



Support Background Checks for All Gun Sales in Maryland

Bottom Line: Background checks are the most effective way to keep guns out of the hands of those who are legally prohibited from having them. Yet, federal law only requires a background check on guns sold by licensed gun dealers, creating a dangerous loophole that leaves unlicensed gun sales, like those negotiated over the internet or at gun shows, unregulated and unchecked. For two decades, Maryland law has partially addressed this loophole by requiring a background check on all *handgun* sales in the state, including sales by unlicensed sellers. But a gap in Maryland law makes it easy for prohibited purchasers to buy rifles and shotguns from unlicensed sellers with no background check and no questions asked. Maryland should close this dangerous loophole by requiring a background check for all rifle and shotgun sales.

- ❑ **Requiring background checks on all gun sales would help keep rifles and shotguns out of the hands of people with dangerous histories.**
 - Maryland law prohibits the possession of any firearms—including handguns, rifles and shotguns—by people with dangerous histories, including people who have been convicted of crimes of violence, domestic abusers, and those who are subject to an Extreme Risk Protection order.¹ These prohibited persons cannot legally purchase or possess firearms and would fail a background check if they tried to buy any kind of firearm from a licensed gun dealer.
 - Maryland law currently enforces these prohibitions by requiring a background check for **all handgun sales**—including sales by unlicensed sellers. But there is no such requirement for unlicensed sales of **rifles and shotguns**. That means that a convicted felon, domestic abuser, or any other prohibited person can avoid a background check simply by buying a rifle or shotgun from an unlicensed seller they meet online or at a gun show.
 - Maryland should close this dangerous loophole by requiring that purchasers undergo a background check regardless of what type of gun they're purchasing and who they're purchasing it from.
- ❑ **Rifles and shotguns pose a serious threat to public safety in Maryland.**
 - The 2018 mass shooting at the Capital Gazette was a tragic reminder that a shotgun can be every bit as deadly as a handgun. The shooter used a pump-action shotgun to kill five people and injure two others. The shooter was able to purchase that weapon legally, despite his history of threatening behavior.²
 - Under Maryland's new Red Flag law, the shooter could have been prohibited from purchasing and possessing the shotgun used in that tragedy. But even if he were, **he still would have been able to purchase that shotgun and avoid a background check by buying it from an unlicensed seller.**
 - Many people have been killed with rifles and shotguns in Maryland in recent years. Between 2013 and 2017, long guns were used in at least 30 reported murders in Maryland.³
 - Victoria Vernetta Glover was shot and killed with a shotgun by her estranged husband before he shot and killed himself. Glover had an order of protection against the killer, legally prohibiting him from possessing firearms.⁴
 - Rene Leiva-Archila was shot and killed with a shotgun during an armed robbery in 2013. The killer was likely legally prohibited from possessing firearms due to a drug conviction.⁵
 - In 2018, there were **4,787** ads for online firearm sales in Maryland and the majority of these ads—67 percent—were for rifles and shotguns. This means there were **3,213** ads for rifles and shotguns sales that would not require a background check.⁶



- ❑ **Maryland should close this dangerous loophole by requiring a background check on all rifle and shotgun sales, while exempting certain rifle and shotgun of transfers from this new requirement.**
 - This legislation would require unlicensed people selling rifles or shotguns to simply meet their buyers at a gun dealer, who would facilitate the sale and conduct the criminal background check using the same process dealers already used for sales from their own inventory. The Bureau of Alcohol, Tobacco and Firearms acknowledges that facilitation of private firearm sales by licensed dealers “can enhance public safety, assist law enforcement, and help ensure firearms end up only in the hands of those who are legally allowed to possess them” and publishes guidance for dealers on how to facilitate these sales.⁷
 - **Every Marylander lives within 10 miles of licensed gun dealer**, making it easy to locate and travel to a dealer who can facilitate a sale.⁸
 - This process would help enforce Maryland law by requiring a background check for **all transfers of rifles and shotguns**—including sales, rentals, gifts and loans, with or without payment or other consideration. This approach will help ensure that these deadly weapons don’t end up in wrong hands.
 - There would be several **common-sense, tailored exceptions** to the background check requirement that ensure the protection of public safety without placing undue burdens on rifle and shotgun owners.
 - The legislation would exempt certain *permanent* transfers of rifles or shotguns, including those: between immediate family members; of antique and inoperable rifles and shotguns; involving law enforcement officers; of rifles or shotguns left as part of a will; and those that are necessary to prevent an imminent threat of death or serious injury.
 - The bill also exempts certain *temporary* transfers of rifles and shotguns from the background check requirement including:
 - At sport shooting ranges or gun clubs;
 - During lawfully organized shooting competitions;
 - During performances or practices for performances that involve a rifle or shotgun;
 - While lawfully hunting or trapping; or
 - In any other circumstance, as long as the person receiving the rifle or shotgun remains in the actual presence of the person giving them the firearm.
 - Requiring background checks on all gun sales **will empower responsible gun owners** by ensuring that they don’t give or sell a rifle or shotgun to a person who shouldn’t have it, and who might use it to commit violent crimes or other acts of gun violence.

¹ See Md. Public Safety Code Ann §5-133, 205, 601 *et seq.*

² Crowe J. National Review. Annapolis gunman used ‘legally purchased’ shotgun. June 2018. Available at: <https://www.nationalreview.com/news/annapolis-shooting-gun-used-legally-purchased-shotgun/>.

³ Everytown for Gun Safety analysis; FBI Uniform Crime Reporting (UCR) program. Data reflects the total number of rifles and shotguns used in murders for which supplemental homicide data were received in Maryland from 2013 to 2017.

⁴ Rector K. The Baltimore Sun. Advocates say young mother’s murder raises questions about domestic violence protections. Aug 2013. Available at <https://www.baltimoresun.com/news/maryland/baltimore-county/bs-xpm-2013-08-15-bs-md-co-husband-charged-reaction-20130815-story.html>.

⁵ Weathers B. Capital Gazette. Man indicted in connection to robbery murder in Harmans. Mar. 2014. Available at: <https://www.capitalgazette.com/cg2-arc-140311cn-indicted-20140310-story.html>.

⁶ Everytown for Gun Safety. Unchecked: Over 1 million online firearm ads, No background checks required. February 2019. Available at <https://everytownresearch.org/unchecked/>. Note that Maryland and Pennsylvania did require background checks on sales of some high-powered rifles and shotguns; this analysis does not calculate which specific sales were covered by the laws in those states.

⁷ “Facilitating Private Sales: A Federal Firearms Licensee Guide” available at: <https://www.atf.gov/file/110076/download>.

⁸ Everytown for gun Safety. 99% of Americans Live Within 10 Miles of a Gun Dealer. February 25, 2019. <https://everytownresearch.org/99-americans-live-within-10-miles-gun-dealer/>