

**REPORT OF THE VIRGINIA STATE CRIME
COMMISSION**

**STUDY OF VIRGINIA'S LAW ON
HANDGUN PURCHASE LIMITS**

**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**



HOUSE DOCUMENT NO. 28

**COMMONWEALTH OF VIRGINIA
RICHMOND
1996**



COMMONWEALTH of VIRGINIA

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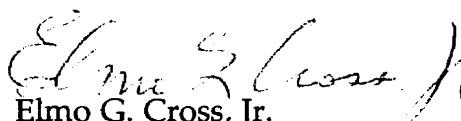
November 14, 1995

TO: The Honorable George Allen, Governor of Virginia
and Members of the General Assembly:

During the 1995 Session of the General Assembly, the House Courts of Justice Committee directed the Virginia State Crime Commission to study the one-gun-a-month law, and carried over House Bill 2427 to allow the Crime Commission to submit its findings and recommendations to the Governor and the 1996 session of the General Assembly.

In fulfilling this directive, a study was conducted by the Virginia State Crime Commission in 1995. I have the honor of submitting herewith the study report.

Respectfully submitted,


Elmo G. Cross, Jr.
Chairman

EGC/dgs

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Study Of Virginia's Law On Handgun Purchase Limits

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Study Of Virginia's Law On Handgun Purchase Limits

I. Authority for Study

During the 1995 General Assembly session, Delegate Clinton Miller of Woodstock introduced House Bill 2427, a measure to repeal Code of Virginia § 18.2-308.2:2 Subsection Q. The bill as proposed would have eliminated restrictions imposed in 1993 on multiple handgun sales in Virginia, the legislation often referred to as the "one-gun-a-month" bill. House Bill 2427 came before the House Courts of Justice and the Committee forwarded the bill to the Crime Commission for study. The Commission has been requested to study the impact of the one-gun-a-month law in Virginia, and report to the House Courts of Justice Subcommittee prior to the 1996 Session of the General Assembly. (See Appendix A.)

Code of Virginia § 9-125 establishes and directs the Virginia State Crime Commission "to study, report, and make recommendations on all areas of public safety and protection." Code of Virginia § 9-127 provides that "the Commission shall have the duty and power to make such studies and gather information in order to accomplish its purpose, as set forth in Code § 9-125, and to formulate its recommendations to the Governor and the General Assembly." Code of Virginia § 9-134 authorizes the Commission to "conduct private and public hearings, and to designate a member of the Commission to preside over such hearings." The Virginia State Crime Commission, in fulfilling its legislative mandate, undertook the study of Virginia's law on handgun purchase limits.

II. Members Appointed to Serve

At the April 27, 1995 meeting of the Crime Commission, Chairman Elmo G. Cross, Jr., selected Robert F. Horan, Jr., to serve as Chairman of the Law Enforcement Subcommittee, which was directed to conduct the study of Virginia's one-gun-a-month law. The following members of the Crime Commission were selected to serve on the subcommittee:

The Honorable Robert F. Horan, Fairfax, Chairman
Delegate James F. Almand, Arlington
Delegate Howard E. Copeland, Norfolk
Delegate Jean W. Cunningham, Richmond
Delegate Raymond R. Guest, Front Royal
Senator Janet D. Howell, Reston
Rev. George F. Ricketts, Sr., Hallieford
Senator Edgar S. Robb, Charlottesville
Senator Elmo G. Cross, Jr., Mechanicsville, ex officio

III. Executive Summary

During the 1995 session of the Virginia General Assembly, Delegate Clinton Miller of Woodstock introduced House Bill 2427 to repeal Code of Virginia § 18.2-308.2:2, the one handgun-a-month purchase limit law passed in 1993. The House Courts of Justice Committee voted to refer the bill to the Virginia State Crime Commission for study. At the April 27, 1995 meeting of the Crime Commission, Chairman Elmo G. Cross, Jr., selected Robert F. Horan, Jr., to serve as Chairman of the Law Enforcement Subcommittee, which was directed to conduct the study of Virginia's one-gun-a-month law.

At the May 23, 1995 meeting of the subcommittee, Staff Attorney Dana Schrad presented an overview of the study requested by letter from the House Courts of Justice Committee. The Department of State Police was asked to update its statistical report on multiple handgun purchases and present it to the subcommittee at the August meeting.

On August 29, 1995, the subcommittee heard presentations by staff, the Department of State Police, the Center to Prevent Handgun Violence, and the National Rifle Association on behalf of the Virginia Firearm Dealers Association. Copies of those presentations are appended to this report. Following the presentations, Delegate Copeland made a motion that Code of Virginia § 18.2-308.2:2 not be amended or repealed. The motion was seconded by Delegate Almand. The subcommittee voted 6-2 in favor of the motion.

At the October 3, 1995 meeting, the subcommittee reviewed and adopted the draft report developed by staff. Delegate Guest and Senator Robb requested that their votes against the motion not to repeal or amend Code of Virginia § 18.2-308.2:2 be reflected in the report. At the request of staff, the subcommittee voted to approve the publication of the report as a House document, pending final Commission approval. On November 14, 1995, the Commission adopted the study recommendation and approved the report for publication as a House document.

IV. Background

House Bill 1592, patroned by Delegate James F. Almand of Arlington, amended Code of Virginia § 18.2-308.2:2 to create the one-gun-a-month purchase limit law. It was passed by the 1993 Virginia General Assembly and signed into law by Governor L. Douglas Wilder. (See Appendix B.) The statute prohibits the purchase of more than one handgun per month unless the buyer applies for approval of a multiple handgun purchase. This exception was created to allow multiple handgun purchases only if the buyer has passed successfully the enhanced background check, and if the multiple purchase is for a lawful business use, lawful

personal use, a collector series, for a bulk purchase from estate sales or for a similar purpose. The legislation was recommended by the 1993 Governor's Commission on Violent Crime in an effort to curtail the use of Virginia as a source state for gun trafficking.

A companion bill also patroned by Delegate Almand, House Bill 1602, required more detailed reporting by firearms dealers to the State Police when multiple gun purchases are made. The amendments to Code of Virginia § 18.2-308.2:2 and to § 54.1-4201 allow the State Police to collect and maintain information about multiple gun purchases that aids in the detection of "strawman" purchases and gun trafficking schemes. ("Strawman" purchases are weapon purchases made by a qualified purchaser, usually for profit, on behalf of someone who would otherwise be prohibited by law from purchasing a weapon.)

During the 1995 session of the Virginia General Assembly, Delegate Clinton Miller introduced House Bill 2427, a proposal to eliminate the restrictions imposed in 1993 on multiple handgun sales in Virginia. Delegate Miller contended that the handgun purchase limit law had not reduced gun trafficking as it had intended, and thus should be repealed. The House Courts of Justice Subcommittee carried the bill over, and requested a report from the Crime Commission prior to the 1996 Session of the General Assembly on the handgun purchase limit law.

The letter specifically requests that the Crime Commission study the effect of limiting multiple handgun purchases and directs the Commission to:

1. compile various statistical records documenting the statute's effect; and
2. examine the effectiveness of similar statutes in other states.

Only one other state, South Carolina, has a statute that limits the number of guns a purchaser may buy in one month. (See Appendix B.) The South Carolina statute has been in effect since 1976. According to BATF, prior to the passage of the one-gun-a-month law, South Carolina was a leading source state for guns traced to New York City, accounting for 39% of guns recovered in criminal investigations. Following the implementation of the law, South Carolina virtually dropped off of the statistical list of source states for firearms trafficked to the northeast.

According to Bureau of Alcohol, Tobacco and Firearms (BATF) data provided by the Department of State Police, in 1973 BATF traced 20% of the handguns found at New York City crime scenes back to South Carolina. More recently this figure had grown to 39%. By 1992, BATF trace data showed that this figure had dropped to 3 percent. Additional BATF data indicates that handgun theft trends in Virginia and South Carolina between 1972 and 1991 were similar despite the fact that only South Carolina had a handgun purchase limit law at the time. Some critics of the

legislation in Virginia had contended that a law that would limit the number of handguns a person could purchase would lead to an increased number of handgun thefts.

South Carolina's handgun purchase limit statute, according to South Carolina Senator Joe Wilson, has not resulted in a large number of complaints from South Carolina citizens. According to the Virginia Department of State Police, only six percent of all 1990-91 handgun sales in Virginia were multiple gun purchases. However, nearly 75 percent of multiple handgun purchases in Virginia prior to the passage of the handgun purchase limit law were for semi-automatic weapons, the weapon of choice among gun traffickers, according to the State Police, due to their high illegal market value.

According to the Virginia Department of State Police, Delaware and North Carolina are two East Coast states that have not reported a large number of guns purchased in Virginia appearing in their states connected with criminal activity. Georgia, however, reportedly has seen an increase in multiple gun purchases since the passage of the Virginia limit law, and has become a source state for guns in the southeast.

A. Report of Department of State Police

In 1995, the Department of State Police published Senate Document No. 28, entitled "Consent Forms Received by the Department of State Police for the Firearms Transaction Program." From July 1, 1993 through December 31, 1994, the Department of State Police received 620 applications for the multiple purchase of handguns. Of these, 555 requests were approved, so only 9.8% of the requests were denied. 58% of the requests were for the purchase of collector series; 38% were for lawful personal use; 3% were for lawful business use; and 1% were for bulk purchases. The Department of State Police was asked to update this report with data through June, 1995.

On July 26, 1995, the Department of State Police provided the Crime Commission with a statistical report on gun trafficking and multiple handgun purchases in Virginia. (See Appendix C.) The report updates the data in Senate Document No. 28 through June 30, 1995. The Department of State Police also requested data from the federal Bureau of Alcohol, Tobacco and Firearms to determine Virginia's present status as a source state for weapons. The report was presented to the Law Enforcement Subcommittee at its August 29, 1995 meeting.

The Department of State Police reports that it received 830 multiple handgun purchase applications between July 1, 1993, when the law went into effect, through June 30, 1995. The majority of the multiple handgun purchase applications were for collector series (60%), followed by lawful personal use (35%), lawful business use

(4%) and bulk purchases (1%.)

Of these 830 applications, 67 were denied, which amounts to 8% of the total applications. Denial of a request to purchase multiple handguns can be for a variety of reasons, including a felony record or pending felony charges, substance abuse or mental health problems, dishonorable military discharge or illegal alien status. Fifty-one percent of the multiple handgun purchase denials within the two-year period were because an unacceptable reason was stated as the basis for the application. The application was withdrawn in 39% of the cases. In 10% of the cases, the applicant either did not need to file an application, or had a felony conviction that would prohibit the gun purchase.

The Department of State Police notes that the handgun purchase limit law applies only to purchase of guns from licensed gun dealers. Guns purchases that are made through trade magazines, classified ads and private sales are not affected by the handgun purchase limit law. Additionally, it should be noted that guns purchased legally in Virginia still are illegally transported into the District of Columbia or other states in the course of criminal activity and weapons trade.

According to the federal Bureau of Alcohol, Tobacco and Firearms, Virginia has fallen to 8th in the list of states identified as source states for firearms trafficking since the passage of the one-gun-a-month law. Additionally, Virginia no longer is the main source state for firearms trafficking to New York City since the one-gun-a-month law was passed. However, Virginia counties immediately adjacent to Washington, D. C., continue to be a main source (29.6%) for the flow of firearms into the nation's capitol, with Maryland a close second at 26.9%.

B. Report of Center to Prevent Handgun Violence

Coincidental to the Commission's study, the Center to Prevent Handgun Violence conducted its own study of Virginia's one-gun-a-month law, and presented the results to the Law Enforcement Subcommittee on August 29, 1995. (See Appendix D.) Using the BATF firearms trace database, the Center analyzed information about 17,082 guns traced to the southeastern United States. Dr. Douglas Weil compared BATF tracing data collected prior to the passage of the law with similar tracing data collected after the law's enactment. The Center contends that the one-gun-a-month law is having its intended impact on reducing the odds that Virginia would be the source state for guns recovered in criminal investigations outside of Virginia. Specifically the data shows that, for guns purchased in Virginia that were recovered in criminal investigations:

- Anywhere in the United States (including Virginia), the odds were reduced by 36%;
- In the Northeast Corridor (NJ, NY, CT, RI, MA), the odds were reduced

- by 66%;
- In New York, the odds were reduced by 71%;
- In New Jersey, the odds were reduced by 57%;
- In Massachusetts, the odds were reduced by 72%.

According to the Center, the BATF data shows that 35% of all guns seized in criminal investigations in the Northeast, and purchased prior to July, 1993, could be traced back to Virginia. After the one-gun-a-month law took effect, that 35% dropped to 16%, a 54% reduction in the number of Virginia guns recovered in criminal investigations in the Northeast. The Center does state that the Virginia law does not necessarily reduce the number of guns used in criminal activity, but that gun purchasers who are criminally involved probably had to look elsewhere to buy weapons.

The Center concludes that there is "persuasive evidence that restricting handgun purchases to one per month per individual is an effective means of disrupting the illegal interstate transfer of firearms." The Center's report recommends that the U. S. Congress consider enacting a federal law similar to the Virginia one-gun-a-month law.

C. Position of National Rifle Association

The Virginia Firearm Dealers Association was requested by Crime Commission staff to prepare a response to the study conducted by the Center to Prevent Handgun Violence. At the August 29, 1995, meeting of the subcommittee, Dr. Paul Blackman, lobbyist and researcher for the National Rifle Association, testified at the request of Mr. Thomas Evans, who represents the Virginia Firearm Dealers Association. (See Appendix E.)

Mr. Blackman's remarks challenged the statistical relevance of the BATF tracing data, stating that it was not a representative, random sample of the types of guns used in crime. He contended that, because BATF can target selected areas for tracing guns, instead of comprehensively tracing all guns used in crime, the data relied upon for the Center's report presents a skewed view. Dr. Blackman asserts that BATF has "switched its focus" off of Virginia since the adoption of the one-gun-a-month purchase law, resulting in a decline in guns traced to Virginia gun dealers. Additionally, he asserts that there was no "effort made to determine whether guns traced -- whether used in crime or not -- involved sales of more than one handgun a month." Dr. Blackman believes this is important because a reduction in misuse of guns purchased in Virginia could be attributed to other recent changes in Virginia law, such as the "buyer-identification and background-check laws." According to Dr. Blackman, "it would appear that all Virginia has succeeded in accomplishing is to make the process of multiple handgun purchases more onerous for serious collectors and possibly more expensive for the state." Dr. Blackman did not present

any documentation of statistical data to support his comments.

D. Conclusion

The Virginia Department of State Police report confirmed that only 8% of applications for multiple handgun purchases have been denied. It can be concluded that law-abiding gun purchasers in Virginia are not unduly burdened by Virginia's one-gun-a-month law. The BATF has dropped Virginia from first to eighth on its list of East Coast source states for guns used in criminal activity. The state of Georgia now is considered the top-ranked southeastern source state for gun trafficking. The Center's report concludes that Virginia's law has disrupted the so-called "Iron Pipeline" of weapons used in criminal activity flowing from the southeast along the Interstate 95 corridor to northeastern states. A key concern for Virginia law enforcement agencies is that illegal gun trade leaving Virginia can be a mechanism for bringing illegal drugs into the state, as weapons often are exchanged for drugs instead of money.

After hearing the presentations by the State Police, Center to Prevent Handgun Violence, and the National Rifle Association, Delegate Howard Copeland motioned that the Law Enforcement Subcommittee recommend no amendments to Code of Virginia § 18.2-308.2:2 Subsection Q, the one-gun-a-month law. Delegate Almand seconded the motion, and the subcommittee voted 6 to 2 in favor of recommending that the one-gun-a-month law not be amended or repealed. Delegate Guest and Senator Robb voted against the motion.

V. Findings and Recommendation

Finding: Virginia's one-gun-a-month statute, Code of Virginia § 18.2-308.2:2 Subsection Q, has had its intended effect of reducing Virginia's status as a source state for gun trafficking. The imposition of the law does not appear to create an onerous burden for law-abiding gun purchasers who apply for a multiple handgun purchase waiver.

Recommendation: Code of Virginia § 18.2-308.2:2 Subsection Q, the Virginia one-gun-a-month purchase limit law, should not be amended or repealed.

VI. Resources

Virginia Acts of Assembly, 1993.

"Governor's Commission on Violent Crime in Virginia: Final Report." Office of the Governor of Virginia, prepared by the Department of Criminal Justice Services, January, 1994.

"Gun law said to slow illegal trade. " Richmond Times-Dispatch, August 3, 1995.

"Shot Down: A Consensus on Gun Control." Kates, D. B., Jr., National Review, March 6, 1995, p. 49.

"Handgun Highway: Illegal Gunrunners Target Virginia." D'Orso, M., Commonwealth, December, 1981, p. 16.

"Guns and Violent Crime." Report by Criminal Justice Research Center, Commonwealth of Virginia, January, 1994.

"Firearms, Violence and Public Policy." Zimring, F., Scientific American, November, 1991, p. 48.

VII. Acknowledgements

The members extend special thanks to the following agencies and individuals for their cooperation and valuable assistance to this study effort:

Delegate Clinton Miller, Woodstock

National Criminal Justice Reference Service
National Institute of Justice, Department of Justice

Captain Lewis Vass, Records Management
Virginia Department of State Police

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Virginia Department of State Police

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The Center to Prevent Handgun Violence

Mr. Thomas Evans
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Mr. Paul H. Blackman, Ph.D.
NRA Institute for Legislative Action

Mr. Jay Cochran, Executive Director
Virginia Association of Chiefs of Police

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Appendix A



COMMONWEALTH OF VIRGINIA



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DIVISION OF LEGISLATIVE SERVICES

MEMORANDUM

TO: Dana Schrad, Crime Commission

FROM: Oscar R. Brinson

DATE: February 28, 1995

RE: HB 2427 (Patron, Delegate Miller) - One handgun per month purchase limitation

For your records, this will confirm that Jim Almand, Chairman of the House Committee for Courts of Justice, has created an ad hoc Committee study of the above bill and has requested that the Crime Commission assist in the conduct of this study by compiling various statistical records pertaining to the effect of Virginia's handgun purchase limitation law set forth in subsection Q of § 18.2-308.2:2. This compilation should also encompass the effectiveness of similar statutes in other states. The ad hoc Committee will need this information in time for consideration prior to the 1996 Session.

Please feel free to contact me should you need additional information..

ORB/cgl

cc: The Honorable James F. Almand
The Honorable Clinton Miller

Appendix B

§ 18.2-308.2:2. Criminal history record information check required for the transfer of certain firearms; firearm safety information to be provided. — A. Any person purchasing from a dealer a firearm as herein defined shall consent in writing, on a form to be provided by the Department of State Police, to have the dealer obtain criminal history record information. Such form shall include only, in addition to the information required by subdivision B 1, the identical information required to be included on the firearms transaction record required by regulations administered by the Bureau of Alcohol, Tobacco and Firearms of the U.S. Department of the Treasury, except that the copies of such forms mailed or delivered to the Department of State Police shall not include any information related to the firearm purchased or transferred.

B. 1. No dealer shall sell, rent, trade or transfer from his inventory any such firearm to any other person who is a resident of Virginia until he has (i) obtained written consent as specified in subsection A, and provided the Department of State Police with the name, birth date, gender, race, and social security and/or any other identification number and the number of firearms by category intended to be sold, rented, traded or transferred and (ii) requested and received criminal history record information by a telephone call to the State Police. To establish personal identification and residence in Virginia for purposes of this section, a dealer must require any prospective purchaser to present one photo-identification form issued by a governmental agency of the Commonwealth or by the United States Department of Defense, and other documentation of residence. Except where the photo-identification was issued by the United States Department of Defense, the other documentation of residence shall show an address identical to that shown on the photo-identification form, such as evidence of currently paid personal property tax or real estate tax, or a current (i) lease, (ii) utility or telephone bill, (iii) voter registration card, (iv) bank check, (v) passport, (vi) automobile registration, or (vii) hunting or fishing license; other current identification allowed as evidence of residency by Part 178.124 of Title 27 of the Code of Federal Regulations and ATF Ruling 79-7; or other documentation of residence determined to be acceptable by the Department of Criminal Justice Services, that corroborates that the prospective purchaser currently resides in Virginia. Where the photo-identification was issued by the Department of Defense, permanent orders may be used as documentation of residence. Additionally, when the photo-identification presented to a dealer by the prospective purchaser is a driver's license or other photo-identification issued by the Department of Motor Vehicles, and such identification form contains a date of issue, the dealer shall not, except for a renewed driver's license or other photo-identification issued by the Department of Motor Vehicles, sell or otherwise transfer a firearm to the prospective purchaser until thirty days after the date of issue of an original or duplicate driver's license unless the prospective purchaser also presents a copy of his Virginia Department of Motor Vehicles driver's record showing that the original date of issue of the driver's license was more than thirty days prior to the attempted purchase.

In addition, no dealer shall sell, rent, trade or transfer from his inventory any assault firearm to any person who is not a citizen of the United States or who is not a person lawfully admitted for permanent residence. To establish citizenship or lawful admission for a permanent residence for purposes of purchasing an assault firearm, a dealer shall require a prospective purchaser to present a certified birth certificate or a certificate of birth abroad issued by the United States State Department, a certificate of citizenship or a certificate of naturalization issued by the Immigration and Naturalization Service, an unexpired U.S. passport, a United States citizen identification card, a current voter registration card, a current selective service registration card, or an immigrant visa or other documentation of status as a person lawfully admitted for permanent residence issued by the Immigration and Naturalization Service.

Upon receipt of the request for a criminal history record information check, the State Police shall (i) review its criminal history record information to determine if the buyer or transferee is prohibited from possessing or transporting a firearm by state or federal law, (ii) inform the dealer if its record indicates that the buyer or transferee is so prohibited, and (iii) provide the dealer with a unique reference number for that inquiry.

2. The State Police shall provide its response to the requesting dealer during the dealer's call, or by return call without delay. If the criminal history record information check indicates the prospective purchaser or transferee has a criminal record or has been acquitted by reason of insanity and committed to the custody of the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services, the State Police shall have until the end of the dealer's next business day to advise the dealer if its records indicate the buyer or transferee is prohibited from possessing or transporting a firearm by state or federal law. If not so advised by the end of the dealer's next business day, a dealer who has fulfilled the requirements of subdivision B 1 of this subsection may immediately complete the sale or transfer and shall not be deemed in violation of this section with respect to such sale or transfer. In case of electronic failure or other circumstances beyond the control of the State Police, the dealer shall be advised immediately of the reason for such delay and be given an estimate of the length of such delay. After such notification, the State Police shall, as soon as possible but in no event later than the end of the dealer's next business day, inform the requesting dealer if its records indicate the buyer or transferee is prohibited from possessing or transporting a firearm by state or federal law. A dealer who fulfills the requirements of subdivision B 1 of this subsection and is told by the State Police that a response will not be available by the end of the dealer's next business day may immediately complete the sale or transfer and shall not be deemed in violation of this section with respect to such sale or transfer.

3. Except as required by subsection D of § 9-192, the State Police shall not maintain records longer than thirty days, except for multiple handgun transactions for which records shall be maintained for twelve months, from any dealer's request for a criminal history record information check pertaining to a buyer or transferee who is not found to be prohibited from possessing and transporting a firearm under state or federal law. However, the log on requests made may be maintained for a period of twelve months, and such log shall consist of the name of the purchaser, the dealer identification number, the unique approval number and the transaction date.

4. On the last day of the week following the sale or transfer of any firearm, the dealer shall mail or deliver the written consent form required by subsection A to the Department of State Police. The State Police shall immediately initiate a search of all available criminal history record information to determine if the purchaser is prohibited from possessing or transporting a firearm under state or federal law. If the search discloses information indicating that the buyer or transferee is so prohibited from possessing or transporting a firearm, the State Police shall inform the chief law-enforcement officer in the jurisdiction where the sale or transfer occurred and the dealer without delay.

5. Notwithstanding any other provisions of this section, rifles and shotguns may be purchased by persons who are citizens of the United States or persons lawfully admitted for permanent residence but residents of other states under the terms of subsections A and B upon furnishing the dealer with proof of citizenship or status as a person lawfully admitted for permanent residence and one photo-identification form issued by a governmental agency of the person's state of residence and one other form of identification determined to be acceptable by the Department of Criminal Justice Services.

C. No dealer shall sell, rent, trade or transfer from his inventory any firearm, other than a rifle or a shotgun, to any person who is not a resident of Virginia unless he has first obtained from the Department of State Police a report indicating that a search of all available criminal history record information has not disclosed that the person is prohibited from possessing or transporting a firearm under state or federal law. The dealer shall obtain the required report by mailing or delivering the written consent form required under subsection A to the State Police within twenty-four hours of its execution. If the dealer has complied with the provisions of this subsection and has not received the required report from the State Police within ten days from the date the written consent form was mailed to the Department of State Police, he shall not be deemed in violation of this section for thereafter completing the sale or transfer.

D. Nothing herein shall prevent a resident of this Commonwealth, at his option, from buying, renting or receiving a firearm from a dealer by obtaining a criminal history record information check through the dealer as provided in subsection C.

E. If any buyer or transferee is denied the right to purchase a firearm under this section, he may exercise his right of access to and review and correction of criminal history record information under § 9-192 or institute a civil action as provided in § 9-194, provided any such action is initiated within thirty days of such denial.

F. Any dealer who willfully and intentionally requests, obtains, or seeks to obtain criminal history record information under false pretenses, or who willfully and intentionally disseminates or seeks to disseminate criminal history record information except as authorized in this section shall be guilty of a Class 2 misdemeanor.

G. For purposes of this section:

"Antique firearm" means any firearm, including those with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured in or before 1898 and any replica of such a firearm if such replica (i) is not designed or redesigned for using rimfire or conventional center-fire fixed ammunition or (ii) uses rimfire or conventional center-fire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

"Assault firearm" means any semi-automatic center-fire rifle or pistol which expels a projectile by action of an explosion and is equipped at the time of the offense with a magazine which will hold more than twenty rounds of ammunition or designed by the manufacturer to accommodate a silencer or equipped with a folding stock.

"Dealer" means any person licensed as a dealer pursuant to 18 U.S.C. § 921 et seq.

"Firearm" means any handgun, shotgun, or rifle which expels a projectile by action of an explosion.

"Handgun" means any pistol or revolver or other firearm originally designed, made and intended to fire a projectile by means of an explosion from one or more barrels when held in one hand.

"Lawfully admitted for permanent residence" means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed.

H. The Department of Criminal Justice Services shall promulgate regulations to ensure the identity, confidentiality and security of all records and data provided by the Department of State Police pursuant to this section.

I. The provisions of this section shall not apply to (i) transactions between persons who are licensed as firearms importers or collectors, manufacturers or dealers pursuant to 18 U.S.C. § 921 et seq., (ii) purchases by or sales to any law-enforcement officer or agent of the United States, the Commonwealth or any local government, (iii) antique firearms or (iv) transactions in any county, city or town that has a local ordinance adopted prior to January 1, 1987, governing the purchase, possession, transfer, ownership, conveyance or transportation of firearms which is more stringent than this section.

J. All licensed firearms dealers shall collect a fee of two dollars for every transaction for which a criminal history record information check is required pursuant to this section, except that a fee of five dollars shall be collected for every transaction involving an out-of-state resident. Such fee shall be transmitted to the Department of State Police by the last day of the month following the sale for deposit in a special fund for use by the State Police to offset the cost of conducting criminal history record information checks under the provisions of this section.

K. Any person willfully and intentionally making a materially false statement on the consent form required in subsection B or C shall be guilty of a Class 5 felony.

L. Except as provided in § 18.2-308.2:1, any dealer who willfully and intentionally sells, rents, trades or transfers a firearm in violation of this section shall be guilty of a Class 6 felony.

M. Any person who purchases a firearm with the intent to (i) resell or otherwise provide such firearm to any person who he knows or has reason to believe is ineligible to purchase or otherwise receive from a dealer a firearm for whatever reason or (ii) transport such firearm out of the Commonwealth to be resold or otherwise provided to another person who the transferor knows is ineligible to purchase or otherwise receive a firearm, shall be guilty of a Class 5 felony. However, if the violation of this subsection involves such a transfer of more than one firearm, the person shall be sentenced to a mandatory minimum term of imprisonment of five years, which shall not be suspended in whole or in part nor shall the person be eligible for parole during that period.

N. Any person who is ineligible to purchase or otherwise receive or possess a firearm in the Commonwealth who solicits, employs or assists any person in violating subsection M shall be guilty of a Class 5 felony and shall be sentenced to a mandatory minimum term of imprisonment of five years, which shall not be suspended in whole or in part nor shall the person be eligible for parole during that period.

O. All driver's licenses issued on or after July 1, 1994, shall carry a letter designation indicating whether the driver's license is an original, duplicate or renewed driver's license.

P. The Department of Education, in conjunction with the Department of Game and Inland Fisheries, shall develop a standard informational form and posted notice to be furnished to each licensed firearms dealer in the Commonwealth at no cost to the dealer. The form and notice shall provide basic information of the laws governing the purchase, possession and use of firearms by juveniles and adults.

Copies of the form shall be made available by the dealer whenever a firearm is purchased.

Every firearms dealer shall conspicuously post the written notice which shall be at least eight and one-half inches by eleven inches in size and printed in boldface type of a minimum size of ten points. A licensed firearms dealer shall not be liable for damages for injuries resulting from the discharge of a firearm purchased from the dealer if, at the time of the purchase, the dealer failed to provide the form or failed to post the written notice.

Q. Except as provided in subdivisions 1, 2 and 3 of this subsection, it shall be unlawful for any person who is not a licensed firearms dealer to purchase more than one handgun within any thirty-day period. A violation of this subsection shall be punishable as a Class 1 misdemeanor.

1. Purchases in excess of one handgun within a thirty-day period may be made upon completion of an enhanced background check, as described herein, by special application to the Department of State Police listing the number and type of handguns to be purchased and transferred for lawful business or personal use, in a collector series, for collections, as a bulk purchase from estate sales and for similar purposes. Such applications shall be signed under oath by the applicant on forms provided by the Department of State Police, shall state the purpose for the purchase above the limit, and shall require satisfactory proof of residency and identity. Such application shall be in addition to the firearms sales report required by the Bureau of Alcohol, Tobacco and Firearms (ATF). The Superintendent of State Police shall promulgate regulations, pursuant to the Administrative Process Act (§ 9-6.14:1 et seq.), for the implementation of an application process for purchases of handguns above the limit.

Upon being satisfied that these requirements have been met, the Department of State Police shall forthwith issue to the applicant a nontransferable certificate which shall be valid for seven days from the date of issue. The certificate shall be surrendered to the dealer by the prospective purchaser prior to the consummation of such sale and shall be kept on file at the dealer's place of business for inspection as provided in § 54.1-4201 for a period of not less than two years. Upon request of any local law-enforcement agency, and pursuant to its regulations, the Department of State Police may certify such local law-enforcement agency to serve as its agent to receive applications and, upon authorization by the Department of State Police, issue certificates forthwith pursuant to this subsection. Applications and certificates issued under this subsection shall be maintained as records as provided in subdivision 3 of subsection B. The Department of State Police shall make available to local law-enforcement agencies all records concerning certificates issued pursuant to this subsection and all records provided for in subdivision 3 of subsection B.

2. The provisions of this subsection shall not apply to:

- a. A law-enforcement agency;
- b. An agency duly authorized to perform law-enforcement duties;
- c. State and local correctional facilities;
- d. A private security company licensed to do business within the Commonwealth;

e. The purchase of antique firearms as herein defined; or

f. A person whose handgun is stolen or irretrievably lost who deems it essential that such handgun be replaced immediately. Such person may purchase another handgun, even if the person has previously purchased a handgun within a thirty-day period, provided (i) the person provides the firearms dealer with a copy of the official police report or a summary thereof, on forms provided by the Department of State Police, from the law-enforcement agency that took the report of the lost or stolen handgun; (ii) the official police report or summary thereof contains the name and address of the handgun owner, the description of the handgun, the location of the loss or theft, the date of the loss or theft, and the date the loss or theft was reported to the law-enforcement agency; and (iii) the date of the loss or theft as reflected on the official police report or summary thereof occurred within thirty days of the person's attempt to replace the handgun. The firearms dealer shall attach a copy of the official police report or summary thereof to the original copy of the Virginia firearms transaction report completed for the transaction and retain it for the period prescribed by the Department of State Police.

3. For the purposes of this subsection, "purchase" shall not include the exchange or replacement of a handgun by a seller for a handgun purchased from such seller by the same person seeking the exchange or replacement within the thirty-day period immediately preceding the date of exchange or replacement. (1989, c. 745; 1990, cc. 594, 692; 1991, cc. 515, 525, 716; 1992, cc. 637, 872; 1993, cc. 451, 461, 486, 493, 674; 1994, c. 624.)

Effective date. — This section is effective Nov. 1, 1989.

The 1990 amendments. — The 1990 amendment by c. 594 substituted "Department of State Police" for "Treasurer of the Commonwealth" in subsection J.

The 1990 amendment by c. 692, in subdivision B 2, inserted "or has been acquitted by reason of insanity and committed to the custody of the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services" in the second sentence, and substituted "subdivision B 1" for "subsection B 1" in the third and last sentences.

The 1991 amendments. — The 1991 amendment by c. 515 added the second sentence in subdivision B 1.

The 1991 amendment by c. 525, effective March 23, 1991, added subsection M.

The 1991 amendment by c. 716, in subsection G, substituted "firearm" for "handgun or pistol" throughout the paragraph defining "Antique firearm," rewrote the paragraph defining "Firearm" and substituted "firearms" for "hand guns or pistols" in clause (iii) of subsection I.

The 1992 amendments. — The 1992 amendment by c. 637 substituted "On the last day of the week" for "Within twenty-four hours" in the first sentence of subdivision B 4, and substituted "by the last day of the month" for "on the twentieth day of the month" in the second sentence of subsection J.

The 1992 amendment by c. 872, in subsection B, in subdivision I, deleted the former second sentence relating to sufficient identification of any prospective purchaser of a firearm through use of a photo-identification form and added the present second sentence, and added subdivision 5; inserted "other than a rifle or a shotgun" in the first sentence of subsection C; and deleted "pistol" following "handgun" in the paragraph defining "Firearm" in subsection G.

The 1993 amendments. — The 1993 amendment by c. 451 inserted "or" preceding the clause (vii) designation in the second sentence of subdivision B 1; and added subsection N.

The 1993 amendments by cc. 461 and 493 are identical, and added the second sentence in subsection A; in subsection B, inserted "the number of firearms by category intended to be sold, rented, traded or transferred and" in the first sentence of subdivision 1, and in subdivision 3, inserted "except for multiple handgun transactions for which records shall be maintained for twelve months" in the first sentence, and added the language beginning "and such log shall consist" in the second sentence; inserted "the" preceding "Commonwealth" near the middle of subsection I; and substituted "Class 6 felony" for "Class 1 misdemeanor" at the end of subsection L.

The 1993 amendment by c. 486 added the paragraph defining "Handgun" in subsection G; inserted "the" preceding "Commonwealth" near the middle of subsection I; and added subsection O.

The 1993 amendment by c. 674 added the second paragraph to subdivision B 1, in subdivision B 5, inserted "citizens of the United States or persons lawfully admitted for permanent residence but," and inserted "proof of citizenship or status as a person lawfully admitted for permanent residence and"; in subsection G, added the paragraph defining "Assault firearm" and added the paragraph defining "Lawfully admitted for permanent residence".

The 1994 amendment, in subdivision B 1, divided the former second sentence into the present second and third sentences; in the present second sentence, inserted "or by the United States Department of Defense" and deleted "and of which must" following "documentation of residence"; in the present third sentence, added "Except where the photo-identification was issued by the United States Department of Defense, the other documentation of residence shall" to the beginning of the sentence and added the next-to-last and the last sentences; in subsection M, in clause (i), inserted "he knows or has reason to believe"; in clause (ii), substituted "another person" for "an ineligible person," and inserted "who the transferor knows is ineligible to purchase or otherwise receive a firearm"; and added the last sentence; added present subsections N and O; and redesignated former subsections N and O, as present subsections P and Q.

§ 23-31-140. Completion and contents of application prior to purchase of pistol; further restrictions on purchase.

(A) Prior to the purchase of a pistol, the purchaser shall complete an application in triplicate in the presence of the dealer. The application to be furnished by the division must contain the applicant's (1) name; (2) residence and business address; (3) date and place of birth; (4) social security number; (5) South Carolina driver's license number or South Carolina Department of Highways and Public Transportation identification card number; (6) physical description; (7) fingerprint card and photograph of applicant if applicant does not have items (4) and (5); (8) a signed sworn statement by the applicant that he is not within any classification set forth in item (a), (b), (c), or (d) of Section 16-23-30, and that he has not purchased a pistol within the previous thirty days; (9) the signatures of applicant and the dealer; (10) and such other personal identifying information as may be required by the division.

(B) No person is allowed to purchase a pistol from a dealer unless he has fully completed the application.

(C) No person is allowed to purchase more than one pistol on each application and no person is allowed to purchase more than one pistol during each thirty-day period.

(D) The provisions of subsection (C) do not apply to (1) a law enforcement agency provided that the conditions of subsection (E) are met, (2) an agency duly authorized to perform law enforcement duties, (3) county and municipal penal facilities and the State Department of Corrections, (4) a private security company licensed to do business within this State, or (5) a person whose pistol is stolen or irretrievably lost and who feels that it is essential that he immediately purchase a pistol may obtain a special permit which will enable him to purchase a pistol upon his sworn affidavit to the chief of police, or his designated agent, of the municipality in which the applicant resides or if the applicant resides outside the corporate limits of a municipality, to the sheriff, or his designated agent, of the county in which the applicant resides. This affidavit must cite the facts and reasons why the applicant cannot wait for a thirty-day period to purchase a pistol. This special permit must contain such information as required by the division and must be on a form furnished by the division. The issuing officer shall retain a copy of the permit and forward a copy to the Division. The application must be signed by the dealer effecting the sale and must contain such information as may be required by the division.

(E) A law enforcement agency or a private security company licensed under the provisions of Title 40, Chapter 17, may purchase more than one pistol during a thirty-day period as long as the following conditions are met:

- (1) the pistols purchased are for use in this State;
- (2) ownership of the pistols is retained by the law enforcement agency or licensed security company;
- (3) multiple purchases under this provision must be made on a special application form to be provided by the division;

- (4) the multiple purchase form is signed by the chief of the law enforcement agency or the chief executive officer of the licensed private security company, whose name appears on the company license;
- (5) the number of pistols purchased may not exceed the number of security guards registered under the provisions of Title 40, Chapter 17, and employed in this State;
- (6) a letter of authorization, in triplicate, signed by the agency director, company representative, or their designees, certifying the purchaser to be a representative of the agency or company with delegated authority to purchase pistols for the agency or company. The letter of authorization must contain such information as may be required by the division.

(F) No person is allowed to purchase a pistol from a dealer unless he is a resident of this State. For the purpose of this article, the possession of a valid South Carolina driver's license or Department of Highways and Public Transportation identification card constitutes proof of residency.

(G) Upon proper completion of the application the dealer shall submit the original application to the division, retain a copy for his records, and give a copy to the applicant upon his purchase of a pistol. The application to be submitted to the division must be accompanied by a firearm transaction record properly completed by the purchaser and the dealer.

For purposes of this section, the purchase of a pistol does not include the redeeming of a pistol by its owner after it has been pledged to secure a loan.

HISTORY: 1975 (59) 582; 1988 Act No. 492, § 3.

Cross references—

As to various offenses connected with pistols, see §§ 16-23-10 et seq.

As to issuance of Pistol Collector's License, which entitles holder to purchase pistols for his collection notwithstanding the provisions of this section, see § 23-31-195.

ALR and L Ed Annotations—

Validity, construction, and application of 18 USCS § 922(a)(6), making it unlawful to knowingly make any false or fictitious oral or written statement in connection with the acquisition or attempted acquisition of any firearm or ammunition. 43 ALR Fed 338.

ATTORNEY GENERAL'S OPINIONS

Proof of residency required for the purchase of a pistol may be established by any reasonable evidence showing that the person actually lives in South Carolina. 1975-76 Op Atty Gen, No 4316, p 136.

Appendix C

**CONSENT FORMS RECEIVED BY THE
DEPARTMENT OF STATE POLICE
FOR THE FIREARMS TRANSACTION PROGRAM**

UPDATE FOR THE STATE CRIME COMMISSION

JULY 1995

Department of State Police

M. Wayne Huggins
Superintendent

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Executive Summary

This report is being submitted per a letter study from the House Courts of Justice Committee to study the impact of § 18.2-308.2:2 (Q) of the *Code of Virginia* on gun trafficking and multiple handgun purchases. The update was requested by the State Crime Commission.

Since the amendment of § 18.2-308.2:2 prohibiting the purchase of more than one handgun within a thirty-day period became effective July 1, 1993, the Department of State Police has received a total of 830 Multiple Handgun Purchase applications for the period ending June 30, 1995. As stated in the *Code*, purchases in excess of one handgun within a thirty-day period may be made upon the completion of an enhanced background check by special application to the Department of State Police. Upon satisfactory completion of the enhanced background check, a certificate shall be issued authorizing the purchase of multiple handguns for lawful business use, lawful personal use, collector series, and bulk purchase from estate sales and for similar purposes.

During the period July 1, 1993, through June 30, 1995, 830 applications for multiple handgun purchases were received and processed. Of the 830 applications received, 67 or 8 percent were denied. It appears, the amendments to § 18.2-308.2:2 have not significantly affected the number of consent forms received or the number of multiple handgun purchases within the Commonwealth.

I. Introduction

This report is being submitted in accordance with a letter study requested by the General Assembly (House Courts of Justice Committee), directing the State Crime Commission to study the impact of § 18.2-308.2:2 (Q) of the *Code of Virginia* on gun trafficking and multiple handgun purchases. The study includes the period of July 1, 1993, through June 30, 1995.

The 1993 Session of the General Assembly added language to § 18.2-308.2:2 providing for the maintenance of records relating to multiple handgun purchases. This change inserted language that allowed records concerning multiple handgun purchases to be maintained for twelve (12) months. Previously, the *Code* section only allowed the maintenance of firearms transaction records for thirty (30) days.

Information for this report was obtained from the Department of State Police - Firearms Transaction Center. The Firearms Transaction Center is the sole repository for all of the Department's information concerning firearms and related information.

II. History

In 1992, Virginia was cited by the Bureau of Alcohol, Tobacco and Firearms as a major source state for the flow of illegal weapons for the east coast, particularly New York City, New York, and Washington, DC. This was based on the trace information supplied by the National Tracing Center to the New York Field Division's Project LEAD. In reaction to these findings, the General Assembly of Virginia passed laws limiting the number of firearms that an individual can purchase in a 30 day period. The intent of these laws was to reduce the number of firearms recovered in crimes and traced to purchasers in Virginia.

III. Findings

The State Police Firearms Transaction Center (FTC) is responsible for processing firearms transaction requests for the Commonwealth of Virginia. This program was implemented on November 1, 1989, and has served as a model for other states wishing to implement similar programs. Interest in this program has heightened due to the passage of the Brady Handgun Violence Prevention Act, the "Brady Act," by the federal government. The Brady Act requires up to a five (5) day waiting period prior to the transfer of handguns except in those states having an instant criminal history record check program. States having such programs are exempt from the five (5) day waiting period. Virginia is such, an exempted state.

From the period July 1, 1993, through June 30, 1995, the FTC processed 436,547 transactions. These transactions included all calls for record checks as provided in § 18.2-308.2:2 of the *Code of Virginia*. Of these, 3,588 or .82 percent were declined or the purchasers were advised of a nonapproval. Additionally, 292 wanted persons were identified as they attempted to purchase firearms during this period. Reasons for nonapproval of a firearm purchase are contained in Article 7 of Title 18.2 of the *Code of Virginia* and include: the purchaser being a nonresident of Virginia; having a felony criminal record; having been acquitted by reason of insanity and committed to the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services; having been adjudicated legally incompetent or mentally incapacitated; being a person who was involuntarily committed; being a person subject to protective orders, pursuant to § 16.1-253.1, 16.1-253.4, or § 16.1-279; or not being a citizen of the United States.

Since the implementation of the thirty-day prohibition on multiple handgun purchases in 1993, purchasers are required, under § 18.2-308.2:2(Q), to apply for a Multiple Handgun Purchase Certificate which authorizes the purchase of more than one handgun in a thirty-day period. To receive a certificate, the purpose must either be for lawful business use, lawful personal use, inclusion in a collector series, a bulk purchase from an estate sale, or for similar purposes.

The application process is managed by the Department of State Police through regulations implemented specifically for this process [See 10:1 VA.R. 80-84, October 4, 1993]. Through these regulations, local law enforcement agencies can act as an agent for the State Police and provide the services for multiple handgun purchases. When this service was opened to local agencies, sixteen agencies applied for this service, but only one agency performs the service with any frequency. The application process is merely an enhancement to the program already in place. The process requires satisfactory proof of residency and identity, and is in addition to the firearms sales report required by the Bureau of Alcohol, Tobacco and Firearms (ATF). Additionally, the State Police contacts local law enforcement agencies for charges or offenses not reported to the Central Criminal Records Exchange (CCRE).

Since this law came into effect on July 1, 1993, the Department of State Police has received a total of 830 applications for the purchase of multiple handguns through June 30, 1995. A breakdown of applications, by purpose, is shown in the following table:

**Applications Received
July 1, 1993 to June 30, 1995**

Collector Series	498 (60%)
Lawful Personal Use	294 (35%)
Lawful Business Use	30 (4%)
Bulk Purchase	8 (1%)
Total	830 (100%)

From these applications, 763 certificates were issued. The following table illustrates the categories by total number and percentage:

**Certificates Issued
July 1, 1993 to June 30, 1995**

Collector Series	464 (61%)
Lawful Personal Use	268 (35%)
Lawful Business Use	26 (3.4%)
Bulk Purchase	5 (.6%)
Total	763 (100%)

A complete summary of Multiple Handgun Purchases from July 1, 1993 through June 30, 1995, may be found in Attachment 1. There appears to be a downward trend in the number of applications received, as well as a decrease in the number of denials.

Applications for Multiple Handgun Purchases can be denied for the following reasons: having a pending felony charge, a felony conviction, a wanted record, being a controlled substance user, being mentally defective, having been committed or placed in a mental institution, having been dishonorably discharged, being an illegal alien and those who have renounced U.S. Citizenship. These categories apply to both buyers and recipients of handguns. In addition, records are maintained for categories such as: when an application is not necessary, when the application is withdrawn, and unacceptable reason for firearms purchase. There were 67 denials during this period.

The totals and percentages for the above categories are shown in the following table:

**Multiple Handgun Purchase Denials
July 1, 1993 to June 30, 1995**

Unacceptable Reason	34 (51%)
Application Withdrawn	26 (39%)
Application Not Necessary	6 (9%)
Felony Conviction	1 (1%)
Total	67 (100%)

Illegitimate Multiple Handgun Purchases

It should be noted that this law has the intent of limiting handgun purchases, but is only applicable to licensed gun dealers. There are numerous firearms that are being transferred on a daily basis, either through the local newspaper or through mediums like the "Trading Post". Additionally, the law does not pertain to firearms that are privately sold and distributed by individuals.

It may take years for this law to have the desired effect that was sought when the law was passed. Due to the proliferation of weapons that are already available on the private market, criminals will continue to have access to weapons and be capable of making multiple purchases without the benefit of a background check.

Recent Source State Statistics

The most recent information indicates that Virginia continues to be a source state for the flow of firearms into Washington, D.C. In 1994, 266 or 29.6 percent of the firearms traced to the dealer were from Virginia. Maryland was second with 241 or 26.9 percent. This would be expected due to the proximity of both jurisdictions. The leading source counties within Virginia were immediately adjacent to Washington, D.C.

The information from New York reveals that Virginia ranks third as a source state (New York and Florida were number one and two, respectively). However, these numbers are deceiving as Virginia "runs" traces on all weapons. Source State Statistics are compiled from traces submitted from the target city.

IV. Conclusion

Since the implementation of the multiple handgun purchase process, only 8 percent of the total number of applications received have been denied. This figure only pertains to those weapons which are subject to the law. Numerous weapons are being sold everyday by private individuals who are not subject to the law.

Additionally, according to the Bureau of Alcohol, Tobacco and Firearms, Virginia has ceased to be the source state for firearms trafficking to New York City since the passage of this law.

Appendix D

Evaluating the Impact of Virginia's One-Gun-A-Month Law

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The Center to Prevent Handgun Violence
August 2, 1995

Executive Summary

Introduction

In response to a growing reputation as a principal supplier of firearms to the illegal market -- particularly in the Northeastern United States -- Virginia enacted a law (which was implemented July 1993) restricting handgun purchases to one per month per individual. The purpose of this study was to determine whether limiting handgun purchases to one per month is an effective way to disrupt the illegal movement of firearms across state lines.

Hypothesis

The hypothesis tested was that the odds of tracing a gun, originally acquired in the Southeast region of the United States, to a Virginia gun dealer, if it was recovered in a criminal investigation outside of the region, would be substantially lower for guns purchased after Virginia's one-gun-a-month law took effect, than for guns purchased prior to implementation of the law.

Methods

The principal analytic method used in this analysis was to estimate the odds ratio for tracing a firearm to a gun dealer in Virginia relative to a gun dealer in the other Southeastern states (as defined by the Bureau of Alcohol, Tobacco and Firearms (BATF)), for guns purchased prior to Virginia's one-gun-a-month law's effective date compared to guns purchased after the law was enacted. The data, including information about 17,082 guns traced to the Southeast, come from the firearms trace database compiled by the BATF.

Results

The hypothesis was substantiated by the data. The odds of tracing a gun, originally acquired in the Southeast region, to a Virginia gun dealer, and not to a gun dealer in another Southeastern state, were substantially lower for firearms purchased after Virginia's one-gun-a-month law took effect, than for firearms purchased prior to implementation of the law.

Specifically, for guns recovered:

- * Anywhere in the United States (including Virginia), the odds were reduced by 36%;
- * In the Northeast Corridor (NJ, NY, CT, RI, MA), the odds were reduced by 66%;
- * In New York, the odds were reduced by 71%;
- * In New Jersey, the odds were reduced by 57%;
- * In Massachusetts, the odds were reduced by 72%.

Conclusion

Most gun control policies currently advocated in the United States (e.g., licensing, registration and one-gun-a-month) could be described as efforts to limit the supply of guns available in the illegal market. This study provides persuasive evidence that restricting handgun purchases to one per month per individual is an effective means of disrupting the illegal interstate transfer of firearms. Based on the results of this study, Congress should consider enacting a federal version of the Virginia law.

Introduction

In July 1993, a Virginia law limiting handgun purchases by an individual to one gun in a thirty day period took effect.¹ Prior to the one-gun-a-month law, individuals were able to purchase an unlimited number of handguns from licensed dealers.

The law was passed in response to Virginia's growing reputation as a principal supplier of guns to the illegal market in the Northeastern United States.² Statistics from the Bureau of Alcohol, Tobacco, and Firearms (BATF) provided evidence of the magnitude of gun trafficking from Virginia. The BATF reported that 41% of a sample of guns seized in New York City in 1991 were traced to Virginia gun dealers.³ Virginia has long been a primary out-of-state source of recovered crime guns traced in Washington, D.C.⁴ and Boston.⁵

Virginia is not the only out-of-state source of firearms illegally trafficked along the Eastern Seaboard. In fact, the BATF has identified the illegal movement of firearms from states in the Southeast northward to states along Interstate 95 (sometimes referred to as the "Iron Pipeline"⁶), as one of three principal gun trafficking routes in the country.⁷ The same BATF report that identified Virginia as the principal out-of-state source of guns used in crime in New York City noted that a high percentage of recovered guns also came from Florida and Georgia. Together, the three states accounted for 65% of all successfully traced firearms in New York City. Investigators also found that 25% of successfully traced firearms recovered in Baltimore were originally purchased in the Southeastern United States.⁸

Interstate gun trafficking occurs, in part, because of the disparity in state laws governing gun sales. As a result, the "street price" of firearms in localities with restrictive gun laws is significantly greater than the retail price for the same guns purchased in states where laws are less stringent. For example, low quality, easily concealable guns like the Raven Arms MP-25, the Davis P-38 and the Bryco Arms J-22 which retail for less than \$100 can net street prices between \$300 and \$600.⁹ The ability to buy many guns at a retail price to be sold elsewhere at a higher street price suggests that the purchase of multiple firearms in a single transaction is an integral part of the profit motive which supports the illegal market.

The objective behind Virginia's passage of the one-gun-a-month law was to undermine the economic incentive created by the disparities in gun laws among the states -- an objective supported by historical evidence. In 1975, South Carolina limited purchases of firearms to one gun in a thirty day period. Prior to enactment of the law, South Carolina was a primary out-of-state source of guns used in crime in New York City. After the passage of the law, South Carolina was no longer a primary source of guns for New York City.¹⁰

Purpose of the Study

The objective of this study was to assess the effect of Virginia's one-gun-a-month law on gun trafficking patterns, particularly along the "Iron Pipeline."

Data

The data¹¹ used in the analysis come from the firearms trace database compiled by the Bureau of Alcohol, Tobacco and Firearms (BATF). Law enforcement agencies can request that the BATF trace a gun which has been recovered in connection with a criminal investigation. BATF staff at the National Tracing Center (NTC) contact the manufacturer of the firearm to identify which wholesaler or retail dealer received the gun. NTC staff then contact each consecutive dealer who acquired the firearm until the gun is either traced to the most recent owner or, until the gun can be traced no further. There is no requirement that records of gun transfers be maintained by non-gun dealers who sell a firearm. Consequently, the tracing process often ends with the first retail sale of the gun.

As part of the tracing process, information is collected on several variables including the location of the gun dealer or dealers who have handled the gun (by state and region); when the gun was purchased; when and where the trace was initiated; and, the manufacturer, model and caliber of the firearm being traced.

The firearms trace database contained in excess of a half million records pertaining to approximately 295,000 firearms (9/89 through 3/95). The database contains more records than firearms because two or more traces can be of the same gun, as part of the same criminal investigation. Multiple traces of a particular gun is an indication that the weapon was transferred from federally licensed firearms dealer to another dealer before it was sold to a non-licensed individual. Since 1990, the number of traces conducted each year has more than doubled to approximately 85,000 in 1994.

Methods

The principal analytic method used in the study was to estimate the odds ratio for tracing a firearm to a gun dealer in Virginia relative to a dealer in the other Southeastern states (as defined by the BATF), for guns purchased prior to Virginia's one-gun-a-month law's effective date compared to guns purchased after the law was enacted.

In other words, the data were classified by two criteria: (1) where the gun was purchased (from a gun dealer in Virginia or from a dealer in another state in the Southeast region of the country), and (2) when a traced firearm was purchased (before or after implementation of the Virginia law). The odds ratio was calculated by comparing the odds of a gun being traced to a gun dealer

in the state of Virginia relative to a dealer in another part of the region, for guns purchased prior to the law's implementation and for guns purchased after the law took effect.

The Southeast region was identified as the comparison group for Virginia because the region has long been identified as a principal source of out-of-state firearms for the Eastern Seaboard.⁷ In addition to Virginia, the Southeast region includes North and South Carolina, Georgia, Florida, Alabama, Mississippi and Tennessee. Only guns traced to a dealer in the Southeast region were incorporated into the analysis.

The BATF no longer traces firearms manufactured prior to 1985 without being specifically requested to do so. Results are reported in this analysis only for guns purchased since January 1985. However, a sensitivity analysis was conducted incorporating data for all firearms for which date of purchase information was available. The results of the analysis were essentially unchanged by the sensitivity analysis; the conclusions would not change.

The period studied for which there is data after implementation of the law was 20 months long. Consequently, the possibility that seasonal variation in gun trafficking patterns could have effected the results of the analysis was studied. A sensitivity analysis was conducted excluding guns purchased more than one full year after the Virginia law took effect. The results of the sensitivity analysis were not significantly different from those of the principal analysis; the conclusions would not change.

Date of purchase information was not available for all guns in the firearms trace data set. The distribution of guns traced to the Southeast region (to gun dealers in Virginia relative to the rest of the region) is similar for the subset of data for which date of purchase information was available (24%), and the subset for which date of purchase information was not available (21%).

The Virginia law pertains to acquisition of handguns by individuals who are not federally licensed firearms dealers. Therefore, the origin of a gun which had been transferred from a dealer in one state to a dealer in a second state was considered to be the last dealer's location. In other words, if a firearm was transferred by a dealer in Georgia to a dealer in Virginia, who then sold the gun to an individual who was not a licensed dealer, the gun would be considered a Virginia gun.

Odds ratios were estimated for traces initiated: (1) anywhere in the United States; (2) the Northeast corridor taken as a whole (New Jersey, New York, Connecticut, Rhode Island and Massachusetts); and, (3) for each of the Northeast states individually considered. For each iteration, the hypothesis being tested remained the same, and was that:

the odds of a gun, purchased after enactment of Virginia's one-gun-a-month law, being traced to a Virginia gun dealer relative to a gun dealer in another part of the Southeast, were significantly lower than for guns purchased prior to enactment of the law.

A significant reduction in the odds would provide evidence that the Virginia law effectively helped to reduce gun trafficking from the state.

Results

The date a gun was purchased and the date the trace request was made was available for 55,856 (19%) of the guns in the database. Of these guns, 17,082 (30.6%) were traced to a dealer located in the Southeast region. Approximately one in four guns (24%) traced to the Southeast were traced to a Virginia gun dealer.

Cross-tabulations indicate that there is an association between when a firearm was acquired (before or after the Virginia law went into effect) and where it was obtained (either from a Virginia gun dealer or a gun dealer in another state located in the Southeast). Twenty-seven percent of all guns purchased prior to passage of the one-gun-a-month law (including guns recovered in Virginia), which were traced to a gun dealer in the Southeast, were acquired from a Virginia gun dealer. Only 19% of guns purchased after the law went into effect and similarly traced to a dealer in the Southeast were acquired in Virginia (Appendices i-vii). In other words, there was a 36% reduction in the likelihood that a traced gun from anywhere in the nation was acquired in Virginia relative to another Southeastern state, for firearms purchased after the one-gun-a-month law took effect compared to guns purchased prior to enactment of the law (Odds Ratio=0.64; $p<0.0001$) (Table 1).

The magnitude of the association between when a gun was purchased and where it was acquired was greater when the analysis focused on gun traces initiated in the Northeast corridor of the United States (New Jersey, New York, Connecticut, Rhode Island or Massachusetts). For gun traces originating in the Northeast, there was a 66% reduction in the likelihood that a gun would be traced to Virginia relative to a gun dealer elsewhere in the Southeast for guns purchased after the one-gun-a-month law took effect when compared to guns purchased prior to law's effective date (OR=0.34; $p<0.0001$).

Even stronger associations were identified for gun traces initiated in individual states -- specifically for traces of guns recovered in New York and Massachusetts. Among the guns from the Southeast recovered in New York, 38% purchased prior to implementation of the Virginia law were traced to Virginia gun dealers compared to 15% of guns from the Southeast which were purchased after the law took effect (OR=0.29; $p<0.0001$). In Massachusetts, the percentages were 18 and 6 (OR=0.28; $p<0.032$). In other words, implementation of the law was associated with a 71% reduction in New York and a 72% reduction in Massachusetts in the likelihood that a traced gun originally purchased in the Southeast would be traced to a Virginia gun dealer as opposed to a dealer in another Southeastern state.

Table 1: Estimated odds ratio that a firearm, purchased after implementation of the Virginia one-gun-a-month law, would be traced to a Virginia gun dealer relative to a gun dealer in another state in the southeastern region of the country compared to firearms purchased prior to the law.

Firearms recovered in:	Guns Traced to Dealer In	Guns Purchased Prior to Law (%)	Guns Purchased After Law Implemented (%)	Odds Ratio (95% CI)	p-value
All states (n=14606)*	VA	27.0	19.0	0.64 (0.58-0.71)	<0.0001
	SE-VA**	73.0	81.0		
Northeast Corridor (NJ, NY, CT, RI, MA) (n=4088)	VA	34.8	15.5	0.34 (0.28-0.41)	<0.0001
	SE-VA	65.2	84.5		
NJ (n=729)	VA	28.7	17.7	0.53 (0.35-0.80)	=0.003
	SE-VA	71.3	82.3		
NY (n=2991)	VA	38.2	15.3	0.29 (0.23-0.36)	<0.0001
	SE-VA	61.8	84.7		
CT (n=53)	VA	34.1	33.3	0.96 (0.21-4.39)	=0.97
	SE-VA	65.9	66.7		
RI (n=14)	VA	7.1	na	na na	na
	SE-VA	92.9	na		
MA (n=301)	VA	18.0	5.9	0.28 (0.08-0.94)	=0.032
	SE-VA	82.0	94.1		

*n=number of guns traced to the Southeast

**SE-VA=all states of the Southeast except Virginia

Comment

In 1993, 1.1 million violent crimes were committed with handguns.¹² Studies show that anywhere from 30% to 43% of criminals identified the illegal market as the source of their last handgun.¹³ The illegal market exists for several reasons: would-be criminals may be unable to buy handguns because prior criminal records disqualify them from over-the-counter purchases, or the gun laws in their states prevent them from obtaining a handgun quickly and easily. In addition, would-be criminals do not want to make over-the-counter purchases because the handgun eventually can be traced back to them.

Local and state legislative bodies have created a patchwork of weak and strong laws regulating handgun sales across the country. In some jurisdictions purchasers may need a permit to possess

a handgun,¹⁴ or may be required to wait before the transfer is allowed to go forward.¹⁵ In other jurisdictions, however, there are no restrictions on the sale of handguns beyond the few imposed by federal law.¹⁶ Consequently, the jurisdictions with "weaker" gun retail laws attract gun traffickers who buy firearms in these jurisdictions and transport their purchases illegally to areas with "stronger" regulation. The guns are then sold illegally on the street to ineligible buyers (e.g., felons or minors), or to people who want guns that cannot be traced back to them.

The BATF recently completed a study on gun trafficking in southern California where a 15-day waiting period applies. The study found that more than 30% of the guns recovered in crime in that region which could be traced back to a gun dealer came from outside California.¹⁷ Almost a third of these out-of-state guns were sold initially by dealers in Nevada, Arizona, and Texas, where the most exacting rules concerning handgun sales are the minimum restrictions set forth in federal law.¹⁸ The experience in New York City is the same. For example, the BATF reports that 66% of all the guns recovered in crime in that city in 1991 and traced by the Bureau were originally obtained in Virginia, Florida, Ohio and Texas -- states with "weak" gun laws compared to New York.¹⁹

The ability to purchase large numbers of firearms, which have a much higher street value than their commercial price, enables gun traffickers to make enormous profits and keep their "business" costs to a minimum. For example, convicted gun runner Edward Daily "hired" several straw purchasers to buy approximately 150 handguns in Virginia and North Carolina. Daily traded the handguns in New York City for cash and drugs and reaped profits of \$300 per gun on smaller caliber handguns and \$600 per gun for more powerful assault pistols like the TEC-9 and MAC-11.²⁰

In March 1991, Owen Francis, a Bronx, New York resident, drove to Virginia and, without having to show proof of residency, obtained a Virginia driver's license. Within a short time, Francis had purchased five Davis Saturday Night Specials -- the most common handgun traced to crime between 1990-1991, according to the BATF²¹ -- and returned to New York and sold the guns. Francis was arrested a few weeks later when he returned to Virginia to buy four more Davis handguns.²²

High-volume multiple sales are common. The BATF field division for southern California recently reviewed over 5,700 instances of multiple sales. Almost 18% of these multiple sales involved individual purchases of three or more guns.²³ Theoretically, prohibiting multiple purchase transactions should be an effective policy means to disrupt established gun trafficking patterns while ultimately reducing the supply of firearms available in the illegal market. The effects of the Virginia one-gun-a-month law seem to support the theory.

The results of this study provide strong evidence that restricting purchases of handguns to one per month is an effective way to disrupt the illegal movement of guns across state lines. The analysis of the firearms trace database shows a strong, consistent pattern in which guns originally obtained in the Southeast are less likely to be recovered as part of a criminal investigation and

traced back to Virginia if they were purchased after the Virginia law went into effect. There was a 65% reduction in the likelihood that a gun traced back to the Southeast would be traced to Virginia for guns recovered in the Northeast Corridor; a 70% reduction for guns recovered in either New York or Massachusetts; and, a 35% reduction for guns recovered anywhere in the United States.

While evidence generated from this study is strong, a change in the laws governing gun purchases in the other southeastern states (e.g., Florida or Georgia) which makes the laws in those states more permissive after July 1993 could provide an alternative explanation for the findings. A review of laws related to private gun ownership in the southeastern region revealed no relevant changes, though Georgia will move to an instant check system and preempt local gun laws effective January 1996.²⁴

While there are many strengths of this analysis, there are some limitations. First, additional research is needed to clarify what, if any displacement effects were created by the Virginia law (i.e., to what extent, if any, do gun traffickers successfully shift their activities to the next most attractive state for acquiring firearms). Second, all types of firearms are included in the analysis even though the Virginia law only restricts the purchase of handguns. This potentially results in an underestimate of the effect of the law. Third, the BATF does not trace all firearms recovered as part of a criminal investigation, and, for the firearms traced, some information (e.g., date of purchase) is not always available. Though it is unlikely that there is a systematic bias in the origin of guns from the Southeast which are recovered outside of the region, or with respect to which guns from the Southeast are traced (a gun's origin and date of purchase are not known prior to the trace), such a bias could alter the results leading to an over- or under-estimation of the association between passage of the Virginia law and the relative likelihood of Virginia guns turning up in the tracing data.

Conclusion

Most gun control policies currently being advocated in the United States (e.g., licensing, registration, and one-gun-a-month) could, most fairly, be described as efforts to limit the supply of guns available in the illegal market. In other words, these are policies crafted to keep guns from proscribed individuals. Once enacted, however, it is important to demonstrate that they are effective. This study, which looks at the impact of Virginia's one-gun-a-month law, provides persuasive evidence that a prohibition on the acquisition of more than one handgun per month by an individual is an effective means of disrupting the illegal interstate transfer of firearms. Based on the results of this study, Congress should consider enacting a federal version of the Virginia law.

Acknowledgments

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11. Obtained by the Center to Prevent Handgun Violence through the Freedom of Information Act.
12. United States Department of Justice, Bureau of Justice Statistics, Guns Used in Crime, July 1995.
13. Sheley, Joseph F and Wright, James D, “Gun Acquisition and Possession in Selected Juvenile Samples,” National Institute of Justice and Office of Juvenile Justice and Delinquency Prevention, December 1993: 6; Beck, Alan, “Survey of State Prison Inmates, 1991,” National Institute of Justice, Bureau of Justice Statistics, March 1993: 19.
14. N.Y. Penal Law Section 265.01, 265.20(f)(3) (no handgun purchases without previously receiving a license to possess a handgun). New York City law grants great discretion to the police commissioner in determining whether to issue a license to possess. N.Y.C. Admin. Code Section 10-131.
15. Cal. Penal Code, Section 12071(b)(3)(A) (15 day waiting period for delivery of firearm).

16. For example, Georgia law places no additional restrictions on the sale of handguns beyond those established by federal law. In fact, as of January 1996, Georgia will prohibit local jurisdictions from regulating handguns sales.

17. Bureau of Alcohol, Tobacco and Firearms, Sources of Crime Guns in Southern California, 1995: 21-22.

18. Id.

19. BATF memo, "Firearms/Homicide Statistics," June 16, 1992. See also Edds, Margaret, "The Pipeline to the Streets of New York," Virginian-Pilot, January 3, 1993 at A9 (describing Project Lead data).

20. Federal Firearms Licensing: Hearing Before the Subcomm. on Crime and Criminal Justice of the Committee on the Judiciary House of Representatives, 103rd Cong., 1st Sess., 8-10 (June 17, 1993) (hereinafter "House Hearing").

21. Freedman, Alix, "Fire Power: Behind the Cheap Guns Flooding the Cities is a California Family," Wall Street Journal, Feb. 28, 1992: A1, A6.

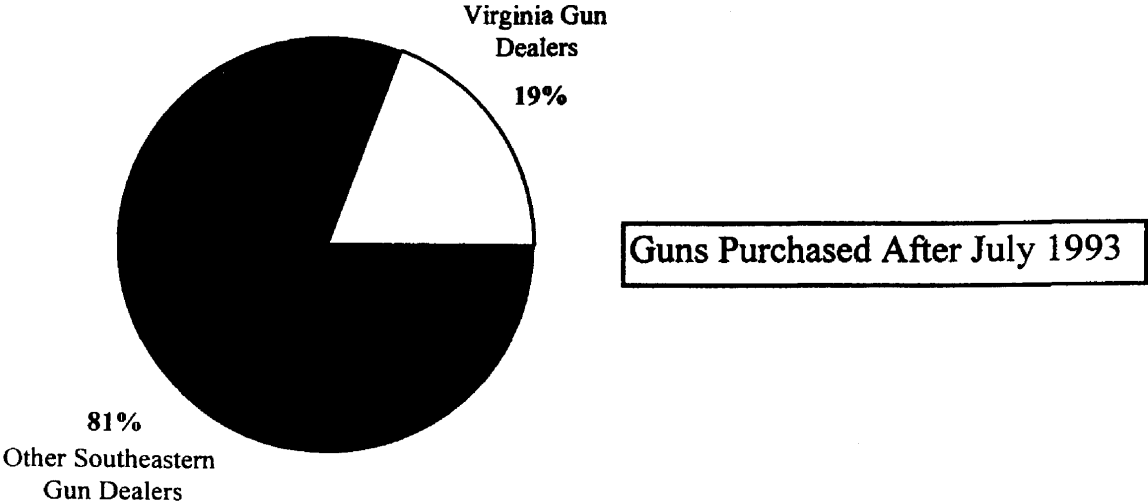
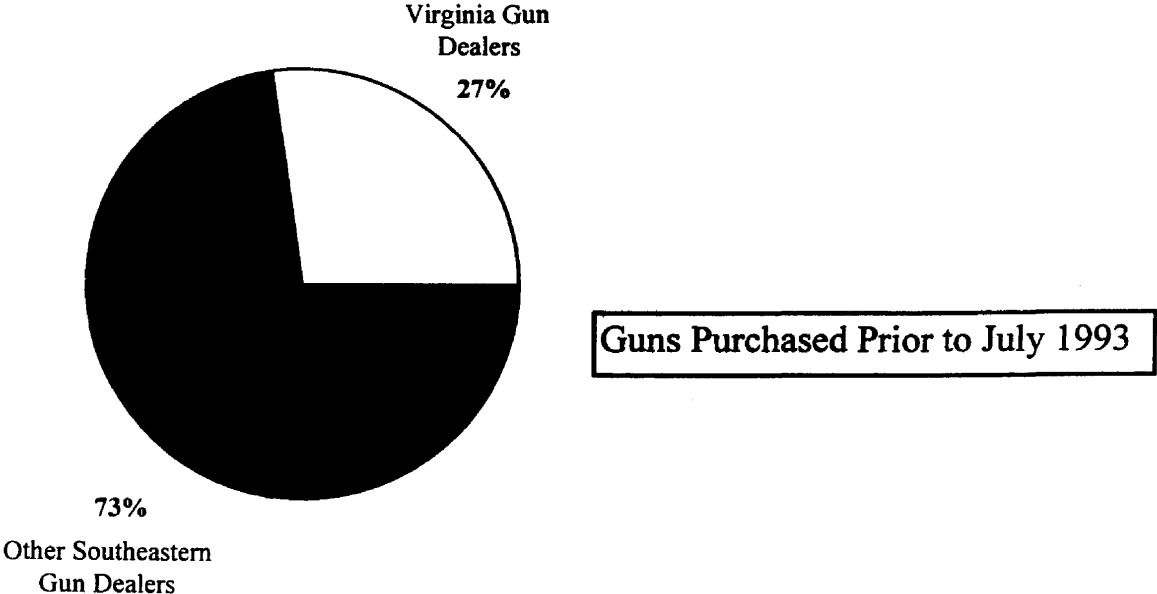
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24. Laws reviewed included one-gun-a-month, bans on weapons, background checks, waiting periods, regulation of private sales, license to purchase, and registration of sales.

Distribution of Guns Traced to the Southeast by Date of Purchase

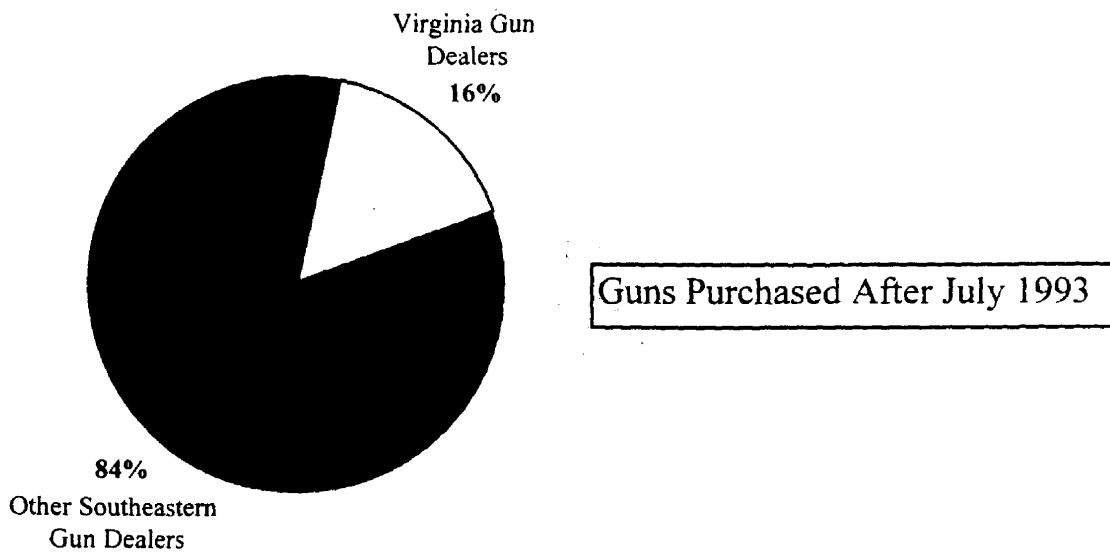
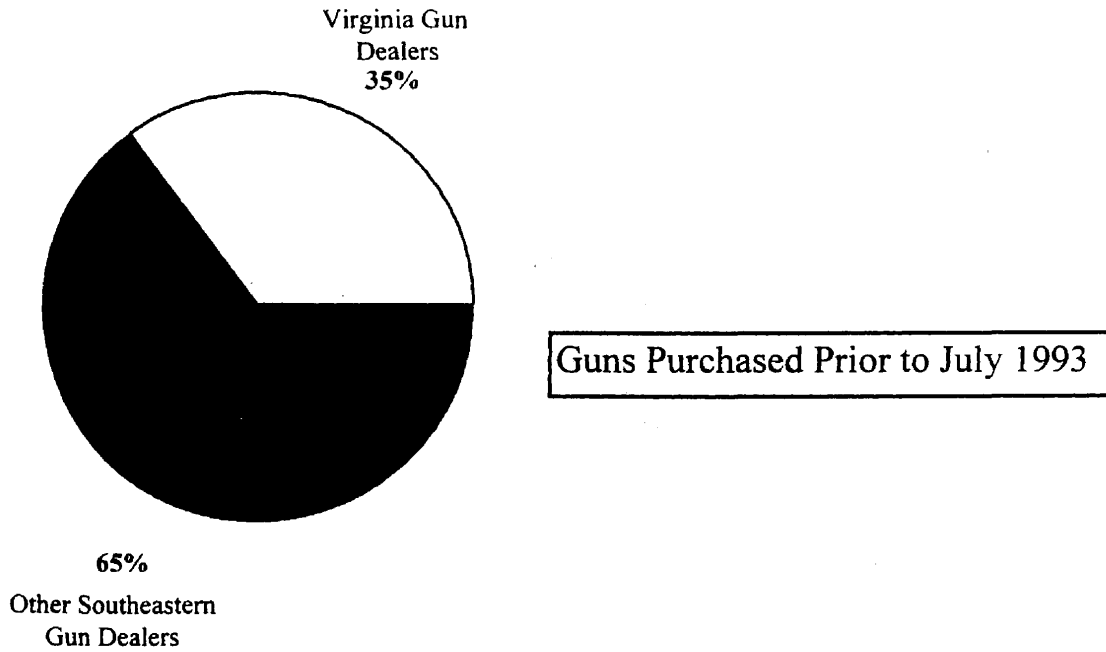
Guns Recovered in All States:



Number of Firearms Traced = 14,606

Distribution of Guns Traced to the Southeast by Date of Purchase

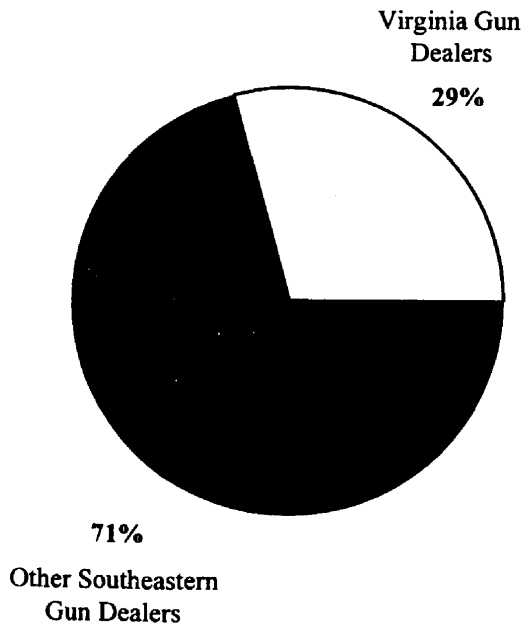
Guns Recovered in the Northeast Corridor (NJ, NY, CT, RI, & MA):



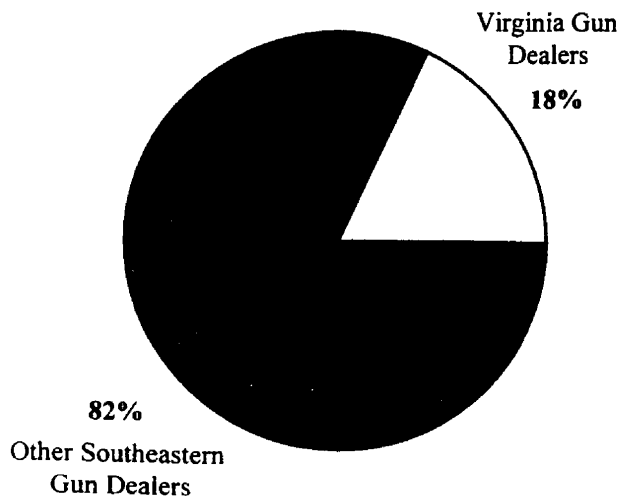
Number of Firearms Traced = 4,088

Distribution of Guns Traced to the Southeast by Date of Purchase

Guns Recovered in New Jersey:



Guns Purchased Prior to July 1993

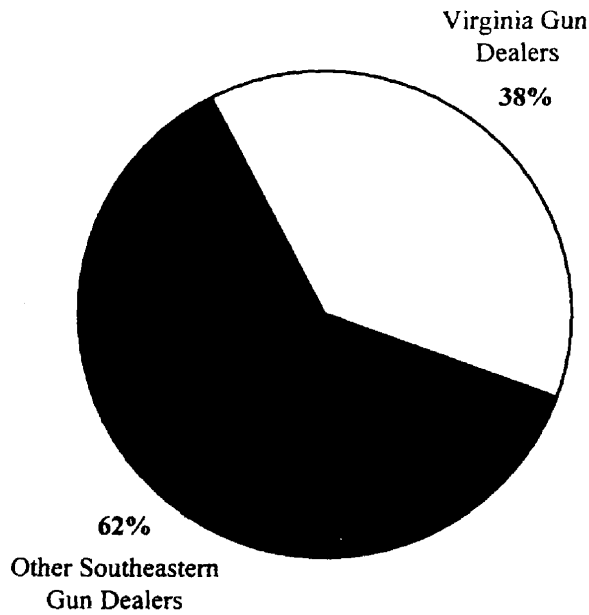


Guns Purchased After July 1993

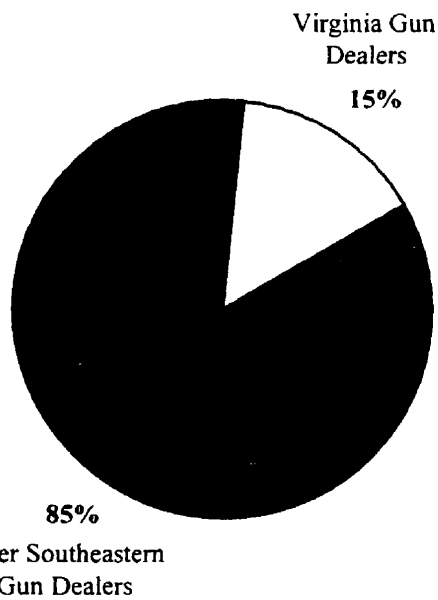
Number of Firearms Traced = 729

Distribution of Guns Traced to the Southeast by Date of Purchase

Guns Recovered in New York:



Guns Purchased Prior to July 1993

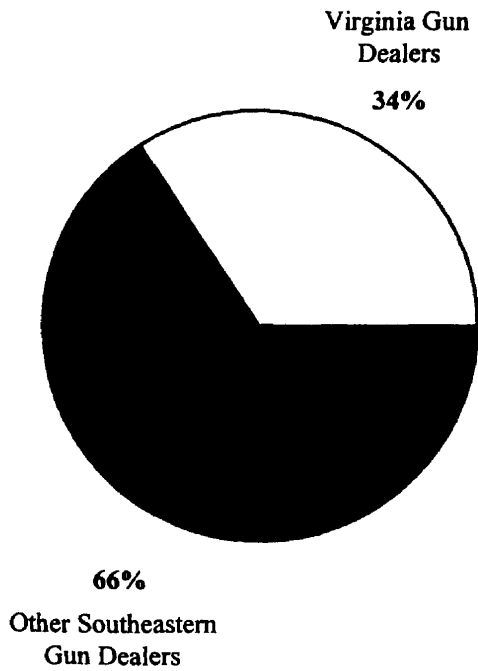


Guns Purchased After July 1993

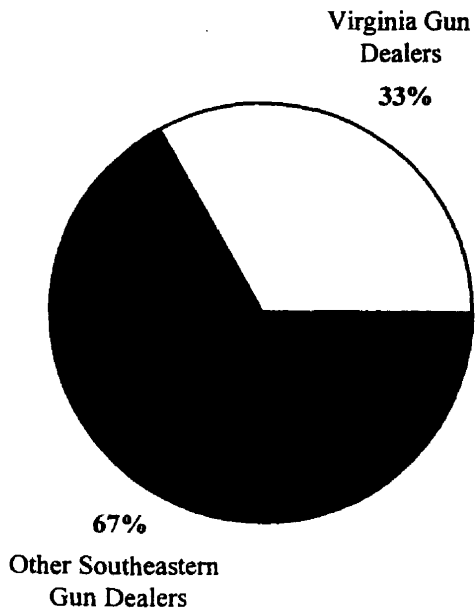
Number of Firearms Traced = 2,991

Distribution of Guns Traced to the Southeast by Date of Purchase

Guns Recovered in Connecticut:



Guns Purchased Prior to July 1993

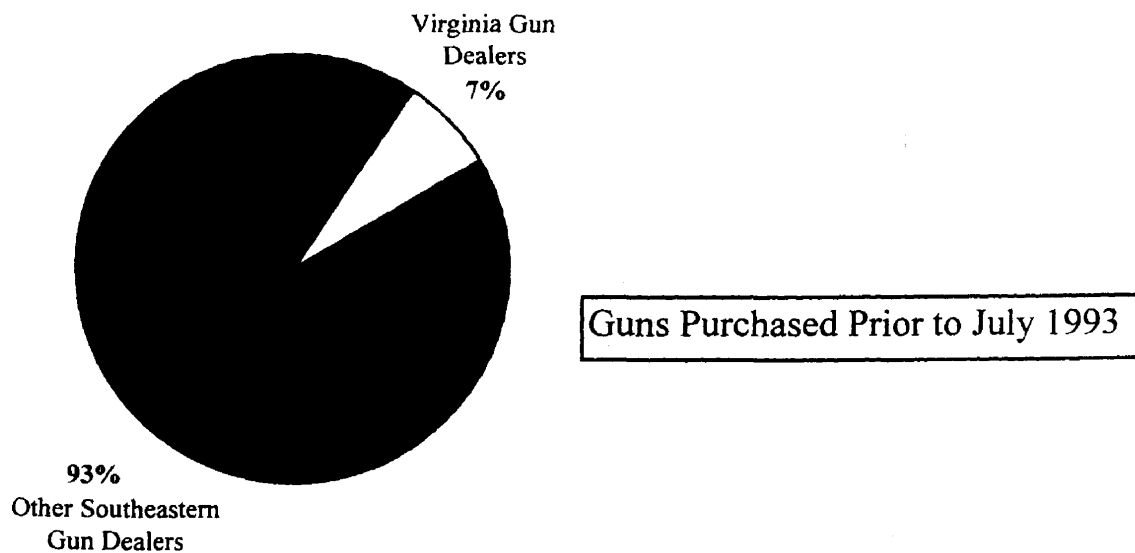


Guns Purchased After July 1993

Number of Firearms Traced = 53

Distribution of Guns Traced to the Southeast by Date of Purchase

Guns Recovered in Rhode Island:

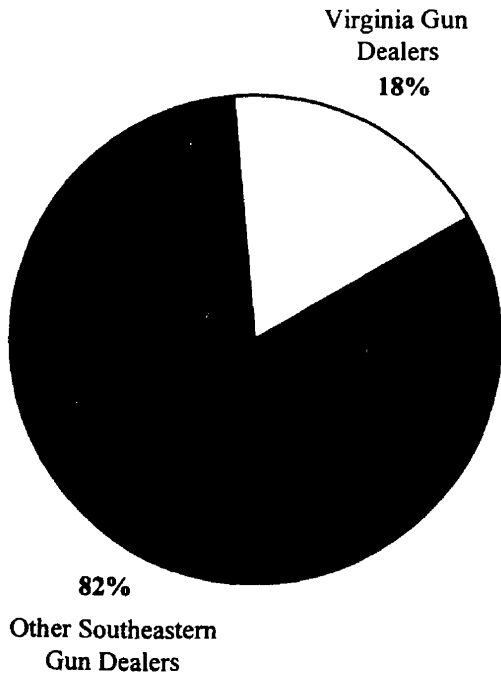


Guns Purchased After July 1993
Insufficient Data for Analysis

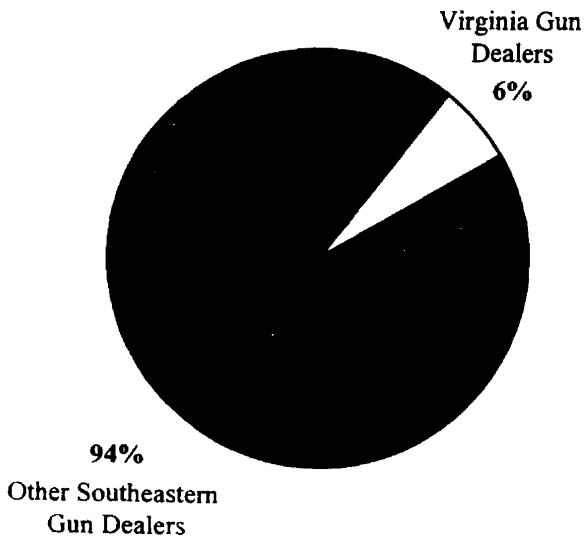
Number of Firearms Traced = 14

Distribution of Guns Traced to the Southeast by Date of Purchase

Guns Recovered in Massachusetts:



Guns Purchased Prior to July 1993



Guns Purchased After July 1993

Number of Firearms Traced = 301

Appendix E

Dr. Paul Blackman took his bachelor's degree in political science from the University of California at Riverside, his master's from Johns Hopkins University, and his Ph.D. in Government from the University of Virginia.

He taught American government and constitutional law at the University of North Dakota and the University of Maryland, and did consulting work for the American Political Research Corporation and Media Research, Inc., in the 1970s, with particular emphasis on election and voter-registration laws and their reform, and analyzing public-opinion surveys.

For the past 17 years, he has served as the Research Coordinator of the National Rifle Association's Institute for Legislative Action, with research emphasis on criminological and public-health studies of firearms and violence.

Remarks by
Paul H. Blackman, Ph.D.,
NRA Institute for Legislative Action
to the
Virginia State Crime Commission
regarding
Handgun Control, Inc. (Center to Prevent Handgun Violence)'s
Report on Virginia's One-Handgun-Per-Month Law
August 29, 1995

When Virginia first considered "one handgun per month" legislation, data were presented detailing how many firearms traced from New York City or the District of Columbia led to Virginia. At the time, we mentioned that such data were worthless, since tracing data have consistently been found by objective scholars, such as the Library of Congress's Congressional Research Service -- and even those with an anti-gun bias, such as Frank Zimring -- to be worthless as a means of studying anything. For two decades criminologists have known that nothing can be learned by any analysis of Bureau of Alcohol, Tobacco & Firearms (BATF) tracing data. It doesn't matter whether the analysis is simplistic or sophisticated; the data source is too flawed to admit of any meaningful analyses.

To spur legislative action, when the legislation was being considered, those worthless data were supplemented for the state legislature by Batman comic strips, making the Virginia General Assembly one of the few, possibly the only, legislative body in world history, to enact legislation because told to by a children's comic-strip character, in this case by one dedicated to the promotion and exploitation of violence.

The Congressional Research Service years ago noted that traces were never intended to provide statistical information on the types of guns used in crime, or the sources of crime guns. Tracing was not supposed to be a statistical tool for analyzing crime, but a law-enforcement tool to assist officers investigating specific crimes. Traces involve neither effort to find out about all guns involved in any or all crimes, nor random sampling, or anything else which would allow useful statistical analyses.

There are two fundamental reasons for the worthlessness of the data:

First, only a tiny percentage of guns actually used in crime are traced. For example, during a period when about 1,000 gun-related murders were committed in New York City, only two guns were traced to Virginia as a result of homicide investigations. And those guns were not necessarily used to commit the crimes, but might have been found at the scene, or even on the body of the victim. In recent years, about one million gun-related crimes have occurred annually, and less than one percent of those crimes has resulted in a firearm being traced. The gun traces are not representative of firearms involved in crime and are certainly not randomly selected.

Second, only a fraction of guns traced were used in crime. The vast majority of the gun traces involve possessory offenses, not misuse offenses. Generally, less than one tenth of traced guns are traced as a result of the investigation of a violent crime -- and even then, the firearm wasn't necessarily used to commit the crime, or belonged to the suspected criminal.

And a majority of traces are not instituted by local police, whether investigating serious crimes or possessory offenses, but by BATF. Thus, BATF essentially determines the nature of guns traced by deciding which dealers or suspected gun-runners to target -- or by deciding which sorts of firearms to target. When BATF focuses on possible misdeeds by Virginia dealers, or by gun traffickers using Virginia dealers, then when BATF completes its investigation, a lopsided portion of traced guns will come to Virginia -- that's where the investigation began and that's where it automatically will end.

After Virginia adopted one-handgun-per-month, BATF decided to switch and to start investigating guns from dealers in other states. Of course there was a diminution in guns traced to Virginia dealers and an increase of those traced to dealers to whose transfers BATF had switched its focus. We don't know if gun-runners slowed in their use of Virginia or merely, as they testified they would do, used more persons for once-a-month straw-man sales. While in past years, "multiple sales" forms might have alerted BATF to potential gun-running schemes, the Virginia one-handgun-a-month law added Virginia to South Carolina as the only two states where any such potential law-enforcement tool would be undermined.

Before the one-handgun-per-month law was adopted, BATF focused its investigations of gun traffickers on those who were using gun dealers in Virginia, as opposed to those in Ohio, West Virginia, Georgia, or Delaware. Since then, it's switched its focus. The obvious result is a decline in guns traced to Virginia gun dealers. Neither prior to the legislation, nor now, was any effort made systematically to look at the guns actually used in crime anywhere.

Neither prior to the legislation nor now was any effort made to determine whether guns traced -- whether used in crime or not -- involved sales of more than one handgun per month. This is important, since, over the past 15 years, Virginia has adopted at least three other laws designed to curb dealer transfers of handguns to prohibited persons, laws adopted with the cooperation of the National Rifle Association. It would thus be important to determine whether any diminution in Virginia gun misuse in other states should be credited that those buyer-identification and background-check laws or to the numerical curb on handgun transfers. For that matter, I have no doubt that, in other contexts, Handgun Control, Inc., will take these same sorts of data and claim they prove the Brady Act is working, even if the effective part is the NRA-backed instant background check initiated here in Virginia.

The possible involvement of multiply-purchased handguns is also significant since data indicate that there has been no appreciable change in the number of multiple handgun sales in the state. It would appear that all Virginia has succeeded in accomplishing is to make the process of multiple handgun purchases more onerous for serious collectors and possibly more expensive for the state.

In short, the simplistic studies before enactment of the one-handgun-per-month law, and this more sophisticated post-law study, are equally worthless since the data on which they are based are incapable of revealing anything about the nature of crime guns or their source, and, even using those generally worthless data, no effort was made to determine whether "one handgun per month" was an issue for the firearms traced to Virginia or elsewhere.

As an interesting side note on Virginia's role in eastern corridor interstate sales, I have noted no legislative efforts to curb the use of Virginia as a source of cigarettes to persons seeking to evade the Northeast's high tobacco taxes. To the extent the state may wish to humor the public-health researchers involved in both firearms and tobacco misuse, by helping curtail interstate evasion of tough laws, Virginia might wish to consider limiting the number of cartons of cigarettes a given individual, particular one without a Virginia driver's license, may lawfully be sold by any particular store.

Thank you.

