



Background Checks at Gun Shows

Current Law

Texas does not currently require background checks for firearms sold or traded at gun shows by private individuals or unlicensed vendors.

Problem

The background check loophole, aka “gun show loophole,” refers to the scenario that, barring any additional requirements, prohibited purchasers (including violent offenders) are able to avoid background checks at gun shows by purchasing guns from unlicensed sellers and private individuals. “Private individuals” is a loose term under the Firearm Owners Protection Act that includes any private seller who does not rely on gun sales as the primary means of income.

- Pursuant to the Brady Act, if a vendor is a federally licensed firearms dealer (FFL), they are required to perform a background check prior to completing the sale of the firearm.
 - However, unlicensed sellers (vendors and private individuals) are also permitted to sell firearms at gun shows. As an unlicensed seller, that individual or vendor is not required to keep records of sales, and is not required to perform background checks. Thus, an individual who would be prohibited from purchasing a gun under federal law, such as a felon or domestic abuser, is able to purchase a gun through an individual or unlicensed vendor.

It is estimated that 25-50% of gun show sales are from unlicensed or private individual sellers. The guns used in the Columbine High School, 101 California Street, and 2010 Pentagon shooting were all purchased at gun shows through this loophole.

Presently, a private seller can rent table space and carry a “private sale,” or other sign that indicates to purchasers that no paperwork, background check, or recordkeeping are required. Sometimes, individual sellers will simply walk around the grounds with a card,

allowing others to approach them, and simply perform a transaction without even the exchange of names.

Despite overwhelming public support for universal background checks, Texas does not currently require background checks for firearms sold or traded at gun shows by private individuals or unlicensed vendors.

Proposed Legislative Change

The Commission recommends state legislative action to close this loophole, requiring universal background checks for any and all firearm sales and/or transactions in the state.

House Bill 195 by Rep. Ron Reynolds (D-Missouri City) restricts the private transfer of firearms at gun shows by requiring every transaction to be conducted through a licensed dealer.