



For Immediate Release

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**AS SUN SETS ON FEDERAL ASSAULT WEAPON BAN, STATES AND LOCAL COMMUNITIES HAVE READY OPPORTUNITIES TO TAKE ACTION**

San Francisco, CA. In a report released today, Legal Community Against Violence (LCAV) demonstrates the legal foundation for state and local communities' authority to ban assault weapons. While Congress deliberates over the renewal of the federal assault weapon ban, set to expire in September 2004, there are ready opportunities to protect our country by passing assault weapon bans at the state and local level, commented Sue Ann L. Schiff, LCAV's Executive Director. "We cannot give up on Congress and must continue to advocate for stronger federal law. But we also cannot afford to wait. Too many lives are at stake," Schiff added.

State and local governments can play a critical role in shaping national gun policy, stated Schiff. California has the strongest assault weapon ban in the country. Other states and local communities have adopted innovative assault weapon provisions. "Assault weapon bans adopted at the state and local level can be more rigorous than the federal regulations, serving as models for what federal law should be," Schiff explained.

Public officials and advocates need not wait for Congress to act. Federal law does not preempt state and local bans on assault weapons, and in a number of states, local jurisdictions have authority under state law to enact these bans. In fact, 7 states, as well as at least 17 local communities, have passed an assault weapon ban. In response to those who invoke the Second Amendment and a state right to bear arms as an affirmation of their "right" to acquire assault weapons, the report notes that no federal or state assault weapon ban has ever been overturned by the courts. The Second Amendment is not a barrier, and no court has ever struck down a state or local ban on assault weapons for violating a state right to bear arms.

Assault weapons are semi-automatic firearms designed with military features to allow rapid and accurate spray firing. They are not designed for "sport;" they are designed to kill humans quickly and efficiently. Tragically, assault weapons have been all too effective at performing this task. A recent study analyzing FBI data shows that 20% of the law enforcement officers killed in the line of duty from 1998 to 2001 were killed with an assault weapon. Some assault rifles also are accurate enough for use as sniper rifles, as illustrated by the D.C. area sniper shootings in October 2002. The end result is the same – more deaths and more injuries.

Strong state and local laws are needed to supplement the present federal law – and to replace it if it is not renewed before its September 13, 2004 sunset date. There is widespread public support

for banning assault weapons. According to a 2003 survey completed by Penn Schoen & Berland, 77% of likely 2004 presidential election voters support renewal of the federal assault weapon ban; 66 percent of gun owners who are likely 2004 presidential election voters support renewal of the federal assault weapon ban.

LCAV's report, *Banning Assault Weapons – A Legal Primer for State and Local Action*, provides public officials, government attorneys, and gun violence prevention activists with a practical guide to the legal and policy issues surrounding the adoption and strengthening of assault weapon bans – particularly those at the state and local level. To download a copy of the report, please go to [www.FirearmsLawCenter.org/content/assaultweaponreport.asp](http://www.FirearmsLawCenter.org/content/assaultweaponreport.asp). LCAV is available to help communities across the country to develop effective, legally defensible assault weapon laws, and to take decisive action to protect their residents from gun violence.

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Legal Community Against Violence (LCAV) is a national public interest law center dedicated to preventing gun violence. LCAV was formed in 1993, several days after a gunman with two assault weapons and a semi-automatic handgun shot 14 people, fatally wounding eight of them, at 101 California Street in San Francisco. LCAV and its supporters were directly involved in securing the passage of the federal assault weapon ban, enacted as part of the Violent Crime Control and Law Enforcement Act of 1994. Realizing that the federal ban dealt with just some of the assault weapons being produced or imported – and did nothing about the several million assault weapons already in civilian hands – LCAV has continued to support efforts to strengthen assault weapon bans at the local, state and federal levels. In 1999, with the strong support of LCAV, California expanded and improved its law, making it the most comprehensive assault weapon ban in the country.

Today, LCAV is the nation's only organization exclusively dedicated to providing legal assistance in support of gun violence prevention. LCAV focuses on options that can be pursued at the state and local level. By making complex legal and policy issues understandable, conducting legal research, analyzing existing and emerging policy strategies, and generating model regulations, LCAV informs and educates communities, and empowers advocates and governments to pursue effective measures that are legally defensible. Our web site, [www.FirearmsLawCenter.org](http://www.FirearmsLawCenter.org), is the most comprehensive source for information on U.S. firearms laws.