

## Support SB 1165/HB 2543: Keep Guns out of the Hands of Domestic Abusers and Protect Arizona Families

**Bottom Line:** Dangerous gaps in Arizona law make it far too easy for domestic abusers to access guns. SB 1165/HB 2543 would close these gaps and protect Arizonans by (1) prohibiting gun possession by domestic abusers convicted of misdemeanor domestic violence crimes, including those who abuse a dating partner and 2) by prohibiting gun possession by domestic abusers who are subject to final orders of protection. The bill would also 3) require that domestic abusers who become prohibited from having guns turn in guns they already own promptly.

- ❑ **Keeping guns out of the hands of domestic abusers is essential to protecting Arizona families.**
  - Between 2012 and 2016, the rate of intimate partner gun homicide rate in Arizona was startlingly high—**66 percent** higher than the national average.<sup>1</sup>
  - **63 percent** of female intimate partner homicide victims in the state are killed with a gun. Between 2013 and 2017, **92 women** in Arizona were fatally shot by a partner.<sup>2</sup>
  - **58 percent** of female intimate partner homicide victims in the US are killed with a firearm.<sup>3</sup> Abusers with firearms are **five times** more likely to kill their female victims, and guns further exacerbate the power and control dynamic used by abusers to inflict emotional abuse and exert coercive control over their victims.<sup>4</sup>
- ❑ **Most mass shootings are related to domestic violence.**
  - In at least **54 percent** of mass shootings between 2009 and 2018, the perpetrator shot a current or former intimate partner or family member during the mass rampage.<sup>5</sup>
  - Too often, children and teens are the victims of domestic violence mass shootings: Of the 309 children and teens killed in all mass shootings in the past 10 years, **72 percent** died in an incident connected to intimate partner or family violence.<sup>6</sup>
- ❑ **Abusers with guns not only kill their partners, but too often also take the lives of family, friends, coworkers, and responding law enforcement officers.**
  - A study of intimate partner homicides in 16 states found that **one in five** victims were family members (including children), friends, people who intervened, first responders, and strangers. In roughly **70 percent** of these deaths, the perpetrator used a firearm.<sup>7</sup>
  - It is widely known among law enforcement officers that IPV incidents (domestic disturbance calls) are the most dangerous assignments they take on the job, in large part due to abusers' use of guns.<sup>8</sup>
- ❑ **The majority of states, across every region of the country, have taken action to keep guns out of the hands of domestic abusers.**
  - Most of these measures have passed with strong bipartisan majorities and many have been signed into law by Republican governors, including Gary Herbert in Utah, Brian Sandoval in Nevada, and Vice President Mike Pence in Indiana.



- In 30 states and the District of Columbia, subjects of final domestic violence restraining orders are prohibited from buying or possessing guns.<sup>9</sup>
- In 29 states and the District of Columbia, people convicted of misdemeanor domestic violence are prohibited from buying or possessing guns.<sup>10</sup>
- ❑ **SB 1165/HB 2543 and would prohibit all domestic abusers convicted of misdemeanor crimes of domestic violence from having guns.**
  - Federal law prohibits those convicted of domestic violence misdemeanors from having guns<sup>11</sup> but state officials can only enforce the law if there is state law that mirrors the federal prohibition.
  - Currently in Arizona, people convicted of misdemeanor crimes of domestic violence are prohibited from possessing a firearm only during a term of probation.<sup>12</sup> Once the probation period is over, convicted abusers are no longer prohibited from possessing a gun under state law even though they are still prohibited from possessing them under federal law.
  - The legislation would align Arizona state law with federal law and prevent people who are convicted of misdemeanor crimes of domestic violence from possessing a firearm even after those people have completed their probation, closing a dangerous gap in state law and fostering safety for families in Arizona.
  - While spousal abusers are prohibited from having guns under federal law, unmarried abusers who are convicted of misdemeanor crimes are generally not, even though the share of homicides committed by dating partners has been increasing for three decades,<sup>13</sup> and women are now as likely to be killed by dating partners as by spouses.<sup>14</sup> The bill would close this dangerous loophole in Arizona.
- ❑ **SB 1165/HB 2543 would prohibit all domestic abusers subject to active final protection orders from having guns.**
  - Federal law prohibits abusers subject to active final orders of protection from having guns<sup>15</sup>—but again, state officials can only enforce the law if there is state law that mirrors the federal prohibition.
  - In general, Arizona law does not prohibit people subject to final domestic violence orders of protection from having guns. Instead, a judge may decide whether to include a prohibition when granting the order.<sup>16</sup> As a result, many abusers are not barred from having guns under state law, *even though they are federally prohibited from doing so*—and state prosecutors cannot convict them of illegal gun possession.
  - The legislation would bring Arizona in line with federal law by barring gun possession by all domestic abusers who are subject to active final protection from abuse orders full stop,<sup>17</sup> closing a dangerous gap in state law and helping to protect Arizona families from abusers armed with guns.
- ❑ **SB 1165/HB 2543 would require abusers to relinquish their guns.**
  - While federal law prohibits convicted abusers and those subject to final domestic violence orders of protection from having guns and blocks them from passing background checks at licensed dealers, it does not ensure that abusers turn in the guns they already own.
  - Both convictions for misdemeanor domestic violence crimes and domestic violence orders of protection are generally issued in state courts. Unless states act to ensure prohibited



people turn in their guns, abusers may retain access to weapons they already have at home and now unlawfully possess.

- Current Arizona law does not require convicted abusers to turn in their guns and it allows, but does not require, a court to order relinquishment for those subject to final orders of protection. As a result, many abusers return home from court or after completing a short sentence—and back to guns they already own.
- The bill would account for this threat to families by requiring abusers who are either convicted of misdemeanor domestic violence crimes or subject to final orders of protection to turn in their guns immediately to law enforcement or to a federally licensed firearm dealer.
  - Only people already prohibited by law from having guns—and who possess them illegally—will be affected.
  - State laws that prohibit abusers who are subject to domestic violence orders of protection from possessing firearms and also require them to relinquish any firearms in their possession are associated with a **10-12 percent lower total intimate partner homicide rate** and a **14-16 percent lower intimate partner firearm homicide rate**.<sup>18</sup>

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<sup>1</sup> Everytown for Gun Safety analysis; Uniform Crime Reporting Program: Supplementary Homicide Reports (SHR), 2012-2016. Washington, DC: Department of Justice, Federal Bureau of Investigation.

<sup>2</sup> Everytown for Gun Safety analysis; Uniform Crime Reporting Program: Supplementary Homicide Reports (SHR), 2013-2017. Washington, DC: Department of Justice, Federal Bureau of Investigation.

<sup>3</sup> Everytown for Gun Safety analysis; Uniform Crime Reporting Program: Supplementary Homicide Reports (SHR), 2013-2017. Washington, DC: Department of Justice, Federal Bureau of Investigation.

<sup>4</sup> Campbell JC, Webster D, Koziol-McLain J, et al. Risk factors for femicide in abusive relationships: results from a multisite case control study. *American Journal of Public Health*. 2003;93(7):1089-1097.

<sup>5</sup> Everytown analysis of mass shootings between 2009-2018.

<sup>6</sup> Everytown analysis of mass shootings between 2009-2018.

<sup>7</sup> Smith SG, Fowler KA, Niolon PH. Intimate partner homicide and corollary victims in 16 states: National Violent Death Reporting System, 2003–2009. *American Journal of Public Health*. 2014;104(3):461-466.

<sup>8</sup> Calls related to domestic disputes and domestic-related incidents represented the highest number of fatal types of calls for service. Breul N, Keith, M. Deadly calls and fatal encounters: analysis of US law enforcement line of duty deaths when officers responded to dispatched calls for service and conducted enforcement (2010–2014). National Law Enforcement Officers Memorial Fund. 2016. Ninety-five percent of law enforcement officer deaths in response to domestic disturbances between 1996 and 2010 were from a firearm. Kercher C, Swedler DI, Pollack KM, Webster DW. Homicides of law enforcement officers responding to domestic disturbance calls. *Injury Prevention*. 2013;19(5):331-335.

<sup>9</sup> AL,CA,CO,CT,DE,DC,FL,HI,IA,IL,KS,LA,ME,MD,MA,MN,NV,NH,NJ,NY,NC,OR,PA,RI,TN,TX,UT,VA,WA,WI, and WV.

<sup>10</sup> AL,CA,CO,CT,DE,DC,HI,IL,IN,IA,KS,LA,ME,MD,MA,MN,NE,NV,NJ,NY,OR,PA,RI,SD,TN,TX,UT,VT,WA, and WV.

<sup>11</sup> 18 USC § 922(g)(9).

<sup>12</sup> A.R.S. 13-3101(A)(7)(d)

<sup>13</sup> Cooper AD, Smith EL. Homicide trends in the United States, 1980-2008. US Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. November 16, 2011.

<sup>14</sup> Cooper, A. and Erica L. Smith, U.S. Department of Justice, Homicide Trends in the United States, 1980-2008, Nov. 2011

<sup>15</sup> 18 USC § 922(g)(9).

<sup>16</sup> Ariz Rev Stat 13-3602(G)(4)

<sup>17</sup> Final orders are issued only after an opportunity to appear in court and a judicial finding that abuse has occurred.

<sup>18</sup> Zeoli AM, McCourt A, Buggs S, Frattaroli S, Lilley D, Webster DW. Analysis of the strength of legal firearms restrictions for perpetrators of domestic violence and their associations with intimate partner homicide. *American Journal of Epidemiology*. 2018; 187(7): 1449–1455. See also: Diez C, Kurland RP, Rothman EF, et al. State intimate partner violence-related firearm laws and intimate partner homicide rates in the United States, 1991 to 2015. *Annals of Internal Medicine*. 2017; 167(8): 536–543.