



Frequently Asked Questions About Gun Trafficking

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What is gun trafficking?

Gun trafficking is the movement of guns from legal to illegal streams of commerce and occurs both within states and across state lines.¹ As former Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Director Bradley Buckles stated in a 2000 report, “Virtually every crime gun in the United States starts off as a legal firearm,”² making the need to prevent gun trafficking a crucial part of a comprehensive approach to reducing gun-related crime. Guns are diverted into illegal gun markets in three common ways: straw purchases; secondary sales through private sellers; and theft from individual gun owners or firearm dealers.³

Straw purchasing occurs when an individual who is not prohibited from buying a gun purchases a firearm on behalf of someone else—usually someone who is prohibited by law from purchasing or possessing a firearm. For example, in February 2020, a 41-year-old male purchased firearms in Virginia on behalf of a third party who then resold the firearm to a man in New York City.⁴ In another case, in September 2018, ATF arrested and charged five individuals who had purchased 30 firearms on behalf of prohibited buyers in Vermont—firearms that the ATF believe were smuggled to Boston.⁵

Gun diversion also occurs through private gun sales that do not require a background check. Under current federal law, licensed gun dealers are required to conduct a background check prior to every gun sale. However, private individuals who are not so licensed are free to sell guns without a background check. While 22 states and the District of Columbia have acted to close this gap in the law and require a background check for these private sales, 28 states still do not have these requirements.⁶ This means that individuals who are prohibited from purchasing and possessing a firearm—such as a violent felony conviction or a history of domestic violence—can easily gain access to a gun through private sales and then funnel them to trafficking channels.

And finally, gun diversion often occurs through gun theft. An estimated 300,000 guns are stolen from gun dealers and private gun owners every year and are then frequently used in the commission of violent crimes.⁷ Data from ATF show that, from 2012 to 2019, more than 17,000 firearms recovered and traced after use in a crime had been reported stolen or missing by licensed gun dealers.⁸

What are some common signs of gun trafficking that appear in ATF data?

While there are minimal data about gun trafficking in the United States, some indicators of trafficking activity are ascertainable by analyzing ATF data about guns that are recovered in connection with violent crime and traced to determine their origin. One such indicator is “time to crime”—the time that elapses between when a gun is first purchased at retail and when it is used in connection with a crime. Because the purchase of a gun shortly before it is used in a crime suggests that it was purchased for that intent, law enforcement officials consider guns that have a time to crime of three years or less to be likely objects of trafficking. Nationally, 110,700 recovered crime guns had a short time to crime in 2019, compared with 46,755 in 2012—a 137 percent increase.⁹ However, states vary widely when it comes to average time to crime, suggesting that some states have a larger problem than others when it comes to gun trafficking. A 2018 analysis by The Trace found that the states that exported the highest share of short time-to-crime guns of one year or less were Nevada, Missouri, and Virginia.¹⁰

A second sign of gun trafficking is the movement of guns across state lines before their use in a crime. According to data from ATF, from 2010 to 2019, 29 percent of total crime guns recovered and traced were first purchased from a licensed gun dealer in a state other than the one in which the crime was committed.¹¹ Close to 50 percent of these firearms originated in just 10 states: Georgia, Texas, Virginia, Florida, Arizona, Indiana, North Carolina, Pennsylvania, South Carolina, and Ohio. The flow of guns tends to move from states with weaker gun laws to those with stronger gun laws.¹² In New Jersey and New York—two states with some of the strongest gun laws in the country according to the Giffords Law Center Gun Law Scorecard—79 percent and 72 percent of recovered crime guns originated out of state, respectively.¹³ Similarly, close to 50 percent of crime guns recovered in Illinois originate out of state, with 15 percent alone coming from the state of Indiana.¹⁴

Is international gun trafficking also a problem?

Yes. The biggest recipients of U.S. guns are Canada and Mexico. From 2014 to 2019, there were more than 11,000 firearms recovered in Canada that originated in the United States. Tragically, some firearms used in Canada’s worst mass shooting—perpetrated in Nova Scotia in April 2020—were acquired in Maine and later smuggled into Canada.¹⁵ And, from 2014 to 2019, more than 70,000 U.S. guns were recovered in Mexico.¹⁶ However, the number of recovered and traced firearms could represent only a small portion of the large number of firearms that are trafficked across the U.S.-Mexico border every year. A 2013 study found that,

between 2010 and 2012, close to 213,000 firearms were purchased annually in the United States and subsequently trafficked to Mexico.¹⁷ In fact, the Mexican government has sued American manufacturers for allegedly facilitating and marketing the sale of firearms to criminal groups in Mexico.¹⁸

U.S.-sourced guns are also frequently trafficked to other parts of the world. From 2014 to 2019, more than 15,000 guns that originated in the United States were recovered in connection with crimes in Central America, particularly in Guatemala, El Salvador, and Honduras.¹⁹ During the same period, more than 6,000 U.S. firearms were recovered in the Caribbean, mainly in Jamaica and the Bahamas.²⁰ U.S. firearms are also a concern for South American nations. While ATF does not publicize trace data regarding crime guns recovered in South America, making it difficult to ascertain the scope of the problem in that part of the world, the federal police of Brazil reported that the United States is the biggest source of foreign firearms in the country and that most of these weapons are handguns and assault rifles.²¹ Firearms purchased in the United States have also been used by drug traffickers in Colombia and have even reached Chile, the southernmost nation on the continent.²²

The impact has been devastating. Latin America is the region with the highest level of gun homicides in the world: According to a 2020 study, close to 75 percent of homicides are perpetrated with a firearm compared with 44 percent worldwide.²³

Is gun trafficking illegal?

There is no specific crime of gun trafficking under U.S. federal law, and lawmakers have introduced legislation to create new crimes of gun trafficking and straw purchasing.²⁴ However, even in the absence of these dedicated crimes, some of the conduct underlying gun trafficking does violate current federal law. For example, it is illegal to straw purchase a firearm on behalf of another person, a crime that is generally charged as making a false statement in connection with a gun sale facilitated by a licensed gun dealer.²⁵ It is also a violation of federal law for an individual to buy a handgun in a state in which they are not a resident²⁶ and to provide a gun to someone while “knowing or having reasonable cause to believe” that they are prohibited from possessing one under federal law.²⁷

Gun trafficking also violates some state laws. For example, California, Connecticut, Maryland, Minnesota, New Jersey, Pennsylvania, and Rhode Island have laws that penalize individuals who purchase firearms with the intent of supplying them to traffickers.²⁸

Additionally, the Biden administration recently announced a new enforcement initiative targeting gun trafficking in five high-risk areas across the country. This initiative includes coordination between the U.S. Department of Justice, local law enforcement agencies, and ATF to mitigate gun trafficking. In addition to focusing criminal enforcement resources on individuals engaged in illegal gun trafficking, the plan also includes strengthening regulatory enforcement over gun dealers who contribute to gun trafficking by failing to fully comply with federal law regarding the operation of their businesses.²⁹

Endnotes

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