

What You Need to Know about the Stop Illegal Trafficking in Firearms Act



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Takeaways

Cracking down on gun trafficking will stop the flow of guns from the legal to the illegal market.

- It's a major problem: only 1 out of 10 guns used in a crime is wielded by its original purchaser, and 1 in 3 crime guns crosses state lines;
- Current laws are anemic: people who buy guns for someone else are only guilty of paperwork violations under federal law and are seldom prosecuted; and,
- We need to arm law enforcement with new tools to stop it: the bill would crack down on straw purchasers and gunrunners who supply guns to criminals.

Why We Need a Gun Trafficking Law

- **Trafficking is a major problem:** In nine out of ten guns used in crime and traced to their owner, the original purchaser is not the person who used it in crime. One out of every three crime guns crosses states lines. And though the legal age to purchase a handgun is 21, the typical age of someone who commits a weapons violation is 19, followed by 20, followed by 18. These facts together indicate a major trafficking problem moving guns from the legal to illegal market.

- **Current law is inadequate and unenforceable:** It is illegal to engage “in the business” of selling guns without a license—but that is defined so narrowly that this prohibition is nearly impossible to prosecute and gets used roughly 4 times per year per state. And no law prohibits selling a stolen gun or selling a gun to a felon, a person with a restraining order, or a mentally ill person, unless the prosecutor can prove that the seller *knew* the gun was stolen or knew that the buyer was in one of those prohibited categories, a standard they can meet about once per year per state. Finally, straw purchasers who buy guns for other people are only guilty of paperwork violations under federal law.

What the Bipartisan *Stop Illegal Trafficking in Firearms Act of 2013* Would Do

Introduced by Senators Leahy (D-VT), Gillibrand (D-NY), Blumenthal (D-CT), Collins (R-ME), King (I-ME), Durbin (D-IL), and Kirk (R-IL), this bipartisan bill would crack down on gun trafficking in the following ways:

- **Straw Purchasing:** making it a crime—punishable by 15 years in prison—to buy a gun for another person from a licensed firearms dealer, regardless of whether you know that person is a criminal, and stiffening penalties for purchasing a gun (from anyone) to give to a person you know is, or have reason to believe is, prohibited from having a gun;
- **Gunrunning:** making it a crime punishable by 15 years in prison to sell or receive 2 or more guns in violation of federal or state law;
- **Conspiracy:** making conspiracy to traffic guns punishable in the same way as trafficking;
- **Gangs of Gunrunners:** enhancing punishments to 25 years in prison for those who lead or organize 5 or more people to illegally sell firearms;

- **Chain Transfers:** making it a crime not only to transfer a gun to a person you know or have reason to believe is prohibited from buying one, but also to transfer a gun to someone you know or have reason to believe will then transfer it to another person they know or have reason to believe is prohibited from purchasing it; and
- **Exporting Guns:** making it a crime to bring guns out of the U.S. just as it is to import them into the country now (which is important along the Southwest border, where guns are usually flowing out of the country, not in) and raising the penalty for both importing and exporting to 15 years in prison from 10.

What to Say to Gun Owners about the *Stop Illegal Trafficking in Firearms Act*

I take a backseat to no one in protecting our Second Amendment rights. But those rights don't extend to criminals and terrorists. I don't know a single gun owner who thinks it is fine to drive guns into an alley and sell them to thugs out of the trunk of a car. That should be a crime, and it should be prosecuted.

For more details and citations, read "[Why We Need a Federal Gun Trafficking Law.](#)"

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