

Brady
840 First St. NE Ste. 400
Washington, DC 20002



Testimony of Christian Heyne, VP of Policy, Brady

Support for HB 9, HB 421, HB 812, HB 2, HB 463, HB 1004, and HB 674
Before the Virginia House of Delegates Public Safety Committee
January 24th, 2020

Chairman Hope and Other Distinguished Members of the Virginia House of Delegates Public Safety Committee,

Founded in 1974, Brady works across Congress, courts, and communities, uniting gun owners and non-gun owners alike, to take action, not sides, and end America's gun violence epidemic. Our organization today carries the name of Jim Brady, who was shot and severely injured in the assassination attempt on President Ronald Reagan. Jim and his wife, Sarah, led the fight to pass federal legislation requiring background checks for gun sales. Brady continues to uphold Jim and Sarah's legacy by uniting Americans from coast to coast, red and blue, young and old, liberal and conservative, to combat the epidemic of gun violence.

There are evidence-based policy solutions that we know will address the gun violence epidemic in the Commonwealth of Virginia. Make no mistake, gun violence is an epidemic. Since the tragic shooting at Virginia Tech in 2007, more than 11,000 Virginians have died from gun violence.¹ Cities like Richmond experience a disproportionate percentage of this violence, much of which is localized in communities of color. From 2013-2016, Richmond's annual firearm homicide rate was over four times higher than the rest of the rest of the Commonwealth,² and black residents of Richmond are twice as likely to die from gun violence in comparison to the American average.³ Additionally, according to the Educational Fund to Stop Gun Violence, rates of firearm suicide in the Commonwealth have risen over 15% in the last decade.⁴

HB 2. Universal Background Checks

One of the pillars of Brady's legacy is the critically important role that Jim and Sarah had in creating the federal background check system which, to date, has stopped more than 3 million prohibited purchases.⁵

¹ The Educational Fund to Stop Gun Violence, <https://twitter.com/EFSGV/status/1143930059759267843>.

² Virginia Office of the Chief Medical Examiner.

³ Gun Violence in Richmond City, Richmond: <https://www.livestories.com/statistics/virginia/richmond-city-gun-firearm-violence-deaths-mortality>.

⁴ The Educational Fund to Stop Gun Violence, "Firearm Homicide and Suicide in Virginia," <http://efsgv.org/wp-content/uploads/2017/12/Rise-in-Firearm-Suicide-and-Homicide-in-Virginia-June-2019-1.pdf>.

⁵ This estimate was derived from data in the following reports: Office of Justice Programs, Bureau of Justice Statistics, "Background Checks for Firearms Transfers, 2013-14 - Statistical Tables" (2016), available at <https://www.bjs.gov/content/pub/pdf/bcft1314st.pdf> and Federal Bureau of Intelligence, "Federal Denials," https://www.fbi.gov/file-repository/federal_denials.pdf/view (last accessed August 2019). Approximately 312,000 sales were blocked during the interim period from 1994-1999, 1,338,294 sales were denied via state and local

But we also know that the system has loopholes which enable about every 1 in 5 guns to be sold or transferred today without any background check through private transactions, gun shows, and websites that facilitate gun sales online.⁶ These loopholes allow convicted felons, domestic abusers, and others who wish to do harm to obtain guns without any oversight.

This lack of oversight has dire and tragic consequences - law enforcement officer fatalities, intimate partner homicide, and suicide rates are all impacted by the unregulated firearms market that flourishes in the absence of Brady background checks on private sales and transfers. A recent study revealed a correlation between a state's use of background checks and rates of suicide. It showed how, over the course of just one year, there was a decrease in suicide rates in states that had a universal background check law on the books, and an increase in suicide rates in states without these laws.⁷ Background checks don't just save the lives of those considering suicide, but also prevent guns from being accessed by those who are prohibited from possessing them under state and federal law. In one study that evaluated firearm acquisition by prison inmates in 13 states, the authors found that 96% of those surveyed that were "prohibited purchasers" at the time of acquisition, obtained their firearm from a source that was not legally required to conduct a background check.⁸ These individuals had all used a firearm in the commission of their crime.⁹

Author of "Bleeding Out: The Devastating Consequences of Urban Violence - and a Bold New Plan for Peace on the Street," Thomas Abt, writes that "over thirty peer-reviewed studies confirm that higher rates of firearm possession are associated with an increased risk of violence and homicide."¹⁰ Quite simply, you need access to a firearm in order to use it against yourself or someone else. The lack of expansion of background checks to every gun sale and transfer in states like Virginia is only continuing to enable those who we all agree are too dangerous to have firearms to continue to access them. There is strong precedent for expanding background checks on a state level - currently, 21 states plus Washington, D.C. have adopted laws that expand their background checks to at least some private gun sales or transfers and none of these laws have been struck down by courts.¹¹

It is past time to expand lifesaving Brady background checks to *every* gun sale and transfer, and the public agrees: 97% of Americans, including over 90% of gun owners, support expanding Brady

agencies from 1999-2014, and FBI data shows that 1,653,771 sales were denied by the federal system from Nov. 1998 through July 31, 2019. This is a total of 3,304,065 sales that have been denied since 1994.

⁶ Matthew Miller, Lisa Hepburn & Deborah Azrael, "Firearm Acquisition Without Background Checks," *Annals of Internal Medicine* 166, no. 4 (2017): 233-239.

⁷ Michael Anestis, Joyce C. Anestis, and Sarah E. Butterworth, "Handgun Legislation and Changes in Statewide Overall Suicide Rates," *American Journal of Public Health* 107, no. 4 (2016): 579-581, available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5343707/>.

⁸ Katherine A. Vittes, Jon S. Vernick, Daniel W. Webster, "Legal Status and Source of Offenders' Firearms in States With the Least Stringent Criteria for Gun Ownership," *Injury Prevention* 19 (2013): 26-31, available at <https://injuryprevention.bmj.com/content/injuryprev/19/1/26.full.pdf>.

⁹ Ibid.

¹⁰ Thomas Abt, "Bleeding Out: The Devastating Consequences of Urban Violence -- and a Bold New Plan for Peace in the Streets," available at https://books.google.com/books/about/Bleeding_Out.html?id=DxJzDwAAQBAJ.

¹¹ Note that states take a variety of approaches to implementing background checks - some states require a background check at the point of sale, while others require a permit that must be applied for in advance of a gun purchase. Further, not all states extend background checks to all firearm types - some limit expanded background checks for private sales to handguns whereas some impose the requirement for all firearms, no matter their categorization.

background checks.¹² This enthusiasm for background checks is mirrored here in the Commonwealth: a 2017 poll found that 91% of Virginians supported a background check for every gun sale and transfer.¹³ **Brady supports the effort of the Virginia House Public Safety Committee to pass a strong and comprehensive universal background check bill to ensure that firearms don't fall into the hands of individuals who are currently prohibited from purchasing and possessing firearms under state and/or federal law.** Surely, we cannot expect to keep guns out of the hands of individuals that are not legally allowed to possess a firearm without ensuring a background check is required universally for gun sales and transfers throughout the Commonwealth.

HB 812. One Handgun A Month Law

Limiting Virginians to purchasing one handgun per month will help ameliorate much of the gun trafficking problem that Virginia faces today. The federal Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF) has identified bulk purchases of handguns as a possible indicator of firearms trafficking.¹⁴ Despite this, in 2012, Virginia repealed a one handgun a month law that had been on the books since 1993. Virginia is what's known as a "net exporter" of crime guns, substantially contributing to gun crime in at least 8 other states across the nation.¹⁵ In 2016 alone, more than 9,000 guns purchased in Virginia were later recovered in crime scenes in another state.¹⁶ Guns frequently travel from Virginia up the I-95 corridor in what's known as the "iron pipeline." States like Virginia, the Carolinas, Georgia, and Florida are frequently the source of many of the guns recovered at crime scenes in Maryland, Delaware, New York, New Jersey, Massachusetts, Connecticut, and the District of Columbia. Despite enacting strong gun laws, these states cannot effectively protect themselves from the flow of out of state guns.

While the stories are ubiquitous, a recent case provides a textbook example of the Commonwealth's problem. A Virginia woman straw purchased thirty-one firearms on her boyfriend's behalf over the course of three months.¹⁷ These firearms were eventually sold in Washington, D.C. and Maryland, where some have already been traced back to crimes in the region. Virginia's proximity to many major metropolitan cities in other states – like Washington D.C. and Baltimore – only exacerbate the issue. Just last week, D.C. Mayor Muriel Bowser identified Virginia as the number one source of crime guns brought into the District, calling on legislators in Virginia to pass common-sense gun violence prevention policies to help the dramatic uptick in violent crime happening in the District.¹⁸ In 2018 alone, about 600 of the

¹² Quinnipiac University, "U.S. Support for Gun Control Tops 2-1, Highest Ever, Quinnipiac University National Poll Finds; Let Dreamers Stay, 80 Percent of Voters Say," February 20, 2018, <https://poll.qu.edu/national/release-detail?ReleaseID=2521>.

¹³ Quinnipiac University, "Virginia Voters Back Universal Background Checks 91-8, Quinnipiac University Poll Finds; 2-1 Opposition To Republican Health Care Plan," June 22, 2017, <https://poll.qu.edu/virginia/release-detail?ReleaseID=2468>.

¹⁴ The Federal Bureau of Alcohol, Tobacco, Firearms & Explosives, "Fact Sheet – Multiple Firearms Sales," <https://www.atf.gov/resource-center/fact-sheet/fact-sheet-multiple-firearms-sales>.

¹⁵ Educational Fund to Stop Gun Violence, "Virginia is a Top Exporter of Crime Guns," <http://efsgv.org/wp-content/uploads/2017/12/Virginia-is-a-Top-Exporter-of-Crime-Guns-2.pdf>.

¹⁶ Center for American Progress analysis of Bureau of Alcohol, Tobacco, Firearms and Explosives, "Firearms Trace Data" (2010-2017), <http://www.atf.gov/resource-center/data-statistics>.

¹⁷ Rachel Weiner, "'We got all the guns.' A woman bought them in Va.; her boyfriend sold them in Md. And the District," The Washington Post, January 10, 2020, https://www.washingtonpost.com/local/public-safety/we-got-all-the-guns-a-woman-bought-them-in-va-her-boyfriend-sold-them-in-md-and-the-district/2020/01/10/01dce55a-33b8-11ea-91fd-82d4e04a3fac_story.html.

¹⁸ Clarence Williams, "D.C. mayor urges Va. Lawmakers to pass gun measures to help curb city violence," The Washington Post, January 9, 2020, https://www.washingtonpost.com/local/public-safety/dc-mayor-urges-virginia-politicians-to-pass-gun-reform-to-help-curb-city-violence/2020/01/09/a95416ce-3268-11ea-a053-dc6d944ba776_story.html.

total 2,095 guns recovered in Washington, D.C. could be traced back to a sale in Virginia. Each and every one of these firearms that finds their way “across the river” into D.C. has a real human impact that all too frequently ends in injury or death.

The one handgun per month law, when in effect in the Commonwealth, was associated with a dramatic reduction in firearms from Virginia being recovered at crime scenes in other states, according to one study.¹⁹ The Virginia State Crime Commission (VSCC) performed their own analysis which similarly showed that the law had proven effective when considering how many Virginia firearms are traced to crime in other East Coast states. The VSCC emphasized that ATF data showed that Virginia dropped from first to eighth on its list of source states for guns involved in criminal activity on the East Coast.²⁰ These indicators suggest that reinstating Virginia’s one handgun a month law could have a positive impact on the number of firearms that are being trafficked from Virginia and across state lines, flooding communities in other states. The cost too frequently ends up being human life. **Brady strongly encourages the House Public Safety Committee to protect human lives in Virginia and surrounding states by implementing a one handgun a month law which will make it markedly more difficult for traffickers to obtain and sell firearms**

HB 674, Extreme Risk Laws

Extreme risk laws are evidence-based solutions currently enacted in 17 states²¹ and Washington, D.C. that give law enforcement and the courts an avenue to prevent an individual in crisis from harming themselves or others by temporarily removing guns and prohibiting the purchase of other firearms.

Extreme risk protection orders are a critical, life-saving tool that Brady has long supported and urges members of the House Public Safety Committee to support as well. These laws effectively target various forms of gun violence seen on a daily basis in the United States, including interpersonal violence, homicides, intimate partner violence, some unintentional shootings, and suicide, the most common type of gun violence.

Over the past five years, nearly 4,800 Virginians have lost their lives to guns - and over 67 percent of those deaths were suicide.²² When a firearm is involved in a suicide attempt, the result is most often fatal. Suicide attempts with a firearm result in death a staggering 85 percent of the time, compared to just three percent for other common methods, like intentional drug misuse.²³ The presence of a gun turns what is frequently an impulsive act—that is usually not repeated if the person survives—into an almost always fatal outcome. People who choose a firearm over other methods typically do not have the opportunity or ability to summon help or reconsider.

¹⁹ Douglas S. Weil, Rebecca C. Knox, “Effects of Limiting Handgun Purchases on Interstate Transfer of Firearms,” *Journal of the American Medical Association* 275 (1996) 1759-1761, available at <https://jamanetwork.com/journals/jama/article-abstract/403492>.

²⁰ The Virginia Center for Public Safety, “Fact Sheet on Virginia’s One-Handgun-A-Month Law,” <https://www.vacps.org/images/fact-sheet-on-one-handgun-a-month-law.pdf> citing Report of the Virginia State Crime Commission, “Study of Virginia’s Law on Handgun Purchase Limits,” House Document No. 28, Richmond, Virginia, 1996, p. 7.

²¹ The states which have adopted a form of this law include: Connecticut, Indiana, California, Oregon, Florida, Vermont, Maryland, Delaware, Massachusetts, Rhode Island, Illinois, New York, New Jersey, Colorado, Nevada & Hawaii.

²² For the past 5 years which data is available (2013-2017), according to CDC’s WISQARS (Web-based Injury Statistics Query and Reporting System), <https://www.cdc.gov/injury/wisqars/fatal.html>. Virginia firearms deaths from 2013-2017 totaled 4,789. 3,200 of those were firearm suicides.

²³ Madeline Drexler, ed. “Guns & Suicide: The Hidden Toll,” *Harvard Public Health Magazine of the Harvard T.H. Chan School of Public Health*, available at https://www.hsph.harvard.edu/magazine/magazine_article/guns-suicide/.

By temporarily removing firearms or making them more difficult to access for individuals in the midst of a crisis, those with suicidal ideation are more likely to survive and get a second chance at life. That second chance is critical: the vast majority—about 90 percent—of people who make a suicide attempt do not ultimately go on to die by suicide later in life.²⁴ This is why laws like extreme risk protection orders are so important.

Extreme risk laws are an important tool that can prevent tragedies because people closest to an individual in crisis are likely to see signs before the person acts. Research shows that gun violence is frequently preceded by an escalation in problematic behavior²⁵ - threats (whether physical, verbal, or online), exhibiting inappropriate behavior with firearms, misuse of controlled substances or alcohol, violating prior restraining or protective orders, and/or stalking or harassing others. In many cases, family members or law enforcement are the witnesses to the escalation of behaviors that typically precedes an act of gun violence - whether that violence ultimately results against one's self, or another individual. Extreme risk protection orders provide a way for the courts and law enforcement to temporarily remove guns from the situation and save lives.

These laws have proven to be effective in other states. An analysis of the first 14 years of Connecticut's extreme risk law (1999-2013) found that 99% of orders issued resulted in the removal of at least one gun. Researchers estimated that not only was at least one suicide prevented for every 10-20 orders issued, but that 44% of the orders led to the individual receiving mental and behavioral health treatment they otherwise might not have received.²⁶ Furthermore, a recent study found that extreme risk laws may provide exactly the type of urgent and individualized intervention that could prevent mass shootings in the future.²⁷ The bottom line is that the more that extreme risk laws are studied and examined, the more clear it becomes that they are a highly effective and unique tool that can and should be used to prevent tragedies *before* they happen.

In addition to a robust and widespread implementation plan for when these laws go into effect, this committee should work to ensure that researchers are granted access to redacted court records – consistent with state and federal privacy laws – to continue to evaluate the efficacy of these laws and further inform public policy. It is critical that unbiased assessments of extreme risk laws are taking place to improve existing laws and expand their adoption in other states.

The epidemic of gun violence, which includes the epidemic of gun suicide, requires a slate of solutions specifically tailored to address the intricacies and root causes of gun violence, for each and every community. **A strong and comprehensive extreme risk law must be part of the solution, as it will save lives in Virginia, and Brady strongly urges this Committee to consider the best practices highlighted in this testimony and vote in favor of a comprehensive extreme risk law today.**

HB 421, Local Authority

²⁴ Harvard T.H. Chan School of Public Health, "Means Matter: Attempters' Longterm Survival," available at <https://www.hsph.harvard.edu/means-matter/means-matter/survival/>.

²⁵ Shannon Frattaroli, Emma McGinty, Amy Barnhorst & Sheldon Greenberg, "Gun Violence Restraining Orders: Alternative or Adjunct to Mental Health-Based Restrictions on Firearms?" *Behavioral Sciences & the Law* 33 (2015) Issue 2-3, available at <https://onlinelibrary.wiley.com/doi/abs/10.1002/bsl.2173>.

²⁶ Jeffrey W. Swanson et al., Implementation and Effectiveness of Connecticut's Risk-Based Gun Removal Law: Does it Prevent Suicides?, 80 *Law and Contemporary Problems* 179-208 (2017), available at <http://scholarship.law.duke.edu/lcp/vol80/iss2/8>.

²⁷ Garen J. Wintemute, et al., Extreme Risk Orders Intended to Prevent Mass Shootings: A Case Series, *Annals of Internal Medicine* (2019), available at <https://annals.org/aim/fullarticle/2748711/extreme-risk-protection-orders-intended-prevent-mass-shootings-case-series>.

Gun violence is a complex and multifaceted problem that requires a response at every level of government – federal, state, and local. Currently, Virginia law handcuffs local governments, preventing them from taking action to reduce violence in their jurisdictions.²⁸

While gun violence takes place in every community in our country, the violence manifests differently in different communities. Accordingly, the most effective gun violence prevention laws may need to be implemented or enforced differently in an urban area compared to a rural area, for example. It is critical that local governments have the authority to adopt gun violence prevention measures that are tailored to address the gun violence closest to home and have the ability to direct local resources to effectively implementing those solutions.

Under Virginia’s preemption law, local governments cannot “adopt or enforce any resolution . . . governing the purchase, possession, transfer, ownership, carrying, storage or transportation of firearms.” This sweeping provision severely limits local governments in adopting common sense laws. This is directly relevant to events that have taken place in the Commonwealth over the last few years.

During 2017’s deadly “Unite the Right” rally where a woman was killed and dozens more were injured, the City of Charlottesville could not prevent individuals from openly carrying firearms.²⁹ At the time of the rally, Virginia Attorney General Mark Herring said “the prevalence of firearms added to the potential for violence,” and then-Governor Terry McAuliffe added that law enforcement was ultimately powerless to legally remove firearms from the protest.³⁰ Still today, despite this dark history, the City of Charlottesville still cannot prevent individuals from openly carrying firearms at protests that law enforcement has reason to believe will turn violent.³¹

Beyond that, repealing this law would also drastically change the lives of individuals in urban areas where gun violence is an everyday and prevalent occurrence. Under current law, cities like Richmond cannot explore solutions to address the city’s disproportionately high rates of gun violence if those measures are not supported at the state level. In states with preemption laws, this creates a disconnect where, too frequently, those who are making the laws are not living in the communities that they actually affect.

State preemption laws hinder effective gun violence prevention measures at the local level. **Brady urges this Committee to repeal Virginia’s firearms preemption law to restore local authority to pass and implement gun violence prevention policies that will best serve those that live there.**

HB 9, Lost & Stolen Firearms

Gun theft in the United States has been identified as a significant problem, and lost and stolen guns become an immediate part of the criminal gun market in the Commonwealth and beyond. The Federal Bureau of Investigation (FBI) has estimated that 1.4 million firearms were stolen from private individuals between 2005 and 2010,³² and a 2017 study conducted by researchers concluded that approximately 380,000 firearms are stolen from private individuals annually.³³ Virginia is far from immune from this

²⁸ Va. Code. Ann § 15.2-915.

²⁹ Alex Yablon, “Virginia Bill Would Let Cities Ban Guns from Protests,” The Trace, Nov. 20, 2018, <https://www.thetrace.org/rounds/virginia-bill-guns-at-protests-preemption-law/>.

³⁰ Ibid.

³¹ Ibid.

³² US Bureau of Alcohol, Tobacco, Firearms, and Explosives, “2012 Report of Firearms Reported Lost and Stolen,” June 2013.

³³ David Hemenway, et al, “Whose Guns Are Stolen: The Epidemiology of Gun Theft Victims,” *Inj Epidemiol*, December 2017; 4: 11, www.ncbi.nlm.nih.gov/pmc/articles/PMC5385318/.

problem: in fact it is estimated that from 2012 through 2015, over 27,000 firearms were stolen from individual gun owners in the Commonwealth.³⁴ Despite this, the National Crime Victimization Survey revealed that, from 2011 to 2015, 1 in 4 guns stolen from individuals went unreported to law enforcement.³⁵

Despite these significant numbers, current Virginia law doesn't require gun owners to report lost or stolen firearms to law enforcement. This is troubling because lost and stolen firearms don't just feed the criminal gun market, but the lack of reporting also impedes criminal investigations as these guns are notoriously difficult to trace. This directly interferes with law enforcement's ability to quickly identify suspects tied to serious gun crimes. As noted in a recent ATF report: "Those that steal firearms commit violent crimes with stolen guns, transfer stolen arms to others who commit crimes, and create an unregulated secondary market for firearms."³⁶

Just this past summer, Lynchburg Police Officer John Pavia explained that the problem of stolen guns continues to worsen: "There's been a problem and the trends [sic] been going up and the larceny from auto theft has only been on the rise."³⁷ Roanoke Police Chief Tim Jones explained that they were seeing stolen guns used in crimes and explained: "Guns will make their way around and unfortunately they are a very highly desired commodity in the criminal equation."³⁸

Laws that mandate that gun owners immediately notify law enforcement officials when a firearm is lost or stolen reduce gun trafficking and straw purchasing, keep guns out of the hands of prohibited purchasers, and allow law enforcement to recover and return these guns to their rightful owners. **Brady strongly encourages the House Public Safety Committee to enact a law which mandates the reporting of lost or stolen firearms within 24 hours.**

HB 463, Child Access Prevention

More than half of gun owners do not secure their firearms with locks or other safe storage methods, and almost 4.6 million minors live in homes with unsecured guns.³⁹ A study published by American Academy of Pediatrics in 2018 found that within a sample of parents who owned guns, only one third stored all household firearms locked and unloaded.⁴⁰ As a result, a whopping 70-90 percent of firearms used in suicides, school shootings, and unintentional shootings by minors are acquired from home, or from the

³⁴ Chelsea Parsons and Eugenio Weigend Vargas, "Stolen Guns in America", The Center for American Progress, July 2017, Table 2, available at www.americanprogress.org/issues/guns-crime/reports/2017/07/25/436533/stolen-guns-america/.

³⁵ Center for American Progress analysis of data from U.S. Bureau of Justice Statistics, National Crime Victimization Survey Series (U.S. Department of Justice, 2015), available at <https://www.icpsr.umich.edu/icpsrweb/ICPSR/series/95>.

³⁶ US Bureau of Alcohol, Tobacco, Firearms, and Explosives, "2012 Report of Firearms Reported Lost and Stolen," June 2013.

³⁷ Jenna Zibton, "Hundreds of Stolen Guns Are Ending Up on the Streets of Virginia," WSLN News, Aug. 29, 2019, available at <https://www.wsls.com/news/2019/08/30/hundreds-of-stolen-guns-are-ending-up-on-the-streets-in-virginia/>.

³⁸ Ibid.

³⁹ Deborah Azrael, et al., "Firearm Storage in Gun-Ownning Households with Children: Results of a 2015 National Survey," *Journal of Urban Health* 95 (2018), available at www.doi.org/10.1007/s11524-018-0261-7.

⁴⁰ John Scott, Deborah Azrael, and Matthew Miller, "Firearm Storage in Homes With Children With Self-Harm Risk Factors," American Academy of Pediatrics (February 2018), <http://pediatrics.aappublications.org/content/early/2018/02/19/peds.2017-2600.info>.

homes of friends or relatives.⁴¹ In 2017 alone, 729 children died by firearm suicide.⁴² As is the case with adults, the availability of firearms and their lethal nature greatly increases the risk of a fatal outcome in child suicide.⁴³ Studies have found that for minors who have used a firearm to take their own life, 82 percent used a firearm belonging to a family member, and 64 percent of those guns were stored unlocked.⁴⁴

Various studies have found that CAP laws are associated with reduced rates of suicide and unintentional firearms deaths and injuries among children and teens by up to 54%.⁴⁵ Research suggests that CAP laws also increase safe storage behavior⁴⁶ and one recent study has found that a modest increase in safe firearm storage could prevent up to 32 percent of suicide and unintentional firearm fatalities among youth, and another predicted that child access prevention law enactment can reduce the annual number of self-inflicted gun injuries by 26 percent.⁴⁷

The risks associated with access to firearms does not simply dissipate when one turns 15, and it is appropriate that this proposed bill expands the obligation to prevent all minors under the age of 18 from accessing firearms. Child access prevention laws do not infringe upon an individual's Second Amendment rights to keep and bear arms in the home -- rather, responsible firearms ownership comes with a duty to ensure that these lethal weapons are kept out of the hands of minors who cannot yet responsibly handle firearms themselves. Research clearly shows that robust child access prevention laws help protect children and reduce the tragic deaths of firearm suicide, and unintentional shootings by kids and teens in homes across America. **Brady strongly encourages the House Public Safety Committee to vote in favor of a law which mandates that all firearms must be safely stored in the presence of minors to prevent injuries and fatalities.**

HB 1004, Protective Order Expansion

Across the U.S. and in Virginia, there are far too many loopholes that enable abusers to continue to keep and purchase firearms. The mere presence of a gun is a key factor that can turn an abuser into a killer.

⁴¹ Renee M. Johnson, et al., "Who Are the Owners of Firearms Used in Adolescent Suicides?," *Suicide and Life-threatening Behavior* 40, no. 6 (2010): 609-611; Guohua Li, et al., "Factors Associated with the Intent of Firearm-related Injuries in Pediatric Trauma Patients," *Archives of Pediatrics & Adolescent Medicine* 150, no. 11 (1996): 1160-1165; John Woodrow Cox and Steven Rich, "'The Gun is Not in the Closet,'" *The Washington Post*, Aug. 1, 2018, available at <https://www.washingtonpost.com/news/local/wp/2018/08/01/feature/school-shootings-should-parents-be-charged-for-failing-to-lock-up-guns-used-by-their-kids/>.

⁴² National Center for Injury Prevention & Control, US Centers for Disease Control and Prevention, Web-based Injury Statistics Query & Reporting System (WISQARS) Injury Mortality Reports, 1999-2013, for National, Regional, and States (Jan. 2015).

⁴³ Madeline Drexler, Guns and Suicide: The Hidden Toll, *Harvard Public Health* at 24, 26, https://www.hsph.harvard.edu/magazine/magazine_article/guns-suicide/.

⁴⁴ The Rand Corporation, "The Effects of Child-Access Prevention Laws," March 2018, <https://www.rand.org/research/gun-policy/analysis/child-access-prevention.html>, citing Webster, D. W., L. H. Freed, S. Frattaroli, and M. H. Wilson, "How Delinquent Youths Acquire Guns: Initial Versus Most Recent Gun Acquisitions," *Journal of Urban Health*, Vol. 79, No. 1, 2002, pp. 60-69 and LaFree, G., and C. Birbeck, "Controlling New Mexico Juveniles' Possession of Firearms," Albuquerque, N.M.: New Mexico Criminal Justice Statistical Analysis Center, Working Paper 27, 1998.

⁴⁵ Emma C. Hamilton, et al., "Variability of Child Access Prevention Laws and Pediatric Firearm Injuries," *Journal of Trauma and Acute Care Surgery* 84, no. 4 (2018): 613-619.

⁴⁶ Giffords Law Center to Prevent Gun Violence, "Child Access Prevention," <https://lawcenter.giffords.org/gun-laws/policy-areas/child-consumer-safety/child-access-prevention/>.

⁴⁷ Michael C. Monuteaux et al., "Association of Increased Safe Household Firearm Storage with Firearm Suicide and Unintentional Deaths Among U.S. Youths," *JAMA Pediatrics* 173 no. 657 (2019); Jeffrey Desimone, "Child Access Prevention Laws and Nonfatal Gun Injuries," 80 *Southern Economic Journal* no. 1 (2013).

Three women are shot and killed every day by a current or former intimate partner with a gun,⁴⁸ but Virginia's law is outdated and doesn't equally protect all abuse victims. It is absolutely essential to pass this law that will expand firearm prohibitions to all permanent protective orders, thus providing much needed protection to those who aren't considered a family or household member under Virginia law, but who are at equal risk of harm.

In Virginia, as in many states, dating or intimate partners are excluded from the definition of "family or household member." This definition refers only to current or former spouses, certain relatives by blood or marriage, those with children in common, and some cohabitants. This definition doesn't keep up with dating practices in the United States today. Since 1980, the number of murders being committed by a spouse has dropped from 69 to 47 percent, and the percentage being perpetrated by a non-married dating partner has skyrocketed from 27 to 49 percent.⁴⁹ This reflects a generational shift wherein young people today are waiting until they are older than their parents and grandparents to cohabit and marry. The unintended consequence means that millions of Americans are left outside of the process that is supposed to protect them under the worst of circumstances.

But the evidence shows that laws like this one can be highly effective and truly save lives: states that have expanded domestic violence to cover abusive dating partners experience a 13 percent reduction in intimate partner homicides. When American women are 16 times more likely to be killed with a gun than their peers in other high-income countries,⁵⁰ it's time to expand this critical law to ensure that *all* individuals who have worked with the courts to obtain a permanent protective order can rest assured that their abuser cannot legally keep, possess, or purchase a gun. Domestic violence cuts across racial, gender, economic, sexuality, age, and religious divides. But what is consistently true is that the presence of a firearm in an abusive situation puts lives at stake, and **Brady strongly encourages this committee to consider and vote in favor of this legislation, which will prohibit any individual subject to a permanent protective order from owning or purchasing firearms.**

Conclusion

We at Brady applaud this House Public Safety Committee for seeking legislative solutions to the grave problems that exist due to the daily impact of gun violence throughout the Commonwealth. Policies to create a **comprehensive universal background check system**, implement a **one-handgun-a-month** policy to reduce straw purchasing and gun trafficking, pass an **extreme risk law**, repeal **Virginia's firearms preemption law**, enact a strong **child access prevention law**, establish a policy by which firearms owners must **report lost and stolen guns**, and institute a **law expanding firearm prohibitions for all permanent protective orders** will go a long way in reducing gun violence and injury throughout all of Virginia. We know that when states have enacted similar legislation, they have lowered their firearm death rates, and research shows that the courageous actions of this body could do the same for the Commonwealth. Brady looks forward to working with the committee in this legislative process to combat the levels of gun violence Virginians are experiencing daily in communities of all different shapes and sizes throughout the state. There is too much at stake to do anything else.

⁴⁸ Mary Emily O'Hara, "Domestic Violence: Nearly Three U.S. Women Killed Every Day by Intimate Partners," NBC News, April 11, 2017, <https://www.nbcnews.com/news/us-news/domestic-violence-nearly-three-u-s-women-killed-every-day-n745166>.

⁴⁹ Alexia Cooper and Erica L. Smith, "Homicide Trends in the United States, 1980-2008: Annual Rates for 2009 and 2010," U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, NCJ 236018 (2011), p. 19, available at <https://www.bjs.gov/content/pub/pdf/htus8008.pdf>.

⁵⁰ Erin Grinshteyn and David Hemenway, "Violent Death Rates: The US Compared with Other High-income OECD Countries, 2010," *American Journal of Medicine* 129, no. 3 (2016), available at <https://www.ncbi.nlm.nih.gov/pubmed/26551975>.