

West Virginia Domestic Violence and Guns

October 2014

West Virginia has some restrictions on access to firearms by domestic abusers. However, more can be done to prevent access to guns by stalkers and require domestic abusers to surrender guns in their possession.

State gun and domestic violence overview

West Virginia is home to a staggering amount of gun violence.

- From 2002 to 2011, 2,611 people were killed with guns in West Virginia. That is more than the number of all U.S. combat deaths in the war in Afghanistan.¹
- Somebody is killed with a gun in West Virginia every 31 hours: In 2011 alone, there were 278 gun deaths in the state.²

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

- According to the FBI, there were 110 domestic violence homicides in West Virginia from 2003 to 2012, which include both male and female victims.
- Of those homicides, more than one-half of the victims—61.8 percent—were killed with guns.³

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

- Of the 195 female homicide victims in West Virginia from 2003 to 2012, 94 were killed as a result of a domestic violence incident.⁴
- Firearms accounted for the murders of 159 women in West Virginia from 2002 to 2011.⁵

Overview of West Virginia laws to protect women from abusers and stalkers

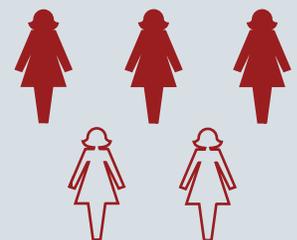
West Virginia has some laws to prevent abusers from having easy access to guns.

- West Virginia prohibits domestic assault misdemeanants from possessing guns.⁶
- West Virginia prohibits subjects of domestic violence protective orders from possessing guns or ammunition.⁷
- Under West Virginia law, domestic violence protective orders extend to current or former sexual or intimate partners.⁸

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From 2003 to 2012, 60.6 percent of female domestic violence homicide victims in West Virginia were killed with a gun.



West Virginia can do more to protect its citizens from domestic violence.

- West Virginia does not establish a procedure for the removal of firearms from domestic abusers at the time they become prohibited from possessing firearms.
- West Virginia does not require a background check for all gun buyers, including those at gun shows or over the Internet.
- West Virginia does not prohibit stalking misdemeanants from purchasing or possessing firearms.

Support for doing more to protect women from abusers and stalkers in West Virginia

Many West Virginians strongly support expanding background checks to keep guns from criminals, domestic abusers, and other dangerous people.

- In a June 2013 poll conducted by the Charleston Daily Mail, 75 percent of those surveyed supported background checks for all sales at gun shows.⁹

Case study

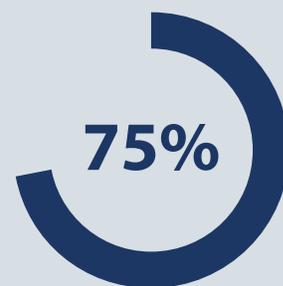
We need universal background checks and other important measures to keep guns out of the hands of dangerous abusers.

- Rebecca Crawford had a domestic violence protection order against her husband, Gary Cole, who had also been stalking her. However, on April 1, 2010, Cole shot his wife with a 12-gauge shotgun at the school bus stop where she was waiting to pick her children up from school. Cole had previously violated the protection order and was out on bond at the time of the shooting. Cole fled the scene after shooting his wife and shot himself when police cornered him in a field outside of Hico, West Virginia.¹⁰

Where does West Virginia stand on laws to protect women from abusers and stalkers?

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

A majority of West Virginians support background checks at gun shows.



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, Supplemental 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)."
6. W. Va. Code § 61-7-7(a). See W. Va. Code § 61-2-28.
7. W. Va. Code §§ 61-7-7(a)(7), 48-27-502(b).
8. W. Va. Code § 61-7-7(a). See W. Va. Code § 61-2-28.
9. Office of Senator Joe Manchin, "Heartening State for Gun Limits," Press release, June 24, 2013, available at <http://www.manchin.senate.gov/public/index.cfm/2013/6/heartening-state-for-gun-limits-saturday-gazette-mail>.
10. WVVA.com, "Detectives investigating apparent murder-suicide," April 1, 2010, available at <http://www.wvva.com/story/12245548/detectives-investigating-apparent-murder-suicide>.