

The National Domestic Violence

**HOTLINE**

1.800.799.SAFE (7233) • 1.800.787.3224 (TTY)

## Tip Sheet: Firearm Safety in Domestic Violence Situations



The presence of a firearm in a domestic violence situation increases the likelihood of death by five to eight times. Has your partner:

- Threatened to use a firearm against you, your children, or family and friends?
- Threatened to use a firearm against a pet?
- Threatened to kill him/herself?
- Used a firearm as a threat to keep you from seeking help?

These are signs of escalated danger and it is strongly advised to seek support.

*Please note: This tip sheet is meant to provide general guidance and information. Do not take any actions or follow any tips that make you feel unsafe.*

“He’s never pointed it at me but he has laid it down on the table to say that I shouldn’t, [‘]cross the line[‘].”

“He threatened my five-year-old son that he would shoot the entire family and maybe others.”

### Frequently Asked Questions (FAQs):

#### Can I report my abuser and have their firearms and ammunition taken away?

- If your abuser has been convicted of qualifying misdemeanor crimes of domestic violence (MCDVs), they are prohibited under federal law from possessing a firearm.<sup>1</sup>
- If your abuser has a qualifying protection order filed against them, they are prohibited under federal law from possessing or transporting a firearm or ammunition.<sup>2,3</sup>

#### If I choose to report, where do I do that?

- If you or a loved one are in immediate danger: 911
- To report illegal firearms activity: 1-800-ATF-GUNS (1-800-283-4867)
- To report firearms theft, call the Firearms Theft Hotline: 1-888-930-9275
- Call your local police department using their non-emergency number
- Call your local domestic violence organization to be connected to a victim advocate

### **Can I get a restraining order and/or press charges?**

You have the right to file a charge against your abuser for things such as threat or use of a deadly weapon, threatened or attempted homicide, threat of or actual rape, criminal assault, aggravated assault, harassment, stalking or interfering with child custody. *Go to your local police station or call 911.* If you press charges and firearms were involved in the abuse or violence, ask the police or prosecutor for help in having the firearms removed and getting the court to prohibit the abuser from obtaining any other firearms.

A protective order can help protect you immediately by legally keeping your partner from physically coming near you, harming you or harassing you, your children or your family members. This legal documentation to keep your abusive partner away from you can often contain provisions related to custody, finances and more. If you are concerned about your abuser's use or threatened use or possession of firearms, you can also ask the court to have law enforcement remove the firearms and prohibit the abuser from obtaining any other firearms.

*Please note: a protective order cannot **guarantee** your safety, but it can be one step in an overall safety plan.*

If the abuser possesses firearms and has been threatening or hurting you in any way, with or without the firearms, strongly consider letting a victim advocate or the police know. Domestic violence escalates over time, and an abuser can very quickly move from threats to actual use of a firearm. A victim advocate can help you make a plan for how to stay safe and how to safely report the existence of the firearms.

### **Where can I get an application to get a restraining order?**

- Courthouses
- Women's shelters
- Volunteer legal services offices
- Some police stations

### **What information will I need for the FBI to conduct a background check for a misdemeanor crime of domestic violence (MCDV)?**

- At least one of the following: defendant's (*i.e. the abusive partner*) social security number, driver's license number, address, or date of birth.
- Case or docket number of the MCDV
- If the defendant was an "intimate partner" of the victim
- Has the defendant been convicted of or pleaded guilty to a MCDV
- Did the defendant have the right to a jury
- Was the defendant represented by counsel
- If the defendant received notification of their conviction keeping them from possession of a firearm or ammunition.

*For more legal information visit [womenslaw.org](http://womenslaw.org).*

In a Violence Policy Center study on cases where men murder women there were 239 women shot and killed by either their husband or intimate acquaintance during the course of an argument.

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Nationwide, for homicides in which the weapon could be determined (1,458), more female homicides were committed with firearms (54 percent) than with any other weapon.

### **What can I do to prepare myself for an emergency situation?**

- Safety planning is done best when it is specific to you and your situation. We strongly advise you seek out your local domestic violence organization or shelter to aid you in creating this plan.
- Important things to consider in making your safety plan:
  - Ensuring that law enforcement knows of any firearms prohibitions.
  - Finding friends and family members that can help you in this process.
- Make a list of the firearms your abusive partner possesses and whether they have ammunition, and keep the list in a safe place. This list can be helpful if you need to go to court or law enforcement to ask for help in having the firearms removed. However, if your abuser has access to your phone, computer, or other personal belongings, do not put yourself at further risk by writing this information down.
- Getting a protective order in many states can require that an abusive partner turn over their guns. Ask the court to do so, and also ask the court to do a follow up compliance review to make sure the abuser has actually turned in the firearms.
- If your partner is a convicted felon, anonymously let your partner's parole/probation officer know your partner has a gun.
- Familiarize yourself with First Aid techniques online or take a class through the Red Cross.

*For additional support and information about resources in your area:*

*National Domestic Violence Hotline:*

*1-800-799-7233 | 1-800-787-3224 (TTY) | [thehotline.org](http://thehotline.org)*