



LCAV Case Study **Pursuing Statewide Policy Reform to Protect Children – Advocating for Safer Handguns in Illinois**

The Challenge: Frequently overlooked in the debate about gun control and gun violence is the reality that firearms cause thousands of unintentional deaths and injuries every year. According to the U.S. Centers for Disease Control and Prevention, 15,000 persons in the United States are treated each year in hospital emergency rooms for unintentional gunshot wounds. In Illinois, 715 young people under the age of 20 were treated in Illinois hospitals for unintended firearms injuries between 1994 and 1996, and of these, 247 were under the age of ten. In the same period, 34 young people under the age of 20 died of unintentional firearm-inflicted injuries. Despite the grave risk to public health and safety, the federal government imposes no consumer protection laws or standards on the manufacture or sale of firearms.

LCAV's Role: Beginning in 2001, LCAV brought together a coalition of lawyers and advocates interested in learning how a regulatory approach could be used to reduce handgun injuries and deaths of children and young people in Illinois. Led by LCAV, the coalition undertook an extensive legal analysis of Illinois' consumer protection laws and learned that the Illinois Attorney General has broad authority to promulgate regulations to safeguard Illinois consumers.

Drawing on the experience of Massachusetts, where the Attorney General issued similar child safety regulations on handguns which were upheld by that state's highest court, LCAV and the coalition prepared a White Paper documenting the need for child safety regulations on handguns and the authority of the Illinois Attorney General to promulgate such regulations under Illinois' Consumer Fraud and Deceptive Business Practices Act. Handgun safety measures promoted in the White Paper include: requiring handguns to have a locking device to prevent unauthorized access to the weapon; requiring a childproof design for handguns, such as having a large grip size or requiring multiple motions for operation, so that small children cannot operate the gun; and requiring that handguns pass a "drop test" so that the weapon will not accidentally discharge when dropped.

The White Paper, entitled "The Illinois Attorney General's Authority to Promulgate Handgun Safety Regulations Under the Consumer Fraud and Deceptive Business Practices Act," was issued to Illinois Attorney General Lisa Madigan in May 2003 by LCAV, in collaboration with LCAV's network of Illinois *pro bono* attorneys, the Chicago Lawyers' Committee for Civil Rights Under Law, Inc., and the MacArthur Justice Center of the University of Chicago Law School (now of Northwestern University School of Law).

Results: After releasing the White Paper, LCAV led a series of conversations and meetings with other advocates and the staff of the Attorney General's office, to educate them about the problems unsafe handguns and unintentional gun deaths and injuries to children, and about the legislative and regulatory options for making handguns safer. In 2005, the Illinois General Assembly passed and Governor Rod Blagojevich signed into law, a bill to require trigger locks on all handguns sold by retail dealers.

LCAV is a public interest law center dedicated to preventing gun violence. Formed in the wake of the 1993 assault weapon massacre at 101 California Street in San Francisco, LCAV provides free legal assistance to activists and public officials, including law enforcement and government attorneys, working to prevent gun violence. To learn more about our services or to request assistance, visit our web site, www.lcav.org, the nation's most comprehensive source for information on U.S. firearms regulation.

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