

The following material is from LCAV's February 2008 edition of [Regulating Guns in America: An Evaluation and Comparative Analysis of Federal, State and Selected Local Gun Laws](#)

## Licensing of Gun Owners or Purchasers

### Background

Licensing laws require an individual to obtain a license or permit authorizing the individual to purchase and/or possess a firearm. Although licensing laws vary, those that are the most comprehensive require all gun owners – not just owners of handguns or prospective firearm purchasers – to obtain a license. That license will only be issued after the applicant has provided proof of residency and fingerprints, and passed written and performance-based tests showing that the applicant knows how to safely load, fire and store a gun, and has knowledge of relevant firearms laws.

Once an applicant has passed these tests, as well as a thorough background check, he or she is issued a card with a number, photograph and other identifying information, including the licensee's address and date of birth. The license must be displayed and its authenticity verified by a firearms dealer prior to the purchase of a firearm. In addition, the license must be renewed after a specified time period.

Licensing laws have the following goals: (1) to reduce the number of unintentional shootings by ensuring that gun owners know how to safely use and store firearms; (2) to increase compliance with existing firearms laws by requiring gun owners to demonstrate knowledge of those laws; and (3) to decrease illegal gun sales and possession by ensuring that all licensees are eligible to possess firearms under federal and state law.

Licensing laws are most effective when combined with laws requiring registration of firearms.<sup>1</sup> A 2001 study analyzing the firearm tracing data of crime guns recovered in 25 U.S. cities revealed that states with some form of both registration and licensing systems have greater success keeping firearms initially sold by dealers in the state from being recovered in crimes than states without such systems in place.<sup>2</sup> This suggests that licensing and registration laws may make it more difficult for criminals, juveniles and other prohibited purchasers to obtain guns.

Public opinion polls show that Americans strongly support licensing laws. A nationwide poll conducted in May of 2001 found that 85% of respondents – including 73% of gun owners – favored laws requiring handgun purchasers to obtain a permit before buying a

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<sup>1</sup> Conceptually, licensing is directed to the owner or purchaser of the firearm, while registration is directed to the weapon itself. As shown in this analysis, some jurisdictions incorporate elements of registration in their licensing laws, and vice versa. Hawaii is the only state that has a combined licensing and registration system. Detailed information on laws requiring registration of firearms is contained in the section on [Registration of Firearms](#).

<sup>2</sup> Daniel W. Webster et al., *Relationship Between Licensing, Registration, and Other Gun Sales Laws and the Source State of Crime Guns*, 7 *Inj. Prevention* 184, 188-89 (2001). The study included jurisdictions with concealed carry permits and dealer sales reporting, which have elements of licensing or registration but are not comprehensive licensing or registration systems.

handgun.<sup>3</sup> That poll also found that 70% of the respondents mistakenly believed that a system of licensing and registration already exists.<sup>4</sup> Another poll, conducted by the Opinion Research Corporation International in June of 2001, found that 82% of the respondents supported laws requiring the licensing and registration of handguns.<sup>5</sup>

### Summary of Federal Law

Federal law does not require licensing of gun owners or purchasers.

## **SUMMARY OF STATE LAWS GOVERNING LICENSING OF GUN OWNERS OR PURCHASERS<sup>6</sup>**

In general, licensing laws fall into two broad categories. Some jurisdictions mandate that prospective firearm purchasers obtain a permit or license prior to purchase. These laws are sometimes known as “permit to purchase” licensing schemes. The permit to purchase typically has a limited duration (though some jurisdictions employ permits to purchase with a long duration) and may apply to the purchase of a limited number of firearms. Other jurisdictions require a license to own a firearm. Unlike a permit to purchase, a license to own or possess a firearm generally has a longer duration and entitles the holder to possess firearms so long as the license remains valid. Some jurisdictions employ both permits to purchase and licenses to possess, depending on the type of firearm. Other jurisdictions require one license for both purchase and possession. State licensing laws vary significantly. This summary is intended to highlight the most pertinent features of those laws.

Four states require licenses for all firearm purchasers or owners, while seven states license all handgun purchasers or owners.

### **States that Require a License or Permit for Purchasers or Owners of All Firearms**

[Hawaii](#)

**Haw. Rev. Stat. Ann. §§ 134-2, 134-13**

[Illinois](#)

**430 Ill. Comp. Stat. 65/1 – 65/15a**

[Massachusetts](#)<sup>7</sup>

**Mass. Gen. Laws ch. 140, §§ 121, 129B, 129C, 131, 131A, 131E, 131P**

[New Jersey](#)

**N.J. Stat. Ann. § 2C:58-3**

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<sup>3</sup> Press Release, The Educational Fund to Stop Gun Violence, *New Poll Finds American Voters Overwhelmingly Support Handgun Licensing and Registration, Criminal Background Checks* (June 12, 2001), at <http://www.commondreams.org/news2001/0612-05.htm>.

<sup>4</sup> *Id.*

<sup>5</sup> Lois Hess, Editorial, *Bush Undermining Gun Control Laws*, *Balt. Sun*, July 31, 2001, at 11A, available at <http://www.commondreams.org/views01/0731-03.htm>.

<sup>6</sup> This summary does not include a description of states issuing permits to carry concealed weapons, nor does it include a discussion of state background check requirements. These topics are addressed in the sections on [Carrying Concealed Weapons](#) and [Background Checks](#).

<sup>7</sup> Massachusetts requires licenses for the purchase of handguns, rifles and shotguns, and for ammunition feeding devices for those firearms.

### States that Require a License or Permit for Handguns Only<sup>8</sup>

<a href="#">California</a>	Cal. Penal Code §§ 12071(b)(8), 12800 – 12808
<a href="#">Connecticut</a>	Conn. Gen. Stat. §§ 29-33, 29-36f – 29-36i
<a href="#">Iowa</a>	Iowa Code §§ 724.15 – 724.20
<a href="#">Michigan</a>	Mich. Comp. Laws §§ 28.422, 28.422a
<a href="#">New York</a>	N.Y. Penal Law §§ 400.00 – 400.01
<a href="#">North Carolina</a>	N.C. Gen. Stat. §§ 14-402 – 14-404
<a href="#">Rhode Island</a>	R. I. Gen. Laws §§ 11-47-35 – 11-47-35.1

### States that Allow the Purchase of Only a Single Handgun with Each License or Permit

Hawaii  
Massachusetts  
Michigan  
New Jersey  
New York  
North Carolina

### States that Require Firearm Safety Training or a Safety Exam Prior to Issuance of a License or Permit

California (handguns only)  
Connecticut (handguns only)  
Hawaii (handguns only)  
Massachusetts  
Michigan (handguns only)  
Rhode Island (handguns only)

### Duration of License or Permit to Purchase

California – 5 years<sup>9</sup>  
Hawaii – 10 days (handguns); 1 year (long guns)  
Iowa – 1 year  
Massachusetts – 10 days (permits to purchase handguns)  
Michigan – 10 days  
New Jersey – 90 days (handgun permits)<sup>10</sup>  
North Carolina – 5 years

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<sup>8</sup> In addition, the state of Nebraska issues handgun certificates, although handgun purchasers outside Omaha who purchase from licensed dealers may choose to submit to an instant background check at the time of purchase, in lieu of obtaining a handgun certificate. Neb. Rev. Stat. Ann. §§ 69-2404, 69-2409. Purchasers from private sellers must obtain a handgun certificate. *Id.* Handgun certificates are valid for 3 years. Neb. Rev. Stat. Ann. § 69-2407.

<sup>9</sup> In California, universal background checks help to ensure that prohibited persons would not be permitted to purchase firearms, notwithstanding the long duration of the Handgun Safety Certificate (HSC). To address the problem posed by handgun owners who could fall into a prohibited category while the HSC remains valid, the state maintains a Prohibited Armed Persons File, an on-line database that allows the California Department of Justice to cross-reference information on persons who own or possess a handgun (on or after January 1, 1991) against a list of individuals who have become ineligible to own or possess firearms. Cal. Penal Code § 12010(a). This information may be shared with a limited group of public and private entities and individuals, including law enforcement, for the purpose of determining if persons are armed yet prohibited from possessing firearms. Cal. Penal Code § 12010(b).

<sup>10</sup> New Jersey's permit may be extended for an additional 90 days upon a showing of good cause.

### Duration of License or Permit to Purchase and Possess

Connecticut – 5 years

Illinois – 5 years

Massachusetts – 6 years

New Jersey – so long as holder remains eligible (firearm purchaser identification cards)

New York – valid until revoked (except in New York City and certain counties (see below))

Rhode Island – unspecified

### License or Permit Fee

California – \$15-25

Connecticut – \$35

Hawaii – actual cost charged by FBI for fingerprint check, for first permit only

Illinois – \$5

Iowa – no cost

Massachusetts – \$100

Michigan – no cost

New Jersey – \$2 (handgun permit); \$5 (firearm purchaser identification card)

New York – \$3-10 (determined by each county)

North Carolina – \$5

Rhode Island – no cost

### Description of State Laws Governing Licensing of Gun Owners or Purchasers

1. *States Requiring Licenses for Purchasers or Owners of All Firearms:* The following states require licenses to possess and/or permits to purchase for all firearms. Hawaii and New Jersey require permits to purchase all firearms. Illinois requires a license to purchase and possess all firearms. Massachusetts requires a license to possess all firearms and a permit to purchase handguns. Each state's licensing scheme has unique elements, which are described below.

*Hawaii – Permit to Purchase:* In Hawaii, anyone wishing to acquire a firearm must obtain a permit from the county chief of police.<sup>11</sup> As part of the application process, applicants undergo a background check and must sign a waiver allowing access to mental health records. Permits may not issue until at least 14 days have passed after the date of application, and all permits must be issued or denied before the 20<sup>th</sup> day from the date of application. (Several exceptions exist to the 14-day waiting period, including transfers to law enforcement officers, persons licensed to carry a handgun, and sales to licensed dealers.) Permits may be revoked for good cause.

- **Duration:** Permits to acquire a handgun are valid for 10 days from the date of issue, and long gun permits are valid for one year from date of issue.
- **Single Purchase:** Handgun purchases are limited to one handgun per permit.

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<sup>11</sup> Hawaii also requires registration of all firearms. Registration requirements are outlined in the section on [Registration of Firearms](#).

*New Jersey – Permit to Purchase:* In New Jersey, all handgun purchasers must obtain a permit to purchase a handgun. Purchasers of rifles or shotguns are required to obtain a Firearms Purchaser Identification Card (FPIC). Both require the applicant to undergo a background check and waive confidentiality relating to any institutional confinement for a mental or psychiatric condition. New Jersey law also provides that no handgun transfer permit may be issued where the transfer would not be in the interest of the public health, safety or welfare. In addition, the applicant must be of “good character and good repute in the community” where he or she lives. The FPIC or permit must be issued within 30 days of application, or 45 days if the applicant is a non-resident. A FPIC may be revoked by a superior court after a hearing with notice, upon a finding that the holder no longer qualifies for the FPIC.

- **Duration:** Handgun purchase permits in New Jersey are valid for 90 days, and may be extended for an additional 90 days for good cause. New Jersey FPICs are valid as long as the holder remains eligible to possess a firearm.
- **Single Purchase:** Handgun purchases are limited to one handgun per permit.

*Illinois – License to Purchase or Possess:* In Illinois, no person may acquire or possess any firearm or ammunition without a valid Firearm Owner’s Identification (FOID) card. Each applicant for a FOID card is required to complete an application and “submit evidence” to the Department of State Police (DSP) that she or he is not a prohibited purchaser. The DSP conducts an automated search of its criminal history record information files and those of the Federal Bureau of Investigation, including the National Instant Criminal Background Check System (NICS), and of the files of the Department of Human Services relating to mental health and developmental disabilities to obtain any felony conviction or patient hospitalization information which would disqualify a person from obtaining or require revocation of a currently valid FOID card.<sup>12</sup> The DSP has the authority to revoke a FOID card if the holder becomes a prohibited purchaser.

- **Duration:** FOID cards are valid for five years from the date of issue. Effective June 1, 2008, FOID cards will be valid for ten years.<sup>13</sup>
- **No Limit on Number of Firearms Purchased:** Illinois does not impose any limit on the number of firearms that may be purchased by the holder of a FOID card.

*Massachusetts – License to Possess and Permit to Purchase:* In Massachusetts, all firearm possessors are required to obtain either a Firearm Identification (FID) card or

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<sup>12</sup> Illinois prohibits any person who has been a patient in a mental institution within the past five years from obtaining a FOID card. Upon request by the Department of State Police, the applicant must sign a release waiving any right to confidentiality and requesting the disclosure to the Department of State Police of limited mental health institution admission information. 430 Ill. Comp. Stat. 65/4.

<sup>13</sup> 430 Ill. Comp. Stat. 65/7. In Illinois and other states that do not require universal background checks, the long duration of firearm licenses undermines the benefits of the licensing scheme. For example, in Illinois, while a background check is required at the time of issuance of the FOID card, purchases of firearms from private sellers are not subject to background checks at the time of purchase (except purchases from private sellers at gun shows). As a result, if a licensee falls into a prohibited category while the license is still valid, he or she could continue to purchase firearms illegally from a private seller.

a Class A or B license to carry a firearm. FID card holders are permitted to purchase and possess rifles or shotguns, excluding large capacity weapons.<sup>14</sup> A Class A license allows the licensee to purchase and possess all types of lawful firearms; a Class B license is limited to “non-large capacity” handguns and any rifle or shotgun, but does not permit carrying concealed, loaded handguns in a public place.<sup>15</sup> All applicants must undergo a background check. The licensing authority has 40 days to approve or deny the application. A FID card or Class A or B license must be revoked or suspended if the holder becomes disqualified from obtaining the card or license.

To purchase a handgun in Massachusetts, a FID card holder must also obtain a permit to purchase. A permit to purchase is issued at the discretion of the licensing authority for a “proper purpose,” following a background check.

- **Duration:** FID cards and Class A and Class B licenses are valid for 6 years; permits to acquire handguns are valid for 10 days.
- **Single Purchase:** Handgun purchases are limited to one handgun per permit. However, there is no limit on the number of firearms that may be purchased with a Class A or Class B license.

2. *States Requiring Licenses or Permits for Handguns Only:* California, Connecticut, Iowa, Michigan, New York, North Carolina and Rhode Island all require licenses or permits for purchase or possession of handguns.<sup>16</sup>

*California:* California requires a Handgun Safety Certificate (“HSC”) prior to purchase of a handgun. The HSC is valid for 5 years.

*Connecticut:* Connecticut requires a permit to carry a handgun or a handgun eligibility certificate. Permits and certificates are valid for 5 years. Permits and certificates may be revoked in the event the holder becomes disqualified.<sup>17</sup>

*Iowa:* Iowa requires an annual permit to acquire pistols or revolvers. Permits may be revoked in the event the holder becomes disqualified.

*Michigan:* Michigan requires either a license to carry a concealed handgun or a handgun purchase license.<sup>18</sup> A handgun purchase license is valid for 10 days, and may be

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<sup>14</sup> Massachusetts defines “large capacity weapon” to include assault weapons, certain semi-automatic weapons, and certain large capacity rotating-cylinder firearms.

<sup>15</sup> A Class A license allows the licensee to purchase, rent, lease, borrow, possess and carry all types of lawful firearms, including both large and non-large capacity handguns, rifles, shotguns, and feeding devices and ammunition for these firearms. Mass. Gen. Laws ch. 140, § 131(a).

<sup>16</sup> State laws in Iowa, Michigan, New York and North Carolina explicitly require a background check prior to issuance of the requisite license or permit.

<sup>17</sup> Connecticut also issues temporary permits to carry handguns. These permits are valid for 60 days and may not be renewed. Conn. Gen. Stat. § 29-30(c).

<sup>18</sup> In addition to obtaining a license, persons acquiring handguns in Michigan are required to present the handgun to local law enforcement for a safety inspection. If the person is eligible to possess the weapon and it passes the inspection, a certificate of inspection is issued which includes identifying information about the owner and a description of the handgun. Copies of the certificate are kept by state and local law enforcement. Mich. Comp. Laws § 28.429.

used for the purchase of a single handgun. A license to carry a concealed handgun is valid for 4-5 years, depending on the date of issue.

*New York:* New York requires a license to purchase and possess a handgun.<sup>19</sup> Handgun licenses in New York are valid until revoked, except in New York City, where the duration is 3 years, and in Nassau, Suffolk and Westchester Counties, where the duration is 5 years. The license is valid for purchase of a single handgun.<sup>20</sup>

*North Carolina:* North Carolina requires either a permit to purchase a handgun or a concealed handgun permit. Both are valid for 5 years. The handgun purchase permit is valid for purchase of a single handgun.

*Rhode Island:* Rhode Island requires a pistol/revolver safety certificate issued by the state Department of Environmental Management. The duration is unspecified.

3. *States Requiring Safety Training or a Safety Exam Prior to Issuance of a License or Permit:*<sup>21</sup> Massachusetts requires safety training of all applicants for a Firearm Identification (FID) card, Class A or Class B license, or permit to purchase a handgun. Applicants must submit a basic firearms safety certificate issued following a course that includes instruction on: (1) the safe use, handling and storage of firearms; (2) methods for securing and childproofing firearms; (3) the applicable laws relating to the possession, transportation and storage of firearms; and (4) knowledge of operation, potential dangers and basic competency in the ownership and usage of firearms.

California, Connecticut, Hawaii, Michigan and Rhode Island require safety training or a safety exam prior to issuance of a handgun license or permit.

California requires anyone purchasing a handgun to obtain a Handgun Safety Certificate (HSC) prior to purchase. To obtain a HSC, the applicant must pass a written safety test. In addition, subject to limited exceptions, all handgun purchasers are required to perform a safe handling demonstration with the handgun being purchased in the presence of a certified instructor. California law specifies various safe handling tasks the prospective purchaser must perform based on the type of handgun to be purchased.

In Connecticut, applicants for a handgun eligibility certificate must successfully complete an approved course in the safety and use of handguns. Hawaii requires handgun permit applicants to complete an approved course that focuses on: (1) the safe use, handling and storage of firearms and firearms safety in the home; and (2) state firearms laws. Permit

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<sup>19</sup> In New York, in addition to passing a background check to verify that the applicant is not prohibited from possessing a firearm, no one may possess a handgun unless he or she is of “good moral character” and presents “no good cause” for denial of the license.

<sup>20</sup> Outside of New York City, licensees in New York may seek a license amendment to allow the purchase of more than one handgun per license.

<sup>21</sup> Although permits are not required in Maryland, the application process for purchase of a regulated firearm (handguns and assault weapons) includes a requirement that the applicant complete a firearms safety training course conducted by the Police Training Commission. This requirement applies only to the first purchase of a regulated firearm after January 1, 2002, and does not apply to handgun carry permit holders.

applicants in Michigan must pass a basic pistol safety review questionnaire. In Rhode Island, anyone wishing to purchase a handgun who does not have a concealed handgun license and is not a member of law enforcement must complete a basic two-hour handgun safety course.<sup>22</sup>

## SUMMARY OF SELECTED<sup>23</sup> LOCAL LAWS REQUIRING LICENSING OF GUN OWNERS OR PURCHASERS

### Local Laws Requiring Licensing of Gun Owners or Purchasers<sup>24</sup>

<b>Chicago</b>	<b>Chicago, Ill., Code §§ 4-144-060, 4-144-070</b>
<b>Cleveland</b>	<b>Cleveland, Ohio, Code §§ 674.02, 674.04</b>
<b>Columbus</b>	<b>Columbus, Ohio, Code §§ 545.06(a), 545.07, 545.08 545.09</b>
<b>Hartford</b>	<b>Hartford, Conn., Code § 21-59</b>
<b>New York City</b>	<b>New York, N.Y., Admin. Code §§ 10-303 <i>et seq.</i>, 10-131(a), (i); New York, N.Y., Rules tit. 38, §§ 3-09, 5-01, 5-22, 5-25</b>
<b>Omaha</b>	<b>Omaha, Neb., Code §§ 20-200, 20-251, 20-254</b>

*Chicago:* Chicago requires a local permit to purchase concealable firearms. Chicago only issues handgun permits in those limited cases where possession is not banned entirely.

*Cleveland:* Cleveland provides that no person shall receive, possess, have on or about his or her person or use any handgun unless the person has a local “handgun owner’s identification card.” The handgun owner’s identification card is valid from the date of issuance until three years after the birthday of the applicant that follows the date of issuance. The card holder is required to return the card to the Chief of Police if he or she becomes ineligible to possess it. Background checks are required for issuance of a handgun owner’s identification card.

Cleveland prohibits any person from using or attempting to use his or her handgun owner’s identification card to obtain a handgun for any person who does not have a valid

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<sup>22</sup> Rhode Island’s concealed handgun licensing process includes a requirement that the applicant pass a target shooting test. R.I. Gen. Laws § 11-47-15. Rhode Island does not require firing training or testing for other handgun licensees. Likewise, none of the other states listed above requires such training as part of its safety training or certification. Hawaii includes firing training as one of several options available to applicants to satisfy the firearms safety training requirement. Haw. Rev. Stat. Ann. § 134-2(g).

<sup>23</sup> This section is based on research and analysis of existing firearms laws in: Boston, Massachusetts; Chicago, Illinois; Hartford, Connecticut; Los Angeles, California; Newark, New Jersey; New York, New York; Omaha, Nebraska; and San Francisco, California. LCAV selected these cities because they are located in states that grant local jurisdictions broad authority to regulate firearms. It also includes existing laws in Cleveland and Columbus, Ohio. Note, however, that in 2006, the Ohio Legislature passed House Bill 347 (overriding the Governor’s veto), which created Ohio Rev. Code Ann. § 9.68(A), a provision that purports to preempt all local authority to regulate firearms with few, limited exceptions. Legal challenges to the law are pending. Additional information about state laws governing local authority to regulate firearms is contained in the section of this report titled “[The Legal Background.](#)”

<sup>24</sup> Local provisions governing background checks and describing qualifications for obtaining a local license or permit are described in the sections on [Background Checks](#) and [Prohibited Purchasers](#).

identification card. Similarly, no person shall knowingly permit his or her identification card to be used by another to purchase, own, possess, receive, have on or about the person or use any handgun or handgun ammunition.

*Columbus:* Columbus requires persons to obtain a “weapon transaction permit,” issued by local law enforcement, to purchase or possess any lawful weapon. Applicants are required to undergo a background check. Transaction permits are valid for 30 days and are good for only one firearm/weapon. Permits may be revoked if the holder becomes disqualified.

*Hartford:* Hartford requires handgun purchasers to complete an application to purchase a handgun before any transfer will be made. The application is submitted to the state Commissioner of Public Safety for processing, with a copy submitted to the Hartford Police Chief.

*New York City:* New York City requires a rifle or shotgun permit for the purchase and/or possession of rifles and shotguns. Permits are issued following a background check, and are valid for three years. Permits are renewed automatically unless the police commissioner has reason to believe the applicant’s status has changed since the previous application. Permits may be revoked and weapons seized upon evidence that the holder of the permit has become disqualified. Persons under 21 may carry, fire or use a rifle or shotgun (except an assault weapon) without being subject to the permit requirement if he or she is in the presence of, or under the direct supervision of, a permit holder; or engaged in a military drill, competition, or target practice at a firing range.

A rifle or shotgun permit is also required for possession of rifle or shotgun ammunition and a rifle or shotgun ammunition feeding device.

Permittees must report lost or stolen permits and rifles or shotguns to law enforcement within five calendar days of the loss.

For handguns, the city issues five basic types of licenses: (1) a “premises license” which allows possession of a handgun in a specific business or residence; (2) a “carry business license” which allows the holder to carry a concealed handgun; (3) a “limited carry business license” which allows the holder to carry a handgun to and from specific locations at specific times; (4) a “carry guard license/gun custodian license” which allows the holder to carry a handgun while engaged in work as a security guard or gun custodian; and (5) a “special license” which allows the holder of a state permit to carry a handgun while in New York City and/or while engaged in work as a security guard or gun custodian in New York City.

All handgun licenses require a background check. They are revocable at any time and authorize the holder to possess only the handgun(s) listed on the license. Licensees must immediately report to law enforcement any loss or theft of the handgun or the license or change in the licensee’s status that would affect eligibility for a license.

Prior to purchasing a handgun in New York City, a handgun licensee must obtain written permission from law enforcement. Such authorization is valid for only 30 calendar days

from the date of issuance. The licensee must have the handgun and required safety locking device inspected by law enforcement within 72 hours of purchase.<sup>25</sup> The weapon may not be used prior to the inspection.

New York City provides that a license to carry or possess a handgun in the city may be issued for no less than one nor more than three years at a fee of \$340. No person, other than a rifle and shotgun dealer, who is not authorized to possess a handgun in the city may possess handgun ammunition. A person may possess handgun ammunition only in a caliber corresponding to a handgun he or she is licensed to possess.

*Omaha:*<sup>26</sup> Omaha prohibits any person from selling or renting a concealable firearm to any person who has not obtained a written permit from the chief of police.<sup>27</sup>

### **FEATURES OF COMPREHENSIVE LAW LICENSING GUN OWNERS OR PURCHASERS<sup>28</sup>**

The features listed below are intended to provide a framework from which policy options may be considered and debated. LCAV has not attempted to include every provision or every creative approach identified in the analysis above, nor have we addressed appropriate exceptions so that the regulation does not produce unintended consequences. A jurisdiction considering modifying existing, or developing new legislation in this area should consult with counsel to ensure its legal sufficiency and compatibility with existing codes and statutes, as appropriate.

- License is required for possession of any firearm, and must be shown prior to purchase of any firearm (*Illinois, Massachusetts, Columbus, New York City*)
- License conditions include:
  - Thorough background check (*Hawaii, Illinois, Massachusetts, New Jersey, Columbus, New York City; Connecticut, Iowa, Michigan, New York, North Carolina and Cleveland also require background checks, but only for handgun licenses*)
  - Safety training (*Massachusetts; Connecticut, Hawaii and Rhode Island also require safety training, but only for handgun licenses*)
  - Hands-on testing, including firing testing, to demonstrate safe use of firearms

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<sup>25</sup> Additional information on New York City's requirements for handgun locking devices is contained in the section on [Locking Devices](#).

<sup>26</sup> Note that Omaha's licensing ordinance predates the state law requiring purchasers of handguns from private sellers to obtain a handgun certificate. Neb. Rev. Stat. Ann. § 69-2409. *See also supra* note 8.

<sup>27</sup> Omaha's licensing system is a hybrid of licensing and registration. The concealable firearm permit is issued following approval of an application for registration of a concealable firearm. Additional information about Omaha's registration requirements is contained in the section on [Registration of Firearms](#).

<sup>28</sup> The most comprehensive system of regulating the purchase, possession and ownership of firearms combines licensing of gun owners with registration of all firearms. Additional information on registration of firearms, including the features of comprehensive registration laws, is contained in the section on [Registration of Firearms](#).

- Written testing to demonstrate knowledge of applicable firearm laws (*California and Michigan require testing on firearms laws, but only for handgun licenses*)
- License has finite duration (*Hawaii, Illinois, Massachusetts; California, Connecticut, Iowa, Michigan, New Jersey and North Carolina also have licenses of finite duration, but only for handguns*)
- Renewal process includes background check and testing as described above (*Massachusetts*)
- Licensee is required to report theft or loss of license and firearms (*New York City*)
- License is subject to revocation in cases where licensee becomes a prohibited purchaser (*Hawaii, Illinois, Massachusetts, New Jersey, Columbus; Connecticut, Iowa and Cleveland also provide for revocation under these circumstances, but only for handgun licenses*), or fails to comply with applicable federal, state and local firearms laws
- Fee for license is set at a level sufficient to cover administrative costs associated with licensing system
- Additional requirements are imposed for handgun permit to purchase:
  - Short duration applies to handgun permit to purchase (*Hawaii – 10 days, Massachusetts – 10 days, Michigan – 10 days, New Jersey – 90 days, Columbus – 30 days, New York City – 30 days*)
  - Permit to purchase is limited to one handgun per permit (*Hawaii, Massachusetts, Michigan, New Jersey, New York, North Carolina, Columbus, Hartford*)