

Gun Laws Matter

A Comparison of State Firearms Laws and Statistics



Some states have stepped in to fill the gaping holes in our nation's gun laws; others have done almost nothing. In this publication, LCAV compares each state's firearms laws, along with gun-related statistics, to see how the states stack up.



Legal Community Against Violence

expertise, information & advocacy to end gun violence

THOUGH GUN VIOLENCE has reached epidemic proportions in the United States, resulting in over 30,000 deaths each year,ⁱ the federal government has not done nearly enough to regulate firearms. Some states choose to stand up to the gun lobby by enacting a variety of common sense gun laws. Others leave firearms virtually unregulated.

In this publication, we rank the states based on 25 policy approaches to regulating firearms. States receive or lose points for each policy, with the most far-reaching laws receiving the most points, and irresponsible measures that increase the likelihood of gun violence resulting in a deduction of points. After tallying the points, we rank each state in order from best gun laws to worst. For example, California received the most points, 47, and is therefore ranked number 1. On the other end of the spectrum, Arizona, receiving -5 points, is ranked number 50. See each state's ranking on the map inside. In addition, the complete ranking system and a description of our methodology, as well as a description of each of the 25 policies, are available at: www.lcav.org/gun_laws_matter.asp.

WHAT THE STUDIES SHOW

Studies show that gun ownership rates affect gun deaths. States where a higher percentage of households have guns have higher rates of homicide and suicide than states where fewer households have guns.ⁱⁱ In addition, a report published by Mayors Against Illegal Guns found that states with higher rates of “crime gun exports” — where a firearm sold by a dealer in one state is later found at a crime scene in a different state — have higher rates of gun murders than states with lower rates of crime gun exports.ⁱⁱⁱ That report also found a “strong association” between state crime gun export rates and the existence of laws regulating guns.^{iv} For example, the average crime gun export rate of states that do not require the reporting of lost or stolen firearms is three times the average rate of states that do require reporting.^v

In addition to these studies, our ranking reveals that many of the states with the strongest gun laws also have the lowest gun death rates. Conversely, many states with the weakest gun laws have the highest gun death rates. Although it is beyond the scope of this publication to demonstrate a causal relationship between state gun laws and gun death rates, the data provides support for the argument that gun laws are a significant factor in a state's rate of gun deaths.^{vi} More research is needed to determine the precise relationship between state gun laws and gun death rates.

Looking at the laws and data together reveals that states with the strongest gun laws and lowest percentage of household gun ownership tend to have significantly lower gun death rates and crime gun export rates than other states. The best and worst ten states in terms of gun laws and rates of gun ownership, gun death and crime gun exports are shown on the opposite flap. The full data and ranking for all fifty states, along with this publication, including endnotes, are available at: www.lcav.org/gun_laws_matter.asp.

Best and Worst States: Gun Laws, Rates of Gun Deaths, Gun Ownership and Crime Gun Exports

Ten States with the Strongest Gun Laws

California
New Jersey
Massachusetts
Hawaii
Connecticut
Illinois
Maryland
New York
Rhode Island
Florida

Ten States with the Weakest Gun Laws

Montana
Arkansas
Maine
Wyoming
Kentucky
Mississippi
New Mexico
Idaho
Vermont
Arizona

Ten States with the Lowest Gun Death Rates

Hawaii
Rhode Island
Massachusetts
Connecticut
New York
New Jersey
Iowa
New Hampshire
South Dakota
Minnesota

Ten States with the Highest Gun Death Rates

Louisiana
Mississippi
Alaska
Alabama
Nevada
Arkansas
Tennessee
New Mexico
Arizona
West Virginia

Ten States with the Lowest Crime Gun Export Rates

Nebraska
Iowa
Michigan
Connecticut
Minnesota
New York
Rhode Island
Massachusetts
New Jersey
Hawaii

Ten States with the Highest Crime Gun Export Rates

West Virginia
Mississippi
South Carolina
Kentucky
Alabama
Virginia
Georgia
Indiana
Nevada
North Carolina

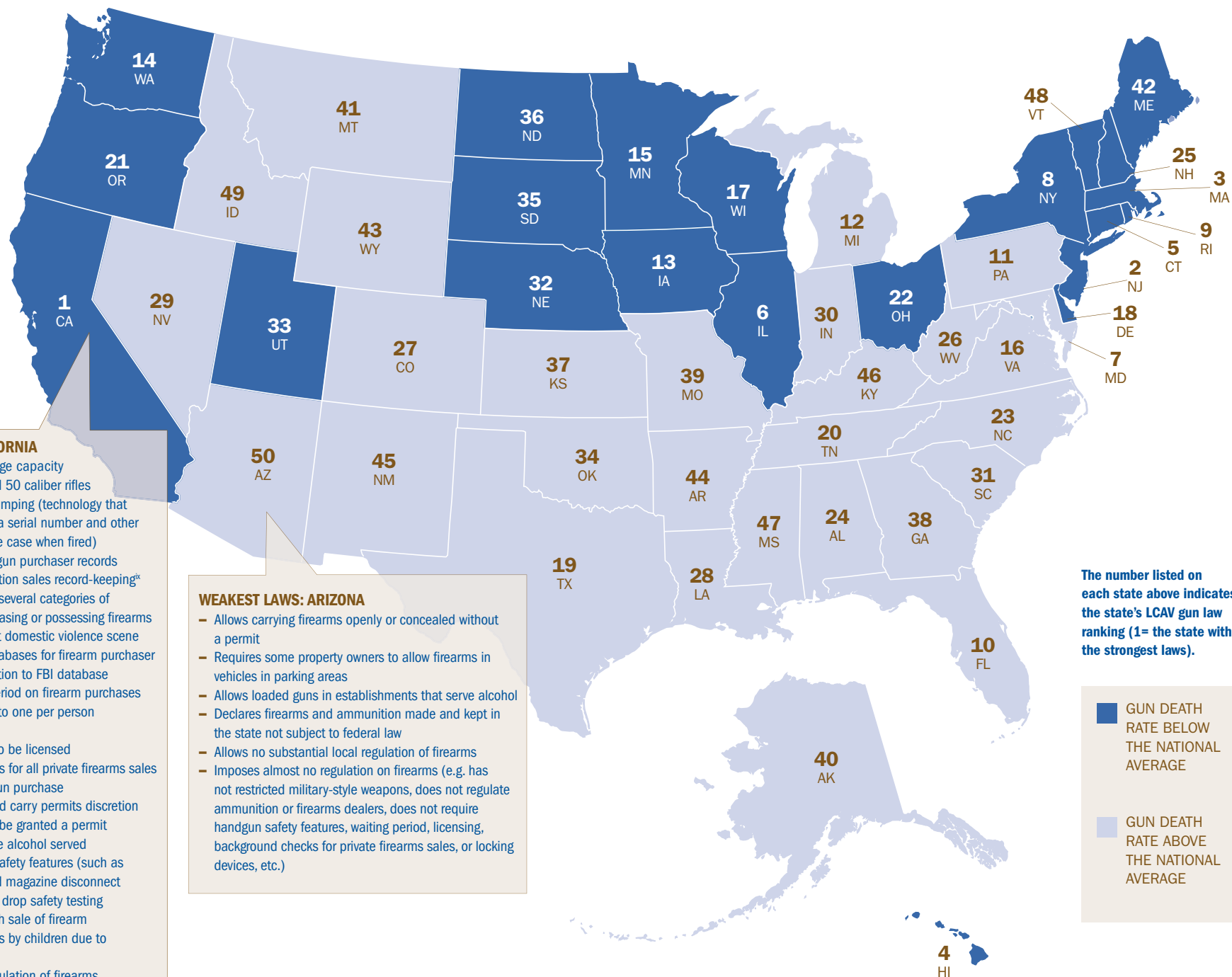
Ten States with the Lowest Gun Ownership Rates

Florida
Maryland
Illinois
California
New York
Connecticut
Rhode Island
Massachusetts
New Jersey
Hawaii

Ten States with the Highest Gun Ownership Rates

Wyoming
Montana
Alaska
South Dakota
Arkansas
West Virginia
Alabama
Idaho
Mississippi
North Dakota

STATE-BY-STATE COMPARISON OF FIREARMS LAWS AND GUN DEATH RATES



STRONGEST LAWS: CALIFORNIA

- + Bans assault weapons, large capacity ammunition magazines and 50 caliber rifles
- + Requires handgun microstamping (technology that allows a firearm to imprint a serial number and other information onto a cartridge case when fired)
- + Requires retention of handgun purchaser records
- + Requires handgun ammunition sales record-keeping²⁸
- + Prohibits drug addicts and several categories of misdemeanants from purchasing or possessing firearms
- + Requires firearm removal at domestic violence scene
- + Uses state records and databases for firearm purchaser background checks in addition to FBI database
- + Imposes ten-day waiting period on firearm purchases
- + Limits handgun purchases to one per person per 30-day period
- + Requires firearms dealers to be licensed
- + Requires background checks for all private firearms sales
- + Requires license for handgun purchase
- + Provides issuer of concealed carry permits discretion in determining who should be granted a permit
- + Bans loaded firearms where alcohol served
- + Requires handgun design safety features (such as chamber load indicator and magazine disconnect mechanism) and firing and drop safety testing
- + Requires locking device with sale of firearm
- + Penalizes access to firearms by children due to negligent storage
- + Allows substantial local regulation of firearms

WEAKEST LAWS: ARIZONA

- Allows carrying firearms openly or concealed without a permit
- Requires some property owners to allow firearms in vehicles in parking areas
- Allows loaded guns in establishments that serve alcohol
- Declares firearms and ammunition made and kept in the state not subject to federal law
- Allows no substantial local regulation of firearms
- Imposes almost no regulation on firearms (e.g. has not restricted military-style weapons, does not regulate ammunition or firearms dealers, does not require handgun safety features, waiting period, licensing, background checks for private firearms sales, or locking devices, etc.)

The number listed on each state above indicates the state's LCAV gun law ranking (1= the state with the strongest laws).

GUN DEATH RATE BELOW THE NATIONAL AVERAGE

GUN DEATH RATE ABOVE THE NATIONAL AVERAGE

Examples of the Best and the Worst Gun Laws

BEST PRACTICES

DEALER LAWS

- Require all firearms dealers to obtain a license and pass a background check (CA, HI, MA, NJ, PA, RI, WA)
- Prohibit dealers in residential and other sensitive areas (MA)
- Require employee background checks (CT, DE, NJ, VA, WA)
- Require security measures (AL, CA, CT, MA, MN, NJ, PA, RI, WV)
- Require sales record reporting to state and local law enforcement (CT)

PRIVATE SALE LAWS

- Require all firearm transfers are to be conducted through licensed dealers (CA)
- If transfers are not conducted through dealers, require private sellers to: 1) conduct background checks through a central law enforcement agency (RI); 2) maintain sales records for a lengthy period (IL); or 3) report sales to state and local law enforcement (MA)

AMMUNITION LAWS

- Require sellers to be licensed (MA)
- Require sales record-keeping (CA – handgun ammunition)^{vi}
- Require license to purchase or possess ammunition (IL, MA)
- Require ammunition sellers to store ammunition safely (CA – handgun ammunition)^{vii}
- Require handgun microstamping (technology that allows a firearm to imprint a serial number and other information onto a cartridge case when fired) (CA)

ASSAULT WEAPONS

- Define assault weapon based on generic features that characterize assault weapons and use one-feature test (CA for rifles and pistols, NJ for shotguns)
- Prohibit broad range of activities such as possession, manufacture, sale (CA, CT, NJ have the broadest prohibitions)
- If weapons possessed prior to the ban are grandfathered, require registration with strict limits on transferability, use and storage (CA, CT)

LARGE CAPACITY AMMUNITION MAGAZINES

- Define "large capacity ammunition magazine" to include magazines capable of holding in excess of 10 rounds (HI, CA, MA, NY)
- Apply ban to large capacity ammunition magazines for use with all firearms (CA, MD, MA, NJ, NY)
- Prohibit broad range of activities such as possession, manufacture, sale (NJ, NY are the most comprehensive)
- Do not grandfather magazines possessed prior to the ban (HI, MD, NJ)

FIFTY CALIBER RIFLES

- Prohibit broad range of activities such as possession, manufacture, sale (CA)
- If weapons possessed prior to the ban are grandfathered, require registration with strict limits on transferability, use and storage (CA)

LICENSING

- Require license for possession of any firearm, and require license to be shown prior to purchase of any firearm (IL, MA)
- Require background check for license (HI, IL, MA, NJ), (handguns — CT, IA, MI, NY, NC)
- Require safety training and/or testing (MA), (handguns — CA, CT, HI, MI, RI)
- Limit duration of license (HI, IL, MA), (handguns — CA, CT, IA, MI, NJ, NC)
- Require background check and testing for renewal (MA)

REGISTRATION

- Require registration for all firearms (HI)
- Include identifying information about owner, firearm, and source from which firearm was obtained (HI)
- Require retention of firearm sales records (CA — handguns)

CARRYING CONCEALED FIREARMS

- Prohibit carrying of concealed firearms (IL, WI)
- If concealed carry is allowed, require a permit and give the issuer discretion based on strict guidelines (AL, CA, DE, HI, MA, NJ, NY, RI issue permits only for good cause to persons of good character)

OPENLY CARRYING FIREARMS

- Prohibit open carry of handguns (FL, IL, TX)
- Prohibit open carry of long guns (FL, MA, MN)

LOCAL AUTHORITY

- Allow broad local regulation of firearms (CT, HI, IL, MA, NJ, NY)
- If broad local regulation is not allowed, allow substantial regulation (CA, NE)

WORST PRACTICES

The worst state laws are those that:

- Allow concealed carry with no permit (AZ, AK, VT)
- Allow concealed carry with a permit and give the issuer no discretion (34 states)
- Allow open carry of handguns with no permit (35 states)
- Require some property owners to allow firearms in parking areas (AK, AZ, GA, IN, KY, MN, MS, NE, OK, UT)
- Allow loaded firearms in some establishments that serve alcohol (33 states)
- Declare federal law inapplicable to firearms made and kept in the state (AK, AZ, ID, MT, SD, TN, UT, WY)
- Prohibit local authority to regulate firearms (42 states prohibit local governments from substantially regulating firearms)
- Impose almost no regulation on firearms (e.g., do not restrict military-style weapons, do not regulate ammunition or firearms dealers, do not require handgun safety features, waiting period, licensing, background checks for private firearms sales, or locking devices, do not allow discretion in issuing concealed weapon permits, etc.) (AR, AZ, ID, MT, NM have the least regulation)

About Legal Community Against Violence

HISTORY AND MISSION

LCAV is a national public interest law center dedicated to preventing gun violence and is the country's only organization devoted exclusively to providing free legal assistance for policy reform to reduce gun violence. Founded on July 1, 1993 in response to the tragic shooting at a San Francisco law firm, we focus on policy reform at the state and local levels, marshaling the expertise and resources of the legal community to transform America's gun policies.

OUR SERVICES

LCAV conducts legal research, analyzes existing and emerging policy strategies, reviews proposed legislation, generates model regulations and develops legal and analytical materials to help governments and nonprofit organizations achieve their policy goals. Our website, www.lcav.org, is the most comprehensive resource on U.S. firearms regulation in either print or electronic form and provides in-depth summaries of federal, state, and local firearms laws.

JOIN LCAV'S MEMBERSHIP PROGRAM TODAY

LCAV is only as strong as those who stand behind our mission. In 2004, we launched our national membership program to unite the gun violence prevention community and broaden our base of support, in both financial and human terms. Since then, 900 people have joined LCAV. And while many of our members are attorneys, a growing number are professionals from a wide range of fields.

LCAV welcomes all who support our work to prevent gun violence. Members receive a range of benefits including: regular LCAV communications; invitations to educational events on critical issues in the gun violence prevention movement; participation in forming regional LCAV chapters; and more. Members who wish to become more involved in LCAV's work may inquire with us about opportunities for pro bono work or participating in member committees.

You can make an immediate difference by joining or renewing your membership today at www.lcav.org/join.



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ENDNOTES

GUN LAWS MATTER

ⁱ U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Injury Prevention and Control, Web-Based Injury Statistics Query & Reporting System (WISQARS), *WISQARS Injury Mortality Reports, 1999-2007* (2010), at http://webappa.cdc.gov/sasweb/ncipc/mortrate10_sy.html

ⁱⁱ Matthew Miller, David Hemenway, and Deborah Azrael, *State-level Homicide Victimization Rates in the U.S. in Relation to Survey Measures of Household Firearm Ownership, 2001-2003*, 64 Soc. Sci. & Med. 656, 660 (2007). Lisa Hepburn and David Hemenway, *Firearm Availability and Homicide: A Review of the Literature*, 9.4 Aggression and Violent Behavior 417-40 (2004), Mathew Miller and David Hemenway, *Guns and Suicide in the United States*, 359.10 New Eng. J. Med. 989-91 (2008).

ⁱⁱⁱ Mayors Against Illegal Guns, *The Movement of Illegal Guns in America: The Link between Gun Laws and Interstate Gun Trafficking* 25 (2008).

^{iv} *Id.* at 9-22.

^v *Id.* at 14-15. The report also examined the relationship between crime gun export rates and laws: 1) requiring background checks for handgun sales at gun shows; 2) prohibiting handgun purchase without a permit; 3) mandating or allowing state inspection of gun dealers; and 4) allowing local governments to regulate firearms.

^{vi} Note that there are numerous other factors that may affect gun death rates that are not analyzed in this report such as enforcement of gun laws, urbanization, age, and income distribution. In addition, the gun death rates of states with strong gun laws are affected by neighboring states with weak gun laws.

^{vii} This law takes effect on February 1, 2011.

^{viii} Ammunition sellers must store handgun ammunition so that it is inaccessible to purchasers without assistance from the seller or an employee.

^{ix} This law takes effect on February 1, 2011.