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Updated Evidence and Policy Developments on Reducing Gun Violence in America

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Preventing the Diversion of Guns to Criminals through Effective Firearm Sales Laws

Daniel W. Webster, Jon S. Vernick,
Emma E. McGinty, and Ted Alcorn

In our chapter in *Reducing Gun Violence in America* (Webster et al. 2013), we presented data on how criminals exploit weaknesses in current federal and state gun laws to acquire guns, usually in private-party transactions that are not subject to background check or record-keeping requirements. Though criminals typically obtain guns directly from private sellers, gun trafficking investigations and studies using gun trace data suggest that a small share of licensed dealers facilitate the diversion of guns from the legal to illegal market, where criminals obtain them from straw purchasers and traffickers. We highlighted several studies and new data which show that the number of guns diverted to criminals is negatively associated with the regulation of handgun sales by unlicensed private sellers, permit-to-purchase (PTP) licensing of handgun purchasers that require in-person applications at law enforcement agencies, and measures to increase the accountability of licensed gun dealers (Webster et al. 2006; Webster et al. 2009; Webster et al. 2013; Webster and Vernick 2013).

Kahane (2013) studied the flow of guns from the state of their original sale to criminals in other states and produced findings that were consistent with

those we presented previously (Webster et al. 2013). Controlling for many non-policy factors that might influence interstate gun trafficking, the study showed that stronger firearm sales regulations deterred the export of crime guns and reduced criminal use of locally purchased firearms. Specific policies independently associated with lower exporting of crime guns to other states were universal background checks for firearm sales,¹ requirements that gun owners report lost or stolen firearms, and laws giving law enforcement discretion in issuing permits for carrying concealed weapons (CCW). A key weakness of the study was its measurement of gun policies. All PTP handgun laws were treated as equal despite substantial differences in restrictiveness and requirements that potential purchasers apply in-person at law enforcement agencies where they are usually fingerprinted, factors that we found made them more effective (Webster et al. 2013). States that give police discretion in issuing CCW permits also have stricter policies for issuing permits to purchase handguns, and the negative association between discretionary CCW permit laws and fewer guns exported to criminals likely reflects the effects of stricter PTP laws.

We previously examined the impact of Missouri's repeal of its relatively strong PTP handgun law, effective on August 28, 2007 (Webster et al. 2013). The repeal of the PTP law also eliminated the state's requirement that handgun sales involving unlicensed, private sellers be subject to a background check. Following the repeal, we found a twofold increase in the percentage of crime guns recovered by police in Missouri with a recent retail sale date and a significant increase in the share of crime guns that had been sold by in-state gun dealers (Webster et al. 2013). More recently we also found that the number of guns sold in Missouri and later recovered by police in Illinois and Iowa—two states with PTP handgun laws—increased 37% from 2006 to 2012 (133 to 182), when the overall number of guns recovered by police in those states declined 6% (Bureau of Alcohol, Tobacco, Firearms and Explosives 2013). But more importantly, after controlling for changes in crime, incarceration, police, poverty, and unemployment as well as other key laws, the repeal of Missouri's PTP law was associated with an increase of 1 homicide per every 100,000 population per year through 2012, translating to about 55 to 60 additional homicides per year. The increase occurred only for homicides committed with firearms and was observed in each of the most populous counties in the state, but it did not occur in any of the eight states bordering Missouri (Webster, Crifasi, and Vernick in press).

Although the mass shooting in Newtown, Connecticut, on December 14, 2012, led to a surge in advocacy for stronger federal gun laws, Congress's only

legislative action on guns in 2013 was to renew a ban on undetectable firearms. A proposal by Senators Joe Manchin (D-WV) and Pat Toomey (R-PA) to require background checks for firearm sales by unlicensed sellers when the transaction occurred at a gun show or was initiated as a result of an advertisement on the Internet failed to pass in the U.S. Senate and was not taken up by the House of Representatives. (No modern Congress passed fewer bills in a year than did the 113th Congress.)

A number of states strengthened laws designed to keep guns from criminals and other high-risk groups in 2013. Colorado, Delaware, Illinois, and New York each enacted legislation to extend background check requirements when guns are sold by unlicensed sellers. Three of these states (Delaware, Illinois, and New York) and Maryland passed laws requiring gun owners to report lost or stolen firearms. Maryland arguably took the biggest step with its Firearm Safety Act of 2013. In addition to the lost-and-stolen-requirement, the law included a PTP handgun law with fingerprint verification and mandated safety training, increased state police authority to take action against gun dealers' licenses if dealers fail to comply with gun laws, and mandated that new state residents register their handguns. Maryland already required background checks for all handgun sales and banned the sale of junk guns, measures that could deter the diversion of guns to criminals and reduce gun violence (Webster et al. 2009; Webster et al. 2013; Webster, Vernick, and Bulzachelli 2006; Webster, Vernick, and Hepburn, 2002).

In summary, new data relevant to the effectiveness of policies to enhance accountability in firearms transactions and thereby reduce diversions were consistent with prior research demonstrating the effectiveness of background check requirements for all firearms transactions, permit-to-purchase licensing for handguns, and mandatory reporting of lost or stolen firearms. Though none of the policies recommended by experts in *Reducing Gun Violence in America* to prevent the diversion of guns to prohibited persons was adopted at the federal level, recommended policies were adopted by several populous states in 2013.

NOTE

1. The author incorrectly labeled these laws as background checks for guns sold at gun shows when the policies examined extended to guns sold at any venue

REFERENCES

- Bureau of Alcohol, Tobacco, Firearms and Explosives. (2013) Firearms Trace Data - 2012. Firearms Trace Data - 2006. U.S. Department of Justice. Data accessed Nov. 25, 2013. <http://www.atf.gov/content/About/about-ATF/statistics/firearms-trace-data-2012>.
- Kahane, Leo H. (2013) Understanding the interstate export of crime guns: a gravity model approach. *Contemporary Economic Policy* 31: 618–634.
- Webster, Daniel W., Crifasi, Cassandra K., Vernick, Jon S. (in press) Effects of the repeal of Missouri’s handgun purchaser licensing law on homicides. *Journal of Urban Health*.
- Webster, Daniel W., Vernick, Jon S. (2013) “Spurring Responsible Firearm Sales Practices through Litigation: The Impact of New York City’s Lawsuits against Gun Dealers on Interstate Gun Trafficking.” Pages 123–132 in *Reducing Gun Violence in America: Informing Policy with Evidence and Analysis*, Daniel W. Webster and Jon S. Vernick, eds. Baltimore, MD: Johns Hopkins University Press.
- Webster, Daniel W., Vernick, Jon S., Bulzacchelli, Maria T. (2006) Effects of a gun dealer’s change in sales practices on the supply of guns to criminals. *Journal of Urban Health* 83:778–787.
- Webster, Daniel W., Vernick, Jon S., Bulzacchelli, Maria T. (2009) Effects of state-level firearm seller accountability policies on firearms trafficking. *Journal of Urban Health* 86:525–537.
- Webster, Daniel W., Vernick, Jon S., Bulzacchelli, Maria T., Vitti, Katherine A. (2012) Recent federal gun laws, gun dealer accountability and the diversion of guns to criminals in Milwaukee. *Journal of Urban Health* 89:87–97.
- Webster, Daniel W., Vernick, Jon S., Hepburn, Lisa M. (2002) Effects of Maryland’s law banning Saturday night special handguns on homicides. *American Journal of Epidemiology* 155:406–412.
- Webster, Daniel W., Zeoli, April M., Bulzacchelli, Maria T., Vernick, Jon S. (2006) Effects of police stings of gun dealers on the supply of new guns to criminals. *Injury Prevention* 12:225–230.
- Webster, Daniel W., Vernick, Jon S., McGinty, Emma E., Alcorn, Ted. (2013) “Preventing the Diversion of Guns to Criminals through Effective Firearm Sales Laws.” Pages 109–122 in *Reducing Gun Violence in America: Informing Policy with Evidence and Analysis*, Daniel W. Webster and Jon S. Vernick, eds. Baltimore, MD: Johns Hopkins University Press.