

Everytown For Gun Safety/Moms Demand Action
Testimony in support of HB 2543
February 18, 2021

Chair Bynum, Vice Chairs Noble, Power and Committee Members,

Thank you for the opportunity to share written testimony in support of HB 2543. I am a retired Oregon educator, parent, and volunteer leader for Moms Demand Action for Gun Sense in America.

Under federal law, gun purchases may move forward by default after three business days—even if a background check has not been completed. While 90% of federal background checks are completed in minutes, those that take longer than 3 business days are 4 times as likely to be denied.

In 2015, the shooter of 9 worshippers at a church in Charleston, South Carolina was able to purchase a gun because of a dangerous loophole in the background check system. The shooter was legally prohibited from having a firearm, but was able to complete the purchase because his background check was not completed within 3 business days. This is known as the Charleston Loophole.

HB 2543 prohibits the transfer of a firearm by a gun dealer or unlicensed party if the Oregon State Police is unable to determine whether the recipient is qualified to receive a firearm, closing the Charleston Loophole. We have all seen the news reports of how the background check system has become overwhelmed amid the pandemic.¹¹ Here is a synopsis of the epidemic:

- Since the beginning of the background check system in 1994, over 381 million background checks have been conducted in the U.S.²
- The background check system has denied more than 3.5 million illegal gun sales over the past 26 years.³
- While millions of background checks are processed every year, the number of checks processed during the COVID-19 pandemic is record-breaking and has put unprecedented strain on the system, with 43 percent more checks being

¹Betsy Woodruff Swan, “Trump Justice Department Asks for More Resources to Enforce Gun Laws,” Politico, May 12, 2020, <https://politi.co/3fQju6E>.

² Federal Bureau of Investigation, NICS Firearm Checks: Month/Year, accessed December 2, 2020, <https://bit.ly/35ZF1qn>. Jennifer C. Karberg et al., “Background Checks for Firearm Transfers, 2015–Statistical Tables,” (US Department of Justice, Bureau of Justice Statistics, November 2017), <https://bit.ly/2uYfUVb>.

³ Karberg J., et al. “Background Checks for Firearm Transfers, 2015 – Statistical Tables”. US Department of Justice, Bureau of Justice Statistics. (2015). <https://goo.gl/SbaLbt>

processed between March and November 2020 compared to the same period in 2019.⁴

- By the end of 2020, it is estimated that nearly 600,000 checks will have taken longer than three business days. Because of the Charleston loophole, all sales that are delayed past this deadline may proceed, meaning an estimated 7,500 prohibited purchasers may have acquired guns in this fashion.⁵

Here in Oregon, the state legislature in 2015 passed legislation for ALL guns to have a background check including unlicensed sales. Just over 48,000 (48,486) illegal sales have been blocked by the system in Oregon from 1998 to 2019, out of the 5 million plus (5,038,391) checks conducted.⁶ Why are firearm sales blocked?

35% due to state prohibition
29% due to felony convictions
13% due to domestic abuse
8% are fugitives from justice
4% due to mental health adjudication
3% due to felony indictment

However, during the pandemic, our state's background check system has been overwhelmed by a record-breaking surge in gun sales. Background checks in Oregon have increased 54% between March and November 2020 compared to the same time period in 2019.

The Firearms Instant Check System (FICS) in Oregon cannot keep up with the surge in background checks. FICS recorded over 120,000 more checks in 2020 than in 2019 during the same time, with 2,565 denials.⁷ Eighty nine percent of these denials were because the purchaser was a person with a felony conviction or was otherwise prohibited from purchasing a gun.³ Firearm sales should not be permitted to move forward until a background check on the prospective purchaser has been completed. There is no law, however, that closes the Charleston Loophole in Oregon, and this must change. Nineteen states and Washington, D.C. give authorities longer than three business days to complete a background check. Oregon needs to follow their lead.

⁴ Everytown analysis of FBI, NICS Firearm Checks: Month/Year by State/Type, <https://bit.ly/3qgoRRG>

⁵ Everytown calculation using data received from the FBI via FOIA/PA and from the FBI's NICS Operations Reports. In an average year, 5.3 percent of checks that take longer than three business days and are resolved within 90 days result in an illegal sale.

⁶Everytown analysis of data received directly from the FBI via FOIA/PA and Karberg et al., "Background Checks for Firearm Transfers, 2015."

⁷ Everytown analysis of Oregon State Police, Firearm Instant Check System (FICS). Comparison of checks from 1/1/2019 to 12/31/2019 and 1/1/2020 to 12/31/2020,

Sincerely,
Debbie Lindgren