

Current Law for Background Checks

Prepared by Congresswoman Schakowsky's office

Under current federal law, the National Firearms Act of 1934 and the Gun Control Act of 1968, background checks are required for some gun sales but not others. Gun shop owners are generally required to conduct background checks on anyone who purchases a gun at their store.

However, “private sellers” are exempt from the background check requirement. Those private sellers include non-licensed people who sell guns at gun shows and many Internet sales. A significant number of gun sales occur without background checks but, because no data is collected on those sales, the exact number is not available.

When a purchaser tries to buy a gun from a licensed seller, that seller must run a background check on the prospective buyer. In most cases, this is run through the National Instant Criminal Background Check System, operated by the FBI. Over 91% of background checks are completed in 90 seconds. In cases where NICS feels more information is needed, it can advise the seller to delay the sale.

Neither licensed nor unlicensed sellers can ship guns directly to purchasers residing in another state. The gun must be shipped to a licensed dealer in the purchaser's state of residence, and the purchaser must pass a background check run by that local dealer.

For more information:

Background checks on gun sales: How do they work? [CNN]

<http://www.cnn.com/2013/04/10/politics/background-checks-explainer/>

Background checks for guns: What you need to know [NBC News]

http://usnews.nbcnews.com/_news/2013/04/10/17689167-background-checks-for-guns-what-you-need-to-know?lite

How Well Do Background Checks Work and How Might They Change Under New Laws? [PBS]

http://www.pbs.org/newshour/bb/social_issues/jan-june13/guns_04-09.html

The Brady Campaign

<http://www.bradycampaign.org/?q=about-gun-violence>