



Policy Option:

HB 731: Requiring Safe Storage of Firearms to Prevent Access by Children

What does it mean?

Laws that hold adults responsible for failing to properly store firearms in the home to prevent access by children are known as “child access prevention” laws. Research has shown that the presence of unlocked guns in the home increases the risk to children of both accidental gun injuries and intentional shootings.¹ Storing guns to restrict children’s access is a critical factor in preventing unintentional firearm deaths and injuries, as well as suicides, by children and young people. Child access prevention laws have been shown to be effective across the U.S. at lowering the incidence of unintentional firearm deaths among children.²

What would it *really* do?

Current law in Illinois makes it unlawful for a person to store or leave a firearm unlocked and accessible to a minor under the age of 14 if that person knows or has reason to believe that the minor is likely to gain access to the firearm, *and* the minor causes death or great bodily injury with that firearm.³ This provision should be strengthened to apply to homes with older teenagers, and to apply whenever children are likely to gain access to firearms, regardless of whether the child uses the firearm to kill or injure someone.

What does the public think?

- Eight in 10 Illinois voters, 82%—strongly favor requiring gun owners to lock their guns if there are children under the age of 18 in the household. Even 61% of those with firearms behavior (including voters who are gun owners, members of the NRA, hunters and/or FOID cardholders) strongly support such a measure. To read more polling results from the 2007 Voter Survey on Gun Regulations, go to www.icpgv.org/icpgv_polling.html.
- Most Americans (82%) favor tougher enforcement of existing gun laws or stronger new laws.⁴
- 76% of Americans support child access prevention laws.⁵
- 57% of U.S. gun owners support requiring guns to be stored in a locked container and 50% of U.S. gun owners support requiring guns to be stored with a trigger lock.⁶

What are the facts?

- About 35% of American households have a least one gun and nearly one in four homes contains a handgun.⁷
- In U.S. homes with children and firearms, 55% were reported to have one or more firearms in an unlocked place, and 43% reported keeping guns without a trigger lock in an unlocked place.⁸
- In 2002, over 1.69 million children under 18 were living in homes with loaded and unlocked firearms.⁹
- From 1999-2004, 1,050 children and youth aged 0-19 were killed unintentionally by guns in the U.S.¹⁰
- In Illinois, from 1999-2004 there were 31 unintentional deaths from firearms for children and youth.¹¹
- The U.S. Secret Service published a study of 37 school shootings in 26 states that found that in more than 65 percent of the cases, the attacker got the gun from his or her own home or that of a relative.¹²

Have Other States Enacted Similar Legislation?

More than half of the nation's states have some kind of child access prevention law, including Illinois. However, only Hawaii, Maryland, Massachusetts, Minnesota, New Jersey, and Texas have enacted laws which impose criminal liability for allowing child access to the firearm, regardless of whether the child uses the firearm or causes injury.¹³ Child access prevention laws in California, Colorado, Delaware, Georgia, Indiana, Kentucky, Massachusetts, Minnesota, Mississippi, Nevada, North Carolina, Oklahoma, Tennessee and Utah apply to children under 18.¹⁴ Illinois communities with child access prevention laws that apply regardless of whether the minor uses the firearm to kill or injure include Aurora, Grayslake, Gurnee and Park Ridge. Laws in Aurora, Gurnee and Park Ridge all define "minor" as children under 18.¹⁵

Final Thought

Strengthening Illinois' current child access prevention law will help prevent children and youth from accessing guns and intentionally or unintentionally killing or injuring themselves and others.

Pending Legislation

HB731 (Sponsored by Rep Deborah Graham and Co-sponsored by Reps Harry Osterman, Elizabeth Coulson, Karen Yarbrough, Richard Bradley, Cynthia Soto, Elizabeth Hernandez, Edward Acevedo, Annazette Collins, Elga Jefferies, Elaine Nekritz, Constance Howard, Charles Jefferson, and William Davis)

This legislation would prohibit any person from leaving or storing an unsecured firearm in their home or any premises under their control, if they know or have reason to know that a child under the age of 18 is likely to gain access to it. HB 731 also removes the requirement that the child use the firearm to kill or cause great bodily harm.

1 David C. Grossman, et al. *Gun Storage Practices and Risk of Youth Suicide and Unintentional Firearm Injuries*, 293 JAMA 707, 707, 712-714 (Feb. 2005).

2 Daniel W. Webster & Marc Starnes, *Reexamining the Association Between Child Access Prevention Gun Laws and Unintentional Shooting Deaths of Children*, 106 Pediatrics 1466, 1466, 1468 (Dec. 2000).

3 720 Ill. Comp. Stat. 5/24-9(a).

4 Al Quinlan & Michael Bocian, *Strong Public Support for Tough Enforcement of Common Sense Gun Laws* (Jan. 23, 2007), at http://www.mayorsagainstillegalguns.org/downloads/pdf/maig_polling_memo.pdf.

5 Tom W. Smith, *Public Opinion about Gun Policies*, in *The Future of Children: Children, Youth, and Gun Violence* 155, 157 (Richard E. Behrman et al., eds. 2002).

6 Tom W. Smith, *1999 National Gun Policy Survey of the National Opinion Research Center: Research Findings Table 11* (July 2000), at <http://cloud9.norc.uchicago.edu/dlib/gun99.htm>.

7 Johns Hopkins Center for Gun Policy and Research, *Factsheet: Guns in the Home* (June 2004) at http://www.jhsph.edu/gunpolicy/Guns_in_Home.pdf

8 Mark A. Schuster et al., *Firearm Storage Patterns in U.S. Homes with Children*, 90 Am. J. Pub. Health 588, 590 (Apr. 2000).

9 Catherine A. Okoro et al., *Prevalence of Household Firearms and Firearm-Storage Practices in the 50 States and the District of Columbia: Findings from the Behavioral Risk Factor Surveillance System, 2002*, 116 Pediatrics e370, e371-72 (Sept. 2005) at <http://pediatrics.aappublications.org/cgi/content/full/116/3/e370>.

10 The Centers for Disease Control and Prevention, National Center for Injury Prevention and Control, *Web-based Injury Statistics Query and Reporting System (WISQARS) Injury Mortality Reports 1999 – 2004*, at http://webappa.cdc.gov/sasweb/ncipc/mortrate10_sy.html.

11 *Id.*

12 Department of the Treasury, United States Secret Service, *Safe School Initiative: An Interim Report on the Prevention of Targeted Violence in Schools* 6, 3, 6 (Oct. 2000).

13 Legal Community Against Violence, *Regulating Guns in America – An Evaluation and Comparative Analysis of Federal, State and Selected Local Gun Laws* 161-165 (2006), at http://www.lcav.org/library/reports_analyses/regulating_guns.asp.

14 *Id.*

15 Legal Community Against Violence, *Illinois Local Ordinance Summary, Child Access Prevention section*, at <http://www.lcav.org/states/illocalord.asp#childaccessprevention>.