

## Reporting Lost and Stolen Firearms

### Creating Consequences for the Illegal Trafficking of Firearms

Individual gun owners are not required by federal law to report their lost and stolen guns to law enforcement. Researchers from Harvard University and Northeastern University estimate 380,000 guns are stolen in the US each year,<sup>1</sup> yet only 240,000 gun thefts were reported to the FBI in 2016.<sup>2</sup> This means that in 2016, approximately 37% of lost or stolen guns in the US were never reported to law enforcement. Stolen guns often make their way to the illegal gun market and become “crime guns.”<sup>3</sup> Lost and stolen reporting laws help solve this problem by requiring individuals who own a firearm that is lost or stolen to report the incident to law enforcement within 24 hours of discovering the loss or theft. This increases private gun seller accountability.<sup>4</sup> For example, if a gun seller 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 HB 43/SB 119 will help law enforcement solve crimes, prevent straw purchases, and reduce illegal gun trafficking.**

#### Virginia is a Top Exporter of Crime Guns

- 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.<sup>5</sup> 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.<sup>6</sup>
- Virginia is the top source state for crime guns in the District of Columbia, Maryland, New York, and West Virginia.<sup>7</sup>
- Between 2012 and 2014, Virginia had the 9<sup>th</sup> highest rate of exported crime guns; the rate was 61% higher than the national average.<sup>8</sup>
- 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.<sup>9</sup>
- 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.<sup>10</sup>

**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.

#### Lost and Stolen Laws 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.<sup>11</sup>
- 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.<sup>12</sup>

### Lost and Stolen Reporting Laws 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.<sup>13</sup>
- Alternatively, in states with reporting requirements, police have the stolen gun report as a tool to investigate and potentially charge the individual.<sup>14</sup> If the gun is not reported stolen, it is a separate crime and an indication that criminal diversion has occurred.

### Lost and Stolen Laws Will Reduce Illegal Gun Trafficking

- Straw purchasing and firearm theft are two important sources of trafficked guns.
- 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.<sup>15</sup>

**Straw purchase:** A “straw purchase” happens when the actual purchaser of a firearm uses another person, the “straw purchaser,” to legally purchase a firearm from a Federal Firearms License (FFL) dealer. Straw purchasers buy guns for youth, criminals, and other prohibited buyers.

**Trafficked guns:** Guns that are purchased with the intent to be sold or transferred illegally.

### Conclusion

By enacting HB 43/SB119, law enforcement will be able to recover lost and stolen guns quicker, straw purchases will be prevented, illegal gun trafficking will be reduced, and Virginia will stop being a top exporter of crime guns.

<sup>1</sup> 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>

<sup>2</sup> 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/>

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

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

<sup>5</sup> 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>

<sup>6</sup> Author’s analysis of Bureau of Alcohol, Tobacco, Firearms and Explosives, “Firearms Trace Data - 2016,” October 11, 2017, available at <https://www.atf.gov/resource-center/firearms-trace-data-2016>

<sup>7</sup> Ibid.

<sup>8</sup> 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/>

<sup>9</sup> 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/2016tracestatvirginiapdf/download>

<sup>10</sup> Ibid.

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

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

<sup>15</sup> Webster DW & Vernick JS. (2013). *Reducing gun violence in America: informing policy with evidence and analysis*. Baltimore, MD: Johns Hopkins University Press.