

## Department of Public Safety Licensing Bureau (Report Highlights)

May 2001

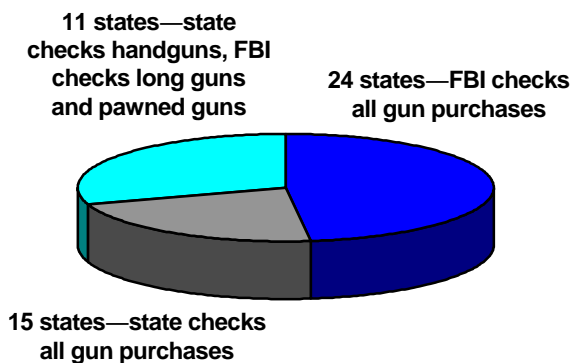
The Licensing Bureau determines whether an individual is eligible to purchase a firearm, regulates security guards and private investigators, and issues permits for individuals to carry concealed weapons in Arizona.

**Our Conclusion:** The Legislature should consider transferring the firearms clearance function to the FBI. However, if that function is not transferred, DPS needs to improve it to ensure that only eligible individuals can buy guns. DPS also needs to improve practices related to regulating security guards and private investigators. The report also presents information on the State's concealed weapon permit program.

### Firearms Clearance—\$650,000 Savings if FBI Conducts Background Checks

Arizona has chosen to check all gun purchases. It is estimated that this service will cost the State about \$650,000 in fiscal year 2001.

Under federal law, before a firearms dealer can sell a gun to any person, the person must undergo a criminal background check. These checks can be done by either the states or the FBI. In many states, the FBI does all or part of the checks.



### Reasons persons may not purchase guns:

- Indicted for or convicted of a felony;
- Fugitive from justice;
- Convicted of domestic violence;
- Illegal drug use;
- Subject to court restraining order;
- Illegal alien

**DPS offers no significant benefits over the FBI**—It may make sense for a state to do the background checks if it has:

- More restrictive gun laws than the Brady Act;
- Access to information not available to the FBI.

Neither of these reasons appear to be important factors in Arizona, although DPS is hoping for future access to additional records (such as mental health records) that would not be available to the FBI.

**DPS could charge fee**—If DPS continues to do background checks it should charge a fee. While the FBI checks are free, most states charge fees:

- 20 of 26 states doing checks charge fees.
- Fees typically range from \$5 to \$15.
- A \$5 fee would recover 98% of DPS' costs.

**The Legislature should:**

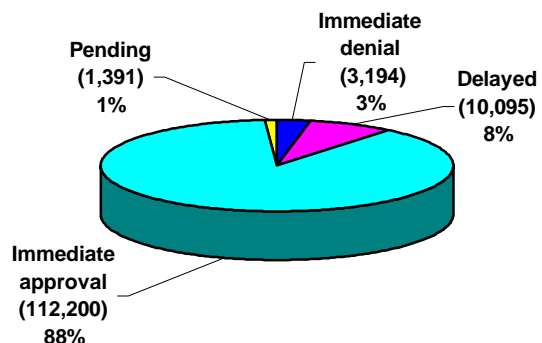
- ✓ Consider transferring background checks to the FBI.
- ✓ If DPS continues with background checks, provide DPS with authority to collect a fee to cover its costs.

**Firearms Clearance—DPS Should Ensure That Only Qualified Individuals Buy Guns**

If DPS continues this program, changes are needed. Under the current process, DPS has only three business days to provide background checks.

- About 91% of all checks result in immediate approval or denial.
- About 8% of all checks require further research. This often occurs when a person was arrested, but there is no record of a conviction.

**Results of Initial Firearm Background Check  
Year Ended December 31, 2000**



If DPS does not complete its research in three days, the gun dealer may sell the person the firearm. In calendar year 2000, DPS could not complete its research within the time limit for over 5,000 cases.

**Higher-risk individuals**—Those persons whose background requires more research have a high risk of being ineligible.

- FBI data shows persons requiring more research are 20 times more likely to be ineligible.
- For October 2000, our review found that more than one-third of these persons had been arrested or charged with serious disqualifying offenses such as:

- Sexual assault;
- Child abuse
- Arson
- Robbery
- Aggravated assault
- Conspiracy to commit murder



**Research inadequate**—Doing additional research on gun buyers has been a low priority for DPS.

- Unlike other states, until recently DPS had no staff specifically assigned to do research;
- DPS' policy requires only one attempt to obtain additional information.

- Unlike the FBI, DPS usually did not begin its research until the next day or later.

**DPS needs more research time**—Several other states with background check processes similar to Arizona's take much stronger positions on purchases that need more research. For example:

- California will not authorize a purchase until the research is completed, no matter how long it takes.
- Colorado may deny a purchase if research cannot be completed in 3 days.
- Washington can take up to 30 days to complete the research.

  
*FBI data shows a 30-day research period would affect only 2% of all gun buyers.*  


#### DPS should:

- ✓ Seek legislative authority delaying gun purchases up to 30 days.
- ✓ Continue to allocate staff specifically for doing research.
- ✓ Begin research more quickly.

#### Private Investigators and Security Guards—Application Process Is Inefficient

DPS uses an inefficient licensing process. Instead of allowing applications to be mailed in, DPS requires applicants to apply in person. DPS staff spend approximately 15 to 20 minutes with each of the 12,000 applicants reviewing their applications for completeness.

DPS should accept applications by mail and make applicants responsible for seeing that their

applications are complete. The efficiencies of a mail-in process could:

- Potentially eliminate the need for five additional FTE requested by DPS.
- Save applicants' time and travel costs.

#### DPS should:

- ✓ Change to a mail-in process for security guard and private investigator employees.

#### Security Guards—DPS Could Improve Regulation

DPS certifies security guards in the belief that unlicensed persons are a potential threat to public safety. However, applicants can receive a provisional certificate before they are either

- Trained or
- Have a background check

In addition, unlike other states, DPS does not:

- Conduct additional criminal background checks during the three-year certificate period.
- Require ongoing training of security guards.

#### DPS should:

- ✓ Seek legislative authority to require applicants to receive training before receiving provisional certificates.
- ✓ Conduct state criminal background checks before issuing provisional certificates.
- ✓ At least annually, conduct additional state background checks of security guards.

## **Information on the Concealed Weapon Permit Program**

Under this program, a resident can obtain a permit from DPS to carry a concealed weapon. DPS also audits firearm instructors and investigates complaints and violations.

### **Permit Requirements:**

(There are about 61,000 permit holders.)

- At least 21 years old
- Arizona resident or U.S. citizen
- No indictment or felony convictions
- Pass firearms safety and use training
- No mental illness
- Not unlawfully present in the U.S.

## **To Obtain More Information**

- A copy of the full report can be obtained by calling (602) 553-0333 or by visiting our Web site at:

[www.auditorgen.state.az.us](http://www.auditorgen.state.az.us)

- The contact person for this report is ***Dot Reinhard***.