



## Background Checks and Arizona

- ❑ **Bottom Line:**
  - ❑ **Background check authorities regularly stop prohibited purchasers from making illegal gun purchases in Arizona. And yet Arizona has not closed the unlicensed sale loophole, meaning that prohibited people can take advantage of the unlicensed gun market -- and get armed illegally.**
  - ❑ **Arizona has already taken action relating to firearm background checks, requiring prohibiting mental health records to be submitted to the federal background check system.**
- ❑ **Felons, domestic abusers, and other prohibited people attempt to buy guns regularly in Arizona -- and are stopped only by a background check.**
  - ❑ Since 1998, **a total of more than 71,000 sales to prohibited purchasers were denied in Arizona**-- including nearly 40,000 illegal sales to convicted felons and nearly 9,000 illegal sales to prohibited domestic abusers.<sup>1</sup>
  - ❑ While the FBI is responsible for background checks at the point of purchase, the Arizona Legislature has helped the FBI block illegal purchases. In 2014, the Legislature passed House Bill 2322, requiring prohibiting mental health records to be submitted to the FBI's National Instant Criminal Background Check System (NICS). As of December 2018, Arizona had submitted nearly 40,000 prohibiting mental health records to NICS.<sup>2</sup>
- ❑ **Arizona has not closed the unlicensed sale loophole, meaning felons, domestic abusers, people prohibited due to mental illness, and other prohibited people can skip a background check and get armed simply by seeking an unlicensed seller at a gun show or online. Recent data gives a glimpse at the size of that loophole in Arizona.**
  - ❑ A recent study of the online gun market Armlist.com revealed 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.
  - ❑ In 2018 alone, **there were 54,172 ads on Armslist.com in Arizona for firearm sales that would not require a background check.**<sup>3</sup>
  - ❑ Using several sample states, that study showed that **1 in 9 would-be buyers on Armslist.com would have failed a background check** -- a rate over 7 times higher than those who fail background checks at licensed dealers or in other contexts where background checks are required.<sup>4</sup>
  - ❑ Critics of background check laws claim they will not make a difference in how guns are sold. But Everytown's investigation showed that laws matter. Unlicensed sellers in states that have passed background check laws show a high degree of compliance -- with 84 percent of sellers from states with background check laws directly stating the sale would need a check,

<sup>1</sup> Everytown obtained state-level NICS denial data via FOIA requests for each year between 1998 and 2018. Though the majority of the transactions and denials reported by the FBI 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.

<sup>2</sup> Active Records in the NICS Indices by State. Washington, DC: Department of Justice, Federal Bureau of Investigation. Available at <https://bit.ly/2CwVOIF>.

<sup>3</sup> Everytown for Gun Safety. Unchecked: Over 1 Million Online Firearm Ads, No Background Checks Required. February 2019, <https://everytown.org/2019/02/unchecked-over-1-million-online-firearm-ads-no-background-checks-required/>.

<sup>4</sup> Ibid.



and **only 6 percent of the unlicensed sellers in states without background check laws indicating a background check was required.**<sup>5</sup>

❑ **Too many Arizonans are killed with guns.**

- ❑ Every year, **1,013 people in Arizona are killed with guns** and thousands more are shot and injured.<sup>6</sup>
- ❑ State laws requiring background checks for all handgun sales - by point-of-sale check and/or permit - are associated with lower firearm homicide rates, lower firearm suicide rates and lower firearm trafficking.<sup>7</sup> A 2019 analysis found that states with laws requiring background checks for all gun sales are associated with a **10 percent lower homicide rates.**<sup>8</sup>

❑ **It is convenient to find a licensed dealer in Arizona and complete a background check.**

- ❑ Requiring background checks on all gun sales **would not be** burdensome to law-abiding Arizonans. In fact, **96.9 percent of Arizonans** live within 10 miles of a gun dealer—so it's easy and convenient to get the background check done.<sup>9</sup> There are more than 1,350 unique gun dealers in Arizona, five times as many McDonald's and nearly seven times as many post offices.<sup>10</sup>

❑ **Loopholes in the background check law enable gun trafficking in Arizona.**

- ❑ Existing loopholes in the background check law in Arizona are negatively impacting states that have closed the background check loophole. Research has shown that state laws requiring background checks for all handgun sales are associated with **48 percent lower rates of gun trafficking in cities and 29 percent lower rates of gun trafficking across state lines.**<sup>11</sup>

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<sup>5</sup> Ibid.

<sup>6</sup> Centers for Disease Control and Prevention. National Center for Injury Prevention and Control, Web-based Injury Statistics Query and Reporting System (WISQARS) Fatal Injury Reports. A yearly average was developed using five years of most recent available data: 2013 to 2017.

<sup>7</sup> Siegel M, Boine C. What are the most effective policies in reducing firearm homicides? Rockefeller Government Institute. 2019; Flegler EW, Lee LK, Monuteaux MC, Hemenway D, Mannix R. Firearm legislation and firearm-related fatalities in the United States. *JAMA Internal Medicine*. 2013; 173(9):732-740; 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.

<sup>8</sup> Siegel M, Boine C. What are the most effective policies in reducing firearm homicides? Rockefeller Government Institute. 2019.

<sup>9</sup> Everytown analysis of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) Federal Firearms Licensee (FFL) dealers and U.S. population. Data on licensed gun dealers were obtained from the ATF through November 2018 here: <https://bit.ly/2SPLs9O>. Data on census block groups were obtained from the U.S. Census Bureau here: <https://bit.ly/2BCfBzw>. Distance was calculated between the centroid of each census block group and each licensed dealer to determine the closest dealer.

<sup>10</sup> Federal Firearms Listings. Washington, D.C. ATF. <https://bit.ly/2SPLs9O>. Analyses were done to determine the latitude and longitude of each licensed dealer and duplicates by latitude, longitude, and state were removed for a total of 1,021 unique licensed gun dealers in South Carolina; Andrews, Colman. Is your state 'lovin' it'? A look at where the most McDonald's are located in the US. *USA Today*. <https://bit.ly/2vWWugb>; Postmaster Finder. Washington, D.C. United States Postal Service. <https://bit.ly/2qiWoOi>.

<sup>11</sup> 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.



- Between 2013 and 2017, **nearly 13,000 crime guns** that originated in Arizona were recovered in crimes in states outside of Arizona – **more than 9,500 of these crime guns were traced in states that have comprehensive background check laws.**<sup>12</sup>
- And the unregulated, online marketplace has enabled prohibited purchasers to weaken state background check laws by traveling to neighboring states without these laws. Between 2016 and 2017, three individuals were arrested for trafficking an estimated 90 firearms purchased on Armslist.com and Facebook into Illinois from Kentucky. These firearms were subsequently linked to violent crimes in Illinois.<sup>13</sup>

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<sup>12</sup> Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). Firearms trace data. <https://bit.ly/2nigapL>. Totals were developed using five years of most recent available data: 2013 to 2017. This excludes crime guns recovered in CO and DE in 2013, WA in 2013 and 2014, and OR in 2013-2015.

<sup>13</sup> Yablon A. Chicago felons busted for gun trafficking bought weapons via Armslist and Facebook. *The Trace*. May 16, 2018. Available at <https://bit.ly/2SchxFp>.