

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF CONNECTICUT

JUNE SHEW, <i>et al</i> ,	:	
	:	
Plaintiffs,	:	Case No. 3:13-cv-00739-AVC
v.	:	
	:	
DANNEL P. MALLOY, <i>et al</i> ,	:	
	:	
Defendants.	:	January 15, 2014

**PLAINTIFFS’ MOTION FOR PERMISSION TO SUBMIT  
TWO SUPPLEMENTAL EXHIBITS**

Plaintiffs respectfully request permission to submit two supplemental exhibits in support of their motion for summary judgment and in opposition to the motion for summary judgment filed by Defendants. Specifically, Plaintiffs would like to submit into the summary judgment record the following exhibits:

1. A copy of the following article: Mark Gius, “An examination of the effects of concealed weapons laws and assault weapons bans on state-level murder rates,” *Applied Economics Letters*, Vol. 21, 265-267 (2014).
2. A copy of a research bulletin titled “Law Enforcement Officer Deaths: Preliminary 2013 Report,” published by the National Law Enforcement Officers Memorial Fund.

True and correct copies of the two exhibits sought to be submitted and considered by the Court are attached as **Exhibit A** and **Exhibit B** to this Motion, respectively. Neither of these materials became available until after Plaintiffs served their reply papers on December 10, 2013. Both of these proposed exhibits are directly relevant to the issues which this Court is being asked to determine on the cross-motions for summary judgment filed by both parties in this action.

A. The Gius Article

The first item that Plaintiffs seek to submit into the record is an article by Mark Gius which examines the effects of concealed weapons laws and assault weapons bans on state-level murder rates. Specifically, Gius's study concludes that: (1) states with restrictions on the carrying of concealed weapons had higher gun-related murder rates than other states; and (2) assault weapons bans did not significantly affect murder rates at the state level.

This article was published in the 2014 volume of *Applied Economics Letters*. The article was not readily available to Plaintiffs until after they filed their reply papers in support of their cross-motion for summary judgment and in opposition to Defendants' cross motion for summary judgment on December 10, 2013.

The article is highly relevant to the issues currently being addressed in the cross-motions for summary judgment in this matter. As part of their justification for the new law that is the subject of this case, Defendants argue that bans on what they define as so called "assault weapons" have been effective, and that the Connecticut ban will result in less lethality. See, e.g., Defendants' Memorandum in Support of Motion for Summary Judgment (D.E. #78), pp. 24-26. Gius's study directly contradicts these claims and should be considered by this Court in making its decision.

B. "Law Enforcement Officer Deaths: Preliminary 2013 Report," published by the National Law Enforcement Officers Memorial Fund

The other item sought to be submitted into the summary judgment record by Plaintiffs is a report published by the National Law Enforcement Officers Memorial Fund which concerns the number of law enforcement fatalities during 2013. The report concludes that of the 111 law enforcement officers who died in the line of duty that year, only 33 were killed by firearms. This represents the lowest total since 1887. Of these officers, 58 percent, were killed with a handgun.

As the statistics in this report extend through the end of the calendar year 2013, there is no way it could have been available to Plaintiffs at the time they filed their response papers in this case. The information in this report is also highly relevant to the issues being determined by this Court. One of the justifications for the new Connecticut law is that those firearms which the statute defines as assault weapons and large capacity magazines pose too great a threat for law enforcement officers. See, e.g., Defendants' Memorandum in Support of Motion for Summary Judgment (D.E. #78), pp. 27. The statistics contained in this report, and the indicated decrease in officer deaths caused by firearms during a year in which there is no federal ban and very few state bans on these firearms or magazines is relevant to whether the challenged regulations survive the scrutiny required by the Second Amendment. For this reason, this report should be considered by the Court in reaching its opinion.

For the reasons stated above, Plaintiffs respectfully request permission to submit into the summary judgment record in this case the two supplemental exhibits described above, and for any other relief this Court deems just and proper.

Dated: January 15, 2014

Respectfully Submitted,

GOLDBERG SEGALLA, LLP

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# An examination of the effects of concealed weapons laws and assault weapons bans on state-level murder rates

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The purpose of the present study is to determine the effects of state-level assault weapons bans and concealed weapons laws on state-level murder rates. Using data for the period 1980 to 2009 and controlling for state and year fixed effects, the results of the present study suggest that states with restrictions on the carrying of concealed weapons had higher gun-related murder rates than other states. It was also found that assault weapons bans did not significantly affect murder rates at the state level. These results suggest that restrictive concealed weapons laws may cause an increase in gun-related murders at the state level. The results of this study are consistent with some prior research in this area, most notably Lott and Mustard (1997).

**Keywords:** gun control; assault weapons; concealed weapons

**JEL Classification:** K14

## I. Introduction

On 14 December 2012, a young man carrying a Bushmaster XM15-E2S (Bushmaster Firearms, Madison, NC, USA) semi-automatic rifle shot his way into an elementary school in Newtown, Connecticut, killing 26 people, 20 of whom were children. Since a semi-automatic weapon was used in the commission of this crime, there have been debates both in Congress and in various state legislatures regarding the potential enactment of assault weapons bans. One of the measures that were considered at the Federal level was a revival of the 1994 Federal assault weapons ban, which expired in 2004. This firearms ban was part of the Violent Crime Control and Law Enforcement Act of 1994, and this act outlawed semi-automatic weapons and prohibited large capacity magazines that held more than 10 rounds of ammunition.

Regarding state-level bans, no state had an assault weapons ban before 1989. Then, in that year, California

enacted the first state-level ban on assault weapons. Several states followed suit, and shortly thereafter Connecticut, Hawaii and New Jersey enacted their own bans. In 1994, the Federal ban was enacted, thus rendering state laws moot. After the Federal ban expired in 2004, several states enacted their own bans once again.

Of course, there are many other types of gun control measures, both at the state and Federal level. One state-level gun control measure that was very common years ago but, in recent years, has become much less prevalent is the restrictive concealed carry weapons (CCW) law. These laws concern how permits are issued to individuals who want to carry concealed weapons, primarily handguns. There are four broad types of CCW laws. The first is unrestricted; individuals in these states do not need a permit to carry a concealed handgun. For years, the only state that had no CCW restrictions was Vermont. The next type of CCW law is a 'shall issue' law. In a 'shall issue' state, a permit is required to carry a concealed weapon, but state and local

authorities must issue a permit to any qualified applicant who requests one. This type of CCW law is not very restrictive. The third type of law is 'may issue'. In a 'may issue' state, local and state authorities can deny requests for concealed carry permits, even requests are from qualified applicants. This type of CCW law is considered restrictive. Finally, there some states that do not allow private citizens to carry concealed weapons. These states are known as 'no issue' or prohibited states. It is important to note that these four categories of CCW laws are rather broad, and not all states within a given category are equally restrictive. These laws vary in restrictiveness depending upon how states interpret and enforce their CCW statutes. In addition, some cities and counties have more restrictive concealed weapons laws than their home states.

In the present study, panel data controlling for both state and year fixed effects will be used to determine if state-level CCW laws and assault weapons bans had any effects on gun-related murder rates. Given that these laws are well-defined at the state level, and given that many states have altered these laws over the past 30 years, an analysis of the effects of CCW laws and assault weapons bans would be much more informative than an analysis of other types of gun control measures that few states have ever enacted and laws for which there has been little change over the past 30 years.

## II. Literature Review

Although there have been numerous studies on the topic of gun control (Kwon *et al.*, 1997; Kleck and Hogan, 1999; Miller *et al.*, 2002; Moorhouse and Wanner, 2006), research on assault weapons bans and CCW laws have been more limited. One of the few studies that examined assault weapons bans was Koper and Roth (2001). Using state-level data from 1970 to 1995, the authors found that the Federal ban had little to no effect on homicide rates associated with firearms and on gunshot wounds per victim.

Regarding CCW laws, Lott and Mustard (1997) found that states with 'shall issue' concealed weapons laws had lower crime rates than states with more restrictive gun laws. They found that 'shall issue' laws resulted in a 7.65% drop in murders and a 5% drop in rapes. Their research suggests that individuals would be less likely to commit crimes if they knew that many others may be carrying concealed weapons.

Other research on CCW laws have yielded mixed results. Three papers that corroborated the findings of Lott and Mustard (1997) were Bronars and Lott (1998), Bartley and Cohen (1998) and Moody (2001). Studies that contradicted the findings of Lott of Mustard include Ludwig (1998), Dezhbakhsh and Rubin (1998) and Donohue (2003).

The present study differs from this prior research in several ways. First, data for the period 1980 to 2009 is examined; this is one of the longest time periods examined in any research on assault weapons bans or CCW laws. Second, the gun-related murder rate is used as the dependent variable. The use of this crime rate is important because most other studies looked at violent crime rates or homicide rates. Violent crime rate data is not disaggregated into gun-related violent crime and non gun violent crime, and homicides include justifiable killings and state-sanctioned killings; hence, an analysis using these types of crime rates may result in spurious conclusions.

## III. Empirical Technique and Data

In order to determine if concealed weapons laws and assault weapons bans had statistically-significant effects on gun-related murder rates, a fixed effects model that controls for both state-level and year effects is used. The dependent variable used was the state-level gun-related murder rate. The gun-related murder rate is the crime rate most affected by gun control measures, and hence is the most appropriate crime rate to use in an analysis of the effectiveness of gun control measures.

Regarding the explanatory variables, dummy variables for assault weapons bans and restrictive CCW laws were included in the regression model. For the CCW dummy variable, if a state prohibits concealed weapons or if it is 'may issue', then it is assumed to be restrictive and is denoted by a value of one. For the assault weapons dummy variable, if a state has an assault weapons law, then it is denoted by a one. Although the contents of these statutes may differ quite substantially between states, for the purposes of this study, it is assumed that states with these laws restrict firearm possession in some way. Finally, a dummy variable that equals one for the period 1994 to 2004 is included in order to control for the Federal assault weapons ban.

In addition to the gun control measures, it is assumed that murder rates are dependent upon state demographics and various other state-level socioeconomic factors. These control variables were selected based on their use in prior research.

State-level data on gun-related murder rates were obtained from the *Supplementary Homicide Reports* which are compiled by the United States Department of Justice. The murder rate is in terms of murders per 100 000 persons. Information on state-level assault weapons bans and CCW laws were obtained from Ludwig and Cook (2003), the Legal Community Against Violence, the National Rifle Association and the United States Bureau of Alcohol, Tobacco, Firearms and Explosives. All other state-level data were obtained from relevant Census Bureau reports.

#### IV. Results and Concluding Remarks

Results are presented on Table 1. The CCW dummy variable is significant and positive, but the assault weapons ban is insignificant. Given that the average gun-related murder rate over the period in question was 3.44, the results of the present study indicate that states with more restrictive CCW laws had gun-related murder rates that were 10% higher. In addition, the Federal assault weapons ban is significant and positive, indicating that murder rates were 19.3% higher when the Federal ban was in effect. These results corroborate the findings of Lott and Mustard (1997). These results suggest that, even after controlling for unobservable state and year fixed effects, limiting the ability to carry concealed weapons may cause murder rates to increase. There may, however, be other explanations for these

**Table 1. Fixed effects regression gun-related murder rate**

Constant	-3.02 (-3.20)***
Assault weapons ban	-0.29 (-1.57)
Federal assault weapons ban	0.66 (2.42)**
Restrictive concealed carry laws	0.365 (3.74)***
Proportion of population that is white	0.172 (1.76)*
Proportion of population that is rural	1.93 (3.97)***
Real per capita median income	0.00021 (6.03)***
Proportion of population with college degree	-1.367 (-1.20)
Unemployment rate	3.397 (1.34)
Proportion of population >18 and <25	11.45 (2.27)**
Proportion of population >24 and <35	-2.876 (-0.91)
Per capita alcohol consumption	0.688 (4.05)***

Notes:  $R^2 = 0.797$ .

Test statistics in parentheses.

\* 5% <  $p$ -value < 10%; \*\* 1% <  $p$ -value < 5%; \*\*\*  $p$ -value < 1%.

results. Laws may be ineffective due to loopholes and exemptions. The most violent states may also have the toughest gun control measures. Further research is warranted in this area.

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National Law Enforcement Officers  
MEMORIAL FUND  
RESPECT. HONOR. REMEMBER.

LAW ENFORCEMENT OFFICER DEATHS: PRELIMINARY 2013

# RESEARCH BULLETIN

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## Law Enforcement Fatalities Dip to Lowest Level in Six Decades

*33 officers killed in firearms-related incidents is fewest since 1887*

According to preliminary data compiled by the National Law Enforcement Officers Memorial Fund, 111 law enforcement officers died in the line of duty in 2013, an eight percent decrease from 2012, when 121 officers were killed. This was the fewest number of fatalities for the law enforcement profession since 1959 when 110 officers died.

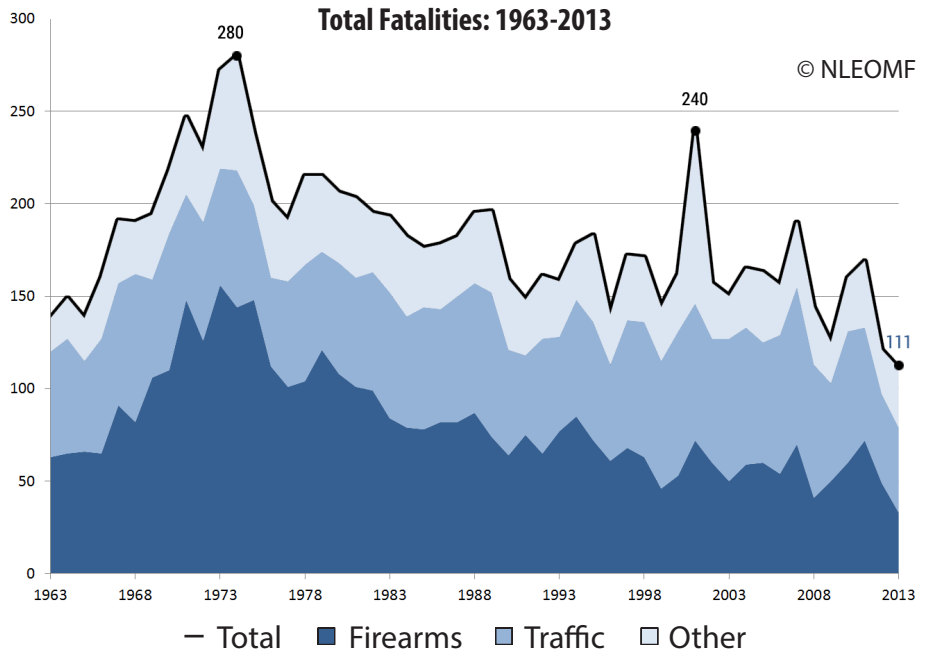
Traffic-related fatalities were the leading cause of officer fatalities in 2013, killing 46 officers. Thirty-one officers were killed in automobile crashes, 11 officers were struck and killed outside their vehicle and four officers were killed in motorcycle crashes. Traffic-related fatalities decreased four percent from 2012 when 48 officers were killed.

Firearms-related fatalities were the second leading cause of death among our nation's law enforcement

### Ambush attacks were the leading circumstance of fatal shootings in 2013

officers in 2013. Firearms-related fatalities accounted for 33 deaths, decreasing 33 percent from 2012 when 49 officers were killed. Ambush attacks were once again the leading circumstance of fatal shootings in 2013, with seven officers killed.

Officer fatalities unrelated to firearms or traffic saw a 33 percent increase in 2013. Thirty-two officers died of other causes in 2013 compared to 24 in 2012. Job-related illnesses, such as heart attacks, increased substantially in 2013 with 18 officer deaths compared to eight officers in 2012.



## RECENTLY FALLEN



**Trooper Winston Martindale**  
New York State Police  
EOW: 7/24/2013

Trooper Martindale died as a result of a fall while responding to the scene of a plane crash two years earlier.



**Sergeant Robert Baron**  
Sandoval County (NM)  
Sheriff's Office  
EOW: 12/6/2013

Sergeant Baron died as a result of injuries sustained the previous day after being struck by a vehicle while investigating a crash.



**Sergeant Kevin Stauffer**  
Tupelo (MS) Police  
Department  
EOW: 12/23/2013

Sergeant Stauffer was shot and killed while pursuing armed bank robbers.

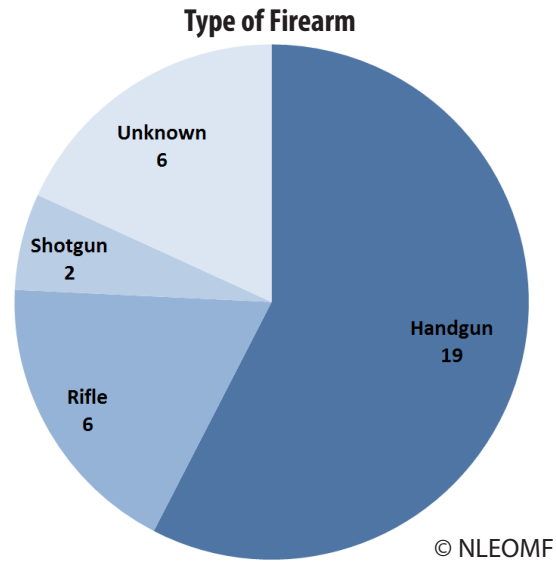
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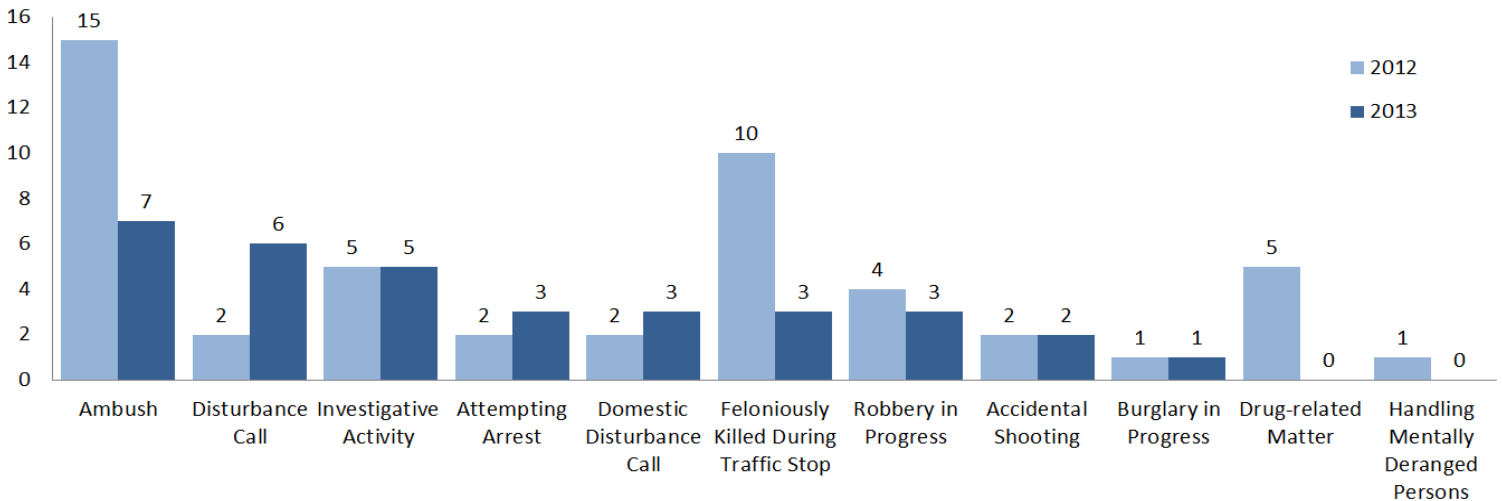
## Firearms-related Fatalities

Firearms-related fatalities reached a 126-year low in 2013 with 33 officers shot and killed, the lowest since 1887 when 27 officers were shot and killed. After increasing dramatically in 2010 and 2011, firearms-related fatalities decreased in 2013 for the second year. Thirty-three officers died in firearms-related incidents compared to 49 in 2012, representing a 33 percent decrease.

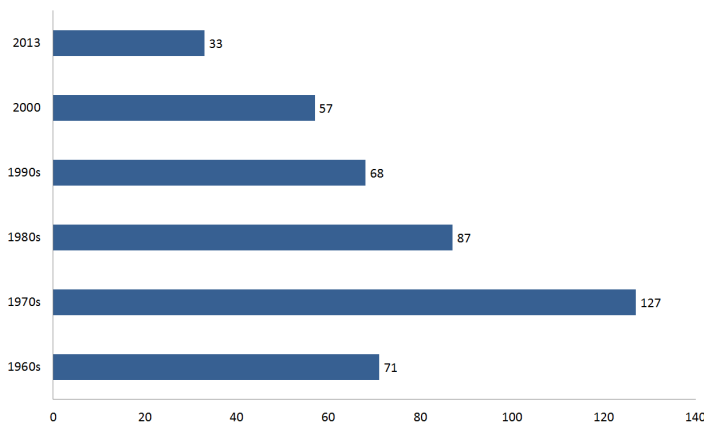
Handguns were the leading type of firearm used in fatal shootings of law enforcement officers in 2013. Of the 33 officer fatalities, 58 percent were shot and killed with a handgun.



## Circumstances of Fatal Shootings



## Average Firearms-related Fatalities per Decade



Ambush attacks were again the leading circumstance of officer fatalities in firearms-related deaths. Of the 33 firearms-related fatalities in 2013, seven officers were shot and killed in ambush attacks, more than any circumstance of fatal shootings in 2013.

Firearms-related fatalities peaked in 1973, when 156 officers were shot and killed. Since then, the average number of officers shot and killed has decreased from 127 per year in the 1970s to 57 per year in the 2000s. The 33 firearms-related fatalities in 2013 represent a 42 percent decrease over the average of 57 per year that occurred during 2000-2009.

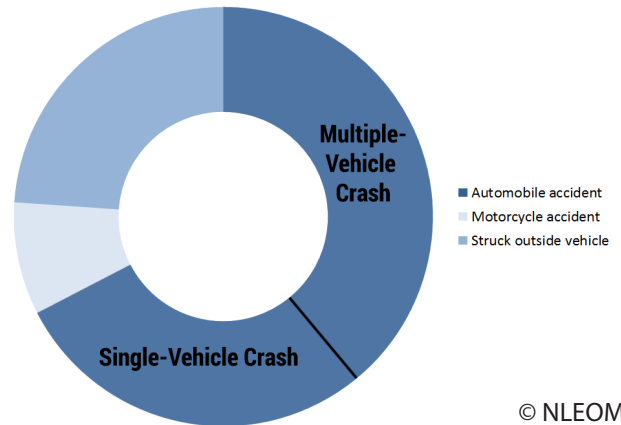




## Traffic-related Fatalities

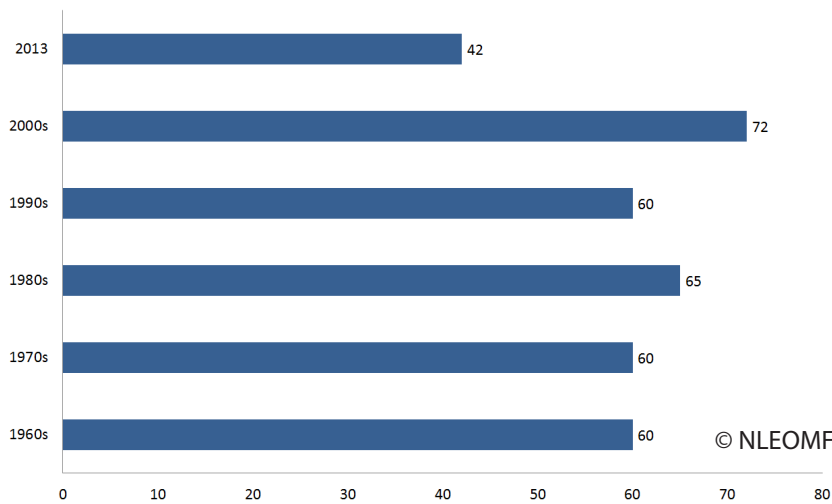
In 2013, America's roadways were the safest on record for law enforcement officers since 1991 (43). However, traffic-related fatalities were again the leading cause of officer fatalities in 2013, accounting for 46 deaths, or 41 percent of total fatalities. The 46 traffic-related fatalities are four percent lower than in 2012 (48). Thirty-one officers were killed in automobile crashes, 11 were struck and killed outside their vehicles, and four were killed in motorcycle crashes. Of the 31 automobile crashes in 2013, 18 were multiple-vehicle crashes and 13 were single-vehicle crashes.

Circumstances of Traffic-Related Fatalities



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Average Traffic-related Fatalities per Decade



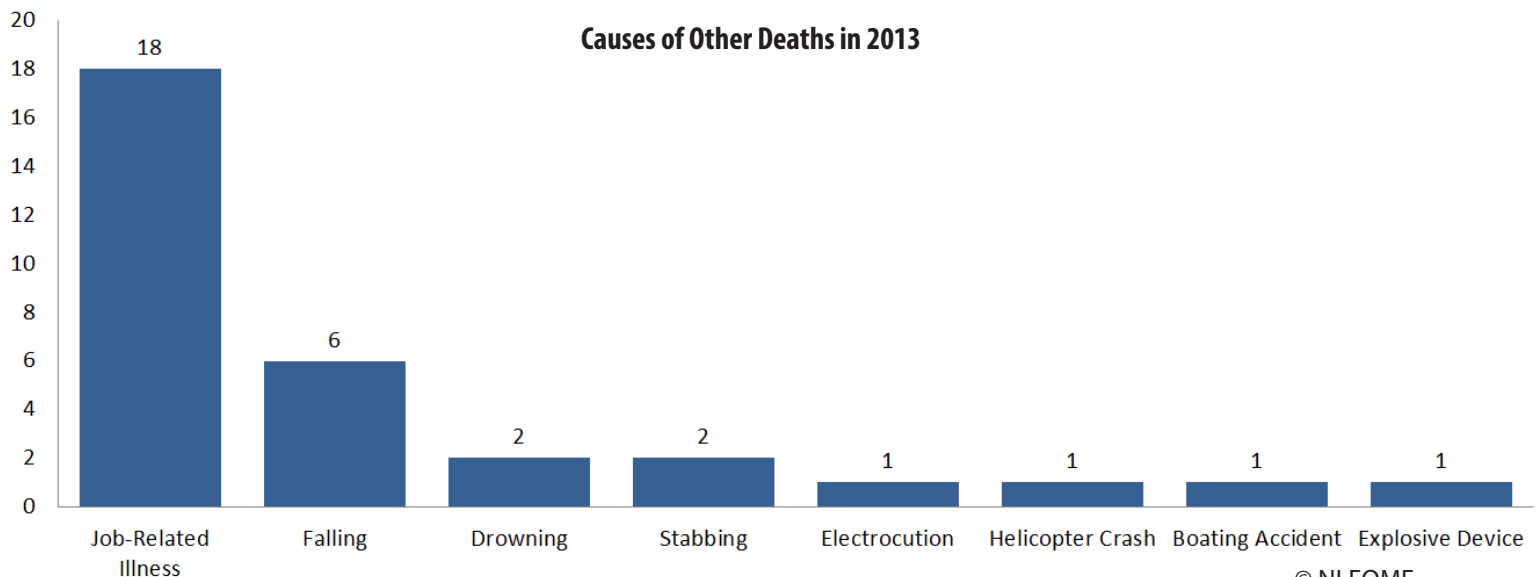
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Since the 1960s, traffic-related fatalities increased, even as overall law enforcement fatalities declined. On average, traffic-related fatalities increased 20 percent from 60 in the 1960s to 72 during the 10-year span of 2000-2009. A significantly lower number of traffic-related deaths have occurred over the past two years.

## Other Causes of Officer Deaths

Of the 111 officers killed in 2013, 32 officers—or 29 percent—died of causes unrelated to traffic or firearms. Eighteen officers died as a result of job-related illnesses, including 14 officers who died as a result of a heart attack, compared to six officers who died of heart attacks in 2012.

Causes of Other Deaths in 2013



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FOR THE DISTRICT OF CONNECTICUT

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	:	
DANNEL P. MALLOY, <i>et al</i> ,	:	
	:	
Defendants.	:	January 15, 2014

**CERTIFICATION**

I hereby certify that on January 15, 2014, a copy of the foregoing PLAINTIFF’S MOTION FOR PERMISSION TO SUBMIT TWO SUPPLEMENTAL EXHIBITS was filed electronically and served by mail upon anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court’s electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court’s CM/ECF System.

GOLDBERG SEGALLA, LLP

By:           /s/          Brian T. Stapleton            
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