



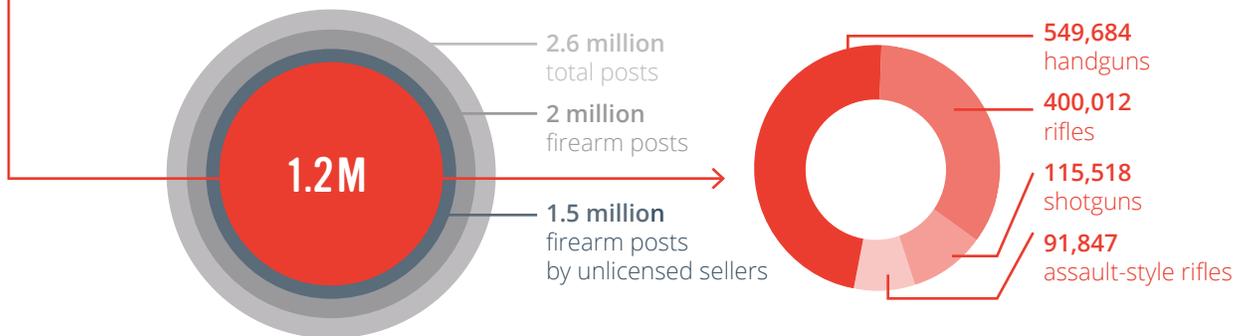
UNCHECKED

OVER 1 MILLION ONLINE FIREARM ADS, NO BACKGROUND CHECKS REQUIRED

Our federal background check law was written 25 years ago, long before the explosion of the internet and well before the establishment of online gun marketplaces like Armslist.com. Federal law only requires a background check when the seller is a licensed gun dealer, leaving all other sales — like unlicensed gun sales negotiated over the internet — unregulated and unchecked. The internet provides on-demand access to exploit this loophole in federal law to people who should not have access to guns.

Everytown has conducted an investigation of the unregulated online gun marketplace and its serious threat to public safety.¹ The investigation reveals a massive marketplace where unchecked gun sales are taking place between complete strangers meeting online, allowing criminals and other prohibited purchasers an easy avenue for access. The investigation covered all ads posted in 2018 on Armslist.com, which claims to be “the largest free gun classifieds on the web” with 7 million visits to the site each month.² Key findings of the investigation include:

In 2018 alone, nearly 1.2 million ads were posted on Armslist.com for firearm sales where no background check was legally required. This vast volume of ads provided criminals and domestic abusers with ready opportunity to get armed without a background check.³



Armslist.com operates similarly to other online classified platforms whereby a seller posts an ad that includes price, description, and a photo. Armslist.com allows firearm ads to be posted by both licensed gun dealers (called “premium vendors”) — who are required to conduct a background check on all gun sales by federal law — and unlicensed sellers (called “private parties”) — who are not covered by the federal requirement. The sales are completed offline after email, phone, text, and in-person communications.

Everytown’s investigators collected over 2.6 million postings from Armslist.com over the course of 2018.⁴ An analysis of the postings revealed that unlicensed sellers offering firearms for sale was the single largest category of posts on Armslist.com.⁵

Of the 2.6 million postings, over 2 million were for firearms,⁶ with 1.5 million for guns offered for sale by unlicensed sellers. 1.2 million of the firearm ads posted by unlicensed sellers did not legally require a background check prior to sale because of the state in which the firearm was being offered for sale.⁷

Of the 1.2 million ads, nearly 50% — 549,684 — offered handguns for sale, 400,012 offered rifles for sale, 115,518 offered shotguns for sale, and 91,847 offered assault-style rifles for sale⁸ — none of the firearm sales would have legally required a background check.

Everytown also analyzed the geographic location of the posts, and created an interactive data platform for further analysis available at www.everytownresearch.org/unchecked.

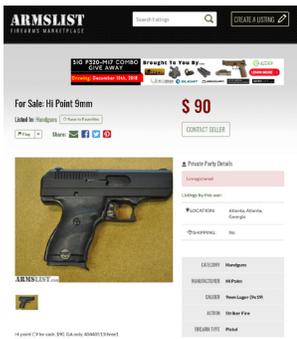
CRIMINALS ARE TRYING TO BUY GUNS ONLINE

NEARLY 1 IN 9 PROSPECTIVE ONLINE BUYERS WOULD NOT HAVE PASSED A BACKGROUND CHECK.

An investigation of people looking to purchase firearms on Armslist.com revealed that nearly 1 in 9 prospective buyers had prohibiting histories or status — a rate over 7 times higher than buyers who fail background checks at licensed dealers or in other contexts where background checks are required.⁹ This disproportionate rate, consistent with prior Everytown investigation results, shows that **criminals know that the internet is the place to go to get armed with no questions asked.**

| Everytown’s investigators placed ads on Armslist.com in 4 states and then ran public records requests on would-be buyers who responded. Investigators reviewed the records of over 430 individuals who expressed an interest in purchasing the firearms. The results of this investigation likely understate the share of prohibited buyers on the online market because investigators’ public records searches did not have access to records of some non-criminal prohibiting criteria such as involuntary commitment to a mental institution.

| The prohibited individuals looking to buy guns online had criminal histories that are very disturbing, including violent felonies, domestic abuse misdemeanors, drug abuse, and active domestic violence restraining orders.¹⁰ In addition to the people with criminal histories, a number of minors under 18 were illegally attempting to purchase firearms.¹¹



An individual responded by text message to an advertisement for a Hi-Point handgun. He expressed interest in meeting the next day to purchase the firearm. Based on available public records, investigators determined that the individual who responded to the ad had a substantial prohibiting criminal history, including felony convictions for child molestation and threatening to commit aggravated assault (making “terroristic threats”), and use of methamphetamines in 2015 and 2017. He is also currently under indictment for failing to register as a sex offender.

Count	Charge (as indicted or accused)	Disposition (Guilty, Not Guilty, Guilty- Atorg , Guilty-Lesser Incl, Nolo, Not Proq, Dead Docket)
1	terroristic threats	guilty

| Everytown’s findings in this and prior investigations have consistently confirmed the dangerous reality of prohibited buyers looking to purchase guns online.

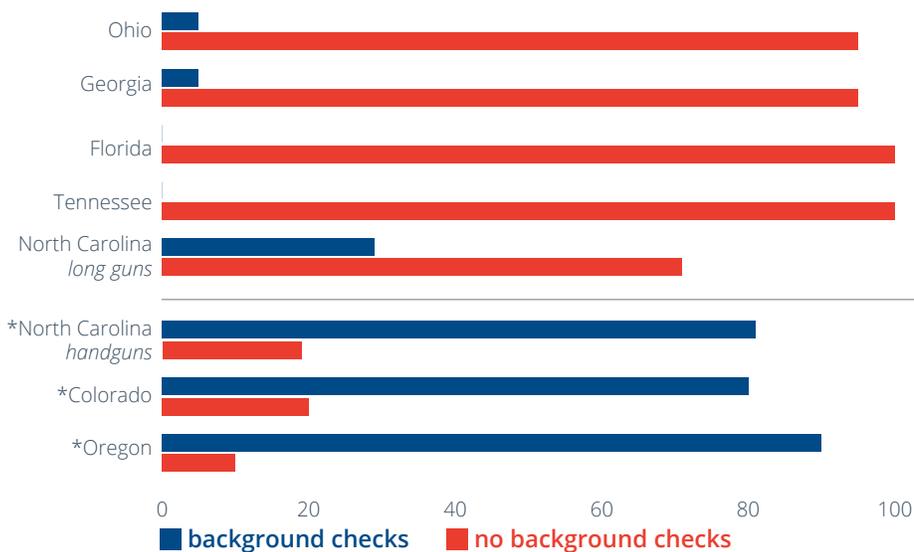
Year of Investigation	State	Rate of Prohibited Purchasers Online
2018	Georgia	1 in 9
2018	Ohio	1 in 12
2018	Tennessee	1 in 8
2018	Florida	1 in 7
2017	New Mexico	1 in 15 ¹²
2016	Nevada	1 in 11 ¹³
2015	Oregon*	1 in 18 ¹⁴
2014	Washington*	1 in 10 ¹⁵

* Oregon and Washington now require background checks on all guns sales.

BACKGROUND CHECK LAWS CAN CHANGE THE ONLINE MARKET

Critics of background check laws claim they will not make a difference in how guns are sold. But our investigation found that the laws matter. Unlicensed sellers in states that have passed background check laws show a high degree of compliance — 84% of the 55 sellers contacted expressly stated the sale would need to be completed at a dealer or with an appropriate permit to purchase. However, where there was no law on unlicensed sales, only 6% of the 95 sellers contacted by investigators indicated they would require a background check on their sales.

Examining 7 states with varied background check laws, our investigators contacted 150 unlicensed sellers on Armslist.com to inquire about the firearms listed for sale and to assess how the sales would be completed.



In states with no background check laws: **ONLY 6% OF SELLERS INDICATED THEY WOULD REQUIRE A BACKGROUND CHECK.**

In states with background check laws: **84% OF SELLERS INDICATED THEY WOULD REQUIRE A BACKGROUND CHECK.**

* Indicates a background check or permit to purchase is required by state law.

North Carolina is a state with different laws for different unlicensed sellers — background checks and a permit to purchase are required for all handgun sales, but not for rifle and shotgun sales. Unlicensed sellers know the difference in North Carolina law and followed it.

WHAT UNLICENSED SELLERS ON ARMSLIST.COM SAY ABOUT UNLICENSED SALES AND BACKGROUND CHECKS

✗ GEORGIA

GA Seller: “[A]s far as a private sale, it doesn’t matter. That’s just between me and you. And *it’s just like me selling you a pair of shoes or something.*”

✗ TENNESSEE

Investigator: I own a few guns but I never bought anything from this site before how does this work?

TN Seller: “It’s like a newspaper classifieds, without the paper. *Just come up with a time and place to meet. . . . I just take your word that you are eligible.*”

✓ OREGON

OR Seller: “How it goes is we go to a gun store and do a back ground check and what’s it done I give you gun you give me cash.”

Investigator: Perfect

OR Seller: “There’s one near me prolly have *the whole process done in 15 minutes tops.*”

CONCLUSION

Guns found online can be purchased quickly and without a background check. The investigation found nearly 1.2 million ads on Armslist.com for firearms sales for which no background check was legally required, and that 1 in 9 people looking online to buy guns from unlicensed sellers are prohibited because of criminal history, domestic abuse or because they are minors. Where background checks were required by state law, sellers demonstrated compliance with the law and indicated a background check would be required on the sale. However, where there was no state law requirement, sellers did not indicate they would require a background check for the sale to be completed, offering potential access to people who should not have guns.

There is a clear and present danger in the online firearms marketplace, and the only responsible answer is to require background checks on all gun sales in order to block purchases to people with dangerous histories. Elected officials need to update the federal law and require background checks on all gun sales, closing the deadly online sales loophole.

#UpdateBackgroundChecks

1 Methodology and further analysis can be found online at everytownresearch.org/unchecked.

2 Armslist online advertisements and website, last visited Jan. 24, 2019; <http://www.armslist.com/info/advertise>.

3 See e.g., Durr A. "In 10 days, a husband's violence escalated from a brutal assault to murder in public view." Appleton Post-Crescent. August 13, 2018. <https://bit.ly/2q60Oab>. (In January of 2018, an abusive husband shot and killed his wife; less than two weeks prior to the incident he was charged with two felonies after brutally assaulting her, and as part of that process he was not allowed to possess any firearms, but he purchased a firearm posted on Armslist.com from an unlicensed seller in a Walmart parking lot with no background check.)

4 Users can create posts for a wide range of products, including firearms, as well as items such as ammunition, firearm accessories, outdoor gear, and fishing equipment.

5 Investigators used a software technique to capture data contained in all of the postings on the website from January 1, 2018 to December 31, 2018. A statistical software program was then used to identify and remove posts that were exact duplicates. If postings

were considered exact duplicates (i.e. all content was exactly the same), then these duplicates were removed — leaving only a single unique posting.

6 Firearms for this report are defined as handguns, rifles, and shotguns. There were three other categories of firearms posted on Armslist.com: 7,907 of the ads were for "NFA firearms," 14,641 of the ads were for "muzzle loaders," and 28,077 of the ads were for "antique firearms." These categories of firearms are excluded from the analysis as these firearms are not generally regulated by the Gun Control Act — federal law requires background checks of all transfers of NFA weapons and no background checks are required for any transfers of muzzle loaders and antique firearms, including by a licensed dealer.

7 In 2018, 13 states and DC required a background check (at the point of sale and/or via purchase permit) for all unlicensed sellers (CA, CO, CT, DE, DC, HI, IL, MA, NJ, NY, OR, RI, VT, and WA), while six additional states required a background check only for handgun sales (IA, MD, MI, NE, NC, PA). MD and PA did require background checks on sales of some high-powered rifles and shotguns; this analysis does not calculate which specific sales were covered by the laws in those states. In

2016, Nevada passed a ballot initiative requiring background checks on all guns sales, however, the former Nevada Attorney General Adam Laxalt argued the law could not be enforced, which meant that, in practice, background checks were not required on unlicensed gun sales in 2018. In addition, VT's law went into effect April 11, 2018; this analysis does not calculate which sales were not covered in that state.

8 Everytown defined "assault-style rifles" to include rifles identified by sellers with terms identical to the terms used to define assault weapons in recent federal legislation. The category excludes firearms identified by their sellers as manual-action firearms.

9 Among all sales nationally where background checks were run from 1994 through 2015 (which includes background checks at dealers and in states where background checks are required on unlicensed sales), only 1.5% were denied. Karberg JC, Frandsen RJ, Durso JM, Buskirk TD, Lee AD. Background Checks for Firearm Transfers, 2015 - Statistical Tables. Bureau of Justice Statistics. <https://googl/SbaLbt>. November 2017

10 In the course of this investigation, investigators initiated contact with law enforcement in certain instances that



Investigative video of gun purchase at everytownresearch.org/unchecked

Arranged through Armslist.com, investigators purchased two firearms — a handgun and an assault-style rifle — in minutes and with no background checks.¹⁶ One of the sellers asked, without verifying: *"Assuming you haven't beaten your wife lately, done any drugs, [and] you're an Ohio resident."*

involved a potential imminent threat or other ongoing or recent contact with the criminal justice system.

11 A total of 11% of the sample were prohibited due to criminal history or the federal age prohibitor. An additional 4% of the overall sample were found to be between 18 and 21 and were likely prohibited under state law from purchasing the firearm but not included in the 1 in 9 tabulation.

12 Everytown for Gun Safety. Danger in the land of enchantment: Investigating online gun sales in New Mexico. February 2017. <https://everytownresearch.org/tw/2MxXU8E>

13 Everytown for Gun Safety. The wild wild web: Investigating online gun markets in Nevada. January 2016. <https://everytownresearch.org/tw/2pxfp9j>

14 Everytown for Gun Safety. No questions asked: How Oregon's meth users and domestic abusers shop online for guns. April 2015. <https://everytownresearch.org/tw/2CC2uhe>

15 Everytown for Gun Safety. Online and off the record. 2014. <https://everytownresearch.org/tw/1jG5LkH>

16 A video of the two sales is available at everytownresearch.org/unchecked.