



**House of Representatives**  
COMMONWEALTH OF PENNSYLVANIA

**HOUSE DEMOCRATIC POLICY COMMITTEE HEARING**

**Topic: Gun Safety Reform**

**PA Turnpike Commission's Eastern Regional Office – King of Prussia, PA  
September 3, 2019**

**AGENDA**

2:00 p.m. Welcome and Opening Remarks

2:10 p.m. Panel One:

- Kevin Steele, District Attorney, Montgomery County
- Sean Kilkenny, Sheriff, Montgomery County
- Thomas Nolan, Chief of Police, Upper Merion Township

2:30 p.m. *Questions & Answers*

2:50 p.m. U.S. Congresswoman Madeleine Dean, 4<sup>th</sup> District of Pennsylvania

3:00 p.m. *Questions & Answers*

3:10 p.m. Panel Two:

- Dr. Steven Shapiro, Chair of Pediatrics Department, Abington-Jefferson Health
- Dr. Joel Fein, Co-Director of CHOP Violence Prevention Initiative, Children's Hospital of Philadelphia
- Dr. Zoe Maher, Assistant Professor of Surgery, Temple University's Lewis Katz School of Medicine
- Dr. Jack Rozel, Medical Director of re: Solve Crisis Network, and President of American Association for Emergency Psychiatry

3:40 p.m. *Questions & Answers*

4:00 p.m. Panel Two:

- Donna Cooper, Executive Director, Public Citizens for Children
- Penny Ettinger, Executive Director, Network of Victim Assistance
- Shira Goodman, Executive Director, CeaseFirePA

4:20 p.m. *Questions & Answers*

4:40 p.m. Closing Remarks



## OFFICE OF THE DISTRICT ATTORNEY

**KEVIN R. STEELE**

DISTRICT ATTORNEY

**EDWARD F. McCANN, JR.**

FIRST ASSISTANT DISTRICT ATTORNEY

### COUNTY OF MONTGOMERY

COURTHOUSE

P.O. BOX 311

NORRISTOWN, PENNSYLVANIA

19404-0311

**SAMUEL J. GALLEN**

CHIEF COUNTY DETECTIVE

**JESSE S. KING**

CHIEF OF STAFF

**DISTRICT ATTORNEY'S OFFICE**

**DISTRICT ATTORNEY'S FAX**

**COUNTY DETECTIVE BUREAU**

**(610) 278-3090**

**(610) 278-3095**

**(610) 278-3368**

**Kevin R. Steele**

**Testimony: Proposed Firearms Legislation**

**September 3, 2019**

Good afternoon, Chairmen Sturla and Briggs and members of the Democratic Policy Committee. I'm Kevin Steele, the District Attorney of Montgomery County.

Thank you for inviting me to speak to you and members of your district today on the gun violence that is plaguing our nation and to comment on the very important steps you and your fellow legislators are taking to combat this significant problem.

There is no question that the mass shootings just this past weekend in Odessa, Texas and last week in El Paso, Texas; Dayton, Ohio; and not too long ago in our own state at the Tree of Life Synagogue in Pittsburgh, are absolute tragedies. It is also true that the constant, daily loss of life by firearms in Pennsylvania represents a similar tragedy and crisis. According to the CDC, more than 1,600 deaths in Pennsylvania in 2017\* were by firearms—some of those were related to domestic violence, some were homicide, some were accidents, and some were suicide. These are senseless losses of life that we need to try to address. I am pleased that you and your colleagues are working on taking important and necessary steps to try to keep firearms out of the hands of dangerous individuals who should not have access to them or to keep them safely locked up within homes.

I strongly support legislation requiring firearm owners to report lost and stolen firearms within 72 hours of discovering the gun missing and to create a centralized database through the Pennsylvania State Police. This legislation will do a number of things that helps law enforcement make our communities safer: the database will allow police to more accurately track firearms and to determine how guns are illegally getting into the hands of criminals; it is a deterrent to straw purchasers—people who buy guns for criminals who can't legally purchase them themselves—since the requirement to quickly report the loss enables law enforcement to track firearms faster and increases the chance of the purchaser being caught and charged with a crime; it provides penalties for those who don't report guns as lost and stolen; and it will enable law enforcement to return firearms to their lawful owner when recovered.

Let me talk a little about how this works with law enforcement and straw purchases. After police locate a firearm at a crime scene and trace it back to the original purchaser, the police approach the original purchaser, who then claims his or her firearm was lost or stolen. In many cases, the original purchaser sold or otherwise provided the firearm to someone who cannot legally purchase one themselves. As long as the straw purchaser maintains that the gun was lost or stolen, the evidence is not there to charge them with a crime. If the criminal ultimately gives up the person who

purchased the gun for him or her—the straw purchaser—it’s tainted information and not the ideal approach to prosecuting straw purchasers.

In short, requiring the reporting of lost and stolen firearms will allow us to better target those who are selling illegal guns in our communities. I do have several suggestions to improve the language of the bill. The penalty section provides that a first offense is a summary, second offense is a second-degree misdemeanor and third offense is a first-degree misdemeanor. That gives a straw purchaser too many chances to put too many guns on the street and in the hands of criminals. I recommend considering escalating penalties per firearm. Additionally, I would prefer that a first offense be a low-level misdemeanor, not a summary offense. If it remains a summary, however, I would recommend requiring fingerprinting the perpetrator so that law enforcement officials in other counties would have access to the conviction information.

Additionally, it would be helpful to law enforcement to include in the reporting information for a lost or stolen firearm the name of the store where the gun was purchased.

I also strongly support HB 525 legislation that requires the safe storage of firearms. This legislation will keep guns out of the hands of children and prevent accidental injuries and deaths caused by the unintended discharge of firearms as well as assaults and suicides. Just today we are hearing about a 2½-year-old toddler in Lehigh County who shot himself yesterday in the wrist after getting a hold of a firearm in his home. While the incident is under investigation and we don’t know all of the details, we do know that it is not an isolated incident. Thankfully, this toddler will survive, but according to a study just released in March, 2,462 U.S. school-age children weren’t so lucky and died due to firearms in 2017.\*\* Breaking those numbers down further, among 5 to 14 year olds, almost 13% were accidental deaths, 29.6% suicide, 54.8% assault and the rest undetermined. In 15 to 18 year olds, the accidental deaths go down to 3.5% but the suicides rise to 33% and assaults to 62%.

Another study entitled *Firearm Storage in Gun-Ownning Households with Children: Results of a 2015 National Survey*\*\*\* found that 4.6 million children live in homes in which at least one firearm is stored loaded and unlocked. That 2015 figure has doubled since 2002. Clearly, legislation mandating gun owners to safely store their firearms is a critical step in ensuring the safety of all children.

This data points to how critically this legislation is needed. I would suggest a couple of minor modifications: under the grading section, the phrase “grievous injury” should be replaced with “serious bodily injury.” This term is well-defined in law, which would make charging decisions far more predictable. In addition, where the penalty is a summary offense, I would recommend including the requirement that the person convicted of the crime be fingerprinted—a necessary step so law enforcement outside of the county where the individual is convicted would have a record of the initial conviction.

Finally, I support HB 673, requiring universal background checks. Pennsylvania law regarding background checks is among the better laws in the nation because we do not have the kind of gun show loophole that exists in other states. However, HB 673’s requirement of background checks for the sale of *all* firearms regardless of barrel length is necessary legislation in order to ensure every type of firearm, not just handguns, stays out of the hands of individuals who should not legally possess them—whether that’s because of a prior criminal conviction that makes them ineligible or a prior mental health issue that prohibits them from possessing a firearm. More stringent background checks is a simple measure that will

help keep guns of all types out of the wrong hands, while at the same time, not infringing on the 2nd Amendment rights of all individuals to bear arms. To the extent there are concerns by 2nd Amendment groups about family heirlooms or weapons, there are no doubt ways to work in exceptions or limitations for those limited sets of circumstances.

I believe that these three pieces of legislation represent a significant step in the right direction to improving our firearms laws in order to keep firearms out of the wrong hands.

But we can also do more.

In the coming weeks, we expect legislation to be introduced to close a dangerous loophole that prevents us from prosecuting those statutorily ineligible from possessing firearms who subsequently possess them. In other words, under current law an individual previously convicted of murder, rape or dealing drugs is not allowed to possess a firearm and can be convicted of a felony if he or she is found to have one. But if the individual was previously convicted of attempted murder, conspiracy to commit rape, solicitation to traffic in narcotics and subsequently possesses an illegal firearm, we are not allowed to prosecute. This is simply because of the way the statute is written. This needs to change as our laws cannot shield these individuals.

Also in the next few weeks, law enforcement in Montgomery County will be collecting unwanted firearms through a program call "Operation Safe Homes." Patterned after our long-standing and successful drug take back program where people can dispose of unwanted prescriptions sitting in their medicine cabinets ripe for a teen to try, Operation Safe Homes is a voluntary gun turn-in program for gun owners who no longer want to have firearms in their homes but who also don't want to sell them and risk the firearms getting into the hands of criminals. In 2018, the first year of the program, we had 107 handguns and long guns turned in, all of which were safely destroyed. This year, we have expanded the program's turn-in locations and hope to help more families get rid of unwanted guns.

Finally, I strongly support the bipartisan legislation providing for extreme risk protection orders. At a minimum, enacting such a law would help prevent suicides by firearm. Extreme risk protection orders are supported by an incredibly diverse group of individuals politically: many if not each of you in this room, as well as the Republican prime sponsors in Pennsylvania—Representative Stephens and Senator Killian.

Thank you for allowing me to speak. It is my hope that together through your efforts to enact smart and necessary pieces of legislation and through our community efforts regarding firearms, we can make a difference in the safety of all Pennsylvanians.

#### **Citations**

\* CDC National Center for Health Statistics: Pennsylvania,

<https://www.cdc.gov/nchs/pressroom/states/pennsylvania/pennsylvania.htm>

\*\* Study Shows Alarming Increases of Firearm Deaths in US School-Age Children, Florida Atlantic University (March 21, 2019) [https://www.eurekalert.org/pub\\_releases/2019-03/fau-ssa031919.php](https://www.eurekalert.org/pub_releases/2019-03/fau-ssa031919.php)

\*\*\* Firearm Storage in Gun-Ownning Households with Children: Results of a 2015 National Survey, *Journal of Urban Health* (June 2018)

<https://link.springer.com/article/10.1007%2Fs11524-018-0261-7>



## Gun Safety Reform

Testimony Prepared By:

Joel A. Fein, MD, MPH

Attending Physician, Emergency Department, Children's Hospital of Philadelphia

Co-Director, Violence Prevention Initiative, Children's Hospital of Philadelphia

Professor, Pediatrics & Emergency Medicine, Perelman School of Medicine, University of  
Pennsylvania

Research Co-Director, National Network of Hospital-based Violence Intervention Programs

Pennsylvania General Assembly

House Democratic Policy Committee

251 Flinthill Road, King of Prussia, PA 19406

Tuesday, September 3, 2019, at 2:00PM

Chairman Briggs, committee members, thank you for inviting me to share my perspective with you today. I am grateful to have the opportunity, on behalf of my fellow pediatricians and colleagues at the Violence Prevention Initiative at Children's Hospital of Philadelphia, to discuss how we can attack the epidemic of firearm violence and its effect on the children of Pennsylvania. Gun violence continues to have lasting and reverberating effects on our cities, our state, and our nation. It is imperative that we bring our knowledge and experience, along with our passion and commitment, to the table as we address this crisis head-on.

Gun violence remains a national epidemic, ending the lives of almost 40,000 people in 2017<sup>i</sup>. There are over 3,000 firearm deaths a year in children, almost 60% of which are homicides and about 35% of which are suicides. From 1999 to 2017, 38,942 firearm-related deaths occurred in 5- to 18-year-olds. These included an average of 340 per year from ages 5 to 14 and an average of 2,050 per year from ages 15 to 18 years.<sup>ii</sup> Our own state of Pennsylvania is right there in the mix: From 2013 to 2017, 1548 of our Pennsylvania residents under age 25 were killed with a gun; in fact, gun violence is tied with car crashes as the leading cause of death for Pennsylvania children ages 1-17.<sup>iii</sup> The rates of firearm suicide in particular have been on the rise state-wide<sup>iii</sup>. Different parts of our state experience this epidemic in different ways, but all of them leave family, friends, and neighbors devastated.

The numbers speak volumes, but behind the numbers are the individual stories of countless families that have seen gun violence shatter their hopes for the future. As a physician in the ER, I have seen adolescents for whom a simple verbal altercation escalated quickly, and sometimes unexpectedly, to a violent and fatal encounter. The introduction of a firearm into a fight significantly increases its lethality, with consequences that are irreversible and reverberate through the community.

The number of our young Pennsylvania residents who commit suicide is also increasing. I have seen young people grappling with mental health challenges, and even some who simply act on an impulse in a moment, who then make the devastating decision to end their own life. The introduction of a firearm greatly increases the deadliness of that decision. Finally, I have seen very young children and toddlers who have been struck by a stray bullet or shot accidentally by a peer,

devastating their families and communities. These cases speak to the need for safer communities as a whole.

The importance of reframing the narrative of firearm violence as a public health issue cannot be overstated. Firearm violence does not occur in isolation. It is a symptom of a number of inequities such as systemic poverty, poor educational and employment opportunities, epidemic substance use and abuse, and inadequate social supports<sup>iv</sup>. Addressing these challenges is an integral part of the work of violence prevention.

However, what we know from our research, and even more so from our experience as doctors on the front line, is that access to a firearm can determine the difference between life and death for our community's children. There are several policy initiatives that could move the needle in the important work of stemming the tide of firearm violence, and recognizing points of common ground is a mainstay of effective policy.

For example, background checks are nationally supported by a majority of gun owners, but are only mandatory with federally licensed dealers, which accounts for only 40% of gun sales nationally. We know that to be most effective, background checks must not only be universal but must also be fully enforced. , collaboration with gun dealers to help enforce existing laws can be good for their businesses as well as for our neighborhoods.

Child Access Prevention laws, or CAP laws, place responsibility for safe storage in the hands of gun owners. Estimates suggest that even modest increases in the number of Americans who safely store their guns could prevent almost a third of childhood gun deaths due to suicide and unintentional firearm injury.<sup>v</sup>

Extreme Risk Protection laws, known as "red flag" laws, are another proven way to prevent high risk individuals from carrying out firearm related suicide or homicide<sup>vii</sup>.

I have to emphasize the critical notion that any legislative efforts in this space are coupled with funding to help learn more about the direct impact of these decisions as well as the best practices for implementation.

We at CHOP are now taking the science and moving it to action. For example: studies have shown that safe storage counseling, when coupled with provision of a

locking device, can improve safe practices in the home<sup>ix</sup>. After discovering that almost one-quarter of our Emergency Department patients report having a gun in the home at some point during the week, we embarked on a study to learn how to best provide culturally sensitive, effective gun safety education and safe storage devices in that setting. We plan to use this information to design the first comprehensive gun safety program done through a pediatric emergency department, where we see more than 100,000 patients each year.

But not all children who use firearms find them in their homes. At CHOP, we recently published a study asking teenagers in our Emergency Department where they were getting their guns, using a novel computerized screening technique that the teenagers complete on their own. The majority of youth who told us that they were able to access a firearm within 24 hours reported that the gun was not actually in their home, but in their neighborhood. Mandatory reporting of lost or stolen firearms could decrease the number of guns “on the street” that lead to crime or other tragic events involving Pennsylvania’s youth.

Finally, I would be remiss not to mention the mass shooting events that continue to occur throughout the country, including a recent tragedy in Philadelphia that injured six Philadelphia Police Officers. While we know that these moments are only the tip of the iceberg in terms of lives lost due to firearms, they highlight the way that fear and trauma are the new normal for our children, teachers, and first responders. Notably, youth that have been exposed to violence in the past are at increased risk of being both perpetrators and victims of violence in the future. Youth with a history of an assault-related ER visit have up to a 40% higher risk of subsequent firearm injury<sup>xi</sup>. Engaging these individuals at the point of their initial exposure allows for prevention of future tragedies. At CHOP, our Violence Intervention Program (VIP) works with children and adolescents who come to the emergency department after a violent injury. Our specially trained clinicians and staff members provide intensive support for approximately seventy assault-injured children each year, helping them and their families navigate school support, the justice system, and medical follow up. Almost all of these children require some sort of mental or behavioral health services, and CHOP’s VIP specialists can provide direct therapy to try to alleviate the symptoms of Post-Traumatic Stress Disorder (PTSD). While decreasing access to guns is a sound and proven approach, our

efforts also reduce the likelihood that children will feel the need to obtain one in the first place.

The important work of fighting firearm violence will require a united front. The importance of reframing the narrative of firearm violence as a public health issue cannot be overstated. Physicians and public health practitioners, elected officials, law enforcement, and citizens of our state all have a vital role to play in changing how we approach this challenge. What we need the most is to build the evidence of what works and what may not, in order to best focus our actions and critical decisions. We can employ the tools of public health to bring about lasting change gives us hope of turning this crisis around. I thank you again for your commitment to this issue. I would be happy to answer any questions.

---

<sup>i</sup> Centers for Disease Control and Prevention, National Center for Injury Prevention and Control. WISQARS Fatal Injury Data 2017. Accessed July 2019

<sup>ii</sup> Rubenstein A, Wood SK, Levine RS, Hennekens CH. Alarming Trends in Mortality from Firearms Among United States Schoolchildren. *The American Journal of Medicine*. Published online March 25, 2019.

<sup>iii</sup> Vital Statistics: Pennsylvania Department of Health

<sup>iv</sup> Pew Charitable Trusts. Philadelphia's Poor: Experiences From Below the Poverty Line: How financial well-being affects everything from health and housing to education and employment. September 26, 2018

<sup>v</sup> Monuteaux MC, Azrael D, Miller M. Association of Increased Safe Household Firearm Storage With Firearm Suicide and Unintentional Death Among US Youths. *JAMA Pediatrics* (2019).

<sup>vi</sup> Bonnie, Richard J., and Jeffrey W. Swanson. Extreme Risk Protection Orders-Effective Tools for Keeping Guns out of Dangerous Hands. *Dev. Mental Health*. 2018; 37 p2.

<sup>vii</sup> Kivisto AJ, Phalen PL. Effects of risk-based firearm seizure laws in Connecticut and Indiana on suicide rates, 1981–2015. *Psychiatric services*. 2018;69(8):855-62.

<sup>viii</sup> Grossman DC. Reducing youth firearm suicide risk: evidence for opportunities. *Pediatrics*. 2018;141(3):e20173884.

<sup>ix</sup> Carbone PS, Clemens CJ, Ball TM. Effectiveness of Gun-Safety Counseling and a Gun Lock Giveaway in a Hispanic Community. *Arch Pediatr Adolesc Med*. 2005;159(11):1049–1054.

<sup>x</sup> Barkin, S.L., Finch, S.A., Ip, E.H., Scheindlin, B., Craig, J.A., Steffes, J., Weiley, V., Slora, E., Altman, D. and Wasserman, R.C.. Is office-based counseling about media use, timeouts, and firearm storage effective? Results from a cluster-randomized, controlled trial. *Pediatrics*. 2008;122(1), pp.e15-e25.

<sup>xi</sup> Carter et al. Firearm Violence Among High-Risk Emergency Department Youth After an Assault Injury. *Pediatrics* 2015 May; 135(5): 805-815

**Democratic Policy Committee Hearing on Firearm Injury Prevention**  
**John S. Rozel, MD, MSL, FAPA**  
**September 3, 2019**

**Introduction**

I am pleased to have this opportunity to speak with you on behalf of the Pennsylvania Psychiatric Society. Our Society is a district branch of the American Psychiatric Association and is comprised of more than 1,500 psychiatrists practicing in Pennsylvania. Personally, I am the medical director of resolve Crisis Services of UPMC Western Psychiatric Hospital and the President of the American Association for Emergency Psychiatry. I am an Associate Professor of Psychiatry and Adjunct Professor of Law at the University of Pittsburgh. The Society asked me to be here today because of my expertise in violence and firearm injury prevention, to share with you some of what I have learned and some of the questions I still have.

For full disclosure, while I neither donate to nor receive funds from firearm issue advocacy groups, I consult and train on violence and firearm injury prevention for a variety of organizations, including a firearms dealer.

Throughout my nine years as medical director of resolve and throughout my 29 years of work in emergency mental health, I have seen the risks of firearm access and the impact of firearm injury and violence at every turn. Suicide by firearm. Accidental shootings of children. Intimate partner violence. Murders and mass shootings. My team and I have been there, caring for the families, communities and first responders, more times than I can count. As a forensic and child psychiatrist, I have worked extensively with justice involved youth, many of whom went on to be perpetrators of firearm violence and many of whom died, victims of gun violence. It should not surprise you then that my academic interests have followed suit: I have saturated myself in the scientific literature of violence and firearm injury prevention for more than a decade.

My colleagues and I have consoled the grieving, supported the survivors, and helped the first responders try to resume their lives, finding their new normal. We have looked into the eyes and heard the stories – and the cries – of mothers and fathers burying their children. We have seen the scars and heard about the nightmares. We have watched families and communities shattered by the quotidian toll of firearm injuries, violence, and suicide across our state. And, yes, we have locked down our hospitals and we have run, hid and fought when we ourselves were targeted. And we have buried our own, because a medical degree carries no immunity from bullet wounds or suicide.

**Firearm Deaths in the United States**

Our health system, while far from perfect, is able to provide services at rates and intensity similar to other developed countries and our population shows similar rates of psychiatric illness and hospitalization. Reassuringly, over the past generation, violent crime and homicides have broadly trended down in the US. However, the US still has a firearm homicide rate 25 times other economically developed countries. Our firearm suicide rate is 10 times higher. Pennsylvania has a firearm death rate

12% higher than the rest of the US and 12 times – 1200% – higher than other economically developed countries.(1)

It is reasonable to look at firearms and firearm access. The US has an estimated 393 million firearms in civilian hands. This is more than the next 39 countries combined.(2) In 2018, the Rand Corporation released the results of a comprehensive analysis of more than 9,000 studies on firearm injury prevention. It is the most systematic and objective report I have seen and it speaks directly to the questions you have posed regarding child access prevention laws, mandated reporting of lost and stolen firearms, and universal background checks. Much of what I will discuss with you is from this study.(3)

### **HB 525, Regarding child access prevention**

In one study of gun owning families, when parents insisted that their children had never handled the firearms without supervision, more than 20% of those children reported that they had in fact handled those firearms.(4) Additional research shows that children will often and quickly find, handle, and pull the trigger of firearms even when they are hidden and even when those same children received gun safety training.(5)

Unsecured and under-secured firearms are a major source in accidental injuries and deaths of children and adolescents and the nearly exclusive source of firearms that are used in child and adolescent suicides.

Child access prevention laws are well studied. There is substantial evidence that laws similar to HB525 decrease accidental injuries, negligent discharges, and firearm suicides amongst all ages with the most robust effects in children and adolescents.(3) Most gun owners and non gun owners support such laws.(6)

I have counseled parents grieving the injury or death of a child, shot or killed, accidentally or otherwise, because of an inadequately secured firearm. The trauma and grief of these parents is terrible. Quite frankly, I would be quite happy to never have to console a family again after one of these events, but I can promise you that as long as these events occur, I, my team, or somebody much like us will be there. This law can save many of those lives.

### **HB1288, Regarding the reporting of lost or stolen firearms**

Nationally, we know that firearms are high-value targets for theft and that stolen and lost firearms are a major source of crime guns. In Pittsburgh, 79% of our crime guns – those recovered by law enforcement after a criminal act or investigation – were no longer in the possession of their original owner or of a lawful owner. To wit: these guns had been stolen or lost. 40% of those lost and stolen guns were never reported to the police.(7) Conservative estimates are that 250-370,000 guns are stolen yearly.(8)

There is no clear evidence to suggest that lost or stolen firearms are a major contributor to firearms used in suicides. There is insufficient research on the effect of mandatory reporting of lost and stolen firearms on suicide, violent crimes, accidental injuries, mass shootings and officer involved shootings.(3)

It is hoped that such laws may discourage straw purchases of firearms and provide needed data to law enforcement analysts to identify and stop some firearm related crimes.

It is not clear to me whether this law applies to firearm dealers. Lost and unaccounted for inventory is an issue for some specific dealers and there is evidence that those firearms disproportionately end up as crime guns. There is strong popular support amongst gun owners and non gun owners to delicense firearm dealers who are unable to account for substantial numbers of firearms.(6)

### **HB673, Regarding background checks for the transfer or sale of long arms**

In Pennsylvania, long arms can be privately transferred without background checks. In a national study of firearm owners, 22% acquired their newest firearm through a private transfer.(9)

On a typical day in Pittsburgh, I can find more than a dozen long arms and often a half dozen or more assault style rifles available for legal, private transfer through one online forum. The typical starting price for an AR15? About \$550.

Universal background checks like those proposed in HB673 decrease such private transfers. A review of the research shows laws like this decrease firearm suicides homicides across all ages.(3) Background checks serve as a critical barrier to access by violent felons, domestic abusers, and people with severe mental illness.

Universal background checks are supported by more than 85% of gun owners in one study and 89% of Republicans in a poll from last week; non-gun owner and Democrat support is even higher.(6,10) This is as non-controversial of a firearm safety proposal as I have seen.

I recommend that language be added to allow for temporary, emergent transfer of firearms. If I am acutely depressed or suicidal, the added barrier (and stigma) of having to go through a mediated transfer process to give my firearms to a trusted friend could prove lethal.

Legislators may also wish to consider whether language needs to be added to address intrafamilial transfers of firearms and the use of firearm trusts which may still be able to bypass the background checks provided for in this bill.

### **Conclusion**

There are some who would suggest that firearm injury prevention is not an issue for physicians. That we should "stay in our lane." Our lane is with our patients. It always has been and it always will be. As long as people survive, or not, from shootings and live with the physical and psychological scars, as long as parents grieve the death of a child who accidentally or intentionally shot themselves, as long as suicidal impulses can be translated to near certain death because of guns, it will be out lane. We are anti gunshot wound, not anti 2d Amendment.

This lane is broad and the need is great. There is ample room for cooperation. There are smart, responsible, lawful gun owners and creative and caring gun dealers who are as passionate about

preventing these events as we are. Dare I say, there is even room for motivated legislators of all parties. Welcome to our lane.

Thank you for your attention to this issue and I look forward to further discussion.

#### References

1. Grinshteyn E, Hemenway D. Violent death rates in the US compared to those of the other high-income countries, 2015. *Preventive Medicine*. 2019 Jun 1;123:20–6.
2. Karp A. Estimating Global Civilian-Held Firearms Numbers [Internet]. Geneva: Small Arms Survey; 2018 Jun [cited 2018 Jun 19]. Report No.: 9. Available from: <http://www.smallarmssurvey.org/fileadmin/docs/T-Briefing-Papers/SAS-BP-Civilian-Firearms-Numbers.pdf>
3. Rand Corporation, editor. The science of gun policy: a critical synthesis of research evidence on the effects of gun policies in the United States. Santa Monica, CA: RAND; 2018.
4. Baxley F, Miller M. Parental misperceptions about children and firearms. *Archives of pediatrics & adolescent medicine*. 2006;160(5):542–547.
5. Jackman GA, Farah MM, Kellermann AL, Simon HK. Seeing is believing: what do boys do when they find a real gun? *Pediatrics*. 2001 Jun;107(6):1247–50.
6. Barry CL, Webster DW, Stone E, Crifasi CK, Vernick JS, McGinty EE. Public Support for Gun Violence Prevention Policies Among Gun Owners and Non-Gun Owners in 2017. *Am J Public Health*. 2018 May 17;e1–4.
7. Fabio A, Duell J, Creppage K, O'Donnell K, Laporte R. Gaps continue in firearm Surveillance: Evidence from a large U.S. city Bureau of Police. *Social Medicine*. 2016 Jul 25;10(1):13–21.
8. Hemenway D, Azrael D, Miller M. Whose guns are stolen? The epidemiology of Gun theft victims. *Injury Epidemiology*. 2017 Apr 10;4(1):11.
9. Miller M, Hepburn L, Azrael D. Firearm Acquisition Without Background Checks: Results of a National Survey. *Ann Intern Med*. 2017 Feb 21;166(4):233–9.
10. Snow M. Quinnipiac University Poll [Internet]. 2019 Aug [cited 2019 Sep 2]. Available from: <https://poll.qu.edu/national/release-detail?ReleaseID=3639>

Testimony Presented to the Democratic Policy Committee  
Pennsylvania House of Representatives  
Hearing Re: House Bill 525  
September 3, 2019

Submitted by Donna Cooper  
Executive Director, Public Citizens for Children and Youth

I am testifying today on behalf of Public Citizens for Children and Youth. We are a 40-year old organization dedicated to improving the lives and life chances of children. We unite people across the political spectrum to work together for smart policy changes that can make a significant difference. On my board are individuals who are staunchly in favor of greater restrictions on the sale of firearms and members of the NRA. We support measures to ensure all guns are safely locked, unloaded and that there are penalties for failures to do so under reasonable circumstances. House Bill 525 has our full support.

The founders of our organization were inspired by the impressive work begun in the 1960's to protect children from injury or death while in a car. I believe the history of that work is instructive and relevant to this hearing today.

When I was a kid, I can't remember ever hearing that one of my friends was injured or killed by a firearm. But it was not surprising to hear that a friend was in the hospital after a car accident. In fact, my only friend who didn't live long enough to graduate had his young life cut short by a car accident.

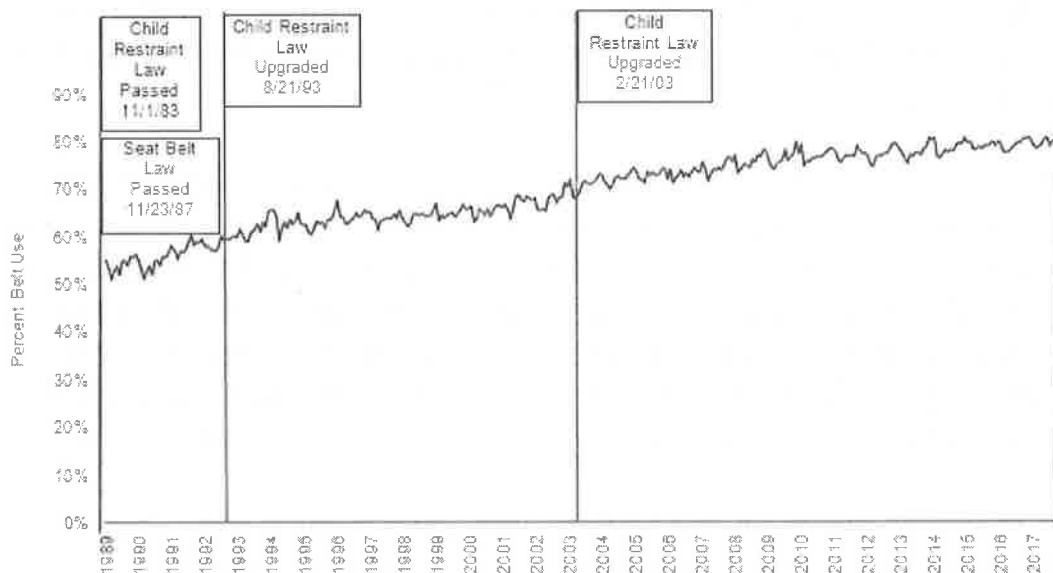
Today, the chances of my friend Cliff making it to graduation are twice as high because by 1968 adults across the country began to pass laws that made our cars safer. It was a hard fight that the car industry opposed. They used the same arguments to stop seatbelts that we hear today about safe gun storage and trigger locks. In 1968, adults used their common sense and followed the research rather than lobbyist spin and protected our children by passing laws requiring that cars have safety belts and later reforming those laws to both make it an offense not to wear them and require parents to restrain their babies in car seats.

The champion of seatbelt laws in PA was Ed Early, who was a member of the State House and Senate from Allegheny County. He responded in the following way to those who claimed that the law would be useless because too many people would ignore it, and others who claimed it was too intrusive to invade a man's car and take away his freedom to drive as he pleased:

“Just because the State Police do not bother to enforce the law requiring a car to have two headlights that are lit does not mean that we should abolish the law. Just because the State Police do not go out and check the trucks going through our State for the decals, they are supposed to have does not mean we should abolish the law. Just because people do not enforce the law is no reason to abolish the requirement that we protect the safety of our children.... Mr. President, I do not want to draw this out, but I have to take exception to the comments that have been made; harassment and unfair to the motorist? I think what is extremely unfair is a child who will die in an automobile because the parents were not smart enough to buy this restraint or put them in. I think that is unfair. Harassment, the purpose of any legislation dealing with penalties is not to harass anyone. The purpose is to make sure no one gets hurt.... All they are forced to do is buy some protective item so the individual child riding in the car will not get killed. I think we owe it to the parents to force them to do this, and I certainly agree we owe it to the children not to let them die in an automobile because someone is afraid of being harassed.”

In many ways the discussion today about House Bill 525 mirrors those old debates about protecting children from vehicular injury or homicide. Many argue safe storage laws will simply be ignored because parents already know the risks.

I urge you to look at this chart that is in the 2017 PennDOT report on highway statistics:



And what made them work was legislators acting on behalf of children, and, passing laws that make clear that parents needed to buckle up their kids. Fortunately, as the PennDOT chart illustrates most parents comply. To be sure, seatbelt laws that aren't the only improvements made to cars and driving regulation that made children safer, but the data is very clear that seat belts worked. Seat belts alone are associated with saving about 15,000 lives. And what made them work was legislators acting on behalf of children, and, passing laws that make clear that parents needed to buckle up their kids. Fortunately, most parents comply.

Here's how I know that same approach, which is embodied in House Bill 525 makes sense.

I went to high school only 20 miles from here. I graduated as a Springfield Spartan in the class of 76. Nine years ago, a high school junior used an AK 47 to kill himself in the lobby of Springfield High. That promising junior was an Eagle Scout and a volunteer firefighter for the township. He regularly hunted and practiced shooting with his dad. He knew how to use firearms responsibly.

Sadly 17% of all children in high school report that they've had serious suicidal thoughts. And a small percentage act upon those thoughts quickly and with finality. Like that promising high school student who impulsively took his life, those who use a gun will succeed 95.3% of the time. It's certainly not the only way to commit suicide but it's the surest.

Today he is one of thousands of children that are the statistical basis of the data that tells us that suicide is the 2nd leading cause of death for youth ages 10-19, and that firearms were used in 43% of these horrific acts.

And, his suicide wasn't that unusual. Eighty percent of adolescent suicides are committed with gun that a child finds in his or her home.

But suicide is not the only way kids access to guns in their home puts that at risk. An estimated 4.6 million children live in homes with firearms that are locked and loaded. Firearm accidents where children harm themselves or other children are on the rise, more than 5,000 children were injured by the guns in their homes based on the most recent stats, and another 1300 lost their lives. The risks of childhood gun injury or death is especially high in states like ours where gun ownership is also above average for the nation. Recent data indicates the Commonwealth ranks 20<sup>th</sup> in the nation for guns per capita with more than 236,000 registered guns stored in homes, work sheds, cars and businesses across the state. We must face facts that that's a lot of guns and lots of opportunity for firearms to get in the hands of unsupervised children.

Even in the hands of those like that Springfield student, who are taught the basics of responsible gun ownership, it's too simply too dangerous to children not to regulate gun storage.

As cars became ubiquitous in the 50's and 60", society learned the hard way, that we had to fight the industry and demand regulatory controls to save lives. That's what the seatbelt and child seat battles were all about. Since then, injury and death due to motor vehicle crashes have steadily declined over the last 20 years. During the same period, death and injury due to firearms has remained about the same.

Worse yet, the rate of death from firearms among youth 14 to 17-year olds is 22.5% higher than motor vehicle-related death rates. When the legislature made it an offense not to wear a safety belt, compliance went up and that's what we should expect would happen after the enactment of HB 525.

Surveys tell us that about 30% of adults across the country report owning a firearm and 42% report living in a household with firearms. As more families have guns, you must do more to make sure children are safe.

The good news is that surveys of gun owners tells us that 54% of those with guns have their firearms locked away. The bad news is that 46% percent of gun owners do not. For the children in those homes, for the children who visit those homes, House Bill 525 could be the difference between life and death. Far too many parents believe that their own children may know responsible gun ownership and only hide their guns so that other children can't access them to harm anyone or themselves. It doesn't enter their mind that they must protect their children from themselves.

Research demonstrates that responsible gun storage practices are associated with reduced rates of child firearm suicide. In fact, when guns are locked, unloaded, separated from the ammunition, the data finds less risk of self-inflicted and unintentional firearm injuries among children and teenagers — up to 85 percent depending on the type of storage practice. We would support amendments to House Bill 525 that put all those provisions in place.

Polls are clear that gun owners who believe in gun rights want you to do more to require that guns be safely stored, and they demonstrate support for charging adults when they fail to store their guns safely as proposed in House Bill 525.

I want to comment you for wisely including in the legislation common-senses exemptions from the safe storage requirement if the firearm is being carried or in close proximity to the adult who owns the firearm while in their own home. This provision permits gun owners who believe they need their gun for self-protection while in their home can have it *at the ready*

and not be in violation of the law. For someone living in a risky situation who believes they are competent enough to use a gun for protection, House Bill 525 is clear that they are permitted to carry, or have their gun near them, at all times.

Requiring safe storage, the establishment of the graduated offenses for failing to responsibly ensure these storage practices are in place, and the exception for a gun owner who believes he or she must carry or have their gun close while they are home for safety has our full support.

This same approach of establishing a safety standard with enforcement provisions saved thousands of children from injury or death in cars and I thank you for working to take this proven approach and apply it to what is clearly a rising risk to our children, unsafely stored guns in their homes.

Testimony before the Pennsylvania House Democratic Policy Committee

Public Hearing on Gun Safety Reform Legislation

September 3, 2019

Penelope R. Ettinger, Executive Director, Network for Victim Assistance

Good afternoon Chairman Briggs and members of the Democratic Policy Committee. My name is Penelope Ettinger, and I am the Executive Director of Network of Victim Assistance, also known as NOVA. I welcome the opportunity to provide comments today on legislation that may help to reduce gun violence in our Commonwealth.

NOVA is the comprehensive crime victim service agency for Bucks County, Pennsylvania. NOVA's mission is to support, counsel and empower victims of sexual assault and other serious crimes in Bucks County and to work to prevent and eliminate violence in society through advocacy, training, community education, and prevention programs. Founded in 1974 as WOAR (Women Organized Against Rape),

NOVA offers a continuum of trauma-informed services to over 3,600 victims, survivors, and family members annually. Approximately 50% are victims of sexual assault and abuse ages 3 to 95 years of age. The remaining 50% are victims of violent crimes including but not limited to homicide, robbery, attempted murder, human trafficking, child endangerment, and elder abuse.

Services for children and adult victims, their caregivers and significant others, include the following...

- Forensic services through the Children's Advocacy Center (CAC) and the Sexual Assault Nurse Examiner services (SANE). SANE services are available for victims of sexual assault or rape who present in one of the Bucks County hospital emergency department.
- Evidenced-based trauma therapies including Trauma-Focused Cognitive Behavioral Therapy (TFCBT), EMDR and trauma-informed yoga for child and adult victims;
- Victim Advocacy providing information and support as the victim and caregivers move through the criminal justice system.

Since 1984, NOVA has been providing violence prevention education programs for students, teachers, parents, professionals, and community members in Bucks County. Last year NOVA offered educational programs to over 33,000 children and adults.

NOVA is also home to Keystone Crisis Intervention Team (KCIT), which empowers local communities across the Commonwealth to support communities of individuals who witness a crime – including but not limited to bank robberies, workplace shootings, and aftermath of homicides. KCIT, a project of the Pennsylvania Commission on Crime and Delinquency, located at NOVA, helps crime victims in their recovery by assessing the effect of the event on the community, developing an intervention plan, and providing crisis intervention by trained

volunteer teams. KCIT has provided support to mass shootings in Pennsylvania including the West Nickel Mines School shooting and the Tree of Life Synagogue shooting. Most recently, KCIT members responded to the police hostage/mass shooting in the Nicetown/Logan neighborhood in Philadelphia in August 2019.

Like all of you, our organization struggles with how to reduce the remarkable level of gun violence. According to the Giffords Law Center, the direct cost of emergency and medical care for victims of gun violence total \$8.6 billion annually. The indirect damages, including loss of employment and ongoing mental health services, could amount to \$221 billion every year. Philadelphia Inquirer reporters Helen Ubinas and David Gambacorta, in their series, "The Hidden Toll of Gun Violence" shared the struggles of survivors of shootings in Philadelphia. They reported, since 2015, there are over 4,000 people who have survived injury by firearms in Philadelphia. Survivors faced an average of \$46,632 in medical costs. Moreover, this is just the beginning of the trauma, loss, and lives forever changed by gun violence. We all must rally to bring our expertise, resources, and voices to reduce this epidemic in our communities.

At NOVA, we are looking at this epidemic through our preventionist lens. Core to our mission, NOVA works to reduce and prevent violence in our community by providing primary prevention to the general public. An example of this is Ben's Campaign, a county-wide effort to encourage gun owners to protect children by locking up their firearms and educating themselves and their children on gun safety. This collaborative partnership emanated from the Office of the District Attorney and D.A. Matt Weintraub after two-year-old Benjamin lost his life by accidentally shooting himself with his father's unsecured gun in 2016. Together with the Bucks County Sheriff's Department, our 43 local police departments and Bucks County Children and Youth Agency, gun locks and educational materials are available free of charge at any of those partner locations.

Recently, Ben's Campaign was expanded to include information on addressing gun safety for households where a family member is living with dementia or depression. According to a Kaiser Health Permanente report, adults living with dementia or suffering from depression who also have access to firearms are at higher risk of unintentional injury or suicide. Overall, Ben's Campaign has been well received in Bucks County, and many Bucks County elected officials have also joined in the campaign to make the gunlock kit available for constituents at their district offices. Thousands of gun locks and educational materials have been distributed thus far in Bucks County. We anticipate that with the expanded focus on families with older members who may be struggling with dementia, the awareness and demand will continue to grow. Project ChildSafe, a program of the National Sportsman's Shooting Association distributes gunlocks to local police departments nationwide who opt into the program.

Initiatives like Ben's Campaign and others across the Commonwealth, like the ASK (Asking Saves Kids) Campaign in Allegheny County are a first step in helping to keep children and teenagers safe from gun injury or death but more needs to be done.

A strategic goal of NOVA is to increase our primary prevention programming in schools and community with the objective of building communities of respect and inclusion. The Encourage Upstanders Peer Education Program is an extraordinary example. ENCOURAGE is a bully prevention program that supports empathy, teamwork and friendship. NOVA educators coach and train high school student leaders to deliver NOVA's Encourage program to elementary students within their school district. Under the guidance of NOVA educators, peer educators

present the program and provide meaningful suggestions while facilitating break-out sessions incorporating skill-building activities. This program provides skills and resources for younger students receiving the program, as well as for the peer educators presenting the program. Peer educators develop leadership skills, presentation skills and confidence in their role as “ambassadors” of bullying prevention.

Other school-based programs include Harassment Prevention, Bully-free classrooms and Gender Bullying: It’s No Laughing Matter. These programs support the kind of Positive Behavioral Intervention (PBIS) approaches that can help to improve school social/emotional climate and go hand in hand with other school-based violence prevention activities that the legislature has supported under Act 44 of 2018. We urge the Governor’s Special Council on Gun Violence to consider these kinds of programs as they assess strategies to reduce violence.

According to the Giffords Law Center, 1/3 of handguns are kept loaded and unlocked. Giffords cites a 2018 study published in the American Journal of Public Health that estimates 4.6 million children are living in homes with loaded, unlocked guns. The Violence Prevention Institute of the Children’s Hospital of Philadelphia cites a study by Baxley and Miller which revealed that more than 75% of first and second graders know where their parents keep their firearms and 36 percent admitted handling the weapons, contradicting their parents’ reports.

Accessible firearms are used in suicides, unintentional shootings, and school shootings—numerous research studies confirm that between 70-90% of the guns used in these violent events came from their own households. Storing one’s firearms with a lock and separating ammunition from your firearm can help to prevent youth suicide according to a study in the Journal of American Medical Association Pediatrics (2019). Another study reported that gun owners who do not safely store their firearms are significantly more likely to have their guns stolen (Hemenway, Azrael, Miller, Injury Epidemiology, 2017).

Child Access Prevention (CAP) laws, like the HB 675 proposed by Chairman Briggs, are another tool that can help to prevent gun injuries, deaths, and homicides. The Giffords Law center cites several studies that indicate the positives effects of CAP laws:

A survey of 12 states where CAP laws had been in place for at least one year found that unintentional firearms deaths fell by 23% among children under 15 years of age.

Researchers found that CAP laws were associated with an 8.3% decrease in suicides among children ages 14-17.

A 2005 study by Shenassa and Rogers concluded that safe storage practices serve as a protective measure to reduce youth suicide and unintentional injury in homes with children and teenagers.

HB525 sends a strong message to gun owners, imposing a felony charge when the firearm is used by a minor in the commission of a crime or an event that results in a death or grievous injury. HB525 also requires notices about gun storage to be posted by gun retailers and we believe this kind of public notice could be expanded to include local police departments and posting on websites for state agencies. We applaud the many gun owners who do use safe storage options. But options may not be enough and safety can be improved with CAP laws and they need to be considered here in Pennsylvania.

We are grateful for Governor Wolf's leadership and the steps he has taken to elevate attention and a sense of greater urgency to the issue of gun violence in our Commonwealth. His executive order goes a long way to rally the resources of executive branch agencies and programs to address the public health crisis that is confronting our communities. We look forward to learning the recommendations of the Special Council on Gun Violence and we look forward to expanding our partnerships with our local law enforcement, Children and Youth Services, schools and other state and county wide agencies to join in these efforts to reduce gun violence and make our communities safer.

We look to you and your colleagues, as our state representatives, to craft the robust legislation that can help to reduce gun violence by improving laws on background checks, requiring gun owners to report lost or stolen firearms and Extreme Risk Protection Orders. We urge House and Senate leadership to take up these bills as quickly as possible when they return to the Capitol later this month and enact legislation to address the epidemic of gun violence in Pennsylvania.

Thank you again for the opportunity to present these comments.

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

**September 3, 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 Briggs 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.<sup>1</sup> PA is one of a growing number of states where we have more gun deaths than deaths due to automobile accidents.<sup>2</sup> This is striking, given that 90% of American household have access to a car, while just under 33% of American households have a gun.<sup>3</sup> 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.<sup>4</sup> 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 ⅓ of all gun deaths in the United States as well as more than ½ 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.

---

<sup>1</sup> Centers For Disease Control and Prevention, WISQARS Fatal Injury Data, [https://webappa.cdc.gov/sasweb/ncipc/DataRestriction\\_inj.html](https://webappa.cdc.gov/sasweb/ncipc/DataRestriction_inj.html). This testimony is using 2015 Pennsylvania data compiled in WISQARS.

<sup>2</sup> Violence Policy Center, *Gun Deaths Outpace Motor Vehicle Deaths in 21 States and District of Columbia* (Jan. 2016), <http://www.vpc.org/studies/gunsvscars16.pdf>.

<sup>3</sup> *Id.*

<sup>4</sup> Centers For Disease Control and Prevention, WISQARS Fatal Injury Data, [https://webappa.cdc.gov/sasweb/ncipc/DataRestriction\\_inj.html](https://webappa.cdc.gov/sasweb/ncipc/DataRestriction_inj.html). This testimony is using 2015 Pennsylvania data compiled in WISQARS.

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 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.<sup>5</sup> 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.

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

---

<sup>5</sup> *Id.*

of suicide by a firearm by a factor of 17.<sup>6</sup> Guns in homes are more likely to be used for suicide than for self-defense.<sup>7</sup> In fact, for every time a gun is used for self-defense at home it is used 11 times for suicide.<sup>8</sup> 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, and allows the private sale of long guns without a background check. The gaps in this system contribute to the level of gun violence and gun deaths PA experiences.

### **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.

---

<sup>6</sup> 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/>.

<sup>7</sup> 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/>.

<sup>8</sup> 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/>.

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."<sup>9</sup> 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."<sup>10</sup> From 2011 through 2016, an additional 60,000 sales to prohibited purchasers have been blocked by PICS.<sup>11</sup>

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

<b>YEAR</b>	<b>Number of PICS Requests</b>	<b>Number of PICS Denials</b>
<b>2017</b>	1,055,451	13,550
<b>2016</b>	1,137,975	15,104
<b>2015</b>	989,298	13,774
<b>2014</b>	893,054	11,739
<b>2013</b>	1,125,362	11,188
<b>2012</b>	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

<sup>9</sup> Pennsylvania State Police Testimony, Senate Committee on Law and Justice, May 11, 2011, at 1.

<sup>10</sup> *Id.* at 2

<sup>11</sup> The Firearms Annual Report, Pennsylvania State Police (for years 2012-16), [www.psp.pa.gov](http://www.psp.pa.gov).

by law from having guns.”<sup>12</sup> 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.<sup>13</sup> 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.

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.”<sup>14</sup> Where private sales are exempt from background checks, they are the avenue of choice for those most likely to be buying firearms with criminal intent.

In Pennsylvania, we are fortunate that private sales of handguns require background checks. However, we do have a private seller loophole that should be closed. CeaseFire Pennsylvania supports HB 673 and SB 88, straightforward bills that eliminate 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.

---

<sup>12</sup> <https://everytownresearch.org/background-checks-loophole/>

<sup>13</sup> 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).

<sup>14</sup> Center to Prevent Gun Violence, Private Sales Policy Summary, updated July 2013.

Moreover, although most homicides in Pennsylvania also are committed with handguns, every year many homicides are committed with long guns.<sup>15</sup> From 2006 to 2015, 48% of PA law enforcement officers fatally shot were killed with long guns. This almost doubles the national figure.<sup>16</sup> 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 HB 673 and SB 88 provide.

### **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:

- 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

---

<sup>15</sup> 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.

<sup>16</sup> Officer Down Memorial Page, <https://www.odmp.org/search/browse?state=PA>.

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.<sup>17</sup>

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."<sup>18</sup>

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.<sup>19</sup>

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.

### **Safe Storage Laws**

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

---

<sup>17</sup> 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.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

A recent study estimates that 4.6 million children<sup>20</sup> in America live in a home with an unlocked and loaded gun. Based on the CDC WISQARS<sup>21</sup> fatal and non-fatal injury database, in the decade spanning 2007 – 2016, 17,304 children under the age of 18 were injured with firearms, and 915 were killed. Of those killed, the majority (489) were age 12 or under. Furthermore, we know that due to reporting rules used by coroners, the accidental shooting deaths of children are severely under-reported,<sup>22</sup> by a factor of about 2. (If a child finds a firearm and kills someone with it, many coroners report that as a homicide, regardless of the age of the shooter.) Many parents believe that hiding a firearm is adequate to protect their children, but a study has shown<sup>23</sup> that in 73% of cases, children under the age of 10 reported knowing where their parents stored their firearms. Especially in the case of children, a large percentage of accidental shootings would be prevented if the firearm had been securely locked.

Year after year, firearms account for about 50% of suicides in the United States, and suicides represent roughly two-thirds of the 35,000 Americans killed with firearms every year. These grim facts stem from the >80% lethality<sup>24</sup> when firearms are used in an attempt to take one's life, the widespread availability of firearms in our culture,<sup>25</sup> and the often impulsive nature of suicide. Experts who deal with suicide stress the importance of means restriction. For a person in crisis, even the delay caused by having to dial a combination in a firearm safe may be a sufficient barrier for the suicidal impulse to dissipate, allowing the potential victim to seek help.

But protection of the firearm owner from self-harm is not the only consideration. Youth suicide is a serious and tragic problem. A study has shown that among teens living in homes with guns, roughly 40% who had serious risk factors for suicide, and roughly 40% who had attempted suicide reported “easy access” to guns in the home. In the decade of 2007 – 2016, the CDC WISQAR fatal injury report indicates 10,923 American minors took their own lives with firearms.<sup>26</sup> The vast majority of teen firearm suicides<sup>27</sup> involve guns owned by someone in their home. Researchers have shown that laws requiring use of gun locks are effective at preventing suicides. Massachusetts is the only state that requires all firearms to be stored with a locking device in place. The law is effective. Guns are used in just 9% of youth suicides in

---

<sup>20</sup> Deborah Azrael, Joanna Cohen, Carmel Salhi, and Matthew Miller, “Firearm Storage in Gun-owning Households with Children: Results of a 2015 National Survey.” *Journal of Urban Health* (2018): 1-10.

<sup>21</sup> <https://www.cdc.gov/injury/wisqars/index.html>.

<sup>22</sup> Michael Luo and Mike McIntire, *New York Times*, Sept. 28, 2013.

<sup>23</sup> Frances Baxley & Matthew Miller, *Parental Misperceptions About Children and Firearms*, 160 *Archives of Pediatric & Adolescent Med.* 542, 544 (2006).

<sup>24</sup> Spicer, R.S. and Miller, T.R. Suicide acts in 8 states: incidence and case fatality rates by demographics and method. *American Journal of Public Health*. 2000;90(12);1885. <https://www.hsph.harvard.edu/means-matter/means-matter/case-fatality/>

<sup>25</sup> Miller M., Azrael D., Hemenway D. Firearms and Suicide in the Northeast. *Journal of Trauma*.

2004; 57:626-632; b) Miller, M., Barber C., White R., Azrael D. Firearms and suicide in the United States: I risk independent of underlying suicidal behavior? *Am. J. Epidemiol.*, 2013.

<sup>26</sup> <https://www.cdc.gov/injury/wisqars/index.html>.

<sup>27</sup> Renee Johnson, et al, “Who are the owners of firearms used in adolescent suicides?,” *Suicide and Life Threatening Behavior*, Vol. 40(6), 609–11 (Dec. 2010),

Massachusetts, compared to 39% of youth suicides in the United States. The overall suicide death rate among youth in Massachusetts is 35% below the national average. California, Connecticut and New York also have strong safe storage laws. Along with Massachusetts, these states have the lowest rates of youth suicide in the nation.<sup>28</sup>

It is an unfortunate fact that minors in America have many times used unsecured firearms to perpetrate violence against others. Perhaps nowhere is the tragedy of such incidents more apparent than in the case of school shootings. An analysis of school shootings conducted by Everytown for Gun Safety reported that there were at least 84 school shootings in America in the 3 years following the Sandy Hook school shooting. A minor was the shooter in the majority of these incidents.<sup>29</sup> In a study published jointly by the US Secret Service and the Dept. of Education, it was found in 65% of the school shootings, the shooter used a gun obtained either at home or from the home of a relative.<sup>30</sup> These conclusions are consistent with the encyclopedic analysis of school shootings compiled by Langman. In a review of school shootings from 1966 to 2015, the perpetrator was age 10 – 19 in 53.1% of the shootings.<sup>31</sup> A study of the origin of firearms in school shootings from 1991 to 2015 showed that in 30 of 33 secondary school shootings the shooter obtained his or her weapons either at their home or the home of a relative.<sup>32</sup>

The General Accounting office has estimated that 31% of deaths due to accidental shootings could be prevented by the use of two devices: a child-proof lock, and a loading indicator, a device that could be incorporated into a firearm to indicate if it has a bullet in its chamber.<sup>33</sup> States that require safe storage of firearms have lower rates of suicide, especially youth suicide. And the fact that most juvenile school shooters obtain their firearms from their or a relative's home provides strong evidence that safe storage would also decrease the frequency of school shootings. Some gun owners contend that securely locking their firearms would negatively affect their ability to defend themselves in an emergency situation. However, locked boxes that allow entry of a code through a keypad and provide firearm access within a general pass most a few seconds are widely available.

HB 525, sponsored by Rep. Briggs, would implement safe storage requirements in PA to mandate safe storage when a gun is in a home where minors are present. The purpose is to deny

---

<sup>28</sup> "Safe Storage," Giffords Law Center to Prevent Gun Violence. <https://lawcenter.giffords.org/gun-laws/policy-areas/child-consumer-safety/safe-storage/>

<sup>29</sup> United States General Accounting Office, *Accidental Shootings: Many Deaths and Injuries Caused by Firearms Could Be Prevented* (March 1991), 17, <https://www.gao.gov/assets/160/150353.pdf>.

<sup>30</sup> U.S. Secret Service & U.S. Dep't of Education, *The Final Report & Findings of the Safe School Initiative – Implications for the Prevention of School Attacks in the United States* 27 (July 2004), <http://www2.ed.gov/admins/lead/safety/preventingattacksreport.pdf>.

<sup>31</sup> Multi-Victim School Shootings in the United States: A Fifty-Year Review, available at <https://schoolshooters.info/>

<sup>32</sup> The Origins of Firearms Used in School Shootings in the United States, available at <https://schoolshooters.info/>

<sup>33</sup> United States General Accounting Office, *Accidental Shootings: Many Deaths and Injuries Caused by Firearms Could Be Prevented* (March 1991), 17, <https://www.gao.gov/assets/160/150353.pdf>.

easy access to guns for people PA has already determined shouldn't have them. Such laws have been demonstrated to work in other jurisdictions. We urge the Committee members to support such policies.

### **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%.<sup>34</sup> In fact, surveys reveal that approximately 380,000 guns are stolen from individual gun owners each year,<sup>35</sup> but less than 240,000 gun thefts are reported to police each year.<sup>36</sup>

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:<sup>37</sup>

- 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.

---

<sup>34</sup> Brian Freskos, “Missing Pieces: Gun Theft from Legal Gun Owners is on the Rise, Quietly Fueling Violent Crime, *The Trace*, November 20, 2017.

<sup>35</sup> David Hemenway, Deborah Azrael, and Matthew Miller, “Whose Guns are Stolen? The Epidemiology of Gun Theft Victims,” *Injury Epidemiology* 4, no. 1 (2017).

<sup>36</sup> Brian Freskos, “Missing Pieces: Gun Theft from Legal Gun Owners is on the Rise, Quietly Fueling Violent Crime, *The Trace*, November 20,

<sup>37</sup> <https://lawcenter.giffords.org/gun-laws/policy-areas/gun-owner-responsibilities/reporting-lost-stolen-firearms/>

HB 1288 will require gun owners to report the loss or theft of a firearm within 72 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 our families safer. But much more is required. We hope this Committee will lead the House to consider, debate, hold votes and send good bills to the House floor. Adopting smart gun laws will save many lives, without infringing upon the rights of law-abiding gun owners.

Pennsylvania State Police Testimony  
Gun Safety Reform  
House Democratic Policy Committee  
September 3, 2019



Prepared by:  
Captain Beth A. Readler  
Director, Policy and Legislative Affairs Office

Good afternoon, Chairmen Sturla and Briggs and members of the House Democratic Policy Committee. On behalf of the Pennsylvania State Police (PSP), I would like to thank you for engaging in discussions about the continuing need to support programs and initiatives directed at reducing gun violence in the Commonwealth. This written testimony will cover some of the steps PSP is taking to combat this crisis and address several pieces of legislation related to gun reform currently before the General Assembly.

Recently, Governor Wolf announced an Executive Order on Gun Violence Prevention. The PSP has been included in several of the preventative and proactive programs within the Executive Order which are geared toward providing greater protections for Pennsylvanians.

The Commissioner of the PSP, Colonel Robert Evanchick, will be a member of the Special Council on Gun Violence. The Council will be tasked with, among other things, making recommendations for improvement(s) on our current firearms background check system and identifying strategies to reduce incidents of firearms-related violence. PSP will also be developing best practices on gun buyback programs for police departments in an attempt to reduce gun violence in Pennsylvania's communities. We will be expanding the "See Something/Send Something" program to receive reports of suspicions of mass shootings by text and pursue a campaign to increase public awareness of the ability to alert law enforcement through the use of a phone application. In addition, PSP and the Municipal Police Officers' Education & Training Commission (MPOETC) will be collaborating with local first responders to develop training on gun

violence prevention and deterrence as well as recognition of the warning signs of potential mass shootings.

PSP is working in concert with the Office of the Attorney General to combat illegal firearms trafficking and straw purchases through the "Track + Trace" program. This partnership will identify and implement ways to more effectively address the issues of gun crime and gun violence in the Commonwealth. The Pennsylvania Instant Check System (PICS), our firearms background check system the national media recognized as a "model gun background check system" and which includes a web-based application that allows firearms dealers to ensure a gun being transferred is not stolen as well as the development of an electronic record of sale process further demonstrates our agency is committed to seeing that our law enforcement partners and licensed firearm dealers in Pennsylvania have the technology and information they need to ensure that firearms do not end up in the hands of people who are prohibited from possessing them or who want to use them to commit crimes.

The aforementioned initiatives are some meaningful steps to address this critical issue. However, support from the General Assembly is needed as well. The Pennsylvania State Police is supportive of the concepts of Universal Background Checks to ensure long guns are kept out of the hands of prohibited persons and those selling them are not unknowingly exposed to criminal and civil liability should a prospective buyer be legally precluded from owning firearms, Extreme Risk Protection Orders to temporarily remove firearms from individuals who demonstrate an extreme risk of causing harm to themselves or others, and legislation requiring lost and stolen guns be reported to law enforcement.

Several pieces of legislation presently before the General Assembly address some of these measures to increase safety for the citizens of Pennsylvania. Currently, a firearms transaction involving long guns between two private parties does not require a background check. House Bill 673 would require all those who wish to purchase a firearm go through a State Police background check. PSP believes this would create a uniform process in addition to keeping guns out of the hands of dangerous individuals. House Bill 525 would require individuals safely store firearms in a securely locked box or container and in a location where a minor is unlikely to gain access and accidentally hurt themselves or another person. It should, however, be noted that a gun lock would not constitute a "secured container" for purposes of safe storage. House Bill 1288 would require a person report to law enforcement within 72 hours of the discovery of the loss or theft of their firearm. Many times, when an individual illegally sells a firearm to a criminal, that person claims it was lost or stolen. Unfortunately, prosecutions against these "straw purchasers" are often difficult because there is no way to refute the assertion that the gun was lost or stolen. In its current form, the PSP has concerns about the enforceability of this bill.

The Pennsylvania State Police is supportive of these proposals. With any piece of legislation, there are often technical or implementation concerns within the language of a bill. In addition, the need to get illegal guns off the street should not infringe upon the rights of legal gun owners. The Pennsylvania State Police would like to continue to work with the General Assembly to ensure enacted legislation curtails the devastating impact gun violence has on our communities and addresses the critical need to keep guns

out of the hands of criminals. This is a complex issue and partnership is critical if we are to reduce the number of lives lost to gun violence.

Again, thank you for the opportunity to permit PSP to address the steps we are taking to improve the safety of the citizens of the Commonwealth as well as address legislation aimed at ending gun violence in Pennsylvania.

## Firearm safety

Firearms and other weapons can be found in households across the country. In most situations, their presence creates no problems for responsible gun owners and others in the household. However, if someone in the home has Alzheimer's or another dementia, firearms can pose a significant risk for everyone.

For example, as the disease progresses, the person may not recognize someone he or she has known for years and view him or her as an intruder. With a gun accessible, the result could be disastrous. Even if the person has past experience with guns, his or her current abilities will be altered because the safe use of firearms requires complex cognitive abilities and quick decision-making skills, which may be compromised due to dementia.

Consider the following to help reduce risk:

- **Locking or disabling a gun may not be enough.**  
People living with dementia sometimes misperceive danger and may do whatever seems necessary to protect themselves, even if no threat exists. These actions can include breaking into gun cabinets, finding ammunition and loading guns. Preventing a gun from firing may not prevent the person living with the disease or others from being harmed.
- **Consider removing guns from the home to fully protect the family from an accident.**  
Family members sometimes attempt to hide their firearms or ammunition to prevent the person living with dementia from accessing them. They may lock the guns in an attic or in the trunk of a car, or keep ammunition outside of the home. These solutions are good first steps, but they do not ensure that the person will not find the gun or appear to be holding a loaded weapon, thereby causing those around the person to react.

It's critical that there be an open discussion among family members about all weapons in the home, including antiques, collections, war souvenirs, hunting equipment and decorative pieces. Just as legal, financial, care and driving plans are best made early in the disease process, it's important to consider current and future gun safety. Put a plan in place for what to do with firearms or other weapons both immediately and for when the person is no longer capable of handling them safely.

If there is a history of using firearms or other weapons for work or recreation, these conversations can be difficult, as they may threaten key aspects of the person's identity. The person may be very attached to their weapons, refusing to part with them. But alternate plans will need to be made for the storage, inheritance or disposal of weapons in order to ensure everyone's safety.

The following may help as you prepare to discuss firearms:

- Begin with a discussion of who might inherit various pieces. It may be good to talk about providing the inherited pieces to the recipient soon, so that person can provide for upkeep, use the weapon, etc. This can be a way to move to a discussion of safety at home when the responsibility for keeping firearms in good working order becomes too difficult or is no longer possible.
- Consider selling some valuable items that are no longer used to help pay for care. A collection of firearms could be considered as part of this discussion.
- Discuss donating an antique collection so that others can learn about and appreciate them.
- Include a trusted authority figure that is knowledgeable about the critical safety issues. Get agreement ahead of time from everyone involved that if that person says that the removal of the weapons from the home must be done as part of keeping family members safe, it will be done. Consider inviting trusted relatives, hunting buddies, etc., to take part in the conversation with the family.
- If there is no consent to remove the weapons, removal may need to be done against the person's wishes and should be done while he or she is out of the house. Take care to also remove reminders of the weapons, including cases, ammunition, racks and holsters.
- Address any anger or other emotions that may occur as a result of the change by acknowledging feelings.
- Redirecting to an activity that can be done together may help reduce feelings of anger or other emotions.
- If you need assistance removing the guns, your local law enforcement agency may be able to help.
- Laws around selling or transferring firearms vary from state to state. It is important to familiarize yourself with applicable laws in your state.

TS-0025 | Updated July 2018