

# BEYOND GRIDLOCK: How White House Action on Gun Violence Can Save Lives

A REPORT BY EVERYTOWN FOR GUN SAFETY · OCTOBER 2015





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In the wake of the horrific shooting at Umpqua Community College in Roseburg, Oregon — the 18th mass shooting of 2015<sup>1</sup> — President Obama spoke to the nation, lamenting that gun violence has grown so routine in America and deploring Congressional inaction.<sup>2</sup> But the President also issued a powerful call to action, and recommitted his administration to exploring its authority to take executive action and enforce the laws already in place. He asked whether there were steps his administration could take to prevent these “tragic deaths from taking place.”<sup>3</sup>

This report answers the President’s call, and offers five life-saving measures that the Administration could advance — today — to keep guns out of the hands of dangerous people.

These five critical — and simple — steps would: keep dangerous people with guns out of our schools; crack down on gun trafficking and curb the sale of guns without background checks; ensure that law enforcement identifies and prosecutes the most dangerous criminals who try to illegally obtain guns; help states to enforce their own background check laws; and ensure that all convicted domestic abusers are prohibited from possessing guns. A comprehensive list of these and other recommended executive actions is set forth in the appendix to this report.

## THIS REPORT RECOMMENDS:

- 1 Issue guidance to ensure that dangerous people are not permitted to carry guns within 1,000 feet of a school;
- 2 Issue a regulation clarifying that high-volume gun sellers are “engaged in the business” of dealing firearms and must obtain dealer licenses and comply with applicable laws, including conducting background checks on all gun sales;
- 3 Instruct federal law enforcement to identify and arrest dangerous criminals who try to buy illegal guns, and to notify and work with state and local authorities when these illegal purchases are attempted;
- 4 Assist states in enforcing their existing background check laws by publishing aggregate background check denial data for guns sold by unlicensed sellers; and
- 5 Protect victims of domestic abuse by clarifying that convicted abusers are prohibited from having guns regardless of marital status.



# 1. ENSURE THAT DANGEROUS PEOPLE ARE NOT PERMITTED TO CARRY GUNS IN SCHOOLS BY CLARIFYING WHICH STATE PERMITS QUALIFY UNDER THE GUN-FREE SCHOOL ZONES ACT

The federal Gun-Free School Zones Act (“GFSZA”), signed into law by President George H. W. Bush in 1990, prohibits individuals from carrying loaded or unlocked guns within 1,000 feet of any private, public, or parochial K-12 school.<sup>4</sup> The law exempts individuals who hold “qualified” state permits that allow them to carry firearms in public, but only if the state authority that issues the permit can verify that the person is eligible under the law to receive the permit. But the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) has never issued guidance on which state permits qualify for this exemption. The Administration should direct ATF to clarify which state permits qualify for the GFSZA exemption so that dangerous people do not carry guns into our schools.

Under federal law, holders of state public-carry permits cannot carry loaded or unlocked firearms in or near K-12 schools unless “the law enforcement authorities of the state or political subdivision [that issued the permit first] verify that the individual is qualified under law to receive the [permit].”<sup>5</sup> Yet, while 49 states and the District of Columbia grant permits to carry concealed firearms<sup>6</sup> — and more than a dozen states grant permits to carry firearms openly<sup>7</sup> — ATF has never identified which state permits qualify for the GFSZA exception.

State standards for issuing permits vary widely. Some states even issue concealed carry permits to applicants without conducting a background check to see whether the person is prohibited from having or carrying guns. In the absence of ATF guidance, permit holders are able to carry guns in school zones, even when their permits would not qualify for the federal exemption. Consequently, criminals in some states are able to slip through the cracks, get concealed carry permits without a background check, and carry guns in schools.

By contrast, ATF routinely publishes information on which state permits qualify for an exception in a related federal law. That law exempts a purchaser from the requirement that he pass a point-of-sale background check when buying a gun from a federally licensed dealer if he holds a qualifying state firearm permit. A state permit qualifies for this exemption only if authorities have previously “verified” that the person is not prohibited from possessing a firearm before issuing the permit.<sup>8</sup> ATF refers to these qualified permits as “Brady alternative” permits because they exempt holders from Brady background checks. ATF regularly evaluates state firearm permits and publishes a list of which permits qualify as a “Brady alternative.”<sup>9</sup>

ATF should do the same for state permits that qualify for the GFSZA exception. By clarifying which permits qualify, ATF would ensure that dangerous people, who may hold state carry permits issued by lax or ineffective state systems, are not allowed to carry guns near our schools.

## RECOMMENDATION

① The Administration should direct ATF to catalogue which state permits qualify under the GFSZA to exempt permit holders from the prohibition against carrying in school zones, and to regularly publish their determinations.

## 2. CURB THE SALE OF GUNS TO CRIMINALS BY HIGH-VOLUME SELLERS BY DEFINING “ENGAGED IN THE BUSINESS”

Under federal law, individuals engaged in the business of selling guns must obtain a federal firearms license,<sup>10</sup> and licensed sellers must conduct criminal background checks for all gun sales. By contrast, unlicensed, private sellers need not conduct background checks. But an alarming number of gun sellers flout the law by selling hundreds or even thousands of guns per year while refusing to obtain a federal license. For these high-volume sellers, there is no way to ensure that their buyers are not criminals or other dangerous people. The Administration should issue a regulation clarifying that high-volume gun sellers are “engaged in the business” of dealing firearms and must therefore obtain licenses and comply with applicable laws, including conducting background checks on all sales.

It is illegal under federal law to “engage in the business” of selling guns without a federal firearms license.<sup>11</sup> A person is “engaged in the business” if he or she “devotes time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms.”<sup>12</sup> But, significantly, the law excludes from the definition “a person who makes occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or who sells all or part of his personal collection of firearms.”<sup>13</sup>

Unfortunately, because ATF has not clearly defined “engaged in the business” or clarified how law enforcement agencies should interpret and apply the term, there is no uniform enforcement of the federal licensing requirement. Indeed, ATF has stated that this lack of uniform guidance “often frustrates the prosecution of people who supply guns to felons and other prohibited persons.”<sup>14</sup>

This lack of precision has serious implications for public safety because unlicensed high-volume sellers transfer hundreds of thousands of guns each year. An investigation conducted by Mayors Against Illegal Guns in December 2013 estimated that nearly a quarter of a million guns are sold each year by unlicensed high-volume sellers on a single website alone: Armslist.com<sup>15</sup> The investigation revealed that nearly one-third of the tens of thousands of gun advertisements posted daily by unlicensed sellers on Armslist.com are posted by high-volume sellers likely “engaged in the business” of selling firearms without a license, in violation of federal law.<sup>16</sup>

Because criminal background checks are not required on any of these sales, an unknown number of the purchasers — a number likely in the tens or hundreds of thousands — are prohibited, dangerous individuals. And because of the lack of clarity regarding which sellers are “engaged in the business” and must obtain licenses, law enforcement is hampered in prosecuting high-volume sellers — even where there is strong evidence that they make commercial gun sales in high volume and should be licensed. For example, a high volume seller in Florida who claimed to be a hobbyist was acquitted on charges of dealing without a license despite the fact that he had sold over 400 guns, made \$30,000-50,000 per year from gun show sales, and was warned twice by ATF that he needed to get a license.<sup>17</sup>

### RECOMMENDATIONS

**The Administration should promulgate a regulation providing guidance on the meaning and enforcement of the “engaged in the business” standard. Such a regulation should:**

- 1 Provide a test for assessing whether high-volume sellers are engaging in the business of dealing firearms and must therefore obtain a license. Such a test should assess whether: gun sellers buy and resell guns in a short period of time; sell guns new or in their original packaging; sell multiple firearms of the same make or model; and/or rely on commercial means — such as advertising — to sell inventory.
- 2 Create a rebuttable presumption that a seller is engaged in the business if he or she offers more than a specified number of guns for sale in one year, and one or more of the factors listed above is present.
- 3 Clarify that the term “personal collection” means the same thing it does in the context of licensed gun dealers, i.e., that a firearm is only a part of a seller’s “personal collection” if it has been in the seller’s possession for at least one year.<sup>18</sup>
- 4 Clarify that a person can be engaged in the business, and can be required to have a license, even if he or she engages in other business activities in addition to gun sales — and even if selling guns is not his or her exclusive or primary business or means of livelihood.



### 3. IDENTIFY AND PROSECUTE PROHIBITED PERSONS WHO ATTEMPT TO BUY GUNS

Every month, the National Instant Criminal Background Check System (“NICS”) runs checks on hundreds of thousands of potential gun purchasers, and over time, millions of prohibited people have been stopped from buying guns. It is illegal for prohibited individuals to attempt these gun purchases by falsely indicating that they are not prohibited on the background check form they fill out at the gun store. But it is rare that criminals are arrested and prosecuted for these so-called “lie-and-try” crimes — even though evidence shows they are at an elevated risk of committing subsequent violent crime. The federal government should (1) identify which categories of prohibited people are the most likely to commit crimes *after* failing a background check; (2) arrest and investigate these dangerous individuals when they make the illegal attempt to buy guns; and (3) enter into partnerships with state and local law enforcement so that each time any prohibited person fails a background check, the failed check is reported to local authorities for follow-up.

Prohibited people who attempt to buy firearms are extremely dangerous. In 2008, the U.S. Department of Justice found that prohibited people who fail background checks were at a 28% higher risk of arrest in the five years after denial than in the five years preceding it.<sup>19</sup> The most frequent reasons for failed background checks are that the would-be gun buyer is a felon or domestic abuser,<sup>20</sup> and because in most states someone who fails a background check at a licensed dealer can buy a gun with no check from an unlicensed seller, it is crucial that law enforcement know when criminals or domestic abusers are attempting to obtain guns. Identifying and intercepting dangerous people before they buy guns can make the difference between preventing tragedy and dealing with the aftermath of murder.

State efforts to investigate failed background checks demonstrate how such arrests can save lives. In so-called “point of contact” states like Pennsylvania and Virginia, state law enforcement agencies conduct background checks in conjunction with FBI. Because these state agencies are involved in the background check system, they know each time a would-be gun buyer fails a check, and can follow up. And in these two states, the results have been impressive:

- » In Virginia, follow-up investigations after failed background checks have resulted in more than 14,000 arrests since the state began tracking attempted gun purchases and investigating those who fail background checks. In 2014 alone, Virginia arrested more than 500 criminals, fugitives, and others who tried to buy guns illegally.
- » In Pennsylvania, where a similar policy of investigating failed background checks is in force, the results have been similarly impressive. In 2013, failed background checks in Pennsylvania gave rise to 620 investigations. These, in turn, resulted in 346 arrests and more than 200 convictions.

#### RECOMMENDATION

**The Administration should implement three readily achievable measures to stop prohibited people who break the law by attempting to buy guns:**

- ❶ Identify which categories of prohibited people are the most likely to engage in criminal activity following a background check denial.
- ❷ Instruct ATF to investigate and arrest people in these most dangerous categories when they illegally attempt to buy a gun.
- ❸ Notify state and local authorities each and every time a prohibited person fails a background check, so authorities can interdict these people before they commit any new crimes.

## 4. HELP IMPLEMENT AND ENFORCE STATE BACKGROUND CHECK LAWS

Eighteen states and Washington, D.C. have closed the loophole in federal law that lets unlicensed sellers transfer guns without background checks — requiring background checks on all handgun sales.<sup>21</sup> While the FBI keeps records of the aggregate numbers of background checks conducted in each state — including the number of denials and the reasons for those denials — FBI data does not differentiate between background checks conducted for private sales and those conducted for dealer sales. The Administration should direct the FBI to track and publish this aggregate data to help states with comprehensive background check laws enforce their laws and tailor their law enforcement strategies to prevent criminals from illegally obtaining guns.

Across the country, in states that do not require background checks on gun sales by unlicensed sellers, millions of guns are transferred each year with no background check and no questions asked. To address the obvious risks that arise when criminals can buy guns with no background checks, 18 states and Washington, D.C. go beyond federal law and require checks for all handgun sales — including sales by unlicensed sellers. The FBI could assist these states in enforcement of their background check laws by tracking and providing them with aggregate data on how many background checks are conducted for private gun sales; how many result in denials; and why those denials are issued.

Some states require that private sellers and buyers meet at a licensed gun dealer, where a background check is performed, before a gun sale may be consummated. There, the buyer fills out simple paperwork called Form 4473, and the dealer contacts the FBI to run a background check on the buyer. The dealer indicates on Form 4473 that the sale is a private party transfer and keeps the form in its dealer records, as it does for sales from its own inventory.<sup>22</sup> But the dealer is not required to inform the FBI whether the check is being run for a sale by the dealer itself or by an unlicensed, private seller. Thus, the FBI cannot provide data on how many private sale background checks are conducted — or how many are denied.

If the FBI simply asked licensed dealers initiating background checks whether the checks were being conducted for the dealer itself or on behalf of an unlicensed seller, the FBI could collect and publish this data. Already, the FBI reports on a monthly basis the number of gun background checks conducted per state.<sup>23</sup> It also tracks how many of these checks result in denials, as well as the reasons for these denials, by state.<sup>24</sup> The FBI recently reformatted its monthly background check reports to include a column for “Private Sales,” demonstrating that it is ready to begin recording this data. But the FBI has not yet asked dealers to report this information, so the space for private sales on its monthly report remains largely unpopulated. With this simple change, the FBI could compile data that would be highly valuable for law enforcement, researchers, and policymakers.

By publishing this aggregate data, FBI would allow researchers to better understand the patterns of prohibited persons seeking guns from unlicensed sellers, as well as whether compliance with background check laws is keeping guns out of dangerous hands. It would also enable states to better understand how different implementation and enforcement strategies affect compliance. Deepening this understanding will allow policymakers in other states to craft effective laws and better keep guns from criminals and other prohibited people.

### RECOMMENDATION

① The Administration should instruct the FBI to ask and record whether each background check it conducts is for a private sale or a dealer sale. Tracking the aggregate number of background checks and denials for sales by unlicensed sellers will provide invaluable information about how many private sale checks are being conducted, how many are being denied, and why they are being denied. This information will help states determine the effectiveness of varying implementation and enforcement strategies, and help policy makers better understand how state background check procedures deter and detect dangerous people who would otherwise be able to circumvent background check requirements.



## 5. PROTECT VICTIMS OF DATING VIOLENCE BY CLARIFYING THAT UNMARRIED DOMESTIC ABUSERS CONVICTED OF DOMESTIC VIOLENCE ARE PROHIBITED FROM HAVING GUNS

Federal law prohibits people convicted of misdemeanor crimes of domestic violence, or “MCDVs,” from possessing guns. But for a conviction to qualify as an MCDV, the offender must be a current or former spouse of his victim, share a child with his victim, cohabit or have cohabited with his victim, or be “similarly situated to a spouse” of the victim.<sup>25</sup> The term “similarly situated to a spouse” is not defined,<sup>26</sup> however, leading to uncertainty about how to apply the law and an overly narrow interpretation in some instances that excludes crimes where the abuser and victim are not married.<sup>27</sup> While some courts have looked to the statute’s legislative history and determined that Congress intended the term to be interpreted broadly,<sup>28</sup> the lack of a clear regulatory definition has left prosecutors and background check operators with no clear guidance to use in assessing whether an unmarried person convicted of domestic violence is prohibited. The Administration should promulgate a regulation to address this uncertainty and ensure that convicted abusers cannot evade the federal firearm prohibition just because they did not marry their victims.

As Americans get married later and less frequently, more and more women are in unmarried intimate relationships. The median age at which Americans first get married is now six years older than the median age in 1960.<sup>29</sup> And the share of people aged 25 and over who are unmarried has more than doubled over that time period — to an historic high of 20%.<sup>30</sup>

Unmarried women in romantic relationships are just as vulnerable, if not more vulnerable, to domestic abuse — including being killed with a gun — as married women. Indeed, younger women — who are less

### RECOMMENDATION

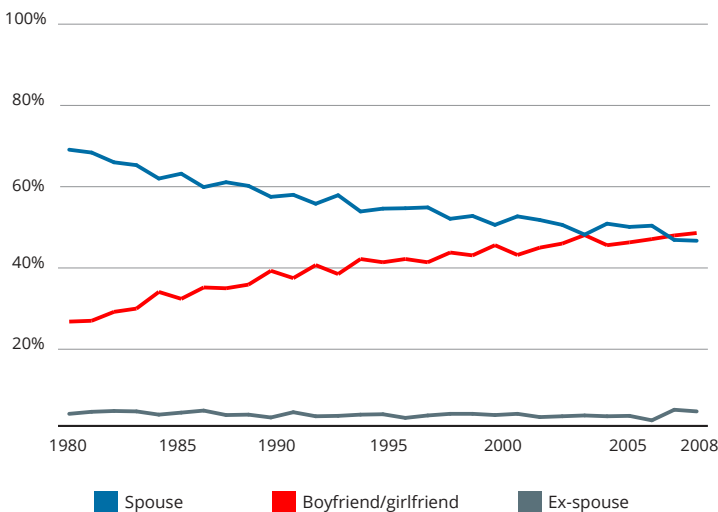
**The Administration should implement three readily achievable measures to stop prohibited people who break the law by lying and trying to buy guns:**

- 1 The Department of Justice should promulgate a regulation ensuring that domestic abusers convicted of MCDVs are prohibited, whether or not they are married to their victims. It can do so easily, simply by clarifying that “similarly situated to a spouse” in the federal MCDV law has the same meaning as the term “intimate partner” in the Violence Against Women Act (“VAWA”).<sup>35</sup>

likely to be married — are actually at a higher risk of intimate partner violence.<sup>31</sup> More women are now killed by boyfriends than by husbands.<sup>32</sup>

There is broad agreement that married and unmarried abusers should be treated similarly. The laws of most states reach abusive dating partners in addition to abusive spouses: Forty-two states and the District of Columbia will issue restraining orders against abusive dating partners, and 23 states and DC require or explicitly allow gun prohibition for dating partners subject to these restraining orders.<sup>33</sup> And in July 2014, at a Senate Judiciary Committee hearing on guns and violence against women, *all five witnesses* who testified — including those called by Republican and Democratic members agreed that unmarried abusers should be prohibited in the same fashion as abusers who are married to their victims.<sup>34</sup> But the lack of clarity in the definition of “similarly situated to a spouse” prevents this consensus view from being implemented to protect victims of abuse from gun violence.

### MORE HOMICIDES ARE COMMITTED BY BOYFRIENDS OR GIRLFRIENDS THAN BY SPOUSES



U.S. Department of Justice, Homicide Trends in the United States 1980-2008, available online at: <http://1.usa.gov/1uARYtW>. Percentages are based on the 63% of homicides for which victim/offender relationship was known.



# APPENDIX

## CRACK DOWN ON THE ILLEGAL MARKET

### ❶ Curb the sale of guns to criminals by high-volume sellers by clarifying which gun sellers are “engaged in the business” and must be licensed as dealers

- » It is illegal under federal law to “engage in the business” of selling guns without a federal firearms license.<sup>36</sup> That license requires its holders to conduct a background check on all gun purchasers. Unlicensed sellers, on the other hand, need not conduct background checks.
- » Engaged in the business” is defined as “devot[ing] time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms,” but the law excludes any “person who makes occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or who sells all or part of his personal collection of firearms.”<sup>37</sup>
- » There is a lack of clarity and little guidance on how law enforcement agencies should interpret this standard. The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has found that the lack of guidance “often frustrates the prosecution of people who supply guns to felons and other prohibited persons.”<sup>38</sup>
- » And yet enforcement of this provision is critical to public safety: Unlicensed sellers are responsible for selling hundreds of thousands of guns each year and most of these sales take place without background checks. An investigation conducted by Mayors Against Illegal Guns in December 2013 estimated that nearly a quarter of a million guns are sold each year by unlicensed high-volume sellers on a single website alone: Armslist.com.<sup>39</sup>
- » The Administration should promulgate a regulation that defines “engaged in the business” so this law can be enforced, and so high-volume sellers will have to get a license and conduct background checks on their buyers, or face consequences for feeding the criminal market by dealing in firearms without a license.

### ❷ Help law enforcement identify gun traffickers by expanding the long gun reporting rule to all 50 states.

- » ATF currently requires dealers in the four southwestern border states to report multiple purchases of certain semiautomatic rifles that occur in the same five-day span.
- » This program has uncovered critical intelligence on gun trafficking by violent Mexican drug cartels. In the program’s first eight months alone, it led to more than 120 criminal investigations and recommended prosecution for 100 defendants.
- » Given the effectiveness of the current program and the inherently nationwide threat posed by gun trafficking, ATF should extend the program to dealers throughout the country. Just as dealers in all 50 states must currently report multiple

sales of handguns, they should also be required to report multiple sales of long guns commonly associated with gun trafficking.

### ❸ Crack down on unregulated gun manufacturing by clarifying that certain firearm receivers are “firearms” and those who deal in them must get a license and conduct background checks on buyers.

- » Federal law requires that people get a license before engaging in the business of manufacturing and/or dealing in firearms. Licensed gun dealers and manufacturers must adhere to certain requirements, including the requirement that they run background checks on potential buyers before selling firearms.
- » “Firearm” is defined by statute to include not only a fully assembled weapon, but also (1) a firearm frame or receiver or (2) a weapon that may “readily be converted” into a functional firearm.<sup>40</sup> ATF advises manufacturers whether a particular item has reached a stage of manufacture that meets the federal “firearm” definition.
- » ATF does not yet classify so-called “unfinished receivers” as meeting the definition of “firearm.” This gap in regulation enables people to manufacture and sell unfinished receivers without a federal license, and allows dangerous people to buy unfinished receivers without background checks and easily and legally convert them to fully functional firearms.
- » Unfinished receivers are commonly sold by retailers in a form where minimal modification is needed to make them useable in a functional firearm.<sup>41</sup> These so-called “blanks” or “80% receivers” are fully complete except that they have not yet been drilled (“machined”) to create a “fire control cavity.”
- » Due to new technology, it is now very easy to convert these unfinished receivers to fully functional firearms. For example, a Texas company called Defense Distributed sells a milling machine called the Ghost Gunner, which is capable of quickly converting an unfinished receiver for immediate use as a weapon.<sup>42</sup>
- » Knowledge about how to convert an unfinished receiver is now widespread online.<sup>43</sup> In fact, so-called “build parties”—where people teach each other how to convert blanks and share equipment<sup>44</sup> — became so widespread in recent years that ATF issued a ruling to prevent dealers from participating in these events.<sup>45</sup>
- » High-profile incidents demonstrate the danger of continuing to allow unfinished receivers to be purchased on the retail market without a background check:
  - On June 7, 2013, John Zawahri killed his brother, his father, and three other people at Santa Monica college. Zawahri failed a criminal background check when he tried to buy a gun from a dealer, but was able to arm himself and commit the massacre by purchasing an unfinished AR-15-style receiver and converting it himself.<sup>46</sup>



- In June 2015, New York authorities arrested three people for conspiring to sell seven AR-10 rifles with no serial numbers. The individuals ordered unfinished receivers from the Internet, converted them into useable form, and offered to sell the “ghost guns” to undercover officers.<sup>47</sup>
- » Given the dramatic advancement in technology and subsequent ease of converting unfinished receivers into functional weapons, ATF should classify them as “firearms”—subjecting them to the same regulation as other guns, including the criminal background checks requirement.

## HELP STATES ENFORCE THE LAW

### 1 Identify and prosecute prohibited people who attempt to buy guns.

- » The National Instant Criminal Background Check System (NICS) works to stop dangerous people from getting guns. Since 1998, background checks have stopped more than 2.4 million sales to criminals and other prohibited people.<sup>48</sup>
- » It is illegal for prohibited people to attempt gun purchases by falsely indicating that they are not prohibited on the background check form they fill out at the gun store. But it is rare that criminals are prosecuted for these crimes even though DOJ has found that prohibited people who fail background checks are at a 28 percent higher risk of arrest in the five years after denial.<sup>49</sup>
- » To help enforce the law against criminals and other prohibited people possessing guns, federal government should (1) identify which categories of prohibited people are the most likely to go on to commit crimes after failing a background check; (2) immediately arrest these dangerous individuals when they illegally try to buy guns; and (3) enter into partnerships with state and local law enforcement so that each time *any* prohibited person fails a background check, the failed check is reported to local authorities for follow-up.

### 2 Clarify which state permits qualify under the Gun-Free School Zones Act

- » The federal Gun-Free School Zones Act (GFSZA) prohibits individuals from carrying loaded or unlocked guns within 1,000 feet of a school but exempts individuals who hold “qualified” state permits allowing them to carry firearms in public.<sup>50</sup>
- » This exception applies only to permit holders if state or local law enforcement in those states verifies that applicants are qualified to receive such a license. But ATF has never made clear which state carry permits qualify as GFSZA permits—and therefore allow their holders to carry in school zones if otherwise authorized by state and local law and by school policy, as applicable.
- » By contrast, ATF routinely clarifies what state permits qualify for an exception in a related federal law that exempts permit holders from having to pass a point-of-sale background check when they buy a gun from a federally licensed dealer. State permits qualify for this exemption only if authorities have previously “verified” that the person is not prohibited from possessing a firearm before issuing the permit.<sup>51</sup> ATF regularly evaluates all state firearm permits and publishes a list of which state permits qualify for this exception.<sup>52</sup>

- » Without a similar resource in the schools context, permit holders are able to carry guns in schools even if their permit does not qualify for the federal exemption.
- » The Administration should direct ATF to catalogue which state permits qualify under the GFSZA to exempt permit holders from the prohibition against carrying in school zones, and should regularly publish their determinations.

### 3 Help ensure guns are turned in after dangerous people become prohibited

- » Federal law prohibits several categories of dangerous people from possessing firearms, including felons, domestic abusers who are convicted or subject to final restraining orders, and people with severe mental illness. This law is enforced at the point of sale by the requirement that dealers conduct background checks—blocking prohibited people from buying guns. But federal law does not address how to enforce the law for guns *already owned* by prohibited people—meaning that in some states an abuser can be convicted of domestic battery, leave the courthouse as a prohibited person, and access the guns he has at home.
- » The vast majority of prohibition occurs in state courts, which are best positioned to enforce federal law—by requiring prohibited people to surrender their guns. In fact, 14 states already require DVRO subjects to surrender firearms, while 10 states require the same for MCDV offenders. But there has been no definitive research on the most effective practices in this area.
- » The White House should issue best practices for ensuring timely surrender of illegal firearms. The project should work with court officials, prosecutors, and law enforcement from around the country to study the benefits and difficulties of existing practices for ensuring that domestic abusers and other prohibited people cannot access firearms.
- » DOJ should offer state grants for establishing or improving practices in this area and for better aligning practices with the federal guidance.
- » DOJ should release a policy for federal courts regarding surrender of guns from prohibited people, in conjunction with the Judicial Conference. The policy should be piloted in courts with high caseloads of felony or domestic abuse crimes.

### 4 Reinstate the annual publication of Crime Gun Trace Reports

- » Before publication stopped in 2000, ATF’s Crime Gun Trace Reports provided law enforcement, policy makers, and members of the public with critical data on the guns recovered at crime scenes. The data included: the types of guns traced, the types of crimes in which they were used, and the sources of the guns.<sup>53</sup> Relying on aggregated trace data, surveys of thousands of federal prosecutions, and data from local law enforcement in more than 40 cities, these reports identified criminal networks, shaped policy, and enabled law enforcement to prioritize resources.
- » When ATF stopped publishing these reports, it left a gap in knowledge about firearms trafficking—which continues to grow each year. And in the 15 years since ATF stopped producing these reports, members of the public on all sides of the debate have complained about the lack of current data.

» Local law enforcement needs this critical information to assess gun trafficking patterns within their jurisdictions. The reports provided data on the “Top 10” crime guns, which accounted for nearly 25 percent of trace requests in 1999. The reports also identified other crime guns often implicated in crime, such as guns with the shortest median “time to crime” (the time between retail sale and use in crime); and crime guns broken down by type, manufacturer, caliber, and age group of possessor. The reports analyzed trafficking of crime guns reported on multiple sales reports, the geographic patterns of trafficking, and trace requests from dozens of participating cities. This data put state and local law enforcement one step ahead of criminals, enabling them to focus efforts on the most dangerous weapons and on the avenues where traffickers operate.

## STRENGTHEN THE BACKGROUND CHECK SYSTEM

① Help implement and enforce state background check laws by tracking the number of private sale background checks conducted in each state

- » Federal law requires that licensed gun dealers conduct background checks on potential gun buyers. However, unlicensed sellers are not required to run background checks — even when selling guns to strangers they meet online.
- » Eighteen states and the District of Columbia go beyond federal law and require background checks for all handgun sales — including those sold by unlicensed sellers. Six states have enacted background checks legislation since Newtown, including most recently Oregon in May 2015.
- » In states like Colorado, Washington, and Oregon, where state law requires background checks on all gun sales, private sellers and buyers must meet at a licensed gun dealer. In these states, the buyer fills out a Form 4473, and the dealer contacts the FBI to run a background check on the buyer. The dealer indicates on the Form 4473 that the sale is a private party transfer and keeps the form in its dealer records as it does for sales from its own inventory.<sup>54</sup> The federal government does not receive a copy of the Form 4473, so it cannot provide data on how many private sale checks are conducted.
- » With a simple change — simply asking dealers conducting checks whether they are for unlicensed transactions or dealer sales — the FBI could compile data on the number of private sales that would be highly valuable for law enforcement, researchers, and policymakers. The FBI recently reformatted its monthly background check reports to include a column for “Private Sales,” demonstrating that it is ready to begin recording this data. But FBI has not yet asked dealers to report this information, so the space for private sales on its monthly report remains largely unpopulated.
- » The Administration should mandate that FBI ask and record whether each background check it conducts is for a private sale or a dealer sale. This would provide invaluable information about how many private sale checks are being conducted, how many are being denied, and the reasons for the denials.

② Keep guns out of dangerous hands by clarifying the circumstances in which access to the background check system is permitted.

» Since the inception of NICS in 1998, the system has stopped more than 2.4 million sales to criminals and other prohibited people<sup>55</sup> — proving that background checks work to keep guns out of dangerous hands.

» But access to the system is limited. Current regulations list only the following circumstances in which NICS checks may be requested:

1. by licensed dealers, in connection with a firearm transfer;
2. by law enforcement agencies, in connection with issuance of a firearms permit;
3. by ATF, in connection with law enforcement activity relating to federal firearms law; and
4. by law enforcement, in connection with transferring firearms in their possession.<sup>56</sup>

» In several other circumstances, access to NICS may not be permitted:

- **In connection with shooting range rentals.** Shooting range operators, many of whom are licensed dealers, may not be able to run background checks when renting firearms to shooting range customers.<sup>57</sup> Suicides are a too-common occurrence at shooting ranges,<sup>58</sup> where rental customers are not generally required to pass any background check—and operators may be currently unable to access NICS.
- **In connection with employing staff at a licensed dealer or shooting range.** It should be clear that licensed dealers and shooting range operators can run NICS checks when they hire employees.<sup>59</sup> Criminal and corrupt employees can fuel trafficking: Riverview Sales, the Connecticut gun dealer where the Newtown shooter’s mother purchased the guns he used in the shootings, has a long history of gun theft by employees.<sup>60</sup>
- **In connection with other transfers by law enforcement.** Current regulations allow law enforcement to run NICS checks in connection with firearms permits and when disposing of firearms in their possession. ATF should clarify that background checks can be run by law enforcement in connection with *any* transfer of a firearm, including the facilitation of a sale by a private, unlicensed seller.
- **In connection with periodic checks of concealed-carry permit holders.** Current regulations allow law enforcement to run NICS checks in connection with the “issuance” of a firearms permit, including permits to possess or carry firearms. ATF should clarify that the regulation is not limited to background checks at the time of initial permit issuance, but rather allows for *periodic* checks of licensed permit holders, as is currently done on a monthly basis in Kentucky.<sup>61</sup> Many state permits have durations of several years, and periodic checks can alert issuers to new prohibiting events — and lead to the revocation of existing permits.

» ATF should regulate and otherwise clarify to ensure that NICS access is available for these purposes. The bureau has recently regulated in this area, finalizing in January 2015 the rule change



that allows law enforcement to transfer firearms in their possession.<sup>62</sup>

3 Clarify that a background check requires specialized ID under the REAL ID Act.

- » Prohibited purchasers may use falsified identification to buy guns, thereby avoiding background checks and frustrating the record-keeping process. In 2000 and 2001, GAO investigators used bogus driver's licenses to buy guns successfully from FFLs in five different states.<sup>63</sup>
- » The 2005 REAL ID Act requires states to issue driver's licenses with detailed identifying information and scannable bar codes. Starting on December 1, 2014 federal agencies will be required to accept only REAL IDs "for any official purpose" where identification is required, including for example at all federal buildings and airports.<sup>64</sup>
- » REAL IDs should be required for prospective gun buyers being screened with a background check. The Department of Homeland Security should issue regulations making it clear that a NICS check is an "official purpose" for which the 2005 REAL ID Act requires specialized identification.

## FIGHT DOMESTIC ABUSE

1 Protect victims of dating abuse by clarifying that unmarried domestic abusers are prohibited from having guns

- » People convicted of misdemeanor crimes of domestic violence (MCDVs) are federally prohibited from having guns. But for a crime to qualify as an MCDV, the offender must be a current or former spouse of his victim, a person who shares a child with or has cohabited with the victim, or a person "similarly situated to a spouse...of the victim" (emphasis added).<sup>65</sup> The term "similarly situated to a spouse" is not defined in law or regulation, which has led to a lack of clarity in application.
- » Women in unmarried relationships are just as vulnerable, if not more vulnerable, to domestic abuse and homicide as those in married relationships. Younger women—who are less likely to be married—are actually at a higher risk of intimate partner violence.<sup>66</sup> And more women in the U.S. are now killed by boyfriends each year than they are by husbands.<sup>67</sup>
- » DOJ should clarify that the law protects victims of dating abuse by promulgating a regulation defining "similarly situated to a spouse" to have the same meaning as the term "intimate partner" used in the Violence Against Women Act: "a person who is or has been in a social relationship of a romantic or intimate nature with the abuser, as determined by the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship."<sup>68</sup>

2 Improve the quality of domestic abuse records in the background check system

- » Convicted domestic abusers and subjects of final domestic violence restraining orders (DVROs) are prohibited from having guns under federal law, but some court records for these abusers are missing from the background check system and others are not identifiable as prohibiting.
- » The Government Accountability Office (GAO) is currently

auditing the integrity of domestic violence records in the background check system. An effective audit will include a state-by-state study of: whether and how quickly state officials submit timely, accurate, and complete records of criminal convictions and DVROs; whether states flag those records as prohibiting upon submission; and whether records can be identified as prohibiting by background check operators.

- » DOJ should act promptly after the anticipated early 2016 release of the GAO report, following up on open questions and then addressing the gaps that enable domestic abusers to arm themselves.

3 Conduct a statistical analysis of domestic violence homicides

- » When an abuser has access to a gun, the risk that his partner will be killed increases by more than 500 percent.<sup>69</sup> And the majority of people who perpetrated mass shootings in the past six years targeted an intimate partner or family member.<sup>70</sup> More research is needed to clarify how domestic abusers obtain and use guns; and how current law succeeds or fails to protect women from gun violence.
- » The Department of Health and Human Services and the DOJ should carry out a thorough epidemiological analysis of domestic violence homicides in the US, examining the common characteristics of these crimes and the intersection with firearms. Among other areas, the studies should assess risk factors common to perpetrators including their criminal and arrest histories, the protective role played by restraining orders, the incidence of serious violent precipitating events, and differences between violence inflicted by spouses versus dating partners.

## REDUCING GUN TRAFFICKING FROM DEALERS

1 Instruct ATF to issue a report analyzing lost and stolen firearms recovered at crime scenes.

- » An ATF report revealed that dealers reported 19,601 firearms lost or stolen from their inventories in 2013.<sup>71</sup>
- » ATF should publish a report that looks specifically at lost or stolen guns that are later recovered at crime scenes and successfully traced, breaking this information down by retail dealer. This would reveal differences in performance between individual dealers and between dealers in different states, improving ATF's ability to prioritize dealers for inspection and allowing researchers to study the effectiveness of different state and local dealer regulations.

2 Instruct ATF to update and publish information regarding the source of crime guns from dealers.

- » In 1998, ATF found that 1.2 percent of FFLs (1,020 of 83,272) accounted for 57.4 percent of crime gun traces (32,147 of 55,990); in contrast, 86 percent of FFLs sold no guns that were later traced from crime scenes.<sup>72</sup>
- » A 2005 study on handguns sold in California that accounted for retailers' sales-volume found a diminished but persistent concentration: dealers accounting for 18 percent of handgun sales were responsible for 46 percent of traced guns used in violent firearm crimes.<sup>73</sup>

- » ATF should update its 1998 study and take into account retailer sales-volume. This research would improve ATF's ability to prioritize dealers for inspection, enable consumers to make informed decisions about who to shop with, and allow researchers to study the effectiveness of different state and local dealer regulations.
- ③ Instruct ATF to issue an annual report to every licensed gun dealer summarizing data on crime guns traced back to their store in comparison to other peer stores during the previous year.
  - » In recent years, behavioral economists have shown that providing individuals with information that modifies their perception of existing norms can affect their behavior in a variety of contexts including voting, retirement savings, and charitable giving.<sup>74</sup> For example, residential utility customers given information comparing their energy consumption to their neighbors' reduced their own energy consumption by 2 percent on average.<sup>75</sup>
  - » By revealing to gun dealers how many of their guns are obtained by criminals relative to their peers and educating dealers about proven measures to do reduce this number, this annual report may encourage poorly performing dealers to improve their practices and reduce criminal access to guns from lax dealers. It would be possible to measure the effect of this intervention over time by issuing reports to a randomized group of dealers and comparing their number of crime guns traces to those of a group of comparable dealers who did not receive reports.
- ④ Identify gun dealers whose lax sales practices are putting guns into criminal hands, and then provide them with proven methods of training and supervision.
  - » In 2006, New York City investigated 50 out-of-state dealers that trace data and other evidence suggested were supplying the city's crime guns. The City ultimately brought lawsuits against 27 gun dealers, which together had sold more than 800 of the crime guns recovered in the city between 1994 and 2001, and which had failed additional undercover tests performed by the city. Twenty-four of the dealers settled or defaulted, and the court appointed a special master with broad powers to monitor them and train their personnel to detect and prevent straw purchases.
  - » A Johns Hopkins University evaluation of this litigation found that safety measures imposed in the settlement—including conducting background checks for dealer employees and video recording sales—reduced the flow of crime guns from those dealers by 84 percent.<sup>76</sup>
  - » When the settlement agreement was terminated in 2015, nearly half of the dealers voluntarily continued the practices overseen by the special master.<sup>77</sup>
  - » ATF should provide high-risk dealers with similar methods of supervision and accountability.





## NOTES

1. Mass shootings in which at least four people were shot to death in 2015 include shootings in San Francisco, CA on January 9; La Grange, GA on January 31; Douglasville, GA on February 7; Tyrone, MO on February 26; Indianapolis, IN on March 24; Phoenix, AZ on April 17; Tucson, AZ on May 13; Waco, TX on May 17; Missoula, MT on June 7; Columbus, OH on June 1; Charleston, SC on June 17; Holly Hill, SC on July 15; Chattanooga, TN on July 16; Houston, TX on August 8; Barre, VT on August 8; Greenwood, MN on September 10; Platte, SD on September 17; and Rosenberg, OR on October 1.
2. Transcript: Read the Full Text of Obama's Statement on the Shooting in Oregon, Time.com, Oct. 1, 2015, at <http://time.com/4058961/oregon-shooting-president-obama-transcript-speech/>.
3. The White House, Office of the Press Secretary, Remarks by the President in Press Conference, Oct. 2, 2015, at <https://www.whitehouse.gov/the-press-office/2015/10/02/press-conference-president>.
4. 18 USC 922(q).
5. 18 USC 922(q)(2)(B)(ii).
6. All states other than Vermont issue concealed carry permits; in Vermont no permit is required to carry a concealed firearm. See Everytown for Gun Safety, Federally Mandated Concealed Carry Reciprocity, 2015, at <http://everytown.org/1JM0lta>.
7. States that issue open-carry permits include Connecticut, Georgia, Hawaii, Indiana, Iowa, Maryland, Massachusetts, Minnesota, New Jersey, North Dakota, Oklahoma, Rhode Island, Tennessee, and Utah.
8. 18 USC 922(t)(3)(A). A permit must also have a duration of no more than 5 years in order to qualify.
9. ATF, Permanent Brady Permit Chart, available at <http://1.usa.gov/1FLA6Z6>.
10. 18 USC 922(a)(1)(a).
11. Id.
12. 27 CFR 478.11.
13. Id.
14. U.S. Departments of Justice and Treasury, "Gun Shows: Brady Checks and Crime Gun Traces," January 1999, at 24.
15. See Mayors Against Illegal Guns, In the Business, Outside the Law, December 2013.
16. Id.
17. U.S. v. Fries, No. 11-cr-00022 (N.D. Fla. 2011).
18. See 18 U.S.C. § 923(c).
19. James Tien et al., Structured Decisions Corporation, Recidivism of Denied Prospective Firearm Purchasers, May 2008, at <http://1.usa.gov/1Dm1ISG>.
20. See FBI, Federal Denials: Reasons Why the NICS Section Denies, Nov. 30, 1998 – Sept. 30, 2015, at [https://www.fbi.gov/about-us/cjis/nics/reports/federal\\_denials.pdf](https://www.fbi.gov/about-us/cjis/nics/reports/federal_denials.pdf).
21. The states that require background checks on all handgun sales are California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Iowa, Maryland, Massachusetts, Michigan, Nebraska, New Jersey, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, and Washington State. In the remaining states, unlicensed firearm sellers may voluntarily choose to ask licensed dealers to conduct background checks before they sell guns, but they have no obligation to do so and may legally sell guns with no questions asked.

## NOTES (CONTINUED)

22. See ATF Proc. 2013-1, Recordkeeping and Background Check Procedures for Facilitation of Private Party Firearm Transfers, March 15, 2013, available at <https://www.atf.gov/file/4961/download> (outlining procedure by which licensed dealers conduct background checks for unlicensed sellers and record transfers in dealer records).
23. See FBI, NICS Firearm Background Checks, at [https://www.fbi.gov/about-us/cjis/nics/reports/nics\\_firearm\\_checks\\_-\\_month\\_year\\_by\\_state\\_type.pdf](https://www.fbi.gov/about-us/cjis/nics/reports/nics_firearm_checks_-_month_year_by_state_type.pdf).
24. This latter data is available to researchers or the public upon request through the Freedom of Information Act.
25. 18 U.S.C. § 921(33)(A)(ii).
26. An interim rule was written by ATF in 1998, but never finalized. 63 Fed Reg. 35520.
27. See, e.g., *United States v. Costigan*, 2000 WL 898455 (D. Me. 2000) (“I suspect that there are many people previously convicted of assault who are unable to tell from reading the statute whether their assault was ‘domestic violence’ such that they can no longer possess firearms.”).
28. The Eighth Circuit has found that the statute covered an offender who abused a woman with whom he had an extramarital affair, while the Tenth Circuit has affirmed a ruling that the statute covers “the myriad close personal relationships that could result in recurring conflicts.” *United States v. Cuervo*, 354 F.3d 969 (8th Cir. 2004); *United States v. Heckenliable*, 2005 WL 856389 (D. Utah 2005), affirmed by *United States v Heckenliable*, 2006 U.S. App. LEXIS 10475 (10th Cir. 2006) (interpreting the term “similarly situated to a spouse” to “cover, without specifically enumerating, the myriad close personal relationships that could result in recurring conflicts — conflicts that could escalate to deadly violence if a previously convicted misdemeanor had access to a firearm.”)
29. Change from 1960 (when the median age for men was 22.8 and for women was 20.3) to 2010 (when the median age for men was 28.7 and for women was 26.5). D’Vera Cohn and Jeffrey Passel, “Barely Half of US Adults Are Married — A Record Low,” Pew Research Center, Social and Demographic Trends, last modified December 14, 2011, last accessed October 22, 2014, available at <http://pewrsr.ch/1mGhz5a>.
30. Change from 1960, (when 9% of adults in that age range were unmarried) to 2012, (when 20% of adults in that age range were unmarried). Wendy Wang and Kim Parker, “Record Share of Americans Have Never Married: Values, Economics and Gender Patterns Change,” Pew Research Center, Social and Demographic Trends, last modified September 24, 2014, last accessed October 22, 2014, available at <http://pewrsr.ch/1DAJDWj>.
31. Alfred DeMaris et al., “Distal and Proximal Factors in Domestic Violence: A Test of an Integrated Model,” *Journal of Marriage and Family* 65, no. 3 (August 2003).
32. Everytown for Gun Safety analysis of FBI Supplementary Homicide Reports, 2008-2012.
33. See Everytown for Gun Safety, *Guns and Violence Against Women: America’s Uniquely Lethal Domestic Violence Problem*, 2014.
34. July 30, 2014, “VAWA Next Steps: Violence Against Women Act Next Steps: Protecting Women from Gun Violence,” video available at <http://1.usa.gov/1tXvyUW>.
35. VAWA imposes various consequences for abuse of an intimate partner, including prohibiting gun possession by abusers subject to qualifying restraining orders taken out against them by intimate partners. VAWA defines an intimate partner as “a person who is or has been in a social relationship of a romantic or intimate nature with the abuser, as determined by the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.” 18 U.S.C. § 2266.



## APPENDIX NOTES

36. 18 USC 922(a)(1)(a).
37. 27 CFR 478.11
38. U.S. Departments of Justice and Treasury, "Gun Shows: Brady Checks and Crime Gun Traces," January 1999, at 24.
39. <http://everytown.org/documents/2014/10/in-the-business-outside-the-law.pdf>
40. The most prominent judicial test for determining if a weapon may "readily be converted" makes this determination based on several factors: the time it takes to convert the receiver into a firearm, the difficulty of conversion, the knowledge and skills necessary for conversion, the equipment necessary for conversion and the availability of the equipment, the expense of the conversion, the extent to which the receiver must be converted, and the feasibility of conversion without damaging the weapon. *United States v. One TRW, Model M14, 7.62 Caliber Rifle*, 441 F.3d 416, 422 (6th Cir. 2006)
41. <http://aresarmor.com/store/Category/hmgar15>
42. <https://ghostgunner.net/>. See coverage at <http://wrd.cm/1BKwUFy>; <http://bit.ly/Zu5do5>
43. See <http://www.tacticalmachining.com/learn/80-lower-receiver.html>; <https://www.youtube.com/watch?v=jPDAnld501Y>
44. <http://www.motherjones.com/politics/2013/05/ak-47-semi-automatic-rifle-building-party>
45. ATF Rul. 2015-1, available at <https://www.atf.gov/file/11711/download>
46. <http://wapo.st/1FN2ny9>
47. <http://nydn.us/1N9cKPr>
48. Between the inception of the NICS system in 1998 and December 31, 2014, 1,509,050 gun sales were denied by t. In addition, between 1998 and 2010, state and local agencies issued a total of 945,915 denials, and it is estimated those agencies have issued 225,000 denials in the years since data was last released (<http://1.usa.gov/Z8vYsa>). Thus, a total of more than 2.4 million federal and state denials have been made since the NICS system was implemented.
49. James Tien et al., *Structured Decisions Corporation, Recidivism of Denied Prospective Firearm Purchasers*, May 2008, at <http://1.usa.gov/1Dm1ISG>.
50. 18 USC 922(q)(2)(B)(ii).
51. 18 USC 922(t)(3)(A). Permits must also have a duration of no more than 5 years in order to be qualifying.
52. ATF, *Permanent Brady Permit Chart*, available at <http://1.usa.gov/1FLA6Z6>.
53. ATF, "Youth Crime Gun Interdiction Initiative Report 2000," available at <http://www.atf.gov/publications/historical/ycgii/ycgii-report-2000.html>
54. <http://1.usa.gov/1TaVDww>
55. See Everytown for Gun Safety, *Gun Violence By the Numbers*, at <http://every.tw/1OexQML>. Between the inception of the NICS system in 1998 and December 31, 2014, 1,509,050 gun sales were denied by t. In addition, between 1998 and 2010, state and local agencies issued a total of 945,915 denials, and it is estimated those agencies have issued 225,000 denials in the years since data was last released (<http://1.usa.gov/Z8vYsa>). Thus, a total of more than 2.4 million federal and state denials have been made since the NICS system was implemented.
56. 18 CFR § 25.6
57. 28 CFR § 25.6(a); <https://www.atf.gov/file/5046/download>, at p.2
58. <http://bit.ly/1JV321E>; <http://bit.ly/1M6Bu5g>



## APPENDIX NOTES (CONTINUED)

59. <http://issuu.com/shotbusiness/docs/dec2010>, at p.26
60. <http://bit.ly/1JUixH4>; <http://bit.ly/1RoC86o>
61. <http://bit.ly/1furg6h>
62. <http://1.usa.gov/1gt46Nz>
63. U.S. Government Accountability Office, "Firearms: Purchases From Federal Firearms Licensees Using Bogus Identification," GAO-01-427NI (Mar. 19, 2001).
64. Pub.L. 109-13
65. Offenders may also be parents or guardians of their victims. 18 USC 921(33)(A)(ii).
66. Alfred DeMaris et al., "Distal and Proximal Factors in Domestic Violence: A Test of an Integrated Model," *Journal of Marriage and Family* 65, no. 3 (August 2003).
67. Everytown for Gun Safety analysis of FBI Supplementary Homicide Reports, 2008-2012.
68. 18 USC 2266
69. JC Campbell et al, "Risk factors for femicide in abusive relationships: results from a multisite case control study," *American Journal of Public Health*, July 2003.
70. Everytown for Gun Safety, July 2014, "Analysis of Recent Mass Shootings," available at <http://every.tw/1tZDRDB>.
71. <http://1.usa.gov/1dDCYcU>
72. U.S. Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, "Commerce in Firearms in the United States," (Washington, D.C.: Government Printing Office, 2000), available at <http://maig.us/11ecHuc>
73. Garen Wintemute, Philip Cook, and Mona Wright, "Risk factors among handgun retailers for frequent and disproportionate sales of guns used in violent and firearm related crimes," *Injury Prevention*, Dec. 2005, available at: <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1730299/>
74. Frey, Bruno, Meier, Stephan, 2004. Social Comparisons and Pro-Social Behavior: Testing 'Conditional Cooperation' in a Field Experiment. *American Economic Review* 94 (5),1717-1722.
75. Allcott, Hunt, 2011. Social norms and energy conservation. *Journal of Public Economics* 95, 1082-1095.
76. Daniel Webster and Jon Vernick, "Spurring Responsible Firearms Sales Practices through Litigation: The Impact of New York City's Lawsuits against Gun Dealers on Interstate Gun Trafficking," in *Reducing Gun Violence in America*, Webster and Vernick eds., John Hopkins University Press, 2013: 123-131.
77. <http://www.newyorklawjournal.com/id=1202732600366/Case-Closed-for-Citys-Suit-Against-Handgun-Retailers?slretu rn=20150904125241>



Everytown is the largest gun violence prevention organization in the country with more than 3 million supporters and more than 40,000 donors including moms, mayors, survivors, and everyday Americans who are fighting for public safety measures that respect the Second Amendment and help save lives. At the core of Everytown are Mayors Against Illegal Guns and Moms Demand Action for Gun Sense in America, a grassroots movement of American mothers founded the day after the Sandy Hook tragedy. Learn more at [www.everytown.org](http://www.everytown.org) and follow us @everytown.

