

GUNS: Violent crimes and gun sales increase simultaneously

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legislative session, but the idea of the law has persisted into debates in multiple cities statewide.

Since the bill to report a lost or stolen handgun failed to be included with the crime bill, five cities, Pittsburgh, Pottsville, Reading, Allentown and Philadelphia, have all passed some type of law requiring gun owners to report lost or stolen handguns. Lancaster and York have also considered similar laws.

The Harrisburg City Council most recently passed a law requiring gun owners to report to city police the loss of theft of a handgun within 48 hours or face a fine of \$50 to \$1,000 or up to 90 days in jail. That bill awaits Mayor Stephen Reid's approval for adoption into law.

NRA representatives refute the legality of cities passing these types of laws. They assert that firearms can only be regulated at the state level and the cities are outside of their authority said Hohenwarter.

"It is [CeaseFire-PA] perspective that these cities do have the legal right to pass laws requiring the report of the loss or stolen handgun, and that question will be decided soon in the state appellate court," Grace said. "Lost or stolen handgun reporting is just one more tool for the police to trace and stop the flow of illegal handguns and straw purchasing from happening in Pennsylvania."

"We have a state preemption laws. So what they are doing violates that law and

I would argue also violates our state constitution," Cutler said.

Cutler said all forms of proposed and recently passed laws requiring reporting of loss or stolen firearms will all fail because the law, at its core, is unconstitutional. The most prominent legal precedent that Cutler said supports his claim is the 1968 Supreme Court ruling, *Haines v. the United States*.

"Even though the idea is being advanced on cutting down straw purchases, with purchasing firearms and giving them to felons illegally, those folks are already

exempt from reporting because it would be self incriminating and violates their fifth amendment constitutional [right]," Cutler said. "Our Federal government actually modified our federal firearms act after the *Haines v. the United States* case and specifically put in a provision that said that none of that information obtained during registration would be utilized for criminal prosecution."

Both Cutler and Hohenwarter both said they think the cities legal challenges to pass gun legislation will fail in court.

If the laws passed by the cities are overturned in legal challenges, Grace said another form of the loss or stolen firearm reporting legislation will reach debate in the state house of representative this year.

"If the city laws fail, we will continue to work very energetically to see this reform come back

"There is really no constitutional right implicated here at all," Grace said. "There is nothing about this reform that would stop a person from purchasing a gun. This reform had everything to do with just having a simple responsibility to report it lost, missing or stolen. There really isn't any second amendment right. I don't think you are going to find any court in the land, here at the state or federal level suggesting that a constitutional right is being impaired."

Cutler countered Grace when he said the need for more legislation to regulate and deter illegal straw purchases of handguns.

"Straw purchasing is illegal here in the state," Cutler said. "Giving a firearm, or falsely purchasing a firearm so that you can sell it on the street or give it to a felon is already illegal."

"We don't need new laws, we

Cutler said he and his base of pro-gun constituents are ready for another fight this year on the state house floor concerning requirements to report a loss or stolen firearms. He predicts that the governor and CeaseFirePA still won't find enough votes to pass a form of this legislation.

Joe Grace said legislation like this is just a common sense approach to possibility preventing violent and illegal gun crime. In states with such broad legal gun freedoms, a law like reporting a loss or stolen handgun is really a small inconvenience.

"Generally speaking, Pennsylvania has fairly lax gun laws, when you compare them with some neighboring states," Grace said. "That is one of reasons that we are working so hard across the state to generate support for change, for strengthening our gun laws in reasonable common sense

est gun laws in the nation with one gun a month restrictions, permits required for purchases of firearms and "Saturday night specials" limitation on junk handguns. These handguns are targeted because inexpensive manufacturing method make these the weapons of choice for people that want to use a gun once for a crime only to discarded it to hide evidence. Maryland's laws also include assault weapon registration with law enforcement, a waiting period on gun sales along with limitations on carrying a concealed weapon and restriction on certain types of assault weapons. New York mirrors Maryland in many of their laws with the exception of the one gun a month restriction. New Jersey also has similar laws to New York, but doesn't place restrictions on junk handguns.

In 2007, Pennsylvania was third in the nation in total firearm related murders with 527. Of the top ten states, Pennsylvania was rank sixth in the rate of murder committed with firearms. Of the states bordering Pennsylvania, only Maryland has a higher rate of murders with firearms, according to Federal Bureau of Investigation Uniform Crime statistics.

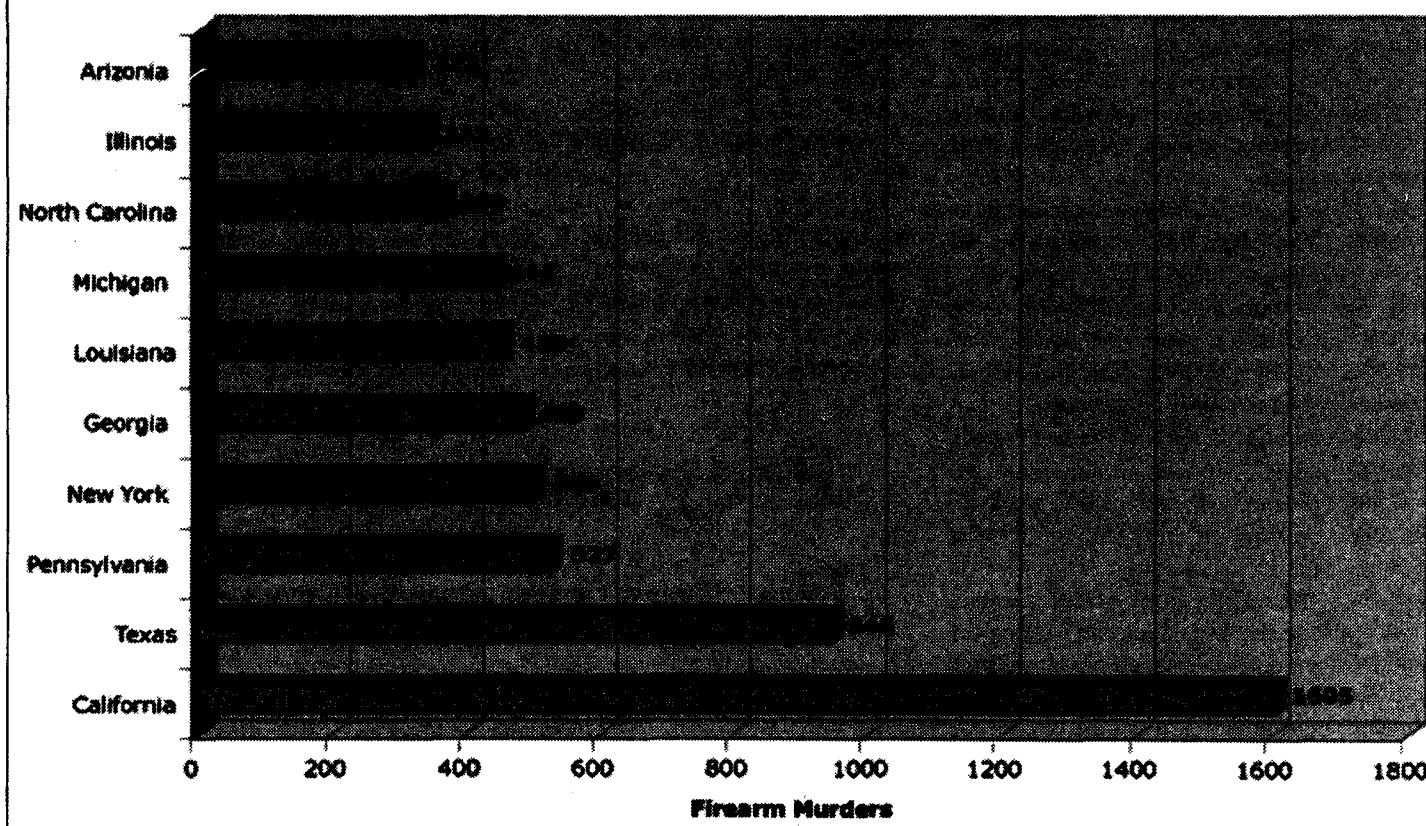
Other than Maryland though, Ohio, New York, Delaware and New Jersey all have substantially lower rates of murders occurring with firearms, according to 2007 FBI Uniform Crime statistics.

While voting trends in both the state and the country signal an uncertain future, one of the only certainties is that the gun control

debate will rage on. Pennsylvania isn't the only state the balances the adverse affects of gun violence along with is populations rights to purchase and own handguns. Many times this issue most affects decision made at the ballot box.

What is certain is Americans, along with Pennsylvanians, are arming themselves at higher rates. Increased level of firearms among the population requires each American to evaluate gun ownership for themselves in many ways.

Incidents of Murder by State



Graph by FRANK MAGNI

before the full legislature," Grace said. "In the long run, statewide reform is the best way to reduce gun violence, but the city-by-city approach, we think calls attention to the issue and that's a good thing in keeping this issue on the forefront. Make no mistake and no doubt that is the reform we working toward passing."

The reason why Grace said his organization is so compelled to help establish a law to report law of lost or stolen because it gives law enforcement more tools to deter illegal straw purchasing.

just need to enforce the ones we have," Cutler said. "It is already illegal for a felon to own a gun, we already have the right to enhance their sentencing if they utilize a firearm during the crime. The fact that were willing to infringe on the rights of law abiding citizens in order to advance a political agenda is very disconcerting to me. I don't see the sense in burdening honest people with additional regulation when the criminal themselves disregard the laws anyway."

ways."

The state requires no license to own a handgun, allows gun owners to carry concealed weapons and places no restrictions on having assault weapons. Some of the only provisions Pennsylvania has require are gun show background checks.

Delaware and Ohio remain just a lenient in terms of restrictions, with Delaware only placing limitations on carrying a concealed weapon.

Maryland has some of the tough-