



November 15<sup>th</sup>, 2023

## **HB 1629 - Protecting Children from Accidental Firearm Injuries and Deaths**

*Should be more appropriately named Mandatory Storage Under the Guise of Protecting Children. Negligible if any impact on suicide or accidental discharges, increases in violent crime, costs lives opposed to saving lives, and duplication of legislation.*

### ***Support the Bill of Rights and the 2<sup>nd</sup> Amendment***

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As we have written in response to previous misguided efforts to force mandatory storage of firearms upon the responsible gun owners of this Commonwealth, mandatory storage of firearms is a hot topic for those who neither understand firearms nor violent crime. Their argument is that if the good guys lock up all their firearms, the bad guys are less likely to victimize them, and unintentional deaths will decline. To the anti-Constitution crowd this is “common sense”, but the reality of it is, as in most of their agenda, their “common sense” is based in an ignorance of reality.

As this specific bill has surrendered the idea that mandatory storage laws stop criminals, which is finally progress in and of itself, we will not address the fallacies of that argument here. However, we must still address the concept that locking up the firearms means there will be far fewer unintentional deaths or accidental shootings. People fail to understand that within the category of “unintentional shootings” it is not just a child getting their hands on a firearm and harming themselves or siblings. This category of CDC stats includes accidental discharge while cleaning or reloading at or after range time, hunters mistaking another for prey, a shootout between criminals or with police where a bullet wounds or kills an innocent bystander, a bullet fired in self-defense that hits the wrong target, and incidents in which stray bullets enter homes and cars, striking children not engaged in the incident.

Looking at the CDC statistics of unintentional shootings, we find that between the years of 2007 and 2016, a ten-year span, an average of 117 children between the ages of 0 and 19, died because of “accidental discharges” of firearms in the United States. That is the most current information available at the CDC data site. The same data states that population levels in that age group is consistent at 80 million youths. There is no option to remove the 18- and 19-year-olds from that statistic, as we should, as they are not children, so the best we can do with the numbers presented is remove the 15 to 19 age group. When we do that, we find that the number of deaths drops significantly to sixty-three per year, out of roughly 55 million population.<sup>i</sup>

One of the statistics the anti-Constitution crowd likes to tout while screaming for the government removal of our liberties is the death rates of children to both suicide and homicide. Has anyone asked why death rates of “children” continue to include 18- and 19-year-olds, who also happen to make up a large section of homicides in this country due to rampant violent offenders and a large political agenda to keep those violent offenders on the streets rather than incarcerated?

Why are these numbers relevant? We are not in any way minimizing the loss of life; however, it is important to place the numbers into perspective against the value of the firearm as a defensive tool. Research has already been done in which five years of statistics were collected and reviewed covering fifteen states who have adopted safe storage laws. During the first five full years after the passage of the safe storage laws, the group of fifteen states that adopted these laws faced an annual average increase of over 300 more murders, 3,860 more rapes, 24,650 more robberies, and over 25,000 more aggravated assaults. On average, the annual costs borne by victims averaged over \$2.6 billion as a result of lost productivity, out-of-pocket expenses, medical bills, and property losses.”<sup>ii</sup>

What about defensive gun uses? Are these tools of self-defense being used for their intended purpose and how much of an impact is that having on society? The U.S. Department of Justice's National Crime Victimization Survey consistently indicates to us that defensive gun use is a very frequent occurrence within the United States. Typical numbers from their surveys are 100,000 defensive gun uses per year. Seventeen other surveys completed during similar time frames produce significantly different results, showing anywhere from 760,000 defensive gun uses per year up to 3 million.<sup>iii</sup>

These numbers are so heavily against mandatory storage, several anti-Constitution groups demanded the CDC remove the defensive gun use studies from their website and they were taken down.<sup>iv</sup> The numbers simply prove beyond any doubt that mandatory storage laws cost a significantly greater number of lives than they have the potential to save. Even if we were to discount any other causes of the teenage deaths in accidental or unintentional fatalities, the conservative figure of 100,000 defensive gun uses per year leaves no question that mandatory storage laws are a grievous affront to the well-being of law-abiding residents nationwide, and that any legislation to create them within this Commonwealth is negligence at best and will cause the victimization of thousands of Pennsylvania residents.

The right to privacy in one's home is a Constitutionally protected right. The guarantees of the 4<sup>th</sup> Amendment against unwarranted search and seizure are strongly supported by numerous instances of case law. The citizen has a right to defend his or her home against any intrusion aside from lawful means to search granted by the courts and a process thereof. The risk to police officers the mandatory storage laws present cannot be understated. Most law enforcement are ardent defenders of Article I Section 21 because they understand the realities of crime and the inability of police to be there often when needed most. The criminals choose the where, when, and how of their crime, not the victims or the police. Laws like these will be asking our men and women in law enforcement to risk their lives seizing firearms or executing search warrants that first and foremost, violate the Pennsylvania Constitution, secondly violate the Constitution of the United States, and lastly violate the natural rights of human beings to defend themselves and their families. And they may be doing so against armed citizens who have done no wrong and legally possess their firearms as tools to defend their families.

Who is government to dictate to the citizen how they protect their families? What authority does the government presume to seize from the law-abiding citizen when we dictate that they must reduce their capability to defend themselves against violent criminals? Imagine the outrage the anti-Constitution crowd would have if the government tried to mandate that each and every home must have a loaded firearm accessible by adults to defend their home instead of providing efficient police services? How ridiculous do most think it would be to mandate accessible firearms in their home? Yet that idea is no more an invasion into one's rights than mandating storage.

How a law-abiding gun owner stores or stages their tools to defend themselves and those that they love in their home is a personal lifestyle choice. This decision is just as personal as whom they choose to love in the first place. Government has no right to answer those questions for "The People". All responsible gun owners agree that a stored or staged firearm should only be accessible only to those who are deemed authorized by the gun owner. The gun owner does have an ethical, moral, and legal obligation to grant access to only those who are not "prohibited persons". Prohibited persons are already defined in PA statute. On the other hand, when it comes to ethical and moral choices, many would agree that government has shown that it lacks the expertise to make such decisions.

If the argument is strictly about children and not about control, I would say the statistics bear out the fact that this is not good law and should be abandoned in all states, let alone introduced in Pennsylvania. We already have laws on the books to protect children and punish negligence and reckless behavior that puts lives at risk. Pennsylvania's statutes of §4304 Endangering Welfare of Children and §2705 Recklessly Endangering Another Person already criminalize putting youth at risk with firearms. And one must ask, how many children's lives may have been saved within that 100,000 to 3,000,000 defensive gun uses reported each year that now would not be as a result of a lack of accessible firearms for self-defense.

In summary, the opposition to Mandatory Storage Laws is based upon:

- Historically proven to have an insignificant impact on teenage suicide, some age groups had numbers increase after these laws went into effect.
- Statistics show a significant increase in crime, including hundreds of murders, thousands of rapes, tens of thousands of robberies and aggravated assaults, within the first five years of these laws going into effect in fifteen states.
- Even extremely conservative figures show one hundred thousand, with the potential for up to three million, defensive gun uses in the United States per year. How many will be unable to defend themselves due to government interference and should the government be liable for their deaths or loss?
- Constitutional protections against search and seizure putting citizens and law enforcement officers at elevated risk.
- Unlawful government intrusion.
- A clear violation of the Constitution of Pennsylvania, Article I, Section 21.
- A clear violation of the United States Constitution, 2<sup>nd</sup> Amendment.

For the reasons above and more, mandatory storage laws even under the guise of “protecting children,” are an unacceptable infringement upon the law-abiding citizens of this Commonwealth. The laws increase violent crime rates and have negligible if any impact on unintentional shootings or suicides. To be clear, the *FOAC Institute* supports responsible storage of firearms, but we do not support government mandates to do so. Defensive gun usage is a key element to the law-abiding citizens of this Commonwealth being able to protect themselves from violent crime, and it is not the government’s place to put residents and their children at GREATER risk by pushing an unsupportable, and an inexcusable infringement of Article I, Section 21...

**“The right of the citizens to bear arms in defense of themselves and the State shall not be questioned.”**

If you should have any further questions or need clarification on the legality of the issues raised in this ILLEA White Paper, please feel free to e-mail us at [info@foac-illea.org](mailto:info@foac-illea.org).

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Respectfully,



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Endnotes

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<sup>i</sup> [Compressed Mortality, 1999-2016 Results \(cdc.gov\)](https://www.cdc.gov/mortality/mortality-1999-2016/)

<sup>ii</sup> [Safe Storage Gun Laws: Accidental Deaths, Suicides, and Crime by John R. Lott, John E Whitley :: SSRN](#)

<sup>iii</sup> [There Are Far More Defensive Gun Uses Than Murders. Here's Why You Rarely Hear of Them. | RealClearInvestigations](#)

<sup>iv</sup> <https://www.grassley.senate.gov/news/news-releases/senators-demand-answers-about-cdc-censorship-of-defensive-gun-use-statistics>