Domestic Violence and Guns: Laws, Loopholes and Solutions
Gun Violence in America: A Public Health Crisis

- 33,563 gun deaths (2012)
  - 92 deaths a day
- 84,258 injured (2013)
- Over $170 billion in costs
Women and Gun Violence in America

A gun can mean the difference between an argument and a funeral.

- The presence of a gun increases the risk of homicide for women 5x in a domestic violence situation.
- U.S. women are 11x more likely to be murdered with a gun than women in high income nations.
Women and Gun Violence in America

- **53%** of women murdered with guns were killed by an intimate partner or family member (2011)

- **6,410 women** between 2001-2012 were murdered by an intimate partner with a gun

- Guns are used in fatal intimate partner violence more than any other weapon
Intimate Partner-related Homicides Committed With a Gun

(2003-2012)

Six Lowest States

<table>
<thead>
<tr>
<th>Rank</th>
<th>State</th>
<th>%</th>
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<tbody>
<tr>
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<td>5</td>
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<td>30.5</td>
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<tr>
<td>6</td>
<td>NJ</td>
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Intimate Partner-related Homicides Committed With a Gun

(2003-2012)

Six Highest States

<table>
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<td>69.0</td>
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<td>48</td>
<td>MT</td>
<td>65.9</td>
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<tr>
<td>47</td>
<td>AL</td>
<td>65.6</td>
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<tr>
<td>46</td>
<td>WVA</td>
<td>61.8</td>
</tr>
<tr>
<td>45</td>
<td>AZ</td>
<td>61.1</td>
</tr>
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Federal Laws: Guns and Domestic Violence

1994 Violence Against Women Act (VAWA)

- Prohibits those subject to DV restraining orders from accessing guns
- From 1998- July 2014 over 460,000 were barred from buying a gun
Federal Laws: Guns and Domestic Violence

1996 Lautenberg Amendment

- Prohibits those convicted of DV misdemeanors from owning or possessing guns
- Over 109,000 were barred from buying a gun because of this law from 1998-2014
- DV misdemeanors: 3rd most frequent reason for denial of gun applications
What’s a misdemeanor crime of domestic violence?

- An offense that is a federal, state or tribal law misdemeanor and includes the use or attempted use of physical force or threatened use of a deadly weapon.
To qualify as an offender of misdemeanor crimes of DV, one must...

- Be a current or former spouse, parent, or guardian of the victim
- Share a child in common with the victim
- Be a current or former cohabitant with the victim as spouse, parent or guardian
- Be similarly situated to a spouse, parent or guardian of the victim
Loopholes in Federal Law

Laws do **not** prohibit gun possession by:
- Those convicted of misdemeanor **stalking crimes**
- Abusers in non co-habiting **dating relationships**
Why be concerned about stalkers?

- 76% of women murdered by a current or former intimate partner experienced stalking in the year before the murder

- 1 in 6 women has experienced stalking
Why be concerned about dating partner violence?

- Nearly half (48.6%) of all intimate partner homicides were committed by a dating partner.
- Current/former dating partners commit nonfatal violence against women at a greater rate than do current/former spouses (39% vs. 25%).
Closing loopholes: What’s needed?

Limit stalkers’ and abusers’ access to guns

- Expand federal prohibitions to include convicted stalkers and abusive dating partners
- Restrict those subject to temporary restraining orders from owning or possessing guns
- Expand the background check system to prohibit abusers from getting guns
- Improve DV record submissions to NICS
There’s broad public support for closing these loopholes.

- **81%** of Americans support banning gun ownership for 10 years if a person has violated a DV restraining order

- **Over 73%** of gun owners and **72%** of non-gun owners support banning gun ownership for 10 years after a DV conviction
Proposed federal legislation: The Protecting Domestic Violence and Stalking Victims Act

- Would bar convicted stalkers from buying or owning guns
- Would prevent abusive dating partners with a DV misdemeanor or order of protection from buying or owning guns
- Introduced in 2013 as S. 1290 and H.R. 4906

Senator Amy Klobucher, Senate bill sponsor
Proposed federal legislation: The Lori Jackson Domestic Violence Survivor Protection Act

- Would bar from buying or owning guns:
  - Convicted stalkers
  - Abusive dating partners with DV misdemeanor or orders of protection
  - Those subject to a temporary restraining order

- Introduced in 2014 as S. 2483

*Senator Richard Blumenthal, Senate bill sponsor*
Proposed federal legislation: The Thompson-King Background Check Bill

- Would expand background checks to online and gun show sales
- Introduced in 2013 as H.R. 1565, with 188 co-sponsors
- House equivalent of the Manchin-Toomey amendment rejected by Senate in April 2013 by 54-46 vote
States are leading the way in protecting domestic violence victims.

- 12 states prohibit people convicted of violent misdemeanors against dating partners from having guns.
- 25 states—including New York—prohibit gun possession by at least some people subject to protective orders for dating partners.
What does New York Law say about abusers and guns?

- Anyone who fails a **background check** can’t buy a gun.

- Individuals subject to a **domestic violence protective order** will have their license revoked and must surrender all guns in their possession.

- Individuals convicted of a **felony or serious offense** will have their license revoked and must surrender guns in their possession.
Loopholes in New York Law

- New York law does not provide for the *surrender* of guns, rifles or shotguns upon conviction of a *misdemeanor crime of domestic violence*.
- This gap needs to be filled since under federal and state law this person would be prohibited from buying a gun.
Loopholes in New York Law

- New York law does not allow law enforcement to seize black powder rifles and shotguns, muzzle-loading guns or antique firearms because they are not included in the definition of a firearm, rifle or shotgun.
- This gap needs to be filled since these weapons are very common in rural areas and are very powerful.
Loopholes in New York Law

- New York law does not require law enforcement to remove guns from the scene of a domestic violence incident even if an arrest is made.

- This gap needs to be filled since a gun in the house increases the risk homicide for women 5x in a domestic violence situation.
New York must close these loopholes by

- Requiring that any person convicted of a misdemeanor crime of DV to surrender all firearms in their possession.

- Making it a crime to possess a black powder rifle or shotgun, a muzzle-loading gun or antique firearm and to surrender any such guns upon the conviction of a felony, serious offense or misdemeanor crime of DV.

- Allowing law enforcement to temporarily seize all guns when responding to a DV incident.
Strong gun laws matter.

States with higher gun ownership and weak gun laws have the highest rates of gun death.

<table>
<thead>
<tr>
<th>Rank</th>
<th>State</th>
<th>Gun Ownership</th>
<th>Gun Death Rate per 100k</th>
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<tbody>
<tr>
<td>1</td>
<td>WY</td>
<td>62.8%</td>
<td>20.29</td>
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<td>2</td>
<td>LA</td>
<td>45.6%</td>
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<td>AK</td>
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<td>4</td>
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<td>54.3%</td>
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<td>5</td>
<td>AL</td>
<td>57.2%</td>
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2012. Center for Disease Control, WISQARS
Strong gun laws save lives.

States with strong gun laws and low gun ownership have far lower gun death rates.

<table>
<thead>
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<th>Gun Death Rate per 100k</th>
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<tbody>
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<td>1</td>
<td>MA</td>
<td>12.8%</td>
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<td>13.3%</td>
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<td>NY</td>
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<td>11.3%</td>
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Take action!

- Federal:
  - Contact your House representatives and Senators to sponsor the federal domestic violence bills. (Bill numbers to come with new Congressional session.)

- New York State:
  - Bill numbers to be assigned before legislative session in January, 2015.
  - A sponsoring DV organization is needed for the NYS bills.
  - Contact your NYS Senators and Assembly representatives to sponsor the NYS bills.
  - Sign up at www.nyagv.org for alerts.
Questions?

nyagv.org