



## Child Access Prevention Laws

- **What are Child Access Prevention (CAP) laws?**
  - **CAP laws are laws intended to prevent firearm injuries to children by limiting their access to guns.** CAP laws make gun owners criminally liable if they negligently leave guns accessible to children or otherwise allow children to obtain firearms.<sup>1</sup>
    - The strongest laws set criminal penalties for owners who do not store firearms properly (e.g., unloaded, in a locked compartment), so that children and teens cannot easily access them unsupervised.<sup>2</sup>
    - The weakest laws prohibit someone from directly providing a gun to a minor.<sup>3</sup>
  - **More than half the states have already enacted CAP legislation.**<sup>4</sup> However, there is currently no Child Access Prevention law in New York State.
  
- **Why are CAP laws needed?**
  - **Too many children live in homes with easily accessible guns.** A 2005 study of adult firearm storage practices found that nearly 2 million children under age 18 live in homes with easily accessible loaded and/or unlocked guns.<sup>5</sup>
  - **These children are at greater risk of accidental gun violence.** U.S. children aged 5 to 14 are 11 times more likely to be killed accidentally with a gun than similarly aged children in other developed countries.<sup>6</sup>
  - **Guns poorly stored increase the risk of accidental gun deaths.**<sup>7</sup>
    - Case studies of unintentional shootings document a high rate of accessible and loaded firearms in homes where the shootings occurred.<sup>8</sup>
    - In one study, more than half of unintentional firearm deaths occurred while children played with a loaded gun.<sup>9</sup>
      - In nearly half of cases, the shootings occurred in the home of the victim.<sup>10</sup>
      - More than 90% of the time there was no adult present.<sup>11</sup>
  - **Guns properly stored reduce accidental deaths.** Recent studies find that keeping firearms locked and unloaded, and keeping ammunition stored in a locked location separate from firearms, reduced unintentional injury in homes with children and teens.<sup>12</sup>
  - **Many gun owners do not store guns safely.** A significant proportion of gun owners disregard basic safety procedures, one study found.<sup>13</sup>
  
- **How have CAP laws affected gun violence?**
  - **CAP laws have been associated with lower rates of unintentional gun deaths among children.**<sup>14</sup>

- Studies have found these laws to be effective in reducing accidental shootings of children by as much as 23 percent.<sup>15</sup>
  - Among states with the highest levels of child gun deaths, 7 of 10 do not have CAP laws. Among states with low levels of child gun deaths, 7 of 10 do have CAP laws.<sup>16</sup>
  - Alaska and Louisiana--states ranked highest in the level of gun violence, with weak gun laws and no CAP laws--had the highest number of children killed by guns from 2001 through 2010: 4 to 5 deaths for every 100,000 children. By contrast, 26 states with CAP laws had rates of less than 2 child firearm deaths for every 100,000 children over this same period.<sup>17</sup>
- **What is happening in New York State?**
  - **While New York has one of the strongest gun safety laws in the country, the state still does not have CAP and safe storage laws to prevent gun accidents, especially among young children.**
    - NYAGV is working to enact new gun safety laws in New York State that require CAP and safe storage of firearms.
    - NYAGV supports **New York Assembly bill A-03941, the Children’s Weapon Accident Prevention Act**, which “creates crimes of failure to store a weapon safely in the first and second degrees, aggravated failure to store a weapon, and criminally negligent storage of a weapon in the first and second degrees and directs the commissioner of education to develop a weapons safety program.”

<sup>1</sup> Regulating Guns in America: An Evaluation and Comparative Analysis of Federal, State and Selected Local Gun Laws, p. 233, Published by *Legal Community Against Violence, 2008*

<sup>2</sup> Law Center to Prevent Gun Violence, Child Access Prevention Policy Summary, <http://smartgunlaws.org/child-access-prevention-policy-summary>

<sup>3</sup> Ibid

<sup>4</sup> Regulating Guns in America (see above), p. 234, 27 states and the District of Columbia have CAP laws: California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Nevada, New Hampshire, New Jersey, North Carolina, Oklahoma, Rhode Island, Tennessee, Texas, Utah, Virginia, Wisconsin.

<sup>5</sup> Okoro CA, et al, Prevalence of Household Firearms and Firearm-Storage Practices in the 50 States and the District of Columbia: Findings from the Behavioral Risk Factor Surveillance System, 2002, 116 *Pediatrics* e370, e371-e372 (Sept. 2005), at <http://pediatrics.aappublications.org/cgi/content/full/116/3/e370>.

<sup>6</sup> Richardson EG, Hemenway D. Homicide, Suicide, and Unintentional firearm fatality: Comparing the United States with Other High-Income Countries, 2003, p. 13, table 2 [published online ahead of print June 21, 2010]. *Trauma* doi: 10.1097/TA.0b013e3181dbaddf

<sup>7</sup> Miller M, Azrael D, Hemenway D. Firearms and Violent Death in the United States, *Reducing Gun Violence in America: Informing Policy with Evidence and Analysis*, Webster DW, Vernick JS, ed. 2013, p. 13

<sup>8</sup> Wintemute, GJ, Teret SP et al, When Children Shoot Children: 88 Unintended Deaths in California, *JAMA* 1987; 257:3107-3109

<sup>9</sup> Grossman DC, Reay DT, Baker SA. Self-inflicted and unintentional firearm injuries among children and adolescents. *Arch Pediatr Adolesc Med.* 1999; 153(8): 875-878

<sup>10</sup> Ibid

<sup>11</sup> Ibid

<sup>12</sup> Grossman, D C. et al, Gun Storage Practices and Risk of Youth Suicide and Unintentional Firearm Injuries, 293 *JAMA* 707, 711-13 (2005)

<sup>13</sup> Weil D, Hemenway D, Loaded Guns in the Home. Analysis of a National Random Survey of Gun Owners, *JAMA* 1992; 267:3033-3037

<sup>14</sup> Regulating Guns in America (see above) p. 233

<sup>15</sup> Hepburn L, Azrael D et al. The Effects of Child Access Prevention Laws on Unintentional Child Firearm fatalities, 1979-2000. *Trauma* 2006; 61:423-8; See also The Case for Gun Policy Reforms in America, *Johns Hopkins Center for Gun Policy and Research*, 2012, p. 8.

<sup>16</sup> States with highest level of child gun violence are Louisiana, Alaska, Alabama, Arizona, Mississippi, South Carolina, New Mexico, Missouri, Arkansas, Georgia. Mississippi, Missouri and Georgia have CAP laws. States with the lowest level of violence are Hawaii, Massachusetts, Connecticut, New Jersey, New York, Iowa, Rhode Island, Minnesota, Maine, Nebraska. Only New York, Maine, and Nebraska do not have CAP laws. See interactive map at <http://www.americanprogress.org/issues/civil-liberties/news/2013/04/02/58293/interactive-measuring-gun-violence-across-the-50-states>, Center for American Progress.

<sup>17</sup> Gerney A, Parsons C, Posner C, America Under the Gun: A 50 State Analysis of Gun Violence and Its Link to Weak State Laws, *Center for American Progress*, April 2013, pp. 16-17