# Arizona Domestic Violence and Guns

July 2014

Arizona 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.

## State gun and domestic violence overview

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

- From 2001 to 2010, 9,117 people were killed with guns in Arizona. That is almost double the number of all U.S. combat deaths in the wars in Iraq and Afghanistan combined.[1]
- Somebody is killed with a gun in Arizona every 10 hours: In 2010 alone, there were 931 gun deaths in the state.[2]

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

- According to the FBI, there were 342 domestic violence homicides in Arizona from 2003 to 2012.
- Of those, more than half of the victims—61.1 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 819 female homicide victims in Arizona from 2003 to 2012, 285 were killed as a result of a domestic violence incident.[4]
- Firearms accounted for the murders of 493 women in Arizona from 2001 to 2010.[5]

## Overview of Arizona laws to protect women from abusers and stalkers

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

- Arizona law is weaker than federal law because, although a domestic violence protective order may prohibit the subject from possessing a firearm, the prohibition is not automatic.[6]
- Unlike federal law, Arizona bars domestic violence misdemeanants from owning firearms only while they are serving a term of probation for the conviction.[7]
- In 2009, Arizona enacted "Kaity's Law," which expanded these laws to apply to people who have abused certain dating partners. They also broadly apply to family and household abusers.[8]

From 2001 to 2010, 9,117 people were killed with guns in Arizona. That is almost double the number of all U.S. combat deaths in the wars in Iraq and Afghanistan combined.



**9,117** people killed with guns in Arizona

**5,320** combat deaths in the wars in Iraq and Afghanistan

From 2003 to 2012, 61.4 percent of female domestic violence homicide victims in Arizona were killed with a gun.

*Arizona state law has loopholes that can let some abusers have easy access to guns.*

- Arizona does not require a background check for all gun buyers, including those shopping at gun shows or over the Internet.
- Arizona law provides a process for surrendering firearms only when the court that is issuing a domestic violence protective order chooses to prohibit the defendant from possessing a firearm.[9]
- Arizona does not bar people convicted of misdemeanor stalking or similar crimes from gun possession.

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

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

- In a May 2014 poll conducted by Strategies 360, 83 percent of Arizona voters supported requiring all gun buyers to pass a criminal background check; 61 percent said that they would be less likely to support candidates that are opposed to criminal background checks for all gun purchases.[10]

## Case study

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

- Claudia Pascual was shot on February 13, 2012, in her Tucson, Arizona, home by her ex-boyfriend, James Leonard, after he stalked her for months. Pascual had an order of protection against Leonard, who would follow her to work and had broken into her home multiple times. Pascual tried to alert police of his increasing encroachments on the protective order in the days before her death but was told there was nothing they could do to help her. On the day of Pascual's death, Leonard broke into her home and shot her five times before shooting himself.[11]

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

[X] Stalkers prohibited?

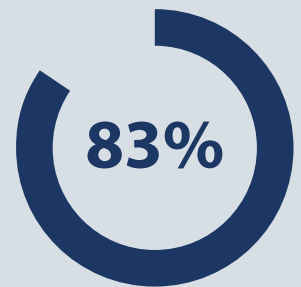[X] Dating partner abusers prohibited?

[X] Mandatory surrender provisions?

[X] Background checks required on all gun sales?

**A majority of Arizonans support criminal background checks for all buyers.**

**83%**

## 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, 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.  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://www.americanprogress.org/wp-content/uploads/2013/03/AmericaUnderTheGun.pdf.

6.  Ariz. Rev. Stat. § 13-3602(G)(4)..

7.  Ariz. Rev. Stat. §§ 13-3101(A)(7)(d), 13-3102(A)(4).

8.  Ariz. Rev. Stat. § 13-3601).

9.  Ariz. Rev. Stat. § 13-3602(G)(4).

10. Moms Demand Action, "As New Poll Shows Bipartisan Majority of Arizonans Support Gun Safety, Arizonans Urge Senator Flake to Protect Women from Gun Violence by Supporting Background Checks for all Gun Sales," Press release, May 29, 2014, available at http://www.momsdemandaction.org/wp-content/uploads/2013/10/AS-NEW-POLL-SHOWS-BIPARTISAN-MAJORITY-OF-ARIZONANS-SUPPORT-GUN-SAFETY-ARIZONANS-URGE-SENATOR-FLAKE-TO-PROTECT-WOMEN-FROM-GUN-VIOLENCE-BY-SUPPORTING-BACKGROUND-CHECKS-FOR-ALL-GUN-SALES.pdf.

11. Sonu Wasu, "Friends say suspect was stalking homicide victim before shooting," Tucson News Now, February 16, 2012, available at http://www.tucsonnewsnow.com/story/16947670/friends-say-suspect-was-stalking-homicide-victim-before-the-shooting; Craig Smith, "The system couldn't save her," KGUN 9 News, October 26, 2012, available at http://www.jrn.com/kgun9/news/176057361.html.