

Domestic Violence Firearms Laws: Federal and Virginia

Too many Virginians die from intimate partner related homicide. Research shows that when an abusive partner has access to a firearm, the risk the other partner will die increases more than five-fold.¹ As such, laws that reduce abusers' access to firearms may reduce intimate partner related homicide.

Federal Law

Federal law prohibits persons subject to final domestic violence protective orders as well as persons convicted of a misdemeanor crime of domestic violence from purchasing or possessing firearms.² Unfortunately, federal law enforcement agencies rarely attempt to prosecute people under these statutes.

Virginia Law

Virginia law prohibits anyone subject to a domestic violence protective order, including an order where the abuser was given notice of the hearing and was not present at the hearing, from purchasing or transporting a firearm while the order is in effect.³

In 2016, Virginia passed a law that prohibits individuals subject to final family abuse protective orders from possessing firearms for the duration of the order. Within 24 hours of service of the order, the person subject to the order must sell or surrender the firearm to any person not prohibited from possessing the firearm.⁴

Loopholes in Virginia Law

Unfortunately, Virginia law does not:

- Prohibit subjects of nine other types of protective orders from possessing firearms or require persons subject to those orders to surrender their firearms for the duration of the order.
- Prohibit persons convicted of a domestic violence misdemeanor from purchasing, possessing, or transporting firearms.
- Require courts to notify those subject to a domestic violence protective order or convicted of a misdemeanor crime of domestic violence when they become prohibited from possessing firearms under federal law.
- Explicitly authorize or require removal of firearms or ammunition at the scene of a domestic violence incident.

Domestic Violence Firearms Laws (cont'd)

Policy Recommendations for Virginia

To address loopholes in Virginia law, the Educational Fund to Stop Gun Violence recommends, as a starting place, the following policies be implemented to keep guns out of the hands of domestic abusers:

1. Prohibit subjects of *all* protective orders from possessing firearms and require subjects of *all* protective orders to surrender any firearms they own or possess to law enforcement for the duration of the order.
2. Prohibit individuals convicted of domestic violence misdemeanors from purchasing, possessing or transporting firearms.
3. Require courts to notify those subject to a domestic violence protective order or convicted of a misdemeanor crime of domestic violence when they become prohibited from possessing firearms under federal law.
4. Explicitly authorize or require removal of firearms or ammunition at the scene of a domestic violence incident.

Additional Resources

To learn more about Virginia law and policy recommendations to reduce domestic homicide perpetrated with firearms, see “Virginia’s Lethal Loopholes: Policy Solutions to Domestic Homicides Committed with Firearms,” available at: <http://efsgv.org/wp-content/uploads/2015/09/VA-DV-Report.pdf>

For an in-depth report on risk-based firearm policies and practices to reduce gun violence perpetrated by domestic abusers, see “Firearm Removal/Retrieval in Cases of Domestic Violence,” available at: <http://efsgv.org/wp-content/uploads/2016/02/Removal-Report-Updated-2-11-16.pdf>

About the Ed Fund

The Educational Fund to Stop Gun Violence (Ed Fund) was founded in 1978 as a 501(c)(3) organization that makes communities safer by working to reduce gun violence. The Ed Fund achieves this by engaging in policy development, advocacy, community and stakeholder engagement, and technical assistance.

¹ Campbell, J. C., Webster, D., Koziol-McLain, J., Block, C., Campbell, D., Curry, M. A., ... & Sharps, P. (2003). Risk factors for femicide in abusive relationships: Results from a multisite case control study. *American journal of public health*, 93(7), 1089-1097.

² 18 U.S.C. § 922(g)(8),(9).

³ Va. Code Ann. § 18.2-308.1:4(A)(West)

⁴ Va. Code Ann. § 18.2-308.1:4(B)(West)