



# *LEGISLATIVE REPORT SERIES*

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## **FIREARMS VIOLENCE AND GUN CONTROL STRATEGIES**

**RESEARCH DIVISION  
Department of Legislative Reference  
90 State Circle  
Annapolis, Maryland 21401**



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## FIREARMS VIOLENCE AND GUN CONTROL STRATEGIES

**RESEARCH DIVISION**  
**Department of Legislative Reference**

90 State Circle  
Annapolis, Maryland 21401

### Acknowledgment

This paper was researched and written by Bruce Gartner, a contractual legislative analyst with the Research Division, Department of Legislative Reference. Questions concerning the paper should be addressed to the Research Division.

Research Division  
Department of Legislative Reference  
90 State Circle  
Annapolis, Maryland 21401

Baltimore area (841-3875)    Washington area (858-3875)  
Other areas (1-800-492-7122), ext. 3875

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## INTRODUCTION

Americans own more firearms per capita than citizens of any other Western democracy. Americans also use guns against each other more often, a longstanding problem that has proven resistant to simple solutions.

A recent episode illustrates ad-hoc remedies proposed in the wake of a particularly well-publicized shooting. A January schoolyard massacre in Stockton, California spurred efforts to restrict the sale of semi-automatic weapons. Public opinion polls at that time showed that more than 80 percent of the voters favored restrictions on these weapons. Legislation limiting the sale and/or possession of semi-automatic "assault-type" weapons has been introduced in Congress and at least 17 state legislatures, since January, 1989.<sup>1</sup>

Other weapon-specific controls are being tried. For example, in a November 1988 referendum, the citizens of Maryland voted to affirm Chapter 533 of the Acts of the General Assembly of 1988, prohibiting the manufacture and sale of handguns determined to be unsuitable for law enforcement, self-protection or sporting activities.

In most states, legislation which increases sentences for individuals using or possessing any firearms during the commission of a crime has also been considered. In Maryland, Chapter 293 of the Acts of the General Assembly of 1989 makes anyone purchasing any of 24 different types of semi-automatic weapons subject to a seven-day waiting period and a criminal background check.

This report reviews existing and proposed legislation. It examines advantages and disadvantages of various gun control strategies and summarizes the statistics on firearms violence in Maryland and the United States.

## PUBLIC ATTITUDES ON GUN CONTROL

According to public opinion poll, prior to 1988 approximately 70 percent of all Americans favored laws requiring a permit to purchase a gun. While males appear to have been less supportive of registration (62 percent) than females (76 percent), and individuals living in the northeast more supportive (86 percent in favor) than individuals from any other region of the country, the responses did not differ along political lines.

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<sup>1</sup> Sherry Bebitch Jeffe, "Gun Control A Shift in Attitudes", State Legislatures, May/June 1989, p. 12.

Reported levels of support for registration and gun control have increased substantially in 1989 after remaining constant for more than ten years. According to the latest Gallup Poll (prior to March 13, 1989) nearly 84 percent of the people sampled endorse federal registration of gun buyers. Ninety-one percent of all Americans polled favor a seven-day waiting period.

Permissive licensing and registration, or laws restricting the carrying of weapons are more widely supported because they focus on keeping weapons away from individuals prone to violence.

#### THE DESIRED EFFECTS OF GUN CONTROL

Table 1, below, is an inventory of the desired effects, intermediate effects and possible side effects of gun control legislation.

TABLE 1

Desired End Effects, Intermediate Effects,  
and Side Effects of Gun Control Regulation

I. Desired end effects:

- A. Reducing the use of firearms in crime
- B. Reducing the stock of firearms held  
by private households
- C. Reducing accidental injuries involving firearms
- D. Reducing the stock held by "criminals"
- E. Reducing the stock of certain types of weapons

II. Desired intermediate effects:

- A. Regulating the weapons production system
  - 1. Restriction on the manufacture of weapons
  - 2. Restriction on the import of weapons
- B. Regulating the Distribution System by  
restricting the sale and transfer of weapons
- C. Regulating possession through ownership restrictions
- D. Regulating usage through carrying restrictions
- E. Raising the costs of weapons ownership and use
- F. Raising the penalties for improper usage

III. Possible side effects:

- A. Substitution of other weapons or unregulated firearms  
for firearms used in crimes
- B. Creation of illegal manufacturing, distribution, and  
transfer systems
- C. Higher Costs to the Criminal Justice System
- D. Higher costs to weapons users

**Source:** Weapons, Crime and Violence in America, (Washington, DC: National Institute of Justice, 1981), p. 508.

The leading objective of gun control is to reduce use of weapons in crime. The Uniformed Crime Report (UCR) statistics describe national trends in crime rates. The following section reviews of UCR longitudinal data (1977 - 1987) on violent crime (murder, aggravated assault and armed robbery) and portrays weapon use in violent crime.

## GUNS AND VIOLENCE

### National Crime Rates

Between 1977 and 1985, the rate of crimes committed with firearms peaked around 1980 (Figures 1 and 2). The national firearms murder rate reached a high of 5.95 (13,553 murders) in 1980 and the rate of assaults involving firearms rose to 65 per 100,000. In 1981 the rate of robberies committed with firearms peaked at 95 per 100,000 population. Throughout the early 1980's the rates for robberies and aggravated assaults per 100,000 population declined to approximately 66 and 53 per 100,000 population respectively.

According to UCR statistics the national rate of robberies and aggravated assaults involving firearms has begun to escalate in recent years (1984 - 1986). In 1986 the rate of assaults involving firearms reached an all time high of 69 per 100,000 population. Within the same time period, the rate of murders committed with firearms increased from 4.14 to 4.71 per 100,000 population.

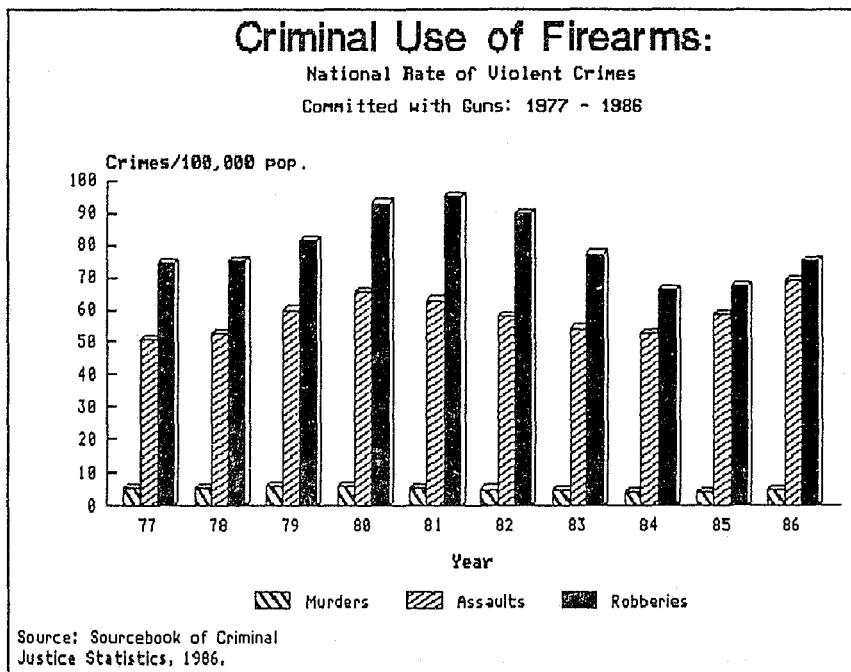
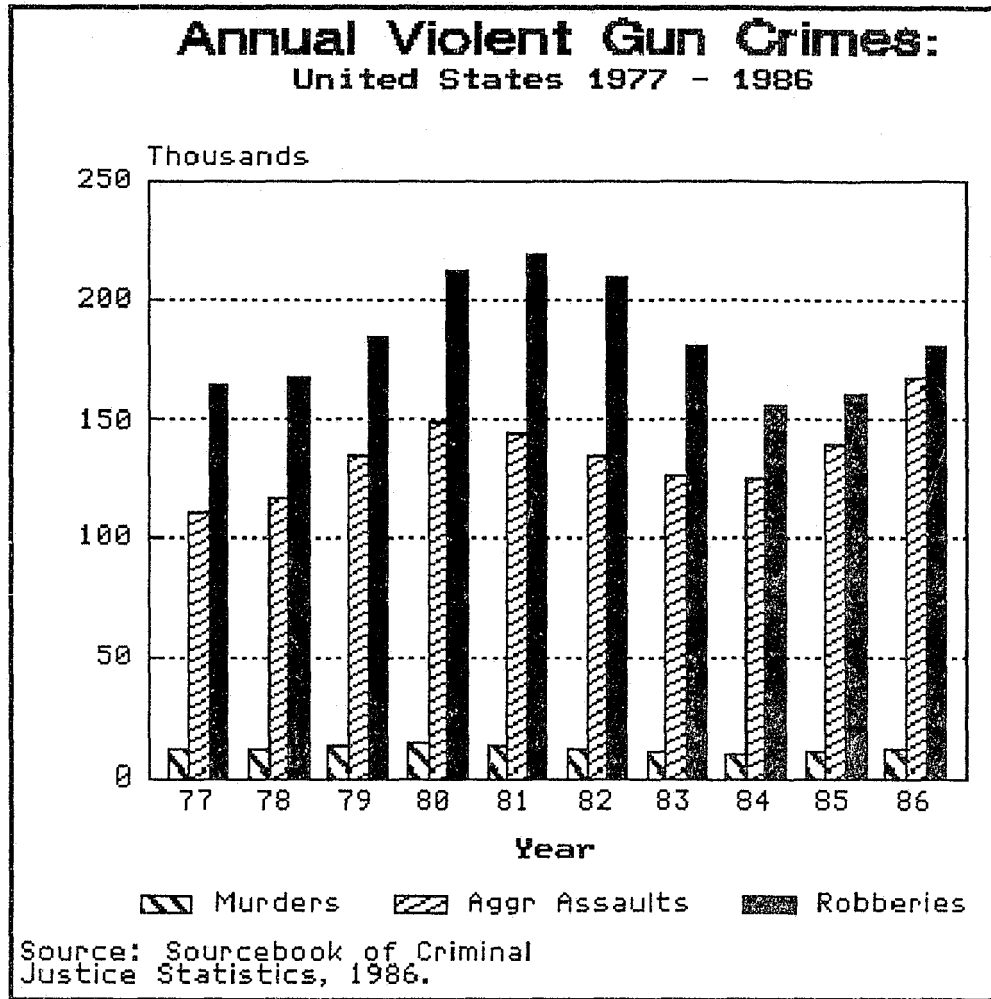


Figure 1

Figure 2



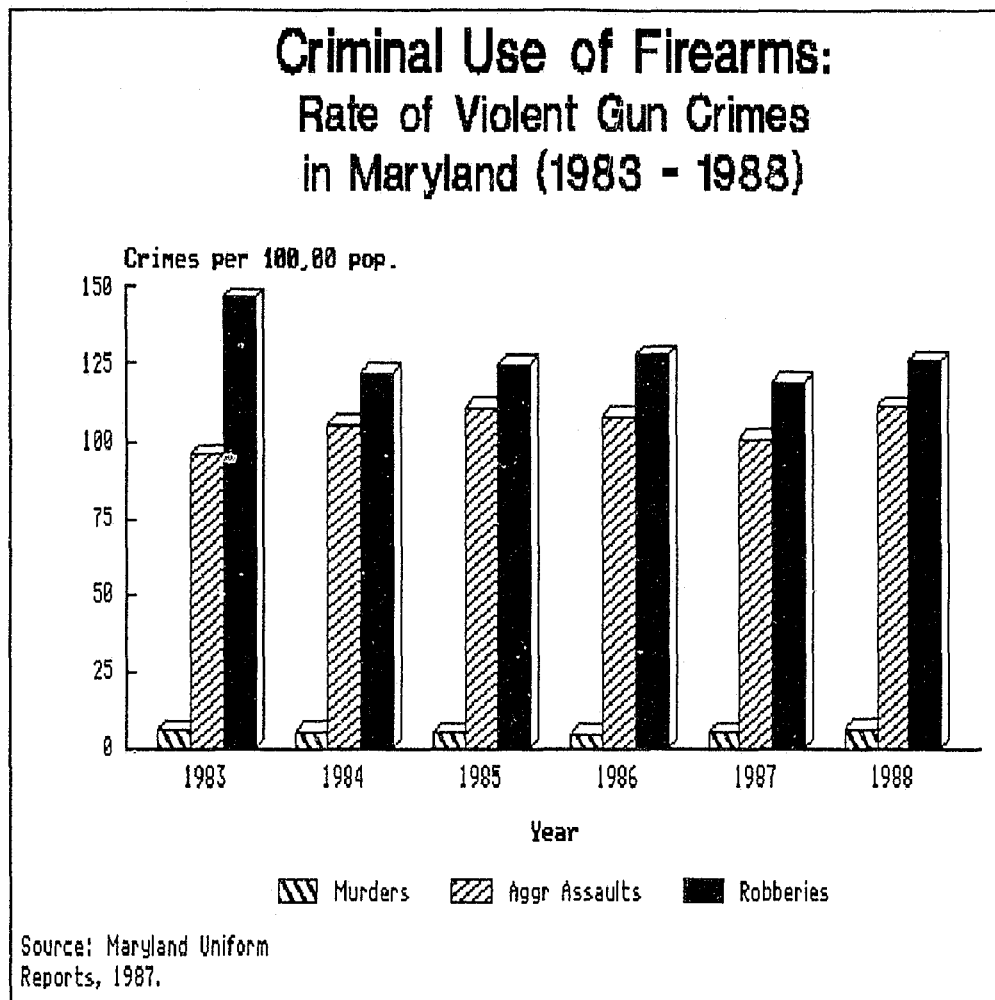
### Maryland Crime Rates

According to UCR statistics on Maryland, over the past five years, Maryland's rate for murder involving guns is approximately the same as national rates of firearms usage in assaults and robberies and exceeds national averages.

In 1988, the rate of violent gun crimes in Maryland reached a five year high of 6.2 murders per 100,000 and 111.9 assaults per 100,000 population. As indicated in Figure 3, on the following page, the rate of robberies committed with firearms has fluctuated between 120 and 128 per 100,000 population in the past five years.



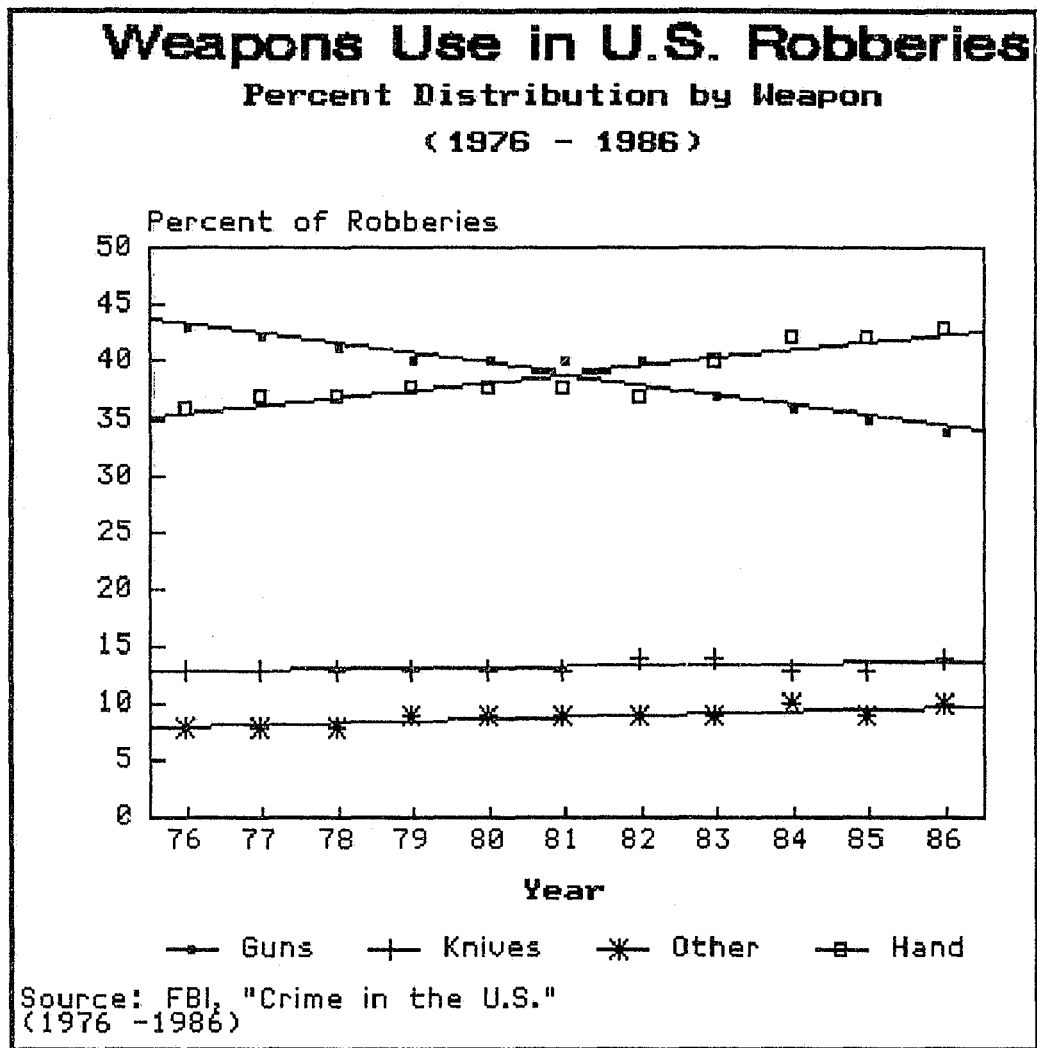
Figure 3



Percent of Robberies Committed with Firearms

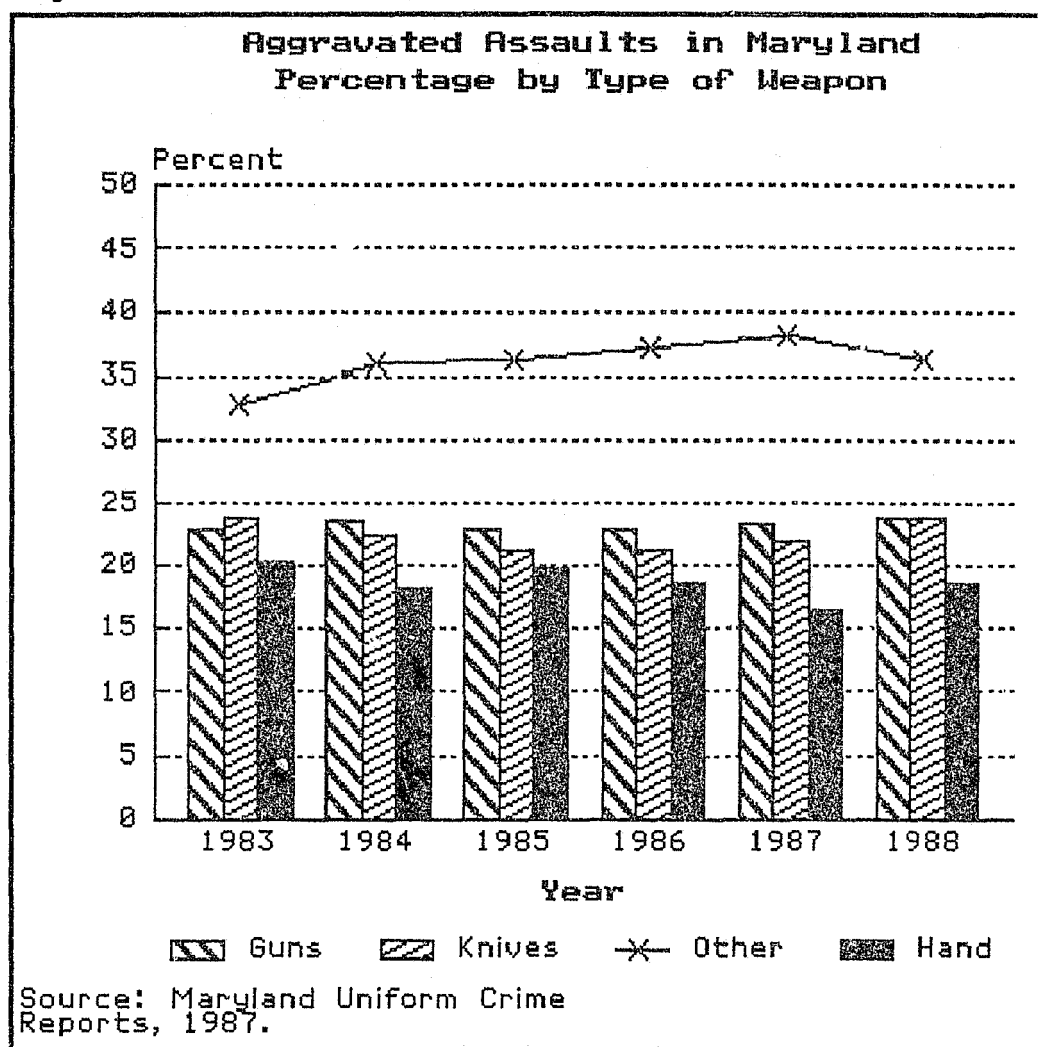
Rates of firearms usage in violent crime have fluctuated over the past ten years, but the percentage of robberies involving firearms has decreased over this period. Between 1976 and 1986 the percent of robberies committed with firearms decreased from approximately 43 percent in 1976 to 34 percent in 1986 (**Figure 4**). Meanwhile, the percentage of robberies committed with knives or other weapons remained relatively constant and those committed with the threat of physical force increased (from 36 to 43 percent).

Figure 4



In Maryland, the percentage of robberies committed with firearms has remained fairly constant at approximately 41 percent. **Figure 5** shows that approximately 23 percent of Maryland's aggravated assaults involve firearms. Other weapons (blunt objects, etc...) are involved in the largest percentage of assaults.

Figure 5



#### Handguns vs. Long guns

Rifles and shotguns are used relatively infrequently in murders. Over the past five years (1983 - 1987) only 8.7 percent of the 1,915 murders in Maryland were committed with the use of a rifle or shotgun. Handguns accounted for 48.9 percent of the murders.<sup>2</sup> Nationally, rifles and shotguns were used in 12 percent of all homicides in 1985, and handguns were used in 43 percent of the cases.

<sup>2</sup> U.S. Department of Justice, Felony Sentences in State Courts, 1986, pp. 2-5.

## Other Deaths Related to Firearms

Gunshots are the eighth-leading cause of death in Maryland. According to a study by the Johns Hopkins School of Hygiene and Public Health, firearms were involved in the deaths of 3,496 Maryland Residents from 1980 to 1986. Slightly more than half (51 percent) of the gun deaths were suicides and another 46 percent were homicides. Only 2 percent were accidental deaths. Of the roughly 30,000 reported suicides in the United States each year, between 60 and 65 percent are by firearm.<sup>3</sup>

### **THE AVAILABILITY OF FIREARMS**

Gun-control advocates believe that limiting the access to firearms reduces violent crimes. The statistics reviewed above are a basis for their views. Because 20 percent of all robberies and about 60 percent of all homicides are committed with firearms, controls are needed.

Advocates of stricter gun control also recall that domestic homicides and killings usually involve persons who know each other, and are facilitated by the easy availability of guns.

Between 1970 and 1980 the stock of rifles and shotguns increased by approximately 113 guns per 1,000 residents. Over the same period, handgun ownership increased by 73 per 1,000 residents to reach a level of approximately 226 per 1,000 by 1980. (See Table 2)

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<sup>3</sup> Don Colburn, "Gunshots as an Epidemic", The Washington Post, November 1, 1988.

Table 2

## Cumulated Stock of Firearms in the United States (a)

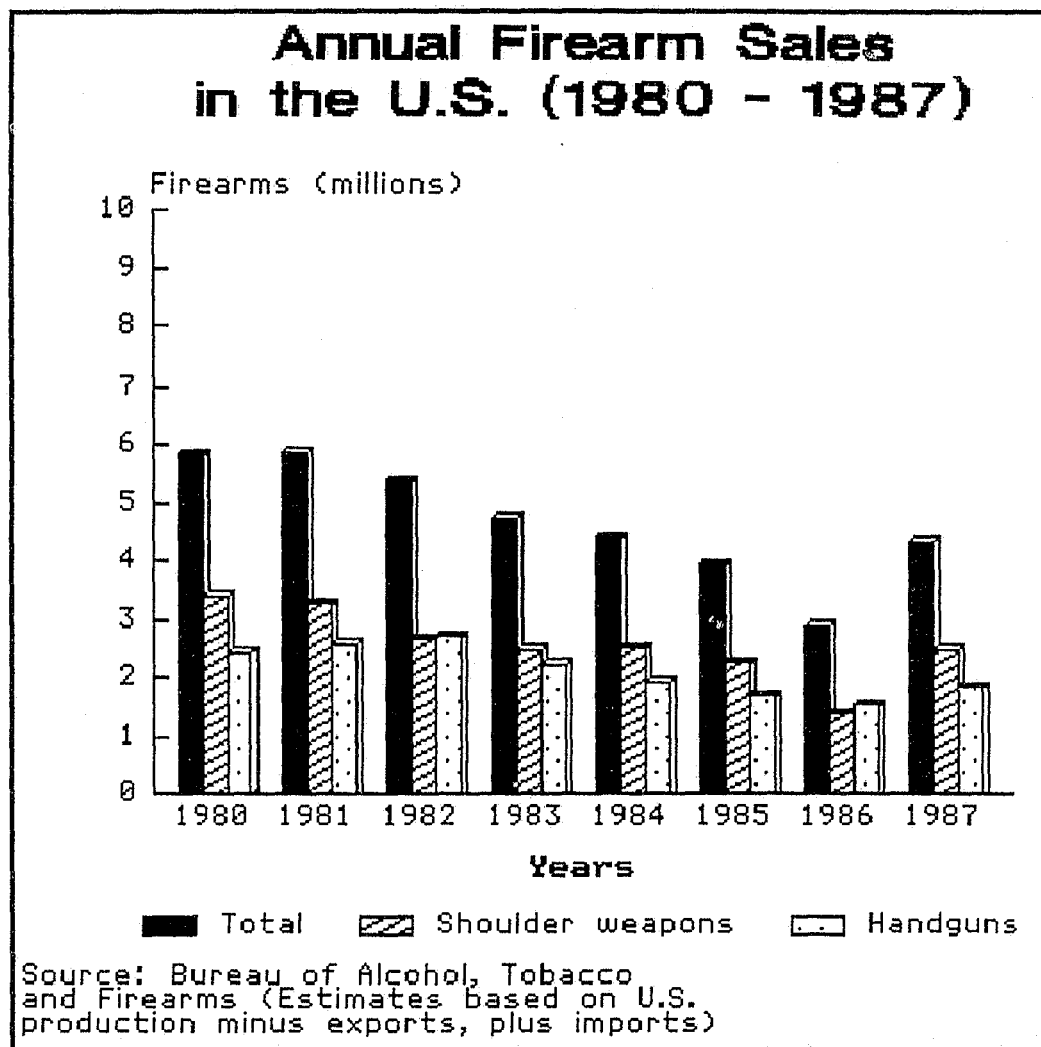
|      | Total Stock<br>of Handguns | Handguns<br>per 1,000<br>Population | Total Stock<br>of Long guns | Long guns<br>per 1,000<br>Population |
|------|----------------------------|-------------------------------------|-----------------------------|--------------------------------------|
| 1970 | 31,244,813                 | 153.3                               | 80,672,920                  | 396.10                               |
| 1975 | 41,081,714                 | 192.80                              | 98,833,411                  | 464.30                               |
| 1976 | 43,108,403                 | 200.80                              | 102,542,386                 | 477.70                               |
| 1977 | 45,022,453                 | 204.42                              | 105,762,000                 | 480.05                               |
| 1978 | 46,962,470                 | 210.82                              | 109,129,523                 | 490.28                               |
| 1979 | 49,097,371                 | 218.16                              | 112,625,035                 | 500.43                               |
| 1980 | 51,534,706                 | 226.27                              | 116,024,087                 | 509.42                               |
| 1981 | 54,125,511                 | 235.19                              | 119,308,798                 | 518.42                               |
| 1982 | 56,832,690                 | 244.42                              | 121,976,962                 | 524.59                               |
| 1983 | 59,074,538                 | 251.60                              | 124,462,844                 | 530.08                               |
| 1984 | 60,979,538                 | 257.30                              | 126,960,844                 | 535.70                               |
| 1985 | 62,663,358                 | 261.88                              | 129,215,844                 | 540.01                               |
| 1986 | 64,201,538                 | 265.74                              | 130,586,944                 | 540.52                               |
| 1987 | 66,043,538                 | 270.67                              | 133,069,944                 | 545.37(b)                            |

Sources: Bureau of Alcohol Tobacco and Firearms;  
Firearms and Violence, "Gun Ownership as a Cause of  
 Violent Crime", p. 112.

(a) Assuming unmeasured losses from stock equals unmeasured gains,  
 stock equals total firearms manufactured domestically, plus total  
 imports, minus the number of firearms exported.

(b) Estimated population for 1987 equals 244 million

Figure 6



Since then the annual rate of weapons being sold in the United States actually decreased from approximately 5.9 million per year in 1981 to 2.9 million in 1986. **Figure 6**, above, shows that the number of firearms sold in the U.S. jumped to 4.3 million in 1987. Currently, there are 270 handguns and 545 rifles and shotguns per 1,000 population. The rate of guns per 1,000 in Maryland is similar to the national level. According to Sergeant Peppersack of the Maryland State Police there is one gun registered in Maryland for every four residents. The Sergeant also estimates that there are 1 million unregistered and illegal handguns in the State.<sup>4</sup>

<sup>4</sup> Paul Valentine, "1 Gun Registered in Md. For Every 4 Residents", Washington Post, November 3, 1988.

No statistically significant correlation has been demonstrated between the cumulated stock of firearms, and homicide rates in the United States.

Opponents of gun control cite criminological research which indicating that banning the possession of firearms will not reduce violent crimes. "Those who commit murder are likely to have long prior histories of impulsive violence against those around them."<sup>5</sup> The criminal, not the weapon, is responsible.

In his 1986 review of gun control research, criminologist Gary Kleck concluded that the general level of gun ownership and gun ownership among law abiding citizens has no direct or substantial effect on the homicide rate.

Gun ownership among a subset of the violence-prone population does correlate with homicide rates. According to Kleck, gun ownership among the violence-prone is related to homicide rates.<sup>6</sup> In these situations, when a gun assault occurs, it is somewhat more likely to produce a fatality.

Research indicates that levels of gun ownership are affected by increased crime rates. This implies that both criminals and individuals living in dangerous neighborhoods purchase firearms in order to protect themselves from the violent people around them.<sup>7</sup>

The following discussion of state and federal laws highlights the issues connected with various types of gun control legislation.

#### CURRENT GUN CONTROL LAWS

##### FEDERAL LEGISLATION

Until May 1986, the primary federal legislation regulating firearms was the Gun Control Act (GCA) of 1968. The GCA provided a framework for state and local laws while allowing the states to retain authority over select intrastate firearms transactions. Generally, the Act was limited to reinforcing whatever controls each state had by prohibiting out of state purchasing by its residents. More specifically, the GCA required a dealer involved in interstate firearms sales to obtain a federal license; prohibited the sale of firearms to juveniles; prohibited dealers from selling firearms to certain groups such as the mentally disturbed, drug addicts, felons, and fugitives; and limited the mail-order sale of firearms. It also outlawed the importation of

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<sup>5</sup> Don B. Kates, "Handgun Banning and the Prohibition Experience", Firearms and Violence, p. 145.

<sup>6</sup> Gary Kleck, "Gun Ownership and Levels of Violence", Firearms and Violence, p. 131.

<sup>7</sup> Kleck, "Gun Ownership...", p. 132.

small inexpensive handguns, commonly known as "Saturday Night Specials" (SNS).

Critics of the law said it contained several loopholes. It did not address the private transfer of guns and only prohibited the purchase and not the possession of guns by minors. Although the GCA made it unlawful for licensed dealers to sell firearms to a known felon or to any person the licensee knows or has reasonable cause to believe is not a resident, the Gun Control Act did not require dealers to verify the individual's claims that he or she was both a resident and a law abiding citizen. Furthermore, the Act failed to restrict the domestic production of "Saturday Night Specials" because it allowed the importation of gun parts.

Perhaps one of the weakest points of the 1968 Act was that it allowed almost anyone to receive a federal firearm dealer's license for an annual fee of ten dollars, resulting in an increase in firearms dealers. There were 160,000 licensed dealers in 1981 and there are approximately 270,000 in business today. Due to the limited number of Treasury inspectors (4,000 in 1981),<sup>8</sup> adequate enforcement of the federal laws was seemingly impossible.

In May 1986, Congress enacted a new federal gun control act (P.L. 99-308), which substantially relaxed the provisions of the Gun Control Act of 1968. Although the 1986 Act restricted the possession and ownership of machine guns, imposed harsh sentences on individuals carrying or using machine guns during the commission of a violent federal crime, barred certain categories of people from owning any firearm, and barred the importation of barrels for firearms which are not suitable for "sporting purposes", it is often hailed as a victory for gun control opponents. Among its provisions the 1986 Act:

- Legalized the interstate sale of shotguns and rifles if the sale is over-the-counter and legal in the state of the buyer and the seller.
- Defined gun sales licensees as those who regularly import, manufacture or deal in guns with the principle objective of livelihood and profit, and allowed licensed dealers to conduct business at gun shows.
- Relieved ammunition dealers of certain record keeping requirements.
- Permitted interstate travel with a firearm as long as it is not loaded and not readily accessible.

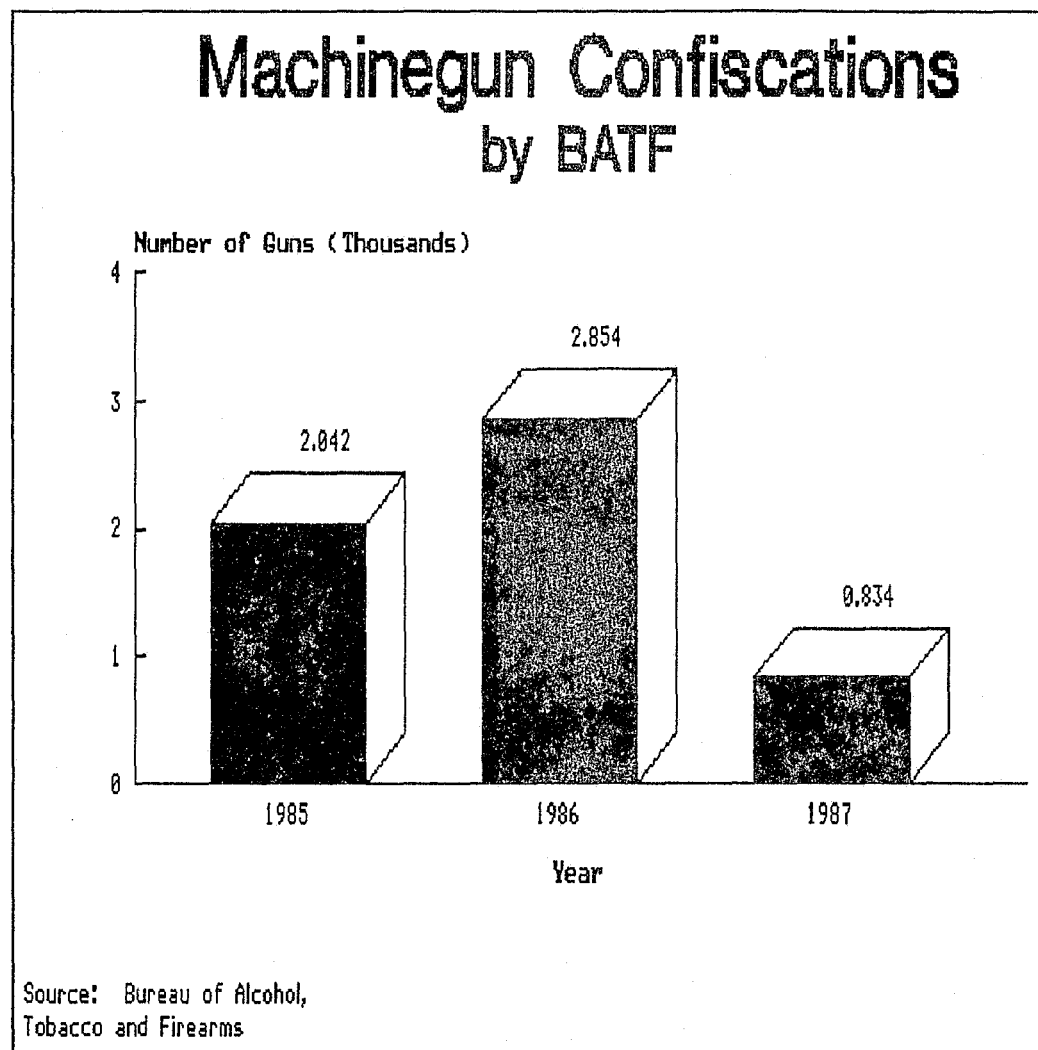
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<sup>8</sup> Gary Kleck, "Policy Lessons from Recent Gun Control Research", Law and Contemporary Problems, Winter 1986. p. 52.



The influence of the 1986 Act in limiting criminal misuse of automatic weapons seems to have been significant when one considers the drop in machine guns taken into custody by the Bureau of Alcohol Tobacco and Firearms (BATF). (Figure 7)

Figure 7



#### RECENT FEDERAL INITIATIVES

Since January of 1989, approximately ten bills concerning either the limitation of the sale or possession of semi-automatic weapons or gun-control in general have been introduced in Congress. The most significant bills are sponsored by Representative Pete Stark, D-California (H.R. 1190) and Senator Howard Metzenbaum, D-Ohio (S. 386). As an example, H.R. 1190 treats 11 specific semi-automatic weapons in exactly the same manner as current federal law treats machine guns. The importation and domestic manufacture of

these weapons would be banned. Anyone wishing to purchase the weapons would have to undergo an extensive background check and register the weapon with the BATF. As introduced, the bills also direct the Secretary of the Treasury to designate any other assault weapons that should be included.

The Bush administration is banning importation of over thirty types of semi-automatic weapons (See Appendix B). For the past year, both Congress and the Bush administration have been attempting to determine whether certain semi-automatic weapons can be justifiably restricted in the same manner as fully-automatic machine guns. The ability to distinguish between what is and is not a sporting weapon is a point of contention between the pro and anti-gun control forces. In addition, an interagency task force is attempting to develop a system to identify felons and other ineligible persons who attempt to purchase firearms. In order to meet the requirements of the Anti-Drug Abuse Act of 1988, the task force has undertaken four separate studies to evaluate:

- (1) the nature and extent of automated identification and criminal history files in state repositories;
- (2) the data quality and operational capabilities of the FBI's criminal history records;
- (3) the current technological options for real time identification of individuals in terms of costs, extent of implementation, and comparative advantages and disadvantages. Part of this study will also address policy issues (such as privacy and confidentiality) associated with the implementation of real time identification, and finally;
- (4) existing state statutes and procedures governing the purchase of firearms. The information to be obtained includes:
  - State requirements to purchase firearms;
  - Categories of persons precluded from purchasing firearms in each state;
  - types of record that are checked, agencies responsible for the check and current operational systems; and,
  - the imposition of waiting periods.

#### STATE LAWS

According to the National Institute of Justice, there are already more than 20,000 gun control laws in effect. Most of these laws attempt to restrict the place and manner of use.

In 1983 it was estimated that about 60 percent of the U.S. population was affected by dealer licensing, 70 percent were affected by acquisition or purchase requirements, and 66 percent were subject to police background checks before or after purchasing

a handgun.<sup>9</sup> Another estimate, based on a survey of local police and sheriff departments, revealed that as much as 75 percent of the U.S. population resided in jurisdictions that required a license or permit to purchase or carry firearms.

State and local laws tend to fit into the following six categories:

- (1) Dealer controls and record keeping requirements;
- (2) Licensing and registration which prohibit certain individuals from purchasing or possessing certain firearms;
- (3) Acquisition and transfer by private citizens;
- (4) Carrying restrictions;
- (5) Outlawing certain types of guns, (Saturday night specials, machine guns, rifles or shotguns with barrels under a specified length, etc., or types of ammunition)
- (6) Minimum sentences for using or possessing firearms;

States differ in their constitutional provisions regarding the right to keep and bear arms, and in the extent that they allow local jurisdictions to impose restrictions (e.g., local preemption clauses). In addition, the intensity of the regulation and enforcement of gun control provisions can differ dramatically from state to state. Finally, although many localities have imposed restrictions on firearms, this report and the brief summary that follows will concentrate on state laws. For a detailed list of state and local published ordinances please refer to Appendix A.

### **(1) Dealer Controls**

According to the BATF, twenty-two states license firearms dealers in some way. Only fourteen of these license all dealers; the rest limit licensure to only those involved in the sale of handguns. Most states also have imposed record keeping requirements. Approximately sixteen (located mostly in the South, Southwest and Midwest) do not require any documentation of sales.

In many states licensed dealers must pay a license fee or tax. The main purpose of this system is to identify dealers and to restrict disreputable individuals from the legal firearms market.

### **Policy Rationale**

Registration of firearms or record keeping simply records information regarding ownership and does not attempt to pick out illegitimate users. It is claimed that record keeping facilitates retrieval of information regarding stolen weapons and weapons

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<sup>9</sup> James Wright, Under the Gun: Weapons Crime and Violence in America, p. 269.

used in crimes. It is also claimed that registration deters criminals from using firearms in crimes and forces them to substitute weapons that will reduce the likelihood of serious injury.

Dealer licensure is not a hotly debated form of gun control. Most will agree that it is beneficial to make certain demands of the individuals involved in the frequent sale of firearms. The problem, however, is in determining what measures are necessary to insure that dealers abide by both state and federal regulations. Suggestions for improving dealer accountability include making dealers who knowingly sell firearms to ineligible individuals civilly liable and increasing dealer licensing fees.

## **(2) Waiting Periods, Licensure and Background Checks**

According to 1980 estimates by criminologist Philip Cook, 25 percent of the U.S. population (age 21 and over) was prohibited from owning a gun by GCA regulations. The majority in that group (21 percent of the total population) were prohibited as "users of illegal drugs."<sup>10</sup>

The federal government and most states prohibit designated persons from purchasing or possessing firearms, but the background checks vary among the states. Some states require individuals to undergo a background check before purchasing a firearm, many will allow a person to purchase a weapon by signing a sworn statement concerning their criminal record. In these latter states, localities sometimes implement their own licensing.

Table 3, summarizes the licensure and waiting period requirements of the 24 states using them. Nineteen states require waiting periods between the purchase and delivery of certain types of weapons. The waiting period ranges from 48 hours in some states to as much as 30 days in New Jersey. New York stipulates that the wait may not exceed 6 months.

Another four states (Iowa, Louisiana, Massachusetts, and Michigan) have implemented licensing mechanisms that are independent of a waiting period for purchases. In these states a license to purchase firearms must be obtained from a state agency or designated local official prior to any purchase. Licenses to own or purchase weapons may be valid for a period of anywhere from a month to a few years.

Virginia is the first state to require instantaneous background checks on Virginia residents who purchase certain handguns and semi-automatic weapons. The check may take up to 10 days for non-residents.

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<sup>10</sup> Wright, p. 269.

Table 3

Summary of State Licensure and  
Waiting Period Requirements

| STATES            | Waiting Periods |                   | Licensure |                   |
|-------------------|-----------------|-------------------|-----------|-------------------|
|                   | Handguns        | Other<br>Firearms | Handguns  | Other<br>Firearms |
| Alabama           | X               |                   | X         |                   |
| California        | X               | X                 |           | X                 |
| Connecticut       | X               |                   |           |                   |
| Dist. of Columbia | X               | X                 | X         | X                 |
| Hawaii            | X               | X                 |           | X                 |
| Illinois          | X               | X                 |           | X                 |
| Indiana           | X               |                   | X         |                   |
| Iowa              |                 |                   | X         |                   |
| Louisiana         |                 |                   |           | X                 |
| Maryland          | X               | X                 | X         | X                 |
| Massachusetts     |                 |                   |           | X                 |
| Michigan          |                 |                   | X         |                   |
| Minnesota         | X               |                   | X         |                   |
| Missouri          | X               |                   | X         |                   |
| New Jersey        | X               |                   |           | X                 |
| New York          | X               |                   | X         |                   |
| North Carolina    | X               |                   | X         |                   |
| Oregon            | X               |                   |           |                   |
| Pennsylvania      | X               | X                 |           |                   |
| Rhode Island      | X               |                   | X         |                   |
| South Dakota      | X               |                   |           |                   |
| Tennessee         | X               |                   |           |                   |
| Virginia          |                 |                   |           | X                 |
| Washington        | X               |                   |           | X                 |

In some states with licensing provisions, such as Alabama, an individual may receive a license without undergoing a background check. In Alabama licensure means only that the details of the purchase and the purchasers sworn affidavit concerning his criminal history have been filed with state and local officials.

### **Policy Issues**

Until recently, the NRA has objected to waiting periods and background checks as "serious violations on the right of privacy". In the past few months the NRA has come out in favor of instantaneous screening of firearms purchasers at the point of purchase. The group still opposes lengthy waiting periods, but no longer opposes screening processes which protect purchasers' privacy and do not constitute gun registration.

Gun-control opponents argue that criminals can obtain weapons regardless of purchase controls. According to a survey of convicted criminals in prisons in ten states (conducted by James Wright and Peter Rossi), criminals acquire their guns predominantly through private, second-hand transfers. Wright and Rossi found that although criminals frequently possess stolen guns they do not have to steal in order to get firearms. Approximately 44 percent acquire them from friends and family, and another 35 percent acquire them through various gray and black market sources.<sup>11</sup>

Despite the criminals ability to acquire firearms from sources other than the primary retail markets, increasing point of purchase restrictions would reduce ease of access for some criminals. According to the Wright and Rossi survey, the 21 percent of the criminals who purchased their most recent weapons through the usual retail outlets averaged 3 prior convictions and 2 prior arrests. Estimates by Kleck and Bordua indicate that 70 to 75 percent of domestic offenders have been previously arrested and about half previously convicted.<sup>12</sup>

### **(3) Acquisition and Transfer by Private Citizens**

In many states there is a penalty (usually a misdemeanor) for knowingly transferring a firearm to a minor, convicted felon or other "restricted" individual. The only states that formally control these transfers are those that also regulate purchases from dealers. Some of these states also restrict individuals from purchasing ammunition unless they have a firearms permit.

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<sup>11</sup> James Wright and Peter Rossi, Armed and Considered Dangerous: A Survey of Felons and Their Firearms, p. 183.

<sup>12</sup> Kleck, "Policy Lessons ...", p. 41.

## Policy Issues

By far the most common means of gun acquisition mentioned by Wright and Rossi's survey are "from a friend" and "off the street." Unfortunately, the enforcement of transfer regulations is often insufficient to deter people from making private or second hand transfers.

One strategy to reduce private transfers includes a proposal to establish civil liability for dealers who knowingly transfer a handgun to an ineligible person and for private individuals who transfer a handgun illegally (not through a licensed dealer). These individuals could be held liable for any damage a new gun's owner caused with the illegally transferred weapon. In states that do not have background checks, dealers would not be liable for damages if forged documents were shown or if dealers could not have been expected to know that the individual was ineligible. (96th Congress, 1st session (1979)).

Stricter enforcement may increase caseloads in civil courts and be inconvenient for dealers and private sellers of guns.

### (4) Carrying Restrictions

More than 15 states and many localities prohibit the carrying of concealed deadly weapons. In some states private security guards, military personnel and shooting club members are exempted.

## Policy Issues

According to prison survey restrictions on carrying and owning weapons act only as minimal deterrents. Only 25 percent of prisoners sampled considered the restrictions as a very important reason not to use a gun. The probability of a stiffer sentence was considered a very important reason not to carry a gun by 54 percent of the respondents.

Beyond incidental arrests for illegally carrying or possessing firearms, little criminal justice activity is directed at enforcing gun control laws. In Illinois, for example, most of the arrests for illegal ownership or possession are made in combination with an arrest on another charge and even then, only 12 percent of those convicted of illegal possession in Chicago received sentences involving jail time.

Judges and prosecutors let the crime of illegal possession be bargained away or go unpunished because courts reserve their effort for more serious offenses.

Besides systemic constraints, police also deprioritize gun control enforcement because they often encounter "respectable citizens" as defendants. Criminologist Don Kates has suggested that this experience "causes enforcement personnel to deprioritize gun control enforcement to a greater extent than they would for

narrower laws targeted at persons universally regarded as unfit to own guns, such as convicted felons." <sup>13</sup>

#### (5) Weapons Bans

Sale and possession of machine guns, sawed-off rifles and shotguns are already prohibited in most states. Many states also ban the sale and possession of silencers and metal piercing or "cop killer" bullets. In a few states (Maryland, Illinois, South Carolina and Minnesota) the sale of cheaply made "Saturday night specials" (SNSs) has been prohibited. "Maryland-style bills" have been introduced in Georgia, Massachusetts and Rhode Island in 1989. Legislation to ban SNS's was also introduced in Connecticut. <sup>14</sup>

Proposals to ban "assault-type" semi-automatic weapons increased in early 1989. The NRA estimated that between January 1 and mid-March, 1989, thirty measures dealing with the sale and possession of semi-automatic weapons had been introduced in 17 states. On May 25, California became the first state to ban the sale or possession of fifty specific types of semi-automatic weapons. Californians owning the specified weapons will be required to register them with the state. Similar proposed bans in Indiana, Massachusetts, New York, Rhode Island and Washington have been defeated.

#### Policy Issues

Handgun controls are most prevalent at the local level, especially in large cities. Despite the restrictions, it is estimated that 2 million illegal handguns exist in New York City. <sup>15</sup> The ease of purchase of weapons in adjoining jurisdictions limits the effectiveness of these restrictions. Enforcing handgun bans is difficult and not a very high priority on most police department agendas.

Opponents of gun control often believe that handgun bans abridge the rights of legitimate gun owners without affecting criminal ownership. One in 5,400 handgun owners commit murder. Criminals, as is often pointed out, are the least likely segment of gun-owners to voluntarily obey gun control laws.

Weapons bans at the state level have focused on specific types of weapons because an across the board ban would be unconstitutional and lack public support. Weapons bans usually placed on firearms fall into either of two categories: "The criminal's weapon of choice" or "Not legitimate for hunting or recreational purposes."

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<sup>13</sup> Kleck, "Policy Lessons... ", p. 54.

<sup>14</sup> Sherry Jeffe, p. 15.

<sup>15</sup> Kates, "Handgun Banning...", Firearms and Violence, p. 157.



Determining the criminals "weapon of choice" is difficult. Police departments observe that semi-automatic weapons are growing in popularity among criminals. Responses from Wright and Rossi's prison survey indicate that felons desire handguns that are accurate, untraceable and easy to conceal.<sup>16</sup>

Other rationales for weapons control are based on combinations of their lethality and concealability. Sawed-off shotguns, machine guns and semi-automatic "assault type" weapons have become the most strictly regulated "long guns". Prohibiting and defining weapons as unsuitable for hunting or recreational purposes has become another way to restrict firearms.

Restricted access to certain types of rifles and shotguns has been supported by criminologists who use estimates of criminal firearm substitution. In the context of gun control, firearm substitution refers to a criminal's turning to less restricted but more deadly weapons such as rifles and shotguns if access to handguns becomes sufficiently restricted.

#### **(6) Minimum Sentences for Using or Possessing a Firearm**

Stricter penalties for the crimes committed with guns is another way to combat gun violence.

Under the present criminal justice system, only 46 percent of all convicted felons get sentenced to prison, 21 percent serve time in local jails and 33 percent receive some form of probation. Estimates by the U.S. Department of Justice show that on the average, those convicted of murder and non-negligent manslaughter would serve 7 years of an 18 1/2 year sentence, and drug traffickers sentenced to prison in 1986 serve about 2 years of a 6-year average sentence. Felons, overall, are estimated to serve about 3 years of an average 7 year sentence. (This average does not include the 32.8 percent of all felons sentenced to life imprisonment or death.)

More than half the states have laws providing longer sentences for criminals who carry or use a gun while committing a felony. Bills to implement or enhance these sentences have been introduced in approximately 13 states in 1989.

#### **Policy Issues**

Stricter sentencing has not yet been shown statistically to reduce the incidence of gun violence. Surveys of non-gun carrying felons suggest an effective deterrent might be to increase the penalty for crimes committed with a firearm relative to the penalty for other crimes. Approximately 70 percent of the non-gun felons said that fear of a stiffer sentence was an important reason for not carrying a firearm.

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<sup>16</sup> Wright and Rossi, p. 162.

Regardless of their deterrent effect, stricter sentencing would substantially affect judiciary and correctional systems. Mandatory sentences and a source of plea bargaining induces higher percentages of defendants to demand trials. If the percentage of defendants pleading guilty drops from 90 percent to 80 percent, the trial calendars must double and twice as many resources (courtrooms judges etc...) will be necessary.<sup>17</sup> Overcrowded courts and prisons will be hard-pressed to handle such increases. Changes in sentencing practices, stricter law enforcement and growth in the high risk age group (males between 20 - 29) have increased rates of incarceration in the past eight years. Between 1980 and 1985 this rate has grown from 140 to 200 inmates per 100,000 U.S. population.<sup>18</sup>

#### POSSIBLE SIDE EFFECTS OF GUN CONTROL

##### Substitution

Studies indicate that restricting a criminal's access to handguns may result in his substitution of long guns. Kleck estimates that "anywhere from 54 percent to 80 percent of homicides occur in circumstances that would easily permit the use of a long gun, for example, homicides occurring near homes or where the confrontation with the victim was planned."<sup>19</sup> The Wright and Rossi prison survey, the fractions of prisoners who said they would "move down" to less lethal equipment are more than offset by the fractions who would "move up" - to bigger and more expensive handguns or to sawed-off shoulder weapons.<sup>20</sup>

The affect of partial or total gun bans on juvenile or first time offenders is not available. The average handgun used in crime is of fairly good quality, and correspondingly expensive". Cost may not be an obstacle to substitution.<sup>21</sup> Criminals ease of access to long guns also makes them a viable alternative to restricted handguns. Criminals are more likely to purchase shoulder weapons through the retail market (31 percent as opposed to 20 percent for handguns).<sup>22</sup> Increases in the importation of weapons such as the AK-47 show that the lower priced (\$400 - \$500 prior to the ban on imports) semi-automatic rifles have gained in popularity.

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<sup>17</sup> John Kaplan, Forward to Firearms and Violence, p. xxx.

<sup>18</sup> U.S. Dept. of Justice, Report to the Nation..., pp. 104-105.

<sup>19</sup> Kleck, Firearms..., p. 193.

<sup>20</sup> Wright and Rossi, "Armed...", p. 223.

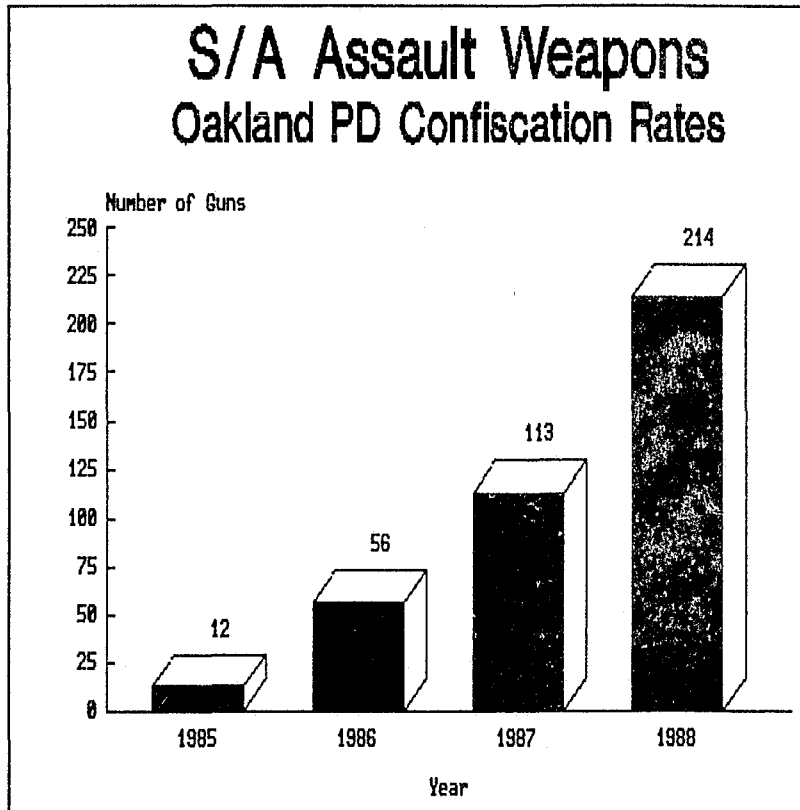
<sup>21</sup> Kleck, "Policy Lessons..." p. 48.

<sup>22</sup> Wright and Rossi, Under the Gun, p. 190.

Estimates on semi-automatic weapons are fragmented. BATF estimates that there are approximately 500,000 privately owned "assault-type" semi-automatic rifles in the United States. According to the Washington Post, "one arms dealer cooperating with bureau agents said that, including smuggled weapons, the number could be twice as high."<sup>23</sup>

There has been an increase in the rate at which these weapons have appeared in confiscations by local police agencies. **Figure 8** shows that the number of semi-automatic weapons confiscated by the Oakland, California Police Department.

**Figure 8**



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<sup>23</sup> Jay Mathews, "Possible Widespread Smuggling of AK-47s Probed", Washington Post, May 9, 1989. p. A4.

## APPENDIX A

"READY REFERENCE" TABLE - CERTAIN ELEMENTS OF STATE LAWS (1988) - &lt; [Please see footnotes at end and review section citations.]

| STATE<br>(or other)<br>NAME | STATE-<br>PURCHASER WAITING<br>PERIOD                    | STATE-<br>PURCHASER<br>REQUIREMENTS    | STATE-<br>LICENSE/PERMIT TO<br>PURCHASE; TYPE  | STATE-<br>LICENSE: DEALER<br>MANUFACTURER, ETC. | STATE-<br>LICENSEE RECORD-<br>KEEPING<br>REQUIREMENTS | STATE-<br>LOCAL GOV'T LIMITS<br>[PREEMPTION] |
|-----------------------------|--|--|--|---|---|--|
| ALABAMA                     | 13A-11-77; 48 hrs.<br>Pistol                             | 13A-11-77                              | 13A-11-77 Pistol<br>purchase appl.   | 13A-11-78                                       | 13A-11-77<br>13A-11-79                                | 11-45-1.1                                    |
| ALASKA                      | —  | (11.61.200)                            | —  | —   | —   | —  |
| AMERICAN<br>SAMOA           | 46.4221, 4229 Any<br>firearm; time n/a                   | 46.4228, 4229                          | 46.4221, 4229<br>Any   | 46.4223   | 46.4224, 4228   | —  |
| ARIZONA                     | —  | (13-3101.5)                            | —  | —   | —   | 13-3108                                      |
| ARKANSAS                    | —  | (41-3103)                              | —  | —   | 41-3163 - 3164  | —  |
| CALIFORNIA                  | 12071, 072: 15 days,<br>Concealable                      | 12076(a)<br>12079                      | 12072: Concealable<br>=purchase appl;<br>12095 - 98: Movie/TV<br>props = permit;<br>12230: Machineguns=<br>permit;<br>12036: Destructive<br>devices = permit | 12070<br>12250<br>12305                         | 12073<br>12076<br>12250<br>12350                      | (12071(a))<br>53071                          |
| COLORADO                    | —  | (18-12-108)                            | —  | —   | 12-26-102   | —  |
| CONNECTICUT                 | 29-33 Handguns-<br>None with permits;<br>2 weeks without | 29-33                                  | —  | 29-28   | 29-31<br>53-202(6), (7)                               | —  |
| DELAWARE                    | —  | (11-1448)<br>24-904                    | —  | 24-901  | 24-904  | —  |
| DISTRICT OF<br>COLUMBIA     | 22-3208: 48hrs.,<br>Pistols                              | 6-2313<br>22-3208                      | 6-2311(a): Any<br>firearm  | 6-2341(b)<br>22-3209, -3210                     | 6-2318<br>6-2344                                      | NOT<br>APPLICABLE                            |
| FLORIDA                     | —  | (790.17, .18, .23)                     | —  | —   | —   | 790.33                                       |
| GEORGIA                     | —  | (16-11-131)                            | —  | 43-16-2   | —   | —  |
| GUAM                        | —  | 60106; 60114                           | 60106[I.D. card] All   | 60104<br>60115                                  | —   | —  |
| HAWAII                      | 134-3(h):10-15 days,<br>Any firearm                      | 134-3(a); 134-7                        | 134-3(a): Any/all  | 134-31  | —   | —  |
| IDAHO                       | —  | 18-3302, -3308                         | —  | —   | —   | 31-872; 50-343                               |
| ILLINOIS                    | 24-3(g): 72 hrs.,<br>Concealable;<br>24 hrs., longguns   | 83-2 - 83-4                            | 83-2 [I.D. card] All   | —   | 24-4; 83-3(b)   | (83-13.1)                                    |
| INDIANA                     | 35-47-2-8(c), -11:<br>7 work days,<br>Handguns           | 35-47-2-9(a)<br>(724.3)<br>724.15      | 35-47-2-8:<br>Application to<br>transfer handgun<br>724.15<br>Pistol; revolver   | 35-47-2-15                                      | 35-47-2-9(b)  | 35-47-2-13                                   |
| IOWA                        | —  | (21-4204)                              | —  | —   | —   | —  |
| KANSAS                      | —  | (527.040)                              | —  | —   | —   | 65.870                                       |
| KENTUCKY                    | —  | (14:95.1)<br>40:1753                   | [14:95.1.C.: Felons]<br>40:1787 NFA weapons  | 40:1787<br>47:382, 383                          | 40:1754, 1789   | —  |
| LOUISIANA                   | —  | 15:15-393 Felons                       | 15:15-393 Any  | —   | 15:17-455   | —  |
| MAINE                       | —  | (406,445)<br>379, 442(e)               | 442 Transfer appl.   | 443   | 378, 442(c),(f)                                       | 36H: Note ff 406;<br>442(a), 445(a)          |
| MARYLAND                    | 442(b): 7 days,<br>Pistols/revolvers                     | 140:128B, 129B, 131A                   | 140:129B-D; I.D. Card<br>Pistol/revolver   | 140:122, 122B                                   | 140:123   | —  |
| MASSACHUSETTS               | —  | 28.92(1)                               | 28.92 Pistol   | —   | 28.92(2)  | —  |
| MICHIGAN                    | 624.7132(4): Pistol,<br>7 days                           | (624.713)<br>624.7131, .7132           | 624.7131 Pistol  | —   | 609.67(4)(b)<br>624.7132                              | 471.633                                      |
| MINNESOTA                   | —  | (45-9-15)<br>45-9-1 thru 5;<br>45-9-17 | 45-9-3: Registration of<br>45-9-1 weapons 10<br>days after purchase  | —   | 45-9-9<br>97-37-11                                    | —  |
| MISSISSIPPI                 | —  | —                                      | —  | —   | —   | —  |

**"READY REFERENCE" TABLE - CERTAIN ELEMENTS OF STATE LAWS (1988)** [Please see footnotes at end and review section citations.]

| STATE<br>(or other)<br>NAME    | STATE-<br>PURCHASER WAITING<br>PERIOD                           | STATE-<br>PURCHASER<br>REQUIREMENTS          | STATE-<br>LICENSE/PERMIT TO<br>PURCHASE; TYPE                        | STATE-<br>LICENSE: DEALER<br>MANUFACTURER, ETC. | STATE-<br>LICENSEE RECORD-<br>KEEPING<br>REQUIREMENTS | STATE-<br>LOCAL GOV'T LIMITS<br>[PREEMPTION] |
|--------------------------------|---|--|--|---|---|--|
| MISSOURI                       | 571.090.3: Concealable; not to exceed 7 working days            | 571.080, .090                                | 571.080:<br>Concealable  | —   | —   | —  |
| MONTANA                        | —   | 45-8-308                                     | —  | —   | 45-8-309  | 45-8-351                                     |
| NEBRASKA                       | —   | (28-1204, 1206)                              | —  | —   | —   | —  |
| NEVADA                         | —   | (202.360)                                    | —  | —   | —   | —  |
| NEW HAMPSHIRE                  | —   | 159:9  | 159:8-a<br>Pistol/revolver   | 159:8   | 159:9   | —  |
| NEW JERSEY                     | 2C:58-3.f: Handgun;<br>Residents: 30 days;<br>Others, 45 days   | (2C:39-10.c.)<br>2C:58-2.d<br>2C:58-3        | 2C:58-3 [I.D. card]<br>Handgun                                       | 2C:58-1,-2                                      | 2C:39-3.g.(2), (3)<br>2C:58-1.e.,-2.b.                | 2C:1-5.d.                                    |
| NEW MEXICO                     | —   | (30-7-16)                                    | —  | —   | —   | —  |
| NEW YORK                       | 400.00.4-a Pistol or<br>revolver-up to 6 mo.                    | (400.00.1)<br>400.00.3                       | 400.00.1,.6:<br>Pistol/revolver                                      | 400.00.2  | 400.00.12   | 400.00.6                                     |
| NORTH CAROLINA                 | 14-404, -409.3; Pis-<br>tols, Up to 30 days                     | (14-415.1)<br>14-402,-404<br>14-409.1,-409.3 | 14-402,-403,-404<br>-409.1,-409.2,-409.3<br>Pistol                   | 14-402,-409.1<br>105-80,-102:4                  | 14-406,-409.5   | (105-80(c))                                  |
| NORTH DAKOTA                   | —   | (62.1-02-01 - 03)<br>62.1-05-01              | —  | —   | 62.1-03-03<br>62.1-05-01                              | 62.1-01-03                                   |
| COMMONWEALTH<br>OF N. MARIANAS | —   | 556, 558                                     | 555-558 Firearm,<br>device, ammunition                               | 560, 568, 580                                   | 563, 564, 565,<br>566, 567, 569                       | (578)  |
| OHIO                           | —   | 2923.18                                      | 2923.18:<br>Dangerous Ordnance                                       | —   | 2923.20   | —  |
| OKLAHOMA                       | —   | (1273, 1289.10,.12)                          | —  | —   | —   | 1289.24                                      |
| OREGON                         | 166:430(3) Conceal-<br>able; 120 hrs.                           | (166.270)<br>166.420(2)                      | —  | 166.430   | 166.420   | —  |
| PENNSYLVANIA                   | 6111(a) Any firearm:<br>48 hrs.                                 | 6111(b)                                      | 6111(a) Any:<br>Purchase application                                 | 6112, 6113                                      | 6111, 6113  | 6120   |
| COMMONWEALTH/<br>PUERTO RICO   | —   | 425, 438                                     | 416: Any firearm   | 432   | 432,436,438   | —  |
| RHODE ISLAND                   | 11-47-35(a) Pistols/<br>revolvers - 72 hrs                      | 11-47-35                                     | 11-4-35<br>Pistol/revolver   | 11-47-38  | 11-47-40  | 11-47-41<br>11-47-58                         |
| SOUTH CAROLINA                 | —   | 23-31-140                                    | —  | 23-31-130,-150                                  | 23-31-140<br>23-31-360                                | HB 2826, signed<br>06-18-86                  |
| SOUTH DAKOTA                   | 23-7-9: W/permit to<br>carry, none; With no<br>permit, 48 hrs.  | 23-7-10                                      | 23-7-10: Pistol -<br>Purchase appl. or<br>permit to carry            | —   | 23-7-10   | 7-18A-36<br>8-5-13<br>9-19-20                |
| TENNESSEE                      | 39-6-1704(c),(d)<br>Handguns: To 15 days                        | 39-6-1704(c)                                 | 39-6-1704(c):<br>Certification;<br>sidearms                          | 39-6-1704(g)                                    | 39-6-1704(c)  | —  |
| TEXAS                          | —   | (46.05,.07)                                  | —  | —   | —   | Title 28:<br>Art. 1015p.                     |
| UTAH                           | —   | (76-10-503,-509)                             | —  | —   | —   | 76-10-501(1)(b)                              |
| VERMONT                        | —   | —  | —  | —   | 4006  | —  |
| VIRGINIA                       | —   | (18.2-308.2,.3)                              | —  | 15.1-523, 525                                   | 15.1-524<br>18.2-294,295,304                          | 15.1-29.15                                   |
| VIRGIN ISLANDS                 | 466 Any, 48 hrs.  | 466  | 452, 466: Any  | 461, 463  | 465   | —  |
| WASHINGTON                     | 9.41.090(1) Pistols;<br>Resident: 5 days;<br>Others: to 60 days | 9.41.090                                     | 9.41.090 Pistol<br>purchase application.                             | 9.41.100  | 9.41.110(4)   | (9.41.300(2))<br>9.41.110(7)<br>9.41.290     |
| WEST VIRGINIA                  | —   | 61-7-9                                       | 61-7-8: Machineguns;<br>high powered rifles;<br>ammunition for same. | —   | 61-7-9  | (8-12-5)<br>8-12-5a                          |

**"READY REFERENCE" TABLE - CERTAIN ELEMENTS OF STATE LAWS (1988)** [Please see footnotes at end and review section citations.]

| STATE<br>(or other)<br>NAME | STATE-<br>PURCHASER WAITING<br>PERIOD | STATE-<br>PURCHASER<br>REQUIREMENTS | STATE-<br>LICENSE/PERMIT TO<br>PURCHASE; TYPE | STATE-<br>LICENSE: DEALER<br>MANUFACTURER, ETC. | STATE-<br>LICENSEE RECORD-<br>KEEPING<br>REQUIREMENTS | STATE-<br>LOCAL GOV'T LIMITS<br>[PREEMPTION] |
|-----------------------------|---------------------------------------|-------------------------------------|---|---|---|--|
| WISCONSIN                   | 175.35 Handguns:<br>48 hrs.           | (941.29)                            | —   | —   | 941.25  | —  |
| WYOMING                     | —                                     | 6-8-202,-202                        | —   | —   | 6-8-201,-202,-203                                     | —  |

#### FOOTNOTES

[Any section citation seen above should be reviewed for ACTUAL impact.]

[A " — " means that the requirement has not been determined to exist.]

#### COL

- 1 "STATE" includes the 50 States; the District of Columbia (DC); American Samoa (AS); Guam (GU); Northern Marianas (CM), a Commonwealth; Puerto Rico (PR), a Commonwealth; Virgin Islands (VI); and, any of the possessions of the United States. These possessions are not included in this Appendix.
- 2 "STATE- PURCHASER WAITING PERIOD" generally refers to the period between purchaser application for type/types of firearms and allowable receipt or delivery. Exceptions exist among the States. However, where there is a requirement to file application to obtain a license or permit to purchase a firearm, a waiting period is often "built in" the processing of the application which may not appear in this Appendix.
- 3 "STATE- PURCHASER REQUIREMENTS" generally means a positive action the customer must make or take; those section cites in parenthesis [ ( ) ] indicate **LISTS**, only, of prohibitions/prohibited persons.
- 4 "STATE- LICENSE/PERMIT TO PURCHASE; TYPE" shows section(s) of State law where required. "TYPE" means the type of firearm(s) or a generic term (e.g., concealable).
- 5 "STATE- LICENSE: DEALER, MANUFACTURER, ETC." generally means the person must have **BOTH** a Federal and State license.
- 6 "STATE- LICENSEE RECORDKEEPING REQUIREMENTS" is fairly clear. However, this category may refer to relatively narrow types of firearms or situations.
- 7 "STATE- LOCAL GOV'T LIMITS [PREEMPTION]" means that the State overrides its counties, cities, and/or other local jurisdictions, in whole or in part. Entries in parenthesis [ ( ) ] indicate that permission of some type is specifically **GRANTED** to local jurisdictions to enact local ordinances.

#### DRAFTING INFORMATION

The Compiler of "State Laws and Published Ordinances-Firearms" is ATF Specialist Gary Caplan of the Firearms and Explosives Operations Branch, Compliance Operations, who is responsible for the digests and notes contained herein. OFFICIAL INTERPRETATION of any State or local law must, however, be left to officials of the relevant jurisdiction(s).  
Materials, advice and information for future editions may be addressed to:

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS  
Firearms and Explosives Operations Branch (C:F:F)  
Post Office Box 189  
Washington, DC 20044

## RELEVANCY CRITERIA

The ATF compiler applies the following criteria in deciding which published State and local firearms laws and ordinances are either relevant or not relevant to the effective administration of the Gun Control Act of 1968, as amended

**RELEVANT** - Firearms laws and ordinances published by State and local jurisdictions included in this publication are those which:

1. Prohibit the sale, possession, or receipt of any type of firearm, or allow any exception to the prohibitions;
2. Prohibit the sale, possession, or receipt of any type of firearm to or by any particular class of persons (e.g., convicted felons, fugitives from justice, illegal aliens, mental incompetents, unlawful drug users and addicts);
3. Restrict the sale, possession, or receipt of firearms, such as destructive devices (e.g., grenades and other explosive or incendiary devices), fully automatic weapons, short-barreled rifles, short-barreled shotguns, and/or silencers;
4. Require waiting periods or notifications to law enforcement officials before weapons may be delivered to purchasers;
5. Require a permit, license or a State/local I.D. card before a weapon may be sold or delivered to a purchaser or recipient;
6. Restrict the age at which it is lawful for a person to purchase or receive a firearm; and
7. Restrict the sale of firearms (e.g., requirement for a State or local license to sell firearms; recordkeeping requirements imposed as a condition of lawful sale of firearms).

**NOT RELEVANT** - Firearms laws and ordinances published by State and local jurisdictions NOT included in this publication are those which:

1. Prohibit the carrying of weapons such as legal handguns, long-barreled rifles or shotguns, slingshots, dirks, daggers, etc. on persons or in vehicles;
2. Prohibit the discharge of weapons within city limits, parks, or on private property;
3. Require notification to local police departments or other designated officials AFTER the sale and delivery have been made.

**IN ADDITION** - Those local jurisdictions having ordinances meeting the relevancy criteria described above and which have incorporated only State firearms law by reference to, by extraction from, or by recodification of, State provisions, are omitted.

## CROSS REFERENCING SYSTEM

The ATF compiler has attempted to streamline this publication by eliminating the full text of local ordinance provisions which simply adopt, are extracted from, or are identical to, State law or other local ordinances in the same State by employing a cross referencing system in which the ordinance citation appears on the left and the corresponding State law or other local ordinance provision is cited to the right.

When used in a cross reference, the words "adopts," "same as," and "extracted from" have the following meanings:

**Adopts** .....The ordinance contains language specifically incorporating cited State law.

**Same as** .....Language in the body of the ordinance is identical to provision cited. Title of a person or agency may vary, as might a penalty if included.

**Extracted from** .....Language in the body of the ordinance contains the same requirement or definition set out in the State law, although the State Law may contain additional language. Penalty provisions and responsible agencies, where applicable, may vary.

## UNLAWFUL ACTS

"It shall be unlawful for any licensed importer, licensed dealer, or licensed collector to sell or deliver any firearm to any person in any State where the purchase or possession by such person of such firearms would be in violation of any State law or any published ordinance applicable at the place of sale, delivery, or other disposition, unless the licensee knows or has reasonable cause to believe that the purchase or possession would not be in violation of such State law or such published ordinance." [18 U.S.C. §922(b)(2).] See: U.S. v. Decker, 335 F.Supp 1168 (1970); Affirmed, 446 F.2d 164 (8th Cir., 1971), and, Service Arms Co., Inc. v. U.S., 463 F.Supp 21 (W.D. OK, 1978).

## FEDERAL AGE RESTRICTIONS

The following is provided due to lower age provisions in some State and local laws:

Federal law prohibits Federal firearms licensees from selling or delivering "...any firearm or ammunition to any individual who the licensee knows or has reasonable cause to believe is less than eighteen years of age, and if the firearm is other than a shotgun or rifle, or ammunition for a shotgun or rifle, to any individual who the licensee knows or has reasonable cause to believe is less than twenty-one years of age." [18 U.S.C. §922(b)(1).] Where State or local law is MORE restrictive than the Federal, the State/local law shall apply.

[NOTE: Ammunition interchangeable between rifles and handguns (such as .22 caliber rimfire) may be sold to an individual 18 years of age, but less than 21, if the licensee is satisfied that the ammunition is being acquired for use in a rifle.]

## APPENDIX B

### Firearms Listed in Chapter 293 Laws of Maryland 1989

#### [DOMESTIC]

\*\*\*\*\*  
AP 9 Assault Pistol  
Calico M 900  
Colt AR15 (any format)  
Feather AT-9 Carbine  
Ingram Mac 10 & 11 type  
Ruger Mini 14 (folding)  
Thompson Auto Ordnance  
1927  
M1

#### \*\*\*\*\* [IMPORTS]

\*\*\*\*\*  
AK47 in any format  
Daewoo AR 110-100  
Dragunav Sniper Rifle  
FAMAS 5.56mm  
FN FAL  
FN LAR  
FNC .223 Carbine  
Galil 5.56mm  
Galil 7.62mm  
Heckler and Koch  
HK 91 A3  
HK 93-A  
HK 94  
Intratec 9 and Tec 9mm  
Mossberg 500 Bullpup  
SIG 550  
SIG 551  
Steyr-Aug-SA  
Striker 12 Shotgun  
Tac-1 Carbine  
USAS-12 Shotgun  
UZI 9mm in any format  
Valmet

M-76  
M-78

### Domestic Firearms with Characteristics Similar to Those of Currently Banned Imports

\*\*\*\*\*  
Bushmaster Auto rifle  
Calico Carbines  
Colt AR15  
Feather AT22  
Feather AT-9 Carbine  
Federal  
XC900  
XC450  
XC220  
Goncz Hi Tec Carbine  
Illinois Arms 180 rifle  
Iver Johnson PM30HB  
Ruger Mini 14  
Springfield Armory SAR 48  
Springfield Armory BM 59  
Thompson Auto Ordnance  
27A1  
27A3  
M1

#### \*\*\*\*\* FIREARMS CURRENTLY BANNED FROM IMPORTATION

\*\*\*\*\*  
AK47 & Approx. 15 variants  
AK22 type  
Algimec AGM1 type  
AP74 type  
AR180 type  
AR100 type  
Australian Auto. Arms SAR  
Beretta AR70 type  
Beretta BM59 type  
CIS SR88 type  
Erma EM1.22 type  
FAMAS  
FN FAL  
FNC  
GALIL 56  
GALIL 56S  
GALIL /22 TYPE  
G3SA type  
Heckler and Koch  
HK 91  
HK 93  
HK 94  
K1 type  
K2 type  
L1A1A type  
M14s type  
M16/22 type  
SAR 48 type  
SIG 550  
SIG 551  
SKS type  
Steyr-AUG-SA  
Unique F11 type  
Uzi Carbine  
Valmet  
M-76  
M-78

### Firearms Specifically Proposed for Restriction by H.R. 1190 & S. 386

#### [DOMESTIC]

\*\*\*\*\*  
Colt AR15 type  
Ingram Mac 10 and 11  
Ruger Mini 14

#### \*\*\*\*\* [IMPORTS]

\*\*\*\*\*  
AK47 type  
Beretta AR 70  
FN-FAL  
FN-FNC  
Intratec Tec 9 and Tec 22  
Steyr-AUG-SA  
Striker 12 SA Shotgun  
USAS-12 SA Shotgun