

# PERMIT TO PURCHASE – TAXATION OF FUNDAMENTAL RIGHTS

The Second Amendment, a fundamental right, is being placed behind a paywall in some highly restrictive states via Permits to Purchase. To purchase a firearm, and sometimes commercially available ammunition, a citizen would have to pay the state of their current residence for a license. For example, in New Jersey, all handgun purchases must be accompanied with a permit to purchase and rifles or shotguns require a Firearms Purchaser Identification Card. The potential licensee is commonly required to pay a fee, for example, as much as \$100 in Massachusetts to legally purchase or possess a rifle or shotgun per the Firearms Identification Card (FID) requirements. Handguns in Massachusetts require a License to Carry Firearms (LTC) to lawfully purchase or possess a handgun, which will cost another \$100.<sup>i</sup> Furthermore, some states demand licensees must pass a written exam or demonstrative testing to be eligible for a permit. Even after these bureaucratic steps are completed, it could still take months to receive approval. To make matters worse, most of the current permit regulations have an expiration period. This forces firearm owners to go through the process all over

- The practice of charging mandatory fees to exercise a fundamental right has discriminatory roots.
- “Considering this evidence and an evaluation of the studies’ strengths, we find inconclusive evidence for the effect of licensing and permitting requirements on total homicides and firearm homicides.” (RAND Corporation)
- The permit process is irrelevant since all purchases from a firearms retailer must go through an FBI background check.

again, paying the fees and waiting, in order to exercise their Second Amendment Rights.

## BURDENSOME DISCRIMINATION

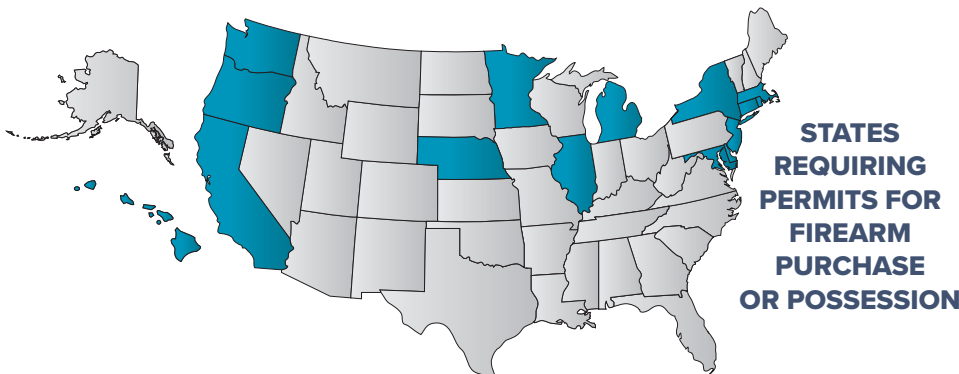
The practice of charging mandatory fees to exercise a fundamental right has discriminatory roots. The practice of poll taxation in some states was a deliberate means to keep certain marginalized Americans from voting in federal elections. Thankfully, justice prevailed and the 24th Amendment was ratified to the United States Constitution, prohibiting any poll tax in elections for federal officials. Permits to purchase are a modern-day poll tax. Gun control hubs like California, Connecticut, Delaware, District of Columbia, Hawaii, Illinois, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New Jersey, New York, Oregon, Rhode Island, Washington all proudly mandate permits to purchase; thereby,

restricting Americans’ freedoms under the Second Amendment by creating these unnecessary costs and hurdles to firearm ownership.

Permits to Purchase do not only tax the individual, they also burden the FBI’s National Instant Criminal Background Check System (NICS). NICS is the background check system all Federal Firearms License (FFL) holders contact for authorization before selling a firearm. This is the same system that is used to verify if a person can obtain a Permit to Purchase and complete a firearm transfer at the point of sale. This double verification is redundant and burdens an already strained system, which routinely handles record numbers of background checks every year. In 2024, NICS handled a total of 28,097,205 background checks according to the latest FBI publications.<sup>ii</sup> This figure could see some reprieve if states eased their discriminatory burdens of firearm ownership by moving to a single verification process at the point of sale.

## OFFERS NO BENEFITS

Permit to Purchase regulations have no measurable impact on reducing violent crime or restricting access



to firearms by prohibited persons. The federally required background check is already completed before the point of sale by an FFL. An evaluation conducted by the RAND Corporation proves that Permits to Purchase are ineffective: through the analysis of seven qualifying studies examining the effects of Permit to Purchase laws on total and firearm homicides, they drew this conclusion: “Considering

this evidence and an evaluation of the studies’ strengths, we find inconclusive evidence for the effect of licensing and permitting requirements on total homicides and firearm homicides.”<sup>iii</sup>

For these reasons, states like North Carolina have recently eliminated these Jim Crow-era laws. In 2023 the State legislature overturned then Governor Roy Cooper’s veto of

Senate Bill 41 which was backed by North Carolina’s Sherriff Association. Streamlining lawful purchases of firearms in the Tar Heel state.<sup>v</sup>

Ultimately, what Permit to Purchase requirements do is deter current and future firearm owners from exercising their Second Amendment rights and participate in the longstanding tradition of hunting and shooting sports.

State	Type of Firearms	Type of License	Safety Training or Exam Requirement	Duration	Law
California	All firearms	Firearms Safety Certificate	Yes	5 years	Cal. Penal Code §§ 16370, 16670, 26840-26859, 31610-31700
Connecticut	All firearms	Permit to purchase	Yes	5 years	Conn. Gen. Stat. §§ 29-33, 29-36f – 29-36i, 29-37a, 29-38g –29-38j.
Delaware	Handguns	Permit to purchase	Yes	2 years	Del. Code Ann. tit. 11, §§ 1448A, 1448B, 1448D.
District of Columbia	All firearms	Registration	Yes	So long as eligible	D. C. Code Ann. §§ 7-2502.01 – 7-2502.10; D.C. Mun. Regs. tit. 24, D.C. Mun.Reg.s. tit. 24, §§ 2311 – 2320.
Hawaii	All firearms	Permit to purchase	Yes (handguns)/ No (long guns)	10 days / 1 Year	Haw. Rev. Stat. Ann. §§ 134-2, 134-13.
Illinois	All firearms	License to own	No	10 years	430 Ill. Comp. Stat. 65/1 – 65/15a.
Maryland	Handguns	Permit to purchase	Yes	10 years	Md. Code Ann. Pub. Safety § 5-1171. 2013 Md. SB 281 (Approved by the Governor May 16, 2013)
Massachusetts	All firearms and ammunition devices	License to own / Permit to purchase (handguns only)	Yes	6 years/ 10 days	Mass. Gen. Laws ch. 140, §§ 121, 121F, 129B, 131, 131A, 131P.
Michigan	All firearms	Permit to purchase 21- endnote	No	30 days	Mich. Comp. Laws §§ 28.422, 28.422a.
Minnesota	Handguns and assault weapons from private sellers	Permit to purchase	No	1 year	Minn. Stat. § 624.7134, subds. 2 and 3.
Nebraska	Handguns	Permit to purchase	No	3 years	Neb. Rev. Stat. Ann. §§ 69-2404, 69-2407, 69-2409.
New Jersey	All firearms	Permit to purchase	Yes	So long as eligible (long guns) 90 days (handguns)	N.J. Stat. Ann. § 2C:58-3.
New York	Handguns and semiautomatic rifles	License to purchase and own	No	5 years	N.Y. Penal Law §§ 400.00 – 400.01.
Oregon	All firearms	Permit to purchase	Yes	5 years	2022 OR Ballot Measure 114; Section 4.
Rhode Island	Handguns	Permit to purchase	Yes	Unspecified	R. I. Gen. Laws §§ 11-47-35 – 11-47-35.1.
Washington	Semi-automatic rifles	Firearms safety certification	Yes	5 years	Rev. Code Wash. (ARCW) § 9.41.090(2).

i <https://www.mass.gov/info-details/gun-ownership-in-massachusetts#firearms-license-class-categories->

ii <https://www.fbi.gov/how-we-can-help-you/more-fbi-services-and-information/nics>

iii Smart, R. (2020, April 22). Effects of Licensing and Permitting Requirements on Violent Crime. Retrieved January 19, 2021, from <https://www.rand.org/research/gun-policy/analysis/license-to-own/violent-crime.html>

iv The Effects of Licensing and Permitting Requirements. (2020, April 22). RAND Corporation. <https://www.rand.org/research/gun-policy/analysis/license-to-own.html>

v <https://www.nssf.org/articles/n-c-legislature-overrides-veto-abolishes-104-year-old-jim-crow-pistol-permit-law/>