

Talking Points: SF1261/HF1669
Latz/Pinto Criminal Background Check Bill



Passing the Criminal Background Check bill is the #1 priority of the gun violence prevention community in Minnesota.

The most dangerous gap in federal firearms laws today is the “private seller” loophole. Although federal law requires licensed firearms dealers to perform background checks on prospective purchasers in all gun sales, it does not require unlicensed private sellers to do so. Approximately 40% of guns in America are purchased from private sellers.

SUMMARY OF THE BILL

The bill, originally introduced in 2016 by Senator Ron Latz and Representative (now Senator) Dan Schoen, would close the loophole in Minnesota law that allows private, unlicensed sellers to sell guns without first performing criminal background checks. It would require that a criminal background check through the National Instant Criminal Background Check System (NICS) be completed by a federally licensed firearms dealer for all sales by unlicensed sellers.

The bill also includes reasonable exemptions for immediate family members, law enforcement and certain temporary transfers.

HISTORY

In 1993, Congress passed the Brady Handgun Violence Prevention Act into law, making background checks a requirement for federally licensed gun dealers and setting up the National Instant Criminal Background Check System (NICS), a system of databases maintained by the FBI. Under federal law, certain categories of dangerous individuals, known as prohibited purchasers, such as convicted felons, domestic abusers and the adjudicated mentally ill are prohibited from purchasing or Possessing firearms. Under the Brady Act, when a person attempts to purchase a gun from a licensed dealer, the dealer runs a check through the NICS system to determine whether a potential buyer is prohibited from purchasing firearms. If information in NICS indicates that a person is prohibited from legally purchasing a firearm, the dealer must deny the sale. But federal law has no power over unlicensed, private sellers.

SUPPORT FOR THE BILL

An April 2016 poll showed that 86% of Minnesota voters, 77% of Minnesota Republican voters and 72% of Minnesota gun owners support comprehensive background checks.

National polls show that more than 90% of gun owners support requiring background checks on anyone buying a gun. Polls also show that 85% of members of NRA households and 74% of NRA members support comprehensive background checks.

EFFECTIVENESS OF BACKGROUND CHECKS

No single law will stop all gun crime, but expanding the background check system is a proven way to help save lives.

Since its inception in 1998, the federal firearm background check system has blocked 2.4 million felons and other dangerous people from buying guns.

In Minnesota, the federal background check system blocked 28,499 prohibited purchasers from buying guns between 1998-2014. 68% of those denied were convicted felons

Of 26 law enforcement officers shot to death nationwide in 2013, 50% were killed by individuals who were prohibited from possessing firearms.

In the 19 states that require a background check for all handgun sales, there are:

- 46% fewer women shot to death by intimate partners,
- 48% fewer law enforcement shot to death with handguns,
- 48% fewer people killed by firearms suicide,
- 48% less gun trafficking, and
- 52% fewer mass shootings.

After Missouri repealed background checks, there were 25% more firearm homicides and a 150% increase in the share of likely trafficked guns.

GUN LOBBY ARGUMENTS AGAINST PASSAGE

Claim: There is no such thing as a gun show loophole.

Truth: That's literally true. Although the private seller loophole is frequently referred to as the "gun show" loophole because of the particular problems associated with gun shows, it applies to all private firearm sales, regardless of where they occur. (Just one online gun marketplace, Armslist.com, transfers an estimated 25,000 guns to prohibited buyers per year.) We should call it the "private seller" or "private sales" loophole.

Claim: Having to go to a licensed dealer for the background check would cause undue burden on the private seller and buyer.

Truth: Many private sales take place at gun shows, where there are licensed dealers present. In addition, there are 1,658 federally licensed gun dealers in Minnesota—more than the number of post offices—and 98.9 percent of Minnesotans live within 10 miles a dealer. Most background checks take 90 seconds or less and cost about \$35.00. Thousands of Minnesotans undergo a background check every year when seeking employment or housing. This process is no different.

Claim: This bill would establish a gun registration, the first step on the slippery slope to confiscation.

Truth: Not only does this bill NOT contain any provisions for firearm registration, but Minnesota law specifically prohibits any state agency from collecting data relating to legal gun ownership. And Federal law expressly prohibits the use of the National Instant Criminal Background Check System (NICS) to create any system of registration of firearms or firearm owners.