

Shooters Committee on Political Education

Position Paper



Restrictions, background checking and record keeping requirements for the retail sale of ammunition.

PURPOSE

There does not appear to be a clear purpose for these requirements other than some faint hope that it will prevent “agents of a criminal enterprise” from acquiring stocks of ammunition. Restrictions and record keeping requirements would serve no useful purpose. Felons are not likely to be deterred from obtaining ammunition. They will use their normal methods of theft and guile and, if all else fails, go out of state.

POSITION

The registration of ammunition sales has been tried on a nationwide basis and has been found wanting. It provides no deterrent to the criminal classes and does not provide even exploratory leads to assist in the investigation of firearms incidents. It merely adds costs that are ultimately paid by the consumer with utterly no economic or social benefit.

Since the proponents of this type of legislation have not been able to achieve their fundamental goal of banning all private firearms, they strive to make it as difficult as possible for those who wish to own firearms to enjoy their use.

This is “dĕjà vous all over again”. The registration of ammunition sales has been tried on a national basis and rejected.

Registration of ammunitions sales was instituted by the Gun Control Act of 1968 (GCA68). Record keeping for rifle and shotgun ammunition was repealed in December 1969. All record keeping requirements for retail ammunition sales were eliminated with the passage of the Firearm Owners Protection Act of 1986. The record keeping requirement was determined to have served no useful purpose in keeping ammunition out of the hands of ineligible persons or in providing information to investigators dealing with firearms incidents. There is no reason to believe that this has changed.

Federal law does not permit the use of the National Instant Check System (NICS) to conduct background checks for the sale of ammunition.

Federal law and the regulations implementing it restrict the use of the NICS by retailer dealers to transactions involving the transfer of firearms.¹ The system has neither the capacity to handle the volume nor is it structured to support non-firearms related activity. It was specifically architected and is managed to prevent improper use.

In addition, ammunition is sold by many retailers that are not firearms dealers and thus have no access to the NICS in any case. This is particularly true in rural areas where general stores, convenience stores, etc. sell sporting ammunition as a convenience to their customers.

¹ 28 CFR §25.6(a) and 28 CFR §25.6(j)(1).

Current federal law provides adequate restrictions on the sale of ammunition.

Federal law establishes a minimum age of 18 for any purchase of ammunition and a minimum age of 21 for the purchase of ammunition for firearms “other than rifles or shotguns”² Purchasers are also required, under federal law, to meet the same requirements as those requisite for the purchasers of firearms.³

Further restrictions and record keeping requirements at the state level would serve no useful purpose. Felons are not likely to be deterred from obtaining ammunition. They will use their normal methods of theft and guile and, if all else fails, go out of state. Extensive record keeping will provide no investigative assistance because, as stated above, felons don’t shop at retail dealers. If a statewide registration system were to be implemented, the size of the database would be so massive as to preclude any query from producing a response of manageable size.

Reporting of ammunition sales to the State is of no value.

The establishment of databases compounds the folly by adding expense with no benefit to anyone to the state budget at a time of severe financial stress.

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It provides no deterrent to the criminal classes and does not provide even exploratory leads to assist in the investigation of firearms incidents. It merely adds costs that are ultimately paid by the consumer with utterly no economic or social benefit.

² 18 U.S.C. § 922(b)(1)

³ 18 U.S.C. § 922(d)