

**Testimony of Cary Brown, Executive Director of the Vermont Commission on Women  
House Committee on Judiciary  
March 1, 2017**

**RE: H. 422 - An act relating to confiscation of dangerous or deadly weapons from a person arrested or cited for domestic assault.**

Good morning. My name is Cary Brown and I am the Executive Director of the Vermont Commission on Women. Thank you for the opportunity to share some information with you about the impact of this bill that proposes to provide for removal of deadly weapons from the scene of an incident of domestic violence. I'm joined here today by my colleague Hannah Myers, who has particular expertise in this area.

**Firearms and Homicide Occurrence**

Domestic violence homicide is a critical issue in Vermont. According to the 2016 Vermont Domestic Violence Fatality Report, 50% of all Vermont adult homicides that occurred between 1994 and 2015 were domestic-violence-related; this is a total of 131 domestic-violence-related adult homicides. 59% of those homicides were committed with a firearm.<sup>i</sup>

An analysis of 2013 homicide data ranked Vermont ranked as the state with the 8th highest rate of women murdered by men.<sup>ii</sup>

In the U.S. homicide data shows that between 2001 and 2012, more women in the United States were murdered with firearms by their intimate partners than the combined number of American troops killed in the Iraq and Afghanistan wars.<sup>iii</sup>

The availability of a firearm is a key factor in escalation to homicide; domestic violence assaults involving a firearm are 12 times more likely to result in death than assaults that don't.<sup>iv</sup>

**Potential Impact on Victims**

States that have passed laws requiring abusers to surrender firearms have 9-12% lower rates of intimate partner homicide.<sup>v</sup>

Many victims of domestic violence cite fear of retaliation as a primary reason for not wanting to terminate a relationship. This bill would provide many victims with a five-day window of increased safety for the parties to cool down, and if the victim chooses, to leave, obtain a Relief from Abuse Order, and for the order to be served, which can take days.

It is not uncommon that domestic abusers subject to Relief from Abuse Orders retain firearms, whether belonging to themselves or to those of family members. A March 2013 investigation by the New York Times found that more than 50 people in Washington State were arrested on gun charges in 2011 while subject to protective orders, and that, over a three-year period, more than 30 people in Minnesota were convicted of an assault with a dangerous weapon while subject to protective orders.<sup>vi</sup> At the Vermont Commission on Women we have anecdotal data that tells us that in Vermont it is common that

perpetrators subject to final Relief from Abuse Orders are reported by their victims to have firearms, and not uncommon that it can be challenging to confirm the ownership of the firearms. Firearm confiscation at the time of an incident could help provide a record of gun possession in the event of a future RFA to ensure compliance with court orders and improve victim safety.

Further anecdotal evidence from an attorney who formerly represented victims of domestic violence in Vermont told us that fear of retaliation, particularly when their abuser had firearms or other deadly weapons in the home, was a very common concern in determining whether, how, and when to leave their partners, and was the primary factor in many women's ultimate decisions not to leave or to seek legal assistance.

### **Gun Ownership and Context from Other States**

About a third of U.S. states have laws allowing police officers to remove firearms or ammunition at the scene of a domestic violence incident, and 13 (including Tennessee<sup>vii</sup>, Utah<sup>viii</sup>, Montana<sup>ix</sup> and New Hampshire<sup>x</sup>) require removal.

This bill, if passed, would have a minimal impact on gun ownership rights, as firearms would be returned within 5 days. For comparison, in Ohio firearms seized at the scene of a domestic violence incident must be permanently given to law enforcement, sold at public auction, or destroyed.<sup>xi</sup> New Jersey gives the prosecutor 45 days in which to petition for title of a firearm seized at a domestic violence scene.<sup>xii</sup>

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<sup>i</sup> Domestic Violence Fatality Review Commission Report. Vermont Domestic Violence Fatality Review Commission, 2016.

<sup>ii</sup> When Men Murder Women; An Analysis of 2013 Homicide Data. Violence Policy Center. 2015.

<sup>iii</sup> Arkadi Gerney, et al. Women Under the Gun; How Gun Violence Affects Women and 4 Policy Solutions to Better Protect Them. Center for America Progress. 2014.

<sup>iv</sup> Saltzman, L. E. "Weapon involvement and injury outcomes in family and intimate assaults." JAMA: The Journal of the American Medical Association 267.22 (1992): 3043-047.

<sup>v</sup> J.C. Campbell, S.W. Webster, J.Koziol-McLain, et al. "Risk factors for femicide within physically abusive intimate relationships: results from a multi-state case control study." 93 Amer. J. of Public Health 1089-97 (2003).

<sup>vi</sup> Michael Luo, "In Some States, Gun Rights Trump Orders of Protection," The New York Times, March 17, 2013.

<sup>vii</sup> Tenn. Code Ann. §§ 36-3-620, 39-17-1317.

<sup>viii</sup> Utah Code Ann. § 77-36-2.1(1)(b).

<sup>ix</sup> Mont. Code Ann. § 46-6-603.

<sup>x</sup> N.H. Rev. Stat. Ann. § 173-B:10.

<sup>xi</sup> Ohio Rev. Code Ann. §§ 2935.03(B)(3)(h), 2981.12(A)(2).

<sup>xii</sup> N.J. Stat. Ann. § 2C:25-21d(2), (3).