



State-Level Policy Recommendations to Reduce Domestic Violence Perpetrated with Firearms

1. PROHIBIT VIOLENT MISDEMEANANTS:

Individuals convicted of a violent misdemeanor, including misdemeanor crimes of domestic violence, should be prohibited from purchasing or possessing firearms for at least ten years.

The research evidence conclusively shows that individuals convicted of violent misdemeanors are at increased risk of committing future violent crimes.^{1,2,3} Though federal law prohibits those convicted of a misdemeanor crime of domestic violence from purchasing and possessing firearms,⁴ there are many states that do not have a mirroring state-level prohibition. It is important for states to have their own prohibitions because local law enforcement does not have the authority to enforce federal law.

2. PROHIBIT DOMESTIC ABUSERS:

Individuals who are subject to domestic violence restraining orders, including temporary orders, should be prohibited from purchasing and possessing firearms for the duration of the order. States should expand the definition of family/household members to include dating partners, regardless of cohabitation or children in common.

Federal law currently prohibits firearm purchase and possession by respondents to domestic violence restraining orders issued after notice and an opportunity to participate.⁵ These prohibitions are supported by well-corroborated evidence linking guns with domestic violence.^{6,7,8,9,10} Moreover, research shows that restricting abusers' access to firearms is an effective policy, reducing domestic violence homicides by as much as 25%. Yet many states do not have a mirroring prohibition.

3. REMOVE FIREARMS FROM PROHIBITED PERSONS:

Firearms should be temporarily removed from individuals at the scene of domestic violence incidents, from individuals who are subject to domestic violence restraining orders of any kind for the duration of the order, and from persons who are prohibited from purchasing or possessing firearms under state or federal law.

A joint report from the Ed Fund-organized Consortium for Risk-Based Firearm Policy and Prosecutors Against Gun Violence recommends that individuals subject to domestic violence restraining orders of any kind should have their firearms temporarily removed for the duration of the order. The report provides promising practices for removal of firearms from these individuals and analyzes logistical, monetary, and political considerations; obstacles to implementation; and data needs at each step of the process.¹¹ As there is no federal law that requires firearms be removed from such individuals, states should create their own statutes to address this dangerous gap.

Temporarily limiting firearm access to individuals subject to domestic violence restraining orders or who have committed a violent misdemeanor will save lives.

¹ Wintemute, G. J., Wright, M. A., Drake, C. M., & Beaumont, J. J. (2001). Subsequent criminal activity among violent misdemeanants who seek to purchase handguns. *JAMA: The Journal of the American Medical Association*, 285(8), 1019-1026

² Cook, P. J., Ludwig, J., & Braga, A. A. (2005). Criminal records of homicide offenders. *JAMA: The Journal of the American Medical Association*, 294(5), 598-601.



³ Vitte, K. A., Vernick, J. S., & Webster, D. W. (2013). Legal status and source of offenders' firearms in states with the least stringent criteria for gun ownership. *Injury prevention*, 19(1), 26-31.

⁴ 18 U.S.C. § 922(b)(1), (d), (x)(1).

⁵ 27 Code of Federal Regulations § 478.11 Meaning of Terms

⁶ Zeoli, A. M., & Frattaroli, S. (2013). Evidence for Optimism: Policies to Limit Batterers' Access to Guns. *Reducing Gun Violence in America: Informing Policy with Evidence and Analysis*, 53-63.

⁷ Sorenson, S. B., & Wiebe, D. J. (2004). Weapons in the lives of battered women. *American Journal of Public Health*, 94(8), 1412-1417.

⁸ Vitte, K. A., & Sorenson, S. B. (2006). Are temporary restraining orders more likely to be issued when applications mention firearms?. *Evaluation review*, 30(3), 266-282.

⁹ Vitte, K. A., & Sorenson, S. B. (2008). Keeping Guns Out of the Hands of Abusers: Handgun Purchases and Restraining Orders. *American Journal of Public Health*, 98(5), 828-831.

¹⁰ Campbell, J. C., Webster, D., Koziol-McLain, J., Block, C., Campbell, D., Curry, M. A., ... & Laughon, 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.

¹¹ Consortium for Risk-Based Firearm Policy and Prosecutors Against Gun Violence. February 2016. Firearm Removal/Retrieval in Cases of Domestic Violence. Available: <http://efsgv.org/wp-content/uploads/2016/02/Removal-Report-Updated-2-11-16.pdf>