



MaKayla's Law:

Holding adults responsible for injuries and deaths
resulting from negligent firearm storage

Introduction

On October 3, 2015, 8-year-old MaKayla Dyer and her sister were playing with their new puppy outside their mobile home when their 11-year-old neighbor called to them from inside his home, asking if he could play with the puppy. MaKayla refused, so the 11-year-old boy retrieved his father's loaded shotgun, aimed it out the window and fired. MaKayla was struck in the chest, just below the heart. She died in the yard. Her obituary noted that she had celebrated her 8th birthday just three weeks before her life was taken. The 11-year-old boy was arrested, charged with first degree murder, convicted and sentenced to eight years in juvenile prison. He will remain incarcerated until his 19th birthday, according to court documents. The boy's father, the individual responsible for leaving the loaded gun unsecured and accessible, was home at the time of the shooting and was in another room watching television. He was not charged and remains free. Reports indicate that he and his family have since moved out of state.

While it may seem surprising to some that the father, the person whose choice to leave a loaded gun unsecured led to the death of 8-year-old MaKayla, faced no charges, this is often the case. In Tennessee, it is not uncommon for the gun owning adult in these cases not to be charged.

The vast majority of adult gun owners in Tennessee are law abiding and responsible. They understand that securing firearms and keeping them out of the wrong hands, especially the hands of children, is the most important responsibility a gun owner has.

Safe storage of firearms is emphasized by organizations from the National Rifle Association to the National Shooting Sports Foundation to the American Academy of Pediatrics. Safe storage of firearms, keeping guns locked in a safe or with a trigger lock, can prevent not just unintentional shootings involving children, but also intentional shootings as well, such as in the case of MaKayla Dyer. Safe storage also can prevent children taking guns to school. And, safe storage of firearms can prevent teen and tween firearm suicides. Data shows that the number of tweens and teens taking their lives with guns is on the rise. According to numerous studies, adult and juvenile firearm suicides are unique in both their impulsivity and their lethality.

Unfortunately, these types of shootings happen all too often in Tennessee. In a joint 2016 report by the Associated Press and USA Today, Tennessee was found to be fourth in the nation for unintentional shootings of children. Of all cities, Memphis led the country and Nashville was sixth. In 2017, Tennessee led to the entire country in shootings involving children and unsecured guns, according to data from the Children's Firearm Safety Alliance. Once again, Memphis had more of these shootings than any other US city. Nashville tied with three other cities for fourth. Although there were fewer of these types of shootings in 2018, Tennessee still ranked fourth in the nation.

Children of all ages should be taught what to do if they encounter a gun, even if their family does not own firearms. It is imperative that all parents have these conversations with their children. However, numerous studies have shown that even those children who have undergone gun safety training are still likely to pick up a gun if they encounter one. News magazine television shows such as Dateline and 20/20 have dedicated episodes to this topic. Children undergo training and are told what to do if they ever find a gun: stop, don't touch, and tell an adult. Yet, even with that training, when those same children are put in situations where they encounter a gun, around half of those children will pick up the gun and handle it. In 2017, the United States Government Accountability Office released a report entitled "Programs that Promote Safe Storage and Research on their Effectiveness" that found that "children who received instruction in gun safety were no more likely than those who did not to heed basic rules about what to do if they came across a gun — like leaving the room, not touching the gun or notifying an adult."



The current Tennessee law pertaining to child access is vague. Local authorities are given a great deal of discretion when it comes to charging an adult gun owner when their choice to leave a loaded gun unsecured results in a child firing the weapons and injuring or killing themselves or others. A review of these incidents shows inconsistencies in if and how these cases are treated, and whether or not charges are filed.

The first time MaKayla's Law was considered by the Senate Judiciary Committee in March of 2016, District Attorney Ray Whitley was called to testify. He spoke in favor of the bill, noting the difficulty in prosecuting reckless endangerment cases, the lack of legal guidance when it comes to filing charges in these cases, and the inconsistency of when or if charges are filed. **General Whitley testified that "this would be a good bill to pass."**

Once again, Safe Tennessee is recommending that our state pass "MaKayla's Law", legislation that would hold adult gun owners responsible if they leave a loaded gun unsecured accessible to minors, and the minor fires the gun and injures or kills themselves or another person. What we propose is a simple amendment to the current statute pertaining to reckless endangerment to address child access prevention and eliminate ambiguity in the current child access prevention statute. It would not mandate how guns are to be stored in a home, but it would impose a penalty on the gun owner if a negligently-stored gun is used unintentionally or intentionally to injure or kill another person.

It is important to note that this legislation would absolutely no impact whatsoever on the vast majority of responsible Tennessee gun owners who would never leave a loaded gun unsecured and accessible to children. This legislation would apply *only* to adult gun owners whose irresponsible decision to leave a loaded gun laying around results in an injury or death.

These shootings are not "accidents" - they are preventable tragedies. Laws exist not only to provide a consequence, but also to create a deterrent. DUI laws have resulted in fewer DUI accidents. Laws that require homeowners with pools to keep them fenced have resulted in fewer accidental drownings. Guns and children can co-exist. Children should be taught gun safety, but the onus to prevent these preventable shootings rests squarely on adults and they must be held accountable when their actions result in a child's injury or death.

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APPENDIX

TCA § 39-17-1320 - Providing handguns to juveniles

TCA § 39-13-103 - Reckless endangerment

MaKayla’s Law proposed revision to existing Tennessee code

Draft of proposed MaKayla’s Law legislation

Variability of Child Access Prevention laws and Pediatric Firearm Injuries
Journal of Trauma and Acute Care Surgery (2018)

State Firearm Laws, Firearm Ownership, and Safety Practices Among Families of Preschool-Aged Children
American Journal of Public Health (2014)

The Safe Tennessee Project is a grassroots organization dedicated to addressing the epidemic of gun-related injuries and gun violence in Tennessee through education, advocacy, and outreach. Safe Tennessee is made up of physicians, academics, legal experts, and concerned citizens who view gun violence as a public health issue and seek evidenced-based policies and interventions to reduce the number of Tennesseans injured and killed with firearms.

www.safetennesseeproject.org
facebook.com/safetennesseeproject
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Tennessee Children Injured and Killed with Negligently Stored Firearms Since MaKayla's Law Was First Defeated on March 22, 2016

Total shooting incidents, March 22, 2016 to December 31, 2018: 60

Total number of fatalities: 22

Total number of injuries: 37

Total number of incidents with no injury: 1

Age Group of Children Pulling the Trigger

AGE GROUP	NUMBER OF INCIDENTS	FATALITIES	INJURIES	INCIDENTS WITH NO INJURY
Toddlers (1-3)	12	4	1	0
Preschoolers (4-6)	4	1	2	1
Elementary Age (7-9)	2	2	0	0
Tweens (10-12)	11	6	5	0
Young Teens (13-15)	11	3	8	0
Older Teens (16-17)	9	4	5	0

Victim's Relationship to Shooter

CIRCUMSTANCES OF INCIDENT	NUMBER OF INCIDENTS
Child shot self	26
Child shot sibling	9
Child shot relative other than sibling	8
Child shot a friend or neighbor	12
Circumstances unclear	4
No injury	1

Location of Shooting

LOCATION	NUMBER OF INCIDENTS
Home	40
Friend or family member's home	5
Public or outdoors	9
Vehicle	5
Unknown	1

Charges Filed at Time of Shooting

CHARGES FILED	AGAINST WHOM
No	N/A
Yes, child	8
Yes, adult	7
Unknown	15

Six shooters were age 2 or under

Two victims were age 1 or under

Child Access Prevention (CAP) Shootings in Tennessee, March 22, 2018 through December 31, 2018

Each incident is more than a number, more than a statistic tracked in a database. Each incident impacts the life of a child. In many cases, the shooting takes the life of a child, while others lead to injury. Sometimes the injury is minor, while other times the injury is severe and will lead to a permanent disability. In some cases, the child unintentionally shoots and kills a sibling or friend, and will endure a lifetime of trauma and guilt as a result.

All because of an adult's reckless and irresponsible choice to leave a loaded firearm unsecured and accessible to a child.

These are the shootings involving children and negligently-stored guns that Safe Tennessee has tracked since March 22, 2016, the date MaKayla's Law was first defeated in the House Civil Justice Subcommittee. Each incident was logged in the Safe Tennessee Project database. These incidents do not include shootings where an adult unintentionally shot a minor, or incidents where it was reported that a juvenile used a stolen gun to intentionally or unintentionally shoot another person. Information about each shooting comes from media reports of the incident.

October 21, 2018 – Lawrence County – Fatality

A 10-year-old girl was shot in the head by her twin brother Sunday in Lawrence County as the two sat in a car outside a dollar store. The girl was flown to Vanderbilt University Medical Center in critical condition and later died. Police are investigating whether another adult was in the car. No charges have been filed.

https://www.wsmv.com/news/year-old-girl-dies-after-accidental-shooting-in-lawrence-county/article_b9be7dc0-d575-11e8-bb15-77253a206d86.html

August 31, 2018 – Coffee County – Fatality

A 17-year-old was at home with his siblings and grandfather and was "playing" with a gun when he unintentionally shot himself in the head. He was transported to Unity Medical Center, where he was pronounced dead.

https://www.manchestertimes.com/news/local/coffee-county-senior-dies-after-accidentally-shooting-self-authorities-say/article_1c8e9390-adee-11e8-a1d1-97fdd46301cd.html

August 8, 2018 – LaFollette – Fatality

A 10-year-old unintentionally shot his 9-year-old sister in the head while the two were sitting in a car in a shopping center parking lot. She was flown to the hospital but was later pronounced dead.

<https://www.wate.com/news/local-news/victim-injured-in-accidental-shooting-at-lafollette-shopping-center/1355445963>

July 25, 2018 – Nashville – Injury

A 3-year-old found a loaded gun in his home and unintentionally shot his mother's boyfriend in the back with it.

<https://www.tennessean.com/story/news/2018/07/25/nashville-3-year-old-boy-shot-mothers-boyfriend-police-probe/838531002/>

July 4, 2018 – Morristown – Injury

A 15-year-old girl was visiting a home when she found a .380 handgun, unintentionally discharged it, and hit an 18-year-old man in the neck. His injuries were not life-threatening. The girl fled and was later charged with reckless endangerment. It is not clear who the gun belonged to or why it was left unsecured.

<https://www.wbir.com/article/news/crime/teen-accused-of-reckless-endangerment-after-accidental-shooting-in-morristown/51-570767141>

June 19, 2018 – Knox County – Injury

A 13-year-old and a 16-year-old were target shooting with a .22-rifle in a backyard when a bullet fired by the younger child struck a 63-year-old neighbor who was driving a golf cart nearby in the stomach. The 13-year-old is now in custody. It is not clear why a 13-year-old was allowed to target shoot without adult supervision or who the rifle belongs to.

<https://www.wate.com/news/local-news/knox-county-teen-in-custody-after-hitting-woman-with-bullet-in-stomach/1245612322>

June 11, 2018 – Memphis – Fatality

A 12-year-old girl has died after she was shot with an unsecured gun while inside her parent's SUV at a Frayser apartment complex. It is not yet clear whether the girl unintentionally shot herself or if she was shot by another child that was in the car.

<https://www.commercialappeal.com/story/news/crime/2018/06/12/11-year-old-girl-fights-life-after-shot-frayser-apartment/693688002/>

June 9, 2018 – Claiborne County – Injury

A 2-year-old shot himself in the head in Clairborne county. The toddler was airlifted to the hospital and underwent surgery. No charges will be filed.

<https://www.wbir.com/article/news/local/no-charges-pending-for-parents-of-boy-shot-in-the-head-boy-doing-fine-claiborne-co-sheriff-says/51-562862239>

May 16, 2018 – Memphis – Injury

A 10-year-old who was shot in a Memphis park was unintentionally shot by a 15-year-old. The teen pulled out the gun and it discharged. The 10-year-old's injuries are not life threatening. The teen has been charged with reckless endangerment and possession of a handgun by a juvenile.

<http://wreg.com/2018/05/16/police-juvenile-shot-in-cherokee-park-one-suspect-detained/>

May 11, 2018 – Sequatchie County – No Injury

A 5-year-old boy in Sequatchie County got a loaded, unsecured pistol from his mother's car Friday morning and, while playing with a younger child in his front yard, fired the pistol twice into the ground and then dropped the gun. The mother was home at the time but not supervising the children. Police do not plan to charge the mother.

<http://wcyb.com/news/local/report-5-year-old-tennessee-boy-takes-moms-pistol-fires-two-shots>

February 22, 2018 – Jackson – Injury

A juvenile had a gun and accidentally shot another juvenile. The child who was shot has injuries that are not believed to be life-threatening. Investigators are still working to determine how the juvenile got the gun.

<http://www.wbbjtv.com/2018/02/22/juvenile-injured-accidental-shooting-jackson/>

February 15, 2018 – Humboldt – Injury

A 15-year-old was playing with a gun when it discharged, hitting his 14-year-old friend. The 15-year-old, from Humboldt, has been charged with reckless aggravated assault and reckless endangerment. No word on how the boys had access to a loaded firearm.

<http://www.wbbjtv.com/2018/02/16/15-year-old-charged-accidental-shooting-humboldt/>

November 25, 2017 – Memphis – Fatality

A 13-year-old boy was at a friend's house playing basketball when he was unintentionally shot and killed. His 13-year-old friend was charged with reckless homicide. No adults have been charged. No word on who the gun belonged to or why that person was not charged.

<http://www.wmcactionnews5.com/story/36926363/13-year-old-killed-in-shooting-friend-in-custody>

November 12, 2017 – Desden – Fatality

A sixth grader was fatally shot while at a friend's house. The boys were in the living room when a pistol went off, killing the victim. It is not clear who pulled the trigger or how the boys had access to the gun. No charges have been filed.

<http://www.wenkwtp.com/2017/11/13/dresden-6th-grader-killed-in-accidental-shooting/>

November 10, 2017 – Memphis – Fatality

A man laid an infant and his gun on a bed and left them unattended. The 3-year-old sibling of the infant found the gun and discharged it, killing the baby. The gun owner took his gun and ran but later turned himself in. was arrested and charged him with criminally negligent homicide, convicted felon in possession of a handgun, and tampering with evidence.

<http://www.wmcactionnews5.com/story/36813231/infant-shot-in-critical-condition>

November 7, 2017 – Knoxville – Injury

A 16-year-old was in a car with friends and unintentionally shot himself. He was taken to the hospital in serious condition. It is not clear why the teen had a loaded gun. No charges have been filed.

<http://www.wbir.com/article/news/crime/teen-injured-in-accidental-shooting-near-west-town-mall/51-490079957>

October 23, 2017 – Springfield – Injury

A teenager and her friends were at a Sonic Drive-In when she heard a shot and realized she had been shot in the chest. Investigators report that one of her friends was playing with a loaded revolver when it unintentionally discharged. No word on whether charges will be filed or why the teenager had access to a loaded handgun.
<http://wkrn.com/2017/10/22/springfield-teenager-injured-in-accidental-shooting/>

October 18, 2017 – Memphis – Injury

A 15-year-old girl was unintentionally shot in the mouth and critically injured by her brother. Police say the girl's brother asked to see her boyfriend's pistol and put his finger on the trigger not knowing the safety was off. The bullet went through the house's front door, hitting the teen's 15-year-old sister in the mouth. The teenage boy was taken into custody.
<http://wreg.com/2017/10/18/teen-playing-with-gun-shoots-his-sister-in-the-face/>

October 13, 2017 – Nashville – Injury

A 14-year-old boy unintentionally shot himself in the upper thigh. Authorities said it appeared the boy had been playing with the gun when it discharged.
<http://www.newschannel5.com/news/juvenile-injured-in-reported-accidental-shooting>

October 8, 2017 – Memphis – Fatality

An 8-year-old boy fatally shot himself with a loaded gun his father had placed under some covers on a bed near the boy and another child. The father was arrested and charged with reckless homicide and possession of marijuana with intent to sell.
<http://www.localmemphis.com/news/local-news/man-charged-in-deadly-accidental-shooting-of-8-year-old-boy-sunday/795133604>

October 4, 2017 – Cookeville – Injury

A 16-year-old was injured from what's reported to be an unintentional gunshot wound to the leg.
<http://herald-citizen.com/stories/teen-injured-in-reported-accidental-shooting,23603>

September 6, 2017 – Hixson – Injury

While left unsupervised with a loaded gun, a 3-year-old child unintentionally shot themselves. The injuries are not believed to be life-threatening. No word on whether charges will be filed.
<http://www.wrcbtv.com/story/36305905/hamilton-co-sheriffs-office-investigating-shooting-in-hixson>

September 5, 2017 – Memphis – Injury

A 11-year old boy found a gun at his bus stop, picked it up and unintentionally shot himself in the hand.
<http://www.commercialappeal.com/story/news/2017/09/05/police-respond-to-child-shooting-memphis/632381001/>

September 2, 2017 – Springfield – Fatality

A 17-year-old boy unintentionally and fatally shot himself in a vehicle. Police report he died of a single gunshot from a semi-automatic handgun. The magazine had been removed but there was still a bullet in the chamber. No charges have been filed.
<http://smokeybarn.com/springfield-police-teens-shooting-death-ruled-accidental/>

August 20, 2017 – Memphis – Fatality

An 8-year-old boy shot himself in his home. He was taken the hospital where he later died. The boy's father had placed a loaded handgun on a bed near the victim and another child. The victim was taken the hospital where he later died. The father was later arrested after marijuana was found in the home.
<http://www.fox13memphis.com/top-stories/8-year-old-child-dead-after-shooting-in-southeast-memphis/595642288>

August 19, 2017 – Memphis – Fatality

A 4-year-old boy in Memphis shot himself and was in very critical condition. Not long after, he died. The boy's father was charged with reckless homicide.
<http://wreg.com/2017/08/19/self-inflicted-gun-shot-leaves-toddler-in-critical-condition/>

August 18, 2017 – Memphis – Injury

A 4-year-old child was home with two other children and their father when she picked up a gun and shot herself with it. She was taken to the hospital in critical condition. No word on how she accessed the gun or if charges will be filed.
<http://www.wmcactionnews5.com/story/36170855/girl-4-critical-after-accidental-shooting-on-egan-drive>

July 8, 2017 – Memphis – Fatality

A 3-year-old gained access to his father's loaded, unsecured gun and fatally shot himself with it. The father kept the gun in a case, but the 3-year-old was still able to pick up the gun and pull the trigger. No word on whether charges will be filed.

<http://wreg.com/2017/07/08/a-3-year-old-accidentally-shoots-himself-officials-say/>

July 8, 2017 – Greeneville – Fatality

A 17-year-old was holding a gun in his home when it unintentionally discharged and killed him.

<http://wjhl.com/2017/07/09/17-year-old-dies-after-accidental-shooting-in-greene-county/>

July 7, 2017 – Nashville – Injury

A 15-year-old boy accidentally shot himself in the foot with a shotgun. Witnesses report that other teens were present.

The boy was taken to the hospital with non-life threatening injuries.

<http://wkrn.com/2017/07/07/nashville-teenager-accidentally-shoots-himself-in-foot/>

July 5, 2017 – Memphis – Injury

A 12-year-old girl and her 11-year-old brother were playing with a gun at their home. The boy unintentionally fired a shot, hitting his sister in the leg. She was taken to the hospital with non-life threatening injuries. No word on whether charges will be filed.

<http://www.wmcactionnews5.com/story/35818513/brother-accidentally-shoots-12-year-old-sister-in-leg>

June 23, 2017 – Memphis – Injury

A 14-year-old child unintentionally shot himself just after midnight Friday morning, according to Memphis Police Department. The child was taken to Le Bonheur Children's Hospital in non-critical condition.

<http://www.wmcactionnews5.com/story/35732981/child-shot-near-covington-pike-stage-road>

June 21, 2017 – Memphis – Injury

A 15-year-old unintentionally shot himself at a house. His condition is unknown.

<http://www.wmcactionnews5.com/story/35717755/mpd-teen-accidentally-shoots-self-at-whitehaven-home>

June 5, 2017 – Nashville – Fatality

A 2-year-old unintentionally shot their 7-year-old cousin. The girl was taken to the hospital where she passed away. Police have not yet indicated whether charges will be filed.

<http://wkrn.com/2017/06/06/police-toddler-shoots-cousin-inside-home-south-of-downtown/>

May 17, 2017 – Nashville – Injury

A man was bathing his children around 2am. He took his 1-year-old out of the bath tub, placed him on a bed and left the room. The child found a loaded gun and fired it, grazing his face.

<http://www.wsmv.com/story/35448327/toddler-shot-in-face-at-east-nashville-apartment>

May 15, 2017 – Nashville – Injury

A 3-year-old child was staying with a man and his wife when he found a loaded, unsecured gun in a bedroom and fired it, striking himself in the foot.

<http://www.newschannel5.com/news/report-of-shooting-prompts-heavy-police-response>

May 5, 2017 – Chattanooga – Injury

A 10-year-old boy was playing with his parent's 9mm Glock handgun as he talked to a friend on his computer when he discharged the gun and shot himself in the arm.

<http://newschannel9.com/news/local/police-report-10-year-old-accidentally-shot-himself-with-his-parents-gun>

April 14, 2017 – Memphis – Injury

Four boys, two brothers, and two cousins were home alone when they found a small-caliber handgun. The 13-year-old boy started playing with the gun and accidentally shot his 12-year-old cousin. The gun was left unsecured, and there were no parents at home.

<http://www.localmemphis.com/news/local-news/shelby-county-deputies-respond-to-reports-of-12-year-old-possibly-shot/692152162>

April 9, 2017 – Chattanooga – Fatality

A 13-year-old boy was shot in the head in his home in Chattanooga. Another boy in the house, who was 16, called 911. Police found no evidence that the shooting was "anything other than an accident." The boy later died as a result of his injuries.

<http://www.timesfreepress.com/news/local/story/2017/apr/09/13-year-old-hospitalized-after-accidental-shooting/422016/>

March 24, 2017 – Nashville – Injury

Three teenagers were in a car when a 13-year-old was shot in the leg by someone else in the vehicle.
<http://wkcrn.com/2017/03/24/13-year-old-injured-in-accidental-shooting/>

February 26, 2017 – Perry County – Fatality

A 13-year-old boy was unintentionally shot and killed by a 12-year-old relative as the two children were in a bedroom playing with a handgun taken from a family member's backpack. The victim was taken to Perry County Hospital where he died from his injuries.
<http://www.wsmv.com/story/34609415/12-year-old-shot-and-killed-in-perry-county>

February 20, 2017 – Memphis – Injury

A 4-year-old was unintentionally shot by his brother. The brother was playing with the gun and dropped it, causing it to discharge. The children's grandmother claims she fired a gun to intimidate people she said had shot into her home. She said she put the gun "back into the box but forgot to lock it."
<http://www.fox13memphis.com/news/4-year-old-child-shot-in-north-memphis/495654841>

January 17, 2017 – Cocke County – Fatality

The mother of a 12-year-old boy called EMS to report that her son had shot himself. Upon arrival, EMS tried to revive the child but he did not survive.
<http://wate.com/2017/01/18/tbi-investigates-death-of-cocke-county-12-year-old/http://wate.com/2017/01/18/tbi-investigates-death-of-cocke-county-12-year-old/>

January 17, 2017 – Springfield – Injury

A 5-year-old found a handgun in a bedroom and fired it, striking the child's 9-year-old cousin in the arm. No charges have been filed.
<http://www.newschannel5.com/news/9-year-old-shot-in-the-arm-by-5-year-old>

December 27, 2016 – Mt. Juliet – Injury

Three teens were at one of the boy's homes. One of the boys visiting the home brought a firearm. As the boys were handling the gun, it discharged, striking the boy who lived in the home in the neck. He was life-flighted to Vanderbilt, treated, and was later released.
<http://www.newschannel5.com/news/teen-shot-in-neck-after-playing-with-gun>

December 20, 2016 – Knoxville – Fatality

While their parents were not home, a 13-year-old boy **INTENTIONALLY** and fatally shot his 12-year-old brother. The 13-year-old was charged with first-degree murder.
<http://www.wbir.com/news/local/kpd-13-year-old-charged-in-fatal-shooting-of-younger-brother/376050323>

November 26, 2016 – McMinnville – Fatality

A 17-year-old girl was sitting across from her 13-year-old brother when the .223 rifle he was unloading discharged, striking her. The boy called 911 and dispatchers attempted to talk the 13-year-old through performing CPR, but the girl was pronounced dead by first responders. No word on the where the parents were or who the gun belonged to.
<http://www.wbir.com/news/local/mcminn-county-teen-dies-after-accidental-shooting/356287589>

October 2, 2016 – Nashville – Injury

A 16-year-old was shot on the 3400 block of Dupre Street, according to Memphis police. Officers said the shooting happened just before 8 p.m. The victim and friends were handling the weapon, the gun fired and the victim was hit in the abdomen. The victim was rushed to the hospital in critical condition.
<http://www.localmemphis.com/news/local-news/16-year-old-critically-injured-in-accidental-shooting>

September 25, 2016 – Nashville – Injury

A car pulled up to a residence in Donelson. A 2-year-old child that doesn't live at the residence was able to pick up a loaded gun from a door pocket of the car and fire the gun, striking a 12-year-old in the hip. The child was transported to the hospital with non-life threatening injuries. The driver of the vehicle, according to police, can legally carry the firearm, but does not have a carry permit.
<http://fox17.com/news/local/twelve-year-old-shot-by-2-year-old-in-nashville>

August 30, 2016 – Nashville – Injury

A 3-year-old gained access to his father's loaded, unsecured gun and shot himself in the hand. He was taken to the hospital. His injuries are not considered life-threatening. The gun belonged to the child's father who is a security guard and a licensed gun permit holder.
<http://wkcrn.com/2016/08/30/metro-police-flagged-down-by-driver-after-3-year-old-shot-in-hermitage/>

July 10, 2016 – Lawrence County – Injury

An Amish boy was unintentionally shot with a .22 rifle by another Amish boy while the two were playing. The victim was taken to Vanderbilt for treatment.

<http://fox17.com/news/local/two-amish-boys-involved-in-accidental-shooting-victim-taken-to-vanderbilt>

July 3, 2016 – East Ridge – Fatality

17-year-old Alana Luangaphy was visiting the home of a family member. She was showing off a gun to a cousin. She unloaded all but one round and put the gun to her head. As the cousin yelled at her tried to grab the gun, she shot herself in the right side of the head.

<http://www.wrcbtv.com/story/32365817/update-teen-accidentally-shoots-and-kills-herself-in-east-ridge>

July 1, 2016 – Clarksville – Fatality

A 3-year-old toddler fatally shot himself in the face with a .40 caliber pistol. The child was visiting from Fort Riley, Kansas, with his family. The gun belonged to the homeowner.

<http://wkcr.com/2016/07/01/child-injured-in-accidental-shooting-in-clarksville/>

June 7, 2016 – Lawrenceburg – Injury

A Lawrence County boy is in the critical care unit at Vanderbilt Hospital in Nashville after he was accidentally shot in the chest with a BB gun. Caleb Young, 10, was shot in the chest at close range Tuesday night while outside shooting with the BB gun with another boy.

http://www.timesdaily.com/news/local/child-critical-after-being-accidentally-shot-with-bb-gun/article_478517ce-6700-5bc1-86d7-7cc45c610629.html

May 26, 2016 – Murfreesboro – Injury

A boy who was cleaning a rifle he thought was unloaded unintentionally fired it. The bullet struck his father in the leg. He was airlifted to Vanderbilt. His condition is unknown.

<http://wkcr.com/2016/05/26/boy-accidentally-shoots-dad-in-leg-while-working-on-rifle/>

May 12, 2016 – Memphis – Injury

An 18-year-old was unintentionally shot in the chest as she got ready for prom. A 17-year-old friend was “playing around with a gun” when it went off, shooting the young woman and leaving her in critical condition. The 17-year-old was charged with aggravated assault.

<http://www.fox13memphis.com/news/mpd-teen-arrested-after-shooting-18-year-old-girl-in-chest/280437725>

May 7, 2016 – Smyrna – Injury

A 2-year-old child was able to gain access to a loaded gun and accidentally shot herself. She was Life-Flighted to Vanderbilt and is expected to survive.

<http://www.newschannel5.com/news/local-news/2-year-old-accidentally-shoots-injures-herself>

April 30, 2016 – Memphis – Injury

A 17-year-old unintentionally shot himself near the campus of the University of Memphis.

<http://wreg.com/2016/04/30/teen-shot-near-university-of-memphis/>

April 29, 2016 – Lebanon – Injury

A 10-year-old found a loaded shotgun and unintentionally shot himself in the abdomen. He has been taken to the hospital.

<http://wkcr.com/2016/04/29/10-year-old-lebanon-boy-accidentally-shoots-self-in-stomach/>

March 24, 2016 – Memphis – Injury

An 11-year-old little girl was shot by a playmate who was playing with a gun. She was taken to the hospital in critical condition.

<http://www.localmemphis.com/news/local-news/11-year-old-shot-on-winchester>

Academic Studies and Policy Statements on the Efficacy of Child Access Prevention and Safe Storage Laws

Variability of child access prevention laws and pediatric firearm injuries by Emma, C. Hamilton, MD; Charles C Miller, III, PhD; Charles S Cox, Jr., MD; Kevin P. Lally,, MD; Mary T. Austin, MD, MPH; **Journal of Trauma and Acute Care Surgery (2018)** - key findings: After adjusting for race, sex, age, and socioeconomic income quartile, strong child access prevention (CAP) laws were associated with a significant reduction in all, self-inflicted, and unintentional pediatric firearm injuries. Weak CAP laws, which only impose liability for reckless endangerment, were associated with an increased risk of all pediatric firearm injuries. The association of CAP laws on hospitalizations for pediatric firearm injuries differed greatly depending on whether a state had adopted a strong CAP law or a weak CAP law. Implementation of strong CAP laws by each state, which require safe storage of firearms, has the potential to significantly reduce pediatric firearm injuries.

State Firearm Laws, Firearm Ownership, and Safety Practices Among Families of Preschool-Aged Children by Kate C. Prickett, MPAff, Alexa Martin-Storey, PhD, and Robert Crosnoe, PhD, **American Journal of Public Health (2014)** - key findings: firearm legislation and CAP laws interacted to predict ownership and storage behaviors, with unsafe storage least likely among families in states with both CAP laws and stronger firearm legislation.

Firearm Injuries and Children: A Policy Statement of the American Pediatric Surgical Association, Michael L. Nance, MD, FACS, Thomas M. Krummel, MD, FACS, Keith T. Oldham, MD, FACS, and the Trauma Committee of the American Pediatric Surgical Association **Journal of the American Pediatric Surgical Association (2013)** - key findings: Child access prevention (CAP) laws have been enacted in many states to help limit the exposure of children to firearms. In general, these laws are designed to hold the parent responsible for the consequences of a child accessing and using a firearm. The intent is to encourage parents to store weapons appropriately and prevent unintended access by children. Studies have demonstrated that in states with CAP laws, the rate of unintentional firearm deaths are lower than in states with no CAP laws. More importantly, unintentional firearm death rates decreased significantly in those states enacting CAP laws (when comparing a 5-year pre-CAP rate with a 5-year post-CAP rate)

Firearm-Related Injuries Affecting the Pediatric Population, M. Denise Dowd, MD, MPH Robert D. Sege, MD, PhD, **American Academy of Pediatrics, Policy Statement (2012)** – key point: “Evidence supports the effectiveness of regulation that limits child access to firearms...Trigger locks, lock boxes, gun safes, and safe storage legislation are encouraged by the AAP.”

Easy Access to Firearms: Juveniles’ Risks for Violent Offending and Violent Victimization, R. Barry Ruback, Jennifer N. Shaffer, and Valerie A. Clark, **Journal of Interpersonal Violence (2010)** – key findings: Current access to firearms at home significantly increased the odds of both violent offending and violent victimization, even after controlling for prior access, prior offending, and prior victimization. This relationship persisted into early adulthood; access to firearms still significantly increased the odds of violent offending and violent victimization.

The Effect of Child Access Prevention Laws on Non-Fatal Gun Injuries, Jeff DeSimone and Sara Markowitz, **National Bureau of Economic Research (2005)** – key findings: Results from Poisson regressions that control for various hospital, county and state characteristics, including state-specific fixed effects and time trends, indicate that CAP laws substantially reduce non-fatal gun injuries among both children and adults (a unique point about this study is that it looked at non-fatal injuries, which are much more common than deaths). When CAP laws are implemented, self-inflicted gun injuries fall by 64 percent for youth age 18 and under but do not decrease for adults. This study also has this helpful review of the previous academic literature: “Only a few previous studies have rigorously examined the effects of CAP laws on gun related injuries, all using annual state-level data on gun-related deaths. Using 1979–1994 data on children age 14 and under, Cummings et al. (1997) found that CAP laws reduce unintentional shooting deaths by 23 percent. In 1979–1997 data, Webster and Starnes (2000) similarly established that CAP laws

were associated with a 17 percent decline in unintentional firearm death rates, but attributed the entire effect to a 51 percent mortality reduction in Florida after the 1989 enactment of its CAP law, which allows felony prosecution of violators. Webster et al. (2004) analyzed 1976–2001 data and found that among 14–17 year olds, CAP laws decreased gun suicides by 11 percent but had no effect on non-gun suicides. They also reported that among 18–20 year olds, who are not covered by the laws in any state, CAP laws were associated with a 13 percent fall in gun suicides and a nine percent reduction in non-gun suicides. In contrast, Lott and Whitley (2001) failed to detect a relationship between CAP laws and accidental gun deaths or suicides among youth age less than 15 and 15–19 during 1979–1996.

Parental Misperceptions About Children and Firearms, Frances Baxley, MD; Matthew Miller, MD, ScD, American Medical Association (2006) – key findings: Children younger than 10 years were as likely as older children to report knowing the storage location (73% vs 79%, respectively) and to report having handled a household gun (36% vs 36%, respectively). 39% of parents who reported that their children did not know the storage location of household guns and 22% of parents who reported that their children had never handled a household gun were contradicted by their children’s reports. In other words, kids often know where firearms are stored in the home and have actually handled them much more than parents realize.

Association Between Youth-Focused Firearm Laws and Youth Suicides, By: Daniel W. Webster, Jon S. Vernick, April M. Zeoli, Jennifer A. Manganello, AMA Journal (2004) – key findings: “We did find convincing evidence that the 18 CAP laws adopted during the study period led to an 8.3% reduction in suicide rates among youth aged 14 to 17 years. Firearms are used in approximately half of all youth suicides.

The Effect of Child Access Prevention Laws on Unintentional Child Firearm Fatalities, 1979–2000, Lisa Hepburn, PhD, MPH, Deborah Azrael, PhD, MS, Matthew Miller, MD, ScD, MPH, and David Hemenway, PhD (2005) – key findings: Most states that enacted CAP laws experienced greater subsequent declines in the rate of unintentional firearm deaths for children age 0 to 14 compared with states not enacting the laws; however when adjusted for firearm prevalence and state and national effects the laws were associated with statistically significant declines only in Florida and California. Florida’s law, which is the oldest and one of the toughest (violation is a felony) resulted in a 51% reduction in accidental firearm deaths among children in that state over the eight years for which there was data.

Firearm Availability and Unintentional Firearm Deaths, Suicide, and Homicide among 5–14 Year Olds, Mathew Miller, MD, MPH, ScD, Deborah Azrael, PhD, and David Hemenway, PhD (2001) - key findings: A statistically significant association exists between gun availability and the rates of unintentional firearm deaths, homicides, and suicides.

State Gun Safe Storage Laws and Child Mortality Due to Firearms, Peter Cummings, David Grossman, Frederick Rivara, and Thomas Koepsell, Journal of the American Medical Association (1997) – key findings: CAP laws associated with a 23% decrease in unintentional shootings among children under 15 years old.

Tennessee Code
Title 39 - Criminal Offenses
Chapter 17 - Offenses Against Public Health, Safety and Welfare
Part 13 - Weapons
39-17-1320 - Providing handguns to juveniles Penalties.

39-17-1320. Providing handguns to juveniles Penalties.

(a) It is an offense for a person intentionally, knowingly or recklessly to provide a handgun with or without remuneration to any person that the person providing the handgun knows or has reason to believe is a juvenile in violation of § 39-17-1319.

(b) It is an offense for a parent or guardian intentionally, knowingly or recklessly to provide a handgun to a juvenile or permit a juvenile to possess a handgun, if the parent or guardian knows of a substantial risk that the juvenile will use a handgun to commit a felony.

(c) Unlawfully providing or permitting a juvenile to possess a handgun in violation of subsection (a) is a Class A misdemeanor and in violation of subsection (b) is a Class D felony.

Tennessee Code

Title 39 - Criminal Offenses

Chapter 13 - Offenses Against Person

Part 1 - Assaultive Offenses

§ 39-13-103 - Reckless endangerment.

Universal Citation: [TN Code § 39-13-103 \(2014\)](#)

(a) A person commits an offense who recklessly engages in conduct that places or may place another person in imminent danger of death or serious bodily injury.

(b) (1) Reckless endangerment is a Class A misdemeanor;

(2) Reckless endangerment committed with a deadly weapon is a Class E felony;

(3) Reckless endangerment by discharging a firearm into a habitation, as defined under § 39-14-401, is a Class C felony, unless the habitation was unoccupied at the time of the offense, in which event it is a Class D felony;

(4) In addition to the penalty authorized by this subsection (b), the court shall assess a fine of fifty dollars (\$50.00) to be collected as provided in § 55-10-412(b) and distributed as provided in § 55-10-412(c).

“MaKayla’s Law” Proposed Revisions to Existing Code

Tennessee Code Annotated, Title 39-13-103, is amended by adding the following language:

- (a) A person commits an offense who recklessly engages in conduct that places or may place another person in imminent danger of death or serious bodily injury.
 - (1) Prohibited conduct includes, but is not limited to, recklessly placing, leaving, or storing a firearm in a location that is readily accessible to a child under thirteen (13) years of age if the firearm:**
 - (A) Is placed or stored for any period of time in a location in which the firearm is not readily accessible to the firearm’s owner or most recent possessor; or**
 - (B) Contains ammunition in the clip, magazine, or chamber, or ammunition for the firearm is in the immediate vicinity of the firearm.**
 - (2) It is an exception to the application of subsection (a) if the firearm was left, placed, or stored while in a condition rendering it incapable of firing either by use of a trigger lock or similar device.**
- (b) (1) Reckless endangerment is a Class A misdemeanor;
- (2) Reckless endangerment committed with a deadly weapon is a Class E felony;
- (3) Reckless endangerment is a Class E felony if a child under thirteen (13) years of age obtains possession of a firearm left, placed, or stored by the firearm’s owner or most recent possessor in violation of subsection (a), the child discharges the firearm, and the discharge results in bodily injury to the child or another;**
- (4) Reckless endangerment is a Class C felony if a child under thirteen (13) years of age obtains possession of a firearm left, placed, or stored by the firearm’s owner or most recent possessor in violation of subsection (a), the child discharges the firearm, and the discharge results in the death of the child or another;**
- (5) Reckless endangerment by discharging a firearm into a habitation, as defined under 39-14-401, is a Class C felony, unless the habitation was unoccupied at the time of the offense, in which event it is a Class D felony;
- (6) In addition to the penalty authorized by this subsection (b), the court shall assess a fine of fifty dollars (\$50.00) to be collected as provided in 55-10-412(b) and distributed as provided in 55-10-412(c).

PROPOSED LEGISLATION

AN ACT to amend Tennessee Code Annotated, Section 39-13-103, relative to the offense of reckless endangerment.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-13-103, is amended by adding the following new subdivision (b)(4) and by redesignating the existing subdivision (b)(4) accordingly:

(4) Reckless endangerment committed by a person's failure to lock, secure, or otherwise store or make unavailable a firearm and ammunition for the firearm is:

(A) A Class E felony if a child younger than thirteen (13) years of age obtains possession of the firearm, discharges the firearm, and the discharge results in bodily injury or serious bodily injury to the child or to another; or

(B) A Class C felony if a child younger than thirteen (13) years of age obtains possession of the firearm, discharges the firearm, and the discharge results in the death of the child or to another.

SECTION 2. This act shall take effect July 1, 20XX, the public welfare requiring it.

Variability of child access prevention laws and pediatric firearm injuries

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Original Articles

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BACKGROUND State-level child access prevention (CAP) laws impose criminal liability on adults who negligently allow children access to firearms. The CAP laws can be further divided into strong CAP laws which impose criminal liability for negligently stored firearms and weak CAP laws that prohibit adults from intentionally, knowingly, and/or recklessly providing firearms to a minor. We hypothesized that strong CAP laws would be associated with a greater reduction in pediatric firearm injuries than weak CAP laws.

METHODS We constructed a cross-sectional national study using the Healthcare Cost and Utilization Project-Kids Inpatient Database from 2006 and 2009 using weighted counts of firearm-related admissions among children younger than 18 years. Poisson regression was used to estimate the association of CAP laws with pediatric firearm injuries.

RESULTS After adjusting for race, sex, age, and socioeconomic income quartile, strong CAP laws were associated with a significant reduction in all (incidence rate ratio, 0.70; 95% confidence interval, 0.52–0.93), self-inflicted (incidence rate ratio, 0.46; 95% confidence interval, 0.26–0.79), and unintentional (incidence rate ratio, 0.56; 95% confidence interval, 0.43–0.74) pediatric firearm injuries. Weak CAP laws, which only impose liability for reckless endangerment, were associated with an increased risk of all pediatric firearm injuries.

CONCLUSION The association of CAP laws on hospitalizations for pediatric firearm injuries differed greatly depending on whether a state had adopted a strong CAP law or a weak CAP law. Implementation of strong CAP laws by each state, which require safe storage of firearms, has the potential to significantly reduce pediatric firearm injuries.

LEVEL OF EVIDENCE Prognostic and epidemiology study, level III.

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State Firearm Laws, Firearm Ownership, and Safety Practices Among Families of Preschool-Aged Children

Kate C. Prickett, MPAff, Alexa Martin-Storey, PhD, and Robert Crosnoe, PhD

Family firearm safety practices are a major public health concern, with firearm-related deaths being one of the leading causes of injury-related fatalities among young children.¹ Recent media attention on accidental shootings involving young children has heightened public and policy debate over the role of government in restricting access to firearms and the effectiveness of firearm laws.^{2,3} Some states have implemented laws—often referred to generally as child access prevention (CAP) laws—that legislate safe firearm storage practices among families with children and make adults criminally liable for children’s unsupervised use of firearms. Studies examining the effects of CAP laws, however, report mixed findings, suggesting that they have a greater effect on child morbidity and mortality when instituted in states with higher levels of pediatric firearm incidents and when the penalties associated with firearm usage are more stringent.^{4–8} One explanation for the lack of consistent findings is that most studies have not directly measured the behavior CAP laws intend to regulate. That is, little is known about how these access laws are associated with factors beyond mortality and morbidity, such as firearm storage behaviors. We addressed this gap by empirically testing the relationship between CAP laws and firearm storage behaviors in a nationally representative sample.

Currently, limitations of this literature constrain the ability to draw strong conclusions about the effects of state-level policies on firearm ownership and storage practices.^{4,9} For example, because person-level data on firearm-related behavior is scarce, many studies that rely on macrolevel statistics (e.g., state firearm ownership, firearm-related mortality) run the risk of creating ecological fallacies, whereby associations at the aggregate level are erroneously extrapolated to the individual level.¹⁰ Similarly, aggregate-level data do not allow the examination of the specific populations that the policies address and, hence, may not be sufficiently

sensitive to directly test these policies’ effects. A lack of data that can be used to compare ownership and specific aspects of that ownership, such as safety practices, also makes it difficult to determine if stronger laws generally affect firearm ownership or laws directed at specific unsafe behaviors work. Furthermore, the potential for state policies to be a product of the selectivity of the residents of the state complicates disentangling the effects of state-level firearm laws.¹¹ Lawmakers in states with a high proportion of firearm owners may be more reluctant to pass laws that regulate firearm practices; consequently, observed correlations between laws and state-level firearm ownership may reflect state population characteristics or state “gun culture” to a greater extent than states’ firearm policy (or lack thereof).

In line with the American Academy of Pediatrics’ recommendation that parents who own firearms store them locked and unloaded, with ammunition locked and stored separately,¹² we examined how laws aimed at firearm storage practices—along with general state-level firearm laws—are associated with firearm ownership and storage behaviors among families with preschool-aged children.

Objectives. We investigated how state-level firearms legislation is associated with firearm ownership and storage among families with preschool-aged children.

Methods. Using 2005 nationally representative data from the Early Childhood Longitudinal Study-Birth Cohort (n = 8100), we conducted multinomial regression models to examine the associations between state-level firearms legislation generally, child access prevention (CAP) firearms legislation specifically, and parental firearm ownership and storage safety practices.

Results. Overall, 8% of families with children aged 4 years living in states with stronger firearm laws and CAP laws owned firearms compared with 24% of families in states with weaker firearm laws and no CAP laws. Storage behaviors of firearm owners differed minimally across legislative contexts. When we controlled for family- and state-level characteristics, we found that firearm legislation and CAP laws interacted to predict ownership and storage behaviors, with unsafe storage least likely among families in states with both CAP laws and stronger firearm legislation.

Conclusions. Broader firearm legislation is linked with the efficacy of child-specific legislation in promoting responsible firearm ownership. (*Am J Public Health.* 2014;104:1080–1086. doi:10.2105/AJPH.2014.301928)

Previous research has suggested a theoretical framework emphasizing the importance of both situational and individual characteristics in understanding patterns of firearm ownership.¹³ For example, studies link higher socioeconomic status, being White, and having a man in the house with higher levels of firearm ownership.^{14,15} We anticipated that (1) families in states with stronger general and child-specific firearm legislation would have the lowest rates of firearm ownership and the highest rates of safe firearm storage, (2) families in states with weaker firearm legislation would report the highest levels of ownership and the lowest levels of storage safety, and (3) families in states with a relatively strong set of laws in one domain but not in the other would fall between these 2 groups, with higher levels of ownership and safer storage practices in states with CAP laws but weaker general laws than in states with the opposite combination of laws.

METHODS

The Early Childhood Longitudinal Study-Birth Cohort is a nationally representative survey of children born in 2001 designed to

examine early home and educational experiences that may be associated with children's early development and school readiness.¹⁶ More than 10 600 children and their parents were interviewed when the children were aged 9 months, with follow-up interviews when the children were aged 2, 4, and 5 years. We used data collected at the preschool age (aged 4 years) interview, in which parents were asked about firearms in the household and safety practices. Because of attrition, the final analytical sample included approximately 8100 children who lived with their biological mother (aged 15 years or older at the time of the birth). We used sample weighting and missing data estimation to address potential biases from this selection and attrition.

Measures

The outcome variable was a categorical measure of firearm ownership and storage safety practices, indicating whether parents reported not having a firearm in the household, having a firearm in the household that was stored in a locked cabinet, or having a firearm in the household that was not stored in a locked cabinet.

The 2 main independent variables—an index of the overall strength of state-level firearm legislation and whether states had a specific CAP law—measured state-level laws. We determined the index using 2004 data from the Brady Center to Prevent Gun Violence, which creates scorecards that provide grades (from A+ to F–) to states on a variety of areas of firearm laws, including juvenile possession, concealed weapons, secondary sales background checks, and transfer laws.¹⁷ These grades have a valence attached to them, which we employed to measure prevalence and frequency. We created an index of firearm legislation, ranging 0 to 6, with states receiving a point for scores of C or higher in each of the 6 firearm legislative areas. We conducted additional analyses using a weighted coding system on the basis of the letter grades for the overall legislative index and CAP legislation variables to check the robustness of our findings. The significance and general conclusions of our results were unaffected by these coding approaches.

Figure 1 displays the index scores for all states. Montana and Wyoming had the fewest

firearm restrictions, with an index score of 0, whereas California, Connecticut, Hawaii, Illinois, Maryland, Massachusetts, New Jersey, and New York had the most, with an index score of 6. In addition to this index, a binary variable indicated whether states were scored as a C or higher on the presence and strength of CAP laws. Singling out CAP laws from other firearm legislation is important because these laws most closely address firearm storage practices.

We included a wide range of family- and state-level variables to control for factors that may be associated with both individual firearm safety practices and residence in states with firearm laws. Family characteristics included annual household income (ranging from ≤ \$25 000 to > \$100 000), family structure (married parents, cohabiting parents, or single mother), and number of siblings in the household. Maternal characteristics included mother's age at the child's birth (measured in years), mother's educational attainment (from less than a high school diploma or general equivalency diploma to a college degree or more), and maternal depression (a scale from 1–4 as determined by the Center for Epidemiologic Studies-Depression Scale).¹⁸

We included maternal race/ethnicity (i.e., non-Hispanic White, non-Hispanic Black, Hispanic White, or some other race/ethnicity) in the multinomial regressions as a control because of known associations with firearm ownership. We captured parents' history of problem behavior through 2 binary variables indicating whether the mother or father has or had a substance abuse problem and whether the mother or father had ever been arrested. Child characteristics included indicators for whether the child was a girl, whether the child had ever witnessed or been a victim of violence, and a scale from 0 (never) through 4 (very often) to measure parents' reports of the children's externalizing behavior (including how often the child threw tantrums or had temper outbursts, bothered or annoyed other children, were physically aggressive, and acted impulsively). Finally, we controlled for whether families lived in an urbanized area, inside an urban cluster (a less densely populated urban area), or in a rural area.

State-level characteristics fell broadly into 3 main areas: sociodemographic and geographic, political, and firearm ownership. First,

sociodemographic and geographic factors included a continuous measure of the 2005 state poverty rate (percentage of state population living below the poverty line),¹⁹ the 2005 annual unemployment rate (percentage of state population unemployed),²⁰ the 2005 violent crime rate (incidents of violent crime per 1000 people),²¹ the 2005 property crime rate (incidents of property crime per 1000 people),²¹ and the proportion of the population within a state living in rural areas in the year 2000.²² We also included controls for US region (i.e., Northeast, South, Midwest, or West).²³ Second, political factors included state-level percentage of voters who voted for President George W. Bush (R) in the 2004 presidential election²⁴ and whether state legislatures were Democrat controlled, Republican controlled, or both Democrat and Republican controlled in 2005.²⁵ These factors were important to control because of their potential to be endogenous to the strength of state-level firearm laws. Third, firearm-related factors included the household firearm ownership rate, measured as the proportion of households within a state owning a firearm in 2004 on the basis of estimates by the Centers for Disease Control and Prevention's Behavioral Risk Factor Surveillance System.²⁶

Analytical Plan

We first investigated the bivariate associations of family- and state-level characteristics with firearm ownership and storage safety. Next, we estimated 3 multinomial logistic regressions to test whether state firearm laws were associated with family-level firearm ownership and storage safety behaviors, with and without family- and state-level controls. Finally, we added interaction terms between the legislative index and the presence of CAP laws to these models to test whether the presence of the overall firearm legislative context moderated the associations of the CAP laws with the firearm ownership and storage outcomes.

We performed the analyses using Stata,²⁷ with the suite of *mi* commands to perform multiple imputation for missing data (approximately 0.9% of all data). Weights accounted for the complex survey design and differential attrition across waves.

TABLE 1—Sample Characteristics by Firearm Ownership and Storage Safety Practices: Early Childhood Longitudinal Study-Birth Cohort, United States, 2005

Variable	Total	Non-Firearm Owners	Firearm Owners	
			Store Firearms in Locked Cabinet	Do Not Store Firearms in Locked Cabinet
Proportion of total sample, %	100.0	78.4	14.9	6.8
State firearm laws				
Average state firearm legislative index (0-6)	3.5	3.7 ^{a,b}	2.9 ^{b,c}	2.8 ^{a,c}
Has child access prevention laws	51.5	56.8 ^{a,b}	32.4 ^c	33.2 ^c
Family-level variables				
Mother or father has or had a substance abuse problem	11.2	10.3 ^b	12.8 ^b	17.5 ^{a,c}
Mother or father has ever been arrested	13.6	13.5 ^b	13.5	15.4 ^c
Maternal age at child's birth, average y	27.4	27.2 ^{a,b}	28.0 ^{b,c}	29.0 ^{a,c}
Maternal race/ethnicity				
Non-Hispanic White	57.2	49.6 ^{a,b}	82.8 ^{b,c}	88.9 ^{a,c}
Non-Hispanic Black	14.1	16.7 ^{a,b}	5.4 ^c	2.2 ^c
Hispanic Black	22.9	27.4 ^{a,b}	7.8 ^{b,c}	4.7 ^{a,c}
Other race/ethnicity	5.8	6.3 ^{a,b}	4.1 ^c	4.2 ^c
Family structure				
Married	64.6	59.7 ^{a,b}	81.7 ^c	83.6 ^c
Cohabiting	13.8	14.7 ^{a,b}	10.6 ^c	11.1 ^c
Single	21.6	25.6 ^{a,b}	7.7 ^c	5.3 ^c
Maternal education				
Less than high school or general equivalency diploma	20.7	23.9 ^{a,b}	10.3 ^c	7.1 ^c
High school diploma or general equivalency diploma	31.2	31.3	32.2 ^b	27.9 ^a
Some college or associate's degree	24.8	22.7 ^{a,b}	30.3 ^{b,c}	35.5 ^{a,c}
College degree	23.3	22.0 ^b	27.2	29.6 ^c
Annual household income, \$				
≤ 25 000	30.1	34.6 ^{a,b}	13.1 ^c	15.2 ^c
25 001-50 000	28.2	27.9	29.0	30.1
50 001-100 000	26.8	23.4 ^{a,b}	39.0 ^{b,c}	39.8 ^{a,c}
≥ 100 001	14.8	14.1 ^a	18.9 ^{b,c}	14.8 ^a
Maternal depression scale, 1-4				
Number of siblings in household	1.4	1.4	1.4	1.3
Child ever witnessed or been a victim of violence	6.4	7.2 ^{a,b}	3.9 ^c	3.7 ^c
Child's externalizing behavior scale, 1-4	2.4	2.4 ^a	2.3 ^c	2.4
Child is female	48.6	47.2 ^b	53.4	54.7 ^c
Urbanicity				
Rural	15.6	10.5 ^{a,b}	32.1 ^c	38.0 ^c
Urban area, inside an urban cluster	12.3	10.6 ^{a,b}	17.6 ^c	19.3 ^c
Urban area, inside an urbanized area	72.1	78.8 ^{a,b}	50.4 ^c	42.7 ^c
State-level variables				
Population living in rural areas, %	21.4	19.8 ^{a,b}	26.9 ^c	27.9 ^c
Poverty rate, %	13.3	13.1 ^a	13.8 ^c	14.0
Unemployment rate, %	5.1	5.1	5.2	5.2
Violent crime rate per 1000	4.6	4.7 ^{a,b}	4.4 ^c	4.6 ^c
Property crime rate per 1000	34.6	34.3 ^{a,b}	35.3 ^c	36.2 ^c
Voted for Bush (R) in 2004 presidential election, %	52.0	51.3 ^{a,b}	54.5 ^c	55.2 ^c

Continued

more likely to have an unlocked (vs locked) firearm.

Model 3 revealed a strong pattern of moderation between the legislative strength index and the presence of CAP laws. Figure 2 displays the predicted probability of having an unlocked firearm versus no firearm in the home, taking the main and interaction effects into account. This figure shows that the presence of CAP laws was important but only once a certain threshold of firearm legislative strength was crossed. For example, CAP laws were associated with an increased likelihood of no firearm ownership versus owning firearms and not keeping them stored safely in states only as the score on the legislative strength index approached 4. Similarly, CAP laws were associated with an increased likelihood of owning firearms and keeping them in a locked cabinet versus owning firearms and not storing them in a locked cabinet in states with an index of 5 or more.

DISCUSSION

Our findings revealed a correlation between gun-related policy and safety behaviors but only when general restrictions were coupled with child-specific laws. After we controlled for family- and state-level factors associated with the overall firearm climate, we found that laws that target children's access to firearms may only be associated with firearm safety (and ownership more generally) in the presence of a more comprehensive spectrum of firearm laws. Families may be more aware of general firearm legislation than of that specifically relevant to children. Indeed, the publicity surrounding the adoption of CAP legislation in Florida may have accounted for the drop in child-related firearm incidents in this state following the adoption of these laws.⁶ Similarly, families who own firearms in states with more comprehensive firearm legislation may be more rigorous in their safety behaviors, with the requirements and processes of acquiring a firearm potentially acting as a deterrent for parents who might otherwise have had a more lax approach to safety.

Interestingly, the presence of CAP laws is associated with an increased likelihood of unsafe firearm storage in states with fewer firearm policies. This finding may reflect the selectivity of states that have fewer firearm restrictions

TABLE 1—Continued

State legislature				
Democrat controlled	42.9	45.8 ^{a,b}	34.2 ^{b,c}	28.0 ^{a,c}
Republican controlled	44.3	43.0 ^{a,b}	47.6 ^c	52.6 ^c
Both Democrat and Republican controlled	12.8	11.2 ^{a,b}	18.3 ^c	19.5 ^c
Household firearm ownership, %	33.1	31.4 ^{a,b}	38.3 ^{b,c}	40.8 ^{a,c}
Region				
Northeast	16.7	18.5 ^{a,b}	12.3 ^{b,c}	6.9 ^{a,c}
South	37.5	35.2 ^{a,b}	46.5 ^c	45.2 ^c
Midwest	21.8	21.3 ^b	21.5 ^b	27.5 ^{a,c}
West	23.9	25.0 ^{a,b}	19.7 ^c	20.3 ^c
Sample, no.	8100	6400	1150	550

^at test and χ^2 test: statistically different from firearm owners with safely stored firearm at $P < .05$.

^bt test and χ^2 test: statistically different from firearm owners with unsafely stored firearm at $P < .05$.

^ct test and χ^2 test: statistically different from non-firearm owners at $P < .05$.

but have specific CAP laws. When specific child access laws are enacted in these states, perhaps in response to an incident or specific behaviors, family-level safety practices may have been resistant to policy levers. Future research should examine this potential.

Strengths

We have expanded on the existing literature in several important ways. First, very little

information on firearm ownership and safety among families of young children is available beyond the occurrence of child mortality or morbidity (Okoro et al.¹¹ and Schuster et al.¹⁴ provide exceptions). Although the Early Childhood Longitudinal Study-Birth Cohort was not designed to specifically address issues of firearm ownership, its inclusion of firearm-related questions in tandem with the rich array of family measures provides a unique opportunity

to explore firearm safety behaviors with nationally representative data.

Second, we considered both the breadth of the existing laws and CAP laws that specifically target firearm storage. Third, we attempted to control for a variety of the state-level characteristics that may have accounted for differences in both the policies enacted and the types of firearm ownership and safety behaviors practiced.

Limitations

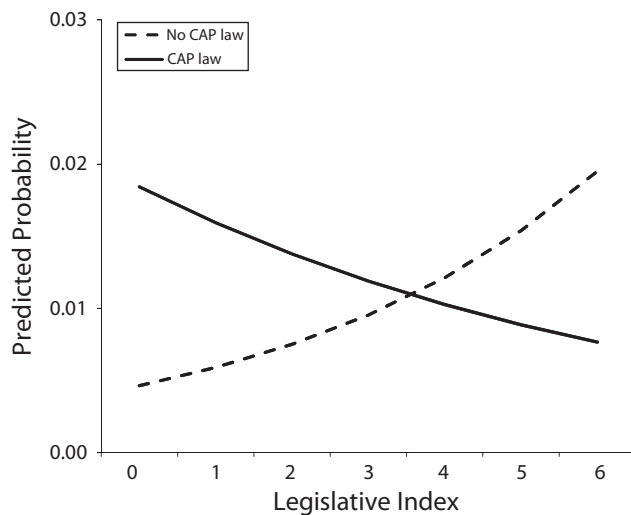
Despite these advantages, this study also has several limitations. For example, the data were correlational; thus, causal inference is not possible. Future research exploring changes in firearm ownership and storage practices before and after implementation of state-level laws may clarify how these laws influence family-level behavior. In addition, the survey questions used to address firearm behavior were brief: parents were asked whether they kept their firearms in locked cabinets but not about the purpose of their firearms or the types of firearms that they owned.²⁸ Questions on firearm ownership and storage may also lend themselves to social desirability bias, although the sensitivity analyses that we conducted

TABLE 2—Multinomial Logit Odds Ratios Predicting Firearm Ownership and Safety Practices: Early Childhood Longitudinal Study-Birth Cohort (n = 8100), United States, 2005

State Firearm Laws	Do Not Own Firearms, AOR (95% CI)		Store Firearms in Locked Cabinet, AOR (95% CI)
	Store Firearms in Locked Cabinet	Do Not Store Firearms in Locked Cabinet	Do Not Store Firearms in Locked Cabinet
Model 1, no controls			
Legislative strength index (0–6)	0.86*** (0.82, 0.91)	0.80*** (0.74, 0.87)	0.93 (0.85, 1.02)
Child access prevention law	0.44*** (0.36, 0.54)	0.49*** (0.37, 0.65)	1.12 (0.81, 1.54)
Pseudo R^2	0.037	0.037	0.037
Model 2, with controls			
Legislative strength index (0–6)	0.99 (0.88, 1.13)	1.09 (0.90, 1.31)	1.09 (0.89, 1.33)
Child access prevention law	0.59** (0.44, 0.83)	1.39 (0.92, 2.09)	2.31*** (1.45, 3.69)
Pseudo R^2	0.176	0.176	0.176
Model 3, with controls			
Legislative strength index (0–6)	1.04 (0.90, 1.21)	1.27* (1.03, 1.57)	1.22 (0.98, 1.53)
Child access prevention law	0.78 (0.43, 1.42)	4.03** (1.82, 8.89)	5.14*** (2.15, 12.26)
Legislative strength index \times child access prevention law	0.92 (0.76, 1.09)	0.68** (0.53, 0.87)	0.74* (0.56, 0.98)
Pseudo R^2	0.177	0.177	0.177

Note. AOR = adjusted odds ratio; CI = confidence interval. Controls included family-level variables (mother or father has or had a substance abuse problem, mother or father ever been arrested, maternal age at child's birth, maternal race/ethnicity, family structure, maternal education, household income, maternal depression, number of siblings in the household, child's externalizing behavior, child ever witnessed or been a victim of violence, child's gender, and urbanicity), and state-level variables (proportion of population who live in rural areas, poverty rate, unemployment rate, violent crime rate, property crime rate, percentage who voted for Bush in 2004 presidential election, party-controlled state legislature, household firearm ownership rate, and region).

* $P < .05$; ** $P < .01$; *** $P < .001$.



Note. CAP = child access prevention.

FIGURE 2—Probability of having an unlocked firearm in the home vs no firearm: Early Childhood Longitudinal Study-Birth Cohort, United States, 2005.

testing for possible misclassification of firearm storage behaviors indicated that a substantial proportion (approximately 20%) of parents who stated that they stored their firearms in a locked cabinet would need to have been misclassified to nullify our findings (results available upon request). Finally, the measure used to assess firearm policy has not been previously validated, although in light of scarce research on this topic, this measurement allowed an informative preliminary exploration. Although our findings were robust enough for different legislative index constructs, future research should examine specific firearm policies and the degree to which laws are enforced and lawbreakers penalized more closely.

Another limitation is that we conducted this cross-sectional study using data collected in 2005. Although few major federal legislative changes have occurred during this time, substantial CAP legislation has passed at the state level. In 2005, 18 states had CAP laws. Today, 27 states have CAP laws. Colorado, Georgia, Indiana, Kentucky, Mississippi, Missouri, Oklahoma, Tennessee, and Utah all passed CAP laws in recent years.²⁹ All these states received overall firearm legislative grades of F, except for Colorado (C grade) and Indiana (D–), in the latest Law Center to Prevent Gun Violence state legislative scorecards.³⁰ As the number of states with CAP laws but overall weaker

legislative firearm contexts becomes less selective, the counterintuitive relationship between CAP laws and unsafe storage practices among families living in these states may weaken.

Conclusions

Recent events involving child firearm-related fatalities have highlighted the importance of firearm safety, and public opinion generally supports additional federal government firearm regulation. We found that firearm safety behaviors among families with preschool-aged children were associated with state firearm policies but only in the expected direction when states had a more comprehensive array of firearm restrictions accompanied by laws that specifically targeted children's access to firearms. Although CAP laws garner more public support than do many general firearm safety laws (and are more explicitly tied to safety than is ownership per se),^{3,31} CAP laws alone may not provide a panacea for addressing firearm storage among families with young children. ■

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Contributors

K. C. Prickett and A. Martin-Storey conceptualized and designed the study and drafted the article. K. C. Prickett designed and conducted the analyses. A. Martin-Storey aided in the design of the analyses. R. Crosnoe aided in the conceptualization and presentation of the study, contributed to writing the article, and critically reviewed the study. All authors approved the final article.

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Human Participant Protection

The University of Texas's Office of Research Support found that no protocol approval was necessary because the study relied on secondary data containing no personal identifiers.

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