

2016 YEAR-END REVIEW

GUN LAW TRENDWATCH

A roundup and analysis of the latest state firearms legislation.

As 2016 comes to a close, it is important to take stock of the triumphs our movement experienced in this year's legislative cycle. After Election Day, the results of the presidential election dominated the headlines, but there were many victories for gun violence prevention—in addition to legislative wins, voters approved groundbreaking gun violence prevention ballot initiatives in three states, sidestepping a hamstrung Congress by using direct democracy to address glaring gaps in state gun laws.

In California, Proposition 63, the “Safety for All” initiative, passed with 63% of the vote. This comprehensive measure closes loopholes in California's otherwise strong gun laws. The Law Center was honored to partner with Lt. Governor Gavin Newsom on this effort, which, among other things, requires background checks for ammunition sales and reporting of lost or stolen guns.

The passage of Nevada's ballot initiative makes it the 19th state in the US to require background checks on private sales. Governor Brian Sandoval vetoed a universal background check initiative in 2013 despite support from over 90% of the public. So, activists turned directly to the voters who approved this essential measure at the ballot box.

**Since the 2012 tragedy at Newtown,
42 states have passed 160 new smart gun laws.**

This year, Washington State voters overwhelmingly approved an Extreme Risk Protective Order measure. The initiative, which used the Law Center's GVRO model law as a guide, is a lifesaving tool that law enforcement can use to disarm people who are a danger to themselves or others.

Ballot initiatives weren't the only victories for gun violence prevention in 2016. Six states enacted laws to keep guns out of the hands of domestic abusers and three states improved laws that keep the dangerously mentally ill from accessing firearms. Delaware closed a gap in the federal background check law, extending the maximum background check processing time from 3 to 25 days to allow for in-depth investigations.

The strength of the movement for smart gun laws continues to grow as the election results reverberate around the world—and there's no more crucial time than now to protect the progress we've already made.

1472
*firearms bills
tracked in 2016*

STATE GUN LAW VICTORIES 2016

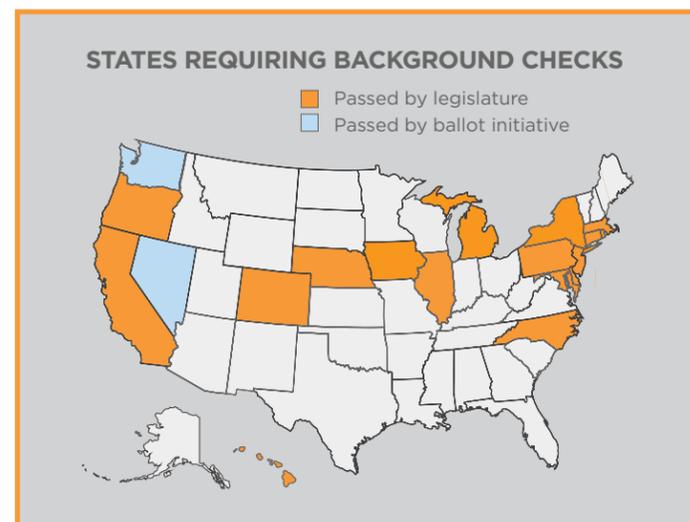
OFFENSIVE VICTORIES

BACKGROUND CHECKS

California. SB 1235, and provisions of the Safety for All initiative, require all ammunition sellers to be licensed, to conduct background checks, and to report ammunition sales records. AB 1511 requires a background check if a firearm is loaned to anyone outside the owner's immediate family.

Delaware. HB 325 addresses the "Charleston loophole," a gap in federal law that allows guns to be transferred by licensed dealers after three business days, even if the FBI has not completed a background check. The new law extends the background check process from 3 to 25 days, providing significant extra time to conduct thorough investigations of purchasers.

Virginia. HB 1386 and SB 715 create a procedure to allow for voluntary background checks at gun shows between unlicensed parties.



DOMESTIC VIOLENCE

Connecticut. HB 5054 mandates that the subject of a domestic violence restraining order surrender firearms within 24 hours and makes subjects of temporary restraining orders ineligible for permits to carry and purchase firearms.

Hawaii. HB 625 adds stalking misdemeanants and sexual abusers to the list of prohibited people.

Rhode Island. HB 7283 requires a court to order anyone convicted of a felony domestic violence offense to surrender all firearms to law enforcement or a licensed dealer, and to provide proof of relinquishment to the court within 48 hours.

Tennessee. HB 1964 requires state police to notify local police when the subject of a domestic violence order of protection attempts to purchase a firearm. HB 2576 requires criminal courts to issue a domestic violence protective order upon finding that a defendant displayed or used a deadly weapon.

Virginia. HB 1391 requires the subject of a protective order to surrender firearms within 24 hours. SB 49 prohibits people subject to protective orders from possessing a gun. SB 323 prohibits subjects of emergency protective orders from transporting or possessing guns while in the residence of the alleged victim.

Wisconsin. SB 351 expands domestic violence protection orders to include orders issued under the anti-stalking laws of other states.

MENTAL HEALTH

Hawaii. HB 2632 requires that a person prohibited due to mental illness immediately surrender his or her firearms. SB 2813 requires courts to forward all adult guardianship orders to the FBI for background checks.

Louisiana. HB 135 and HB 624 require state agencies to submit records of prohibited people to the FBI for background checks.

New Mexico. HB 336 requires mental health records be sent to the FBI for background checks.

MISCELLANEOUS

Ohio. SB 97 prohibits a violent career criminal from knowingly buying, possessing, or carrying a firearm.

Virginia. SB 608 requires information about confiscated or recovered firearms to be sent to the US Department of Justice.

Washington. SB 6165 makes parts solely used to manufacture a machine gun illegal. HB 2793 establishes a safe homes taskforce to raise public awareness and increase suicide prevention education.

MILITARY-STYLE WEAPONS

California. AB 1135 and SB 880 close a loophole in California's assault weapons ban that allowed manufacturers to evade the law by producing assault weapons with magazines that can be detached using a bullet. SB 1446, and a provision of the Safety for All initiative, expands prohibitions of large capacity ammunition magazines to include possession.

2016 BALLOT INITIATIVES

California. The "Safety for All" ballot initiative facilitates firearm relinquishment by convicted criminals, requires background checks for ammunition sales, prohibits possession of large-capacity ammunition magazines, requires reporting of lost or stolen guns, and require that background check records be submitted to the FBI. Voters passed the measure with 63% of the vote.

Maine. Voters narrowly voted down Question 3, a ballot initiative that would have required background checks on all gun sales.

Nevada. Voters approved the Nevada Background Checks for Gun Purchases ballot initiative by a narrow margin. The measure requires all gun sales be facilitated by a licensed dealer who must conduct a background check and keep records of the sale. This makes Nevada the 19th state to require background checks on all gun sales.

Washington. Voters passed the Extreme Risk Protection Order Initiative with 71% of the vote, which establishes a process for law enforcement and families to petition a court to remove firearms from an individual who is threatening to harm themselves or others and prohibit the person from possessing firearms for a year.

DEFENSIVE VICTORIES

As in past years, gun violence prevention advocates achieved numerous victories for public safety by defeating dangerous bills put forth by the gun lobby. In Georgia, a bill to allow guns on college campuses was vetoed by the governor after he was bombarded by public opposition. Activists defeated similar guns-on-campus bills in 16 additional states.

Bills that would have created or expanded “stand-your-ground” laws were defeated in eight states. New Hampshire’s governor vetoed a bill that would have allowed concealed carry without a permit, while similar bills were defeated in 13 other states. Other defeated gun lobby measures include an open carry bill in Florida, an onerous preemption bill in Nebraska, and a bill in Arizona to allow guns in government buildings.

AWAITING GOVERNOR’S SIGNATURE

New Jersey. SB 2483 is awaiting the governor’s signature. The measure requires domestic abusers to relinquish firearms and provide proof of such relinquishment and empowers law enforcement to seize firearms from abusers.

NEW GUN LOBBY LAWS

Arizona. HB 2338 prohibits schools from restricting the carrying of guns on public rights of way. SB 1266 imposes liability against officials who violate preemption.

Georgia. SB 270 weakens laws that allow religious institutions to prohibit weapons.

Idaho. SB 1389 allows concealed carry without a permit.

Kansas. HB 2502 prohibits restrictions on employees from carrying concealed guns at work and limits restrictions on firearms in public buildings.

Mississippi. HB 786 allows concealed carry without a license and in churches.

Missouri. SB 656, a “stand-your-ground” law, also allows concealed carry without a permit.

Oklahoma. SB 1057 allows firearms to be stored in vehicles in parking areas during sporting events.

Tennessee. HB 2425 allows anyone over 18 to apply for a CCW permit. HB 2575 lengthens the duration of CCW permits. SB 2376 allows permitted public college employees to carry guns on campus.

Virginia. HB 1163 and SB 610 recognize CCW permits issued in any other state.

West Virginia. HB 4145 allows permitless concealed carry.

ABOUT THE LAW CENTER TO PREVENT GUN VIOLENCE & AMERICANS FOR RESPONSIBLE SOLUTIONS

Led by former Congresswoman Gabrielle Giffords and Navy combat veteran and retired NASA astronaut Captain Mark Kelly, Americans for Responsible Solutions and the Law Center to Prevent Gun Violence are committed to advancing commonsense change that makes communities safer from gun violence. Operating out of offices in Washington DC, San Francisco, and New York, our staff partners with lawmakers and advocates at the federal, state, and local levels to craft and enact the smart gun laws that save lives. We provide expertise in critical firearms litigation, lead grassroots coalitions, and educate the public on the proven solutions to America’s gun violence epidemic.