INVESTIGATING ONLINE GUN MARKETS IN NEVADA
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A REPORT BY EVERYTOWN FOR GUN SAFETY
JANUARY 2016

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EXECUTIVE SUMMARY

Frontier days seem distant in Nevada, where the rugged landscape has recently acquired a 21st-century sheen. Cities have sprouted in its deserts. Technology companies like Tesla Motors and Faraday Future vie for the state's workforce.

But invisible to most Nevadans, an unregulated commerce in firearms continues. And it's facilitated by the same digital platforms driving the economic boom.

The explosive growth of the internet, which has profoundly altered commerce for most everyday goods, has also changed gun sales. Numerous websites now function like Craigslist does for furniture and concert tickets, connecting anonymous strangers who want to meet offline to buy or trade guns in person-to-person transfers.

Some of these sales are conducted by licensed gun dealers, who adopt the same common-sense safety measures for online sales as they do for those they arrange in their brick and mortar stores. Federal law requires these dealers to conduct criminal background checks on their buyers and deny sales to anyone barred from having guns, including convicted felons, domestic abusers, and people with severe mental illness. In the last three years, Nevada gun dealers ran criminal background checks for more than 400,000 gun sales, whether arranged in-person or online, and blocked more than 5,000 sales to dangerous people prohibited by law from possessing guns.

But under current law, unlicensed “private” sellers, who only offer guns occasionally or from their personal collections, are not required to conduct background checks on their buyers—and these sellers have increasingly moved online. Online gun commerce is not in and of itself a threat to public safety, but the fact that these guns are offered for sale without background checks is—and Nevada's criminals know it.
This investigation—the first of its kind in Nevada—shows that unlicensed internet gun sales are arming Nevada’s criminals, and perpetuating rates of gun violence that outpace the nation by many measures.

The research proceeded in two phases. First, to measure the number of unlicensed gun sales originating online in Nevada, investigators monitored the volume of ads that Nevadans posted to four major websites where guns are sold or traded. These included websites designed for this purpose like Armslist, and those where gun sales are just a part of a much wider range of communications, such as Facebook.

Second, to estimate the number of people shopping online for firearms in spite of criminal or domestic violence histories that barred them from buying guns, investigators placed ads on some of these websites and sampled the would-be gun buyers who responded.

Our research revealed that:

- Nevada’s online market for guns is vast. On just four websites in Nevada, unlicensed sellers post an estimated 35,862 unique gun ads annually.

- Nearly one in 11 people in Nevada shopping online for a gun without a background check (8.7 percent) is prohibited from possessing firearms, including convicted felons profiled later in this report.

- The share of prohibited online gun buyers is almost seven times higher than the share of Nevadans who try to buy guns at licensed dealers and fail background checks, which suggests that criminals are flocking to online gun sales to take advantage of this loophole.

- At this rate, in a single year, just four websites in Nevada could put over 3,100 guns into the hands of felons and domestic abusers.

While this data show the risk that unlicensed online gun sales pose for public safety in Nevada, the problem is not unique to the state. Dangerous people can buy guns without background checks from unlicensed sellers in over thirty states. But a growing number of states have closed this loophole by extending their background check requirements to all gun sales, and those states have lower rates of domestic violence gun homicides, law enforcement shot in the line of duty, and gun trafficking.
INTRODUCTION:
THE TOLL OF GUN VIOLENCE IN NEVADA

Federal law prohibits certain narrow classes of dangerous people from buying or possessing guns including felons, people convicted of misdemeanor crimes of domestic violence, and certain people with dangerous mental illness. And with good reason: when convicted felons or convicted domestic abusers obtain guns, they pose an elevated danger to the public.

Of people incarcerated in state prisons for firearm crimes, nearly half were prohibited from obtaining guns before their offense. Domestic abusers who acquire guns represent an especially potent threat: when a domestic abuser has access to a firearm, his partner has five times the risk of being murdered.

Law enforcement pay an especially high price for weak gun laws. An Everytown analysis of people who shot and killed law enforcement officers in Nevada between January 1980 and October 2015 showed that more than half were likely prohibited from possessing guns.

And the cost of firearm violence is not limited to those injured or who pay with their lives: Nevadan taxpayers pay tens of millions of dollars each year for hospitalizations of people with firearm injuries. An Everytown analysis of Nevada inpatient hospital data showed that between 2005 and 2015, hospitalizations for firearm injuries resulted in costs of almost $246 million—over $40 million in the most recent year alone. More than half of the costs of hospitalizations for firearm injuries were charged to public insurers, such as Medicare and Medicaid, or absorbed by the health system, costing taxpayers more than $13.3 million in an average year.

<table>
<thead>
<tr>
<th>CRITERIA</th>
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<tr>
<td>Fugitive from Justice</td>
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<td>Convicted of a crime punishable by more than one year or a misdemeanor punishable by more than two years</td>
<td>1,226</td>
<td>23%</td>
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<td>Misdemeanor Crime of Domestic Violence Conviction</td>
<td>820</td>
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<td>Unlawful User/Addicted to a Controlled Substance</td>
<td>484</td>
<td>9%</td>
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<tr>
<td>State Prohibitor</td>
<td>264</td>
<td>5%</td>
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<td>Protection/Restraining Order for Domestic Violence</td>
<td>139</td>
<td>3%</td>
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<td>Adjudicated Mental Health</td>
<td>100</td>
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<td>Under Indictment/Information</td>
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<td>2%</td>
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<td>Other (including Illegal/Unlawful Alien, Federally Denies Persons File, Dishonorable Discharge, and Renounced U.S. Citizenship)</td>
<td>85</td>
<td>1%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>5,379</strong></td>
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</table>
PREVENTING DANGEROUS PEOPLE FROM GETTING GUNS

Because of the outsized risk that certain narrow categories of dangerous people pose when they have access to firearms, Congress established the National Instant Criminal Background Check System (NICS) in 1998. Federal law requires licensed firearms dealers to conduct an instant check on every buyer, and when a person prohibited by law from buying firearms attempts to make a purchase, the background check stops the sale. The process takes just minutes, and each year tens of millions of lawful gun purchasers complete them without incident. But tens of thousands of prohibited people also attempt to buy guns from dealers and are stopped from doing so. In Nevada alone, background checks blocked more than 5,000 gun sales to prohibited people between 2012 and 2014, according to an Everytown analysis of FBI data, including 1,226 sales to felons and 959 sales to people convicted of domestic violence misdemeanors or subject to domestic violence protection orders.

But neither federal law nor Nevada state law requires background checks for guns transferred in unlicensed sales, including those between strangers who meet online. These sales take place with no paperwork and no questions asked, which means they make up an unknowable share of total firearm sales in Nevada, but it is certain the number is significant. National surveys in the early 1990s and 2000s found that about 40 percent of gun owners obtained their firearms in transfers that would not be subject to a background check—-a share that forthcoming research appears to confirm. And an Everytown analysis of gun sales nationwide over one year on a single website, Armslist.com, found that self-described unlicensed gun sellers posted more than 644,000 unique ads offering guns for sale.

This loophole creates an open door for criminals and other prohibited people to obtain firearms—and research has repeatedly shown that criminals are increasingly reliant on these sales to obtain guns. A national survey of prison inmates found that 77 percent of those incarcerated for a crime committed with a handgun obtained the weapon in a transfer that would not be subject to a background check under federal law. In 2013, Mayors Against Illegal Guns conducted a first-of-its-kind investigation of unlicensed online gun sales, which showed that 1 in 30 people seeking firearms on the website Armslist.com had a felony or domestic violence history that prohibited them from possessing a gun, and subsequent Everytown investigations in Washington State and Oregon showed that as many as 1 in 10 people seeking firearms online in some states are prohibited under state or federal law. In the wake of those reports, Washington residents voted resoundingly to require background checks for all gun sales in their state and Oregon lawmakers followed suit, making it the 18th state to go beyond federal law to require criminal background checks for all handgun sales.

The weight of evidence shows that closing this loophole saves lives. In states that require criminal background checks for all handgun sales there are 46 percent fewer women shot to death by their intimate partners. 48 percent fewer law enforcement officers killed with handguns that are not their own, and 48 percent less gun trafficking. Controlling for population, in states that require background checks for all handgun sales, there were 52 percent fewer mass shootings between January 2009 and July 2015. And when Missouri repealed a requirement that gun buyers undergo a background check before obtaining a handgun in an unlicensed sale, the share of likely trafficked guns doubled and the gun homicide rate ballooned by 18 percent.

These are not abstract questions in Nevada. Between 2005 and 2014, the last decade of available data, 1,019 residents of the state were murdered with guns and an additional 2,849 died in firearm suicides or accidents.

To assess the role that unlicensed online gun sales play in arming dangerous people in Nevada, this investigation attempted to answer two critical questions:

1. How many unlicensed gun sales are taking place online—and without background checks—across the state of Nevada?

2. What share of Nevada residents seeking guns in these unlicensed online sales have committed felonies or domestic violence crimes or are otherwise prohibited under law from buying guns?
PART ONE: HOW MANY GUNS ARE EXCHANGED IN UNLICENSED ONLINE SALES IN NEVADA?

The online market for guns is vast and growing. Dozens of websites 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. Would-be buyers and sellers can post ads to these websites offering guns for sale or to announce their interest in obtaining a firearm with a “want-to-buy” ad. Because federal law does not allow unlicensed sellers to sell guns directly to residents of other states, most websites serve a defined geographic area or allow users to search for ads by state.

When a person seeking a gun identifies a seller (or a person selling a gun identifies a buyer), the two typically negotiate the transfer and arrange to meet offline to complete the transaction. Users may delete a posted ad once the offered firearm has been sold (or the sought-after firearm obtained), but often leave the ad online as long as 90 days, depending on the website. This electronic trail creates a unique opportunity to measure the scale of the online firearm market and to assess the individuals using websites to buy guns.

DATA COLLECTION

For this investigation, Everytown identified four websites catering to Nevada residents where self-described unlicensed sellers post ads offering firearms: Backpage, Armslist, Gunlistings, and Facebook, where unlicensed sellers in Nevada use dozens of dedicated pages to arrange gun sales.

The websites vary in scale, with a volume of gun ads ranging from just a handful to over ten thousand annually. Slightly different techniques were employed to estimate their respective sizes. For the websites Armslist and Gunlistings, all ads posted by self-described “private sellers” that offered firearms for sale or trade were “scraped” (a software technique for extracting online data) on a daily basis from November 1, 2014 to October 31, 2015. For Backpage, all firearm and firearm accessory ads were scraped on a daily basis from August 13 to October 31, 2015, a period of 80 days. To gather data from Facebook, Everytown hired an investigative agency to manually review posts on 27 pages dedicated to gun commerce over a period of four weeks, from December 25, 2015 to January 21, 2016, documenting posts offering guns for sale.

After the data was collected, Everytown employed a variety of techniques to eliminate ads that appeared to be duplicates, “want to buy” ads seeking guns rather than offering them, ads offering ammunition or accessories but no firearm, and ads that included language suggesting they were not posted by unlicensed sellers in Nevada.

To assess the accuracy of this procedure, Everytown reviewed a random sample of five percent of the ads (608) to ensure they had been posted by sellers in Nevada and offered firearms for sale. Ninety-seven percent of the ads had been classified correctly; 1.5 percent sought rather than offered firearms and one percent offered only non-firearm goods for sale.

Backpage and Facebook do not require the ad-poster to indicate whether he or she is an unlicensed seller, as Armslist and Gunlistings do. To control for the possibility that some of those offering guns for sale are licensed, investigators randomly contacted sellers from each of these websites under the pretext of seeking to buy firearms until a sample of 40 respondents was reached for Facebook, and 43 reached for Backpage. In those conversations, 95 percent of Facebook sellers and 81 percent of Backpage sellers verbally confirmed that they did not have licenses. Estimates of the number of ads posted by unlicensed sellers on each of these websites were adjusted accordingly.
RESULTS

In total, investigators scraped or manually identified 13,570 unique ads posted featuring firearms for sale. At this rate, unlicensed sellers in Nevada would post a total of 35,862 firearm ads to just these four websites each year.

The vast majority of sellers appeared to post just one or two ads during the period of observation, but a small number of sellers offered guns in higher volumes, an indicator that they may be illegally “engaging in the business” of selling firearms without a license. On Armslist, six sellers posted 25 or more ads over the course of a year including one seller who posted 157 ads. These six unlicensed sellers accounted for more than five percent of the ads posted on Armslist by unlicensed sellers in Nevada during this period of observation.

A small group of sellers on Facebook also offered large volumes of guns, even in the briefer period observed. One unlicensed seller posted 13 unique ads over four weeks (if that rate remained constant, he would list 169 guns over the course of a year) and nine other sellers each offered six or more guns. This handful of sellers accounted for almost nine percent of gun ads posted by Nevadan sellers (81 of 962 ads), and if they continued to offer guns at this pace they would each advertise over 75 guns annually.

RESULTS: ESTIMATED VOLUME OF GUNS OFFERED BY UNLICENSED SELLERS IN NEVADA, BY WEBSITE

<table>
<thead>
<tr>
<th>WEBSITE</th>
<th>OBSERVATION BEGUN</th>
<th>OBSERVATION ENDED</th>
<th>UNIQUE GUN ADS</th>
<th>ESTIMATED SHARE POSTED BY UNLICENSED SELLERS</th>
<th>ESTIMATED UNIQUE GUN ADS ANNUALLY</th>
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<tbody>
<tr>
<td>Backpage.com</td>
<td>8/13/15</td>
<td>10/31/15</td>
<td>4,179</td>
<td>81%</td>
<td>15,519</td>
</tr>
<tr>
<td>Facebook</td>
<td>12/25/15</td>
<td>1/21/16</td>
<td>962</td>
<td>95%</td>
<td>11,913</td>
</tr>
<tr>
<td>Armslist.com</td>
<td>11/1/14</td>
<td>10/31/15</td>
<td>8,388</td>
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<tr>
<td>Gunlistings.com</td>
<td>11/1/14</td>
<td>10/31/15</td>
<td>41</td>
<td>100%</td>
<td>41</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td>13,570</td>
<td></td>
<td>35,862</td>
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</table>
PART TWO: WHO IS SEEKING GUNS IN UNLICENSED ONLINE SALES IN NEVADA?

Every year, millions of law-abiding Americans shop for firearms at licensed firearm dealers. This volume of firearm sales is not a public safety concern because, under federal law, those sales are subject to a criminal background check. But the same is not true of gun sales by unlicensed sellers, who are not required to conduct a background check under current law. The large volume of these unlicensed sales occurring in Nevada—more than 35,000 annually across just four websites—provides an open door for dangerous people to avoid the background check system and buy guns.

DATA COLLECTION

To characterize the group of would-be gun buyers in Nevada, investigators posted 19 ads offering firearms for sale on the websites Armslist and Facebook between August 24, 2015 and September 17, 2015. Investigators received 394 responses to the ads and used information the would-be buyers voluntarily provided, including their names, phone numbers, and/or email addresses, to identify them using reverse lookup phone data or other sources. Investigators ultimately identified 224 unique Nevada residents seeking guns in online, unlicensed sales. Ninety-eight percent of identified respondents were male.
Investigators then searched court records in the geographic areas where each individual was known to have maintained a current or past address. Any felony convictions, domestic violence misdemeanor convictions, bench warrants, orders of protection, or other records that could be linked to the individual were analyzed to determine if they prohibited possession of firearms under state or federal law.

To ensure that the prohibition in each case remained in force at the time the individual was shopping for guns online, investigators checked with the relevant authorities in each state of conviction to confirm that none of the would-be buyers had had their prohibition lifted through a process allowed under federal law.24

This investigation’s results may understate the share of prohibited buyers in the online market. Investigators only examined court records in the jurisdictions where the identified buyer was known to have maintained a residence, so individuals who committed prohibiting crimes in other jurisdictions were not identified. Nor did the investigators examine records of some non-criminal prohibiting criteria including severe mental illness, dishonorable discharge from the Armed Forces, and immigration status.

RESULTS

Of the identified individuals seeking guns in unlicensed online sales in Nevada, 8.9 percent (20 of 224) had been convicted of crimes that prohibited them from possessing firearms. At this prevalence, gun sales transacted on just four websites would put as many as 3,100 guns into the hands of felons and domestic abusers in Nevada every year.

Above and beyond the absolute number of criminals seeking guns online, the high concentration of prohibited buyers is further evidence that criminals may be knowingly flocking to unlicensed sales in order to avoid background checks elsewhere. Between 2012 and 2014, Nevada gun dealers denied 1.3 percent of gun sales because the buyer failed the background check.25 In contrast, the share of buyers seeking guns online who are prohibited was 8.9 percent—almost seven times higher. This is a statistically significant difference, meaning it would not have occurred by chance alone.26

A plausible explanation for this disparity is that the background check system is successfully preventing criminals from obtaining guns at licensed gun dealers—but unlicensed sellers who offer an open door for acquiring guns without background checks are attracting them instead. A migration of criminals from licensed dealers to unlicensed sellers is consistent with the data from the background check system, which shows that the share of gun sales resulting in denial fell more than 25 percent between 2000 and 2014.

NATIONALLY, THE SHARE OF WOULD-BE GUN BUYERS WHO ATTEMPT TO BUY GUNS AT DEALERS AND ARE DENIED HAS STEADILY DECLINED
DANGEROUS PEOPLE SHOPPING FOR GUNS ONLINE IN NEVADA

In the course of this research, investigators observed the following individuals trying to purchase guns in unlicensed online sales without background checks — despite the fact their prior criminal records barred them from buying or owning guns.

A 23-YEAR-OLD MAN WHO HAD SHOT THREE PEOPLE IN RENO

On August 31, 2015 a 23-year old man contacted investigators via Armslist about a listing for a Hi Point 9mm handgun. He was prohibited from possessing firearms due to a previous felony conviction.

In 2010, he was convicted of battery with a deadly weapon for shooting three people with a handgun in Reno, NV.

He responded to an advertisement to see if a handgun was still available to purchase. He followed up with a phone call to reiterate his interest.

2009 Charging Document for Battery with a Deadly Weapon

Is the hi-point still available?
A 21-YEAR-OLD MAN WITH MULTIPLE FELONY GUN CHARGES

Between August 28, 2015 and September 18, 2015, a 21-year-old man responded to six separate advertisements on Armslist offering guns for sale. A previous felony conviction prohibited him from possessing firearms.

In 2014, he was convicted of felony possession of a stolen Glock pistol. He was also charged with changing, altering, removing, or obliterating the serial number of a firearm.

On six separate occasions, he contacted investigators via text message to purchase guns, offering $250 in cash for a Smith and Wesson pistol and following up numerous times in an attempt to purchase others.

In October 2015, a month after his attempts to buy a gun from investigators, he was arrested with a Phillippe .45-caliber pistol and charged with possessing a firearm by a prohibited person.

2015 Criminal Complaint for Ownership or Possession of Firearm by Prohibited Person and Carrying Concealed Firearm or Other Deadly Weapon
DANGEROUS PEOPLE SHOPPING FOR GUNS ONLINE IN NEVADA

A 31-YEAR-OLD MALE CONVICTED OF NUMEROUS FELONIES

On September 29, 2015, a 31-year-old male responded to a Facebook post advertising the sale of a Hi Point 9mm pistol. As a convicted felon and domestic abuser, he was prohibited from possessing firearms.

He had been convicted of separate felony burglaries in two different states — Arkansas in 2003 and Indiana in 2008, and was convicted of domestic violence in Iowa in 2006.

On Facebook, he offered to purchase the gun, commenting, “I will take it can pick up today if you are able to.”

2003 Order of Probation or Suspended Imposition of Sentence or Judgment and Commitment for Burglary

2008 Stipulated Plea and Agreement for Burglary

I will take it can pick up today if you are able to
Like · Reply · September 27 at 5:32pm
Hey I'm wonderin is the 380 still for sale. You wanna trade for an American arms pk22lr and 100 rounds. I'll take it today. Don't mean to be a bother it's just I have another gun I may be buying it between the 2 of you. And I'm really hoping to get that 380 off you as soon as you can. Thank you I appreciate it.

In 2009, he was convicted of felony breaking and entering. And in 2011, he was convicted of two counts of Assault with a Dangerous Weapon for hitting an occupied vehicle with an aluminum bat, injuring an occupant.

He contacted investigators through Armslist and continued the conversation via text message as he sought two different firearms. At one point he offered to trade for one of them: “you wanna trade for an American arms pk22lr and 100 round.” He also tried to push the process forward by letting investigators know that he was deciding between their advertised firearm and another one.
A 44-YEAR-OLD MALE CONVICTED OF DOMESTIC VIOLENCE

On August 26, 2015, a 44-year-old man responded to an Armslist ad by text to ask whether a Glock 27 was available for him to purchase that day. He had a history of domestic violence that barred him from buying guns.

In June 2007, he was convicted of domestic violence – inflicting “a corporal injury resulting in traumatic condition” to the mother of his child. The sentencing memorandum made it clear that he could not “own, use or possess dangerous weapons, including firearms.”

Despite being prohibited from possessing any guns, he used Armslist to inquire about purchasing a firearm and even gave investigators a Las Vegas street corner where he could meet to make the purchase.
A 26-YEAR-OLD MAN WHO COMMITTED TWO ARMED ROBBERIES

On September 21, 2015, a 26-year-old man contacted investigators about buying a handgun he had seen advertised on Armslist. He was prohibited from possessing firearms due to a previous felony conviction.

In 2006, police arrested the man for his involvement in two armed robberies on the same evening. During the investigation, police found a loaded .380 Kel-Tec pistol with four live rounds in his apartment. He was subsequently convicted of robbery with use of a deadly weapon.

He told investigators that he was interested in buying the handgun and would call back in a few days after he gathered the money.
CONCLUSION

This investigation offers a first glimpse into the vast online market where Nevadans exchange guns in unlicensed sales and provides clear evidence that criminals are taking advantage of these transfers to avoid background checks and obtain firearms—and then committing serious crimes.

There are two straightforward means for addressing this problem. Lawmakers can close the underlying loophole by extending background check requirements to all gun sales, a measure supported by more than 90 percent of the public. And until lawmakers act, websites can disallow unlicensed gun sales on their platforms, or at the very least establish safety protocols to ensure that unlicensed gun sales are consummated through gun dealers.

Criminal background checks on all gun sales and transfers, with reasonable exceptions, would go a long way to addressing this very real threat to public safety. Other states have recently amended their laws in similar ways and are already seeing results. In Colorado, which passed a law requiring background checks for all gun sales in 2013, strangers who connect online to sell a gun now meet at a licensed dealer who will run background checks for unlicensed person-to-person sales. Ninety-eight percent of Coloradans live within 10 miles of a gun dealer, who outnumber post-offices in the state three to one.

In the first 30 months after the law went into effect, dealers in Colorado conducted nearly 40,000 background checks for sales by unlicensed sellers. Background checks for unlicensed sales blocked more than 700 gun sales to criminals or other prohibited people who attempted to buy guns, and likely deterred many others from attempting to obtain guns at all. Contrary to predictions by the law’s opponents that this would deter legal gun ownership, the gun market in Colorado—including sales between unlicensed individuals online—continues to flourish. Washington and Oregon extended their background check requirements in the two following years. As of 2016, eighteen states—home to 49 percent of the US population—required background checks for all handgun sales.

While the websites that host gun ads are used predominately for lawful commerce, under current law they are also exploited by criminals who use them to get their hands on guns with no background check and no questions asked. Until legislators close this loophole by requiring background checks for all gun sales, sites could disallow gun listings by unlicensed sellers. Or at the very least, they could ensure that the gun sales they facilitate are consummated through federally licensed dealers, who can conduct criminal background checks before transferring guns to the buyers. By establishing safety protocols that prevent people from selling guns to strangers without background checks, websites that host gun ads could function as responsible marketplaces in which guns are exchanged between law abiding citizens, rather than pipelines feeding guns into the criminal market.