

**STATEMENT OF SENATOR DURBIN INTRODUCING THE CHILD FIREARM
ACCESS PREVENTION ACT**
APRIL 2, 1998

Mr. President, I rise today with Senators Chaffee, Reed and Boxer, to introduce the Child Firearm Access Prevention Act.

The tragedy which occurred in Jonesboro, AR, last week raises many questions. Two come to mind immediately. Why do children kill? I do not know the answer to that. I have heard a variety of opinions from people who suggest that violent television and violent movies are somehow contributing to this. There are others who say, if the children would just pray in school, it would make all the difference in the world. Some look to the families more than the schools; others think the schools have a greater role to play.

We will debate this at length, and I am sure many of us will come up with a lot of different explanations as to why children reach the point in their young lives where they would take the life of another.

But the tragedy in Jonesboro raised another question which I think we can address because it is a simpler question. How do children at that young age come to possess lethal weapons? Think about it. An 11-year-old and a 13-year-old with 10 firearms--rifles, shotguns, and handguns, and 3,000 rounds of ammunition--went into the woods behind that middle school, tricked the students out with a fake fire alarm, opened fire and shot off somewhere in the range of 30 to 40 rounds before they were finally stopped.

Four little girls were killed. A teacher, who deserves all of our recognition and praise for her courage, stood in the line of fire to protect one of those little girls and lost her own life. This teacher, the mother of a 2-year-old, lost her life defending her students.

How do kids come into possession of firearms? They do not buy them. In most States it is unthinkable that they would even approach a counter and try. And yet, day after day in America there is further evidence of children, younger and younger, being found with firearms.

The day after the Jonesboro, AR, tragedy, in Cleveland, OH, a 4-year-old showed up at a day-care center with a loaded handgun.

In my home State of Illinois, in Marion, IL, a high school student showed up at school the next day with a handgun.

In Daly City, CA, the day after Jonesboro, a 13-year-old was arrested for attempting to murder his principal with a semiautomatic pistol.

There is something we can do about this. I am not sure that it will solve the problem completely, but it can help. Fifteen States have already recognized this problem and done something about it. These States have passed a child access prevention law which is known as a CAP law, saying to those who purchase and own handguns, it is not enough for you to follow the law in purchasing them and to use those guns safely; you have another responsibility. If you are going to own a firearm in your home, you have to keep it safely and securely so that children do not have access to it.

And these laws are effective. Florida was the first state to pass a CAP law in 1989. The following year, unintentional shooting deaths of children dropped by 50 percent. Moreover, a study published in the Journal of the American Medical Association in October 1997 found that there was a 23% decrease in unintentional firearm related deaths among children younger than 15 in those states that had implemented CAP laws. According to the Journal of the American Medical Association, if all 50 states had CAP laws during the period of 1990-1994, 216 children might have lived.

Should we consider these state laws as a national model? I think the obvious answer is yes, because the tragedy in Jonesboro, which we will not forget for a long, long time, unfortunately, is not unique. Every day in America 14 young people, ages 19 and under, are killed in gun homicides, suicides and unintentional shootings, with many more wounded.

The scourge of gun violence frequently attacks the most helpless members of our society--our children.

Mr. President, what I propose today is Federal legislation that will apply to every State, not just 15, but every State. And this is what it says. If you want to own a handgun, a rifle or shotgun, and it is legal to do so, you can; but if you own it, you have a responsibility to make certain that it is kept securely and safely.

You may buy a trigger lock. Senator Herb Kohl of Wisconsin has a proposal that all handguns be sold with trigger locks. I support it. I am a cosponsor of it. It makes sense.

How many times do you read in the paper, how many times do you listen on TV, to kids with their playmates and the gun goes off and someone is killed? A trigger lock, as Senator Kohl has proposed, is sensible. It should be required. It shouldn't even be debated. I think that legislation will go a long way toward reducing gun violence.

But beyond that proposal, the legislation I propose today, says to every gunowner, if it is not a trigger lock, put that gun in a place where that child cannot get to it.

As to these two kids, 11 and 13 years old, God only knows what was going through their minds when they were setting out to get the guns to go out and start shooting. They first stopped at the parents of one of the kids and wanted to pick up that parents' guns. That parent had the guns under lock and key in a vault and they couldn't get to them. So they thought about it and said, wait a minute, my grandfather has some, too; let's go over to his place. And that is where they came up with the weapons and the ammunition.

In one instance, one parent had taken the necessary steps to take the guns and keep them away from kids. Sadly, it appears--and I just say "appears" because I do not know all the details--in another case that did not happen.

Now a lot of people will say to me, "There they go again, those liberals on Capitol Hill. Another bill, another law to infringe on second amendment rights." Oh, I know I will hear from the folks from the National Rifle Association, all the other gun lobbies, screaming bloody murder about the second amendment.

But look at the 15 States that have already passed these child access prevention laws, to protect kids, to say to gun owners "you have a special responsibility." You will not find a list of the most liberal States in America. The first State to pass this legislation in 1989 was Florida. The list goes on: Connecticut, Iowa, California, Nevada, New Jersey, Virginia, Wisconsin, Hawaii, Maryland, Minnesota, North Carolina, Delaware, Rhode Island, and in 1995, the last State to pass a child access prevention law, certainly no bleeding heart State by any political definition, was Texas. The Texas law says it is "unlawful to store, transport or abandon an unsecured firearm in a place where children are likely to be and can obtain access to it," and it is a criminal misdemeanor if you do it.

I am going to ask my colleagues in the Senate to not only return home during this recess and to not only witness those sad events on television -- the funerals in Jonesboro, the tributes -- but to also resolve to do something about it. That is what we are here for. That is why we were elected to the Senate and the House, not just to be sad as we should be, but to do something about it. Not to infringe on people's right to own firearms, but to say "Own them responsibly, put them securely in your homes, keep them safely, keep them away from children."

Mark my words, my friends, and you know this from human experience, no matter where you hide a gun or a Christmas gift, a kid is going to find it. You can stick it in a drawer and say, "Oh, they will never look behind my socks, that is the last place in the world," or up on some shelf in the closet and believe your child can't reach that, but you know better. You know when you are gone and the house is empty those kids are scurrying around and looking in those hiding places. So I hope we can address this issue.

First, Senator Kohl's legislation for these child safety devices, these trigger

locks, will help. But then take the extra step, follow these 15 States and enact a federal law.

But please, let this Senate and this House, before we leave this year, do something to make certain that those troubled children cannot get their hands on a firearm. I think every parent in America, particularly those of children of school age, paused at least for a moment after they heard about Jonesboro and thought, could it happen to my son, my daughter, my grandson, my granddaughter? The sad reality of life in modern America, is, yes, it could. There are so many weapons being kept so carelessly that it could happen to any of us or any of our children in virtually any school in America.

Mr. President, I know that the Senate has a very busy schedule and limited opportunity this year, but I hope as part of our work we will let the lesson of the tragedy of Jonesboro result in legislation that will be designed to protect children and schoolteachers and innocent people in the future.

Mr. President, I ask unanimous consent that a copy of the legislation be printed at the conclusion of my remarks. Thank you.

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April 27, 1998

HELP PREVENT CHILDREN'S EASY ACCESS TO GUNS
AND HOLD ACCOUNTABLE THOSE WHO
DO NOT RESPONSIBLY STORE FIREARMS

Dear Colleague:

Almost every week we hear yet another sad story reminding us of the tragic shootings in Jonesboro, Arkansas. Just this Saturday, a four-year-old in Greensboro, North Carolina fatally shot a playmate at a party to celebrate his sixth birthday. The four-year-old found the gun in a purse in the house. On Friday, in Edinboro, Pennsylvania a 14-year-old took a gun to a school dance, killed a teacher and wounded three others. The boy apparently took the gun out of his father's dresser.

Seventy percent of 5 to 6 year olds have the strength to pull a gun trigger. And half of all American homes have a firearm. The time has come for us to do whatever we can to keep guns out of children's hands.

After the Jonesboro shootings, we introduced S. 1917, "The Child Firearm Access Prevention Act" to ensure that adults responsibly store their firearms. This measure would impose criminal penalties on adults who let children gain access to their firearm and thereby use the gun to kill or injure people. A copy of the legislation is attached for you.

This sensible measure is based on laws that have already been passed in 15 states: Florida, Connecticut, Iowa, California, Nevada, New Jersey, Virginia, Wisconsin, Hawaii, Maryland, Minnesota, North Carolina, Delaware, Rhode Island and Texas.

An April 1998 NBC/*Wall Street Journal* poll found that 75% of the American public supports federal legislation to hold adults criminally responsible when a child gains easy access to a firearm and uses it to injure or kill another person. In addition to being popular, these laws have proven effective. A study published last fall by the *Journal of the American Medical Association* found that unintentional firearm related deaths among children younger than 15 dropped by 23% in those

states that had implemented CAP laws. In Florida alone, deaths dropped by 50%.

The data on child access to guns is startling. A 1994 National Institute of Justice study found that more than half of all guns are stored unlocked. Two things are certain: children will find those firearms, and the results will be tragic. More than 1000 children died last year in unintentional shootings. We need to keep guns out of the hands of children.

We hope that you will support our efforts to pass it this year and that you will co-sponsor the measure. Please feel free to contact Victoria Bassetti (4-4022) of Sen. Durbin's staff or Barbara Riehle (4-2921) of Sen. Chafee's staff with any questions you might have.

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CAP STATE LAWS

text, listed by enactment date

FLORIDA

FLORIDA STAT. ch. 784.05 (enacted 1989):

- (1) Whoever, through culpable negligence, exposes another person to personal injury commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.
- (3) Whoever violates subsection (1) by storing or leaving a loaded firearm within the reach or easy access of a minor commits, if the minor obtains the firearm and uses it to inflict injury or death upon himself or any other person, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. However, this subsection does not apply:
- (a) If the firearm was stored or left in a securely locked box or container or in a location which a reasonable person would have believed to be secure, or was securely locked with a trigger lock;
 - (b) If the minor obtains the firearm as a result of an unlawful entry by any person;
 - (c) To injuries resulting from target or sport shooting accidents or hunting accidents; or
 - (d) To members of the Armed Forces, National Guard, or State Militia, or to police or other law enforcement officers, with respect to firearm possession by a minor which occurs during or incidental to the performance of their official duties.

When any minor child is accidentally shot by another family member, no arrest shall be made pursuant to this subsection prior to 7 days after the date of the shooting. With respect to any parent or guardian of any deceased minor, the investigating officers shall file all findings and evidence with the state attorney's office with respect to violations of this subsection. The state attorney shall evaluate such evidence and shall take such action as he or she deems appropriate under the circumstances and may file an information against the appropriate parties.

- (4) As used in this act, the term "minor" means any person under the age of 16.

FLORIDA STAT. ch. 790.174 (enacted 1989):

- (1) A person who stores or leaves, on a premise under his control, a loaded firearm, as defined in s. 790.001, and who knows or reasonably should know that a minor is likely to gain access to the firearm without the lawful permission of the minor's parent or the person having charge of the minor, or without the supervision required by law, shall keep the firearm in a securely locked box or container or in a location which a reasonable person would believe to be secure or shall secure it with a trigger lock, except when he is carrying the firearm on his body or within such close proximity thereto that he can retrieve and use it as easily and quickly as if he carried it on his body.
- (2) It is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, if a person violates subsection (1) by failing to store or leave a firearm in the required manner and as a result thereof a minor gains access to the firearm, without the lawful permission of the minor's parent or the person having charge of the minor, and possesses or exhibits it, without the supervision required by law:
- (a) In a public place; or
 - (b) In a rude, careless, angry, or threatening manner in violation of s. 790.10.

This subsection does not apply if the minor obtains the firearm as a result of an unlawful entry by any person.

- (3) As used in this act, the term "minor" means any person under the age of 16.

CONNECTICUT

CONNECTICUT GEN. STAT. ANN. § 29-37i (enacted 1990):

No person shall store or keep any loaded firearm on any premises under his control if he knows or reasonably should know that a minor is likely to gain access to the firearm without the permission of the parent or guardian of the minor unless such person (1) keeps the firearm in a securely locked box or other container or in a location which a reasonable person would believe to be secure or (2) carries the firearm on his person or within such close proximity thereto that he can readily retrieve and use it as if he carried it on his person. For the purposes of this section, "minor" means any person under the age of sixteen years.

IOWA

IOWA CODE § 724.22 (7) (enacted 1990):

7. Access to loaded firearms by children restricted -- penalty. It shall be unlawful for any person to store or leave a loaded firearm which is not secured by a trigger lock mechanism, placed in a securely locked box or container, or placed in some other location which a reasonable person would believe to be secure from a minor under the age of fourteen years, if such person knows or has reason to believe that a minor under the age of fourteen years is likely to gain access to the firearm without the lawful permission of the minor's parent, guardian, or person having charge of the minor, the minor lawfully gains access to the firearm without the consent of the minor's parent, guardian, or person having charge of the minor, and the minor exhibits the firearm in a public place in an unlawful manner, or uses the firearm unlawfully to cause injury or death to a person. This subsection does not apply if the minor obtains the firearm as a result of an unlawful entry by any person. A violation of this subsection is punishable as a serious misdemeanor.

CALIFORNIA

CALIFORNIA PENAL CODE § 12035 (enacted 1991):

(a) As used in this section, the following definitions shall apply:

(1) "Locking device" means a device which temporarily prevents the firearm from functioning.

(2) "Loaded firearm" has the same meaning as set forth in subdivision (g) of Section 12031.

(3) "Child" means a person under 14 years of age.

(4) "Great bodily injury" has the same meaning as set forth in Section 12022.7.

(5) "Locked container" has the same meaning as set forth in subdivision (d) of Section 12026.2.

(b) (1) Except as provided in subdivision (c), a person commits the crime of "criminal storage of a firearm of the first degree" if he or she keeps any loaded firearm within any premise which is under his or her custody or control and he or she knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian and the child obtains access to the firearm and thereby causes death or great bodily injury to himself, herself, or any other person.

(2) Except as provided in subdivision (c), a person commits the crime of "criminal storage of a firearm of the second degree" if he or she keeps any loaded firearm within any premise which is under his or her custody or control and he or she knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian and the child obtains access to the firearm and thereby causes injury, other than great bodily injury, to himself, herself, or any other person, or exhibits the firearm either in a public place or in violation of Section 417.

(c) Subdivision (b) shall not apply whenever any of the following occurs:

- (1) The child obtains the firearm as a result of an illegal entry to any premises by any person.
- (2) The firearm is kept in a locked container or in a location which a reasonable person would believe to be secure.
- (3) The firearm is carried on the person or within such a close proximity thereto so that the individual can readily retrieve and use the firearm as if carried on the person.
- (4) The firearm is equipped with a locking device.
- (5) The person is a peace officer or a member of the armed forces or national guard and the child obtains the firearm during, or incidental to, the performance of the person's duties.
- (6) The child obtains, or obtains and discharges, the firearm in a lawful act of self-defense or defense of another person, or persons.
- (7) The person who keeps a loaded firearm on any premise which is under his or her custody or control has no reasonable expectation, based on objective facts and circumstances, that a child is likely to be present on the premise.

(d) Criminal storage of a firearm is punishable as follows:

- (1) Criminal storage of a firearm in the first degree, by imprisonment in the state prison for 16 months, or 2 or 3 years, by a fine not exceeding ten thousand dollars (\$ 10,000), or by both that imprisonment and fine; or by imprisonment in a county jail not exceeding one year, by a fine not exceeding one thousand dollars (\$ 1,000), or by both that imprisonment and fine.
- (2) Criminal storage of a firearm in the second degree, by imprisonment in a county jail not exceeding one year, by a fine not exceeding one thousand dollars (\$ 1,000), or by both that imprisonment and fine.

(e) If the person who allegedly violated this section is the parent or guardian of a child who is injured or who dies as the result of an accidental shooting, the district attorney shall consider, among other factors, the impact of the injury or death on the person alleged to have violated this section when deciding whether to prosecute an alleged violation. It is the Legislature's intent that a parent or guardian of a child who is injured or who dies as the result of an accidental shooting shall be prosecuted only in those instances in which the parent or guardian behaved in a grossly negligent manner or where similarly egregious circumstances exist. This subdivision shall not otherwise restrict, in any manner, the factors that a district attorney may consider when deciding whether to prosecute alleged violations of this section.

(f) If the person who allegedly violated this section is the parent or guardian of a child who is injured or who dies as the result of an accidental shooting, no arrest of the person for the alleged violation of this section shall occur until at least seven days after the date upon which the accidental shooting occurred.

In addition to the limitation contained in this subdivision, a law enforcement officer shall consider the health status of a child who suffers great bodily injury as the result of an accidental shooting prior to arresting a person for a violation of this section, if the person to be arrested is the parent or guardian of the injured child. The intent of this subdivision is to encourage law enforcement officials to delay the arrest of a parent or guardian of a seriously injured child while the child remains on life-support equipment or is in a similarly critical medical condition.

(g) (1) The fact that the person who allegedly violated this section attended a firearm safety training course prior to the purchase of the firearm that is obtained by a child in violation of this section shall be considered a mitigating factor by a district attorney when he or she is deciding whether to prosecute the alleged violation.

(2) In any action or trial commenced under this section, the fact that the person who allegedly violated this section attended a firearm safety training course prior to the purchase of the firearm that is obtained by a child in violation of this section, shall be admissible.

NEVADA

NEVADA REV. STAT. ANN. § 902.300 (enacted 1991):

1. A minor under the age of 14 years shall not handle or have in his possession or under his control, except while accompanied by or under the immediate charge of an adult person, any firearm of any kind for hunting or target practice or for other purposes.
2. Every person violating any of the provisions of subsection 1, or aiding or knowingly permitting any such minor to violate the subsection is guilty of a misdemeanor.
3. In determining the appropriate penalty for a violation of subsection 2, the court shall consider as an aggravating factor, if applicable, whether the defendant left a loaded firearm within reach of or easily accessible to a minor who used the firearm to inflict injury or death upon himself or another person, unless:
 - (a) The firearm was stored in a securely locked container or at a location which a reasonable person would have believed to be secure;
 - (b) The minor obtained the firearm as a result of an unlawful entry by any person in or upon the premises where the firearm was stored;
 - (c) The injury or death resulted from an accident which was incident to target shooting, sport shooting or hunting; or
 - (d) The minor gained possession of the firearm from a member of the military or a law enforcement officer, while the member or officer was performing his official duties.

NEW JERSEY

NEW JERSEY REV. STAT. § 2C:58-15 (enacted 1991):

- a. A person who knows or reasonably should know that a minor is likely to gain access to a loaded firearm at a premises under the person's control commits a disorderly persons offense if a minor gains access to the firearm, unless the person:
 - (1) Stores the firearm in a securely locked box or container;
 - (2) Stores the firearm in a location which a reasonable person would believe to be secure; or
 - (3) Secures the firearm with a trigger lock.
- b. This section shall not apply:
 - (1) To activities authorized by section 14 of P.L.1979, c. 179 (C. 2C:58-6.1), concerning the lawful use of a firearm by a minor; or
 - (2) Under circumstances where a minor obtained a firearm as a result of an unlawful entry by any person.
- c. As used in this act, "minor" means a person under the age of 16.

VIRGINIA

VIRGINIA CODE ANN. § 18.2-56.2 (enacted 1991):

- A. It shall be unlawful for any person to recklessly leave a loaded, unsecured firearm in such a manner as to endanger the life or limb of any child under the age of fourteen. Any person violating the provisions of this subsection shall be guilty of a Class 3 misdemeanor.
- B. It shall be unlawful for any person knowingly to authorize a child under the age of twelve to use a firearm except when the child is under the supervision of an adult. Any person violating this subsection

shall be guilty of a Class 1 misdemeanor. For purposes of this subsection, "adult" shall mean a parent, guardian, person standing in loco parentis to the child or a person twenty-one years or over who has the permission of the parent, guardian, or person standing in loco parentis to supervise the child in the use of a firearm.

WISCONSIN

WISCONSIN STAT. § 948.55 (enacted 1991):

- (1) In this section, "child" means a person who has not attained the age of 14 years.
- (2) Whoever recklessly stores or leaves a loaded firearm within the reach or easy access of a child is guilty of a Class A misdemeanor if all of the following occur:
 - (a) A child obtains the firearm without the lawful permission of his or her parent or guardian or the person having charge of the child.
 - (b) The child under par. (a) discharges the firearm and the discharge causes bodily harm or death to himself, herself or another.
- (3) Whoever recklessly stores or leaves a loaded firearm within the reach or easy access of a child is guilty of a Class C misdemeanor if all of the following occur:
 - (a) A child obtains the firearm without the lawful permission of his or her parent or guardian or the person having charge of the child.
 - (b) The child under par. (a) possesses or exhibits the firearm in a public place or in violation of s. 941.20.
- (4) Subsections (2) and (3) do not apply under any of the following circumstances:
 - (a) The firearm is stored or left in a securely locked box or container or in a location that a reasonable person would believe to be secure.
 - (b) The firearm is securely locked with a trigger lock.
 - (c) The firearm is left on the person's body or in such proximity to the person's body that he or she could retrieve it as easily and quickly as if carried on his or her body.
 - (d) The person is a peace officer or a member of the armed forces or national guard and the child obtains the firearm during or incidental to the performance of the person's duties.
 - (e) The child obtains the firearm as a result of an illegal entry by any person.
 - (f) The child gains access to a loaded firearm and uses it in the lawful exercise of a privilege under s. 39.48.
 - (g) The person who stores or leaves a loaded firearm reasonably believes that a child is not likely to be present where the firearm is stored or left.
 - (h) The firearm is rendered inoperable by the removal of an essential component of the firing mechanism such as the bolt in a breech-loading firearm.
- (5) Subsection (2) does not apply if the bodily harm or death resulted from an accident that occurs while the child is using the firearm in accordance with s. 29.227 or 948.60 (3).

HAWAII

HAWAII REV. STAT. § 134-10.5 (enacted 1992):

No person shall store or keep any firearm on any premises under the person's control if the person knows or reasonably should know that a minor is likely to gain access to the firearm without the permission of the parent or guardian of the minor, unless the person:

- (1) Keeps the firearm in a securely locked box or other container or in a location that a reasonable person would believe to be secure; or
- (2) Carries the firearm on the person or within such close proximity thereto that the person readily can retrieve and use it as if it were carried on the person. For purposes of this section, "minor" means any person under the age of sixteen years.

MARYLAND

MARYLAND ANN. CODE art. 27, § 36K (enacted 1992):

(a) Definitions. --

- (1) In this section the following words have the meanings indicated.
- (2) (i) "Firearm" means a pistol, revolver, rifle, shotgun, short-barreled rifle, short-barreled shotgun, or any other firearm.
(ii) "Firearm" does not include antique firearms as defined in @ 36F of this article.
- (3) "Minor" means an individual under the age of 16.
- (4) "Ammunition" means any ammunition cartridge, shell or other device containing explosive or incendiary material designed and intended for use in a firearm.

(b) Prohibited acts. --

Except as provided in this section, an individual may not store or leave a loaded firearm in any location where the individual knew or should have known that an unsupervised minor would gain access to the firearm.

(c) Applicability. --

This section does not apply if:

- (1) A minor's access to a firearm is supervised by a person 18 years old or older;
- (2) A minor's access to a firearm was obtained as a result of an unlawful entry;
- (3) A firearm is in the possession or control of a law enforcement officer while the officer is engaged in official duties; or
- (4) A minor has a certificate of firearm and hunter safety as set forth in @ 10-301.1 of the Natural Resources Article.

(d) Effect of violation. --

- (1) A violation of this section may not:
 - (i) Be considered evidence of negligence;
 - (ii) Be considered evidence of contributory negligence;
 - (iii) Limit liability of a party or an insurer; or
 - (iv) Diminish recovery for damages arising out of the ownership, maintenance, or operation of a firearm or ammunition.
- (2) A party, witness, or counsel may not make reference to a violation of this section during a trial of a civil action that involves property damage, personal injury, or death.

(e) Penalty. --

Any person who violates this section is guilty of a misdemeanor and upon conviction shall be fined not more than \$1,000.

MINNESOTA

MINNESOTA STAT. § 609.666 (enacted 1993):

Subdivision 1.

Definitions. For purposes of this section, the following words have the meanings given.

- (a) "Firearm" means a device designed to be used as a weapon, from which is expelled a projectile by the force of any explosion or force of combustion.
- (b) "Child" means a person under the age of 14 years.
- (c) "Loaded" means the firearm has ammunition in the chamber or magazine, if the magazine is in the firearm, unless the firearm is incapable of being fired by a child who is likely to gain access to the firearm.

Subdivision 2. Access to firearms.

A person is guilty of a gross misdemeanor who negligently stores or leaves a loaded firearm in a location where the person knows, or reasonably should know, that a child is likely to gain access, unless reasonable action is taken to secure the firearm against access by the child.

Subdivision 3. Limitations.

Subdivision 2 does not apply to a child's access to firearms that was obtained as a result of an unlawful entry.

NORTH CAROLINA

NORTH CAROLINA GEN. STAT. § 14-315.1 (enacted 1993):

(a) Any person who resides in the same premises as a minor, owns or possesses a firearm, and stores or leaves the firearm (i) in a condition that the firearm can be discharged and (ii) in a manner that the person knew or should have known that an unsupervised minor would be able to gain access to the firearm, is guilty of a Class 1 misdemeanor if a minor gains access to the firearm without the lawful permission of the minor's parents or a person having charge of the minor and the minor:

- (1) Possesses it in violation of G.S. 14-269.2(b);
- (2) Exhibits it in a public place in a careless, angry, or threatening manner;
- (3) Causes personal injury or death with it not in self defense; or
- (4) Uses it in the commission of a crime.

(b) Nothing in this section shall prohibit a person from carrying a firearm on his or her body, or placed in such close proximity that it can be used as easily and quickly as if carried on the body.

(c) This section shall not apply if the minor obtained the firearm as a result of an unlawful entry by any person.

(d) "Minor" as used in this section means a person under 18 years of age who is not emancipated.

DELAWARE

DELAWARE CODE ANN. tit. 11 § 1456 (enacted 1994):

(a) A person is guilty of unlawfully permitting a minor access to a firearm when he intentionally or recklessly stores or leaves a loaded firearm within the reach or easy access of a minor and where the minor obtains the firearm and uses it to inflict serious physical injury or death upon himself or any other person.

(b) It shall be an affirmative defense to a prosecution under this section if:

- (1) The firearm was stored in a locked box or container or in a location which a reasonable person would have believed to be secure from access to a minor; or

- (2) The minor obtains the firearm as the result of an unlawful entry by any person; or
- (3) The serious physical injuries or death to the minor or any other person results from a target or sport shooting accident or hunting accident.

Unlawfully permitting a minor access to a firearm is a Class A misdemeanor.

RHODE ISLAND

1995 RHODE ISLAND ALS 62:

(B) A person who stores or leaves on premises under his control, a loaded firearm and who knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or guardian and the child obtains access to the firearm and thereby causes injury to himself/herself or any other person, is guilty of the crime of "criminal storage of a firearm" and upon conviction shall be fined not more than one thousand dollars (\$ 1,000) or imprisoned for not more than one (1) years or both. For purposes of this section, a child shall be defined as any person who has not attained the age of sixteen (16) years.

(C) The aforementioned provisions shall not apply whenever any of the following occurs: (1) the child obtains the firearm as a result of an illegal entry of any premises by any person or an illegal taking of the firearm from the premises of the owner without permission of the owner; (2) firearm is kept in a locked container or in a location which a reasonable person would believe to be secured; (3) the firearm is carried on the person or within such a close proximity thereto so that the individual can readily retrieve and use the firearm as if carried on the person; (4) the firearm is locked with a locking device; (5) the child obtains or obtains and discharges the firearm in a lawful act of self-defense or defense of another person; (6) the person who keeps a loaded firearm on any premises which is under his/her custody or control has no reasonable expectations, based on objective facts and circumstances, that a child is likely to be present on the premises.

(D) It is the intent of the general assembly that a parent or guardian of a child who is injured or who dies of an accidental shooting, shall be prosecuted only in those instances in which the parent or guardian behaved in a grossly negligent manner.

TEXAS

1995 TEXAS ALS 83:

SECTION 1. Chapter 46, Penal Code, is amended by adding Section 46.13 to read as follows:

(B) A person commits an offense if a child gains access to a readily dischargeable firearm and the person with criminal negligence:

- (1) failed to secure the firearm; or
- (2) left the firearm in a place to which the person knew or should have known the child would gain access.

(C) It is an affirmative defense to prosecution under this section that the child's access to the firearm:

- (1) was supervised by a person older than 18 years of age and was for hunting, sporting, or other lawful purposes;
- (2) consisted of lawful defense by the child of people or property;
- (3) was gained by entering property in violation of this code; or

- (4) occurred during a time when the actor was engaged in an agricultural enterprise.
- (D) except as provided by subsection (E), an offense under this section is a Class C Misdemeanor.
- (E) An offense under this section is a Class A Misdemeanor if the child discharges the firearm and causes death or serious bodily injury to himself or another person.
- (F) A peace officer or other person may not arrest the actor before the seventh day after the date on which the offense is committed if:
- (1) the actor is a member of the family, as defined by section 71.01, Family code, of the child who discharged the firearm; and
 - (2) the child in discharging the firearm caused the death of or serious injury to the child.
- (G) A dealer of firearms shall post in a conspicuous position on the premises where the dealer conducts business a sign that contains the following warning in block letters not less than one inch in height:

"IT IS UNLAWFUL TO STORE, TRANSPORT, OR ABANDON AN UNSECURED FIREARM IN A PLACE WHERE CHILDREN ARE LIKELY TO BE AND CAN OBTAIN ACCESS TO THE FIREARM."

SECTION 2. - Article 42.12, Code of Criminal Procedure, is amended by adding Section 13B to read as follows:

SEC. 13B. Community Supervision for Making a Firearm Accessible to a Child.

(A) A court granting community supervision to a defendant convicted of an offense under section 46.13, Penal code, may require as a condition of community supervision that the defendant:

- (1) provide an appropriate public service activity designated by the court; or
- (2) attend a firearms safety course which meets or exceeds the requirements set by the national rifle association as of January 1, 1995, for a firearms safety course that requires not more than 17 hours of instruction.

(B) The court shall require the defendant to pay the cost of attending the firearms safety course under subsection (a)(2).

SECTION 3. - Subchapter D, chapter 21, Education Code, is amended by adding section 21.118 to read as follows:

Sec. 21.118. Firearms Safety Program.

(A) A school district may, and is strongly encouraged to, provide or participate in a firearms safety program for students in grades kindergarten through 12. A school district that provides a firearms safety program shall consult with a certified firearms instructor before establishing the curriculum for the program.

(B) A school district may not require a student to participate in a firearms safety program if the district receives written notice from a parent of the student to exempt the student from the program. A school district that provides or participates in a firearms safety program may not permit a student participating in the program, while the student is on district property, to handle a readily dischargeable firearm.

(C) The firearms safety program will meet the standards of the National Rifle Association Eddie Eagle Children's Gun Safety Course.

State Gun Safe Storage Laws and Child Mortality Due to Firearms

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Context.—Since 1989, several states have passed laws that make gun owners criminally liable if someone is injured because a child gains unsupervised access to a gun. These laws are controversial, and their effect on firearm-related injuries is unknown.

Objective.—To determine if state laws that require safe storage of firearms are associated with a reduction in child mortality due to firearms.

Design.—An ecological study of firearm mortality from 1979 through 1994.

Setting.—All 50 states and the District of Columbia.

Participants.—All children younger than 15 years.

Main Outcome Measures.—Unintentional deaths, suicides, and homicides due to firearms.

Results.—Laws that make gun owners responsible for storing firearms in a manner that makes them inaccessible to children were in effect for at least 1 year in 12 states from 1990 through 1994. Among children younger than 15 years, unintentional shooting deaths were reduced by 23% (95% confidence interval, 6%-37%) during the years covered by these laws. This estimate was based on within-state comparisons adjusted for national trends in unintentional firearm-related mortality. Gun-related homicide and suicide showed modest declines, but these were not statistically significant.

Conclusions.—State safe storage laws intended to make firearms less accessible to children appear to prevent unintentional shooting deaths among children younger than 15 years.

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IN THE UNITED STATES in 1994, 902 children younger than 15 years were killed by firearms; 185 deaths were unintentional, 188 were suicides, 499 were homicides, and 30 were of undetermined intent.¹ For every child in this age group who dies from a firearm-related injury, an estimated 4.2 children suffer a nonfatal wound.² Some of these deaths may be related to the availability of firearms in the homes of many children. It has been estimated that about half of households

in the United States have a gun.^{3,4} In a 1994 national survey of gun owners, 14% of owners with a child younger than 18 years reported having a gun that was kept loaded and unlocked.⁵

In 1989, Florida passed a law to encourage gun owners to store loaded firearms in such a way that children could not readily obtain access to them.⁶ If an unsupervised child younger than 16 years obtains a firearm and shoots himself or herself or another person or threatens someone, the gun owner may be prosecuted.

Similar laws were adopted in 11 additional states by the end of 1993.⁷⁻¹⁷ All of these laws make it a criminal offense to store a firearm in such a way that a reasonable person would know that a child could gain access to the weapon. Violators can be prosecuted as felons in Florida, Connecticut, and California, while in the other states, the crime is classified as a misdemeanor. Most statutes declare that use of a locked box or

container^{6-11,18,19} or a trigger lock^{6,9,11,13} constitutes legal storage.

Safe storage laws were enacted to reduce unintentional shootings involving children. Some have argued that these laws are an unnecessary intrusion on gun owners, that they may cruelly subject a grieving parent to criminal prosecution, and that they are not likely to reduce injuries due to firearms.^{18,21} To assess the effectiveness of these laws, we examined whether unintentional firearm mortality among children younger than 15 years was reduced in states after these laws took effect. Limiting children's access to firearms might also reduce firearm suicide and homicide among children, and these outcomes were examined as well.

METHODS

Numbers of deaths and population data were obtained from the Compressed Mortality Files of the National Center for Health Statistics via the Internet.²⁰ We obtained data by sex for each available year (1979 to 1994) for each state and the District of Columbia for categories of age (<1, 1-4, 5-9, 10-14, 15-19, and 20-24 years) and race (white, black, or other). Deaths were identified using the *International Classification of Diseases, Ninth Revision (ICD-9)*²¹ external cause of death codes as follows: accident caused by a firearm missile (E922 to E922.9), firearm suicide (E955.0 to E955.4), other suicide (E950 to E954, E955.5 to E958.9), firearm homicide (E965.0 to E965.4), other homicide (E960 to E964, E965.5 to E968.9), shooting by a law officer (E970), and shooting of uncertain intent (E985.0 to E985.4).

Within each state, the time period affected by a safe storage law was considered to start with the first calendar year in which the law was in effect for at least 6 months. Incidence rate ratios were estimated using Poisson regression²² to compare time periods that had a storage law in effect with time periods without

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such a law within the same state; therefore, 50 indicator variables were included to represent each state and the District of Columbia. To control for national trends over time in firearm mortality rates, all states were included in the analysis, and 15 indicator variables were used to represent each calendar year. Categories of age, sex, and race were examined as potential confounders. To allow for possible overdispersion that might violate the restrictive assumptions of the Poisson distribution, final results were estimated using negative binomial regression.^{23,24}

Inequality of effects between different states or among age categories was tested using the likelihood ratio statistic.²⁵ Because rates within a state might be serially correlated over time, we calculated autocorrelation coefficients for the deviance residuals of each state in every regression model using lags of 1 through 5 years.^{23,26}

RESULTS

Over the 16 years of this study, there were 11 918 deaths due to firearms among children younger than 15 years in the United States; 4173 were unintentional, 2139 were suicides, and 5280 were homicides. Eleven fatal shootings by law enforcement and 315 shootings of uncertain intent were not analyzed further. In this age group, the unintentional gunshot mortality rate was 0.72 per 100 000 person-years in 1979; it fell to 0.32 in 1994. Suicide firearm mortality increased during the same interval from 0.16 to 0.33 per 100 000 person-years, and homicide firearm mortality increased from 0.45 to 0.81. Adjusting for changes in the age and sex distribution of the population, unintentional gunshot mortality decreased by 50% (95% confidence interval [CI], 36%-60%), suicide firearm mortality increased 111% (95% CI, 77%-161%), and homicide firearm mortality increased 71% (95% CI, 43%-104%).

From 1989 through 1993, gun safe storage laws were adopted in 12 states (Table). When the mortality rate in years affected by state safe storage laws was compared with the rate expected based on previous years within the same state and adjusted for secular trends, the incidence rate ratio for unintentional gun-related deaths was 0.77 (95% CI, 0.63-0.94) among children younger than 15 years. For gun-related suicide deaths and homicide deaths in the same age group, the associations with state safe storage laws were weaker and were not statistically significant. The rate ratio for gun suicides was 0.81 (95% CI, 0.66-1.01) and for gun homicides, 0.89 (95% CI, 0.76-1.05). For suicides by means other than a gun, the rate ratio was 0.95

States With Gun Safe Storage Laws in Effect for at Least 6 Months, 1979-1994

State	Year Law Passed	Date Law Went Into Effect	Period of Law Effectiveness for This Study	Age of Children for Whom Access Must Be Restricted, y
Florida	1989	10/1/89	1990-1994	<16
Iowa	1990	4/5/90	1990-1994	<14
Connecticut	1990	10/1/90	1991-1994	<16
Nevada	1991	10/1/91	1992-1994	<14
California	1991	1/1/92	1992-1994	<14
New Jersey	1991	1/17/92	1992-1994	<16
Wisconsin	1991	4/18/92	1992-1994	<14
Hawaii	1992	6/29/92	1992-1994	<16
Virginia	1991	7/1/92	1992-1994	<12
Maryland	1992	10/1/92	1993-1994	<18
Minnesota	1993	8/1/93	1994	<14
North Carolina	1993	12/1/93	1994	<18

(95% CI, 0.75-1.20), and for homicides by means other than a gun, the rate ratio was 0.96 (95% CI, 0.86-1.06). Further adjustment for sex, race, or age had no important effect on these ratios.

After safe storage laws were in effect, the decrease in unintentional firearm deaths was greater for children younger than 10 years and less for children aged 10 to 14 years (rate ratios, 0.68 [95% CI, 0.50-0.94] and 0.86 [95% CI, 0.67-1.09], respectively). The difference in these rate ratios, however, was not statistically significant ($P = .20$). We also examined the change in unintentional firearm mortality in older teenagers and young adults during the intervals affected by state safe storage laws. Using the same analytic method, we found that for teenagers aged 15 to 19 years, the incidence rate ratio was 0.91 (95% CI, 0.77-1.08), and for adults aged 20 to 24 years, it was 0.84 (95% CI, 0.68-1.03).

There was statistical evidence that the association between safe storage laws and unintentional shooting mortality among children younger than 15 years was not the same in each of the 12 states ($P = .01$). We classified state laws by whether they allowed for a felony prosecution. The overall mortality rate ratio fell to 0.59 (95% CI, 0.45-0.77) in California, Connecticut, and Florida, the states that allowed felony prosecutions, but did not change significantly in the 9 states that only provided for misdemeanor prosecutions (rate ratio, 1.14 [95% CI, 0.85-1.52]). With states classified by severity of penalty, the test for heterogeneity of effect was no longer statistically significant ($P = .30$). We also classified states by whether their statutes mentioned locked containers or trigger locks as suitable storage methods; the rate ratios were not statistically different between these 2 groups ($P = .08$), and this classification did not remove evidence of heterogeneity from the data.

Within a state, unintentional shooting death rates vary from year to year. If a state were to have a period of unusually

high rates as part of this expected variation, lawmakers might be stimulated to pass a safe storage law. Any subsequent mortality decline could be due partly to the tendency of rates to regress to their mean value.²⁷ To assess this, we calculated the unintentional gun mortality rate among children younger than 15 years in the 2-year period before a safe storage law went into effect compared with previous years in the same state and adjusted for national mortality trends. Little difference was found (rate ratio, 0.99 [95% CI, 0.81-1.21]).

There was no statistically significant evidence of serial correlation in any of our regression models.

COMMENT

From 1989 through 1993, a dozen states enacted gun safe storage laws. Once these statutes took effect, unintentional firearm-related deaths among children younger than 15 years were 23% (95% CI, 6%-37%) lower than expected in these states.

A study of the effect of a law is necessarily an ecological study that compares groups of people.²⁸ It is always difficult to be certain that the analysis has accounted for all differences between groups that might distort the measured association. However, the apparent impact of state storage laws on unintentional shooting deaths is plausible for several reasons. First, the effect was strongest among the young people who are specifically covered by the law. Second, the effect was strongest for the outcome that the laws were designed to prevent—unintentional shootings. Third, the states that passed these laws came from all regions of the country, and they do not appear to share a common set of other features, aside from safe storage laws, that could account for the decline in mortality that was found. Finally, the overall estimate of change in mortality was based on a comparison within each state, before and after the law took effect, so that differences between these

12 states and other states cannot account for the results; information from other states was only used to control for any national trend in mortality.

Regression to the mean can sometimes explain an apparent decrease in incidence. This is an unlikely explanation in this study, however, because within states that passed safe storage laws, the incidence of unintentional shooting deaths among children was not elevated in the 2-year period before the laws went into effect.

Our analysis was limited to laws passed by states. Some large cities have adopted their own gun safe storage laws.²⁹ Thus, within some states, some persons were subject to municipal statutes that encouraged safe storage at a time when no state law was in effect. It is possible that some municipal statutes were effective in reducing unintentional gunshot mortality in states that later passed a statewide law. If this occurred, then our analysis, which compared time periods after a state law went into effect with earlier time periods, would tend to underestimate the effectiveness of safe storage laws.

We are not aware that any large cities or counties passed gun safe storage laws

after a state law was in effect. If this happened, it is conceivable that some of the effect that we have attributed to state laws was due in part to a local safe storage ordinance.

Safe storage laws were associated with a modest decrease in both suicides and homicides among young children, as well as some decline in unintentional shooting deaths among older teenagers and young adults. None of these changes were statistically significant, but they are all in the same direction, raising at least the possibility that safe storage laws might have some impact on these outcomes. Since 1993, additional states have passed safe storage laws, and future analyses may clarify this issue.

Safe storage laws with felony penalties appeared to have a stronger effect on unintentional gun-related mortality than laws with only misdemeanor penalties. It may be that felony penalties make these laws more effective, but it is also possible that other characteristics of the states with felony penalties account for the differences that we found.

Any effect of safe storage laws would be more credible if there were data to show that gun storage actually changed after these statutes took effect. The Be-

havioral Risk Factor Surveillance System of the Centers for Disease Control and Prevention, Atlanta, Ga, now has supplementary questions on gun storage.³⁰ If these questions are used in enough states before and after the passage of safe storage laws, useful data relating the enactment of these laws to gun storage practices may become available.

During the years 1990 through 1994, 129 children younger than 15 years died in unintentional shootings in states that had a safe storage law in effect during the years the children died. Assuming that the mortality rate ratio of 0.77 best represents the effect of state safe storage laws on unintentional shooting deaths among children, then approximately $129(1.0-0.77)/0.77=39$ deaths of young children were prevented by these statutes. During the same 5 years, 940 children died in similar shootings in states when no safe storage law was in effect; $940(1.0-0.77)=216$ children might have lived had these laws been in effect in all states.

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Rahm-Rubin Agreed to Language:

Nearly every gun wielded by a child can be traced back to an irresponsible adult. In Maryland and 14 other states, parents have a legal responsibility to keep guns locked, unloaded, and out of the reach of young hands. This should be the law in 50 states, and the practice in every home. But there is also a proper federal role in preventing children's access to firearms, and Congress should pass a tough, targeted child access prevention law with new penalties to punish the most egregious offenders. I applaud Senators Chafee and Durbin for starting us down the road to making this the law of the land.

TO: RAHM
MIKE FROMAN
TIM JOHNSON
KENT MARKUS

SORRY, PREVIOUS COPY HAD TYPO.

Jim

News From
SENATOR JOHN CHAFEE
RHODE ISLAND



505 DIRKSEN BUILDING WASHINGTON D.C. 20510-3902 (202)224-2921

FOR IMMEDIATE RELEASE
Wednesday AM, July 8th, 1998

CONTACT: Nicholas J. Graham
202/224-6167

**CHAFEE BIPARTISAN CHILD FIREARMS ACCESS
PREVENTION MEASURE TO BE ENDORSED BY
PRESIDENT AT WHITE HOUSE CEREMONY**

*Chafee Calls for Congressional Enactment of Bill to
"Stem Further Gun Violence Involving Children"*

WASHINGTON, D.C. — Today, U.S. Senator John H. Chafee (R-RI) hailed and applauded President Clinton for agreeing to back a bipartisan anti-crime measure he has sponsored in Congress with U.S. Senator Richard Durbin (D-IL). The President is scheduled to back the proposal in a Rose Garden ceremony on Wednesday at 11:30am.

"The President's endorsement of our bipartisan proposal is a victory for America's children, their parents, and law enforcers. Now it's time for Congress to step forward and act," Chafee commented. "House-Senate adoption of this measure must be forthcoming this year, and should be made part of any bipartisan, comprehensive anti-crime legislation that Congress considers. There are few bills where lawmakers can make a real difference and where we can rightly claim to be saving children's lives; this is surely one of them."

The proposal, known as the "Child Firearms Access Prevention Act", is intended to encourage adults to store their guns and ammunition safely and separately.

The bill would impose criminal penalties on an adult whose gun is used by a child to harm another person if the gun was not safely stored or did not have a safety lock. Individuals who leave loaded guns in bureau drawers - for example - would be penalized if the gun was found and used by a child to injure himself or herself, or another individual. The bill pertains to guns obtained through interstate commerce.

Child Access Prevention, or CAP, laws have been enacted in fifteen states, including Rhode Island. Rhode Island enacted a CAP law in 1995. CAP laws, which also are referred to as "safe storage" laws, generally require adults to store guns and ammunition in a place that is reasonably inaccessible to children.

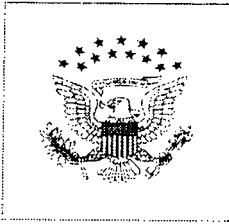
Chafee is the leading Republican advocate in the Senate for handgun control and protection of children from gun violence. The proposal has been endorsed by gun control advocates Jim and Sara Brady, and representatives from the Children's Defense Fund and the American Academy of Pediatrics. Durbin and Chafee introduced their bill in March.

Chafee noted that, according to Handgun Control, 91% of handguns involved in unintentional shootings come from the home where the shootings occur. He said there are a staggering 192 million firearms in the possession of private citizens in the United States, and 35% of American homes contain at least one gun. One out of three of these weapons are kept loaded and unlocked, and every two hours a child is killed by a firearm.

"Each year, more than 500 children accidentally shoot themselves or a sibling with a family gun. Is it any wonder when 1,200,000 'latchkey' children come home from school to a house with a gun in it?" Chafee said.

"If we do not want to see children killed or permanently disabled, we must do something about our insanely easy access to guns. The slaughter we experience cannot be written off as the price of a civilized society -- just the contrary. No other industrialized nation allows such easy access to firearms," he said.

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UNITED STATES SENATOR • ILLINOIS

DICK DURBIN

P R E S S R E L E A S E

For Immediate Release

Contact: Melissa Merz

(202) 224-7028

July 8, 1998

**PRESIDENT CLINTON ENDORSES DURBIN
PROPOSAL TO KEEP GUNS OUT OF KIDS' HANDS**

Washington, D.C. — Speaking at a Rose Garden ceremony, President Bill Clinton today endorsed a proposal offered by U.S. Sen Dick Durbin (D-IL) to keep guns away from kids who might use them to harm themselves or others.

Durbin and the Republican cosponsor of the bipartisan bill, U.S. Sen. John Chafee of Rhode Island, joined Clinton at a White House event where the president endorsed the Durbin-Chafee proposal to establish a federal child access prevention (CAP) law. Such a law would hold liable adults who fail to store firearms safely if those weapons are subsequently taken by a child and used to kill or injure another person.

"This proposal is not about taking guns away — it's about taking guns seriously," said Durbin, a member of the Senate Judiciary Committee. "Whether it's a curious child or a troubled child, the combination of guns and kids is too often a deadly one. How many tragedies will it take before Congress and more states take common-sense steps to keep the two apart?"

Currently, 15 states have passed CAP laws, including: California, Connecticut, Delaware, Florida, Hawaii, Iowa, Maryland, Minnesota, Nevada, New Jersey, North Carolina, Rhode Island, Texas, Virginia and Wisconsin. Elgin, Aurora and Vernon Hills, Illinois, are among several communities nationwide that have enacted CAP measures.

Under the Durbin-Chafee legislation, adults who fail to lock up a loaded firearm or an unloaded firearm with ammunition would be held liable if the weapon is taken by a child and used to kill or injure another person. The law would not apply if the gunowner uses a secure gun storage or trigger lock for the firearm, if the gunowner has no reason to believe children will be on the premises or if the firearm is stolen in a burglary.

"Too many Americans pay more attention to locking up their silverware than their firearms," Durbin said. "Those who own guns in America must accept the responsibility of storing and using them safely."

-30-

105.444



Md., U.S. officials join up on gun-crime measures

By Richard Willing and Susan Page
USA TODAY

WASHINGTON — The White House and the Maryland state government launched a double-barreled assault on gun violence Wednesday, with measures aimed at tracing guns used in crimes and punishing adult gun owners whose weapons are used by children.

By order of Gov. Parris Glendening, a Democrat, Maryland became the first state to require serial number tracing and ballistics tests on all guns seized by law enforcement officers. The plan is designed to cut down on gun violence by identifying purchasers of guns used in crimes and shutting down gun traffickers.

"Fewer children will lose their parents and fewer parents will lose their children to gun violence," said Lt. Gov. Kathleen Kennedy Townsend, the force behind the Maryland plan. Her father, Sen. Robert F. Kennedy, was killed by an assassin's bullet in 1968.

At the White House, President Clinton endorsed the Maryland initiative and a bill sponsored by two senators, one Democrat and one Re-

publican, that would impose criminal penalties on gun owners whose weapons are left unsecured and then used by children to commit crimes.

"It is still too easy for deadly weapons to wind up in the hands of children — by intent or accident — and then to lead to tragedy," said the president, as Townsend and the bill's sponsors, Sens. Richard Durbin, D-Ill., and John Chafee, R-R.I., looked on.

"We can't shrug our shoulders and say, 'Well, accidents will happen,' or 'Some kids are just beyond hope,'" Clinton said. "That is a cop-out."

An opponent of the initiatives, National Rifle Association Executive Vice President Wayne LaPierre, said his group favors "parental responsibility" but opposes a "one-size-fits-all federal mandate" like the Durbin-Chafee bill.

The Maryland plan will use the federal Bureau of Alcohol, Tobacco and Firearms to match weapons recovered at crime scenes with their manufacturers and purchasers. Such matching has helped identify illegal gun traffickers in several states, ATF spokesman Jeffrey Roehm said.

Last year, ATF traced about

193,000 weapons, many of which were seized by city police departments that are part of a pilot federal program on which the Maryland plan is based.

The Maryland plan will add about 7,000 traces to the ATF workload next year.

At the White House, Suzann Wilson, the mother of Britthney Varner, 11, one of four children killed in the Jonesboro, Ark., school shooting in March, said her child might have been saved had the bill punishing gun owners been in force.

White House officials later acknowledged, however, that the federal legislation Clinton endorsed would not have been come into play in the Jonesboro case. The legislation would hold adults responsible only if they showed reckless disregard in storing their guns. The two boys accused in the Jonesboro shooting broke into a locked container to steal rifles and ammunition.

The Durbin-Chafee bill would provide a maximum \$10,000 fine and one-year jail sentence for adults who leave their weapons unsecured. It is currently before the Senate Judiciary Committee.

Clinton hosts TV discussion as race panel prepares report

By Mimi Hall
USA TODAY

ARLINGTON, Va. — "We're just getting warmed up," President Clinton lamented Wednesday as television host Jim Lehrer signaled it was time to wrap up an hour-long discussion of race being taped at a PBS studio.

Clinton's off-the-cuff comment could be emblematic of the initiative on race he launched a little more than a year ago. White House aides acknowledge that his effort to improve race relations got off to a slow start; Clinton's critics say the initiative has been an unfocused waste of time.

The PBS discussion, during which Clinton participated in a free-wheeling debate about topics such as quotas in higher education and the language people use to talk about race, airs today on *The NewsHour with Jim Lehrer* at 8 p.m. ET in most markets.

It is the last of three scheduled televised discussions of race featuring the president. The first was a town hall-style meeting last December in Akron, Ohio; the second aired on ESPN in April and focused on race and sports.

The seven-member race board that Clinton appointed last summer has held its final public meeting and is now developing recommendations for a report Clinton will release at the end of the year. Aides say it will include policy proposals to address discrimination in areas such as education, housing and employment.

During Wednesday's taping, Clinton hinted that the solutions he'll propose will address economic disparities among the races. "We ought to have income-based solutions," he said. "We need strategies to identify the people that aren't winning and turn them into winners, and at



Alexie: Native American on panel



James: No preferential treatment

the very least, turn their children into winners."

Joining Clinton at the table were eight panelists selected by PBS and approved by the White House.

Among them: Sherman Alexie, a Native American filmmaker who wrote the screenplay for *Smoke Signals*; Elaine Chao, former president and CEO of the United Way; and Kay James, dean of the Robertson School of Government at Regent University in Virginia Beach, Va.

Native Americans, who are not represented on Clinton's board, have complained about being excluded from the initiative from the start.

"Nobody talks about Indians," Alexie told Clinton, who earlier had mentioned that his grandmother was one-quarter Cherokee. Unless, Alexie said, "they come up to me and tell me they're Cherokee."

Everybody laughed, including Alexie and Clinton. That gibe was among the only sparks in the congenial discussion.

James said she doesn't believe minorities need preferential treatment to gain access to higher education. Some conservatives have sharply criticized Clinton for supporting affirmative action programs.

Chao agreed with James. She complained that some race-based programs unfairly exclude overqualified Asian-Americans. Preferential treatment, she said, pits "one group vs. another."

But syndicated columnist Clarence Page said that without affirmative action, there's no way to create equal opportunity. "One problem with the race dialogue," he told Clinton, "is I feel you were reluctant to deal with the question of affirmative action."

4 Montana Freeman guilty of financial fraud conspiracy

By Steve Marshall
USA TODAY

A1

The four top leaders of the anti-government Montana Freeman were convicted Wednesday of a gigantic banking conspiracy.

But the federal jury in Billings, Mont., declared itself deadlocked on counts against the remaining eight defendants and other counts in the indictment.

The guilty verdict on the conspiracy charge marked a major victory for U.S. Attorney Sherry Scheel Matteucci and her team, who portrayed the Freeman as connen hiding behind a smokescreen of anti-government rhetoric.

Beneath the rhetoric, the isolationist Freeman were nuisances to local officials and townsfolk near their compound outside Jordan, Mont., which they called Justus (for

"Just Us") Township.

"When you're at it for five years and you're in a group that holds off the federal government for 81 days, you should be accountable for your actions," said Nick Murnion, the prosecutor in Garfield County, Mont., who faced \$600 million in liens filed against him by the group.

The group made national headlines during the 81-day standoff, which ended peacefully in June 1986.

The Freeman, with their threats against officials, bad-check passing and lien-filing, "really took a toll on our community," Murnion said late Wednesday.

After U.S. District Judge



Schweitzer



Petersen

John Coughenour declared a mistrial over the unresolved counts, Matteucci said she expects to retry some of the defendants. The judge gave her 10 days to decide.

LeRoy Schweitzer, Daniel Petersen, Dale Jacobi and Russell Landers were convicted of conspiracy to defraud four banks in what prosecutors said was a massive assault on the nation's banking system by printing their own money, setting their own liens and lying to tax authorities.

The four leaders were among six Freeman convicted last week on other charges in the indictment. They could face lengthy prison terms and fines when sentenced.

Clinton urges states to toughen gun laws

Wants parents punished for kids' crimes

By Paul Bedard
THE WASHINGTON TIMES

President Clinton yesterday used the recent Jonesboro, Ark., school shooting to push a new gun-control law, but aides conceded that his initiative would not have had an impact in the March 24 slaying of four students and a teacher.

Standing beside the mother of one of the slaying victims, Mr. Clinton called on states to pass "child access prevention laws" that hold adults responsible when children get ahold of their guns and use them to kill.

He also pushed for wider use of trigger locks, ordered gun dealers to post warnings to adults about letting minors play with guns and ordered his administration to join in a Maryland program to track the ownership of guns used in crimes.

"We can't shrug our shoulders and say, 'Well, accidents will happen,' or 'Some kids are just beyond hope.' That is a cop-out. Instead, every one of us must step up to our

responsibility. That certainly includes gun owners, gun purchasers and gun dealers," Mr. Clinton said.

Under the proposal backed by Mr. Clinton, only the "most egregious" cases of adults granting children access to loaded weapons would be punished.

Domestic policy aide Bruce Reed gave an example of a parent leaving a loaded pistol on a kitchen table.

"Mere negligence would not be prosecuted," he said, adding that the administration felt it is good enough if parents either use trigger locks or hide their guns in safes.

Mr. Reed said that the federal law should be a "model" for states but said that the 15 states that have already adopted such laws — including Maryland, Virginia and Delaware — put into place much tougher provisions.

In Jonesboro, the guns used in the killings had been locked up.

Suzann Wilson, mother of Brit-theny Varner, who was killed in the



Photo by Roger Richards/The Washington Times

Suzann Wilson, whose daughter was gunned down in Arkansas, is comforted at a gun law briefing by Attorney General Janet Reno, Rep. Caroline McCarthy and Maryland Lt. Gov. Kathleen Kennedy Townsend.

shooting, explained how the accused killers, two boys aged 11 and 13, got their weapons.

"The boys had allegedly tried to take guns from one of their own homes, and the father had the guns locked in a safe. And they took a fire torch and tried to open the safe, and they were not able to gain access to the guns. So they... went to their grandfather's and broke into that home," she said.

In a plea to parents, she said, "I don't care how many guns people own. But to every gun owner in

America, I want to say: Please, please, for the sake of the children, lock up your guns. Don't let your children borrow the gun, or don't let them steal the gun. Be responsible. Don't let your gun become an instrument of murder. Don't let what happened in Jonesboro happen to your town."

In partnership with the Maryland State Police, the Bureau of Alcohol, Tobacco and Firearms will work to track guns used in crimes and target "youth gun hot spots" for weapons.

The Washington Times

THURSDAY, JULY 9, 1998

Music museum planned

By Heidi Sherman
THE WASHINGTON TIMES

A museum celebrating the nation's musical heritage is on the drawing board for downtown, first lady Hillary Rodham Clinton and Nancy Sinatra announced yesterday.

The Smithsonian Institution, the Library of Congress and the Federal City Council — an organization headed by former presidential candidate Bob Dole — have joined forces in developing plans for the new museum and center, which would pay tribute to all types of American music from folk to rap.

Plans for the National Music Museum and Center are expected to be completed by next year.

"We believe that this can be one of the most exciting developments in the city," Mr. Dole said yesterday at a press conference at MCI Center. "America's music is really the world's music, and we hope the National Music Center will encompass the full range and breadth of the musical experience of this country."

As a Smithsonian affiliate, the complex will include collections and exhibits from the museum as well as live performances, educational programs and entertainment and retail facilities.

Mrs. Clinton said the museum would bring "the best of American culture" to the District.

There are few concrete plans for the museum: no location, no blueprints and no cash.

But officials say they will look for space downtown, and the Federal City Council will be in charge of the funds, which will be solicited from businesses and the music industry.

The concept of a national museum dedicated to music was

Sinatra items will be donated to D.C. center

driven by Miss Sinatra, who started campaigning for the center about seven years ago when her father, Frank Sinatra, was looking for a place to put his memorabilia.

"I asked him years ago, before he was sick, where he'd like his memorabilia to go," Miss Sinatra said. "Finally, a museum coordinator in New York said to me: 'Your father is American. His memories belong in Washington.'"

A few years later, she met with John Hasse, curator of American music at the National Museum of American History.

"I took her up to the roof of the museum," Mr. Hasse said. "We were envisioning the music center while overlooking the bandstand. She almost levitated — we both knew it could happen."

The Sinatra family will donate Mr. Sinatra's archives, which include rare recordings, original scores and his sailor suit from "On the Town." They will all be housed in the museum when it is finished.

In addition, officials say the Smithsonian and the Library of Congress have plenty else to fill the museum.

The Library of Congress has more than 6 million music-related items, including rare recordings and scores, Donald Scott of the library said.

The Smithsonian has been collecting U.S. music materials from the 19th century for decades.

"Our holdings range from several of the world's finest violins

made by Stradivarius to country fiddles and banjos; from 19th century Martin guitars to Prince's lemon-yellow electric guitar."

Even though no Smithsonian museum has been dedicated solely to American music, it has highlighted American musicians such as a current exhibit at the National Museum of American History that pays homage to jazz singer Ella Fitzgerald.

"We have hundreds of thousands of unpublished scores and recordings as well as rare instruments for the museum," Mr. Hasse said. "We have a lot, but more importantly, we have a lot that's quality."

Still, the center "will most likely look to expand" its own collection through donations and loans once plans for the building are solid.

Because the museum won't have the cash to pay for memorabilia, it might have to struggle with other music museums around the country that also rely on donations or have enough funds to pay for the items.

But the prospect of tougher-to-find goods hardly has other music exhibitors quaking.

"It seems when country artists think of seeing their work in a museum, they think of us, not a museum in D.C.," said Mark Medley of the Country Music Hall of Fame in Nashville, Tenn.

"We support any music museum, but Hard Rock [Cafe] will have over 50,000 items of rock 'n' roll memorabilia by the end of this year. That's worth more than \$18 million," said Christie Conti, a spokeswoman for Los Angeles-based Hard Rock Cafe. "Andy Warhol actually used to call us the Smithsonian of rock."

The Washington Times
THURSDAY, JULY 9, 1998

Rahm-Rubin Agreed to Language:

Nearly every gun wielded by a child can be traced back to an irresponsible adult. In Maryland and 14 other states, parents have a legal responsibility to keep guns locked, unloaded, and out of the reach of young hands. This should law be the law in 50 states, and the practice in every home. But there is also a proper federal role in preventing children's access to firearms, and Congress should pass a tough, targeted federal child access prevention law with new penalties to punish the most egregious offenders. I applaud Senators Chafee and Durbin for starting us down the road to making this the law of the land.

July 7, 1998

YOUTH HANDGUN SAFETY EVENT

DATE: July 8, 1998
LOCATION: Rose Garden
BRIEFING TIME: 10:55 am
EVENT TIME: 11:30 am
FROM: Bruce Reed

I. PURPOSE

To announce three news steps that the Administration will take to continue to promote gun safety and responsibility throughout the country. Specifically, you will: (1) call on Congress to pass Child Access Prevention (CAP) legislation; (2) require federally licensed gun dealers to post signs and issue warnings concerning juvenile handgun possession; and (3) partner with the State of Maryland to reduce gun-related violence.

II. BACKGROUND

You will be addressing approximately 100 law enforcement representatives and gun safety advocates on the importance of keeping guns out of the hands of children. As you know, the recent surge of school shootings has fueled in increased national attention in gun safety and responsibility. This event is an opportunity to highlight the Administration's ongoing commitment to reducing youth gun violence. You will be introduced by Suzann Wilson, the mother of Brittheny Varner who, at age 11, was one of the victims of the Jonesboro school shooting. As an Arkansas native, Suzann is supportive of gun ownership but has now become a strong advocate for national CAP legislation.

Specifically you will make the following announcements:

- **A National Child Access Prevention (CAP) Law.** You will call on Congress to promote gun safety and responsibility nationwide by working with the Administration to pass federal legislation that holds gun owners criminally responsible if they fail to keep loaded firearms out of the reach of children. Fifteen states have enacted Child Access Prevention (CAP) laws. A recent study published by the Journal of the American Medical Association found that CAP laws reduced fatal unintentional shootings by an average of 23%. Senators Durbin and Chafee have introduced a CAP bill in the Senate. In addition, Rep. Carolyn McCarthy's and Senator Kennedy have included a CAP proposal as part of a broader gun package.

- **The Youth Handgun Safety Act.** Passed as part of the 1994 Crime Act, the Youth Handgun Safety Act generally prohibits juveniles from possessing handguns and adults from transferring handguns to juveniles. In response to your directive to the Treasury Department last year, the ATF will now publish a final regulation requiring all federally licensed gun dealers to post signs and issue written warnings that state the following:
 - (1) The misuse of handguns is a leading contributor to juvenile violence and fatalities;*
 - (2) Safely storing and securing firearms away from children will help prevent the unlawful possession of handguns by juveniles, stop accidents and save lives;*
 - (3) Federal law prohibits, except in certain limited circumstances, any one under 18 years of age from knowingly possessing a handgun, or any person from selling, delivering or otherwise transferring a handgun to a person under 18; and*
 - (4) A knowing violation of the prohibition against, selling, delivering or otherwise transferring a handgun to a persons under 18 is, under certain circumstances, punishable by up to 10 years in prison.*
- **Maryland Gun Enforcement Initiative.** Building on your Youth Crime Gun Interdiction Initiative, which is tracing all crime guns in 27 pilot cities, you will announce that the Administration will partner with the State of Maryland to launch a joint ATF-Maryland State Police initiative effort to trace every crime gun seized in the state. Additionally, Maryland will target “Youth Gun HotSpots” throughout the state; expand enforcement of the state’s CAP law; and establish an Office of Gun Enforcement to coordinate these efforts and generally facilitate gun investigations.

III. PARTICIPANTS

Briefing Participants:

Bruce Reed
 Rahm Emanuel
 Larry Stein
 Jose Cerda

Event Participants:

Attorney General Reno
 Secretary Rubin
 Suzann Wilson, mother of Jonesboro school shooting victim
 Superintendent of Maryland State Police, Colonel David Mitchell

Seated on stage:

Secretary Riley
 Senator Richard Durbin
 Senator John Chafee

Senator Kennedy
Representative Carolyn McCarthy

IV. PRESS PLAN

Open Press.

V. SEQUENCE OF EVENTS

- **YOU** will be announced onto stage accompanied by Secretary Rubin, Attorney General Reno, Colonel David Mitchell, and Suzann Wilson.
- Secretary Rubin will make remarks and introduce Colonel David Mitchell.
- Colonel David Mitchell will make remarks and introduce Attorney General Reno.
- Attorney General Reno will make remarks and introduce Suzann Wilson.
- Suzann Wilson will make remarks and introduce **YOU**.
- **YOU** will make remarks and then depart.

VI. REMARKS

Remarks Provided by Speechwriting.



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

MEMORANDUM FOR NEAL COMSTOCK
EXECUTIVE SECRETARY

FROM: JOHN P. SIMPSON
DEPUTY ASSISTANT SECRETARY
(REGULATORY, TARIFF AND TRADE ENFORCEMENT)

SUBJECT: Treasury Decision Concerning 27 CFR Part 178 -
Posting of Signs and Written Notification to
Purchasers of Handguns (97R-2186P)

Attached for transmission to the Federal Register is a Final Rule relating to 27 CFR Part 178. The Notice of Proposed Rulemaking for this Final Rule was published in the Federal Register on August 27, 1997, with a 90-day comment period during which sixty-two (62) comments were received.

This Final Rule amends the firearm regulations to require that signs be posted on the premises of Federal firearms licensees and that written notification be issued with each handgun sold advising of the provisions of the Youth Handgun Safety Act, 18 U.S.C. Section 922(x).

The Bureau of Alcohol, Tobacco and Firearms is issuing this final rule as a result of a memorandum dated June 11, 1997, to the Secretary of the Treasury from the President of the United States stressing the need to curb the illegal access youth in America have to handguns. This Final Rule will help in the enforcement of the Youth Handgun Safety Act which limits such access.

Upon publication in the Federal Register, a press release will be issued. Copies of the Notice of Proposed Rulemaking and this Final Rule will be available to any interested person.

We believe this document does not warrant the attention of the Secretary or Deputy Secretary, and we recommend that you do not bring it to their attention.

Recommendation:

Approve for transmittal to the Federal Register.

_____ Approve _____ Disapprove _____ Let's Discuss

Reviewer Comments:

Attachment

(Billing Code: 4810-31-P)

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 178

[T.D. ATF-***, Ref: Notice No. 855]

RIN: 1512-

Posting of Signs and Written Notification to Purchasers of
Handguns (97R-2186P)

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF),
Department of the Treasury.

ACTION: Treasury Decision.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is
amending the firearms regulations to require that signs be posted
on the premises of Federal firearms licensees and that written
notification be issued with each handgun sold advising of the
provisions of the Youth Handgun Safety Act, 18 U.S.C. § 922(x).

EFFECTIVE DATE: [Insert date 60 days from date of publication in
the FEDERAL REGISTER].

FOR FURTHER INFORMATION CONTACT: Marsha D. Baker, Regulations
Division, Bureau of Alcohol, Tobacco and Firearms, Washington, DC
20226 (202-927-8210).

SUPPLEMENTARY INFORMATION:

Background

The Youth Handgun Safety Act (YHSA), 18 U.S.C. § 922(x), generally makes it unlawful for a person to transfer a handgun to anyone under 18 years of age or for anyone under 18 years of age to knowingly possess a handgun. Certain exceptions are set forth in the statute.

In enacting the YHSA in 1994, Congress found that criminal misuse of firearms often starts with the easy availability of guns to juvenile gang members. In addition, Congress found that individual States and localities may find it difficult to control this problem by themselves. Therefore, Congress found it necessary and appropriate to assist the States in controlling violent crime by stopping the commerce in handguns with juveniles nationwide and allowing the possession of handguns by juveniles only when handguns are possessed and used under certain limited circumstances.

In a memorandum to the Secretary of the Treasury dated June 11, 1997, the President stated that a major problem in our nation is the ease with which young people gain illegal access to guns. The President observed that firearms are now responsible for 12 percent of fatalities among American children and teenagers.

The President's memorandum directed the Secretary of the Treasury to propose regulations that would require the posting of

signs and issuance of written notices warning handgun purchasers of the provisions of the YHSA.

Notice of Proposed Rulemaking:

In response to the concerns raised by the President's memorandum, ATF published Notice No. 855 in the FEDERAL REGISTER (62 FR 45364) on August 27, 1997. To enforce the provisions of the YHSA and to ensure that handgun purchasers are familiar with its provisions, the Notice of Proposed Rulemaking (NPRM) proposed regulations requiring that signs be posted on the premises of Federal firearms licensees and that written notification be issued by licensees to nonlicensed handgun purchasers warning as follows:

- 1) Federal law prohibits, except in certain limited circumstances, anyone under 18 years of age from knowingly possessing a handgun, or any person from transferring a handgun to a person under 18;
- 2) A violation of the prohibition against transferring a handgun to a person under the age of 18 is, under certain circumstances, punishable by up to 10 years in prison;
- 3) Handguns are a leading contributor to juvenile violence and fatalities; and
- 4) Safely storing and locking handguns away from children can help ensure compliance with Federal law.

The proposed rule stipulated that signs provided by ATF must be posted by licensed importers, manufacturers and dealers on their licensed premises where prospective handgun purchasers can readily see them. In addition, the written notification to be

issued to each handgun purchaser must be made available either by providing the purchaser with an ATF Publication or some other type of written notification that contains the same language, e.g., a manufacturer's or importer's instruction manual or brochure provided to the handgun purchaser.

Analysis of Comments:

ATF received sixty-two (62) comments during the comment period in response to Notice No. 855. These comments were received from fifty-three (53) members of the public, one (1) Member of Congress, four (4) Federal firearms licensees (FFLs), and four (4) firearms industry organizations. Five (5) of the respondents were in agreement with the proposed regulations. Fifty-seven (57) respondents opposed certain provisions of the proposed regulations.

Comments in Support of the Proposed Rule

The American Academy of Pediatrics (AAP) commented in favor of the proposed regulations. The AAP stated that "Firearms play a major role in childhood morbidity and mortality in the United States." They went on to comment that "the surest way to reduce the effects of firearm-trauma on children is to remove handguns from the environments in which children live and play." The Academy also supported the inclusion of curios and relics in the

proposed rule as well as the notification at the time that weapons are returned to their owners by an FFL (for example, when a firearm is redeemed from pawn).

Handgun Control Inc. (HCI) also commented in support of the proposed regulations. They agreed that ATF had the authority to issue regulations necessary to implement the Gun Control Act (GCA). They stated that "notification to handgun buyers at the point of purchase of the need to safely secure handguns away from children is certainly necessary to implement the provisions of the statute."

HCI suggested that the written notice provided to the purchasers of handguns not be included as part of a larger Federal form, but should instead be separately contained in one publication. In response to this comment, it should be noted that the NPRM did not specify the publication number of the proposed required written notice since one had not yet been assigned. However, the final rule clarifies that the written notice will appear on an ATF publication (ATF I 5300.2) that is separate from any existing ATF form.

Seven (7) additional respondents agreed with the general purpose of the proposed regulations; to reduce the ease with which juveniles have access to handguns which are then used to

commit crimes or which result in youth fatalities. However, they were opposed to the wording of the provisions outlined in the proposed rule. Rephrasing of the provisional language and certain deletions were suggested.

For example, Sturm, Ruger & Company, Inc., a manufacturer of firearms, commented that "while we have no objection to reminding dealers of their serious responsibilities regarding sales of firearms to unauthorized persons, the proposed language goes far beyond that." Accordingly, they suggested several revisions of the proposed regulations. The suggested revisions to the language of the notice and sign will be discussed in detail below.

Comments in Opposition to the Proposed Rule

Several commenters challenged ATF's authority under the GCA to require any sort of warning or notification to purchasers of handguns regarding the requirements of the YHSA. A comment from Rep. John Dingell urged ATF to withdraw the proposed rule for several reasons, including his view that the statutory basis for ATF's action is "uncertain." He noted that ATF has not required notices or signs to warn purchasers about other GCA provisions and the statutory prohibitions on the possession of firearms by certain categories of people, including felons.

ATF does not agree that requiring licensees to inform prospective handgun purchasers about the requirements of the law goes beyond its authority to enforce the GCA. Furthermore, this type of requirement is not unprecedented. While ATF has not required licensees to post signs or hand out notices regarding other GCA provisions, many of these provisions are made known to purchasers through other means. For example, licensees are required to have unlicensed purchasers complete an ATF Form 4473, Firearms Transaction Record. On this form, purchasers certify that they do not fall within one of the categories of persons prohibited from purchasing a firearm. The Form 4473 contains a detailed explanation of various GCA provisions.

ATF believes that it is important to advise handgun purchasers of the requirements of the YHSA to ensure that handguns are not unlawfully sold to juveniles by adult purchasers who are purchasing from a licensee. This statutory provision is not addressed on the Form 4473. ATF believes that the final rule will accomplish this goal without unduly burdening licensees or handgun purchasers. Furthermore, ATF's statutory authority to issue regulations to implement the GCA is clear. See 18 U.S.C. § 926(a).

Revisions Made in Response to Comments

After carefully considering the comments received following the publication of the NPRM, ATF has decided that certain revisions should be made to the written notification and sign required by the regulations. These modifications are discussed in more detail below.

In reference to the first paragraph of the proposed notice and sign, forty-seven (47) commenters suggested that the language was vague and that the sign Federal firearms licensees would be required to post as well as the written notification should accurately explain the exceptions included in the YHSA that would allow the lawful transfer to, or possession by, an individual under the age of 18 years. For example, the Sporting Arms and Ammunition Manufacturer' Institute (SAAMI) suggested that this item should "include a thorough, accurate and objective explanation of these circumstances and/or include the language of the statute itself." The National Rifle Association (NRA) commented that "[a]t the very least, the entire text of the law should be given, especially outlining the full text of these exceptions..."

ATF recognizes that there are exceptions listed in the YHSA that allow persons under 18 years of age to receive and possess a handgun. The proposed language referred to these limited

circumstances, but ATF believed that a detailed discussion of the exceptions would have been too long to include in the notice and sign. However, ATF agrees with the respondents who suggested that the proposed language of the notice and sign might raise questions in the minds of purchasers as to when it was lawful for a juvenile to possess a handgun.

Accordingly, ATF is adopting the suggestion of those commenters who advocated that the written notification set forth the entire language of the statute. The final rule provides that the required written notification (ATF I 5300.2) will include the complete language of the statutory provision appearing at 18 U.S.C. section 922(x), including the exceptions. Due to the length of this statutory language, the sign will merely refer the purchaser to the ATF I 5300.2 for the complete provisions of the law. The sign will also advise the public that a copy of this publication may be obtained from the licensee posting the sign or from the ATF Distribution Center.

In reference to the second provision of the notice and sign, forty-three (43) of the respondents again stated that the language was vague and that the sign and written notification should more specifically set forth the exceptions included in the YHSA that would allow the lawful possession of a handgun by a

juvenile in certain limited circumstances. In addition, four (4) respondents stated that the reference to the maximum penalty provided by law for a violation of section 922(x) was misleading, since the maximum penalty only applied in limited circumstances.

As previously noted, the final rule provides that the written notification will contain the entire language of section 922(x), so that interested handgun purchasers may read for themselves the exceptions outlined in the statute. ATF has also included in the written notification the full text of the penalty provision set forth in 18 U.S.C. § 924(a)(6) for violations of section 922(x). Again, the sign will refer the purchaser to the complete language of the law as outlined in the written notification. We believe that this will ensure that purchasers of handguns receive complete and accurate information as to the statutory penalties imposed on violations of section 922(x).

The NRA noted that the proposed regulations do not mention the statutory restrictions on the transfer to juveniles and use by juveniles of ammunition that is suitable only in a handgun. As noted previously, the entire provisions of the law will be set forth in the written notification. This includes the statutory provisions regarding handgun ammunition.

In reference to the third provision of the proposed

regulations, seventeen (17) respondents opposed the inclusion of the language that "handguns are a leading contributor to juvenile violence and fatalities." Another fifteen (15) stated that this provision should be deleted entirely. Many commenters suggested that the entire statement offered value judgments, and argued that it was the perpetrators of the shooting not the handguns used in the shooting, that contributed to juvenile violence and fatalities.

The proposed language was not intended to convey the message that handguns alone are responsible for juvenile violence. In fact the language noted that handguns were a "contributor" to juvenile violence. However, ATF agrees with the commenters who suggested that this provision could be clarified. For example, Sturm, Ruger & Company suggested that the language be modified to refer to the misuse of illegally possessed firearms. ATF has partially adopted this comment. As set forth in the final rule, this provision now states that "The misuse of handguns is a leading contributor to juvenile violence and fatalities."

In reference to the fourth and final provision of the proposed statement, fifteen (15) of the respondents believed that it was unnecessary to have safety warning notices for firearms. Another twelve (12) stated that this provision should be deleted

entirely.

Many of the commenters noted that there is no Federal law mandating a specific type of storage or locking requirement for handguns. For example, the NRA commented that "the proposed warning concerning the safe storage and locking of handguns is not only superfluous, but also implies that there is a Federal law requiring these safety measures."

However, some comments supported the inclusion of a generic statement encouraging the safe storing and securing of firearms in order to prevent accidents. For example, SAAMI stated that they would support the "[i]nclusion of a statement that safely storing and securing firearms can prevent accidents." On the other hand, HCI suggested that the notice be revised to more explicitly state what is meant by "safely storing and locking handguns away from children."

ATF does not agree that the original proposed language implied that there was a Federal law requiring that handguns be stored or locked in a particular fashion. However, in response to the comments received on this issue, the final rule modifies the language of this provision to state that "Safely storing and securing firearms away from children will help prevent the unlawful possession of handguns by juveniles, stop accidents, and

save lives." This statement encourages handgun owners to ensure compliance with the law as well as to promote general gun safety.

Finally, the order of the four provisions has been rearranged for purposes of clarity. The revised language of the sign and notice is reflected in the regulations portion of this Treasury Decision.

Regulatory Flexibility Act

It is hereby certified under the provisions of Section 3 of the Regulatory Flexibility Act, 5 U.S.C. 605(b), that this final rule will not have a significant economic impact on a substantial number of small entities. The notices and signs that are required in this document will be provided free of charge by the Federal Government to Federal firearms licensees. Licensees may choose to provide the required written notice in another format; however, they always have the option of using the notices provided by ATF. Moreover, the new requirements relating to the posting of signs and the distribution of notices will place only a minimal burden on firearms licensees. Accordingly, a regulatory flexibility analysis is not required.

Executive Order 12866

It has been determined that this regulation is not a significant regulatory action as defined by Executive Order

12866. Accordingly, this regulation is not subject to the analysis required by this Executive Order.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35, and its implementing regulations, 5 CFR part 1320, do not apply to this final rule because no new reporting or recordkeeping requirements are imposed.

List of Subjects in 27 CFR Part 178

Administrative practice and procedure, Arms and ammunition, Authority delegations, Customs duties and inspections, Exports, Imports, Military personnel, Penalties, Reporting requirements, Research, Seizures and forfeitures, and Transportation.

Authority and Issuance

27 CFR Part 178--COMMERCE IN FIREARMS AND AMMUNITION is amended as follows:

Paragraph 1. The authority citation for 27 CFR Part 178 continues to read as follows:

Authority: 5 U.S.C. 552(a); 18 U.S.C. 847, 921-930; 44 U.S.C. 3504(h).

Par. 2. Section 178.103 is added to Subpart F to read as follows:

§ 178.103 Posting of signs and written notification to purchasers

of handguns.

(a) Each licensed importer, manufacturer, dealer, or collector who delivers a handgun to a nonlicensee shall provide such nonlicensee with written notification as described in paragraph (b) of this section.

(b) The written notification (ATF I 5300.2) required by paragraph (a) of this section shall state as follows:

1) The misuse of handguns is a leading contributor to juvenile violence and fatalities.

2) Safely storing and securing firearms away from children will help prevent the unlawful possession of handguns by juveniles, stop accidents, and save lives.

(3) Federal law prohibits, except in certain limited circumstances, anyone under 18 years of age from knowingly possessing a handgun, or any person from transferring a handgun to a person under 18.

4) A knowing violation of the prohibition against selling, delivering, or otherwise transferring a handgun to a person under the age of 18 is, under certain circumstances, punishable by up to 10 years in prison.

FEDERAL LAW

The Gun Control Act of 1968, 18 U.S.C. Chapter 44, provides in pertinent part as follows:

18 U.S.C. § 922(x)

(x) (1) It shall be unlawful for a person to sell, deliver, or otherwise transfer to a person who the transferor knows or has reasonable cause to believe is a juvenile--

(A) a handgun; or

(B) ammunition that is suitable for use only in a handgun.

(2) It shall be unlawful for any person who is a juvenile to knowingly possess--

(A) a handgun; or

(B) ammunition that is suitable for use only in a handgun.

(3) This subsection does not apply to --

(A) a temporary transfer of a handgun or ammunition to a juvenile or to the possession or use of a handgun or ammunition by a juvenile if the handgun and ammunition are possessed and used by the juvenile--

(i) in the course of employment, in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch), target practice, hunting, or a course of instruction in the safe and lawful use of a handgun;

(ii) with the prior written consent of the juvenile's parent or guardian who is not prohibited by Federal, State, or local law from possessing a firearm, except--

(I) during transportation by the juvenile of an unloaded handgun in a locked container directly from the place of transfer to a place at which an activity described in clause (i) is to take place and transportation by the juvenile of that handgun, unloaded and in a locked container, directly from the place at which such an activity took place to the transferor; or

(II) with respect to ranching or farming activities as described in clause (i), a juvenile may possess and use a handgun or ammunition with the prior written approval of the juvenile's parent or legal guardian and at the direction of an adult who is not prohibited by Federal, State,

or local law from possessing a firearm;

(iii) the juvenile has the prior written consent in the juvenile's possession at all times when a handgun is in the possession of the juvenile; and

(iv) in accordance with State and local law;

(B) a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun in the line of duty;

(C) a transfer by inheritance of title (but not possession) of a handgun or ammunition to a juvenile; or

(D) the possession of a handgun or ammunition by a juvenile taken in defense of the juvenile or other persons against an intruder into the residence of the juvenile or a residence in which the juvenile is an invited guest.

(4) A handgun or ammunition, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation of this subsection shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned to the lawful owner when such handgun or ammunition is no longer required by the Government for the purposes of investigation or prosecution.

(5) For purposes of this subsection, the term "juvenile" means a person who is less than 18 years of age.

(6) (A) In a prosecution of a violation of this subsection, the court shall require the presence of a juvenile defendant's parent or legal guardian at all proceedings.

(B) The court may use the contempt power to enforce subparagraph (A).

(C) The court may excuse attendance of a parent or legal guardian of a juvenile defendant at a proceeding in a prosecution of a violation of this subsection for good cause shown.

18 U.S.C. § 924(a)(6)

(6) (A) (i) A juvenile who violates section 922(x) shall be fined under this title, imprisoned not more than 1 year, or both, except that a juvenile described in clause (ii) shall be sentenced to probation on appropriate conditions and shall not be incarcerated unless the juvenile fails to comply with a condition

of probation.

(ii) A juvenile is described in this clause if--

(I) the offense of which the juvenile is charged is possession of a handgun or ammunition in violation of section 922(x)(2); and

(II) the juvenile has not been convicted in any court of an offense (including an offense under section 922(x) or a similar State law, but not including any other offense consisting of conduct that if engaged in by an adult would not constitute an offense) or adjudicated as a juvenile delinquent for conduct that if engaged in by an adult would constitute an offense.

(B) A person other than a juvenile who knowingly violates section 922(x)--

(i) shall be fined under this title, imprisoned not more than 1 year, or both; and

(ii) if the person sold, delivered, or otherwise transferred a handgun or ammunition to a juvenile knowing or having reasonable cause to know that the juvenile intended to carry or otherwise possess or discharge or otherwise use the handgun or ammunition in the commission of a crime of violence, shall be fined under this title, imprisoned not more than 10 years, or both.

(c) This written notification shall be delivered to the nonlicensee on ATF I 5300.2, or in the alternative, the same written notification may be delivered to the nonlicensee on another type of written notification, such as a manufacturer's or importer's brochure accompanying the handgun; a manufacturer's or importer's operational manual accompanying the handgun; or a sales receipt or invoice applied to the handgun package or container delivered to a nonlicensee. Any written notification delivered to a nonlicensee other than on ATF I 5300.2 shall include the language set forth in paragraph (b) of this section

in its entirety. Any written notification other than ATF I 5300.2 shall be legible, clear, and conspicuous, and the required language shall appear in type size no smaller than 10-point type.

(d) Except as provided in paragraph (f) of this section, each licensed importer, manufacturer, or dealer who delivers a handgun to a nonlicensee shall display at its licensed premises (including temporary business locations at gun shows) a sign as described in paragraph (e) of this section. The sign shall be displayed where customers can readily see it. Licensed importers, manufacturers, and dealers will be provided with such signs by ATF. Replacement signs may be requested from the ATF Distribution Center.

(e) The sign (ATF I 5300.1) required by paragraph (d) of this section shall state as follows:

1) The misuse of handguns is a leading contributor to juvenile violence and fatalities.

2) Safely storing and securing firearms away from children will help prevent the unlawful possession of handguns by juveniles, stop accidents, and save lives.

(3) Federal law prohibits, except in certain limited circumstances, anyone under 18 years of age from knowingly possessing a handgun, or any person from transferring a handgun

to a person under 18.

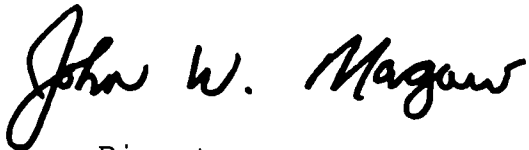
4) A knowing violation of the prohibition against selling, delivering, or otherwise transferring a handgun to a person under the age of 18 is, under certain circumstances, punishable by up to 10 years in prison.

NOTE: ATF I 5300.2 provides the complete language of the statutory prohibitions and exceptions provided in 18 U.S.C. 922(x) and the penalty provisions of 18 U.S.C. 924(a)(6). The Federal firearms licensee posting this sign will provide you with a copy of this publication upon request. Requests for additional copies of ATF I 5300.2 should be mailed to the ATF Distribution Center, P.O. Box 5950, Springfield, Virginia 22150-5950.

(f) The sign required by paragraph (d) of this section need not be posted on the premises of any licensed importer, manufacturer, or dealer whose only dispositions of handguns to

nonlicensees are to nonlicensees who do not appear at the
licensed premises and the dispositions otherwise comply with the
provisions of this part.

Signed: MAY 28 1998

A handwritten signature in black ink, reading "John W. Magaw". The signature is written in a cursive style with a large, stylized initial "J".

Director

Approved:

Deputy Assistant Secretary

(Regulatory, Tariff and Trade Enforcement)

07/07/98 16:31 FAX 202 458 5557

DOMESTIC POLICY COUNCIL

0003

**President Clinton: Promoting Gun Safety and Responsibility
Questions and Answers
July 8, 1998**

(ATF & DOJ
don't like the
term "directive"
since POTUS
can't direct
FFLCs)

Youth Handgun Safety Signs and Warnings

Q: Can you tell us more about the signs and warnings that gun dealers will be required to post and issue?

A: On June 11, 1997, the President ~~signed a directive~~ ^{directed the Secretary of the Treasury to propose regulations that would} require federal firearms dealers to post signs and issue warnings about the responsibility that gun purchasers have under current law to not transfer a handgun to juveniles — as well as about the dangers that handguns pose to children generally.

After going through an extensive comment period — and hearing from gun manufacturers, gun control advocates, and others — the President today announced that next Monday the Department of the Treasury will publish in the Federal Register the final regulation requiring federally licensed gun dealers to post signs and issue warnings to handgun purchasers concerning youth handgun safety. The signs, which are 17" x 22" in size, and written warnings will be printed and distributed through the Bureau of Tobacco, Alcohol and Firearms (ATF). Approximately 90,000 federally licensed firearms manufactures, importers and dealers will have to comply with this new regulation.

Q: What happens if a gun dealer refuses to post the new signs or issue the written notices provided by ATF?

A: Any licensee who willfully fails to comply with the Gun Control Act -- or regulations promulgated under the Gun Control Act -- is subject to having his or her license revoked.

Q: How many firearms used by juveniles actually come from federally licensed gun dealers?

A: According to ATF's tracing data, nearly all firearms used by juveniles can be originally traced back to a federally licensed gun dealer; however, the firearms may have gone through several other persons in the interim. And in the 17 cities where ATF, as part of the President's Youth Crime Gun Interdiction Initiative, is tracing all recovered crime guns — one out of every ten is traced back to a juvenile. ~~is recovered from a juvenile.~~ ^{is recovered from a juvenile.}

Thus, there is ample evidence that for almost every gun that gets into a juvenile's hands, an adult had the opportunity -- in fact, the legal responsibility -- to stop that transfer from taking place. The signs and warnings being required by the Administration will put adult gun purchasers on notice about this responsibility and warn them about the legal sanctions that may apply if this responsibility is ignored.

07/07/98 16:31 FAX 202 456 5557

DOMESTIC POLICY COUNCIL

004

Q: Can you clarify under what authority the Administration is requiring gun dealers to post these signs and issues written notices?

A: The authority for this action is two-fold: (1) 18 U.S.C. Sec. 926(a) generally provides that the Secretary of the Treasury may prescribe certain rules and regulations to carry out the provisions of the 1968 Gun Control Act; and (2) 18 U.S.C. Sec. 922(x)(1) -- or the Youth Handgun Safety Act, which was included by Senator Kohl as an amendment to the 1994 Crime Act -- prohibits, in most circumstances, juveniles from possessing handguns, and adults from transferring handguns to juveniles.

Q: Why did it take the Treasury Department so long to implement the President's directive of June 11, 1997?

A: Pursuant to the Administrative Procedure Act, agencies are generally required to provide notice and comment prior to issuing a final regulation. On August 27, 1997, ATF issued a notice of proposed rulemaking. The comment period for this rulemaking closed on November 25, 1997. After carefully considering the 62 comments received in response to the proposed rule, ATF drafted the final regulation being announced today.

Q: What punishments are provided for in the Youth Handgun Safety Act?

A: Juveniles who violate the ban on handgun possession are subject to mandatory probation. Adults who violate the prohibition on transferring handguns to juveniles are punishable by a prison term of 1 to 10 years, depending on the circumstances. If the transferor knew or had reasonable cause to believe that the juvenile intended to carry or use the handgun in the commission of a crime of violence, the punishment may be a fine and/or imprisonment of up to ten years. In other circumstances, the punishment may be a fine and/or imprisonment of up to one year.

Additionally, the Administration has called for increasing both of these penalties in its juvenile crime legislation. Specifically, the Administration has proposed replacing mandatory probation for juveniles with up to one year of imprisonment, and providing for a mandatory minimum sentence of three years for adults who knowingly transfer a handgun for a juvenile to use in a violent crime.

Child Access Prevention Legislation (CAP)

Q: In challenging Congress to pass federal CAP legislation, did the President specifically endorse the Durbin-Chafee bill?

A: The President believes that the Durbin-Chafee bill -- and similar language incorporated into broader gun legislation introduced by Senator Kennedy and Representative McCarthy -- is a good first start. It is a serious bipartisan attempt to promote gun safety and responsibility throughout our country by holding gun-owning adults who fail to keep loaded firearms out of the reach of children criminally responsible for their actions.

and, for a second offense, up to five years imprisonment.
The Administration also proposes providing

07/07/98 10:35 FAX 202 927 8673

Fifteen states have enacted CAP laws, and a recent study by the Journal of the American Medical Association found that they reduced unintentional shootings by an average of 23%. So the President supports the Durbin-Chafee effort, and he has asked the Secretary of the Treasury and Attorney General to work with the Senators to pass the best federal CAP law possible.

Q: What are the 15 states with CAP laws?

A: The 15 states with CAP laws on the books include:

Florida (enacted in 1989);
Connecticut (enacted in 1990);
Iowa (enacted in 1990);
California (enacted in 1991);
Nevada (enacted in 1991);
New Jersey (enacted in 1991);
Virginia (enacted in 1991);
Wisconsin (enacted in 1991);
Hawaii (enacted in 1992);
Maryland (enacted in 1992);
Minnesota (enacted in 1993);
North Carolina (enacted in 1993);
Delaware (enacted in 1993);
Rhode Island (enacted in 1995); and
Texas (enacted in 1995).

Maryland Gun Enforcement Initiative

Q: What exactly is the Administration's role in the Maryland Gun Enforcement Initiative being announced today.

A: The Administration welcomes Maryland's new initiative as a way to expand collaboration with federal law enforcement in investigating, prosecuting and incarcerating illegal gun traffickers and reducing gun violence. Baltimore is already one of the 27 cities tracing all recovered crime guns as part of the President's Youth Crime Gun Interdiction Initiative. The initiative announced today will allow the Administration to expand this effort to the entire state of Maryland. By helping Maryland trace all recovered firearms, Maryland can maximize information about the illegal sources of firearms and build a statewide strategy against illegal firearms trafficking.

Maryland's new initiative demonstrates that federal, state, and local law enforcement can work together to broaden their approach from simply reacting to gun crimes -- to a proactive enforcement strategy aimed at reducing the illegal supply of guns and preventing gun violence in the first place.

Record Type: Record

CC:

1. CAP -- I think we should say that Sen. Durbin and Chafee have introduced this bill. (They are going to be on stage, so we need to explain it in the paper). I think we may want to mention that there are other bills pending that include CAP, but I defer to you on that. McCarthy is not coming to the event, but is happy we're doing it.

3. MD INITIATIVE -- I think we should add a second paragraph that explains what the Youth Crime Gun Interdic. Initiative is -- how we piloted it in 27 cities, and how it's working. And how Cong. has voted for \$20 million more for gun tracing and the President will be calling on the Senate to also do....

President Clinton: Promoting Gun Safety and Responsibility

July 8, 1998

Today, President Clinton announces three new steps that the Administration will take to continue to promote gun safety and responsibility throughout the country. Specifically, the Administration will: (1) require federally licensed gun dealers to post signs and issue warnings concerning juvenile handgun possession; (2) call on states and Congress to pass Child Access Prevention legislation; and (3) partner with the State of Maryland to reduce gun-related violence.

Warning Prospective Gun Purchasers

- **The Youth Handgun Safety Act.** Passed as part of the 1994 Crime Act, the Youth Handgun Safety Act generally prohibits juveniles from possessing handguns and adults from transferring handguns to juveniles. Today, in response to a directive issued last year by the President, the Treasury Department will announce the publication of a final regulation requiring all federally licensed gun dealers to post signs and issue written warnings concerning that state the following:

(1) The misuse of handguns is a leading contributor to juvenile violence and fatalities;

(2) Safely storing and securing firearms away from children will help prevent the unlawful possession of handguns by juveniles, stop accidents and save lives;

(3) Federal law prohibits, except in certain limited circumstances, any one under 18 years of age from knowingly possessing a handgun, or any person from selling, delivering or otherwise transferring a handgun to a person under 18; and

(4) A knowing violation of the prohibition against, selling, delivering or otherwise transferring a handgun to a persons under 18 is, under certain circumstances, punishable by up to 10 years in prison.

Holding Gun-Owning Adults Accountable for Child Safety

- **Nationwide Child Access Prevention (CAP) Laws.** President Clinton will call on states to promote gun safety and responsibility by passing Child Access Prevention (CAP) laws that hold adults responsible if they allow children easy access to loaded firearms. Fifteen states have already enacted such CAP laws. The President will also call on Congress to pass a tough, targeted federal CAP law with new penalties to punish the most egregious offenders. A recent study published by the Journal of the American Medical Association found that CAP laws reduced fatal unintentional shootings by an average of 23%.

Partnering With State and Local Law Enforcement

- **Maryland Gun Enforcement Initiative.** Building on the President's Youth Crime Gun Interdiction Initiative, the Administration will partner with the State of Maryland to launch a joint ATF-Maryland State Police initiative effort to trace every crime gun seized in the state. Additionally, Maryland will target "Youth Gun HotSpots" throughout the state; expand enforcement of the state's CAP law; and establish an Office of Gun Enforcement to coordinate these efforts and generally facilitate gun investigations.

456-2531

From: Mariano Cuellar
 To: JohnsonJE, BresseeE, MedinaD
 Date: 7/6/98 4:21pm
 Subject: Latest on CAP from DoJ

Attorney General Reno has not yet decided on DoJ's position regarding CAP legislation. Meanwhile, E. Kinney Zalesne has recommended that the White House not directly endorse the Durbin legislation or even a federal CAP law. Instead, she has recommended that the announcement emphasize:

- 1) Parents play an important role in ensuring the safety of their children against firearms.
- 2) States should pass CAP legislation (this is already Administration policy);
- 3) There is a ^{proper} limited federal role in ^{proper} CAP enforcement, and the Administration ^{is} ~~will work with congress to fashion an appropriate response.~~ ^{is} ~~will work with congress to fashion an appropriate response.~~

Every state should pass tough penalties for the most serious violations. Applaud C.D. for putting us on the road to making the law of the land.

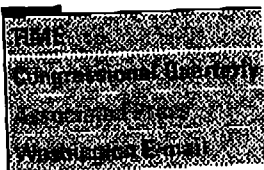
Tino CAP. Congress should pass

cc: WellingtonC

Further down the road

Per your conversation with Secretary Rubin

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Clinton Endorses Gun Access Bill

By **ROBERT BURNS**
Associated Press Writer

WASHINGTON (AP) President Clinton is embracing a bipartisan Senate proposal to impose criminal penalties on any adult whose gun is used by a child to harm someone and the gun was not stored safely.

Clinton was scheduled to announce his support for the measure Wednesday as part of a White House event in which the president was to use his executive authority to take other steps aimed at limiting child access to guns, administration officials said Tuesday on condition of anonymity.

White House press secretary Mike McCurry said the administration was "continuing our efforts to protect children from gun violence," but he would not be more specific.

Clinton has spoken out frequently on youth gun violence in the weeks since a spate of shooting incidents at schools, including the May 21 attack on students at a high school in Springfield, Ore. During a visit to the school last month, Clinton endorsed legislation introduced by Oregon Sens. Ron Wyden and Gordon Smith to require that students caught with guns be held over by officials for 72 hours of observation and evaluation.

Clinton also has urged congressional action on his proposal for a lifetime ban on gun purchases by violent juveniles and for \$95 million in crime prevention efforts, including after-school programs.

The Senate bill Clinton was to endorse Wednesday takes a new tack.

Sen. John H. Chafee, R-R.I., said Clinton had agreed to back his proposal, introduced with Sen. Richard Durbin, D-Ill., and known as the "Child Firearms Access Prevention Act."

Durban said he understood the president supported the concept behind his legislation.

"Before we start another school year in America, we need to do everything in our power to reduce the likelihood of more violent incidents like Jonesboro, Ark.," Durban said, referring to the shooting at a middle school in March in which four students and a teacher were killed. "This bill moves us in that direction."

The proposal already has the backing of gun control advocates Jim and Sarah Brady, as well as the Children's Defense Fund and the American Academy of Pediatrics, Chafee said. It is designed to encourage adults to store their guns and bullets safely out of reach of children.

Under the Chafee-Durbin proposal, an adult who left a loaded gun in a bureau drawer, for example, would face criminal penalties if the gun was used by a child to harm someone.

"There are few bills where lawmakers can make a real difference and where we can rightly claim to be saving children's lives; this is surely one of them," Chafee said.

(07 Jul 1998 19:26 EDT)

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Rahm-Rubin Agreed to Language:

Nearly every gun wielded by a child can be traced back to an irresponsible adult. In Maryland and 14 other states, parents have a legal responsibility to keep guns locked, unloaded, and out of the reach of young hands. This should law be the law in 50 states, and the practice in every home. But there is also a proper federal role in preventing children's access to firearms, and Congress should pass a tough, targeted federal child access prevention law with new penalties to punish the most egregious offenders. I applaud Senators Chafee and Durbin for starting us down the road to making this the law of the land.

President Clinton: Promoting Gun Safety and Responsibility

July 8, 1998

Today, President Clinton announces three new steps that the Administration will take to continue to promote gun safety and responsibility throughout the country. Specifically, the Administration will: (1) require federally licensed gun dealers to post signs and issue warnings concerning juvenile handgun possession; (2) call on states and Congress to pass Child Access Prevention legislation; and (3) partner with the State of Maryland to reduce gun-related violence.

Warning Prospective Gun Purchasers

- **The Youth Handgun Safety Act.** Passed as part of the 1994 Crime Act, the Youth Handgun Safety Act generally prohibits juveniles from possessing handguns and adults from transferring handguns to juveniles. Today, in response to a directive issued last year by the President, the Treasury Department will announce the publication of a final regulation requiring all federally licensed gun dealers to post signs and issue written warnings concerning that state the following:

(1) The misuse of handguns is a leading contributor to juvenile violence and fatalities;

(2) Safely storing and securing firearms away from children will help prevent the unlawful possession of handguns by juveniles, stop accidents and save lives;

(3) Federal law prohibits, except in certain limited circumstances, any one under 18 years of age from knowingly possessing a handgun, or any person from selling, delivering or otherwise transferring a handgun to a person under 18; and

(4) A knowing violation of the prohibition against, selling, delivering or otherwise transferring a handgun to a persons under 18 is, under certain circumstances, punishable by up to 10 years in prison.

Holding Gun-Ownning Adults Accountable for Child Safety

- **Nationwide Child Access Prevention (CAP) Laws.** President Clinton will call on states to promote gun safety and responsibility by passing Child Access Prevention (CAP) laws that hold adults responsible if they allow children easy access to loaded firearms. Fifteen states have already enacted such CAP laws. The President will also call on Congress to pass a tough, targeted federal CAP law with new penalties to punish the most egregious offenders. A recent study published by the Journal of the American Medical Association found that CAP laws reduced fatal unintentional shootings by an average of 23%.

Partnering With State and Local Law Enforcement

- **Maryland Gun Enforcement Initiative.** Building on the President's Youth Crime Gun Interdiction Initiative, the Administration will partner with the State of Maryland to launch a joint ATF-Maryland State Police initiative effort to trace every crime gun seized in the state. Additionally, Maryland will target "Youth Gun HotSpots" throughout the state; expand enforcement of the state's CAP law; and establish an Office of Gun Enforcement to coordinate these efforts and generally facilitate gun investigations.

Maryland Gun Enforcement Initiative

- The Administration is voicing its support for the Maryland Governor and the Lt. Governor's new Gun Enforcement Initiative.
- We welcome Maryland's new initiative as a way to expand the state's collaboration with federal law enforcement in investigating, prosecuting and incarcerating illegal gun traffickers and reducing gun violence.
- Baltimore is one of 27 cities tracing all recovered crime guns as part of the Youth Crime Gun Interdiction Initiative. Maryland will build on Baltimore's experience by expanding comprehensive gun tracing from Baltimore to the entire state. By tracing all recovered weapons, Maryland will maximize its information about the illegal sources of firearms. It will gain the informational tools to build a statewide strategy against illegal firearms trafficking, and to support local gun interdiction initiatives throughout the state.
- Maryland's new Gun Enforcement Initiative is a prime example of how law enforcement today is broadening its approach from primary focus on a reactive strategy of arresting criminals who have used guns to commit crimes, to also include proactive, strategic enforcement aimed at reducing the illegal supply of guns and preventing gun violence.
- Maryland's initiative demonstrates that there can be a more efficient, targeted use of existing resources and without a major infusion of federal funds. If Congress approves the Administration's budget request for the Youth Crime Gun Interdiction Initiative, 6 additional ATF agents will be sent to Baltimore to work with the U.S. Attorney and local prosecutors in focusing on the illegal supply of guns, especially to youth and juveniles. Through its initiative, Maryland is providing the resources to allow state and local law enforcement officials to work as effectively as possible with the U.S. Attorney and ATF agents in the state.
- The U.S. Attorney, ATF, the State Police, and local police departments will cooperate at every level of the initiative. This smart and systematic collaboration includes:
 - Statewide gun tracing and illegal trafficking analysis
 - information sharing through a new Office of Gun Enforcement within the State police and the establishment of a State Police liaison with ATF's National Tracing Center;
 - a statewide toll-free gun tip hotline to involve State Police and ATF;
 - expanded investigations and prosecutions of gun crimes by the federal, State, and local law enforcement
 - use of ATF, State and local information to assist local law enforcement agencies in developing gun enforcement strategies
- The initiative will also expand enforcement and awareness of Maryland's Child Gun Access Prevention Law.

July 7, 1998

YOUTH HANDGUN SAFETY EVENT

DATE: July 8, 1998
LOCATION: Rose Garden
BRIEFING TIME: 10:55 am
EVENT TIME: 11:30 am
FROM: Bruce Reed

I. PURPOSE

To announce three news steps that the Administration will take to continue to promote gun safety and responsibility throughout the country. Specifically, you will: (1) call on Congress to pass Child Access Prevention (CAP) legislation; (2) require federally licensed gun dealers to post signs and issue warnings concerning juvenile handgun possession; and (3) partner with the State of Maryland to reduce gun-related violence.

II. BACKGROUND

You will be addressing approximately 100 law enforcement representatives and gun safety advocates on the importance of keeping guns out of the hands of children. As you know, the recent surge of school shootings has fueled in increased national attention in gun safety and responsibility. This event is an opportunity to highlight the Administration's ongoing commitment to reducing youth gun violence. You will be introduced by Suzann Wilson, the mother of Brittheny Varner who, at age 11, was one of the victims of the Jonesboro school shooting. As an Arkansas native, Suzann is supportive of gun ownership but has now become a strong advocate for national CAP legislation.

Specifically you will make the following announcements:

- **A National Child Access Prevention (CAP) Law.** You will call on Congress to promote gun safety and responsibility nationwide by working with the Administration to pass federal legislation that holds gun owners criminally responsible if they fail to keep loaded firearms out of the reach of children. Fifteen states have enacted Child Access Prevention (CAP) laws. A recent study published by the Journal of the American Medical Association found that CAP laws reduced fatal unintentional shootings by an average of 23%. Senators Durbin and Chafee have introduced a CAP bill in the Senate. In addition, Rep. Carolyn McCarthy's and Senator Kennedy have included a CAP proposal as part of a broader gun package.

- The Youth Handgun Safety Act.** Passed as part of the 1994 Crime Act, the Youth Handgun Safety Act generally prohibits juveniles from possessing handguns and adults from transferring handguns to juveniles. In response to your directive to the Treasury Department last year, the ATF will now publish a final regulation requiring all federally licensed gun dealers to post signs and issue written warnings that state the following:

(1) The misuse of handguns is a leading contributor to juvenile violence and fatalities;

(2) Safely storing and securing firearms away from children will help prevent the unlawful possession of handguns by juveniles, stop accidents and save lives;

(3) Federal law prohibits, except in certain limited circumstances, any one under 18 years of age from knowingly possessing a handgun, or any person from selling, delivering or otherwise transferring a handgun to a person under 18; and

(4) A knowing violation of the prohibition against, selling, delivering or otherwise transferring a handgun to a persons under 18 is, under certain circumstances, punishable by up to 10 years in prison.
- Maryland Gun Enforcement Initiative.** Building on your Youth Crime Gun Interdiction Initiative, which is tracing all crime guns in 27 pilot cities, you will announce that the Administration will partner with the State of Maryland to launch a joint ATF-Maryland State Police initiative effort to trace every crime gun seized in the state. Additionally, Maryland will target "Youth Gun HotSpots" throughout the state; expand enforcement of the state's CAP law; and establish an Office of Gun Enforcement to coordinate these efforts and generally facilitate gun investigations.

III. PARTICIPANTS

Briefing Participants:

Bruce Reed
 Rahm Emanuel
 Larry Stein
 Jose Cerda

Event Participants:

Attorney General Reno
 Secretary Rubin
 Suzann Wilson, mother of Jonesboro school shooting victim
 Superintendent of Maryland State Police, Colonel David Mitchell

Seated on stage:

Secretary Riley
 Senator Richard Durbin
 Senator John Chafee

Senator Kennedy
Representative Carolyn McCarthy

IV. PRESS PLAN

Open Press.

V. SEQUENCE OF EVENTS

- **YOU** will be announced onto stage accompanied by Secretary Rubin, Attorney General Reno, Colonel David Mitchell, and Suzann Wilson.
- Secretary Rubin will make remarks and introduce Colonel David Mitchell.
- Colonel David Mitchell will make remarks and introduce Attorney General Reno.
- Attorney General Reno will make remarks and introduce Suzann Wilson.
- Suzann Wilson will make remarks and introduce **YOU**.
- **YOU** will make remarks and then depart.

VI. REMARKS

Remarks Provided by Speechwriting.

Draft 07/07/98 12:00pm

PRESIDENT WILLIAM J. CLINTON
REMARKS ON CHILDREN AND HANDGUN SAFETY
THE ROSE GARDEN
July 8, 1998

Acknowledgments: Secs. Rubin and Riley; AG Reno; Sens. Chafee and Durbin; Lt. Gov. Kathleen Kennedy Townsend; Superintendent of Maryland State Police David Mitchell; Jonesboro parent Suzanne Wilson

I will always remember receiving the news about Jonesboro, about the gunshots that shattered the peace and so many families in a quiet town in my home state. My thoughts and prayers -- like those of every American -- went to Suzanne Wilson and all who grieved. It struck me that every family or community in our nation has been, in some way, wounded by a troubled child who finds a gun and takes a life.

We do not understand what drives a child toward such terrible acts, even as crime is in overall decline. We struggle, as a nation, for answers; we consider the impact of popular culture and the importance of good parenting. But if there is one thing we know for certain, it is this: the combination of children and firearms is deadly. As parents, as communities, as public officials, we cannot allow easy access to weapons that kill.

That is why, for five years now, our administration has worked to protect America's children. We are making progress with the help of hardworking officials like Lt. Governor Kennedy Townsend and Police Superintendent Mitchell. We are well under way toward putting 100,000 community police on the streets. School security is tighter; prevention is better; penalties are tougher. We have promoted discipline with curfews, school uniforms, and anti-truancy policies. And we are showing zero tolerance toward guns in schools, preventing of countless acts of violence like the one in Jonesboro.

Our laws are strong; our enforcement is swift and resolute. But recent events remind us it is still too easy for deadly weapons to fall into young hands, by intent or by accident. We cannot shrug our shoulders and say, simply, Accidents will happen, Some kids are just bad apples. We must, every one of us, step up to our responsibility. And so, today, we are putting gun owners, purchasers and dealers on notice: protecting children is your responsibility, too. There are penalties if you fail to fulfill it.

From now on, no one who enters a gun shop should mistake their responsibility. In response to the directive I issued to Secretary Rubin last year, all federal gun dealers will now be required to issue written warnings and post signs like this one. As the sign makes plain -- in the simple, direct language of the law -- it is illegal to sell, deliver, or transfer a handgun to a minor.

Responsibility at gun shops must be followed by responsibility at home. Guns are kept in the home for many purposes, from hunting to self-defense. This is every family's right, and it is

not in question; the real issue is every parent's responsibility to keep guns away from unsupervised children. Because when guns are stored carelessly, children will find them, pick them up, court danger. Most will put them back where they found them. Others, as we know by hard experience, will touch the trigger by accident; and a troubled few will take the guns to school, violence in mind.

Nearly every gun wielded by a child can be traced back to an irresponsible adult. That is why the child access prevention bill proposed by Senators Chafee and Durbin is so important. In Maryland and 14 other states, parents have a legal responsibility to keep guns locked, unloaded, and out of the reach of young hands. This should be the law in all 50 states, and the practice in every home. By setting this national standard, Congress can show it is serious about its responsibility to America's children. Congress should also pass the juvenile crime bill I have proposed, which would ban violent juveniles from buying guns for life and take other important steps toward crime prevention. I urge Congress to step up to its responsibility and put progress above partisanship.

Of course, our responsibilities as a nation reach beyond law and policy; they touch our most basic values of respect, of right and wrong, of conscience and community. Government cannot teach these values. Only parents can. But there is much we can do, in the halls of Congress and in state and local governments across our land. It is our obligation to America's children that we get it done without delay. In this way we will ensure our children a safer, and better, future in the 21st century.

President Clinton: Promoting Gun Safety and Responsibility

July 8, 1998

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Rahm-Rubin Agreed to Language:

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STATE OF MARYLAND
OFFICE OF
THE LIEUTENANT GOVERNOR

KATHLEEN KENNEDY TOWNSEND
LT. GOVERNOR

June 12, 1998

William Jefferson Clinton
President of the United States
1600 Pennsylvania Avenue N.W.
Washington D.C. 20500

Dear Mr. President:

As you are aware, our Administration's 1996 gun control legislation has already made a significant dent in the use of illegal weapons in Maryland. At the same time, to boost our impact on gun violence, Governor Glendening and I are developing a statewide Gun Enforcement Initiative to aggressively target criminals and juveniles who use and sell illegal firearms.

I have asked Treasury Secretary Rubin for his further support in strengthening our initiative, particularly by enhancing coordination between Federal, State and local authorities. Building on your Youth Crime Gun Interdiction Initiative, our effort will make Maryland the first state in the country to join in partnership with the Bureau of Alcohol, Tobacco and Firearms to implement statewide tracing and analysis of all crime guns.

I respectfully request that you attend an event to be held in mid to late July to launch this exciting initiative. We will accommodate your schedule. If you are not able to attend, we would request that Vice President Gore, Secretary Rubin or Attorney General Reno speak on behalf of the Clinton-Gore Administration.

Our event would be an excellent opportunity to showcase your Administration's efforts to combat gun violence, both through stronger gun control laws and through stricter enforcement aimed at keeping guns out of the hands of criminals. I believe this two-pronged approach will maximize reduction of gun-related crime and draw public focus to effective, proactive law enforcement strategies.

I greatly hope that either you, the Vice President, Secretary Rubin or the Attorney General can join us.

With warm wishes,

Kathleen Kennedy Townsend

Kathleen Kennedy Townsend
Lt. Governor

1998 MARYLAND GUN ENFORCEMENT INITIATIVE

CONCEPT DESCRIPTION

Goal	Reduce gun related crime in the State by 50% by 2002
Issue	Crime rates throughout Maryland are decreasing because police and community members are working together proactively to prevent crime, reduce fear and improve the quality of life in neighborhoods. However, instances of gun related violence -- particularly those involving our youth -- are still unacceptably high. Law enforcement officials throughout the nation have found that reactive and "random" efforts to stop gun-related crime do little to prevent gun-related violence. When the justice system treats a gun-related crime as an individual event, it ignores that the event is part of a complex problem with many roots and branches. Several jurisdictions have successfully reduced gun-related crime by implementing programs based on the following two principles: (1) stopping gun-related violence must -- in itself -- be a priority; and (2) proactive collaboration between Federal, State and local authorities based on shared information and a formal plan.
Solution	The State of Maryland, in close cooperation with federal authorities, will expand existing State-sponsored community policing efforts and the HotSpot Communities Initiative by assisting local jurisdictions in reducing gun-related crime and violence. The State will implement a comprehensive effort to prevent the illegal trafficking of guns to violent criminals, gang members, and juveniles. This project will incorporate elements of President Clinton's Youth Crime Gun Interdiction Initiative. Maryland will be the first State to seek to reduce gun violence by utilizing a comprehensive statewide approach. Under the initiative, every crime gun seized across Maryland will be traced as part of an effort to analyze illegal gun trafficking patterns, and identify and prosecute violators. Working together, Federal, State and local agencies will intensify enforcement and prosecution efforts. The State will provide resources to help defray the cost of implementing locally-based crime gun enforcement strategies.

1998 MARYLAND GUN ENFORCEMENT INITIATIVE

PROGRAM DETAIL

Statewide Crime Gun Tracing and Illegal Gun Trafficking Analysis

Crime gun tracing provides law enforcement critical information regarding where and from whom criminals get the guns they use to commit crimes. It helps law enforcement track illegal gun trafficking patterns. Through crime gun tracing, law enforcement authorities gain critical intelligence that enables them to prevent guns from getting into the hands of criminals and juveniles -- before they can be used in acts of violence. The Bureau of Alcohol, Tobacco and Firearms (ATF) already provides tracing information to some local jurisdictions in Maryland. However, efforts to reduce gun crime will be enhanced if throughout the State, each crime gun seized is traced.

Therefore, the Maryland State Police (MSP) will coordinate an effort involving local law enforcement agencies and ATF to implement standardized statewide crime gun tracing by the year 2000. In addition, the Governor will sign an Executive Order instructing State law enforcement agencies to trace all recovered crime guns.

Analysis is the tool that allows law enforcement to translate gun tracing information and other criminal intelligence into strategies to reduce gun-related crime and violence. Local police, MSP and the Washington/Baltimore High Intensity Drug Trafficking Area project (W/B HIDTA) collect local and/or street-level illegal gun crime intelligence. Examining this information collectively with crime gun tracing information on a statewide basis will create a foundation for police departments to implement strategies to prevent gun-related crime and violence. To facilitate the immediate coordination, collection, analysis and use of this critical information, the MSP will assign a State trooper as a liaison between Maryland law enforcement agencies and the ATF National Tracing Center in West Virginia. Maryland will be the first State to assign a police officer as a liaison. Additionally, MSP will assign two crime analysts to provide local departments with illegal gun trafficking analytical support that will assist departments in identifying trends and illegal gun trafficking patterns so that guns destined for violent criminals, gang members and juveniles can be interdicted before they can be used in a gun-related crime. W/B HIDTA has also committed analytical support.

Support by Division of Probation and Parole and the Department of Juvenile Justice

1 to sharing
The Division of Probation and Parole (DPP) and the Department of Juvenile Justice (DJJ) will forward a copy of any information related to illegal gun activities to MSP so that can be included in the Statewide analysis and intelligence efforts. Probation officers working in the State's designated HotSpot Communities will aggressively support efforts to locate and seize guns that are illegally possessed.

Step up Enforcement of Child Gun Access Prevention

MSP will expand enforcement and public awareness efforts associated with the Child Gun Access prevention law, including distribution of informational flyers to motorists.

Gun Investigations and Prosecutions will be a Priority

MSP will coordinate with local police and ATF to identify, target and dismember illegal trafficking organizations based on the results of the comprehensive, Statewide, trafficking analysis (tracing and street level intelligence) efforts. The MSP Superintendent will appoint a Gun Enforcement Director, responsible for statewide coordination of Federal, State and local illegal gun crime enforcement and intelligence efforts.

DPP, the University of Maryland, and the Governor's Office of Crime Control & Prevention each will appoint a liaison to work with this MSP office. Additionally, MSP will:

- Work with ATF and local police to aggressively pursue illegal gun trafficking investigations within the State;
- Work with ATF and out-of-state police to investigate illegal gun suppliers based outside Maryland;
- Coordinate with ATF, local police and DPP to systematically target for arrest and prosecution violent, repeat offenders involved in gun-related violence.
- Produce an annual report on the status of illegal gun trafficking within the State and the efficacy of trafficking suppression efforts.

The various State Attorneys and the U.S. Department of Justice will be urged to make the prosecution of gun related offenses a priority. Prosecutors will also be asked to work with law enforcement officials to ensure that all arrested individuals are debriefed regarding illegal gun trafficking at the time of arrest. The results of this debriefing could taken into account at the time of charging and/or pleading.

Create Toll Free Information Hotline

The State will create a toll free, hotline that citizens can call to report information regarding the illegal use, sale and possession of guns. Answered by MSP, this information will be forwarded to the appropriate police department. In an emergency or if a gun is seen, citizens will be reminded to call 9-1-1.

Support Creation of Local Strategies

The State of Maryland (through the MSP Office of Gun Enforcement), ATF, and the University of Maryland will work in partnership to assist selected HotSpot Communities to develop and implement comprehensive strategies to reduce gun-related crimes, particularly those committed by juveniles. While some of the HotSpots are involved in gun interdiction, only Baltimore has initiated a comprehensive approach. Each HotSpot will develop a strategy that

will be tailored to meet the needs of that community. ATF, HIDTA and MSP will provide analytical, intelligence and enforcement support, but each local community will take a leadership role in developing and implementing their strategy. The State will provide additional funding to selected local programs that specifically target areas that exhibit high levels of gun violence

Some Gun Enforcement Techniques

1. Zero tolerance patrol
2. Post arrest interviews of all subjects arrested with gun
3. Saturation patrol based on computer mapping or crime analysis
4. Focused interdiction based on intelligence or tips
5. Post shooting visible patrol with emphasis on stop and searches
6. Arrest warrant service of known gun users
7. Gun unit review of each gun contact
8. Knock and talk searches
9. Increase contacts with gang members
10. Empty dwelling searches
11. A gun tip hotline
12. Intelligence bulletins
13. Computerized offense tracking
14. Aggressive use of the parole and probation personnel
15. Removing repeat offenders from the community
16. Aggressive prosecution of those who are arrested in possession of guns
17. Projectile and shell-casing analysis and matching

Steps to creating/implementing a strategy

1. Define the problem
2. Assemble all available resources -- include the community
3. Agree on a goal and develop a comprehensive plan to achieve it
4. Write a strategy -- make it public
5. Assess the program -- does it work

**STATE OF MARYLAND**
OFFICE OF THE GOVERNOR

June 10, 1998

The Honorable Robert E. Rubin
Department of the Treasury
1500 Pennsylvania Ave NW
Washington DC 20220

KATHLEEN KENNEDY TOWNSEND
LT. GOVERNOR

ANNAPOLIS OFFICE
STATE HOUSE
100 STATE CIRCLE
ANNAPOLIS, MARYLAND 21401
(410) 974-2804

WASHINGTON OFFICE
SUITE 311
444 NORTH CAPITOL STREET, N.W.
WASHINGTON, D.C. 20001
(202) 628-2215

TDD (410) 333-7098

Dear Mr. Secretary:

I am writing to ask your further support in strengthening Maryland's efforts to reduce gun violence in our State. Your leadership, and the innovative approaches of the Bureau of Alcohol, Tobacco, and Firearms (ATF) in support of law enforcement authorities in Maryland, are already making a difference. Crime rates throughout Maryland are dropping because police and community members are working together proactively to prevent crime, reduce fear and improve the quality of life in neighborhoods. However, instances of gun-related violence -- particularly those involving our youth -- are still unacceptably high.

To continue to reduce gun fatalities and injuries and community fear in our State, Governor Glendening and I are developing a statewide Gun Enforcement Initiative. Incorporating elements of President Clinton's Youth Crime Gun Interdiction Initiative, the initiative will assist and coordinate local efforts to stop the flow of illegal firearms to violent criminals, gang members and juveniles.

The attached document describes the multi-faceted strategy we envision. As we develop our initiative, your continued support for expanded, comprehensive crime gun tracing and for additional personnel for the ATF Field Offices in both Baltimore and Washington D.C. will be critical. Additionally, your support for a new, strengthened liaison relationship between the State of Maryland and the National Tracing Center will be important to our ability to succeed.

The outstanding men and women of the Baltimore and Washington Field Office's of the ATF have been an important part of Maryland's efforts to reduce violent crime across the State. Clearly, with this initiative, we are seeking to expand an already excellent relationship. I have formally requested that ATF Director McGaw consider our request to assign a Maryland State Trooper as a liaison to the National Tracing Center. Additionally, I am asking his assistance in ensuring that the Baltimore Field Office continues to receive full funding and staffing of both investigators and inspectors. I am pleased that you have requested additional agents for the Baltimore Field Office in the Administration's budget for the Youth Crime Gun Interdiction Initiative and look forward to their placement as soon as Congress approves your request.

Secretary Rubin
June 10, 1998
Page Two

I believe that President Clinton's efforts to reduce gun-related crime have been historic. For the first time in many years, our nation is actually witnessing a sustained reduction in violent crime, particularly in urban areas. It is now time to implement successful strategies on a statewide basis, reaching suburban and rural areas experiencing gun violence as well. I look forward to working with you and the ATF on this important initiative for the safety of our citizens.

With warm wishes,



Kathleen Kennedy Townsend
Lt. Governor
Chair, Cabinet Council on Criminal
and Juvenile Justice

cc: The Honorable Janet Reno
The Honorable Barbara A. Mikulski
The Honorable Paul S. Sarbanes
The Honorable Roscoe G. Bartlett, Jr.
The Honorable Benjamin L. Cardin
The Honorable Elijah E. Cummings
The Honorable Robert L. Ehrlich, Jr.
The Honorable Wayne T. Gilchrest
The Honorable Steny H. Hoyer
The Honorable Constance A. Morella
The Honorable Albert R. Wynn
Robert S. Warsaw, Associate Director, Office of National Drug Control Policy
John McGaw, Director, Bureau of Alcohol, Tobacco and Firearms
Col. David B. Mitchell, Superintendent, Maryland State Police

1998 MARYLAND GUN ENFORCEMENT INITIATIVE

CONCEPT DESCRIPTION

Goal **Reduce gun-related crime in the State by 50% by 2002**

Issue Crime rates throughout Maryland are decreasing because police and community members are working together proactively to prevent crime, reduce fear and improve the quality of life in neighborhoods. However, instances of gun related violence -- particularly those involving our youth -- are still unacceptably high.

Law enforcement officials throughout the nation have found that reactive and "random" efforts to stop gun-related crime do little to prevent gun-related violence. When the justice system treats a gun-related crime as an individual event, it ignores that the event is part of a complex problem with many roots and branches.

Several jurisdictions have successfully reduced gun-related crime by implementing programs based on the following two principles: (1) stopping gun-related violence must -- in itself -- be a priority; and (2) proactive collaboration between Federal, State and local authorities based on shared information and a formal plan.

Solution The State of Maryland, in close cooperation with federal authorities, will expand existing State-sponsored community policing efforts and the HotSpot Communities Initiative by assisting local jurisdictions in reducing gun-related crime and violence.

The State will implement a comprehensive effort to prevent the illegal trafficking of guns to violent criminals, gang members, and juveniles. This project will incorporate elements of President Clinton's Youth Crime Gun Interdiction Initiative. Maryland will be the first State to seek to reduce gun violence by utilizing a comprehensive statewide approach.

Under the initiative, every crime gun seized across Maryland will be traced as part of an effort to analyze illegal gun trafficking patterns, and identify and prosecute violators. Working together, Federal, State and local agencies will intensify enforcement and prosecution efforts. The State will provide resources to help defray the cost of implementing locally-based crime gun enforcement strategies.

1998 MARYLAND GUN ENFORCEMENT INITIATIVE

OPERATIONAL STRATEGIES

Trace Every Crime Gun Seized in Maryland

Crime gun tracing provides law enforcement critical information regarding where and from whom criminals get the guns they use to commit crimes. By acting on tracing intelligence, law enforcement authorities can prevent guns from getting into the hands of criminals and juveniles -- before they can be used in acts of violence. The federal Bureau of Alcohol, Tobacco and Firearms (ATF) currently provides tracing information to some local jurisdictions in Maryland. However, efforts to reduce gun crime will be significantly enhanced by tracing each crime gun seized throughout the state.

Therefore, the Maryland State Police (MSP) will coordinate an effort involving local law enforcement agencies and ATF to implement standardized statewide crime gun tracing by the year 2000. The Governor will sign an Executive Order instructing State law enforcement agencies to trace all recovered crime guns and directing MSP to work with local law enforcement agencies to ensure tracking of every gun seized in Maryland.

Analysis of gun tracing information and other criminal intelligence boosts law enforcement's ability to identify gun traffickers and trafficking patterns. Local police, MSP and the Washington/Baltimore High Intensity Drug Trafficking Area project (HIDTA) collect local and street-level illegal gun crime intelligence. Examining this information collectively with crime gun tracing information on a statewide basis will create a foundation for police departments to implement strategies to prevent gun-related crime and violence.

To facilitate the immediate collection, coordination, analysis and use of this critical information, the MSP will assign a State trooper as a liaison between Maryland law enforcement agencies and the ATF National Tracing Center in West Virginia. Maryland will be the first State to assign a police officer as a liaison. Additionally, MSP will assign two crime analysts to provide local departments with illegal gun trafficking analytical support that will assist departments in identifying trends and illegal gun trafficking patterns so that guns destined for violent criminals, gang members and juveniles can be interdicted before they can be used in a gun-related crime. HIDTA also has committed analytical support.

An on-line computer capability, through existing law enforcement systems (MILES/NCIC) will be developed to allow local agencies to initiate the tracing process directly to the MSP Trooper assigned to the ATF tracing center. This system also will provide an immediate response if the gun is in the Maryland gun computerized system, as well as an immediate "stolen check."

In addition, all weapons seized in Maryland will be examined forensically for ballistic comparison to all open and/or closed shooting cases from across the state. This will be accomplished through an existing federal law enforcement program.

Establish an Office of Gun Enforcement

MSP will coordinate with local law enforcement and ATF to identify, target and dismember illegal gun trafficking organizations based on the results of the comprehensive, statewide trafficking analysis. To ensure maximum coordination and aggressive enforcement, the MSP Superintendent will establish an Office of Gun Enforcement, responsible for statewide coordination of Federal, State and local illegal gun crime enforcement and intelligence efforts.

The Office will be staffed by an MSP Captain, Thomas Bowers, will serve as the director; an assistant, who will be a sworn MSP member; and a civilian clerical support position. It will oversee the Cease Fire Unit, which has confiscated over 1,100 illegal assault weapons and other illegal firearms since its inception in late 1995.

The Division of Parole & Probation, the Department of Juvenile Justice, the University of Maryland, and the Governor's Office of Crime Control & Prevention each will appoint a liaison to work with the Office of Gun Enforcement. Additionally, MSP will:

- Work with ATF and local police to aggressively pursue illegal gun trafficking investigations within the State;
- Work with ATF and out-of-state police to investigate illegal gun suppliers based outside Maryland;
- Coordinate with ATF, local police, the Division of Parole & Probation and the Department of Juvenile Justice to systematically target for arrest and prosecution repeat offenders involved in gun-related violence;
- Work with state and federal prosecutors to seek mandatory and/or enhanced sentences for gun offenders;
- Increase training, as well as targeted criminal and regulatory enforcement, for Maryland Pistol and Revolver dealers;
- Provide training to State and local law enforcement on gun laws, identification, tracing, and other issues relating to gun violence;
- Produce an annual report on the status of illegal gun trafficking within the State and the efficacy of trafficking suppression efforts.

The initiative will join and expand upon efforts currently underway by the various State Attorneys and the U.S. Attorney for Maryland to prosecute gun-related offenses under strict federal sentencing laws through Project Disarm. Prosecutors also will be asked to work with law enforcement officials to ensure that all arrested individuals are debriefed regarding illegal gun trafficking at the time of arrest. The results of this debriefing can taken into account at the time of charging and/or pleading.

Target Youth Gun HotSpots

The State of Maryland (through the MSP Office of Gun Enforcement and the Governor's Office of Crime Control & Prevention), ATF, and the University of Maryland will work in partnership to assist selected HotSpot Communities to develop and implement comprehensive strategies to reduce gun-related crimes, particularly those committed by juveniles and youth gang members. While some HotSpots currently are involved in gun interdiction activities, only Baltimore has begun to develop a comprehensive approach.

Each identified Gun HotSpot will develop a strategy that will be tailored to meet the needs of that community. ATF, HIDTA and MSP will provide analytical, intelligence and enforcement support, but each local community will take a leadership role in developing and implementing its strategy. The State will provide additional funding to selected local programs that specifically target areas that exhibit high levels of gun violence.

The Division of Parole and Probation (DPP) and the Department of Juvenile Justice (DJJ) will forward any information related to illegal gun activities to MSP so that can be included in the Statewide analysis and intelligence efforts. Probation officers working in the State's designated HotSpot Communities will aggressively support efforts to locate and seize guns that are illegally possessed.

Expand Awareness and Enforcement of Maryland's Child Gun Access Prevention Law

Since 19XX, Maryland law has required parents or other adults to ensure that guns are equipped with triggerlocks to prevent them from being used by children under 16. The law, CITE, provides for a penalty of XX.

MSP will expand enforcement and public awareness efforts associated with the Child Gun Access prevention law, including distribution of informational flyers to motorists and enhanced training for officers. This action is designed to reduce both intentional and accidental shootings, including suicides.

1998 MARYLAND GUN ENFORCEMENT INITIATIVE

Selected Local Gun Enforcement Techniques

1. Zero tolerance patrol
2. Post arrest interviews or "debriefings" of all subjects arrested with gun
3. Saturation patrol based on computer mapping or crime analysis
4. Focused interdiction based on intelligence or tips
5. Post shooting visible patrol with emphasis on stop and searches
6. Arrest warrant service of known gun users
7. Gun unit review of each gun contact
8. Knock and talk searches
9. Increase contacts with gang members
10. Empty dwelling searches
11. A gun tip hotline
12. Intelligence bulletins
13. Computerized offense tracking
14. Projectile and shell-casing analysis and matching
15. Aggressive use of the parole and probation personnel
16. Aggressive prosecution of those who are arrested in possession of guns
17. Mandatory prison sentences and/or enhanced federal sentences for repeat offenders

Creating and Implementing a Local Anti-Gun Violence Strategy

1. Define the problem
2. Assemble all available resources -- include the community
3. Agree on a goal and develop a comprehensive plan to achieve it
4. Write a strategy -- make it public
5. Assess the program -- does it work



YOUTH HANDGUN SAFETY ACT

- (1) The misuse of handguns is a leading contributor to juvenile violence and fatalities.**
- (2) Safely storing and securing firearms away from children will help prevent the unlawful possession of handguns by juveniles, stop accidents, and save lives.**
- (3) Federal law prohibits, except in certain limited circumstances, anyone under 18 years of age from knowingly possessing a handgun, or any person from selling, delivering, or otherwise transferring a handgun to a person under 18.**
- (4) A knowing violation of the prohibition against selling, delivering, or otherwise transferring a handgun to a person under the age of 18 is, under certain circumstances, punishable by up to 10 years in prison.**

NOTE: ATF I 5300.2 provides the complete language of the statutory prohibition and exceptions provided in 18 U.S.C. 922(x), and the penalty provisions of 18 U.S.C. 924(a)(6). The Federal firearms licensee posting this sign will provide you with a copy of this publication upon request. Requests for additional copies of ATF I 5300.2 should be mailed to the ATF Distribution Center, P.O. Box 5950, Springfield, Virginia 22150-5950.

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CABINET COUNCIL ON CRIMINAL AND JUVENILE JUSTICE

GOVERNOR PARRIS N. GLENDENING

LT. GOVERNOR KATHLEEN KENNEDY TOWNSEND, CHAIR

1998 MARYLAND GUN ENFORCEMENT INITIATIVE

Goal: Reduce gun-related crime in Maryland by 50% by 2002

The State of Maryland has a comprehensive strategy to reduce gun violence. The strategy encompasses a wide range of initiatives: one of the toughest gun control laws in the nation; more prison space to house criminals who use guns; targeting of 36 high-crime HotSpot Communities across the state; increased accountability for juvenile offenders; expanded after school programs; and a Character Education initiative that helps students learn right from wrong.

As part of the strategy, the Maryland State Police (MSP) in 1995 created the Cease Fire Unit, the first state police squad dedicated to combating illegal gun trafficking. A year later, the Cabinet Council held a Gun Enforcement Summit for police officials across Maryland to highlight successful gun interdiction tactics pioneered by New York police and the University of Maryland.

The following new actions intensify Maryland's efforts to target illegal gun traffickers and intercept assault weapons and other illegal firearms before they are used to commit violent crimes.

- Trace Every Crime Gun Seized in Maryland -- The Governor will sign an Executive Order requiring State law enforcement agencies to submit all recovered crime guns to the federal Bureau of Alcohol, Tobacco and Firearms (ATF) for tracing, and directing MSP to work with local law enforcement agencies to ensure tracing of every gun seized in Maryland. Maryland will be the first state to appoint a liaison to the ATF's National Tracing Center.
- Establish an Office of Gun Enforcement -- MSP will appoint a Gun Enforcement Director to coordinate State, local and federal tracing and training efforts, and designate Gun Enforcement Liaisons in each of MSP's XX barracks to facilitate gun investigations.
- Target Youth Gun HotSpots -- Aided by computerized analysis of shootings and trafficking patterns, the HotSpot Communities Initiative will help identify gun crime hotspots and develop intensive street-level enforcement and prevention strategies that involve local authorities, adult and juvenile probation agents, and community members.

- Expand Awareness and Enforcement of Maryland's Child Gun Access Prevention Law --
Through a public information campaign and enhanced officer training, Maryland law enforcement agencies will boost enforcement of statutes that require adults to keep triggerlocks on firearms in households where there are children under age 16.

(5) For purposes of this subsection, the term “juvenile” means a person who is less than 18 years of age.

(6) (A) In a prosecution of a violation of this subsection, the court shall require the presence of a juvenile defendant’s parent or legal guardian at all proceedings.

(B) The court may use the contempt power to enforce subparagraph (A).

(C) The court may excuse attendance of a parent or legal guardian of a juvenile defendant at a proceeding in a prosecution of a violation of this subsection for good cause shown.

18 U.S.C. § 924(a)(6)

(6) (A) (i) A juvenile who violates section 922(x) shall be fined under this title, imprisoned not more than 1 year, or both, except that a juvenile described in clause (ii) shall be sentenced to probation on appropriate conditions and shall not be incarcerated unless the juvenile fails to comply with a condition of probation.

(ii) A juvenile is described in this clause if—

(I) the offense of which the juvenile is charged is possession of a handgun or ammunition in violation of section 922(x)(2); and

(II) the juvenile has not been convicted in any court of an offense (including an offense under section 922(x) or a similar State law, but not including any other offense consisting of conduct that if engaged in by an adult would not constitute an offense) or adjudicated as a juvenile delinquent for conduct that if engaged in by an adult would constitute an offense.

(B) A person other than a juvenile who knowingly violates section 922(x)--

(i) shall be fined under this title, imprisoned not more than 1 year, or both; and

(ii) if the person sold, delivered, or otherwise transferred a handgun or ammunition to a juvenile knowing or having reasonable cause to know that the juvenile intended to carry or otherwise possess or discharge or otherwise use the handgun or ammunition in the commission of a crime of violence, shall be fined under this title, imprisoned not more than 10 years, or both.

If you have any questions, contact:

Bureau of Alcohol, Tobacco and Firearms
650 Massachusetts Avenue, NW
Washington, DC 20226
Phone: (202) 927-8300

DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO & FIREARMS



YOUTH HANDGUN SAFETY ACT NOTICE

YOUTH HANDGUN SAFETY ACT NOTICE

- (1) The misuse of handguns is a leading contributor to juvenile violence and fatalities.**
- (2) Safely storing and securing firearms away from children will help prevent the unlawful possession of handguns by juveniles, stop accidents, and save lives.**
- (3) Federal law prohibits, except in certain limited circumstances, anyone under 18 years of age from knowingly possessing a handgun, or any person from selling, delivering, or otherwise transferring a handgun to a person under 18.**
- (4) A knowing violation of the prohibition against selling, delivering, or otherwise transferring a handgun to a person under the age of 18 is, under certain circumstances, punishable by up to 10 years in prison.**

FEDERAL LAW

The Gun Control Act of 1968, 18 U.S.C. Chapter 44, provides in pertinent part as follows:

18 U.S.C. § 922(x)

- (x) (1) It shall be unlawful for a person to sell, deliver, or otherwise transfer to a person who the transferor knows or has reasonable cause to believe is a juvenile--
- (A) a handgun; or
 - (B) ammunition that is suitable for use only in a handgun.
- (2) It shall be unlawful for any person who is a juvenile to knowingly possess--
- (A) a handgun; or
 - (B) ammunition that is suitable for use only in a handgun.
- (3) This subsection does not apply to--
- (A) a temporary transfer of a handgun or ammunition to a juvenile or to the possession or use of a handgun or ammunition by a juvenile if the handgun and ammunition are possessed and used by the juvenile--
 - (i) in the course of employment, in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch), target practice, hunting, or a course of instruction in the safe and lawful use of a handgun;
 - (ii) with the prior written consent of the juvenile's parent or guardian who is not prohibited by Federal, State, or local law from possessing a firearm, except--
 - (I) during transportation by the juvenile of an unloaded handgun in a locked container directly from the place of transfer to a place at which an activity

described in clause (i) is to take place and transportation by the juvenile of that handgun, unloaded and in a locked container directly from the place at which such an activity took place to the transferor; or

(II) with respect to ranching or farming activities as described in clause (i), a juvenile may possess and use a handgun or ammunition with the prior written approval of the juvenile's parent or legal guardian and at the direction of an adult who is not prohibited by Federal, State or local law from possessing a firearm;

(iii) the juvenile has the prior written consent in the juvenile's possession at all times when a handgun is in the possession of the juvenile; and

(iv) in accordance with State and local law;

(B) a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun in the line of duty;

(C) a transfer by inheritance of title (but not possession) of a handgun or ammunition to a juvenile; or

(D) the possession of a handgun or ammunition by a juvenile taken in defense of the juvenile or other persons against an intruder into the residence of the juvenile or a residence in which the juvenile is an invited guest.

(4) A handgun or ammunition, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation of this subsection shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned to the lawful owner when such handgun or ammunition is no longer required by the Government for the purposes of investigation or prosecution.



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

MEMORANDUM FOR NEAL COMSTOCK
EXECUTIVE SECRETARY

FROM: JOHN P. SIMPSON
DEPUTY ASSISTANT SECRETARY
(REGULATORY, TARIFF AND TRADE ENFORCEMENT)

SUBJECT: Treasury Decision Concerning 27 CFR Part 178 -
Posting of Signs and Written Notification to
Purchasers of Handguns (97R-2186P)

Attached for transmission to the Federal Register is a Final Rule relating to 27 CFR Part 178. The Notice of Proposed Rulemaking for this Final Rule was published in the Federal Register on August 27, 1997, with a 90-day comment period during which sixty-two (62) comments were received.

This Final Rule amends the firearm regulations to require that signs be posted on the premises of Federal firearms licensees and that written notification be issued with each handgun sold advising of the provisions of the Youth Handgun Safety Act, 18 U.S.C. Section 922(x).

The Bureau of Alcohol, Tobacco and Firearms is issuing this final rule as a result of a memorandum dated June 11, 1997, to the Secretary of the Treasury from the President of the United States stressing the need to curb the illegal access youth in America have to handguns. This Final Rule will help in the enforcement of the Youth Handgun Safety Act which limits such access.

Upon publication in the Federal Register, a press release will be issued. Copies of the Notice of Proposed Rulemaking and this Final Rule will be available to any interested person.

We believe this document does not warrant the attention of the Secretary or Deputy Secretary, and we recommend that you do not bring it to their attention.

Recommendation:

Approve for transmittal to the Federal Register.

_____ Approve _____ Disapprove _____ Let's Discuss

Reviewer Comments:

Attachment

(Billing Code: 4810-31-P)

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 178

[T.D. ATF-***, Ref: Notice No. 855]

RIN: 1512-

Posting of Signs and Written Notification to Purchasers of
Handguns (97R-2186P)

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF),
Department of the Treasury.

ACTION: Treasury Decision.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is
amending the firearms regulations to require that signs be posted
on the premises of Federal firearms licensees and that written
notification be issued with each handgun sold advising of the
provisions of the Youth Handgun Safety Act, 18 U.S.C. § 922(x).

EFFECTIVE DATE: [Insert date 60 days from date of publication in
the FEDERAL REGISTER].

FOR FURTHER INFORMATION CONTACT: Marsha D. Baker, Regulations
Division, Bureau of Alcohol, Tobacco and Firearms, Washington, DC
20226 (202-927-8210).

SUPPLEMENTARY INFORMATION:

Background

The Youth Handgun Safety Act (YHSA), 18 U.S.C. § 922(x), generally makes it unlawful for a person to transfer a handgun to anyone under 18 years of age or for anyone under 18 years of age to knowingly possess a handgun. Certain exceptions are set forth in the statute.

In enacting the YHSA in 1994, Congress found that criminal misuse of firearms often starts with the easy availability of guns to juvenile gang members. In addition, Congress found that individual States and localities may find it difficult to control this problem by themselves. Therefore, Congress found it necessary and appropriate to assist the States in controlling violent crime by stopping the commerce in handguns with juveniles nationwide and allowing the possession of handguns by juveniles only when handguns are possessed and used under certain limited circumstances.

In a memorandum to the Secretary of the Treasury dated June 11, 1997, the President stated that a major problem in our nation is the ease with which young people gain illegal access to guns. The President observed that firearms are now responsible for 12 percent of fatalities among American children and teenagers.

The President's memorandum directed the Secretary of the Treasury to propose regulations that would require the posting of

signs and issuance of written notices warning handgun purchasers of the provisions of the YHSA.

Notice of Proposed Rulemaking:

In response to the concerns raised by the President's memorandum, ATF published Notice No. 855 in the FEDERAL REGISTER (62 FR 45364) on August 27, 1997. To enforce the provisions of the YHSA and to ensure that handgun purchasers are familiar with its provisions, the Notice of Proposed Rulemaking (NPRM) proposed regulations requiring that signs be posted on the premises of Federal firearms licensees and that written notification be issued by licensees to nonlicensed handgun purchasers warning as follows:

- 1) Federal law prohibits, except in certain limited circumstances, anyone under 18 years of age from knowingly possessing a handgun, or any person from transferring a handgun to a person under 18;
- 2) A violation of the prohibition against transferring a handgun to a person under the age of 18 is, under certain circumstances, punishable by up to 10 years in prison;
- 3) Handguns are a leading contributor to juvenile violence and fatalities; and
- 4) Safely storing and locking handguns away from children can help ensure compliance with Federal law.

The proposed rule stipulated that signs provided by ATF must be posted by licensed importers, manufacturers and dealers on their licensed premises where prospective handgun purchasers can readily see them. In addition, the written notification to be

issued to each handgun purchaser must be made available either by providing the purchaser with an ATF Publication or some other type of written notification that contains the same language, e.g., a manufacturer's or importer's instruction manual or brochure provided to the handgun purchaser.

Analysis of Comments:

ATF received sixty-two (62) comments during the comment period in response to Notice No. 855. These comments were received from fifty-three (53) members of the public, one (1) Member of Congress, four (4) Federal firearms licensees (FFLs), and four (4) firearms industry organizations. Five (5) of the respondents were in agreement with the proposed regulations. Fifty-seven (57) respondents opposed certain provisions of the proposed regulations.

Comments in Support of the Proposed Rule

The American Academy of Pediatrics (AAP) commented in favor of the proposed regulations. The AAP stated that "Firearms play a major role in childhood morbidity and mortality in the United States." They went on to comment that "the surest way to reduce the effects of firearm-trauma on children is to remove handguns from the environments in which children live and play." The Academy also supported the inclusion of curios and relics in the

proposed rule as well as the notification at the time that weapons are returned to their owners by an FFL (for example, when a firearm is redeemed from pawn).

Handgun Control Inc. (HCI) also commented in support of the proposed regulations. They agreed that ATF had the authority to issue regulations necessary to implement the Gun Control Act (GCA). They stated that "notification to handgun buyers at the point of purchase of the need to safely secure handguns away from children is certainly necessary to implement the provisions of the statute."

HCI suggested that the written notice provided to the purchasers of handguns not be included as part of a larger Federal form, but should instead be separately contained in one publication. In response to this comment, it should be noted that the NPRM did not specify the publication number of the proposed required written notice since one had not yet been assigned. However, the final rule clarifies that the written notice will appear on an ATF publication (ATF I 5300.2) that is separate from any existing ATF form.

Seven (7) additional respondents agreed with the general purpose of the proposed regulations; to reduce the ease with which juveniles have access to handguns which are then used to

commit crimes or which result in youth fatalities. However, they were opposed to the wording of the provisions outlined in the proposed rule. Rephrasing of the provisional language and certain deletions were suggested.

For example, Sturm, Ruger & Company, Inc., a manufacturer of firearms, commented that "while we have no objection to reminding dealers of their serious responsibilities regarding sales of firearms to unauthorized persons, the proposed language goes far beyond that." Accordingly, they suggested several revisions of the proposed regulations. The suggested revisions to the language of the notice and sign will be discussed in detail below.

Comments in Opposition to the Proposed Rule

Several commenters challenged ATF's authority under the GCA to require any sort of warning or notification to purchasers of handguns regarding the requirements of the YHSA. A comment from Rep. John Dingell urged ATF to withdraw the proposed rule for several reasons, including his view that the statutory basis for ATF's action is "uncertain." He noted that ATF has not required notices or signs to warn purchasers about other GCA provisions and the statutory prohibitions on the possession of firearms by certain categories of people, including felons.

ATF does not agree that requiring licensees to inform prospective handgun purchasers about the requirements of the law goes beyond its authority to enforce the GCA. Furthermore, this type of requirement is not unprecedented. While ATF has not required licensees to post signs or hand out notices regarding other GCA provisions, many of these provisions are made known to purchasers through other means. For example, licensees are required to have unlicensed purchasers complete an ATF Form 4473, Firearms Transaction Record. On this form, purchasers certify that they do not fall within one of the categories of persons prohibited from purchasing a firearm. The Form 4473 contains a detailed explanation of various GCA provisions.

ATF believes that it is important to advise handgun purchasers of the requirements of the YHSA to ensure that handguns are not unlawfully sold to juveniles by adult purchasers who are purchasing from a licensee. This statutory provision is not addressed on the Form 4473. ATF believes that the final rule will accomplish this goal without unduly burdening licensees or handgun purchasers. Furthermore, ATF's statutory authority to issue regulations to implement the GCA is clear. See 18 U.S.C. § 926(a).

Revisions Made in Response to Comments

After carefully considering the comments received following the publication of the NPRM, ATF has decided that certain revisions should be made to the written notification and sign required by the regulations. These modifications are discussed in more detail below.

In reference to the first paragraph of the proposed notice and sign, forty-seven (47) commenters suggested that the language was vague and that the sign Federal firearms licensees would be required to post as well as the written notification should accurately explain the exceptions included in the YHSA that would allow the lawful transfer to, or possession by, an individual under the age of 18 years. For example, the Sporting Arms and Ammunition Manufacturer' Institute (SAAMI) suggested that this item should "include a thorough, accurate and objective explanation of these circumstances and/or include the language of the statute itself." The National Rifle Association (NRA) commented that "[a]t the very least, the entire text of the law should be given, especially outlining the full text of these exceptions..."

ATF recognizes that there are exceptions listed in the YHSA that allow persons under 18 years of age to receive and possess a handgun. The proposed language referred to these limited

circumstances, but ATF believed that a detailed discussion of the exceptions would have been too long to include in the notice and sign. However, ATF agrees with the respondents who suggested that the proposed language of the notice and sign might raise questions in the minds of purchasers as to when it was lawful for a juvenile to possess a handgun.

Accordingly, ATF is adopting the suggestion of those commenters who advocated that the written notification set forth the entire language of the statute. The final rule provides that the required written notification (ATF I 5300.2) will include the complete language of the statutory provision appearing at 18 U.S.C. section 922(x), including the exceptions. Due to the length of this statutory language, the sign will merely refer the purchaser to the ATF I 5300.2 for the complete provisions of the law. The sign will also advise the public that a copy of this publication may be obtained from the licensee posting the sign or from the ATF Distribution Center.

In reference to the second provision of the notice and sign, forty-three (43) of the respondents again stated that the language was vague and that the sign and written notification should more specifically set forth the exceptions included in the YHSA that would allow the lawful possession of a handgun by a

juvenile in certain limited circumstances. In addition, four (4) respondents stated that the reference to the maximum penalty provided by law for a violation of section 922(x) was misleading, since the maximum penalty only applied in limited circumstances.

As previously noted, the final rule provides that the written notification will contain the entire language of section 922(x), so that interested handgun purchasers may read for themselves the exceptions outlined in the statute. ATF has also included in the written notification the full text of the penalty provision set forth in 18 U.S.C. § 924(a)(6) for violations of section 922(x). Again, the sign will refer the purchaser to the complete language of the law as outlined in the written notification. We believe that this will ensure that purchasers of handguns receive complete and accurate information as to the statutory penalties imposed on violations of section 922(x).

The NRA noted that the proposed regulations do not mention the statutory restrictions on the transfer to juveniles and use by juveniles of ammunition that is suitable only in a handgun. As noted previously, the entire provisions of the law will be set forth in the written notification. This includes the statutory provisions regarding handgun ammunition.

In reference to the third provision of the proposed

regulations, seventeen (17) respondents opposed the inclusion of the language that "handguns are a leading contributor to juvenile violence and fatalities." Another fifteen (15) stated that this provision should be deleted entirely. Many commenters suggested that the entire statement offered value judgments, and argued that it was the perpetrators of the shooting not the handguns used in the shooting, that contributed to juvenile violence and fatalities.

The proposed language was not intended to convey the message that handguns alone are responsible for juvenile violence. In fact the language noted that handguns were a "contributor" to juvenile violence. However, ATF agrees with the commenters who suggested that this provision could be clarified. For example, Sturm, Ruger & Company suggested that the language be modified to refer to the misuse of illegally possessed firearms. ATF has partially adopted this comment. As set forth in the final rule, this provision now states that "The misuse of handguns is a leading contributor to juvenile violence and fatalities."

In reference to the fourth and final provision of the proposed statement, fifteen (15) of the respondents believed that it was unnecessary to have safety warning notices for firearms. Another twelve (12) stated that this provision should be deleted

entirely.

Many of the commenters noted that there is no Federal law mandating a specific type of storage or locking requirement for handguns. For example, the NRA commented that "the proposed warning concerning the safe storage and locking of handguns is not only superfluous, but also implies that there is a Federal law requiring these safety measures."

However, some comments supported the inclusion of a generic statement encouraging the safe storing and securing of firearms in order to prevent accidents. For example, SAAMI stated that they would support the "[i]nclusion of a statement that safely storing and securing firearms can prevent accidents." On the other hand, HCI suggested that the notice be revised to more explicitly state what is meant by "safely storing and locking handguns away from children."

ATF does not agree that the original proposed language implied that there was a Federal law requiring that handguns be stored or locked in a particular fashion. However, in response to the comments received on this issue, the final rule modifies the language of this provision to state that "Safely storing and securing firearms away from children will help prevent the unlawful possession of handguns by juveniles, stop accidents, and

save lives." This statement encourages handgun owners to ensure compliance with the law as well as to promote general gun safety.

Finally, the order of the four provisions has been rearranged for purposes of clarity. The revised language of the sign and notice is reflected in the regulations portion of this Treasury Decision.

Regulatory Flexibility Act

It is hereby certified under the provisions of Section 3 of the Regulatory Flexibility Act, 5 U.S.C. 605(b), that this final rule will not have a significant economic impact on a substantial number of small entities. The notices and signs that are required in this document will be provided free of charge by the Federal Government to Federal firearms licensees. Licensees may choose to provide the required written notice in another format; however, they always have the option of using the notices provided by ATF. Moreover, the new requirements relating to the posting of signs and the distribution of notices will place only a minimal burden on firearms licensees. Accordingly, a regulatory flexibility analysis is not required.

Executive Order 12866

It has been determined that this regulation is not a significant regulatory action as defined by Executive Order

12866. Accordingly, this regulation is not subject to the analysis required by this Executive Order.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35, and its implementing regulations, 5 CFR part 1320, do not apply to this final rule because no new reporting or recordkeeping requirements are imposed.

List of Subjects in 27 CFR Part 178

Administrative practice and procedure, Arms and ammunition, Authority delegations, Customs duties and inspections, Exports, Imports, Military personnel, Penalties, Reporting requirements, Research, Seizures and forfeitures, and Transportation.

Authority and Issuance

27 CFR Part 178--COMMERCE IN FIREARMS AND AMMUNITION is amended as follows:

Paragraph 1. The authority citation for 27 CFR Part 178 continues to read as follows:

Authority: 5 U.S.C. 552(a); 18 U.S.C. 847, 921-930; 44 U.S.C. 3504(h).

Par. 2. Section 178.103 is added to Subpart F to read as follows:

§ 178.103 Posting of signs and written notification to purchasers

of handguns.

(a) Each licensed importer, manufacturer, dealer, or collector who delivers a handgun to a nonlicensee shall provide such nonlicensee with written notification as described in paragraph (b) of this section.

(b) The written notification (ATF I 5300.2) required by paragraph (a) of this section shall state as follows:

1) The misuse of handguns is a leading contributor to juvenile violence and fatalities.

2) Safely storing and securing firearms away from children will help prevent the unlawful possession of handguns by juveniles, stop accidents, and save lives.

(3) Federal law prohibits, except in certain limited circumstances, anyone under 18 years of age from knowingly possessing a handgun, or any person from transferring a handgun to a person under 18.

4) A knowing violation of the prohibition against selling, delivering, or otherwise transferring a handgun to a person under the age of 18 is, under certain circumstances, punishable by up to 10 years in prison.

FEDERAL LAW

The Gun Control Act of 1968, 18 U.S.C. Chapter 44, provides in pertinent part as follows:

18 U.S.C. § 922(x)

(x) (1) It shall be unlawful for a person to sell, deliver, or otherwise transfer to a person who the transferor knows or has reasonable cause to believe is a juvenile--

(A) a handgun; or

(B) ammunition that is suitable for use only in a handgun.

(2) It shall be unlawful for any person who is a juvenile to knowingly possess--

(A) a handgun; or

(B) ammunition that is suitable for use only in a handgun.

(3) This subsection does not apply to --

(A) a temporary transfer of a handgun or ammunition to a juvenile or to the possession or use of a handgun or ammunition by a juvenile if the handgun and ammunition are possessed and used by the juvenile--

(i) in the course of employment, in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch), target practice, hunting, or a course of instruction in the safe and lawful use of a handgun;

(ii) with the prior written consent of the juvenile's parent or guardian who is not prohibited by Federal, State, or local law from possessing a firearm, except--

(I) during transportation by the juvenile of an unloaded handgun in a locked container directly from the place of transfer to a place at which an activity described in clause (i) is to take place and transportation by the juvenile of that handgun, unloaded and in a locked container, directly from the place at which such an activity took place to the transferor; or

(II) with respect to ranching or farming activities as described in clause (i), a juvenile may possess and use a handgun or ammunition with the prior written approval of the juvenile's parent or legal guardian and at the direction of an adult who is not prohibited by Federal, State,

or local law from possessing a firearm;
(iii) the juvenile has the prior written consent in the juvenile's possession at all times when a handgun is in the possession of the juvenile; and
(iv) in accordance with State and local law;

(B) a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun in the line of duty;

(C) a transfer by inheritance of title (but not possession) of a handgun or ammunition to a juvenile; or

(D) the possession of a handgun or ammunition by a juvenile taken in defense of the juvenile or other persons against an intruder into the residence of the juvenile or a residence in which the juvenile is an invited guest.

(4) A handgun or ammunition, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation of this subsection shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned to the lawful owner when such handgun or ammunition is no longer required by the Government for the purposes of investigation or prosecution.

(5) For purposes of this subsection, the term "juvenile" means a person who is less than 18 years of age.

(6) (A) In a prosecution of a violation of this subsection, the court shall require the presence of a juvenile defendant's parent or legal guardian at all proceedings.

(B) The court may use the contempt power to enforce subparagraph (A).

(C) The court may excuse attendance of a parent or legal guardian of a juvenile defendant at a proceeding in a prosecution of a violation of this subsection for good cause shown.

18 U.S.C. § 924(a)(6)

(6) (A) (i) A juvenile who violates section 922(x) shall be fined under this title, imprisoned not more than 1 year, or both, except that a juvenile described in clause (ii) shall be sentenced to probation on appropriate conditions and shall not be incarcerated unless the juvenile fails to comply with a condition

of probation.

(ii) A juvenile is described in this clause if--

(I) the offense of which the juvenile is charged is possession of a handgun or ammunition in violation of section 922(x)(2); and

(II) the juvenile has not been convicted in any court of an offense (including an offense under section 922(x) or a similar State law, but not including any other offense consisting of conduct that if engaged in by an adult would not constitute an offense) or adjudicated as a juvenile delinquent for conduct that if engaged in by an adult would constitute an offense.

(B) A person other than a juvenile who knowingly violates section 922(x)--

(i) shall be fined under this title, imprisoned not more than 1 year, or both; and

(ii) if the person sold, delivered, or otherwise transferred a handgun or ammunition to a juvenile knowing or having reasonable cause to know that the juvenile intended to carry or otherwise possess or discharge or otherwise use the handgun or ammunition in the commission of a crime of violence, shall be fined under this title, imprisoned not more than 10 years, or both.

(c) This written notification shall be delivered to the nonlicensee on ATF I 5300.2, or in the alternative, the same written notification may be delivered to the nonlicensee on another type of written notification, such as a manufacturer's or importer's brochure accompanying the handgun; a manufacturer's or importer's operational manual accompanying the handgun; or a sales receipt or invoice applied to the handgun package or container delivered to a nonlicensee. Any written notification delivered to a nonlicensee other than on ATF I 5300.2 shall include the language set forth in paragraph (b) of this section

in its entirety. Any written notification other than ATF I 5300.2 shall be legible, clear, and conspicuous, and the required language shall appear in type size no smaller than 10-point type.

(d) Except as provided in paragraph (f) of this section, each licensed importer, manufacturer, or dealer who delivers a handgun to a nonlicensee shall display at its licensed premises (including temporary business locations at gun shows) a sign as described in paragraph (e) of this section. The sign shall be displayed where customers can readily see it. Licensed importers, manufacturers, and dealers will be provided with such signs by ATF. Replacement signs may be requested from the ATF Distribution Center.

(e) The sign (ATF I 5300.1) required by paragraph (d) of this section shall state as follows:

1) The misuse of handguns is a leading contributor to juvenile violence and fatalities.

2) Safely storing and securing firearms away from children will help prevent the unlawful possession of handguns by juveniles, stop accidents, and save lives.

(3) Federal law prohibits, except in certain limited circumstances, anyone under 18 years of age from knowingly possessing a handgun, or any person from transferring a handgun

to a person under 18.

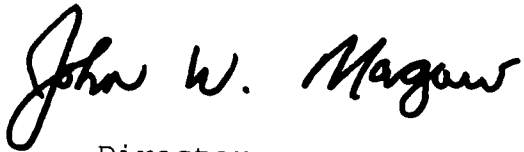
4) A knowing violation of the prohibition against selling, delivering, or otherwise transferring a handgun to a person under the age of 18 is, under certain circumstances, punishable by up to 10 years in prison.

NOTE: ATF I 5300.2 provides the complete language of the statutory prohibitions and exceptions provided in 18 U.S.C. 922(x) and the penalty provisions of 18 U.S.C. 924(a)(6). The Federal firearms licensee posting this sign will provide you with a copy of this publication upon request. Requests for additional copies of ATF I 5300.2 should be mailed to the ATF Distribution Center, P.O. Box 5950, Springfield, Virginia 22150-5950.

(f) The sign required by paragraph (d) of this section need not be posted on the premises of any licensed importer, manufacturer, or dealer whose only dispositions of handguns to

nonlicensees are to nonlicensees who do not appear at the
licensed premises and the dispositions otherwise comply with the
provisions of this part.

Signed: MAY 28 1998

A handwritten signature in cursive script, reading "John W. Magaw".

Director

Approved:

Deputy Assistant Secretary

(Regulatory, Tariff and Trade Enforcement)

**Written Notification of the Youth Handgun
Safety Act to Purchasers of Handguns
Questions and Answers**

- Q. What does the Treasury/ATF regulation being announced provide?**
- A. The regulation requires Federal firearms licensees to post signs and provide written notices to handgun purchasers. The signs and notices provide a warning that subject to certain exceptions, it is unlawful for a person under eighteen to possess a handgun, or for a person to sell or deliver a handgun to a person under eighteen.**
- Q. What happens if a gun dealer does not post the sign?**
- A. Any licensee who willfully fails to comply with the Gun Control Act (GCA) or regulations promulgated under the GCA is subject to having his or her license revoked.**
- Q. How many gun dealers are there that will post the sign?**
- A. There are approximately 90,000 Federally licensed firearms manufacturers, importers, and dealers who will be required to post these signs.**
- Q. How many guns used by juveniles in crimes or accidents come from licensed gun dealers?**
- A. Virtually all the firearms used by juveniles can be traced to a Federal firearms licensee; however, the firearms may have gone through several people in the interim. It is important to note that in 17 communities across the country where police traced all recovered crime guns, one out of ten firearms recovered by police is from a juvenile (17 and under).**
- Q. President Clinton called for this regulation in June 1997. What took so long?**
- A. Pursuant to the Administrative Procedure Act, an agency is generally required to provide notice and comment prior to issuing a final regulation. On August 27, 1997, ATF issued a notice of proposed rulemaking. The comment period closed on November 25, 1997. After carefully considering the 62 comments received in response to the notice of proposed rulemaking, ATF drafted the final regulations.**

- Q. When exactly will the regulation be published?**
- A. The regulation will be published in the Federal Register on Monday, July 13, 1998.**
- Q. Will ATF supply the dealers with Youth Handgun Safety Act signs and pamphlets? Will ATF keep resupplying and or allow duplication by FFL's?**
- A. ATF will supply dealers with a sign and an initial supply of pamphlets. ATF will replenish signs and pamphlets on request. Federal firearms licensees may make copies of the pamphlet at their own expense.**
- Q. How many children's lives will this save?**
- A. We have no way of knowing how many lives this effort will save. However, we believe that the sign and the pamphlet will promote the safe storage of firearms and will publicize the serious consequences associated with the illegal transfer of handguns to juveniles.**
- Q. Why does this sign only cover handguns and not long guns?**
- A. The Youth Handgun Safety Act, as codified at 18 U.S.C. 922(x), applies only to handguns.**
- Q. What are the penalties for transferring a handgun to a juvenile?**
- A. The Youth Handgun Safety Act generally makes it unlawful for any person to sell, deliver or otherwise transfer a handgun to a person under the age of eighteen, where the transferor knows or has reasonable cause to believe that the transferee is a juvenile. Certain limited exceptions are set forth in the statute.**

The transferor may be subject to a fine and/or imprisonment of up to 10 years under certain circumstances. These penalties would apply if the transferor knew or had reasonable cause to know that the juvenile intended to carry, possess, discharge or use the handgun in the commission of a crime of violence. In other circumstances, the transferor may be fined and/or imprisoned not more than one year.

For Immediate Release
Contact: Melissa Merz
(202) 224-7028 or
Nicholas Graham
(202) 224-6167
July 7, 1998

*****MEDIA ADVISORY*****MEDIA ADVISORY*****

**CLINTON EXPECTED TO ENDORSE DURBIN-CHAFEE
PROPOSAL TO KEEP GUNS OUT OF KIDS' HANDS;
ROSE GARDEN EVENT SCHEDULED TOMORROW**

President Bill Clinton is expected tomorrow, Wednesday, July 8, to endorse a proposal by U.S. Sens. Dick Durbin (D-IL) and John Chafee (R-RI) to establish a federal child access prevention (CAP) law.

The Durbin-Chafee legislation — introduced in April of this year — would hold liable adults who fail to store firearms responsibly if those weapons are subsequently taken by a child and used to kill or injure another person. Currently, 15 states have enacted CAP laws.

President Clinton is expected to endorse a federal CAP law at 11:30 a.m. ET tomorrow at the White House. The president's support for the Durbin-Chafee proposal will be part of a broader announcement about efforts to prevent youth access to firearms.

"This proposal isn't about taking guns away — it's about taking guns seriously," said Durbin, a member of the U.S. Senate Judiciary Committee. "Thousands of children die each year after being shot — unintentionally or intentionally. How many more of these tragedies will it take before Congress and more states pass common-sense legislation to keep guns out of the hands of kids?"

"The president's endorsement of our proposal is a victory for America's children, parents and law enforcers. Now it's time for Congress to step forward," Chafee said. "House-Senate enactment of this measure must be forthcoming this year, and should be made part of any bipartisan comprehensive anti-crime bill Congress considers. There are few bills where lawmakers can make a real difference and where we can rightly claim to be saving children's lives — this is one of them."

ORRIN G. HATCH, UTAH, CHAIRMAN

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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

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THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

June 11, 1997

June 11, 1997

MEMORANDUM FOR THE SECRETARY OF THE TREASURY

SUBJECT: Enforcing the Youth Handgun Safety Act

A major problem in our Nation today is the terrifying ease with which our young people gain illegal or unattended access to guns. Firearms are now responsible for 12 percent of fatalities among all American children and teenagers. Criminal use of firearms by young people is a national tragedy. Between 1984 and 1994, the number of juvenile offenders committing homicides by firearms nearly quadrupled. Moreover, firearms are the fourth leading cause of accidental deaths among children ages 5 to 14 and are now the primary method by which young people commit suicide. A recent study supported by the Department of Justice found that slightly more than half of all privately owned firearms were stored unlocked and approximately one-third of all handguns were stored both loaded and unlocked. We must do all we can to prevent both illegal and unintended access to guns by juveniles.

To address this issue, my Administration has consistently called for toughening our laws to help reduce youth gun violence. Specifically, we have fought for and gained passage of: (1) the Brady Law, to allow local law enforcement to conduct background checks before handguns are sold; (2) the Assault Weapons ban, to keep deadly assault weapons off the streets; (3) the Gun-Free Schools Act of 1994, to establish a policy of "zero tolerance" for guns in our schools; and (4) the Youth Handgun Safety Act, Subtitle B of the 1994 Crime Bill, to prohibit, in most circumstances, the transfer to or possession of a handgun by a juvenile.

More recently, we proposed comprehensive juvenile crime legislation that, among other things, would continue to crack down on youth gun violence by increasing penalties for transferring a firearm to a juvenile, prohibiting violent juveniles from owning firearms as adults, and requiring Federal firearms licensees (FFLs) to provide a child safety lock with every gun sold. I hope the Congress will enact these important measures as soon as possible.

Until the Congress acts, however, there is more we can do to keep handguns out of the hands of our Nation's youth. Existing law already bans the transfer of handguns to minors and juvenile possession of handguns, except in specified circumstances, and grants the Department of the Treasury authority to prescribe rules and regulations to implement this provision. I direct you to take the authorized steps necessary to enforce the provisions of the Youth Handgun Safety Act -- and specifically, consistent with your statutory authority, to promptly publish in the Federal Register proposed regulations requiring that signs be posted on the premises of FFLs and that written notification be issued with each handgun sold to non-licensees warning that:

more

(OVER)

- (1) Federal law prohibits, except in certain limited circumstances, anyone under the age of 18 from knowingly possessing a handgun, or any adult from transferring a handgun to such a minor;
- (2) violation of the prohibition of transferring a handgun to a minor is, under certain circumstances, punishable by up to 10 years in prison;
- (3) handguns are a leading contributor to juvenile violence and fatalities; and
- (4) safely storing and locking handguns away from children can help ensure compliance with Federal law.

I also direct you to provide me with a written status report within 60 days on how you will carry out this directive.

Your implementation of this directive will help inform gun purchasers about their responsibility under Federal law to keep handguns from our children. It will also ensure that gun purchasers are warned about the frequency with which handguns kill or injure our kids.

WILLIAM J. CLINTON

#

 Bruce N. Reed
07/07/98 08:15:47 PM

Record Type: Record

To: Jose Cerda III/OPD/EOP

cc:

Subject: ap story

Good work -- this didn't hit the wires until a few minutes AFTER we spoke to Rubin

Clinton Endorses Gun Access Bill

By Robert Burns
Associated Press Writer
Tuesday, July 7, 1998; 7:25 p.m. EDT

WASHINGTON (AP) -- President Clinton is embracing a bipartisan Senate proposal to impose criminal penalties on any adult whose gun is used by a child to harm someone and the gun was not stored safely.

Clinton was scheduled to announce his support for the measure Wednesday as part of a White House event in which the president was to use his executive authority to take other steps aimed at limiting child access to guns, administration officials said Tuesday on condition of anonymity.

White House press secretary Mike McCurry said the administration was ``continuing our efforts to protect children from gun violence," but he would not be more specific.

Clinton has spoken out frequently on youth gun violence in the weeks since a spate of shooting incidents at schools, including the May 21 attack on students at a high school in Springfield, Ore. During a visit to the school last month, Clinton endorsed legislation introduced by Oregon Sens. Ron Wyden and Gordon Smith to require that students caught with guns be held over by officials for 72 hours of observation and evaluation.

Clinton also has urged congressional action on his proposal for a lifetime ban on gun purchases by violent juveniles and for \$95 million in crime prevention efforts, including after-school programs.

The Senate bill Clinton was to endorse Wednesday takes a new tack.

Sen. John H. Chafee, R-R.I., said Clinton had agreed to back his proposal, introduced with Sen. Richard Durbin, D-Ill., and known as the ``Child Firearms Access Prevention Act."

Durban said he understood the president supported the concept behind

his legislation.

``Before we start another school year in America, we need to do everything in our power to reduce the likelihood of more violent incidents like Jonesboro, Ark.," Durban said, referring to the shooting at a middle school in March in which four students and a teacher were killed. ``This bill moves us in that direction."

The proposal already has the backing of gun control advocates Jim and Sarah Brady, as well as the Children's Defense Fund and the American Academy of Pediatrics, Chafee said. It is designed to encourage adults to store their guns and bullets safely out of reach of children.

Under the Chafee-Durbin proposal, an adult who left a loaded gun in a bureau drawer, for example, would face criminal penalties if the gun was used by a child to harm someone.

``There are few bills where lawmakers can make a real difference and where we can rightly claim to be saving children's lives; this is surely one of them," Chafee said.

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Written Notification of the Youth Handgun Safety Act to Purchasers of Handguns

- The President is announcing the publication of regulations of the Department of the Treasury's Bureau of Alcohol, Tobacco and Firearms (ATF) requiring the posting of signs and issuance of written notices warning handgun purchasers of the provisions of the Youth Handgun Safety Act of 1994.
- The regulations respond to a memorandum by the President to the Secretary of the Treasury on June 11, 1997, in which President Clinton stated that a major problem in our nation is the ease with which young people gain illegal access to guns.
- This action is being taken because:
 - As the President noted, firearms are now responsible for 12 percent of fatalities among American children and teenagers.
 - According to ATF, in 17 communities across the country where police traced all recovered crime guns with ATF, one out of ten firearms recovered by police is from a juvenile (17 and under).
 - ATF also learned that in those 17 communities, firearms rapidly diverted from first retail sales at federally licensed gun dealers to an illegal market account for at least a quarter and as many as 43 percent of the firearms that law enforcement recovers from juveniles, ~~AND YOUTH~~.
- The regulations require that signs be posted on the premises of all Federal firearms licensees and that written notification be issued by licensees to purchasers of handguns.
- The proposed signs and warnings state the following information:
 - The misuse of handguns is a leading contributor to juvenile violence and fatalities.
 - Safely storing and securing firearms away from children will help prevent the unlawful possession of handguns by juveniles, stop accidents, and save lives.
 - Federal law prohibits, except in certain limited circumstances, anyone under 18 years of age from knowingly possessing a handgun, or any person from selling, delivering, or otherwise transferring a handgun to a person under 18.
 - A knowing violation of the prohibition against selling, delivering or otherwise transferring a handgun to a person under 18 is, under certain circumstances, punishable by up to ten years in prison.
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- The written notifications must be issued to each handgun purchaser and may be made available either by providing the purchaser with an ATF publication, or written

notification provided to the handgun purchaser that contains the same language, such as a manufacturer's or importer's instruction brochure that contains the same information.

- The requirements are one more step to help ensure that children do not gain unauthorized access to firearms. The regulations supplement the Administration's other efforts to reduce unauthorized youth access to guns, including the Safe and Gun Free Schools Act, the Youth Crime Gun Interdiction Initiative, and the safety lock agreement.

Maryland Gun Enforcement Initiative

- The Administration is voicing its support for the Maryland Governor and the Lt. Governor's new Gun Enforcement Initiative.
- We welcome Maryland's new initiative as a way to expand the state's collaboration with federal law enforcement in investigating, prosecuting and incarcerating illegal gun traffickers and reducing gun violence.
- Baltimore is one of 27 cities tracing all recovered crime guns as part of the Youth Crime Gun Interdiction Initiative. Maryland will build on Baltimore's experience by expanding comprehensive gun tracing from Baltimore to the entire state. By tracing all recovered weapons, Maryland will maximize its information about the illegal sources of firearms. It will gain the informational tools to build a statewide strategy against illegal firearms trafficking, and to support local gun interdiction initiatives throughout the state.
- Maryland's new Gun Enforcement Initiative is a prime example of how law enforcement today is broadening its approach from primary focus on a reactive strategy of arresting criminals who have used guns to commit crimes, to also include proactive, strategic enforcement aimed at reducing the illegal supply of guns and preventing gun violence.
- Maryland's initiative demonstrates that there can be a more efficient, targeted use of existing resources and without a major infusion of federal funds. If Congress approves the Administration's budget request for the Youth Crime Gun Interdiction Initiative, 6 additional ATF agents will be sent to Baltimore to work with the U.S. Attorney and local prosecutors in focusing on the illegal supply of guns, especially to youth and juveniles. Through its initiative, Maryland is providing the resources to allow state and local law enforcement officials to work as effectively as possible with the U.S. Attorney and ATF agents in the state.
- The U.S. Attorney, ATF, the State Police, and local police departments will cooperate at every level of the initiative. This smart and systematic collaboration includes:
 - Statewide gun tracing and illegal trafficking analysis
 - information sharing through a new Office of Gun Enforcement within the State police and the establishment of a State Police liaison with ATF's National Tracing Center;
 - a statewide toll-free gun tip hotline to involve State Police and ATF;
 - expanded investigations and prosecutions of gun crimes by the federal, State, and local law enforcement
 - use of ATF, State and local information to assist local law enforcement agencies in developing gun enforcement strategies
- The initiative will also expand enforcement and awareness of Maryland's Child Gun Access Prevention Law.

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THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

June 11, 1997

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SUBJECT: Enforcing the Youth Handgun Safety Act

A major problem in our Nation today is the terrifying ease with which our young people gain illegal or unattended access to guns. Firearms are now responsible for 12 percent of fatalities among all American children and teenagers. Criminal use of firearms by young people is a national tragedy. Between 1984 and 1994, the number of juvenile offenders committing homicides by firearms nearly quadrupled. Moreover, firearms are the fourth leading cause of accidental deaths among children ages 5 to 14 and are now the primary method by which young people commit suicide. A recent study supported by the Department of Justice found that slightly more than half of all privately owned firearms were stored unlocked and approximately one-third of all handguns were stored both loaded and unlocked. We must do all we can to prevent both illegal and unintended access to guns by juveniles.

To address this issue, my Administration has consistently called for toughening our laws to help reduce youth gun violence. Specifically, we have fought for and gained passage of: (1) the Brady Law, to allow local law enforcement to conduct background checks before handguns are sold; (2) the Assault Weapons ban, to keep deadly assault weapons off the streets; (3) the Gun-Free Schools Act of 1994, to establish a policy of "zero tolerance" for guns in our schools; and (4) the Youth Handgun Safety Act, Subtitle B of the 1994 Crime Bill, to prohibit, in most circumstances, the transfer to or possession of a handgun by a juvenile.

More recently, we proposed comprehensive juvenile crime legislation that, among other things, would continue to crack down on youth gun violence by increasing penalties for transferring a firearm to a juvenile, prohibiting violent juveniles from owning firearms as adults, and requiring Federal firearms licensees (FFLs) to provide a child safety lock with every gun sold. I hope the Congress will enact these important measures as soon as possible.

Until the Congress acts, however, there is more we can do to keep handguns out of the hands of our Nation's youth. Existing law already bans the transfer of handguns to minors and juvenile possession of handguns, except in specified circumstances, and grants the Department of the Treasury authority to prescribe rules and regulations to implement this provision. I direct you to take the authorized steps necessary to enforce the provisions of the Youth Handgun Safety Act -- and specifically, consistent with your statutory authority, to promptly publish in the Federal Register proposed regulations requiring that signs be posted on the premises of FFLs and that written notification be issued with each handgun sold to non-licensees warning that:

more

(OVER)

(1) Federal law prohibits, except in certain limited circumstances, anyone under the age of 18 from knowingly possessing a handgun, or any adult from transferring a handgun to such a minor;

(2) violation of the prohibition of transferring a handgun to a minor is, under certain circumstances, punishable by up to 10 years in prison;

(3) handguns are a leading contributor to juvenile violence and fatalities; and

(4) safely storing and locking handguns away from children can help ensure compliance with Federal law.

I also direct you to provide me with a written status report within 60 days on how you will carry out this directive.

Your implementation of this directive will help inform gun purchasers about their responsibility under Federal law to keep handguns from our children. It will also ensure that gun purchasers are warned about the frequency with which handguns kill or injure our kids.

WILLIAM J. CLINTON

#

JUVENILE HANDGUN DIRECTIVE

JUNE 11, 1997

Q: What is the directive that the President signed today?

A: Today, the President signed a directive to ensure that the Treasury Department do everything possible to enforce the Youth Handgun Safety Act -- including requiring that federal gun dealers post signs and issue written warnings that:

(1) Make clear that it is generally illegal for any adult to transfer a handgun to a minor (under 18), or for that minor to possess that handgun, period;

(2) Make clear that transferring a handgun to a minor may be punishable by up to 10 years imprisonment;

(3) Warn that handguns are a leading contributor to juvenile violence and fatalities; and

(4) Suggest that safely storing and locking handguns can help ensure compliance with this law.

Q: What is the impact of this directive? How is it any different -- or how does it augment -- current law?

A: This directive will require, for the first time ever, that federal firearms dealers (FFLs) post signs and issue written warnings about the responsibility that gun purchasers have under current law to not transfer a handgun to juveniles -- as well as about the dangers that handguns pose to kids generally. That's an important change for two reasons.

First, for almost every gun that gets into a juvenile's hands, an adult had the opportunity -- in fact, the legal responsibility -- to stop that transfer from taking place. Today's directive puts adult gun purchasers on notice about this responsibility -- and warns them about the legal sanctions that may apply if this responsibility is ignored.

Second, the mix of kids and guns is at the heart of the nation's youth violence epidemic. Since the mid 1980s, the number of kids killing with a gun has quadrupled; the number of kids killed by guns has nearly tripled; and teenage boys today are more likely to die of gunshot wounds than all natural causes combined. Still, we do more to warn Americans about the

dangers of most household products than we do about the dangers that guns pose to our children. Today's directive represents an effort to correct this imbalance.

Q: Can you please clarify under what authority you're taking this action?

A: The authority for this directive is two-fold:

(1) 18 U.S.C. Sec. 926(a) generally provides that the Secretary of the Treasury may proscribe certain rules and regulations to carry out the provisions of the 1968 Gun Control Act as amended; and

(2) 18 U.S.C. Sec. 922(x)(1) -- or the Youth Handgun Safety Act, which was included by Senator Kohl as an amendment to the 1994 crime bill -- prohibits, in most circumstances, juveniles from possessing handguns, and adults from transferring handguns to juveniles.

Our directive finds that additional warnings are necessary to fully carry out the prohibitions of the Youth Handgun Safety Act, and calls for signs to be posted and written warnings issued to help ensure compliance with the law.

Q: What punishments are provided for in the Youth Handgun Safety Act?

A: Juveniles who violate the ban on handgun possession are subject to mandatory probation. Adults who violate the prohibition on transferring handguns to juveniles are punishable by a prison term of 1 to 10 years, depending on the circumstances. Additionally, the Administration has called for increasing both of these penalties in its juvenile crime legislation.

Q: Have you successfully prosecuted anyone under the Youth Handgun Safety Act? Do you know how many persons have been prosecuted overall?

A: No, I don't have a number on the total prosecutions. But I do have an example. I know that the U.S. Attorney's Office in Tennessee successfully prosecuted an illegal gun dealer who -- among other illegal firearms activities -- sold a pistol to a 13-year old. He's been sentenced to 33 months in prison.

Q: Do you think that this directive will really help keep handguns from juveniles? Shouldn't your directive do more than simply call for signs and warnings?

A: Of course, we believe that this directive is meaningful and will have impact. And it certainly makes as much sense to warn gun purchasers about their legal responsibilities and the dangers of handguns as it does for the many other products that are sold with similar warnings.

At the same time, there is only so much we can under existing law to keep guns out of the hands of juveniles. That's why our juvenile crime bill includes 3 key gun provisions: it increases penalties for transferring guns to juveniles; it prohibits violent juveniles from ever owning guns; and it requires that federal gun dealers provide child safety locks with every gun sold. With these additional changes in law, we will be able to do even more to keep guns away from our kids.

Q: If you're going to issue warnings about guns, why don't you just regulate them like other products through the Consumer Products Safety Commission?

A: First of all, today's directive does more than simply warn gun purchasers about the dangers of handguns; It makes clear to gun purchasers that they have responsibilities -- and that transferring a handgun to a juvenile is a crime punishable by as much as 10 years imprisonment.

Second, the Consumer Products Safety Commission does not include firearms. It is expressly prohibited from getting into matters concerning the manufacture and sale of firearms and firearms ammunition. So we simply don't have this authority.

Q. What is the Administration's position on the various Republican proposals to combat juvenile crime?

A. First of all, we are opposed to H.R. 3, the bill that passed the House. It does not come close to representing a comprehensive attack gangs and guns. It doesn't guarantee that Boston's successful juvenile crime initiative -- Operations Cease-fire and Nite Lite -- can be replicated. It doesn't include any provisions relating to kids and guns. And it does not specifically address the high number of crime committed by juveniles when school goes out.

We're hopeful that the Senate will work with us to address these issues. The Senate Judiciary Committee is scheduled to consider legislation this Thursday, and we are communicating our concerns to them now. We will have to wait and see how the mark-up in that committee goes before we know whether or not we'll be able to support a Senate bill.

Q. What does the Administration's juvenile justice proposal do?

- A. The legislation proposed by the President in February is part of an overall Anti-Gang and Youth Violence Strategy that seeks to crack down on violent gangs, reduce youth violence, and provide our kids with positive alternatives to steer them away from gangs, guns, and drugs.

The strategy provides critical resources for state and local prosecutors to target, prosecute and convict violent youth gangs. It permits Federal prosecutors to prosecute juveniles in adult court when they commit violent crimes. It requires child safety locks for guns to prevent accidents and thefts, and extends the Brady Law so that violent juveniles can never own a gun. Finally, the Strategy also calls for at least 1,000 after school initiatives to keep kids off the streets and give them positive alternatives.

Juvenile crime legislation passed by Congress must address these key issues, too.

President Clinton: Promoting Gun Safety and Responsibility

July 8, 1998

Today, President Clinton announces three new steps that the Administration will take to continue to promote gun safety and responsibility throughout the country. Specifically, the Administration will: (1) require federally licensed gun dealers to post signs and issue warnings concerning juvenile handgun possession; (2) call on states and Congress to pass Child Access Prevention legislation; and (3) partner with the State of Maryland to reduce gun-related violence.

Warning Prospective Gun Purchasers

- **The Youth Handgun Safety Act.** Passed as part of the 1994 Crime Act, the Youth Handgun Safety Act generally prohibits juveniles from possessing handguns and adults from transferring handguns to juveniles. Today, in response to a directive issued last year by the President, the Treasury Department will announce the publication of a final regulation requiring all federally licensed gun dealers to post signs and issue written warnings that state the following:

(1) The misuse of handguns is a leading contributor to juvenile violence and fatalities;

(2) Safely storing and securing firearms away from children will help prevent the unlawful possession of handguns by juveniles, stop accidents and save lives;

(3) Federal law prohibits, except in certain limited circumstances, any one under 18 years of age from knowingly possessing a handgun, or any person from selling, delivering or otherwise transferring a handgun to a person under 18; and

(4) A knowing violation of the prohibition against, selling, delivering or otherwise transferring a handgun to a persons under 18 is, under certain circumstances, punishable by up to 10 years in prison.

Holding Gun-Owning Adults Accountable for Child Safety

- **Nationwide Child Access Prevention (CAP) Laws.** President Clinton will call on states to promote gun safety and responsibility by passing Child Access Prevention (CAP) laws that hold adults responsible if they allow children easy access to loaded firearms. Fifteen states have already enacted such CAP laws. The President will also call on Congress to pass a tough, targeted federal CAP law with new penalties to punish the most egregious offenders. A recent study published by the Journal of the American Medical Association found that CAP laws reduced fatal unintentional shootings by an average of 23%.

Partnering With State and Local Law Enforcement

- **Maryland Gun Enforcement Initiative.** Building on the President's Youth Crime Gun Interdiction Initiative, the Administration will partner with the State of Maryland to launch a joint ATF-Maryland State Police initiative effort to trace every crime gun seized in the state. Additionally, Maryland will target "Youth Gun HotSpots" throughout the state; expand enforcement of the state's CAP law; and establish an Office of Gun Enforcement to coordinate these efforts and generally facilitate gun investigations.

Child Access Prevention Legislation (CAP)

Q: What specific changes will the Administration be seeking to the Durbin-Chafee CAP legislation?

A: The Attorney General and Secretary of the Treasury have recommended that the proper federal role for child access prevention legislation would be to target the most egregious offenses. We support -- and, in fact, have transmitted to states -- model legislation very similar to the Durbin-Chafee bill that would encourage states to prosecute and punish negligent storing of firearms. However, we believe that federal CAP legislation should be tougher and targeted. Accordingly, after reviewing the Durbin-Chafee bill, the Attorney General and Treasury Secretary have recommended three changes:

(1) Raising the standard of liability from negligence to recklessness. This means that a person must be aware of the risk and disregard it. By contrast, a standard of negligence would apply to any person who should be aware of a risk, but is not.

(2) Elevating the offense from a misdemeanor to a felony. Since Justice and Treasury propose targeting the most egregious cases -- not simply negligence -- they support tougher penalties -- or at least one year's imprisonment.

(3) Limiting federal jurisdiction to cases where a child causes death or bodily injury.

We intend to work with Senators Durbin and Chafee to pass the best federal Child Access Prevention law possible -- and to encourage states to adopt complimentary laws as well.

Q: What exactly is in the Durbin-Chafee legislation, and why is the Administration supportive of it?

A: Put simply, the Durbin-Chafee legislation would establish a national standard for the safe storage of firearms by holding adults liable if they fail to store firearms responsibly and those firearms are subsequently used by a juvenile to kill or injure another person.

More specifically, the Durbin-Chafee bill makes it a federal crime for a gun owner to allow a juvenile access to a firearm if he or she “knows or reasonably should know” that the juvenile could gain access to that firearm, and the juvenile subsequently causes death or injury with that firearm or wields it in a public place. Such an offense would be a federal misdemeanor subject to a fine or up to one year’s imprisonment.

The Administration supports states adopting laws similar to Durbin-Chafee. It also supports a more targeted federal CAP that would establish a national floor for the reckless storage of firearms.

President Clinton: Promoting Gun Safety and Responsibility
Questions and Answers
July 8, 1998

Youth Handgun Safety Signs and Warnings

Q: Can you tell us more about the signs and warnings that gun dealers will be required to post and issue?

A: On June 11, 1997, the President signed a directive to require federal firearms dealers to post signs and issue warnings about the responsibility that gun purchasers have under current law to not transfer a handgun to juveniles -- as well as about the dangers that handguns pose to children generally.

After going through an extensive comment period -- and hearing from gun manufacturers, gun control advocates, and others -- the President today announced that next Monday the Department of the Treasury will publish in the Federal Register the final regulation requiring federally licensed gun dealers to post signs and issue warnings to handgun purchasers concerning youth handgun safety. The signs, which are 17" x 22" in size, and written warnings will be printed and distributed through the Bureau of Tobacco, Alcohol and Firearms (ATF). Approximately 90,000 federally licensed firearms manufactures, importers and dealers will have to comply with this new regulation.

Q: What happens if a gun dealer refuses to post the new signs or issue the written notices provided by ATF?

A: Any licensee who willfully fails to comply with the Gun Control Act -- or regulations promulgated under the Gun Control Act -- is subject to having his or her license revoked.

Q: How many firearms used by juveniles actually come from federally licensed gun dealers?

A: According to ATF's tracing data, nearly all firearms used by juveniles can be originally traced back to a federally licensed gun dealer; however, the firearms may have gone through several other persons in the interim. And in the 17 cities where ATF, as part of the President's Youth Crime Gun Interdiction Initiative, is tracing all recovered crime guns -- one out of every ten is traced back to a juvenile.

Thus, there is ample evidence that for almost every gun that gets into a juvenile's hands, an adult had the opportunity -- in fact, the legal responsibility -- to stop that transfer from taking place. The signs and warnings being required by the Administration will put adult gun purchasers on notice about this responsibility and warn them about the legal sanctions that may apply if this responsibility is ignored.

Q: Can you clarify under what authority the Administration is requiring gun dealers to post these signs and issues written notices?

A: The authority for this action is two-fold: (1) 18 U.S.C. Sec. 926(a) generally provides that the Secretary of the Treasury may proscribe certain rules and regulations to carry out the provisions of the 1968 Gun Control Act; and (2) 18 U.S.C. Sec. 922(x)(1) -- or the Youth Handgun Safety Act, which was included by Senator Kohl as an amendment to the 1994 Crime Act -- prohibits, in most circumstances, juveniles from possessing handguns, and adults from transferring handguns to juveniles.

Q: Why did it take the Treasury Department so long to implement the President's directive of June 11, 1997?

A: Pursuant to the Administrative Procedure Act, agencies are generally required to provide notice and comment prior to issuing a final regulation. On August 27, 1997, ATF issued a notice of proposed rulemaking. The comment period for this rulemaking closed on November 25, 1997. After carefully considering the 62 comments received in response to the proposed rule, ATF drafted the final regulation being announced today.

Q: What punishments are provided for in the Youth Handgun Safety Act?

A: Juveniles who violate the ban on handgun possession are subject to mandatory probation. Adults who violate the prohibition on transferring handguns to juveniles are punishable by a prison term of 1 to 10 years, depending on the circumstances. If the transferor knew or had reasonable cause to believe that the juvenile intended to carry or use the handgun in the commission of a crime of violence, the punishment may be a fine and/or imprisonment of up to ten years. In other circumstances, the punishment may be a fine and/or imprisonment of up to one year.

Additionally, the Administration has called for increasing both of these penalties in its juvenile crime legislation. Specifically, the Administration has proposed replacing mandatory probation for juveniles with up to one year of imprisonment, and providing for a mandatory minimum sentence of three years for adults who knowingly transfer a handgun for a juvenile to use in a violent crime.

Child Access Prevention Legislation (CAP)

Q: In challenging Congress to pass federal CAP legislation, did the President specifically endorse the Durbin-Chafee bill?

A: The President believes that the Durbin-Chafee bill -- and similar language incorporated into broader gun legislation introduced by Senator Kennedy and Representative McCarthy -- is a good first start. It is a serious bipartisan attempt to promote gun safety and responsibility throughout our country by holding gun-owning adults who fail to keep loaded firearms out of the reach of children criminally responsible for their actions.

Fifteen states have enacted CAP laws, and a recent study by the Journal of the American Medical Association found that they reduced unintentional shootings by an average of 23%. So the President supports the Durbin-Chafee effort, and he has asked the Secretary of the Treasury and Attorney General to work with the Senators to pass the best federal CAP law possible.

Q: What are the 15 states with CAP laws?

A: The 15 states with CAP laws on the books include:

Florida (enacted in 1989);
Connecticut (enacted in 1990);
Iowa (enacted in 1990);
California (enacted in 1991);
Nevada (enacted in 1991);
New Jersey (enacted in 1991);
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Maryland Gun Enforcement Initiative

Q: What exactly is the Administration's role in the Maryland Gun Enforcement Initiative being announced today.

A: The Administration welcomes Maryland's new initiative as a way to expand collaboration with federal law enforcement in investigating, prosecuting and incarcerating illegal gun traffickers and reducing gun violence. Baltimore is already one of the 27 cities tracing all recovered crime guns as part of the President's Youth Crime Gun Interdiction Initiative. The initiative announced today will allow the Administration to expand this effort to the entire state of Maryland. By helping Maryland trace all recovered firearms, Maryland can maximize information about the illegal sources of firearms and build a statewide strategy against illegal firearms trafficking.

Maryland's new initiative demonstrates that federal, state, and local law enforcement can work together to broaden their approach from simply reacting to gun crimes -- to a proactive enforcement strategy aimed at reducing the illegal supply of guns and preventing gun violence in the first place.

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DOMESTIC POLICY COUNCIL

003

**President Clinton: Promoting Gun Safety and Responsibility
Questions and Answers
July 8, 1998**

(ATF & DOJ
don't like the
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