



DEPARTMENT OF THE ATTORNEY GENERAL

**News Release**

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For Immediate Release: January 3, 2014

News Release 2014-01

**ATTORNEY GENERAL DAVID M. LOUIE FILES BRIEF IN U.S. SUPREME COURT OPPOSING  
EFFORTS TO CREATE A LOOPHOLE IN FIREARM BACKGROUND CHECKS**

***Attorney General Louie was joined by Attorneys General from 8 states and the District of  
Columbia over an issue of national importance involving reasonable efforts and regulations to  
keep firearms out of the hands of those not legally entitled to possess them.***

HONOLULU – The State of Hawaii, by its Attorney General David M. Louie, filed an amici curiae (friend of the court) brief in the United States Supreme Court on December 30, 2013 in the important straw purchaser firearms case of Abramski v. United States, No. 12-1493. A straw purchaser buys a firearm with the intent of immediately selling the firearm to a third person. To complete the straw purchase, the buyer must falsely state and certify on the federally required firearm transaction record (which allows the National Instant Criminal Background Check System to complete the background check) that the purchaser is the “actual buyer.” Falsely certifying that he or she is the actual buyer is a crime punishable as a felony under Federal law.

The brief supports the United States’ position that Mr. Abramski violated federal law when he bought a gun from a licensed firearms dealer, claiming to be the actual buyer, when in fact he had pre-arranged to resell the gun to a third party. Mr. Abramski claims, however, that because the third party could have lawfully purchased the gun himself, Abramski’s false statement should not be a crime.

Attorney General Louie stated that “allowing such a loophole would severely undermine the benefit of federal background checks.” He further explained that “straw purchases prevent the background check being run on the person who will actually possess the firearm, resulting in firearms being put in the hands of people who are otherwise prohibited from owning or possessing firearms because of their criminal or mental health history.”

Furthermore, straw purchases hamper law enforcement's ability to trace those guns if they are involved in future crimes. Attorney General Louie believes that it is vitally important for public safety that straw purchases be kept strictly illegal.

Straw purchasers often do not know the criminal background, or mental illness history, of the third party, and thus frequently end up funneling firearms to prohibited purchasers, escaping criminal liability because they are unaware of the third-party's prohibited status.

Hawaii's brief was joined by the States of New York, Connecticut, Massachusetts, Illinois, Maryland, Delaware, Oregon, and New Hampshire, as well as the District of Columbia.

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