



2.2.15

GUN LAW TRENDWATCH

A roundup and analysis of the latest state firearms legislation.

POSITIVE TRENDS

As the 2015 state legislative sessions begin, the Law Center is identifying important policy trends. Many states are focused this year on fixing the most dangerous loophole in federal firearms law, which allows unlicensed sellers to transfer firearms without conducting a background check. This year, bills that would close this loophole for some or all unlicensed sales have been introduced in eleven states. In Arizona, a bill has also been introduced to put the measure before voters as a ballot initiative. In addition, in Nevada, the measure will be before the legislature in 2015 and, if it fails, will be put to voters in November 2016.

Following on the momentum from last year, nine states have introduced legislation to restrict access to firearms by domestic abusers. The bills in these states take a variety of approaches to keeping guns out of abusers' hands.

Six states are focused on the problem of guns stored improperly in the home, especially the danger this poses to children. These states have introduced bills to require safe storage in the home and/or impose liability for storing a gun in a manner that could or does allow a child to gain access to it.

ISSUES AND BILLS

CHILD ACCESS PREVENTION

MO S 23, MO S 60, NJ S 516, A 1230,
SC H 3043, VA S 1178*

DOMESTIC VIOLENCE

CT S 56, CT H 5069, IN H 1295, MO H
492, MO H 418, MO H 646, NY A 249,
NY A 373, NY S 1413, NY S 1461, NY S
1493, OK H 1329, RI H 5119, SC H 3034,
SC S 3, VA H 2045, VA H 2085, VA S
909*, VA S 912*, VA S 943*, WA S 5381

LOST/STOLEN REPORTING

PA S 272, TX S 257

MEDICAL GAG RULE

IN H 1494, ND H 1241

MINIMUM AGE RESTRICTIONS

AZ H 2371, RI H 5123, VA H 1904,
VA S 1179*

PRIVATE SALE BACKGROUND CHECKS

AZ H 2118, AZ HCR 2009, IA H 77, KS S 25,
MO H 347, MT D 608, NH H 650,
NJ A 1800, NM H 44, SC H 3033,
TX S 258, TX S 259, VA H 535*, VA H 812*,
VA H 823*, H 1604, VA H 1923, VA S 39,
VA S 287*, VA S 520*, VA S 694*,
VA S 993*, VA S 1178*, VA S 768*

SAFE STORAGE

CT H 6301, CT H 6302, NJ A 673, NY A 53,
NY A 214, NY S 2291

SCHOOL GAG RULE

MD H 22, ND H 1453, VA H 1669

**Bills defeated in committee.*

NEGATIVE TRENDS

In keeping with past years, gun lobby bills in 2015 are focused on expanding where and how guns may be carried in public places. Seven states—Arkansas, Indiana, Montana, South Carolina, Tennessee, Texas, and Virginia—have introduced bills that would expand the ability to carry firearms on the grounds of K–12 schools and/or on the campuses of colleges and universities. Twelve states—Colorado, Indiana, Kansas, Mississippi, Montana, New Hampshire, Oklahoma, Pennsylvania, South Carolina, South Dakota, Texas and West Virginia—have introduced measures that would allow concealed carry of handguns in public without a license. Texas has also introduced a bill that would prohibit private hospitals and nursing homes, among other places, from restricting concealed weapons on the premises.

Six states—Minnesota, Mississippi, Montana, Oklahoma, South Carolina and Texas—have introduced bills that would impose strict penalties on state officials who enforce federal firearms laws. Numerous states have enacted laws attempting to nullify federal gun laws and this policy idea has already been struck down as unconstitutional. However, these states are taking the idea a step further by threatening officials with severe penalties such as personal liability and felony conviction.

BILLS TO WATCH

Only seven states still allow at least some regulation of firearms at the local level. Over the past several decades, a concerted effort by the gun lobby resulted in states removing this authority from local governments in the other forty-three states. Nebraska is one of the states that allows local communities to regulate at least some aspects of firearms. A new bill—NE L 289—would take away local authority to regulate carrying, registration, transfer, and storage of any type of firearm. The bill would also grant standing to membership organizations such as the NRA to enforce the preemption law and allow for liquidated damages of up to three times the plaintiff's attorney's fees to be imposed on a local community that is found to have violated the law.

ABOUT THE LAW CENTER TO PREVENT GUN VIOLENCE

Founded in the wake of the July 1, 1993, assault weapon massacre at 101 California Street in San Francisco that left eight dead and six wounded, the Law Center to Prevent Gun Violence is now the premier resource for legal expertise and information regarding state and federal firearms laws. We track and analyze gun laws in all 50 states, file amicus briefs in Second Amendment cases across the country, and work with lawmakers and advocates to craft and promote legislation that will reduce gun violence and save lives. We regularly partner with law firms and nonprofit organizations dedicated to combating the epidemic of gun violence in our country, and we invite you to learn more about our work by visiting our website or connecting with us on social media.