

Women's Policy Education Fund Issue Paper

Impact of Firearms Policy in Georgia Who Bears the Cost?

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Introduction

Georgia has long been known as a state with weak gun laws.¹ The absence of strong language in the Georgia state code to regulate access to firearms allows those who are restricted by federal law from purchasing and possessing guns to get them (or keep them), despite prohibitions.

Georgia residents die from gun violence, and many of them are women and children. In 2005 alone, 170 Georgia women and 44 children died from gunshots.²

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More than half of family violence victims killed in Georgia are killed with firearms, more than twice as many as those who die from stabbings, the next most common means.³ Georgia's weak controls on guns adversely impact families, the health care system, law enforcement, and local communities. Traffickers also export these

problems to other states when they easily buy guns here to sell illegally elsewhere. There are commonsense steps lawmakers could take to prevent these needless tragedies.

A Snapshot of Georgia's Lax Gun Laws and How They Hurt

Slow "Instant" Background Checks

In 2006 the Georgia Bureau of Investigation persuaded the Governor and the General Assembly to turn over the Instant Background Check System for firearms purchase to the FBI. (OCGA 16.11.172) The GBI had comprehensive knowledge of local criminal justice system reporting procedures, and long-established relationships with the Superior Courts around the state, which allowed them to quickly determine the status of felony and misdemeanor domestic violence convictions that had not yet been entered into the reporting system. The FBI has neither of these advantages. Without that knowledge and those relationships, the FBI cannot get the information they need to approve or deny a sale of a gun within the three business day requirement. After three business days, federal law allows the sale to be made without the correct criminal information.

¹ *Gun Control in the United States A Comparative Survey of State Firearms Laws*, Open Society Institute (New York, 2000).

² "Fatal Injury Reports," Web-based Injury Statistics Query and Reporting System (WISQARS) Injury Center, Centers for Disease Control and Prevention, US Department of Health and Human Services <http://www.cdc.gov/ncipc/WISQARS/>.

³ *Georgia Domestic Violence Fatality Review Project Annual Report 2007*.

Legal Loopholes

Georgia does not require background checks on sales of guns through private transactions. There are many ways that the lack of statutory regulation increases violence in our state. Guns may be purchased in “private transactions” without the purchaser undergoing a background check to determine if they are eligible to possess a firearm. The Children’s Defense Fund, in their recently released 2008 edition of *Protect Children Not Guns*, reports that “...40% of all firearms the United States are purchased *without* a background check.”⁴ These sales take place at gun shows, flea markets, and swap meets and are a popular source for firearms for those who would be unable to pass a background check. This loophole is used to purchase firearms by intimate partner abusers who have misdemeanor domestic violence convictions. It is the source of firearms for someone against whom a temporary protection order is in effect. Gang leaders and convicted felons use the loophole to arm themselves and their members, often minors. Five states and the District of Columbia require background checks for all private transfers of firearms, that is, all sources of firearms that are not federally licensed firearms dealers. Five other states regulate sales at gun shows to lesser degrees.

Preemption of Local Laws

The state prohibits even local gun laws. Georgia cities, towns and counties are prohibited from passing any local legislation to control firearms – the General Assembly removed that local power in 1995 so that only state legislators can make laws regulating guns. (OCGA 16.11.173) Nine different jurisdictions lost their waiting periods, and one lost their groundbreaking requirement of safety and safe storage labels on every gun sold in their county as a result of that legislation. Without a background check a person can now purchase a firearm in as little as 90 seconds. Since the passage of this “pre-emption” language, Georgia lawmakers have also outlawed consumers’ right to sue gun manufacturers and gun dealers. Recently, a gun advocates group has been suing or threatening to sue any local jurisdiction that prohibits carrying concealed weapons in their local parks – unconstitutional since the passage of pre-emption.

Georgia’s local governments are prohibited from enacting their own controls on firearms.

Lax Permitting, License Revocation and Carry Laws

Getting a permit does not require training or knowledge of gun laws. There is no standard revocation process. And now, because of the recent passage of House Bill 89 and its signing by Governor Perdue, concealed carry permit holders will be able to carry concealed weapons in restaurants that serve alcohol, on public transportation and into all state and local parks, recreational areas and historic sites beginning on July 1, 2008. (OCGA 16.11.127) HB 89 also endangers law enforcement officers and reduces their ability to use probable cause to search a vehicle they have stopped for a traffic violation. (OCGA 16.11.126) It is unclear whether the bill

⁴ *Protect Children Not Guns*, Children’s Defense Fund, 2008.

also restricts the rights of private property owners to prohibit guns on their property – particularly affecting employers and other business owners. (OCGA 16.11.135)

No Tracking

It would make sense to keep track of all of these firearms, at the very least. But the state cannot identify who purchases a gun or who has been issued the permission to carry that gun concealed in public because Georgia has no system for tracking either gun purchases or concealed weapons permits. As a result, there is no data to determine whether or how many concealed weapons permits were issued erroneously or whether permit holders subsequently commit violent acts.

High Gun Ownership Rates

In Georgia, 41% of households have firearms.⁵ Georgia households are more likely to have guns than Texas households. (35.9).⁶ The journal *Pediatrics* reported in its September 2005 issue that 104,700 children live in Georgia households where loaded and unlocked firearms are present.⁷

The United States ranks highest among all countries of the world in the number of privately owned guns. The Small Arms Survey 2007 reports that there are 675 million guns in private hands in the world – about 75% of the total number of firearms in existence.⁸ The other 25% of these small arms (guns that can be carried and fired by individuals) are in military and law enforcement arsenals. Of those 675 million guns in private hands, 270 million are owned privately in the United States. Put another way, the United States, which represents less than 5% of the total world population, is home to 35-50% of the world's civilian-owned guns.⁹ That averages out to about 90 firearms for every 100 people. The discrepancy in the estimate is based on the fact that registration of firearms is limited to only a few states. Therefore, determining ownership must be based on other assessments and correlative statistical analysis. Gun ownership – the percentage of the population that reports having guns in their household – is particularly high in the South. The national average of households with firearms is currently estimated to be 32.6%.¹⁰ The average for nine southern states (AL, FL, GA, LA, MS, NC, SC, TN, VA) was 43.6%.

High Rates of Gun Violence

⁵ Catherine A. Okoro, David E. Nelson, Kames A. Mercy, Lina S. Balluz, Alex B. Crosby and Ali H. Mokdad, “Prevalence of Household Firearms and Firearm-Storage Practices in the 50 States and the District of Columbia: Findings from the Behavioral Risk Factor Surveillance System, 2002,” *Pediatrics*, 116 September 2005 e371-374.

⁶ “Fatal Injury Reports,” Web-based Injury Statistics Query and Reporting System (WISQARS) Injury Center, Centers for Disease Control and Prevention, US Department of Health and Human Services. <http://www.cdc.gov/ncipc/WISQARS/>.

⁷ Okoro, Nelson, et al, “Prevalence” *Pediatrics*.

⁸ “Completing the Count, Civilian Firearms” *Small Arms Survey, 2007* (Geneva, Switzerland, 2007).

⁹ Ibid.

¹⁰ Okoro, Nelson, et al, “Prevalence” *Pediatrics*.

The Centers for Disease Control and Prevention report that in 2005 (the latest year for which data are compiled), 30,694 people died in the United States from firearms. Of those, 12,352, or 40% were homicides. Suicides accounted for 17,002 firearms deaths or 55%. Of the rest, 789 were unintentional (“accidental”) and in 221 deaths the intent was unknown. These numbers have been relatively stable since 1999 when a large increase in the number of firearms deaths was reported.¹¹

The South is by far the most violent region in the country in deaths from firearms, based on a number of different measures. The Centers for Disease Control and Prevention report from 2005, showed the Southern region had 13,615 deaths from firearms (including homicides, suicides, unintended deaths and those deaths which are unknown). This is a rate of 12.54 deaths per 100,000 population, and 44% of all firearms deaths in the United States. The next highest was the West with 10.68 deaths per 100,000, followed by the Midwest with 9.34 deaths. The Northeast was last with 6.29 deaths from firearms per 100,000 in population.¹² The CDC Firearms Death Rates for Georgia were 11.76 per 100,000 in population or 1,064 total deaths from gunshots.

Deaths from Firearms, 2005						
Cause	Number			Age-Adjusted Rate/100,000 Pop.		
	U.S.	South	Georgia	U.S.	South	Georgia
Suicide	17,002	7,508	590	5.62	6.88	6.73
Homicide	12,352	5,536	439	4.15	5.12	4.66
Accident	789	360	16	.26	.33	.17
Unknown	221	98	9	.07	.09	.10
TOTAL	30,694	13,615	1,064	10.22	12.54	11.76

Source: “Fatal Injury Reports,” Web-based Injury Statistics Query and Reporting System (WISQARS) Injury Center, Centers for Disease Control and Prevention, US Department of Health and Human Services.

Georgia had a rate of 4.66 homicides by firearms per 100,000 residents; the U.S. rate is 4.15 per 100,000 in population.¹³ The United States as a whole had 17,002 suicides by gunshot in 2005, a rate of 5.62 per 100,000, while Georgia had 590 deaths or 6.73 per 100,000 in population. The South again had the highest number of deaths from firearms in this category as well – 7,508 deaths or 6.88 for every 100,000 in population.¹⁴

The FBI Uniform Crime Reports tell a similar story. Looking at the deaths of all law enforcement officers in the United States killed intentionally in the line of duty during the period 1997-2006, 93% of these officers died from gun shots. Of all officers who died in the line of duty, 48% were killed in the South. Five Georgia with officers were killed in the line of duty.¹⁵ Georgia ranked second among all states. All of these officers were shot.

¹¹ Fatal Injury Reports,” Web-based Injury Statistics Query and Reporting System (WISQARS).

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ “Law Enforcement Officers Feloniously Killed” Uniform Crime Reports 1997-2006 Federal Bureau of Investigation <http://www.fbi.gov/ucr/killed/2006/table27.html>.

The High Cost of Gun Violence

The economic impact of gun violence is a factor in the debate about availability of firearms that does not receive enough attention. In fact, gun violence places a very heavy burden on health care systems and state and local governments. Phillip J. Cook and Jens Ludwig, in their ground breaking work, *Gun Violence: The Real Costs*, calculated that adding medical treatment with indirect costs – loss of productivity of victims, mental health treatment and rehabilitation, legal and judicial costs – brings the actual total costs of gun violence in the United States **to at least \$100 billion annually**.¹⁶ Other sources estimate that the costs are even higher – up to \$126 billion a year.

Cook and Ludwig identified these average costs for treating gunshot wounds: \$22,400 each for unintentional shootings; \$18,400 for gun assault injuries; \$5,400 each for suicides.¹⁷ It is safe to say that these costs have only escalated since then. Dr. Andrew Agwunobi, former President and

Gun violence costs the nation at least \$100 billion a year in health care and other social consequences.

CEO of Grady Hospital told attendees to the *CitySafe Summit: Taking Action Against Illegal Drugs and Guns*, held in Atlanta in 2005, that Grady staff treated 2,193 gunshot wounds over the five year period from 2000 through 2004. Of that total, 1,345 of those wounds were sustained by Atlanta city residents, and 848 were residents of Grady's treatment area outside Atlanta. Penetrating

injuries (from firearms and knives) represented 24% of the trauma treated at Grady. Combined with motor vehicle accidents, these injuries represent 80% of the trauma seen at the hospital – 33% of all Grady beds and 65% of all intensive care unit beds are occupied by trauma victims. He reported that Grady Hospital loses \$42 million a year in unreimbursed trauma care.¹⁸

Gunshots and stabbings cost Grady Hospital almost \$11 million dollars in 2005. Because many victims of gun violence are uninsured, as is the case for many Grady patients, these healthcare costs are passed along to state and local governments and, ultimately, to taxpayers.

The indirect costs for gun violence – loss of productivity, mental health care, emergency transport, and insurance administration – amounted to \$2.8 million per firearms fatality; \$249,000 per hospitalization, and \$73,000 per emergency room visit/release for gunshot wounds in 1999 dollars¹⁹. These are costs that occur in every urban center and in many smaller cities and towns across our country. It is a significant factor for making hospital care so expensive. Funding Georgia's trauma system has become a major issue for the state. The Georgia Statewide Trauma Action Team estimated that about 62 of every 100,000 Georgia trauma victims die each year, a higher rate than for the nation as a whole of 54 per 100,000.²⁰

¹⁶ Phillip J. Cook and Jens Ludwig, *Gun Violence: The Real Costs*, New York: Oxford University Press, 2000, 11.

¹⁷ Ibid, 65.

¹⁸ Remarks, *CitySafe Summit: Taking Action Against Illegal Drugs and Guns*, Georgia Pacific Auditorium, Atlanta, GA., June 1, 2005

¹⁹ Ted R. Miller and Mark A. Cohen, "Costs of Gunshot and Cut/Stab Wounds in the United States, with Some Canadian Comparisons", 29, *Accident Analysis and Prevention*, 329 (1197) 329-41.

²⁰ Douglas Sams, "Commission will look for trauma care funding," *Atlanta Business Chronicle*, June 1, 2007

Threats To Children, Youth and Women

Perhaps the most horrific price we pay for the proliferation of guns is in the young lives lost to gun violence. The number of children and teens killed by guns in America in 2005 would fill 120 public school classrooms. The number of children and teens killed by gunfire since 1979 would fill 4,177 public school classrooms.²¹ The CDC reports that 3,006 children and teens were killed by firearms in 2005. *This is the first increase in the number of deaths of children and youth since 1994.*²² The costs are multiplied by the emotional losses to families and friends by their deaths; the increasing fear of violence that creates isolation and mistrust; the loss of services to the community like recreational activities for youth and neighborhood gatherings because of fear of violent incidents; the frequent gunshots that are so commonplace; and the emotional toll on young people who have come to believe that it is too dangerous to walk around unarmed.²³

In the world 1,000 people die and another 3,000 are injured every day from small arms – primarily from handguns, rifles and assault weapons.²⁴ About 250 of those who die are killed in some kind of warfare.²⁵ The other 750 are killed in homicides between individuals, in suicides and in accidents. 10% of the world’s murders, suicides and unintended injuries everyday occur in the US – 75 of those 750 people who die everyday die from gun shots in the United States.²⁶ And who is getting killed? In the world, nine out of every 10 people who die from guns are boys and young men.²⁷ In the US, the leading cause of death for young black men, 15-34 years old, is homicide. Of those homicide victims, 91% died from gunshots.²⁸

In 2006, 822 American soldiers died in Iraq. During the same period, 406 people died from gunshots in Philadelphia.²⁹ In fact, the youth there have renamed the city “Killadelphia.” The University of Pennsylvania Hospital is one of the busiest trauma centers in the country. On the night that a Nightline TV crew visited, a 23 year old male died from a gunshot wound that tore his heart in half. The doctor who supervises the Emergency Room described a phenomenon that is becoming common in many American cities – something they call “trauma recidivism” – seeing the same patient again and again, coming to the ER with progressively more serious injuries, first a stabbing, perhaps, and then a gunshot to the leg or arm, and then a gunshot to the chest. He described one patient who came in the first time with a shot to the hand, the second

²¹ *Protect Children Not Guns*, p.2.

²² Ibid.

²³ Phaedra S. Corso, James A. Mercy, Thomas R. Simon, Eric A. Finkelstein, Ted R. Miller, “Medical Costs and Productivity Losses Due to Interpersonal and Self-Directed Violence in the United States,” *American Journal of Preventive Medicine*, 2007;32(6) 474-82.

²⁴ “Gun Violence: the Global Crisis,” *International Action Network on Small Arms,(IANSA)* London, UK, 2007

²⁵ Ibid.

²⁶ Ibid.

²⁷ Ibid.

²⁸ 2005 Homicides WISQARS, CDC

²⁹ Vicki Mabrey, Talesha Reynolds, and Leigh Simons, “Doctor Used Skills Learned in ‘Killadelphia’ in Iraq”, *Nightline*, ABC News, December 5, 2007 <http://abcnews.go.com/Health/story?id=3951568&page=1>.

time he was shot in the groin. Next time, the doctor predicted he would come to the ER shot in the chest or abdomen, and the last time – shot in the head.

In the shooting incidents that result from some criminal enterprise, the perpetrators and the victims are usually men – often young men – black and brown or Asian. They target rival drug dealers or members of other gangs. They have access to powerful rapid-firing weapons – assault weapons that spray bullets like fire hoses – hitting anyone in the general vicinity of their target. Innocent bystanders can die or be seriously wounded in these kinds of shootings. Mass shootings by those whose mental illness has been inadequately treated and managed like those at Virginia Tech or Northern Illinois University – injure and kill victims at random. The victims can be men or women, sometimes children. They are chosen not for who they are primarily, but because they are convenient targets – in the wrong place at the wrong time.

More commonly, shootings are personal. Ericka, a 27 year old Georgia woman, was shot several times by her former live-in partner, a man she had separated from a few months. She was shot six times as she was leaving her job. The shooter went to prison for 18 years – for aggravated assault, possession of a firearm during the commission of a felony, and possession of a firearm by a convicted felon (he had a previous conviction for assault and firearms charges).³⁰ Fortunately Ericka survived. Many victims of domestic violence do not.

In Georgia there were 479 fatalities from domestic violence over the four year period from 2003 through 2006.³¹ In 319 of those fatalities, the cause of death was identified. Of that total, 219 deaths resulted from firearms.³² This means that over a four-year period, in domestic violence deaths in Georgia where cause was reported, 64% of were caused by gunshots.³³ The victims were overwhelmingly women – and their children and other family members. In several of these fatal domestic violence cases, the abuser then turned the gun on himself.

Georgia has consistently ranked very high among states in domestic violence fatalities. In 2005 it was ranked 7th.³⁴ Domestic violence deaths, in fact, represent staggering numbers across the country. Since 1976, every year 30% of all female murder victims are killed by their intimate partners. And female partners are more likely to be killed with a firearm than by all other means combined.³⁵

The fatal shooting of another woman illuminates the situation for victims of abusive partners who are allowed to keep their firearms. In this case her husband was arrested three times over thirteen years for acts of violence against her. She took out a protective order against him. But the firearms he owned never were subject to any kind of action until she finally filed for divorce. He was ordered to leave their home, retrieving his personal possessions – except for his firearms. A month or so later, the wife moved to get away from him and he moved back into the house. Apparently the guns were still there. A few days later the Dentist's office called to remind her

³⁰ *Georgia Domestic Violence Fatality Review Project Annual Report 2007.*

³¹ *Ibid.*

³² *Ibid.*

³³ *Ibid.*

³⁴ “When Men Murder Women: An Analysis of 2004 Homicide Data” *Violence Policy Center* (Washington, DC) September 2006, p. 65.

³⁵ “Domestic & Sexual Violence in Georgia,” *Georgia Fatality Reduction Initiative* fact sheet, 2007.

about her appointment. On the appointed day, her abuser found her in a dental office treatment room, shot her three times in the face and chest, and then killed himself.³⁶

It's entirely logical to ask at this point, "How is it that these abusers had guns?" In 1996, Congress added language to The Gun Control Act of 1968 that prohibits those subject to a Temporary Protective Order (TPO) or anyone convicted of a misdemeanor crime of domestic violence from possessing a firearm.³⁷ This language, referred to as the Lautenberg Amendment, provides the statutory justification for the crime of felony possession of a firearm or ammunition – punishable for a maximum of ten years in prison.

Ericka's abuser should not have had possession of any firearms because he was a convicted felon. But law enforcement only became involved in the situation after she was shot. And Ericka never interacted before her shooting with any judicial or support agency that might have given her this information.

In the case of the wife murdered by her abusive husband, he should have been arrested and the firearms confiscated when the temporary protective order was served by local law enforcement. But enforcing the federal law known as the Lautenberg Amendment has been a challenge in Georgia. Judges and sheriffs generally don't believe they can enforce federal law – judges say they don't have the jurisdiction, and sheriffs say they can't enforce federal law without a judge's order. Cases are not always documented correctly by prosecutors to meet the qualifying conditions of the federal law. As a result, the misdemeanor convictions don't meet the federal test.³⁸ Ultimately, the firearms are not removed and there are no felony charges. The abuser can still purchase firearms, since the conviction does not meet the prohibitions against possession in the Brady Law background check approval system. Georgia is not the only state that faces these enforcement problems. Even so, some jurisdictions in our state have devised methods for addressing the issue of firearms in domestic violence situations in the absence of state statutes.

More than half of family violence victims killed in Georgia are killed with guns. Without a doubt, the most important way to keep women and children safe in their homes is to remove the guns.

*Vicky O. Kimbrell,
Family Law Attorney*

But Georgia's high gun ownership rate appears to contribute to the large number of fatalities of women. Researchers from the Harvard School of Public Health reported in 2002 that states with higher levels of gun ownership have higher homicide rates.³⁹ They found that firearms are used to kill two out of every three homicide victims in the US. In the study they controlled for urbanization, income, unemployment, alcohol consumption and several other factors to determine that states whose household firearm possession was in the highest 25 % in the country had firearm homicide rates 114 times higher than the states in the lowest 25%. "Our findings suggest that in the United States, household firearms may be an important source of guns used to

³⁶ *Georgia Domestic Violence Fatality Review Project Annual Report 2007.*

³⁷ 18 U.S.C. Section 922(g)(8).

³⁸ *Georgia Domestic Violence Fatality Review Project Annual Report 2007.*

³⁹ Matthew Miller, Deborah Azrael and David Hemenway, "Rates of Household Ownership and Homicide Across the US Regions and States, 1988-1997," *American Journal of Public Health*, 92, 12 December 2002.

kill children, women and men, both on the street and in their homes,” said Matthew Miller, Assistant Professor of Health Policy and Injury Prevention at Harvard School of Public Health, and a co-author of the study.⁴⁰

Tracing the Guns: Where Do They Come From?

In the case of Ericka, how did her husband – a convicted felon – get a gun in the first place? How do children who bring guns to school get them? What about minors involved in drug dealing? To reduce gun violence and improve community safety, in every incident it is crucial to get an answer to the question, “Where did the gun come from?”

With the exception of a small number of firearms that are stolen from the manufacturer or in transit, all firearms are shipped directly from the maker to a federally licensed firearms dealer. Every firearm has an identifying serial number which is recorded by the manufacturer and by the dealer who receives it. Those records are subject to scrutiny by the federal government whose regulations must be upheld in order for a gun dealer to keep his license. Every firearm recovered at a crime scene can be traced back to its manufacturer and to the gun dealer who sold it. (This applies unless a firearm’s serial number has been obliterated – between 5% and 10% of all firearms used in a crime.)⁴¹ That gun dealer must be able to produce the information about the sale of that firearm to law enforcement. The responsibilities for regulating federally licensed firearms dealers and accessing this tracing data is assigned to the federal Bureau of Alcohol, Tobacco, Firearms and Explosives – ATF.

Tracing every gun would tell local law enforcement a great deal about how guns get into the hands of convicted felons and others prohibited by federal law from possessing a gun. Unfortunately, even the most well-equipped law enforcement agencies at the local level seldom have the resources to trace every gun they recover. In Georgia there are four primary sources of firearms for people who are prohibited (and therefore could not pass a background check to buy a firearm legally). Those gun dealers who are corrupt are one major source. In the first study of its kind in the US, the Americans for Gun Safety Foundation reported on the gun dealers to whom the highest number of crime guns have been traced. Between 1996 and 2000 there were 120 gun stores in the US that were the sources for at least 54,694 crime guns – nearly 15% of all crime guns traced during that period. These stores were located in 22 states, but half of these stores were located in just five states – Indiana, Illinois, Virginia, Georgia and Maryland.⁴² The group Mayors Against Illegal Guns has just released its analysis of 2006 and 2007 crime gun trace data, and Georgia is identified as the country’s leading source of crime guns recovered in other states for both years. The report reveals that 5,435 guns originating in Georgia were recovered in 2006-2007 at crime scenes in other states. In 2007 those states recovering the most Georgia guns were Florida (409 guns),

Georgia is the leading source of crime guns recovered in other states.

⁴⁰ Ibid.

⁴¹ “Selling Crime High Crime Gun Stores Fuel Criminals” Americans for Gun Safety Foundation, (Washington, DC) January 2004.

⁴² Ibid.

New York State (358 guns); North Carolina (210 guns), Tennessee (184 guns) and New Jersey (133).

Gun shows are the second leading source of guns used in crimes between 1996 and 1998, according to the ATF, accounting for 26,000 illegal firearms.⁴³ Georgia is one of several states that do not require background checks for firearms transactions that are referred to as “private sales.” This “gun show loophole” allows firearms to be sold without a federal background check, and these transactions are typically conducted at gun shows, swap meets and flea markets – all places where gun sellers are guaranteed to find gun buyers. The Police Foundation reported that in 1993 and 1994, on average, about 280,000 guns were bought at flea markets and gun shows.⁴⁴ Unlicensed gun sellers at unregulated gun shows are major sources of guns seized at crime scenes in other states – often those are states where the gun show loophole has been closed. Georgia has no state law that closes the gun show loophole. Georgia is now the leader in supplying guns to criminals in other states.⁴⁵ Criminals in states that have not closed the gun show loophole buy their guns locally. Summary data just released by the ATF on firearms traced in Georgia for 2007 indicates that 80% of the guns used in crimes in Georgia were purchased in Georgia.⁴⁶

The other sources for those persons prohibited from possessing firearms are sales approved in error due to a faulty background check, and trafficking in stolen firearms. The Georgia Bureau of Investigation was responsible for approving the sale of firearms by federally licensed dealers until 2006, when the agency persuaded the General Assembly to turn over that function directly to the National Instant Check System. Until that transfer took place, those approvals had a high rate of accuracy, due in large part to the ability of the GBI Firearms Program staff to work cooperatively with both Superior Court Clerks in Georgia and gun dealers.⁴⁷ The FBI has reported that the shift in responsibility has led to many more erroneous approvals – because the records could not be verified within the required three business days when the disposition of a felony criminal charge or a misdemeanor family violence charge was not known.⁴⁸ Thefts of firearms from homes, businesses and particularly vehicles, are also a source of firearms for criminals. Georgia has no requirement that gun owners report thefts.

Where do children and youth with guns get them? Overwhelmingly they get them from home – where firearms are improperly stored or left out in view, in a nightstand or in a closet that a child can get to, even if the adult who owns it doesn’t think they can. Unintentional shootings commonly occur when children find an adult’s loaded gun in a drawer or closet, and bring it to school or

Children and youth get guns at home.

⁴³ “ATF Releases 2007 Firearms Trace Data,” Bureau of Alcohol, Tobacco, Firearms and Explosives, US Department of Justice, (Washington, DC) May 22, 2008

⁴⁴ “What is the Gun Show Loophole?” *No Questions Asked: Background Checks, Gun Shows and Crime* Americans for Gun Safety Foundation (Washington, DC) April, 2001 p. 4.

⁴⁵ *Ibid*, Mayors Against Illegal Guns.

⁴⁶ *Ibid*, 2007 Trace Data, ATF.

⁴⁷ Letter from ATF Georgia Special Agent in Charge Vanessa McLemore on effectiveness of GBI Firearms Program, 2/15/05

⁴⁸ Conversation with Fanny Haslebacher, FBI at *Domestic Violence and Firearms* Conference, Sept. 25-27, 2006 Los Angeles, CA

play with it at home. They may shoot themselves, a sibling or a friend.⁴⁹ The unintentional firearm-related death rate of children 0-14 years old is nine times higher in the U.S. than in the 25 other high income countries with greater than one million population *combined*.⁵⁰ Georgia does not require safe storage of firearms in the home.

How We Can Reduce Gun Violence in Georgia

There are a number of steps that our state can take to reduce gun violence. None of them will be easy to accomplish, but some will require less effort and cost than others. All will require a significant shift in political will. These are some of the improvements that Georgia needs to make in its firearms policy:

- Require that every theft of a firearm be reported to local law enforcement;
- Require safe storage of all firearms in the home or vehicle;
- Ban the sale and possession of assault weapons;
- Require the removal of all firearms in domestic violence situations in accordance with federal firearms prohibitions, including those against whom a qualifying temporary protective order has been issued;
- Close the “gun show loophole” to prohibit any sale or transfer of a firearm without a background check;
- Require that all crime guns be traced, and use the data to identify local sources of crime guns for interdiction;
- Provide resources to Superior Courts to automate all court records required for the background check for firearms purchase;
- Remove immunity from liability of gun manufacturers and dealers;
- Remove the prohibition against locally instituted laws related to firearms;
- License all gun owners and register all firearms.

**Our public officials
could make
Georgians safer from
gun violence.**

Conclusion

Georgians’ health and safety are at risk because of the state’s resistance to adopting sensible controls on firearms. There are many issues connected to firearms that have not been addressed here – the lack of a training requirement for being issued a concealed weapons permit in Georgia and the lack of a tracking system for those permits to determine how many commit violent acts; the relationship between the recidivism rate of formerly incarcerated people and the easy availability of guns in the communities to which they return upon release; the connection between drug and gun trafficking, the marketing of firearms and gun shows in low income communities; the lack of resources experienced by law enforcement agencies attempting to address these issues. The correlation between firearms accessibility, ownership and community safety is clear. The United States in the world community, the South among the regions in our nation, and Georgia all serve as models of what weak gun laws produce.

⁴⁹ Okoro, Nelson, et al “Prevalence” *Pediatrics*, 116 September 2005 e371-374.

⁵⁰ *Morbidity and Mortality Weekly Report*, 02/07/97; 46:5, 101-105.