

Conditions for Successful Firearm Purchaser Licensing: A Working Paper

Daniel W. Webster, ScD, MPH
Johns Hopkins Center for Gun Policy and Research

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Background

A growing body of evidence has shown that licensing firearm purchasers yields important public safety benefits. Purchaser licensing laws are associated with fewer guns being diverted for criminal misuse following a retail sale,^{1,2,3} fewer guns exported across state lines for criminal use,^{3,4} reductions in homicides^{5,6,7,8} and suicides^{9,10} without substitution of other methods, and reductions in law enforcement officers being shot in the line of duty with handguns.¹¹ There is strong public support for requiring firearm purchaser licensing with 2019 national polls showing 77% to 82% overall support including the majority of Republicans supporting licensing.^{12,13} The majority of gun owners support licensing and 77% of gun owners in states with purchaser licensing support the policy.¹⁴

While the evidence of purchaser licensing is strong, this broad category of laws differ across the nine states and the District of Columbia that have what the Johns Hopkins Center for Gun Policy and Research considers to be the minimum characteristics of a firearm purchaser or owner licensing law. The purpose of this document is to provide data and guidance relevant to the specific features of licensing laws for lawmakers to consider when drafting such laws.

Firearms covered

Six of the 9 states with purchaser or owner licensing require a license for all firearms and 3 (IA, MD, NY) require licenses only for handguns. Focusing on handguns is defensible because 86% of murders committed with firearms in 2018 in the US for which the type of firearm was identified were committed with handguns.¹⁵ Semi-automatic rifles play an important role in high-casualty mass shootings.¹⁶ Given the increase in the incidence of fatal mass shootings and growing public concern about public mass shootings, it is advisable that semi-automatic rifles be covered in a licensing law along with handguns.

Should firearm purchaser/owner licensing be required of long guns that are not semi-automatic? Lack of data on the specific characteristics of firearms makes it impossible to determine the frequency with which long guns that are not semi-automatic are used in gun violence and suicides. There are no nationally representative data on the type of firearm used in firearm suicides, but National Violent Death Reporting System data for 32 states in 2016 indicate that 23% of suicides for which the type of firearm was identified involved a shotgun or rifle. Note that current research suggests that licensing is as important to suicide prevention as homicide prevention and estimates suggest that licensing may prevent more suicides and homicides.

Johns Hopkins Center for Gun Policy and Research public opinion polls show strong support for a law requiring handgun purchasers to obtain a license from local law enforcement including

77% support in January 2019.¹² A Quinnipiac University national poll from August 2019 asked a broader question, “Do you support or oppose requiring individuals to obtain a license before being able to purchase a gun?” and found 82% support.¹³ The lack of difference in support between these two polls may suggest that extending licensing to long guns will not greatly erode support for licensing.

Application Process

Two (Illinois and North Carolina) of the nine states with handgun purchaser licensing do not require in-person application directly to a law enforcement agency. Maryland requires fingerprinting of applicants at state-certified vendors and online application to state police. A report by the Johns Hopkins Center for Gun Policy and Research finds that states that do not require in-person application or fingerprinting of applicants do not achieve significant reductions in firearm homicides seen in more robust licensing states and have higher measures of the diversion of guns for criminal misuse (e.g., shorter time between retail sale and crime involvement) than other states with licensing.¹⁷

Maximum Period for Completing Background Checks for Licenses

States with firearm purchaser licensing laws tend to have state agencies conduct background checks in which they directly access much more comprehensive records than is the case when the FBI alone is charged with background checks to determine whether an applicant has disqualifying conditions. Garen Wintemute’s analysis of background check processes suggests that some of the disappointing effects of comprehensive background check laws – many of which were adopted when the FBI lacked many of the records required to identify disqualifying conditions – and the encouraging findings from handgun purchaser licensing laws may be due, in part, to licensing states also being Point of Contact states for firearm background checks and law enforcement agencies having access to more records on disqualifying conditions.¹⁸ To enable a thorough review of these records, including disposition status of criminal charges, licensing regulations allow agencies at least 14 days and as much as 6 months to complete background checks. Much of the protective effects of waiting periods for firearm purchases in reducing homicides and suicides is explained by the presence of purchaser licensing laws that allow for longer periods to review applicants’ records.

Eligibility

Prohibiting Conditions

In addition to federal prohibitors, the following prohibiting conditions should be applied:

- Less than 21 years of age,
- committed serious violent offense adjudicated in juvenile justice system (time limit?),
- restraining order for DV/IPV or stalking including dating partners and ex parté orders,
- has Extreme Risk Protective Order against,
- convictions for violent misdemeanors within past 10 years

- alcohol offense within the past 10 years (one or multiple? Evidence on alcohol offenses and subsequent criminal offending show large increased risk with one offense.)
- found not guilty of a crime by reason of mental disease or defect within the twenty years preceding application
- involuntarily committed to a treatment facility for individuals with psychiatric disabilities within the 10 years preceding application
- resides out of state.

Discretionary denial:

Available evidence suggests that discretionary licensing of firearm purchasers is more effective than non-discretionary licensing. A reanalysis of data from Crifasi et al., 2018 Journal of Urban Health article estimated a 46% reduction in firearm homicide rates in urban counties associated with discretionary licensing, a 9% reduction in firearm homicide rates associated with nondiscretionary purchaser licensing in which the applicant applies for a license/permit in person (usually with fingerprinting), and a non-significant 8% reduction in firearm homicides associated with purchaser licensing in which applicants do not apply in person.¹⁹ The effects of these different forms of licensing on suicide rates has not been studied; however, it is worth noting that states with discretionary licensing have among the lowest rates of firearm ownership and firearm suicide in the nation.²⁰

Discretionary denial of gun purchase applications has not been studied with respect to the reasons for denial or differences in denial rates based on the applicant's race or ethnicity. The greatest likelihood is that denials are based upon the applicant's history of arrests that have not led to disqualifying convictions. One could carve out specific prohibiting conditions such as multiple arrests for crimes involving violence, firearms, or alcohol abuse within the past 5 years as explicit disqualifiers to ensure that the rules are standardized. We do not have data on public support for discretionary denial of firearm purchase license/permit applications.

Safety Training and Tests

To receive a license to purchase or own a firearm, a person should successfully complete a course approved by the State Police in the safe and lawful use of firearms. There is little data on the relationship between safety training and criminal offending; however, it is correlated with safer storage of firearms.²¹ Delaware's firearm safety training requirement for an applicant's initial CCW license offers a useful guide for the requirements for safety training to possess a handgun. It specifies that the training course must include instruction regarding:

- Knowledge and safe handling of firearms and ammunition;
- Safe storage of firearms and ammunition and child safety;
- Safe firearms shooting fundamentals;
- Federal and state laws pertaining to the lawful purchase, ownership, transportation, use, and possession of firearms;
- State laws pertaining to the use of deadly force for self-defense; and
- Techniques for avoiding a criminal attack and how to manage a violent confrontation, including conflict resolution.

Safety training should also include information on the risks for suicide for adults and teens who have easy access to firearms.

Purchaser licensing statutes in Hawaii and Maryland require safety training to include life-fire and Massachusetts requires “demonstrated competency.” Hawaii requires 2 hours of range firing whereas Maryland’s law is not explicit about how one demonstrates “safe operation and handling of a firearm.” Some state’s CCW laws are explicit about demonstrating accuracy in shooting a firearm at a relatively close range (e.g., Texas). Demonstrating a modest degree of accuracy in firing seems advisable.

¹ Webster DW, Vernick JS, Bulzacchelli MT. Effects of state-level firearm seller accountability policies on firearms trafficking. *Journal of Urban Health* 2009; 86:525-537. doi: 10.1007/s11524-009-9351-x.

² Crifasi CK, Choksey S, Buggs S, Webster DW. The initial impact of Maryland’s Firearm Safety Act of 2013 on the supply of crime guns in Baltimore. *The Russel Sage Foundation Journal for the Social Sciences* 2017;3(5):128-140.

³ Webster D, Vernick J, McGinty E, Alcom T. Preventing the Diversion of Guns to Criminals through Effective Firearm Sales Laws. In: Webster D, Vernick J, eds. *Reducing Gun Violence in America: Informing Policy with Evidence and Analysis*. Baltimore, MD: The Johns Hopkins University Press; 2013:109-122.

⁴ Collins T, Greenberg R, Siegel M, Xuan Z, Rothman EF, Cronin SW, Hemenway D. State firearms laws and the interstate transfer of guns in the USA, 2006-2016. *Journal of Urban Health*. 2018; 95(3):322-336. doi: 10.1007/s11524-018-0251-9.

⁵ Rudolph KE, Stuart EA, Vernick JS, Webster DW. Association between Connecticut’s permit-to-purchase handgun law and homicides. *American Journal of Public Health*. 2015;105(8):e49-e54. doi: 10.2105/AJPH.2015.302703.

⁶ Hasegawa RB, Webster DW, Small DS. Bracketing in the Comparative Interrupted Time-Series Design to Address Concerns about History Interacting with Group: Evaluating Missouri’s Handgun Purchaser Law. *Epidemiology* 2019 May;30(3):371-379. doi: 10.1097/EDE.0000000000000989.

⁷ Webster DW, Crifasi CK, Vernick JS. Effects of the repeal of Missouri’s handgun purchaser licensing law on homicides. *Journal of Urban Health*. 2014;91:293-302.

⁸ Crifasi CK, Merrill-Francis M, McCourt A, Vernick JS, Wintemute GJ, Webster DW. Correction to: Association between firearm laws and homicide in urban counties. *Journal of Urban Health*. 2018;95(5):773-776. doi: 10.1007/s11524-018-0273-3

⁹ Crifasi CK, Meyers JS, Vernick JS, Webster DW. Effects of changes in permit-to-purchase handgun laws in Connecticut and Missouri on suicide rates. *Preventive Medicine*. Jul 23, 2015. pii: S00917435(15)00229-7. doi: 10.1016/j.ypmed.2015.07.013.

¹⁰ Luca M, Malhotra D, Poliquin C. Handgun waiting periods reduce gun deaths. Proceedings of the National Academy of Sciences. 2017 www.pnas.org/cgi/doi/10.1073/pnas.1619896114 (See Table S5).

¹¹ Crifasi CK, Pollack K, Webster DW. The influence of state-level policy changes on the risk environment for law enforcement officers. *Injury Prevention* 2016; 22:274-8. doi: 10.1136/injuryprev-2015-041825. PMID: 26718550.

¹² Barry CL, Stone E, Crifasi CK, Vernick JS, Webster DW, McGinty EE. Trends in Americans' Support for Gun Policies. *Health Affairs* 2019 Sep 9;101377hlthaff201900576. doi: 10.1377/hlthaff.2019.00576.

¹³ Quinnipiac University. Majority Of Voters Say Climate Change Is An Emergency Quinnipiac University Poll Finds; 72% Say Congress Needs To Act To Reduce Gun Violence. August 29, 2019. <https://poll.qu.edu/national/release-detail?ReleaseID=3639>

¹⁴ Crifasi CK, Stone EM, McGinty B, Vernick JS, Barry CL, Webster DW. Differences in public support for handgun purchaser licensing. *Injury Prevention* 2019 Sep 6. pii: injuryprev-2019-043405. doi: 10.1136/injuryprev-2019-043405.

¹⁵ FBI, Crime in the United States, 2018. US Department of Justice, 2019. <https://ucr.fbi.gov/crime-in-the-u.s/2018/crime-in-the-u.s.-2018/tables/expanded-homicide-data-table-8.xls>

¹⁶ Koper CS. Assessing the Potential to Reduce Deaths and Injuries from Mass Shootings through Restrictions on Assault Weapons and Other High-Capacity Semiautomatic Firearms. *Criminology & Public Policy*, in press.

¹⁷ Crifasi CK, McCourt A, Webster DW. Policies to Reduce Gun Violence in Illinois: Research, Policy Analysis and Recommendations. Center for Gun Policy and Research, Johns Hopkins Bloomberg School of Public Health, February 2019.

¹⁸ Wintemute GJ. Background Checks for Firearm Purchases: Current Problems and Recommendations for Increasing Effectiveness at the Population Level. *Health Affairs*. 2019.

¹⁹ Crifasi CK, McCourt AD, Webster DW. 2019. "Policies to Reduce Gun Violence in Illinois: Research, Policy Analysis, and Recommendations." Center for Gun Policy and Research, Bloomberg School of Public Health, Johns Hopkins University. Available at <https://www.jhsph.edu/research/centers-and-institutes/johns-hopkins-center-for-gun-policy-and-research/publications/jhsph-gun-violence-in-illinois.pdf>.

²⁰ Firearm suicides and age-adjusted firearm suicide rates, 2015-2017.

State	Firearm Suicides	Age-Adjusted Rate
District of Columbia	24	1.0
Massachusetts	410	1.8
New Jersey	569	1.9
New York	1344	2.1
Hawaii	111	2.3
Connecticut	323	2.7
Rhode Island	108	3.1
California	4764	3.8
Illinois	1578	3.9
Maryland	766	4.0
Delaware	170	5.4
Minnesota	1001	5.8
Nebraska	356	6.2
Michigan	2091	6.6
Iowa	643	6.6
Pennsylvania	2901	6.9

Florida	5025	7.1
Wisconsin	1314	7.2
Virginia	1973	7.3
Washington	1691	7.4
Ohio	2705	7.4
Texas	6168	7.4
North Carolina	2415	7.5
Georgia	2602	8.2
Indiana	1712	8.3
New Hampshire	362	8.6
Maine	391	8.7
Kansas	797	9.0
Mississippi	855	9.2
Oregon	1226	9.3
Vermont	190	9.3
Louisiana	1352	9.3
South Dakota	240	9.4
Tennessee	2024	9.6
South Carolina	1525	9.7
Colorado	1746	10.2
Missouri	1956	10.2
Arizona	2254	10.2
Nevada	956	10.3
Kentucky	1464	10.5
North Dakota	244	10.7
Alabama	1651	10.7
Arkansas	1065	11.2
Utah	966	11.3
New Mexico	779	11.7
Oklahoma	1424	11.8
West Virginia	720	12.1
Idaho	674	13.3
Alaska	355	15.7
Wyoming	281	16.0
Montana	549	17.1

²¹ Crifasi CK, McGinty EE, Douchette M, Webster DW, Barry CL. Storage practices of U.S. gun owners in 2016. *American Journal of Public Health*, 2018; 108:532-537. doi: 10.2105/AJPH.2017.304262. Epub 2018 Feb 22.