

# Kentucky Domestic Violence and Guns

October 2014

Kentucky has few laws specifically aimed at restricting access to firearms by domestic abusers. Much can be done to keep guns out of the hands of dangerous persons, including convicted domestic violence misdemeanants, stalkers, and subjects of domestic violence protective orders.

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## State gun and domestic violence overview

*Kentucky is home to a staggering amount of gun violence.*

- From 2002 to 2011, 5,654 people were killed with guns in Kentucky. That is more than the number of all U.S. combat deaths in the wars in Iraq and Afghanistan combined.<sup>1</sup>
- Somebody is killed with a gun in Kentucky every 14 hours: In 2011 alone, there were 617 gun deaths in the state.<sup>2</sup>

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

- According to the FBI, there were 202 domestic violence homicides in Kentucky from 2003 to 2012, which include both male and female victims.
- Of those homicides, almost three-quarters of the victims—70.8 percent—were killed with guns.<sup>3</sup>

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

- Of the 447 female homicide victims in Kentucky from 2003 to 2012, 149 were killed as a result of a domestic violence incident.<sup>4</sup>
- Firearms accounted for the murders of 300 women in Kentucky from 2002 to 2011.<sup>5</sup>

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

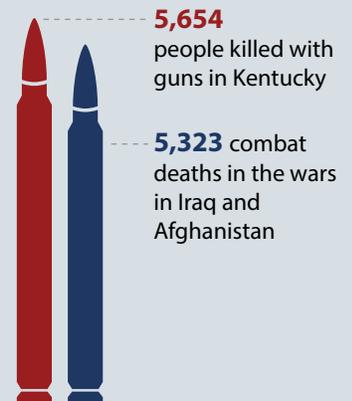
*Kentucky has few laws to prevent abusers from having easy access to guns.*

- Kentucky provides for the suspension of a license to carry a concealed deadly weapon if the licensee is subject to a domestic violence order or emergency protective order.<sup>6</sup>

*The state has considerable loopholes that can let abusers have easy access to guns.*

- Kentucky has no law prohibiting domestic violence misdemeanants or persons subject to domestic violence protective orders from purchasing or possessing firearms, unlike federal law.

From 2002 to 2011, 5,654 people were killed with guns in Kentucky. That is more than the number of all U.S. combat deaths in the wars in Iraq and Afghanistan combined.



From 2003 to 2012, 73.2 percent of female domestic violence homicide victims in Kentucky were killed with a gun.



- Kentucky does not require the surrender of firearms owned by persons who have become prohibited from possessing firearms under federal domestic violence laws.
- Kentucky does not prohibit people convicted of stalking misdemeanors from purchasing or possessing firearms.
- Kentucky does not require background checks for all gun buyers, including those at gun shows or over the Internet.
- Kentucky law explicitly provides that a restraining order triggered by a conviction for, or guilty plea to, stalking does not “operate as a ban on the purchase or possession of firearms or ammunition by the defendant.”

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

*Many Kentucky voters strongly support expanding background checks to keep guns from criminals, domestic abusers, and other dangerous people.*

- A January 2013 Courier-Journal Bluegrass poll found that 75 percent of Kentucky voters support background checks on all gun buyers, even if the sale is between private parties.<sup>7</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.*

- Four months after filing for divorce and requesting a restraining order, Alisha Waters was shot by her estranged husband, Dennis Joseph Mathis II, at the medical office where she worked. A judge had denied Waters’s request for protection from her husband, who was stalking her. Mathis arrived in the parking lot as Waters was walking into work and began chasing her while wielding a gun. Mathis shot her five times before turning the gun on himself; Waters survived the attack but is still recovering from paralysis in her hands and legs.<sup>8</sup>

### Where does Kentucky stand on laws to protect women from abusers and stalkers?



Stalkers prohibited?



Misdemeanant domestic abusers prohibited?



Individuals subject to a domestic violence protective order prohibited?



Background checks required on all gun sales?

**A majority of Kentuckians support background checks on 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. Federal Bureau of Investigation, Supplemental Homicide Data (U.S. Department of Justice, 2003–2012).
4. Ibid.
5. Centers for Disease Control and Prevention, "WISQARS™."
6. Ky. Rev. Stat. Ann. § 237.110(13)(k).
7. Kevin Willis, "Poll: Majority in Kentucky Supports Gun Rights, But Also Several Restrictions," WKU Public Radio, January 29, 2013, available at <http://wkyufm.org/post/poll-majority-kentucky-supports-gun-rights-also-several-restrictions>.
8. "Paralysis may be in Ft. Thomas shooting victim's future," FOX19 News, August 16, 2013, available at <http://www.fox19.com/story/23056195/alisha-waters-shot-at-ft-thomas-office-building-on-tuesday>; Alison Montoya, "Alisha Waters returns home from rehab after being shot by estranged husband," WLWT News, December 6, 2013, available at <http://www.wlwt.com/news/local-news/news-northern-kentucky/alisha-waters-returns-home-from-rehab-after-being-shot-by-estranged-husband/23347054>.