

Everytown For Gun Safety/Moms Demand Action
Testimony in support of HB 2543 March 4, 2021

Chair Bynum, Vice Chairs Noble, Power and Committee Members,

Thank you for the opportunity to share written testimony in support of HB 2543. I am a retired Oregon educator, parent, and volunteer leader for Moms Demand Action for Gun Sense in America.

Under federal law, gun purchases may move forward by default after three business days—even if a background check has not been completed. While 90% of federal background checks are completed in minutes, those that take longer than 3 business days are 4 times as likely to be denied.

HB 2543 prohibits the transfer of a firearm by a gun dealer or unlicensed party if the Oregon State Police is unable to determine whether the recipient is qualified to receive a firearm, closing the Charleston Loophole. We have all seen the news reports of how the background check system has become overwhelmed amid the pandemic.¹

? While millions of background checks are processed every year, the number of checks processed during the COVID-19 pandemic is record-breaking and has put unprecedented strain on the system, with 43 percent more checks being processed between March and November 2020 compared to the same period in 2019.²

? By the end of 2020, it is estimated that nearly 600,000 checks will have taken longer than three business days. Because of the Charleston loophole, all sales that are delayed past this deadline may proceed, meaning an estimated 7,500 prohibited purchasers may have acquired guns in this fashion.³

Here in Oregon, the state legislature in 2015 passed legislation for ALL guns to have a background check, including unlicensed sales. Just over 48,000 (48,486) illegal sales have been blocked by the system in Oregon from 1998 to 2019, out of the 5 million plus (5,038,391) checks conducted.⁴ ? Why are firearm sales blocked?

35% due to state prohibition
29% due to felony convictions
13% due to domestic abuse
8% are fugitives from justice
4% due to mental health adjudication 3% due to felony indictment

However, during the pandemic, our state's background check system has been overwhelmed by record-breaking gun sales. Background checks in Oregon have increased 54% between March and November 2020 compared to the same time period in 2019.

The Firearms Instant Check System (FICS) in Oregon cannot keep up with the surge in background checks. FICS recorded over 120,000 more checks in 2020 than in 2019 during the same time, with 2,565 denials.⁵ ? Eighty-nine percent of these denials were because the purchaser was a person with a felony conviction or was otherwise prohibited.⁶ ? Firearm sales should not be permitted to move forward until a background check on the prospective purchaser has been completed. Nineteen states and Washington, D.C. give authorities longer than three business days to complete a background check. Oregon needs to follow their lead.

Sincerely, Debbie Lindgren

¹Betsy Woodruff Swan, "Trump Justice Department Asks for More Resources to Enforce Gun Laws," Politico, May 12, 2020, <https://politi.co/3fQju6E>.

²Everytown analysis of FBI, NICS Firearm Checks: Month/Year by State/Type, <https://bit.ly/3qgoRRG>

³Everytown calculation using data received from the FBI via FOIA/PA and from the FBI's NICS Operations Reports. In an average year, 5.3 percent of checks that take longer than three business days and are resolved within 90 days result in an illegal sale.

⁴Everytown analysis of data received directly from the FBI via FOIA/PA and Karberg et al., "Background Checks for Firearm Transfers, 2015."

⁵Everytown analysis of Oregon State Police, Firearm Instant Check System (FICS). Comparison of checks from 1/1/2019 to 12/31/2019 and 1/1/2020 to 12/31/2020,

⁶?<https://www.oregon.gov/osp/Pages/firearmsdashboard.aspx>