

TIME

Why It's Legal for George Zimmerman to Auction the Gun He Used to Kill Trayvon Martin

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May 12, 2016

Zimmerman put the gun up for sale online

The gun George Zimmerman used in 2012 to kill Trayvon Martin showed up on two separate online gun sales sites Thursday. But do online sales mean it wouldn't go through a standard background check? That all depends on where it's purchased, gun experts say.

Zimmerman initially listed the handgun that he used to kill Martin, a black 17-year-old in Sanford, Fla., on gunbroker.com, along with a note saying he would dedicate some of the proceeds to fighting "BLM violence against Law Enforcement officers," presumably referring to the Black Lives Matter movement. But the gun sale website quickly removed the listing. Zimmerman then posted a listing for the gun on unitedgungroup.com, a similar online gun sales site. No matter which site Zimmerman uses to sell the gun, the purchaser's location will determine whether a background check will be performed.

Gun sales websites aren't allowed to sell guns directly to people, but instead bring buyers and sellers together. They also don't conduct background checks or directly transport firearms to purchasers, says Eugene Volokh, a UCLA law professor who studies gun policy.

"There is no such thing as an online gun sale," Volokh says, referring to the limits placed on sites that arrange gun sales.

If the gun is purchased by somebody in Florida, where Zimmerman lives, it would be considered an in-state private purchase and would not be subject to a background check. Neither federal nor Florida law requires checks for in-state transactions.

"What's often misunderstood is that this is some kind of loophole," says Dave Kopel, an associate policy analyst at the libertarian Cato Institute think tank. "But it's the same rules for online sales. It varies state by state, but in most you can sell private-to-private within the state."

If the purchaser is from out of state, however, federal law requires that the seller ship the firearm to a licensed gun dealer in the purchaser's state. That dealer will then run a background check in the same manner as any other gun purchase from a dealer.

“This works quite routinely in far less lurid contexts,” Volokh says.

Zimmerman was acquitted in Martin’s death in 2013 but has had a series of run-ins with police since then. He was arrested on assault charges in January 2015 and has had multiple confrontations with Matthew Apperson, who was accused of shooting and injuring Zimmerman in May 2015.