

# An Updated Assessment of the Federal Assault Weapons Ban: Impacts on Gun Markets and Gun Violence, 1994-2003

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# Review of Updated Assessment of the Federal Assault Weapons Ban: Impacts on Gun Markets and Gun Violence, 1994-2003

This study constitutes a robust examination of data to investigate the effectiveness of the bans on semiautomatic assault weapons and large capacity ammunition magazines through the Violent Crime Control and Law Enforcement Act of 1994, hereafter referred to as “the ban” and “the Act,” respectively. It seeks to possibly bridge some of the gaps in previous research attempts that plagued previous attempts to catalog the degree to which select weapons and firearm features specifically enumerated within the Act and covered by the ban are used in firearm-related criminal activities.

Although this report’s authors faced a constellation of obstacles known well to those who conducted previous research of similar a scope, there appears to be evidence of a tendency for carnage to be minimized when the effects of bans on assault weapons and large capacity magazines are married, as well as evidence of the possibility of further amelioration of these effects should both large capacity magazines and assault weapons – but *especially* the former – become far less available to a degree beyond that enforced by the Act.

## Relevant Terminology

**Assault Weapon:** For the purposes of the Act and of this study, not all semiautomatic weapons – those that fire a single bullet with each depression of the trigger, after which another bullet is automatically loaded and cocked for the next shot, thus allowing for a faster rate of fire – are considered to be assault weapons. The ban on assault weapons was applied to semiautomatic weapons that featured characteristics that lent themselves to or appeared useful to non-civilian uses, such as military or criminal applications. These features included, but were not limited to, folding rifle stocks, threaded barrels allowing for certain additional attachments, rifle pistol grips, telescoping stocks, and the capacity to accept magazines that held a number of bullets beyond a specified, permitted threshold. Beyond the “features test,” select weapons were subject to the ban by dint of their manufacturer, model, and caliber.

**Large Capacity Magazine:** The Act featured a broader reach for prohibited large capacity magazines than for assault weapons because a large number of non-prohibited semiautomatic weapons were capable of nevertheless accepting large capacity magazines. The ban covered any magazine, feed strip, drum, belt, or comparable device that could accept more than 10 rounds or that could be converted to do so, with the exception of tubular devices solely

capable of accepting .22 caliber rimfire. This study uses the term large capacity magazine as a stand in for all of the aforementioned banned devices.

## Assessment of the Ban's Efficacy

The Act's ban had an ostensible goal of reducing "gunshot victimizations by limiting the national stock of semiautomatic firearms with large ammunition capacities – which enable shooters to discharge many shots rapidly – and other features conducive to criminal uses," according to the study. However, an immediate *ex post facto* analysis of the Act's success or failure was rendered difficult to conduct because of its intrinsic structure: The grandfathering-in of millions of pre-ban assault weapons and large capacity magazines all but guaranteed that the true effects of the Act would be suspended for many years into the future and occur only gradually once they came to fruition.

By the late 1990s, fruitfully evaluating the fully-appreciable benefits of the Act's true scope became difficult due to the proliferation of use of large capacity magazines, in large part because of the immense number of exempted large capacity magazines. The ban permitted the continued ownership of both assault weapons and large capacity magazines manufactured prior to September 13, 1994. While there were close to 1.5 million privately-owned assault weapons in the United States at that time, the number of large capacity magazines not touched by the ban is far more staggering: As of 1995, estimates pointed to 25 million large capacity magazines unaffected by the ban, with an additional 4.7 million imported between 1995 and 2000.

Methodological limitations by research cross-referenced by this study's authors demonstrate the difficulty of conducting a sweeping and exhausting examination of assault weapon use and crime statistics. At the time of this study's publication, assault weapons covered by the ban made up at least 1% and at most 6%, on average, of firearms used during then-recent criminal activity, per national and local data. Prior to the ban going into effect, however, the rate of use in crimes of assault weapons was, at most, 8%, possibly indicating a reduction. Conversely, firearms that featured large capacity magazine – a classification that includes certain assault weapons – were used in as much as 25% of crimes involving guns in pre-ban years.

The authors note that a "decline in the use of [assault weapons] does imply fewer crimes with guns having particularly large magazines...and other military-style features that could facilitate some crimes." They go on to argue, though, that that desired deliverable is inseparable from the reality that large capacity magazines were widely-available even during the ban. Thus, although the benefits of the assault weapons ban may seem simply marginal

when viewed in isolation, the proper approach is to marry that consideration to the recognition of the effects that a wider-reaching, more effectively-enforced, and less-accepting ban on large capacity magazines could have had.

## Conclusion

This study, its related research, and its ultimate assertions are inarguably consummate products of their time, limited by the availability of then-present data and rendered exactly-precise in its scope by its focus on the Act. Yet, with its component parts taken together, this study seems to demonstrate the possibility for the Act's ban to have made a difference at the margins of recorded incidents. It should be kept in mind when reading this study that even when percentages are presented as single digits, they often reflect a panoply of occurrences and instances of acts of crime, assault, robbery, and murder, the full, larger counts of which are orders of magnitude larger than the singular data point itself.

An apt approximation of this study's utility in the context of the conversation at hand comes from the authors' belief that "by forcing [assault weapon and large capacity magazine] offenders to substitute [non-assault weapons] with small magazines, the ban might reduce the number of shots fired per gun attack, thereby reducing both victims shot per gunfire incident and gunshot victims sustaining multiple wounds." As was noted previously, an effective measure of the Act's tenets necessitates an acceptance of a certain level of irreducibility between the ban on assault weapons and the ban on large capacity magazines.

A general reduction in the number of shots fired rapidly and a maintenance of low hit rates in shooting incidence are not trivial, meaningless things. And as such, the studies available to these authors at the time of writing and their own research pointed to the finding that attacks with firearms that would have been barred by the ban, such as both assault weapons and non-assault semiautomatic weapons equipped with large capacity magazines, were marked by a greater number of shots discharged, a greater number of individuals wounded, and a greater number of per-victim wounds and injuries than other firearm attacks writ large.

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