

# GUN LAW TRENDWATCH

## 2018 YEAR-END REVIEW

### In 2018, gun safety won in state legislatures and voting booths across the country.

The gun safety movement experienced a tectonic shift in 2018. The growing number of mass shootings and domestic violence homicides, as well as the devastation wrought by guns in urban communities, has culminated in a surging pressure to address this epidemic. After the deadliest mass shooting in American history late last year in Las Vegas and the Parkland massacre in February, the ground has finally shifted. Our country is ready for change.

# 1638

FIREARM BILLS  
TRACKED IN 2018

of new gun violence prevention activists, led by teenage survivors and their peers, have demanded stronger gun laws loudly and unwaveringly, most visibly at March for Our Lives events around the country in the month following the shooting at Marjory Stoneman Douglas High School.

Although determined advocates and courageous legislators have been enacting meaningful gun safety legislation in states across the country for years, the momentum generated by the Parkland shooting is unprecedented. Large numbers

Republican and Democrat legislators in 26 states and DC heeded their calls to action and, working from the foundations laid by advocates over the past few decades, enacted 67 new gun safety laws. **With support from Giffords, states passed extreme risk protection orders, funded urban gun violence reduction programs, raised the minimum age to buy guns, banned ghost guns and bump stocks, disarmed domestic abusers, and much more.** Voters in Washington State resoundingly approved the year's only gun safety ballot measure, enacting new restrictions on semiautomatic rifles and encouraging safe firearm storage.

This remarkable increase in new gun safety legislation was only the beginning of the movement's gains in 2018. On November 6, voters nationwide proved that gun violence prevention is a winning issue, with outspoken gun safety advocates beating their NRA-endorsed opponents in races around the country.

The end of 2018 leaves us with a new Congress, new state legislators and governors, and millions of Americans living in states with safer gun laws. Despite the unacceptable reality that over 100,000 people are shot each year, 2019 brings renewed hope for vigorous federal and state gun violence prevention efforts and a safer future for all Americans.

# 2018 STATE GUN LAW VICTORIES

## New Lifesaving Gun Laws

### BACKGROUND CHECKS

Seven states enacted laws that add a background check requirement or improve an existing background check law: **Florida** SB 7026, **Louisiana** SB 231, **New Jersey** AB 2757, **Oregon** HB 4145, **Tennessee** SB 834, **Vermont** SB 55, and **Washington** Initiative 1639.

### BUMP STOCKS & TRIGGER ACTIVATORS

Nine states and DC enacted new laws or strengthened existing laws that ban the use of bump stocks and other trigger activators: **California** SB 1346, **Connecticut** HB 5542, **DC** B22-0588, **Delaware** HB 300, **Florida** SB 7026, **Hawaii** SB 2046, **Maryland** SB 707, **New Jersey** SB 3477, **Rhode Island** SB 2292/HB 7075, and **Washington** SB 5992.

### CONCEALED CARRY

Five states tightened laws that regulate carrying concealed firearms in public: **California** AB 2103, **Maryland** HB 819, **New Jersey** AB 2758, **South Dakota** HB 1209, and **Washington** HB 2519.

### DEALER REGULATIONS

**Oregon** HB 4145 extended the state's handgun dealer regulations to all firearm dealers. Federally licensed dealers are subject to very little scrutiny. States that enact gun dealer regulations can reduce the number of irresponsible gun dealers whose misconduct threatens the lives and safety of others.

### DOMESTIC VIOLENCE

Eleven states enacted laws that help keep firearms away from domestic abusers: **California** AB 3129, **Kansas** HB 2145, **Louisiana** HB 776, HB 896, and SB 231, **Maryland** HB 1646, **New York** SB 8121, **Ohio** HB 1, **Oregon** HB 4145, **Pennsylvania** HB 2060, **Utah** SB 27, **Vermont** HB 422, and **Washington** SB 6298.

### EXTREME RISK PROTECTION ORDERS

Eight states and DC passed measures that allow law enforcement, a family member, or others in the community to petition for a temporary order removing access to firearms by at-risk individuals: **DC** B22-0588, **Delaware** HB 222, **Florida** SB 7026, **Illinois** HB 2354, **Maryland** HB 1302, **Massachusetts** HB 4670, **New Jersey** AB 1217, **Rhode Island** SB 2492/HB 7688, and **Vermont** SB 221.

### GUNS IN SCHOOLS

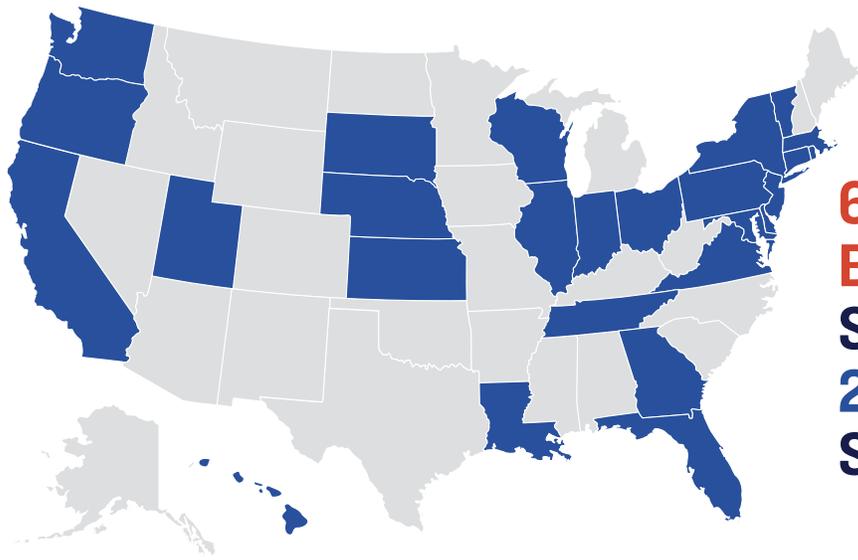
**Vermont** HB 25 banned possession of guns in K-12 school buildings and buses, except where authorized by local school officials for specific occasions or purposes.

### LARGE-CAPACITY AMMUNITION MAGAZINES

**New Jersey** AB 2761 expanded the state's ban on magazines that hold over 15 rounds to include any magazines that hold over 10 rounds. **Vermont** SB 55 banned magazines that accept over 10 rounds for a long gun and over 15 for a handgun. **DC** B22-0588 increased penalties for possessing a large-capacity magazine.

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KEEP UP ON THE LATEST TRENDS IN STATE FIREARM LEGISLATION AND VIEW PAST ISSUES



## 67 GUN SAFETY BILLS HAVE BEEN SIGNED INTO LAW IN 26 STATES AND DC SO FAR THIS YEAR

### MENTAL HEALTH

**Delaware** HB 302 and **New Jersey** AB 1181 both facilitated removal of firearms from a person who is dangerous due to mental illness.

### MINIMUM AGE

Four states tightened minimum age laws, specifically addressing the ability of people under 21 to access firearms: **California** SB 1100, **Florida** SB 7026, **Vermont** SB 55, and **Washington** Initiative 1639. The initiative also restricts where a person between the ages of 18 and 21 may possess a semiautomatic rifle.

### PROHIBITED PEOPLE

Five states added prohibiting factors to laws regulating who may purchase and possess firearms: **Louisiana** SB 411, **Nebraska** LB 990, **New York** SB 8121, **Virginia** SB 669, and **Washington** Initiative 1639. New York's law also extends the state's relinquishment procedures to those who have committed felonies or serious offenses.

### RESEARCH CENTER

**New Jersey** appropriated \$2 million to fund a center on gun violence research that will be housed at Rutgers University.

### SAFE STORAGE

**Washington** Initiative 1639 imposes criminal liability on people who unsafely store guns that are then used by a prohibited person. Dealers must also offer a gun safe or lock with each firearm purchase.

### SAFETY TRAINING PRIOR TO TRANSFER

**Washington** Initiative 1639 prohibits a licensed dealer from delivering a semiautomatic rifle to a person who does not provide proof of firearm safety training within the previous five years.

### UNDETECTABLE/UNTRACEABLE GUNS

Two states enacted laws regulating guns that are undetectable, due to the material used to create them, and/or untraceable, because they lack a serial number: **California** SB 746 and **New Jersey** SB 2465.

### URBAN GUN VIOLENCE REDUCTION PROGRAMS

Nine states passed laws to fund urban gun violence reduction programs: **California** SB 840, **Connecticut** SB 543, **Florida** HB 5001, **Illinois** HB 109, **Maryland** HB 113/ HB 432, **Massachusetts** HB 4800, **Nebraska** LB 944, **New York** SB 7503, and **Rhode Island** HB 7200.

### TRAFFICKING

Two states enacted laws that make it harder for criminals to traffic firearms from the legal to the illegal market: **Georgia** HB 657/SB 407 and **Wisconsin** SB 408/AB 524.

### WAITING PERIODS

Three states enacted or strengthened waiting period laws. **Florida** SB 7026 extended the state's waiting period for handguns to all firearms sold at retail locations. **Illinois** SB 3256 lengthened the state's long gun waiting period to three days. **Washington** Initiative 1639 added a 10-day waiting period for semiautomatic rifles sold by dealers.

# New Gun Lobby Laws

In 2018, the gun lobby was largely thwarted in its efforts to weaken gun laws. Some of its most notable gains, however, were in Idaho and Wyoming, where gun extremists successfully eliminated the requirement that people retreat from a conflict if they can do so safely before using deadly force (“Stand Your Ground”). Gun advocates in Iowa also cleared a hurdle to their efforts to weaken even the most basic gun laws by subjecting them to the strictest form of court review, known as “strict scrutiny.”

**Despite these setbacks in the march towards a safer America, the gun lobby passed far fewer significant pieces of legislation and suffered more losses in 2018 than in previous years.**

## **WE’RE ON A MISSION TO SAVE LIVES**

For 25 years, the legal experts at Giffords Law Center to Prevent Gun Violence have been fighting for a safer America by researching, drafting, and defending the laws, policies, and programs proven to save lives from gun violence. Founded in the wake of a 1993 mass shooting in San Francisco, in 2016 the Law Center joined with former Congresswoman Gabrielle Giffords to form a courageous new force for gun safety that stretches coast to coast.

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Notably, the gun lobby’s efforts to repeal laws requiring gun owners to obtain a permit to carry concealed firearms failed in every state where this legislation was introduced.

Although the gun industry continued to push a dangerous agenda to increase its profits at the expense of public safety, Americans pushed back hard in 2018, significantly limiting its victories.

**Florida** SB 7026 purported to allow school districts to authorize school personnel to carry concealed firearms in classrooms and other parts of K–12 campuses, but the law’s application is the subject of litigation by Giffords Law Center. SB 7026 also requires that “safe-school officers,” who may be law enforcement or armed staff, be assigned to each school.

**Idaho** SB 1313 creates a Stand Your Ground law, removing the duty to retreat in public before using self-defense.

**Iowa** HJR 2009 authorizes a constitutional amendment to be put on the ballot that would subject all gun laws to the strictest form of judicial review.

**Oklahoma** HB 2632 expands the ability of a person to claim self-defense when using force in houses of worship.

**South Dakota** HB 1083 allows certain individuals between the ages of 18 and 21 to obtain a restricted concealed carry permit. HB 1271 allows firearms on the grounds of private K–12 schools, houses of worship used for public school functions, and any private K–12 school located on the premises of a house of worship.

**West Virginia** HB 4187 forces private business owners to allow guns in their parking lots.

**Wyoming** HB 141 repeals the prohibition on guns in houses of worship. HB 168 creates a Stand Your Ground law.

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