



H.R. 8 & S. 529

Bipartisan Background Checks Act of 2021 & Background Check Expansion Act of 2021

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The [Brady Background Check System](#) has successfully prevented millions of prohibited purchases since its implementation, saving countless lives. The background check system is the critical underpinning of all gun violence prevention laws and without this foundational measure, no other gun laws can properly function. However, because federal law only requires a background check for sales of guns by federally licensed firearms dealers (FFLs), [one in every five guns sales](#) is conducted *without* a background check and without any way to know if the purchaser is legally eligible to possess the firearm.

The [Bipartisan Background Checks Act of 2021](#) and [Background Check Expansion Act of 2021](#) would expand Brady Background Checks to cover, with limited and reasonable exceptions, all sales and transfers of firearms, including at gun shows, over the internet, classified ads, or other private transfers. It is past time to expand life-saving Brady Background Checks to every gun sale, and the public agrees: More than 90% of Americans [support universal background checks](#), including 87% of gun owners.

WHY ARE BACKGROUND CHECKS SO IMPORTANT?

Each year, more than 100,000 Americans are victims of gun violence, and more than [40,000 people are killed](#). By all accounts, the [Brady Background Check System](#) has been extremely successful since Jim and Sarah Brady led its passage in 1993, preventing more than [3.5 million prohibited gun transactions](#). In 2015 alone, [over 619 prohibited gun transactions](#) were prevented *every single day*.

In the years after the Brady Law was passed gun homicide rates were cut in half, [falling an astonishing 46%](#) from 1993 to 2001. All other gun-related crimes dropped substantially as well — assaults, robberies and sex crimes — [were 75% lower](#) in 2011 than in 1993. Without background checks it is almost impossible to keep guns out of the hands of prohibited individuals or to hold illegal gun dealers accountable. The negative implications are clear — [nearly all individuals](#) who are prohibited from owning firearms get them from sources that do not require background checks.



Twenty-two states and the District of Columbia have chosen to build upon the current system established by the Brady Law and have expanded background checks to at least some private sales. States that have expanded the scope of their background checks have seen impressive results, such as [lower rates of suicide](#) and about [half the rates of gun trafficking](#) in their cities.

WHAT DO H.R. 8 AND S. 529 DO?

These pieces of legislation will expand the Brady Background Check System to cover every gun transaction, including all private sales, subject to the narrow exceptions listed below.

Exceptions to the Background Check Requirements:

1. A law enforcement agency or officer, armed private security professional, or member of the armed forces, while acting within the scope of their employment and official duties;
2. A transfer between spouses, domestic partners, between parents and their children including step-parents and step-children, between siblings, between aunts or uncles and their nieces or nephews, or between grandparents and their grandchildren;
3. A transfer to an executor, administrator, trustee, or personal representative of an estate or a trust that occurs by operation of law upon the death of another person;
4. A temporary transfer that is necessary to prevent imminent death or great bodily harm, including self-harm;
5. A transfer approved by the U.S. Attorney General;
6. Temporary transfers in shooting ranges or while hunting, trapping, or fishing if there is no reason to believe the transferee will use the firearm in a crime; and
7. Temporary transfers where the transferee is in the presence of the transferor and there is no reason to believe the transferee will use it for illegal activity and is not prevented by state or federal law from possessing a firearm.