



LEAGUE OF WOMEN VOTERS

MICHIGAN

EDUCATING AND ADVOCATING FOR RESPONSIBLE GOVERNMENT

Gun Violence: Protecting Our Children

Since February 14, 2018, the nation has reeled from the murders at Marjory Stoneman Douglas High School in Parkland Florida. Gun violence has once again gained our attention. This tragedy may be a turning point because of the leadership and courage of the students of Parkland. Parkland students and students across the nation are calling out “Enough” and are standing up to neglectful, even complicit, legislative leadership that does not act to protect its citizens.

The Constitution of the State of Michigan directs that “The public health and general welfare of the people of the state are hereby declared to be matters of primary public concern. The Legislature shall pass suitable laws for the protection and promotion of the public health.” *Constitution of the State of Michigan Article IV §51.*

The League of Women Voters US believes that the proliferation of handguns and semi-automatic assault weapons in the United States is a major health and safety issue to its citizens and supports regulating firearms for consumer safety.

LWVUS National Position

Gun violence is a public health and safety issue for Michigan children.

Gun violence in America claimed more than 38,600 gun deaths in 2016 and caused more than 58,800 non-fatal but life-altering injuries. Sixty-two percent of the gun deaths were self-inflicted (.everytownresearch.org) The research on gun violence is extensive and compelling. The research demonstrates that most federal and state gun policies are inadequate in protecting U.S. citizens from accidental or intentional firearm violence. Gun violence has permeated our culture and hence has become a public safety priority. To date, several progressive states have passed legislation that reflects sensible and responsible gun ownership. Evidence from those states confirms that such changes correlate to a reduction in death and injury by firearms.

Gun violence often involves the most vulnerable among us. For example, children in homes with unsecured guns, women and children subjected to domestic violence, service personnel suffering from PTSD, and mentally ill individuals are all at high risk of gun violence. There are many factors that contribute to gun violence, including societal inequalities in wealth distribution, educational opportunities, and the justice system. The League of Women Voters has national and state policies that directly link to underserved populations, and by logical extension, to firearm policies.

America is an exceptional country when it comes to guns. It is one of the few countries in which the right to bear arms is constitutionally protected, allowing Americans easy access to firearm ownership. The U.S. has only 4.43% of the world's population but 42% of the world's population of civilian owned guns. America has 6 times as many firearm homicides as Canada and 16 times as many as Germany. The number of homicides per 1 million people in Australia is 1.4, while in America it is 29.7. (Center for Disease Control and Prevention CDC)

Some citizens argue that the Second Amendment's phrase "the right of the people to keep and bear arms" defines an individual's constitutional right to own and carry firearms openly and in all places. However, the Supreme Court decision *Heller v. D.C.* in 2008, while protecting the right to possess a firearm in the home for self-defense, also states that a variety of gun laws are constitutionally permissible. Thus, laws with regulatory measures, such as prohibiting firearm purchases by felons and carrying firearms in sensitive places, were upheld by the Supreme Court. (Cornell University Law Center)

Primary causes of gun violence harm to children (birth - age 19):

Gun-related deaths are now the third leading cause of death of American children. (everytownresearch.org/children-gun-violence and CDC)

Accidental Shootings

Among children, 89% of unintentional shooting deaths occur in the home. Guns kept in the home are more likely to be involved in a fatal or non-fatal domestic violence incident. An unintentional shooting occurs after a child has found an irresponsibly or negligently stored gun belonging to a parent or relative.

(The Children's Hospital of Philadelphia Research Institute, Center for Injury Research and Prevention)

Domestic Violence

Shootings in the context of family or domestic violence account for 37% of firearm homicide deaths of children. (Everytown, CDC. FBI)

Ethnicity

The firearm homicide rate for African-American children is approximately 10 times higher than the rate for white children. (Everytown)

Firearm Suicide:

60% of all gun deaths are suicides. Suicide rates are higher in states with higher rates of gun ownership. Over 80% of teens who kill themselves with firearms use a family member's gun.

(Philadelphia Research Institute)

Mass Shootings/School Shootings

Even though mass shootings account for less than 1% of gun deaths, since January 2013 more than 200 school shootings have occurred across the country. Of shootings perpetrated by minors at schools, more than half obtained the gun at home.

Witness to a Shooting

Exposure to gun violence can leave a lasting emotional impact on children. Children who have been exposed to violence are more likely to abuse drugs and alcohol; suffer from depression, anxiety, and PTSD; fail in school; and engage in criminal behavior. All of these outcomes can lead to a continuing cycle of violence.

(Education Fund to Stop Gun Violence: Reaching High Risk People and Saving Lives, September, 2017)

Surviving a Gun Violence Incident – Medical and Economic Costs

For every person who dies from a firearm, there are several who survive, and the lives of the children who have been injured in a gun violence incident are forever changed. Most gunshot victims incur serious injuries where treatment goes well beyond their release from the emergency room. Often these children face long and painful recoveries, with their medical needs taking years or even lifetimes. The cost of treating gunshot survivors is greatest in states with the highest rates of firearm ownership, and these costs are most often born by taxpayers.

(everytownresearch.org/children-gun-violence, gunviolencearchive.org, Healthcare Cost Project, The Trace, 12/9/2017, Johns Hopkins University School of Medicine, 2017)

Policies of League of Women Voters of the United States

League of Women Voters-US positions on GUN CONTROL

- The LWVUS believes that the proliferation of handguns and semi-automatic assault weapons in the United States is a major health and safety issue to its citizens.
- The LWVUS supports strong federal measures to limit the accessibility and regulate the ownership of these weapons by private citizens.
- The LWVUS supports regulating firearms for consumer safety.
- The LWVUS supports licensing procedures for gun ownership by private citizens to include a waiting period for background checks, personal identity verification, gun safety education and annual license renewal. The license fee should be adequate to bear the cost of education and verification.
- The LWVUS supports a ban on “Saturday night specials,” enforcement of strict penalties for the improper possession of and crimes committed with handguns and assault weapons, and allocation of resources to better regulate and monitor gun dealers.

Statement of Position on Gun Control, as Adopted by 1990 Convention and amended by the 1994 and 1998 Conventions. (forum.lwv.org)

League of Women Voters-US position on VIOLENCE PREVENTION

The LWVUS supports violence prevention programs in all communities and action to support:

- Public and private development and coordination of programs that emphasize the prevention of violence.
- The active role of government and social institutions in preventing violent behavior.
- The allocation of public monies in government programs to prevent violence.

(forum.lwv.org)

League of Women Voters-Michigan position on CHILDREN and YOUTH

The LWV-MI supports a system of comprehensive and coordinated services for all children and families to provide basic resources for an adequate quality of life; policies and programs . . .to provide preventive, protective and rehabilitative services for all children and families

Current Policies within the United States

Firearm policies are of highest importance. The effectiveness of states' gun legislation is reflected in the number of deaths and injuries sustained in gun violence incidents. Data can explain why Massachusetts has a gun death rate of 3.5/100,000 and Tennessee with about the same population has a gun death rate of 17.3/100,000.

Concealed Carry Permitted in 50 States

For decades most states either prohibited or severely limited carrying concealed handguns. These laws were among the earliest gun laws adopted by states, even in frontier towns like Dodge City, Kansas. In the 20th century, states began to grant law enforcement agencies the discretion to license persons to carry a concealed weapon if they could demonstrate a legitimate need.

By 2018, every state and the District of Columbia now allow their citizens to carry concealed weapons. Evidence indicates that individuals who use weapons in self-defense are more likely to cause an accidental self-inflicted gun injury than stop someone from committing a crime. Individuals who attempt to stop a crime often interfere with law enforcement. A belief among gun advocates states that "a good guy with a gun can stop a bad guy with a gun." The evidence from law enforcement states that individuals with guns often distract law enforcement who struggle to deal with armed citizens in the midst of a crisis. (Violence Policy Center Research: *Concealed carry permit holders threaten public safety*)

Twelve states allow citizens to conceal carry without a permit, while thirty-eight states require a state-issued permit to carry a concealed firearm. State-issued permits can be divided into two categories "May-Issue permits" (more restrictive) and "Shall-Issue permits" (less restrictive). Michigan is a "Shall-Issue" state. In states where obtaining a

Concealed Permit License (CPL) is difficult, gun related homicides are lower than in more permissive states. (CDC; Law Center to Prevent Gun Violence; NRA-ILA)

A majority of Americans oppose laws allowing concealed, loaded handguns in public places. There is near universal agreement that the following public places should be gun free: schools, college campuses, bars, stadiums, hospitals and government buildings. Currently, Michigan law permits open carry in gun-free zones for those persons holding a CPL. (lawcenter.giffords.org/gun-laws/policy-areas)

Dickey Amendment Prohibited Gun Violence Data Collections

In a 1996 appropriations bill, Congress passed the Dickey Amendment that prevented federal funds from being used at the Center for Disease Control and Prevention (CDC) “to advocate or promote gun control.” The law was signed and funding for gun violence studies was greatly reduced. In the wake of Sandy Hook in 2012, President Obama called on the CDC to resume such studies, but the funding was never re-instated by Congress. In March 2018, Congress agreed to include a provision in the government funding package stating that the government (CDC) is not barred from conducting gun violence research, but once again the Dickey amendment was not repealed nor was the funding restored. For the last twenty years, research on gun violence has been concentrated at private foundations and universities such as Johns Hopkins University, the University of Washington and the University of California, Davis. (thehill.com/policy/healthcare. 3/21/18)

Assault Weapons Purchase

During the 1980s, the gun industry sought to reverse a decline in consumer demand for guns by developing and marketing new types of weapons based on high-powered military designs. These weapons are distinguished from standard sporting firearms because they enable shooters to fire many rounds quickly and accurately. These weapons were designed for the military and used to kill people quickly and efficiently. The most common, the AR-15, is a civilian version of the M16, a combat rifle used first in Vietnam. Assault weapons can be easily purchased and openly carried in Michigan.

Assault Weapons Ban

In reaction to a violent and deadly school shooting and to escalating drug wars in the 1980s and early 1990s, the Federal Violent Crime Control and Law Enforcement Act of 1994 took effect. The ten-year ban applied to manufacture, transfer and possession of assault weapons and large capacity ammunition magazines and expired in 2004. Studies of the decade show mixed effects of the ban. Small decreases in the rate of mass shootings increased when the ban was lifted. (National Institute of Justice Research Brief)

Domestic Abusers and Relationship to Children’s Deaths

In most states under present law, weapons cannot be removed from persons perceived to be a danger to themselves or others until they have committed a violent act. The most vulnerable among us, women, children and the elderly, are most often traumatized and murdered by a domestic abuser. 37% of homicide deaths of children are in the

context of a domestic violence situation. All gun violence disproportionately impacts African American children. (Yale University Research, The trace.org)

Domestic Abusers and Relationship to Mass Shooters

Acts of domestic violence are at the root of a majority of mass shootings. Everytown Research reported that at least 54% of mass shootings involve a perpetrator shooting a current or former intimate partner or family member. The Huffington Post reports that 64% of mass shooting victims are women and children.

Stand Your Ground Laws

The tradition in the law (Hebrew, Roman, English, and American) has been that if you could spare a human life, it was incumbent upon you to do so. After 3000 years, this tradition has been reversed by legislation that is an extension of the Castle Doctrine. Many states, including Michigan, have enacted *stand your ground* laws. These laws remove the duty to retreat before using force in self-defense. Florida passed the first such law in 2005. The law states there is no duty to retreat before resorting to deadly force and the law is not limited to your self-defense or protection of home or office.

Proposed Changes in Gun Policy

The data is clear that easy access to firearms increases gun violence and results in death and injuries to our citizens, creating a public safety issue.

Enact Child Access Prevention Laws (CAP)

CAP laws address the deaths and injuries of children who have found, because of negligence, unsecured guns in the home. This law promotes the safe storage of firearms by imposing liability on adults who allow children to have unsupervised access to guns. (Fund to Stop Gun Violence. Efsgv.org)

Enact Extreme Risk Prevention Order (ERPO/Red Flag)

ERPO laws allow families and police to remove guns from high risk homes where an individual may be a danger to themselves or others (domestic violence, suicides, PTSD).

(*Coalition to Stop Gun Violence, 12/28/2017*)

Recognize that the NRA is a for-profit firearm industry lobby.

The gun industry is a for-profit enterprise. Contrary to continuing evidence that gun violence is a public health and safety issue, supporters of the gun lobby are actively introducing and supporting legislation that increases gun proliferation and threatens sensible gun violence prevention legislation. In spite of significant research and public outcry against gun violence, more legislation is being introduced and passed in the Michigan legislature and the United States Congress that supports the increased ownership of guns, the reduction of firearm free zones, and reduces the culpability of gun owners, firearms dealers, and firearms manufacturers.

(How the Leadership of the NRA Puts Americans at Risk,
<https://everytownresearch.org/resources>)

Ban Assault Weapons and Ammunition, Bump Stocks and Silencers

Assault weapons are restricted Class 3 firearms regulated by National Firearms Acts (NFA). They are sold only by specially licensed Federal Firearms License (FFL) dealers. Once approved the buyer can complete the transaction. (Giffords Law Center: Regulation of Assault Weapons under the National Firearms Act) A February 2018 Quinnipiac poll showed that 67% of Americans are in favor of a nationwide ban on the regulation and manufacture of assault weapons. (Quinnipiac University Poll, 2/20/2018)

Repeal Laws that Exempt Gun Makers and Sellers from Regulation

Gun manufacturers and sellers, unlike other industries, are shielded from legal accountability. The Protection of Lawful Commerce in Arms Act was passed by Congress in 2005. The law bars most suits against the gun industry for any harm they cause, giving them no accountability for the tens of thousands of gun death in the U.S. each year. Auto makers continue to develop and install new safety features and between 1975 and 2016, the rate of motor vehicle deaths decreased by half. According to the Center for Disease Control and Prevention, more people die from firearms than motor vehicle accidents.

(Karp, Brad and Boehning, H, "Stop Shielding Gun Makers, NYTimes, March 25, 2018)

Oppose Reciprocity

Oppose gun laws that propose the "guns everywhere" agenda. Gun Law reciprocity reduces gun laws to the lowest common denominator across all states by forcing states with strong gun laws to comply with states with weak gun laws.

Strengthen NICS Background Checks

The National Instant Criminal Background Check System (NICS), mandated by the Brady Act of 1993, is a national system that checks available records on persons who may be disqualified from owning firearms. (FBI Government Services) The loopholes in the system have been widely publicized including the Department of Defense negligence in adding data, private sales of firearms, online sales and firearms stolen from police agencies and gun dealers. Digitize this system. There is some indication that this issue can become common ground for opposing sides on the gun-law issue. (PBS.org) The system has blocked more than 3 million sales to prohibited purchasers since 1994. (everytown.org/research)

Address Mental Health Issues

Reject the incorrect notion that mental illness is responsible for interpersonal violence and instead pass policies to prevent firearm suicides by reducing access to guns, particularly guns in the home. Especially vulnerable are veterans with PTSD and teens dealing with stressful situations. Other countries have similar proportions of mental illness. The problem is the access to guns, particularly guns in the home.

Defend and support sensible gun legislation that already exists in Michigan.

Identify sensible gun legislation by using data and statistics from reliable sources that show that more restrictive legislation reduces gun violence. Begin by referencing legislation from the following states: California, Massachusetts, Connecticut, New York, Maryland and Rhode Island. Let the data speak for itself. (*Brady Campaign to Prevent Gun Violence*)

The Story of Massachusetts

Since 1964, Massachusetts has reduced gun violence deaths by 60%. Through bipartisan legislation and recognizing that tighter gun laws work, Massachusetts has directed their efforts in three critical areas: consumer protection standards for gun safety; assault weapons and large magazine capacity background checks; and police chief discretion on issuing licenses. Massachusetts requires basic consumer safety features on firearms before they can be legally sold or manufactured in the state. In 1998, legislation required licensing every six years and standards to require locked and safe gun storage. A permanent ban on assault weapons and ammunition was enacted in 2004. The federal ban from 1994 had expired and the Bush administration did not extend the ban. Ironically, Smith and Wesson, the largest handgun manufacturer is located in Springfield, MA. They manufacture AR-15 assault weapons but cannot sell them in their home state of Massachusetts.

In 2014, finding that two-thirds of gun crimes were committed with guns from out of state, laws were enacted to close the gun-show/private dealer loophole. Massachusetts Senator Ed Markey says, "We have laws governing hunting. Five rounds for deer and three for ducks. But when it comes to federal legislation, there is no limit." There are limits in Massachusetts. Common gun-sense legislation can be done. In 2018, Massachusetts has joined a coalition of northeastern states (NY, NJ, RI, Conn) sharing gun data. (The Daily Beast, Interview with Sen. Ed Markey, 12/3/17) (stophandgunviolence.org)

Do Not Arm Teachers

The president has called for arming teachers as a solution to protecting children in schools. This idea was first presented by the NRA after Sandy Hook in 2012. However, research confirms, yet again, that the greater presence of guns, the greater risk to children, including unintentional and negligent shootings, misplaced and stolen firearms, suicides, and other traumas. In addition, the presence of armed individuals may not stop a shooting (Parkland). Even professional and highly trained police officers, in stressful situations, hit their intended target less than 20% of the time. The costs of training, bonuses and insurance incurred by arming teachers would be better spent on gun violence prevention. (Brookings Institute; NAACP Legal Defense and Education Fund)

Legislative Actions that Support Research-Based Sensible Firearm Legislation

www.legislature.mi.gov

The following 2017-2018 bills introduced into the Michigan Legislature that, according to research-based trends, will result in a reduction in gun violence deaths and injuries are:

Child Access Prevention CAP laws

SB 0293, Sen. Rebekah Warren

Introduced March 30, 2017: Pending in Senate Judiciary Committee

Sets criminal penalties for failure to securely lock and store a firearm that ends up in the hands of a minor. Would require penalties to be displayed at gun stores.

Extreme Risk Protection Order/Gun Violence Restraining Order ERPO/GVRO

HB 4706-4707, Rep. Robert Wittenberg

Introduced June 7, 2017; Pending in House Judiciary Committee

ERPO would allow courts to have weapons temporarily removed (in a civil, not criminal action) from all individuals, not just spouses, who (based on reasonable cause to believe) pose a danger to themselves or others. This order would also prohibit these individuals from purchasing firearms

Property Owners Can Ban Open or Concealed Carry on Their Property

HB 4710,

Introduced June 7, 2017; Pending in House Judiciary Committee

Allows property owners, in areas where concealed weapons are banned but open carry is not banned, to ban someone from openly carrying a gun on their property. Law enforcement is exempt.

Legislative Actions that Oppose Research-Based Sensible Firearm Legislation

www.legislature.mi.gov

SB 584-585, Sens. Arlan Meekhof, Phil Pavlov

Passed Senate (25-12), Pending in House Judiciary Committee since November 9, 2017

Allows a concealed pistol license holder to be exempt from a ban against carrying a concealed pistol in a no-carry zone (such as a schools, college buildings, sports arenas) if they meet certain minimal requirements.

HB 4416-19, Reps. Hoitenga, Hormberger, Sue Allor, Triston Cole

Passed the House (58-49); Pending in Senate Government Operations Committee since June 13, 2017

Would allow people to carry a concealed pistol without first having to get a concealed pistol license CPL as long as not banned from having a gun under state or federal law.

“Ending our nation’s gun violence epidemic will take the commitment of lawmakers to make communities safer. But it will also take the collaboration of

people from all walks of life coming together and finding the courage to speak up.” Giffords Law Center

Resources for evidence cited

Reducing Gun Violence in America: Informing Policy with Evidence and Analysis, Edited by Daniel Webster and Jon Vernick, Johns Hopkins University Press (2013)

America Under Fire, An Analysis of Gun Violence in the U.S. and the Link to Weak Gun Laws, Center for American Progress, October, 2016

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Everytown for Gun Safety Research
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State Laws of Michigan
Constitution of the State of Michigan
The League of Women Voters United States
Federal Bureau of Investigation
The Children’s Hospital of Philadelphia Research Institute, Center for Injury Research and Prevention
Education Fund to Stop Gun Violence
Coalition to Stop Gun Violence
Harvard Injury Control Research Center, T.H. Chan School of Public Health
Violence Prevention Research Center, University of California, Davis
Violence Policy Center
Gifford Law Center to Prevent Gun Violence
The University of Washington
Quinnipiac University
Stop Handgun Violence
National Association of Mental Illness NAMI
Gun Violence Archive

Michigan Coalition to Prevent Gun Violence
Sandy Hook Promise
Center for Responsible Politics
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National Rifle Association Institute for Legislative Action NRA-ILA
Annenberg Public Policy Center: FactCheck.org

Martha Couretas & Melinda Frame 5/12/2018