

## **H.R. 8, “Bipartisan Background Checks Act of 2019,” Targets Gun Owners for Persecution**

Deceptively marketed to the public as a way to keep guns from dangerous people, H.R. 8 is instead a broadside against lawful firearm ownership in America, setting cruel traps for common and innocent firearm-related conduct.

- H.R. 8’s background check requirement applies not just to sales or changes of ownership but to temporary “transfers” of possession; the simple act of handing a firearm to another person could potentially trigger penalties of up to one year in prison and/or a \$100,000 fine under this bill.
- The breadth of the bill’s coverage is made clear by the extreme specificity of its exceptions:
  - There is no general exception for those living together in the same household unless a qualifying relationship exists; this ignores the reality of many modern families.
  - For example, transfers between parents and children are exempt, but not between children and guardians; couples who have children by previous relationships could not transfer to members of their own household who are not their blood or legally adopted children, even if they have raised them as their own kids.
  - Likewise, exemptions apply to transfers between aunts and uncles and nieces and nephews, but a person who assumes cousins are exempt could accidentally commit a crime.
- Innocent mistakes would not be an excuse under the bill; a person would not need to know they are violating the law to be prosecuted for a prohibited transfer, and a violation could occur even if the recipient is legally eligible to possess the firearm and obtained it for a lawful purpose.
- H.R. 8 discourages defensive firearm use.
  - Transferring a firearm to another during a life-threatening emergency could still be a crime under this bill if a federal prosecutor or judge later determined the transfer occurred too soon or the possession lasted too long or it wasn’t “*immediately necessary to prevent ... imminent death or great bodily harm.*”
- Many common, harmless, or even necessary transfers are not exempt, including:
  - Transferring a firearm to a common carrier for shipping or transport.
  - A suicidal person asking a trusted friend to take possession of his guns.
  - A farmer who lends a neighbor a gun for pest control or to euthanize an injured animal.
  - An injured victim of a car accident who asks an EMT to safeguard the gun in his vehicle.
  - A civilian government employee posted overseas who gives her guns to a coworker for safekeeping until she returns.
  - A friend who offers a gun to a domestic violence victim because the victim’s abuser is being released from prison.
  - A person donating historically significant firearms to a museum for public exhibition.
  - A person who trades one firearm for another firearm.
  - A person who loans his cousin a shotgun after a burglar broke down the door to the cousin’s house.
- Private transfers would have to be processed by federal firearm licensees who could charge high fees or refuse to participate altogether; even people who wanted to rid their households of firearms could be hampered from doing so by this bill if they lacked access to a participating FFL.
- H.R. 8 throws into doubt the continued legality of transactions between curio and relic collectors, a type of federal firearm licensee that is excluded from the bill’s language.