

**TESTIMONY IN SUPPORT OF LD 168**

**TO:** THE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

**SUBMITTED BY:** DAVID PUCINO  
DEPUTY CHIEF COUNSEL  
GIFFORDS LAW CENTER TO PREVENT GUN VIOLENCE

**DATE:** APRIL 3, 2022

---

Chairs Beebe-Center and Salisbury, and members of the Joint Standing Committee on Criminal Justice and Public Safety, thank you for the opportunity to provide this testimony on behalf of Giffords, the gun violence prevention organization founded and led by former Congresswoman and gun violence survivor Gabby Giffords, in support of LD 168, An Act Regarding Criminal Background Checks for the Sale, Transfer or Exchange of Firearms.

Universal background checks are essential to close deadly loopholes in our laws that allow millions of guns to end up in the hands of individuals at an elevated risk of committing violence each year.

Though more than 90% of the American public supports background checks for all gun sales, a dangerous and deadly loophole in federal gun laws still exempts unlicensed sellers from having to perform any background check whatsoever before selling a firearm. With this loophole, guns easily find their way into the hands of illegal buyers and gun traffickers, dramatically increasing the likelihood of gun homicides and suicides.

**BACKGROUND CHECKS BLOCK ILLEGAL GUN SALES**

In 1993 Congress passed the Brady Act, a federal law that requires federally licensed firearms dealers (FFLs) to conduct background checks on potential firearm purchasers.<sup>1</sup> In order to comply with the Brady Act, the FBI created the National Instant Criminal Background Check System (NICS), a centralized catalog of records comprising three separate national databases. Among other things, NICS contains information about individuals' criminal and mental health histories and any civil orders entered against them that might affect their eligibility to purchase or possess a gun, such as domestic violence restraining orders.

Background checks identify individuals who are ineligible to purchase firearms and prevent those persons from obtaining them, making them a key element in preventing tragic and unnecessary gun deaths in the United States. The background check system has caught millions of illegal

---

<sup>1</sup> 18 U.S.C. § 922(t).

attempts to purchase firearms, stopping guns from being sold illegally to a person prohibited from owning a gun, including in many cases individuals with a felony conviction.<sup>2</sup>

## UNIVERSAL BACKGROUND CHECKS STRENGTHEN THE SYSTEM

However, a dangerous gap in our federal gun laws lets people buy guns without passing a background check. Under current law, unlicensed sellers—people who sell guns online, at gun shows, or anywhere else without a federal dealer’s license—can transfer firearms without having to run any background check whatsoever.

Because of this loophole, people who are subject to domestic violence convictions or court orders, people who have been convicted of violent crimes, and people ineligible to possess firearms for mental health reasons can easily buy guns from unlicensed sellers with no background check in most states. In fact, an estimated 22% of US gun owners acquired their most recent firearm without a background check<sup>3</sup>—which translates to millions of Americans acquiring millions of guns, no questions asked, each year.

In the absence of federal action, the states must act to close this dangerous loophole, and doing so can reduce illegal gun sales. States without universal background check laws export crime guns across state lines at a 30% higher rate than states that require background checks on all gun sales.<sup>4</sup> Maine should join the almost two dozen states that have taken this basic but important step. I urge you to support LD 168.

Respectfully Submitted,

David Pucino  
Deputy Chief Counsel  
Giffords Law Center to Prevent Gun Violence

---

### ABOUT GIFFORDS

Giffords is a nonprofit organization dedicated to saving lives from gun violence. Led by former Congresswoman Gabrielle Giffords, Giffords shifts culture, changes policies, and challenges injustice, inspiring Americans across the country to fight gun violence.

---

<sup>2</sup> Bureau of Justice Statistics, U.S. Dep’t of Justice, *Background Checks for Firearm Transfers, 2016-2017*, at <https://bjs.ojp.gov/library/publications/background-checks-firearm-transfers-2016-2017>.

<sup>3</sup> Matthew Miller, Lisa Hepburn & Deborah Azrael, “Firearm Acquisition Without Background Checks,” *Annals of Internal Medicine* 166, no. 4 (2017): 233–239.

<sup>4</sup> Daniel W. Webster, Jon S. Vernick, and Maria T. Bulzacchelli, “Effects of State-level Firearm Seller Accountability Policies on Firearm Trafficking,” *Journal of Urban Health* 86, no. 4 (2009): 525–537; Daniel W. Webster, Jon S. Vernick, Emma E. McGinty, and Ted Alcorn, “Preventing the Diversion of Guns to Criminals Through Effective Firearm Sales Laws,” in *Reducing Gun Violence in America: Informing Policy with Evidence and Analysis* (Baltimore: The Johns Hopkins University Press, 2013), 109–121.