

Firearms Legislation

Significant legislation related to firearms



A Brief prepared by the UConn ARMS Center

The National Firearms Act of 1934 (NFA)

The NFA was the first major piece of federal legislation regulating the sale and possession of firearms, enacted in 1934 as part of the Internal Revenue Code. Through a taxation and registration system, the law imposed a federal tax on the manufacture, transfer, and possession of certain enumerated weapons deemed to be “particularly dangerous” including short-barrel shotguns and rifles, machine guns, firearm mufflers, and silencers. The law has been amended and revised, currently imposing a tax and registration requirements on a limited number of firearms.

The Federal Firearms Act of 1938

The Act required gun manufacturers, importers, and dealers to obtain a federal firearms license; defined a group of people who could not purchase guns; and mandated that sellers of firearms keep customer records. The Act was repealed in 1968 by the Gun Control Act (GCA), but many of its provisions are included in the GCA.

The Gun Control Act of 1968 (GCA)

In the wake of the assassinations of President John F. Kennedy, Attorney General and U.S. Senator Robert F. Kennedy and Dr. Martin Luther King, Jr., Congress passed the Gun Control Act of 1968 (GCA). The GCA repealed and replaced provisions of the FFA and amended the NFA, including expanding the definition of “machine gun.” The bill also banned importing guns that have “no sporting purpose;” imposed age restrictions for the purchase of handguns; prohibited felons, the mentally ill, and others from purchasing guns; and required all manufactured or imported guns to have a serial number.

The GCA also generally prohibits the possession of firearms by, and sale to, a person who is under indictment or has been convicted of certain crimes; is a fugitive; is an unlawful user of certain controlled substances; is underage; has been adjudicated mentally unfit as a result of mental condition or illness; has been involuntarily committed to a mental health or substance abuse treatment facility; is unlawfully in the US; has been dishonorably discharged; or has renounced their US citizenship. The prohibition also extends to persons who are subject to an active court order restraining them from harassing, stalking, or threatening an intimate partner, their child, or a child of a partner, or from engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child.

The Lautenberg Amendment

Federal law prohibits purchase and possession of firearms and ammunition by people who have been convicted in any court of a “misdemeanor crime of domestic violence,” and/or who are subject to certain domestic violence protective orders. In 1996, the federal prohibition that applies to domestic violence misdemeanants was adopted; it defines a “misdemeanor crime of domestic violence” as an offense that is a federal, state, or tribal law misdemeanor and has the use or attempted use of physical force or threatened use of a deadly weapon as an element.

The Firearm Owners’ Protection Act of 1986

Passed by Congress in 1986, the law mainly enacted protections for gun owners. It prohibited a national registry of dealer records, limited inspections by the ATF, amended the definition of “engaging in the business” of selling firearms, allowed licensed dealers to sell firearms at “gun shows” in their state, and loosened regulations on the sale and transfer of ammunition. The bill included some gun control measures, including prohibiting civilian ownership or transfer of machine guns and redefining silencer to include parts intended to make silencers.

The Brady Handgun Violence Prevention Act of 1993

Named after White House press secretary James Brady, who was injured by a firearm during an attempt to assassinate President Ronald Reagan. The law amends the GCA and requires that background checks be complete before a gun is purchased from a licensed dealer, manufacturer, or importer. The bill established the National Instant Criminal Background Check System (NICS).

The Federal Assault Weapons Ban of 1994

The Federal Assault Weapons Ban was included as part of the Violent Crime Control and Law Enforcement Act, in a subsection titled Public Safety and Recreational Firearms Use Protection Act. It placed a temporary prohibition on the ability to “manufacture, transfer, or possess a semiautomatic assault weapon,” unless it was “lawfully possessed under Federal law on the date of the enactment of this subsection.” During the ban, in effect from September 1994 to September 2004, nineteen military-style or “copy-cat” assault weapons could not be manufactured or sold. Numerous attempts to renew the ban have failed.

The Tiahrt Amendments

In response to lawsuits against the gun industry to change sales practices, Congress passed the Tiahrt Amendments, which prohibits the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) from releasing firearm trace data for use by cities, states, researchers, litigants and members of the public; requires the Federal Bureau of Investigation to destroy all approved gun purchaser records within 24 hours; and prohibits the ATF from requiring gun dealers to submit their inventories to law enforcement.

The Protection of Lawful Commerce in Arms Act (PLCAA)

The Protection of Lawful Commerce in Arms Act, or PLCAA, was signed into law in 2005 and provided the gun industry broad protection from civil liability. The law prevents gun manufacturers from being named in federal or state civil suits by those who were victims of crimes involving guns made by that company. The bill also required the dismissal of lawsuits that had been ongoing once the law was enacted.

The Dickey Amendment

Passed by Congress in 1996, the Dickey Amendment mandates that “none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention (CDC) may be used to advocate or promote gun control.”

Child Safety Lock Act (CLSA)

Adopted as part of the PLCAA, the Child Safety Lock Act requires any licensed importer, licensed manufacturer, or licensed dealer to provide a secure gun storage or safety device when selling, delivering, or transferring a handgun to any person other than another licensee. Additionally, the CLSA also immunized any person who possesses or controls a handgun and who uses a secure gun storage or safety device with the handgun, from a “qualified civil liability action.”

National Instant Criminal Background Check System (NICS) Improvement Amendments Act

In 2007, the NICS was amended to offer incentives to states that provide information relevant to whether a person is prohibited from possessing firearms; changed the standard for persons deemed to be “adjudicated as a mental defective” or “committed to a mental institution” by a federal agency or department; and authorized the Attorney General to make grants to states for use in establishing and upgrading the states’ ability to report information.

The Bipartisan Safer Communities Act

Enacted in 2022, the Act created a new fund to support state crisis intervention orders and allocated funding for community-based violence prevention initiatives; expanded protections for victims of domestic violence; amended the definition of “federally licensed firearms dealer” to clarify which sellers need to register, conduct background checks, and keep appropriate records; updated the review process for buyers under 21 years of age, requiring an investigative period to review juvenile and mental health records; created new federal offenses for straw purchasing and trafficking. The legislation also provides expanded support for mental health services and increased funding for supportive services in schools.