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Updated Evidence and Policy Developments on Reducing Gun Violence in America

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Enactment of Legislation to Protect Victims of Domestic Violence

A Story of State Successes

April M. Zeoli and Shannon Frattaroli

Women are more likely to be killed by intimate partners than by other offender groups and the majority of these homicides are committed with firearms (US-DOJ and FBI 2011). Domestic violence and stalking increase the risk of being killed by one's intimate partner (Bailey et al. 1997; Campbell et al. 2003; McFarlane et al. 1999; Smith, Moracco, and Butts 1998). This elevated risk of intimate partner homicide (IPH) increases fivefold or more when a violent intimate has access to a gun (Bailey et al. 1997; Campbell et al. 2003; Kellerman et al. 1993).

In 2013, there were numerous attempts to pass legislation at both the federal and state level to reduce IPH by restricting domestic violence offenders' access to firearms. Several bills were introduced in the 113th U.S. Congress that were designed to extend protections of domestic violence victims from armed and violent intimate partners by expanding or clarifying the definition of intimate partner (H.R. 1177; H.R. 1914; S. 1290); extending the domestic violence restraining-order firearm prohibition to include *ex parte* restraining orders (H.R. 1177); including misdemeanor stalking as a disqualifying conviction for firearm purchase (H.R. 2648; S. 1290); and improving enforcement of current

firearms prohibitions (H.R. 848; H.R. 3566). Despite receiving wide support from national- and state-level victims' advocacy groups, there was no significant movement on these bills.

Consistent with a recent trend in state legislatures, multiple states enacted legislation in 2013 to reduce intimate partner violence offenders' access to firearms.¹ For example, Utah's legislators expanded their restraining-order fire-arm prohibition law to include dating relationships. Minnesota enacted a law requiring the reporting of prohibited persons to the National Instant Criminal Background Check System "as soon as practicable." This law covers not only those convicted of domestic violence misdemeanors but also those who are sent to pretrial diversion programs, which prohibit them from accessing firearms until their charges are dismissed. Implementation of these laws will make access to firearms more difficult for prohibited persons, including domestic violence offenders.

New state laws also focused on improving implementation of existing domestic violence firearms laws. Colorado law now requires those subject to domestic violence restraining orders and those convicted of misdemeanor crimes of domestic violence to relinquish their firearms. Connecticut also now specifies the protocol for those under restraining orders to surrender their firearms. This attention to the processes of enforcing existing laws is important. The title of our chapter in *Reducing Gun Violence in America*, "Evidence for Optimism," reflects our reading of the literature and the potential of laws that restrict respondents to domestic violence restraining orders from purchasing and possessing guns. Such laws are associated with reductions in IPH at the state (Vigdor and Mercy 2003) and local (Zeoli and Webster 2010) levels. These effects are likely the result of purchase prohibitions, as efforts to remove guns from respondents to restraining orders are uncommon (Klein 2006). A small number of localities do have initiatives to remove firearms from respondents to protective orders (Klein 2006), and research published this year offers insight into how to effectively realize the greater potential of these laws (Wintemute et al. 2013).

As we look ahead, our optimism remains rooted in the increasing strength of the evidence that suggests that more states are engaging in efforts to ensure that violent intimates are effectively prohibited from purchasing and possessing guns.

NOTE

1. Information on state-level legislation enacted in 2013 is from the Law Center to Prevent Gun Violence's 2013 State Scorecard: <http://smartgunlaws.org/2013-state-scorecard-why-gun-laws-matter/#more-24226>

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