

Written Testimony

Submitted for the record by

Daniel W. Webster, ScD, MPH
Professor and Director
Johns Hopkins Center for Gun Policy and Research

For the hearing before the

Senate Subcommittee on the Constitution, Civil Rights, and Human Rights

on

“Proposals to Reduce Gun Violence: Protecting Our Communities

While Respecting the Second Amendment.”

Tuesday February 12, 2013

Mr. Chairman, members of the Committee, I appreciate the opportunity to testify before you today. I am the director of the Johns Hopkins Center for Gun Policy Research. The Center engages in original scholarly research, policy analysis, and agenda-setting public discourse with the goal of bringing public health expertise and perspectives to the complex policy issues related to gun violence prevention. An important part of the Center's mission is to provide objective information and analysis to policymakers.

The Burden of Gun Violence in the United States

The burden of gun violence on American society is substantial, whether measured in years of productive life lost, disability, fear, or economic costs. More than 31,000 people a year in the United States die from gunshot wounds.¹ Because victims are disproportionately young, gun violence is one of the leading causes of premature mortality in the U.S.² In addition to these deaths, in 2010 there were an estimated 337,960 non-fatal violence crimes committed with guns, and 73,505 persons treated in hospital emergency departments for non-fatal gunshot wounds.³

There are enormous economic costs associated with gun violence in the U.S. Firearm-related deaths and injuries resulted in medical and lost productivity expenses of about \$37 billion in 2005.⁴ But the overall cost of gun violence goes well beyond these figures. When lost quality of life, psychological and emotional trauma, decline in property values, and other legal and

societal consequences are included, the cost of gun violence in the U.S. in 2010 was estimated to be \$174 billion with government absorbing \$12 billion of those costs.⁵

Addressing Weaknesses in Current Gun Laws Would Reduce the Burden of Gun Violence

On January 14-15, 2013, I along with more than twenty other top researchers and gun policy experts gathered to participate in a Summit on Reducing Gun Violence in America at Johns Hopkins. After the experts shared their research and analyses at the summit, the experts evaluated various proposals to reduce gun violence, and I would refer to the Committee the full presented findings and analyses that were just published in a book that I co-edited with Jon Vernick entitled *Reducing Gun Violence in America: Informing Policy with Evidence and Analysis*.⁶ Collectively, the summit participants recommended a set of reforms to current gun laws that we believe would reduce the burden of gun violence in the United States, including the establishment of a universal background check system, strengthening laws to reduce firearms trafficking, banning the future sale and possession of assault weapons and large capacity ammunition magazines, expanding incentives for states to provide information about disqualifying mental health conditions to the National Instant Check System for gun buyers, and encouraging research to better understand the causes and solutions of gun violence. A full list of the summit's recommendations is included as an appendix to this testimony. Information presented at the summit demonstrated that these policies would enhance public safety and have broad public support. Further, as constitutional experts from across the ideological spectrum have explained, policies such as these would not violate constitutional rights.⁷

Opponents of the types of reforms recommended by the experts who participated in the summit make several common arguments. At the summit and in the book, compelling evidence was put forward to rebut those arguments. In my testimony today I would like to discuss several of those arguments and summarize the evidence that refutes them.

Opponents' Claim #1: Our nation's high rate of homicide has nothing to do with firearm availability.

Evidence in Response: Dr. Matthew Miller and his colleagues at Harvard⁸ presented data demonstrating that the homicide in the United States is nearly seven times higher than the average homicide rate among other high-income countries due to the fact that our rate of homicides with firearms is 20 times higher than the average rate of firearm homicide in those countries.⁹ Arguments that this gross disparity in homicide rates is due to the United States being more violent and crime-ridden than other high-income countries are inconsistent with available data. Rates of robbery, sexual assault, aggravated assault, burglary, car theft, and adolescent fighting in the United States are not significantly different from that of other high-income countries.^{10,11}

Opponents' Claim #2: Gun control laws don't work because criminals won't obey them and will always find a way to get a gun through theft or the illegal market.

Evidence in Response: First, the logic of this argument is flawed. Using this logic, laws against drunk driving are pointless because drunks will always disobey those laws. Just as drunk driving

laws provide law enforcement with the tools to arrest individuals who break those laws and deter others from driving drunk, laws such as background check requirements for all gun sales will help law enforcement combat illegal gun trafficking and keep guns from prohibited individuals.

Opponents of gun control point to the frequency with which criminals obtain firearms through unregulated private transactions as proof that regulations are pointless. However, I and many of the experts convened for our conference believe that the weaknesses in current federal firearms laws are the reason that many gun traffickers, criminals, underage youth, and other prohibited individuals are able to obtain firearms in the underground market.^{12,13,14, 15,16}

Second, the argument is based on invalid claims about how criminals acquire their guns. I analyzed 2004 survey data from a nationally-representative sample of state prison inmates to identify those who were incarcerated for crime committed with handguns. Only 9.9 percent of these offenders reported that they acquired their handgun by stealing it. Nearly eighty percent had acquired their handguns via a transaction with unlicensed private sellers, a category of transactions that current federal law illogically exempts from mandatory background checks or record-keeping by sellers.^{14*}

Third, this argument implies that criminals have no difficulty in obtaining firearms which is also inconsistent with the facts. Most criminologists as well as the general public would consider people who commit robberies to fit the definition of “criminals.” Although a firearm would seem an excellent tool to use if you are a robber for increasing compliance of victims to hand over their goods, only 29 percent of robberies reported in the National Crime Victimization Survey involved the robber’s use of a firearm.¹⁷ Furthermore, in an in-depth, multi-method study of the underground gun market in Chicago only twenty percent of male arrestees who participated in an anonymous survey reported that they had owned a handgun and sixty percent of those who did own one reported that it had taken them more than a week to search for and obtain a handgun. Criminals reported wariness of purchasing firearms from sellers they did not know or trust, a dearth of trusted suppliers of guns, and considerable mark-ups in price from the legal market.¹⁸

Fourth, gun sales regulations do impact the illegal gun market. My research has shown that when states enact laws to increase gun seller and purchaser accountability including universal background checks, strong regulation and oversight of licensed gun dealers, and mandatory reporting of theft or loss of firearms, far fewer guns are diverted from the legal to the illegal market.^{14,19} Unfortunately, the success of these state gun laws in reducing the diversion of guns to criminals is undermined by gaps in federal laws which facilitate interstate trafficking of firearms from states with the weakest gun control laws to those with comprehensive policies to keep firearms from dangerous people.^{14,16,20}

Missouri’s repeal of its permit-to-purchase licensing law for handgun sales in late August 2007 provides an example of the value of policies designed to reduce the diversion of guns to criminals. The law had required handgun purchasers, whether they were purchasing a handgun from a licensed gun dealer or a non-licensed private seller, to obtain a permit from the local

* Sources of handguns used in crime included family and friends (39.5%), “street or black market” (37.5%), gun shows/flea markets (1.7%), licensed gun dealers (11.4%), and theft (9.9%).

sheriff following a background check. My colleagues and I used annual state-level data on crime guns recovered by police in Missouri and traced by the ATF during the period 2002 – 2011 to examine changes in a commonly-used indicator of illegal gun diversion – the number and proportion of guns with short sale-to-crime intervals – before and after the state repealed the law.

Immediately following the repeal of the law, the share of guns recovered by Missouri police agencies that had an unusually short time interval from retail sale to crime indicative of trafficking more than doubled. Importantly, the sharp increase in short time-to-crime guns coincided with the length of time between the repeal of the law and a crime gun's recovery by police. Crime guns with a sale-to-crime interval of less than three months increased from a pre-repeal stable mean of 2.9 percent to 4.5 percent in 2007 when the repeal was in effect for only four months, and then increased further to a mean of 8.4 percent for 2008 through 2011. Crime guns with sale-to-crime intervals of 3-12 months increased sharply beginning in 2008 from a pre-repeal mean of 5.9 percent to 13.9 percent for 2008-2011. Following this same pattern, the percentage of crime guns recovered one to two years after retail sale increase beginning in 2009 from a mean of 6.4 percent to 12.8 percent during 2009-2011. The sharp increase in very short sale-to-crime intervals for guns in Missouri cannot be explained away as being part of a national trend toward shorter time-to-crime guns because the average sale-to-crime interval for the U.S. increased from 10.2 years in 2006 to 11.2 years in 2011.¹⁴

States with stricter gun sales laws tend to attract guns originating in states with weaker gun laws, resulting in proportionately fewer crime guns being sold by in-state gun dealers.²¹ This is likely to be due to a relative scarcity of guns to criminals in states with more comprehensive gun sales regulations which drives up the price and attracts suppliers from states with weaker gun laws. Following the repeal of Missouri's purchase permit law requiring handgun purchasers to obtain licenses from local sheriffs who would photograph and fingerprint applicants, the percentage of crime guns that had been sold by in-state gun dealers increased from 55.6 percent when the law was in place to 70.8 percent by 2011. This is a significant change for an indicator that tends to change very little over time in most states.¹⁴

I am just beginning a study of the effects of Missouri's repeal of its permit-to-purchase licensing system on violent crime. Preliminary evidence suggests that the increase in the diversion of guns to criminals linked to the law's repeal may have translated into increases in homicides committed with firearms. From 1999 through 2007, Missouri's age-adjusted homicide rate was relatively stable, fluctuating around a mean of 4.66 per 100,000 population per year. In 2008, the first full year after the permit-to-purchase licensing law was repealed, the age-adjusted firearm homicide rate in Missouri increased sharply to 6.23 per 100,000 population, a 34 percent increase. For the post-repeal period of 2008-2010, the mean annual age-adjusted firearm homicide rate was 5.82, 25 percent above the pre-repeal mean. This increase was out of synch with changes during that period in age-adjusted homicide rates nationally which decreased ten percent and with changes in other states in the Midwest which declined by 5%.[†]

[†] Annual age-adjusted firearm homicide rates in the U.S. averaged 4.03 during 1999-2007 and 3.81 for 2008-2010. Firearm homicide rates in states in the Midwest other than Missouri averaged 3.52 during 1999-2007 and 3.33 for 2008-2010. Data taken from National Center for Injury Prevention and Control, Fatal Injury Reports. Web-based Injury Statistics Query and Reporting System (WISQARS), Centers for Disease Control and Prevention, Accessed February 1, 2013.

In our new book, researchers reported several examples in which state laws prohibiting high-risk groups – perpetrators of domestic violence, violent misdemeanants and the severely mentally ill – from possessing firearms reduced violence,^{22,23} especially if necessary records are available for law enforcement to deny prohibited individuals.²⁴ Such laws would be even more effective if gaps and weaknesses in federal laws were addressed.

A case study from Brazil provides useful lessons relevant to the debate over the ability of gun control laws to curtail criminal use of firearms.²⁵ Brazil has historically had one of the highest homicide rates in the world amid enormous challenges including well-armed organized crime syndicates, income inequality, and high rates of substance abuse, as well as corruption within the military, law enforcement, and criminal justice system. Seventy percent of Brazil's homicides were committed with firearms. Efforts to strengthen Brazil's gun control laws were met with skepticism and the same arguments used to dismiss calls to reform U.S. guns laws, principally that the illicit gun market is awash with guns that criminals will have little difficulty accessing. Yet in December 2003, the Brazilian government responded to an outcry for change from its people and enacted an array of gun control measures. Prior to the new gun laws, Brazil's deaths from firearms had been steadily increasing, but this trend was reversed following the new gun control laws. Researchers estimated that the laws reduced firearm-related deaths by 15.8 percent nationally.²⁶ Brazil has had approximately 5,000 fewer firearm-related deaths per year following the enactment of the gun law reforms.²⁵

Opponents' Claim #3: We don't need to pass new gun laws, we just need to enforce current ones.

Evidence in Response: This is a common response to calls for strengthening current gun laws. But federal gun laws are currently written in ways that make it very difficult to hold firearm sellers, whether licensed dealers or private sellers, accountable if they sell firearms to criminals or traffickers.^{27,28} Non-licensed sellers of firearms have no obligation to ensure that the prospective purchasers have passed a background check and can legally possess firearms. There is no statute defining and outlawing straw purchases or gun trafficking. To prosecute gun traffickers, federal prosecutors must use laws against being in the business of selling firearms without a license or intentionally providing false information on the form used to process background checks for firearm sales by licensed dealers. Standards of evidence are high while penalties are weak relative to the seriousness of the crime of supplying criminals with firearms. Legislation has been proposed in the Senate that addresses these weaknesses.

Congress would do well to rewrite several prior laws that shield scofflaw gun dealers from scrutiny, civil penalties, and criminal prosecution. The 1986 Firearm Owners Protection Act weakened penalties for gun sales violations, increased standards of proof for prosecutions and actions against licensed gun dealers, and limited ATF law compliance inspections. The Protection of Lawful Commerce in Arms Act provided special immunity from lawsuits for negligent practices which enable criminals and other prohibited individuals to obtain guns. The Tiahrt Amendments provided further protections to licensed gun dealers who sell many guns that subsequently are recovered from criminals by restricting the use of crime gun trace data.¹⁵ Laws that increase gun seller accountability and increase the risk to those involved in illegal gun transactions significantly reduce the number of guns diverted for criminal use.¹⁴ Whereas the Tiahrt Amendments, which reduce firearm seller accountability, have been shown to increase the diversion of guns to criminals from suspect gun dealers,²⁹ strong regulation and oversight of gun

dealers reduces guns diverted to criminals as does being vulnerable to lawsuits for making illegal sales.^{30,31}

Opponents' Claim #4: Requiring background checks for all firearms sales is too great of a burden to gun purchasers to justify.

Evidence in Response: My colleagues and I just completed a large survey of a nationally-representative sample of adults and found that 84 percent of gun owners and 74 percent of NRA members reported that they supported laws requiring a background check for all gun sales.³² In the 14 states that currently require background checks for all handgun sales, 89 percent of gun owners supported universal background checks for gun sales. More broadly, large majorities of gun owners supported an array of policies intended to keep guns from criminals and the severely mentally ill. Thus the overwhelming majority of gun owners apparently consider any inconvenience associated with pre-gun-sale background checks to be acceptable given the importance of keeping firearms out of the hands of dangerous people.

Opponents' Claim #5: Proposed universal background checks would allow the federal government to create a registry of gun owners.

Evidence in Response: Under current federal law, the FBI must destroy records from background checks within 24 hours of the background check being completed. Current federal law explicitly forbids the federal government from creating anything remotely related to a registry of gun owners - even preventing the ATF from automating records from out of business firearms dealers in order to facilitate crime gun trace requests. There is no evidence that proposals to fix the gap in current law that exempts individuals purchasing firearms from private sellers from having to pass a background check would alter current prohibitions against creating a registry of gun owners or their guns.

Opponents' Claim #6: Limits on assault weapons and large capacity magazines would not enhance public safety.

Evidence in Response: Assault weapons and large capacity magazines (LCMs) or ammunition feeding devices are common characteristics of guns discussed in policy debates because they are disproportionately used in mass shootings. Mass shootings involving assault weapons typically involve more victims per incident than mass shootings with other weapons.³³ Recent examples of firearms with LCMs being used in mass shootings include the Glock 9mm semi-automatic pistol, with a magazine holding 33 rounds of ammunition, used to murder six and wound 13 others, including Congresswoman Gabrielle Giffords. The suspect assault rifle with a 100-round magazine used in the mass shooting at a movie theater in Aurora, Colorado that left 12 dead and 58 injured. A Bushmaster XM15 assault rifle was used in the Newtown, Connecticut mass-murder of 20 children and six adults. Weapons with LCMs were also used in the mass shootings at Virginia Tech University and Fort Hood, Texas. It is impossible to determine if these and other perpetrators of mass shootings would have been able to acquire assault weapons or LCMs had the weapons and magazines been banned. But if the perpetrators had used firearms that were not equipped with LCMs, it is very likely that fewer people would have been injured and killed. Indeed, it has been shown that there is a positive correlation between the ammunition capacity of firearms used in mass shootings and the number of victims murdered or wounded.³⁴

Christopher Koper conducted an evaluation of the federal ban of assault weapons and LCMs and found that the ban led to a significant reduction in the use of assault weapons, but no statistically change in the use of guns with LCMs in the cities where data were available.³⁵ An analysis of data collected on firearms recovered in crimes in Virginia found, however, that use of firearms with LCMs declined significantly after the federal ban and abruptly increased when the ban expired.³⁶ Although Koper's study assessed the effects of the federal ban of assault weapons and LCMs on overall homicides and shootings, relatively few shooting incidents involve more than 10 rounds fired from a single firearm – about three percent of shooting incidents and five percent of victims shot in one city.³⁷ Thus, his analysis is unlikely to be able to detect the small and gradual effects that might be expected population-wide.

Koper indicated that the lack of statistically significant findings does not mean that the law did not prevent a small percentage of the over 10,000 firearm-involved homicides and nonfatal woundings of nearly 50,000 people annually. Even if the ban eventually prevented only 1 of every 5 of the five percent of incidents in which LCMs are relevant, that would translate into about 100 fewer homicides and 500 fewer people wounded by gunshots per year. Such effects would not be definitively detectable with national data, but would be nonetheless meaningful, given the magnitude of the problem. Further, focusing solely on the “body count” glosses over the considerable psychological trauma and other social costs resulting from mass shootings. We have decided to regulate the design of numerous consumer products, such as cribs and small, high-powered magnets, in order to prevent far fewer deaths than could be prevented with a ban of LCMs. Opponents of such bans do not have a compelling reason why law-abiding citizens need to have firearms with unlimited ammunition capacity.

Opponents' Claim #7: “The only thing that can stop a bad guy with a gun, is a good guy with a gun.”

Evidence in Response: First of all, I am not aware of any current Congressional proposal to reform federal gun laws that would disarm any law-abiding citizen who is not prohibited from possessing firearms under current law. Second, this call to arms suggests that the way to reducing violence in the United States is to allow or even encourage anyone who can legally possess a firearm to arm themselves not only in their homes, but in public places. The best evidence on the effects of so-called right to carry laws shows that they do not reduce violent crime³⁸ and may lead to small increases in aggravated assaults.^{39,40} Arguments to expand concealed carrying of firearms suggests that everyone who is a legal firearm possessor is a “good guy (or gal),” yet my own research on the backgrounds of persons who were incarcerated for crimes committed with guns in states where conditions for legal firearm possession mirror those stated in federal law indicate that sixty percent of these offenders were legally qualified to possess firearms in their home prior to committing the crime with a gun that led to their incarceration. Many had prior arrests and convictions for misdemeanors involving violence, guns, drugs, or alcohol abuse or had committed more serious crimes processed in juvenile courts.⁴¹

Conclusion

In summary, Congress could significantly reduce the availability of guns to dangerous individuals by enacting the recommendations made by our summit participants such as requiring background checks for all firearms sales, strengthening laws against illegal straw purchasing and gun trafficking, and doing away with laws that offer special protections that law-abiding gun dealers don't need and scofflaw dealers don't deserve. Evidence demonstrates that these reforms would translate into fewer lives lost, safer streets and homes, increased quality of life, and reduce government expenditures on health care, disability payments, criminal justice, and corrections. Furthermore, the reforms would not involve unreasonable burdens on law-abiding gun owners and are supported by the vast majority of Americans including large majorities of gun owners.

Research Cited

¹ National Center for Injury Prevention and Control. Fatal Injury Reports. Web-based Injury Statistics Query and Reporting System (WISQARS). Centers for Disease Control and Prevention, Atlanta, GA, accessed February 9, 2013.

² National Center for Injury Prevention and Control. Leading Causes of Death. Web-based Injury Statistics Query and Reporting System (WISQARS). Centers for Disease Control and Prevention, Atlanta, GA, accessed February 9, 2013.

³ National Center for Injury Prevention and Control. Nonfatal Injury Data 2002-2011. Web-based Injury Statistics Query and Reporting System (WISQARS). Centers for Disease Control and Prevention, Atlanta, GA, accessed February 9, 2013.

⁴ National Center for Injury Prevention and Control. Cost of Injury Reports, 2005. Web-based Injury Statistics Query and Reporting System (WISQARS). Centers for Disease Control and Prevention, Atlanta, GA, accessed February 9, 2013.

⁵ Miller TR. *The Cost of Firearm Violence*. Children's Safety Network Economics and Data Analysis Resource Center, at Pacific Institute for Research and Evaluation, December 2012.

⁶ Webster, Daniel W. and Jon S. Vernick. *Reducing Gun Violence in America: Informing Policy with Evidence and Analysis*. Baltimore, MD: Johns Hopkins University Press, 2013.

⁷ Statement of Professors of Constitutional Law: The Second Amendment and the Constitutionality of the Proposed Gun Violence Prevention Legislation, Jan. 30, 2013, available at http://www.huffingtonpost.com/geoffrey-r-stone/the-second-amendment_b_2581625.html.

⁸ Miller M, Azrael D, Hemenway D. "Firearms and Violent Death in the United States," pages 3-20 in *Reducing Gun Violence in America: Informing Policy with Evidence and Analysis*, Daniel W. Webster and Jon S. Vernick, Eds. Baltimore, MD: Johns Hopkins University Press, 2013.

⁹ Richardson EG, Hemenway D. Homicide, suicide, and unintentional firearm fatality: comparing the United States with other high-income countries, 2003. *Journal of Trauma Injury, Infection and Critical Care* 2011;70:238-243.

¹⁰ van Kesteren J, Mayhew P, Nieuwbeerta P. Criminal victimization in seventeen industrialized countries: key findings from the 2000 international crime victimization survey. In *Netherlands Ministry of Justice: Research and Documentation Centre Netherlands*, 2001.

¹¹ Pickett W, Elgar FJ, Brooks F, de Looze M, Rathman K. Trends and socioeconomic correlates of adolescent fighting in 30 countries. *Pediatrics* 2013;131:18-26.

¹² Cook PJ, Ludwig J. "The Limited Impact of the Brady Act: Evaluation and Implications," pages 21-32 in *Reducing Gun Violence in America: Informing Policy with Evidence and Analysis*. Daniel W. Webster and Jon S. Vernick, Eds. Baltimore, MD: Johns Hopkins University Press, 2013.

¹³ Wintemute GJ. "Comprehensive Background Checks for Firearms Sales: Evidence from Gun Shows," pages 95-108 in *Reducing Gun Violence in America: Informing Policy with Evidence and Analysis*. Daniel W. Webster and Jon S. Vernick, Eds. Baltimore, MD: Johns Hopkins University Press, 2013.

¹⁴ Webster DW, Vernick JS, McGinty EE, Alcorn T. "Preventing the diversion of guns to criminals through effective firearm sales laws." Pages 109-122 in *Reducing Gun Violence in America: Informing Policy with Evidence and Analysis*. Daniel W. Webster and Jon S. Vernick, Eds. Baltimore, MD: Johns Hopkins University Press, 2013.

-
- ¹⁵ Vernick JS, Webster DW. “Curtailling dangerous sales practices by licensed firearms dealers: legal opportunities and obstacles,” pages 133-142 in *Reducing Gun Violence in America: Informing Policy with Evidence and Analysis*, Daniel W. Webster and Jon S. Vernick, Eds., Baltimore, MD: Johns Hopkins University Press, 2013.
- ¹⁶ Braga AA, PL Gagliardi. “Enforcing federal firearms laws against firearms traffickers: Raising operational effectiveness by lowering enforcement obstacles.” Pages 143-156 in *Reducing Gun Violence in America: Informing Policy with Evidence and Analysis*, Daniel W. Webster and Jon S. Vernick, Eds., Baltimore, MD: Johns Hopkins University Press, 2013.
- ¹⁷ Truman JL. Criminal Victimization, 2010. National Crime Victimization Survey. NCJ 235508. Washington, DC: United States Department of Justice, Bureau of Justice Statistics; September 2011.
- ¹⁸ Cook PJ, Ludwig J, Venketesh S, Braga AA. Underground gun markets. *The Economic Journal* 2007;117:F588-F618.
- ¹⁹ Webster DW, Vernick JS, Bulzacchelli MT. Effects of state-level firearm seller accountability policies on firearms trafficking. *Journal of Urban Health* 2009;86:525-537.
- ²⁰ Braga AA, Cook PJ, Kennedy DM, Moore MH. “The Illegal Supply of Firearms.” In *Crime and Justice: A Review of Research* Volume 29, Chicago: University of Chicago Press, 2002.
- ²¹ Webster DW, Vernick JS, Hepburn LM. The relationship between licensing, registration and other state gun sales laws and the source state of crime guns. *Injury Prevention* 2001;7: 184-189.
- ²² Wintemute GJ. “Broadening denial criteria for the purchase and possession of firearms: Need, feasibility, and effectiveness.” Pages 77-94 in *Reducing Gun Violence in America: Informing Policy with Evidence and Analysis*, Daniel W. Webster and Jon S. Vernick, Eds., Baltimore, MD: Johns Hopkins University Press, 2013.
- ²³ Zeoli AM, Frattaroli S. “Evidence for optimism: policies to limit batters’ access to firearms. Pages 53-64 in *Reducing Gun Violence in America: Informing Policy with Evidence and Analysis*, Daniel W. Webster and Jon S. Vernick, Eds., Baltimore, MD: Johns Hopkins University Press, 2013.
- ²⁴ Swanson JW, Robertson AG, Frisman LK, Norko MA, Lin HJ, Swartz MS, Cook PJ. “Preventing gun violence involving people with severe mental illness. Pages 33-52 in *Reducing Gun Violence in America: Informing Policy with Evidence and Analysis*, Daniel W. Webster and Jon S. Vernick, Eds., Baltimore, MD: Johns Hopkins University Press, 2013.
- ²⁵ Bandeira AR. “Brazil – Gun control and homicide reduction,” pages 213-222 in *Reducing Gun Violence in America: Informing Policy with Evidence and Analysis*, Daniel W. Webster and Jon S. Vernick, Eds., Baltimore, MD: Johns Hopkins University Press, 2013.
- ²⁶ de Souza MDM, Macinko J, Alencar AP, Malta DC, Neto OLD. Reductions in firearm-related mortality and hospitalizations in Brazil after gun control. *Health Affairs* 2007;26:575-584. With updated statistics from the Brazilian Ministry of Health, Secretariat for Epidemiological Surveillance.
- ²⁷ Braga AA, PL Gagliardi. “Enforcing federal firearms laws against firearms traffickers: Raising operational effectiveness by lowering enforcement obstacles.” Pages 143-156 in *Reducing Gun Violence in America: Informing Policy with Evidence and Analysis*, Daniel W. Webster and Jon S. Vernick, Eds., Baltimore, MD: Johns Hopkins University Press, 2013.
- ²⁸ Vernick JS, Webster DW. “Curtailling dangerous sales practices by licensed firearms dealers: legal opportunities and obstacles”. Pages 133-142 in *Reducing Gun Violence in America: Informing Policy with Evidence and Analysis*, Daniel W. Webster and Jon S. Vernick, Eds., Baltimore, MD: Johns Hopkins University Press, 2013.
- ²⁹ Webster DW, Vernick JS, Bulzacchelli MT, Vittes KA. Recent federal gun laws, gun dealer accountability and the diversion of guns to criminals in Milwaukee. *J Urban Health* 2012;89:87-97.
- ³⁰ Webster DW, Zeoli AM, Bulzacchelli MT, Vernick JS. Effects of police stings of gun dealers on the supply of new guns to criminals. *Injury Prevention* 2006;12:225-230.
- ³¹ Webster DW, Vernick JS. “Spurring responsible firearms sales practices through litigation: the impact of New York City’s lawsuits against gun dealers on interstate gun trafficking.” Pages 123-132 in *Reducing Gun Violence in America: Informing Policy with Evidence and Analysis*. Daniel W. Webster and Jon S. Vernick, Eds. Baltimore, MD: Johns Hopkins University Press, 2013.
- ³² Barry CL, McGinty EE, Vernick JS, Webster DW. After Newtown – public opinion on gun policy and mental illness. *New England Journal of Medicine* Jan. 28, 2013; DOI: 10.1056/NEJMp1300512
- ³³ Roth JA, Koper CS. Appendix A in *Impact Evaluation of the Public Safety and Recreational Firearm Use Protection Act of 1994*. Urban Institute: Washington, DC, 1997.
- ³⁴ Koper CS, Roth JA. The impact of the 1994 federal assault weapons ban on on gun violence outcomes: an assessment of multiple outcome measures and some lessons for policy evaluation. *Journal of Quantitative Criminology* 2001;17:33-74.

³⁵ Koper CS. “America’s Experience with the Federal Assault Weapons Ban, 1994-2004: Key Findings and Implications,” pages 157-171 in *Reducing Gun Violence in America: Informing Policy with Evidence and Analysis*. Daniel W. Webster and Jon S. Vernick, Eds. Baltimore, MD: Johns Hopkins University Press, 2013.

³⁶ Fallis DS, Grimaldi JV. [Va. Data Show Drop in Criminal Firepower During Assault Gun Ban](#), *The Washington Post*, January 23, 2011.

³⁷ Reedy DC, Koper CS. Impact of handgun types on gun assault outcomes: a comparison of gun assaults involving semi-automatic pistols and revolvers. *Injury Prevention* 2003;9:151-155.

³⁸ National Research Council. *Firearms and Violence: A Critical Review*. Committee to Improve Research Information and Data on Firearms. Charles F. Wellford, John V. Pepper, and Carol V. Pietre, Eds. Washington, DC: National Academies Press. 2005.

³⁹ Aneja A, Donohue JJ, Zhang A. The Impact of Right-to-Carry Laws and the NRC Report: Lessons for the Empirical Evaluation of Law and Policy. *American Law and Economics Review*. 2011;13(2):565-632.

⁴⁰ Ayers I, Donohue JJ. Shooting down the more guns, less crime hypothesis. *Stanford Law Review*. 2003;55:1993-312.

⁴¹ Vitte KA, Vernick JS, Webster DW. Legal status and source of offenders’ firearms in states with the least stringent criteria for gun ownership. *Injury Prevention* 2013;19:26-31.

APPENDIX TO TESTIMONY

Summit on Reducing Gun Violence in America Policy Recommendations

JANUARY 15, 2013

A Summit of more than 20 of the world's leading gun policy experts has identified several research-based policies to reduce gun violence in the United States. The policy recommendations were the result of a two-day Summit on gun violence convened by The Johns Hopkins University on January 14 and 15, The Summit on Reducing Gun Violence in America: Informing Policy with Evidence and Analysis.

During the Summit, experts presented and analyzed research-based approaches to reducing gun violence. Collectively, the Summit participants recommend* the following:

Background Checks

Fix the background check system by:

- Establishing a universal background check system, which would require a background check for all persons purchasing a firearm (inheritance exception).
- All sales would be facilitated through a federally licensed gun dealer. This would have the effect of mandating the same record keeping for all firearm transfers.
- Increase the maximum amount of time for the FBI to complete a background check from 3 to 10 business days.
- Require all firearm owners to report the theft or loss of their firearm within 72 hours of becoming aware of its loss.
- Persons who have a license to carry a firearm, permit to purchase, or other firearm permit must still be subject to a background check when purchasing a firearm.

Prohibiting High-Risk Individuals from Purchasing Guns: Expand the conditions for firearm purchase to include:

- Persons convicted of a violent misdemeanor would be prohibited from firearm purchase for a period of 15 years.
- Persons who committed a violent crime as a juvenile would be prohibited from firearm purchase until age 30.
- Persons convicted of 2 or more crimes involving drugs or alcohol within a three-year period would be prohibited from firearm purchase for a period of 10 years.
- Persons convicted of a single drug-trafficking offense would be prohibited from firearm purchase.
- Persons determined by a judge to be a gang member would be prohibited from firearm purchase.
- Establish a minimum age of 21 years for handgun purchase or possession.

- Persons who have violated a restraining order issued due to the threat of violence (including permanent, temporary and emergency) are prohibited from purchasing firearms.
- Persons with temporary restraining orders filed against them for violence or threats of violence are prohibited from purchasing firearms.
- Persons who have been convicted of misdemeanor stalking are prohibited from purchasing firearms.

Mental Health

- Federal restrictions of gun purchase for persons with serious mental illness should be focused on the dangerousness of the individual.
- Fully fund federal incentives for states to provide information about disqualifying mental health conditions to the National Instant Check System for gun buyers.

Trafficking and Dealer Licensing

- A permanent director for the ATF should be appointed and confirmed.
- ATF should be required to provide adequate resources to inspect and otherwise engage in oversight of federally licensed gun dealers.
- Restrictions imposed under the Firearm Owners Protections Act limiting ATF to one routine inspection of gun dealers per year should be repealed.
- Provisions of the Firearm Owners Protection Act raising the evidentiary standard for prosecuting dealers who make unlawful sales should be repealed.
- ATF should be granted authority to develop a range of sanctions for gun dealers who violate gun sales or other laws.
- The Protection of Lawful Commerce In Arms Act, providing gun dealers and manufacturers protection from tort liability, should be repealed.
- Federal restrictions on access to firearms trace data, other than for ongoing criminal investigations, should be repealed.
- Federal law mandating reporting of multiple sales of handguns should be expanded to include long guns.
- Adequate penalties are needed for violations of the above provisions.

Personalized Guns

- Congress should provide financial incentives to states to mandate childproof or personalized guns.
- The Federal Consumer Product Safety Commission should be granted authority to regulate the safety of firearms and ammunition as consumer products.

Assault Weapons

- Ban the future sale of assault weapons, incorporating a more carefully crafted definition to reduce the risk—compared with the 1994 ban—that the law can be easily evaded.

High Capacity Magazines

- Ban the future sale and possession of large capacity (greater than 10 rounds) ammunition magazines.

Research Funding

- The federal government should provide funds to CDC, NIH and NIJ adequate to understand the causes and solutions of gun violence, commensurate with its impact on the public's health and safety.
- The Surgeon General should produce a regular report on the state of the problem of gun violence in America and progress towards solutions.

“The purpose of putting forth these recommendations is to provide a research-based framework for reducing the staggering toll of gun violence in America,” said Summit organizer Daniel Webster, ScD, MPH, director of the Center for Gun Policy and Research at the Johns Hopkins Bloomberg School of Public Health. “Importantly, most recommended policies have broad public support and would not violate constitutional rights.”

New national public opinion polling data presented during the Summit from Johns Hopkins researchers showed the majority of Americans—including gun owners—support a universal background check system, more oversight on gun dealers, restricting access to guns among high-risk individuals such as those with previous criminal convictions, and banning the sale of large-capacity ammunition clips or magazines that allow some guns to shoot more than 20 bullets.

Presentations included research findings from experts at Johns Hopkins, Harvard, Yale, Duke, Rutgers, Michigan State, George Mason and Howard universities, the universities of Chicago, Connecticut and California-Davis, and insights from former federal law enforcement officials. Experts from Great Britain, Australia and Brazil presented evaluations of gun policy reforms in their nations.

“This has been an important two days,” said Ronald J. Daniels, president of The Johns Hopkins University. “We knew that a critical outcome of this Summit would be a set of research-based recommendations designed to inform the current debate. These will help lawmakers and opinion leaders identify the policy changes that are most likely to reduce gun violence in the United States.”

Last month's shootings in Newtown, Conn., opened the door to new federal action to reduce gun violence in the United States. Johns Hopkins University's Center for Gun Policy and Research believes that any action should be based on the best available research.

“The research-informed measures address not only mass shootings but also the less publicized U.S. gun violence that takes an average of 30 lives every day,” said Summit organizer Jon Vernick, JD, MPH, co-director of the Center for Gun Policy and Research at the Johns Hopkins Bloomberg School of Public Health. “We can reduce this number through implementation of such measures as expanding conditions which would prohibit high-risk individuals from possessing guns, strengthening the background check system by covering all firearm sales, and ensuring that necessary records for prohibited individuals are available.”

The Summit convened by the University, its Bloomberg School of Public Health and the Center for Gun Policy and Research is believed to be the most extensive summit meeting ever of gun policy researchers to discuss the evidence and make specific action recommendations.

“Gun violence is an urgent public health problem facing our country. I’m proud of our faculty for their contributions to the prevention of gun violence and for their leadership in this important summit,” said Michael J. Klag, dean of the Johns Hopkins Bloomberg School of Public Health. “Efforts like this Summit showcase what we do best, providing the science and evidence to solve the major challenges to our health.”

According to the Centers for Disease Control and Prevention, guns kill more than 31,000 people each year in the U.S., including more than 11,000 homicides. The U.S. homicide rate is seven times the average of other high-income countries.

Within weeks of the Summit, the Johns Hopkins University Press will publish the book, *Reducing Gun Violence in America: Informing Policy with Evidence and Analysis*. Collected for the first time in one volume, this reliable, empirical research and legal analysis will inform the policy debate by helping lawmakers and opinion leaders identify the policy changes that are most likely to reduce gun violence in the U.S. The book will be available in late January. Copies of the book will be delivered to policymakers from across the country, including members of Congress and the Administration.

** These recommendations represent the consensus of the experts presenting at the Johns Hopkins Gun Policy Summit. However, it may not be the case that every expert endorsed every specific recommendation.*

(THIS DOCUMENT IS AVAILABLE AT [HTTP://WWW.JHSPH.EDU/NEWS/NEWS-RELEASES/2013/GUN-POLICY-SUMMIT-RECOMMENDATIONS.HTML](http://www.jhsphe.edu/news/news-releases/2013/gun-policy-summit-recommendations.html))