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TO: The Honorable Detroit City Council

FROM: David Whitaker, Director 
Legislative Policy Division Staff

DATE: April 21, 2023

RE: **LEGAL GUNS AND ILLEGAL GUNS STUDY**

Council Member Coleman A. Young II requested the LPD provide a report on the level of illegal and legal gun ownership in Detroit and the sources of illegal guns.

It is difficult to determine the number of legal or illegal guns in Detroit with any degree of accuracy because Michigan does not have a comprehensive firearm registration system. Up until the recent passage of gun reform legislation in 2023, only sales of pistols had to be to a licensed purchaser and reported to law enforcement. Therefore, the most data on Michigan gun ownership is related to pistols. While Michigan police have over 4 million electronic pistol records dating back to 1990, that number does not necessarily correspond to the number of individual pistols because there may be multiple records for a single gun when ownership is transferred.¹

¹ One way to remedy the lack of data on gun ownership is to require universal gun registration, with ownership responsibility provisions, much like the requirements for registration of vehicles. Not only would this allow for easier tracking of crime guns, but it would also deter individuals from lending their guns to an individual who may pose a threat to themselves or others and encourage them to lock and safely store their guns.

Currently, only California, Washington DC, Hawaii, and Oregon require registration records for all firearms. A universal registration law could require the periodic registration of firearms, require registration within a short period after the transfer of a firearm, require the reporting of firearm theft, and require individuals to register their firearms after moving to Michigan from another state.

There are no publicly available statistics on the number of guns in Michigan or Detroit, however there are proxy statistics such as the number of individuals who have a concealed pistol license (CPL) in each county. As of 2018, there were roughly 108,000 individuals with a CPL in Wayne County.² That is roughly 6% of the population of Wayne County, which is relatively low compared to many rural Michigan counties. Therefore, it is safe to assume that at least that number of individuals own at least one pistol, in addition to those individuals who do not have a CPL but own a pistol and those who own a pistol illegally.

While it is difficult to determine the number of legally owned guns in Michigan, it is nearly impossible to determine the number of illegally owned guns. Because guns are illegally obtained through straw purchases, unlicensed dealers, private sales, or theft, there is typically no record of the transfer of ownership. The only tangible measure of illegal guns is guns that are seized after a crime has been committed, which only represent some unknown fraction of illegally owned guns.

The Bureau of Alcohol, Tobacco & Firearms (ATF) conducts firearm tracing at the request of law enforcement agencies in order to identify and track the flow of illegal firearms.³ According to ATF Data, 4,103 firearms were traced and recovered in Detroit in 2019. About 83% of the recovered firearms were handguns. Roughly 60% of the recovered firearms originated in Michigan. The number of illegal firearms seized by police in Detroit increased to over 7,000 in 2020 and 2021.

Gun theft accounts for a relatively small amount of illegally trafficked guns. According to a National Firearms Commerce and Trafficking Assessment (NFCTA) report published by the US Justice Department, there were 1,096 firearms stolen from licensed facilities between 2017 and 2021 in the U.S., and about 6,462 firearms stolen from private individuals each year during that period.⁴ It is also estimated that only about 75% of private firearm thefts are reported.

Between 2017 and 2021, ATF data shows that 99% of firearms traced as part of criminal investigations (“crime guns”) were purchased at a gun dealer, pawn shop, or from the manufacturer, with about 70% of crime guns coming from a licensed dealer. However, ATF data shows that 58% of crime guns are possessed by someone other than the person that purchased the gun. In Detroit, 61% of recovered guns were possessed by an individual who did not purchase the gun between 2017 and 2021.

Based on the data showing that many individuals arrested for gun crimes did not purchase the guns themselves, it appears that many of the guns used in crimes are obtained through “straw purchases,” where an individual has another person buy a gun on their behalf. While stolen guns are also often used to commit crimes, the number of stolen guns appears to be far less than the number obtained through straw purchases and/or undocumented private sales. Even if a gun is purchased legally from a licensed dealer, it can change hands multiple times through private sales without any record.

The majority of individuals who obtain a gun used to commit a crime purchase the guns from an unlicensed supplier who is not required to conduct a background check. This includes some online suppliers, individuals at gun shows, or many private sales. In a survey of individuals who were incarcerated for a gun crime, about half reported that they purchased the weapon from an unlicensed supplier.⁵ In contrast, only about 13% reported that they purchased a gun from a federally licensed dealer.

² https://www.mlive.com/news/2018/02/michigan_gun_ownership_by_the_1.html

³ ATF Firearm Trace Data 2019 - <https://www.atf.gov/resource-center/firearms-trace-data-detroit-mi-2019#total>

⁴ U.S. Department of Justice National Firearms Commerce and Trafficking Assessment - <https://www.atf.gov/firearms/docs/report/national-firearms-commerce-and-trafficking-assessment-firearms-commerce-volume/download>

⁵ Katherine A. Vittes, Jon S. Vernick, and Daniel W. Webster, “Legal Status and Source of Offenders’ Firearms in States with the Least Stringent Criteria for Gun Ownership,” *Injury Prevention* 19, no. 1 (2013): 26-31

Also, 96% of these individuals who were legally prohibited from purchasing a firearm reported that they purchased the gun from an unlicensed dealer. Therefore, it appears that individuals who plan to use a gun to commit a crime have a strong preference for obtaining guns from unlicensed dealers.

Because the Gun Control Act of 1968 and the McClure-Volkmer Act only applies to dealers who are “engaged in business” of dealing firearms, many unlicensed dealers are able to traffic guns while falsely claiming to be collectors or hobbyists.

Many states have attempted to address this issue by requiring universal background checks for all gun sales by requiring that all gun transfers occur through licensed dealers. While it is difficult to draw a direct correlation between the implementation of universal background checks and a decrease in gun violence, some data suggests that the policy is effective. One study showed that Connecticut saw a 40% reduction in gun homicides and a 15% reduction in suicides in the 10 years following universal background checks.⁶ A similar Missouri study showed a 23% reduction in gun homicides and a 16% reduction in suicides.⁷

A small but increasing number of illegal guns are privately made firearms (PMFs). PMFs do not originate from a manufacturer but are made from parts that can be purchased or 3D printed. With growing internet use, more individuals than ever have access to information on how to fabricate these guns and to parts vendors. As a result, the number of PMFs traced and recovered by the ATF is increasing rapidly, with nearly 20,000 recovered in 2021.⁸ Depending on how these PMFs are made, they may not fall under current gun control legislation. Also, because these PMFs often do not have serial numbers, they have become known as “ghost guns” because they can’t be traced by law enforcement. As a result, it is particularly difficult to know how many of these guns exist.

The Michigan Legislature recently enacted a series of laws meant to prevent gun violence. Senate Bill 79 is meant to protect children by requiring gun owners to lock and store their guns if they reasonably know that children will be on the property. Senate Bill 80 imposes criminal penalties for individuals who do not properly store their guns pursuant to Senate Bill 79. Senate Bills 81 and 82 lower the cost of firearm safety devices in order to encourage individuals to comply with firearm storage requirements.

The Michigan Legislature also passed a series of bills enacting what are known as “red flag” laws, which allow for courts to issue orders to confiscate guns from individuals who they believe to pose an imminent threat to themselves or others.

Notably, enacted House Bills 4138 and 4142 are meant to close loopholes for private sales and require universal background checks prior to the transfer of any guns. While this is likely to reduce the number of guns purchased from unlicensed suppliers, illegal guns may still come into Michigan by other means, such as trafficking from other states, straw purchases, and PMFs.

⁶ Rudolph KE, Stuart EA, Vernick JS, Webster DW. Association Between Connecticut's Permit-to-Purchase Handgun Law and Homicides. *Am J Public Health*. 2015 Aug;105(8):e49-54. doi: 10.2105/AJPH.2015.302703. Epub 2015 Jun 11. PMID: 26066959; PMCID: PMC4504296.

⁷ Webster D, Crifasi CK, Vernick JS. Effects of the repeal of Missouri's handgun purchaser licensing law on homicides. *J Urban Health*. 2014 Apr;91(2):293-302. doi: 10.1007/s11524-014-9865-8. Erratum in: *J Urban Health*. 2014 Jun;91(3):598-601. PMID: 24604521; PMCID: PMC3978146.

⁸ U.S. Department of Justice National Firearms Commerce and Trafficking Assessment - <https://www.atf.gov/firearms/docs/report/national-firearms-commerce-and-trafficking-assessment-firearms-commerce-volume/download>

The recent series of gun control legislation did not address the Firearms and Ammunition Act, Act 319 of 1990. The Firearms and Ammunition Act prevents local governments from enacting ordinances that restrict guns except for very limited exceptions, and states:

A local unit of government shall not impose special taxation on, enact or enforce any ordinance or regulation pertaining to, or regulate in any other manner the ownership, registration, purchase, sale, transfer, transportation, or possession of pistols, other firearms, or pneumatic guns, ammunition for pistols or other firearms, or components of pistols or other firearms, except as otherwise provided by federal law or a law of this state.

Therefore, local governments are hampered from taking measures to address gun violence in their communities. In order for local governments to designate areas as gun free zones or limit the ability of private individuals to carry guns in certain spaces, the Michigan Legislature would have to repeal or amend the Firearms and Ammunition Act.

If you have any further questions, please contact our office.