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Key Components of Federal Gun Control Laws in the United States and Five Other High Income Democratic Countries: Australia, Canada, Great Britain, Japan, and New Zealand

Including an introduction concerning the distinction between "permissive" and "restrictive" guiding policies; an explanation of the difference between automatic, semi-automatic, manual (or "traditional") firearms and the ambiguity of the term, "assault weapons;" and a graph comparing rates of private gun ownership, overall rates of gun related deaths, and rates of gun homicides in the above named countries

"Permissive" versus "Restrictive" Guiding Policies for Allowing Civilian Gun Ownership

The following summary of the distinction between "permissive" and "restrictive" guiding policies for allowing civilian gun ownership is adapted from Chapter 12, "Strategies of Firearms Control," in the 1969 report, *Firearms & Violence in American Life: A staff report submitted to the National Commission on the Causes and Prevention of Violence:*¹

Licensing laws that allow all but the prohibited categories of persons to acquire guns can be called permissive, since most people above a designated age are able to meet licensing requirements. Before an applicant can be denied a license or a firearm owner's identification card, the administering agency must show that the applicant is a member of one of the prohibited groups.

Another approach to firearms control is restrictive licensing. Under such a system a person seeking to buy a firearm typically must provide the licensing authority with evidence of good character and have a valid reason why he or she needs the firearm. In restrictive licensing, the presumption used in permissive systems is reversed: the applicant must give a sufficient reason for allowing him or her to have a gun rather than the licensing authority being required to show a reason for denying the request. Instead of saying "all but..." members of the prohibited classes may possess firearms, the restrictive system provides that "nobody but..." those who are specifically approved may possess the firearms covered by the system.

The Distinction Between Automatic, Semi-automatic, Manual (or "Traditional") Firearms; and the ambiguity of the term, "Assault Weapons"

In the case of both automatic and semi-automatic firearms, after each shot is fired, the spent cartridge is automatically ejected and a new bullet is fed into the firing chamber. In an automatic firearm, with one pull of the trigger, as long as the trigger remains depressed, the gun continues to fire as rapidly as new rounds can be fed into the firing chamber, in most cases from a magazine that may either be a fixed component of the firearm or a magazine that is readily exchangeable. In a semi-automatic firearm, one round is fired each time the shooter pulls the trigger.

Many military weapons, like the M-16, can be quickly switched from automatic to semiautomatic mode by flipping a small lever on the side of weapon. In fully automatic mode, assuming an unlimited supply of bullets in the device that feeds rounds into the firing chamber, the weapon can fire 700-800 rounds per minute. Practically speaking, however, magazines usually have a 20-30 round capacity, and the rate of fire is limited mainly by how quickly the operator can replace spent magazines with new ones and how many magazines the shooter has available.

In semi-automatic mode, an M-16 can be used to fire at a rate of 45-60 rounds per minute assuming an unlimited supply of bullets in the magazine or other feeding device. Manual rifles and shotguns (referred to as "traditional" firearms in the discussion below) require the operator to manually eject the spent cartridge from the firing chamber after each shot, usually by means of a cocking device such as a bolt or lever on a rifle, or by a sliding device on a pump action shotgun or a hinge between the stock and barrel of a "break-action" shotgun.

Most handguns sold today are semi-automatic, with detachable magazines that fit into the handle of the gun. Such handguns are also commonly known as "pistols." Handguns with revolving cylinders that usually hold a total of six bullets are known as revolvers and are not classified as semi-automatic. In a "single-action" revolver, the shooter must first manually cock the hammer before pulling the trigger. Cocking the hammer also rotates the cylinder. In a "double-action" revolver, pulling the trigger requires more force and takes more time, but it rotates the cylinder and brings the hammer back before the final travel of the trigger releases the hammer and the round is fired. In both single action and double action revolvers, the spent cartridges in the revolving cylinder must be manually extracted and replaced with fresh ammunition.

There is no uniform definition of an "assault weapon" or "assault rifle." The popular AR-15 style semi-automatic rifles sold to civilians in the United States are commonly referred to as "assault weapons" and have been subjected to partial bans in some states. Modifications of the AR-15 that evade the definition of an "assault weapon" but that are just as deadly have been developed by the gun industry, however, and any automatic or semi-automatic firearm that accepts a readily detachable magazine can be used to kill and maim large numbers of people in a short period of time.

Key Components of Federal Gun Control Laws in Australia²

Guiding policy: The guiding policy for civilian gun ownership in Australia is restrictive. A right to private gun ownership is not guaranteed by law.

Minimum Age: The minimum age for firearm possession in Australia is 18 years, with limited exceptions for youth age 11 and older who are under the direct supervision of a licensed adult.

Licensing and Background Checks: A license is required for firearm acquisition and possession. The licensing process requires applicants to pass a test demonstrating knowledge of gun safety and firearm laws. Applicants for firearm licenses must document a legitimate reason for firearm ownership, such as participation in hunting or target shootings. Self defense is not considered to be a legitimate reason. Background checks are required for all firearm licenses, and include reviews of histories of criminal convictions, mental illness or substance abuse, and domestic violence. In some cases, third party references are required. Licenses must be renewed at least every five years and in the case of certain restricted firearms, as often as every year.

Firearm Registration: All firearms must be registered with the government. **Banned and/or Restricted Classes of Firearms:** Civilian ownership of all automatic firearms is banned, with no grandfather clause. As a result of the National Firearm Agreement which was adopted shortly after the 1996 Port Arthur massacre, civilian ownership of all semi-automatic rifles and pump action shotguns is also banned, with narrow exceptions. High caliber and short barreled handguns are also banned. It is illegal to carry a gun in public places in Australia, concealed or otherwise.

Rates of Private Gun Ownership, Total Gun-related Deaths, and Gun-related Homicides: According to the most recent data available on GunPolicy.org, the rate of private gun ownership in Australia as of 2020 was 14.83 guns per 100 people. In 2019, the overall rate of gun-related deaths was 0.90 per 100,000 population per year, and in 2020, the rate of gun-related homicides was 0.13 per 100,000 population per year.

Key Components of National Gun Control Laws in Canada³

Guiding policy: The guiding policy for civilian gun ownership in Canada is restrictive. A right to private gun ownership is not guaranteed by law.

Minimum Age: The minimum age for firearm ownership in Canada is 18 years, with limited exceptions for youth age 12-18 who are participating in supervised shooting sports or who hunt to sustain themselves or their families.

Licensing and Background Checks: A license is required for legally acquiring a firearm. Applicants for a gun owner's license in Canada are not required to establish a legitimate reason for possessing a firearm. Thorough background checks that cover an applicant's entire lifetime, including a search for any history of domestic violence and making online threats, are included as part of the licensing process. Third party character references are also required as a component of background checks, and authorities are required to interview or advise spouses, domestic partners, or next of kin before issuing a gun license. Demonstration of an understanding of firearm safety and gun laws is required as

part of the licensing procedure. Licenses must be renewed every five years. A special permit is required for concealed carry of a firearm, and such permits are rarely granted.

Firearm Registration: Gun registration is required only for restricted types of firearms.

Banned and/or Restricted Classes of Firearms: Possession of more than 2,000 models of assault-style firearms, but not all automatic and semi-automatic firearms, were banned in 2020, with a temporary grandfather clause allowing individuals who already owned the newly banned weapons until October of 2025 to surrender them to the government in return for monetary compensation.

A temporary freeze on the purchase, sale, or transfer of handguns was announced by Canadian Prime Minister Justin Trudeau in October of 2022. That freeze became permanent on December 15, 2023 with Royal Assent to the passage of Bill C-21. The bill includes a grandfather clause, though, that allows individuals who already owned handguns as of October 2022 to keep them.

Rates of Private Gun Ownership, Total Gun-related Deaths, and Gun-related Homicides: According to the most recent data available on GunPolicy.org, the rate of private gun ownership in Canada as of 2017 was 34.6 guns per 100 people. In 2018, the overall rate of gun-related deaths was 1.94 per 100,000 population per year, and the rate of gun-related homicides was 0.67 per 100,000 population per year. According to the World Population Review website, during the period from January 2009 until May of 2018, there were two school shootings in Canada compared with 288 school shootings in the United States and none in Australia, Japan, Great Britain, and New Zealand during this same time period.

Key Components of National Gun Control Laws in Great Britain⁴

(Note: The terms "Great Britain" or "Britain" are used to refer to the countries, England, Scotland, and Wales. The United Kingdom (UK) also includes Northern Ireland. England, Scotland, and Wales all have virtually the same firearm laws, but firearm laws in Northern Ireland are somewhat less stringent than those in the other three countries in the UK.)

Guiding policy: The guiding policy for civilian gun ownership in Great Britain is restrictive. A right to private gun ownership is not guaranteed by law.

Minimum Age: With limited exceptions, the minimum age to possess a firearm in Great Britain is 18 years.

Licensing and Background Checks: A firearm certificate is required for each firearm a person seeks to acquire. The process for obtaining a certificate includes a background check for any history of criminal activity, including domestic violence, and for any history of mental illness or substance abuse. The process also requires an in person interview with a law enforcement officer, an inspection of the applicant's premises to ensure that safe firearm storage requirements are met, and two character references from individuals who have known the applicant for at least two years. Certificates may be denied or revoked if authorities perceive a likelihood of family violence. Applicants must also pass either a written or practical firearm safety test demonstrating that they have knowledge of firearm safety and firearm laws. Licenses must be renewed every five years.

Firearm Registration: All privately owned firearms must be registered with the government.

Banned and/or Restricted Classes of Firearms: Civilian possession of all handguns and of all automatic and semi-automatic rifles is prohibited. Civilian possession of semiautomatic or pump action shotguns that can hold more than two cartridges is also prohibited. Applicants for a license to acquire traditional rifles and shotguns must show evidence that they need a firearm to perform their regular work or that they are regular participants in the sports of hunting or target shooting. Self defense is not considered to be a legitimate reason for civilian firearm ownership.

Rates of Private Gun Ownership, Total Gun-related Deaths, and Gun-related Homicides: According to the most recent data available on GunPolicy.org, the rate of private gun ownership in the United Kingdom as of 2017 was 4.96 guns per 100 people. In 2016, the overall rate of gun-related deaths was 0.17 per 100,000 population per year, and in 2015, the rate of gun-related homicides was 0.02 per 100,000 population per year. (GunPolicy.org doesn't include separate data for Great Britain alone.)

Key Components of Federal Gun Control Laws in Japan⁵

Guiding policy: The guiding policy for civilian gun ownership in Japan is restrictive. A right to private gun ownership is not guaranteed by law.

Minimum Age: The minimum age to possess a firearm in Japan is 18 years.

Licensing and Background Checks: In order to legally obtain a permitted type of firearm, the prospective gun owner must first submit an application to the Prefectural Public Safety Commission including the type of firearm desired; the purpose of the firearm; and documentation that the applicant is not mentally ill or drug or alcohol dependent, has a fixed place of residence, has not had a firearm license revoked within five years, has not been convicted of a crime punishable by incarceration with the previous five years, and does not live with anyone likely to misuse a firearm. The applicant must also submit a Certificate of Proof of Training Course Completion. Self-defense is not considered to be a valid reason for owning a gun. Applicants who seek to possess firearms for the purpose of hunting or target shooting must also submit documentation that they are either actively engaged in the sports or appropriate candidates for participating in them. In addition, persons who seek to acquire a firearm for the purpose of hunting must pass a practical skills test.

A person who is granted a license to acquire a firearm must take possession of the gun within three months or else the license becomes invalid. Licenses to own and operate firearms must be renewed every three years. Firearms may not be used by members of the general public for any purpose other than hunting or target shooting, and they must be stored locked up and unloaded at government designated storage facilities. Firearms may not be transported anywhere other than to and from the designated storage facilities and the places where their owners practice their sports.

Firearm Registration: All privately owned firearms must be registered with the government.

Banned and/or Restricted Classes of Firearms: Civilian ownership of handguns and all automatic and semi-automatic long guns is banned. No member of the general public may legally possess any kind of a firearm except for a traditional rifle or shotgun designed for hunting or target shooting.

Rates of Private Gun Ownership, Total Gun-related Deaths, and Gun-related Homicides: According to the most recent data available on GunPolicy.org, the rate of private gun ownership in Japan as of 2019 was 0.25 guns per 100 people. In 2018, the overall rate of gun-related deaths was 0.01 per 100,000 population per year, and in 2017, there was a single gun-related homicide, with a corresponding rate of gun-related homicides of less than 0.01.

Key Components of Federal Gun Control Laws in New Zealand⁶

Guiding policy: The guiding policy for civilian gun ownership in New Zealand is restrictive. A right to private gun ownership is not guaranteed by law.

Minimum Age: The minimum age to possess a firearm in New Zealand is 16, with exceptions for younger youth who are under the immediate supervision of a licensed adult firearm owner.

Licensing and Background Checks: A license is required to own a firearm. The license application process includes a background check for any history of criminal activity, including domestic violence, or mental illness or substance abuse. Third party references are required, and authorities are required to conduct interviews with and/or notify spouses, domestic partners, or next of kin before issuing a license. Licenses may be denied or revoked if authorities perceive a likelihood of family violence. Applicants must pass either a written or practical firearm safety test demonstrating that they have knowledge of firearm safety and firearm laws. Documentation of means of safely storing firearms is also required, and police may inspect a person's residence to ensure that firearms are stored safely. Licenses must be renewed every 10 years for individuals who already have a license and renew it before their old license expires. New licenses must be renewed every five years. Applicants for a firearm license must show good reason for owning a gun, usually documented regular activity as a hunter or target shooter. Self defense is explicitly excluded as a legitimate reason for owning a firearm. No special license is required for carrying loaded firearms in a concealed manner.

Firearm Registration: All privately owned firearms must be registered with the government.

Banned and/or Restricted Classes of Firearms: Civilian ownership of fully automatic firearms is banned in New Zealand. Civilian ownership of large caliber and short barreled handguns is also banned. Following the mass shootings at two Christchurch mosques in March of 2019, the New Zealand government moved quickly to also ban civilian ownership of all semi-automatic rifles and shotguns, with rare exceptions, and with no grandfather clause. Individuals who already owned the newly banned weapons were required to surrender them to law enforcement in return for monetary compensation by December of 2019.

Rates of Private Gun Ownership, Total Gun-related Deaths, and Gun-related Homicides: According to the most recent data available on GunPolicy.org, the rate of private gun ownership in New Zealand as of 2017 was 26.3 guns per 100 people. In 2015, the overall rate of gun-related deaths was 1.24 per 100,000 population per year, and in 2018, the rate of gun-related homicides was 0.26 per 100,000 population per year.

Key Components of Federal Gun Control Laws in the United States⁷

Guiding policy: The guiding policy for civilian gun ownership in the United States is permissive.

Minimum Age: The minimum age to purchase a rifle or shotgun in the United States from a federally licensed firearm dealer (FFL) is 18. The minimum age to purchase a handgun from an FFL is 21, but persons age 18 or older may legally acquire handguns from private parties in the same state. There are no federal laws preventing unlicensed persons from selling, delivering, or otherwise transferring shotguns or rifles to a person of any age.

Licensing and Background Checks: No license is required to own a firearm, and prospective gun buyers aren't required to provide any reason for owning a firearm. A limited background check is required for purchase of a firearm from an FFL, but not from a private party. Federal background checks are done by computer in most cases in a matter of a few minutes to see if the person seeking to purchase a firearm is listed on a federal database of prohibited persons. Criteria for a person being prohibited from owning a firearm are limited to:

- Having been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;
- Being is a fugitive from justice;
- Being an unlawful user of or addicted to any controlled substance
- Having been adjudicated as a mental defective or has been committed to any mental institution;
- Being an illegal alien;
- Having been discharged from the Armed Forces under dishonorable conditions;
- Having renounced his or her United States citizenship;
- Being subject to a court order restraining the person from harassing, stalking, or threatening an intimate partner or child of the intimate partner; or
- Having been convicted of a misdemeanor crime of domestic violence.

If the computer search doesn't show any evidence that the prospective gun buyer might meet any of these criteria, the person is allowed to purchase the gun immediately. If the computerized background check raises questions as to whether the person might be prohibited from acquiring a firearm, the FBI has 3 days to do further investigation, unless the prospective gun buyer is between the ages of 18-21, in which case the FBI has 10 days. If that investigation doesn't definitely confirm that the prospective gun buyer is prohibited, the person is able to buy the gun.

The term, "mental defective," is not defined in federal law. Most persons with a history of mental illness are reported to the federal database only if they've been involuntarily committed to a psychiatric hospital. There have been numerous cases in which mass shootings were committed by individuals who met criteria for being prohibited for acquiring

firearms but who hadn't been reported to the federal database. There is ongoing litigation seeking to remove some of the above criteria, including the prohibition on persons subject to a domestic violence restraining order and the prohibition on persons with a history of a felony conviction.

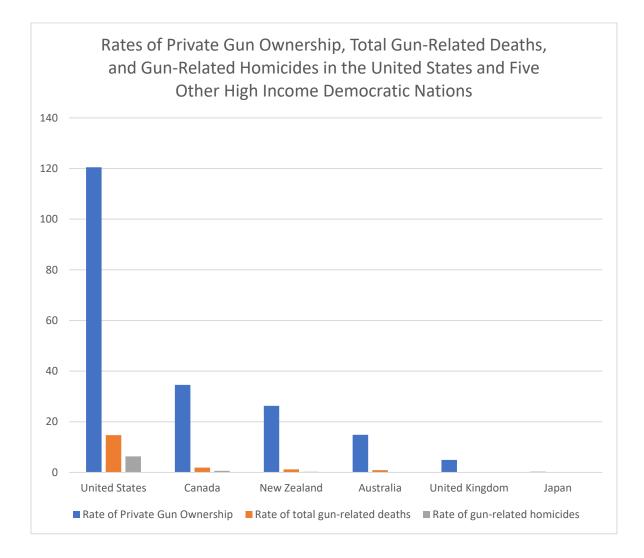
Third party references are not required as part of the background checks, in person interviews are not conducted, and spouses, domestic partners, and next of kin are not notified of the prospective gun buyer's intent to acquire a firearm. No written or practical test is required to demonstrate that the prospective gun buyer has any knowledge or skills in safely handling a firearm. There is no safe storage requirement. There is no federal mechanism for identifying persons who subsequently fall into a prohibited category after acquiring a firearm or for removing guns from them; and there is no federal mechanism for removing firearms from persons who are deemed by friends, family, colleagues, or other contacts as being at extreme risk of harming themselves or others with a gun.

Banned and/or Restricted Classes of Firearms: Civilian ownership of fully automatic firearms ("machine guns") is strictly regulated as a result of the National Firearms Act of 1934 and the Gun Control Act of 1968, but civilian ownership of these kinds of guns is not completely banned. There are currently no significant federal restriction on civilian ownership of semi-automatic firearms, including semi-automatic handguns. The federal "assault weapons ban" that was in effect from 1994 until it was allowed to sunset in 2004 banned the new sales of a small fraction of the many varieties of semi-automatic firearms on the market, but an "assault weapon" was defined in a manner that allowed gun makers to make minor modifications to the banned weapons and to continue to sell equally lethal firearms that evaded the definition of an "assault weapon." The "ban" also included a grandfather clause that allowed individuals who already owned the newly banned weapons to keep them.

Rates of Private Gun Ownership, Total Gun-related Deaths Rate Gun-related Homicides, and School Shootings: According to the most recent data available on GunPolicy.org, the rate of private gun ownership in the United States as of 2017 was 120.50 per 100 people (in other words, more than 1.2 privately owned guns per person). The most recent data on GunPolicy.org show that in 2019, the overall rate of gun-related deaths was 12.09 per 100,000 population per year, and in 2020, the rate of gun-related homicides was 5.90 per 100,000 population per year. More recent data from the U.S. Centers for Disease Control and Prevention show that as of 2021, the overall rate of gun related deaths had risen to 14.71 deaths per 100,000 population per year, and the rate of gun-related homicides had risen to 6.32 deaths per 100,000 population per year.⁸

According to a study done by CNN and posted on the World Population Review website, during the period from January 2009 until May of 2018, there were 288 school shootings in the United States, compared to two in Canada and none in Australia, Japan, Great Britain, and New Zealand during this same time period.⁹

Key Components of Gun Control Laws in USA and 5 Other Democratic Countries



Legend: Rates of private gun ownership are shown as the number of privately owned guns per 100 population. Rates of total gun-related deaths and gun-related homicides are shown as the numbers of deaths per 100,000 population per year. See text for sources of data and numeric rates. The rates in Japan in all three categories are so low that they don't appear as bars on the graph.

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