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SAC Notes

A Report on Crime, Criminal Justice and Technology
The Florida Statistical Analysis Center
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Rapid Fire: Weapons and Violence in the U.S.

Part one of a three part series

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Introduction

The use of weapons may now be the primary concern of citizens and officials alike, and for good reason: although crime rates and reported victimizations have been declining for a number of years, this country has seen an incredible escalation in violence. Not much has changed since February 6, 1989, when Time magazine reported that America's streets had "become free-fire zones as police, criminals and terrified citizens wield more and ever deadlier guns." Since then, Florida has endured the slaying of 5 students in Gainesville, and the carjacking and murder of several foreign tourists, events that focused the eyes of the world on Florida and its violent crime problem. Some statistics bring this situation into focus:

- During 1993, the violent crime index in Florida rose to 161,789 -- an 11% increase in the violent crime rate over the past five years.
- FDLE's *Crime in Florida 1993 Annual Report* indicated that in 1993, approximately 172,450 violent crimes involved the use of weapons, with reported use of 54,072 firearms, 24,308 knives or cutting instruments and 28,353 blunt objects.
- Firearms comprised approximately 31% of all weapons involved in the commission of violent crimes.
- Estimates based upon the Florida Department of Law Enforcement's Firearms Purchase Program suggest that at least 290,000 firearms were sold in Florida last year.
- The Florida Department of State issued 196,555 concealed weapons permits between October 1, 1987 and January 31, 1994.
- On September 4, 1993, Editor & Publisher magazine reported that, in the last 40 years, the number of guns in the nation quadrupled; there are now 200 million guns in the United States, enough to place at least one gun in the hand of every man, woman and child.
- Of the 28,024 arrests in Florida in 1993 where a weapon was seized, 41% resulted in the seizure of a handgun.
- The 1989 Time report mentioned above included figures on the number of people killed by handguns in 1985: 5 in Canada, 8 in Great Britain, 46 in Japan, and 8,092 in the United States.

Figures such as these have resulted in citizen concern regarding the escalating incidence of violent crime and the use of weapons -- especially firearms -- during the commission of crimes.

- *Monitoring the Future, 1992*, reports that 91.6% of all high school seniors often worry about crime and violence.

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■ According to the Florida Opinion Poll, 52% of Florida residents are "extremely concerned" and an additional 31% are "concerned" about crime.

■ In March 1993, 70% of all Gallup Poll respondents indicated that "laws covering the sale of firearms should be made more strict than they are now." The same poll showed that 80% of the respondents favor handgun registration; 66% would ban the manufacture and sale of semi-automatic assault weapons, and 42% believe there "should be a law that would ban the possession of handguns, except by the police and other authorized persons."

As in other states, the Florida Legislature has responded to public sentiment by enacting a series of laws controlling the acquisition of firearms. The purpose of this three-part study is to examine existing firearms regulations. Part I (this issue) offers an overview of the problem and discusses federal regulations, including the recently passed Brady Bill. Part II compares policies and procedures used by select states which might prove beneficial for Florida. Part III examines the impact of Florida's weapons control statutes.

Federal Firearms Regulations

Current federal statute makes it illegal to sell or dispose of a firearm to any individual who:

- is under 18 years of age for rifles and shotguns, and 21 years of age for other firearms;
- is under indictment for, or convicted of, any crime punishable by imprisonment exceeding one year;
- a fugitive from justice;
- uses or is addicted to controlled substances;
- was adjudicated mentally defective or committed to a mental institution;
- is an alien illegally/unlawfully in the U.S.;
- was dishonorably discharged from the Armed Forces; or
- was a former citizen of the U.S. and renounced that citizenship.

All manufacturers, importers, and sellers must hold a federal license before they can legally deal in firearms and ammunition. Applicants who:

- are at least 21 years of age
- are not prohibited from transporting, shipping, or receiving firearms or ammunition in interstate or foreign commerce
- have not willfully violated existing laws regarding firearms licensing or falsified the application
- have established premises subject to license

may file an application with the Secretary of the Treasury. Those applicants that knowingly make false statements or misrepresent information for the license, or who are in violation of the laws of sale and/or purchase are subject to a penalty of imprisonment not to exceed five years and fines not to exceed \$5,000. Intent to commit an offense of this nature carries a penalty of one year imprisonment. If an individual knows that an offense of this nature is being or will be committed and ships, transposes or receives firearms, the penalty is imprisonment not to exceed 10 years and a fine not to exceed \$10,000.

Brady Bill

Congress, too, is aware of increasing public concern about the use of firearms in crime. Its most recent attempt to address this issue came with the passage of the Brady Bill on November 29, 1993. First proposed in the House of Representatives in 1987, the bill is named for former Secretary of State James Brady, who was wounded in an unsuccessful assassination attempt against then-President Ronald Reagan. According to the St. Petersburg Times, the Brady Bill is

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the first major gun bill since 1968 when Congress -- in the aftermath of the assassinations of Robert Kennedy and Martin Luther King Jr. -- banned mail-order purchases of rifles, shotguns, handguns and ammunition and curbed out-of-state buying of those firearms (December 1, 1993).

The bill became effective on February 28, 1994, and will remain in effect until February 1999. It requires the Federal government to implement a national criminal history records check system related to handgun transactions. Among its other provisions:

1. Establishes a five day waiting period for the purchase of handguns, defined as "a firearm which has a short stock and is designed to be held and fired by the use of a single hand" and "any combination of parts which a firearm can be assembled."
2. Requires a local law enforcement agency to complete a national, state and local criminal history background check prior to delivery. The background check record must be destroyed after 20 days. Upon request, the local law enforcement agency must provide the applicant with a reason for denial of the request within 20 days.
3. Requires that multiple handgun sales be reported to a state or local law enforcement agency as well as the Bureau of Alcohol, Tobacco and Firearms.
4. Increases the Federal firearms license fee to \$200 for the first three years and \$90 for renewal.

Florida's Constitution already calls for a mandatory three day waiting period (excluding weekends and legal holidays) between the purchase and delivery at retail of any firearm.¹ The three day waiting period and criminal history check system will, in most cases, exempt Florida handgun transactions from the Brady Bill's five day waiting period.

Part II

After considering the statistics and other information presented thus far, two questions come to mind. Is the violence problem more severe in Florida than other states with similar/dissimilar firearms policies and procedures? Have other states identified programs that are effective in combating this escalating use of weapons (specifically, firearms) during the commission of a violent crime?

These questions will serve as the focus of Part Two of the "Rapid Fire" series. That issue will review the firearms regulations of other states, with a focus on New York, New Jersey, Minnesota and Hawaii.

Notes

¹ Florida requires record checks for the sale or delivery of all firearms, not just handguns.

References

Winship, T. (1993, September 4). The new curmudgeon: St. Petersburg Times keeps the spotlight on gun dealers. Editor & Publisher.

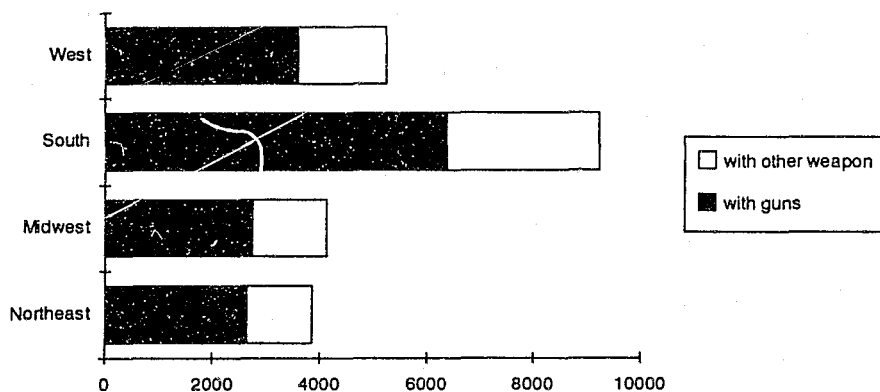
Gun waiting period is signed into law. (1993, December 1). St. Petersburg Times, pp. 1A, 6A.

Church, G.J. (1989, February 6). The other arms race: America's streets become free-fire zones as police, criminals and terrified citizens wield more and ever deadlier guns. Time, 133, 6, pp. 20 - 26.

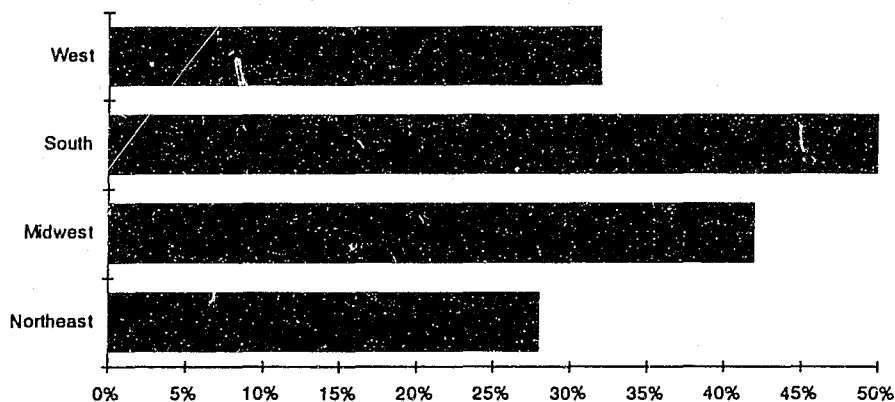
*Additional information on the requirements of the Brady Bill can be obtained from
the U.S. Department of the Treasury,
Bureau of Alcohol, Tobacco and Firearms, (202)927-8050.*

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Murders by Region, 1992



Households With Guns, by Region, 1991



Type of Firearm in the Home, by Region, 1991

	Pistol	Shotgun	Rifle
West	16%	19%	24%
South	29%	33%	31%
Midwest	17%	30%	28%
Northeast	14%	14%	12%

These tables/charts are prepared using information contained in the Sourcebook of Criminal Justice Statistics, 1992 and Crime in the U.S., 1992.

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