

ANOTHER BAN ON “HIGH-CAPACITY” MAGAZINES?

THE EVIDENCE SHOWS IT WOULD NOT REDUCE CRIME RATES

Magazines for firearms in common use on America’s shooting ranges, kept at home, or lawfully carried by millions of citizens today vary in their ammunition-carrying capacity. Depending on the make and model of firearm, magazines provided by manufacturers as standard equipment for handguns and rifles often accommodate 15 to 30 rounds of ammunition.

These magazines offer recreational and competitive shooters, as well as those citizens exercising their right to carry a firearm or keep one at home for self-defense, the choice of magazine that should be theirs to make.

The average number of rounds fired in the course of a criminal shooting involving a semiautomatic pistol is between 3.2 and 3.7 rounds.ⁱ This falls well below the arbitrary 10 round limit imposed during the misleadingly named federal “Assault Weapon Ban” (AWB) of 1994-2004, and is even less than the capacity of an ordinary revolver. In fact, this average number of rounds fired is only about one shot higher than in the case of criminal misuse of revolvers.ⁱⁱ A separate study, conducted for the National Institute of Justice, found that data suggest “relatively few attacks involve more than 10 shots fired” and that studies on the number of shots fired “show that assailants fire less than four shots on average.”ⁱⁱⁱ Further, research has shown that criminal misuse with pistols is not significantly more likely to result in injuries or fatalities than in cases involving revolvers.^{iv}

While so-called “assault rifles” are rarely used in crime, those criminals using them were actually less likely to have fired the gun than

those carrying a single-shot firearm.^v

Banning magazines for firearms based on an arbitrary limit on capacity has often been proffered as a “common sense” measure to reduce crime rates, especially following deplorable and highly publicized tragedies. But a dispassionate look at the facts demonstrates that limiting magazine capacity by some arbitrary number of rounds of ammunition it can hold will not reduce the crime rate.

As part of the misleadingly named “Assault Weapons Ban” (AWB), between 1994 and 2004, the production of newly manufactured magazines for both rifles and handguns was limited to a capacity of ten cartridges.^{vi} A comprehensive study by the Centers for Disease Control (CDC) in 2003 looked at 51 studies covering the full panoply of gun-control measures, including the AWB, and was unable to show that the AWB and its magazine capacity limitation had reduced crime.^{vii}

Another study, commissioned by Congress, found that these bans were not effective in reducing crime because “the banned weapons and magazines were never used in more than a modest fraction of all gun murders.”^{viii} Since the AWB expired in 2004, the nation’s violent crime rate has continued to drop since the peak in the early 1970s. Advocates of “high-capacity” magazine bans claim that the elimination of possession or sale would reduce the rate of homicides by firearm. What they do not care to mention is that this topic has been independently studied, producing outcomes that do not support their ideology.

These independent studies have reached the conclusion “that there is inconclusive evidence for the



effect of high-capacity magazine bans on firearm homicides.” The efforts to pass magazine capacity legislation under the guise of reducing rates of firearm homicides and/or violent crime are disingenuous and deceptive.^{ix}

Instead of appropriately focusing on the actions of mentally-disturbed individuals, the focus is again being shifted to legislation affecting law-abiding citizens. Like all Americans,

- According to studies by the Centers for Disease Control (CDC) and the Urban Institute the **“Assault Weapon Ban” (AWB), which restricted magazine capacity, did not reduce crime rates.**
- Since 2004, magazines with a capacity of more than ten rounds are again common and standard with most semiautomatic rifles and pistols sold. Millions of these magazines are safely and responsibly owned and used by law-abiding Americans. **There are already roughly 304 million detachable magazines. Almost 80 million of these can accommodate more than 30 rounds.**
- **Criminals misusing pistols discharge on average fewer rounds than are held in an ordinary revolver** and only about one more shot than those misusing revolvers.

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we abhor the criminal misuse of firearms. Recent tragedies, however, were not caused by the characteristics of firearms, ammunition or magazines. Sadly, they were caused by the insane actions of the perpetrators.

Research was conducted into the actions of these criminals with respect to lethality and items used to commit violent crime in mass shootings. The authors found, based on FBI data from 2000 to 2017, that there is a higher correlation between a shooter using multiple firearms and a high casualty count, than the type of firearm used. This study reinforces the fact that magazine capacity limits would do nothing to limit a criminal since they can circumvent that limitation by bringing multiple firearms. Law abiding citizens, however, would be dramatically affected across the nation in their ability to defend themselves and exercise their Second Amendment rights.^x

Any capacity-based ban on the manufacture and sale of magazines would be utterly arbitrary. Experience

and independent studies have shown that it is not an effective means for reducing crime and keeping our communities safer. A ban would, however, limit the ability of millions of Americans who participate in the shooting sports to choose for themselves the firearm and magazine that meets their needs. It would infringe upon the Second Amendment rights of Americans by having the government limit their ability to defend themselves, their loved ones and their property.

Some have even called for the government to confiscate all lawfully owned magazines above a certain capacity. Aside from the serious constitutional questions confiscation raise, how could a magazine round-up ever be practically achieved? The answer is simple: it couldn't.

What the media and gun control proponents label "high" or "large capacity" magazines are, in fact, standard capacity magazines shipped with commonly owned firearms across the pistol and rifle spectrum.

There are already roughly 304 million detachable magazines. Almost 80 million of these can accommodate more than 30 rounds.^{xi} Magazines manufactured before the 1994 ban remained widely available while the ban was in effect. We estimate that since 2004 several million more magazines of varying sizes of capacity have been manufactured and sold to law abiding Americans and used lawfully. These magazines are standard equipment for handguns and other firearms commonly owned by tens of millions of Americans. Should law-abiding Americans be able to choose magazines for their rifles or self-defense pistols, as they feel appropriate, or have that right infringed by arbitrary capacity limitations that contribute nothing to improving public safety?

America tried this gun control experiment for ten years. We already know it does not work. Why limit our freedoms again when we know it will not make our communities safer?

i Christopher S. Koper, "Impact of Handgun Types on Gun Assault Outcomes: a Comparison of Gun Assaults involving Semiautomatic Pistols and Revolvers," *Injury Prevention*, 2003;9, p.151.

ii Christopher S. Koper, "Impact of Handgun Types on Gun Assault Outcomes: a Comparison of Gun Assaults involving Semiautomatic Pistols and Revolvers," *Injury Prevention*, 2003;9, p.152.

iii Christopher S. Koper, "An Updated Assessment of the Federal Assault Weapons Ban: Impacts on Gun Markets and Gun Violence, 1994-2003," Report to the National Institute of Justice, United States Department of Justice, June 2004. p.90.

iv Christopher S. Koper, "Impact of Handgun Types on Gun Assault Outcomes: a Comparison of Gun Assaults

involving Semiautomatic Pistols and Revolvers," *Injury Prevention*, 2003;9, p.153.

v Caroline Wolf Harlow, Department of Justice, Bureau of Justice Statistics Special Report, "Firearm Use by Offenders: Survey of Inmates in State and Federal Correctional Facilities," NCJ 189369, November 2001.p.11.

vi The Public Safety and Recreational Firearms Use Protection Act, Title XI, Subtitle A, of the Violent Crime Control and Law Enforcement Act of 1994, P.L. 103-322, 108 Stat. 1996-2010.

vii Centers for Disease Control and Prevention "First Reports Evaluating the Effectiveness of Strategies for Preventing Violence: Firearms Laws. Findings from the Task Force on Community Preventative Services",

Morbidity and Mortality Weekly Reports (MMWR); 52(RR14), October 3, 2003.

viii Christopher S. Koper, "Impact Evaluation of the Public Safety and Recreational Firearms Use Protection Act of 1994," The Urban Institute, March 13, 1997. p. 2.

ix Morral, A. R. (2020, April 22). Effects of Assault Weapon and High-Capacity Magazine Bans on Violent Crime. RAND Corporation. <https://www.rand.org/research/gun-policy/analysis/ban-assault-weapons/violent-crime.html>

x Blair JP, Sandel WL, Martaindale MH. Correlates of the Number Shot and Killed in Active Shooter Events. Homicide Studies. November 2020. doi:10.1177/1088767920976727

xi NSSF estimates

