

Turning Gun Owners into Felons

A new bill would make it a crime to “transfer” your gun to a spouse for more than seven days.

By: Dave Kopel – April 5, 2013

Public-opinion polls about “universal background checks” for gun sales show widespread support. While President Obama and Mayor Bloomberg talk about “gun sales,” the actual legislation moving through Congress aims to regulate far more than sales. It would turn almost every gun owner into a felon. The trick is that the language under consideration applies not only to sales but also to “transfers,” which are defined to include innocent activities such as letting your spouse borrow your gun for a few hours.

Consider, for example, Senate bill S.649, which the Senate will soon take up for debate. The background-check portion of the bill, Charles Schumer’s “Fix Gun Checks Act,” is based on model language that the Bloomberg gun-control lobby is pushing all over the country.

To see how the Bloomberg bill makes felons of people who do not sell guns, consider a woman who buys a rifle when she is 25 years old. She keeps the rifle her entire life. Yet over her lifetime, she — like most gun owners — engages in dozens of firearms “transfers.” She brings the unloaded rifle to a friend’s house, for instance, because the friend is thinking of buying a gun and wants to learn more about guns. The friend handles the rifle for a few minutes before handing it back. Another time, the woman lends the gun to her niece, who takes it on a camping trip for the weekend.

While the woman is out of town on a business trip for two weeks, she gives the gun to her husband or her sister. If the woman lives on a farm, she allows all her relatives to take the rifle into the fields for pest and predator control — and sometimes, when friends are visiting, she takes them to a safe place on the farm where they spend an hour or two target shooting, passing her gun back and forth. At other times, she and her friends go target shooting in open spaces of land owned by the National Forest Service or the Bureau of Land Management.

Or perhaps the woman is in a same-sex civil union, and she allows her partner to take her gun to a target range one afternoon. Another time, she allows her cousin to borrow the gun for an afternoon of target shooting. If the woman is in the Army Reserve and she is called up for an overseas deployment, she gives the gun to her sister for temporary safekeeping.

One time, she learns that her neighbor is being threatened by an abusive ex-boyfriend, and she lets this woman borrow a gun for several days until she can buy her own gun. And if the woman becomes a firearms-safety instructor, she regularly teaches classes at office parks, in school buildings at nights and on weekends, at gun stores, and so on. Following the standard curriculum of gun-safety classes (such as NRA safety courses), the woman will bring some unloaded guns to the classroom, and under her supervision, students will learn the first steps in how to handle the guns, including how to load and

unload them (using dummy ammunition). During the class, the firearms will be “transferred” dozens of times, since students must practice how to hand a gun to someone else safely. As a Boy Scout den mother or 4-H leader, the woman may also transfer her gun to young people dozens of times while instructing them in gun safety.

Under S. 649, every one of the above activities would be a federal felony, subject to precisely the same punishment a person would receive if he had knowingly sold a firearm to a convicted violent felon. S. 649, like other Bloomberg-model bills, has a few exceptions to the ban on transfers, but none of them apply to the situations described above.

You can make a “bona fide gift” (but not a three-hour loan) to certain close family members, not including aunts, uncles, nieces, nephews, in-laws, or civil-union partners.

You can let someone else borrow your gun for up to seven days, but only within your home or its curtilage (e.g., the porch or deck).

You cannot lend your gun to someone on any open space you own. And even your husband can’t borrow your gun for more than seven days.

You can share a gun at a shooting range, but only if the shooting range is owned by a corporation — not if it’s on public lands or on your own property.

You can share a gun while out hunting in the field. But back at the hunting camp, you can’t clean someone else’s gun.

This is not “gun control” in the constitutionally legitimate sense: reasonable laws that protect public safety without interfering with the responsible ownership and use of firearms.