

HOW “SECOND AMENDMENT SANCTUARIES” ARE THREATENING LIFESAVING GUN LAWS

Since the mass shooting at Marjory Stoneman Douglas High School, gun safety policy has moved to the center of political debate and the floors of our state legislatures.¹ In 2018 alone, 26 red, blue, and purple states enacted 67 important gun safety laws, and the momentum has continued into 2019.² But this lifesaving progress is increasingly threatened by resistance from a movement of rogue sheriffs inspired by a legal theory handed down from the Ku Klux Klan.³ Sheriffs in a handful of states, including Colorado and New Mexico, have declared their counties “Second Amendment sanctuaries” and say they won’t enforce these new laws on the grounds that they aren’t constitutional.⁴

The sheriffs’ specious theory that they can decide what does or doesn’t violate the Second Amendment flies in the face of the basic constitutional principle that it is up to courts, not law enforcement, to say what the

In counties around the country, rogue sheriffs in “Second Amendment sanctuaries” are endangering those they’ve sworn to protect.



Constitution means. And by obstructing critical tools proven to save lives, these sheriffs are threatening the very residents whose rights they claim to protect.

Extreme risk laws, which allow courts to temporarily disarm individuals in crisis, are one example of a critical, lifesaving policy with broad public support. Florida passed an extreme risk law after the tragedy in Parkland to help prevent another mass shooting. In the first three months after Maryland passed their own version of this law, four individuals who made “significant threats” against schools were disarmed.⁵

Extreme risk laws are also extremely effective at preventing gun suicides, which make up two-thirds of all firearm deaths in the United States. Connecticut’s⁶ and Indiana’s⁷ laws have both been shown to prevent firearm suicides—with one analysis showing that extreme risk laws reduce firearm suicide rates by as much as 13.7%.⁸

After Governor Jared Polis signed an extreme risk bill into law on April 12, Colorado became the 15th state to adopt this policy. Representative Tom Sullivan, whose son was killed in the 2012 Aurora shooting, helped introduce the bill.

The need for an extreme risk law in the state could not be more urgent. As the site of two of the country’s deadliest mass shootings in the past two decades, Colorado is no stranger to the horror of these tragedies.

The state also struggles with high rates of firearm suicide. More than half of all suicides in Colorado are firearm suicides. Furthermore, the state has the eleventh highest suicide rate in the nation.⁹ And the problem is only getting worse: Colorado’s firearm suicide rate rose by nearly 30% from 2008 to 2017.¹⁰

But despite this dangerous trend, more than half of the state’s counties have declared opposition to

ABOVE AVERAGE SUICIDE RATES IN SANCTUARY COUNTIES

Of the Colorado counties that have declared themselves “Second Amendment sanctuaries,” 92% of them have suicide rates above the state average.

COUNTY	FIREARM SUICIDE RATE	SECOND AMENDMENT SANCTUARY
Custer County	32.13	✓
Park County	24.26	✓
Huerfano County	22.54	✓
Moffat County	21.06	✓
Rio Blanco County	21.00	✓
Archuleta County	20.24	✓
Teller County	20.04	✓
Montezuma County	18.61	✓
Delta County	17.05	✓
Bent County	16.71	✓
Conejos County	15.83	✓
Fremont County	15.12	✓
Kit Carson County	14.95	✓
Montrose County	14.36	✓
Elbert County	13.82	✓
Alamosa County	12.50	✓
El Paso County	11.35	✓
Garfield County	11.34	✓
Otero County	11.29	✓
Logan County	10.30	✓
Rio Grande County	10.23	✓
Prowers County	9.75	✓
State Average	9.57	
Douglas County	8.16	✓
Weld County	8.00	✓
National Average	6.61	

Sanctuary status current as of May 9, 2019. Firearm suicide rates per 100,000 for the years 2008–2017. Only includes counties for which firearm suicide data is available.

the new extreme risk law,¹¹ and numerous sheriffs have said they'll flat out refuse to enforce it. Unfortunately, the strongest opposition to enforcing the extreme risk law is coming from counties that could benefit from it the most.

Nine of the 10 Colorado counties with the highest suicide rate over the past 10 years have declared themselves "Second Amendment sanctuaries." Indeed, 22 out of the 24 sanctuary counties for which suicide data is available—92%—had suicide rates above the state average.

Custer County, the county with the highest gun suicide rate in Colorado, is a telling example. The county's gun suicide rate is more than three times higher than the state average, and nearly five times the national average. Yet the Custer County Sheriff says he won't use a tool shown to reduce gun suicide because he believes the extreme risk law "contradict[s] the right to bear arms" and is unconstitutional.¹²

Park County has the second highest rate of gun suicide in Colorado. There too, Sheriff Tom McGraw threatens to withhold a lifesaving tool because he claims the extreme risk law "is a complete violation of the Second Amendment."¹³ Perhaps the most outspoken critic of the extreme risk law, Weld County Sheriff Steve Reams, has said he'll go to jail before enforcing it¹⁴—even though 216 people died by gun suicide in Weld County between 2008 and 2017, where the gun suicide rate is nearly 20% higher than the national average.¹⁵

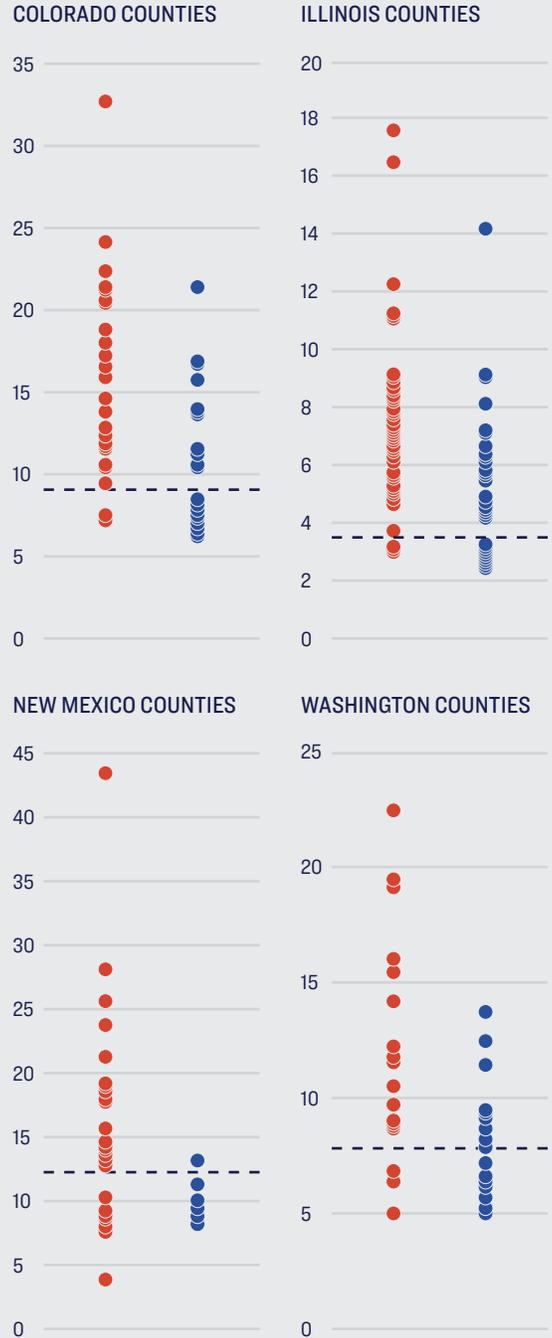
It's no coincidence that opposition to strong gun laws is fiercest in counties with disproportionately high firearm suicide rates. Rates of gun ownership in those mostly rural counties are high, so sheriffs think choosing to protect guns over people is a political winner. But research shows that rates of gun suicide are higher where more households own guns,¹⁶ and that there are fewer gun suicides where gun ownership is lower.¹⁷ Sheriffs resisting one of the

A LIFE-THREATENING TREND

The strongest opposition to enforcing gun safety laws is coming from counties that could benefit from them the most, which puts the state's most vulnerable residents in even graver danger.

COUNTY FIREARM SUICIDE RATES PER 100,000 (2008–2017)

-- State Average Suicide Rate
● Sanctuary Ordinance Passed ● No Sanctuary Ordinance Passed



Sanctuary status current as of May 9, 2019.

most effective means of stopping gun suicides are choosing to do so in the face of significantly elevated suicide risk.

Unfortunately, this pattern is replicated outside Colorado as well. In Illinois, Massac County has joined nearly two-thirds of the state's counties in declaring itself a "gun sanctuary,"¹⁸ even though Massac has the state's highest gun suicide rate, with firearm suicides occurring at nearly five times the state average.

More than half of the sheriffs in Washington State vocally oppose the state's extreme risk law and other measures adopted by Washington voters last year. In Ferry County, the police chief of the City of Republic said that no matter what happens, he and his officers will not enforce the state's new gun laws.¹⁹ "Everybody in Republic has a gun," the town's mayor declared. "We don't have a giant crime rate because nobody in their right mind would come to a house where people have guns and know how to use them."²⁰ This blustering rhetoric puts residents in serious danger. Ferry County has the highest gun suicide rate in Washington State. Between 2008 and 2017, county residents died by gun suicide at a rate three times the state average.

Or take New Mexico. In February, it became the twenty-first state to mandate more extensive background checks on gun sales than are required under federal law. More than three-quarters of New Mexico's counties declared themselves "Second Amendment sanctuaries" in response.²¹ That, in turn, stalled the legislature's attempt to move an extreme risk bill that could have benefited the residents of rural counties with high gun suicide rates.

At a time when states across the country are looking for smart public policy that will reduce gun violence and save lives, gun policy must be based on evidence, not misguided rhetoric. Americans couldn't be clearer about the fact that the time has come for safer gun laws. Unfortunately, in a number of states across the country, many of those who have sworn oaths to protect the most vulnerable among us are choosing to neglect this duty and protect guns instead.

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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