



Keep Guns out of the Hands of Dangerous Individuals in New Mexico by Requiring Background Checks for All Gun Sales

Bottom Line: A dangerous gap in New Mexico law makes it far too easy for convicted criminals and other people with dangerous histories to purchase guns. These buyers, who are legally prohibited from having guns, can easily evade the background check system and arm themselves in New Mexico by purchasing guns from unlicensed sellers, including strangers they meet online or at gun shows, with no questions asked. Proposed legislation will help keep guns out of the hands of felons, domestic abusers, and other people with dangerous histories by requiring background checks for all gun sales. Evidence shows that this policy should be the foundation of any comprehensive gun violence prevention strategy and it is overwhelmingly supported by New Mexico residents.

- ❑ **A loophole in New Mexico law enables prohibited purchasers to buy guns without background checks.**
 - Under federal law, certain people with dangerous histories are prohibited from buying and possessing guns, including convicted felons, domestic abusers, and people with severe mental illness.
 - Federal law also requires all licensed gun dealers to conduct criminal background checks on potential buyers to make sure they are not legally prohibited from having guns. For two decades, this requirement has helped enforce the law and keep New Mexico Safe.
 - Since the background check system was put in place in 1998, it has blocked more than 30,000 prohibited gun sales at licensed firearm dealers in New Mexico, including over 15,400 to felons, over 6,500 to fugitives, and over 4,900 to domestic abusers.¹
 - But the law does not require that unlicensed gun sellers run background checks on potential buyers. This dangerous loophole allows millions of guns to change hands each year in the U.S. without the buyer first passing a background check.
- ❑ **Criminals routinely exploit this loophole by buying guns from unlicensed sellers—including strangers they meet online.**
 - On just two popular websites, unlicensed sellers in New Mexico post more than 4,000 unique gun ads each year, none of which legally require a background check.²
 - Everytown investigated unlicensed sales arranged on these websites and found that one in fifteen (6.7%) individuals who attempted to purchase guns online from Everytown investigators had criminal records that made it illegal for them to purchase a gun. Of particular concern, 64 percent (9 of 14) of those prohibited buyers were facing open criminal charges, were on probation or parole, or had warrants out for their arrest when they contacted investigators.
- ❑ **New Mexico's background check loophole has had deadly consequences.**
 - In 2012, a man exploited New Mexico's background check loophole to purchase firearms, which he then used to shoot six people at a psychiatric institute.
 - The shooter was prohibited from having firearms, and the background check system stopped him from buying a gun at a licensed firearm dealer in Oregon. But because of the loophole in New Mexico law, he was able to go to Albuquerque and buy two pistols from an unlicensed seller who advertised the guns in a newspaper.
 - Several months later, he walked into the Western Psychiatric Institute and Clinic in Pittsburgh, Pennsylvania and opened fire, killing one person and injuring five others.
- ❑ **States around the country are taking action by requiring background checks for all gun sales.**
 - Since 2013, eight states have passed laws that require background checks for all gun sales—regardless of whether the gun is sold by a licensed firearm dealer or an unlicensed seller.³



- In total, twenty states now require background checks for all handgun sales.⁴
- The evidence shows why requiring background checks for all gun sales should be the foundation of any comprehensive gun violence prevention policy.
 - When Connecticut closed the loophole in 1994 by requiring all handgun buyers to pass a background check, the law resulted in a 40% reduction in gun homicides over two decades.⁵
 - By contrast, Missouri’s 2007 decision to repeal its law requiring background checks on unlicensed handgun sales led to a 25% increase in firearm homicides.⁶
- ❑ **New Mexicans overwhelmingly support requiring background checks for all gun sales**
 - 80 percent of New Mexico residents—including 79 percent of gun owners—support background checks for all gun sales.⁷
 - National surveys show that 74 percent of NRA members⁸ and 55 percent of licensed gun dealers⁹ support criminal background checks for all gun sales.
- ❑ **Proposed legislation would close this loophole by extending the existing background check requirement to include gun sales by unlicensed sellers.**
 - Unlicensed sellers would simply meet potential buyers at a licensed gun dealer, and the dealer would run a background check on the buyer, just as dealers do for sales from their own inventory.
 - The bill exempts certain types of sales from the background check requirement, including sales to licensed firearms dealers and sales to law enforcement agencies or between officers.
 - Meeting at a licensed gun dealer to complete a background check is easy and convenient. 89.2% of New Mexico residents live within 10 miles of a federally licensed gun dealer.¹⁰ There are over 770 licensed gun dealers in New Mexico¹¹—nearly three times the number of post offices in the state.¹²

¹ Everytown for Gun Safety analysis of FBI data, July 24, 2016

² Everytown Analysis “Danger in the Land of Enchantment,” 2017.

³ Colorado: 2013 CO HB 1229, Connecticut: 2013 CT SB 1160, Delaware: 2013 DE HB 35, Nevada: 2016 Question 1, New York: 2013 NY SB 2230, Oregon: 2015 OR SB 941, Vermont: 13 V.S.A. § 4019, Washington: 2014 Initiative 594.

⁴ CA, CO, CT, DE, HI, IL, IA, MD, MA, MI, NE, NV, NJ, NY, NC, OR, PA, RI, VT and WA.

⁵ Kara E. Rudolph, Elizabeth A. Stuart, Jon S. Vernick, and Daniel W. Webster, Association Between Connecticut’s Permit-to-Purchase Handgun Law and Homicides, 105 American Journal of Public Health 8, pp. e49-e54 (August 2015).

⁶ Daniel Webster, Cassandra Kercher Crifasi, and Jon S. Vernick, Erratum to: Effects of the Repeal of Missouri’s Handgun Purchaser Licensing Law on Homicides, 3 Journal of Urban Health 91, (June 2014).

⁷ SurveyUSA. (2016). Results of Survey USA Mkt Research Study #23033 [Data set]. Retrieved from <http://every.tw/2bBaxj9>.

⁸ Mayors Against Illegal Guns. (2012). Gun owners poll. Retrieved from <http://every.tw/1sAGSLF>.

⁹ Wintemute, G. J. (2014). Support for a comprehensive background check requirement and expanded denial criteria for firearm transfers: findings from the firearms licensee survey. Journal of Urban Health: Bulletin of the New York Academy of Medicine, 91(2).

¹⁰ Mayors Against Illegal Guns. (2013). Licensed Gun Dealers in New Mexico. Retrieved from <http://bit.ly/2ahJ5Ds>.

¹¹ Bureau of Alcohol, Tobacco, Firearms and Explosives. (2016). Listing of Federal Firearms Licensees (FFLs) [Data set]. Retrieved from <http://1.usa.gov/1ps0dJa>. Data is for type 1, 2, and 7 FFL licensees in New Mexico.

¹² United States Postal Service. (2016). Post Offices by State. Retrieved August 17, 2017, from <http://1.usa.gov/1PyYRY4>.