

Gun Law Trendwatch

A ROUNDUP AND ANALYSIS OF THE LATEST STATE FIREARMS LEGISLATION 7/5/17

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2017 MID-YEAR REVIEW

The recent dramatic changes in the political climate have undoubtedly raised the stakes on the fight for smart gun laws, but the legal and policy experts at the Law Center to Prevent Gun Violence and Americans for Responsible Solutions have risen to the challenge. Our attorneys have analyzed 1,617 firearms bills so far this year, working with legislators and advocates to propose smart gun laws in 26 states.

The gun violence prevention movement has had remarkable success enacting proactive legislation regulating guns and blocking dangerous gun lobby measures. For example, activists have stopped bills that would allow people to carry hidden, loaded guns in public without a permit or oversight, allow guns in K-12 schools and on college campuses, repeal background check requirements, and enact deadly “stand your ground” policies.

The 2017 legislative cycle began under the shadow of the inauguration of a president who vowed to advance the gun lobby’s agenda to bring guns into every aspect of public life, after it spent tens of millions

of dollars to get him elected. Emboldened by the unprecedented support of the executive branch, the gun lobby is either proposing or attacking legislation at every level of government. Federally, that means pressuring Congress to deregulate silencers and force states with strong gun laws to recognize concealed carry

permits issued in states with weak laws. Locally, in the few states the gun lobby hasn’t already disempowered through onerous preemption statutes, that means using outsized resources to oppose small-town governments considering modest firearm ordinances.

And at the state level, the gun lobby is, among other things, pouring vast resources into convincing legislators to eliminate commonsense laws that protect the public from violence.

Despite the obstacles we’ve faced this year, the gun violence prevention movement has maintained the historic momentum generated following the tragedy at Newtown. State by state, smart gun laws are still winning.

Legislators recognize that the overwhelming majority of Americans support gun safety policies and are increasingly defiant in the face of the gun lobby’s scare tactics and unfulfilled claims of electoral retaliation.

This mid-year edition of *Trendwatch* rounds up the many state legislative victories, both offensive and defensive, achieved in 2017 so far, and looks ahead to the rest of the year. As always, if you have questions about firearm legislation or would like to partner with the Law Center, don’t hesitate to reach out to media@smartgunlaws.org.

Now more than ever it’s crucial that those who care about saving lives from the uniquely American scourge of gun violence join forces to fight for new smart gun laws and stand up for those already on the books.

1617
FIREARMS BILLS
TRACKED IN 2017

SINCE 2013 198 SMART GUN LAWS
HAVE BEEN ENACTED IN



WORLD'S State Gun Law Victories 2017

DEFEATED GUN LOBBY BILLS

Thanks to the unyielding efforts of gun violence prevention activists and legislators determined to combat gun violence in their states, the gun lobby suffered numerous setbacks to their agenda this cycle.

Legislators in 20 states rejected measures during regular session to allow guns in public without a permit: **Alabama, Arkansas, Colorado, Georgia, Iowa, Indiana, Kentucky, Louisiana, Minnesota, Montana, Nebraska, Nevada, New Mexico, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah,** and **Virginia**.

In **Iowa** and **Nebraska**, the gun lobby continued its efforts to repeal private sale background checks for handguns. Thanks to a coordinated effort by state and national groups, these efforts failed in 2017. Advocates also defeated an effort in **Washington** to repeal the background checks law passed overwhelmingly by voters in a 2014 ballot initiative.

In **Arizona**, advocates soundly defeated several bills that would have further weakened the state's gun laws. One measure would have allowed the formation of a compact between states that would prohibit them from enacting commonsense firearm laws. Another would have weakened Shannon's Law, which was enacted in response to the killing of a 14-year-old girl by a stray bullet. A third bill would have infringed on the rights of Arizona business owners by subjecting only businesses or individuals who choose to prohibit guns on the premises to liability for damages caused by a shooting. A similar bill was defeated in **Texas**.

In **Florida**, an irresponsible "guns everywhere" bill would have allowed people with CCW licenses to openly carry in the same places they can currently carry concealed. It also would have eliminated most restrictions on guns in schools. Several other Florida bills would have opened K-12 schools and college and university campuses to guns—all were successfully defeated. Guns on campus bills were also defeated in 12 states in regular session: **Alabama, Iowa, Indiana, Kentucky, Minnesota, Missouri, New Mexico, Oklahoma, South Carolina, Tennessee, West Virginia,** and **Wyoming**.

Missouri legislators also rejected a "guns everywhere" bill that would have allowed guns in houses of worship, government buildings, K-12 schools, school buses, police stations, polling places, bars, college and university campuses, childcare facilities, amusement parks, stadiums, and hospitals.

Bills to establish or expand "shoot first" laws were blocked in **Idaho, New Mexico, North Dakota,** and **Utah**.

LEGISLATION TO WATCH

Extreme Risk Protection Orders

Bills that would allow family members and law enforcement to petition courts to temporarily disarm individuals who pose a significant risk of harm to themselves or others were introduced in 18 states and are still pending in 10 states.

NEW SMART GUNS LAWS THIS CYCLE

BACKGROUND CHECKS

Hawaii. HB 459 is awaiting signature. This bill requires a local police chief to report to prosecutors, the director of public safety, and others when an individual's application for a permit-to-acquire is denied.

Washington. HB 1501 requires dealers to report to law enforcement when a potential purchaser fails a background check.

SUICIDE PREVENTION

Utah. HB 346 appropriates funding for suicide prevention programs, with a particular focus on youth suicide, and requires the state suicide prevention coordinator to develop and report a 10-year statewide suicide prevention plan.

Washington. SB 5552 allows a person to temporarily transfer a firearm without a background check to prevent a gun suicide.

Disarm Hate

A **California** bill, AB 785, to prohibit individuals convicted of hate crimes from possessing a firearm is steadily advancing through the legislature. A similar bill in **New York**, SB 5569, would also ensure that individuals with hate crimes convictions—an indicator of future violence—cannot access firearms.

DOMESTIC VIOLENCE

Maryland. HB 294 and SB 224 prohibit a person from possessing firearms if he or she is given probation before judgment for a second-degree assault that was domestically related.

New Jersey. SB 2483 creates a process for a person convicted of a domestic violence crime to relinquish his or her firearms to law enforcement.

North Dakota. SB 2309 requires courts to report information about protection orders for inclusion in FBI databases and forward protection order information to local law enforcement.

Tennessee. HB 1112 sets out a procedure for a person convicted of domestic violence to relinquish firearms.

Utah. HB 206 prohibits firearm possession by domestic violence misdemeanants and subjects of restraining orders.

URBAN GUN VIOLENCE

California. The state legislature has voted to restore funding to CalVIP, formerly known as CalGRIP, a state-level grant program that provides funding for cities to implement evidence-based violence prevention and intervention strategies. The budget is now with Governor Jerry Brown, awaiting his signature.

Keep up on the latest trends in state firearms
legislation and view past issues:

smartgunlaws.org/trendwatch

NEW GUN LOBBY LAWS

The gun lobby continues to push its deadly agenda to allow more guns in more places. This year's legislative cycle saw only a few victories for the gun lobby in states with already poor gun laws.

These bills represent the most dangerous tactics in the gun lobby's strategy, and reflect its efforts at the federal level. Chipping away at state gun laws that prohibit silencers and eliminating permitting statutes are top priorities for the gun lobby, but advocates stopped many of its dangerous bills from advancing, notching critical defensive victories for gun violence prevention.

Arkansas. HB 1249 greatly expands where concealed carry permittees can bring guns by allowing them to obtain an enhanced CCW permit with only eight hours of additional training and lets individuals carry loaded, concealed firearms in a number of public places. SB 37 requires private employers to allow employees with concealed carry licenses to store their firearms in locked vehicles in the employers' parking lot.

Georgia. HB 280 allows concealed carry permittees to bring guns onto college and university campuses.

Iowa. HF 517 creates a "stand your ground" law, weakens the safety training requirement for concealed carry permits, and extends the duration of a permit to acquire handguns to five years. This omnibus legislation also allows concealed carry in the state capitol building and grounds, intoxicated people to carry firearms at their place of business or on their own property, and supervised children under 14 to possess firearms.

New Hampshire. SB 12 repeals the law that requires people to have a license to carry concealed firearms.

North Dakota. HB 1169 enacts permitless carry in the state.

Tennessee. SB 921 repeals the prohibition on possession, manufacture, transport, repair, or sale of a firearm silencer. HB 508 allows individuals or membership organizations to sue to enforce the state's firearms preemption law and potentially recover three times the attorney's fees. It also forbids local or state governments from prohibiting or restricting concealed carry permittees from carrying handguns on government property unless certain conditions are met.

Texas. HB 1819 decriminalizes possession of silencers under state law if the silencer is lawfully possessed in compliance with federal law or is a curio or relic.

West Virginia. SB 388 allows individuals without concealed carry permits to possess firearms in vehicles on K-12 school property.

Wyoming. HB 194 allows school employees with concealed carry permits to carry hidden, loaded firearms in K-12 buildings and on school grounds.

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.

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