

# Background checks, permanent records needed for all firearm transfers, not just gun sales by retailers

February 20 2013

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Gun violence in the United States can be substantially reduced if Congress expands requirements for background checks on retail gun sales to cover firearm transfers between private parties, a new report by the director of the UC Davis Violence Prevention Research Program concludes.

The report "Background Checks for Firearm Transfers" by Garen Wintemute, who also serves as a professor of emergency medicine, notes that 40 percent of U.S. [gun](#) transactions occur between unlicensed private parties, such as people buying and selling at gun shows. That figure doubles, to more than 80 percent, for firearm sales that involve criminal intent.

Private-party transactions make up an often overlooked, thriving secondary gun market that is exempt from background checks and other controls designed to keep firearms out of the hands of criminals and others prohibited from legally purchasing a gun.

By creating a single, equitable structure governing all retail commerce in firearms, Congress could make it harder for criminals to obtain guns, substantially reduce firearm-related violence, and curb the large-volume gun purchases that result in firearm trafficking, Wintemute said.

The report comes on the heels of the Newtown, Conn., massacre, in

which 20 children and six adults were shot at Sandy Hook Elementary School. Since that December tragedy, President Obama has made gun violence a top priority and is pushing lawmakers to tighten gun laws and take other steps to reduce future violence.

While shootings such as the Newtown episode intensify public concern, statistics show gun violence is an everyday, serious threat to the nation's health and safety. In 2012, there were an estimated 467,321 firearm-related [violent crimes](#) in the U.S., a 26 percent increase since 2008. There were 11,101 firearm homicides that year, and an estimated 55,544 injuries resulting from gun-related assaults requiring treatment in hospital emergency departments.

Wintemute's study provides an in-depth look at procedures governing gun purchases and the double standard that distinguishes rules for retail sales from those covering private-party transactions.

A buyer at a retail establishment, for example, must complete a lengthy Firearms Transaction Record and certify that he is buying the gun for himself and is not a member of any of the prohibited groups as defined by federal statute. The retailer must then submit the buyer's identifying information to the FBI to check for a criminal history and verify the buyer's eligibility to purchase firearms, a process typically completed in minutes.

"These procedural safeguards are intended to ensure that the buyer is who he says he is, that he and not someone else will be the actual owner of the firearm, and that he is not prohibited from owning it," Wintemute said. "They help prevent the large-volume purchasing that otherwise might fuel trafficking operations. They establish a chain of ownership that will help law enforcement authorities link the firearm to the buyer if it is used in a crime later."

A private party, by contrast, is permitted to sell guns with none of these federal safeguards in place. There are no forms to fill out, no records to be kept, and no requirement that a buyer show identification or submit to a background check.

In addition to background checks to identify prohibited persons and deter those with criminal intent, Wintemute recommends establishing a permanent record for each firearm transferred between private parties, thus creating a chain of ownership. Such records have proven to be of great help to law enforcement agencies as they investigate individual crimes and seek to disrupt firearm trafficking networks.

To maximize the potential of the current background check system, he also recommends greater efforts to improve the three FBI databases—the Interstate Identification Index, National Crime Information Center and the National Interstate Criminal Background Check System—on which [background checks](#) rely. Improved reporting of criminal convictions, domestic violence restraining orders and prohibiting mental health events is most important.

"The widespread unavailability of records seriously compromises the effectiveness of our current background-check process," Wintemute said. "I am actually very optimistic that the nation will adopt a comprehensive background check policy in this Congress, where there has been a bipartisan expression of support for such a proposal. Six states have adopted such policies, and we know they work."

He cited two pitfalls to avoid: adopting a limited, "gun show loophole" approach and creating an exemption for holders of unexpired concealed weapon permits.

"These more limited approaches are unnecessary and would still allow prohibited persons to purchase firearms from private parties," he said.

Wintemute added that a public opinion survey conducted last month found that 88.8 percent of the population overall, 84.3 percent of firearm owners and 73.7 percent of National Rifle Association members supported "requiring a background check system for all [gun sales](#) to make sure a purchaser is not legally prohibited from having a gun."

Provided by UC Davis

Citation: Background checks, permanent records needed for all firearm transfers, not just gun sales by retailers (2013, February 20) retrieved 18 April 2024 from <https://phys.org/news/2013-02-background-permanent-firearm-gun-sales.html>

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