

UNIVERSAL BACKGROUND CHECKS

THE PROBLEM

Federal law does not currently require universal background checks with every transfer or purchase of a firearm in the USA. In most states, if someone is denied a gun purchase through a federally licensed dealer after a background check is run, they can simply turn to a private seller and buy a gun. This is a deadly loophole.

THE FACTS

- 31 states still do not require background checks on firearm sales between private parties (dealers who aren't federally licensed) and, as a result, 22% of all gun acquisitions are conducted without any background check whatsoever.
- States with universal handgun background checks had lower levels of gun violence across the board, including less firearms trafficking, fewer firearm-involved suicides, 47% fewer women killed in firearm-related violence by an intimate partner, and 53% fewer police officers killed on duty.
- Up to 97% of all Americans and up to 85% of all gun owners surveyed “support universal background checks” for all firearm purchases, including those involving private firearm sellers.

HOW DO BACKGROUND CHECKS WORK?

- Under federal law, all *federally licensed gun dealers* must perform background checks prior to the sale of a gun. They use an FBI database called NICS (National Instant Criminal Background Check System) to search national databases to check whether a potential purchaser is prohibited from owning a gun.
- Someone may be prohibited from owning a gun if certain risk factors show up during this search, including a prior criminal record (particularly for violent offenses) or a history of domestic violence.
- Since NICS became operational in 1998, the FBI has run over 250 million background checks. As a result, almost 3 million people have been stopped from obtaining a gun through these federal dealers.

THE HUMAN RIGHTS FRAMEWORK

1. **RIGHT TO STAY ALIVE:** Requiring each person who wants to buy a gun to first pass a background check would mean fewer deadly weapons in the hands of people most likely to misuse them, and that means fewer people arbitrarily deprived of their right to live.
2. **RIGHT TO HEALTH:** Studies show that gun violence levels decrease where background checks are carried out on every gun purchase, which means less people enduring traumatic lifelong injuries.
3. **FREEDOM FROM GENDER-BASED VIOLENCE:** Studies show that in states that require background checks for the purchase of all guns, 46% fewer women are shot to death by an intimate partner.

AIUSA'S RECOMMENDATION

No firearm sale or transfer should take place without a background check having been completed.

- The USA should require that background checks on all firearm purchases and transfers – including via private sellers – be conducted prior to the sale or transfer of possession to confirm the absence of known risk factors for misuse, including prior criminal records (particularly for violent offenses) and any history of sexual or domestic violence.

Please contact egv@aiusa.org with any questions or to request citations behind any of this information.