

SENATOR CECIL THOMAS
ASSISTANT MINORITY WHIP
9th District



SENATOR PEGGY LEHNER
6th District

Sponsor Testimony-SB 183
Senate Government Oversight and Reform Committee
September 17, 2019

SEN. LEHNER:

Good morning Chairman Coley, Vice Chairman Huffman, Ranking Member Craig, and members of the Senate Government Oversight and Reform Committee. Thank you for allowing us the opportunity to offer sponsor testimony on Senate Bill 183. This bill essentially holds unlicensed gun sellers to the same standards as federally licensed dealers by requiring background checks for all firearm purchases at the point of transfer.

Currently, anyone who purchases a gun from a federally licensed dealer is subject to a background check under the federal Brady law, effective 1994. Any individual or entity engaged in the business of dealing, manufacturing, or importing firearms is required to obtain a federal firearms license. Entities holding federal firearms licenses include larger companies as well as small businesses and individuals. As of May 2018, the ATF reported 2,972 federally licensed dealers in Ohio.

Avoiding background checks in Ohio, however, is fairly simple, as any buyer purchasing a firearm from an unlicensed dealer is exempt from federal Brady law. Transactions facilitated by unlicensed sellers include those that occur online via ads that, in many cases, are aggregated on websites like Armslist.com, which function similarly to Craigslist. Firearms purchased at gun shows are also typically acquired from unlicensed dealers. The lack of background checks at gun shows is what we refer to as "the gun show loophole," and this legislation would sufficiently close it. Additionally, unlicensed gun sales can occur between friends, family members, or strangers.

In practice, this law will function so that when a buyer wishes to purchase a firearm from any unlicensed dealer, the seller will be required to conduct a background check through a licensed dealer, their sheriff's department, or another law enforcement agency. The conducting entity will then contact the National Instant Criminal Background Check System (NICS), as is the protocol for all FFLs, and it will additionally contact the attorney general and request a records check to ensure that the buyer's obtaining a firearm would not violate any state law. Additional checks may be conducted to determine whether the firearm by the unlicensed transferee would violate federal or state law. The bill does allow a \$10 dollar fee to be collected to offset the costs associated with the background checks.

Nineteen states and Washington DC have extended federal background check law to at least some private sales. Evidence shows that these states have seen significant decreases in gun-related violence. Strengthening background checks is one of the strongest and most effective ways for states to reduce gun murders, and states with universal background check laws are found to have half the gun related suicide rate of states without them. Numerous studies show that states which have expanded background check laws have seen significant decreases in deaths of women shot by their partners and in guns used in aggravated assaults. In 2017, Ohio lost 1, 589 people to guns. This gun-death rate was the highest since numbers were compiled beginning in 1999.

SEN. THOMAS:

As a law enforcement officer, safety was always my top priority. Although my job as a law maker looks different than it did as a cop, my job is still the same in many ways, since the policy coming from this statehouse can help make it easier for Ohioans to live wholesome, healthy, lives, free from fear of harm that we, as legislators, can sensibly prevent.

An estimated 40% of all firearms transferred in the US are transferred through unlicensed individuals, although this number is hard to predict given the fact that these transfers are difficult to trace. We do know, though, that criminal offenders almost always obtain their guns through private sales. One survey of prison inmates convicted of gun offenses and already prohibited from possessing a firearm at the time of their offense revealed that 96.1% obtained their firearms through an unlicensed private seller. Exempting private sellers from running background checks is also dangerous because it allows trafficking in the form of “straw purchases,” which occur when an eligible person knowingly buys firearms for another individual who is unable to pass a background check. Requiring background checks for all firearm transfers can deter and mitigate this practice, as states with comprehensive background check laws experience 48% less gun trafficking than those without them.

The International Association of Chiefs of Police described America’s gun epidemic as one that is “unacceptable and demands immediate attention”. They recommended that federal, state, and local laws be immediately enacted to close loopholes that allow unlicensed dealers to sell a gun without conducting a background check. Doing so will not only help save citizen’s lives, but it will help protect law enforcement, as states requiring background checks for private handgun sales saw 39 percent less law enforcement killed with handguns.

This practical measure is supported by the American public 97%, including 97% of gun owners; in Ohio, this measure is supported by 90% of the public and 87% of gun owners (*July 2019 Quinnipiac Poll*). It makes sense to keep guns out of the hands of dangerous people.

Responsible gun owners and law abiding citizens will not be affected by this legislation. There are exemptions listed in the bill for temporary transfers for self-defense, hunting, and shooting competitions. There are also exemptions for transfers between law enforcement entities, gunsmiths for repair and to government entities conducting voluntary surrender programs. This

bill would make Ohio a point of transfer state and close a loophole that allows criminals to gain access to firearms.

For me, this legislation is the most reasonable answer to the question, “What, in Ohio, are we doing to proactively prevent the threat of gun violence?” Sen. Lehner and I propose this legislation in hopes that we will join other states that have enacted the single most important and most sensible legislation that will undoubtedly prove to be lifesaving. I ask that you seriously consider this legislation, which overwhelmingly reflects the will of the public. Thank you for your time, we’re happy to answer any questions you may have.

<https://lawcenter.giffords.org/gun-laws/policy-areas/background-checks/universal-background-checks/#state>