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Representative Carol Hagan McEntee
Chair, House Judiciary Committee
House Lounge State House
Providence, RI 02903

H. 8071 Position: Opposed

Re: H. 8071 Ammunition Background Checks

Dear Chair Hagan McEntee and Members of the Judiciary Committee:

The National Shooting Sports Foundation (“NSSF”) is the non-profit trade association for the firearms, ammunition, hunting and recreational shooting sports industry. Our membership includes Rhode Island based federally licensed firearms retailers, most of which are small mom-n-pop businesses that are the backbone of our nation’s and Rhode Island’s economy.

Our manufacturer members make the firearms and ammunition used by law-abiding Rhode Island sportsmen, the U.S. military and law enforcement agencies throughout the state. This letter is to express our opposition to ammunition background checks. There was, and still is, no rational basis upon which to justify the enactment of this proposed legislation.

No System to Conduct Checks

There is an emerging demand by activist groups to require the same background check for ammunition purchases that is currently conducted for firearm transfers by an FFL. This restrictive regulation would add tremendous cost to the American firearm owner and put an extreme strain on the Second Amendment. **Additionally, federally licensed firearm retailers would not be able to utilize the FBI National Instant Criminal Background Check System (NICS) for ammunition transfers. FBI NICS, which is seeing record requests annually for the last decade, is exclusively used for firearm background checks based on federal law restrictions. Rhode Island would have to create their own in-state system which would cost in the hundreds of millions of dollars.**

Obama Administration Opposed Ammunition Checks

Just because some activists believe that background checks would solve the crime issue, doesn’t mean it will accomplish anything but serving as an inconvenience for law-abiding citizens. During the Obama Administration, his Assistant Secretary of State Thomas Countryman fought against including ammunition in the United Nations Arms Trade Treaty. He warned the international community of “significant burdens associated with licensing, authorizations, and recordkeeping.” Countryman continued, **“Our own experience in regulating domestic transfers has shown that there is little utility for law enforcement in imposing the same controls on ammunition transfers as we do on arms. Accordingly, the United States largely eliminated most controls on domestic transfers of ammunition.”**

ATF Does Not Support Ammunition Checks

The Gun Control Act was amended in the mid-1980s to remove the requirement dating back to 1968 that federal firearms licensees record ammunition sales (essentially a database). The Bureau of Alcohol, Tobacco and Firearms (ATF) testified in Congress that ammunition sales logs were not an effective law enforcement tool and accordingly they did not oppose removing this onerous record-keeping requirement. There is simply no reason to believe that recording ammunition sales will somehow now be an effective law enforcement tool when it has already been tried and shown not to be effective.

Four other states in the U.S. have created workarounds for ammunition background checks. Connecticut, Illinois, Massachusetts, and New Jersey, all require a permit to purchase ammunition. A permit is only approved by the state after paying a fee and passing a background check. Typically, these permits to purchase are a tax placed on the American people, and for some, are a great barrier of entry to their constitutional right. Additionally, permits to purchase expire and have to be renewed with more unjustified fees on law abiding gun owners.

Laws that require a background check for ammunition purchases are a burden, amount to a taxation on the Second Amendment, and have not proved to curb crime rates or access by criminals. According to the latest Bureau of Justice Statistics (BJS) Survey of Prison Inmates, an estimated 287,400 prisoners possessed a firearm during their offense of which they are serving time. Of that population, “Seven percent had purchased it under their own name from a licensed firearm dealer.”¹ Using the population in the study as an example, ammunition background checks would not prevent the vast majority of the prisoners surveyed from acquiring ammunition, because criminals do not follow the rule of law. These criminals largely used black market resources to illegally acquire their firearms, which they will use for ammunition as well. Implementing ammunition background checks, or varieties thereof, has created burdens in some states that we can use as learning opportunities. Regulations like these create hurdles, unnecessarily tax access to ammunition, and puts undue liability on FFLs for recordkeeping and compliance protocols.

The National Shooting Sports Foundation, the firearm and ammunition industry trade association, strongly opposes any measures to require background checks for ammunition purchases.

We believe this type of proposed legislation will accomplish nothing. It will only impact legitimate citizens reducing their legal activities, promote a loss of revenue and jobs to the state, require more law enforcement, and further confuse the firearms owning public, who are already confused by the conflicting gun laws that currently exist which appear to affect only them.

The National Shooting Sports Foundation opposes these proposals because they will only serve to increase the regulatory burden on law-abiding licensed firearms owners without benefiting public safety.

Sincerely,



Jake McGuigan

¹ <https://www.bjs.gov/content/pub/pdf/suficspi16.pdf>