

Myths and Facts about Background Checks

Myths	Facts
<p>Criminals will always get their hands on guns anyway—they don't follow the law or submit to background checks.</p>	<p>No law can stop all dangerous behavior, but background checks stem the easy flow of guns to prohibited people. In 2018 alone, there were nearly 1.2 million gun ads on an online gun marketplace called Armslist.com for firearm sales where no background check was legally required.¹ Research shows that prohibited people disproportionately seek guns in those unlicensed online sales. An investigation of people looking to purchase firearms on Armslist.com revealed that 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.²</p> <p>What's more, though some criminals may turn to the black market to get their hands on guns, research shows this is no substitute for the easy access provided by the loophole that allows unlicensed sellers to complete sales with no questions asked. Obtaining guns on the black market is expensive and risky, and a study of black market gun dealers found that more than one in three attempts to purchase a gun on the black market ended in failure.³</p>

	<p>Additional research has shown that state laws requiring background checks for all handgun sales—by point-of-sale and/or permit—are associated with 48 percent lower rates of gun trafficking in cities⁴ and 29 percent lower rates of gun trafficking across state lines.⁵</p>
<p>Requiring background checks on all gun sales would essentially create a nationwide gun owner registry.</p>	<p>There is no federal registry of gun owners, the federal government is legally prohibited from creating one, and federal legislation--like the bill passed earlier this year in the House-- explicitly states that nothing in it authorizes a registry, even indirectly. When someone passes a background check and buys a gun, all government records of the sale must be destroyed within 24 hours.</p>
<p>Background checks are already required on gun sales.</p>	<p>Background checks are only required under current federal law when a <i>licensed dealer</i> is the seller. That means no background check is required for sales by unlicensed sellers, regardless of where those sales take place—at a gun show, in a parking lot, between strangers who met online, or anywhere else.</p>
<p>We don't need background checks on all gun sales—we just need to enforce the laws we already have.</p>	<p>Background checks are the best way to enforce the laws we already have to keep guns out of the hands of people who shouldn't have them—but without requiring them for all gun sales, criminals, domestic abusers and other people prohibited from purchasing firearms can</p>

	<p>easily avoid a background check simply by seeking out an unlicensed seller.</p>
<p>Requiring background checks on all gun sales would make it harder for law abiding citizens to protect themselves and their families.</p>	<p>Responsible gun owners have nothing to fear from a background check—and in fact, pass background checks routinely whenever they buy guns from a licensed dealer. Indeed, ninety percent of background checks are completed immediately.</p>
<p>There is no background check loophole.</p>	<p>In 2018 alone, there were nearly 1.2 million gun ads on a single online gun marketplace called Armslist.com for firearm sales where no background check was legally required. Shockingly, one in nine would-be buyers were prohibited from buying firearms due to their criminal histories.⁶</p> <p>In a recent survey, nearly a quarter of Americans—22 percent—who had acquired a gun in the two years prior to the survey did so without undergoing a background check.⁷</p>
<p>Requiring background checks on all gun sales would do nothing to reduce gun violence.</p>	<p>More than 3.5 million illegal gun sales—including to convicted felons, domestic abusers, and people who have been adjudicated mentally ill by a court of law—have been stopped by a background check in the last 25 years.⁸</p> <p>State laws that require background checks for all handgun sales (by point-of-sale check and/or permit) are associated with lower firearm</p>

	<p>homicide rates⁹, lower firearm suicide rates¹⁰ and lower firearm trafficking.¹¹ States that require a background check on all gun sales have homicide rates 10 percent lower than states without them.¹²</p>
<p>Congress already fixed the loophole in our background check system when it passed the “Fix NICS Act” last year.</p>	<p>The Fix NICS Act, which was included in the omnibus government funding bill passed in 2018, helps ensure that federal agencies and states submit records of convicted criminals and domestic abusers into the background check system. But it didn’t do anything to close the loopholes that enable prohibited purchasers to easily avoid background checks by buying guns from unlicensed sellers. And when a prohibited buyer skips the background check altogether, all of the work done to build the system is undermined.</p>
<p>Requiring background checks on all gun sales would violate the Second Amendment and is unconstitutional.</p>	<p>For fifty years, federal law has barred several narrow categories of people from having guns—prohibitions that the Supreme Court has explicitly allowed and that background checks have been used to enforce for decades. The federal requirement that background checks be conducted for every dealer sale has been in place for 25 years and has never been successfully challenged. And every court to hear a challenge to state laws requiring background checks on all handgun sales has thrown the case out.</p>

<p>Background checks wouldn't prevent mass shootings.</p>	<p>One hundred Americans are shot and killed every day in this country, and while most of those shootings don't make the news, too many are perpetrated by shooters who exploited our outdated laws to avoid a background check. Furthermore, in at least one-third of mass shootings between 2009-2017, the shooter was prohibited from having a gun at the time of the shooting and should have been prevented from purchasing one by a background check. In many of those tragedies, how the shooter got his or her gun remains unknown.¹³</p> <p>In several mass shootings, the killer simply avoided a background check to get armed. In one horrific case, a man with an extensive prohibiting criminal history bought a gun from a stranger he met online—and then killed two adults and six children in August 2015 near Houston, TX.¹⁴</p>
<p>Requiring background checks on all gun sales would be burdensome.</p>	<p>Federal background check legislation would simply require that unlicensed sellers meet their buyers at a gun dealer, who will run a background check in exactly the same way as for sales directly from the dealer's store. 99 percent of Americans live within 10 miles of a gun dealer—so it's easy and convenient to get the background check done.¹⁵ There are nearly 62,000 unique gun dealers across the country,</p>

	<p>more than four times as many as there are McDonald's and twice as many as U.S. post offices.¹⁶</p> <p>Gun owners are already accustomed to this process, because they do it every time they buy a gun from a dealer.</p>
<p>The online sales loophole is made up because you can't buy a gun over the Internet without having it shipped to a licensed dealer.</p>	<p>In 2018 alone, there were nearly 1.2 million gun ads on an online gun marketplace called Armslist.com for firearm sales where no background check was legally required. Websites like Armslist.com function similarly to Craigslist—allowing buyers and sellers in the same geographic location to find one another, agree on a price, and set up a location to meet in person. Buyers and sellers don't have to send guns through the mail at all, but rather meet face-to-face and exchange cash for guns. The Internet makes the sale possible.</p>
<p>A law requiring background checks on all gun sales would be unenforceable.</p>	<p>Police and sheriffs could actively enforce such a law. They could monitor activity by unlicensed sellers online and at gun shows to determine if they are running checks, and could arrest sellers who break the law. They could also work with gun show operators to help design how background checks are conducted.</p> <p>Our laws establish norms and a culture of compliance—and they work not only when police arrest law-breakers, but also when they change behavior. There is strong evidence that</p>

	<p>unlicensed gun sellers comply with new state background checks laws. In an investigation of online sellers in those states, 84 percent indicated they would require a background check—compared with only 6 percent in states with no such laws.</p>
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¹ Everytown for Gun Safety. Unchecked: over 1 million nine firearm ads, no background checks required. <https://every.tw/2UXjYwf>. February 2019.

² Ibid.

³ Cook PJ, Ludwig J, Venkatesh S, Braga AA. Underground gun markets. *The Economic Journal*. 2007. 117: F558-588.

⁴ 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.

⁵ 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.

⁶ Everytown for Gun Safety. Unchecked: over 1 million online firearm ads, no background checks required. February 2019. <https://every.tw/2UXjYwf>.

⁷ Miller M, Hepburn L, Azrael D. Firearm acquisition without background checks: results of a national survey. *Annals of Internal Medicine*. 2017;166(4):233-239.

⁸ 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.

⁹ Siegel M, Boine C. What are the most effective policies in reducing gun homicides?. <https://bit.ly/2YPAz7P>. *Rockefeller Institute of Government*. March 2019.

¹⁰ Fleegler 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.

¹¹ 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. *Reducing Gun Violence in America: Informing Policy with Evidence and Analysis*. 2013. Vol. 9781421411118, pp. 109-121.

¹² Siegel M, Boine C. What are the most effective policies in reducing gun homicides?.

<https://bit.ly/2YPAz7P>. *Rockefeller Institute of Government*. March 2019.

¹³ Everytown for Gun Safety. Mass shootings in the United States 2009-2017. <https://every.tw/2FZwmIS>. December 2018.

¹⁴ Miya Shay, "Family massacre suspect reportedly details how 8 killings were planned, executed," *ABC*, August 12, 2015, <https://abc7.ws/2PQLeKC>.

¹⁵ Everytown analysis of 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.

¹⁶ Federal Firearms Listings. Washington, D.C. Bureau of Alcohol, Tobacco, Firearms and Explosives. <https://bit.ly/2SPLs9O>. As of November 2018, ATF reported there were 63,543 licensed gun dealers in the U.S. 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 61,763 unique licensed gun dealers; Stores Top Retailers 2018. Washington, D.C. National Retail Federation. <https://bit.ly/2NuvfkV>; Postal Facts – Sizing It Up. Washington, D.C. United States Postal Service. <https://bit.ly/2tILGHe>.