

Licensing Handgun Dealers

SB 3092 (Sponsored by Senator Harmon)

HB 5734 (Sponsored by Representative Graham)

What does it mean?

Handgun dealers in Illinois are not required to obtain a license from the state in order to do business here. While the state licenses many businesses, from manicure shops to liquor stores, to ensure that they comply with state laws and safeguard health and safety, handgun dealers are exempt from any state licensing requirement.

Although gun dealers are licensed by the federal government, federal oversight of dealers is inadequate.¹ While the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has found that federally licensed firearms dealers (FFLs) who violate federal laws are a major source of trafficked firearms,² ATF lacks the resources to conduct regular inspections of FFLs. FFLs' access to large numbers of firearms makes them a particular threat to public safety when they do not comply with the law.³

What would it *really* do?

Requiring handgun dealers to obtain a state license would treat them like many other categories of businesses that are licensed by the state. Under SB 3092 and HB 5734, licensed dealers would be required to undergo a background check to confirm they are eligible to possess firearms, document every handgun transfer, and submit records of each sale to the State Police.

State licensing of handgun dealers would implement common sense requirements that would ensure that dealers are complying with the law, and enable state police to inspect dealers and enforce the law against them if they fail to do so. It would also aid law enforcement in tracing weapons used in crimes.

What does the public think?

- 96% of Illinois voters support laws requiring handgun dealers to obtain a state license. To read more polling results from the 2007 Voter Survey on Gun Regulations, go to www.icpgv.org/icpgv_polling.html.
- A November 2008 Penn, Schoen, & Berland Associates, Inc. poll for the Brady Campaign to Prevent Gun Violence found that more than two thirds (68%) of voters nationwide support the licensing of gun owners and registration of gun sales. Of gun owners surveyed, 60% said that they would support such a measure.⁴
- 71% of Americans think that laws covering handgun sales should be stricter (CBS News/New York Times Poll, May 2000).⁵

What are the facts?

- According to the Bureau of Alcohol, Tobacco, Firearms and Explosives, as of October 19, 2006, there were 1,845 FFLs in Illinois.
- Of the 120 highest crime gun dealers in the U.S. between 1996 and 2000, 13 were Illinois dealers – the second highest concentration of any state in the U.S. Of these 13 dealers, only 2 had been inspected by ATF agents during the 1996-2000 period. Four of the 13 dealers had at least 500 crime gun traces, yet none of these were inspected by ATF during this period.⁶
- ATF conducted 4,581 FFL compliance inspections in FY 2002, or about 4.5% of the approximately 104,000 FFLs nationwide. At that rate it would take ATF more than 22 years to inspect all FFLs.⁷

Have Other States or Jurisdictions Enacted Similar Legislation?

Seventeen states and the District of Columbia license gun dealers. California, Hawaii, Massachusetts, New Jersey, Pennsylvania, Rhode Island, Washington and the District of Columbia license all firearms dealers. Alabama, Connecticut, Delaware, Georgia, Indiana, New Hampshire, South Carolina and Wisconsin license handgun dealers. Maryland and New York license sellers of handguns and assault weapons. Alabama, California, Connecticut, Maryland, Massachusetts, Michigan, New Jersey, New York, Oregon, Pennsylvania, and Washington all require the reporting of firearm sales to state and/or local law enforcement.⁸ In Illinois, Arlington Heights, Bensenville, Berwyn, Calumet City, Chicago, Chicago Ridge, Cicero, Cook County, Crest Hill, Des Plaines, Franklin Park, Glenwood, Hoffman Estates, Lockport, Norridge, Northbrook, Riverdale, Rolling Meadows, Schaumburg, Tinley Park and Wheaton require a local dealer's license to engage in the business of transferring firearms. Bolingbrook, Elmwood Park, Galesburg, Homewood, Melrose Park, Oak Park, Peoria, Posen, Rockford, Waukegan and Zion require a local dealer's license for any person engaged in the business of transferring handguns.⁹

Final Thought

Licensing handgun dealers will allow the state police to better protect community health and safety by ensuring that handgun sellers are complying with the law. Requiring dealers to report handgun transfers will help law enforcement officials trace ownership of weapons used in crimes.

For More Information on Licensing Handgun Dealers:

- Call **773-209-1002** or email **info@icpgv.org**.
- Sign up for email alerts for updates on legislation and facts at **www.icpgv.org**.

¹ Office of the Inspector General, Evaluation and Inspections Division, U.S. Department of Justice, *Inspections of Firearms Dealers by the Bureau of Alcohol, Tobacco, Firearms and Explosives* i (July 2004).

² Bureau of Alcohol, Tobacco and Firearms, U.S. Department of the Treasury, *Following the Gun: Enforcing Federal Laws Against Firearms Traffickers* ix (June 2000).

³ *Id.* at x.

⁴ Penn, Schoen, & Berland Associates, Inc., *Post-Election Analysis: Sensible gun laws builds bridges not burns them to moderates, McCain, and even gun owners in post-Heller world, November 18, 2008*, at www.bradycampaign.org/xshare/pdf/memo-11-18-08.pdf

⁵ Mike Dorning, *Happy To Bear Arms*, Chicago Tribune, May 23, 2000, at 12.

⁶ Americans for Gun Safety Foundation, *Selling Crime: High Crime Gun Stores Fuel Criminals* 1 (Jan. 2004)

⁷ *Inspection of Firearms Dealers by the Bureau of Alcohol, Tobacco, Firearms and Explosives*, *supra* note 1 at iii.

⁸ Legal Community Against Violence, *Regulating Guns in America: An Evaluation and Comparative Analysis of Federal, State and Selected Local Gun Laws*, 2008 Edition, at www.lcav.org/library/reports_analyses/RegGuns.entire.report.pdf

⁹ Legal Community Against Violence, Illinois Local Ordinance Summary, Dealer Regulations Section, at <http://www.lcav.org/states/illocalord.asp#DealerRegulationsPermitting>.