

REPORTING LOST AND STOLEN FIREARMS

HB1644/SB1324 WILL HELP REDUCE ILLEGAL FIREARM TRAFFICKING AND CRIME

Overview

HB1644/SB1324 requires individuals to report their lost or stolen firearms to law enforcement within 24 hours of discovering the loss or theft. Police will then enter the information into an FBI firearms database. Individuals who fail to report lost or stolen firearms will face a civil penalty.

Individual gun owners are not required by federal law to report their lost and stolen guns to law enforcement. Researchers estimated that 380,000 guns are stolen in the US each year,¹ yet only 240,000 gun thefts were reported to the FBI in 2016.² This means that in 2016, approximately 37% of stolen guns in the US were never reported to law enforcement. These stolen guns often make their way to the illegal gun market and become “crime guns.”³ The proposed bill will help solve this problem by increasing private gun seller accountability.⁴ For example, if someone sells a gun to a prohibited person and that gun ends up at a crime scene, the seller cannot hide their involvement in the illegal gun sale by using the excuse “my gun must have been stolen.”

Enacting HB1644/SB1324 - Lost and Stolen Reporting - will help law enforcement address interstate firearm trafficking, solve crimes, prevent straw purchases, and stem the flow of illegal guns into urban communities of color.

Lost and Stolen Reporting Will Address Virginia’s Gun Trafficking Problem

- Virginia is chief contributor to what is known as the “Iron Pipeline” and is considered a “net exporter” or “supplier state,” since more guns are trafficked out of the state than into it.⁵ One reason the Commonwealth is a top exporter is because of its weak gun laws, including the lack of lost and stolen firearm laws.
- Virginia is one of the top five outside sources of guns linked to crimes in 13 other states.⁶
- Between 2012 and 2014, Virginia had the 9th highest rate of exported crime guns; the rate was 61% higher than the national average.⁷
- In 2016, more than 9,000 guns purchased in Virginia were later recovered in crime scenes or suspected of use in crimes; 41% of these guns were recovered in states other than Virginia.⁸
- In 2016, 37% of Virginia’s guns had short “time to crime,” meaning these guns were recovered in a crime within two years of the original purchase date, a strong indicator of gun trafficking.⁷
- According to researchers from Johns Hopkins University, lost and stolen firearm laws act as a measure of accountability for private gun sellers and are found to significantly reduce interstate gun trafficking.⁹

Crime guns: Any gun that is connected to a crime and recovered by law enforcement.

Iron Pipeline: Movement and trafficking of guns from southern states with weak gun laws to northern states with stronger laws, usually along the I-95 corridor.

Time to Crime: The time between the gun purchase date and the gun recovery date.

¹ Hemenway D, Azrael D, Miller M. (2017). Whose guns are stolen? The epidemiology of gun theft victims. *Injury Epidemiology*, 4:11. <https://doi.org/10.1186/s40621-017-0109-8>

² Max Siegelbaum, “Only 11 states require gun owners to report stolen weapons to police,” *The Trace*, November 20, 2017, available at <https://www.thetrace.org/2017/11/stolen-guns-reporting-requirements/>

³ Hemenway D, Azrael D, Miller M. (2017). Whose guns are stolen? The epidemiology of gun theft victims. *Injury Epidemiology*, 4:11.

⁴ Webster DW & Vernick JS. (2013). *Reducing gun violence in America: informing policy with evidence and analysis*. Baltimore, MD: Johns Hopkins University Press.

⁵ Nicholas Suplina, Lacey Keller, Meredith McCarron, “Target on trafficking: New York crime gun analysis,” State of New York Attorney General, October 24, 2016, available at <https://targettrafficking.ag.ny.gov/#ironpipelineFN>

⁶ Educational Fund to Stop Gun Violence. “Virginia is a Top Exporter of Crime Guns.” (2018). <http://efsgv.org/wp-content/uploads/2017/12/Virginia-is-a-Top-Exporter-of-Crime-Guns-2.pdf>

Original data compiled from: Bureau of Alcohol, Tobacco, Firearms and Explosives, “Firearms Trace Data - 2016,” available at <https://www.atf.gov/resource-center/firearms-trace-data-2016>.

⁷ Chelsea Parsons and Eugenio Weigend Vargas, “Virginia Under the Gun,” Center for American Progress, October 27, 2015, available at <https://www.americanprogress.org/issues/guns-crime/reports/2015/10/27/124132/virginia-under-the-gun/>

⁸ Bureau of Alcohol, Tobacco, Firearms and Explosives, Office of Strategic Intelligence and Information, “Virginia Firearms Trace Statistics - 2016,” October 11, 2017, available at <https://www.atf.gov/docs/undefined/2016tracestatsvirginiapdf/download>

⁹ Webster DW & Vernick JS. (2013). *Reducing gun violence in America: informing policy with evidence and analysis*. Baltimore, MD: Johns Hopkins University Press.

Lost and Stolen Reporting Will Help Law Enforcement Solve Crimes

- According to law enforcement officials, if they are not quickly notified about a lost or stolen firearm, they cannot immediately respond. This hinders criminal investigations and their understanding of gun trafficking networks.¹⁰
- Lost and stolen reporting laws help law enforcement recover stolen firearms faster. As soon as a gun is reported stolen, law enforcement can begin investigating people who have a history of trying to illegally obtain guns.¹⁰

Lost and Stolen Reporting Will Prevent Straw Purchases

- In states without a lost or stolen gun reporting requirement, like Virginia, there is little risk in straw purchasing. If law enforcement recovers a crime gun they believe was a straw purchase, the straw purchaser can simply claim the firearm was lost or stolen, in order to hide their involvement in the crime. The paper trail ends at the time of the gun sale.¹⁰
- Alternatively, in states with reporting requirements, police have the stolen gun report as a tool to aid investigations and criminal proceedings.¹⁰ If the gun is not reported lost or stolen, it is a separate crime and an indication that criminal diversion may have occurred.

Straw purchase:

A “straw purchase” happens when one person, the “straw purchaser,” buys a firearm on behalf of another individual from a Federal Firearms License (FFL) dealer. Straw purchasers buy guns for youth, criminals, and other prohibited buyers.

Trafficked guns: Guns that have been diverted from the legal to the illegal market.

Lost and Stolen Reporting Will Reduce the Flow of Illegal Guns into Urban Communities of Color

- Stolen firearms and straw purchases are trafficked into urban communities and used in crimes. For example, approximately 20% of all guns recovered at urban crime scenes were traced back to individuals who purchase multiple firearms within one week, likely as straw purchases.¹¹
- In 2017, nearly 40% of all illegal firearms that were traced and recovered in Virginia were recovered in Richmond and the Hampton Roads region.¹²
- From 2010 to 2015, firearm theft rates increased by 52% in Richmond and 82% in Hampton.¹³
- Communities of color in Virginia are disproportionately impacted by interpersonal gun violence; Blacks in Virginia are 8.2 times more likely to be murdered by firearm than their White counterparts.¹⁴ Lost and stolen laws help reduce the disproportionate impact firearm violence has within communities of color by limiting the accessibility of illegal firearms.

Conclusion

Enacting HB1644/SB1324 – Lost and Stolen Reporting – will help law enforcement recover lost and stolen guns quicker, thereby reducing interstate trafficking and crime. HB1644/SB1324 also deters straw purchases and will help reduce the flow of illegal firearms into Virginia’s urban communities of color.

¹⁰ Max Siegelbaum, “Only 11 states require gun owners to report stolen weapons to police,” *The Trace*, November 20, 2017

¹¹ Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms and Explosives. Crime Gun Trace Reports (2000) National Report. Washington, D.C.: Department of Justice, 2002.

¹² Office of Strategic Intelligence and Information. Virginia Data Source: Firearms Tracing System. Bureau of Alcohol, Tobacco, Firearms and Explosives. 2017. <https://www.atf.gov/resource-center/docs/undefined/vawebseite17183879pdf/download>

¹³ Freskos, B. (2017) Missing Pieces: gun theft from legal owners is on the rise, quietly fueling violent crime across America. *The Trace*. <https://www.thetrace.org/features/stolen-guns-violent-crime-america/>

¹⁴ Centers for Disease Control and Prevention, National Center for Health Statistics. Underlying Cause of Death 1999-2017 on CDC WONDER Online Database, released December 2018.

Accessed at <http://wonder.cdc.gov/ucd-icd10.html>