



Frequently Asked Questions About Domestic Violence and Firearms

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This fact sheet will be periodically updated to account for new policy developments. It was last updated on April 26, 2021. [Click here](#) to view other fact sheets in this series.

Who is affected by domestic violence and intimate partner abuse?

According to the National Domestic Violence Hotline, domestic violence is “a pattern of behaviors used by one partner to maintain power and control over another partner in an intimate relationship.”¹ This can include “behaviors that physically harm, intimidate, manipulate or control a partner, or otherwise force them to behave in ways they don’t want to, including through physical violence, threats, emotional abuse, or financial control.”² When specifically pertaining to spousal or dating partners, this is commonly referred to as “intimate partner violence.”³

Domestic violence affects people of all socioeconomic classes, ages, genders, races, and ethnicities. Across their lifetime, 1 in 5 women and 1 in 7 men report experiencing severe physical violence from an intimate partner;⁴ and nearly 2 in 5 transgender people report having experienced intimate partner violence or other forms of coercive control and/or physical harm.⁵ LGBTQ people experience physical violence at even higher rates: A recent report conducted by the Human Rights Campaign found that 44 percent of lesbian women and 61 percent of bisexual women experience rape, physical violence, or stalking by an intimate partner.⁶ Additionally, individuals with disabilities experience physical harm—including intimate partner violence—at higher rates than individuals who do not identify as disabled.⁷

Unfortunately, COVID-19 has only exacerbated these harms. During the pandemic, there was a reported increase in incidents of domestic violence throughout the country due to stay-at-home orders, which provide fewer options for individuals housed with their abusers, in addition to increased barriers to accessing resources.⁸

What are the risks posed when guns are present in the context of domestic or intimate partner abuse?

When guns are involved in domestic violence situations, it can exacerbate harm and even be fatal for victims, perpetrators, and third parties.

Nearly 1 million women report being shot and 4.5 million women report being threatened with a gun by an intimate partner.⁹ In fact, one study found that in domestic violence situations, the risk of death is five times greater when a gun is present.¹⁰ A separate report found that there is a 31 percent increase in the chance of an additional person being murdered with a gun during a domestic violence scenario compared with stranger-to-stranger violence.¹¹

The link between domestic violence and firearms is striking: According to an analysis of the Supplemental Homicide Reports, 56 percent of women murdered by an intimate partner from 2010 to 2019 were killed with a firearm.¹²

Under current federal law, can individuals with a history of domestic violence buy or possess guns?

Current federal law prohibits some but not all individuals with a demonstrated history of domestic abuse from purchasing or possessing firearms. Under current law, two categories of individuals with a history of domestic abuse are prohibited from buying and possessing guns: 1) those who have been convicted of a misdemeanor crime of domestic violence; and 2) those subject to a domestic violence restraining order that was issued after a full hearing.¹³

This law applies to individuals whose abuse was committed against a current or former spouse, an individual with whom they have a child in common, a current or former live-in intimate partner, or a parent or guardian.¹⁴

What are the gaps in the law that allow some abusers to continue to have access to guns?

There are significant gaps in the law that leave victims of abuse vulnerable to future gun violence. As a result, many perpetrators of domestic violence are excluded from federal law.

There are three primary gaps in current federal law that leave survivors of domestic abuse vulnerable to future gun violence.

1. Dating partner loophole

The protections in current federal law do not extend to individuals who are abused by a current or former dating partner with whom they do not have a child in common and have never cohabitated. In this regard, the law has failed to keep pace with the reality of modern intimate relationships: Since 1982, rates of marriage have steadily decreased, reaching a historic low in 2018.¹⁵ Federal protections are vital for the safety of unmarried individuals in dating partnerships, as they experience domestic violence at similar and, in some cases, higher rates.¹⁶

The “dating partner loophole” has dangerous and deadly consequences for victims of domestic violence. A study that focused on 31,000 events of intimate partner violence in Philadelphia found that more than 80 percent of these domestic violence crimes were between unmarried people.¹⁷ Indeed, half of all domestic violence-related homicides are committed by a dating partner rather than a spouse.¹⁸ While the dating partner loophole is often referred to as the “boyfriend loophole,” closing this gap must apply to all dating partners regardless of gender identity.

In order to address this pervasive issue, 28 states and the District of Columbia have either partially or completely closed the dating partner loophole.¹⁹

2. Misdemeanor stalking

The federal firearm prohibitions related to domestic abuse do not apply to individuals who have been convicted of a misdemeanor-level stalking offense. Yet stalking is a dangerous crime that is often a precursor to future harm, including domestic violence. The U.S. Department of Justice defines stalking as “a course of conduct directed at a specific person that would cause a reasonable person to fear for [their] safety or the safety of others.”²⁰ A study found that 76 percent of women killed by an intimate partner were stalked prior to their death, and 85 percent of women who survived an attempted murder were stalked before their crime.²¹

Stalking that is classified as a misdemeanor rather than a felony should not be overlooked given that it often serves as a precursor to later violent crime. In 2018, a man who had previously been convicted of stalking a former classmate shot and killed five employees at the *Capital Gazette* in Annapolis, Maryland.²² Prohibiting individuals convicted of misdemeanor stalking from accessing guns would greatly reduce the risk of further violent crime against former or current intimate partners.

Twenty states and the District of Columbia have laws that prohibit individuals convicted of misdemeanor stalking from purchasing a firearm.²³

3. Temporary restraining orders

When a survivor of domestic abuse first decides to seek recourse and protection from the court system, the first step in that process is often to obtain a temporary restraining order. These orders are issued by a judge during a preliminary court appearance before the alleged abuser has an opportunity to appear and be heard. Temporary restraining orders typically last for a short duration—often one to two weeks—and provide crucial protection for victims during a period of heightened risk.

Abuse is often one way in which a perpetrator wields power and control over a victim. When a perpetrator is alerted that the victim is attempting to leave or protect themselves by way of a restraining order, that individual may escalate their abuse in order to maintain control. This makes the period immediately following the

issuance of a restraining order particularly dangerous for victims.²⁴ Yet individuals subject to a temporary domestic violence restraining order still remain free to buy and possess guns under current federal law.

Seventeen states have taken action to close this gap in the law.²⁵

Endnotes

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