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The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES

COMMUNICATION

FROM THE HONORABLE

DAVID PAUL LINSKY

CHAIRMAN

HOUSE COMMITTEE ON

POST AUDIT AND OVERSIGHT

SUBMITTING A REPORT OF THE HOUSE

COMMITTEE ON POST AUDIT AND OVERSIGHT

OF THE 189TH GENERAL COURT

entitled:

UNDER THE RADAR: MASSACHUSETTS'

PRIVATE GUN SALE LOOPHOLE.

(under the provisions of Section 63 of
Chapter 3 of the General Laws)

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The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES

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**Under the Radar:
Massachusetts' Private Gun Sale Loophole**

A Report by the House Committee on Post Audit and Oversight

Chairman David P. Linsky

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Residents of the Commonwealth,

The following is a report by the House Committee on Post Audit and Oversight on the background check loophole for private firearm sales in Massachusetts. On August 13, 2014, Governor Deval Patrick signed Chapter 284 of the Acts of 2014, “An Act Relative to the Reduction of Gun Violence,” into law. The legislation not only enhanced the state’s existing gun laws, but was designed to serve as a reform model for the entire nation. Among its many provisions, the law increased record-keeping efforts to curb illegal gun possession and trafficking. To ensure the proper monitoring of private sales, the Legislature required the Massachusetts Department of Criminal Justice Information Services to create an online portal to allow for real-time background checks.

In March of 2016, the House Committee on Post Audit and Oversight launched an inquiry into the effectiveness of the new private gun sale law. The Committee analyzed the intent of the law, reviewed the functionality of the Massachusetts Gun Transaction Portal, researched available documentation and literature, gathered data, and met with various officials from the Executive Office of Public Safety and Security.

The Committee found an existing loophole in the statute governing private firearms sales and transfers. Despite the Legislature’s attempts to ensure more complete background checks for these types of transactions, the Federal government prohibits private sellers from accessing the National Instant Criminal Background Check System (NICS). Without access to NICS, private sellers are not equipped to determine if they are selling to a prohibited person. Therefore, private gun sales in Massachusetts are still not subject to the same rules as sales at federally licensed gun shops.

To close this loophole, I will be filing legislation to require a NICS check by a licensed firearms dealer prior to any sale or transfer of a firearm. It is the Committee’s hope that by shedding light on this statute’s legal loophole and its potential for exploitation, the Commonwealth will take appropriate legislative action to address it so that our efforts to reduce preventable gun violence will continue to be realized.

Sincerely,

A handwritten signature in black ink, appearing to read "D. P. Linsky".

Chairman David P. Linsky

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Findings

Massachusetts does not effectively practice complete federal background checks for private firearms sales and transfers. The Committee examined an existing loophole in state law which allows for private firearms sales to be completed without a National Instant Criminal Background Check System (NICS) check on prospective buyers. This loophole has the potential to be exploited by individuals who may pass a state background check, but not a national one, and therefore could purchase a firearm in a private sale without immediate detection.

Summary of the New Private Sale Law

On August 13, 2014, Governor Deval Patrick signed Chapter 284 of the Acts of 2014, “An Act Relative to the Reduction of Gun Violence,” into law.¹ Section 29 of the Act amended Massachusetts General Law Chapter 140, Section 128 to require that any personal sale or transfer of a firearm, rifle, or shotgun be recorded on a new “Massachusetts Gun Transaction Portal” prior to, or at the point of, the sale or transfer.² Also pursuant to the law, the Massachusetts Department of Criminal Justice Information Services (DCJIS) is required to report specific information to the NICS maintained by the Federal Bureau of Investigation (FBI).³ The NICS does not provide background checks for private sales. Only sales through a Federal Firearms Licensee (FFL) gun dealer can be checked through NICS.

The Massachusetts Gun Transaction Portal

In 2011, the DCJIS launched the “Massachusetts Firearms Registration and Transfer System,” which allowed for several different firearms transactions, including personal sales and transfers, to be completed electronically.⁴ To comply with the new 2014 law, the DCJIS, “re-engineered much of the functionality of this system to account for the new requirements of the Portal, and rebranded the system as the ‘Massachusetts Gun Transaction Portal.’”⁵ The Massachusetts Gun Transaction Portal went live on March 15, 2015.

The Portal is linked with the Massachusetts Instant Records Check System (MIRCS), the automated firearms licensing and gun sales system maintained by the DCJIS Firearms

¹ “Session Law.” 2016. <https://malegislature.gov/Laws/SessionLaws/Acts/2014/Chapter284>.

² “Key Changes to the Massachusetts Gun Laws - August 2014.” 2016 . <http://www.mass.gov/eopss/agencies/dcjis/key-changes-to-the-massachusetts-gun-laws-august-2014.html>.

³ “Session Law.” 2016. <https://malegislature.gov/Laws/SessionLaws/Acts/2014/Chapter284>.

⁴ “Massachusetts Gun Transaction Portal.” https://mircs.chs.state.ma.us/fa10/action/home?app_context=home&app_action=presentHome.

⁵ “Key Changes to the Massachusetts Gun Laws - August 2014.” 2016. <http://www.mass.gov/eopss/agencies/dcjis/key-changes-to-the-massachusetts-gun-laws-august-2014.html>.

Records Bureau (FRB), and used by all Massachusetts licensing officials (police) and gun dealers. If an individual's license or Firearms Identification Card (FID) has been deactivated due to a revocation, suspension, or expiration, a firearm sale or transfer will not be allowed to proceed. The MIRCS automatically suspends an individual's firearms license or identification card as a result of any court-related activity (arraignment, warrant or restraining order). Gun sales or transfers will not process until a licensing official reactivates the license or firearms identification card.⁶ The Portal also allows individuals to report lost or stolen data electronically to the FRB. Additionally, it is unlawful to conduct a personal sale or transfer of a weapon to anyone other than an individual lawfully licensed in the Commonwealth of Massachusetts.⁷

Portal Requirements

Chapter 284 of the Acts of 2014 requires the Portal to provide the following functionality:

1. **Verification of identity:** The Portal must collect information necessary to verify the identification of the seller and purchaser, and to ensure the sale or transfer complies with the law;
2. **Review and notification:** Upon submission of the required information, the Portal shall automatically review such information and display a message indicating that the seller may proceed with the sale or transfer. It must also provide further instructions for the seller as determined to be necessary by the DCJIS;
3. **Storage of transaction data:** The DCJIS shall keep a record of any sale or transfer; and
4. **Receipt:** A verification of the sale or transfer shall be provided to both the seller and the purchaser.

Portal Functionality

To meet the requirements outlined above, the Portal's functionality includes:

1. **Verification of the identities of both the Seller and the Buyer:** The Seller is required to provide her or his firearms license number, name, and date of birth, or firearms license number and Personal Identification Number (PIN).

To verify the identity of the Buyer, her or his last name, date of birth, and firearms license number must be entered.

⁶ "Massachusetts Gun Transaction Portal."

https://mircs.chs.state.ma.us/fa10/action/home?app_context=home&app_action=presentHome.

⁷ "Massachusetts Gun Transaction Portal."

2. **Verification of firearms license status:** The Portal verifies the firearms license status of both the Buyer and Seller. If both licenses are valid, the Portal displays a banner indicating that the sale may proceed.

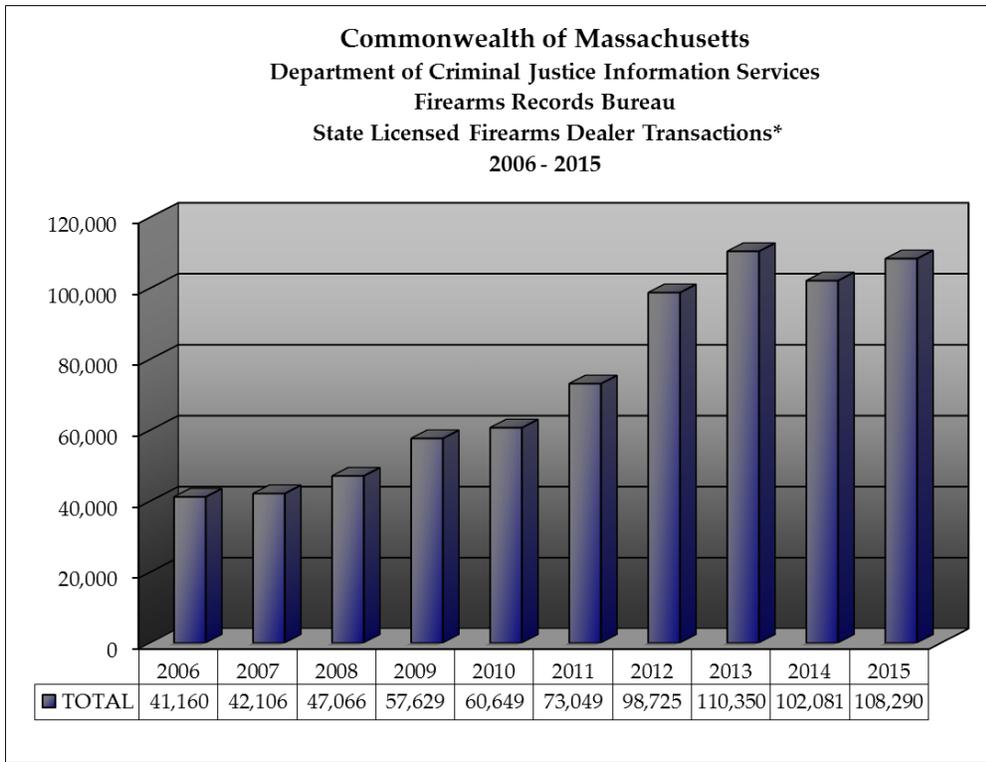
If the Portal finds that one or both of the firearms licenses are not valid, a message is displayed indicating the sales or transfer may not proceed.

3. **Storage of transaction information:** The DCJIS maintains a record of all transactions conducted through the Portal. The information captured includes all of the data collected on the paper FA-10 Form (Firearms Transaction Form).
4. **Verification of successful submission:** Once the sale or transfer is complete, the Seller has the option to print a receipt indicating that the transaction has been recorded. This receipt includes a copy for both the Seller and the Buyer. The Seller may also print a copy of the FA-10, which includes the details and demographics of the sale or transfer as entered into the Portal, including the names of the Buyer and the Seller, the date of the transaction, and firearm description information.

Firearms Commerce Data

Gun Dealer Sales (2006-2015)

The bar graph below depicts the volume of sales captured by the DCJIS’s FRB between 2005 and 2015. It includes sales and transfers of firearms by licensed firearms dealers to individuals who have a valid Massachusetts firearms license and reported to the Firearms Records Bureau via MIRCS or paper firearms transfer (FA 10) forms.⁸



⁸ Massachusetts Gun Dealer Transactions.2017. <http://www.mass.gov/eopss/docs/chsb/firearms/massachusetts-gun-dealer-transactions-2006-2015.pdf>

Private Gun Sales (2006-2016)

The chart below depicts the number of firearms purchased in private sales or transfers between 2006 and 2016. As the chart indicates, private firearms sales/transfers have steadily increased over this ten-year period.

YEAR	NUMBER OF PRIVATE SALES/TRANSFERS
2006	6,407
2007	6,593
2008	7,312
2009	8,207
2010	9,243
2011	9,551
2012	12,096
2013	16,349
2014	16,598
2015	18,539
2016 (as of 11/29/2016)	20,599

Source: The Executive Office of Public Safety and Security

National Instant Criminal Background Check System

The cornerstone of United States gun regulations is the National Instant Criminal Background Check System. Federal law requires federally licensed firearms dealers, but not private sellers, to initiate a background check prior to the sale of a firearm.⁹ Mandated by the Brady Handgun Violence Prevention Act of 1993 and launched by the FBI in 1998, the NICS is a computerized system used by FFLs to instantly determine whether a prospective buyer is disqualified under federal or state law from owning such a weapon.¹⁰ The FBI developed the NICS through a cooperative effort with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the Department of Justice (DOJ), and local and state law enforcement agencies.¹¹

Since its inception, more than 230 million such checks have been completed, leading to more than 1.3 million denials.¹² The system is highly accurate; a 2016 audit by the DOJ's

⁹ "Federal Law on Background Checks | Law Center to Prevent Gun Violence." 2016. Accessed December 13.

<http://smartgunlaws.org/gun-laws/federal-law/sales-transfers/background-checks/>.

¹⁰ "About NICS." 2016. *Federal Bureau of Investigation*. Accessed December 14. <https://www.fbi.gov/services/cjis/nics/about-nics>.

¹¹ "About NICS." 2016. *Federal Bureau of Investigation*.

¹² "About NICS." 2016. *Federal Bureau of Investigation*.

Office of Inspector General found that in a sample of denied transactions, NICS made the correct decision 99.8 percent of the time.¹³

The Criminal Justice Information Services (CJIS) Division of the FBI maintains the NICS. It is designed to respond almost immediately to requests for information on most background check inquiries. Before processing the sale, cashiers call in a check to the FBI or to other designated agencies to ensure that each customer does not have a criminal record or is not otherwise ineligible to make a purchase. According to the FBI, in 2015 the NICS Contacted Call Centers handled calls an average of 141 seconds.¹⁴ After transferring the calls to the NICS Section, the wait and processing time averaged 446.3 seconds (about 7 ½ minutes).¹⁵ When background checks were conducted electronically on the internet via the NICS E-check, the wait and processing time averaged 107.5 seconds (about 1 ½ minutes) .¹⁶

Currently, fifteen states and the District of Colombia have a state point of contact (POC) for FFLs to contact.¹⁷ A POC is a state agency that has agreed to conduct NICS checks. In states that have not agreed to serve as POCs, FFLs must initiate the background check required by federal law by contacting the FBI directly.¹⁸ Massachusetts is not a point of contact state.¹⁹

Categories of Prohibited People

Federal Disqualifiers

The United States federal government prohibits the purchase and possession of firearms by individuals who fall within certain categories, such as convicted felons, domestic abusers, and certain people with a history of mental illness.²⁰ The federal Gun Control Act of 1968, codified at 18 U.S.C. § 922, generally prohibits the sale of firearms to any person who:

- Has been convicted of, or is under indictment for, a crime punishable by imprisonment for more than one year;

¹³ “Audit of the Handling of Firearms Purchase Denials Through the National Instant Criminal Background Check System - a1632.pdf.” 2016. Accessed December 12. <https://oig.justice.gov/reports/2016/a1632.pdf>.

¹⁴ “About NICS.” 2016. *Federal Bureau of Investigation*. <https://www.fbi.gov/services/cjis/nics/about-nics>.

¹⁵ “About NICS.” 2016. *Federal Bureau of Investigation*.

¹⁶ “About NICS.” 2016. *Federal Bureau of Investigation*.

¹⁷ Carter, Gregg Lee. 2002. *Guns in American Society: An Encyclopedia of History, Politics, Culture, and the Law*. ABC-CLIO.

¹⁸ “Background Checks in Massachusetts. *Law Center to Prevent Gun Violence*.” 2017. Accessed January 3. <http://smartgunlaws.org/background-checks-in-massachusetts/>.

¹⁹ “Background Checks in Massachusetts. *Law Center to Prevent Gun Violence*.” 2017. <http://smartgunlaws.org/background-checks-in-massachusetts/>.

²⁰ “Categories of Prohibited People | Law Center to Prevent Gun Violence.” 2017. <http://smartgunlaws.org/gun-laws/policy-areas/background-checks/categories-of-prohibited-people/>.

- Is a fugitive from justice;
- Is an unlawful user of or addicted to a controlled substance;
- Is underage;
- Has been adjudicated as a mental defective or committed to a mental institution;
- Is unlawfully in the United States or has been admitted to the U.S. under a nonimmigrant visa;
- Has been dishonorably discharged from the military;
- Has renounced his or her U.S. citizenship
- Is subject to a court order restraining him or her from harassing, stalking or threatening an intimate partner, his or her child or a child of a partner or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; or
- Has been convicted of a misdemeanor offense of domestic violence ²¹

Massachusetts Disqualifiers

Massachusetts requires any person who wishes to purchase or possess a firearm to obtain a Firearm Identification Card (FID).²² These cards may not be issued to any person who:

- Has been convicted of a felony;
- Has been convicted of a misdemeanor punishable by imprisonment for more than two years;
- Has been convicted of a Misdemeanor crime of domestic violence as defined in 18 U.S.C. 921(a)(33)
- Has been convicted of a violent crime as defined by Massachusetts law to include only crimes punishable by a term exceeding one year, or certain acts of juvenile delinquency;
- Has violated any law regulating the use, possession, ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or ammunition for which a term of imprisonment may be imposed; or
- Has violated any law regulating the use, possession or sale of controlled substances;
- Is or has been committed to a hospital or institution for mental illness, alcohol or substance abuse;
- Is or has been under the appointment of a guardian or conservator on the grounds that he or she lacks the mental capacity to contract or manage his or her affairs;
- Is an undocumented immigrant who does not maintain lawful permanent residency;
- Is under 15 years of age, or is between the ages of 15-18 and does have a certificate demonstrating his or her parent or guardian's consent to obtain a card;
- Is currently subject to orders for suspension or surrender of firearms because of domestic abuse, or permanent or temporary protection orders;

²¹ "18 U.S. Code § 922 - Unlawful Acts." 2016. LII / *Legal Information Institute*.

²² "Section 129C." *Massachusetts General Laws*.

- Has been dishonorably discharged from the armed forces of the United States;
- Is a fugitive from justice;
- Has renounced his or her United States citizenship; or
- Is currently the subject of an outstanding arrest warrant in any state or federal jurisdiction²³

The new 2014 law also allows law enforcement agencies to seek the denial or suspension of a firearms license to a person who poses a risk to public safety.²⁴

The Private Sale Loophole

The Brady Act’s background check provision applies only to sales by Federal Firearms Licensees (gun dealers). Accordingly, individuals who purchase firearms from private sellers—estimated to be about 40 percent of all gun sales nationally—are not required to undergo federal background checks.²⁵ To close the private sale loophole, several states—California, Colorado, Connecticut, Delaware, New York, Oregon, Rhode Island, Washington, and the District of Columbia—require background checks for private gun sales through a licensed intermediary.²⁶

Despite its otherwise comprehensive firearms regulations, Massachusetts is not one of these states, creating a loophole that can be exploited by felons and other dangerous prohibited persons. While it would be illegal for such an individual to purchase a firearm in a private sale, it would not create an immediate red flag.

The Internet Factor

“A violent felon can buy [a gun] over the Internet with no background check, no questions asked... We’ve created a system in which dangerous people are allowed to play by a different set of rules than a responsible gun owner who buys his or her gun the right way and subjects themselves to a background check.”

-President Barack Obama, 1/5/2016

There is a considerable online market for private, NICS-check free firearms sales in Massachusetts. The Committee’s survey of Massachusetts listings on the popular website Armslist.com, which features classified advertisements for firearms and firearms accessories,

²³ “Prohibited Purchasers Generally in Massachusetts | Law Center to Prevent Gun Violence.” 2017. Accessed January 3. <http://smartgunlaws.org/prohibited-purchasers-generally-in-massachusetts/>.

²⁴ “Prohibited Purchasers Generally in Massachusetts | Law Center to Prevent Gun Violence.” 2017.

²⁵ “Background Checks in Massachusetts | Law Center to Prevent Gun Violence.” 2017. <http://smartgunlaws.org/background-checks-in-massachusetts/>.

²⁶ “Private Gun Sale Laws by State.” 2016. *Findlaw*. <http://consumer.findlaw.com/consumer-transactions/private-gun-sale-laws-by-state.html>.

found 694 firearms for sale or for trade by private parties on a single day.²⁷ In a 2013 review of Armslist and similar sites, the *New York Times* found that these sites “function as unregulated bazaars, where the essential anonymity of the Internet allows unlicensed sellers to advertise scores of weapons and people legally barred from gun ownership to buy them.”²⁸

While its existence is legal, Armslist does not scrutinize sales arranged through its website, nor does it keep records of sales initiated through the website. Its terms of use say users must follow all federal and state laws, but, it is “the sole responsibility of the buyer and seller to conduct safe and legal transactions.”²⁹ However, research has shown that this is not how private sales often play out in practice. A 2011 undercover investigation by the New York City Police department found that 62 percent of sellers were willing to sell to a buyer who admitted they could not pass a background check.³⁰

Over the last 15 years, a significant portion of the firearms markets moved online, which has contributed to the rising popularity of private guns sales.³¹ While there are many legitimate reasons an individual would search for a gun through a site like Armslist, these online marketplaces can also appeal to people who may have difficulty acquiring a firearm through a federally licensed dealer. A 2013 investigation by Mayors Against Illegal Guns found that 3.3 percent, or 1 in 30 prospective buyers on Armslist had committed crimes that prohibited them possessing a firearm.³² As Mayors Against Illegal Guns notes, “to put this number in context, if 1 in 30 people on a Boeing 747 were on a terrorist watch list, the plane would have 22 suspected terrorists aboard.”³³ Legal loopholes, which have long eroded the enforcement of background checks in the traditional marketplace, are proving even more difficult to manage online.³⁴

²⁷ The date of the Committee’s survey of Armslist was 12/29/2016. The Committee chose Armslist because it is the most popular website for firearms classified in the country.

²⁸ McIntire, Michael Luo, Mike, and Griff Palmer. 2013. “Internet Gun Sites Ease Illegal Sales.” *The New York Times*, April 17, sec. U.S. <http://www.nytimes.com/2013/04/17/us/seeking-gun-or-selling-one-web-is-a-land-of-few-rules.html>.

²⁹ “ARMSLIST - Terms of Use.” 2017. <http://www.armslist.com/info/terms>.

³⁰ “How Dangerous People Evade Background Checks and Buy Illegal Guns Online.” 2017. *EverytownResearch.org*. <https://everytownresearch.org/reports/felon-seeks-firearm-no-strings-attached/>.

³¹ “How Dangerous People Evade Background Checks and Buy Illegal Guns Online.” 2017. *EverytownResearch.org*.

³² “How Dangerous People Evade Background Checks and Buy Illegal Guns Online.” 2017. *EverytownResearch.org*.

³³ “How Dangerous People Evade Background Checks and Buy Illegal Guns Online.” 2017. *Everytownresearch.org*.

³⁴ “How Dangerous People Evade Background Checks and Buy Illegal Guns Online.” 2017. *Everytownresearch.org*.

Recommendations

Recommendation: The Massachusetts Legislature should enact legislation requiring a NICS check by a licensed gun dealer prior to any private sale or transfer of a firearm.

The Committee recommends the legislation work in the following ways:

- Since private individuals do not have access to the federal NICS database, private sales would be conducted at the location of a licensed dealer (gun shop)
- Dealers would then call in a NICS check on behalf of the buyer and seller
- Dealers would submit the sale information to the Massachusetts Gun Transaction Portal on behalf of the seller/buyer
- Dealers would be able to charge the seller a fee of up to \$25 for these services
- Whoever knowingly sells or transfers a firearm in violation of this law would face a punishment of not less than ten thousand dollars, or imprisonment for not more than ten years in a state prison, or two and a half years in the house of correction (these punishments are consistent with those for similar crimes under Chapter 140, Section 131E.).

Conclusion

Background checks are a proven system to reduce gun crime and save lives. States with strong background check laws have fewer instances of gun trafficking, gun suicides, and gun homicides. Given the rising popularity of private gun sales, and the refusal of websites like Armslist to adopt stricter protocols to deter crime, it is prudent the Massachusetts Legislature act to ensure dangerous criminals cannot exploit the state's background check loophole for private sales.

The Massachusetts Gun Transaction Portal was designed to ensure stronger background checks accompanied by an electronic paper trail for every private firearms transfer in the Commonwealth. However, without the universal NICS check requirement, the Portal cannot function at the capacity for which it was originally intended. We can bolster public safety by updating the state's background check laws to include this commonsense requirement. The Commonwealth's existing background check system is efficient and effective, but it is limited as long as private sales remain exempt from a NICS check.

Footnotes

“Massachusetts-Gun-Dealer-Transactions-2006-2015.pdf.” 2017.
<http://www.mass.gov/eopss/docs/chsb/firearms/massachusetts-gun-dealer-transactions-2006-2015.pdf>.

“18 U.S. Code § 922 - Unlawful Acts.” 2016. *LII / Legal Information Institute*.
<https://www.law.cornell.edu/uscode/text/18/922>.

“2012 New York Consolidated Laws :: GBS - General Business :: Article 39-DDD - (898) PRIVATE SALE OR DISPOSAL OF FIREARMS, RIFLES AND SHOTGUNS :: 898 - Private Sale or Disposal of Firearms, Rifles and Shotguns.” 2017. *Justia Law*. <http://law.justia.com/codes/new-york/2012/gbs/article-39-ddd/898>.

“2014 NICS Operations Report.” 2016. File. *Federal Bureau of Investigation*.
<https://www.fbi.gov/file-repository/2014-nics-ops-report-050115.pdf/view>.

“2015 NICS Operations Report.” 2016. File. *Federal Bureau of Investigation*.
<https://www.fbi.gov/file-repository/2015-nics-ops-report.pdf/view>.

“About NICS.” 2016. Page. *Federal Bureau of Investigation*.
<https://www.fbi.gov/services/cjis/nics/about-nics>.

“ARMSLIST - Terms of Use.” 2017. <http://www.armslist.com/info/terms>.

“Audit of the Handling of Firearms Purchase Denials Through the National Instant Criminal Background Check System - a1632.pdf.” 2016.
<https://oig.justice.gov/reports/2016/a1632.pdf>.

Author, Third WayEmail, and Americans for Responsible SolutionsEmail Author. 2016. “What a Difference a Law Makes: Online Gun Sales in States With and Without Background Checks.” *Third Way*. <http://www.thirdway.org/report/what-a-difference-a-law-makes-online-gun-sales-in-states-with-and-without-background-checks>.

“Background Checks in Massachusetts. Law Center to Prevent Gun Violence.”
<http://smartgunlaws.org/background-checks-in-massachusetts/>.

Carter, Gregg Lee. 2002. *Guns in American Society: An Encyclopedia of History, Politics, Culture, and the Law*. ABC-CLIO.

“Categories of Prohibited People | Law Center to Prevent Gun Violence.” 2017. <http://smartgunlaws.org/gun-laws/policy-areas/background-checks/categories-of-prohibited-people/>.

“Federal Law on Background Checks | Law Center to Prevent Gun Violence.” 2016. <http://smartgunlaws.org/gun-laws/federal-law/sales-transfers/background-checks/>.

“Help and Frequently Asked Questions - Help_and_faq.pdf.” 2016. https://mircs.chs.state.ma.us/fa10/help/help_and_faq.pdf.

“How Background Checks for Internet Gun Sales Work.” 2016. *The Trace*. January 7. <https://www.thetrace.org/2016/01/internet-gun-sales-background-checks/>.

“How Dangerous People Evade Background Checks and Buy Illegal Guns Online.” 2017. *EverytownResearch.org*. <https://everytownresearch.org/reports/felon-seeks-firearm-no-strings-attached/>.

Igorvolsky. 2014. “This New Study Proves That Background Checks Save Lives.” *ThinkProgress*. February 15. <https://thinkprogress.org/this-new-study-proves-that-background-checks-save-lives-b93944151276>.

“Key Changes to the Massachusetts Gun Laws - August 2014.” 2016. <http://www.mass.gov/eopss/agencies/dcjis/key-changes-to-the-massachusetts-gun-laws-august-2014.html>.

“Massachusetts Firearms Law Disqualifiers - Firearmsdisqualifiers.pdf.” 2016. <http://www.cityofmethuen.net/sites/methuenma/files/file/file/firearmsdisqualifiers.pdf>.

“Massachusetts Gun Transaction Portal.” 2017. https://mircs.chs.state.ma.us/fa10/action/home?app_context=home&app_action=presentHome.

Mcintire, Michael Luo, Mike, and Griff Palmer. 2013. “Internet Gun Sites Ease Illegal Sales.” *The New York Times*, April 17, sec. U.S. <http://www.nytimes.com/2013/04/17/us/seeking-gun-or-selling-one-web-is-a-land-of-few-rules.html>.

“National Instant Criminal Background Check System (NICS).” 2016. Folder. *Federal Bureau of Investigation*. <https://www.fbi.gov/services/cjis/nics>.

“Obama: Violent Felons Can Buy Guns Online without Background Checks.” 2016. *@politifact*. <http://www.politifact.com/truth-o-meter/statements/2016/jan/05/barack-obama/obama-violent-felons-can-buy-guns-online-without-b/>.

“Point-Click-Fire.pdf.” 2017. <https://everytownresearch.org/documents/2015/04/point-click-fire.pdf>.

“Private Gun Sale Laws by State.” 2016. *Findlaw*. <http://consumer.findlaw.com/consumer-transactions/private-gun-sale-laws-by-state.html>.

“Private Sales in New York | Law Center to Prevent Gun Violence.” 2016. <http://smartgunlaws.org/private-sales-in-new-york/>.

“Prohibited Purchasers Generally in Massachusetts | Law Center to Prevent Gun Violence.” 2017. <http://smartgunlaws.org/prohibited-purchasers-generally-in-massachusetts/>.

“Section 129C.” 2017. <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXX/Chapter140/Section129C>.

“Session Law.” 2016. <https://malegislature.gov/Laws/SessionLaws/Acts/2014/Chapter284>.

“Snapshot.” 2017. <http://law.justia.com/codes/new-york/2012/gbs/article-39-ddd/898/>.

“The 12 Reasons Why Americans Fail Gun Background Checks.” 2015. *The Trace*. July 31. <https://www.thetrace.org/2015/07/gun-background-checks-nics-failure/>.

“Universal Background Checks | Law Center to Prevent Gun Violence.” 2016. <http://smartgunlaws.org/gun-laws/policy-areas/background-checks/universal-background-checks/>.

Writer, Kevin Miller Staff. 2013. “Many Sales of Firearms in Maine Fall under the Radar.” *The Portland Press Herald / Maine Sunday Telegram*. February 10. http://www.pressherald.com/2013/02/10/maine-under-the-gun-for-unregulated-private-sales_2013-02-10/.