

Q&A on the News

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Q: President Barack Obama and others refer to closing gun show loopholes when folks purchase firearms. What loopholes are they referring to? I thought all purchases of guns, whether at a dealer or a gun show, required a background check?

—*Tom Hundley, Peachtree City*

A: People who make occasional sales, such as at a gun show, or personal sales, are not “engaged in the business” of selling firearms, and don’t need to have a Federal Firearms License, or FFL.

The occasional seller can’t be issued a FFL and isn’t subject to record-keeping requirements. They also aren’t required to contact the FBI’s National Instant Criminal Background Check System before making a sale.

“As defined in the statute, this means a regular, repetitive course of conduct with the principle objective of profit,” firearms law expert David B. Kopel told Q&A on the News in an email. “The definition expressly includes occasional sales, such as selling all or part of a collection.”

Kopel is an attorney, author and an associate policy analyst with the Cato Institute, a think tank in Washington.

“If (an occasional seller) started showing up at gun shows regularly, and engaging in repetitive purchases and profitable sales of firearms, then he would be ‘engaged in the business,’ and he would have to get a FFL,” Kopel wrote.

Some state laws are more restrictive than others, he wrote.