

# The Manchin-Toomey Background Check Compromise

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Two A-rated, NRA-endorsed, gun rights stalwarts, Senators Joe Manchin (D-WV) and Pat Toomey (R-PA), have crafted a compromise amendment on background checks that protects the Second Amendment rights of gun owners while strengthening our ability to keep guns out of the hands of criminals, terrorists, and those who are severely mentally ill. This bill is important because of what we know about crime guns. Every firearm in America starts out as a legal object — manufactured by a legitimate company, shipped to a licensed gun store, and sold to a person who clears a background check. Some of these firearms leak into the illegal black market, and this black market arms criminals. For example, in 9 of 10 gun crimes, the person using the gun in a crime is not the original purchaser of the gun from a store. In 1 of 3 gun crimes, the crime was committed in one state but the gun was originally bought in another. And the most common age of a gun criminal is 19, followed by 20, and then 18, while the legal age to purchase a handgun is 21. These facts indicate that there is a massive web of gun trafficking that takes guns from legal commerce to the shadow market. The pathway from legal commerce to shadow commerce is the private sale — often at gun shows or over the internet, where strangers can buy and sell firearms without conducting a background check.

With so much at stake, here's why both gun lovers and gun skeptics can support Manchin-Toomey.

## For Gun Lovers

- It would ensure that background checks are quick and convenient. For sales at gun shows or those advertised online or in a publication, a federally licensed firearms dealer (FFL) will conduct the check using the same system that nearly 17 million gun owners pass each year. They used to take 7 days—now 92% are completed within a few minutes. And 98% of Americans live within 10 miles of an FFL.
- It would completely exempt sales from one friendly neighbor to another. Unless you had to advertise online or in a publication to find your buyer, you need not conduct a background check. This recognizes the reality that anonymous commercial transactions are the biggest source of guns to traffickers—not sales between two people who know each other.
- It would not create a gun registry of any kind. It would simply rely on the same system in use today—the FFL who ran the check would keep a receipt of sale. It creates no new recordkeeping requirements of any kind for individuals. And anyone who misuses the FFLs' receipts of sale or attempts to assemble them into a registry could be thrown in prison for up to 15 years.
- It would make it easier for law-abiding gun owners to purchase & transport their weapons. It would remove the current ban on gun stores selling to out-of-state residents, allow gun owners to transport their firearms across state lines without fear when they travel, allow concealed carry permit-holders to skip background checks, and protect veterans from being listed as prohibited buyers unless they are dangerous.
- It would protect sellers who conduct a check on their commercial sale by giving them immunity from liability for anything that happens with that gun in the future.

## **For Gun Skeptics**

- It would expand background checks to cover all commercial sales, closing the gun show and internet loopholes. In the 33 states that don't require background checks at gun shows, private sellers routinely offer for sale large quantities of guns with "no questions asked," to buyers who could be felons, domestic abusers, or dangerously mentally ill. And tens of thousands of guns are available over the internet every day, turning every computer into a virtual gun show where sellers and buyers who are complete strangers can currently connect and transfer guns without conducting a background check of any kind.
- We know it works. According to a study by Mayors Against Illegal Guns, in states that have closed these loopholes, women are 38% less likely to be killed with a gun by a domestic abuser, and law enforcement has seen a 48% drop in gun trafficking.
- It uses the current system, which we know can effectively stop guns from falling into the wrong hands. Background checks would be run through FFLs, who already know how to use the system and have a strong incentive to comply or risk losing their license. The gun dealer would keep the receipt of sale—just like they have been doing since the Brady background check law passed.
- By requiring gun dealers to keep a copy of the receipt of sale, police will be able to enforce the background check law as well as trace guns found at the scenes of crime, strengthening law enforcement's ability to prosecute criminals responsible for gun trafficking and gun violence.

#### TOPICS