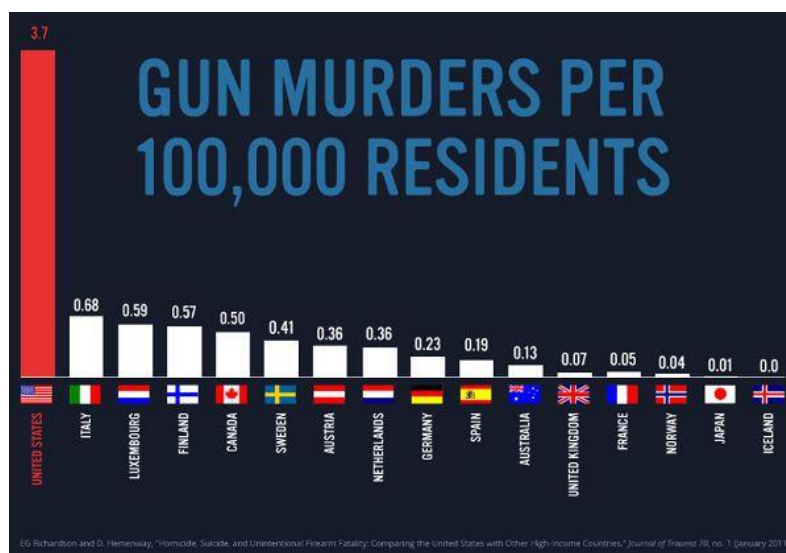


Gun Violence in America:

Making Our Country Safer Through Legislation



America is among the most violent countries when it comes to firearms. This issue brief will examine and address the current status of gun control in the United States of America. It will explore the current laws as well as the urgent need for stricter laws in the US. The current laws are not effective enough in reducing violence we need more effective legislation to significantly impact United States gun violence. In this issue brief, we observe and explore three aspects of the current gun control policies and offer suggestions as to what will make them more effective.



On December 15, 1791, the Bill of Rights was adopted after being ratified by three-fourths of the states. This Bill was made up of the first ten amendment of the Constitution, and among them was the second amendment. This amendment is the center of much controversy in today's society as it states: "A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." The right to bear arms is something that is essential to the United States Constitution, and while this right cannot be taken away, there are certain laws that can be put in place to make the United States a safer country when it comes to gun violence.

Better, More Effective Background Checks

Background Checks on ALL Gun Exchanges

Background checks are one of the least controversial methods of limiting gun violence. Nearly all Americans agree that dangerous individuals should not be permitted to purchase a firearm. These "dangerous individuals" include the mentally ill, those convicted of domestic violence, and drug abusers. Currently, federal law prevents such people from buying a gun, however, the only way to determine whether or not an individual is banned from gun purchase is to conduct a background check. In America, all licensed federal arms dealers are required to conduct a background check. The problem only arises with so-called "private dealers." Due to the fact that they are not licensed, they do not need to conduct the same background checks. This enables dangerous individuals to easily purchase firearms.⁵

Every Day on Average (all ages)

Every day, **309 people** in America are shot in murders, assaults, suicides & suicide attempts, unintentional shootings, and police intervention.

Every day, **93 people** die from gun violence:

- 32 are murdered
- 58 kill themselves
- 1 are killed unintentionally
- 1 is killed by police intervention
- 1 intent unknown.

Every day, **216 people** are shot and survive:

- 159 shot in an assault
- 11 survive a suicide attempt
- 43 are shot unintentionally
- 3 are shot in a police intervention

Private traders often sell their weapons at gun shows and other functions. On top of this, the internet has made it possible for people barred from owning a firearm to purchase one. Felons and other criminals can easily bypass the established security and buy a gun, no questions asked. However, the current background checks are not effective enough, and the legislation surrounding them needs to be changed. A new policy should be put in place requiring ALL



gun sales to conduct a background check. While we understand that there is no completely effective way to keep guns from criminals, the increase in background checks will certainly reduce the amount of guns that fall into the wrong hands.

This approach is widely supported by Americans as seen in a 2012 study by Republican pollster Frank Luntz. His study found that 74 percent of the National Rifle Association and 87 percent of non-NRA gun owners support a required criminal background check for all people attempting to purchase a gun. In addition, "The Upshot" conducted a survey of 1,975 people and found that this policy was the most widely as 86 percent of the survey subjects agreed with it. The effectiveness of this policy ranked at 7.3 out of 10. Effectiveness was determined by a panel of 32 gun policy experts.¹³

THE SHARE OF WOULD-BE BUYERS WHO ARE **CRIMINALS** IS **NEARLY 4 TIMES HIGHER** **ONLINE** THAN AT GUN DEALERS



Require All Necessary Information to be Recorded in the FBI National Criminal Background Check Database

While background checks can be an extremely effective way to keep guns away from criminals, the checks can only be effective if the background check system is working properly. In 1993,

It may seem like common sense to input necessary data. This simple action would make the system more accurate and effective. However, unfortunately, states have been slow to provide the system with information. In particular, data pertaining to mental health individuals has struggled to find its way into the system. The National Criminal Background Check System was created in 1999, and since then ten states have

On April 13, 2011, Vesel was walking to her car in a parking lot in Oak Brook, Illinois when Smirnov appeared with the gun and shot her at least 11 times, killing her.

Military-grade weapons have been a huge topic of controversy lately. The movie theatre shooting in Aurora, Colorado and the elementary school shooting in Newtown, Connecticut have

a very disturbing factor in common: both tragedies were perpetrated by individuals wielding a military-grade gun allowing them to inflict the most damage possible. In 2004, a federal law expired that had previously banned the sale of such weapons in the US. Therefore, states can now legally sell these weapons that can fire over 30 bullets in 10 seconds.¹² Besides a few states that have created their own laws, most states sell these deadly weapons.

What is a semiautomatic “assault” weapon?

The definition varies among different jurisdictions, but in general it includes semiautomatic firearms with a detachable magazine and a number of other features to conceal the weapon or control it during rapid firing.



SOURCE: Law Center to Prevent Gun Violence

In order to prevent the availability of these guns, Congress should enact legislation against military-grade weapons. Senator Diane Feinstein has proposed a bill that stops the sale, transfer, importation, and manufacturing of “military-style assault weapons and high-capacity ammunition feeding devices.” In addition to this, high capacity gun magazines should be illegal.¹⁴ There is not civilian need for them, and all they do is pose a threat to public safety. Ten bullets in a magazine is

plenty.

Another way that criminals obtain their weapons is through a straw purchaser. A straw purchaser is someone who buys guns for criminals, felons, and other people who are barred from purchasing guns on their own. While straw purchasers can be a tough problem to deal with, there are certain steps that the government can take against them.¹⁰ When an individual purchases multiple handguns within a five day period, licensed dealers are required, by law, to report this to the Bureau of Alcohol, Tobacco, Firearms, and Explosives. These reports can be extremely helpful in criminal gun-trafficking operations, but they have limitations. Dealers are only required to report HANDGUN sales, despite the increasing use of assault rifles in gun attacks.

On Christmas Eve in 2012, an ex-con lit his car and house on fire in order to lure in firefighters. When they arrived on the scene, he opened fire on them wounding 2 and killing 2 before taking his own life.⁴ The shooter acquired his weapons through a straw dealer, but since there was an assault rifle among the gun purchases, no alarm was triggered. Had the entire order been of just handguns, the ATF may have conducted a straw purchaser investigation and prevented the attack from occurring. In order to reduce the amount and effect of straw dealers the ATF should expand its multiple-sale gun laws to include the following¹⁴:

- Require all dealers linked to more than five gun crimes to report their sales
- Include rifles that accept a detachable magazine
 - Rifles that can fire a round larger than .22 caliber
 - Any tactical shotgun with a pistol grip

Better Data and Coordination

Another huge problem with gun control is the lack of availability of data related to firearms.

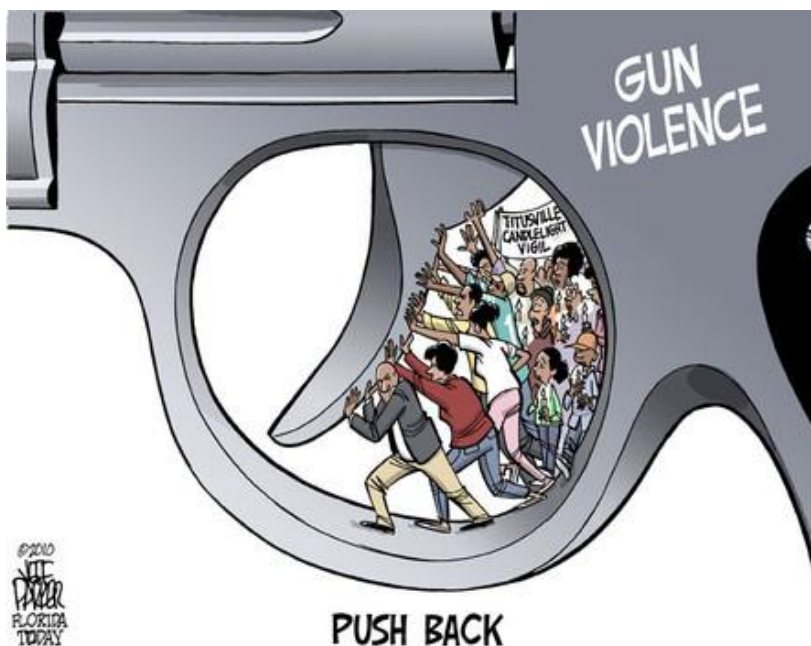
There are many restriction currently in place that limit the ability of government agencies to freely collect and share data related to gun crime and violence. This hinders federal agencies in their prosecution of criminals and licensed dealers who break the law.³ This flow of information would certainly help to limit gun violence in the US, but federal agencies are stuck due to limitations on their funding. The Tiahrt

Amendments are the biggest opponent of free-flowing gun data. First, these Amendments

limit access to and use of crime gun-trace data. This includes the use of data in enforcement actions that would revoke the license of a dealer caught breaking the law.¹⁴ Second, the Tiahrt Amendments prohibit the ATF from requiring that all licensed gun dealers conduct regular physical inventory checks. Licensed dealers are required to report to the ATF when a gun is lost or stolen, but they are not required to make sure that their inventory is complete. The ATF only has the resources to inspect dealers once every six years, but a recent study, conducted by the ATF, found more than 30,000 missing guns from inventories EVERY YEAR. These guns were missing, but nobody even knew.¹

Additionally, the Tiahrt Amendments require federal agencies to destroy all background checks that do not get flagged as a barred person within 24 hours of the check.³ If these records were preserved, they would aid law enforcement and federal agencies in identifying potential straw purchasers who wish to sell guns to criminals. This data is invaluable as many guns find their way into criminal hands due to straw purchasers.

While the Tiahrt Amendments are a huge obstacle for law enforcement, there are a number of other pieces of policy that limit the free collection and share of data. Administration should remove these pointless laws that hinder federal agencies from limiting gun violence in America.



Crackdown on Gun Traffickers

When a gun-related crime is committed, law enforcement tends to focus on the last person in the chain, the shooter. While taking down the main perpetrator is necessary, it only eliminates one gun from the streets. Agencies need to dedicate more time into figuring out where this criminal actually acquired the weapon. If agencies can eliminate gun traffickers and other



member of illegal gun trafficking networks, there is potential for hundreds of dangerous firearms to be removed from the streets. Currently, however, most gun traffickers are charged with either selling without a license or knowingly transferring to a prohibited individual.⁵ Each of these crimes contain penalties of only up to five years. This penalty is not severe enough and Congress should

consider putting new legislation in place. The Gun Trafficking Prevention Act was first introduced by Senator Kirsten Gillibrand and it aims at creating new criminal penalties for people involved in criminal gun trafficking.¹⁴ This includes prosecuting everyone in the trafficking chain from the person who buys the weapon to the corrupt dealer that sold the weapon. These criminal charges carry penalties of up to twenty years in addition to significant fines. Depending on the number of guns trafficked, penalties could increase.

Make the ATF Part of the FBI

The Bureau of Alcohol, Tobacco, Firearms, and Explosives has become a second thought in the eyes of administration. The Bureau is plagued by lack of funding, limitations in its oversight, and a leadership vacuum that all prevent the Bureau from adequately fulfilling its mission of limiting gun violence. Illegal trafficking and gun crime can operate in its current state knowing that the ATF is undermined by these obstacles. There is a fix to this issue and that is to make the Bureau of Alcohol, Tobacco, Firearms, and Explosives part of the FBI. Since the FBI is already a well-funded, well operating law enforcement agency, the president of the Department of Justice should begin the process of combining the ATF and the FBI.¹³ This action would allow the ATF to have more resources and, in turn, create a safer country for all Americans.

Conclusion

Gun violence is a huge problem all over the world, and, in particular, the United States of America. The current status of gun legislation is not strict enough and is therefore allowing an

alarming amount of violence to take place. While there are certain laws and requirements, regarding gun purchases and transfers, there are also laws that limit what actions different federal agencies can take. In order to have a real effect on gun violence in our country, the administration needs to take a serious look at new legislation. This includes better and more effective background checks, removing military-grade weapons from the streets, and allowing the free flow and collection of data pertaining to gun transactions. Once legislation is passed only then can we look to truly prevent gun violence in America.

Sources

1. **Devaney, T. (2016, March 03). Congress appalled by fed's hundreds of missing guns. Retrieved April 16, 2017, from** <http://thehill.com/regulation/national-security/271554-congress-appalled-by-feds-missing-guns>
2. **Background Checks. (n.d.). Retrieved April 16, 2017, from** <http://everytown.org/issue/background-checks/>
3. **Casselmann, B., Conlen, M., & Fisher-Baum, R. (2016, August 24). Gun Deaths In America. Retrieved April 16, 2017, from** <https://fivethirtyeight.com/features/gun-deaths/>
4. **Freile, V., & Stanglin, D. (2012, December 24). 4 firefighters shot, 2 killed at Webster, N.Y., fire. Retrieved April 16, 2017, from** <https://www.usatoday.com/story/news/nation/2012/12/24/webster-new-york-firefighter-shot/1788917/>
5. **Guns in the US: The statistics behind the violence. (2016, January 05). Retrieved April 16, 2017, from** <http://www.bbc.com/news/world-us-canada-34996604>
6. **Hawkins, D. (n.d.). Putting Gun Death Statistics in Perspective. Retrieved April 16, 2017, from** <http://jpfo.org/articles-assd03/gun-stats-perspective.htm>
7. **How Dangerous People Evade Background Checks and Buy Illegal Guns Online. (n.d.). Retrieved April 16, 2017, from** <http://everytownresearch.org/reports/felon-seeks-firearm-no-strings-attached/>
8. **Inside Straw Purchasing: How Criminals Get Guns Illegally. (2008, April 15). Retrieved April 16, 2017, from** <https://everytownresearch.org/reports/inside-straw-purchasing-criminals-get-guns-illegally/>
9. **L. (n.d.). Gun Trafficking & Straw Purchases. Retrieved April 16, 2017, from** <http://smartgunlaws.org/gun-laws/policy-areas/investigating-gun-crimes/gun-trafficking-straw-purchases/>
10. **McHale, T. (2016, July 13). Buying and Selling a Firearm: Straw Purchases. Retrieved April 16, 2017, from** <https://www.nrablog.com/articles/2016/7/buying-and-selling-firearms-part-6-straw-purchases/>
11. **Mission. (n.d.). Retrieved April 16, 2017, from** <http://www.gunviolencearchive.org/>
12. **Nelson, L. (2016, June 14). The AR-15, the gun behind some of the worst mass shootings in America, explained. Retrieved April 16, 2017, from** <http://www.vox.com/2016/6/14/11924544/ar-15-orlando-assault-weapons>
13. **Sanger-Katz, Q. B. (2017, January 10). How to Prevent Gun Deaths? Where Experts and the Public Agree. Retrieved April 16, 2017, from** https://www.nytimes.com/interactive/2017/01/10/upshot/How-to-Prevent-Gun-Deaths-The-Views-of-Experts-and-the-Public.html?_r=0
14. **Tanden, N., Stachelberg, W., Gerney, A., & D. (2013, January 12). Preventing Gun Violence in Our Nation. Retrieved April 16, 2017, from** <https://www.americanprogress.org/issues/courts/reports/2013/01/12/49510/preventing-gun-violence-in-our-nation/>