

CENTER FOR AMERICAN PROGRESS



Assault Weapons Revisited

Policy Options for Regulating Rifles, Shotguns,
and Other Firearms 20 Years After the Passage
of the Assault Weapons Ban

By Arkadi Gerney and Chelsea Parsons September 2014

Center for American Progress



Assault Weapons Revisited

Policy Options for Regulating Rifles, Shotguns,
and Other Firearms 20 Years After the Passage
of the Assault Weapons Ban

By Arkadi Gerney and Chelsea Parsons September 2014

Contents

- 1 Introduction and summary**
- 3 The evolution of regulations on different classes of firearms**
- 6 Current laws treat handguns and long guns differently**
- 9 The impact of the assault weapons ban**
- 11 Use of long guns in homicides and violent crime**
- 15 Six recommendations for regulating long guns, assault weapons, and other firearms**
- 19 Conclusion**
- 21 Endnotes**

Introduction and summary

Today—20 years after President Bill Clinton signed the federal assault weapons ban into law in September 1994 and a decade after Congress allowed that law to lapse—the question of whether and how to regulate particularly lethal firearms is no longer the primary focus of the national gun debate. While the question of what to do about the proliferation of certain military-style rifles—so-called “assault weapons”—remains open, advocates for stronger gun laws have recently focused on the question of *who* may possess guns, rather than *which* type of guns should receive heightened regulation. In the wake of the December 2012 massacre at Sandy Hook Elementary School in Newtown, Connecticut, President Barack Obama, congressional leaders, and gun-violence prevention advocates alike made deterring dangerous people from accessing guns the top legislative priority with a proposal for comprehensive background checks for all gun sales. In April 2013, while the Senate also considered a new assault weapons ban that only mustered 40 votes, the Manchin-Toomey bill to expand background checks garnered 55 votes.¹

This shift in focus to prevent dangerous people from accessing guns is appropriate: A broad set of research suggests that such measures are effective in reducing gun violence.² Additionally, there is overwhelming support in opinion polls for expanding background checks and similar measures aimed at restricting dangerous people from accessing guns.³ But the debate persists about whether and how to best regulate assault rifles and other types of firearms that may pose heightened risks to public safety. For more than 20 years, there has generally been only one policy solution offered in this debate: a ban on assault weapons.

This report considers how gun laws have evolved to address different classes of firearms and looks more broadly at how federal and state laws treat rifles and shotguns differently than handguns and whether all of those distinctions continue to make sense. It also examines data on the changing nature of gun violence and the increasing use of long guns and assault rifles by criminals, with a focus on Pennsylvania as a case study.

Additionally, this report offers a new framework for regulating assault weapons and other special categories of guns that balances the desire of law-abiding gun owners to possess these guns with the need to protect public safety from their misuse in dangerous hands. These policies include:

- Require background checks for all gun sales
- Require dealers to report multiple sales of long guns
- Equalize interstate sales of long guns and handguns
- Require federal firearms licenses for individuals that manufacture guns using 3D printers
- Bar possession and use of machine guns by individuals under the age of 16
- Require a permit for possession of assault weapons

Twenty years after the successful passage of the federal assault weapons ban and 10 years after its expiration, the push for a federal ban on these guns seems stuck in neutral. But much more can be done to strengthen regulation of particularly dangerous guns and to ensure that laws regulating handguns and long guns make sense in today's context.

The evolution of regulations on different classes of firearms

As commentators on the gun debate in the United States have often noted, the technology of firearms has transformed fundamentally since the Second Amendment was ratified in 1792.⁴ AR-15-type assault rifles—which are now the most popular rifles in the U.S. market and have been the weapon of choice for many recent mass shooters⁵—differ dramatically in capability and lethality from the muskets and flintlock pistols that were commonplace in the Revolutionary War era. As the technology of firearms has evolved, so has the debate about how to regulate certain types of guns that may be more dangerous or are otherwise inappropriate for civilian use.

The first major federal firearms legislation in the United States—the National Firearms Act of 1934, or NFA—singled out what were considered the most dangerous guns of the time: machine guns and sawed-off shotguns.⁶ The Prohibition era saw the rise of organized criminal networks that were often armed with firearms such as the “Tommy gun”—the fully automatic Thompson submachine gun.⁷ Under this law and adjustments made to it in the Firearm Owners’ Protection Act of 1986, private ownership of these guns became strictly circumscribed. It is now illegal for private citizens to buy or possess any machine gun that was not already in circulation as of May 19, 1986,⁸ and individuals who seek to own machine guns must undergo a heightened background-check process and register the gun and the transaction transferring ownership with the Bureau of Alcohol, Tobacco, Firearms, and Explosives, or ATF.⁹ As a result, these guns are rarely used in crimes in the United States: Only 0.6 percent of the guns recovered in connection with crimes and traced by ATF in 2013 were machine guns.¹⁰

With violent crime rising around the country in the late 1960s, a new type of firearm became the pariah of the national gun debate. Cheap, low-quality, easily concealable handguns known as “junk guns” or “Saturday night specials” became increasingly popular among criminals and emerged as the new target for regulation during this period. Concern over these guns—one of which was used in the assassination of Sen. Robert F. Kennedy in 1968¹¹—led a number of states to enact legislation regulating or banning them.¹² While similar proposals at the

federal level were not successful, in the 1970s, there was support in both parties for banning such handguns, including from President Richard Nixon.¹³ A number of national advocacy groups launched during this period with a focus on reducing handgun crime, including the organization now known as the Brady Campaign to Prevent Gun Violence, which was originally launched in 1980 as Handgun Control, Inc.¹⁴

In the late 1980s, the debate about which guns to regulate most tightly shifted back to certain kinds of rifles. The focus this time was not on fully automatic machine guns but rather on high-powered, semi-automatic rifles with military-style features.¹⁵ These “assault weapons” were used in a number of high-profile shootings, most notably the mass shooting at Cleveland Elementary School in Stockton, California, on January 17, 1989, during which 5 children were killed and 29 others injured. This incident motivated President George H.W. Bush to sign an executive order in July 1989 banning the importation of foreign-made semi-automatic assault rifles in an effort to limit their availability in U.S. markets.¹⁶

The Stockton shooting also led to the enactment of a federal assault weapons ban as part of the Violent Crime Control and Law Enforcement Act of 1994.¹⁷ This law prohibited manufacturing, selling, or possessing a semi-automatic assault weapon—defined by a list of 19 specific guns, as well as guns with certain features, such as folding or telescoping stocks, a pistol grip, or a threaded barrel.¹⁸ The legislation included a sunset provision that the law would expire in 2004 unless affirmatively renewed.¹⁹ Congress failed to renew the legislation, and it lapsed in September 2004.²⁰

Another type of gun also received attention in the late 1980s due to an evolution in firearm technology. The gun manufacturer Glock spearheaded a process that allowed handguns to be manufactured using plastic polymer rather than metal, which made them potentially undetectable by metal detectors. Concern over these new guns and the threat they posed to airline security led to the enactment of the Undetectable Firearms Act of 1988, which banned firearms that did not contain a certain amount of metal.²¹ The Glock—which is now compliant with this law—has become the most popular handgun in the United States.²²

In recent years, the Supreme Court has also weighed in on the question of whether some types of guns warrant heightened regulation. Its landmark 2008 decision in *District of Columbia v. Heller*²³ held that the Second Amendment guarantees the right of law-abiding persons to possess handguns in their home²⁴ but determined that this right is not unlimited and “was not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose.”²⁵ The Court gave a few examples of restrictions on the individual right to possess guns that would be presumptively valid, including bans and heightened regulations on certain types of guns that the Court called “dangerous and unusual weapons.”²⁶ The exact scope of the individual right found in *Heller* and the extent to which restrictions on dangerous and unusual weapons are within constitutional bounds has yet to be determined. However, lower federal courts across the country have upheld state limitations on assault weapons, most recently in Maryland in August 2014.²⁷

As the technology and regulation of firearms has evolved, so too has gun culture and consumer attitudes about particular types of firearms. For much of the 20th century, the culture of civilian gun ownership centered on hunting and shooting sports. But firearm ownership has shifted distinctly toward self-defense in recent years. In 1999, 49 percent of gun owners reported possessing guns for hunting and 26 percent for protection. By 2013, those numbers had shifted to 32 percent and 48 percent, respectively.²⁸ Semi-automatic handguns with larger magazines have also gained popularity over traditional 6-shot revolvers, and military-style semi-automatic black rifles have overtaken the wooden-stock rifles that used to predominate.²⁹

These trends are both a cause and a consequence of the shifting character of the National Rifle Association’s, or NRA’s, advocacy. The NRA—which supported some gun-control legislation in the 1960s—became a more strident voice in policy debates beginning in the 1970s and now routinely dismisses the types of legislative compromises it had previously supported.³⁰ These changes in the character of gun ownership and in the largest organization purporting to represent gun owners have made debates about regulating certain types of guns particularly contentious.

The history of firearm regulation

1934 – National Firearms Act enacted, imposing restrictions on machine-gun commerce

1970s – Several states ban “Saturday night special” handguns

1986 – Firearm Owners’ Protection Act enacted, further regulates machine guns

1988 – Undetectable Firearms Act enacted

1989 – Stockton, California, schoolyard shooting and President George H.W. Bush’s executive order barring importation of foreign-manufactured assault rifles

1994 – Federal assault weapons ban enacted

2004 – Federal assault weapons ban expires

2008 – Supreme Court decision in *District of Columbia v. Heller* indicates Second Amendment allows for regulation of “dangerous and unusual weapons”

Current laws treat handguns and long guns differently

Current federal and state gun laws reflect the evolving concerns of the times in which they were enacted. For a variety of valid reasons—including the rise in violent crime beginning in the 1970s and the disproportionate use of handguns in crime—today’s laws regulate handguns more strictly than long guns, a catch-all category that includes rifles and shotguns. Some intrinsic features of handguns—in particular, the ability to easily conceal them—make them a better fit for the urban environments where the late-20th century crime waves took hold. Moreover, rifles and shotguns are the types of firearms most associated with shooting sports and hunting. Therefore, many federal and state legislators focused on regulating the guns that were most connected to urban gun crime and laws that would have a minimal impact on traditional hunting and sporting activities. For all of these reasons, state and federal laws tend to regulate handguns more strictly than long guns.

Federal law, for example, distinguishes between long guns and handguns with regard to the minimum age at which one may possess such firearms. Federal law prohibits the possession of handguns by individuals under the age of 18 but has no age restriction for rifles and shotguns.³¹ Federal law also requires licensed gun dealers to provide a lock or other secure storage device with the sale of every handgun but does not impose a similar requirement for long guns.³² Similar distinctions are also present at the state level.³³ Another distinction in federal law between handguns and long guns concerns the ability of individuals to purchase guns outside of their state of residence. Under a federal law aimed at preventing illegal interstate trafficking in handguns, a licensed gun dealer is prohibited from selling a handgun to an out-of-state resident but may sell the same individual a long gun, including an assault rifle.³⁴

One of the most significant federal distinctions between handguns and long guns pertains to licensed gun dealers’ responsibility to report when an individual buys two or more handguns in a five-day period to the ATF.³⁵ First required in 1975,³⁶ this reporting is a crucial law-enforcement tool since multiple purchases are a strong indicator of illegal gun trafficking.³⁷ However, similar reporting is not required by statute for multiple sales of rifles and shotguns. This gap puts law

enforcement at a significant disadvantage in identifying gun trafficking networks and illegal straw purchases of these guns. As discussed later in this report, long guns make up a growing share of the guns used by violent criminals to commit homicides and are frequently trafficked in illegal secondary markets. Additionally, Mexican drug gangs illegally traffic long guns across the southern border in high numbers. According to ATF trace data, the percentage of rifles recovered by Mexican law enforcement in connection with crimes—many of which are assault rifles—has risen from 28 percent of all crime guns recovered in 2007 to 43 percent in 2011.³⁸ Of the firearms recovered in connection with the criminal activity of Mexican drug cartels, U.S. gun dealers originally sold more than half.³⁹

The Obama administration partially filled this gap in 2011 through an executive order requiring gun dealers in four southern-border states to report whenever an individual buys more than one semi-automatic rifle within a five-day period.⁴⁰ These reports have been a successful tool in the fight against firearms trafficking by drug cartels along the U.S.-Mexico border. During the first eight months of the new reporting requirement, ATF initiated 120 investigations based on reports of multiple assault rifle sales and recommended prosecution of more than 100 defendants in 25 separate cases.⁴¹ But for long-gun sales outside of these four states, this reporting is not required and law enforcement does not have the benefit of this valuable intelligence.

The Christmas Eve 2012 ambush of firefighters in Webster, New York, provides an example of how failure to report multiple sales of all guns limits law enforcement's ability to prevent gun crimes. In this case, a straw purchaser bought multiple guns, including an assault rifle, on behalf of a convicted felon who was previously convicted of killing his grandmother with a hammer.⁴² Had the purchase involved multiple handguns, the circumstances of the sale may have triggered a straw-purchase investigation by ATF—possibly heading off the attack and preventing the murder of two firefighters. But because the purchase of multiple guns involved an assault rifle, it went unreported, which allowed the straw purchaser—and therefore the felon as well—to avoid investigation prior to the attack.

There are also gaps in state laws relating to long guns that create serious risks to public safety. Federal law only requires licensed gun dealers—but not private individuals—to conduct background checks prior to selling a firearm, which leaves a significant portion of gun transfers free to occur without any mechanism in place to ensure that the purchaser is not prohibited from gun ownership. Closing this private-sale loophole became the primary focus of the legislative debate in the U.S. Senate in the months following the Newtown massacre.

Although that effort was unsuccessful, 17 states have at least partially closed this loophole by requiring background checks for some private sales. Of the states that have strengthened state law to prevent felons, domestic abusers, and other dangerous individuals from having easy access to guns, six have expanded this protection only to handgun sales. In Pennsylvania⁴³ and Maryland,⁴⁴ background checks are required for all private sales of handguns but not all private sales of rifles and shotguns. In Iowa,⁴⁵ Michigan,⁴⁶ Nebraska,⁴⁷ and North Carolina,⁴⁸ all individuals who purchase a handgun—either through a licensed dealer or a private sale—must first obtain a license or permit to purchase the gun, which includes a background check. But these permits and corresponding background checks are not required for prospective buyers of rifles and shotguns in these states.

Exempting rifles and shotguns from background-check requirements only partially closes the private-sale loophole. Part of the rationale for imposing stronger oversight on handguns is that they are used by criminals more often and, as the executive vice president of the North Carolina Sheriff's Association explained, "It's very easy to conceal a handgun."⁴⁹ However, while handguns make up the majority of firearms used in crimes, rifles and shotguns make up a substantial—and increasing—share of crime guns, particularly in suburban and rural communities, and the justification for regulating them less strictly than handguns has largely dissipated.

The impact of the assault weapons ban

While some areas of the law are more lenient with respect to long guns, there has been a movement in a number of states and at the federal level to impose heightened regulations on one class of long guns: assault weapons.⁵⁰ The definition of assault weapons varies, but it generally refers to semi-automatic rifles that have certain features common to military-style firearms that allow the gun to fire multiple high-velocity rounds quickly and with maximum control, such as barrel shrouds, telescoping and folding stocks, and pistol grips.⁵¹ Assault weapons pose a particular concern to public safety because of the significant amount of damage they can cause in a short period of time. These firearms have often been used in the most notorious mass shootings, such as the massacres in Newtown, Connecticut, and the July 2012 movie theater shooting in Aurora, Colorado.⁵² In fact, an Everytown for Gun Safety analysis of all U.S. mass shootings—those in which four or more people were killed—between January 2009 and July 2014 found that 156 percent more people were shot and 63 percent more people were killed when shooters used assault weapons or high-capacity magazines than other types of firearms.⁵³

As previously discussed, Congress passed a federal assault weapons ban in 1994 that was in effect for 10 years before it was allowed to expire in 2004.⁵⁴ Both supporters and opponents of an assault weapons ban criticize the 1994 law. While opponents argue that the ban was ineffective and did not reduce crime, supporters argue that the law suffered from two fatal flaws. First, it applied only to guns manufactured after the effective date, meaning that an estimated 1.5 million assault weapons already in circulation prior to 1994 were unaffected. Additionally, the law's definition of an assault weapon made it easy for manufacturers to adjust guns' features to evade the ban.⁵⁵

After the ban went into effect, research found that the law did reduce the use of assault weapons in crime. The primary federal study conducted on the ban's impact found that the number of assault weapons recovered in crimes and submitted to ATF for tracing fell dramatically while the ban was in effect: The percentage of assault rifles banned under the law and traced in connection with crimes fell by 70 percent from 1992–1993 to 2001–2002.⁵⁶ A review of crime

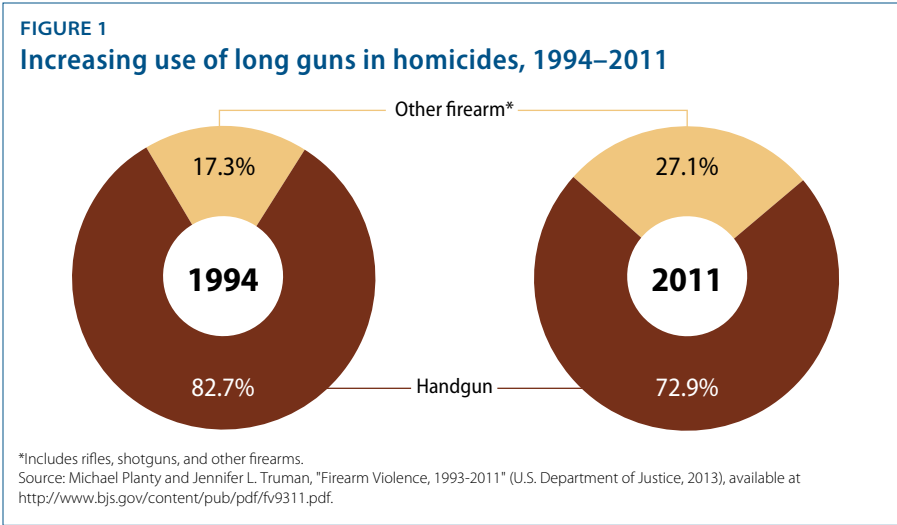
data from six cities also found a 32 percent reduction in the criminal use of assault weapons while the ban was in effect.⁵⁷ However, this study ultimately concluded, “we cannot clearly credit the ban with any of the nation’s recent drop in gun violence” because any reduction in the use of assault weapons in crime was likely outweighed by a rise in the use of non-banned semiautomatic firearms with large capacity magazines.⁵⁸ The author of the study did find, however, that the grandfather provisions of the ban meant that the full effects of the law on the use of assault weapons in crime “would occur only gradually over time” and that “Those effects are still unfolding and may not be fully felt for several years into the future.”⁵⁹ Restrictions on public access to gun tracing data have frustrated efforts to understand the impact of the ban’s expiration in 2004.⁶⁰

An effort to enact a renewed federal assault weapons ban gained some momentum after these types of guns were used in the mass shootings in Aurora and Newtown; however, this legislation has since stalled in Congress.⁶¹ Seven states and the District of Columbia have also enacted laws banning assault weapons,⁶² and a number of these states strengthened laws they already had after the Newtown shooting.⁶³

With the expiration of the 1994 federal assault weapon ban and because long guns are generally regulated less strictly than handguns, assault rifles occupy a strange legal position in most states today: They are significantly *less* regulated than handguns. The differential treatment of long guns and handguns dates back to an era when the vast majority of rifles available for sale were traditional models designed for hunting, target shooting, and other shooting sports. However, in light of the rising sales of assault rifles, their connection to high-profile shootings and Mexican cartel trafficking, and the increasing share of gun murders using these weapons, it is time to revisit how federal and state laws treat long guns and handguns.

Use of long guns in homicides and violent crime

The major justification for regulating handguns and long guns differently is the fact that handguns are more often used in crimes than rifles and shotguns. But in recent decades, the share of crimes involving long guns has risen steadily. According to FBI data, 83 percent of homicides involving firearms in 1994 involved handguns and just 17 percent involved rifles or shotguns. By 2011, handguns continued to be the main instrument for killers using firearms, but the share of homicides using long guns had increased: 73 percent of homicides nationwide committed with a firearm involved a handgun, while rifles and shotguns were used in 27 percent of gun murders.⁶⁴



Additionally, although national data show that handguns continue to be used more frequently in homicides nationwide, breaking down the data by community size reveals a different story. While handguns are used in 91 percent of gun murders in the largest urban areas—those with 1 million or more residents—long guns are used in a much higher share of murders in other types of communities.

In rural areas, nearly half of gun murders—47 percent—involved a gun other than a handgun, typically rifles and shotguns.⁶⁵ In suburban areas, guns other than handguns were used in 31 percent of gun murders in 2011.⁶⁶

In addition to these regional variations, rifles and shotguns are also used against law-enforcement officers with alarming frequency. Of the 535 law-enforcement officers murdered in the line of duty nationwide between 2003 and 2012, 24 percent were killed with rifles or shotguns.⁶⁷ Long guns are also used frequently in mass shootings. In 2011, 47 percent of homicides that involved four or more victims were perpetrated with a gun other than a handgun.⁶⁸ According to an Everytown for Gun Safety analysis of all recent mass shootings in the United States between January 2009 and July 2014, 34 percent of the shootings in which the type of firearm could be identified involved a rifle or shotgun.⁶⁹

Another measure of the frequency with which rifles and shotguns are used to commit crimes is crime-gun trace data reported by ATF. When law-enforcement officers recover a gun in connection with a crime, they have the option of submitting information about that gun to ATF to be traced, a process that tracks the gun from its origin in the United States through a manufacturer or importer to its first retail sale by a licensed firearms dealer.⁷⁰ ATF traced more than 69,000 rifles and shotguns in 2013—28 percent of all crime guns recovered and traced nationwide that year.⁷¹ In a number of states, the proportion of long guns recovered in connection with crimes was significantly higher than the national average. In 2013, long guns made up more than 40 percent of crime guns traced in Hawaii, Idaho, Maine, Maryland, Montana, Nebraska, North Dakota, and West Virginia and more than 50 percent of crime guns traced in South Dakota and Vermont.⁷²

Case study:

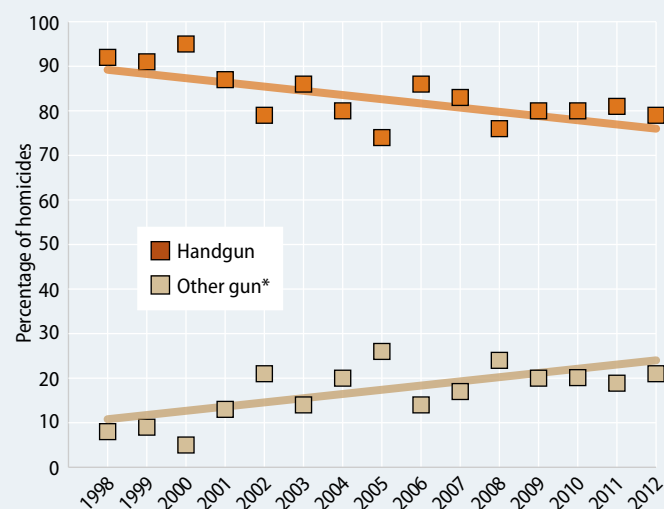
Background checks in Pennsylvania

Pennsylvania enacted a law in 1995 requiring background checks for the private sale of handguns in the state.⁷³ However, this requirement does not apply to the private sale of most rifles and shotguns.⁷⁴ State crime data show that the nationwide trend toward increased use of long guns in gun murders is also occurring in Pennsylvania. An analysis of FBI data shows that the use of guns other than handguns in murders has more than doubled from 8 percent of all gun murders in the state in 1998 to 21 percent in 2012.⁷⁵ ATF aggregated trace data reports from Pennsylvania also support this trend: Rifles and shotguns accounted for an average of 22.75 percent of crime guns traced between 2006 and 2009 but an average of 26.2 percent between 2010 and 2013.⁷⁶

Ensuring that felons and other dangerous individuals are not able to easily buy rifles and shotguns through private sales without background checks has taken on particular importance in Pennsylvania because of the frequency with which such guns are used to kill law-enforcement officers. Between 2008 and 2014, 17 law-enforcement officers were murdered in Pennsylvania, and 47 percent of them were killed with a rifle or shotgun.⁷⁷ This toll is significantly higher than the national average: 25 percent of officers murdered nationwide were killed with rifles and shotguns between 2008 and 2012.⁷⁸ Several recent cases in Pennsylvania highlight the risks of criminals armed with assault rifles and other long guns:

- Richard Poplawski ambushed two police officers in Pittsburgh on April 4, 2009, as they responded to a 911 call placed by Poplawski's mother, who reported a domestic disturbance and requested that officers remove Poplawski from her home. When the officers arrived, Poplawski—armed with an assault rifle, a shotgun, and a pistol and wearing a bullet proof vest—shot them both in the head, killing them. Poplawski also shot and killed the third officer to arrive at the scene and shot and injured a fourth. The incident resulted in a standoff with police that lasted four hours before Poplawski was ap-

FIGURE 2
Breakdown of gun murders in Pennsylvania, by year



*Includes rifles, shotguns, and other firearms.

Source: Center for American Progress analysis of Federal Bureau of Investigation, *Uniform Crime Report, Crime in the United States* (U.S. Department of Justice, 1998–2012).

prehended. Poplawski was convicted of three counts of first-degree homicide and other charges and was sentenced to death.⁷⁹

- Ronald Robinson shot and killed Penn Hills Police Officer Michael Crawshaw with an assault rifle on December 7, 2009. Crawshaw was responding to a 911 call reporting that Robinson had just shot and killed a civilian, Danyal Morton, following an argument. Crawshaw parked his patrol car two houses away from the crime scene and was waiting for backup when Robinson shot him multiple times through the windshield, killing him. Robinson had a lengthy criminal history and was prohibited from possessing guns. Robinson was convicted for the murders of Crawshaw and Morton and was sentenced to two consecutive life sentences.⁸⁰ *continues*

- Michael Connor shot and killed Burks County Sheriff's Deputy Kyle Pagerly with an AK-47 assault rifle on June 29, 2011, as Pagerly attempted to arrest him on charges stemming from an earlier incident in which he had fired shots into the ground and threatened to kill members of his family. Connor was shot and killed by police at the scene. Connor had an extensive criminal record and was prohibited from gun ownership but was able to obtain the rifle used to kill Pagerly and a number of other guns through private, no-background-check transactions with friends and family mem-

bers. Those individuals were subsequently convicted for illegally providing Connor with guns.⁸¹

Legislation has been introduced in the Pennsylvania General Assembly to close this loophole and require background checks for the private sale of rifles and shotguns, as well as handguns.⁸² An overwhelming majority of Pennsylvania voters support applying the background-check requirement to all gun sales: A January 2013 Quinnipiac University poll found that 95 percent of respondents supported the proposal.⁸³

The significant and rising share of gun crime and murder associated with long guns is not driven by a sheer increase in long-gun crime, but rather by the fact that handgun crime has declined faster and more extensively than long-gun crime. There are many factors driving this trend, including that overall crime is declining more significantly in large cities than rural areas.⁸⁴ But, as a number of studies have concluded, stronger gun laws are associated with lower gun crime.⁸⁵ It is time to reassess some of the federal and state laws that have less-robust regulations for long guns—including assault rifles—than handguns.

Six recommendations for regulating long guns, assault weapons, and other firearms

The data discussed above make one thing perfectly clear: In the wrong hands, long guns are just as dangerous as handguns and, in the case of assault rifles, are often more so. While handguns are still used more frequently in crimes, an increasing portion of gun homicides are committed with rifles and shotguns—reaching nearly 50 percent in many rural communities. Many of the distinctions in how federal and state laws treat different categories of firearms made sense at the time of enactment, but some of these distinctions have created legal gaps that merit attention. Below are a series of recommendations that would bring some key laws regulating long-gun commerce into line with those regulating handguns. These proposals also offer an approach to limiting the risks associated with assault rifles and other uniquely dangerous guns without banning sales or possession.

Require background checks for all guns sales

First, Congress and state legislatures must close the private-sale loophole and require background checks for all private sales of firearms, with some limited exceptions for family transfers and temporary transfers. Only through a system of universal background checks can we better ensure that dangerous, prohibited individuals are not able to easily buy firearms—including military-style assault rifles—through private sales with no questions asked. In addition, the six states that have partially closed this loophole for all handgun sales should amend those laws to include sales of long guns as well. Lawmakers in Pennsylvania have taken a good first step toward this goal by introducing H.B. 1010, which would require background checks for private sales of long guns. This bill should be passed and signed into law during the next legislative session.

Require dealers to report multiple sales of long guns

Congress should require reporting of multiple sales of long guns by gun dealers nationwide, just as has been required for multiple sales of handguns since 1975. The reporting of multiple sales provides crucial intelligence regarding firearms trafficking. As criminals increasingly use long guns in violent crimes, the law needs to keep pace. In lieu of congressional action, the president should use executive authority to expand the 2011 multiple-sale-reporting requirement for long guns beyond the current requirement for dealers in the four southern border states. Specifically, ATF should issue a new demand letter instructing federally licensed dealers who have been associated with more than five crime-guns traces in prior years to report all multiple sales involving rifles that accept a detachable magazine and are capable of firing a round larger than a .22 caliber or any tactical shotgun with a pistol grip.⁸⁶

Equalize interstate sales of long guns and handguns

Under current law, no person may sell a handgun across state lines to an out-of-state resident—a measure intended to prevent gun trafficking⁸⁷—but there is no such restriction on sales of rifles or shotguns, including assault rifles. As a compromise, Congress should enact legislation allowing licensed gun dealers to sell any firearm to an out-of-state resident who appears in person. This would bring the interstate sale of handguns into line with the current law on sales of long guns, which are permitted under federal law. However, to ensure that law enforcement has adequate tools to identify and investigate illegal interstate gun trafficking, this loosening of restrictions should be accompanied by a requirement that all sales of firearms to out-of-state residents—both handguns and long guns—must be reported to ATF and state police in the buyer’s state of residence, similar to the way that multiple sales are currently reported.

Require federal firearms licenses for individuals that manufacture guns using 3D printers

Technological advances in 3D printing have made it possible for individuals to manufacture functional guns and receivers simply by buying a printer and downloading a blueprint. Not only does this create the opportunity for individuals who are prohibited from possessing firearms to evade the law, but it also poses a new threat to national security since these guns are undetectable by metal detectors and other security screening devices. Congress should enact legislation requiring individuals

seeking to manufacture firearms using a 3D printer to first obtain a federal firearms license and update the Undetectable Firearms Act to prohibit the production, transfer, or possession of firearms in which detectable elements are not essential to the operation of the firearm. Doing so would ensure some level of regulation and oversight over these individuals and help prevent this newest generation of uniquely dangerous—and potentially undetectable—guns from ending up in risky hands.

Bar possession and use of machine guns by individuals under the age of 16

Machine guns have been strictly regulated for 80 years. As described earlier, individuals seeking to possess these highly dangerous guns must apply for a special license, undergo a rigorous background-check process, and receive approval from both federal and state law enforcement.⁸⁸ Yet, these strict rules do not apply to temporary use at a gun range. Remarkably, no law prevents children from handling fully automatic guns at shooting ranges. This practice recently led to the fatal shooting of an instructor in White Hills, Arizona, who was teaching a 9-year-old girl how to operate a fully automatic Uzi sub-machine gun.⁸⁹ While such incidents are rare, this is not the first time that allowing a young child to use a machine gun at a shooting range has resulted in tragedy. In 2008, an 8-year-old boy, who was learning how to shoot a similar machine gun in Massachusetts, lost control of the gun and fatally shot himself in the head.⁹⁰

While millions of American children—including one of the authors of this report when he was younger—have safely engaged in target range shooting with proper supervision and firearms that are appropriate to their age, maturity, and physical capabilities, there is no appropriate and safe way for a child to operate a fully automatic machine gun. Congress and the states should enact legislation prohibiting even temporary possession and operation of machine guns by any person under the age of 16.⁹¹

Require a permit for possession of assault weapons

Finally, Congress and/or the states should enact legislation that requires individuals seeking to purchase or possess an assault weapon to first obtain a permit—a less restrictive alternative to an assault weapons ban. While the precise contours of such a permitting system require additional consideration, requiring individuals to get

a permit prior to obtaining an assault weapon would help ensure that these high-powered, military-style firearms do not end up in the wrong hands and also allow responsible, law-abiding individuals to continue purchasing and owning them.

The idea of requiring permits for unusually dangerous guns or the potentially dangerous use thereof is not new. There are two models for such a system in the current law. First, fully automatic guns are subject to an extensive oversight system through the National Firearms Act of 1934 under which any transfer must be approved by ATF following a process that, among other things, requires the submission of fingerprints and a certification by local law enforcement that there is nothing to indicate that the individual “will use the firearm for other than lawful purposes.”⁹² While this NFA “Class III” licensing system only permits licensees to purchase machine guns that were in circulation in May 1986, a permitting system for assault weapons could allow purchases of new assault rifles from gun dealers. Second, 46 states have implemented permitting systems for carrying concealed guns. While the relative strength of these laws vary widely, they typically require some degree of training or education prior to issuance of a license, and there are at least some additional exclusions and law-enforcement review beyond the basic federal gun-possession standards in most states.⁹³

Both of these permitting approaches seek to strike a balance between protecting the public from potentially dangerous activity—possession of machine guns in one circumstance and the carrying of loaded, concealed guns in another—while maintaining the ability of law-abiding gun owners to engage in these activities. A similar approach should be considered for the regulation of assault weapons, which would offer a sensible middle ground between mitigating the risk to public safety and the desire of law-abiding individuals to continue to purchase and own these very popular guns.

Conclusion

From the muskets of the Revolutionary War era and the machine guns of Prohibition to the assault rifles favored by today's mass shooters, different historical moments have focused attention on different types of guns and their proper place in society. Each time, there has been recognition that some guns are potentially more dangerous than others and may warrant heightened regulation.

The present moment provides an opportunity to look comprehensively at the evolution of the technology and culture of firearms and which regulations make sense in today's environment. In some areas, long-gun laws ought to be brought in line with those regulating handguns in recognition of the increasing role of long guns in crimes and the need to ensure that all guns, even those traditionally viewed as the tools of hunters, are kept out of dangerous hands. New approaches should also be considered for stronger regulation of firearms that pose heightened risks to public safety, such as assault rifles and 3D printed guns. In all of these cases, policymakers should find opportunities to craft laws that both protect the interests of responsible, law-abiding gun owners and make it harder for criminals, abusers, the seriously mentally ill, and other dangerous persons to acquire and misuse guns.

About the authors

Arkadi Gerney is a Senior Fellow at the Center for American Progress. His work focuses on crime, gun policy, immigration, data innovation, and data privacy. Prior to joining CAP, he was senior director for policy, partnerships, and public affairs at Opower, a fast-growing software company that works with more than 75 utilities in the United States and across the globe to improve the effectiveness of their energy-efficiency portfolios and motivate their customers to save energy. Prior to joining Opower, Gerney worked as special advisor and first deputy criminal justice coordinator to New York City Mayor Michael R. Bloomberg (I), where he managed Mayors Against Illegal Guns, a national coalition that Mayor Bloomberg co-chairs. During his time in the mayor's office, Gerney oversaw the coalition's growth to more than 600 mayors, led successful campaigns to influence federal legislation, partnered with Wal-Mart to develop a landmark gun-seller code of conduct, and led New York City's undercover investigation of out-of-state gun shows. He received his bachelor's degree in government from Harvard College and a law degree from Harvard Law School.

Chelsea Parsons is Director of Crime and Firearms Policy at the Center. Her work focuses on advocating for progressive laws and policies relating to guns and the criminal justice system at the federal, state, and local levels. Prior to joining American Progress, she was general counsel to the New York City criminal justice coordinator, a role in which she helped develop and implement criminal justice initiatives and legislation in areas including human trafficking, sexual assault and family violence, firearms, identity theft, indigent defense, and justice system improvements. She previously served as an assistant New York state attorney general and a staff attorney law clerk for the Second Circuit Court of Appeals. She is a graduate of Sarah Lawrence College and Brooklyn Law School.

Acknowledgements

The authors wish to thank Nicholas Ahamed, Shira Goodman, Meredith Lukow, Anne Paisley, Charles Posner, and Lauren Spiegel for research assistance, data analysis, and editing for this report.

Endnotes

- 1 The official final vote count on the Manchin-Toomey background-checks amendment was 54 in favor and 46 opposed; however, Majority Leader Harry Reid (D-NV) supported this legislation and originally voted in favor but changed his vote to 'no' when it was clear the measure would not pass as a procedural tactic to allow him to bring it to the floor again at a later date. Jonathan Weisman, "Senate Blocks Drive for Gun Control," *The New York Times*, April 17, 2013, available at <http://www.nytimes.com/2013/04/18/us/politics/senate-obama-gun-control.html?pagewanted=all>.
- 2 See, for example, Daniel Webster, Cassandra Kercher Crifasi, and Jon S. Vernick, "Effects of the Repeal of Missouri's Handgun Purchaser Licensing Law on Homicides," *Journal of Urban Health* 91 (2) (2014): 293–302; Garen J. Wintemute and others, "Prior Misdemeanor Convictions as a Risk Factor for Later Violent and Firearm-Related Criminal Activity Among Authorized Purchasers of Handguns," *The Journal of the American Medical Association* 280 (24) (1998): 2083–2087.
- 3 See, for example, Quinnipiac University, "Getting In Was Wrong; Getting Out Was Right, U.S. Voters Tell Quinnipiac University National Poll; 92 Percent Back Background Checks For All Gun Buys," Press release, July 3, 2014, available at <http://www.quinnipiac.edu/news-and-events/quinnipiac-university-poll/national-release-detail?ReleaseID=2057>; The Washington Post-ABC, "National Poll March 2013," April 12, 2013, available at http://www.washingtonpost.com/page/2010-2019/WashingtonPost/2013/03/12/National-Politics/Polling/question_10030.xml.
- 4 See, for example, Michael Waldman, *The Second Amendment: A Biography* (New York: Simon & Schuster, 2014).
- 5 Meghan Lissos, "Run on Guns: AR-15 Sales Soar," CNBC, April 25, 2013, available at <http://www.cnbc.com/id/100673826>; Natasha Singer, "The Most Wanted Gun in America," *The New York Times*, February 2, 2013, available at http://www.nytimes.com/2013/02/03/business/the-ar-15-the-most-wanted-gun-in-america.html?pagewanted=all&_r=0.
- 6 Bureau of Alcohol, Tobacco, Firearms and Explosives, "National Firearms Act (NFA)," available at <http://www.atf.gov/firearms/nfa/index.html> (last accessed February 2014).
- 7 Bureau of Alcohol, Tobacco, Firearms and Explosives, "History of ATF from Oxford University Press, Inc. — 1789–1998 U.S.," available at <http://www.atf.gov/kids/about/history/> (last accessed May 2014).
- 8 18 U.S.C. § 922(o). The Firearms Owners' Protection Act was enacted in 1986 and strengthened the regulation of fully automatic machine guns by prohibiting the transfer or possession of these guns by civilians unless they were already in circulation on the effective date of that act. Firearm Owners' Protection Act, Public Law 99–308.
- 9 26 U.S.C. § 5841; Bureau of Alcohol, Tobacco, Firearms and Explosives, *National Firearms Act Handbook* (U.S. Department of Justice, 2009), available at <https://www.atf.gov/files/publications/download/p/atf-p-5320-8/atf-p-5320-8.pdf>.
- 10 Bureau of Alcohol, Tobacco, Firearms and Explosives, "Firearms Trace Data – 2013," available at <https://www.atf.gov/content/About/statistics/firearms-trace-data-2013> (last accessed September 2014).
- 11 Roy Macartney, "Senate rejects Kennedy gun control plan," *The Age*, August 9, 1972, p. 10; *Congressional Record*, daily ed., April 18, 1996, p. S3613.
- 12 Seven states have enacted laws regulating junk guns, including California, Massachusetts, and New York, generally by imposing specific safety or design standards for handguns that may be possessed or sold in the state. Law Center to Prevent Gun Violence, "Design Safety Standards Policy Summary," December 1, 2013, available at <http://smartgunlaws.org/gun-design-safety-standards-policy-summary/>.
- 13 Associated Press, "Richard Nixon wished for a Total Handgun Ban," March 11, 2013, available at <http://news.yahoo.com/ap-enterprise-nixon-wished-total-handgun-ban-081806381.html>.
- 14 Brady Campaign to Prevent Gun Violence, "Our History," available at <http://www.bradycampaign.org/our-history?gclid=Cj0KEQjwveufBRDIsNb3kbtwMIBEIQASNH0xmMtfFo080lpPuhdmNU2NT1i4ej2A95zSCLrZQackNK-caArV38P8HAQ> (last accessed September 2014).
- 15 Fully automatic firearms continue to fire rounds as long as the trigger remains depressed. Semi-automatic firearms fire one round with each pull of the trigger and can fire rounds as quickly as the trigger can be repeatedly pulled. See Mark Joseph Stern, "The Gun Glossary," Slate, December 17, 2012, available at http://www.slate.com/articles/news_and_politics/explainer/2012/12/the_gun_glossary_definitions_of_firearm_lingo_and_types_of_weapons.html.
- 16 Susan Rasky, "Import Ban on Assault Rifles Becomes Permanent," *The New York Times*, July 8, 1989, available at <http://www.nytimes.com/1989/07/08/us/import-ban-on-assault-rifles-becomes-permanent.html>.
- 17 Kevin Johnson, "Stockton School Massacre: A Tragically Familiar Pattern," *USA Today*, April 2, 2013, available at <http://www.usatoday.com/story/news-nation/2013/04/01/stockton-massacre-tragically-familiar-pattern-repeats/2043297/>; Law Center to Prevent Gun Violence, "Key Congressional Acts Related to Firearms," May 21, 2012, available at <http://smartgunlaws.org/key-federal-acts-regulating-guns/>.
- 18 Law Center to Prevent Gun Violence, "Assault Weapons Policy Summary," June 19, 2013, available at <http://smartgunlaws.org/assault-weapons-policy-summary/>.
- 19 Ibid.
- 20 Associated Press, "Congress lets assault weapons ban expire," NBC News, September 13, 2004, available at <http://www.nbcnews.com/id/5946127/ns/politics/t/congress-lets-assault-weapons-ban-expire/#.VAH-99CbD-70>.
- 21 Josh Getlin, "Congress Passes Bill to Ban Weapons Made of Plastic," *Los Angeles Times*, October 21, 1988.
- 22 Paul M. Barrett, *Glock: The Rise of America's Gun* (New York: Broadway Books, 2013).
- 23 554 U.S. 570 (2008).

- 24 The Court in the *District of Columbia v. Heller* decision ultimately struck down a D.C. law that differentiated between handguns and long guns by banning possession of handguns in the District, reasoning that “the American people have considered the handgun to be the quintessential self-defense weapon” and that an outright ban on handguns therefore violated the Second Amendment. 554 U.S. at 628-630.
- 25 554 U.S. at 626.
- 26 554 U.S. at 626-27.
- 27 Ian Duncan, “Federal judge upholds assault rifle ban,” *The Baltimore Sun*, August 12, 2014, available at http://articles.baltimoresun.com/2014-08-12/news/bs-md-gun-law-upheld-20140812_1_assault-weapons-gun-rights-advocates-second-amendment.
- 28 Pew Research Center, “Gun Control: Key Data Points from Pew Research,” July 27, 2013, available at <http://www.pewresearch.org/key-data-points/gun-control-key-data-points-from-pew-research/>.
- 29 Erin McCarthy, “Why the Glock Became America’s Handgun,” *Popular Mechanics*, January 12, 2012, available at <http://www.popularmechanics.com/technology/military/weapons/why-the-glock-became-americas-handgun>; Randy Dottinga, “The rifle: Its history and its place in the future,” *Christian Science Monitor*, December 20, 2012, available at <http://www.csmonitor.com/Books/chapter-and-verse/2012/12/20/The-rifle-Its-history-and-its-place-in-the-future>.
- 30 Arkadi Gerney and Chelsea Parsons, “9 Reasons Why Progress on Stronger Gun Laws Is Within Reach” (Washington: Center for American Progress, 2013), p. 5, available at <http://cdn.americanprogress.org/wp-content/uploads/2013/05/GerneyTop9Brief-1.pdf>.
- 31 18 U.S.C. § 922 (x). There are also different rules under federal law regarding the permissible age for an individual to buy a handgun or long gun from a licensed firearms dealer. Licensed dealers may not sell a handgun to an individual under age 21 and may not sell a long gun to an individual under age 18. 18 U.S.C. § 922 (b).
- 32 18 U.S.C. § 922 (z).
- 33 For a detailed description of state laws relating to minimum age to purchase and possess handguns and long guns, see Law Center to Prevent Gun Violence, “Minimum Age to Purchase & Possess Firearms Policy Summary,” October 1, 2013, available at <http://smartgunlaws.org/minimum-age-to-purchase-possess-firearms-policy-summary/>. For a detailed description of state laws relating to safety devices, see Law Center to Prevent Gun Violence, “Safe Storage & Gun Locks Policy Summary,” September 1, 2013, available at <http://smartgunlaws.org/safe-storage-gun-locks-policy-summary/>.
- 34 18 U.S.C. § 922 (b) (3). The statute requires that the out-of-state resident appear in person at the gun store in order for the sale of a rifle or shotgun to proceed.
- 35 18 U.S.C. § 923 (g) (3) (A).
- 36 Government Accountability Office, “Federal Firearms Licensee Data: ATF’s Compliance with Statutory Restrictions,” GAO-96-174, September 1996, p. 11.
- 37 Bureau of Alcohol, Tobacco, Firearms and Explosives, “Fact Sheet: Multiple Sales Reporting for Certain Rifles Reporting,” February 2013, available at <http://www.atf.gov/publications/factsheets/factsheet-multiple-sales-reporting.html>.
- 38 Bureau of Alcohol, Tobacco, Firearms and Explosives, *Mexico, Calendar Years 2007-2011* (U.S. Department of Justice, 2012), available at <https://www.atf.gov/files/statistics/download/trace-data/international/2007-2011-Mexico-trace-data.pdf>.
- 39 Bureau of Alcohol, Tobacco, Firearms and Explosives, “ATF Releases Government of Mexico Firearms Trace Data,” Press release, April 26, 2012, available at <http://www.atf.gov/press/releases/2012/04/042612-atf-atf-releases-government-of-mexico-firearms-trace-data.html>.
- 40 Charlie Savage, “New Reporting Rules on Multiple Sales of Guns Near Border,” *The New York Times*, July 11, 2011, available at http://www.nytimes.com/2011/07/12/us/politics/12guns.html?_r=0.
- 41 Alan Berlow, “Current gun debate may not help beleaguered ATF,” The Center for Public Integrity, February 11, 2013, available at <http://www.publicintegrity.org/2013/02/11/12155/current-gun-debate-may-not-help-beleaguered-atf>. This reporting requirement has also been upheld every time it has been challenged in federal court in both the 5th and D.C. Circuits. See *10 Ring Precision v. Jones*, 2013 U.S. App. LEXIS 14083 (5th Cir. 2013); *The National Shooting Sports Foundation, Inc. v. Jones*, 716 U.S. 200 (D.C. Cir. 2013).
- 42 Associated Press, “Rochester woman who acted as straw buyer of guns used by William Spengler in Webster shooting is busted for lying about who would own the weapons,” *Daily News*, December 29, 2012, available at <http://www.nydailynews.com/new-york/straw-buyer-guns-webster-shooting-arrested-article-1.1229180#ixzz2TrQyZWw5>.
- 43 18 Pa.C.S. § 6111(c) (f) (2).
- 44 Md. Code Ann., Pub. Safety §§ 5-101 (r), 5-124 (a). Maryland law requires background checks for all sales of handguns and assault weapons; however, Maryland passed legislation banning most assault weapons in 2013.
- 45 Iowa Code §§ 724.15.
- 46 Mich. Comp. Laws §§ 28.422.
- 47 R.R.S. Neb. § 69-2404.
- 48 N.C. Gen. Stat. §14-402.
- 49 Mark Binker and Bryan Mims, “New gun bill draft eliminates pistol purchase permit system,” WRAL, June 11, 2013, available at <http://www.wral.com/new-gun-bill-draft-eliminates-pistol-purchase-permit-system/12539332/>.
- 50 Although there are some semi-automatic handguns that are classified as “assault weapons,” the designation usually refers to assault rifles—or long guns—when used to describe a class of weapons.
- 51 Law Center to Prevent Gun Violence, “Assault Weapons Policy Summary.”
- 52 Neera Tanden and others, “Preventing Gun Violence in Our Nation” (Washington: Center for American Progress, 2013), available at <http://cdn.americanprogress.org/wp-content/uploads/2013/01/GunViolenceBrief-1.pdf>.
- 53 Everytown for Gun Safety, “Analysis of Recent Mass Shootings” (2014), available at <http://3gbwir1ummda16xrh4d09d21bsx.wpengine.netdna-cdn.com/wp-content/uploads/2014/07/analysis-of-recent-mass-shootings.pdf>.

- 54 Associated Press, "Congress lets assault weapons ban expire," NBC News, September 13, 2004, available at http://www.nbcnews.com/id/5946127/ns/politics/t/congress-lets-assault-weapons-ban-expire/#.U_IUdibD-70.
- 55 Michael Luo and Michael Cooper, "Lessons in Politics and Fine Print in Assault Weapons Ban of '90s," *The New York Times*, December 19, 2012, available at http://www.nytimes.com/2012/12/20/us/lessons-in-politics-and-fine-print-in-assault-weapons-ban-of-90s.html?pagewanted=all&_r=0; Law Center to Prevent Gun Violence, "State Assault Weapons Bans," June 19, 2013, available at http://smartgunlaws.org/assault-weapons-policy-summary/#identifier_15_5773; The Violence Policy Center, "Officer Down: Assault Weapons and the War on Law Enforcement" (2003).
- 56 Christopher Koper, "An Updated Assessment of the Federal Assault Weapons Ban: Impacts on Gun Markets and Gun Violence, 1994-2003" (Washington: National Institute of Justice, 2004), available at <https://www.ncjrs.gov/pdffiles1/nij/grants/204431.pdf>.
- 57 Ibid.
- 58 Ibid.
- 59 Ibid. In addition, a study of the impact of the federal ban on high-capacity magazines in Virginia found that several years into the ban, there was a measurable decrease in the number of weapons with high-capacity magazines recovered by police. After the ban expired in 2004, the number of high-capacity magazines recovered increased significantly, by 11 percent between 2004 and 2010. David S. Falls, "Data indicate a drop in high-capacity magazines during federal gun ban," *The Washington Post*, January 10, 2013, available at http://www.washingtonpost.com/investigations/data-point-to-drop-in-high-capacity-magazines-during-federal-gun-ban/2013/01/10/d56d3bb6-4b91-11e2-a6a6-aabac85e8036_story.html.
- 60 Arkadi Gerney and Chelsea Parsons, "Blindfolded, and with One Hand Tied Behind the Back" (Washington: Center for American Progress, 2013), p. 5-6, available at <http://cdn.americanprogress.org/wp-content/uploads/2013/03/GunRidersBrief-7.pdf>.
- 61 Ed O'Keefe, "Gun background check compromise, assault weapon ban fail in Senate," *The Washington Post*, April 17, 2013, available at <http://www.washingtonpost.com/blogs/post-politics/wp/2013/04/17/senate-to-vote-on-amendments-to-gun-bill-with-background-check-plan-in-doubt/>.
- 62 California, Connecticut, Hawaii, Maryland, Massachusetts, New Jersey, and New York have enacted an assault weapons ban. Law Center to Prevent Gun Violence, "Assault Weapons Policy Summary." These seven states have also enacted a ban on high-capacity magazines, and Colorado enacted a ban on high-capacity magazines in 2013. Law Center to Prevent Gun Violence, "Large Capacity Ammunition Magazines Policy Summary," May 31, 2013, available at <http://smartgunlaws.org/large-capacity-ammunition-magazines-policy-summary/>.
- 63 *The New York Times*, "State Gun Laws Enacted in the Year Since Newtown," December 10, 2013, available at http://www.nytimes.com/interactive/2013/12/10/us/state-gun-laws-enacted-in-the-year-since-newtown.html?_r=0.
- 64 Bureau of Justice Statistics, *Firearm Violence, 1993-2011* (U.S. Department of Justice, 2013), p. 3, table 3.
- 65 Erica Smith and Alexia Cooper, "Homicide in the U.S. Known to Law Enforcement, 2011" (Washington: Bureau of Justice Statistics, 2013), available at <http://www.bjs.gov/content/pub/pdf/hus11.pdf>.
- 66 Ibid.
- 67 Federal Bureau of Investigation, Criminal Justice Information Services Division, "2012 Law Enforcement Officers Killed and Assaulted, Table 27: Law Enforcement Officers Feloniously Killed, Type of Weapon, 2003-2012," [date], available at http://www.fbi.gov/about-us/cjis/ucr/leoka/2012/officers-feloniously-killed/felonious_topic_page_-2012
- 68 Erica Smith and Alexia Cooper, "Homicide in the U.S. Known to Law Enforcement, 2011" (Washington: Bureau of Justice Statistics, 2013), available at <http://www.bjs.gov/content/pub/pdf/hus11.pdf>.
- 69 Everytown for Gun Safety, "Analysis of Recent Mass Shootings."
- 70 By tracing crime guns, ATF seeks to identify perpetrators in individual cases, identify individuals engaged in illegal firearms trafficking, and recognize patterns in the sources of crime guns to specific communities. Bureau of Alcohol, Tobacco, Firearms and Explosives, *National Tracing Center Division: Information for Law Enforcement Agencies* (U.S. Department of Justice, 2005), available at <https://www.atf.gov/files/publications/download/pdf/atf-p-3312-7.pdf>.
- 71 Bureau of Alcohol, Tobacco, Firearms and Explosives, *Firearm Types Recovered and Traced in the United States and Territories* (U.S. Department of Justice, 2014), available at <https://www.atf.gov/content/About/statistics/firearms-trace-data-2013>.
- 72 Bureau of Alcohol, Tobacco, Firearms and Explosives, "Firearms Trace Data –2013."
- 73 Specifically, the Pennsylvania statute requires that private sellers of handguns facilitate the sale through either a licensed dealer or a county sheriff, who is then directed to conduct the background check. 18 Pa.C.S. § 6111 (c).
- 74 This background-check requirement does apply to the private sale of short-barreled shotguns and rifles. 18 Pa.C.S. § 6111 (F) (2).
- 75 Based on authors' analysis of Federal Bureau of Investigation, *Uniform Crime Report, Crime in the United States* for the years 1998 through 2012.
- 76 Bureau of Alcohol, Tobacco, Firearms and Explosives, "Firearms Trace Data – 2006–2013," available at <http://www.atf.gov/statistics/index.html> and <https://www.atf.gov/content/About/statistics/firearms-trace-data-2013>.
- 77 Data for 2008 through 2012 come from Federal Bureau of Enforcement, Criminal Justice Information Services Division, "Law Enforcement Officers Killed and Assaulted." Data from 2013 through the present come from the Officer Down Memorial Page, which tracks deaths of law enforcement officers nationwide. According to the Officer Down Memorial Page, no police officers were murdered in Pennsylvania from 2013 to the present. Officer Down Memorial Page, "Find a Fallen Officer," available at <http://www.odmp.org/search?name=&agency=&state=Pennsylvania&from=2008&to=2014&cause=Gunfire&filter=all> (last accessed September 2014).
- 78 Federal Bureau of Investigation, Criminal Justice Information Services Division, "2012 Law Enforcement Officers Killed and Assaulted," Table 27.

- 79 Liz Robbins and Sean Hamill, "Gunman Kills 3 Police Officers in Pittsburgh," *The New York Times*, April 4, 2009, available at <http://www.nytimes.com/2009/04/05/us/05pittsburgh.html>; CNN, "3 Officers Slain Responding to Call, Pittsburgh Police Chief Says," April 4, 2009, available at <http://www.cnn.com/2009/CRIME/04/04/pittsburgh.officers.shot/>.
- 80 WPXI News, "Man Who Shot Penn Hills Cop Gets 2 Life Terms," January 15, 2013, available at <http://www.wpxi.com/news/news/local/closing-arguments-begin-trial-against-man-accused-n7wQ7/>.
- 81 Tom Shortell, "Berks County Case Involving Death of Sheriff's Deputy Will Head to Northampton County," *Lehigh Valley Live*, February 22, 2014, available at http://www.lehighvalleylive.com/northampton-county/index.ssf/2014/02/berks_county_case_involving_de.html; Tracy Jordan, "Man Killed in Hawk Mountain Shootout Threatened 'Suicide by Cop,'" *The Morning Call*, July 1, 2011, available at http://articles.mcall.com/2011-07-01/news/mc-hawk-mountain-deputy-sheriff-kille20110630_1_police-officer-deputy-sheriff-hawk-mountain-road.
- 82 Pennsylvania General Assembly, Regular Session 2013-2014, HB 1010, available at <http://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2013&slnd=0&body=h&type=b&bn=1010>.
- 83 Quinnipiac University, "Quinnipiac University Poll Finding Near 100% Support For Wider Background Checks For Gun-Buyers," Press release, January 31, 2013, available at <http://www.quinnipiac.edu/news-and-events/quinnipiac-university-poll/pennsylvania/release-detail?ReleaseID=1843>.
- 84 Elizabeth Kneebone and Steven Raphael, "City and Suburban Crime Trends in Metropolitan America" (Washington: The Brookings Institution, 2011), available at http://www.brookings.edu/~media/research/files/papers/2011/5/26%20metropolitan%20crime%20kneebone%20raphael/0526_metropolitan_crime_kneebone_raphael.pdf.
- 85 Some studies have considered this issue in the aggregate, looking broadly at gun laws and levels of gun violence across the country. See, for example, Arkadi Gerney, Chelsea Parsons, and Charles Posner, "America Under the Gun: A 50-State Analysis of Gun Violence and Its Link to Weak State Gun Laws" (Washington: Center for American Progress, 2013), available at <http://www.americanprogress.org/issues/civil-liberties/report/2013/04/02/58382/america-under-the-gun/>; JAMA study. Other studies have considered the impact of particular laws on certain gun-violence outcomes. See Webster, Crifasi, and Vernick, "Effects of the Repeal of Missouri's Handgun Purchaser Licensing Law on Homicides"; Wintemute and others, "Prior Misdemeanor Convictions as a Risk Factor for Later Violent and Firearm-Related Criminal Activity Among Authorized Purchasers of Handguns."
- 86 Arkadi Gerney and Chelsea Parsons, "Recommendations for Executive Action to Combat Illegal Gun Trafficking and Gun Crime" (Washington: Center for American Progress, 2013), p. 6, available at <http://cdn.americanprogress.org/wp-content/uploads/2013/06/ExecActionGuns-4.pdf>.
- 87 18 U.S.C. § 922 (b) (3).
- 88 26 U.S.C. § 5841; Bureau of Alcohol, Tobacco, Firearms and Explosives, *National Firearms Act Handbook*.
- 89 Kimberly McGee and Fernanda Santos, "A 9-Year-Old at a Shooting Range, a Spraying Uzi and Outrage," *The New York Times*, August 27, 2014, available at http://www.nytimes.com/2014/08/28/us/arizona-firing-range-instructor-killed-by-girl-9-in-accident.html?_r=0.
- 90 David Abel, "Boy's death spurs hard look at laws for gun, children," *The Boston Globe*, October 28, 2008, available at <http://www.bostonglobe.com/metro/2008/10/28/boy-death-spurs-hard-look-laws-for-guns-children/AZsuRhhBslpRFjSwY7pol/story.html>.
- 91 Connecticut has enacted legislation to this effect. Conn. Gen. Stat. § 53-202 (c).
- 92 27 CFR § 479.85.
- 93 For a detailed discussion of concealed carry permitting laws, see Arkadi Gerney and Chelsea Parsons, "License to Kill: How Lax Concealed Carry Laws Can Combine with Stand Your Ground Laws to Produce Deadly Results" (Washington: Center for American Progress, 2013), available at <http://cdn.americanprogress.org/wp-content/uploads/2013/09/StandYrGround.pdf>.

The Center for American Progress is a nonpartisan research and educational institute dedicated to promoting a strong, just and free America that ensures opportunity for all. We believe that Americans are bound together by a common commitment to these values and we aspire to ensure that our national policies reflect these values. We work to find progressive and pragmatic solutions to significant domestic and international problems and develop policy proposals that foster a government that is “of the people, by the people, and for the people.”

Center for American Progress

