



**House of Representatives**  
COMMONWEALTH OF PENNSYLVANIA

**HOUSE DEMOCRATIC POLICY COMMITTEE HEARING**

**Topic: Ending Assault Weapons Violence**

**Carnegie Library of Pittsburgh-Homewood – Pittsburgh, PA**

**October 10, 2019**

**AGENDA**

10:00 a.m. Welcome and Opening Remarks

10:10 a.m. Panel One:

- Rich Fitzgerald, Allegheny County Executive
- Karl Williams, Allegheny County Chief Medical Examiner

10:20 a.m. *Questions & Answers*

10:30 a.m. Panel Two:

- Debra Short, Family Affected by Gun Violence
- Jason Hare, Family Affected by Gun Violence
- Katie Leslie, Volunteer Lead, Moms Demand Action

10:45 a.m. *Questions & Answers*

11:00 a.m. Panel Three:

- Erika Strassburger, Pittsburgh City Councilwoman, District 8
- Lindsay Powell, Assistant Chief of Staff, Office of Pittsburgh Mayor Bill Peduto
- Tim Stevens, Chairman & CEO, B-PEP Planning Council

11:15 a.m. *Questions & Answers*

11:30 a.m. Panel Four:

- Dr. Raquel Forsythe, Director of Trauma, UPMC Presbyterian
- Dr. Dana Kellerman, Policy Director, Squirrel Hill Stands Against Gun Violence
- Shira Goodman, Executive Director, CeaseFirePA

11:45 a.m. *Questions & Answers*

12:00 p.m. Closing Remarks

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 307 Session of  
2019

INTRODUCED BY GAINNEY, HILL-EVANS, SCHLOSSBERG, KINSEY, VITALI,  
CALTAGIRONE, ZABEL, BOYLE, RABB, FRANKEL, McNEILL,  
YOUNGBLOOD, ROEBUCK, McCLINTON, NEILSON, SANCHEZ AND WARREN,  
FEBRUARY 1, 2019

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 1, 2019

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, in firearms and other dangerous  
3 articles, prohibiting certain assault weapons.

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

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

8 § 6121.1. Certain assault weapons prohibited.

9 (a) Offense defined.--Except as provided in subsection (b),  
10 a person may not:

11 (1) Possess, use, control, sell, deliver, transfer or  
12 manufacture an assault weapon.

13 (2) Obtain a license for an act under paragraph (1).

14 (b) Exception.--Subsection (a) shall not apply to:

15 (1) A member of the armed forces of the United States,  
16 including National Guard and reserve components, a law  
17 enforcement officer or other public safety officer while

1 performing official duties or traveling to or from an  
2 authorized place of duty if possession of the assault weapon  
3 is authorized under applicable statute, regulation or  
4 military or law enforcement policy.

5 (2) A person authorized under applicable statute,  
6 regulation or military or law enforcement policy to perform  
7 an act under subsection (a) (1) for the purpose of ensuring  
8 that an individual under paragraph (1) obtains an assault  
9 weapon.

10 (3) A person lawfully owning or otherwise possessing an  
11 assault weapon before the effective date of this section.

12 (c) Definitions.--The following words and phrases when used  
13 in this section shall have the meanings given to them in this  
14 subsection unless the context clearly indicates otherwise:

15 "Assault weapon." Any of the following, but not including  
16 any firearm modified to render it permanently inoperable:

17 (1) A selective-fire firearm capable of fully automatic,  
18 semiautomatic or burst fire at the option of the user or a  
19 firearm that has the ability to accept a large capacity  
20 magazine.

21 (2) Any of the following semiautomatic firearms:

22 (i) Algimec Agmi.

23 (ii) Armalite AR-180.

24 (iii) Australian Automatic Arms SAP Pistol.

25 (iv) Auto-Ordnance Thompson type.

26 (v) Avtomat Kalashnikov AK-47 type.

27 (vi) Barrett Light-Fifty model 82A1.

28 (vii) Beretta AR-70.

29 (viii) Bushmaster Auto Rifle and Auto Pistol.

30 (ix) Calico models M-900, M-950 and 100-P.

1           (x) Chartered Industries of Singapore SR-88.  
2           (xi) Colt AR-15 and Sporter.  
3           (xii) Daewoo K-1, K-2, Max-1 and Max-2.  
4           (xiii) Evcom MK-IV, MP-9 and MP-45.  
5           (xiv) Fabrique Nationale FN/FAL, FN/LAR or FN/FNC.  
6           (xv) FAMAS MAS 223.  
7           (xvi) Feather AT-9 and Mini-AT.  
8           (xvii) Federal XC-900 and XC-450.  
9           (xviii) Franchi SPAS-12 and Law-12.  
10          (xix) Galil AR and ARM.  
11          (xx) Goncz High-Tech Carbine and High-Tech Long  
12          Pistol.  
13          (xxi) Heckler & Koch HK-91, HK-93, HK-94 and SP-89.  
14          (xxii) Holmes MP-83.  
15          (xxiii) Intratec TEC-9 and Scorpion.  
16          (xxiv) Iver Johnson Enforcer model 3000.  
17          (xxv) MAC-10, MAC-11 and MAC-11 Carbine type.  
18          (xxvi) Ruger Mini-14/5F folding stock model only.  
19          (xxvii) Scarab Skorpion.  
20          (xxviii) SIG 57 AMT and 500 series.  
21          (xxix) Spectre Auto Carbine and Auto Pistol.  
22          (xxx) Springfield Armory BM59, SAR-48 and G-3.  
23          (xxxi) Sterling MK-6 and MK-7.  
24          (xxxii) Steyr AUG.  
25          (xxxiii) Streetsweeper and Striker-12 revolving  
26          cylinder shotguns.  
27          (xxxiv) USAS-12.  
28          (xxxv) UZI Carbine, Mini-UZI Carbine and Pistol.  
29          (xxxvi) Weaver Arms Nighthawk.  
30          (xxxvii) Wilkinson "Linda" Pistol.



1       (3) A semiautomatic firearm not specifically listed in  
2 paragraph (2) that meets any of the following criteria:

3       (i) The firearm is a semiautomatic rifle that has an  
4 ability to accept a detachable magazine and has at least  
5 two of the following:

6           (A) A folding or telescoping stock.

7           (B) A pistol grip that protrudes conspicuously  
8 beneath the action of the weapon.

9           (C) A bayonet mount.

10          (D) A flash suppressor or threaded barrel  
11 designed to accommodate a flash suppressor.

12          (E) A grenade launcher.

13       (ii) The firearm is a semiautomatic pistol that has  
14 an ability to accept a detachable magazine and has at  
15 least two of the following:

16           (A) An ammunition magazine that attaches to the  
17 pistol outside of the pistol grip.

18           (B) A threaded barrel capable of accepting a  
19 barrel extender, flash suppressor, forward handgrip  
20 or silencer.

21           (C) A shroud that is attached to, or partially  
22 or completely encircles, the barrel and that permits  
23 the shooter to hold the firearm with the nontrigger  
24 hand without being burned.

25           (D) A manufactured weight of 50 ounces or more  
26 when the pistol is unloaded.

27           (E) A semiautomatic version of an automatic  
28 firearm.

29       (iii) The firearm is a semiautomatic shotgun that  
30 has at least two of the following:

1           (A) A folding or telescoping stock.  
2           (B) A pistol grip that protrudes conspicuously  
3           beneath the action of the weapon.

4           (C) A fixed magazine capacity in excess of five  
5           rounds.

6           (D) An ability to accept a detachable magazine.

7           (4) A part or combination of parts designed or intended  
8           to convert a firearm into an assault weapon or any  
9           combination of parts from which an assault weapon may be  
10           rapidly assembled if those parts are in possession or under  
11           the control of the same person. This paragraph shall not  
12           apply to unassembled parts or a combination of parts  
13           possessed by a dealer licensed under this chapter or a person  
14           employed by that dealer, which are used to repair or service  
15           a lawfully possessed firearm.

16           "Large capacity magazine." A firearm magazine, belt, drum,  
17           feed strip or similar device that has the capacity of, or can be  
18           readily restored or converted to accept, more than 10 rounds of  
19           ammunition but does not include:

20           (1) A feeding device that has been permanently altered  
21           so that it cannot accommodate more than 10 rounds of  
22           ammunition.

23           (2) A .22 caliber tube ammunition feeding device.

24           (3) A tubular magazine that is contained in a lever-  
25           action firearm.

26           (4) A magazine that is permanently inoperable.

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

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## House Co-Sponsorship Memoranda

### House of Representatives Session of 2019 - 2020 Regular Session

#### MEMORANDUM

**Posted:** January 9, 2019 10:18 AM

**From:** [Representative Ed Gainey](#)

**To:** All House members

**Subject:** Assault Weapons Ban

High-capacity semi-automatic rifles in the style of the AR-15 were found at the mass shooting sites of an Orlando nightclub, an elementary school in Newtown, Connecticut, a Texas church, a high school in Parkland, Florida, and a synagogue in Pittsburgh. While several states have enacted legislation banning these types of weapons, Pennsylvania has failed to follow.

The Commonwealth needs to address this major public safety issue by effectively banning the possession, purchase, transfer, use or manufacture of an assault weapon. Exceptions will be made for members of the U.S. Armed Forces, Reserve, National Guard or law enforcement while performing and traveling to and from official duties. The legislation would also not impact a person in lawful ownership of these weapons prior to the date of the new policy enforcement.

I do not take this authorship lightly. I know full-well that this remains an emotionally and politically charged issue on both sides of the argument. However, I fully believe that that my legislation would help keep our communities safe and will prevent additional devastation that has caused pain to so many families and communities in Pennsylvania and across the nation. Please join me in making a difference.



Introduced as [HB307](#)

**COUNTY OF**



**ALLEGHENY**

**RICH FITZGERALD**  
COUNTY EXECUTIVE

**Testimony to the House Democratic Policy Committee  
Ending Assault Weapons Violence – October 10, 2019  
County Executive Rich Fitzgerald, Allegheny County**

Good morning. My name is Rich Fitzgerald and I'm the County Executive of Allegheny County. On behalf of our 1.2 million residents of the county, welcome to our community. We are grateful to you for coming today to talk about this important issue.

It's no secret that the gun death rate in the United States is much higher than any other developed nation. In 2016, the US gun death rate was 10.6 per 100,000 people. While it's harder to put numbers on deaths relating to assault weapons, incidents are in the news more often simply because of the vast horror of those attacks and because assault weapons are most frequently used in those mass shootings. Quite frankly, that's the purpose of an assault weapon – to allow a shooter to efficiently kill as many people as possible in the shortest amount of time. That lethality is the exact purpose for which these weapons were designed, and the reason that Dr. Karl Williams, our Chief Medical Examiner, is here to address you today.

In Allegheny County, we've been working to address the reduction of violence, coupling that with the promotion of positive mental health and community well-being, since 2013. Working with legislative and community leaders like Rep. Gainey, we created a Public Health Commission to look at this specific issue because of the gun violence in our community. The members looked at best practices and also made recommendations on how to address gun violence as a public health issue.

One of the most visible recommendations is the creation of the Office of Violence Prevention within our Health Department which approaches the reduction of violence through a variety of strategies. It is that office which is focused on the work set forth in the Commission's report. Our work would not be possible without the partnership with other governmental, non-profit, neighborhood, and faith-based organizations working together on a coordinated response. That cooperation remains at the heart of all of our work at the county.

It's one of the reasons that I have made my support for common sense legislation clear and the reason that I want to take the opportunity to reiterate it here. I urge you to move forward on universal background checks, extreme risk protection orders or red flag laws, and banning assault weapons as three initial steps in this effort.

Legislative action, alone, isn't enough and I commend Governor Tom Wolf for recognizing that as well and signing an executive order in August focused on gun violence prevention. That order contained

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common-sense steps to address the growing amount of gun violence in our community and I'm happy to support those efforts.

We are going to continue our work but look forward to supporting your legislative efforts, and the Governor's efforts to share data, reduce community gun violence, combat mass shootings, and halt domestic violence-related and self-inflicted shootings. Together, we can have an impact on this important issue. We stand ready to assist in any way we can and thank you for your continued attention to an issue that continues to plague all of our communities.

One of the ways in which we can assist is to offer the information and detail that we have in this county, including providing the expertise of our Chief Medical Examiner as a resource to you.

Dr. Karl E. Williams was appointed the county's first Chief Medical Examiner in January 2007 when the position was created. He is a life-long resident of Pittsburgh, having graduated from South Hills High School and the University Of Pittsburgh School of Medicine. He completed his residency training in Pathology at Allegheny General and Shadyside Hospitals, and his training in Forensic Pathology at the then Coroner's Office of Allegheny County. He has been Board Certified in Anatomic, Clinical and Forensic Pathology since 1985.

As I mentioned, talking about the lethality of assault weapons is the reason that Dr. Williams is here to address you today.



Thursday, October 10, 2019

I would like to begin by thanking Representative Gainey and the distinguished members of the subcommittee today for your presence and willingness to hear from your constituents. The need is greater than ever.

My name is Jason Hare. I am here today as a **medical professional** working in mental health, a **professor** in medical sciences, a **survivor of gun violence**, and most importantly, a **husband and father**. I grew up in rural southwestern Pennsylvania, which was a place where hunting rifles and shotguns were common, and handguns were in the background. Assault rifles weren't something we knew about. The NRA at that time was interested in gun safety, not selling weapons.

**Today, though, I am speaking to you as a survivor of gun violence** in support of legislation banning assault rifles in Pennsylvania. **I consider myself a gun control advocate. My beliefs on guns in the community have moved in the opposite direction of gun laws in this country.**

On March 8, 2012, I was front and center for the shootings that occurred at Western Psychiatric Institute and Clinic. I was the first person on the scene. As a Physician Assistant I was the rotating on-duty person responsible for responding to medical emergencies that day.

**When I heard shots in the hallway around the corner from my first floor office, I pulled my door shut at first.** Self-preservation. A few moments later, I left my office and entered the hallway on the first floor of the hospital to try and provide care to any injured people after the initial volley of shots had died down. It was then that I heard a friend of mine calling for help and screaming at another colleague to try and arouse him. I went to the downed individual, and found that he did not have a pulse, and was lying in a pool of blood. I was



preparing to start CPR when the shooter returned to the scene, firing at everything in his path. I narrowly avoided becoming the sixth person shot that day, as my friend, whose yelling had alerted me to the injured colleague, was shot within a few feet of where I was kneeling with the first victim. I had no choice at that moment but to abandon my efforts and run.

Moments later, I took cover 10 feet from the Pitt Police team that had responded, as they shot and killed the assailant, who was kneeling a few feet from the first victim, and my injured friend. I am forever grateful to the Pitt Police for their lifesaving efforts.

The shooter had a long history of violent and threatening acts. His family was aware of his lack of mental stability, but was unable to directly impact his life, nor prevent him from acting on his impulses. He had presented to multiple local emergency rooms, but left each time before being assessed. At least once he was reported to have threatened Emergency Room staff with a baseball bat.

When he approached Western Psychiatric Hospital he had two handguns, both purchased legally in New Mexico. In his apartment were several incendiary devices that he had planned to use in the cafeteria at the hospital. **He had planned to do far more damage, and kill far more people, than he did.** The inability to carry these weapons prevented more damage. Not being able to purchase or possess a firearm in this case would **absolutely** have saved one life and prevented the devastation of many others.

**An assault rifle in his hands would have been devastating.** I would likely not be here, as would many more of my friends and colleagues. A vocal minority of the people in my hometown would argue that assault rifles are no different than any other gun. I believe that they are incorrect. I define assault rifles as semi-automatic or automatic, one bullet or more per trigger pull, often with the inherent ability to speed



313  
up firing, and with the ability to mount high-capacity magazines. Assault rifles fire bullets in a manner that causes them to tumble in their flight, which has one purpose: maximum damage on impact, shredding the tissue of its victims on entry, causing maximum bleeding.

**Medical education these days includes learning about the unique and devastating damage** these weapons cause, but has yet to make that damage survivable for many victims.

While I will never consider the one death, the multiple injuries, and the psychological damage inflicted on many on 3/8 at Western Psych to be minor, I am forever thankful that the shooter did not get his hands on an AR-15, or a similar assault rifle. His path through my workplace, which I consider my backyard, would have been far more devastating.

I don't need to list the shootings since, and probably wouldn't have time to do so. Despite having narrowly escaped at Western Psych myself, I am far more affected by the school shootings that have occurred in this country prior to and since March 8, 2012. My daughter was the same age as the kids at Newtown. My son is 2 years younger than she is. It takes everything I have not to rush to their school and pick them up every time another school shooting takes place.

**I am calling on Representative Gainey, and the Pennsylvania state House and Senate** today to advance control on these weapons with an outright ban on assault-style weapons. There has been a significant lack of will, follow-through, and leadership at the federal level to limit the weapons that kill the most constituents, despite the majority opinion of those constituents. Please help us to limit the damage.

**I would like to thank everyone here, in particular Ed Gainey, for your attention and presence today. May you be happy, May you be healthy, May you be safe, and May you be at peace.**



TO: Representative Ed Gainey and the Pennsylvania House Democratic Policy Committee

FROM: Katie Leslie

DATE: 10/10/2019

RE: HB 307

Good morning. My name is Katie Leslie. I am a volunteer leader with Moms Demand Action for Gun Sense in America. I am also a nurse, a wife, a mother of two, and have lived in Pittsburgh for nine years.

I want to start by thanking Representative Gainey for hosting this hearing and for his continued commitment to ending gun violence by way of meaningful legislation. I also want to thank this committee for being here today to explore the ways that we can end gun violence here in the Commonwealth of Pennsylvania.

I am before you today to offer research and facts related to gun violence in America, specifically regarding the use of assault style rifles. Assault style rifles are high-powered, semi-automatic guns capable of firing far more bullets, far faster than manual-action rifles—and each round has up to four times the muzzle velocity of a handgun round. This means that each round from an assault weapon inflicts greater damage to the human body than a round from a typical handgun—and these guns can fire many, many of these high-powered rounds extremely fast.

Assault weapons are commonplace in mass shootings and make shootings more lethal. Research shows that restrictions on assault weapons can help prevent mass shooting injuries and fatalities, as well as reduce the devastation of daily gun violence in America.

The City of Pittsburgh and District 24 know all too well the devastating effects of these weapons. On the night of March 9, 2016, an assault style rifle was used to murder five people in a mass shooting in Wilksburg. In a matter of moments, more than 4 dozen bullets interrupted a family barbecue. The victims that night included a woman who was eight months pregnant. Three other people were injured in this preventable tragedy, and the long-lasting effects of trauma in this community will be felt forever.

Almost exactly one year ago, the City of Pittsburgh once again felt the devastation of a mass shooting by way of an assault style rifle. On October 27, 2018, in a matter of minutes, eleven congregants at the Tree of Life Synagogue were murdered while worshiping on Shabbat. The shooter was an anti-semitic with one goal: to do as much harm as possible in as little time as possible. Access to an assault style rifle sadly made this goal a reality.

Assault weapons and high-capacity magazines are frequently used in the crimes that plague our nation. According to Everytown for Gun Safety, a 2019 study of mass shooting incidents



between 1981 and 2017 found that assault rifles accounted for 86 percent of the 501 fatalities reported in 44 mass shooting incidents. In addition, a 2018 study estimated that firearms equipped with high-capacity magazines, including assault weapons, account for 22 to 36 percent of guncrimes in most places, with some estimates upwards of 40 percent for cases involving serious violence, including homicides of law enforcement officers.

Representative Gainey's legislation, along with other evidence-based gun violence prevention policies such as background checks, Red Flag Laws, and strong domestic violence laws will see a reduction in gun deaths. Pennsylvanians are fortunate that the legislature was bold and committed enough to pass Act 79 in 2018 - disarming domestic abusers in Pennsylvania. We now have the opportunity to enact other measures that will save lives. In addition to HB 307, HB 1075 is languishing in the Judiciary Committee. This bill would allow law enforcement or family members to petition a judge to temporarily remove an individual's firearms if they are deemed a serious threat to themselves or others.

House Judiciary Chair Representative Kauffman publicly declared recently that Red Flag Laws and other gun violence prevention bills will not be heard during this session. By doing so, he is not upholding his duty to Pennsylvanians, and he is on the wrong side of history. On the contrary, this committee has shown its deep commitment to saving the lives of Pennsylvanians. We all deserve the right to be safe from gun violence in our homes, places of worship, schools, and other public events. On behalf of Moms Demand Action and Everytown for Gun Safety, I urge this committee to continue its work on this and other bills that will save lives.

Thank you.

**B-PEP PLANNING  
COUNCIL**

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**Sharon McIntosh,**  
*Youth Summit Coord.  
Anti-Violence Advocate*

*In Memoriam:*  
**Rev. Dr. LeRoy Patrick**  
**Rev. Dr. James Earl**  
**Garmon**  
**Rev. Samson Cooper**  
**Reggie Roberts**

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**C/O Freedom- Unlimited 2201 Wylie Avenue, Pittsburgh, PA 15219**

**412-758-7898**

**August 16, 2019**

**B-PEP/CAV Reaction to Gov. Tom Wolf's Plan to Reduce Violence in  
Throughout Pennsylvania**

As Chairman & CEO of the Black Political Empowerment Project (B-PEP) and Co-convenor of the Greater Pittsburgh Coalition Against Violence (CAV) I felt the need to congratulate and applaud Gov. Tom Wolf on today's announcement on his efforts to reduce violence across the Commonwealth of Pennsylvania. We had just sent a statement out to area media last night stating that we wondered if the mass murders of August 3<sup>rd</sup> and August 4<sup>th</sup> which led to the deaths of 31 American citizens would help create a different reaction from our political leaders than the responses following other mass shootings, let alone the ongoing deaths that continue to occur within far too many of our African American communities across this nation. On July 25<sup>th</sup> we had sent a letter to Gov. Wolf and other state and regional leaders on the need to strengthen implementation of the lost and stolen laws and the need to prosecute straw purchasers, and to research how so many guns are ending up into the hands of our young people and young adults. On August 10<sup>th</sup> we sent letters to President Trump and U.S. Senators McConnell, Schumer, Graham, Toomey and Casey urging them to assist in the passage of background check legislation, extreme risk protection orders, and assault weapons ban. We are proud that the Governor of our state, the Commonwealth of Pennsylvania, has announced such a wide ranging and extensive plan to impact violence, probably one of the boldest such efforts in the nation!

We are impressed with the Governor's decision to utilize the talents of Charles Ramsey, an individual with impressive law enforcement background, to lead this initiative. The approach to

**It's a LIFETIME COMMITMENT...**  
**African Americans VOTE in EACH and EVERY election!!"**  
Celebrating the 50<sup>th</sup> Anniversary of the 1965 Voting Rights Act.

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Website: [www.b-pep.net](http://www.b-pep.net)

utilize various executive branch agencies and programs to impact the ongoing crisis of violence throughout the Commonwealth seems like an extremely logical and comprehensive approach. We look forward great results from both the new Office of Gun Violence Reduction which will be housed within the PA Commission on Crime and Delinquency (PCCD), and the newly created Division of Violence Prevention with the Department of Health, as well as its Special Council on Gun Violence which lists key individuals who are in position to provide valuable input. The joint approach to impact violence from both the public safety *and* the public health perspectives should assist in producing more concrete and effective solutions to violence.

In addition, we are thrilled that Gov. Wolf is joining with the Black Political Empowerment Project, the Greater Pittsburgh Coalition Against Violence (B-PEP/CAV) and other community partners such as CeaseFirePA, Mothers Demand Action, Squirrel Hill Stands Against Violence, Voices Against Violence (VAV), in calling for a federal assault weapons ban, and is calling upon the PA General Assembly to pass the Extreme Risk Protection Order Act, lost and stolen gun reporting, and universal background checks by the Pennsylvania State Police on *all* gun purchases. It looks like 'help is on the way!' – FINALLY!!

The Black Political Empowerment Project's Greater Pittsburgh Coalition Against Violence Working Group will be meeting this coming Tuesday, August 20<sup>th</sup> at our B-PEP headquarters, at 12 noon, 2201 Wylie Avenue (15219) to continue our conversations on how we more effectively implement some of the more than 800 anti-violence strategies contained in our "Strategies for Change: Building More Peaceful Communities" document. We also have an "Interfaith Service on Peace & Civic Engagement" Tuesday, Aug. 27<sup>th</sup> at 6:30 pm at Jerusalem Baptist Church at 12 South 5<sup>th</sup> Street in Duquesne, PA 15110. A special meeting with area ministers is scheduled for Thursday, August 29<sup>th</sup> at 11 am at our headquarters.

**Tim Stevens, Chairman & CEO, The Black Political Empowerment Project (412-758-7898)**

**"It's a LIFETIME COMMITMENT...  
African Americans VOTE in EACH and EVERY election!!!"**  
Celebrating the 50<sup>th</sup> Anniversary of the 1965 Voting Rights Act.

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Website: [www.b-pep.net](http://www.b-pep.net)





10/7/19

Dear Chairman Sturla, Representative Gainey and members of the committee:

Thank you for the opportunity to testify in front of this committee today. My name is Dana Kellerman. I am a member and the Vice President for Youth Education of Congregation Dor Hadash. I am also the Policy Director of Squirrel Hill Stands Against Gun Violence, a gun violence prevention organization founded in direct response to the October 27, 2018 shooting at the Tree of Life synagogue.

Almost one year ago a man armed with assault style weapons and fueled by anti-Semitic, anti-immigrant and white nationalist hatred attacked my synagogue. He murdered 11 innocent people and seriously injured two worshipers and 4 dedicated Pittsburgh police officers.

My community and the lives of so many people have been changed irrevocably. I cannot even speak to the trauma that the families of the 11 victims and the survivors have suffered. I can speak to the ways in which my family and congregation have been harmed. I can no longer reassure my son that the lockdown drills at his school (which he has been subjected to since he was in first grade, following the Sandy Hook shooting) are just for practice and the chance that he will be affected by a mass shooting is infinitesimal.

Because our legislators have done nothing in the years since Sandy Hook, I have had to answer my son's question of 'when is it going to stop hurting so much' with 'I don't know'. Because our legislators have done nothing, my, then 13 year old son, had to miss school to meet with his senator to talk about the shooting. Because our legislators have done nothing, I now have to figure out how our religious school will remember and honor the 11 victims this month, without retraumatizing the children, some of whom have only in the past few months returned to normal sleep schedules.

We now worship in a building which has armed guards every hour it is open. This is an exorbitant financial cost, which we recognize that most churches and other houses of worship, which are equally at risk, are unable to afford. And still, during the remaining 99% of our week, we are in spaces where we are completely vulnerable to murderers armed with weapons of war.

We are vulnerable in our banks, our Walmarts, our gyms, our bars and nightclubs, our outdoor concert venues and in our schools.

According to the Gun Violence Archive, since October 27 2018, there have been 369 mass shootings in which at least four people were shot and/or killed. That is more than the number of days that have elapsed since last October 27.

We know that 2/3 of Americans support a ban on assault rifles and semi-automatic weapons ([Fox News Poll, August 14](#) by [Fox News](#) ). We know that 55% of Republicans would support such a ban (Politico/Morning Consult Poll August 5-7, <https://www.politico.com/story/2019/08/07/poll-most-voters-support-assault-weapons-ban-1452586>).

Locally, we know that over 80 members of the three congregations attacked signed a petition addressed to the Speaker of the State House Mike Turzai, calling upon him to urge the State House Judiciary committee to hold hearings AND a vote on an assault weapons ban and limits on high capacity magazines. We know that over 250 additional people who live and worship in Squirrel Hill joined them in this petition.

I know that I and many others have devoted countless hours to meeting with and calling upon our legislators and organizing others to do the same. Our hope is that by doing so we may save another community the heartbreak which we have endured.

I understand that a ban on assault weapons and high capacity magazines will not prevent every future gun death. In fact a minority of gun deaths are due to assault weapons. But such a ban will save some lives and it will save some communities from the communal grief and trauma which has marked this past year for my family, my congregation and my community.

I thank you for your attention.

Sincerely,  
Dana Kellerman

**Testimony of CeaseFire Pennsylvania Before the House Democratic Policy Committee**  
**Shira Goodman, Executive Director**

**October 10, 2019**

**Introduction**

CeaseFire Pennsylvania is the advocacy arm of CeaseFirePA, a statewide organization that works to end the epidemic of gun violence in the Commonwealth and across the country through education, coalition-building and advocacy. We are the largest gun violence prevention organization in Pennsylvania and work to reduce gun violence, stop the flow of illegal guns into our communities and keep guns out of the hands of those who should not have them.

We thank the Committee and especially Representatives Sturla and Gainey for holding this hearing and for the opportunity to present testimony.

**Assault Weapons and Their Exceptional Lethality**

Assault weapons are civilian versions of military weapons. Because of their design, they are extremely lethal. Indeed, because they were originally designed for the battlefield, they were designed to enable a shooter to kill multiple victims with great efficiency. "The most significant assault weapon functional design features are: (1) ability to accept a detachable high-capacity ammunition magazine, (2) a rear pistol or thumb-hole grip, and, (3) a forward grip or barrel shroud. Taken together, these are the design features that make possible the deadly and indiscriminate "spray-firing" for which assault weapons are designed."<sup>1</sup> Their "civilian" counterparts share these design features and are just as lethal, and have been used to deadly effect over and over in recent years. These weapons do not belong on our streets or in civilian hands.

To be clear, when we refer to assault weapons, we are referring to semi-automatic weapons, not fully automatic weapons, which have been strictly regulated since the 1930's. Although the gun lobby often will argue that only fully automatic machine guns are assault rifles, and that the weapons we are discussing today are "sporting rifles," the gun industry and gun lobby used the term "assault weapons" for many years in marketing campaigns and only began to object to the term when these weapons turned up in the hands of criminals and mass shooters.<sup>2</sup>

Semi-automatic weapons, while requiring one trigger pull for each firing, are very lethal, especially when paired with high capacity magazines. Military versions of these weapons are capable of continuous fire, while semi-automatic weapons require repeated trigger pulls. However, as the Violence Policy Center explains, "in the civilian world, this is a distinction

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<sup>1</sup> Violence Policy Center, Assault Weapons Primer, <http://vpc.org/wp-content/uploads/2018/06/Assault-weapon-primer-2017-VPC.pdf>.

<sup>2</sup> Violence Policy Center, Assault Weapons Primer, <http://vpc.org/wp-content/uploads/2018/06/Assault-weapon-primer-2017-VPC.pdf>.

without a difference in terms of public safety. The unique design features of semiautomatic assault weapons allow the shooter to efficiently kill as many people as possible in the shortest amount of time available. In fact, increased lethality is the exact purpose for which these weapons were designed."<sup>3</sup> According to the Giffords Law Center, "Assault weapons are a class of semi-automatic firearm specifically designed to kill humans quickly and efficiently. They are a relatively new class of weapon—during the 1980s, the gun industry sought to reverse a decline in consumer demand for guns by developing and marketing new types of weapons based on high-powered military designs."<sup>4</sup>

Everytown for Gun Safety explains, "Assault weapons are generally high-powered semiautomatic firearms where each round has up to four times the muzzle velocity of a handgun round. This means that each round from an assault weapon inflicts greater damage to the human body than a round from a typical handgun. What's more, assault weapons are generally designed to fire rounds at a greater rate than other firearms, and when combined with high-capacity magazines, they enable a shooter to fire more rounds over a short period."<sup>5</sup>

Assault weapons are designed for maximum killing efficiency. And they achieve that:

A recent study of active shooter incidents in the U.S. found that when a semiautomatic rifle was used, there was a higher incidence of persons wounded and killed: "Semiautomatic rifles are designed for easy use, can accept large magazines, and fire high velocity bullets, enabling active shooters to wound and kill more people per incident."<sup>6</sup>

Assault weapons, particularly assault rifles, seem to be the "weapon of choice" for many mass shooters.<sup>7</sup> "The AR-15 assault rifle was engineered to create what one of its designers called 'maximum wound effect.' Its tiny bullets – needle-nosed and weighing less than four grams – travel nearly three times the speed of sound. As the bullet strikes the body, the payload of kinetic energy rips open a cavity inside the flesh – essentially inert space – which collapses back on itself, destroying inelastic tissue, including nerves, blood vessels and vital organs. 'It's a perfect killing machine,' says Dr. Peter Rhee, a leading trauma surgeon and retired captain with 24 years of active-duty service in the Navy."<sup>8</sup>

Not surprisingly, AR-15s and other semi-automatic assault rifles have been used in the mass shootings at the Tree of Life in Squirrel Hill (11 killed, 6 injured), El Paso (22 killed, 24 injured), Sandy Hook (26 killed, 2 injured), Orlando (50 killed, 53 injured), Las Vegas (58 killed, 527 injured), Aurora (12, killed 58 injured), Parkland (17 killed, 14 injured)[5] and San Bernardino

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<sup>3</sup> <http://vpc.org/regulating-the-gun-industry/assault-weapons/>

<sup>4</sup> <https://lawcenter.giffords.org/gun-laws/policy-areas/hardware-ammunition/assault-weapons/#key-elements>

<sup>5</sup> <file:///C:/Users/Shira/Downloads/Assault%20Weapons%20Everytown.pdf>

<sup>6</sup> Elzerie de Jager, et al., "Lethality of Civilian Active Shooter Incidents With and Without Semiautomatic Rifles in the United States," *JAMA* 320, no. 10 (2018): 1034–1035.

<sup>7</sup> See, e.g., All-American Killer: How The AR-15 Became Mass Shooter's Weapon of Choice, Rolling Stone, February 22, 2018, Tim Dickinson, <https://www.rollingstone.com/politics/politics-features/all-american-killer-how-the-ar-15-became-mass-shooters-weapon-of-choice-107819/>

<sup>8</sup> All-American Killer: How The AR-15 Became Mass Shooter's Weapon of Choice, Rolling Stone, February 22, 2018, Tim Dickinson, <https://www.rollingstone.com/politics/politics-features/all-american-killer-how-the-ar-15-became-mass-shooters-weapon-of-choice-107819/>



(14 dead, 21 injured). In the Dayton shooting this summer (9 killed, 27 injured), the shooter used parts of a semi-automatic rifle modified into a shortened barrel.

Assault weapons are also used frequently against law enforcement. In fact, a recent study demonstrates that in 2016 and 2017, one in five law enforcement officers who were killed in the line of duty were killed with assault weapons.<sup>9</sup> During those years (the most recent for which there is data), 109 law enforcement officers were killed in the U.S., and 25 were killed with assault weapons.<sup>10</sup> In 6 of those 25 cases, a bullet pierced the officer's body armor.<sup>11</sup> Within Pennsylvania in the last decade, half of the law enforcement officers killed in the line of duty, were killed with a long gun; eight of them were killed with a semi-automatic rifle.<sup>12</sup>

In Pennsylvania, semi-automatic rifles, which qualify as long guns based on barrel length, may be sold in private sales without a background check.

### **Banning Assault Weapons**

From 1994-2004, there was a federal ban on the manufacture, transfer, or possession of new semiautomatic assault weapons. However, since the sun set provision took effect in 2004, efforts to reinstate the ban or enact a new one have not been successful. Currently, seven states (California, Connecticut, Hawaii, Maryland, Massachusetts, New Jersey, and New York) and the District of Columbia have assault weapons bans in place, and Minnesota and Virginia also regulate them.

Assault weapons bans are generally designed in one of two ways -- by banning specific weapons by name or by banning weapons that have certain features. "Generic feature tests—emphasizing high capacity and enhanced control during firing—are intended to identify assault weapons based on the military features that enhance a weapon's lethality."<sup>13</sup> Some laws require only one feature to be present for a weapon to qualify as an assault weapon; some require two features. Some state bans both list prohibited weapons and add a generic feature test that will capture additional weapons.

Bans on assault weapons have been upheld repeatedly by state and federal courts when challenged as violating the Second Amendment.<sup>14</sup> In addition, such bans have been found not to

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<sup>9</sup> <http://vpc.org/press/new-data-shows-one-in-five-law-enforcement-officers-slain-in-the-line-of-duty-in-2016-and-2017-were-felled-by-an-assault-weapon/>

<sup>10</sup> <http://vpc.org/press/new-data-shows-one-in-five-law-enforcement-officers-slain-in-the-line-of-duty-in-2016-and-2017-were-felled-by-an-assault-weapon/>

<sup>11</sup> <http://vpc.org/press/new-data-shows-one-in-five-law-enforcement-officers-slain-in-the-line-of-duty-in-2016-and-2017-were-felled-by-an-assault-weapon/>

<sup>12</sup> <https://www.odmp.org/search?state=pennsylvania&cause=Gunfire>

<sup>13</sup> <https://lawcenter.giffords.org/gun-laws/policy-areas/hardware-ammunition/assault-weapons/#key-elements>

<sup>14</sup> See, e.g., *Kolbe v. Hogan*, 849 F.3d 114 (4th Cir. 2017) (en banc) (Maryland's assault weapons ban does not violate the Second Amendment), *New York State Rifle & Pistol Ass'n v. Cuomo*, 804 F.3d 242 (2d Cir. 2015) (New York and Connecticut laws prohibiting possession of semiautomatic assault weapons and large-capacity magazines do not violate the Second Amendment); *Friedman v. City of Highland Park*, 784 F.3d 406 (7th Cir. 2015) (upholding local ordinance prohibiting assault weapons and large capacity ammunition magazines); *Heller v. District of Columbia* ("Heller II"), 670 F.3d 1244, 1260-64 (D.C. Cir. 2011) (upholding the District of Columbia's ban on assault weapons and large capacity ammunition magazines after applying intermediate scrutiny); *Fyock v. City of Sunnyvale*, 779 F.3d 991 (9th Cir. Mar. 4, 2015); *Kamper v. Cuomo*,

violate the Takings Clause of the 5th Amendment, because legitimate exercises of state police power than ban property that is a threat to public safety or health are not takings.<sup>15</sup>

Representative Gainey's bill, HB 307,<sup>16</sup> both lists prohibited weapons by name and creates a generic feature test that defines assault weapons as those having two of the features listed. This is similar to the laws in place in Massachusetts and Maryland, as well as the expired 1994 federal assault weapons ban.

HB 307 prohibits the possession, use, control, sale, delivery, transfer or manufacture of assault weapons. It has several exceptions, including a grandfathering provision, exempting from the prohibition those who owned or possessed an assault weapon before the effective date of the legislation. Some other states require registration of pre-ban assault weapons and/or regulate the transfer of such pre-ban weapons.

There is a solid evidence that banning assault weapons has an important and measurable impact. A recent study of public mass shootings that led to four or more deaths found that:

- more than 85% of such fatalities were caused by assault rifles
- during the 10-year period the federal assault weapons ban was in effect, mass shooting fatalities were 70% less likely to occur compared to the periods before and after the ban.<sup>17</sup>

Another recent study reviewing data from the 15 years since the expiration of the federal assault weapons ban in 2004 found that "permitting the gun industry to flood the market with increasingly powerful weapons that allow for faster killing has facilitated exactly that outcome."<sup>18</sup> Key findings include:

- In the decade after the ban, there was a 347 percent increase in fatalities in gun massacres, even as overall violent crime continued downward.
- Compared with the decade before its adoption, the federal assault weapon ban . . . was associated with a 25 percent drop in gun massacres (from eight to six) and a 40 percent drop in fatalities (from 81 to 49).
- During the ban, the number of fatalities per active shooting incident declined, and those numbers have risen sharply since the expiration of the ban.

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993 F. Supp. 2d 188, at \*17-19 & n.10 (N.D.N.Y. Jan. 7, 2014) (upholding New York's assault weapons ban by finding it does not substantially burden Second Amendment rights); *People v. James*, 174 Cal. App. 4th 662, 676-77 (2009) (upholding California's ban on assault weapons and .50 caliber rifles).

<sup>15</sup> See Giffords Law Center for an explanation of case law rejecting challenges to gun laws under the Takings Clause, at <https://lawcenter.giffords.org/the-takings-clause-not-an-obstacle-to-smart-gun-laws/>

<sup>16</sup>

<https://www.legis.state.pa.us/CFDOCS/Legis/PN/Public/btCheck.cfm?txtType=PDF&sessYr=2019&sessInd=0&billBody=H&billType=B&billNbr=0307&pn=0287>

<sup>17</sup> Charles DiMaggio et al., "Changes in US Mass Shooting Deaths Associated with the 1994–2004 Federal Assault Weapons Ban: Analysis of Open-source Data," *Journal of Trauma and Acute Care Surgery* 86, no. 1 (2019): 11–19. ↗

<sup>18</sup> John Donohue and Theodora Boulouta, That Assault Weapons Ban? It Really Did Work, *New York Times*, September 4, 2019, <https://www.nytimes.com/2019/09/04/opinion/assault-weapon-ban.html>.

- The average number of people who die in a gun massacre has increased by 81 percent in just five years.
- Assault weapons were used in at least 11 of the 15 gun massacres since 2014.
- At least 234 of the 271 people who died in gun massacres since 2014 were killed by weapons that were prohibited by the ban.<sup>19</sup>

CeaseFire Pennsylvania supports HB 307 and urges the members to push for a hearing and/or vote on this bill in the House Judiciary Committee.

### **Conclusion**

Assault weapons and high capacity magazines have no place in civilian hands and on our streets. We have seen time and again that they have been used to inflict maximum harm in minimal time. These weapons allow shooters to shoot at an extremely high velocity in such rapid succession that it is beyond dispute that they are more harmful and dangerous than other weapons. These belong on a battlefield, not in our houses or on our streets, and certainly should not be as easy to obtain as they are right now. We urge the House members to support HB 307 and work to have it advance through the General Assembly.

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<sup>19</sup> John Donohue and Theodora Boulouta, That Assault Weapons Ban? It Really Did Work, New York Times, September 4, 2019, <https://www.nytimes.com/2019/09/04/opinion/assault-weapon-ban.html>.