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Testimony of Ramya Swami, Manager, State Policy, Brady
Support for House File 14, 15, 396 and 601
Before the House Public Safety Finance and Policy Committee
February 3, 2023

Chair Moller, Vice-Chair Feist, and Distinguished Members of the Minnesota House Public Safety Finance and Policy Committee,

Founded in 1974, Brady works across Congress, courts, and communities, uniting gun owners and non-gun owners alike to end America’s gun violence epidemic. Our organization today carries the name of Jim Brady, who was shot and severely injured in the assassination attempt on President Ronald Reagan. Jim and his wife, Sarah, led the fight to pass federal legislation requiring background checks for gun sales. Brady continues to uphold Jim and Sarah’s legacy by uniting Americans across the country in the fight to prevent gun violence. There are evidence-based policy solutions that we know will help to prevent gun violence in Minnesota.

The epidemic of gun violence reaches communities in Minnesota every day. Every 19 hours, someone in Minnesota is killed by gun violence, with more than 460 Minnesotans dying yearly from gun violence.¹ Minnesota leaders must prioritize the safety and well-being of the people of Minnesota by enacting and implementing proactive, research-informed policy solutions that prevent gun violence, save lives, and spare entire communities from loss, trauma and cycles of violence. One firearm death is one too many and Minnesota can do more – like pass House Files 14, 15, 396, and 601 – to save the lives of its citizens.

Support for HF 14: Universal Background Checks

One of the pillars of Brady’s legacy is the critically important role that Jim and Sarah had in creating the federal background check system which, to date, has stopped more than 3 million prohibited purchases.²

¹ Centers for Disease Control and Prevention, National Center for Injury Prevention and Control. *Web-based Injury Statistics Query and Reporting System (WISQARS)* [online]. (2005) [cited 2023 Feb. 2]. Available at: www.cdc.gov/injury/wisqars.

² This estimate was derived from data in the following reports: *See*: Office of Justice Programs, *Background Checks for Firearms Transfers, 2013 - 2014 - Statistical Tables*, Bureau of Justice Statistics (2016) Available at: <https://www.bjs.gov/content/pub/pdf/bcft1314st.pdf>. ; *See also*: Federal Bureau of Intelligence, *Federal Denials*, (last accessed Aug. 2019) Available at: https://www.fbi.gov/file-repository/federal_denials.pdf/view. Approximately 312,000 sales were blocked during the interim period from 1994-1999, 1,338,294 sales were denied via state and local agencies from 1999-2014, and

But we also know that the system has loopholes which enable about every 1 in 5 guns to be sold today without any background check through private transactions, gun shows, and websites that facilitate gun sales online.³ These loopholes allow convicted felons, domestic abusers, and others who wish to do harm to obtain guns without any oversight. It is past time to expand lifesaving Brady background checks to *every* gun sale, and the public agrees: 97 percent of Americans, including over 90 percent of gun owners, support expanding Brady background checks.⁴

Surely we cannot expect to keep guns out of the hands of individuals that are not legally allowed to possess a firearm without ensuring a background check is required universally for public and private gun transfers throughout Minnesota. **Brady supports the effort of the House Public Safety Finance and Policy Committee to pass HF 14, a strong and comprehensive universal background check bill that closes Minnesota's private sale loophole to ensure that firearms don't fall into the hands of individuals who are currently prohibited from purchasing and possessing firearms under state and/or federal law.**

Support for HF 15: Extreme Risk Protection Orders

Extreme risk laws are evidence-based solutions currently enacted in 19 states and Washington D.C. that give law enforcement and the courts an avenue to prevent an individual in crisis from harming themselves or others by temporarily removing guns and prohibiting the purchase of other firearms.⁵

Extreme risk protection orders are a critical, life-saving tool that Brady has long supported and urges members of the House Public Safety Finance and Policy Committee to support as well. These laws effectively target various forms of gun violence we see on a daily basis in the United States, including interpersonal violence, homicides, intimate partner violence, some unintentional shootings, and importantly suicide, the most common type of gun violence.

From 2015 to 2020, over 2700 Minnesotans lost their lives to guns - and over 75 percent of those deaths were suicide.⁶ When a firearm is involved in a suicide attempt, the result is most often fatal. Suicide attempts with a firearm result in death a staggering 85 percent of the time, compared to just three percent for other common methods, like intentional drug misuse.⁷ The presence of a gun turns what is frequently

FBI data shows that 1,653,771 sales were denied by the federal system from Nov. 1998 through July 31, 2019. This is a total of 3,304,065 sales that have been denied since 1994.

³ Matthew Miller, Lisa Hepburn & Deborah Azrael, *Firearm Acquisition Without Background Checks*, *Annals of Internal Medicine*, 166, no. 4 (2017): 233–239.

⁴ Quinnipiac University, *U.S. Support for Gun Control Tops 2-1, Highest Ever; Quinnipiac University National Poll Finds; Let Dreamers Stay, 80 Percent of Voters Say*, (20 Feb. 2018) Available at: <https://poll.qu.edu/national/release-detail?ReleaseID=2521>.

⁵ The states which have adopted a form of this law include: California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Hawaii, Illinois, Indiana, Maryland, Massachusetts, Nevada, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, Virginia, and Washington.

⁶ Centers for Disease Control and Prevention, National Center for Injury Prevention and Control. *Web-based Injury Statistics Query and Reporting System (WISQARS)* [online]. (2005) [cited 2023 Feb. 2]. Available at: www.cdc.gov/injury/wisqars. For the past 5 years which data is available (2015-2020), according to CDC's WISQARS (Web-based Injury Statistics Query and Reporting System) Minnesota firearms deaths from 2015-2020 totaled 2722. 2061 of those were firearm suicides.

⁷ Madeline Drexler, ed. *Guns & Suicide: The Hidden Toll*, Harvard Public Health Magazine of the Harvard T.H. Chan School of Public Health, Available at https://www.hsph.harvard.edu/magazine/magazine_article/guns-suicide/.

an impulsive act—that is usually not repeated if the person survives—into an almost always fatal act. People who choose a firearm over other methods typically do not have the opportunity or ability to summon help or reconsider.

By temporarily removing firearms or making them more difficult to access for individuals in the midst of a crisis, those with suicidal ideation are more likely to survive and get a second chance at life. That second chance is critical: *the vast majority—about 90 percent—of people who make a suicide attempt and survive do not ultimately go on to die by suicide later in life.*⁸ This is why laws like extreme risk protection orders are so important.

Extreme risk laws are an important tool that can prevent tragedies because people closest to an individual in crisis are likely to see signs before the person acts. Research shows that gun violence is frequently preceded by an escalation in problematic behavior - threats (whether physical, verbal, or online), exhibiting inappropriate behavior with firearms, misuse of controlled substances or alcohol, violating prior restraining or protective orders, and/or stalking or harassing others.⁹ In many cases, family members or law enforcement are the witnesses to the troubling escalation of behaviors that typically precede an act of gun violence - whether that violence ultimately results against one's self or another individual. Extreme risk protection orders provide a way for the courts and law enforcement to temporarily remove guns from the situation and save lives.

These laws have proven to be effective in other states. An analysis of the first 14 years of Connecticut's extreme risk law (1999-2013) found that 99 percent of orders issued resulted in the removal of at least one gun. Researchers estimated that not only was at least one suicide prevented for every 10-20 orders issued, but that 44 percent of the orders led to the individual receiving mental and behavioral health treatment they otherwise might not have received.¹⁰ Furthermore, a recent study found that extreme risk laws may provide exactly the type of urgent and individualized intervention that could prevent mass shootings in the future.¹¹ The bottom line is that the more that extreme risk laws are studied and examined, the more it becomes clear that they are highly effective and unique tools that can prevent tragedies *before* they happen.

In addition to a robust and widespread implementation plan for when these laws go into effect, this committee should work to ensure that researchers are granted access to redacted court records – consistent with state and federal privacy laws – to continue to evaluate the efficacy of these laws and further inform public policy. It is critical that unbiased assessments of extreme risk laws are taking place to improve existing laws and expand their adoption in other states.

⁸ Harvard T.H. Chan School of Public Health, *Means Matter: Attempters' Longterm Survival*, Available at <https://www.hsph.harvard.edu/means-matter/means-matter/survival/>.

⁹ Shannon Frattaroli, Emma McGinty, Amy Barnhorst & Sheldon Greenberg, "Gun Violence Restraining Orders: Alternative or Adjunct to Mental Health-Based Restrictions on Firearms?" *Behavioral Sciences & the Law* 33 (2015) Issue 2-3, available at <https://onlinelibrary.wiley.com/doi/abs/10.1002/bsl.12173>.

¹⁰ Jeffrey W. Swanson et al., Implementation and Effectiveness of Connecticut's Risk-Based Gun Removal Law: Does it Prevent Suicides?, 80 *Law and Contemporary Problems* 179-208 (2017), available at <http://scholarship.law.duke.edu/lcp/vol80/iss2/8>.

¹¹ Garen J. Wintemute, et al., Extreme Risk Orders Intended to Prevent Mass Shootings: A Case Series, *Annals of Internal Medicine* (2019), available at <https://annals.org/aim/fullarticle/2748711/extreme-risk-protection-orders-intended-prevent-mass-shootings-case-series>.

The epidemic of gun violence, which includes the epidemic of gun suicide, requires a slate of solutions specifically tailored to address the intricacies and root causes of gun violence, for each and every community. **The strong and comprehensive extreme risk law proposed in HF 15 must be part of the solution, as it will save lives in Minnesota, and Brady strongly urges this Committee to consider the best practices highlighted in this testimony and vote yes on this comprehensive extreme risk law today.**

Support for HF 396: Safe Storage

HF 396 requires gun owners to store their firearms unloaded with a locking device and separately from its ammunition.

As outlined above, the statistics regarding suicide in Minnesota are staggering. Each year 351 people in Minnesota die by firearm suicide.¹² When a person or a child is at risk for suicide, we want to create as much time and distance between them and the method as possible. While moments of crisis are extremely dangerous, they are often temporary. If a firearm is safely stored, it is less likely to be used during a moment of urgent — but temporary — distress.

The availability and effectiveness of firearms greatly increases the risk of a fatal outcome, should someone attempt suicide.¹³ Putting barriers in place between a person thinking of suicide and their preferred method of suicide can delay or prevent a suicide attempt altogether. Storing firearms locked and unloaded, with ammunition stored separately, can thus be an effective measure to reduce the risk of suicide.¹⁴

Nationwide, almost 4.6 million minors live in homes with unsecured guns.¹⁵ A study published by the American Academy of Pediatrics in 2018 found that within a sample of parents who owned guns, only one third stored all household firearms locked and unloaded.¹⁶ Another study showed that over 70 percent of children reported knowing the storage location of the household firearm, and that 1 in 5 parents who reported that their child had never handled the household firearm were contradicted by their child's report.¹⁷ As a result, 70-90 percent of firearms used in unintentional shootings, school shootings and suicides by minors are acquired from home, or from the homes of friends or relatives.¹⁸ Keeping

¹² Centers for Disease Control and Prevention, National Center for Injury Prevention and Control. *Web-based Injury Statistics Query and Reporting System (WISQARS)* [online]. (2005) [cited 2023 Feb. 2]. Available at: www.cdc.gov/injury/wisqars.

¹³ Drexler, Madeline. "Guns and Suicide: The Hidden Toll." *Harvard Public Health*, https://www.hsph.harvard.edu/magazine/magazine_article/guns-suicide/.

¹⁴ Shenassa ED, Rogers ML, Spalding KL, Roberts MB. "Safer Storage of Firearms At Home and Risk of Suicide: A Study of Protective Factors in a Nationally Representative Sample," *Journal of Epidemiology and Community Health*. 2004; 58(10):841-848.

¹⁵ Azrael, D. et al., (2018) *Firearm Storage in Gun-Ownning Households with Children: Results of a 2015 National Survey*. *Journal of Urban Health* 95, 295-304. <https://link.springer.com/article/10.1007/s11524-018-0261-7>

¹⁶ Scott, J. et al., (February 2018). *Firearm Storage in Homes With Children With Self-Harm Risk Factors*. American Academy of Pediatrics, <http://pediatrics.aappublications.org/content/early/2018/02/19/peds.2017-2600.info>.

¹⁷ Salhi C. et al., (March 2021). *Parent and Adolescent Reports of Adolescent Access to Household Firearms in The United States*. (March 2021) *JAMA Network Open*; 4(3):e2108989. <https://pubmed.ncbi.nlm.nih.gov/33687444/>

¹⁸ Alathari, L. et al., (November 2019). *Protecting America's Schools A U.S. Secret Service Analysis of Targeted School Violence*. United States Secret Service. U.S. Department of Homeland Security United States. <https://www.secretservice.gov/data/protection/ntac/usss-analysis-of-targeted-school-violence.pdf>

guns locked and unloaded was found to have a protective effect against unintentional shootings and suicide among youth, reducing the risk of death by 73 percent.¹⁹

Unintentional shootings that involve minors are preventable. HF 396 mandates the safe storage of firearms, where all firearms are stored locked, unloaded, with ammunition stored separately, and is an effective strategy to reduce unintentional injury or death of a child.²⁰ These are strategies directly in line with the values of gun owners who place protection of family above all other reasons to own firearms, and also inherently respect all individual's Constitutional rights.

Tragically, many school shootings are also facilitated by kids or teens having access to unsecured guns at home. A 2019 U.S. Department of Homeland Security analysis of targeted school violence shows that 76 percent of attackers who used firearms obtained the firearm from their parent's home or the home of another close relative.²¹ In half of those cases, the evidence indicated that the firearm was either readily accessible or not secured in a meaningful way.²² Research published in 2020 investigating firearm-related deaths among children aged 0-14 found that over a 26-year time period, U.S. states with safe storage laws regulating the storage of firearms in households with minors had a 13 percent reduction in firearm fatalities in the specified age group when compared to states with no such regulations.²³

Further, this proposed law does not infringe upon an individual's Second Amendment right to keep and bear arms in the home — rather, firearms ownership comes with a responsibility to ensure that lethal weapons are not readily accessible to minors who either cannot yet responsibly handle firearms themselves or individuals who are at risk of harming themselves or others. Securing firearms in the home is compatible with a firearm owner's ability to protect the home. There is a wide range of firearm storage options available on the market that are affordable and enable the owner of the gun to access it quickly if necessary. Research clearly shows that robust child access prevention and safe storage laws help protect children and reduce the risk of firearm suicide and unintentional shootings by kids and teens in homes across America.

Safe storage has a measurable impact on reducing the rate of suicide and in preventing unintentional shootings that result in injury or death. Laws around safe storage have been upheld by the courts nationwide and the research is conclusive: safe storage saves lives. **Brady urges the House Public Safety Finance and Policy Committee to pass HF 396, which requires gun owners to store their firearms unloaded with a locking device and separately from its ammunition.**

Support for HF 601: Lost or Stolen Firearms

Lost and stolen guns help feed the underground gun market in the state of Minnesota and beyond. Nationwide, the FBI estimated that 1.8 million firearms were stolen from private individuals between

¹⁹ Grossman, D. C. (2005). *Gun storage practices and risk of youth suicide and unintentional firearm injuries*. JAMA. 293(6):707-714. <https://jamanetwork.com/journals/jama/fullarticle/200330>

²⁰ Grossman, David C. "Gun Storage Practices and Risk of Youth Suicide and Unintentional Firearm Injuries." *JAMA* 293, no. 6 (2005): 707. <https://doi.org/10.1001/jama.293.6.707>.

²¹ *Id.*

²² *Id.*

²³ Azad, H. et al., (May 2020) *Child Access Prevention Firearm Laws and Firearm Fatalities Among Children Aged 0 to 14 Years, 1991-2016*. JAMA Pediatrics; 174(5):463-469. <https://pubmed.ncbi.nlm.nih.gov/32119063/>

2012 and 2017,²⁴ and a 2017 study concluded that approximately 380,000 firearms are stolen from private individuals annually.²⁵ Between 2010 and 2016, a majority of the 23,000 stolen firearms recovered by police were connected with crimes - including more than 1,500 violent crimes.²⁶ Despite this, the National Crime Victimization Survey revealed that, from 2011 to 2015, 23 percent of guns stolen from individuals went unreported to law enforcement.²⁷

There is a clear crisis of lost and stolen firearms across the country that supplies the criminal gun market, but the lack of expeditious reporting further impedes criminal investigations as these firearms are notoriously difficult to trace. This directly interferes with law enforcement's ability to quickly identify suspects tied to serious gun crimes. As noted in a recent ATF report: "Those that steal firearms commit violent crimes with stolen guns, transfer stolen arms to others who commit crimes, and create an unregulated secondary market for firearms."²⁸ In fact, the National Shooting Sports Foundation (NSSF), the official trade association for the firearms industry, has also reported on the severity of firearm theft in the U.S. In 2017, Larry Keane, the Senior VP of the NSSF stated, "there are more guns stolen every year than there are violent crimes with firearms. Gun owners should be aware of the issue."²⁹

Lost or stolen firearms are a major source fueling gun crimes within the state of Minnesota. Researchers at Everytown for Gun Safety analyzed FBI crime data across hundreds of small to large cities including 7 cities in Minnesota and found that in 2020, an estimated 77,000 guns were reported stolen in these cities alone.³⁰

HF 601 will work to curb the dangerous consequences of lost and stolen firearms. Law enforcement has rightly identified that the sooner they are made aware of missing, lost, or stolen firearms, the higher the chance that they can recover those firearms and prevent them from being used in shootings. A research team from Johns Hopkins University also found that mandatory reporting of firearm theft or loss by private gun owners helped to prevent gun trafficking into neighboring states. States with strong reporting laws were 30 percent less likely to export crime guns across state lines.³¹ The authors of this study noted "[these laws] are intended to increase private gun seller accountability and provide law enforcement with a tool to combat illegal straw purchases when the individuals involved present dubious claims of unreported gun theft. Having this measure of accountability significantly reduced interstate gun trafficking."³²

²⁴ Chelsea Parsons and Eugenio Weigend Vargas, *Gun Theft in the United States: A State-by-State Analysis*, Ctr. for Amer. Progress (Mar. 2020), available at

<https://www.americanprogress.org/issues/guns-crime/news/2020/03/04/481029/gun-theft-united-states-state-state-analysis/>.

²⁵ David Hemenway, et. al, *Whose Guns Are Stolen: The Epidemiology of Gun Theft Victims*, 4 *Injury Epidemiology* 11 (Dec. 2017), available at www.ncbi.nlm.nih.gov/pmc/articles/PMC5385318/.

²⁶ Brian Freskos, *Missing pieces: Gun theft from legal gun owners is on the rise, quietly fueling violent crime across America*, *The Trace* (Nov. 20, 2017), available at <https://bit.ly/2izST1h>.

²⁷ Chelsea Parsons and Eugenio Weigend Vargas, *Stolen Guns in America: A State-by-State Analysis*, Ctr. for Amer. Progress (July 2017) at Table 2, available at

www.americanprogress.org/issues/guns-crime/reports/2017/07/25/436533/stolen-guns-america/.

²⁸ U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives, *supra* at 2.

²⁹ Freskos, *supra* at 4.

³⁰ O'Toole MJ, Szkola J, Burd-Sharps S, *Gun Theft from Cars: The Largest Source of Stolen Guns*, Everytown for Gun Safety (May 9 2022), available at <https://everytownresearch.org/gun-thefts-from-cars-the-largest-source-of-stolen-guns/>

³¹ Daniel W. Webster et.al, *Reducing Gun Violence in America: Informing Policy with Evidence and Analysis*, The Johns Hopkins University Press 118 (2013), available at https://jhupress.files.wordpress.com/2013/01/142141113_updf.pdf.

³² *Id.*

Brady strongly encourages the House Public Safety Finance and Policy Committee to pass HF 601. Strong and comprehensive laws that mandate gun owners to notify law enforcement officials when a firearm is lost or stolen, are key in reducing gun trafficking and straw purchasing. HF 601 will also work to aid law enforcement in recovering and returning lost and stolen guns to their rightful owners.

Conclusion

In a time when gun violence in the United States is steadily increasing, Minnesota has the opportunity to lead by example by enacting and implementing proactive, research-informed policy solutions that prevent gun violence, save lives, and spare entire communities from loss, trauma and cycles of violence. The legislation laid forth in this letter proposes universal background checks, expands extreme risk protection orders, mandates safe storage of firearms, and creates reporting requirements for lost and stolen firearms - all of which are tried and true measures that have been taken in other states to reduce gun violence.

For the reasons described above, Brady urges the House Public Safety Finance and Policy Committee to support the passage of House Files 14, 15, 396 and 601.

Sincerely,

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