

PHOTOCOPY
PRESERVATION

SUMMARY OF THE BRADY LAW

Case -
Brady Law

TITLE I

The Brady Law went into effect on February 28, 1994. Here's how it works:

The Brady law establishes a national five business day waiting period and requires local law enforcement to conduct background checks on handgun purchasers. The waiting period applies only to handgun sales through licensed dealers.

Within one day of the proposed transfer, the dealer is required to provide information from the purchaser's statement to the chief law enforcement officer where the purchaser resides. The statement, (verified by some form of photo identification), must include the purchaser's name, address, date of birth, and the date the statement is made. Local law enforcement officials are required to make a reasonable effort in conducting a background check.

Unless law enforcement notifies the dealer that the sale would violate federal, state or local law, the sale may proceed five business days after the purchaser signs the statement.

Handgun transfers may take place in fewer than five days if the chief law enforcement officer or his/her designee notifies the dealer that the officer has no information indicating that receipt or possession of the handgun by the transferee would violate federal, state or local law. If the sale is denied, police must respond, within 20 business days, to any request for a written explanation.

Unless the sale is prohibited, the local law enforcement chief is required to destroy his/her copy of the statement and any other record of the transaction within 20 business days.

Creation of a nationwide "instant" criminal background check:

Five years after enactment, in December 1998, the five business day waiting period will be replaced by a national "instant" felon identification system to be used by dealers in screening all gun purchasers. \$200 million in Department of Justice assistance is authorized for the computerization of state criminal records and the linking of those records to the national system.

States exempted from waiting period:

The Brady law does not apply to handgun purchases where state law requires that an authorized government official has verified through a background check that the information available does not indicate that the sale would violate the law.

Individuals exempted from waiting period:

Should an individual require access to a handgun because of a threat to his/her life or the life of a member of his/her household, local law enforcement may waive the waiting period.

TITLE II

Requires that dealers notify state or local law enforcement of multiple sales of two or more pistols or revolvers in any five consecutive business days to an unlicensed person. Also requires that any state law enforcement agency destroy all records of the transaction within twenty days and must certify every six months that such records have been destroyed.

TITLE III

Prohibits common or contract carriers from requiring that an identifying tag or label be placed on any shipment that contains a firearm.

Requires that any common or contract carrier obtain written acknowledgment of receipt from the recipient of a package containing a firearm.

Makes theft of a firearm from a federal firearms licensee a federal crime punishable by a fine of up to \$10,000 and imprisonment up to ten years.

Increases fee for a gun dealer license to \$200 for 3 years, and renewal of the license to \$90 for 3 years.