UNFINISHED BUSINESS

Gun Violence on the Policy Agenda

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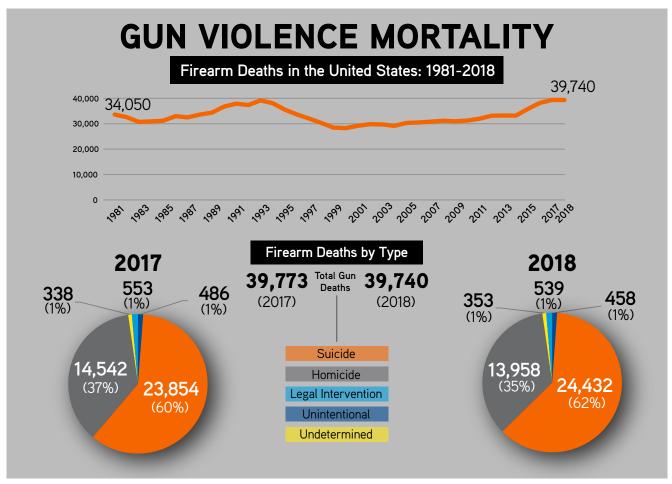


Gun violence mortality is 27 percent higher than a decade ago, and, due to a lack of federal action, states have taken the reins in combating this crisis through significant policymaking. However, there is not much research on the progress or process of enacting important laws on gun violence, including identifying the types of bills introduced, how they proceed through the legislative system to enactment, and how year-to-year changes in political leadership affect that process. To better understand recent state policymaking in New York, the Rockefeller Institute of Government's researchers analyzed the 161 firearm-related bills introduced by the governor, Senate, and Assembly in New York between 2018 and 2019 to identify trends in legislative interest and activity.

We find that most laws that were both proposed and enacted involved restrictions on who can own a firearm and that the number of bills introduced and laws passed increased dramatically when Democrats took control of both houses of the state legislature in 2019. These shifts in the types and numbers of gun violence bills pursued are important indicators, not only to policymakers, interest groups, and the public, but to researchers. To establish effective laws and policies to reduce gun violence, policymakers require an accessible foundation of evidence-based, data-driven research to inform their actions. This legislative analysis supports the need for an interdisciplinary, practitioner-oriented research agenda that is based, in part, on executive and legislative priorities, and reflects the opportunities and challenges involved in making new laws.

Given the unprecedented public health and safety challenges in 2020, this brief provides timely insight into areas of legislative and executive interest, revealing that despite increased legislative action to reduce firearm-involved violence, it remains "unfinished business" on the policy agenda. Throughout the remainder of the year, the Rockefeller Institute team will continue to monitor and interpret law- and policy-making to support timely, responsive research and develop a stronger base of evidence to inform specific government actions on gun violence.

FIGURE 1. Firearm-Involved Mortality in the United States, 1981-2018



SOURCE: Centers for Disease Control and Prevention, National Center for Health Statistics, Division of Vital Statistics. Data are from the Mortality Multiple Cause Files at https://www.cdc.gov/nchs/data_access/vitalstatsonline.htm.

The State of State-Led Firearms Legislation and Research

Across the United States, gun violence devastates families and communities, injuring more than 80,000¹ and claiming the lives of nearly 40,000 people each year.² In 2018, the number of firearm-involved deaths remained at a near-record high for the second consecutive year since the CDC began reporting this annual metric in 1968.³ In fact, more people now die from firearms than motor vehicle crashes.⁴ This tragic scale, along with frequent mass shootings, has been characterized as a threat to basic human rights from the United Nations High Commissioner for Human Rights⁵ and Amnesty International.⁶

Despite this epidemic of violence, the federal government has failed to pass any new laws to further restrict the production, sale, transfer, possession, or regulation of firearms. In fact, the federal government has prevented research on the epidemic by ending funding for firearm fatality research in 1996, a provision commonly known as the "Dickey Amendment," named for Jay Dickey, a House of Representatives member from Arkansas who authorized the provision, and reducing the Centers for Disease Control and Prevention's (CDC) budget by \$2.6 million—the annual amount spent on gun violence research. This *de facto* ban has had a lasting chilling effect on the amount of available research funding and the number of publications.

Federal funding only recently returned in December 2019 when Congress allocated \$25 million to the CDC and the National Institutes of Health to study gun violence. However, when compared to the other leading causes of death, gun violence research only receives 1.6 percent of the funding that would be expected based on the number of people who die each year (\$22 million of \$1.4 billion predicted). Similarly, publications of gun violence research only represent 4.5 percent of the volume that would be expected (1,738 studies of 38,897 predicted). To date, the research that has been conducted is disproportionately within the disciplines of public health, criminal justice, and economics, constituting nearly 80 percent of the articles published on the subject. These studies tend to overlook the motivations of policymakers and the movement of laws through the political system. To craft and sustain public efforts that effectively prevent gun-involved violence, it is essential to account for the legal, social, and political contexts and constraints that shape the policy process.

In lieu of federal action, states have become the predominant forum to advance, consider, and implement laws regulating firearms. Between 1991 and 2016, states enacted over 600 provisions changing their laws regarding firearms, a nearly 60 percent increase in activity. These changes were concentrated in five states—Connecticut, California, Massachusetts, Maryland, and New York—which increased their regulations. Saliently, while existing research on gun violence is limited, important work has been done in recent years showing that states with more restrictive firearms laws have lower overall firearm-related fatality rates. 13



Existing research has yielded a only limited evidence base in support of a few gun violence laws that have been the subject of public and government debate.¹⁴ A critical missing component from the research landscape is an understanding of why and how proposed firearm legislation becomes law, particularly in a heavily polarized society. Indeed, Americans' attitudes toward firearms still present a substantial roadblock to achieving broad public policy solutions to firearm-involved violence. In a recent survey, 42 percent of Americans were satisfied and 55 percent were dissatisfied with the nation's gun laws.¹⁵ These views are informed, in part, by individual experiences. Most Americans are exposed to firearms. More than 66 percent of adults have lived in a household with a gun and 44 percent personally know someone who has been shot.¹⁶ Nonetheless, polling revealed that a majority of people agree on several firearm-related policies, including increased funding for mental health screenings, universal background checks, red flag laws, and certain licensing requirements.¹⁷ Political partisanship, urbanicity of residence, and gun ownership influence and predict attitudes on gun legislation.¹⁸

Legislators must consider this fragmented landscape of public opinion when they craft and stake positions on bills. To provide insight into the policymaking process in New York, the Regional Gun Violence Research Consortium team at the Rockefeller Institute of Government analyzed over 150 firearm bills introduced in 2018 and 2019 identified using keyword searches through New York's Legislative Retrieval System (LRS).

What Kind of Firearm Legislation Is Introduced and Passed in New York?

Last year alone in New York, Governor Andrew M. Cuomo, the State Senate led by Majority Leader Andrea Stewart-Cousins, and the State Assembly led by Speaker Carl Heastie enacted measures that strengthened information-sharing for firearm licensure, 9 extended the background check waiting period, banned bump stocks, 20 prohibited undetectable guns, expanded safe storage requirements for firearms,²¹ prevented school districts from arming teachers, established standards for gun buyback programs,²² and created a "red flag" procedure to allow family members, educators, and law enforcement officials to seek court orders to remove firearms from potentially dangerous individuals.²³ These achievements were only possible through an extensive legislative process—a process that also resulted in many bills failing to advance to passage or enactment. During the 2018 and 2019 legislative sessions, 161 bills were introduced on firearms, but only 11 (6.8 percent) made it through both houses to be signed by the governor. (However, New York typically maintains a low rate of enactment, with only 4.1 percent of introduced bills becoming law in the early 2000s.²⁴) An additional 12 bills (7.5 percent) passed in either the Senate or Assembly but were not considered in the other house.

TABLE 1. Firearm Legislation Categories in New York, 2018-19

Firearm Legislation Categories	Examples of Legislation Purpose
Firearm Research and Reporting	Reporting requirements for state agencies and efforts to expand firearm violence research
Firearm Sales and Seller Responsibilities	Waiting periods, requirements for sellers at the point of sale, and gun show restrictions
Illegal Firearm Use, Trafficking, and Tracing	New firearm violence crimes and initiatives to improve tracing of guns used in crimes
Lawful Access to Firearms	Amendments to background checks and other purchase/ possession requirements
Owner Responsibilities	Requirements for gun owners including carry, permitting, licensing, transporting
Person-Specific Firearm Prohibitions	Regulations for who can have guns including protection orders, age, domestic abusers, etc.
Safe Storage	Access prevention and requirements for storing and securing firearms
School Safety	Requirements for school resource officers and possession of weapons on school grounds
Unlawful Firearms and Modifications	Restrictions on alterations to weapon hardware, accessories, and ammunition
Miscellaneous	Other

To assess which types of bills are most likely to become laws, we categorize each introduced bill based on the type of restrictions following the methodology that Dr. Michael Siegel used to create the State Firearms Laws Database. The most commonly introduced and most commonly passed type of bill was person-specific firearm prohibitions, which restrict who can have access to firearms including restrictions on individuals convicted of felonies or domestic abuse offenses and individuals with "red flags." Person-specific firearm prohibitions accounted for almost a quarter of all firearm legislation introduced in 2018 and 2019 and was successfully enacted into law in three cases. An additional eight bills were introduced to amend background check procedures and other requirements to purchase or possess firearms one of which was signed into law. Recent research indicates that laws regulating who has access to firearms (e.g., universal background checks, concealed carry permit discretion, and violent misdemeanant disqualification) are correlated with fewer gun homicides, as opposed to restrictions on specific types of firearms and accessories (e.g., assault weapon bans and large capacity magazines).²⁶

Bills focused on seller and owner responsibility were also extremely common. Bills oriented toward sellers focus on waiting periods, point-of-sale restrictions, and regulating gun show purchases. In all, 18 bills were introduced targeting sellers but only one establishing a municipal gun buyback program was signed into law. Owner restrictions fared slightly better with 20 bills introduced pertaining to carry, permitting, licensing, and transportation and another eight aimed at safe storage. Two owner responsibility and two safe storage measures were signed into law.

The remaining laws that were passed fell into the school safety and unlawful firearms and modifications categories. There were 17 school safety bills introduced, one of which was passed, and 23 unlawful firearms and modifications bills were introduced, two of which were passed. The laws regarding the latter restricted the possession, manufacture, and transport of undetectable firearms and rapid-fire modification devices, respectively.

No laws were passed in either session to expand firearm research and reporting or limit illegal firearm use, trafficking, and tracing despite the 30 bills introduced on those topics. However, states and territories that are similarly oriented toward restrictive firearm policies—such as New York, Connecticut, New Jersey, Rhode Island, Massachusetts, Delaware, and Puerto Rico—have partnered on initiatives, for example, the *States for Gun Safety* coalition, to interdict trafficked guns, share information to improve background checks, and partner on research to support policymakers.²⁷

FIGURE 2. Firearm Legislation by Category in New York, 2018

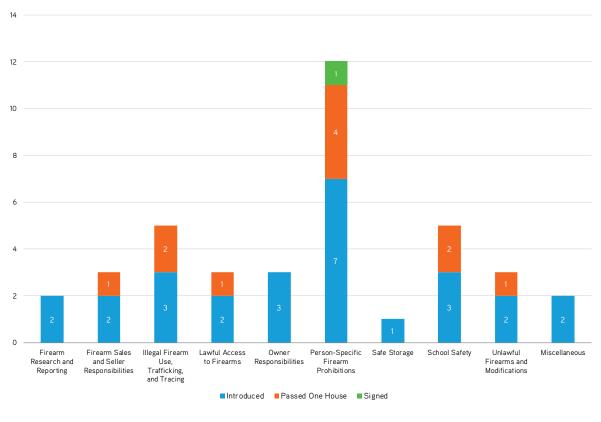
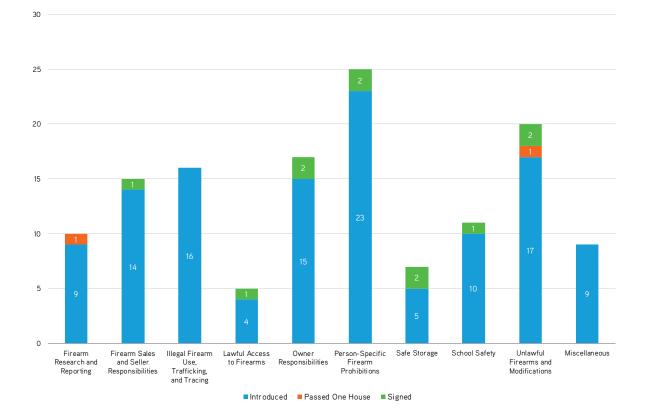


FIGURE 3. Firearm Legislation by Category in New York, 2019





How Has the Legislative Process Changed between 2018 and 2019?

Democrats replaced Republicans as the majority conference in the New York State Senate following the 2018 election, placing them in control of both houses and the governor's mansion. The number of firearms bills introduced in 2019 increased compared to 2018 as legislators perceived those bills as having a better chance of becoming law.²⁸ Legislators introduced 124 bills in 2019, more than three times the 37 bills introduced in the previous year. Further, ten of the bills made it into law compared to only one during the prior year. Governor Cuomo set the stage for this increase during his annual *State of the State* address by advancing five proposals related to firearm regulation compared to the one proposal he made in 2018.²⁹

Legislators increased the number of firearm-related bills they introduced across the board but there were also slight shifts in the percentage of bills that fell into each category, suggesting changes in the policy solutions that legislators were considering in response to gun violence. Bills pertaining to person-specific firearm prohibitions were the most common type introduced in both years, but the percentage of bills related to unlawful firearms and modifications experienced the greatest increase in 2019. This uptick, from 8 percent to 15 percent, largely reflects concerns over technologies that may increase the concealability or lethality of firearms, such as "ghost guns," 3-D printed guns, and bump stocks. These technologies were prominently mentioned in shootings in recent years, including the Las Vegas shooting in October 2017.³⁰ The greatest percentage decrease occurred in school safety legislation, which represented 15 percent of bills in 2018, but only 8 percent in 2019. Despite the addition of five more school safety proposals in 2019, this change vis-à-vis other gun bills signified that legislative interest may have changed.

FIGURE 4. Percentage of Firearm Legislation by Category, 2018

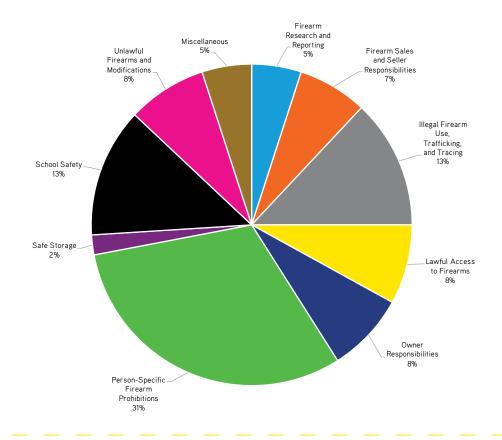
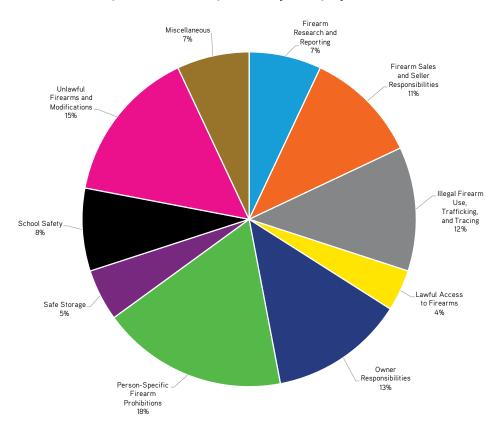


FIGURE 5. Percentage of Firearm Legislation by Category, 2019





Who Sponsored These Bills?

The legislative sponsors of most firearm-related bills represented districts in Mid-Hudson, New York City, and Western New York regions. Seven legislators from the Democratic Party, in Mid-Hudson and New York City, and two legislators from the Republican Party, in Western New York, each sponsored seven or more bills across both sessions. The real key to advancing legislation beyond its introduction lies in majority conference control, as evidenced by the results of our analysis.

All firearm-related bills that were signed into law in the past two sessions were cosponsored by members of the majority conference in each house. The ten bills signed into law in 2019 were sponsored by a Democrat in the Assembly and a Democrat in the Senate, just as the bill signed in 2018 was sponsored by a Republican Senator and a Democratic Member of the Assembly, with both of their parties being in the majority at that time.

The "behind the scene" dynamics of legislative procedures and practices, like sponsorship, reveal key factors that affect whether and how policymakers succeed at advancing gun violence policies. But what specifically influences their decisions to introduce, support, or oppose different types of gun policies? How do policymakers navigate the political and legislative processes—and, ultimately, what effect does that have on the outcome of proposed policy? This analysis is only a first, small step toward answering those questions by examining more than just the laws that make it "onto the books," but also the bills that are drafted and deliberated.

Moving Forward

When 2020 began, gun violence and public policies to prevent gun violence were at the top of many New Yorkers' minds and the agendas of the governor, Senate, and Assembly. Unfortunately, the COVID-19 public health emergency swept through New York, eclipsing other policy priorities as political leaders worked to respond to, and recover from, the pandemic by bolstering the public health infrastructure and proceeding with a phased reopening of the economy.

However, a recent uptick in gun violence in New York has renewed calls for new gun violence policy from state and local government officials. In New York City, year-to-date shooting incidents are up 44 percent compared to 2019 and 54 percent compared to 2018. There have also been more than twice as many shooting incidents in June of 2020 compared to June of 2019. The year-to-date number of shooting victims has also increased by 52 percent compared to this time last year. The increase in gun violence is not confined to New York City alone. Recent weeks have also shown increased shootings in several upstate metropolitan areas, including Albany, Buffalo, Rochester, and Syracuse. 32, 33, 34, 35

As states continue to implement policies targeted at reducing firearm violence, there is a clear need to gather evidence on the relationship between the development, passage, implementation, and diffusion of specific policies, and measures of violence reduction and increased safety in our communities.

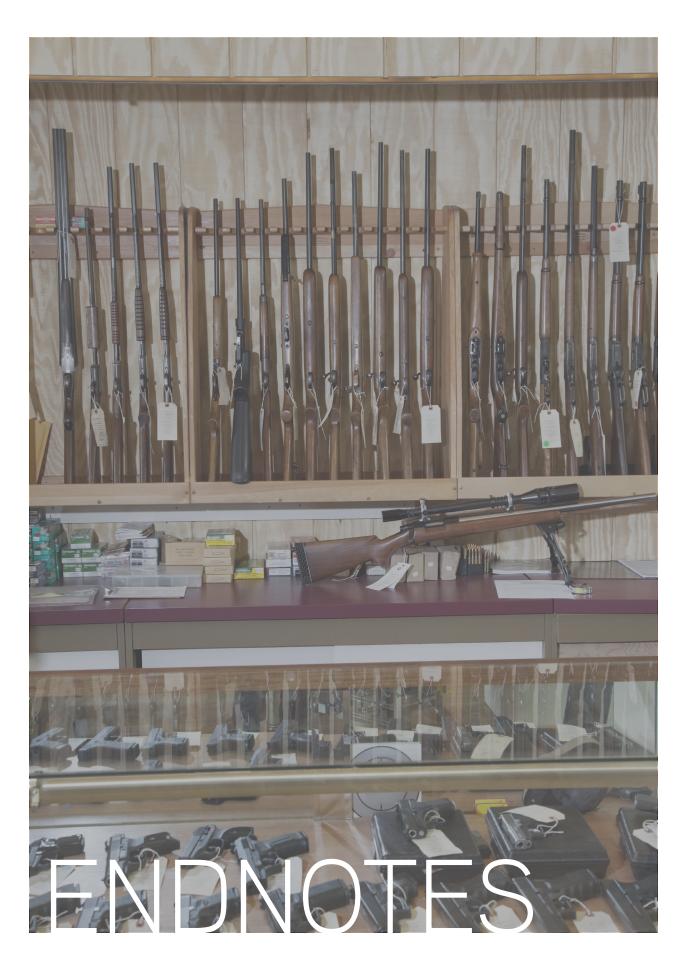
This new outbreak of shootings highlights the fact that gun violence remains a persistent public policy problem, demanding the attention of policymakers at every level of government. Yet, these policymakers largely lack a body of robust scientific evidence that they can use to inform their actions. Specifically, there is little consensus across different disciplines on the precise causes and consequences of firearm-involved homicides, suicides, injuries, and accidents, particularly as it relates to government action, and the patterns and risks of gun violence within communities and among individuals. Despite this limitation, government officials in some states, like New York, have enacted gun safety laws³¹ that have coincided with reductions in crime.³² As states continue to implement policies targeted at reducing firearm violence, there is a clear need to gather evidence on the relationship between the development, passage, implementation, and diffusion of specific policies, and measures of violence reduction and increased safety in our communities. Gun violence is a public policy problem—in addition to a health and safety problem—that is only solvable through the concerted initiatives, interventions, and investments of government.

Prior to the COVID-19 public health emergency, in January 2020, Governor Cuomo proposed ten firearm-related policies in his *State of the State*³⁸ and Fiscal Year 2021 Executive Budget.³⁹ The goals of which were to:

- allow law enforcement to remove firearms from the scene of a domestic dispute;*
- require law enforcement to remove firearms from the home of an individual who becomes subject to a protective order arising out of a domestic dispute;*
- establish a domestic violence misdemeanor offense:*
- disqualify individuals from gun ownership if they commit a serious misdemeanor offense in another state;*
- support and leverage the New York crime gun tracing analytics platform;
- enhance the sharing of crime gun information;*
- create a regional crime gun data-sharing agreement with New Jersey, Pennsylvania, and other members of the *States for Gun Safety* coalition;
- share flags from mental health professionals with other states;*
- promote voluntary, temporary storage of firearms outside of the home; and
- prevent the manufacture and dissemination of ghost guns.

In April 2020, the Fiscal Year 2021 Enacted Budget, passed amid the COVID-19 response, fulfilled several of these policy objectives—denoted by asterisks above—and expanded gun violence policy in New York.^{40, 41, 42} At the conclusion of the 2020 legislative session, these new laws, as well as the bills that were introduced but ultimately not advanced, will be reviewed and added to this legislative analysis.

Despite the continued COVID-19 public health emergency and recent legislative successes for gun violence policy, there is an ongoing need for new firearm-related laws and rigorous research on their effectiveness. The Regional Gun Violence Research Consortium team at the Rockefeller Institute of Government will continue to track legislative priorities and assess proposed legislation to provide essential information for policymakers and the public alike. By focusing attention on gun violence as a policy problem, the Consortium will help state governments pursue and execute effective solutions to reduce and prevent firearm-involved homicides, suicides, and injuries.



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ABOUT THE REGIONAL GUN VIOLENCE RESEARCH CONSORTIUM

The Regional Gun Violence Research Consortium is dedicated to the reduction of gun violence involving firearms through interdisciplinary research and analysis.

With the combined expertise of public health, social welfare, public policy, and criminal justice experts, the consortium informs the public and provides evidence-based, data-driven policy recommendations to disrupt the cycle of firearm-involved mass shootings, homicides, suicides, and accidents.

The consortium is part of States for Gun Safety, a multistate coalition that aims to reduce gun violence. Previous analyses include:

- + A $\underline{\text{baseline study}}$ of mass shootings in the U.S. from 1966 to 2016.
- + An analysis of "stand your ground" laws.
- + A look at the <u>role of the media</u> in mass shootings.
- + An analysis of child access prevention laws.
- + A <u>regional breakdown</u> of mass shootings.
- + An examination of the idea of arming teachers.
- + A review of state bans on bump stocks.

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