



*Center for Gun Policy and Research*

## **Intimate Partner Violence and Firearms**

### ***Scope of the Problem***

Twenty-two percent of women and 7% of men report that they have been physically assaulted by an intimate partner in their lifetime. Among female victims of intimate partner violence (“IPV”),<sup>a</sup> 4% reported having been threatened with a gun by an intimate partner, and 1% sustained firearm injuries in these assaults.<sup>1,b</sup>

While men are more likely to be homicide victims, women are at far greater risk of being killed by an intimate partner. From 1980 to 2008, female homicide victims were almost six times more likely than male homicide victims to be killed by an intimate partner.<sup>2</sup>

In 2012, there were more than 1,200 intimate partner homicides in the United States—meaning that in 18% of all homicides, the victim–offender relationship was known. The victims were killed with a firearm in more than half of these intimate partner homicides.<sup>3</sup>

According to federal data collected from police departments from 1980 to 2008, approximately 40% of female homicide victims—in cases where the victim–offender relationship was known—were killed by either a current or former intimate partner.<sup>c</sup> In over half of these cases, the perpetrator used a gun. Among male victims 15–50 years of age, approximately 5% were killed by either a current or former intimate partner. About 42% of the male intimate partner homicides involved a gun.<sup>2</sup>

More than twice as many women are killed by a husband or intimate acquaintance than are killed by a stranger using any means.<sup>4</sup>

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- a. According to the Centers for Disease Control and Prevention (CDC), IPV is “actual or threatened physical or sexual violence or psychological and emotional abuse directed toward a spouse, ex-spouse, current or former boyfriend or girlfriend, or current or former dating partner. Intimate partners may be heterosexual or of the same sex.” National Center for Injury Prevention and Control. *Injury Fact Book, 2001-2002*. Atlanta, GA: Centers for Disease Control and Prevention; 2001.
  - b. Note: For these data, “intimate partner” excludes former intimate partners who were never married.
  - c. Note: For three reasons, it is likely that these figures are lower than the actual prevalence. First, the data represent approximately 85-90% of police department reports, and therefore do not offer a complete measure of homicides. Second, the data do not include a category for former dating relationships (e.g., ex-boyfriend). Third, many relationships reported as “friends” or “acquaintances”



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### ***Firearm Access and Intimate Partner Homicide***

A study of risk factors for violent death of women in the home found that women living in homes with 1 or more guns were more than 3 times as likely to be killed in their homes. The same study concluded that women killed by a spouse, intimate acquaintance, or close relative were 7 times more likely to live in homes with 1 or more guns and 14 times more likely to have a history of prior domestic violence compared to women killed by non-intimate acquaintances.<sup>5</sup>

An analysis of risk factors for femicide in abusive relationships revealed that women physically abused by current or former intimate partners faced a 5-fold increased risk of that partner murdering the woman when the partner owned a firearm.<sup>6</sup>

When compared to controls matched by sex, race, and age group, a study group of female handgun purchasers in California faced a 50% higher risk of being the victim of homicide.<sup>7</sup> A follow-up analysis found that, among the women handgun purchasers who were murdered, 45% were killed by an intimate partner using a gun. In contrast, 20% of all women murdered in California during the study period were killed with a gun by an intimate partner.<sup>8</sup>

Family and intimate assaults with firearms are 12 times more likely to result in death than non-firearm assaults. This research suggests that limiting access to guns will result in less lethal family and intimate assaults.<sup>9</sup>

### ***Policies to Prevent Batterers' Access to Firearms***

#### *Keeping Guns Out of the Hands of Abusers Subject to Restraining Orders*

In 1994, Congress enacted the Violent Crime Control and Law Enforcement Act.<sup>10</sup> This law expanded the list of people prohibited from purchasing and possessing firearms to include individuals subject to a court order restraining them from “harassing, stalking, or threatening an intimate partner” or “engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury” (18 U.S.C. § 922(d)(8)). This restriction applies only to court orders issued after a hearing at which the restricted party had the opportunity to participate (*ex parte* orders do not apply). Some states implemented policies to prohibit gun ownership for batterers with restraining orders prior to the passage of federal legislation in 1994. Currently, state laws vary with respect to the type of domestic violence restraining order covered, the prohibited firearm actions, and whether firearm prohibitions are required or merely authorized.

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State laws that restrict access to firearms for individuals subject to domestic violence restraining orders reduce the risk of intimate partner homicide. Research indicates that laws restricting firearm access for batterers subject to restraining orders are associated with a 19% reduction in rates of intimate homicide and a 25% reduction in rates of intimate homicide with firearms.<sup>11</sup>

A study of these laws revealed that laws restricting firearm purchase by batterers subject to restraining orders reduce the risk of intimate homicide, but laws that restrict firearm possession in general do not. In addition, laws restricting purchase are only effective in reducing intimate partner homicides in states that have implemented a rigorous system to screen potential firearms purchasers for restraining orders. No effect on intimate partner homicide was measured for laws that restrict firearm access for domestic violence misdemeanants.<sup>12</sup>

### *Prohibiting Firearm Purchase by Domestic Violence Misdemeanants*

Under federal law established by the Lautenberg Amendment in 1996, an individual convicted of a domestic violence misdemeanor is prohibited from possessing a firearm.<sup>13</sup>

A 2014 federal report on the National Instant Criminal Background Check System (NICS) found that from 1998–2014, 9.7% of the 1,166,676 denials for gun purchases generated by NICS were the result of domestic violence misdemeanor convictions.<sup>14</sup> In 2010, the ATF received 1,049 referrals to retrieve firearms sold to individuals who were ineligible to purchase firearms due to a domestic violence misdemeanor. These sales—representing 22.2% of all referrals to retrieve firearms from proscribed users—occurred because authorities did not complete the background check within the maximum time allowed by federal law (3 days).<sup>15</sup> Several states have laws allowing law enforcement more than the federal 3-day limit to complete the background check.<sup>16</sup>

### *Additional Policy Approaches to the Prevention of Firearm-Related Intimate Partner Violence*

State laws differ with respect to firearms and intimate partner violence. These laws are an important complement to the federal laws discussed above. Some states' laws do not address the topic and rely exclusively on federal law; some states enjoy extensive regulatory systems that far exceed federal law; and other states' laws extend slightly beyond federal protections.

Most state laws that address batterers' access to guns and intimate partner violence fall into one of three categories:

1. Laws that authorize law enforcement officers to seize guns when responding to domestic violence calls;

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2. Laws that permit judges to order batterers to surrender their firearms through court protective orders; and
3. Laws that prohibit people with domestic violence offenses from obtaining a permit to carry concealed firearms.

As of June 2015, 18 states had laws authorizing police to remove firearms when responding to a domestic violence incident. Twenty-eight states allow courts to order the defendant to surrender firearms as a condition of a protective order. Twelve states had both laws; 16 states had neither law. Even within these groups, state laws varied considerably. For example, of the 18 states that permitted police officers to remove guns when responding to a domestic violence call, 13 required police to do so and 5 allowed but did not require gun removal.<sup>17</sup> Some states, like Hawaii, require law enforcement removal of firearms used in IPV, but merely authorize removal of other firearms in the home.<sup>18</sup> States also differ with regard to whether police officers may confiscate ammunition, whether they are authorized to remove the gun if the abuser is not arrested, which guns may be seized (e.g., only those used in the domestic violence incident in question), and whether the time frame for the return of seized firearms is specified.<sup>19</sup>

States with Laws Authorizing Police Removal	States with Laws Authorizing Court-Ordered Surrender	States with Both Laws	States with Neither Law
Montana Nebraska Ohio Oklahoma Utah West Virginia	Colorado Delaware Florida Iowa Maine Massachusetts Minnesota Nevada New York North Carolina North Dakota Rhode Island South Dakota Vermont Washington Wisconsin	Alaska Arizona California Connecticut Hawaii Illinois Indiana Maryland New Hampshire New Jersey Pennsylvania Tennessee	Alabama Arkansas Georgia Idaho Kansas Kentucky Louisiana Michigan Mississippi Missouri New Mexico Oregon South Carolina Texas Virginia Wyoming



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