

IMPLEMENTATION OF UNIVERSAL BACKGROUND CHECKS:
IMPACT ON GUN VIOLENCE

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ABSTRACT

This paper examines research and data on gun violence, gun control, and background checks. It focuses specifically on states which have enhanced background check regulations to become universal background check states. In a nation, which is heavily armed, there is much controversy over firearm legislation, 2nd Amendment rights, and what effectively decreases gun violence. Studies on the general topic of background checks and firearm-related deaths vary in methods of conducting research and findings. Only until recently have studies been conducted on universal background check states and the impacts of gun violence. Initial findings suggest there is an association between the two, however, the extent of this association is not fully determined.

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Implementation of Universal Background Checks

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Under the Supervision of Dr. Patrick J. Solar

IMPLEMENTATION OF UNIVERSAL BACKGROUND CHECKS: IMPACT ON GUN VIOLENCE

INTRODUCTION

This paper will focus on the on firearm related deaths and the impact varying background check polices have on them as each state has slightly different parameters. It will examine these differences closely and focus on states which are considered universal background check states or in more simple terms, states which require a background check for every firearm sale regardless of the sale being private or among licensed dealers. This paper will also review numerous studies that have been conducted on gun violence, gun deaths, and background checks within the United States.

Statement of the Problem

In 1994, the Brady Handgun Violence Prevention Act, also identified as the Brady Bill or Brady Act, was passed restricting the sale of firearms to dangerous individuals. The act established the National Instant Background Check System (NICS) and made it unlawful for firearms to be sold by licensed dealers unless an exception applied. Common exceptions included prior proof of a background check and valid state permits to conceal and carry, however, the act only pertains to federally licensed firearm dealers. Individual states are left the discretion to regulate private, unlicensed dealers selling firearms. Several states have passed

legislation requiring all firearm sales, including sales by unlicensed dealers, to be transferred (sold) through a licensed dealer meaning they would receive a background check. Many states have yet to regulate this form of firearm sale and little has changed to strengthen gun laws since 1996 when legislation passed prohibitions preventing individuals convicted of misdemeanor crimes of domestic violence from possessing firearms (Webster, Vernick, McGinty, and Alcorn, 2013). Despite this, a growing number of people are affected by gun violence. There are more than 11,000 gun-related murders and 19,000 gun-related suicides every year.

This lack of regulation has left a gap in coverage known as the gun show or private sale loophole. The gap in regulation is a known way for prohibited and dangerous individuals to obtain firearms. A few states have taken steps to close the private sale loophole. California, Colorado, Connecticut, Delaware, Nevada, New York, Oregon, and the District of Columbia are among the states who have adopted this legislation requiring background checks for all sales or transfers of firearms regardless of a seller being a licensed dealer or not (Frandsen, 2015).

While the addition of firearm restrictions on purchasers is amid controversy over citizens 2nd Amendment right to bear arms, it was done so with the intention of improving public safety and keeping firearms out of the hands of dangerous individuals. The current issue involves the increasing violence involving firearms or perceived increase in gun violence in the United States. According to the Centers for Disease Control and Prevention (CDC) (2017), there were more gun-related deaths (36,252 deaths) in the United States than there were motor vehicle traffic deaths (36,161 deaths) in 2015. The CDC continues recognizing 60.7% of these deaths were attributed to suicide and 35.8% to homicide. A 2013 study found 56% of Americans believed gun crimes had increased compared to 20 years ago when interestingly, the nation as a whole has actually seen a 31% reduction in firearm-related death rates since 1993 (Krogstad, 2015). The

ever-improving forms of communication and media may be one reason behind this inflated perception of increased firearm related crime.

Purpose of the Study

The purpose of this research is to examine states which have adopted mandatory universal background check policies for all individuals purchasing firearms and evaluate their firearm-related deaths in a comparison among other states with similar and differing background check policies. The goal is to determine whether or not there is an association between universal background checks and higher or lower gun violence (firearm-related deaths) per capita. It will take into account the previous studies reviewed in the pertinent literature and their findings on background checks.

Significance and Implications of the Study

Prior research has been conducted on background checks in general with some finding a causal link between them and a reduction in crime and with firearm-related death or injuries, however, little to no research has been conducted on states who have since enacted universal background checks and their impacts on crime, specifically firearm-related deaths. The goal of this study is to answer the following question: Do states which have adopted universal background check policies have a connection with lower firearm-related deaths compared to states with differing background check policies?

The data utilized in this study was gathered through secondary research. Majority of the data was collected from federal and state submitted reports, surveys, incident reports as well as through published scholarly and academic journals. Specifically, quantitative data on firearm-related mortality were gathered from the Federal Bureau of Investigation's published Uniform

Crime Reports and Center for Disease Control and Prevention: Health Statistics. Through critical analysis, a comprehensive approach was developed utilizing multiple sources and fact checking to evaluate the effectiveness of universal background checks and their impact or connection on current gun violence.

This research is intended for policy makers to assist them in making long-term, informed and impactful decisions as well as individuals concerned with public safety, gun violence and the constitutional right to bear arms. The goal of this research is for readers to gain a better understanding of gun control and public safety as well as identify if any association can be made between states which have enacted universal background checks for all firearm purchases and reductions in gun violence.

The following research will be organized and presented through a literature review, a thorough explanation of the research process and methodology, systematic research conducted state by state and organized through comparison charts, and a conclusion displaying the findings.

Methods

As stated previously, the data utilized in this study will be gathered through secondary research. The primary units of data will consist of quantitative data on firearm-related mortality by year and by state published by the Federal Bureau of Investigation's Uniform Crime Reports (2016) and Center for Disease Control and Prevention: Health Statistics (2018). Additional data will be collected via other federal and state submitted reports, surveys, and incident reports to improve the chance of accuracy in the submitted reports as well as provide demographic information of the population involved. Through a critical analysis, a comprehensive approach utilizing multiple sources, research studies, and fact checking will be applied to evaluate the impacts of universal background checks and their connection to current gun violence.

Conceptual Definitions:

Background Check Policies - government records to determine a buyer's eligibility for all individuals prior to purchasing a firearm including which vary by state

Universal Background Check Policies - The expanding of federal background check laws to include searches of government records to determine a buyer's eligibility for all individuals prior to purchasing a firearm including but not limited to firearm sales by licensed dealers, private sales, and gun show sales.

Firearm - Any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive or acts by force of gunpowder to fire a projectile, regardless of whether it is inoperable due to disassembly.

Gun-related deaths - The irreversible cessation of all vital functions or end of life through the use of a firearm which may or may not be considered criminal, includes but is not limited to homicides, suicides and accidents.

Operationalizing Conceptual Definitions:

The data and research that will be collected from existing sources and would be considered a non-reactive secondary analysis. The data collected will primarily come from the FBI's annually published Uniform Crime Reports (UCR) and the Center for Disease Control and Prevention (CDC) as they both collect data nationwide per state and per type of crime. The CDC and UCR reports collect their information via a form of survey method in which law enforcement agencies send in their data annually to allow the FBI to compile into the published reports used in this study. To ensure consistency conceptual definitions for Firearm-Related Deaths and Injuries has been matched with the definitions for the CDC and UCR.

The quantitative data gathered via FBI's UCR and CDC: Health Statistics consists of firearm-related deaths state by state and on a year by year basis. This information will then be

compiled into to a comprehensive table of information which can be plotted through linear regression by state. The existing data by the CDC and UCR are collected as a census. They intend to capture the data on the entire population, however, it is important to recognize their weaknesses such as receiving all of their data from different state and local agencies, some of which may have slightly different variations in regard to reporting and definitions of certain crimes from one state to another. Under reporting is also another important weakness to note.

The Analysis:

States would be analyzed individually based on their background check legislation. California, Colorado, Connecticut, Delaware, Nevada, New York, Oregon, and the District of Columbia have been recognized as states which have passed universal background check legislation.

The states above along with the rest would be analyzed by year. Data collected by the FBI's Uniform Crime Reporting (UCR) (2016) on Total Firearm Deaths as well as data from the Center for Disease Control and Prevention (CDC) (2018) on Total Firearm Mortality would be organized into a chart and graphed. This allows for the assessment and comparison of states and to examine if there is any relationship between states firearm-related deaths for states with or without universal background checks. The data would be collected in two forms and would be charted and analyzed separately.

- » One set of data would be collected on the total firearm-related deaths per year and state.
- » One on the total firearm-related deaths PER CAPITA per year and state. (the firearm death rate)

It is important to collect data on the total number of firearm deaths as well as include them in respect to their population (per capita). Larger states often have more crime in regard to the physical number of crime because they have more people. By using per capita, it allows the crime rates of different states to be compared with the same ratio.

Information provided by the CDC and UCR do clarify specific years and states with issues reporting certain crimes. This is important to recognize, prepare for, and remove if necessary. Because the data collected by these organizations is reported by other local and state agencies it is important to account for the lack of reporting, misreporting, and underreporting of crimes, however, the UCR (FBI's UCR, 2016) clarifies among all forms of crime, deaths and specifically homicides are more accurately reported in comparison to robbery or assault.

Research will also need to be done double checked on which states are considered universal background states per our definition and when they enacted its legislation to make sure they are in the correct categories. If their universal background check legislation was recently passed, a separate category may need to be created as they could still be in transition.

The data from the UCR and CDC continue to improve and encompass more and more different types of information. As mentioned above and below, it will be important to recognized that with the collection of so much information from different agencies, errors, underreporting and conceptual differences may happen. The CDC and UCR publishing have worked hard to improve, correct their data collection, and reporting methods every year since they initially started collecting statistics. It is important to note, firearm-related deaths were chosen over to utilize in this study over firearm-related injures due to greater accuracy in their reporting. They are less likely to go unreported in comparison to other crimes.

It is assumed that background checks prevent some individuals from obtaining firearms, however, other methods of obtaining a firearm are possible. It may also be assumed the because

background checks prevent prohibited individuals from obtaining firearms that it may also prevent them from committing firearm-related crimes but do more firearms in the community make firearms more assessable through less socially acceptable avenues for obtaining them i.e. theft, robbery, and burglary.

Contribution to the Field

This paper will add to the existing literature on gun violence and firearm background checks. It will expand the understanding of each individual states firearm policies as well as the gaps in coverage among the states. In addition to contributing the body on knowledge for these topics, the research will examine the current legislation and attempt to evaluate states effectiveness in reducing gun related deaths and reviewing differences among states.

Outcome Anticipated

It is anticipated this research paper will serve as a tool and an educational resource for the public as well as the legislature, government officials and politicians. It is to inform individuals of current states varying background check policies as well as states firearm related deaths. It can be assumed this research will increase the awareness of certain loopholes many people are unaware of and is not meant to ignite disagreements about the controversial topic of gun control and gun violence. It is intended start the ball rolling on further firearm and background check research.

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REVIEW OF PERTINENT LITERATURE

Gun Control

The history and current events surrounding gun control are important in understanding the current situation and dynamics involving the subject of universal background checks. Much has changed over years in regard to how individuals obtain firearms and the restrictions preventing certain individuals from possessing them and the importance of citizens 2nd Amendment rights have not been lost in the process.

Gun history dates back to the American War of Independence and its regulation started with the creation of the 2nd Amendment in 1791 which officially 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” (U.S. Const. amend. II). In 1934, the first firearm act on gun control was passed adding a tax on certain firearms and required all firearm sales to be recorded (Bureau of Alcohol, Tobacco, Firearms, and Explosives, 2017). The Gun Control Act of 1968 and Firearm Owners Protection Act of 1986 followed; however, it wasn’t until the Brady Bill in 1993 that true background checks started being conducted.

The Brady Handgun Violence Prevention Act, also identified as the Brady Bill or Brady Act, passed in 1994 and restricted the sale of firearms to dangerous individuals. The act established the first national background check program identified as the National Instant Background Check System (NICS) and made it unlawful for firearms to be sold by licensed dealers without a background check unless an exception applied. The act pertained only to federally licensed firearm dealers and left individual states the discretion to regulate private, unlicensed dealers selling firearms. Many states opted not to or have struggled to pass legislation regulating this form of firearm sale.

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Recent events have raised concerns regarding the current gun safety regulations or lack of regulation. In February 2018, a Chicago police commander was shot by an individual in possession of a handgun initially bought in Wisconsin and sold via private sale to a four-time felon. In 2016, four individuals were murdered by an abusive husband who had purchased a gun via an unlicensed seller in a fast-food parking lot even though a judge's order prohibited him from possessing any firearms (Luthern, 2018; Arriaga, 2016). These two situations highlight what has been defined by some states as the gun show or private sale loophole. Both are examples of what is known as gun violence; however, gun violence expands to include firearm related suicides and accidents. According to the CDC, 39,773 people died from gun-related injuries (gun suicide, gun murder, unintentional deaths, law enforcement involvement, and undetermined circumstances) in 2017 (Gramlich, 2019). Of these deaths, 60 percent were the result of suicide by firearm.

Gun control has changed over the years in an attempt to impact these different types of gun violence. Among the several types of gun control, background checks have become standard. Each state has developed different procedures and requirements for firearm purchasers. Among the 50 states, California, Colorado, Delaware, Nevada, New York, Oregon, Vermont and the District of Columbia are generally considered the universal background check states which require a formal background check before every gun purchase (Frandsen, 2015). Many states are excluded from this category due to having exceptions allowing individuals to transfer firearms through private sales without requiring background checks for reasons such as familial connections, the type of firearm being purchased, or even a weapon is being sold at.

Additional types of gun control have included the age restrictions on purchasing or owning certain types of firearms. For example, the Gun Control Act of 1968 imposed age restrictions requiring purchasers to be 21 and all manufactured or imported firearms to have

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serial numbers (Gray, 2019). Junk-gun or “Saturday night special” bans have been implemented in several states prohibiting the sale of certain inexpensive handguns known to malfunction or misfire and fail to meet certain safety requirements (Webster, Vernick, Hepburn, 2002). The Violent Crime Control and Law Enforcement Act and the Public Safety and Recreational Firearms Use Protection Act subsection signed President Clinton in 1994 temporarily prohibited the sales of assault-weapons and large-capacity ammunition magazines for ten years (Agresti, Smith, & Guerra, 2018; Gray, 2019)

Gun Violence

The overall nation has seen a 31% reduction in firearm-related deaths since 1993 (Krogstad, 2015), however, it is clear there is a widespread perception by the public that gun violence is becoming more and more of an issue in the United States. It is possible a combination of factors including but not limited to media coverage, improved communication technologies and the quantity of guns may weigh in on why Americans feel this way. More and more Americans report having negative gun related experiences or known someone else who has. These include mass shootings at workplaces, schools, churches, festivals/celebrations, and other public locations. No communities have been immune to gun violence.

A survey of roughly 4,000 United States adults in 2017 reported 44% of the citizens asked had personally know someone who had either accidentally or intentionally been shot and 23% reported they or someone in their family has been threatened or intimidated by someone with a firearm (Parker, Horowitz, Igielnik, Oliphant, and Brown, 2017). Additionally, they found 42% of surveyors lived in a household with a gun. Azrael, Cook, and Miller (2004) which also conducted a similar study found 40% of all households in America possessed at least one firearm.

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Notably, the United States is the most highly armed country in the world. A report from the International Association of Chiefs of Police (2007) reported there are 90 guns for every 100 citizens. The report also recognized roughly 30,000 lives are lost to gun violence every year in the United States. Precisely, 39,773 people died in 2017 according to the Centers for Disease Control and Prevention (CDC) from gun-related deaths (based off information contained in death certificates) (Gramlich, 2019). Totals which are higher than any other developed country and the most since 1968, the earliest year for which the CDC had data for. Of these deaths, 23,854 were the result of gun-suicides, 14,542 were the result of gun-murders, and the additional 1,377 were unintentional gun deaths, law enforcement involved, or undetermined circumstances. In addition, two to three times that suffer from non-fatal injuries as a result of gun incidents.

Further research on gun violence explored gun violence and its connection with intimate partner violence. Sorenson and Schut's (2018) results indicated about four and a half million victims alive today have been threatened by an intimate partner with a gun and about one million have been shot or shot at by an intimate partner, however, they noted concerns in their data as there was limited research on the nonfatal use of firearms against their intimate partners.

Active shooter incidents are defined by the Federal Bureau of Investigation (FBI) as situations in which an individual actively engages in killing or attempting to kill people in a populated area (Blair and Schweit, 2014). In the first seven years of a study conducted by the FBI and Texas State University, the average number of active shooter incidents was 6.4 occurrences annually. The following seven years, 2007-2013, averaged 16.4 active shooter incidents annually. The United States has continued to see increased active shooter incidents. There were a reported 30 in 2017 and 27 in 2018 (Gramlich, 2019). Active shooter incidents occurred in 40 of the 50 states, in both small and large towns, and in urban and rural areas area (Blair and Schweit,

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2014). Seventy percent of the time the incidents occurred primarily in commerce and educational environments.

Universal Background Checks

Every state in the U.S. conducts background checks for firearms through federally licensed dealers, however, not all states have passed regulations for other forms of firearm sales. Specifically, gun sales and transfers between private individuals are exempt from this requirement unless otherwise defined by a state's legislation. This unregulated secondary market includes private sales, gun shows, classified ads, flea markets, internet sales, and the transfer of firearms from one family member or friend to another. According to the International Association of Chiefs of Police (2007) about 40 percent of all gun transfers currently fall into these categories. A more recent study was conducted by Miller, Hepburn, and Azrael (2017). Via a national survey in 2015, they found roughly 22% of gun owners who had purchased their most recent firearm within the last two years had not received a background check.

As a result, guns can be acquired with little to no restrictions by prohibited individuals and can later contribute in crime and gun violence. Guns which are not sold or transferred through federally licensed dealers (FFL's) become more difficult to trace when lost, stolen and/or criminally misused. In turn this makes solving crimes they are involved in more difficult. Private sales and transfers also contribute to illegal gun trafficking. Unlike a FFL dealer, the seller is not required to conduct a background check to determine whether the buyer is a law abiding citizen or an individual prohibited from purchasing, possessing, or owning a firearm. Vittes, Vernick, and Webster (2013) found results supporting this through a national survey of state prison inmates in 2004. The study which included almost 253 inmates found offenders which were already prohibited from purchasing firearms were five times less likely to attempt to

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acquire a firearm from a licensed dealer which required a background check. Furthermore, they found nearly all the prohibited offenders surveyed that had acquired firearms did so via means that did not require a background check.

According to the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) (2000), 27 percent of illegally trafficked guns are linked to private sellers. The ATF also found 30 percent of these illegal firearms are connected to gun shows. It is also believed regions of the United States with higher gun availability have higher firearm homicide and suicide rates as well as higher overall homicide and suicide rates (The International Association of Chiefs of Police, 2007).

In an attempt to close these loopholes, prevent prohibited individuals the ease to obtain firearms, and hopefully save lives, several states have passed legislation requiring background checks for all firearm purchases regardless of the seller being a licensed dealer or not. California, Colorado, Connecticut, Delaware, Nevada, New York, Oregon, and the District of Columbia are among the states who have adopted universal background checks (Frandsen, 2015).

Prior Research:

There is a limited quantity of quality research on background checks and their effects on violent crime and firearm homicides. A few studies claim to find relationships between the two while others claim to find uncertain or inconclusive relationships. When analyzing the research on background checks, it is important to recognize the many variations and exemptions among states as well. In the following examination of past research, studies on general background checks are used as well as research on universal background checks have been included, however, the amount of literature on universal background check and their effectiveness is still limited and only a few studies have been published.

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The most recent conducted by Siegel et al. (2019) examined the relationships between state firearm laws and overall homicide rates as well as suicides over 26 year encompassing all 50 states. Through close examination of 10 different firearm laws and controlling a wide range of state-level factors, they found states with universal background checks and laws prohibiting firearm ownership among individuals with violent histories were associated with homicide rates roughly 15% lower than states without such laws. Additionally, they did not find a relationship between laws banning specific kinds of weapons affecting the homicide rates nor did they find any of the 10 firearm laws to have an association with overall suicide rates. The researchers noted a likelihood states with stricter firearm laws are likely affected by a flow of firearms from their neighboring states with less strict laws.

A published study by Morral (2018) attempted to analyze various gun policies in the United States to determine their effectiveness through a transparent, nonpartisan and impartial review process. Among several other findings on other firearm policies, Morral found moderate evidence of background checks reducing firearm suicides and firearm homicides. The study found limited evidence on laws prohibiting individuals with certain mental illnesses from purchasing or possessing firearms reduced violent crime at the time studied. This evaluation of current gun policies identified the lack of data on gun ownership and the availability of guns in legal and illegal markets as severely limiting the quality of all existing research on gun policy and evaluation of its effectiveness.

A study conducted by John Hopkins University (Crifasi, Merrill-Francis, McCourt, Vernick, Wintemute, and Webster, 2018) tested the effects of firearm laws on homicide in large urban U.S. counties. They found comprehensive background checks were associated with decreased in firearm homicides if checks were accompanied by a permitting system typically known as a “permit to purchase”. They found increased homicide rates were associated with

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right to carry laws and stand your ground laws. While noting their findings warranted further studies, the researchers mentioned the increased homicides likely had more of a connection with gaps in firearm legislation and ways of avoiding background checks such as through illegal straw purchases.

Another fairly recent study conducted by Mark Gius (2015) examined whether firearm background checks were significantly related to gun-related murder rates. Gius reviewed the effect of the federal Brady Act, state-mandated dealer background checks and state-mandated private-seller background checks on gun-related homicides from 1980-2011. His research concluded state background checks were significantly linked to reducing firearm homicide rates, however, his research also suggested states with private sale background checks having higher gun-related murder rates. This secondary finding was later proven to be insignificant when in relation to analyzing the entire Brady Act time parameter. One concern with the research conducted by Gius was that he did not account for or provide information on the variation in state laws through the period for which he collected his data.

James La Valle (2010) and his study *Re-Estimating Gun-Policy Effects According to a National Science Academy Report: Were Previous Reports of Failure Pre-Mature* found Brady Law (background checks through federally licensed dealers) and one specific sentencing enhancement for gun crimes do reduce gun-related fatalities while other interventions remained ineffective. In this study, data from 20 major cities over 36 years was collected. La Valle furthered his research on gun interventions in his 2013 study, “Gun Control” vs “Self-Protection”: A Case against the Ideological Divide. In this following research, La Valle explores whether personal protection laws (right to carry) and/or gun control policies reduce gun homicide rates and total homicide rates. The findings of this study suggested personal protection

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laws may reduce both forms of homicide whereas gun control policies did not detectably affect either outcome.

La Valle (2013) examined the effect of the existence of a pre-Brady Act state background check law on gun homicides and total homicides (as well as other state policies). Using data from 56 large U.S. cities over 1980–2010, the author found in his preferred models (weighted models with a one-year lag and using control variables that were interpolated over the period, but where the dependent variable was not interpolated) that pre-Brady Act state background check requirements had an uncertain effect on either gun homicides or total homicides.

Around this same time, Bisakha Sen and Anantachai Panjamapirom (2012) examined the relationship between different types of state background checks required before purchasing a firearm, firearm homicides, and suicide deaths. While accounting for the many variations in background checks, Sen and Panjamapirom collected and reviewed data from 1996-2005, finding more extensive background checks before the sale of a firearm did suggest reductions in firearm homicide and suicide deaths when compared to background checks which only reviewed potential firearm purchaser's criminal history. When analyzing specific aspects of a background check, they found firearm-related homicides were lower when that states checked for restraining orders and individuals with fugitive statuses. They also found background checks for mental illness, fugitive status, and misdemeanors were associated with lower suicide rates.

A study by the Task Force on Community Preventive Services (Hahn et al., 2003) conducted a systematic review of scientific evidence gathered from 2000-2003 on the effectiveness of firearm laws and their prevention of violence. They reviewed a large number of firearm-related laws including zero-tolerance laws for firearms in schools, child access prevention laws, concealed weapon carry laws, firearm registration and licensing of firearm

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owners, waiting periods, bans on specific firearms and ammunition and restrictions on firearm acquisition. The Task Forces concluded there was insufficient evidence to determine the effectiveness of any of the firearm laws or combinations of laws in reducing violence. In a disclaimer, they noted this does not mean there is evidence current laws are ineffective.

Through an examination of these studies, the evidence appears to support dealer background checks effecting the reduction of firearm homicides and general gun violence, however, the current literature does not incorporate universal background checks in their research nor do they find evidence of private-seller background checks reducing firearm-related deaths.

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THEORETICAL FRAMEWORK

The goal of this study is to examine the literature and data on universal background checks for firearms and determine if there is any association between them and the number of gun-related deaths in the United States. Among the many criminal justice theories, the deterrence theory best encompasses why such policies and procedures have been implemented in our society.

Background checks are in place to assist and determine if an individual attempting to purchase a firearm is eligible to do so as firearm sellers do not have access to a purchaser's criminal records. While many individuals are aware, they no longer have the right to possess, purchase, or own a firearm, there are several alternative ways in which they can still gain possession of a firearm and avoid a background check depending on the state they live in. This is typically through the private sales of firearms which do not require a background check depending on the state in which the transaction is taking place. As mentioned previously, there are a handful of states which have passed legislation and implemented universal background checks to close these gaps and make it more difficult for dangerous individuals to gain possession of a firearm. Ultimately the goal of background checks is to deter criminals from getting weapons and using them to commit further crimes with the addition of law and consequences for possessing a firearm while prohibited and/or for submitting false information on background check paperwork. This aligns with deterrence theories, both specific and general.

Deterrence theories, which are used as an underlying foundation in many criminal justice policies and procedures, focus on individuals' abilities to make decisions that typically give them pleasure and allow them to avoid pain unless deterred or discouraged through other means (Johnson, 2019). Throughout American history, criminal penalties both punish violators and discourage others from committing the same or similar offenses. Examples of high-profile

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incidents and offenders receiving tough sentences send messages to the general public of the consequences of such actions while the sentences also send very specific messages to the criminals that commit them (Lee, 2017).

Regarding firearms and background checks, these penalties range in levels of severity. For example, U.S. criminal code makes submitting false information on a background check such as denying previous convictions a felony punishable by up to 10 years in prison and fines up to \$250,000 (18 U.S.C. § 922(a)(6)). Felons found in possession of a firearm are punishable by imprisonment for a term exceeding one year (18 U.S.C. § 922(g)). Felons convicted of this same crime but who have three previous convictions for a felony or serious drug crime have a mandatory 15-year minimum penalty (18 U.S.C. § 924(e)). In addition to the federal punishments outlined above, each state has additional laws which penalize individuals who purchase firearms with the intent of giving it to someone else, trafficking firearms, soliciting someone else to buy a gun on someone else's behalf, and selling a firearm to an individual who has knowledge or cause to believe the they buyer is prohibited. Significantly, some of the consequences of violating these laws are mandatory minimum prison sentences.

In addition to punishing violators and discouraging others from committing crimes, firearm laws and background checks have been enacted to protect the public and save lives. The goal of the following assessment is to review the current data and literature on background checks and whether they have an impact on gun-related deaths.

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ASSESSMENT

The following assessment is based on an extensive literature review on gun control, gun violence, universal background checks, and other additional research. It also includes a basic examination of firearm mortality data from the Center for Disease Control and Prevention presented in tables and graphs. It is evident the research and data on gun control, gun violence, and universal background checks vary far and wide in their methods and findings.

Gun control has been and will always be a controversial topic. The right to possess firearms and use them is laid out in United States history. It is intertwined with the nation's liberty so much so its importance is outlined in the Second Amendment of the United States Constitution in 1791. It was not until 1934 any restrictions were placed on firearms and their sales. In 1994 true background checks started prohibiting certain dangerous individuals from possessing and purchasing them. Since these federal laws were imposed little has changed in regard to additional federal firearms regulation.

The lethality of firearms is evident in the United States. Known as the most armed country in the world, the Centers for Disease Control and Prevention reported 39,773 firearm deaths out of a total of 243,039 deaths in 2017 (Kochanek, K.D., Murphy, S.L., Xu, J., and Arias, E., 2019). This is the most since 1968 and was slightly higher than the peak year in 1993 when the overall gun death numbers started to decline (Gramlich, 2019). It is important to recognize this figure includes unintentional deaths, suicides, homicides, undetermined deaths, and legal intervention/war deaths. The two highest categories were homicides which accounted for 14,542 and suicides which accounted for 23,854 of the deaths. Both of these categories have seen increases over the most recent years.

Active shooter incidents and mass shootings have also become more common occurrences. The data on them is semi-complicated due to varying definitions involving factors

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such as the circumstances and number of victims involved, however, they are undeniably a part of our gun violence and history. Studies on active shooter incidents, defined by the FBI as “one or more individuals actively engaged in killing or attempting to kill people in a populated area”, have found the incidents have risen from 6.4 per year to 16.4 a year according to data from 2000 to 2013 (Gramlich, 2019). With this rise in active shooter incidents within the United States, media attention has also increased society's awareness of gun violence and gun control issues.

This attention has led to more interest in gun policies, most specifically the way firearms are sold. The federal government has developed infrastructure to mandating background checks on firearms sold through federally licensed firearm dealers but allowed for certain exclusions and gaps to their policies, private sales being the most widely known way to avoid these restrictions.

Several states have come up with a solution and mandated background checks for all firearm transfers regardless of a dealer being federally licensed or a private seller. Notable, each individual state has been given the discretion to extend firearm restrictions, including the background check requirements, beyond the federal law. This has allowed each state to have differing gun control policies. Twenty-one states, as well as Washington DC, have opted to place further limitations on firearms to include some regulation on private gun sales while half the States have imposed no prohibitions on private sales (U.S. Department of Justice & Bureau of Alcohol, Tobacco and Firearms, 1999). Twelve states have extended background check requirements to all private sales of firearms, Nevada being the most recent to pass such legislation which will be effective as of January 2, 2020.

The research on firearm background checks varies in methods and in findings. The majority of the research entails reviewing data on background checks, firearm homicide rates, and/or suicide rates. Researchers focus on whether the rates increase or decrease based on the types of policies the state has implemented. Other research review background check denials,

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surveys of convicted felons with firearm possession charges, and surveys from the nation as a whole. One issue every study on this subject has struggled with is the issue of too many variables. Every state applies federal firearm restrictions, and many have additional legislation. This complicates any comparison from one state to another or one city from another as local city and county ordinances can also come into play. Differing definitions, populations (rural or urban), gang involvement, and customs extending to hunting traditions, concealed carry, and stand your ground laws also factor into the gun violence and gun-related deaths. It is impossible to account for all of the variables.

Up until two years ago, research on the subject was limited to the basic federal background check restrictions and data. Overall, the findings of these studies were mixed. Some claimed to find some evidence background checks were connected to decreased homicide rates while others found inconclusive evidence or a connection to increased rates of gun violence. The only consensus these studies came to was the need for further data collection and research.

In the past two years, the first studies on universal background checks were published. These initial studies suggested enhanced background checks which included private gun sales had moderate connections with decreased firearm homicide rates but not necessarily with decreased firearm suicide rates. Again, researchers were in agreement that additional research on the topic is needed to determine impacts and effectiveness.

The purpose of federal background check requirements and universal background checks have always been to prevent dangerous individuals from obtaining weapons and protect the public. Criminals will continue to look for alternative ways of obtaining them. Research on gun control, gun violence, and background checks have exposed some of these weaknesses. Weaknesses which likely have some effect on the amount of gun violence in the United States and subsequent background check studies. It is unknown how states without private firearm sale

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restrictions affect neighboring states with universal background checks and vice versa. Crossing state lines to purchase a firearm is difficult to monitor and equally difficult to collect data on. In addition, firearm thefts may have influential roles. Most of all, universal background checks and basic background check systems are susceptible to being manipulated. Individuals with clean backgrounds have been known to buy firearms on behalf of others who would likely not pass checks (straw purchasers). The consequences of confidentiality in protected health information prevents background check systems from access to an individual's mental statuses.

Centers for Disease Control and Prevention Data

The following tables and graphs were created based on firearm-related deaths (homicides, suicides, and accidental deaths) within the United States from the Centers for Disease Control and Prevention (CDC) (2019). The first shows the number of firearm-related deaths by year and by state for the four most recent years of data available. The second shows the number of firearm-related deaths by year and state per capita (per 100,000 citizens) for the four most recent years of data available. It is significant to include the data per capita as well as the total numbers to understand states with larger populations in comparison to each other.

States which are considered universal background states, meaning they have expanded federal background check laws to include searches of government records to determine a buyer's eligibility for all individuals prior to purchasing a firearm including but not limited to firearm sales by licensed dealers, private sales, and gun show sales, have been bolded in black to allow readers to view them more clearly. Nevada has not been bolded as its universal background check policies go into effect January of 2020. The CDC notes, their data is based on death certificates and states with low numbers may be unreliable due to instability in death rates or reporting.

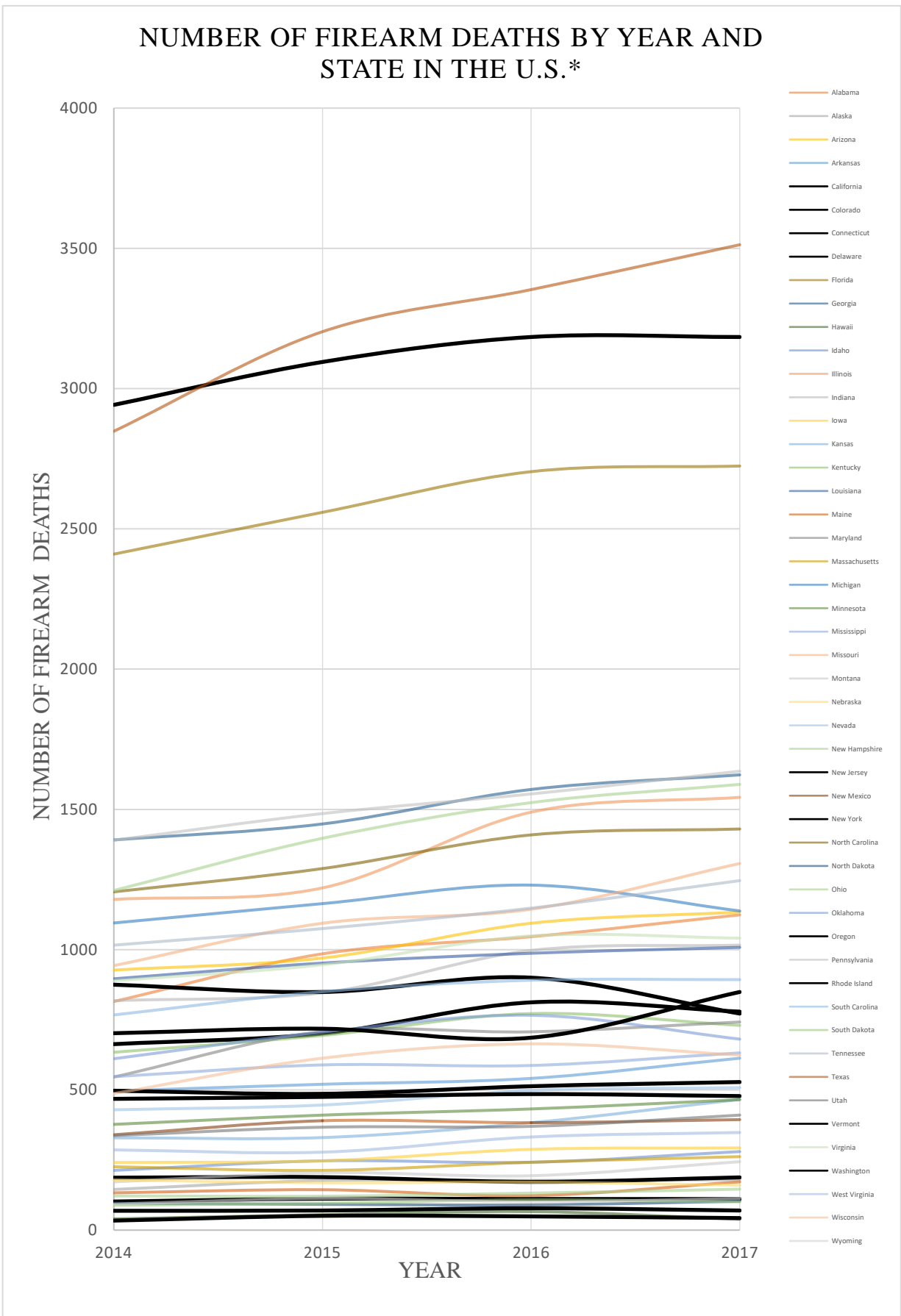
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NUMBER OF FIREARM DEATHS BY YEAR AND STATE IN THE U.S.*				
State	2017	2016	2015	2014
Alabama	1,124	1,046	985	815
Alaska	180	177	177	145
Arizona	1,134	1,094	970	927
Arkansas	613	541	520	496
California ¹	3,184	3,184	3,095	2,942
Colorado ¹	779	812	701	663
Connecticut ¹	188	172	189	187
Delaware ¹	111	111	112	102
Florida	2,724	2,704	2,559	2,410
Georgia	1,623	1,571	1,448	1,391
Hawaii	39	66	55	40
Idaho	280	242	247	213
Illinois	1,543	1,490	1,220	1,179
Indiana	1,016	997	846	818
Iowa	293	288	247	241
Kansas	466	383	330	329
Kentucky	730	772	694	634
Louisiana	1,008	987	952	896
Maine	172	123	144	133
Maryland ³	742	707	708	546
Massachusetts	262	242	213	226
Michigan	1,138	1,230	1,164	1,095
Minnesota	465	432	410	377
Mississippi	632	587	589	547
Missouri	1,307	1,144	1,094	943
Montana	244	194	205	172
Nebraska	160	171	169	179
Nevada ²	508	498	446	429
New Hampshire	146	132	121	122
New Jersey ¹	478	485	475	468
New Mexico ⁴	394	383	390	340
New York ¹	772	900	849	875
North Carolina	1,430	1,409	1,289	1,206
North Dakota	103	90	92	96
Ohio	1,589	1,524	1,397	1,211
Oklahoma	681	766	706	611
Oregon ¹	528	513	486	497
Pennsylvania ³	1,636	1,555	1,485	1,390
Rhode Island ¹	43	49	51	34
South Carolina	893	891	850	767
South Dakota	101	108	96	89
Tennessee	1,246	1,148	1,075	1,016
Texas	3,513	3,353	3,203	2,848
Utah	410	370	367	337
Vermont ¹	70	78	70	69
Virginia	1,041	1,049	946	889
Washington ¹	849	686	718	702
West Virginia	348	332	278	286
Wisconsin	624	664	613	487
Wyoming	113	101	113	93

*includes homicides, suicides, and accidental deaths
¹ Universal Background Check State
² Universal Background Check State as of 1/1/2020
³ Long Gun Exclusion in Private Firearm Sales
⁴ Exceptions for Firearm Gifts and Long-Term Loans

Source: Centers for Disease Control and Prevention (CDC) (2019). Firearm Mortality by State. Retrieved from https://www.cdc.gov/nchs/pressroom/sosmap/firearm_mortality/firearm.htm

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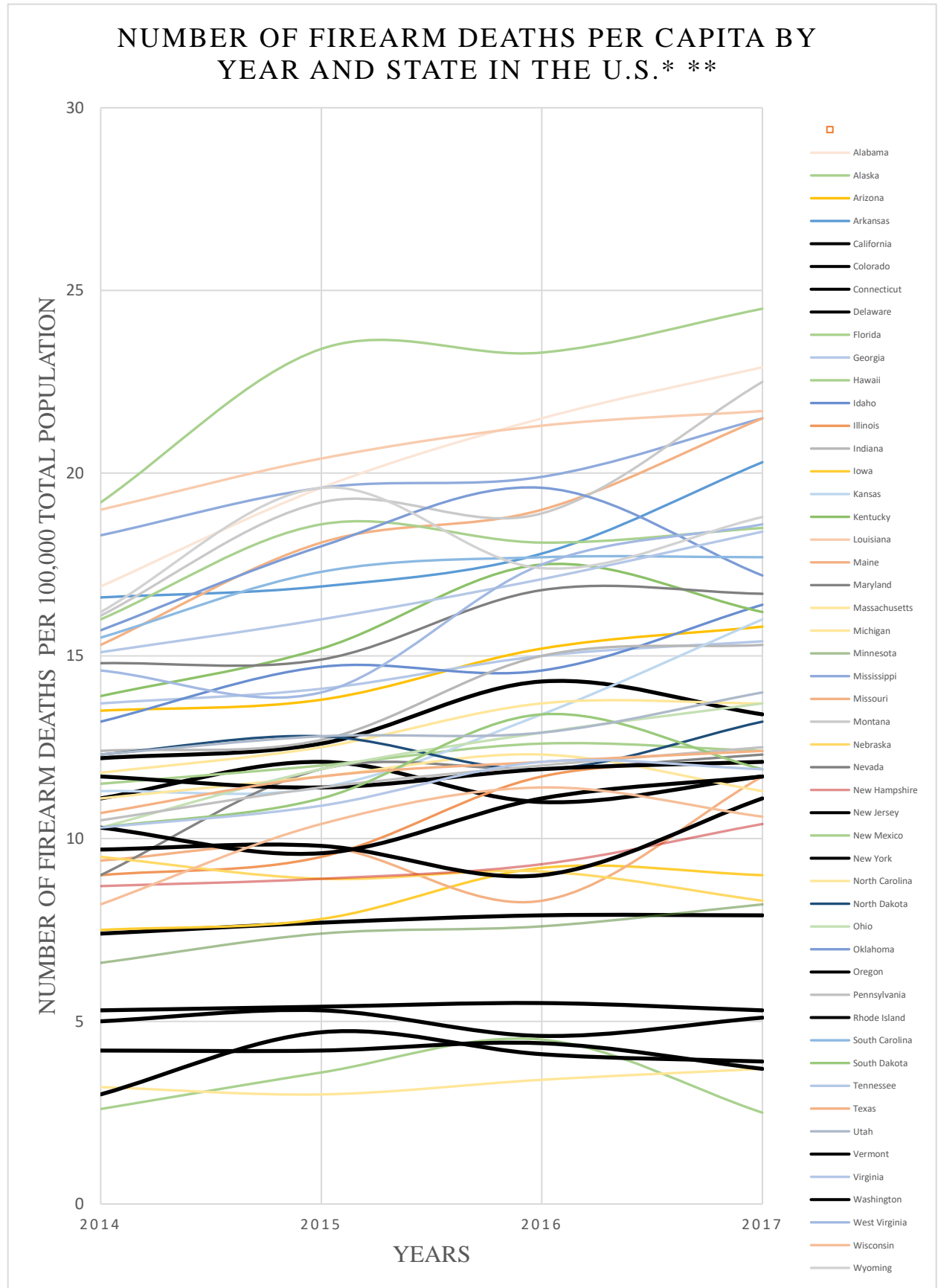


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NUMBER OF FIREARM DEATHS PER CAPITA BY YEAR AND STATE IN THE U.S.* **				
State	2017	2016	2015	2014
Alabama	22.9	21.5	19.6	16.9
Alaska	24.5	23.3	23.4	19.2
Arizona	15.8	15.2	13.8	13.5
Arkansas	20.3	17.8	16.9	16.6
California ¹	7.9	7.9	7.7	7.4
Colorado ¹	13.4	14.3	12.6	12.2
Connecticut ¹	5.1	4.6	5.3	5.0
Delaware ¹	11.7	11.0	12.1	11.1
Florida	12.4	12.6	12.0	11.5
Georgia	15.4	15.0	14.1	13.7
Hawaii	2.5	4.5	3.6	2.6
Idaho	16.4	14.6	14.7	13.2
Illinois	12.1	11.7	9.5	9.0
Indiana	15.3	15.0	12.7	12.4
Iowa	9	9.2	7.8	7.5
Kansas	16	13.4	11.4	11.3
Kentucky	16.2	17.5	15.2	13.9
Louisiana	21.7	21.3	20.4	19.0
Maine	11.7	8.3	9.8	9.4
Maryland ³	12.3	11.9	11.9	9.0
Massachusetts	3.7	3.4	3.0	3.2
Michigan	11.3	12.3	11.7	11.1
Minnesota	8.2	7.6	7.4	6.6
Mississippi	21.5	19.9	19.6	18.3
Missouri	21.5	19.0	18.1	15.3
Montana	22.5	18.9	19.2	16.1
Nebraska	8.3	9.1	8.9	9.5
Nevada ²	16.7	16.8	14.9	14.8
New Hampshire	10.4	9.3	8.9	8.7
New Jersey ¹	5.3	5.5	5.4	5.3
New Mexico ⁴	18.5	18.1	18.6	16.0
New York ¹	3.7	4.4	4.2	4.2
North Carolina	13.7	13.7	12.5	11.8
North Dakota	13.2	11.9	12.8	12.3
Ohio	13.7	12.9	11.9	10.3
Oklahoma	17.2	19.6	18.0	15.7
Oregon ¹	12.1	11.9	11.4	11.7
Pennsylvania ³	12.5	12.0	11.4	10.5
Rhode Island ¹	3.9	4.1	4.7	3.0
South Carolina	17.7	17.7	17.3	15.5
South Dakota	11.9	13.4	11.1	10.3
Tennessee	18.4	17.1	16.0	15.1
Texas	12.4	12.1	11.7	10.7
Utah	14	12.9	12.8	12.3
Vermont ¹	11.7	11.1	9.6	10.3
Virginia	11.9	12.1	10.9	10.3
Washington ¹	11.1	9.0	9.8	9.7
West Virginia	18.6	17.5	14.0	14.6
Wisconsin	10.6	11.4	10.4	8.2
Wyoming	18.8	17.4	19.6	16.2

*includes homicides, suicides, and accidental deaths
 ** per capita or per 100,000 of the total population
¹ Universal Background Check State
² Universal Background Check State as of 1/1/2020
³ Long Gun Exclusion in Private Firearm Sales
⁴ Exceptions for Firearm Gifts and Long-Term Loans

Source: Centers for Disease Control and Prevention (CDC) (2019). Firearm Mortality by State. Retrieved from https://www.cdc.gov/nchs/pressroom/sosmap/firearm_mortality/firearm.htm



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The data from the CDC shows an overall increasing trend in firearm-related deaths among the United States. This supports previous research on increased gun violence in the United States. The data shows fluctuating numbers of firearm-related deaths from state to state and year to year. Some states have clear upward trends while others have downward trends or remain stable. No other clear conclusions can be drawn from the data regarding universal background check states and the others without a more rigorous statistical evaluation.

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CONCLUSION AND RECOMMENDATIONS

This extensive literature and data review on gun control, gun violence, and universal background checks provide several findings. It is clear gun violence and control have been significant and controversial topics for the public over the last decades and continue to be. They are highly debated topics among government officials and lawmakers with both sides for and against having valid arguments. The current data on gun violence reports increases in the number of deaths by firearm in the United States over the most recent years including gun deaths by homicide, suicide, and accidents. In a country that is described as the “most armed nation in the world”, a large issue has become how restrictions can be placed on firearms without violating citizens right to bear arms as laid out in the U.S. Constitution’s 2nd Amendment and whether these restrictions are in all actuality effective in firearm death rates and overall gun violence.

Research on general background checks are all over the board with no consistency in methods of conducting research and in their reported findings. Some suggest background checks do effectively prevent dangerous individuals from obtaining firearms and committing further violent crimes such as homicide. Others suggest, background checks simply redirect prohibited individuals from obtaining firearms through other means such as private sales or theft. Some of these studies suggest background checks increase homicide rates in certain areas. Overall, no determination on the background check’s impact and effectiveness can be determined. It is likely the mass number of uncontrollable variables such as definition discrepancies, additional state implemented firearm restrictions, and data limitations play a part in clouding and complicating these studies and their results.

The research on universal background checks does suggest they have an impact on gun violence, however, research on this topic is undoubtedly in its infancy. At the time this research was conducted less than five studies had been conducted and published on the subject. While all

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of the studies found an association between universal background check states and decreased firearm deaths, the studies are also weakened due to the complexity of the issue and the number of uncontrolled variables just as general background check studies were. Many of these uncontrollable variables are impossible to gather quality data on or control. Examples include how many guns are simply purchased through straw purchases instead (having an individual purchase a gun for a prohibited individual) or how many individuals simply cross the border into a neighboring state with less restrictive firearm laws. Both of these issues can factor into and affect the gun death rates which are a primary unit of measure for the majority of the studies on this topic.

The most significant part of research thus far is that it establishes a baseline for further studies to be conducted and provokes researchers to delve further into the topic. Research to come should continue to examine firearm death rates and each state's specific firearm regulations but also analyze the number of injuries caused by firearms and the role mental health has on gun violence. Firearm homicide rates continue to be a concern and highly are publicized; however, they account for fewer deaths annually compared to firearm suicides. The topic of firearm suicide is vastly underrepresented research and in media coverage.

Undoubtedly, criminals will continue to find alternative ways of obtaining weapons, mentally unstable individuals will continue to find alternative ways of taking their lives, and accidents will continue to happen. Individuals will not be deterred simply because a state has enhanced their background checks or restricted how firearms are being sold. Background checks can only do so much and are not a comprehensive solution to decreasing the amount of gun violence in the United States, however, early research has shown they can impact the number of firearm deaths in a positive way. Gun control policies and changes such as shifts towards

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universal background checks may have the ability to reduce not only firearm homicide rates but also the number of firearm suicides.

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