

South Dakota Domestic Violence and Guns

October 2014

South Dakota has done little to restrict access to firearms by domestic abusers. Much more can be done to keep guns out of the hands of dangerous persons, including convicted domestic abusers, stalkers, and persons subject to domestic violence protective orders.

State gun and domestic violence overview

South Dakota is home to a significant amount of gun violence.

- From 2002 to 2011, 729 people were killed with guns in South Dakota.¹
- Somebody is killed with a gun in South Dakota every five days: In 2011 alone, there were 71 gun deaths in the state.²

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

- According to the FBI, there were 26 domestic violence homicides in South Dakota from 2003 to 2012, which include both male and female victims.
- Of those homicides, more than one-half of the victims—65.4 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 56 female homicide victims in South Dakota from 2003 to 2012, 19 were killed as a result of a domestic violence incident.⁴
- Firearms accounted for the murders of 18 women in South Dakota from 2002 to 2011.⁵

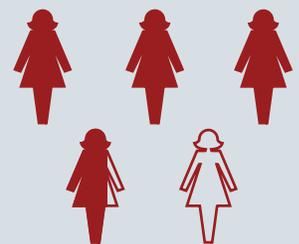
Overview of South Dakota laws to protect women from abusers and stalkers

South Dakota law currently prevents some domestic abusers from possessing guns.

- South Dakota law prohibits any person who has been convicted of a misdemeanor crime involving an act of domestic violence from possessing or having control of a firearm for a period of one year from the date of the conviction.⁶ However, this law is weaker than federal law, which prohibits domestic violence misdemeanants from possessing firearms regardless of when the conviction occurred.

From 2002 to 2011,
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From 2003 to 2012, 73.7
percent of female domestic
violence homicide victims in
South Dakota were killed with
a gun.



South Dakota can do more to prevent abusers from having easy access to guns.

- South Dakota has no law prohibiting domestic violence misdemeanants or defendants subject to domestic violence protective orders from purchasing or possessing firearms, unlike federal law. As a result, people convicted of abusing non-cohabitating dating partners can legally own guns.
- South Dakota does not require the surrender of firearms or ammunition by domestic abusers who have become prohibited from possessing firearms or ammunition under federal law, although a court may require the defendant in a domestic abuse action to surrender any firearm in his or her possession to local law enforcement.
- South Dakota does not explicitly authorize or require the removal of firearms or ammunition at the scene of a domestic violence incident.
- State law also does not bar stalking misdemeanants from purchasing or possessing firearms.
- South Dakota 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 South Dakota

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

- In a March 2013 poll conducted by Mayors Against Illegal Guns, 79 percent of South Dakotans supported mandatory background checks for all gun buyers.⁸

Where does South Dakota 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 South Dakotans 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. S.D. Codified Laws § 22-14-15.2.
7. S.D. Codified Laws § 22-10-24.
8. Mayors Against Illegal Guns, "New Poll Finds 79 Percent in South Dakota Favor Mandatory Background Checks for All Gun Buyers," Press release, March 5, 2013, available at http://libcloud.s3.amazonaws.com/9/7a/f/1409/SD_MAIG_Release_030513.pdf.