

# Virginia Domestic Violence and Guns

June 2014

Virginia has weak restrictions on access to firearms by domestic abusers. Few abusers are barred from possessing firearms under state law; more can be done to prevent access to guns by convicted stalkers and domestic violence misdemeanants.

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## State Gun and Domestic Violence Overview

*Virginia is home to a staggering amount of gun violence.*

- From 2001 to 2010, 8,262 people were killed with guns in Virginia. That is more than one and a half times more than all U.S. combat deaths in the Iraq and Afghanistan wars combined.<sup>1</sup>
- Somebody is killed with a gun in Virginia every 10 hours: in 2010 alone, there were 875 deaths from gun violence in the state.<sup>2</sup>

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

- According to the Centers for Disease Control and Prevention, more than one in five—22.2 percent—of all 316 homicides in Virginia in 2011 were cases of domestic violence involving family members or intimate partners.<sup>3</sup>
- More than 60 percent of these victims of domestic violence were killed with guns.<sup>4</sup>

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

- In 2011, 56 percent of female homicide victims in Virginia were killed in a domestic violence incident—a total of 47 women murdered in domestic violence disputes.<sup>5</sup>
- Firearm accounted for the murders of 549 women in Virginia from 2001 to 2010.<sup>6</sup>

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## Overview of Virginia Laws to Protect Women from Abusers and Stalkers

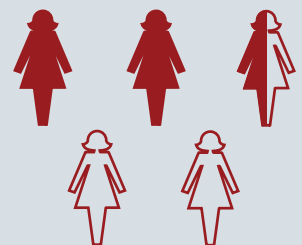
*Virginia law currently prevents few domestic abusers from possessing guns.*

- Virginia prohibits abusers subject to domestic violence protective orders from purchasing or transporting guns, and makes those orders available to anyone abused by a family or household member. However, unlike federal law, the state law does not criminalize gun possession.<sup>7</sup>

In the past 10 years, more than one and a half times more people were killed with guns in Virginia than killed in combat in the wars in Afghanistan and Iraq.



In 2011, more than 50 percent of female homicide victims were killed in a domestic violence incident.



*Virginia state law has many loopholes that provide some abusers easy access to guns.*

- Virginia does not require a background check for all gun buyers, including those at gun shows or over the Internet.
- Unlike federal law, Virginia does not prohibit domestic violence misdemeanants from possessing guns.
- Virginia does not ban misdemeanor stalkers from possessing guns.
- People who have been abused by non-cohabitating dating partners or stalked cannot seek a protective order banning the abuser from possessing guns unless a warrant is issued for the abuser's arrest.
- Virginia has no process for abusers to surrender firearms when they become prohibited from possessing them under state or federal law.

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

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

- In a January 2013 poll by Quinnipiac University, 92 percent of Virginia voters supported “background checks on people buying guns at gun shows,” including 91 percent of respondents from gun-owning households.<sup>8</sup>

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## Case Study

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

- When Deborah Wigg began the process of divorcing her husband, Robert, she sought an order of protection, telling the court that he had assaulted her by grabbing her by the hair, throwing her to the ground, and then ripping a door from its hinges and throwing it at her. Robert Wigg was then arrested, and in April 2011, Deborah was granted a protective order. Despite telling authorities that he was a gun owner, no action was taken to confiscate his gun, even though he was prohibited from possessing it under the federal law due to the issuance of the restraining order. On November 8, 2011, Robert broke into Deborah's home in Virginia Beach, Virginia, and shot her in the head, killing her. He then turned the gun on himself and committed suicide.<sup>9</sup>

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



Stalkers prohibited?



Dating partner abusers prohibited?

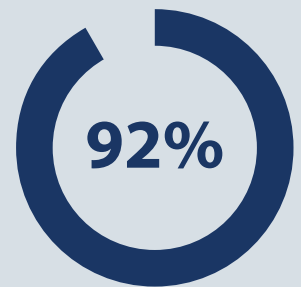


Mandatory surrender provisions?



Background checks required on all gun sales?

**A majority of Virginians support background checks required at gun shows.**



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## 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 May 2014); U.S. Department of Defense, Operation Iraqi Freedom U.S. Casualty Status (2014), available at <http://www.defense.gov/NEWS/casualty.pdf>.
2. Centers for Disease Control and Prevention, "WISQARS™ (Web-based Injury Statistics Query and Reporting System)."
3. 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).
4. Ibid.
5. Centers for Disease Control and Prevention, "National Violent Death Reporting System (NVDRS)."
6. Arkadi Gerney, Chelsea Parsons, and Charles Posner, "America Under the Gun: A 50-State Analysis of Gun Violence and Its Link to Weak State Gun Laws" (Washington: Center for American Progress, 2013), available at <http://americanprogress.org/issues/civil-liberties/report/2013/04/02/58382/america-under-the-gun/>.
7. Va. Code Ann. § 18.2-308.1:4.
8. Quinnipiac University, "Virginia Voters Want Armed Cops in Schools, Quinnipiac University Poll Finds; Voters Frustrated by Fiscal Cliff Deal," Press release, January 10, 2013, available at <http://www.quinnipiac.edu/news-and-events/quinnipiac-university-poll/virginia/release-detail?ReleaseID=1830>.
9. 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/>.