



## COVID-19 & Guns: Addressing Gun Violence amid the Coronavirus

Governors across the country are doing everything in their power to protect the public's health and safety during these unprecedented times. While fighting this pandemic must be the government's number one focus, there are troubling signs that one public health emergency, COVID-19, risks exacerbating another one: our nation's gun violence epidemic. Surging calls to suicide prevention and domestic violence hotlines, overwhelmed hospitals dealing with a surge of new COVID-19 patients on top of a daily stream of gunshot victims, and a background check system stretched thin by a surge of gun buyers are all troubling warning signs of a looming crisis. Without swift action from our leaders the pandemic will likely escalate a gun violence crisis that already claims 38,000 American lives every year.<sup>1</sup>

Taking action now will help save lives. To facilitate action, Everytown for Gun Safety, the nation's largest gun violence prevention organization has compiled a list of 7 emergency actions Governors can take. These actions can help prevent one crisis from leading to another one.

1. Amid a surge in gun buying, give law enforcement enough time to complete background checks (Addressing the "Charleston Loophole");
2. Educate the public and first-time gun buyers about the risks that come with gun ownership;
3. Promote the secure storage of firearms;
4. Address the increased risk of suicide by ensuring extreme risk protection orders are designated as "essential" court services;
5. Protect families by ensuring domestic violence restraining orders can be sought and issued, and providing continuity of services to victims;
6. Ensure essential community gun violence intervention programs can continue to work and give them the critical support they need; and
7. Prevent criminals from obtaining the parts to build Ghost Guns.



1. Amid a Surge in Gun Buying, Give Law Enforcement Enough Time to Complete Background Checks (Addressing the “Charleston Loophole”)

The COVID-19-related surge in gun sales has put an enormous strain on the nation’s background check system, increasing the danger of the so-called “Charleston Loophole.”

Federal law requires that licensed gun dealers run background checks on all potential gun buyers. But due to a National Rifle Association–backed provision of the 1993 Brady Bill, the law allows sales to proceed by default after three business days—even if a background check is not yet complete.<sup>2</sup>

While nineteen states have closed or narrowed this gap,<sup>3</sup> in many states it is legal for a dealer to transfer a gun after three business days even if the results of a background check are not yet known, increasing the chance that guns will fall into the hands of people who are legally prohibited from having them. While the vast majority of background checks are completed on the spot, approximately 10 percent are delayed.<sup>4</sup> And a delayed background check is a strong indication that the potential buyer may ultimately turn out to be prohibited from having guns. An analysis of the past five years of NICS data shows that background checks completed after the three business day period are four times more likely to result in a denial than checks completed within three business days.<sup>5</sup>

The background check system is already experiencing significant increases, with a 41 percent increase in March 2020 compared to March 2019.<sup>6</sup> And in one day, March 16th (the day President Trump and the CDC announced that gatherings of more than 10 people would have to be canceled for the next 15 days<sup>7</sup>), the background check system experienced a 300 percent increase compared to that day in 2019.<sup>8</sup> Considering these sharp increases in firearms sales during the present state of emergency, states are already seeing an increase in background checks that remain incomplete after three days.<sup>9</sup> Governors should consider executive orders closing this gap and extending the time that law enforcement has to conduct background checks.<sup>10</sup> This will help protect public safety and vulnerable groups, like victims of domestic violence, who disproportionately are affected by this loophole and are already vulnerable in a time with reduced public services.<sup>11</sup> Governors in states that conduct their own background checks should also consider directing additional resources to state agencies conducting background checks to ensure checks can be done in a timely manner.

2. Educate the Public and First-Time Gun Buyers About the Risks that Come With Gun Ownership

Fear and anxiety in the age of COVID-19 has led to spikes in gun purchases, in particular among first-time buyers. Many of these “panic buyers” think that the purchase will make them and their families safer, but do not know that access to a firearm increases the risk of death by homicide by two times,<sup>12</sup> the risk of death by suicide by three times,<sup>13</sup> and the risk that a woman will be killed in a domestic dispute by five times.<sup>14</sup> As with all aspects of this crisis, the public deserves to know the truth about how to stay safe, and consumers should be informed of these risks prior to purchasing a firearm. This is true now more than ever given the increase in first-time buyers who might be especially unaware of the risks that firearms pose. Governors can direct state agencies to provide this information to gun purchasers and take additional steps to build public awareness about responsible gun ownership.



### 3. Promote the Secure Storage of Firearms

With schools closed due to COVID-19, millions of children and teens are spending a lot of time at home. Approximately 4.6 million children live in a household with at least one gun that is stored loaded and unlocked,<sup>15</sup> a number that has likely expanded due to the recent surge in gun purchases. If gun owners don't take steps to secure their firearms, efforts to curb the pandemic could result in preventable tragedy in the home.

[Research shows](#) an overwhelming majority of unintentional shootings by children and teen suicides could have been prevented with secure storage. Experts agree on the following three principles:

- **Unload:** Gun owners should remove all ammunition from their firearms, including removing any chambered rounds.
- **Lock:** Unloaded firearms should be secured with a firearm locking device, such as a jacket lock, or in a locked location, like a safe or lock box. Locking devices, safes, and lock boxes are equipped with keys, combinations, or biometric technology that limit access.
- **Separate:** Ammunition should be stored separately from any firearms, in a secure location.

Governors can include a call for secure storage in their COVID-19 briefings and can promote secure storage on social media. They can also direct state agencies to make these resources available to first-time gun buyers, along with information about the risks of gun ownership.

Moms Demand Action created the Be SMART program which asks parents and caretakers, gun owners and non-gun owners alike, to 'Be SMART' and take these simple steps:

- **Secure** all guns in homes and vehicles
- **Model** responsible behavior
- **Ask** about firearms in other homes your child visits
- **Recognize** the role of guns in suicide
- **Tell** your peers to Be SMART

This program can serve as a resource for families and public health officials during these challenging times. Social media content and other resources can be downloaded from the Be SMART website: <https://besmartforkids.org/>

### 4. Address the Increased Risk of Suicide by Ensuring Extreme Risk Orders Are Designated as "Essential" Court Services

18 states have enacted Extreme risk protection order ("ERPOs") laws, which enable law enforcement agencies and, in many states, family and household members, to temporarily prevent a person who is at significant risk of harming themselves or others from accessing a gun.



Extreme risk protection orders are critically important at this time, when social isolation and fear and anxiety about health and personal finances are rising. The National Suicide Prevention Hotline reports that calls for help have increased 300 percent nationally during the COVID-19 pandemic.<sup>16</sup> Access to a firearm can be the difference between life and death in a time of crisis: Firearm suicide is uniquely lethal, with 90 percent of suicide attempts using a gun resulting in death. By comparison, only 4 percent of suicide attempts by other means are fatal.<sup>17</sup>

As they work to ensure the continued function of state court systems during this crisis, Governors in states with ERPO laws should take steps to ensure that the ERPO process is considered an “essential” court service (to the extent courts are open for only essential court services). This can ensure ERPO remains a viable tool in this difficult time and can include actions like:

- a) Ensuring that ERPOs are deemed “essential” court services (to the extent courts are open only for essential services), with electronic filings and virtual hearings where available.
- b) Ensuring that ERPO petitions continue to be served on respondents and that court orders to surrender firearms are enforced by law enforcement agencies. Governors should also ensure that records relating to ERPOs are maintained in all law enforcement information systems, including background check systems used for gun sales.
- c) Informing law enforcement and the public about this life saving tool and how to access it during this ongoing crisis.

5. Protect Families by Ensuring Domestic Violence Restraining Orders Can be Sought And Issued, And Providing Continuity of Services to Victims

Domestic violence restraining orders (DVROs) provide survivors of domestic violence with critical protection from abuse. These protections include prohibiting abusers from going to the survivor’s home, where they may be sheltering in place, and prohibiting abusers from having firearms. Law enforcement agencies in cities that have been hit hard by the pandemic have reported an increase in domestic violence incidents, and victim assistance agencies have reported increased calls for help from people who are isolated or quarantined in close proximity with their abusers.<sup>18</sup> Research suggests that domestic violence victimization may increase during periods of emergency<sup>19</sup>; simultaneously, the Federal Bureau of Investigation has seen record highs in gun purchases.<sup>20</sup> These circumstances are particularly concerning in light of research showing that access to a gun during a domestic violence incident increases the likelihood that a woman will be killed fivefold.<sup>21</sup>

In addition to properly resourcing domestic violence responders and facilities, Governors can further protect the safety of families by:

- a) Ensuring that domestic violence restraining orders are deemed “essential” court services (to the extent courts are open only for essential services) with electronic filings and virtual hearings where available. Governors should also ensure that the community receives public information that help is available to domestic violence victims.



b) Ensure that domestic violence restraining orders continue to be served on respondents and that court orders to surrender firearms are enforced by law enforcement agencies. Governors should also ensure that records relating to domestic violence restraining orders are maintained in all law enforcement information systems including background check systems used for gun sales.

c) Extending temporary domestic violence restraining orders, including those that restrict firearms access, while court access is limited. Extending temporary DVROs until the case can be scheduled for a court hearing protects victims of abuse from a short-term order expiring before a longer-term order can be put in place.

d) Provide law enforcement officers with the necessary mandate to remove firearms from the scene of domestic violence incidents during the state of emergency. This allows law enforcement officers to secure the safety of domestic violence survivors, particularly at a time when domestic violence prosecution is likely to be delayed.

6. Ensure Essential Community Gun Violence Intervention Programs Can Continue to Work And Give Them The Critical Support They Need

For the many neighborhoods in American cities plagued by long-standing racial inequities and disproportionate levels of gun violence, COVID-19 is just the latest public health crisis. Thankfully, the same local community violence intervention programs that have been shown to address and prevent gun violence in the hardest-hit neighborhoods are continuing to reduce gun violence in this crisis while emerging as a critical resource to fight the virus itself. Already, gun violence prevention workers embedded in hospital-based violence intervention programs (HVIPs) and communities are applying their public health training to share information about COVID-19 to vulnerable communities.<sup>22</sup> As hospitals become overwhelmed by COVID-19 patients, the work of HVIPs and community violence prevention workers to reduce gun violence and gunshot hospitalizations is critical. Governors must ensure the sustained impact of gun violence prevention workers by categorizing these workers as essential public health professionals whose services can continue during this crisis.

Like other public health professionals, violence prevention workers--particularly those embedded in hospitals--are undertaking their life-saving work in close proximity to other community members without access to protective masks, gloves, and related safety gear. Governors must ensure that these critical public health workers are not denied protection while serving their communities as they fight two public health crises at the same time.

To adapt to these crises, gun violence intervention programs should be afforded flexibility in spending state-funded grants. The COVID-19 crisis is ever-evolving and community needs are shifting as the health and economic toll of the virus increases. Restricted grant funds, such as those earmarked for travel or conferences, will go unused during this time and should be released so that programs can use these funds to adapt to the crisis. Governors can ensure that funding is spent in support of communities in need by removing or relaxing restrictions on grant spending.



## 7. Prevent Criminals from Obtaining the Parts to Build Ghost Guns

Panic buying at gun stores is concerning enough, but at least these sales are subject to a background check. For those that cannot pass a check there's another option, one that allows a prohibited buyer like a convicted domestic abuser to skip the check altogether: order ghost guns online.

Ghost guns are do-it-yourself (DIY) firearms made from parts readily available without a background check and have been emerging as a weapon of choice for violent criminals, gun traffickers, dangerous extremists, and others legally prohibited from buying firearms. With a DIY kit ordered online and some commonly available tools, a novice can make their own handgun, like a Glock 17, or an assault-style rifle like an AR-15, in just a few hours. And, because it has no serial number, a ghost gun cannot be traced back to its buyer, which frustrates police investigations and robs victims and survivors of justice.

In the early stages of this pandemic, more than a dozen online ghost gun sellers have reported shipping delays and depleted stock as customers ramp up purchasing.<sup>23</sup> And despite shelter-in-place orders and social distancing measures, crimes using ghost guns continue to surface in states including Massachusetts<sup>24</sup> and New Jersey.<sup>25</sup>

To prevent the spread of these untraceable firearms, Governors should order that during this emergency, unfinished frames and receivers (the core building block for a ghost gun) and complete DIY kits may not be shipped to or sold in their states without a background check at a licensed gun dealer and without a serial number applied to the frame or receiver.

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<sup>1</sup> Centers for Disease Control and Prevention, National Center for Injury Prevention and Control, Web-based Injury Statistics Query and Reporting System (WISQARS). A yearly average was developed using five years of the most recent available data: 2014 to 2018.

<sup>2</sup> This loophole is the one through which the shooter at Emanuel AME Church in Charleston, South Carolina, obtained the firearm he used in the shooting on June 17, 2015. The shooter, who was prohibited from possessing firearms, was able to purchase the gun he used in the shooting because the default proceed period had elapsed, and the dealer made the sale even though the background check was not complete.

<sup>3</sup> Five states have laws that explicitly delay a gun sale if the background check is incomplete for time periods that do not exceed 3 business days. Iowa: Annual permits to acquire handguns are not valid until 3 days after application. Iowa Code § 724.20. Nebraska: Authorities have 3 days to approve or deny an application for a handgun certificate, which is required in order to purchase a handgun. R.R.S. Neb. § 69-2405. Oregon: Authorities have until the end of the next business day following the background check request to determine if the person is eligible to possess a gun. ORS § 166.412(3), 166.434. Virginia: Authorities have until the end of the next business day following the background check request to determine if the person is eligible to possess a gun. Va. Code Ann. § 18.2-308.2:2(B)(2); 6 VAC 20-130-70(H). For a non-resident, or at the request of a resident for whom the dealer requests a background check by mail, the dealer may not transfer the firearm if the background check is still pending until 10 days have passed. 6 VAC 20-130-80.

<sup>4</sup> Joshua Eaton "FBI Never Completes Hundreds of Thousands of Gun Checks," *Roll Call*, December, 3, 2019, <https://bit.ly/2UEdsNM>. According to data from *Roll Call*, there were 43,464,647 federal checks facilitated by NICS between 2014 and 2018. Of those, 4,639,397 checks—or 10 percent of all federal checks— were delayed.

<sup>5</sup> Joshua Eaton "FBI Never Completes Hundreds of Thousands of Gun Checks." Everytown analyzed data provided by *Roll Call* for 2014 to 2018. Of all federal checks facilitated by the NICS during that period, 1.2 percent were denied, and of checks that were delayed beyond three business days, 5.1 percent were denied.

<sup>6</sup> Richard A. Oppel, Jr., "For Some Buyers with Virus Fears, the Priority isn't Toilet Paper. It's Guns." *New York Times*, March 16, 2020, <https://nyti.ms/3bomdB0>.



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- <sup>7</sup> Centers for Disease Control and Prevention, "Resources for Large Community Events & Mass Gatherings," March 16, 2020, <https://bit.ly/39pffu6>.
- <sup>8</sup> Asher Stockler, "Exclusive: FBI Sees Record Background Checks for Gun Sales Amid Coronavirus Outbreak, Up 300 Percent In Single Day," *Newsweek*, March 18, 2020, <https://bit.ly/2UoMIG5>.
- <sup>9</sup> Michael Karlik, "Background Checks for Guns Triple as Wait Times Cross Federal Threshold," *Colorado Politics*, March 24, 2020, <https://bit.ly/2lvymYl>.
- <sup>10</sup> Rhode Island Governor Gina Raimondo recently issued an executive order which extends the time when firearm dealers may complete sales before the completion of a background check from 7 to 30 days. See <http://www.governor.ri.gov/documents/orders/Executive-Order-20-07.pdf>.
- <sup>11</sup> From 2006 to 2015, 30 percent of gun sale denials by licensed dealers to buyers convicted of misdemeanor domestic abuse took longer than three business days. That means licensed dealers were legally authorized under federal law to transfer guns to 18,000 people who were prohibited domestic violence misdemeanants simply because their background checks took longer than three days. United States Government Accountability Office, "Report to the Acting Ranking Member, Subcommittee on Commerce, Justice, Science, and Related Agencies, Committee on Appropriations, House of Representatives: Gun Control: Analyzing Available Data Could Help Improve Background Checks Involving Domestic Violence Records," July 2016, <https://bit.ly/2CkTs94>.
- <sup>12</sup> Andrew Anglemeyer, Tara Horvath, and George Rutherford, "The Accessibility of Firearms and Risk for Suicide and Homicide Victimization Among Household Members: A Systematic Review and Meta-analysis," *Annals of Internal Medicine* 160, no. 2 (2014): 101-110.
- <sup>13</sup> Andrew Anglemeyer, Tara Horvath, and George Rutherford, "The Accessibility of Firearms and Risk for Suicide and Homicide Victimization Among Household Members: A Systematic Review and Meta-analysis," *Annals of Internal Medicine* 160, no. 2 (2014): 101-110.
- <sup>14</sup> Jacquelyn C. Campbell, et al., "Risk Factors for Femicide in Abusive Relationships: Results From a Multisite Case Control Study," *American Journal of Public Health* 93, no. 7 (2003): 1089-1097.
- <sup>15</sup> Deborah Azrael et al., "Firearm Storage in Gun-Ownning Households with Children: Results of a 2015 National Survey," *Journal of Urban Health* 95, no. 3 (June 2018): 295-304. Study defined children as under the age of 18.
- <sup>16</sup> Don Sweeney, "Suicide Hotline Calls Soar as Coronavirus Spreads. 'There is a flood coming,'" *Sacramento Bee*, March 25, 2020, <https://bit.ly/2y9t3Md>.
- <sup>17</sup> Andrew Conner, Deborah Azrael, and Matthew Miller, "Suicide Case-Fatality Rates in the United States, 2007 to 2014: A Nationwide Population-Based Study," *Annals of Internal Medicine* 171, no. 12, (2019): 885-95.
- <sup>18</sup> Mary Margaret Olohan, "Domestic Violence Hotlines See Flood of Calls During Coronavirus Lockdown," *National Interest*, March 24, 2020, <https://bit.ly/2QNMAbO>. Domestic violence in China is reported to have tripled in areas locked down due to the coronavirus pandemic. Bethany Allen-Ebrahimian, "China's Domestic Violence Epidemic," *Axios*, March 7, 2020, <https://bit.ly/2WO2hn6>.
- <sup>19</sup> Julie A. Schumacher, et al., "Intimate Partner Violence and Hurricane Katrina: Predictors and Associated Mental Health Outcomes," *Violence and Victims* 25, no. 5 (2010): 588-603.
- <sup>20</sup> Asher Stockler, "Exclusive: FBI Sees Record Background Checks for Gun Sales Amid Coronavirus Outbreak, Up 300 Percent In Single Day," *Newsweek*, March 18, 2020, <https://bit.ly/2UoMIG5>.
- <sup>21</sup> Jacquelyn C. Campbell et al., "Risk Factors for Femicide in Abusive Relationships: Results from a Multisite Case Control Study," *American Journal of Public Health* 93, no. 7 (2003): 1089-97.
- <sup>22</sup> Lakeidra Chavis, "Already Fighting One Public Health Crisis, Chicago's Gun Violence Interrupters Take On Coronavirus," *The Trace*, March 17, 2020, <https://bit.ly/2UUqHsD>.
- <sup>23</sup> Tess Owen, "People are Panic Buying Untraceable 'Ghost Guns' Online in the Coronavirus Pandemic," *Vice*, March 27, 2020, <https://bit.ly/2ImVLLY>.
- <sup>24</sup> Christopher Huffaker, "Tewksbury Police Arrest Man Following Shooting, Shelter In Place." *Tewksbury, MA Patch*, March 15, 2020, <https://bit.ly/2vT7RcE>.
- <sup>25</sup> Joe Brandt, "Ex-Temple Player from South Jersey was Killed with Unlicensed 'Ghost Gun,' Cops Say," *NJ.com*, March 14, 2020, <https://bit.ly/3bAyz9j>.