



Vermont Legislative Research Service

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Firearm Thefts

The purpose of this report is to study firearm theft and the penalties for stealing firearms. Currently, the theft of a firearm in Vermont holds the same penalty as larceny or burglary charges, though the severity of the penalty depends on the value of the firearm stolen. In this report we compared the penalties across states to determine where Vermont stands among its peers. Our team also examined the relationship between firearm laws and penalties and the theft of firearms. In Vermont, the number of firearms stolen (per 100,000 people) is low relative to other states. Vermont does have some laws currently governing the theft of firearms, most notably a safe storage law, but it does not currently have any sort of requirement to report the theft of a firearm. The penalties for stealing a firearm in Vermont are relatively lenient compared to the other 50 states.

Basic Facts & Statistics

The United States has the highest rate of gun ownership in the world, with roughly 35 to 40 percent of all households possessing at least one gun.¹ Hemenway, Azrael, and Miller found in their epidemiological study that there were 1.2 million incidents of gun theft in the past five years (about 250,000 incidences per year).² A higher percentage of non-white gun owners had their guns stolen (5.2% vs. 1.8%), and gun owners were more likely to have their gun(s) stolen if they had six or more guns, owned guns for protection, and did not safely store their guns. They also found that a high percentage of gun owners from the South had guns stolen (about 2/3 of all firearm thefts occur in the South).³ The Bureau of Alcohol, Tobacco, Firearms, and Explosive (ATF) also confirms that most (62%) of private theft incidents occur in the South, followed by the Midwest (19%).⁴

¹ Philips J Cook, Jens Ludwig, “The Effects of Gun Prevalence on Burglary: Deterrence vs. Inducement,” National Bureau of Economic Research, May 2002, accessed November 7, 2024, https://www.nber.org/system/files/working_papers/w8926/w8926.pdf.

² David Hemenway, Deborah Azrael, and Matthew Miller, “Whose guns are stolen? The epidemiology of gun theft victims,” *Injury Epidemiology* (2017) 4:11, <https://injejournal.biomedcentral.com/articles/10.1186/s40621-017-0109-8>.

³ Hemenway, et al. “Whose guns are stolen?”

⁴ Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), “National Firearms Commerce and Trafficking Assessment (NFCTA): Crime Guns - Volume Two,” Part V – Firearm Theft, January 11, 2023, accessed October 10, 2024, <https://www.atf.gov/firearms/national-firearms-commerce-and-trafficking-assessment-nfcta-crime-guns-volume-two>

According to ATF, more than 95% of reported gun thefts between 2017 to 2021 were thefts from private citizens.⁵ Only about 75% of private gun thefts are reported to law enforcement. Out of the 1,026,538 guns stolen from private citizens, only 296,787 firearms were recovered in association with a private theft incident (only about 29%). ATF also estimates that from 2017 to 2021, about 3% (34,339) of firearms were reported stolen or lost from federal firearm licensees (FFLs) each year. FFLs are required to report any stolen or lost firearm from their inventory within 48 hours of discovery to ATF and their local law enforcement agency.⁶

It is not uncommon for citizens to buy guns for self-defense or defense of property. A report from Cook and Ludwig for the National Bureau of Economic Research (NBER) found that many people see owning a gun to be beneficial because it deters people from targeting their homes, knowing they are armed.⁷ However, Cook and Ludwig also found that while guns being inside homes can pose a threat to burglars, they can also serve as an inducement. Guns are items of extremely high value, especially in black market dealings. A community where guns are prevalent is a more lucrative burglary opportunity than one where guns are sparse. Cook and Ludwig conducted a study involving a series of interviews with incarcerated burglars, and it revealed that many burglars viewed guns as “money with a trigger.” A respondent of the study mentioned they prefer working in neighborhoods with higher percentages of white residents since white residents are more likely to have “the basics” (referring to guns.)⁸

Theft of a firearm includes theft from vehicles. Everytown for Gun Safety (Everytown), the largest gun violence prevention advocacy organization in the US, analyzed crime data from 337 small to large cities across 44 states from the FBI’s National Incident-Based Reporting System. Everytown found the number of firearms reported stolen from cars in the US has nearly doubled between 2006 and 2015.⁹ They also concluded from the data that in cities and states that have weaker gun safety laws, the theft of guns from cars is almost 18 times higher than in cities and states with the strongest gun safety laws.¹⁰ States like California allow licensed carriers to keep firearms in their car but must do it in a way so the gun is concealed and secured properly.¹¹ In Arizona, a state that does not require a permit to carry a concealed gun, residents and non-residents are not restricted legally on how to store a firearm in a car. Despite the difference in firearm concealment safety in cars across states, people still carry concealed firearms in their vehicles and are therefore at risk of being stolen.¹²

⁵ ATF, *Firearm Thefts*.

⁶ ATF, *Firearm Thefts*.

⁷ Philips J Cook, Jens Ludwig, “The Effects of Gun Prevalence on Burglary: Deterrence vs. Inducement.”

⁸ Philips J Cook, Jens Ludwig, “The Effects of Gun Prevalence on Burglary: Deterrence vs. Inducement.”

⁹ Everytown For Gun Safety, “Stolen Gun Pose a Tremendous Risk to Public Safety,” March 6, 2019, accessed October 9, 2024, <https://everytownresearch.org/report/stolen-guns-pose-a-tremendous-risk-to-public-safety/>.

¹⁰ Jay Szkola, Megan J. O’Toole, Sarah Burd-Sharps, “Gun Thefts from Cars: The Largest Source of Stolen Guns,” accessed October 8, <https://everytownresearch.org/report/gun-thefts-from-cars-the-largest-source-of-stolen-guns-2/>.

¹¹ National Rifle Association, “Carrying Firearms in your Car or RV without a Permit/License,” Handgun Law US, November 7, 2024, accessed November 8, 2024, <https://www.handgunlaw.us/documents/USRVCarCarry-1.pdf>.

¹² National Rifle Association - Institute for Legislative Action, “Arizona Gun Laws,” accessed October 9, 2024, <https://www.nrila.org/gun-laws/state-gun-laws/arizona/>.

Current Vermont Laws & Statistics

Theft of firearms in Vermont currently falls under larceny law. If the firearm stolen is worth more than \$900 in value, the person will not be incarcerated for more than ten years, fined no more than \$5,000, or both.¹³ If the firearm does not exceed \$900 in value, the court may sentence up to one year of imprisonment, a fine of no more than \$1000, or both.¹⁴

General burglary in Vermont is defined as someone entering “any building or structure knowing that he or she is not licensed or privileged to do so, with the intent to commit a felony, petit larceny, simple assault, or unlawful mischief.”¹⁵ Vermont State Law has penalties for crimes of burglary of imprisonment for no more than 15 years or fines not more than \$1,000.00, or both.¹⁶ People charged with burglary by the state can also be tried in civil court for much greater fines.

As of July 1, 2023, Vermont law requires gun owners to store firearms in a locked container or equipped with a tamper-resistant lock. Negligent firearm storage is a crime if a child or prohibited person has access to your firearm.¹⁷ John Hopkins’ Center for Gun Violence Solutions states that research shows that safely storing firearms can reduce gun injuries and death while also helping to prevent guns from being stolen, diverted into illegal markets, and used in gun crime.¹⁸

Currently, Vermont does not have a law requiring firearm owners to report the loss or theft of a firearm.¹⁹ During the 2023-2024 legislative session, Representatives Lalonde and Arsenault introduced a bill that would require the loss or theft of firearms to be reported to a law enforcement agency within 72 hours, with a potential civil penalty of up to \$250 for non-compliance.²⁰ The last action of this bill was in January 2024 after being read for the time and referred to the Committee on Judiciary.²¹

New Hampshire Law

¹³ Vermont General Assembly, “Grand Larceny,” 13 V.S.A §2501 (2005), accessed October 9, 2024, <https://legislature.vermont.gov/statutes/section/13/057/02501>.

¹⁴ Vermont General Assembly, “Petit Larceny,” 13 V.S.A §2502 (2005), accessed October 8, 2024, <https://legislature.vermont.gov/statutes/section/13/057/02502>.

¹⁵ Vermont General Assembly, “Crimes and Criminal Procedure: Burglary,” 13 V.S.A §1201 (2013), accessed October 8, 2024, <https://legislature.vermont.gov/statutes/section/13/023/01201>.

¹⁶ Vermont General Assembly, “Crimes and Criminal Procedure: Burglary.”

¹⁷ Vermont State Department of Justice “Vermont Secure Storage Law,” 13 V.S.A §4024 (2023), accessed October 8, 2024, <https://www.justice.gov/usao-vt/media/1346126/dl?inline>.

¹⁸ John Hopkins Center for Gun Control Solutions “Safe and Secure Gun Storage,” accessed October 9, 2024, <https://publichealth.jhu.edu/center-for-gun-violence-solutions/solutions/safe-and-secure-gun-storage>.

¹⁹ Giffords Law Center, “Reporting Lost & Stolen Guns in Vermont,” accessed October 9, 2024, <https://giffords.org/lawcenter/state-laws/reporting-lost-stolen-guns-in-vermont/>.

²⁰ Vermont General Assembly, 2023-2024 Session, “H.561,” accessed October 9, 2024, <https://legislature.vermont.gov/bill/status/2024/H.561>.

²¹ Vermont General Assembly, 2023-2024 Session.

In New Hampshire (NH), theft of a firearm is considered a Class A felony, with the punishment of a maximum incarceration time of 15 years, a fine of up to \$4,000, and up to five years of probation.²² In NH, it is legal to carry a concealed or open firearm without a permit unless they are in an area where it is specifically restricted.²³ The law in NH does not require citizens to store a firearm in a locked or sealed safe in their home unless a child under the age of 16 has previously accessed it and used it violently.²⁴ NH also does not require citizens to report a lost or stolen firearm.²⁵ In 2020, a bill was introduced that would require individuals who lawfully possess a firearm to report the loss or theft of the firearm to local law enforcement or state police within 72 hours. The bill failed to pass.²⁶

In NH, theft of firearms from FFL dealers is a crime with higher penalties than the theft of personal property. Theft of firearms from FFLs can result in a maximum fine of \$250,000 and a maximum sentence of 10 years in prison.²⁷ NH is also one of six states that requires gun dealers to have a state license in order to partake in the retail sale of handguns and other specified firearms.²⁸

Massachusetts Law

Massachusetts gun owners are required to report the loss, theft, or recovery of a gun to the Department of Criminal Justice as well as the licensing authority in the town or city where the owner resides.²⁹ Under Mass. Gen. Laws chapter 140, §129C, a failure to report the loss or theft of a firearm can result in the suspension or permanent revocation of the Firearm Identification Card or their license to carry, or both.³⁰

In Massachusetts, theft of a firearm from a building or a vehicle has variable punishments: imprisonment in the state prison for five years or less, imprisonment in the House of Correction for two and a half years or less, or a fine of \$10,000 or less.³¹ If the process of stealing a firearm

²² New Hampshire General Court, “Criminal Code – Penalties,” NH Rev Stat § 637:11 (2023), accessed October 9, 2024, <https://www.gencourt.state.nh.us/ras/html/LXII/637/637-11.htm>.

²³ National Rifle Association - Institute for Legislative Actions, “New Hampshire Gun Laws,” accessed October 10, 2024, <https://www.nraila.org/gun-laws/state-gun-laws/new-hampshire/>.

²⁴ Everytown Research and Policy, “Which States have Child-Access and/or Secure Storage Laws,” accessed October 10, 2024, <https://everytownresearch.org/rankings/law/secure-storage-or-child-access-prevention-required/>.

²⁵ Everytown Research and Policy, “Which States Require Reporting of Lost and Stolen Guns,” accessed October 10, 2024, <https://everytownresearch.org/rankings/law/lost-and-stolen-reporting/>.

²⁶ NHLA Bills, “SB719 (2020): Relative to Lost or Stolen Firearms,” accessed October 10, 2024.

<https://bills.nhliberty.org/bills/2020/SB719>

²⁷ United States Attorney’s Office, District of New Hampshire, “Swanzy Man Indicted for Stealing Firearms from a Federal Firearms Licensee” August 22, 2024, <https://www.justice.gov/usao-nh/pr/swanzy-man-indicted-stealing-firearms-federal-firearms-licensee>

²⁸ Giffords Law Center, “Gun Dealers,” accessed October 10, 2024 <https://giffords.org/lawcenter/gun-laws/policy-areas/gun-sales/gun-dealers/>

²⁹ Giffords Law Center, “Reporting Lost & Stolen Guns in Massachusetts,” accessed October 15, 2024

<https://giffords.org/lawcenter/state-laws/reporting-lost-stolen-guns-in-massachusetts/>

³⁰ Giffords Law Center, “Reporting Lost & Stolen Guns in Massachusetts,”

³¹ Commonwealth of Massachusetts, General Laws, Part IV, Title I, Chapter 269, Section 10J, “Breaking and Entering ... to Steal Firearm: Penalty,” accessed October 15, 2024,

<https://malegislature.gov/Laws/GeneralLaws/PartIV/TitleI/Chapter269/Section10J>

causes injury to another, the law calls for imprisonment in the state prison for 10 years or less, imprisonment in the House of Correction for two and a half years or less, or a fine of \$10,000 or less.³²

State Firearm Laws and Firearm Thefts

The ATF calculated the states with the largest number of firearms reported stolen from private citizens (per year, per 100,000 population). Mississippi had the highest rate of firearms reported stolen from private citizens. Alabama and Louisiana had the second and third highest rates. Eight out of the top ten states were located in the South.³³

Table 1³⁴

<i>State</i>	Average # of Firearms Stolen in Private Thefts per Year	Annual Rate per 100,000 Population
<i>Mississippi</i>	5,460	185.1
<i>Alabama</i>	8,353	165.7
<i>Louisiana</i>	7,170	155.1
<i>South Carolina</i>	7,825	150.8
<i>Georgia</i>	14,288	132.3

Mississippi has the weakest gun laws in the country and the highest gun death rate.³⁵ Giffords Law Center has created a gun-law scorecard for all 50 states. Legal experts track and analyze firearm legislation in all 50 states annually. They then rank the laws and policies based on their strengths and weaknesses and assign the states a letter grade based on those. They compare the grades to the latest CDC firearm death data.³⁶ (We fact-checked the policies and laws that Giffords cites for the states as well as the corresponding CDC data. We determined that the scorecard is accurate.) Giffords gives Mississippi an F on its firearm scorecard. Alabama ranked second, and Louisiana ranked third, also has some of the weakest gun laws in the country, according to Giffords. Giffords gives Alabama and Louisiana an F on their firearm scorecard as well. Fourth-ranked South Carolina (SC) gets a D- on the firearm scorecard. Due to gaps in SC, minors can legally purchase assault weapons from private sellers with no parental oversight or background checks. Georgia ranked fifth, has very weak gun laws, and Gifford gives Georgia an F on the firearm scorecard.³⁷

³² Commonwealth of Massachusetts, General Laws, Part IV, Title I, Chapter 269, Section 10J.

³³ ATF, *Firearm Thefts*.

³⁴ ATF, *Firearm Thefts*.

³⁵ Giffords Law Center, “Mississippi Gun Laws,” accessed October 25, 2024, <https://giffords.org/lawcenter/gun-laws/states/mississippi/>.

³⁶ Giffords Law Center, “Annual Gun Law Scorecard,” accessed October 15, 2024, <https://giffords.org/lawcenter/resources/scorecard/#making-the-grade>.

³⁷ Giffords Law Center, “Gun Laws by State,” accessed October 15, 2024, <https://giffords.org/lawcenter/gun-laws/states/>.

Table 2³⁸

<i>State</i>	Average # of Firearms Stolen in Private Thefts per Year	Annual Rate per 100,000 Population
<i>Hawaii</i>	174	12.1
<i>Rhode Island</i>	117	10.7
<i>New York</i>	1766	8.9
<i>New Jersey</i>	629	6.8
<i>Massachusetts</i>	378	5.4

As for the score for the five states with the lowest rate of firearm thefts, Massachusetts (MA) is at the very bottom. Giffords gives MA an A- on the scorecard, stating that the state has some of the strongest gun laws in the country and leads the country in investing in community violence intervention strategies.³⁹ New Jersey (NJ) follows close behind MA and receives an A on the Giffords scorecard. NJ is a leader in many gun safety policies, with some of the strongest firearm laws in the nation. New York (NY) has the next lowest annual rate of firearms stolen. Giffords gives NY an A-. Rhode Island follows and receives a B+ on the scorecard. Hawaii is number five, and Giffords gives HI an A- on their scorecard.⁴⁰

50 State Analysis of Firearm Thefts and State Laws

We decided to undertake an analysis of the relationship between gun laws and firearm thefts using data from all 50 states (see appendix for the sources used to compile the data in the adjacent file on this website). The states are compared based on the annual rate of firearm theft per 100,000 population, laws enforcing the reporting of firearm theft, the severities of noncompliance with a law to report, laws enforcing safe storage of firearms, and penalties for stealing a firearm in each state.

Data

We gathered information on the penalties for theft of a firearm and failure to report a firearm theft from the individual states. Note, we decided to only look at laws around handguns. The laws varied among the states depending on the type of firearm stolen. We collected information on the laws enforcing firearm theft reporting requirements and the safe storage laws in each state from a group of non-governmental and non-partisan professional organizations. We obtained the annual rate of firearm theft per 100,000 population from the Federal Bureau of Alcohol,

³⁸ ATF, *Firearm Thefts*.

³⁹ Giffords Law Center, “Massachusetts Gun Laws,” accessed October 15, 2024, <https://giffords.org/lawcenter/gun-laws/states/massachusetts/>.

⁴⁰ Giffords Law Center, “Gun Laws by State.”

Tobacco, Firearms, and Explosives.⁴¹ Additional information on the sources used can be found in the appendix attached.

Analysis

In thirty-three states individuals are required to report the theft or loss of a firearm, compared to 17 states that are not required to report. The average number of firearms stolen between all the states is 68 per 100,000 population, with the maximum of 181 and the minimum of five firearms.

We calculated the average number of thefts per 100,000 population for states with laws requiring owners to report the theft of a firearm and those without such laws. The results are in Figure 1. States that require an owner report a firearm theft had significantly fewer gun thefts per year than those that don't. The difference in thefts between states that require reporting firearm thefts and those that don't is likely even greater than reported here given the absence of a reporting requirement. We also compared states based on the penalty for noncompliance with the reporting requirement but found no difference based on the severity of the penalty.

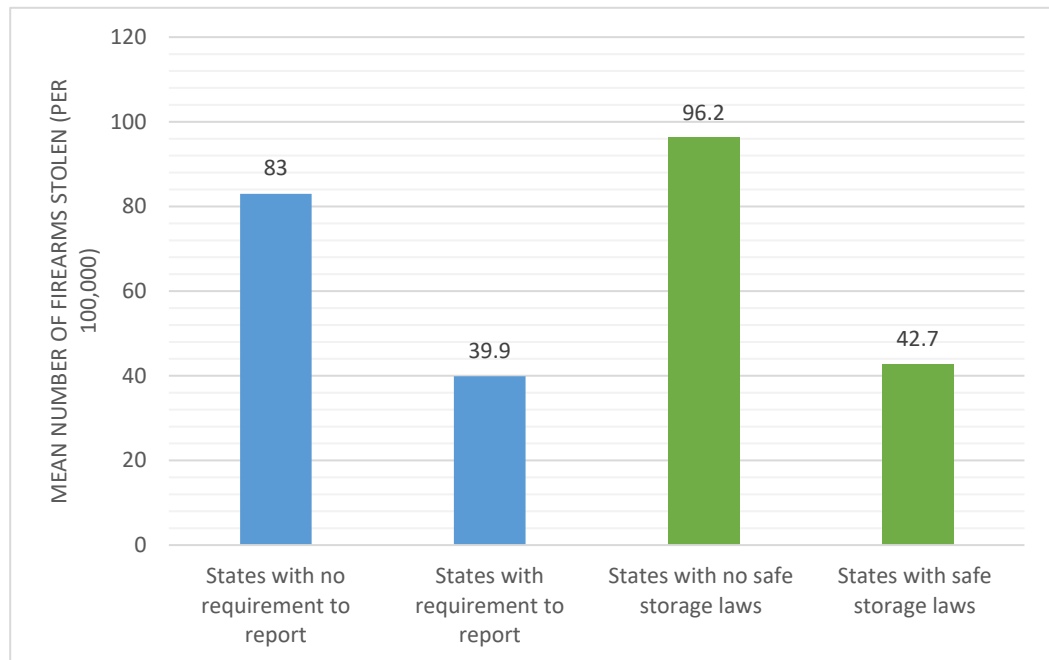


Figure 1: Relationship between firearm thefts and state laws on reporting thefts and safe storage laws.

Figure 1 also provides the mean number of firearm thefts per 100,000 for states with and without safe storage laws. Twenty-four states do not have safe storage laws, while 26 states do have some sort of safe storage law or child access protections. These laws vary throughout the states—how the state defines a child, when the law applies, and if the state requires storage to

⁴¹ ATF, *Firearm Thefts*.

prevent access by other prohibited people. States with safe storage laws have a statistically significant lower number of firearm thefts than states without such laws.

The penalties for stealing a firearm also differs between states.⁴² To see whether there was a relationship between the firearm theft rate and the financial and prison term penalties for firearm theft we ran a correlation analysis. That analysis showed no there was no association between penalties for theft and the number of firearms stolen per 100,000 people. The correlation between firearm thefts and the penalty for those thefts in years in prison was 0.051. The correlation between firearm thefts and the penalty for those thefts in fines was -0.53.

To further test the relationships between the different laws and firearm thefts we ran a multiple regression analysis (results reported in Table 3). When we controlled for the various laws in the multi-variant analysis, we found that the only law related to the number of firearm thefts is the one mandating safe storage. States with safe storage laws saw, on average, 54.5 fewer firearm thefts per 100,000 population. Given the average number of firearm thefts is 68.3, that is a substantively large difference.

Table 3: Multiple Regression Analysis

	Unstandardized (B)	Standardized Coefficients (Beta)
<i>(Constant)</i>	109.7	
<i>Required to Report Firearm Theft</i>	-2.6	-.027
<i>Penalty for Not Reporting</i>	-5.2	-.129
<i>Safe Storage Laws</i>	-54.5*	-.595
<i>Firearm Theft Penalty (years)</i>	-1.1	-.107
<i>Firearm Theft Penalty (fine)</i>	-6.4	-.043
*Significant at <.0001		

Conclusion

The states with the most rigorous gun safety laws (in general) appear to have significantly fewer gun thefts than the states with the least rigorous laws. Massachusetts and New Jersey, two states with some of the strictest gun-control laws, have the lowest rates of fire-arm theft. Looking at specific laws, our 50-state analysis found no association between the number of firearm thefts and penalties for the theft of firearms, or penalties for non-compliance in reporting a theft. There is a strong relationship between the number of firearm thefts and laws requiring safe storage of firearms.

⁴² We do not have data on two states, Hawaii and Delaware. In Delaware, the court determines the fine as they see fit. For Hawaii, there were no clear laws for the prosecution of theft of a firearm.

This report was completed on November 8, 2024, by Kate Butcher, Chloe Elkort, and Sarah Kelleher under the supervision of VLRS Director, Professor Anthony “Jack” Gierzynski in response to a request from Representative Anne B. Donahue.

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