



Framework for Action

28 Ideas for State Executive Action to Prevent Gun Violence and Fight Gun Crime

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Introduction and summary

It has been three years since one of the nation's most horrific mass shootings: the massacre at Sandy Hook Elementary School. The movement to enact stronger gun laws since that tragedy has been characterized by two seemingly conflicting trends. In communities across the country, the groundswell of activism and engagement has been unprecedented. The public is demanding action by local, state, and national leaders to address the epidemic of gun violence in this country—not only regarding the mass shootings that garner the bulk of media attention, but also for the thousands of shooting deaths that too often go unnoticed. Millions of Americans have signed petitions and pledges; called their elected representatives; and organized and attended rallies and vigils pleading for change. At the same time, the inertia in Congress has been inexorable, as our elected representatives have largely failed to heed these calls for action to enact the common sense legislation that is supported by a vast majority of Americans and would undoubtedly save lives.¹

Yet, in the face of these conflicting dynamics, there has been substantial leadership at the state level to take on the gun lobby and enact stronger gun laws. Since 2013, a number of states—including Colorado, Connecticut, Washington state, and Oregon—have enacted new laws to require background checks for all gun sales, closing the biggest loophole in the states' gun laws and bringing the total number of states that have implemented this law to 18.² In addition, 18 states have strengthened their laws to prevent domestic abusers from having easy access to guns.³ There has also been substantial innovation by many state legislatures to enact new approaches to gun violence: For example, in 2014, California enacted a law to provide a flexible remedy for family members to temporarily disarm an individual who is experiencing a mental health or other personal crisis that increased their risk of committing an act of gun violence.⁴

While action in Congress remains challenging, state leaders can continue to innovate and even go further to proactively address gun violence in this country. One opportunity that has been underutilized in many states is the option of non-legislative action to address gun violence. State executives—including governors,

attorneys general, public health officials, and heads of state police—have substantial authority to implement new regulations, policies, and protocols in order to address many different aspects of gun violence that affect local communities. Actively exercising this authority will have a real effect on both reducing gun violence and saving lives. At the same time, this type of executive action is crucial to help bolster and support the legislative efforts that are underway in many states to strengthen gun laws in the face of the gun lobby’s extreme pressure and opposition. Use of executive authority will also help spur and drive new legislative efforts in states that have not yet been successful in this area.

In this report, the Center for American Progress offers 28 recommendations across six categories for how state executives can take nonlegislative action to address various aspects of gun violence in their communities:

Strengthening background checks

1. Issue guidance to licensed gun dealers to encourage them to conduct voluntary background checks on behalf of private sellers
2. Require background checks for private sales at gun shows that are held on publicly owned property
3. Create an interagency working group to evaluate the state’s progress in providing prohibiting records to the background check system
4. Apply for federal grant funding to improve background check records
5. Ensure that all domestic violence and drug abuse prohibiting records are pre-validated and flagged in the background check system

Enhanced enforcement of current laws

6. Investigate and prosecute cases in which prohibited individuals attempt to purchase guns from licensed dealers and fail a background check
7. Create a dedicated gun crime investigative unit in state and local police departments to focus on illegal gun trafficking and gun crime
8. Create an illegal gun tip line
9. Increase the use of technology to solve gun crimes and prevent shootings

10. Implement de-escalation training for police officers and increase the use of independent prosecutors in investigations of police officers who use lethal force
11. Implement a lethality assessment program for officers who are responding to domestic violence calls
12. Implement statewide standardized protocol requiring prohibited domestic abusers to surrender all firearms in their possession
13. Provide guidance to local judges to ensure that they order the surrender of firearms by domestic abusers in appropriate cases

Improved data collection and analysis

14. Require state and local law enforcement agencies to trace all crime guns
15. Conduct an annual review of trace data to identify the largest sources of crime guns in the state
16. Create an opt-in program for law enforcement agencies across the state to share trace data
17. Create a review commission to study every gun-related death in the state
18. Improve statewide collection of crime and gun death data

Enhanced community engagement

19. Implement a violence-intervention program in local hospital emergency rooms for gunshot victims
20. Implement community-based programs to prevent violent crime in vulnerable communities

Enhanced oversight of gun carrying

21. Conduct an annual review of concealed-carry permit reciprocity agreements with other states and rescind those agreements with states that fail to meet certain standards
22. Conduct monthly background checks to ensure continued eligibility for individuals who have been issued concealed-carry permits
23. Use existing criminal laws to discourage reckless acts of open carry

Enhanced regulation of the gun industry

24. Increase security measures and improve other business practices of gun dealers
25. Create a grading system for gun dealers that incentivizes adoption of best practices
26. Use state and local buying power to encourage best practices by gun manufacturers and dealers
27. Divest public funds from gun manufacturers that fail to adopt best practices
28. Enforce state sales tax laws on high-volume sellers of guns who have not obtained a federal firearms license

To be sure, not every recommendation is appropriate or feasible in every state. State laws vary widely, and states often face varying challenges when it comes to gun violence. But the list of ideas offered in this report is intended to present wide-ranging options for state executives who are committed to taking real action to address gun violence in their communities.

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And we believe an effective government can earn the trust of the American people, champion the common good over narrow self-interest, and harness the strength of our diversity.

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