

# HOW BRADY BACKGROUND CHECKS BECAME LAW

The Birth of the Modern Gun Background Check System



**BRADY**  
UNITED AGAINST GUN VIOLENCE

Twenty-five years ago this month, America took a historic stand against gun violence. The Brady Handgun Violence Prevention Act, also known as the Brady Law, went into effect as the first federal law to require background checks for gun sales.

Named for White House Press Secretary Jim Brady, who was shot in the head during the assassination attempt on then-President Ronald Reagan, the Brady Law was many years in the making by the time it took effect on February 28, 1994. As Congress now moves to expand background checks to include virtually all gun sales, Brady is leading the next battle in the long fight against American gun violence.

The urgent need for stronger legislation to prevent gun violence became clear on March 30, 1981, when a man who was under psychiatric care and had been arrested trying to board a plane with three handguns shot and nearly assassinated President Ronald Reagan as he exited a Washington, D.C., hotel.

While the shooter could have been prevented from buying his gun under today's Brady Background Check system, at the time federal law didn't require a background check. He, like many others, had lied on the federal form, claiming to be a resident of the state of Texas when he purchased a cheap "Saturday Night Special" from a Texas pawnshop.

Along with President Reagan, two police officers and a top Reagan aide were shot. The aide, White House Press Secretary Jim Brady, suffered a serious head wound that left him partially paralyzed. Jim and his wife Sarah would spend the rest of their lives dedicated to passing legislation to end gun violence. That moment of gun violence so impacted their lives,

## START OF THE MOVEMENT



**PRESIDENT  
JOHN F. KENNEDY  
ASSASSINATED**

NOV. 22, 1963



**MARTIN LUTHER  
KING JR.  
ASSASSINATED**

APRIL 4, 1968



**PRESIDENTIAL CANDIDATE  
ROBERT F. KENNEDY  
ASSASSINATED**

JUNE 5, 1968



**GUN CONTROL  
ACT OF 1968  
SIGNED INTO LAW**

OCT. 22, 1968



Though it was a groundbreaking achievement, the Gun Control Act of 1968 **relied largely on the honor system**. Prospective gun buyers were **only required to fill out a form** saying that they were legal buyers.

that when Jim died at the age of 73 in 2014, his death was ruled a homicide, caused by complications from the 1981 shooting.

Jim and Sarah's mission began at an inauspicious time for America. In the 1980s and early 90s, the nation faced an unprecedented wave of violent crime, driven by the crack cocaine epidemic, economic turmoil, and other factors — all weaponized by unchecked and unregulated access to firearms. Public outrage over crime rates set the stage for Congress to reform gun laws for the first time in a generation.

The path was neither easy nor short. For Jim and Sarah Brady, the fight to pass the Brady Law would take six full years.

The Bradys worked with a committed team of advocates who lobbied members of Congress relentlessly, systematically, and comprehensively — House and Senate, Republicans and Democrats, working across the aisle. They convened a broad and diverse coalition that united every corner of American life: law enforcement, medical professionals, civic leaders, civil rights organizations, educators, and more.

Despite strong bipartisan support, the National Rifle Association and its allies in Congress tried to block progress at every turn. And for years, they succeeded. When both Houses of Congress finally passed the Brady Bill in 1991 with overwhelming support, President George H.W. Bush dealt advocates a bitter defeat by refusing to sign it.

But the next president, and the next Congress, would finally seal the deal. In 1993, the 103rd Congress again passed the Brady Law by overwhelming margins. With Jim and Sarah Brady by his side, President Bill Clinton signed the Brady Handgun Violence Prevention Act into law.

The Brady Law finally gave law enforcement teeth by requiring background checks on all purchases made through federally licensed gun dealers. The Brady Law also provided resources to states to improve and computerize criminal record histories. Five years later, in 1998, the creation of the federal National Instant Criminal Background Check System, established by the Brady Law, made these checks almost instantaneous.

## THE BRADY BACKGROUND CHECK SYSTEM: 25 YEARS OF SAVING LIVES

By almost every measure, Brady Background Checks have been an extraordinary success and have saved countless lives. They've blocked more than 3 million prohibited gun buyers — including domestic abusers, convicted felons, and other dangerous individuals — from getting their hands on a firearm.

The Brady Law has saved countless lives. But it has loopholes that allow dangerous people to get guns. One in five guns today is sold without a background check. Part of the reason is because unlicensed gun sales made online are unregulated and unchecked. Under the Brady Law, only people who buy their

**3,043,000**

Total denied sales from 1994 through 2015

**1,447,833**

Individuals convicted of, or under indictment for, a felony\*

**372,102**

Individuals convicted of a misdemeanor crime of domestic violence or under a restraining/protective order for domestic violence

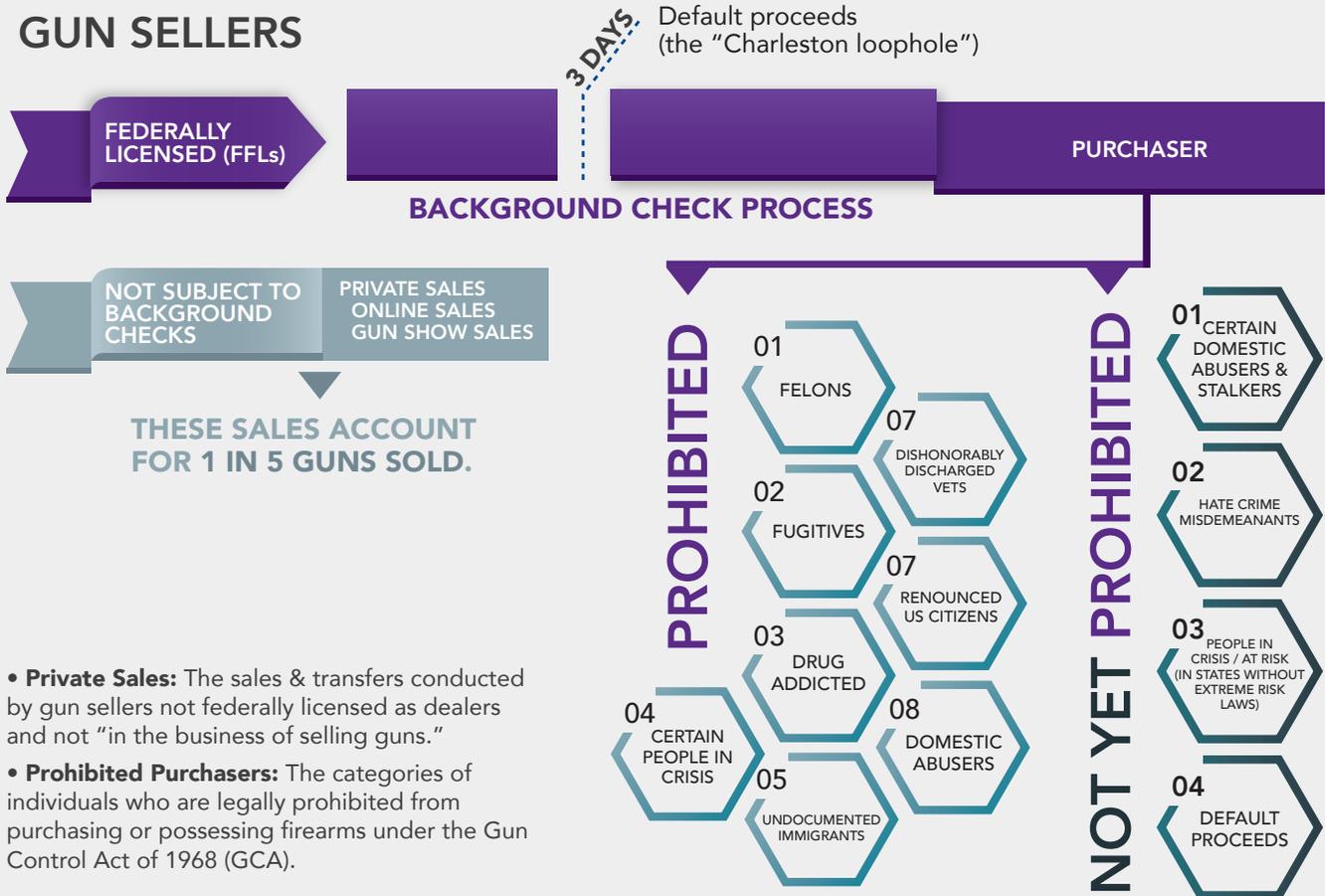
**256,665**

Fugitives from justice

\* These categories are based off current FBI data, as well as a historical extrapolation of state denials based off the most current percentage of overall denials for these categories.

# BRADY BACKGROUND CHECK SYSTEM

## GUN SELLERS



- **Private Sales:** The sales & transfers conducted by gun sellers not federally licensed as dealers and not "in the business of selling guns."
- **Prohibited Purchasers:** The categories of individuals who are legally prohibited from purchasing or possessing firearms under the Gun Control Act of 1968 (GCA).

- **DV and Stalkers:** Current federal DV prohibitor law does not include dating abuse unless the parties are cohabitating or have a child together. Known as the "boyfriend loophole," this gap allows many domestic abusers, as well as misdemeanor stalkers, to access firearms.
- **Hate Crime Misdemeanors:** Approximately 43,000 hate crimes were committed with guns in just 5 years, and hate crimes are on the rise. While felony hate crime convicts are prohibited from owning firearms, those convicted of misdemeanor hate crimes can still purchase and own guns. Disarming hate is critical to saving lives.
- **Extreme Risk Laws/People In Crisis:** While federal and state laws prohibit people too dangerous to own guns from accessing them, there

are people in the midst of crisis who don't meet the criteria of one of these "permanently prohibited" categories and who become a danger to themselves and/or others. Extreme Risk civil orders give law enforcement and family members the ability to petition a court to seek temporary prohibition and removal of firearms from people at risk of harming themselves or others.

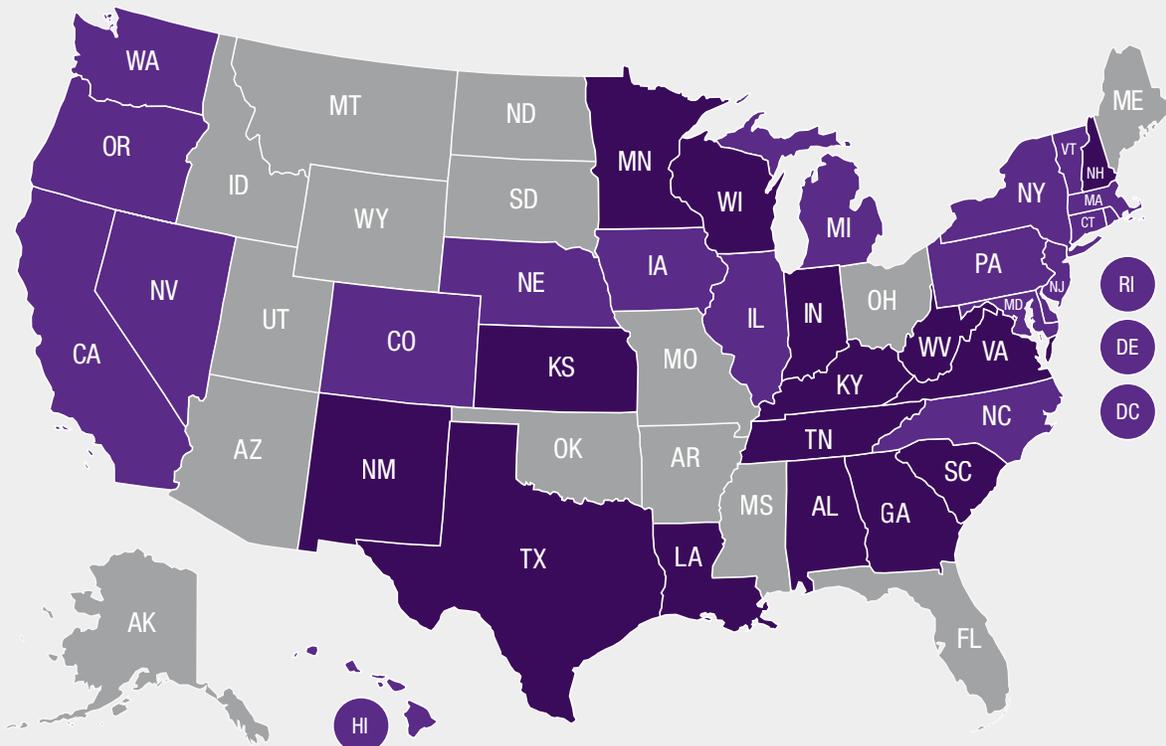
- **Charleston Loophole/Default proceeds:** Default proceed allows a federally licensed gun dealer to sell a firearm to a customer without a completed background check after three business days since the request was submitted. FBI data shows that if the background check takes longer than 48 hours to complete, the potential purchaser is approximately 20 times more likely to be a prohibited purchaser.

guns from federally licensed gun dealers are required to pass a background check. Unlicensed “private sellers,” including those who sell at gun shows or over the internet, aren’t required to conduct background checks — a gap that grows even bigger as more gun sellers move to online marketplaces.

Brady Background Checks have been incredibly successful in preventing dangerous people from

buying guns, but the law needs to be updated to reflect today’s world — one in which guns are sold at large-scale gun shows and over the Internet. Passing H.R. 8 to expand background checks to every gun sale — including those facilitated online, at gun shows, and through private transfers — will save lives. So, too, will passing H.R. 1112, which would significantly narrow the “Charleston Loophole,” the default proceed provision that allows a licensed gun dealer

## EXPANDED BACKGROUND CHECKS



### States with:

**No expanded background checks, can only expand through state legislation:**

- AL GA IN KS KY LA MN NH
- NM SC TN TX VA WI WV

No expanded background checks, can be expanded through state legislation or voter referendum:

- AK AZ AR FL ID ME MO MS
- MT ND OH OK SD UT WY

**Background checks on all gun sales:**

- CA CO CT DC DE NV NY OR RI VT WA

**Background checks on all handgun sales:**

- PA MD

**Permit required to purchase handguns:**

- NE IA MI NC

**Permit required to purchase all guns:**

- HI IL MA NJ

to sell a gun to a customer after three business days without a completed background check.

Prohibited purchasers are well aware of the private sale loophole H.R. 8 would close — and many exploit it every day. Researchers have estimated that as many as 22 percent of gun sales are conducted by private sellers — without a background check and often with no questions asked at all.

In response to this lethal loophole in federal law, 21 states and the District of Columbia have acted to expand background checks to include at least some private sales, including those conducted by unlicensed sellers at gun shows, on the internet, and anywhere else.

These state laws are saving lives. When Connecticut enacted an expanded background check system in the aftermath of the Sandy Hook shooting massacre, the state saw a 40 percent reduction in gun homicides and a 15 percent reduction in gun suicides.

Overall, from 2009 to 2012, states that required background checks on all handgun sales or permits had 35 percent fewer gun deaths per capita than states that didn't.

Researchers have also found that, after adjusting for population, states that require background checks on all handgun sales experience less than half as many mass shooting incidents (52 percent fewer) as states that do not.

## THE ROAD AHEAD

In 2018, the first gun violence prevention majority in a generation was elected to the U.S. House of Representatives. Congress is now poised to continue the mission Jim and Sarah began by expanding Brady Background Checks to include virtually all gun sales and transfers, as well as by closing gaps that undermine the law's effectiveness by allowing dangerous purchasers to slip through the cracks.

Even though states are stepping up to close loopholes, there remains a patchwork of state laws that puts the entire nation at risk. To realize the full potential of the Brady Law, Congress needs to close the gaps in the system nationwide, including broadening the categories of dangerous people who are barred from gun ownership to include stalkers, hate crime perpetrators, and dating partners who perpetrate violent misdemeanors.

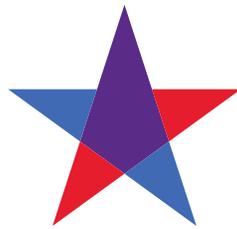
The introduction of H.R. 8, the *Bipartisan Background Check Bill*, and the historic hearing on gun violence held in the House Judiciary Committee on February 6, 2019, was the first step. While the road ahead will be long, the strong support of the public — including gun owners and NRA members — is evident.

Americans want progress in the movement to end gun violence. Decades after the Bradys helped lead the movement, background checks on gun sales are more popular in America than nearly any policy measure being debated today. A 2018 Quinnipiac poll showed that an astounding 97 percent of Americans support a background check for every gun sale — including 97 percent of gun-owning households. A 2012 survey by GOP pollster Frank Luntz found that even 74 percent of NRA members support this common-sense reform.

Today's momentum to end gun violence was borne out in the 2018 election. Polls from both before and after the midterms show gun safety was one of the top issues for voters. A survey of 11 battleground House districts conducted by Brady and the American Federation of Teachers (AFT) shows that voters were much more likely to support candidates who support expanded background checks.

Our nation's 2018 election results sent a powerful message: voters want stronger gun laws. The candidates who had these platforms won. It's historic — for the first time in a generation, a gun violence prevention majority controls the U.S. House of Representatives and numerous state legislative chambers.

**As Brady celebrates the anniversary of the law named for Jim Brady, we rededicate ourselves to the next phase of the fight against gun violence. Join us.**



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