

**Health Impact Review of SSB 6406
Relating to firearm theft
(2020 Legislative Session)**

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Full review

The full Health Impact Review report is available at:

<https://sboh.wa.gov/Portals/7/Doc/HealthImpactReviews/HIR-2020-14-SSB6406..pdf>

Acknowledgements

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Executive Summary
SSB 6406, Relating to firearm theft
(2020 Legislative Session)

Evidence indicates that SSB 6406 would increase penalties for stealing a firearm from specified locations. Evidence indicates there is no association between length of sentences and crime rates, and it is not well researched whether increasing time incarcerated to the penalty levels set in this bill would result in changes in health outcomes.

BILL INFORMATION

Sponsors: Wilson, L., Holy, Becker, Padden, Wagoner, Muzzall, Short, Schoesler, Warnick, Ericksen, Braun, Brown, Honeyford, O'Ban, Rivers

Summary of Bill:

- Creates theft of a firearm from a residence, store, shop, sales outlet, or vehicle as a specific class B felony offense.^a
- Places theft of a firearm from a residence, store, shop, sales outlet, or vehicle at a seriousness level VII for sentencing with a standard range from 15 to 20 months in prison.

HEALTH IMPACT REVIEW

Summary of Findings:

This Health Impact Review found the following evidence for relevant provisions in SSB 6406:

- **Informed assumption** that creating a specific criminal offense for the theft of a firearm from a residence, store, shop, sales outlet, or vehicle will result in increased penalties for those convicted of stealing a firearm from one of the specified locations. This informed assumption is based on current statute.
- **No association** between length of sentences and crime rates.
- **Informed assumption** that increasing penalties for stealing a firearm from a residence, store, shop, sales outlet, or vehicle will result in increased time incarcerated for individuals convicted of this offense. This informed assumption is based on bill provisions, current statutes, and information shared by key informants.
- **Not well researched** whether increasing time incarcerated (e.g., 3 to 14 additional months) would result in changes in health outcomes.

^a Under current Washington State law (RCW 9A.56.300) theft of any firearm is a class B felony offense and is placed at a seriousness level VI for sentencing.

Introduction and Methods

A Health Impact Review is an analysis of how a proposed legislative or budgetary change will likely impact health and health disparities in Washington State ([RCW 43.20.285](#)). For the purpose of this review ‘health disparities’ have been defined as the differences in disease, death, and other adverse health conditions that exist between populations ([RCW 43.20.270](#)). This document provides summaries of the evidence analyzed by State Board of Health staff during the Health Impact Review of Substitute Senate Bill 6406 ([SSB 6406](#)).

Staff analyzed the content of SSB 6406 and created a logic model depicting possible pathways leading from the provisions of the bill to health outcomes. We consulted with experts and contacted key informants about the provisions and potential impacts of the bill. We conducted an objective review of published literature for each pathway using databases including PubMed, Google Scholar, and University of Washington Libraries. More information about key informants and detailed methods are available upon request.

The following pages provide a detailed analysis of the bill including the logic model, summaries of evidence, and annotated references. The logic model is presented both in text and through a flowchart (Figure 1). The logic model includes information on the strength-of-evidence for each relationship. The strength-of-evidence has been defined using the following criteria:

- **Very strong evidence:** the review of literature yielded a very large body of robust evidence supporting the association with few if any contradictory findings. The evidence indicates that the scientific community largely accepts the existence of the association.
- **Strong evidence:** the review of literature yielded a large body of evidence on the relationship (a vast majority of which supported the association) but the body of evidence did contain some contradictory findings or studies that did not incorporate the most robust study designs or execution or had a higher than average risk of bias; or there were too few studies to reach the rigor of “very strong evidence;” or some combination of these.
- **A fair amount of evidence:** the review of literature yielded several studies supporting the association, but a large body of evidence was not established; or the review yielded a large body of evidence but findings were inconsistent with only a slightly larger percentage of the studies supporting the association; or the research did not incorporate the most robust study designs or execution or had a higher than average risk of bias.
- **Not well researched:** the review of literature yielded few if any studies or only yielded studies that were poorly designed or executed or had high risk of bias.

This review was subject to time constraints, which influenced the scope of work for this review. The annotated references are only a representation of the evidence and provide examples of current research. In some cases only a few review articles or meta-analyses are referenced. One article may cite or provide analysis of dozens of other articles. Therefore the number of references included in the bibliography does not necessarily reflect the strength-of-evidence. In addition, some articles provide evidence for more than one research question, so are referenced multiple times.

Analysis of SSB 6406 and the Scientific Evidence

Summary of relevant background information

- Under current Washington State law ([RCW 9A.56.300](#)) “a person is guilty of theft of a firearm if [they commit] a theft of any firearm.”¹ Theft of a firearm is classified as a class B felony¹ and is designated by [RCW 9.94A.515](#) to seriousness level VI² of Washington State’s Sentencing Grid ([RCW 9.94A.510](#)).³
- The Washington State Legislature has defined both “firearm” and “gun” as “a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder” ([RCW 9.41.010\[11-12\]](#)).^{4b}
- Theft is defined in [RCW 9A.56.020](#) and generally means to wrongfully or deceptively obtain control over property or to appropriate lost or misdelivered property with the intent of depriving the person of their property.⁵
- The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) does not have authority to mandate that Federal Firearm Licensees (FFLs), individuals who are licensed to engage in the business of manufacturing, importing, and/or dealing in firearms, take specific security measures to prevent theft.⁶ ATF’s “Safety and Security Information for Federal Firearms Licensees (2010 Guidance) includes steps for reducing vulnerability to theft/loss.⁷ Recommendations include, voluntarily evaluating and addressing potential security weaknesses (e.g., windows, doors, locks); conducting a regular inventory reconciliation; storing firearms in a secure manner when the store is closed; installing an alarm system and video cameras; etc.⁷ The agency also suggests FFLs recommend customers create a personal firearms record and employ safe storage methods.⁷ By documenting the makes and serial numbers of all firearms, owners can help with an investigation should the firearm(s) be stolen.⁷ Additionally, while ATF recommends firearms not be stored in vehicles, if necessary to do so, law enforcement officers recommend storing them in a locked compartment in the vehicle.⁶

Summary of SSB 6406

- Creates theft of a firearm from a residence, store, shop, sales outlet, or vehicle as a specific class B felony offense.
- Places theft of a firearm from a residence, store, shop, sales outlet, or vehicle at a seriousness level VII for sentencing with a standard range from 15 to 20 months in prison.

Health impact of SSB 6406

Evidence indicates that SSB 6406 would increase penalties for stealing a firearm from specified locations. Evidence indicates there is no association between length of sentences and crime rates,

^b As Washington State Law defines “gun” to have the same meaning as “firearm” and SSB 6406 uses the term “firearm”, State Board of Health Staff have used that terminology throughout this analysis. However, annotations (beginning on page 11) use the terminology (i.e., firearm or gun) included in the original source material.

and it is not well researched whether increasing time incarcerated to the penalty levels set in this bill would result in changes in health outcomes.

Pathway to health impacts

The potential pathway leading from the provisions of SSB 6406 to decreased health inequities are depicted in Figure 1. This review makes the informed assumption that creating a specific criminal offense for the theft of a firearm from a residence, store, shop, sales outlet, or vehicle will result in increased penalties for those convicted of stealing a firearm from one of the specified locations. This informed assumption is based on current statute. Available evidence suggests there is no association between length of sentences and crime rates.⁸⁻¹⁰ We also made the informed assumption that increasing penalties for stealing a firearm from a residence, store, shop, sales outlet, or vehicle will result in increased time incarcerated for individuals convicted of this offense. This informed assumption is based on provisions of SSB 6406, current statutes, and information shared by key informants. Lastly, while it is not well researched whether increased time incarcerated (e.g., 3 to 14 additional months) would impact health outcomes,^{11,12} there is very strong evidence that involvement in the criminal justice system generally is linked to poor health outcomes.¹²⁻¹⁶

Scope

Due to time limitations, we only researched the most direct connections between the provisions of the bill and decreased health inequities and did not explore the evidence for all possible pathways. Discussion of other potential pathways is provided in “Other Considerations.”

Magnitude of impact

Nationally, it is difficult to determine exactly how many firearms are stolen annually from individual owners as individual gun owners are not required to report stolen firearms.⁷ The Bureau of Justice Statistics (BJS) uses data from the National Crime Victimization Survey (NCVS),^{17,18} an annual survey collecting information from victims of crime about their personal or household victimizations to estimate the number of firearms stolen annually from gun owners (not including thefts from businesses).¹⁸ From 2010 through 2014, BJS estimates that an average of 251,300 firearms were stolen annually.¹⁸ Using survey data from 2005 through 2010, BJS found that household burglaries involving stolen firearms were more likely to be reported to police (86%) than burglaries involving the theft of other items (62%) of comparable value (\$500-999) from 2005 through 2010.¹⁹

The Federal Bureau of Investigation’s (FBI) National Crime Information Center (NCIC) also collects records from criminal justice agencies on stolen, lost, and recovered weapons (Gun File).²⁰ Although no federal agency typically publishes national statistics based on the NCIC’s Gun File, in 2012 the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) was directed to provide such a report.¹⁸ This allowed for direct comparisons between NCIC counts of reported stolen firearms for 2006-2016 and the NCVS estimates for stolen firearms.¹⁸ Accounting for reporting rates, the two distinct sources provide compatible results, suggesting that the estimate based on NCVS (251,300 firearms stolen annually) is approximately correct.¹⁸

Meanwhile, Federal Firearms Licensees (FFLs), individuals who are licensed to engage in the business of manufacturing, importing, and/or dealing in firearms, are required to report stolen firearms within 48 hours of discovery of the loss or theft to ATF by completing and forwarding a

Federal Firearms Licensee Theft/Loss Report.⁷ In 2019, FFLs reported 5,603 firearms were stolen (i.e., burglary, larceny, or robbery) nationally.²¹ An additional 7,212 firearms were reported as lost during this period,²¹ some of which may have been the result of shoplifting.¹⁸

Therefore, available evidence indicates that the majority of firearm theft is from private gun owners. A recent study analyzed results of a 2015 nationally representative survey to compare gun owners who had one or more firearms stolen with owners who had not experienced a firearm theft.²² Results indicate that some gun owners may be at greater risk of firearm theft than others.²²

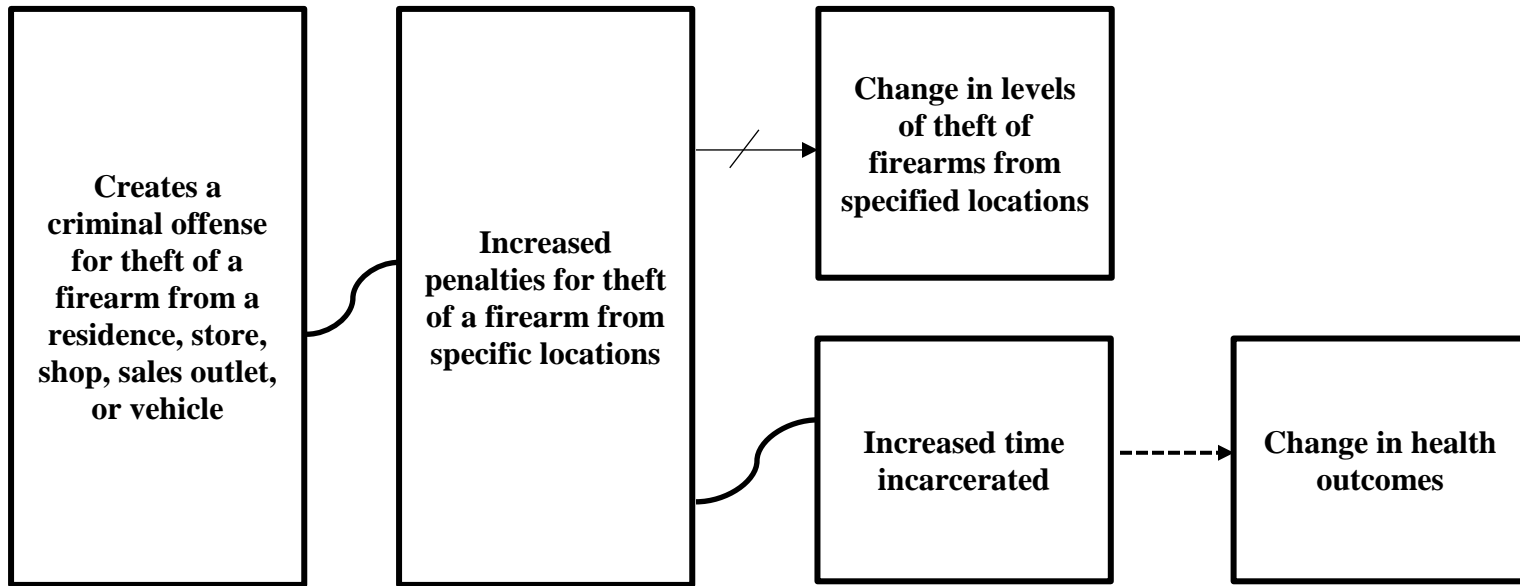
In Washington State, from 2012 through 2019, a total of 857 firearms were stolen from FFLs, licensed firearms dealers, in Washington State.^{c,23} During that eight year period, a little more than half (55%) of the firearms were stolen from 2017 through 2019.²³ Over the same period of time an additional 1,444 firearms were reported lost,²³ some of which may be the result of shoplifting.¹⁸ Due to the data limitation previously described, firearm thefts from private owners are based on limited data. The only source identified with state-specific estimates of firearms stolen from private owners was conducted by the Center for American Progress in 2017.⁶ Researchers used the local law enforcement data included in the FBI's Uniform Crime Report to determine the total value of firearms reported stolen in 2012, 2013, 2014, and 2015 by state.⁶ They then subtracted the value of firearms later recovered by police. This gave them the value of stolen firearms missing by state. Because local law enforcement agencies report only the dollar amount of the value of the firearms reported stolen (not the number of firearms stolen), researchers used an average price of \$450 per firearm to calculate a rough estimate of the number of firearms stolen in each state.⁶ This is consistent with the average price per firearm used by BJS in its 2012 report.^{17,19} Based on this methodology, an estimated 33,164 firearms were stolen from individual gun owners in Washington State from 2012 through 2015 (10th in the U.S.).⁶

Available data from the Washington State Administrative Office of the Courts (AOC) showed that 2,814 individuals were charged with theft of a firearm ([RCW 9A.56.300](#)) between January 1, 2010 and February 10, 2020 (unpublished data, AOC, personal communication, February 2020). While the majority of people charged are white (79.4%), black individuals are disproportionately represented among those charged (unpublished data, AOC, February 2020). Black Washingtonians comprise 5.3% of the state's population and 8.5% of those charged (unpublished data, AOC, February 2020). Of those charged, 86% are male and 17.6% are younger than 18 years of age (i.e., legal age of purchase) (unpublished data, AOC, February 2020). Data for Hispanic ethnicity are not well documented (more than 75% unknown) (unpublished data, AOC, February 2020).

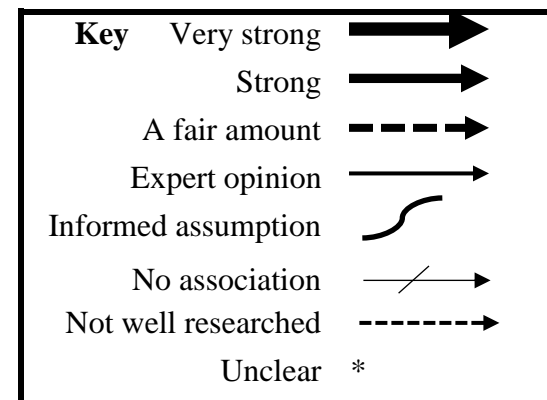
Therefore, while it is not possible to predict how many firearm thefts would meet the provisions outlined in SSB 6406, we anticipate some number of thefts to occur from the locations specified in the bill.

^c State Board of Health staff accessed Federal Firearm Licensees Theft/Loss Report data presented in annual summary reports available at <https://www.atf.gov/resource-center/data-statistics>. Staff calculated the number of firearms reported as stolen in Washington for the period 2012 through 2019 by adding burglary, larceny, and robbery thefts.

Logic Model



**Figure 1:
Relating to firearm theft
SSB 6406**



Summaries of Findings

Will creating a criminal offense for the theft of a firearm from a residence, store, shop, sales outlet, or vehicle result in increased penalties for individuals convicted of theft of a firearm from specified locations?

We have made the informed assumption that creating a criminal offense for the theft of a firearm from a residence, store, shop, sales outlet, or vehicle will result in increased penalties for those convicted of stealing a firearm from one of the specified locations. This informed assumption is based on current statute.

Under current Washington State law (RCW 9A.56.300) “a person is guilty of theft of a firearm if [they commit] a theft of any firearm.”¹ Theft of a firearm is classified as a class B felony¹ and is designated by [RCW 9.94A.515](#) to seriousness level VI² of Washington State’s Sentencing Grid ([RCW 9.94A.510](#)).³

SSB 6406 creates a specific criminal offense for theft of a firearm from a residence, store, shop, sales outlet, or vehicle.²⁴ Like RCW 9A.56.300, the proposed offense would be classified as a class B felony.²⁴ However, SSB 6406 elevates thefts from these specific locations from seriousness level VI of the Sentencing Grid to seriousness level VII.²⁴ Therefore, individuals convicted of the proposed offense would serve a longer sentence (ranging from an additional 3 to 14 months) than they would have under current law. Individuals with the lowest offender score (0) would serve 15-12 months under the proposed offense compared to 12 months and 1 day-14 months under the current law.³ For individuals with the highest offender scores (9+), the proposal would increase the range from 77-102 months to 87-116 months.³ The maximum length of sentence would remain 10 years.

Based on sentencing ranges outlined in statute, we made the informed assumption that creating a criminal offense for the theft of a firearm from a residence, store, shop, sales outlet, or vehicle (seriousness level VII) would result in increased penalties associated with the offense.

Will increased penalties for theft a firearm from a residence, store, shop, sales outlet, or vehicle result in a change in rates of theft of firearms from specified locations?

Available evidence suggests that there is no association between length of sentences and crime rates. As such, increasing penalties for individuals convicted of stealing a firearm from specified locations is unlikely to result in a change in rates of firearm theft in Washington.

A 2003 review evaluated a large body of literature released in the 1990s evaluating significant sentencing changes in the U.S. (e.g., three-strikes legislation) and found no consistent and plausible evidence that harsher sentences deter crime.⁸ Authors noted these studies were conducted in almost ideal research conditions. First, substantial publicity about the new sentencing changes made it likely that people would know (or at least believe) that longer sentences would follow conviction for the offenses covered by these laws.⁸ Second, sentencing changes were studied in different countries and with different units of analysis (e.g., states, counties, cities).⁸ Third, some studies were able to examine various elements of “punishment” separately (e.g., apprehension, conviction, sentencing).⁸ Researchers found that “even under these conditions, sentencing levels do not appear to be important in determining crime.”⁸

Similarly, a 2004 quasi-experimental study evaluated the impact of three strikes laws using city-level data (1980-2000) for all 188 cities with a population of 100,000 or more in 1990.¹⁰ In 1993, Washington became the first state to pass a three strikes law mandating life terms of imprisonment without possibility for parole for individuals convicted a third time for specified violent offenses.¹⁰ The 2004 study examined whether three strikes laws had the intended effects of deterring and incapacitating highly active criminals.¹⁰ Consistent with other studies, authors found, “no credible statistical evidence that the passage of three strikes laws reduces crime by deterring potential criminals or incapacitating repeat offenders.”¹⁰ State-specific analyses found mixed results.¹⁰ “Overall, 29 of the 147 tests were negative and significant, indicating that three strikes laws reduced crime, while 31 demonstrated a statistically significant increase in crime.”¹⁰ A 2010 review article also found, “evidence does not suggest that either imprisonment itself or the length of imprisonment is effective in deterring crime for those who experience it.”⁹ Moreover, “there is greater confidence that non-legal factors are more effective in securing compliance than legal threats.”⁹

Researchers in the field have also noted that literature that challenged this conclusion were sporadic anomalies and did not address most of the relevant research on the topic.⁸ Additionally, the few studies that found support for the hypothesis had “one or more serious methodological, statistical, or conceptual problems that render the findings problematic.”⁸

Since available evidence shows no association between sentencing levels and changes in crime, we expect that increasing penalties for individuals convicted of stealing a firearm from specified locations would likely result in no change in rates of firearm theft in Washington. Therefore, we were unable to continue this pathway in the logic model.

Will increased penalties for theft of a firearm from a residence, store, shop, sales outlet, or vehicle result in increased time incarcerated for individuals convicted of this offense?

We have made the informed assumption that increasing penalties for stealing a firearm from a residence, store, shop, sales outlet, or vehicle will result in increased time incarcerated for individuals convicted of this offense. This informed assumption is based on provisions of SSB 6406, current statutes, and information shared by key informants.

As previously discussed, establishing theft of a firearm from a residence, store, shop, sales outlet, or vehicle as a seriousness level VII offense will result in individuals who are convicted of the proposed offense serving a longer sentence than those convicted under the current theft of a firearm statute (RCW 9A.56.300), a level VI offense.³ The sentencing differences would amount to an additional 3 to 14 months of incarceration, depending on the individual’s offender score (0-9+).³ One key informant representing current or former prosecuting attorneys shared that by statute ([RCW 9.92.151](#)), individuals convicted of the proposed offense would be eligible for *good time*, also known as early release (personal communication, February 2020). State statute limits the amount of *good time* accrued to no more than one-third of the base sentence.²⁵ Therefore, if an individual convicted of the proposed offense were to earn the maximum *good time* the additional sentence would be less than the 3 to 14 months (i.e., low of an additional 2 months; high of an additional 9 and one-third months).

Therefore, even if an individual convicted of the proposed offense were to earn *good time*, based on the Sentencing Grid, we would expect convictions under the proposed offense to result in additional time incarcerated.

Will increased time incarcerated result in changes in health outcomes?

It is not well researched whether increasing the length of time incarcerated (e.g., 3 to 14 additional months) would result in changes in health outcomes. Research on the impacts of incarceration on the health of individuals, family members, and communities has indicated that more research is needed to understand the impact of type and length of incarceration on health outcomes.^{11,12} Some research has also shown that “the impact of length of incarceration on health appears to be less important than the fact of incarceration itself.”¹² Therefore, it is not well-researched how an additional 3 to 14 months of time incarcerated may impact health outcomes.

However, there is very strong evidence indicating that involvement in the criminal justice system is linked to poor health outcomes.¹²⁻¹⁶ Criminal justice contact can be measured by a number of indicators including, but not limited to, arrest, conviction, and incarceration.²⁶ A large body of evidence supports the association between incarceration and poor health outcomes. Individuals who are incarcerated are more likely to experience chronic medical conditions, infectious diseases, lower self-rated health, increased psychiatric disorders, and a greater risk of mortality upon release.²⁷ Research shows that those with a history of incarceration have a significantly greater likelihood of major depression, life dissatisfaction, and mood disorders when compared to individuals who do not have a history of incarceration^{26,27} and that effects persist after release. Analysis of a contemporary cohort’s criminal justice contact and mental health over time found arrest and incarceration, but not conviction, are independently associated with poor mental health.²⁶

Despite evidence showing that criminal justice involvement and incarceration is associated with poor health outcomes, we found limited research evaluating how changes in the amount of time incarcerated impacts health outcomes. Therefore, it is not well researched whether sentencing guidelines outlined in SSB 6406 amounting to an additional 3 to 14 months of incarceration would result in changes in health outcomes for individuals who are convicted of this crime. As we do not know how the proposal will impact health we cannot say whether there may be an impact on health equity.

Other considerations

This Health Impact Review focused on the most direct pathway between provisions in the bill and health outcomes and health equity. Analysts also considered the potential pathway of firearm theft on crime. However, this pathway was ultimately not included in the logic model as available evidence (discussed on page 7) shows no association between sentencing levels and changes in crime rates (e.g., firearm theft).

Systematic data on the role of firearm theft on crime either do not exist or are not available to researchers.¹⁸ There are multiple data challenges related to examining the role that firearm theft has on crime. First, very few firearms used in violent crimes are recovered by law enforcement and linked to specific acts.¹⁸ Those that are recovered may not be representative of the firearms used in assault and robbery.¹⁸ Second, reports of theft that do not include the serial number of the

firearm (presumably a substantial percentage) cannot be matched to firearms that are recovered.¹⁸ Again, reports with completed information may not be representative of all reports of stolen firearms.¹⁸

Regardless of questions of representativeness, researchers note it would be helpful to determine what fraction of recovered crime firearms match against theft reports.¹⁸ NCIC files provide an electronic clearinghouse of crime data that can be used by criminal justice agencies nationwide.²⁰ For example, this can allow law enforcement officers who obtain a firearm connected to a crime to run a check using the NCIC Gun File to see if it has been reported stolen in their jurisdiction or other jurisdictions. However, this system can only provide results to the extent that departments have reported detailed information regarding the theft to the FBI.¹⁸ Yet, “even if such checks are made, it is rare for police departments to tabulate and release the results. Furthermore, outside analysts have not been able to access the results, or assess the quality of the matching process.”¹⁸

The limited available evidence suggests stolen firearms play only a minor role in crime. Publicly available data indicate that thefts account for approximately 1% of all firearm transactions nationwide.¹⁸ A 2016 national survey of individuals who were incarcerated in state or federal prisons found that, of individuals who possessed a firearm when they committed the offense for which they were incarcerated, 6.4% reported obtaining the firearm through theft, including theft from burglary (1.5%), retail source (0.2%), family/friend (1.6%), or unspecified (3.1%).²⁸

Additionally, an analysis of original data from Chicago found that less than 3% of crime firearms recovered by the police had been reported stolen to the Chicago Police Department.¹⁸ Evidence suggests this is a lower bound as data were not available on the number of crime firearms recovered that had been stolen outside of Chicago.¹⁸ Therefore, the true figure is unknown.¹⁸ For firearms reported as stolen in Chicago, there was a 20% chance that it would be recovered, usually in conjunction with an arrest for illegal carrying, rather than in relation to a specific robbery or assault.¹⁸ Less than half (44%) of those picked up with a stolen firearm had a criminal record that included violent offenses.¹⁸ Moreover, evidence from surveys of convicted individuals, nationally and in Chicago, consistently found that theft is relatively rare as a means of providing active criminals with their firearms.¹⁸ Most respondents indicate that they accessed the firearm through their social network or street sources—bought or traded for the firearm, or were given it or shared it.¹⁸ Finally, information is not available to determine the role of theft in supplying firearm traffickers.¹⁸

Currently, available evidence does not support the claim that a significant share of the firearms used in robberies and assaults have been stolen.¹⁸ However, the same evidence has enough limitations to leave reasonable doubt about the issue.¹⁸ Therefore, since additional research is necessary to determine whether there is evidence for this relationship, and since available evidence shows no association between sentencing levels and changes in crime rates, this pathway was not included in the logic model.

Annotated References

1. **Theft of a firearm, 9A.56.300 Revised Code of Washington(1995).**

Currently, Washington law (RCW 9A.56.300) states that theft of any firearm is a class B felony, and each firearm taken in the theft is a separate offense.

2. **Table 2—Crimes included within each seriousness level, RCW 9.94A515 Revised Code of Washington.**

RCW 9.94A.515 (Table 2—Crimes included within each seriousness level) lists seriousness levels of crimes (I-XVI) as well as the crimes within each level. Theft of a firearm (RCW 9A.56.300) is deemed a seriousness level VI crime.

3. **Table 1—Sentencing grid, 9.9A.510 Revised Code of Washington.**

The Sentencing Grid presents sentence ranges for each Seriousness Level (I-XVI) and Offender Score (0-9+).

4. **Terms Defined, 9.41.010 Revised Code of Washington.**

RCW 9.41.010 defines "Firearm" to mean a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder. "Firearm" does not include a flare gun or other pyrotechnic visual distress signaling device, or a powder-actuated tool or other device designed solely to be used for construction purposes. (12) "Gun" has the same meaning as firearm.

5. **Theft—Definition, defense, 9a.56.020 Revised Code of Washington.**

RCW 9A.56.020 defines theft to mean: "(a) To wrongfully obtain or exert unauthorized control over the property or services of another or the value thereof, with intent to deprive him or her of such property or services; or (b) By color or aid of deception to obtain control over the property or services of another or the value thereof, with intent to deprive him or her of such property or services; or (c) To appropriate lost or misdelivered property or services of another, or the value thereof, with intent to deprive him or her of such property or services." This statute also details defenses to prosecution.

6. **Parsons Chelsea, Vargas Eugenio Weigend. Stolen Guns in America | A State-by-State Analysis. Center for American Progress;2017.**

This analysis was conducted by the Center for American Progress (CAP), a progressive public policy research and advocacy organization. CAP is a nonprofit that is funded by many large donors including the Ford Foundation, Bill & Melinda Gates Foundation, and Open Society Foundations. Almost all revenue is derived from donations and grants. Board analysts used this CAP report to identify federal data sources that include information about guns stolen from federal firearm licensees. Additionally, for this report, CAP aggregated data submitted by local police agencies to the FBI's Uniform Crime Report by state to "arrive at state totals of the value of guns reported stolen in the most recent four years for which these data were available: 2012, 2013, 2014, and 2015." Authors then "subtracted the value of firearms later recovered by police to obtain an adjusted value of stolen firearms." As jurisdictions only provide the dollar amount of the value of the guns reported stolen, "CAP used an average price of \$450 per gun to calculate a rough estimate of the number of guns stolen in each state during this period, which is consistent

with the average price per gun used by the U.S. Bureau of Justice Statistics in a 2012 report." Due to capacity limitations, Board staff have only induced the original CAP findings (2012-2015).

7. U.S. Bureau of Alcohol Tobacco, Firearms and Explosives. ATF Safety and Security Information for Federal Firearms Licensees. Washington, D.C. : U.S. Department of Justice;2010. AFT 3317.2.

This ATF Publication provides guidance for federal firearms licensees to reduce their businesses vulnerability to theft/loss on pages 8-15 of this document. AFT discusses structural security (e.g., evaluate after-hours business layout), inventory security (e.g., keep display cases locked at all times), employee screening (e.g., institute a screening process), and safe business practices (e.g., do not leave a customer who is handling a firearm unattended). Finally, the document recommends that businesses discuss with customers the responsibility of protecting themselves and the public from theft or loss of their firearms. For example, ATF recommends insisting on complete firearms safety, recommending safe storage methods, and maintaining a personal firearm record.

8. Doob Anthony N. , Webster Cheryl Marie. Sentence Severity and Crime: Accepting the Null Hypothesis. *Crime and Justice*. 2003;30(143-195).

In the development of this law brief, authors examined other reviews as well as research that purports to support and studies that challenge the view that variation in sentence severity affects the levels of crime in society. Overall, the reviews of deterrence literature were pessimistic about the possibility that harsher sentences would decrease crime. The two exceptions, which were not comprehensive reviews. Based on the body of literature available in 2003, evidence does not support the hypothesis that variation in sentence severity will differentially affect crime rates. The summaries that challenged this conclusion were sporadic anomalies and did not address most of the relevant research literature on the topic. Specific to research on the topic, few studies found support for the hypothesis, and those that did had one or more serious methodological, statistical, or conceptual problems that render the findings problematic. Authors noted, "The data held out as supportive of the general deterrent impact of sentence severity are not strong enough to allow one to conclude that there is a relationship between the severity of sanctions and crime. A strong finding would be one that appears to be reliable across time, space, and, perhaps, offense." Finally, the large body of literature released in the 1990s evaluating dramatic sentencing changes in the U.S. (e.g., three-strikes legislation) found no consistent and plausible evidence that harsher sentences deter crime--despite being conducted in almost ideal research conditions (e.g., substantial publicity about the new sentencing laws; studied in different countries and with different units of analysis [e.g., states, counties, cities]; some studies looked at elements of punishment separately [e.g., apprehension, conviction, sentencing]). Researchers found that "even under these conditions, sentencing levels do not appear to be important in determining crime."

9. Paternoster Raymond. How much do we really know about criminal deterrence? *The Journal of Criminal Law and Criminology*. 2010;100(3):765-824.

Paternoster summarized the current body of evidence related to deterring crime through sanctions (e.g. fines, probation, imprisonment). The author notes that, while "empirical evidence leads to the conclusion that there is a marginal deterrent effect for legal sanctions...it is difficult

to state with any precision how strong a deterrent effect the criminal justice system provides.” The author also noted that even less is known about relative or marginal deterrent effects (e.g. “does adding three years to a prison sentence for the use of a gun deter firearm-related felonies?”). Previous research has suggested that deterrence theory is based on whether the certainty, severity, or swiftness of legal punishments will lower crime rates. Laws that have increased sentencing for firearms have sought to increase the severity of punishments, but may not have changed certainty or swiftness, which could reduce the effectiveness of the change. The perception of punishment also matters. For example, increasing penalties for firearm possession only matters if the increased punishment is “recognized by the public, including would-be felons.” In summary, “evidence does not suggest that either imprisonment itself or the length of imprisonment is effective in deterring crime for those who experience it.” Lastly, the author concluded, “there is greater confidence that non-legal factors are more effective in securing compliance than legal threats.”

10. Kovandzic Tomislav V. , Sloan John J. III, Vieraitis Lynne M. . “Striking out” as crime reduction policy: The impact of “three strikes” laws on crime rates in U.S. cities. *Justice Quarterly*. 2004;21(2):207-239.

Kovandzic et al. estimated the overall and state-specific effects of three strikes laws on crimes using a multiple time-series design (a quasi-experimental research design), with city-level time-series cross-section data for the years 1980 through 2000 for all 188 U.S. cities with a population of 100,000 or more in 1990 and for which relevant data were available. Passage of three strikes laws was used a natural experiment. Cities (n=110) in states where three strikes laws were enacted were considered “treatment cities” and no-change cities (n=78) were “controls.” Researchers compared “observed changes in crime rates in the treatment cities (before and after three strikes laws) to observed changes in crime rates in the control cities.” The study examined whether three strikes laws had the intended effects of deterring and incapacitating highly active criminals. Authors noted, if these laws reduced crime mainly through deterrence, one would expect cities in states with the laws to experience a more sudden and persistent drop in crime than that in cities and states without laws. If the laws reduced crime primarily through incapacitation, one would expect cities where laws were present to experience a more gradual and continuing decrease in crime than that of cities without such laws as those convicted in three strikes cities would begin serving extended portion of their prison terms due to sentence enhancement. Authors found, “Consistent with other studies, ours finds no credible statistical evidence that passage of three strikes laws reduces crime by deterring potential criminals or incapacitating repeat offenders.” Furthermore, authors did not find evidence of an immediate or gradual decrease in crime rates, and homicide rates were actually positively associated with the passage of the three strike laws. Finally, state-specific findings were mixed. Specifically authors calculated annualized 5-year impacts of three strikes laws on UCR Index Crime Rates. Results in Washington were mixed; of the 7 crimes, rates decreased significantly for rape (-5.1%, p=.05) and aggravated assault (-8.2%, p=.01); increased significantly for burglary (14.4%, p=.01) and auto theft (17.6%, p=.01); increased for robbery (5.2%, p=.10); and increased, but not significantly, for homicide (6.7%) and larceny (0.5%). “Overall, 29 of the 147 tests were negative and significant, indicating that three strikes laws reduced crime, while 31 demonstrated a statistically significant increase in crime.”

11. **Gifford E.J. How Incarceration Affects the Health of Communities and Families: Invited Commentary. *North Carolina Medical Journal*. 2019;80(6):372-375.**

In this commentary about the impacts of incarceration on community and family health, Gifford concluded that “a more nuanced understanding of how imprisonment affects health is warranted...much of the evidence has come from national longitudinal studies that were not specifically designed to study the effects of incarceration on health and therefore lack key information on the timing, type (prison or jail), and length of incarceration.”

12. **Massoglia M., Pridemore W.A. Incarceration and Health. *Annual Reviews of Sociology*. 2015;41:291-310.**

Massoglia and Pridemore conducted a review of literature to evaluate the impact of incarceration on a range of health outcomes, including chronic health conditions and mortality, for individuals who are incarcerated, family members, and communities. Specific to length of incarceration, the authors cite previous research suggesting that “the impact of the length of incarceration on health appears to be less important than the fact of incarceration itself.” As part of their agenda for future research, the authors state that more research should be done related to the “different types and lengths of correctional confinement.”

13. **London A, Myers N. Race, incarceration, and health. *Research on Aging*. 2006;28(3):409-422.**

London and Myers conducted a review of the literature around health and other outcomes for incarcerated individuals. They highlighted research that indicates that black Americans have worse health outcomes than other racial/ethnic groups, and also are disproportionately represented in the justice system. The authors also outlined data indicating the high rates of injury in jails and prison as well as the high rates of communicable disease among incarcerated and formerly incarcerated individuals. In addition, they highlight research that indicates that incarceration is associated with lower educational attainment, lower income, higher rates of unemployment, and higher involvement in jobs with high risk of injury or exposure to hazardous working conditions. Evidence also indicates that incarceration is associated with divorce and separation of families.

14. **Turney K, Wildeman C, Schnittker J. As fathers and felons: Explaining the effects of current and recent incarceration on major depression *Journal of Health and Social Behavior*. 2012;53(4):465-481.**

Turney et al. analyzed data from the longitudinal Fragile Families and Child Wellbeing study. The researchers found that currently and recently incarcerated fathers are more likely to report a change in employment status, separation from a child’s mother, a change in relationship quality, and depression. The association between incarceration and depression remained significant even after controlling for variables such as demographic characteristics and history of depression.

15. **Wu E, El-Bassel N, Gilbert L. Prior incarceration and barriers to receipt of services among entrants to alternative incarceration programs: A gender-based disparity. *Journal of Urban Health: Bulletin of the New York Academy of Medicine*. 2012;89(2):384-395.**

Wu et al. collected data from a random sample of adults (N=322; 83 women and 239 men) entering alternative to incarceration programs in New York City. Researchers collected data through structured interviews including information on sociodemographics, substance use, prior

incarcerations, and barriers that had prevented a participant from visiting or returning to a service provider. Less than half of the participants had earned a high school diploma or GED. When analyzing collapsed data for male and female participants, they found that a greater number of prior incarcerations were significantly associated with a greater number of barriers that prevented accessing a service provider. When they analyzed the data disaggregated by sex and controlling for sociodemographic and substance use indicators, researchers found that the relationship between a greater number of prior incarcerations and greater number of service barriers experienced remained significant only for men.

16. Esposito Michael, Lee Hedwig, Hicken Margart, et al. The Consequences of Contact with the Criminal Justice System for Health in the Transition to Adulthood. *Longit Life Course Stud.* 2017;8(1):57-74.

Esposito et al. examine the association between incarceration and health in the United States during the transition to adulthood. They applied the Bayesian Additive Regression Trees (BART) to data from The National Longitudinal Study of Adolescent to Adult Health dataset (n=10,785) to model incarceration's effect on health controlling for confounding variables (93 variables, and 36 covariates categorized as: demographic characteristics, prior health status behaviors, engagement in risky behavior, social connectedness, disposition characteristics, parental characteristics, and contextual residential characteristics). Authors examined three health outcomes: 1) an indicator for cardiovascular health (i.e. hypertension or raised blood pressure), 2) a measure of general health status (i.e. excellent/very good self-reported status), and 3) a measure of mental health status (i.e. depression). The analysis of two separate samples found individuals who had been incarcerated were more likely to suffer from depression, less likely to report being in excellent or very good health, and more likely to have hypertension than their peers with no history of incarceration. To examine if the health inequalities between previously incarcerated and never incarcerated individuals was a product of incarceration rather than a product of features that occurred prior to incarceration, they used the BART methodology to estimate how different the health of individuals who had experienced incarceration would be had they actually never experienced incarceration. Results suggest that elevated risk of depression among incarcerated individuals is largely a consequence of their incarceration (~5% both before and after accounting for confounders). Similarly, a prior history of incarceration appears to decrease the probability of reporting excellent/very good health (~10%), roughly half of the decrease in probability before accounting for confounders. Results show no adverse effects of incarceration on hypertension.

17. Langton Lynn. Justice USDo.Firearms Stolen during Household Burglaries and Other Property Crimes, 2005-2010.Crime Data Brief. Washington, D.C. : U.S. Department of Justice; November 2012 2012.

This Bureau of Justice Statistics Crime Data Brief provides information about firearms stolen during household burglaries and other property crimes (including from motor vehicles) from 2005 through 2010. "Overall, about 1.4 million guns, or an annual average of 232,400, were stolen during burglaries and other property crimes in the six-year period [...] Of these stolen firearms, at least 80% (186,800) had not been recovered at the time of the National Crime Victimization Survey (NCVS) interview." NCVS data are collected on nonfatal victimizations reported and not reported to the police against persons age 12 or older from a nationally representative sample of U.S. households. The author reports, "firearms were stolen in 2% of

violent and 1% of property crimes involving theft from 2005 through 2010", and "handguns were the most common type of firearm stolen." During this period, 86% of burglaries and 75% of other property crimes involving a stolen firearm were reported to police. At the time of the survey, approximately 80% of firearms stolen during household property crimes had not been recovered. Finally, "the majority of property crimes involving stolen firearms occurred in the South."

18. Cook P. J. Gun Theft and Crime. *J Urban Health*. 2018;95(3):305-312.

Researcher P.J. Cook notes, "the role of theft in supplying the guns used in robbery, assault, and murder is unknown, and current evidence provides little guidance about whether an effective program to reduce gun theft would reduce gun violence." In this article, the author analyzes publicly available national data on gun theft together with a unique data set for Chicago to better understand the potential impact of gun theft on crime. Overall, "results tend to support a conclusion that stolen guns play only a minor role in crime." For example, using publicly available data the author calculates that thefts account for approximately 1% of all gun transactions nationwide. Second, an analysis of original data from Chicago found that 2.8% of crime guns had at some point been reported stolen in Chicago. However, the matching process (stolen firearm to recovered gun) used in the study has been described as meager and hard to interpret. For example, the matches were limited to guns reported stolen to Chicago Police Department (as National Crime Information Center data were ultimately not useable). Therefore, data were not available on how many of these guns were stolen outside of Chicago (e.g., in another state). Therefore, this may be considered a lower bound, and the true value is unknown. Additionally, 44% of those picked up with a stolen gun had a criminal record that included violent offenses. Finally, "results from surveys of convicted criminals, both nationally and in Chicago, suggest that it is rare for respondents to have stolen the gun used in their most recent crime." The author notes that data on which these results are based have various shortcomings and proposes a research agenda to provide more certainty about the role of theft.

19. U.S. Department of Justice. About 1.4 Million Guns Stolen During Household Burglaries and Other Property Crimes from 2005 through 2010. 2012; Available at: <https://www.bjs.gov/content/pub/press/fshbopc0510pr.cfm>. Accessed February 2020, 2020.

This Bureau of Justice Statistics news release states an estimated 1.4 million firearms were stolen in household burglaries another property crimes over the six-year period from 2005 through 2010. During this time period, firearms were stolen in about 4% of the 2.4 million household burglaries and in less than 1% of the 13.6 million other property crimes involving a completed theft. The trend from 1994 to 2010 shows a decline in the total number of victimizations involving theft of at least one firearm. BJS notes, "handguns were the most commonly stolen firearm from 2005 through 2010." Of crimes involving firearm theft, at least one handgun was stolen in 63% of household burglaries and 68% of other property crimes. Additionally, "more than one gun was stolen in 39[%] of burglaries and 15[%] of other property crimes involving gun theft." The average financial loss when only one gun was stolen was between \$400 and \$500 per incident.

20. U.S. Department of Justice. National Crime Information Center (NCIC). Available at: <https://www.fbi.gov/services/cjis/ncic#File-Types>. Accessed February, 2020.

This U.S. Department of Justice's Federal Bureau of Investigation webpage provides an overview of the National Crime Information Center (NCIC). It discusses the 21 files that comprise the NCIC database including the Gun File, which contains "records on stolen, lost, and recovered weapons and weapons used in the commission of crimes that are designated to expel a projectile by air, carbon dioxide, or explosive action."

21. Bureau of Alcohol Tobacco, Firearms and Explosives. Justice USDo.Federal Firearms Licensee (FFL) Theft/Loss Report.Washington, D.C.: U.S. Department of Justice;2020.

The Federal Firearms Licensee (FFL) Theft/Loss Report is published annually by the U.S. Department of Justice's Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). The data source for this report is the Firearms Tracing System. Data are presented for thefts and losses that occurred from January 1, 2019 through December 31, 2019. State specific data and national totals are presented.

22. Hemenway D., Azrael D., Miller M. Whose guns are stolen? The epidemiology of Gun theft victims. *Inj Epidemiol.* 2017;4(1):11.

Hemenway et al. examine the demographics and behavioral characteristics of gun owners who reported having had a gun stolen in an effort to describe "risk factors" for having guns stolen. Authors used data from a "nationally representative probability-based online survey conducted in April 2015, with a linked follow-up survey in November 2015 that asked gun owners about any theft of their guns in the past 5 years." The study design allowed researchers to compare gun owners whose guns were stolen with owners who did not experience a gun theft. "Of 1,604 gun-owning respondents, 2.4% (95% CI 1.6,3.6) reported that one or more guns had been stolen, with a mean number of guns stolen per theft of 1.5 (95% CI 1.0,2.0)." Gun owners were statistically significantly more likely to have guns stolen if they owned 6 or more guns (4.5% vs. 1.7%), owned guns for protection (3.1% vs. 1.0%), carried a gun in the past month (5.3% vs. 1.7%), or did not store their guns in the safest manner (2.9% vs. 1.0%). Additionally, gun owners living in the South region of the U.S. were statistically significantly more likely to experience firearm theft than those living in other regions (3.7% vs. 1.4%). Evidence indicates "the South accounts for 37% of US households, 43% of gun owners, and two-thirds of all gun thefts." Authors estimate that "there are approximately 250,000 gun theft incidents per year, with about 380,000 guns stolen." The survey also found that a significantly higher percentage of gun owners of color had guns stolen (5.2% vs. 1.8%).

23. Data & Statistics. 2020; Available at: <https://www.atf.gov/resource-center/data-statistics>. Accessed February 2020.

This ATF webpage provides a comprehensive collection of ATF-related data from national surveys, state-based surveys, other collected license statistics and other data sources documents trends in firearms, commerce and use of federal services in the U.S. Board staff accessed Federal Firearms Licensee Statistics Theft/Loss Reports 2012-2019.

24. An ACT Relating to firearm theft. Senate Law & Justice (originally sponsored by Senators Wilson L, Holy, Becker, Padden, Wagoner, Muzzall, Short, Schoesler, Warnick, Ericksen, Braun, Brown, Honeyford, O'Ban, and Rivers), trans. *Revised Code of Washington.* 2020 ed2020.

Substitute Senate Bill 6406 would create a new theft of a firearm offense in cases when theft is from a residence, store, shop, sales outlet, or vehicle. Full bill text available here.

25. Early release for good behavior, RCW 9.92.151 Revised Code of Washington.

Washington State law (RCW 9.92.151) establishes early release for good behavior. Specifically, section 1 states, "the sentence of a prisoner confined in a county jail facility for a felony, gross misdemeanor, or misdemeanor conviction may be reduced by earned release credits in accordance with procedures that shall be developed and promulgated by the correctional agency having jurisdiction. The earned early release time shall be for good behavior and good performance as determined by the correctional agency having jurisdiction." The statute limits aggregate earned early release time to one-third of the total sentence.

26. Sugie Naomi F., Turney Kristin. Beyond Incarceration: Criminal Justice Contact and Mental Health. *American Sociological Review*. 2017;82(4):719-743.

The authors examined associations between criminal justice contact and mental health using data from the National Longitudinal Survey of Youth (NLSY97). The nationally representative survey of a contemporary cohort includes information about criminal justice contact (including arrest, conviction, and incarceration) and mental health over time. Analysis showed arrest and incarceration—but not conviction—are independently associated with poor mental health. Arrests accounted for nearly half of the association between incarceration and mental health. Authors propose uncertainty and anticipatory stress are primary mechanisms that worsen mental health and deserve further study. Researchers document that criminal justice contact is socially patterned and is more common among non-Hispanic blacks than non-Hispanic whites and Hispanics. However, the associations between criminal justice contact and mental health are similar across racial/ethnic groups. Researchers found respondents' previous exposure to disadvantaged ecological contexts (i.e. counties with high proportions of residents with incomes below the poverty, unemployed civilians, female-headed households, and households receiving public assistance income) had negative consequences for mental health. The authors asserts the importance of mental health for other life course outcomes (e.g. physical health, socioeconomic status, children's wellbeing) and conclude that the consequences of criminal justice contact may extend beyond mental health and have broad intra- and inter-generational consequences.

27. Yi Youngmin, Turney Kristin, Wildeman Christopher. Mental Health Among Jail and Prison Inmates. *American Journal of Men's Health*. 2017;11(4):900-910.

Yi et al. analyzed a sample (n = 3,139) from the Fragile Families and Child Wellbeing Study (FFCWS), a longitudinal survey commonly used to study the individual and spillover consequences of incarceration, to assess how the relationship between current incarceration and self-reported mental health varies across jail incarceration and prison incarceration. Researchers found fathers incarcerated in jails "...have higher odds of depression (OR=5.06), life dissatisfaction (OR = 3.59), and recent illicit drug use (OR=4.03)" compared to those not incarcerated. While fathers incarcerated in prisons "...have higher odds of life dissatisfaction (OR=3.88) and lower odds of heavy drinking (OR=0.32) compared with those not incarcerated." Results confirm the negative associations between incarceration and mental health and provide new insight into between-facility differences in mental health of currently incarcerated fathers. Authors conclude that further research is needed to better understand the effects of incarceration

in jails and the implications for the well-being of current and former inmates' children and families.

28. Alper M., Glaze L. Source and Use of Firearms Involved in Crimes: Survey of Prison Inmates, 2016. U.S. Department of Justice, Bureau of Justice Statistics;2019.

Since 1974, the U.S. Department of Justice, Bureau of Justice Statistics has periodically conducted the Survey of Inmates in State and Federal Correctional Facilities (renamed the Survey of Prison Inmates in 2016). The 2016 survey was conducted by RTI International, and included face-to-face interviews with a national sample of individuals who were incarcerated in state or federal prisons. Using a stratified sample design, researchers invited 385 out of 2,001 unique state and federal prisons to participate in the survey, and a total of 364 state and federal prisons participated (response rate= 98.4%). Face-to-face interviews were completed with a total of 24,848 individuals who were incarcerated, were 18 years and older, and were convicted or sentenced (response rate= 70.0%). Survey questions included topics such as firearm possession during the crime for which they were incarcerated, how the firearm was used during the crime, how individuals obtained the firearm, criminal history, socioeconomic characteristics, and other demographic information. All information was based on self-report. While the authors attempted to reduce the potential for response bias, some questions may have led individuals to provide answers to protect against self-incrimination. To measure the source and method of obtaining the firearm, two separate questions were asked in the survey. The first question asked how the individual obtained the firearm, and the second question asked where the individual obtained the firearm; multiple responses could be reported for both questions. Overall, the survey found that 287,400 out of 1,421,700 (21%) of individuals who were incarcerated in state and federal prisons were armed with a firearm during the crime for which they were incarcerated. Male individuals who were incarcerated were about 2.5 times as likely (22%) as females (9%) to have possessed a firearm during the crime for which they were incarcerated and 29% of black individuals serving a sentence in state prison in 2016 possessed a firearm during their crime compared with 12% of white and 21% of Hispanic individuals. Among individuals who were incarcerated and possessed a firearm when they committed the offense and who reported the source from which they obtained it, 90% did not obtain the firearm from a retail source. The most common source (43%) for obtaining a firearm was off-the-street or the underground market. Approximately 6.4% of individuals reported obtaining the firearm through theft, including theft from burglary (1.5%), retail source (0.2%), family/friend (1.6%), or unspecified (3.1%).