



Background Checks Save Lives and Protect Our Communities

Bottom Line: The 116th Congress' top priority should be passing legislation to require background checks on all gun sales. Background checks are associated with reduced rates of firearm homicide, suicide and firearm trafficking, and they are the backbone of any comprehensive gun violence prevention policy.

- 93% of American voters support requiring background checks on all gun sales, including 89% of Republicans and 87% of gun owners.¹
- ❑ **A loophole in federal law enables people with felony convictions, domestic abusers, fugitives from justice, and people prohibited from possessing guns due to mental illness to buy guns with no background checks and no questions asked.**
 - Under federal law, certain categories of people are not allowed to buy or possess firearms, including convicted felons, domestic abusers and people who have been adjudicated mentally ill by a court of law.
 - For 25 years, federal law has enforced this prohibition by requiring a background check before anyone buys a gun from a licensed dealer.
 - But the law does not cover sales by any non-dealers ("unlicensed sellers"), enabling criminals and other prohibited people to buy guns from unlicensed sellers with no background checks and no questions asked—even from strangers they meet online.
- ❑ **A federal background checks law would block prohibited people from buying guns by requiring background checks for all gun sales.**
 - No one should be able to avoid a background check simply by purchasing a gun from an unlicensed seller.
 - If a federal law requiring background checks on all gun sales were enacted, unlicensed sellers would meet their buyers at a licensed gun dealer, who would run a background check using the same process already used for sales from their own inventory.
 - Twenty-one states and D.C. already require background checks for all handgun sales—either via point-of-sale background checks, as part of a purchase permit, or both.²
 - Twelve states have passed new or improved background checks laws since the Sandy Hook massacre,³ and half of Americans are now covered by these comprehensive background checks laws.⁴
- ❑ **Criminals routinely exploit the massive background check loophole, going online to get armed with no questions asked.**
 - Background checks stop sales to prohibited people every day. Since 1994, **over 3.5 million sales** have been blocked to violent criminals and other prohibited people.⁵ In 2017 alone, over 170,000 sales were denied—39 percent of them to convicted felons.⁶
 - Since the introduction of the federal background check system twenty-five years ago, the Internet has emerged as a massive, unregulated marketplace.
 - An investigation found that in 2018 alone, there were **nearly 1.2 million gun ads** on an online gun marketplace called Armslist.com for gun sales where no background check was legally required. And research shows that prohibited people seek guns in those unlicensed gun sales at a disproportionate



rate. Of those looking to purchase firearms on Armslist.com, **1 in 9 prospective buyers had prohibiting histories or status** - a rate **7 times higher** than buyers who fail background checks at licensed dealers or in other contexts where background checks are required.⁷

□ **Evidence shows that requiring background checks on all gun sales save lives and make American communities safer.**

- State laws requiring background checks for all handgun sales—by point-of-sale check and/or permit—are associated with **lower firearm homicide rates**,⁸ **lower firearm suicide rates**⁹ and **lower firearm trafficking**.¹⁰
 - A 2019 analysis found that states with laws requiring background checks for all gun sales are associated with **10 percent lower homicide rates**.¹¹
 - State laws requiring background checks for all handgun sales are associated with **48 percent lower rates of gun trafficking in cities**¹² and **29 percent lower rates of gun trafficking across state lines**.¹³
- When Connecticut passed a law requiring all handgun buyers to pass a background check both at the point of sale and as part of a permit process, it was associated with a **40 percent reduction in the gun homicide rate**¹⁴ and a **15 percent reduction in the gun suicide rate**.¹⁵
- By contrast, when Missouri decided to repeal its purchase permit law requiring background checks, the state experienced an up to **27 percent increase in its firearm homicide rate**¹⁶ and a **16 percent increase in its firearm suicide rate**.¹⁷
- An investigation found that, among unlicensed sellers on Armslist.com, **84% of those in states with background checks laws stated the sale would require a check**, while only 6% of those in states without those laws indicated they would require a background check.¹⁸

□ **Background checks are the primary method to enforce gun possession laws.**

- Strong laws targeted at people who pose a risk of violence to themselves and others have been shown to disrupt firearm access and save lives.
 - For instance, research has found that state laws barring firearm access by domestic abusers reduce intimate partner homicide rates.^{19 20}
 - Similarly, state laws that prohibit violent misdemeanor offenders from possessing firearms are associated with lower rates of homicides and intimate partner homicides.²¹
- Requiring background checks for gun buyers is the most comprehensive intervention to keep guns out of the wrong hands. Loopholes in our background check system weaken gun possession laws, enabling criminals to get armed with no questions asked and making it difficult to enforce the law and protect communities from gun violence.

□ **In too many tragic homicide cases, prohibited purchasers have been able to arm themselves simply because the law didn't require a background check. A few recent examples include:**

- A background check requirement for unlicensed sales could have saved a woman who was shot and killed in January 2018 in Appleton, WI by her husband, who was able to purchase the firearm from a seller he met online, despite his prohibiting felony conviction.²²
- It could have saved a woman, her husband, and six children—aged 6 to 13—who were all killed by her former partner in August 2015 near Houston, TX. Despite an extensive prohibiting criminal history, the killer was able to buy a gun from a stranger he met online.²³



- Or another woman who was shot and killed by her ex-boyfriend in May 2016 in North Las Vegas, NV. The killer, who also seriously injured her two children in the shooting, had a prohibiting restraining order against him, but was able to purchase a firearm from an unlicensed seller.²⁴



1. Quinnipiac University. 2019. "U.S. Voters Oppose Trump Emergency Powers On Wall 2-1 Quinnipiac University National Poll Finds; 86% Back Democrats' Bill On Gun Background Checks." Available at <https://bit.ly/2ENkKH4>.
2. Ten states require only a point-of-sale check for sales by unlicensed handgun sellers (CA, CO, DE, NV, NM, NC, OR, PA, VT, and WA), seven states require only a background check on those sales pursuant to a purchase permit (HI, IA, IL, MA, MI, NE, and RI), and four states and DC require a background check at both occasions (CT, DC, MD, NJ, and NY).
3. CA, CO, CT, DE, MD, NV, NJ, NM, NY, OR, VT, and WA.
4. 49.78 percent. US Census Bureau, Population Division, *Annual Estimates of the Resident Population: April 1, 2010 to July, 2017*. (2017). Available here: <https://bit.ly/2ui5jTR>. Data for 2017 used.
5. Karberg JC, Frandsen RJ, Durso JM, Buskirk TD, Lee AD. Bureau of Justice Statistics. Background checks for firearm transfers, 2015 - Statistical tables. <https://goo.gl/SbaLbt>. Data for 2016 and 2017 were obtained by Everytown from the FBI directly. Data for 2018 are currently unavailable and were estimated based on a five-year average of background check denials from 2013-2017. Though the majority of the transactions and denials reported by FBI and BJS are associated with a firearm sale or transfer, a small number may be for concealed carry permits and other reasons not related to a sale or transfer.
6. Data obtained by Everytown from the FBI directly pursuant to a FOIA request. The data represents denial transactions from the National Instant Criminal Background Check System (NICS) from January 1, 2017 through December 31, 2017. The numbers include denials issued by state agencies that serve as Full/Partial Points of Contact for firearm background checks.
7. Everytown for Gun Safety. Unchecked: Over 1 Million Online Firearm Ads, No Background Checks Required. February 2019. <https://every.tw/2UXjYwf>
8. Siegel M, Boine C. What are the most effective policies in reducing firearm homicides? Rockefeller Government Institute. 2019.
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10. Webster DW, Vernick JS, Bulzacchelli MT. Effects of state-level firearm seller accountability policies on firearm trafficking. *Journal of Urban Health*. 2009. 86(4):525-537; Federal law bars felons from having firearms, but does not bar misdemeanors outside the domestic violence context. Webster DW, Vernick JS, McGinty EE, & Alcorn T. Preventing the diversion of guns to criminals through effective firearm sales laws. In *Reducing Gun Violence in America: Informing Policy with Evidence and Analysis*. 2013. Vol. 9781421411118, pp. 109-121.
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