



House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

HOUSE DEMOCRATIC POLICY COMMITTEE HEARING

Topic: Gun Safety

Event Center by Cornerstone – New Hope, PA

October 22, 2018

AGENDA

2:00 p.m. Welcome and Opening Remarks

2:10 p.m. Panel One:

- Dominick Bellizzie
Chief of Police, Solebury Township
- Barbara Simmons
Executive Director, The Peace Center
- Shira Goodman
Executive Director, CeaseFirePA
- Jesse Steele
Director of Development, A Woman's Place

2:50 p.m. Panel Two:

- Marlene Katz
Faith Outreach Lead, Moms Demand Action
- Olivia Mitchell
Member, Bucks Students Demand Action
- Mikhel Harrison
Former Policeman

3:30 p.m. Closing Remarks

Testimony of CeaseFirePA Before the Democratic Policy Committee

Shira Goodman, Executive Director

October 22, 2018

Introduction

CeaseFirePA is a statewide organization partnering with mayors, police chiefs, faith leaders, community organizations and individual Pennsylvanians taking a stand against gun violence. We are the largest gun violence prevention organization in Pennsylvania and engage in education, coalition-building and advocacy with the goals of reducing gun violence, stopping the flow of illegal guns into our communities and keeping guns out of the hands of those who should not have them.

Pennsylvania suffers close to 1500 gun deaths a year, and the problem is not limited to our large urban centers. Towns and municipalities across the Commonwealth are struggling with the problem and looking for tools to address it. It is up to our legislators in Harrisburg to give them these tools. We thank the Committee and especially Representative Tai for holding this hearing and for the opportunity to present testimony. And we hope that in the coming legislative session, we will see action on many of the policies discussed herein.

Gun Deaths in Pennsylvania

Pennsylvania suffers close to 1500 gun deaths every year, whether by homicide, suicide or unintentional shootings.¹ PA is one of a growing number of states where we have more gun deaths than deaths due to automobile accidents.² This is striking, given that 90% of American household have access to a car, while just under 33% of American households have a gun.³ We should learn from our successful history of using regulation to make cars and driving safer, that regulation of firearms based on data and evidence can help save lives without unduly burdening the rights of law abiding citizens.

In 2015, in PA, there were 1485 firearms deaths: 533 of which were homicides and 932 of which were suicides.⁴ These figures are fairly consistent with national figures: there are more than 20,000 suicides completed with firearms in the United States each year, accounting for $\frac{2}{3}$ of all gun deaths in the United States as well as more than $\frac{1}{2}$ of all suicides. Clearly, suicide represents

¹ Centers For Disease Control and Prevention, WISQARS Fatal Injury Data, https://webappa.cdc.gov/sasweb/ncipc/DataRestriction_inj.html. This testimony is using 2015 Pennsylvania data compiled in WISQARS.

² Violence Policy Center, *Gun Deaths Outpace Motor Vehicle Deaths in 21 States and District of Columbia (Jan. 2016)*, <http://www.vpc.org/studies/gunsvs cars16.pdf>.

³ *Id.*

⁴ Centers For Disease Control and Prevention, WISQARS Fatal Injury Data, https://webappa.cdc.gov/sasweb/ncipc/DataRestriction_inj.html. This testimony is using 2015 Pennsylvania data compiled in WISQARS.

a large part of our gun violence problem. It is not a separate problem, nor can it be ignored in the discussion of policies to prevent gun violence.

Different demographics in PA experience gun violence and gun deaths differently. Of those 533 homicides, 446 victims were male and 370 victims were black. 350 of the 533 homicide victims were black males, representing 66%. By contrast, of the 932 suicides, 807 were males, and 872 were white. 757 of the 932 suicides were white males, representing 81%. 106 of the 1485 gun death victims were between the ages of 0 and 19. 39 of these deaths were suicide, and 66 were homicide. 52 of the 66 homicide victims were young black males.⁵

White and black males in PA make up the largest portion of our PA gun deaths, but they experience gun violence -- and the risk of gun death -- in very different ways.⁶

Suicide is a critical part of the gun violence problem and a necessary part of any discussion of policy solutions. Three factors explain why guns and suicide are intricately linked. First, guns are lethal, and as a result, suicide attempts by firearm are much more likely to be fatal than attempts with other means. Put simply, those who use firearms in suicide attempts have a lower chance of survival than those who attempt suicide with other means. Approximately 85% of attempted firearm suicides result in death, while less than 3% of suicides by drug overdose, the most common method of suicide nationally, result in death.

Second, the easy accessibility of guns in the United States facilitates firearm suicide. Due to the lack of strong regulations on the sale of firearms in Pennsylvania, it is relatively easy for people who plan to attempt suicide by firearm to obtain the means to do so. Also, a person is more likely to commit suicide if there is a gun in his or her home. States where it is common to own a gun have 3.8 times more suicide deaths than do states where gun ownership is less common. It is unlikely that a gun will be used to commit suicide if there is no gun in the home. If a person's preferred method of suicide is unavailable, he or she is unlikely to use an alternate means. Moreover, since Pennsylvania does not have any safe storage or child access prevention laws in place, it is more likely that a gun in the home will be available to household members other than the gun owner.

Third, both the decision and action of suicide are often impulsive. One-quarter of survivors of suicide attempts said that they made their attempt within 5 minutes of their decision to do so, while half made their attempt within 20 minutes, and three-quarters made their attempt within an hour. Suicide by firearm is more often fatal than suicide attempted by other means, thereby depriving a person of the chance to reconsider his or her decision.

There is strong evidence that ready access to a firearm can increase the risk of suicide. Having a gun in the home increases the risk of suicide by a factor of 5, while it increases the risk of suicide

⁵ *Id.*

⁶ *Id.*

by a firearm by a factor of 17.⁷ Guns in homes are more likely to be used for suicide than for self-defense.⁸ In fact, for every time a gun is used for self-defense at home it is used 11 times for suicide.⁹ In addition, over 75% of firearms that were used in attempted and completed suicides were found in the homes of the victims, or the homes of their friends and families.

Pennsylvania has a gun violence problem. Pennsylvania also recognizes and protects the right to bear arms, more strongly than many other states. This has resulted in a regulatory system that does not require license or registration prior to purchase, has no waiting period prior to purchase, has no training requirement prior to purchase, does not limit the number of firearms or amount of ammunition an individual may purchase, allows open carry without a license (except in Philadelphia), provides a relatively permissive process for obtaining a concealed carry license, has no child access prevention laws, has no safe storage requirements, does not require an owner to report when his or her firearm is lost or stolen, and allows the private sale of long guns without a background check. The gaps in this system contribute to the level of gun violence and gun deaths PA experiences.

Emergency Risk Protection Orders

Often, the issue of mental illness is blamed for our gun violence problem. But people living with mental illness are much more likely to become victims of violence than perpetrators. However, often mass shootings and murder-suicide incidents highlight the deadly results when those struggling with mental illness have easy access to guns.

Current law is both under and over inclusive in trying to prohibit those living with mental illness from accessing firearms. At this time, to be a prohibited purchaser because of mental illness requires someone to be declared incompetent by a judge or involuntarily committed to an institution for 72 hours. In cases where that occurs, the individual loses his or her rights to possess or purchase firearms for life, even if he or she receives treatment or is otherwise deemed to no longer be a threat to themselves or others. This means that many people who are unlikely to harm themselves or others have lost all firearms rights. Conversely, the very high bar required to become a prohibited purchaser by reason of mental health history necessarily excludes those in sudden or imminent crisis who have never been previously identified as likely to harm themselves or others. Such a person likely will have retained the ability to purchase or possess firearms, often with fatal consequences.

⁷ Kellermann, Arthur L.MD, MPH, et al. "Injuries and Deaths Due to Firearms in the Home." Journal of Trauma, Injury, Infection, and Critical Care 45 (1998): 263-67; see also <http://smartgunlaws.org/dangers-of-gun-use-for-self-defense-statistics/>.

⁸ Kellermann, Arthur L.MD, MPH, et al. "Injuries and Deaths Due to Firearms in the Home." Journal of Trauma, Injury, Infection, and Critical Care 45 (1998): 263-67; see also <http://smartgunlaws.org/dangers-of-gun-use-for-self-defense-statistics/>.

⁹ Kellermann, Arthur L.MD, MPH, et al. "Injuries and Deaths Due to Firearms in the Home." Journal of Trauma, Injury, Infection, and Critical Care 45 (1998): 263-67; see also <http://smartgunlaws.org/dangers-of-gun-use-for-self-defense-statistics/>.

However, in such cases, friends, families or others often are aware that the individual is in crisis and poses a risk of harming himself or others. Another tool is needed to address this situation and to temporarily remove firearms from the individual and/or temporarily block the individual's ability to purchase firearms. That can be achieved through an Extreme Risk Protection Order or Gun Violence Restraining Order. According to the Educational Fund to Stop Gun Violence, thirteen states currently have such laws in place.¹⁰

Across the country, ERPO bills have been gaining attention since the mass shooting at Marjorie Stoneman Douglas High School in Parkland, Florida. Almost every time we read or hear about one of these cases, we learn that someone -- a friend, family member, teacher, or law enforcement agency -- had some knowledge that the perpetrator was in crisis or at risk. A procedure to help protect such individuals and prevent them from harming themselves or others offers a way to fill the gap short of involuntary commitment or an incompetence hearing and short of a lifetime ban on firearms rights. Instead, lives can be saved, and individuals can be encouraged to get the help they need when they need it.

CeaseFirePA strongly believes that enacting an Extreme Risk Protection Order bill would save lives here in PA. Modeled after the procedures in place for applying for and obtaining temporary restraining orders in domestic violence cases, the ERPO bills provide for a civil process, with due process protections built in, to fill the gap in cases where other firearms prohibitions would not keep guns out of the hands of those at high risk of harming themselves or others.

There are two main steps in the ERPO process. First, there is an initial hearing, which often will occur ex parte because of the emergent nature of the hearing. The presiding judge will hear evidence about whether the subject of the requested order presents a danger to himself or others. The judge may issue a temporary and short term order to require relinquishment of any firearms the subject possesses and to temporarily bar the subject from purchasing firearms. Before the order expires, another hearing will be held, with both sides present and able to present evidence. Following that hearing, the judge may extend the Order for a longer time period, typically up to one year, or may terminate the order and ensure that any relinquished firearms are returned to the subject.¹¹

Data demonstrates that ERPO laws and procedures can and do save lives. Connecticut has had in a place a Risk Warrant law since 1999 that provides law enforcement a process to temporarily remove firearms from those where there is probable cause to believe they pose a significant risk of harm to themselves or others. Dr. Jeffery Swanson of Duke University studied the data from the first 14 years CT's Risk Warrant law was in place and found:

- 762 risk-warrants were issued, with increasing frequency after the 2007 Virginia Tech shooting.
- Police found firearms in 99% of cases.

¹⁰ Website of Educational Fund to Stop Gun Violence, <http://efsgv.org/extreme-risk-protection-orders>.

¹¹ Educational Fund to Stop Gun Violence, <http://efsgv.org/wp-content/uploads/2018/04/ERPO-One-Pager-April-2018.pdf>.

- Police removed an average of seven guns per subject.
- Suicidality or self-injury was a listed concern in $\geq 61\%$ of cases where such material was available.
- 21 risk-warrant subjects went on to die by suicide, a rate about 40 times higher than the adult suicide rate in Connecticut.
- 6 of 21 suicides were by firearm. Known case fatality rates of suicide methods were used to estimate that the 21 suicides likely represent 142 attempts, mostly by means less lethal than guns.
- In the absence of a risk-warrant and if firearms had been available and used in more of the risk-warrant subjects' attempts, more would have died by suicide.
- Most risk-warrant subjects (88%) were not known to Connecticut's public behavioral health system when the warrants were served – despite their elevated risk of self-harm.
- After risk-warrant: Nearly one-third (29%) of subjects received treatment in the state system.
- Risk-warrants provided a portal to critical mental health and substance abuse services.¹²

Dr. Swanson and his team concluded:

The data demonstrate that Risk Warrant/ERPO type processes do reach and impact individuals at an elevated risk for suicide, can prevent suicide by intervention, can help individuals obtain the treatment they need, and can save lives because those who still attempt suicide resort to less lethal means by virtue of temporary loss of access to firearms.¹³

CeaseFirePA urges the Pennsylvania legislature to strongly consider and vote out the ERPO bills pending in the House and Senate.

The PA Background Check System for Firearms Purchases

Although CeaseFirePA believes that there are many steps Pennsylvania can and should take to strengthen our gun laws in the effort to reduce gun violence, we proudly acknowledge that the Pennsylvania background check system is working well and has two key elements that should serve as a model for other states. The first is the requirement that every sale of a handgun (with very limited exceptions for close familial transfers) requires a background check. The second is the existence and operation of the Pennsylvania Instant Criminal Background Check System (PICS). We urge the General Assembly to enact measures that would further strengthen and improve this system and to reject measures that would strip it of its effectiveness. Simply put, we urge the expansion of the background check system to cover long gun sales in the same manner as handgun sales; and we urge the maintenance of PICS.

¹² Educational Fund to Stop Gun Violence, <http://efsgv.org/wp-content/uploads/2017/09/CT-Risk-Warrant-Data-One-pager-ERPO-9-15-17-FINAL.pdf>.

¹³ *Id.*

Under the Brady Act, any firearms sales by a federally licensed dealer require a background check. Under Pennsylvania law, all handgun sales in Pennsylvania also require a background check, regardless of whether the seller is a federally licensed dealer or a private seller. Private sales of long guns, however, are exempt from the background check requirement.

For the purpose of compliance with the Brady Act, Pennsylvania is a Point of Contact State. This means that Pennsylvania conducts its own background checks, checking both national and state databases for records that would establish someone to be a prohibited purchaser. As explained by Major Scott R. Snyder, Acting Deputy Commissioner of Staff Pennsylvania State Police in his 2011 Testimony to the Senate Committee on Law and Justice: "Act 17 of 1995, which created PICS, [resulted from] a consensus that Pennsylvania's citizens would best be served by requiring the State Police to establish, maintain, and operate Pennsylvania's own instantaneous background records check system for firearms transactions. PICS became operational on July 1, 1998."¹⁴ Acting Deputy Commissioner Snyder further testified in 2011 that since its inception, "PICS has processed over 6.6 million calls for background checks – an average of more than 550,000 calls per year. . . . The PICS Instant Check Unit and the Pennsylvania State Police have prevented prohibited persons from illegally obtaining firearms more than 100,000 times."¹⁵ From 2011 through 2016, an additional 60,000 sales to prohibited purchasers have been blocked by PICS.¹⁶

The success of PICS is mirrored by the success of the background check system nationally. "Since the system was established [in 1998], background checks have blocked over 3 million sales to people with felony convictions, domestic abusers, fugitives, and other people prohibited by law from having guns."¹⁷ It is clear that the background check system works to prevent prohibited purchasers from buying guns, and it does so quickly and inexpensively.

Background checks in no way infringe on the rights of law abiding gun owners. Accordingly, the wide spread support for expansion of the background check system is reflected in Pennsylvania and national polls reflects support from gun owners.¹⁸ But the gaps in the background check laws are serious -- that certain gun sales are exempt from background checks provides a legal avenue for those who wish to avoid background checks to purchase firearms. In many cases, this proves deadly and tragic. Pennsylvania has not been immune from such tragedy, including the March 8, 2012 shooting at Western Psychiatric Institute and Clinic. The shooter there was able to obtain a gun in a private sale in another state without a background check, and bring it to PA with deadly results.

¹⁴ Pennsylvania State Police Testimony, Senate Committee on Law and Justice, May 11, 2011, at 1.

¹⁵ *Id.* at 2.

¹⁶ The Firearms Annual Report, Pennsylvania State Police (for years 2012-16), www.psp.pa.gov.

¹⁷ <https://everytownresearch.org/background-checks-loophole/>.

¹⁸ See, e.g., Franklin and Marshall Poll, March 20, 2018 (86% of Pennsylvanians strongly favor enhancing the background check system); see also <https://www.fandm.edu/news/latest-news/2018/03/29/f-m-poll-about-half-of-pa-registered-voters-very-interested-in-midterm-elections>; <https://poll.qu.edu/national/release-detail?ReleaseID=2521> (97% of Americans are in favor of Universal Background checks).

There are too many instances just like this that happen all over this country every day. In fact, interviews with prisoners convicted of gun crimes demonstrates how big a problem the exemptions for private sales are: very few of the inmates convicted of gun crimes obtained their guns from a seller where a background check was required; moreover, "96.1% of those inmates who were already prohibited from possessing a gun at the time of the crime obtained the firearm through an unlicensed private seller."¹⁹

Where private sales are exempt from background checks, they are the avenue of choice for those most likely to be buying firearms with criminal intent.

In Pennsylvania, we are fortunate that private sales of handguns require background checks. However, we do have a private seller loophole that should be closed. CeaseFirePA Supports HB 1400, a straightforward bill that eliminates the exemption of private sales of long guns from the background check requirement. It ensures that virtually every gun sale in Pennsylvania (except for close familial transfers) requires a background check, regardless of the type of gun or who the seller is. This is a commonsense expansion of a system that has been working well in Pennsylvania. It does not burden the rights of law abiding gun owners (who already are accustomed to PA's requirement of background checks in private sales of handguns) and closes a legal avenue by which those who seek to avoid background checks can buy certain types of firearms in Pennsylvania. Although it is true that the majority of gun crimes are committed with handguns, a significant portion of crime guns are long guns. In fact, 25% of firearms recovered in Pennsylvania by the ATF in 2011 (the most recent year for which ATF data is available) were long guns.²⁰ This is not insignificant. Moreover, although most homicides in Pennsylvania also are committed with handguns, every year many homicides are committed with long guns.²¹ From 2006 to 2015, 48% of PA law enforcement officers fatally shot were killed with long guns. This almost doubles the national figure.²² Without question, our police officers have been preyed on by criminals using long guns.

Those intent on criminal activity can do great harm with any type of firearm. Accordingly, the avenues for purchase of firearms without background checks should be closed. Had John Shick tried to purchase a long gun in Pennsylvania, he could have obtained one here in a private sale without a background check. The background check system prevents guns from getting into the

¹⁹ Center to Prevent Gun Violence, Private Sales Policy Summary, updated July 2013.

²⁰ Bureau of Alcohol, Tobacco and Firearms Gun Tracing Data for Pennsylvania 2011, <http://www.atf.gov/files/statistics/download/trace-data/2011/2011-trace-data-pennsylvania.pdf>.

²¹ Crime in Pennsylvania, Annual Uniform Crime Report 2011, <http://www.paucrs.pa.gov/UCR/Reporting/Annual/AnnualFrames.asp?year=2011>; Budget Hearing, Pennsylvania State Police and Office of Homeland Security (February 20, 2013) <http://www.pabudget.com/Display/SiteFiles/154/Documents/HearingTestimony/StatePoliceTranscript.pdf>, at 62-63.

²² Officer Down Memorial Page, <https://www.odmp.org/search/browse?state=PA>.

hands of people who should not have them. The type of gun and type of seller should not matter. The sale and transfer of long guns should be subject to the same requirement as the sale and transfer of handguns. This is common sense, and it is precisely what H.B. 1400 provides.

The Pennsylvania Instant Criminal Background Check System Should Be Maintained

PICS has been a highly effective system that prevents prohibited purchasers from obtaining firearms, offers access to a broader range of records than NICS and offers additional law enforcement benefits. Pennsylvania should maintain PICS as a system that is working.

Accordingly, we urge the General Assembly to reject any efforts to eliminate PICS. Over the years that PICS has been in effect, there have been attempts or proposals to eliminate PICS and fully rely on NICS for background checks. These efforts have been opposed by the State Police for good reason. During his 2011 testimony (and reiterated in his July 2013 testimony before the House Judiciary Committee), Acting Deputy Commissioner Snyder explained why PICS is a highly valuable system that should be maintained in Pennsylvania:

- PICS includes records NICS does not, including full access to the Commonwealth Law Enforcement Access Network ("CLEAN"), which contains arrest warrants; all protection from abuse orders; and -- until recently when 642,000 records were uploaded, certain mental health records.
- PICS offers better procedures for keeping guns out of the hands of those who should not have them: under NICS procedures, if a determination cannot be made in three days, a sale can go through. [This is now known as the Charleston loophole, because that is how the shooter at the Charleston AME Church was able to purchase his firearm.] However, under PICS, a delay status may persist for fifteen days, after which the sale does not go through but the purchaser has a right to challenge the "undetermined" status. As Acting Deputy Commissioner Snyder stated, "the PICS process provides additional assurance that no firearm will be sold or transferred to a prohibited person once the background check is initiated."
- PICS offers an easier way for a denied purchaser to challenge the denial status, and in fact, unlike the NICS challenge process which places the burden on the challenger, the PICS challenge unit assumes the burden of proof and investigates the validity of the denial.²³

Acting Deputy Commissioner Snyder also testified about some of the additional benefits of PICS. He explained that PICS has assisted in the capture of hundreds of fugitives by its identification and follow-up investigative procedures. He also noted, "PICS also provides a proactive means to fight domestic violence. When a background check call is forwarded to a legal assistant and the subject has an outstanding protection from abuse order, PICS personnel

²³ Pennsylvania State Police Testimony, Senate Committee on Law and Justice, May 11, 2011, at 2-5; see also Pennsylvania State Police Testimony, House Judiciary Committee, July 17, 2013, at 2-3.

immediately notify the applicable police agency that the subject is attempting to acquire a firearm."²⁴

Given the known statistics about the increasing use of firearms in domestic violence cases, the ability of PICS to alert law enforcement that someone subject to a protection from abuse order is trying to purchase a firearm is a critical life-saving tool. Finally, Acting Deputy Commissioner Snyder noted that PICS, unlike NICS, can provide law enforcement officers and agencies in Pennsylvania with a background check prior to returning firearms to those who are claiming a right to the firearm.²⁵

Pennsylvania should be proud of the PICS system and ensure that we maintain it and appropriate the necessary funding to ensure it operates at full capacity.

Protecting Our Schools and Students

Although recent events continue to highlight the uniquely American problem of mass shootings inside our public schools, as the Law Center to Prevent Gun Violence has reported,²⁶ schools are some of the safest places for our children, with only a very small percentage of homicides of school-age children occurring on school grounds, on the way to or from school or during school-sponsored events.²⁷ And, following enactment of federal laws regulating guns in schools in the 1990s, there was a significant decrease in the homicide rates for school-age children during school or school-sponsored events in the U.S.²⁸ The answer to ending school shootings and ensuring our students' safety lies in blocking access to guns by those who should not have them.

In the majority of cases where a school shooter was a juvenile, the weapon was obtained from home, where it was inadequately secured. This is what happened in the May 2018 shooting in Santa Fe, Texas: the guns used by the shooter belonged to his father. Approximately 1.7 million American children live in a home with an unlocked and loaded gun. Accordingly, enacting safe storage and child access prevention laws such as HB 1635 would be a key step in helping to prevent school shootings.

²⁴ Id.

²⁵ Id.

²⁶ <http://smartgunlaws.org/gun-laws/policy-areas/firearms-in-public-places/guns-in-schools/>.

²⁷ Centers for Disease Control & Prevention, Morbidity & Mortality Weekly Report, School-Associated Student Homicides – United States, 1992-2006 (Jan. 18, 2008), at <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5702a1.htm>; National Center for Education Statistics. Digest of education statistics- Table 228.10: School-associated violent deaths of all persons, homicides and suicides of youth ages 5-18 at school, and total homicides and suicides of youth ages 5-18, by type of violent death: 1993- 93 to 2012-13. December 2015.

²⁸ Centers for Disease Control & Prevention, Morbidity & Mortality Weekly Report, School-Associated Student Homicides – United States, 1992-2006 (Jan. 18, 2008), at <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5702a1.htm>. The rates decreased from 0.07 per 100,000 students to 0.03 per 100,000 students. Id.

The best way to keep people safe -- including in our schools -- is not to react to attacks as they occur, but to prevent them from occurring in the first place. To achieve this, we can:

- implement threat assessment procedures to identify potential perpetrators before they come to school to kill, and provide the resources to ensure identified threats are contained, as clearly did not happen in Parkland;
- ban assault weapons and close the background check private sale loophole;
- ensure all firearms in the home are securely locked, with ammunition locked separately.

Despite recent efforts to solve this problem by allowing teachers and other nonsecurity school personnel to carry guns in school, many stakeholders emphatically believe that this will not promote school safety. In December 2013, our Joint State Government Commission released its Violence Prevention in Pennsylvania report, commissioned following the tragic shooting at Sandy Hook Elementary School in Newtown, CT on Dec. 14, 2012.²⁹ Recommendation No. 30 reads: "[T]he Advisory Committee strongly opposes arming school administrators, teachers or other non-law enforcement personnel."³⁰ The Report offered a brief, but striking analysis underlying its conclusion:

While there are some school administrators and teachers who may be willing to be trained to carry weapons on school property, the Advisory Committee is opposed to doing so, openly expressing concerns about the safety of a teacher in a classroom wearing a handgun on his hip; these concerns range from the possibility of the teacher being disarmed by disruptive students to creating an environment of fear that is not conducive to learning. Additionally, the presence of these firearms will inevitably raise questions as to when the school employee should use his weapon. Although police officers undergo extensive training in the use of their weapons, teachers do not. Therefore, it is unreasonable to expect a teacher to have the same firearms competency as a law enforcement officer, and not sound policy to assign such responsibility to a teacher. Parameters for use of the weapons would only be as good as the person entrusted to carry one. Additionally, some law enforcement personnel have expressed concerns that if an armed teacher or administrator is in a school building during an active shooter incident and law enforcement enters the building and sees an armed person running down a hallway, they may take action to stop the person before the person can identify himself. In the confusion and mayhem of such an incident, it would be all too easy for the teacher or administrator to become a casualty of the

²⁹ Joint State Government Commission, Violence Prevention in Pennsylvania, Report of the Advisory Committee on Violence Prevention, Dec. 2013, <http://jsg.legis.state.pa.us/resources/documents/ftp/publications/2013-365-VPAC%20Report%201.1.14.pdf>.

³⁰ Joint State Government Commission, Violence Prevention in Pennsylvania, Report of the Advisory Committee on Violence Prevention, at 8 (emphasis added).

police. Another concern is that school employees who bring a weapon into the workplace (i.e., the school) could potentially become perpetrators of violence themselves against their coworkers or students. Despite initial enthusiasm, the prospect of arming teachers has lost any impetus nationwide.³¹

Furthermore, the American Federation of Teachers and the National Education Association, the nation's two largest teachers' organizations, oppose allowing guns in schools.³²

Second, the provisions of SB 383 are simply inadequate to ensure student or faculty safety. SB 383 allows teachers to have access to firearms in the classroom without providing any additional guidance to the school or school personnel. There is no language in SB 383 about how such firearms must be stored or secured in order to prevent a student or other unauthorized person from obtaining the firearm or to prevent the risk of unintentional or "accidental" shootings. Significantly, the requirements that a teacher or other member of the school personnel possess a concealed carry license and complete some training course are inadequate to ensure safety of our students and faculty. In Pennsylvania, there is no requirement that a concealed carry licensee complete any training -- either safety or proficiency -- to obtain or renew a license. The training programs enumerated in SB 383 section 510.3b i-iv only contemplate trainings for various law enforcement or retired law enforcement personnel. Section 5103bv appears to be a "catch-all" provision, under which it is likely anticipated most teachers and faculty would seek to qualify. Without such a program in place, it is unclear what standards any non-law enforcement school personnel would have to meet to qualify to be armed in school under this statute.

There are steps PA can take to make our children and schools safer -- including appropriating funds for security assessments and upgrades, keeping firearms inaccessible to those likely to harm themselves or others, and providing young people and others in crisis with the help they need before danger becomes imminent. Arming teachers and other nonsecurity school personnel is not a solution, and we urge the General Assembly to reject any attempt to do so.

Safe Storage Laws

It is often said that with rights come responsibilities. Nowhere is that truer than when dealing with the intersection of the right to keep firearms, and safe storage of these weapons. By requiring locked storage of all firearms when not in use, significant reductions in the accidental shooting of children, suicide, and school shootings could be realized.

Accidental Shootings. A recent study estimates that 4.6 million children in America live in a home with an unlocked and loaded gun.³³ Based on the CDC WISQARS fatal and non-fatal

³¹ Joint State Government Commission, Violence Prevention in Pennsylvania, Report of the Advisory Committee on Violence Prevention, at 113-14.

³² "AFT, NEA: Arming Educators Won't Keep Schools Safe" December 20, 2012, available at: <http://www.nea.org/home/53943.htm>

injury database, in the decade spanning 2007 – 2016, 17,304 children under the age of 18 were injured with firearms, and 915 were killed.³⁴ Of those killed, the majority (489) were age 12 or under. Furthermore, we know that due to reporting rules used by coroners, the accidental shooting deaths of children are severely under-reported, by a factor of about 2.³⁵ (If a child finds a firearm and kills someone with it, many coroners report that as a homicide, regardless of the age of the shooter.) Many parents believe that hiding a firearm is adequate to protect their children, but a study has shown that in 73% of cases, children under the age of 10 reported knowing where their parents stored their firearms.³⁶ Especially in the case of children, a large percentage of accidental shootings would be prevented if the firearm had been securely locked.

Firearm Suicides. Year after year, firearms account for about 50% of suicides in the United States, and suicides represent roughly two-thirds of the 35,000 Americans killed with firearms every year.³⁷ These grim facts stem from the >80% lethality when firearms are used in an attempt to take one's life, the widespread availability of firearms in our culture, and the often impulsive nature of suicide.³⁸ Experts who deal with suicide stress the importance of means restriction. For a person in crisis, even the delay caused by having to dial a combination in a firearm safe may be a sufficient barrier for the suicidal impulse to dissipate, allowing the potential victim to seek help.

But protection of the firearm *owner* from self-harm is not the only consideration. Youth suicide is a serious and tragic problem. A study has shown that among teens living in homes with guns, roughly 40% who had serious risk factors for suicide, and roughly 40% who had attempted suicide reported “easy access” to guns in the home. In the decade of 2007 – 2016, the CDC WISQAR fatal injury report indicates 10,923 American minors took their own lives with firearms.³⁹ The vast majority of teen firearm suicides involve guns owned by someone in their home.⁴⁰

³³ Deborah Azrael, Joanna Cohen, Carmel Salhi, and Matthew Miller, “Firearm Storage in Gun-owning Households with Children: Results of a 2015 National Survey.” *Journal of Urban Health* (2018): 1-10.

³⁴ <https://www.cdc.gov/injury/wisqars/index.html>.

³⁵ Michael Luo and Mike McIntire, *New York Times*, Sept. 28, 2013.

³⁶ Frances Baxley & Matthew Miller, *Parental Misperceptions About Children and Firearms*, 160 *Archives of Pediatric & Adolescent Med.* 542, 544 (2006).

³⁷ <https://www.cdc.gov/injury/wisqars/index.html>.

³⁸ Spicer, R.S. and Miller, T.R. Suicide acts in 8 states: incidence and case fatality rates by demographics and method. *American Journal of Public Health*. 2000;90(12):1885. <https://www.hsph.harvard.edu/means-matter/means-matter/case-fatality/>.

³⁹ <https://www.cdc.gov/injury/wisqars/index.html>.

⁴⁰ Renee Johnson, et al, “Who are the owners of firearms used in adolescent suicides?,” *Suicide and Life-Threatening Behavior*, Vol. 40(6), 609–11 (Dec. 2010), at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3085447/>; David C. Grossman, et al, “Self-inflicted & Unintentional Firearm Injuries Among Children & Adolescents: The Source of the Firearm,” 153 *Archives of Pediatric & Adolescent Medicine*, 875 (Aug. 1999), at <http://archpedi.ama-assn.org/cgi/content/short/153/8/875>.

Researchers have shown that laws requiring use of gun locks are effective at preventing suicides. Massachusetts is the only state that requires all firearms to be stored with a locking device in place. The law is effective. Guns are used in just 9% of youth suicides in Massachusetts, compared to 39% of youth suicides in the United States. The overall suicide death rate among youth in Massachusetts is 35% below the national average. California, Connecticut and New York also have strong safe storage laws. Along with Massachusetts, these states have the lowest rates of youth suicide in the nation.⁴¹

School and Other Shootings by Minors. It is an unfortunate fact that minors in America have many times used unsecured firearms to perpetrate violence against others. Perhaps nowhere is the tragedy of such incidents more apparent than in the case of school shootings. In a study published jointly by the US Secret Service and the Dept. of Education, it was found in 65% of the school shootings, the shooter used a gun obtained either at home or from the home of a relative.⁴² In a review of school shootings from 1966 to 2015, the perpetrator was age 10 – 19 in 53.1% of the shootings.⁴³ A study of the origin of firearms in school shootings from 1991 to 2015 showed that in 30 of 33 secondary school shootings the shooter obtained his or her weapons either at their home or the home of a relative.⁴⁴

Representative Briggs has repeatedly introduced child access prevention legislation, and Representative Tai recently introduced a package of legislation aiming to prevent tragedies that stem from guns that are not properly stored, secured, or accounted for. These bills require:

1. mandatory safe storage to prevent minors from accessing firearms;
2. mandatory safe storage when a gun is in the home along with someone who may not legally possess them. Those individuals who may not possess them are children and prohibited purchasers. The purpose is to deny easy access to guns for people PA has already determined shouldn't have them;
3. mandatory safe storage when guns are not being carried by the owner. This bill aims to ensure guns are always in a secured locations when unattended and that the owner always knows where the gun is; and
4. mandatory reporting of lost or stolen guns be reported to the police. Lost or stolen reporting is viewed by law enforcement as a tool to fight against straw purchasing.

⁴¹ Safe Storage," Giffords Law Center to Prevent Gun Violence. <https://lawcenter.giffords.org/gun-laws/policy-areas/child-consumer-safety/safe-storage/>.

⁴² U.S. Secret Service & U.S. Dep't of Education, *The Final Report & Findings of the Safe School Initiative – Implications for the Prevention of School Attacks in the United States* 27 (July 2004), at <http://www2.ed.gov/admins/lead/safety/preventingattacksreport.pdf>.

⁴³ Multi-Victim School Shootings in the United States: A Fifty-Year Review, available at <https://schoolshooters.info/>.

⁴⁴ The Origins of Firearms Used in School Shootings in the United States, available at <https://schoolshooters.info/>

Each of these bills come with punitive guidelines for those who violate these laws.

It is clear that without the added incentive of legal penalties, far too many firearms owners choose to store their firearms in an unsafe manner. The results are often tragic, and disproportionately affect the most vulnerable among us, our children. The General Accounting office has estimated that 31% of deaths due to accidental shootings could be prevented by the use of two devices: a child-proof lock, and a loading indicator, a device that could be incorporated into a firearm to indicate if it has a bullet in its chamber.⁴⁵ Some gun owners contend that securely locking their firearms would negatively affect their ability to defend themselves in an emergency situation. However, locked boxes that allow entry of a code through a keypad and provide firearm access within a general pass most a few seconds are widely available. There is no excuse for not properly securing a firearm, particularly in locations that may be accessed by children.

We urge the General Assembly to catch Pennsylvania up to other states that are taking key steps to promote safety and prevent violence through safe storage laws.

Conclusion

This Committee has heard about numerous bills and proposed policies to address our gun violence problem. It is time for the legislature to take action, hold votes and send good bills to the Governor. Adopting smart gun laws will save many lives, while in no way infringing the rights of law-abiding gun owners.

⁴⁵ United States General Accounting Office, *Accidental Shootings: Many Deaths and Injuries Caused by Firearms Could Be Prevented* (March 1991), 17, <https://www.gao.gov/assets/160/150353.pdf>.

My name is Jesse Steele and I have the honor of serving as Director of Development at A Woman's Place, Bucks County's Domestic Violence organization. A Woman's Place has been serving victims of domestic violence here in Bucks County for over 42 years, providing safety, counseling, legal services, and empowerment to thousands here in Bucks every year.

For those 42 years, our only interest at AWP has been serving victims of domestic violence. This pursuit has been a fruitful one for us and for the community – we've been fortunate enough to help tens of thousands in this community, and we've advocated for laws like the Violence Against Women Act and more recently, the newly signed-into-law Act 79 which will help keep firearms out of the hands of abusers. It is in that same spirit of advocacy for our clients that I offer testimony here today.

In 2017, there were 117 documented domestic violence fatalities in Pennsylvania, taking the lives of 78 women and 39 men across the state. This, according to our state coalition, the Pennsylvania Coalition Against Domestic Violence. These 117 lives lost represent the highest number of domestic violence fatalities since 2011 and is among the highest total in a decade.

The reason I offer testimony here today has everything to do not just with the tragedy of these lives lost, but the manner in which they were lost. In 2017, 78 of the 117 fatalities were firearms deaths. That's a full 67% of all domestic violence deaths. Make no mistake – firearms have always been the preferred weapon of domestic violence murders – even in years where gun deaths were the smallest, they still constituted 49% of domestic violence deaths. Simply put, though abusers will find nearly any means to exercise power and control over their victims, the gun has always been the favorite weapon when abusers seek to do serious harm. We must face the simple and uncompromising fact: the presence of a weapon in a Domestic Violence incident increases the likelihood of homicide 5 times. I want to say that again to ensure that everyone got that: the mere presence of a weapon in the house during a domestic violence dispute increases the risk of homicide by 5 times. If you remember nothing else today, please remember that.

I want to focus a little more on those 78 firearm deaths. 78 is not only the highest total of domestic violence firearms deaths in over 10 years, but also is a higher total of firearms deaths than even than in 2011, which was the worst year in recent memory for domestic violence victims. Not only are we seeing a troubling, rising trend of domestic violence and violence against women more broadly, but also a troubling rise in the number and percent of firearm deaths. This is unacceptable. Full stop.

Beyond even these victims, research continually documents the emerging correlation between domestic abuse and mass shootings. According to research from the organization Poitifact, approximately 54% of mass shootings in the US are actions of domestic violence, approximately one fifth of mass shootings are immediately preceded by an act of domestic violence. The gunmen at Pulse Nightclub, in Las Vegas, and in Sutherland Springs Texas each were accused or convicted of domestic violence prior to carrying out the act. Obviously, I am in no way implying that every domestic abuser will become a mass shooter, or even that most will. What is worth noting, however, is the simple fact that those with the will, capacity, and ideation to hurt others, regardless of their reasons for doing so, often start with the people closest to them. The red flags are clear.

We will not prevent domestic violence by reducing the number of guns in our streets and in our homes. However, time and time again, the national data, the experience of our clients and police who face domestic violence first hand, have shown us the simple truth: those with a documented history of violence are not deserving of the right and responsibility of firearm ownership, because they pose a serious risk to their families, intimate partners, police, and the community at large. I conclude today by asking all present to spare a thought and prayer for the 117 we lost, and to honestly ask yourselves, how many of that 78 we lost to firearms might still be here today if we had common sense gun reform in Pennsylvania. Thank you for your time.

[Home](#) / House Co-Sponsorship Memoranda

House Co-Sponsorship Memoranda

House of Representatives Session of 2017 - 2018 Regular Session

MEMORANDUM

Posted: July 30, 2018 12:17 PM

From: [Representative Helen Tai](#)

To: All House members

Subject: Safe Storage of Firearms

In the United States, approximately one out of three handguns is kept loaded and unlocked, more than 75% of first and second graders know where their parents keep their firearms, and 36% of first and second graders admitted handling the weapons, contradicting their parents' reports. Among teenagers who live in a household that has a firearm, approximately 40% of those who had serious risk factors for suicide or who had attempted suicide in the past year reported having "easy access" to firearms in the home. Furthermore, according to a report published by the U.S. Secret Service and the U.S. Department of Education, in 65% of the school shootings analyzed, the shooter obtained a gun from his or her own home or from the home of a relative.

In July 2017, Cosmo DiNardo lured four young men to his house in Pennsylvania and murdered them with a family member's firearm that he was not permitted to possess. However, because the Commonwealth currently has no requirements regarding the safe storage of firearms, no member of his family was charged for permitting him access to the firearm used in the murders. The lack of such requirements leave our children unacceptably vulnerable to murders, fatal accidents, suicides, and school shootings. Therefore, I plan to introduce a package of three bills to require that firearm owners are responsible in ensuring that their guns do not fall into the wrong hands. I hope you will join me in co-sponsoring these important legislative proposals to make our communities safer. Thank you in advance for your consideration.

Proposal #1 - My first bill will require gun owners to safely store firearms if a person who cannot legally possess a firearm lives in the owner's residence.

Proposal #2 - My second bill will require gun owners to safely store firearms when not under direct control of the owner.

Proposal #3 - My third bill will require gun owners to report the loss or theft of a firearm within 24 hours of the discovery of the loss or theft. The legislation would also hold a firearm owner, who fails to report the loss or theft of a firearm that is later used in the commission of a crime, civilly liable for any damages resulting from that crime.

Document #1



Introduced as [HB2597](#)

Description: Proposal #1 - My first bill will require gun owners to safely store firearms if a person who cannot legally possess a firearm lives in the owner's residence.

[View Attachment](#)

Document #2



Introduced as HB2598

Description: Proposal #2 - My second bill will require gun owners to safely store firearms when not under direct control of the owner.

[View Attachment](#)

Document #3



Introduced as HB2599

Description: Proposal #3 - My third bill will require gun owners to report the loss or theft of a firearm within 24 hours of the discovery of the loss or theft. The legislation would also hold a firearm owner, who fails to report the loss or theft of a firearm that is later used in the commission of a crime, civilly liable for any damages resulting from that crime.

[View Attachment](#)

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2597 Session of
2018

INTRODUCED BY TAI, KINSEY, BRIGGS, SCHLOSSBERG, MURT, HILL-
EVANS, SOLOMON, J. McNEILL, KRUEGER-BRANEKY, ROE, DAVIS,
YOUNGBLOOD, FRANKEL, STURLA, DALEY, GALLOWAY, DONATUCCI,
WARREN, SIMS AND COMMITTA, AUGUST 15, 2018

REFERRED TO COMMITTEE ON JUDICIARY, AUGUST 15, 2018

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in firearms and other dangerous
3 articles, providing for safe storage of a firearm when
4 residing with a person not to possess a firearm.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Title 18 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 6143. Safe storage of a firearm when residing with a person
10 not to possess a firearm.

11 (a) Storage requirements.--A person who owns a firearm and
12 resides with a person who cannot legally possess a firearm shall
13 secure the firearm:

14 (1) with a device that, if installed on a firearm and
15 secured by means of a key or a mechanical, electronic or
16 electromechanical combination lock, prevents the firearm from
17 being discharged without first deactivating or removing the
18 device;

1 (2) with a locking mechanism incorporated into the
2 design of the firearm that prevents discharge of the firearm
3 by an individual who does not have access to the key or other
4 device designed to unlock the mechanism; or

5 (3) in a securely locked box or container or a location
6 that a reasonable person would believe to be secure.

7 (b) Exception.--Subsection (a) shall not apply if a person
8 carries a firearm:

9 (1) on the person's body; or

10 (2) within close enough proximity to the person's body
11 that the person is able to retrieve and use the firearm as if
12 the firearm were on the person's body.

13 (c) Penalties.--A person who violates subsection (a)
14 commits:

15 (1) A summary offense with no term of imprisonment when
16 the offense is a first offense.

17 (2) A misdemeanor of the third degree when the offense
18 is a second or subsequent offense.

19 (3) A felony of the third degree if:

20 (i) a person who cannot legally possess a firearm
21 takes possession of the firearm; and

22 (ii) the firearm is used in the commission of a
23 crime or used in an event that results in injury or death
24 of another person.

25 (d) Defenses.--It shall be a defense to prosecution under
26 this section if any of the following apply:

27 (1) The firearm was secured in a manner described under
28 subsection (a).

29 (2) The firearm was obtained as a result of an unlawful
30 entry by any person.

1 (3) An injury resulted from a target or sport shooting
2 accident or hunting accident.

3 (4) Possession of the firearm is incidental to the
4 performance of the official duties of the United States Armed
5 Forces, the Pennsylvania National Guard or the personnel of
6 any Federal, State or local law enforcement agency.

7 Section 2. This act shall take effect in 60 days.

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2598 Session of
2018

INTRODUCED BY TAI, KINSEY, BRIGGS, SCHLOSSBERG, MURT, HILL-
EVANS, SOLOMON, J. McNEILL, KRUEGER-BRANEKY, DAVIS,
YOUNGBLOOD, FRANKEL, STURLA, DALEY, GALLOWAY, DONATUCCI, SIMS
AND COMITTA, AUGUST 15, 2018

REFERRED TO COMMITTEE ON JUDICIARY, AUGUST 15, 2018

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in firearms and other dangerous
3 articles, providing for safe storage of a firearm when not in
4 use.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Title 18 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 6143. Safe storage of a firearm when not in use.

10 (a) Storage requirements.--A person who owns a firearm shall
11 secure the firearm:

12 (1) with a device that, if installed on a firearm and
13 secured by means of a key or a mechanical, electronic or
14 electromechanical combination lock, prevents the firearm from
15 being discharged without first deactivating or removing the
16 device;

17 (2) with a locking mechanism incorporated into the
18 design of the firearm that prevents discharge of the firearm

1 by an individual who does not have access to the key or other
2 device designed to unlock the mechanism; or

3 (3) in a securely locked box or container or a location
4 that a reasonable person would believe to be secure.

5 (b) Exception.--Subsection (a) shall not apply if a person
6 carries a firearm:

7 (1) on the person's body; or

8 (2) within close enough proximity to the person's body
9 that the person is able to retrieve and use the firearm as if
10 the firearm was on the person's body.

11 (c) Penalties.--A person who violates subsection (a)
12 commits:

13 (1) A summary offense with no term of imprisonment when
14 the offense is a first offense.

15 (2) A misdemeanor of the third degree when the offense
16 is a second or subsequent offense.

17 (3) A felony of the third degree if:

18 (i) another person takes possession of the firearm;

19 and

20 (ii) the firearm is used in the commission of a
21 crime or used in an event that results in injury or death
22 of another person.

23 (d) Defenses.--It shall be a defense to prosecution under
24 this section if any of the following apply:

25 (1) The firearm was secured in a manner described under
26 subsection (a).

27 (2) The firearm was obtained as a result of an unlawful
28 entry by any person.

29 (3) An injury resulting from a target or sport shooting
30 accident or hunting accident.

1 (4) Possession of the firearm is incidental to the
2 performance of the official duties of the United States Armed
3 Forces, the Pennsylvania National Guard or the personnel of
4 any Federal, State or local law enforcement agency.

5 Section 2. This act shall take effect in 60 days.

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2599 Session of 2018

INTRODUCED BY TAI, KINSEY, BRIGGS, SCHLOSSBERG, MURT, HILL-
EVANS, SOLOMON, J. McNEILL, NEILSON, KRUEGER-BRANEKY,
YOUNGBLOOD, FRANKEL, STURLA, DALEY, GALLOWAY, DONATUCCI, SIMS
AND COMITTA, AUGUST 15, 2018

REFERRED TO COMMITTEE ON JUDICIARY, AUGUST 15, 2018

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in firearms and other dangerous
3 articles, providing for civil liability of firearm owner for
4 loss or theft.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Title 18 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 6115.1. Civil liability of firearm owner for loss or theft.

10 (a) Duty to report.--An owner or other person lawfully in
11 possession of a firearm who suffers the loss or theft of a
12 firearm shall, within 24 hours of the discovery of the loss or
13 theft, report the loss or theft, including the facts and
14 circumstances of the loss or theft, to the municipal police of
15 the jurisdiction in which the loss or theft is believed to have
16 occurred or to the Pennsylvania State Police.

17 (b) Penalty.--Notwithstanding any other provision of law, a
18 person who fails to report the loss or theft of a firearm under

1 subsection (a) that is later used in the commission of a crime
2 shall be held civilly liable for any damages resulting from that
3 crime.

4 Section 2. This act shall take effect in 60 days.