



FACT SHEET

Background Checks for All Gun Sales

February 2015

Bottom line: A significant loophole in federal law enables dangerous people who are legally prohibited from buying or possessing guns—including felons, fugitives, and domestic abusers—to easily evade the law and buy guns from unlicensed sellers without a background check and with no questions asked.

The United States has a significant gun violence problem:

- There are more than 30,000 gun deaths per year in the United States, and roughly 33 people are murdered with guns every day.¹
- In 2012 alone, 11,622 people were murdered with a gun in the United States—more than double the number of U.S. soldiers killed in combat during the wars in Iraq and Afghanistan combined.²

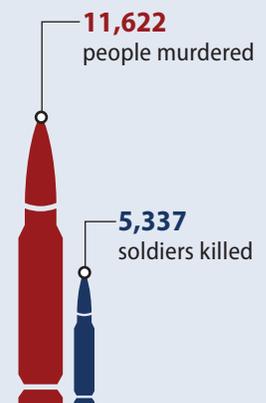
Strong gun laws—including universal background checks—effectively reduce gun violence:

- Background checks effectively prevent prohibited people from buying guns. Since November 1998, roughly 2.4 million gun sales to prohibited purchasers have been prevented because of background checks.³
- States that require background checks for all handgun sales have lower levels of gun violence compared with states that do not require background checks:
 - 46 percent fewer women are shot and killed by their intimate partners.
 - 48 percent fewer law enforcement officers are shot and killed with handguns.
 - 48 percent fewer gun suicides are committed.⁴
- After Missouri repealed a law in 2007 that required background checks for all handgun sales, the state's murder rate went up by 14 percent, and the firearm homicide rate increased by 25 percent.⁵
- The 10 states with the weakest gun laws collectively have an aggregate level of gun violence that is more than twice as high as the 10 states with the strongest gun laws.⁶

Current federal law suffers from a key weakness—it does not require background checks for all gun sales:

- Under current federal law, only federally licensed gun dealers, or FFLs, are required to conduct a background check for all gun sales.⁷ People who maintain that they only occasionally sell guns are not required to obtain a license or to conduct background checks.

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Support for requiring background checks for all gun sales



92 percent of Americans¹³



85 percent of households with a National Rifle Association member¹⁴

- One study found that 68.8 percent of prison inmates who used guns in crimes obtained their guns through transactions that did not require a background check.⁸
- Many of these private sales occur at gun shows or online:
 - A 2013 Mayors Against Illegal Guns investigation of individuals seeking to buy guns on the website Armlist.com found that 1 in 30 prospective buyers on the site were legally prohibited from buying or possessing guns.⁹
 - A 2009 investigation of gun shows in Nevada, Ohio, and Tennessee found that 63 percent of private sellers were willing to sell guns to someone who indicated that they would be unlikely to pass a background check.¹⁰



68.8 percent of criminals who used guns to commit a crime obtained their guns through transactions that did not require a background check.¹⁵

Opportunities to strengthen background checks in the 114th Congress are as follows:

- Pass legislation that requires background checks for all gun sales.
 - 17 states and Washington, D.C., require background checks for all handgun sales; after the Newtown shooting, a number of states, including Colorado and Washington, acted to close the background check loophole.¹¹
- Ensure sufficient federal funding for the National Instant Criminal Background Check System, or NICS, so that states have the resources necessary to provide records of prohibited individuals to the background check system.
 - The omnibus funding bill that was enacted in December 2014 provided \$73 million in funding for NICS—an increase of 33 percent over the fiscal year 2014 level.¹²

Endnotes

1 Centers for Disease Control and Prevention, "Injury Prevention & Control: Data & Statistics (WISQARS)," available at <http://www.cdc.gov/injury/wisqars/fatal.html> (last accessed January 2015).

2 Ibid.; U.S. Department of Defense, *U.S. Casualty Status Fatalities* (2015), available at <http://www.defense.gov/news/casualty.pdf>.

3 Jennifer C. Karberg and others, "Background Checks for Firearm Transfers, 2012 – Statistical Tables" (Washington: Bureau of Justice Statistics, 2014), available at <http://www.bjs.gov/content/pub/pdf/bcft12st.pdf>.

4 Everytown for Gun Safety, "State Background Check Requirements and Rates of Domestic Violence Homicide" (2015); Everytown for Gun Safety, "State Background Check Requirements and Rates of Firearm Homicide Against Law Enforcement Officers" (2015); Everytown for Gun Safety, "State Background Check Requirements and Suicide" (2015).

5 Daniel Webster, Cassandra Kercher Crifasi, and Jon S. Vernick, "Effects of the Repeal of Missouri's Handgun Purchaser Licensing Law on Homicides," *Journal of Urban Health: Bulletin of the New York Academy of Medicine* 91 (3) (2014): 293–302; Daniel Webster, Cassandra Kercher Crifasi, and Jon S. Vernick, "Erratum to: Effects of the Repeal of Missouri's Handgun Purchaser Licensing Law on Homicides," *Journal of Urban Health: Bulletin of the New York Academy of Medicine* 91 (3) (2014): 598–601.

6 Arkadi Gerney, Chelsea Parsons, and Charles Posner, "America Under the Gun: A 50-State Analysis of Gun Violence and Its Link to Weak Gun Laws" (Washington: Center for American Progress, 2013), available at <http://cdn.americanprogress.org/wp-content/uploads/2013/04/AmericaUnderTheGun-4.pdf>.

7 18 U.S.C. 922(s).

8 Center for American Progress analysis of Caroline Wolf Harlow, "Firearm Use by Offenders" (Washington: Bureau of Justice Statistics, 2001), table 8, available at <http://bjs.gov/content/pub/pdf/fuo.pdf>.

9 Mayors Against Illegal Guns, "Felon Seeks Firearm, No Strings Attached" (2013), available at <http://everytown.org/documents/2014/10/felon-seeks-firearm-no-strings-attached.pdf>.

10 The City of New York, "Gun Show Undercover: Report on Illegal Sales at Gun Shows" (2009), available at http://www.nyc.gov/html/om/pdf/2009/pr442-09_report.pdf.

11 *The New York Times*, "State Gun Laws Enacted in the Year Since Newtown," December 10, 2013, available at http://www.nytimes.com/interactive/2013/12/10/us/state-gun-laws-enacted-in-the-year-since-newtown.html?_r=0; Sabrina Siddiqui, "Washington State Gun Control: Voters Approve Ballot Initiative to Expand Background Checks," *HuffPost Politics*, November 5, 2014, available at http://www.huffingtonpost.com/2014/11/05/washington-state-background-checks_n_6103282.html.

12 *Consolidated and Further Continuing Appropriations Act of 2015, Public Law 113-235, 113th Cong., 2d sess. (December 16, 2014).*

13 Quinnipiac University Poll, "IRAQ – Getting In Was Wrong; Getting Out Was Right, U.S. Voters Tell Quinnipiac University National Poll; 92 Percent Back Background Checks for All Gun Buys" (2014), available at http://www.quinnipiac.edu/images/polling/us/us07032014_ulsps31.pdf.

14 *The New York Times* and CBS News, "The New York Times/CBS Poll on Guns" (2013), available at <http://www.nytimes.com/interactive/2013/01/18/us/new-york-times-cbs-poll-on-guns.html>.

15 Harlow, "Firearm Use by Offenders," table 8.