



***PREVENTING AND REDUCING GUN VIOLENCE***

Week after week, America watches in horror as more images of gun violence flash across our TV and computer screens. These tragedies aren't isolated incidents – they are part of a full-blown epidemic. We cannot afford to sit by and let this heartbreak become the new normal.

As a nation, it is time for sensible gun safety laws that save lives. **That is why Governor O'Malley has set a national goal of cutting deaths from gun violence in half within 10 years.**

As Governor of Maryland, O'Malley implemented some of the toughest measures in the nation to crack down on gun violence. He put in place licensing, fingerprinting, background checks, and safety training requirements, and ensured that these requirements applied to all buyers. If a firearm was lost or stolen, Maryland required it to be reported immediately to law enforcement. And Maryland banned the sale of assault weapons and limited the size of magazines – all while protecting the state's hunting traditions.

Governor O'Malley is calling for the nation to adopt similar reforms – while also closing federal loopholes that allow prohibited individuals to legally purchase guns, prevent law enforcement from holding dealers and gun traffickers accountable when they break the law, and lead to the deaths of thousands of children every year. These proven solutions are achievable at a national scale – if, as a nation, we have the courage and conviction to do the right thing.

**GOAL: CUT DEATHS FROM GUN VIOLENCE—HOMICIDES, SUICIDES, AND ACCIDENTS—IN HALF BY 2025**

**Expand Background Check Protections to All Sales**

Federally licensed firearms dealers are already required to conduct background checks in order to prevent people with a history of gun violence, domestic abuse, or severe mental illness from obtaining firearms. While this requirement has effectively prevented [more than two million prohibited people from acquiring guns](#), large loopholes allow many others to legally purchase firearms.

The biggest and most dangerous loophole is that unlicensed dealers, who account for roughly [40 percent of all firearm sales](#), are not required to run background checks. Closing this loophole has been proven to save lives: In the 17 states that already require a criminal background check, the

number of police officers shot and killed while on duty, the number of people who commit suicides with guns, and the number of women shot to death by their partners is [nearly 50 percent lower](#) than in other states.

As president, Governor O'Malley will:

- **Require a background check for every gun sale.** O'Malley will fight for laws requiring that all individuals who purchase a gun complete a background check. This would be accomplished by requiring that all private sales be processed through a licensed dealer or law enforcement agency that would complete the background check, as O'Malley required in Maryland.
- **End unregulated internet gun sales.** Because [tens of thousands of guns](#) are sold online, people who are prohibited from owning them can easily purchase guns while avoiding a background check. O'Malley would work to require all gun purchases to be completed in person through licensed dealers, who would be required to complete a background check and comply with all other safety laws.
- **Strengthen background check protections.** O'Malley will work to close loopholes that allow prohibited people to legally purchase guns. This includes ending "default proceeds" – where, under current law, agents only have three business days to conduct and finish background check investigations before the sale automatically proceeds. This broken process allows [more than 2,500 prohibited individuals](#) to purchase guns annually, and can be addressed in part by expanded waiting periods, as proposed below. O'Malley will also seek to end the "Brady exemption" that allows permit holders to avoid background checks. And he will work to require licensed dealers to install technology in order to verify the identification of every gun purchaser.
- **Encourage states to improve information sharing.** In order for background checks to be fully effective, states must provide complete and accurate data on persons prohibited from owning guns, including for those with felony records. The Obama Administration has made [important investments to support states](#) that share information with the federal background system. O'Malley would build on these efforts, continuing to provide critical resources to states to help them modernize recordkeeping and share critical data.

### **Implement Commonsense Safeguards for Gun Purchases**

Beyond background checks, commonsense measures like mandatory gun licensing, waiting periods, and age restrictions have proven to dramatically reduce gun-related [homicides](#), [suicides](#), and [trafficking](#). Drawing from his experience in Maryland, where under his leadership the state successfully implemented important safety measures, the Governor will fight to ensure that all Americans benefit from the same basic protections.

As president, Governor O'Malley will:

- **Enact comprehensive requirements for gun purchases, including fingerprint licensing.** Building from successful reform efforts in Maryland, O'Malley will require all individuals who seek to purchase or transfer any gun to obtain a fingerprint-based license, and complete a safety training and a waiting period, in addition to passing a background check. As he did in Maryland, O'Malley would extend these same requirements to private sales by requiring all sales to be completed through licensed dealers.
- **Set a national age requirement for gun possession.** A quarter of gun crimes are committed by individuals 21 and under, based on [data from 13 states](#); and guns are used in [38 percent of suicides](#) among young people. O'Malley will work to set a federal minimum age of 21 for all gun purchases, and a minimum age of 21 for handgun ownership.
- **Require the safe storage of guns at home.** Guns are the [second leading cause](#) of death among children and teens, and the first cause among African American children. The safe storage of guns can prevent suicide, violence, and accidents, saving the lives of thousands of young people: in sum, [roughly 10,000 children](#) are killed or injured by guns every year.

While licensed dealers are [already required](#) to make sure that gun purchasers have safety devices, there is far more to be done to ensure safe gun storage. O'Malley will extend existing safety standards to all firearm sales. He will issue federal rules clearly defining the effective gun locks and safes that can be used to meet the sale requirement. And O'Malley will also work to overturn federal laws that [grant immunity from civil lawsuits](#) to people who use gun storage and safety devices if their guns are used by a third party for criminal activity.

- **Reject federalized concealed carry.** Republicans in Congress have proposed overriding existing state laws regarding who should be able to carry concealed guns within their borders. These laws are enacted by the voters and elected representatives of each state in order to keep their neighbors safe. O'Malley would defend strict state regulations, fighting back against efforts to force every state to honor the concealed-carry permits issued by other states. Several states' concealed carry laws are [extraordinarily weak](#), granting permits to individuals who do not first complete safety training, have been convicted of a violent crime, or have a demonstrated history of drug or alcohol abuse.

### **Protect Women from Gun Violence**

America is the [most dangerous country in the developed world](#) for women when it comes to gun violence. Because of our weak gun laws, domestic abusers can still easily purchase and own guns; and abused women are five times more likely to be killed by their abuser if they own a firearm. Closing loopholes that allow people to buy guns from unlicensed sellers is an [important first step](#) to keeping guns out of the hands of men who abuse or stalk women. But additional action must be taken to save women's lives.

As president, Governor O'Malley will:

- **Close the "boyfriend loophole".** People who are convicted of domestic violence are already barred from owning and purchasing guns. However, this ban only extends to people who are

living with, married to, or have a child with the person suffering abuse—meaning that someone who is convicted of domestic violence in a dating relationship can still own and purchase guns. O’Malley supports the [Zero Tolerance for Domestic Abusers Act](#), which would close this loophole, providing critical protections for women who are targets of dating violence. O’Malley also supports the Act’s provisions that prohibit anyone convicted of stalking from owning a gun.

- **Ban guns for those subject to emergency restraining orders.** In addition, current law only disarms people who are under permanent restraining orders – leaving accused domestic-violence offenders who are under emergency restraining orders free to own and purchase guns. The days following the service of an emergency order of protection [can be the most dangerous](#), and it can take several weeks or longer for permanent restraining orders to be imposed. O’Malley supports [federal legislation](#) that would prevent those under emergency restraining orders from purchasing or possessing a firearm for the duration of the order.
- **Disarm and prosecute those who break the law.** Existing bans on gun ownership for domestic abusers and stalkers are [too rarely enforced](#). O’Malley would make it a priority to disarm and prosecute those who unlawfully own or purchase firearms, despite committing domestic violence.

### **Expand Reporting Requirements to Help Law Enforcement Fight Gun Crime**

Firearm registration helps law enforcement officers identify and prosecute violent criminals, allowing them to quickly and reliably trace firearms recovered from crimes to their source. Centralized registration systems and mandatory reporting of lost and stolen firearms also deter illegal sales, while encouraging gun owners to responsibly use and store their firearms.

As president, Governor O’Malley will:

- **Establish a national firearms registry.** Although firearm registration helps advance public safety, federal law actually [prohibits creation of a national system for registering firearms](#). This makes tracing guns back to their sale a slow, cumbersome, or even impossible process. O’Malley will push to revise federal law, in order to establish a comprehensive, centralized firearm registration system, where records would be maintained electronically and indefinitely. All firearms purchases would be recorded and registered at sale, and re-registered when they are resold or transferred.
- **Mandate reporting to law enforcement of lost or stolen firearms.** In addition, O’Malley will work to mandate that all lost or stolen firearms be reported immediately to law enforcement. These reports would be registered in the national database, helping law enforcement more quickly trace guns that are used in crimes – and identify individuals who routinely fail to report lost or stolen guns and may be trafficking firearms.
- **Require microstamping for all ammunition.** Firearms can be designed to imprint a unique alphanumeric code onto a cartridge case when it is fired. This allows law enforcement to better trace the guns used in crimes, speeding investigations and further deterring trafficking.

O'Malley supports a national microstamping law.

### **Hold Bad Actors Accountable**

Law enforcement faces additional barriers to regulating firearms dealers and preventing gun trafficking and crime. Industry-friendly laws limit federal inspections of firearm dealers and ensure toothless punishments for breaking the law. And the National Rifle Association and its allies have [prevented](#) the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) from having the resources or support it needs to enforce our nation's modest gun control laws. Law enforcement must have the tools required to ensure gun safety and hold bad actors accountable.

As president, Governor O'Malley will:

- **Revoke licenses when dealers break the law.** Given current resources and restrictions, the ATF is [often unable to revoke the licenses](#) of dealers who break the law. Even when the agency does find serious violations, like gun sales to those who are underage, it can take one to three years for a dealer to lose their license. Moreover, the ATF must find that dealers [committed a violation "willfully"](#) – even though dealers who break federal laws are a [major source of trafficked firearms](#).

O'Malley will ensure that the ATF has the funding and authority it needs to do its job and keep the American people safe. This includes revising the standard by which dealers can have their licenses revoked, and increasing follow-up so that dealers who lose their licenses do not pass on their business to friends or relatives, or continue to sell guns as unlicensed dealers.

- **Ensure regular and unexpected inspections of licensed dealers.** Currently ATF may only conduct [one unannounced inspection](#) of each licensed firearms dealer per year. Moreover, because of a lack of federal resources, licensed dealers are inspected only [once per decade](#) on average. O'Malley will lift the inspections cap and dedicate the necessary resources to monitoring dealers to ensure that they comply with the law.
- **Increase federal penalties for gun traffickers.** There is no clear and enforceable federal prohibition on gun trafficking. Rather, law enforcement uses prohibitions from selling guns without a license to go after traffickers – and the penalty imposed is the [same punishment for trafficking chicken or livestock](#). O'Malley supports the [bipartisan Senate legislation](#) introduced this year that would make selling guns to a prohibited person a felony under federal law.

### **Ensure Gun Manufacturers Act Responsibly**

Roughly five percent of gun dealers supply [90 percent of guns used in crimes](#). Holding gun manufacturers accountable when they contribute to gun violence can help break the pipeline through which criminals and dangerous individuals obtain and traffic guns. Yet manufacturers have little incentive to encourage bad actors reform: they continue to profit from dealers'

unscrupulous sales, while Congress protects them from any liability for contributing to criminal or deadly behavior.

As president, Governor O'Malley will:

- **End immunity for gun manufacturers.** Every state holds manufacturers accountable for producing and selling products that cause harm. But in 2005, the Republican-controlled Congress protected gun makers and dealers from most liability when their firearms are used criminally: the [Protection of Lawful Commerce in Arms Act](#) effectively wiped out gun liability laws in [all 50 states](#). O'Malley would fight to overturn the Act, allowing states and cities to better protect their citizens from negligence, and giving victims of mass shootings the ability to hold irresponsible gun manufacturers and dealers accountable.
- **Ban sale or distribution of all assault and semi-automatic weapons.** Assault weapons are designed to be extraordinarily deadly. So it is no surprise that between 1982 and 2012 [a quarter of mass shooters](#) used an assault weapon, and that attacks with assault weapons were nearly 60 percent more deadly than other mass shootings. O'Malley would ban the sale or distribution of all assault and semi-automatic weapons, including assault pistols and long guns, [as he did in Maryland](#). He would also ban the sale or distribution of large-capacity magazines, and ["cop killer" ammunition](#) through federal regulation.

### **Use the Power of the Federal Purse to Advance Gun Safety**

Government agencies are the largest purchaser of firearms, accounting for [40 percent of gun industry revenues](#). By adjusting federal procurement policies, the federal government can encourage gun manufacturers and dealers to work to prevent trafficking and gun violence, while driving innovation that advances gun safety.

As president, Governor O'Malley will:

- **Use procurement contracts to advance gun safety.** O'Malley will require manufacturers that seek federal procurement contracts to make simple design changes that advance gun safety and improve law enforcement's ability to trace firearms. These include hidden serial numbers that cannot be defaced, microstamping, magazine disconnect mechanisms, and other safety improvements.