



Cecil Thomas
State Senator
9th District

Ohio Statehouse
Senate Building, Room 228
1 Capitol Square
Columbus, Ohio 43215
(614) 466-5980
Thomas@ohiosenate.gov

Committees:

- Judiciary – *Ranking Minority Member*
- Finance Subcommittee on Health and Medicaid – *Ranking Minority Member*
- Government Oversight and Reform
- Health, Human Services, and Medicaid
- Local Government, Public Safety, and Veterans Affairs
- Rules and Reference

Sponsor Testimony - Senate Bill 65
Senator Cecil Thomas
September 17, 2019

Thank you Chairman Coley, Vice Chair Huffman, Ranking Member Craig, and members of the Government Oversight and Reform Committee for providing me the opportunity to provide sponsor testimony on SB 65, legislation that would regulate the transfer of firearms at gun shows.

SB 65 does two things:

1. It closes the gun show loophole by requiring unlicensed sellers at shows to conduct background checks through a local law enforcement agency or federally licensed dealer at the time of all transactions.
2. It includes safety and security requirements that will promote accountability and communication between gun show promoters, attendees, and local law enforcement agencies.

Under this legislation, if an unlicensed dealer at a gun show wishes to make a transfer to an unlicensed buyer, that transferor must go to either an on-site federally licensed dealer or law enforcement entity—defined in our bill as a point of contact agency—who must:

1. Conduct a background check through National Instant Criminal Background Check System (NICS) and then
2. Conduct an incompetency records check through the attorney general's office.

The point of contact or the federally licensed dealer then must notify the unlicensed seller and buyer whether their transaction is approved.

Our bill requires that the gun show promoter arrange for the services of one or more federally licensed firearms dealer or point of contact agency on the premises to perform these services, which can quickly be completed via internet or phone. Additionally, the point of contact agency or the licensed dealer is able to collect a fee for service not exceeding \$10.

Unlicensed transferors who do not comply with the bill's requirements would be guilty of a misdemeanor and fined \$5,000. A second violation would amount to a first degree misdemeanor and a \$5,000 fine. The unlicensed transferor could also be barred from conducting future gun shows. A transferee who violated this bill's requirements is guilty of a misdemeanor and fined \$250; any subsequent offenses are subject to a \$500 fine.

I would like to note two things about the first part of SB 65:

1. An investigation done by FOX 8 Cleveland last year had an undercover reporter buy a gun from a private citizen at a gun show. The seller only glanced at the driver's license and then proceeded with the sale. I have attached the article at the end of my testimony.¹
2. Should another bill become law regarding universal background checks, this section would be removed, as it would be duplicative.

Next, our bill requires that a gun show promoter apply to the local sheriff for a permit. This application must include:

1. A security plan for the gun show,
2. A certification that they will comply with the transferring procedures required under this bill, and
3. A statement from the sheriff regarding the amount of liability insurance coverage specified as necessary for the show, which the promoter must then obtain.

Once the application is verified, the promoter must provide copies of the permit to all local law enforcement agencies with jurisdiction over the area in which the gun show will be held. The promoter must also:

1. Maintain a list of all vendors at the show and provide that list to the sheriff,
2. Ensure firearms are cleared of ammunition and are tagged for identification purposes,
3. Post a notice that sets forth requirements for background and incompetency checks,
4. And post copies of their permit.

Importantly, our bill requires anyone under the age of 18 to be accompanied by a parent or guardian. The bill also extends the definition of "gun show" to include the parking lot area surrounding the building hosting the gun show. Promoters must post notices of this near gun show entrances.

A promoter who does not comply with the bill's requirements would be guilty of a misdemeanor and fined \$5,000.

Closing the gun show loophole would ensure that those individuals who would be otherwise prohibited from purchasing a gun cannot easily obtain one from a private seller at a gun show. By holding the promoter and vendor accountable, this bill deters sellers from making transactions that would transfer firearms to individuals who pose a risk to society.

Thank you for your time. I'm happy to answer any questions the committee might have.

¹ <https://fox8.com/2018/02/28/i-team-investigation-undercover-video-of-gun-sales-inside-a-gun-show/>