



## State AG Firepower: Targeting Gun Violence in The U.S.

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### **Role of State Attorneys General**

From [suicides](#) and [homicides](#) to [violent crimes](#) and [unintentional shootings](#), gun violence takes many chilling forms and calls for multifaceted solutions. As the “[People’s Lawyer](#),” state attorneys general (AGs) have a critical role to play in protecting the public from this lethal and traumatic [public-health epidemic](#).

While some state AGs [oppose common-sense measures](#) to reduce gun violence, others are taking coordinated action and leveraging legal, advocacy, and educational strategies to tackle it from multiple angles. Their work is crucial to safeguarding the health and safety of our communities—particularly since the U.S. has one of the worst firearm mortality rates in the world.

### **U.S. Gun Violence: The Shocking Facts**

To fully appreciate the work of state AGs in combating gun violence, it helps to first consider some key facts about the nature, scope, and impact of this crisis.

- 1. The U.S.’ firearm mortality rate is [higher than 93% of all other countries](#) in the world, with some states ranking worse than conflict-ridden areas like [Haiti and Mexico](#).**
- 2. 21% of U.S. adults say that someone has used a gun to threaten them, 19% say they have [lost a family member due to gun violence](#), and 17% say they have seen someone get shot.**
- 3. Gun injuries now kill more [children and teens](#) from the ages of 1 to 17 than anything else.**
- 4. In 35 states and the District of Columbia, [gun deaths exceed motor vehicle deaths](#).**

5. In 2020, people used guns in 79% of all homicides and 53% of all suicides nationwide.
6. Suicides account for over half of gun deaths, followed by homicides, and a smaller share of shootings involving law enforcement, accidents, and undetermined cases.
7. Older white men account for most gun suicide deaths.
8. Gun suicide rates are increasing rapidly among Black and Hispanic children under the age of 18.
9. Having access to a gun at home more than triples a person's risk of dying by suicide.
10. Black, Indigenous, and Latino people are significantly more likely to be fatally shot by police and civilians than their white peers.
11. LGBT individuals are over twice as likely to suffer gun violence compared to straight and cisgender people.
12. Men commit more gun violence and experience more gun deaths than women.
13. Living with a handgun owner sharply increases the risk of being shot by a domestic partner.
14. Women in abusive relationships are 5x more likely to get killed when their abuser has access to a gun.
15. Over 70% of Americans have reported feeling stressed by mass shootings.

16. Events where four or more people, excluding the shooter, are murdered or injured make up about 1% of homicides.
17. Many mass shooters target their intimate partners and children, rather than random strangers.
18. Most teachers, teens, and K-12 parents worry that a school shooting might personally affect them.
19. Gun violence is a public health crisis that causes tragic deaths, physical injuries, and disabilities.
20. Beyond physical harm, gun violence negatively impacts mental health, inflicting lasting emotional trauma on victims and entire communities.

### **U.S. Gun Policy And Legislation**

Gun laws in the U.S. are complex and multilayered. Federal laws establish minimum national standards, but states have broad authority to enact their own gun regulations. States have taken widely divergent approaches to gun policies—some prioritizing public safety and well-being, others emphasizing individual gun rights.

As a result, gun violence outcomes can vary sharply by state. For instance, in 2021, New York’s gun death rate was nearly five times lower than Alabama’s. However, even states with strong gun laws can struggle with high gun violence rates in certain areas due to gun trafficking from states with weaker ones. This challenge underscores the need for a robust, nationwide approach to addressing gun violence.

Both federal and state gun legislation exist within the larger constitutional framework of the Second Amendment. Significantly, in 2008, the Supreme Court held for the first time that individuals have a Second Amendment right to use guns at home for self-defense.

Nearly 15 years later, in *New York State Rifle & Pistol Association v. Bruen*, the Court ruled that this right extends to public places and adopted a new historical test for determining whether a state law violates the Second Amendment. Although the Court still upheld the principle that the right to “carry arms” has limits, *Bruen* created another legal pathway for challenging both new and long-standing gun regulations.

As state AGs navigate this complex legal landscape, they often pursue strategies that align with their own positions on gun policy. Some state AGs are working to save lives by forming

multistate coalitions to tackle gun violence and by strengthening, defending, and enforcing gun laws. In contrast, others use their legal authority to challenge gun policies aimed at reducing gun violence.

## **8 Key Ways State AGs Address Gun Violence**

Gun violence experts have proposed an array of strategic policies to make communities across the U.S. healthier and safer. Here are eight key ways state AGs are working to either support or oppose them:

### **1. Red-Flag Laws**

An important tool to deter suicides, intimate partner violence, and mass shootings, [red-flag laws](#), also known as [extreme risk laws](#), have received [bipartisan support](#). They empower essential community members, such as law enforcement officers, immediate family members, or doctors, to petition a court to intervene when a person displays clear warning signs of posing a serious risk of harming themselves or others with a gun. If the court finds the evidence persuasive, it can immediately issue an emergency order preventing the person in crisis from purchasing new guns or possessing previously owned ones. This order only lasts until a [full hearing](#) takes place, usually within one to three weeks.

Some state AGs have supported red-flag laws by:

- Defending their [constitutionality](#) in federal court.
- [Testifying](#) before state legislatures about the need for these laws and providing [specific recommendations for strengthening](#) existing statutes.
- Meeting with city officials to celebrate the [successful implementation](#) of these laws.
- Offering [statewide training](#) to teach officers how and when to use red-flag laws.
- Persuading the court to [deny petitions](#) in rare cases of misuse.
- Issuing [public safety alerts](#) urging concerned residents to use these laws.
- Hosting [public discussions](#) explaining the importance of red-flag laws to residents.

Although red-flag laws [only work](#) when relevant actors know how to use them, [some state AGs](#) have [opposed](#) federal efforts to provide [training and assistance](#) to those responsible for implementing them at the state and local level. These opposing state AGs claim that red-flag laws are [ineffective](#) and raise due process concerns, overlooking studies showing the laws are

associated with [reduced suicide rates](#) and have been used to prevent threatened mass shootings. Besides, [legal experts](#) note the U.S. Supreme Court has long held there are special circumstances where a legitimate governmental interest justifies postponing a hearing—such as in cases when delaying action can result in tragic outcomes.

## 2. Gun Safety

Following gun safety practices when handling, using, [storing](#), and transporting guns can help prevent accidental shootings and gun suicides. For example, one [study](#) found that children face a significantly reduced risk of both unintentional and self-inflicted gun injury in households where guns and ammunition are stored locked.

Securely storing guns can also hinder criminals from stealing them. Guns taken primarily from the homes and vehicles of private citizens are the source of [nearly all gun thefts](#). And research has shown that teenagers who commit school shootings [often steal guns](#) from family members.

Yet, [over half of gun owners](#) fail to use a lock to securely store all their guns. A lack of formal gun safety training may be one reason so many gun owners leave their guns unsecured at home. Only 61% of gun owners [reported](#) receiving such training in a 2015 survey.

Some state AGs have taken meaningful action to promote gun safety by:

- Successfully [challenging local ordinances](#) that [prohibit police](#) from enforcing gun safety laws, including safe storage requirements.
- Issuing consumer alerts [highlighting increases in accidental shootings](#) and providing [basic gun safety tips and links](#) to approved storage devices.
- Partnering with state medical societies to develop [educational brochures](#) that help healthcare providers discuss safe gun storage and disposal practices with patients.
- Helping local law enforcement agencies [fund gun safety classes and purchase secure storage equipment](#), including locking safes.
- Appealing court orders banning the enforcement of state gun law provisions that require new semi-automatic pistols to meet [certain safety requirements](#).

## 3. Waiting Periods

States with [waiting period laws](#) require individuals to wait a certain number of days before they can access a newly purchased gun. The purpose of these [evidence-based laws](#) is to create a “cooling off period” for gun purchasers who may [feel impulsively driven](#) to commit gun violence

toward themselves or other people. [Research](#) has shown that waiting period laws reduce gun homicides by 17% and gun suicides by 7-11%. In recent years, state AGs committed to addressing gun violence have successfully [defended](#) these critical laws from Second Amendment challenges. They continue to do so in the face of [new lawsuits](#) by gun lobby groups.

#### 4. Background Checks

Gun violence experts have long rallied for [universal background checks](#), describing them as an essential strategy for [keeping guns out of the hands](#) of domestic violence abusers, certain convicted criminals, fugitives, and other individuals who pose a higher risk of violence. Despite [widespread public support](#) for requiring background checks on all gun sales and transfers, the national background check law, the [Brady Handgun Violence Prevention Act](#), does not mandate this. Instead, it only requires [licensed dealers](#)—those engaged in the business of buying and selling firearms—to conduct background checks through the FBI.

This limited requirement leaves the door open for [dangerous individuals](#) to buy guns from private, [unlicensed sellers](#), resulting in what is commonly referred to as the “[gun show loophole](#).” However, the Biden administration issued a new rule in 2024 that seeks to narrow this critical gap in coverage by [broadening the definition](#) of licensed dealer.

While [many state AGs](#) backed the Biden administration’s move to expand background checks, others [sued](#) to obtain an [order](#) blocking enforcement of the new rule in their states. In anticipation of the Trump administration withdrawing the federal government’s defense of this rule, [supportive state AGs](#) have asked the court to allow them to join a pending lawsuit so they can defend the challenged regulation.

They have also worked to strengthen background checks by:

- Successfully defending [state background check requirements](#).
- Urging Congress to require background checks for [ammunition sales](#).
- Sponsoring state legislation that would require background checks for [assault weapon purchases](#).
- Warning law enforcement agencies about [potential liability](#) risks if they refuse to enforce expanded background check requirements in accordance with state law.

#### 5. Illegal Possession of Guns

Beyond exploiting loopholes in background check requirements or stealing guns, people prohibited from owning guns can acquire them through a “straw purchase.” These transactions involve a middleman, known as a “[straw buyer](#),” who illegally buys guns on behalf of a person who cannot legally own them. Illegally obtained guns fuel gun violence, as they are commonly [trafficked across state lines](#) and used in crimes.

Some state AGs have taken action to cut down on illegal guns by:

- Forming a [multistate coalition](#) to share information about illegal guns and jointly target gun trafficking networks.
- [Launching task forces](#) to combat straw purchases and [suing gun dealers](#) for selling guns to individuals who [clearly showed signs](#) of being straw buyers.
- [Investigating and recovering guns](#) from individuals who were not allowed to buy or own them.
- [Keeping track](#) of all state residents who are required to relinquish guns and removing those weapons.
- [Prosecuting cases](#) against individuals found to be in possession of large amounts of stolen guns and ammunition.

## 6. Concealed-Carry Permit Laws

While many individuals in the U.S. rely on gun ownership for a sense of [psychological safety](#), most Americans still [oppose](#) allowing people to carry concealed guns in public without a permit. But that hasn’t stopped lawmakers in [29 states](#) from getting rid of these requirements or deterred gun lobbyists from challenging permit laws.

In the [states](#) that require it, [securing a concealed-carry permit](#) often involves completing gun safety training, including live-fire shooting exercises, and undergoing a separate background check conducted by state officials. The [most stringent laws](#) also require character references, a list of household family members, and an interview, along with other safeguards such as [minimum age requirements](#) and restrictions on guns in [sensitive spaces](#).

Research suggests that combining permit requirements with background checks is [more effective at curbing gun violence](#) than universal background checks alone. In fact, a recent study found that [gun murders rates are 18% lower](#) in states with permit laws compared to those relying solely on background checks conducted by licensed sellers.

One simple reason why permitting offers a stronger layer of oversight is that the Brady Act allows licensed gun dealers to proceed with a sale by default if a background check is still pending after three business days—even though these delayed cases are [four times as likely to result in a denial](#). This “default proceed” provision became known as the “[Charleston loophole](#)” after a white supremacist exploited it to buy a gun and massacre nine Black churchgoers in Charleston.

Permit requirements can also strengthen gun violence prevention laws because applying for a permit generally comes with an [intrinsic waiting period](#), whereas about [90% of background checks](#) run by licensed sellers through the FBI are completed almost instantly. Besides, unlike seller-run background checks, which occur only once at the point of sale, local officials can [immediately suspend](#) a permit by [monitoring](#) new risk factors and disqualifying offenses on an ongoing basis.

Some state AGs have worked to promote and support concealed-carry permit laws by:

- Opposing proposed [concealed carry reciprocity legislation](#) that would let individuals carry guns nationwide using permits from states with [weak or minimal requirements](#).
- [Defending](#) and [supporting](#) state laws that prohibit people younger than 21 from carrying concealed handguns in public.
- Alerting the [public](#) and local police [departments](#) that the state’s concealed carry permitting scheme remains constitutional following the *Bruen* decision, and providing guidance on permit application and processing requirements.
- Providing [summarized data](#) about which areas in the state are experiencing increased concealed-carry permit applications to help researchers, officials, and members of the public better understand the impact of *Bruen*.
- [Sponsoring](#) state legislation to prohibit individuals from carrying concealed guns in schools.

## 7. Ghost Guns

Guns that evade regulatory oversight and are untraceable offer an appealing option for violent criminals, undermining measures to prevent gun violence. Until recently, companies could legally sell kits and parts online that allow anyone to quickly assemble a deadly “[ghost gun](#)” at



home—including ones made from [3D-printed parts](#)—without having to comply with federal gun regulations.

Ghost guns lack [serial numbers](#), making them [nearly impossible](#) to trace. Tracing is a key method police use to link suspects to guns recovered at crime scenes. Although ghost guns have been used to commit [homicides](#), [school shootings](#), and other [violent crimes](#), only 15 states and the District of Columbia, along with some [cities and counties](#), have banned or regulated them.

State AGs have taken conflicting positions on efforts to address the dangers of ghost guns. Some aligned with [leading law enforcement groups](#) and filed a [multistate amicus brief](#) supporting the Biden administration’s 2022 “[Frame or Receiver](#)” rule. This rule clarifies that federal gun laws apply to key components of ghost guns, requiring sellers to add serial numbers, conduct background checks, and verify buyers’ ages. Other state AGs [filed an opposing brief](#) despite their stated commitment to [public safety](#).

In [Bondi v. VanDerStok](#), the Supreme Court upheld the new ghost gun regulations, delivering a major win for gun violence prevention advocates. However, the future of these regulations remains uncertain now that the Trump administration has [started rescinding](#) some gun policies enacted during the Biden administration.

Other actions by state AGs to protect the public against the threat of ghost guns include:

- [Suing, shutting down](#), and imposing large [civil penalties](#) on companies that illegally sell ghost gun parts.
- Asking courts to [bar national distributors](#) from selling ghost gun products in their states.
- Releasing a [model report](#) documenting statewide efforts to combat the ghost gun crisis through litigation, legislation, local ordinances, and law enforcement actions.
- Requesting that state lawmakers pass a bill [banning 3D-printed guns](#) and supporting [state legislation](#) to outlaw ghost guns.
- Alerting residents of new state laws prohibiting ghost guns and [explaining the consequences](#) for violating them.
- Filing a multistate lawsuit challenging the first Trump administration’s decision to allow [3D-printed gun tutorials](#) to appear online.

## **8. Assault Rifles, Large Capacity Magazines, And Machine Gun Conversion Devices**

Not all guns are designed for self-defense, hunting, or sport. Military-style weapons—like [fully automatic machine guns](#) and [assault rifles](#)—are built for combat. Features like rapid fire and high-velocity bullets make them [far deadlier](#) and [more destructive](#) than common handguns. Assault rifles and other semi-automatic guns become even more lethal when paired with [large-capacity magazines](#) (LCMs)—attachable devices that allow shooters to fire many rounds before needing to reload.

Although [assailants](#) have used assault rifles and LCMs to kill and wound numerous victims in [high-profile mass shootings](#), these weapons and devices remain legal in some states. The federal government generally prohibits civilians from owning fully automatic machine guns, which can continuously fire hundreds or even thousands of rounds per minute with [a single pull](#) of the trigger. However, [legal](#) and [illegal](#) devices that allow semi-automatic weapons to mimic fully automatic fire have become [increasingly accessible](#), enabling shooters to inflict large-scale harm with [devastating speed](#).

Some state AGs are taking action to protect the public from the dangers of military-style guns and accessories by:

- Forming a multistate coalition to defend a federal rule that classifies [forced reset triggers](#) (a type of machine gun conversion device) as a machine gun.
- Urging the Supreme Court to uphold a [2018 regulation banning bump stocks](#), an accessory that allows semi-automatic rifles to fire at rates comparable to fully automatic weapons. The shooter in the [Las Vegas massacre](#) used bump stocks to kill 58 people and injure more than 500 others at a music festival.
- Proposing state legislation to [ban the sale of assault weapons](#) and [limit magazine capacity](#).
- [Defending](#) and [supporting](#) state bans on assault weapons and LCMs in federal court.
- Suing [leading gun manufacturers](#) for selling handguns that can easily be converted into fully automatic weapons.
- Enforcing state LCM bans against [major gun retail stores](#) and recovering [large civil penalties](#).
- Demanding that gun manufacturers [immediately stop selling](#) rifles prohibited under the state's assault weapons ban.

- Investigating and recovering assault weapons from [drug trafficking rings](#) and [individuals](#) barred from possessing guns.

As these examples illustrate, state AGs are key players in the crucial fight against gun violence—choosing to work for or against common-sense gun policies. Their efforts to address this growing public health and safety crisis can help save lives and make communities across the U.S. healthier and safer.

Combatting gun violence is just one of many ways state AGs are making a difference. Visit [www.agstudies.org](http://www.agstudies.org) to learn how state AGs are shaping reproductive rights, immigration, and other critical policy issues.

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