

THE CASE FOR

FIREARM LICENSING

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REFERENCES

DATE:

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BY:

ALLISON ANDERMAN

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EXECUTIVE SUMMARY

THE CASE FOR FIREARM LICENSING

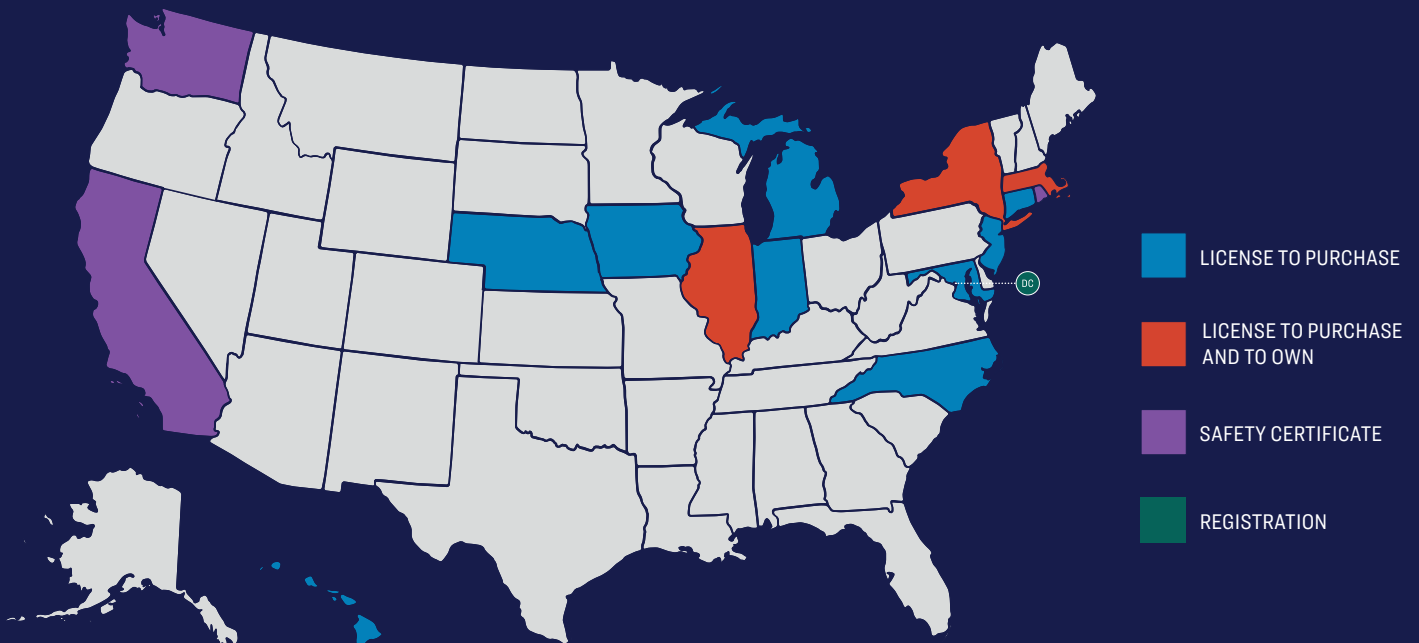
Licensing systems that require permits to own or purchase firearms have been proven effective in preventing gun violence. While there is no federal licensing requirement, states that have enacted licensing laws have seen reductions in suicides, homicides, and mass shootings. **At this critical moment for gun safety, we must push for the passage and effective implementation of firearm licensing and other policies that we know save lives.**

86% OF LIKELY 2020
VOTERS EXPRESSED
SUPPORT FOR LICENSING



LICENSING POLICIES BY STATE

As of April 2020



The Data Is Clear: Firearm Licensing Can Save Lives



Connecticut's licensing law, enacted in 1995, was responsible for a **40%** decrease in the state's firearm homicide rate and a **15%** decrease in its firearm suicide rate.



When **Missouri** repealed its licensing law in 2007, its firearm homicide rate increased by an estimated **17 to 27%** and its firearm suicide rate increased by **16%**.



A study of licensing laws across 80 large urban counties found that gun owner licensing laws are associated with an **11%** decrease in firearm homicides.



The nine states that require licenses to purchase firearms experienced **56%** fewer mass shootings over a three-decade span.

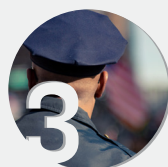
Elements of an Effective Licensing System



BACKGROUND CHECKS



IN-PERSON INTERACTION WITH LAW ENFORCEMENT



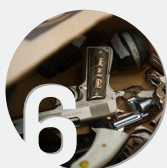
LAW ENFORCEMENT INPUT



FINGERPRINTING



WAITING PERIODS



BULK PURCHASE PROHIBITIONS



FIREARMS SAFETY COURSES



RELINQUISHMENT PROCEDURES



LIMITED PERIOD OF VALIDITY

Introduction

Over the past twenty years, a relentless onslaught of high-profile gun massacres has driven a slow but steady shift in the national sentiment around gun regulation. Meanwhile, the tragic drumbeat of everyday gun deaths continues, with more than 100 Americans dying each day.

A mounting annual gun death toll and seemingly endless cycles of devastation and outrage are propelling unprecedented numbers of Americans to call for action. Americans are using their electoral power to usher in representatives who promise to defy the NRA and make meaningful change. More and more candidates and elected officials are highlighting the real and too often neglected solutions to violence in underserved communities. After a gun safety majority was elected to the United States House of Representatives in November 2018, the House began holding hearings on different aspects of gun violence and passing bills aimed at keeping guns out of the hands of people who may cause harm.

Americans on both sides of the aisle are increasingly recognizing that unfettered access to guns fuels mass shootings and other types of gun violence. Leading Republicans are joining Democrats to call for extreme risk protection order laws, which allow law enforcement to temporarily remove firearm access from people who pose a demonstrated threat to themselves or others. In the past decade, politicians who reject the extremism of the NRA have become more likely to win their elections than those beholden to the gun lobby's reckless agenda.¹ For the first time in a generation, there is significant national momentum behind gun safety.

America is on the cusp of a breakthrough in ending this epidemic. It is critical that state and federal legislators seize this moment to enact the evidence-based policies that are most likely to save lives. **Of the many gun violence prevention policies supported by research, licensing is one of the most promising.** In addition to its demonstrated effectiveness, polling conducted in November 2019 shows widespread public support for firearm licensing, with 86% of likely 2020 voters expressing support for the policy.² In the run-up to the 2020 presidential election, numerous Democratic candidates made licensing a core component of their gun safety platforms.³

While there is currently no federal licensing requirement in place, 12 states plus the District of Columbia have enacted some form of a licensing law, while three additional states require gun owners to obtain certificates of firearm training. As discussed later in the report, some states require gun licenses (also referred to as permits) to purchase firearms,⁴ while others require gun owners to obtain licenses to own firearms. A few states treat licenses to purchase and own as one and the same. Licensing policies in each state are discussed in detail later in the report.

Studies of licensing policies have demonstrated the dramatic positive impacts of implementing licensing laws—and conversely, the negative repercussions of

repealing them. In 1995, Connecticut enacted a law requiring licenses to purchase firearms. Research shows that the law was responsible for a 40% decrease in the state's firearm homicide rate⁵ and a 15% decrease in its firearm suicide rate in the first ten years it was in effect.⁶ Researchers discovered that the converse was true in Missouri—when the state repealed its licensing law in 2007, its firearm homicide rate increased by an estimated 17 to 27% and its firearm suicide rate increased by 16%.⁷

Licensing laws have also been proven effective in reducing firearm homicides at the city level, as well as mass shootings. In 2018, a study of licensing laws across 80 large urban counties concluded that gun owner licensing laws are associated with an 11% decrease in firearm homicides.⁸ The states that require licenses to purchase firearms also experienced 56% fewer mass shootings over a three-decade span, according to a recent study from Johns Hopkins Bloomberg School of Public Health.⁹

In a landmark ruling in the case *District of Columbia v. Heller* in 2008, the United States Supreme Court held that the Second Amendment right to possess a gun for self-defense is “not unlimited,” and does not confer a “right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose.”¹⁰ Lower courts have consistently interpreted *Heller* as compatible with numerous categories of lifesaving gun regulations such as gun registration requirements, laws prohibiting people at elevated risk of causing harm from accessing guns, and laws that require gun owners to obtain a license to purchase or own a firearm.¹¹ Despite the claims of gun rights extremists that these policies violate the Second Amendment by placing barriers between an individual and his or her exercise of the right to bear arms,¹² licensing laws that have been challenged have repeatedly been upheld as constitutional.

Giffords recommends that Congress pass a federal licensing requirement that uses grant funding to incentivize states to adopt licensing systems meeting a set of minimum standards.



States must also provide an effective means of disarming individuals who become ineligible for a license and require law enforcement to report rates of license issuance and denials to ensure accountability. Individuals who live in states that have failed to adopt adequate licensing systems should be required to obtain a federal license, and gun sellers should be required to verify that buyers possess an approved license.

America is on the brink of a tremendous opportunity to pass effective gun safety legislation that will reverse the alarming upward trend of gun deaths. Legislators must be prepared with the data and arguments needed to galvanize support for policies, such as gun owner licensing, that can right the ship of public safety and protect communities. This report is intended to provide legislators and members of the public with the tools needed to advocate for and enact gun owner licensing.

Recommended Components of Licensing Systems

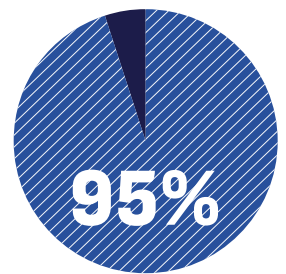


Background Checks

At a minimum, gun owner licensing requires an applicant to submit to a background check to determine that they are legally permitted to acquire firearms. Background checks are a foundational policy of gun violence prevention. To date, background checks have prevented firearm purchases by over three million prohibited people.¹³

However, federal law only requires background checks when a sale is conducted by a federally licensed firearms dealer (FFL). Gun sellers who are considered to be “engaged in the business of firearms sales” are required to obtain a federal license to sell.¹⁴ Individuals who make occasional sales from their personal collection are generally not required to obtain a license. Because this distinction is relatively vague and the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) is severely understaffed, there is limited oversight of both FFLs and private sellers. Criminals overwhelmingly acquire their firearms from unlicensed sellers though this “private sale loophole.”¹⁵

Twenty-one states and the District of Columbia expand upon the federal background check requirement by also requiring individuals purchasing at least some types of guns from unlicensed sellers to undergo a background check. Many impose this requirement via a licensing system.¹⁶ States that require a background check through a licensing process have seen significant reductions in gun homicides and suicides compared to states that do not require background checks on all gun sales.¹⁷



OF LIKELY 2020 VOTERS SUPPORT REQUIRING BACKGROUND CHECKS ON ALL GUN SALES.¹⁸

In addition to closing the private sale loophole, Giffords recommends that states allow law enforcement adequate time to conduct a thorough investigation before issuing licenses. Agencies should also be able to petition a court to extend the time for investigation when necessary, and should regularly conduct background checks on permit holders to ensure they are still eligible to own a firearm.





In-Person Interaction with Law Enforcement

Perhaps the most important aspect of a gun owner licensing system is mandated face-to-face interaction with law enforcement. Research suggests that people seeking to commit crimes are more deterred from purchasing a gun when a background check is conducted by a law enforcement officer than when it is conducted by a federally licensed firearms dealer.¹⁹ This interaction helps deter people at risk of harming themselves or others from obtaining guns, which can reduce gun homicides, suicides, and shootings of law enforcement officers.²⁰

Requiring prospective purchasers to interact with law enforcement also appears to deter straw purchasing and gun trafficking.²¹ Straw purchasing—in which a purchaser buys a gun on behalf of another individual, most often someone who is prohibited from purchasing firearms themselves—is the most common way guns are diverted to the illegal market.²² After Missouri repealed its licensing law, the share of crime guns that originated from in-state retail transactions doubled.²³ This could explain in part why licensing laws are associated with reduced rates of gun trafficking and crime gun diversion. In-person interaction with law enforcement can deter straw purchasing, as people may be less likely to misrepresent themselves and their intentions when face-to-face with law enforcement as opposed to in a gun store.

When mandating face-to-face interaction with law enforcement, it is critical to take into account historically strained relationships between police departments and communities of color, to incorporate implicit bias training designed to mitigate bias within the licensing system, and to provide opportunities for appealing decisions denying license applications.

Giffords recommends requiring in-person interaction with law enforcement as part of a licensing system, in addition to incorporating implicit bias training for licensing officers and seeking input from community groups before devising local protocols.



Law Enforcement Input

States can also utilize critical law enforcement knowledge during the licensing process. The ability of law enforcement to provide input when issuing gun licenses serves an important fail-safe mechanism. Although an applicant may not have a legal status that disqualifies them from gun ownership, law enforcement officers may be aware or discover that an applicant has a history of violent behavior. For example, police may have visited the home of an applicant on allegations of domestic violence, yet if a restraining order has never been filed and the license applicant has never been convicted of domestic violence, the applicant may still be legally permitted to purchase or possess firearms.

Law enforcement may also know that an applicant has a history of alcohol abuse or suicidal threats and could jeopardize public safety if armed.

In Massachusetts, where law enforcement officers may deny licenses based on evidence of unsuitability, so long as they submit a petition to a court providing this evidence, licensing authorities approved more than 98% of all firearm license applications between 2006 and 2016. Of the 2% of cases where licenses were denied, only 24% of the denials were due to unsuitability reasons, where law enforcement used discretion to deny applicants.²⁴ Data indicating that law enforcement used this authority only in a fraction of cases addresses concerns that discretion would be abused and used to deny large numbers of applicants.²⁵ When law enforcement input is a component of a licensing law that also requires applicants to be fingerprinted, interstate firearms trafficking is reduced by 76%.²⁶

Giffords recommends that law enforcement have input into whether to issue a permit, as long as applicants retain the ability to appeal a law enforcement denial to a court and other safeguards, such as mandatory reporting of denial rates and demographics of license holders, are included to prevent abuse of discretion.



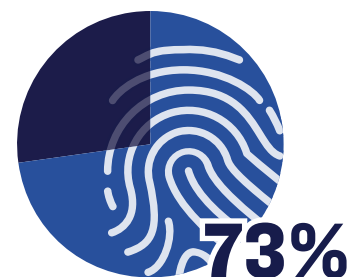
As with mandating interaction with law enforcement, due process safeguards are crucial to ensuring that law enforcement authority is exercised appropriately and grounded on safety concerns, and training should be required to ensure law enforcement isn't influenced by unconscious bias. In addition, it is important that an adequate process is provided for applicants to appeal any discretionary decision to deny.



Fingerprinting

Fingerprinting should be a part of all background checks, and licensing provides a way to require it for all potential purchasers. Fingerprinting helps ensure that background checks are accurate and complete, and can uncover out-of-state criminal convictions that may be missed by a background check based solely on the applicant's name and birthdate.²⁸ The perpetrator of the February 2019 workplace shooting in Aurora, Illinois, received an FOID permit and used it to purchase a handgun. When he later applied for a CCW permit, fingerprinting revealed a 1995 felony conviction in another state. The man's FOID card was revoked and he was asked to voluntarily turn in his handgun. He declined to do so, and later used it to murder five people.²⁹

In addition, a frequently stated concern of gun rights proponents is that background checks often result in false positives. While this has been proven false—FBI quality control evaluations suggest that background checks are accurate approximately 99.3 to 99.8% of the time³⁰—fingerprinting can help ameliorate such concerns by adding an additional layer of identification. Furthermore, licensing laws that require applicants to be fingerprinted are associated with a 45% reduction in interstate firearms trafficking.³¹



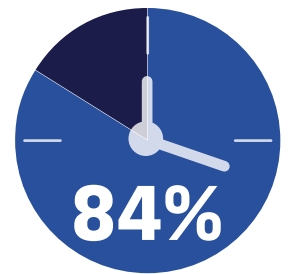
73%
OF LIKELY 2020 VOTERS
SUPPORT REQUIRING
FINGERPRINTING
ON ALL GUN SALES.²⁷

Giffords recommends that states require all firearm licensing applicants to be fingerprinted in order to ensure accurate identification of applicants and prevent firearms trafficking.



Waiting Periods

Requiring a gun owner to obtain a license inserts an automatic waiting period into the purchasing process because of the time required to fill out and process an application. By incorporating a delay prior to purchase, individuals who are considering suicide or homicide have an opportunity to reconsider their intentions and get help. Research shows that putting a barrier between a suicidal individual and a firearm can save their life. Seventy-one percent of individuals who attempt suicide do so within one hour of making the decision,³² and 48% attempt within a mere ten minutes.³³ Firearms are the most lethal commonly available means of suicide, with 85% of people who reach for a gun in moments of crisis dying by suicide.³⁴ Remarkably, 90% of people who live through a suicide attempt do not go on to die by suicide.³⁵ It is not surprising, therefore, that states with licensing laws have significantly lower rates of gun suicides than states without them.³⁶



84%
OF LIKELY 2020 VOTERS
SUPPORT REQUIRING
WAITING PERIODS
ON ALL GUN SALES.³⁷

Giffords recommends that licensing laws impose a mandatory waiting period that guarantees a buffer between the decision to purchase a firearm and its acquisition.



Waiting periods are not only important provisions to prevent impulsive gun purchases—they also can afford law enforcement additional time to investigate an applicant when needed. In 2015, a shooting in Charleston, South Carolina, underscored the importance of allowing law enforcement adequate investigation time. An initial FBI background check of the Charleston shooter had revealed an

arrest for drug possession that may have prevented him from legally purchasing firearms. Agents began an investigation, yet a federal law allowed the dealer to proceed with the sale three days after the background information was submitted to the FBI, despite the fact that the FBI had not completed its investigation. Two months later, the FBI had not yet made a final determination when the shooter used

the purchased gun to kill nine people in a racially motivated hate crime. States can and should close what has now been dubbed the “Charleston Loophole” by providing authorities adequate time to conduct background check inquiries, including those made prior to issuance of a firearms license.

Source: The Washington Post



Bulk Purchase Prohibitions

States may also use licenses to limit the number of firearms that may be purchased at one time or per license. Preventing bulk purchases of firearms helps keep guns from entering the illegal marketplace and being used in crimes. When more than one handgun is sold at a time, those handguns are up to 64% more likely to be used in crime than handguns sold individually.³⁸ A study of guns recovered from crime scenes in Baltimore found that guns purchased in bulk purchases were significantly more likely than guns purchased in single sales to be recovered from a possessor who was not the original buyer.³⁹ After Virginia enacted its one-gun-a-month law, there was a significant reduction in the number of crime guns recovered outside the state and traced back to Virginia dealers.⁴⁰ While unfortunately, Virginia repealed this law in 2012,⁴¹ in 2020 the legislature reinstated the law.⁴²



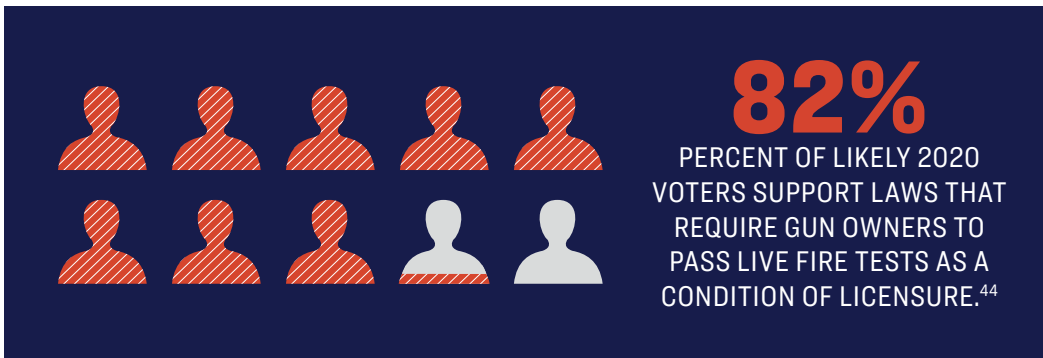
65%
OF RESPONDENTS
SUPPORT LIMITING THE
NUMBER OF GUNS THAT
CAN BE PURCHASED TO
ONE PER MONTH.⁴³

Giffords recommends that purchases be limited to one per month to reduce firearms trafficking and help prevent gun violence.



Firearms Safety Courses

Licenses can also be conditioned upon an applicant's successful completion of a firearms safety course. Firearms safety courses typically require gun owners to demonstrate that they know how to safely use and fire guns. Courses can also provide gun owners with important information about the relevant laws of their state, safe storage practices, proper handling of a firearm, suicide risk factors and prevention, and more.



Just as drivers are required to demonstrate that they know how to safely operate a vehicle, Giffords recommends that gun owners be required to take an in-person safety course and demonstrate the proper handling of firearms. Firearms safety certificates should expire after a specified period of time, ensuring that a gun owner’s knowledge of the safe handling of firearms and relevant laws remains up to date.



Relinquishment Procedures

Gun owner licensing is not only an effective tool for preventing people at elevated risk of causing harm from acquiring firearms—it can also facilitate the swift removal of guns from people who become prohibited from possessing them. States can require courts and other agencies to send local law enforcement records of convictions, restraining orders, involuntary commitments, and other proceedings that affect gun owner eligibility, facilitating prompt revocation of prohibited people’s licenses and removal of their guns. States that have clear processes for people who become prohibited to turn their firearms in to law enforcement have seen a reduction in certain types of gun homicides.⁴⁵

Giffords recommends that licensing laws contain robust procedures for courts and other agencies to notify a licensing authority when a license holder becomes prohibited from firearm possession. The laws should also require comprehensive procedures for promptly disarming individuals who become prohibited.



Deborah Wigg obtained a protective order against her estranged husband, who had previously been arrested and charged with assault against her, and made it clear that her husband possessed guns. Although

Wigg’s husband became prohibited by federal law from possessing guns when the court issued the protective order, no federal or Virginia law laid out a process for Wigg to relinquish his guns. Six months

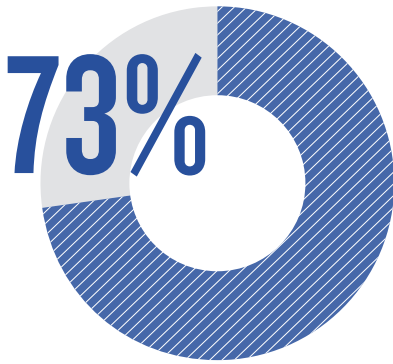
after Deborah Wigg obtained the order, her husband shot and killed her while her two young children were present.

Sources: New York Times and Pilot Online



Limited Period of Validity

Most states that have laws requiring residents to obtain a permit to purchase or own a firearm set them to expire after a certain period of time, ranging from 10 days (for permit to purchase) to 10 years (for license to own). Establishing a limited period of validity for permits ensures that firearm purchasers or owners who fall into a prohibited category are no longer able to access firearms. States can add an additional layer of security by requiring that private sellers use a state-run Internet system to check a purchaser's license validity at the point of sale.⁴⁶



**OF LIKELY 2020 VOTERS
SUPPORT REQUIRING GUN
OWNERSHIP LICENSE
RENEWAL EVERY FIVE YEARS.⁴⁷**

Since licenses prove to a seller that a purchaser is legally eligible to acquire the firearm, Giffords recommends that the period of validity is short enough to ensure that a purchaser doesn't fall into a prohibited category while possessing a valid license.



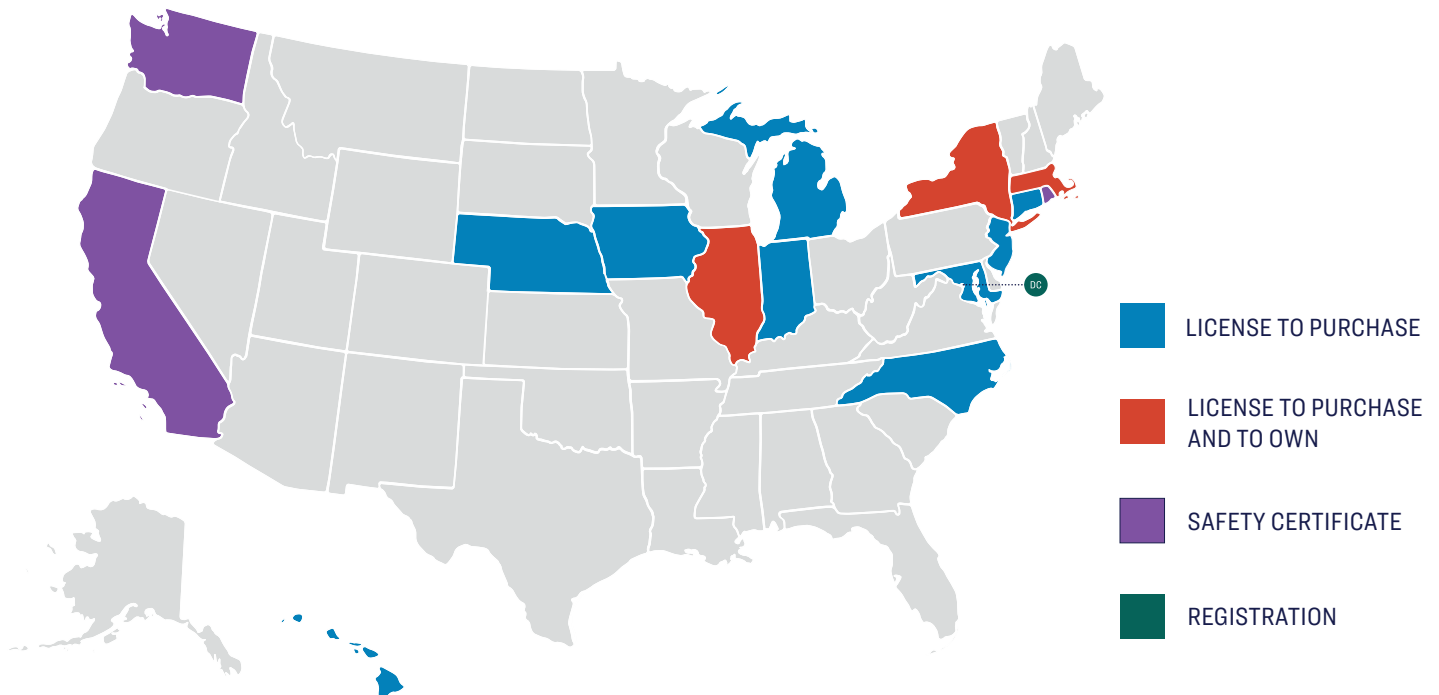
Overview of State Licensing Landscape

In the absence of a federal licensing requirement, states have implemented the policy in various ways. Eight states—Connecticut, Hawaii, Iowa, Maryland, Michigan, Nebraska, New Jersey, and North Carolina—require a firearm purchaser to obtain a license in order to purchase some or all types of firearms. Three states—Illinois, Massachusetts, and New York—require licenses to purchase and own some or all types of firearms. The licensing systems in all of these states, with the exceptions of Maryland and Illinois, require face-to-face interaction with law enforcement. Additionally, some states that require licenses to purchase allow people with concealed carry permits to purchase guns without a separate purchase permit.

States may also implement a different type of licensing system by requiring, like the District of Columbia does, that gun purchasers and owners obtain a registration certificate for guns they wish to buy or possess.⁴⁸ In addition, California, Rhode Island, and Washington do not require gun owners to obtain licenses to own or possess firearms but do require them to obtain certificates of firearm safety training before purchasing certain types of firearms.⁴⁹ **As documented in our *Annual Gun Law Scorecard*, of the ten states with the lowest gun death rates in 2018, nine of the ten have implemented licensing or safety certificate requirements.**

LICENSING POLICIES BY STATE

As of April 2020



Licenses to Purchase

Eight states require prospective purchasers to obtain a license before buying at least certain types of firearms. These laws have been proven particularly effective: as mentioned previously, the states that require licenses to purchase firearms have experienced 56% fewer mass shootings over a three-decade span.⁵⁰



GUN DEATH
RATE RANKING:
6th lowest

Connecticut requires a person who wishes to purchase or receive a handgun or long gun to apply for a handgun or long gun eligibility certificate, respectively, from the state police pursuant to a background check and fingerprinting.⁵¹ Certificates are valid for five years from the date of issue and do not limit the number of firearms that may be purchased. Applicants must complete required safety training.⁵² Law enforcement is afforded 90 days to issue a handgun eligibility certificate and 60 days to issue a long gun eligibility certificate.⁵³ Connecticut also requires anyone purchasing a firearm to have a background check conducted by a licensed dealer at the point of sale.⁵⁴

Individuals who wish to carry guns in public may obtain permits to carry handguns and long guns in lieu of a certificate.⁵⁵ Permits to carry are issued on a discretionary basis by law enforcement to individuals following a background check⁵⁶ and proof of a completed safety course.⁵⁷ Permits to carry are also valid for five years.⁵⁸

In **Hawaii**, gun purchasers must undergo safety training in order to obtain a permit from the county chief of police pursuant to a background check and in-person fingerprinting.⁵⁹ Applicants are subject to a 14-day waiting period and must sign a waiver allowing access to their mental health records.⁶⁰ Once issued, handgun permits are valid for 10 days and for one purchase per permit.⁶¹ Long gun permits are valid for one year and unlimited purchases.⁶² Law enforcement may revoke the permits for good cause. Additionally, Hawaii requires anyone bringing a firearm into the state to register the weapon and be fingerprinted by local law enforcement.⁶³ Individuals with handgun permits are exempt from a point of sale background check when purchasing from a dealer.⁶⁴

Iowa requires a permit to acquire handguns but not long guns. An applicant must personally deliver his or her application to law enforcement and is subject to a background check at that time. The permit remains valid for five years, unless a permit holder becomes disqualified from firearm possession.⁶⁵ Although county sheriffs in Iowa are authorized to conduct a criminal history check annually on anyone who has been issued a five-year permit, they are not required to do so more than once every five years. Licenses are valid no sooner than three days after application.⁶⁶ Law enforcement may revoke a permit immediately upon discovering that a permit holder is no longer eligible. Handgun permits exempt an individual from a point of sale background check when they are purchasing from a dealer.⁶⁷



GUN DEATH
RATE RANKING:
3rd lowest



GUN DEATH
RATE RANKING:
9th lowest



GUN DEATH
RATE RANKING:
18th lowest

A handgun qualification license is required in **Maryland**, though the state imposes no licensing requirements on long guns. The qualification license, issued by the secretary of state, is valid for 10 years. Applicants must submit fingerprints and proof of an approved safety training course taken within three years of application. The course must include instruction on state firearms law, home firearm safety, and handgun mechanisms and operation. As part of the course, the applicant must also demonstrate that they can safely operate and handle a firearm. In addition, purchasers of certain types of regulated firearms in Maryland—handguns and assault weapons—must apply for a permit to acquire these weapons. Once approved, a purchaser has 90 days to complete the purchase. Firearm purchasers in Maryland are able to apply for both the handgun qualification license and purchase permit online. No in-person interaction with law enforcement is required. Maryland also requires individuals to undergo a background check at the point of sale when purchasing a handgun.⁶⁸



GUN DEATH
RATE RANKING:
25th lowest

While **Michigan** does not require individuals purchasing firearms from federally licensed dealers to obtain a license, an individual who wishes to purchase a handgun from an unlicensed seller must obtain either a handgun purchase license or a license to carry a concealed handgun.⁶⁹ Upon submitting an application, a purchaser must swear to the accuracy of the information contained in the application under an oath administered by the county clerk.⁷⁰ Applicants must also be fingerprinted.⁷¹ Law enforcement has discretion to deny issuance of a permit to applicants whom they have probable cause to believe would pose a threat to themselves or others, or would commit a criminal offense with the firearm.⁷² Though a license is needed for each handgun purchased, no limit is placed on how many licenses a purchaser may obtain at one time. A purchase license is valid for 30 days. After the sale, the purchaser must return documentation of the sale, including identifying information about the handgun purchased, to the local licensing authority.⁷³ Upon receipt, the local licensing authority must enter the information into the department of state police's pistol entry database.

Michigan's application process to obtain a concealed carry license is the same as for a handgun purchase license,⁷⁴ however, an applicant for a permit to carry a concealed handgun must also demonstrate proof of safety training including live firing exercises at a gun range.⁷⁵ Licenses are valid for between four and five years.⁷⁶ Individuals with handgun permits or concealed carry licenses are exempt from a point of sale background check when purchasing from a dealer.⁷⁷



GUN DEATH
RATE RANKING:
10th highest

Nebraska requires individuals purchasing handguns to obtain a purchase certificate or concealed carry license pursuant to a background check.⁷⁸ Purchase certificates are valid for three years and allow an individual to purchase an unlimited number of handguns.⁷⁹ Although state law says that applications for certificates may be sent by mail, many, if not all, counties require applicants to appear in-person at a local law enforcement agency.⁸⁰ Individuals with purchase certificates or concealed carry licenses are exempt from a point of sale background check when purchasing from a dealer.⁸¹



GUN DEATH
RATE RANKING:
5th lowest

New Jersey requires all handgun purchasers to obtain a permit to purchase, while purchasers of long guns must obtain a Firearms Purchaser Identification Card (FPIC).⁸² Both require the applicant to undergo a background check and waive confidentiality relating to any institutional confinement for a mental or psychiatric condition. Applicants must provide identifying details as well as an extensive personal history. New Jersey law also requires the licensing authority to deny a handgun or long gun purchase permit when a transfer would not be in the interest of the public health, safety, or welfare. In addition, the applicant must be of “good character and good repute in the community” where they live. The licensing authority has 30 days to make a determination on the application.⁸³

New Jersey allows one handgun purchase per permit and one handgun purchase per 30-day period. Handgun purchase permits in New Jersey are valid for 90 days.⁸⁴ New Jersey long gun permits are valid as long as the holder remains eligible to possess a firearm and do not limit the number of long guns that may be purchased. New Jersey does not require firearm safety training as a permit prerequisite. Once issued, applicants must pick up their permits in person from the local law enforcement agency that issued them and must show photo identification.⁸⁵ In addition to its licensing requirements, New Jersey requires all firearm purchasers to have a background check performed by a dealer at the point of sale.⁸⁶



GUN DEATH
RATE RANKING:
23rd highest

North Carolina requires permits for the purchase of handguns but not long guns. The state requires local law enforcement officers to conduct a state and federal background check of an applicant and affords them discretion to deny the permit for good cause or because the applicant lacks good moral character.⁸⁷ A permit is valid for five years.⁸⁸ Law enforcement is granted 14 days in which to make a determination and is required to keep records of permits that have been issued and revoked. Although state law allows for applications to be submitted electronically,⁸⁹ many, if not all, counties require applicants to appear in person at a local law enforcement agency.

In North Carolina, a license to carry a concealed firearm—also valid for five years—may be used to purchase a handgun in lieu of a purchase permit.⁹⁰ License-to-carry applicants must successfully complete a firearm safety course that includes live firing exercises. However, unlike with a purchase permit, law enforcement is not granted discretion to deny a license to a person who lacks good moral character or for other reasonable grounds.⁹¹ While the concealed carry license does not limit the number of firearms a person can purchase, an individual may only buy one handgun per purchase permit. However, an individual may submit more than one application and receive more than one permit at the same time. Individuals with purchase permits or concealed carry licenses are exempt from a point of sale background check when purchasing from a dealer.⁹²

Licenses to Own

States that require licenses to own firearms are able to ensure that anyone possessing a firearm in the state is subject to the licensing requirements, not only individuals who are purchasing firearms. Although permits to purchase fulfill an important public safety need, by not requiring permits to own, states create loopholes that make it easier for prohibited people to possess guns.

The following states require permits to own and purchase firearms.



GUN DEATH
RATE RANKING:
15th lowest

Illinois requires anyone who acquires or possesses firearms or ammunition to obtain a Firearms Owner Identification (FOID) card.⁹³ Applicants are subject to state and federal background checks⁹⁴ and the Department of State Police has 30 days to determine an applicant's eligibility.⁹⁵ FOID cards must contain a digital photograph of the owner and are valid for 10 years.⁹⁶ The state also maintains an Internet-based system for private sellers to use to determine the validity of a FOID Card prior to transferring a firearm to a purchaser.⁹⁷ Illinois does not impose any limit on the number of firearms that may be purchased by the holder of a FOID card. Law enforcement does not have discretion over whether to issue a FOID card and applications for a FOID card may be made online or by mail.⁹⁸



GUN DEATH
RATE RANKING:
2nd lowest

Massachusetts also requires gun owners to obtain licenses to purchase and possess firearms and ammunition.⁹⁹ For long guns or ammunition, an individual must obtain a Firearm Identification (FID) card, which allows a permit holder to purchase and possess unlimited numbers of rifles or shotguns and is valid for six years.¹⁰⁰ Applicants must apply in-person¹⁰¹ with law enforcement to be fingerprinted and photographed. The licensing authority may file a court petition to deny a FID to a person whom law enforcement believes is unsuitable to possess firearms or ammunition.¹⁰²

In Massachusetts, a license to carry (LTC) firearms is required for the purchase and possession of handguns (and may also be used to purchase long guns).¹⁰³ LTCs also require in-person fingerprinting and photographing with law enforcement and are valid for six years.¹⁰⁴ Law enforcement has broader discretion to deny LTCs if they believe a person is unsuitable or lacks a good reason to possess firearms.¹⁰⁵ For both FID and LTCs, the licensing authority has 40 days to determine eligibility.¹⁰⁶ Proof of completion of a basic firearms safety course is required for both the FID and LTC.¹⁰⁷ Private individuals who transfer firearms are required to check the validity of a purchaser's license at the point of sale using a web portal developed by the state.¹⁰⁸



GUN DEATH RATE RANKING:
4th lowest

New York requires anyone wishing to purchase or possess a handgun to obtain a license that specifies each handgun the individual owns, following a background check and fingerprinting by local law enforcement.¹⁰⁹ The licensing authority has up to six months to investigate the applicant’s background and must deny the applications of individuals who do not possess good moral character and may deny applications for any other good cause. Licenses are valid for five years and the owner must apply for amendments to his or her license to include more weapons that are acquired or cancel weapons held under the license that are no longer owned. Except in certain local jurisdictions, a firearm safety course is not required to obtain a license. In addition to a license, a firearm purchaser must undergo a background check performed by a dealer at the point of sale.¹¹⁰

New Jersey, which has some of the strongest gun laws in the country, provides an example of a loophole that can occur in the absence of a permit-to-own system. In 2017, an estimated 13,000 people moved to New Jersey from Florida, a state with high gun ownership and relatively weak gun

laws. New Jersey prohibits purchase and possession of firearms by people convicted of domestic violence, including dating partners, while Florida has not closed the boyfriend loophole for domestic violence misdemeanors. Because individuals moving from Florida to New Jersey are not required to obtain a permit for their firearms, law

enforcement in New Jersey would likely be unaware if a person convicted of a domestic violence misdemeanor against a dating partner brought guns into the state.

Source: US Census Bureau

Safety Certificates

Three states—California, Rhode Island, and Washington—have laws requiring purchasers to complete safety training and obtain safety certificates. While these laws lack most of the key features we have highlighted as key elements of a licensing scheme, California and Rhode Island require some or all of these features in other parts of their codes.

Giffords recommends that states enact robust licensing schemes that incorporate all of the key elements outlined earlier in this report, including firearm safety training, rather than implementing components such as universal background checks and safety training separately.

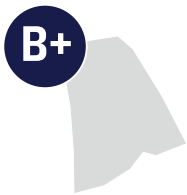


GUN DEATH RATE RANKING:
7th lowest

California requires anyone seeking to acquire a firearm from a licensed dealer to obtain a Firearm Safety Certificate (FSC).¹¹¹ All firearm transfers in California must be processed through a licensed dealer, with a few explicitly defined exceptions.¹¹² No interaction with law enforcement is required for an FSC. Rather, to obtain an FSC, an individual must pass a written test administered by a third-party instructor who is certified by the California Department of Justice (DOJ).¹¹³ A DOJ-certified instructor must also confirm that the applicant has demonstrated safe handling of firearms pursuant to specified criteria. Both tests are usually administered at the dealer’s place of business.¹¹⁴ An FSC is valid for five years and does not limit the number of firearms a person may acquire, although California

law prohibits the purchase of more than one handgun a month (and, as of July 1, 2021, most semiautomatic rifles) from a licensed dealer. This limitation does not apply to transactions between private parties conducted through a dealer.¹¹⁵ While a background check is not specifically required to obtain a safety certificate, nearly all gun acquisitions in California are subject to a background check under state law.

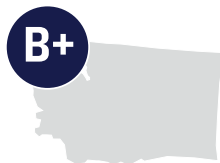
Individuals with concealed carry permits are exempt from the FSC requirement.¹¹⁶ Law enforcement has substantial discretion to deny a permit to a person deemed “unsuitable” or who does not have good cause to carry a gun in public.¹¹⁷



GUN DEATH
RATE RANKING:
1st lowest

Rhode Island handgun purchasers must possess either a license to carry a concealed handgun or a safety certificate issued by the Department of Environmental Management (DEM).¹¹⁸ This certificate can be obtained by completing a minimum of two hours of basic handgun safety training administered by DEM. A prospective purchaser must present their safety certificate to a seller, who forwards the purchaser’s application to the superintendent of the Rhode Island state police or local law enforcement in the jurisdiction where the purchaser lives or works. Law enforcement will initiate a background check and, after a minimum of seven days from the day after application, a seller may proceed with the sale if they receive no disqualifying information from law enforcement. No in-person interaction with law enforcement is required to obtain the safety certificate. Individuals with licenses to carry concealed handguns or safety certificates are also subject to background checks performed by licensed firearms dealers at the point of sale.¹¹⁹

Concealed handgun license applicants in Rhode Island are also subject to a background check. Rhode Island allows individuals to apply for concealed carry licenses either with local law enforcement or with the state attorney general, processes which have slightly different legal requirements. Local law enforcement is required to issue licenses if it appears that the applicant is “a suitable person to be licensed” and has “proper reason” for carrying. The state attorney general may issue to a person who makes a “proper showing of need.”¹²⁰ Rhode Island also has more stringent firearms safety course requirements to obtain a concealed carry license.¹²¹ Licenses are valid for four years and do not limit the number of handguns that can be purchased in a given period of time. The application requires a full fingerprint card and must be signed by the chief of police or a city hall official.



GUN DEATH
RATE RANKING:
13th lowest

Washington requires purchasers of semiautomatic rifles to have completed a safety training program in the past five years. This program must include instruction on basic firearms safety, safe storage, talking to children about gun safety, suicide prevention, safe handling of firearms, and state and federal firearms laws, including prohibited firearms transfers.¹²² No interaction with law enforcement is required to obtain the training or proof thereof. A background check is not conducted as part of the process to obtain proof of safety training, but most firearm acquisitions in Washington are subject to background checks under different provisions of state law.¹²³

Registration

The District of Columbia and Hawaii require the registration of all firearms. California maintains a database of gun transfer records and New York and a number of other states with handgun licensing requirements keep records of handgun purchases. New York and four other states also have a registration system for certain highly dangerous firearms, such as assault weapons.¹²⁴



LAWS THAT REQUIRE REGISTRATION AS A COMPONENT OF GUN OWNERSHIP ARE ALSO BROADLY POPULAR AMONG LIKELY 2020 VOTERS, WITH **89%** SUPPORT.¹²⁵



The **District of Columbia** requires anyone purchasing or bringing a firearm into the District to obtain a registration certificate for the firearm either before acquiring the firearm or immediately after bringing it into the District.¹²⁶ While DC requires registration of each firearm rather than a permit to acquire a firearm, the registration process is substantially similar to licensing in several other states and achieves many of the same objectives of a licensing statute.

Registration applicants must appear in person at the Metropolitan Police Department (MPD) headquarters to be photographed, fingerprinted, and background checked,¹²⁷ and must show successful completion of an online safety course.¹²⁸ Law enforcement is granted 60 days to issue a certificate and discretion to deny a certificate for good cause.¹²⁹ Registrants must notify the chief of police in writing if a firearm or registration certificate is lost, stolen, or destroyed immediately upon discovery of such loss, theft, or destruction. They must also notify the chief in writing of the sale or transfer of a firearm within two business days. Individuals must also have the registration certificate in their possession whenever they possess the firearm and exhibit the certificate when requested by a member of the MPD or other law enforcement officer.¹³⁰

Conclusion

The evidence is clear that licensing is an essential component of effective gun safety policy. A federal law that requires gun owner licensing is the most comprehensive way to ensure that all Americans are protected by this lifesaving mechanism.

Although federal law does not currently require gun owners to obtain a license to purchase or possess firearms, federal legislators have introduced several proposals to create such a system. The maximum benefits of this lifesaving policy can only be realized by implementing licensing laws nationally. To accomplish this, federal action is required.

The most comprehensive and effective proposal for a federal licensing system would include grant-based incentives for states to adopt strong licensing systems. A federal license would be required in states without their own licensing schemes or states that have systems that do not meet minimum criteria established by the attorney general. The minimum criteria would include the elements laid out in this report: background checks, in-person interaction with law enforcement, law enforcement input, fingerprinting, waiting periods, bulk purchase prohibitions, firearms safety courses, relinquishment procedures, and limited periods of validity.

The massacres at Sandy Hook Elementary School in 2012 and Marjory Stoneman Douglas High School in 2018 forever changed public opinion on guns in our country. No longer can politicians rely on the NRA's tired talking points and profit-driven agenda to shield them from the change that the vast majority of Americans are demanding.

There's no time to waste. The time for bold, comprehensive, and effective gun safety reform is now.

We utilize licenses and permits in countless areas of our society: to hunt, to drive, to marry, to run a business, and to cut hair. These laws are designed to ensure that an individual's exercise of rights don't infringe on the rights of others. Owning a deadly weapon should not be the exception to this general rule.

Licensing has been proven to ameliorate many different types of gun violence for which there is no single solution. Licensing can help ensure that guns stay out of the hands of people who may cause harm, such as domestic abusers and individuals who traffic guns on the black market. In addition to effectively preventing mass shootings and homicides, licensing has been proven to reduce the most pervasive type of gun death in the United States: suicide.

When enacted broadly at the state or federal level, licensing has the potential to drastically reduce gun violence in the United States, a reduction that is needed now more than ever before.

The question isn't whether licensing is a policy that can save lives—it can, it does, and it will. The question now is whether state and federal representatives will have the courage to act.

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⁸⁴ N.J. Stat. Ann. §§ 2C:58-3(f), (i).

⁸⁵ “Firearms Application & Registration System FAQ,” New Jersey State Police, accessed February 19, 2020, <https://www.njportal.com/njsp/criminalrecords/Common/FarsFAQ>, “What do I need to bring with me to collect Firearms Purchaser Identification Card and/or Permit to Purchase a Handgun? . . . All applicants are required to bring proof of identity (Picture ID with Name and Date of Birth) to the issuing municipal police department.”

⁸⁶ N.J. Stat. Ann. § 2C:58-3.

⁸⁷ N.C. Gen. Stat. §§ 14-402, 14-403.

⁸⁸ *Id.*

⁸⁹ N.C. Gen. Stat. § 14-404; See Pistol Purchase Permits, “You MUST come in to the Sheriff’s Office within five (5) business days after you have completed the online portion of the application. Your application process will not begin until this final step has been completed” (emphasis in original). “Pistol Purchase Permits,” Wake County North Carolina, accessed February 19, 2020, <http://www.wakegov.com/sheriff/divisions/Pages/pistolpermits.aspx>.

⁹⁰ N.C. Gen. Stat. § 14-402.

⁹¹ N.C. Gen. Stat. § 14-415.12(a)(4).

⁹² See, “Background Check Procedures,” Giffords Law Center, accessed February 28, 2020, <https://lawcenter.giffords.org/gun-laws/policy-areas/background-checks/background-check-procedures/>.

⁹³ Although a person issued a license to carry a concealed firearm in Illinois is exempt from the FOID card requirement, a valid FOID card is required to get a concealed carry license. A non-resident may obtain a concealed carry license without a FOID card but the applicant must meet all the same eligibility requirements for a FOID card. 430 Ill. Comp. Stat. §§ 66/10, 66/40.

⁹⁴ 430 Ill. Comp. Stat. 65/2.

⁹⁵ 430 Ill. Comp. Stat. 65/6.

⁹⁶ 430 Ill. Comp. Stat. 65/7.

⁹⁷ 430 Ill. Comp. Stat. 65/3(a-20).

⁹⁸ Cassandra Crifasi, Alexander McCourt, Daniel Webster, “Policies to Reduce Gun Violence in Illinois: Research, Policy Analysis, and Recommendations,” Johns Hopkins Bloomberg School of Public Health, February 2019, https://www.jhsph.edu/research/centers-and-institutes/johns-hopkins-center-for-gun-policy-and-research/_archive-2019/_pdfs/jhsph-gun-violence-in-illinois.pdf.

⁹⁹ Mass. Gen. Laws ch. 140, §§ 131A, 131E.

¹⁰⁰ Mass. Gen. Laws ch. 140, §§ 129B, 129C, 131E.

¹⁰¹ “Massachusetts Firearms License Application Process,” Massachusetts Department of Criminal Justice Information Services, October 2013, <https://goal.org/Documents/MA-License-Flow-Chart.pdf>.

¹⁰² *Id.*

¹⁰³ While the state requires by statute an additional permit to purchase handguns for individuals with FIDs only, a representative of the state confirmed to Giffords Law Center that no permit to purchase has ever been issued in the Commonwealth. Mass. Gen. Laws ch. 140, §§ 129B, 131, 131E.

¹⁰⁴ Mass. Gen. Laws ch. 140, § 131.

¹⁰⁵ *Id.*

¹⁰⁶ Mass. Gen. Laws ch. 140, § 129B, 131(e).

ENDNOTES

- ¹⁰⁷ Mass. Gen. Laws ch. 140, § 131P.
- ¹⁰⁸ Mass. Gen. Laws ch. 140, § 128A. The web portal only checks in-state databases for disqualifying conditions. Out-of-state disqualifiers that would be recorded in the FBI's National Instant Criminal Background Checks system may not be discoverable by the web portal.
- ¹⁰⁹ N.Y. Penal Law §§ 400.00.
- ¹¹⁰ N.Y. Gen. Bus. Law § 898. 2013 NY ALS 1. *See also* N.Y. Gen. Bus. Law §§ 895-897; N.Y. Penal Law § 400.00 (pre-existing law requiring a background check before sale of a firearm at a gun show).
- ¹¹¹ Cal Pen Code § 26840.
- ¹¹² Cal Pen Code § 27545.
- ¹¹³ Cal. Penal Code § 31640(a). The instructor certification requirements are described in Cal. Penal Code §§ 16370 and 31635. California's background check requirements are found in Cal. Penal Code §§ 27545, 27850-28070.
- ¹¹⁴ "Frequently Asked Questions: Firearm Safety Certificate Program," California Department of Justice, accessed February 19, 2020, <https://oag.ca.gov/firearms/fscfaqs#a6>.
- ¹¹⁵ Cal. Penal Code § 27535.
- ¹¹⁶ Cal. Penal Code § 31700.
- ¹¹⁷ Cal. Penal Code §§ 26150, 26155.
- ¹¹⁸ R.I. Gen. Laws §§ 11-47-35, 11-47-35.1.
- ¹¹⁹ R.I. Gen. Laws §§ 11-47-35 – 11-47-35.2.
- ¹²⁰ R.I. Gen. Laws § 11-47-11(a). In *Mosby v. Devine*, 851 A.2d 1031 (R.I. 2004) (rejecting a R.I. Const. art. I, § 22 challenge to the state Firearms Act), the Supreme Court of Rhode Island refers to R.I. Gen. Laws § 11-47-11 as a "mandatory" licensing provision, in that an applicant meeting the criteria is entitled to a gun permit, but then acknowledges that local discretion exists in determining who constitutes a "suitable person." *Mosby*, 851 A.2d at 1047-48.
- ¹²¹ R.I. Gen. Laws § 11-47-15.
- ¹²² Wash. Rev. Code Ann. § 9.41.090.
- ¹²³ Rev. Code Wash. § 9.41.113.
- ¹²⁴ "Registration," Giffords Law Center, <https://lawcenter.giffords.org/gun-laws/policy-areas/gun-owner-responsibilities/registration/>.
- ¹²⁵ Global Strategy Group, "Key Findings on Public Support for Firearms Licensing," April 23, 2020, <https://www.globalstrategygroup.com/wp-content/uploads/2020/04/Licensing-Memo-F04.22.20.pdf>.
- ¹²⁶ D.C. Code Ann. § 7-2502.06.
- ¹²⁷ D.C. Code § 7-2502.04; "Firearm Registration in the District of Columbia," Metropolitan Police Department, accessed February 19, 2020, <https://mpdc.dc.gov/node/763182>.
- ¹²⁸ D.C. Mun. Regs. tit. 24, § 2311.9; *See also* "Firearms Safety Training Course," Metropolitan Police Department, accessed Apr. 17, 2018, <https://dcfst.mpdonline.com/>.
- ¹²⁹ D.C. Code § 7-2502.07.
- ¹³⁰ D.C. Code Ann. § 7-2502.08.

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For over 25 years, the legal experts at Giffords Law Center to Prevent Gun Violence have been fighting for a safer America by researching, drafting, and defending the laws, policies, and programs proven to save lives from gun violence.