

Code of Conduct:

**LEARN THE TRUTH!**

1.) Videotaping the Point of Sale for All Firearms Transactions. Participating retailers will videotape the point-of-sale of all firearms transactions and maintain videos for 6 months to deter illegal purchases and monitor employees.

**TRUTH: This practice could be considered, especially with modern software for facial recognition, actionable under the law. Please see number 2.**

2.) Computerized Prime Gun Trace Log and Alert System. Mayors Against Illegal Guns will develop a computerized system that participating retailers will implement over time to log crime gun traces relating to the retailer. Once the program is in place, if a customer who has a prior trace at that retailer attempts to purchase a firearm, the sale will be electronically flagged. The retailer would have discretion to proceed with the sale or stop the sale.

**TRUTH: Under PA law, specifically chapter 18 of the criminal statutes, section 6111.4:**

**Notwithstanding any section of this chapter to the contrary, nothing in this chapter shall be construed to allow any government or law enforcement agency or any agent thereof to create, maintain or operate any registry of firearm ownership within this Commonwealth. For the purposes of this section only, the term "firearm" shall include any weapon that is designed to or may readily be converted to expel any projectile by the action of an explosive or the frame or receiver of any such weapon. Violation of the above is a class 3 FELONY.**

3.) Purchaser Declaration. For sales flagged by the trace alert system, participating retailers will ask purchasers to fill out a declaration indicating that they meet the legal requirement to purchase the firearm.

**TRUTH: BATFE form 4437 #11 line A. and PA form SP 4-113 #33 specifically ask: "Are you the actual transferee/buyer of the firearm(s) listed on this form?" Lying on these forms is illegal under federal and/or state law. Title 18 Chapter 44 section 922: (a) It shall be unlawful—(6) for any person in connection with the acquisition or attempted acquisition of any firearm or ammunition from a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, knowingly to make any false or fictitious oral or written statement or to furnish or exhibit any false, fictitious, or misrepresented identification, intended or likely to deceive such importer, manufacturer, dealer, or collector with respect to any fact material to the lawfulness of the sale or other disposition of such firearm or ammunition under the provisions of this chapter.**

4.) Deterring Fake IDs. Participating retailers will only accept valid federal- or state-issued picture IDs as primary identification. Retailers will utilize additional ID checking mechanisms.

**TRUTH: Please see above. It is already a prerequisite that this information is presented, that your ID and address match and that you are truthful in filling out the already mandated federal and state forms. Furthermore when running a background check through PICS, you MUST provide the drivers license or PA ID card number. A false ID would not match and would not clear the system. See: 27 CFR 478.11**

5.) Consistent Visible Signage. Participating retailers will post signage created by the Responsible Firearms Retailer Partnership to alert customers of their legal responsibilities at the point-of-sale.

**TRUTH: This was already done by the BATFE. The program is called 'Don't Lie for the Other Guy,' and is required to be displayed. Failure to do so is grounds for citation by the BATFE during quarterly or unannounced spot checks.**

6.) Employee Background Checks. Participating retailers will conduct criminal background checks for all employees selling or handling firearms.

**TRUTH: Note that the one 'success' of this code of conduct, at Wal-Mart in California, resulted in that which the group currently protesting denies as the end goal, the stoppage of ALL firearm sales by that retailer in the state per agreement with the BATFE. This code did not and could not prevent this. Expecting a small business to accomplish what the largest employer in the country could not is unrealistic at best.**

7.) Employee Responsibility Training. Participating retailers will participate in an employee responsibility training program focused on deterring illegal purchasers. The Responsible Firearms Retailer Partnership will create an online training system based on Wal-Mart's training program.

**TRUTH: Firstly see above. This was a total and abject failure. Also note that multiple sales are already reported to the BATFE within 5 days, by law, and that same agency sends out training materials on a quarterly basis to all FFL holders.**

8.) Inventory Checking. Participating retailers will conduct daily and quarterly audits. Guidelines will be based on Wal-Mart's existing audit procedures.

**TRUTH: Wrong. Guidelines are based on the LAW as enforced by the BATFE, who state that: all firearms must be logged in when received and sold and the records kept indefinitely in a bound book and on from 4473. Failure to do so results in the closure of the shop during the periodic (and often unannounced) BATFE inspection process. It is that agency, and not MAIG, who regulate and enforce inventory guidelines. See: 27 CFR 478.121(c)**

9.) No Sales Without Background Check Results. Participating retailers would prohibit sales based on "default proceeds," which are permitted by law when background check has not returned a result within 3 days.

**TRUTH: This is already a requirement of PA state and/or federal law. There are no "default proceeds."**

10.) Securing Firearms. Participating retailers will maintain firearms kept in customer accessible areas in locked cases or locked racks.

**TRUTH: This practice is already in place at firearm dealers across PA.**

**TRUTH: Should firearm dealers be held responsible for straw purchases? No. A straw purchase is when someone who is able to pass the FBI background check lies to the firearms dealer about who the gun is for. Unless the straw man somehow tips the firearms dealer off, in which case the dealer would refuse the sale and contact the BATFE, there is simply no way for the FFL to know that the purchaser is lying. This is why law enforcement calls it a straw purchase and not a straw sale. -http://www.dontlie.org/FAQ.cfm**