NSSF® FAST FACTS

"AUTHORIZED USER RECOGNITION" (A.K.A. "SMART GUN") TECHNOLOGY

- **The National Shooting Sports Foundation does not oppose the development of authorized user recognition technology for firearms.**
- **The firearm industry is opposed to mandates on the use of this conceptual technology due to product liability concerns, and unintended safety consequences.**

An "authorized user recognition" firearm is a concept whereby a firearm would have some sort of technology built into it to recognize and only be capable of firing for an "authorized user." The concept has been discussed since the mid-1990s when it was conceived of as technological response to law enforcement officers being injured or killed when a criminal wrestles the officer's firearm away and uses it against the officer. This concept is sometimes colloquially called "smart guns" or "personalized guns."

A 2013 National Institute of Justice review of the technology reaffirmed that the concept has not been fully developed to the point where a safe and reliable product incorporating such a capability is available on the marketplace today.[i] This fact was again acknowledged in 2017 by the Bureau of Alcohol, Tobacco, Firearms and Explosives' Earl Griffith, chief of the Firearms and Ammunition Technology Division. According to Griffith, "Some critics out there would say we have the technology and it would work, but I'll tell you we don't think the technology is there yet."[ii] Despite considerable research, including at least $12.6 million in dedicated funding by the Justice Department and additional research by firearm manufacturers, the technology remains in the prototype stage.[iii]

Contrary to false claims from some gun control groups, the firearm industry is not opposed to the development of this technology.

Ironically, there are gun-control groups that are opposed.

What our industry is opposed to is legislation that would mandate the use of this technology, both because the technology is immature and because not all consumers need or would want this technology. Unfortunately, some states have unwisely and prematurely enacted or are considering laws mandating the use of this technology if and when it ever becomes commercially available.[iv]

PRODUCT LIABILITY CONCERNS

A firearm incorporating "authorized user only" recognition technology raises important design liability concerns for manufacturers. A "smart gun" must work as safely and as reliably as current technology. As a Justice Department-funded project, researched by Sandia National Laboratories, emphasized, "smart gun" technology must work as safely and as reliably as current technology.[v] All concepts we are aware of involve the use of batteries. What is the default mode for the product when the battery fails? Does it default to a mode where the firearm cannot function at a time when the owner needs to use the firearm to save his or her life? Does it default to a mode where it can fire, creating the potential for an irresponsible owner leaving a loaded firearm accessible to an unauthorized user, such as a child, because the owner relied upon the technology that has failed? In both of these scenarios, the manufacturer may well find itself a defendant in a product liability lawsuit.

If a manufacturer were to overcome the significant technological challenges inherent in developing a safe and equally reliable firearm incorporating "authorized user recognition" technology,[vi] would they be exposing themselves to product liability lawsuits alleging that all their other products that do not incorporate this technology are somehow "defectively designed," or that their previously manufactured products are also "defectively designed" because they did not incorporate this feature soon enough? In our overly litigious society these are not merely theoretical liability concerns for product manufacturers.

UNINTENDED CONSEQUENCES FOR FIREARM SAFETY

The advent of this technology may result in significant unintended consequences for firearm safety. The basic rules of safe firearms handling and storage state that when a firearm is not in use it should be

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placed in locked storage and made inaccessible to unauthorized users, with ammunition stored separately.[vii] We are very concerned that consumers will leave loaded firearms accessible, relying upon the technology which can fail. The use of this technology may create a false sense of security and encourage unsafe storage practices. Nothing is more dangerous than calling a firearm "childproof."

LACK OF CONSUMER DEMAND

According to a national poll on authorized user technology, Americans rate reliability as the most important factor when deciding whether to purchase a gun for self-protection or home defense. However, when asked about such technology, 74% believe it would be not be reliable for protection.[viii] For this reason alone, it is logical that over 80% of Americans would not be likely to buy a so-called smart gun and that the technology alone would not make them more likely to purchase a firearm with authorized user technology.

Due to this great concern for reliability consumers have consistently engaged with businesses that provide tried and true firearms. This is not only true for the average American gun owner but also law enforcement customers of the firearm industry. So far, no law enforcement agency has fully integrated "smart guns" into their loadout. Many in the firearms community follow in the footsteps of law enforcement. Until there is "buy-in" from law enforcement across the country there will be a lack of demand due to reliability concerns.

The same poll found nearly two-thirds of Americans believe it is more safe to store a firearm in the home unloaded and secured with a gun lock or stored in a locked gun safe or cabinet, compared to storing a firearm loaded and secured with the latest smart gun technology. Beyond questions about reliability and safety, the likely-steep cost of this technology is another demand deterrent: half of Americans would not pay a premium for the technology.

The vast majority of Americans nationwide, 70%, are also opposed to a government mandate that would require manufacturers to make all firearms with this technology, if it were commercially available and viable.

GOOD NEWS ABOUT FIREARM ACCIDENTS

While there are more firearm owners and firearms in the United States than ever before, fatal firearm accidents have fallen to near record lows since recordkeeping began in 1903, down 47 percent from 1998 to 2018, according to the National Safety Council. This is a very encouraging trend and has occurred even without the introduction to the marketplace of "authorized user recognition technology." Every firearm ever made is capable of being locked and made inaccessible to unauthorized users through such means as a gun lock, like the ones voluntarily provided by manufacturers today with every new firearm shipped from the factory. The National Shooting Sports Foundation (NSSF)'s award-winning Project ChildSafe program has distributed over 40 million free firearm safety education kits that include a gun lock and safety literature throughout the United States.

The firearm industry is not opposed to efforts to develop "authorized user recognition technology" for firearms. We support grant funding from the federal government to support further research because the technological hurdles to make an "authorized user recognition" firearm that is as safe and as reliable as current firearms technology have not been overcome. We are, however, strongly opposed to "one size fights all" legislative mandates that have been proposed and enacted in some states. Market research by manufacturers demonstrates there is very little interest or desire among consumers for a product with this feature, even were it available.[ix]

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[i] Mark Greene, "A Review of Gun Safety Technologies," U.S. Department of Justice, National Institute of Justice Research Report, June 2013.

[ii] Earl Griffith, chief of the Firearms and Ammunition Technology Division, Bureau of Alcohol, Tobacco, Firearms and Explosives, as quoted in Anderson, Brian, "Who Killed the Smart Gun?", vice.com, March 23, 2017.

[iii] Mark Greene, "A Review of Gun Safety Technologies," U.S. Department of Justice, National Institute of Justice Research Report, June 2013.

[iv] N.J. Stat. Ann. §§ 2C:39-1dd, 2C:58-2a(5)(e), 2C:58-2.2 – 2C:58-2.5, Md. Code Ann., Pub. Safety § 5-132

[v] D.R. Weiss, "Smart Gun Technology Project Final Report," Sandia National Laboratories, SAND96-1131, May 1996.

[vi] D.R. Weiss, "Smart Gun Technology Project Final Report," Sandia National Laboratories, SAND96-1131, May 1996.

John. W. Wirsbinski, "'Smart Gun' Technology Update," Sandia National Laboratories, SAND2001-3499, November 2001.

Don Sebastian, Speech during "Owner Authorized Handguns, Session 1: Technology for Owner-Authorized Handguns," Cited in Workshop Summary, National Academy of Engineering, 2003.

[vii] National Shooting Sports Foundation, "Firearm Safety -- 10 Rules of Safe Gun Handling," http://www.nssf.org/safety/basics/index.cfm?segment=true (Last accessed March 26, 2013).

[viii] Cassandra K. Crifasi, Jayne K. O'Dwyer, Emma E. McGinty, Daniel W. Webster, Colleen L. Barry, Desirability of Personalized Guns Among Current Gun Owners, American Journal of Preventive Medicine, Volume 57, Issue 2, 2019, https://doi.org/10.1016/j.amepre.2019.02.024

[ix] Mark Greene, "A Review of Gun Safety Technologies," U.S. Department of Justice, National Institute of Justice Research Report, June 2013.

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