

Pennsylvania Domestic Violence and Guns

October 2014

Pennsylvania has certain restrictions on firearms access by domestic abusers and stalkers. More can be done to prevent access to guns by abusive co-habiting and non-cohabiting dating partners and family members.

State gun and domestic violence overview

Pennsylvania is home to a staggering amount of gun violence.

- From 2002 to 2011, 13,207 people were killed with guns in Pennsylvania. That is more than twice the number of all U.S. combat deaths in the Iraq and Afghanistan wars combined.¹
- Somebody is killed with a gun in Pennsylvania every six hours: in 2011 alone, there were 1,438 gun deaths in the state.²

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

- According to the FBI, there were 591 domestic violence homicides in Pennsylvania from 2003 to 2012, which includes both male and female victims.
- Of those, more than half of the victims—51.8 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.

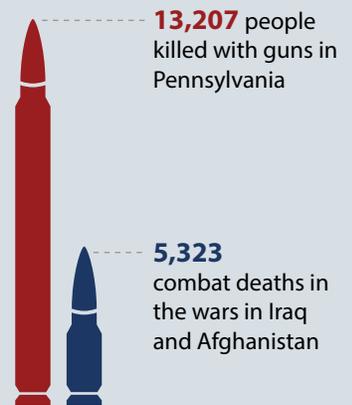
- From 2003 to 2012, of 1,292 female homicide victims in Pennsylvania, 469 were the result of a domestic violence incident.⁴
- Firearms accounted for the murders of 677 women in Pennsylvania from 2002 to 2011.⁵

Overview of Pennsylvania laws to protect women from abusers and stalkers

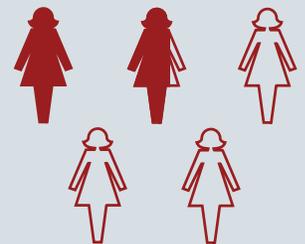
Pennsylvania law currently prevents some domestic abusers from possessing guns.

- Any family member or current or former sexual or intimate partner who has been subject to abuse may seek a protective order barring the abuser from possessing firearms.⁶
- Pennsylvania bars stalking misdemeanants from possessing firearms.⁷

From 2002 to 2011, more than twice as many people were killed with guns in Pennsylvania than U.S. soldiers killed in combat in the wars in Afghanistan and Iraq.



From 2003 to 2012, more than 36 percent of all female homicides in Pennsylvania were cases of domestic violence involving family members or intimate partners.



Pennsylvania still has loopholes that can let some abusers have easy access to guns.

- Pennsylvania matches federal law by barring gun possession by certain domestic violence misdemeanants. However, Pennsylvania does not ban gun possession by people who have been convicted of violent misdemeanors against dating partners or family members such as siblings.⁸
- A court issuing a domestic violence protective order is allowed, but not required, to prohibit the abuser from possessing firearms and order him or her to surrender all firearms.⁹
- Pennsylvania requires background checks for all sales of handguns but not long guns.¹⁰

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

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

- In a January 2013 poll conducted by Quinnipiac University, 95 percent of those surveyed supported requiring background checks for all gun buyers—including 94 percent of Republicans and 96 percent of Democrats.¹¹

Case study

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

- In March 2013, Kenneth Ayers fatally shot his 2 year-old son, Michael, and shot his estranged wife, Hollie, in the face during a custody exchange. Ayers had become abusive following the birth of their son, threatening his wife and their child, which prompted Hollie to file for a protection order when Michael was 6 months old. Although Ayers should have been prohibited from having a gun because of this protective order, he was still able to obtain one, which he used to kill his child and critically wound Hollie.¹²

Where does Pennsylvania 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 Pennsylvanians support background checks required on all gun sales.



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. See 18 Pa. Cons. Stat. Ann. § 6105, 23 Pa. Cons. Stat. Ann. §§ 6102(a), 6108.
7. 18 Pa. Cons. Stat. Ann. §§ 2709.1, 6105(b).
8. See 18 U.S.C. §§ 921(a)(33), 922(g)(9); 18 Pa. Cons. Stat. Ann. § 6105(c)(9).
9. 23 Pa. Cons. Stat. Ann. § 6108(a)(7).
10. 18 Pa. Cons. Stat. Ann. §§ 6102, 6111, 6111.1.
11. Quinnipiac University Poll, "Pennsylvania Voters Want Stricter Gun-Control, Quinnipiac University Poll Finds; Voters Lean Slightly to Same-Sex Marriage," Press release, January 30, 2013, available at <http://www.quinnipiac.edu/news-and-events/quinnipiac-university-poll/search-releases/search-results/release-detail?ReleaseID=1836&What=&strArea=5;10;&strTime=24>.
12. Associated Press, "Kenneth Ayers Wounds Wife, Kills Son, Takes Own Life in Pennsylvania Murder-Suicide," The Huffington Post, March 24, 2013, available at http://www.huffingtonpost.com/2013/03/24/kenneth-ayers-pennsylvania-murder-suicide_n_2945381.html.