



## Statement on the Expiration of the Federal Assault Weapon Ban

The federal assault weapon ban expired on September 13, 2004. Despite overwhelming public support for its renewal, Congress and the President allowed the 10-year old law to expire. As a result, semi-automatic, military style weapons that were formerly banned under the federal law are now legal unless banned by state or local laws.

Expiration of the ban, especially in light of the public's strong support for its renewal, is an outrage. Most Americans, including gun owners, not only favored renewal of the assault weapon ban, they supported strengthening it. Law enforcement officials across the country demanded that the law be renewed and made stronger. A recent study conducted by University of Pennsylvania researchers for the National Institute of Justice of the U.S. Department of Justice confirms the importance of strengthening federal regulation of both assault weapons and large capacity ammunition magazines.\*

Unfortunately, the failure to renew the federal ban highlights the tremendous political obstacles even the most commonsense gun laws face at the federal level. The Senate voted to extend the ban in March 2004. The vote arose as an amendment to a bill sought by the National Rifle Association (NRA) to provide unprecedented legal immunity to the gun industry. The NRA ultimately directed its supporters to oppose the bill – its top legislative priority – rather than risk renewal of the assault weapon ban.

Legal Community Against Violence (LCAV) will continue to work for swift restoration and strengthening of the federal law. But the inaction of Congress and the President reinforces our belief that we must build momentum for nationwide change through state and local policy reform.

In April 2004, LCAV released *Banning Assault Weapons — A Legal Primer for State and Local Action* as a legal roadmap for public officials and gun violence prevention activists working to ban assault weapons at the state and local level. The model law contained in the report provides a starting point for these efforts. The model defines assault weapons based on a single military feature test, bans conversion kits and large capacity ammunition magazines, and provides two options for dealing with pre-ban weapons and magazines. California's law, the most comprehensive assault weapon ban in the country, was a key source for our model, but we also incorporated the best elements of other state and local assault weapon bans. As a result, LCAV's model is stronger than any existing state or local ban, stronger even than bills introduced in the Senate and House to improve the now-expired federal ban.

The need for strong state and local gun policies is more urgent than ever. Expiration of the federal ban demonstrates that we cannot rely solely on Congress and the President. It is crucial that state and local governments implement innovative laws and policies to fill in gaps in federal law and serve as a catalyst for the nationwide policies we need.

We have reissued our report, with only minor technical revisions, to help public officials and activists to pursue this important objective. Seven states and a number of local communities already have assault weapon bans in place. Many more must act to keep these weapons of war off our streets.

September 14, 2004

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\* Christopher S. Koper, with Daniel J. Woods & Jeffrey A. Roth, Jerry Lee Center of Criminology, University of Pennsylvania, *Updated Assessment of the Federal Assault Weapons Ban: Impacts on Gun Markets and Gun Violence, 1994-2003*, Report to the National Institute of Justice, U. S. Department of Justice, June 2004.

***Banning Assault Weapons — A Legal Primer for State and Local Action* is available at [www.lcav.org](http://www.lcav.org).**

# Assault Weapon Laws in the United States

Below is a list of the major assault weapon bans and regulations at the federal and state levels, known local ordinances banning assault weapons, and citations for each.

**Federal Ban** 18 U.S.C. § 921 *et seq.* (expired September 13, 2004)

## **State Bans**

**California** Cal. Penal Code § 12275 *et seq.*  
**Connecticut** Conn. Gen. Stat. § 53-202a *et seq.*  
**Hawaii** Haw. Rev. Stat. § 134 *et seq.*  
**Maryland** Md. Public Safety Code § 5-101 *et seq.* and Crim. Law § 4-301 *et seq.*  
**Massachusetts** Mass. Gen. Laws ch. 140, § 121 *et seq.*  
**New Jersey** N.J. Rev. Stat. § 2C:39-1 *et seq.*  
**New York** N.Y. Penal Law § 265.00 *et seq.*

## **State Regulations**<sup>1</sup>

**Minnesota** Minn. Stat. § 624.712 *et seq.*  
**Virginia** Va. Code § 18.2-308.2 *et seq.*

**District of Columbia** D.C. Code § 7-2551.01 *et seq.*

## **Local Bans (sorted by state)**

### **Indiana**

East Chicago § 9.28.080  
Gary § 135.03

### **Illinois**<sup>2</sup>

Aurora § 29-49  
Chicago §§ 8-20-030 and 8-24-025  
Cicero § 62-256 *et seq.*  
Cook County Ord. 99-0-27  
Niles §§ 66-234 and 235  
Oak Park § 27-1-1 *et seq.*

### **Ohio**

Cleveland § 628.01 *et seq.*  
Cincinnati § 708-37  
Dayton § 138.24 *et seq.*  
Dublin § 137.08  
Toledo § 549.23

### **New York**

Albany § 193-15 *et seq.*  
Buffalo § 180-1  
New York City § 10-301 *et seq.*  
Rochester § 47-5

## **Local Regulations (sorted by state)**

### **Kansas**

Wichita § 5.88.015

### **Massachusetts**

Boston § 18-1.1(16A)

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<sup>1</sup> Minnesota prohibits the possession of “semi-automatic military style assault weapons” by persons under 18 years of age, and imposes some restrictions on transfers through firearms dealers. Minn. Stat. § 624.712 *et seq.*

Virginia limits the possession and transportation of certain semi-automatic “assault firearms” to citizens and permanent residents. Va. Code § 18.2-308.2 *et seq.* Virginia also imposes a general ban on the importation, sale, possession and transfer of the “Striker 12” and semi-automatic folding stock shotguns of like kind, but does not refer to them as “assault firearms.” *Id.*

The District of Columbia imposes strict tort liability on manufacturers, importers and dealers arising from injury or death due to the discharge of an assault weapon in the District. D.C. Code § 7-2551.01 *et seq.* The District of Columbia also bans the sale and possession of handguns, effectively banning assault pistols, a subset of assault weapons. D.C. Code § 7-2502.02.

<sup>2</sup> More than a dozen Illinois communities also ban the sale and/or possession of handguns.