



LCAV Case Study
Curbing Illegal Sales at Gun Shows--
Research and Analysis to Help Close the Private Sale Loophole in Illinois

The Challenge: Under federal law, persons who are not federally licensed firearms dealers are permitted to transfer firearms without conducting background checks or maintaining records of sales. This loophole, the so-called “private sale loophole,” enables persons who are prohibited from purchasing or possessing firearms – such as felons, domestic violence perpetrators, mentally ill individuals and juveniles – to obtain them.

Gun shows are events dedicated to the display and sale of firearms and firearm-related accessories, operating as temporary markets for the transfer of firearms. A 1999 study by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and the U.S. Department of Justice found that over 4,000 gun shows are held each year in the U.S., with most attracting several thousand people.

Gun shows are a popular venue for private sales. The 1999 ATF study found that 25 to 50% of gun show vendors are unlicensed. Another ATF study concluded that gun shows are a “major trafficking channel,” associated with approximately 26,000 firearms diverted from legal to illegal commerce. According to the study, gun shows rank second to corrupt dealers as a source for illegally trafficked firearms.

LCAV’s Role: In 2005, a bill was introduced in the Illinois General Assembly to require background checks on all sales at gun shows in Illinois, a measure that would go a long way toward closing the private show loophole in Illinois. Legislators opposing the measure attempted to attach a series of harmful amendments, including provisions preempting local firearms regulation, and requiring destruction of firearm transfer records after 90 days. LCAV provided legal research and analysis to the bill’s principal House sponsor, Representative Harry Osterman of Chicago, on gun show laws in other states. LCAV also assisted the Illinois Council Against Handgun Violence and Rep. Osterman with analysis of the adverse amendments to the bill. LCAV’s legal work provided critical information that helped shape the bill and thwart the dangerous amendments.

Results: In 2005, the Illinois General Assembly passed, and Governor Rod Blagojevich signed, a bill to require background checks on all sales at gun shows in Illinois, without any of the adverse amendments advanced by the gun lobby. The legislation makes Illinois one of nine states and the District of Columbia to address the private sale loophole in federal law.

LCAV is a public interest law center dedicated to preventing gun violence. Formed in the wake of the 1993 assault weapon massacre at 101 California Street in San Francisco, LCAV provides free legal assistance to activists and public officials, including law enforcement and government attorneys, working to prevent gun violence. To learn more about our services or to request assistance, visit our web site, www.lcav.org, the nation’s most comprehensive source for information on U.S. firearms regulation.

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