

Talking Points: HF8/SF434  
2019 Criminal Background Check Bill



Passing the Criminal Background Check bill will prevent prohibited purchasers from buying guns illegally.

The most dangerous gap in 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. This makes it easy for prohibited purchasers to buy guns illegally, including convicted criminals, gang members and domestic abusers.

***Criminal background checks are effective because they don’t depend on criminals to follow the law. Instead, they depend on gun dealers and private sellers to follow the law and protect them from prosecution when they do. Most gun dealers and private sellers are law-abiding.***

#### BRIEF SUMMARY OF THE BILL

This bill will expand our current Permit to Purchase law to private sellers.

- Those interested in purchasing a handgun or military-style assault rifle will first obtain a permit from local law enforcement, which they may present to either a federally licensed dealer or a private seller as proof that they are eligible. This law will not apply to the purchase of long guns.
- The permitting process will include a criminal background check by law enforcement, which will more effectively discourage prohibited and straw buyers than an instant background check at a gun shop.
- The bill includes reasonable exemptions for immediate family members, law enforcement, educational use, and certain other temporary transfers.
- This bill protects private sellers from prosecution when a gun they sold is used in the commission of a crime if they can show proof that a valid permit to purchase was provided at the time.
- Passage of this bill will NOT hamper the ability of law-abiding Minnesotans to purchase firearms, raise the minimum age to purchase a gun in Minnesota, limit the number of firearms an individual may purchase at one time, or create a state registry of gun owners.

#### SUPPORT FOR THE BILL

An overwhelming 9 out of 10 Minnesota voters favor mandatory criminal background checks on all gun sales, including those sold privately and at gun shows. *(Star Tribune, April 2018)*

Support for universal background checks nationally is almost universal--97% among gun owners and non-gun owners alike. *(Quinnipiac University, February 2018)*

#### EFFECTIVENESS OF BACKGROUND CHECKS

No single law will stop all gun violence but expanding the background check system is a proven way to help save lives. In a 2017 survey, a panel of 32 scholars of criminology, public health and law rated universal background checks as the most effective policy to prevent gun deaths, ranking it #1 of 29 possible gun-related policies. *(Quoctrung Bui & Margot Sanger-Katz, How to Prevent Gun Deaths? Where Experts and the Public Agree, New York Times (January 10, 2017))*

Two recent studies provide evidence that background checks when included in permit to purchase laws can significantly curb gun violence.

- Researchers found that a 1995 Connecticut law requiring gun buyers to get permits including background checks was associated with a 40% decline in gun homicides and a 15% drop in suicides.
- When researchers studied Missouri's 2007 repeal of its permit to purchase law, they found an associated increase in gun homicides by 23%, and a 16% increase in suicides. (*NPR, January 9, 2016.*

[https://www.npr.org/2016/01/09/462252799/research-suggests-gun-background-checks-work-but-theyre-not-everything.](https://www.npr.org/2016/01/09/462252799/research-suggests-gun-background-checks-work-but-theyre-not-everything))

## NEED FOR BACKGROUND CHECKS

A 2017 study estimated that 22% of US gun owners acquired their most recent firearm without a background check—that translates to millions of Americans acquiring millions of guns, no questions asked, each year.

(*Matthew Miller, Lisa Hepburn, and Deborah Azrael, "Firearm Acquisition Without Background Checks," Annals of Internal Medicine 166, no. 4 (2017): 233–239.*)

Gun offenders overwhelmingly obtain their guns through private sales. About 80% of all firearms acquired for criminal purposes are obtained through private-party transfers. (*Katherine A. Vittes, Jon S. Vernick, and Daniel W. Webster, "Legal Status and Source of Offenders' Firearms in States with the Least Stringent Criteria for Gun Ownership," Injury Prevention 19, no. 1 (2013): 26-31.*)

Since the federal background check requirement was adopted in 1994, over 3 million people legally prohibited from possessing a gun—including convicted felons, gang members, and domestic abusers--have been denied a firearm transfer or permit. (*Jennifer Karberg, et al., "Background Checks for Firearm Transfers, 2015—Statistical Tables," US Department of Justice: Bureau of Justice Statistics (2017), <https://www.bjs.gov/content/pub/pdf/bcft15st.pdf>.*)

When unlicensed sellers don't run background checks, people looking to commit violence can easily obtain guns, often with deadly consequences.

### *Domestic Violence*

In 2014, a gunman killed four people, including his ex-girlfriend, in a shooting spree in Morgantown, West Virginia. Although the shooter was prohibited from purchasing firearms due to multiple felony convictions, including kidnapping, he was able to buy a gun from a seller on Facebook, who was not required to run a background check under West Virginia law.

### *Mass Shootings*

The shooter who killed 26 people at First Baptist Church in Sutherland Springs, Texas, was able to buy four guns because the record of his disqualifying domestic violence conviction was not input into NICS, the federal background check system.

### *Hate Crimes*

The gunman who murdered nine people at Emanuel AME Church in Charleston was able to obtain a handgun, even though he should have been prohibited because of a previous arrest, because federal law allows sales to proceed by default if a background check isn't completed within three days.

### *Urban Gun Violence*

Irresponsible private dealers exploit the private seller loophole to flood impoverished urban neighborhoods with cheap handguns. State permit to purchase laws that include criminal background checks by law enforcement are associated with a 14% reduction in firearm homicides in large, urban counties. (*Johns Hopkins Bloomberg School of Public Health, June 2018*)

## STATES THAT HAVE PASSED CRIMINAL BACKGROUND CHECK LAWS

More than 50% of Americans live in states that have expanded criminal background checks to private dealers, including California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Iowa, Maryland, Massachusetts, Michigan, Nebraska, New Jersey, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Washington State, and the District of Columbia.

*Revised as amended Feb. 27, 2018*