

2019

# What's Going Wrong in Nevada? A Comparative Analysis of California and Nevada Gun Control Laws as They Relate to Gun Violence

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## Recommended Citation

Chami, Danielle, "What's Going Wrong in Nevada? A Comparative Analysis of California and Nevada Gun Control Laws as They Relate to Gun Violence" (2019). *CMC Senior Theses*. 2071.  
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CLAREMONT MCKENNA COLLEGE

**What's Going Wrong in Nevada? A Comparative Analysis of California  
and Nevada Gun Control Laws as They Relate to Gun Violence**

Submitted to  
Professor Joseph Bessette

By  
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For  
Senior Thesis  
Fall 2018  
December 10, 2018

## **Abstract**

The recent mass shooting on October 1, 2017 in Las Vegas, Nevada has been marked in history as the worst mass shooting in the United States to this point. The details of the shooting beg the question, is it coincidence that it happened in Nevada, a state with some of the least restrictive gun control laws? Mass shootings have become an unfortunate part of reality in the United States, but these are fairly uncommon occurrences. While they are horrific and deserve attention, daily gun violence cannot be forgotten. In the face of such a multitude of gun violence, what can be done to prevent future violence from occurring? This paper compares Nevada and California, two states that are geographically similar, but could not be more different when it comes to gun control. The paper draws connections between state gun control laws and gun violence trends in an attempt to determine what the best course of action is for addressing the problem.

## **Acknowledgements**

I would like to thank Professor Bessette for fostering my interest in public policy and social change, as well as for sharing his knowledge and expert guidance throughout this entire thesis process. You have provided me with great insight and have helped me capture a comprehensive understanding of this topic. I would like to congratulate everyone who finished thesis this semester. Thank you for providing great company during many hours spent in the computer lab. Finally, I would like to thank my friends and family for supporting me and constantly letting me bounce ideas off of you.

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## **Introduction: The Second Amendment and the States**

A simple Google search of “United States gun violence” reveals shocking statistics about gun violence rates in America compared to the rest of the world. For example, the United States accounts for less than 5 percent of the world’s population but is home to 31 percent of global mass shooters as of 2012.<sup>1</sup> Gun homicide rates in the United States are 25.2 times higher than in any other high-income countries.<sup>2</sup> Among all countries, the United States has the tenth highest rate of firearm-related deaths per 100,000 persons.<sup>3</sup> These troubling statistics beg for an in-depth analysis of why America’s gun control laws are the way they are and how they could be improved to combat the mass violence that stems from firearms. This task is easier said than done, however, because of America’s federalist structure and Second Amendment protection of the right to own guns.

The Second Amendment states, “A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.”<sup>4</sup> In *District of Columbia v. Heller* (2008), the Supreme Court decided in a 5-4 decision that proper interpretation of this amendment protects the private right of individuals to possess firearms for their own defense. Dissenters disagreed, insisting that properly interpreted, the amendment protects only the right of the people in each state to maintain a well-regulated militia.<sup>5</sup> They continued to explain that given the nature of this protection, the government should be allowed to ban weapons, specifically firearms, in

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<sup>1</sup> Kara Fox, "America's Gun Culture vs. the World in 5 Charts," (CNN, 2018)

<sup>2</sup> Ibid.

<sup>3</sup> "List of Countries by Firearm-related Death Rate" (Wikipedia, 2018)

<sup>4</sup> The Constitution of the United States," Amendment 2

<sup>5</sup> *Columbia v. Heller*, 554 US 570 (2008)

areas with high crime rates. Based on the *Heller* decision, the Court has continued to review cases about gun control and protect individual rights to own arms in most instances except those viewed as special, i.e. concerning individuals with mental illness, criminal records, or in “sensitive places”. In *McDonald v. City of Chicago* (2010), the Court extended the right to private ownership to the states through the incorporation doctrine. This decision prohibits states from implementing highly restrictive gun control laws, such as universal firearm seizure, that would infringe on the rights previously determined by the Court to be fundamentally protected.<sup>6</sup> Other countries have banned and seized all firearms in response to mass shootings, however this would be unconstitutional because it is a direct infringement on the rights of the people. Although highly restrictive laws are unconstitutional, some strict laws have been enacted, such as a ban of “assault weapons” (specified in Appendix Table 1.2). These laws are deemed to protect the interests of the people more than they restrict individual freedoms, thus they are in line with the Constitution and the ideals of the United States.

*McDonald*'s incorporation of the Second Amendment underscores the federalist structure of the United States as it relates to laws. Under the system of government called federalism, the U.S. Constitution gives certain powers to the federal government, some to the state and local governments, and some to both. As this relates to protections of the rights specified in the Amendments, incorporation protects certain rights from both levels of government. While states are allowed to implement laws that may be stricter than those enacted federally, they must abide by all federal restrictions and their state level restrictions cannot be too strict so as to be determined unconstitutional. So, while states

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<sup>6</sup> *McDonald v. Chicago*, 561 US 742 (2010)

have some discretion in enacting gun control legislation, they must adhere to federal regulations, such as background checks, and cannot go so far as to implement universal seizure of firearms.

Because of federalism, it is an oversimplification of a complex issue to look at the United States as a whole and suggest federal legislative change in a blanket effort to correct gun violence. Each state has different populations, social norms, crime statistics, and current gun control laws. What works in one state may not work on a federal level. That being said, it is useful to compare state's gun control laws in an effort to begin to correct the problem as a whole. It is important to remember when doing so that correlation does not equal causation insofar as implementation of a certain law may coincide with a decrease in violence, but simply saying "A caused B" ignores the variety of other factors that could have attributed to the change in B. There are several factors that we can analyze to attempt to figure out how legislation relates to crime statistics; however, there are countless more that we cannot begin to measure or guess.

Nevada and California offer an interesting comparison for gun control legislation and violence. Although they are located immediately next to each other, the states could not be more different in terms of legislation. Nevada is home to some of the least restrictive gun control laws in the United States, while California is home to some of the most. Nevada crime rates are overall higher than those in California, a trend that also extends to crimes committed with firearms. Analysis of trends in both states reveals that California gun violence has been consistently declining, while Nevada's has stayed relatively level or even increased over the past ten years. When comparing this to recent legislative changes, trends reveal that California has been making changes that may be



improving crime rates. While an analysis of these trends will not provide us with a definite model for what works, it may begin to offer a suggestion for what gun control laws are the most effective in addressing gun violence while remaining in line with the Constitution.

The changes proposed below may not be as effective as theorized because it is not clear how one state's successes will translate to another. What is clear, however, is in the face of such prevalent violence in Nevada something must be done.

### **Laws Explained: Federal, Nevada, and California**

As previously mentioned, the United States functions as a federalist system of government, so delving into the specific laws of the states in question would be amiss without a primary understanding of the federal laws and how the state laws must coincide with them. The federal laws on gun control are relatively minimal, generally outlining who may own a firearm and who is specifically prohibited from owning one. Major federal gun control laws and regulations are described in detail in Appendix Table 1.1.

While Table 1.1 presents the details of the federal laws, the main restrictions of interest are those that address who is prohibited from owning guns, as this would, in theory, affect gun access and gun violence. Federal law establishes a general baseline for who is ineligible to purchase a firearm and how such purchases, transfers, and possessions are to be regulated. The Gun Control Act of 1968, and later the Brady Handgun Violence Prevention Act, generally prohibit sale of firearms to those deemed "prohibited purchasers." A prohibited purchaser is any person who:

- Has been convicted of, or is under indictment for, a crime punishable by imprisonment for more than one year;

- Is a fugitive from justice;
- Is an unlawful user or addicted to a controlled substance;
- Is under the age of 18 (only for handguns);<sup>7</sup>
- Has been adjudicated as a mental defective or committed to a mental institution;
- Is unlawfully in the United States or has been admitted to the U.S. under a nonimmigrant visa;
- Has been dishonorably discharged from the military;
- Has renounced his/her United States citizenship;
- Is subject to a court order restraining him or her from harassing, stalking or threatening an intimate partner, his or her child or a child of a partner, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; or
- Has been convicted of a misdemeanor offense of domestic violence.<sup>8</sup>

Background checks are federally mandated by the Brady Handgun Violence Prevention Act and all sales through a federally licensed dealer are required to screen individuals for these listed restrictions. If they do not fall under any of these restrictions, individuals are allowed to purchase and own a firearm within the stipulations of federal regulations.

It is up to the discretion of each state's government and citizens whether they want to pass stricter gun control legislation. Because of this, states vary greatly in terms of further restrictions placed on those purchasing and owning firearms. Table 1.2, featured below, outlines the main differences between gun control laws in California and Nevada.

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<sup>7</sup> Federal law prohibits possession of handguns for persons under 18, however there is no minimum age for long guns. Age can also determine if a person is prohibited from purchasing a gun, as people under the age of 18 cannot buy a long gun and persons under the age of 21 cannot buy a handgun from a licensed dealer. "Minimum Age to Purchase & Possess" (Giffords Law Center to Prevent Gun Violence)

<sup>8</sup>"Categories of prohibited persons" (Giffords Law Center to Prevent Gun Violence).

**Table 1.2: Main Differences between California and Nevada Gun Control Laws**

<b>Gun Control Statutes</b>	<b>California</b>	<b>Nevada</b>
Who May Not Own A Firearm	<ul style="list-style-type: none"> <li>• <i>Lifetime Ban:</i> Those with any felony conviction or conviction of other offenses listed by the California Dept. of Justice; any person adjudicated to be a mentally disordered sex offender; any person found incompetent to stand trial or found not guilty by reason of insanity for any crime.</li> <li>• <i>10-Year Ban:</i> Anyone convicted of a misdemeanor violation of certain violent crimes, such as assault and battery or domestic violence.</li> <li>• <i>5-Year Ban:</i> Any person taken into custody as a danger to self or others, is assessed and admitted to a mental health facility (also subject to a lifetime ban).</li> </ul>	<ul style="list-style-type: none"> <li>• Minors under 14 unless supervised;</li> <li>• Ex-felons unless pardoned or civil rights restored;</li> <li>• Fugitives from justice;</li> <li>• Unlawful users of, or addicted to, any controlled substance;</li> <li>• Those adjudicated as mentally ill; or</li> <li>• Those illegally in the U.S.</li> </ul>
Illegal Arms	Cane gun; wallet gun; any firearm not immediately recognized as such; short-barreled shotgun or rifle, i.e., barrel of less than 18 inches for shotgun, less than 16 inches for rifle, or less than 26 inches designed to fire a fixed shotgun shell or cartridge; zip gun; any bullet with explosive agent; multi-burst trigger activator; any unconventional pistol; any undetectable firearm.	Metal penetrating bullets; short-barreled rifle or shotgun; machine gun or silencer; firearm with altered serial number

Waiting Period	10 Days	None
Background checks	Required for all gun sales.	Enacted for all gun sales but deemed by the attorney general to be “unenforceable”
Concealed Carry Permits	“May Issue” state. Valid for 2 years.	“Shall Issue” State. Valid for 5 years.
Open Carry Allowed	Not allowed	Allowed for anyone over the age of 18. A permit is required to carry a handgun, but not for shotguns or rifles
Laws prohibiting firearms on or near school grounds	Felony	Misdemeanor
Bulk Purchase	Citizens can buy no more than one handgun per month.	No restrictions
Ammunition Restrictions	Magazine capacity is legally restricted to 10 rounds	No restrictions
Domestic Violence Restrictions	No one with a current domestic violence restraining order may own a gun	No restrictions
Self-Defense Laws	Castle Doctrine	Stand-Your-Ground
Source: “Gun Laws in California” (Wikipedia, 2018). “Gun Laws in Nevada” (Wikipedia, 2018).		

By briefly examining the differences stated in Table 1.2, one can clearly see that California has stricter laws in place than Nevada in regards to gun control, but what do these differences mean? Purchasing a firearm in either state requires that the buyer to be permitted by federal laws to own a firearm, but each state has distinct specifications of

their own about who may own a firearm and what type of gun. As shown in Table 1.2, the only restrictions in Nevada seem to be the same as those specified by the federal government, except for a provision about minors under the age of 14 being prohibited from owning a firearm without supervision. This provision may seem contradictory to the federal mandate that states that persons under the age of 18 may not possess handguns, however this restriction does not apply to long guns. Thus in Nevada, individuals ages 14 to 18 may own long guns under state and federal law, but persons under the age of 14 may not possess any type of firearm unless supervised. Nevada citizens who purchase a firearm are not required to have a permit, unless they plan to open carry, and are not required to register their firearms. While an ownership license and official registration are not required for most firearm purchases in California, a record of all firearm sales is kept by the Department of Justice (DOJ). If a firearm is purchased outside of California, it must be registered with the DOJ within 60 days. In addition to better records of firearms owners, California also has much more specific prohibitions which specify who is prohibited from owning a gun and for how long, listed in Table 1.2. If a person falls into one of these categories and is added to the Armed Prohibited Persons System after a firearm is already owned, law enforcement agencies in California seize the firearms if they have not provided proof of transfer or sale to a court.<sup>9</sup> California is the only state in the United States with such a gun seizure law. It seems, therefore, that not only are more citizens in Nevada eligible to purchase and own a firearm than in California, but they are also at lesser risk of losing their firearm even if they later become ineligible to retain ownership. California also bans anyone with a current domestic

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<sup>9</sup>“Disarming Prohibited Persons in California” (Giffords Law Center, 2018).

violence offense or restraining order from owning a firearm, a condition that is not specifically addressed in Nevada law, however is mandated federally by the Domestic Violence Offender Gun Ban.<sup>10</sup> California laws seem to detail more specific prohibitions than Nevada laws do, as many of Nevada's restrictions are simply reiterations of those mandated by the federal government.

In addition to more people being eligible to own firearms in California, the list of weapons that are prohibited in California is more expansive than that in Nevada. The specific types of arms that are prohibited are listed in Table 1.2. California has an assault weapons ban that was expanded to include .50 Caliber BMG Rifles as of 2005. The restrictions, however, do not only apply to firearms owned prior to the passing of the law. California has legislation that prohibits bulk purchases of handguns and places restrictions on ammunition and magazine size. Although no such law applies to rifles, citizens in California are permitted to buy no more than one handgun per month and the magazine capacity for any firearm is legally restricted to 10 rounds. These kinds of restrictions are enacted to prevent the harm of mass shootings by limiting access to extremely destructive firearms. If a shooter is only able to acquire one or two firearms with limited ammunition capacity, they will, in theory, be able to hurt or kill fewer people as it will take them longer to reload, allowing law enforcement officers increased time to respond.

California again does more than Nevada to prevent other violent attacks such as “crimes of passion” in regards to mandating waiting periods for purchases. California

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<sup>10</sup> "Domestic Violence Offender Gun Ban" (Wikipedia, 2018)

mandates a waiting period of 10 days for purchase of any rifle or handgun, meaning any person purchasing a firearm must wait 10 days before they may physically possess the gun. Waiting periods are meant to give law enforcement officials sufficient time to properly perform background checks and guard against impulsive acts of violence by providing potentially violent gun purchasers a period to “cool off.” Nevada has no such mandated waiting period for the purchase of any kind of firearm, but does impose a waiting period of up to 120 days for concealed carry permits. During this time, individuals may still open carry, however, so this period cannot be seen as having the same intended effect of “cooling off” as waiting periods for possession of firearms. The absence of waiting periods in Nevada could indicate higher numbers of “crimes of passion,” in which persons who feel that they has been wronged act impulsively and purchase firearms with the intent of seeking revenge. The waiting period in Nevada that is imposed for permits would not be effective at preventing crimes of passion because the individuals may still possess and carry the firearm.

California’s waiting period provides licensed firearm dealers ample time to perform the appropriate background checks required by both federal and state law. As previously mentioned, federal law requires background checks for all sales through a licensed dealer, but not in private sales. In addition to this, California requires that when purchasing a firearm through a private seller, the purchaser must go to a licensed dealer and get a background check. California opted to be a full “Point of Contact” (POC) state in regards to background checks. This means, that the state has opted to conduct their own background checks using state, as well as federal, records and databases or have the background checks performed by the FBI using only the federal National Instant

Criminal Background Check System (NICS). POC states run background checks through both the NICS and other state databases that often include information about involuntary commitment to mental institutions or domestic violence restraining orders that often go unreported to the federal database.<sup>11</sup> Non-POC states have the FBI conduct background checks using only the NICS. Full POC states conduct more thorough background checks that non-POC states with deniability percentages that are 19.5 percent higher than deniability rates in non-POC states, however there are economic incentives for states to be non-POC because implementation and operation of the background checks is expensive.<sup>12</sup> Federal Firearms Licensees in POC states are charged fees for each check to address the additional cost of running the background checks, however these fees often do not cover the full cost. Despite the cost, Nevada and California both opted to be full POC states, however this designation has created complications for Nevada.

In 2013 Nevada legislators attempted to pass a universal background check bill similar to the one in California. After being passed in the Senate and State Assembly, Governor Brian Sandoval vetoed the bill, citing concerns about complicating sales between family members, a concern often expressed by those opposed to background checks.<sup>13</sup> In 2016, a ballot initiative requiring universal background checks through licensed dealers passed in Nevada and was theoretically enacted the following year. However, upon implementation, Attorney General Adam Laxalt cited concerns about

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<sup>11</sup> "America's Background Check System and Ways to Improve It" (The Brady Campaign to Prevent Gun Violence, 2018)

<sup>12</sup> James M. Tien, Michael F. Cahn, David M. Einstein, and Robin C. Neray. "Cost-Benefit of Point-of-Contact (POC) Versus Non-POC Firearm Eligibility Background Checks" (National Criminal Justice Reference Service, 2008)

<sup>13</sup> Koenig, Kailani, Nevada Governor Vetoes Gun Background Check Bill (MSNBC, 2013).



implementation and the database, declaring the initiative “unenforceable.” Like California, Nevada opted to be a “point of contact state,” however the ballot initiative was drafted in such a way that required the FBI to perform all background checks. The FBI responded to Laxalt’s statement, stating that because Nevada is a full “Point of Contact” state, FBI involvement in conducting complete background checks through both state and federal databases is not allowed because the state “cannot dictate how federal resources are applied.”<sup>14</sup> Governor Sandoval issued a statement saying that in the future he hopes the state will legislate and change the law in such a way that would require more comprehensive background checks performed by DPS rather than the FBI. Until this occurs, Nevada’s universal background check law is essentially invalid, meaning the only background checks that are currently required are those mandated by the federal government.

The lack of universal background checks would make it easier for those who are federally prohibited from buying guns to purchase firearms in Nevada than in California. The permit and carry laws in the respective states also allow easier purchase in Nevada. Open carry of firearms is allowed in Nevada in most areas except those specifically exempted, but in order to open carry a handgun, a permit is required. Minors in Nevada are allowed to open carry in restricted locations. Open carry is not allowed for most citizens in California, with the exceptions being security guards and active law enforcement officers. Open carry is also allowed in certain rural areas where firearm discharge is not prohibited by local ordinance. The two states also differ greatly on the

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<sup>14</sup> Soni Brown and Riley Snyder, “The Indy Explains: The Legal Fight behind Nevada's Stalled Universal Gun Background Check Initiative” (The Nevada Independent, 2018)

ease with which one can get a concealed carry permit. Nevada is classified as a “Shall Issue State,” meaning that every citizen who is over the age of 21, demonstrates safe firearm handling skills, and passes a background check will be issued a concealed carry permit. Citizens applying for a concealed carry permit are not required to provide information about the type of firearm or the serial number as Nevada is not allowed to keep record of firearm ownership in a centralized database. A concealed carry permit in Nevada is valid for 5 years and applies to all firearms possessed by the owner.<sup>15</sup> California, by contrast, is a “May Issue State,” meaning the local government has the right to deny any person a concealed carry permit, even if they have passed the required background check and safe handling test. Citizens in California must show good moral character and good cause, such as a clear and present danger, for needing a concealed weapon.<sup>16</sup> These permits are valid for 2 years. Data reveals how different these laws are in effect with 92,000 persons having a concealed carry permit in California as opposed to 119,162 in Nevada.<sup>17</sup> This difference is significant when considering 19.8 percent of California’s population of 39.54 million and 37.5 percent of Nevada’s population of 2.998 million owns guns. It is highly debated whether these numbers are significant in regards to gun violence, however the difference is still worth noting. Carry of a firearm, open or concealed, on or near school grounds is illegal in both states, however in Nevada, carry of a firearm in such locations is a misdemeanor offense, whereas in California it is a

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<sup>15</sup> Prior to 2011, a different concealed carry permit was required for each specific semi-automatic firearm.

<sup>16</sup> “Nevada vs. California Gun Laws” (Home Defense Gun, 2016)

<sup>17</sup> These numbers were updated December 31, 2016 for California and June 1, 2017 for Nevada. Concealed Carry Statistics: Quick Facts by State 2017 (Gunstocarry, 2018)

felony. These regulations complement the Federal Gun-Free School Zones Act, a federal law enacted in 1990 that outlaws possession of firearms on or near school property.

California and Nevada also address situations of self-defense differently. Self-defense is often cited as a major reason why individual rights to own firearms should be protected, but laws protecting actions of self-defense are also linked with increases in firearm violence. These laws present themselves as either stand-your-ground laws, castle doctrine, or duty to retreat laws. In both states in question, individuals have some protected right to defend themselves and their property using force. California has enacted a castle doctrine, which states that an individual using deadly force to defend his or her property has no duty to retreat.<sup>18</sup> This protection only applies to one's home, business, or other real property. Nevada self-defense laws are less restrictive, as it is a stand-your-ground state. This means an individual is not required to retreat if he or she is not the original aggressor, has a right to be present at the location where deadly force is used, and is not actively engaged in conduct in furtherance of criminal activity at the time deadly force is used.<sup>19</sup> In these cases, if a firearm is used for self-protection under the specified conditions, the defendant is not criminally or civilly liable for injuries to the aggressor. Although these are justifiable instances of violence, self-defense laws such as these have been determined by the Rand Corporation to potentially increase firearm-related violence.<sup>20</sup>

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<sup>18</sup>“California Self Defense Laws” (Findlaw, 2018)

<sup>19</sup>“Nevada Revised Statutes Title 15. Crimes and Punishments § 200.120” (Findlaw, 2018)

<sup>20</sup> “How Gun Policies Affect Violent Crime.” (RAND Corporation, 2018)

These regulations are the major differences between Nevada and California firearm laws; however, legislative change is causing the states to become even more polarized when it comes to firearm restrictions. Mass shootings have plagued America's history with 384 mass shootings occurring in 2016 alone.<sup>21</sup> Many states have looked to enact more restrictive gun control laws in an effort to combat these horrific incidents. California is one of these states.<sup>22</sup> In response to mass shootings in Connecticut and Colorado in 2012, California passed laws that include a prohibition on kits that allow ammunition magazines to be altered to hold more than ten rounds and a five-year ban on firearm possession by anyone who makes serious threats of violence to psychotherapists. In 2014, reports following a mass shooting in UC Santa Barbara revealed that the family of the shooter sought help from law enforcement stating that their son might be dangerous, however their attempt to prevent the event failed. In response, California passed the Gun Violence Restraining Order Act, also referred to as a "red flag" act, which allows family members and law enforcement to petition a court when they believe someone is an "immediate and present danger" to themselves or others. If a judge agrees, that person must temporarily give up possession of their firearms and is banned from buying new ones, generally for 21 days. After multiple mass shootings in 2015, California legislators introduced 7 new bills that would implement stricter gun control laws. Measures signed into law in 2016 place a ban on large-capacity ammunition magazines, require background checks on those buying bullets, and introduce new

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<sup>21</sup> Data from the Gun Violence Archive, which defines a mass shooting as "four or more individuals being shot or killed in the same general time and location."

<sup>22</sup> McGreevy, Patrick, "California Adopted Some of the Toughest Gun Control Laws in Country after Multiple Mass Shootings" (Los Angeles: Los Angeles Times, 2017)

restrictions on semi-automatic rifles. Proposition 63, passed on the 2016 November ballot, requires background checks and California DOJ authorization to purchase ammunition, prohibits possession of large-capacity ammunition magazines, establishes procedures for enforcing laws prohibiting firearm possession by specified persons, and requires California DOJ's participation in the federal National Instant Criminal Background Check System (NICBS).<sup>23</sup> Measures passed in 2016 also ban anyone with a domestic violence misdemeanor and people who have been hospitalized more than once for mental health reasons from owning a firearm for life, allow police to ask for a gun violence restraining order verbally when there is no time to make a written request, and require law enforcement agencies to input information about lost or stolen guns into a database within a week of finding out the firearm was missing. Finally, in response to a shooting at a Parkland, Florida high school during which 17 people were killed, California passed a bill that raised the age for buying shotguns or rifles from 18 to 21.<sup>24</sup> This bill originally included a measure to limit the purchase of long guns to one rifle or shotgun in any 30-day period, however this measure was vetoed by California Governor Jerry Brown.<sup>25</sup>

Legislative change has also occurred in Nevada in the past 10 years, however it has been change in a drastically different direction than that in California. While California laws have become more restrictive in the face of mass shootings, Nevada's laws seem to have become less restrictive. In 2011, two laws were passed in Nevada

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<sup>23</sup>“California Proposition 63 (2016)” (Wikipedia, 2018).

<sup>24</sup>McGreevy, Patrick, "Stunned by a Surge in Mass Shootings, California Lawmakers Send Nine Gun-control Bills to the Governor" (Los Angeles: Los Angeles Times, 2018)

<sup>25</sup> Stanglin, Doug. "California Governor Signs Bill Raising Age Limit for Purchase of Long Guns from 18 to 21" (USA Today, 2018)

regarding gun control: the first, which was previously mentioned, allows persons who qualify for a concealed carry permit to obtain one permit for all firearms rather than one permit for each gun, and the second, named Interstate Firearms Sales Law, allows people from out of state to go to a Nevada gun show and purchase a rifle or shotgun and immediately leave the show with the gun, whereas they previously had to have it shipped to their house. In 2014, new legislation passed that prohibits counties, cities, and towns from enacting ordinances more restrictive than state gun law. This legislation invalidated Clark County's requirement of registration for firearms

In 2016, Nevadans attempted to pass a ballot initiative that would require universal background checks for all gun purchases, but as mentioned previously was declared unenforceable. On October 1, 2017, Las Vegas witnessed the worst mass shooting in United States history, and although there has been a push for more restrictive gun control laws, no legislative action has occurred.

California has made an attempt to combat gun violence through more restrictive laws, however Nevada has taken the opposite approach. The effectiveness, necessity, and constitutionality of gun control laws are some of the most debated topics in the United States. While it would be impossible to prove that certain laws definitively cause gun violence to decrease, looking at violence trends alongside a timeline of laws may indicate correlations that underscore the need for implementation of laws universally.

## **Gun Violence Data and Trends<sup>26</sup>**

We cannot begin to compare gun violence in the two states in question without first having an understanding of how crime trends compare more generally. By comparing total violent crime rates in Nevada and California from 2005 to 2016 (see Figure 1)<sup>27</sup> we see that Nevada consistently has higher crime rates by about 50 percent.<sup>28</sup> In 2005, the total violent crime rate in Nevada was 29.7 percent greater than that in California. As of 2016, this percent difference has grown dramatically, with Nevada experiencing 71.5 percent greater crime than that experienced in California. These numbers must be kept in mind when analyzing the difference between rates of gun violence in the two states, because Nevada's higher rates of gun violence crimes may simply be indicative of its total higher crime, not its ineffective gun control laws.

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<sup>26</sup> All data and crime rates in this analysis are calculated as crime per 100,000 persons so as to make comparison more accurate. All rates and percentages in this chapter are rounded to the nearest tenth, however calculations were done using full decimal points.

<sup>27</sup> Chart reflects data found in Appendix Table 2.1

<sup>28</sup> Total Serious Crime is calculated as the sum of murder and non-negligent manslaughter, legacy rape, robbery, aggravated assault, and burglary. Analysis stopped in 2016 after which the Bureau of Justice Statistics (BJS) switched from the legacy rape definition to revised rape. Continuing to calculate total violent crime would therefore be inaccurate after 2016 because the measures are different and could not be accurately compared to previous years.



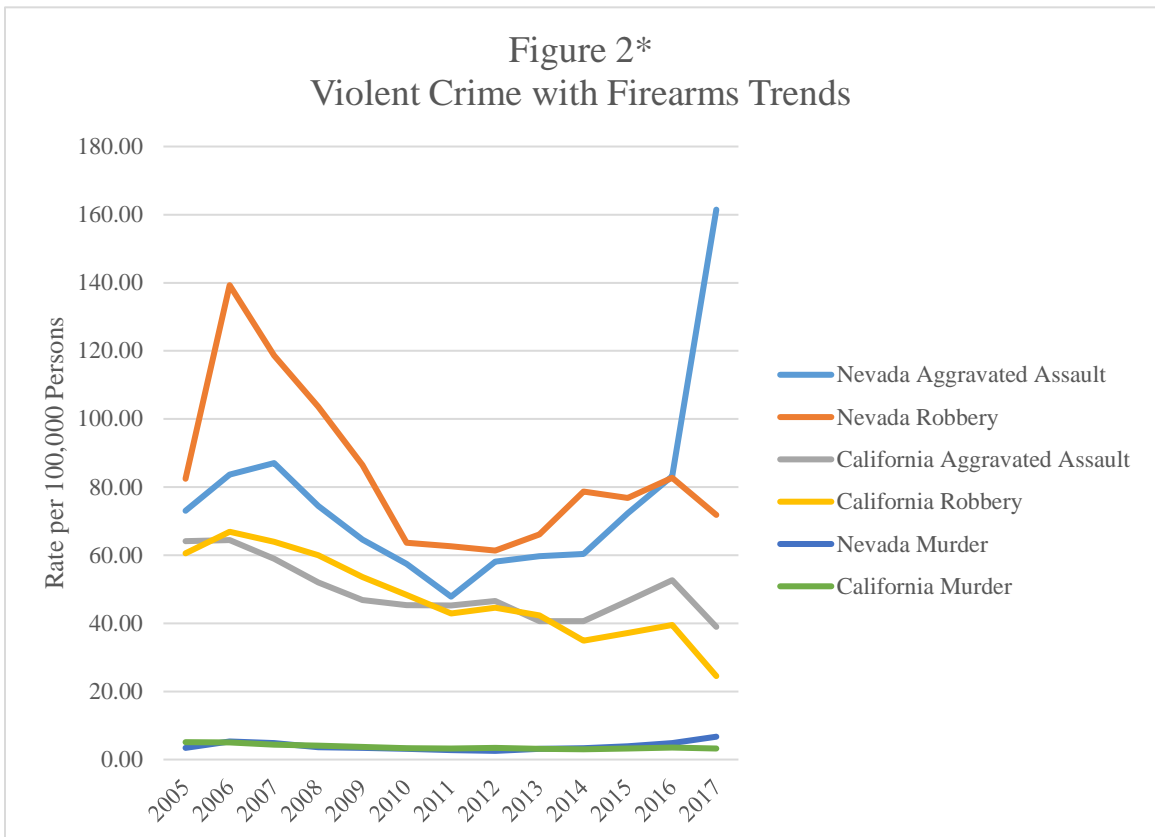
\*Note: Total Serious Crime is calculated as the sum of violent crimes (murder and non-negligent manslaughter, legacy rape, robbery, aggravated assault) and the most serious property crime (burglary) per year in each state. Murder and non-negligent manslaughter excludes deaths caused by suicide, negligence, or accident, as well as justifiable homicides.

While both states' crime rates seem to be on a downward trend, California's is decreasing at a steadier rate than in Nevada as shown in Table 2.2. Total violent crime in California has decreased 29.3 percent from 2005 to 2016, whereas in Nevada it has only decreased 6.5 percent. This difference in percent change in each state contributes to the growing difference between crime rates between the states.

	<b>California</b>	<b>Nevada</b>
2005	1,218.9	1580.9
2016	861.6	1477.7
Percent Change	-29.3	-6.5



As is expected based on Nevada’s higher general rates, rates for gun crimes in Nevada are much higher than those in California. A comparison of overall crime rates with firearm crime rates allows us to understand the possible significance of trends. As is shown in Figure 2, gun crimes in both states seemed to decline from 2005 to 2011.<sup>29</sup> However in 2011, gun crimes in Nevada reached their lowest rates and then began to steadily increase. Aggravated assaults with firearms in Nevada seem to be rising at a higher rate than the other crimes. In addition, both aggravated assault and robbery rates in Nevada are higher than aggravated assault rates in California which is interesting because in general, there are more aggravated assaults in California than robberies Nevada, per 100,000.



<sup>29</sup>Figure 2 reflects data found in Table 2.3.

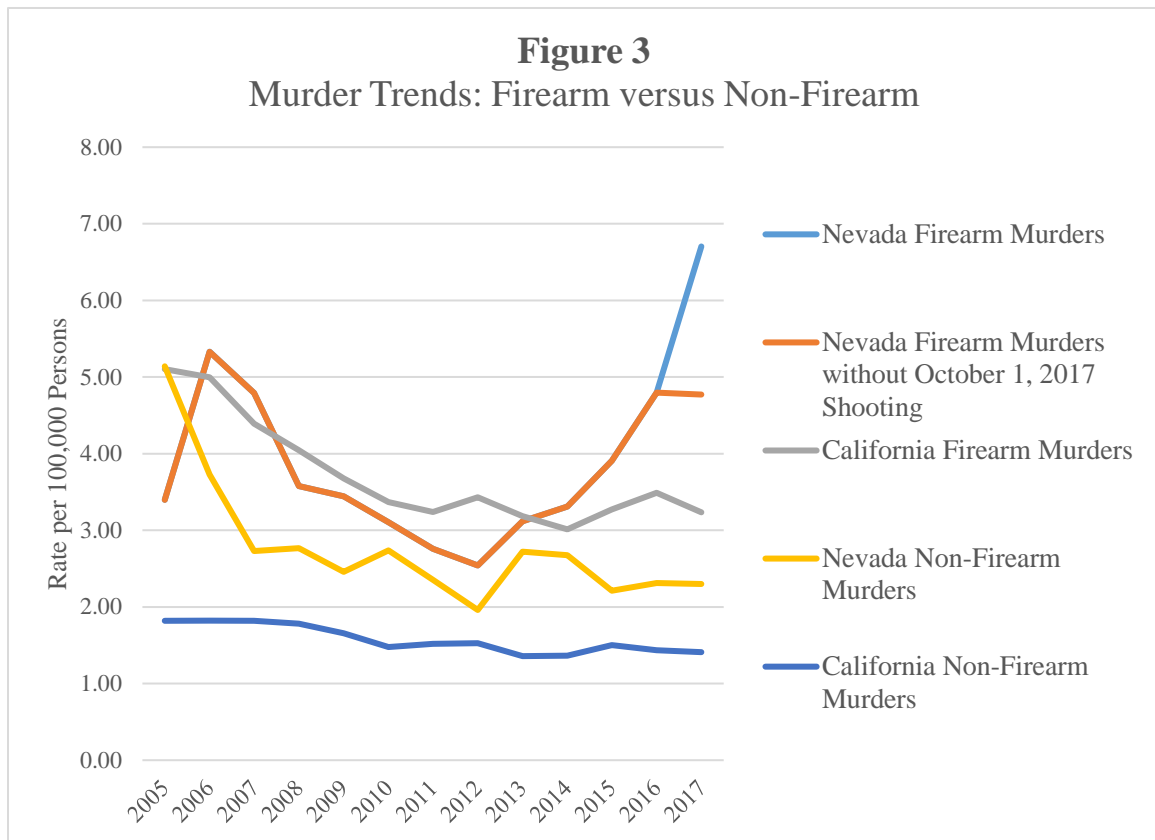
\*Note: Figure 2 data for Nevada Aggravated Assaults and Murders includes data from October 1, 2017 mass shooting in Las Vegas.

Violent crime trends in Nevada seem to hit their lowest around 2011, whereas California’s crime trends seem to be decreasing consistently with no definitive low point. An analysis of percent change from 2011 reveal how prevalent firearms seem to be becoming in crimes since this low point (See Table 2.4). Firearm murders in California seem to have slightly decreased during this time period, however they have largely remained the same over time. Nevada, by contrast, has experienced a 143.2 percent increase in firearm murders. Similar trends exist for all firearm crimes for the two states, with California in general experiencing decreases while Nevada experiences pretty significant increases.

<b>Table 2.4 Percent Change in Violent Crimes with Firearm Trends</b>						
	<b>Murder</b>		<b>Robbery</b>		<b>Aggravated Assault</b>	
	<b>California</b>	<b>Nevada*</b>	<b>California</b>	<b>Nevada</b>	<b>California</b>	<b>Nevada*</b>
2011	3.2	2.8	42.9	62.6	45.3	47.8
2017	3.2	6.7	24.5	71.9	39.0	161.5
Percent Change	-0.1	143.2	-42.8	14.8	-13.9	237.6
*Note: Starred columns for Nevada indicate that data shown reflects inclusion of October 1, 2017 shooting in Las Vegas. Robbery is not starred because the incident caused deaths and injuries by firearm and did not include any robbery.						

Looking more specifically at each of the crime rates, we can hope to detect trends related to firearms. Displayed in Figure 3, the rates of non-firearm and firearm murder rates for both states in question reveal that murder rates seem to be changing in dramatically different directions.<sup>30</sup>

<sup>30</sup> See Appendix Table 2.5



Both firearm and non-firearm murder rates in Nevada seem to “bottom-out” in 2012, when they reach their lowest point and steadily increase. Firearm murder rates, however, are both rising at a much higher rate and happen in higher numbers than non-firearm murders (as shown in Table 2.6). While both seemed to hit their lowest point in 2012, non-firearm murder rates have stayed around the same number, with the percent change from 2012 to 2017 being 17.4 percent. Firearm murder rates in Nevada, in contrast, have risen by 163.8 percent. Even when the mass shooting on October 1, 2017 was accounted for, the rate of growth is shocking with a percent change of 87.7 percent. The rate of California firearm murder in 2005 was the same as the rate of Nevada non-firearm murder in the same year. The trend for firearm murders in California have

decreased at a more consistent rate than that of non-firearm murders in Nevada, which experienced a large decrease between 2005 and 2006 but then mostly leveled off.

California firearm and non-firearm murder crime rates have both decreased steadily over the years with firearm murders experiencing a 5.7 percent decrease and non-firearm murders experiencing a 7.5 percent decrease from 2012 to 2017.

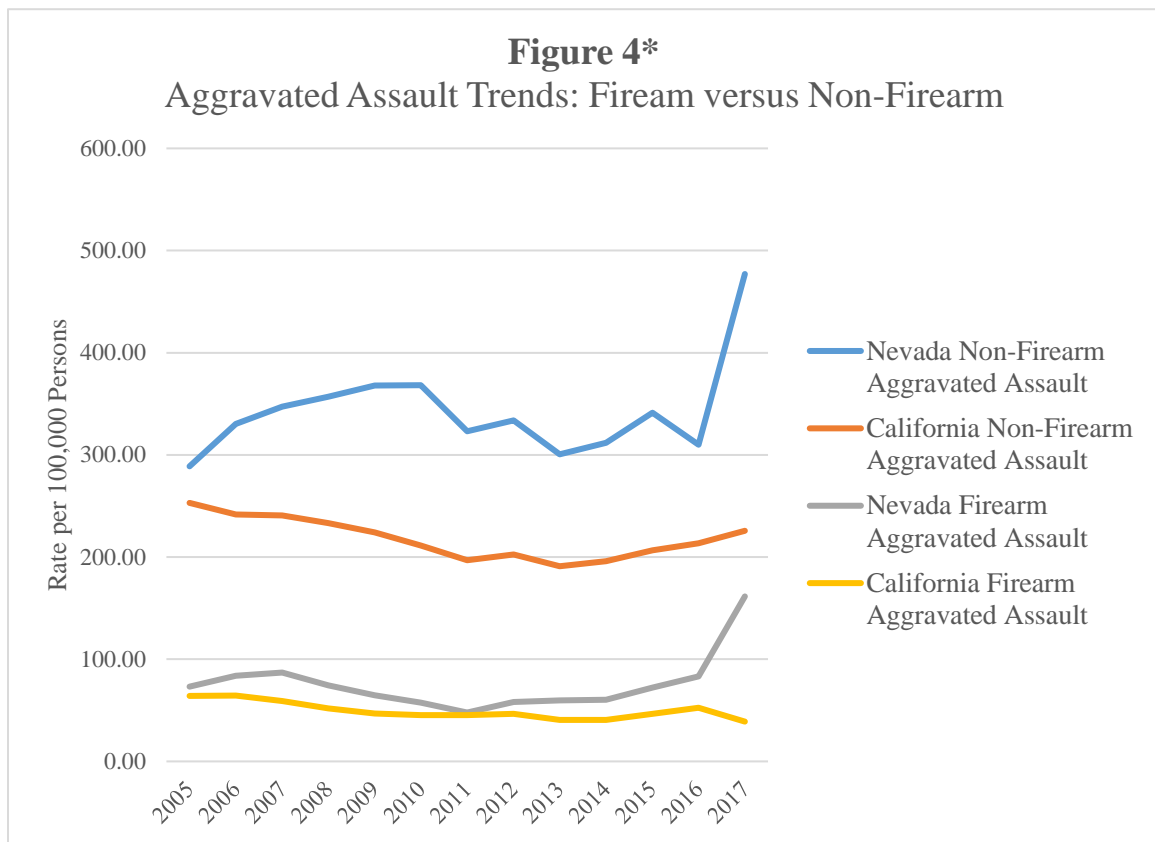
	Firearm Murders			Non-Firearm Murders	
	California	Nevada	Nevada*	California	Nevada
2012	3.4	2.5	2.5	1.5	2.0
2017	3.2	6.7	4.8	1.4	2.3
Percent Change	-5.7	163.8	87.7	-7.5	17.4

\*Note: Second Nevada data set is based on numbers excluding the major mass shooting that happened on October 1, 2017 in Nevada. The shooting during which 59 individuals were killed using firearms could distort the data because this specific incident accounted for 21.85% of the firearm murders during that year.

Unlike the rates for firearm murders which are generally higher than those of non-firearm murders, aggravated assault rates, shown in Figure 4, happen more frequently without firearms than with.<sup>31</sup> These trends make sense because BJS defines aggravated assault as “attack or attempted attack with a weapon, regardless of whether or not an injury occurred and attack without a weapon then serious injury results.”<sup>32</sup> This category would include domestic violence and other types of violence that typically occur without a weapon. With this noted, Nevada’s growth rates for aggravated assault are significant, both with and without firearms as shown in Figure 4.

<sup>31</sup> Data for Figure 4 can be found in Appendix Table 2.7

<sup>32</sup> “Assault” (Bureau of Justice Statistics, 2018)



\*Note: Nevada Firearm Aggravated Assault in Figure 4 includes data from October 1, 2017 mass shooting in Las Vegas.

In California, both aggravated assaults with and without a firearm have decreased from 2005 to 2017. Similar to trends of murder, Nevada aggravated assault with a firearm seemed to “bottom out” in 2011 and reach its peak in 2017. It is important to note that 489 people were wounded in the mass shooting on October 1, 2017 in Nevada, which could explain the large increase between 2016 and 2017. Even so, Nevada aggravated assaults with firearms have been steadily increasing since 2011 with a percent change of 237.6 percent including the event and 203.5 percent without as displayed in Table 2.8. This number is large, in fact it is much larger than the increase of non-firearm aggravated assaults of 47.6, so it cannot be simply accounted for by an increase in crime. These numbers are important when compared to the decrease of 13.9 percent in California for

aggravated assaults during the same years. This number is decreasing, which is interesting considering that aggravated assault without firearms has increased by 14.66 percent from 2012 to 2017. To summarize, both aggravated assaults with and without firearms are increasing in Nevada, but with firearms rising at a larger rate. In contrast, only aggravated assaults without firearms have been increasing within the past 5 years.

<b>Table 2.8 Percent Change in Aggravated Assaults from 2011-2017</b>					
	<b>Firearm</b>			<b>Non-Firearm</b>	
	<b>California</b>	<b>Nevada</b>	<b>Nevada*</b>	<b>California</b>	<b>Nevada</b>
2011	45.3	47.8	47.8	196.7	323.2
2017	39.0	161.5	145.2	225.6	477.1
Percent Change	-13.9	237.6	203.5	14.7	47.6

\*Note: Second Nevada column refers to aggravated assaults excluding assaults from the October 1, 2017 shooting in Las Vegas.

Robbery rates, as compared to aggravated assault rates, are much less consistent (Figure 5 and Appendix Table 2.9). For example, Nevada experienced a significant decrease in non-firearm robberies in 2011. Firearm robberies, however as opposed to non-firearm robberies, reach their lowest point in 2012. Again, Nevada experienced a decrease in both firearm and non-firearm robberies until around this year, and has experienced steady increases since. Between 2016 and 2017, however, both firearm and non-firearm robberies experienced a decrease in Nevada. California firearm robberies have been decreasing consistently since 2006, whereas non-firearm robberies decreased until 2014 when they started to increase.

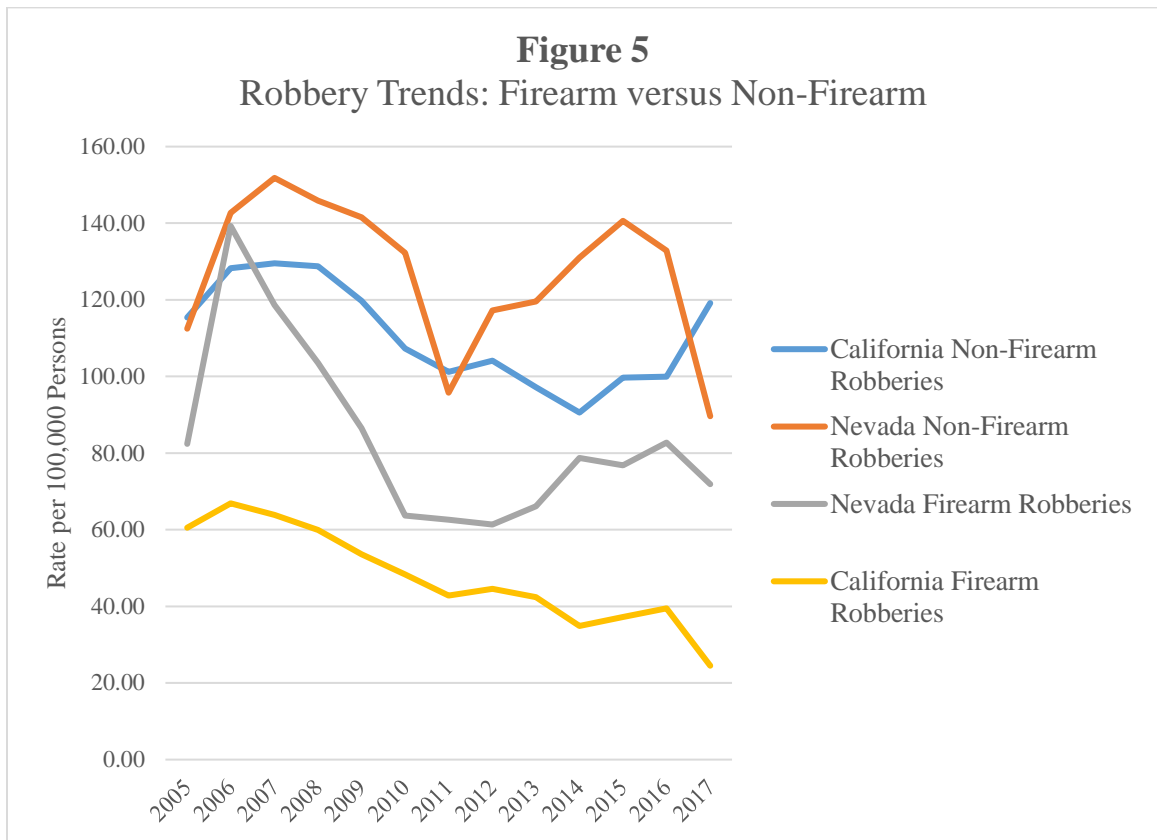
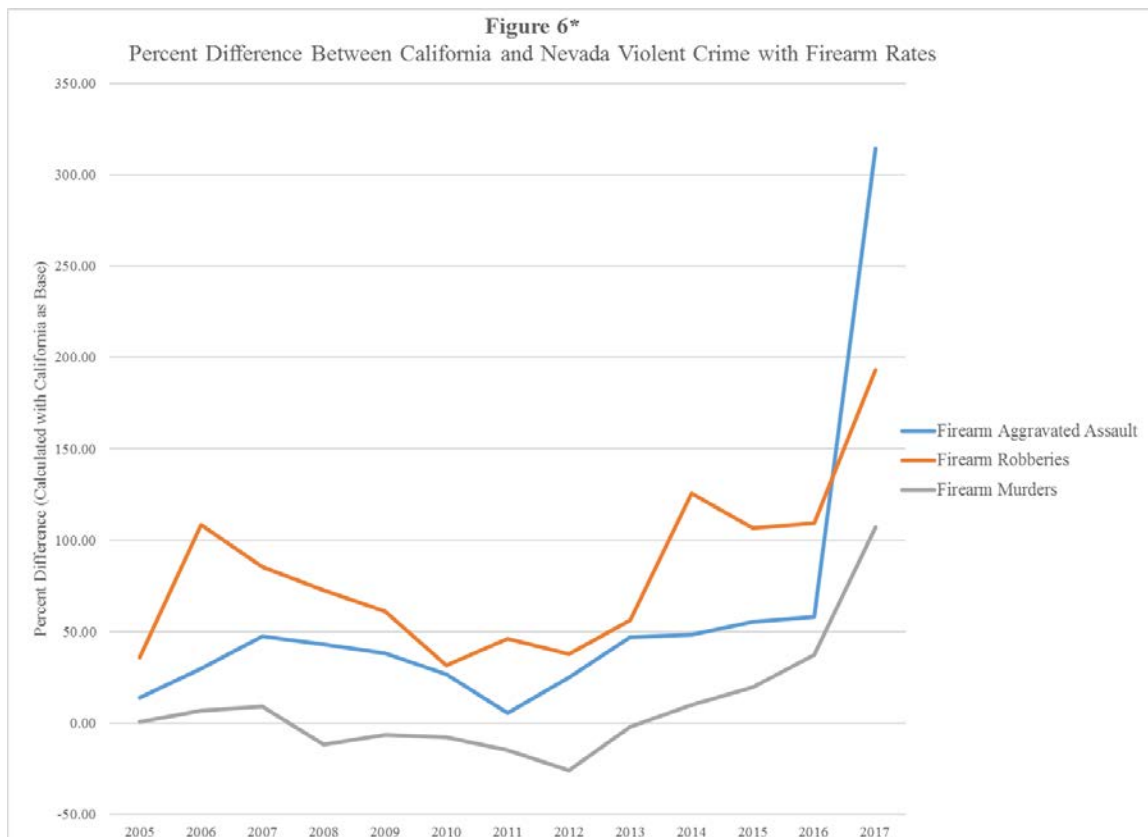


Table 2.10 tracks the percent change in each state for both firearm and non-firearm robberies from 2012, which was the year Nevada gun crimes reached their lowest point. Trends seem to be moving in opposite directions for the two states, as firearm robberies are decreasing in California and rising in Nevada, while non-firearm robberies have risen in California and decreased in Nevada.

<b>Table 2.10 Percent Change in Robberies: Firearm versus Non-Firearm</b>				
	<b>Firearm</b>		<b>Non-Firearm</b>	
	<b>California</b>	<b>Nevada</b>	<b>California</b>	<b>Nevada</b>
2012	44.6	61.4	104.2	117.2
2017	24.5	71.9	119.2	89.6
Percent Change	-45.0	17.1	14.4	-23.5

Figure 6 depicts the trends of the percent differences between the violent crimes in each state, using California as a base.<sup>33</sup> Trends of percent difference for all of the crimes seemed to be decreasing from around 2007 to around 2011, meaning crime rates with firearms in Nevada were getting more similar to those in California. However, from 2010 to 2012, the percent difference for the crimes reached their lowest and began to increase, indicating that gun crimes are getting worse in Nevada as compared to California. This would seem to indicate that something changed in the states to cause rates to move in opposite directions.



\*Note: Data used to calculate Figure 6 includes data from October 1, 2017 mass shooting in Las Vegas.

<sup>33</sup> Using California as a base, percent difference was calculated as  $(\text{Rates in California} - \text{Rates in Nevada}) / \text{Rates in California}$ . Percent difference indicates how the two rates compare. Negative numbers indicate that rates in California are higher than those in Nevada.



Table 2.12 indicates the lowest percent difference between Nevada and California for the respective crimes. It then shows the rates in 2017 and describes the percent change. This percent change is important because it indicates how rapidly the crime rates in each state are polarizing. The percent difference is greatest for aggravated assaults if the incidents from the mass shooting are counted. If the shooting numbers are not taken out the percent difference becomes 4695.7, which is still a shocking difference. The other two, robbery and murder, have similar percent differences, which are by far not as drastic as that of aggravated assault, but are still significant. Thus, since around 2011, guns are being used at much higher for violent crimes in Nevada than in California, and these numbers only seem to be increasing.

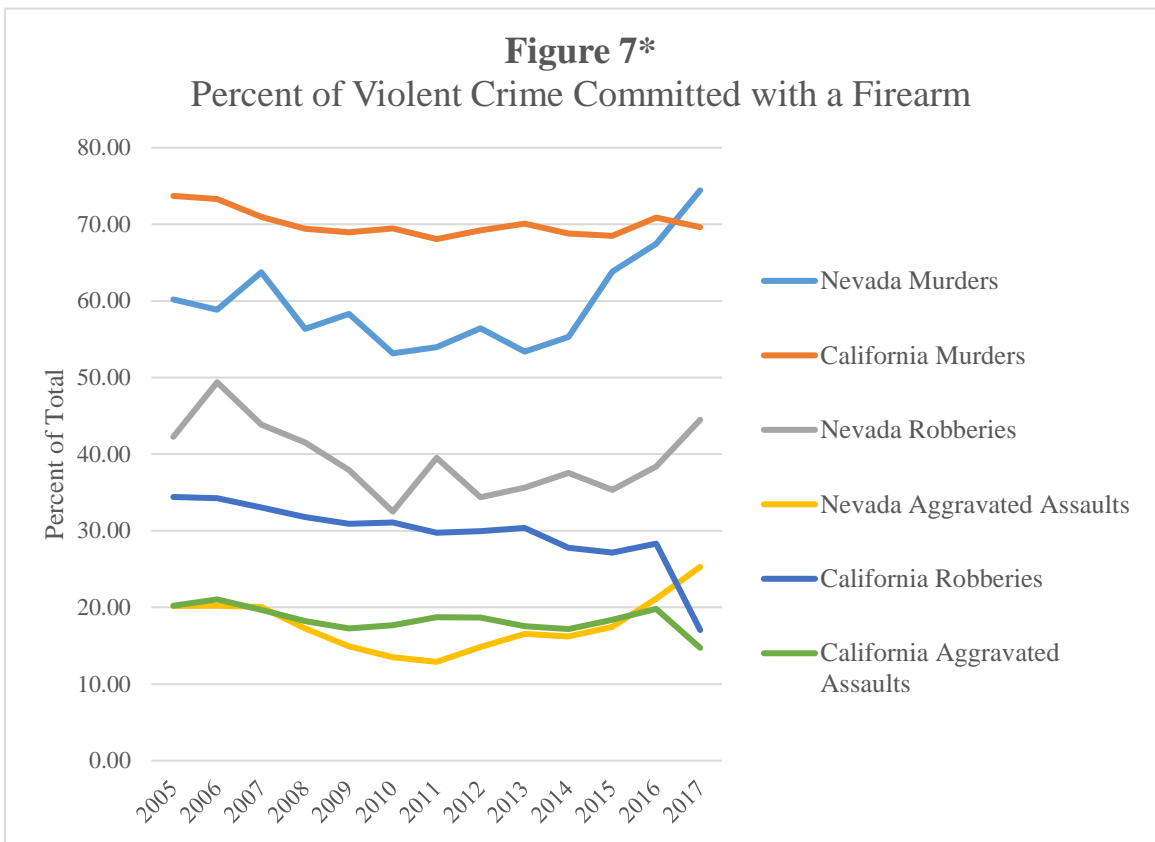
<b>Table 2.12 Percent Change in Categorical Gun Crimes</b>			
	<b>Aggravated Assaults</b>	<b>Robberies</b>	<b>Murders*</b>
Lowest year**	5.7	31.7	-25.9
2017	314.4	193.2	107.2
Percent Change	5432.2	509.4	513.4
*Note: These numbers reflect data including the October 1, 2017 shooting in Las Vegas. **Note: The percent difference for each crime hits a low at different years. The differences are therefore compared using these different years. The lowest years are 2010, 2011, and 2012 for firearm robberies, aggravated assaults, and murders, respectively.			

Figure 7 explores the percent of total crime rates that are accounted for by the use of firearms.<sup>34</sup> These statistics are important because it displays trends of how frequently firearms are being used in crimes. This can help us understand if firearm violence is simply reflecting rises in crime rates or if use of firearms is becoming more prevalent. It also shows us in which state firearms are being used in a higher percent. Until 2017, a higher percentage of murders were committed with a firearm in California than in

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<sup>34</sup> This number was found by dividing the firearm rate for each category of crime by the total rate for that same crime and multiplying by 100.

Nevada.<sup>35</sup> For all other crimes, however, firearms are used in a higher percentage in Nevada. Similar to the general rates shown in the earlier figures, the percentages shown in Figure 7 seem to be decreasing for all crimes in both states until around 2010, when Nevada rates begin to increase. Although percentages are generally higher in California for murder with the exception of 2017, the trend is decreasing as opposed to Nevada where it is increasing rapidly. Trends for all crimes in California appear to have decreased over the 12-year period analyzed, but this is not the case in Nevada.



\*Note: Data used to calculate Figure 7 included data from October 1, 2017 mass shooting in Las Vegas.

Table 2.14 analyzes how much the percentages have changed from the year that the percentages reached a low point in Nevada to 2017. From 2011 to 2017, firearms

<sup>35</sup> See Appendix Table 2.13

have been used to commit aggravated assaults in decreasing numbers in California, as opposed to Nevada’s large increase. Percent changes of the percentage of robberies committed with firearms follow a similar pattern, with California experiencing a decrease and Nevada experiencing an increase, however these percent changes are not as dramatic for robberies as they are for aggravated assaults. The use of firearms in total murders experiences the least change of the three categorical crimes in California resulting in a slight increase in usage of firearms to commit murder between 2010 and 2017. Nevada, however, has experienced a larger increase for use of firearms in murders than that of those used in robberies. Each of the crimes have experienced larger increases of firearms used in violent crimes in Nevada than in California.

<b>Table 2.14 Percent Change of Percent of Violent Crimes Committed with Firearms</b>						
	<b>Aggravated Assaults</b>		<b>Robberies</b>		<b>Murders</b>	
	<b>California</b>	<b>Nevada</b>	<b>California</b>	<b>Nevada</b>	<b>California</b>	<b>Nevada</b>
Lowest Point**	18.7	12.9	31.1	32.5	69.5	53.2
2017	14.7	25.3*	17.1	44.5	69.6	74.4*
Percent Change***	-21.3	96.2	-45.1	36.9	0.2	40.0
<p>*Note: Starred Nevada numbers include data from October 1, 2017 mass shooting in Las Vegas.</p> <p>**Note: The lowest point for each year is determined by the lowest percent for each crime in Nevada. The years of the lowest points are 2011, 2010, and 2010 for aggravated assaults, robberies, and murders, respectively.</p> <p>***Note: Percent change is determined by dividing the 2017 percent by the percent of the lowest point and multiplying by 100. Negative numbers indicate a decrease in percent between these years.</p>						

Firearms seem to be more prevalent across the board in Nevada than in California.

Although this paper primarily focuses on the use of firearms for violent crimes, other uses are also worth noting. Table 2.15 compares suicide rates in the two states in question. Overall, suicide rates are higher in Nevada; however, looking at the percent

difference we can see that even with the overall rate accounted for, firearms are used more often for suicides in Nevada than in California.

<b>Table 2.15 2016 Suicide Rates per 100,000 Persons</b>		
	<b>Total suicide rates</b>	<b>Firearm suicide rate</b>
California	10.5	4.1 (38.7% of total)
Nevada	21.4	11.4 (53.1% of total)
Percent Difference	103.8% higher in Nevada	179.8% higher in Nevada
Source: "State Firearm Suicide Rates, 2016" (Violence Policy Center, 2018)		

Also important to note are kinds of firearm violence that have not been considered by the data mentioned above. Assault and suicides primarily account for the number of deaths caused by firearms, however it would be irresponsible to ignore the other kinds of injuries that may occur. While specific data for the states could not be found, national data helps provide an understanding of the problem of unintentional gun violence. Between 2010 and 2012, a national average annual non-fatal firearm injury rate was found to be 3.7 per 100,000 persons.<sup>36</sup> While this number is nowhere near as high as intentional violent crime with firearms, injuries may be the result of irresponsible ownership of firearms, which more restrictive gun laws could possibly prevent. In 2016, the rates of deaths due to injury by firearms in Nevada and California were 16.8 and 7.9, respectively.<sup>37</sup> These rates reflect deaths caused by accidental discharge of a firearm, intentional self-harm by firearm, assault with a firearm, firearm discharge with an undetermined intent, and legal intervention involving firearm discharge. These numbers support the consistent trend of higher rates of firearm violence in Nevada.

<sup>36</sup> Katherine A. Fowler, Linda L. Dahlberg, Tadesse Haileyesus, and Joseph L. Annett. "Firearm Injuries in the United States." (National Center for Biotechnology Information, 2015)

<sup>37</sup>"Number of Deaths Due to Injury by Firearms per 100,000 Population" (The Henry J. Kaiser Family Foundation, 2018)

Across all categories, Nevada consistently experiences higher rates of firearm violence than California. These numbers may make sense considering the higher gun ownership per 100,000 persons in Nevada, but it does not make them any less problematic. Numbers alone cannot reveal a full picture of the possible relationship between gun laws and violence in these two states.

### Analysis: Gun Violence and the Bigger Picture<sup>38</sup>

Before accurate analysis of trends can be made, it must first be understood how the firearm trends compare to trends of overall crime rate change. If firearm crimes are increasing or decreasing at the same rate as the overall rate of crime, it cannot be said that laws are likely affecting such rates. However, if they are increasing or decreasing at a greater rate, correlations can be observed between laws and gun violence. Table 3.1 portrays the percent change of crime rates between 2005 and 2016, the years analyzed in this paper, excluding 2017 because legacy rape was not reported in this year and would thus complicate comparison. The table shows the percent change of total serious crime, as well as total rates for each category of crime, excluding burglary and rape, crime rates for each crime in which a firearm was used, and total firearm rate change. In both California and Nevada, total violent crime has decreased during this 12 year time period, as already observed. In California, total firearm crime has also decreased, at a rate higher than that of the decrease of total violent crime. This is not the case in Nevada, whose total firearm crime rate has increased 1.3 times the rate of decrease of total serious crime.

<b>Table 3.1: Percent Change from 2005 to 2016</b>						
<b>State</b>		<b>Aggravated Assault</b>	<b>Robbery</b>	<b>Murder</b>	<b>Total Firearm Crime</b>	<b>Total Serious Crime*</b>
California	Total	-16.1	-20.8	-28.9	-24.8	-26.3
	Firearm	-17.9	-34.8	-31.6		
Nevada**	Total	8.6	10.6	-16.8	6.3	-17.7
	Firearm	13.8	0.4	41.1		
*Total Serious Crime is comprised of data for burglary, murder and non-negligent manslaughter, legacy rape, robbery, and aggravated assault.						

<sup>38</sup> Data and percentages in this section are rounded to the nearest tenth. Calculations were conducted using more decimal points to get more exact numbers.

In California, total crime rates have also decreased for each category of crime, with murder experiencing the highest decrease and aggravated assault experiencing the least. Murder and aggravated assault rates in California have decreased similar amounts for total and with firearms. Firearm crime rates also decrease for both total and firearm robbery, however firearm robbery rates have decreased 0.7 times more than that of the overall decrease in robbery. Overall, specific firearm crime rates, with the exception of firearm aggravated assaults, in California are decreasing at a higher rate than overall violent crime rates, suggesting that something about California's laws is likely lowering gun violence.

The same cannot be said for Nevada. As already mentioned, total violent crime has decreased in Nevada over the years, while total firearm crime has increased. While both rates of aggravated assault have increased, firearm aggravated assault has done so at a rate 0.6 times higher than that of total aggravated assault. Firearm and total robberies have both experienced increases, with firearm increases rising less dramatically than the total. The most shocking difference is that of murder for which firearm rates have increased at a rate 3.5 times higher than total murder rates. This information indicates that Nevada's laws are not effective in preventing gun violence, and may in fact be causing increases in the prevalence of guns in crimes, especially for murder and non-negligent manslaughter.

During the presentation of data, rates were considered with and without the numbers resulting from a mass shooting in Las Vegas in 2017. The casualties of this event resulted in a significant percentage of both firearm murder and aggravated assault rates, so it was worth considering what the rates would be like without them. The trends

were significant with and without the mass shooting data; however, it is important to consider that this shooting, although it may be an anomaly, happened under Nevada's current gun laws and cannot be ignored. The shooter, Stephen Paddock, obtained his guns legally, in line with Nevada and federal laws, and thus the results of his shooting should be considered as underscoring what is wrong with Nevada's gun laws.

Proponents of lenient gun laws often cite self-defense data as an argument for why the government should not restrict access to guns. They say that most people who own guns do not use them to commit crimes, but rather some will use them for self-defense, and thus cannot be restricted. In fact, in a poll conducted in 2013, 60 percent of gun owners reported that personal safety or protection was one reason why they owned their firearm.<sup>39</sup> While this may be a valid argument for why the United States cannot ban firearms completely, it does not fully address why gun control should not be less restrictive. Pro-gun advocates, such as the National Rifle Association, claim firearms are used up to 2.5 million times each year in self-defense against criminal attackers.<sup>40</sup> According to the National Crime Victimization Survey (NCVS) conducted by BJS, from 2013 to 2015, 175,700 self-protective behaviors reported involved a firearm, which would account for an average of 58,566 cases of firearms being wielded for self-defense per year.<sup>41</sup> The most accurate number is probably somewhere in the middle, as the NRA report would experience a false positive bias problem and NCVS would experience a self-report problem. Although exact data about how many times a gun is used in self-defense is not available, some specific data is and it is worth looking at in order to get a

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<sup>39</sup> "Guns" (Gallup, Inc.)

<sup>40</sup> "Firearm Justifiable Homicides and Non-Fatal Self-Defense Gun Use" (Violence Policy Center, 2017)

<sup>41</sup> Ibid.



general idea of what the numbers may be like. From 2010 to 2014, for every justifiable homicide committed using a gun, the FBI concluded that guns were used in 36 criminal homicides.<sup>42</sup> While this may seem to indicate that the use of firearms for self-defense is relatively rare, this information does not provide us with full information about the extent to which firearms are used in self-defense because the majority of the time guns are used in self-defense they are not actually used to shoot the aggressor, as brandishing the gun is sufficient to stop the attack. Further information, however, may provide a clearer picture about the importance of keeping less restrictive gun control laws like those in Nevada. The Crime Prevention Research Center (CPRC) found that in 270 cases of mass shootings from 2000 to 2017, concealed carry permit holders intervened at least 31 times and were successful at least 87% of the time.<sup>43</sup> This data indicates that individuals do use their guns for self-defense but does not fully address why this small portion of individuals should counterbalance evidence about the misuse of firearms. Stricter gun control laws would not make it impossible for these people to own guns, which is why this argument is largely irrelevant. The kinds of people who would wield a firearm in self-defense would most likely be able to purchase one even under more restrictive gun laws. More restrictive laws, like those in California, would likely prevent, as they are intended to, potentially dangerous individuals from buying and owning a large number of or unnecessarily lethal firearms.

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<sup>42</sup>A justifiable homicide is defined as “the killing of a felon, during the commission of a felony, by a private citizen” by the FBI.

<sup>43</sup>“New FBI Report Claims That 8% of Active Shooter Attacks during 2014-17 Were Stopped or Mitigated by Concealed Handgun Permit Holders, but Misses at Least Half the Cases” (Crime Prevention Research Center, 2018)

With this major argument addressed, we can compare changes in gun laws with changes in gun violence rates for each state. As mentioned before, 2011 was the year that Nevada passed two laws that made access to firearms and concealed carry permits easier. 2011 is also the year around when we see firearm crimes beginning to increase for most violent crimes in Nevada. While this correlation may not be the reason for the increases in rates among most the crimes analyzed, it is interesting to note. Another interesting correlation exists in 2016, the year California passed 7 laws further restricting access to guns and ammunition. After this date gun crimes seem to decrease drastically for most crimes in California. One of these laws that was enacted was the gun restraining order law. From 2016 to 2017, the law took away firearms from 190 people who raised red flags to their families or law enforcement officers.<sup>44</sup> Of these 190 people, 17 gun restraining orders were extended from the standard 21 days to a full year. Although this number does not reveal the number of crimes it prevented, it can be speculated that some were prevented. It can be asked, therefore, how a law that most likely saved lives could not be considered a positive one to implement in a state plagued by gun violence?

Nevada's lenient gun laws do not only affect the state itself. In 2017, a quasi-experimental study was conducted that found a 90 percent spike in gun violence in California in areas near Nevada gun shows.<sup>45</sup> This 90 percent increase was observed in a

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<sup>44</sup> Raghavan, Michelle Faust, "A California Gun Seizure Law Could Be a Model for National Legislation" (Southern California Public Radio)

<sup>45</sup>The study measured rates of firearm-related deaths, emergency department visits, and inpatient hospitalizations between 2005 and 2013 in California to determine if Nevada or California gun shows had an effect on increases in gun crimes in nearby California cities. California gun shows were found to have no effect compared with the 2 weeks before a show, whereas Nevada shows resulted in a significant increase in violence.

Ellicott C. Mathay, Jessica Galin, Kara E. Rudolph, Kriszta Farkas, Garen J. Wintemute, and Jennifer Ahern. "In-State and Interstate Associations Between Gun Shows and Firearm Deaths and Injuries: A Quasi-experimental Study (Annals of Internal Medicine, 2017)

comparison of data gathered 2-weeks prior to gun shows with data gathered 3-week period following gun shows with the greatest increase occurring within a week of the shows. These results, while shocking, make sense considering Nevada's gun control laws. Specifically, the 2011 law in Nevada that allows non-residents to go to a gun show in Nevada and leave with the firearms that same day and the absence of background checks. Because many transfers at gun shows are from private dealers, it seems any individual can leave Nevada gun shows the same day with no waiting period regardless of personal background or intent. These factors may increase illegal activity which would explain the findings. While this interstate effect exists in other regions, California seems to be the one that is most affected. Between 2006 and 2013, 5,175 guns originally purchased in Nevada were recovered by law enforcement in other states. Since 2006, the number of Nevada firearms recovered at crime scenes in other states has increased 94 percent.<sup>46</sup>

With these considerations, trends do seem to indicate that Nevada gun laws are not as effective as California's in preventing gun violence. Although changes in legislation are controversial and may not achieve the results that are hoped for, trends cannot continue the way they currently are.

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<sup>46</sup> "Gun Violence and Background Checks in Nevada" (EverytownResearch, 2016)

### **Discussion: How to Address the Problem:**

Gun violence cannot definitively be tied to gun control laws in each state; however, an analysis of the trends clearly shows that Nevada must do something to address the increasing gun violence that plagues the state. Between 2008 and 2012, the FBI reported that Nevada's domestic violence gun homicide rate was 65 percent higher than the national average.<sup>47</sup> Nevada's overall crime rates are also higher than national averages, but this does not negate the fact that Nevada's firearm crime rates are increasing at rates much higher than the trends of overall crime. While Nevada should address general crime rates as well, there are steps it should take in an attempt to combat the rising firearm trends. No single law will prevent all gun crime, however this is not a reason to resist implementation. Gallup poll results (found in Appendix Figure 8) reveal that since 2010, the number of people who support more strict laws regarding the sale of firearms has increased by 27 percent. This number parallels the increase in firearm related violence experienced by Nevada, suggesting that people acknowledge the problem and are becoming increasingly supportive of more restrictive gun control laws as a solution.

The Rand Corporation conducted research to determine gun control policies that may increase, decrease, or be neutral in affecting violent firearm crime rates.<sup>48</sup> They determined that concealed carry laws and stand-your-ground laws may increase violent crime while policies requiring background checks and prohibitions associated with mental illness may decrease violent crime. This data is supported by findings that states

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<sup>47</sup> "Gun Violence and Background Checks in Nevada"

<sup>48</sup> "How Gun Policies Affect Violent Crime." (RAND Corporation, 2018)

which require universal background checks for all handgun sales report 46 percent fewer women shot to death by intimate partners, 48 percent fewer law enforcement officers shot to death with handguns, and 48 percent less gun trafficking.<sup>49</sup> These numbers are contradicted by a CPRC study that reports that states which have adopted background checks on private transfers see statistically significant increase in rates of killings and injuries from mass public shootings, as the background checks cannot prevent a majority of these from occurring.<sup>50</sup> With conflicting reports about the effectiveness of certain gun control laws, we can only speculate about which laws are effective in preventing gun violence and should thus be implemented in Nevada.

The Law Center to Prevent Gun Violence also conducted an analysis of gun laws and their effectiveness. Results in Appendix Table 4.1 reveal that Nevada has failed to enact restrictions that have been deemed to be the most effective and the most widely supported. Such restrictions include assault weapons and high capacity ammunition bans and universal background checks. On this extensive list of options, Nevada has only fully enacted one measure to prevent gun violence despite the plethora of gun violence the state experiences. Measures such as requiring universal background checks for firearms and ammunition, centralizing records of gun sales, and mandatory reporting of lost or stolen guns are legislative changes that would seem to be backed by the majority of citizens. So why not pass these and attempt to remedy gun violence? There have likely been no changes because no research can prove definitively about the effectiveness of a single measure. But this should not mean restrictions should not be placed. Based on the

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<sup>49</sup>"Gun Violence and Background Checks in Nevada" (EverytownResearch, 2016).

<sup>50</sup>"New CPRC Research: "Do Background Checks on Private Gun Transfers Help Stop Mass Public Shootings?" (Crime Prevention Research Center, 2016)

shocking trends of gun violence, especially in Nevada, it would be irresponsible to ignore the problem.

Trends discussed in Chapters 2-4 also suggest which of Nevada's gun laws may have contributed to increased violence and which of California's may have contributed to decreased violence. Based on spikes in firearm violence after 2011, evidence suggests that Nevada should reverse the laws passed in 2011 that made it easier to acquire concealed carry permits and prohibited counties from enacting more restrictive laws, however the exact effect of these laws on gun violence cannot be determined because of the lack of specific information about gun violence committed by individuals with permits in Nevada. Analysis of Florida and Texas crime trends reveals that permit holders are convicted of felonies or misdemeanors at a rate of 2.4 per 100,000 persons.<sup>51</sup> While this number may not be large, it is still important to acknowledge that the number is based on data in other states and this number must be understood relative to gun violence trends, which seem to suggest a different narrative.

The state should also work to pass an effective universal background check law that does not require resources from the FBI. Nevada experiences shockingly high rates of firearms used in domestic violence cases, suggesting it should adopt more restrictive laws in regards to domestic violence and restraining orders. Although they are obligated to comply with federal law that prohibits any person with a domestic violence misdemeanor from owning a gun, this is clearly not enough. Nevada is a small enough state to also enact California's recollection of gun measure to reclaim firearms from those who have been added to the "Prohibited Purchasers" list. Although these measures have

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<sup>51</sup> "Concealed Carry Statistics: Quick Facts by State (2017)" (GunsToCarry, 2018)

not been proven to prevent gun violence, they do seem as though they would help. A seizure program for firearms may help address the firearm domestic violence problem in Nevada, but this would likely not be enough to address the problem as a whole. The state must work to improve reporting about such important issues to ensure that people who should be prohibited from purchasing firearms are prohibited in reality. Again, this would require a better system for universal background checks in which the state uses its resources to conduct all checks, private and licensed, through both federal and state databases.

Research reveals that there are large parts of the country that experience no murders, and crime is generally a significant problem in urban, rather than rural areas. This claim seems to hold when analyzing Nevada, as UCR reports the Las Vegas Metropolitan area which accounts for about 62.5 percent of the total population of Nevada experienced 71.8 percent of the total violent crime experienced by the state in 2016.<sup>52</sup> While the percent of total violent crime in Las Vegas is greater than the percent of the total population that it comprises, this difference is not large enough to say that only Las Vegas should have more restrictive laws. Even if the argument is made that more restrictive laws should only be applied to areas with higher rates of violence despite the seemingly insignificant difference, this argument would still require a reversal of the 2014 law that prohibits counties from passing more restrictive gun laws than the state. If Las Vegas experiences more crime, especially with guns, the city should be allowed to pass more restrictive laws than the rest of the state if it so chooses.

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<sup>52</sup>Criminal Justice Information Services Division, "2016 Crime in the United States." (FBI: UCR, 2018)

Gun violence is prevalent and deserves attention from policy makers. We cannot continue on the trend of debating the topic with no changes made. This trend has produced numerous mass shootings a year, with countless more gun related violence. The strongest arguments made by those who oppose more restrictive laws are those about protection and unfair limitations. The United States guarantees a right to bear arms to those who deserve it. None of the proposed additions to Nevada's gun laws would prevent this. Perhaps they would make it slightly more burdensome to acquire the firearms, but for the average person who resists gun policy changes because they feel it is punishing them for not doing anything wrong, these differences would not restrict their rights. The United States was founded on the principles of the right to life, liberty, and the pursuit of happiness. It should thus follow, in accordance to American ideals, that an individual's right to acquire firearms with ease is not as important as individual's right to life. While ideally, the government should do all it can to support both of these rights, in the face of the troubling data that has emerged from Nevada, it is clear this is not possible. Legislation that is currently in place is not enough to protect people from firearm violence, so legislative changes must be made.



**Appendix<sup>53</sup>**

<b>Table 1.1: Major Federal Gun Laws<sup>54</sup></b>	
<b>Law</b>	<b>Main Purpose</b>
National Firearms Act (NFA) (1934)	Taxes the manufacture and transfer of, and mandates the registration of Title II weapons (machine guns, short-barreled rifles, shotguns, heavy weapons, explosive ordinance, silencers, and disguised or improvised firearms).
Federal Firearms Act of 1938 (FFA)	Requires gun manufacturers, importers, and sellers have a Federal Firearms License. Prohibits transfer of firearms to “prohibited purchasers” such as convicted felons.
Omnibus Crime Control and Safe Streets Act of 1968	Prohibits interstate trade in handguns and increased the minimum age for buying handguns to 21.
Gun Control Act of 1968 (GCA)	Primarily focused on regulating interstate commerce in firearms by prohibiting interstate transfers except among licensed manufacturers, dealers, and importers. Repealed FFA.
Firearm Owners Protection Act (FOPA) (1986)	Revised GCA. Prohibits the sale of automatic firearms manufactured after the law’s date to civilians.
Undetectable Firearms Act (1988)	Criminalizes, with a few exceptions, the manufacture, importation, sale, shipment, deliver, possession, transfer, or receipt of firearms with less than 3.7 ounces of metal content.
Gun-Free School Zones Act (1990)	Prohibits unauthorized individuals from knowingly possessing a firearm that the individual knows or has reasonable cause to believe is a school zone.
Brady Handgun Violence Prevention Act (1993)	Imposed an interim 5-day waiting period on purchases of a handgun until 1998, when federally licensed dealers, manufacturers, or importers would be required to run a background check on individuals purchasing any firearm.
Federal Assault Weapons Ban (1994-2004)	Banned semi-automatic weapons that looked like assault weapons and large capacity ammunition feeding devices. The ban included a grandfather clause that allowed for possession and transfer of weapons and ammunition that were lawfully

<sup>53</sup> Data and percentages in this section are rounded to the nearest hundredth. All calculations were done using more decimal places for increased accuracy.

<sup>54</sup> Wikipedia contributors, "Gun law in the United States," (Wikipedia, 2018)

	possessed on date of enactment. See Appendix Table 1.2 for more information.
Domestic Violence Offender Gun Ban (1997)	Bans shipment, transport, possession, ownership, and use of guns or ammunition by individuals convicted of misdemeanor domestic violence or are under a restraining order for domestic abuse.
Law Enforcement Officers Safety Act (2004)	Granted law enforcement officers and former law enforcement officers the right to carry a concealed weapon in any jurisdiction in the United States.
Protection of Lawful Commerce in Arms Act (2005)	Prevents firearm manufacturers and licensed dealers from being held liable for negligence when crimes have been committed with their products.
Source: "Gun Law in the United States" (Wikipedia, 2018)	

<b>Table 1.2: Definition of Assault Weapons in Accordance with Federal Assault Weapons Ban (1994-2004)</b>	
Under the Federal Assault Weapon Ban of 1994 the definition of “semi-automatic assault weapon” included specific firearm models by name and other semi-automatic firearms that possessed two or more from a set of features listed below,	
Semi-automatic rifles able to accept detachable magazines and two or more of the following	<ul style="list-style-type: none"> <li>• Folding or telescoping stock</li> <li>• Pistol grip</li> <li>• Bayonet mount</li> <li>• Flash suppressor, or threaded barrel designed to accommodate one</li> <li>• Grenade launcher</li> </ul>
Semi-automatic pistols with detachable magazines and two or more of the following	<ul style="list-style-type: none"> <li>• Magazine that attaches outside the pistol grip</li> <li>• Threaded barrel to attach barrel extender, flash suppressor, handgrip, or suppressor</li> <li>• Barrel shroud safety feature that prevents burns to the operator</li> <li>• Unloaded weight of 50 oz (1.4 kg) or more</li> <li>• A semi-automatic version of a fully automatic firearm</li> </ul>
Semi-automatic shotguns with two or more of the following:	<ul style="list-style-type: none"> <li>• Folding or telescoping stock</li> <li>• Pistol grip</li> <li>• Detachable magazine.</li> </ul>

Source: "Federal Assault Weapons Ban," (Wikipedia, 2018)

**Table 2.1: Total Serious Crime Rates Per State\* (Rates per 100,000 Persons)**

Year	California	Nevada
2005	1,218.94	1580.86
2006	1211.58	1746.68
2007	1174.76	1725.90
2008	1151.19	1662.47
2009	1138.21	1541.91
2010	1052.51	747.52
2011	1021.70	1315.94
2012	1070.30	1411.69
2013	999.02	1416.55
2014	910.38	1395.16
2015	468.59	1453.62
2016	861.59	1477.73

\*Note: The data in this table details the sum of all violent crime, i.e. legacy rape, murder and non-negligent manslaughter, robbery, and aggravated assault, as well as the most serious property crime, burglary.

Source: "State-by-state and National Crime Estimates by Year(s)" (Uniform Crime Reporting Statistics, 2017)

"Crime in the United States" (Unified Crime Report, 2015-2017)

**Table 2.3: Violent Crime Rates with Firearms (Rates Per 100,000 Persons)**

Year	Aggravated Assault		Robbery		Murder	
	California	Nevada	California	Nevada	California	Nevada
2005	64.12	73.08	60.56	82.41	5.10	3.40
2006	64.44	83.71	66.88	139.29	5.00	5.33
2007	58.95	87.04	63.89	118.62	4.39	4.79
2008	52.03	74.46	59.98	103.57	4.05	3.58
2009	46.80	64.58	53.62	86.49	3.68	3.44
2010	45.36	57.46	48.35	63.68	3.37	3.11
2011	45.26	47.83	42.85	62.61	3.24	2.76
2012	46.53	58.09	44.58	61.36	3.43	2.54
2013	40.63	59.68	42.37	66.13	3.18	3.12
2014	40.66	60.37	34.88	78.72	3.01	3.31
2015	46.53	72.30	37.20	76.83	3.27	3.91
2016	52.62	83.16	39.50	82.75	3.49	4.80
2017	38.96	161.47*	24.51	71.85	3.24	6.70*

\*Note: Starred numbers indicate data that includes October 1, 2017 mass shooting data.

Year	Firearm Murders			Non-Firearm Murders	
	California	Nevada	Nevada*	California	Nevada
2005	5.10	3.40	3.40	1.82	5.14
2006	5.00	5.33	5.33	1.82	3.73
2007	4.39	4.79	4.79	1.82	2.73
2008	4.05	3.58	3.58	1.78	2.77
2009	3.68	3.44	3.44	1.66	2.46
2010	3.37	3.11	3.11	1.48	2.74
2011	3.24	2.76	2.76	1.52	2.35
2012	3.43	2.54	2.54	1.53	1.96
2013	3.18	3.12	3.12	1.36	2.72
2014	3.01	3.31	3.31	1.37	2.68
2015	3.27	3.91	3.91	1.50	2.21
2016	3.49	4.80	4.80	1.43	2.31
2017	3.24	6.70	4.77	1.41	2.30

\*Note: Second row of Nevada firearm murders excludes the 59 firearm murders that occurred on October 1, 2017.  
Source: "Murder, by State, Types of Weapons" (FBI Unified Crime Report, 2005-2017)

Year	Aggravated Assault with Firearm		Aggravated Assault without Firearm	
	California	Nevada	California	Nevada
2005	64.12	73.08	253.02	288.81
2006	64.44	83.71	241.72	330.27
2007	58.95	87.04	240.74	347.12
2008	52.03	74.46	233.35	356.90
2009	46.80	64.58	224.18	367.90
2010	45.36	57.46	211.42	368.08
2011	45.26	47.83	196.74	323.20
2012	46.53	58.09	202.69	333.65
2013	40.63	59.68	191.02	300.70
2014	40.66	60.37	195.93	311.72
2015	46.53	72.30	206.50	341.42
2016	52.62	83.16	213.37	309.93
2017	38.96	161.47*	225.59	477.05

\*Note: Starred numbers indicate data that includes October 1, 2017 mass shooting data.

Source: “Aggravated Assault, by State, Types of Weapons” (FBI Unified Crime Report, 2005-2017)

**Table 2.9: Robbery Trends: Firearm versus Non-Firearm (Rates per 100,000 Persons)**

Year	Firearm Robbery		Non-Firearm Robbery	
	Firearm Robberies	Firearm Robberies	Non-Firearm Robberies	Non-Firearm Robberies
2005	60.56	82.41	115.41	112.51
2006	66.88	139.29	128.25	142.74
2007	63.89	118.62	129.54	151.83
2008	59.98	103.57	128.80	145.88
2009	53.62	86.49	119.78	141.58
2010	48.35	63.68	107.30	132.23
2011	42.85	62.61	101.22	95.77
2012	44.58	61.36	104.16	117.20
2013	42.37	66.13	97.21	119.54
2014	34.88	78.72	90.58	130.99
2015	37.20	76.83	99.73	140.65
2016	39.50	82.75	99.93	132.89
2017	24.51	71.85	119.20	89.63

Source: “Robbery, by State, Types of Weapons” (FBI Unified Crime Report, 2005-2017)

**Table 2.11: Percent Difference Between Violent Crimes Rates with Firearms in Nevada and California (California as Base)**

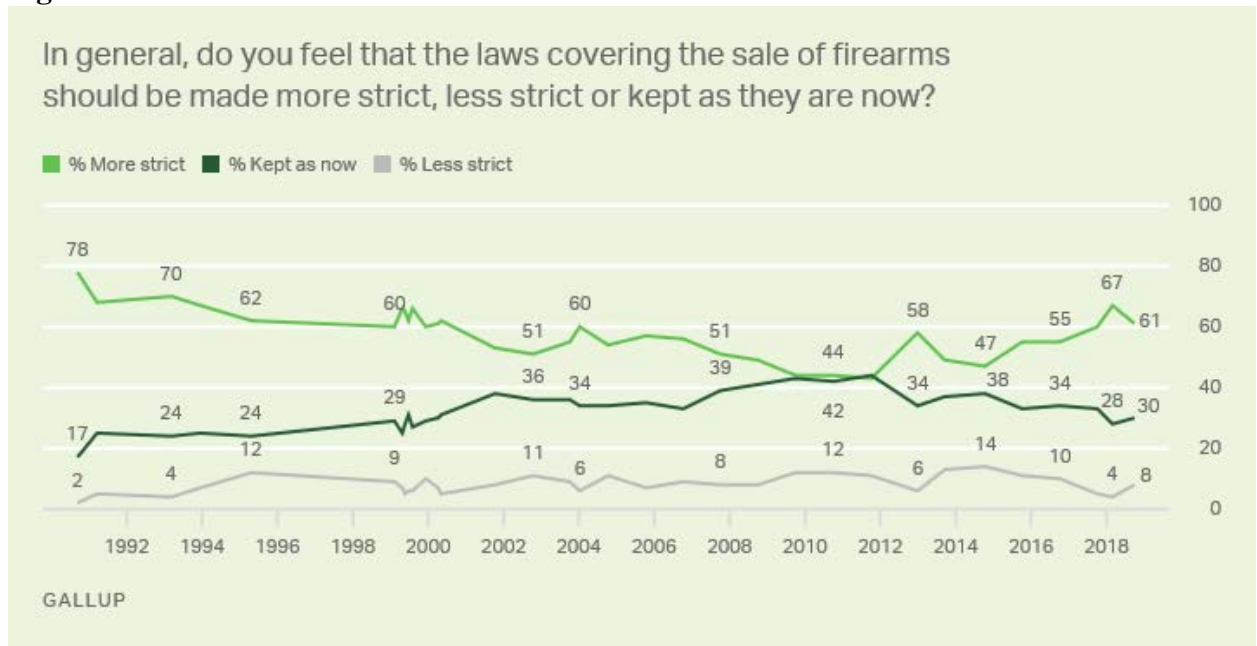
Year	Firearm Aggravated Assault	Firearm Robberies	Firearm Murders
2005	13.98	36.07	0.73
2006	29.90	108.26	6.64
2007	47.66	85.65	9.20
2008	43.09	72.67	-11.59
2009	38.01	61.29	-6.43
2010	26.68	31.70	-7.73
2011	5.68	46.13	-14.83
2012	24.85	37.64	-25.94
2013	46.88	56.09	-2.14
2014	48.49	125.72	9.90
2015	55.37	106.55	19.51
2016	58.03	109.49	37.46
2017	314.44*	193.16	107.23*

\*Note: Starred numbers indicate data that includes October 1, 2017 mass shooting data.

Year	Aggravated Assault		Robbery		Murder	
	California	Nevada	California	Nevada	California	Nevada
2005	20.22	20.19	34.42	42.28	73.71	60.19
2006	21.05	20.22	34.28	49.39	73.29	58.85
2007	19.67	20.05	33.03	43.86	70.95	63.73
2008	18.23	17.26	31.77	41.52	69.42	56.36
2009	17.27	14.93	30.92	37.92	68.97	58.33
2010	17.67	13.50	31.06	32.50	69.49	53.16
2011	18.70	12.89	29.74	39.53	68.08	53.96
2012	18.67	14.83	29.97	34.36	69.21	56.45
2013	17.54	16.56	30.35	35.62	70.10	53.37
2014	17.18	16.22	27.80	37.54	68.81	55.29
2015	18.39	17.47	27.16	35.33	68.51	63.84
2016	19.78	21.16	28.33	38.38	70.88	67.46
2017	14.73	25.29*	17.05	44.49	69.62	74.44*

\*Note: Starred numbers indicate data that includes October 1, 2017 mass shooting data.

**Figure 8\***



\*Source: "Guns." (Gallup, Inc.)

<b>Table 4.1: Effective Gun Laws and Enactment: Nevada versus California</b>				
<b>Measure</b>	<b>Effective (1-10)</b>	<b>Public Support</b>	<b>Nevada</b>	<b>California</b>
Bar sales to all violent criminals	6.8	85%		✓
Assault weapons ban	6.8	67%		✓
Semiautomatic gun ban	6.8	62%		
High-capacity magazine ban	6.8	62%		✓
Universal checks for gun buyers	6.6	89%	*	✓
Universal checks for ammo buyers	6.5	73%		*
Bar sales to people deemed dangerous by mental health provider	6.3	88%		✓
Bar sales to convicted stalkers	6.0	85%		✓
Require gun licenses	5.8	79%		
Ammo purchase limit	5.6	64%		
Centralized record of gun sales	5.0	82%		✓
Report lost or stolen guns	4.8	88%		✓
3-day waiting period	4.7	78%		✓
Gun purchase limit	4.7	68%		✓
Workplace weapons ban	4.4	59%		
School weapons ban	4.3	66%	✓	✓
Guns that microstamp bullets	4.1	68%		*
Require gun safes	4.1	75%		
Require safety training	4.0	81%		✓
Fingerprint gun owners	4.0	74%		
Source: Margot Sanger-Katz and Quoc Trung Bui, "How to Reduce Mass Shooting Deaths? Experts Rank Gun Laws" (The New York Times, 2017)				

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