



GUN SHOW LOOPHOLE FACTS

The Gun Show Loophole is a dangerous gap in the law that enables criminals and other prohibited purchasers to buy guns without undergoing a background check. This is because people who say they only occasionally sell guns are not required to conduct background checks when they sell guns. These sellers, who often congregate at gun shows, are allowed to just hand over the gun and accept the money. That's it – no check, no questions.

FACT: Gun sellers who claim to be “occasional sellers” are not required by current federal law to conduct background checks on their customers. Furthermore, there is no clear definition of how many guns a person can sell as an “occasional seller” – it could be dozens, or even hundreds.¹

FACT: Gun shows are a major source for illegal gun traffickers. The Bureau of Alcohol Tobacco Firearms and Explosives (ATF) studied their investigations into illegal gun trafficking and found that gun shows were involved with over 10,000 illegally trafficked guns a year – about 30% of all criminal trafficking detected in the investigations.²

FACT: Background checks are fast and easy to conduct. Licensed gun dealers perform background checks thousands of times per day all across America. And they're fast – according to FBI data released to the Mayors Against Illegal Guns coalition, 92%

¹ 18 U.S.C. § 921(a)(21)(D), (22). Those not “engaged in the business” of dealing guns are exempt from the licensure requirement.

² Department of the Treasury, Bureau of Alcohol, Tobacco & Firearms, “Following the Gun: Enforcing Federal Laws Against Firearms Traffickers” (June 2000), available at http://www.atf.gov/pub/fire-explo_pub/pdf/followingthegun_internet.pdf (documents criminal investigations started July 1996 through December 1998).

of background checks return a result immediately.³ It would be simple and cheap for occasional sellers at gun shows to run background checks to ensure they are selling to responsible, law-abiding purchasers.

FACT: The overwhelming majority of Americans support closing the gun show loophole. President Barack Obama, Senator John McCain, 87% of Americans and 83% of gun owners support closing the gun show loophole.⁴

FACT: States that have left the gun show loophole standing open supply more guns to criminals. An analysis has showed that states that have yet to close the gun show loophole are the sources for guns used in crime in other states at more than twice the rate of states that require background checks for all sales at gun shows.⁵

³ Federal Bureau of Investigation National Instant Criminal Background Check System 2006 Operations Report, available at http://www.fbi.gov/hq/cjis/nics/ops_report2006/ops_report2006.htm

⁴ Bi-partisan poll conducted by Greenberg Quinlan Rosner Research and The Tarrance Group, April 14, 2008, available at www.mayorsagainstillegalsguns.org/downloads/pdf/maig_poll_presentation_041408.pdf

⁵ “The Movement of Illegal Guns In America: The Link Between Gun Laws and Interstate Trafficking” available at http://mayorsagainstillegalsguns.org/downloads/pdf/trace_report_final.pdf