

Rex Scott, District 1

TO: Melissa Manriquez, Clerk of the Board

FROM: Rex Scott, District 1 Supervisor

RE: Addendum Item

DATED: June 24, 2024

Please add the following item to the addendum for the July 2 Board of Supervisors meeting:

Discussion/Direction/Action: Requesting that attorney-client privilege be removed from the memo sent to the Board today by County Administrator Jan Leshner. The memo is titled *Expansion of Background Checks for Firearm Purchases* and was authored by Jonathan Pinkney, Supervisor, Health Law Unit within the Pima County Attorney's Office. It is dated June 19, 2024.

Please attach to the item Ms. Leshner's memo to County Attorney Laura Conover, dated May 7, 2024.



MEMORANDUM

Date: May 7, 2024

To: The Honorable Laura Conover
Pima County Attorney

From: Jan Leshner 
County Administrator

Re: **Expansion of Background Checks for Firearm Purchases**

As you are aware, over the past several years, members of the Pima County Board of Supervisors (Board) and the Pima County Board of Health have expressed concerns with the operations of gun shows held at the Pima County Fairgrounds. The Pima County Attorney's Office has provided counsel that historically the Board cannot require that the Southwestern Fair Commission (Commission) abrogate existing contracts for gun shows or prohibit the Commission from entering into future contracts. In previous discussions between members of the Commission and County Administration, the Commission suggested that the refusal by the Commission to allow gun shows to occur at the Fairgrounds could expose the Commission and the County to risk of liability.

Recently, in response to concerns about gun violence and public safety, the Biden Administration took steps to close the 'gun-show loophole' by expanding background checks for firearms purchases. Following passage of the Bipartisan Safer Communities Act passed in 2022, which expanded the definition of engaging in the business of firearms dealing to include all individuals who "devote time, attention and labor to dealing in firearms as a regular course of trade or business to predominately earn a profit through the repetitive purchase and sale of firearms", President Biden issued an executive order directing the Department of Justice to adopt a new rule to address what has been considered the "gun show loophole".

In the new rule, the Department of Justice amended the Bureau of Alcohol, Tobacco, Firearms and Explosives regulations to require individuals who sell guns for profit to obtain a license and mandates that buyers undergo background checks at gun shows and flea markets. This is a significant policy change since our last conversations about the operations of gun shows at the Pima County Fairgrounds. Those selling firearms at a gun show will be required to conduct background checks on potential customers.

While I have asked the Southwestern Fair Commission to provide information about the Commission's plans to implement this new regulation, I am seeking guidance to the following:

- Will the Bureau of Alcohol, Tobacco, Firearms and Explosives or any other federal or state agency offer guidance to local governments about how the rule will be enforced?

The Honorable Laura Conover

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- At least one gun show appears to operate within the City limits of the City of Tucson. Does Pima County have any role in the enforcement of the rule in the City or in any incorporated jurisdiction?
- In addition to gun shows, online sales are also covered by the new rule. Does Pima County have any role in the enforcement of this element of the rule?
- Swap meets are also covered by the new rule. What role does Pima County have in the enforcement of the rule in swap meets within unincorporated Pima County? What role might the County have in the enforcement of the rule in incorporated jurisdictions?

In addition, I welcome your opinion about how the Southwestern Fair Commission might ensure that the required background checks are conducted. Is there any language your Office might suggest be included in current and/or proposed contracts to ensure that the gun show promoters and individual vendors comply with all local, state and federal laws and regulations?

JKL/anc

c: The Honorable Chair and Members, Pima County Board of Supervisors
Carmine DeBonis, Jr., Deputy County Administrator
Francisco Garcia, MD, MPH, Deputy County Administrator & Chief Medical Officer
Steve Holmes, Deputy County Administrator
Terry Cullen, MD, MS, Public Health Director, Pima County Health Department
Diane Frisch, Director, Attractions and Tourism
Chair and Members, Pima County Board of Health
Chair and Members, Pima County Fair Commission