

Appendix A

Snapshot of Federal, State and Selected Local Gun Laws

This Appendix accompanies LCAV's report, *Regulating Guns in America – An Evaluation and Comparative Analysis of Federal, State and Selected Local Gun Laws*. The chart identifies jurisdictions that regulate within the listed policy areas but does not attempt to show all the differences in regulatory strategy. Please read the corresponding section of the report for a more in-depth comparison. The chart and accompanying report are based on legal research conducted by LCAV through December 2007.

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February 2008

<i>Policy Area</i>	<i>Federal Law?</i>	<i>Summary of State Laws</i>	<i>Summary of Local Laws</i>
Classes of Weapons			
Assault Weapons	Expired 9/04	7 states ban assault weapons (CA, CT, MA, NJ, NY; HI & MD ban assault pistols); 3 states regulate assault weapons (MD, MN, VA); D.C. bans assault weapons indirectly	Boston, Chicago, Cleveland, Columbus, New York City
Large Capacity Ammunition Magazines	Expired 9/04	6 states ban large capacity ammunition magazines (CA, HI, MD, MA, NJ, NY)	Boston, Chicago, Columbus, Los Angeles, New York City
Fifty Caliber Rifles	No	California bans 50 caliber rifles; Connecticut bans one model of 50 caliber rifle; Maryland regulates one model of 50 caliber rifle	Los Angeles and San Francisco ban 50 caliber handguns; San Francisco bans 50 caliber cartridges
Banning Handguns	No	D.C. bans handguns; ¹ no state bans all handguns	Chicago ²
Non-Powder Guns	No ³	19 states regulate use or possession (CA, CO, CT, DE, FL, IL, MA, MI, MN, MS, NJ, NY, NC, ND, PA, RI, VA, WA, WI)	Chicago, Cleveland, New York City, Omaha
Ammunition Regulation	Limited ⁴	41 states and D.C. regulate ammunition (AL, AK, AZ, CA, CT, DE, FL, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NV, NH, NJ, NY, NC, ND, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WI)	Chicago, Los Angeles, New York City, Omaha, San Francisco

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Sales and Transfers			
Prohibited Purchasers	Yes	49 states ⁵ and D.C.	Chicago, Cleveland, Columbus, Hartford, New York City, Omaha
Minimum Age to Purchase and Possess Firearms	Yes	37 states and D.C. stricter than federal law (AK, AZ, AR, CA, CT, DE, FL, HI, ID, IL, IN, IA, LA, ME, MD, MA, MI, MN, MS, MO, MT, NV, NJ, NM, NY, ND, OH, OK, OR, PA, RI, SC, TX, UT, VT, WA, WI)	Boston, Chicago, Cleveland, Columbus, New York City
Domestic Violence and Firearms	Yes	35 states and D.C. stricter than federal law (AK, AZ, CA, CO, CT, DE, FL, HI, IL, IN, IA, MD, MA, MI, MN, MT, NE, NV, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SD, TN, TX, UT, VA, WA, WV, WI)	New York City, Omaha
Background Checks	Yes	49 states and D.C.	Cleveland, Columbus, New York City, Omaha
Mental Health Reporting	Limited ⁶	13 states authorize or require reporting to NICS (AL, CO, CT, FL, GA, IL, IA, KS, ME, MI, MO, VA, WA)	New York City
Waiting Periods	No	12 states and D.C. impose waiting periods on purchases of some or all firearms (CA, CT, FL, HI, IL, IA, MD, MN, NJ, RI, SD, WI)	Columbus
Restrictions on Multiple Purchases or Sales of Firearms	No	2 states limit handgun purchases to one per person per month (CA, VA); Maryland limits purchases of handguns and assault weapons to one per person per month	Los Angeles (one handgun per person per month); New York City (one handgun and one long gun per person per 90 days)

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Gun Dealers and Other Sellers			
Dealer Regulations	Yes	28 states and D.C. license and/or regulate firearms dealers (AL, CA, CT, DE, FL, GA, HI, IN, ME, MD, MA, MI, MN, NE, NH, NJ, NY, NC, OH, OR, PA, RI, SC, TX, VA, WA, WV, WI)	Chicago, Cleveland, Columbus, Hartford, Los Angeles, New York City, Omaha, San Francisco
Private Sales	No	2 states and D.C. require universal background checks for all firearm transfers (CA, RI); 3 states require universal background checks for transfers of some firearms (MD, handguns and assault weapons; CT, PA, handguns); 5 states require background checks for all firearm transfers at gun shows (CO, CT, IL, NY, OR)	Chicago, Columbus, New York City, Omaha
Gun Shows	No	8 states regulate gun shows (CA, CO, CT, IL, MD, NY, OR, VA); see Private Sales section above re background check requirements at gun shows	Omaha regulates gun shows but does not require background checks on purchasers

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Gun Ownership			
Licensing of Gun Owners or Purchasers	No	4 states require license or permit for purchasers or owners of all firearms (HI, IL, MA, NJ); 7 states require license or permit for handguns only (CA, CT, IA, MI, NY, NC, RI)	Chicago, Cleveland, Columbus, Hartford, New York City, Omaha
Registration of Firearms	Limited ⁷	Hawaii and D.C. require registration of all firearms; California requires registration of pre-ban assault weapons and 50 caliber rifles; 4 states require registration of pre-ban assault weapons (CT, HI, MD, NJ); Louisiana registers certain other firearms; 9 states prohibit registration of some or all firearms (CA, DE, FL, GA, ID, PA, RI, SD, VT)	Chicago, Cleveland, New York City, Omaha
Reporting Lost or Stolen Firearms	Federally licensed firearms dealers only	7 states and D.C. require firearm owners to report lost or stolen firearms (CT, MA, MI, NJ, NY, OH, RI)	Chicago, Cleveland, Columbus, Hartford, Los Angeles, New York City, San Francisco
Carrying Concealed Weapons	Yes	2 states do not allow carrying concealed weapons (IL, WI); 34 states are "shall issue" (AZ, AR, CO, FL, GA, ID, IN, KS, KY, LA, ME, MI, MN, MS, MO, MT, NE, NV, NH, NM, NC, ND, OH, OK, OR, PA, SC, SD, TN, TX, UT, VA, WA, WV); 12 states and D.C. are "may issue" (AL, CA, CT, DE, HI, IA, MD, MA, NJ, NY, RI, WY); 2 states do not require a permit to carry (AK, VT)	Chicago, Cleveland, Columbus, Hartford, New York City and Omaha generally do not allow carrying concealed weapons, but Hartford, New York City and Omaha have permitting processes that would allow some concealed carry

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Consumer and Child Safety			
Design Safety Standards for Handguns	Imported firearms only	8 states (CA, HI, IL, MD, MA, MN, NY, SC)	None
Locking Devices	Yes	11 states and D.C. (CA, CT, IL, MD, MA, MI, NJ, NY, OH, PA, RI)	Chicago, Cleveland, Los Angeles, New York City
Personalized Firearms	No	2 states (MD, NJ)	None
Child Access Prevention	No	27 states and D.C. (CA, CO, CT, DE, FL, GA, HI, IL, IN, IA, KY, MD, MA, MN, MS, MO, NV, NH, NJ, NC, OK, RI, TN, TX, UT, VA, WI)	Chicago, Cleveland

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Crime Detection			
Ballistic Identification	No	CA requires handgun microstamping; 3 states use ballistic imaging (CT, MD, NY)	None
Retention of Firearm Sales and Background Check Records	Federally licensed firearms dealers must retain sales records; National Instant Criminal Background Check System (NICS) records of approved purchasers must be destroyed within 24 hours of official NICS response to the dealer	21 states and D.C. require sellers to retain sales records (AL, CA, CO, CT, DE, GA, IL, ME, MD, MA, MI, MS, NJ, NY, NC, OR, PA, RI, TN, VT, WA); 10 states retain seller-reported sales information (AL, CA, CT, MD, MA, MI, NJ, NY, PA, WA); 9 states are required to purge background check records (DE, FL, NE, NH, RI, TN, UT, VA, WI)	Chicago, Cleveland, Columbus, Hartford, New York City, Omaha

* The summary of local laws is based on research and analysis of existing firearms laws in: Boston, Massachusetts; Chicago, Illinois; Hartford, Connecticut; Los Angeles, California; Newark, New Jersey; New York, New York; Omaha, Nebraska; and San Francisco, California. LCAV selected these cities because they are located in states that grant local jurisdictions broad authority to regulate firearms. It also includes existing laws in Cleveland and Columbus, Ohio. Note, however, that in 2006, the Ohio Legislature passed House Bill 347 (overriding the Governor's veto), which created Ohio Rev. Code Ann. § 9.68(A), a provision that purports to preempt all local authority to regulate firearms with few, limited exceptions. Legal challenges to the law are pending, and the Cleveland and Columbus ordinances cited in this report have not been repealed. Additional information about state laws governing local authority to regulate firearms is contained in the section of this report titled "The Legal Background."

¹ The U.S. Supreme Court will hear a case challenging the D.C. handgun ban in 2008. *Parker v. District of Columbia*, 478 F.3d 370 (D.C. Cir. 2007), cert. granted sub nom. *District of Columbia v. Heller*, 128 S. Ct. 645, 169 L. Ed. 2d 417 (2007).

² In 2005, San Francisco voters approved an ordinance to prohibit, *inter alia*, the possession of handguns by San Francisco residents. A recent appellate decision struck down the ordinance, finding it preempted by state law. *Fiscal v. City & County of San Francisco*, No. A115018, 2008 Cal. App. LEXIS 21 (Cal. Ct. App. Jan. 9, 2008). The City has indicated that it will appeal the decision.

³ Non-powder guns, unlike firearms, fall within the regulatory authority of the Consumer Product Safety Commission.

⁴ Federal law governing ammunition transfers is limited to prohibiting sales to and purchases by certain categories of persons; however, there is no requirement that ammunition sellers conduct a background check to determine if a prospective purchaser falls into a prohibited category. Federal law also prohibits the manufacture, importation and sale of armor-piercing ammunition.

⁵ Only Vermont has no state law governing prohibited purchasers or requiring background checks.

⁶ Federal law encourages, but does not require, states to report mental health information to FBI databases for firearm purchaser background checks.

⁷ Federal registration of firearms is limited to machine guns owned prior to 1986 (Congress banned possession and transfer of machine guns in 1986), and to certain transfers of short-barreled rifles and shotguns specifically approved by the Attorney General. Federal law prohibits the use of the National Criminal Background Check System (NICS) to create any system of registration of firearms or firearm owners.