

### FIREARMS AS TOOLS OF TERROR

Firearms are used to control, terrorize and intimidate victims and survivors of domestic violence. A survey of callers by the National Domestic Violence Hotline found 16% of respondents' abusers had access to firearms. Of those:

- 10% said his/her abuser had fired a gun during an argument
- 67% believed her/his abuser was capable of killing her/him<sup>i</sup>

### DOMESTIC VIOLENCE HOMICIDE

- In 2013, 941 women were killed by male intimate partners. Most were killed with firearms.<sup>ii</sup>
- Women in the US are 11 times more likely to be murdered with a gun than in other high-income nations.<sup>iii</sup>

### CURRENT LAW

A person who has been convicted of the felony or misdemeanor crime of domestic violence toward a spouse, former spouse, cohabiting intimate partner or a person with whom the offender shares a biological child is prohibited from owning firearms. Likewise, a person under a permanent restraining order is not permitted to own firearms.

### GAPS IN CURRENT LAW

Current law does not prohibit the following people from possessing firearms:

- People convicted of domestic violence against a current or former dating partner
- People convicted of stalking
- People under an ex parte (temporary) restraining order

- 1 in 3 female murder victims and 1 in 20 male murder victims are killed by intimate partners.<sup>iv</sup>
- Having a gun in the home increases the risk of intimate partner homicide by at least 500%.<sup>v</sup> In households with a history of domestic violence, the risk increases 2,000%.<sup>vi</sup>
- A ten-city study found 1/5 of homicide victims with temporary protective orders are murdered within two days of obtaining the order; 1/3 are murdered within the first month.<sup>vii</sup>
- 48.6% of women killed by intimate partners were killed by dating partners.<sup>viii</sup>
- 76% of women murdered by intimate partners and 85% of women who survived murder attempts were stalked.<sup>ix</sup>
- 44% of mass shootings between 2008 and 2013 involved intimate partners.<sup>x</sup>

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#### If you need help:

Call The National Domestic Violence Hotline 1-800-799-SAFE (7233)  
Or, online go to [TheHotline.org](http://TheHotline.org)



### GAPS IN CURRENT LAW (continued)

Many people who are legally prohibited from owning guns are able to purchase them, because:

- Local records often do not contain sufficient detail to flag offenders
- Offenders can purchase firearms at gun shows or from private sellers, thereby bypassing the background check system

### OUR POSITION

Federal gun laws are essential for protecting the lives of victims and survivors of domestic violence. We support **strengthening gun safety laws to protect all victims and survivors, including dating partners, stalking victims/survivors, and people who have been granted ex parte protective orders.** We urge Congress to pass, and the Administration to support legislation and, where possible, take executive action, to:

- Expand the definition of intimate partner in 18 USC 921(a)(32) to include dating partners
- Expand the prohibitor in USC 18 922(g)(8) to include ex parte orders
- Add misdemeanor stalking to the disqualifying crimes in USC 18 922(g)
- Require background checks for all gun sales and transfers
- Reinstate the assault weapons ban
- Require the FBI/ATF to notify local law enforcement and the intimate partner when a prohibited purchaser attempts to acquire a firearm
- Establish domestic violence points of contact in the US Attorneys and ATF offices
- Prioritize the use of NICS/NARIP funding to improve state criminal and protective order records entry into the appropriate NICS for domestic violence-related prohibitors
- Create a special project funded through the Office of Violence Against Women to establish and disseminate best practices for prosecution, law enforcement training, and firearms removal throughout the country
- Provide funding for the Executive Office of the U.S. Attorneys to support deputizing state, county and tribal attorneys as Special Assistant U.S. Attorneys to address serious violations of 18 U.S.C. 922(g)(8) and (g)(9)
- Expand the window for FBI background checks to reduce default-proceed sales
- Encourage states to adopt effective firearm surrender and removal protocols for in domestic violence cases
- Fund gun reclamation programs by courts/local jurisdictions following the issuance of restraining order or a conviction
- Create a gun restraining order that would temporarily prohibit a person from purchasing a firearm if (s)he is a danger to him/herself and/or others

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- Repeal the Protection of Lawful Commerce in Arms Act, granting gun manufacturers and sellers near-immunity from liability
- Oppose the inclusion of the Dickey Amendment in future spending bills and direct the CDC to interpret it more narrowly

<sup>i</sup> National Domestic Violence Hotline (2014). *Firearms and domestic violence*. Retrieved from <http://www.thehotline.org/resources/firearms-dv/#tab-id-2>.

<sup>ii</sup> Violence Policy Center (2015). *When men murder women: An analysis of 2013 homicide data*. Retrieved from <http://www.vpc.org/studies/wmmw2015.pdf>.

<sup>iii</sup> Mayors Against Illegal Guns. *Guns laws and violence against women*. Retrieved from <http://3gbwir1ummda16xrhf4do9d21bsx.wpengine.netdna-cdn.com/wp-content/uploads/2014/10/Guns-and-Violence-Against-Women-Everytown-for-Gun-Safety.pdf>.

<sup>iv</sup> Bridges, F. S., Tatum, K. M., & Kunselman, J. C. (2008). Domestic violence statutes and rates of intimate partner and family homicide: A research note. *Criminal Justice Policy Review*, 19(1), 117-130.

<sup>v</sup> Campbell, J.C., Webster, D., Koziol-McLain, J., Block, C., Campbell, D., Curry, M. A., Gary, F., Glass, N., McFarlane, J., Sachs, C., Sharps, P., Ulrich, Y., Wilt, S., Manganello, J., Xu, X., Schollenberger, J., Frye, V., & Lauphon, K. (2003). Risk factors for femicide in abusive relationships: Results from a multisite case control study. *American Journal of Public Health*, 93(7), 1089-1097.

<sup>vi</sup> Kellermann, A. L., Rivara, F. P., Rushforth, N. B., Banton, J. G., Reay, D. T., Francisco, J. T., Locci, A. B., Prodzinski, J., Hackman, B. B. & Somes, G. (1993). Gun ownership as a risk factor for homicide in the home. *New England Journal of Medicine*, 329(15), 1084-1091.

<sup>vii</sup> Vitti, K. A. & Sorenson, S. B. (2008). Restraining orders among victims of intimate partner homicide. *Injury Prevention*, 14(1), 191-195.

<sup>viii</sup> Cooper, A. & Smith, E. L. (2011). *Homicide trends in the United States, 1980-2008*. Retrieved from <http://www.bjs.gov/content/pub/pdf/htus8008.pdf>.

<sup>ix</sup> McFarlane, J. M., Campbell, J. C., Wilt, S., Sachs, C. J., Ulrich, Y. & Xu, X. (1999). Stalking and intimate partner femicide. *Homicide Studies*, 3(4), 300-316.

<sup>x</sup> Everytown for Gun Safety (2014). *Guns and violence against women: America's uniquely lethal domestic violence problem*. Retrieved from <http://everytown.org/documents/2014/10/gun-laws-and-violence-against-women.pdf>.

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