



## More Ghost Guns, More Crime? False.

Policy makers must first recognize that the term “ghost gun” is an anti-gun pejorative that is used by anti-constitutional activists to impugn the right to fabricate a homemade firearm—a right ancillary to the Second Amendment.

Some items referred to as “ghost guns” anti-gunners wish to ban or regulate are best described as non-firearms because they do not meet any federal definition and are not functioning weapons. Other items anti-gunners refer to as “ghost guns” are completed “80% receiver” kits which can be described fully functioning homemade firearms.

The State of California and Giffords Law Center recently sued to force the ATF to enact gun control by “alleg[ing] threats posed by ‘ghost guns.’”<sup>1</sup> In the case, the anti-gunners cited a mere “*eight* specific crimes in California over a *six-year* period that were either committed or ‘allegedly committed’ with unserialized firearms” [sic].<sup>2</sup> In January 2021, the ATF filed a motion to dismiss the case arguing that,

“While any specific crime is a tragedy, eight such crimes out of the 1.1 million violent crimes committed in the relevant six-year-period is a far cry from an overwhelming wave that would cause a State injury sufficient to confer standing. [...] *Nor can California plausibly plead that those crimes would not have occurred with traditional, serialized firearms*” [emphasis added].

While law enforcement may be encountering more homemade firearms in their day-to-day duties, the rise is unsurprising given the increased prevalence of homemade firearm kits in the Second Amendment community.

From January 1, 2016 through December 31, 2020, there were approximately 23,906 suspected [homemade firearms] reported to ATF as having been recovered by law enforcement from potential crime scenes, including 325 homicides or attempted homicides.<sup>3</sup> This means less than 2% of homemade firearms recovered by law enforcement and reported to ATF were used in homicides or attempted homicides.

In January 2019, the Department of Justice’s Bureau of Justice Statistics completed a special report using data collected from 1,211,200 state and federal prisoners who possessed and used firearms during the offense for which they were serving time.<sup>4</sup>

Still, the overwhelming majority—a whopping 43.2% of crime guns—were bought off the street or in the underground market. Another 25.3% of firearms used in crimes were obtained from family or friends via purchase, trade, and intimidated straw purchase or “gift.” Finally, another 6.4% of firearms were stolen.

Meanwhile, only 10.1% of inmates purchased a firearm at a retail source where a background check would have occurred, like a gun store or a gun show.

The vast majority of firearms possessed and used in crimes are obtained by criminals in manners which already circumvent the National Instant Criminal Background Check System (NICS). No proposed gun control law—including the proposed regulation of so-called “ghost guns”—will stop criminals from being able to obtain and use firearms in the commission of crimes.

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<sup>1</sup> *State of California, et al., v. Bureau of Alcohol, Tobacco, Firearms, and Explosives, et al.* Complaint for Declaratory and Injunctive Relief.

<sup>2</sup> *State of California, et al., v. Bureau of Alcohol, Tobacco, Firearms, and Explosives, et al.* Complaint for Declaratory and Injunctive Relief. Defendants' Reply in Support of Their Motion to Dismiss.

<sup>3</sup> ATF Office of Strategic Intelligence and Information.

<sup>4</sup> Alper and Glaze. *Source and Use of Firearms Involved in Crimes: Survey of Prison Inmates, 2016*. U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. January 2019.