

# Florida Domestic Violence and Guns

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Florida has weak laws restricting access to firearms by domestic abusers. More can be done to keep guns out of the hands of dangerous persons such as misdemeanor stalkers and domestic abusers.

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## State gun and domestic violence overview

*Florida is home to a significant amount of gun violence.*

- From 2002 to 2011, 21,213 people were killed with guns in Florida, which is more than three 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 Florida every four hours: In 2011 alone, there were 2,378 gun deaths in the state.<sup>2</sup>

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

- According to the Florida State Police, there were 170 domestic-violence-related murders in 2013.<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.*

- According to the Florida Domestic Violence Fatality Review Board, 56 percent of domestic violence homicides in the state from 2006 to 2012 were committed with a gun.<sup>4</sup>
- Firearms accounted for the murders of 1,370 women in Florida from 2002 to 2011.<sup>5</sup>

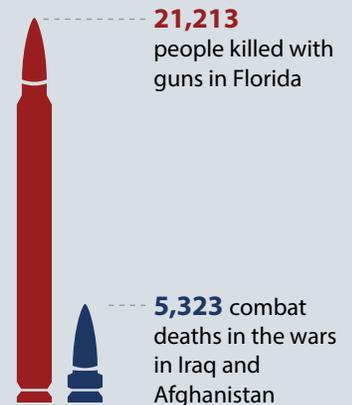
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## Overview of Florida laws to protect women from abusers and stalkers

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

- Florida enforces federal law by reviewing available records to prevent domestic violence misdemeanants from passing the background check required before purchase of a firearm from a licensed firearms dealer.<sup>6</sup>
- Florida bars the possession of firearms by persons subject to restraining orders for domestic violence, stalking, or cyberstalking.<sup>7</sup>

From 2002 to 2011, more than three times as many people were killed with guns in Florida than the number of U.S. soldiers killed in the wars in Iraq and Afghanistan combined.



From 2006 to 2012, 56 percent of domestic-violence-related homicides were committed with a gun.



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

- Florida does not ban gun possession by individuals convicted of domestic violence misdemeanors, including people convicted of abusing family members and dating partners.
- Florida does not bar people convicted of misdemeanor stalking from possessing firearms.
- Florida has no law requiring the surrender of firearms by convicted domestic abusers and authorizes, but does not require, a court to order defendants subject to a restraining order to surrender their firearms.<sup>8</sup>
- State law does not require private sellers, such as those selling at gun shows or over the Internet, to conduct background checks.

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

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

- In a March 2013 poll conducted by Quinnipiac University, 91 percent of Florida voters favor background checks for all gun buyers, including 87 percent of Republicans and 88 percent of voters in gun-owning households.<sup>9</sup>

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## Case study

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

- Caitlin Albritton was shot in the head at point-blank range in Gainesville, Florida by her ex-boyfriend, Alvin Thomas, against whom she had an injunction for protection against domestic violence. Thomas had been stalking Albritton for seven months at the time of her murder, since she broke up with him in April 2013. Albritton had just returned home from picking up her 2-year-old daughter when Thomas rang her doorbell and shot her with a handgun. Albritton had previously reported Thomas' stalking behavior to the police, as he would frequently break into her home and physically abused her on several occasions; however, the police had been unable to locate Thomas in order to serve him with the injunction. Thomas had been previously convicted of a felony, so he should have been prevented from possessing a firearm under federal law.<sup>10</sup>

## Where does Florida 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 Floridians favor background checks for all gun buyers.**



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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. Florida Department of Law Enforcement, "Crime in Florida" (2013), available at [http://www.fdle.state.fl.us/Content/getdoc/f6d1f24d-053e-466b-a67e-3cbe2fd38de6/CIF\\_annual13.aspx](http://www.fdle.state.fl.us/Content/getdoc/f6d1f24d-053e-466b-a67e-3cbe2fd38de6/CIF_annual13.aspx).
4. Florida Coalition Against Domestic Violence, "The Faces of Fatality" (2013), available at [http://www.ndvfri.org/reports/florida/Florida\\_Statewide\\_AnnualReport\\_2013.pdf](http://www.ndvfri.org/reports/florida/Florida_Statewide_AnnualReport_2013.pdf).
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. Fla. Stat. § 790.065.
7. Fla. Stat. § 790.233.
8. Fla. Stat. §§ 741.31, 784.047, 784.0487.
9. Quinnipiac University, "Clinton Tops Florida Favorite Sons in 2016 Race, Quinnipiac University Poll Finds; 91% Back Universal Background Checks," Press release, March 21, 2013, available at <http://www.quinnipiac.edu/news-and-events/quinnipiac-university-poll/florida/release-detail?ReleaseID=1870>.
10. Monivette Cordeiro, "Man accused of killing mom, 22, had been stalking her, family says," The Gainesville Sun, November 22, 2013, available at <http://www.gainesville.com/article/20131122/articles/131129813?p=1&tc=pg>.