



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

Rank	State	%
1	MA	22.5
2	RI	23.3
3	IL	26.9
4	HI	29.4
5	NY	30.5
6	NJ	30.5



Intimate Partner-related Homicides Committed With a Gun

(2003-2012)

Six Highest States

Rank	State	%
50	KY	70.8
49	ID	69.0
48	MT	65.9
47	AL	65.6
46	WVA	61.8
45	AZ	61.1

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

Violence Against Women Act



Fulfilling the Promise of
Safety & Justice

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.

Rank	State	Gun Ownership	Gun Death Rate per 100k
1	WY	62.8%	20.29
2	LA	45.6%	18.36
3	AK	60.6%	18.07
4	MS	54.3%	17.91
5	AL	57.2%	17.25

Strong gun laws save lives.



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

Rank	State	Gun Ownership	Gun Death Rate per 100k
1	MA	12.8%	3.51
2	HI	9.7%	3.67
3	RI	13.3%	4.00
4	NY	18.1%	4.99
5	NJ	11.3%	5.46



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