
Permit-to-Purchase Licensing for Handguns

Why Handgun Purchaser Licensing Laws are Necessary

Handgun purchaser licensing laws, also known as permit-to-purchase (PTP) laws, have been enacted in 10 states* and the District of Columbia. Permits or licenses to purchase handguns are issued after applicants apply with a state or local law enforcement agency, pass a background check, and, in some cases, show evidence of handgun safety training.

PTP laws address a glaring weakness in federal laws that are designed to prevent prohibited persons from accessing firearms. Federal law requires prospective firearm purchasers to pass a background check verifying that they meet all eligibility requirements *if* the seller is a federally licensed firearm dealer. But prohibited persons or anyone who does not want records linking themselves to a gun can acquire firearms from unlicensed private sellers who have no legal obligation to verify that the prospective purchaser can legally possess a firearm. In all states with PTP laws, both licensed and unlicensed firearm sellers can only legally sell a firearm to someone if they have a valid permit or license.

In addition to filling the void in background check requirements for handgun sales by private unlicensed sellers, PTP laws that require in-person applications at law enforcement agencies provide a mechanism to prevent fraud or inaccuracies that could allow criminals to obtain guns. Federal law gives licensed firearms dealers and their employees the responsibility of verifying the authenticity of their customers' government-issued identification cards and the accuracy of the information submitted for background checks. The General Accounting Office conducted a study to test the ability of licensed gun dealers to identify fake drivers' licenses in six states and did not find a single instance in which a dealer questioned authenticity of the fake IDs. They concluded that the soundness of the current system for screening prospective gun purchasers is questionable.¹ How well firearm dealers and their employees identify discrepancies between purchase applications and government-issued identification documents has not been tested. Requiring direct contact with law enforcement may deter straw purchases made on the behalf of a disqualified purchaser and, along with fingerprinting, ensures that the identity of the prospective purchaser is verified.

How Handgun Purchaser Licensing Laws Help Keep Guns Out of the Wrong Hands

States with PTP laws tend to have stricter standards for legal gun ownership than do states that don't license handgun purchasers. For example, among the 11 jurisdictions with PTP laws, nine set 21 as the minimum legal age for handgun purchase and nine prohibit firearm possession for convictions for crimes involving violence or guns. Of the remaining 40 states, only five set 21 as a minimum legal age for handgun purchase and 24 prohibit firearm possession for violent misdemeanors. Three states with PTP laws (MA, NJ, NY) also allow law enforcement to use their discretion to deny a license to an applicant if they believe doing so is in the interest of public safety (e.g., history of arrests for violent crimes but no disqualifying conviction).

* Nebraska issues PTPs, but a PTP is optional for sales by licensed gun dealers because these sales are contingent upon the purchaser passing a background check.

State	Issuing Agency	Agency Discretion to Deny a Permit	Method of Application	Fingerprints taken	Maximum Wait	Duration of Permit	Safety Training/Exam
Connecticut	Local Police Department	No	In-person	Yes	90 days	5 years	Yes
Hawaii	County Chief of Police	No	In-person	Yes	20 days	10 days	Yes
Illinois	State Police	No	Mail	No	30 days	10 years	No
Iowa	County Sheriff	No	In-person	No	3 days	1 year	No
Maryland	State Police Department	No	in-person [†]	Yes	30 days	10 years	Yes
Massachusetts	Municipal Police Department	Yes	In-person	Yes	40 days	10 days	Yes
Michigan	Local Police or Sheriff	No	In-person	No	None	10 days	Yes
New Jersey	Municipal Police Department	Yes	In-person	Yes	30-45 days	90 days	No
New York	both local and state police vet and issue permits	Yes	In-person	Yes	6 months	Varies by county [‡]	No
North Carolina	County Sheriff Department	No	Mail	No	30 days	5 years	No
District of Columbia	Metropolitan Police Department	No	In-person	Yes	60 days	3 years	Yes

Handgun Purchaser Licensing Prevents Guns from Being Diverted to Criminals

States with handgun purchaser licensing laws have lower rates of guns being diverted to criminals shortly after retail sale and lower rates of exporting guns to criminals in other states. A study of guns traced to crime in 53 cities found that the PTP laws allowing police discretion were associated with 64% lower risk of guns being diverted guns to criminals within the state compared to states without such laws.² Criminals in places with PTP laws who used guns typically acquired guns that originated from states with weaker laws.^{3,4} Another study found that PTP laws requiring fingerprinting of applicants were among the most effective state policies to reduce diversions of guns to criminals across state borders. PTP laws that gave law enforcement discretion in issuing permits were associated with 76% lower per capita rates of exporting guns to criminals, while PTP laws that did not allow discretion but still required fingerprinting of purchasers were associated with 45% lower rates of exporting guns to criminals in other states.⁵

Only one state PTP licensing law change has occurred since relatively good crime gun trace data have been available to allow researchers to systematically examine whether indicators of

[†] Applicants apply at state government certified vendors who take applicants' fingerprints.

[‡] 3 years in NYC; 5 years in Nassau, Suffolk and Westchester Co; until revoked elsewhere

diversion change with the laws. Missouri lawmakers repealed their state's PTP law effective August 28, 2007. As a result, handgun transfers involving unlicensed sellers no longer required a background check and handgun sales by licensed gun dealers no longer required a pre-sale trip by prospective purchasers to the local sheriff's office a PTP. After Missouri's PTP law was repealed, the share of guns recovered from criminals that moved swiftly from a retail sale to crime involvement doubled and the share of crime guns that originated from an in-state retail transaction doubled.³

Handgun Purchaser Licensing Linked to Lower Gun-Related Deaths

Johns Hopkins researchers published a study to estimate the effect of Missouri's repeal of its PTP law on murder rates. Firearm-related homicide rates increased abruptly following the law's repeal and were 25% higher in the first three years and four months post repeal than was the case during the prior nine years. This sharp increase in firearm homicide rates in Missouri was unusual because none of the states bordering Missouri nor the nation as a whole experienced significant increases in firearm homicide rates during that time period. Substantial increases in firearm homicides were observed in urban and suburban counties throughout the state. Statistical analyses controlled for a variety of factors that might account for the sharp increases in homicide rates (policing levels, incarceration rates, poverty, unemployment, and other changes in public policies). The law's repeal was associated with a 14% increase in Missouri's murder rates through 2012 (about 50 lives per year) and a 25% increase in firearm homicides through 2010. There were no changes in homicides committed by means other than firearms.⁶ Preliminary evidence from a study of trends in assaults against law enforcement officers across states found the repeal of Missouri's PTP law was associated with an increased risk of nonfatal shootings of police officers.⁷

States with PTP laws tend to have lower firearm-related death rates than states without these laws after controlling for demographic, economic and other differences across states.⁸ A recent study which examined changes in suicide rates in response to changes in state firearm policies found that PTP laws reduced suicide rates.⁹

Public Support for Laws Licensing Handgun Purchasers

Support for background checks for virtually all firearms sales is very wide – 90% overall and 82% among gun owners. A study conducted by Johns Hopkins researchers in January 2013 found that more than three-quarters of adults surveyed supported laws that require prospective firearm purchasers to acquire a license from local law enforcement and nearly 6 out of 10 gun owners supported this policy.¹⁰

Research Cited

¹ United State's General Accounting Office. Firearms Purchased From Federal Firearm Licensees Using Bogus Identification. Washington, DC, GAO-01-427NI, Mar 19, 2001.

² Webster DW, Vernick JS, Bulzacchelli MT. Effects of state-level firearm seller accountability policies on firearms trafficking. *Journal of Urban Health* 2009;86:525-537.

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- ³ Webster DW, Vernick JS, Hepburn LM. The relationship between licensing, registration and other state gun sales laws and the source state of crime guns. *Injury Prevention* 2001;7:184-189.
- ⁴ Pierce GL, Braga AA, Wintemute GJ. Impact of California firearms sales laws and dealer regulations on the illegal diversion of guns. *Injury Prevention* 2014 Dec 3. doi: 10.1136/injuryprev-2014-041413. [Epub ahead of print].
- ⁵ Webster DW, Vernick JS, McGinty EE, Alcorn T. “Preventing the Diversion of Guns to Criminals through Effective Firearm Sales Laws.” Pages 109-122 in *Reducing Gun Violence in America: Informing Policy with Evidence and Analysis*, Daniel W. Webster and Jon S. Vernick, Eds. Baltimore, MD: Johns Hopkins University Press, 2013.
- ⁶ Webster DW, Crifasi CK, Vernick JS. Effects of Missouri’s Repeal of Its Handgun Purchaser Licensing Law on Homicides. *Journal of Urban Health* 2014;91:293-302. Erratum: 2014; 91:598-601..
- ⁷ Crifasi CK. Assault of Law Enforcement Officers in the Line of Duty: Situational and Policy Contexts. Dissertation in fulfillment of the Ph.D. requirements of the Johns Hopkins University, Bloomberg School of Public Health, Baltimore, MD, August 2014.
- ⁸ Fleegler EW, Lee LK, Monuteaux MC, Hemenway D, Mannix R. Firearm legislation and firearm-related fatalities in the United States. *JAMA Intern Med.* 2013;173:732-40.
- ⁹ Andres AR, Hempstead K. 2011. Gun Control and Suicide: the impact of state firearm regulations in the United States, 1995-2004. *Health Policy* 101, 95-103.
- ¹⁰ Barry CL, McGinty EE, Vernick JS, Webster DW. After Newtown – public opinion on gun policy and mental illness. *New England Journal of Medicine* 2013;368:1077-1081.