

Gun Law Trendwatch

A ROUNDUP AND ANALYSIS OF THE LATEST STATE FIREARMS LEGISLATION 2/21/17

POSITIVE TRENDS

Failing a background check can be a crime. Several state bills would require reporting of denied purchasers.

Every year, thousands of individuals who are prohibited by state and federal laws from purchasing or possessing guns attempt to buy them. These individuals—such as convicted felons, domestic abusers, and the dangerously mentally ill—are a threat to public safety when they are able to access guns.

It is a federal offense to lie on a background check form, and numerous states make it a crime for a prohibited person to attempt to purchase a firearm. By reporting individuals who have failed background checks to law enforcement, officials can investigate whether those people have violated federal or state laws. Even more importantly, in states where private sellers are not required to conduct background checks, notification allows law enforcement to intervene to prevent the denied purchaser from buying a gun from a private seller.

So far in 2017, legislators in five states—Florida, Hawaii, Utah, New York, and Tennessee—have introduced bills to require gun dealers or state officials to report to law enforcement and/or other agencies when a prohibited person attempts to buy a gun. One of these bills, Hawaii HB 459, has passed the state's house and is headed to the senate. HB 459 would require the local police chief to report to the state's attorney general when a permit-to-purchase application is denied due to a failed background check.

ISSUES & BILLS

BACKGROUND CHECKS

POSITIVE AZ H 2150, AZ HCR 2009, CA S 299, FL H 809, HI H 802, HI H 459, HI S 1037, ME LR 337, ME LR 338, MO H 363, NH H 201, NJ A 1212, NJ S 804, NM H 50, NM S 48, NY A 2406, NY A 3438, OR H 2237, SC H 3181, TN H 1319/S 1097, TN H 958/S 834, TN H 962/S 671, TX H 259, VA H 2187, VA H 2188, VA H 2212, VA S 187, VA S 915, VT S 6

DOMESTIC VIOLENCE

POSITIVE DC B 116, KS H 2145, MD H 294, MD S 224, NJ A 4046, NY A 980, NY 1224, ND H 1402, NY S 67, OH H 1, OR H 2237, RI H 5067, TN H 1112, TN S 229, UT H 237, VA H 2044, VA S 546

PERMITLESS CARRY

NEGATIVE AL S 24, CO S 116, IA SJR 2, IN H 1159, KYS 7, MI H 4003, MI H 4005, MT H 262, NC H 69, NH S 12, NJ A 626, NM S 56, NM SJR 5, ND H 1169, PA H 170, OK H 2321, OK S 381, OK S 383, SC H 3700, TN H 493, TX H 375, UT H 112, UT H 237, VA H 2265, S 1450

GUNS ON CAMPUS

POSITIVE KS H 2113, KS S 53, MD H 159, MD S, 946, TX H 282, TX H 391, TX H 465, TX S 349

NEGATIVE AK H 1249, AR H 1249, FL H 803/S 908, FL S 140 FL S 622, IN H 1258, KS H 2220, ME LR 635, MO H 593, MO H 630, NC H 69, OK H 1600, OK S 380 SC H 3248, SC H 3262, TX H 560, WY H 136

NEGATIVE TRENDS

Dangerous push for permitless carry continues

In 2016, 56 bills in 24 states would have repealed requirements that people carrying hidden, loaded guns apply for a permit and meet certain eligibility standards, such as passing a background check and demonstrating proof of firearms safety training. Four of those states—Idaho, Mississippi, Missouri, and West Virginia—enacted permitless carry in 2016.

At least twenty-nine bills in 22 states have been introduced since January 1, 2017 to allow permitless carry. A New Hampshire bill has passed both chambers of the state legislature and is on the desk of Governor Chris Sununu.

Dennis Daugaard, South Dakota's Republican governor, recognizes the unique danger of allowing permitless carry, and recently **published an op-ed** arguing that eliminating the permitting requirement would make it significantly more difficult to determine whether dangerous people are armed. Gov. Daugaard stated he is "with Scalia" in recognizing that concealed carry permitting laws are "not an affront" to Second Amendment rights.

BILLS TO WATCH

Bills to protect students and minors move forward in Maryland and Virginia

Currently, guns are prohibited in K-12 schools in Maryland, but not in colleges or universities, leaving it up to individual schools to set their own policies. HB 159, however, would generally prohibit the carrying or possession of firearms on the property of any public college or university. The bill has passed the house and is headed to the senate.

A senate bill in Virginia seeks to make children in foster care safer from unsecured guns. SB 1315 would require individuals providing foster care to store firearms and ammunition in a locked closet or cabinet when not being carried.

Virginia prohibits recklessly leaving a firearm in a way that endangers a child, but does not mandate a particular method of firearm storage. A 2006 study published in the Journal of Adolescent Health showed that adolescents who had spent time in foster care were about four times more likely to have attempted suicide in the last year. Strengthening laws to prevent foster children from accessing guns could prevent gun suicides among a particularly vulnerable population.

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 to craft and enact the smart gun laws that save lives. We provide expertise in firearms litigation, lead grassroots coalitions, and educate the public on the proven solutions to America's gun violence epidemic.

smartgunlaws.org