



## Pennsylvania Should Pass Senate Bill 501, Legislation to Keep Guns Out of the Hands of Domestic Abusers

**Bottom Line:** Dangerous gaps in Pennsylvania law make it too easy for domestic abusers to access guns, even though they are legally prohibited from having them. The General Assembly should pass SB 501, which will (1) bar gun possession by all domestic abusers subject to final protection from abuse orders and require them to turn in their guns to licensed dealers or law enforcement, and (2) strengthen existing law to ensure abusers convicted of domestic violence crimes turn in their guns promptly and securely.

### ❑ **Prohibit all domestic abusers subject to active final protection orders from having guns.**

- Keeping guns out of the hands of domestic abusers is essential to protecting Pennsylvania women.
  - About half of women shot to death in Pennsylvania are killed by intimate partners.<sup>1</sup> The presence of a gun in a domestic violence situation makes it five times more likely that a woman will be killed.<sup>2</sup>
- Federal law blocks abusers subject to final protection orders from having guns<sup>3</sup>—but state officials can only enforce the law if there is state law that mirrors the federal prohibition.
- Pennsylvania law does not prohibit all people subject to final domestic violence protection orders from having guns. Instead, a judge may decide whether to include a prohibition when granting the order. 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 possession.
- SB 501 would protect women and families by bringing state law in line with federal law and barring gun possession by *all* domestic abusers subject to final protection orders.<sup>4</sup>

### ❑ **Require abusers under restraining orders to turn in guns to dealers or law enforcement.**

- While federal law prohibits abusers 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.
- Domestic violence restraining orders are generally issued in state courts—and states are responsible for enforcing the law by ordering relinquishment. 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.
- But current Pennsylvania law does not require abusers under final orders to turn in their guns. It only *allows* a court to require guns be turned in—and even allows surrender to friends or family. As a result, many abusers return from court to their homes—and back to guns they already own.

- **Everytown research of all final protection orders issued from 2011 through 2015 shows that only 14 percent—about 1 in 7—required that firearms be turned in.<sup>5</sup>**

Year	Total final protective orders	Orders in which subject was ordered to turn in firearms	Share required to turn in guns
2011	5,154	714	14%
2012	6,532	831	13%
2013	9,979	1,393	14%
2014	12,102	1,658	14%
2015	14,149	1,907	13%
<b>Total</b>	<b>47,916</b>	<b>6,503</b>	<b>14%</b>



- SB 501 would fix this dangerous law by requiring all prohibited abusers subject to restraining orders to turn in their guns immediately—and never to friends or family.
  - Only people who are legally prohibited from having guns will be affected, and they will be required to turn in guns they possess illegally.
  - Cities in states with laws restricting access to firearms by people under domestic violence restraining orders see a 25 percent reduction in intimate partner gun homicide.<sup>6</sup>
  - Pennsylvania already has a process for ensuring that criminals and people with serious mental illness who are prohibited from possessing guns turn them in after their conviction or adjudication. State courts and law enforcement have been carrying out this policy since 1990.

❑ **Strengthen the law for convicted abusers turning in their guns.**

- Pennsylvania already prohibits abusers convicted of misdemeanor domestic violence crimes from possessing guns and requires these people to turn in their guns when they become prohibited.
- But current law allows these prohibited people to hold on to their guns for up to 60 days before turning them in, and does not create a clear process for holding them accountable if they do not.
- SB 501 would strengthen these provisions, requiring abusers to turn in their guns within 24 hours either to law enforcement or to a licensed dealer—similar to the existing process for abusers subject to protection from abuse orders who are ordered to turn in guns.

❑ **Several horrific incidents illustrate the need for this legislation.**

- **3/23/13—Huntingdon County:** Hollie Ayers' estranged husband shot and killed her two-year-old son and then himself. Hollie had a final protective order against her husband, but it did not require him to turn in his guns. A few weeks before the murder, the shooter's parents had convinced him to store his guns with them—amid concerns he would kill himself. But on the day of the shooting, he took back one of the guns from his parents' house, which he used in the murder-suicide.<sup>7</sup>
- **2/21/11—Fulton County:** Tina Souders' ex-boyfriend shot and killed her and then himself. Souders had a final protective order against the shooter, which required him to turn in his firearms. But he was allowed to give his firearms to his sister, and on the morning of the shooting he was able to take a weapon back from her before perpetrating the crime with it.<sup>8</sup>
- **1/18/08—Butler County:** Deborah Raimondi's estranged husband shot and killed her and then himself. Her three young children witnessed the shooting. Deborah had a final protective order against her husband at the time, but while Deborah indicated in her petition that he owned multiple firearms, the court did not order him to turn them in.<sup>9</sup>

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<sup>1</sup> FBI Supplementary Homicide Reports, 2000-2012.

<sup>2</sup> J.C. Campbell, S.W. Webster, J.Koziol-McLain, et al., Risk factors for femicide within physically abuse intimate relationships: results from a multi-state case control study, 93 Amer. J. of Public Health 1089-97 (2003).

<sup>3</sup> 18 USC § 922(g)(9).

<sup>4</sup> Final orders are issued only after an opportunity to appear in court and a judicial finding that abuse has occurred.

<sup>5</sup> Pennsylvania State Police statistics obtained by Everytown.

<sup>6</sup> April Zeoli and Daniel Webster, "Effects of domestic violence policies, alcohol taxes and police staffing levels on intimate partner homicide in large US cities," Journal of Injury Prevention, 2010, *available at* <http://bit.ly/1qbHZxG>.

<sup>7</sup> See <http://nydn.us/2wM93e6>.

<sup>8</sup> See <http://bit.ly/1TJ0wjx>.

<sup>9</sup> See <http://bit.ly/1U1zULh>.