



State Laws on Gun Violence Are Important

BY Joyces Anderson April 26, 2013

The Newtown massacre of twenty first-grade children and their six adult protectors has focused the nation's attention on advocates for stronger federal gun control laws versus The National Rifle Association (NRA). Pictures of Newtown parents and relatives walking through the Senate halls to meet with individual senators were dramatic evidence of the powerful effect they had on bringing a 68 to 31 vote in favor of debating background checks. Their presence appeared to have stopped the threatened filibuster by fourteen Republican senators. There is no question that strengthening national laws would be the ideal goal for gun control advocates. However, it is also important to know about laws the different states have passed regulating gun violence and the results of those laws.

Two recent reports linked high rates of gun violence and deaths to weak state laws. In March, a group of Boston researchers reported online in The American Medical Association Journal that more firearms laws in a state were associated with lower rates of firearms deaths. Their comprehensive study considered the following factors: poverty, unemployment, sex and race, education, population density, violent deaths unrelated to firearms and household firearm ownership. The second report, released by the Center for American Progress in early April, found that many states with the weakest gun laws rank high on gun homicides and suicides, gun deaths of children, and killings of law enforcement officers. The results showed Alaska first in overall gun deaths, with 20.28 deaths per 100,000 people in 2010 – more than twice the national average. Louisiana and Montana were next in gun deaths; all three states had weak gun laws. The report found that eight of the states with the highest levels of gun violence were among the 25 with the weakest gun laws.

The second report was based on an analysis of data from the Federal Bureau of Investigation, The Bureau of Alcohol, Tobacco, Firearms and Explosives, and the Centers for Disease Control and Prevention. This study reviewed firearms deaths and other indicators of gun violence like aggravated assaults with firearms, the percentage of guns traced to crimes within two years of purchase and the rate at which guns bought in one state are recovered in another after a crime is committed, a measure of illegal gun trafficking. In this report Louisiana ranked as the most violent state while Hawaii had the lowest overall rate of gun violence. Next, with lowest ranking for gun violence, were Massachusetts, Connecticut, New Jersey and New York. They were all among the 10 states that last year were found to have had the toughest gun laws by the Law Center to Prevent Gun Violence.

There were some exceptions to the correlation pattern. Vermont had relatively weak gun laws and low rates of gun violence, while Maryland with relatively strong firearms laws had a high rate of gun homicides. Dr. Deborah Azrael, a research scientist at Harvard's School of Public Health who studies firearms and violence, summed up the current reports as "a useful collation of data that reinforces what we know from other studies that the rate of exposure to firearms is associated with overall mortality." If this sounds like fundamental logic, it was criticized by opponents of tighter gun laws who faulted the methods used in the research and the conclusions reached. David Kopel, of the Cato Institute, a conservative think tank, dismissed the research facts and argued, "Is Louisiana a low-control state with a lot of crime? Absolutely. On the other hand, New York and California are clearly dangerous states in comparison to the rest of the country, and they're also very high-control states." Kopel apparently preferred his stereotypical view of life in New York and California rather than results of scientific research.

After Newtown, New York became the first state to expand their already strong laws against gun violence. Democratic majorities prevailed in both the Assembly (104 votes to 43) and the Senate (43 votes to 18) . Governor Andrew Cuomo who had led the push against gun rights opposition signed the new law on January 15, 2013, one month after the Newtown massacre. The measure broadened the ban on assault weapons to include any semiautomatic weapon with one military-style feature, limited magazine clips from ten to seven rounds of ammunition, required background checks at all gun sales, and gun licenses to be renewed every five years. There will be a new electronic database for gun permits and a new registry for ammunition sales. It also included provisions to keep firearms away from mentally ill people, and to increase penalties on people who use guns to commit crimes. The expanded ban on assault weapons was effective immediately. Current owners would have to register them with the state within one year.

Colorado, where the mass shooting took place in the Aurora movie theater last July, was the second state to tackle new gun control laws. Colorado is a Western state with a history of gun culture, hunting and ownership. One in three Colorado households own a gun. Ten years ago, Colorado loosened concealed weapons laws. Even after Aurora, Governor John Hickenlooper raised doubt as to whether tighter gun laws would have prevented the tragedy when he said on CNN, "This person – if there were no assault weapons available, and no this or that – this guy's going to find something, right?" However, by mid-March, Governor Hickenlooper was ready to sign the bill that emerged from the legislature to strengthen gun laws. The Democratic controlled Senate – after 12 hours of fierce debate – approved universal background checks for private gun sales; limited magazine clips to 15 rounds; required those convicted of domestic abuse to surrender their firearms; required residents applying for permits to carry concealed weapons to take in-person training classes; outlawed online-only courses offered in the state.

Connecticut in the months after Newtown saw the push for stronger gun laws by Governor Dannel Malloy and the Democratic controlled legislature. The NRA made robo calls in the Newtown area, which angered many residents. A public meeting was held on January 28 that was jammed with thousands of

gun rights supporters. Competing television and radio ads flooded the air waves and legislators were swamped with e-mails, phone calls and text messages. Family members of the victims met with state-elected officials to stop “dangerous anti-gun legislation.” At a dramatic public hearing in Newtown, family members, teachers and doctors who had experienced the tragedy, spoke. In February, Governor Malloy released his own gun passage package that included a ban on the sale or possession of high capacity magazines, expansion of the assault weapons ban, and background checks for the transfer of any firearms. Malloy said, “I jumped in with my proposals because, in my opinion, it was floundering.” On April 4, Governor Malloy signed a sweeping new set of gun control reforms after the state legislature voted approval in a late-night session. The bill included new registration requirements for those already owning high capacity magazines, and created the nation’s first dangerous weapon offender registry . It allocated at least \$15 million more for school safety and mental health monitoring programs.

Maryland also passed strong gun control laws, banning assault weapons, requiring fingerprints for gun buyers, and focusing on the mentally ill and firearms. However, other states have moved in the opposite direction since Newtown. South Dakota in early March, became the first state in the nation to authorize K-12 school employees carrying guns on the jobs, including teachers in classrooms. The NRA lobbied successfully for the bill in the state legislature and a spokesman said, “There’s certainly not a one-size-fits all approach to keeping our children safe in schools.” He was joined by Kevin Jensen, vice president of the Canton School Board who explained, “Our kids start hunting here when they’re preteens. We know guns. We respect guns.” Arkansas law makers voted to allow guns in churches and on college campuses. Tennessee legislators passed laws that allow residents to store weapons in their car at the workplace, even if the boss objects. In the small town of Nelson, Georgia, the City Council enacted an ordinance that requires heads of households to own guns and ammunition. Perhaps, the strangest movement has arisen in 36 state legislatures that are considering proposals to declare any new federal gun control laws null in their states. Such action, of course, would be unconstitutional since federal law has overruled state law since the landmark *Marbury v. Madison* decision in 1803 by the Supreme Court.

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