



Background Checks and North Carolina

□ Bottom Line:

- **North Carolina has already closed the unlicensed sale loophole for handguns, and authorities regularly stop prohibited purchasers from making illegal gun purchases. North Carolina has been a leader in several other areas relating to firearm background checks, including allowing law enforcement to deny a purchase permit to a person who poses a danger to public safety, and requiring prohibiting mental health records to be submitted to the federal background check system.**
- **Congress should follow North Carolina's lead and require background checks on all gun sales nationally. Existing loopholes in federal law undermine North Carolina's background check laws by enabling prohibited people in other states to take advantage of the unlicensed gun market, acquire handguns illegally, and use those guns in crimes in North Carolina.**
- **North Carolina has closed the unlicensed sale loophole for handguns, requiring background checks on all handgun sales in the state. Felons, domestic abusers, and other prohibited people attempt to buy guns regularly in North Carolina -- and are stopped only by a background check.**
 - Since 1998, more than 75,000 firearm sales to prohibited purchasers have been denied in North Carolina – including over 44,000 illegal sales to convicted felons and more than 6,000 illegal sales to prohibited domestic abusers.¹
 - **For the past 100 years, North Carolina has required a background check for all handgun sales through a permit to purchase.**²
 - The North Carolina Legislature has been a leader in empowering county sheriffs and the FBI, who are responsible for background checks on handgun purchase permit applicants and long gun purchasers, respectively, to stop illegal gun purchases.
 - In addition to requiring a background check on all handgun sales, the Legislature has authorized county sheriffs to deny a permit applicant who lacks “good moral character” – or a person who has a red flag in their history indicating they pose a threat to themselves or others.³
 - The Legislature has also required prohibiting mental health records – both future records and existing records – to be submitted to the FBI's National Instant Criminal Background Check System (NICS). Indeed, as of December 2018, North Carolina had submitted more than 421,000 prohibiting mental health records to NICS.⁴

¹ Everytown obtained state-level NICS denial data via FOIA requests for each year between 1998 and 2018. Though the majority of the transactions and denials reported by the FBI are associated with a firearm sale or transfer, a small number may be for concealed carry permits and other reasons not related to a sale or transfer.

² 1919 N.C. Sess. Laws 397-99, Pub. Laws, An Act to Regulate the Sale of Concealed Weapons in North Carolina, ch. 197.

³ The sheriff must be satisfied “by affidavits, oral evidence, or otherwise, as to the good moral character of the applicant.” The sheriff may only consider the applicant's conduct and history for the immediately preceding five-year period in making this determination. N.C. Gen. Stat. § 14-404(a)(2).

⁴ Active Records in the NICS Indices by State. Washington, DC: Department of Justice, Federal Bureau of Investigation. Available at <https://bit.ly/2CwVOIF>.



- The North Carolina Legislature has repeatedly rejected efforts to repeal its background check requirement, including in the 2017 and 2018 legislative sessions.⁵

- **North Carolina has closed the unlicensed sale loophole for handguns, meaning felons, domestic abusers, and other prohibited people cannot skip a background check and acquire a handgun simply by seeking an unlicensed seller at a gun show or online. But neighboring states have not closed this loophole and enable prohibited people to take advantage of the unlicensed gun market and get handguns illegally.**
 - A recent study of the online gun market Armslist.com revealed a massive marketplace where unchecked gun sales are taking place between complete strangers meeting online, allowing criminals and other prohibited purchasers an easy avenue for access.
 - In 2018 alone, there were 41,927 North Carolina ads on Armslist.com for handgun sales, and 43,701 ads for long gun sales.
 - Background check laws make a difference in whether sellers will require a background check to complete a sale.
 - **Indeed, 81% of unlicensed sellers of handguns in North Carolina directly stated the sale would require a background check.**
 - **In contrast, only 6% of the unlicensed sellers in states without background check laws indicated they would require a background check on their sales.**⁶
 - While North Carolina law requires a background check on all handgun sales, it does not require a background check on sales of long guns by unlicensed sellers.
 - Only 29% of unlicensed sellers of long guns in North Carolina indicated on Armslist.com that they would require a background check.

- **Congress's failure to close the unlicensed sale loophole nationally enables gun trafficking and the use of crime guns in North Carolina.**
 - Existing loopholes in the federal background check law are negatively impacting states, like North Carolina, that require background checks on all handgun sales. Research has shown that state laws requiring background checks for all handgun sales are associated with **48 percent lower rates of gun trafficking in cities and 29 percent lower rates of gun trafficking across state lines.**⁷
 - Between 2013 and 2017, **more than 12,000 crime guns** were recovered in North Carolina that originated in other states. **Nearly 11,000 – or 85 percent – of these crime guns were traced back to states that do not have comprehensive background check laws.**⁸
 - And the unregulated, online marketplace has enabled prohibited purchasers to weaken state background check laws by traveling to neighboring states without these laws. Between 2016 and 2017, three individuals were arrested for trafficking an estimated 90 firearms

⁵ Legislation to repeal the background check requirement is pending in the Legislature as of July 17, 2019.

⁶ Everytown for Gun Safety. Unchecked: Over 1 Million Online Firearm Ads, No Background Checks Required. February 2019. <https://everytown.org/2019/02/unchecked-over-1-million-online-firearm-ads-no-background-checks-required/>

⁷ Webster DW, Vernick JS, Bulzacchelli MT. Effects of state-level firearm seller accountability policies on firearm trafficking. *Journal of Urban Health*. 2009. 86(4):525–537; Federal law bars felons from having firearms, but does not bar misdemeanors outside the domestic violence context. Webster DW, Vernick JS, McGinty EE, & Alcorn T. Preventing the diversion of guns to criminals through effective firearm sales laws. In *Reducing Gun Violence in America: Informing Policy with Evidence and Analysis*. 2013. Vol. 9781421411118, pp. 109-121.

⁸ Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). Firearms trace data. <https://bit.ly/2nigapL>. Totals were developed using five years of most recent available data (2013 to 2017). This excludes crime guns recovered in CO and DE in 2013, WA in 2013 and 2014, and OR in 2013-2015.



purchased on Armslist.com and Facebook into Illinois from Kentucky. These firearms were subsequently linked to violent crimes in Illinois.⁹

❑ **Too many North Carolinians are killed with guns.**

- ❑ Every year, **1,311 North Carolinians are killed with guns** and thousands more are shot and injured.¹⁰
- ❑ State laws requiring background checks for all handgun sales - by point-of-sale check and/or permit - are associated with lower firearm homicide rates, lower firearm suicide rates and lower firearm trafficking.¹¹ A 2019 analysis found that states with laws requiring background checks for all gun sales are associated with a **10 percent lower homicide rates**.¹²

⁹ Yablon A. Chicago felons busted for gun trafficking bought weapons via Armslist and Facebook. *The Trace*. May 16, 2018. Available at <https://bit.ly/2FjpTja>.

¹⁰ Centers for Disease Control and Prevention. National Center for Injury Prevention and Control, Web-based Injury Statistics Query and Reporting System (WISQARS) Fatal Injury Reports. A yearly average was developed using five years of most recent available data: 2013 to 2017.

¹¹ Siegel M, Boine C. What are the most effective policies in reducing firearm homicides? Rockefeller Government Institute. 2019; Flegler EW, Lee LK, Monuteaux MC, Hemenway D, Mannix R. Firearm legislation and firearm-related fatalities in the United States. *JAMA Internal Medicine*. 2013; 173(9):732-740; Webster DW, Vernick JS, Bulzacchelli MT. Effects of state-level firearm seller accountability policies on firearm trafficking. *Journal of Urban Health*. 2009. 86(4):525-537; Federal law bars felons from having firearms, but does not bar misdemeanors outside the domestic violence context. Webster DW, Vernick JS, McGinty EE, & Alcorn T. Preventing the diversion of guns to criminals through effective firearm sales laws. In *Reducing Gun Violence in America: Informing Policy with Evidence and Analysis*. 2013. Vol. 9781421411118, pp. 109-121.

¹² Siegel M, Boine C. What are the most effective policies in reducing firearm homicides? Rockefeller Government Institute. 2019.