

H.R. 8 and S. 42: Expanding Brady Background Checks

In January 2019, Representative Mike Thompson (D CA-5) introduced H.R. 8 and Senator Chris Murphy (D-CT) introduced S. 42. These bills would expand Brady background checks to cover all private firearm sales, including those at gun shows, over the internet, or in classified ads.

Why Are The Bills Important?

Each year, more than 124,000 Americans are victims of gun violence, and more than 35,000 are killed. Since the Brady Handgun Violence Prevention Act (or “Brady Law”) was implemented on February 28, 1994, it has blocked more than three million unlawful purchases, with over 278 million purchase requests processed by the NICS system that Brady established. Between 1994 and 2015, an average of 397 prohibited purchasers were blocked from buying guns every single day.

As enacted, the Brady Law requires Federal Firearms Licensees (FFL’s - or gun dealers licensed by the ATF) to initiate background checks prior to selling a firearm. Approximately 1 in every 5 gun sales are conducted without a background check today, due to gun shows, private transactions, and the rise of websites like Armslist.com that facilitate gun sales online. These unregulated sales can allow felons, domestic abusers, and other dangerous people to obtain guns without any oversight. It is past time to expand lifesaving Brady background checks to every gun sale, and the public agrees: a 2018 study found that 97 percent of Americans support expanding Brady background checks to all gun sales—including more than 80 percent of gun owners.

Language in the Bill

These bills make it unlawful to sell or transfer a firearm in any transaction without a Brady background check. This will expand the current Brady law to every sale or transfer in private sales, subject to the narrow exceptions listed below.

Exceptions to the Background Check Requirement

1. A law enforcement agency or officer, armed private security professional, or member of the armed forces, while acting within the scope of their employment and official duties
2. A transfer between spouses, domestic partners, between parents and their children, between siblings, between aunts or uncles and their nieces or nephews, or between grandparents and their grandchildren
3. A transfer to an executor, administrator, trustee, or personal representative of an estate or a trust that occurs by operation of law upon the death of another person
4. A temporary transfer that is necessary to prevent imminent death or great bodily harm
5. A transfer approved by the U.S. Attorney General
6. Temporary transfers in shooting ranges or while hunting, trapping, or fishing if there is no reason to believe the transferee will use the firearm in a crime
7. Temporary transfers where the transferee is in the presence of the transferor and there is no reason to believe the transferee will use if for illegal activity and is not prevented by state or federal law from possessing a firearm

Talking Points

- Brady unequivocally supports H.R. 8 and S. 42, as they expand background checks to all private sales and most transfers. We are proud to be part of such a wide-ranging coalition that has worked for years with Rep. Thompson's office to expand background checks.
- This strong new bill will prevent private firearm sales to prohibited purchasers, including those online and at gun shows.
- After the Brady law went into effect, gun murders fell by an astonishing 32 percent from 1993 to 2006, and has continued to hold steady or decline ever since.
- 20 states and the District of Columbia have chosen to build upon the current system established by the Brady law and have expanded background checks to at least some private sales.
- States that have expanded the scope of their background checks have seen impressive results—53 percent fewer law enforcement officers are shot and killed in the line of duty, 47 percent fewer women are shot by intimate partners, and cities in states with expanded background checks see a 48 percent reduction in gun trafficking.
- Expanded background checks work - states that require background checks on all handgun sales have seen less than half as many mass shooting incidents as states without that expanded requirement, as well as 35% fewer gun deaths per capita. A recent study also found significant differences in suicide rates in states that have adopted universal background checks and mandatory waiting periods compared to those without these laws.

Brady Campaign



To Prevent Gun Violence

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