



Safe Storage and Child Access Prevention Gun Owner Responsibility and Accountability Jaelynn's Law

Safe Storage and Child Access Prevention (CAP) laws permit authorities to charge adults who, knowingly or through negligent behaviors, fail to properly secure their firearms when the gun owner is not in immediate control of their weapon. There are no Child Access Prevention laws at the federal level and no federal laws mandating safe storage. Current federal law does require gun transfers to include “a secure gun storage or safety device” and provides some legal immunities to the lawful owner who uses these devices. Maryland has a current CAP law that provides little guidance, negates the adult gun owner’s responsibility when older children are involved, and has only minor consequences for violations. Maryland does not have any generally applicable safe gun storage mandate for gun owners.

The presence of unlocked guns in the home increases the risk of both accidental and intentional gun injuries. In the U.S. approximately 4.6 million kids live in homes with a loaded, unlocked gun.¹ Between 2009 and 2018, gun suicides of minors increased by 82%.² With respect to youth suicides, approximately 80% of the time the owner of the firearm was either a parent or another relative.³ **Firearms are now the leading cause of death for children under 18 both in the U.S. and in Maryland.**⁴ 91% of children killed with guns in high-income countries are killed in the U.S.

Children (0-17) killed or injured by gun violence

Jurisdiction	2019	2020	2021	2022
Maryland	143	149	194	251*
United States	3,817	5,141	5,708	6,137

*2022 numbers through 11/23/22; all numbers sources from www.gunviolencearchive.org

¹ Deborah Azrael, Joanna Cohen, Carmel Salhi, and Matthew Miller, “Firearm Storage in Gun–Owning Households with Children: Results of a 2015 National Survey,” *Journal of Urban Health* 95, no. 3 (2018): 295–304.

² Centers for Disease Control and Prevention, Web-based Injury Statistics Query and Reporting System (WISQARS), “Fatal Injury Reports,” last accessed June 26, 2020, <https://www.cdc.gov/injury/wisqars>. Calculations include children ages 10–17.

³ Renee M. Johnson, PhD, MPH, Catherine Barber, MPA, Deborah Azrael, PhD, David E. Clark, MD, and David Hemenway, PhD, “Who are the owners of firearms used in adolescent suicides?” *Suicide and Life-Threatening Behavior* (December 2010)

⁴ Centers for Disease Control and Prevention, Web-based Injury Statistics Query and Reporting System (WISQARS), “Fatal Injury Reports,” last accessed June 29, 2021, <https://www.cdc.gov/injury/wisqars>. Calculations include children ages 0–17 and were based on the most recently available data: 2015 to 2019.

Gun violence has become so normalized in this country that some look at these numbers and dismiss the problem as inconsequential. None of this is normal. And critically, unintentional youth access to guns is preventable. Modest improvements in firearm storage practice can reduce youth firearm deaths by between 6 and 32 percent.⁵ Laws preventing children's access to guns are associated with significant reductions of suicides by guns.⁶

JAELYNN'S LAW

On March 20, 2018, a 17-year old student gained access to his father's gun, entered Great Mills High School in Maryland and shot and killed 16-year-old Jaelynn Willey and injured a 14-year-old boy. A strong Child Access Prevention law can help reduce unintentional shootings and youth suicides as well as incidents where a youth in crisis impulsively acts to harm others. At least 80% of school shooters obtain the firearm used from their home or those of relatives or friends.⁷ In honor of her tragic loss and aiming to save others, Maryland's Child Access Prevention bill has been designated "Jaelynn's Law."

MARYLAND'S CURRENT LAW

Maryland's current law (**Md. Code Ann., Crim. Law § 4-104**) provides that a person "may not store or leave a loaded firearm in a location where the person knew or should have known that an unsupervised child would gain access to the firearm." "Child" is defined as a person under 16. Violating this section is a misdemeanor punishable by no more than a \$1000 fine. Maryland has no safe storage laws applicable generally to gun owners.

PROPOSED CAP LEGISLATION

The proposed legislation would mandate secure storage for all gun owners and hold higher penalties for the gun owner if the firearm is accessed by anyone under the age of 18 or otherwise a person prohibited from possessing a firearm. It redefines child to include older teens and requires that the firearm be maintained in a secure manner and unloaded. In addition it requires that the State Department of Health develop public education materials on the risk of unsafe storage and the new legal mandates.

CONCLUSION

Research supports the fact that strong storage laws make a difference in a variety of ways, including:

- Reduce unintentional youth-involved shootings,
- Reduce youth suicide by removing the deadliest method,
- Reduce "harm to others" youth events such as school shootings by removing the most common method minors use to obtain firearms,
- Reduce diversion of legal guns to the criminal markets by reducing theft.

⁵ Monuteaux MC, Azrael D, Miller M. "Association of Increased Safe Household Firearm Storage With Firearm Suicide and Unintentional Death Among US Youths." *JAMA Pediatr*. Published online May 13, 2019. doi:10.1001/jamapediatrics.2019.1078

⁶ Daniel W. Webster, ScD, MPH; Jon S. Vernick, JD, MPH; April M. Zeoli, MPH; Jennifer A. Manganello, PhD, MPH; et al, "Association Between Youth-Focused Firearm Laws and Youth Suicides." *JAMA*. 2004;292(5):594-601

⁷<https://www.washingtonpost.com/news/local/wp/2018/08/01/feature/school-shootings-should-parents-be-charged-for-failing-to-lock-up-guns-used-by-their-kids/>