

# California Domestic Violence and Guns

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California has strong restrictions on access to firearms by domestic abusers. However, more can be done to prevent access to guns by convicted stalkers and domestic violence misdemeanants.

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## State gun and domestic violence overview

*California is home to a staggering amount of gun violence.*

- From 2002 to 2011, 32,482 people were killed with guns in California, which is more than six times the number of U.S. soldiers killed in combat during the wars in Iraq and Afghanistan combined.<sup>1</sup>
- Somebody is killed with a gun in California every three hours: In 2011 alone, there were 3,004 gun deaths in the state.<sup>2</sup>

*Domestic violence fatalities are prevalent in California, and they are frequently a result of gun crime.*

- According to the FBI, there were 1,447 intimate partner homicides in California from 2003 to 2012, which includes both male and female victims.
- Nearly half of these victims—49 percent—were killed with guns.<sup>3</sup>

*Women are far more at risk to be victims of fatal domestic violence, and guns play a big role in that violence.*

- From 2003 to 2012, 83 percent of all intimate partner homicide victims in California were women. More than half of these victims—51 percent—were killed with guns.<sup>4</sup>
- Firearms accounted for the murders of 1,874 women in California from 2002 to 2011.<sup>5</sup>

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## Overview of California laws to protect women from abusers and stalkers

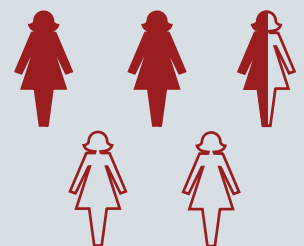
*California law currently prevents some domestic abusers from possessing guns.*

- California prohibits the purchase and possession of firearms by violent misdemeanants, such as those convicted of assault, battery, or stalking, without regard to the victim's relationship to the offender.<sup>6</sup>
- Protective orders that automatically prohibit an abuser from possessing guns are available to victims of broadly defined domestic violence, harassment, and stalking.<sup>7</sup> In some circumstances, entities other than the victim can seek these orders on their behalf.<sup>8</sup>

From 2002 to 2011, 32,482 people were killed with guns in California, more than six times the number of U.S. soldiers killed in combat in the wars in Iraq and Afghanistan combined.



From 2003 to 2012, 51 percent of female domestic violence homicide victims were killed with a gun.



- California requires abusers subject to protective orders to surrender firearms already in their possession and provides a procedure for doing so.<sup>9</sup>
- California requires a background check before the sale of every gun.<sup>10</sup>

*However, the state still has loopholes that can let some abusers have easy access to guns.*

- Although the state maintains records of gun sales,<sup>11</sup> law enforcement rarely accesses these records before a protective order is served to determine whether the abuser has guns.<sup>12</sup>
- Law enforcement still lacks the resources to recover firearms from all people who have become prohibited from possessing them, including convicted domestic abusers.

## Support for doing more to protect women from abusers and stalkers in California

*Voters in California strongly support expanding background checks to keep guns from criminals, domestic abusers, and other dangerous people.*

- In a March 2013 poll conducted by the University of Southern California, 92 percent of California voters supported background checks for all gun sales.<sup>13</sup>

## Case study

*We need universal background checks and other important measures to keep guns out of the hands of dangerous abusers.*

- Nolan Perez—wanted on seven different criminal charges, including stalking and criminal threats made against his ex-girlfriend—was arrested after a five-hour standoff with police in the San Fernando Valley in June 2014. Police were called after Perez got into a fight with his ex-girlfriend at her home, and they attempted to arrest Perez for the outstanding felony warrants. When confronted, Perez tried to escape, threatening police with an AR-15 assault rifle. Due to past convictions for domestic violence in 2011 and felony charges in 2007, Perez should have been legally prohibited from possessing the assault rifle he used to threaten the police.<sup>14</sup>

## Where does California stand on laws to protect women from abusers and stalkers?

- Misdemeanor domestic abusers prohibited?
- Individuals subject to a domestic violence protective order prohibited?
- Stalkers prohibited?
- Background checks required on all gun sales?

**A majority of Californians support background checks.**



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## Endnotes

1. Centers for Disease Control and Prevention, "WISQARS™ (Web-based Injury Statistics Query and Reporting System)," available at <http://www.cdc.gov/injury/wisqars/fatal.html> (last accessed August 2014); U.S. Department of Defense, U.S. Casualty Status (2014), available at <http://www.defense.gov/NEWS/casualty.pdf>.
2. *Ibid.*
3. Federal Bureau of Investigation, Supplementary Homicide Data (U.S. Department of Justice, 2003–2012).
4. *Ibid.*
5. Centers for Disease Control and Prevention, "WISQARS™ (Web-based Injury Statistics Query and Reporting System)," available at <http://www.cdc.gov/injury/wisqars/fatal.html> (last accessed August 2014).
6. Cal. Penal Code § 29805.
7. Cal. Civ. Proc. Code § 527.6; Cal. Fam. Code §§ 6218, 6389; Cal. Welf. & Inst. Code § 15657.03; Cal. Penal Code §§ 136.2, 646.91.
8. Cal. Civ. Proc. Code §§ 527.8, 527.85.
9. Cal. Fam. Code § 6389; Cal. Civ. Proc. Code § 527.9. See also Cal. Penal Code §§ 136.2, 29825; Cal. Civ. Proc. Code §§ 527.6, 527.8, 527.85; Cal. Welf. & Inst. Code § 15657.03.
10. Cal. Penal Code § 27545 et seq.
11. Cal. Penal Code § 11106.
12. Garen J. Wintemute and others, "Identifying Armed Respondents to Domestic Violence Restraining Orders and Recovering Their Firearms: Process Evaluation of an Initiative in California," *American Journal of Public Health* 104 (2) (201): 113–118.
13. University of Southern California, "Californians Overwhelmingly Support Gun Control Measures," Press release, March 22, 2013, available at <http://dornsife.usc.edu/usc-dornsife-la-times-poll-gun-control-and-gun-violence/>.
14. Philip Caulfield, "Assault rifle-wielding madman who led chase through Los Angeles, hopped across rooftops, surrenders after cops tear gas home," *New York Daily News*, June 10, 2014, available at <http://www.nydailynews.com/news/national/assault-rifle-wieldin-gunman-leads-police-pursuit-lengthy-standoff-los-angeles-article-1.1823626>; Crimesider Staff, "LA armed pursuit suspect arrested after standoff," *CBS News*, June 10, 2014, available at <http://www.cbsnews.com/news/los-angeles-armed-pursuit-suspect-arrested-after-standoff/>; City News Service, "North Hollywood standoff suspect pleads not guilty to stalking, threatening ex-girlfriend," *Los Angeles Daily News*, June 12, 2014, available at <http://www.dailynews.com/general-news/20140612/north-hollywood-standoff-suspect-pleads-not-guilty-to-stalking-threatening-ex-girlfriend>.