

MOTION OF THE COUNCIL OF ALLEGHENY COUNTY

Urging the Pennsylvania General Assembly to amend the Commonwealth's Uniform Firearms Act to permit home rule jurisdictions within the Commonwealth to fashion their own regulations regarding acquisition, carrying, and possession of firearms in order to protect the safety of their residents and visitors.

Whereas, the Commonwealth's Uniform Firearms Act of 1995 (codified at 18 Pa.C.S.A. §6101, *et. seq.*) governs firearm acquisition and possession throughout the Commonwealth; and

Whereas, as currently written, §6120 of the Uniform Firearms Act specifically provides that “[n]o county, municipality or township may in any manner regulate the lawful ownership, possession, transfer or transportation of firearms, ammunition or ammunition components when carried or transported for purposes not prohibited by the laws of this Commonwealth,” and further forbids any and all local governments within the Commonwealth from initiating or maintaining any form of legal action “at law or in equity against any firearms or ammunition manufacturer, trade association or dealer for damages, abatement, injunctive relief or any other relief or remedy resulting from or relating to either the lawful design or manufacture of firearms or ammunition or the lawful marketing or sale of firearms or ammunition to the public”; and

Whereas, §6120 is reinforced by the Pennsylvania Commonwealth Court on May 27, 2022, as the Court affirmed the complete inability of the City of Pittsburgh to act legislatively to restrict certain types of firearm usage within the City after the mass murder of 11 individuals at the Tree of Life synagogue in Squirrel Hill; and

Whereas, the Commonwealth Court case, *Firearm Owners Against Crime v. City of Pittsburgh*, No. 1754 C.D. 2019, invalidated a legislative act by the City of Pittsburgh that was specifically tailored and expressly intended to render the commission of additional mass murders with certain types of firearms more difficult; and

Whereas, the Court's opinion in *Firearm Owners Against Crime* was announced only three days after the mass shooting and murder of 19 grade school children and two adults at Robb Elementary School in Uvalde, TX; and

Whereas, since the Commonwealth's Uniform Firearms Act was enacted in 1995, in or at schools and/or other institutions of learning alone in the United States, the following mass murders using firearms have taken place: Isla Vista, CA (2001, 4 killed, 1 wounded); Marysville, WA (2012, 4 killed, 3 wounded); Arvada/Colorado Springs, CO (2007, 4 killed, 5 wounded); Oxford Township, MI (2021, 4 killed, 7 wounded); Springfield, OR (1998, 4 killed, 25 wounded); Santa Monica, CA (2013, 5 killed, 2 wounded); Nickel Mines, PA (2006, 5 killed, 5 wounded); Jonesboro, AR (2006, 5 killed, 10 wounded); Dekalb, IL (2008, 5 killed, 17 wounded); Isla Vista, CA (2014, 6 killed, 14 wounded); Oakland, CA (2012, 7 killed, 3

wounded); Red Lake, MN (2005, 9 killed, 5 wounded); Roseburg, OR (2015, 9 killed, 8 wounded); Santa Fe, TX, (2015, 10 killed, 13 wounded); Columbine, CO (1999, 13 killed, 24 wounded); Parkland, FL (2018, 17 killed, 17 wounded); Uvalde, TX (2022, 21 killed, 17 wounded); Newtown, CT (2012, 27 killed, 2 wounded); and Blacksburg, VA (2007, 32 killed, 17 wounded); and

Whereas, according to *Education Week*, the Robb Elementary mass murder was the 27th school shooting resulting in an injury or death in 2022 alone, compared to 34 such incidents in all of calendar year 2021 and 10 such incidents in all of calendar year 2020; and

Whereas, schools are by no means unique; other mass murders committed with firearms since 1995 include Boulder, CO (2021, 10 killed); Buffalo, NY (2022, 10 killed, 3 wounded); Geneva County, AL (2009, 10 killed, 6 wounded); Pittsburgh, PA (2018, 11 killed, 5 wounded); Virginia Beach, VA (2019, 11 killed, 4 wounded); Washington, D.C. (2013, 11 killed, 8 wounded); Thousand Oaks, CA (2018, 11 killed, 16 wounded); Aurora, CO (2012, 12 killed, 70 wounded); Binghamton, NY (2009, 12 killed, 4 wounded); San Bernardino, CA (2015, 12 killed, 24 wounded); Killeen, TX (2009, 14 killed, 32 wounded); El Paso, TX (2019, 23 killed, 23 wounded); Sutherland Springs, TX (2017, 25 killed, 22 wounded); Orlando, FL (2016, 48 killed, 58 wounded); and Paradise, NV (2017, 59 killed, 411 wounded by gunfire, with an additional 456 otherwise injured during the attack); and

Whereas, according to the nonprofit Gun Violence Archive, the Robb Elementary mass murder was the 213th episode in the U.S. **from January 1 through May 30, 2022 alone** in which four or more individuals were shot in the same incident, and in those incidents, 314 individuals were killed and 1,097 were wounded; and

Whereas, since 2014, the FBI has documented a shocking increase in active shooter events – defined as events involving “an individual actively engaged in killing or attempting to kill people in a confined and populated area; in most cases, active shooters use firearm(s) and there is no pattern or method to their selection of victims,” a term which does not include all mass or other shootings – with 20 such events taking place in the U.S. in each year from 2014 through 2016, but 40 taking place in 2020 and 61 taking place in 2021; and

Whereas, according to the Pittsburgh Tribune Review, in only the City of Pittsburgh from January 1 through May 30, 2022, 9 children have been killed by firearms, including Marquis Campbell (15, killed while sitting in a school van prior to going home in January), Teron Williams (18, killed in Knoxville on February 23), Amari Mitchell (18, killed in Homestead on February 27), Dayvon Vickers (15, killed while riding a bicycle in late March), Jaiden Brown and Matthew Steffy-Ross (both 17, killed at a party on Easter Sunday), Avante Booker (17, killed in Wilkinsburg two days after Easter), Isiah Anderson (17, killed on May 9 in Allentown), and De’Avry Thomas (18 months, killed in in downtown Pittsburgh over Memorial Day weekend); and

Whereas, according to the Centers for Disease Control, for 2020 (the most recent year for which data is available), firearms killed more children and teenagers than automobile accidents in the United States; and

Whereas, The Lancet Child & Adolescent Health notes that, while motor vehicle fatalities of youth younger than 20 have fallen 51% since 2000, firearm deaths have risen 83% since 2013; and

Whereas, according to Harvard Public Health (Drexler, *Guns and Suicide: The Hidden Toll*), suicide was the 10th-leading cause of death in the U.S. in 2010, and access to firearms played a deadly, yet often overlooked role in making it so. In that year, "...38,364 people killed themselves. In more than half of these cases, they used firearms. Indeed, more people in this country kill themselves with guns than with all other intentional means combined, including hanging, poisoning or overdose, jumping, or cutting. Though guns are not the most common method by which people attempt suicide, they are the most lethal. About 85 percent of suicide attempts with a firearm end in death. (Drug overdose, the most widely used method in suicide attempts, is fatal in less than 3 percent of cases.) Moreover, guns are an irreversible solution to what is often a passing crisis. Suicidal individuals who take pills or inhale car exhaust or use razors have time to reconsider their actions or summon help. With a firearm, once the trigger is pulled, there's no turning back."; and

Whereas, as further noted by that same article: "[w]hat makes guns the most common mode of suicide in this country? The answer: They are both lethal and accessible. About one in three American households contains a gun. The price of this easy access is high. Gun owners and their families are much more likely to kill themselves than are non-gun-owners. A 2008 study by Miller and David Hemenway, HICRC director and author of the book *Private Guns, Public Health*, found that rates of firearm suicides in states with the highest rates of gun ownership are 3.7 times higher for men and 7.9 times higher for women, compared with states with the lowest gun ownership—though the rates of non-firearm suicides are about the same. A gun in the home raises the suicide risk for everyone: gun owner, spouse and children alike."; and

Whereas, the number of individuals who die via suicide committed remains tragically high; according to the Centers for Disease Control, "[s]uicide rates increased 30% between 2000–2018, and declined in 2019 and 2020. Suicide is a leading cause of death in the United States, with 45,979 deaths in 2020. This is about one death every 11 minutes. The number of people who think about or attempt suicide is even higher. In 2020, an estimated 12.2 million American adults seriously thought about suicide, 3.2 million planned a suicide attempt, and 1.2 million attempted suicide." (citations omitted); and

Whereas, despite the rising number of deaths and injuries inflicted by individuals using firearms both nationally and locally, and despite the tragic toll that gun violence is taking on the youth of the United States and Commonwealth of Pennsylvania, Pennsylvania remains an open carry state; that is, individuals over the age of 18 may carry a firearm without any form of licensing, provided that the weapon is openly displayed while carried; and

Whereas, Pennsylvania is also a jurisdiction in which anyone who passes a background check can obtain a firearm, without any need to demonstrate proficiency with it or having ever taken so much as a basic firearm safety course; and

Whereas, Pennsylvania also lacks a “red flag law,” which would allow household members and/or law enforcement to petition the courts to temporarily take firearms away from individuals who have been demonstrated to be a danger to themselves or others, pending a competency determination; as a result, Pennsylvanians have no access to a legal mechanism for removing firearms from the possession of a potentially homicidal or suicidal individual; and

Whereas, in November 2021 the Pennsylvania General Assembly passed a bill (S.B. 565, later vetoed by Governor Wolf) that would have eliminated even the minimal requirement of a license to carry a concealed firearm in the Commonwealth;

The Council of the County of Allegheny therefore hereby moves as follows:

Allegheny County Council hereby urges the Pennsylvania General Assembly to amend the Commonwealth’s Uniform Firearms Act with all deliberative speed to permit home rule jurisdictions within the Commonwealth to fashion their own regulations regarding acquisition, carrying, and possession of firearms in order to protect the safety of their residents and visitors.

PRIMARY SPONSOR: COUNCIL MEMBER DUERR


CO-SPONSORS:

Read and approved in Council, this 7th *day of* June, 2022,

Council Agenda No. 12322-22



Patrick Catena
President of Council

Attest: 
Jared E. Barker, Chief Clerk
Allegheny County Council