



NATIONAL SHOOTING SPORTS FOUNDATION, INC.

11 Mile Hill Road, Newtown, CT 06470-2359

203-426-1320 ext. 238 jmcguigan@nssf.org

Jake McGuigan

Senior Director.

Government Relations - State Affairs

March 15, 2018

Representative Maxine Grad
Chair, House Committee on Judiciary
115 State Street Room 30
Montpelier, VT 05633

Position: Oppose

Re: Opposition to S.55: Representative Martin LaLonde Amendment

Dear Chair Grad and Members of the Judiciary Committee:

The National Shooting Sports Foundation ("NSSF") is the trade association for America's firearms, ammunition, hunting, and recreational shooting sports industry. Its mission is to promote, protect and preserve hunting and the shooting sports. NSSF has a membership of more than 11,000 manufacturers, distributors, firearms retailers, shooting ranges, and sportsmen's organizations. Our manufacturer members make the firearms used by law-abiding Vermont sportsmen, the U.S. military and law enforcement agencies throughout the state. This is to notify you of the opposition of NSSF to S.55.

NSSF joins others in calling for a comprehensive approach that addresses many complex social issues, including school safety, preventing unauthorized firearms access, mental health, personal privacy, the popular media, and enforcing our existing laws while safeguarding constitutional rights.

Unfortunately though, S.55 is an extremely expansive piece of legislation that does little to impact criminals and will only force law-abiding gun-owners and manufacturers to flee the state. This bill will do nothing to increase public safety and will have astronomical costs to the state to implement these far-reaching policies. In these difficult economic times, the state will be spending millions upon millions of dollars to implement gun control policies that will give Vermont only the perception that they are tough on crime. This legislation includes bans of firearms based on cosmetic appearance, bans on standard capacity magazines, 10 day waiting periods, age discrimination and possibly even confiscation of legally owned firearms for someone who moves to the state, all policies that have proven to be flawed.

NSSF is a resource for much needed technical accuracy in this discussion. It is inaccurate, for example, to state that semiautomatic firearms have no lawful purpose. For well over 100 years, many millions of law-abiding citizens have owned and responsibly used semiautomatic rifles, pistols and shotguns for hunting, target shooting, collecting and personal protection. Semiautomatics are among the most popular hunting rifles, shotguns and target pistols. Currently, millions of law-abiding Americans responsibly own and safely use modern sporting rifles, which may resemble military firearms in appearance but which function no differently from other types of semiautomatic firearms. Modern sporting rifles are commonly used for hunting, target shooting, home defense and collecting.

This legislation also seeks to ban the retail sale, manufacture and possession of "high capacity" magazines which is defined in the bill as greater than 10 rounds. Vermont legislators have decided that anything over 10 rounds is too high and thus any law-abiding citizen in possession of a larger magazine will be involved in criminal acts. What

exactly is the basis for the arbitrary standard of no more than 10 round magazines? Magazines come in many different capacities and serve many different purposes, such as home defense, collecting, and participation in the shooting sports. To ask the question whether one magazine is more legitimate than another is to miss the point concerning legal vs. irrational criminal activity.

One only needs to look as far back as the 1994 "Assault Weapons" Ban to find legislation which did little to increase public safety. One of the sections of this law was halting the production of "high capacity" magazines. This gun control strategy soon proved to be a failure. A comprehensive study by the Centers for Disease Control looked at the full panoply of gun control measures, including this proposed magazine ban, and concluded that none could be proven to reduce crime. Another study, commissioned by Congress, found that bans were not effective since "the banned weapons and magazines were never used in more than a modest fraction of all gun murders." These studies only demonstrate a ban that did not work or increase public safety.

The problem, of course, with such laws is that criminals routinely ignore them (after all, they are criminals). Law-abiding citizens who have every right to purchase and own firearms are the ones who are suffering by eliminating aspects of their activities with this type of law. Many law enforcement individuals are in agreement when questioned on the necessity of more gun control laws. Their sentiments focus on the fact that we currently have enough laws and that these laws just need to be strictly enforced.

Instead of wasting state resources on legislation that will only make legislators feel like they did something, how about making sure the necessary checks and balances are in place to deal with all the warning signs present in many of these perpetrators. The systematic failure of state and federal government to "keep us safe" continues to be the common theme in these horrific tragedies. All the warning signs are there and yet they go ignored by the officials. NSSF joins others in calling for a comprehensive approach that addresses many complex social issues, including school safety, preventing unauthorized firearms access, mental health, personal privacy, the popular media, and enforcing our existing laws while safeguarding constitutional rights.

The firearms industry has contributed over \$199 million in economic activity to Vermont in 2017 and employs over 550 people in the state. In these difficult economic times, the firearms industry is still one of the few industries that has continued to grow while also contributing increased tax revenues to the state (to the tune of \$14.4 million).

The real focus of the Legislature should be on the people who commit crimes such as criminals, the mentally ill, and users of both prescription and illegal mind-altering drugs and other substances. They will always be able to obtain the firearms this bill would ban in the underground market, from outside of Vermont's borders, or even within the state.

We must all work together to help prevent those who exhibit reckless disregard for human life and values access to firearms for criminal purposes. But we must also preserve the constitutional rights of tens of millions of law-abiding Americans to safely and responsibly own, store and use firearms for personal protection, hunting and recreation. America's firearms industry welcomes the opportunity to be a part of a respectful and constructive dialogue on this important topic and urge you to oppose S.55.

Sincerely,



Jake McGuigan
Senior Director State Affairs



NATIONAL SHOOTING SPORTS FOUNDATION, INC.

11 Mile Hill Road, Newtown, CT 06470-2359







203-426-1320 Fax 203-426-1087 nssf.org


Firearms and Suicide Prevention


The National Shooting Sports Foundation's partnership with the American Foundation for Suicide Prevention represents a new opportunity to help reduce the misuse of firearms in America.

As the trade association for the firearms industry, NSSF has for more than 50 years encouraged gun owners to safely handle and securely store their firearms. Through brochures such as Firearms Responsibility in the Home, videos like Firearms Safety Depends on You, infographics such as Safe Storage Options for Your Lifestyle and our Project ChildSafe and "Own It? Respect It. Secure It" initiatives, we remind people that safely storing firearms is the No. 1 way to help prevent misuse, accidents and thefts.

RESOURCES

-  **Visit**
Your Primary Care Provider
Psychiatric Hospital
Walk-in Clinic
Emergency Department
Urgent Care Center
-  **Find a mental health provider**
findtreatments.samhsa.gov
mentalhealthamerica.net/finding-help
-  **Suicide Prevention Lifeline**
1-800-273-TALK (8255)
Veterans: Press 1
-  **Crisis Text Line**
741-741
-  **CrisisChat.org**
-  **911 Call 911 for emergencies**

 AMERICAN FOUNDATION FOR
Suicide Prevention | afsp.org



Suicide prevention is not an entirely new area of involvement for NSSF. In recent years, we have worked with the Veterans Administration, the State of Utah and mental health agencies to help educate gun owners and the public on how to keep firearms safely out of reach of those who may wish to do themselves harm, as well as helping to reduce firearms accidents, already at historic low levels, even further.

What is new, however, is that our partnership with AFSP will enable NSSF to play an important role in a first-of-its-kind national effort to distribute jointly developed suicide prevention educational materials to gun owners. We'll reach the firearms community through the help of firearms retailers and shooting ranges, which make up a portion of NSSF's 12,000 members, along with organizations that run hunter education classes and target shooting competitions.

Our partnership holds tremendous potential to help save lives. As you can see, AFSP and NSSF are working together for a common cause.



Own It? Respect It. Secure It.

NSSF initiative generates firearm storage awareness

Own it? Respect it. Secure it. Putting these words into action is a simple and powerful way to help prevent firearm accidents and unauthorized access to firearms. That's why the National Shooting Sports Foundation is proud to be part of the Own It? Respect It. Secure It. (ORS) InitiativeSM and committed to spreading this message every way we can.



The ORS Initiative, created by the National Shooting Sports Foundation, is built on the firearm industry's long-standing commitment to safety and has been developed to give industry members an ongoing platform to promote and encourage firearm safety and storage. It also serves to enhance and amplify the messages of ongoing safety and education campaigns such as Project ChildSafe[®], which has distributed more than 36 million free firearm safety kits to gun owners through partnerships with law enforcement agencies in all 50 states and five U.S. territories.

Without question, safety should always be top of mind when handling firearms. Safety when firearms are not in use is just as important. In fact, we want the safe storage of firearms when not in use to become second nature, like keeping medicine in child-resistant containers.

The more we repeat this message the more firearms owners will be reminded to take important yet simple steps to securely store their firearms when not in use.

We encourage you to share this message with your friends and family. And for more information on the ORS Initiative, please visit www.nssf.org/ORS.

About NSSF

The National Shooting Sports Foundation is the trade association for the firearms industry. Its mission is to promote, protect and preserve hunting and the shooting sports. Formed in 1961, NSSF has a membership of more than 10,000 manufacturers, distributors, firearms retailers, shooting ranges, sportsmen's organizations and publishers. For more information, log on to www.nssf.org.

Don't Lie For The Other Guy™

The Firearm Industry's Anti-Straw Purchasing Program

FAST FACTS

What is a straw purchase?

A straw purchase occurs when the actual buyer of a firearm is unable to pass the required federal background check, or does not want his or her full name associated with the purchase, and has someone else who can pass the required background check purchase the firearm for him or her.

Recent and widespread reports of increased cartel-related violence in Mexico have illustrated law enforcement's need to continue to combat illegal straw purchasing of firearms in the United States. Though most of the firearms recovered in Mexico do not come from the United States, as has been erroneously reported, America's firearms industry recognizes the importance of deterring any illegal acquisition of firearms regardless of the firearm's origin or location of use.

Fighting Straw Purchasing

The Don't Lie for the Other Guy (Don't Lie) program is a public awareness and firearm retailer education campaign that was developed in 2000 by the National Shooting Sports Foundation (NSSF) – the trade association for the firearms industry – in partnership with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) to address the challenges of detecting and deterring potential straw purchases of firearms.

Firearms retailers receive a Don't Lie kit to educate sales

personnel on how to detect and deter straw purchases. The kit includes a video detailing common straw purchasing scenarios use to obtain firearms illegally, store display materials to warn consumers about straw purchases and the penalties associated with them, and retailer guides for training employees.

Purchase a gun for someone who can't and buy yourself 10 years in jail

Billboards, posters, transit signs, public transportation signs, public service

announcements, press conferences with federal, state and local law enforcement, and educational/warning messages

on display at firearms retailer shops support the program's no-nonsense message about the consequences of participating in a straw purchase: "Purchase a gun for someone who can't and buy yourself 10 years in jail." These efforts have led to over 1 billion media impressions of the Don't Lie campaign.



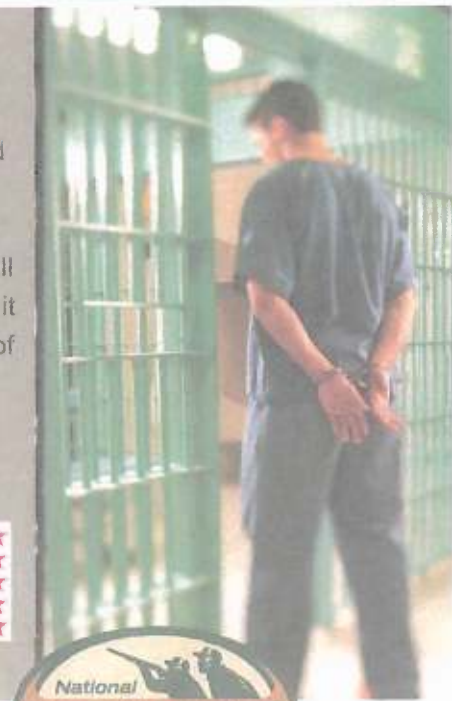
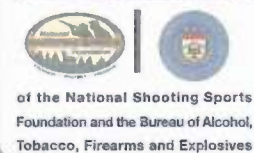
Resources

To learn more about straw purchases visit www.dontlie.org.

Urge Congress To Support Don't Lie

NSSF is urging Congress to adequately fund the Don't Lie for the Other Guy anti-straw purchasing program. By adequately funding Don't Lie, Congress and President Trump will be giving law enforcement an important tool it needs to help deter the criminal acquisition of firearms, some of which might otherwise be misused in Mexico by the drug cartels.

A COOPERATIVE PROGRAM



Federal firearm licensees (FFL) nationwide have seen an increase in the number of firearms stolen from their businesses when they have been the victim of a burglary or robbery.

According to data released by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the number of burglaries of federal firearms licensees (FFLs) have increased by more than 71 percent over past five years. The number of robberies have increased by 267 percent over the same period. About 8,129 firearms were stolen from FFLs in burglaries and robberies in 2017. ATF, the National Shooting Sports Foundation® (NSSF®) and members of the firearms industry are concerned about these trends.

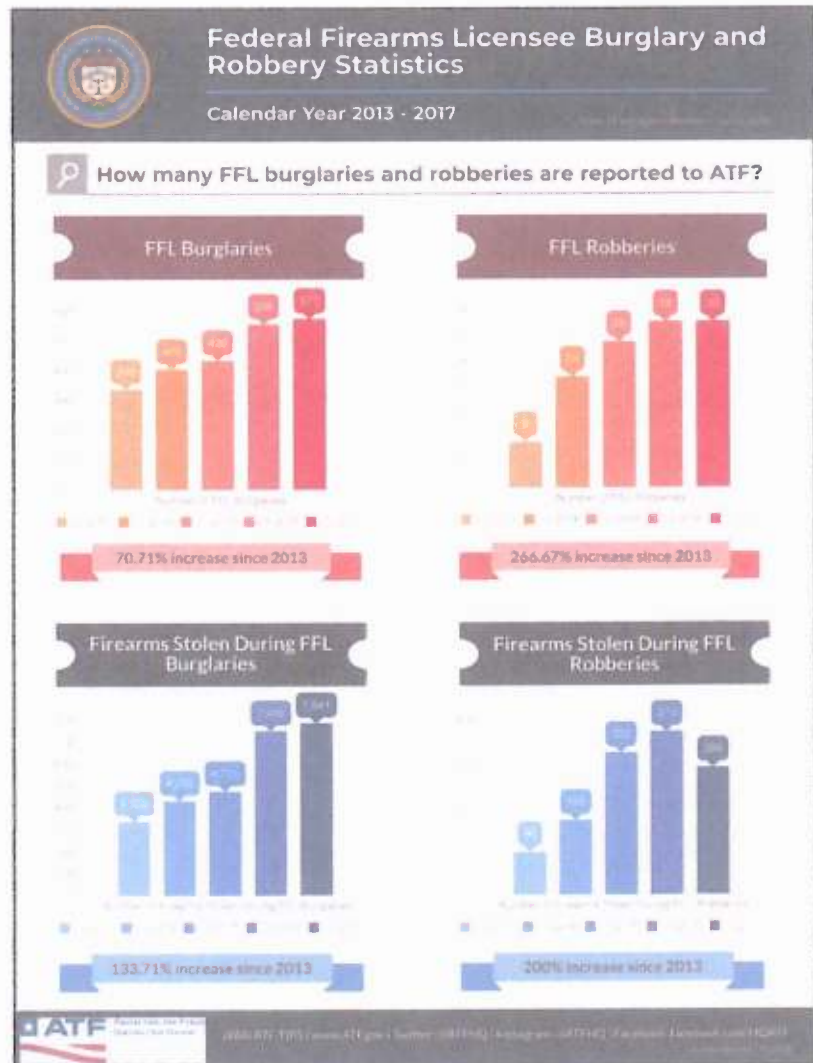
That's why NSSF, as the trade association for the firearms industry, is cooperating with ATF to try to address this problem, through a new initiative called Operation Secure StoreSM. As part of Operation Secure Store, NSSF matches ATF reward offers for information that leads to the successful arrest of the criminals responsible for a theft of firearms from an FFL. Additionally, NSSF is helping to educate FFLs on steps they can take to reduce the chance guns will be stolen from them during a burglary or robbery. NSSF, in cooperation with ATF, conducts retailer store security seminars.

As a separate part of this initiative, NSSF independently assists retailers by offering in-depth security audits of their premises

and endorses the use of security products such as protective window film and smash-resistant display cases. NSSF members can get discounts on products and services through affinity partnerships.

While presenting options for FFLs to choose, it is important

to keep in mind that every store is different and there is no one-size-fits-all approach. Even when following best practices and taking proper precautions, FFLs remain high-value targets for determined criminals seeking to illegally obtain firearms.





THE NATIONAL SHOOTING SPORTS FOUNDATION ECONOMIC IMPACT OF THE FIREARMS INDUSTRY 2017 DATA

The Firearms Industry Creates Jobs in Vermont

Vermont companies that manufacture, distribute, and sell sporting firearms, ammunition, and supplies are an important part of the state's economy. Manufacturers of firearms, ammunition, and supplies, along with the companies that sell and distribute these products, provide well paying jobs in Vermont and pay significant amounts in tax to the state and Federal governments.

The Economic Impact of the Sporting Arms and Ammunition Industry in Vermont

	Direct	Supplier	Induced	Total
Jobs (FTE)	550	203	323	1,076
Wages	30,085,300	\$11,296,400	\$13,576,100	\$54,957,800
Economic Impact	117,083,800	\$38,276,400	\$44,182,400	\$199,542,600

The Firearms & Ammunition Industry is an Important Part of Vermont's Economy

Companies in Vermont that manufacture, distribute, and sell firearms, ammunition, and hunting equipment employ as many as 550 people in the state and generate an additional 526 jobs in supplier and ancillary industries. These include jobs in supplying goods and services to manufacturers, distributors, and retailers, and those that depend on sales to workers in the firearms and ammunition industry.¹

These are good jobs paying an average of \$51,100 in wages and benefits. And today, every job is important. The state currently has an unemployment rate of 2.9 percent. This means that there are already 10,000 people trying to find jobs in the state and collecting unemployment benefits.²

The Economic Benefit of the Industry Spreads Throughout the State

Not only does the manufacture and sale of firearms and hunting supplies create good jobs in Vermont, but the industry also contributes to the economy as a whole. In fact, in 2017 the firearms and ammunition industry was responsible for as much as \$199.54 million in total economic activity in the state.

The broader economic impact flows throughout the economy, generating business for firms seemingly unrelated to firearms. Real people, with real jobs, working in industries as varied as banking, retail, accounting, metal working, even in printing, all depend on the firearms and ammunition industry for their livelihood.

The State Also Benefits From the Taxes Paid By The Industry

Not only does the industry create jobs, it also generates sizeable tax revenues. In Vermont, the industry and its employees pay over \$31.42 million in taxes including property, income, and sales based levies.³

Taxes Generated in Vermont		
Tax Impact	Business Taxes	Excise Taxes
Federal Taxes	\$16,943,200	\$1,786,600
State Taxes	\$14,480,600	
Total Taxes	\$31,423,800	\$1,786,600



¹ John Dunham & Associates, New York, December 2017. Direct impacts include those jobs in firearms and ammunition manufacturers, as well as companies that manufacture products such as ammunition holders and magazines, cases, decoys, game calls, holsters, hunting equipment, scopes, clay pigeons and targets. Direct impacts also include those resulting from the wholesale distribution and retailing of these products.
² The Bureau of Labor Statistics. Available online at: www.bls.gov/lou/home.htm. Data for November-17.
³ This is in addition to over \$1.79 million in federal excise taxes.



FixNICS

FEDERALLY LICENSED RETAILERS are required to run a background check through the FBI's National Instant Criminal Background Check System (NICS)ⁱ when transferring a firearm to an individual. Firearms retailers rely on NICS to ensure the lawful transfer of firearms to law-abiding citizens. About 280 million NICS background checks have been conducted from Nov. 30, 1998 through January 31, 2018; more than 25 million were conducted in 2017 alone.

However, a background check is only as good as the records in the database. That is why the firearms industry supports improving the current NICS system by increasing the number of prohibiting records states submit to the FBI databases, helping to prevent illegal transfers of firearms to those who are prohibited from owning firearms under current law. Including these missing records will help ensure more accurate and complete background checks.

States must improve the NICS database by submitting any and all records establishing an individual is a prohibited person, such as mental health records showing someone is an "adjudicated mental defective" or involuntarily committed to a mental institute, as well as official government records showing someone is the subject of a domestic violence protective order, a drug addict or subject to another prohibited category.ⁱⁱ

The firearms industry has a long record of supporting background checks.ⁱⁱⁱ The NSSF-supported background checks prior to the passage in 1993 of the Brady Act that created a point of retailer sale background check system and NICS in 1998. The existing background check system must be fixed, however, before Congress even considers whether to expand background checks, otherwise we'll just have more incomplete and inaccurate checks.

The National Shooting Sports Foundation represents 12,000 firearms and ammunition manufacturers, retailers and ranges. Our members are committed to following the law and promoting the safe, legal transfer of firearms.



FIREARMS & AMMUNITION INDUSTRY CAMPAIGN TO "FIX NICS"

State participation in the NICS system is voluntary as the federal government cannot mandate state participation due to the 10th Amendment of the U.S. Constitution.^{iv}

In 2013, the firearms and ammunition industry investigated how many states were submitting prohibiting mental health and other disqualifying records to NICS. The industry obtained data from the FBI showing that at the end of 2012, far too many states failed to submit these records that established someone is prohibited from owning a firearm under current law. At that time, 19 states had made fewer than 100 records available and 12 of these had made fewer than 10 records available.^v

The firearms and ammunition industry found the failure of states to submit prohibiting records unacceptable and launched a campaign in early 2013 to address the problem and improve the effectiveness of NICS. Through a multi-state effort focused on forming coalitions in the states with the fewest submitted records, the industry has dedicated significant resources to helping states overcome the legal, technological, and intrastate coordination challenges preventing effective record sharing.

"FixNICSSM" is about keeping firearms out of the hands of prohibited persons, like the shooter in the Virginia Tech tragedy who was able to purchase a firearm from a federally licensed firearms retailer because his prohibiting mental health records were not in the NICS system.

NSSF'S FIXNICS CAMPAIGN LEADS TO JUMP IN RECORDS

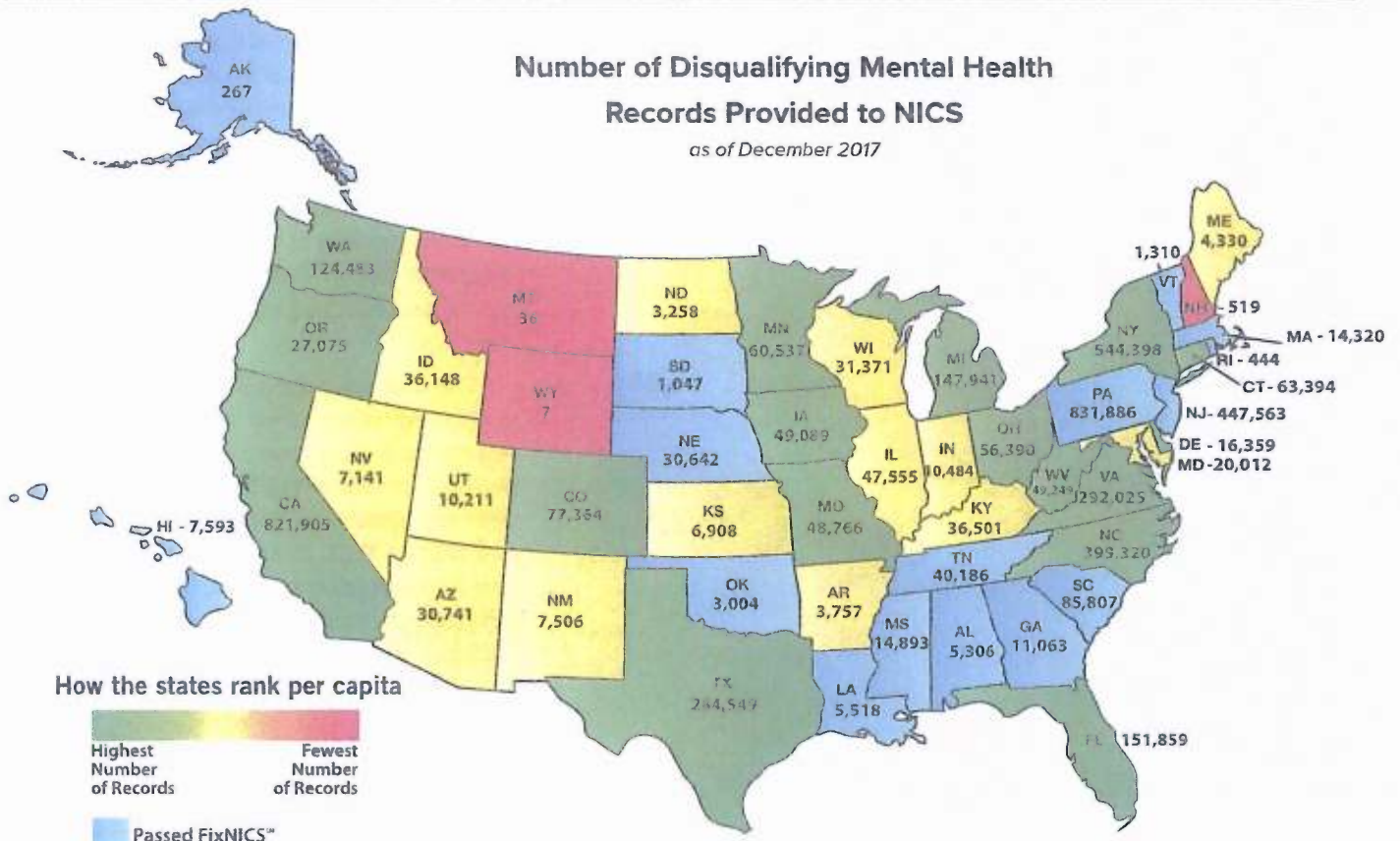
Since FixNICS was launched in 2013 through the end of 2017, the number of disqualifying mental health records submitted to NICS increased by 200 percent to nearly 5 million, from about 1.7 million in December 2012.

This significant increase is driven by states like Pennsylvania, which now has 831,886 records, compared to 1 in 2012. New Jersey, another FixNICS success story, has now submitted 447,563 records, up from 17 in 2012, and is now ranked as the 2nd best state on a per capita basis.

INDUSTRY ACTION SECURES FIXNICS VICTORIES ACROSS THE COUNTRY

Number of Disqualifying Mental Health Records Provided to NICS

as of December 2017



The FixNICS campaign has won victories in 16 states since 2013. NSSF-backed legislation has experienced unprecedented success across the country as the firearms industry continues to try to prevent prohibited people from gaining access to firearms.

STATE	SUMMARY OF NEW LAWS/ACTIONS
Alabama	May 2013: Strengthens requirements for state officials to send mental health records to NICS.
Alaska	April 2014: FixNICS passes both chambers signed by Governor.
Hawaii	March 2014: HB 2246, passed the House and Senate with no dissenters and was signed by the Governor.
Louisiana	May 2013: Requires any Louisiana resident who loses the right to possess firearms under state law to be reported to NICS.
Massachusetts	July 2014: House and Senate passed FixNICS legislation.
Mississippi	March 2013: Requires state officials to report mental health adjudications and court-ordered commitments to NICS.
Nebraska	April 2014: State now transmits mental health records to NICS following an NSSF-backed administrative fix and also reporting requirement.
New Jersey	May 2013: Requires state to submit to NICS records showing those who have been involuntarily committed for mental health treatment.
Oklahoma	May 2014: SB 1845 Passed Senate 38-5 and House 84-3. Signed by Governor.
Pennsylvania	Jan. 2013: State police submitted 643,167 records to NICS and will send to NICS on a continuous basis moving forward after administrative fix.
Rhode Island	July 2014: Legislation passed senate and general assembly unanimously. Governor's signature (7-3-14).
South Carolina	May 2013: Requires the submission of records to NICS.
South Dakota	March 2014: HB 1229 Overwhelming passed both chambers. House (53-17) and Senate (26-9). Governor's signature (3-14-14).
Tennessee	April 2013: Requires courts to submit mental health commitments to NICS.
Wyoming	March 2014: FixNICS approved for an interim committee that will be studied in order to craft committee legislation.
Vermont	May 2015: Bill including FixNICS is signed by the Governor.

CARROT & STICK APPROACH NEEDED

Our industry isn't calling on Congress to appropriate new federal funds to fix the NICS system. In these tough fiscal times, the tools are already in place to encourage states to submit more records. Just as states that fail to meet certain drunk-driving law thresholds may lose federal highway funds, states that fail to provide records to NICS should face grant penalties. Congress simply needs to do a better job conditioning current federal monies going to the states to incentivize record sharing.

The NSSF supported the NICS Improvement Amendments Act of 2007, which was enacted to encourage states to submit more records on prohibited individuals to the NICS database.^{vi} However, the law has never been

fully implemented due to problems in quantifying records. One incentive not yet implemented would allow a state to obtain a waiver of the matching requirement for National Criminal History Record Improvement Program's (NCHIP) grants, if a state submits at least 90 percent of its records identifying prohibited individuals. There were also Byrne grant penalties included in the 2007 law that have not yet been implemented.

Congress must rework such a "carrot and stick" approach in a way that can be fully implemented to encourage states to fully participate in NICS. Increasing the number of prohibiting records is the best way to keep prohibited individuals from purchasing firearms, without punishing law-abiding retailers and firearms owners.

- i There are 20 full or partial Point of Contact states, which have a state-designated agency responsible for processing some or all NICS background checks on behalf of the federal firearm licensees (FFLs) within the state.
- ii Note: Fix NICS does not seek to require all mental health records be submitted to NICS, only those that establish an individual falls into one of the current federal categories of persons prohibited from receiving firearms. The categories are available here in full: <http://www.fbi.gov/about-us/cjis/nics/general-information/fact-sheet>
- iii NSSF press release, "At NICS User Conference, NSSF Supports Virginia

- Governors Call to Add Mental Health and Other Records to Background Check System," May 2012, <https://www.nssf.org/nssf-supports-virginia-governors-call-add-mental-health-records-background-check-system>
- iv *Printz v. United States* - 521 U.S. 898 (1996)
- v The National Shooting Sports Foundation obtained data on the number of active adjudicated mental health records in the NICS Index from the Federal Bureau of Investigation.
- vi The NICS Improvement Amendments Act of 2007 (NIAA), Pub. L. 110-180



THE FIREARMS INDUSTRY TRADE ASSOCIATION

NSSF.ORG



BACKGROUND INFORMATION ON SO-CALLED “ASSAULT WEAPONS”

What has erroneously been termed an “assault weapon” is a semi-automatic firearm that fires just one bullet with each pull of the trigger (versus a fully automatic firearm — machine gun — which continues to shoot until the trigger is released). Specifically, legislation has incorrectly defined an “assault weapon” as a semi-automatic firearm that can accept a detachable magazine and has two or more of the following cosmetic features (it is these cosmetic features that distinguish the firearm from other “non-assault weapons.”):

- A folding or telescoping stock
- A pistol grip
- A bayonet mount
- A flash suppressor, or threads to attach one
- A grenade launcher

None of these features figure into the criminal misuse of firearms, regardless of their appearance.

SEPARATING FACT FROM FICTION

There is a tremendous amount of misinformation surrounding the issue of so-called “assault weapons.” Below are several of the more misleading allegations related to these firearms followed by corresponding statements of fact:

Claim: A commercially-sold “assault weapon” is a machine gun and has no place in civilian hands.

Fact: A so-called “assault weapon” is NOT a machine gun or automatic firearm. Automatic firearms were severely restricted from civilian



“The public’s confusion over fully-automatic machine guns versus semi-automatic assault weapons -- anything that looks like a machine gun is presumed to be a machine gun -- can only increase the chance of public support for restrictions on these weapons.”

ownership under the 1934 National Firearms Act. A so-called “assault weapon” is functionally no different than any other “legal” firearm. These guns fire in the same manner as any other semi-automatic firearm (one shot per trigger pull - no spray firing), they shoot the same ammunition as other guns of the same caliber and are no more powerful. What differentiates a so-called “assault weapon” from other guns is cosmetic; for example, the type of stock on the gun, which makes the conventionally operating firearm look more like a military firearm.

The gun-ban lobby understands that the confusion over what is and what is not an “assault weapon” only benefits them. Consider this statement from Josh Sugarmann of the Violence Policy Center:

“The public’s confusion over fully-automatic machine guns versus semi-automatic assault weapons — anything that looks like a machine gun is presumed to be a machine gun — can only increase the chance of public support for restrictions on

these weapons.”

Claim: Semi-automatic “assault weapons” are high-powered guns that are meant for war.

Fact: So-called “assault weapons” are more often than not less powerful than other hunting rifles. The term “assault weapon” was conjured up by anti-gun legislators to scare voters into thinking these firearms are something out of a horror movie. These guns are used for many activities. In fact, the Colt AR-15 and Springfield M1A, both labeled “assault weapons,” are the rifles most often used for marksmanship competitions in the United States. And their cartridges are standard hunting calibers, useful for game up to and including deer.

Claim: The 1994 “assault weapons ban” helped to reduce violent crime.

Fact: A recent comprehensive study

continued →



by the Centers for Disease Control — hardly a pro-gun entity — looked at the full panoply of gun control measures — including the “assault weapons ban” — and concluded that none could be proven to reduce crime. Homicide statistics demonstrate that the miniscule use of so-called “assault weapons” in crime (less than 1 percent) continued to decrease after the ten-year ban expired in 2004 and their manufacturing and sales resumed.

Another study, commissioned by Congress, found “the banned weapons and magazines were never used in more than a modest fraction of all gun murders.”

The report also noted that so-called “assault weapons” were “rarely used in gun crimes even before the ban.”

CONCLUSION

Crime control legislation should be based upon solid facts, not emotions or appearance. Semi-automatic firearms are now the most popular type of firearm in America and are used for a wide variety of legitimate purposes, including hunting, small game control, target shooting and personal defense.

They should not be banned.



ANOTHER BAN ON “HIGH-CAPACITY” MAGAZINES?

THE EVIDENCE SHOWS IT WOULD NOT REDUCE CRIME RATES

Magazines for firearms in common use on America’s shooting ranges, kept at home, or lawfully carried by millions of citizens today vary in their ammunition-carrying capacity. Depending on the make and model of firearm, magazines provided by manufacturers as standard equipment for handguns and rifles often accommodate 15 to 30 rounds of ammunition.

These magazines offer recreational and competitive shooters, as well as those citizens exercising their right to carry a firearm or keep one at home for self-defense, the choice of magazine that should be theirs to make.

The average number of rounds fired in the course of a criminal shooting involving a semiautomatic pistol is between 3.2 and 3.7 rounds.ⁱ This falls well below the arbitrary 10 round limit imposed during the AWB and is even less than the capacity of an ordinary revolver. In fact, this average number of rounds fired is only about one shot higher than in the case of criminal misuse of revolvers.

ⁱⁱ A separate study, conducted for the

National Institute of Justice, found that data suggest “relatively few attacks involve more than 10 shots fired” and that studies on the number of shots fired “show that assailants fire less than four shots on average.”ⁱⁱⁱ Further, research has shown that criminal misuse with pistols is not significantly more likely to result in injuries or fatalities than in cases involving revolvers.^{iv}

While so-called “assault rifles” are rarely used in crime, those criminals using them were actually less likely to have fired the gun than those carrying a single-shot firearm.^v

Banning magazines for firearms based on an arbitrary limit on capacity has often been proffered as a “common sense” measure to reduce crime rates, especially following deplorable and highly publicized tragedies. But a dispassionate look at the facts demonstrates that limiting magazine capacity by some arbitrary number of rounds of ammunition it can hold will not reduce the crime rate.

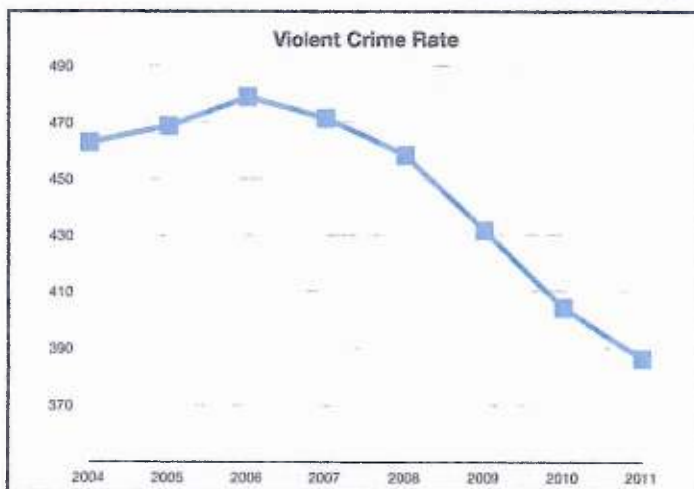
As part of the misleadingly named “Assault Weapons Ban” (AWB), between 1994 and 2004, the production of newly manufactured magazines for both rifles and handguns was limited to a capacity of ten cartridges.^{vi} A comprehensive study by the Centers for Disease Control (CDC) in 2003 looked at 51



studies covering the full panoply of gun-control measures, including the AWB, and was unable to show that the AWB and its magazine capacity

continued on back →

- According to studies by the Centers for Disease Control (CDC) and the Urban Institute the “**Assault Weapon Ban (AWB)**, which restricted magazine capacity, did not reduce crime rates.
- Since the AWB and its magazine capacity restriction expired in 2004 the U.S. **violent crime rate has fallen by 17%.**
- Since 2004, magazines with a capacity of more than ten rounds are again common and standard with most semiautomatic rifles and pistols sold. Millions of these magazines are safely and responsibly owned and used by law-abiding Americans. **There are already roughly 130 million detachable magazines. More than 30 million of these can accommodate more than 30 rounds.**
- **Criminals misusing pistols discharge on average fewer rounds than are held in an ordinary revolver** and only about one more shot than those misusing revolvers.



limitation had reduced crime.^{vii}

Another study, commissioned by Congress, found that these bans were not effective in reducing crime because “the banned weapons and magazines were never used in more than a modest fraction of all gun murders.”^{viii} Since the AWB expired in 2004, the nation’s violent crime rate has continued to drop by 17 percent and is now at the lowest levels since the early 1970s.^{ix}

Instead of appropriately focusing on the actions of mentally-disturbed individuals, the focus is again being shifted to legislation affecting law-abiding citizens. Like all Americans, we abhor the criminal misuse of firearms. Recent tragedies, however, were not caused by the characteristics of firearms, ammunition or magazines. Sadly, they were caused by the insane actions of the perpetrators.

Any capacity-based ban on the manufacture and sale of magazines would be utterly arbitrary. Experience and independent studies have shown

that it is not an effective means for reducing crime and keeping our communities safer. A ban would, however, limit the ability of millions of Americans who participate in the shooting sports to choose for themselves the firearm and magazine that meets their needs. It would infringe upon the Second Amendment rights of Americans by having the government limit their ability to defend themselves, their loved ones and their property.

Some have even called for the government to confiscate all lawfully owned magazines above a certain capacity. Aside from the serious constitutional questions confiscation raise, how could a magazine round-up ever be practically achieved? The answer is simple: it couldn’t.

What the media and gun control proponents label “high” or “large capacity” magazines are, in fact, common across America today. There are already roughly 130 million detachable magazines. More than 30

million of these can accommodate more than 30 rounds.^x Magazines manufactured before the 1994 ban remained widely available while the ban was in effect. We estimate that since 2004 several million more magazines of varying sizes of capacity have been manufactured and sold to law abiding Americans and used lawfully. These magazines are standard equipment for handguns and other firearms owned by tens of millions of Americans. Should law-abiding Americans be able to choose magazines for their rifles or self-defense pistols, as they feel appropriate, or have that right infringed by arbitrary capacity limitations that contribute nothing to improving public safety?

America tried this gun control experiment for ten years. We already know it does not work. Why limit our freedoms again when we know it will not make our communities safer?

-
- i Christopher S. Koper, “Impact of Handgun Types on Gun Assault Outcomes: a Comparison of Gun Assaults Involving Semiautomatic Pistols and Revolvers,” *Injury Prevention*, 2003;9, p.151.
 - ii Christopher S. Koper, “Impact of Handgun Types on Gun Assault Outcomes: a Comparison of Gun Assaults Involving Semiautomatic Pistols and Revolvers,” *Injury Prevention*, 2003;9, p.152.
 - iii Christopher S. Koper, “An Updated Assessment of the Federal Assault Weapons Ban: Impacts on Gun Markets and Gun Violence, 1994-2003,” Report to the National Institute of Justice, United States Department of Justice, June 2004. p.90.
 - iv Christopher S. Koper, “Impact of Handgun Types on Gun Assault Outcomes: a Comparison of Gun Assaults Involving Semiautomatic Pistols and Revolvers,” *Injury Prevention*, 2003;9, p.153.
 - v Caroline Wolf Harlow, Department of Justice, Bureau of Justice Statistics Special Report, “Firearm Use by Offenders: Survey of Inmates in State and Federal Correctional Facilities,” NCJ 189369, November 2001.p.11.
 - vi The Public Safety and Recreational Firearms Use Protection Act, Title XI, Subtitle A, of the Violent Crime Control and Law Enforcement Act of 1994, P.L. 103-322, 108 Stat. 1996-2010.
 - vii Centers for Disease Control and Prevention “First Reports Evaluating the Effectiveness of Strategies for Preventing Violence: Firearms Laws. Findings from the Task Force on Community Preventative Services”, *Morbidity and Mortality Weekly Reports (MMWR)*; 52(RR14), October 3, 2003.
 - viii Christopher S. Koper, “Impact Evaluation of the Public Safety and Recreational Firearms Use Protection Act of 1994,” The Urban Institute, March 13, 1997. p. 2.
 - ix NSSF analysis of Federal Bureau of Investigation, Uniform Crime Reporting Statistics, “Estimated Crime in the United States,” <http://www.ucrdatatool.gov/>. Last accessed December 20, 2012.
 - x NSSF estimates



AGE-BASED GUN BANS

In the wake of the February 14, 2018 tragedy in Parkland, Florida, many lawmakers are understandably eager to take action to prevent another such event from taking place in a U.S. school or other public place. Unfortunately, the media and gun control advocates have defined the problem as one of age, rather than undertaking a more complicated analysis of the gaps in the government's response to warnings about the mental health of the murderer. This 19-year-old expelled former student of Marjory Stoneman Douglas High School, entered the school with a semiautomatic rifle and several magazines. Since that tragedy, there have been proposals both in Washington, DC and in a number of state capitals to raise the minimum age to purchase a long gun from a federal firearms licensee (FFL) to 21 from 18.

Firearms Ownership Is A Constitutionally-Protected Right. The Second Amendment inclusion in the Bill of Rights establishes that an individual's right to keep and bear arms is a fundamental individual right, just as the right to exercise free speech, practice religion, or vote in elections are available to law-abiding American adults to freely exercise upon their choosing. Denial of the full ability to exercise these rights, or to relegate Second Amendment rights to a second-class status, is a right denied. This was affirmed in 2008 by the U.S. Supreme Court in its *District of Columbia v. Heller* decision.ⁱ The majority decision affirmed the right of individuals to keep and possess firearms for lawful purposes, including the right

to self-defense and stated that the bans on particular types of firearms, such as AR-15s, were tantamount to a prohibition on an entire class of "arms" Americans overwhelmingly choose for the lawful purpose of self-defense.

AR-15s Are Among The Most Popularly Owned Firearms In America. Semi-automatic rifles, such as AR-15s, have been enjoyed by law-abiding Americans for more than 100 years. Contrary to inaccurate media reports and mischaracterizations perpetuated by anti-gun groups, AR-15s are not "assault weapons" and are not automatic weapons used by the U.S. military. The "AR" does not stand for "assault rifle," rather it stands for ArmaLite rifle, the company that developed it in the 1950s. Assault rifles do exist. They are fully automatic machine guns and have been severely restricted from civilian ownership since 1934. AR-15s, or Modern Sporting Rifles, are increasingly the firearm of choice of today's firearms owner and recreational target shooter due to their accuracy, reliability and easy customization. There are nearly 15 million Modern Sporting Rifles owned by law-abiding Americans today who use them for lawful purposes, including self-defense, target shooting and hunting. These rifles function the same way as all other semi-automatic rifles: one bullet is fired for each pull of the trigger. Most objections to Modern Sporting Rifles stem from cosmetic features that have no bearing on the operation of the rifle, the rate of fire or the ammunition used. The fact

that an AR-15 looks similar in color and in style to military firearms has no bearing on the functions of each distinct firearm.

Bans On "Assault Weapons" Are Ineffective. In 1994, President Clinton signed into law the "Assault Weapons Ban."ⁱⁱ The Centers for Disease Control conducted a comprehensive study of the full panoply of gun control measures — including the "assault weapons ban" — and concluded that none could be proven to reduce crime.ⁱⁱⁱ Homicide statistics demonstrate that the miniscule use of so-called "assault weapons" in crime (less than 1 percent) continued to decrease after the ban expired in 2004 and their manufacturing and sales resumed.^{iv} Another study, funded by the National Institute of Justice, found "the banned weapons and magazines were never used in more than a modest fraction of all gun murders."^v

18 Year Olds Are Adults Under U.S. Law. At 18 years of age, an American may vote, enlist and may be drafted to serve in our military. If an 18 year old is old enough to defend our rights with an automatic, military firearm, and to die in service to our country, there is no reason to deny a qualified individual his or her Second Amendment right to own a semi-automatic firearm. A blanket prohibition on firearm ownership for those aged 18 to 20 is arbitrary and not supported by evidence that this will have an impact on criminal misuse of firearms. In fact, a review of mass shootings over the last 50 years found only one other instance of the use of a modern sporting rifle that was legally obtained by

continued →



a shooter under the age of 21.^{vi} Consider the impact made by the unconstitutional ban on handgun purchases for those in this age bracket. Data clearly show that gun violence is often committed by prohibited young men involved in gang activity, with illegal handguns as the firearm of choice. The age-restriction does not stop criminals. It only stops those who follow the law, regardless of age.

Noted criminologist Gary Kleck performed a longitudinal analysis of the impact of the 1968 ban on 18-20 year olds purchasing handguns. After testing for an impact on the share of violent crime arrests for the adults in this age group, he concluded that the results, “indicate that there was no impact of these age restrictions on handgun purchases, on the 18-to-20 share of arrests for homicide, robbery or aggravated assault.”^{vii}

Age-Bans Carry Unintended Consequences. While age-based gun bans are not likely to have an impact on crime or on the misuse of firearms, there would be unintended consequences of such a law. The popularity of Modern Sporting Rifles has steadily grown over time, even as crimes with firearms have declined. In fact, the Colt AR-15 and Springfield M1A, both labeled “assault weapons,” are the rifles most often used for marksmanship competitions in the United States. And their cartridges are standard hunting calibers, useful

for game up to and including deer. Why does this matter? When a firearm or ammunition is purchased, a federal excise tax is paid by the manufacturer that funds wildlife conservation efforts in each state. Setting an arbitrary limit on the size of the legal market will only serve to shrink the conservation dollars that states depend on.^{viii}

Firearms Industry Supports Practical Solutions. Effective solutions exist that will make our communities safer by ensuring unauthorized individuals do not have access to any firearm of any kind at any time. That includes criminals, those deemed mentally unfit, and children. As an industry, we support background checks requiring all federally licensed firearms retailers to conduct an FBI background check when they sell any firearm. However, our members know that a background check is only as good as the records in the database. That’s why the NSSF launched the FixNICS® campaign in 2013 to encourage states to submit all disqualifying criminal and mental health records to the FBI’s National Criminal Instant Background Check System (NICS). For more on NSSF’s FixNICS® campaign, see www.FixNICS.org. Since its inception, 16 states have changed their policies and submission of disqualifying records increased 200 percent from 1.7 million in 2013 to nearly 5 million in 2017. NSSF supports U.S. Sen.

John Cornyn’s (R-Texas) **S. 2135, the FIX NICS Act of 2017**, which would provide financial grants to the state to upload records and compel federal agencies, including the Defense Department, to submit all disqualifying records.

CONCLUSION

In the wake of a tragedy, it is all too easy to apply a band-aid policy change and claim a problem has been solved. However, the gaps that remain in the system would not be addressed by denying lawful ownership to an entire class of citizens, just as existing unconstitutional age-restrictions on handguns have not solved gang-violence among inner-city youth. It is important to remember that the Parkland tragedy did not occur because of the age of the shooter. It occurred because of the mental state of the individual, just as we have seen with other recent tragedies that involved older individuals with mental health problems. The fact remains that in the United States you are an adult when you turn 18. Your constitutional rights are fully vested, including the right to vote and the right to keep and bear arms. Any age-based gun ban would deny young adults their Constitutional right to self-protection without evidence that this would prevent the unlawful misuse of firearms.

i District of Columbia v. Heller, 554 U.S. 570 (2008)

ii Title XI, Subtitle A of the Violent Crime Control and Law Enforcement Act of 1994.

iii “First Reports Evaluating the Effectiveness of Strategies for Preventing Violence: Firearms Laws: Findings from the Task Force on Community Preventive Services,” October 3, 2003. <https://www.cdc.gov/mmwr/preview/mmwrhtml/rr5214a2.htm>

iv See, FBI’s Uniform Crime Reporting annual reports, “Crime in the United States,” multiple years. <https://ucr.fbi.gov/ucr-publications>

v Koper, Christopher S., “Updated Assessment of the Federal Assault Weapons Ban: Impact on Gun Markets and Gun Violence, 1994-2003,” July 2004. <https://www.ncjrs.gov/pdffiles1/nij/grants/204431.pdf>

vi Wolfe, Rachel, “Raising the age limit on the AR-15 from 18 to 21 would do depressingly little” Vox.com, Feb. 27, 2018. <https://www.vox.com/2018/2/27/17042228/age-limit-guns-florida-shooting-ar15>

vii Kleck, Gary, “The Impact of the 1968 Gun Control Act’s Restrictions on Handgun Purchases by Persons Age 18 to 20,” May 7, 2011. <https://ssrn.com/abstract=1843526>

viii For more on how the firearms industry funds conservation efforts, see NSSF’s fact sheet, “Pittman-Robertson Excise Tax,” <https://www3.nssf.org/share/factsheets/PDF/PittmanRobertsonFacts.pdf>



UNIVERSAL BACKGROUND CHECKS AND THE 40% MYTH

Proponents of gun control frequently cite data that suggest 40 percent of all gun sales do not involve a FBI background check. This figure is from an out-dated, flawed survey and misses the real policy question of how criminals access firearms.

- **Gun-control activists are calling for universal background checks, arguing 40% of gun sales don't involve an FBI background check.**
- **This misleading figure is out of date, subject to significant validity concerns, and open to interpretation.**
- **Further, universal background checks would not address the problem of the main source of crime guns: the black market.**

CONCERNS WITH 40% SOURCE

Gun control proponents claim that 40 percent of gun sales do not involve a background check run through the FBI's National Instant Criminal Background Check System (NICS). The source of this questionable statistic is a 1997 Justice Department report that provides findings from a 1994 telephone survey.ⁱ Chilton Research Services of Drexel Hill, Pennsylvania conducted the National Survey of Private Ownership of Firearms in 1994. Incidentally, this survey organization and its interviewers had no prior experience in conducting surveys devoted to the topic of firearms acquisition and ownership.

The report estimated 60 percent of all firearm transactions go through federally licensed firearm dealers (FFLs). This implies the other 40 percent do not involve a background check.

There are several key concerns with the survey, some of which the authors discuss in the report. One of the weaknesses the authors discuss is the "real possibility" of nonresponse bias. Surveys in general have the challenge that not all sample members agree to answer questions. The issue here is that

"these nonrespondents may tend to differ from the general population (and completed sample) in relevant ways."ⁱⁱ Given the time period of the survey, November and December 1994, it would be understandable if law-abiding gun owners did not want to answer survey questions. After all, the so-called Assault Weapon Ban had recently been enacted and anti-gun sentiments were rampant in mainstream media.

Even assuming the survey weaknesses are meaningless, the results are open to interpretation. The Washington Post contacted one of the original authors who re-examined the data and found that, "rather than being 30 to 40 percent (the original estimate of the range) or "up to 40 percent" (former President Obama's words), gun purchases without background checks amounted to 14 to 22 percent."ⁱⁱⁱ The author also notes the small sample size of the survey (251 individuals) means the margin of error for these results are plus or minus six percentage points.

The Washington Post isn't alone in its analysis. In another look at the data, economist John Lott argues the figure is closer to 10 percent.^{iv}

BIGGER PICTURE: ACCESS

Beyond the survey's limitations, the percentage of law-abiding citizens that obtain firearms from federal firearms licensees (FFLs), where a background check is run through the FBI's database, or through other transactions is not relevant for policy makers.

The relevant question is how to prevent criminals and others that are prohibited from owning firearms from purchasing or otherwise accessing firearms. In this context, it is clear that mandating universal background checks would not prevent access.

According to a survey by the U.S. Department of Justice of prison inmates, only about 8 percent of criminals that possessed a firearm during their current offense acquired their guns from retail stores.

By contrast, about 40 percent reported acquiring their guns illegally, such as by theft, and another 40 percent said they obtained firearms from family or friends.^v

The survey also found that over 80 percent of the state and federal inmates may have been prohibited from buying a firearm under federal law. Considering these figures, it is no surprise that criminals do not seek

continued →



to purchase firearms from licensed dealers. In fact, this is confirmed by extremely low NICS denial rate. In 2011, the FBI's NICS system denied 78,211 firearms transfers, a denial rate of only 1 percent of the over 6 million applications.

If universal background checks were mandated, the question becomes whether criminals would change their behavior and instead choose to obtain firearms from venues that require a background check. The Centers for Disease

Control review of the effectiveness of various firearms laws published in 2003, found no evidence this would happen. More recently, a 2013 Justice Department review of violence prevention studies found that even a "perfect universal background check system" would not address the largest sources of crime guns.^{vi}

Further evidence that a universal background check law would fail to limit access to firearms among prohibited populations can be found

in an analysis of the implementation of the Brady Act. According to a 2000 study, there was "no evidence that implementation of the Brady Act was associated with a reduction in homicide rates."^{vii}

Rather than enacting an ineffective new law, the NSSF urges lawmakers to increase the number of records states submit to the NICS system to ensure the background check system is operating effectively.

ⁱ Philip J. Cook and Jens Ludwig, "Guns in America: National Survey on Private Ownership and Use of Firearms," U.S. Department of Justice, National Institute of Justice, Research in Brief, May 1997.

ⁱⁱ Philip J. Cook and Jens Ludwig, "Guns in America: National Survey on Private Ownership and Use of Firearms," U.S. Department of Justice, National Institute of Justice, Research in Brief, May 1997, p. 4

ⁱⁱⁱ Glenn Kessler, "Update: Obama Claim on Background Checks Moved from 'Verdict Pending' to 2 Pinocchios," The Washington Post, Jan. 25, 2013. http://www.washingtonpost.com/blogs/fact-checker/post/update-obama-claim-on-background-checks-moved-from-verdict-pending-to-2-pinocchios/2013/01/25/59caeca6-672f-11e2-85f5-a8a9228e55e7_blog.html (Last accessed Feb. 14, 2013).

^{iv} John Lott, "The '40 Percent' Myth," National Review, Jan. 24, 2013. <http://www.nationalreview.com/articles/338735/40-percent-myth-john-lott> (Last accessed Feb. 14, 2013).

^v Caroline Wolf Harlow, Department of Justice, Bureau of Justice Statistics Special Report, "Firearm Use by Offenders: Survey of Inmates in State and Federal Correctional Facilities," NCJ 189369, November 2001.

^{vi} Greg Ridgeway, Ph.D., "Summary of Select Firearm Violence Prevention Strategies," National Institute of Justice, Jan. 4, 2013.

^{vii} Jens Ludwig and Philip J. Cook, "Homicide and suicide rates associated with implementation of the Brady Handgun Violence Prevention Act," Journal of the American Medical Association, 2000 Aug 2; 284(5):585-9

