

Wisconsin Domestic Violence and Guns

October 2014

Wisconsin passed new laws in 2014 providing increased restrictions for possession and purchase of firearms by domestic abusers. However, there is still more that can be done to keep guns out of the hands of dangerous persons, including convicted stalkers and domestic violence misdemeanants.

State gun and domestic violence overview

Wisconsin is home to a staggering amount of gun violence.

- From 2002 to 2011, 4,559 people were killed with guns in Wisconsin. That is more than the number of all U.S. combat deaths in the Iraq War.¹
- Somebody is killed with a gun in Wisconsin every 20 hours: In 2011 alone, there were 445 gun deaths in the state.²

Domestic violence fatalities are too common in Wisconsin, and they are often linked to gun crime.

- According to the Centers for Disease Control and Prevention more than one in five—20.5 percent—of all 146 homicides in Wisconsin in 2011 were cases of domestic violence involving family members or intimate partners.³
- More than a third—36.7 percent—of these victims of domestic violence were killed with guns.⁴

Women are far more at risk to be victims of fatal domestic violence, and guns play a big role in that violence.

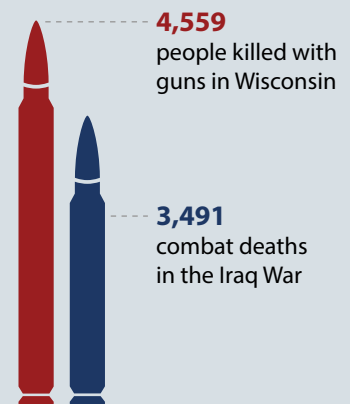
- In 2011, half of all female homicide victims in Wisconsin were killed in a domestic violence incident: A total of 16 women murdered in domestic violence disputes.⁵
- Firearms accounted for the murders of 211 women in Wisconsin from 2002 to 2011.⁶

Overview of Wisconsin laws to protect women from abusers and stalkers

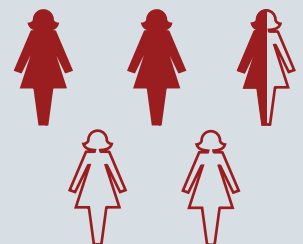
Wisconsin law currently prevents some convicted domestic abusers from possessing guns.

- Wisconsin bars persons subject to restraining orders for domestic violence and harassment from possessing guns.⁷ These restraining orders are available to victims of abuse between family members, household members, current and former spouses, individuals in a dating relationship, or adults with a child in common.⁸
- In 2014, Wisconsin passed a law that provides notice of firearm prohibition in hearings relating to domestic violence restraining orders and provides a process for surrendering firearms following the granting of certain injunctions.⁹

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

- Wisconsin does not require a background check for all gun buyers, including those at gun shows or over the Internet.
- Wisconsin has no law—beyond federal restrictions—prohibiting individuals convicted of domestic violence misdemeanors from purchasing or possessing firearms.¹⁰
- Wisconsin only bars gun possession for those convicted of a stalking felony; it does not bar gun possession by misdemeanor stalkers.¹¹

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

Wisconsinites overwhelmingly support expanding background checks to keep guns from criminals, domestic abusers, and other dangerous people.

- In a May 2013 poll by Marquette Law School, 72 percent of Wisconsin voters supported “background checks on private sales of guns and at gun shows,” including 67 percent of gun owners.¹²

Case study

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

- After being married for a number of years, Zina Daniel and Radcliffe Haughton became estranged. In October 2012, Daniel obtained a restraining order against Haughton, telling the court that he had slashed her tires and had threatened to throw acid in her face and burn her and her family with gas. She told the court that his threats against her “terrorize[d] her every waking moment.” Despite being prohibited from buying or possessing a gun under federal law because of this restraining order, Haughton easily purchased a gun on the Internet from a private seller, who was not required to conduct a background check. On October 21, 2012, Haughton appeared at the salon and spa in Brookfield, Wisconsin where Daniel worked, shot and killed her and two other women, and injured four others before killing himself.¹³

Where does Wisconsin stand on laws to protect women from abusers and stalkers?



Misdemeanant domestic abusers prohibited?



Individuals subject to a domestic violence protective order prohibited?

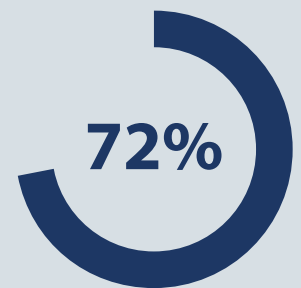


Stalkers prohibited?



Background checks required on all gun sales?

A majority of Wisconsinites support background checks required at gun shows.



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. Centers for Disease Control and Prevention, "WISQARS (Web-based Inquiry Statistics Query and Reporting System)," available at <http://wisqars.cdc.gov:8080/nvdrs/nvdrsDisplay.jsp> (last accessed May 2014).
4. *Ibid.*
5. Centers for Disease Control and Prevention, "National Violent Death Reporting System (NVDRS)," available at <http://wisqars.cdc.gov:8080/nvdrs/nvdrsDisplay.jsp> (last accessed May 2014).
6. 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).
7. Wis. Stat. §§ 813.12(1)(am), (4)(a), (4m), 813.122(5m), 813.125(4m), 941.29(1)(f), (g), (2)(d), (e).
8. See Wis. Stat. § 813.12(1)(am).
9. 2013 Wis. ALS 321; Dinesh Ramde, "Wisconsin Enacts Three Laws to Protect Victims of Domestic Violence," *Associated Press*, April 16, 2014, available at http://www.twincities.com/localnews/ci_25581231/wisconsin-enacts-3-laws-protect-victims-domestic-violence.
10. 18 U.S.C. § 922(g)(8), (9).
11. See Wis. Stat. §§ 813.125(1)(a), 940.32.
12. "Marquette Law School Poll looks at 2016 presidential candidates, state budget issues and background checks for guns," *Marquette University Law School*, May 6-9, 2013, available at <https://law.marquette.edu/poll/2013/05/14/marquette-law-school-poll-looks-at-2016-presidential-candidates-state-budget-issues-and-background-checks-for-guns/> (last accessed November 2013).
13. Winnie Stachelberg, Arkadi Gerney, Chelsea Parsons, and Megan Knauss, "Preventing Domestic Abusers and Stalkers from Accessing Guns" (Washington: Center for American Progress, 2013), available at <http://americanprogress.org/issues/civil-liberties/report/2013/05/09/60705/preventing-domestic-abusers-and-stalkers-from-accessing-guns/>.