



## Minnesota Can Keep Guns out of the Hands of Criminals by Requiring Background Checks on All Gun Sales

- ❑ **Bottom Line:** Criminals who are prohibited from buying guns are currently avoiding the law by getting guns from unlicensed sellers—who are not required to run criminal background checks on the strangers they sell guns to. Minnesota can help keep guns out of the hands of felons, domestic abusers, and other dangerous people by requiring background checks on all gun sales, with reasonable exceptions for family members, hunting, and self-defense.
- ❑ **A loophole in current law enables criminals to buy guns without background checks.**
  - **Under federal law**, licensed gun dealers must conduct criminal background checks on potential buyers to make sure they are not legally prohibited from having guns.
    - Gun dealers run background checks on potential buyers by contacting the FBI, which reviews criminal, protection order, and mental health records. Over 91 percent of background checks are completed in 90 seconds.<sup>1</sup>
  - **Minnesota law** requires, for dealer sales of handguns and “semiautomatic military-style assault weapons,” that buyers must either show a permit to carry or transferee permit or else submit a transfer report through the dealer.<sup>2</sup>
  - But neither federal nor state law requires background checks for sales by unlicensed, “private” sellers—a loophole that allows millions of guns to change hands each year in the U.S. with no questions asked.
- ❑ **Criminals exploit this loophole by buying guns from unlicensed sellers—including strangers they meet online.**
  - An estimated **25,000 guns are sold each year** on Armslist.com—the self-proclaimed Craigslist for guns—to felons and other criminals with records that make them legally prohibited from having a firearm.<sup>3</sup>
- ❑ **Requiring background checks on all gun sales keeps guns out of the hands of dangerous people and saves lives.**
  - Eighteen states and Washington, DC go beyond federal law and require background checks on all handgun sales.<sup>4</sup> In states that require checks:
    - 46% fewer women are shot to death by intimate partners;
    - 48% fewer law enforcement officers are killed with handguns; and
    - 48% fewer people kill themselves with guns.<sup>5</sup>
  - Six states have passed background check laws since Sandy Hook, including Colorado, Washington, and Oregon. Nevada and Maine will vote on background checks in 2016.
- ❑ **Minnesotans overwhelmingly support requiring background checks on all gun sales.**
  - **Eighty-four percent of Minnesotans support background checks on all gun sales.**<sup>6</sup>
  - National surveys show that **74 percent of NRA members** and **81 percent of gun owners** support criminal background checks for all gun sales.<sup>7</sup>
- ❑ **Under new legislation, unlicensed sellers will conduct gun sales and transfers through a licensed gun dealer—who will run a background check on the potential buyer.**
  - Unlicensed sellers will meet their buyers at a licensed gun dealer. There are over 1,440 dealers in Minnesota—and 98.9 percent of residents live within 10 miles of one.<sup>8</sup>
  - More than 25 percent of dealers have already offered to facilitate private sales.<sup>9</sup>



- The dealer will conduct a background check on the buyer. Dealers and buyers are accustomed to this process, which is exactly what happens today when dealers sell guns from their own inventory.
- Buyers from unlicensed sellers will NOT be required either to obtain a transferee or carry permit or else to file a transfer report.
- **Some transfers are exempt** from the background check requirement, including:
  - Transfers to or from **law enforcement** or between **immediate family members**;
  - Temporary transfers for **self-defense, hunting, and target shooting**; and
  - Temporary transfers in the presence of the transferor.

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<sup>1</sup> Federal Bureau of Investigation, NICS Operations Reports

<sup>2</sup> Minn Stat 624.7132, Subd.4 and Subd. 8.

<sup>3</sup> <http://every.tw/1nllhRb>

<sup>4</sup> CA, CO, CT, DE, DC, HI, IL, IA, MD, MA, MI, NE, NJ, NY, NC, OR, PA, RI, and WI

<sup>5</sup> <http://every.tw/1fmRnLl>; <http://every.tw/1Kx9WaN>; <http://every.tw/1MtdE7F>

<sup>6</sup> <http://cbsloc.al/1lqHW9m>

<sup>7</sup> <http://prn.to/1lpycl6>;

<sup>8</sup> <http://bit.ly/1b31a84>

<sup>9</sup> <http://bit.ly/1tbsDJj>