

HOW GUN-SAFE ARE WE?

Introduction

The League of Women Voters of the United States adopted a strong position on gun safety in 1990 and has advocated on numerous bills and policies based on it. This includes the *Bipartisan Background Check Act* and the *Background Check Expansion Act* to require Brady background checks for all firearm transfers (in the 116th Congress, 2019-2021). The position statement says the following:

“The League of Women Voters of the United States believes that the proliferation of handguns and semiautomatic assault weapons in the United States is a major health and safety threat to its citizens. The League supports strong federal measures to limit the accessibility and regulate the ownership of these weapons by private citizens. The League supports regulating firearms for consumer safety. The League supports licensing procedures for gun ownership by private citizens to include a waiting period for background checks, personal identity verification, gun safety education, and annual license renewal. The license fee should be adequate to bear the cost of education and verification. The League supports a ban on “Saturday night specials,” enforcement of strict penalties for the improper possession of and crimes committed with handguns and assault weapons, and the allocation of resources to better regulate and monitor gun dealers.”

Many state and local leagues have also advocated for gun safety laws. There are already many federal, state, and local laws controlling guns. This past April 2021, Christina Manthey, the president of the LWV of Jefferson County, in response to the mass shooting in Boulder, issued a statement calling for more legislative action on gun safety. And the state Legislature responded with several more laws.

But as episodes of gun violence continue to occur, they make us wonder how “gun-safe” we really are. A Jeffco LWV committee has compiled research to try to answer this question, examining gun laws at the federal, state, and local levels in Jefferson County. Please note that for the purposes of this conversation, we use the terms “**guns**” and “**firearms**” interchangeably. (See the Glossary on page 9 for detailed definitions.)

Is There a Problem?

Data from five years of statistics from the Centers for Disease Control (CDC) estimate that 96 Americans die every day from gun violence, with over 33,000 deaths per year. About 60% of those deaths are suicides. Nearly 79,000 other people are injured annually by guns. And guns account for more than two-thirds of U.S. homicides. Of all suicides, about half are committed by firearms. There is a strong correlation (0.75) between the number of guns sold and the number of gun deaths.

In 2020, there were 925 deaths due to firearms in Colorado. Between 2014 and 2020, the number of firearm deaths increased by 40%, while the population increased by 9%. Of the firearm deaths in Colorado in 2020, 70% (651) were from **suicide**. (For comparison, 956 deaths were from opioids, and 667 were from motor vehicle accidents.) Colorado has one of the highest suicide rates in the country. There has been a 10% increase in suicides since 2014. The majority of suicide gun deaths are by white males over the age of 65.

In Jefferson County, there were 57 suicides by firearm, 18 firearm assaults (5 on young people between 15 and 24), and 5 deaths due to legal intervention. In addition, there were 81 non-lethal injuries from firearms, 13 of these were in young people between 15 and 24 years of age.

In 2020, including murder, non-consensual sex, aggravated assault, and robbery, there were 26,952 violent crimes committed in Colorado. Almost 8,000 (30%), were committed with firearms. Of the 301 murders in Colorado, 67% were committed by firearms. Firearms were involved in 5,872 (35%) of aggravated assault cases and 1,520 (38%) of the robberies. While black people are about 1.4% of the population, they account for 24% of the homicides. These are mainly among black males between the ages of 15 and 44. The largest group of homicide victims is that of people between ages 20 and 24. Handguns, especially semi-automatics, are the guns most commonly used.

In Jefferson County in 2020, 373 violent crimes were committed in 2020, 94 (26%) involving firearms. All three of the murders involved firearms. Firearms were involved in 89 (34.4%) of aggravated assault cases (220 total), and six (23%) of the 24 Jeffco robberies. There is a strong correlation (0.75) between the number of guns sold and the number of gun deaths.

Federal Gun Laws

At the federal level, there are many laws addressing gun safety. States must comply with these laws and are able to pass provisions that are stricter than these. Here is a general overview of the federal laws:

- Persons prohibited from purchasing firearms:
 - Felons.
 - Younger than 21 for handguns and under 18 for shotguns, rifles, or ammunition.
 - Adjudicated or committed as mentally ill.
 - Domestic violence offenders and those with a protection order against them.
 - Undocumented immigrants.
 - Drug and alcohol abusers.
 - Dishonorably discharged soldiers.
- Places where firearms are prohibited:
 - School grounds, whether public or private, except for firearms training.
 - Federal facilities and courts.
- Gun dealers must obtain an FFL (Federal Firearms License).
- Background checks must be performed by federally licensed firearms dealers.
- Firearms that are transported must be unloaded and inaccessible.
- Production and transfer of machine guns, silencers, and other dangerous weapons require a license, payment of a tax, and permission by law enforcement. Possession of newly manufactured machine guns is prohibited, but the transfer of machine guns lawfully owned prior to May 19, 1986, is permissible if the transfer is approved by the Bureau of Alcohol, Tobacco, and Firearms, or if an individual possesses an FFL.
- Bump stocks are banned.
- Exemptions to federal laws include the following:
 - States may allow waivers of background checks for gun transfers.
 - There is no prohibition on possession of long guns or long-gun ammunition.
 - Firearms are not subject to federal health and safety regulations.
 - Civil liability actions are prohibited in any state or federal court against a manufacturer or seller of firearms, their components, or ammunition.
 - Civil action is prohibited against anyone who uses a secure gun storage or safety device when the gun was used by a third party.
 - Federal funds may not be used for research that would promote gun control.
 - Possession of ghost guns by individuals for personal use is allowed.

Colorado Gun Laws

Colorado has passed numerous laws that close “loopholes” in federal gun laws and provide more gun safety.

- Persons prohibited from purchasing firearms (besides those federally prohibited):
 - Under arrest.
 - With a violent misdemeanor conviction in the prior 5 years.
 - With a charge or conviction for domestic violence or a protection order filed against them.
 - From a person who is ineligible to possess a firearm.
 - Under an Extreme Risk Protection Order (also called “Red Flag” law).
 - Without an approved background check by the Colorado Bureau of Investigation (even if it takes longer than 3 days).
- Places where firearms are prohibited (besides those in federal law):
 - In any public transportation facility, except with a Concealed Carry Permit.
 - On a racetrack.
 - Without a Concealed Carry Permit anywhere that one is required.
 - In any local jurisdiction where the local government prohibits it.
- Background checks are required for these firearms purchases (even if over 3 days):
 - From a dealer
 - At a gun show
 - Through classified ads
 - Online
 - Through friends
- Possession of a dangerous weapon, silencer, machine gun, or short shotgun or rifle is a felony without a valid permit and license for it.
- Domestic violence offenders and those with a protection order against them must relinquish their firearms and ammunition within 24 hours, and they remain unable to get their guns back during the term of their sentence or order.
- Providing a handgun to a juvenile is a felony, except for target shooting or on family property.
- The sale and transfer of large-capacity magazines (more than 15 rounds) is prohibited.
- It is illegal to aim a firearm at another person, recklessly or negligently discharge a firearm, set an unattended trap with a loaded gun, or possess a firearm while drunk or under the influence of a controlled substance.
- Gun owners must safely store firearms so they are inaccessible by juveniles or prohibited persons, and this law must be posted by gun dealers.
- Lost or stolen guns must be reported to law enforcement within 5 days of their discovery.
- Local governments may pass regulations on firearms that are more restrictive than state law.
- Exemptions to state laws include the following:
 - No background check is required for a gift or loan of firearms to family members.
 - Firearms and ammunition manufacturers, importers, distributors, and dealers are shielded from liability, except for defects.
 - The use of deadly force for self-protection is legal when within a domicile (“stand your ground”).

Concealed Handgun Permits

The Colorado Concealed Carry Act allows a person with a permit to carry a concealed weapon "in all areas of the state" except for some federal properties, K-12 schools, and buildings with

fixed security checkpoints, such as courthouses. It also disallows a local government from enforcing a conflicting ordinance or resolution.

Qualifications to obtain a permit include the following:

- Must be a legal resident of Colorado of 21 years or older.
- Cannot be ineligible due to any state or federal law.
- Cannot have been convicted of perjury related to misinformation on a concealed handgun permit application.
- Does not chronically or habitually use alcohol or a controlled substance.
- Is not subject to a protection order.
- Can demonstrate competence with a handgun by a legally authorized method.

Colorado sheriffs are responsible for issuing concealed handgun permits. Colorado is a "shall issue" state, meaning that a sheriff must issue a permit for a person to carry a concealed handgun, as long as an applicant meets certain qualifications. The Jeffco Sheriff estimates that there are approximately 30,000 concealed carry permit holders in the county.

In March 2012, the Colorado Supreme Court struck down the University of Colorado's campus gun ban, saying it violated the Concealed Carry Act, which allows permit holders to carry on public property, including carrying on public colleges.

Multiple studies show that restrictions on the carrying of concealed weapons can increase public safety. For example, recent analyses have shown that states with weak standards for concealed carry have higher rates of violent crime and gun homicides than would be expected if the states had stricter standards for public carry.

Extreme Risk Protection Order ("Red Flag" law)

The Extreme Risk Protection Order law passed in Colorado in 2019 took effect on January 1, 2020. This law is also known as the "Violence Prevention Act" or the "Red Flag" law. It enables family members or law enforcement to petition a judge to issue an Extreme Risk Protection Order if the judge finds after a hearing that the individual poses a significant risk of causing personal injury to self or others by having, purchasing, possessing, or receiving a firearm, and that order prohibits the individual from possessing firearms for up to 364 days.

In 2020, the first year of implementation, there were 125 total petitions filed in Colorado courts, although not all were unique and properly filed. Of these, there were 111 acted on. There were 66 temporary 14-day orders issued and 49 year-long (364 days) ordered issued. The judges denied 46 of the petitions.

In Jefferson County, in the 18 months between January 1, 2020, and July 15, 2021, there were 8 Extreme Risk Protection Orders issued; in other words, there were 8 individuals in Jefferson County whose behaviors were judged to present extreme risk and whose guns were removed and whose legal ability to obtain another gun was restricted. During that time-period, Denver County had 33 issued orders, Douglas County had 8, and Boulder County had 6. The remaining counties had 5 or fewer.

Jefferson County Gun Laws

- It is unlawful to openly carry, possess, discharge, or use a firearm or archery device on Jefferson County Open Space Lands. The fines are \$150 for openly carrying or possessing and \$300 for discharging.
- Resolution In Defense of the 2nd Amendment Rights with pledge to uphold rights.
- Open Carry prohibited in designated county buildings/facilities/grounds.

Gun Dealers

Firearms can be sold in shops and by individuals who are federally licensed firearm dealers. In Jefferson County, 26 gun shops are listed in an online search of each municipality. However, the federal data base for licensed dealers in the zip codes associated with Jefferson County contains 54 listed names with addresses in Jeffco and phone number. Some of these individuals work in the listed shops, but most seem to work out of their home addresses.

Combining these two sources of information, there are 70 listed places or people that can legally sell guns in Jefferson County. These firearm sources are distributed as follows: 20 in Lakewood, 17 in Arvada, 7 in Golden, 7 in the Jeffco part of Littleton, 6 in Wheat Ridge, 4 in Conifer, 4 in the Jeffco part of Westminster, 2 in Evergreen, 2 in Indian Hills, and 1 in Kittridge. Jefferson County residents are free to buy guns in other counties.

Number of Guns in Jefferson County

It is impossible to know how many guns there are in Jefferson County or in Colorado as a whole because there is no mandatory gun registration. Learning how many guns were legally purchased or transferred during a given time-period can be done by checking to see how many background checks were done by the Colorado Bureau of Investigation. This information, however, is not available by county.

Background checks for gun purchases in Colorado for 2020 totaled 501,324. Of these, 14,227 transactions were denied, most for a background of felony assault or use of dangerous drugs. However, 803 were denied because of an existing restraining order. In 2020 the total gun purchase approvals (487,097) were about 30% higher than in any of the previous 5 years, where the total approvals ranged between 340,000 and 381,000.

Policies on the College Campuses in Jeffco

There are three colleges in Jefferson County. Red Rocks Community College (two campuses) and the Colorado School of Mines have written policies. Information about Colorado Christian College policies came from an interview with their campus security office.

All campuses prohibit carrying firearms on campus; however, all of them have exceptions to that policy. All campuses allow licensed law enforcement officers (federal, state, or local) to carry guns on campus while on duty. Campus security officers can carry firearms, but not in buildings or classes. On-duty military can carry guns if the situation calls for it. Red Rocks Community College has a law enforcement training program, and when involved in the firearms part of that training, students generally use the guns available for training purposes. The School of Mines allows explosives for classes which involve learning to use them. The School of Mines and Colorado Christian have on-campus housing, so students living on campus must check in and leave any guns they possess locked in the campus security storage area.

Public Schools

Guns in public elementary and secondary schools in Jefferson County are regulated by a combination of federal and state laws. Federal law prohibits the possession of a firearm in a school zone without a lawful concealed carry permit. Colorado law prohibits the possession of a firearm in a school zone for public elementary, middle, or high schools, even with a valid in-state concealed carry permit. The only exception is if that firearm is locked in the owner's car. Colorado is one of the 21 states that allows school security officers to carry firearms in schools. Further, Colorado is one of the 44 states that allows law enforcement officers to carry weapons on school property.

Municipal Gun Laws in Jefferson County

Most cities within Jefferson County have enacted ordinances related to gun possession and use. SB21-256 gave local jurisdictions more latitude to set their own gun control regulations:

- While Colorado does not prohibit the open carrying of handguns or long guns in public, some Jeffco city weapons ordinances do limit open carry.
- Some jurisdictions prohibit Open Carry in public buildings, parks and recreation facilities, premises where intoxicants are sold, and in Wheat Ridge also on their streets (this ordinance was recently adopted after SB21-256 allowed cities to do so.)
- In some jurisdictions it is unlawful to display, brandish, or flourish a deadly weapon.
- Some jurisdictions prohibit the discharge of any firearm within or into the city limits.
- When limitations exist, there are typically exemptions for law enforcement, armed forces, shooting ranges, and lawful defense of person/property.

Here are the details about the gun laws in the incorporated municipalities in the county:

Arvada

- Open Carry is prohibited in public buildings and specific areas such as recreation centers and sports complexes.
- Discharge of weapons is unlawful within city limits except for law enforcement, armed forces, and shooting ranges.

Edgewater

- No local laws.

Golden

- Open Carry is prohibited in city buildings and grounds, parks and trails, golf courses, athletic fields, recreation centers, and open space.

Lakewood

- Brandishing a weapon is unlawful without lawful justification.
- Discharge of Weapon is unlawful within city limits except for law enforcement and armed forces.
- CCW/Open Carry/Display of Weapon are unlawful in establishments where liquor is sold for consumption.

Littleton

- Open Carry prohibited in all public areas, with posted prohibition signage required.
- Strict licensing of retail gun stores.
- Strict storage laws.

Morrison

- No local laws.

Mountain View

- Brandishing a weapon is unlawful without lawful justification.
- Discharge of Weapon is unlawful within city limits except for law enforcement and armed forces, in shooting ranges, and for lawful defense of person or property.
- CCW/Open Carry/Display of Weapon are unlawful in establishments where liquor is sold for consumption.

Westminster

- Open Carry is a criminal offense in all city buildings, recreation centers, libraries, parks and open space and trails, golf courses, and any other city property open to the public, except for law enforcement/armored car employees/security guard.

Wheat Ridge

- Open Carry is prohibited on city owned property, including streets.
- Brandishing a weapon calculated to alarm is unlawful in public places.

- Discharge of Weapon is unlawful within city limits except for law enforcement and armed forces, in shooting ranges, and for lawful defense of person or property.
- CCW/Open Carry/Display of Weapon is unlawful in establishment where liquor is sold for consumption.

What About Open Carry?

Colorado does not prohibit the open carrying of handguns or long guns in public, and no permit or license is required. Local governments may enact regulations prohibiting open carrying of firearms in a building or specific area within the local government's jurisdiction, as long as signs are posted to that effect. The exception is the City of Denver, where both CCW and Open Carry are unlawful.

In 42 states, civilians can open carry loaded, semi-automatic rifles without a permit. This is often the result of the absence of state laws regulating the open carry of firearms in public, commonly known as the "open carry loophole."

Researchers have suggested that the presence of visible firearms may alter behavior and increase aggressive and violent behaviors, and that carrying openly visible guns in public can quickly turn arguments fatal, be used to intimidate and suppress the First Amendment rights of others, and can create confusion for law enforcement responding to shootings. Despite the evidence that openly carrying firearms endangers public safety, most states lack laws to limit open carry – and some have even taken steps to weaken the regulation of visible guns in public.

Giffords Law Center says that White Supremacists have long used firearms – and permissive open carry laws – to threaten and intimidate others, with examples of such violence going back to the Reconstruction era. Many individuals may feel emboldened by their public gun carrying and are more likely to act aggressively. For example, one study examined the 13 states with the least restrictive gun laws, all with no requirement for a permit to carry, and found that in these states 60% of individuals incarcerated for gun-related violent crimes legally owned the guns they used in the crime.

Unchecked gun rights could intrude on other rights, such as religious freedom and peaceful assembly. The effects can't be quantified in death reports from the Centers for Disease Control and Prevention or in crime statistics from the FBI, but they are quietly touching the lives of thousands of Americans.

Banning open carry of unloaded handguns decreases firearm-related fatalities and hospital utilization, as per a study by the National Institute of Health. Open carry bans decrease fatalities and healthcare utilization, even in states with baseline strict gun laws. The most significant impact is from decreasing firearm-related fatal and non-fatal assaults.

Beginning January 1, 2012, public open carry of unloaded handguns became illegal in California. Fatal and non-fatal firearm injuries were examined before and after adoption of the 2012 ban to quantify the effect of the new law on public health. The 2012 open carry ban resulted in a significantly lower incident rate of both firearm-related fatalities and NF hospitalizations.

What About an Assault Weapon Ban?

The Assault Weapons Ban (AWB), or Public Safety and Recreational Firearms Use Protection Act, was a subsection of the Violent Crime Control and Law Enforcement Act of 1994, a federal law which included a prohibition on the manufacture for civilian use of certain semi-automatic

firearms that were defined as assault weapons, as well as certain ammunition magazines that were defined as "large capacity."

The assault weapons ban expired on September 13, 2004, and legislation to renew or replace the ban was proposed numerous times unsuccessfully between May 2003 and June 2008. After the November 2008 election, the website of President-elect Barack Obama listed a detailed agenda which included "making the expired federal Assault Weapons Ban permanent. Efforts to pass a new federal assault weapons ban were made in December 2012 after the Sandy Hook Elementary School shooting, but AWB 2013 failed on a Senate vote of 40 to 60.

On March 23, 2021, President Joe Biden proposed a new ban on assault weapons after the 2021 Atlanta spa shootings and 2021 Boulder shooting both occurred in the previous week.

Gun Myths

About 60% of Americans believe having a gun makes them safer. Here are the facts that debunk the widespread myths that guns make you safer, according to Colorado Ceasefire:

- **Defensive gun use** – Defensive gun use is actually rare. There are about 2,000 verified defensive gun uses per year compared to 40,000 gun deaths annually.
- **Carrying guns in public reduces crime** - In 2005, the National Research Council investigated all existing research on concealed carry laws and came to the conclusion that Right-to-Carry laws, which allow people to carry a firearm in public, did not correlate to a reduction in crime. Research conducted since that review has found that right-to-carry laws actually increase violent crime, particularly aggravated assaults.
- **Gun-Free Zones** - A study by Louis Klarevas, which looked at public high-fatality shootings from 1966 to 2015 in which 6 or more people were killed, found that 84% of those shootings occurred in areas where people were allowed to carry firearms. The evidence is clear that shooters do not target gun-free zones.
- **Belief that gun laws don't work** - When Connecticut passed its Permit to Purchase law in 1995, homicides fell by more than 40% over the next decade. In contrast, when Missouri repealed its Permit to Purchase law in 2007, its homicide rate increased by 14% in the following 5 years. Permit-to-Purchase laws, as well as Extreme Risk Protection Orders, and strict Child Access Prevention have substantial academic evidence supporting their life-saving potential.

Additional Laws That Could Increase Gun Safety

The state still lacks some laws that could increase gun safety. These are the laws that many gun safety advocates would like to see:

- Banning assault weapons.
- Requiring background checks for transfer of firearms to other family members.
- Requiring a waiting period before taking possession of a gun (allows for a cooling-off period).
- Repealing the law prohibiting lawsuits against manufacturers, importers, distributors, and dealers of firearms and ammunition.
- Funding community violence intervention programs.
- Requiring a license to purchase a firearm.
- Requiring liability insurance to own a firearm.
- Banning the possession of a firearm by a previous felony offender.
- Public reporting of people on whom an Extreme Risk Protection Order was filed.

Gun Safety Committee: Evie Hudak, Chair; Mary Blegen; Gloria Kennedy; Bette Seeland; and Sue Wieland.

Glossary of Firearm Terms

Ammunition Loading of both semi and fully automatic weapons involved two methods; recoil-operated and gas powered, the latter having a much decreased “blowback” increasing potential accuracy.

AR-15 is the civilian version of the standard rifle of the American military since the Vietnam War identical except that it lacks the capacity for automatic fire. AR designates the company of productions, Armalite.

Assault Weapon is generally considered to include both semi and fully automatic weapons based on their rapid-fire capability.

Automatic means that a firearm fires continuously while the trigger is depressed, like a machine gun or submachine gun.

Brandishing a weapon is a term referenced by some municipalities and is defined as, “to exhibit in an ostentatious or aggressive manner,” and, “an act or instance of waving something menacingly or exhibiting something ostentatiously or aggressively.”

Bump Stocks are devices that allow a semiautomatic firearm to shoot more than one shot with a single pull of the trigger. Deemed illegal by the Federal Government March 26, 2019, falling within the definition of “machine gun.”

Concealment means the deliberate hiding of a weapon upon or near the person.

FFL (Federal Firearms License) is a license issued by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) that enables individuals at a company to engage in business pertaining to the manufacture, importation, and interstate/intrastate sales of firearms and ammunition.

Firearm means any pistol, revolver, self-loading pistol, rifle, shotgun or any other device designed to shoot, project, throw or hurl a projectile by means of the explosion of gunpowder or other explosive substance.

Ghost Guns are un-serialized and untraceable firearms that can be bought online and assembled at home. They are often sold through “ghost gun kits,” which include all of the parts and often the equipment necessary to build these weapons at home. 3D printed guns are included in this definition.

Glock is a brand of handgun that consists of a largely plastic construction; virtually indestructible, extreme reliability of function, and simplicity of operation. Safety is built into the trigger pull so are carried locked and loaded and can be fired by simply pulling the trigger.

Handgun means a pistol, revolver, or other firearm of any description, loaded or unloaded, from which any shot, bullet, or other missile can be discharged and the length of the barrel, not including any revolving, detachable, or magazine breech, does not exceed 12 inches.

High-capacity magazine has been used legally to refer to magazines with capacity greater than 10.

Machine Guns are fully automatic firearms that continue to fire rifle bullets as long as the trigger is depressed and ammunition is available. Devices that convert guns to fully automatic, namely “bump stocks,” are included in this definition.

Magazine is an ammunition storage and feeding device within or attached to a repeating firearm, may be integral to the firearm (fixed) or removable (detachable), and functions by moving the cartridges stored in the magazine into a position where they may be loaded into the chamber by the action of the firearm. This is also called a **clip**.

Semi-automatic Weapon is a weapon that automatically reloads the ammunition, but the trigger must be depressed in order to fire another round.

Submachine Guns fire **handgun** ammunition, usually 9mm or .45, and are more compact and portable. A machine gun fires **rifle** caliber bullets. Both are fully automatic.

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