

Child Firearm Safety Laws in 26 Select Large U.S. Cities

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About public health policy reports:

Public Health – Seattle & King County reviewed the presence, absence, and components of child firearm safety laws in 26 U.S. cities as of September 2015, including the largest 20 cities by population and member cities of the National Association of County & City Health Officials' (NACCHO's) "Big City" group. Variation in these laws and changes over time can be reviewed in King County's policy surveillance system, LawAtlas PolicyTracker.

Background

In the United States, 33,636 people died in 2013 as a result of firearms.¹ According to Child Trends, in 2014, "suicide and homicide were the second and third leading causes of death, respectively, among teens ages 15 to 19, after unintentional injury... [F]irearms were the instrument of death in 88 percent of [these] teen homicides and 41 percent of teen suicides."² In Washington state, 158 children (age 17 or younger) were hospitalized and 108 children died as a result of guns from 2010 to 2014. During this period, 42 children were hospitalized and 23 children died in King County.³ In 2013, an estimated 64,000 adults in King County with a loaded gun in or around their homes reported storing them loaded and unlocked.⁴

Firearms are one of the most lethal means in completing suicide attempts (other means are less-lethal and potentially survivable). Studies show that reducing access to firearms in a suicidal crisis, and reducing access to a firearm that could result in an unintentional shooting, can save children's lives.^{5,6} There is limited research on laws to prevent unauthorized firearm access by children. Recent studies on child access prevention [CAP] laws—one type of child firearm safety laws on which the Institute of

Medicine has called for more research⁷— show promise for reducing firearm-related injuries and deaths in children.^{8,9}



Both evidence-based voluntary education and training and policy approaches may be needed to reduce youth firearm suicides, unintentional injuries, and firearm theft (theft can also lead to suicides, homicides and firearm assaults, unintentional injuries and deaths and local Child Death Reviews reflect these outcomes). The purpose of this study is to identify baseline legislative activity across 26 select large U.S. cities and create a system to monitor

change over time through policy surveillance. Local jurisdictions can offer fertile ground for community-driven approaches to preventing injury, for evaluation of effectiveness of different policy approaches through comparison studies, and opportunities for policy experimentation in more flexible and rapid legislative climates. This project’s policy surveillance approach allows for future research to:



- Examine the effect of variability in law enforcement and prosecutorial approaches to unsafely stored firearms,
- Study impacts of required public information campaigns about laws’ safe storage provisions,
- Understand effectiveness of penalties, both across jurisdictions and over time, and
- Review the impact of state preemption on local approaches.

Chart 1: Large City Health Department Areas—U.S., 2015
(including 20 largest U.S. cities by size—according to the 2010 census—and the cities in the National Association of County & City Health Officials Big Cities Group)

Atlanta	Kansas City	Portland
Baltimore	Los Angeles	Sacramento
Boston	Las Vegas	San Antonio
Chicago	Miami	San Diego
Cleveland	Minneapolis	San Francisco
Dallas	New York	San Jose
Denver	Oakland	Seattle
Detroit	Philadelphia	Tampa
Houston	Phoenix	

Key Findings

Restrictions on Unauthorized Access by Children

- 14 of the 26 cities studied had one or more laws that aimed to prevent unauthorized access to firearms by children.
 - ◇ Laws to restrict unauthorized access by children may include requirements addressing one or more of the following parties:
 - * Firearm dealers (e.g., requiring dealers to provide educational materials on safe storage to firearm purchasers, mandatory sales of storage devices with every sale);
 - * Owners (e.g., requiring storage of firearms, requiring purchase of firearm safes, and legal civil or criminal responsibility for failure to prevent child access); and,
 - * Other responsible adults (e.g., legal civil or criminal responsibility for preventing child access).
- 11 of the cities studied had laws that held firearm owners responsible if a minor obtained access to their firearm(s).
- 4 of the cities studied required the sale or purchase of a safe storage device with every firearm purchase.
- Penalties for allowing unauthorized access by children varied from fines of “up to \$100” to “up to \$5000” and/or “no more than 30 days” to “one year” in prison.
 - ◇ The City of Portland, OR, had the strongest overall penalty for adults, with \$500 and up to 10 days for minor access; \$750 and up to 20 days if minor carried off premises; and an enhanced penalty of \$2500 and up to 30 days if the minor carried to school, school-sponsored event or school-related event.
 - ◇ Only 7 cities allowed incarceration as the adult penalty when a child accesses a firearm.
- 3 of the 26 cities had laws requiring firearm safety trainings to include safe storage and child access prevention training.
- Cities with strong state-level preemption had fewer laws; however, even in states with preemption, 10 cities had laws to protect children from unauthorized access.
- No cities had laws requiring firearm dealers to receive suicide prevention education (in order to reduce risk of youth suicide).



Age Limitations on Authorized Access by Children

- While not typically called CAP laws, cities may also address minimum age of ownership.
- 8 of the 26 cities allowed minors to possess firearms under certain circumstances. These circumstances included:
 - ◇ Minor has written consent of parent/guardian;
 - ◇ Minor is engaged in lawful hunting, marksmanship, or farming activities;
 - ◇ Minor possession is supervised by adult.
- 8 of the 26 cities prohibited minors from purchasing certain types of firearms.
- 3 of the 26 cities prohibited minors from purchasing ammunition.

Map 1: 4 large U.S. cities had firearm laws requiring dealer sales of safe storage devices with every firearm purchase (2015)

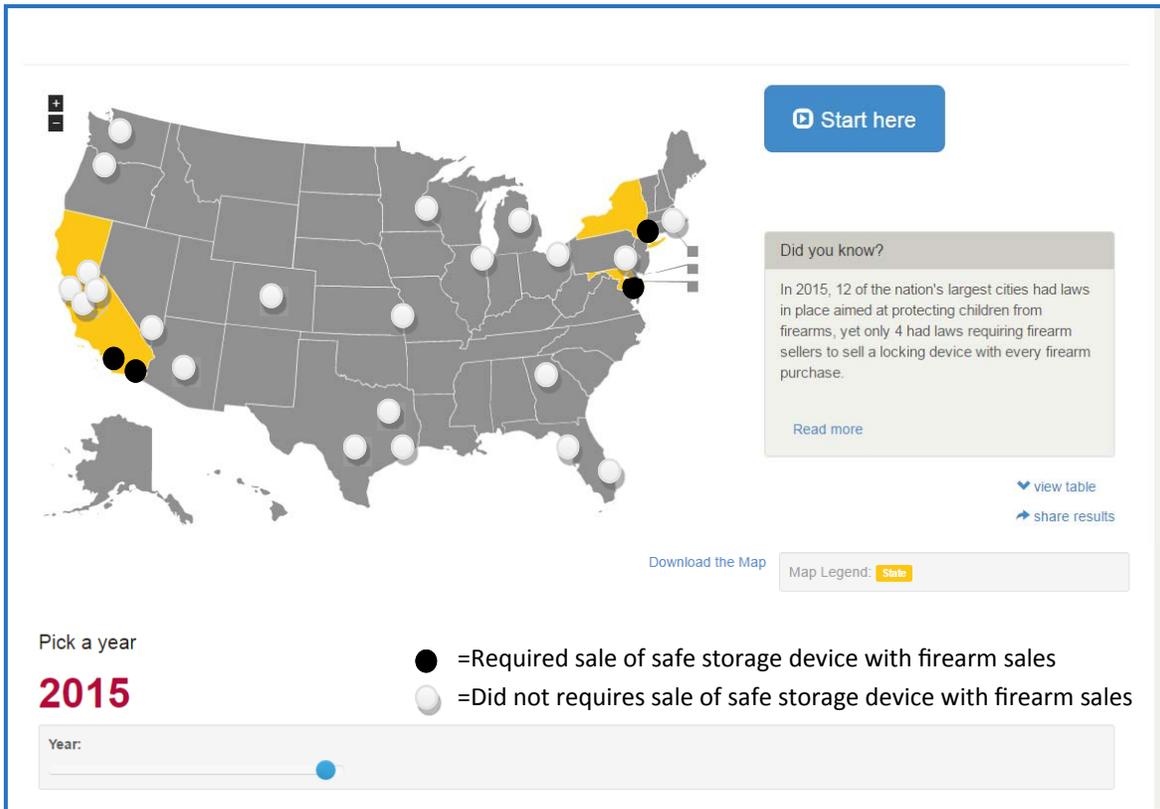


Chart 2: City laws requiring public health protections by firearm retailers — 26 U.S. cities (2015)

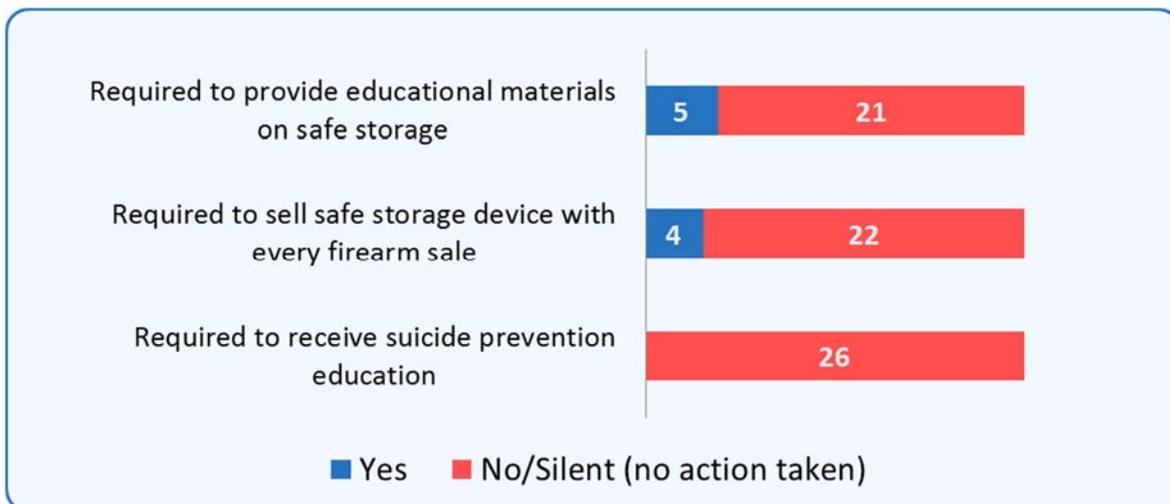


Chart 3: 8 cities' laws impose responsibility on adults for youth access, regardless of firearm use
26 U.S. cities (2015)

Where All of these selections apply

If the city code holds adult firearm owners responsible if a minor gains access to their firearm(s), are there specific standards for culpability? **Yes, the adult is liable if a minor gains access to the firearm, regardless of whether the minor uses it**

8 Jurisdictions Found

Jurisdiction	Effective	Valid Through	Law	Specific culpability standards for adults in violation of child access provisions
Baltimore City	06/03/1991	09/30/2015	View Law	Yes, the adult is liable if a minor gains access to the firearm, regardless of whether the minor uses it.
Chicago City	07/02/2010	09/30/2015	View Law	Yes, the adult is liable if a minor gains access to the firearm, regardless of whether the minor uses it. §
Cleveland City	04/21/2015	09/30/2015	View Law	Yes, the adult is liable if a minor gains access to the firearm, regardless of whether the minor uses it. Δ §
Denver City	07/12/1993	09/30/2015	View Law	Yes, the adult is liable if a minor gains access to the firearm, regardless of whether the minor uses it. §
Houston City	04/22/1992	09/30/2015	View Law	Yes, the adult is liable if a minor gains access to the firearm, regardless of whether the minor uses it. §
Philadelphia City	05/09/2007	09/30/2015	View Law	Yes, the adult is liable if a minor gains access to the firearm, regardless of whether the minor uses it. Δ §
Portland City	12/31/2010	09/30/2015	View Law	Yes, the adult is liable if a minor gains access to the firearm, regardless of whether the minor uses it. §
San Antonio City	09/19/1996	09/30/2015	View Law	Yes, the adult is liable if a minor gains access to the firearm, regardless of whether the minor uses it. Δ §

Chart 4: Fewer than half of the largest U.S. cities had laws directed towards firearm owners, most laws were non-specific — 26 U.S. cities (2015)

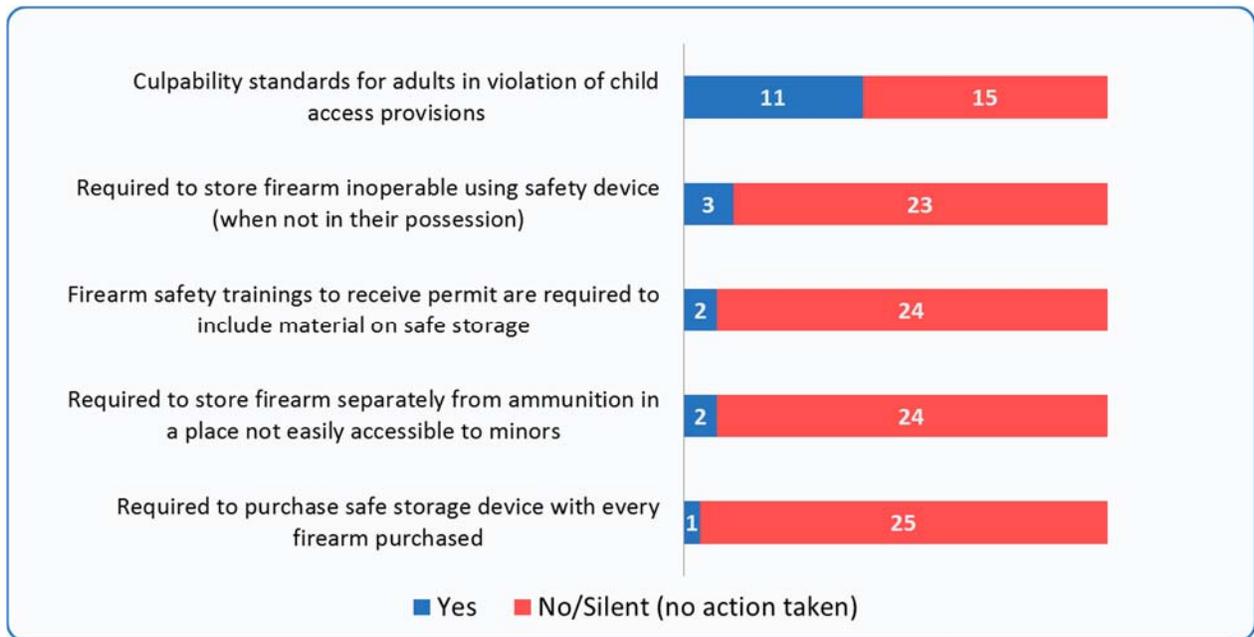
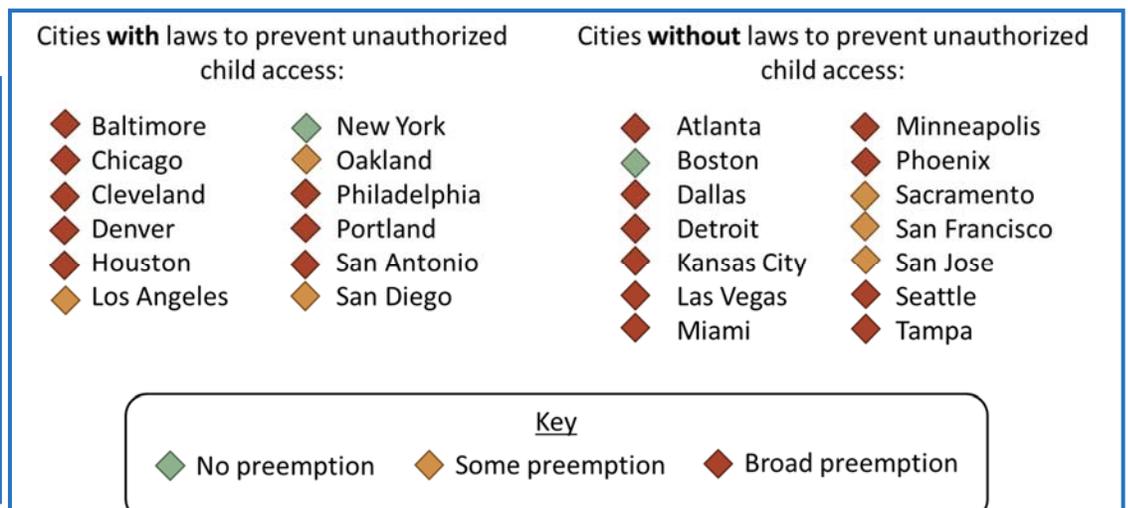


Chart 5: State preemption indeterminate as to existence of local child firearm laws—26 U.S. Cities (2015)



Methods

This report examines the laws of 26 large U.S. cities, including the largest 20 cities by population and these and other member cities of the National Association of County & City Health Officials' (NACCHO's) "Big City" group. The aim of the study was to understand the scope and types of local laws focused on reducing unauthorized child access to firearms. King County was particularly concerned about child firearm access in light of high local firearm suicide rates and theft resulting in firearms utilized in homicides in cases reviewed through the Child Death Review process, population data showing high rates of unsafely stored firearms. More large metro areas are taking a public health approach to firearm injuries and deaths,¹⁰ including King County, which involves using a data and evidence-driven policy and program approaches. While we were interested primarily in understanding the types of typical child access prevention laws in large municipal areas to continue to build the evidence base, we also looked at age restrictions on possession, purchase and use.

We developed a list of cities, using census data and the membership of the NACCHO group. We created a list of city municipal websites where municipal codes were available online. Then, using the pre-set search term "firearms," 3 researchers separately compiled a list of all relevant policies in all cities that were in effect as of September 2015. Policies were sorted by policy title/type in a Word table {E.g. "Child Access Prevention", "Access to Guns for Youth under 18"}. We then compared the three individually-compiled lists of policy title/type. If inconsistencies between the lists existed, we referred back to the respective municipal codes to identify discrepancies until 100% inter-rater reliability was achieved.

We developed a codebook, informed by previous research by Public Health—Seattle & King County on promising and evidence-based public health interventions for firearm injury prevention, and state-level firearm-related laws. The primary coder created an Excel spreadsheet that included all coding questions developed by the Researchers. A row was created to include "PARENT," "CHILD" or "GRANDCHILD" and Question Number to denote skip logic {e.g. Question #1, PARENT}. Coder notes were included as necessary to provide additional clarification and guidance on city laws, including links to relevant citations, in order to preserve objectivity and consistency in coding.

Researchers #1 (primary coder) and #2 separately coded a subset of these laws—all child firearm safety laws for the 26 cities under review, as well as age restrictions on authorized firearm and ammunition possession and use. Both researchers coded outside of LawAtlasSM using the Word table. After coding each city, both researchers met to resolve any differences. Once divergences were resolved, the primary coder entered the final codes into an Excel spreadsheet.

After entering final codes into the Excel spreadsheet, the primary coder entered the final codes into LawAtlasSM. Any changes to clarify and display the question language, variable names, and public description were made as necessary.

Conclusions

Fewer than half of the largest US cities included in this analysis had specific child access prevention laws, despite the emerging evidence base of their effectiveness in reducing youth suicide by restricting access to lethal means. While state preemption may have been a factor in limiting existence of these laws, several cities in states with some level of preemption did have such laws. Cities with laws experimented with different approaches, including regulations on dealers, firearm purchasers, and other adults who intentionally or inadvertently allow youth to access firearms. Penalties varied but may not have been prohibitive (weaker penalties fall at only \$500 per violation, most fell in the \$1000 range) and were not graduated (with 2 exceptions) for multiple or enhanced violations, such as firearms going to school.

It is unclear if local health departments in large metro areas are engaged in a public health analysis of opportunities to regulate youth access at the local level through local health codes, as a non-conventional policy approach. As local health departments work with larger cities in their regions, exploration of firearm owners' storage habits and opportunities to strengthen local laws can be local public health data and evidence-driven solutions where preemption is not a factor.

Limitations

While city laws were reviewed for purposes of understanding the types of approaches that local governments may take to address youth access to firearms, this study did not review the specific legal relationship between city and state laws or city laws and federal law. State laws may in fact include stronger provisions on child access prevention, or there may be room for stronger legislation at the local level. Twenty-seven states in the US had some form of child access prevention laws in 2016, according to the Law Center to Prevent Gun Violence. Of the 18 states where the 26 cities included in our study were located, 15 had strong preemption provisions, 2 had no preemption provisions and 1 had loose preemption. Finally, we did not review child culpability (juvenile criminal prohibitions) for illegal access and/or discharge of a firearm, nor enforcement of laws, nor caselaw. This study describes the laws that were in place as of September 2015. Laws may have subsequently changed.

Acknowledgments

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End Notes

1. [CDC WISQARS](#), Accessed Oct. 2015.
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3. Center for Health Statistics, Washington State Department of Health, Accessed 09/2015.
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Firearm Safety Research Resources

Baxley F, Miller M. [Parental Misperceptions About Children and Firearms](#). *Archives of Pediatric and Adolescent Medicine*. 2006;160:542-547.

DuRant R, Barkin S, Craig J, et al. [Firearm Ownership and Storage Patterns among Families with Children who Receive Well-child Care in Pediatric Offices](#). *American Academy of Pediatrics*. 2007;119(6):1271-1279.

Grossman DC, Mueller BA, Riedy C, et al. [Gun Storage Practices and Risk of Youth Suicide and Unintentional Firearm Injuries](#). *Journal of the American Medical Association*. 2005;293(6):707-714.

Schuster MA, Franke TM, Bastian AM, Sor S, Halfon N. [Firearm storage patterns in US homes with children](#). *American Journal of Public Health*. 2000 Apr;90(4):588-94.

Additional Resources

[Public Health - Seattle and King County: Safe Storage Save Lives Campaign - LOK-IT-UP](#)

[Public Health – Seattle & King County state and city firearm law comparison chart](#)

[Law Center to Prevent Gun Violence: Child Access Prevention Policy Summary](#)

