



# HOUSE OF REPRESENTATIVES

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2 Apr 23

### MEMORANDUM FOR RECORD

**SUBJECT: LD 168, An Act Regarding Criminal Background Checks for the Sale, Transfer or Exchange of Firearms**

Committee Chair Senator Beebe-Center, Committee Chair Representative Salisbury and distinguished members of the Joint Standing Committee on Criminal Justice and Public Safety,

I am offering testimony in opposition of LD 168, An Act Regarding Criminal Background Checks for the Sale, Transfer or Exchange of Firearms.

Background checks for firearms, both new and used, sold by a Federal Firearms Licensee are required in accordance with the Brady Act. However, while the idea of a 'Universal Background Check' is popular, the implementation of such a law is both underwhelming and problematic.

Even with FFL checks with the NCIS, the system is over stretched and inefficient. Of the more than 76,000 people that were refused a purchase through the background check system, only 62 were referred by the FBI for prosecution and only 13 have been convicted. Adding a significant increase in background checks would even further tax and overwhelm the NCIS system at great cost and with little to no benefit.

Currently, approximately 1.7% of firearms used in crimes are obtained legally and legitimately through licensed dealers using background checks. If background checks are implemented for private sales, criminals, who are generally not known for following laws, will continue to ignore the law or will simply find other avenues to obtain firearms and this law, if passed, will only add additional cost and regulatory burden on law abiding citizens who are enjoying their constitutionally protected rights to own firearms.

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This law will also add undue burden on our local, small business owners who have FFL licenses and will quite possibly place them in the chain of liability for the sale of firearms, even if that firearm is not used in a crime.

The evidence that such 'Universal Background Checks' are effective is scant. While a study from the RAND corporation does note that background checks for licensed dealers may reduce violent crimes, the same study states that there is no conclusive evidence that background checks on private sales have any effect. Additionally, a study by the University of California, Davis, studying the comprehensive background check requirements in California that were implemented from a period from 1991 to 2000 showed that the policies had no effect on the reduction in homicides or suicides.

Even the 'Universal Background Check' name is a misnomer, as there are exceptions in the current proposed legislation and it creates additional 'loopholes'. There is also the very real possibility that there would be violations by individuals who transfer receivers or slides, the part of certain firearms that qualify them as 'firearms' without the knowledge that they were committing a crime.

Additionally, FFL dealers are required to maintain records of all firearms that pass through their businesses. There would be no feasible way to maintain a 'Universal Background Check' without maintaining a registry of firearms. Federally, a registration of firearms is unlawful in accordance with the Firearms Owners Protection Act of 1968 and unlawful under Maine law in Title 25 §2014.

Finally, this bill is very narrowly crafted to include only private sales at Gun Shows or other events or when 'advertised', however if passed it would likely be expanded in future efforts to include all private sales.

I encourage the committee to consider this legislation and support it with a vote of 'Ought Not To Pass'. I thank you for your time and will gladly answer any questions to my ability.

Respectfully,



Rep. Chad R. Perkins  
District 31

CF:

Committee Chair Senator Beebe-Center

Committee Chair Representative Salisbury

Criminal Justice and Public Safety Committee Members

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