

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.ⁱ 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

- 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.

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 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, Massachusetts, New Jersey, New York, Rhode Island, and Illinois 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 2020, NICS handled a total of 39,695,315 background checks according to the latest FBI publications.ⁱⁱ This figure

**STATES REQUIRING PERMITS FOR
FIREARM PURCHASE OR POSSESSION**



Source: <https://www.rand.org/research/gun-policy/analysis/license-to-own.html>

continued →

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.”ⁱⁱⁱ

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.

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

ii https://www.fbi.gov/file-repository/nics_firearm_checks_-_month_year.pdf/view

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>