corner, there is a circular logo with a lion and the text "ARMALITE, Inc.". To the right of the central image, a white starburst contains the text "America's Favorite". Below the starburst, the text "EXCELLENT SOURCE OF SILICON" is written in a bold, sans-serif font. To the left of the central image, the text "AN AL-QUEBA FAVORITE SINCE 1999" is written in a similar bold, sans-serif font. The main title "TALIBUN MIX" is written in large, bold, serif letters, with "TALIBUN" on the top line and "MIX" on the bottom line. Below the title, the word "INSTANT" is written in a bold, sans-serif font inside a dark rectangular box. At the bottom of the advertisement, the words "Original Flavor" are written in a cursive, italicized font.





Press Release

ArmaLite® Introduces the .50 Caliber AR-50

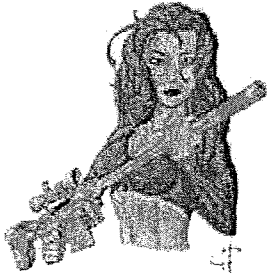


ArmaLite, Inc. has announced the introduction of its newest rifle, the .50 caliber AR-50. The AR-50 is an innovative, single shot bolt action rifle bearing a unique octagonal receiver bedded into a sectional aluminum stock. It is equipped with a modified M-16 type vertical pistol grip. The buttstock is removable for transport.

The AR-50 is intended to provide an economical, accurate rifle for shooters interested in the challenges of long range shooting. The AR-50 will be displayed at the 1999 SHOT Show. First deliveries are scheduled for July/August, 1999.

- CALIBER: .50 BMG
- LENGTH: 59 inches
- WEIGHT: 41 pounds
- FINISH: Magnesium Phosphated steel, hard anodized aluminum.
- BARREL: 31" tapered, 8 groove RH 1:15 inch twist
- MRECOIL CHECK: Multiflute recoil check
- RECEIVER FORM: Modified octagonal form, drilled and slotted for scope rail
- BOLT: Triple front locking lug
- EXTRACTOR: Sako type
- EJECTOR: Spring loaded plunger, automatic ejection
- TRIGGER MECHANISM: single stage
- STOCK: 3 section: extruded fore end, machined grip frame with M-16 type





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Why 50 Caliber Guns?

WHY NOT?

Its exists...its **big** and its really cool!!
What more do you need?

Never mind that the gun haters don't want you to have em'. Forget about the lily-livered whiners in congress.

Exercise your rights
BEFORE its too late!!

AB 2222 (Koretz)

*Co-authors Chu, Goldberg, Kehoe, Lowenthal, Shelley and Vargas,
Senator Perata and Torlakson*

As amended 4-10-02

Koretz .50 BMG Control Act of 2002

FACT SHEET

PURPOSE

In light of the tragic events of September 11, it has become necessary to consider all potential threats of domestic terrorism. Chief among these is the easy access and availability of the .50 BMG sniper rifle; a weapon designed for the military to destroy concrete bunkers, armored personnel carriers and tanks. Since this weapon has the capacity to inflict mass destruction, by damaging or destroying petrochemical refineries, chemical plants, airports, energy and government installations, it poses a real and present threat to the health, safety and security of this state.

This bill would regulate the sale and possession of long-range .50 BMG sniper rifles and ammunition within the State of California.

SUMMARY

This bill would make it unlawful to manufacture, sale, distribute, import, or possess a .50 BMG rifle within the State of California without a permit after January 1, 2003. Violation of this law would result in imprisonment, a fine or both. Exempted from the provisions of this law would include full-time peace officer members of a police department, sheriff's department, marshal's office, district attorney's office, the California Highway Patrol, the Department of Justice and the Department of Correction's Special Emergency Response Teams and Law Enforcement Liaison/Investigations Unit.

Individuals who possess the a .50 BMG rifle prior to January 1, 2003 would have 90 days to register their gun and pay a fee of \$25.

COMMENTS

Long range .50 BMG weapons are among the most destructive and powerful weapons legally available in the United States. These weapons, which weigh approximately 28 pounds, can be used to accurately hit targets over a mile away, and can effectively inflict damage up to four miles. The original military purpose of these weapons was to destroy jeeps, tanks, personnel carriers and other vehicles. The most common model, the Barrett 82A1, was developed in the 1980's and was used extensively in the Persian Gulf War.

This rifle can bring down airplanes and helicopters with a single shot. It can rip through armored limousines and it said to punch holes through military personnel carriers at a distance of 2000 yards, the length of 20 football fields.

In fact, the manufacturer of the Barrett 82A1 has advertised the weapon as able to "wreck several million dollars worth of jet aircraft with one or two dollars worth of cartridge."

According to the General Accounting Office (GAO), .50 BMG weapons has been discovered in the hands of domestic terrorist organizations, religious cults, international drug traffickers, and violent criminals.

During the 1993 siege near Waco, Texas, law enforcement officials were required to use

armored personnel carriers, because the Branch Davidians possessed two .50 BMG sniper rifles.

While these weapons serve absolutely no purpose other than that of para-military use, they are readily available in the United States with fewer restrictions than conventional handguns. Fifty BMG sniper guns are currently regulated under the federal law as "rifles." As a result, an 18-year-old high school senior with a few thousand dollars and a valid driver's license can purchase one from any gun shop.

These weapons were built for military and not civilian use. Even for the casual "target shooter" these weapons pose a threat to society. The bullets from these military style weapons travel at a tremendous velocity and travel miles after passing through their target. Therefore, it is just a matter of time before some devastating event occurs involving a .50 BMG rifle.

Several other states including, Connecticut, Illinois Massachusetts and New York are considering legislation to regulate the .50 BMG rifle.

California Sportsman's Lobby, Inc.
California Rifle and Pistol Assn
Citizens of America
EDM ARMS
Fifty Caliber Shooters Policy Institute
National Rifle Association
Outdoor Sportsmen's Coalition of California
Safari Club International
Second Amendment Sisters, Inc.

VOTES

Assembly Public Safety 4-2 (4-23-02)

Consultant: *Sandra DeBourelando*
Voice mail: 319-2918

STATUS

Failed Assembly Public Safety

SUPPORT

The Trauma Foundation (Sponsor)
City and County of San Francisco
City of West Hollywood
Million Mom March
Coalition to Stop Gun Violence
Legal Community against Gun Violence
Physicians for a Violence Free Society
Violence Policy Center
Women against Gun Violence

OPPOSITION

Armalite
California Rifle and Pistol Association, Inc.

**ASSEMBLY SELECT COMMITTEE ON GUN VIOLENCE
INFORMATIONAL HEARING
OVERVIEW OF CALIFORNIA FIREARM LAWS
WEST HOLLYWOOD PARK AUDITORIUM
WEST HOLLYWOOD, CA
OCTOBER 16, 2002**



Members:

Dion Aroner
Berkeley

Judy Chu
Monterey Park

Ellen Corbett
San Leandro

Richard Dickerson
Redding

Marco A. Firebaugh
East Los Angeles

Dario Frommer
Los Angeles

Jackie Goldberg
Los Angeles

Jerome Horton
Inglewood

Hannah-Beth Jackson
Santa Barbara

Alan Lowenthal
Long Beach

Abel Maldonado
Santa Maria

Robert Pacheco
Walnut

Kevin Shelley
San Francisco

Committee Consultant
Sandra DeBourelando

INFORMATIONAL HEARING
OVERVIEW OF CALIFORNIA FIREARM LAWS
West Hollywood Park Auditorium ♦ Sky Room ♦ 647 N. San Vicente Blvd.
October 16, 2002 ♦ 10:00 a.m. – 1:00 p.m.

AGENDA

- 10:00 a.m. **WELCOME AND INTRODUCTIONS**
 - ♦ ASSEMBLYMAN PAUL KORETZ, Chair, Select Committee on Gun Violence
- 10:10 a.m. **RECAP OF KEY FIREARMS LEGISLATION 2001-2002 SESSION**
 - ♦ ASSEMBLYMAN PAUL KORETZ, Chair, Select Committee on Gun Violence
- 10:20 a.m. **OVERVIEW OF IMPLEMENTATION OF KEY FIREARMS LAWS**
 - ♦ RANDY ROSSI, Director of Firearms, CA Dept of Justice
- 10:40 a.m. **PERSPECTIVE FROM LAW ENFORCEMENT**
 - ♦ PETER SHUTAN, LA City Attorney, Gun Prosecution Task Force
 - ♦ LT. STEVE NIELSON/ OFFICER WILLIAM FLANNERY, LAPD Gun Unit
 - ♦ SGT. WAYNE BILOWIT/DEPUTY JOHN ROSSI, LA COUNTY SHERIFF'S DEPT
- 11:00 a.m. **WHAT IS THE ROLE OF LOCAL GUN VIOLENCE PREVENTION PROGRAMS ON STATEWIDE POLICY?**
 - ♦ ADENA TESSLER, City Councilwoman Cindy Miscikowski (Invited)
 - ♦ ANN REISS LANE, Women Against Gun Violence
 - ♦ BILLIE WEISS, Violence Prevention Coalition of Greater LA
 - ♦ SUZANNE VERGE, Million Mom March
- 11:30 a.m. **HAS CALIFORNIA DONE ENOUGH TO PREVENT GUN VIOLENCE?**
 - ♦ ERIC GOROVITZ, Coalition to Stop Gun Violence
 - ♦ ANDRES SOTO, Trauma Foundation
 - ♦ LUIS TOLLEY, Brady Campaign
 - ♦ JULIE LEFTWICH, Legal Community Against Violence
 - ♦ MARK CHEKAL-BAIN, Americans For Gun Safety
- 12:30 p.m. **PUBLIC COMMENT**
- 1:00 p.m. **ADJOURNMENT**

ASSEMBLY SELECT COMMITTEE ON GUN VIOLENCE
INFORMATIONAL HEARING
OVERVIEW OF CALIFORNIA FIREARM LAWS
WEST HOLLYWOOD PARK AUDITORIUM
WEST HOLLYWOOD, CA
OCTOBER 16, 2002 ♦ 10:00 A.M.

*Committee Members in attendance: Assemblymembers Chu, Goldberg, Horton,
Koretz and Lowenthal*

Summary of Hearing on Overview of California Firearm Laws

Mr. Koretz (Chair, Assembly Select Committee on Gun Violence) welcomed everyone to the final hearing this session of the Select Committee on Gun Violence. He noted there would be a summary report later this year of all the hearings of this Committee for the 2001-2002 Session.

He thanked his colleagues who participated in the committee hearings and acknowledged that they share his concern and commitment to finding safe and sane solutions to the epidemic of gun violence that plagues our state. He extended a special recognition to three of the Committee members--Assemblymen Shelley and Dickerson and Assemblywoman Aroner -- who will no longer be with the Committee next year due to term limits. He also thanked all of the distinguished speakers whose continued involvement helped make the committee hearings successful.

He stated that the purpose of the hearing is to give the committee members, as well as those in attendance, an opportunity to review what California has done so far in its effort to reduce gun violence in the state.

He announced that he would begin the hearing with an Overview of California Firearms Legislation in 2001-2002, and noted that copies of this summary were available. He started by noting that there were approximately 34 firearm-related bills introduced in the 2001-2002 Session. Of those, 17 were signed into law and another 17 either failed or were amended to address another issue.

Some of the key bills signed into law include the following:

Firearms Liability--AB 496 (Koretz) and SB 682 (Perata) removes the special legal protection that manufacturers of firearms or ammunitions have enjoyed for the past two decades. Now gun manufacturers will be held to the same legal standards as everyone else if they negligently market firearms or ammunition.

Two other important measures enacted include **AB 2080(Steinberg)** which is intended to prevent gun trafficking by requiring verification that any gun dealer receiving guns in California possesses a valid license; and, **AB 2902 (Koretz)** which closes loopholes in current law regarding the testing of unsafe handguns known as "Saturday Night Specials". This measure

allows the Department of Justice to randomly check up to five percent of the guns on the Safe Handgun Roster to verify that they meet the safe handgun standards. The bill also will prohibit the practice of modifying guns during the testing to ensure that they will pass.

Koretz noted there also were two bills enacted this session, which strengthen laws restricting firearm possession by persons convicted of domestic violence.

AB 2695 (Oropeza) increases from 72 hours to “five business days” the time law enforcement may hold a seized firearm. If law enforcement determines that returning the firearm is too dangerous, it increases the timeframe from 30 to 60 days for a court hearing on whether the firearm should be returned.

SB 1807 (Chesbro) expands instances when law enforcement may take custody of weapons to include all lawful searches, rather than only consensual searches. It also lowers the standard of proof needed for police to hold weapons if they believe returning the guns would endanger the person reporting the assault/threat from “clear and convincing evidence” to “preponderance of evidence” at the first hearing.

Koretz also reported on some of the important bills enacted in 2001, including **AB 35(Shelley) & SB 52(Scott) --Handgun Safety Certificates**. These two identical bills require that, beginning in January 2003, handgun buyers will need to obtain a state Handgun Safety Certificate (HSC) prior to purchasing a handgun. Certificate applicants will need to prove their identity and residency, provide a thumbprint, and pass a written safety test. Handgun dealers cannot sell a handgun without proof of the HSC.

SB 950 (Brulte)--Handgun Records and Criminals ensures that convicted felons and other prohibited persons do not possess firearms. It required the Department of Justice (DOJ) to set up an automated "Armed Prohibited Persons File" (dating back to 1991) to track persons who fall into this category. Firearm dealers must provide any such person with a DOJ prohibition notice and transfer form.

SB 9 (Soto)--Criminal Storage of Firearm makes it a crime to leave a loaded firearm easily accessible to a minor "under 18". Prior to this enactment of this bill, it was a crime to leave a loaded handgun accessible to a minor "under 16". There is an additional penalty for the gun owner if the gun is brought to school.

Koretz noted several bills that failed which would have weakened current laws:

AB 851 (Briggs) would have allowed gun dealers to sell any unsafe or untested handgun as long as a similar model had been owned by a California resident prior to January 2001 and the gun is no longer being produced.

AB 1963 (Hollingsworth) would have authorized off-duty, out-of-state police officers to carry concealed handguns in public whenever they are visiting California.

SB 1283 (Haynes) would have eliminated police discretion in issuing permits to carry concealed weapons, and required a permit to anyone who files a police report about being a victim of either domestic violence or a hate crime.

SB 1285 (Knight) would have permanently eliminated the gun lock requirement for any weapon for which no such device has been developed or approved. This would have significantly undermined current law and removed any incentive for gun manufacturers to develop safety locks.

Koretz also mentioned bills, which did not pass this year, but might be a topic of discussion during the hearing. These include:

AB 1219 (Frommer) which would have required all handguns sold by gun dealers after January 2006 to be equipped with a built-in locking device that cannot be readily deactivated. (New Jersey has enacted legislation which requires smart gun technology be used once it has been developed).

AB 2222 (Koretz) which would have regulated the .50 BMG caliber sniper rifle. The measure would have allowed individuals who currently own .50BMG caliber sniper rifles to register them, but would have required a special permit for new purchases or transfers.

SB 8 (Peace) which would have required gun dealers to notify DOJ when they actually transfer a firearm to the buyer. Current law requires gun dealers to forward a Dealer's Record of Sale (DROS) form to the Department of Justice for all gun transfers, so that a background check and a record can be maintained. However, the current system indicates only an individual's plan to purchase a firearm, but not whether the person actually took possession of the firearm after the background check.

Koretz noted that California has made great strides in reducing gun violence, but the question remains whether there is more we should be doing.

Randy Rossi (Director of Firearms Division, DOJ) discussed how the Department of Justice implements firearm laws. He started with a discussion of **SB 15 (Polanco)**, which was designed to eliminate the sale and manufacture of cheap, easily concealed, unsafe handguns known as Saturday Night Specials. He said that the need for the bill became clear after one of DOJ agents' handgun accidentally discharged and wounded his daughter while they were at an amusement park. He stated that California has the best firearm testing laws in the nation.

He reported that DOJ sponsored **AB 2902 (Koretz)** which was signed into law this year, to close a few of the loopholes that existed in current law regarding handgun testing.

Rossi noted that another important piece of legislation was **AB 106 (Scott/Aroner)**, which allows DOJ to certify locks in laboratories. He noted that DOJ is not aware of one firearm that does not have a corresponding safety lock.

He discussed the status of the ballistic identification study, which was the result of legislation (**AB 1775**) in 2000 by Assemblyman Hertzberg. He reported that it was a complex issue, with a range of opinions on the efficacy of ballistic fingerprinting. Therefore, DOJ would be conducting a new study, because it is not satisfied with either of the two reports that have been done to date. He expects the newly commissioned third report to be completed within six months.

Rossi spoke about the progress on implementing SB 52, noting that DOJ has currently trained 1000 dealers to carry out the tests for the Handgun Safety Certificate. He stated that the most important feature of the legislation is the training to make sure that the handgun purchaser understands how to handle a firearm.

Rossi discussed the implementation of **SB 950 (Brulte)**, which marries the database of those who own or possess a handgun or assault weapon with those who fall into a prohibited category. To date DOJ, has added 10 new agents to handle the workload. He reported 219 prohibited persons have been identified so far.

He stated that DOJ has seized 10 guns for every person they investigate. He noted that while they have confiscated long guns in the process, they could only go after persons with handguns, because long gun records are destroyed.

He also noted that another DOJ sponsored bill, **AB 2080 (Steinberg)** requires verification that a California dealer is fully licensed before any guns can be shipped into the state. The law, which is the first in the nation, will be up and running by January 1, 2005.

Rossi concluded that these are very challenging times and that the department is happy with the way the bills have been implemented.

Assemblyman Lowenthal asked if AB 2080 would enable the department to know for sure exactly where every gun dealer is. **Rossi** responded that there is a lag time between when the federal government issues a dealer license and it shows up on their radar screen.

Koretz asked whether it is a state law or federal law that requires the records from long guns to be destroyed. **Rossi** replied that this is a state law. **Koretz** asked what the biggest challenge has been for the department. **Rossi** replied the implementation of SB 950. He remarked that they have an outstanding staff, but it is very difficult to implement due to the many codes one has to deal with. He also noted that it is very dangerous due to the type of people they are dealing with. He stated the need for more law enforcement and money to deal with the breadth of this issue.

Koretz asked if DOJ has found that people who fall into prohibited category also have a lot of long guns.

Rossi responded that their agents are seizing huge caches of long guns, along with other types of firearms.

Peter Shutan (Los Angeles City Attorney's Office) said he works with the gun detail backup of the Los Angeles Police Department. He noted that some of the situations he deals with entail gun dealers who do not always do a proper background or thumbprint check of the prospective handgun purchaser. He informed the Committee that his office handles compliance issues regarding firearm laws. He said that he supports vertical prosecutions, which allow for prosecution of both the irresponsible dealer and the perpetrator.

Steve Nielsen (Los Angeles Police Department --Gun Unit) reported that they had recently confiscated a .50 caliber machine gun in Los Angeles. He noted that the Los Angeles Police Department traces 100% of the guns they confiscate. He reported that 70% of all guns used in

crimes that were traced came from authorized dealers. He speculated that they probably were obtained through straw purchases or could have been stolen.

He said that one of the problems with the Safe Handgun Roster list is that his gun unit has trouble identifying whether the handgun it is investigating in the field is legal, because it does not have a model number. He suggested that manufacturers need to put the model number on the firearm.

Wayne Bilowit (Los Angeles County Sheriff's Department) reported that education of firearm laws is key to what they do in Los Angeles County.

Anne Reiss Lane (Women Against Gun Violence-WAGV) discussed the need for a process, which could be used when people purchase ammunition. She suggested that a DROS form be developed for ammunition buyers.

She said that WAGV has contracted with a firearm expert to do research on ballistic fingerprinting for their organization.

She also reported that Connecticut has a law, which has been in effect since 1999, allowing police to seize firearms from any person they have probable cause to believe poses a risk of imminent personal injury to themselves or other individuals. She reported that 60 weapons have been confiscated under this law so far. She concluded that the biggest problem with all new gun laws is the implementation, because DOJ does not have the resources to do the education and outreach.

Assemblyman Horton said he was pleased with WAGV's efforts to notify the public of the negative impact of guns, but that he was concerned about the void in educating the public on the laws of what is legal and illegal. He wanted to know how we could improve our outreach to educate the public on the firearm laws.

Koretz stated that we need to be more aggressive on the enforcement side, and that when we do the sweeps we should get the word out so that people know what is happening.

Assemblymember Chu inquired about how to find out more information about the Connecticut law. Assemblymember Koretz responded that he would make sure members received a copy. (Note: a copy of the law is included in this report.)

Suzanne Verge (Million Mom March) noted that many MMM chapters have approached gun violence as a public health issue. She said that they have had a lot of success in educating physicians to encourage them to talk with their patients about guns in the home. She also said that they have been successful working with the PTA and other education related organizations. She recommended that we broaden our base by reaching out to other organizations as allies in this effort.

Billie Weiss (Injury & Violence Prevention Program, LA County of Public Health) reported that California does not have a data system in place to determine whether our laws are working.

She cited statistics, which found that everyday in the U.S. an average of nine children are killed

by a gun-- six homicides and three suicides. For every child killed with a gun, four more are injured.

She reported that four people are killed each day in Los Angeles County or 1,562 a year. Nationally, more than 50% of gun deaths are a result of suicide, however in Los Angeles, less than 30% are due to suicide. More youth suicides are completed with a firearm than any other method, and that 60% of youth suicides are firearm related. There is a positive association between the accessibility and availability of firearms in the home and the risk of suicide.

Ms. Weiss pointed out that for every firearm death, there are approximately 2.5 persons severely injured enough to require treatment at a Los Angeles County level one trauma center. She noted that these non-fatal firearm injuries are costing Los Angeles County \$100 million a year in medical costs. She said that when the indirect costs are factored in, the total lifetime cost for the estimated firearm injuries in LA County was more than \$489 million in 2000.

One chilling fact about guns and children is that a young child is strong enough to fire any handgun now in circulation. She said that 25% of 3-4 year olds, 70% of 5-6 year olds and 90% of 7-8 year olds could pull a 10-lb trigger. The majority of handguns require a trigger pull of 10 lbs. or less. She noted that even a handgun with 15-20 pound pressure would still be easy to pull for most children.

She offered some suggestions on how to intervene on this problem, emphasizing the need for community based collaboration. She said that partnerships and collaboration are more effective than isolated individual efforts. She said that violence and violence prevention do not exist in a vacuum--they exist in communities, and communities are the key to the problem. She also said that they need better data to do their job. She noted that reliable data could help tell them whether policy changes and strategies are effective. She also called for the need to have ongoing firearm injury surveillance using public health data. She reported that Los Angeles County is doing weapon-related injury surveillance, but many counties aren't.

Assemblywoman Goldberg asked whether there was data that could quantify who would have committed suicide, but did not because they did not have access to a gun, and consequently turned their life around. Ms. Weiss said probably about 85 % of those who try to commit suicide would not succeed.

Andres Soto (Trauma Foundation) reported that there has been a tremendous amount of progress in the area of residential gun dealers. He said that in 1994 there were 240,000 licensed dealers in the U.S. and 19,000 in the state. He reported that we are now down below 100,000 nationally and in California we are down to 2,000. He said that the drop in the number of dealers in the state was due to many residential dealers getting out of the business.

He also responded to an earlier comment about why there is no law requiring a person to report a gun that is stolen. He said that former State Senator Hilda Solis introduced legislation four years ago requiring a person to report when a gun is stolen within 48 hours, but that the legislation could not get out of the first policy committee. He stated that he believes that this is part of a broader issue of firearms registration. He suggested that guns should be registered the same way cars are.

He also stated that he endorses keeping records on long guns. He said that long guns are repeatedly used in crimes, and that the shotgun is one of the top ten crime guns each year.

Mr. Soto also raised the issue of gun tracing, noting that **AB 2011 (Hertzberg)** requires law enforcement to trace all guns from a crime scene. He reported on a study that Youth Alive did on gun tracing, which found that only the City of Richmond was in compliance. Oakland was second in compliance. However, he said that neither city had attempted to analyze all the tracing information. He reported that an outside agency in Oakland tried to do some tracing and was able to identify a gun store in San Leandro, which was responsible for 30% of the crime guns recovered in the City of Oakland. He emphasized the need to educate law enforcement on firearm legislation so that they also understand the laws.

Luis Tolley (Brady Campaign) focused his remarks on ballistic fingerprinting. He noted that when a firearm discharges, it leaves unique markings on the cartridge casing that is expelled each time it is fired. The same marking are made each time it is fired. He explained that this is why Maryland law enforcement had been able to tell that the same weapon was used in the recent sniper shootings.

He stated that law enforcement across the country is already building a database using crime guns and ammunition so that they can match them. He stated that the piece that is missing is the ability to say which firearm fired the bullet. He said what we need - and do not have - is a record and image captured of each firearm are sold. He noted that this void is the result of politics, not technology.

He stated that the former head for gun tracing with Alcohol, Tobacco and Firearm Agency (ATF) has called for a national system where we would capture this data. Both the FBI and ATF strongly support ballistic fingerprinting. He further noted that the experts in the field also support ballistic fingerprinting. He stated that ATF did a report in May of this year calling for an expanded system of ballistic fingerprinting. He said their recommendations were noteworthy because President Bush does not support ballistic fingerprinting. The report speaks to our need in California to do this.

He recommended that the committee read the report, which talks about why it is so important to capture data, and that it is technologically feasible. He stated that there are many success stories with ballistic fingerprinting and that it is easy to go to a database to get a series of matches on a weapon that fired that cartridge.

Tolley addressed the opponents' complaint that the database will be too cumbersome. He stated that the report found that in 1994, it took four seconds to search the system and in 1999, the search was reduced to three tenths of a second. He noted that it is even faster today.

He disputed another argument that the barrel can be modified, stating that an ATF report found only two cases where the barrel was changed, and in one case it did not work.

He also disputed the contention that this would be another form of registration. Manufacturers could capture the data and make it traceable to law enforcement without using names. He said that police will be able to search by identifying the make and model of the gun, and they would trace that gun the same way they do today. He reminded everyone that California already keeps

records of handgun purchases, which DOJ has, so that we would know who the most recent purchaser was. He concluded that California should not be dragging its feet--it is about solving crimes and capturing criminals.

Julie Leftwich (Legal Community Against Gun Violence) discussed the issue of ammunition sales. She noted that ammunition sellers have no way of knowing who is prohibited. She proposed that ammunition sellers should receive a license and do a background check of the purchaser, similar to what is done for firearm purchases.

She also raised concern about the lack of background checks for employees who work for dealers. While dealers are checked, there is no such system for the people they hire. She also proposed that firearm dealers should need to obtain liability insurance.

She concluded by citing the great victory that has just occurred with the signing of the gun immunity legislation—**AB 496 (Koretz)** and **SB 682(Perata)** She cautioned, however, that Congress is considering broader legislation, **HR 2037**, which would wipe out the California victory.

Eric Gorovitz (Coalition to Stop Gun Violence) focused his comments on licensing. He noted that licensing has three primary goals, which include defining qualifications for who may or may not legally own or buy a gun; distinguishing between who should have access and who should not; and, ensuring that only people who are qualified to own guns are permitted access.

He reported that there are many shortcomings in the federal law that result in prohibited individuals gaining access to guns. Federal law has ten categories of prohibited purchasers, but that those categories are inadequate, because they have an overly broad definition of who qualifies, leaving out many people known to be at high risk for subsequent criminal activity. He reported that California has a stronger screening process that includes misdemeanor history on the prospective buyer.

He said that one of the major problems with the current system for background checks is that it fails to confirm the status of many gun buyers. He said that requiring a thumbprint at the point of purchase is a huge deterrent for unqualified persons to gain access for firearms. California recently enacted legislation, which requires a thumbprint at the point of sale.

Gorovitz reported that the federal system allows a transfer to proceed if the NICS system does not reject it within three business days. He said that while most background checks are completed within a few hours, some generate inconclusive results. He cited an example where the system might uncover a felony arrest, but there is no record of the outcome. Under this scenario, the dealer would be required to sell the handgun purchaser the gun. If more conclusive information comes back about the purchaser later, authorities would need to try to retrieve the gun.

Gorovitz offered some recommendations on how to improve the current system. He first recommended more rigorous training and supervised instruction and safety handling before purchasing a firearm. California is the only state to require a Handgun Safety Certificate, which certifies that the person has had training in handling a firearm. He also recommended that the buyer also should have experience firing a weapon, which the California law omitted.

Next, he recommended the need for better enforcement. He said that the screening process needs to be improved to eliminate the gaps in the system. The system must provide appropriate tools, and adequate resources, to ensure the identification and prosecution of anyone who breaks the rules. He stated that an electronic thumbprint required at the point of purchase is a deterrent for prohibited person wanting to purchase a handgun in the state.

Finally, he said we need to improve record keeping so that unqualified persons can't gain access to guns. This is particularly true with mental illness records. Many mental health institutions fail to submit records of disqualifying mental health histories, citing concerns about privacy and confidentiality.

Gorovitz also urged that DROS records be updated and that the database be expanded to include records on long guns.

Mark Chekal Bain (Americans for Gun Safety) began his testimony by responding to an earlier discussion on data reporting. He noted that California enacted **AB 106 (Aroner/Scott)**, which requires law enforcement to report incidents of suicides and accidental shooting, but, due to lack of funding, many agencies are not recording that information.

He applauded the Attorney General and his staff for their leadership and vision over the past four years on implementing firearm legislation.

He provided a history of background checks, noting that, since 1968, it has been illegal under federal law for certain prohibited persons to possess firearms, but that it was just an honor system until the Brady Law passed in 1993. He commented that the verification system did not become automated until 1998.

He asserted that the linchpin of the system is the states, which need to do a better job of reporting all their records to the federal National Instant Check System (NICS). He said that because of poor state records, prohibited persons are slipping through the system and purchasing a gun. He reported that AGS analyzed records this year for all the states. He said that, while California is better than most, it received just a "C" rating.

In response to this, Congresswoman **Carolyn McCarthy (D-NY)** has introduced legislation, which recently passed the House of Representatives, requiring states to report all information on prohibited persons. It also sets aside \$250 million to allow states to update their records.

Chekal-Bain explained why California only received a "C" rating, and why the federal legislation was so important to the state. He stated that the problem occurs when people go out of state to buy a gun. He said that because most states have only a three-day waiting period to do background checks, the seller must sell a prospective purchaser a gun within that time period if they cannot determine whether the person is a convicted criminal. That is federal law.

He reported that although arrest data is entered into the criminal history database within 24 hours, it could take up to 60 days to enter conviction data. In addition, 65% of the felony conviction records are not automated. He explained that incomplete reporting not only slows down the background check process, it also jeopardizes the lives of all those in the criminal

justice system who rely on this information. California has been working on improving their automation of records, but that we could do better and that the pending federal legislation will help with updating our records.

He noted that California is a leader in respect to requiring a 10-day waiting period to purchase a gun in the state. He stated that unlike the other states, if the information is incomplete, a person could not obtain a gun.

He also brought up the issue of mental health records, noting that California enacted a law that prohibits mentally ill persons held against their will from owning a gun. California, however, is not reporting this data to the federal system because of privacy concerns. As a result, information about persons prohibited from possessing a gun is not in the system. He cited a scenario where a California resident with a history of mental illness could still go to another state and get a gun, because this information is not reported nationally. He noted that the bill, which just passed the House of Representatives, would ensure privacy of those records when submitted to the federal NICS system.

He applauded California for taking the leadership on a wide range of statewide gun safety issues, such as the passage of legislation requiring all firearms to be sold with approved locking safety devices. He urged the Committee to take the lead to help improve the state's record keeping and to ensure it is updated in a timely manner. However, he said that this bill was not fully funded. He also recommended that the Committee submit a budget request to fully fund SB 950.

He concluded his testimony with several recommendations for consideration:

1. Improving the flow of information between courts and local law enforcement on domestic violence restraining orders. Courts cause the delay by not immediately sending the order to local law enforcement, which are responsible for entering it into the database.
2. Making mental health records available to NICS. He said that according to the Center for Disease Control, 46% of firearm deaths in California from 1996 to 1999 were suicides. He urged that a legislative solution be enacted if California cannot solve its current problem of allowing mental health records to be forwarded to NICS.
3. Facilitate the automation of Felony Disposition Records. He noted that California has only 56 percent of its felony final arrest disposition records automated. He urged that we set a deadline of three years to complete the automation on these records.
4. Conduct oversight hearing on the use of federal grants to the state to improve access and quality of criminal records through the national Criminal History Improvement Program. He reported that California received a total of \$28 million from the federal government to improve its record keeping, and he wants to make sure that the money is being used for this purpose.

Assemblyman Horton suggested that we operate in a "zero sum game" environment. The gun violence prevention community needs to come together and have a summit to develop an agenda for all their priorities, and to allow the committee to move that agenda forward for them. He noted the futility of different groups pressuring him that their issue is a priority. He said that it

was even more frustrating to have bills get signed which have no significant impact. Even though we have enacted numerous firearm laws, the illegal use of guns continues to rise. He suggested that we need to begin to look at social, psychological and economic factors that contribute to this problem and to come up with solutions to arrest this cycle of gun violence.

Irwin Nowick (Senate Staff) spoke under public comments. He said that a registration requirement for long guns might result in an illegal property tax issue as personal effects are considered property. Assault weapons require a one-time registration only since they are presumably restricted to a single purchaser for life. However, we have **SB 950** prohibiting convicted criminals from possessing guns.

Nowick said ballistic imaging is a good idea if it works. He stated that he had recommended to Assemblyman Hertzberg to do a study to see if it works, and if it does, it should be applied to handguns and rifles. He recommended that data be captured at the manufacturers' level. He also spoke about **SB 8 (Peace)** noting that this measure is important because it would allow us to know if someone actually picked up the gun after they have been approved for the firearms transfer. He said that we do not have a system in place to know if the records are kept carefully. DOJ needs to do something on the enforcement side of trafficking with the supplier. (DOJ)

He concluded that one of the reason DROS fees went from \$4 to \$14 is that it funds reports on efforts by mentally ill persons to purchase weapons.

Mr. Koretz adjourned the meeting at 1:15 p.m.



California Department of Justice
FIREARMS DIVISION
Randy Rossi, Director

INFORMATION BULLETIN

Subject:

NEW AND AMENDED FIREARMS LAWS

No.:

2000 FD-06

Date:

12-12-2000

For further information contact:

*Firearms Division
(916) 227-3703*

TO: ALL CALIFORNIA FIREARMS DEALERS AND MANUFACTURERS

Effective January 1, 2001, the California Penal Code (PC) and Welfare and Institutions Code (WIC) will be revised to include new and amended code sections. This bulletin provides a brief summary of these changes. For more detailed language, you may contact the Legislative Bill Room at (916) 445-2323 to obtain copies of these bills (order by statute year and chapter number) or you may access the full text of these bills via the Internet at <http://www.leginfo.ca.gov/>. Additional information regarding firearms laws, including the full text of the Dangerous Weapons' Control Law, are available on the Internet at the Department of Justice (DOJ) Firearms Division web site at <http://caag.state.ca.us/firearms/>.

SB 15 (Stats. 1999, ch. 248) (Polanco) (1999 bill - Included due to Provisions Operative 1/1/2001)

- Effective January 1, 2001, requires handguns manufactured or sold in California to pass a series of tests relative to safety and functionality. This statute generally prohibits the manufacture, importation for sale, sale, or lending/transfer of any "unsafe" handgun. A violation of the provisions of this statute is a misdemeanor. (PC § 12125)
- Specifies firing and drop-safety requirements for handguns. (PC §§ 12127, 12128)
- Requires the DOJ to certify independent laboratories to test handguns for compliance with the safety/functionality provisions of this statute. This statute also requires the testing by a DOJ-certified independent laboratory of each handgun model sold, imported, or manufactured in this state to determine if that handgun model meets the specified firing and drop-safety requirements. (PC § 12130)
- Commencing January 1, 2001, requires the DOJ to compile, publish, and thereafter maintain a roster listing those handguns that have been tested and certified by the DOJ as "not unsafe" and, therefore, may be sold in California. (PC § 12131)
- The sale, loan, and transfer requirements of this statute generally do not apply to the sale/transfer of agency authorized duty firearms to peace officers; private party transfers; transfers that are not required to be conducted by firearms dealers; transfers of curios and relics; single-action revolvers as specified; the return of a firearm by a firearms dealer to a person who delivered the firearm to the dealer for service or repair; the return of a handgun by a consignment/pawn dealer to a person who delivered the firearm to the dealer for the purpose of a consignment sale or as collateral for a pawnbroker loan; and the sale/transfer of Olympic firearms specified in P.C. Section 12132 (h)(2). (PC §§ 12132, 12133)

- A comprehensive Information Bulletin is forthcoming to update dealers regarding the Dealer's Records of Sales (DROS) process changes relative to the implementation of SB 15. DOJ is currently in the process of enhancing the DROS entry system as needed to administer/enforce the requirements set forth in SB 15.

AB 719 (Stats. 2000, ch. 123) (Briggs)

- Effective January 1, 2001, provides that persons certified as trainers for training courses related to renewals of licenses to carry concealable handguns are exempt from the requirement to complete a specified training course for the purpose of renewing a license to carry a concealed firearm. (PC § 12050)

AB 1717 (Stats. 2000, ch. 271) (Hertzberg)

- Requires the Attorney General to conduct a study to evaluate ballistic identification systems to determine if a statewide ballistic identification system for firearms sold in this state is feasible and to determine if such a system would benefit law enforcement. The Attorney General must report the results to the Legislature no later than June 1, 2001. (PC § 12072.5)

AB 2053 (Stats. 2000, ch. 275) (Wesson)

- Effective January 1, 2001, prohibits the sale, purchase, shipping, transportation, distribution, etc., of imitation or toy firearms for commercial purposes unless the coloration of the entire exterior surface is bright orange or bright green, either singly or in combination. The blaze orange barrel plug by itself no longer satisfies the California requirements. Each violation is punishable by a civil fine of up to ten thousand dollars (\$10,000). Certain nonfiring replicas of antiques, BB, pellet, and spot marker guns are exempt. Also provides that any person who purchases, manufactures, ships, transports, distributes, or receives an actual firearm where the coloration of the entire exterior surface of the firearm is entirely or predominantly bright orange or bright green, either singly or in combination, is liable for a civil fine of not more than ten thousand dollars (\$10,000) in an action brought by the city attorney or district attorney. (PC §§ 417.3, 12020.3)

AB 2351 (Stats. 2000, ch. 967) (Zettel)

- Effective January 1, 2001, provides exemptions to handgun safety testing requirements and assault weapon restrictions for certain pistols that are used in official Olympic-style international shooting competitions, as specified. (PC §§ 12132, 12276.1)

Policy Change Regarding State Exemptions for Authorized Federal Peace Officers

- Subsequent to contacts regarding this issue, the California Department of Justice (DOJ) has completed a review of federal laws which authorize federal peace officers to carry and use firearms in the course of their duties. Additionally, the California DOJ has conferred with various federal agencies regarding their policies related to peace officers and duty weapons. Recognizing that federal laws have jurisdiction over state statutes

when both affect the same area of government, the California DOJ is implementing the following policy change relative to duty weapon and large capacity magazine purchases by federal peace officers.

- Effective immediately, federal peace officers whose agencies have congressional authority to carry and use firearms may with a letter signed by the head of their agency or the agency head's designee purchase duty weapons and/or large capacity magazines and be afforded the same exemptions that apply to California peace officers. The federal agency letter authorizing the purchase of a duty weapon must specify the firearm make and model that the officer is authorized to purchase. Consequently, federal peace officers who meet the above criteria may now purchase firearms from California firearms dealers and be exempted from the state mandated ten day waiting period. Additionally, these same individuals may now also purchase large capacity magazines provided they have agency authorization. **Please note that although state and federal peace officers are exempt from the DROS waiting period, they are not exempt from the DROS paper work requirements.**

Sincerely,



RANDY ROSSI, Director
Firearms Division

For BILL LOCKYER
Attorney General



California Department of Justice
 FIREARMS DIVISION
 Randy Rossi, Director

INFORMATION BULLETIN

Subject: Implementation of Assembly Bill (AB) 106 - Firearms Safety Device Standards and Testing, and Standards for Gun Safes

No.: 2001-04-FD

Date: 12/13/2001

*For further information contact:
 Firearms Division
 (916) 227-3703*

TO: ALL CALIFORNIA LICENSED FIREARMS DEALERS, MANUFACTURERS, CHIEFS OF POLICE, SHERIFFS OFFICES

INTRODUCTION

Effective January 1, 2002, the Department of Justice (DOJ) will be implementing AB 106. As such, effective January 1, 2002, all firearms sold or transferred in this state by a licensed firearms dealer (including pawn returns and private party transfers) and all firearms manufactured in this state are to include or be accompanied by a DOJ-certified firearms safety device such as a cable lock, trigger lock, lock box, etc., that is listed on the DOJ Roster of Firearms Safety Devices Certified for Sale. The DOJ-certified firearms safety device accompanying the sale/transfer must be suitable for the firearm as determined by the device's manufacturer and as listed on the roster. Statutory exemptions are included in this bulletin. **This requirement applies to all firearms transactions initiated on, or after, January 1, 2002.**

As of December 12, 2001, 41 firearms safety devices have been certified to meet the DOJ safety standards and have been placed on the DOJ Roster of Firearms Safety Devices Certified for Sale. Additional devices continue to be submitted for testing. DOJ-certified devices have been certified by their manufacturers to be compatible with hundreds of firearms models encompassing a wide variety and style of firearms. In addition, many of the lock boxes listed on the roster are designed to hold several firearms. Purchasers/transferees owning DOJ-certified lock boxes may not have to purchase a new device every time a firearm is acquired. Finally, persons who own acceptable gun safes are in compliance upon completion of an affidavit (copy attached).

Currently, DOJ-certified firearms safety device manufacturers have reported lackluster interest from firearms dealers regarding obtaining inventories of their products. Dealers should ensure that they have adequate inventories of DOJ-certified firearms safety devices by January 2002.

COMPLIANCE

Compliance with the requirements can be demonstrated in several ways. Typically, the dealer will ensure that the sale or transfer of a firearm includes or is accompanied by a DOJ-certified firearms safety device. Firearm dealers should use the Roster of Firearms Safety Devices Certified for Sale to determine which DOJ-certified firearms safety devices are approved for the firearm(s) involved in the transaction. The roster may be viewed at <http://www.ag.ca.gov/firearms/fsdcertlist.htm>. **Note: Not all firearms safety devices included with a firearm by firearms manufacturers will be tested and on the roster. A firearm that is accompanied with a safety device not listed on the DOJ roster will not meet the requirement. In these instances, a DOJ-certified firearms safety device or designated affidavit (copies attached) will have to accompany the sale/transfer or the sale/transfer must meet one of the exemptions.**

COMPLIANCE CAN BE DEMONSTRATED BY ONE OF THE FOLLOWING:

- The firearm dealer and purchaser or transferee must do all of the following:
 1. The purchaser or transferee purchases a DOJ-certified firearms safety device, that is approved for the firearm being acquired, within 30 days prior to the day the purchaser or transferee takes possession of the firearm.
 2. The purchaser or transferee presents the DOJ-certified firearms safety device, that is approved for the firearm being acquired, to the firearms dealer when picking up the firearm.
 3. The purchaser or transferee presents the original receipt to the firearms dealer. Statute requires that the receipt show the date of purchase, the name, and the model number of the DOJ-certified firearms safety device that is approved for the firearm being acquired. The seller of the firearms safety device may handwrite the information on the receipt.
 4. The firearms dealer verifies that the requirements in (1-3) have been satisfied.
 5. The firearm dealer must document the DOJ-certified firearms safety device make and model included with or accompanying each firearm transaction in the comment field at the bottom of the DROS (see attached sample DROS form) and keep a copy of the receipt for three years with the Dealer Record of Sale (DROS). -OR-

- The purchaser or transferee completes an affidavit (copy attached) confirming the purchaser or transferee already owns and possesses a DOJ-certified lock box type firearms safety device. This affidavit will relieve the purchaser or transferee from having to remove a lock box from its permanently fixed location or from having to present a lock box that is too large and/or heavy to reasonably expect its presentation at the time of firearm acquisition. In addition, this affidavit can demonstrate compliance for a purchaser or transferee who owns a DOJ-certified lock box type device that can accommodate more than one firearm, including the one being acquired. The firearms dealer shall maintain the affidavit (see attached) and a copy of the receipt for three years with the DROS. -OR-

- A DOJ-certified firearms safety device may be provided by the firearm's manufacturer. The firearms dealer must document the device's make and model in the comment field at the bottom of the DROS (see attached). -OR-

- The firearms purchaser or transferee completes an affidavit (copy attached) confirming the purchaser or transferee already owns and possesses an acceptable gun safe (as described below). The affidavit must identify the safe by make and model as well as state "under penalty of perjury" that the gun safe meets the standards set forth by section 977.50 of the California Code of Regulations. The firearms dealer shall maintain the affidavit (see attached) and a copy of the receipt for three years with the Dealer Record of Sale (DROS).

**Implementation of Assembly Bill (AB) 106 - Firearms
Safety Device Standards and Testing, and Standards for Gun Safes
Page 3**

Gun safes are not required to be tested, and do not appear on the roster. Most safes manufactured with quality materials will meet the acceptable safe criteria. An acceptable gun safe, as defined by section 977.50 of the California Code of Regulations, is either one of the following:

1. A gun safe that is able to fully contain firearms and provide for their secure storage, and is listed as an Underwriters Laboratories (UL) Residential Security Container. A UL Residential Security Container will bear a mark identifying itself as meeting the UL Residential Security Container requirements.
2. A gun safe that meets all of the following standards:
 - (a) Shall be able to fully contain firearms and provide for their secure storage.
 - (b) Shall have a locking system consisting of at minimum a mechanical or electronic combination lock. The mechanical or electronic combination lock utilized by the safe shall have at least 10,000 possible combinations consisting of a minimum three numbers, letters, or symbols. The lock shall be protected by a case-hardened (Rc 60+) drill-resistant steel plate, or drill-resistant material of equivalent strength.
 - (c) Boltwork shall consist of a minimum of three steel locking bolts of at least ½ inch thickness that intrude from the door of the safe into the body of the safe or from the body of the safe into the door of the safe, which are operated by a separate handle and secured by the lock.
 - (d) A gun safe shall be capable of repeated use. The exterior walls shall be constructed of a minimum 12-gauge thick steel for a single-walled safe, or the sum of the steel walls shall add up to at least .100 inches for safes with two walls. Doors shall be constructed of a minimum one layer of 7-gauge steel plate reinforced construction or at least two layers of a minimum 12-gauge steel compound construction.
 - (e) Door hinges shall be protected to prevent the removal of the door. Protective features include, but are not limited to: hinges not exposed to the outside, interlocking door designs, dead bars, jeweler's lugs and active or inactive locking bolts.

EXEMPTIONS

- The firearms safety device requirement does not apply to the commerce of any firearm defined as an "antique firearm" in paragraph (16) of subsection (a) of section 921 or Title 18 of the United States Code. (PC § 12088.8)
- Additionally, the firearms safety device requirement does not apply to the commerce of any firearm intended to be used by a salaried full-time peace officer, as defined in Chapter 4.5 (commencing with section 830 of Title 3 of Part 2 of the Penal Code) for purposes of law enforcement. This exemption can be granted upon the presentation of the "standard" law enforcement agency letter from the employing agency indicating that the firearm is to be used in the discharge of the officer's official duties. (PC § 12088.8)

Information Bulletin
Implementation of Assembly Bill (AB) 106 - Firearms
Safety Device Standards and Testing, and Standards for Gun Safes
Page 4

REVISED DEALER'S RECORD OF SALE OF FIREARMS (DROS) FORM

Firearms dealers should note the DROS form has been revised to include statements in each signature block for each signer to declare under penalty of perjury that the information provided on the DROS form is true and correct. A copy of this new DROS form is attached to this bulletin. Please destroy your inventories of any prior versions of this form, including the version recently included with Information Bulletin number 2001-02-FD (New and Amended Firearms Laws) and instead use the revised version attached to this bulletin. You may make copies as needed.

If you would like to view the text of the regulations for AB 106, please go to our web site at <http://www.ag.ca.gov/firearms/regs/ab106index.htm>. If you have any questions regarding this Information Bulletin, the roster, gun safes, or the Firearms Safety Device Testing Program, please call the Firearms Division Information Services Section at (916) 227-3703.

Sincerely,



RANDY ROSSI, Director
Firearms Division

For BILL LOCKYER
Attorney General

California Department of Justice
FIREARMS DIVISION
Randy Rossi, Director

INFORMATION BULLETIN

Subject:

**NEW AND AMENDED FIREARMS/WEAPONS
LAWS**

No.:

2002-03-FD

Date:

11/22/2002

For further information contact:

Firearms Division

(916) 227-3703

TO: ALL CALIFORNIA FIREARMS DEALERS AND MANUFACTURERS

This bulletin provides a brief summary of new and amended California firearms/weapons laws effective January 1, 2003. For more detailed language regarding these legislative changes, you may contact the California State Capitol Legislative Bill Room at (916) 445-2323 to obtain copies of the bills (order by statute year and chapter number) or you may access the full text of the bills via the Internet at <http://www.leginfo.ca.gov/>. Additional information regarding firearms laws, including the full text of the Dangerous Weapons' Control Law, is available on the Internet at the Department of Justice (DOJ) Firearms Division web site at <http://www.ag.ca.gov/firearms>.

SB 682 (Stats. 2002, ch. 913) (Perata)

- Removes civil immunities regarding the design, distribution, and marketing of firearms and ammunition. Also deletes provisions that exempt firearms and ammunition from product liability actions (Civil Code § 1714).

SB 1670 (Stats. 2002, ch. 917) (Scott)

- Authorizes the DOJ to randomly obtain and test firearms safety devices listed on the DOJ Roster of Firearm Safety Devices Certified for Sale to ensure that they comply with DOJ standards (PC § 12088).
- Defines the term "long-gun safe," distinguishing it from "gun safe" and "firearms safety device." A "long-gun safe" means a locking container designed to fully contain and secure a rifle or a shotgun. A "long-gun safe" must have a locking system consisting of either a mechanical combination lock or an electronic combination lock that has at least 1,000 possible unique combinations consisting of a minimum of three numbers, letters or symbols per combination, and that is not listed on the DOJ Roster of Firearm Safety Devices (PC § 12087.6).
- Requires that any firearms safety device (with the exception of a "gun safe" or "long-gun safe") sold, kept or offered for sale, or that is distributed under an organized safety program must be listed on the DOJ Roster of Firearm Safety Devices Certified for Sale. Also requires that any long-gun safe kept for commercial sale or commercially sold, that does not meet the DOJ gun safe definition, carry a conspicuous and legible warning label, in English and in Spanish, as follows:

WARNING: This gun safe does not meet the safety standards for gun safes specified in California Penal Code Section 12088.2. It does not satisfy the requirements of Penal Code Section 12088.1, which mandates that all firearms sold in California be

accompanied by a firearms safety device or proof of ownership, as required by law, of a gun safe that meets the Section 12088.2 minimum safety standards developed by the California Attorney General.

ADVERTENCIA: Esta caja fuerte para pistolas no cumple con las normas de seguridad para las cajas fuertes para pistolas especificadas en la Sección 12088.2 del Código Penal de California. No satisface los requisitos de la Sección 12088.1 del Código Penal, que requiere que todas las armas de fuego que se vendan en California estén acompañadas por un dispositivo de seguridad de armas de fuego o prueba de propiedad, como lo requiere la ley, de una caja fuerte para pistolas que cumpla con las normas de seguridad mínimas elaboradas por el Procurador General de California, especificadas en la Sección 12088.2.

Failure to comply with this requirement is punishable as follows:

- 1st violation: A civil fine of up to five hundred dollars (\$500).
- 2nd violation occurring within five years of the date of a previous offense: A civil fine of up to one thousand dollars (\$1,000) and, if the violation is committed by a licensed firearms dealer, ineligibility from selling firearms for 30 days.
- 3rd violation occurring within five years of the date of two or more previous offenses: A civil fine of up to five thousand dollars (\$5,000) and, if the violation is committed by a licensed firearms dealer, permanent ineligibility from selling firearms (PC § 12088).

SB 1689 (Stats. 2002, ch. 208) (Margett)

- Prohibits the manufacture, importation, sale, giving, commerce, etc., of hard plastic knuckles worn for purposes of offense or defense in or on the hand that either protect the wearer's hand while striking a blow or increase the force of impact from the blow or injury to the individual receiving the blow. The plastic contained in such a prohibited device helps support the hand or fist, provide a shield to protect it, or consist of projections or studs that would contact the individual receiving a blow (PC § 12020.1).

AB 352 (Stats. 2002, ch. 58) (Runner)

- Expands the definition of “undetectable knife” to include knives that are not detectable by a magnetometer set at standard calibration (PC § 12001.1).

AB 2080 (Stats. 2002, ch. 909) (Steinberg)

- Pending availability of funding, requires the DOJ to develop a system that identifies persons who, in addition to California licensed firearms dealers, are federally licensed/authorized to receive firearm shipments in California. Effective January 1, 2005, any person who ships a firearm to a person in California must utilize the DOJ system to verify that the individual receiving the firearm(s) is expressly identified by the DOJ as a person who is authorized to receive firearm shipments. The person making the inquiry will be provided with a unique verification number that he/she must provide to the person receiving shipment of the firearm(s), who in turn must keep a record of the information and make it available to inspection by the DOJ. In the event the intended recipient is not authorized to receive firearm shipments, the DOJ system would notify the person making the inquiry of that fact (PC §§ 12071-12072).

AB 2580 (Stats. 2002, ch. 910) (Simitian)

- Exempts firearms dealers who do not sell, transfer, or stock handguns from the requirement to process private party handgun transactions. However, all firearms dealers are still required to conduct private party long-gun transactions upon request (PC § 12082).
- Provides that the DOJ shall, for every person, firm, or corporation who has a DOJ-issued dangerous weapons permit, conduct annual inspections of permit holders' inventories and facilities. Permit holders with an inventory of five or fewer permitted items are subject to inspection every five years. Also requires the DOJ to establish a schedule of fees to cover the costs of inspections (PC §§ 12076, 12082, 12305, 12099, 12234, 12289.5).

AB 2793 (Stats. 2002, ch. 911) (Pescetti)

- Requires the DOJ to create a program to exempt qualifying new models of competitive handguns from handgun testing requirements and/or assault weapon regulation. USA Shooting or any other organization whom the DOJ deems relevant may recommend handgun models for DOJ evaluation (PC §§ 12132, 12276.1).
- Exempts Olympic competition pistols from the firearms safety device requirement if no firearms safety device, other than a cable lock that the DOJ has determined would damage the barrel of the pistol, has been approved for the pistol and the pistol has been exempted by the DOJ from handgun testing requirements (PC § 12021).
- Expands the definition of "dummy round" to be used in the handgun safe-handling demonstration to: bright orange, red, or other readily identifiable dummy round. If no readily identifiable dummy round is available, the demonstration may be performed with an empty cartridge casing with an empty primer pocket (PC § 12071).

AB 2902 (Stats. 2002, ch.912) (Koretz)

- Allows the DOJ to annually retest up to five percent of the handgun models listed on the DOJ Roster of Handguns Certified for Sale. Handgun models that don't pass DOJ retesting will be removed from the roster (PC § 12131).
- Clarifies that handgun models submitted for testing may not be refined or modified in any way from those that would be made available for retail sale if DOJ certification is granted. Requires that the magazines of tested pistols shall be identical to those that would be provided with the pistol to a retail customer. Also provides that a jam caused by failure of the magazine during testing constitutes a malfunction of the handgun. Clarifies that claims of ammunition failure during test-firing are applicable only to ammunition that fails to detonate. Furthermore, requires that ammunition used for the test-firing must be of a type that is commercially available (PC § 12127).

SB 52 (Stats. 2001, ch.942) (Scott) (2001 bill - Included due to new provisions operative 1/1/2003)

- Effective January 1, 2003, replaces the Basic Firearm Safety Certificate (BFSC) Program with the Handgun Safety Certificate (HSC) Program. To obtain an HSC, an applicant must be at least 18 years of age and pass a written test administered by a DOJ-certified instructor. The DOJ is required to produce HSC instructional materials in English and in Spanish. Once an HSC is issued by a DOJ-certified instructor, it is valid for five years. Test applicants will be subject to a DOJ fee of \$15 and an instructor service fee of \$10 or less, for a total HSC fee of no more than \$25 (PC §§12800-12808).
- Effective January 1, 2003, provides that no firearms dealer may deliver a handgun unless the recipient has a valid HSC or is exempt (pursuant to PC section 12807) from the HSC requirement. The firearms dealer is required to retain a photocopy of the handgun recipient's HSC as proof of compliance. Any firearms dealer who fails to comply may be removed from the Centralized List of Firearms Dealers and punished by imprisonment in a county jail not exceeding one year or in state prison, or by a fine not to exceed one thousand dollars (\$1,000). With specified exceptions, any loan of a handgun requires that the recipient have a valid HSC. Failure to comply is a misdemeanor (PC §§ 12072(c)(5)(B)).
- Effective January 1, 2003, provides that no firearms dealer may deliver a handgun without first requiring the recipient of that handgun to correctly perform a safe handling demonstration in the presence of a DOJ certified instructor. Both the firearms dealer and the recipient are required to sign an affidavit of which the dealer is required to retain, as proof of compliance. Failure to comply may result in removal of the firearms dealer from the Centralized List of Firearms Dealers. Persons who are exempt from the HSC requirement are also exempt from the safe handling demonstration requirements (PC § 12071(b)(8)).
- Effective January 1, 2003, requires a purchaser/transferee of a firearm to provide his/her right thumbprint on the Dealers Record of Sale (DROS) form (PC § 12077).
- Effective January 1, 2003, requires each firearms dealer prior to the delivery of a handgun to obtain proof of residency from the handgun recipient. Satisfactory proof of residency

includes a utility bill from within the three months prior to the delivery, a residential lease, a property deed, military permanent duty station orders indicating assignment within this state, or other evidence of residency as permitted by the DOJ. The firearms dealer is required to retain a copy of the residency documentation as proof of compliance. Failure to comply may result in removal of the firearms dealer from the Centralized List of Firearms Dealers (PC § 12071(b)(8)(C)).

- Effective January 1, 2003, requires all firearms dealers to report all DROS transactions electronically. Telephone reporting will no longer be an option. The firearm recipient's identification number, name, and date of birth must be obtained by swiping the recipient's California identification or driver's license card through a magnetic card stripe reader. As with the current process exception will apply to military personnel with accompanying permanent duty station orders (PC § 12077).

A more detailed Information Bulletin is forthcoming later this fall regarding the implementation of SB 52. Additionally, the Department plans to have the required HSC certificates and associated materials available for sale and/or distribution by early December 2002.

Revised Dealer's Record of Sale of Firearms (DROS) form

The most recently updated DROS application/worksheet is attached to this bulletin. You may make copies as needed or you may download additional copies from the DOJ Firearms Division web site at <http://www.ag.ca.gov/firearms>. In some instances, such as a computer malfunction or gun transaction initiated at a gun show, firearms dealers may utilize the manual paper DROS Worksheet.

If you have any questions or require further assistance concerning this Information Bulletin, please contact the Firearms Division at (916) 227-3703.

Sincerely,



RANDY ROSSI, Director
Firearms Division

For BILL LOCKYER
Attorney General

WS

DEALER'S RECORD OF SALE OF FIREARM WORKSHEET

CFD NUMBER:	<table border="1" style="width: 100%; height: 20px; border-collapse: collapse;"> <tr> <td style="width: 10%;"></td><td style="width: 10%;"></td><td style="width: 10%;"></td><td style="width: 10%;"></td><td style="width: 10%;"></td><td style="width: 10%;"></td><td style="width: 10%;"></td><td style="width: 10%;"></td><td style="width: 10%;"></td><td style="width: 10%;"></td><td style="width: 10%;"></td> </tr> </table>											
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TRANSACTION INFORMATION

TRANSMISSION DATE:	TIME:	FIREARM TYPE: <input type="checkbox"/> HANDGUN <input type="checkbox"/> LONG GUN(S) <small>If long gun transaction, enter the number of firearms: _____</small>
TRANSACTION TYPE:		
<input type="checkbox"/> DEALER SALE	<input type="checkbox"/> PRIVATE PARTY TRANSFER <small>(cert-list exempt)</small>	<input type="checkbox"/> LOAN <small>(cert-list exempt)</small>
<input type="checkbox"/> PAWN/CONSIGNMENT RETURN <small>(cert-list exempt)</small>	<input type="checkbox"/> CURIO/RELIC/OLYMPIC/OTHER EXEMPT/ <small>(cert-list exempt)</small>	<input type="checkbox"/> PEACE OFFICER <small>(cert-list exempt)</small>
		GUN SHOW TRANSACTION? <input type="radio"/> YES <input type="radio"/> NO

WAITING PERIOD EXEMPTIONS

PURCHASER CLAIMS THE FOLLOWING WAITING PERIOD EXEMPTION PURSUANT TO 12078 PC (if applicable):

<input type="checkbox"/> PEACE OFFICER STATUS	<input type="checkbox"/> SPECIAL WEAPONS PERMIT Enter type of permit and number: _____	<input type="checkbox"/> COLLECTOR STATUS <small>(Valid for Curio/Relics Only)</small>
<input type="checkbox"/> DEALER STATUS Enter CFD number: _____		<input type="checkbox"/> Transaction exempt from the 1-handgun-per-30-day limit

REVOLVER/PISTOL INFORMATION

MAKE (As Stamped on Handgun) (Colt, S&W, etc)	MODEL (647, Redhawk, etc)	CALIBER(S)
SERIAL NUMBER	OTHER NUMBER (if Different from Serial Number)	HANDGUN TYPE: <input type="checkbox"/> REVOLVER <input type="checkbox"/> SEMI-AUTO <input type="checkbox"/> DERRINGER
HANDGUN COLOR:		<input type="checkbox"/> SINGLESHOT <input type="checkbox"/> OTHER _____
<input type="checkbox"/> BLUE STEEL	<input type="checkbox"/> SILVER/NICKEL/STAINLESS	<input type="checkbox"/> OTHER _____
BARREL LENGTH	HANDGUN ORIGIN (USA, Italy, etc)	
FRAME ONLY? <input type="radio"/> YES <input type="radio"/> NO	NEW HANDGUN? <input type="radio"/> YES <input type="radio"/> NO	COMMENTS

PURCHASER INFORMATION

FIRST NAME	MIDDLE NAME	LAST NAME	SUFFIX
ALIAS FIRST NAME	ALIAS MIDDLE NAME	ALIAS LAST NAME	ALIAS SUFFIX
STREET ADDRESS			ZIP CODE
<small>One of the following forms of identification is required to legally purchase firearms in California: California Driver's License (CDL), California ID (CID) card issued by the DMV, Military ID (MIL) for active duty military accompanied by permanent duty station orders indicating that the purchaser is stationed in California, or a Diplomatic Passport with a letter from the embassy or consulate.</small>			
ID TYPE (Circle One) CDL CID MIL Diplomatic Passport	ID NUMBER	ID SOURCE (State or Country)	
TELEPHONE NUMBER ()	DATE OF BIRTH MO DAY YR	PLACE OF BIRTH	RACE
SEX	EYES	HAIR	HEIGHT
			WEIGHT
HSC NUMBER OR EXEMPTION CODE (Handguns Only)			

Answer the following questions by checking "YES" or "NO"

<input type="radio"/> YES <input type="radio"/> NO	HAS PURCHASER EVER BEEN CONVICTED OF A FELONY OR OF AN OFFENSE SPECIFIED IN PENAL CODE SECTION 12021.1 OR 12001.6; OR CONVICTED OF ASSAULT, BATTERY, OR OTHER MISDEMEANOR OFFENSE SPECIFIED IN PENAL CODE SECTION 12021(c)(1) IN THE LAST 10 YEARS?
<input type="radio"/> YES <input type="radio"/> NO	IS PURCHASER A MENTAL PATIENT OR ON LEAVE OF ABSENCE FROM A MENTAL HOSPITAL AS DESCRIBED IN WELFARE AND INSTITUTIONS CODE SECTION 8100?
<input type="radio"/> YES <input type="radio"/> NO	HAS PURCHASER EVER BEEN ADJUDICATED BY A COURT TO BE A DANGER TO OTHERS, FOUND NOT GUILTY BY REASON OF INSANITY, FOUND INCOMPETENT TO STAND TRIAL, OR PLACED UNDER A CONSERVATORSHIP, PURSUANT TO WELFARE AND INSTITUTIONS CODE SECTION 8103?
<input type="radio"/> YES <input type="radio"/> NO	IS PURCHASER CURRENTLY THE SUBJECT OF ANY RESTRAINING ORDER PURSUANT TO FAMILY CODE SECTION 6380?

IN ADDITION, I HAVE READ THE LIST OF PROHIBITING OFFENSES, AND NOTHING WOULD PRECLUDE ME FROM POSSESSING A FIREARM.

SIGNATURE OF PURCHASER

By signing this document, I hereby certify under the penalty of perjury that the information provided is true and correct

PRIVATE PARTY TRANSFER (SELLER INFORMATION)

FIRST NAME	MIDDLE NAME	LAST NAME	SUFFIX
STREET ADDRESS			ZIP CODE
ID TYPE	ID NUMBER	ID SOURCE (State or Country)	TELEPHONE NUMBER ()
DATE OF BIRTH MO DAY YR	RACE	SEX	SIGNATURE OF SELLER
<i>By signing this document, I hereby certify under the penalty of perjury that the information provided is true and correct</i>			

DEALER INFORMATION

COMMENTS	SIGNATURE OF SALESPERSON
DEALER TELEPHONE NUMBER ()	<i>By signing this document, I hereby certify under the penalty of perjury that the information provided is true and correct</i>



**Prohibited Persons Notice Form and
Power of Attorney for Firearms and Disposal**
Penal Code Section 12021(d)(2)

Penal Code (PC) Sections 12021(d)(1) and 12021.1 and Sections 8100 or 8103 of the Welfare and Institutions Code state any person who has been convicted of a felony, certain misdemeanors, certain firearms offenses, who is addicted to narcotics, who is the subject of a domestic violence restraining order, or has been committed to a mental institution pursuant to Welfare and Institutions Code section 8100, may not possess or have under his or her control any firearm. Certain federal statutes impose lifetime and other more restrictive prohibitions on firearm possession. Please refer to the accompanying document entitled "State of California Firearms Prohibiting Categories."

Note: Specific procedures exist to allow persons prohibited from possessing firearms to seek relief from the prohibition pursuant to PC Section 12021 and Welfare & Institutions Code section 8103 (f)(5) and (g)(4). It should be noted that federal firearm prohibitions might be more restrictive than California prohibitions and that in many instances may also require a governor's pardon. If a person is granted relief from prohibition from a California court, the person may still be prohibited under federal law. Persons falling in this category must be granted relief from firearm prohibition by the federal courts before they may again possess firearms in California.

To be effective immediately upon occurrence of the prohibiting event: conviction, restraining order etc., any person who becomes prohibited from possessing firearms under California or federal statutes may not control, possess, or have access to any firearms. Prohibited persons must immediately designate a third party person (who is not prohibited from possessing firearms) to transfer or dispose any and all firearms by completing the Power of Attorney section on the reverse side of this form. **Failure to immediately transfer or dispose of firearms may subject a person to criminal prosecution.** The designated person (identified in the Power of Attorney form) must carry out one of the following actions within 30 days:

- Sell the firearm(s) to a California licensed firearm dealer;
- Sell or transfer the firearm(s) to another person who is not prohibited from possessing firearms (this transfer must be performed through a California licensed firearm dealer). Such a transfer may be temporary based on agreement of the parties and until such time that a non-lifetime prohibition ends;
- If the prohibition is 30 days or less, the designee may possess the firearm for the duration or transfer it to a person who is not prohibited from possessing firearms for a period of no more than 30 days;
- If the designee wishes to permanently possess the firearm(s) (beyond 30 days) a Voluntary Firearm Registration form (FD 4542) must be completed;
- Surrender the firearm(s) to a California law enforcement agency for the purpose of destruction.
- If the firearm(s) is an assault weapon as defined under PC Sections 12276, 12276.5, or 12276.5, and is registered pursuant to PC Section 12285, the designee must sell it to a licensed assault weapon dealer or relinquish it to a law enforcement agency. To obtain a list of DOJ permitted assault weapon dealers in your area, contact the Firearms Division at (916) 227-3696. If the firearm(s) is an unregistered assault weapon it must be relinquished to a law enforcement agency.

Power of Attorney Declaration For Firearms Transfer and Disposal

Must be notarized or witnessed (with signed affirmation) by a person who is not a party to this transaction.

I _____ hereby designate _____ as my of
Printed Name of Firearm Owner *Printed Name of Designee*

Power of Attorney for the purpose of transferring or disposing of my firearm(s). This Power of Attorney is solely for the purpose of authorizing the above designee to transfer or dispose of my firearm(s) within 30 days from the effective date of this designation. This designation shall become null and void after 30 days. As the firearm owner I hereby declare under penalty of perjury under the laws of State of California that the foregoing is true and correct and that to the best of my knowledge, the above designee is not prohibited from possessing firearms pursuant to Penal Code sections 12021 or 12021.1 or section 8100 or 8103 of the Welfare and Institutions Code. I also understand that I cannot at any time during my prohibition period access, have access to, or control firearms. To be effective immediately upon occurrence of the prohibiting event: conviction, restraining order etc.

Signature of Firearm Owner
(must be notarized/witnessed)

Date

As Power of Attorney I hereby accept with full knowledge and understanding my responsibility to carry out one of the actions as indicated on the reverse within 30 days from the effective date of this designation. As Power of Attorney I declare under penalty of perjury and that after reviewing the included list of prohibitions that I am not prohibited from possessing a firearm.

Signature of Power of Attorney
(must be notarized/witnessed)

Date

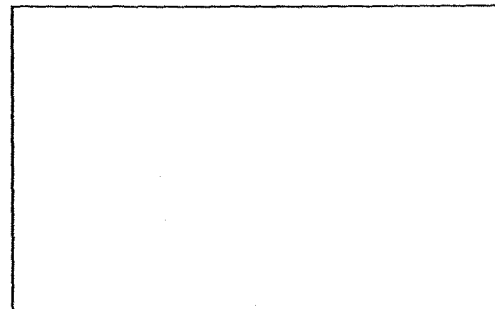
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT (OR WITNESS)

State of _____, County of _____, On _____
Date

before me, _____ personally appeared:
Name, Title of Officer -E.G., "Jane Doe, Notary Public"

Names of Signers

Personally known to me – OR – proved to me on the basis of Satisfactory evidence to be the person(s) whose name(s) is/are Subscribed to within the instrument and acknowledged to me That they executed the same in their authorized capacities, and That by their signatures on the instrument the persons, or the Entity upon behalf of which the persons acted, executed the Instrument.



Seal of Notary

Signature of Notary (or Witness)

Questions concerning prohibited persons legal status or questions pertaining to use of this form may be directed to the Department of Justice Firearms Division at (916) 227-3703.

**STATE OF CALIFORNIA
FIREARMS PROHIBITING CATEGORIES**

Note: The Department of Justice provides this document for informational purposes only. This information may not be inclusive of all firearms prohibitions as a result of subsequent clarifications or changes in law. This publication is not intended to replace an individual's direct inquiry into the current statement of laws or the pursuit of legal counsel.

- 1.) Person convicted of a felony, or any offense enumerated in Section 12021.1 of the Penal Code (PC).
- 2.) Person who is a fugitive from justice (Federal Brady Act, 18 USC 922(n) & 178.11).
- 3.) Person under indictment or court information: includes any court, under which a crime punishable by imprisonment for a term exceeding one year may be prosecuted.
- 4.) Person addicted to the use of narcotics pursuant to 12021 PC.
- 5.) Person denied firearm possession as a condition of probation pursuant to Section 12021(d) PC.
- 6.) Juveniles adjudged wards of the juvenile court because they committed a 707(b) Welfare and Institutions Code (WIC) offense, an offense described in Section 1203.073(b) PC or any offense enumerated in 12021(c)(1) PC are prohibited until they reach age 30.
- 7.) Person subject to a protective/restraining order as defined in Section 6218 of the Family Code, or a temporary restraining order or injunction issued pursuant to Section 12021(g)(1) PC & 527.6 or 527.8 of the Civil Code of Procedure.
- 8.) Person found by a court to be mentally incompetent to stand trial, not guilty by reason of insanity or to be a mentally disordered sex offender pursuant to 8103 WIC.
- 9.) Person placed on a conservatorship because they are gravely disabled as a result of a mental disorder or impairment by chronic alcoholism pursuant to 8103 WIC.
- 10.) Person who communicates a threat to a licensed psychotherapist, against a reasonably identifiable victim, and the psychotherapist reports to law enforcement, is subject to a firearms prohibition for 6 months pursuant to 8100(b)(1) WIC.
- 11.) Person taken into custody as a danger to self or others under 5150 WIC, assessed under 5151 WIC, and admitted to a mental health facility under 5151, 5152, or certified under 5250, 5260, and 5270.15 WIC is prohibited from possessing or purchasing or attempting to purchase firearms for 5 years.
- 12.) Person who is a voluntary patient in a mental facility who is determined to be a danger to self or others is prohibited from purchasing or possessing a firearm between admission and discharge.
- 13.) Pursuant to Penal Code (PC) Section 12021(c)(1), any person who has been convicted of a misdemeanor violation for any of the following offenses is prohibited from owning, possessing, or having under his or her custody or control any firearms within 10 years of the conviction:

STATE OF CALIFORNIA
FIREARMS PROHIBITING CATEGORIES

-Continued-

- Threatening public officers, employees, school officials (71 PC) and certain public officers, appointees, judges, staff or their immediate families with the intent and apparent ability to carry out the threat (76 PC).
- Intimidating witnesses and victims (136.1 PC), and possessing a deadly weapon with the intent to intimidate a witness (136.5 PC).
- Threatening witnesses, victims, or informants (140 PC).
- Attempting to remove or take a firearm from the person or immediate presence of a public or peace officer (148(d) PC).
- Unauthorized possession of a weapon in a state or local public building, or at a public meeting (171(b) PC).
- Bringing into or possessing a loaded firearm within the state capitol, legislative offices, etc. (171(c) PC).
- Taking into or possessing loaded firearms within the governor's mansion or residence of other constitutional officers, etc. (171(d) PC).
- Supplying, selling or giving possession of a firearm to a person for participation in criminal street gangs (186.28 PC).
- Assault (240 & 241 PC) or Battery (242 & 243 PC).
- Assault with a stun gun or taser (244.5 PC), deadly weapon, or force likely to produce great bodily injury (245 PC) or instrument; by any means likely to produce great bodily injury or with a stun gun or taser on a school employee engaged in performance of duties (245.5 PC).
- Shooting at an inhabited or occupied dwelling (246 PC) or discharging a firearm in a grossly negligent manner (246.3 PC).
- Shooting at an occupied aircraft, motor vehicle, or uninhabited building or dwelling house (247 PC).
- Willful infliction of corporal injury on a spouse, former spouse, cohabitant, former cohabitant, or the mother or father of his or her child (273.5 PC).
- Intentional and knowing violation of a court order to prevent harassment, disturbing the peace, or threats or acts of violence (Willfully violating a domestic protective/restraining order) (273.6 PC).
- Drawing, exhibiting, or using a deadly weapon other than a firearm, except in self defense (417(1)(2) PC) and draws or exhibits a firearm in the presence of a peace officer (417(2)(c) PC).
- Person who purchases, sells, manufactures, ships, transports, distributes or receives an imitation firearm (417.2 PC).
- Inflicting serious bodily injury by drawing or exhibiting a firearm or deadly weapon (417.6 PC).
- Threatening to commit a crime which will result in death or great bodily injury to another person (422 PC).
- Possessing a firearm in a "school zone", on the grounds of a public or private school (626.9 PC).
- Stalking; willfully, maliciously, and repeated follows or harasses another person (646.9 PC).
- Armed criminal action; carrying a loaded firearm with the intent to commit a felony (12023 PC).
- Possessing a deadly weapon with intent to assault another (12024 PC).
- Driver or owner of a motor vehicle who knowingly permits a firearm in, or discharge from that vehicle (12034 PC).
- Criminal possession of a firearm; in public while masked (12040 PC).
- Prohibited transfers, deliveries, or sales of firearms (12072 PC).
- Unauthorized possession, transportation, manufacture, or sale of a machine gun (12220 PC).
- Possession of ammunition designed to penetrate metal or armor (12320 PC).
- Carrying a concealed or loaded firearm, other deadly weapon, or wearing a peace officer uniform while picketing (12590 PC).
- Bringing or sending contraband into or possession within a juvenile facility or youth authority institution (871.5 & 1001.5 WIC).
- Firearm prohibitions as specified (8100, 8103 & 8101 WIC).

Revised July, 2001

Ballistic Imaging and Comparison
Of Crime Gun Evidence
By the Bureau of Alcohol, Tobacco and Firearms

Robert M. Thompson, Jerry Miller, Martin G. Ols, and Jennifer C. Budden
National Integrated Ballistic Information Network (NIBIN) Program
Bureau of Alcohol, Tobacco and Firearms
U.S. Department of the Treasury

May 13, 2002

I. Preface

This report was prepared at the request of the California Department of Justice; the Department requested ATF's response to its publication "Technical Evaluation: Feasibility of a Ballistics Imaging Database for All New Handgun Sales" (hereafter the "Evaluation"). ATF's response will describe its use of IBIS technology for the NIBIN program, and will discuss the technical issues raised in the report as they relate to the crime gun system deployed by ATF.

Through its National Integrated Ballistic Information Network (NIBIN) Program, the Bureau of Alcohol, Tobacco and Firearms (ATF) deploys Integrated Ballistic Identification System (IBIS) equipment into State and local law enforcement agencies for their use in imaging and comparing crime gun evidence. Undertaking the initial comparison of crime gun evidence through automated comparison of digital images enables examiners to find potential links between crimes not previously known to be related; when correlation of a new piece of evidence indicates the potential for a match, examiners undertake the microscopic comparison of original evidence and confirm the match. The resulting "hit" provides a valuable lead to investigators. Numerous violent crimes involving firearms have been solved through use of the system, many of which would not have been solved without it.

The NIBIN program is currently engaged in the second year of a multi-year expansion. When the deployment is complete in all 16 multi-state regions, IBIS technology will be available at approximately 233 sites, covering every State in the Union and in all major population centers. NIBIN represents the joining together of two Federal programs deploying ballistic imaging equipment, as ATF and the Federal Bureau of Investigation (FBI) agreed to work together to deploy IBIS technology nationwide. IBIS equipment was selected for purchase based on assessment of its functionality for the envisioned tasks, and ATF has found that the IBIS equipment manufactured by Forensic Technology, Incorporated (FTI) has proved appropriate and effective for this purpose.

It is important to note that the intended function of the system to be deployed by the California Department of Justice is significantly different. Other factors specifically relevant to the deployment of ballistic equipment for uses other than collecting crime gun evidence are not addressed in this report.

It should also be noted that because of ATF's status as a Federal agency, it cannot endorse a specific provider of a service or instruct other Federal, State or local agencies to purchase ballistic imaging equipment from a particular vendor, and should not be perceived as doing so. Each agency must weigh the capabilities of the ballistic imaging equipment available and make its own choices.

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II. Executive Summary

Firearms examination is a sub-specialty of toolmark examination, the purpose of which is first to identify the tool used in the commission of a crime and then to link a suspect to the crime scene. The fundamental premise of firearms examination is that the toolmarks created on bullets and cartridge casings during the firing process are unique (that no two firearms leave the same markings on bullets and cartridge casings) and reproducible (that successive firings of a given firearm will produce identical markings). In addition to being able to confirm links between crimes already thought to be related, firearms examiners have long sought to discover links between crimes not already connected. To this end, it has been common practice to maintain an "open-case file" of physical evidence from unsolved crimes, sorted by caliber. Automated ballistic imaging and comparison takes this process one step further by making a systematic initial comparison of evidence entered in previous cases and highlighting for further examination any evidence that has the potential to match. The IBIS system is not intended to make identifications on its own; the expertise of a firearms examiner, examining the original evidence, is mandatory in order to make an identification that is actionable by law enforcement authorities.

Through its NIBIN Program, ATF deploys IBIS equipment into State and local law enforcement agencies for their use in imaging and comparing crime gun evidence. In funding and supporting this program, Congress intended to provide State and local law enforcement agencies with an effective intelligence tool that many could not afford on their own. The system also makes it possible to share intelligence across jurisdictional boundaries, enabling Federal, State and local law enforcement agencies to work together to stop violent criminals. ATF complies with all applicable restrictions imposed by Congress; for example, the NIBIN program is expressly restricted to the ballistic imaging of data associated with crime guns. NIBIN, therefore, is a crime-fighting tool, and not in any way a firearms registration system.

The ATF report describes the history of NIBIN since its beginnings as the Ceasefire program in 1992. ATF is the sole agency manager of NIBIN, and provides networking of the systems as well as purchase and deployment of systems and training of users. A two-year nationwide deployment is currently in progress, in which 160 sites have received IBIS equipment. When the network is completed, approximately 233 sites will be included.

The statistical and anecdotal evidence that the NIBIN Program is succeeding in helping State and local law enforcement agencies to fight violent crime is described in detail in the ATF report. Statistics on hits are given, as well as summaries of some success stories from State and local NIBIN partner agencies.

The Evaluation describes a number of experiments conducted in order to assess the effectiveness of the IBIS system; in these experiments, Federal brand ammunition was used for testfiring and IBIS entry. The choice of Federal brand ammunition for these experiments, while logistically convenient, was not scientifically optimal, and may have skewed the results of the experiments. Firearms examiners have long known that the toolmarks left by firearms on bullets and cartridge casings are best reproduced (and thus most visible) on ammunition of

intermediate hardness—neither too hard, and thus too difficult to mark, nor too soft and too easily marked. Through use of and research using the IBIS system, ATF has developed and published protocols for the optimal ammunition for each caliber; Federal brand is not included in these protocols, due to its comparative hardness and thus the sub-optimal visibility of marks on bullets and cartridge casings. The results of the experiments conducted for the Evaluation indicate the IBIS system to be relatively ineffective in discovering potential matches later verified by a firearms examiner as “hits,” yet this has not been ATF’s experience with the system, and it does not match the conclusions of the extensive research conducted in the past on the effectiveness of IBIS. The choice of ammunition used for the experiments may partially explain this divergence in results.

The Evaluation raises a number of technical issues about the IBIS system’s operation; in discussing them, the ATF report relates specifically to ATF’s use of the IBIS system for the imaging and comparison of crime gun evidence through the NIBIN Program. For organizational purposes, these technical issues raised have been grouped into four categories:

- o issues relating to firearms,
- o issues relating to ammunition,
- o correlation and database issues, and
- o other issues.

In the area of issues relating to firearms, some inaccuracies in the Evaluation regarding which types of firearms can be imaged into IBIS are resolved, and ATF laboratories’ entry of firearms evidence from a variety of firearms is described. The Evaluation also extensively discusses the possibility that firearms may be altered in order to disguise their signature; the ATF report relates this extremely infrequent occurrence to the overwhelming majority of cases in which no alteration takes place and firearms identification, by automated system and then by examiner comparison, is effective.

One key topic in the area of issues relating to ammunition, the choice of ammunition for the Evaluation’s assessment experiments, has been discussed above. Also in this section, the Evaluation uses hit data from an individual laboratory to draw inappropriate conclusions about the relative utility of imaging bullets; the ATF report describes the laboratory protocols that may also adversely impact the bullet hit rate at that laboratory, and describes the successes that ATF has experienced through consistently imaging both bullets and cartridge casings. The Evaluation also predicts that subclass characteristics common to a group of firearms will negate the effectiveness of automated ballistic comparison and of firearms examination; the ATF report provides perspective on ATF’s experience in using IBIS to identify individual matches despite common characteristics, and delineates past research conducted by firearms examiners on this topic.

ATF’s report also includes a section relating to correlation and database issues. After projecting the size of the California database, the Evaluation predicts a potential correlation time for each image; the ATF report describes the advances in IBIS technology from its inception to the present and the time currently required for correlation of images (considerably smaller than that cited in the Evaluation), and discusses the importance of correlation time in a forensic laboratory’s operations. The Evaluation also reaches a number

of conclusions about how a large database with many similar images will operate; the ATF report describes the behavior of databases at ATF laboratories. These databases, though sizable and made up of large numbers of similar images, do not experience the correlation problems predicted in the Evaluation. Also, the Evaluation notes the central importance of database security to any system's operation. The ATF report describes the legal and network considerations which led ATF to refuse the California Department of Justice's request to conduct some of the experiments for the Evaluation by inserting research images into the working crime gun database for the California region. This could have been a violation of ATF's appropriations restrictions, and would have required permission from every agency on the server as well as authorization from ATF.

A number of other issues were addressed in the Evaluation, and are discussed in the ATF report. The Evaluation does not accurately state the types of personnel needed to utilize IBIS equipment effectively, and the ATF report describes utilization of technicians as IBIS operators at ATF laboratories and NIBIN partner laboratories nationwide. The Evaluation predicts the unfavorable impact of training IBIS operators to look only at the top 10 images. Noting the potential for changing this guidance if it should become problematic in the future, the ATF report describes the alternate examination technique taught simultaneously with the top-10 guidance, and the reviewer's option of viewing additional images. The Evaluation also does not accurately define the term "hit," a vital concept for understanding and assessing the system. The ATF NIBIN Program definition of "hit" is included, and the importance of examiner comparison of original evidence in order to declare a hit is emphasized. The Evaluation extensively reviews the restrictions that would be necessary for a database of evidence and the restrictions to law enforcement action on potential high-confidence candidates; the ATF report notes that in ATF's NIBIN Program, all images entered are evidence, evidentiary protocols are already followed, and no information is acted on until a hit is confirmed by a firearms examiner. Finally, the Evaluation repeatedly draws distinctions between firearms evidence and fingerprint evidence, concluding that the variability of firearms evidence makes it inferior. Yet there are striking parallels between ballistic evidence and fingerprint evidence—in potential for alteration, individuality within general categories, and necessity of comparison by a trained examiner to verify a match—and these are delineated in the ATF report.

For several years, ATF has utilized IBIS automated ballistic comparison equipment in its firearms laboratories, and has deployed it into State and local NIBIN partner agencies in order to assist them in their efforts against violent crime. Statistics on hits generated, as well as stories of crimes solved, illustrate that these agencies—and the law-abiding Americans resident in their jurisdictions—have benefited from ATF's NIBIN Program. Though no investigative tool is perfect or will be effective in every situation, the availability of an "open-case file" of many thousands of exhibits, searchable in minutes instead of the lifetimes that would be required for an entirely manual search, provides invaluable information to law enforcement authorities.

III. The Examination of Firearms Evidence

Firearms examination is a sub-specialty of toolmark examination, the purpose of which is first to identify the tool used in the commission of a crime and then to link a suspect to the crime scene. This identification is possible because a tool leaves scratches, depressions and other markings on an object with which it comes into contact. Through examination of these markings, it is possible both to determine general characteristics (for firearms, parameters such as the caliber of the weapon used) and to make a precise identification (to link the evidence to an individual firearm). The ability to place a specific firearm at the scene is vital to law enforcement, because information about the weapon can be of use in identifying a suspect or confirming an individual's connection to a crime.

In order to become qualified as firearms examiners, trainees undergo a two-year formal training program in which they receive instruction on specific subjects and work with the supervision and guidance of a qualified and experienced firearms examiner. (ATF's National Firearms Examiner Academy and the program administered by the Association of Firearms and Toolmark Examiners (AFTE) are examples of such programs.) As trainees move through successive areas of the program, they are tested for competency, and gradually begin doing less difficult casework under the direct supervision of an examiner. As the trainee's skill increases, so does the level of case complexity and the autonomy offered. Casework performed by any examiner (trainee or senior examiner) may undergo peer review by another examiner.

The fundamental premise of firearms examination is that the toolmarks created on bullets and cartridge casings during the firing process are unique (that no two firearms leave the same markings on bullets and cartridge casings) and reproducible (that successive firings of a given firearm will produce identical markings). Exhaustive academic research has reinforced this statement, as described in the articles listed below and in many others. Marks on firearms evidence have been shown to be consistent through hundreds or thousands of firings. Because markings on bullets and cartridge casings are made by different parts of a given firearm, it is not possible to link a bullet from one crime scene to a casing from another; matches must be made bullet to bullet and casing to casing. It has also been demonstrated that even consecutively made firearms from the same manufacturer, that underwent the same manufacturing processes, can be distinguished from each other.

There are exceptions to the uniqueness and reproducibility of markings by firearms, and they too have been studied extensively, to delineate their frequency of occurrence and their potential effect. (As the Evaluation cited many of these issues in its discussion of the desirability of automated comparison using IBIS, they will be discussed individually in detail in the "Technical Issues" section of this report.) Depending on the degree of their presence, the impact of these factors range from minor distractions to major impediments to identification by a firearms examiner.

Factors related to uniqueness that can complicate the identification process include the presence of “subclass characteristics,” or, markings common to groups of firearms or ammunition that can be mistaken (by machine or examiner) for markings individual to a firearm. The firearms examiner community has conducted extensive research on this issue, as described in the articles listed below.

Factors affecting the reproducibility aspect include the condition of the weapon and any attempts made to alter it. In some cases, the buildup of dirt and debris can have minor impact on the markings made on ammunition, though this does not necessarily lessen the markings and can in fact magnify them. It is also possible, using a file or other implement, to attempt to alter a firearm so that the bullets and cartridge casings expelled from it have a different appearance. Because of the microscopic character of the changes, it is not possible to alter one firearm in order to make the imprint look like another; rather, the idea of altering a firearm would be to prevent a definitive identification by creating additional markings for examiners or automated equipment to read.

It is important to note that while it is not particularly difficult or time-consuming to alter a weapon (as the Evaluation notes in section 1.2), instances of this occurring in actual casework are exceedingly rare. One of the senior ATF firearms examiners collaborating on this report has seen only two cases of altered firearms over the course of a 15-year career, and in one of those two cases, the diversion was unsuccessful, as the evidence could still be matched to the firearm despite the alteration. Also, because the altered version of the imprints are consistent until changed again, the gun will leave the new markings consistently unless it is re-altered after every use; thus, in a crime gun database, the new markings are useful as well.

In addition to being able to confirm links between crimes already thought to be related, firearms examiners have long sought to discover links between crimes not already connected. To this end, it has been common practice for firearms examiners to maintain an “open-case file” of physical evidence from unsolved crimes, sorted by caliber. When faced with a crime on which little evidence was available, the examiners would then go to the storage area for evidence from unsolved cases and choose some potentially similar cases for examination of originals. (Operation of such an open-case file is discussed in the article listed at the end of this section.) Because of the time required to execute a manual comparison of evidence, the effectiveness of this method can be severely limited by the staffing and workload of an agency’s examiners (which determines how much time examiners have to search the open-case file).

In a sense, IBIS is an automated version of this open-case file. Automated ballistic imaging and comparison takes this process one step further by making a systematic initial comparison of evidence entered in previous cases and highlighting for further examination any evidence that has the potential to match. Numerical scores are returned indicating the similarities between the newly entered evidence and previous records. An examiner reviews results, then makes a manual comparison between evidence in cases that the examiner believes have the potential to match. The IBIS system is not intended to make identifications on its own; the expertise of a firearms examiner, examining the original evidence, is mandatory in order to make an identification that is actionable by law enforcement authorities.

Through NIBIN, large-scale ballistic comparison goes from an impossibility to a valuable investigative tool. For example, the NIBIN database of the New York Police Department contains 79,351 entries (as of January 31, 2002). When evidence from a new crime comes into police custody, it can be compared using NIBIN to all previous evidence acquired, a task that would take an individual firearms examiner an entire career to undertake in order to solve a single crime. This task would never be attempted without ballistic imaging, and the crime would go unsolved. Now such a comparison can take place in minutes, revealing potential links between crimes and creating leads not available from any other source. The use of NIBIN does not remove the human element from ballistic comparison; instead, it makes the firearms examiner more powerful by focusing attention on potential matches.

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IV. ATF's NIBIN Program

Through its National Integrated Ballistic Information Network (NIBIN) Program, ATF deploys Integrated Ballistics Identification System (IBIS) equipment into State and local law enforcement agencies for their use in imaging and comparing crime gun evidence. This equipment allows firearms technicians to acquire digital images of the markings made by a firearm on bullets and cartridge casings; the images then undergo automated comparison. By minimizing the amount of non-matching evidence that firearms examiners must inspect in order to discover a match, the NIBIN system enables law enforcement agencies to discover links between crimes more quickly, and to discover links that would have been lost without the technology. In funding and supporting this program, ATF provides State and local law enforcement agencies with an effective intelligence tool that many could not afford on their own. The system also makes it possible to share intelligence across jurisdictional boundaries, enabling State and local law enforcement agencies to work together to stop violent criminals.

As with other programs, ATF complies with all applicable recordkeeping restrictions imposed by Congress. For example, the NIBIN program is expressly restricted to the ballistic imaging of data associated with crime guns. In addition, ATF ensures that our NIBIN partners are also aware of and comply with ATF's restrictions. Accordingly, ballistic systems deployed by ATF to Federal, State or local authorities cannot be used to capture or store ballistic images acquired at the point of manufacture, importation or sale, or any other data associated with such images, including information about the purchaser, the firearm type, model, caliber or gauge, the serial number, or the date of manufacture.

The NIBIN program began in 1992 as Operation Ceasefire, an enforcement program to address firearms-related violence. Early program plans called for entering into a national computer system all data obtained from firearms seized as a result of a criminal investigation by ATF personnel. ATF intended to allow State and local law enforcement agencies to use and retrieve information for investigative purposes, and to submit information from their own firearms-related criminal investigations. The next year, Forensic Technology, Incorporated (FTI) demonstrated to ATF its "Bulletproof" system for the collection and comparison of digital images of bullets, and ATF instituted a pilot project using the new technology in its laboratories.

At the request of the Office of Management and Budget, the Office of National Drug Control and Police Counterdrug Technology Assessment Center organized an independent evaluation of the Bulletproof system being used by ATF and the Drugfire system being used by the FBI. Both ballistic imaging systems use computer-searching capabilities to match recovered crime scene evidence against information stored in a computer database; at the time of evaluation, Bulletproof handled only bullets, and Drugfire only cartridge casings. The project considered system performance and life cycle cost, redundancy, and potential for integration. It found that processing casings and projectiles on a common versatile platform would best fulfill ballistic imaging requirements. (This recommendation that bullets and cartridge casings be handled by one common system is mentioned in section 2.3 of the Evaluation.) As a result of these recommendations, FTI developed Brasscatcher. This development provided a platform

that could evaluate both projectiles and cartridge casings. FTI referred to the new system it developed as the "Integrated Ballistics Identification System (IBIS)." IBIS was comprised of Bulletproof and Brasscatcher. A system modification to the Drugfire system which would have allowed it to handle bullet evidence was not completed until two years after the appearance of Brasscatcher.

After two and a half years of study by the National Institute of Standards and Technology, it was determined that direct data exchange between IBIS and Drugfire systems was not feasible, and so an alternate solution was pursued. ATF and the FBI negotiated a series of memoranda of understanding to merge the two programs; in the last, signed in December 1999, ATF agreed to be responsible for field operations, including purchase of equipment and training of users, and the FBI for providing a communications network. ATF and the FBI agreed that the IBIS platform would be the primary ballistic technology deployed for use by State and local law enforcement.

In early 2000, ATF completed its strategic plan to support the rollout. The plan included the creation and staffing of the NIBIN Branch to support NIBIN field operations, the initial stages of development of regional servers capable of correlating and storing more data and of communicating with more sites than under the previous hub configuration, and notional decisions on which State and local law enforcement agencies would be offered IBIS equipment and on the order of the deployment. Criteria used to evaluate agencies for participation in the program included population served, firearms-related crime rate, and number of firearms recoveries, as well as age, condition, and usage of existing systems.

ATF has since become the sole agency manager of NIBIN, and funds networking of the systems as well as purchase and deployment of systems and training of users. A two-year nationwide deployment is currently in progress, in which 160 sites have received IBIS equipment. When the network is completed, approximately 233 sites will be included.

Agencies may become part of the NIBIN program in two ways: through inclusion on the tentative deployment list or by nomination. The plan created in early 2000 has served as a basis for the national deployment currently in progress. Also, additional law enforcement agencies have requested to participate in the program, and are included as deployment proceeds in their regions.

During the evaluation of a prospective NIBIN partner agency for participation in the program, ATF personnel conduct a site visit, meeting with upper management and laboratory personnel. At this meeting, each agency's responsibilities under the program are discussed, and agency representatives receive a copy of the mandatory Memorandum of Understanding (MOU) between ATF and the partner agency. This MOU must be signed before ATF can deploy any equipment. In signing the MOU, the partner agency agrees to enter crime gun evidence and agrees to abide by ATF's regulations for use of the machines on the ATF NIBIN network. A "footprint" describing the technical requirements of the equipment is also provided.

Though equipment, networking and training are all provided by ATF, an agency must commit its own resources to the NIBIN program to gain maximum benefit from it. Agencies joining NIBIN must commit to maintaining adequate staff to support the program, and will need a comparison microscope and access to a bullet recovery system to testfire firearms. Agencies receiving a Remote Data Acquisition Station (RDAS) must have a firearms examiner available to evaluate correlation results; in some labs it is helpful to have trained technicians make entries into the IBIS system, freeing examiners to review results and confirm hits by examination of the original evidence. Building the NIBIN database requires committing human resources as well as educating law enforcement customers on the importance of resubmitting shooting evidence for inclusion and search against the database. Partner agencies must commit to entering as much crime gun evidence into the unit as possible, and to sharing intelligence information and evidence with other law enforcement agencies.

ATF owns and regulates the frame relay network over which NIBIN equipment communicates. The network includes ATF-owned equipment that is operated by State and local law enforcement personnel, as well as a few units owned by States and operated over the ATF network. Before agencies gain access to the network, by connecting agency-owned equipment or by receiving ATF-owned equipment, each agency must agree in writing to abide by ATF's protocols for the network and to enter only testfires and evidence relating to crime guns.

The Evaluation, in section 7.2, refers to ATF's refusal to allow the California Department of Justice to carry out its research inside the working NIBIN database in California; entry of these law enforcement weapons with no relation to crimes would have violated both ATF's appropriations restrictions and the California Department of Justice's Memorandum of Understanding with ATF. In addition, the images entered would have been available for correlation against all new exhibits entered by any agency on the server. Because operations at each agency using the server would have been affected by these additional correlations, such an entry would have required permission from each agency using the server as well as authorization from ATF.

The NIBIN Program's success – and ultimately its usefulness – depend on the cooperation on which it is based. NIBIN partner agencies must continue to enter firearm evidence into the computerized database in the form of test fires and recovered bullets and cartridge casings, and to complete investigative followup of the "hits" generated. As the database grows, the potential increases for identifications to be made, links to crime guns revealed, and investigative leads created. The program is an investigative tool that helps firearms examiners to discover links invisible to other investigative methods. There is no substitute for good police work; efficacy of the NIBIN system depends entirely on the thorough investigation of the intelligence information generated. Cases are closed by investigation of leads generated by NIBIN, not by the system itself.

Evidence for the success of the NIBIN Program is both statistical and anecdotal. Resident in IBIS units throughout 36 States and territories are 119,369 ballistic images of firearms evidence. Entry and correlation of these images (followed by the examination of original

evidence) has generated a total of 4,429 “hits.” These hits are significant investigative leads for law enforcement authorities to use in fighting violent crime.

In addition to statistics of the numbers of hits generated by the system, the NIBIN Branch has received much anecdotal evidence of the success of the program, in the form of “success stories” illustrating some of the ways in which NIBIN partner agencies have used the NIBIN system and found great success as a result. They demonstrate how the system can benefit State and local law enforcement agencies and how it can be used most effectively. While each story is different, an element common to many of them is the police department’s commitment to entering all evidence from crime scenes and testfired weapons into NIBIN. Routine evidence entry contributes to NIBIN success in two ways: if evidence is entered for every crime, it will be available in the database for comparison to later evidence. Also, the NIBIN system refines its search capability as the database of searched images grows and more images are available for comparison.

Each story also illustrates one of NIBIN’s potential benefits to participating agencies. The Houston Police Department has had success in combining NIBIN and crime analysis. Though the Goldsboro, North Carolina Police Department does not have its own NIBIN equipment, its initiative in working with another agency to enter firearms evidence led to solving a string of robberies. The Boston Police Department’s policy of mandatory evidence entry led to an amazing 15 investigative leads produced through links to a seized weapon. The New Orleans Police Department combined NIBIN with crime mapping to break a deadly gang’s crime spree and put 11 gang members in prison. The NIBIN system’s ability to compare results electronically allowed the New York City Police Department and the North Carolina State Bureau of Investigation to identify a potential link six states away.

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V. Technical Issues Raised in the California Department of Justice's Report

a. Issues Relating to Firearms

Different types of firearms

In section 1.1, subpoint 2, the Evaluation asserts that "current systems may not be as efficient for rimfire firearms and are limited to autoloading weapons. Proposed systems will not practically accommodate revolvers, rimfires, certain shotguns and rifles." This statement is incorrect. The IBIS system currently in use by ATF laboratories acquires and correlates all rimfire, center fire, and shotgun ammunition, regardless of what type of firearm discharged it. Due to the absence of cartridge casings at the scene of crimes committed with revolvers, some agencies may choose not to enter it into the IBIS system, but this decision is unrelated to the question of whether or not the IBIS system is equipped to accept such evidence.

Changes in firearms

In section 1.2, the Evaluation states that "firearms that generate markings on cartridge casings can change with use and can also be readily altered by the user." Later, in section 1.5, the Evaluation describes the results of the fourth experiment, saying that "changing the signature of a breech face or firing pin impression for one of the CHP handguns used in this study was a relatively easy affair. The minor alteration required less than 5 minutes of labor to change the signature of the breech face and firing pin. This change is sufficient to make the cartridge case breech face unrecognizable, by IBIS algorithm, to the first set of cartridge cases test fired from that same pistol."

As stated in section I of this report, it is worth noting that while breech face alteration is possible and in fact not difficult, it is also exceedingly rare. One of the senior ATF firearms examiners collaborating on this report has seen only two cases of altered firearms over the course of a 15-year career, and in one of those two cases, the diversion was unsuccessful, as the evidence could still be matched to the firearm despite the alteration. Another examiner, with comparable experience, indicates that over the course of his career, he has seen alteration of a breech face only once: on an examiner proficiency test. These few instances, when compared to the years of experience and the abundance of research indicating that casings can remain identifiable through thousands of firings, seem to indicate that a very low percentage of firearms undergo alteration. Legal and law-abiding gun owners have no particular reason to alter their weapons; yet criminals who might most benefit from doing so don't seem to do it frequently either.

In a crime gun system such as NIBIN, even if alteration occurs, the IBIS technology and the practice of firearms identification remain useful intelligence tools. After alteration, the firearm produces a new set of toolmarks on bullets and cartridge casings expelled from it; it will continue to consistently produce this new set of toolmarks until changed again. Unless

the firearm is re-altered after each use, the new markings will become valuable information for linking the firearm to successive crime scenes and thus helping to solve violent crimes.

The results of the fourth experiment state that after alteration of the breech face, the second set of cartridge casings were “unrecognizable by IBIS algorithm” to the first, yet neglects to mention whether or not a firearms examiner comparing the original evidence would have been able to confirm a match. The IBIS system is intended to function as an initial correlation to alert examiners to potential matches for further examination, and it performs this function in Federal, State and local laboratories nationwide. It is not used, and is not intended, as definitive identification of a match; that is left to the qualified firearms examiner. If the breech face were altered to a sufficient degree, a firearms examiner would not be able to identify a link between the casings; it is not reasonable to expect the system to make identifications that a firearms examiner cannot, and the system’s inability to do so is not evidence of a lack of functionality.

If alteration of firearms were as common as the Evaluation implies, the entire profession of firearms identification would be questionable in its utility, yet firearms identification is generally accepted as valid. In the few cases in which it occurs, alteration of a firearm may frustrate an identification by IBIS or by an examiner; however, the IBIS system (and indeed the profession of firearms examination) are still of use in the overwhelming majority of cases in which it does not occur.

b. Issues relating to Ammunition

Choice of ammunition for experiments

The Evaluation describes a number of experiments that were conducted in order to “test” the effectiveness of the IBIS system. There is a glaring methodology flaw in the study design that colors the whole study, the data from that method, and necessarily the purported “results” of the data. That flaw is a fundamental one: the choice (no matter how innocently arrived at) of the brand of ammunition used as a reference database. The results of correlations, the determination of drop-out of candidates in a growing database, the ability for this reference set of casings to “find” other brand matching casings--all of these results are skewed due to the selection of Federal Brand ammunition.

Prior to judgment of the effectiveness of a ballistic system, one of the primary determinations is the choice of ammunition brands and types for the calibers that are planned for entry. Very early in the use of the IBIS technology, it was shown that a proper selection of a “protocol ammunition” gave the best chance overall for those items to find matching evidence bullets and casings in a database. The qualities of such ammunition are basic: the bearing surface of the bullet metal and case primer could not be too hard to get good consistent detail for correlations and later visual examination, yet the ammunition components could not be too soft, as that effect would also give the correlation search a different benchmark to be compared against. This protocol ammunition would be judged as intermediate in recording toolmarks and impression hardness to give the best chance for success.

Unfortunately, Federal brand ammunition was used in the research described in the Evaluation. Federal ammunition is not prescribed by the ATF protocol ammunition in any of the calibers of interest, due to the primer surface generally being too hard in comparison to the ammunition being used in handguns. Understandably, the ammunition was immediately available, but this was a practical logistical decision, not one based on scientific merit, or even examiner experience. A wiser approach in designing the experiments might have been to query experts who had knowledge of such a critical decision, or alternatively, to make a study to determine the best ammunition brand that would be ultimately used in this study.

Therefore, the selection of Federal ammunition was critical to the results of the study, and counterintuitive for a study such as this. The match/ranking results arrived at in this study bear little resemblance to the ATF studies on the same topic conducted using protocol ammunition. If protocol ammunition had been used, it is likely that the match/ranking results would have been much higher. An example of this is the results of the “different brand” test on ranking, which are dramatically lower than past research performed between many calibers. Since the materials used for the study were chosen in contravention of the recommendations of research-based scientific knowledge, many of the results of the studies become questionable, and the conclusions drawn from them dubious.

In subpoint 6 of section 1.1, the Evaluation states that “cartridge casings from different manufacturers of ammunition may be marked differently from a single firearm such that they may not correlate favorably.” This is incorrect; a firearm will consistently produce the same toolmarks, making firearms examination and identification possible. While other factors such as the ammunition used can affect the depth to which a firearm makes its marks, such as on a cartridge casing, the marks themselves do not change; rather, the same marks may be shallower on harder cartridge casings and deeper on casings composed of softer metal. This is why ammunition judged to be of intermediate hardness was chosen as IBIS protocol ammunition: to allow the best comparison to a wide range of crime gun evidence. It is worth noting that ammunition difference is not necessarily prohibitive to the discovery of a hit; most of the hits at ATF labs are between evidence from different ammunition manufacturers.

Entry of both bullets and casings

In a discussion of the comparative hit rates for bullets and cartridge casings in the New York Police Department (NYPD) database, the Evaluation states in section 5.4: “Given this hit rate, one must seriously rethink the use of bullets for entry into a database.” Yet it is important to consider other relevant factors before reaching this conclusion. Inaccurate comparisons of work on bullets and cartridge casings, such as the statement in section 1.1, subpoint 8, that “fired cartridge casings are much easier to correlate than fired bullets” and dated statistics (used in section 5.4) about the time required to enter and correlate bullets and cartridge casings, lead to potentially inappropriate conclusions about the costs and benefits of bullet entry.

Because markings on bullets and cartridge casings are made by different parts of a given firearm, it is not possible to link a bullet from one crime scene to a casing from another;

matches must be made bullet to bullet and casing to casing. In ATF laboratories, both bullets and cartridge casings are routinely entered into IBIS, and 10% of the confirmed hits at ATF laboratories are from bullet evidence. Because not all crime scenes will have both cartridge casing and bullet evidence, entry of both bullets and cartridge casings allows the maximal opportunity for linkage to another crime and generation of an investigative lead. ATF utilizes both the bullet and cartridge casing entry aspects of IBIS, and we recommend that our NIBIN partner agencies do the same in entering their crime gun evidence.

Factors such as laboratory protocols can affect the hit rate at an individual laboratory, and they must be taken into account in making general conclusions about the IBIS system's effectiveness. For example, the bullet hit rate for the NYPD database may be adversely affected by NYPD laboratory protocols. These protocols mandate the entry of bullets into IBIS only in cases in which cartridge casings are absent; where casings are available for comparison, bullet evidence is ignored. This may reduce the bullet hit rate because some crime scenes have bullet evidence but not casing evidence (drive-by shootings in which the bullets are found at the scene but the casings remain in the shooter's vehicle, for example). Because of this non-entry of bullets, no linkage would ever be discovered from a drive-by shooting case to a case in which both bullets and casings were recovered, because the bullet evidence would not be in the IBIS system for comparison. Given the impact of management decisions on IBIS operations at this laboratory, general conclusions about the usefulness of entering bullets cannot be made from this laboratory's results alone.

The Evaluation also states that "fired cartridge casings are much easier to correlate than fired bullets." It is unclear if the word "easier" is used to mean a reduction in time required for the automated correlation, or an increase in the accuracy of the correlation. Differences in the time required to perform automated correlation of bullet evidence and the time required for automated correlation of casing evidence are negligible, and are unlikely to be noticed by laboratory personnel, for the reasons discussed in the "Correlation Time" section below. The accuracy of a correlation depends on a number of factors, but research has not proven that automated correlation of cartridge casings is more accurate than that for bullets. Review of the original evidence by a firearms examiner does take longer for bullet evidence than for casing evidence, though this is not part of the automated correlation process conducted by the IBIS system.

In making a projection of the number of man-hours required for entry of bullet evidence into the NYPD database, the Evaluation uses an average figure of 84 minutes for preparation, entry, documentation, and review of a typical bullet specimen. This figure is taken from an ONDCP study conducted eight years ago in 1994, and it does not reflect the streamlining in processes and the advances in technology that the IBIS system has undergone in the years since. The examiners collaborating on this report find the time required to be substantially less. IBIS acquisition time will remain constant between agencies, but because each agency's documentation requirements differ, preparatory time will differ widely between agencies.

Subclass characteristics

In section 3.4, the Evaluation engages in extensive discussion of the issue of “subclass characteristics,” or characteristics that are common to a group of firearms rather than individual to one firearm, asserting that “these characteristics frequently are misidentified as individual characteristics by the inexperienced examiner when in fact they can belong to a large group of firearms.” Later, in a discussion of production marks on breech faces, the Evaluation states that “these breech face marks may look unique and individual when in fact they are not. In an automated imaging system, this would result in a series of false hits.” Though such subclass characteristics do exist and are taken into account by firearms examiners, their presence does not negate the usefulness of ballistic imaging and comparison.

Subclass characteristics in themselves can help provide valuable information to investigators. One of the leads that a firearms examiner can provide is a list of possible makes and models of firearms that could have fired an evidence casing or bullet. This is done using class characteristics. Correlation of an exhibit for which the make and model of the firearm is unknown will return a list dominated by a make and model; from this list, it is possible to determine some possible suspect firearms.

No reference is given for the assertion that subclass characteristics “frequently are misidentified,” and data or research available to support it would be of interest. The issue of subclass characteristics, and the relation between these group characteristics and the individual characteristics unique to a firearm, has been extensively studied in the firearms examiner community, as reflected in the articles listed below. Whether or not IBIS is used, firearms examiners consider the possibility of subclass characteristics in distinguishing group markings from individual ones, and an abundance of knowledge about the subclass characteristics of specific calibers or ammunition types is available to assist them in doing so.

It should also be noted that even if subclass characteristics proved a distraction to IBIS’ automated correlation system, the result would not be “a series of false hits.” Hits result from examiner comparison of original evidence, not from IBIS correlation. An examiner with knowledge of subclass characteristics would be able to discern by reviewing the correlation list that the correlation had focused on subclass characteristics. If examination of the original evidence did not prompt the examiner to declare a hit, there would be no hit.

c. Correlation and Database Issues

Correlation time

The Evaluation makes predictions about the size of the projected California database, then applies information about the current IBIS system in the DAS/SAS configuration to reach the conclusion that correlations run on the system will take an hour and a half each (as stated in section 1.5).

The IBIS system has not been static since its introduction, but has been upgraded in keeping with technological advances in the rest of the computer field. For example, between the initial DOS-based version in 1994 and Version 3.2 in 1999, correlation speed for cartridge casings dropped from 35 seconds to 1.7 seconds, and correlation speed for bullets dropped from 4 seconds to 0.3 seconds. The move from the DAS/SAS configuration that the Evaluation describes to the regional server configuration currently being deployed in the NIBIN program has further advanced the processing speed, yielding potentially faster return of correlation results. Given the advances in computer technology and speed of processing that have taken place in recent years, it seems reasonable to anticipate that computer processing will continue to get faster, not that the current processing technology will still be the norm after 5 years.

The discussion of correlation time also makes a fundamental assumption about the work process in a forensic laboratory that is incorrect in the experience of the examiners collaborating on this report. The Evaluation raises the possibility that the firearms examiner will be obligated to wait for results from IBIS, and will be delayed in workload and lessened in productivity as a result. However, in all but the most urgent cases it is unusual for a firearms examiner to proceed through all phases of one case (IBIS entry, correlation, review of results, examination of original evidence) before beginning another. For routine casework it is the norm for examiners to group their work by the type of action required, reviewing IBIS results at a set time each day, for example. Evidence is entered into IBIS by an examiner or technician who then performs other duties while the IBIS system correlates; some time later, the results are reviewed by an examiner or technician; later, the examiner reviews original evidence to confirm a match.

Database uniformity and database size: effect on correlation

Though the Evaluation acknowledges that the experiments it describes “will not reflect, nor are they necessarily relevant, to currently existing databases at the larger agencies” (section 7.1), it still uses their results to make a number of predictions about the behavior of a large database. Among these predictions is the statement in section 1.1, subpoint 7, that “As the database increases in size, there is an increased potential for a firearm type to be over-represented in the database. As progressively large numbers of similarly produced firearms are entered, images with similar signatures should be expected that will make it more difficult to find a link.” In describing the conclusions from another experiment, the Evaluation asserts in section 1.6 that “Cartridge cases that are not in rank one may not be detected as the database of similar handguns dramatically increase in size.” These statements run counter to ATF’s experience in using the IBIS system in its laboratories and deploying it into State and local law enforcement agencies nationwide.

The Evaluation proceeds under the assumption that in a large database, actual hit exhibits will be pushed further down the correlation score list, as if other exhibits had better “matching” detail than the actual “hit.” This assumption is not supported by ATF examiners’ experience in using IBIS. In actual fieldwork, IBIS correlation scores seem to actually improve with “sister” test casings acquired, as the computer refines its search capability. Research listed at the end of this section describes this effect. In practice, after the correlation of thousands of

exhibits, potential hit candidates can still be found at the top of the list. Thus, the opposite of the Evaluation's statement occurs.

An illustration of this comes from one of ATF's quality control procedures. At each laboratory, a quality control bullet and cartridge casing are entered into IBIS each month, and a correlation is performed. If the assumptions about correlation's relationship to database size were borne out in practice, one would expect that the quality control bullet and casing would correlate less favorably in successive months, as the database became larger; however, the quality control entries are consistently returned as high-confidence candidates, indicating the system's consistency in locating records likely to match.

ATF's experience in using IBIS technology has shown other factors, such as choice of ammunition for testfiring, to be considerably more significant to hit rate. This is particularly apparent in the Evaluation's description of the "different manufacturer" ranking tests; the percentages returned are dramatically lower than those in past research. As detailed elsewhere in this report, the choice of Federal ammunition was an unfortunate one for this research.

Database ownership and security

As the Evaluation notes in section 6.3, ownership of the data and control of the network is a crucial issue for any potential database. The Evaluation, in section 7.2, refers to ATF's refusal to allow the California Department of Justice to carry out its research inside the working NIBIN database in California, but does not make reference to the legal and network-related concerns that prompted this decision. ATF's NIBIN network is constructed expressly for the comparison of crime gun evidence, and permitting entry of these firearms (law enforcement weapons with no relation to crimes) into the working database used for crime guns would have violated both ATF's appropriations restrictions and the California Department of Justice's Memorandum of Understanding with ATF. In addition, the images entered would have been available for correlation against all new exhibits entered by any agency on the server. Because operations at each agency using the server would have been affected by these additional correlations, such an entry would have required permission from each agency using the server as well as authorization from ATF.

d. Other Issues

Laboratory staffing: examiners and technicians

The Evaluation does not accurately state the types of personnel needed to utilize IBIS equipment and the impact of such staffing decisions on the effectiveness of the system. In section 1.1, subpoint 1, the Evaluation states that "Current imaging systems require trained personnel, ideally a firearms examiner, for entry, searching and verification. The use of technicians typically results in higher numbers of false positives that need to be optically confirmed."

In order to operate the IBIS system, training is indeed essential, as it is for most if not all professions in a forensic laboratory. ATF's NIBIN Program provides training to personnel from each laboratory receiving equipment through the program. However, one advantage of the IBIS system over its competitors is that exhibit acquisition does not require a firearms examiner, which is particularly important given the small numbers of firearms examiners available to be hired by forensic laboratories. The most senior technicians can even be trained to do the initial review of correlation results, under supervision from a qualified firearms examiner. Firearms examiners then review the original evidence and confirm a match. Technician review of IBIS correlation results has been the norm in ATF laboratories for the past seven years, and is also in effect in State and local labs using IBIS.

Entry and searching are not necessarily separate operations; the initial IBIS correlation takes place automatically at the close of the entry process. Only additional searches, such as those in another jurisdiction's database of evidence, require separate action by the IBIS operator.

The statement that the use of technicians "results in higher numbers of false positives that need to be optically confirmed" is odd, given that no match is ever confirmed without examination of the original evidence by a qualified firearms examiner. This is true whether the initial IBIS entry was performed by a technician or by an examiner.

Training: examining images

The Evaluation also raises the issue of the training of IBIS users, stating repeatedly that "when examiners are trained on the IBIS system, they are trained to only look at the first 10 ranks" (in section 1.6). This is not an immutable characteristic of IBIS, but a protocol developed from experience in using the system and open to change as the system changes.

In the experience of IBIS practitioners worldwide, the high confidence candidates that are later proven to be hits are generally found within the top 10 candidates; according to FTI figures, a match is found within the top 10 ranked items approximately 97% of the time. Alternative to the instruction to view the top 10 items, trainees are taught that they may look for the "gap" in numerical score between the cluster of highest-ranking items and the next images, and to view all exhibits above this gap. Users are in no way prevented from looking beyond the top 10 if no high-confidence candidate presents itself, or if there are many high-scoring candidates. They are also taught that the multiviewer option allows comparison of multiple images from the same piece of evidence, which can be of great assistance in determining whether or not examination of the original evidence is necessary.

The "top 10" guidance is a protocol developed through the experiences of the systems engineers who designed the IBIS system and the firearms examiners who have used the system successfully for years. If a situation develops such as the one invoked in the Evaluation, of a very large database with many very similar exhibits, and if in this situation the examination of the top 10 potential high confidence candidates proves to be insufficient, additional images can be examined and the protocols changed accordingly.

The definition of a hit

Inconsistencies within the Evaluation in the definition and use of the term “hit” could result in confusion. In a footnote to section 1.1, the Evaluation defines a hit as “a match between two separate case exhibits in a database.” Later, in the discussion of subclass characteristics in section 3.4, he states that “In an automated imaging system, this would result in a series of false hits.”

ATF’s NIBIN Program defines the term “hit” in the following manner:

Definition of a Hit

- o A linkage of at least two different crime investigations by the use of the NIBIN technology, where previously there had been no known connection between the investigations.
- o A hit is a linkage between cases, not individual pieces of evidence. Multiple bullets and/or casings may be entered as part of the same case record; in this event, each discovered linkage to an additional case constitutes a hit.
- o A hit must be confirmed by a firearms examiner examining the actual evidence under a microscope.
- o Other NIBIN linkages derived by investigative leads, hunches, or previously identified laboratory examinations, are not “hits” according to this definition. Therefore, other linkages previously termed “warm hits” should not be counted as hits.

This definition differs from those used in the Evaluation in crucial ways. In the citation from section 1.2, it should be noted that under the NIBIN definition, a hit links investigations, not exhibits. This distinction is significant for statistical reasons, as the following example illustrates: finding matches between the three cartridge casings imaged as part of Case A and the two imaged as part of Case B would create five hits (if counting exhibits) or one (if counting investigations). Counting the links between investigations, not exhibits, yields a more accurate representation of the information given to investigators.

The statement that “false hits” would be created by the presence of subclass characteristics on imaged evidence reveals a misunderstanding of the function of the IBIS system. It is vital to understand that IBIS does not and is not intended to generate a “hit,” or positive identification. No identifications can be concluded from what is observed on an IBIS monitor. In order to declare a hit, and thus generate information actionable by law enforcement, the original evidence must be examined by a firearms examiner.

Security of evidence; declaration of hits

In section 6.6, the Evaluation engages in an extensive discussion of evidentiary processes surrounding the occurrence of a hit on the database, stating that “The system will not make a hit that is sufficient for law enforcement action. All candidate hits have to be confirmed with optical comparison by an experienced firearms examiner. Only then can police initiate an investigation and search for the registered owner. There could be grave consequences if the police initiate an investigation before an optical comparison of the cartridge case has been

made in the laboratory. Most, if not all crime laboratories by virtue of their strict protocol will be hesitant to or may be forbidden from giving out information based only on a correlated image and not on an actual cartridge examination.” These statements are followed by a description of the procedures for evidence transfer between agencies in the event of an interagency hit.

The statement that IBIS high-confidence candidates are not hits until the original evidence is examined by a qualified firearms examiner is entirely accurate. The firearms examiners collaborating on this report know of no qualified examiner or IBIS operators that report a positive identification based upon an IBIS image. In fact, IBIS image or not, no results are reported about any comparison until a proper examination by a qualified examiner has been done. The protocols of the NIBIN network require that information generated by the system not be considered a hit until a qualified firearms examiner has confirmed a match through examination of the original evidence.

The requirement that potential information be verified before it is acted on is not unique to IBIS, and is intended to protect both the public and law enforcement. Other areas of forensic evidence also require definitive confirmation of information, rather than hunch or probability, before law enforcement action can begin. It is true that authorities could encounter adverse consequences if action was taken on a high-confidence candidate that had not been confirmed as a hit, just as they could by acting on a “potential” DNA match before the test results were available or on a seemingly likely match between fingerprints before such a match was confirmed. Restricting law enforcement action to fact, rather than allowing investigators to proceed on likelihood, seems a positive outcome rather than a negative one.

Later in section 6.6, the Evaluation discusses chain of custody and security issues, describing handling, transfer, and other requirements. It is important to note that because of their connection to crime guns, all the cartridge casings and bullets entered into ATF’s NIBIN network are considered evidence. Firearms laboratories already have evidence handling procedures in place, and these protocols are followed daily in the laboratories of NIBIN partner agencies nationwide. It is not necessary to employ a new or more restrictive set of protocols for evidence to be entered into IBIS than for evidence of other types. The evidence transfer process described in section 6.6 takes place regularly between NIBIN partner laboratories after an interagency hit occurs.

Firearms and fingerprint evidence

The Evaluation repeatedly draws distinctions between the practice of fingerprint examination and that of firearms and toolmark examination, concluding that the variability of firearms evidence makes it inferior to other types of evidence. For example, it asserts in section 1.1, subpoint 5 that the marks that a firearm leaves on ballistic evidence “...are not permanently defined identifiers like fingerprints and DNA.” Later, in section 6.2, the Evaluation states that “...as the database size increases, one will expect to see multiple images that are similar, much like fingerprints. However, the images of cartridge cases are not unique like fingerprints.”

Though DNA is not yet alterable by criminals, both fingerprint and toolmark evidence are vulnerable to alteration by the actions of an individual determined to leave no trace of his actions. Just as a determined individual could alter a firearm, a similarly determined individual could alter his fingerprints through the application of acid or by other means. While it is also possible to frustrate the fingerprint identification process through the use of gloves or other hand coverings, there is no way to prevent a firearm used at a crime scene from leaving marks on the bullets and cartridge casings expelled from it. In judging the usefulness of fingerprint or firearms evidence, one must consider not only the feasibility of its alteration but also the infrequency with which this alteration occurs. Research has concluded that in the overwhelming majority of cases (in which no alteration takes place), both toolmarks and fingerprints are useful evidence for criminal cases.

While it is true that both fingerprints and firearms evidence fall into general categories, research has shown the Evaluation's statement that "the images of cartridge cases are not unique like fingerprints" to be incorrect. Just as fingerprints can be grouped into general classifications such as loops and whorls, but they still possess individual characteristics that make them unique, firearms evidence can be grouped into categories, but examination must still reach to the individual level. For example, a firearm's firing pin conforms to one of three basic shapes, and as a result, firing pin impressions on cartridge casings may be sorted by shape into three categories. A piece of evidence in any of these categories is likely to be more similar to other items in its own group than it is to items in another group, yet just as not all fingerprints containing whorls are identical, not all cartridge casings with round firing pin impressions are identical. Other characteristics of the markings on the evidence assist in linking an individual casing to an individual firearm. At the microscopic level at which firearms examination takes place, "similar" and "identical" can look very different indeed.

Fingerprints are analogous to ballistic evidence in another area as well. While initial comparison of fingerprint evidence can take place through the use of automated systems such as AFIS, in order to declare a definitive match between fingerprints, a fingerprint examiner must examine the original evidence. This is similar to the two-step process of automated initial comparison using IBIS and final confirmation by a firearms examiner.

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Definition of a Hit

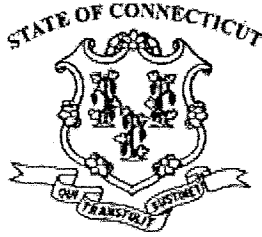
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VI. Conclusion

For several years, ATF has utilized IBIS automated ballistic comparison equipment in its firearms laboratories. This equipment is used to make an initial comparison of new evidence to evidence from previous cases; correlation results provide alerts to high-confidence candidates, enabling examiners to compare the original evidence and declare hits between crimes that could never have been linked otherwise. ATF has also deployed IBIS equipment into State and local NIBIN partner agencies in order to assist them in their efforts against violent crime; through the NIBIN Program, they receive technology that they could likely not afford on their own, as well as the capability to exchange investigative information with other jurisdictions to mutual benefit. Statistics on hits generated, as well as stories of crimes solved, illustrate that these agencies—and the law-abiding Americans resident in their jurisdictions—have benefited from ATF's NIBIN Program.

Many of the objections raised to the IBIS system in the Evaluation can be summarized in the statement that IBIS cannot solve crimes by perfectly producing definitive matches of evidence entered into it. This is a true statement, yet it criticizes the system for its inability to perform actions for which it was never intended and is not used. There is no substitute for human expertise and initiative, in the form of firearms examiners who use their experience and knowledge to declare a hit by examination of original evidence, and in the form of investigators who take the leads generated and use them along with other information in order to solve crimes.

No investigative tool is perfect or will be effective in every situation; this obligates law enforcement to use a variety of techniques for generating investigative leads. The possibility of an "open-case file" of many thousands of exhibits, searchable in minutes instead of the lifetimes that would be required for an entirely manual search, provides an invaluable opportunity to law enforcement, an opportunity that ATF uses to maximum effect through the NIBIN Program.



Substitute Senate Bill No. 1166

Public Act No. 99-212

An Act Concerning Firearm Safety.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 53a-217 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) A person is guilty of criminal possession of a firearm or electronic defense weapon when [he] such person possesses a firearm or electronic defense weapon and (1) has been convicted of a [capital felony, a class A felony, except a conviction under section 53a-196a, a class B felony, except a conviction under section 53a-86, 53a-122 or 53a-196b, a class C felony, except a conviction under section 53a-87, 53a-152 or 53a-153, or a class D felony under sections 53a-60 to 53a-60c, inclusive, 53a-72a, 53a-72b, 53a-95, 53a-103, 53a-103a, 53a-114, 53a-136 or 53a-216] felony, or (2) has been convicted as delinquent for the commission of a serious juvenile offense, as defined in section 46b-120. For the purposes of this section, "convicted" means having a judgment of conviction entered by a court of competent jurisdiction.

(b) Criminal possession of a firearm or electronic defense weapon is a class D felony, for which two years of the sentence imposed may not be suspended or reduced by the court.

Sec. 2. Section 29-35 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) No person shall carry any pistol or revolver upon [his] one's person, except when such person is within [his] the dwelling house or place of business of such person, without a permit to carry the same issued as provided in section 29-28, as amended by this act. The provisions of this subsection shall not apply to the carrying of any pistol or revolver by any sheriff, parole officer or peace officer of this state, or sheriff, parole officer or peace officer of any other state while engaged in the pursuit of [his] official duties, or federal marshal or federal law enforcement agent, or to any member of the armed forces of the United States, as defined by section 27-103, or of this state, as defined by section 27-2, when on duty or going to or from duty, or to any member of any military organization when on parade or when going to or from any place of assembly, or to the transportation of pistols or revolvers as merchandise, or to any person [carrying] transporting any pistol or revolver while contained in the package in which it was originally wrapped at the time of sale and while [carrying] transporting the same from the place of sale to the purchaser's residence or place of business, or to any person removing [his] such person's household goods or effects from one place to another, or to any person while [carrying] transporting any such pistol or revolver from [his] such person's place of residence or business to a place or [person] individual where or by whom such pistol or revolver is to be repaired or while returning to [his] such

person's place of residence or business after the same has been repaired, or to any person [carrying] transporting a pistol or revolver in or through the state for the purpose of taking part in competitions, taking part in formal pistol or revolver training, repairing such pistol or revolver or attending any meeting or exhibition of an organized collectors' group if such person is a bona fide resident of the United States [having a permit or license to carry any firearm issued by the authority of any other] and is permitted to possess and carry a pistol or revolver in the state or subdivision of the United States in which such person resides, or to any person [carrying] transporting a pistol or revolver to and from a testing range at the request of the issuing authority, or to any person [carrying] transporting an antique pistol or revolver, as defined in section 29-33. For the purposes of this subsection, "formal pistol or revolver training" means pistol or revolver training at a locally approved or permitted firing range or training facility, and "transporting a pistol or revolver" means transporting a pistol or revolver that is unloaded and, if such pistol or revolver is being transported in a motor vehicle, is not readily accessible or directly accessible from the passenger compartment of the vehicle or, if such pistol or revolver is being transported in a motor vehicle that does not have a passenger compartment, is contained in a locked container other than the glove compartment or console. Nothing in this section shall be construed to prohibit the carrying of a pistol or revolver during formal pistol or revolver training or repair.

(b) The holder of a permit issued pursuant to section 29-28 shall carry such permit [on his] upon one's person while carrying such pistol or revolver.

Sec. 3. (NEW) (a) The provisions of sections 29-35 and 29-38 of the general statutes, as amended by this act, shall not apply to the interstate transportation of firearms through this state in accordance with 18 USC 926A and 927, as amended from time to time, by any person who is not otherwise prohibited from shipping, transporting, receiving or possessing a firearm. Such person may transport a firearm for any lawful purpose from any place where such person may lawfully possess and carry such firearm through this state to any other place where such person may lawfully possess and carry such firearm provided such transportation is in accordance with subsection (b) of this section.

(b) During the transportation of a firearm through this state as authorized in subsection (a) of this section, such firearm shall be unloaded and neither such firearm nor any ammunition being transported shall be readily accessible or directly accessible from the passenger compartment of the vehicle. If the vehicle does not have a compartment separate from the passenger compartment, such firearm shall be unloaded and such firearm and any ammunition being transported shall be contained in a locked container other than the glove compartment or console.

(c) No person who is transporting a firearm through this state in accordance with this section may use or carry such firearm or sell, deliver or otherwise transfer such firearm while in this state.

Sec. 4. (NEW) (a) No person shall make any false statement or give any false information connected with any purchase, sale, delivery or other transfer of any firearm other than a pistol or revolver. Any person violating any provision of this subsection shall be guilty of a class D felony.

(b) Any firearm found in the possession of any person in violation of this section shall be forfeited.

Sec. 5. Subsection (a) of section 29-34 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) No person shall make any false statement or give any false information connected with any

purchase, sale, delivery or other transfer of any pistol or revolver. Any person violating any provision of this subsection shall be [fined not more than five hundred dollars or imprisoned not more than three years or both] guilty of a class D felony.

Sec. 6. (NEW) No person, firm or corporation that engages in the retail sale of goods, where the principal part of such trade or business is the retail sale of goods other than firearms, shall employ a person to sell firearms in a retail store unless such person (1) is at least eighteen years of age, (2) has submitted to state and national criminal history records checks and such checks indicate that such person has not been convicted of a felony or a violation specified in subdivision (2) of subsection (b) of section 29-36f of the general statutes, and (3) has successfully completed a course or testing approved by the Commissioner of Public Safety in firearms safety and statutory procedures relating to the sale of firearms. The sale of firearms by such person, firm or corporation shall be accomplished only by an employee qualified pursuant to this section. Any employer who employs a person to sell firearms in violation of the provisions of this section shall be liable for a civil penalty of not more than ten thousand dollars per day for each violation. The Attorney General shall institute a civil action to recover such penalty.

Sec. 7. Section 29-36l of the general statutes is repealed and the following is substituted in lieu thereof:

(a) The Commissioner of Public Safety shall establish a state data base within one year of October 1, 1994, that any person, firm or corporation who sells or otherwise transfers pistols or revolvers may access, by telephone or other electronic means in addition to the telephone, for information to be supplied immediately, on whether a permit to carry a pistol or revolver, issued pursuant to subsection (b) of section 29-28, as amended by this act, a permit to sell at retail a pistol or revolver, issued pursuant to subsection (a) of section 29-28, as amended by this act, or an eligibility certificate for a pistol or revolver, issued pursuant to section 29-36f, is valid and has not been revoked or suspended.

(b) Upon establishment of the data base, the commissioner shall notify each person, firm or corporation holding a permit to sell at retail pistols or revolvers issued pursuant to subsection (a) of section 29-28 of the existence and purpose of the system and the means to be used to access the data base.

(c) The Department of Public Safety shall establish days and hours during which the telephone number or other electronic means shall be operational for purposes of responding to inquiries, taking into consideration the normal business hours of retail firearm businesses.

(d) The Department of Public Safety shall be the point of contact for initiating a background check through the National Instant Criminal Background Check System (NICS), established under section 103 of the Brady Handgun Violence Prevention Act, on individuals purchasing firearms.

(e) Any person, firm or corporation that contacts the Department of Public Safety to access the database established under this section and determine if a person is eligible to receive or possess a firearm shall not be held civilly liable for the sale or transfer of a firearm to a person whose receipt or possession of such firearm is unlawful or for refusing to sell or transfer a firearm to a person who may lawfully receive or possess such firearm if such person, firm or corporation relied, in good faith, on the information provided to such person, firm or corporation by said department, unless the conduct of such person, firm or corporation was unreasonable or reckless.

(f) Any person, firm or corporation that sells, delivers or otherwise transfers any firearm pursuant to section 29-33, as amended by this act, or section 29-37a, as amended by this act, shall contact the

Department of Public Safety to access the database established under this section and receive an authorization number for such sale, delivery or transfer. The provisions of this subsection shall not apply to: (1) Any sale, delivery or transfer of an antique firearm manufactured in or before 1898, including any firearm with a matchlock, flintlock, percussion cap or similar type of ignition system manufactured in or before 1898; (2) any sale, delivery or transfer of any replica of any firearm described in subdivision (1) of this subsection if such replica uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade; (3) transactions between persons who are licensed as firearms importers or collectors, manufacturers or dealers pursuant to 18 USC 921 et seq.; (4) the transfer of firearms to and from gunsmiths for purposes of repair only; and (5) any sale, delivery or transfer of any firearm to any agency of the United States, the state of Connecticut or any local government.

Sec. 8. (NEW) Any person who sells, delivers or otherwise transfers a firearm, as defined in section 53a-3 of the general statutes, to a person knowing that such other person is prohibited from possessing such firearm shall be strictly liable for damages for the injury or death of another person resulting from the use of such firearm by any person.

Sec. 9. (NEW) Any person whose act or omission constitutes a violation of section 29-37i of the general statutes shall be strictly liable for damages when a minor obtains a firearm, as defined in section 53a-3 of the general statutes, and causes the injury or death of such minor or any other person. For the purposes of this section, "minor" means any person under the age of sixteen years.

Sec. 10. (NEW) The Commissioner of Public Safety, in conjunction with the Chief State's Attorney and the Connecticut Police Chiefs Association, shall develop a protocol to ensure that persons who become ineligible to possess a pistol or revolver have, in accordance with section 29-36k of the general statutes, transferred such pistol or revolver to a person eligible to possess such pistol or revolver or have delivered or surrendered such pistol or revolver to said commissioner.

Sec. 11. Subsection (a) of section 29-30 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) The fee for each permit originally issued under the provisions of subsection (a) of section 29-28 for the sale at retail of pistols and revolvers shall be one hundred dollars and for each renewal thereof one hundred dollars. The fee for each permit originally issued under the provisions of subsection (b) of section 29-28 for the carrying of pistols and revolvers shall be thirty-five dollars and for each renewal thereof thirty-five dollars. Such fees shall be paid to the authority issuing the same and by [him] such authority to the municipality wherein issued or the state, as the case may be. Upon deposit of such fees in the General Fund, ten dollars of each fee shall be credited within thirty days to the appropriation for the Department of Public Safety to a separate nonlapsing account for the purposes of the issuance of permits under subsections (a) and (b) of section 29-28, as amended by this act.

Sec. 12. Section 53-206 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) Any person who carries upon [his] one's person any [slung shot, air rifle,] BB. gun, blackjack, [sand bag,] metal or brass knuckles, or any dirk knife, or any switch knife, or any knife having an automatic spring release device by which a blade is released from the handle, having a blade of over one and one-half inches in length, or stiletto, or any knife the edged portion of the blade of which is four inches or over in length, any police baton or nightstick, or any martial arts weapon or electronic defense weapon,

as defined in section 53a-3, or any other dangerous or deadly weapon or instrument, [unless such person has been granted a written permit issued and signed by the first selectman of a town, the mayor or chief of police of a city or the warden of a borough, authorizing such person to carry such weapon or instrument within such town, city or borough,] shall be fined not more than five hundred dollars or imprisoned not more than three years or both. [No permit shall be issued to any applicant who has ever been convicted of a felony. The issuing authority may request the applicant's fingerprints and full information concerning his criminal record and make an investigation concerning the suitability of the applicant to carry any such weapon. Refusal of fingerprinting by the applicant shall be sufficient cause to refuse issuance of a permit.] Whenever any person is found guilty of a violation of this [subsection] section, any weapon or other [implement] instrument within the provisions [hereof] of this section, found upon the body of such person, shall be forfeited to the municipality wherein such person was apprehended, notwithstanding any failure of the judgment of conviction to expressly impose such forfeiture. [Any person who has been granted a permit to carry any martial arts weapon pursuant to this section may carry such weapon anywhere within the state.]

(b) The provisions of this [subsection] section shall not apply to (1) any officer charged with the preservation of the public peace [nor to] while engaged in the pursuit of such officer's official duties; (2) the carrying of a baton or nightstick by a security guard while engaged in the pursuit of such guard's official duties; (3) the carrying of a knife, the edged portion of the blade of which is four inches or over in length, by (A) any member of the armed forces of the United States, as defined in section 27-103, or any reserve component thereof, or of the armed forces of this state, as defined in section 27-2, when on duty or going to or from duty, (B) any member of any military organization when on parade or when going to or from any place of assembly, (C) any person while transporting such knife as merchandise or for display at an authorized gun or knife show, (D) any person who is found with any such [weapon or implement] knife concealed upon [his] one's person while lawfully removing [his] such person's household goods or effects from one place to another, or from one residence to another, [nor to] (E) any person while actually and peaceably engaged in carrying any such [weapon or implement] knife from [his] such person's place of abode or business to a place or person where or by whom such [weapon or implement] knife is to be repaired, or while actually and peaceably returning to [his] such person's place of abode or business with such [weapon or implement] knife after the same has been repaired, (F) any person holding a valid hunting, fishing or trapping license issued pursuant to chapter 490 or any salt water fisherman carrying such knife for lawful hunting, fishing or trapping activities, or (G) any person while participating in an authorized historic reenactment; (4) the carrying by any person enrolled in or currently attending, or an instructor at, a martial arts school of a martial arts weapon while in a class or at an authorized event or competition or while transporting such weapon to or from such class, event or competition; (5) the carrying of a BB. gun by any person taking part in a supervised event or competition of the Boy Scouts of America or the Girl Scouts of America or in any other authorized event or competition while taking part in such event or competition or while transporting such weapon to or from such event or competition; and (6) the carrying of a BB. gun by any person upon such person's own property or the property of another person provided such other person has authorized the carrying of such weapon on such property, and the transporting of such weapon to or from such property.

[(b) Any person who sells to another a slung shot, air rifle, BB. gun, blackjack, sand bag, metal or brass knuckles, or any dirk knife, or any switch knife, or any knife having an automatic spring release device by which the blade is released from the handle, having a blade of over one and one-half inches in length, or stiletto, or any martial arts weapon or electronic defense weapon, as defined in section 53a-3, shall, within twenty-four hours after the delivery of such weapon or implement to the person to whom

sold, give written notice of such sale or delivery, specifying the article sold and the name and address of the person to whom sold or delivered, to the chief of police of the city, the warden of the borough or the first selectman of the town, within which such weapon or implement is sold or delivered, as the case may be. Any person who violates any provision of this subsection shall be fined not more than one hundred dollars.]

Sec. 13. Subsection (b) of section 29-32b of the general statutes is repealed and the following is substituted in lieu thereof:

(b) Any person aggrieved by any refusal to issue or renew a permit or certificate under the provisions of section 29-28, as amended by this act, or 29-36f, [or 53-206,] or by any limitation or revocation of a permit or certificate issued under any of said sections, or by a refusal or failure of any issuing authority to furnish an application as provided in section 29-28a, [or section 53-206a,] may, within ninety days after receipt of notice of such refusal, limitation or revocation, or refusal or failure to supply an application as provided in section 29-28a, [or section 53-206a,] and without prejudice to any other course of action open to [him] such person in law or in equity, appeal to the board. On such appeal the board shall inquire into and determine the facts, de novo, and unless it finds that such a refusal, limitation or revocation, or such refusal or failure to supply an application, as the case may be, would be for just and proper cause, it shall order such permit or certificate to be issued, renewed or restored, or the limitation removed or modified, as the case may be. If the refusal was for failure to document compliance with local zoning requirements, under subsection (a) of section 29-28, as amended by this act, the board shall not issue a permit.

Sec. 14. Section 29-38 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) Any person who knowingly has, in any vehicle owned, operated or occupied by [him] such person, any weapon, any pistol or revolver for which a proper permit has not been issued as provided in section 29-28, as amended by this act, or [section 53-206, or] any machine gun which has not been registered [such weapon] as required by section 53-202, [as the case may be,] shall be fined not more than one thousand dollars or imprisoned not more than five years or both, and the presence of any such weapon, pistol or revolver, or machine gun in any vehicle shall be prima facie evidence of a violation of this section by the owner, operator and each occupant thereof. The word "weapon", as used in this section, means any [pistol or revolver] BB. gun, any blackjack, any metal or brass knuckles, any police baton or nightstick, any dirk knife or switch knife, [or] any knife having an automatic spring release device by which a blade is released from the handle, having a blade of over one and one-half inches in length, [and] any stiletto, any knife the edged portion of the blade of which is four inches or over in length, any martial arts weapon or electronic defense weapon, as defined in section 53a-3, or any other dangerous or deadly weapon or instrument. [, including any slung shot, black jack, sand bag, metal or brass knuckles, stiletto, knife, the edged portion of the blade of which is four inches or over in length or martial arts weapon as defined in section 53a-3.]

(b) The provisions of this section shall not apply to: (1) Any officer charged with the preservation of the public peace while engaged in the pursuit of such officer's official duties; (2) any security guard having a baton or nightstick in a vehicle while engaged in the pursuit of such guard's official duties; (3) any person enrolled in and currently attending a martial arts school, with official verification of such enrolment and attendance, or any certified martial arts instructor, having any such martial arts weapon in a vehicle while traveling to [and] or from such school or to or from an authorized event or competition; (4) any person having a BB. gun in a vehicle provided such weapon is unloaded and

stored in the trunk of such vehicle or in a locked container other than the glove compartment or console; and (5) any person having a knife, the edged portion of the blade of which is four inches or over in length, in a vehicle if such person is (A) any member of the armed forces of the United States, as defined in section 27-103, or any reserve component thereof, or of the armed forces of this state, as defined in section 27-2, when on duty or going to or from duty, (B) any member of any military organization when on parade or when going to or from any place of assembly, (C) any person while transporting such knife as merchandise or for display at an authorized gun or knife show, (D) any person while lawfully removing such person's household goods or effects from one place to another, or from one residence to another, (E) any person while actually and peaceably engaged in carrying any such knife from such person's place of abode or business to a place or person where or by whom such knife is to be repaired, or while actually and peaceably returning to such person's place of abode or business with such knife after the same has been repaired, (F) any person holding a valid hunting, fishing or trapping license issued pursuant to chapter 490 or any salt water fisherman while having such knife in a vehicle for lawful hunting, fishing or trapping activities, or (G) any person participating in an authorized historic reenactment.

Sec. 15. Section 29-33 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) No person, firm or corporation shall sell, deliver or otherwise transfer any pistol or revolver to any person who is prohibited from possessing a pistol or revolver as provided in section 53a-217c.

(b) On and after October 1, 1995, no person may purchase or receive any pistol or revolver unless such person holds a valid permit to carry a pistol or revolver issued pursuant to subsection (b) of section 29-28, a valid permit to sell at retail a pistol or revolver issued pursuant to subsection (a) of section 29-28 or a valid eligibility certificate for a pistol or revolver issued pursuant to section 29-36f or is a federal marshal, sheriff, parole officer or peace officer.

~~[(b)]~~ (c) No person, firm or corporation shall sell, deliver or otherwise transfer any pistol or revolver except upon written application on a form prescribed and furnished by the Commissioner of Public Safety. Such person, firm or corporation shall [send one copy of such application by first class mail on the day of receipt of such application to the chief of the police department of the municipality within which the applicant resides or, where there is no chief of police, the first selectman or warden of such municipality, as the case may be, and one copy to the Commissioner of Public Safety, and shall retain the application for at least five years] insure that all questions on the application are answered properly prior to releasing the pistol or revolver and shall retain the application, which shall be attached to the federal sale or transfer document, for at least twenty years or until such vendor goes out of business. Such application shall be available for inspection during normal business hours by law enforcement officials. No sale, delivery or other transfer of any pistol or revolver shall be made unless the person making the purchase or to whom the same is delivered or transferred is personally known to the person selling such pistol or revolver or making delivery or transfer thereof or provides evidence of his identity in the form of a motor vehicle operator's license, identity card issued pursuant to section 1-1h or valid passport. No sale, delivery or other transfer of any pistol or revolver shall be made until the [expiration of two weeks from the date of the mailing of such copies. Any such municipal authority or said commissioner shall] person, firm or corporation making such transfer obtains an authorization number from the Commissioner of Public Safety. Said commissioner shall perform the national instant criminal background check and make a reasonable effort to determine whether there is any reason that would prohibit such applicant from possessing a pistol or revolver as provided in section 53a-217c. [and , if such municipal authority or said commissioner] If the commissioner determines the existence

of such a reason, [shall forthwith notify the person, firm or corporation to whom such application was made] the commissioner shall deny the sale and no pistol or revolver shall be [by him or it] sold, delivered or otherwise transferred by such person, firm or corporation to such applicant.

[(c)] (d) No person, firm or corporation shall sell, deliver or otherwise transfer any pistol or revolver, other than at wholesale, unless such pistol or revolver is equipped with a reusable trigger lock, gun lock or gun locking device appropriate for such pistol or revolver, which lock or device shall be constructed of material sufficiently strong to prevent it from being easily disabled and have a locking mechanism accessible by key or by electronic or other mechanical accessory specific to such lock or device to prevent unauthorized removal. No pistol or revolver shall be loaded or contain therein any gunpowder or other explosive or any bullet, ball or shell when such pistol or revolver is sold, delivered or otherwise transferred.

[(d)] (e) Upon the sale, delivery or other transfer of any pistol or revolver, the person making the purchase or to whom the same is delivered or transferred shall sign a receipt for such pistol or revolver which shall contain the name [, address and occupation] and address of such person, the date of sale, the caliber, make, model and manufacturer's number and a general description of such pistol or revolver, the identification number of such person's permit to carry pistols or revolvers, issued pursuant to subsection (b) of section 29-28, permit to sell at retail pistols or revolvers, issued pursuant to subsection (a) of said section, or eligibility certificate for a pistol or revolver, issued pursuant to section 29-36f, if any, and the authorization number designated for the transfer by the Department of Public Safety. The person, firm or corporation selling such pistol or revolver or making delivery or transfer thereof shall give one copy of the receipt to the person making the purchase of such pistol or revolver or to whom the same is delivered or transferred, shall retain one copy of the receipt for at least five years, and shall send, by first class mail, or electronically transmit, within forty-eight hours of such sale, delivery or other transfer, one copy of the receipt to the Commissioner of Public Safety and one copy of the receipt to the chief of police or, where there is no chief of police, the warden of the borough or the first selectman of the town, as the case may be, of the town in which the [sale, delivery or other transfer took place] transferee resides.

[(e)] (e) The waiting period specified in this section during which a sale, delivery or other transfer may not be made shall not apply to the holder of a valid state permit to carry pistols and revolvers issued pursuant to subsection (b) of section 29-28, to the holder of a valid permit to sell at retail pistols and revolvers issued pursuant to subsection (a) of said section, to the holder of a valid eligibility certificate for a pistol or revolver issued by the Commissioner of Public Safety pursuant to section 29-36f, or to any federal marshal, sheriff, parole officer or peace officer. Prior to the sale, delivery or other transfer of a pistol or revolver to the holder of such permit or certificate, such person, firm or corporation shall verify with the issuing authority that such permit or certificate is still valid and has not been suspended or revoked.]

(f) The provisions of this section shall not apply to antique pistols or revolvers. An antique pistol or revolver, for the purposes of this section, means any pistol or revolver which was manufactured in or before 1898 and any replica of such pistol or revolver provided such replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition except rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and not readily available in the ordinary channel of commercial trade.

(g) The provisions of this section shall not apply to the sale, delivery or transfer of pistols or revolvers

between (1) a federally-licensed firearm manufacturer and a federally-licensed firearm dealer, (2) a federally-licensed firearm importer and a federally-licensed firearm dealer, or (3) federally-licensed firearm dealers.

(h) If the court finds that a violation of this section is not of a serious nature and that the person charged with such violation (1) will probably not offend in the future, (2) has not previously been convicted of a violation of this section, and (3) has not previously had a prosecution under this section suspended pursuant to this subsection, it may order suspension of prosecution. The court shall not order suspension of prosecution unless the accused person has acknowledged that he understands the consequences of the suspension of prosecution. Any person for whom prosecution is suspended shall agree to the tolling of any statute of limitations with respect to such violation and to a waiver of his right to a speedy trial. Such person shall appear in court and shall be released to the custody of the Office of Adult Probation for such period, not exceeding two years, and under such conditions as the court shall order. If the person refuses to accept, or, having accepted, violates such conditions, the court shall terminate the suspension of prosecution and the case shall be brought to trial. If such person satisfactorily completes his period of probation, he may apply for dismissal of the charges against him and the court, on finding such satisfactory completion, shall dismiss such charges. If the person does not apply for dismissal of the charges against him after satisfactorily completing his period of probation, the court, upon receipt of a report submitted by the Office of Adult Probation that the person satisfactorily completed his period of probation, may on its own motion make a finding of such satisfactory completion and dismiss such charges. Upon dismissal, all records of such charges shall be erased pursuant to section 54-142a. An order of the court denying a motion to dismiss the charges against a person who has completed his period of probation or terminating the participation of a defendant in such program shall be a final judgment for purposes of appeal.

(i) Any person who violates any provision of this section shall be guilty of a class D felony, except that any person who sells, delivers or otherwise transfers a pistol or revolver in violation of the provisions of this section, knowing that such pistol or revolver is stolen or that the manufacturer's number or other mark of identification on such pistol or revolver has been altered, removed or obliterated, shall be guilty of a class B felony, and any pistol or revolver found in the possession of any person in violation of any provision of this section shall be forfeited.

Sec. 16. Section 29-37a of the general statutes is repealed and the following is substituted in lieu thereof:

(a) No person, firm or corporation may deliver, at retail, any firearm, as defined in section 53a-3, [except] other than a pistol or revolver, to any person unless such person makes application on a form prescribed and furnished by the Commissioner of Public Safety, [in triplicate, one copy of which shall be mailed by first class mail on the day of receipt of such application to the chief of the police department of the municipality within which the applicant resides or, where there is no chief of police, the first selectman or warden of such municipality, as the case may be, and to the Commissioner of Public Safety, and no] which shall be attached by the vendor to the federal sale or transfer document and filed and retained by the vendor for at least twenty years or until such vendor goes out of business. Such application shall be available for inspection during normal business hours by law enforcement officials. No sale or delivery of any firearm shall be made until the expiration of two weeks from the date of the [mailing of such copies. Any such municipal authority or said commissioner, having knowledge of the conviction of such applicant of a felony,] application, and until the person, firm or corporation making such sale, delivery or transfer has insured that such application has been completed properly and has obtained an authorization number from the Commissioner of

Public Safety for such sale, delivery or transfer. The Department of Public Safety shall make every effort, including performing the national instant criminal background check, to determine if the applicant is eligible to receive such firearm. If it is determined that the applicant is ineligible to receive such firearm, the Commissioner of Public Safety shall immediately notify the person, firm or corporation to whom such application was made and no such firearm shall be sold or delivered to such applicant by such person, firm or corporation. When any firearm is delivered in connection with the sale or purchase, such firearm shall be enclosed in a package, the paper or wrapping of which shall be securely fastened, and no such firearm when delivered on any sale or purchase shall be loaded or contain any gunpowder or other explosive or any bullet, ball or shell.

(b) Upon the delivery of the firearm, the purchaser shall sign in triplicate a receipt for such firearm which shall contain the name [, address and occupation] and address of such purchaser, the date of sale, caliber, make, model and manufacturer's number and a general description thereof. [Two of such triplicate receipts shall, within twenty-four hours thereafter, be mailed by first class mail by the vendor of such firearm to the Commissioner of Public Safety and the other, together with the original application, shall be retained by such vendor for at least six years.] Not later than twenty-four hours after such delivery, the vendor shall send by first class mail or electronically transfer one receipt to the Commissioner of Public Safety and one receipt to the chief of police or, where there is no chief of police, the warden of the borough or the first selectman, of the town in which the purchaser resides, and shall retain one receipt, together with the original application, for at least five years. The waiting period [herein] specified in subsection (a) of this section during which delivery may not be made and the provisions of this subsection shall not apply to any federal marshal, sheriff, parole officer or peace officer, [The provisions of this section shall not apply] or to the delivery at retail of (1) any firearm to a holder of a valid state permit to carry a pistol or revolver issued under the provisions of section 29-28 or a valid eligibility certificate issued under the provisions of section 29-36f, (2) any firearm to an active member of the armed forces of the United States or of any reserve component thereof, (3) [long rifles or shotguns] any firearm to a holder of a valid hunting license issued pursuant to chapter 490, or (4) antique firearms. For the purposes of this section, "antique firearm" means any firearm which was manufactured in or before 1898 and any replica of such firearm provided such replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition except rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and not readily available in the ordinary channel of commercial trade.

Sec. 17. (NEW) (a) For the purposes of this section, (1) "gun show" means any event (A) at which fifty or more firearms are offered or exhibited for sale, transfer or exchange to the public and (B) at which two or more persons are exhibiting one or more firearms for sale, transfer or exchange to the public; and (2) "gun show promoter" means any person who organizes, plans, promotes or operates a gun show.

(b) Not later than thirty days before commencement of a gun show, the gun show promoter shall notify the chief of police or, where there is no chief of police, the warden of the borough or the first selectman of the town in which the gun show is to take place of the date, time, duration and location of the gun show.

(c) No person, firm or corporation shall sell, deliver or otherwise transfer a firearm at a gun show until such person, firm or corporation has complied with the provisions of section 29-36l of the general statutes, as amended by this act.

Sec. 18. (NEW) (a) Upon complaint on oath by any state's attorney or assistant state's attorney or by any two police officers, to any judge of the Superior Court, that such state's attorney or police officers have probable cause to believe that (1) a person poses a risk of imminent personal injury to himself or herself or to other individuals, (2) such person possesses one or more firearms, and (3) such firearm or firearms are within or upon any place, thing or person, such judge may issue a warrant commanding a proper officer to enter into or upon such place or thing, search the same or the person and take into such officer's custody any and all firearms. Such state's attorney or police officers shall not make such complaint unless such state's attorney or police officers have conducted an independent investigation and have determined that such probable cause exists and that there is no reasonable alternative available to prevent such person from causing imminent personal injury to himself or herself or to others with such firearm.

(b) A warrant may issue only on affidavit sworn to by the complainant or complainants before the judge and establishing the grounds for issuing the warrant, which affidavit shall be part of the seizure file. In determining whether grounds for the application exist or whether there is probable cause to believe they exist, the judge shall consider: (1) Recent threats or acts of violence by such person directed toward other persons; (2) recent threats or acts of violence by such person directed toward himself or herself; and (3) recent acts of cruelty to animals as provided in subsection (b) of section 53-247 of the general statutes by such person. In evaluating whether such recent threats or acts of violence constitute probable cause to believe that such person poses a risk of imminent personal injury to himself or herself or to others, the judge may consider other factors including, but not limited to (A) the reckless use, display or brandishing of a firearm by such person, (B) a history of the use, attempted use or threatened use of physical force by such person against other persons, (C) prior involuntary confinement of such person in a hospital for persons with psychiatric disabilities, and (D) the illegal use of controlled substances or abuse of alcohol by such person. If the judge is satisfied that the grounds for the application exist or that there is probable cause to believe that they exist, such judge shall issue a warrant naming or describing the person, place or thing to be searched. The warrant shall be directed to any police officer of a regularly organized police department or any state police officer. It shall state the grounds or probable cause for its issuance and it shall command the officer to search within a reasonable time the person, place or thing named for any and all firearms. A copy of the warrant shall be given to the person named therein together with a notice informing the person that such person has the right to a hearing under this section and the right to be represented by counsel at such hearing.

(c) The applicant for the warrant shall file a copy of the application for the warrant and all affidavits upon which the warrant is based with the clerk of the court for the geographical area within which the search will be conducted no later than the next business day following the execution of the warrant. Prior to the execution and return of the warrant, the clerk of the court shall not disclose any information pertaining to the application for the warrant or any affidavits upon which the warrant is based. The warrant shall be executed and returned with reasonable promptness consistent with due process of law and shall be accompanied by a written inventory of all firearms seized.

(d) Not later than fourteen days after the execution of a warrant under this section, the court for the geographical area where the person named in the warrant resides shall hold a hearing to determine whether the seized firearms should be returned to the person named in the warrant or should continue to be held by the state. At such hearing the state shall have the burden of proving all material facts by clear and convincing evidence. If, after such hearing, the court finds by clear and convincing evidence

that the person poses a risk of imminent personal injury to himself or herself or to other individuals, it may order that the firearm or firearms seized pursuant to the warrant issued under subsection (a) of this section continue to be held by the state for a period not to exceed one year, otherwise the court shall order the seized firearm or firearms to be returned to the person named in the warrant. If the court finds that the person poses a risk of imminent personal injury to himself or herself or to other individuals, it shall give notice to the Department of Mental Health and Addiction Services which may take such action pursuant to chapter 319i of the general statutes as it deems appropriate.

(e) Any person whose firearm or firearms have been ordered seized pursuant to subsection (d) of this section, or such person's legal representative, may transfer such firearm or firearms in accordance with the provisions of section 29-33 of the general statutes, as amended by this act, or other applicable state or federal law, to any person eligible to possess such firearm or firearms. Upon notification in writing by such person, or such person's legal representative, and the transferee, the head of the state agency holding such seized firearm or firearms shall within ten days deliver such firearm or firearms to the transferee.

Sec. 19. Subsection (b) of section 29-28 of the general statutes is repealed and the following is substituted in lieu thereof:

(b) Upon the application of any person having a bona fide residence or place of business within the jurisdiction of any such authority or upon the application of any bona fide resident of the United States having a permit or license to carry any firearm issued by the authority of any state or subdivision of the United States, such chief of police, warden or selectman may issue a permit to such person to carry a pistol or revolver within the jurisdiction of the authority issuing the same, provided such authority shall find that such applicant intends to make no use of any pistol or revolver which [he] such applicant may be permitted to carry thereunder other than a lawful use and that such person is a suitable person to receive such permit. No permit to carry a pistol or revolver shall be issued under this subsection if the applicant (1) has failed to successfully complete a course approved by the Commissioner of Public Safety in the safety and use of pistols and revolvers including, but not limited to, a safety or training course in the use of pistols and revolvers available to the public offered by a law enforcement agency, a private or public educational institution or a firearms training school, utilizing instructors certified by the National Rifle Association or the Department of Environmental Protection and a safety or training course in the use of pistols or revolvers conducted by an instructor certified by the state or the National Rifle Association, (2) has been convicted of a felony or of a violation of subsection (c) of section 21a-279, section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d, (3) has been convicted as delinquent for the commission of a serious juvenile offense, as defined in section 46b-120, (4) has been discharged from custody within the preceding twenty years after having been found not guilty of a crime by reason of mental disease or defect pursuant to section 53a-13, (5) has been confined in a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding twelve months by order of a probate court, (6) is subject to a restraining or protective order issued by a court in a case involving the use, attempted use or threatened use of physical force against another person, [or] (7) is subject to a firearms seizure order issued pursuant to subsection (d) of section 18 of this act after notice and hearing, or (8) is an alien illegally or unlawfully in the United States. Nothing in this section shall require any person who holds a valid permit to carry a pistol or revolver on October 1, 1994, to participate in any additional training in the safety and use of pistols and revolvers. Said commissioner may, upon application, issue, to any holder of any such permit, a permit to carry a pistol or revolver within the state. Each permit to carry any pistol or revolver shall be issued in triplicate and one of the copies issued by said commissioner

shall be delivered to the person to whom issued, one shall be delivered forthwith to the authority issuing the local permit and one shall be retained by said commissioner, and the local authority issuing any such permit shall forthwith deliver one of such copies to the person to whom issued and one copy to said commissioner and shall retain one of such copies. The copy of the state permit delivered to the permittee shall be laminated and shall contain a full-face photograph of such permittee. A person holding a permit issued pursuant to this subsection shall notify the issuing authority within two business days of any change of [his] such person's address. The notification shall include [his] the old address and [his] the new address.

Sec. 20. Subsection (b) of section 29-36f of the general statutes is repealed and the following is substituted in lieu thereof:

(b) The Commissioner of Public Safety shall issue an eligibility certificate unless [he] said commissioner finds that the applicant: (1) Has failed to successfully complete a course approved by the Commissioner of Public Safety in the safety and use of pistols and revolvers including, but not limited to, a safety or training course in the use of pistols and revolvers available to the public offered by a law enforcement agency, a private or public educational institution or a firearms training school, utilizing instructors certified by the National Rifle Association or the Department of Environmental Protection and a safety or training course in the use of pistols or revolvers conducted by an instructor certified by the state or the National Rifle Association; (2) has been convicted of a felony or of a violation of subsection (c) of section 21a-279, section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d; (3) has been convicted as delinquent for the commission of a serious juvenile offense, as defined in section 46b-120; (4) has been discharged from custody within the preceding twenty years after having been found not guilty of a crime by reason of mental disease or defect pursuant to section 53a-13; (5) has been confined in a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding twelve months by order of a probate court; (6) is subject to a restraining or protective order issued by a court in a case involving the use, attempted use or threatened use of physical force against another person; [or] (7) is subject to a firearms seizure order issued pursuant to subsection (d) of section 18 of this act after notice and hearing, or (8) is an alien illegally or unlawfully in the United States.

Sec. 21. Section 53a-217c of the general statutes is repealed and the following is substituted in lieu thereof:

(a) A person is guilty of criminal possession of a pistol or revolver when [he] such person possesses a pistol or revolver, as defined in section 29-27, and (1) has been convicted of a felony or of a violation of subsection (c) of section 21a-279, section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d, (2) has been convicted as delinquent for the commission of a serious juvenile offense, as defined in section 46b-120, (3) has been discharged from custody within the preceding twenty years after having been found not guilty of a crime by reason of mental disease or defect pursuant to section 53a-13, (4) has been confined in a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding twelve months by order of a probate court, (5) knows that [he] such person is subject to a restraining or protective order issued by a court, after notice and an opportunity to be heard has been provided to such person, in a case involving the use, attempted use or threatened use of physical force against another person, [or] (6) knows that such person is subject to a firearms seizure order issued pursuant to subsection (d) of section 18 of this act after notice and an opportunity to be heard has been provided to such person, or (7) is an alien illegally or unlawfully in the United States. For the purposes of this section, "convicted" means having a

judgment of conviction entered by a court of competent jurisdiction.

(b) Criminal possession of a pistol or revolver is a class D felony.

Sec. 22. Sections 29-36j, 29-38a and 53-206a of the general statutes are repealed.

Approved June 29, 1999

TOP

2001-2002 FIREARM LEGISLATION



California Legislature
**ASSEMBLY SELECT COMMITTEE ON
 GUN VIOLENCE**
PAUL KORETZ
 Chair

2001-2002 FIREARMS LEGISLATION (UPDATED 10-1-02)

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Berkeley

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Abel Maldonado
Santa Maria

Robert Pacheco
Walnut

Kevin Shelley
San Francisco

Committee Consultant
Sandra DeBourelando

BILLS SIGNED INTO LAW

AB 35(Shelley) & SB 52(Scott): Handgun Safety License

Status: Signed into Law (Chapters 940 and 942, Statutes of 2001)

Beginning January 1, 2003, these identical measures require handgun buyers to obtain a state Handgun Safety Certificate (HSC) prior to purchasing a handgun. Certificate applicants would need to prove their identity and residency to local law enforcement, provide a thumbprint, pass a background check, and pass a written safety test. Under this law, handgun dealers would not be able to sell a handgun without proof of the HSC. This measure also requires firearm dealers to report Dealers Record of Sale (DROS) transactions electronically via computer. Telephone reporting of DROS transactions would no longer be permitted.

AB 469: Domestic Violence & Guns (Cohn)

Status: Signed into law (Chapter 483, Statutes of 2001)

AB 469 requires police to prepare a report on whether they asked about the presence of firearms at the scene of a domestic violence complaint and for police to make a reasonable effort to take custody of such firearms if they are told they are present.

AB 496 (Koretz) and SB 682 (Perata): Firearms Liability

Status: Signed into law (Chapters 906 and 913, Statutes 2002)

These identical bills clarify that manufacturers or seller of a firearm or ammunition would not be immune from liability for causes of action in negligence, design, distribution and marketing. The measures will continue to preserve immunity for manufacturers or sellers of firearms or ammunition in cases of strict product liability.

AB 2080: Gun Dealer – Gun Trafficking Oversight (Steinberg)

Status: Signed into Law (Chapter 909, Statutes of 2002)

This bill is designed to prevent gun trafficking by requiring any firearms licensee who is sending guns to any other licensee in California to verify through the Department of Justice that the recipient is properly licensed. In addition, commencing January 1, 2005, any licensed firearms dealer intending to deliver, sell, or transfer guns to a dealer in California must obtain a unique identification number from DOJ as proof that the recipient's license is current.

AB 2580: Dangerous Weapon Oversight (Simitian)

Status: Signed into Law (Chapter 910, Statutes of 2002)

Would provide the Department of Justice (DOJ) with greater oversight authority in keeping track of dangerous weapons which certain persons, firms, corporations or production companies have received permits to possess. Under this measure, DOJ would be given the authority to conduct an annual inspection for all dangerous permit holders in order to ensure proper storage and security of the weapon and to reconcile the inventory.



AB 2902: Handgun Testing Improvement Act of 2002 (Koretz)

Status: Signed into Law (Chapter 912, Statutes of 2002)

Would close some of the loopholes in current law regarding the testing of handguns and give DOJ greater oversight of the program. Key provisions include: allowing DOJ to randomly annually test up to 5% of the handguns on the Safe Handgun Roster, requiring that ammunition used in the testing be that which is recommended by the manufacturer or that which is commonly available, prohibiting any modification to the weapon before or during the testing, that would not be available to the handgun purchaser.

AB 2695: Domestic Violence and Firearms Prohibition (Oropeza)

Status: Signed into Law (Chapter 830, Statutes of 2002)

Current law restricts possession of firearms by people convicted of domestic violence. This bill directs DOJ to establish uniform procedures to ensure that firearms are removed from prohibited DV offenders. It increases from 72 hours to "five business days" the time law enforcement may hold a seized firearm. And if law enforcement determines that returning the firearm is too dangerous, it increases from 30 to 60 days the timeframe for a court hearing on whether the firearm should be returned.

AB 2793: Olympic Pistol Exemptions (Pescetti)

Status: Signed into Law (Chapter 911, Statutes of 2002)

Current law exempts a list of Olympic competition pistols from the assault weapon and unsafe handgun restrictions. AB 2793 would direct DOJ to establish a process for adding new weapons to the Olympic-exempt list as appropriate. Current law requires handgun buyers to demonstrate the use of a safety-locking device at the time of purchase. AB 2793 would exempt Olympic competition pistols from that requirement if the only safety locking device approved for the pistol is a cable lock with DOJ has determined would damage the pistol.

SB 9: Criminal Storage of Firearms (Soto)

Status: Signed into Law (Chapter 126, Statutes of 2001)

Prior to the enactment of this bill, it was a crime for someone to leave a loaded firearm easily accessible to a minor under 16, if the minor use the gun in a crime. Effective January 1, 2002, the age has been raised to "under 18" for gun owners who leave a gun easily accessible to a minor, and adds an additional penalty if the gun is brought to school.

SB 510: (Scott)

Status: Signed into Law (Chapter 608, Statutes of 2002)

On January 1, 2002, this bill will make it a misdemeanor to possess a handgun frame, barrel or receiver in a secured area of an airport. Under this bill, anyone entering a restricted area of an airport, which has been posted with the appropriate notices, would be guilty of either an infraction or misdemeanor.

SB 626: Law Enforcement Exemptions (Perata)

Status: Signed into law (Chapter 937, Statutes of 2001)

Clarifies that large-capacity magazines may be manufactured for authorized purposes and exempts active law enforcement personnel from the prohibition of acquiring large capacity ammunition magazines that can hold more than 10 rounds. The bill also clarifies that certain tubular magazines on lever-action weapons are exempt. SB 626 also provides an extension for registration of assault weapons by certain law enforcement officials.

SB 950: Handgun Records and Criminals (Brulte)

Status: Signed into law (Chapter 944, Statutes of 2001)

This measure is designed to ensure that convicted felons and other prohibited person do not possess firearms, by having DOJ set up an automated "Armed Prohibited Persons File" (dating back to 1991) to track person who might fall into this category. Also requires that any firearm dealer notified by the DOJ that a person may not possess or own a firearm to provide that person with a DOJ prohibition notice and transfer form. Additionally, SB 950 requires any court imposing a sentence that renders a defendant

ineligible to own or possess a firearm to provide that defendant with a DOJ notice of the prohibition.

SB 1490: City Attorney Access to Gun Records: (Perata)

Status: Signed into Law (Chapter 916, Statutes of 2002)

Current law allows prosecutors to have access to the DOJ database on gun transfers in order to prosecute cases. SB 1490 would provide direct authorization for city attorneys to have access to those gun transfer records for the purpose of prosecuting a civil case. Twelve California cities/counties have filed civil suits against the gun industry for its irresponsible conduct.

SB 1670: Restrict Sale of Non-Approved Gun Safety Locks (Scott)

Status: Signed into Law (Chapter 917, Statutes of 2002)

Current law requires all guns sold after January 2002 to be equipped with a state-certified safety lock device. SB 1670 would prohibit the sale of safety locks that are not approved by the state.

SB 1807: Domestic Violence and Firearms Seizure (Chesbro)

Status: Signed into Law (Chapter 833, Statutes of 2002)

Current law requires law enforcement officers to take temporary custody of any firearms they see during a domestic violence incident or a consensual search, weapons must be returned within 72 hours unless clear and convincing evidence is presented that the weapon poses a threat to the household. This bill would expand when law enforcement may take custody of weapons to include all lawful searches, rather than only consensual searches. It also lowers the standard of proof needed for police to hold weapons if they believe returning the guns would endanger the person reporting the assault/threat from "clear and convincing evidence" to "preponderance of evidence" at the first hearing.

BILLS THAT FAILED

AB 22: Residential Gun Dealers (Lowenthal)

Status: Inactive file in Senate

Some cities and counties have current ordinances that prohibit gun dealers from operating from residential dwellings. This bill would make those restrictions state law.

AB 126: Establish/Fund DISARM (Firebaugh)

Status: Held In Assembly Appropriations Committee

Current law prohibits certain convicted criminals from possessing firearms as a condition of probation. AB 126 would create the "Developing Increased Safety through Arms Recovery Act" (DISARM) to provide \$25 million in funding to local law enforcement to strengthen enforcement in this area. This bill requires a 2/3 vote since it is an urgency act and would take effect immediately upon enactment. (This is the same as AB 352 except for the urgency clause).

AB 324: Oversight of Gun Dealers (Corbett)

Status: Held In Assembly Appropriations Committee

Current law requires the Department of Justice (DOJ) to keep a list of gun dealers, and allows DOJ to decertify any gun dealer who violates parts of the law. AB 324 would provide DOJ greater flexibility by allowing imposing a fine of \$1000 to \$2000 rather than revoke the license. Current law also allows DOJ to inspect gun dealers and charge a fee of \$85 per year. This bill would provide for an additional \$25 fee to cover enforcement activity by DOJ in overseeing gun dealers.

AB 566: Assault Weapons Buy Back (KORETZ)

Status: Held In Assembly Appropriations

This bill would establish a one-year assault weapon buy-back program, which would grant \$100 for each assault weapon voluntarily relinquished to law enforcement. People turning in unregistered assault weapons would be granted immunity from the crime of having an unregistered weapon.

AB 669: Ballistic Fingerprinting (Hertzberg)

Status: Measure dropped and this was used as vehicle for another bill

Current law requires the DOJ to report to the legislature in June on the best way to implement ballistic fingerprinting of guns sold in California. This bill would have extended the deadline for the completion of this report.

AB 851: Handgun Safety Standards (Briggs)

Status: Defeated in Assembly Public Safety

Current law requires all handguns sold by dealers to meet basic safety standards, but it does not impact the sale/transfer between individuals of privately owned handguns. This bill would weaken the law by allowing gun dealers to sell any unsafe/untested handgun as long as a similar model had been owned by a California resident prior to January 2001 and the gun is no longer being produced. It also makes it easier for gun manufacturers to modify their weapons without being re-tested and weakens the responsibility of gun manufacturers to list handguns with DOJ.

AB 1219: Handgun Locks- Smart Gun Technology (Frommer)

Status: Measure dropped and became a vehicle for a Simitian identify theft bill

Current law requires guns sold after January 2002 to be equipped with a locking device but does not require that the device be built-into the weapon. AB 1219 would require all handguns sold by gun dealers after January 2006 to be equipped with a built-in locking device that cannot be readily deactivated so that only an authorized user would be able to fire the weapon. (New Jersey has enacted legislation, which requires smart gun technology be used once it has been developed)

AB 1917: Off Duty Police CCW's: (Matthews)

Status: Held in Senate Public Safety

Current law allows on-duty police officers to carry concealed weapons. AB 1917 would authorize off-duty and/or retired police officers to carry concealed weapons into any venue open to the public. Public venues would be prohibiting from barring the carrying of guns by off duty or retired police

AB 1960: Handgun Testing Oversight: (Briggs)

Status: Failed in Senate Public Safety

Current law requires handgun manufacturers to submit their handguns to a certified lab for testing to make sure they meet basic safety standards. AB 1960 would authorize DOJ to spot-check five percent of the "listed" handguns each year to make sure handguns being sold actually meet the safety standards. AB 1960 would change the annual fee paid by gun manufacturers to DOJ for testing protocols to a one-time fee.

AB 1963: Off Duty, Out-of-State Police CCW's (Hollingworth)

Status: Held in Senate Public Safety

Current law authorizes active duty California police officers to carry concealed weapons. AB 1963 would authorize off-duty, out-of-state police officers to carry concealed handguns in public whenever they are visiting California.

AB 2081: Handgun Safety Testing Exemption (Briggs)

Status: Failed in Senate Public Safety.

Would exempt any person who had been honorably retired from any branch of the United States Armed Forces to be exempt from the requirement of having to obtain a Handgun Safety Certificate.

AB 2222: Restrict Sale of 50 Caliber Sniper Rifles: (Koretz)

Status: Failed in Assembly Public Safety

While current law restricts the sale and possession of certain "assault weapons" with specific military features, there is no restriction on the sale of armor-piercing, 50-caliber military sniper rifles. AB 2222 would regulate the sale of 50-caliber sniper rifles and certain armor-piercing ammunition. The measure would allow individuals who currently own 50-caliber sniper rifles to register them, but would not allow transfer to anyone without a special DOJ-issued license.

SB 8: Reporting of Gun Transfers (Peace)

Status: Held in Assembly Appropriations

Current law requires gun dealers to forward a Dealer's Record of Sale (DROS) form to the Department of Justice (DOJ) for all gun transfers, so that a background check and a record can be maintained as permitted (rifle and shotgun records must be destroyed). However, DROS only indicates an individual's plan to purchase a firearm--it does not indicate whether the person actually took possession of the firearm after the background check. This bill would require gun dealers to notify DOJ when they actually transfer a firearm to the buyer.

SB 652: Penalties: Giving Minors Guns (Torlakson)

Status: Measure dropped by author

Current law generally prohibits the transfer of a handgun to a minor (with some exceptions). SB 652 would not allow plea bargaining for people charged with illegally providing a gun to a minor if the child uses the gun in a crime or is killed with it.

SB 1283: Force Police To Issue CCWs (Haynes)

Status: Failed in Senate Public Safety

Current law gives Police Chiefs and Sheriffs discretion to issue, or not issue, permits to carry concealed weapons in public. SB 1283 would eliminate that police discretion and force police to issue permits to carry concealed weapons to anyone who either files a police report about being a victim of domestic violence and retains a restraining order or files a police report that they are a victim of a hate crime. This is part of an annual effort by the gun lobby to force police to issue concealed weapon permits.

SB 1285: Eliminate Requirement for Gun Safety Locks (Knight)

Status: Failed in Senate Public Safety

Current law requires all guns sold in the state after January 1, 2002 to have state-approved safety locks. Despite a two-year lead-time, some gun makers have not yet developed approved safety locks for their weapons. SB 1285 would permanently eliminate the gun lock requirement for any weapon for which no device has been developed/approved. This would significantly undermine the law and remove any incentive for the gun manufacturers to develop safety locks.

SCA 12 – Bullet Tax to Fund Emergency Rooms (Perata)

Status: Passed Senate Health and Human Services, in Senate Revenue and Taxation. Withdrawn.

This bill would create a ballot initiative constitutional amendment to institute a five-cents per bullet tax, which would fund emergency rooms. The bill must pass by a two-thirds majority in the legislature in order to qualify to appear on the ballot for voters to decide. Five California cities now have a tax on firearms.

