



DEPARTMENT OF THE ATTORNEY GENERAL

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ATTORNEY GENERAL DAVID M. LOUIE APPLAUDS U.S. SUPREME COURT RULING PRESERVING THE INTEGRITY OF FIREARM BACKGROUND CHECKS

Attorney General Louie had filed an amici curiae brief on behalf of Hawaii, 8 other states, and the District of Columbia to ensure that firearms are kept out of the hands of those not legally entitled to possess them.

HONOLULU – Attorney General David M. Louie applauded today's United States Supreme Court ruling in Abramski v. United States, No. 12-1493, preserving the United States' right to prosecute straw purchasers of firearms, as a significant victory for public safety. Louie and Solicitor General Girard D. Lau had filed an amici curiae (friend of the court) brief in the United States Supreme Court on December 30, 2013, on behalf of Hawaii, which was joined by 8 other states and the District of Columbia, supporting the prosecution of straw purchaser Abramski. A straw purchaser buys a firearm with the intent of immediately selling the firearm to a third person.

Hawaii's amici curiae brief supported the United States' position that Abramski violated federal law by falsely certifying that he was the actual buyer of a firearm, when he claimed to be the actual buyer despite having pre-arranged to resell the gun to a third party. Abramski claimed, however, that because the third party could have lawfully purchased the gun himself, Abramski's false statement should not be a crime.

The Supreme Court today rejected Mr. Abramski's argument, saying that his view would render the federal law "utterly ineffectual, because the identification and background check would be of the wrong person," and would render gun purchase records important to tracing guns involved in crimes "useless for aiding law enforcement."

Attorney General Louie said that the decision will ensure that background checks are run on the relevant person -- the ultimate recipient of the firearm -- thereby helping to prevent felons and those with serious mental illness from obtaining firearms.

Louie explained that today's decision will deter straw purchases -- which often lead to firearms in the hands of dangerous felons -- because the straw purchaser will know he or she is subject to felony charges regardless of whether the end user is prohibited from purchasing or owning a firearm. Without this ruling, straw purchasers might escape

criminal liability by claiming ignorance of the end users' status. Furthermore, straw purchases hinder law enforcement's ability to trace a purchased gun if it is involved in future crimes.

"This decision, which preserves the integrity and usefulness of the information provided by background checks, helps law enforcement keep firearms out of the hands of felons and other potentially dangerous persons," said Attorney General Louie. "Law enforcement will continue to have the tools needed to track down perpetrators who use firearms in the commission of crimes. This is a good thing."

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