

Lowering the Minimum Age to Own and Buy Guns

SB 1840 (Sponsored by Senator Forby) – OPPOSE

What does it mean?

Illinois law requires a valid Firearm Owner Identification (FOID) card to acquire or possess firearms.¹ Currently in Illinois, the minimum age to apply for and be issued a FOID card is 21 years of age. Young adults, teens, and children under the age of 21 can apply and be issued a FOID card, but only with the written consent of their parents or guardian.²

SB 1840 would lower the age that a person may apply for and be issued a FOID card without the consent of a parent or legal guardian to 18 years of age. By lowering the FOID card age to 18, young adults ages 18-20 would be able to purchase handguns, rifles (including large capacity military-style assault weapons and rifles), and shotguns from unlicensed dealers (i.e., private sellers) without background checks. They would also be able to purchase rifles and shotguns from licensed gun dealers at gun stores and gun shows.

What would it *really* do?

The minimum age requirement of 21 years is intended to decrease youth access to firearms and decrease the number of suicides, homicides, and unintentional shootings of children and youth. SB 1840 will make it even easier for young adults with mental illness and youth involved in gangs to access guns.

Currently in Illinois, large capacity military assault weapons, rifles, and ammunition are not banned. Under SB 1840, young college students could legally purchase large capacity assault rifles and ammo while living in dorms, making it easier for them to engage in violent behavior on campus, including executing school shootings.

What are the facts?

- After unintentional injuries, the leading causes of death for Illinois youth ages 18 to 20 are homicide (92% committed with firearms) and suicide (28% committed with firearms).³ Making it easier for this age cohort to access guns will only increase gun violence among and death for young people.
- Studies suggest that the brain development of teenagers and young adults in their early twenties is far different than that of older adults, even those in their mid-twenties. That is in part why teens are more likely to engage in high-risk behavior and seek out emotional situations. The area of the brain that “puts a limit on risky, impulsive behavior” is not fully developed until the twenties. In fact, scientists believe that the brain is only truly mature at the age of 25.^{4, 5}
- Gun-owning college students have a greater propensity for engaging in risky, sometimes violent, behavior than non-gun owning students.⁶
- Signs of severe mental illness, including schizophrenia and bi-polar disorder, often do not appear until the late teens or early twenties.^{7, 8} By lowering the FOID card age, young adults with severe mental illness may be able to successfully apply for a FOID card and purchase a firearm before they have a mental health record that would come up in a background check.
- Offering young people easy access to firearms will likely lead to more college campus suicides.⁹

What are the current state and federal minimum age requirements?

Handguns

Under federal law, federally licensed firearm dealers (FFLs) are prohibited from selling or delivering handguns or handgun ammunition to any person the dealer knows or has reasonable cause to believe is under the age of 21.¹⁰ Unlicensed persons may not sell, deliver or otherwise transfer a handgun or handgun ammunition to any person the transferor knows or has reasonable cause to believe is under the age of 18.¹¹ In addition, Illinois prohibits any person under the age of 18 from possessing a concealable firearm and prohibits any person from knowingly selling a concealable firearm to any person under the age of 18.^{12, 13}

Long Guns

Federal law only prohibits licensed dealers from selling or delivering shotguns and rifles to individuals under the age of 18.¹⁴ In addition, federal law provides no age limitations for long gun possession or for the sale by an unlicensed person of a long gun or long gun ammunition. Current law in Illinois allows persons under the age of 18 to purchase or possess long guns if they have lawfully obtained a FOID card, which requires the consent of a parent or guardian.¹⁵

Do other states and jurisdictions require a minimum age of 21 for firearm sales and possession?

- Minimum age of 21 is imposed for all handgun sales, from licensed or unlicensed sellers: California, Delaware, Hawaii, Iowa, Maryland, Massachusetts, New Jersey, Ohio, Rhode Island, South Carolina, District of Columbia, Boston, and New York City.
- Minimum age of 21 is imposed for possession of handguns: Connecticut, Hawaii, Iowa, Maryland, Massachusetts, New Jersey, New York, South Carolina, District of Columbia, Boston, and New York City.
- Minimum age of 21 is imposed for all long gun sales: Hawaii, Massachusetts (large capacity rifles and shotguns), District of Columbia, Boston (short barreled shotguns and rifles), and New York City.¹⁶

For more info:

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

¹ 430 Ill. Comp. Stat. 65/2(a)(1),(2).

² 430 Ill. Comp. Stat. 65/4(a)(2)(i).

³ National Center for Injury Prevention and Control, U.S. Centers for Disease Control and Prevention, Web-based Injury Statistics Query and Reporting System (WISQARS) Leading Causes of Death Reports, 2006, <http://webappa.cdc.gov/sasweb/ncipc/leadcaus10.html>.

⁴ Claudia Wallis, "What makes teens tick." *Time*, 26 Sept 2008, <http://www.time.com/time/magazine/article/0,9171,994126,00.html>.

⁵ National Institute of Mental Health, "Teenage Brain: A work in progress." National Institute of Mental Health, 2001, <http://www.nimh.nih.gov/health/publications/teenage-brain-a-work-in-progress-fact-sheet/index.shtml>.

⁶ Matthew Miller, David Hemenway & Henry Wechsler, *Guns and Gun Threats at College*, 51 J. Am. Coll. Health 57, 63 (Sept. 2002) (study focused on gun ownership and gun threats on college or university campuses, regardless of whether those schools allowed firearms on campus).

⁷ National Institute of Mental Health, "Teenage Brain: A work in progress." National Institute of Mental Health, 2001, <http://www.nimh.nih.gov/health/publications/teenage-brain-a-work-in-progress-fact-sheet/index.shtml>.

⁸ National Institute of Mental Health, The Numbers Count: Mental Disorders in America, <http://www.nimh.nih.gov/health/publications/the-numbers-count-mental-disorders-in-america/index.shtml>.

⁹ Between 9% and 11% of college students seriously considered suicide in the previous school year according to American College Health Association, National College Health Assessment, Data Highlights, at http://www.achancha.org/data/PHYSMENTAL_3_all.html (providing data from Spring 2000 – Spring 2006). When a gun enters the picture, the suicide attempt becomes considerably more lethal, as over 90% of gun suicide attempts are fatal. Matthew Miller et al., Household Firearm Ownership and Rates of Suicide Across the 50 United States, 62 J. Trauma 1029, 1029 (Apr. 2007).

¹⁰ 18 U.S.C. 922(b)(1), (c)(1).

¹¹ 18 U.S.C. § 922(x)(1), (5).

¹² 720 Ill. Comp. Stat. 5/24-3.1(a)(1).

¹³ 720 Ill. Comp. Stat. 5/24-3(A)(a).

¹⁴ 18 U.S.C. 922(b)(1), (c)(1).

¹⁵ 430 Ill. Comp. Stat. 65/3(a), 65/4(a)(2)(i).

¹⁶ Legal Community Against Violence, *Regulating Guns in America: An Evaluation and Comparative Analysis of Federal, State and Selected Local Gun Laws*, 2008 Edition, https://lcav.org/publications-briefs/reports_analyses/regulating_guns.asp.