

RID REPORT

News from Reeves & Dola, LLP



*** RID ALERT ***

The Impact of Mass Violence on Gun Control in the United States

In the immortal words of Bob Dylan, the times, they are a-changin'. Again. The tragic Stoneman Douglas High School shooting in Parkland, Florida could very well be a tipping point in the push towards stricter gun control in the United States. As we type, another shooting has taken place at Great Mills High School in Great Mills, Maryland. History shows that gun control legislation is born out of acts of violence. And now, on the heels of another mass shooting, we are living in a defining moment in time for gun control as evidenced by the plethora of political and academic commentary, protests, and a very active Congress.

A quick look at pending legislation in the Congress reveals that since January 2017, anywhere from 99 to more than 190 bills have been introduced (the number depends on whether the search term is "gun," "firearm," or "weapon"). There has been a flurry of activity since the Stoneman Douglas shooting, and we will examine some of these bills. Before we look at the present, however, we want to look back at the history of our country's major gun control laws. Understanding the history will surely lend valuable insight into the

current legislative activity.

1934

The first federal gun control legislation was the National Firearms Act of 1934 (NFA), which imposed a tax on the making and transfer of firearms defined by the Act, such as machineguns and short-barreled rifles and shotguns. The legislation arose out of the gangland violence of the 20s during Prohibition. *"While the NFA was enacted by Congress as an exercise of its authority to tax, the NFA had an underlying purpose unrelated to revenue collection. As the legislative history of the law discloses, its underlying purpose was to curtail, if not prohibit, transactions in NFA firearms. Congress found these firearms to pose a significant crime problem because of their frequent use in crime, particularly the gangland crimes of that era such as the St. Valentine's Day Massacre."* [ATF National Firearms Act Handbook, ATF E-Publication 5320.8](#), p. 1 (April 2009).

1968

The 60s were a turbulent time in America. Iconic leaders President John F. Kennedy, Martin Luther King Jr., Malcolm X and U.S. Senator Robert F. Kennedy all were assassinated with firearms. In 1966, Charles Whitman killed 14 people and injured 31 others while shooting from the main building of the University of Texas at Austin. This shooting stood as the deadliest shooting on a U.S. college campus until the Virginia Tech shooting in 2007. Congress passed the Gun Control Act of 1968 to regulate interstate commerce in firearms by prohibiting interstate transfers except through licensed firearm manufacturers, dealers or importers. The statute also established a list of persons prohibited from possessing or receiving firearms.

1993

In the wake of the murder of John Lennon and an assassination attempt of President Ronald Reagan, Congress passed the Brady Handgun Violence Prevention Act. This established a national background check system, known as the National Instant Criminal Background Check System (NICS). Federal Firearms Licensees (FFLs) must run all prospective non-licensed buyers through NICS to determine whether the buyer is eligible to receive a firearm.

1994

The Federal Assault Weapons Ban (AWB) of 1994 (expired in 2004), was the result of a series of mass shootings that happened in the late 1980s and early 1990s, including the Stockton schoolyard shooting in Stockton, California in 1989, the Luby's shooting in Killeen, Texas in 1991, and the 101 California Street shooting in San Francisco,

California in 1993. The Stockton shooting involved a semi-automatic rifle and San Francisco involved a semi-automatic pistol.

2018

Here we are at another pivotal time of mass violence. Over the past five years alone, since the shooting at The Sandy Hook Elementary School in December 2012, there have been at least six mass shootings in our country that have taken the lives of more than ten people (not to discount the other shootings that have taken place in which less than ten people have lost their lives). These mass shootings include the Washington, DC Navy Yard shooting in 2013, the San Bernardino attack in 2015, the Orlando night club shooting in 2016, the Las Vegas shooting at the Route 91 Harvest music festival in 2017, the Texas First Baptist Church shooting in 2017, and finally the Stoneman Douglas High School shooting earlier this year on February 14.

Propelled by a renewed call for change following the Las Vegas shooting and the wave of protests following the Stoneman Douglas High School shooting, Congress has introduced multiple new pieces of legislation that attempt to address the issue of gun violence. Not surprisingly, each piece of legislation, if ultimately enacted, could impact the firearm and ammunition industry in some way. As of the date of this alert, nineteen such bills have been introduced in the first few months of 2018 alone. Proposals include raising the age to purchase certain semiautomatic rifles to 21, reinstating the semiautomatic assault weapons ban, and amending the Securities Exchange Act of 1934 to require issuers to disclose in an annual report any substantial financial relationship with any manufacturer or dealer of firearms or ammunition.

A listing of some of the pending legislation, with links to additional information, is provided below.

- [S. 2502: Protecting Communities and Preserving the Second Amendment Act of 2018](#) - A bill to address gun violence, improve the availability of records to the National Instant Criminal Background Check System, address mental illness in the criminal justice system, and end straw purchases and trafficking of illegal firearms, and for other purposes. Introduced on 03/06/2018 by Sen. Grassley, Chuck [R-IA]. Cosponsors: Ted Cruz [R-TX].
- [H.R. 5164: Urban Progress Act of 2018](#) - To expand economic opportunities, improve community policing, and promote common-sense gun violence prevention in underserved communities, and for other purposes. Introduced on 03/05/2018 by Rep. Kelly, Robin L. [D-IL-2]. Cosponsors: 11(D).
- [H.R. 5163: Keeping Guns from High-Risk Individuals Act](#) - To

amend chapter 44 of title 18, United States Code, to prohibit the sale or other disposition of a firearm to, and the possession, shipment, transportation, or receipt of a firearm by, certain classes of high-risk individuals. Introduced on 03/05/2018 by Rep. Kelly, Robin L. [D-IL-2]. Cosponsors: 18(D).

- [H.R. 5162: Firearm Safety Act of 2018](#) - To amend the Consumer Product Safety Act to remove the exclusion of pistols, revolvers, and other firearms from the definition of consumer product in order to permit the issuance of safety standards for such articles by the Consumer Product Safety Commission. Introduced on 03/05/2018 by Rep. Kelly, Robin L. [D-IL-2]. Cosponsors: 21(D).
- [H.R. 5161](#) - To require the Surgeon General of the Public Health Service to submit to Congress an annual report on the effects of gun violence on public health. Introduced on 03/05/2018 by Rep. Kelly, Robin L. [D-IL-2]. Cosponsors: 53(D).
- [S. 2492: NICS Denial Notification Act of 2018](#) - A bill to provide for the reporting to State and local law enforcement authorities of cases in which the national instant criminal background check system indicates that a firearm has been sought to be acquired by a prohibited person, so that authorities may pursue criminal charges under State law, and to ensure that the Department of Justice reports to Congress on prosecutions secured against prohibited persons who attempt to acquire a firearm. Introduced on 03/05/2018 by Sen. Toomey, Pat [R-PA]. Cosponsors: 5(D) 4(R).
- [S. 2486: Safe Students Act](#) - Introduced on 03/01/2018 by Sen. Paul, Rand [R-KY]. No Cosponsors.
- [H.R. 5134: STOP Straw Purchases Act](#) - Introduced on 03/01/2018 by Rep. Bacon, Don [R-NE-2]. Cosponsors: 1(D).
- [S. 2475: BUMP Act](#) - A bill to amend the GCA to prohibit the illegal modification of firearms. Introduced on 02/28/2018 by Sen. Flake, Jeff [R-AZ]. Cosponsors: 2(D) 1(R).
- [S. 2470: Age 21 Act](#) - A bill to amend the GCA to prohibit the purchase of certain firearms by individuals under 21 years of age. Introduced on 02/28/2018 by Sen. Flake, Jeff [R-AZ]. Cosponsors: 2(D).
- [H.R. 5106: Investor Choice Against Gun Proliferation Act](#) - To amend the Securities Exchange Act of 1934 to require issuers to disclose in an annual report any substantial financial relationship with any manufacturer or dealer of firearms or ammunition. Introduced on 02/27/2018 by Rep. Meeks, Gregory W. [D-NY-5]. Cosponsors: 6(D).

- [H.R. 5103: Gun Violence Prevention and Safe Communities Act of 2018](#) - To amend the Internal Revenue Code of 1986 to increase the excise tax and special occupational tax in respect of firearms and to increase the transfer tax on any other weapon. Introduced on 02/27/2018 by Rep. Davis, Danny K. [D-IL-7]. Cosponsors: 12(D).
- [S. 2458: Terrorist Firearms Prevention Act](#) - Introduced on 02/27/2018 by Sen. Collins, Susan M. [R-ME]. Cosponsors: 7(D) 3(R) 1(I).
- [H.R. 5090: Raise the Age Act](#) - Introduced on 02/26/2018 by Rep. Brown, Anthony G. [D-MD-4]. Cosponsors: 23 (D) 3(R).
- [H.R.5088: No MAGA Act](#) - Introduced on 02/26/2018 by Rep. Jackson Lee, Sheila [D-TX-18]. Cosponsors: 1(D).
- [H.R. 5087: Assault Weapons Ban of 2018](#) - Introduced on 2/26/2018 by Rep. Cicilline, David N. [D-RI-1]. Cosponsors: 173 (D).
- [H.R.5077: Assault Weapons Ban of 2018](#) - Introduced on 02/20/2018 by Rep. Wilson, Frederica S. [D-FL-24]. Cosponsors: 1 (D).
- [H.R.4786: Protecting Communities from Lost or Stolen Law Enforcement Weapons Act of 2017](#) - Introduced on 01/12/2018 by Rep. Meeks, Gregory W. [D-NY-5]. Cosponsors: 18 (D).
- [S. 2135: Fix NICS Act of 2017](#) - Introduced on 11/28/17 by Sen. Cornyn, John [R-TX-7]. Cosponsors: 38 (D), 31 (R), 2(I).
- [S. 2095: Assault Weapons Ban of 2017](#) - Introduced on 11/8/17 by Sen. Feinstein, Dianne [D-CA]. Cosponsors: 28 (D), 1 (I).

It is important to note that all the above bills are at the very beginning stages of the legislative process and the draft texts will change.

History shows the push for new legislation has momentum on its side. Considering the current atmosphere and the public outcry after the Parkland shootings, it is quite possible we will see one or more new laws this year to add yet another layer of gun control in the United States.

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Questions about this alert can be directed to:

About Reeves & Dola

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