

CLOSING THE TERROR GAP

While our gun violence crisis is complex, there is little doubt that our weak, gap-ridden gun laws leave our national security vulnerable to dangerous people who can too easily access firearms. Faced with the growing threat of active-shooter terrorism like the mass shootings in Orlando and San Bernardino, **we must take responsible steps to close the existing loopholes in our gun laws that allow known and suspected terrorists to easily obtain weapons and kill and injure scores of innocent people.**

The Problem: Loopholes Allow Suspected Terrorists to Buy Guns and Ammunition

Current federal law prohibits the purchase and possession of firearms and ammunition by people who fall within nine categories, including felons, domestic abusers, and individuals with certain potentially violent mental health conditions. But federal law does not currently prohibit individuals on the FBI's terrorist watch list from passing a background check and legally buying guns. These include people who have been deemed too dangerous to fly on a plane, but can purchase handguns, assault rifles, and unlimited quantities of ammunition without any trouble. At least one al-Qaeda spokesperson has actively encouraged extremist sympathizers to exploit the loopholes in our gun laws to obtain firearms and use them to commit acts terrorism here in the United States. Firearms have increasingly become the weapon of choice for lone-wolf terrorists, and have been used in every deadly terrorist attack on US soil since 9/11.

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KNOWN RISK

Between February 2004 and December 2014, individuals on the terrorist watch list were able to pass a background check and buy firearms 2,043 out of 2,233 times—a pass rate of over 90%.



- Terrorist watch list members who passed a background check
- ✗ Terrorist watch list members who failed a background check

WHO SUPPORTS CLOSING THE TERROR GAP?

82%

of gun owners support closing the terror gap.

75%

of NRA members support closing the terror gap.

Known and suspected terrorists should not be able to legally buy guns and put our national security at risk.

FEDERAL LAW CURRENTLY DOES NOT PROHIBIT A PERSON ON THE TERRORIST WATCH LIST FROM PURCHASING OR POSSESSING GUNS

The Solution: Enable Law Enforcement to Deny Guns to Suspected Terrorists

The Bush and Obama administrations have both requested that the terror gap be closed by giving the attorney general the authority to deny gun purchases by suspected terrorists—but Congress has thus far refused to act. These proposals would also enable law enforcement to revoke the business license from gun dealers who knowingly provide weapons to suspected terrorists.

Any terror gap legislation would include a clear and simple process for those who are wrongfully placed on the list to have gun rights swiftly restored. While the FBI's terrorist watch list includes more than 700,000 people, about 95% are foreign nationals and are already forbidden from purchasing guns. Like all who fail a background check, individuals denied a gun because their name appears on the terrorist watch list may challenge the denial through the FBI or the state agency that performed the check. Alternatively, they may seek redress directly from the agency that placed their name on the watch list. Federal regulations also specifically allow individuals to file suit against the United States or the state or local government responsible for providing the prohibiting information.

New Jersey enacted a law in 2013 that prohibits issuing a gun purchase permit to those on the terrorist watch list. The NJ State Police has confirmed that people on the watch list have been denied guns based on this state law. This simple language directly addresses the gap that allows suspected terrorists to pass a background check to buy a firearm, and can be easily replicated in other states or at the federal level.

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NEW JERSEY'S TERROR GAP LAW

In 2013, New Jersey Governor Chris Christie signed AB 3687 into law, amending NJ Statutes § 2C:58-3 by adding this simple phrase to the list of people prohibited from purchasing or possessing firearms:

(9) ... [A]ny person named on the consolidated Terrorist Watch List maintained by Terrorist Screening Center administered by the Federal Bureau of Investigation.

To learn more about how to craft similar legislation to close the terror gap in your state, email us at lawcenter@giffords.org.

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210+

lifesaving 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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