

THE MOVEMENT OF ILLEGAL GUNS IN AMERICA



The Link between Gun Laws and
Interstate Gun Trafficking

DECEMBER 2008

MAYORS AGAINST
ILLEGAL GUNS



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A REPORT FROM MAYORS AGAINST ILLEGAL GUNS

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www.mayorsagainstillegalsguns.org

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TABLE OF CONTENTS

Executive Summary	2
Part One: The Importance of Trace Data	4
Part Two: The Scope of Interstate Trafficking of Crime Guns	5
Part Three: Identifying the Rate at which States “Export” Crime Guns	7
<i>Controlling for Population</i>	7
<i>Controlling for NICS Checks</i>	8
Part Four: The Relationship Between Export Rates and Particular Gun Laws	9
<i>Background Checks for All Handgun Sales at Gun Shows</i>	10
<i>Purchase Permits for All Handgun Sales</i>	12
<i>Mandatory Reporting of Lost or Stolen Guns to Law Enforcement</i>	14
<i>Local Control of Firearms Regulations</i>	16
<i>State Inspection of Gun Dealers</i>	18
<i>Summary</i>	20
Part Five: The Balance of Trade for Crime Guns	23
Part Six: The Relationship Between Export Rates and Gun Murders	25
Conclusion	27
Appendix I: Methodological Considerations	28
Appendix II: How a Gun Trace Works	30
Appendix III: Maps of Top Ten Export States	32
Endnotes	37

In the highly contentious debate about the appropriate scope of gun laws, it is important to keep in mind two propositions that almost all sides agree on. *First*, the vast majority of gun owners in this country are law-abiding citizens; most gun crimes are committed by a small minority of the gun-owning population. *Second*, gun laws must be designed to keep firearms away from the criminal minority without infringing on the rights of the law-abiding majority.

One such law that has won broad support among both advocates for stricter gun laws and gun rights advocates is the requirement that federally licensed gun dealers conduct background checks on all purchasers. Under federal law, felons, domestic violence misdemeanants, and other categories of individuals are prohibited from possessing or purchasing firearms. Background checks identify these “prohibited purchasers,” helping to keep guns out of the hands of those most likely to use them in crimes. Nevertheless, thousands of guns make their way into the hands of such prohibited possessors through an illegal market. This report looks at how guns move from the legal to the illegal marketplace – and into the hands of criminals.

Different researchers have come to a variety of conclusions on the broad question of the relationship between gun regulation and crime. A number of studies have suggested that oversight of gun dealers, regulation of private gun sales, and aggressive enforcement of illegal gun possession laws can reduce crime rates.¹ Others have suggested that easing access to guns can drive crime down by deterring criminals and contend that precautionary regulations, such as those at gun shows, do not lead to reductions in crime rates.²

This report – the first of its kind – examines a more focused question: *What is the relationship between a state’s gun regulations and the likelihood that it will be a*

source of guns recovered in out-of-state crimes? While all states operate under the same federal gun laws, many states have enacted a series of additional laws – such as background checks on all gun show sales, mandatory reporting of lost and stolen guns to police, and state gun dealer inspections – to choke off the illegal market and reduce criminal access to guns. The states that have not enacted these additional regulations, or others beyond federal law, have comparatively weak gun laws. This report begins to shed light on the interstate marketplace for illegal guns and suggests that it flourishes in states with weaker laws.

Part One of the report explains how this analysis is possible, whereas less than two years ago it was not. The key to unlocking the relationship between gun laws and the movement of crime guns lies in “trace data,” which refers to the tracing of a gun’s origins. Such traces occur when law enforcement officers recover guns used in crimes and request that the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) conduct an investigation to identify the original retail seller and buyer of the gun. When aggregated, trace data also provides a wealth of information about the buyers, dealers, and geographic areas that are associated with guns used in crimes across the country.

Part Two uses trace data to identify the scope of interstate trafficking of crime guns and to highlight the top source states for interstate crime guns.

Part Three analyzes which states “export” crime guns to other states at the highest rates, on the basis of both population and gun sales volume. These export rates identify states that are outliers as sources of crime guns – states that are either major or minor sources of interstate crime guns. On the basis of population, ten states – West Virginia, Mississippi, South Carolina, Kentucky, Alabama, Virginia, Georgia, Indiana, Nevada, and North Carolina – supply interstate crime guns at a rate two and a half times the national average.

Part Four seeks to answer the question of *why* some states export crime guns at higher rates by comparing the average export rates of states that have enacted specific gun laws to the export rates of states that have not. In doing so, it finds a strong relationship between high crime gun export rates and the absence of certain state gun laws. Five such laws are examined, and the report finds that the ten states that supply interstate crime guns at the highest rates have, on average, 0.6 of these regulations in place, compared to 3.4 in the ten states that supply interstate crime guns at the lowest rates – five times higher than the states with the highest export rates.

Part Five examines the relationship of a state’s crime gun exports to its crime gun imports and finds that states with high crime gun export rates typically export far more guns than they import. This finding bolsters the notion that, within states with high export rates, ready access to crime guns reduces the need for crime gun imports.

Part Six examines the relationship between export rates and gun murder rates, finding that states with the highest crime gun export rates suffer from 59% more gun murders than the states with the lowest crime gun export rates. In addition, these high export states suffer nearly three times as many fatal shootings of police officers as states that are the least frequent suppliers of guns trafficked across state lines.

This report’s conclusion summarizes how the preceding analysis sheds light on a decades-old debate about the nature of the illegal gun market. Many law enforcement officials have long maintained that a pattern of illegal gun trafficking exists between states. For example, there has been much discussion of an “Iron Pipeline” through which guns from states in the Southeast are trafficked into the hands of criminals in Mid-Atlantic and Northeast cities along Interstate 95.³ This report confirms these

accounts, suggesting there is an interstate illegal gun market driven, at least in part, by the relative ease of access to guns in particular states. **The key finding of this report is that states that supply crime guns at the highest rates have comparatively weak gun regulations. This association strongly suggests that gun traffickers favor these states as sources.**

There are any number of ways in which a gun may enter the illegal market. According to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), virtually all guns that are recovered in crimes were originally sold by licensed dealers or other federal firearms licensees (FFLs).⁴ These guns may enter the illegal market because of robberies that occur in homes, cars, or dealers' stores – or because a gun dealer or dealer employee: (1) fails to follow background check requirements; (2) sells to a “straw purchaser,” someone who purchases a gun on behalf of a prohibited purchaser; or (3) sells guns under the table without any background checks. Guns may also enter the black market through sales by non-licensed dealers at gun shows; such dealers are not required to perform background checks under federal law.

When a gun is recovered from a crime scene, law enforcement can call in its manufacturer and serial number to the ATF, which can then trace the gun's movement from the manufacturer to the wholesaler to the retail outlet to the first purchaser. This information is called “crime gun trace data.” Trace data can be a critical element of criminal investigations, and, when aggregated, trace data allows law enforcement to identify trends in the illegal market and even the routes that traffickers tend to use.

Appendix II to this report describes in further detail how the tracing process works.

Crime gun trace data is enormously useful to federal, state, and local law enforcement in the investigation of individual crimes.⁵ Trace data can lead law enforcement to the perpetrator of the crime in cases where a gun is recovered but the perpetrator is not immediately known. Last year, for example, ATF traced 141,577 recovered guns, including guns used in murders, armed robberies, and drug crimes.

When aggregated, trace data can also identify gun traffickers and gun dealers who may not be following the law.⁶ ATF and local law enforcement routinely use trace data to identify trafficking sources and

trends. For example, over a two and a half year period, ATF found that it used trace data in 60% of all gun trafficking investigations.⁷ More broadly, trace data can also identify trafficking patterns across a region and across the nation, helping law enforcement map where guns are originating from and where they end up being used in crimes. Trace data analysis enables law enforcement to identify the states that supply crime guns – source states – and the states where crime guns from other states are recovered – recovery states.⁸ Interstate trafficking patterns can be established when a large number of guns that were purchased in one state are recovered in crimes in another state.

This report examines trace data to answer three key questions:

1. Which states disproportionately supply guns used in crimes in other states?
2. Do states that disproportionately supply guns used in out-of-state crimes have gun regulations that are different from states that are not major sources of crime guns?
3. Do states that are major sources of interstate crime guns also suffer higher rates of in-state gun murders, including fatal shootings of police officers?

The analysis in this report is only possible because, after a lag of six years, ATF has once again begun releasing reports based on aggregated gun trace data. In August 2007 and May 2008, ATF released trace data collected respectively in 2006 and 2007.⁹ ATF had regularly released such trace data reports for years. However, a 2004 change to annual Congressional appropriations riders known as the “Tiahrt Amendments” prohibited ATF from releasing these reports. Only after a national campaign by a coalition of Mayors Against Illegal Guns and more than 30 police organizations did Congress relax some of these restrictions in 2007. While significant restrictions still remain on access to trace data, the resumption of ATF's release of limited data in public reports paved the way for this analysis.

PART TWO: THE SCOPE OF INTERSTATE TRAFFICKING OF CRIME GUNS

In 2006, ATF traced and identified the source states of 141,380 guns. In 2007, 141,577 guns were traced to source states. In both 2006 and 2007, three in ten of these guns crossed state lines before they were recovered in crimes. Moreover, ATF reported in 2000 that 44% of its trafficking investigations involved interstate trafficking.¹⁰

When such a large percentage of crime guns originate out-of-state, it raises two fundamental questions about the illegal market: Is the market disproportionately supplied by particular states? And if so, what distinguishes those states – called “source states” – from other states that have far fewer guns

being used in out-of-state crimes? The second question will be tackled in Part Four of this report, but answering the first question requires only a look at the 2006 and 2007 trace data, which show that some states are disproportionate sources of illegally trafficked guns. In analyzing that data, two alarming findings emerge:

- *In 2007, just ten states supplied more than half of the guns that crossed state lines before being recovered in crimes.*
- *The ten states that supply crime guns at the highest rates do so at roughly 17 times the rate of the ten states with the lowest crime gun export rates.*

2006 TRACED CRIME GUNS		
Traced Guns Purchased and Recovered In the Same State	69%	97,669
Traced Guns Purchased in One State and Recovered In Another	31%	43,711
	Total	141,380

2007 TRACED CRIME GUNS		
Traced Guns Purchased and Recovered In the Same State	70%	99,127
Traced Guns Purchased in One State and Recovered In Another	30%	42,450
	Total	141,577

ATF trace data shows that 42,450 guns crossed state lines before being recovered in crimes in 2007. For 34,127 of these guns, ATF identified the state where the guns were originally purchased. Just ten states accounted for the majority of these guns – 57% (19,616 guns).

This pattern is similar to 2006, when ten states accounted for 19,946 guns, or 57%, of the 35,223 guns from identified out-of-state sources. In addition, the top source states remained remarkably consistent between 2006 and 2007. Nine of the top crime gun source states in 2006 remained among the top ten in 2007.

It is important to note that these figures represent the raw numbers of recovered crime guns that cross state lines. States with larger populations and states with greater gun sales volumes may be expected to be a source of more crime guns. Therefore, to more accurately determine which states are disproportionate suppliers of interstate crime guns, two different controls were applied: population and the volume of background checks, the latter of which is a rough proxy for gun sales volume.

2007 Top 10 Interstate Crime Gun Suppliers	
Number of Interstate Crime Guns	
1. Georgia	2,631
2. Florida	2,328
3. Texas	2,281
4. Virginia	2,261
5. California	1,962
6. Ohio	1,813
7. North Carolina	1,774
8. Indiana	1,665
9. Pennsylvania	1,539
10. Alabama	1,362

2006 Top 10 Interstate Crime Gun Suppliers	
Number of Interstate Crime Guns	
1. Georgia	2,804
2. Virginia	2,311
3. Texas	2,302
4. Florida	2,229
5. California	1,968
6. Indiana	1,846
7. Ohio	1,819
8. North Carolina	1,656
9. Pennsylvania	1,574
10. South Carolina	1,437

States in red were among the top ten out-of-state crime gun suppliers in both 2006 and 2007.

PART THREE: IDENTIFYING THE RATE AT WHICH STATES “EXPORT” CRIME GUNS

CONTROLLING FOR POPULATION


By controlling for population, one can determine the *rate* at which each state “exports” or supplies guns that are recovered in crimes in other states. Crime gun export rates measure the total number of traced guns that are purchased from gun dealers in one state but recovered in another, controlling for the population of the state where the gun was purchased. In this way, the crime gun export rate identifies which states are the largest *per capita* suppliers of guns recovered in out-of-state crimes.


As the table below shows, some states have far higher crime gun export rates than others. In 2007, the national crime gun export rate was 11.3 guns exported per 100,000 inhabitants. The ten states with the highest export rates averaged 27.8 per 100,000 inhabitants. This is 17 times greater than the ten states with the lowest export rates, which averaged 1.6 crime guns per 100,000 inhabitants.

Appendix III provides maps showing the destination of guns from the ten states that exported guns at the highest rates in 2007.

2007 EXPORT RATE RANKINGS BASED ON POPULATION (HIGHEST TO LOWEST)

State	Guns Exported per 100,000 inhabitants	State	Guns Exported per 100,000 inhabitants
West Virginia	41.0	North Dakota	8.6
Mississippi	39.0	Delaware	8.2
South Carolina	30.6	Maryland	7.9
Kentucky	29.7	Colorado	7.5
Alabama	29.4	Wyoming	7.5
Virginia	29.3	Montana	7.1
Georgia	27.6	Washington	7.0
Indiana	26.2	Maine	6.8
Nevada	23.7	Vermont	6.8
North Carolina	19.6	Alaska	6.6
Arizona	19.5	Wisconsin	5.7
Louisiana	18.2	California	5.4
Ohio	15.8	South Dakota	5.0
Idaho	14.7	Missouri	4.8
Tennessee	14.7	Illinois	4.3
Arkansas	14.2	Nebraska	3.5
New Mexico	13.9	Iowa	3.3
Oklahoma	13.4	Connecticut	2.9
Oregon	13.3	Michigan	2.9
Florida	12.8	Minnesota	1.8
Pennsylvania	12.4	New York	1.4
Kansas	12.3	Rhode Island	1.1
National Average	11.3	Massachusetts	0.7
New Hampshire	10.0	New Jersey	0.4
Texas	9.5	District of Columbia	0.0
Utah	9.4	Hawaii	0.0

 States in red indicate the ten states with the highest rate of guns recovered in out-of-state crimes.

 States in green indicate the ten states with the lowest rate of guns recovered in out-of-state crimes.

CONTROLLING FOR NICS CHECKS

The Federal Bureau of Investigations' NICS (National Instant Criminal Background Check System) is the mechanism through which FFLs conduct background checks on every gun sale. State-by-state data about the number of background checks performed by NICS provides something of a proxy for gun sales by FFLs. While NICS data is a less than perfect match, especially because some states use NICS for purposes other than gun sales by FFLs (such as checks for concealed carry permit applicants),¹¹ it does provide an approximation of gun sales by state. In fact, eight of the ten states with the highest crime gun export rates, when controlling for population,

remain among the ten states with the highest crime gun export rates, when controlling for NICS checks.¹² Six of the ten states with the lowest crime gun export rates, when controlling for population, remain among the ten states with the lowest crime gun export rates, when controlling for NICS checks. The four states not included in the bottom ten under this analysis still remain well below the national export rate average.¹³

Although NICS data offers a sound method of estimating export rates based on gun sales, because of the variations among the states regarding its use, this report relies primarily on population as the control when conducting the analyses that follow.

2007 EXPORT RATE RANKINGS BASED ON NICS CHECKS (HIGHEST TO LOWEST)			
State	Crime Guns Exported per 100,000 NICS Checks	State	Crime Guns Exported per 100,000 NICS Checks
Georgia	973	California	229
Virginia	937	Vermont	211
South Carolina	899	New Hampshire	203
Indiana	891	Utah	195
Nevada	867	Wisconsin	176
Mississippi	649	Maine	176
Arizona	643	Colorado	165
North Carolina	613	Washington	165
West Virginia	561	North Dakota	130
Ohio	556	New York	130
Alabama	555	Nebraska	119
Maryland	555	Rhode Island	117
Florida	546	Illinois	104
Kentucky*	542	Missouri	103
Delaware	446	Iowa	101
Louisiana	375	New Jersey	96
Tennessee	374	Michigan	92
National Average	348	Wyoming	91
Oregon	307	Alaska	91
Kansas	307	Connecticut	89
New Mexico	293	Montana	75
Texas	291	South Dakota	74
Pennsylvania	274	Minnesota	38
Oklahoma	255	Massachusetts	27
Arkansas	237	District of Columbia	0
Idaho	235	Hawaii	0

States in red indicate the top ten sources of crime guns identified by using population as a control.

States in green indicate the lowest ten sources of crime guns identified by using population as a control.

**This analysis uses 2005 NICS data for Kentucky, while using 2007 data for all other states, because it appears Kentucky changed the state practice in 2006 by using NICS to recheck concealed carry permit holders every month, vastly inflating the number of NICS checks conducted in Kentucky in 2006 and 2007.*

PART FOUR: THE RELATIONSHIP BETWEEN EXPORT RATES AND PARTICULAR GUN LAWS

To understand the relationship between illegal gun laws and crime gun export rates, this report examines five different gun laws and the differences in crime gun export rates among states that have these regulations and states that do not:

- (1) Closing the gun show loophole or requiring universal background checks;
- (2) Purchase permits for all handgun sales;
- (3) Mandatory reporting of lost and stolen guns to law enforcement;
- (4) State laws that allow local jurisdictions to regulate firearms; and
- (5) Dealer inspections.

These five laws were selected based on discussions with mayors, policy-makers, and current and former federal, state, and local law enforcement officials. Also, some of these laws address what ATF has identi-

fied as major sources of crime guns, including unlicensed dealers at gun shows and lost or stolen guns.¹⁴ Further research should be done in order to determine which other regulations may be associated with lower crime gun export rates.

In each of the five cases, there proves to be a strong association between illegal gun laws and crime gun export rates. States that have high crime gun export rates – *i.e.*, states that are top sources of guns recovered in crimes across state lines – tend to have comparatively weak gun laws. The analysis that follows relies primarily on per-capita export rates. However, when NICS checks are used as the control instead of population, a similar relationship is found with four of the five gun laws. Only dealer inspections do not exhibit the same association with lower crime gun export rates when controlling for NICS checks.

THE FIVE GUN LAWS EXAMINED IN THIS REPORT

- ① Background Checks on All Handgun Sales at Gun Shows
- ② Purchase Permits for All Handgun Sales
- ③ Mandatory Reporting of Lost or Stolen Guns to Law Enforcement
- ④ Local Control of Firearms Regulations
- ⑤ State Inspection of Gun Dealers

(1) BACKGROUND CHECKS FOR ALL HANDGUN SALES AT GUN SHOWS:

States that do not require background checks for all handgun sales at gun shows have an average crime gun export rate that is about twice the rate of states that do require such background checks.

Under federal law, both federally licensed firearms dealers (FFLs) and unlicensed private sellers are permitted to sell firearms at gun shows. Licensed dealers are required to run background checks to identify prohibited purchasers and maintain sales records for all firearm transactions, including at gun shows.¹⁵ However, persons who maintain that they sell guns only occasionally – private, unlicensed sellers – are currently exempt from these federal background check and sales record retention requirements at all locations, including gun shows.

This so-called “gun show loophole” allows individuals who are prohibited from possessing or purchasing firearms, such as convicted felons and persons with mental illness, to sidestep the background check and obtain guns from unlicensed sellers at gun shows. A 2000 ATF report found gun shows to be involved with the trafficking of approximately 26,000 firearms over a two and a half year period. This figure represents 30% of all guns identified in federal criminal trafficking cases over that period.¹⁶

Nine states and the District of Columbia require some form of background check for all handgun sales at gun shows. These include:

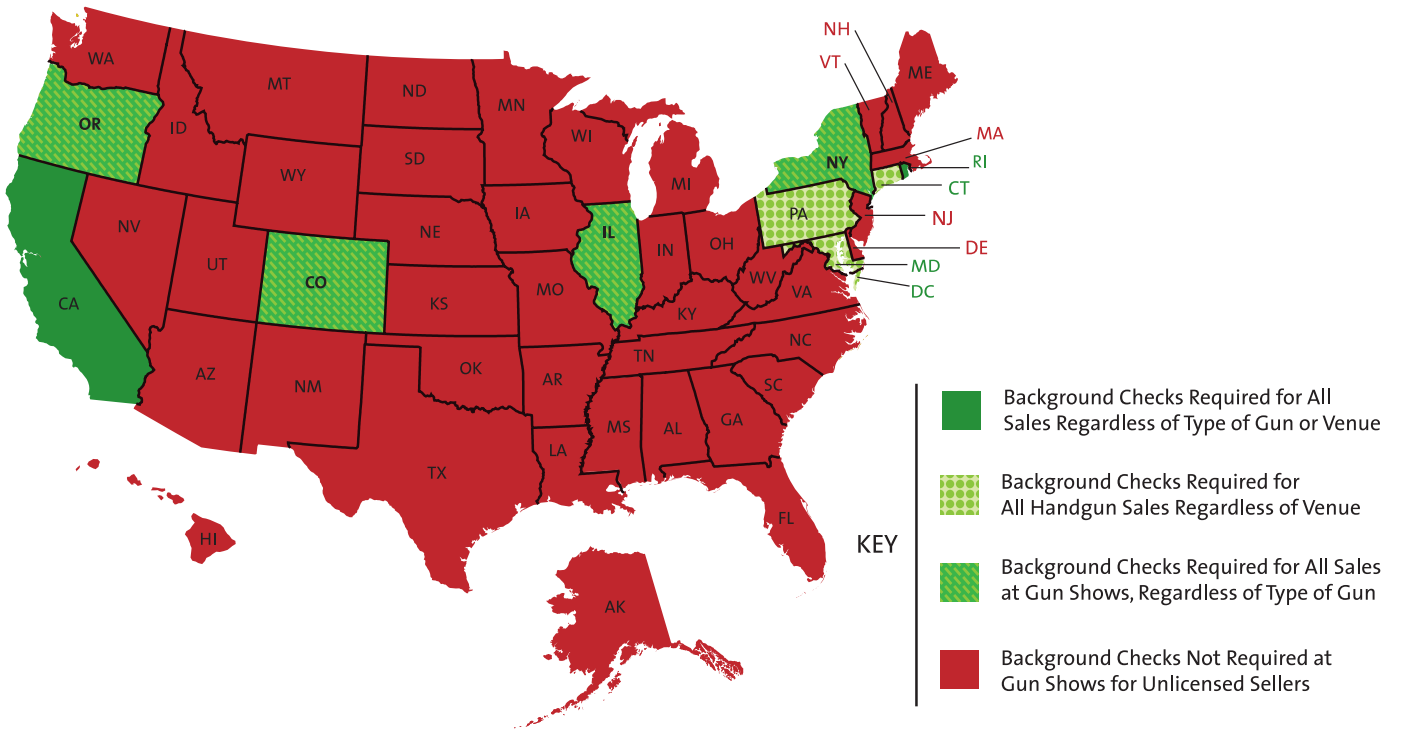
- states with universal background checks, which include background checks for all gun sales regardless of the type of gun or venue of sale: California, District of Columbia, and Rhode Island;¹⁷
- states with background checks for handgun sales regardless of venue: Connecticut, Pennsylvania, and Maryland;¹⁸
- states that require background checks for all sales at gun shows, regardless of the type of gun: Illinois, New York, Colorado, and Oregon;¹⁹

This report uses the broadest definition to include all of these states in the category of states with background checks for all handgun sales at gun shows.

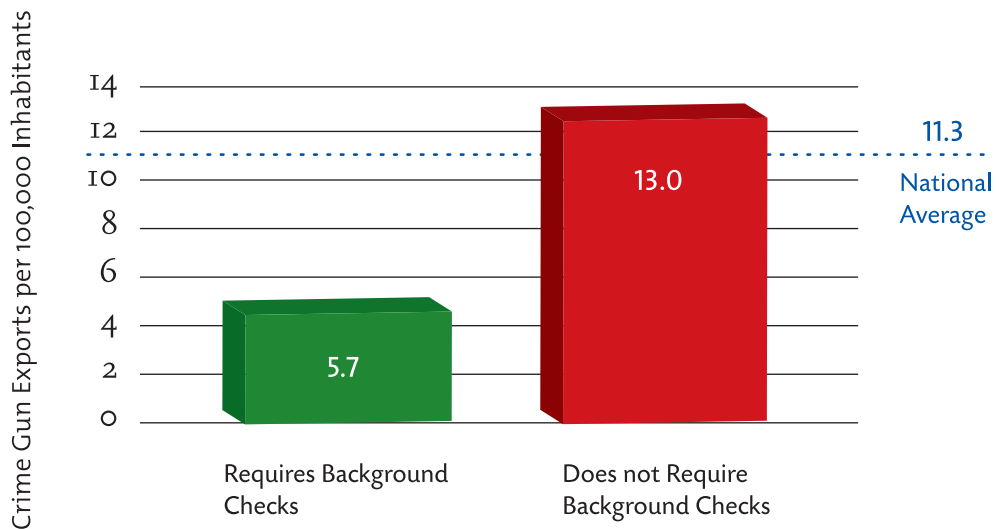
The national crime gun export rate is 11.3 crime gun exports per 100,000 inhabitants.²⁰ States that require background checks for all handgun sales at gun shows have an average crime gun export rate of 5.7 per 100,000 inhabitants – about half the national average. States that do not have any background check requirements at gun shows have an average crime gun export rate of 13.0, which is more than two times the rate of states that have these requirements.

Moreover, none of the ten states with the highest crime gun export rates require background checks for all handgun sales at gun shows.

STATES THAT REQUIRE BACKGROUND CHECKS FOR ALL HANDGUN SALES AT GUN SHOWS



RELATIONSHIP BETWEEN CRIME GUN EXPORT RATES AND STATE LAWS REQUIRING BACKGROUND CHECKS FOR ALL HANDGUN SALES AT GUN SHOWS



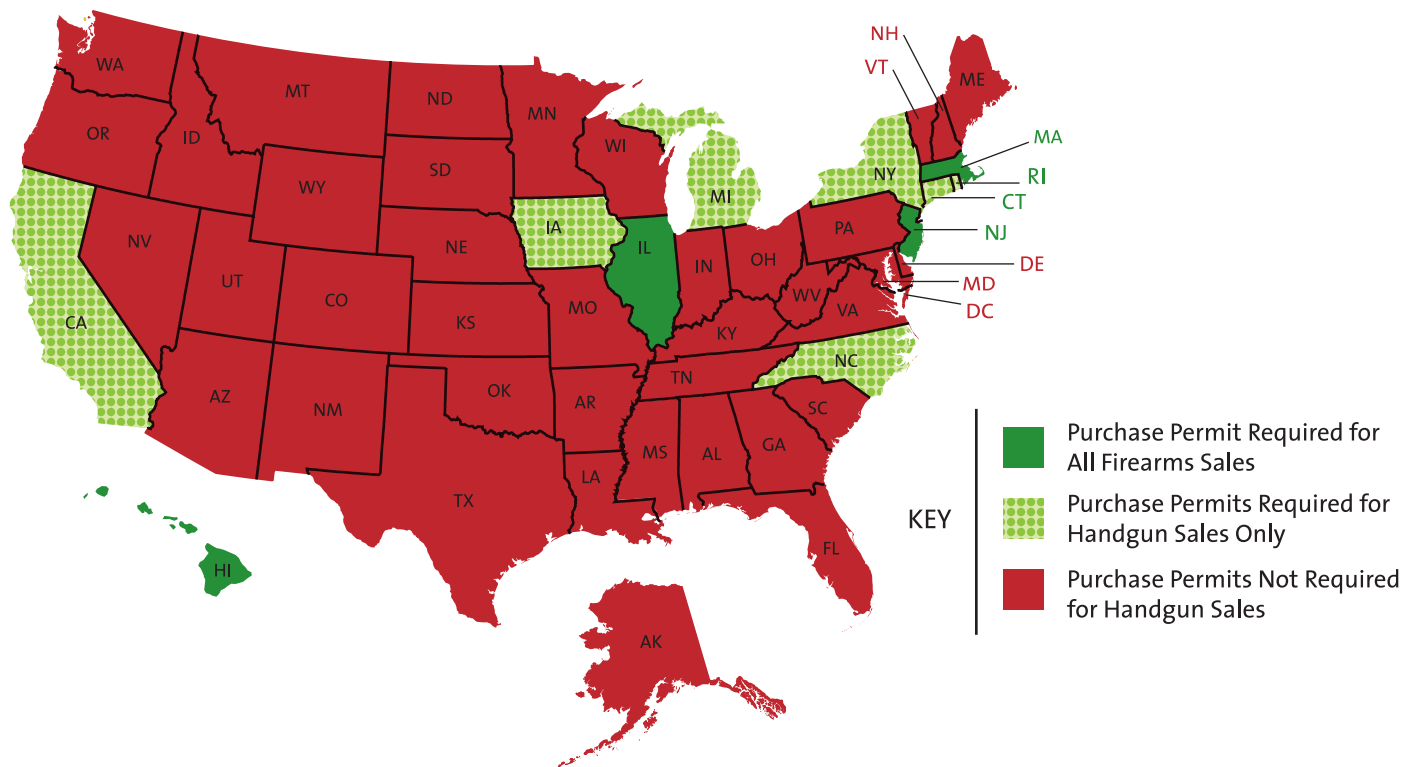
(2) PURCHASE PERMITS:

States that require purchase permits for all handgun sales export crime guns at less than one-third the rate of states that do not.

Some states require prospective gun buyers to obtain a license or permit before purchasing a firearm from a licensed dealer. Such purchase permits are mandated in an effort to ensure compliance with gun safety laws and to decrease illegal gun sales by verifying in advance that all buyers are legally eligible to purchase or possess a gun under local, state and federal law.

Purchase permit requirements vary widely between states, but they typically involve further scrutiny from local or state police, above and beyond the federal requirements for background checks. There are 11 states that require purchase permits for all handgun sales from licensed gun dealers.²¹ Among these 11 states, four states require purchase permits for all firearms (Hawaii, Illinois, Massachusetts, New Jersey)²² and seven states require purchase permits for handguns only (California, Connecticut, Iowa, Michigan, New York, North Carolina, Rhode Island).²³

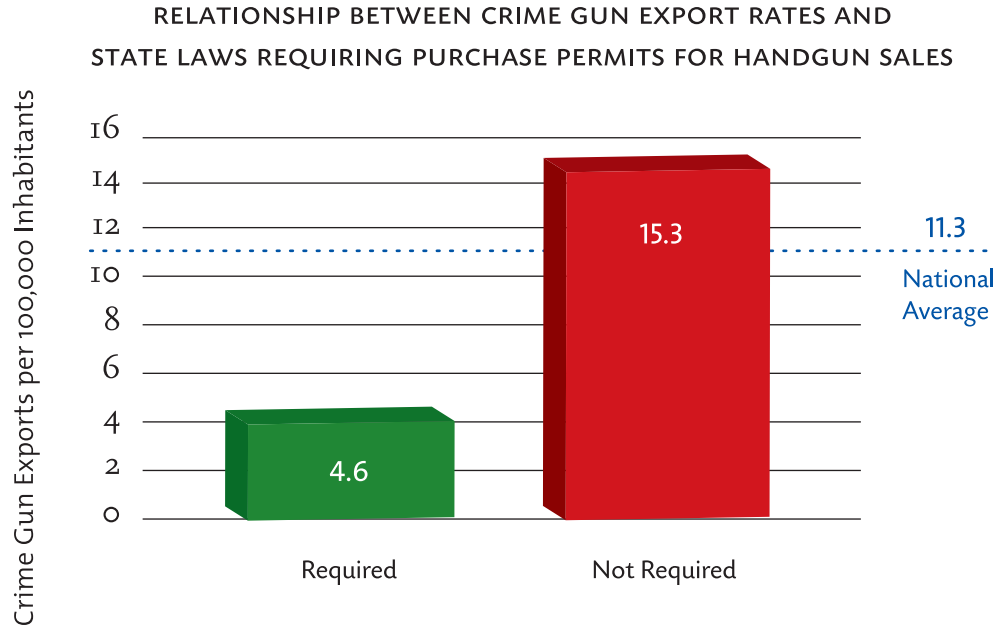
STATES THAT REQUIRE PURCHASE PERMITS FOR HANDGUN SALES



States that require purchase permits for all handgun sales have a significantly lower crime gun export rate than states that do not. The national crime gun export rate is 11.3 crime gun exports per 100,000 inhabitants. The average crime gun export rate among the 11 states that require purchase permits is 4.6 crime gun exports per 100,000 inhabitants – 60% below the national average.

Conversely, the crime gun export rate for states that do not require purchase permits is 15.3 – more than three times the rate of states that require purchase permits.

Moreover, only one of the ten states with the highest crime gun export rates requires purchase permits for handgun purchases.



(3) REPORTING LOST OR STOLEN GUNS:

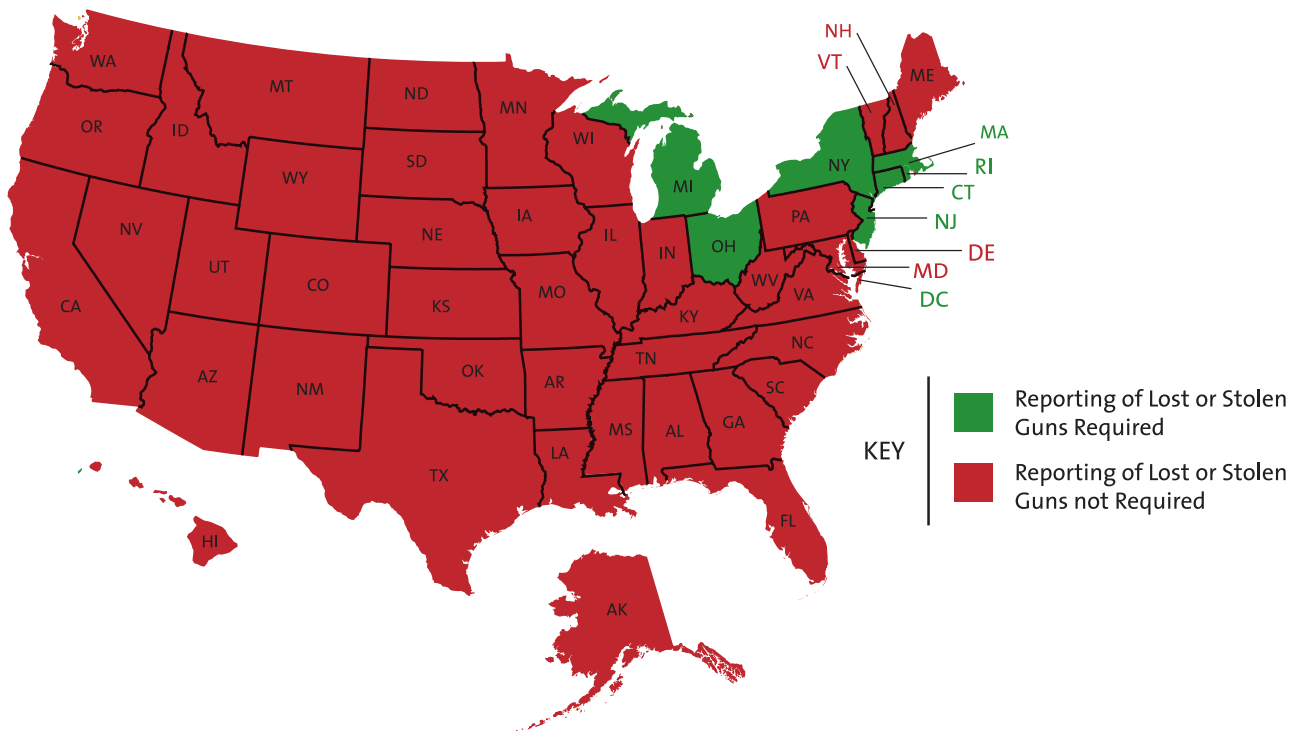
States that require gun owners to report lost or stolen guns to law enforcement export crime guns at less than one-third the rate of states that do not require such reporting.

Thousands of criminals use guns that have been lost or stolen from legitimate owners. One study estimated that about 500,000 guns are lost by, or stolen from, gun owners each year.²⁴ Requiring a gun owner to report a lost or stolen gun to law enforcement is

intended to deter trafficking. For example, if several crime guns are traced to a trafficking suspect, then lost and stolen reporting requirements make it much more difficult for that suspect to later make claims that his or her guns were stolen. In such cases, reporting requirements can help law enforcement more easily identify and prosecute gun traffickers.

Seven states (Connecticut, Massachusetts, Michigan, New Jersey, New York, Ohio, and Rhode Island)²⁵ and the District of Columbia²⁶ require gun owners to report their guns lost or stolen to law enforcement.

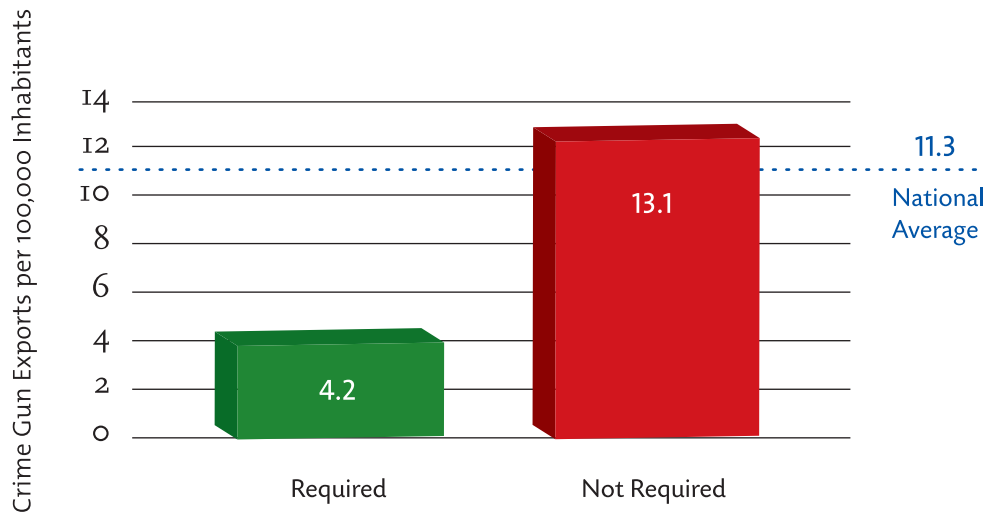
STATES THAT REQUIRE REPORTING OF LOST OR STOLEN GUNS TO LAW ENFORCEMENT



The national crime gun export rate is 11.3 crime gun exports per 100,000 inhabitants. The average crime gun export rate among the seven states and the District of Columbia that require reporting lost and stolen guns is 4.2 crime gun exports per 100,000 inhabitants. In contrast, the average crime gun export rate among states that do not require reporting lost and stolen guns is 13.1 crime gun exports per 100,000 inhabitants, which is three times the rate of states with these requirements.

Moreover, none of the ten states with the highest crime gun export rates require reporting of lost or stolen guns.

RELATIONSHIP BETWEEN CRIME GUN EXPORT RATES AND STATE LAWS REQUIRING THE REPORTING OF LOST OR STOLEN GUNS TO LAW ENFORCEMENT



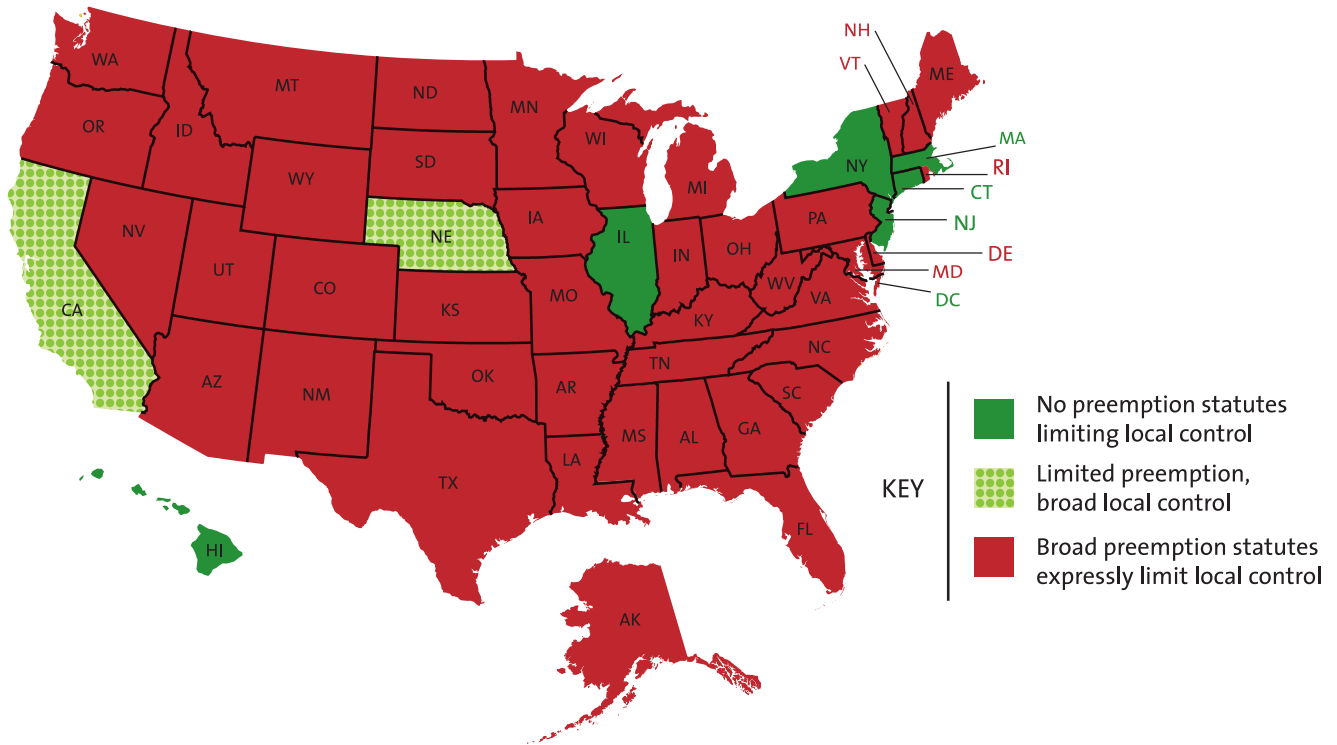
4) LOCAL CONTROL OF FIREARMS REGULATIONS:

States that allow cities to enact their own gun laws export crime guns at roughly one-fifth the rate of states that preempt local control of gun laws in cities.

State “preemption” refers to the practice of a state limiting the home-rule powers of its local governments, *i.e.*, cities and counties. Forty-two states have adopted preemption statutes, which substantially or wholly limit the authority of local government to regulate firearms. Six states and the District of Columbia, however, do not have preemption statutes expressly limiting the authority of local government to regulate firearms (Connecticut, Hawaii, Illinois, Massachusetts, New Jersey, and New York).²⁷ California and Nebraska expressly preempt local firearms regulation in limited areas, such as registration or licensing,²⁸ but local governments in both states retain broad authority to regulate firearms outside these areas. This analysis grouped California and Nebraska with the other six states and the District of Columbia that do not have preemption statutes to create a category of states that have broad local control of firearms regulation.

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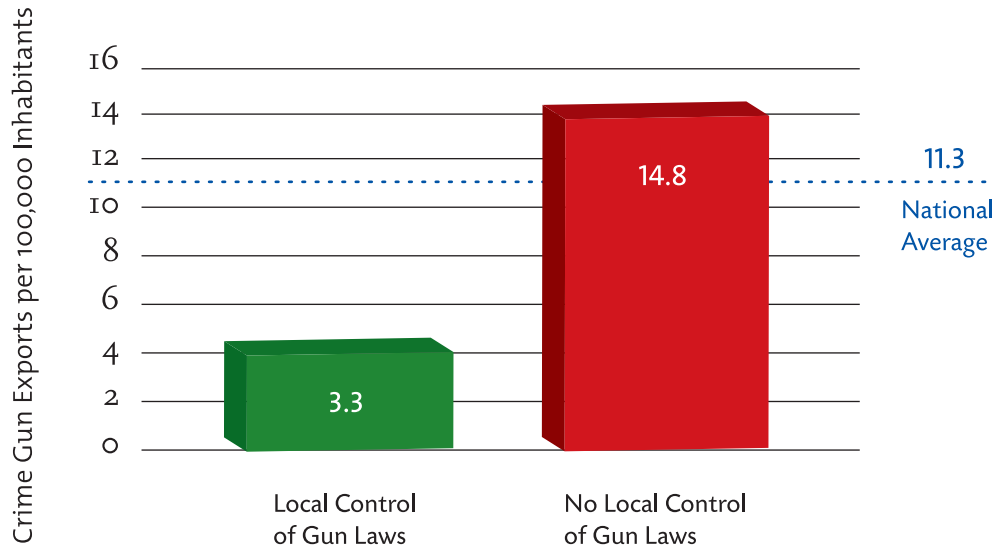
STATES THAT ALLOW LOCAL CONTROL OF GUN LAWS



On average, states export crime guns at a rate of 11.3 per 100,000 inhabitants. The eight states and the District of Columbia that do not expressly preempt local firearms regulations for most circumstances, have an average crime export rate of 3.3 per 100,000 inhabitants. In contrast, states that preempt local control have an average crime gun export rate of 14.8 per 100,000 inhabitants – more than four times the rate of states with local control.

Moreover, none of the ten states with the highest crime gun export rates allow for local control of gun regulations.

RELATIONSHIP BETWEEN CRIME GUN EXPORT RATES AND STATE LAWS ALLOWING LOCAL CONTROL OF GUN LAWS



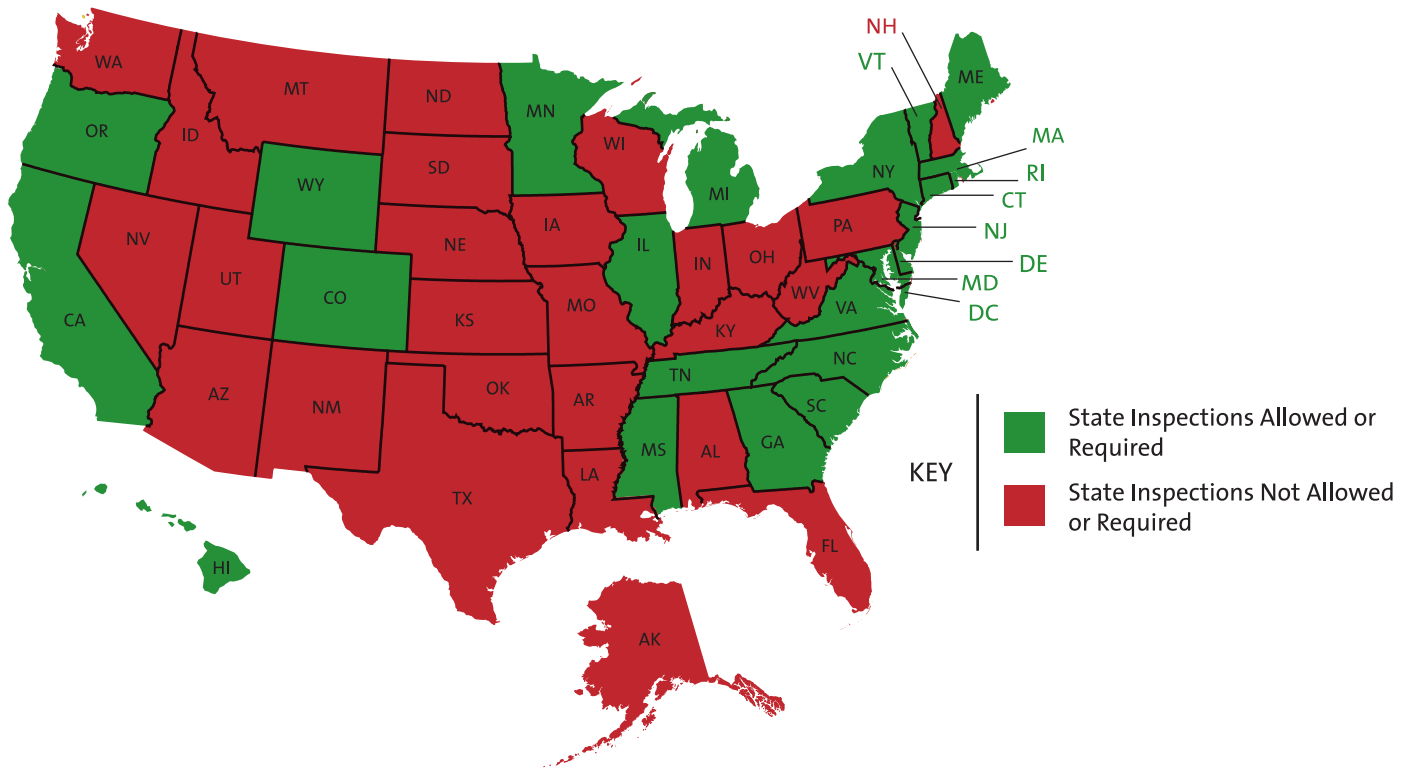
(5) STATE INSPECTION OF GUN DEALERS:

States that do not require or permit inspections of gun dealers export crime guns at a rate that is 50 percent greater than the average export rate of states with these regulations.

ATF is generally permitted, under current federal law, to conduct a maximum of one inspection per year of federally licensed dealers (FFLs) to ensure compliance with all federal laws.²⁹ In practice, however, ATF reported in 2007 that it only inspects a dealer once every 17 years, on average.³⁰

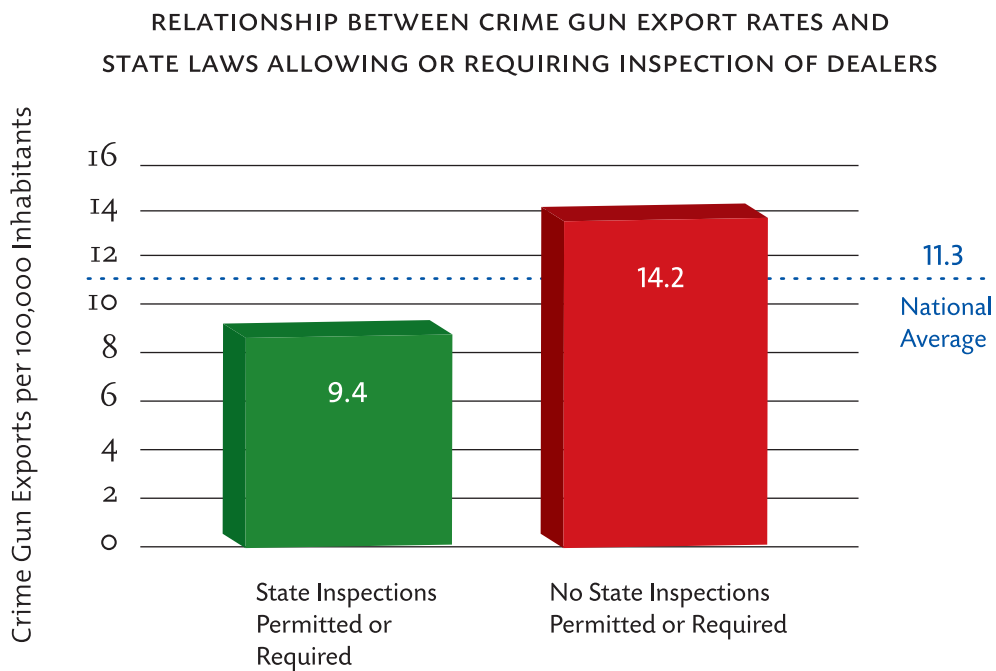
To achieve greater oversight of dealers, several states have inspection laws that allow or require state authorities to supplement the federal ATF inspections. These laws can allow and sometimes require state law enforcement to compare a dealer's sales records with the store's inventory on a regular basis. Such routine inspections provide law enforcement with more opportunities to uncover dealers in violation of the law. They also help identify dealers who exercise lax oversight over their inventory, and may lead to improved compliance with federal, state, and local laws. Twenty-three states and the District of Columbia allow or require state inspections in addition to federal inspections.³¹

STATES THAT ALLOW OR REQUIRE STATE INSPECTIONS OF GUN DEALERS



The 23 states and the District of Columbia that permit or require state inspections of gun dealers have lower crime gun export rates than states that do not allow or require state inspections. The average crime gun export rate of these 23 states and the District of Columbia is 9.4 per 100,000 inhabitants. Conversely, the average crime gun export rate of the states that do not require or allow state inspection of gun dealers is 14.2 exports per 100,000 inhabitants – 50% greater than states with state inspections.

Moreover, five of the ten states with the highest crime gun export rates permit or mandate dealer inspections.

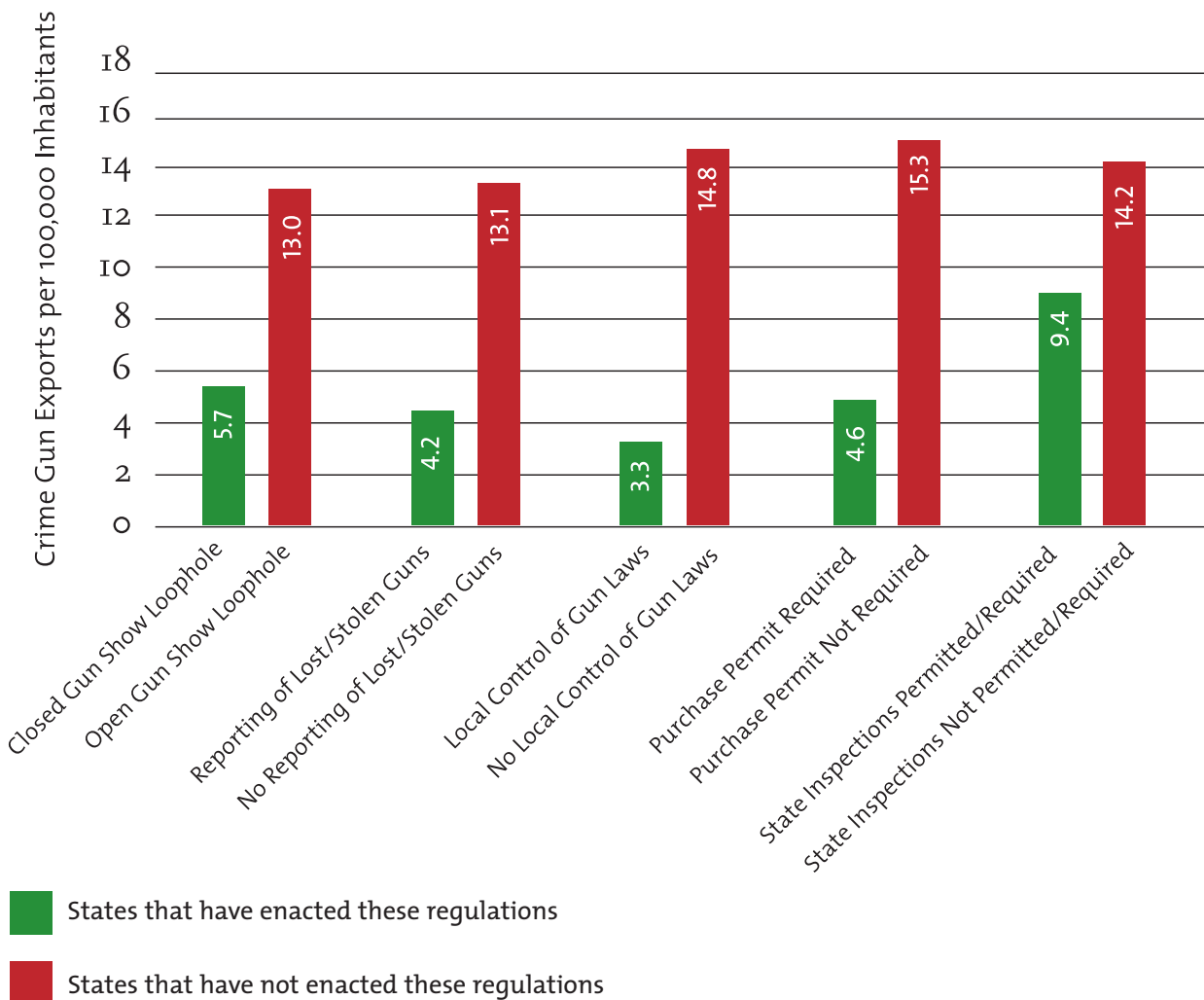


SUMMARY: LAX ILLEGAL GUN LAWS ARE ASSOCIATED WITH HIGH CRIME GUN EXPORT RATES

As the summary chart below indicates, states that have strong illegal gun regulations have significantly lower crime gun export rates, on a per capita basis, than states with comparatively weak illegal gun regulations. The enactment of each of these regulations is associated with

lower crime gun export rates. In fact, three of these regulations are associated with crime gun export rates that are less than one-third the rates of states without these regulations. A fourth regulation – closing the gun show loophole – is associated with export rates that are less than half that of states without this regulation. This demonstrates a strong connection between gun laws and reductions in the movement of crime guns across state lines.

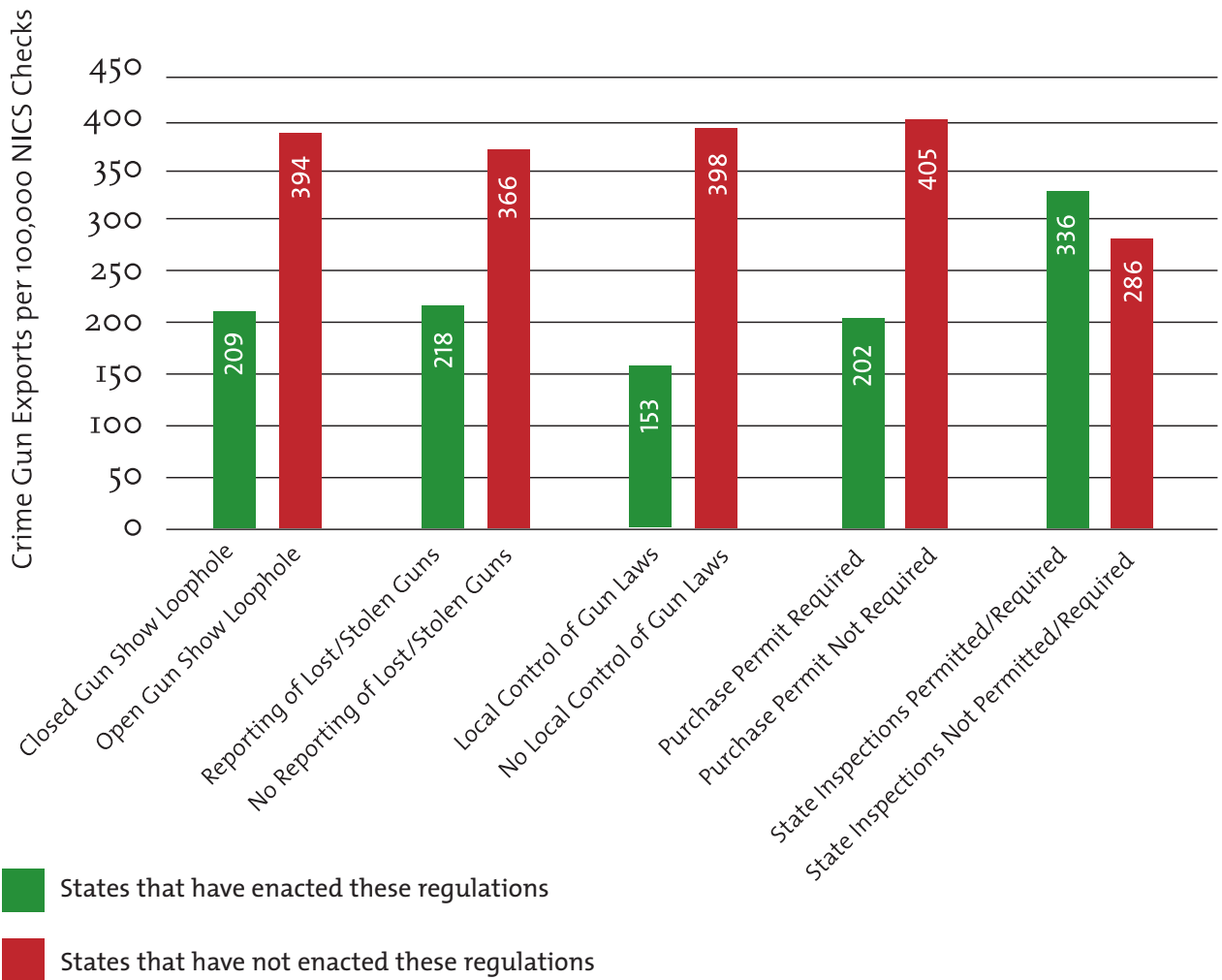
THE AVERAGE EXPORT RATES FOR STATES WITH OR WITHOUT SPECIFIC GUN REGULATIONS (CONTROLLING FOR POPULATION)



This strong association also holds true when controlling for NICS checks, a rough proxy for gun sales. As shown below, four of the five state laws continue to be associated with lower rates of crime gun exports. In fact, two of the five measures – local control of

firearms regulations and purchase permit requirements – are associated with crime gun export rates that are less than half the crime gun export rate of states without these measures.

THE AVERAGE EXPORT RATES FOR STATES WITH OR WITHOUT SPECIFIC GUN REGULATIONS (CONTROLLING FOR NICS CHECKS)



Finally, the chart below shows the extent to which each of the 50 states, and the District of Columbia, have enacted the five regulations examined in this report. The ten states with the lowest crime gun export rates (using population as a control) have

enacted, on average, 3.4 of the five regulations, which is over five times the average of the ten states with the highest crime gun export rates that have enacted an average of only 0.6 of the five regulations.

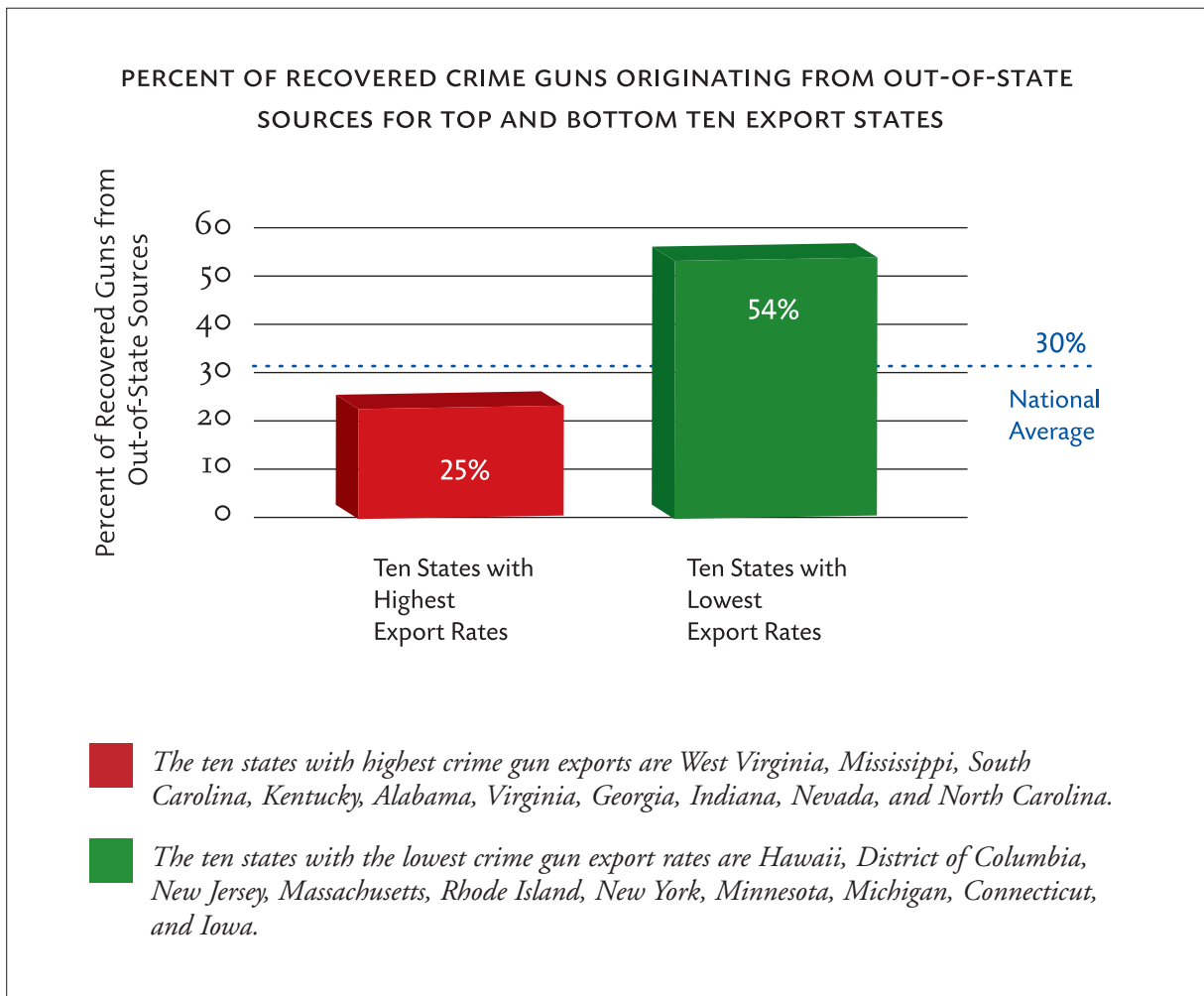
STATES THAT HAVE ENACTED KEY GUN LAWS EXAMINED IN THIS REPORT					
State	State Requires Background Checks for All Handgun Sales at Gun Shows	State Requires Purchase Permit for All Handgun Purchases	State Requires Reporting Lost or Stolen Guns	State Allows Local Control of Gun Regulations	State Mandates or Permits Dealer Inspections
Alabama					
Alaska					
Arizona					
Arkansas					
California	✓	✓		✓	✓
Colorado	✓				✓
Connecticut	✓	✓	✓	✓	✓
Delaware					✓
District of Columbia	✓		✓	✓	✓
Florida					
Georgia					✓
Hawaii		✓		✓	✓
Idaho					
Illinois	✓	✓		✓	✓
Indiana					
Iowa		✓			
Kansas					
Kentucky					
Louisiana					
Maine					✓
Maryland	✓				✓
Massachusetts		✓	✓	✓	✓
Michigan		✓	✓		✓
Minnesota					✓
Mississippi					✓
Missouri					
Montana					
Nebraska				✓	
Nevada					
New Hampshire					
New Jersey		✓	✓	✓	✓
New Mexico					
New York	✓	✓	✓	✓	✓
North Carolina		✓			✓
North Dakota					
Ohio			✓		
Oklahoma					
Oregon	✓				✓
Pennsylvania	✓				
Rhode Island	✓	✓	✓		✓
South Carolina					✓
South Dakota					
Tennessee					✓
Texas					
Utah					
Vermont					✓
Virginia					✓
Washington					
West Virginia					
Wisconsin					
Wyoming					✓

- States in red indicate the states with the highest crime gun export rates, when controlling for population.
- States in green indicate the states with the lowest crime gun export rates, when controlling for population.

PART FIVE: THE BALANCE OF TRADE FOR CRIME GUNS

The comparisons of state laws and export rates suggest that criminals and traffickers favor certain states as sources for crime guns. If ease of criminal access to guns is driving high export rates, then one would expect that states that export many guns tend to import few guns. In other words, if guns are easy to acquire in a particular state, then one would expect that there would not be a high demand among criminals for guns from neighboring or far away states. This pattern is, in fact, what one sees when comparing within a state the number of recovered guns originating from out-of-state sources versus in-state sources.

As demonstrated in the chart below, on average, in the ten states with the highest crime gun export rates, just 25% of guns recovered in crimes “at home” had been originally purchased in other states. Meanwhile, in the ten states with the lowest export rates, 54% of guns recovered in crimes “at home” originate from out-of-state dealers. This finding supports the idea that differences in the ease of criminal access to guns may account for differences in export rates.





This pattern also holds true when one examines the ratio of each state's crime gun exports to its imports. The table below presents the raw numbers of crime gun exports and imports in each state. It converts these numbers into a ratio, which shows the relationship between exports and imports among the states. For example, in a state with a high ratio of exports to imports, like West Virginia, roughly *four guns are exported* for every *one gun that is imported*. In a state with a low ratio of exports to imports, like New Jersey, for *every gun that is exported*, nearly *50 guns are imported*. Six of the ten states with the highest crime gun export rates are among the ten states with the highest ratio of exports to imports. Eight of the ten

states with the lowest export rates are among the ten states with the lowest ratio of exports to imports. In short, there are substantial trade imbalances in crime guns among states. Some states stand out as major exporters of crime guns, while other states stand out as major importers of crime guns.

The imbalances between gun exports and gun imports appear to confirm that criminals and traffickers favor gun dealers in particular states as sources for guns. Criminals who live in top export states appear better able to acquire guns from their more plentiful in-state sources and therefore may not rely as heavily on guns trafficked across state lines.

STATE-BY-STATE RATIOS OF CRIME GUN EXPORTS TO IMPORTS ³²							
State	Gun Exports	Gun Imports	Ratio of Gun Exports to Imports	State	Gun Exports	Gun Imports	Ratio of Gun Exports to Imports
1. New Hampshire	132	29	4.6 : 1	27. North Carolina	1774	2040	1 : 1.2
2. W. Virginia	743	177	4.2 : 1	28. South Dakota	40	47	1 : 1.2
3. Mississippi	1138	310	3.7 : 1	29. Louisiana	780	922	1 : 1.2
4. Arkansas	402	131	3.1 : 1	30. Arizona	1239	1584	1 : 1.3
5. South Carolina	1349	544	2.5 : 1	31. Wyoming	39	52	1 : 1.3
6. Indiana	1665	710	2.4 : 1	32. Montana	68	92	1 : 1.4
7. New Mexico	273	117	2.3 : 1	33. Washington	455	720	1 : 1.6
8. Alabama	1362	591	2.3 : 1	34. Nevada	609	984	1 : 1.6
9. North Dakota	55	24	2.3 : 1	35. Wisconsin	317	560	1 : 1.8
10. Virginia	2261	1100	2.1 : 1	36. California	1962	3817	1 : 2.0
11. Kentucky	1261	617	2.0 : 1	37. Iowa	100	234	1 : 2.3
12. Utah	248	128	1.9 : 1	38. Connecticut	103	328	1 : 3.2
13. Georgia	2631	1598	1.7 : 1	39. Delaware	71	234	1 : 3.3
14. Pennsylvania	1539	992	1.6 : 1	40. Missouri	283	1092	1 : 3.9
15. Oklahoma	483	313	1.5 : 1	41. Nebraska	62	241	1 : 3.9
16. Idaho	221	153	1.4 : 1	42. Maryland	445	1943	1 : 4.4
17. Ohio	1813	1291	1.4 : 1	43. Michigan	288	1333	1 : 4.6
18. Texas	2281	1752	1.3 : 1	44. Minnesota	94	474	1 : 5.0
19. Maine	90	75	1.2 : 1	45. Illinois	558	3260	1 : 5.9
20. Vermont	42	35	1.2 : 1	46. Rhode Island	12	77	1 : 6.3
21. Oregon	500	446	1.1 : 1	47. Massachusetts	45	529	1 : 11.1
22. Kansas	342	312	1.1 : 1	48. New York	273	3873	1 : 14.3
23. Colorado	366	340	1.1 : 1	49. New Jersey	35	1467	1 : 50.0
24. Florida	2328	2413	1.0 : 1	50. D.C.	0	975	N/A
25. Tennessee	905	983	1.0 : 1.1	51. Hawaii	0	29	N/A
26. Alaska	45	49	1.0 : 1.1				

 States in red indicate the states with the highest crime gun export rates, based on population.

 States in green indicate the states with the lowest crime gun export rates, based on population.

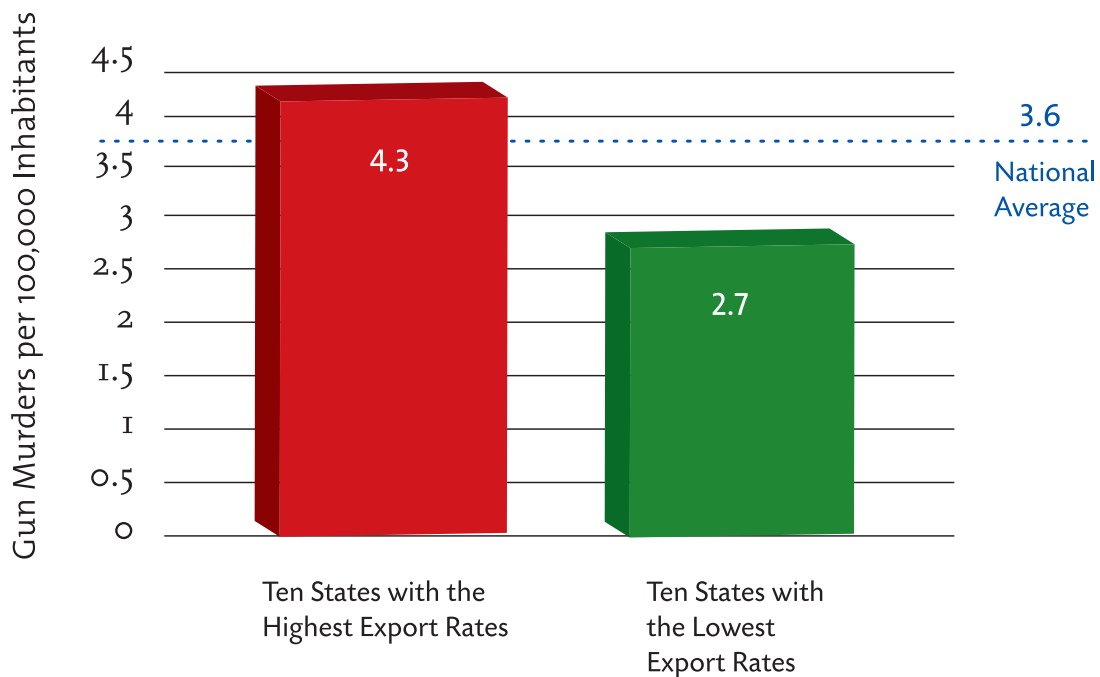
PART SIX: THE RELATIONSHIP BETWEEN EXPORT RATES AND GUN MURDERS

GUN MURDERS

States that export crime guns at high rates not only pose problems for other states, but they also suffer higher rates of gun murders than states with low export rates.³³

In 2007, the FBI reported that the national gun murder rate was 3.6 per 100,000 inhabitants.³⁴ The average gun murder rate among the ten states with the highest crime gun export rate was 59% higher than the gun murder rate of the ten states with the lowest crime gun export rates: 4.3 and 2.7 per 100,000 inhabitants, respectively.

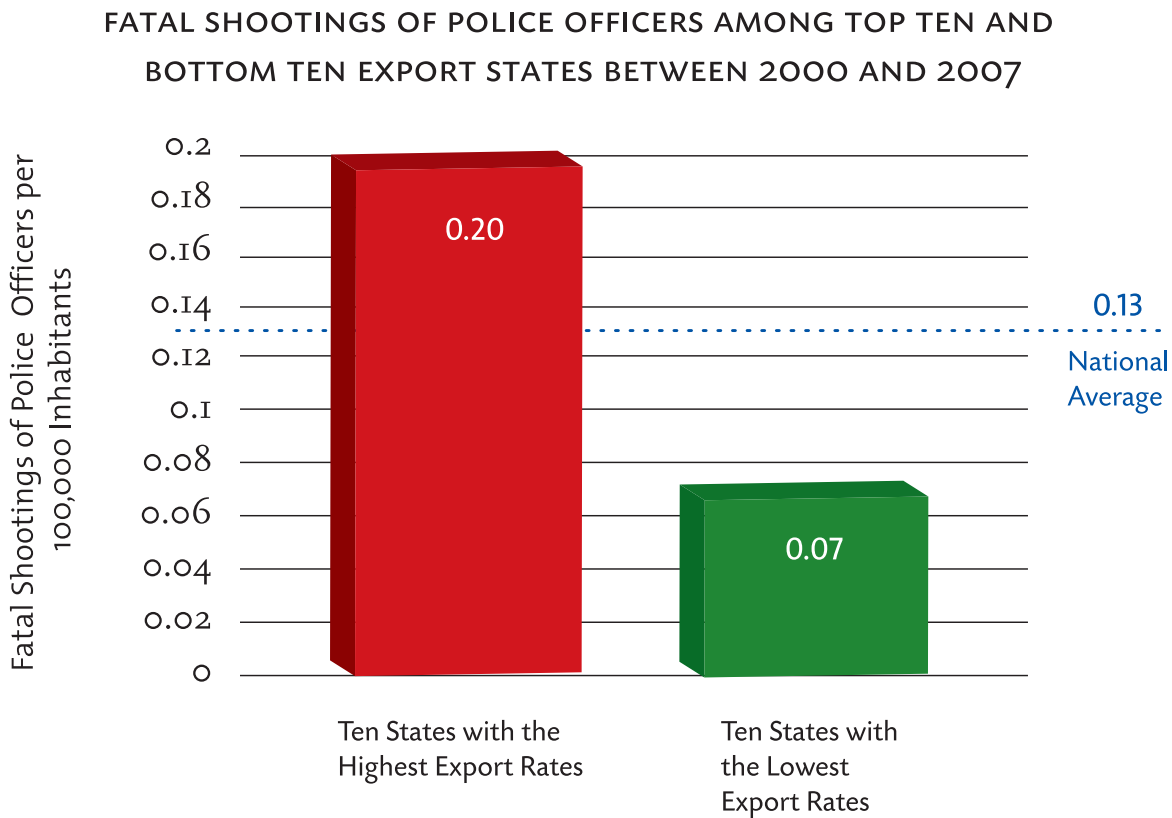
2007 GUN MURDER RATE AMONG TOP TEN AND BOTTOM TEN EXPORT STATES



FATAL SHOOTINGS OF POLICE OFFICERS

The same pattern also holds true when examining the relationship between export rates and the fatal shootings of police officers. According to the FBI, between 2000 and 2007, there were 390 fatal shootings of police officers.³⁵ During this eight-year period, the national rate of fatal police shootings was 0.13 per 100,000 inhabitants. As shown in the table below, the average rate of fatal police shootings among the ten states with the highest crime export rate is nearly three times that of the ten states with the lowest crime gun export rates.

In short, states that are the largest sources of interstate crime guns are not only supplying other states with guns that are used in crimes, but these states are also suffering from significantly higher gun murder rates and fatal shootings of police officers.



CONCLUSION: WHAT DOES THIS ANALYSIS TELL US?

The purpose of this report is to describe previously unreported trends in the movement of illegal guns across state lines and to assess some of the factors that may be driving these trends. In aggregating the state trace data reports released by ATF, this report goes beyond the published efforts of the federal government to reveal and analyze trends in illegal firearms trafficking. From this analysis, the following conclusions can be drawn:

- *The rates at which states are sources for crime guns vary significantly:* The stark differences in crime gun export rates appear to confirm the existence of an interstate illegal gun market, where a handful of states stand out as major sources for crime guns.
- *States with few or none of the five laws examined in this report are more often the source of guns recovered in out-of-state crimes than states with most or all of these laws.* States that export illegal guns at the highest rates have comparatively weak gun laws. This association between high crime gun export rates and the absence of these laws suggests criminals and gun traffickers favor states without such laws.
- *States that are the top sources of guns used in out-of-state crimes also suffer from higher in-state gun murder rates:* States with high crime gun export rates not only supply crime guns to other states, but they themselves also suffer higher rates of gun murders and fatal shootings of police officers than states with low crime gun export rates. Adopting more of the five laws examined in this report could potentially reduce not only interstate trafficking, but also reduce in-state gun murders.
- *Trace data analysis has enormous potential and the continued restrictions on access to trace data hinder more comprehensive analysis:* In shedding light on previously unreported trends, this report highlights the potential of trace data as a tool to identify and analyze the illegal gun market. Restricted access to trace data impedes a more comprehensive understanding of trafficking trends in the United States and severely hinders the efforts of states and cities to develop effective legislative and law enforcement strategies to combat illegal gun crimes.

APPENDIX I: LIMITED RELEASE OF TRACE DATA AND OTHER METHODOLOGICAL CONSIDERATIONS

LIMITED RELEASE OF TRACE DATA

Despite the recent improvements in access to trace data, ATF's limited release of aggregate trace data and the remaining Tiahrt Amendment restrictions hinder comprehensive analysis of the movement of illegal guns in America.

- Lack of "Time-to-Crime" data. If ATF provided Time-to-Crime data for each source state, this data would allow more precise analysis of which states gun traffickers appear to favor. Time-to-Crime (TTC) measures how much time passes between when a gun is initially sold at a retail dealer and when it is recovered in a crime. ATF reports that TTC is an important indicator of gun trafficking because the quick turnover of a gun from the first retail purchase to recovery in a crime may indicate the intent of the buyer or dealer to divert the gun from the legal market into the illegal market for criminal activity.³⁶ ATF currently reports only Time-to-Crime data by recovery state – the state where a crime is recovered – but does not provide TTC data by source state. One might expect states with high export rates to be a source of relatively short TTC guns.
- Lack of date of sale data. If an analysis could categorize recovered guns based on their date of sale, one could examine the effect of enacting particular laws on a state's gun export rate through a before-and-after study. However, the Tiahrt Amendment restrictions limit comprehensive access to raw trace data, including date of sale.
- Lack of dealer-level data. Prior to the enactment of the Tiahrt Amendment, the federal government provided dealer-level trace data. Such data allowed ATF to report in 2000, for example, that just 1.2% of gun dealers originally sold 57% of traced

crime guns.³⁷ Likewise, dealer-level data was available to identify the specific gun dealers that were the top sources nationally of crime guns. The Tiahrt Amendment restrictions continue to prohibit access to this dealer-level data, making it impossible to show the degree to which certain gun dealers may drive a state's high export rate. These restrictions not only limit this report, but also hinder state and local law enforcement in their efforts to identify gun dealers who disproportionately supply guns to criminals.

OTHER METHODOLOGICAL CONSIDERATIONS

In addition to limited access to trace data, there are other methodological considerations relevant to this analysis. Trace data is the best available information for evaluating the movement of crime guns, but there are some limitations that are important to note:

- Traced firearms do not represent all crime guns. While there is a strong relationship between the number of guns that are traced and the number of guns used in crime, these figures are not identical. Traced guns do not include all crime guns for two main reasons. First, guns are only traced after being recovered by police, and some guns used in crimes are never recovered. Second, while police in some jurisdictions trace every gun they recover in a crime, police in other jurisdictions do not have iron clad trace policies. For these reasons, traces can undercount guns used in crimes.
- Not all efforts to trace guns are successful. In 2007, ATF was unable to identify the source states – and possibly the source dealers – in 39% of all trace attempts.³⁸ In order to successfully trace a gun, ATF relies on accurate record-keeping by gun manufacturers, gun wholesalers, and gun retailers. Failure to keep complete records or fail-

ure to comply with ATF requests can make it impossible to trace all firearms. Moreover, guns that were purchased 20 or more years ago are often untraceable because gun dealers are only required to keep sales records for 20 years. While these failed traces mean that the overall export rates calculated in this report undercount the number of guns, there is no evidence that this distorts this report's findings because the distribution of incomplete traces does not vary substantially among states.

- Not all source states are identified in ATF trace reports. For every recovery state, the ATF trace reports released in 2006 and 2007 identify the 15 states that are the largest sources for crime guns. For guns that come from states that are not among the top 15 sources, ATF provides only generic identification that these guns came from “other” out-of-state sources. In 2007, ATF identified the specific source state for 80.5% of the 42,450 exported crime guns. The data presented in this report account for over 80% of all crime gun exports – a very substantial sample. Given the size of this sample, it is unlikely that data from other unidentified source states, not in the top 15, would substantially skew the findings of this report.

This report finds substantial differences in the rate that states supply interstate crime guns. It also finds strong associations between the absence of five key gun regulations and the likelihood that a state exports crime guns at high rates. It does not appear that any of the methodological considerations or limitations on access to data have a substantial effect on those findings. Nonetheless, the conclusions could be bolstered by further analysis when, and if, additional data is made available.

For more information on the data used in this report, please see:

Raw trace data reports for 2006 and 2007, on a state by state basis, are available at the Mayors Against Illegal Guns website: <http://www.mayorsagainstilllegalguns.org/html/trace/analysis.shtml>

NICS data, as provided to Mayors Against Illegal Guns by the FBI, is available at: <http://www.mayorsagainstilllegalguns.org/trace/NICS>

Crime data, as compiled by the FBI Uniform Crime Reports, is available at: <http://www.fbi.gov/ucr/cius2007/index.html>

Police officers killed data, as compiled by the FBI Law Enforcement Officers Killed and Assaulted Reports, is available at: <http://www.fbi.gov/ucr/ucr.htm#leoka>

APPENDIX II: UNDERSTANDING HOW AN ATF CRIME GUN TRACE WORKS

1

Law enforcement recovers a gun at a crime scene.



2

The recovering law enforcement agency identifies the gun's make, model, and serial number and reports this information to ATF.

3

ATF checks the serial number of the recovered gun against its records of multiple handgun sales and the records of out-of-business federally licensed dealers and some records gathered from dealers who are under special scrutiny. If these checks of internal records do not produce any results, ATF will contact the gun manufacturer and then the wholesaler to identify where the gun was originally sold. ATF then contacts the retailer who sold the gun to identify the first person who purchased the gun.



OMB No. 1140-0020

Firearms Transaction Record Part 1 - Over-the-Counter

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

WARNING: You may not receive a firearm if prohibited by Federal or State Law. The information you provide will be used to determine whether you are prohibited under law from receiving a firearm. Certain violations of the Gun Control Act are punishable by up to 10 years imprisonment and/or up to a \$250,000 fine.

Prepare in original only. All entries must be in ink. Read the Important Notices, Instructions and Definitions on this form. *Please Print.*

Transferor's Transaction Serial Number

Section A - Must Be Completed Personally By Transferee (Buyer)

Middle Name (if no middle name state "NMN")

1. Transferee's Full Name: Last Name, First Name, Middle Name, County, State, Zip Code

2. Current Residence Address (Cannot be a post office box): Number and Street Address, City, State, Zip Code

3. Place of Birth: U.S. City/State, Foreign Country, 4. Height (Ft., In.), 5. Weight (Lb.), 6. Gender (Male, Female), 7. Birth Date (Month, Day, Year)

8. Social Security Number (Optional, but will help prevent misidentification), 9. Unique Personal Identification Number (UPIN) if applicable (See Instruction to Transferor 6)

10. Race (Ethnicity) (Check one or more boxes):
 American Indian or Alaska Native
 Black or African American
 Hispanic or Latino
 Asian
 Native Hawaiian or Other Pacific Islander
 White

11. Answer questions 11a. through 12 by writing "yes" or "no" in the boxes to the right of the questions.
 a. Are you the actual buyer of the firearm(s) listed on this form? **Warning: You are not the actual buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual buyer, the dealer cannot transfer the firearm(s) to you. (See Important Notice 1 for actual buyer definition and examples.)**
 b. Are you under indictment or information in any court for a felony, or any other crime, for which the judge could imprison you for more than one year? (An information is a formal accusation of a crime by a prosecutor. See Definition 3.)
 c. Have you ever been convicted in any court of a felony, or any other crime, for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation? (See Important Notice 4, Exception 1.)
 d. Are you a fugitive from justice?
 e. Are you an unlawful user of, or addicted to, marijuana, or any depressant, stimulant, or narcotic drug, or any other controlled substance?
 f. Have you ever been adjudicated mentally defective (which includes having been adjudicated incompetent to manage your own affairs) or have you ever been committed to a mental institution?
 g. Have you ever been discharged from the Armed Forces under dishonorable conditions?
 h. Are you subject to a court order restraining you from harassing, stalking, or threatening your child or an intimate partner or child of such partner? (See Important Notice 5.)
 i. Have you ever been convicted in any court of a misdemeanor crime of domestic violence? (See Important Notice 4, Exception 1 and Definition 4.)
 j. Have you ever renounced your United States citizenship?
 k. Are you an alien illegally in the United States? (See Definition 6.) If you answered "no" to this question, you are not required to respond to question 12.
 l. Are you a nonimmigrant alien? (See Definition 6.) If you answered "no" to this question, you are not required to respond to question 12.
 12. If you answered "yes" to question 11 i., do you fall within any of the exceptions set forth in Important Notice 4, Exception 2? (e.g., valid State hunting license.) (If "yes," the licensee must complete question 20c.) (See Definition 5. If you are not a citizen of the United States, you only have a State of residence if you have resided in a State for at least 90 continuous days immediately prior to the date of this sale.)
 13. What is your State of residence (if any)?
 14. What is your country of citizenship? (List check more than one, if applicable.)
 United States of America
 other (Specify)
 15. If you are not a citizen of the United States, what is your U.S.-issued alien number or admission number?

Note: Previous Editions Are Obsolete

ATF Form 4473 (3/2019) Part 1
Revised July 2020

4

In order to identify the first purchaser, the retailer manually checks the federal form 4473, which is the federal background check form that all prospective purchasers must complete in order to buy a gun from a federally licensed dealer (FFL). Gun dealers are required to keep the completed 4473 forms on file for 20 years after each purchase. From these forms, the retailer provides the purchaser's identification information to local law enforcement.



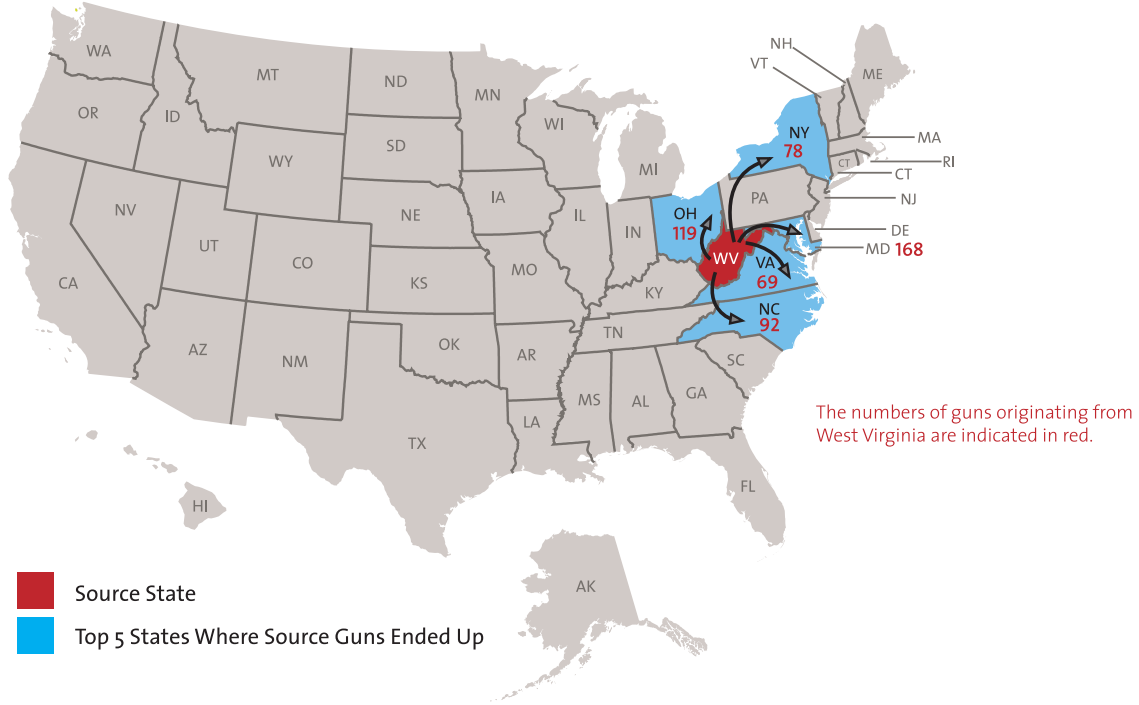
5

With the identification of the first purchaser, ATF and local law enforcement can then investigate the relationship of the buyer to the crime, identifying possible links between the source and the crime.

APPENDIX III: MAPS SHOWING THE PRIMARY RECOVERY LOCATIONS OF GUNS FROM THE TEN STATES WITH THE HIGHEST EXPORT RATES

WEST VIRGINIA AS A SOURCE STATE:

5 STATES THAT RECEIVED THE MOST CRIME GUNS FROM WEST VIRGINIA IN 2007

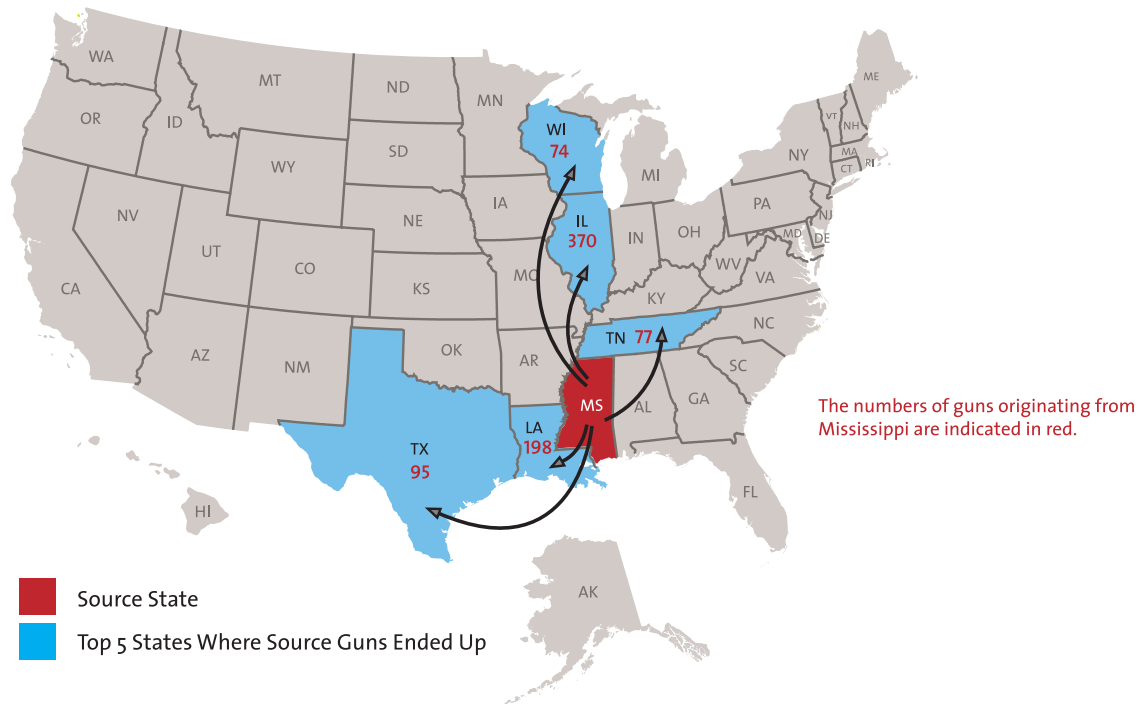


KEY

- Source State
- Top 5 States Where Source Guns Ended Up

MISSISSIPPI AS A SOURCE STATE:

5 STATES THAT RECEIVED THE MOST CRIME GUNS FROM MISSISSIPPI IN 2007

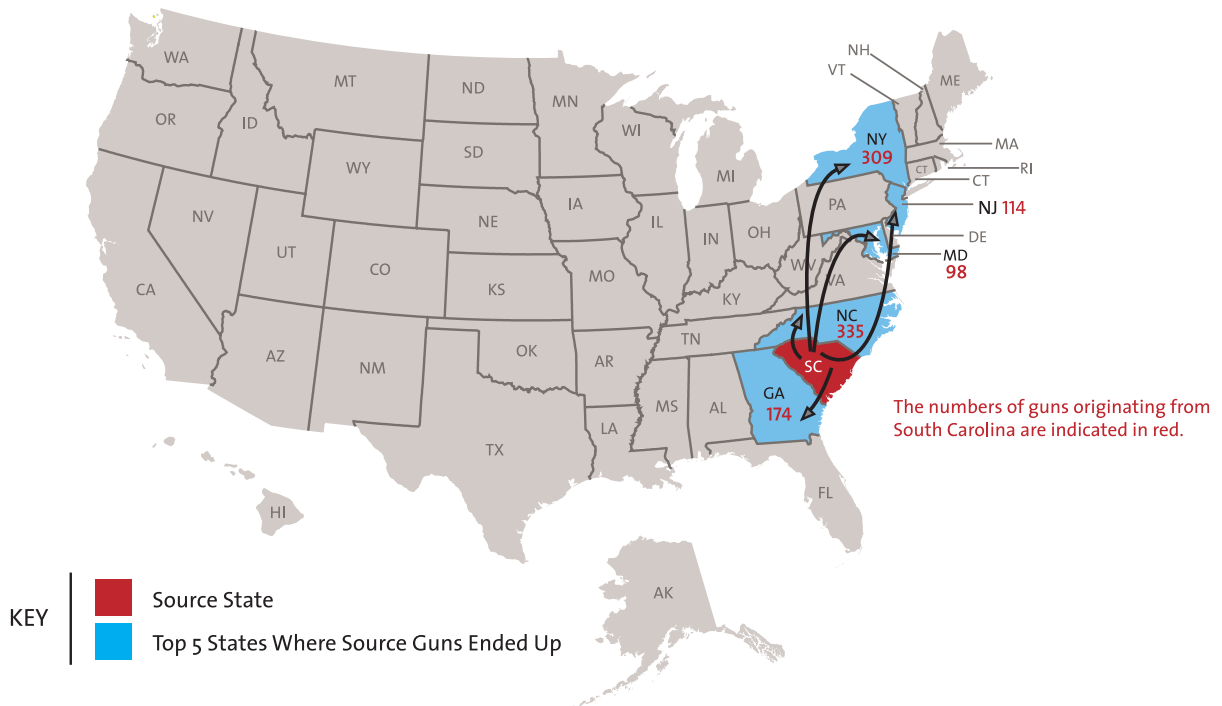


KEY

- Source State
- Top 5 States Where Source Guns Ended Up

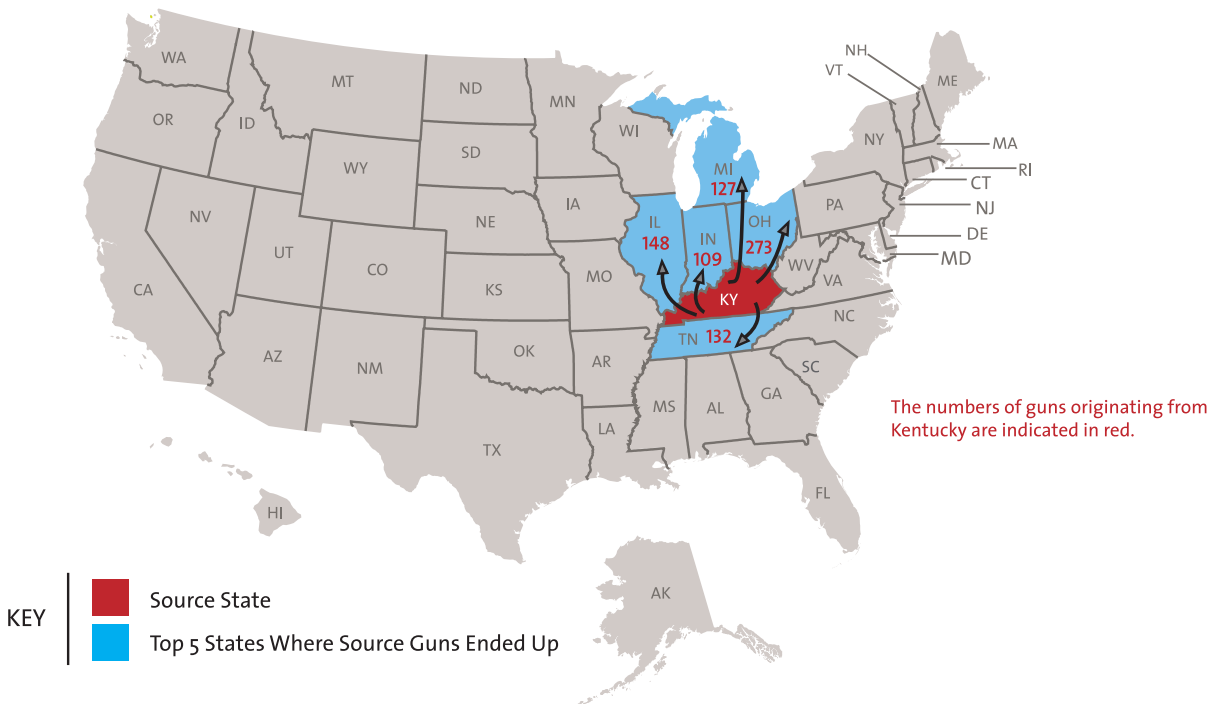
SOUTH CAROLINA AS A SOURCE STATE:

5 STATES THAT RECEIVED THE MOST CRIME GUNS FROM SOUTH CAROLINA IN 2007



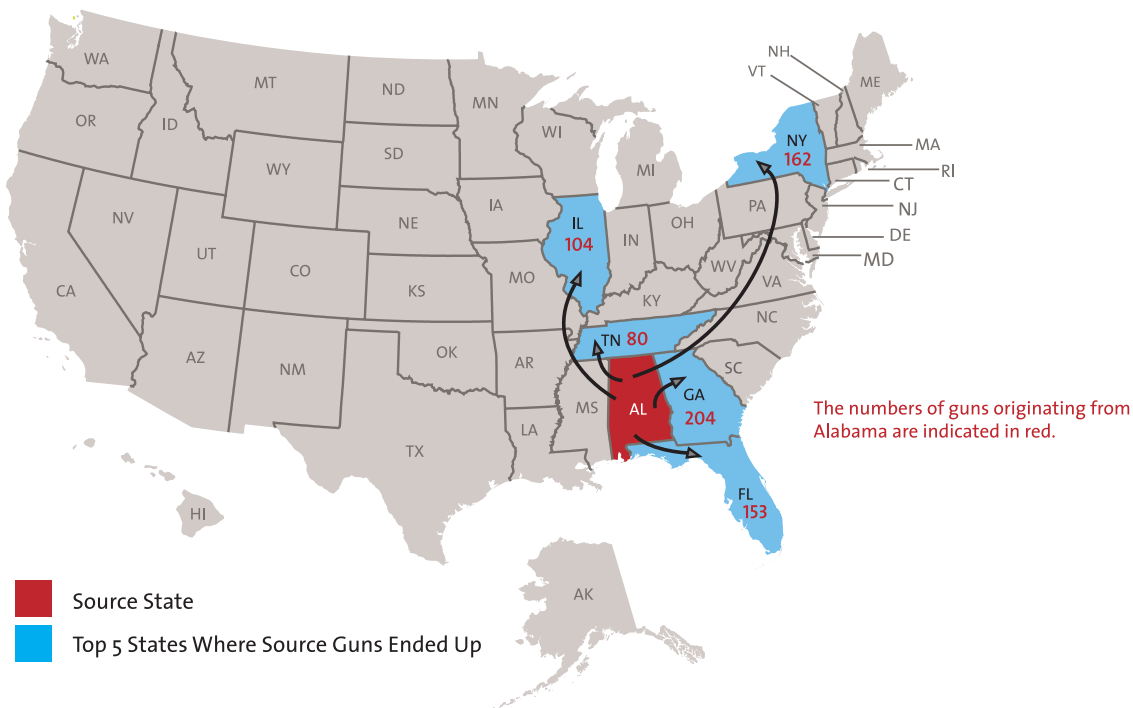
KENTUCKY AS A SOURCE STATE:

5 STATES THAT RECEIVED THE MOST CRIME GUNS FROM KENTUCKY IN 2007



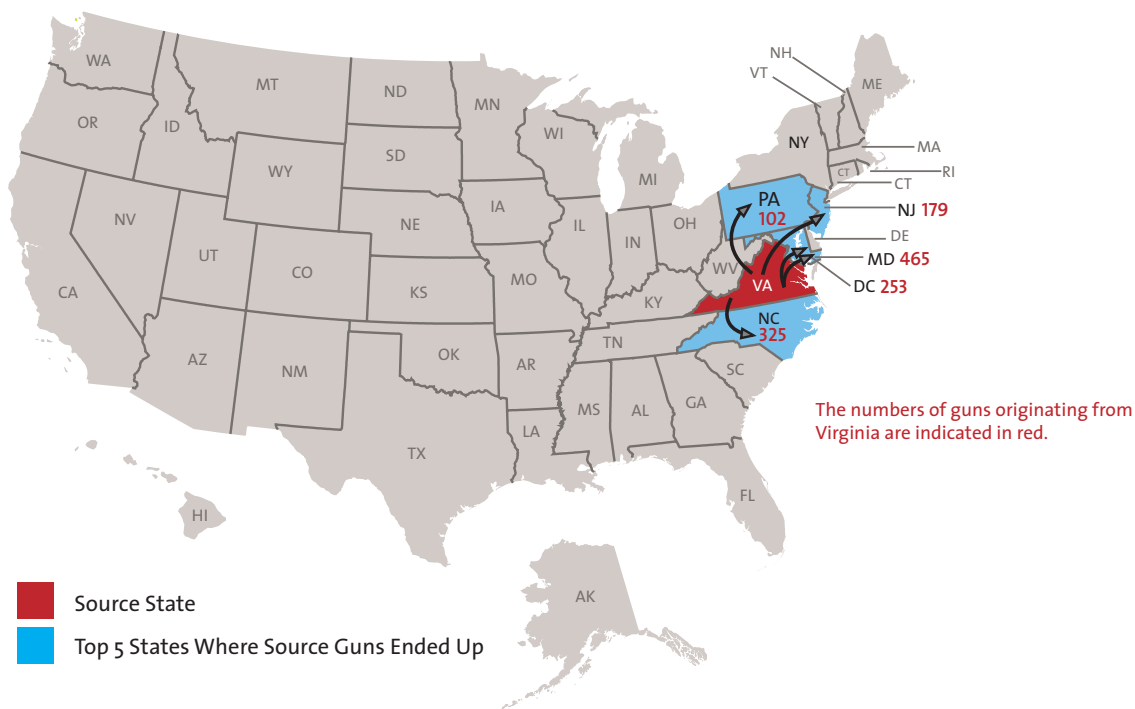
ALABAMA AS A SOURCE STATE:

5 STATES THAT RECEIVED THE MOST CRIME GUNS FROM ALABAMA IN 2007

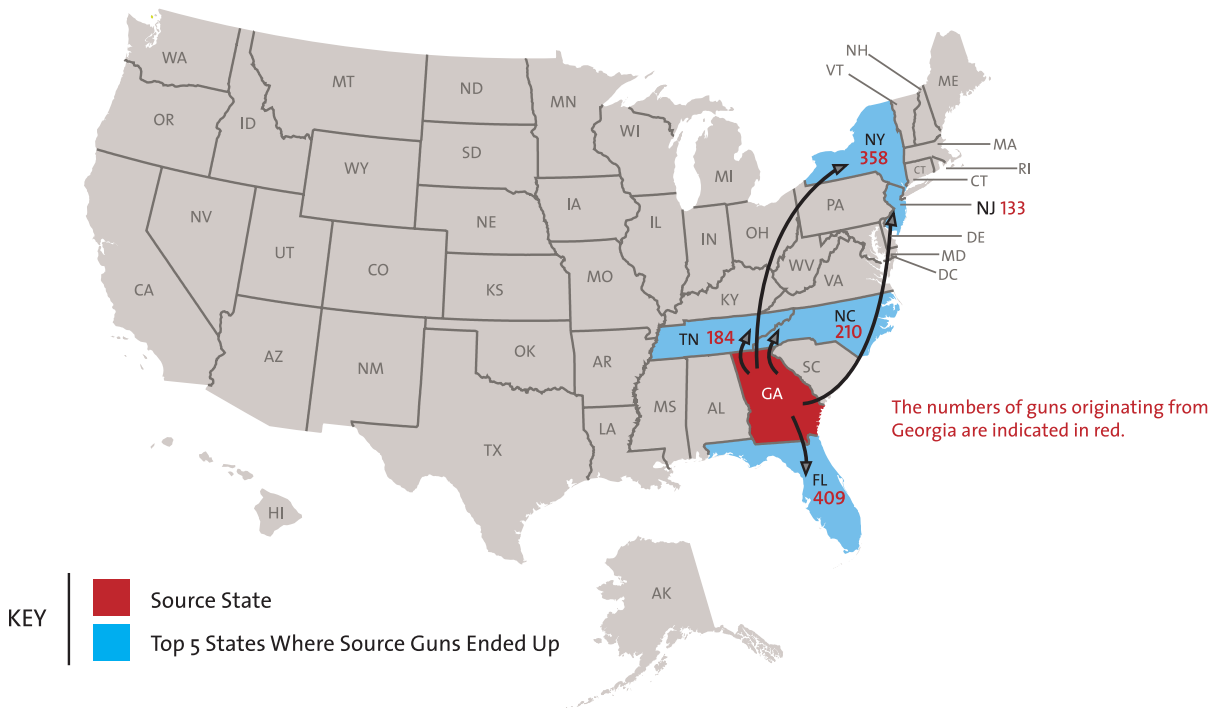


VIRGINIA AS A SOURCE STATE:

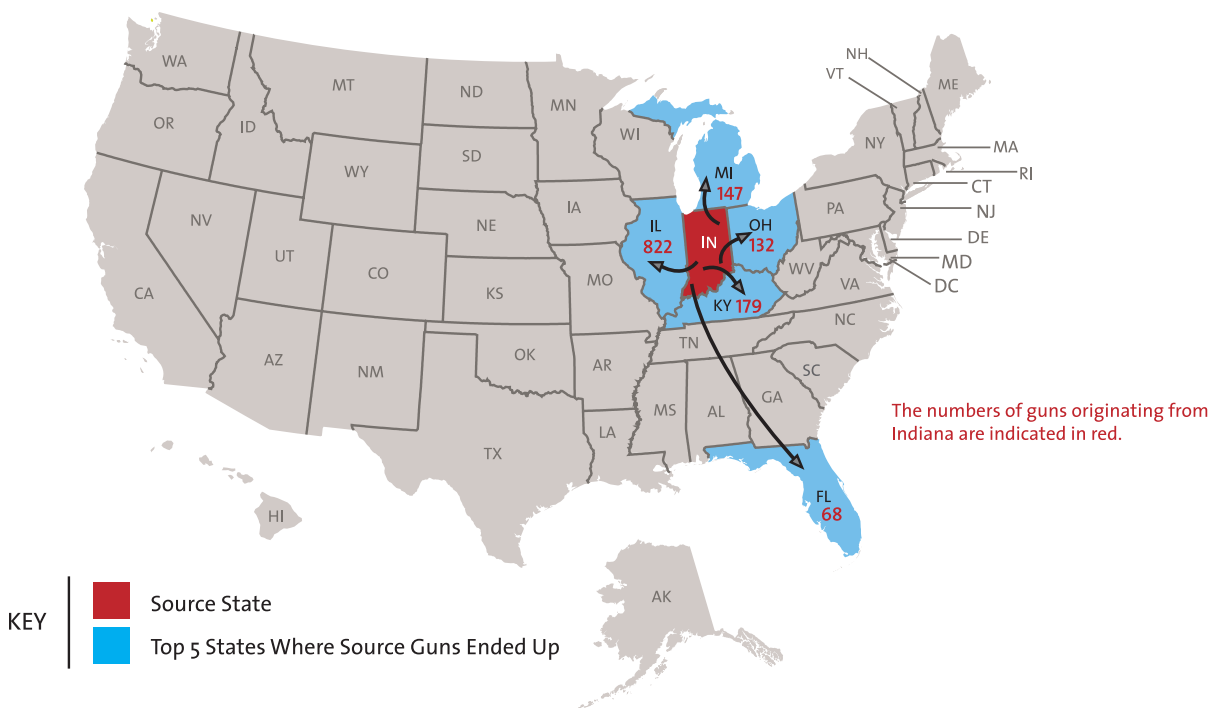
5 STATES THAT RECEIVED THE MOST CRIME GUNS FROM VIRGINIA IN 2007



**GEORGIA AS A SOURCE STATE:
5 STATES THAT RECEIVED THE MOST CRIME GUNS FROM GEORGIA IN 2007**

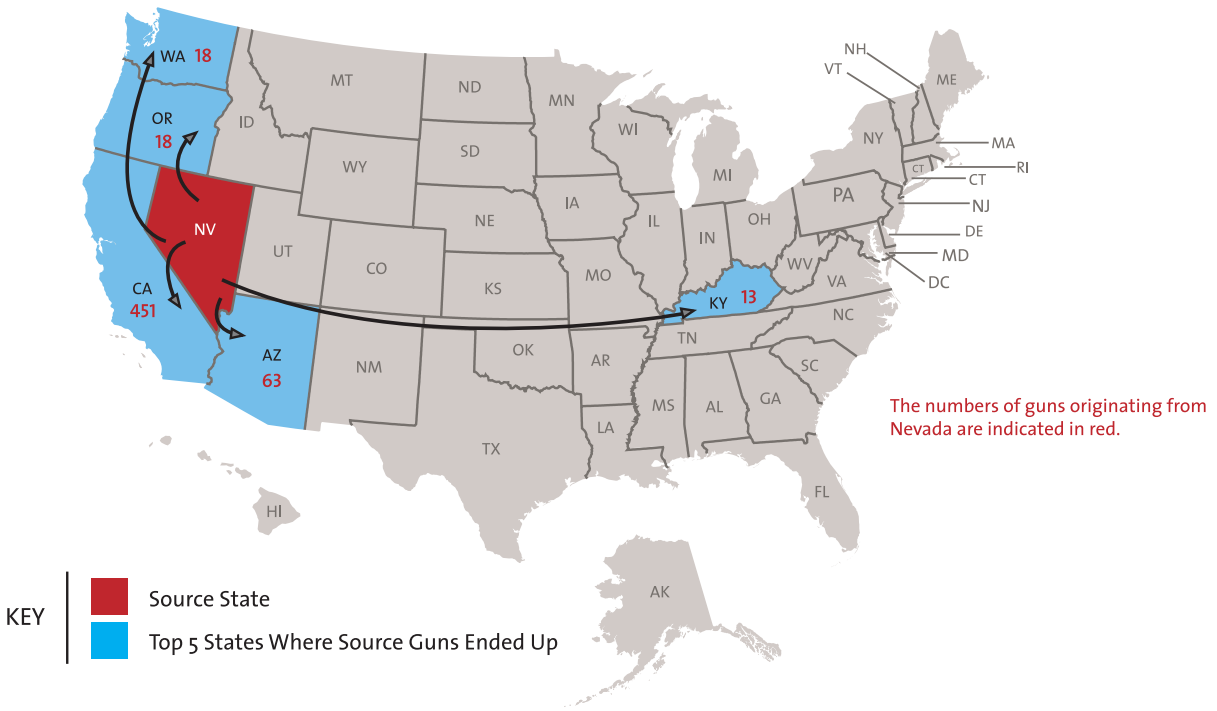


**INDIANA AS A SOURCE STATE:
5 STATES THAT RECEIVED THE MOST CRIME GUNS FROM INDIANA IN 2007**



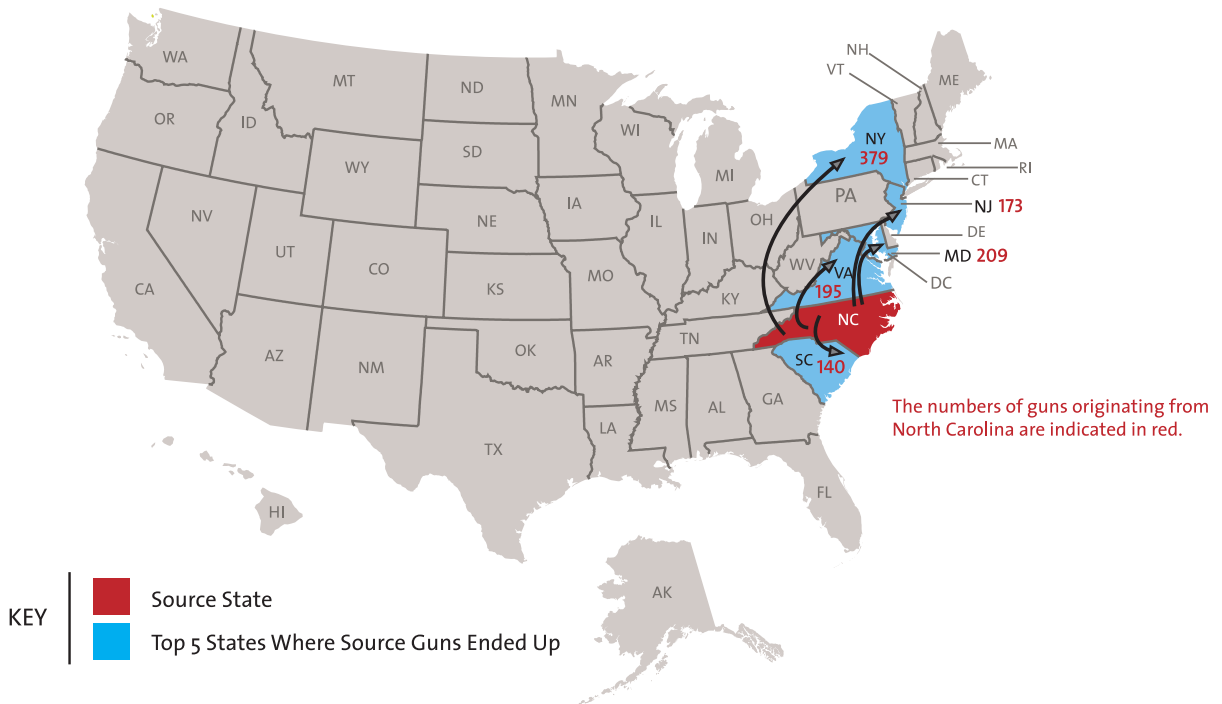
NEVADA AS A SOURCE STATE:

5 STATES THAT RECEIVED THE MOST CRIME GUNS FROM NEVADA IN 2007



NORTH CAROLINA AS A SOURCE STATE:

5 STATES THAT RECEIVED THE MOST CRIME GUNS FROM NORTH CAROLINA IN 2007



ENDNOTES

- ¹ See, e.g., Wintemute, Garen. “Gun Shows Across a Multistate American Gun Market: Observational Evidence of the Effect of Regulatory Policies.” *Injury Prevention* 2007 13: 150-156; Webster, Daniel. “Association between Regulations and Oversight of Firearm Dealers and Gun Trafficking.” Paper presented at the annual meeting of the *American Society of Criminology*, Atlanta Marriott Marquis, Atlanta, Georgia, Nov 14, 2007, accessed at http://www.allacademic.com/meta/p201895_index.html; Cohen, Jacqueline & Ludwig, Jens. “Policing Crime Guns.” in *Evaluating Gun Policy: Effects on Crime and Violence*, edited by Jens Ludwig and Philip Cook (Brookings Institution Press, 2003).
- ² See, e.g., Lott, John. *More Guns, Less Crime: Understanding Crime and Gun Control Laws* (The University of Chicago Press, 2000); Dugan, Mark, Hjalmarsson, Randi & Jacob, Brian. “The Effect of Gun Shows on Gun Related Deaths: Evidence from California and Texas.” Working Paper Accessed 10/2/2008 at <http://www.closup.umich.edu/research/workingpapers/papers/gunshows-sept08-final.pdf>.
- ³ For a government account of the Iron Pipeline in a gun trafficking case, see, e.g., US Attorney for the Northern District of Georgia Press Release 2/21/08, accessed at <http://www.usdoj.gov/usao/gan/press/2008/02-21-08.pdf>. For an academic account of the Iron Pipeline, see, e.g., Wintemute, Garen. “Where Guns Come From: The Gun Industry and Gun Commerce.” *The Future of Children* 2002: Volume 12: 2: p.64.
- ⁴ Department of Treasury, Bureau of Alcohol, Tobacco, Firearms and Explosives. *Following the Gun: Enforcing Federal Law Against Firearms Traffickers*. Washington, DC; Department of the Treasury, 2000, Foreword.
- ⁵ Law enforcement can ask ATF to trace any gun. The vast majority of these trace requests involve guns that are linked to crimes. For example, an ATF study of New York City gun trace data determined that more than 99% of traced guns were recovered at a crime scene or otherwise connected to crime. U.S. Department of the Treasury, Bureau of Alcohol, Tobacco & Firearms. “Crime Gun Trace Reports (2000) New York,” published July 2002, p.9, available at <http://www.atf.gov/firearms/ycgii/2000/cityreports/newyorkcity.pdf>.
- ⁶ It is unusual, for example, for a single person to be the first retail purchaser of five guns that are recovered in separate crimes. There may be an innocent explanation, such as the buyer was a gun collector whose collection was stolen. But trace data could also identify buyers with more sinister motives: perhaps the buyer is an illegal trafficker or perhaps he is an illegal straw purchaser who earns money as a stand-in for persons who are legally prohibited from buying guns. Likewise, it is unusual for a dealer to be consistently identified as the retail source of guns that are recovered in several different crimes. According to ATF data, in a given year, 85% of gun dealers are not associated with a single trace. In fact, just 1% of gun dealers will be the sources of 57% of guns recovered in crimes. U.S. Department of Treasury, Bureau of Alcohol, Tobacco, Firearms and Explosives. *Commerce in Firearms in the United States*. Washington, D.C.: Department of the Treasury, 2000, p.23-24.
- ⁷ Department of Treasury, Bureau of Alcohol, Tobacco, Firearms and Explosives. *Following the Gun: Enforcing Federal Law Against Firearms Traffickers*. Washington, DC; Department of the Treasury, 2000, p.8.
- ⁸ *Id.* p. 23.
- ⁹ These reports include trace data specific to each recovery state, including the total number of crime guns recovered and traced, the top 15 crime gun source states for each recovery state, and a breakdown of recovered guns by firearm type (*i.e.*, pistols, revolvers, rifles, etc.). The reports provide information about guns recovered and traced in 2006 and 2007. For all the original data in the form it was released by ATF, please visit <http://www.mayorsagainstillegalguns.org/html/trace/trace.shtml>. Also please note that, in referencing states, this report includes the District of Columbia, unless otherwise noted. The District of Columbia is treated as a “state” for the purposes of federal gun law. 18 U.S.C. § 921 (a) (2).
- ¹⁰ Department of Treasury, Bureau of Alcohol, Tobacco, Firearms and Explosives. *Following the Gun: Enforcing Federal Law Against Firearms Traffickers*. Washington, DC; Department of the Treasury, 2000, p.23.
- ¹¹ See, e.g., Iowa Admin. Code § 661-91.4 (3). There are a number of methodological issues of note with NICS data. First, NICS checks are done only once per transaction. A person who purchases 10 guns in a single transaction will yield only one NICS check. Second, a number of states use the NICS system as a way of conducting background checks for the application and renewal of gun permits. Meanwhile, some other states do background checks on permit applicants with systems other than NICS. See, e.g., Michigan Comp. Laws 28.425(b). At least one state, Kentucky, appears to have recently started doing monthly NICS checks on its concealed carry permit holders in the summer of 2006. These monthly checks have dramatically inflated Kentucky’s NICS check numbers. See Kimberlin, Joanne. “In Virginia, firearms aren’t a tough sell.” *The Virginian-Pilot*, March 3, 2008. Accessed at <http://hamptonroads.com/2008/03/virginia-firearms-arent-tough-sell>. Also, there are some states that that use the NICS system for background checks on gun purchases in the secondary market, such as at gun shows. See, e.g., N.Y. Gen. Bus. Law § 896 (a). In short, there are some inconsistencies in how NICS checks are used by states. For all these reasons, NICS data serves as only a rough proxy for the gun sales occurring in each state.
- ¹² The two remaining states with the highest export rates, when controlling for population, remain among the 14 states with the highest export rates, when controlling for NICS checks.
- ¹³ The four remaining states with the lowest export rates, when controlling for population, remain among the 17 states with the lowest export rates, when controlling for NICS checks.
- ¹⁴ Department of Treasury, Bureau of Alcohol, Tobacco, Firearms and Explosives. *Following the Gun: Enforcing Federal Law Against Firearms Traffickers*. Washington, DC; Department of the Treasury, 2000, p.12.
- ¹⁵ 27 C.F.R. § 478.100.
- ¹⁶ Department of Treasury, Bureau of Alcohol, Tobacco, Firearms and Explosives. *Following the Gun: Enforcing Federal Law Against Firearms Traffickers*. Washington, DC; Department of the Treasury, 2000, p.17.
- ¹⁷ California: Cal. Penal Code §§ 12072 (d), 12082; District of Columbia: D.C. Code Ann. §§ 7-2501.01, 7-2502.03, 7-2505.01, 7-2505.02; Rhode Island: R.I. Gen. Laws §§ 11-47-35-11-47-35.2.
- ¹⁸ Connecticut: Conn. Gen. Stat. § 29-33c; Pennsylvania: 18 Pa. Cons. Stat. §§ 6111(b), 6111(c), 6111(f)(1), (2); Maryland: Md. Code Ann., Pub. Safety §§ 5-101(r), 5-124, 5-130(j). Maryland also requires universal background checks for all assault rifle sales.
- ¹⁹ Illinois: 430 Ill. Comp. Stat. 65/3, 65/3.1; New York: N.Y. Gen. Bus.

Law §§ 895-897; Colorado: Colo. Rev. Stat. § 12-26.1-102; Oregon: Or. Rev. Stat. §§ 166.432-166.441.

²⁰ Unless otherwise noted, the export rates relied upon in this part of the report are controlled for population.

²¹ Some states, such as New Jersey and Michigan, require all gun sellers, including unlicensed private sellers, to inspect a purchase permit from all prospective buyers. See, e.g., Mich. Comp. Laws § 28.422 (5); N.J. Stat. Ann § 2C: 58-3(b); N.J. Admin. Code § 13:54-1.3. Some states, such as New York and Michigan, also allow for an additional form of law enforcement oversight of gun sales by giving local law enforcement discretion in the issuance of purchase permits, should background checks reveal that an applicant has a troubling history, e.g., multiple misdemeanor convictions, even if that history would not be an absolute bar under federal law. See, e.g., N.Y. Penal Law § 400.00(1)(b), (g); Mich. Comp. Laws §§ 28.422(3), 28.425(7)(n).

²² Hawaii: Haw. Rev. Stat. Ann §§ 134-2, 134-13; Illinois: 430 Ill. Comp. Stat. 65/1-65/15a; Massachusetts: Mass. Gen. Laws ch. 140, §§ 121, 129B, 129C, 131, 131A, 131E, 131P; New Jersey: N.J. Stat. Ann. § 2C: 58-3.

²³ California: Cal. Penal Code §§ 12701(b)(8), 12800-12808; Connecticut: Conn. Gen. Stat. §§ 29-33, 29-36f - 29-36i; Iowa: Iowa Code §§ 724.15 - 724.20; Michigan: Mich. Comp. Laws §§ 28.422, 28.422a; New York: N.Y. Penal Law §§ 400.00- 400.01; North Carolina: N.C. Gen. Stat §§ 14-402 - 14-404; Rhode Island: R.I. Gen. Laws §§ 11-47-35 - 11-47-35.1.

²⁴ Department of Treasury, Bureau of Alcohol, Tobacco, Firearms and Explosives. *Following the Gun: Enforcing Federal Law Against Firearms Traffickers*. Washington, DC; Department of the Treasury, 2000, p.41 (based on a study by Cook, Philip & Jens Ludwig, *Guns in America: Results of a Comprehensive National Survey on Firearms Ownership and Use, Summary Report*, Police Foundation, Washington, D.C., 1996). Also, an analysis of 2007 ATF data showed that more than 30,000 went missing from gun dealer inventories during that year. Bureau of Alcohol, Tobacco, Firearms and Explosives. *FFL Compliance Inspections: Fact Sheet*. Washington, DC; Department of Treasury, June 2008, accessed at <http://www.atf.gov/press/factsheets/0608-factsheet-ffl-inspections.pdf>.

²⁵ Connecticut: Conn. Gen. Stat. § 53-202g; Massachusetts: Mass. Gen. Laws Ch. 140, § 129C; Michigan: Mich. Comp. Laws § 28.430; New Jersey: N.J. Stat. Ann. § 2C:58-19; New York: N.Y. Penal Law § 400.10; Ohio: Ohio Rev. Code Ann. § 2930.20(A)(5), (B); Rhode Island: R.I. Gen. Laws § 11-47-48.1.

²⁶ District of Columbia: D.C. Code Ann. §§ 7-2502.08(1)(A), 7-2502.09(4).

²⁷ *Regulating Guns in America: An Evaluation and Comparative Analysis of Federal, State and Selected Local Gun Laws*, Legal Community Against Violence (LCAV), 2008, p. 11-14, details the case law surrounding pre-emption in these states.

²⁸ California: Cal. Gov't Code §§ 53701, 53701.5, Cal. Penal Code § 12026(b); Nebraska: Neb. Rev. Stat. Ann. § 69-2401, Neb. Rev. Stat. Ann. § 69-2425, Neb. Rev. Stat. Ann. §§ 14-102, 15-255, 16-227, 17-556.

²⁹ 18 U.S.C. § 923(g)(1). Exceptions include a search warrant and other special circumstances.

³⁰ Bennett, Brian, "Turning a Blind Eye to Gun Dealers," *Time*, <http://www.time.com/time/nation/article/0,8599,1618392,00.html>, May 8, 2007. While the once every 17 year figure is the most recent public statement by ATF about its average inspection rate, other unpublished

accounts provided to Mayors Against Illegal Guns suggest that by 2008, the inspection rate has increased to once every eight or nine years. Nonetheless, such a rate of inspection is still far off from ATF's target of inspecting gun dealers at least once every three years.

³¹ Vernick, Jon, Webster, Daniel, Bulzacchelli, Maria, & Mair, Julie, "Regulation of Firearm Dealers in the United States: An Analysis of State Law and Opportunities for Improvement." *Journal of Law, Medicine, & Ethics* (Winter 2006): p.3-6.

³² Data on gun exports are necessarily incomplete because ATF has not released full data on guns that cross state lines before they are recovered in crimes. ATF reports on crime guns recovered in each state provide data only on the top 15 out-of-state sources, along with a total number of guns for which a source state was identified. If, therefore, state X exports only a few crime guns to state Y, ATF will not report the number of exports because state X will not be among the top 15 sources to state Y, and we cannot include those guns in state X's export total. ATF only omits a specific source state, however, for 19.5% of crime guns. Due to such omissions, the total number of exported guns shown in the table does not equal the total number of imported guns shown in the table. For a further description of this discrepancy, please see the section entitled "Other Methodological Considerations" in Appendix I of this report.

³³ The export rates relied upon in this section of the report controlled for population.

³⁴ Crime rates are based on 2007 FBI Uniform Crime Reports, <http://www.fbi.gov/ucr/cius2007/index.html>, unless otherwise noted. Please note that 2007 FBI Uniform Crime Reports (UCR) do not provide gun murder data for the District of Columbia. This report therefore used 2005 gun murder data provided by the the federal Centers for Disease Control and Prevention (CDC) in its gun murder rate calculations for the District of Columbia.

³⁵ Fatal Shooting Rates are based on the 2000-2007 FBI Law Enforcement Officers Killed and Assaulted Reports, <http://www.fbi.gov/ucr/ucr.htm#leoka>. This figure only includes felonious shootings of police officers in all 50 states and the District of Columbia. It does not include accidental fatal shootings of police officers, suicides or non-felonious fatal shootings of police officers.

³⁶ U.S. Department of Treasury, Bureau of Alcohol, Tobacco, Firearms and Explosives, *Commerce in Firearms in the United States*, Washington, DC, U.S. Department of Treasury, February 2000, p.32. In fact, the ATF noted in April 2008 that "the most important piece of information of a traced firearm, other than the purchaser, is the Time to Crime statistic." April 3, 2008 press release from ATF New York Field Division, accessed at http://www.atf.gov/press/2008press/field/040308ny_atf_shares_state_tracedata.pdf.

³⁷ Department of Treasury, Bureau of Alcohol, Tobacco, Firearms and Explosives. *Commerce in Firearms in the United States*. Washington, D.C.: Department of the Treasury, 2000, p.23-24.

³⁸ 2007 ATF State Trace Data Reports, available at <http://www.mayorsagainstillegalguns.org/html/trace/trace.shtml>