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Testimony of Christian Heyne, VP of Policy at Brady
Support for HB 961
Before the Virginia House of Delegates Public Safety Committee
February 7th, 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

The bill before you today -- HB 961, would ban weapons of war in our communities. These weapons - assault-style semi-automatic rifles and pistols, along with high capacity magazines - have no place on our streets. When these guns are easily accessible to civilians, we know what happens: In Newtown, Connecticut, where 26 children and their educators were killed in their elementary school, 154 rounds were fired in under 5 minutes. In Aurora, Colorado where 12 movie-goers were killed and 58 more were

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>.

wounded, the shooter carried a semi-automatic assault rifle, outfitted with a 100 round drum magazine. In Las Vegas, Nevada, 58 people enjoying a music festival were killed and nearly 900 were injured when the shooter used numerous assault rifles outfitted with high capacity magazines and bump stocks. Over 1000 rounds were fired in 11 minutes - the bullets nearly continuously raining down on concert-goers. In El Paso, Texas, 22 people were killed and 24 more were injured by a gunman with a semi-automatic AK-style rifle and numerous high capacity magazines. In Dayton, Ohio, a shooter with an AR-15 pistol and a 100-round drum magazine killed nine and injured 27 more in less than 25 *seconds*.

Assault weapons *are* uniquely lethal - and that's due to the tactical features that differentiate these weapons from hunting rifles that fire the same caliber ammunition. These features - like detachable magazines, barrel shrouds, pistol grips, forward grips, and telescoping stocks - allow a shooter to either conceal the weapon or to make it easier to fire a high volume of ammunition in a short period of time while maintaining accuracy. A typical AR-15 bullet leaves the barrel of the gun **three times** faster than a typical 9mm handgun bullet.⁴ When it enters a human body, the .223 caliber bullet is designed to fragment and tumble. The high velocity damages and kills tissue as it travels, causing catastrophic internal bleeding.

With an assault-style weapon, even a firearms novice can perpetrate a mass casualty incident - in fact, many of the deadliest mass shooters were not particularly experienced with guns, they just followed the example that had been left before them. The market has spoken, and would-be mass shooters have, and will continue, to seek out the weapons and accessories which enable them to kill the most people in the shortest amount of time.

The risks are exacerbated exponentially when any gun, whether an assault weapon or handgun, is paired with a high capacity magazine that can hold 20, 30, or even 100 rounds. The carnage that results from the use of shootings with such magazines is inevitably worse. When up to 100 bullets can be fired in quick succession without requiring a shooter to pause to reload, there are fewer opportunities for victims to escape and for law enforcement to intervene. There is a direct correlation between access to high capacity magazines and the frequency of mass shootings. A Boston University study, for example, shows that “[w]hether a state has a [high] capacity ammunition magazine ban is the single best predictor of the mass shooting rate in that state.”⁵ Indeed, as one researcher noted “[h]igh-capacity ammunition magazines are the common thread running through most mass shootings in the United States.”⁶

Virginia is not immune from the impact of high capacity magazines in shootings. Just last year, in a tragic event affecting citizens of the Commonwealth, a shooter entered a municipal building in Virginia Beach with a handgun and multiple high capacity magazines. He killed 12 people and injured four more. Law enforcement subsequently engaged in a lengthy gun battle to stop the shooter. In the aftermath of the

⁴ Heather Sher, “What I Saw Treating the Victims From Parkland Should Change the Debate on Guns,” *The Atlantic*, Feb. 22, 2018, available at <https://www.theatlantic.com/politics/archive/2018/02/what-i-saw-treating-the-victims-from-parkland-should-change-the-debate-on-guns/553937/>.

⁵ Sam Petulla, *Here is 1 Correlation Between State Gun Laws and Mass Shootings*, CNN (Oct. 5, 2017), <https://tinyurl.com/yxvwtsej>.

⁶ *High-Capacity Ammunition Magazines*, Violence Policy Center, <https://tinyurl.com/jwpae5n> (last updated June 3, 2019) (collecting data, including casualties, firearms used, etc. on 71 mass shootings (using three or more fatalities as the metric) from 1980 to present).

shooting, Police Chief Cervera said that the shooter “was reloading extended magazines in that handgun, firing at victims throughout the building and at our officers.”⁷ These magazines enabled the shooter to continue his reign of terror inside the building nearly continuously.

High capacity magazines don’t just make it more difficult for law enforcement to intervene to stop a shooter, they also lengthen the span of time between when a shooter must reload before they can keep shooting. At Marjory Stoneman Douglas High School in Parkland, Florida, the gunman paused for 13 critical seconds while he retrieved and inserted a new magazine: in that 13 seconds, a teacher and 10 students were able to flee the massacre. In Thousand Oaks, California, when the shooter paused to reload, people trapped inside the bar broke a window and up to 35 people escaped.⁸ At the horrific shooting in Tucson, Arizona that gravely injured Congresswoman Gabrielle Giffords, non-armed civilians were able to intervene when her shooter paused to re-load. One was able to pull the new magazine from his hands, while others wrestled the shooter to the ground, stopping the shooting before even more people were injured and killed.⁹

The bottom line is this: no civilians should have to ever intervene to prevent their fellow human beings from being massacred while out for a movie, dancing, checking out a favorite band, worshipping, getting an education, or just walking down a crowded street. Bans on high capacity magazines and assault weapons **do** work, and we have data from right here in the Commonwealth that shows their effectiveness: When the federal ban was in effect, the number of guns with high capacity magazines recovered by Virginia State police steadily declined. In 1998, only nine percent of guns were recovered with a high-capacity magazine. After its reversal, the rate began climbing again. By 2010, that number was up to 20 percent.¹⁰ Another review of mass shootings found that, during the 10 years that the federal assault weapon and high capacity magazine ban was in effect, mass shooting deaths by assault weapons fell by 40 percent, and fatalities involving both assault weapons and high capacity magazines fell by over 50 percent.¹¹

Even though Congress let the federal ban expire in 2004, support for reinstating this law has continued to climb: a recent Fox News poll found that two-thirds of all Americans support an assault weapons ban, including over half of gun-owning households and independents.¹²

⁷ Martin Kaste, “Do Extended Magazines Facilitate Mass Shootings?” NPR, June 4, 2019, available at <https://www.npr.org/2019/06/04/729413913/do-extended-magazines-facilitate-mass-shootings>.

⁸ Hayley Miller, “Thousand Oaks Shooting Survivors Escaped Through Windows While Gunman Reloaded,” HuffPost, Nov. 8, 2018, available at https://www.huffpost.com/entry/thousand-oaks-shooting-rescues_n_5be42ef7e4b0e84388948e65.

⁹ Man Who Tackled Shooter in Gabrielle Giffords Attack Dies, CBS News Mar. 12, 2015, available at <https://tinyurl.com/yy4rx93d>; Kevin Dolak and Justin Weaver, Woman Wrestled Fresh Ammo Clip from Tucson Shooter as He Tried to Reload, ABC News, Jan. 9, 2011, available at <https://tinyurl.com/yxad8nel>.

¹⁰ David S. Fallis, “Data Indicate Drop in High-Capacity Magazines During Federal Gun Ban,” The Washington Post, Jan. 10, 2013, available at https://www.washingtonpost.com/investigations/data-point-to-drop-in-high-capacity-magazines-during-federal-gun-ban/2013/01/10/d56d3bb6-4b91-11e2-a6a6-aabac85e8036_story.html.

¹¹ Alex Yablon, “Diving Into the Data on Assault Weapons Bans,” The Trace, Aug. 16, 2019, available at <https://www.thetrace.org/2019/08/what-the-data-says-assault-weapons-bans/>.

¹² Dana Blanton, “Fox News Poll: Most Back Gun Restrictions After Shootings, Trump Ratings Down,” FOX News, Aug. 15, 2019, available at <https://www.foxnews.com/politics/fox-news-poll-most-back-gun-restrictions-after-shootings-trump-ratings-down>.

Seven states and the District of Columbia have taken the important step to ban assault weapons and nine states and the District of Columbia have taken the same step with regards to high-capacity magazines. There is nothing about a ban on assault weapons or a ban on high-capacity magazines that runs afoul of the Second Amendment; these currently enacted laws have been upheld as constitutional by Appellate courts all across the country. The Supreme Court, in its 2008 decision, *Heller v. D.C.*, authored by the late Justice Antonin Scalia said [t]he Court’s opinion should not be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms. Miller’s holding that the sorts of weapons protected are those ‘in common use at the time’ finds support in the historical tradition of prohibiting the carrying of dangerous and unusual weapons.”¹³ Assault weapons and high capacity magazines, which have the unique ability to terrify the population and which are disproportionately used in mass shootings, are dangerous and unusual and, therefore, are not protected by the Second Amendment.

Assault weapons and high-capacity magazines undeniably make mass shooting incidents worse by equipping shooters with firepower capable of wounding and killing more victims and reducing the opportunities for escape, defensive action, or law-enforcement intervention. The ensuing suffering is broader than just the injuries and lives lost -- survivors¹⁴, first responders¹⁵, friends and family of victims¹⁶, affected communities¹⁷, and society at large¹⁸ continue to suffer and live in fear. Beyond this, mass shootings carried out with assault weapons and high capacity magazines also impose economic burdens on victims, their families, governments, taxpayers, and the economy.¹⁹

¹³ *District of Columbia v. Heller*, 554 U.S. 570 (2008).

¹⁴ Emily Goldmann and Sandro Galea, Mental Health Consequences of Disasters, 35 Ann. Rev. Pub. Health 169, 172–73 (2014); Sarah R. Lowe and Sandro Galea, The Mental Health Consequences of Mass Shootings, 18 Trauma, Violence, & Abuse 62, 63–64 (2017); Heather Littleton et al., Posttraumatic Symptoms Following a Campus Mass Shooting: The Role of Psychosocial Resource Loss, 26 Violence Victims 461, 466–67 (2011); Heather Littleton et al., Longitudinal Evaluation of the Relationship Between Maladaptive Trauma Coping and Distress: Examination Following the Mass Shooting at Virginia Tech, 24 Anxiety Stress Coping 273, 274 (2011).

¹⁵ Ali Galante, Las Vegas First Responders Deal With Emotional Aftermath of Mass Shooting, NBC, Oct. 14, 2017, available at <https://tinyurl.com/y6maryda>; Abe Aboraya, Five First Responders to the Pulse Massacre, One Diagnosis: PTSD, ProPublica, June 11, 2018, <https://tinyurl.com/y4jlp2h>; Solomon Banda, School Shootings’ Effects on Police Officers Understudied, U.S. News & World Report, Apr. 17, 2019, <https://tinyurl.com/y4hg4jr2>.

¹⁶ David Olinger, et al., Victim’s Mother Commits Suicide, Denver Post, Oct. 23, 1999, available at <https://tinyurl.com/y4p2oqy7>; Terry Spencer, et al., Linked by Pain: 2 School Massacre Survivors, Dad Kill Selves, Associated Press, Mar. 25, 2019, available at <https://tinyurl.com/y23sqzsg>.

¹⁷ Leah Millis, Twenty Years After Columbine, Mass Shooting Survivors Help Others Heal, Reuters, Apr. 17, 2019, available at <https://tinyurl.com/y3mnl8sg>; Fran H. Norris, Impact of Mass Shootings on Survivors, Families, and Communities, 18 PTSD Res. 1, 3, 6 (2007).

¹⁸ Dan Kopf, Mass Shootings are Americans’ Fastest Rising Fear, Quartz, Oct. 31, 2018, available at <https://tinyurl.com/yydopnpa> (citing America’s Top Fears 2018, Chapman University, Oct. 16, 2018, <https://tinyurl.com/yyjlk8c8>); Emily Swanson, et al., AP-NORC Poll: Most Believe Schools Have Become Less Safe, Associated Press, Apr. 16, 2019, available at <https://tinyurl.com/y2x42tum>; Frank Newport, Four in 10 Americans Fear Being a Victim of a Mass Shooting, Gallup (Oct. 18, 2017), available at <https://tinyurl.com/y5vbmddf>.

¹⁹ Gary Martin, Feds Will Reimburse Nevada \$2 Million for Las Vegas Shooting Costs, Las Vegas Review-Journal (June 25, 2018), <https://tinyurl.com/y7crtf9g>; Attorney General Holder Announces 1.5 Million Reimbursement Support Efforts to Victims of Sandy Hook Elementary School Shooting, U.S. Department of Justice, Dec. 17, 2013,

For all of these reasons, Brady strongly encourages this Committee to vote in favor of HB 961 to regulate assault weapons and high capacity magazines for civilian purchase and possession.

<https://tinyurl.com/y5cb7s7j>; Anthony Green and Donna Cooper, Auditing the Cost of the Virginia Tech Massacre, Ctr. for Am. Progress (Apr. 2012), <https://tinyurl.com/y4hr5spf> Faiz Gani, et al., Emergency Department Visits for Firearm-Related Injuries in the United States, 2006-14, 36 Health Aff. 1729, 1734–35 (2017); A Nation of Survivors: The Toll of Gun Violence in America, Everytown for Gun Safety (Feb. 1, 2019), <https://tinyurl.com/y48fqwf>; The Las Vegas Massacre’s \$600 Million Financial Toll, Giffords Law Center, <https://tinyurl.com/y6k59qf8> (last visited Aug. 4, 2019); Mark Follman, et al., The True Cost of Gun Violence in America, Mother Jones (Apr. 15, 2015), <https://tinyurl.com/yytbyxkr>.