

5.4.15

GUN LAW TRENDWATCH

A roundup and analysis of the latest state firearms legislation.

POSITIVE TRENDS

Background checks on all unlicensed gun sales are extremely close to becoming a reality in Oregon. The background check bill (SB 941) has passed the Senate and, on April 22, the House Rules Committee heard nine hours of testimony and then voted in favor of the bill, which will now head to the House floor. In addition to requiring point-of-sale background checks for all firearm sales, SB 941 would allow a court to prohibit possession of firearms by a person subject to mandatory outpatient mental health treatment who poses a danger to self or others.

On April 24, Washington State's governor signed the "Sheena Henderson Act" (SB 5381) into law. The act requires law enforcement to conduct a background check on the owner of a confiscated firearm before returning it to the owner. Law enforcement must also notify family or household members (including dating partners) who have requested notification prior to the return of the firearm. Police must wait 72 hours after notification before returning the weapon. The act was named after a woman who was murdered in Washington in 2014 when police returned a firearm to her husband without her knowledge.

Vermont SB 141 has been sent to Governor Shumlin for his signature. The bill would expand the law prohibiting domestic abusers from possessing firearms and require mental health records be sent to the National Instant Criminal Background Check System.

On April 27, Montana Governor Steve Bullock vetoed a second bill (HB 533) that would have allowed loaded guns to be carried in public without a permit. The bill would have also allowed firearms in restaurants.

ISSUES AND BILLS

CONCEALED CARRY (NO PERMIT)

CO S 32, GA H 543, IN H 1144, KS S 45, ME S 245, MN S 684, MS H 1272, NH H 582, NH S 116, OK H 1264, OK H 1325, OK S 363, PA H 230, SCS 105, SC H 3716, TN H 535, TN H 684, TN S 780, TN S 784, TX H 195, TX S 342

DOMESTIC VIOLENCE

AL H 47, CT S 650, H 6848, HI H 402, HI H 625, HI H 1199, HI S 462, IL H 265, IL H 3358, IN H 1295, KS H 2206, KY H 8, ME H 413, MD S 530, MO H 492, MO H 418, MO H 646, NJ S 2786, NV S 175, NY A 249, NY A 373, NY A 5257, NY S 1413, NY S 1461, NY S 1493, OK H 1329, OR S 525, RI H 5119, RI H 5655, RI S 503, RI S 511, RI S 520, RI H 5872, SC H 3034, SC S 3, WA S 5381

GUN VIOLENCE RESTRAINING ORDER

IL S 1864, IL H 3160, KS H 2206, KS H 2375, MO H 646, MN H 1361, MN S 1289, NJ A 3370, NY A 4277, TX S 1006, WA S 5727, WA H 1857

PRIVATE SALE BACKGROUND CHECKS

AZ H 2118, AZ HCR 2009, AZ S 1269, AZ H 2601, IA H 77, IL H 1405, IL S 1490, KS S 25, MO H 347, MT D 608, NJ A 1800, NJ S 2785, NY S 2445, SC H 3033, TX S 258, TX S 259, TX 2190, VT S 31, WI LRB 1710

OTHER BILLS TO WATCH

Guns Everywhere: NC S 708

Open Carry: TX S 17

Preemption: NE L 289

Stand Your Ground: IA H 92, NV S 175

Waiting Period Repeal: WI S 35

NEGATIVE TRENDS

This month, the gun lobby won three victories in their ongoing effort to expand the presence of firearms in public spaces. Mississippi Governor Phil Bryant signed SB 2394 into law, allowing carrying loaded guns in a purse, briefcase, or other bag without a permit. Tennessee Governor Haslam enacted HB 995 which prohibits local governments from deciding whether to allow guns in their own public parks, and Governor Dalrymple of North Dakota signed HB 1450, which allows guns to be stored in vehicles in parking areas of colleges and universities.

The Wisconsin Senate has passed a bill, SB 35, that would repeal the decades-old requirement that firearms dealers wait 48 hours prior to transferring a handgun to a purchaser. Despite the fact that waiting periods provide a cool-down period that can save the life of the gun purchaser and others, the NRA calls the waiting period “antiquated” and “unnecessary.”

The North Carolina bill, HB 562, which would repeal the requirement to obtain a permit prior to purchasing a handgun passed the House Rules Committee on April 29. The bill will be heard by the House Appropriations Committee on Wednesday, May 6. If the permit requirement is repealed, handgun purchasers in North Carolina will be able to buy firearms from unlicensed sellers without ever passing a background check.

BILLS TO WATCH

An extreme gun lobby bill has been introduced in North Carolina that would deputize regular citizens by issuing “Homeland Security Unrestricted Concealed Handgun Permits” to individuals with regular concealed carry permits that obtain an unspecified amount of firearm safety training. A person who qualifies for the permit would also be issued a badge and would be authorized to carry a loaded firearm anywhere state and local law enforcement officers may be armed when acting in the discharge of official duties.

To see the status of other gun bills moving in state legislatures, as well as maps on the trending issues in state gun bills, check out smartgunlaws.org/trendwatch.

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.