

Shooters Committee on Political Education

Position Paper



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Prohibits the sale of firearms not containing a childproofing device or mechanism that would preclude the average 5 year old from firing it.

PURPOSE

The stated purpose of these proposals is to require that all handguns sold contain to be determined features that would preclude it from being operated by “an average five year old.” The superintendent of the state police would be charged with the responsibility for determining the standards for childproofing.

POSITION

This proposal should be rejected. There is no evidence that it addresses any real problem or threat, nor does it serve any purpose related to a legitimate state interest. All firearms owners have a responsibility to prevent access by children. The occurrence of this type of event is fortunately quite rare and becoming even rarer. This is another example of legislation based on a lack of technical understanding, false or misleading information, and personal agendas.

There is no evidence that “ease of operability” poses any threat to young children.

Deaths and injuries from accidents involving firearms of all types are at an all-time low. In 2010, there were 600 accidental, firearms-related deaths nationwide. There were just 12 fatal firearms accidents for all age groups in New York State during 2006. This is a rate of .06 per 100,000, among the lowest in the nation. In fact, firearms accidents have been decreasing steadily since record keeping began in 1903. This has been accomplished by addressing the root cause – the behavior of the user.

Accidents involving children are a matter of special concern. Over the last 10 years, the number of firearms-related fatalities involving children less than 15 years of age has decreased over 61%. In 2006, there was one firearm related accidental death of a child under 15 in New York State, a rate of less than 0.00003% for the under 15 population as a whole¹. Nationwide in 2008, the number of fatalities in this group was 63.² Historically, in firearms accidents involving children, the shooter is most likely to be a male between the ages of 18 and 29 with a record of arrest for a crime of violence and a drug and/or alcohol problem.

The fact is that the vast majority of pistols and revolvers would be extremely difficult for a child under age six to operate due to their size, manual and automatic safeties, and weight of trigger pull. The pistol or revolver would have to be intentionally left in an unsafe condition – loaded, cocked to fire, and safety off – for a child to be able to discharge it. Any requirement to render a

¹ National Center for Health Statistics

² NVSS National Vital Statistics Reports *Deaths: Final Data for 2008*. (2011) The Center for Disease Control and Prevention, Atlanta, Ga., vol. 59, no. 10, 81

pistol or revolver “child safe” when immediately ready to fire would render it useless for its intended purpose – be it sporting or personal protection. It should also be noted that no law enforcement agency has ever raised this issue in specifications for any firearms purchase.

While all firearms are designed to be safe when operated properly, adding any additional requirements cannot be done arbitrarily. Nothing in the law can unreasonably impede the use of a firearm for self-defense. The United States Supreme Court in *District of Columbia v. Heller*³ held that a “prohibition against rendering any lawful firearm in the home operable for the purpose of immediate self-defense” violates the Second Amendment.

³ 554 U.S. 570 (2008)