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**NRA & NEW MEXICO SHOOTING SPORTS ASSOCIATION OPPOSE SB 427 & HB 100**

**MYTH: SB 427 & HB 100 Will Provide for More Thorough Background Checks**

**A background check is already required prior to any firearm purchase in New Mexico.** HB 100 prohibits the transfer of a gun by a federal firearm licensed dealer (FFL) to the buyer earlier than 14 calendar days after the submission of the federal instant background check. 90% of the firearm background checks conducted by FBI are INSTANT, resulting in an immediate PROCEED response to the FFL conducting the sale, *based on the data in the National Instant Check System (NICS) at the point of submission of the check.* FBI doesn’t initiate a second check two weeks later to search for any updated crime record data in NICS. **HB 100 will simply postpone any and all gun sales for two weeks, adding no enhanced, expanded or improved federal background check on the buyer.**

In the case of a DELAY response from FBI on a federal firearm background check, federal law prohibits an FFL from transferring a firearm for 3 full business days (so up to 5 calendar days) while FBI can continue the check for up to 90 days, irrespective of any state waiting period. In line with federal law, individual FFLs establish policies about whether to complete the transfer after that period. If the FFL lawfully transfers a firearm after 3 business days expire, and NICS later determines that the transaction should have been denied, NICS notifies the FFL and contacts ATF to handle the case as a firearm retrieval referral. In 2019, just over 10 percent of all transactions were DELAYED. Over 99 percent of the DELAYED transactions were resolved, with the vast majority being resolved during the first 3 business days. Firearm retrieval referrals represented just 0.01% of NICS checks that year. **HB 100, however, applies to ALL firearms sales, not just cases where there is a DELAY response.**

**MYTH: SB 427 & HB 100 Will Provide a “Cooling Off” Period for Gun Buyers**

You must be at least 21 years of age to purchase a handgun and at least 18 to purchase a rifle or a shotgun. **As part of the Bipartisan Safer Communities Act of 2022, Congress has already instituted a 3-10 day federal waiting period for 18-20-year-olds purchasing firearms.** During this period, the FBI is tasked with conducting a so-called “enhanced” background check on the prospective purchaser. This includes an examination of state juvenile records and contacting local law enforcement in the jurisdiction in which the purchaser resides. No data is available to show whether this will have an impact on suicides or firearm-related crime by this age group.

**Two-thirds of gun owners own more than one firearm, so a “cooling-off” period for these people could not possibly have an effect as they already own other firearms.** Anecdotal evidence about a person who purchases a firearm and then immediately uses it to harm themselves or somebody else is just that: anecdotal. There is no scientific evidence that waiting periods have an effect on suicide, homicide, or mass shootings. And **according to ATF, the average time-to-crime for firearms traced by the agency is nearly nine years**, so the idea that guns are often used in crimes of passion or impulsive actions right after purchase is not supported by anything other than anecdotal evidence.