

REDUCING GUN TRAFFICKING

CRACKING DOWN ON THE ILLEGAL GUN TRADE

Weak gun laws in far too many states drive the epidemic of shootings our nation faces each day. Deadly weapons are too easily purchased in states with little in the way of gun safety laws and trafficked to states with stronger gun laws, where they end up in the hands of people unable to pass a background check and are ultimately used in violent crimes.

Strengthening state and federal firearms trafficking laws can significantly reduce gun murder and suicide rates.

Policies that target straw purchases, hold negligent gun dealers accountable, and require reporting of lost and stolen guns dry up the supply of illegal guns and save lives.

115,000

people are shot in America every year, with nearly 34,000 dying.¹ Over one million Americans have been the victims of gun violence in the past decade.

29%

of guns used in crimes that could be traced originated in another state. That percentage is likely much higher when untraceable guns are included.²

THE IRON PIPELINE

New York's strong gun laws make it difficult for criminals to get guns in-state. From 2010–14, 74% of New York's crime guns came from out of state, most passing through the "Iron Pipeline" of states with weak gun laws along I-95, like Virginia and Georgia.³

GUN TRAFFICKING THE ROLE OF STRAW PURCHASERS

- GUN DEALER 
- GUN SHOW 
- UNLICENSED SELLER 

Straw Purchaser



A straw purchaser is an individual with a clean background who buys a gun for another person to avoid normal requirements.

-  GANGS
-  INTERNATIONAL DRUG CARTELS
-  INTERSTATE GUN TRAFFICKERS
-  FELONS
-  DOMESTIC ABUSERS
-  THE VIOLENTLY MENTALLY ILL
-  PEOPLE UNDER RESTRAINING ORDERS

The Problem: Loopholes Fuel the Illegal Gun Market

Every year, tens of thousands of guns enter the illegal market through a number of channels, including: 1) unlicensed private sellers at gun shows and over the internet who are not required to conduct background checks, 2) straw purchasers, 3) gun traffickers who falsely claim guns they purchased were lost or stolen, and 4) corrupt gun dealers who sell their guns off the books to traffickers.

The Solution: Federal and State Anti-Trafficking Laws

No clear or effective federal statute currently exists to prohibit gun trafficking, though policy-based solutions are available to both state and federal lawmakers to make it more difficult for dangerous or prohibited purchasers to obtain access to deadly weapons.

UNIVERSAL BACKGROUND CHECKS

Many of the guns used in crimes in states with strong gun laws originate in states with weaker gun laws. For example, 50% of Chicago's crime guns are purchased out of state, largely in Indiana, which lacks universal background checks.⁴ Closing the loophole in our federal background checks law is essential to ensuring guns aren't sold to dangerous people and is the first line of defense to stopping trafficking.

CRACK DOWN ON STRAW PURCHASES

A straw purchase occurs when the actual buyer of a firearm uses another person to undergo the background check necessary to purchase a firearm from a federally licensed firearms dealer. Although prohibited by federal law, straw purchases are often treated as a mere paperwork violation and left unchecked.⁵ Stronger federal penalties for straw purchasing, as well as state-specific straw purchasing laws, are solutions that will discourage this dangerous practice.

REQUIRE THE REPORTING OF LOST OR STOLEN FIREARMS

There is no current federal law that requires gun owners to inform law enforcement when their firearms have been lost or stolen. Consequently, gun traffickers often claim that guns that were in their possession were lost or stolen in order to hide their involvement in gun trafficking. So far, 10 states have taken the responsible step to require gun owners to report lost or stolen firearms within a short period of time after discovering that they are missing.⁶

HOLD CORRUPT AND NEGLIGENT GUN DEALERS ACCOUNTABLE

While federal law requires firearms dealers to have a federal license, loopholes enable unscrupulous dealers to engage in illegal business practices under the radar of the resource-strapped ATF.⁷ Strengthening gun dealer regulations will make it harder for corrupt dealers to sell guns to traffickers.

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For more details and underlying research, visit lawcenter.giffords.org/trafficking

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COMMONSENSE SOLUTIONS TOOLKIT

Our legislative toolkit on gun trafficking offers a deeper dive into policy solutions to curb the flow of illegal guns.

lawcenter.giffords.org/trafficking-toolkit

WE'RE ON A MISSION TO SAVE LIVES

For nearly 25 years, the legal experts at Giffords Law Center to Prevent Gun Violence have been fighting for a safer America by researching, drafting, and defending the laws, policies, and programs proven to save lives from gun violence. Founded in the wake of a 1993 mass shooting in San Francisco, in 2016 the Law Center joined with former Congresswoman Gabrielle Giffords to form a courageous new force for gun safety that stretches coast to coast.

CONTACT US

media@giffords.org

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CITATIONS

1. Based on data between 2011 and 2015. “WSIQARS: Fatal Injury Reports, National and Regional, 1999–2015,” Centers for Disease Control and Prevention, accessed Jan. 5, 2018, http://webappa.cdc.gov/sasweb/ncipc/mortrate10_us.html “WISQARS: Nonfatal Injury Reports, 2001–2015,” Centers for Disease Control and Prevention, accessed Jan. 5, 2018, <http://webappa.cdc.gov/sasweb/ncipc/nfirates2001.html>.
2. Office of the New York State Attorney General, Target on Trafficking: New York Crime Gun Analysis, at <https://targettrafficking.ag.ny.gov>.
3. Gregor Aisch and Josh Keller, “How Gun Traffickers Get Around State Gun Laws,” New York Times, Nov. 13, 2015, <http://www.nytimes.com/interactive/2015/11/12/us/gun-traffickers-smuggling-state-gun-laws.html>.
4. Mike Spies and Emily Fuhrman, “Watch How Chicago Gets Flooded with Thousands of Crime Guns”, The Trace, Nov. 2, 2015, at <https://www.thetrace.org/2015/11/chicago-gun-laws-shootings-trafficking>.
5. Office of the Inspector General, US Department of Justice, “Review of ATF’s Project Gunrunner” (Nov. 2010), 60, <https://oig.justice.gov/reports/ATF/e1101.pdf>.
6. Conn. Gen. Stat. § 53-202g ; Del. Code tit. 11, § 1461 ; 720 Ill. Comp. Stat. 5/24-4.1; Md. Code Ann., Pub. Safety § 5-146; Mass. Gen. Laws ch. 140, § 129C; Mich. Comp. Laws § 28.430; N.J. Stat. Ann. § 2C:58-19; N.Y. Penal Law § 400.10; Ohio Rev. Code § 2923.20(A) (5); R.I. Gen. Laws § 11-47-48.1.
7. Center for American Progress, The Bureau and the Bureau (Spring 2015), 8, at <https://cdn.americanprogress.org/wp-content/uploads/2015/05/ATF-report-webfinal.pdf>.