

### **FIREARMS AS TOOLS OF TERROR**

Firearms are used to control, terrorize and intimidate victims and survivors of domestic violence:

- Approximately 4.5 million American women alive today have been threatened by intimate partners with firearms. One million have actually been shot or shot at by their abusers.<sup>1</sup>
- A survey of contacts by the National Domestic Violence Hotline found, of respondents' whose abusers had access to firearms:
  - 10% said their abusers had fired a gun during an argument;
  - 67% believed their abusers were capable of killing them.<sup>2</sup>

### **DOMESTIC VIOLENCE HOMICIDE**

Firearms are the weapon of choice for domestic violence homicides:

- In 2015, 928 women were killed by male intimate partners. Most were killed with firearms.<sup>3</sup>
- 1 in 3 female murder victims and 1 in 20 male murder victims are killed by intimate partners.<sup>4</sup>
- 35% of all women killed by men are killed by intimate partners with guns.<sup>5</sup>
- An abuser's access to a firearm increases the risk of femicide by at least 400%.<sup>6</sup>
- Domestic violence incidents involving firearms are twelve times more likely to result in death than incidents involving other weapons or bodily force.<sup>7</sup>
- A ten-city study found 1/5 of homicide victims with temporary protective orders were murdered within two days of obtaining the order; 1/3 were murdered within the first month.<sup>8</sup>
- 48.6% of women killed by intimate partners are killed by dating partners.<sup>9</sup>
- 76% of women murdered by intimate partners and 85% of women who survived murder attempts were stalked first.<sup>10</sup>
- 44% of mass shootings between 2008 and 2013 involved intimate partners.<sup>11</sup>
- Women in the US are 11 times more likely to be murdered with a gun than in other high-income nations.<sup>12</sup>

### **CURRENT FEDERAL LAW**

Certain domestic violence misdemeanants are prohibited from possessing firearms if the victim was:

- The perpetrator's child (including guardianship);
- A current or former spouse;
- A current or former cohabiting intimate partner;
- A person with whom the offender shares a biological child;
- 'Similarly situated' to a spouse; or
- 'Similarly situated' to a parent or guardian of child victim.

Certain respondents to final orders of protection are also prohibited from possessing firearms for the duration of the order if the petitioner is

- A current or former spouse;
- A current or former cohabiting intimate partner;
- A person with whom the respondent shares a biological child;
- The child of the intimate partner; or
- The child of the respondent.

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If you are in crisis, contact The National Domestic Violence Hotline at 1-800-799-SAFE (7233) or [www.TheHotline.org](http://www.TheHotline.org).

Please visit the **National Coalition Against Domestic Violence's** website at [www.ncadv.org](http://www.ncadv.org) for more fact sheets, membership information, and valuable resources.

## GAPS IN CURRENT LAW

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

- People convicted of misdemeanor domestic violence against a current or former dating partner;
- People convicted of misdemeanor stalking;
- Respondents to temporary protective orders.

## GAPS IN RECORDS

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

- Local records often do not contain sufficient detail to flag offenders;
- Local and state records are not universally uploaded to federal databases;
- Offenders can purchase firearms at gun shows or from private sellers, thereby bypassing the background check system;
- In 2013 and 2014, 30% of denials for misdemeanor crimes of domestic violence are issued *after* the prohibited abuser has taken possession of the firearm, because the background check was unable to be completed within 72 hours<sup>13</sup>;
- In 2013 and 2014, approximately 40% of denials issued after 72 hours that were referred by the FBI to the ATF were related to domestic violence.<sup>14</sup>

## OUR POSITION

Federal gun laws are essential for protecting the lives of victims and survivors of domestic violence. We support **strengthening federal gun safety laws to protect *all* victims and survivors, including dating partners, stalking victims/survivors, and petitioners with temporary orders of protection.**

<sup>1</sup> Sorenson, S. B., & Schut, R. A. (2016). Nonfatal gun use in intimate partner violence: A systematic review of the literature. *Trauma, Violence, & Abuse*.

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

<sup>3</sup> Violence Policy Center (2017). *When men murder women: An analysis of 2015 homicide data*. Retrieved from <http://www.vpc.org/studies/wmmw2017.pdf>.

<sup>4</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>5</sup> Violence Policy Center (2017). *When men murder women: An analysis of 2015 homicide data*. Retrieved from <http://www.vpc.org/studies/wmmw2017.pdf>.

<sup>6</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>7</sup> Saltzman, L. E., Mercy, J. A., O'Carroll, P. W., Rosenberg, M. L., & Rhodes, P. H. (1992). Weapon involvement and injury outcomes in family and intimate assaults. *JAMA*, 267(22), 3043-3047.

<sup>8</sup> Vitte, K. A. & Sorenson, S. B. (2008). Restraining orders among victims of intimate partner homicide. *Injury Prevention*, 14(1), 191-195.

<sup>9</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>10</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>11</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>.

<sup>12</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>13</sup> Karberg, J. C., Frandsen, R. J., Durso, J. M., Buskirk, T. D., & Lee, A. D. (2016). *Background checks for firearms transfers, 2013-2014 – Statistical tables*. Retrieved from <https://www.bjs.gov/content/pub/pdf/bcft1314st.pdf>.

<sup>14</sup> Ibid.

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