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### Examining How Stricter Firearm Laws Lower Mortality Rates in the United States

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Examining How Stricter Firearm Laws Lower Mortality Rates in the United States

A Thesis Submitted to  
the Faculty of the University of North Georgia  
In Partial Fulfillment  
Of the Requirements for the Degree  
Bachelor of Science in Criminal Justice with Forensics Concentration  
With Honors

Amanda Kelley

Summer 2020

## **Examining How Stricter Firearm Laws Lower Mortality Rates in the United States**

In 2019, there was a total of 39,497 deaths caused by a firearm. There were 15,397 homicides, 24,090 suicides, 418 mass shootings, 31 mass murders, 1,588 incidents of defensive use, and 1,885 unintentional shootings (Past Summary Ledgers, 2020). Comparatively, Switzerland, Australia, Great Britain, Canada, and Japan collectively had around 1,200 firearm related deaths in recent years (Alpers et al., 2020). The differing numbers demonstrates differences in firearm laws' effects on mortality rates.

A survey conducted by Gramlich et al. (2019) found that 30% of American adults own a firearm and 11% live with someone that owns one. Sixty-seven percent of these people stated that they own one for protection, 38% for hunting, 30% for sport shooting, 13% for gun collecting, and 8% for their job. Based on the same survey, 60% of U.S. adults said firearm laws should be stricter. Whereas, 28% said the laws are about right, and 11% said they should be less strict. Thirty-seven percent of U.S. adults believe that if more Americans owned guns, there would be more crime, while 29% believed there would be less crime. About 47% of adults believed there would be fewer mass shootings if it was harder for people to legally obtain guns in the U.S. while 46% believed there would be no difference (Gramlich et al.). This paper will discuss why the author believes the United States should implement stricter federal firearm laws.

Currently, The United States has few federal firearm laws in place. For this reason, they have entrusted state governments to implement their own firearm laws. Expanding firearm laws will decrease the amount of people that are able to legally obtain one, which could result in a decrease in the number of offenses involving firearms. It is proposed that strengthening nationwide firearm laws to the point at which access is restricted for some while still allowing law abiding citizens access could decrease the number of firearm deaths.

## **Literature Review**

### **Second Amendment**

The Second Amendment of the U.S. Constitution (1791) stated, "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed" (p. 11). Winkler (2018) discussed the relevance of the Second Amendment in his article; he described the differences between how the Second Amendment is invoked in court and in political debates. When the Second Amendment is invoked in court it is defined based off of the Supreme Court's decisions. According to the Supreme Court's decision, the Second Amendment guaranteed individuals the right to have handguns in the home for self-defense (Winkler). There are bans on possession by felons and the mentally ill, restrictions on firearms in sensitive places, and laws regulating the commercial sale of firearms. The political debate version is described as individuals having a right to have access to more firearms and to prohibit more firearm laws than the court's version of the Second Amendment. The political debate version stated individuals have a right to own handguns and military style assault rifles, to own high capacity magazines, to be able to openly or conceal carry weapons in public, and to be able to carry firearms anywhere, including sensitive places (Winkler). This article points out how the political debate version has affected constitutional law. Since the 1930s, the federal government defined the Second Amendment based on the militia-centered view (Winkler). The political debate version influenced the decision in *Heller v. District of Columbia* to include that the Second Amendment was an individual right that ruled possession of a firearm in a home for the purpose of self-defense is constitutional (Winkler, 2018; *District of Columbia v. Heller*, 2008).

### **Firearm Laws**

Firearm laws in the United States has evolved since the founding of this nation. The right to form a militia and keep and bear arms was established as a way for American people to protect themselves from opposition of the government, specifically the British government. Before the end of the American Revolution, states had set up their own bill of rights that included the right for an individual to keep and bear arms (Cooper, 2015). This fundamental right was issued as a form of self-defense, and it was written into the Articles of Confederation (1777) and ratified in the U.S. Constitution (1789).

Because states implement their own firearm legislation, states have created laws with varying strengths. Fleegler et al. (2013) examined whether or not the number of firearm laws in a state were associated with fewer firearm fatalities. They created a legislative strength score for each state, which ranked the states on a scale with the greatest amount of firearm laws to the least amount of firearm laws. The legislative strength score gave each enacted law one point, with twenty-eight being the highest possible amount. The authors found that states with higher scores had a lower overall firearm fatality rate than states with lower scores. The states with the most laws had a lower firearm suicide rate, with an absolute rate difference of 6.25 deaths per 100,000 per year, and a lower firearm homicide rate, with an absolute rate difference of 0.40 deaths per 100,000 per year, than the states with the fewest laws. Overall Fleegler et al. found that states with more firearm laws have fewer overall firearm fatalities, firearm suicides, and firearm homicide deaths than states with few firearm laws. However, it should be noted that there has been a decrease in the overall violent and property crime rates nationwide since 1999 (FBI, n.d.). If the United States strengthened federal firearm laws, there is a possibility that a similar result of lower firearm fatalities could occur.

Several studies have researched the impact of varying firearm laws in the United States. Sabbath et al. (2020) conducted a study to determine whether strengthening state-level firearm laws year-over-year would decrease workplace homicide rates. The authors used federal data about workplace homicides by state from 2011 to 2017, and they linked this to an index of state-year firearm laws. They found that strengthening firearm laws was associated with lower workplace homicide rates. Sabbath et al. found that when concealed carry permitting legislation was strengthened, there was a 5.79% reduction in workplace homicide rates. Strengthening domestic violence-related restrictions saw a 5.31% reduction, strengthening background checks saw a 5.07% reduction, and strengthening dealer regulations saw a 4.88% reduction. Workplace homicide rates saw a reduction when firearm laws were strengthened, thus implementing similar laws nationwide may result in lower firearm related homicide rates.

Unfortunately, due to varying firearm law strengths, the United States has developed a firearm trafficking issue. Kahane (2020) expanded on previous research that investigated state firearm laws and the movement of crime firearms using the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) firearm tracing data. Kahane used firearm tracing data from 2010 to 2015 and found that criminals that live in states that have strict firearm laws are importing firearms from nearby states that have weaker firearm laws. He also found that when states and neighboring states have similar strong firearm laws in place, then there is a decrease in the importation of firearms (Kahane). From this study, the author believed that in strengthening firearm laws nationwide, it would eliminate the differing state laws which may result in a decrease in firearm trafficking. With fewer firearms being trafficked, then there could be a decrease in firearm fatalities.

An example of a state with strict firearm laws is New York. New York's firearm laws are among the strongest in the nation (Spitzer, 2015). Fleegler et al. (2013) ranked New York fifth with a legislative strength score of 19. Similarly, the Giffords Law Center (2019) ranked them fourth with strong firearm laws in their annual firearm scorecard. In 2013, New York legislature enacted the New York Secure Ammunition and Firearms Enforcement Act (SAFE Act). These laws placed tighter restrictions on assault weapons, semi-automatic shotguns, and semi-automatic pistols (Spitzer, 2015). During the registration process of the firearm, a background check is completed, and the information is stored in a state database. Firearm owners are allowed to keep their weapon for life, but they are not able to transfer it to anyone else, including family members. If the firearm owner no longer wishes to own the firearm, they can transfer it to an authorized source, i.e. the police, a firearms dealer. The NY SAFE Act also extends background checks to cover commercial weapon sales, private firearm sales, and ammunition sales. Additionally, under the SAFE Act, mental health professionals must report the people under their care if they are suspected to engage in conduct that would result in serious harm to their self or others (Spitzer). Implementing stricter restrictions on firearms and requiring background checks on all firearm sales could result in fewer people with access to firearms which in turn could lower incidents that involve firearms.

An example of a state with weak firearm laws is Mississippi. According to Giffords Law Center (2019), Mississippi was ranked 50<sup>th</sup> with the weakest firearm laws, ranked 1<sup>st</sup> with the highest gun death rate in the United States, and they had the highest rate of gun exports. In 2016, Mississippi enacted a permit-less carry law, which allowed individuals to carry a loaded, hidden firearm on their person in a sheath or holster without obtaining a permit ("Concealed Carry", 2019). Individuals are not required to complete a firearm safety training course prior to

possessing, purchasing, or carrying a firearm. However, if the individual volunteers to complete a firearm safety course that was instructed by an organization approved by the state police, he or she may conceal carry in locations in which concealed weapons are prohibited (“Concealed Carry”, 2019). Allowing states to implement lenient firearm laws, may result in high firearm death rates and high firearm export rates. The United States should strengthen laws nationwide in an effort to hopefully lower these rates nationally.

### **Contrasting the United States and Other First World Countries**

There are numerous differences between the United States’ firearm laws and other first world countries’ firearm laws. The United States has two federal firearm laws: the Gun Control Act of 1968 and the Brady Handgun Violence Prevention Act of 1993. The Gun Control Act of 1968 prohibited individuals under eighteen years of age, convicted criminals, the mentally disabled, dishonorably discharged military personnel, and other from purchasing firearms. The Brady Handgun Violence Prevention Act mandated unlicensed individuals, seeking firearms from federally authorized dealers, to undergo a background check. As of 2019, there were no federal bans on semiautomatic assault weapons, military-style .50 caliber rifles, handguns, or large-capacity magazines (Masters, 2019). Between 1994 and 2004, there was a federal prohibition on assault weapons and large capacity magazines, but congress allowed those restriction to expire.

Hernandez (2019) explored the differences between Switzerland’s firearm control policies and the United States. Swiss men from ages 18 to 34 are required to serve in their military. After they go through the necessary training requirements and are found to be “fit for service”, they are given a pistol or a rifle. After serving, they are able to purchase their weapon and obtain a permit so they can keep it in their home (Hernandez). Citizens who wish to own a

firearm for the purpose of self-defense must know how to properly handle a firearm and know the law before they are able to obtain one. Unlike the United States, the Swiss have banned automatic firearms, and they have strict regulations on semi-automatic firearms (Hernandez). Like the Swiss, the United States may benefit from educating their citizens how the handling, safe-keeping, and risks of firearms to better promote firearm policy (Hernandez).

Between June 1996 and August 1998, Australia enacted firearm laws that banned rapid-fire long guns after a mass shooting where a man used two semi-automatic rifles and killed 35 people (Chapman et al., 2016). In 1997, the Australian government mandated a buyback program, in which the federal government bought back banned firearms from their owners at market value. By the end of 2003, 659,940 semi-automatic, pump-action rifles, and shotguns, and 68,727 handguns were collected and destroyed (Chapman et al.). Chapman et al. investigated the association between firearm law reforms and intentional firearm death in Australia from 1996 to 2013. Prior to 1996, the authors found there were thirteen mass fatal shootings from 1979 to 1996. Chapman et al. found that from 1996 to May 2016 there were no mass firearm killings. The overall firearm deaths declined after the enactment of the firearm law reform (Chapman et al.). The author believes if the United States federal government enacts similar restrictions by banning automatic firearms and strictly restricting semi-automatic firearms, the number of mass shootings will decrease.

Great Britain's firearm laws have become stricter over the last 30 years. After the Hungerford massacre in 1987, where Michael Ryan shot and killed sixteen people, Great Britain passed the Firearms Act of 1988. The Firearms Act of 1988 banned the ownership of high-powered self-loading rifles and burst-firing weapons and created stricter standards for individuals pursuing ownership certification for pump-action shotguns with a magazine of more

than two bullets (Feikert-Ahalt, 2013). Then in 1996, another massacre occurred in Dunblane, Scotland at an elementary where sixteen children were shot and killed. As a response, the Firearms Act of 1997 was passed which prohibited the private ownership of handguns in Britain (Feikert-Ahalt). Offenses involving the use of firearms have been dropping slowly. There was a decrease from 2005/6 of 3,822 total firearms used to 1,949 firearms used in 2010/11. The total number of homicides that used a firearm decreased from 62 homicides in 2000/1 to 52 homicides in 2010/11 (Feikert-Ahalt). Unfortunately for Great Britain, they have a problem with illegal firearms entering their countries. The illegal firearms have been most often been smuggled in through vehicles at ports. The firearms have been coming from European countries and countries outside of Europe such as the United States, Australia, and Argentina (Feikert-Ahalt). Despite having strict firearm laws, individuals have found other means to acquire them which has had a negative effect on the firearm fatalities. As mentioned previously, the United States also has a firearm trafficking problem like Great Britain. However, most of the trafficking occurs domestically. If the United States was to implement stricter federal firearm laws, the importation of firearms may decrease.

In Canada, The Firearms Act of 1995, which regulates the possession, transport, and storage of firearms; the Criminal Code, which defines the categories of firearms, such as non-restricted, restricted, and prohibited firearms; and their subordinate regulations is what governs the control of Canada's firearms (Ahmad, 2013). The non-restricted firearms include ordinary shotguns and rifles. The restricted firearms include certain handguns and some semi-automatic long firearms. The prohibited firearms include most .32 and .25 caliber handguns, fully automatic firearms, converted automatics, firearms with a sawed-off barrel, and some military rifles. Individuals seeking the possession of a firearm must be at least 18 years old to get a

license. Individuals applying for a license for non-restricted firearms must pass the Canadian Firearms Safety Course (CFSC) test. Individuals applying for a license for restricted or prohibited firearms must pass the CFSC and the Canadian Restricted Firearms Safety Course test. As per the Firearms Act 1995, all restricted and prohibited firearms must be registered, however after a 2012 amendment, non-restricted firearms were no longer required to be registered, except for residents in Quebec due to a Court Order issued by Quebec Superior Court (Ahmad). Another stipulation to possess a license is for the individual to undergo and pass background checks which consider criminal, mental, addiction, and domestic violence records. In addition to that, third party character references are also required for a license. A study by Tina Mahony (2010) found that there has been a decrease in homicides with a firearm over the last thirty years. From 2009 to 2010, there was a 7% decrease in firearm related homicides in Canada. If the United States was to implement more restrictions on firearms, expand background checks, and require individuals to pass a firearm safety course to obtain a license, the number of individuals eligible to obtain a firearm may lower. This in turn may lead to fewer firearm related injuries.

Japan's firearm laws are among the strictest in the domestic world. The only firearms Japanese citizens can acquire are shotguns and air rifles for hunting and skeet and trap shooting, but they must first go through a lengthy licensing process (Kopel, 1993). An individual must take classes and pass a written test, take shooting range classes and pass a shooting test, have a medical professional certify they are mentally healthy and not addicted to drugs, and have a background check of themselves and their relatives. Once an individual obtains a firearm (shotgun or air rifle only), they must store the firearm and ammunition in separate lockers, must also give the police a map identifying the location of the lockers. The ammunition they purchase

has to be registered as well. When the license holders die, their heirs must turn the firearms into the police. Because of the lengthy process to obtain a firearm, fewer citizens are deciding to go through the licensing process because they do not think it is worthwhile in order for them to own a firearm (Kopel). Japan's strict firearm laws has caused the country's firearm crime to appear in very low numbers. In 1989, there were only 30 crimes committed with shotguns or air rifles (Kopel). The author believes if the United States federal government implements policies such as restricting more firearms and expanding background checks like Japan, than the number of individuals applying to possess a firearm will decrease.

The Sydney School of Public Health (2020) hosts the GunPolicy.org site that provides evidence on armed violence, firearm laws, and gun control. They published a comparative chart that allowed comparison of the total number of gun deaths between the United States from 2017, Switzerland from 2015, Australia from 2018, the United Kingdom from 2015, Canada from 2018, and Japan from 2015. The years used for comparison were the most recent years the organization had data collected. The United Kingdom was used in place of Great Britain because data was unavailable for Great Britain. The United States had 39,773 deaths, Switzerland had 231 deaths, Australia had 206 deaths, United Kingdom had 126 deaths, Canada had 695 deaths, and Japan had 23 deaths (Alpers et al., 2020). It can be seen that the countries with stricter laws have fewer firearm fatalities. Based on this data, a correlation cannot be determined that strict firearm laws cause fewer fatalities based, but it is something to warrant further research.

### **Opposition**

There are arguments against strengthening firearm laws that are rooted in the ability for citizens to protect themselves. The first argument is that criminals will always find a way to obtain a firearm, while law abiding citizens are left to fend for themselves. Harlow (2001)

interviewed inmates in federal and state correctional facilities where they were questioned about any firearms they used when committing crimes, the use of the firearm, the source of the firearm, and the type of firearm. Fourteen percent of state inmates purchased or traded for a firearm at a retail store, pawnshop, flea market, or gun show. Forty percent of state inmates obtained a firearm from family or friends. Thirty percent obtained a firearm from drug dealers, off the street, or through the black market. The other 10% obtained their firearm during a robbery, burglary, or some type of theft (Harlow). As seen from this study, more than 80% of criminals were able to obtain a firearm without going through an authorized dealer. This demonstrates that criminals will find a way to get possession of a firearm whenever they want, even if they are not legally allowed. On the other hand, criminals in states with strict laws search for out of state sources, such as from states with weaker firearm laws, to obtain a firearm out of fear of being caught by the local or state police (Cook, 2015). Therefore, if the United States federal government was to implement stricter firearm laws, criminals would possibly have a more difficult time trying to obtain a firearm, which in turn, could reduce the number of offenses involving a firearm.

The second argument is that violent crime rates decrease when more people are armed (Lerner, 2020). The National Rifle Association (2020) found that the violent crime rate decreased 51% from 1991 (the all-time high) to 2019 with Americans acquiring more than 215 million firearms during this time. There are 42 Right-to-Carry states in the United States with more than 18.6 million people having a carry permit (NRA, 2020). In 2014, the states with constitutional carry, which are states that do not require a permit to carry a firearm, had a murder rate 31% lower and a violent crime rate 28% lower than states that require a permit (Lott, 2019). However, numerous studies discovered that an increase in firearms resulted in an increase in

violent crime (Moore et al., 2016; Monuteaux et al., 2015; Siegel et al. 2013). Therefore, the federal government should restrict access to firearms by expanding background checks to hopefully reduce the violent crime rate in the United States.

A third argument is that banning assault weapons does not lower violent crime rates. Gius (2014) examined how assault weapon bans and concealed carry weapon (CCW) laws from 1980 to 2009 effected gun-related murder rates. The average gun-related murder rate during this time was 3.44. Gius found that states with restrictive CCW laws had an average gun-related murder rate of 10% higher than the overall average. The researcher also found that when the 1994-2004 federal assault weapons ban was in place, the murder rate was 19.3% higher than when the ban was not in place. However, studies have shown that placing a ban on assault weapons has reduced the number of mass shootings in the United States (Gius, 2014a; DiMaggio, 2019). Therefore, the federal government should place a ban on assault weapons to hopefully reduce the number of mass shootings in the United States.

### **Discussion**

In order to improve the nation's firearm laws, the federal government should implement nationwide strict firearm laws. In Switzerland, the Swiss educate and train their youth in the art of shooting for sport (Hernandez, 2019). In Japan, individuals seeking to obtain a firearm license must take classes on how to properly use and handle firearms (Kopel, 1993). The United States should follow these examples and offer more classes to youth and adults to become more knowledgeable about firearms and garner respect for the weapons. Switzerland, Australia, Japan, Great Britain, and Canada have placed a ban, or a form of restriction, on automatic and semi-automatic firearms (Hernandez, 2019; Chapman et al., 2016; Kopel, 1993; Feikert-Ahalt, 2013; Ahmad, 2013). The United States should follow their examples by banning automatic firearms

and restricting semi-automatic firearms to hunting purposes. This will hopefully decrease the number of mass shootings in the United States like it did in Australia. After Australia implemented the ban, their mass shootings went from thirteen shootings prior to 1996 to zero shootings after 1996 (Chapman et al., 2016). The United States should also require more intensive background checks and evaluations. The background checks need to look into an individual's criminal records, whereas the evaluations check an individual's mental health and determine if an individual has addiction problems. Japan's extensive background checks and evaluations has caused individuals to refrain from applying to obtain a firearm license because the lengthy process does not seem worthwhile to them (Kopel, 1993). The United States federal government should create a buyback program similar to Australia's program that will buyback banned or restricted firearms at market value to aid in the collection of these types of firearms. Implementing bans and restrictions, improving background checks and evaluations, adding training classes, and buying back firearms should result in a decrease in mortality rates as seen in Switzerland, Australia, Canada, Great Britain, and Japan.

Within the United States, states with strict firearm laws has seen positive results when it comes to morality rates. Suicide rates and homicides rates were lower in states with stricter firearm laws than states with more lenient firearm laws (Fleegler et al., 2013). As mentioned earlier, Mississippi is ranked 50<sup>th</sup> in firearm law strength and ranked 1<sup>st</sup> in firearm death rate with 22.81 firearm fatalities per 100,000 (Giffords Law Center, 2019). New York is ranked 4<sup>th</sup> in firearm law strength and ranked 47<sup>th</sup> in firearm death rate with 4.03 firearm fatalities per 100,000. Overall, the top ten states ranked with the strongest firearm laws have a firearm fatality rate no higher than 11.61 deaths per 100,000. However, the ten states ranked with the weakest firearm laws have firearm fatality rates between 13.50 to 22.81 deaths per 100,000.

States with strong firearm laws face the problem of individuals trafficking in firearms from neighboring states with weak firearm laws (Kahane, 2020). Giffords Law Center (2019) noted that California, which they ranked as number one as having the strongest firearm laws, has more than 10,000 firearms trafficked into the state and used in crime every year. Though California, Illinois, and Maryland are in the top 10 of having strong firearm laws, they are surrounded by states with weak firearm laws, but because trafficking firearms is not treated as a federal crime, they have a higher firearm fatality rate than the other top 10 states at 7.45, 10.78, and 11.61 deaths per 100,000 respectively. This issue is also occurring in Great Britain, firearms are being trafficked in from other countries such as the United States, Australia, and Argentina (Feikert-Ahalt, 2013). By implementing strict federal firearm legislation, including trafficking firearms as a federal crime, the chances of combating the trafficking issue in the United States may improve.

### **Conclusion**

Firearm control is a nationally debated topic in the United States. Rather than take other first world countries' example in this matter by implementing stricter federal firearm laws, the United States decided to allow the states to implement their own firearm legislation. This has caused various laws at various strengths to be applied throughout the country. The author of this paper examined numerous journal articles along with pieces of online content to explore the firearm control debate in the United States and how it should improve. The author found that states with strong firearm laws have seen a decrease in morality in regard to firearm fatalities. However, it was also discovered that the states with weak firearm laws have a negative impact on the states with strong firearm laws by allowing individuals to traffic firearms more easily from one state to the next. Countries such as Switzerland, Australia, Japan, Great Britain, and

Canada have national firearm laws that have resulted in lower rates of firearm fatalities. The author believes that the United States should follow what these countries have done to better combat the nation's firearm fatality problem, such as to implement nationwide firearm laws, and to require more extensive background checks and mental health evaluations when obtaining a firearm license.

Further research should delve deeper into this topic by conducting surveys to discover what people in the United States think about strengthening firearm laws. Future research should also conduct a longitudinal study between the United States and one other first world country to compare the differences in firearm laws and see how they have affected the firearm fatality rate through the years. Lastly, future research should investigate how the United States' Second Amendment compares to other first world countries' policies on citizens' ability to possess a firearm.

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