

IN THE SUPREME COURT OF PENNSYLVANIA

No. 81 EAL 2022

RASHAD T. ARMSTRONG, *Respondent*,

v.

CITY OF PHILADELPHIA, *Petitioner*.

On Petition for Allowance of Appeal from the final Order of the Commonwealth Court of Pennsylvania entered February 14, 2022 under No. 1204 C.D. 2020 reversing and remanding the Order by the Philadelphia County Court of Common Pleas entered November 12, 2020 under Docket No. 191004036.

***AMICI CURIAE* BRIEF OF GIFFORDS LAW CENTER TO
PREVENT GUN VIOLENCE, BRADY,
AND MARCH FOR OUR LIVES ACTION FUND
IN SUPPORT OF PETITIONER**

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I. Statement of Interest of Amici Curiae¹

Amicus Giffords Law Center to Prevent Gun Violence (“Giffords Law Center”) is a non-profit policy organization serving lawmakers, advocates, legal professionals, gun violence survivors, and others who seek to reduce gun violence and improve the safety of their communities.² The organization was founded more than a quarter-century ago following a gun massacre at a San Francisco law firm and was renamed Giffords Law Center in 2017 after joining forces with the gun-safety organization led by former Congresswoman Gabrielle Giffords. Today, through partnerships with gun violence researchers, public health experts, and community organizations, Giffords Law Center researches, drafts, and defends the laws, policies, and programs proven to effectively reduce gun violence. Together with its partner organization Giffords, Giffords Law Center also advocates for the interests of gun owners and law enforcement officials who understand that Second Amendment rights have always been consistent with gun safety legislation and community violence prevention strategies. Giffords Law Center has contributed technical expertise and informed analysis as an amicus in numerous cases

¹ Catherine M. Recker, undersigned counsel for Amici, pursuant to Pa.R.A.P. 531(b)(2), represents that neither party nor their counsel nor any other person or entity other than Amici made a monetary contribution to fund the preparation or submission of this brief, nor did the parties, their counsel, nor any other person or entity other than Amici and its counsel participate in the drafting of this brief.

² Giffords Law Center’s website, www.giffords.org/lawcenter, is the premier clearinghouse for comprehensive information about federal, state, and local firearms laws and Second Amendment litigation nationwide.

involving firearm regulations and constitutional principles affecting gun policy. See, e.g., *District of Columbia v. Heller*, 554 U.S. 570 (2008); *McDonald v. City of Chicago*, 561 U.S. 742 (2010); *Firearm Owners Against Crime v. Harrisburg*, No. 29 MAP 2020 (Pa. Supreme Court Brief filed July 8, 2020); *Madison Lara v. Commissioner Pennsylvania State Police*, No. 21-1832 (3d Cir. brief filed Sept. 29, 2021).³

A leader in gun violence prevention for over 40 years, *Amicus* Brady is one of the nation’s oldest and largest nonpartisan, non-profit organizations dedicated to gun violence prevention. Brady provides education, research, and direct legal advocacy to reduce gun deaths and injuries, including filing amicus briefs and representing victims and communities in impact litigation.

Amicus March for Our Lives Action Fund (“MFOL”) is a non-profit organization of young people from across the country who are fighting for sensible gun violence prevention policies that will save lives. After the mass shooting at Marjory Stoneman Douglas High School in Parkland, Florida, on February 14, 2018, MFOL was formed and immediately began organizing the largest single day of protest against gun violence in history. Hundreds of thousands of people joined

³ Several courts have cited research and information from Giffords Law Center’s amicus briefs in Second Amendment rulings. See, e.g., *Ass’n of N.J. Rifle & Pistol Clubs v. Att’y Gen. N.J.*, 910 F.3d 106, 121-22 (3d Cir. 2018); *Hirschfeld v. Bureau of Alcohol, Tobacco, Firearms & Explosives*, 417 F. Supp. 3d 747, 754, 759 (W.D. Va. 2019); *Md. Shall Issue v. Hogan*, 353 F. Supp. 3d 400, 403-05 (D. Md. 2018).

the March 24, 2018 march in Washington, D.C., and sibling marches all over the world. Since then, students seeking to effect change have formed MFOL chapters across the country. These young people—all too familiar with mass shootings and other forms of gun violence—have a vital interest in ensuring that the Constitution is interpreted to allow the political process at the local, state, and federal levels to enact gun violence prevention measures that will protect all Americans, in all communities.

II. Reasons for Granting Allowance of Appeal

This Court should grant allowance of appeal to address the legality of the City of Philadelphia’s lost or stolen gun reporting law, Philadelphia Code §10-838a (“Section 10-838a”), which the court below found to be preempted and therefore unenforceable. *City of Philadelphia v. Armstrong*, No. 1204 C.D. 2020 (Opinion filed Feb. 14, 2022). The City is in the midst of a severe gun violence epidemic, and whether Section 10-838a is preempted and unenforceable is an issue of substantial public importance because the illegal gun trafficking and straw purchasing that Section 10-838a addresses contribute significantly to the City’s gun violence.⁴ If the law is enjoined, Philadelphian lives will continue to be lost

⁴ Pa.R.A.P. 1114(b)(4) outlines the standards governing allowance of appeal and states that a petition for allowance of appeal may be granted if “the question presented is one of such substantial public importance as to require prompt and definitive resolution by the Pennsylvania Supreme Court”.

unnecessarily as stolen and illegal firearms are permitted to proliferate on city streets—and illegal gun traffickers like the defendant here are able to avoid accountability by claiming the guns they traffic were stolen only after law enforcement recovers them at crime scenes.

A. Validity of Philadelphia’s Lost and Stolen Law Is an Issue of Substantial Public Importance because Addressing the City’s Gun Violence Epidemic Requires Tailored, Local Solutions.

Philadelphia is suffering from a record-breaking gun violence epidemic.

More than 550 people were fatally shot last year in Philadelphia, but gun violence had a much broader lasting impact: close to 2,000 others were shot and survived.⁵ Not since 1960 has the City seen more people killed with firearms, but sadly these statistics are part of a greater trend of gun violence in the City.

As the figure below, depicting both fatal and non-fatal shootings, makes clear, gun violence has risen precipitously in recent years: gun homicides increased by 46% from 2019 to 2020 and another 18% the following year.⁶ Non-fatal shootings increased 55% from 2019 to 2020 and remained high in 2021.⁷

⁵ Katie Meyer, *Philly ends 2021 with over 550 people murdered. But community leaders say a ‘peace movement’ is building*, WHYY.org (Dec. 31, 2021), <https://whyy.org/articles/philly-ends-2021-with-over-550-people-murdered-but-community-leaders-say-a-peace-movement-is-building/>.

⁶ *Shooting Victims*, *Open Data Philly*, City of Philadelphia, (last accessed on Jan. 31, 2022), <https://www.opendataphilly.org/dataset/shooting-victims>.

⁷ Open Data Philly, *supra* note 5.

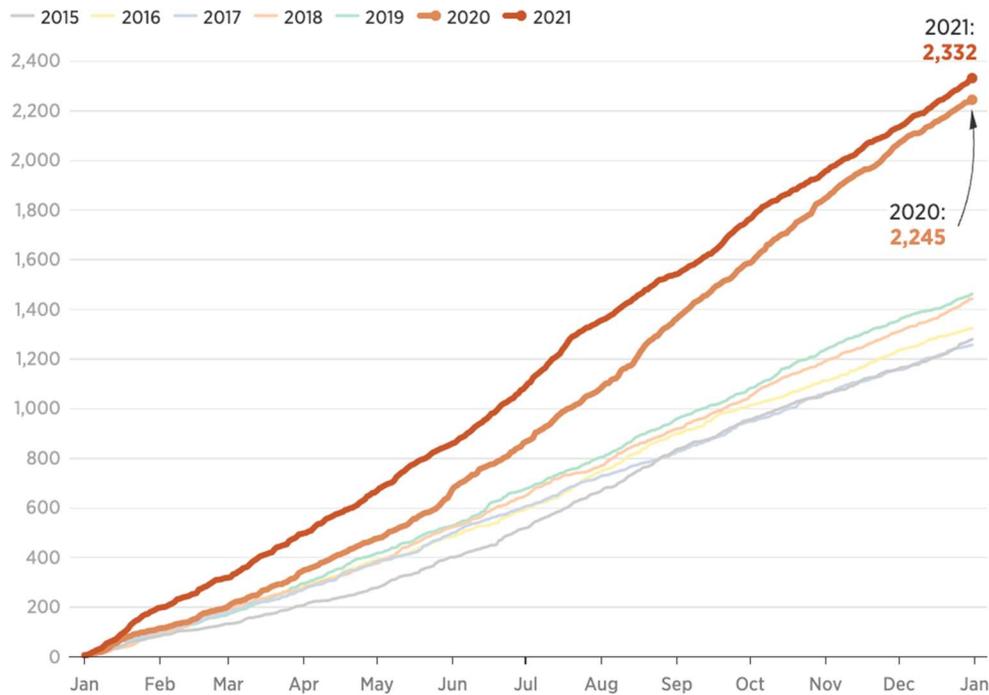


Figure 1 – Increasing Gun Violence in Philadelphia: Fatal and Non-Fatal Shootings (Philadelphia Inquirer Dylan Purcell, Source: Philadelphia Police Department)⁸

Only three weeks into this year, Philadelphia’s District Attorney Larry Krasner announced that gun homicides were already outpacing 2021’s record-breaking violence.⁹ Indeed, Philadelphia’s Office of the Controller reports that the City is already experiencing a 10% increase in gun homicides compared to last year.¹⁰ Keeping with this record pace, by March 11, 2022, the City recorded its

⁸ Chris Palmer, *A Philly committee spent 18 months examining the city’s gun violence crisis. Here’s what it found*, The Philadelphia Inquirer (Jan. 27, 2022), <https://www.inquirer.com/news/philadelphia-gun-violence-homicides-report-city-council-20220127.html>.

⁹ Tom MacDonald, *Philly DA: City’s 2022 murder rate already outpacing record-deadly 2021*, WHYY.org (Jan. 25, 2022), <https://whyy.org/articles/philly-da-citys-2022-murder-rate-already-outpacing-record-deadly-2021/>.

¹⁰ *Mapping Philadelphia’s Gun Violence Crisis*, City of Philadelphia Office of the Controller (last accessed on Mar. 12, 2022), <https://controller.phila.gov/philadelphia-audits/mapping-gun-violence/#/2022>.

100th homicide this year—compared to only 53 by the same time in 2018—making it likely to be the worst year of gun violence in the City’s history.¹¹ Permanently enjoining Section 10-838a and preventing Philadelphia from addressing the gun trafficking that fuels violence will only make matters worse.

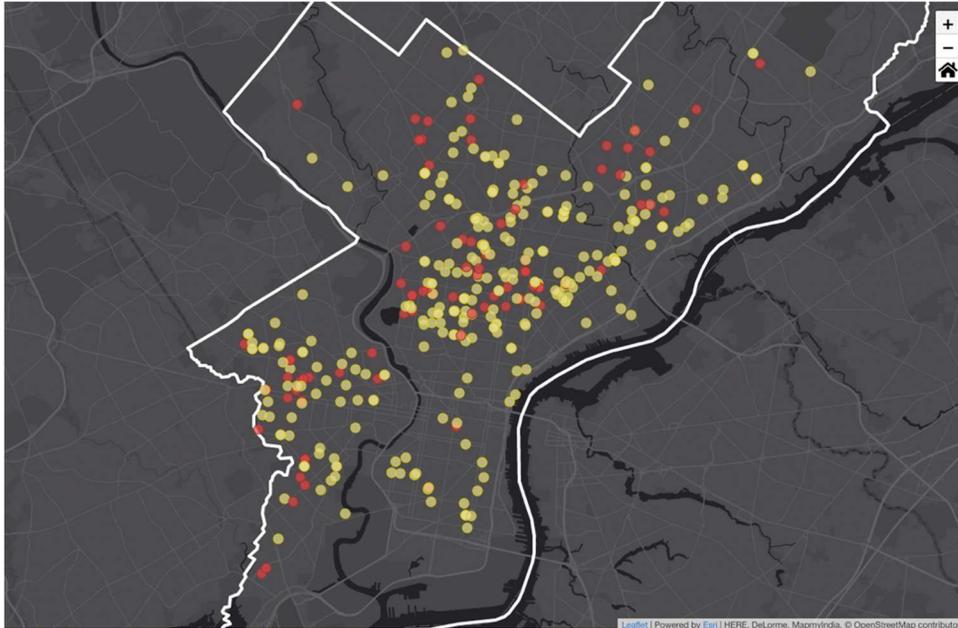


Figure 2 - 2022 Fatal and Non-Fatal Shootings in Philadelphia (Philadelphia Office of the Controller, “Mapping Philadelphia’s Gun Violence Crisis”)

To address this growing crisis, last year the Philadelphia City Council passed Resolution #200436, which authorized the Committee on Public Safety and the Special Committee on Gun Violence Prevention to create a report addressing the increasing gun violence in Philadelphia.¹² In late January, the Committee’s

¹¹ Madeleine Wright, *Philadelphia Reaches 100th Homicide Of 2022, On Pace To Surpass Last Year’s Record*, CBS Philly (Mar. 11, 2022), <https://philadelphia.cbslocal.com/2022/03/11/philadelphia-100-homicides-on-pace-record-gun-violence/>.

¹² *Councilmember Curtis Jones, Jr. Releases a Report on the Findings and Recommendations of the 100 Shooting Review Committee*, City Council Philadelphia (Jan. 27, 2022),

findings were released in the *100 Shooting Review Committee Report* (“*100 Shooting Report*”).¹³

The report was an unprecedented collaborative effort with support from the Philadelphia Police Department, the District Attorney Office, the Mayor’s Office,¹⁴ the Department of Public Health, the Office of the Managing Director, the City Controller, the Defender Association, and even the First Judicial District. The goal was to bring together as many different data points as possible on the gun violence epidemic and to prescribe how best to move forward and ameliorate the crisis.¹⁵ This unprecedented level of collaboration between so many branches of the City’s government speaks to the substantial importance the City government and the public places on the issue of gun violence—and why the question of whether the City’s response is legal warrants this Court’s attention.

The report’s findings depict intersecting public health and racial justice crises.¹⁶ The toll of gun violence is disproportionately experienced by communities

<https://phlcouncil.com/councilmember-curtis-jones-jr-releases-a-report-on-the-findings-and-recommendations-of-the-100-shooting-review-committee/>.

¹³ *100 Shooting Review Committee Report*, (last accessed on Mar. 12, 2022),

<http://phlcouncil.com/wp-content/uploads/2022/01/100-Shooting-Review-complete.pdf>.

¹⁴ The City Council set aside \$155.7 million dollars to reduce gun violence this year, which speaks to the substantial public importance of the issue to the public. Alecia Reid, *Philadelphia City Council, Mayor Committing \$155 Million In Budget To Gun Violence Problem*, CBS Philly (Jun. 23, 2021), <https://philadelphia.cbslocal.com/2021/06/23/philadelphia-city-council-mayor-committing-155-million-in-budget-to-gun-violence-problem/>.

¹⁵ *100 Shooting Report*, *supra* note 12 at Introductory Letter.

¹⁶ *Id.* at 5–6.

of color. The *100 Shooting Report* states that both “[v]ictims *and* arrestees for shootings tend to be male, people of color, 18–35 years old.”¹⁷ This year’s shooting data affirms this trend is playing out again in real time: 2022 victims are overwhelmingly people of color—only 9% of victims are white; 81% of victims are between the ages of 18–45, and 87% of them are male.¹⁸

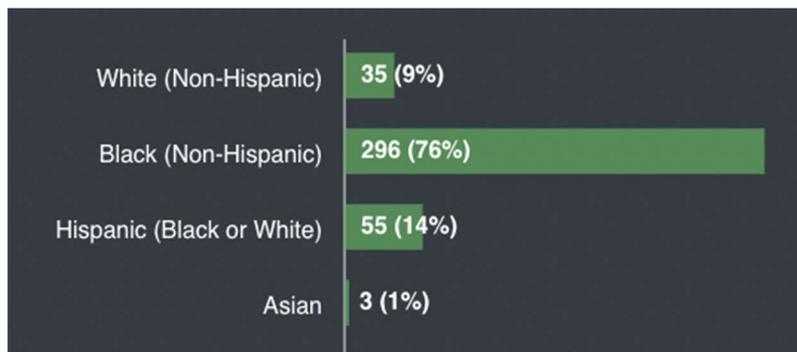


Figure 3 - 2022 Fatal and Non-Fatal Shooting Ethnicity Data (Philadelphia Office of the Controller, “Mapping Philadelphia’s Gun Violence Crisis”)

Gun violence also has lasting detrimental effects on children. In the last five years, 105 children were killed in gun homicides, and 641 children were nonfatally injured in shootings.¹⁹ As one Philadelphia school counselor plainly put it, “You can tell by kids’ inability to focus, concentrate. Just look at their behaviors: They’re numb, disconnected. Sometimes they don’t want to do work . . . They’ll say, ‘Miss, you don’t know what’s going on. My friend just got killed.’ ”²⁰

¹⁷ 100 Shooting Report, *supra* note 12 at 6 (emphasis added).

¹⁸ City of Philadelphia Office of the Controller, *supra* note 9.

¹⁹ “Shooting Victims,” Open Data Philly, City of Philadelphia, last accessed January 31, 2022, <https://www.opendataphilly.org/dataset/shooting-victims>.

²⁰ Kristen A. Graham, *Too many lockdowns to count: Gun violence has touched everything at one Philly school*, The Philadelphia Inquirer (Feb. 23, 2022), <https://www.inquirer.com/news/philadelphia-u-school-lockdown-gun-violence-20220223.html>.

Judge Leadbetter’s concurrence below put it bluntly: “[w]hen a child cannot leave his home to walk to the corner of his street without risking the prospect of being caught in a crossfire, we are denying him the most fundamental right, that of life and liberty.” *City of Philadelphia v. Armstrong*, No. 1204 C.D. 2020 (filed on Feb. 14, 2022) (concurring).

B. Philadelphia’s Gun Violence Crisis Affects the Everyday Decisions of Philadelphians.

Philadelphia now has an entrenched pattern of gun violence, where everyday decisions are based on whether you are “out of the way” of the crossfire. North Philadelphia Pastor Carl Day was quoted in *The Philadelphia Inquirer*,

This is a real pandemic in itself. It’s becoming very contagious. And I think when you put people in environments where they almost become desensitized to the violence, it’s viewed as a norm, but it’s also viewed as a survival tactic. This is what you have right now.²¹

Pastor Day shared that some of his young mentees do not want to visit local basketball courts or their usual hangout spots for fear of potential shootings.²²

Some adults have begun determining where and when they relax outside based on the likelihood of being free from gunfire—or “out of the way” as people call it.²³

²¹ Chris Palmer, *Philly’s gun violence has hit startling levels: ‘This is a real pandemic in itself’*, *The Philadelphia Inquirer* (Sept. 5, 2020), <https://www.inquirer.com/news/gun-violence-philadelphia-uptick-unrest-pandemic-20200905.html>.

²² *Id.*

²³ *Id.*

Overbrook High School counselor Tonie Davenport recalled that since the beginning of the pandemic, her school lost approximately 11 students to gun violence.²⁴ “There is a disconnect through all the grief, all the trauma, all the loss because it’s not just the loss and grief of Overbrook High School, it’s also the community.”²⁵ As a result of historic levels of gun violence, schools like Overbrook have been increasing the number of counselors on campus to help address the collective trauma experienced by the student body.²⁶

Similar stories about the toll of gun violence ring throughout the City. North Philadelphia U School counselor Paula Crawford has lost count of the number of lockdowns so far this school year.²⁷ In October, an eighth grader was shot to death traveling to E.W. Rhodes Elementary.²⁸ Two weeks later, at school dismissal, one student was killed and two were injured outside Lincoln High.²⁹

²⁴ Natasha Brown, *How Philadelphia School Counselors Balancing COVID-19 Pandemic, Gun Violence Epidemic In City*, CBS Philly (Mar. 8, 2022), <https://philadelphia.cbslocal.com/2022/03/08/school-counselors-philly-covid-gun-violence-epidemic/>.

²⁵ *Id.*

²⁶ *Id.*

²⁷ Graham, *supra* note 19.

²⁸ *Id.*

²⁹ *Id.*

As a result, some students are not allowed to play outside—despite it having previously been a staple of their school days.³⁰ Similarly, students are not taken on neighborhood walking trips or on public transportation for local field trips.³¹

University students are similarly threatened by gun violence. A few months ago, a Temple University student was shot and killed near campus.³² This month, parents of Temple students came together and secured private security to patrol the campus, costing them more than \$1,000 a month.³³ Community activist Kelly Cales Martinez said, “You’re fearful of what could happen just going to the corner store. Your kids could be playing in the yard and they could just get shot out of nowhere.”³⁴

C. Lost and Stolen Gun Reporting Laws Are Evidence-Backed Solutions That Curb Straw Purchasing, Gun Trafficking, and Gun Violence.

In response to the gun violence epidemic plaguing the City, Philadelphia adopted Section 10-838a, which requires gun owners to report guns that are lost or

³⁰ *Id.*

³¹ *Id.*

³² *Funeral For Temple University Student Sam Collington Held Saturday*, CBS Philly (Dec. 4, 2021), <https://philadelphia.cbslocal.com/2021/12/04/sam-collington-temple-university-student-shot-killed-philadelphia-delaware-county/>.

³³ Matt Petrillo, *Group Of Temple University Parents Hire Private Security To Patrol Near Campus Due To Gun Violence Concerns*, CBS Philly (Mar. 9, 2022), <https://philadelphia.cbslocal.com/2022/03/09/temple-university-private-security-campus-philadelphia-gun-violence/>.

³⁴ Claudia Vargas, *A Record 559 Murders in Philly in 2021 Scrapes Scars Into the City’s Psyche*, NBC 10 Philadelphia (Jan. 2, 2022), <https://www.nbcphiladelphia.com/news/local/a-record-murders-in-philly-in-2021-scrapes-scars-into-the-citys-psyche/3093658/>.

stolen to local law enforcement. Such laws have proven to effectively deter gun trafficking and straw purchasing because, without a reporting requirement, a person can legally buy a gun, traffic it to someone not legally permitted to possess a firearm, and then, if the gun is recovered at a crime scene and traced back to the original buyer, simply claim after the fact that it was lost or stolen at some previous time, thus avoiding accountability. Local lost and stolen reporting laws like Section 10-838a serve important public safety functions by deterring this gun trafficking and straw purchasing. They also help law enforcement recover and return lost or stolen guns to their lawful owners.

1. Section 10-838a Addresses a Local Issue, and Firearm Regulation Has Traditionally Been Within the Power of Local Governments

Approximately 380,000 guns are stolen in the United States each year.³⁵ The Center for American Progress reports that “[w]hether taken from gun stores or from individual gun owners, a firearm is stolen every 2 minutes.”³⁶

³⁵ David Hemenway, Deborah Azrael, and Matthew Miller, “Whose Guns are Stolen? The Epidemiology of Gun Theft Victims,” *Injury Epidemiology* 4, no. 1 (2017).

³⁶ Chelsea Parsons & Eugenio Weigend Vargas, *Stolen Guns in America: A State-by-State Analysis*, Center for American Progress (Jul. 25, 2017), <https://www.americanprogress.org/article/stolen-guns-america/#:~:text=to%20reduce%20theft.-,Conclusion,the%20commission%20of%20violent%20crimes>. The report uses data from U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives, “Federal Firearms Licensee Statistics Theft/Loss Reports 2012–2016;” Federal Bureau of Investigation, *Uniform Crime Reporting Program Data: Property Stolen and Recovered, 2015*; Federal Bureau of Investigation, *Uniform Crime Reporting Program Data: Property Stolen and Recovered, 2014*; Federal Bureau of Investigation, *Uniform Crime Reporting Program Data: Property Stolen and Recovered, 2013*; and Federal Bureau of Investigation, *Uniform Crime Reporting Program Data: Property Stolen and Recovered, 2012*.

Although firearms are overwhelmingly stolen from private gun owners (~380,000) and not from gun dealers (~18,700) or shipping companies (~1,300),³⁷ there is no federal law requiring private gun owners to report their firearms as lost or stolen.³⁸ Eleven states and the District of Columbia, however, have adopted a lost or stolen reporting law to deter straw purchasing and trafficking.³⁹ While Pennsylvania has not, several of its major cities—including Philadelphia, Harrisburg,⁴⁰ and Pittsburgh⁴¹—have used their local powers to adopt lost or stolen reporting laws. Cities across the country, even in states with explicit lost or stolen gun reporting laws, have exercised their power to deter illegal gun trafficking and straw purchasing within their geographic boundaries.⁴²

Regulating gun violence at the municipal level has historically been within the purview of local government. Cities have adopted a wide range of firearm

³⁷ *Stolen Guns Pose a Tremendous Risk to Public Safety*, Everytown Research & Policy (Mar. 6, 2019), <https://everytownresearch.org/report/stolen-guns-pose-a-tremendous-risk-to-public-safety/>.

³⁸ See 18 U.S.C. § 923 (federal lost or stolen reporting law for federally licensed firearm dealers).

³⁹ *Reporting Lost & Stolen Guns*, Giffords Law Center to Prevent Gun Violence (last accessed on Mar. 12, 2022), <https://giffords.org/lawcenter/gun-laws/policy-areas/owner-responsibilities/reporting-lost-stolen-guns/>.

⁴⁰ The “Lost/Stolen Ordinance”, Code Section 3.345.4, originally adopted in 2009, requires owners of firearms to report lost or stolen firearms to law enforcement within 48 hours of discovery of the loss or theft. The constitutionality of Harrisburg’s law was first challenged in 2015, but no court has yet found it to be unconstitutional. See *Firearm Owners Against Crime v. Papennfuse*, 261 A.3d 467 (filed Oct. 20, 2021) (holding that organization and gunowners had associational and individual standing to challenge the law).

⁴¹ Pittsburgh § 624.01 (Ord. No. 26-2008, § 1, eff. 12-19-08).

⁴² See e.g., New Orleans Sec. 54-357; Seattle Municipal Code Sec. 10.78; Tucson Ord. Sec. 11-56.

ordinances, not limited to lost or stolen reporting laws. These laws have influenced local and state law across the country. For instance, in California, several of its state laws started first as local laws, including those limiting handgun purchases to one per month, regulating ammunition sales, requiring gun dealer employees to undergo background checks, and prohibiting the sale and possession of large capacity magazines.⁴³ Cities act as labs of innovative, influential, experimentation and play a crucial role in the fight against gun violence.

Judge Leadbetter’s concurrence recognized the appropriateness of such local regulation:

the overwhelming blight of gun violence occurring in the City of Philadelphia, of which I believe we can take judicial notice, and the policy issues argued by the City . . . call for a recognition that ***local conditions may well justify more severe restrictions than are necessary statewide***. It is neither just to impose unnecessarily harsh limits in communities where they are not required nor consistent with simple humanity to deny basic safety regulations to citizens who desperately need them.

City of Philadelphia v. Armstrong, No. 1204 C.D. 2020 (filed on Feb. 14, 2022)

(emphasis added). Supported by both law and history, courts across the country have come to similar conclusions that localities are best equipped to address the unique—here, uniquely extreme—gun violence within their borders.

⁴³ *Communities on the Move: Local Gun Safety Legislation in California*, Giffords Law Center to Prevent Gun Violence (last updated on Oct. 8, 2021), <https://giffords.org/lawcenter/report/communities-on-the-move-local-gun-safety-legislation-in-california/>.

Public officials also recognize that unique problems require tailored, local solutions. Mayor Jim Kenney’s director of communications stated, the mayor “completely agrees with the sentiment raised by Judge Leadbetter in her concurrence, where she notes that the gun violence experienced in the city of Philadelphia justifies stronger gun safety laws than may be necessary statewide and that we should not deny basic safety to our residents when they desperately need it[.]”⁴⁴

For most our nation’s history, local governments generally have had the authority to enact their own firearm regulations in the interest of protecting public safety. So, too, should Philadelphia. This is particularly true with respect to Section 10-838a, which Philadelphia has effectively explained does not run afoul of the text of the Commonwealth’s firearm preemption statute.

2. Lost and Stolen Gun Reporting Laws Serve Important Public Safety Interests

As the City of Philadelphia website states, Section 10-838a “seeks to improve public safety by focusing on the responsibilities of gun owners when they no longer are in possession of their guns . . . The sooner the Police Department is notified of a missing firearm, the more likely the weapon can be taken off the

⁴⁴ Mark Scolforo, *Court rules against Philadelphia lost-gun reporting law*, AP News (Feb. 14, 2022), <https://apnews.com/article/philadelphia-gun-politics-state-courts-9b2581b012eae1a88f7924d6591a3bc5>.

streets and prevented from being used in a crime.”⁴⁵ A 2016 Pittsburgh Police crime guns study found that 79% of perpetrators were not the legal owners of the firearm they used, which strongly suggests that firearm theft or trafficking is a major source of crime guns.⁴⁶

Importantly, reporting laws work to ensure that prohibited persons—such as persons with felony convictions or those subject to domestic violence restraining orders—cannot falsely claim their guns were lost or stolen when enforcement seeks to remove their firearms. The City of Philadelphia recognizes that “[t]he threat of penalties for failure to report [firearm] thefts can help investigators ferret out the truth[.]”⁴⁷

Lost or stolen gun reporting laws also make it easier for law enforcement to solve gun crime cases. Requiring owners to proactively report lost or stolen weapons help prevent law enforcement from investigating false leads, such as tracing a gun back to its original owner, only to find out that the gun had been stolen from that original owner.

⁴⁵ *City Flies First-Ever Enforcement Action of Lost or Stolen Gun Ordinance*, City of Philadelphia (Nov. 4, 2019), <https://www.phila.gov/2019-11-04-city-files-first-ever-enforcement-action-of-lost-or-stolen-gun-ordinance/>.

⁴⁶ Anthony Fabio, Jessica Duell, Kathleen Creppage, Kerry O’Donnell & Ron Laporte, *Gaps continue in firearm surveillance: Evidence from a large U.S. City Bureau of Police*, 10 *Social Medicine* (2016),

<https://www.socialmedicine.info/index.php/socialmedicine/article/view/852/1649>.

⁴⁷ City of Philadelphia, *supra* note 44.

The *100 Shooting Report* recognizes that of the 85,071 crime guns recovered between 1999–2020 in Philadelphia, “only half of those clearly originated through legal transactions in Pennsylvania; the rest were brought into Pennsylvania from other states or were unable to be traced to a legal sale.”⁴⁸ The report concludes that “[i]t is impossible to arrest our way out of illegal gun possession in Philadelphia: the supply and availability of guns are just too great.”⁴⁹ Lost or stolen gun reporting laws are an alternative solution to reducing illegal firearm possession.

III. Conclusion

The City of Philadelphia’s lost or stolen gun reporting law, Section 10-838a, is a substantial and significant tool in the City’s fight against its gun violence epidemic. For Philadelphians, no issue dictates their everyday lives more than the deadly threat of gun violence. Section 10-838a effectively deters gun trafficking and straw purchasing while also helping law enforcement recover and return lost or stolen guns to their rightful owners. The law is a reasonable, evidence-backed solution to an extremely important problem and whether it can be enforced is an issue of substantial public importance. This Court should hear Philadelphia’s appeal.

⁴⁸ 100 Shooting Report, *supra* note 12 at 175 (emphasis added).

⁴⁹ *Id.*

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE WITH Pa. R.A.P. 127 and 1115(f)-(g)

I hereby certify, pursuant to Pa. R.A.P. 127, that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

Pursuant to Pa. R.A.P. 1115(f) and (g), I certify that this Amicus Brief in support of Petition for Allowance of Appeal does not exceed the 4,500-word limit based on the word count feature on Microsoft Word, which is the word processing system used to prepare this brief.

Dated: March 16, 2022

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