

# FEDERAL GUN LAWS 101

The Brady Handgun Violence Prevention Act, which went into full effect in 1998, requires federally licensed gun dealers to conduct background checks on purchasers through the FBI's National Instant Criminal Background Check System (NICS). **But many people who sell guns are not federally required to be licensed or to conduct background checks.** These unlicensed "private" sales occur online, at gun shows, and on the streets, making it all too easy for many legally ineligible and potentially dangerous people to obtain access to guns.

## LOOPHOLES PROTECT ABUSERS, STALKERS, AND TERRORISTS



**The Gun Control Act of 1968** prohibits the possession of firearms or ammunition by certain categories of people, including convicted felons and certain severely mentally ill individuals.



**In the 1990s**, this law was updated to include people convicted of domestic violence misdemeanors and certain domestic abusers subject to protective orders.



**Today**, these laws still do not cover many stalkers, abusive dating partners, or people on the Terrorist Watchlist, meaning that these dangerous individuals can pass a background check.

Enacted in 2005, the **Protection of Lawful Commerce in Arms Act** provides the gun industry with broad immunity from civil lawsuits, an immunity no other industry enjoys.

### ATF RESOURCES

Gun manufacturers, dealers, and importers are licensed by the Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF). ATF has very limited resources and is hamstrung by riders that limit its authority.

### STATE LAWS

States are generally allowed to enact their own gun laws, which can be stronger than federal law. However, a 1986 federal law protects gun owners who transport unloaded guns across state lines if they're properly locked.

### NATIONAL FIREARMS ACT

The National Firearms Act of 1934 requires machine guns, silencers, and certain other weapons to be registered with ATF. Most firearms are not subject to this requirement.

**1/2** Over half of gun homicide victims are black men, yet federal funding for urban violence intervention and prevention programs remains scarce.

## The Story of Federal Gun Laws Is a Story about Compromises and Loopholes

Every major gun safety law results from relentless lobbying on every side. For example, gun safety advocates successfully urged Congress to enact a federal ban on assault weapons and large capacity magazines in 1994, but a 10-year sunset provision was included in the final version due to efforts by the gun lobby. That law expired in 2004, and there is currently no ban on these weapons.

### RECORDS IN THE BACKGROUND CHECK SYSTEM

The NICS Improvement Amendments Act (NIAA) of 2007 was enacted in response to the mass shooting at Virginia Tech, which involved incomplete information about the shooter in NICS, the federal background checks system. The NIAA requires federal agencies, such as the Veterans Administration and the Department of Defense, to report to NICS and provides funding incentives for state reporting to these databases. To receive this funding, states must allow people who have recovered from mental illness to regain their gun eligibility. Federal agencies that report to NICS must also create these “relief from disability” programs.

### OBSTACLES TO FIGHTING GUN TRAFFICKING

Gun manufacturers and importers must ensure that guns have serial numbers, and manufacturers, dealers, and importers must maintain records of sales. **But there is no federal gun trafficking statute.** The federal government is even prohibited from centralizing firearm sales records, making it difficult for ATF’s National Tracing Center to accurately trace crime guns. Crime guns are often obtained through “straw purchases,” in which someone falsely claims to be the purchaser of a gun, when in fact buying a gun for someone else. Straw purchasers often claim that their guns were lost or stolen to hide their involvement in this crime. Federal law requires manufacturers, importers, and dealers, but not gun owners, to report if guns are lost or stolen.

## The Gun Industry, Gun Locks, and Gun Safety

- Licensed dealers must report multiple sales of handguns to ATF, but **there is no nationwide limit on the number of firearms a person can buy at one time.**
- Gun dealers must provide locking devices to handgun purchasers, but **there are no federal design safety standards regarding firearms, gun locks, or gun safes.**
- **Federal law does NOT require gun owners to safely store their guns, even if children are present.**
- **Ammunition sellers are unregulated and don’t even have to keep records of their sales.**
- The federal **Gun Free School Zones Act** prohibits the possession of guns in a school zone, unless the person is licensed to do so by the state.

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## 210+

new gun safety laws have been enacted in 45 states and DC since the tragedy at Sandy Hook.

## 115,000

Americans are shot each year—over one million in the past decade.

## 25x

Americans are 25 times more likely to be killed by a gun than people in other developed nations.

## WE’RE ON A MISSION TO SAVE LIVES

For nearly 25 years, the legal experts at Giffords Law Center to Prevent Gun Violence have been fighting for a safer America by researching, drafting, and defending the laws, policies, and programs proven to save lives from gun violence. Founded in the wake of a 1993 mass shooting in San Francisco, in 2016 the Law Center joined with former Congresswoman Gabrielle Giffords to form a courageous new force for gun safety that stretches coast to coast.

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