



Testimony of Ramya Swami, State Policy Manager
Support for Senate Bills, 1139, 1382, 1181, & 1167
Before the Virginia House of Delegates Public Safety Subcommittee

February 9, 2023

Dear Chair Freitas and Distinguished Members of the Public Safety Subcommittee,

Founded in 1974, Brady works across Congress, courts, and communities, uniting gun owners and non-gun owners alike, to take action, not sides, and end America’s gun violence epidemic. Brady 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 from coast to coast, red and blue, young and old, liberal and conservative, to combat the epidemic of gun violence. **In furtherance of our goal to reduce firearm violence across Virginia, the Brady Campaign to Prevent Gun Violence is proud to support the passage of Senate Bills 1139, 1382, 1181, & 1167.**

Virginia leaders have persisted in prioritizing the safety and well-being of the people of Virginia 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 latest data from the Centers for Disease Control and Prevention shows that over 1,000 Virginians a year die from firearm violence.¹

Despite this, data shows that every 8 hours, someone in Virginia is killed by gun violence, with more than 360 Virginians dying yearly from gun violence.² Virginia’s firearm suicide rate is 8.1% higher than the that at the national level. One firearm death is one too many and Virginia can do more—like pass Senate Bills 1139, 1382, 1181, & 1167.

¹ Centers for Disease Control and Prevention (CDC), *WISQARS Injury Data*, <https://www.cdc.gov/injury/wisqars/index.html>

² *Id.*

Support: SB1139 (Safe Storage)

Nationwide, almost 4.6 million minors live in homes with unsecured guns.³ 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.⁴ 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.⁵

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.⁶ Keeping 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%.

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.⁷ In half of those cases, the evidence indicated that the firearm was either readily accessible or not secured in a meaningful way.⁸

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.⁹

The specific language in this bill—that knowledge of a minor inhabiting a residential space requires safe storage of firearms—sets a high standard for protecting minors from unintentional firearm access. This standard ensures that it is not necessary for the minor to have actually *used* the firearm or caused injury, thus helping to prevent tragedies before they happen. It is also appropriate that this proposed bill seeks to protect all minors (under the age of 18) from accessing firearms, as firearms are used in 44 percent of suicide deaths by 16- and 17-year-olds.¹⁰

³ 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>

⁴ 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>.

⁵ 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/>

⁶ 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/ussc-analysis-of-targeted-school-violence.pdf>

⁷ *Id.*

⁸ *Id.*

⁹ 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/>

¹⁰ Centers for Disease Control and Prevention (CDC), *WISQARS Injury Data*, <https://www.cdc.gov/injury/wisqars/index.html>

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 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.

Brady strongly encourages this subcommittee to vote in favor of SB 1139, which mandates that all firearms be stored inaccessible to children under the age of 18 and will help to prevent injuries and fatalities among children.

Support: SB 1382 (Assault Weapons Ban)

Assault weapons are weapons of war; in fact the only [functional difference between an AR-15 and a military-issue M4 rifle](#) is that the latter can shoot more than one bullet with a pull of the trigger.¹¹ Assault weapons are uniquely lethal - due to the tactical features that differentiate these weapons from hunting rifles that fire the same caliber ammunition. For this reason, assault weapons are frequently the weapon of choice in mass shootings.

Mass shootings are an American epidemic that no other industrialized country experiences at remotely the same level. The Gun Violence Archive reports that in 2019, 2020, 2021, and in 2022 there were [more mass shootings than days](#) in the year.¹² While mass shootings account for a [small proportion](#)¹³ of [shootings](#) in the U.S. every year,¹⁴ the profound psychological harm and loss of life, coupled with the debilitating and long-lasting effects of these events, make it abundantly clear that mass shootings not only have a [devastating effect](#) on survivors, their families and friends, and their communities,¹⁵ but have inherently changed the psyche of [the country as a whole](#).¹⁶

And we know that when mass shootings involve assault weapons more people are shot and more people are killed. An analysis of mass shootings between 2009 to 2018 shows that in shootings where assault weapons were used, [six times as many people were shot](#) compared to those without

¹¹ Collins, M. (March 2022). *What's the difference? AR-15 vs M4*. Pew Pew Tactical. <https://www.pewpewtactical.com/ar15-vs-m4-difference/>

¹² Gun Violence Archive. (n.d.) *Gun violence archive*. <https://www.gunviolencearchive.org/past-tolls>

¹³ UC Davis. (n.d.). *A few myths and facts about firearm violence - UC Davis*. https://health.ucdavis.edu/vprp/pdf-other/FirearmMortality_MythsFacts2019.pdf

¹⁴ Berkowitz, B., & Alcantara, C. (May 2021). *More than 50 years of U.S. mass shootings: The victims, sites, Killers and weapons*. The Washington Post. <https://www.washingtonpost.com/graphics/2018/national/mass-shootings-in-america/>

¹⁵ Best, T. (2019, June 5). ABC News.

<https://abcnews.go.com/Health/trauma-anxiety-ptsd-mass-shootings-affect-mental-health/story?id=63491970>

¹⁶ Brady. (n.d.). *The mental health impact of mass shootings*. Brady.

<https://www.bradyunited.org/reports/the-mental-health-impact-of-mass-shootings>

them.¹⁷ Research shows that banning assault weapons leads to a drop in gun massacres. In the 10 years the federal assault weapons ban was in place, [gun massacres dropped 37%](#) and after the ban expired in 2004, gun massacres skyrocketed 183%.¹⁸

There were 20 mass shootings in Virginia in 2022 alone. When civilians have access to these weapons of war, citizens of Virginia know far too well what happens.

Brady strongly encourages this subcommittee to vote in favor of SB 1192/1382, which will save countless lives by prohibiting the sale and possession of assault rifles in Virginia.

Support: SB 1181 (Ghost Guns)

SB 1181 provides a strong defense to the proliferation and dangerous impact of unregulated and untraceable guns aka “ghost guns” throughout the state of Virginia. “Ghost Guns” are un-serialized and untraceable firearms that can be built by anyone using “unfinished” frames or receivers. These pieces of a firearm contain essential operating parts of the firing mechanism and are the only part of a gun regulated under federal and Virginia law. However, when a frame or receiver is “unfinished” by a small fraction, it was previously unregulated — a consequence of ATF not interpreting unfinished components as firearms. Each of these parts and processes were all specifically designed to fall outside of federal, state, and local gun regulations and undermine many existing gun safety laws. These weapons are, by design, perfect crime guns.¹⁹

The fact that these kits and parts could be purchased online with no background check, without undergoing any human interaction (like with a federally licensed firearm dealer) also makes them attractive and accessible to individuals who fear they may not be able to pass muster at a responsible licensed dealer. Ghost gun sellers and manufacturers know all of this and intentionally target prohibited purchasers and other potentially dangerous parties by purposefully emphasizing the untraceable nature of ghost guns - namely, the absence of a serial number and the fact that their products can be purchased without a background check or interaction with a gun dealer as major selling points.

While President Biden took decisive action to ensure that these parts and kits are classified as firearms under federal law, we are already seeing the ghost gun industry looking to circumvent the law to allow continued unrestricted access to these dangerous and untraceable firearms. In

¹⁷ Brady. (n.d.). *What are assault weapons and high-capacity magazines?* Brady. <https://www.bradvunited.org/fact-sheets/what-are-assault-weapons-and-high-capacity-magazines>

¹⁸ United States Senate Committee on the Judiciary. (September 2019) *Studies: Gun massacre deaths dropped during assault weapons ban, increased after expiration.* United States Senate Committee on the Judiciary. <https://www.judiciary.senate.gov/press/dem/releases/studies-gun-massacre-deaths-dropped-during-assault-weapons-ban-increased-after-expiration>

¹⁹ (November 2017) *Giffords Law Center Asks Internet Service Providers to Immediately Shut Down Websites for Businesses that Allow Dangerous Individuals to Make Untraceable Assault Weapons with No Background Checks.* Giffords Law Center to Prevent Gun Violence, Giffords, , <https://giffords.org/press-release/2017/11/giffords-law-center-asks-internet-service-providers-immediately-shut-websites-businesses-allow-dangerous-individuals-make-untraceable-assault-weapons-no-background-checks/>

fact, Polymer80, has essentially promised it just this month.²⁰

It remains imperative that state and local legislatures and Congress address these threats through legislation. In 2020 alone, at least two ghost gun trafficking operations targeting Virginians were shut down by the ATF: one North Carolina man was charged for trafficking at least 5 ghost guns to Virginia²¹ to sell, and another investigation charged a Fairfax man for dealing in firearms without a license.²² The proliferation of ghost guns impacts all Virginians, including our children who are experiencing unprecedented levels of stress and anxiety from the COVID-19 pandemic and constant fear of school shootings. Legislators must act now to proactively present the further proliferation of ghost guns and their use in crime in the Commonwealth. For these reasons listed above, **Brady strongly encourages this subcommittee to vote in favor of SB 1181.**

Support: SB 1167 (Gun Industry Accountability)

A top priority of the gun industry, PLCAA was signed into law by then-President George W. Bush in 2005. PLCAA provides gun manufacturers, distributors, and gun dealers with special protections from civil justice that no other industry is currently afforded in the US. Although PLCAA does not provide complete immunity from all civil lawsuits, some courts have interpreted the law to effectively bar victims and survivors of gun violence from holding firearms businesses liable for injuries caused by negligence, defective products, or unreasonably dangerous conduct that would otherwise be actionable under civil justice principles.

No industry should be above the law, especially the gun industry, which makes and sells lethal weapons that kill tens of thousands of Americans every year. The latest available data from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) reveals that just 2.7% of gun dealers accounted for over 71% of crime gun traces. Many of those crime guns are recovered in communities of color.²³ PLCAA has enabled firearm companies to put profits over people and has created a chilling effect on litigation against the industry, leaving victims and survivors of gun violence without adequate redress for their injuries. PLCAA has also removed key incentives for the gun industry to adopt life-saving business practices and instead has provided cover to irresponsible gun dealers who supply the criminal gun market.

PLCAA denies justice to victims and survivors, perpetuates the flow of crime guns into

²⁰ (January 2023) *Polymer 80 Issues Statement on ATF's Recent Letter: The Outdoor Wire*. <https://www.theoutdoorwire.com/releases/5e0c59b4-be64-4be3-b631-a3249012986d>

²¹ (February 2020). *Man Sentenced to 15 Years for Trafficking "Ghost Guns" and Drugs*. The United States Attorney's Office for the Eastern District of Virginia, United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives. <https://www.atf.gov/news/pr/man-sentenced-15-years-trafficking-ghost-guns-and-drugs>

²² (September 2020). *Ghost Gun and Machine Gun Conversion Device Dealer Pleads Guilty*. The United States Department of Justice, United States Attorney's Office. <https://www.justice.gov/usao-edva/pr/ghost-gun-and-machine-gun-conversion-device-dealer-pleads-guilty>.

²³ (2019) *Crime Guns in Impacted Communities*. Brady, 2019, <https://www.bradyunited.org/reports/crime-guns-in-impacted-communities>

communities of color, and disincentivizes responsible business practices. It is critical that the gun industry not be able to evade basic principles of civil justice that apply to all others in society. Gun violence causes immeasurable harms to victims, survivors, and communities. Yet currently, there are hurdles, often insurmountable, in attempting to hold the gun industry liable for the harms it causes.

This bill will create a path to justice that will serve as an exception to PLCAA, ensuring that valid civil claims may be brought against the gun industry for their dangerous, negligent, and even unlawful actions. The possibility of civil liability will not only provide civil justice to victims and survivors but also encourage the gun industry to act responsibly to help stem the tide of crime guns that harm Californians, particularly in urban areas where communities of color are disproportionately harmed. Having operated with special protections for years, the industry has had no financial incentive to curb irresponsible conduct and instead put profits over people. The prospect of civil liability can lead to safer products and better conduct that the industry has resisted for years.

Brady strongly encourages this subcommittee to vote in favor of SB 1167 to bring justice to Virginians harmed by the overprotected gun industry.

Conclusion

Virginia took sweeping steps during the 2020 and 2021 legislative sessions to protect its residents from the scourge of gun violence. The legislation laid forth in this letter is absolutely necessary to protect Virginians and to ensure that hard-won progress is not reversed.

For the reasons described above, Brady urges the committee to support the passage of Senate Bills 1139, 1382, 1181, & 1167.

Sincerely,
Ramya Swami