



Ohio House of Representatives

**State Representative Bill Patmon
Sponsor Testimony
House Bill 78
March 4, 2015**

Good afternoon Chairman Maag, Vice Chair Kunze, Ranking Member Gerberry and members of the House State Government Committee.

It is an honor to provide sponsor testimony on House Bill 78, which will increase the requirements for background checks within Ohio. Given the increase in firearm violence throughout the country, it has been brought to my attention that Ohio would benefit from required universal background checks. I believe universal background checks are an advantageous measure in ensuring responsible gun ownership.

It seems superfluous that we require federally licensed firearms dealers to run background checks, but don't require them of transactions between private parties. Private parties can buy and sell many guns a year while claiming not to be engaged in the business of selling firearms. The Gun Control Act of 1968 defines those "engaged in the business" and goes on to state, "...but such term shall not include a person who makes occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or who sells all or part of his personal collection of firearms." How many sales can an individual engage in and still be considered one "who makes occasional sales?" And how long do you have to have to possess a gun for it to be considered a part of your personal collection?

I have heard the argument that universal background checks would only affect law-abiding gun owners; however, law-abiding gun owners already go through a background check if they buy from a federally licensed firearm dealer. A similar situation is airport security. Regardless of who you are, we all go through one form of this security or another. We're okay with this fact because we know that this is one of the ways terrorism is prevented. To buy a gun from a federally licensed firearms dealer you must provide identification and certify on a form that you are buying the gun for yourself and that you do not belong to any of the classes of people who are prohibited from purchasing or possessing firearms. Next, a background check is conducted. In more than 90% of cases, the check is completed within minutes. If there is some uncertainty, you may have to wait up to 3 days to get your firearm. The retailer must keep a permanent record of

your purchase.¹ Private party transfers are not required under federal law to follow these procedures and they cannot initiate background checks.

Because records of transfers aren't required to be kept, we can't say what percentage of guns are sold in the US without a background check. What we can say is that guns sold in transactions between private parties in Ohio are sold without background checks. Besides, following the same logic of criminals not obeying this law; Criminals may not obey any law. Exempting private gun transfers from background checks gives criminals an easy out to not obey the law. One agent from the Bureau of Alcohol, Tobacco and Firearms (ATF) stated to Frontline, "Stolen guns account for only about 10% to 15% of guns used in crimes."² The reasoning is that when a criminal wants a gun, they want it immediately. The wait is usually too long for a weapon to be stolen.

Armslist.com allows private sellers and dealers to post guns for sale. Many private sellers list cash prices which leave no paper trail for the transaction. Felons and people with substance and anger issues can contact private sellers who may not even require a photo id when selling from their home and obtain a firearm. Three days after his wife obtained a restraining order against him for domestic violence; Radcliffe Haughton (WI) purchased a gun from a private seller on Armslist. The next day Haughton went on a shooting spree at his wife's work, killing 3 including his wife, and wounding 4 others before killing himself. Gun sales between private parties are now even taking place on social networking sites like Facebook and Instagram. According to The New England Journal of Medicine, "Some 85% of all guns used in crimes and then recovered by law-enforcement agencies have been sold at least once by private parties."³ I know that this legislation will not solve the problem entirely, but it's a step in the right direction. If we can keep guns out of the hands of 20 people that we've already agreed shouldn't have them, we've made progress.

Again, Chairman Maag and all members of the House State Government Committee I thank you for your time and am more than happy to answer any questions you may have regarding this legislation.

¹ Wintemute, Garen J., ANthony A. Braga, and David M. Kennedy. "Private-Party Gun Sales, Regulation, and Public Safety." *The New England Journal of Medicine* 363.6 (2010):

² <http://www.pbs.org/wgbh/pages/frontline/shows/guns/procon/guns.html>

³ Wintemute, Garen J., ANthony A. Braga, and David M. Kennedy. "Private-Party Gun Sales, Regulation, and Public Safety." *The New England Journal of Medicine* 363.6 (2010):