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Closing the Background Check Loophole in Pennsylvania

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Introduction and summary

Today—20 years after President Bill Clinton signed the federal assault weapons ban into law in September 1994 and a decade after Congress allowed that law to lapse—the question of whether and how to regulate particularly lethal firearms is no longer the primary focus of the national gun debate. While the question of what to do about the proliferation of certain military-style rifles—so-called “assault weapons”—remains open, advocates for stronger gun laws have recently focused on the question of who may possess guns, rather than which type of guns should receive heightened regulation. In the wake of the December 2012 massacre at Sandy Hook Elementary School in Newtown, Connecticut, President Barack Obama, congressional leaders, and gun-violence prevention advocates alike made deterring dangerous people from accessing guns the top legislative priority with a proposal for comprehensive background checks for all gun sales. In April 2013, while the Senate also considered a new assault weapons ban that only mustered 40 votes, the Manchin-Toomey bill to expand background checks garnered 55 votes.¹

This shift in focus to prevent dangerous people from accessing guns is appropriate: A broad set of research suggests that such measures are effective in reducing gun violence.² Additionally, there is overwhelming support in opinion polls for expanding background checks and similar measures aimed at restricting dangerous people from accessing guns.³ But the debate persists about whether and how to best regulate assault rifles and other types of firearms that may pose heightened risks to public safety. For more than 20 years, there has generally been only one policy solution offered in this debate: a ban on assault weapons.

This report considers how gun laws have evolved to address different classes of firearms and looks more broadly at how federal and state laws treat rifles and shotguns differently than handguns and whether all of those distinctions continue to make sense. It also examines data on the changing nature of gun violence and the increasing use of long guns and assault rifles by criminals, with a focus on Pennsylvania as a case study.

The evolution of regulations on different classes of firearms

As commentators on the gun debate in the United States have often noted, the technology of firearms has transformed fundamentally since the Second Amendment was ratified in 1792.⁴ AR-15-type assault rifles—which are now the most popular rifles in the U.S. market and have been the weapon of choice for many recent mass shooters⁵—differ dramatically in capability and lethality from the muskets and flintlock pistols that were commonplace in the Revolutionary War era. As the technology of firearms has evolved, so has the debate about how to regulate certain types of guns that may be more dangerous or are otherwise inappropriate for civilian use.

The first major federal firearms legislation in the United States—the National Firearms Act of 1934, or NFA—singled out what were considered the most dangerous guns of the time: machine guns and sawed-off shotgun.⁶ The Prohibition era saw the rise of organized criminal networks that were often armed with firearms such as the “Tommy gun”—the fully automatic Thompson submachine gun.⁷

Under this law and adjustments made to it in the Firearm Owners' Protection Act of 1986, private ownership of these guns became strictly circumscribed. It is now illegal for private citizens to buy or possess any machine gun that was not already in circulation as of May 19, 1986,⁸ and individuals who seek to own machine guns must undergo a heightened background-check process and register the gun and the transaction transferring ownership with the Bureau of Alcohol, Tobacco, Firearms, and Explosives, or ATF.⁹ As a result, these guns are rarely used in crimes in the United States: Only 0.6 percent of the guns recovered in connection with crimes and traced by ATF in 2013 were machine guns.¹⁰

With violent crime rising around the country in the late 1960s, a new type of firearm became the pariah of the national gun debate. Cheap, low-quality, easily concealable handguns known as “junk guns” or “Saturday night specials” became increasingly popular among criminals and emerged as the new target for regulation during this period. Concern over these guns—one of which was used in the assassination of Sen. Robert F. Kennedy in 1968¹¹—led a number of states to enact legislation regulating or banning them.¹² While similar proposals at the federal level were not successful, in the 1970s, there was support in both parties for banning such handguns, including from President Richard Nixon.¹³ A number of national advocacy groups launched during this period with a focus on reducing handgun crime, including the organization now known as the Brady Campaign to Prevent Gun Violence, which was originally launched in 1980 as Handgun Control, Inc.¹⁴

In the late 1980s, the debate about which guns to regulate most tightly shifted back to certain kinds of rifles. The focus this time was not on fully automatic machine guns but rather on high-powered, semi-automatic rifles with military-style features.¹⁵ These “assault weapons” were used in a number of high-profile shootings, most notably the mass shooting at Cleveland Elementary School in Stockton, California, on January 17, 1989, during which 5 children were killed and 29 others injured. This incident motivated President George H.W. Bush to sign an executive order in July 1989 banning the importation of foreign-made semi-automatic assault rifles in an effort to limit their availability in U.S. markets.¹⁶

The Stockton shooting also led to the enactment of a federal assault weapons ban as part of the Violent Crime Control and Law Enforcement Act of 1994.¹⁷ This law prohibited manufacturing, selling, or possessing a semi-automatic assault weapon—defined by a list of 19 specific guns, as well as guns with certain features, such as folding or telescoping stocks, a pistol grip, or a threaded barrel.¹⁸ The legislation included a sunset provision that the law would expire in 2004 unless affirmatively renewed.¹⁹ Congress failed to renew the legislation, and it lapsed in September 2004.²⁰

Another type of gun also received attention in the late 1980s due to an evolution in firearm technology. The gun manufacturer Glock spearheaded a process that allowed handguns to be manufactured using plastic polymer rather than metal, which made them potentially undetectable by metal detectors. Concern over these new guns and the threat they posed to airline security led to the enactment of the Undetectable Firearms Act of 1988, which banned firearms that did not contain a certain amount of metal.²¹ The Glock—which is now compliant with this law—has become the most popular handgun in the United States.²²

In recent years, the Supreme Court has also weighed in on the question of whether some types of guns warrant heightened regulation. Its landmark 2008 decision in *District of Columbia v. Heller*²³ held that the Second Amendment guarantees the right of law-abiding persons to possess handguns in their home²⁴ but determined that this right is not unlimited and “was not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose.”²⁵ The Court gave a few examples of restrictions on the individual right to possess guns that would be presumptively valid, including bans and heightened regulations on certain types of guns that the Court called “dangerous and unusual weapons.”²⁶ The exact scope of the individual right found in *Heller* and the extent to which restrictions on dangerous and unusual weapons are within constitutional bounds has yet to be determined. However, lower federal courts across the country have upheld state limitations on assault weapons, most recently in Maryland in August 2014.²⁷

The history of firearm regulation

1934 – National Firearms Act enacted, imposing restrictions on machine-gun commerce

1970s – Several states ban “Saturday night special” handguns

1986 – Firearm Owners’ Protection Act enacted, further regulates machine guns

1988 – Undetectable Firearms Act enacted

1989 – Stockton, California, schoolyard shooting and President George H.W. Bush’s executive order barring importation of foreign-manufactured assault rifles

1994 – Federal assault weapons ban enacted

2004 – Federal assault weapons ban expires

2008 – Supreme Court decision in *District of Columbia v. Heller* indicates Second Amendment allows for regulation of “dangerous and unusual weapons”

As the technology and regulation of firearms has evolved, so too has gun culture and consumer attitudes about particular types of firearms. For much of the 20th century, the culture of civilian gun ownership centered on hunting and shooting sports. But firearm ownership has shifted distinctly toward self-defense in recent years. In 1999, 49 percent of gun owners reported possessing guns for hunting and 26 percent for protection. By 2013, those numbers had shifted to 32 percent and 48 percent, respectively.²⁸ Semi-automatic handguns with larger magazines have also gained popularity over traditional 6-shot revolvers, and military-style semi-automatic black rifles have overtaken the wooden-stock rifles that used to predominate.²⁹

These trends are both a cause and a consequence of the shifting character of the National Rifle Association’s, or NRA’s, advocacy. The NRA—which supported some gun-control legislation in the 1960s—became a more strident voice in policy debates beginning in the 1970s and now routinely dismisses the types of legislative compromises it had previously supported.³⁰ These changes in the character of gun ownership and in the largest organization purporting to represent gun owners have made debates about regulating certain types of guns particularly contentious.

Current laws treat handguns and long guns differently

Current federal and state gun laws reflect the evolving concerns of the times in which they were enacted. For a variety of valid reasons—including the rise in violent crime beginning in the 1970s and the disproportionate use of handguns in crime—today’s laws regulate handguns more strictly than long guns, a catch-all category that includes rifles and shotguns. Some intrinsic features of handguns—in particular, the ability to easily conceal them—make them a better fit for the urban environments where the late-20th century crime waves took hold. Moreover, rifles and shotguns are the types of firearms most associated with shooting sports and hunting. Therefore, many federal and state legislators focused on regulating the guns that were most connected to urban gun crime and laws that would have a minimal impact on traditional hunting and sporting activities. For all of these reasons, state and federal laws tend to regulate handguns more strictly than long guns.

Federal law, for example, distinguishes between long guns and handguns with regard to the minimum age at which one may possess such firearms. Federal law prohibits the possession of handguns by individuals under the age of 18 but has no age restriction for rifles and shotguns.³¹ Federal law also requires licensed gun dealers to provide a lock or other secure storage device with the sale of every handgun but does not impose a similar requirement for long guns.³² Similar distinctions are also present at the state level.³³ Another distinction in federal law between handguns and long guns concerns the ability of individuals to purchase guns outside of their state of residence. Under a federal law aimed at preventing illegal interstate trafficking in handguns, a licensed gun dealer is prohibited from selling a handgun to an out-of-state resident but may sell the same individual a long gun, including an assault rifle.³⁴

One of the most significant federal distinctions between handguns and long guns pertains to licensed gun dealers' responsibility to report when an individual buys two or more handguns in a five-day period to the ATF.³⁵ First required in 1975,³⁶ this reporting is a crucial law-enforcement tool since multiple purchases are a strong indicator of illegal gun trafficking.³⁷ However, similar reporting is not required by statute for multiple sales of rifles and shotguns. This gap puts law enforcement at a significant disadvantage in identifying gun trafficking networks and illegal straw purchases of these guns. As discussed later in this report, long guns make up a growing share of the guns used by violent criminals to commit homicides and are frequently trafficked in illegal secondary markets. Additionally, Mexican drug gangs illegally traffic long guns across the southern border in high numbers. According to ATF trace data, the percentage of rifles recovered by Mexican law enforcement in connection with crimes—many of which are assault rifles—has risen from 28 percent of all crime guns recovered in 2007 to 43 percent in 2011.³⁸ Of the firearms recovered in connection with the criminal activity of Mexican drug cartels, U.S. gun dealers originally sold more than half.³⁹

The Obama administration partially filled this gap in 2011 through an executive order requiring gun dealers in four southern-border states to report whenever an individual buys more than one semi-automatic rifle within a five-day period.⁴⁰ These reports have been a successful tool in the fight against firearms trafficking by drug cartels along the U.S.-Mexico border. During the first eight months of the new reporting requirement, ATF initiated 120 investigations based on reports of multiple assault rifle sales and recommended prosecution of more than 100 defendants in 25 separate cases.⁴¹ But for long-gun sales outside of these four states, this reporting is not required and law enforcement does not have the benefit of this valuable intelligence.

The Christmas Eve 2012 ambush of firefighters in Webster, New York, provides an example of how failure to report multiple sales of all guns limits law enforcement's ability to prevent gun crimes. In this case, a straw purchaser bought multiple guns, including an assault rifle, on behalf of a convicted felon who was previously convicted of killing his grandmother with a hammer.⁴² Had the purchase involved multiple handguns, the circumstances of the sale may have triggered a straw-purchase investigation by ATF—possibly heading off the attack and preventing the murder of two firefighters. But because the purchase of multiple guns involved an assault rifle, it went unreported, which allowed the straw purchaser—and therefore the felon as well—to avoid investigation prior to the attack.

There are also gaps in state laws relating to long guns that create serious risks to public safety. Federal law only requires licensed gun dealers—but not private individuals—to conduct background checks prior to selling a firearm, which leaves a significant portion of gun transfers free to occur without any mechanism in place to ensure that the purchaser is not prohibited from gun ownership. Closing this private-sale loophole became the primary focus of the legislative debate in the U.S. Senate in the months following the Newtown massacre.

Although that effort was unsuccessful, 17 states have at least partially closed this loophole by requiring background checks for some private sales. Of the states that have strengthened state law to prevent felons, domestic abusers, and other dangerous individuals from having easy access to guns, six have expanded this protection only to handgun sales. In Pennsylvania⁴³ and Maryland,⁴⁴ background checks are required for all private sales of handguns but not all private sales of rifles and shotguns. In Iowa,⁴⁵ Michigan,⁴⁶ Nebraska,⁴⁷ and North Carolina,⁴⁸ all individuals who purchase a handgun—either through a licensed dealer or a private sale—must first obtain a license or permit to purchase the gun, which includes a background check. But these permits and corresponding background checks are not required for prospective buyers of rifles and shotguns in these states.

Exempting rifles and shotguns from background-check requirements only partially closes the private-sale loophole. Part of the rationale for imposing stronger oversight on handguns is that they are used by criminals more often and, as the executive vice president of the North Carolina Sheriff’s Association explained, “It’s very easy to conceal a handgun.”⁴⁹ However, while handguns make up the majority of firearms used in crimes, rifles and shotguns make up a substantial—and increasing—share of crime guns, particularly in suburban and rural communities, and the justification for regulating them less strictly than handguns has largely dissipated.

The impact of the assault weapons ban

While some areas of the law are more lenient with respect to long guns, there has been a movement in a number of states and at the federal level to impose heightened regulations on one class of long guns: assault weapons.⁵⁰ The definition of assault weapons varies, but it generally refers to semi-automatic rifles that have certain features common to military-style firearms that allow the gun to fire multiple high-velocity rounds quickly and with maximum control, such as barrel shrouds, telescoping and folding stocks, and pistol grips.⁵¹ Assault weapons pose a particular concern to public safety because of the significant amount of damage they can cause in a short period of time. These firearms have often been used in the most-notorious mass shootings, such as the massacres in Newtown, Connecticut, and the July 2012 movie theater shooting in Aurora, Colorado.⁵² In fact, an Everytown for Gun Safety analysis of all U.S. mass shootings—those in which four or more people were killed—between January 2009 and July 2014 found that 156 percent more people were shot and 63 percent more people were killed when shooters used assault weapons or high-capacity magazines than other types of firearms.⁵³

As previously discussed, Congress passed a federal assault weapons ban in 1994 that was in effect for 10 years before it was allowed to expire in 2004.⁵⁴ Both supporters and opponents of an assault weapons ban criticize the 1994 law. While opponents argue that the ban was ineffective and did not reduce crime, supporters argue that the law suffered from two fatal flaws. First, it applied only to guns manufactured after the effective date, meaning that an estimated 1.5 million assault weapons already in circulation prior to 1994 were unaffected. Additionally, the law’s definition of an assault weapon made it easy for manufacturers to adjust guns’ features to evade the ban.⁵⁵

After the ban went into effect, research found that the law did reduce the use of assault weapons in crime. The primary federal study conducted on the ban’s impact found that the number of assault weapons recovered in crimes and submitted to ATF for tracing fell dramatically while the ban was in effect: The percentage of assault rifles banned under the law and traced in connection with crimes fell by 70 percent from 1992–1993 to 2001–2002.⁵⁶ A review

of crime data from six cities also found a 32 percent reduction in the criminal use of assault weapons while the ban was in effect.⁵⁷ However, this study ultimately concluded, “we cannot clearly credit the ban with any of the nation’s recent drop in gun violence” because any reduction in the use of assault weapons in crime was likely outweighed by a rise in the use of non-banned semiautomatic firearms with large capacity magazines.⁵⁸ The author of the study did find, however, that the grandfather provisions of the ban meant that the full effects of the law on the use of assault weapons in crime “would occur only gradually over time” and that “Those effects are still unfolding and may not be fully felt for several years into the future.”⁵⁹ Restrictions on public access to gun tracing data have frustrated efforts to understand the impact of the ban’s expiration in 2004.⁶⁰

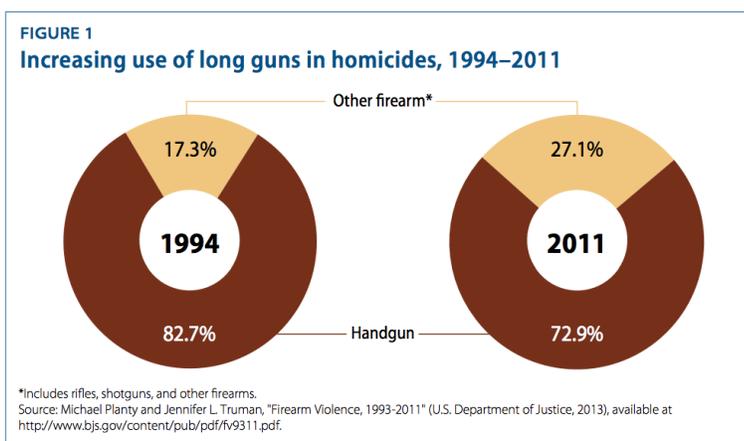
An effort to enact a renewed federal assault weapons ban gained some momentum after these types of guns were used in the mass shootings in Aurora and Newtown; however, this legislation has since stalled in Congress.⁶¹ Seven states and the District of Columbia have also enacted laws banning assault weapons,⁶² and a number of these states strengthened laws they already had after the Newtown shooting.⁶³

With the expiration of the 1994 federal assault weapon ban and because long guns are generally regulated less strictly than handguns, assault rifles occupy a strange legal position in most states today: They are significantly less regulated than handguns. The differential treatment of long guns and handguns dates back to an era when the vast majority of rifles available for sale were traditional models designed for hunting, target shooting, and other shooting sports. However, in light of the rising sales of assault rifles, their connection to high-profile shootings and Mexican cartel trafficking, and the increasing share of gun murders using these weapons, it is time to revisit how federal and state laws treat long guns and handguns.

Use of long guns in homicides and violent crime

The major justification for regulating handguns and long guns differently is the fact that handguns are more often used in crimes than rifles and shotguns. But in recent decades, the share of crimes involving long guns has risen steadily. According to FBI data, 83 percent of homicides involving firearms in 1994 involved handguns and just 17 percent involved rifles or shotguns. By 2011, handguns continued to be the main instrument for killers using firearms, but the share of homicides using long guns had increased: 73 percent of homicides nationwide committed with a firearm involved a handgun, while rifles and shotguns were used in 27 percent of gun murders.⁶⁴

Additionally, although national data show that handguns continue to be used more frequently in homicides nationwide, breaking down the data by community size reveals a different story. While handguns are used in 91 percent of gun murders in the largest urban areas—those with 1 million or more residents—long guns are used in a much higher share of murders in other types of communities. In rural areas, nearly half of gun murders—47 percent—involved a gun other than a handgun, typically rifles and shotguns.⁶⁵



In suburban areas, guns other than handguns were used in 31 percent of gun murders in 2011.⁶⁶

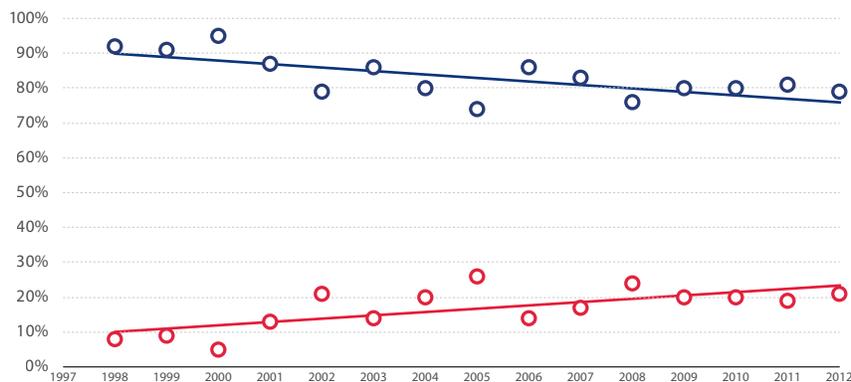
In addition to these regional variations, rifles and shotguns are also used against law-enforcement officers with alarming frequency. Of the 535 law-enforcement officers murdered in the line of duty nationwide between 2003 and 2012, 24 percent were killed with rifles or shotguns.⁶⁷ Long guns are also used frequently in mass shootings. In 2011, 47 percent of homicides that involved four or more victims were perpetrated with a gun other than a handgun.⁶⁸ According to an Everytown for Gun Safety analysis of all recent mass shootings in the United States between January 2009 and July 2014, 34 percent of the shootings in which the type of firearm could be identified involved a rifle or shotgun.⁶⁹

Another measure of the frequency with which rifles and shotguns are used to commit crimes is crime-gun trace data reported by ATF. When law-enforcement officers recover a gun in connection with a crime, they have the option of submitting information about that gun to ATF to be traced, a process that tracks the gun from its origin in the United States through a manufacturer or importer to its first retail sale by a licensed firearms dealer.⁷⁰ ATF traced more than 69,000 rifles and shotguns in 2013—28 percent of all crime guns recovered and traced nationwide that year.⁷¹ In a number of states, the proportion of long guns recovered in connection with crimes was significantly higher than the national average. In 2013, long guns made up more than 40 percent of crime guns traced in Hawaii, Idaho, Maine, Maryland, Montana, Nebraska, North Dakota, and West Virginia and more than 50 percent of crime guns traced in South Dakota and Vermont.⁷²

The significant and rising share of gun crime and murder associated with long guns is not driven by a sheer increase in long-gun crime, but rather by the fact that handgun crime has declined faster and more extensively than long-gun crime. There are many factors driving this trend, including that overall crime is declining more significantly in large cities than rural areas.⁷³ But, as a number of studies have concluded, stronger gun laws are associated with lower gun crime.⁷⁴ It is time to reassess some of the federal and state laws that have less-robust regulations for long guns—including assault rifles—than handguns.

A Case for Closing the Background Check Loophole in Pennsylvania

Pennsylvania enacted a law in 1995 requiring background checks for the private sale of handguns in the state.⁷⁵ However, this requirement does not apply to the private sale of most rifles and shotguns.⁷⁶ State crime data show that the nationwide trend toward increased use of long guns in gun murders is also occurring in Pennsylvania. An analysis of FBI data shows that the use of guns other than handguns in murders has more than doubled from 8 percent of all gun murders in the state in 1998 to 21 percent in 2012.⁷⁷ ATF aggregated trace data reports from Pennsylvania also support this trend: Rifles and shotguns accounted for an average of 22.75 percent of crime guns traced between 2006 and 2009 but an average of 26.2 percent between 2010 and 2013.⁷⁸



Since 1998, the share of gun murders in Pennsylvania with non-handguns has more than doubled.

○ HANDGUNS
○ OTHER GUNS, INCLUDING RIFLES AND SHOTGUNS

Ensuring that felons and other dangerous individuals are not able to easily buy rifles and shotguns through private sales without background checks has taken on particular importance in Pennsylvania because of the frequency with which such guns are used to kill law-enforcement officers. Between 2008 and 2014, 18 law-enforcement officers were murdered in Pennsylvania, and 50 percent of them were killed with a rifle or shotgun.⁷⁹ This toll is significantly higher than the national average: 25 percent of officers murdered nationwide were killed with rifles and shotguns between 2008 and 2012.⁸⁰ Several recent cases in Pennsylvania highlight the risks of criminals armed with assault rifles and other long guns:

- Richard Poplawski ambushed two police officers in Pittsburgh on April 4, 2009, as they responded to a 911 call placed by Poplawski’s mother, who reported a domestic disturbance and requested that officers remove Poplawski from her home. When the officers arrived, Poplawski—armed with an assault rifle, a shotgun, and a pistol wearing a bullet proof vest—shot them both in the head, killing them. Poplawski also shot and killed the third officer to arrive at the scene and shot and injured a fourth. The incident resulted in a standoff with police that lasted four hours before Poplawski was apprehended. Poplawski was convicted of three counts of first-degree homicide and other charges and was sentenced to death.⁸¹
- Ronald Robinson shot and killed Penn Hills Police Officer Michael Crawshaw with an assault rifle on December 7, 2009. Crawshaw was responding to a 911 call reporting that Robinson had just shot and killed a civilian, Danyal Morton, following an argument. Crawshaw parked his patrol car two houses away from the crime scene and was waiting for backup when Robinson shot him multiple times through the windshield, killing him. Robinson had a lengthy criminal history and was prohibited from possessing guns. Robinson was convicted for the murders of Crawshaw and Morton and was sentenced to two consecutive life sentences.⁸²
- Michael Connor shot and killed Burks County Sheriff’s Deputy Kyle Pagerly with an AK-47 assault rifle on June 29, 2011, as Pagerly attempted to arrest him on charges stemming from an earlier incident in which he had fired shots into the ground and threatened to kill members of his family. Connor was shot and killed by police at the scene. Connor had an extensive criminal record and was prohibited from gun ownership but was able to obtain the rifle used to kill Pagerly and a number of other guns through private, no-background-check transactions with friends and family members. Those individuals were subsequently convicted for illegally providing Connor with guns.⁸³

Legislation has been introduced in the Pennsylvania General Assembly (HB 1010) to close this loophole and require background checks for the private sale of rifles and shotguns, as well as handguns.⁸⁴ An overwhelming majority of Pennsylvania voters support applying the background-check requirement to all gun sales: A January 2013 Quinnipiac University poll found that 95 percent of respondents supported the proposal.⁸⁵

Conclusion

From the muskets of the Revolutionary War era and the machine guns of Prohibition to the assault rifles favored by today's mass shooters, different historical moments have focused attention on different types of guns and their proper place in society. Each time, there has been recognition that some guns are potentially more dangerous than others and may warrant heightened regulation.

The present moment provides an opportunity to look comprehensively at the evolution of the technology and culture of firearms and which regulations make sense in today's environment. In the case of Pennsylvania, long-gun laws ought to be brought in line with those regulating handguns in recognition of the increasing role of long guns in crimes and the need to ensure that all guns, even those traditionally viewed as the tools of hunters, are kept out of dangerous hands. Policymakers should find opportunities to craft laws that both protect the interests of responsible, law-abiding gun owners and make it harder for criminals, abusers, the seriously mentally ill, and other dangerous persons to acquire and misuse guns.

Endnotes

1. The official final vote count on the Manchin-Toomey background-checks amendment was 54 in favor and 46 opposed; however, Majority Leader Harry Reid (D-NV) supported this legislation and originally voted in favor but changed his vote to 'no' when it was clear the measure would not pass as a procedural tactic to allow him to bring it to the floor again at a later date. Jonathan Weisman, "Senate Blocks Drive for Gun Control," *The New York Times*, April 17, 2013, available at <http://www.nytimes.com/2013/04/18/us/politics/senate-obama-gun-control.html?pagewanted=all>.
2. See, for example, Daniel Webster, Cassandra Kercher Crifasi, and Jon S. Vernick, "Effects of the Repeal of Missouri's Handgun Purchaser Licensing Law on Homicides," *Journal of Urban Health* 91 (2) (2014): 293–302; Garen J. Wintemute and others, "Prior Misdemeanor Convictions as a Risk Factor for Later Violent and Firearm-Related Criminal Activity Among Authorized Purchasers of Handguns," *The Journal of the American Medical Association* 280 (24) (1998): 2083–2087.
3. See, for example, Quinnipiac University, "Getting In Was Wrong; Getting Out Was Right, U.S. Voters Tell Quinnipiac University National Poll; 92 Percent Back Background Checks For All Gun Buys," Press release, July 3, 2014, available at <http://www.quinnipiac.edu/news-and-events/quinnipiac-university-poll/national/release-detail?ReleaseID=2057>; *The Washington Post-ABC*, "National Poll March 2013," April 12, 2013, available at http://www.washingtonpost.com/page/2010-2019/WashingtonPost/2013/03/12/National-Politics/Polling/question_10030.xml.
4. See, for example, Michael Waldman, *The Second Amendment: A Biography* (New York: Simon & Schuster, 2014).
5. Meghan Lissou, "Run on Guns: AR-15 Sales Soar," *CNBC*, April 25, 2013, available at <http://www.cnn.com/id/100673826>; Natasha Singer, "The Most Wanted Gun in America," *The New York Times*, February 2, 2013, available at <http://www.nytimes.com/2013/02/03/business/the-ar-15-the-most-wanted-gun-in-america.html?pagewanted=all&r=0>.
6. Bureau of Alcohol, Tobacco, Firearms and Explosives, "National Firearms Act (NFA)," available at <http://www.atf.gov/firearms/nfa/index.html> (last accessed February 2014).
7. Bureau of Alcohol, Tobacco, Firearms and Explosives, "History of ATF from Oxford University Press, Inc. — 1789–1998 U.S.," available at <http://www.atf.gov/kids/about/history/> (last accessed May 2014).
8. 18 U.S.C. § 922(o). The Firearms Owners' Protection Act was enacted in 1986 and strengthened the regulation of fully automatic machine guns by prohibiting the transfer or possession of these guns by civilians unless they were already in circulation at of the effective date of that act. *Firearm Owners' Protection Act*, Public Law 99–308.
9. 26 U.S.C. § 5841; Bureau of Alcohol, Tobacco, Firearms and Explosives, *National Firearms Act Handbook* (U.S. Department of Justice, 2009), available at <https://www.atf.gov/files/publications/download/p/atf-p-5320-8/atf-p-5320-8.pdf>.
10. Bureau of Alcohol, Tobacco, Firearms and Explosives, "Firearms Trace Data – 2013," available at <https://www.atf.gov/content/About/statistics/firearms-trace-data-2013> (last accessed September 2014).
11. Roy Macartney, "Senate rejects Kennedy gun control plan," *The Age*, August 9, 1972, p. 10; *Congressional Record*, daily ed., April 18, 1996, p. S3613.
12. Seven states have enacted laws regulating junk guns, including California, Massachusetts, and New York, generally by imposing specific safety or design standards for handguns that may be possessed or sold in the state. Law Center to Prevent Gun Violence, "Design Safety Standards Policy Summary," December 1, 2013, available at <http://smartgunlaws.org/gun-design-safety-standards-policy-summary/>.
13. Associated Press, "Richard Nixon wished for a Total Handgun Ban," March 11, 2013, available at <http://news.yahoo.com/ap-enterprise-nixon-wished-total-handgun-ban-081806381.html>.
14. Brady Campaign to Prevent Gun Violence, "Our History," available at <http://www.bradycampaign.org/our-history?gclid=Cj0KEQjwveufBRDI5Nb3kbtwMIBEiQASNH0xmMtFo080lpPuhdmNU2NT114ej2A95zSClrZQackNKcaArV38P8HAQ> (last accessed September 2014).
15. Fully automatic firearms continue to fire rounds as long as the trigger remains depressed. Semi-automatic firearms fire one round with each pull of the trigger and can fire rounds as quickly as the trigger can be repeatedly pulled. See Mark Joseph Stern, "The Gun Glossary," *Slate*, December 17, 2012, available at http://www.slate.com/articles/news_and_politics/explainer/2012/12/the_gun_glossary_definitions_of_firearm_lingo_and_types_of_weapons.html.

16. Susan Rasky, "Import Ban on Assault Rifles Becomes Permanent," *The New York Times*, July 8, 1989, available at <http://www.nytimes.com/1989/07/08/us/import-ban-on-assault-rifles-becomes-permanent.html>.
17. Kevin Johnson, "Stockton School Massacre: A Tragically Familiar Pattern," *USA Today*, April 2, 2013, available at <http://www.usatoday.com/story/news/nation/2013/04/01/stockton-massacre-tragically-familiar-pattern-repeats/2043297/>; Law Center to Prevent Gun Violence, "Key Congressional Acts Related to Firearms," May 21, 2012, available at <http://smartgunlaws.org/key-federal-acts-regulating-guns/>.
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31. 18 U.S.C. § 922 (x). There are also different rules under federal law regarding the permissible age for an individual to buy a handgun or long gun from a licensed firearms dealer. Licensed dealers may not sell a handgun to an individual under age 21 and may not sell a long gun to an individual under age 18. 18 U.S.C. § 922 (b).
32. 18 U.S.C. § 922 (z).
33. For a detailed description of state laws relating to minimum age to purchase and possess handguns and long guns, see Law Center to Prevent Gun Violence, "Minimum Age to Purchase & Possess Firearms Policy Summary," October 1, 2013, available at <http://smartgunlaws.org/minimum-age-to-purchase-possess-firearms-policy-summary/>. For a detailed description of state laws relating to safety devices, see Law Center to Prevent Gun Violence, "Safe Storage & Gun Locks Policy Summary," September 1, 2013, available at <http://smartgunlaws.org/safe-storage-gun-locks-policy-summary/>.
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35. 18 U.S.C. § 923 (g) (3) (A).
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44. Md. Code Ann., Pub. Safety §§ 5-101 (r), 5-124 (a). Maryland law requires background checks for all sales of handguns and assault weapons; however, Maryland passed legislation banning most assault weapons in 2013.
45. Iowa Code §§ 724.15.
46. Mich. Comp. Laws §§ 28.422.
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