

Delaware Domestic Violence and Guns

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Delaware has some restrictions on access to firearms by domestic abusers. More can be done to prevent access to guns by convicted stalkers.

State gun and domestic violence overview

Delaware is home to a significant amount of gun violence.

- From 2002 to 2011, 783 people were killed with guns in Delaware.¹
- Somebody is killed with a gun in Delaware every five days: In 2011 alone, there were 77 gun deaths in the state.²

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

- According to the FBI, there were 31 domestic violence homicides in Delaware from 2003 to 2012, which includes both male and female victims.
- Of those homicides, almost half of the victims—48.4 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 74 female homicide victims in Delaware from 2003 to 2012, 25 were the result of a domestic violence incident.⁴
- Firearms accounted for the murders of 41 women in Delaware from 2002 to 2011.⁵

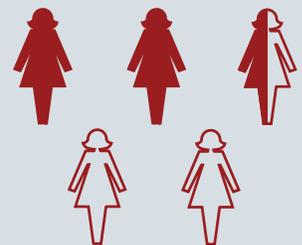
Overview of Delaware laws to protect women from abusers and stalkers

Delaware law currently prevents some domestic abusers from possessing guns.

- Delaware law prohibits the purchase and possession of firearms and ammunition by domestic violence misdemeanants, including persons who have committed abuse against current or former cohabitating dating partners.⁶
- Delaware prohibits the purchase and possession of firearms and ammunition by persons subject to Delaware Family Court protection from abuse orders.⁷
- Delaware requires universal background checks for all firearms purchasers, including for persons who purchase firearms from unlicensed sellers.⁸

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

- In Delaware, the misdemeanor crime of domestic violence does not include abuse toward non-cohabitating dating partners.⁹
- Misdemeanant stalkers are not prohibited from purchasing or possessing firearms in Delaware.
- Delaware authorizes, but does not require, courts to issue protective orders that direct abusers to surrender all firearms in their possession.¹⁰

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

Most Delaware voters strongly support expanding background checks to keep guns from criminals, domestic abusers, and other dangerous people.

- In an April 2013 poll conducted by GBA Strategies, 88 percent of Delaware voters supported requiring universal background checks for all gun sales.¹¹

Case study

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

- On February 11, 2013, Christine Belford and Laura Mulford were shot to death at the New Castle County Courthouse by Belford's ex-father-in-law and former police officer, Thomas Matusiewicz, who then committed suicide. Belford was at the courthouse on the day of her death for a child-support arrears hearing to which her ex-husband, David Matusiewicz, had been summoned to Delaware to attend. Three other family members, including David, have been charged with federal conspiracy and stalking charges. David Matusiewicz had been stripped of his parental rights after he and his mother kidnapped his children in 2007 and took them to Central America for 18 months. David served three years in federal prison in Texas and was released one year prior to the shooting.¹²

Where does Delaware 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 Delaware voters support universal background checks.



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).
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. Del. Code Ann. tit. 11, §§ 1041(2)(b), 1448(a)(7).
7. Del. Code Ann. tit. 11, § 1448(a)(6).
8. Del. Code Ann. tit. 11, §§ 1448A(a), (g), 1148B(a).
9. Delaware Code Ann. Title 11 §§ 601, 602, 603, 611, 614, 621, 625, 628, 763, 765, 766, 767, 781, 785, or 791.
10. Del. Code Ann. tit. 10, § 1045(a)(8).
11. Delaware Voices Against Gun Violence, "Poll: Delawareans favor change to gun laws," April 27, 2013, available at <http://delawareaction.org/2013/04/poll-delawareans-favor-change-to-gun-laws/>.
12. Randall Chase, "David Matusiewicz Pleads Not Guilty To Stalking Christine Belford," Associated Press, August 20, 2013, available at http://www.huffingtonpost.com/2013/08/20/david-matusiewicz-pleads-not-guilty-stalking-christine-belford_n_3785679.html; Melissa Nann Burke and Sean O'Sullivan, "Family's fatal flaw leads to Del. courthouse shooting," USA Today, February 25, 2013, available at <http://www.usatoday.com/story/news/nation/2013/02/25/delaware-courthouse-shooting-family/1945261/>.