

House Bill 77 (as amended) “Firearms Transfer Act”

Representative Miguel P. Garcia



Presentation to the
**Courts, Corrections &
Justice Interim Committee**

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Highlights of HB77a

“Firearms Transfer Act”

- ▶ **HB 77 – Is a gun violence prevention initiative.**
- ▶ **The Sub for HB 77 is a bi-partisan/compromise bill, involving the collaboration of:**
 - **the Administrative Office of the Courts (AOC);**
 - **the Department of Public Safety (DPS); and**
 - **Republican Whip Nate Gentry**

Highlights of HB77a “Firearms Transfer Act”

- ▶ **Major changes from the original bill:**
 - The original bill had the DPS doing background checks, costing the state close to \$900,000.
 - The compromise bill has Federal Firearm Licensees (FFLs) doing the required background checks utilizing the FBI NICS reporting system at no expense to the state.
 - The original bill required the creation of a state registry.
 - Our compromise has no state registry.

Highlights of HB77a “Firearms Transfer Act”

▶ Major changes from the original bill:

- The original bill required background checks by DPS on both private sales at gun shows and private sales between two private individuals.
- The compromise bill does away with the private individual-to-individual sales:
 - For example, uncle Charlie selling to cousin Juanito or neighbor Carlos selling a firearm to neighbor Luke.
- **The compromise only provides for background checks at gun shows of unlicensed private vendors.**

Highlights of HB77a “Firearms Transfer Act”

▶ Major changes from the original bill:

◦ The compromise closes one of our private sale loopholes:

- provides for background checks at gun shows only;
- background checks are to be conducted by a Federal Firearm Licensee (FFL); and
- background checks only upon the transfer of a firearm by an unlicensed private vendor to a purchaser.

Highlights of HB77a “Firearms Transfer Act”

- ▶ **HB 77 aides in capturing 85% of all firearm sales through background checks.**
- ▶ **National firearm sales studies reflect that:**
 - 60% of all firearm sales are conducted through a licensed FFL (gun shops, Wal-mart, sporting goods stores)
 - 25% of sales are at gun shows
 - 15% are private individual-to-individual sales.

Highlights of HB77a “Firearms Transfer Act”

- ▶ Just as important to our compromise bill is an amendment offered in good faith by Representative Nate Gentry (Republican Whip) that codifies the AOC’s current practice of reporting current information on the mentally and criminally adjudicated to the FBI NICS database.
- ▶ Codifying the reporting allows our state to comply with federal law and makes federal funding available to assist the state with NICS reporting.

Policy Priorities in seeing the passage of HB 77a



- It is critical to the well being of our residents to prevent gun violence in our state—HB 77 seeks to do this.
- It is incumbent on policy makers in this day and age to do everything in our power to insure:
 - safer neighborhoods;
 - safer communities;
 - safer worksites; and
 - safer places where our children (our angels) work and play
- HB 77 seeks to do this



Policy Priorities in seeing the passage of HB 77a



- **HB 77 will improve the process of keeping firearms away from individuals prohibited by federal law from owning a weapon, including:**
 - felons
 - fugitives
 - mentally incompetent individuals
 - persons convicted of a misdemeanor domestic violence offense
 - undocumented immigrants
 - persons subject to a restraining order
- **HB 77 closes the private sale loophole at gun shows.**

Policy Priorities

in seeing the passage of HB 77a



- **The current reality of a gun show in our state is illustrated by the following scenario:**
 - Pretend the Senate Chamber is our gun show.
 - Half of the chamber consists of gun booths operated by licensed FFL vendors.
 - The other half of the chamber consists of booths operated by private, unlicensed vendors.
 - An individual goes to a licensed vendor booth and a NICS background check is done upon the sale of a firearm.
 - However, if that individual goes to a private, unlicensed vendor, no ID is required and no questions are asked.
 - If the purchaser at one of these unlicensed vendors happens to be a felon or mentally incompetent individual, he is allowed to purchase the firearm.
- **HB 77 closes this loophole and makes all sales at gun shows subject to a background check by a licensed FFL.**