

# H.R. 4240: Support of Bipartisan Thompson-King Bill

On November 3, 2017, Representative Mike Thompson (D-CA-5), with Representative Peter King (R-NY-2), introduced H.R. 4240 to expand Brady background checks to cover all commercial firearm sales, including those at gun shows, over the internet, or in classified ads. This bill also strengthens the National Instant Criminal Background Check System (NICS) by incentivizing states to improve reporting of prohibited individuals and directs grant funding to states and tribal territories to improve their record-sharing systems. There are 158 co-sponsors to the bill, including four Republicans. This bill also provides exceptions for family members; intrastate transfers between unlicensed individuals that abide by state laws if they are comparable to federal laws; and transfers from licensed dealers to persons with a valid permit issued within the previous 5 years.

## Why Are These Bills Important?

Each year, more than 112,000 Americans are victims of gun violence, and more than 33,000 die. Since the Brady Handgun Violence Prevention Act (or “Brady Law”) was signed into law on November 30, 1993, NICS has processed over 255 million purchase requests and has denied approximately three million transactions. Between 1994 and 2010, an average of 343 prohibited purchasers were blocked from buying guns every day. A 2016 study found that more than 90 percent of Americans support expanding Brady background checks to all gun sales—including more than 80 percent of gun owners.

## Language in the Bills

### Background Check Process

Amends 18 U.S.C. 922 adding language making it unlawful for anyone other than an FFL to complete a transfer at a gun show or event; pursuant to an advertisement, posting, display or other listing on the internet; or in a publication.

### Exceptions to Background Check

Shall not apply to: (1) transfer from an FFL in possession of a firearm to person with a **valid permit** allowing the person to possess a firearm, issued within the previous 5 years, and where prior to issuing the permit the information available to the issuing government entity did not indicate possession would be a violation of law; (2) intrastate transfers between unlicensed individuals that do not violate state law, and where the federal government has certified that the laws of the state are comparable to federal laws; (3) a transfer approved by the U.S. Attorney General; and (4) a transfer between spouses, between parents or spouses of parents and their children or spouses of their children, between siblings or spouses of siblings, or between grandparents or spouses of grandparents and their grandchildren or spouses of their grandchildren, or between aunts or uncles or their spouses and their nieces or nephews or their spouses, or between first cousins, if there is no reason to believe that the receiving person is prohibited by law.

### NICS Improvement

Authorizes appropriation of \$100,000,000 for each of fiscal years 2018-2021 in grant funding for states and tribal governments to improve automation and transmittal of mental health, criminal history disposition, and domestic violence records into state and federal record repositories. No more than 25% of funds can be used study, assessment or non-material activity; 100% can be used for infrastructure and system development; up to 5% may be reserved for indian tribal governments. For each state applying for grant funding, DOJ will work with these states to develop a four-year implementation plan that must be completed within 1 year of enactment of the bill, with established qualitative benchmarks for each year. States that implement a Relief from Disabilities program receive an initial two year grace period, then 1 year to work with DOJ to develop a four-year implementation plan. For states that do not achieve their stated yearly benchmarks, DOJ will withhold allocated funds under the Omnibus Crime Control and Safe Streets Act of 1968 at a rate of 10% for the first year, 11% for the second year, 14% for the third year, and 15% for the fourth year. A state that does not develop a plan will be treated as having not met any benchmark.

