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Kennedy Introduces a Handgun Ban in Congress...Again

In 1974, Sen. Edward Kennedy (D-Mass.) said that the "manufacture and sale of handguns should be terminated. Existing handguns should be acquired by the states." Since then, Kennedy has been the most anti-handgun member of the Senate, having at various times introduced legislation to ban handguns, register handguns, license handgun owners, ban ammunition, authorize the Consumer Products Safety Commission to prohibit the manufacture of firearms and ammunition, and impose waiting periods on handgun purchases.

On February 7 this year, 10 days after endorsing another handgun ban supporter, Sen. Barack Obama (D-Ill.), for president¹ Kennedy renewed his efforts to ban handguns by introducing S.2605, to ban the manufacture, importation and transfer (sale, etc.) of any semi-automatic pistol that does not possess "a microscopic array of characters that identify the make, model, and serial number of the pistol . . . etched into the breech face of firing pin of the pistol," or that does not stamp both sets of characters into the cartridge case of a round of ammunition, when the round is fired. On the same day, Rep. Xavier Becerra (D-Calif.) introduced an identical bill, H.R.5266, called the "National Crime Gun Identification Act."

The Kennedy-Becerra bill is much more severe than a microstamping handgun ban passed in California last year. Whereas the California ban applies only to models of semi-automatic pistols that are invented after January 1, 2010, the Kennedy-Becerra bill would apply to all semi-automatic pistols and it would take effect immediately.

The theory of "micro-stamping" is that a firearm's firing pin or other internal parts could bear microscopic codes unique to the firearm, that could imprint the codes on fired cartridge cases, and that the codes could be entered into a computerized database before the firearm leaves the factory. Then, the theory continues, if such a gun were used in a crime, police investigators could pick up a cartridge case left at the crime scene, identify the markings on the case, run the markings against the database, and thereby identify the criminal involved.

Gun control supporters see micro-stamping as another way of incrementally achieving what Congress and state legislatures have not done in a single stroke—prohibit the sale of guns.

The Numerous and Varied Problems with Micro-Stamping

Micro-stamping has repeatedly failed in tests. In 2006, a study by forensic experts and researchers at the University of California (Davis) concluded, "At the current time it is not recommended that a mandate for implementation of this technology in all semiautomatic handguns in the state of California be made."² Results of the study were consistent with earlier peer-reviewed tests published by the Association of Firearms and Toolmarks Examiners.³ Firearms examiner George Krivosta, of the Suffolk County, N.Y., crime lab, found that the "vast majority" of micro-stamped characters in the alphanumeric serial number couldn't be read on "any of the expended cartridge cases generated and examined."

Micro-stampings are easily removed. In the tests noted above, firing pins were removed in minutes, and serial numbers were obliterated in less than a minute, with household tools.

Most gun crimes cannot be solved by micro-stamping, or do not require micro-stamping to be solved. Most gun crimes do not involve shots being fired, thus there are no cartridge cases left at crime scenes for police to recover. Also, a large percentage of crimes involving guns, involve guns that don't eject fired cartridge cases. Notwithstanding TV shows that portray crime-solving as impossible without high-technology, most crimes can be solved by traditional means. For example, of murders in which the victim-offender relationship is known, 77% involve family members, friends and other acquaintances. Only 23% involve strangers.⁴

Most criminals who use guns, get them through unregulated channels. According to the BATFE, 88% of crime guns are acquired through unregulated channels, and the median time between a crime gun's acquisition and its use in crime is 6.6 years.⁵ According to the Bureau of Justice Statistics, most criminals get guns via theft or the black market.⁶

Micro-stamping may increase gun thefts, home invasions and other burglaries, and expand the black market in guns. Criminals will be further encouraged to get guns illegally, if they believe that guns bought legally will be linked to them in a computerized database.

Most guns do not automatically eject fired cartridge cases. Revolvers can fire five or more rounds without any fired cases being ejected. Pump-action, bolt-action, lever-action and other types of guns eject fired cases only if the user manually operates the gun's unloading mechanism. If a fired case is not ejected at a crime scene, it cannot be recovered for examination.

Only a small percentage of guns will be micro-stamped. There are about 250 million guns in the U.S. already.⁷ New guns sold annually account for only 2% of that total, new semi-automatic pistols less than 0.5%,⁸ and guns to which AB1471 applies will account for a tiny fraction, at most.

Most violent crimes are committed without guns. According to the FBI, $\frac{3}{4}$ of violent crimes, including $\frac{1}{3}$ of murders and $\frac{3}{5}$ of robberies, are committed without guns.⁹

Micro-stamping wastes money, including that which is better spent on traditional crime-fighting and crime-solving efforts. It will require a costly computerized database to track micro-stamped handguns, costs that will be passed along to all consumers, including law enforcement agencies. It will require a redesign of the handgun manufacturing process, and could require payment of licensing fees to the sole-source micro-stamping patent holder.

Problems for law enforcement. Micro-stamping exposes police departments to lawsuits if officers fire "unsafe handguns" at suspects. Departments will have to spend money destroying all cases fired in training, to prevent cases from being reused at crime scenes. Criminals can obtain fired cases from practice ranges, and use them to "seed" crime scenes, to confuse investigators.

1. Running for the Illinois Senate in 1996, Obama supported a ban on the manufacture, sale and possession of handguns, on a candidate questionnaire. Recently, Obama claimed that a member of his staff filled out the questionnaire. (<http://www.politico.com/news/stories/1207/7312.html>)

2. David Howitt, et al., What Laser Machining Technology Adds to Firearm Forensics: How Viable are Micro-Marked Firing Pins as Evidence?, 2007.

3. George G. Krivosta, "NanoTag™ Markings From Another Perspective," 38 *AFTE Journal* 41, 2006.

4. FBI, www.fbi.gov/ucr/cius2006/offenses/expanded_information/data/shrtable_09.html.

5. BATFE, *Crime Gun Trace Reports 2000, National Report*, www.atf.gov/firearms/ycgii/2000/highlights.pdf.

6. Bureau of Justice Statistics, "Firearm Use by Offenders," www.ojp.usdoj.gov/bjs/pub/pdf/fuo.pdf.

7. National Research Council, *Firearms and Violence: A Critical Review*, National Academies Press, 2005.

8. BATF, "Firearms Commerce in the United States 2001/2002," www.atf.gov/pub/index.htm - Firearms.

9. FBI, www.fbi.gov/ucr/cius2006/offenses/violent_crime/index.html.

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