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## **Intimate Partner Violence and Firearms**

According to the Centers for Disease Control and Prevention (CDC), “*intimate partner violence*” (IPV) is actual or threatened physical or sexual violence or psychological and emotional abuse directed toward a spouse, ex-spouse, current or former boyfriend or girlfriend, or current or former dating partner. Intimate partners may be heterosexual or of the same sex.<sup>1</sup>

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

Twenty-two percent of women and 7% of men report that they have been physically assaulted by an intimate partner in their lifetime. Among female victims of IPV, 4% reported having been threatened with a gun by an intimate partner, and 1% sustained firearm injuries in these assaults.<sup>2, a</sup>

In 2007, there were more than 18,000 homicides in the U.S.<sup>3</sup> While men are more likely to be homicide victims, women are over 3 and a half times more likely to be killed by an intimate partner compared to men.<sup>4</sup>

According to federal data collected from police departments, in 2005 approximately 40% of female homicide victims ages 15–50 were killed by either a current or former intimate partner.<sup>b</sup> In over half (55%) of these cases, the perpetrator used a gun. Among male victims 15–50 years of age, 2% were killed by either a current or former intimate partner. About 37% of the male intimate partner homicides involved a gun.<sup>4</sup>

Women are a greater danger of being killed by a current or former intimate partner than More than twice as many women are killed by a husband or intimate acquaintance than are killed by a stranger using a gun, a knife, or any other means.<sup>5</sup>

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

Compared to homes without guns, the presence of guns in the home is associated with a 3-fold increased homicide risk within the home. The risk connected to gun ownership increases to 8-

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<sup>a</sup> Note: For these data, “intimate partner” excludes former intimate partners who were never married.

<sup>b</sup> Note: For three reasons, it is likely that these figures are lower than the actual prevalence. First, the data represent approximately 85-90% of police department reports, and therefore do not offer a complete measure of homicides. Second, FBI data do not include a category for former dating relationships (e.g., ex-boyfriend). Third, many relationships reported as “friends” or “acquaintances” may in fact be current or former intimate partners.



### *Center for Gun Policy and Research*

fold when the offender is an intimate partner or relative of the victim and is 20 times higher when previous domestic violence exists.<sup>6</sup>

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

Family and intimate assaults with firearms are 12 times more likely to result in death than non-firearm assaults. This research suggests that limiting access to guns will result in less lethal family and intimate assaults.<sup>8</sup>

A study of women physically abused by current or former intimate partners revealed a 5-fold increased risk of the partner murdering the woman when the partner owned a firearm. In fact,<sup>9</sup>

Homicide risks were found to be 50% higher for female handgun purchasers in California compared with licensed drivers matched by sex, race, and age group.<sup>10</sup> Among the women handgun purchasers who were murdered, 45% were killed by an intimate partner using a gun. In contrast, 20% of all women murdered in California during the study period were killed with a gun by an intimate partner.<sup>11</sup>

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

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

In 1994, Congress enacted the Violent Crime Control and Law Enforcement Act. This law expanded the list of people prohibited from purchasing and possessing firearms to include individuals subject to a court order restraining them from “harassing, stalking, or threatening an intimate partner” or “engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury.” This restriction applies only to court orders in which the alleged batterer was present (*ex parte* orders do not apply). Some states implemented policies to prohibit gun ownership for batterers with restraining orders prior to the passage of federal legislation in 1994.

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

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

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<sup>c</sup> Section 658 of Public Law 104-208.



### *Center for Gun Policy and Research*

A recent federal report on the National Instant Criminal Background Check System (NICS) found that from 1998-2001, 14% of the 200,000 denials for gun purchases generated by NICS were the result of domestic violence misdemeanor convictions. During the same period, the ATF received almost 3,000 referrals to retrieve firearms sold to individuals who were ineligible to purchase firearms due to a domestic violence misdemeanor. These sales – representing 26% of all referrals to retrieve firearms from proscribed users – occurred because authorities did not complete the background check within the maximum time allowed by federal law (3 days). At least a dozen states have laws allowing law enforcement more than the federal 3-day limit to complete the background check.<sup>12</sup>

Recent research indicates that laws to restrict firearm purchase for batterers subject to restraining orders are associated with a 10% reduction in rates of intimate homicide of women and a 13% reduction in rates of intimate homicide of women with firearms. However, such laws are only effective in reducing intimate partner homicides in states that have implemented a system to screen potential firearms purchasers for restraining orders. No effect on intimate partner homicide was measured for laws that restrict firearm access for domestic violence misdemeanants.<sup>13</sup>

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

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

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

1. Laws that authorize law enforcement officers to seize guns when responding to domestic violence calls;
2. Laws that permit judges to order batterers to surrender their firearms through court protective orders; and
3. Laws that prohibit people with domestic violence offenses from obtaining a permit to carry concealed firearms.

As of mid-2004, 18 states had a law that authorized police to remove firearms when responding to a domestic violence incident. Sixteen state codes included provisions that allow courts to order firearms removed when issuing a protective order. Ten states had both laws; 26 states had neither law. Even within these groups, state laws varied considerably. For example, of the 18 states that permitted police officers to remove guns when responding to a domestic violence call, 8 required



### *Center for Gun Policy and Research*

police to do so, 7 allowed but did not require gun removal, and 3 others varied by circumstance. States also differ with regard to whether police officers may confiscate ammunition, whether they are authorized to remove the gun if the abuser is not arrested, which guns may be seized (e.g., only those used in the domestic violence incident in question), and whether the time frame for the return of seized firearms is specified.<sup>14</sup>



*Center for Gun Policy and Research*

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