

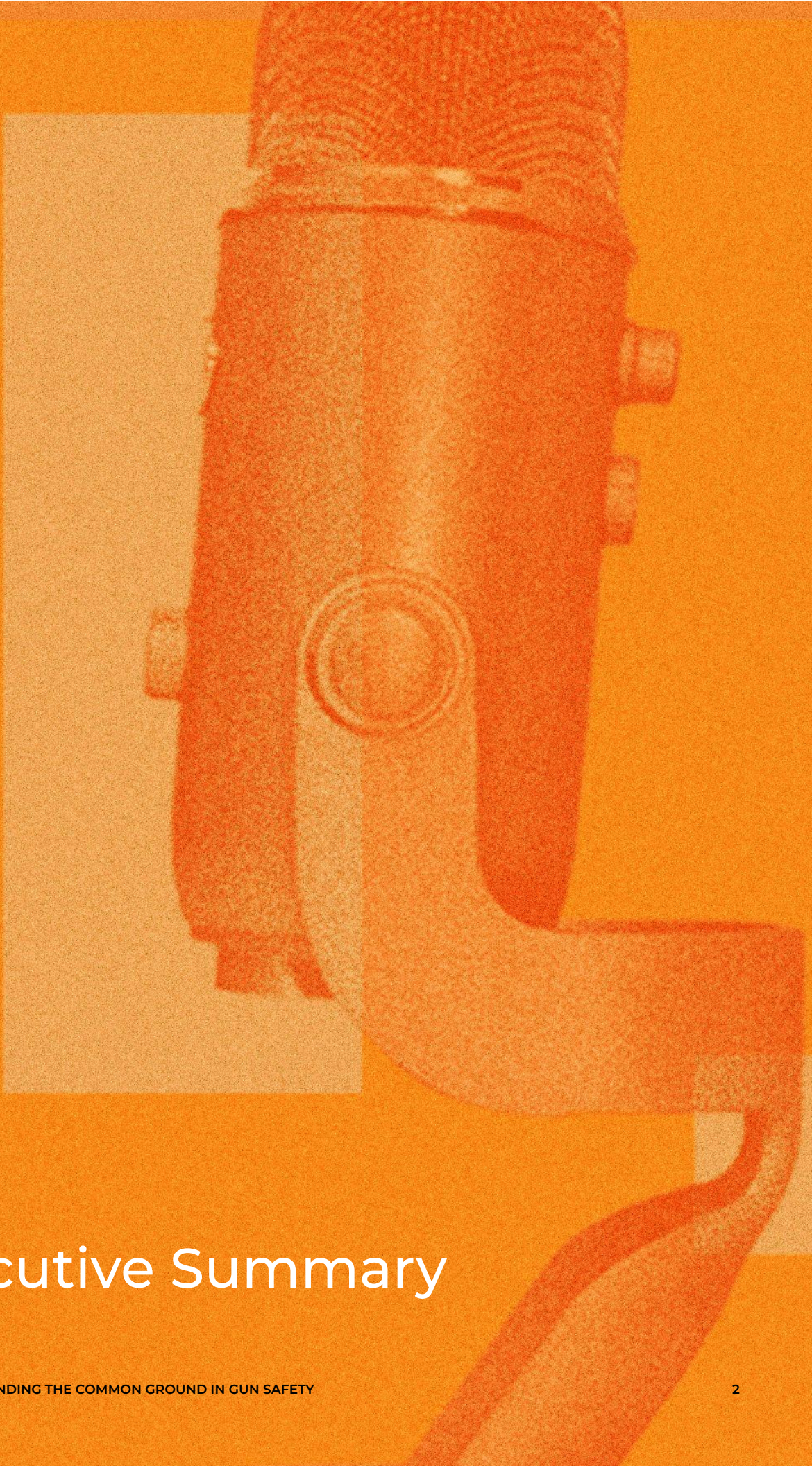
Finding the Common Ground in Gun Safety

PART TWO: GUN SAFETY POLICIES

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1.
Executive Summary

Introduction

Gun violence continues to be a major, persistent problem in the United States. According to recent data from the Centers for Disease Control and Prevention, U.S. firearm homicide and suicide rates increased by more than 8% from 2020 to 2021. Approximately 47,000 gun-related deaths occurred in 2021, of which more than 21,000 were homicides.

This fall, we sought to examine whether there existed a new path on gun safety issues to reduce this high rate of gun violence and death. In Part One, [released last month](#), the research identified common ground between gun owners and non-gun owners based on the principle that gun safety policies should keep guns out of the hands of violent criminals. This report, “Finding the Common Ground in Gun Safety: Part 2,” built off that common ground by identifying a new package of policies ensuring people at high risk for violence cannot access guns while protecting law-abiding gun owners’ Second Amendment rights.

This new research and overall package of policies comes at a critical juncture for gun safety issues in the United States. The Supreme Court’s 2022 decision in *New York State Rifle & Pistol Association v. Bruen* opened the door for courts to potentially strike down “may issue” laws, which give law enforcement wide discretion in evaluating permit applications. May issue laws in eight other states are at risk.

At the same time, recent legislative action at the federal level has shown that gun safety laws are no longer a third rail in American politics and that common ground exists. The “Bipartisan Safer Communities Act” expanded background checks, provided funding for red flag laws, and strengthened prohibitions on domestic abusers, and passed with bipartisan support in both chambers of Congress. However, key loopholes in regulation still exist that allow people who are at high risk of violence the ability to access guns.

Against this backdrop, and informed from the findings from Part One, this study identifies gun safety policies that are effective, grounded in shared principles, and respect the rights of law-abiding gun owners. Together with Part One, the overall research package identifies a new path forward for gun safety policies that can help save lives and meaningfully reduce gun violence in this country.

There were three parts to the background research we conducted to inform the identification of a gun policy package:

- A nationally representative sample of 1,078 gun owners that, unlike other research, sought to understand their views on detailed provisions of these laws.

The research also aimed to identify the principles that underlie gun owners' support of, or opposition to, specific gun policies.

- A focused review of the empirical evidence regarding the effectiveness of federal and state firearm laws.
- A series of interviews and focus groups with approximately 100 gun owners and non-gun owners that were conducted to further explore themes identified in the survey and to further assess attitudes towards specific provisions of the firearm laws that were found to be most effective based on the focused review.

Our underlying aims in identifying a gun policy package were as follows:

1. **To identify a platform that flows directly from identified common ground between gun owners and non-gun owners** – the desire to keep guns out of the hands of people with a high risk of violence.
2. **To identify a policy package that would have the greatest impact on population rates of gun violence.** The aim was not to include a list of every possible law that could have an impact but rather a small set of laws that would have the greatest impact.
3. **To develop a detailed, clear policy package with specific provisions.** This package articulates exact provisions, drawing on research from Part One, to inform future policy on what is effective and popular.
4. **To identify a package of policies that does not place an undue or unnecessary burden on law abiding citizens' right to purchase and possess guns.** Gun owners want to be a part of the solution. This research sought to identify ways gun owners can benefit from gun policy, without compromising public safety.

Based on the research presented in our prior report, this package of policies has the potential to reduce overall gun related homicides by 28% and gun related suicides by 6.7%.



2.

The Policy Package

The primary principle upon which gun owners base their opinions about gun policy was identified to be the following:

Gun policies should ensure that people who are at high risk for violence cannot access guns, while interfering minimally with the ability of law-abiding gun owners to purchase and possess guns.

This principle was found in our research to be an area of solid common ground, shared by a wide swath of nearly all gun owners and non-gun owners alike. Critically, the policies that are highlighted below derive directly from this area of common ground and at the same time are those that are most effective at reducing population level gun-related deaths.

To achieve the shared underlying objective of making sure that guns cannot be easily accessed by people at a high risk of violence, a package of several policies is necessary. Together the policies establish a threshold for gun ownership, provide the mechanisms to assess if someone has previously violated the threshold, and provide a mechanism to prevent someone at risk for violating the threshold from accessing a gun. This package of policies would all need to work together at both a state and federal level in order to be effective. What follows is a package of policies that are based on shared principles and are likely to be highly effective.

1. Violent misdemeanor laws: These laws establish a threshold for those who have committed violence in the past and become the primary prohibitor for gun purchase or possession. Violent misdemeanor laws prohibit gun purchase and possession by anyone who has been adjudicated as having committed a crime involving violence or threatened violence, regardless of the level of the crime.

Today the federal threshold for limiting gun ownership is focused on felonies, including non-violent felonies, and on involuntary alcohol and drug treatment and involuntary commitment for mental health treatment.

With the exception of domestic violence-related offenses, current federal law allows convicted violent criminals to purchase and possess guns as long as their crime did not rise to the level of a felony (technically, as long as their crime is not punishable by a prison sentence of more than one year). This is a large loophole in federal law that allows many people who are at high risk of violence to legally purchase and possess firearms.

Violent misdemeanor laws close this loophole by ensuring that the commission of any violent crime—regardless of whether it is adjudicated as a misdemeanor

or felony and regardless of the length of the prison sentence—is prohibiting for firearm purchase and possession. It also ensures that other misdemeanor level offenses that involve threatened or potential violence, such as stalking, cyberstalking, or making violent threats, are prohibiting for gun purchase and possession.

As of 2022, only four states have violent misdemeanor laws in place.

2. Gun permit laws: These laws create a mechanism by which states and local authorities can verify if an individual has committed a violent crime before accessing a gun. Gun permit laws require a state-issued permit in order to purchase and possess a gun. Obtaining the permit requires state and local background checks, focusing on any history of violent misdemeanor crimes or threatened violence. The permit law also requires a gun safety training course, with an additional live shooting training course for concealed carry permits. Finally, the law requires that gun dealers verify at point-of-purchase that the buyer has a current, valid state firearm permit. Currently, only 12 states require a state permit to purchase or possess a firearm. However, only six of these states require a permit for long guns. The other six require permits only for handguns.

3. Universal background checks: Background checks are needed to ensure that a potential gun purchaser or owner meets the requirements to purchase a gun; i.e., the individual is not disqualified by virtue of having committed a crime of violence or threatened violence. Under federal law, background checks are conducted only at the point-of-purchase and only by federally licensed sellers. Private sellers can sell guns without conducting a background check. While several states have partially closed this loophole by requiring universal background checks (i.e., background checks for all gun sales, even from private sellers), many of them rely solely on a federal database (NICS) to identify people who are ineligible to purchase a gun. This database is incomplete and missing large amounts of data, especially on lower-level crimes such as domestic violence and other misdemeanors. Currently, only 11 states search state and local records as part of the background check process.

This policy package would fundamentally change the way background checks are conducted in a way that would both enhance protection of the public and simplify the process for gun owners. Background checks would no longer be required at point-of-purchase and conducted solely at the federal level, but instead would be carried out at the federal, state, and local levels as part of the process for obtaining a state gun permit. Point-of-purchase gun sales could then

only take place if the seller verifies that the buyer holds a currently valid state gun permit.

This would not only enhance the effectiveness of background checks by requiring a search of state and local records, but it would also simplify and streamline the process by which gun owners with valid permits can purchase guns. Instead of being subjected to a federal background check every time they purchase a gun, they would be exempt from an additional background check if they are confirmed to possess a currently valid state gun permit. This is consistent with current federal practice, by which NICS checks are waived in 20 states for certain valid gun permit holders. This policy would also streamline the process for gun owners by allowing them to obtain a permit to purchase and possess guns as well as a concealed carry permit with just one application.

This policy is consistent with the most recent evidence (reviewed in Part One of this report) which demonstrates that point-of-purchase background checks on their own are not associated with significant declines in firearm homicide. Instead, it is when background checks are combined with a state-level gun permitting system that significant impacts on firearm homicide are observed.

This policy would have the additional advantage of addressing gun owner concerns about being prosecuted for a felony if they sell or lend a gun to a family member. Under the policy, transfers of guns between family members would be allowed as long as the individual receiving the gun holds a currently valid state gun permit. In addition, private sellers could sell guns without having to go through a federally licensed dealer, as is now the case in states where universal background checks are in place. Instead, the private seller would merely have to verify that the buyer holds a currently valid state gun permit.

The permits would be valid for five years. If, after obtaining a permit, an individual committed a crime making them ineligible to hold a permit, the offense would result in the immediate revocation of their gun permit. This would create a close to real-time monitoring procedure to ensure that people who have committed a violent crime cannot legally purchase a firearm.

4. Red flag laws: Red flag laws are a mechanism which prevents those at risk of committing near term future violence from accessing a gun. These laws allow a family member or law enforcement official to petition a court to require removal of firearms from a person who is deemed to represent a threat to themselves or others. Currently, 19 states have red flag laws in place. However, only 12 of these states allow any family members to petition for a protective order. This means

that only law enforcement officers can initiate such a petition but officers are much less likely than family members to be able to identify a person who is at high risk of self-harm or harm to others in a timely fashion. Red flag laws under this policy platform would allow both family members and law enforcement officers to petition for a protective order.

Importantly, these laws would include due process procedures, such as: the right to a timely court hearing at which the subject of the protection order could present evidence, procedures for the expeditious return of firearms after the order expires, and a provision that penalizes anyone who vindictively uses the law against a gun owner. These laws would also require that a state-funded mental health examination be offered to the subject of the extreme risk protection order. Some, but not all of the states with red flag laws have included these provisions in their statutes, and few have included the requirement for a mental health examination, which would be universal under this policy package. The inclusion of these provisions will enhance the chances of enactment of these laws because their absence appears to be the main road block for passage in state legislatures.

The policy package does not include a ban on assault weapons, not only because of widespread opposition by gun owners but because of research evidence that these policies are not effective in reducing firearm violence rates.

The Supreme Court's recent ruling in *New York State Rifle & Pistol Association v. Bruen*¹ makes the need for this policy package even more critical. Based on the Court's ruling, it is likely that most, if not all, "may issue" laws will be struck down. Laws in eight other states are at risk because they impose what appear to be unconstitutional requirements for concealed carry permits. This policy platform addresses the gaps that will now exist in the gun laws in the "may issue" states by putting forward the need for laws that make the commission of any violent crime – including a misdemeanor – a prohibitor for gun possession.

The reason why such violent misdemeanor laws are now so critical in light of the Supreme Court's decision is that they establish sensitive criteria for gun possession, eliminating the need to give law enforcement officials wide discretion in evaluating permit applications. The reason why officials currently need this discretion is that there are many crimes of violence or threatened violence that are not included as federal prohibitors for gun possession. For example, while crimes prosecuted as felonies are prohibiting, those prosecuted as misdemeanors are not. Thus, if a state without a violent misdemeanor law wishes to prevent violent misdemeanants from possessing a gun, they must give discretion to law enforcement officials to go beyond

the statutory criteria. Since violent misdemeanor laws establish sensitive criteria for gun ownership that include all violent offenses, they remove the need for a “may issue” law. Thus, this package of gun laws is suitable for states whose “may issue” laws are now in jeopardy. Moreover, it will allow states with “shall issue” laws to maintain those laws but to fill in the gaps in their coverage of the most sensitive risk factor for gun violence.

The package provides enormous potential benefits for the public: This package of policies is predicted to reduce firearm homicide rates by 28% and to reduce firearm suicide rates by 6% (see citations and further discussion in the text).

The uniqueness of this policy platform is three-fold:

- It flows directly from the widely supported principle that people who are at a high risk for violence should not have access to firearms. The platform not only flows directly from this principle, but puts the principle into practice in the most effective manner, while interfering minimally with gun owners’ ability to purchase, possess, and use guns.
- It is based entirely on the common ground that we identified between the opinions of gun owners and non-gun owners. Thus, it maximizes support among a wide swath of the population, increasing the likelihood that the policies will actually be enacted into law.
- It is informed by the knowledge, attitudes, and values of gun owners, including their opinions regarding specific provisions of the laws included in the policy. It directly considers the primary concerns of gun owners about issues such as fairness, biased application of laws, and the balance between effectiveness in keeping guns out of the hands of people at a high risk for violence, while interfering minimally with the ability of law-abiding gun owners to access firearms.

This Policy Package Will Save Lives While at the Same Time Not Interfere with the Ability of Law-Abiding Citizens to Obtain Firearms

Importantly, this gun policy package will greatly enhance public safety but not at the expense of interfering with the ability of law-abiding citizens to obtain firearms. The following are aspects of the package which, while not in any way reducing public safety, ensure fairness and minimal interference with gun rights:

- Family members could transfer firearms without having to conduct a background check, provided that the family member has a state gun permit; thus, they would not risk committing a felony for a simple act like lending a gun to a family member for a hunting trip. They would be able to transfer firearms without having to go to an FFL.
- Individuals could purchase guns from private sellers without having to go through a federally licensed dealer. The private seller would merely have to verify that the purchaser holds a currently valid state gun permit.
- Both dealer and private sales could take place without a point-of-purchase background check, as long as the seller verifies that the purchaser has a currently valid state gun permit. As long as a gun owner obtains a gun permit, renews it every five years, and commits no offenses that are disqualifying, they would be able to purchase guns without having to go through repeated background checks.
- The permit system would not record the type or number of guns purchased or owned by the gun owner; thus, it would not enhance the ability of the federal or state government to create a firearm registry beyond the existing de facto registry which is in place by virtue of the required completion of Form 4473 for every gun sale by a federally licensed dealer.
- Permits would be inexpensive, and the application could be completed online. Permits would be valid for 5 years, thus not requiring frequent renewal applications.
- Because of the comprehensive criteria in the violent misdemeanor law, there would be no need for a “may issue” system for permit approval. Thus, gun owners would not face bias or unfairness in the permitting process. Discretion

would not be necessary for law enforcement because all violence-related offenses would be included in the qualifying criteria for a permit.

- Gun owners could obtain a general gun permit and a concealed carry permit through a single application.
- The red flag law would require a timely due process hearing at which the subject of a potential extreme risk protection order could appear and present evidence in their defense before their firearms are removed for any significant length of time.
- The red flag law would include a fine for anyone who vindictively uses the law against a gun owner.
- The red flag law would include a process for the expeditious return of firearms to a person once the protection order expires.
- The red flag law would include a provision for a free (government-funded) examination by a mental health professional with an offer of referral for help should there be a need for mental health treatment.
- Once a uniform permitting system is in place in all states, permit reciprocity could be instituted, including concealed carry reciprocity. In the meantime, concealed carry reciprocity could be granted between states that share the requisite gun permitting process.



3.

Conclusions

A. WHERE IS THE COMMON GROUND?

This survey identified three major areas of common ground between the majority of gun owners and non-gun owners. This common ground is broad enough that it can serve as the basis for crafting effective legislation that both sides can support.

The three major areas of common ground are:

- The public – gun owners and non-gun owners alike – is concerned about the high levels of gun violence, including both mass public shootings and everyday urban gun violence, and they want to personally do something about it.
- The public – gun owners and non-gun owners alike – believes that there is no inherent conflict between the Constitutional protection of gun rights and the imposition of restrictions designed to keep guns out of the hands of people who are at high risk for violence.
- The public – gun owners and non-gun owners alike – believes that people who are at a high risk for violence, especially by virtue of having previously committed a violent crime, should not be able to access guns.

Gun owners will support laws that aim to keep guns out of the hands of people at high risk for violence, as long as those laws do not significantly interfere with the ability of law-abiding gun owners to purchase and possess the guns of their choice for self-protection, recreation, or any other legal purpose.

On the other hand, gun owners will not support laws that restrict the types of guns that are available on the market or which ban types of guns or ammunition that are currently in wide use.

Critically, gun owners' support for laws intended to keep guns out of the hands of people who are at a high risk for violence is conditional upon the specific provisions of the actual legislation that is proposed. Their chief concerns relate to the following three areas:

- The protection of the ability of law-abiding gun owners to access firearms: In particular, gun owners are concerned about accessibility to and convenience of obtaining and maintaining guns and obtaining gun permits, including:
 - receiving a timely response when undergoing a background check;
 - the cost of gun permits;

- the ability to apply for permits online;
 - the ability to sell or lend guns to family members without having to go through the burden of traveling to a licensed gun dealer and without the risk of committing a felony if they are in a situation where it is not feasible to obtain a background check;
 - the potential for bias in decisions about whether to approve or deny a concealed carry permit in states where law enforcement officials have discretion in making these decisions; and
 - expeditious return of guns to people subject to an extreme risk protection order when that order expires.
- The fairness of implementation of these laws, including:
 - providing a timely due process hearing before taking away an individual's guns for an extended period of time; and
 - penalizing people who vindictively or falsely accuse a gun owner of being a danger in order to subject them to a red flag law.
 - The ability to access firearms quickly when needed for self-defense, including:
 - forcing gun owners to store their guns in a manner that makes it infeasible to rely on these weapons for self-defense; and
 - unnecessarily burdening gun owners in situations where there is not a risk of a minor accessing their guns.

B. WHAT SET OF GUN LAWS EMERGES BASED ON IDENTIFIED COMMON GROUND BETWEEN GUN OWNERS AND NON-GUN OWNERS?

An analysis of the widely shared principles and concerns of gun owners and the identified common ground between gun owners and non-gun owners leads naturally to a package of gun policies that is intended to work together, mutually reinforcing each other, in order to achieve the primary aim of keeping guns out of the hands of people at highest risk for violence while minimally interfering with the rights of gun owners to obtain, keep, and use guns for self-defense or any other lawful purpose.

To identify this package of policies, we began with the shared principle that people at high risk for violence should not have access to firearms and then determined what set of laws would need to be in place in order to execute that principle through policy. At the same time we were mindful of the concerns of gun owners and made sure that the policies interfered minimally with the ability of law-abiding gun owners to obtain and use guns.

The resultant gun policy package consists of three major components:

Violent misdemeanor laws: Based on the widely shared principle that people at high risk for violence should not be able to access firearms, the centerpiece of a gun policy platform must be a law prohibiting the purchase and possession of firearms by anyone who is at high risk for violence. Who is at high risk for violence? By far, the greatest risk for violence is a history of violence or threatened violence.²⁻⁸ There is abundant evidence that prior violence is a sensitive indicator for future violence²⁻⁸ and that laws which prevent violent misdemeanants from obtaining guns significantly reduce homicide rates.⁹⁻²¹ Therefore, the centerpiece of an effective gun policy platform must be a law that prohibits the purchase and possession of a gun by people who have been convicted of a crime of violence or threatened violence. This is a natural extension of the widely held principle among gun owners (and even the NRA) that people who are at high risk for violence should not be able to access a firearm.

Because a prior history of violence is the greatest predictor of risk for future violence, this is the prohibitor at the center of the gun policy package. All other aspects of the package depend on it.

While federal law already prohibits gun purchase or possession by anyone convicted of a violent felony, what is needed are laws that extend this prohibition to anyone convicted of a violent misdemeanor: in other words, a crime of violence that does not rise to the level of a felony. The law should include all misdemeanor crimes of violence. In addition, the law should cover crimes of threatened violence, including crimes committed through the use of the internet or social media. The law should apply to any adjudicated act of violence or threatened violence, regardless of the level of the offense and regardless of whether the offense carries a particular length of imprisonment. It must also apply to all acts of domestic violence, all restraining order subjects, and all stalking, cyberstalking, and related crimes or other forms of threatened violence, regardless of the relationship between the perpetrator and the victim (note that until Congress recently closed the 'dating partner' loophole, federal law and many state laws only applied when the perpetrator is a spouse or ex-spouse and not when the perpetrator is a dating partner or ex-dating partner).

A misdemeanor crime of violence is defined as "any misdemeanor conviction involving the use, attempted use, or threatened use of physical force against the person or property of another, or that by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense. Crimes of violence constituting a misdemeanor may include but are not limited to, assault, battery, stalking, or an attempt or conspiracy to

commit any of the foregoing offenses.”²² A violent misdemeanor law must explicitly list each of these offenses and must make clear that included in the definition are not only acts of violence, but also the following:

- acts of threatened violence;
- acts involving a substantial risk of the use of violence (including the use of physical force);
- attempts to commit violence, even if unsuccessful;
- plans to commit violence;
- acts that are part of the commission of another crime (that may be non-violent) but which involve a substantial risk that violence may be used in the course of committing that offense; and
- acts that result in a protective order, provided that firearms would be returned after timely due process hearing if the protective order is not extended.

The Supreme Court’s recent ruling in *New York State Rifle & Pistol Association v. Bruen*¹ makes the need for violent misdemeanor laws even more critical. Based on the Court’s ruling, it is likely that most, if not all, “may issue” laws will be struck down. Laws in eight other states are at risk because they impose what appear to be unconstitutional requirements for concealed carry permits. Each of these laws requires that the applicant have a “proper” purpose for carrying a gun, a requirement that the Court ruled is inconsistent with the Second Amendment. Below are the states with “may issue” laws that are now in question.

States with “May Issue” Laws that are at Risk of Being Overturned

State	Requirements for Concealed Carry Permit
California	“Good moral character” and “good cause”
Connecticut	A “suitable person”
Delaware	“Good moral character,” demonstrated desire for “personal protection,” or “protection of the person’s property,” and “a good reputation for peace and good order in the community”
Hawaii	“An exceptional case,” with “reason to fear injury to the applicant’s person or property” and “a suitable person”
Maryland	“Good and substantial reason to wear, carry, or transport a handgun, such as a finding that the permit is necessary as a reasonable precaution against apprehended danger”
Massachusetts	A “suitable” person
New Jersey	Demonstrated “justifiable need to carry a handgun” and “a person of good moral character and behavior”
Rhode Island	Demonstrated “good reason to fear an injury to his or her person or property” and “a suitable person”

The reason why violent misdemeanor laws are now so critical in light of the Supreme Court’s decision is that they establish sensitive criteria for gun possession that eliminate the need for giving law enforcement officials wide discretion in evaluating permit applications. The reason why officials currently need this discretion is that there are many crimes of violence or threatened violence that are not included as federal prohibitors for gun possession. For example, while crimes prosecuted as felonies are prohibiting, those prosecuted as misdemeanors are not. Thus, if a state without a violent misdemeanor law wishes to prevent violent misdemeanants from possessing a gun, they must give discretion to law enforcement officials to go beyond the statutory criteria. Since violent misdemeanor laws establish sensitive criteria for gun ownership that include all violent offenses, they remove the need for a “may issue” law.

Thus, this package of gun laws is suitable for states whose “may issue” laws are now in jeopardy. Moreover, it will allow states with “shall issue” laws to maintain those laws but to fill in the gaps in their coverage of the most sensitive risk factor for gun violence. Finally, if this package of policies were implemented at the federal level, then violent misdemeanors would be a disqualifying criterion for gun ownership in all 50 states, mitigating the fact that all states would become “shall issue” states. This would open up the possibility for permit reciprocity between states, allowing gun owners to retain their permits when they move or bring their guns into another state.

A violent misdemeanor offense would carry a disqualification period of 10 years in the absence of any further disqualifying event. The law would include a requirement that upon disqualification, the offender must relinquish all firearms in their possession. Law enforcement officials would be authorized to confiscate firearms, including a search of the premises, if the offender does not relinquish their firearms in a timely manner. Under this law, the state would be required to promulgate regulations that set forward a procedure for the relinquishment, removal, storage, and eventual return of firearms once the gun owner is no longer prohibited.

Research suggests that violent misdemeanor laws are the [single most effective law](#) to prevent firearm homicide.¹¹⁻¹⁴ Our research estimated that these laws may reduce overall homicide rates by as much as 19%.¹¹ Many other studies provide further evidence that violent misdemeanor laws, when properly enforced, prevent firearm homicide, both for overall homicide^{9,10,15,16} and intimate partner homicide.¹⁷⁻²¹

Studies from Our Research Team Demonstrating the Effectiveness of State-Level Violent Misdemeanor Laws in Reducing Homicide Rates

Study	Estimated decrease in overall homicide rates	95% confidence interval
<p>Siegel M, Boine C. What are the Most Effective Policies in Reducing Gun Homicides? Albany, NY: Rockefeller Institute of Government; 2019. https://rockinst.org/issue-area/what-are-the-most-effective-policies-in-reducing-gun-homicides/</p>	-19.3%	-12.4% to -25.6%
<p>Siegel M, Pahn M, Xuan Z, Fleegler E, Hemenway D. The impact of state firearm laws on homicide and suicide deaths in the USA, 1991-2016: A panel study. Journal of General Internal Medicine 2019; 34(10):2021-2028. https://link.springer.com/article/10.1007/s11606-019-04922-x</p>	-18.1%	-8.1% to -27.1%

Firearm permit and universal background check laws: Based on the principle that people at high risk of violence should not have access to firearms, it is not enough merely to prohibit gun purchase and possession by people who are at a high risk for violence. There must be a mechanism to check potential gun purchasers to determine whether or not they have a history of an adjudicated crime of violence or threatened violence. To accomplish this, background checks must be performed to determine whether a person meets this basic criterion for gun ownership.

Most people knowledgeable about the federal NICS background check system and at least half of all gun owners acknowledge that the current system is deeply flawed because of inadequate and non-timely reporting of criminal records by states to the federal databases that are part of the NICS system.²³ Research has demonstrated that conducting background checks at the state level, in concert with a gun permitting system, is the single most effective policy to reduce firearm homicide²⁴ and the [only identified policy that is effective in reducing mass public shootings](#).²⁵

If the centerpiece of a gun policy platform becomes the commitment to making sure that people with a high risk for violence cannot access firearms, then the most effective way to accomplish this goal is to institute a state gun permitting system whereby a permit is needed to purchase or possess a firearm and in addition to a federal

background check, a state background check is conducted to determine whether the applicant has a history of an adjudicated violent crime or threatened violent crime. Clearly, states are more likely than the federal government to hold criminal records that would identify a prohibited person. Simply put, there is no substitute for a state permitting system to achieve a high level of sensitivity and specificity in identifying people who are eligible for firearm ownership based on the absence of a history of a violent crime.

A background check for a gun permit must involve a search of local criminal records as well (i.e., local court and law enforcement records). In addition to providing the benefit of a much more comprehensive, sensitive, and efficient way to access records and determine whether there is a criminal history of violence, state background checks would likely be completed in a much more timely fashion, thus lowering the waiting period for transfer of a purchased firearm. If the primary prohibitor for gun purchase is the presence of any history of violence or threatened violence, then conducting checks at the state and local levels will be the most efficient and effective methods to determine whether an applicant for a permit is eligible or not.

In order to purchase a firearm, an individual must possess and present a valid state firearm permit. When purchasing a gun from a licensed dealer, the federal government usually waives the requirement for point-of-purchase background checks if the state has a strong gun permitting system. In fact, federal law already waives the point-of-purchase NICS check for gun purchases in more than 20 states. When it comes to the transfer of firearms between friends and family members, these could take place without a point-of-purchase background check if the person obtaining the firearm has a valid state firearm permit. In terms of private sales, this policy would waive the need for an additional background check at point-of-purchase as long as the buyer holds a valid state gun permit. A gun permit would be valid for five years, at which time it would need to be renewed.

Some gun violence prevention advocates may be concerned about the removal of required background checks at point-of-purchase for gun owners who possess valid state permits. However, it must be recognized that under the current federal background check system, there is an exemption for point-of-purchase background checks in most states that have what the FBI considers to be an adequate gun permitting system.

This permitting process offers significant benefits to gun owners. It streamlines the process, making it much more efficient. Instead of having to go through a background check at every gun purchase, they would merely need to obtain a permit and renew it

every 5 years and any purchases made within that 5-year period would not require an additional background check at each purchase.

To address gun owner concerns about interference with Second Amendment rights, these laws must include the following provisions:

- The permit must be available at low cost and an individual should be able to complete the application process online.
- The background check conducted as part of the permit application would also be available at low cost.
- The system would be “shall issue.” Law enforcement would not have discretion in approving permits. The decision would be based solely on whether there is a disqualifying factor in the applicant’s history: namely, a history of violence or threatened violence.
- Gun sales or transfers between family members would not require a NICS check or a state background check. Thus, these types of transfers could occur without having to go through an FFL. However, these transfers would be legal only if the recipient of the firearm holds a valid state firearm permit.
- For purchases from a federally licensed dealer, a point-of-purchase NICS check would be required only if mandated by federal law. Most states with gun permitting systems are granted an exemption from point-of-purchase background checks if the purchaser holds a valid state permit. An additional check of state and local records at point-of-purchase would be routinely waived as long as the dealer confirms that the buyer holds a currently valid state gun permit.
- The state firearm permit database would contain only the name, contact information, and date of issuance of the permit. It would not include the type of guns or number of guns owned by the permittee.

To make this law work properly, there must be a procedure for the timely reporting to the state of all crimes of violence or threatened violence. The state database must be updated in a timely fashion (within 24 business hours). In addition, there must be a procedure for notifying law enforcement officials when a person becomes prohibited from gun ownership (i.e., if a person commits a crime of violence or threatened violence). This would result in immediate revocation of the firearm permit and relinquishment of all firearms in the disqualified person’s possession. Permits would need to be renewed every 5 years to ensure that permit holders who have become prohibited do not maintain ownership of guns. We view the 5-year time frame as a reasonable balance between the need to make sure that all gun permit holders remain eligible and the burden on gun owners of having to submit frequent renewal applications.

There would be two types of permits. One is a general permit that allows gun purchase and possession. The second is a permit that also allows concealed carry. Both types of permits would require a gun safety training course. The concealed carry permit would, in addition, require live shooting training.

The rationale for requiring live shooting training for concealed carry, but not general gun permits is that individuals who carry concealed are taking on the responsibility of acting as “citizen protectors” (a term coined by [University of Arizona sociologist Jennifer Carlson](#)).²⁶ They absolutely need to know how to use a gun safely and responsibly. For general firearm permits, there is a required gun safety course because this is a minimal imposition and thus is not an undue interference with Second Amendment rights. Moreover, only about 1% of firearm fatalities are due to unintentional shootings,²⁷ and those that do occur are most often a result of improper storage rather than the owner misfiring. Proper gun storage would be included as part of the gun safety training for all gun permits.

A permitting system would not unduly interfere with the right to purchase and possess a gun. Combined with the violent misdemeanor law, it would help ensure that law-abiding people without any history of violence or threatened violence would have no problem purchasing or carrying a gun. The permit would be inexpensive, the application could be completed online, and the permit would be valid for 5 years. Most states have permit requirements for far less dangerous activities, such as hunting, fishing, or even carrying firewood into the state.

Moreover, it is now clear that requiring permits for gun possession does not infringe upon Second Amendment rights of gun owners. The Supreme Court, in *New York State Rifle & Pistol Association v. Bruen*,¹ concluded that requiring a permit for gun possession is not an infringement on rights conveyed by the Second Amendment. Specifically, Justice Kavanaugh, writing his concurring opinion, stated that: “the Court’s decision does not prohibit States from imposing licensing requirements for carrying a handgun for self-defense. In particular, the Court’s decision does not affect the existing licensing schemes—known as ‘shall issue’ regimes—that are employed in 43 States. ... the 6 States including New York potentially affected by today’s decision may continue to require licenses for carrying handguns for self-defense so long as those States employ objective licensing requirements like those used by the 43 shall-issue States.”¹

Although there are valid concerns about the creation of a firearm registry, the permit system would actually contain less information than is currently recorded and maintained in an FFL gun sale. Form 4473, which is required for all FFL gun sales, not

only contains personal identifying information but also records the type, model, and serial number of every firearm purchased. It also records personal information such as whether or not the buyer uses recreational marijuana. In contrast, the permit system would merely track the names and contact information of people who have a valid permit. There would be no record of the type, model, or serial number of firearms and no other personal information such as marijuana use. The completed 4473 forms must be maintained by the dealer for a minimum of 20 years and are subject to inspection at any time by the ATF. In contrast, the permit database would not be available for any purpose other than determining if a person is qualified to purchase or possess a firearm in that state. Therefore, this law would not enhance the ability of a state or of the federal government to create a firearm registry beyond the records that are already created under federal law.

Federal law already requires licensed gun dealers to maintain sales records that include the names of gun purchasers and the type and model of the guns that they purchase. In addition, federal law requires licensed gun dealers to conduct NICS background checks in which personal identifying information is provided to the FBI regarding the potential purchaser of a firearm. Moreover, several states already have either a formal gun registry or a de facto gun registry by virtue of the information that is required to be recorded and sent to the state in every gun sale. In fact, as of 2020, ten states require all gun sellers to keep records of every gun purchase and to share those records with the state, with no provision for purging those records after a certain amount of time transpires.

Existing federal law requires that licensed dealers fill out a Form 4473 for every gun sale. These records already contain the buyer's name and other personal identifying information. These records are retained by the dealer and are accessible at any time by the ATF.

There are already plenty of mechanisms by which government agencies could identify people who own a gun. Beyond sales and background check records, there are marketing research firms that can provide this type of information as individual privacy becomes more and more tenuous during this age of intrusive internet and social media tracking. Finally, credit card companies are beginning to add codes for gun purchases in their transaction records. It is likely that they will soon be able to identify the personal information for every gun owner who purchases a gun with a credit card. Since many credit card companies sell their databases to third parties, it is not inconceivable that the government could potentially gain access to this de facto registry of gun owners throughout the United States.

There is a solid body of evidence that state-level gun permitting systems are effective in reducing both firearm homicide and firearm suicide rates.²⁷⁻³⁴ Moreover, our conclusions regarding combining state gun permits with state background checks are consistent with an [emerging body of research evidence](#)²⁴ that background checks alone are not sufficient to reduce firearm homicide, but that background checks combined with a requirement for state gun permits are effective.^{24,28-34}

Research suggests that the combination of state permit laws and background checks are effective in preventing firearm homicide.¹¹⁻¹⁴ Our research estimated that the presence of either a universal background check law or a state permitting law may reduce overall homicide rates by between 10% and 16%.^{11,14} These are conservative estimates for the effect of permitting laws because requiring permits appears to be more effective than merely conducting point-of-purchase background checks. Our results are consistent with those of many other studies which provide further evidence that state permitting laws are effective in reducing gun violence.^{24,27-34}

Studies from Our Research Team Demonstrating the Effectiveness of State Gun Permitting Laws in Reducing Homicide Rates*

Study	Estimated decrease in overall homicide rates	95% confidence interval
Siegel M, Boine C. What are the Most Effective Policies in Reducing Gun Homicides? Albany, NY: Rockefeller Institute of Government; 2019. https://rockinst.org/issue-area/what-are-the-most-effective-policies-in-reducing-gun-homicides/	-9.6%	-0.1% to -18.2%
Siegel M, Pahn M, Xuan Z, Fleegler E, Hemenway D. The impact of state firearm laws on homicide and suicide deaths in the USA, 1991-2016: A panel study. Journal of General Internal Medicine 2019; 34(10):2021-2028. https://link.springer.com/article/10.1007/s11606-019-04922-x	-16.1%	-5.3% to -26.9%

* These are conservative estimates for the effect of permitting laws because they include both permitting laws and point-of-purchase background checks in the absence of permits.

These immense public health benefits would be attained without interfering with the rights of gun owners. In fact, this package of laws would streamline the process for discriminating between gun owners who are at high risk for violence and those who are

not, thus helping to preserve the rights of law-abiding gun owners and actually making it easier for family members and friends to borrow guns by eliminating the need for a background check conducted through a federally licensed dealer. The provisions in this gun policy package would ensure due process for gun owners and reduce potential bias in permitting decisions. It would not require gun owners to provide a “valid” reason for owning a firearm, as is currently required in a number of states, but would ensure that individuals who are not at high risk for violence cannot be denied a permit for subjective reasons. Finally, it would create a simple process by which gun owners could obtain a general firearm permit and a concealed carry permit in a single step.

In addition, our survey suggests that approximately three-fourths of gun owners would support this package of policies as long as they contained all of the specific provisions outlined above.

Red flag laws: Based on the principle that people at high risk of violence should not have access to firearms, red flag laws are a natural extension from violent misdemeanor laws because they cover cases where a person may not yet have committed a crime but where there is strong and credible evidence that an individual currently represents a threat to themselves or others. These are situations in which the individual poses a very high risk of violence that has been noted by family members or law enforcement officials. Because the threat of violence is so imminent, these are individuals who probably represent a risk of violence even greater than people who have a history of a crime of violence. Thus, red flag laws follow naturally from the shared principle that people at high risk of violence should not have access to a firearm. In the case of red flag laws, access to firearms is curtailed only for the length of time during which the person remains a danger.

There is strong empirical evidence that red flag laws significantly reduce suicide rates.³⁵⁻³⁷ Two^{35,36} of these studies examined effects in only two states (Connecticut and Indiana) but a more recent study that was able to examine the effects in five states found that red flag laws were associated with a 6.4% decline in firearm suicide rates and a 3.7% decline in overall suicide rates.³⁷

Studies Demonstrating Effectiveness of State Red Flag Laws in Reducing Suicide*

Study	Estimated change in firearm suicide rates	Estimated change in overall suicide rates
Kivisto AJ, Phalen PL. Effects of risk-based firearm seizure laws in Connecticut and Indiana on suicide rates, 1981-2015. <i>Psychiatric Services</i> 2018; 69(8):855-862. https://ps.psychiatryonline.org/doi/10.1176/appi.ps.201700250	Indiana: -10% (-6% to -13%) Connecticut: -16% (-11% to -20%)	Indiana: -5% (-1% to -8%) Connecticut: 0% (-4% to +4 %)
Dalafave R. An empirical assessment of homicide and suicide outcomes with red flag laws. <i>Loyola University Chicago Law Journal</i> 2021; 52(3):867-905. https://lawecommons.luc.edu/lucj/vol52/iss3/6/	-6.4% (-6.0% to -6.8%)	-3.7% (-1.3% to -6.1%)

To address issues of due process, fairness, and minimal interference with Second Amendment rights (the key concerns of gun owners), red flag laws must have the following provisions:

- A timely due process hearing at which the subject of a potential extreme risk protection order can appear and present evidence before their firearms are removed for any significant length of time.
- A fine for anyone who uses the law vindictively, making a false accusation against a gun owner for the purposes of causing harm to the gun owner.
- A process for the expeditious return of firearms to a person once they are no longer subject to the protection order.
- A free (government-funded) consultation and examination by a mental health professional with an offer of referral for help should they be found to be in need of mental health treatment.
- A process for a gun owner to file an appeal if they believe the expeditious return of their firearms is being violated or in cases of loss or damage to their guns.
- A training procedure for law enforcement officers who may be involved in confiscation of guns of subjects to an extreme risk protection order to avoid harm to the subject, especially in cases where the order is being obtained because the subject is viewed as a danger to themselves.
- At the state level, the law should contain a procedure to ensure that newly issued extreme risk protection orders are reported in a timely manner to state databases. There should also be procedures in place at the federal level so that these orders will appear in the NICS database. These procedures should include the prompt removal of the record of the protection order as soon as the order is no longer in effect. Only permanent orders would be reported (i.e., after issue at a court hearing).

Estimate of Effect of Overall Policy Package on Homicide and Suicide Rates

Law	Estimated decrease in overall homicide rates	Estimated decrease in overall suicide rates
Violent misdemeanor law	18%	--
State permitting law	10%	--
Red flag law		4%
OVERALL IMPACT OF POLICY PACKAGE	28%	4%

Based on the above analysis, we estimate, conservatively, that in states without any of the policy package components, enacting this package into law would result in a 28% reduction in homicides (18% from the violent misdemeanor law and 10% from the permitting law) and a 4% reduction in suicides (from the red flag law). This is a conservative estimate because it assumes that permit laws will have no effect on suicide rates despite some evidence that permit laws may reduce firearm suicide rates.²⁹ It also assumes that red flag laws will have no effect on homicide rates, but there is almost no research which has examined that question.

Other Policies Not Part of the Platform but which Might be Considered

To maintain a parsimonious platform, and one that derives directly from the common ground identified in our research, we restricted the articulated policy platform to four main elements (violent misdemeanor laws, state permits, background checks, and red flag laws). However, based on our research findings and interviews, there are several additional laws that might be considered as part of a potentially larger policy package or as additional stand-alone legislation.

1. **Laws to Reduce the Incentive to Steal Guns:** Most criminals who steal guns are not doing so for personal use but are doing so to make money. A major incentive for stealing guns is the profits to be gained by re-selling these used guns to gun dealers. An easy solution to this problem is the enactment of laws requiring gun dealers to check the NCIC database every time it buys a used gun in order to determine whether that gun has been reported as having been stolen. Currently, gun dealers do not have access to the NCIC database. The law could either provide dealers with this access or provide a mechanism for them to request the

federal government to check the database. There would need to be certain safeguards in place, such as acknowledging that occasionally a gun reported as having been stolen may have been found. Thus, the law would not automatically be used to prosecute those who are selling used guns to dealers. However, such a law would easily detect the sale of a large volume of stolen guns to a dealer, providing a strong presumption that the seller is violating federal law. Such a law would have benefits to gun owners because it would help ensure that the guns they purchase are not stolen guns. Most importantly, the widespread implementation of such a law would greatly reduce the incentive to steal guns and could have a substantial effect in reducing the volume of stolen guns.

2. **Laws Requiring the Reporting of Lost or Stolen Firearms:** In order for the above approach to be effective, lost or stolen firearms must be reported to the NCIC database as soon as possible. Gun traffickers are most likely going to attempt to sell these guns as soon as possible after acquiring them. A law requiring the reporting of lost or stolen firearms to law enforcement officials within 24 hours will keep the NCIC database up-to-date so that attempts to sell stolen guns to dealers can be detected.
3. **Age Requirements for the Purchase of Firearms:** Very few research participants— either gun owners or non-gun owners—felt comfortable with 18 year-olds being able to purchase an AR-15 with no other requirements, such as even minimal safety training. Most respondents found it illogical that an 18-year-old could walk into a store and purchase an AR-15 but not a pistol. The fact that federal law prescribes two different ages for gun purchase from dealers (21 for handguns; 18 for long guns) is what created this inconsistency. We suggest that a law prohibiting the sale of all firearms to anyone below the age of 21 be considered. However, individuals between the ages of 18 and 20 would be allowed to purchase guns if they are enrolled in an adult-supervised hunting, sport shooting, or gun training program. In addition, members of the military forces would be allowed to purchase a gun at age 18.
4. **Child Access Protection Laws:** Our research suggests that the most effective law to prevent unintentional gun injuries is not one which mandates the way guns must be stored, but one which creates liability for negligent storage of firearms if a minor gains access to a gun and uses it. Gun owners tend to support this type of law because it holds irresponsible gun owners responsible for the consequences of their actions without mandating uniform procedures that every gun owner must follow, regardless of their individual situation.

Mandatory gun storage laws themselves do not appear in the policy package because our survey detected widespread opposition to these laws among gun

owners. Owners are concerned that these laws may interfere with their ability to access a gun quickly in an emergency self-defense situation, thus negating the very purpose for their having a gun in the first place. They also favor educational and voluntary programs to enhance safe gun storage rather than a government mandate, especially one that is rigid and does not take into consideration the individual and unique situation of many gun owners.

5. **Bans on High Capacity Ammunition Magazines:** There is [evidence](#) that banning the sale of high capacity ammunition magazines may reduce the number of casualties when a mass public shooting occurs.²⁵ For this reason, a ban on high capacity ammunition magazines should be considered, especially if legislators specifically aim to reduce the impact of mass public shootings. However, it must also be kept in mind that gun owners largely oppose these policies. Subsequent research should assess whether there is any possibility of gaining gun owners' support for a limited, focused ban on certain large capacity, detachable ammunition magazines if such a policy were to be considered separately from (and not in addition to) an "assault weapons" ban.

Laws that Should Be Considered to Provide Benefits to Gun Owners that Would Not Unduly Compromise Public Safety

Based on our research, we identified several ways in which gun policies might be modified to provide benefits to gun owners without sacrificing the protection of the public's health.

1. **Gun Possession for Some Non-Violent Felons:** Since the basic principle of gun policy should be keeping guns out of the hands of people who are at high risk for violence, it makes sense to examine existing laws to identify whether there are prohibiting criteria that are not consistent with this principle. One federal criterion that precludes gun ownership is the commission of a felony of any kind, even if it does not involve an act of violence, risk of violence, or threatened violence. Removing certain non-violent felonies from the list of prohibitors could be a compromise that does not endanger public health but may help elicit the support of a large number of gun owners. In our survey, 51% of gun owners expressed support for amending federal law to remove certain non-violent felonies from the list of prohibiting criteria for gun purchase and ownership.
2. **Eliminating the Need for May Issue Laws:** The only reason that "may issue" concealed carry laws are necessary is to allow law enforcement officials discretion in denying permits to individuals they know to be at high risk for

violence but who do not meet any of the specified criteria that disqualify a person for a concealed carry permit under state law. As previously discussed, if a state enacts the package of laws outlined here, there would no longer be a need for a “may issue” law because all of the major risk factors for violence would be included in the statutory prohibitors for concealed carry. Specifically, the non-violent misdemeanor law would prohibit anyone with a history of violence or threatened violence from obtaining a concealed carry permit. Eliminating all the loopholes that allow some people with a known history of violence or threatened violence to carry concealed handguns would obviate the need for law enforcement officials to have discretion beyond examining applicants for the statutory prohibiting criteria. This provides advantages to states with existing “may issue” laws that may no longer be tenable under the Supreme Court’s decision in *New York State Rifle & Pistol Association v. Bruen*.¹ It may allow these states to amend their laws to be compliant with the Court’s decision but without putting public safety at risk.

3. **Opening the Possibility of Concealed Carry Reciprocity:** The reason why allowing concealed carry reciprocity between states is inconsistent with public health protection is that there are vast differences in the stringency of gun laws across states and a person who would be prohibited from carrying a gun in one state could potentially carry concealed in that state in spite of that state’s law because they obtained their permit in a state with weaker laws. However, if all states enacted the package of gun laws outlined here, or if this package were adopted at the federal level, then there would no longer be a concern about undermining the protections in a given state, thus opening the door to the possibility of establishing concealed carry reciprocity nationally. Short of this, states that enacted permit requirements as outlined in the policy platform could offer concealed carry reciprocity to each other because all of these states would have in place laws to ensure that anyone with a history of a violent misdemeanor (or related crime such as threatened violence or stalking) is not eligible for a permit.

The key to achieving national reciprocity without sacrificing public safety is that all states participating in the reciprocity program would have to establish an appropriate concealed carry permitting system that includes several elements. First, the state would need to have a violent misdemeanor law so that concealed carry permits are only given to residents without a history of conviction for any violent crime. Second, the concealed carry permitting system would have to involve rigorous state and local background checks for any history of violent criminal activity, including threatened or planned violence. Third, the concealed carry permitting process would have to include gun safety training, of which a part would have to consist of live firearm use training. All states with these

requirements would be eligible to participate in the national concealed carry reciprocity program. (Any state could offer reciprocity to residents from states that do have the appropriate standards in place, but residents from states without the appropriate standards—such as permitless carry states—would not be offered reciprocity in other states.) This would represent a huge benefit for gun owners. It would, if the platform were adopted by a large number of states, allow gun owners to carry concealed in numerous other states without any additional application procedures, as their concealed carry permit would be honored in these other states.

C. HOW SHOULD THIS PACKAGE OF GUN POLICIES BE COMMUNICATED TO POLICY MAKERS?

A unique aspect of this package of gun policies is that it is intended to achieve a single purpose: to reduce access to guns for people at high risk for violence while protecting the ability of law-abiding gun owners to access firearms without being subject to bias or unfairness, violation of due process, risk of felony convictions for simple actions such as lending a gun to a family member on a hunting trip, or other unnecessary or expensive hurdles. This gun policy package is consistent with the shared values and common ground between gun owners and non-gun owners and will resonate strongly with gun owners, since this is the single strongest principle underlying gun policy that we identified in this survey. The package should be communicated as a set of policies that simply translate into law the widely shared principle that people who are at high risk for violence should not be able to access firearms.

D. WHY A PACKAGE OF POLICIES?

To achieve the shared underlying objective of making sure that guns cannot be easily accessed by people at a high risk of violence, a package of several laws is necessary. For example, without appropriate prohibitors, gun regulation may cast either too wide or too narrow of a net. Without background checks, the prohibitors mean nothing because people are able to obtain firearms without a check on their criminal history. Without a permitting system, there is no way to achieve the ultimate objective without also implementing a comprehensive, universal background check procedure for every gun sale or transfer, including those involving close friends and family members. And without red flag laws, people who are at the absolute highest risk for violence cannot be disarmed.

E. FINAL THOUGHTS

Regardless of whether the specific elements of the gun policy outlined here are accepted, it is clear that there is sufficient common ground between gun owners and non-gun owners in both the guiding principles underlying gun safety policy and the

detailed provisions of these policies that an effective gun safety policy package can be developed.

Ultimately, we believe that the polarization that has been perceived as precluding a widely supported response to the problem of gun violence is largely a myth. This myth can be overcome by including gun owners in the process of fashioning an effective policy approach, shedding light on the truth of what the majority of gun owners support. The solidarity necessary to make this happen is going to require a willingness to compromise (by both sides), but the results will not merely help reduce gun violence but contribute to the restoration of our democratic system.

REFERENCES

1. *New York State Rifle & Pistol Association v. Bruen*. United States Supreme Court. No. 20-843. Decided June 23, 2022. https://www.supremecourt.gov/opinions/21pdf/20-843_7j80.pdf
2. Wooldredge J, Thistlethwaite A. Reconsidering domestic violence recidivism: Conditioned effects of legal controls by individual and aggregate levels of stake in conformity. *Journal of Quantitative Criminology* 2002; 18:45-70. <https://link.springer.com/article/10.1023/A:1013292812895>
3. Wintemute GJ, Drake CM, Beaumont JJ, et al. Prior misdemeanor convictions as a risk factor for later violent and firearm-related criminal activity among authorized purchasers of handguns. *JAMA* 1998; 280(24):2083-2087. <https://jamanetwork.com/journals/jama/article-abstract/188297>
4. Tomsich EA, Schleimer J, Wright MA, et al. Intimate partner violence and subsequent violent offending among handgun purchasers. *Journal of Interpersonal Violence* 2021; December 12. https://journals.sagepub.com/doi/10.1177/08862605211057268?url_ver=Z39.88-2003&rft_id=ori:rid:crossreforg&rft_dat=cr_pub%20%20pubmed
5. Wright MA, Wintemute GJ. Felonious or violent criminal activity that prohibits gun ownership among prior purchasers of handguns: Incidence and risk factors. *Journal of Trauma and Acute Care Surgery* 2010; 69(4):948-955. https://journals.lww.com/jtrauma/Abstract/2010/10000/Felonious_or_Violent_Criminal_Activity_That.37.aspx
6. Cook PJ, Ludwig J, Braga AA. Criminal records of homicide offenders. *JAMA* 2005; 294(5):598-601. <https://jamanetwork.com/journals/jama/fullarticle/201308>
7. Braga AA, Cook PJ. The criminal records of gun offenders. *Georgetown Journal of Law and Public Policy* 2016; 14(1):1-16. https://go.gale.com/ps/i.do?id=GALE%7CA482055774&sid=qoqaleScholar&v=2.1&it=r&linkaccess=abs&issn=15365077&p=AONE&sw=w&userGroupName=nhais_hsck
8. Battered Women's Justice Project. *Reporting Domestic Offenses to Background Check Systems: Does it Really Matter?* St. Paul, MN: Battered Women's Justice Project; 2017. https://www.bwjp.org/news/reporting_domestic_offenses_to_background_check_databases_does_it_really_matter.html
9. Webster DW, Wintemute GJ. Effects of policies designed to keep firearms from high-risk individuals. *Annual Review of Public Health* 2015; 36:21-37. <https://gunviolence.issuelab.org/resources/22699/22699.pdf>
10. Wintemute GJ, Wright MA, Drake CM, et al. Subsequent criminal activity among violent misdemeanants who seek to purchase handguns: Risk factors and effectiveness of denying handgun purchase. *JAMA* 2001; 285(8):1019-1026. <https://jamanetwork.com/journals/jama/article-abstract/193591>
11. Siegel M, Boine C. *What are the Most Effective Policies in Reducing Gun Homicides?* Albany, NY: Rockefeller Institute of Government; 2019. <https://rockinst.org/issue-area/what-are-the-most-effective-policies-in-reducing-gun-homicides/>
12. Siegel M, Solomon B, Knopov A, Rothman EF, Cronin SW, Xuan Z, Hemenway D. The impact of state firearm laws on homicide rates in suburban and rural areas compared to large cities in the United States, 1991-2016. *Journal of Rural Health* 2020; 36(2):255-265. <https://onlinelibrary.wiley.com/doi/10.1111/jrh.12387>
13. Knopov A, Rothman EF, Cronin SW, Xuan Z, Siegel M, Hemenway D. Impact of state firearm laws on homicide rates among the Black and White populations in the United States, 1991-2016. *Health and Social Work* 2019; 44(4):232-240. <https://academic.oup.com/hsw/article-abstract/44/4/232/5610107>
14. Siegel M, Pahn M, Xuan Z, Fleegler E, Hemenway D. The impact of state firearm laws on homicide and suicide deaths in the USA, 1991-2016: A panel study. *Journal of General Internal Medicine* 2019; 34(10):2021-2028. <https://link.springer.com/article/10.1007/s11606-019-04922-x>

15. Castillo-Carniglia A, Webster DW, Cerdá, et al. California's comprehensive background check and misdemeanor violence prohibition policies, and firearm mortality. *Annals of Epidemiology* 2019; 30:50-56.
<https://www.sciencedirect.com/science/article/abs/pii/S1047279718306161?via%3Dihub>.
16. Neufeld MY, Poulson M, Sanchez SE, Siegel MB. State firearm laws and nonfatal firearm injury-related inpatient hospitalizations: A nationwide panel study. *Journal of Trauma and Acute Care Surgery*. 2022; 92(3):581-587.
https://journals.lww.com/jtrauma/Abstract/2022/03000/State_firearm_laws_and_nonfatal_firearm.15.aspx.
17. Zeoli AM, Webster DW. Effects of domestic violence policies, alcohol taxes and police staffing levels on intimate partner homicide in large US cities. *Injury Prevention* 2010; 16(2):90-95. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2913578/>
18. Wallin MA, Holliday CN, Zeoli AM. The association of federal and state-level firearm restriction policies with intimate partner homicide: A re-analysis by race of the victim. *Journal of Interpersonal Violence* 2021; June 18.
<https://doi.org/10.1177/08862605211021988>
19. Prickett KC, Martin-Storey A, Crosnoe R. Firearm ownership in high-conflict families: Differences according to state laws restricting firearms to misdemeanor crimes of domestic violence offenders. *Journal of Family Violence* 2018; 33:297-313.
<https://link.springer.com/article/10.1007/s10896-018-9966-3>
20. Diez C, Kurland RP, Rothman EF, Bair-Merritt M, Fleegler E, Xuan Z, Galea S, Ross CS, Kalesan B, Goss KA, Siegel M. State intimate partner violence-related firearm laws and intimate partner homicide rates in the United States, 1991-2015. *Annals of Internal Medicine* 2017; 167(8):536-543. <https://www.acpjournals.org/doi/full/10.7326/M16-2849>
21. Zeoli AM, McCourt A, Buggs S, et al. Analysis of the strength of legal firearms restrictions for perpetrators of domestic violence and their impact on intimate partner homicide. *American Journal of Epidemiology* 2018; 187(11):2365-2371.
<https://academic.oup.com/aje/article/187/7/1449/4655044>.
22. Florida Department of Agriculture and Consumer Services. *Misdemeanor crime of violence, not including domestic violence*. Tallahassee, FL: Florida Department of Agriculture and Consumer Services; 2022.
<https://www.fdacs.gov/Consumer-Resources/Consumer-Rights-and-Responsibilities/Concealed-Weapon-License/Applying-for-a-Concealed-Weapon-License/Eligibility-Requirements/Disqualifying-Conditions/Misdemeanor-Crime-of-Violence-Not-Including-Domestic-Violence>
23. Gallegos A, Goggins B. *State Progress in Record Reporting for Firearm-Related Background Checks: Misdemeanor Crimes of Domestic Violence*. Williamsburg, VA: National Center for State Courts and SEARCH; December 2016.
<https://www.ojp.gov/pdffiles1/bjs/grants/250392.pdf>
24. Crifasi CK, McCourt AD, Webster DW. *The Impact of Handgun Purchaser Licensing on Gun Violence*. Baltimore, MD: Johns Hopkins Bloomberg School of Public Health, Center for Gun Policy and Research; 2019.
<https://www.jhsph.edu/research/centers-and-institutes/johns-hopkins-center-for-gun-violence-prevention-and-policy/docs/imp-act-of-handgun-purchaser-licensing.pdf>
25. Siegel M, Goder-Reiser M, Duwe G, Rocque M, Fox JA, Fridel EE. The relation between state gun laws and the incidence and severity of mass public shootings in the United States, 1976-2018. *Law and Human Behavior* 2020; 44(5):347-360.
<https://content.apa.org/record/2020-78672-001>
26. Carlson J. *Citizen-Protectors: The Everyday Politics of Guns in an Age of Decline*. New York: Oxford University Press; 2015.
<https://oxford.universitypressscholarship.com/view/10.1093/acprof:oso/9780199347551.001.0001/acprof-9780199347551>

27. Davis A, Geller L, Kim R, Villarreal S, McCourt A, Cabbage J, Crifasi C. *A Year in Review: 2020 Gun Deaths in the U.S.* Baltimore, MD: The Johns Hopkins Center for Gun Violence Solutions; 2022.
<https://publichealth.jhu.edu/sites/default/files/2022-05/2020-gun-deaths-in-the-us-4-28-2022-b.pdf>.
28. McCourt, Crifasi CK, Stuart EA, et al. Purchaser licensing, point-of-sale background check laws, and firearm homicide and suicide in 4 US states, 1985-2017. *American Journal of Public Health* 2020; 110(10):1546-1552.
<https://ajph.aphapublications.org/doi/epdf/10.2105/AJPH.2020.305822>
29. Crifasi CK, Meyers JS, Vernick JS, Webster DW. Effects of changes in permit-to-purchase handgun laws in Connecticut and Missouri on suicide rates. *Preventive Medicine* 2015; 79:43-49.
<https://www.sciencedirect.com/science/article/abs/pii/S0091743515002297?via%3Dihub>
30. Rudolph KE, Stuart EA, Vernick JS, Webster DW. Association between Connecticut's permit-to-purchase handgun law and homicides. *American Journal of Public Health* 2015; 105(8):e49-e54. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4504296/>
31. Webster DW, Crifasi DK, Vernick JS. Effects of repeal of Missouri's handgun purchaser licensing law on homicides. *J Urban Health* 2014; 91(2):293-302. <https://link.springer.com/article/10.1007/s11524-014-9865-8>
32. Hasegawa RB, Webster DW, Small DS. Evaluating Missouri's handgun purchaser law: A bracketing method for addressing concerns about history interacting with group. *Epidemiology* 2019; 30(3):371-379.
https://journals.lww.com/epidem/Abstract/2019/05000/Evaluating_Missouri_s_Handgun_Purchaser_Law_A11.aspx
33. Crifasi CK, Merrill-Francis M, McCourt A, Vernick JS, Wintemute GH, Webster DW. Association between firearm laws and homicide in urban counties. *J Urban Health* 2018; 95:383-390. <https://link.springer.com/article/10.1007/s11524-018-0273-3>
34. Crifasi CK, Merrill-Francis M, McCourt A, Vernick JS, Wintemute GH, Webster DW. Correction to: Association between firearm laws and homicide in urban counties. *J Urban Health* 2018; 95(5):773-776. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6181823/>
35. Kivisto AJ, Phalen PL. Effects of risk-based firearm seizure laws in Connecticut and Indiana on suicide rates, 1981-2015. *Psychiatric Services* 2018; 69(8):855-862. <https://ps.psychiatryonline.org/doi/10.1176/appi.ps.201700250>
36. Swanson J et al. Implementation and effectiveness of Connecticut's risk-based gun removal law: Does it prevent suicides? *Law and Contemporary Problems* 2017; 80(2):179-208. <https://scholarship.law.duke.edu/lcp/vol80/iss2/8>
37. Dalafave R. An empirical assessment of homicide and suicide outcomes with red flag laws. *Loyola University Chicago Law Journal* 2021; 52(3):867-905. <https://lawcommons.luc.edu/lucli/vol52/iss3/6/>
38. Calhoun C, Gaonkar DP, Taylor C. *Degenerations of Democracy*. Cambridge, MA: Harvard University Press; 2022.
<https://www.hup.harvard.edu/catalog.php?isbn=9780674237582>