



BACKGROUND CHECKS ON ALL GUN SALES

WHY IT MATTERS

Performing a background check with every gun sale is the easiest and most effective way to prevent dangerous weapons from falling into the hands of criminals, violent abusers, and the dangerously mentally ill. Right now, federal law doesn't require a background check on private gun sales, which account for approximately 40% of all gun sales in America. This loophole directly contributes to the epidemic of gun deaths and injuries in the United States.

For example, Radcliffe Haughton walked into a salon in Wisconsin in October 2012, killing his estranged wife and two others, and injuring four other innocent women. Haughton was known for his abusive behavior. His wife, Zina, had filed a restraining order against him after he had vowed to burn her and her two daughters with gas, because he believed Zina was cheating on him.

Because of the restraining order, Haughton was prohibited from owning a gun and would not have passed a background check. Nevertheless, he purchased a semi-automatic weapon from a private seller, who was not required to perform a background check. Two days later, Haughton was able to walk into the salon with a handgun and wreak havoc. If a background check were required for every gun sale, it would have been much more difficult for Haughton to obtain a gun—and may have saved the lives of his wife and her coworkers.

THE FACTS

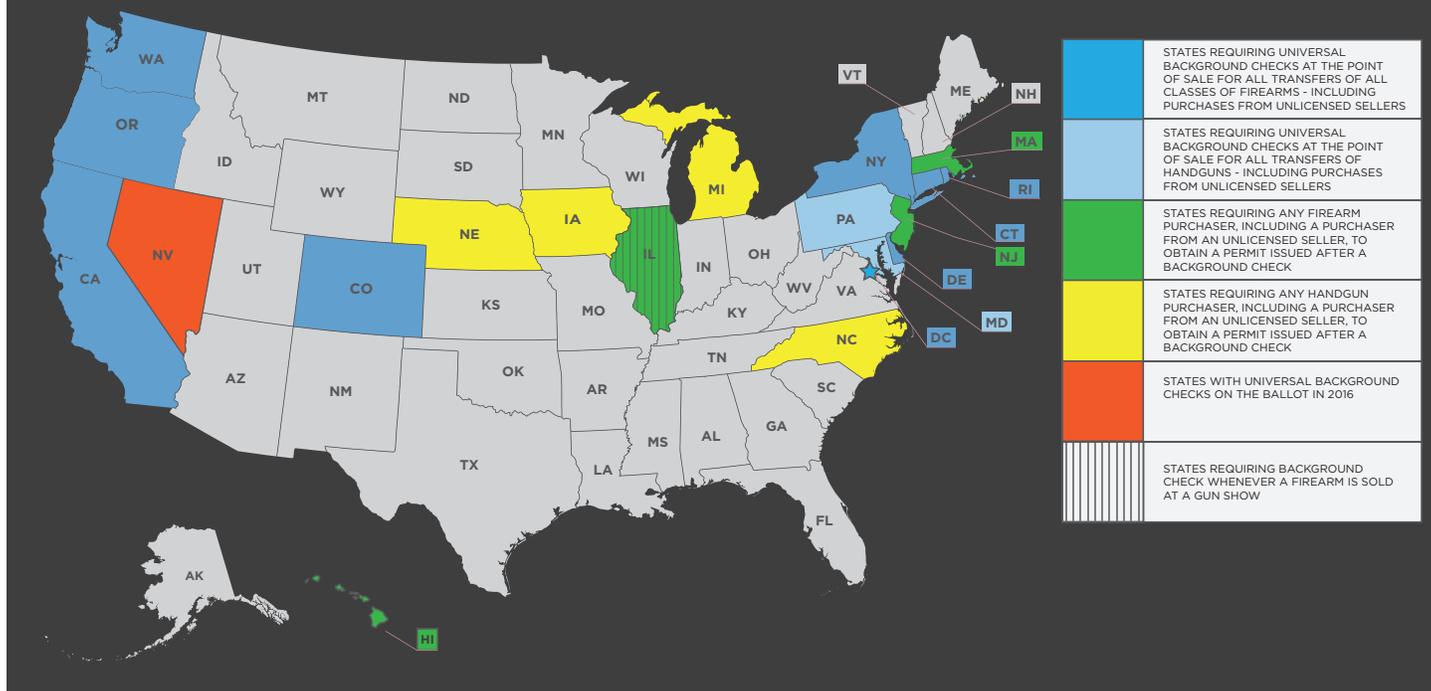
- **40% of all guns in the US are sold through private sellers**—at gun shows and increasingly over the internet—and require no criminal background check. That would be like 4 out of every 10 people being allowed to bypass security at the airport.
- **30% of trafficked guns come from gun shows**, where background checks aren't required.
- Most of America agrees that background checks are important to keep guns out of the wrong hands. **Even 74% of NRA members and 87% of non-NRA gun owners support requiring criminal background checks** for anyone purchasing a gun.



Fact:

The federal background check requirement doesn't apply to private sellers at gun shows, at flea markets, or if they sell firearms in-state over the Internet.

STATE BACKGROUND CHECK LAWS



THE DETAILS

Eighteen states and the District of Columbia have extended the background check requirement beyond federal law to at least some private sales.

Eight states and the District of Columbia require universal background checks at the point of sale for all transfers of all classes of firearms, including purchases from unlicensed sellers. Maryland and Pennsylvania laws do the same, but are limited to handguns. Illinois requires a background check at the point of sale whenever a firearm is sold at a gun show. Point of sale background checks are the most comprehensive way to ensure that dangerous people are unable to purchase firearms.

Another approach to closing the “private sale loophole” and requiring gun purchasers to undergo a background check is through permitting laws. Four states require any firearm purchaser, including a purchaser from an unlicensed seller, to obtain a permit issued after a background check, and four more states do the same only for handguns. In recent years, the NRA has introduced legislation to repeal these “permit to purchase” laws. Smart gun laws scored critical victories in Iowa and North Carolina in 2015 by defeating this legislation.

Nevada has a law allowing voluntary background checks by unlicensed sellers and an initiative requiring background checks on all gun purchasers at the point of sale has qualified for the ballot in 2016.

ABOUT THE LAW CENTER TO PREVENT GUN VIOLENCE

Founded in the wake of the July 1, 1993, assault weapon massacre at 101 California Street in San Francisco that left eight dead and six wounded, the Law Center to Prevent Gun Violence is now the premier resource for legal expertise and information regarding state and federal firearms laws. We track and analyze gun laws in all 50 states, file amicus briefs in Second Amendment cases across the country, and work with lawmakers and advocates to craft and promote legislation that will reduce gun violence and save lives. We regularly partner with law firms and nonprofit organizations dedicated to combating the epidemic of gun violence in our country, and we invite you to learn more about our work by visiting our website or connecting with us on social media.