



Written by [D. Michael DeRidder](#) on April 11, 2024

## DOJ to Close “Gun Show Loophole”

The Department of Justice (DOJ) this morning [announced changes to its definition of “engaged in the business”](#) of firearm sales. The sale of firearms between private individuals currently does not require a purchaser to undergo a background check, unless required by state law. The new federal rule would require a background check on all firearm sales, Attorney General Merrick B. Garland stated today. “Under this regulation, it will not matter if guns are sold on the internet, at a gun show, or at a brick-and-mortar store: if you sell guns predominantly to earn a profit, you must be licensed, and you must conduct background checks,” Garland said.



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The Bipartisan [Safer Communities Act, passed in 2022](#), redefined the definition of engaging in the business of dealing in firearms. Deputy Attorney General Lisa Monaco stated, “The Bipartisan Safer Communities Act enhanced background checks and closed loopholes, including by redefining when a person is ‘engaged in the business’ of dealing in firearms. Today’s rule clarifying application of that definition will save lives by requiring all those in the business of selling guns to get a federal license and run background checks — thus keeping guns out of the hands of violent criminals.”

The announcement comes a week after [the ATF raided the home of Bryan Malinowski](#), a former administrator at the Bill and Hillary Clinton National Airport in Arkansas. Malinowski was being investigated for selling firearms at gun shows. Gunfire was exchanged during the no-knock raid of Malinowski’s residence, resulting in the death of Malinowski three days later.

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Malinowski’s lawyer stated his client was not engaged in any illegal activity and, according to Arkansas state law, he was legally allowed to sell firearms without a federal firearm license:

As part of his hobby of collecting, buying, and selling various items Bryan occasionally set up a table at local gun shows where he mainly displayed guns and coins. In Arkansas a private seller may legally sell a firearm without holding a federal firearm license (FFL) and without filling out forms or conducting background checks.... Mr. Malinowski’s family and close friends don’t think he had any inkling ATF was concerned about his gun show sales. They are all confident that he would have never jeopardized his career in airport management by knowingly flaunting a regulation pertaining to his weekend hobby.



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