I. INTRODUCTION

Forty-nine bodies laid lifelessly on the ground while many others laid beside them, covered in blood, pretending to be dead to save their lives from the gunman who opened fire in the night club.\(^1\) That was the scene at Pulse Night Club on June 11, 2016, which turned the enjoyment at a nightclub into a nightmare.\(^2\) Like this tragedy, many others have previously


\(^{2}\) Id.
occurred and continue to occur all over the world.\textsuperscript{3} Yet, when a mass shooting occurs there is a spike in support of legislative action, but as time goes by the fear and sentiments fade until the next incident.\textsuperscript{4}

This article will focus on a comparison between mass shootings in the United States, European countries, Australia, and Latin America, and the motive behind active shooters in those countries. In the United States section, a brief summary of statistical findings of mass shootings in the United States will be discussed. Next, mass shooting incidents, offender motives, and state gun laws in various states will be explained, including Florida, Colorado, Connecticut, and California. The following section will discuss foreign mass shooting incidents and offender motives followed by the differences between the countries’ mass shooting motives and gun laws.

Then, different resolutions will be discussed that have been made or should be made to prevent or reduce the risk of mass shooting incidents. The conclusion will briefly explain an effective way to reduce or prevent mass shooting incidents in the United States.

II. MASS SHOOTINGS IN DIFFERENT COUNTRIES

A. The United States

United States government agencies have defined an active shooter as a person “actively engaged in killing or attempting to kill people in a confined and populated area.”\textsuperscript{5} The FBI identified 160 active shooter incidents between 2000 and 2013 at an average of 11.4 incidents that occurred annually, with an increasing trend.\textsuperscript{6} Out of those 160 incidents, 1043 people were killed or wounded.\textsuperscript{7} 70% of these incidents occurred in a business or educational setting, and 60% of the incidents ended before police arrived to the scene.\textsuperscript{8} The FBI found that in forty-four out of sixty-three mass shootings, the incident ended within five minutes or less.\textsuperscript{9}

\begin{thebibliography}{9}


\bibitem{6} \textit{Id.} at 5–6.

\bibitem{7} \textit{Id.} at 7.

\bibitem{8} \textit{Id.} at 6.

\bibitem{9} \textit{Id.} at 8.

\end{thebibliography}
On June 11, 2016, gunman, Omar Saddique Mateen, in Orlando, Florida, perpetrated one of the most recent deadly mass shootings. Mateen was born in New York to parents of Afghanistan descent, and later moved to Florida. He was interviewed three times by the FBI on two separate occasions, and both investigations were closed. The first interview was due to comments Mateen made while employed as a courthouse security officer, claiming connections to Al Qaeda and ties to the Shiite Hezbollah. The second investigation was related to Mateen’s contact with a suicide bomber in Syria.

At 2:35 a.m. Mateen, equipped with a military-type rifle and handgun that he legally purchased, shot and killed forty-nine people and injured fifty-three in Orlando’s Pulse nightclub, a bar often visited by gays and lesbians. Mateen had kept people hostage in a restroom, where more than a dozen people were forced to cram into a bathroom stall to save themselves. Mateen’s motive continues to be debated between terrorism and a hate crime. Some people believe Mateen’s motive was out of hate for gays and lesbians because Mateen may have had issues with his sexuality and took his frustrations out on gays and lesbians at Pulse nightclub. Sources say Mateen may have spent time at Pulse nightclub and may have used gay dating applications. In addition, he showed mass-shooter warning signs because he beat both his ex-wife and second wife. To the contrary, some have said it was not a hate crime; for instance Patience Carter, a victim who survived the incident, stated Mateen told her

12. Id.
14. Id.
15. Id.
16. Survivor’s Video Shows Terror Inside Club During Orlando Shooting, supra note 1.
17. Kennedy, supra note 11.
18. Id.
19. Id.
20. Id.
this was not about blacks, but was about his country, Afghanistan.\textsuperscript{21} He told police he was doing this because he wanted America to stop bombing his country.\textsuperscript{22}

Furthermore, Mateen allegedly pledged his allegiance to ISIS in a 911 call during the attack.\textsuperscript{23} Intelligence officials do not believe Mateen’s motive in the attack dealt with ISIS because there were few warnings of radicalization.\textsuperscript{24} However, one reason why his motive may have been terrorism is because Mateen identified himself as an Islamic soldier and said he had a vest, similar to the type ISIS terrorists used during the France attacks.\textsuperscript{25} In addition, Mateen made a post on Facebook saying more attacks done by the Islamic State will be seen in the United States in the next few days.\textsuperscript{26}

Florida law authorizes the Department of Agriculture and Consumer Services to issue concealed weapon and firearm carrying licenses to individuals that meet the statutory requirements.\textsuperscript{27} Florida defines concealed weapons or firearms permitted for carry as a “handgun, knife, or billie, tear gas gun, electronic weapon or device,” however machine guns are not permitted.\textsuperscript{28} To obtain such a license in Florida the person must: be at least 21 years of age; not have a physical infirmity; not be a convicted felon; have a lawful self-defense motive; not have been committed for the misuse of a controlled substance; must not have been found guilty of a crime enumerated in Chapter 893, or any other states’ similar laws of controlled substances, within a three year period immediately before the date the license application is submitted; not use alcoholic beverages or other substances to the point that impairs his or her normal faculties; and complete a firearm or hunter safety course with a copy of a document showing completion of the course to demonstrate competence with firearms.\textsuperscript{29}

In addition, Florida law requires one who applies for a concealed weapon and firearm carry license,
[H]as not been adjudicated as an incapacitated individual; has not been committed to a mental institution under Chapter 394; adjudicated guilty that was withheld or imposed sentence suspended on any misdemeanor domestic violence charge and on any felony unless 3 years passed since probation or any court-ordered conditions have been met, or the record has been expunged; has not been given an injunction that is currently in effect and that prohibits the applicant from committing repeat violence or domestic violence; and prohibited from purchasing or owning a firearm by any Florida or federal law provision [. . .].

If any of the stated Florida statutory requirements are not fulfilled, the Florida Department of Agriculture shall deny the concealed weapons and firearms license.

Furthermore, Florida law prohibits those licensed from openly carrying or concealing a firearm or weapon into:

[A]ny place of nuisance; law enforcement station; courthouse; courtroom except a judge is not prohibited from carrying a concealed weapon or deciding who can concealed-carry in his or her courtroom; correctional facility; polling place; governing body, county, public school district, municipality or special district meeting; legislature or committee meeting; school, college or professional athletic event not related to firearms; elementary school or secondary school or administration facility; career center; area where alcoholic beverages are served on the premises; college or university premises unless the licensee is a registered student, staff member of the institution and the weapon is nonlethal or a Taser-like gun designed for defense and does not fire a projectile; inside of any passenger airport terminal or sterile zone; and place where firearm carry is barred by federal law [. . .].

Moreover, a mass shooting occurred in Aurora, Colorado, on July 20, 2012, by gunman James Holmes. Holmes entered the theater via an emergency backdoor, shot and killed twelve people, and injured fifty-eight

30. Id.
31. Id.
32. § 790.06.
33. FBI STUDY, supra note 5, at 39.
more. Holmes legally purchased the guns he used to commit the shooting in the Cinemark Century 16 Movie Theatre during the showing of the Dark Knight Rises. Contrary to Mateen, Holmes’ motive was not terrorism, which Holmes explicitly stated in his notebook. Doctors suggested Holmes’ motives were related to hatred towards human beings, suicidal to homicidal thoughts, a desire to be remembered, or a need to be away from others. Holmes wrote that his real self was fighting his biological self, expressing his desire to kill people at an early age and a progressed desire to kill as he grew older.

In his notebook, Holmes had different plans to carry out a mass shooting, including using explosives or firearms, as well as targeting different movie theaters. Although some theaters were larger than the theater where the shooting occurred, the larger theater allowed concealed handguns while the incident location prohibited concealed handguns. Holmes knew that his chance to kill as many people would be limited in a place where one may be carrying a handgun, therefore he chose the theater where the public is disarmed because “disarming the law-abiding citizens leaves them as sitting ducks.” Consequently, Holmes’ possible motives dealt with psychological and sociological issues, rather than terrorism.

In another incident, shooters who showed warning signs of unstable behavior caused one of the deadliest mass shootings that occurred on school grounds. Eric Harris and Dylan Klebold opened fire in Columbine High School in Littleton, Colorado, killing thirteen people and injuring more than
twenty. Although their motive was not determined, the shooters left a few clues behind that point towards psychological instability. At the time, Harris was on anti-depressants, and Klebold’s journal entries showed his desire to kill and commit suicide—both mental health issues. In addition, investigators found journals that Klebold and Harris left behind, which described a year of planning the attack. These shooters obtained their firearms through straw purchases from a seller that had purchased the firearms from an unlicensed dealer.

In Colorado, it is unlawful for an unlicensed person to carry a firearm, except when the person is in his or her home, property or place of business, which he or she controls. A person that is licensed to carry a concealed firearm cannot carry a concealed firearm anywhere prohibited by federal law and in public structures where screening devices are used at the building’s entrance. Colorado law prohibits a licensee from carrying a concealed handgun on school grounds, however, the licensee is allowed to have a handgun on school grounds only if the licensee is in his or her vehicle with the gun. If the licensee is not in the vehicle, the handgun must be stored in a vehicle compartment and the vehicle must be locked. A licensee is permitted to carry a concealed handgun: while on duty if the licensee is hired by a school district or charter school as a school security guard, or if the licensee is on school district-owned land used for hunting or other shooting sports. Although Colorado law does not require a permit to purchase a firearm, such as handguns, shotguns, or rifles, as of July 1, 2013, background checks are required in private firearm sales. A gun owner, who transfers or plans to transfer possession of a firearm, must conduct a background check of the transferee and must obtain approval of the transfer

45. Kimble, supra note 43.
47. HISTORY, supra note 44.
48. Stanley, supra note 46, at 886.
50. COLO. REV. STAT. § 18-12-214 (2016).
51. Id.
52. Id.
53. Id.
54. Colorado Gun Laws, supra note 49.
by the Colorado Bureau of Investigation through a licensed firearms dealer.\textsuperscript{55}

Similar to the Columbine Shooters, on December 14, 2012, Adam Lanza, armed with a .223 caliber rifle, shot and killed 20 students and 6 faculty members at Sandy Hook Elementary in Newtown, Connecticut.\textsuperscript{56} Then, he killed his mother with a .22 caliber rifle and killed himself with a 10-millimeter pistol.\textsuperscript{57} Lanza’s motive is not determined, however Lanza was mentally ill, and could not live a normal life.\textsuperscript{58} Lanza showed signs of mental illness through his living habits, such as when he communicated with his mother via electronic mail even though they lived in the same home, and how he wanted his food set-up a certain way on his plate.\textsuperscript{59}

Lanza planned his actions, was familiar with guns, and had access to guns and ammunition.\textsuperscript{60} Police found the following in Lanza’s bedroom: articles about school shootings, including the Columbine High School incident, a spreadsheet on his computer of prior mass murders, photographs of Lanza pointing firearms at his head, videos showing suicides by guns, and a check by Lanza’s mother for the purchase of a firearm.\textsuperscript{61} Furthermore, Lanza’s mother legally purchased all of the firearms Lanza used in the Sandy Hook shooting.\textsuperscript{62}

In Connecticut, one must register all assault rifles, and a person must be licensed to purchase a handgun.\textsuperscript{63} A person who seeks to purchase a firearm must obtain a certificate issued by the Commissioner of Public Safety, which is followed by a two-week waiting period.\textsuperscript{64} Then, the FBI conducts a background check, and if cleared by the FBI the certificate is given to the prospective gun buyer.\textsuperscript{65} In addition, a person seeking to purchase a firearm must be at least age twenty-one, provide his or her
fingerprints, complete a gun-safety course, and pay fees.66 Furthermore, a person does not have to be licensed to possess a firearm, but a convicted felon cannot possess a firearm.67 Also, persons with juvenile delinquency priors may be prohibited from possessing firearms if he or she committed certain crimes, including a court-ordered confinement because the applicant was mentally ill or unstable in the previous year.68 Also, assault weapons are banned unless the assault weapon was obtained prior to 1993 and registered before 1994.69 If the person registered the assault weapon, the weapon can be kept at the person’s home, private property, or place of business.70

Further, a mass shooting occurred on December 2, 2015, in the Inland Regional Center, which provides services to the disabled in San Bernardino, California.71 Syed Rizwan Farook and Tashfeen Malik, a couple armed with .233-caliber assault rifles, and two 9-millimeter semi-automatic pistols, which were all legally purchased, shot and killed 14 people and injured 21.72 After engaging in a shootout with police, the couple was killed.73 The victims were people Farook knew because he worked with them.74 The shooters left 1,400 rounds for the rifle and 200 for the pistols in a rental car.75 In addition, police found over 2,000 rounds of handgun ammunition, over 2,500 rounds for assault rifles, 12 homemade pipe bombs, and materials to make pipe bombs in their home, which might signify that the offenders planned more attacks.76

The FBI treated the incident as a terrorist act, but the motive was not determined.77 The FBI found that Farook communicated with domestic and foreign extremists in the past, including five individuals who had been investigated by the FBI for possible terrorist activities.78 Law enforcement authorities obtained phones, which were highly damaged, and a computer

66. Id.
67. Id.
68. LAWS, supra note 63.
69. Id.
70. Id.
72. Id.
73. Id.
74. Id.
75. Id.
76. Medina et al., supra note 71.
77. Id.
78. Id.
from the couple’s home. Authorities were unable to determine the shooters’ motive but narrowed it to two possibilities—terrorism or workplace violence. However, aside from the physical evidence found, the couple was radicalized before they got married, had gone to a shooting range days before they attacked the health center, and an explosive was found at the health center. Thus, the FBI determined there was enough evidence showing a planned attack, and therefore, terrorism is a possible motive.

California firearm law prohibitions vary depending on certain factors including prior offenses. A person can never own a firearm if he or she was convicted of a felony or violent offense listed in California Penal Code, Section 29905, adjudicated as a mentally ill sex offender, or court-deemed mentally incompetent to stand trial, or court-deemed guilty but mentally insane. A person convicted of a misdemeanor, in violation of the enumerated penal code sections, is prohibited from owning firearms for ten years. A five-year firearm prohibition is set on any individual that has been detained because he or she poses a risk of danger to themselves or others, and was evaluated and admitted to a mental health institution. A person cannot buy more than one handgun within any thirty-day period. A person must have a valid Firearm Safety Certificate to purchase or own a firearm, which can be obtained by successfully completing a written exam proctored by Department of Justice (DOJ) certified instructors, and by successfully completing a gun safety demonstration in the presence of a DOJ Certified Instructor. California law also prohibits a juvenile from owning firearms if he or she was deemed subject of juvenile court and committed crimes enumerated in the Welfare and Institutions Code.

79. Id.
80. Id.
82. Id.
84. Id.
85. Id.
86. Id.
87. Id.
88. Harris, supra note 83, at 4.
89. Id.
B. European Countries

In 2009, Tim Kretschmer got his father’s gun, went to his school in Winnenden, Germany, and killed nine students and three teachers, and also killed two auto dealer employees and a local clinic employee nearby the school.90 Kretschmer’s father left the gun in a closet accessible to his son.91 Another incident occurred in Erfurt, Germany, when nineteen-year-old Robert Steinhäuser went to his high school and killed twelve teachers, a secretary, two students, a police officer, and himself.92 The gunman used a pistol, pump action shotgun, and had over 500 rounds of ammunition, which were found in the school.93 Steinhäuser’s motive could have been revenge for his academic struggle—failing grades, expulsion from school, falsified sick notes in fear of exams.94 On the other hand, Steinhäuser was fascinated with weapons, learned how to use them, and acquired a firearm license through two weapons clubs of which he was a member.95

Tough gun laws and gun-related European Union guidelines have made firearm-related crimes unlikely compared to the United States although Germany has 1.5 million gun owners with about 5.5 million weapons.96 In Germany, gun ownership is a privilege, not a right.97 To purchase a firearm, one must obtain a certificate over the course of a few months that proves the person knows how to handle weapons and ammunition.98 The potential gun owner must prove that he or she can store the gun safely in a place to which the owner—no one else—has access.99 One must be at a minimum age eighteen to get a firearm, and those under the age of twenty-five must take a psychological exam before being permitted to own a firearm.100 Hunters and marksmen have to register all of

93. Id.
94. Id.
95. Id.
96. Id., supra note 90.
97. Id.
98. Id.
99. Id.
100. Id.
Although crimes have increased, crimes related to firearm violations and crimes involving firearms have decreased from 2013. After the 2009 incident, gun laws were tightened, requiring random checks on weapon owners, and in 2013 a national register began for weapons.

In Finland, Pekka-Eric Auvin killed seven students, the school principal, and himself with a handgun at Jokela High School. Classmates and teachers noticed Auvin had become radical in the months prior to the incident, such as drawing violent pictures and developing an interest in Stalin and Nazi ideologies. Auvin also posted videos online, in which he made a tribute to the Columbine High School shooters, murderer Jeffrey Dahmer, and videos showing off his firearm and target practice. In addition, the shooter posted a video that shows himself posing with a gun and pictures of Jokela High School.

The law in Finland does not guarantee a person the right to private gun ownership, and only licensed firearm owners can purchase, own, or transfer a gun or ammunition. To own a firearm one must obtain a license, be at a minimum age eighteen, or if age fifteen with parental consent, pass a background check that consists of criminal and mental health records, have a genuine reason to own a gun, such as hunting, and complete a safety course.

On January 7, 2015, twelve people were shot and killed by three masked gunmen near the Charlie Hebdo magazine office in Paris, France. The gunmen were recorded saying an Arabic phrase that related to God, which has led to the idea that the attack was motivated by terrorism. Charlie Hebdo magazine publishes on politics, religion, and popular culture

101. Smale, supra note 90.
102. Id.
103. Id.
106. Id.
107. Id.
109. Id.
111. Id.
through cartoons, reports, and jokes. In 2011, Charlie Hebdo magazine published an issue that stated it was edited by Muhammad, which led to its offices being bombed and its website hacked. In 2012, the magazine also published a cartoon of Muhammad naked, which is a picture forbidden by many Muslims, and before the 2015 mass shooting, the magazine made a post on Twitter of a cartoon that apparently depicted the Islamic State’s leader.

France does not grant its people the right to bear arms, and has strict gun control laws. French law requires a person seeking gun ownership to obtain a hunting or sporting license, which must be repeatedly renewed, and he or she must be psychologically evaluated. The gunmen responsible for the Charlie Hebdo shooting appeared to have rifles, which are highly restricted and require an extensive background check to purchase. The French government believes the gunmen obtained the rifles illegally, since those rifles have been illegally circulating in France.

C. Australia

Australia has not been affected by many mass shootings since the strict gun control laws were implemented after an attack in 1996. The Australian Institute of Criminology defines a mass shooting as a shooting carried out by a single gunman who fatally shoots four or more individuals. On April 29, 1996, twenty-eight-year-old Martin Bryant killed thirty-five people and wounded twenty-three when he opened fire at a tourist destination in Port Arthur, Tasmania. Bryant used a semi-

112. Id.
113. Id.
114. Id.
116. Id.
117. Id.
118. Id.
120. Hartmann, *supra* note 119.
121. Id.
automatic rifle to carry out his attack.\textsuperscript{122} Bryant shot people at a café, a parking lot, people on the road, four people inside a car he hijacked, and a passenger of a car nearby.\textsuperscript{123} The shooter had the IQ of an eleven-year-old, and stated that he purchased the firearm with cash at a local gun shop.\textsuperscript{124}

Australia immediately responded to the tragic mass shooting by implementing stricter gun control laws and passing the National Firearms Agreement and Buyback Program (NFABP).\textsuperscript{125} The NFABP banned many types of semi-automatic weapons and required a permit for each weapon with a twenty-eight-day waiting period.\textsuperscript{126} Additionally, Australia implemented a national firearms registration system and placed restrictions on gun sales and ammunition.\textsuperscript{127} Only licensed firearm dealers could sell firearms and the amount of ammunition that could be sold was limited.\textsuperscript{128}

Further, one seeking to own a firearm must be at a minimum age eighteen, successfully complete a gun-safety course, provide a legitimate reason for owning a firearm—self-defense does not meet the legitimate reason requirement.\textsuperscript{129} People who obtain a firearm license have to renew the license every five years and the license could be revoked if law enforcement finds evidence showing the licensee has a mental or physical condition, making him or her unsuitable to own, use, or possess a firearm.\textsuperscript{130}

In addition, the new law required owner’s of prohibited firearms to sell or voluntarily turn over prohibited weapons to the government.\textsuperscript{131} Before the 1996 shooting incident, Australians were victims of thirteen fatal mass shootings.\textsuperscript{132} Since the implementation of NFABP and gun reform laws, Australia has not suffered another fatal mass shooting incident.\textsuperscript{133}

\begin{footnotes}
\item 122. Id.
\item 123. Id.
\item 125. Hartmann, supra note 119.
\item 126. Id.
\item 127. Id.
\item 128. Id.
\item 129. Id.
\item 130. Hartmann, supra note 119.
\item 131. Id.
\item 133. Fox, supra note 119.
\end{footnotes}
D. Latin America

Latin America is the key geographic region for drug production and trafficking in the world. Countries in the Andean region are the world’s main cocaine producers, while Central American countries, Mexico, and the Caribbean transport drugs to other countries, including the United States. As a result, Latin American countries are victims of violence by drug traffickers and gangs.

Mexico, located in Central America, home of numerous and dangerous drug cartels, suffers from violence caused by drug cartels and organized-crime gangs. In March 2010, gunmen from the Sinaloa Cartel fatally shot six farmers, who protested against the construction of a dam near Culiacan, Sinaloa. A group of armed Sinaloa Cartel members engaged in a shootout with gunmen from a rival drug cartel and mistakenly killed the farmers, who the Sinaloa gunmen mistook for rival cartel members. Four months later in Tubutama, Sonora, more than twenty people died in a shootout between Sinaloa Cartel gunmen and rival cartels—Los Zetas and Beltran Leyva. These shootings are motivated by the desire to protect or gain drug smuggling routes.

Although Mexico’s Constitution grants its people the right to bear arms, that right is regulated. Mexico’s Federal Penal Code requires a license to sell or carry pistols or revolvers, and allows public employees to carry weapons needed to perform their work, subject to meeting other legal requirements. Those found in violation of the Federal Penal Code, meaning the person possesses, manufactures, imports, or stores firearms without legal purpose, are punished with imprisonment ranging from 6

135. Id.
136. Id.
137. Id.
139. Id.
140. Id.
143. Id.
months to 3 years, a fine that amounts from 180 to 360 days of the offender’s net income, and the weapon is confiscated. In addition, the Federal Law of Firearms and Explosives requires all firearms to be registered in the Federal Arms Registry with the Secretariat of National Defense.

III. COMPARATIVE ANALYSIS

Each country has different constitutional rights, geographic region, population size, economy, and crime rates. Hence, the motive behind active shooters varies depending on those factors. Some countries have implemented gun laws that have an effective impact on mass shooting prevention, such as Australia’s NFABP. However, the laws enforced in some countries such as Australia and Mexico will not prevent mass shootings in the United States because mass-shooter motives and constitutional laws vary in each country.

A. United States and Mexico

Mass shootings in Mexico occur as a result of the drug cartels fighting over drug transport routes. Mexico’s strict gun laws do not impact the accessibility of guns because drug cartels acquire their firearms through the black market and through straw purchases made in the United States, which then funnel down the guns. Mexican cartels also obtain firearms through the same drug smuggling routes used to transport drugs into the United States.

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144. Id.
145. Id.
146. See supra Part II.
147. Id.
148. Hartmann, supra note 119.
149. See generally Weg, supra note 132.
150. Mexico’s 49 Headless Bodies is Third Massacre in 10 Days in ‘Triangle of Death, supra note 141.
152. Id.
B. United States and Australia

Although Australia’s gun laws have proved to prevent mass shootings, such laws would conflict with the United States’ laws for various reasons. First, the NFABP conflicts with the Second Amendment of the United States Constitution and federal court rulings regarding the right to bear arms. The NFABP requires one to have a genuine reason to own a firearm, such as hunting; however, self-defense does not satisfy the requirement. The United States Supreme Court in *Heller v. District of Columbia* and *McDonald v. Chicago* decided that one has an individual right to keep and bear arms in one’s home for self-defense reasons. In addition, the NFABP conflicts with the United States Supreme Court rulings because the Australian law prohibits all semi-automatic and automatic long-barrel firearm manufacturing, possession, right of possession, sale, transfer, and resale while those firearms are not barred by the Second Amendment. However, the state and federal governments can limit the individual right to keep and bear arms through regulations. Australia’s law is a uniform law—it applies to the entire Country. Contrarily, the United States is formed on a federal government system in which the federal and state government have power. Therefore, it is difficult for the United States to implement a uniform law because the states are sovereign and have their own laws to govern their land. Additionally, the NFABP conflicts with the United States Fourth Amendment constitutional protection against illegal searches and seizures. The NFABP requires proper firearm storage and allows inspection of the storage. The Fourth Amendment requires law enforcement to have probable cause and a court issued warrant to search a person’s property. Since the United States does not have a national gun

153. *Weg, supra* note 132, at 675.
154. *Id.* at 675–76, 660–61.
155. *Id.* at 675.
156. *Id.* at 663–64, 676.
157. *Id.* at 660, 672.
158. *Weg, supra* note 132, at 676.
159. *Id.* at 672.
160. *Id.* at 665.
161. *Id.* at 665–66.
162. *Id.* at 680.
163. *Weg, supra* note 132, at 673.
164. *Id.* at 680.
registry, the federal government cannot find who owns a gun unless a police officer obtains a search warrant and searches each home in the country, which would be expensive and ridiculous. Therefore, the government would have to implement an illegal firearm confiscation system in which the people would obey and surrender their firearms voluntarily. Some states have already implemented gun buyback laws, such as New Jersey’s voluntary gun buyback program in which every nine years its residents anonymously and voluntarily surrender their guns in exchange for monetary compensation.

On the other hand, the buyback program enacted in Australia may be implemented in the United States. The United States government cannot confiscate a firearm from one legally possessing it. The United States and Australia have a similar Takings Clause that bars the government from confiscating private property for public use without just compensation. The just compensation requirement not only applies to real property, it applies to other tangible and intangible property—including personal property. If the United States government seizes a firearm after a law is enacted, barring possession of that firearm, then the government must take it for public use. The government cannot simply confiscate private property, such as a firearm, and let it rust and dust. The government would have to do as the Australian government—smelt the guns and make use of the steel or give the firearms to the military. Thus, if the United States enacts a law requiring seizure of firearms considered illegal, the government must give just compensation and must have a public use for the guns.

Besides the legal conflicts with the NFABP, the United States’ public opinion regarding gun rights and gun control differs from Australia’s public opinion. In Australia, a poll study found that the vast majority of Australians participating in the study supported strict gun laws after the

165. Id.
166. Id.
167. Id. at 680–81.
168. Weg, supra note 132, at 681, 683.
169. Id. at 678.
170. Id. at 681–83.
171. Id. at 683.
172. Id. at 682–83.
173. Weg, supra note 132, at 683.
174. Id.
175. Id.
176. Id. at 684–85.
tragic Port Arthur shooting.\textsuperscript{177} Since the NFABP was enacted, no deadly mass shooting incidents have occurred in Australia.\textsuperscript{178} In contrast, the American public opinion does not overwhelmingly support gun control—the right to own a firearm is more important.\textsuperscript{179} Yet, that opinion seems to have repercussions being that the mass shooting incident rate has tripled in the United States.\textsuperscript{180}

C. United States and Europe

Analogous to Australia’s law, Finland, Germany, and France do not guarantee their people the right to private gun ownership such as is granted by the Second Amendment in the United States.\textsuperscript{181} Although active shooter motives in the United States and European countries are similar—terrorism and violence in schools caused by a mentally ill person—the United States would have a conflict implementing a law that removes one’s individual right to keep and bear arms, such as is enforced in those European countries.\textsuperscript{182}

IV. Resolutions to Prevent or Reduce the Risk of Mass Shootings

In the United States, various factors lead to mass shootings, such as firearm accessibility, violence due to lack of mental illness treatment, terrorism, and hate crimes.\textsuperscript{183} Therefore, preventing or decreasing mass shooting incidents is not simply done by improving one factor, but it is a combination of improving mental illness treatment, gun control, target hardening, and increasing armed personnel presence in gun-free zones.

A. Improve Mental Illness Treatment

In the United States, some mass-shooting incidents can be prevented or decreased if mentally ill individuals are properly treated.\textsuperscript{184} No effective mental health procedures are in effect that alarm the government of

\textsuperscript{177} Id.
\textsuperscript{178} Weg, supra note 132, at 674, 685.
\textsuperscript{179} Id. at 685.
\textsuperscript{180} Id. at 684.
\textsuperscript{181} See generally Smale, supra note 90; see supra Part II.
\textsuperscript{182} See supra Part II.
\textsuperscript{183} Id.
\textsuperscript{184} Stanley, supra note 46, at 908.
individuals who should not be permitted to possess or own a firearm, which puts Americans at risk of mass shootings.\textsuperscript{185}

For example, the Columbine shooters, Eric Harris and Dylan Klebold, gave warning signs of mental illness prior to the incident and were still able to obtain guns.\textsuperscript{186} Klebold kept a journal, which stated his desire to obtain a firearm, go on a killing spree, and commit suicide.\textsuperscript{187} Besides the journal, Klebold also exhibited signs of violence through a story he wrote for class that discussed an assassination at a school.\textsuperscript{188} Also, Harris kept a website where he discussed the weapons he and Klebold acquired, and he was on medication for obsessive-compulsive disorder, which is a mental illness.\textsuperscript{189} Despite law enforcement and school officials’ knowledge of these warning signs, these signs were not given importance.\textsuperscript{190} Therefore, if these individuals would have been properly treated for their mental illness, the horrific Columbine incident might have been prevented.

Another example of a shooter that exhibited warning signs of violence is the Aurora theater shooter, James Holmes.\textsuperscript{191} Holmes saw a psychiatrist at the university he attended in Colorado, and messaged a friend about a mental illness that causes symptoms similar to severe depression.\textsuperscript{192} Despite these signs, Holmes legally purchased the firearms and ammunition he used to commit the shooting in Aurora.\textsuperscript{193}

As a result, individuals diagnosed with a mental illness should receive proper treatment, which can not only improve the illness, but also stabilize the individual, and prevent predictable violence.\textsuperscript{194} “According to the National Institute of Health, every mental disorder can be improved with treatment.”\textsuperscript{195} Furthermore, the National Alliance on Mental Illness believes violent acts by mentally ill individuals occur due to the lack of effective mental health treatment.\textsuperscript{196} For example, the Sandy Hook

\begin{itemize}
\item \textsuperscript{185} Id. at 878.
\item \textsuperscript{186} Id. at 886.
\item \textsuperscript{187} Id.
\item \textsuperscript{188} Id. at 885.
\item \textsuperscript{189} Stanley, supra note 46, at 886.
\item \textsuperscript{190} Id. at 885–86.
\item \textsuperscript{191} Id. at 890–91.
\item \textsuperscript{192} Id. at 891–92.
\item \textsuperscript{193} Id. at 892.
\item \textsuperscript{194} Lindsay Bramble, Putting a Band-Aid on a Bullet Wound: Why Gun Legislation Targeting Individuals with Mental Illness Isn’t Working, 17 J. HEALTH CARE L. & POL’Y 303, 317, 319 (2014).
\item \textsuperscript{195} Id. at 322.
\item \textsuperscript{196} Id.
\end{itemize}
Elementary shooter, Adam Lanza, who was characterized as socially awkward and believed to suffer from Asperger’s Syndrome, is thought to have become violent because of his mental illness.\(^\text{197}\) If that is true, those with mental illnesses should be screened and treated for such mental illness.\(^\text{198}\)

### B. Gun Control

Strict gun control legislation may benefit public safety.\(^\text{199}\) In 2013, after the deadly Sandy Hook Elementary shooting, President Obama released a three-pronged plan to reduce gun violence in the United States.\(^\text{200}\) The plan would improve the background investigation of potential buyers, prohibit military-type assault weapons, high-capacity magazines, enhance penalties for illegal gun trafficking, and bar straw purchasers from buying guns for unauthorized people or uses.\(^\text{201}\) Additionally, President Obama released twenty-three executive actions to improve mental health data sharing and enforcement, and instructed the Attorney General to make recommendations to safeguard dangerous individuals from owning firearms.\(^\text{202}\)

Furthermore, some states can create legislation that limits firearm accessibility to promote public safety, such as Maryland’s Firearm Safety Act (FSA).\(^\text{203}\) In 2013, Maryland enacted the FSA, which banned forty-five weapons, and another law, which prohibits pistol magazines that hold over ten rounds.\(^\text{204}\) An argument in opposition of the FSA is that most of the prohibited weapons listed in the FSA are semiautomatic rifles, which have the same effect of semiautomatic handguns—the weapons automatically reload after the trigger is pulled.\(^\text{205}\) Gun rights activists also argue that semiautomatic handguns are more likely to be used; a handgun is smaller and easier to conceal than an assault weapon.\(^\text{206}\)

\(^{197}\) Id. at 304, 322.

\(^{198}\) Id. at 322.


\(^{201}\) Id. at 159.

\(^{202}\) Id.

\(^{203}\) Lamartina, supra note 199, at 75.

\(^{204}\) Id.

\(^{205}\) Id. at 79.

\(^{206}\) Id. at 79–80.
Despite the support for many proposed gun control bills, passing gun control legislation is difficult to achieve because of the debate that gun control infringes on the Second Amendment and hampers self-defense.\textsuperscript{207} Influential firearm supporters, such as the National Rifle Association (NRA), strongly oppose strict gun control legislation.\textsuperscript{208} For example, the NRA and other gun-control opponents conducted a campaign to go against those who voted for the Brady Bill, a law requiring background checks on firearm buyers from commercial sellers.\textsuperscript{209} As a result, the balance of power in Congress shifted from Democratic to Republican control, and many bills have failed.\textsuperscript{210}

However, the Second Amendment is not absolute, and the United States Supreme Court emphasized that although it decided the Second Amendment is an individual right, there is no question on long-established prohibitions of firearm possession by felons and the mentally ill, or firearm-carrying in places, such as schools.\textsuperscript{211} For example, the New York Legislature responded quickly to the Sandy Hook shooting by enacting the New York Secure Ammunition and Firearms Enforcement Act (NYA).\textsuperscript{212} The NYA tightened restrictions on assault weapons, like assault rifles, as well as semiautomatic shotguns and handguns, and limits high-capacity magazines.\textsuperscript{213} Additionally, the NYA extends background checks from commercial weapons sales to private weapons and ammunition sales, and requires some mental health professionals to report individuals under their care who they believe can seriously hurt others or themselves.\textsuperscript{214} Although gun owners may object to a law, such as the NYA, because it imposes restrictions that are burdensome to law abiding citizens—which is contrary to criminals who obtain firearms through the black market—the increase in mass shooting incidents requires legislation that will raise the difficulty for perpetrators seeking weapons who should not have them.\textsuperscript{215}

\begin{itemize}
\item \textsuperscript{207}Fan, supra note 200, at 156–58, 160.
\item \textsuperscript{208}Id. at 157, 161.
\item \textsuperscript{209}Id. at 161.
\item \textsuperscript{210}Id.
\item \textsuperscript{211}Id. at 160, 162.
\item \textsuperscript{213}Id. at 752.
\item \textsuperscript{214}Id. at 754–56.
\item \textsuperscript{215}Id.
\end{itemize}
C. Target Hardening

Criminals are rational—they weigh the costs of committing a crime versus the benefits of committing that crime.\textsuperscript{216} For instance, James Holmes, the Aurora theater shooter, planned and studied potential target-theaters in Aurora.\textsuperscript{217} Holmes learned which theaters permitted carrying concealed weapons versus those that forbid firearms, and which theater held the most viewers.\textsuperscript{218} Then, Holmes thought rationally and decided not to attack the theater that held the most viewers because it allowed carrying of concealed firearms; rather he decided to attack a smaller theater because it was a gun-free theater, which would have defenseless targets.\textsuperscript{219} Therefore, legislation regarding target hardening in the workplace and gun-free areas should be implemented.

One way to target harden is to implement active shooter safety programs and procedures in gun-free zones, including but not limited to schools, bars, theaters, and theme parks. Some schools have implemented these types of programs, such as Florida International University (FIU).\textsuperscript{220} In June 2016, the FIU library staff, FIU police, and the Miami-Dade County Police Department (MDPD) conducted a training drill at the FIU library to teach the staff how to respond to an active shooter attack.\textsuperscript{221} In the simulated school shooting, two police officers posed as the shooters armed with assault rifles loaded with powder-filled cartridges, and entered the library and opened fire.\textsuperscript{222} The FIU Police Department, MDPD, and Special Weapons and Tactics (SWAT) teams responded to the simulation and apprehended the shooters.\textsuperscript{223} The library staff was trained in the proper tactics and strategies to use during an active shooter incident, which are to run, hide, and fight.\textsuperscript{224} The training informed participants to first, run away from an active shooter and find a place to hide while law enforcement

\textsuperscript{216} See generally Lott, supra note 40.
\textsuperscript{217} Id.
\textsuperscript{218} Id.
\textsuperscript{219} Id.
\textsuperscript{221} Id.
\textsuperscript{222} Id.
\textsuperscript{223} Id.
\textsuperscript{224} Id.
handles the situation, and as a last resort if in immediate threat of harm, fight the assailant.\textsuperscript{225}

Unfortunately, universities are hot targets because there are unarmed students and people at schools.\textsuperscript{226} Therefore, legislation should be passed requiring universities and other gun-free zones to enforce active shooter training programs and procedures.

\textbf{D. The Problem with Arming Teachers}

Some states have passed legislation allowing firearm carry on school grounds because of recent school shootings; however, such laws can lead to accidents.\textsuperscript{227} First, a study on the impact of weapons at schools concluded that an increase of weapons in schools caused higher levels of aggression between students.\textsuperscript{228} Second, an increase of weapons at schools could result in an increase of accidental shootings.\textsuperscript{229} Similarly, students can be at risk of accidental shootings if procedures are not followed.\textsuperscript{230} For example, some school security officers have left behind their firearms in school restrooms, which increases the risk of a fatal shooting or serious injury.\textsuperscript{231} Thus, arming all teachers or faculty is not an effective resolution, but perhaps a law, such as enacted in Texas—similar to federal air marshal laws—can prevent or decrease the amount of injuries in school shootings.\textsuperscript{232} The school marshal’s identity would be covert to all except police and school administrators.\textsuperscript{233} Therefore, if a school marshal law is passed, potential active shooters may be deterred from acting because of the higher risk of being caught or unsuccessful.

\begin{itemize}
\item \textsuperscript{225} Kiah, supra note 220.
\item \textsuperscript{226} Id.
\item \textsuperscript{228} Buck et al., supra note 227, at 3.
\item \textsuperscript{229} Id. at 3–4.
\item \textsuperscript{230} Id. at 4.
\item \textsuperscript{231} Id.
\item \textsuperscript{232} Rostron, supra note 227, at 449.
\item \textsuperscript{233} Id. at 450.
\end{itemize}
V. CONCLUSION

“Guns do not kill people, people kill people.”234 Mass shootings continue to occur, leaving many people dead. People experience an immediate stage of fear and panic upon the occurrence of a mass shooting.235 However, as time goes by people forget about the tragedy and the problem is left unresolved.236 Although every state and country is different, they all have something in common: they are all exposed to active shooters.

Based on the information gathered for this article, offenders are rationale individuals. If the costs of committing a crime outweigh the benefits of committing that crime, the offender will most likely not commit that crime. If the offender believes the crime is easily attainable, with a low risk of apprehension, the offender will commit the crime. Therefore, a combination of dis-incentivizing mass shootings, removing the offender’s probability of success by target hardening, toughening gun control laws, and improving mental health treatment is the most efficient resolution to mass shootings in the United States.

Although Americans have the right to keep and bear arms, the states should implement and enforce some gun control laws to prevent, reduce, or deter future active shooters from attaining their goals. Active shooter training should also be implemented in high-risk places, such as schools, crowded areas, and gun-free zones.

The above information shows that there is no uniform resolution to mass shooting prevention. The most effective way to tackle this problem is to first determine the active shooter’s motive because active shooters do not all have the same motives. Once the mass shooter’s motive is determined, the most effective resolution can be determined. Thus, in the United States, where mental illness, terrorism, hate crimes, and work-place violence motivate mass shootings, the resolution is a combination of gun control, effective mental illness treatment, and target hardening.


236. Id.