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**GUN VIOLENCE MEETING
ST. LOUIS, MISSOURI
AUGUST 5, 1998**

AGENDA

8:30 - 9:00 a.m.
(City Hall - Room 208)

Continental Breakfast

9:00 - 9:45 a.m.
(City Hall - Room 208)

Welcome

Mayor Clarence Harmon, St. Louis

Remarks

Mayor Deedee Corradini, Salt Lake City
President, The U.S. Conference of Mayors

Introductions and Overview

Mayor Edward Rendell, Philadelphia
Chair, The U.S. Conference of Mayors Task Force on Gun Violence

Response

Richard J. Feldman
Executive Director, American Shooting Sports Council

9:45 - 10:30 a.m.

Presentation on Status of Current Federal Activities

Bob Sweitzer
Special Agent in Charge
Kansas City, Missouri
Bureau of Alcohol, Tobacco and Firearms

10:30 - 11:15 a.m.

Presentation on Technology

Andrea Camp
Institute for Civil Society

11:15 - 12:00 noon

Update on Pending Legislation

Mayor Edward Rendell, Philadelphia

12:00 - 1:30 p.m.

Working Lunch and Continuation of Discussions

1:30 - 2:30 p.m.

Opportunities for Reducing Gun Violence

2:30 - 3:15 p.m.

Press Conference

3:15 - 4:00 p.m.

Continuation of Discussions and Concluding Remarks

not here

give

Gun Violence Meeting

Pre-Registered Participants

**August 5, 1998
St. Louis, Missouri**

Page Number: 1

Date: 08/03/98

Time: 17:44:15

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1. PROJECT EXILE EXECUTIVE SUMMARY

For at least ten years, gun violence has plagued Richmond, Virginia, and the violence has grown each year, routinely placing Richmond among the five cities with the worst per capita murder rates. In 1997, 140 people were murdered with firearms. The drug/gun link, a greater willingness of some to carry weapons, and an increasing incidence of domestic violence, primarily cause this murder toll.

In 1997, the U.S. Attorney's Office in Richmond developed and carried out an aggressive, innovative, and creative approach to this violence called "Project Exile." Taking advantage of stiffer bond rules and sentencing guidelines in federal court, all felons with guns, guns/drug cases, and gun/domestic violence cases in Richmond are federally prosecuted, without regard to numbers or quantities. The project has fully integrated and coordinated local police, state police, federal investigators (BATF/FBI), and local and federal prosecutors, to promptly arrest, incarcerate, detain without bond, prosecute and sentence the armed criminal. An expedited reporting system developed has decreased processing time from previously several months to only several days. In court, bond is routinely and successfully opposed, and they obtain mandatory minimum sentences. The project has quickly, efficiently, and successfully prosecuted a large number of gun crimes, with significant impact on criminal behavior.

In one year, as of June 30, 1998;

1. 311 individuals have been indicted for federal gun violations;
2. 374 guns have been seized;
3. 259 persons have been arrested or are in state custody;
4. 200 arrestees (or over 80%) have been held without bond;
5. 202 have already been convicted;
6. 144 have been sentenced and the average sentence is 56.7 months.

Handling these cases has been a major accomplishment in itself. The cases have required several hundred court appearances involving aggressive litigation of bond, suppression, and sentencing issues, and trials.

As part of Project Exile, the U.S. Attorney's Office has also carried out a training program for Richmond Police Department officers on federal firearms statutes and search and seizure issues. We have also worked with police management to improve case report forms. Finally, to expedite the handling of Exile cases, the police firearms office has been electronically connected to BATF to arrange immediate tracing of seized firearms.

Lastly, a major component of the project has been an innovative outreach/education effort through various media to get the message to the criminals about this crackdown, and build a community coalition directed at the problem. A coalition of business, community and church leaders, and organizations such as the Retail Merchant's Association has

been assembled to promote the project. With contributions to a support foundation totalling \$40,000, and substantial in-kind matching contributions of services and media time, the 1997 media efforts carrying the message "An illegal gun will get you five years in federal prison" and asking citizens to anonymously report guns on the street to the Metro Richmond Crime Stoppers telephone number included 15 billboards, a fully painted city bus, TV commercials, 15,000+ business cards with the message distributed on the street by local police, and print advertising. The outreach program has been hugely successful, increasing citizen reports about guns and energizing the community to support police efforts.

The outreach effort has continued in 1998. In addition to the methods utilized in 1997, the Foundation also began an innovative radio campaign through sponsorship of area traffic reports. To date, with the assistance of the Greater Richmond Retail Merchant's Association, the City of Richmond, and the Greater Richmond Partnership, approximately \$100,000 has been raised or committed to continue and expand this effective outreach program. Area businesses have also made substantial in-kind service donations to assist the program getting out the message. Most recently, the Richmond Chamber of Commerce has committed sufficient funding to fully implement the media plan for the rest of 1998.

Through these efforts, more than 202 armed criminals have been removed from Richmond's streets, one violent gang responsible for many murders has been destroyed, and the rate of gun carrying by criminals has been cut nearly in half. Officers now report drug dealers throwing down weapons before running instead of risking being caught with the weapons and a large number of homicides have been solved with information obtained from defendants in these cases. Most importantly, these efforts appear to be stemming the tide of violence, with homicides for the period November 1997 through May 1998, running more than 65% below the same period one year ago.

Because of the demonstrated results in just one year of sustained effort, the U.S. Attorney's Office is committed to continuing Project Exile indefinitely.



DEPARTMENT OF THE TREASURY
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PHILADELPHIA, PENNSYLVANIA 19106

JUN 19 1998

"B"

O:CE:PA:LLD
1200

Honorable Edward G. Rendell
Mayor of Philadelphia
Office of the Mayor
Room 215 City Hall
Philadelphia, Pennsylvania 19107-3295

Dear Mr. Rendell:

The following are issues with which the American Shooting Sports Council (ASSC) and the Bureau of Alcohol, Tobacco and Firearms (ATF) have been working closely:

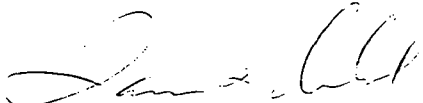
1. They have been instrumental in building a continuing relationship and maintaining open communication between the firearms industry and ATF, which regulates the industry. This has developed a more productive working atmosphere.
2. ATF has worked with ASSC in developing voluntary security standards for Federal Firearms Licensees (FFL's) to help curtail the increasing number of firearms thefts from gun dealers. This cooperation has resulted in the publication and distribution of a security measures book for all Federally licensed firearms dealers.
3. The ATF/ASSC partnership has resulted in the incorporation of FFL theft prevention information in ATF published FFL newsletters and other industry publications.
4. **Developed, with strong support from ASSC, the ability to do direct, online gun tracing between ATF and the firearms manufacturers, wholesalers, and importers.** This has been a tremendous breakthrough for ATF, making the tracing process for crime-related firearms much faster.

Honorable Edward G. Rendell

5. ATF and ASSC are working on integrating a unique ballistics technology (IBIS) into a working partnership with the firearms industry in order to permit rapid identification of specific firearms used in crimes based on recovered ammunition casings and bullets from crime scenes. (The Philadelphia Police Department already has the IBIS technology.)
6. ASSC has testified before the Congressional Appropriations Subcommittee in support of ATF's funding requests for initiatives to fight and reduce violent crime.
7. ASSC has openly supported initiatives in which ATF has partnered with State and local law enforcement (Boston Project, Youth Crime Gun Interdiction Initiative) to reduce violent crime.

Overall, the ASSC has been very supportive of ATF and its violent crime initiatives.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Lawrence L. Duchnowski", with a stylized flourish at the end.

Lawrence L. Duchnowski
Special Agent in Charge

v c"

PERSPECTIVES

STEPHEN P. TERET
SUSAN DEFRANCESCO
STEPHEN W. HARGARTEN
KRISTA D. ROBINSON

Making Guns Safer

Children are killing children by gunfire. These deaths are occurring in homes, on the streets, and in schools. When possible solutions to this problem are discussed, conversation most often focuses on the troubled youth. Interventions involving conflict resolution programs, values teaching, reducing violence on television, and making available after-school activities and positive role models are proposed. Although each of these interventions may provide benefits, they are, even in combination, inadequate to eliminate childhood shootings. Behavior modification programs cannot possibly reach and successfully treat every troubled youth capable of creating mayhem if he or she finds an operable firearm within arm's reach.

Stephen P. Teret is professor of health policy and management and director of the Johns Hopkins Center for Gun Policy and Research at the Johns Hopkins School of Public Health. Susan DeFrancesco is the coordinator and Krista D. Robinson is a former project director of the center. Stephen W. Hargarten chairs the Department of Emergency Medicine and directs the Firearm Injury Center at the Medical College of Wisconsin.

*The technology now
exists to make guns
that only authorized
users can operate.
These safer guns
could cut gun-
related deaths and
injuries.*

But behavior modification isn't the only possible solution. Another intervention is now being developed: the personalized gun, a weapon that will operate only for the authorized user. Personalized guns could reduce the likelihood of many gun-related injuries to children as well as adults. They could be especially effective in preventing youth suicides and unintentional shootings by young children. Personalized guns could also reduce gun violence by making the many firearms that now are stolen and later used in crime useless to criminals. Law enforce-

ment officers, who are at risk of having their handgun taken from them and being shot by it, would be safer with a personalized gun.

About 36,000 individuals died from gunshot wounds in 1995; of these, more than 5,000 were 19 years of age or younger. Suicide is among the leading causes of death for children and young adults. In 1995, more than 2,200 people between 10 and 19 years of age committed suicide in the United States, and 65 percent of these used a gun.

Adolescence is often a turbulent stage of development. Young people are prone to impulsive behavior, and studies show that thoughts of suicide occur among at least one-third of adolescents. Because firearms are among the most lethal methods of suicide, access to an operable firearm can often mean the difference between life and death for a troubled teenager. Studies have shown a strong association between the risk of adolescent suicide and home gun ownership. Although the causes of suicide are complex, personalizing guns to their adult owners should significantly reduce the risk of suicide among adolescents.

The number of unintentional deaths caused by firearms has ranged between 1,225 and 2,000 per year since 1979. Many of the victims are young children. In 1995, the most recent year for which final statistics are available, 440 people age 19 and younger, including 181 that were under 15, were unintentionally killed with guns.

Some have argued that the best way to reduce these unintentional firearm deaths is to "gun-proof" children rather than to child-proof guns. It is imprudent, however, to depend on adults' efforts to keep guns away from children and on children's efforts to avoid guns. Firearms are available in almost 40 percent of U.S. homes, and not all parents can be relied upon to store guns safely. Surveys have documented unsafe storage practices, even among those trained in gun safety.

Stolen guns contribute to the number of gun-related deaths. Experts estimate that about 500,000 guns are stolen each year. Surveys of adult and juvenile criminals indicate that thefts are a significant source of guns used in crime. Roughly one-third of the guns used by armed felons are obtained directly through theft. Many guns illegally sold to criminals on the street have been stolen from homes. Research on the guns used in crime demonstrates that many are no more than a few years old. Requiring all guns to be personalized could, therefore, limit the availability of usable guns to adult and juvenile criminals in the illegal gun market.

Advancing technology

The idea of making a gun that some people cannot operate is not new. Beginning in the late 1880s, Smith & Wesson made a handgun with a grip safety and stated in its marketing materials that "...no ordinary child under eight can possibly discharge it." More recently, some gun manufacturers have provided trigger-locking devices with their new guns. But trigger locks require the gun owner's diligence in relocking the gun each time it has been unlocked. Also, handguns are frequently purchased because the buyer believes he or she needs and will achieve a form of immediate self-protection. These gun owners may perceive devices such as trigger locks as a hindrance when they want the gun to be immediately available. Also, some trigger locks currently on the market are so shoddy that they can easily be removed by anyone.

Today, a number of technologies are available to personalize guns. For example, magnetic encoding has long been available for the personalization of guns. Magna-Trigger™ markets a ring that contains a magnet, which, when properly aligned with a magnet installed in the grip of the gun, physically moves a lever in the grip of the firearm, allowing the gun to fire. However, the Magna-Trigger™ system is not currently built into guns as original equipment; it must be added later. Because the gun owner must take this additional step and because the magnetic force is not coded to the gun owner, this technology is not optimal.

Another technology—touch

memory—was used in 1992 by Johns Hopkins University undergraduate engineering students to develop a nonfiring prototype of a personalized gun. Touch memory relies on direct contact between a semiconductor chip and a reader on the grip of the gun. A code is stored on the chip, which is placed on a ring worn by the user. The gun will fire only if the reader recognizes the proper code on the chip.

Another type of personalized gun employs radio frequency technology, for which the user wears a transponder imbedded in a ring, watch, or pin attached to the user's clothing. A device within the firearm transmits low-power radio signals to the transponder, which in turn "notifies" the firearm of its presence. If the transponder code is one that has previously been entered into the firearm, the firearm "recognizes" it and is enabled. Without the receipt of that coded message, however, a movable piece within the gun remains in a position that mechanically blocks the gun from firing. One major gun manufacturer has developed prototypes of personalized handguns using radio frequency technology and expects to market these guns soon.

The personalization method of the near future appears to be fingerprint-reading technology. A gun would be programmed to recognize one or more fingerprints by means of a tiny reader. This eliminates the need for the authorized user to wear a ring or bracelet. Regardless of the technology that is ultimately chosen by most gun manufacturers, several gun magazines have advised their readers to

expect personalized handguns to be readily available within the next few years.

Prices for personalized handguns will be higher than for ordinary handguns. The Magna-Trigger™ device can be fitted to some handguns at a cost of about \$250, plus \$40 for the ring. One gun manufacturer originally estimated that personalizing a handgun would increase the cost of the gun by about 50 percent; however, with the decreasing cost of electronics and with economies of scale, the cost of personalization should substantially decrease. Polling data show that the gun-buying public is willing to pay an increased cost for a personalized handgun.

Regulating gun safety

Most gun manufacturers have not yet indicated that they will redesign their products for safety. When the manufacturers of other products involved with injuries were slow to employ injury prevention technologies, the federal government forced them to do so. But the federal government does not mandate safety mechanisms for handguns. The Consumer Product Safety Commission, the federal agency established by Congress to oversee the safety of most consumer products, is prohibited from exercising jurisdiction over firearms. However, bills have been introduced in several states that would require new handguns to be personalized. Regulation and litigation against firearms manufacturers may also add to the pressure to personalize guns.

Important legislative and regulatory efforts have already taken

Personalized guns could be especially effective in preventing teenage suicides and unintentional deaths and injuries of children.

place in Massachusetts. The state's attorney general recently promulgated the nation's first consumer protection regulations regarding handguns. The regulations require that all handguns manufactured or sold in Massachusetts be made child-resistant. If newly manufactured handguns are not personalized, then stringent warnings about the product's danger must accompany handgun sales. Bills affecting gun manufacturers' liability have also been introduced in the state legislature. The proposed legislation imposes strict liability on manufacturers and distributors of firearms for the deaths and injuries their products cause. Strict liability would not be imposed, however, if a firearm employs a mechanism or device designed to prevent anyone except the registered owner from discharging it.

A bill recently introduced in California would require that concealable handguns employ a device designed to prevent use by unauthorized users or be accompanied by a warning that explains the danger of a gun that does not

employ a "single-user device." A bill introduced in the Rhode Island legislature would require all handguns sold in the state to be child-resistant or personalized.

To aid legislative efforts that would require personalized guns, the Johns Hopkins Center for Gun Policy and Research has developed a model law entitled "A Model Handgun Safety Standard Act." Legislation patterned after the model law has been introduced in Pennsylvania, New York, and New Jersey.

One objection to legislation requiring handguns to be personalized is that the technology has not yet been adequately developed. But in interpreting the validity of safety legislation, courts traditionally have held that standards need not be based on existing devices. For example, in a 1983 case involving a passive-restraint standard promulgated pursuant to the National Traffic and Motor Vehicle Safety Act of 1966, the Supreme Court ruled that "...the Act was necessary because the industry was not sufficiently responsive to safety concerns. The Act intended that safety standards not depend on current technology and could be 'technology-forcing' in the sense of inducing the development of superior safety design."

The model handgun safety legislation mandates the development of a performance standard and provides an extended time for compliance—two features that the courts have said contribute to the determination that a standard is technologically feasible. A performance standard does not dictate the design or technology that a manufacturer must employ to com-

ply with the law. The model law calls for adoption of a standard within 18 months of passage of the law, with compliance beginning four years after the standard is adopted.

Legislative efforts to promote the use of personalized guns can be complemented by litigation. For some time, injury prevention professionals have recognized that product liability litigation fosters injury prevention by creating a financial incentive to design safer

products. One lawsuit is already being litigated in California against a gun manufacturer in a case involving a 15-year-old boy who was shot unintentionally by a friend playing with a handgun. The suit alleges that, among other theories of liability, the handgun was defective because its design did not utilize personalization technology. Additional cases against gun manufacturers for failure to personalize their products can be expected.

Firearm manufacturers need to realize the benefits of personalized guns. The threat of legislation, regulation, or litigation may be enough to convince some manufacturers to integrate available personalization technologies into their products. When personalized guns replace present-day guns that are operable by anyone, the unauthorized use of guns by children and adolescents will decrease, as will the incidence of gun-related morbidity and mortality.

"D"

Colt's SMART GUN

Prototype II Program

Prototype II Program

The Smart Gun Prototype II Program is a one-year program that started in Fiscal Year 1998 with funding from NIJ. This program will result in the development of a personalized handgun that will meet the requirements of the law enforcement community. The final product will be a handgun that cannot be used by an unauthorized user.

The base technology for recognition and authorization of this handgun is radio frequency. When energized the gun emits a radio signal. A small transponder worn by the person authorized to use the gun receives this signal and returns a coded radio signal. When the gun hears that signal, a blocking pin is removed from the trigger mechanism, enabling the gun to fire normally.

Background

FBI data reveals that an average of 16% of the officers killed in the line of duty are killed by an adversary armed with a service firearm, either the officer's own or another officer's. In addition, there are currently 10,000 civilian firearms related injuries and deaths per year due to accidental discharge or unauthorized use of a firearm.

The need and applicability for this technology has been aptly described in a research document funded by the National Institute of Justice and issued by Sandia National Laboratories, Albuquerque, New Mexico "Smart Gun Technology Project Final Report". Sandia identified the requirements for smart firearm technology. They then investigated, evaluated, prioritized, and demonstrated the most promising available technologies.

Using an existing Law Enforcement Pistol (LEP) as a baseline, in 1996, Colt produced a first generation Radio Frequency Controlled (RF) weapon. The current grant for Prototype II is to bring this technology to a production status.

Colt's First Prototype demonstrated that the technology can operate, that all the necessary electronic and mechanical components can be made to fit inside a full size pistol, and that authorization can be made well within the time required to draw and aim a firearm. Colt's is designing and building Prototype II in order to develop more advanced designs suitable for the law enforcement environment. Upon completion of this product, Colt's will develop the commercial version of this gun.

Colt's SMART GUN

Technical Information Sheet

After several years of research and design efforts on the part of Colt's Manufacturing, the first viable "Smart Gun" prototype was created. Colt's Manufacturing was awarded a grant from the National Institute of Justice (NIJ) to help design and build the next generation Smart Gun suitable for Law Enforcement.

Colt's Manufacturing, as prime contractor, is managing the design and integration of control circuits designed by an electronics sub-contractor.

Operation will be "seamless"; handgun automatically enabled when within proximity of a Radio Frequency key (transponder) worn by the authorized user. The antenna will be directionally loaded to receive transponder signals only from behind the handgun. The reduced transponder-enabling zone provides additional protection in close quarter take-away situations.

Design effort is being steered by the Colt / NIJ Law Enforcement Council.

Parameters of the design have followed will continue to follow the suggestions of a Colt/NIJ Law Enforcement Council and the key areas identified in the Sandia National Laboratories (SNL) Report.

Upon completion of Prototype II, key Law Enforcement agencies will conduct field testing.

Additional features planned for the Smart Gun prototypes:

Smart Gun will look like any other handgun (not be recognizable as a "Smart Gun").

It will have an enabling range of approximately 8 inches from a transponder worn by the user.

Allow for multiple users.

An indicator, obvious only to the user, displaying status (enabled/disabled).

7. A design failsafe; if the electronics should fail, the firearm will be "armed."

Colt's SMART GUN

Featured

ABC Nightline

NBC Dateline

CBS Evening News

USA Today

US News and World Report

WTIC TV News

The Discovery Channel

Inside Science TV News

Scripps Howard News Service

Newsday Wire Service

Associated Press Wire Service

Popular Mechanics

Mechanical Engineering Magazine

Police and Security News

American Shooting Sports Council

Shooting Times

Johns Hopkins Center for Gun Policy and Research



High-tech gun hailed for safety

Associated Press

WASHINGTON (AP) - House lawmakers unveiled a hi-tech "smart gun," being developed for use by law enforcement officers, which can be fired only by its owner.

The .40-caliber semiautomatic pistol, being developed by Colt Manufacturing Co. Inc., uses radio-frequency technology to block an unauthorized person from firing it. Experts estimate one in six police officers killed with a firearm is shot with his or her own weapon taken by assailants.

"What we're trying to do is reduce those risks," Rep. Steven Schiff, R-N.M., told a news conference Wednesday.

"It is not enough to be tougher on crime - we have to be smarter," said Rep. Patricia Schroeder, D-Colo. "Crime-fighting technology is not just for James Bond. It should be available to our cops on the street."

Schiff and Schroeder, both members of the House Judiciary Committee, were joined by Reps. Sam Gejdenson and Barbara Kennelly, both Connecticut Democrats. Colt is based in West Hartford, Conn.

IN BRIEF: Science and Technology Notes from Around Connecticut



High Technology

SMART GUN, West Hartford's Colt's Manufacturing Co. is working on a "smart gun," a revolver that fires only when the individual who actually owns the gun pulls the trigger. An electronic system built into the firearm's magazine receives radio waves from what is known as a transponder-a gadget that looks like a Dick Tracy watch which is attached to the owner's wrist. Only when codes in the gun and the transponder match can the trigger be pulled. Executives of Colt's introduced a prototype of the gun in September at a press conference in Washington, DC. They were joined by lawmakers touting the prospects for transferring military technologies to law enforcement and civilian uses.

News

NATIONAL REPORT

Thursday, September 19, 1996

Colt's new 'smart gun': Personalized protection

WASHINGTON - Lawmakers on Wednesday touted a "smart gun" that fires only for its owner. Rep. Steve Schiff, R-N.M., joined with Rep. Patricia Schroeder, D-Colo., at a news conference to laud the life-saving possibilities of the gun, which could reduce the number of police officers killed when their weapon is turned

Report

Packing a Pistol with Smarts

Approximately 14 percent of the police officers in the United States who are killed in the line of duty are shot with their own weapons. If there was a means of preventing an officer's weapon from being used against him or her, virtually all of these murders could be stopped and this alarming statistic would drop.

To address this problem, the National Institute of Justice (NIJ) in Washington, D.C., has commissioned the development of a so-called smart gun designed to minimize any unauthorized use.

The NIJ kicked off the smart-gun project by commissioning Sandia National Laboratories in Albuquerque, N.M., to conduct a two-year, \$620,000 study to examine the potential for an intelligent weapon. The main purposes of this study were to identify various methods and determine which would be technologically feasible. Another important criterion was that the weapon be economical. After all, no matter how well the smart gun worked, it would be useless if it proved to be too expensive for most police-department budgets.

Sandia evaluated a variety of technological approaches, but most proved to be unsuitable for one reason or another. For example, a method that verified the identity of an authorized user by his or her fingerprints was ruled out because a hand injury could alter the user's fingerprints and make the weapon unusable. Similarly, mechanical locks deactivated by a magnetic ring worn by the authorized user were withdrawn from consideration because they were found to be too sensitive to hand position, which could result in the weapon not being available instantly in an emergency.

Researchers at Sandia determined that the most feasible approach economically and technologically was to use a method that involved radio frequencies. Based on this idea, several basic proof-of-concept devices were commissioned.

Once the NIJ was satisfied that the radio-frequency approach was the one with the most potential, the next step was to solicit interested parties to compete for a second grant that covered the cost of producing a working smart-gun prototype. Colt Manufacturing Co. in West Hartford, Conn., the winning company, manufactures and sells a variety of firearms to both law-enforcement agencies and the general public. "At the time of the grant," said Kevin Kaminski, Colt's manager of the smart-gun project and test-engineering manager, "we had already been working on developing our own version of a smart gun."

Miniaturized components will hide the nature of the smart gun from criminals.

Colt took the radio-frequency concept and adapted it to work with one of its 40-caliber semiautomatic pistols by incorporating a radio transmitter and a receiver into the gun's design. In addition, the company developed a transponder—worn on the authorized user's wrist—that communicates with the gun and lets it fire if the person holding the weapon is the authorized user.

One approach to implement this idea was to have the transponder send a signal to the gun continuously, an undesirable method constituting an unnecessary battery drain. Instead, the transponder stays in a "sleep mode". Once the user grips the gun, the gun's transmitter sends out a polling signal that wakes up any transponders within range. The transponder sends back a coded signal to the gun's receiver; if the code matches the receiver's, an actuator in the firearm is activated allowing the gun to fire.

Determining the ideal signal range was an important part of the project. The range had to be long enough so that the gun and transponder could always communicate under normal conditions, but short enough so that a criminal holding the gun would be too far from the transponder to prevent the weapon from firing. The best range was determined to be about 8 inches.

Colt constructed a relatively crude smart-gun prototype that uses large off-the-shelf components. The main purpose of this prototype was to test the radio functions on an actual firing weapon. Now that Colt has proved that the first prototype works effectively, it is developing a second-generation version. "The main difference between it and the first model," Kaminski said, "is that it will use special miniaturized components—such as integrated circuits and communications packages—instead of off-the-shelf parts. This will allow all of the electronics to be contained within the gun. The main benefit of this is that it will not be readily apparent to a criminal that the gun is a smart gun." The second prototype should be complete by September, when Colt will deliver two of these next-generation models to the NIJ.

The firearms manufacturer will retain the design rights to the smart gun, so the company will manufacture it once it is ready for commercialization. Preliminary data indicate that the weapon would cost about \$900, or \$300 more than an equivalent model without the intelligence. Company officials do not yet know whether a version will eventually be made available to the general public.

Congresswoman

Barbara B. Kennelly

Reports

KENNELLY TO INTRODUCE GUN SAFETY MEASURE

Government Would be Partner in Developing Safer Weapons

(Washington, D.C. - May 19, 1998) Congresswoman Barbara B. Kennelly (D-1st CT) will introduce legislation today with a different slant on gun control. Rather than seeking to further restrict the availability of guns, this bill focuses on helping to make weapons themselves safer.

"The debate on gun control grows ever more polarized, while deaths and injuries from firearms continue to mount," the Congresswoman said. "We may disagree on the virtues of gun control, but we can all agree that we should do more to ensure that the weapons themselves are safe."

Kennelly's bill would authorize the National Institute of Justice to make grants for firearms safety and weapons detection technology. The program would be modeled on an earlier effort through NIJ to promote the development of soft body armor, which is now used to protect police officers nationwide.

Kennelly noted that efforts are already underway to develop so-called "personalized guns," firearms that can be used only by their owners. Such weapons could prevent police officers from being killed with their own guns, or children from being killed while playing with unsafely stored firearms.

"We have used technology to create ever more deadly weapons," Congresswoman Kennelly said. "Now we should harness technology to make weapons themselves safer."

- 30 -

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[\[Ways & Means Committee\]](#) [\[Democratic Caucus\]](#) [\[Biography\]](#)

105TH CONGRESS
2D SESSION

H. R. 3895

To provide grants to improve firearms safety, and to provide for the study of the effects of developing firearms technology on firearms safety.

IN THE HOUSE OF REPRESENTATIVES

MAY 19, 1998

Mrs. KENNELLY of Connecticut introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide grants to improve firearms safety, and to provide for the study of the effects of developing firearms technology on firearms safety.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "21st Century Firearm
5 Technology and Safety Act of 1998".

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

8 (1) the National Institute of Justice Science
9 and Technology program has played a critical role in
10 improving law enforcement technology;

1 (2) the National Institute of Justice Science
2 and Technology program has successfully developed
3 standards for soft body armor which have been criti-
4 cal to saving the lives of law enforcement personnel;

5 (3) the National Institute of Justice Science
6 and Technology program is assisting in the success-
7 ful development of personalized firearms to improve
8 firearms safety; and

9 (4) the National Institute of Justice should con-
10 tinue to focus its resources on improving technology
11 to assist law enforcement in reducing crime, and on
12 making technological improvements in the safety of
13 firearms.

14 **SEC. 3. GRANTS TO IMPROVE GUN SAFETY.**

15 (a) IN GENERAL.—The Director of the National In-
16 stitute of Justice, in consultation with appropriate person-
17 nel of the National Institute of Justice who are involved
18 in firearms technology and weapons technology matters,
19 shall make grants to reduce firearms violence through im-
20 provements in firearms safety technology, weapons detec-
21 tion technology, and other technology.

22 (b) 3-YEAR GRANTS.—A grant awarded under this
23 section shall be paid over a period not exceeding 3 years.

24 (c) LIMITATIONS ON AUTHORIZATION OF APPRO-
25 PRIATIONS.—For grants under this section, there are au-

1 thorized to be appropriated not more than \$20,000,000
2 for each of fiscal years 1998 through 2002.

3 **SEC. 4. INDEPENDENT PANEL ON FIREARMS SAFETY.**

4 (a) **ESTABLISHMENT.**—There is established in the
5 Department of Justice the Independent Panel on Fire-
6 arms Safety (in this section referred to as the "Panel").

7 (b) **DUTIES.**—

8 (1) **IN GENERAL.**—The Panel shall—

9 (A) research how technology can be used
10 in the area of weapons safety improvements to
11 reduce violence; and

12 (B) direct, oversee, and review the work of
13 the Technical Study Group on Firearms Safety.

14 (2) **REPORTS.**—

15 (A) **REPORT TO CONGRESS ON THE FIND-**
16 **INGS OF THE TECHNICAL STUDY GROUP ON**
17 **FIREARMS SAFETY.**—Within 90 days after re-
18 ceipt of the report submitted pursuant to sec-
19 tion 5(b)(2), the Panel shall submit to the Con-
20 gress a report on the findings of the Technical
21 Study Group on Firearms Safety. If the report
22 submitted pursuant to such section contains a
23 recommendation for standards governing the
24 design of firearm safety locks, the Panel shall

1 forward the recommendation to the National
2 Institute of Justice.

3 (B) ANNUAL REPORTS.—Within 1 year
4 after the Panel is duly organized and annually
5 thereafter, the Panel shall submit to the Con-
6 gress a written report detailing the findings of
7 the Panel and making recommendations on
8 such firearms safety improvements as the Panel
9 considers appropriate.

10 (c) MEMBERSHIP.—The Director of the National In-
11 stitute of Justice, in consultation with the Attorney Gen-
12 eral, shall appoint to the Panel at least 1 individual from
13 each of the following categories:

14 (1) Representatives from the National Institute
15 of Justice.

16 (2) Law enforcement experts.

17 (3) Representatives from consumer product
18 safety organizations.

19 (4) Representatives of firearms manufacturers.

20 (5) Injury prevention specialists.

21 (6) Firearms technology experts.

22 (7) Experts in other relevant areas.

23 (d) TERMS.—

24 (1) IN GENERAL.—Each Panel member shall be
25 appointed for the life of the Panel.

1 (2) VACANCIES.—A vacancy in the Panel shall
2 be filled in the manner in which the original appoint-
3 ment was made.

4 (c) COMPENSATION.—

5 (1) RATES OF BASIC PAY.—Panel members
6 shall serve without pay.

7 (2) PROHIBITION OF COMPENSATION OF FED-
8 ERAL EMPLOYEES.—Members of the Panel who are
9 full-time officers or employees of the United States
10 may not receive additional pay, allowances, or bene-
11 fits by reason of their service on the Panel.

12 (3) TRAVEL EXPENSES.—Notwithstanding
13 paragraphs (1) and (2), each Panel member shall re-
14 ceive travel expenses, including per diem in lieu of
15 subsistence, in accordance with sections 5702 and
16 5703 of title 5, United States Code.

17 (f) PROCEDURE.—

18 (1) CHAIRPERSON.—The Director of the Na-
19 tional Institute of Justice shall designate a Panel
20 member who is a representative of the National In-
21 stitute of Justice to be the Chairperson of the Panel
22 (in this Act referred to as the "Chairperson").

23 (2) ACTING CHAIRPERSON.—The Panel mem-
24 bers, by majority vote, shall select a Panel member

1 to serve as the acting Chairperson when the Chair-
2 person is unable to so serve.

3 (3) MEETINGS.—The Panel shall meet at the
4 call of the Chairperson.

5 (4) QUORUM.—A majority of Panel members of
6 the Panel shall constitute a quorum but a lesser
7 number may hold hearings.

8 (g) PROFESSIONAL, ADMINISTRATIVE, AND TECH-
9 NICAL SUPPORT.—The Attorney General shall provide the
10 Panel with the administrative, professional, and technical
11 support required by the Panel to carry out the duties of
12 the Panel under this Act.

13 (h) POWERS.—

14 (1) HEARINGS AND SESSIONS.—For the pur-
15 pose of carrying out this section, the Panel may,
16 with the advice and consent of the Attorney General
17 and the Director of the National Institute of Justice,
18 hold such hearings, sit and act at such times and
19 places, take such testimony, and receive such evi-
20 dence as the Panel considers appropriate.

21 (2) OBTAINING OFFICIAL DATA.—Subject to
22 other law, the Panel may secure directly from any
23 department or agency of the United States informa-
24 tion necessary to enable it to carry out this Act. On
25 request of the Chairperson, the head of that depart-

1 ment or agency shall furnish that information to the
2 Panel.

3 (3) **MAILS.**—The Panel may use the United
4 States mails in the same manner and under the
5 same conditions as other departments and agencies
6 of the United States.

7 (i) **PRESERVATION OF CONFIDENTIALITY.**—Section 6
8 of the Cigarette Safety Act of 1984 shall apply to informa-
9 tion provided to the Panel in the same manner in which
10 such section applies to information provided to the Inter-
11 agency Committee on Cigarette and Little Cigar Fire
12 Safety.

13 (j) **TERMINATION.**—

14 (1) **IN GENERAL.**—The Panel shall terminate 5
15 years after the date the Panel is duly organized.

16 (2) **INAPPLICABILITY OF TERMINATION RULE**
17 **IN THE FEDERAL ADVISORY COMMITTEE ACT.**—Sec-
18 tion 14(a)(2)(B) of the Federal Advisory Committee
19 Act (5 U.S.C. App.; relating to the termination of
20 advisory committees) shall not apply to the Panel.

21 **SEC. 5. TECHNICAL STUDY GROUP ON FIREARMS SAFETY.**

22 (a) **ESTABLISHMENT.**—There is established in the
23 Department of Justice the Technical Study Group on
24 Firearms Safety (in this section referred to as the "Tech-
25 nical Study Group").

1 (b) DUTIES.—

2 (1) IN GENERAL.—Subject to the oversight and
3 review of the Independent Panel on Firearms Safety,
4 the Technical Study Group shall undertake such
5 studies and activities as the Technical Study Group
6 considers necessary to determine the technical and
7 commercial feasibility, economic impact, and other
8 consequences of developing improvements in fire-
9 arms safety technology. A main focus of the Tech-
10 nical Study Group shall be to reduce deaths and in-
11 juries resulting from the unintended or inappropri-
12 ate discharge of firearms. The initial research con-
13 ducted by the Technical Study Group should be a
14 study of the reliability of firearm safety locks and a
15 determination as to whether the locks prevent the
16 unintended discharge of firearms.

17 (2) REPORT.—Within 9 months after the date
18 the Technical Study Group is duly organized, the
19 Technical Study Group shall submit to the Inde-
20 pendent Panel on Firearms Safety a report on the
21 findings of the Technical Study Group. If the Tech-
22 nical Study Group determines that firearm safety
23 locks can prevent the unintended discharge of fire-
24 arms, the report shall include a recommendation for

1 standards governing the design of firearm safety
2 locks.

3 (c) MEMBERSHIP.—

4 (1) APPOINTMENT.—

5 (A) NIJ EXPERTS.—The Director of the
6 National Institute of Justice shall appoint to
7 the Technical Study Group personnel and
8 agents of the National Institute of Justice with
9 technical or scientific expertise.

10 (B) NIST EXPERTS.—The Director of the
11 National Institute of Standards and Technology
12 shall appoint to the Technical Study Group per-
13 sonnel of the National Institute of Standards
14 and Technology with technical or scientific ex-
15 pertise.

16 (C) BATF EXPERTS.—The Director of the
17 Bureau of Alcohol, Tobacco and Firearms shall
18 appoint to the Technical Study Group personnel
19 of the Bureau with technical or scientific exper-
20 tise.

21 (D) CPSC EXPERTS.—The Director of the
22 Consumer Product Safety Commission shall ap-
23 point to the Technical Study Group personnel
24 of the Commission with technical or scientific
25 expertise.

1 (E) HHS EXPERTS.—The Secretary of
2 Health and Human Services shall appoint to
3 the Technical Study Group personnel of the De-
4 partment of Health and Human Services with
5 technical or scientific expertise.

6 (F) DOJ EXPERTS.—The Attorney Gen-
7 eral, shall appoint to the Technical Study
8 Group personnel of the Department of Justice
9 with technical or scientific expertise.

10 (G) INDEPENDENT EXPERTS.—The Chair-
11 person of the Independent Panel on Firearms
12 Safety shall appoint to the Technical Study
13 Group 4 individuals who are not officers or em-
14 ployees of any government, each of whom have
15 scientific or technical expertise in law enforce-
16 ment, firearms manufacturing, weapons detec-
17 tion technology, injury prevention, and con-
18 sumer safety, respectively.

19 (d) PROCEDURE.—With the advice and consent of the
20 Independent Panel on Firearms Safety, the Technical
21 Study Group may designate, from among the Technical
22 Study Group members, such persons to serve as team
23 leaders, coordinators, or chairpersons, as the Technical
24 Study Group deems necessary or appropriate to carry out
25 the functions of the Technical Study Group.

1 (e) PRESERVATION OF CONFIDENTIALITY.—Section
2 6 of the Cigarette Safety Act of 1984 shall apply to infor-
3 mation provided to the Technical Study Group in the same
4 manner in which such section applies to information pro-
5 vided to the Technical Study Group on Cigarette and Lit-
6 tle Cigar Fire Safety.

7 (f) APPLICABILITY OF CERTAIN RULES GOVERNING
8 THE INDEPENDENT PANEL ON FIREARMS SAFETY.—Sub-
9 sections (d), (e), (g), (h), and (j) of section 4 shall apply
10 to the Technical Study Group in the same manner in
11 which such subsections apply to the Independent Panel on
12 Firearms Safety.

○

07/29/98 15:36

23 → PHILADELPHIA

NO. 522 P002/005

JUL. 29. 1998 2:56PM
FRANK R. LAUTENBERG
NEW JERSEY

202 224 9707
SENATOR LAUTENBERG

NO. 321

P. 2/5

COMMITTEE:
APPROPRIATIONS
BUDGET

ENVIRONMENT AND PUBLIC WORKS

SMALL BUSINESS

HELSINKI COMMISSION

United States Senate
WASHINGTON, DC 20510-3002

June 29, 1998

Dear Colleague:

I are writing to seek your cosponsorship of S. 466, the Anti-Gun Trafficking Act, a bill to limit handgun purchases to "one-gun-a-month." This bill would reduce gun running by banning bulk purchases of handguns. State laws with one-gun-a-month limits have shown dramatic results. However, these laws have also shown the need for a strong national policy to stop illegal gun trafficking.

As you may know, criminals and others prohibited from buying firearms often can obtain guns through straw purchasers. These straw purchasers buy large quantities of guns and then resell them to criminals, teenagers and others prohibited from buying guns. Through bulk gun purchases, gun traffickers are able to obtain and move large quantities of guns into states with tough gun laws. Not surprisingly, a high percentage of guns from bulk transfers end up at crime scenes throughout the country. As the head of the Maryland State Police reported:

"We used to run into cases where we'd find people, 21 years old, no visible means of support, buying 40 or 50 Davis .380s, which is the most common gun used in murder in Baltimore City. It isn't rocket science. What do you think was going on?"

Its clear that what is "going on" is that the ability to purchase large quantities of guns is giving criminals easy access to weapons.

In response to this problem, some states have enacted laws to limit bulk purchases. After limits on bulk purchases were enacted, those states experienced an almost immediate and dramatic reduction in the number of its guns used in crimes. In 1996, a Maryland law went into effect limiting residents to one gun purchase a month. In the 12 months after the law was passed, the number of handguns seized by police and traced to Maryland stores fell by 33%. (A recent article from the Washington Post on the success of Maryland's law is attached.) After Virginia passed a similar law, there was a 35% reduction in the likelihood that a gun recovered from a crime scene came from Virginia.

Law enforcement officials fear that criminal gun runners now will turn to other states with lax gun laws for their supply of guns. Only a nationwide limit will solve this problem.

The Anti-Gun Trafficking Act would prohibit any person from purchasing, and any licensed dealer from selling to an individual, more than one handgun a month.

REPLY TO

608 HART SENATE OFFICE BUILDING
WASHINGTON, DC 20510-3002
(202) 224-4744
Internet: frank.lautenberg@lautenberg.senate.gov

ONE NEWARK CENTER 14TH FLOOR
NEWARK, NJ 07102-6257
(201) 645-3030

BARRINGTON COMMONS
205 W. 11 MURDER PRK
SUITE 18-19
BARRINGTON, NJ 08007-1322
(609) 757-5253

PRINTED ON RECYCLED PAPER

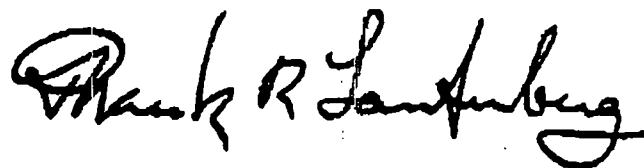
It would also prohibit persons who are not federally licensed dealers, such as collectors, from selling more than one gun in a thirty-day period. Sales by nonlicensees, which are exempt from many firearm regulations, are a significant source of guns for interstate gun traffickers.

A one-per-month handgun limit should substantially reduce gun running, while not creating an unreasonable obstacle to legitimate sportsmen and collectors. Under the law, individuals would still be able to purchase up to twelve handguns per year. It is hard to imagine why anyone would need more than one handgun a month, unless the guns were for an illegal purpose.

There is strong public support for one-gun-a month legislation. When the Virginia law was passed, 83% of Virginians supported the measure. A 1994 Gallup Poll showed 69% of Americans support the limit. Numerous police and state police organizations, as well as many newspaper editorials including the New York Times and Washington Post (copies attached), support federal legislation limiting bulk purchases. This legislation will address the serious threat to our communities posed by gun running.

I hope you will consider cosponsoring the Anti-Gun Trafficking Act, S.466. If you would like to cosponsor this legislation or have any questions, please have your staff contact Isabelle M. Thabault of my staff at x4-2348.

Sincerely,

A handwritten signature in black ink, reading "Frank R. Lautenberg". The signature is written in a cursive, flowing style with a large, prominent "F" and "L".

Running Out the Gunrunners

Washington Post, May 29, 1998

IT'S BEEN hard times for gunrunners in Maryland: Handgun sales in the state dropped more than 25 percent in 1997, the first full year of sales since a new state law barred most people from buying more than one handgun a month. This new limit is also, fortunately, a terrible imposition on any Marylanders who want to power up their home or workplace arsenals with more than 12 additional handguns every year. In addition, it messes up the gunrunners who used to be able to hire one straw purchaser to buy handguns by the carload for marketing to criminals. That, in turn, is threatening Maryland's position as a leading supplier of handguns seized by police at crime scenes up and down the East Coast.

The all-guns-are-great advocates have been quick to assure residents that the gun-a-month purchase limit isn't the chief cause of declining gun sales. They explain that the decrease is the result of a routine business downturn (think about that one). Gun dealers also argue that there's no proof that the law has kept criminals

from getting weapons and that lawbreakers are now turning to rifles and shotguns. Bob McMurray, vice president of the Maryland State Rifle and Pistol Association, says cheerfully: "We're never going to stop criminals from having guns."

So hey, why not reopen bulk handgun sales? For that matter, why bother with any laws if people are going to break them? Never mind that Maryland State Police Superintendent David B. Mitchell says, "We're slowing the flow of guns to the criminal element. We haven't stopped it altogether, but we're slowing it down, and we're making Maryland safer."

It is true that the gunrunners will find other sources of supply. When Virginia went to a handgun purchase limit, the operations there could then switch to Maryland. Now they are likely to pop up in another state. That's why law enforcement authorities and people concerned about their public safety make the case for a more effective measure—a uniform purchase limit throughout the country.

Washington Post
5-29-98

One Gun a Month Is Plenty 2/10/96 NYT

States with tough handgun laws have seen the effectiveness of those laws severely diminished by professional gun-runners. People who profit from the gun trade travel to less restrictive states like Georgia or Florida, where they buy several dozen cheap pistols for resale on street corners. To shut this deadly "iron pipeline," which operates up and down the East Coast, gun-control advocates in Congress are pushing a simple, common-sense reform. It would limit a customer's gun purchases in every state to one a month.

The idea was plucked from a broader gun control bill that is going nowhere in a Congress packed with allies of the National Rifle Association. A one-a-month rule would take the profit out of interstate gun trafficking, making it harder for children and felons to obtain illegal guns. In proposing it now as a free-standing bill, Representative Charles Schumer and his Democratic co-sponsors challenge G.O.P. leaders to explain to crime-fearing Americans why a 12-gun-per-year limit would impose any offensive burden on law-abiding users, who may want a weapon for target shooting or for personal protection.

Early results from Virginia suggest the measure's enormous potential. In July 1993, with the public overwhelmingly in support and the N.R.A. fiercely in opposition, Virginia imposed a one-gun-a-month rule. The aim was to end the state's dubious distinction of being the nation's leading source of guns used in crime. Figures compiled by the anti-gun group Handgun Control Inc. show that the percentage of guns used in crime and traced back to Virginia gun dealers fell by 61 percent for guns recovered in New York, 67 percent for guns recovered in Massachusetts and 38 percent for guns recovered in New Jersey.

The N.R.A. can be expected to try to kill the bill, arguing that it is protecting a basic right of Americans. This is the organization's standard response to any proposal, however reasonable, to limit access to the guns preferred by criminals. It will be an uphill fight to persuade the Republican Congress to buck the gun lobby and its generous contributions to G.O.P. campaigns. But Americans are at least entitled to one answer from Congress. Why, if one gun a month is good policy for Virginia, would it not make good policy for the nation?

Anti-Gun Trafficking Act of 1997 (Introduced in the Senate)

S 466 IS

105th CONGRESS

1st Session

S. 466

To reduce gun trafficking by prohibiting bulk purchases of handguns.

IN THE SENATE OF THE UNITED STATES

March 18, 1997

Mr. LAUTENBERG (for himself, Mr. KENNEDY, Mr. KERRY, Mrs. FEINSTEIN, and Mr. TORRICELLI) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To reduce gun trafficking by prohibiting bulk purchases of handguns.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Anti-Gun Trafficking Act of 1997'

SEC. 2. PROHIBITION AGAINST MULTIPLE HANDGUN SALES OR PURCHASES.

(a) PROHIBITION- Section 922 of title 18, United States Code, is amended by adding at the end the following:

(y) PROHIBITION AGAINST MULTIPLE HANDGUN SALES OR PURCHASES-

(1) IN GENERAL- It shall be unlawful for any licensed dealer--

(A) during any 30-day period, to sell 2 or more handguns to an individual who is not licensed under section 923; or

(B) to sell a handgun to an individual who is not licensed under section 923 and who purchased a handgun during the 30-day period ending on the date of the sale.

(2) TIME LIMITATION- It shall be unlawful for any individual who is not licensed under section 923 to purchase 2 or more handguns during any 30-day period.

(3) EXCHANGES- Paragraph (1) does not apply to an exchange of 1 handgun for 1 handgun.

(b) PENALTIES- Section 924(a)(2) of title 18, United States Code, is amended by striking 'or (o)' and inserting '(o), or (y)'.

SEC. 3. INCREASED PENALTIES FOR MAKING KNOWINGLY FALSE STATEMENTS IN CONNECTION WITH FIREARMS.

Section 924(a)(3) of title 18, United States Code, is amended by striking 'one year' and inserting '5 years'.

SEC. 4. DEADLINES FOR DESTRUCTION OF RECORDS RELATED TO CERTAIN FIREARMS TRANSFERS.

(a) HANDGUN TRANSFERS SUBJECT TO THE WAITING PERIOD- Section 922(s)(6)(B)(i) of title 18, United States Code, is amended by striking '20 business days' and inserting '35 calendar days'.

(b) FIREARMS TRANSFERS SUBJECT TO INSTANT CHECK- Section 922(t)(2)(C) of title 18, United States Code, is amended by inserting 'not later than 35 calendar days after the date the system provides the licensee with the number,' after '[Struck out->] (c) 1 [<-Struck out]'.

SEC. 5. REVISED DEFINITION.

Section 921(a)(21)(C) of title 18, United States Code, is amended by inserting ', except that such term shall include any person who transfers more than 1 handgun in any 30-day period to a person who is not a licensed dealer' before the semicolon.

Twelve is Enough Anti-Gunrunning Act (Introduced in the House)**HR 12 IH****105th CONGRESS****1st Session****H. R. 12****To prevent handgun violence and illegal commerce in handguns.****IN THE HOUSE OF REPRESENTATIVES****January 7, 1997**

Mr. SCHUMER (for himself and Mr. NADLER) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL**To prevent handgun violence and illegal commerce in handguns.**

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Twelve is Enough Anti-Gunrunning Act'.

SEC. 2. PROHIBITION AGAINST MULTIPLE HANDGUN SALES OR PURCHASES.

(a) PROHIBITION- Section 922 of title 18, United States Code is amended by adding at the end

the following.

'(y)(1) It shall be unlawful for any licensed dealer--

'(A) during any 30-day period, to sell 2 or more handguns to an individual who is not licensed under section 923; or

'(B) to sell a handgun to an individual who is not licensed under section 923 and who purchased a handgun during the 30-day period ending on the date of the sale.

'(2) It shall be unlawful for any individual who is not licensed under section 923 to purchase 2 or more handguns during any 30-day period.

'(3) Paragraph (1) shall not apply to an exchange of 1 handgun for 1 handgun.'

(b) PENALTIES- Section 924(a)(2) of such title is amended by striking 'or (o)' and inserting '(o), or (y)'.

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(b) FIREARMS TRANSFERS SUBJECT TO INSTANT CHECK- Section 922(t)(2)(C) of such title is amended by inserting 'within 35 calendar days after the date the system provides the licensee with the number,'.

SEC. 5. REVISED DEFINITION.

Section 921(a)(21)(C) of title 18, United States Code, is amended by inserting ', except that such term shall include any person who transfers more than 1 handgun in any 30-day period to a person who is not a licensed dealer' before the semicolon.

Congress of the United States
House of Representatives
Washington, DC 20515-1305

404 NORTH LINCOLN AVENUE
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March 30, 1998

Dear Colleague:

I am seeking the endorsement of my newly drafted legislation to promote the fair, safe and reasonable regulation of gun shows. As you may be aware, a growing body of evidence illustrates that a lack of regulation of non-licensed firearms dealers at these events is creating a secondary market for violent criminals as well as unfair competition for law-abiding federal firearms licensees.

In many cases, gun shows provide a safe and sometimes family-oriented environment for private collectors, sportsmen and other enthusiasts to buy, sell, trade or learn more about firearms. Successful events often involve partnerships between gun show promoters, licensed and unlicensed dealers and local law enforcement officers to insure that law and order are upheld at the events — but all too often, that isn't enough to deter serious criminal activity.

Federal law currently allows firearm sales at gun shows by unlicensed persons to go virtually unregulated. While a Federal Firearms Licensee (FFL) participating in a gun show must comply with all legally required background and identification checks, waiting periods and recordkeeping, unlicensed persons do not. In most states, private citizens without an FFL can sell and immediately transfer unlimited numbers of firearms, including handguns, to any person without making any effort to ensure that they are not a dangerous criminal. Because recordkeeping isn't enforced, it becomes nearly impossible to trace these weapons once they turn up in crimes. Further, the hassle free nature of these transactions draws significant business away from FFL's — essentially penalizing them for enforcing waiting periods, background checks and recordkeeping.

Criminals have become increasingly savvy to this loophole, and mounting evidence has shown they are fully exploiting it. A one-year study conducted by the Illinois State Police indicated that at least 25 percent of illegally trafficked weapons originate at gun shows, the Bureau of Alcohol, Tobacco & Firearms has evidence that David Koresh and Timothy McVeigh frequented gun shows, and scattered news accounts across the nation indicate gun shows to be a growing market for violent criminals and illegal gun traffickers. In the state of Florida, the problems caused by unregulated gun shows is so widely recognized that a recent state survey indicated that 68 percent of voters in gun-owning households believe that unlicensed persons at gun shows should comply with the same rules as licensed dealers and that "gun shows provide a

loophole for gun purchasers that should be closed "

The purpose of my legislation is simple and straightforward: It will bring fairness and accountability to gun shows. By creating a new "Gun Show License," it will subject all license applicants to the same qualifications as Federal Firearms Licensees, require them to report the dates and times of all gun shows they plan to sponsor to the BATF and local law enforcement at least 30 days in advance of the event and require unlicensed persons selling firearms at gun shows to perform the same background and identification checks, recordkeeping requirements and waiting periods as FFL's. Penalties for noncompliance will be consistent with current penalties imposed upon licensed dealers for varying violations.

Enclosed is a copy of the legislation and some newspaper articles from across the nation on gun-related crimes linked to these shows illustrating the scope of the problem. It is my hope that, upon your review, you will share my concerns on this issue and join me in taking a leadership position on a solution.

Thank you for your consideration of this issue. I am very interested in hearing your thoughts on this issue, and hope to hear from you soon regarding your support or to discuss any suggestions you might have. If you have any questions on this matter, please feel free to contact me or Deanne Benos of my staff at 202/225-4061.

Sincerely,



Rod R. Blagojevich
Member of Congress

RB/deb

What are gun dealers saying about Gun Shows?

"Do something about the gun shows. Either shut them down or regulate them and restrict their activities to legal transactions in firearms. The Grand Bazaar approach that we have ensures that every pugnacious child with a grudge to settle and every other form of human predator have easy access to all the firearms that they might desire, while the legitimate firearm owner is increasingly saddled with more and more onerous restrictions."

-- Bill Bridgewater, as former Executive Director
National Alliance of Stocking Gun Dealers
1993 Letter to House Judiciary Committee

"The reason most of them won't give you their names is because they're breaking the law," he said loudly. "I fight it all the time. At every gun show, people walk up and ask, 'Are you a dealer?'" Eberg said. "If you are, they won't deal with you, and if not, there are no receipts, no anything. Just the money changes hands. It's kind of frustrating. . . . You lose out."

-- Licensed Gun Dealer Harvey Eberg
Tampa, FL
St. Petersburg Times
July 1993

"Kentucky's flea markets are 'where most of our stolen guns go and where most of these juveniles and gangs get guns,' said Bill Routt, owner of the Etown Gun Shop. Routt said it irritates him that he has to obey federal gun laws or lose his business, but those who sell guns in flea markets don't."

-- "Younger Accused in Shooting Says He Had
No Trouble Getting Weapon"
Associated Press
April 26, 1998

"It is our position that all state and federal laws should be complied with at gun shows -- especially criminal history checks, and that includes unlicensed gun show participants."

-- Wain Roberts
Member of the Board
National Alliance of Stocking Gun Dealers
June 1998

SUMMARY OF THE PROVISIONS OF THE BILL SHOW SAFETY & ACCOUNTABILITY ACT (HR 3833)

Congressman Rod Blagojevich has introduced the first-ever legislation to bring accountability to gun shows. Without creating new, onerous restrictions, his bill would simply cut off criminal access to firearms at gun shows by having gun shows operate under the same laws as gun stores. This legislation represents the next logical step in shutting the doors on the secondary market to criminals.

The bill has two main objectives: *cut off easy criminal access to firearms at gun shows* without destroying the events for legitimate sportsmen and collectors, and *end unfair business competition at these events* that burden law-abiding gun store owners with public safety regulations while allowing gun show participants to offer quicker, more convenient sales to potential customers.

- * Imposes the same public safety requirements on nonlicensed gun show participants as on licensed gun store owners.
- * Requires that any person organizing a gun show get a 3-year-license to hold gun shows--similar to the 3-year-license that gun store owners must apply for to run their business. It also requires them to undergo the same background checks and qualifications as gun store owners to make sure that a criminal is not organizing a large scale event for the sale of deadly weapons.
- * Requires that the gun show licensee notify both the ATF and local law enforcement of the date, time, and location of their gun shows.
- * Requires unlicensed gun show participants (who are not licensed gun store owners) to comply with the same public safety measures as licensed gun store owners: background and identification checks, and recordkeeping.
- * Requires the gun show licensee to send all sales records and multiple purchase forms to the ATF at the end of the gun show.
- * Licensed gun store owners already face penalties for not conducting the proper background and identification checks or keeping the proper records. This bill imposes those same penalties on unlicensed gun show participants. It doesn't create new penalties.
- * Defines a gun show to be any event where 50 firearms or more are for sale. This means that flea markets and other community events where firearms are sold must be regulated.

ENDORSEMENTS OF
REP. BLAGOJEVICH'S GUN SHOW SAFETY ACCOUNTABILITY ACT (HR 3833)

Handgun Control, Inc.

Contact: Marie Carboney
202/289-5787

Violence Policy Center

Contact: Kristin Rand (author of the study: "Gun Shows: Tupperware Parties for
Criminals.")
202/822-8200 ext. 102

Illinois State Police

Contact: Ken Bouche
Illinois State Police --District Chicago Commander
847/294-4443

Chicago Police Department

Contact: Officer Pat Camden
News Affairs
312/747-5480

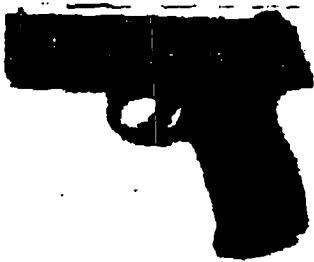
Cook County Sheriff

Police Executives Research Forum

Major City Chiefs of Police

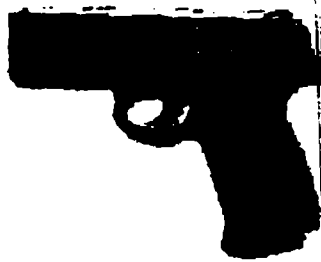
National Association of Black Law Enforcement Officers

What's wrong with this picture?



If you buy this Smith & Wesson 9mm pistol at a **GUN STORE**, you must:

- ✓ Fill out a Brady Form
- ✓ Undergo a criminal background check
- ✓ Show proper ID
- ✓ Wait 5 days
- ✓ Have the store owner keep records of the sale
- ✓ Have the store owner fill out a multiple purchase form if you buy more than one weapon



If you buy this same gun at a **GUN SHOW**, you must:

- ✓ DO ABSOLUTELY NOTHING.

June 11, 1998

Dear Colleague:

When a person buys a handgun from a gun store, they must undergo a background and identification check, fill out a Brady Form and wait five days before picking up the weapon. A record of the sale is also kept. What most people don't know is that a loophole in the federal law allows that same person to buy a handgun at a gun show without doing any of these things.

This loophole has created a situation that is both dangerous and unfair. It allows gun show participants to sell guns with little, if any, legal obligation to insure that they aren't putting deadly weapons into the hands of violent criminals or juveniles. Furthermore, it creates unfair business competition between law-abiding gun store owners whose time-consuming background checks and sales records are much less attractive to potential customers than a quick purchase from a gun show participant.

Hundreds of thousands of firearms are sold at gun shows every year, and experts believe participation to be on the rise. As gun shows have grown, so has evidence illustrating that a lack of regulation is creating a black market for violent criminals. Knowing that background checks would prevent them from buying guns from a gun store, criminals have found that they can obtain unlimited numbers of firearms at gun shows with ease. Because no sales records are kept at gun shows, these firearms can be resold on the street and used in crimes without being traced.

A one-year study conducted by the Illinois State Police indicated that at least 25 percent of illegally trafficked firearms used in crimes originate at gun shows, and national news accounts indicate similar situations across the nation. Most recently, a 17-year-old Kentucky boy shot-and-killed another youth with a handgun that he told police he was able to purchase at a gun show with cash, no waiting period and no questions asked."

As the link between guns used in crimes and gun shows grows, it makes sense that our nation should be rewarding gun store owners for taking the time to keep guns out of the hands of dangerous criminals, not penalizing them. As stated by Bill Bridgewater, former executive director of the National Alliance of Stocking Gun Dealers, "The Grand Bazaar approach that we now have ensures that every pugnacious child with a grudge to settle and every other form of human predator have easy access to all the firearms that they might desire, while the legitimate firearms dealer is saddled with more and more onerous restrictions."

Please join me in cosponsoring legislation to keep guns out of the hands of violent criminals and bring fairness and accountability to gun shows without creating new, onerous restrictions. By requiring gun store owners and gun show participants to comply with the same laws, the bill would promote fair business competition, while cutting off a deadly supply of firearms to our nation's most dangerous criminals. For more or information to cosponsor the bill, please contact Deanne Benoe at 225-4061.

Sincerely,

Rod R. Blagojevich
Rod R. Blagojevich
Member of Congress

(HR 3835)

105TH CONGRESS
2D SESSION

H. R. 3833

IN THE HOUSE OF REPRESENTATIVES

Mr. BLAGOVESHCHIN (for himself, Mr. CASTLE of Delaware, Mrs. MCCARTHY of New York, Mr. CONTERS of Michigan, Ms. LOPKIN of California, Mr. DAVIS of Illinois, Mr. MCGOVERN of Massachusetts, and Mr. NADLER of New York) introduced the following bill; which was referred to the Committee on _____

A BILL

To better regulate the transfer of firearms at gun shows.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. REGULATION OF GUN SHOWS.**

4 (a) IN GENERAL.—Section 923 of title 18, United
5 States Code, is amended by adding at the end the follow-
6 ing:

7 “(m)(1) A person shall not hold a gun show unless—
8 “(A) the person is licensed to do so under this
9 subsection; and

1 “(B) at least 30 days have elapsed since the
2 person, using a form which shall be prescribed by
3 the Secretary, has notified the Secretary and the
4 chief law enforcement officer of the postal address
5 and the dates and times at which the gun show is
6 to be held.

7 “(2) A person desiring to be licensed to hold a gun
8 show shall submit to the Secretary an application which—

9 “(A) contains a certification by the applicant
10 that—

11 “(i) the applicant meets the requirements
12 of subparagraphs (A) through (D) of subsection
13 (d)(1); and

14 “(ii) any gun show to be conducted under
15 the license is not prohibited by State or local
16 law, and will be conducted in accordance with
17 the requirements of State and local law;

18 “(B) contains a photograph and fingerprints of
19 the applicant; and

20 “(C) is in such form as the Secretary shall by
21 regulation prescribe.

22 “(3)(A) The Secretary shall approve an application
23 submitted pursuant to paragraph (2) which meets the re-
24 quirements of paragraph (2). On approval of the applica-
25 tion and payment by the applicant of such fee as the Sec-

1 retary shall establish to ensure that the fees collected
2 under this subsection are sufficient to cover the costs of
3 issuing licenses under this subsection, the Secretary shall
4 issue to the applicant a license which, subject to the provi-
5 sions of this chapter and other applicable provisions of
6 law, entitles the licensee to hold gun shows in interstate
7 or foreign commerce during the 3-year period that begins
8 with the date the license is issued.

9 “(B) The Secretary shall approve or deny an applica-
10 tion submitted under paragraph (2) within 60 days after
11 the Secretary receives the application. If the Secretary
12 fails to so act within such period, the applicant may bring
13 an action under section 1361 of title 28 to compel the
14 Secretary to so act.

15 “(4)(A) Before a person not licensed under this sec-
16 tion transfers a firearm at a gun show—

17 “(i) the person shall provide to the holder of the
18 gun show written notice of—

19 “(I) the name, age, and address of the per-
20 son and of the prospective transferee (or, in the
21 case of a party who is a corporation or other
22 business entity, the identity and principal and
23 local places of business of such party);

24 “(II) the serial number, make, and model
25 of the firearm; and

1 “(III) the date and location of the trans-
2 fer; and

3 “(ii) the holder of a gun show shall comply with
4 the requirements imposed on licensed dealers by sec-
5 tion 922(t) and subsections (g)(1)(A) and (g)(3)(A)
6 of this section with respect to the transfer.

7 “(B) Within 30 days after the end of a gun show
8 for which a license is issued under this subsection, the li-
9 censee shall deliver to the Secretary all records or docu-
10 ments which the licensee collected pursuant to subpara-
11 graph (A) during the gun show.

12 “(5) For purposes of this subsection, the term ‘gun
13 show’ means an event or function that is—

14 “(A) sponsored by—

15 “(i) a national, State, or local organization
16 devoted to the collection, competitive use, or
17 other sporting use of firearms; or

18 “(ii) an organization or association that
19 sponsors functions devoted to the collection,
20 competitive use, or other sporting use of fire-
21 arms in the community; and

22 “(B) held at a location—

23 “(i) which is not specified in any li-
24 cense issued under subsection (b) or (c);

1 “(ii) at which a firearm is offered for
2 sale or transfer; and

3 “(iii) at which 50 or more firearms
4 are present, 1 or more of which has been
5 shipped or transported in interstate or for-
6 eign commerce.”.

7 (b) PENALTIES.—Section 924(a) of such title is
8 amended by adding at the end the following:

9 “(7)(A) Whoever knowingly violates section
10 923(m)(1) shall be fined under this title, imprisoned not
11 more than 5 years, or both.

12 “(B) Whoever knowingly violates subparagraph (A)(i)
13 or (B) of section 923(m)(4) shall be fined under this title,
14 imprisoned not more than 1 year, or both.

15 “(C) Whoever violates section 923(m)(4)(A)(ii) by
16 knowingly failing to comply with a provision of law speci-
17 fied in such section shall be punished as otherwise pro-
18 vided under this section for knowingly violating the provi-
19 sion of law.”.

20 (c) EFFECTIVE DATE.—The amendments made by
21 this section shall apply to conduct engaged in after the
22 1-year period that begins with the date of the enactment
23 of this Act.

Bill History

PRINTER'S NO. 1776

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1484 Session of 1997

INTRODUCED BY ROONEY, CARN, HENNESSEY, MICHLOVIC, THOMAS, ITKIN,
CURRY, YOUNGBLOOD, JAMES, JOSEPHS, TRELLO, CORPORA, CLYMER,
RAMOS AND C. WILLIAMS, MAY 8, 1997

REFERRED TO COMMITTEE ON JUDICIARY, MAY 8, 1997

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, establishing the State Handgun
3 Standard Commission; providing a safety performance standard
4 for the manufacture of handguns; and providing for the
5 forfeiture of certain handguns and for enforcement relating
6 to a safety standard for handguns.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Title 18 of the Pennsylvania Consolidated
10 Statutes is amended by adding a subchapter to read:

SUBCHAPTER D

HANDGUN SAFETY STANDARDS

11 Sec.

12 6181. Legislative findings.

13 6182. Definitions.

14 6183. State Handgun Standard Commission.

15 6184. Promulgation of safety standard.

16 6185. Enforcement.

17 6186. Exemptions.

18 6187. Penalties.

19 6188. Liability.

20 § 6181. Legislative findings.

21 The General Assembly finds and declares as follows:

22 (1) The legislature finds that there are no current laws
23 or regulations creating a safety standard for personalized
24 guns.

25 (2) In 1994 there were approximately 38,500 gun deaths
26 nationwide, 49% of all gun deaths were suicides and 46% were
27 homicides.

28 (3) In 1994 in the United States, 98% of all firearm

12 homicides in which the type of gun was known were caused by
 13 handguns.
 14 (4) A homicide of a household member is almost three
 15 times more likely to occur in homes with guns than in homes
 16 without guns, and the risk of suicide is increased by nearly
 17 five times in homes with guns. The risk is higher for
 18 adolescents and young adults.
 19 (5) In 1994 there were about 1,500 unintentional firearm
 20 deaths nationwide.
 21 (6) The General Assembly believes many firearm deaths
 22 and injuries are needless and can be prevented by a safety
 23 performance standard for handguns.
 24 (7) The General Assembly further finds that existing
 25 technology makes possible personalized guns which can only be
 26 fired by the authorized user.
 27 (8) The General Assembly believes that a handgun safety
 28 performance standard is necessary to protect the public
 29 health, safety and welfare.
 30 § 6182. Definitions.
 19970H1484B1776

- 2 -

1 The following words and phrases when used in this subchapter
 2 shall have the meanings given to them in this section unless the
 3 context clearly indicates otherwise:
 4 "Antique firearms."
 5 (1) Any firearm, including any firearm with a matchlock,
 6 flintlock, percussion cap or similar type of ignition system,
 7 manufactured in or before 1898.
 8 (2) Any replica of any firearm described in paragraph
 9 (1) if such replica:
 10 (i) is not designed or redesigned for using rimfire
 11 or conventional center fire fixed ammunition; or
 12 (ii) uses rimfire or conventional center fire fixed
 13 ammunition which is no longer manufactured in the United
 14 States and which is not readily available in the ordinary
 15 channels of commercial trade.
 16 "Authorized user." The person who owns the handgun or a
 17 person to whom the owner has given consent to use the handgun.
 18 "Commission." The State Handgun Standard Commission.
 19 "Handgun." A firearm which has a short stock and is designed
 20 to be held and fired by the use of a single hand and any
 21 combination of parts from which a firearm can be assembled.
 22 "Handgun manufacturer." Any person engaged in the business
 23 of manufacturing handguns for the purpose of sale or
 24 distribution.
 25 "Pawnbroker." Any person whose business or occupation
 26 includes the taking or receiving, by the way of pledge or pawn,
 27 any firearm as security for the payment or repayment of money.
 28 "Person." Any individual, corporation, company, association,
 29 firm, partnership, society or joint stock company.
 30 "Seller" or "dealer." Any person:
 19970H1484B1776

- 3 -

1 (1) Engaged in the business of selling firearms at
 2 wholesale or retail.
 3 (2) Engaged in the business of repairing firearms or of
 4 making or fitting special barrels, stocks or trigger
 5 mechanisms to firearms.
 6 (3) Any person who is a pawnbroker.
 7 § 6183. State Handgun Standard Commission.
 8 (a) Establishment.--The State Handgun Standard Commission
 9 shall be established within six months following the passage of

10 this subchapter in order to promulgate an appropriate
 11 performance standard that responds to the need for the improved
 12 safety of handguns.
 13 (b) Members.--The commission, where possible, shall be
 14 composed of seven members: the Attorney General or the Attorney
 15 General's designee, the Pennsylvania State Police Commissioner
 16 or the commissioner's designee, the Secretary of Health or the
 17 secretary's designee, an injury prevention specialist, a handgun
 18 industry representative, an engineer and a citizen at large. The
 19 members shall be appointed by the Governor. The Governor shall
 20 select a chairman from among the members of the commission.
 21 (c) Expenses and compensation.--Commission members shall be
 22 reimbursed for reasonable and necessary expenses, including, but
 23 not limited to, travel, but shall not otherwise be compensated.
 24 (d) Staff services for the commission.--Staff services for
 25 the commission shall be provided by the Office of Attorney
 26 General.
 27 (e) Length of existence.--The commission shall exist for the
 28 period during which the standard is promulgated. Once the
 29 commission has ceased to exist, the Governor, if he deems
 30 necessary, may reestablish the commission for a period of time
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1 designated by the Governor.
 2 (f) Designation of enforcement agency.--In addition to
 3 promulgating a performance standard, the commission shall
 4 designate the existing State government agency that shall be
 5 responsible for administering, advertising, implementing and
 6 enforcing the standard. The commission's designation of an
 7 agency shall be approved by the Governor.
 8 § 6184. Promulgation of safety standard.
 9 (a) Adoption of standard.--On or before one year after the
 10 establishment of the commission, the commission shall adopt a
 11 handgun safety performance standard for all handguns
 12 manufactured, possessed, sold, offered for sale, traded,
 13 transferred, shipped, leased, distributed or acquired within
 14 this Commonwealth. The standard shall require, but not be
 15 limited to, the following:
 16 (1) A handgun must be personalized so that it can only
 17 be fired when operated by that handgun's authorized user or
 18 users.
 19 (2) The technology creating personalized handguns shall
 20 be incorporated into the design of the handgun and be part of
 21 its original equipment and not an accessory.
 22 (3) Personalized handguns shall not be manufactured to
 23 permit the personalized characteristics to be readily
 24 deactivated.
 25 (b) Formulation of testing procedures.--The commission shall
 26 formulate the necessary testing procedure to determine if a
 27 handgun complies with the commission's standard.
 28 (c) Designation of testing laboratories.--The commission
 29 shall designate one or more independent laboratories for
 30 determining whether handguns comply with the commission's
 1997OH1484B1776 - 5 -

1 standard. The laboratories shall use the test method formulated
 2 by the commission to determine compliance.

3 (d) Handgun manufacturer's compliance.--In accordance with
 4 the standard promulgated by the commission, handgun
 5 manufacturers wishing to manufacture, sell, offer for sale or
 6 transfer handguns in this Commonwealth shall submit a prototype
 7 of the handgun model for testing, at the manufacturer's cost, to
 8 one of the independent laboratories designated by the
 9 commission. The laboratory shall issue a report directly to the
 10 agency designated by the commission to oversee the
 11 administration and implementation of the standard, and a copy to
 12 the manufacturer indicating whether the submitted handgun met or
 13 did not meet the safety standard. If the submitted handgun did
 14 not meet the safety standard, the report shall describe the
 15 reasons therefor. If the handgun model fails to meet the
 16 standard it cannot be manufactured, possessed, sold, offered for
 17 sale, traded, transferred, shipped, leased, distributed or
 18 acquired by anyone in this Commonwealth until it has been
 19 modified to meet the commission's standard and has passed the
 20 independent laboratory test on resubmission. If the handgun
 21 model meets the standard, the designated agency shall issue a
 22 certificate stating that the handgun model meets the
 23 commission's standard; and the words, "certified personalized
 24 handgun" or an equivalent label, as established by the
 25 commission, shall be imprinted on the approved handguns at the
 26 manufacturer's expense. Once the handgun model is deemed to meet
 27 the standard, the manufacturer, seller or possessor shall not
 28 alter the design of the handgun in any manner affecting the
 29 safety of the handgun.

30 (e) Promulgating and amending standard.--In promulgating and
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1 amending the standard, the procedures as delineated in the act
 2 of July 31, 1968 (P.L. 769, No. 240), referred to as the
 3 Commonwealth Documents Law, shall be followed.

4 (f) Promulgation of rules, regulations and standard.--The
 5 handgun safety standard and any rules or orders issued by the
 6 commission or the designated agency shall be subject to review
 7 in accordance with the Commonwealth Documents Law.
 8 § 6185. Enforcement.

9 (a) Noncompliant handguns.--On or after four years from the
 10 date of the adoption of the commission's original standard,
 11 handguns that do not meet the standard prescribed by the
 12 commission pursuant to this subchapter shall not be
 13 manufactured, possessed, sold, offered for sale, traded,
 14 transferred, shipped, leased, distributed or acquired in this
 15 Commonwealth.

16 (b) Seizure of noncompliant handguns.--If any police
 17 officer, during the course of official duties and operating
 18 within existing constitutional constraints on police searches
 19 and seizures, discovers any handgun which under the provisions
 20 of this subchapter does not meet the commission's standard as
 21 promulgated in this Commonwealth, that officer shall take
 22 possession of the handgun. The handgun shall be forfeited to the
 23 Commonwealth and shall be destroyed.

24 (c) Enjoining violators.--The Attorney General shall bring
 25 an action on behalf of the Commonwealth against sellers,
 26 manufacturers or possessors of handguns to enjoin further
 27 violations of this subchapter and for such other relief as may
 28 be appropriate.

29 § 6186. Exemptions.

30 (a) Exempt handguns.--The following handguns are exempt from
 19970H1484B1776 - 7 -

1 this subchapter:

2 (1) Antique handguns legally purchased or acquired in
3 accordance with current laws.

4 (2) Handguns manufactured prior to four years from the
5 date of the adoption of the commission's original standard.
6 However, such handguns may not be sold, offered for sale,
7 traded, transferred, shipped, leased or distributed by
8 dealers after four years from the date of the adoption of the
9 commission's original standard.

10 (3) Handguns purchased by police departments, sheriffs
11 and law enforcement officers and members of the armed forces
12 of the United States and the Commonwealth; handguns possessed
13 by law enforcement officers on official assignment in this
14 Commonwealth from any state which by agreement permits police
15 officers from this Commonwealth while on assignment in that
16 state to carry firearms without registration.

17 (4) Handguns that are a part of the official equipment
18 of any Federal agency.

19 § 6187. Penalties.

20 (a) Penalty for violation.--Any person who violates this
21 subchapter by manufacturing, possessing, selling, offering for
22 sale, trade, transfer or acquiring a handgun that has not been
23 certified by an independent testing laboratory as meeting the
24 standard and does not fall within the exemptions stated in this
25 subchapter commits a felony of the third degree.

26 (b) Penalty for altering personalized handguns.--Any person
27 who violates this subchapter by altering the personalized
28 characteristics of a handgun manufactured, possessed, sold,
29 offered for sale, traded, transferred, shipped, leased,
30 distributed or acquired after four years from the date of the
19970H1484B1776 - 8 -

1 adoption of the commission's original standard commits a felony
2 of the third degree.

3 (c) Entities subject to penalty.--These penalties apply to
4 all public and private manufacturers, possessors, sales, offers
5 for sale, trades, transfers, shipments, leases, distributions or
6 acquisitions of handguns.

7 § 6188. Liability.

8 (a) General rule.--Any person who discharges a handgun that
9 does not meet the commission's standard and does not fall within
10 the exemptions stated in this subchapter and thereby causes
11 personal injury to any person shall be absolutely liable for
12 such damages that resulted from the handgun not meeting the
13 commission's standard.

14 (b) Unauthorized discharge.--Any person who owns a handgun
15 that does not meet the commission's standard and that is
16 discharged by an unauthorized person and does not fall within
17 the exemptions stated in this subchapter and thereby causes
18 personal injury to any person shall be absolutely liable for
19 such damages that resulted from the handgun not meeting the
20 commission's standard.

21 (c) Applicability.--This section shall apply whether the
22 discharge of the handgun was legally justified or not, except
23 when the discharge of the handgun was by a law enforcement
24 officer in the line of duty or when the discharge is for self-
25 defense as defined by Federal or State law.

26 (d) Common law liability.--Compliance with any safety
27 standard issued under this subchapter does not exempt any person
28 from liability under common law.

29 Section 2. This act shall take effect in 60 days.

Summary of *A Model Handgun Safety Standard Act*

A Model Handgun Safety Standard Act, developed by The Johns Hopkins Center for Gun Policy and Research, is offered as a blueprint for states and localities to require personalized handguns — guns that, by design, can only be fired when operated by an authorized user. The Model Act is a flexible tool that is meant to be modified by legislators to conform to state or local drafting requirements, the substantive requirements of other relevant state and local laws, and the political exigencies of the state or locality.

Personalized handguns can reduce the likelihood of certain gun-related deaths and injuries. They would be inoperable by a young child, a despondent teenager contemplating suicide, and a criminal who steals the gun. Technology currently exists to personalize a handgun. This model law requires gun manufacturers to incorporate safety into their handgun designs.

Adoption of a Performance Standard The model law establishes a Commission that is required to adopt a *handgun safety performance standard for all handguns manufactured, possessed, sold, offered for sale, traded, transferred, shipped, leased, distributed, or acquired* within the state or locality. The Commission must be appointed within six months of passage of the law.

The performance standard must be adopted within one year of the Commission's establishment. The performance standard does not require that a specific design be used to achieve the desired result. The model law does provide, however, that the performance standard results in a handgun that, at a minimum:

- can only be fired when operated by the handgun's authorized user;
- has the personalization technology incorporated into its design as part of its original equipment and not as an accessory;
- is manufactured so that the personalized characteristics cannot be readily deactivated.

A manufacturer is required to submit a prototype of the personalized handgun to a designated independent laboratory for testing. If the handgun model complies with the performance standard adopted by the Commission, a label is imprinted on the approved handgun to indicate that it meets the standard.

Compliance Date Handguns must comply with the performance standard beginning four years after the standard is adopted.

Exemptions Several categories of handguns are exempt from the law:

- antique handguns;
- handguns manufactured prior to the compliance date;
- handguns purchased by law enforcement and members of the armed forces;
- handguns that are part of the official equipment of any federal agency.

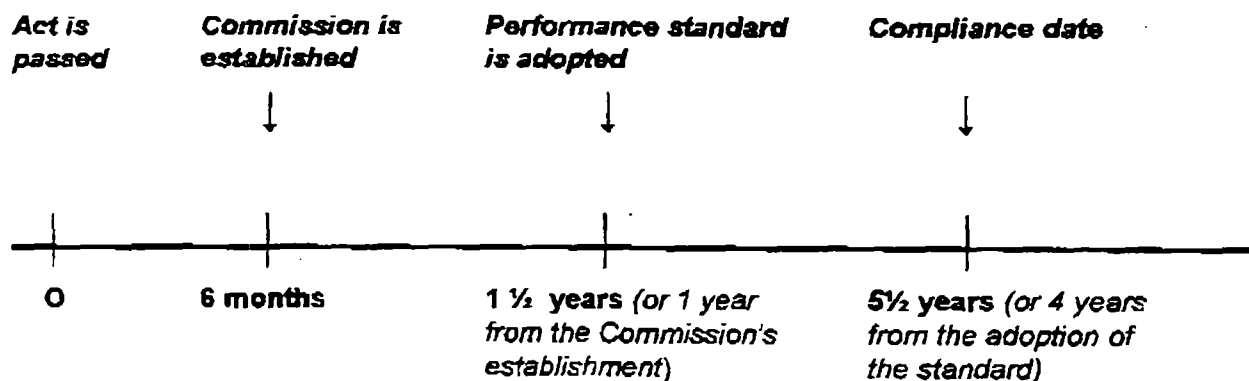
Handguns that are exempt because they were manufactured prior to the compliance date cannot, however, be sold, offered for sale, traded, transferred, shipped, leased, or distributed by *dealers* after the compliance date. Private sales and transfers of these exempt handguns are not prohibited by the model law.

Enforcement Police officers are given the authority, within the existing constitutional constraints on police searches and seizures, to take possession of a handgun that does not meet the performance standard and is not exempt from the law. The State's Attorney General can also bring an action against manufacturers, sellers, and possessors of handguns that do not comply with the law.

Penalties Any person who violates the model law is guilty of a felony and faces imprisonment and the payment of a fine.

Liability Any person who discharges a handgun or owns a handgun discharged by an unauthorized person, that does not meet the Commission's standard (and does not fall within the exemptions provided) and causes personal injury to another person, is absolutely liable for the damage resulting from the handgun not meeting the standard.

The provisions of the model law create the following time line:



For a full copy of ***A Model Handgun Safety Standard Act*** or for more information, contact The Johns Hopkins Center for Gun Policy and Research at (410)955-3995. For more information on personalized guns, request a copy of The Model Act's companion document, ***Personalized Guns: Reducing Gun Deaths Through Design Changes***.

Established in 1995 with funding from The Joyce Foundation of Chicago, The Johns Hopkins Center for Gun Policy and Research is dedicated to reducing gun violence. The Center provides accurate information on firearm injuries and gun policy; develops, analyzes, and evaluates strategies to prevent firearm injuries; and conducts public health and legal research to identify gun policy needs. For more information, contact: The Johns Hopkins Center for Gun Policy and Research, School of Public Health, 624 N. Broadway, Baltimore, MD 21205-1996, 410/955-3995.

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Personalized Handguns: *Questions and Answers*

What is a personalized handgun?

A personalized handgun is one that, by design, can only be fired when operated by an authorized user. Personalized handguns are child-resistant.

Will personalized handguns prevent death and injury?

In 1994, guns killed 38,500 people in the United States.¹ Personalized handguns can significantly reduce the likelihood of many of these gun-related deaths and injuries. Most gun deaths involve handguns rather than long guns. Handguns are the weapon of choice for people purchasing a gun for home defense, for the suicide victim, and for the criminal.² One in every four households in the U.S. contains a handgun.³

Young children find handguns in the home and are able to fire them, shooting themselves and others. In 1994, 185 children 14 years old and younger were unintentionally killed by firearms.⁴ Children and teenagers also use guns found in the home to commit suicide. Among young people 10 to 19 years old, there are more than 1,400 firearm suicides each year.⁵ Suicide has become a leading cause of death among teenagers. The increase is due largely to gun-related suicides.⁶

It has been estimated that more than one half million guns are stolen from homes each year.⁷ Many of those guns are then illegally sold and used on the street.

Law enforcement officers are killed or seriously injured by their own or a fellow officer's handgun when a suspect or prisoner disarms them. On average 13 law enforcement officers are killed each year in this way.⁸

Personalized handguns can be especially effective in preventing unintentional firearm deaths and injuries among young children, teenage suicide, and shootings of police officers.

Does the technology to personalize handguns exist?

Yes. Patents for personalized guns have been granted to at least 30 individuals and groups since 1976. Colt's Manufacturing Company has developed a prototype for a personalized handgun. The gun employs radio frequency technology. The authorized user wears a tiny transponder bearing a unique code. An antenna built into the grip of the firearm transmits low power radio signals to the transponder, which in turn "notifies" the firearm of its presence. If the transponder is absent, the gun cannot fire. Colt expects to market the handgun in less than three years.

Can lives be saved by making products safer?

Yes. Many products have been modified to make them safer including motor vehicles, drug packages, and cigarette lighters. Government mandated changes in drug packaging have reduced the number of deaths from child poisonings.⁹ Safer cigarette lighters have saved the lives of an estimated 80-105 children under 5 each year.¹⁰ The decline in motor vehicle-related deaths and injuries over the last several decades has been largely the result of safer car design, such as laminated windshields, collapsible steering assemblies, dashboard padding, improved door locks, and air bags.¹¹

Will personalized handguns be expensive?

It is estimated that personalization will increase the price of a handgun by 50%. Over time, as personalized handguns become more widely available, prices are expected to decline.

Will a personalized handgun address all gun safety issues?

No. There is still a risk that an authorized user will harm himself or someone else with the gun. But, just as antibiotics only address certain infectious diseases and not other diseases, the personalization of handguns will effectively address some of the risks posed by handguns.

Will personalized handguns make it safe to keep a gun in the home?

While personalized handguns will likely reduce the risks of some gun deaths, reliable studies still teach us that possessing a gun in the home is more perilous than protective.¹² Those who have chosen not to keep a gun in the home would be wise to continue with that decision. For those committed to keeping a handgun in the home, it would be best to destroy the old handgun and replace it with a personalized handgun.

Would non-personalized handguns be outlawed?

Not under present law. The Johns Hopkins Center for Gun Policy and Research has developed a model law for states and localities that would require handguns, manufactured after a certain date, to be personalized. The model law provides for the adoption of a performance standard for personalized handguns, develops a procedure for certifying the personalized handgun as complying with the standard, formulates a time frame for compliance, and provides for enforcement.

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Established in 1995 with funding from The Joyce Foundation of Chicago, The Johns Hopkins Center for Gun Policy and Research is dedicated to reducing gun violence. For more information or for a copy of *A Model Handgun Safety Standard Act* and its companion document, *Personalized Guns: Reducing Gun Deaths Through Design Changes*, contact: The Johns Hopkins Center for Gun Policy and Research, School of Public Health, 624 N. Broadway, Baltimore, MD 21205-1996, 410/955-3995.

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OPPORTUNITIES FOR REDUCING GUN VIOLENCE

Specific Actions Which Could be Taken or Supported by Local-Elected Officials and the Firearms Industry

I. The Flow of Guns to and from the Illegal Market

- A. **National “One Gun a Month” Legislation:** “Straw purchasing” often results in the illegal resale of guns, and the transportation to and illegal sale of guns in jurisdictions outside of the state or city in which they were purchased. In order to address the problem of illegal straw purchasing, the states of Virginia, Maryland and South Carolina have passed statutes which limit the selling of a gun to an individual to one per month. This means that a household in these states that includes two adults can purchase 24 guns in a year, which include new and used guns.

Legislation has been introduced in Washington in the House and Senate to implement a national one handgun a month policy, to help reduce illegal straw purchasing across the country. Senator Frank Lautenberg (NJH) has introduced S.466 (the Anti-Gun Trafficking Act)) and Representative Charles Schumer (NY) has introduced H.R. 12 (the Twelve is Enough Anti-Gunrunning Act). *Active support for this effort by local-elected officials and the firearms industry could have a major impact on Congressional action as well as in other states that have proposed similar legislation.*

- B. **Gun Shows:** The National Association of Arms Shows estimates gun shows to be a billion dollar industry annually. There exists a loophole in federal law which allows non-licensed gun show participants to evade federal requirements that a Federal Firearms Licensee (FFL) must comply with (identification check, criminal background checks and the Brady waiting period, and record keeping requirements including multiple purchase forms critical to gun tracing). FFL dealers who participate in gun shows are covered by federal statute. A one-year study conducted by the Illinois State Police in that state indicated that at least 25 percent of illegally trafficked weapons originated at gun shows.

Legislation (H.R. 3833) has been introduced by Representative Rod Blagojevich (IL) to close this loophole by requiring that promoters of gun shows be licensed and provide the necessary mechanism at the show to ensure that record keeping and background checks are performed by all participants. Senator Frank Lautenberg (NJ) will be introducing similar legislation in the Senate. *Active support for this effort by local-elected officials and the firearms industry could have a major impact on Congressional action.*

potentially days to the time needed to complete a successful trace of a gun used in a crime. Local police are required to destroy, within 20 days, reports that dealers file with respect to multiple gun purchases, making it more difficult for them to track and detect illegal gun traffickers. *Support from local elected officials and the firearms industry for changes to these federal limitations could help improve critically needed investigations into gun-related crimes.*

5. Serial Numbers: Currently manufacturers do not have a uniform serial number system for guns. In addition, the obligation of serial numbers by criminals and illegal traffickers seeking to avoid detection is an increasing problem. *The creation of a system much like the motor vehicle numbers (VIN's) to make serial numbers more meaningful could help in tracing efforts, as well as efforts to make eradications harder. Local officials and the firearms industry should support legislation establishing this system.*

II. Safety Devices, Standards and Personalized Guns

A. **Existing Technology:** Currently a number of technologies exist designed to reduce the possibility of an accidental firing or intentional firing by an unintended user including:

1. Loaded Chamber Indicators
2. Manual Thumb Safeties
3. Grip Safeties
4. Magazine Disconnectors
5. External Safety Locks
6. Internal Safety Locks
7. Lock Boxes

Under a voluntary agreement reached with the Administration, a majority of the firearms industry (but not all) have agreed to provide safety locks with new gun purchases. The industry-wide provision of the best technologies available regarding safety devices with newly purchased guns could help reduce both accidental and illegal use of guns. *Both local officials and the firearms industry should support renewed efforts to enact federal legislation to make this mandatory as all manufacturing includes those who did not enter into the voluntary agreement.*

B. **Drop Safety Testing:** Under the Gun Control Act of 1968, domestically imported handguns must pass a series of tests and measurements designed to ensure that they are suitable for "sporting purposes". As one measure of safety, imported handguns must pass a "drop test." The gun is dropped, at various angles, from a height of three feet to determine whether the gun will accidentally fire if dropped. No such test requirements applies to domestically manufactured handguns. *A drop test could be required for all domestically manufactured handguns.*

C. Investigation of Gun-Related Crimes and Illegal Gun Trafficking:

1. Resources for Enforcement and Adequate Criminal Penalties: In order to support interdiction efforts by local and state governments, ATF must be provided adequate enforcement resources. *Support by local-elected officials and the firearms industry for sufficient federal funds for ATF is critical. There must also be meaningful federal and state sanctions on gun violators and illegal gun traffickers.*

(A) Endorse NRA-Philadelphia Demonstration Project. This effort hopes to replicate the success Project Exile had in Richmond where the federal government prosecuted cases where defendants used guns in narcotics trafficking, during domestic violence, or if defendants possessing firearms was a convicted felon. *Local elected officials and the firearms industry should lobby the Administration and Congress to fund or implement this program.*

2. Comprehensive Crime Gun Tracing – New and Used Guns: Working with the American Shooting Sports Council (ASSC), the Bureau of Alcohol, Tobacco and Firearms (ATF) has developed the ability to do direct online gun tracing between ATF and the firearms manufacturers, making the tracing process for crime-related firearms much faster. ATF, through its Youth Crime Gun Interdiction Initiative, is working with local officials and the firearms industry on a comprehensive tracing of the crime guns in a selected number of cities. However, used guns cannot be traced to the reseller of the weapon by the National Tracing Center. *Support by local elected officials and the firearms industry for universal comprehensive tracing of guns could have a major impact on law enforcement's ability to identify national trafficking patterns and find illegal traffickers. In addition, special efforts need to be identified to allow for the tracing of used guns to their resellers.*

3. IBIS: ATF is also working with the ASSC on integrating a unique ballistics technology (IBIS) into a working partnership with the firearms industry in order to permit the rapid identification of specific firearms from crime scenes. The FBI has a similar system, and the two agencies are working towards integration. While the current system only allows for the imaging of a cartridge case and/or projectile after a crime (which allows for matches to previously committed crimes), proposals have been made to create a national database of the "fingerprint" of all weapons at the time of their production, and those imported into the country. *Support from local elected officials and the firearms industry for application of IBIS to newly manufactured guns could assist law enforcement in the long run.*

4. Impediments to Crime Gun Tracing: ATF is prohibited under federal law from computerizing the purchase records of defunct gun dealers adding hours and

- C. **Minimum Trigger Resistance:** Industry-wide pull strength standards could help to prevent the firing of guns by children.
- D. **Personalized Guns:** Development work is underway -- The National Institute of Justice is funding a project with Colt -- regarding the development of personalized guns which would prevent the use of a weapon by an unintended user (family member, criminal, recipient of stolen property). Other NIJ projects have examined a wide range of potential ways to personalize handgun use. NIJ has had limited funding to accomplish this crucial resource and development.

The "21st Century Firearm Technology and Safety Act of 1998" (H.R. 3895) has been introduced by Representative Barbara Kennelly (CT). The bill would authorize a tremendous increase in available funding -- \$20 million for fiscal years 1998 through 2002 to establish a Technical Study Group on Firearms Safety within NIJ to, "determine the technical and commercial feasibility, economic impact, and other consequences of developing improvements in firearms safety technology. A main focus of the Technical Study Group shall be to reduce deaths and injuries resulting from the unintended or inappropriate discharge of firearms." The work of the technical group would be overseen by an Independent Panel on Firearms Safety to include (1) representatives from the NIJ, (2) law enforcement experts, (3) representatives from the consumer product safety organizations, (4) representatives of firearms manufacturers, (5) injury prevention specialists, (6) firearms technology experts, and (7) experts in other relevant areas.

The development of and eventual industry-wide use of technology regarding the personalization of guns could have major implications for the illegal trafficking, possession and use of guns, as well as unintentional shootings. The firearms industry and local officials should strongly endorse the Kennelly bill and similar Senate bills. The firearms industry should agree to provide additional dollars to this R&D fund to match, in part, the federal allocations.

III. **Crime Gun Manufacturing and Importing Restrictions**

- A. **Large Capacity Magazines:** The 1994 federal ban on semi-automatic assault weapons also banned the further manufacture for civilian use of large capacity ammunition clips (or magazines) holding more than 10 rounds. However, the grandfathered clips made prior to ban are still allowed to be sold. *The domestic firearms industry could redesign the magazine well of new guns so that they can no longer accept the pre-ban or "grandfathered" magazines.*

The 1968 Gun Control Act barred the importation of Saturday night specials. These weapons are also commonly known as junk guns. They are defined as weapons with a three-inch barrel length and as a group have very low construction standards. In short, these guns are cheap, cancelable and are of interior quality. These weapons are

not suited for self-defense or target shooting because they are inaccurate at a distance, lack safety features and are made of unreliable and unsafe materials.

Although these weapons cannot be imported nor their parts imported for assembly, they can be manufactured and sold in most states.

These Saturday night specials are the top crime guns. In 1998, ATF found that 4 of the top 6 guns traced to crime, including the top three, were these junk guns.

The Industry should voluntarily agree to set and meet the same standards for their domestic production as is required for imports by the 1968 Gun Control Act.

IV. Advertising

The firearms industry could voluntarily curtail or halt advertising which suggests that having a gun in the home makes a family safer. Alternatively, the industry could voluntarily agree to place a warning on all advertising and promotions that reflects studies that demonstrates the danger to a family when they have a handgun in their home.