

# GUNS AND VIOLENCE AGAINST WOMEN

AMERICA'S UNIQUELY LETHAL  
DOMESTIC VIOLENCE PROBLEM

  
**EVERYTOWN**  
FOR GUN SAFETY

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# TABLE OF CONTENTS

2	Executive Summary
4	Domestic Abusers and Guns
5	The Laws of Domestic Violence and Guns
10	Recommendations
11	Appendix: State Domestic Violence Laws
31	Endnotes

# EXECUTIVE SUMMARY

**LIKE MANY WOMEN WHO SUFFER DOMESTIC ABUSE**, Zina Daniel had endured years of escalating attacks by her husband and finally sought a restraining order. Under federal law, this prohibited her husband from buying or possessing firearms, and for good reason. “His threats terrorize my every waking moment,” she wrote in her petition. “He said he would kill me if I left him or even contacted the police.”<sup>1</sup>

Zina’s fear was justified: two days later her husband exploited a loophole in our nation’s laws and bought a gun from an unlicensed seller on the website Armslist.com, evading a background check. Three days later Zina was dead.

America’s weak gun laws failed Zina, just as they fail countless other American women each year. In theory, these laws are designed to protect women in Zina’s circumstances, by keeping guns out of the hands of domestic abusers. But in practice, the laws are poorly defined and poorly enforced, and the results are as predictable as they are devastating. Women in the United States are eleven times more likely to be murdered with guns than women in other high-income countries.<sup>2</sup> When it comes to gun violence, the most dangerous place for a woman in the developed world is America.

Domestic violence in America is to a significant degree a problem of gun violence. Over the past 25 years, more intimate partner homicides in the U.S. have been committed with guns than with all other weapons combined.<sup>3</sup> And people with a history of committing domestic violence are five times more likely to subsequently murder an intimate partner when a firearm is in the house.<sup>4</sup>

At the same time, an astonishing share of gun violence in America is driven by domestic violence. More than half of women murdered with guns in the U.S. in 2011 — at least 53 percent — were killed by intimate partners or family members.<sup>5</sup> And forthcoming research by Everytown for Gun Safety establishes that this is also true for mass shootings: in 57 percent of the mass shootings between January 2009 and June 2014, the perpetrator killed an intimate partner or family member.<sup>6</sup>

Because of the risk that firearms pose when they intersect with domestic violence, a series of federal and state laws aim to keep guns out of the hands of the most dangerous domestic violence offenders. The strongest laws prohibit domestic abusers and stalkers from buying or possessing guns, require background checks for all gun sales, and create processes to ensure that abusers and stalkers surrender the guns already in their possession.

When these laws are on the books and enforced properly, they save lives. In the past sixteen years, the background check system has kept hundreds of thousands of guns out of abusers’ hands and prevented countless crimes.<sup>7</sup> And in states that require background checks for all handgun sales, there are 38 percent fewer women shot to death by intimate partners.<sup>8</sup>

But because of loopholes in these laws and failures to enforce them, they do too little to curb the uniquely lethal American problem of guns and violence against women. Four gaps in the law are particularly harmful:

- **First, federal law does nothing to keep guns out of the hands of abusive dating partners or convicted stalkers.**

The federal laws prohibiting domestic abusers from buying or owning guns do not apply to dangerous people convicted of misdemeanor stalking offenses or to dating partners—even though more women in the U.S. are killed by their dating partners than by their spouses.<sup>9</sup> In Everytown’s analysis of mass shootings, 25 percent of perpetrators that targeted an intimate partner had never married them nor had a child together, and thus would not likely qualify as intimate partners under current law.

- **Second, in 35 states, state law does not prohibit all people convicted of misdemeanor domestic violence crimes and all people subject to restraining orders from buying or using guns.**<sup>10</sup>

So while domestic abusers in those states cannot possess guns under federal law, local law enforcement and prosecutors do not have the tools they need to enforce those restrictions.

- **Third, federal law (and the law in most states) allows domestic abusers and stalkers to easily evade gun prohibitions by purchasing guns from unlicensed, private sellers.**

Federal law only requires background checks for gun sales at licensed dealers. Sixteen states require checks on all handgun sales, but in the remaining states, prohibited abusers seeking to avoid a background check have little trouble purchasing a gun from an unlicensed seller they meet online or at a gun show. Prohibited domestic abusers are well aware

of this loophole—and have taken advantage of it to deadly effect. In a first-of-its-kind investigation of illegal online gun sales, Mayors Against Illegal Guns found that 1 of 4 prohibited purchasers seeking guns online had a domestic violence arrest.

- **Finally, forty-one states do not require all prohibited domestic abusers to relinquish guns they already own.**

Without a clear law on the books that provides an enforceable process by which offenders relinquish their firearms, it is too easy for dangerous abusers to keep their guns even after they commit offenses that prohibit them from having them. The strongest state laws establish a clear process that courts and law enforcement can use to make sure prohibited batterers turn in their guns, but far too many states lack these laws or do not enforce them adequately.

This report examines the prevalence and lethality of domestic violence incidents involving guns in America, and documents how the patchwork of federal and state laws aimed at keeping guns out of the hands of domestic abusers often fails. It offers policy recommendations that state and federal lawmakers should enact to protect women’s lives and spare our communities from the devastating toll of domestic abuse.

Domestic violence and gun violence are intimately connected and directly related to our porous gun laws. Closing gaps in federal and state domestic violence laws will save women’s lives.

# DOMESTIC ABUSERS AND GUNS: A DEADLY COMBINATION



Domestic violence is a major threat to American women. More than one in three American women will experience some domestic abuse in her lifetime,<sup>11</sup> and more than a million American women are physically assaulted by an intimate partner every year.<sup>12</sup>

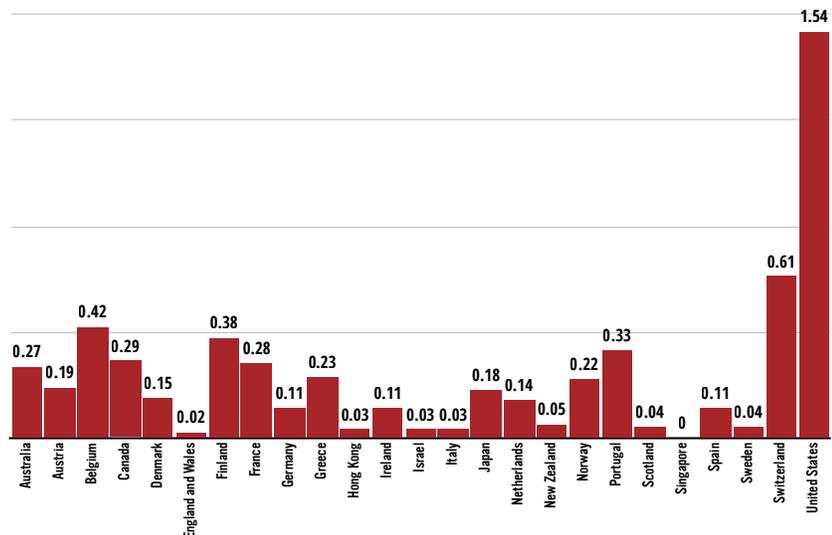
Guns are a prevalent and particularly dangerous component of domestic violence in America. A survey of women living in California domestic violence shelters found that more than one in three (36.7 percent) had been threatened or harmed with a gun wielded by their abuser. About two-thirds of the women who lived in households with guns reported that their partner had used the gun against them, most often by threatening to shoot or kill the woman.<sup>13</sup>

And guns make it more likely that domestic abuse will turn into murder: When a gun is present in a domestic violence situation, it increases the risk of homicide for women by 500 percent.<sup>14</sup> Over the past 25 years in the U.S., more intimate partner homicides have been committed with guns than with all other weapons combined.<sup>15</sup> And in 2011, more than half (53 percent) of all American women who were murdered with guns were killed by intimate partners or family members.<sup>16</sup>

Domestic violence also drives the majority of mass shootings in America.<sup>17</sup> In a forthcoming analysis of every mass shooting that occurred between January 2009 and June 2014, Everytown for Gun Safety has determined that in 57 percent of mass shootings (61 of 107 incidents), the shooter killed a current or former spouse or intimate partner or other family member.<sup>18</sup> In 18 percent of the mass shootings, the perpetrator had been previously charged with domestic violence. Whereas women make up only 13 percent of victims of gun homicide nationwide, they made up 51 percent of victims of mass shootings between 2009 and 2014.<sup>19</sup>

Keeping domestic violence offenders from obtaining firearms is an evidence-based way to protect women. Over the past 20 years, the federal government and many states have enacted laws and policies to reflect this reality, but gaps in the current laws still make it too easy for domestic abuser to access guns. Women pay the cost with their lives.

Female gun homicide victims per 100,000 female residents



Source: Hemenway D, Shinoda-Tagawa T, Miller. Firearm availability and female homicide victimization rates among 25 populous high-income countries. *J Am Med Womens Assoc.* 2002; 57(2):100-4.

# THE LAW OF DOMESTIC VIOLENCE AND GUNS

A patchwork of federal and state laws is in place to keep guns out of the hands of the most dangerous domestic violence offenders. The strongest laws prohibit domestic abusers and stalkers from buying or possessing guns, require background checks on all gun sales to enforce those prohibitions, and create processes to ensure that prohibited abusers and stalkers turn in the guns they already own. Over the last two decades, these laws have kept hundreds of thousands of guns out of abusers' hands and prevented countless crimes.

But gaps in the laws and difficulties with enforcement pose lethal threats to the victims of domestic and family violence who are most at risk. Loopholes in laws prohibiting gun possession by domestic violence offenders allow abusers and stalkers to legally buy and possess guns. Gaps in our background check laws let prohibited domestic violence offenders easily evade background checks and buy guns from unlicensed sellers in most states. And many states lack adequate mechanisms to ensure domestic abusers who own guns turn them in when they become prohibited.

## PROHIBITIONS ON GUN POSSESSION BY DOMESTIC ABUSERS AND STALKERS

Various federal and state laws currently seek to prohibit domestic violence offenders from buying or possessing guns. Federal law prohibits domestic abusers from buying or possessing guns if they have been convicted of a felony;<sup>20</sup> if they have been convicted of a "misdemeanor crime of domestic violence;"<sup>21</sup> or if they are subject to certain domestic violence restraining orders.<sup>22</sup> Nineteen states and the District of Columbia also have state laws prohibiting non-felony domestic violence offenders from having guns,<sup>23</sup> and 23 states and the District of Columbia prohibit subjects of domestic violence restraining orders from buying or owning guns.<sup>24</sup> (Another eight states expressly authorize—but do not require—courts to include firearm prohibitions in restraining orders.<sup>25</sup>) A complete survey of state domestic violence gun laws is included in the Appendix.

## MISDEMEANOR CRIMES OF DOMESTIC VIOLENCE

Since the federal Gun Control Act was passed in 1968 following a series of high-profile political assassinations, it has been illegal for individuals convicted of a felony to buy or own firearms. But many dangerous abusers do not have felony convictions, and as of 1968 the law did not prohibit them from possessing guns. Indeed, abusers arrested for domestic violence felonies that pled guilty to lesser charges were able to continue legally buying and owning guns. By pleading their felony charges down to misdemeanors, these batterers could legally keep their guns despite their criminal convictions—and despite the risk they posed to their intimate partners.

In 1996, Senator Frank Lautenberg (D-NJ) introduced an amendment to the federal appropriations bill to extend the prohibition against gun ownership to those convicted of a domestic abuse misdemeanor. Lautenberg explained the need for the amendment by telling his colleagues that, in far too many cases, "the difference between a murdered wife and a battered wife is often the presence of a gun."<sup>26</sup>

Passed as part of the Omnibus Consolidated Appropriations Act of 1997, the Lautenberg Amendment made it a federal crime for anyone convicted of a "misdemeanor crime of domestic violence" to "ship, transport, possess or receive" guns or ammunition.<sup>27</sup> A parallel provision of the law criminalized knowingly selling a gun or ammunition to anyone whom the seller knows or has reason to believe has been convicted of a misdemeanor crime of domestic violence—or "MCDV."<sup>28</sup>

MCDVs are misdemeanors that have, as an element, "the use or attempted use of physical force, or the threatened use of a deadly weapon" and that are committed by a current or former spouse, parent or guardian, someone who lives with the victim, or someone who is "similarly situated" to a spouse, parent, or guardian.<sup>29</sup> For a conviction to qualify as an MCDV, the offender must have been either represented by counsel or knowingly and intelligently waived the right to counsel.<sup>30</sup> The U.S. Supreme Court has recognized



that so long as the victim is one of the family members listed in the federal statute, a general assault conviction counts as a MCDV even if the underlying assault and battery law does not specify that it is limited to domestic abuse situations.<sup>31</sup> And in 2014, the Court recognized that a misdemeanor conviction for domestic abuse that involves physical force against the victim qualifies as an MCDV even if the crime in question did not involve especially “strong” or “violent” force.<sup>32</sup>

Nineteen states and the District of Columbia also have state laws prohibiting gun possession by domestic violence misdemeanants. The remaining states do not prohibit gun ownership by all abusers who are barred under federal law, which can create serious enforcement challenges. Even if a domestic abuser is barred by federal law from owning a gun, if state law does not include a similar prohibition, state or local prosecutors cannot bring state gun charges against the abuser.

Fortunately, legislative momentum for stronger state domestic violence laws is growing—among policy makers from both major parties. In just the first half of 2014, for example, bipartisan coalitions of legislators passed bills in Louisiana, Minnesota, New Hampshire, and Washington State that prohibit domestic abusers from purchasing guns.<sup>33</sup> Governors of both parties signed these bills into law.

### DOMESTIC VIOLENCE RESTRAINING ORDERS

Because the most dangerous time for a victim of domestic violence is the period immediately after she leaves her abuser—and because many women take out protective orders against their batterers when they leave an abusive relationship—federal law protects women by prohibiting abusers subject to restraining orders from buying or owning guns. Congress added this provision when it first passed the Violence Against Women Act (“VAWA”) in 1994.<sup>34</sup>

Federal law now prohibits a person from buying or owning a gun or ammunition if the person is subject to a qualifying domestic violence restraining order.<sup>35</sup> For a restraining order to prohibit gun possession, it must: (a) have been issued after a hearing that the restrained abuser had notice of and an opportunity to participate in;<sup>36</sup> (b) restrain the abuser from harassing, stalking, threatening, or placing in fear of bodily injury an intimate partner or the child of the abuser or the abuser’s intimate partner;<sup>37</sup> and (c) either include a finding that the abuser represents a credible threat to the physical safety of the intimate partner or child, or explicitly prohibit the use, attempted use, or threatened use

of force that would reasonably be expected to cause bodily injury to the intimate partner or child.<sup>38</sup>

Twenty-three states and the District of Columbia also have laws prohibiting people subject to domestic violence restraining orders from buying or possessing guns, as shown in the Appendix. Another eight states expressly authorize—but do not require—courts to include firearm prohibitions in restraining orders.<sup>39</sup>

### ENFORCING PROHIBITORS: BACKGROUND CHECKS

The domestic violence prohibitors on gun sales are enforced through the National Instant Criminal Background Check System (“NICS”). Before completing a gun sale, a federally licensed gun dealer must ask the gun buyer to show a photo ID and complete a simple form with basic identifying information; then the dealer must run a background check through NICS. If NICS reports that the potential purchaser is prohibited, the sale is denied; if no prohibition is reported, the sale is completed. Most NICS checks are resolved within 90 seconds.<sup>40</sup>

Since its inception in 1998, NICS has stopped over 2.2 million gun sales to prohibited purchasers, including hundreds of thousands of domestic abusers. Convictions for domestic violence misdemeanors are the third leading basis for dealers to deny gun sales after running a NICS check—trailing only felony convictions and arrest warrants<sup>41</sup>—and overall, it is estimated that approximately 300,000 gun sales have been blocked because the would-be purchaser had an MCDV conviction or was subject to a prohibiting domestic violence restraining order.<sup>42</sup> In all, nearly 16 percent of the total firearm transfer denials made by the FBI are based on domestic violence.<sup>43</sup>

## LOOPHOLES IN DOMESTIC VIOLENCE PROHIBITORS PUT WOMEN AND FAMILIES AT RISK

Despite their proven record of keeping guns out of domestic abusers' hands, our laws designed to keep guns out of the hands of domestic violence offenders have several dangerous gaps. The categories of prohibited abusers under federal law are too narrowly drawn and do not reach stalkers or dating partners, even though dating partners are responsible for more domestic violence gun murders than spouses. While some state prohibitors go beyond federal law to reach dating partners, other states lack *any* domestic violence gun prohibitions. And guns offered by unlicensed sellers are exempt from the federal background check requirement, leaving a gaping loophole through which domestic abusers can easily buy guns in most states.

### LOOPHOLES IN THE PROHIBITORS

The federal MCDV and restraining order prohibitors apply to abusers who are currently or formerly married to their victims, who live with or formerly lived with their victims, or who are parents of children with their victims. But federal law does *not* prohibit either dating partners or misdemeanor stalkers from buying or possessing guns.<sup>44</sup>

This gap in federal law means that it is still legal for a sizable number of domestic violence offenders likely to perpetrate violence against women to buy and possess guns—and that a law designed to prevent lethal violence against women no longer reflects the realities of American life.

The proportion of intimate partner homicides committed by dating partners has risen steadily for decades, and dating partners now kill more women each year than husbands do.<sup>45</sup> Dating partners are also responsible for a sizable number of mass shootings. In one of four mass shootings between 2009 and 2014 in which the shooter killed a current or former intimate partner, the shooter and victim had never been married or had a child—a group that likely involved many dating partners who never lived together, and therefore would not be prohibited by the federal gun laws.<sup>46</sup>

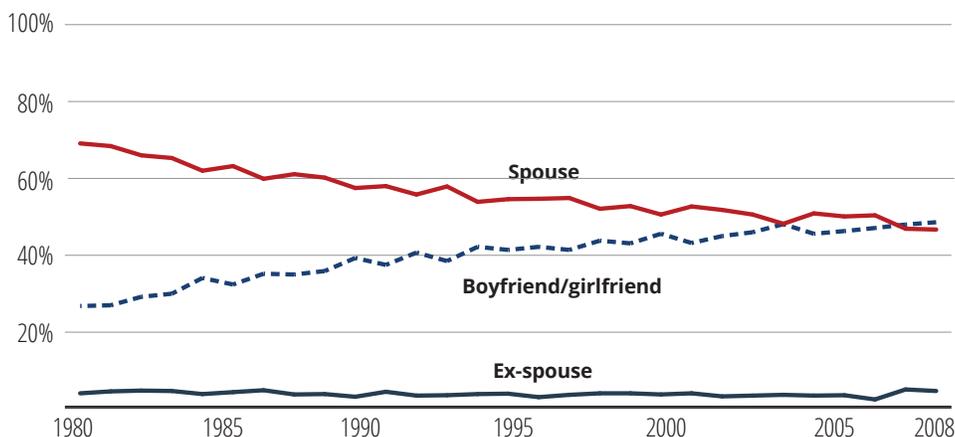
Armed stalkers also pose a significant threat to women; one study of incidents in ten major U.S. cities found that nearly 9 in 10 attempted murders of women involved at least one incident of stalking in the year before the attempted murder.<sup>47</sup>

As a result, even if a boyfriend is convicted of a misdemeanor for assaulting his girlfriend, as long as the two dating partners did not live together and were not “similarly situated” to spouses, the abuser’s conviction will not count as a prohibiting MCDV; the boyfriend will be able to pass a background check and legally buy a gun. Similarly, even if a woman takes out a restraining order against her boyfriend, as long as she never lived with him, the order will not count as a prohibiting DVRO—even if the order specifically identifies the man as a threat to his girlfriend’s safety and restrains him from harassing, threatening, or stalking her. Because federal law does not apply to dating partners, the restrained boyfriend would still be able to pass a background check and buy a gun from a licensed dealer.

Equally troubling, a stalker convicted of a misdemeanor can walk out of the courtroom and proceed directly



Dating partners are now responsible for the majority of intimate partner homicides



U.S. Department of Justice, Homicide Trends in the United States 1980-2008, available online at: <http://1.usa.gov/1uARyTW>. Percentages are based on the 63% of homicides for which victim/offender relationship was known.

to a licensed gun dealer—where he can pass a federal background check and legally buy a gun.

The patchwork of state domestic abuse prohibitors covers some of the gaps in federal law but also includes other dangerous loopholes. Some states do have laws extending the prohibitions to dating partners or to stalkers, but many do not. Other states prohibit some domestic abusers from buying or owning handguns, but do not have similar prohibitions for rifles or shotguns. Minnesota was one of these states until 2014, when it strengthened its law to prevent convicted domestic abusers from possessing *all* guns, not just handguns.<sup>48</sup> It is imperative that states lacking adequate domestic violence prohibitions adopt them.

### UNLICENSED SALES WITHOUT BACKGROUND CHECKS

Most dangerously, federal law only requires background checks for gun sales at licensed dealers, so domestic abusers can purchase guns in most states from unlicensed sellers—including strangers met online or at gun shows—without background checks. As long as an unlicensed seller does not know or have reason to believe that a buyer is prohibited from gun ownership, it is perfectly legal for the seller to sell a gun to a complete stranger without conducting any background check. Millions of guns exchange hands each year without background checks or a paper trail of any kind.

Prohibited domestic abusers—as well as felons and other dangerous people—are well aware of this loophole in federal law, and they exploit it to tragic effect:

- A mother of two girls and an employee at a Brookfield, Wisconsin spa, Zina Haughton had taken out a restraining order against her estranged husband, which prohibited him from buying a gun under federal law. He then posted a “want to buy” ad on a website that facilitates gun sales, Armslist.com, and easily found a seller who sold him a .40 caliber FNH in the parking lot of a McDonalds, no background check required. One day after posting his ad on Armslist, Haughton’s estranged husband walked into the spa where his wife worked and opened fire, killing her and two co-workers and wounding four more people before killing himself.<sup>49</sup>
- Dmitry Smirnov had a history of stalking Jitka Vesel, a woman he had dated briefly. Although Smirnov was legally prohibited from buying a gun because he was a foreigner, he found an advertisement on Armslist.com in which an unlicensed seller was

offering a .40 caliber handgun for sale. He bought the gun—without a background check and at a premium—outside a casino in Washington State and tracked Vesel to Oak Brook, Illinois. As she was walking to her car in a parking lot, Smirnov appeared and shot Vesel at least 11 times, killing her.<sup>50</sup>

- Tyrone Adair had been convicted on two separate occasions of battery and was prohibited from possessing firearms because of a restraining order. But in autumn 2009, he responded to an ad placed in the Wisconsin State Journal by an unlicensed seller offering a 9mm Glock handgun, and they arranged to meet at a Menard’s hardware store to complete the deal. When they met, the seller asked him if he was a felon and Adair said he was not. According to police reports, the seller even joked: “You’re not going to go out and kill someone, are you?” No background check or paperwork was required, and none was completed. On December 3, 2009, Adair shot to death his two daughters and both their mothers.<sup>51</sup>

These are not isolated occurrences. An investigation of illegal online gun sales that Mayors Against Illegal Guns conducted in 2013 found that 1 in 30 prospective online gun buyers had a prohibiting criminal record, indicating that an estimated 25,000 guns are transferred to criminals each year on a single website, Armslist.com. And one in four of those prohibited gun buyers had been arrested for a crime of domestic violence.<sup>52</sup>

For example, a 27-year-old male in Fort Collins, Colorado posted an ad on March 30, 2013 seeking an M&P22 handgun. In 2005, the would-be buyer had attacked his ex-girlfriend and was found guilty of domestic violence; he later violated an order of protection. He was barred from purchasing or possessing firearms, and turned to Armslist to find an unlicensed seller who could sell him a gun without a background check that would reveal his prohibition.<sup>53</sup>

Similarly, on April 27, 2013, a man in New Carlisle, Ohio with a criminal history involving domestic violence posted an ad stating that he wanted to buy a .22-caliber handgun. In one incident, the man had gone to his ex-girlfriend’s residence, told her she had “three days to live,” hit her on the side of the face with a cell phone, and then refused to leave the house. He was charged with assault and theft—for stealing his ex-girlfriend’s keys—and convicted of a misdemeanor for the domestic violence episode. But by using Armslist to identify an unlicensed seller, he could exploit the unlicensed

seller loophole in federal law and buy a gun without a background check.<sup>54</sup>

In all of these cases, background checks might have prevented the perpetrator from acquiring his weapon. Requiring comprehensive background checks is a common-sense policy that is proven to save lives. Sixteen states go beyond federal law and require background checks for all handgun sales. In those states, 38 percent fewer women are shot to death by intimate partners.<sup>55</sup>

The Public Safety and Second Amendment Rights Protection Act, introduced in 2013 by Senators Pat Toomey (R-Pa.) and Joe Manchin (D-W.Va.), would have amended federal law to require background checks for all commercial gun sales, including those between buyers and sellers who meet online, at gun shows, and through classified ads. But, a minority of Senators blocked the bill in April 2013, and Congress has not yet voted on the measure again. Congress should revisit the issue and ensure that dangerous persons prohibited from buying guns cannot do so by turning to unlicensed sellers. And in the 34 states without comprehensive background checks, lawmakers should not sit idly by waiting for Congress to act: they should require background checks all guns sales, including the 40 percent that are sold by private, unlicensed sellers.

## **DISARMING DOMESTIC ABUSERS WHO ARE PROHIBITED FROM POSSESSING GUNS**

Federal and state laws that prohibit abusers from having guns and background checks to enforce those restrictions do not by themselves ensure that gun owners who become prohibited actually relinquish the guns already in their possession. States must take additional steps to ensure that domestic abusers do not keep their guns once they become prohibited from owning them. Several states have done so: 10 states mandate that domestic violence misdemeanants relinquish their guns,<sup>56</sup> and 15 states require subjects of domestic violence restraining orders to do so.<sup>57</sup> (Another 13 states and Washington, D.C. require some, but not all, subjects of restraining orders to turn over guns they own by authorizing—but not requiring—courts issuing restraining orders to include gun surrender provisions in the orders.<sup>58</sup>)

Without a clear law on the books that provides an enforceable process by which offenders relinquish their firearms, it is too easy for dangerous abusers to hold

on to their guns. The strongest state laws establish a clear process by which courts require domestic violence misdemeanants and people subject to domestic violence restraining orders to turn their guns over to law enforcement or a licensed gun dealer.

Many states' laws and policies to disarm abusers could be improved. There is growing support for these laws—among both Republicans and Democrats—and significant momentum for their adoption. Four states—Minnesota, Vermont, Washington, and Wisconsin<sup>59</sup>—passed new laws in 2014 alone, all with bipartisan support and signed by governors of both parties. Even the National Rifle Association, which once tenaciously fought proposals to disarm domestic abusers, has “quietly scaled back its scorched-earth campaigns against stricter domestic violence laws,” and gave tacit approval to the new laws that passed in 2014.<sup>60</sup>



# RECOMMENDATIONS



The patchwork of federal and state laws addresses many of the ways in which domestic abusers obtain and use guns to threaten women and families. But the persistence of lethal domestic violence in America demonstrates that our laws must be strengthened. Fortunately, there are straightforward steps that members of Congress and state lawmakers can take to save women's lives.

- **Congress should close the loopholes in the federal gun prohibitions to ensure that stalkers and dating partners are barred from gun ownership just like other dangerous abusers.**

Stalkers harass and terrorize millions of American women, and dating partners are responsible for more intimate partner homicides than spouses. Congress should bar convicted stalkers and dating partners convicted of domestic violence crimes or subject to restraining orders from purchasing or possessing guns. The Protecting Domestic Violence and Stalking Victims Act of 2013, introduced by Senator Amy Klobuchar (D-Mn.) would accomplish these goals. Congress should pass it into law.

- **States should adopt or strengthen their domestic violence prohibitions.** Every state in the nation should prohibit possession of firearms by anyone convicted of abusing an intimate partner or family member—including dating partners who do not marry or live together. And every state should prohibit gun possession by anyone subject to a protective order prohibiting them from harassing, threatening, or stalking an intimate partner or family member.

- **Congress should require comprehensive background checks and ensure that prohibited domestic abusers cannot easily evade background checks by buying guns from unlicensed sellers.** Congress should pass the Public Safety and Second Amendment Rights Protection Act, introduced in 2013 by Senators Pat Toomey (R-Pa.) and Joe Manchin (D-W.Va.), which would require background checks for all commercial sales, including online, at gun shows, and through classified ads.
- **States should pass legislation requiring background checks on all gun sales.** Thirty-eight percent fewer women are shot and killed by intimate partners in states that require background checks on all handgun sales. State lawmakers should require private, unlicensed sellers to conduct background checks on gun sales, just as licensed gun dealers do.
- **States should create effective and enforceable laws and policies for prohibited domestic abusers to relinquish their guns.** States should pass laws requiring that domestic abusers turn in their guns to law enforcement or licensed gun dealers when they become prohibited. The strongest legislation provides clear directives to courts, law enforcement, and prohibited domestic abusers to ensure that dangerous abusers relinquish their guns soon after becoming prohibited.

A dark blue silhouette map of the United States, including the 50 states and the District of Columbia, is positioned in the background. The map is centered horizontally and vertically, with the text overlaid on the left side.

APPENDIX

# STATE DOMESTIC VIOLENCE LAWS

# SUMMARY OF STATE DOMESTIC VIOLENCE LAWS



State	Prohibits domestic violence misdemeanants from buying or owning firearms	Prohibits subjects of domestic violence restraining orders from buying or owning firearms*	Requires domestic violence misdemeanants to dispose of firearms in their possession	Requires subjects of domestic violence restraining orders to dispose of firearms in their possession**
Alabama	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alaska	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Arizona	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Arkansas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
California	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Colorado	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Connecticut	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Delaware	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
District of Columbia	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Florida	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgia	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hawaii	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Idaho	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Illinois	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Indiana	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Iowa	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Kansas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kentucky	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Louisiana	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maine	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maryland	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Massachusetts	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Michigan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Minnesota	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Mississippi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Missouri	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Montana	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nebraska	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

State	Prohibits domestic violence misdemeanants from buying or owning firearms	Prohibits subjects of domestic violence restraining orders from buying or owning firearms*	Requires domestic violence misdemeanants to dispose of firearms in their possession	Requires subjects of domestic violence restraining orders to dispose of firearms in their possession**
Nevada	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
New Hampshire	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
New Jersey	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
New Mexico	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
New York	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
North Carolina	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
North Dakota	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ohio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Oklahoma	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Oregon	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pennsylvania	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rhode Island	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
South Carolina	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
South Dakota	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tennessee	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Texas	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Utah	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vermont	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Virginia	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Washington	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
West Virginia	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wisconsin	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Wyoming	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>TOTAL</b>	<b>19 states + DC</b>	<b>23 states + DC</b>	<b>10 states</b>	<b>15 states</b>

\* The following states do not prohibit all subjects of domestic violence restraining orders from buying or owning firearms, but they do explicitly authorize courts issuing restraining orders to prohibit firearm ownership under certain circumstances: Alaska, Arizona, Indiana, Nebraska, Nevada, Pennsylvania, Rhode Island, and Utah. In addition, Michigan prohibits all subjects of restraining orders from buying handguns, and authorizes courts issuing restraining orders to prohibit subjects of such orders from all firearm purchase or possession.

\*\* The following states do not require all subjects of domestic violence restraining orders to surrender firearms in their possession, but they do explicitly authorize courts issuing restraining orders to require surrender of firearms in possession of persons subject to restraining orders: Alaska, Arizona, Delaware, DC, Florida, Indiana, Maine, Nevada, New Jersey, North Dakota, Pennsylvania, Rhode Island, South Dakota, and Vermont.



## ALABAMA

### MISDEMEANOR DOMESTIC VIOLENCE CONVICTIONS

Alabama law does not prohibit individuals convicted of domestic violence misdemeanors from purchasing or possessing firearms.

### DOMESTIC VIOLENCE RESTRAINING ORDERS

Alabama law does not prohibit individuals subject to domestic violence restraining orders from purchasing or possessing firearms.

### DISPOSAL OF FIREARMS BY PROHIBITED DOMESTIC VIOLENCE MISDEMEANANTS

Alabama law does not require domestic violence misdemeanants to surrender their firearms.

### DISPOSAL OF FIREARMS BY PROHIBITED SUBJECTS OF DOMESTIC VIOLENCE RESTRAINING ORDERS

Alabama law does not require subjects of domestic violence restraining orders abusers to surrender their firearms.



## ALASKA

### MISDEMEANOR DOMESTIC VIOLENCE CONVICTIONS

Alaska law does not prohibit individuals convicted of domestic violence misdemeanors from purchasing or possessing firearms.

### DOMESTIC VIOLENCE RESTRAINING ORDERS

Alaska law provides that restraining orders against “household members” (including former and current dating partners) may prohibit the use or possession of firearms if the subject of the restraining order possessed a firearm at the time of an incident giving rise to the restraining order. (Alaska Stat. § 18.66.100(c)(6))

### DISPOSAL OF FIREARMS BY PROHIBITED DOMESTIC VIOLENCE MISDEMEANANTS

Alaska law does not require domestic violence misdemeanants to surrender their firearms.

### DISPOSAL OF FIREARMS BY PROHIBITED SUBJECTS OF DOMESTIC VIOLENCE RESTRAINING ORDERS

Alaska law does not require subjects of domestic violence restraining orders to surrender their firearms, but it does provide that restraining orders against “household members” may direct individuals to surrender firearm(s) if they possessed or used firearm while committing domestic violence. (Alaska Stat. § 18.66.100(c)(7))



## ARIZONA

### MISDEMEANOR DOMESTIC VIOLENCE CONVICTIONS

Arizona law does not prohibit all individuals convicted of domestic violence misdemeanors from purchasing or possessing firearms but it does prohibit possession of a firearm by a person convicted of a domestic violence misdemeanor while the person is serving a term of probation for that conviction. (Ariz. Rev. Stat. §§ 13-3101(A)(7)(d), 13-3102(A)(4), 13-3601)

### DOMESTIC VIOLENCE RESTRAINING ORDERS

Arizona law provides that restraining orders may prohibit the purchase or possession of a firearm if the court deems the respondent to be a physical threat to another person, including “romantic or sexual” partners. (Ariz. Rev. Stat. § 13-3602(G)(4))

Arizona law also authorizes temporary, emergency orders of protection that prohibits the purchase or possession of a firearm if a peace officer reports an imminent physical threat against a victim by a domestic abuser. (Ariz. Rev. Stat. § 13-3624)

### DISPOSAL OF FIREARMS BY PROHIBITED DOMESTIC VIOLENCE MISDEMEANANTS

Arizona law does not require domestic violence misdemeanants to surrender their firearms.

### DISPOSAL OF FIREARMS BY PROHIBITED SUBJECTS OF DOMESTIC VIOLENCE RESTRAINING ORDERS

Arizona law requires subjects of restraining orders that prohibit them from possessing a firearm to surrender their firearm within 24 hours to the appropriate law enforcement agency. (Ariz. Rev. Stat. § 13-3602(G)(4))



## ARKANSAS

### MISDEMEANOR DOMESTIC VIOLENCE CONVICTIONS

Arkansas law does not prohibit individuals convicted of domestic violence misdemeanors from purchasing or possessing firearms.

### DOMESTIC VIOLENCE RESTRAINING ORDERS

Arkansas law does not prohibit individuals subject to domestic violence restraining orders from possessing firearms.

### DISPOSAL OF FIREARMS BY PROHIBITED DOMESTIC VIOLENCE MISDEMEANANTS

Arkansas law does not require domestic violence misdemeanants to surrender their firearms.

### DISPOSAL OF FIREARMS BY PROHIBITED SUBJECTS OF DOMESTIC VIOLENCE RESTRAINING ORDERS

Arkansas law does not require subjects of domestic violence restraining orders abusers to surrender their firearms.



## CALIFORNIA

### MISDEMEANOR DOMESTIC VIOLENCE CONVICTIONS

California law prohibits the purchase and possession of firearms for 10 years after a person is convicted of numerous violent misdemeanors, including assault, battery, or stalking, whether the crime occurs in a domestic violence context or not. (Cal. Penal Code § 29805)

California also authorizes courts to prohibit the purchase or possession of firearms by persons arrested for domestic violence misdemeanors while charges are pending before trial. (Cal. Penal Code § 136.2(a)(7)(B), (d), (e))

### DOMESTIC VIOLENCE RESTRAINING ORDERS

California law prohibits individuals subject to a variety of restraining orders (including those applying to current or former dating partners) from purchasing or possessing firearms. (Cal. Penal Code § 29801(a))

### DISPOSAL OF FIREARMS BY PROHIBITED DOMESTIC VIOLENCE MISDEMEANANTS

California law requires prohibited misdemeanants, upon becoming prohibited, to immediately designate a third party (who is not prohibited) to dispose of any firearms owned by the prohibited person; the designated person must dispose of all firearms within 30 days or is subject to criminal prosecution. (Cal Penal Code §§ 29801, 29805)

California authorizes courts to require surrender of firearms by persons arrested for domestic violence misdemeanors while charges are pending before trial. (Cal. Penal Code § 136.2(a)(7) (B), (d), (e))

### DISPOSAL OF FIREARMS BY PROHIBITED SUBJECTS OF DOMESTIC VIOLENCE RESTRAINING ORDERS

California law requires that a person subject to a domestic violence restraining order must surrender any firearms immediately upon request of any law enforcement officer, or within 24 hours if no request is made. (Cal. Fam. Code § 6389)

California law authorizes a court to issue search warrant for the seizure of any firearms that a subject of a restraining order has failed to surrender as required. (Cal. Penal Code § 1524(a)(11))



## COLORADO

### MISDEMEANOR DOMESTIC VIOLENCE CONVICTIONS

Colorado law prohibits possession or use of a firearm by someone who has been convicted of a misdemeanor crime of domestic violence that prohibits them from gun possession under federal law. (Co. Stat. § 18-12-108(6)(c))

### DOMESTIC VIOLENCE RESTRAINING ORDERS

Colorado law prohibits firearm ownership by persons who are subject to a restraining order that prohibits them from gun ownership under federal law. (Co. Stat. § 13-14-102)

### DISPOSAL OF FIREARMS BY PROHIBITED DOMESTIC VIOLENCE MISDEMEANANTS

Colorado law requires that, when a person is arrested for a domestic violence crime, a court shall issue a protective order requiring surrender of firearms by the person. (Co. Stat. § 18-1-1001)

### DISPOSAL OF FIREARMS BY PROHIBITED SUBJECTS OF DOMESTIC VIOLENCE RESTRAINING ORDERS

Colorado law requires that persons subject to a restraining order that prohibits them from gun ownership under federal law must relinquish firearms in their possession. (Co. Stat. § 13-14-102)



## CONNECTICUT

### MISDEMEANOR DOMESTIC VIOLENCE CONVICTIONS

Connecticut law prohibits the purchase and possession of firearms by a person convicted of some misdemeanors, including assault or stalking, whether the crime occurs in a domestic violence context or not. (Conn. Gen. Stat. § 53a-61, Conn. Gen. Stat. § 53a-96, Conn. Gen. Stat. § 53a-181d)

### DOMESTIC VIOLENCE RESTRAINING ORDERS

Connecticut law prohibits firearm purchase or possession by the subject of a domestic violence restraining order. (Conn. Gen. Stat. § 53a-217(a)(4), Conn. Gen. Stat. § 29-36f(b)(6))

### DISPOSAL OF FIREARMS BY PROHIBITED DOMESTIC VIOLENCE MISDEMEANANTS

Connecticut law requires domestic violence misdemeanants to transfer their firearms to another person or law enforcement within two business days of their ineligibility. (Conn. Gen. Stat. § 29-36k(a))

### DISPOSAL OF FIREARMS BY PROHIBITED SUBJECTS OF DOMESTIC VIOLENCE RESTRAINING ORDERS

Connecticut law requires subjects of domestic violence restraining orders to transfer their firearms to another person or law enforcement within two business days of their ineligibility. (Conn. Gen. Stat. § 29-36k(a))



## DELAWARE

### MISDEMEANOR DOMESTIC VIOLENCE CONVICTIONS

Delaware law prohibits any person convicted of a domestic violence misdemeanor from purchasing or possessing a firearm for five years following conviction. This prohibition does not cover dating partners. (Del. Code Ann. tit. 11, § 1448(a)(7), Del. Code Ann. tit. 11, § 1448(d))

### DOMESTIC VIOLENCE RESTRAINING ORDERS

Delaware law prohibits a person subject to a domestic violence restraining order from purchase or possession of a firearm for the duration of the order. For the purposes of a restraining order, "domestic violence" includes abuse against "persons in a current or former substantive dating relationship." (Del. Code Ann. tit. 11, § 1448(a)(6))

### DISPOSAL OF FIREARMS BY PROHIBITED DOMESTIC VIOLENCE MISDEMEANANTS

Delaware law does not require domestic violence misdemeanants to surrender their firearms.

### DISPOSAL OF FIREARMS BY PROHIBITED SUBJECTS OF DOMESTIC VIOLENCE RESTRAINING ORDERS

Delaware law does not require subjects of domestic violence restraining orders to surrender their firearms, but it does provide that a court issuing a restraining order may direct the abuser to surrender all firearms to law enforcement; if the subject of the restraining order does not comply, the court may issue a warrant authorizing seizure of guns. (Del. Code Ann. tit. 10, § 1045(a)(8), Del. Code Ann. tit. 10, § 1045(a)(11))



## DISTRICT OF COLUMBIA

### MISDEMEANOR DOMESTIC VIOLENCE CONVICTIONS

DC law prohibits purchase or possession of a firearm by any person convicted within the previous five years of an "intra-family offense punishable as a misdemeanor," which includes offenses involving persons in romantic, dating, or sexual relationships. (D.C. Code Ann. §§ 7-2502.03(a)(4)(D), 7-2506.01, 16-1001(7)(c))

### DOMESTIC VIOLENCE RESTRAINING ORDERS

DC law prohibits individuals who are or have been under a domestic violence restraining order within the previous five years from possessing firearms. This includes restraining orders involving persons in romantic, dating, or sexual relationships. (D.C. Code Ann. § 7-2502.03(a)(12), 16-1001(7)(c))

### DISPOSAL OF FIREARMS BY PROHIBITED DOMESTIC VIOLENCE MISDEMEANANTS

DC law does not require domestic violence misdemeanants to surrender their firearms.

### DISPOSAL OF FIREARMS BY PROHIBITED SUBJECTS OF DOMESTIC VIOLENCE RESTRAINING ORDERS

DC law does not require subjects of domestic violence restraining orders to surrender their firearms but it does provide that a court issuing a restraining order may order a person subject to a domestic violence restraining order to surrender firearms. (D.C. Code Ann. § 16-1005(c)(10))



## FLORIDA

### MISDEMEANOR DOMESTIC VIOLENCE CONVICTIONS

Florida law does not prohibit domestic violence misdemeanors from purchasing or possessing firearms, although it does direct the state agency that performs background checks to enforce the federal domestic violence misdemeanor prohibition. (Fla. Stat. § 790.065(2)(a)(2))

### DOMESTIC VIOLENCE RESTRAINING ORDERS

Florida law prohibits the purchase or possession of a firearm by any person who is subject to a domestic violence, stalking, or cyberstalking restraining order that remains in force. (Fla. Stat. §§ 790.233, 741.31(4)(b)(1))

### DISPOSAL OF FIREARMS BY PROHIBITED DOMESTIC VIOLENCE MISDEMEANANTS

Florida law does not require domestic violence misdemeanants to surrender their firearms.

### DISPOSAL OF FIREARMS BY PROHIBITED SUBJECTS OF DOMESTIC VIOLENCE RESTRAINING ORDERS

Florida law does not require subjects of domestic violence restraining orders to surrender their firearms but it does provide that a court issuing a restraining order may order the subject of a domestic violence or stalking restraining order to surrender firearms, and considers it a violation of the order to refuse to do so. (Fla. Stat. §§ 741.31(4)(a)(8), 784.047(8), 784.0487(4)(g))



## GEORGIA

### MISDEMEANOR DOMESTIC VIOLENCE CONVICTIONS

Georgia law does not prohibit individuals convicted of domestic violence misdemeanors from purchasing or possessing firearms.

### DOMESTIC VIOLENCE RESTRAINING ORDERS

Georgia law does not prohibit individuals subject to domestic violence restraining orders from possessing firearms.

### DISPOSAL OF FIREARMS BY PROHIBITED DOMESTIC VIOLENCE MISDEMEANANTS

Georgia law does not require domestic violence misdemeanants to surrender their firearms.

### DISPOSAL OF FIREARMS BY PROHIBITED SUBJECTS OF DOMESTIC VIOLENCE RESTRAINING ORDERS

Georgia law does not require subjects of domestic violence restraining orders abusers to surrender their firearms.



## HAWAII

### MISDEMEANOR DOMESTIC VIOLENCE CONVICTIONS

Hawaii law prohibits any person who commits “any crime that involves injury or threat of injury to the person of another” from purchasing or possessing firearms; this applies to (but is not limited to) domestic violence misdemeanors. (Haw. Rev. Stat. Ann. §§ 134-1, 134-7)

### DOMESTIC VIOLENCE RESTRAINING ORDERS

Hawaii law prohibits the possession of firearms by a person subject to a domestic violence order — including orders involving dating partners — for as long as the order remains in force. (Haw. Rev. Stat. Ann. § 134-7(f), Haw. Rev. Stat. Ann. §§ 586-1, 3)

### DISPOSAL OF FIREARMS BY PROHIBITED DOMESTIC VIOLENCE MISDEMEANANTS

Hawaii law requires domestic violence misdemeanants to surrender their firearms to law enforcement otherwise dispose of them; if the person fails to dispose of all guns and ammunition within thirty days of becoming prohibited, law enforcement may seize them. (Haw. Rev. Stat. Ann. § 134-7(g), 134-7.3(b))

### DISPOSAL OF FIREARMS BY PROHIBITED SUBJECTS OF DOMESTIC VIOLENCE RESTRAINING ORDERS

Hawaii law requires subjects of domestic violence restraining orders to surrender their guns to law enforcement or otherwise dispose of them; if the person fails to dispose of all guns and ammunition within thirty days of becoming prohibited, law enforcement may seize them. (Haw. Rev. Stat. Ann. §§ 134-7(g), 134-7.3(b))



## IDAHO

### MISDEMEANOR DOMESTIC VIOLENCE CONVICTIONS

Idaho law does not prohibit individuals convicted of domestic violence misdemeanors from purchasing or possessing firearms.

### DOMESTIC VIOLENCE RESTRAINING ORDERS

Idaho law does not prohibit individuals subject to domestic violence restraining orders from possessing firearms.

### DISPOSAL OF FIREARMS BY PROHIBITED DOMESTIC VIOLENCE MISDEMEANANTS

Idaho law does not require domestic violence misdemeanants to surrender their firearms.

### DISPOSAL OF FIREARMS BY PROHIBITED SUBJECTS OF DOMESTIC VIOLENCE RESTRAINING ORDERS

Idaho law does not require subjects of domestic violence restraining orders abusers to surrender their firearms.



## ILLINOIS

### MISDEMEANOR DOMESTIC VIOLENCE CONVICTIONS

Illinois law prohibits the purchase or possession of firearms by persons convicted of domestic battery in Illinois or another jurisdiction. Domestic battery under Illinois law includes incidents involving dating partners, family members, and cohabitants. (430 Ill. Comp. Stat. 65/4(a)(2) (ix); id. 65/8(l), 725 Ill. Comp. Stat. 5/112A-3(3))

### DOMESTIC VIOLENCE RESTRAINING ORDERS

Illinois law prohibits individuals that are under domestic violence restraining orders from purchasing or possessing firearms, for as long as the order is in force; this applies to orders involving dating partners. (750 Ill. Comp. Stat. 60/214(b)(14.5); 430 Ill. Comp. Stat. 65/8.2)

### DISPOSAL OF FIREARMS BY PROHIBITED DOMESTIC VIOLENCE MISDEMEANANTS

Illinois law requires prohibited domestic violence misdemeanants who receive probation to surrender their firearms at a time and in a location specified by the court. (730 ILCS 5/5-6-3(a) (9))

### DISPOSAL OF FIREARMS BY PROHIBITED SUBJECTS OF DOMESTIC VIOLENCE RESTRAINING ORDERS

Illinois law requires individuals under domestic violence restraining orders to surrender their weapons to law enforcement for the duration of the order. (725 Ill. Comp. Stat. 5/112A-14(b) (14.5)(a); 750 Ill. Comp. Stat. 60/214(b)(14.5)(a))



## INDIANA

### MISDEMEANOR DOMESTIC VIOLENCE CONVICTIONS

Indiana law prohibits persons convicted of domestic battery from possessing or carrying a handgun unless the person's right to possess a firearm has been restored. (Ind. Code Ann. §§ 35-47-2-1(c), 35-47-4-6)

### DOMESTIC VIOLENCE RESTRAINING ORDERS

Under Indiana law a court may prohibit a person subject to a domestic violence restraining order from using or possessing a firearm. This includes restraining orders involving people in dating relationships. (Ind. Code Ann. § 34-26-5-9(c)(4), (f))

### DISPOSAL OF FIREARMS BY PROHIBITED DOMESTIC VIOLENCE MISDEMEANANTS

Indiana law does not require domestic violence misdemeanants to surrender their firearms.

### DISPOSAL OF FIREARMS BY PROHIBITED SUBJECTS OF DOMESTIC VIOLENCE RESTRAINING ORDERS

Indiana law does not require subjects of domestic violence restraining orders to surrender their firearms, but it does provide that a court issuing a domestic violence restraining order may require the subject of the order to surrender all firearms in their possession to law enforcement, for the duration of the order. (Ind. Code Ann. § 34-26-5-9(c) (4), (f))



## IOWA

### MISDEMEANOR DOMESTIC VIOLENCE CONVICTIONS

Iowa law prohibits a person who has been convicted of a misdemeanor crime of domestic violence from purchasing or possessing a firearm. (Iowa Code § 724.26(2)(a))

Iowa law requires courts to inform a person convicted of domestic violence that he or she is prohibited from purchasing or possessing a firearm unless the conviction is vacated or the person's rights are restored under state law. (Iowa Code § 724.26(3))

### DOMESTIC VIOLENCE RESTRAINING ORDERS

Iowa law prohibits a person subject to a domestic violence restraining order from purchasing or possessing firearms. (Iowa Code § 724.26(2)(a))

### DISPOSAL OF FIREARMS BY PROHIBITED DOMESTIC VIOLENCE MISDEMEANANTS

Iowa law requires courts to order a domestic violence misdemeanor to sell any firearms they possess, transfer them to a qualified third person, or surrender them to law enforcement by a specified date. (Iowa Code § 724.26(4))

### DISPOSAL OF FIREARMS BY PROHIBITED SUBJECTS OF DOMESTIC VIOLENCE RESTRAINING ORDERS

Iowa law requires courts to order subjects of a domestic violence restraining order to sell any firearms they possess, transfer them to a qualified third person, or surrender them to law enforcement by a specified date. (Iowa Code § 724.26(4))



## KANSAS

### MISDEMEANOR DOMESTIC VIOLENCE CONVICTIONS

Kansas law does not prohibit individuals convicted of domestic violence misdemeanors from purchasing or possessing firearms.

### DOMESTIC VIOLENCE RESTRAINING ORDERS

Kansas law does not prohibit individuals subject to domestic violence restraining orders from possessing firearms.

### DISPOSAL OF FIREARMS BY PROHIBITED DOMESTIC VIOLENCE MISDEMEANANTS

Kansas law does not require domestic violence misdemeanants to surrender their firearms.

### DISPOSAL OF FIREARMS BY PROHIBITED SUBJECTS OF DOMESTIC VIOLENCE RESTRAINING ORDERS

Kansas law does not require subjects of domestic violence restraining orders abusers to surrender their firearms.



## KENTUCKY

### MISDEMEANOR DOMESTIC VIOLENCE CONVICTIONS

Kentucky law does not prohibit individuals convicted of domestic violence misdemeanors from purchasing or possessing firearms.

### DOMESTIC VIOLENCE RESTRAINING ORDERS

Kentucky law does not prohibit individuals subject to domestic violence restraining orders from possessing firearms.

### DISPOSAL OF FIREARMS BY PROHIBITED DOMESTIC VIOLENCE MISDEMEANANTS

Kentucky law does not require domestic violence misdemeanants to surrender their firearms.

### DISPOSAL OF FIREARMS BY PROHIBITED SUBJECTS OF DOMESTIC VIOLENCE RESTRAINING ORDERS

Kentucky law does not require subjects of domestic violence restraining orders abusers to surrender their firearms.



## LOUISIANA

### MISDEMEANOR DOMESTIC VIOLENCE CONVICTIONS

Louisiana prohibits individuals convicted of misdemeanor domestic abuse battery from purchasing or possessing firearms for a period of ten years following conviction. (La. Rev. Stat. § 14:95.1(A), (C))

### DOMESTIC VIOLENCE RESTRAINING ORDERS

Louisiana prohibits individuals subject to domestic violence restraining orders from possessing firearms (La. Rev. Stat. § 46:2136.3)

### DISPOSAL OF FIREARMS BY PROHIBITED DOMESTIC VIOLENCE MISDEMEANANTS

Louisiana law does not require domestic violence misdemeanants to surrender their firearms.

### DISPOSAL OF FIREARMS BY PROHIBITED SUBJECTS OF DOMESTIC VIOLENCE RESTRAINING ORDERS

Louisiana law does not require subjects of domestic violence restraining orders abusers to surrender their firearms.



## MAINE

### MISDEMEANOR DOMESTIC VIOLENCE CONVICTIONS

Maine law does not prohibit individuals convicted of domestic violence misdemeanors from purchasing or possessing firearms or ammunition.

### DOMESTIC VIOLENCE RESTRAINING ORDERS

Maine law prohibits individuals subject to domestic violence restraining orders from possessing firearms. (19 Maine Rev. Stat. § 4007(1)(A-1); 15 Maine Rev. Stat. § 393(1)(D))

### DISPOSAL OF FIREARMS BY PROHIBITED DOMESTIC VIOLENCE MISDEMEANANTS

Maine law does not require domestic violence misdemeanants to surrender their firearms.

### DISPOSAL OF FIREARMS BY PROHIBITED SUBJECTS OF DOMESTIC VIOLENCE RESTRAINING ORDERS

Maine law does not require subjects of domestic violence restraining orders to surrender their firearms, but it does provide that courts issuing restraining orders may require subjects of such orders to surrender their firearms. Maine law provides that a person subject to a domestic violence restraining order that prohibits the person from possessing a firearm must, within 24 hours, turn over any firearms in his or her possession to law enforcement or another eligible possessor; if the person turns firearms over to a person other than law enforcement, he or she must inform law enforcement of the name and address of the individual who received the firearms. The court issuing the restraining order may issue a warrant for seizure of the firearms if they are not turned over. (19 Maine Rev. Stat. § 4007(1-A))



## MARYLAND

### MISDEMEANOR DOMESTIC VIOLENCE CONVICTIONS

While Maryland law does not explicitly prohibit firearm purchases or possession by individuals convicted of misdemeanor domestic violence crime, it does prohibit purchase and possession by persons convicted of a crime of violence in Maryland or another state (or a Maryland misdemeanor that carries a statutory penalty of more than two years), which prohibits some domestic violence misdemeanants. (Md. Code Ann., Pub. Safety §§ 5-101(g), 5-133(b)(1), (c), 5-134(b)(2))

### DOMESTIC VIOLENCE RESTRAINING ORDERS

Maryland law prohibits persons subject to a domestic violence restraining order from purchasing or possessing a handgun or assault weapon. (Md. Code Ann., Pub. Safety § 5-133(b)(8), Md. Code Ann., Pub. Safety § 5-134(b)(10))

### DISPOSAL OF FIREARMS BY PROHIBITED DOMESTIC VIOLENCE MISDEMEANANTS

Maryland law does not require domestic violence misdemeanants to surrender their firearms.

### DISPOSAL OF FIREARMS BY PROHIBITED SUBJECTS OF DOMESTIC VIOLENCE RESTRAINING ORDERS

Maryland law requires persons subject to domestic violence restraining orders to surrender any firearms in their possession to law enforcement, and to refrain from possession of any firearm for the duration of the order. (Md. Code Ann., Fam. Law § 4-506(f))



## MASSACHUSETTS

### MISDEMEANOR DOMESTIC VIOLENCE CONVICTIONS

Massachusetts law does not prohibit individuals convicted of domestic violence misdemeanors from purchasing or possessing firearms.

### DOMESTIC VIOLENCE RESTRAINING ORDERS

Massachusetts law provides that subjects of restraining orders protecting "family or household members" (including former and current dating partners) may not purchase or possess firearms. (Mass. Gen. Laws ch. 140, § 129C)

### DISPOSAL OF FIREARMS BY PROHIBITED DOMESTIC VIOLENCE MISDEMEANANTS

Massachusetts law does not require domestic violence misdemeanants to surrender their firearms.

### DISPOSAL OF FIREARMS BY PROHIBITED SUBJECTS OF DOMESTIC VIOLENCE RESTRAINING ORDERS

Under Massachusetts law, a court issuing domestic violence restraining order must order the subject of the order to surrender all firearms if the individual demonstrates a substantial likelihood of immediate danger of abuse. Upon becoming prohibited under Massachusetts law, a firearm owner must surrender all firearms "without delay. (Mass. Gen. Laws ch. 209A, § 3B; Mass. Gen. Laws ch. 140, § 129D)



## MICHIGAN

### MISDEMEANOR DOMESTIC VIOLENCE CONVICTIONS

Michigan law does not prohibit individuals convicted of domestic violence misdemeanors from purchasing or possessing firearms.

### DOMESTIC VIOLENCE RESTRAINING ORDERS

Michigan law authorizes, but does not require, courts issuing domestic violence restraining orders (including orders involving dating partners) to prohibit subjects of restraining orders from purchasing or possessing any firearms. (Mich. Comp. Laws §§ 600.2950(1)(e), 600.2950a(2), (3)(c), (26))

Michigan law prohibits subjects of domestic violence or stalking restraining orders from purchasing handguns. (Mich. Comp. Laws §§ 28.422, 552.14, 600.2950, 600.2950a).

### DISPOSAL OF FIREARMS BY PROHIBITED DOMESTIC VIOLENCE MISDEMEANANTS

Michigan law does not require domestic violence misdemeanants to surrender their firearms.

### DISPOSAL OF FIREARMS BY PROHIBITED SUBJECTS OF DOMESTIC VIOLENCE RESTRAINING ORDERS

Michigan law does not require subjects of domestic violence restraining orders to surrender their firearms, although it does permit courts issuing orders to protect abused children to order an abuser to surrender firearms. (Mich. Comp. Laws 712A.13a(8)(b))



## MINNESOTA

### MISDEMEANOR DOMESTIC VIOLENCE CONVICTIONS

Minnesota law prohibits domestic violence misdemeanors, including persons convicted of stalking crimes, from possessing firearms; this prohibition includes convictions for crimes involving dating partners. (Minn. Stat. § 609.749, subd. 8; Minn. Stat. § 609.2242, subd. (3))

### DOMESTIC VIOLENCE RESTRAINING ORDERS

Minnesota law prohibits persons subject to a domestic violence restraining order from purchasing or possessing firearms; this prohibition includes orders arising from incidents involving dating partners. If the court issuing such an order determines that the subject of the order “poses an imminent risk of causing another person substantial bodily harm,” it is required to direct local law enforcement to take immediate possession of all firearms in the abuser’s possession. (Minn. Stat. § 518B.01, subd. (6)(g))

### DISPOSAL OF FIREARMS BY PROHIBITED DOMESTIC VIOLENCE MISDEMEANANTS

Minnesota law requires individuals convicted of domestic violence misdemeanors, including stalking crimes, to transfer any firearms they possess to a federally licensed gun dealer; a law enforcement agency; or a third party legally entitled to own guns. The person must file proof of the transfer with the court and, if the guns have been transferred to a third party, that third party must sign an affidavit under oath agreeing to maintain custody of the guns. (Minn. Stat. § 609.2242, subd. 3(f), (g), (h); Minn. Stat. § 609.749, subd. 8(d))

### DISPOSAL OF FIREARMS BY PROHIBITED SUBJECTS OF DOMESTIC VIOLENCE RESTRAINING ORDERS

Minnesota law requires any person subject to a domestic violence restraining order to transfer any firearms to a federally licensed gun dealer; a law enforcement agency; or a third party legally entitled to own guns. The person must file proof of the transfer with the court and, if the guns have been transferred to a third party, that third party must sign an affidavit under oath agreeing to maintain custody of the guns. (Minn. Stat. § 518B.01, subd. (6)(g), (h))



## MISSISSIPPI

### MISDEMEANOR DOMESTIC VIOLENCE CONVICTIONS

Mississippi law does not prohibit individuals convicted of domestic violence misdemeanors from purchasing or possessing firearms.

### DOMESTIC VIOLENCE RESTRAINING ORDERS

Mississippi law does not prohibit individuals subject to domestic violence restraining orders from possessing firearms.

### DISPOSAL OF FIREARMS BY PROHIBITED DOMESTIC VIOLENCE MISDEMEANANTS

Mississippi law does not require domestic violence misdemeanants to surrender their firearms.

### DISPOSAL OF FIREARMS BY PROHIBITED SUBJECTS OF DOMESTIC VIOLENCE RESTRAINING ORDERS

Mississippi law does not require subjects of domestic violence restraining orders to surrender their firearms.



## MISSOURI

### MISDEMEANOR DOMESTIC VIOLENCE CONVICTIONS

Missouri law does not prohibit individuals convicted of domestic violence misdemeanors from purchasing or possessing firearms.

### DOMESTIC VIOLENCE RESTRAINING ORDERS

Missouri law does not prohibit individuals subject to domestic violence restraining orders from possessing firearms.

### DISPOSAL OF FIREARMS BY PROHIBITED DOMESTIC VIOLENCE MISDEMEANANTS

Missouri law does not require domestic violence misdemeanants to surrender their firearms.

### DISPOSAL OF FIREARMS BY PROHIBITED SUBJECTS OF DOMESTIC VIOLENCE RESTRAINING ORDERS

Missouri law does not require subjects of domestic violence restraining orders to surrender their firearms.



## MONTANA

### MISDEMEANOR DOMESTIC VIOLENCE CONVICTIONS

Montana law does not prohibit individuals convicted of domestic violence misdemeanors from purchasing or possessing firearms, although a convicting court in Montana may prohibit an abuser from possessing or using a firearm if it was used in the incident giving rise to the conviction. (Mont. Code Ann. § 45-5-206(7))

### DOMESTIC VIOLENCE RESTRAINING ORDERS

Montana law does not prohibit subjects of domestic violence restraining orders from purchasing or possessing firearms, although a court issuing a restraining order may prohibit the subject of the order from possessing or using a firearm if it was used in an assault that gave rise to the restraining order. (Mont. Code Ann. § 40-15-201(1), (2)(f),

### DISPOSAL OF FIREARMS BY PROHIBITED DOMESTIC VIOLENCE MISDEMEANANTS

Montana law does not require domestic violence misdemeanants to surrender their firearms.

### DISPOSAL OF FIREARMS BY PROHIBITED SUBJECTS OF DOMESTIC VIOLENCE RESTRAINING ORDERS

Montana law does not require subjects of domestic violence restraining orders to surrender their firearms.



## NEBRASKA

### MISDEMEANOR DOMESTIC VIOLENCE CONVICTIONS

Nebraska law prohibits a person convicted of a domestic violence misdemeanor crime (including crimes involving dating partners) from purchasing or possessing firearms for seven years after the conviction. (Neb. Rev. Stat. § 28-1206(1)(b), (4))

### DOMESTIC VIOLENCE RESTRAINING ORDERS

Nebraska law authorizes but does not require a court issuing a domestic violence restraining order to prohibit the subject of the order from purchasing or possessing firearms. This includes orders arising from incidents involving dating partners. (Neb. Rev. Stat. § 42-924(1)(g))

### DISPOSAL OF FIREARMS BY PROHIBITED DOMESTIC VIOLENCE MISDEMEANANTS

Nebraska law does not require domestic violence misdemeanants to surrender their firearms.

### DISPOSAL OF FIREARMS BY PROHIBITED SUBJECTS OF DOMESTIC VIOLENCE RESTRAINING ORDERS

Nebraska law does not require subjects of domestic violence restraining orders to surrender their firearms.



## NEVADA

### MISDEMEANOR DOMESTIC VIOLENCE CONVICTIONS

Nevada law does not prohibit individuals convicted of domestic violence misdemeanors from purchasing or possessing firearms.

### DOMESTIC VIOLENCE RESTRAINING ORDERS

Nevada law authorizes but does not require a court to issuing a final domestic violence restraining order to prohibit the subject of the order from possessing any firearm for the duration of the order. This includes orders arising from incidents involving dating partners. (Nev. Rev. Stat. Ann. § 33.031(1)(b))

### DISPOSAL OF FIREARMS BY PROHIBITED DOMESTIC VIOLENCE MISDEMEANANTS

Nevada law does not require domestic violence misdemeanants to surrender their firearms.

### DISPOSAL OF FIREARMS BY PROHIBITED SUBJECTS OF DOMESTIC VIOLENCE RESTRAINING ORDERS

Nevada law does not require subjects of domestic violence restraining orders to surrender their firearms but it does provide that a court issuing a domestic violence restraining order may include a requirement that, within 24 hours, the subject of the order transfer any firearms to a federally licensed gun dealer or a person designated by the court, or surrender them to law enforcement. If the subject of the order does not comply within 24 hours, the court may issue a warrant for seizure of the firearms. (Nev. Rev. Stat. Ann. § 33.031(1))



## NEW HAMPSHIRE

### MISDEMEANOR DOMESTIC VIOLENCE CONVICTIONS

New Hampshire law does not prohibit individuals convicted of domestic violence misdemeanors from purchasing or possessing firearms.

### DOMESTIC VIOLENCE RESTRAINING ORDERS

New Hampshire law prohibits the subject of a domestic violence restraining order from purchasing or possessing all firearms for the duration of the order. (N.H. Rev. Stat. Ann. § 173-B:5(II))

### DISPOSAL OF FIREARMS BY PROHIBITED DOMESTIC VIOLENCE MISDEMEANANTS

New Hampshire law does not require domestic violence misdemeanants to surrender their firearms.

### DISPOSAL OF FIREARMS BY PROHIBITED SUBJECTS OF DOMESTIC VIOLENCE RESTRAINING ORDERS

New Hampshire law requires courts issuing a final domestic violence restraining order — and authorizes, but does not require, courts issuing a temporary restraining order — to direct the subject of the order to surrender all firearms to law enforcement for the duration of the order. (N.H. Rev. Stat. Ann. § 159-D:3, N.H. Rev. Stat. Ann. § 173-B:5(I); N.H. Rev. Stat. Ann. § 173-B4(I))



## NEW JERSEY

### MISDEMEANOR DOMESTIC VIOLENCE CONVICTIONS

New Jersey law prohibits a person convicted of a domestic violence misdemeanor crime (including crimes involving dating partners) from purchasing or possessing firearms. (N.J. Stat. Ann. § 2C:39-7.b(1))

### DOMESTIC VIOLENCE RESTRAINING ORDERS

New Jersey law prohibits individuals subject to a domestic violence restraining order to possess or purchase any firearm; this includes orders arising from incidents involving dating partners. (N.J. Stat. Ann. § 2C:58-3.c(6))

### DISPOSAL OF FIREARMS BY PROHIBITED DOMESTIC VIOLENCE MISDEMEANANTS

New Jersey law does not require domestic violence misdemeanants to surrender their firearms.

### DISPOSAL OF FIREARMS BY PROHIBITED SUBJECTS OF DOMESTIC VIOLENCE RESTRAINING ORDERS

New Jersey law does not require subjects of domestic violence restraining orders to surrender their firearms but it does provide that courts issuing such orders may order the removal of firearms by law enforcement officers; the state also authorizes courts issuing domestic violence restraining orders to issue a warrant for seizure of any firearms not surrendered. (N.J. Stat. Ann. §§ 2C:25-28.j, 2C:25-29.b(16))



## NEW MEXICO

### MISDEMEANOR DOMESTIC VIOLENCE CONVICTIONS

New Mexico law does not prohibit individuals convicted of domestic violence misdemeanors from purchasing or possessing firearms.

### DOMESTIC VIOLENCE RESTRAINING ORDERS

New Mexico law does not prohibit individuals subject to domestic violence restraining orders from possessing firearm.

### DISPOSAL OF FIREARMS BY PROHIBITED DOMESTIC VIOLENCE MISDEMEANANTS

New Mexico law does not require domestic violence misdemeanants to surrender their firearms.

### DISPOSAL OF FIREARMS BY PROHIBITED SUBJECTS OF DOMESTIC VIOLENCE RESTRAINING ORDERS

New Mexico law does not require subjects of domestic violence restraining orders abusers to surrender their firearms.



## NEW YORK

### MISDEMEANOR DOMESTIC VIOLENCE CONVICTIONS

New York law prohibits persons convicted of specific domestic violence-related misdemeanors from obtaining a license to purchase or possess firearms. (N.Y. Penal Law §§ 400.00(1), 265.00(17))

### DOMESTIC VIOLENCE RESTRAINING ORDERS

New York law prohibits a person subject to a domestic violence restraining order from purchasing or possessing firearms if the circumstances giving rise to the restraining order meet certain criteria (e.g., the abuser used or threatened to use a firearm, or inflicted physical injury on the victim). (N.Y. Fam. Ct. Act § 842-a(1), (2), § 828(1)(a), (3); N.Y. Crim. Proc. Law §§ 530.12(1), 530.14(1)(a), (2))

### DISPOSAL OF FIREARMS BY PROHIBITED DOMESTIC VIOLENCE MISDEMEANANTS

New York law requires courts to order persons convicted of or charged with (but not yet convicted of) certain domestic violence misdemeanors to immediately surrender firearms if there is a substantial risk the person may use or threaten to use a firearm against an abuse victim. (N.Y. Crim. Proc. Law §§ 530.12(1), 530.14(1)(b), (2)(b))

### DISPOSAL OF FIREARMS BY PROHIBITED SUBJECTS OF DOMESTIC VIOLENCE RESTRAINING ORDERS

New York law requires the immediate surrender of firearms by persons subject to domestic violence restraining orders. (N.Y. Crim. Proc. Law §§ 530.14(5)(a), (b), (6)(a); N.Y. Fam. Ct. Act § 842-a(5)(a), (b) (6)(a); N.Y. Penal Law § 400.05(6))



## NORTH CAROLINA

### MISDEMEANOR DOMESTIC VIOLENCE CONVICTIONS

North Carolina law does not prohibit individuals convicted of domestic violence misdemeanors from purchasing or possessing firearms or ammunition.

### DOMESTIC VIOLENCE RESTRAINING ORDERS

North Carolina law prohibits the subject of a domestic violence restraining order from purchasing or possessing firearms; this includes orders arising from incidents involving opposite-sex dating relationships. (N.C. Gen. Stat. § 14-269.8)

### DISPOSAL OF FIREARMS BY PROHIBITED DOMESTIC VIOLENCE MISDEMEANANTS

North Carolina law does not require domestic violence misdemeanants to surrender their firearms.

### DISPOSAL OF FIREARMS BY PROHIBITED SUBJECTS OF DOMESTIC VIOLENCE RESTRAINING ORDERS

North Carolina law requires persons subject to temporary or emergency restraining orders to surrender all firearms to law enforcement if they pose a threat to themselves or others. (N.C. Gen. Stat. § 50B-3.1)



## NORTH DAKOTA

### MISDEMEANOR DOMESTIC VIOLENCE CONVICTIONS

North Dakota law does not prohibit individuals convicted of domestic violence misdemeanors from purchasing or possessing firearms.

### DOMESTIC VIOLENCE RESTRAINING ORDERS

North Dakota law does not prohibit individuals subject to domestic violence restraining orders from possessing firearms.

### DISPOSAL OF FIREARMS BY PROHIBITED DOMESTIC VIOLENCE MISDEMEANANTS

North Dakota law does not require domestic violence misdemeanants to surrender their firearms but it does authorize courts to order surrender of firearms by a person charged with — but not convicted of — stalking, harassment, a sex offense, or a crime or threat of violence who is released before trial, if the court has probable cause to believe that the person is likely to use, display, or threaten to use a firearm in an act of violence. (N.D. Cent. Code § 12.1-31.2-02)

### DISPOSAL OF FIREARMS BY PROHIBITED SUBJECTS OF DOMESTIC VIOLENCE RESTRAINING ORDERS

North Dakota law does not require subjects of domestic violence restraining orders to surrender their firearms but it does provide that courts issuing such orders may order subjects of domestic violence restraining orders to surrender firearms if there is reasonable cause to believe that the firearm will be used in future violence; this includes orders arising from incidents involving dating partners. (N.D. Cent. Code § 14-07.1-02(4)(g), N.D. Cent. Code § 14-07.1-01(4))



## OHIO

### MISDEMEANOR DOMESTIC VIOLENCE CONVICTIONS

Ohio law does not prohibit individuals convicted of domestic violence misdemeanors from purchasing or possessing firearms.

### DOMESTIC VIOLENCE RESTRAINING ORDERS

Ohio law does not prohibit individuals subject to domestic violence restraining orders from possessing firearms or ammunition.

### DISPOSAL OF FIREARMS BY PROHIBITED DOMESTIC VIOLENCE MISDEMEANANTS

Ohio law does not require domestic violence misdemeanants to surrender their firearms.

### DISPOSAL OF FIREARMS BY PROHIBITED SUBJECTS OF DOMESTIC VIOLENCE RESTRAINING ORDERS

Ohio law does not require subjects of domestic violence restraining orders to surrender their firearms.



## OKLAHOMA

### MISDEMEANOR DOMESTIC VIOLENCE CONVICTIONS

Oklahoma law does not prohibit individuals convicted of domestic violence misdemeanors from purchasing or possessing firearms.

### DOMESTIC VIOLENCE RESTRAINING ORDERS

Oklahoma law does not prohibit individuals subject to domestic violence restraining orders from possessing firearms.

### DISPOSAL OF FIREARMS BY PROHIBITED DOMESTIC VIOLENCE MISDEMEANANTS

Oklahoma law does not require domestic violence misdemeanants to surrender their firearms.

### DISPOSAL OF FIREARMS BY PROHIBITED SUBJECTS OF DOMESTIC VIOLENCE RESTRAINING ORDERS

Oklahoma law does not require subjects of domestic violence restraining orders to surrender their firearms.



## OREGON

### MISDEMEANOR DOMESTIC VIOLENCE CONVICTIONS

Oregon law does not prohibit all individuals convicted of domestic violence misdemeanors from purchasing or possessing firearms.

### DOMESTIC VIOLENCE RESTRAINING ORDERS

Oregon law does not prohibit individuals subject to domestic violence restraining orders from possessing firearms.

### DISPOSAL OF FIREARMS BY PROHIBITED DOMESTIC VIOLENCE MISDEMEANANTS

Oregon law does not require domestic violence misdemeanants to surrender their firearms.

### DISPOSAL OF FIREARMS BY PROHIBITED SUBJECTS OF DOMESTIC VIOLENCE RESTRAINING ORDERS

Oregon law does not require subjects of domestic violence restraining orders to surrender their firearms.



## PENNSYLVANIA

### MISDEMEANOR DOMESTIC VIOLENCE CONVICTIONS

Pennsylvania law prohibit individuals from purchasing or possessing firearms if they are federally prohibited as a result of a misdemeanor crime of domestic violence under 18 U.S.C. 922(g)(9). (18 Pa. C.S. § 6105(c)(9))

### DOMESTIC VIOLENCE RESTRAINING ORDERS

Pennsylvania law authorizes but does not require courts issuing domestic violence restraining orders to prohibit the subjects of the order from possessing firearms; this includes orders arising from incidents involving current or former sexual or intimate partners. (23 Pa. C.S. §§ 6102(a), 6105(a.1), 6108(a)(7))

### DISPOSAL OF FIREARMS BY PROHIBITED DOMESTIC VIOLENCE MISDEMEANANTS

Pennsylvania law requires any person prohibited from possessing firearms because of a misdemeanor domestic violence conviction to transfer their firearms to a non-prohibited person (who may not be a member of the person's household) within "a reasonable period of time, not to exceed 60 days." (18 Pa. C.S. § 6105(a)(1)(i))

### DISPOSAL OF FIREARMS BY PROHIBITED SUBJECTS OF DOMESTIC VIOLENCE RESTRAINING ORDERS

Pennsylvania law does not require subjects of domestic violence restraining orders to surrender their firearms law but it provides that courts may require surrender and orders individuals required to relinquish firearms or ammunition to surrender them to law enforcement, a licensed dealer, or a third party who has received a special "safekeeping permit" from law enforcement. (23 Pa. C.S. §§ 6108-6108.3)



## RHODE ISLAND

### MISDEMEANOR DOMESTIC VIOLENCE CONVICTIONS

Rhode Island law does not prohibit individuals convicted of domestic violence misdemeanors from purchasing or possessing firearms or ammunition.

### DOMESTIC VIOLENCE RESTRAINING ORDERS

Rhode Island authorizes courts issuing domestic violence restraining orders to prohibit subjects of domestic violence restraining orders from purchasing or possessing firearms. (R.I. Gen. Laws §§ 8-8.1-3(a)(4), (c), 15-15-3(a)(5))

### DISPOSAL OF FIREARMS BY PROHIBITED DOMESTIC VIOLENCE MISDEMEANANTS

Rhode Island law does not require domestic violence misdemeanants to surrender their firearms.

### DISPOSAL OF FIREARMS BY PROHIBITED SUBJECTS OF DOMESTIC VIOLENCE RESTRAINING ORDERS

Rhode Island law does not require subjects of domestic violence restraining orders to surrender their firearms law but it provides that courts may require persons prohibited from firearm ownership by domestic violence restraining orders to surrender firearms to a licensed dealer, law enforcement, or a third party that is not prohibited. Firearms must be disposed of within 24 hours of a when a restraining order was issued if the subject was at the court hearing where the final order was issued, or within 48 hours if the order was issued at a hearing the subject did not attend. (R.I. Gen. Laws §§ 8-8.1-3(d); 15-15-3(d))



## SOUTH CAROLINA

### MISDEMEANOR DOMESTIC VIOLENCE CONVICTIONS

South Carolina law does not prohibit individuals convicted of domestic violence misdemeanors from purchasing or possessing firearms or ammunition.

### DOMESTIC VIOLENCE RESTRAINING ORDERS

South Carolina law does not prohibit individuals subject to domestic violence restraining orders from possessing firearms or ammunition.

### DISPOSAL OF FIREARMS BY PROHIBITED DOMESTIC VIOLENCE MISDEMEANANTS

South Carolina law does not require domestic violence misdemeanants to surrender their firearms.

### DISPOSAL OF FIREARMS BY PROHIBITED SUBJECTS OF DOMESTIC VIOLENCE RESTRAINING ORDERS

South Carolina law does not require subjects of domestic violence restraining orders to surrender their firearms.



## SOUTH DAKOTA

### MISDEMEANOR DOMESTIC VIOLENCE CONVICTIONS

South Dakota law prohibits any person who has been convicted of a misdemeanor domestic violence crime from possessing a firearm for one year after the conviction. (S.D. Codified Laws § 22-14-15.2)

### DOMESTIC VIOLENCE RESTRAINING ORDERS

South Dakota law does not prohibit subjects of domestic violence restraining orders from purchasing or possessing firearms.

### DISPOSAL OF FIREARMS BY PROHIBITED DOMESTIC VIOLENCE MISDEMEANANTS

South Dakota law does not require domestic violence misdemeanants to surrender firearms they own but does require that a firearm used by a domestic violence misdemeanor must be "delivered to the arresting agency or, at the direction of the attorney general, to the South Dakota Forensic Laboratory." (S.D. Codified Laws § 23A-37-13)

### DISPOSAL OF FIREARMS BY PROHIBITED SUBJECTS OF DOMESTIC VIOLENCE RESTRAINING ORDERS

South Dakota law does not require subjects of domestic violence restraining orders to surrender their firearms, but it does provide that courts issuing a domestic violence restraining order may require the subject of the order to "surrender any dangerous weapon in his possession to local law enforcement." (S.D. Codified Laws § 25-10-24)



## TENNESSEE

### MISDEMEANOR DOMESTIC VIOLENCE CONVICTIONS

Tennessee law prohibits individuals from possessing firearms if they have been convicted of an offense that meets the federal definition of a misdemeanor crime of domestic violence in 18 U.S.C. 921(a)(33). (Tenn. Code Ann. § 39-17-1307(f)(1)(A))

### DOMESTIC VIOLENCE RESTRAINING ORDERS

Tennessee law prohibits possession of firearms by persons who are subject to a domestic violence restraining order that meets the federal standards in 18 U.S.C. § 922(g)(8). (Tenn. Code Ann. § 39-17-1307(f)(1)(B))

### DISPOSAL OF FIREARMS BY PROHIBITED DOMESTIC VIOLENCE MISDEMEANANTS

Tennessee law requires that any person convicted of domestic assault must “terminate” possession of all firearms they own or possess. (Tenn. Code Ann. § 39-13-111)

### DISPOSAL OF FIREARMS BY PROHIBITED SUBJECTS OF DOMESTIC VIOLENCE RESTRAINING ORDERS

Tennessee law provides that, upon issuance of a domestic violence restraining order that meets the federal standards in 18 U.S.C. § 922(g)(8), the subject of the order must “dispossess” himself of all firearms in his possession within 48 hours. (Tenn. Code Ann. § 36-3-625(a))



## TEXAS

### MISDEMEANOR DOMESTIC VIOLENCE CONVICTIONS

Texas law prohibits firearm possession by domestic violence misdemeanants for five years following their release from confinement or supervision. (Tex. Penal Code § 46.04(b), Tex. Fam. Code §§ 71.0021, 71.003, 71.005, 71.006)

### DOMESTIC VIOLENCE RESTRAINING ORDERS

Texas law prohibits the subject of a domestic violence restraining order to possess firearms; sworn, full-time, paid law enforcement officers are exempted from this prohibition. (Texas Penal Code § 46.04(c))

### DISPOSAL OF FIREARMS BY PROHIBITED DOMESTIC VIOLENCE MISDEMEANANTS

Texas law does not require domestic violence misdemeanants to surrender their firearms.

### DISPOSAL OF FIREARMS BY PROHIBITED SUBJECTS OF DOMESTIC VIOLENCE RESTRAINING ORDERS

Texas law does not require subjects of domestic violence restraining orders to surrender their firearms.



## UTAH

### MISDEMEANOR DOMESTIC VIOLENCE CONVICTIONS

Utah law does not prohibit individuals convicted of domestic violence misdemeanors from purchasing or possessing firearms.

### DOMESTIC VIOLENCE RESTRAINING ORDERS

Utah law authorizes but does not require courts issuing domestic violence restraining orders to prohibit individuals from purchasing or possessing firearms. (Utah Code Ann. §§ 78B-7-106(2)(d), 78B-7-107(2))

### DISPOSAL OF FIREARMS BY PROHIBITED DOMESTIC VIOLENCE MISDEMEANANTS

Utah law does not require domestic violence misdemeanants to surrender their firearms.

### DISPOSAL OF FIREARMS BY PROHIBITED SUBJECTS OF DOMESTIC VIOLENCE RESTRAINING ORDERS

Utah law does not require subjects of domestic violence restraining orders to surrender their firearms.



# VERMONT

## MISDEMEANOR DOMESTIC VIOLENCE CONVICTIONS

Vermont law does not prohibit individuals convicted of domestic violence misdemeanors from purchasing or possessing firearms.

## DOMESTIC VIOLENCE RESTRAINING ORDERS

Vermont law does not prohibit individuals subject to domestic violence restraining orders from possessing firearms, although the general restraining order statute allows courts to issue any provisions they deem "necessary to protect" an abuse victim, and the Vermont Supreme Court has recognized this power as sufficiently broad to allow courts to prohibit subjects of restraining orders from possessing firearms. (15 V.S.A. § 1103(c); see *Benson v. Muscari*, 172 Vt. 1 (Vt. 2001))

## DISPOSAL OF FIREARMS BY PROHIBITED DOMESTIC VIOLENCE MISDEMEANANTS

Vermont law does not require domestic violence misdemeanants to surrender their firearms.

## DISPOSAL OF FIREARMS BY PROHIBITED SUBJECTS OF DOMESTIC VIOLENCE RESTRAINING ORDERS

Vermont law does not require subjects of domestic violence restraining orders to surrender their firearms but it does provide that courts issuing a domestic violence restraining order may require the subject of the order to surrender firearms if "necessary to protect" an abuse victim, and a law passed in 2014 establishes a procedure by which a prohibited person is required to turn over firearms to law enforcement or a third party. (15 V.S.A. § 1103(c); Vermont H.B. 735 (2014))



# VIRGINIA

## MISDEMEANOR DOMESTIC VIOLENCE CONVICTIONS

Virginia law does not prohibit individuals convicted of domestic violence misdemeanors from purchasing or possessing firearms.

## DOMESTIC VIOLENCE RESTRAINING ORDERS

Virginia law does not prohibit individuals subject to domestic violence restraining orders from possessing firearms, although it does prohibit such persons from purchasing or carrying firearms, and requires holders of concealed handgun permits to surrender their permits for the duration of the protective order. (Va. Code Ann. § 18.2-308.1:4)

## DISPOSAL OF FIREARMS BY PROHIBITED DOMESTIC VIOLENCE MISDEMEANANTS

Virginia law does not require domestic violence misdemeanants to surrender their firearms.

## DISPOSAL OF FIREARMS BY PROHIBITED SUBJECTS OF DOMESTIC VIOLENCE RESTRAINING ORDERS

Virginia law requires that any person subject to a domestic violence restraining order who carries a firearm must forfeit the firearm, but it does not require that persons subject to such orders surrender firearms they possess. (Va. Code Ann. § 19.2-386.28)



# WASHINGTON

## MISDEMEANOR DOMESTIC VIOLENCE CONVICTIONS

Washington law prohibits firearm possession for anyone convicted of most domestic violence misdemeanors after 1993. (Wash. Rev. Code Ann. §§ 9.41.040, 9.41.010(17); 10.99.020(3))

## DOMESTIC VIOLENCE RESTRAINING ORDERS

Washington law prohibits firearm possession by subjects of domestic violence restraining orders; this includes orders arising from incidents involving dating partners. (Wash. Rev. Code Ann. § 9.41.040)

## DISPOSAL OF FIREARMS BY PROHIBITED DOMESTIC VIOLENCE MISDEMEANANTS

Washington law does not require domestic violence misdemeanants to surrender their firearms, but it does provide that courts may order domestic violence misdemeanants to surrender their firearms. (Wash. Rev. Code Ann. §§ 9.41.098(1)(c), 9.41.040)

## DISPOSAL OF FIREARMS BY PROHIBITED SUBJECTS OF DOMESTIC VIOLENCE RESTRAINING ORDERS

Washington law requires courts to order subjects of domestic violence restraining orders to surrender their firearms. (Wash. Rev. Code Ann. § 9.41.800(3))



## WEST VIRGINIA

### MISDEMEANOR DOMESTIC VIOLENCE CONVICTIONS

West Virginia law prohibits a person convicted of a misdemeanor domestic violence crime from purchasing or possessing firearms; this includes persons convicted of abusing a current or former dating partner. (W. Va. Code §§ 61-7-7(a), 61-2-9(b), (c))

### DOMESTIC VIOLENCE RESTRAINING ORDERS

West Virginia law prohibits subjects of domestic violence restraining from possessing firearms. (W. Va. Code §§ 48-27-502(b), 53-8-5.(a)(1)(F))

### DISPOSAL OF FIREARMS BY PROHIBITED DOMESTIC VIOLENCE MISDEMEANANTS

West Virginia law does not require domestic violence misdemeanants to surrender their firearms.

### DISPOSAL OF FIREARMS BY PROHIBITED SUBJECTS OF DOMESTIC VIOLENCE RESTRAINING ORDERS

West Virginia law does not require subjects of domestic violence restraining orders to surrender their firearms.



## WISCONSIN

### MISDEMEANOR DOMESTIC VIOLENCE CONVICTIONS

Wisconsin law does not prohibit individuals convicted of domestic violence misdemeanors from purchasing or possessing firearms.

### DOMESTIC VIOLENCE RESTRAINING ORDERS

Wisconsin law prohibits subjects of domestic violence restraining orders from firearm possession. (Wis. Stat. §§ 813.12(4m), 941.29(1)(f), (g), (2)(d), (e))

### DISPOSAL OF FIREARMS BY PROHIBITED DOMESTIC VIOLENCE MISDEMEANANTS

Wisconsin law does not require domestic violence misdemeanants to surrender their firearms.

### DISPOSAL OF FIREARMS BY PROHIBITED SUBJECTS OF DOMESTIC VIOLENCE RESTRAINING ORDERS

Wisconsin law requires courts issuing domestic violence restraining orders to require subjects of those orders to surrender any firearms to law enforcement or to an approved, non-prohibited third party. (Wis. Stat. §§ 813.12(4m), 813.122(5m))



## WYOMING

### MISDEMEANOR DOMESTIC VIOLENCE CONVICTIONS

Wyoming law does not prohibit individuals convicted of domestic violence misdemeanors from purchasing or possessing firearms.

### DOMESTIC VIOLENCE RESTRAINING ORDERS

Wyoming law does not prohibit individuals subject to domestic violence restraining orders from possessing firearms.

### DISPOSAL OF FIREARMS BY PROHIBITED DOMESTIC VIOLENCE MISDEMEANANTS

Wyoming law does not require domestic violence misdemeanants to surrender their firearms.

### DISPOSAL OF FIREARMS BY PROHIBITED SUBJECTS OF DOMESTIC VIOLENCE RESTRAINING ORDERS

Wyoming law does not require subjects of domestic violence restraining orders to surrender their firearms.

# ENDNOTES

1. Haughton v. Haughton, Petition for Temporary Restraining Order and/or Injunction, at <http://bit.ly/1pBP3mY>.
2. D. Hemenway and E.G. Richardson, Homicide, Suicide, and Unintentional Firearm Fatality: Comparing the United States with Other High-Income Countries, 2003, 70 Journal of Trauma 238-42 (2011).
3. Professor April M. Zeoli, Letter to the Hon. Patrick J. Leahy & Charles Grassley, January 28, 2013.
4. 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).
5. U.S. Department of Justice, Federal Bureau of Investigation, Supplementary Homicide Report, 2011. According to FBI data there were 1,221 gun murders in which a woman was the lead victim. Of these, 649 were killed by an intimate partner or immediate family member — 53% of the total. This data likely undercounts the phenomenon because in many other cases law enforcement could not confirm whether a shooter and victim were intimately involved.
6. Everytown for Gun Safety, Analysis of Recent Mass Shootings, forthcoming.
7. Through April 30, 2014, the criminal background check system has prevented gun sales to prohibited domestic abusers approximately 300,000 times. See below at note 42.
8. U.S. Department of Justice, Federal Bureau of Investigation, Supplementary Homicide Reports, 2011, available at <http://bit.ly/V1GvFe> (excludes New York due to incomplete data); Florida Department of Law Enforcement, Supplementary Homicide Report, 2010.
9. Alexia Cooper and Erica L. Smith, U.S. Department of Justice, Homicide Trends in the United States, 1980-2008, Nov. 2011, at <http://1.usa.gov/1fpGibN>.
10. Only 15 states prohibit all domestic violence misdemeanants and subjects of restraining orders from buying or owning guns: California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Iowa, Louisiana, Minnesota, New Jersey, New York, Tennessee, Texas, Washington, and West Virginia.
11. Michele C. Black et al., The National Intimate Partner and Sexual Violence Survey: 2010 Summary Report, National Center for Injury Prevention and Control, Centers for Disease Control and Prevention, Nov. 2011. Other research suggests more than one in four American women will suffer domestic violence in their lifetimes. See, e.g., Patricia Tjaden and Nancy Thoennes, Extent, Nature and Consequences of Intimate Partner Violence: Findings from the National Violence Against Women Survey, National Institute of Justice and the Centers for Disease Control and Prevention (2000).
12. Costs of Intimate Partner Violence Against Women in the United States, Centers for Disease Control and Prevention, National Centers for Injury Prevention and Control (2003).
13. Susan B. Sorenson and Douglas J. Wiebe, Weapons in the Lives of Battered Women, 94 Am. J. Pub. Health 1412, 1413 (2004).
14. 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).
15. Professor April M. Zeoli, Letter to the Hon. Patrick J. Leahy and Charles Grassley, Jan. 28, 2013.
16. U.S. Department of Justice, Federal Bureau of Investigation, Supplementary Homicide Report, 2011.
17. The FBI defines “mass shootings” as incidents in which at least four people are murdered with a gun.
18. Everytown for Gun Safety, Analysis of Recent Mass Shootings, forthcoming.
19. Id.
20. Under federal law, a person is prohibited from purchasing or possessing guns if he or she is convicted of a crime punishable by imprisonment of more than one year. Crimes classified as misdemeanors are only prohibiting if they are punishable by imprisonment of over two years. 18 U.S.C. 922(g)(1); 18 U.S.C. 921(20).
21. 18 U.S.C. §§ 922(d)(9), (g)(9).
22. 18 U.S.C. §§ 922(d)(8), (g)(8).
23. These states are California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Indiana, Iowa, Louisiana, Minnesota, Nebraska, New Jersey, New York, Pennsylvania, South Dakota, Tennessee, Texas, Washington, and West Virginia. See Appendix for further details.
24. These states are California, Colorado, Connecticut, Delaware, Florida, Hawaii, Illinois, Iowa, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Tennessee, Texas, Washington, West Virginia, and Wisconsin. See Appendix for further details.
25. These states are Alaska, Arizona, Indiana, Nebraska, Nevada, Pennsylvania, Rhode Island, and Utah. See Appendix for further details.
26. 142 Cong. Rec. 1, 25002 (daily ed. Sept. 26, 1996) (statement of Sen. Lautenberg).
27. 18 U.S.C. § 922(g)(9).
28. 18 U.S.C. § 922(d)(9).
29. 18 U.S.C. § 921(a)(33)(A).
30. 18 U.S.C. § 921(a)(33)(B). Not all domestic violence misdemeanants are federally prohibited under this definition. There is no constitutional right to counsel in misdemeanor cases, and, according to a 2001 Congressional Research Service report, “it has been surmised that many domestic violence misdemeanants appeared without representation and likely did not make a knowing and intelligent waiver of that right, thereby significantly limit[ing] the universe of individuals against whom the possession ban may be enforced.” CRS, “Firearms Prohibitions and Domestic Violence Convictions: The Lautenberg



- Amendment,” Report RL31143, Oct. 1, 2001, at 4. See also *United States v. Akins*, 243 F.3d 1199 (9th Cir. 2001) (holding that the evidence was insufficient to establish that the defendant had validly waived his right to counsel prior to pleading guilty to an underlying misdemeanor domestic violence charge).
31. *United States v. Hayes*, 555 U.S. \_\_\_, 129 S.Ct. 1079 (2009).
  32. *United States v. Castleman*, 134 S.Ct. 1405 (2014).
  33. See Louisiana H.B. 753 (2014); Minnesota H.F. 3238/S.2639; New Hampshire S.B. 318; Washington H.1840.
  34. Violent Crime Control and Law Enforcement Act of 1994, 108 Stat. 1796, Pub. L. 103-322, Sec. 110401. (Sept. 13, 1994).
  35. 18 U.S.C. § 922(g)(8).
  36. 18 U.S.C. § 922(g)(8)(A).
  37. 18 U.S.C. § 922(g)(8)(B). The law defines “intimate partner” to cover spouses and former spouses, someone who lives with or has lived with the abuser, or someone who is the parent of a child of the abuser. 18 U.S.C. § 921(a)(32)
  38. 18 U.S.C. § 922(g)(8)(C).
  39. These states are Alaska, Arizona, Indiana, Nebraska, Nevada, Pennsylvania, Rhode Island, Utah, and Wisconsin. Vermont law does not expressly authorize courts issuing restraining orders to prohibit firearm possession, but Vermont courts have the authority to prohibit firearm possession under a statute that allows restraining orders to include any provisions “necessary to protect” an abuse victim. See Appendix for further details.
  40. See U.S. Department of Justice, Federal Bureau of Investigation, National Instant Criminal Background Check System, Fact Sheet, at <http://1.usa.gov/1lt3nfP>; see also PolitiFact, “Passing a federal firearms ‘background check through the NICS database . . . typically takes 90 seconds,” Dec. 3, 2013, at <http://bit.ly/1bQaUAp>.
  41. See U.S. Department of Justice, Federal Bureau of Investigation, NICS Denials: Reasons Why the NICS Section Denies, November 1, 1998 - April 30, 2014, at <http://1.usa.gov/1k9zURj>.
  42. Between the inception of the NICS system in 1998 and April 30, 2014, 108,462 gun sales were federally denied due to a misdemeanor crime of domestic violence conviction, and 46,122 gun sales were federally denied due to restraining or protection orders for domestic violence, making a total of 154,584 federal denials related to domestic violence. U.S. Department of Justice, FBI, NICS Denials: Reasons Why the NICS Section Denies, Nov. 1, 1998 – Apr. 30, 2014, at <http://1.usa.gov/1k9zURj>. Between 1998 and 2010, state and local agencies issued a total of 945,915 denials, and it is estimated they have issued 225,000 denials in the three years since data was last released. U.S. Department of Justice, Bureau of Justice Statistics, Feb. 2013, Background Checks for Firearms Transfers, 2010—Statistical Tables, Feb. 2013, at <http://1.usa.gov/Z8vYsa>. For agencies that reported reasons for these denials, 13.2 percent were denials for domestic violence reasons — which would represent another 155,000 domestic violence denials. Thus, the background check system has likely issued close to 300,000 denials due to domestic violence-related criteria since its inception.
  43. Bureau of Justice Statistics, Background Checks for Firearm Transfers, 2010—Statistical Tables Table 4 (2013).
  44. The federal definition of a misdemeanor crime of domestic violence applies to a current and former spouse, parent or guardian, cohabitor, or someone “similarly situated” to a spouse, parent, or guardian.
  45. Alexia Cooper and Erica L. Smith, U.S. Department of Justice, Homicide Trends in the United States, 1980-2008, Nov. 2011, at <http://1.usa.gov/1fpGlbN>.
  46. Everytown for Gun Safety, Analysis of Recent Mass Shootings, forthcoming.
  47. Judith MacFarlane, Jacquelyn Campbell et al., Stalking and Intimate Partner Femicide, *Homicide Studies* No. 4, 300-16 (Nov. 1999).
  48. Minnesota H.F. 3238.
  49. See *Mayors Against Illegal Guns, Felon Seeks Firearm, No Strings Attached* 9 (2013).
  50. See *id.* at 8
  51. See generally A.P., Tyrone Adair, man wanted in 4 Wisconsin slayings, found dead, N.Y. Daily News, Dec. 7, 2009. Everytown for Gun Safety obtained police reports detailing the facts of the Adair investigations, which are on file with the organization.
  52. See *Mayors Against Illegal Guns, Felon Seeks Firearm, No Strings Attached* (2013).
  53. *Id.*
  54. *Id.*
  55. *Mayors Against Illegal Guns, Gun Background Checks Reduce Crime and Save Lives*, at <http://bit.ly/1k92ceR>.
  56. These states are California, Colorado, Connecticut, Hawaii, Illinois, Iowa, Minnesota, New York, Pennsylvania, and Tennessee. In addition, Washington State provides that a court convicting a domestic violence misdemeanor may—but is not required to—require the misdemeanor to surrender firearms. See Appendix for further details.
  57. These states are Arizona, California, Colorado, Connecticut, Hawaii, Illinois, Iowa, Maryland, Massachusetts, Minnesota, New Hampshire, New York, North Carolina, Tennessee, Washington, and Wisconsin. See Appendix for further details.
  58. These states are Alaska, Arizona, Delaware, DC, Florida, Indiana, Maine, Nevada, New Jersey, North Dakota, Pennsylvania, Rhode Island, South Dakota and Vermont.
  59. Minnesota H.F. 3238/S.2639; Vermont H.735; Washington H.1840; Wisconsin A.B. 464. Vermont law, however, only requires surrender by restraining order subjects if the court orders it.
  60. Laura Bassett and Christina Wilkie, The NRA Quietly Backs Down on Domestic Violence, *Huffington Post*, Apr. 22, 2014, at <http://huff.to/1rkMXG2>.

