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Updated Evidence and Policy Developments on Reducing Gun Violence in America

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Broadening Denial Criteria

New Developments

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Federal law prevents the purchase and possession of firearms by anyone who has been convicted of a felony or a “misdemeanor crime of domestic violence,” who is “an unlawful user of or addicted to any controlled substance,” who has been “adjudicated as a mental defective” or “committed to any mental institution,” and others.¹ Many states have gone further, and to good effect; California’s firearm prohibitions for persons convicted of violent misdemeanors have been shown to prevent violent crime, for example.² This update reviews new information on the need for—and support for—expanding denial criteria, with a particular focus on denial for alcohol abuse.

Vittes and colleagues shed new light on the potential benefits of expanding denial criteria.³ Their data come from the 2004 Bureau of Justice Statistics nationwide inmate survey and are for 13 states that did not have firearm prohibitions related to any of the following: (1) age less than 21 years; (2) serious juvenile offenses; (3) violent misdemeanor convictions; (4) alcohol abuse; or (5) drug abuse. All subjects in their study were incarcerated for crimes involving firearms, most of which also involved violence. Well over half of the subjects (59.7%) were not subject to firearm prohibitions when they committed

their crimes; this would have been reduced by nearly half, to 30.8%, had the states (or the federal government) enacted those five additional prohibitions.

A history of alcohol abuse has repeatedly been proposed as grounds for a firearm prohibition. Under federal law, alcohol is specifically excluded from the definition of controlled substances; neither addiction to nor unlawful use of alcohol prohibits firearm ownership. A 2013 review by the Law Center to Prevent Gun Violence identified three states (Indiana, Maryland, and Pennsylvania) with firearm prohibitions related to multiple convictions for driving under the influence or related offenses.⁴ Other states used less well defined criteria to identify a population of alcohol abusers to whom a firearm prohibition might apply. No data on enforcement or effectiveness were available.

There is conclusive evidence, however, linking current and prior alcohol abuse or dependence to risk for committing violence against others or oneself. For example, approximately 37% of persons incarcerated for violent crimes are intoxicated when those crimes are committed, by their own report.^{5,6} About one third of homicide and suicide victims test positive for alcohol, and at least 60% of those meet legal criteria for intoxication.⁷ Multiple large-scale surveys have shown substantial increases in risk for future violence related to a prior history of alcohol abuse or dependence.^{8,9} Studies of DUI offenders have found a very high prevalence of alcohol dependence and increased rates of criminal activity.^{10,11}

In January 2013, the Summit on Reducing Gun Violence in America working group convened by Johns Hopkins University recommended a 10-year firearms prohibition for persons convicted of DUI or similar offenses on two or more occasions within three years.¹² Such legislation was passed by the California legislature but vetoed by the governor. In his veto message, the governor stated that he was “not persuaded that it is necessary to prohibit gun ownership on the basis of crimes that are non-felonies, non-violent and do not involve misuse of a firearm.”¹³ Research now in development will assess the risk for future criminal activity associated with a prior history of alcohol abuse or dependence among firearm owners.

The Consortium for Risk-Based Firearm Policy—a group of experts in gun policy, mental health, psychiatry, epidemiology, law, and law enforcement—recently endorsed five-year prohibitions against firearm possession for violent misdemeanants and persons with multiple convictions related to alcohol or controlled substance abuse.¹⁴ A new survey of federally licensed firearm retailers (gun dealers and pawnbrokers) in 43 states found strong support for

such polices. Majorities favoring prohibitions based on convictions for specific crimes were as follows: 84.8% for publicly displaying a firearm in a threatening manner, 80.7% for possession of equipment for illegal drug use, 70.7% for multiple DUI convictions, 67.4% for assault and battery not involving a lethal weapon or serious injury, and 53.1% for resisting arrest.¹⁵ Nine of 10 retailers (90.1%) supported a firearms prohibition for persons with “alcohol abuse and repeated cases of alcohol-related violence.”

Current federal and state prohibitions on access to firearms contain significant gaps in coverage that allow individuals at increased risk for violent crime to purchase and possess firearms. Broader prohibitions have been shown to be effective where they have been examined, and there is widespread support for such measures.

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