

# *The Virginia* **NEWS LETTER**

## *Reducing Gun Crime in Virginia: Trends and the Need for Clear Thinking in Public Policy*

by Thomas Baker

### **Introduction**

There have been few issues as divisive and hot button in American politics as those surrounding firearms. While a passionate minority of Americans and a number of advocacy groups<sup>1</sup> seem to be in a constant struggle for regulation or de-regulation, additional prohibitions or additional rights, the debate about guns always seems to capture the attention of the public following highly publicized incidents of firearm violence. As events of firearm violence receive more and more attention, terms like “mass shooting” have become part of everyday vernacular, particularly in Virginia, which experienced firsthand one of the most tragic of these events. And though there was no actual increase in the number of mass shootings in the U.S. between 1976 and 2011 (the year in which the most recent data are available),<sup>2</sup> such events spur discussions about the need for “common sense” reforms to curb the rising tide of violence.<sup>3</sup> Such reforms generally revolve around the prohibition of certain types of firearms—particularly assault rifles<sup>4</sup> or large capacity magazines (usually referring to those capable of carrying more than ten rounds of ammunition), further regulating the sale of handguns, and requiring background checks on the transfer of all firearms.<sup>5</sup> Other measures have included increasing information-sharing on individuals with mental illness (though many states do not comply with regulations that already exist)<sup>6</sup> and the enhanced prosecution of individuals who commit gun crimes



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through approaches such as Project Exile (a federal imprisonment program later explained) which was first carried out in Richmond.<sup>7</sup> Unfortunately, such policies on gun sales and gun crime have had at best a minimal impact. Much of the reason such policies aimed at gun crime (aggravated assaults, armed robbery, murders, etc.) have been ineffective is a fundamental misunderstanding about what drives gun sales and an underdeveloped theoretical framework and empirical knowledge base capable of articulating the causes of gun crime.<sup>8</sup>

The issue of gun sales is of particular importance in Virginia as politicians and advocacy groups nationwide have focused much of their ire on the commonwealth, citing a link between guns purchased in Virginia and gun crimes committed along the I-95 corridor.<sup>9</sup> Much of this crime problem has been attributed to Virginia’s gun laws.<sup>10</sup> Given the national attention on Virginia’s gun laws and guns sold in the state, this article presents a discussion of these gun laws and then examines how Virginia firearm sales may be related to or affected by crime, high profile events of gun crime, the implementation of gun polices, and public perceptions.

A key finding and recommendation is that requiring a background check for private firearm sales would make it more difficult for criminals to obtain guns. This could be accomplished simply by the seller contacting a federally licensed firearm dealer to run a check before the transaction and would not be an undue burden. This article is



*“There is no waiting period or what is sometimes called a “cooling-off” period between approval and actual sale and transfer of a firearm in Virginia.”*

limited in scope since it only covers gun violence associated with criminal behavior. For example, statistics on gun deaths in Virginia show that suicides account for more than double the number of firearm deaths from homicides.<sup>11</sup> In addition, this article does not speculate on the causes of gun-related deaths in the United States nor does it compare gun-related deaths in the U.S. to other countries with more restrictive firearm policies.

### **Virginia Gun Laws**

The argument concerning the right of Americans to own firearms often comes back to the language of the Second Amendment of the Constitution of the United States. Reasonable people can disagree about what may have been intended, but the U.S. Supreme Court continues to uphold Americans’ right to own firearms and many Americans have embraced this right with an estimated 310 million guns in private ownership throughout the U.S.<sup>12</sup> Of course, many gun owners own multiple guns and so the number of guns in private ownership does not provide information on the number of Americans who actually own a firearm. Much like the U.S. Constitution, the Constitution of Virginia has a bill of rights provision dedicated to the regulation of a militia and the right to keep and bear arms.<sup>13</sup> This provision adds little additional guidance on private ownership within the commonwealth beyond the provisions provided in the Bill of Rights of the U.S. Constitution, so it should come as little surprise that there are few prohibitions on gun ownership in Virginia beyond those mandated by the federal government.<sup>14</sup> With that being said, a brief summary of Virginia’s laws governing firearm purchases and the right to carry guns is presented below.

### **Laws Regulating Firearm Purchases**

In addition to age requirements (18 years of age to purchase a rifle or shotgun and 21 to purchase a handgun), there are a number of people prohibited from purchasing firearms in Virginia. Most prohibitions deal with active and past criminal involvement and mental incapacitation.

Reporting of mental health issues in Virginia and national background check databases were strengthened via executive action by Governor Kaine in 2007 following the mass shooting at Virginia Tech. Virginia now reports additional information on mental health issues to the National Criminal Information Center (NCIC). This information follows individuals even out of state, i.e., if an individual were adjudicated legally incompetent in Virginia this information would be transmitted to the NCIC. The individual should then be unable to pass a background check

anywhere in the nation. States can provide additional disqualifying information to the NCIC, but many do not because it is voluntary. Virginia, for example, did not transmit information for Seung-Hui Cho, the Virginia Tech perpetrator. Now the state informs the NCIC.

Anyone convicted of a felony, anyone under the age of 28 who was convicted of a serious juvenile offense, certain misdemeanants including those convicted of domestic violence, drug users and addicts, and individuals who are the subject of active protective and restraining orders are prohibited from purchasing firearms in Virginia. Individuals who have been adjudicated mentally incapacitated, been involuntarily admitted to a mental health facility, or agreed to voluntary admission after being subjects of temporary detention are also prohibited from buying firearms. Other disqualifiers include illegal immigrant status, dishonorable discharge from the military, and individuals who have renounced their U.S. citizenship.<sup>15,16</sup>

In order to determine if an individual meets any of these disqualifiers, a federally licensed firearm dealer requests a criminal history record for the prospective purchaser from the Virginia Firearms Transaction Center. This is done by accessing Virginia’s Instant Criminal Background Check system (VCheck) via the Internet.<sup>17</sup> This system allows for immediate access to the Virginia Firearm Transaction Program managed by the Virginia State Police. It provides access to the Virginia Criminal Information Network (VCIN) and the National Instant Criminal Background Check System (NICS), which searches the National Criminal Information Center (NCIC). After accessing these databases in search of any potential disqualifications the program provides the federally licensed dealers with an approval or delay determination. If approved, the sale of the firearm can immediately take place. There is no waiting period or what is sometimes called a “cooling-off” period between approval and actual sale and transfer of a firearm in Virginia. If delayed, the sale is denied and a review process is necessary to determine if the individual was denied because he or she was the same individual contained in the databases or if there is another individual with similar or exact personal descriptors (name, race, sex, and date of birth) in one of the databases leading to a false “hit.”<sup>18</sup> In 2013 there were 2,412 denials in Virginia, down from 3,444 in 2012, though much of this drop can be attributed to the repeal of the one-handgun-per-month law that occurred in July 2012. As proof, there were 958 denials in 2012 for attempting to exceed the one-handgun-per-month limit.<sup>19</sup>

Virginia state law does not require background checks for the transfer or sale of firearms between private citizens. This is sometimes referred to as “the gun show loophole.” This is a misnomer since all federally licensed dealers at gun shows are still legally required to conduct background checks for the sale or transfer of firearms, but unlicensed private citizens can and do use the venues to buy and sell privately owned guns without background checks. Unfortunately, there are no current reliable estimates for Virginia or the nation of the percentage of sales occurring between private individuals. Twenty years ago in 1994 the U.S. Department of Justice’s National Institute of Justice sponsored the National Survey of Private Ownership of Firearms (NSPOF). It showed that at that time 33 percent of guns were acquired from a family member, a friend or acquaintance, or “other” (excluding gun stores, other stores, pawnshops, gun shows or flea markets, and mail orders). The study concluded that in total “approximately 60 percent of gun acquisitions involve (a federally licensed dealer)” suggesting the remaining 40 percent would have been private firearm transfers.<sup>20</sup> Virginia is not unique in its allowance of private sales without a background check. Thirty-three states require no background check on such sales.<sup>21</sup>

### Open and Concealed Carry Laws

Virginia, like the majority of states, allows for open carrying of firearms. Forty-four states permit the open carrying of firearms, and of those, 30 states including Virginia do not require any permit to do so.<sup>22</sup> Independent cities and counties do, however, have the ability to regulate the carrying of loaded firearms on public highways passing through the locality.<sup>23</sup> In addition, there are some prohibitions on the carrying of firearms in certain areas such as places of worship, courthouses, airports, and in or near schools. It is also unlawful to carry semi-automatic rifles and handguns with magazines holding more than 20 rounds of ammunition and shotguns with magazines that hold more than seven rounds in several cities and counties throughout Virginia.<sup>24</sup>

When it comes to the concealed carrying of firearms, states fall into one of four categories: (1) “no issue,” (2) “may issue,” (3) “shall issue,” and (4) “unrestricted.” “No issue” states, of which there are now none, have no laws permitting the concealed carry of firearms. Until recently Illinois was the only “no issue” state. However, in 2013, following a decision by the U.S. Court of Appeals,<sup>25</sup> Illinois became the final state to enact a law allowing concealed carry. “May issue” states, numbering nine, require a license to carry a concealed firearm and

the issuance of that license is up to the discretion of the issuing authority. “Shall issue” states require a license for concealed carry and issue a license to all applicants that meet eligibility criteria. Virginia, among 37 states, is a “shall issue” state.<sup>26</sup> The four states that are “unrestricted,” permit concealed carrying without any license.<sup>27</sup>

### Virginia Laws Aimed at Controlling Supply and Demand

Attempts to prevent gun crime generally come in one of two forms: attempts to reduce the supply of firearms to would-be criminals and attempts to deter criminals from using firearms during the commission of a crime in order to reduce the demand for firearms among criminals. Virginia has implemented both supply-side and demand-side laws. Below is a brief description of Virginia specific supply-side and demand-side laws aimed at reducing gun crime accompanied by a discussion of empirical research on their effectiveness.

#### One-Handgun-Per-Month: A Supply-Side Law

In 1993, in response to findings from the U.S. Bureau of Alcohol, Tobacco, and Firearms (ATF) tracing data that many of the guns found at crime scenes in New York City were purchased in Virginia, the General Assembly took action. At the urging of Governor L. Douglas Wilder, it implemented a limit on individual purchases of handguns to one per month per person.<sup>28</sup> In July 2012, after 19 years in effect, the law was repealed with the backing of Governor Bob McDonnell. Arguments against the law cited the fact that background checks, federally mandated by the Brady Bill in 1994, had replaced the need for such a law and that the existence of many loopholes mitigated any possible effect the law might have had on gun crime or trafficking.<sup>29</sup> Indeed, findings from several empirical studies found that one-handgun-per-month restrictions generally did not have an impact on significantly reducing gun trafficking.<sup>30</sup> However, one study examining Maryland’s one-handgun-per-month law concluded that it might have had a modest impact on the flow of guns into Washington, D.C. from Maryland.<sup>31</sup>

#### Project Exile and Virginia Exile: Demand-Side Laws

For years leading into the 1990s Richmond had one of the highest homicide rates in the country and gun-related homicides played the dominant role in making the numbers so high. In response, a federal program called Project Exile was implemented in 1997. Project Exile used federal punishment as a means to deter felons, drug users, and

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drug dealers from carrying guns. If certain felons got caught with a firearm or if an individual was caught with both drugs and a gun, then he or she could be convicted under federal statute and “exiled” from a home community to a distant federal prison. The punishment was meant to seem so severe that would-be offenders would be deterred from committing gun-related crimes. After its implementation and perceived success Project Exile was expanded from Richmond to the entire commonwealth and rebranded Virginia Exile.<sup>32</sup>

Evaluations of Project Exile in Richmond have found either no impact or a small impact on actual rates of violent crime.<sup>33</sup> This is due in part to fact that nearly every other large city in the U.S. by the mid-1990s also experienced a tremendous drop in crime, especially violent crime. Of course, while it may be possible to attribute small-scale local drops in crime to local policies, such policies cannot be used to explain the national and international drop in crime that occurred. No definitive or even widely accepted explanation is available, but few explanations of the national crime drop have been attributed to the implementation of firearm related policies.<sup>34</sup>

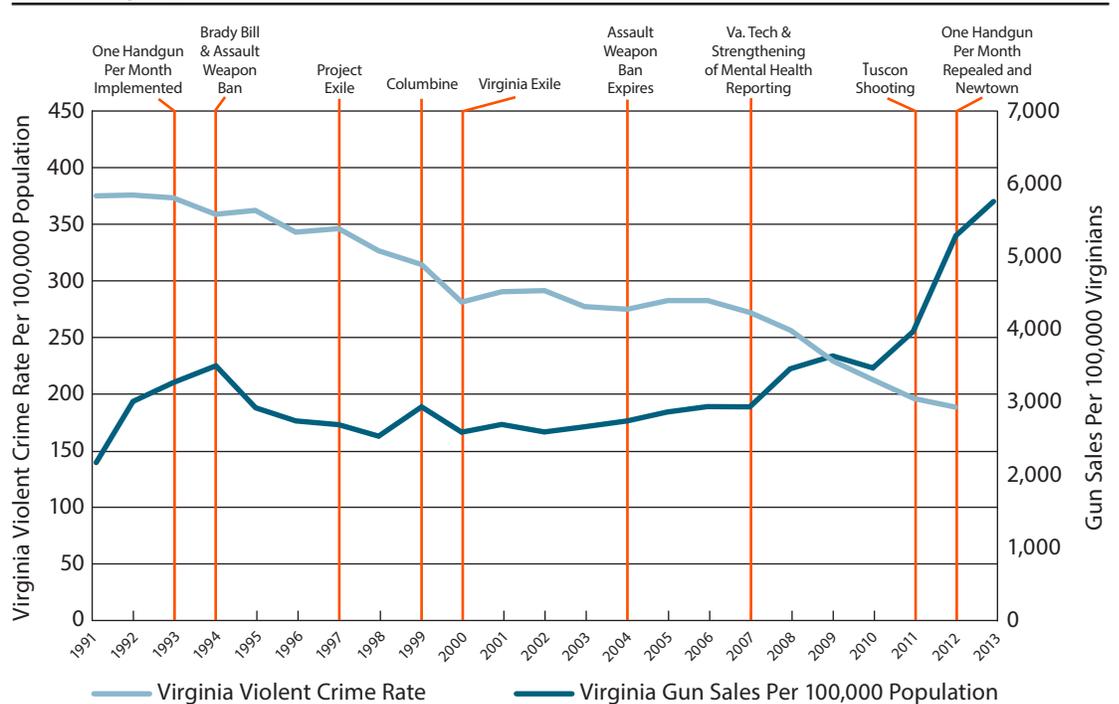
### Examining Virginia’s Gun Sales

The control of gun sales has been one of the key policy initiatives aimed at lessening violent crime

in the United States. When violent crime (murder and non-negligent manslaughter, forcible rape, robbery, and aggravated assaulted) was at its peak in the early 1990s, among other laws, the Brady Bill and the Assault Weapons Ban were implemented at the federal level and the one-handgun-per-month law was implemented in Virginia. All of these laws were introduced with the assumption that they would help reduce violent crime by controlling the sale of firearms. **Figure 1** shows trends in gun sales per 100,000 Virginians and Virginia’s violent crime rate after high profile events of gun crime and after the implementation and/or repeal of several laws including the Brady Bill, the Assault Weapons Ban, and the one-handgun-per-month law. While Virginia experienced a decline in violent crime after the implementation of each law, we see continuing drops in violent crime even after the assault weapons ban expired, and, though not presented in the graph, there has been a continuing drop in violent crime after the repeal of the one-handgun-per-month law. Specifically, Virginia State Police report lower levels of violent crime for 2013 (17,229) than 2012 (17,664) and substantially lower than 2011 (18,196), the last full year the one-handgun-per-month law was in effect.<sup>35</sup>

Perhaps more important than their effect on crime, each of these regulations appear to have

**Figure 1: High Profile National and Virginia Events, Key National and Virginia Policies, and Gun Sales and Violent Crime in Virginia, 1991 to 2013**



Sources: Virginia State Police, Virginia Firearms Transaction Program. [http://www.vsp.state.va.us/Firearms\\_VFTP.shtm](http://www.vsp.state.va.us/Firearms_VFTP.shtm)

Note: all reported gun sales are actually background checks performed and so they do not correlate perfectly with the number of guns actually sold.

Federal Bureau of Investigation, Uniform Crime Reporting (UCR) Program webpage: <http://www.ucrdatatool.gov/>

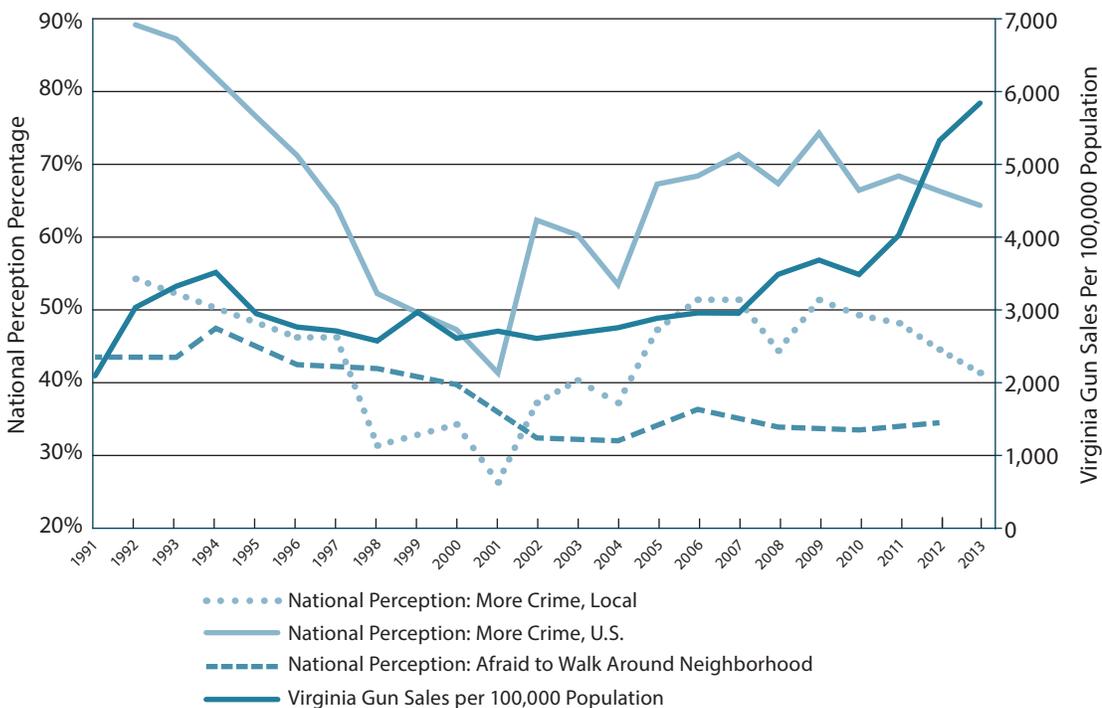
had little long-term effect on gun sales. Rather, gun sales seem to be remarkably correlated with high-profile events of gun crime, rising after the events. For example, in the year immediately following the Brady Bill and Assault Weapons Ban there was a precipitous drop in gun sales with a fairly stable downward pattern until the events in Columbine, Colorado in which 2 high school students shot and killed 13 classmates and then themselves. During that year, 1999, Virginia gun sales jumped to 201,411 from 171,721 the year prior. Every year since Columbine, gun sales in Virginia per 100,000 population have never been as low as those experienced the year prior to Columbine. Even after the implementation of Virginia Exile and the strengthening of mental health reporting following the Virginia Tech shooting, firearm sales in Virginia continued to rise. In fact, in 2008, the year following the Virginia Tech shooting there was the greatest number of guns sold (268,136) up to that point since the Virginia Transaction Center started keeping records in 1989. The following year, 2009, experienced another record number of sales (287,462) though sales fell in 2010 (276,765). Virginia once again experienced a record number of gun sales in each year after 2010: sales were 321,166 in 2011, 432,387 in 2012 and 479,253 in 2013. In each of

these years at least one high-profile event of gun crime took place. In 2011 U.S. Congresswoman Gabrielle Giffords and 19 others were shot (6 fatally) in Tucson, Arizona. In mid-2012 there was a mass shooting in a movie theater in Aurora, Colorado in which 70 people were injured and 12 people were killed. In December of 2012 Sandy Hook Elementary School in Newton, Connecticut was the site of one of the worst mass shootings in U.S. history resulting in 28 total deaths. Given these historic jumps in gun sales it may be presumable that Virginians purchase guns when they fear violent crime or perceive a rise in crime.

Figure 2 explores this possibility by examining the relationship between Americans' perceptions of crime and Virginia gun sales. While it's possible Virginians' perceptions of crime differ greatly from national perceptions, Virginia specific data are unavailable. Still, an examination of the possible relationship between fear of crime at the national level and Virginia's gun sales may provide some information about why gun sales increase following high-profile incidents of gun crime. In addition to Virginia gun sales, three perceptions are examined. The first is the percentage of Americans who report being afraid to walk around their neighborhood at night, the second is the percentage of Americans who believe crime

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**Figure 2: National Perceptions of Crime and Virginia's Gun Sales, 1991 to 2013**



Sources: Virginia State Police, Virginia Firearms Transaction Program. Note: all reported gun sales are actually background checks performed and so they do not correlate perfectly with the number of guns actually sold.

Tom W. Smith, Peter Marsden, Michael Hout, and Jibum Kim, *General Social Survey, 1972-2012*. (2012).

[http://www.ropercenter.uconn.edu/data\\_access/data/datasets/general\\_social\\_survey.html](http://www.ropercenter.uconn.edu/data_access/data/datasets/general_social_survey.html)

Note: although data points are connected without gaps, the General Social Survey data are only collected every two years.

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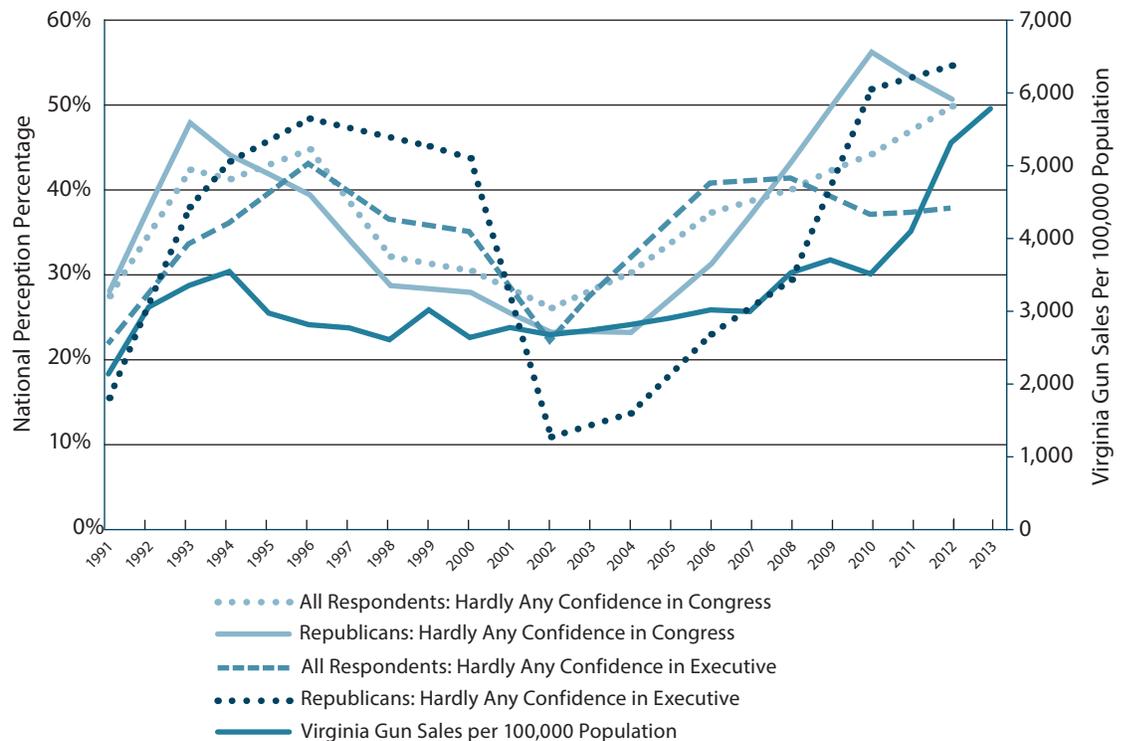
has increased in the U.S., and the final perception captures the percentage of Americans who believe crime has increased locally. The chart, unfortunately, paints an unclear picture. Variations in gun sales appear unrelated to people’s concern about walking at night in their neighborhood, perception that crime in the U.S. is increasing, or that crime locally is increasing. In fact, in the past half-decade of data collection perceptions of both local and national crime are on the decline, while gun sales in Virginia have increased. So, a general concern about crime or perception that crime is increasing does not seem to account for the rise in gun sales following highly salient events of gun crime. It is, of course, possible that people are more afraid of public shootings specifically and not crime generally and this is not accounted for by the more general concern about crime perceptions examined in Figure 2.

Another possible explanation for the spike in guns following highly publicized events of gun crime is that such events are often followed by increased calls for gun control by politicians. For example, following the Tucson shooting, Republican and Democratic congressmen proposed additional gun controls on where guns could be carried and the banning of high capacity magazines. New

York City Mayor Michael Bloomberg suggested the need for more stringent background checks.<sup>36</sup> Far fewer politicians made comments on gun control or gun rights following the Aurora shooting in 2012, likely due to the fact that it occurred in the middle of a presidential election year and neither candidate was willing to address the controversial issue. However, the Newtown shooting amplified the call for additional gun controls and resulted in a presidential gun crime task force headed by Vice President Joe Biden. Though a number of bills were proposed at the federal level, not even bipartisan proposals could make it through Congress.<sup>37</sup> Still, such calls for increased control may lead worried gun owners and gun rights advocates to purchase firearms before any new possible prohibitions are enacted.

Though it is difficult to directly measure concerns about looming legislation or public reactions to political rhetoric with available survey data, public confidence in Congress and the President may be related to public support for their proposals. As such, **Figure 3** examines the relationship between the percentage of Americans who have “hardly any confidence” in Congress and “hardly any confidence” in the executive branch and gun sales in Virginia. While gun sales do not appear

**Figure 3: National Confidence in Congress and the President and Virginia Gun Sales, 1991 to 2013**



Sources: Unpublished information from the Virginia State Police, Virginia Firearms Transaction Program. [http://www.vsp.state.va.us/Firearms\\_VFTP.shtm](http://www.vsp.state.va.us/Firearms_VFTP.shtm)

Note: all reported gun sales by the program are actually background checks performed, and so they do not perfectly correlate with the number of guns actually sold.

Tom W. Smith, Peter V. Marsden, Michael Hout, and Jibum Kim, *General Social Survey, 1972-2012*. (2012).

Note: although data points are connected without gaps, the General Social Survey data are only collected every two years.

to increase in the early years of the data when higher percentages of Americans had hardly any confidence in Congress and the President, the pattern over the last decade of the data is quite stark. As more Americans, in general, and Republicans, specifically, had hardly any confidence in Congress and the President, gun sales seemed to increase. While these trends cannot be directly attributed to the perceived support of gun control legislation by Congress and the President, waning confidence in the decision-makers in Washington certainly seems related to rising gun sales. Again, while the perceptions of Americans as whole may not be directly representative of Virginians' confidence in Congress and the President, similar data were not available specifically focusing on Virginians.

## Conclusions and Policy Recommendations

### General Conclusions

Virginia's laws governing the sale and transfer of firearms closely mirror the requirements mandated by federal law and are similar to those imposed by many other states. To summarize, in line with federal law and like 33 other states Virginia does not require a background check on the sale or transfer of firearms between private citizens and like 39 other states does not have a required waiting period between purchase and possession. Virginia is also similar to many other states in its right-to-carry laws. Virginia like 30 other states allows for the open carrying of firearms and has the same "shall issue" approach to concealed carry permits as 36 other states. Virginia, though, has experimented with both supply-side laws—one-handgun-per-month—and demand-side laws—Project Exile and Virginia Exile—aimed at reducing offenders' ability to acquire guns and deter their carrying and use of guns during the commission of crimes. Empirical evidence on the effectiveness of both types of laws has been at best mixed.

As of the repeal of Virginia's one-handgun-per-month law, only three states (California, Maryland, and New Jersey) had a limit on the number of handguns that can be purchased in a 30-day period (New York City and Washington, D.C. also have local provisions). These laws have been implemented to reduce volume buying of firearms for the resale and distribution to criminals. Unfortunately, one-handgun-per-month laws may not be very effective at reducing gun trafficking.<sup>38</sup> This is likely the case, in part, because such laws restrict the gun buying of individuals who are required to go through a background check. Individuals who wish to purchase

multiple firearms and can pass a background check are probably not looking to do so for resale to criminals. However, there is some concern about "straw purchasers" acquiring multiple firearms for individuals looking to resell guns on the street but who could not pass a background check. But, there is virtually no need to do this under the current background check system.

Criminals who want to buy guns can simply do so from private sellers, avoiding the background checks that the majority of law-abiding citizens are subjected to when purchasing a firearm. It is difficult to defend this lapse in the purchasing and transfer of firearms. Certainly gun rights advocates and gun control advocates can agree that criminals should not have any easy path to acquiring guns. Requiring a background check for private sales would be no more onerous a burden than requiring one for purchases involving a federally licensed firearm dealer. The private seller and private purchaser would go to a federally licensed dealer, the licensed dealer would conduct the background check, and the purchase could be approved or delayed based on the outcome of the check. And, though some collectors say they worry about the potential expense of transferring their collections when they die, the transfer of multiple firearms could be conducted with a single background check. Perhaps aversion to background checks for private sales originates from some confusion about the difficulty of finding a federally licensed dealer to perform the background check. However, as of July 2014 there were over 4,400 such licensed dealers in Virginia and their names, names of their businesses, and addresses are easily accessible from the Bureau of Alcohol, Tobacco, and Firearms website.<sup>39</sup> While limiting the quantity of firearms that can be purchased from a dealer or even the type of guns that are permitted to be purchased legally is unlikely to affect violent crime, purchasing a gun should not be easy for criminals. Today, in Virginia and 33 other states that do not require background checks for any private sales, it is quite easy for criminals to buy guns.

Among Virginia's other gun laws, Project Exile is frequently touted as a success, with some referring to it as the model for gun crime reduction.<sup>40</sup> However, only two studies have seriously evaluated the policy, with one concluding it had no effect on reducing gun-related homicides and the second concluding that gun homicides would have dropped without the implementation of Project Exile but did drop more after its implementation than would have been expected.<sup>41</sup> Neither of the evaluations provides a ringing endorsement of the law, making it difficult to

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recommend the expansion or continued federalization of gun prosecutions. The expansion of such a policy would likely be unsustainable if it were to extend to all gun crimes or spread to a large number of jurisdictions. Federal prosecutions are expensive, federal prisons have limited space, and the “exiling” of offenders to distant prisons makes it difficult for them to maintain a connection with families and loved ones, increasing the likelihood that they will recidivate after release.<sup>42</sup> Indeed, nearly all demand-side policies as they are currently written aim to deter offenders. Unfortunately, overwhelming evidence suggests that deterrence is an ineffective approach to crime control.<sup>43</sup> Criminal behavior is multifaceted and complex and deterrence-based strategies as currently employed are unable to change the behavior of street-level offenders.<sup>44</sup> Of course, the fact that the sum of empirical research has demonstrated the ineffectiveness of such policies does not stop decision-makers from implementing them and touting their success. For example, after the implementation of federal prosecution for gun crimes in Mobile, Alabama local sheriff Sam Cochran said, “It clearly works...There’s people walking our streets right now alive because of it. I don’t care what the stats say—we know.”<sup>45</sup>

Not caring what the statistics say is of course the much touted “common sense” approach to reducing gun crime. Such common sense reforms seem to always appear after a mass shooting or other highly publicized cases of gun crime or when gun crime in a city is on the rise. Unfortunately, trying to control nonsensical acts with common sense reforms has proven ineffective and costly. Not to mention the fact that such reactionary approaches to these events may actually increase gun sales. To combat gun crime we need to better understand gun crime—something that is nearly impossible to do as we have very little good data on events of gun crime.<sup>46</sup> And though no new policies should be implemented until we can take a more data-driven and reasoned approach to reducing gun crime, new policies will undoubtedly be proposed and implemented. To the extent that new proposals are made and laws implemented, this should not be done in reaction to high-profile events. High-profile events have the effect of both swaying some apathetic Americans to “pick a side” on the gun debate in the short term and sending others to their local gun dealers to purchase firearms. In addition, the implementation of new policies—whether federal, state, or local—should contain provisions for continued and serious evaluation, along with sunset provisions should the law prove ineffective. Current policies have done little to curb gun sales in

Virginia and have had minimal effects, at best, at reducing gun crime. Continuing to take a “common sense” and reactionary approach to matters that need serious attention will likely continue to be expensive, ineffective, and increase concern and subsequent spikes in gun sales.

### Policy Recommendations for Virginia

- Requiring a background check for private firearm sales would make it more difficult for criminals to obtain guns. This could be accomplished simply by the seller contacting a federally licensed firearm dealer to run a check before the transaction.
- In general, no new gun policies should be implemented without a more data-driven and reasoned approach to how they might reduce gun crime. To avoid politicization of research findings, policy makers and researchers should consider including both gun rights and gun control advocates in the development of meaningful research questions, collection of data, and dissemination of results to their constituents.
- The aftermath of high-profile events of gun crime is a bad time to propose new policies because fear of restrictions may actually increase gun sales.
- New policies—whether federal, state, or local—should contain provisions for continued and serious evaluation, along with sunset provisions should the law prove ineffective.

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### Footnotes

1 Examples are the National Rifle Association, Mayors Against Illegal Guns, the National Shooting Sports Foundation, and the Brady Campaign to Prevent Gun Violence.

2 James Alan Fox and Monica J. DeLateur, “Mass Shootings in America. Moving Beyond Newtown,” *Homicide Studies* 18: 125-145 (2014).

3 Brigid Schulte and Paul Duggan, “Obama Urges Nation to Demand a ‘Common Sense’ Balance on Gun Control, Gun Rights,” *The Washington Post* (September 22, 2013). [http://www.washingtonpost.com/local/obama-promises-push-for-common-sense-gun-laws/2013/09/22/789f8ba6-23ad-11e3-ad0d-b7c8d2a594b9\\_story.html](http://www.washingtonpost.com/local/obama-promises-push-for-common-sense-gun-laws/2013/09/22/789f8ba6-23ad-11e3-ad0d-b7c8d2a594b9_story.html)

4 The term “assault rifle” generally refers to a semi-automatic rifle with a removable magazine, frequently with a barrel shroud. The

- AR-15 is one of the most commonly depicted assault rifles, though the definition of the term is widely debated. For example, the *Code of Virginia* defines “assault firearm” as “any semi-automatic center-fire rifle or pistol which expels single or multiple projectiles by action of an explosion of a combustible material and is equipped at the time of the offense with a magazine which will hold more than 20 rounds of ammunition or designed by the manufacturer to accommodate a silencer or equipped with a folding stock.” *Code of Virginia* § 18.2-308.2.2 <https://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+18.2-308.2C2>
- 5 Joe Sterling, “A Call to Arms for ‘Common Sense’ Gun Control,” *CNN, U.S.*, (March 25, 2013). <http://www.cnn.com/2013/03/21/us/ny-biden-bloomberg/>
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