Firearm safe-storage rules help stop tragic child deaths

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With firearm violence the leading cause of injury-related death among the nation’s children—surpassing car-crash injuries in 2019—physicians tell a federal appeals court that judges should heed facts and science to protect kids from gun violence.

The Illinois Department of Children and Family Services (DCFS) created a rule to bar loaded guns in foster homes and require that all firearms be stored unloaded and locked, separate from ammunition. Under the rule, the ammunition must also be stored in a location that is locked and inaccessible to children.

Meanwhile, a separate agency rule bars handguns at a home day care facilities and requires that all other firearms are disassembled, unloaded and locked in a storage area inaccessible to children. It also requires that ammunition is stored in a locked location separate from the firearms.

But the Second Amendment Foundation, Illinois State Rifle Association, Illinois Carry and two individuals filed suit, claiming the DCFS rules infringe on the constitutional right to keep and bear arms. The case, Miller v. Smith, is now before the 7th U.S. Circuit Court of Appeals.

The Litigation Center of the American Medical Association and State Medical Societies, Illinois State Medical Society, American Academy of Pediatrics (AAP) and the AAP’s Illinois chapter filed an amicus brief (PDF) urging the 7th Circuit to uphold the lower-court ruling that found the rules didn’t violate the Second Amendment.

“This court’s decision will directly affect whether children, including babies and infants will live, die or have their lives changed forever by devastating gunshots and psychological trauma,” said firearm violence a public health crisis and advocates a wide array of preventive measures, and supported New York’s reasonable concealed-carry law that was overturned by the Supreme Court in June.
Find out more about the cases in which the AMA Litigation Center is providing assistance and learn about the Litigation Center’s case-selection criteria.

**Safe storage saves kids’ lives**

Numerous studies show why responsible storage of firearms is essential to children’s health, the brief says. For example:

- Nearly 90% of firearm-related deaths for kids 14 or younger happen at home.
- Most unintentional, gun-related child deaths involve a firearm found at home.
- Safely storing a gun would eliminate up to 32% of youth gun-related deaths.

“The fact that day cares are designated spaces for the care of young children is a powerful indicator that they may be ‘sensitive places,’” says the AMA Litigation Center and others. “Safe-storage requirements materially reduce the rate of firearm-related injuries and death among children,” as do the experiences of physicians, surgeons and other specialists “treating children who have suffered firearm injuries due to improperly stored firearms in the home.”

Beyond arguing the law, the brief includes testimonials from 13 physicians—including those who are responsible gun owners—about the importance of safe firearms storage and how it can prevent deaths, horrific injury and lifelong psychological trauma.

The physicians offered heart-wrenching accounts of what it is like to have to treat young patients—sometimes infants—rushed to hospitals where they work. Others discussed the long rehabilitation processes and lifelong consequences for children who are paralyzed, blinded or otherwise suffer injuries that change the course of their lives, and those for their families.

Other physicians cited in the brief discussed the long-term mental health consequences, including post-traumatic stress disorder, anxiety and recurring nightmares for those shot and those who witness shootings.

Learn more with emergency physician Megan Ranney, MD, MPH, about why gun violence is a public health issue.


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