

Testimony of CeaseFire Pennsylvania Before the Senate Judiciary Committee
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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 thank the Committee and especially Chair Baker for holding this hearing and for the opportunity to present testimony.

Gun Deaths in Pennsylvania

Pennsylvania suffers over 1600 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 households 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 2017 in PA, there were 1636 firearms deaths: 602 of which were homicides and 993 of which were suicides.⁴ These figures are fairly consistent with national figures: there are more than 23,000 suicides completed with firearms in the United States each year, accounting for 2/3 of all gun deaths in the United States as well as more than 1/2 of all suicides. Clearly, suicide represents 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 602 homicides, 516 victims were male and 402 victims were black. 379 of the 602 homicide victims were black males, representing 63%. By contrast, of the 993 suicides, 854 were males, and 928 were white. 792 of the 993 suicides were white males, representing 80%. 133 of the 1636 gun

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.

death victims were between the ages of 0 and 19. 46 of these deaths were suicide, and 89 were homicide. 61 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.

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. Suicide is a particularly tragic problem among America's veterans. Every day, about 20 veterans take their own lives, and two-thirds do so with a firearm.

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 decide to attempt suicide by firearm to obtain the means to do so. Also, a person is more likely to attempt 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 in a suicide attempt 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 the decision.

Data and evidence have demonstrated that when the issue is suicide, the means of attempt matters. 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 by a firearm by a factor of 17.⁶ Guns in homes are more likely to be used for suicide

⁵ *Id.*

⁶ 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/>.

than for self-defense.⁷ In fact, for every time a gun is used for self-defense at home it is used 11 times for suicide.⁸ 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 or family members.

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, allows the private sale of long guns without a background check and broadly preempts municipal regulation of firearms. The gaps in this system contribute to the level of gun violence and gun deaths PA experiences.

The Committee has constructed a detailed hearing schedule with many relevant experts from the medical, law enforcement, mental health, and advocacy communities offering critical information. We hope this will guide the Committee's future consideration of key pieces of legislation that could make Pennsylvania safer and reduce the toll of gun violence in our Commonwealth.

Emergency Risk Protection Orders

One of the key policies other states have adopted in recent years to reduce the toll of gun violence is an Extreme Risk Protection Order process. This is a civil judicial process by which family members and law enforcement can apply to a court for an order to temporarily bar access to firearms by a loved one in crisis. SB 90 and HB 1075 are the Pennsylvania ERPO bills, and they have been carefully developed, in consultation with many stakeholders and other jurisdictions, to design a process that has substantial due process protections built in. CeaseFire Pennsylvania 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

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/>.

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.

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 or in crisis 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.

The issue is not mental illness, or a specific diagnosis. Instead, the issue is behavior, and warning signs of someone likely to harm themselves or others. Often, friends, families or others 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. According to the Educational Fund to Stop Gun Violence, seventeen states – and the District of Columbia -- currently have such laws in place – California, Colorado, Connecticut, Delaware, Florida, Hawaii, Illinois, Indiana, Maryland, Massachusetts, Nevada, New Jersey, Oregon, Rhode Island, Vermont, and Washington.⁹ Last year, only 8 states had such laws in place.

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 tool to address the immediate crisis.

⁹ Website of Educational Fund to Stop Gun Violence, <https://efsgv.org/extreme-risk-laws/>.

There are two main steps in the ERPO process. First, there is an initial hearing, which may or may not occur ex parte. 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 temporary 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, from 3 months up to one year, or may terminate the order and ensure that any relinquished firearms are returned to the subject.¹⁰

SB 90 and HB 1075 have built substantial due process protections into the ERPO process proposed for PA including:

- the subject of a petition has a right to testify, present evidence and cross-examine witnesses
- the subject has the right to be represented by counsel and can have counsel appointed if they cannot afford counsel
- the subject can petition for early termination of an ERPO order and will bear a lower burden of proof (preponderance of the evidence) than was required for the issuance of the order (clear and convincing evidence)
- when an order expires, the information about the order will be immediately removed from the federal and state background check systems
- when an order expires, the subject receives his/her firearms back
- Orders may only issued based on evidence of behaviors occurring in the prior 12 months
- penalties (criminal and restitution) for those who abuse the process.

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.
- Police removed an average of seven guns per subject.

¹⁰ Educational Fund to Stop Gun Violence, <http://efsgv.org/wp-content/uploads/2018/04/ERPO-One-Page-April-2018.pdf>.

- 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.¹¹

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.¹²

ERPO is being supported by a broad coalition, including many health care providers and law enforcement agencies. CeaseFire Pennsylvania urges the Committee to bring SB 90 to a vote and move it to the floor.

Preemption of Municipal Regulation of Firearms

¹¹ 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>.

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>.

As noted above, Pennsylvania suffers more than 1600 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.

However, Harrisburg has preempted the regulation of the lawful transfer, transportation and possession of firearms. Unfortunately, Harrisburg has not seemed to recognize that with preemption of a field there is a concomitant obligation to regulate in that field and address the problem. We believe this has been irresponsible.

Moreover, instead of taking action to help reduce the toll of gun violence in Pennsylvania, the legislature has been engaged in a multi-year effort to weaponize preemption and punish municipalities who attempt to take action to protect their communities and combat gun violence. The most recent iteration of this is Senate Bill 531, which passed the local government committee earlier this year.

We understand that some legislators may be concerned about local municipalities enacting their own firearms regulations. Proponents of the legislation often warn of a "confusing patchwork of local laws" which will ensnare otherwise law-abiding gun owners traveling across the Commonwealth. However, none of the ordinances that have been targeted by these punitive preemption bills (or that were challenged in court during the brief period when Act 192 was in effect) deal with intrastate travel or transportation of firearms, and we do not know of any gun owner being fined or otherwise penalized for any alleged violation of that kind. Instead, the ordinances that these bills have attacked and that have been challenged -- local regulations requiring reporting of lost and stolen firearms, ordinances regulating firearms on municipal property, and carrying of firearms during states of emergency—apply only to the locality in which they occur and are plainly designed to make the residents of each community safer.

We urge the members of the Committee to take a reasoned approach, with hearings, testimony and debate, to solving the tension between preemption and the local need to address gun violence. Bills like SB 625, which creates an exception to the preemption law to enable municipalities to regulate firearms on municipal properties and in municipal buildings, should be considered and voted on. Mayors and town councils have expressed that this is a power they would like to have to, in consultation with local law enforcement, take steps to make their communities safer.

The PA Background Check System for Firearms Purchases

Although CeaseFire Pennsylvania 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 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 Committee 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.

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."¹³ 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."¹⁴ From 2011 through 2016, an additional 60,000 sales to prohibited purchasers have been blocked by PICS.¹⁵

PICS Requests & Denials (Number in final denials, excluding denials that have been overturned)

YEAR	Number of PICS Requests	Number of PICS Denials
2017	1,055,451	13,550

¹³ Pennsylvania State Police Testimony, Senate Committee on Law and Justice, May 11, 2011, at 1.

¹⁴ *Id.* at 2

¹⁵ The Firearms Annual Report, Pennsylvania State Police (for years 2012-16), www.psp.pa.gov.

2016	1,137,975	15,104
2015	989,298	13,774
2014	893,054	11,739
2013	1,125,362	11,188
2012	1,028,362	9086

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."¹⁶ 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 as reflected in Pennsylvania and national polls reflects support from gun owners.¹⁷ 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. Similarly, in the tragic shooting in Odessa just a few weeks ago, the shooter failed a background check at a licensed dealer, but then went on to purchase a semi-automatic assault rifle in a private sale that did not require a background check.

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."¹⁸ 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.

¹⁶ <https://everytownresearch.org/background-checks-loophole/>

¹⁷ 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).

¹⁸ Center to Prevent Gun Violence, Private Sales Policy Summary, updated July 2013.

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. CeaseFire Pennsylvania supports SB 88, a straightforward bill that eliminates the exemption of private sales of long guns from the background check requirement. These bills ensure 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.

Moreover, although most homicides in Pennsylvania also are committed with handguns, every year many homicides are committed with long guns.¹⁹ From 2006 to 2015, 48% of PA law enforcement officers fatally shot were killed with long guns. This almost doubles the national figure.²⁰ 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. The background check system prevents guns from getting into the wrong hands. The type of gun and type of seller should not matter. When guns get into the wrong hands, tragedy results. 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 SB 88 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 Committee 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:

¹⁹ 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.

²⁰ Officer Down Memorial Page, <https://www.odmp.org/search/browse?state=PA>.

- PICS includes records NICS does not, including full access to the Commonwealth Law Enforcement Access Network (“CLEAN”), which contains arrest warrants and all protection from abuse orders.
- 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.²¹

Acting Deputy Commissioner Snyder also testified about some of the additional benefits of the 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 immediately notify the applicable police agency that the subject is attempting to acquire a firearm."²²

Given the statistics reported above 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.²³

²¹ 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.

²² *Id.*

²³ *Id.*

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.

Mandatory Reporting of Lost and Stolen Firearms

Many people believe that Pennsylvania law requires the reporting of missing firearms. But in fact there is no statewide lost or stolen reporting requirement, even though statistics show that more crime guns come from states without lost or stolen reporting requirements. And when Pennsylvania municipalities have enacted their own lost and stolen reporting requirements, they have been challenged as preempted by state law. The problem of once legal guns getting into the hands of people who should not have them is a serious one. From 2006 to 2016, the number of guns reported stolen from individuals increased by approximately 60%.²⁴ In fact, surveys reveal that approximately 380,000 guns are stolen from individual gun owners each year,²⁵ but less than 240,000 gun thefts are reported to police each year.²⁶

Most guns used in crimes were once bought legally, and then through loss, theft, or improper transfer, made their way into the hands of criminals. According to the Giffords Law Center, stolen guns are often found at crime scenes:²⁷

- An analysis of more than 23,000 stolen firearms recovered by police between 2010 and 2016 found that the majority of these weapons were recovered in connection with crimes, including more than 1,500 violent acts such as murder, kidnapping, and armed robbery.
- One study found that nearly a third of firearms recovered at Pittsburgh, PA crime scenes were said to have been stolen.

If a person discovers that his or her firearm has been lost or stolen, he or she should report it missing to the police within a reasonable period of time. Lost or stolen reporting is a reform designed to crack down on the major sources of gun crimes: loss, theft, and straw purchasers – people who buy guns and then sell them to people who can't legally buy guns themselves. It's commonsense, and — even more importantly — police tell us this policy works. By requiring missing firearms to be reported, police can begin looking for a lost or stolen gun before it winds up at the scene of a crime. In addition, if a gun that was already reported as lost or stolen is later used in a crime, the police do not need to waste valuable time questioning the original owner about the whereabouts of his gun. Finally, when police repeatedly trace crime guns back to an owner who claims each gun was “lost” but never reported, police may be able to flag a potential trafficker or straw purchaser.

²⁴ Brian Freskos, “Missing Pieces: Gun Theft from Legal Gun Owners is on the Rise, Quietly Fueling Violent Crime, *The Trace*, November 20, 2017.

²⁵ David Hemenway, Deborah Azrael, and Matthew Miller, “Whose Guns are Stolen? The Epidemiology of Gun Theft Victims,” *Injury Epidemiology* 4, no. 1 (2017).

²⁶ Brian Freskos, “Missing Pieces: Gun Theft from Legal Gun Owners is on the Rise, Quietly Fueling Violent Crime, *The Trace*, November 20.

²⁷ <https://lawcenter.giffords.org/gun-laws/policy-areas/gun-owner-responsibilities/reporting-lost-stolen-firearms/>

SB 483 will require gun owners to report the loss or theft of a firearm within 24 hours of the discovery of the loss or theft. This is a legitimate, commonsense law enforcement tool, and we urge Committee members to support it.

Conclusion

Last year, the General Assembly passed Act 79 to disarm domestic abusers. That was a critical step in keeping Pennsylvania families safer. But much more is required. We hope this Committee will consider, debate, hold votes and send good bills to the Senate floor. Adopting commonsense gun laws will save many lives, without infringing upon the rights of law-abiding gun owners.