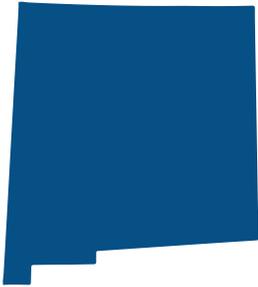


## GUN VIOLENCE AND BACKGROUND CHECKS IN NEW MEXICO



Support for the Second Amendment goes hand in hand with keeping guns away from criminals and other dangerous people. But loopholes in the law make it easy for dangerous people in New Mexico to get guns sold by unlicensed sellers, contributing to preventable violence—from mass shootings to deadly domestic abuse to suicides to shootings of law enforcement officers. Research shows that requiring background checks on all gun sales reduces gun violence and saves lives. This fact sheet brings together the findings of Everytown for Gun Safety’s original investigations and analyses of relevant public health data to illuminate the toll of gun violence and crime in New Mexico and show how background checks can help.

### THE TOLL OF GUN VIOLENCE

- In the last decade of available data, **966 New Mexico residents were shot and killed**, and an additional 2,068 died in firearm suicides.<sup>1</sup>
- Half of suicides in the state (51 percent) were committed with guns.<sup>2</sup> New Mexico’s firearm-suicide rate of 10.2 deaths per 100,000 residents is nearly **double the national average**.<sup>3</sup>
- There is a deadly relationship between guns and violence against women. Nationwide between 2005 and 2014, **at least 6,136 women were shot to death by current or former intimate partners**,<sup>4</sup> and the presence of a gun in a domestic violence situation increases the risk of a woman being murdered by five times.<sup>5</sup>
- From 2000-2011, New Mexico had the highest rate of any state of law enforcement officers killed with a handgun that was not their own — **over four times the national average**.<sup>6</sup> And dangerous people who never should have had a gun in the first place commit a significant share of gun violence against police: of law enforcement officers shot to death nationwide in 2013, **over half** (52 percent) were killed by individuals who were prohibited from possessing firearms.<sup>7</sup> But individuals can easily bypass this prohibition in a transaction with a private seller without a background check.

1. Centers for Disease Control, “WISQARS” (Web-based Injury Statistics Query and Reporting System), available at <http://1.usa.gov/VTdKK9> (last accessed July 2016).

2. Centers for Disease Control, “WISQARS” (Web-based Injury Statistics Query and Reporting System), available at <http://1.usa.gov/VTdKK9> (last accessed July 2016).

3. Everytown for Gun Safety, State Background Check Requirements and Suicide, January 2015, available at <http://every.tw/2atXTSE>.

4. Federal Bureau of Investigation, Supplementary Homicide Reports, 2009-13, available at <http://bit.ly/1YVxm4K>. Florida data from analysis by Everytown of data directly obtained from Florida Department of Law Enforcement. This number does not include women shot to death by current or former intimate partners in Florida in 2014.

5. Jacqueline C. Campbell, Daniel Webster, and Jane Koziol-McLain, “Risk Factors for Femicide in Abusive Relationships: Results from a Multisite Case Control Study,” *American Journal of Public Health* 93, no. 7 (June 2003): <http://1.usa.gov/1osjCet>.

6. Everytown for Gun Safety, State Background Check Requirements and Rates of Firearm Homicide Against Law Enforcement Officers, January 2015, available at <http://every.tw/2aAmntq>.

7. Everytown for Gun Safety and The Major Cities Chiefs Association, Law enforcement officers shot to death in 2013, May 14, 2015: <http://every.tw/1fDvuIS>.

- Weak gun laws anywhere endanger people everywhere: in 2014, 539 guns originally purchased in New Mexico were recovered by law enforcement at crime scenes in other states.<sup>8</sup> Controlling for population, New Mexico's crime gun export rate is **69 percent higher than the national average.**

## KEEPING GUNS OUT OF DANGEROUS HANDS

Federal law prohibits certain narrow classes of dangerous people from buying or possessing guns, including felons, domestic abusers, and certain people with severe mental illnesses. And with good reason: when convicted felons or domestic abusers obtain guns, they pose an elevated danger to the public.<sup>9</sup>

Federal law requires licensed gun dealers to conduct a background check for every firearm sale and when a person prohibited by law from buying firearms attempts to make a purchase, the background check stops the sale. Since its inception, the background check system has blocked nearly 3 million gun sales to dangerous people, including felons, domestic abusers, and the severely mentally ill.<sup>10</sup>

In New Mexico alone, the background check system has blocked at least 26,424 gun sales to prohibited people since 1998, including 13,651 to felons, 5,709 to fugitives from justice, and 3,374 to people convicted of domestic violence misdemeanors or subject to domestic violence protection orders.<sup>11</sup>

## LOOPHOLE IN BACKGROUND CHECK LAW UNDERMINES PUBLIC SAFETY

While background checks are a proven way to keep guns out of the hands of criminals, in New Mexico, background checks are only required for gun sales at licensed dealers. Criminals and other dangerous people can easily avoid background checks simply by buying guns from unlicensed sellers—including strangers they meet online or at gun shows. This loophole allows millions of guns to change hands each year in the U.S. without background checks.<sup>12</sup>

This loophole in the background check system is especially dangerous considering the vast, virtual gun show that now exists on the internet. Dozens of websites — like Armslist.com, the self-described Craigslist for guns — each host tens of thousands of ads for unlicensed gun sales and provide a forum for strangers to connect and arrange offline gun transfers, just like Craigslist does for furniture sales and concert tickets. Between 2011-2013, the website Armslist saw a more than sevenfold increase in ad volume.<sup>13</sup> And in a recent study of Armslist, unlicensed sellers posted almost **650,000 unique ads** over a one-year period offering firearms for sale, no background check required.<sup>14</sup>

8. Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) trace data, available at: <http://1.usa.gov/1stn8HY>.

9. Jacqueline C. Campbell, Daniel Webster, and Jane Koziol-McLain, "Risk Factors for Femicide in Abusive Relationships: Results from a Multisite Case Control Study," *American Journal of Public Health* 93, no. 7 (June 2003): <http://1.usa.gov/1osjCet>.

10. US Department of Justice, Bureau of Justice Statistics, *Background Checks for Firearm Transfers, 2012 - Statistical Tables*, by Jennifer C. Karberg, Ronal J. Frandsen, and Joseph M. Durso (December 2014), <http://1.usa.gov/1TgPRgB>. According to a study by the Department of Justice, from the inception of the background check system in 1994 through the end of 2012, federal, state, and local agencies conducted more than 147 million rearm applications and denied 2.43 million gun sales to prohibited people. Assuming a similar rate over the period 2013-15, to date the background check system has likely blocked nearly 3 million firearm sales to prohibited people.

11. Everytown for Gun Safety analysis of FBI data, July 24, 2016.

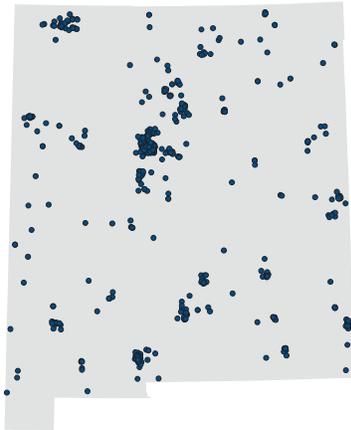
12. Philip J. Cook and Jens Ludwig, "Guns in America: National Survey on Private Ownership and Use of Firearms," National Institute of Justice, USDOJ, May 1997, <https://www.ncjrs.gov/pd les/165476.pdf>. 2,568 individuals, including 251 gun owners, were surveyed by telephone and asked how they obtained their firearms.

13. *Mayors Against Illegal Guns, Felon Seeks Firearm, No Strings Attached*, September 2013, available at <http://bit.ly/1nllhRb>.

14. Everytown for Gun Safety, *Business as Usual: How High-Volume Gun Sellers Fuel the Criminal Market, and How the President Can Stop Them*, November 2015, available at <http://everytown.org/1XcA4gq>.

## Background Check Denials in NM since 1998

Criteria	Total	Share
<b>Felony Conviction</b>	<b>13,651</b>	<b>52%</b>
Fugitive from Justice	5,709	22%
<b>Misdemeanor Crime of Domestic Violence Conviction</b>	<b>3,374</b>	<b>13%</b>
Unlawful User/Addicted to a Controlled Substance	1,010	4%
<b>Protection/Restraining Order</b>	<b>726</b>	<b>3%</b>
Prohibited Under State Law	512	2%
<b>Immigration Status</b>	<b>484</b>	<b>2%</b>
Under Indictment	427	2%
<b>Severely Mentally Ill</b>	<b>418</b>	<b>2%</b>
Federally Denied Persons File	102	0%
<b>Dishonorable Discharge from the Military</b>	<b>11</b>	<b>0%</b>
<b>Total</b>	<b>26,424</b>	



## Licensed Gun Dealers in New Mexico

POPULATION DATA: U.S. CENSUS, 2010. FFL DATA: BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES, JAN. 2013

Criminals are flocking through this loophole to arm themselves. Recent investigations show that, in some states, as many as **1 in 10 would be gun buyers on Armslist have criminal records that prohibit them from buying guns**, including convictions for domestic abuse and assaulting police officers.<sup>15</sup>

The failure to require background checks on all gun sales has deadly consequences. In 2012, a man who was prohibited from purchasing firearms because he had been committed to a mental hospital **shot eight people, killing one, at a hospital** in Pittsburgh, PA. He had tried to buy a handgun from a federally licensed dealer and failed a background check, but he **bought the gun used in the shooting in an unlicensed sale in Albuquerque**.<sup>16</sup>

## BACKGROUND CHECKS SAVE LIVES

No single law will stop all gun crime, but expanding the background check system is a proven way to help save lives. In states that require a background check on all handgun sales, there are:

- 46 percent fewer women shot to death by intimate partners.<sup>17</sup>
- 48 percent fewer law enforcement officers shot to death with handguns.<sup>18</sup>
- 48 percent fewer people killed by firearm suicide.<sup>19</sup>
- 48 percent less gun trafficking in cities.<sup>20</sup>
- 52 percent fewer mass shootings.<sup>21</sup>

15. Everytown for Gun Safety, Online and Off the Record: Washington State's Vast Internet Gun Market, September 2014, available at <http://bit.ly/1rgZOKa>. ?14 Pittsburgh Post-Gazette, "New Mexico man regrets selling guns used in Western Psych shootings", published March 31, 2012, available at <http://bit.ly/2amrNHJ>.

16. Pittsburgh Post-Gazette, "New Mexico man regrets selling guns used in Western Psych shootings", published March 31, 2012, available at <http://bit.ly/2amrNHJ>.

17. Everytown for Gun Safety, State Background Check Requirements and Rates of Domestic Violence Homicide, September 2014, available at <http://every.tw/1y3kxCb>.

18. Everytown for Gun Safety, State Background Check Requirements and Rates of Firearm Homicide against Law Enforcement Officers, September 2014, available at <http://every.tw/1FpRqkh>.

19. Everytown for Gun Safety, State Background Check Requirements and Suicide, September 2014, available at <http://every.tw/19stO1k>.

20. Everytown for Gun Safety analysis of FBI data, September 2014, available at <http://bit.ly/13Elzuw>. See also: Daniel Webster, Jon Vernick, & Maria Bulzacchelli, "Effects of State-Level Firearm Seller Accountability Policies on Firearm Trafficking," Journal of Urban Health (July 2009). To gauge gun trafficking, the authors measured the ratio of likely trafficked guns recovered from crime scenes to the total of guns recovered. A "likely trafficked gun" was defined as having been recovered at a crime scene and not in the possession of its original purchaser within one year of its last legal sale.

21. Everytown for Gun Safety, State Background Check Requirements and Mass Shootings, November 2015, available at <http://every.tw/1USvOno>.

# PASS THE BACKGROUND CHECK BILL

Eighteen states and Washington, DC go beyond federal law and require background checks on all handgun sales. Six states have passed background check laws since the 2012 shooting at Sandy Hook Elementary School, including Colorado, Washington, and Oregon. Nevada and Maine will vote on background checks in November 2016.

Next year, the New Mexico State Legislature will consider a bill that would require a criminal background check for every gun sale, with reasonable exceptions for family transfers, hunting, and self-defense. The background check bill would close the dangerous unlicensed sale loophole and make sure that everyone buying a gun in New Mexico passes a criminal background check, no matter where they buy the gun and no matter who sells it to them.

Meeting at a licensed gun dealer to complete a background check is easy. As of July 2016, there were 778 federally licensed gun dealers in New Mexico<sup>22</sup> — nearly three times the number of post offices in the state<sup>23</sup> —and 89.2 percent of New Mexico residents live within 10 miles of a gun dealer.<sup>24</sup>

**Eighty percent of New Mexico residents** — including 79 percent of New Mexico gun owners — support requiring criminal background checks for all gun sales.<sup>25</sup>



**EVERYTOWN FOR GUN SAFETY** is the largest gun violence prevention organization in the country with more than 3 million supporters and more than 85,000 donors including moms, mayors, survivors, and everyday Americans who are fighting for public safety measures that respect the Second Amendment and help save lives. At the core of Everytown are Mayors Against Illegal Guns and Moms Demand Action for Gun Sense in America, a grassroots movement of American mothers founded the day after the Sandy Hook tragedy. Learn more at [EVERYTOWN.ORG](http://EVERYTOWN.ORG) and follow us [@EVERYTOWN](https://twitter.com/EVERYTOWN).

22. Bureau of Alcohol, Tobacco, Firearms and Explosives, available at <http://1.usa.gov/1ps0dja> (last accessed July 2016). Data is for type 1, 2, and 7 FFL licensees in New Mexico.

23. "Post Offices by State," United States Postal Service, accessed July 2016, <http://1.usa.gov/1PyYRY4>.

24. Mayors Against Illegal Guns, Licensed Gun Dealers in New Mexico, January 2013, available at <http://bit.ly/2ahJ5Ds>.

25. Results of SurveyUSA Mkt Research Study available at <http://every.tw/2bbQNPe>