

A Safer Delaware:

The Case for a Permit-to-Purchase Policy for Reducing Firearm Violence

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Introduction

Recently, in guest lecturing at the University of Delaware, a group of students were asked how far apart they should stand from someone to avoid contracting COVID-19. “SIX FEET!” Every student knew the answer, instantly. It’s an excellent example of public health messaging - everyone knew the answer, they knew it was the right answer, and they were able to recall the answer quickly.

By contrast, a landmark survey in 2023 by the Kaiser Family Foundation estimates that only 49% of Americans know that gun violence has recently become the leading cause of death for those under 20, even though 84% have “taken at least one precaution to protect themselves or their families from the possibility of gun violence.”¹ Despite being a small state of just over one million residents, Delaware is not exempt from the crisis of gun violence. We are a state of neighbors, a state where everyone knows everyone, or seems to.

So why is our lingering national reputation that of “Murdertown, USA”?^{2,3} Why are our rates of gun violence higher than those of so many states perceived to be far more dangerous?

According to 2021 data from the Centers for Disease Control (CDC), Delaware ranked 28th for gun safety, far behind our safest neighbor New Jersey (3rd) and still significantly behind other neighbors Pennsylvania (20th) and Maryland (22nd).⁴ What lessons can we learn from our safest neighbors to help us build a safer Delaware?

First, let’s look at what is driving Delaware’s dismal gun-related fatalities: disproportionately high rates of community violence. Figures 1 and 2 are a visualization derived from CDC epidemiologic data.⁵

Figure 1. Firearm Homicides per 100,000 by State from 1979-2020 in Delaware

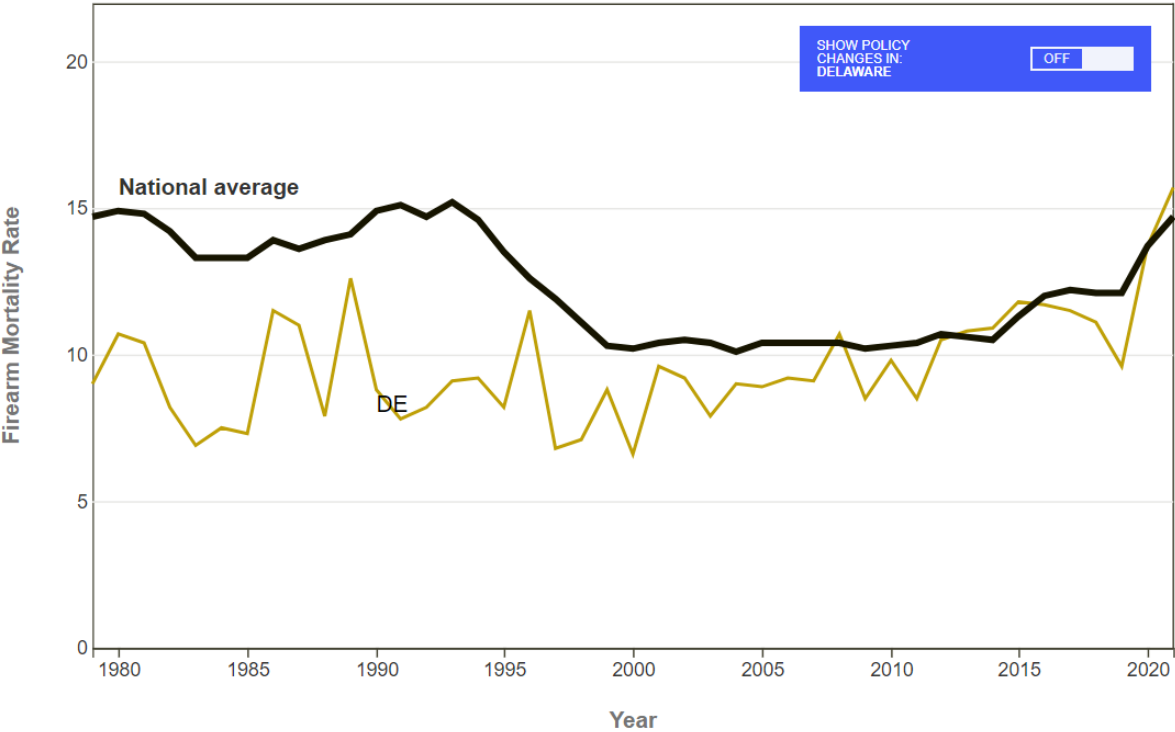
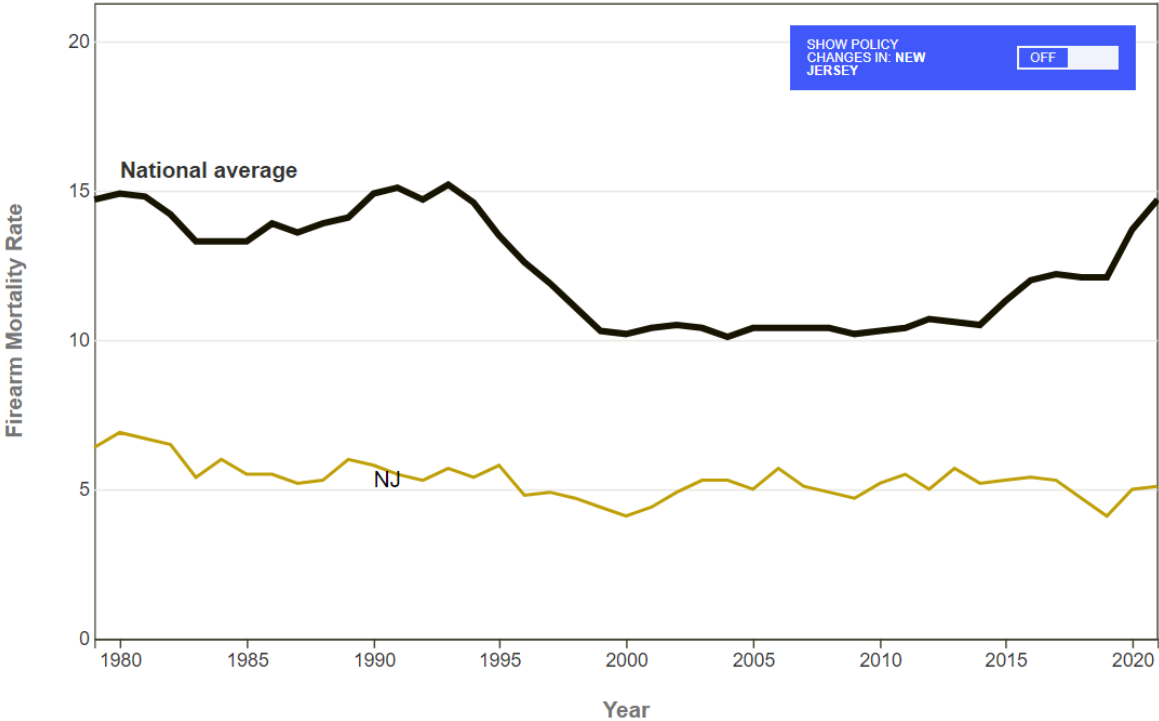


Figure 2. Firearm Homicides per 100,000 by State from 1979-2020 in New Jersey



Why? Nearby Pennsylvania and New Jersey have far lower rates of community violence, even with more densely populated cities experiencing similar root causes, including educational

outcomes, poverty, insecure housing.⁴ So, if our root causes are similar, why are the outcomes so vastly different?

Delaware Attorney General Kathy Jennings has said, “Straw purchasing is a major means of firearms getting into the hands of violent people who intend to kill others, who intend to rob others and who intend to commit firearm crimes, drug trafficking, et cetera.”⁶ Firearms trace data from 2022 in the state of Delaware from the Bureau of Alcohol, Tobacco, and Firearms (ATF) shows where guns that were found to be used in crime came from (Figure 3).⁷

Figure 3. Firearms Trace Data, 2022

Top 15 Source States for Firearms with a Delaware Recovery

JANUARY 1, 2022 – DECEMBER 31, 2022

Delaware	943
Pennsylvania	132
Georgia	46
Virginia	43
South Carolina	28
Maryland	26
Florida	22
North Carolina	22
New Jersey	14
Ohio	13
West Virginia	11
Tennessee	9
Texas	6
Alabama	5
Colorado	4

NOTE: An additional 23 states and Puerto Rico accounted for 45 other traces. The source state was identified in 1,369 total traces.

Recently released ATF data from 2023 continues to show “the majority of guns used to commit crimes in Delaware were bought in Delaware.”⁸

Are Delaware federally licensed firearm dealers (FFLs) particularly nefarious? No. FFLs are following the law and guidelines, but their goal is to sell firearms,⁹ and recent research points to this disproportionately affecting communities with concentrated disadvantage.^{10,11} Delaware has served as a linchpin for easy access to guns along the I-95 corridor - the iron pipeline - for years.¹² And in order to change it, a strong policy shift is needed.

Categories of Firearm Laws

There are a few distinct categories of laws currently regulating firearms. First, *regulations on the kinds of weapons* that can be sold to civilians. In Delaware, we have banned the sale and transfer of assault-style weapons, large capacity magazines, auto-sears, bump stocks, and ghost gun kits. These policies are designed to limit the firepower of any one person – but these laws do nothing to regulate *who* can own weapons.¹³⁻¹⁶

That takes another category: *regulating who can purchase firearms*. In Delaware, we have universal background checks and we do not sell firearms to those under 21 or those prohibited from ownership due to specific mental health concerns or criminal histories.¹⁷⁻²¹

Third, Delaware has specific parameters of *where and how firearms can exist in society*. Delaware prohibits firearms at polling locations, in schools and on school grounds, in courthouses and requires a Concealed Carry of a Deadly Weapon permit to carry firearms concealed anywhere in the State. Delaware also requires “secure storage” of firearms when children or persons prohibited are present.²²⁻²⁵

A Permit-to-Purchase Policy

The most recent significant legislative proposal to reduce gun violence in Delaware is a permit to purchase policy. Implementing permit to purchase or firearm purchaser licensing requirements adds an additional layer of scrutiny to firearm transactions, ensuring that only individuals who pass a thorough background check and meet specific criteria are permitted to buy firearms. This process typically involves a comprehensive background check, completion of a firearm safety course, and obtaining a permit from law enforcement or a designated authority before purchasing a gun. Permit to purchase laws have shown effectiveness in reducing firearm-related homicides and suicides by preventing individuals with a history of violence or mental illness from obtaining firearms legally.²⁶⁻²⁸ Permit to purchase requirements act as a proactive measure to identify and prevent high-risk individuals from accessing firearms. By establishing stringent criteria and mandatory safety training, these laws promote responsible gun ownership while safeguarding public safety. Furthermore, permit systems enable authorities to track firearm transactions, aiding law enforcement in investigations and reducing the illegal trafficking of firearms.

Just this year, Delaware’s General Assembly passed a permit to purchase bill, but with an 18-month stand-up period, Delaware won’t see gun violence reductions as a benefit for several years.²⁹ In fact, while Delaware has passed a number of policies in the past 4 years with respect to gun violence prevention, the expected benefits of those policies won’t be experienced overnight for any of them

Recommendations for the Work Ahead

As we work towards a safer Delaware, is our hope that together, these policies – when implemented properly – weave together a tight safety net that has the potential to truly deliver that promise our neighbors, friends, children deserve. Of course, with the need for safer communities imminent it is our duty to continue to evaluate the impact of the policies passed to ensure successful implementation. To ensure comprehensive analysis, the state agencies responsible for the policy implementation should continue to work with community organizations and hospital violence intervention programs to:

1. Engage in critically needed research that illuminates how policies can influence the intersections between access to firearms and the misuse of them;
2. Study how those data collected may support the combination of policies has impact on lowering suicide and homicide rates;
3. Use data to identify evidence based ways to mitigate “upstream” factors in community and gun violence prevention.

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