

March 30, 2023

I'm contacting you to voice my opposition to LD 60, An Act to Require a 72-hour Waiting Period After the Sale of a Firearm.

- Waiting periods are arbitrary impositions with no effect on crime or suicide, introduce no additional investigative avenues, and only burden law-abiding gun owners without changing how or when criminals obtain firearms.
- Waiting periods do not change the background check process; no additional investigative measures are taken no matter how long of a waiting period is imposed. Most background checks are resolved instantly, but investigations can currently last up to 90 days.
- There is no evidence that waiting periods reduce suicides, homicides, or mass shootings. No studies that identify causal effects have been identified by any of the independent literature reviews conducted since 2004.
- Recent research that purports to find that waiting periods reduce firearms-related deaths is fundamentally flawed, as it also finds that background checks increase gun homicides, and that poverty is associated with a decrease in homicides.
- The average "time-to-crime" for firearms traced by the ATF in 2017 was over nine years, so the idea that guns are often used in crimes of passion or impulsive actions right after purchase is not supported by anything other than anecdotal evidence.
- Criminals will not be affected by waiting periods. Most state inmates who were in possession of a firearm at the time of their arrest obtained the firearm through an illegal source or from a friend or family member.
- There are few prosecutions of prohibited persons who attempt to buy a firearm from a dealer. Out of 112,090 total federal denials in 2017, there were 12 prosecutions.
- The waiting period mandated by the Brady Act of 1993 was only in effect until the National Instant Check System came online in 1998.
- Most gun-owners own more than one firearm, and a waiting period could not possibly have an effect on those purchasing an additional firearm. First-time buyers seeking a firearm for self-defense would be affected by a waiting period that limits their ability to safeguard themselves and their loved ones.

Waiting periods were once part of federal law, mandated by the Brady Handgun Violence Prevention Act of 1993 – but only until the National Instant Criminal Check (NICS) came online in 1998. The five-day waiting period mandated under the Brady Bill was replaced with the instant check system. While most checks are instant, the FBI actually has three days to complete the background check before the transfer can proceed. The investigation can continue well past three days, and, in cases in which the firearm was transferred after the three-day window, the case is referred to the ATF for retrieval of the firearm.

Proponents of the waiting period claim it is a “cooling off period” that supposedly gives the prospective buyer time to reconsider their intentions and protect against impulsive actions. This argument has no logical basis. Two-thirds of gun owners own more than one gun. A cooling-off period for these gun owners could not possibly have an effect as they already own other firearms. Anecdotal evidence about a person who purchases a firearm and then immediately uses it to harm themselves or somebody else are just that: anecdotal. There is no scientific evidence that waiting periods have an effect on suicide, homicide, or mass shootings. During September 30, 1993, hearings on the Brady Bill before the House Judiciary Committee Subcommittee on Crime and Criminal Justice, Assistant Attorney General Eleanor Acheson testified for the Department of Justice that there were no statistics suggesting that a large percentage of guns used in crime were used in those crimes within a few days or week of their purchase, much less in a moment of passion. A study of California handgun buyers published in 1999 found that the risk of suicide by means of firearm among gun buyers in the first week was 57 times as high as the adjusted rate in the general population - and this is the first week after the 15-day period between the purchase application and receipt of the handgun. The authors concluded that “The increase in the risk of suicide by firearm is apparent within a week after the purchase of a handgun and persists for at least six years.”

This bill will have no effect on crime. In 2017, the national average time-to-crime of traced firearms was 9.3 years. Only about 6.5% of successfully traced firearms were used in a crime within the first three months of the retail purchase. Few state prison inmates who possessed a firearm at the time of their arrest legally purchased the firearm from a retail store (7.3%), pawnshop (2.6%), flea market (0.6%), or gun show (0.8%). Most acquired the gun off the street or from a drug dealer (25.2%), off the black market (7.4%), or through theft (7.5%). An additional 37% acquired the gun from a friend or family member.

I urge you to vote LD 60 **Ought Not To Pass**. Thank you for your time and consideration.

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