



# HB 109, Closing Background Checks Loopholes Legislator Outreach & Talking Points

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## What Does the Bill Do?

In 2018, New Hampshire conducted over 120,000 background checks to keep guns out of the hands of felons, domestic abusers, and other prohibited persons. But guns sold in New Hampshire through private sales at gun shows, online, or the classifieds do not currently require a background check. Under this bill, commercially advertised gun sales – a sale, transfer, or exchange of a firearm that takes place at, or on the curtilage of, a gun show or pursuant to an offer to sell or buy a firearm from an advertisement, posting, listing, or display – would require a criminal background check through a federally licensed dealer using the same background check system already used in all dealer sales. Requiring a background check every time a gun is sold is effective in keeping guns out of the hands of those with a criminal record. This just makes sense: responsible gun owners shouldn't put guns in the hands of people they don't know. Sales and transfers between family and friends are not subject to a background check, but a penalty applies if an individual transfers or sells a firearm to a prohibited person.

## Talking Points

*If you get voicemail, please leave a detailed message and ask them to support HB 564.*

- My name is \_\_\_\_\_ and I live in (town / city). *(Give a little background about yourself)*.
- I urge you to support House Bill 109, which would close background checks loopholes in New Hampshire. The bill passed the Criminal Justice Committee and will be on the floor in the next couple of weeks.
- Requiring a background check every time a gun is sold is effective in keeping guns out of the hands of those with a criminal record, but guns sold through private sales at gun shows, online, or the classifieds do not currently require a background check.
- HB 109 would close background checks loopholes by requiring a background check for all commercially advertised sales, using the same background check system already used in all dealer sales.
- This just makes sense: responsible gun owners shouldn't put guns in the hands of people they don't know. Can we count on you to support HB 109? *(Record answer and report back)*

## Report Back

Please report all responses back to [znadra@granitestateprogress.org](mailto:znadra@granitestateprogress.org). Thank you!

## How Background Checks Work

Under the federal Brady Act, criminal background checks must be conducted on individuals before a firearm may be purchased from a federally licensed dealer, manufacturer or importer – sometimes referred to as FFL's. In New Hampshire, background checks on handgun purchases are conducted by the NH Department of Safety and background checks on long guns are conducted through the FBI's National Instant Criminal Background Check System (NICS).

## How Background Checks Save Lives

Since the Brady Act thru 2010, over 118 million applications for firearm transfers or permits were subject to background checks. During this time period, about 2.1 million applications, or 1.8%, were denied. A Department of Justice study of applications from 1999 to 2010 found that:

- A **felony conviction** or indictment was the most common reason to deny an application during FBI (63%) and state (50.7%) background checks.
- **Domestic abusers** attempting to purchase guns accounted for the second most common reason of denials during FBI (15.5%) and state (13.2%) background checks.

## How the NH Background Checks Bill Works

In 2018, New Hampshire conducted over 120,000 background checks to keep guns out of the hands of felons, domestic abusers, and other prohibited persons. But guns sold in New Hampshire through private sales at gun shows, online, or the classifieds do not currently require a background check.

**Requiring a background check every time a gun is sold is effective in keeping guns out of the hands of those with a criminal record. This bill will require a background check for all commercially advertised sales. This just makes sense: responsible gun owners shouldn't put guns in the hands of people they don't know.**

**Commercially Advertised Sales:** Under this bill, commercially advertised gun sales – including online sales – would require a criminal background check through a federally licensed dealer using the same background check system already used in all dealer sales. The bill defines commercial as “a sale, transfer, or exchange of a firearm that takes place at, or on the curtilage of, a gun show or pursuant to an offer to sell or buy a firearm that took place at a gun show, or pursuant to an advertisement, posting, listing, or display.” Transfers and exchanges are included because it is not uncommon for a firearm to be traded rather than sold for financial value. The bill defines that sales on the ‘curtilage of’ gun shows or ads are included. This deters parties from meeting at a gun show then going to the parking lot to sell a gun without running a background check.

**What the Bill Won't Do:** It does not affect law-abiding New Hampshire gun owners selling and trading guns between friends and family, but a penalty applies if an individual transfers or sells a firearm to a prohibited person. It expressly prohibits a gun registry.

For more info contact Granite State Progress at (603) 225-2471 or [info@granitestateprogress.org](mailto:info@granitestateprogress.org).