



Close the Charleston Loophole in Oregon (HB 2543)

Bottom Line: There is a gap in the law that allows people who are legally prohibited from having guns to buy them at licensed gun dealers without passing a criminal background check. This loophole allows thousands of guns every year to slip into the hands of violent criminals, domestic abusers, and other people who shouldn't have access to guns. As gun sales have skyrocketed during the COVID-19 pandemic, the risk posed by this deadly loophole is at an all-time high. It is critical that lawmakers act swiftly to pass this bill and close the Charleston loophole in Oregon.

- ❑ **Current law allows firearm sales to proceed once three business days have elapsed, even if the buyer's criminal background check is not yet complete.**
 - A gap in the current law allows gun sales to proceed if a background check is not completed within three business days.
 - In Oregon, approximately 97% of background checks are resolved within minutes. However, in 3% of cases, background check operators need more time to determine if a person can legally purchase a firearm.¹
 - Under the current law, these sales are allowed to proceed after three business days even if the result of a background check is not yet known.²
 - The loophole takes its name from the 2015 shooting of nine worshipers at Emanuel A.M.E. Church in Charleston, South Carolina, where the shooter, though legally prohibited from having a firearm, was able to buy the gun he used in the shooting because his background check was not completed within three business days.³
- ❑ **An unprecedented surge in background checks during the COVID-19 pandemic has exacerbated this deadly loophole.**
 - From March to November 2020, 30.3 million background checks were initiated across the country, a **43% increase** over the same period in 2019.⁴ In Oregon, the Firearm Instant Check System had nearly **100,000 more requests for background checks** in 2020 than in 2019.⁵
 - It is estimated that in 2020, more than **585,000 background checks** will have taken longer than three business days.⁶ Background checks that take longer than three business days are 4 times more likely to result in a denial.⁷
 - In 2020, **5,807** guns were flagged by the FBI as being transferred to prohibited purchasers, more than any other calendar year.⁸ And given that hundreds of thousands of records are required to be purged from the system after 90 days, this is likely a drastic undercount.
- ❑ **HB 2543 would make Oregon the 20th state to give law enforcement more than three business days to complete background checks on potential gun buyers.**
 - HB 2543 would close the Charleston loophole and prevent guns from being transferred to purchasers until the result of a background check is known.
 - Oregon would join at least 19 other states and D.C. who give background check operators additional time to complete background checks on potential gun buyers.⁹

¹ See Oregon Criminal Justice Information Services, Firearms Instant Check System, "Possible Background Check Results", <https://www.oregon.gov/osp/programs/cjis/pages/firearms-instant-check-system.aspx>.



² 18 USC §922(t)(1)(B)(ii).

³ Michael S. Schmidt, "Background Check Flaw Let Dylann Roof Buy Gun, FBI Says," *New York Times*, July 10, 2015, <https://nyti.ms/2VmlD0y>.

⁴ Everytown analysis of FBI, NICS Firearm Checks: Month/Year by State/Type, <https://bit.ly/3qgoRRG>. Hawaii excluded due to limited data reported to the FBI.

⁵ Everytown analysis of Oregon Firearm Instant Check System Dashboard, <https://www.oregon.gov/osp/Pages/firearmsdashboard.aspx>.

⁶ Everytown analysis of data received directly from the FBI via FOIA/PA and from the 2014–2019 NICS Operations Reports.

⁷ Eaton J. "FBI Never Completes Hundreds of Thousands of Gun Checks." *The Virgin Island Daily News*. (2019). <https://bit.ly/2Cit56Z>

⁸ U.S. Department Of Justice, Bureau of Alcohol, Tabaco, Firearms and Explosives, Letter, Dec. 18, 2020, <https://everytownresearch.org/documents/2021/02/2021-0075-final-response-packet-atf-everytown-redacted.pdf/>.

⁹ CA, CO, CT, DE, FL, HI, IL, MD, MA, MN, NJ, NY, NC, PA, RI, TN, UT, WA, WI.