



## Ohio Should Pass Legislation to Keep Guns Out of the Hands of Domestic Abusers

- ❑ **Bottom Line:** Dangerous gaps in Ohio law make it easy for domestic abusers to access guns, even though they are legally prohibited from having them. The Ohio General Assembly should protect victims of domestic abuse by (1) barring gun possession for domestic abusers who have been convicted or are currently subject to final protection orders, and (2) requiring that domestic abusers turn in their guns when they become prohibited.
- ❑ **Prohibit gun possession by convicted domestic abusers.**
  - Criminals convicted of misdemeanor domestic violence crimes are generally prohibited from gun possession by federal law,<sup>1</sup> but not by state law—meaning that our state system cannot bring these abusers to justice.
  - According to FBI data from 2000-2012, 41 percent of women shot to death in Ohio were killed by intimate partners. And the presence of a gun in a domestic violence situation increases the odds a woman will be murdered by 500 percent.<sup>2</sup>
  - Ohio should pass a bill prohibiting convicted domestic abusers from possessing guns—enabling Ohio law enforcement to keep guns out dangerous hands and enabling Ohio prosecutors to bring charges against law-breakers.
- ❑ **Prohibit gun possession by domestic abusers subject to final protection orders.**
  - Domestic abusers subject to final protection orders are generally prohibited from having guns by federal law, but not by state law.<sup>3</sup>
    - “Final” protection orders are issued only after the restrained person has the opportunity to appear before a judge—who must determine under state law that domestic violence has occurred or that the victim must be protected by the state.<sup>4</sup>
  - The General Assembly should prohibit restrained domestic abusers from possessing guns—enabling Ohio officials to arrest and prosecute abusers who should not be armed.
  - States that restrict access to firearms by those under domestic violence restraining orders see a 25 percent reduction in intimate partner gun homicides.<sup>5</sup>

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<sup>1</sup> 18 USC § 922(g)(9). Offenders are prohibited if they are current or former spouses, parents, or guardians of their victims, if they share a child with their victims, or if they cohabit or have cohabited with the victim as a spouse, parent, or guardian.

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

<sup>3</sup> 18 USC § 922(g)(8). A protection order subject is prohibited by federal law from having guns if he or she is a current or former spouse of the petitioner, if he or she shares a child with the petitioner, or if he or she cohabits or has cohabited with the petitioner.

<sup>4</sup> Ohio Revised Code §§ 3113.31, 2151.34, 2903.214

<sup>5</sup> April Zeoli and Daniel Webster, “Effects of domestic violence policies, alcohol taxes and police staffing levels on intimate partner homicide in large US cities,” Journal of Injury Prevention, 2010, available at <http://bit.ly/1qbHZxG>



❑ **Require abusers to turn in their guns when they become prohibited from having them.**

- Even though many domestic abusers are prohibited from having guns under federal law, they generally are not required to surrender their guns when they become prohibited.
  - Federal background checks ensure that these dangerous people cannot buy firearms from gun dealers, but only state law can ensure that they surrender any guns they already own.
  - The practical result is that dangerous people can keep their guns—even after they are convicted of domestic abuse, and even after a court has restrained them from threatening or harassing their partners.
- Ohio should pass legislation requiring prohibited domestic abusers to turn in their guns to law enforcement or a licensed gun dealer immediately after they become prohibited—and before they can do any further harm.