

Restrictions on Multiple Purchases or Sales of Firearms

Background

Laws restricting multiple purchases or sales of firearms are designed to reduce the number of guns entering the illegal market and to stem the flow of firearms between states. Interstate firearms trafficking flourishes, in part, because states regulate firearm sales differently and there is no federal limitation on the number of guns that an individual may purchase at any one time.¹ Jurisdictions with weaker firearms laws may attract gun traffickers who make multiple purchases and resell those guns in jurisdictions with stronger firearms laws.²

Efforts to limit multiple purchases or sales generally focus on handguns. Studies show that handguns sold in multiple sales to the same individual purchaser are frequently used in crime.³ "Multiple sales" are defined under federal law as the sale of two or more handguns by a federally licensed firearms dealer (FFL) to a non-FFL within five consecutive business days.⁴ ATF crime gun trace data revealed that 22% of all handguns recovered in crime in 1999 had been transferred to a purchaser involved in a multiple sale.⁵ Crime gun trace data from 2000 showed that 20% of all retail handguns recovered in crime were purchased as part of a multiple sale.⁶

One-gun-a-month laws prohibit the purchase of more than one handgun per person in any 30-day period. A study of Virginia's one-gun-a-month law demonstrated that the law was effective in reducing the number of crime guns traced to Virginia dealers. Virginia initially adopted its law in 1993 after the state became recognized as a primary source of crime guns recovered in states in the northeastern U.S. After the law's adoption, the odds of tracing a gun originally acquired in the Southeast to a Virginia gun dealer (as opposed to a dealer in a different southeastern state) dropped by 71% for guns recovered in New York, 72% for guns recovered in Massachusetts, and 66% for guns recovered in New Jersey, New York, Connecticut, Rhode Island and Massachusetts combined.⁷

¹ Douglas S. Weil & Rebecca C. Knox, *Effects of Limiting Handgun Purchases on Interstate Transfer of Firearms*, JAMA 1759, 1759-60 (1996).

² *Id.*

³ See, e.g., Bureau of Alcohol, Tobacco and Firearms, U.S. Department of the Treasury, *Youth Crime Gun Interdiction Initiative, Crime Gun Trace Reports (2000) National Report* 50 (July 2002); Bureau of Alcohol, Tobacco and Firearms, U.S. Department of the Treasury, *Youth Crime Gun Interdiction Initiative, Crime Gun Trace Reports (1999) National Report* 40 (Nov. 2000).

⁴ 18 U.S.C. § 923(g)(3)(A).

⁵ *Youth Crime Gun Interdiction Initiative, Crime Gun Trace Reports (1999) National Report*, *supra* note 3, at 40.

⁶ *Youth Crime Gun Interdiction Initiative, Crime Gun Trace Reports (2000) National Report*, *supra* note 3, at 50.

⁷ Douglas S. Weil & Rebecca Knox, *Evaluating the Impact of Virginia's One-Gun-A-Month Law*, The Center to Prevent Handgun Violence 1, 4-6 (Aug. 1995). As discussed below, in 2004 the Virginia legislature adopted measures backed by the National Rifle Association that significantly weakened the law by allowing concealed handgun permit holders and persons who purchase handguns through private sales to purchase more than one handgun per month. Va. Code Ann. § 18.2-308.2:2(P)(2).

Summary of Federal Law

Federal law does not limit the number of guns a person can buy in any given time period. Federal law does require FFLs to report multiple sales of handguns to ATF and other specified law enforcement agencies.⁸ The law enforcement agencies are not charged with any investigative duties regarding those sales, however. State and local law enforcement agencies are prohibited from disclosing reports of multiple sales (other than those involving prohibited purchasers) and must destroy such reports and related records within 20 days of receipt.⁹

SUMMARY OF STATE LAWS RESTRICTING MULTIPLE PURCHASES OR SALES OF FIREARMS

Three states, California, Maryland and Virginia, have enacted laws limiting firearm purchases or sales to one per month.¹⁰

States Restricting Multiple Purchases or Sales of Firearms

California	Cal. Penal Code §§ 12072(a)(9), (c)(6), 12071(b)(7)(F)
Maryland	Md. Code Ann., Pub. Safety § 5-128(a), (b)
Virginia	Va. Code Ann. § 18.2-308.2:2(P)

Description of State Laws Restricting Multiple Purchases or Sales of Firearms

1. *California:* California law prohibits any person from purchasing more than one handgun within any 30-day period. In addition, a licensed firearms dealer may not deliver a handgun to any person following notification from the California Department of Justice that the purchaser has applied to acquire a handgun within the preceding 30-day period. Finally, firearms dealers must conspicuously post in their licensed premises a warning, in block letters at least one inch in height, notifying purchasers of these restrictions.¹¹
2. *Maryland:* Maryland prohibits any person from purchasing more than one handgun or assault weapon within a 30-day period. Under limited circumstances, a person may be approved by the Secretary of the Maryland State Police to purchase multiple handguns or assault weapons in a 30-day period.
3. *Virginia:* It is generally unlawful for any person who is not a licensed firearms dealer to purchase more than one handgun within any 30-day period in Virginia. In 2004, exceptions were added for concealed weapon permit holders and any person purchasing a handgun in a private sale, thereby weakening the law significantly. Prospective purchasers who complete an “enhanced background check” and a special application to the Department of State Police, among other requirements, may also be permitted to make a multiple purchase. The applicant must list the number and type of handguns to be

⁸ 18 U.S.C. § 923(g)(3)(A).

⁹ 18 U.S.C. § 923(g)(3)(B).

¹⁰ South Carolina enacted a one-handgun-a-month law but repealed the provision in 2004, due in part to strong lobbying by the firearms industry and National Rifle Association.

¹¹ Because all firearm transfers must be conducted through licensed dealers in California, the restriction on multiple handgun sales necessarily also applies to private sellers.

purchased and the purpose for the purchase above the limit (including lawful business or personal use, as part of a collection, or as a bulk purchase from an estate sale). Applications must be signed under oath and require proof of residency and identity. Applicants satisfying these requirements are issued a nontransferable certificate, which is valid for seven days from the date of issue. The certificate must be surrendered to the dealer by the prospective purchaser prior to the transfer.

SUMMARY OF SELECTED¹² LOCAL LAWS RESTRICTING MULTIPLE PURCHASES OR SALES OF FIREARMS

Local Laws Restricting Multiple Purchases or Sales of Firearms

Los Angeles

Los Angeles, Cal., Code ch. V, art. 5, § 55.14

New York City

New York, N.Y. Admin. Code, § 10-302.1

Los Angeles: Los Angeles' ordinance provides that no person shall make application to a firearms dealer to purchase a handgun within 30 days of making a prior application for the purchase of a handgun within the State of California. It also prohibits firearms dealers from transferring the title of any handgun to any person whom the dealer knows has made application to purchase more than one handgun within the state within a 30-day period prior thereto.¹³

New York City: New York City limits sales of handguns, rifles and shotguns, prohibiting dealers from selling more than one handgun, rifle or shotgun to any one person as part of the same transaction. In addition, no dealer may sell a handgun, rifle or shotgun to a person if he or she knows or should know that the person has purchased a firearm within the prior 90 days. New York City also provides that no person may acquire more than one handgun in a 90-day period, and that no person may acquire more than one rifle or shotgun in a 90-day period.

¹² 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.](#)"

¹³ The Los Angeles ordinance was enacted in 1999. Later that year, the State of California adopted its one-handgun-a-month law, effective January 1, 2000.

FEATURES OF COMPREHENSIVE LAWS RESTRICTING MULTIPLE PURCHASES OR SALES OF FIREARMS

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.

- The restriction applies to both multiple purchases (*California, Maryland*) and sales (*California, New York City*) of specified classes of weapons
- The restriction on multiple sales applies to both licensed dealers and private sellers (*California*)
- The restriction applies to handguns (*California, Maryland*), and also may apply to other classes of weapons such as assault weapons and 50 caliber rifles, if they are not otherwise banned (*Maryland (assault weapons)*)
- The most frequently used approach is to restrict multiple purchases or sales to no more than one per person per month (*California, Maryland¹⁴*), but stricter limitations may be used (*New York City restricts sales of handguns, rifles and shotguns to no more than one per person every 90 days*)

¹⁴ Although Virginia also limits handgun purchases to one per month, recent amendments to the law weaken it significantly.