

Gun Law Trendwatch

A ROUNDUP AND ANALYSIS OF THE LATEST STATE FIREARMS LEGISLATION 2/8/17

POSITIVE TRENDS

State legislators have introduced a host of gun violence prevention measures in state houses across the country.

Background check requirements are popular with the public and with legislators. **Since January, legislators have introduced 21 bills in 12 states that would create or strengthen a requirement for a background check prior to transfer by an unlicensed seller.** In New Mexico, background check bills are moving in both chambers. SB 48 and HB 50 have both passed the Public Affairs Committees in their respective houses.

In Hawaii, legislators on the Judiciary Committee passed HB 459, which would require the chief of police to report to the Attorney General's office when a firearms permit is denied due to the applicant being a prohibited person under state and/or federal law.

Bills introduced in New York (AB 2406 and AB 3438) and Oregon (HB 2237) would address the Charleston loophole by extending or removing the default proceed exception. The New York bills would extend the default period to 10 days; the Oregon bill would prohibit transfer of a firearm until a background check is complete.

Background check bills are also pending in several other states including New Jersey and Texas. In New Jersey, the bill would extend the background check requirement for unlicensed handgun sales to long guns. The Texas measure would require background checks at gun shows.

ISSUES & BILLS

BACKGROUND CHECKS

POSITIVE AZ H 2150, AZ HCR 2009, 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, TX H 259, VA H 2187, VA H 2188, VA H 2212, VA S 187, VA S 915, VT S 6

NEGATIVE IL H 492, IA SJR 2, NE L 370, NY S 197, NY S 1140, WA H 1380

DOMESTIC VIOLENCE

POSITIVE DC B 116, KS H 2145, MD S 224, NJ A 4046, NY A 980, NY 1224, ND H 1402, NY S 67, OR H 2237, RI H 5067, TN S 229, 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, 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, TX H 375, UT H 112, VA H 2265, S 1450

GUNS ON CAMPUS

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

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

NEGATIVE TRENDS

It's business as usual with the gun lobby.

Year after year the gun lobby pushes bills that would make it easier to carry guns in public spaces with little or no oversight. This year, bills to allow concealed carry in public with no permit are pending in sixteen states. These bills are moving in Montana and New Hampshire, two states whose governors have vetoed similar measures in the past.

The gun lobby is also pushing guns on campus bills in numerous states. Legislation in Arkansas and Wyoming is moving through their state houses.

However, three states are considering bills that would keep guns off college and university campuses. In Kansas, where the concealed carry permit requirement was recently repealed, legislators are considering a bill that would allow schools to prohibit guns on campus without having to meet the onerous security measures for public buildings. Maryland is considering a bill that would prohibit guns on public campuses and a Texas bill would allow schools to decide for themselves whether to allow guns on their campuses.

BILLS TO WATCH

The rights of cities and villages to protect their communities is at risk in Nebraska.

Nebraska is one of the few states where local governments have retained authority to regulate firearms. Although the state has carved out discrete areas that are off-limits to local governments (laws enacted in 2009 and 2010 prohibit local regulation of concealed handguns), most firearms regulation is still permitted.

A bill pending in the state legislature, LB 68, would strip cities and villages of all remaining authority to regulate firearms. The bill would prohibit any regulation on transfer, storage, carrying, or registration of any firearms, ammunition, or firearms accessory with very limited exceptions. The measure would also provide standing to the NRA and other groups to sue local governments for regulating guns, and would allow a plaintiff who succeeds in court to be rewarded with attorney's fees, costs, and damages paid by the community. The measure would tie the hands of local officials while subjecting local communities to potentially devastating financial penalties.

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