



May 21<sup>st</sup>, 2023

## **Mandatory Storage and the Risk to the Law-Abiding**

*Increase in violent crime, costs lives opposed to saving lives, duplication of legislation.*

Mandatory storage of firearms is a hot topic for those who neither understand firearms or violent crime. Their argument seems to be 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 seems to be “common sense”, but the reality of it is, as in most of their agenda, their “common sense” is based in an ignorance of reality.

Let us discuss the concept that locking up firearms means the bad guys will stop victimizing the good guys if the guns are all locked away. That’s a hefty conclusion for people to assume that the only place the criminals are attaining their firearms is from the victim. You see, the statistics of the anti-Constitution crowd already point out that millions of firearms have been lost or stolen over the years, and that those firearms may or may not have already made it to the hands of those who would do evil with them. Even if we set aside the average “time to crime” rate of eleven years, and we set aside the fact that less than 1% of those firearms ever turn up in relation to a criminal act, we still must acknowledge the fact that firearms get stolen from “secure storage” quite frequently.

Now let’s examine 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 recent information available at the CDC data site. The same data states that population levels in that age group is roughly 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 63 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 rather 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.

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

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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 was collected and reviewed covering fifteen states who has 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 can not 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.

Consistency of law is a risk for both law enforcement and the law-abiding citizen of the Commonwealth. These bills are not consistent with the current statutory definition of firearms as listed in Pennsylvania Title 18 Crimes and Offenses. In the current proposed bill, it redefines the term to be a weapon that is designed to or readily convertible to expel a projectile by the action of an explosive, or the frame or receiver of a weapon. This broadens the definition of the term solely for the purpose of this section and makes it inconsistent with every other firearms statute. Discrepancies like this without our firearms laws are already a danger to the law-abiding citizens of the Commonwealth.

Current Pennsylvania law defines a firearm as any pistol or revolver with a barrel length less than 15 inches, any shotgun with a barrel length less than 18 inches or any rifle with a barrel length less than 16 inches, or any pistol, revolver, rifle or shotgun with an overall length of less than 26 inches. Why is that important? AR-15’s are NOT

firearms under Pennsylvania law. Any of your typical long guns are not firearms under Pennsylvania law for the purposes of licenses to carry firearms. That would mean safe storage requirements would not apply to those weapons. But now for this one chapter and one section, they're going to redefine the term to make it applicable and the law-abiding residents of Pennsylvania are going to be required to know this? Consistency of law is critical in the Commonwealth and this bill violates that issue.

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 clearly 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 generally 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 and every year.

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

- Historically proven to have insignificant impact on criminals attaining firearms.
- Historically proven to have an insignificant impact on teenage suicide, some age groups actually 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 3 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 great risk.
- Unlawful government intrusion.
- Consistency of law.
- 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, the idea of mandatory storage laws being an acceptable infringement upon the law-abiding citizens of this Commonwealth. The laws are proven to increase violent crime rates and have negligible if any impact on unintentional shootings or suicides. 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's not the government's place to put residents at 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/mmwr/preview/mmwrhtml/mm4812a.htm)

<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>