

New York Domestic Violence and Guns

October 2014

This fact sheet contains a correction.

New York has strong restrictions on access to firearms by domestic abusers. However, more can be done to prevent access to guns by domestic abusers by explicitly requiring the removal of firearms or ammunition at the scene of a domestic violence incident.

State gun and domestic violence overview

New York is home to a staggering amount of gun violence.

- From 2002 to 2011, 9,914 people were killed with guns in New York. That is almost twice the number of all U.S. combat deaths in the wars in Iraq and Afghanistan combined.¹
- Somebody is killed with a gun in New York every nine hours: In 2011 alone, there were 997 gun deaths in the state.²

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

- According to the FBI, there were 656 domestic violence homicides in New York from 2003 to 2012, which includes both male and female victims.
- Of those homicides, more than one-quarter of the victims—30.5 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 1,591 female homicide victims in New York from 2003 to 2012, 522 were killed as a result of a domestic violence incident.⁴
- Firearms accounted for the murders of 569 women in New York from 2002 to 2011.⁵

Overview of New York laws to protect women from abusers and stalkers

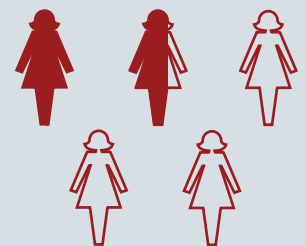
New York law currently prevents some domestic abusers from possessing guns.

- New York prohibits persons convicted of specific violent misdemeanors, including stalking, from possessing firearms.⁶ Any conviction for one of the specified misdemeanors results in firearm prohibition, regardless of the relationship between the perpetrator and the victim.

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From 2003 to 2012, 34.5 percent of female domestic violence homicide victims in New York were killed with a gun.



- New York law provides a procedure to determine which violent misdemeanor convictions qualify for the federal domestic violence misdemeanor prohibition. Records of these convictions are submitted to the National Instant Criminal Background Check System.⁷
- Upon issuing a domestic violence protective order, a court must revoke the abuser's firearms license and order the immediate surrender of all firearms if the court finds that the abuser inflicted physical injury, used or threatened to use a deadly weapon, or committed behavior constituting a violent felony offense or if the court finds there is a substantial risk that the abuser respondent may use or threaten to use a firearm against the person protected by the protection order.⁸
- Domestic violence protection orders in New York may be brought against persons who have abused their spouse, former spouse, parent, child, member of the same family or household, or intimate or former intimate partner.⁹
- New York requires a background check before every sale of a gun.¹⁰

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

- New York law does not explicitly authorize or require the removal of firearms or ammunition at the scene of a domestic violence incident.

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

Many New Yorkers 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, 64 percent of those surveyed supported the stronger gun laws enacted in New York in January 2013.¹¹

Case study

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

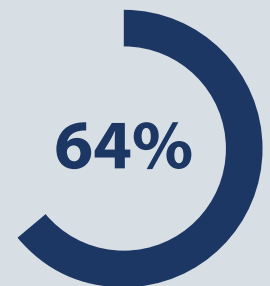
- Jackie Wisniewski was fatally shot in June 2012 by her ex-boyfriend, Timothy Jorden, who had been stalking her since their relationship ended. Jorden, a surgeon at the Buffalo, New York, hospital where Jackie worked as a nurse, had begun threatening and physically abusing her while they were dating. After Jackie ended the relationship, Jorden began stalking her, placing a GPS tracker in her car and following her outside of work. Jackie filed a police report after she discovered the GPS tracker but was never granted a formal protective order. Jorden arrived at the hospital where they both worked under the guise of speaking to Jackie privately, he then shot her in the head at point-blank range in a stairwell and fled the scene. He was discovered dead several days later of self-inflicted gunshot wounds.¹²

***Correction, October 14, 2014:** This fact sheet has been corrected to accurately reflect that New York does prohibit stalkers from possessing guns.

Where does New York 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 New Yorkers support stronger gun laws.



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)," available at <http://www.cdc.gov/injury/wisqars/fatal.html> (last accessed August 2014).
6. N.Y. Penal Law §§ 400.00(1), 265.00(17); N.Y. Penal Law § 265.01(4).
7. N.Y. Crim. Proc. Law § 370.15.
8. N.Y. Fam. Ct. Act § 842-a(2)(a)-(b); N.Y. Crim. Proc. Law § 530.14(2)(b).
9. N.Y. Fam. Ct. Act §§ 821(1)(a), 812(1)(e).
10. N.Y. Gen. Bus. Law § 898.
11. Quinnipiac University, "New York Republicans Turn On Cuomo For First Time Ever, Quinnipiac University Poll Finds; Clinton Is Top 2016 Choice As Cuomo Beats Christie," Press release, March 19, 2013, available at <http://www.quinnipiac.edu/news-and-events/quinnipiac-university-poll/new-york-state/release-detail?ReleaseID=1867>.
12. Lydia Warren, "She was deathly scared he would kill her': Friends reveal fears of hospital receptionist 'gunned down by prominent surgeon lover now on the run,'" *The Daily Mail*, June 14, 2012, available at <http://www.dailymail.co.uk/news/article-2159247/Timothy-Jorden-Jackie-Wisniewski-deathly-scared-surgeon-lover-kill-her.html>; Scott Brown, "GPS Stalking Bill Inspired by Murder of Local Woman Passes Legislature," *WGRZ 2*, May 30, 2014, available at <http://www.wgrz.com/story/news/local/2014/05/30/gps-stalking-jackie-wisniewski-dr-tim-jorden-murder/9780349/>.