



## MEMORANDUM

**TO** Interested Parties

**FROM** Sean Holihan, State Legislative Director, Giffords

**DATE** Jan 12, 2022

**RE** 2022 State & Local Legislative Outlook

---

In 2021, legislators across the country recognized the need to pass lifesaving gun legislation and acted on this urgent need, with 28 states and the District of Columbia passing 73 new gun safety laws. In addition, Giffords worked with community partners to increase support for community violence intervention programs, which has helped lead to nearly \$700 million in funding announced by 14 states.

However, this past year our country also experienced an unprecedented uptick in extremist rhetoric and legislation that has left millions less safe than they were a year ago. Despite polls showing that voters in states like Texas are overwhelmingly opposed to permitless carry, legislators in that state—and five others—passed legislation repealing longstanding laws requiring permits to carry concealed weapons in public. In addition, 12 states went so far as to add new laws to prevent federal gun laws from being enforced.

In 2022, Giffords will continue to advance lifesaving gun safety legislation while pushing back against the gun lobby's dangerous advances.

## EXPECTED GUN VIOLENCE PREVENTION TRENDS

Building upon the significant advances made in recent years, we will be building out our efforts to pass lifesaving gun safety policies at the state level and secure sustainable funding for evidence-based violence intervention and prevention programs.

### STRENGTHENING BACKGROUND CHECKS

Loopholes in the background check system constitute some of the most dangerous gaps in federal firearms laws today. Although federal law requires licensed firearms dealers to perform background checks on prospective purchasers, it does not require unlicensed sellers to do so. [Recent studies](#) suggest that more than one in five gun owners acquired their most recent firearm without a background check. State laws that require handgun purchasers to obtain permits or otherwise undergo background checks [have been associated](#) with lower rates of gun homicides, suicides, and gun trafficking.

Efforts to strengthen [background check laws](#) at the state level have helped reduce gun violence. More guns were sold in 2020—over 21 million— than any other year on record. Gun sales remained high in 2021, with this year on pace to see the second highest number of firearm sales on record. This makes strong background check laws even more important.

In 2021, Illinois enacted laws to strengthen their background checks. Some states have also enacted broader [permitting or licensing laws](#) that require gun purchasers to obtain a firearm permit or license after passing a background check, taking a gun safety test, and/or meeting other eligibility requirements. These laws have been associated with significant, longstanding [reductions in gun homicides and suicides](#). Giffords will work towards the establishment of a permit-to-purchase for handguns law in Delaware in 2021.

## COMMUNITY VIOLENCE

When it comes to our nation's gun violence epidemic, [underserved neighborhoods bear the brunt](#)—Black men make up 6% of the nation's population but account for more than half of gun homicide victims. In fact, gun homicides are the leading cause of death for Black men ages 15 to 34. It is crucial that our young people feel safe not just from school shootings, but also on the way to and from school.

Violence intervention programs have been proven effective at breaking the cycle of gun violence in our most impacted communities. Research and case studies have demonstrated that through a combination of low-cost, community-oriented intervention programs and much-needed firearms policy reforms, gun violence rates can be cut in half in as little as two years. These programs also provide a significant economic return on investment. In fact, the state of Massachusetts has already saved an estimated \$7 for every \$1 invested in their [Safe and Successful Youth Initiative](#).

In 2021, 14 states passed legislation or announced American Recovery Act funds that would go towards community-based intervention and prevention strategies. Giffords worked closely with leaders in [Virginia](#), [Michigan](#), [Wisconsin](#), California, Colorado, [Connecticut](#), [Massachusetts](#), Maryland, and New Jersey to boost evidence-based violence intervention strategies. Giffords is also working with localities and local groups on the implementation of this funding, and many states and localities are still working through allocating ARPA funds.

In 2022, Giffords will continue to work on passing comprehensive legislation and pursuing opportunities to meaningfully address community violence in states including California, Delaware, North Carolina, Oregon, Nevada, Connecticut, Pennsylvania, Maryland, Rhode Island, and Virginia.

## FIGHTING EXTREMISM

In January 2021, our nation suffered an attack on the United States Capitol and our democracy. Unfortunately, supporters of that attack continue to pose a very real and serious threat. Prior to the January 6th insurrection, dangerous extremism was on the rise across

the country. Many communities experienced an increase in hate crimes, and states like Virginia and Michigan faced threats from mobs of armed extremists. As the nation works to ensure accountability for the acts of January 6th, states should take additional action to protect their own capitols and residents.

To fight the rise in violent extremism and insurrection, states should prohibit firearms on state capitol grounds, in government buildings, and at polling places. In states where firearms are not already banned in state capitols, officials must act to prohibit firearms on capitol grounds. Efforts to prohibit firearms under these circumstances passed in states like [Virginia](#) and Washington, where Giffords worked with lawmakers to take these critical actions to protect public safety and democracy. Giffords is currently working with leaders in Vermont and Colorado to pass similar legislation in 2022.

### **BANNING GHOST GUNS**

[Ghost guns](#) and [3D-printed weapons](#) allow people who could not pass a background check to acquire guns to build their own undetectable and unserialized weapons. In recent years, Giffords has led efforts to strengthen and pass bills addressing these types of weapons. In 2021, ghost guns bills passed in [New York](#) and [Nevada](#). Giffords will continue our work to regulate this dangerous source of illegal weapons with leaders in states including California, Colorado, Illinois, Maryland, Delaware, Florida, Massachusetts, Oregon, Virginia, and Washington in 2022.

### **EXTREME RISK LAWS**

[Extreme risk protection order laws](#), also known as gun violence restraining orders, lethal violence protective orders, and “red flag” laws, allow families and household members, as well as law enforcement officers, to petition a court to remove an individual's access to guns if they are found to pose an imminent danger to themselves or others.

Giffords has worked with legislators and local leaders to help pass extreme risk laws in 19 states, plus the District of Columbia. Giffords experts have helped shape legislation, testified in support of these policies, submitted testimony, and joined advocates at state capitols.

Giffords will continue working with legislators and local leaders to build support to advance the passage of extreme risk laws in Pennsylvania, Minnesota, Michigan, and Wisconsin in 2022.

### **DOMESTIC VIOLENCE LEGISLATION**

Though federal law prohibits people who have been convicted of domestic violence offenses or who are subject to certain domestic violence protective orders from purchasing or possessing guns, there are significant gaps in these laws that put survivors and victims at risk. Women in the United States are [11 times more likely to be](#) killed in a gun homicide than women in other developed countries, and more than half of all murders of women in

America are committed with a gun. Further, women who are victims of abuse are [five times more likely to be killed by an abusive partner](#) if that individual has access to a firearm.

Laws that prevent people with significant histories of domestic violence and abuse from accessing firearms are vital to ensuring victims' safety, and have a tremendous amount of bipartisan support in states across the country. But significant gaps in many states still allow people subject to domestic violence restrictions to obtain guns or illegally keep them after they become prohibited from doing so. In 2020, [Virginia](#) expanded their domestic violence laws. Giffords will work with leaders in states including Michigan, Wisconsin, Georgia, Vermont, North Carolina, Ohio, Minnesota, and the District of Columbia to further protect survivors of domestic violence in 2022.

### **HATE CRIME LEGISLATION**

Violent extremists and hate groups, including the ones who carried out the attack on the US Capitol on January 6, often use firearms [as tools of violence and intimidation](#). Recent mass shootings that took place at three spas in Atlanta, Georgia; at a Walmart in El Paso, Texas; a gay nightclub in Orlando, Florida; a historic African-American church in Charleston, South Carolina; a synagogue in Pittsburgh, Pennsylvania; and a Sikh temple in Oak Creek, Wisconsin, were among the deadliest hate crimes ever committed in the United States and among the deadliest mass shootings in our nation's history.

These are just some of the most visible examples of a large and growing threat, as [hate-fueled violence](#) is on the rise across the country. In too many cases, the presence of a firearm turns ugly threats into deadly assaults. And yet, in 28 states, people convicted of violently injuring someone in a hate crime could still pass a background check and lawfully acquire weapons. That must change. In 2022, Giffords will work to prevent hate-motivated shootings by attempting to pass legislation across the country, including New York, Michigan, Vermont, Delaware, Oregon, and the District of Columbia

### **LOST AND STOLEN FIREARMS REPORTING**

Every year, hundreds of thousands of guns are lost or stolen in America, with one gun stolen every two minutes. Stolen guns are often diverted to the illegal market, where they are used to fuel crime. [Lost and stolen reporting laws](#) help reduce gun trafficking by requiring individuals to notify law enforcement shortly after discovering the loss or theft of a firearm. In 2021, Giffords worked with state leaders to enact a lost and stolen reporting law in Colorado. In 2022, Giffords will work to see this law passed in Georgia and Pennsylvania.

### **CIVIL LIABILITY FOR GUN MANUFACTURERS**

Civil liability is a critical part of the American legal system. Companies are incentivized to act responsibly because if they don't, they can be sued. The gun industry is a special case: it has successfully lobbied for unique immunity, and courts have interpreted this immunity very broadly. As a result, it is very hard for the victims of gun violence to file lawsuits against gun

companies. But even the immunity law does not allow the gun industry to act with impunity. Last year, Giffords worked in New York to pass first-of-its-kind legislation. In 2022, Giffords expects to continue advocating for laws in Colorado and New Jersey that set clear standards for gun industry conduct, and providing an avenue for legal action when gun companies fail to meet those standards.

### **WAITING PERIODS**

The presence of a gun dangerously compounds the risk of impulsive acts of violence, especially suicide. [Waiting periods](#), or “cooling off” laws, create an important window of time for gun purchasers to reconsider impulsive acts of violence or self-harm, which can lead to a change of heart and a saved life. In addition, waiting periods provide additional time for the completion of a thorough background check. Waiting period laws have been shown to reduce both gun suicides and gun homicides. In 2022, Giffords will work with lawmakers and advocates to advance waiting periods legislation in Vermont.

### **PREEMPTION**

Harmful [preemption](#) laws allow the gun lobby to threaten lawsuits against cities and municipalities that pass responsible gun safety laws. These preemption policies have effectively allowed the gun lobby to prohibit municipalities from enacting gun laws that make sense for their communities. In 2022, Giffords will work in Oregon to pass a law that empowers localities to create gun laws for public spaces that protect their communities.

## **EXPECTED DEFENSIVE TRENDS**

In 2022 and beyond, Giffords will vigorously defend states against legislation that would harm public safety. We expect the gun lobby to continue to forcefully push its dangerous agenda, attacking the laws that are keeping us safe and making it easier for dangerous individuals to buy guns. Last year, six states—Texas, Arkansas, Iowa, Montana, Tennessee, and Utah—repealed laws requiring permits to carry concealed guns. We expect many states, including Virginia, Iowa, Ohio, Florida, New Hampshire, and Pennsylvania, to attempt to weaken gun safety laws in 2022, despite the fact that an overwhelming number of Americans support these lifesaving policies. Giffords will work with partners in those states to prevent these harmful policies from becoming law.

### **PERMITLESS CARRY**

Historically, nearly every state has enhanced the safety of its residents by requiring people to qualify for a permit in order to carry concealed firearms in public spaces. The gun lobby continues to pressure states to eliminate this fundamental safety standard, allowing people who have never passed a background check or fired a gun to carry hidden, loaded guns in public. Twenty-one states currently allow unrestricted, [permitless concealed carry](#), with states like Texas, Tennessee, and Utah joining that list in 2021. Giffords anticipates renewed

action by the gun lobby to advance this dangerous proposal in states like Louisiana, Ohio, and Pennsylvania in 2022.

### **REPEALING PERMIT TO PURCHASE LAWS AND BACKGROUND CHECKS**

One of the most dangerous gaps in federal firearms laws today is the background check loophole. Although federal law requires licensed firearms dealers to perform [background checks](#) on prospective purchasers, it does not require unlicensed sellers to do so. State laws that require handgun purchasers to obtain permits or otherwise undergo background checks [have been associated](#) with lower rates of gun homicides, suicides, and gun trafficking. However, in spite of the evidence that background checks save lives, the gun lobby has been pushing states like North Carolina to repeal or weaken their background check or permitting systems.

### **STAND YOUR GROUND**

[“Stand Your Ground” laws](#) allow a person to use deadly force when they feel threatened in public, even if that force can be safely avoided. As a result, these laws encourage the escalation of violence in everyday conflicts. More than half the states have now adopted Stand Your Ground policies—ignoring centuries of legal precedent and a growing body of research showing these laws significantly increase gun homicides and injuries. In 2022, Giffords will continue to oppose this policy in states across the country.

### **EXPANDED PUBLIC CARRY**

Allowing untrained people to carry a gun almost everywhere in public poses a serious threat to public safety. Eliminating or weakening restrictions on carrying loaded guns in public places makes it much harder for law enforcement to identify people who are illegally possessing or [carrying guns in public](#). We can save lives by preserving and strengthening state concealed carry permitting systems and limiting firearms in places like schools, public parks, and bars. Unfortunately, following the Kenosha County Circuit Court’s ruling in the Kyle Rittenhouse case, Giffords anticipates more states to introduce open carry legislation, including Michigan, Ohio, and Wisconsin, which have all filed open carry bills.

### **EXTREME PREEMPTION**

Local governments across the country recognize the need to regulate firearms to protect their constituents from gun violence. However, a large majority of states have passed overreaching [preemption](#) laws that strip local governments of the authority to regulate firearms, rendering cities and towns powerless to address the devastating effects of gun violence. Giffords opposes legislation that would allow the gun lobby to threaten lawsuits against cities and municipalities that pass responsible gun safety laws, effectively allowing the gun lobby to prohibit municipalities from enacting gun laws that make sense for their communities. Giffords will oppose any efforts to enact preemption in Pennsylvania in 2022.

## EXPECTED LOCAL WORK

In recent years, Giffords has expanded our work at the local level. We work with local governments to enact measures that will help keep these jurisdictions safe such as gun dealer regulations, safe storage ordinances, and laws regulating guns at public assemblies.

### VIOLENCE INTERVENTION AND PREVENTION

To prevent everyday gun violence in cities, Giffords advocates for the implementation and expansion of evidence-based, community-driven strategies. In 2021, state efforts included:

- Increasing California CalVIP funding from \$30M to \$200M
- Helping secure first-time state-level CVI investments in Pennsylvania (\$30M), Virginia (\$10M), and New Jersey (\$10M)
- Championing groundbreaking legislation to use Medicaid funding to reimburse violence prevention professionals in Connecticut and Illinois
- Launching first-of-their-kind CVI coalitions in Virginia, Pennsylvania, and North Carolina and helping lead the California CalVIP Coalition, as well as coalitions in New Jersey and Maryland
- Creating a national network of state administrators that oversee CVI programs in 12 different states and met three times in the second half of 2021 to share best practices
- Facilitating ARP funding in several states totaling more than \$650M

In 2022, Giffords plans to host a national CVI summit that will include state-level stakeholders, publish a major new report on the role of statewide CVI coalitions, and continue to focus on expanding and sustaining investment in CVI programs and creating CVI coalitions in three to four additional high priority states, like Michigan.

### LOCAL ORDINANCES

While the gun lobby works to strengthen preemption laws, Giffords is supporting localities in their efforts to regulate firearms to better protect their communities:

- Colorado broadly repealed its firearms preemption law and Giffords has been working with localities in the state on a package of GVP ordinance that we expect to see passed in communities around the state in 2022
- Several communities in California passed safe storage ordinances, many of which Giffords Law Center supported with testimony such as San Diego County
- San Diego County and San Francisco passed ordinances regulating ghost guns. We provided feedback and testimony in San Francisco
- San Mateo County, San Jose, and Newton, MA, enacted ordinances regulating gun dealers in their communities

### FUTURE WORK

In 2022, Giffords expects to expand its outreach into states with firearms preemption focusing on CVI, tracing and implementation efforts, data collection, and ordinances that

have a greater likelihood of withstanding a preemption challenge such as lost and stolen reporting laws.

---

## **ABOUT GIFFORDS**

Giffords is a nonprofit organization dedicated to saving lives from gun violence. Led by former Congresswoman Gabrielle Giffords, Giffords inspires the courage of people from all walks of life to make America safer.