

Montana Domestic Violence and Guns

October 2014

Montana has some restrictions on firearms access by domestic abusers. Much more can be done to prevent access to guns by stalkers, abusive same-sex dating partners, and subjects of domestic violence protective orders.

State gun and domestic violence overview

Montana is home to a significant amount of gun violence.

- From 2002 to 2011, 1,476 people were killed with guns in Montana.¹
- Somebody is killed with a gun in Montana every three days: In 2011 alone, there were 167 gun deaths in the state.²

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

- According to the FBI, there were 41 domestic violence homicides in Montana from 2003 to 2012, which include both male and female victims.
- Of those homicides, almost three-quarters of the victims—65.9 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 70 female homicide victims in Montana from 2003 to 2012, 34 were killed as a result of a domestic violence incident.⁴
- Firearms accounted for the murders of 51 women in Montana from 2002 to 2011.⁵

Overview of Montana laws to protect women from abusers and stalkers

Montana law currently prevents some domestic abusers from possessing guns.

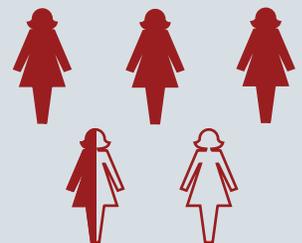
- Montana law authorizes courts to have the county sheriff in a domestic violence offender's county of residence revoke or deny renewal of a concealed weapons permit.⁶
- Montana authorizes courts to temporarily prohibit domestic violence offenders from possessing a firearm used in an assault.⁷
- Under Montana law, domestic violence protective orders extend to persons currently or formerly in a dating or ongoing intimate relationship.⁸

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

- Unlike federal law, Montana does not ban gun possession by people who have been convicted of domestic violence misdemeanors.

From 2002 to 2011,
1,476 people
were killed with guns in
Montana.

From 2003 to 2012, 70.6
percent of female domestic
violence homicide victims in
Montana were killed with
a gun.



- Montana does not prohibit all subjects to a domestic violence protective order from purchasing or possessing firearms.
- Montana does not require the surrender or removal of firearms from persons who have become prohibited from possessing them.
- Montana does not prohibit stalking misdemeanants from purchasing or possessing firearms.
- Montana does not require a background check for all gun buyers, including those at gun shows or over the Internet.

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

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

- In a January 2013 poll conducted by Schoen Consulting, 79 percent of Montanans surveyed supported requiring background checks for all gun buyers, and 78 percent agreed that background checks are a responsibility that comes with the Second Amendment right to bear arms.⁹

Case study

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

- Holly Schick-Lewis was murdered by her boyfriend, Michael Buckles, on January 6, 2014, in Bitterroot, Montana, six months after they started dating. Buckles constantly abused Schick-Lewis, and she had previously been granted an order of no contact against him. Schick-Lewis was found dead of multiple gunshot wounds in her kitchen; Buckles had shot himself in the head directly after.¹⁰

Where does Montana 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 Montanans support background checks on all gun buyers.



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, 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. Mont. Code Ann. §§ 45-5-206(7), 45-8-323.
7. Mont. Code Ann. § 40-15-201(1), (2)(f).
8. Mont. Code Ann. § 45-5-206(2)(b).
9. Schoen Consulting, "Gun Questionnaire-Montana," January 2013, available at <http://mediatrackers.org/assets/uploads/2013/05/Montana-Gun-Issue-Questionnaire-TOPLINE-results-for-release.pdf>.
10. David Erickson, "Bitterroot murder-suicide victim was 'terrorized,'" *Missoulian*, January 10, 2014, available at http://missoulian.com/news/local/bitterroot-murder-suicide-victim-was-terrorized/article_32efce3c-7992-11e3-ba02-0019bb2963f4.html.