



Legislation Text

File #: Res 0821-2011, **Version:** A

Res. No. 821-A

Resolution calling on the United States Congress to pass and the President to sign into law: (i) H.R.591/S.35, which would close the background check loophole at gun shows by establishing a background check procedure for all firearms sold at gun shows; and (ii) legislation requiring background checks for all private firearm sales.

By Council Members Vallone, Brewer, Chin, Ferreras, Fidler, Gentile, Gonzalez, Koppell, Lander, Mendez, Nelson, Palma, Rose, Van Bramer, Williams, Vann, Jackson, Mark-Viverito, Arroyo, Levin, Rodriguez, Garodnick, Barron, Crowley, Dickens, Eugene, Gennaro, Recchia, Reyna, Wills and Koo

Whereas, Every year various gun shows are held throughout the United States, often drawing many attendees; and

Whereas, According to a representative from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the number of gun shows can reach as high as 5,000 per year; and

Whereas, There are primarily two types of vendors who sell firearms at gun shows and other organized events: federal firearms licensees (FFLs) who are “engaged in the business” of selling firearms, and unlicensed private sellers who are not “engaged in the business” of selling firearms, since they make occasional sales from their personal collections; and

Whereas, Under existing law, FLLs and private sellers are governed by different regulations; and

Whereas, In order to comply with federal laws, a FLL must conduct a background check on all prospective firearms purchasers through the National Instant Criminal Background Check System, and keep records of firearm sales by recording the serial number of any firearm sold in order to facilitate gun tracing, among other requirements; and

Whereas, Unlike FLLs, unlicensed private sellers are not subject to federal laws governing licensed dealers and may sell firearms without conducting a background check and without the record keeping that

enables gun tracing; and

Whereas, Private sellers are prohibited from selling a firearm to someone they know, or have reason to believe may be, a prohibited purchaser; and

Whereas, Gun shows are known to allow the sale and exchange of firearms to criminals and other prohibited persons; and

Whereas, In fact, according to a 2000 ATF report, unlicensed sellers were involved in about a fifth of the trafficking investigations and associated with close to 23,000 diverted guns between July 1996 and December 1998; and

Whereas, In order to ensure that criminals and other individuals who ought not obtain handguns do not obtain firearms at gun shows and other organized events, Senator Frank Lautenberg and Congresswoman Carolyn McCarthy introduced S.35/H.R. 591, respectively, which would amend the United States Code by establishing background check procedures for all firearms at gun shows and other organized events; and

Whereas, S.35/H.R. 591 would provide definitions for the following terms: gun show, gun show promoter and gun show vendor; and

Whereas, S.35/H.R. 591 would define the term gun show to include any event at which 50 or more firearms are offered or exhibited for sale; and

Whereas, S.35/H.R. 591 would require gun show promoters to register with the Attorney General of the United States, verify the identity of each gun show vendor at all gun shows, and maintain a list of gun show vendors, among other requirements; and

Whereas, S.35/H.R. 591 would require that firearm transactions between a non-licensed person and another non-licensed person be transferred through a FLL who would in turn be responsible for conducting a background check on the purchaser, maintaining records of such transactions, and submitting a report of the transfer to the Attorney General of the United States within 10 days after the transfer; and

Whereas, Closing the gun show loophole by requiring a background check on all firearm sales at gun

shows is a step that will improve the protection of New Yorkers; and

Whereas, In addition to closing the gun show loophole, because private sales can take place outside of gun shows, other steps must be taken to ensure g guns are only sold to those who are eligible to possess them; and

Whereas, For example, the City of New York undertook an investigation that found more than 25,000 guns listed for sale on only ten websites; and

Whereas, This investigation exposed that 62% of private sellers over the internet agreed to sell firearms to a buyer who disclosed he probably could not pass a background check; and

Whereas, This investigation highlights the need for background checks on all firearm sales, regardless of the seller and the selling location; and

Whereas, Legislation requiring background checks on all firearm sales would close all private sale loopholes and provide further assurances that firearms are only sold to those who are not prohibited from owning one; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Congress to pass and the President to sign into law: (i) H.R.591/S.35, which would close the background check loophole at gun shows by establishing a background check procedure for all firearms sold at gun shows; and (ii) legislation requiring background checks for all private firearm sales.

SA/CJG
12/28/11