

THE IMPACT OF HANDGUN PURCHASER LICENSING ON GUN VIOLENCE

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EXECUTIVE SUMMARY

There is a major flaw in federal firearm laws in the U.S. and in most states' laws; prohibited purchasers can acquire firearms from unlicensed private sellers without subjecting themselves to background checks and record-keeping requirements. Violent criminals and traffickers exploit this weakness with fatal consequences.

A logical and popular approach to fixing this flaw is to extend background check requirements and procedures used for transfers by licensed firearm dealers to transfers from private unlicensed sellers. Research shows that these so-called comprehensive background check (CBC) laws curtail the diversion of guns for criminal use,^{1,2} but have not resulted in significant reductions in firearm-related deaths.^{3,4,5,6} Fortunately, there is good evidence showing that when states augment CBC laws with mandatory licensing or permitting of handgun purchasers, lives are saved by lower rates of firearm-involved homicides,^{6,7,8,9} fatal mass shootings,¹⁰ and suicides.^{11,12}

Why are comprehensive background checks more effective when augmented by handgun purchaser licensing? The most likely reasons center on

the more direct interface between prospective purchasers and law enforcement and more robust systems for verifying the identity of applicants and their criminal records. In most states with handgun purchaser licensing, applicants must apply in person at a law enforcement agency and be fingerprinted. In some cases, applicants must also provide proof of completion of certified safety training. These procedures may deter individuals who might otherwise make impulsive decisions to acquire a gun to harm others or themselves. In fact, studies have found that licensing laws are associated with lower levels of gun homicides^{6,7,8,9,13} and suicides^{11,12}. Further, the licensing requirements may also deter straw purchases (when an eligible person buys a firearm for a prohibited person or for someone who does not want their name attached to the transfer).¹⁴

National public opinion surveys show that three-quarters of adults support laws requiring handgun purchasers to obtain a license from a law enforcement agency.¹⁵ Nine states and the District of Columbia currently have handgun purchaser licensing laws that apply to virtually all handgun transfers.



THREE REGULATORY ENVIRONMENTS FOR BUYING A GUN IN OHIO, PENNSYLVANIA, AND CONNECTICUT

The laws regulating the transfer and acquisition of firearms at the federal level comprise the minimum requirements to screen out individuals who are prohibited from purchasing or possessing firearms. States may choose to simply follow federal law or pass additional policies, and no two states are exactly alike.



Ohio

Ohio is an example of a state that has chosen to maintain a sparse regulatory environment, following the federal laws related to the transfer and acquisition of firearms. Individuals who wish to purchase firearms from a federally licensed firearm dealer in Ohio must undergo background checks to ensure they are not prohibited. The licensed dealer conducts the background check and, if the purchaser is not prohibited, proceeds with the transfer. The regulation of firearm acquisition in Ohio does not apply beyond licensed dealers. The state does not regulate the transfer of a firearm by an unlicensed individual to another. This means that if individuals are prohibited, or otherwise do not want their names associated with the firearm, they can make a purchase from a private seller without a background check or record keeping associated with the transfer.



Pennsylvania

Pennsylvania is an example of a state that has done more to regulate the transfer and acquisition of firearms, but has not gone so far as to enact a handgun purchaser licensing law. In addition to background checks by licensed dealers as required by federal law, Pennsylvania also requires that background checks must be conducted when an unlicensed person sells a handgun. For these private transfers of handguns, applications are typically processed through licensed gun dealers. Background checks are not required for the private transfer of rifles or shotguns. The accountability measures for requiring background checks for private transfers are not as robust as a licensing system, which requires purchasers to show their license to any seller; research evaluating the enforcement of Pennsylvania's private transfer background check law found that few individuals are being prosecuted for violating the law.¹⁶



Connecticut

Connecticut is an example of a state that has taken a more robust approach to its regulatory environment for transfers and acquisition of firearms; it implemented a licensing system in 1995. Connecticut's licensing law strengthened background check requirements for the purchase of handguns. To obtain a license, prospective purchasers in Connecticut must submit an application to local law enforcement, including fingerprints, and complete at least 8 hours of approved handgun safety training.¹⁷ Sellers in Connecticut, both licensed and private, can sell only to a purchaser with a valid license. Connecticut's licensing system increases the accountability for those involved in the transfer and acquisition of handguns and makes it easier to comply with private transfer background check requirements.

HOW HANDGUN PURCHASER LICENSING LAWS REDUCE GUN DEATHS

A common way in which firearms are diverted for criminal misuse is through straw purchases, when someone who is not prohibited from possessing a firearm buys one for someone who is prohibited or otherwise does not want his or her name associated with the transfer. Most states do not require background checks or record keeping for private transfers, thus the transfer from the straw purchaser to a prohibited possessor bears little risk or cost to the straw purchaser. States that do regulate private transfers, but without a purchaser permit or license requirement, rarely prosecute individuals for failure to comply with gun laws.¹⁶

Handgun purchaser licensing laws increase accountability for sellers and purchasers, and increase the likelihood that a prohibited individual will be screened out. Additionally,

the process to apply for and obtain a license can delay the impulsive acquisition of a firearm. Requiring that applicants be fingerprinted and apply to law enforcement for a license requires intention and planning over a matter of days, providing time for the potential impulse buyer to change his or her mind. This built-in waiting period allows for transitory feelings to pass and reduces the chance of purchasers using the gun to harm themselves or others. This is particularly relevant for firearm suicide since many attempts occur within minutes or hours of deciding to make the attempt.¹⁸ It may also further decrease the likelihood of a straw purchase as going face-to-face with law enforcement is a deterrent. Preliminary estimates suggest that the protective effects of licensing on firearm homicides actually depends on this requirement for in-person applications.¹⁹





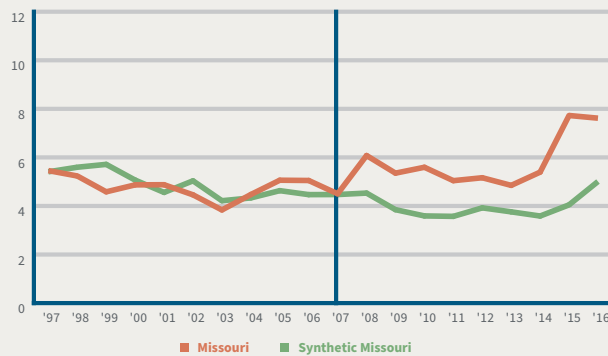
Missouri

Missouri had a handgun purchaser licensing law for handguns that dated back to the 1920s, but the law was repealed in August 2007. Missouri’s repeal of its licensing law provided an opportunity to assess the impact of this law change on diversion of guns and gun violence. Following the repeal of Missouri’s licensing law, there was a significant increase in the share of guns that were recovered in crime shortly after an in-state retail transfer (i.e., the gun was originally sold in Missouri and was recovered within one year of retail transfer, which is a strong indicator of criminal diversion).²

In addition to increasing the diversion of guns for criminal use, several studies, each using different statistical approaches and study periods, have found that Missouri’s repeal of handgun purchaser licensing was associated with significant increases in both firearm homicides and firearm suicides.^{8, 9, 20, 21}

The most recent study estimated that Missouri’s repeal of handgun purchaser licensing was associated with a 47% increase in the rate of firearm homicide (Figure 1) and a 23% increase in the rate of firearm suicide (Figure 2).²⁰

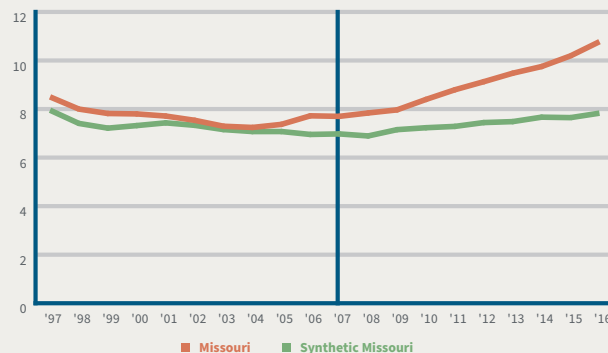
Figure 1



(McCourt et al., Am J Public Health 2020)

Estimating the effect of the 2007 repeal of the permit-to-purchase handgun law on firearm homicides per 100,000 people in Missouri, versus its synthetic control counterfactual.

Figure 2



(McCourt et al., Am J Public Health 2020)

Estimating the effect of the 2007 repeal of the permit-to-purchase handgun law on firearm suicides per 100,000 people in Missouri, versus its synthetic control counterfactual.

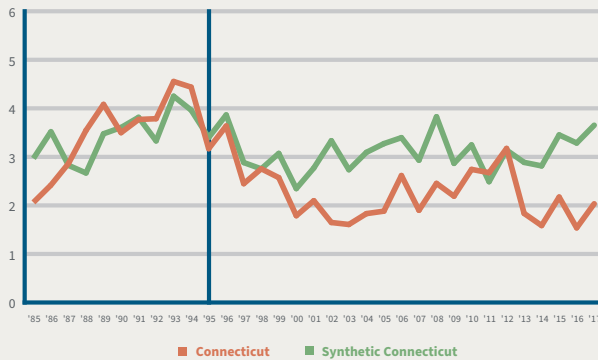


Connecticut

In October 1995, Connecticut enacted a handgun purchaser licensing law as a supplement to its law for private transfer background checks. Connecticut’s licensing law (1) strengthened background check requirements for handguns sold by private sellers and licensed firearm dealers, (2) required completion of an approved handgun safety course of at least 8 hours, and (3) increased the minimum legal age for handgun purchase from 18 to 21 years, blocking an

age group with a high homicide offending rate. As a counterpoint to Missouri, the enactment of Connecticut’s licensing law provided the opportunity to estimate the impacts of passing a licensing law on gun violence. Research has found that the enactment of Connecticut’s licensing law was associated with a 28% reduction in firearm homicide (Figure 3) and a 33% reduction in firearm suicide²⁰ (Figure 4) over the first 22 years the law was in effect.²⁰

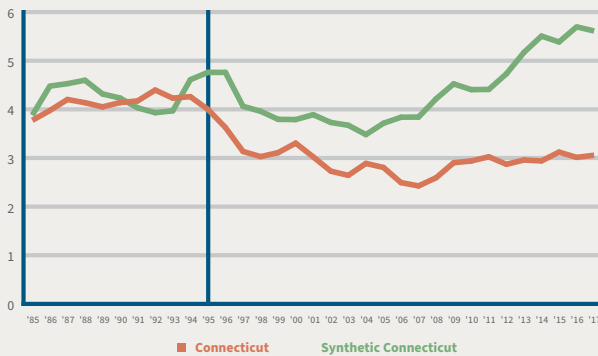
Figure 3



(McCourt et al., Am J Public Health 2020)

Estimating the effect of 1995 permit-to-purchase handgun law on firearm homicides per 100,000 people in Connecticut, versus its synthetic control counterfactual

Figure 4



(McCourt et al., Am J Public Health 2020)

Estimating the effect of 1995 permit-to-purchase handgun law on firearm suicides per 100,000 people in Connecticut, versus its synthetic control counterfactual

PUBLIC OPINION ON HANDGUN PURCHASER LICENSING

In the wake of public mass shootings, advocacy groups and the public have pushed for reform of current gun laws, including a call for expanding comprehensive background check (CBC) laws. Currently, 19 states and the District of Columbia have CBC laws that, at a minimum, require background checks for nearly all handgun transfers. Current research suggests these laws are a necessary component of a robust system to screen out prohibited individuals, however, without a system for purchase licensing, CBC laws do not decrease lethal gun violence.^{6,22} Licensing systems increase the likelihood that prohibited individuals will be screened out, increase accountability at the point of transfer, and make it easier to comply with CBC laws.

One reason organizations have pushed policy makers to implement CBC laws is the broad and consistent public appeal. **Support for background checks for private transfers is widespread: over 85% of U.S. adults support CBC laws with no difference between gun owners and non-gun owners.**²³ Support for purchaser licensing laws, while not as high as CBC, is still substantial. Seventy-seven percent of U.S. adults support laws that require prospective handgun purchasers to acquire a license from local law enforcement and more than 60% of gun owners support the policy. Gun owners' acceptance of the policy is also evidenced by the fact that over three-quarters of gun owners in states with licensing support the policy.²⁴

CONCLUSION

Handgun purchaser licensing laws function to reduce gun violence by better screening out individuals who are prohibited from lawfully owning a gun. Additionally, the process of obtaining a license can delay impulsive acquisition of a firearm that may be used to harm oneself or others. Licensing laws also increase accountability

as sellers, both licensed and private, can only sell to someone with a valid license. Given the body of evidence on the effectiveness of licensing laws and the increasing levels of support among the population, including gun owners, policy makers should consider handgun purchaser licensing as a complement to CBC laws.

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