

Texas Domestic Violence and Guns

October 2014

Texas has some restrictions on access to firearms by domestic abusers; however, more can be done to keep guns out of the hands of dangerous persons, including convicted stalkers and persons subject to domestic violence protective orders.

State gun and domestic violence overview

Texas is home to a staggering amount of gun violence.

- From 2002 to 2011, 25,150 people were killed with guns in Texas. That is almost five times the number of all U.S. combat deaths in the wars in Iraq and Afghanistan combined.¹
- Somebody is killed with a gun in Texas every three hours: In 2011 alone, there were 2,599 gun deaths in the state.²

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

- According to the FBI, there were 1,373 domestic violence homicides in Texas from 2003 to 2012, which includes both male and female victims.
- Of those homicides, more than half of the victims—59.1 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 3,052 female homicide victims in Texas from 2003 to 2012, 1,080 were the result of a domestic violence incident.⁴
- Firearms accounted for the murders of 1,717 women in Texas from 2002 to 2011.⁵

Overview of Texas laws to protect women from abusers and stalkers

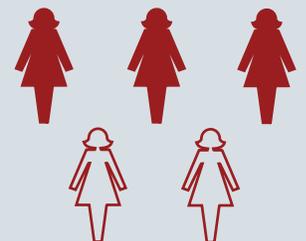
Texas law currently prevents some domestic abusers from possessing guns.

- Texas prohibits firearm possession by domestic violence misdemeanants for five years following release from confinement or community supervision.⁶
- Some Texas domestic violence laws extend to current and former dating partners.⁷
- In Texas, any person who is subject to a domestic violence protective order is prohibited from possessing a firearm.⁸

From 2002 to 2011, 25,150 people were killed with guns in Texas. That is almost five times the number of all U.S. combat deaths in the wars in Iraq and Afghanistan combined.



From 2003 to 2012, 60.7 percent of female domestic violence homicide victims in Texas were killed with a gun.



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

- Texas has no law explicitly authorizing or requiring the surrender of firearms or ammunition by domestic abusers who have become prohibited from possessing them.
- Texas does not prohibit misdemeanor stalkers from possessing a firearm.
- Texas does not require a background check for all gun buyers, including those shopping at gun shows or over the Internet.

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

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

- In a May poll conducted by Greenberg Quinlan Rosner Research, 79 percent of likely Texas voters supported requiring all convicted domestic abusers to turn in their guns; 77 percent supported requiring all convicted stalkers to turn in their guns; and 85 percent supported requiring background checks for all gun sales.⁹

Case study

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

- On July 9, Ronald Lee Haskell posed as a FedEx worker and entered the home of his ex-wife's sister, Katie Stay, in Spring, Texas. Only one of her children was home, so he returned later, tied up the entire family, and shot them in the back of the head, execution style. One of Haskell's nieces survived and was able to call the police before Haskell could continue his rampage. Haskell's ex-wife, Melannie Lyon, had taken out restraining orders against Haskell in the past and relocated her children to Texas from Utah after she filed for divorce in 2013. Although Haskell had a history of domestic abuse, he was still legally allowed to possess a gun.¹⁰

Where does Texas 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 Texans support universal background checks.



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. Tex. Penal Code § 46.04(b); See also, Tex. Penal Code § 22.01(a).
7. Tex. Fam. Code §§ 71.0021, 71.003, 71.005, 71.006.
8. Tex. Penal Code § 46.04(c); Tex. Fam. Code § 85.022(b) (6) authorizes courts to prohibit the subject of a protective order who committed family violence from possessing a firearm; Tex. Penal Code § 38.112(a) (3) prohibits the knowing possession of a firearm in violation of a protective order granted to a victim of sexual assault; Tex. Crim Proc. Code art. 7B.06(a) (D) authorizes courts to prohibit the subject of a protective order for a victim of human trafficking from possessing a firearm.
9. Greenberg Quinlan Rosner Research, "Texans Support Stronger Laws to Prevent Gun Violence," May 31, 2014, available at <http://gqrr.com/articles/2014/05/31/texans-support-stronger-laws-to-prevent-gun-violence/>.
10. Erik Ortiz, "Was Texas Shooting Suspect Ronald Haskell Seeking Vengeance?," NBC News, July 12, 2014, available at <http://www.nbcnews.com/storyline/texas-family-killings/was-texas-shooting-suspect-ronald-haskell-seeking-vengeance-n153811>.