



Domestic Violence and Guns: 2013-2017 Legislation

- ❑ **Bottom Line:** There are a number of steps that states can take to keep guns out of the hands of domestic abusers. **Since the beginning of 2013, six states have passed laws requiring background checks on all gun sales, and 23 states and the District of Columbia have enacted bills that strengthen the laws keeping guns away from domestic abusers.** These measures have been taken up by state houses in every region of the country, have passed almost uniformly with bipartisan majorities, and have been signed into law by governors of both parties, including Republicans like Scott Walker, Chris Christie, Bobby Jindal, Robert Bentley, Gary Herbert, and Brian Sandoval.

 - **On January 9, 2017, New Jersey Governor Chris Christie (R) signed a bill into law requiring all domestic abuse offenders and all abusers under final restraining orders to turn their firearms in to law enforcement immediately. The bill was passed by a 32-0 margin in the state Senate and by a 61-2 margin in the Assembly.**
- ❑ **What States Can Do:** The presence of a gun makes it **five times** as likely that domestic abuse will turn into murder,¹ which is why federal law prohibits certain abusers from buying or possessing guns. But not all states have the laws they need to protect victims of domestic violence—both to complement federal law and to fill gaps where Congress has failed to act.

 - Require Background Checks on All Gun Sales: Federal law requires background checks only on sales made by licensed dealers, meaning prohibited domestic abusers can buy guns from any non-dealer, including strangers they meet online. **In states that require background checks on all handgun sales, 46 percent fewer women are shot to death by intimate partners.**² States should require background checks on all gun sales.
 - Prohibit Gun Possession by Domestic Abusers: Federal law bars domestic abusers from having guns if they are subject to a final domestic violence restraining order or are convicted of a misdemeanor crime of domestic violence. State codes should match these prohibitions, so **state and local law enforcement and prosecutors can bring abusers to justice if they have guns illegally.**
 - Ensure Prohibited Abusers Relinquish Guns: Federal law prohibits abusers from having guns and requires background checks for purchases at gun dealers, but does not address how to enforce the law for guns *already owned* by prohibited people. State codes should require abusers turn in their guns when they become prohibited, **so they can't do further harm with guns they have at home.**
 - Prohibit Gun Possession by Convicted Stalkers: Federal law does not bar convicted stalkers from having guns unless their convictions are felonies. **Legislation currently before Congress (H.R. 3130/S.1520) would close this gap by prohibiting all convicted stalkers; state codes should do the same.**
 - Prohibit Gun Possession by Abusive Dating Partners: Federal law already prohibits spousal abusers from having guns if they are convicted or subject to a restraining order, but does not generally prohibit unmarried abusers—even though more women are killed by



boyfriends than by spouses.³ **Federal legislation (H.R. 3130/S.1520) would close this gap by prohibiting abusive dating partners; state codes should do the same.**

❑ **The National Picture:**

- In 19 states and the District of Columbia, criminal background checks are required on all handgun sales.⁴ **Eight states have enacted gun background check laws since 2013.**⁵
- In 27 states and the District of Columbia, subjects of final domestic violence restraining orders are prohibited from buying or possessing guns.⁶
 - In 16 of those states and the District of Columbia, those abusers are required to turn in their guns.⁷
- In 27 states and the District of Columbia, people convicted of misdemeanor domestic violence are prohibited from buying or possessing guns.⁸
 - In 12 of those states and the District of Columbia, those abusers are required to turn in their guns.⁹

❑ **Domestic Violence Legislation Passed Since 2013:** Thirty-two bills—the vast majority bipartisan—enacted in **23 states and the District of Columbia**, strengthen the laws that keep guns away from domestic abusers. Support for the Second Amendment goes hand in hand with keeping guns away from dangerous people, and these common-sense gun laws will work to reduce violence against women and families.

- **Alabama** – In 2015, with vote counts of 26-3 and 88-6, the Alabama legislature passed HB 47, which prohibits abusers convicted of domestic violence crimes or subject to final domestic violence protection orders from possessing firearms. Governor Robert Bentley (R) signed the bill into law.
- **Colorado** – In 2013, the Colorado legislature passed SB 197, which prohibits abusers convicted of domestic violence crimes or subject to final domestic violence protective orders from possessing firearms. The bill also requires prohibited abusers relinquish any firearms they already own. Governor John Hickenlooper (D) signed the bill.
- **Connecticut** – The Connecticut legislature passed SB 1160 in 2013, prohibiting domestic abusers convicted of violent or threatening crimes from possessing rifles and shotguns. In 2016, the legislature passed HB 5054, prohibiting abusers subject to ex parte domestic violence protective orders from possessing firearms and requiring those individuals to relinquish any firearms they already own. Governor Dan Malloy (D) signed both bills.
- **Delaware** – The Delaware legislature passed SB 83 in 2015. The bill strengthens domestic violence gun laws by 1) expanding the state firearm prohibition to include people convicted of abusing their *dating partners*; and 2) strengthening the process for abusers under final protection orders to relinquish their firearms. Governor Jack Markell (D) signed the bill.
- **District of Columbia** – The Council of the District of Columbia enacted D.C. Act 20-621 in 2015, prohibiting people convicted of misdemeanor stalking from possessing guns for a period of five years. The act was signed by Mayor Muriel Bowser (D).
- **Hawaii** – In 2016, the Hawaii legislature passed HB 625, which prohibits people convicted of misdemeanor stalking or sexual assault from possessing firearms. Governor David Ige (D) signed the bill into law.



- **Indiana** – The Indiana legislature passed HB 1155 in 2014, repealing a law that required judges to lift the prohibition on firearm possession for certain people convicted of domestic violence crimes. In 2016, the legislature passed HB 1069, which expands the state firearm prohibition to include people convicted of abusing their dating partners. Governor Mike Pence (R) signed both bills.
- **Louisiana** – In 2014, both chambers of the Louisiana legislature unanimously passed HB 753, which prohibits abusers subject to final domestic violence restraining orders from possessing guns. The bill also prohibits gun possession by abusers convicted of domestic violence for a period of 10 years. Governor Bobby Jindal (R) signed the bill. In 2015, Louisiana expanded the class of victims covered by its domestic violence protections to include a broader set of family members and former cohabitants.
- **Maine** – In 2015, Maine legislators enacted HB 413, which prohibits people convicted of misdemeanor domestic violence from possessing guns for a period of five years. The bill passed by veto override.
- **Massachusetts** – The Massachusetts General Court passed HB 4376 in 2014, which prohibits abusers convicted of misdemeanor domestic violence from obtaining firearms permits and purchasing or possessing guns. The bill was signed into law by Governor Deval Patrick (D).
- **Minnesota** – In 2014, Minnesota passed HF 3238/S 2639, which keeps guns out of the hands of domestic abusers by 1) prohibiting abusers subject to final domestic violence restraining orders from possessing guns; 2) closing a loophole that had allowed abusers convicted of domestic violence misdemeanors to possess rifles and shotguns; and 3) requiring domestic abusers and convicted stalkers turn in their guns once they become prohibited from possessing them. This bill passed by a vote of 111-15 in the House and by a vote of 60-4 in the Senate, and Governor Mark Dayton (D) signed it into law.
- **Nevada** – In 2015, the Nevada legislature passed two domestic violence bills. SB 175 prohibits abusers from possessing guns if they have been convicted of misdemeanor domestic violence and from purchasing or receiving guns if they are under a final domestic violence protection order. And SB 240 creates a state prohibition that mirrors all federal gun prohibitions pertaining to domestic abusers, including the prohibition on gun possession by abusers under protection orders. Governor Brian Sandoval (R) signed both bills.
- **New Hampshire** – In 2014, the New Hampshire General Court passed SB 318, which created a new domestic violence crime that will help ensure records of prohibited domestic abusers are entered into the background check system—and will block abusers from passing background checks and buying guns from licensed dealers. The bill passed unanimously in the Republican-led Senate and by a vote of 325-3 in the House. Governor Maggie Hassan (D) signed the bill into law.
- **New Jersey** – In 2017, the New Jersey legislature passed a bill requiring all domestic abuse offenders and all abusers under final restraining orders to turn their firearms in to law enforcement immediately. The bill was passed by a 32-0 margin in the state senate and by a 61-2 margin in the Assembly. Governor Chris Christie (R) signed the bill into law.
- **New York** – The New York legislature passed SB 2230 in 2013 with bipartisan support. The bill prohibits certain domestic abusers under temporary or final protective orders from possessing firearms and requires them to relinquish firearms in their possession. Governor



Andrew Cuomo (D) signed the bill into law the day after it was introduced and passed the Senate and Assembly.

- **North Dakota** - In 2017, the North Dakota legislature passed two domestic violence bills. SB 2309 requires domestic violence restraining order records to be submitted to the federal background check system. And HB 1402 clarifies law enforcement's authority to arrest restrained domestic abusers who violate a firearm surrender order. Governor Doug Burgum (R) signed both bills into law.
- **Oregon** - The Oregon legislature enacted SB 525 in 2015, prohibiting abusers from possessing guns if they are subject to a final domestic violence protective order or have been convicted of misdemeanor domestic violence. Governor Kate Brown (D) signed the bill.
- **South Carolina** - In 2015, the South Carolina legislature passed SB 3, which 1) prohibits gun possession by anyone convicted of a domestic violence felony; and 2) for a period of three years, prohibits gun possession by anyone convicted of a domestic violence misdemeanor for causing serious injury to a family member. Governor Nikki Haley (R) signed the bill law.
- **Tennessee** - The Tennessee legislature passed HB 1964 in 2016, requiring the Tennessee Bureau of Investigation to alert local officials when domestic abusers under final protection orders illegally attempt to buy guns from licensed dealers and fail the background check. Governor Bill Haslam (R) signed the bill.
- **Utah** - In 2013, the Utah legislature passed HB 50, which allows a court to prohibit dating partners under final protective orders from possessing guns. In 2017, legislators passed HB 206, prohibiting possession by those under a domestic violence protective order and those convicted of assault against an intimate partner. Governor Gary Herbert (R) signed both bills.
- **Vermont** - In 2014, the Vermont General Assembly passed HB 735, establishing a procedure for domestic abusers subject to a final protection order to turn in any guns once they are deemed too dangerous to keep them. The bill passed both chambers with strong bipartisan support. In 2015, legislators passed SB 141, which prohibits people convicted of violent crimes from possessing guns, including people convicted of domestic assault. Governor Peter Shumlin (D) signed both bills.
- **Virginia** - With unanimous support in the Senate and broad bipartisan support in the House of Delegates, Virginia enacted HB 1391/SB 49 in 2016, prohibiting abusers under final domestic violence restraining orders from possessing guns. Governor Terry McAuliffe (D) signed the bill into law.
- **Washington** - In 2014, the Washington legislature unanimously passed HB 1840, prohibiting people subject to final domestic violence restraining orders from possessing guns and requiring those abusers to relinquish any firearms they already own. In 2015, legislators passed SB 5381, which requires law enforcement to run background checks on domestic abusers before returning any guns to them. Governor Jay Inslee (D) signed both bills.
- **Wisconsin** - In 2014, the Wisconsin Legislature passed AB 464, which established a procedure for domestic abusers subject to final protective orders to relinquish their guns. The bill passed by an overwhelming voice vote in both chambers and was signed into law by Governor Scott Walker (R).



¹ JC Campbell et al, "Risk factors for femicide in abusive relationships: results from a multisite case control study," *American Journal of Public Health*, July 2003.

² <http://every.tw/1fmRnLl>

³ Everytown for Gun Safety analysis of FBI Supplementary Homicide Reports, 2008-2012

⁴ CA, CO, CT, DE, DC, HI, IL, IA, MD, MA, MI, NE, NV, NJ, NY, NC, OR, PA, RI, and WA

⁵ CA, CO, CT, DE, NV, NY, OR, WA

⁶ AL, CA, CO, CT, DE, DC, FL, HI, IA, IL, LA, ME, MD, MA, MN, NV, NH, NJ, NY, NC, OR, TN, TX, UT, VA, WA, WI, and WV

⁷ CA, CO, CT, DC, HI, IA, IL, MD, MA, MN, NH, NJ, NY, NC, TN, WA, and WI

⁸ AL, CA, CO, CT, DE, DC, HI, IL, IN, IA, LA, ME, MD, MA, MN, NE, NV, NJ, NY, OR, PA, SD, TN, TX, UT, VT, WA, and WV

⁹ CA, CO, CT, DC, HI, IL, IA, MA, MN, NY, PA, and TN