



Written by [Patrick Krey](#) on April 9, 2024

Published in the April 29, 2024 issue of [the New American](#) magazine. Vol. 40, No. 08

Exercising the Right

Major Divide Over Tracking Gun Purchases

This column previously reported about how major credit-card companies were attempting to implement a new merchant code for firearm and ammunition sellers that would allow financial institutions to collect data about gun and ammo purchases. Defenders of the Second Amendment rose up in opposition to these plans over concerns that the collected data might be used to enable the government or private entities in their overall quest to further restrict the private ownership of firearms. Multiple Republican-controlled state legislatures passed laws that prohibited the credit-card companies from implementing the code, while many other states are still in the process of enacting such prohibitions. This blowback caused the credit-card companies to back down from their original scheme to implement the code.

But the story doesn't end there. On March 28, Denver7.com reported that a bill to "require banks and credit card companies to update the merchant code for fire arm [sic] sales" is headed to the Colorado House for a final vote after already passing the state Senate. This Democrat-sponsored legislation would make it mandatory for credit-card companies to do what they were planning to do in the first place. Proponents of the bill insist that their only goal is to alert law enforcement when people are spending large amounts of money on firearms, but that admission reveals that increased government surveillance over firearm and/or ammunition purchases is the goal even though the vast majority of such transactions would be lawful.

Wayne Price, owner of The Gun Room in Lakewood, smells a rat. He asked Denver7, "What is the end goal? What are they trying to do? Why do they want to track that firearm purchase? If a customer comes in, they fill out the paperwork, [Colorado Bureau of Investigations] gives me an approval, FBI gives me approval, I can transfer that firearm to them legally. That's their Second Amendment Right." Price pointed out that simply knowing the dollar amount spent on a firearm purchase could be misleading: "There's people that only collect certain revolvers, certain long rifles and they're expensive. So if that credit card tracking shows a \$15,000 purchase, they don't know if they bought one gun or 15 AR-15s.... There's no comparison to the amount spent versus how many guns you get."

This comes after California implemented a similar law mandating the use of a new merchant code to track firearm purchases by May 2025. CBS News reported on February 12 that "executives from Mastercard, Visa and American Express each wrote to congressional Democrats assuring them the code would be available to retailers in California by that deadline."

Of course, gun-grabbers want to go beyond blue states such as California and Colorado. U.S. Senator Elizabeth Warren, a Democrat from Massachusetts, released a statement that this is only "a start that credit card companies have committed to comply with the [merchant code] law in California, but we need implementation across the country if we're going to do everything we can to prevent gun violence."

Anti-gun organization Guns Down America has joined the far-left chorus demanding federal legislation mandating the use of the firearm-specific merchant code. Until the code is implemented at the national level, Hudson Munoz, the executive director of Guns Down America, demanded that credit-card companies utilize the code in every state where it has not been prohibited. It remains to be seen where our nation will end up on this issue, but there is definitely a battle being waged over the ever-more-



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intrusive surveillance of American gun owners.

California Seeks Gun Data Through Insurance Laws

In a similar story involving anti-gun legislators in California, the Dallas Express reported on February 20 about a new bill that would require homeowners insurance companies to collect information from homeowners on the number of firearms in their home and how the guns are stored, which would then be reported back to the state. The “Residential Property Insurance: Firearms” bill still has to go through a committee before it will be debated in the California Assembly, which could occur later this year. Political observers believe it is likely to pass, as the California Legislature has a solid Democratic majority with a strong anti-gun sentiment.

Joe D. “Buck” Ruth, writing for the Buckeye Firearms Association on February 20, bemoaned the situation and complained that “California seems to be in a contest with states like Hawaii and Washington when it comes to anti-gun bills.” Buck worries that the law might end up turning regular gun owners into criminals owing to the likelihood that the vast majority simply won’t comply. “Such a sweeping assault on gun owners has a history of backfiring. Take New York, for example. In 2013, the state enacted the Safe Ammunition and Firearms Enforcement (SAFE) Act, requiring mandatory registration of AR-15s. Data from the National Shooting Sports Foundation showed about a million firearms met the criteria for registration, yet only about 44,000 were registered. That’s a compliance rate of about 4%. It doesn’t make sense to turn law-abiding citizens into criminals simply because new nonsense laws target them instead of law breakers,” he wrote. It’s also not clear what impact, if any, the requirements would have on noncompliant homeowners’ insurance coverage, and whether it would be grounds for them being barred from recovering money on a potential insurance claim.

There is another possible unintended consequence of the legislation for anti-gunners. These laws are likely to be challenged in federal court, and if they’re reversed, that would more clearly define gun rights. Case in point: A Washington, D.C., law banning gun ownership was overturned by the Supreme Court in the 2008 decision *District of Columbia v. Heller*, which held that the Second Amendment protects an individual’s right to keep and bear arms.



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