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SEPARATING BATTERERS AND GUNS

A Review and Analysis of Gun Removal Laws in 50 States

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Firearms play an important role in lethal domestic violence incidents. The authors review state laws regarding two policies to separate batterers from firearms: laws authorizing police to remove firearms when responding to a domestic violence complaint ("police gun removal laws") and laws authorizing courts to order guns removed from batterers through a protective order ("court-ordered removal laws"). As of April 2004, 18 states had police gun removal laws; 16 states had court-ordered removal laws. The authors examine relevant characteristics of the laws and recommend that these laws be mandatory, apply to all guns and ammunition possessed by an abuser, and include clear procedures to enhance implementation.

Keywords: *domestic violence; firearms; police; courts; law; protective order*

Domestic violence is a problem that negatively impacts the health and well-being of the U.S. population. Recent survey data indicate that approximately 22% of women and 7% of men report some physical intimate partner abuse during their lifetime. Among abused women, approximately 4% report being threatened with a gun by their abuser and 1% sustained a domestic violence gun-related injury (Tjaden and Thoennes 1998). Although a minority of women experience gun-related abuse, the lethal nature of firearms significantly increases the risk of severe injury and death for the victims of abusers who turn to guns as a mechanism for exerting power and control.

A gun in a violent home elevates the risk that domestic violence will result in death. One study of abused women demonstrates a fivefold increase in women's homicide risk when the abusive partner owns a gun (Campbell

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et al. 2003). When domestic violence incidents involve a firearm, the abuse is 12 times more likely to result in a death compared to non-firearm abuse incidents (Saltzman et al. 1992).

Some policy makers have responded with legislation intended to restrict batterers' access to firearms. At the federal level, the Violent Crime Control and Law Enforcement Act of 1994 expanded the list of people prohibited from purchasing or possessing a firearm to include individuals subject to certain restraining orders (Violent Crime Control and Law Enforcement Act 2005). In 1996, President Clinton signed into law the Lautenberg Amendment, which prohibited individuals convicted of misdemeanor domestic violence assault from purchasing or possessing guns (Gun Ban for Individuals Convicted of a Misdemeanor Crime of Domestic Violence 2005).

Some states have enacted additional policies to separate batterers and guns. In particular, policies that vest law enforcement with the authority to remove guns when responding to a domestic violence incident ("police gun removal laws") or empower courts to order alleged batterers to surrender their firearms through civil protective orders ("court-ordered removal laws") actively engage the criminal justice system in the process of removing firearms from individuals who are violent toward their intimate partners.¹ Importantly, the court-ordered removal laws provide states with a means of enforcing the federal law as it pertains to gun possession; police removal laws extend the Lautenberg Amendment prohibition on domestic violence misdemeanants to allow law enforcement to temporarily remove guns in the absence of a conviction. As such, these laws are an important complement to federal law. If designed and implemented effectively, such laws have the potential to reduce the risks associated with armed batterers.

Research concerning the implementation of these two laws in Maryland, however, identified significant barriers to implementation. One challenge to implementation that emerged from this analysis was the language of the law itself, as measured by implementers' ability to translate the written law into action (Frattaroli and Teret 2006 [this issue]).

In an effort to better understand these two types of state-level policies aimed at separating batterers and guns, we collected and analyzed state codes containing these provisions. The purpose of this research is to provide policy makers and advocates with an overview of the content of police gun removal and court-ordered removal laws. We also seek to inform research efforts regarding variation among state laws and consider the implications of this variation for policy evaluation. Finally, our results provide the basis for a set of recommendations aimed at policy makers, advocates, and researchers concerning how best to maximize the potential of police gun removal and court-ordered removal laws.

METHODS

CASE DEFINITION

To identify relevant state laws, we began by establishing a case definition for the laws of interest. For police gun removal laws, we included laws that either required law enforcement to remove guns from the alleged batterer or simply permitted their removal. We excluded laws that applied only when police were responding to a violation of a preexisting protective order and general violations of criminal law that were not specific to domestic violence. We also excluded laws that granted only generalized authority to police to take action to minimize danger to domestic violence victims, but which were not specific to weapons or firearms.

For court-ordered removal laws, we included laws that required or permitted courts to invoke this power. We excluded laws that simply forbid the possession or future purchase of firearms by persons subject to a protective order, without referring to the removal of guns. As with police gun removal laws, we also excluded court-ordered removal laws that could only be invoked after a protective order had been violated or that contained only general language allowing courts to protect victims but did not specifically authorize gun removal.

In developing the case definitions for these searches, we were interested in laws with the most “upstream” approaches to preventing firearm-related domestic violence within the context of court and police responses. Therefore, we excluded laws that restricted gun removal to protective order violators even though these individuals may be at high risk of perpetrating violence.

DATA COLLECTION

We used a variety of legal research strategies to determine if each of the 50 states had either of the two laws. Each state’s set of laws (the state code) was examined with a computerized legal research tool, either Lexis-Nexis or WestLaw. Each is a full-text searchable database containing the complete text of every statute in every state. Initially, we used words and phrases likely to appear in the relevant laws, and then we refined the process for later states with words from laws we identified early on. We also reviewed the state codes and their indexes in several local law libraries. Each of the state laws was independently reviewed by two legal researchers. Finally, we compared our findings with existing compilations of domestic violence laws (Jose 2003; Pennsylvania Coalition Against Domestic Violence 2000).

Wherever differences were noted, we reexamined that state's law to resolve the discrepancy.

We excluded Washington, D.C., from our analyses. In 1976, the District of Columbia banned the private ownership of most firearms. Therefore, the District's firearm laws are significantly different from those of the 50 states. We also excluded laws in which potentially relevant language appeared only in sample protective orders but not in the state code itself. We completed data collection in April 2004. Therefore, any state laws enacted after April 2004 are not included in our analysis.

DATA ANALYSIS

For both police gun removal laws and court-ordered removal laws, we began with a close reading of each state law. Based on this examination, we developed a set of important components shared by many of the laws. Using these recurring features of the laws, we arrayed the laws in tables designed to both summarize their relevant characteristics and to help identify patterns in the laws (see Tables 1 and 2).

We also apply our knowledge of domestic violence law and policy to the analysis of these state laws. Based on prior evaluations of the implementation and effects of other laws, as well as the goals of the two laws examined in this article, we consider how the various components of the laws might help or hinder the achievement of their goals. We conclude with a set of recommendations for advocates, policy makers, and researchers.

RESULTS

As of April 2004, 18 states had a law that authorized police to remove firearms when responding to a domestic violence incident. Sixteen state codes included provisions that allow courts to order firearms removed when issuing a protective order. Ten states had both laws; 26 states had neither law. We summarize important characteristics of the police gun removal laws in Table 1; Table 2 summarizes characteristics of the court-ordered gun removal laws.

POLICE GUN REMOVAL LAWS

In 8 of the 18 police gun removal law states, police are required to remove firearms when responding to a domestic violence incident ("shall

(text continues on p. 306)

TABLE 1: Law Enforcement Authority to Remove Guns When Responding to a Domestic Violence Incident

State	Statutory Section	May or Shall Authority	Ammunition Included in Removal Authority	Removal Requires Arrest of Alleged Abuser	Removal Requires That a Gun Be Used or Threatened in the Domestic Violence Incident	Eligible Guns: In Plain View and/or Pursuant to Consensual Search	Removal Requires Guns Expose Someone to Danger	Eligible Guns: Guns Used in Domestic Violence (D.V.) vs. All Guns
AK	18-65-515(b)	May	No	No	No for guns in plain view; yes for other guns ^a	Yes (plain view) for non-D.V. guns; no for D.V. guns ^a	Yes	All guns ^a
AZ	13-3601(C)	May	No	No	No	Plain view or pursuant to consensual search	Yes	All guns
CA	12028.5(b)	Shall	No	No	No	Plain view or pursuant to consensual search	Yes	All guns
CT	46b-38b	May	No	Yes	No	Plain view or in alleged batterer's possession	No	All guns
HI	134-7.5 709-906	May	Yes	No	No for guns in plain view or discovered pursuant to consensual search; yes for other guns ^b	Plain view or pursuant to consensual search for non-D.V. guns ^b	Yes	All guns ^b

IL	725 S 5/112A-30; 750 S 60/304	Shall	No	No	Yes	No	No	No	D.V. guns only
IN	35-33- 1-1.5	May	Yes	No	Gun used in D.V. incident or immediate risk to victim ^c	Plain view ^c	Gun used in D.V. incident or immediate risk to victim ^c	All guns ^c	
MD	4-511	May	No	No	No	Plain view	No	All guns	
MT	46-6-603	Shall	No	No	Yes	No	No	D.V. guns only	
NE	29-440	May and Shall ^d	Yes for may authority; no for shall authority ^d	Yes	No for may authority; yes for shall authority ^d	Yes for may authority; no for shall authority ^d	Yes for may authority, no for shall authority ^d	All guns for may authority; D.V. guns only for shall authority ^d	
NH	173 B:9 173 B:10	Shall	Yes	No	No	No	No	All guns	
NJ	2C:25-21	May	No	No	No	No ^e	Yes	All guns	
OH	2935.03	Shall	No	No	Yes	No	No	D.V. guns only	
OK	60.08	Shall	No	Yes ^f	Yes	No	No	D.V. guns only	
PA	2711	Shall	No	Yes	Yes	No	No	D.V. guns only	

(continued)

TABLE 1 (continued)

State	Statutory Section	May or Shall Authority	Ammunition Included in Removal Authority	Removal Requires Arrest of Alleged Abuser	Removal Requires That a Gun Be Used or Threatened in the Domestic Violence Incident	Eligible Guns: In Plain View and/or Pursuant to Consensual Search	Removal Requires Guns Expose Someone to Danger	Eligible Guns: Guns Used in Domestic Violence (D.V.) vs. All Guns
TN	36-3-620	May and Shall ^g	No	Yes for may authority; no for shall authority	No for may authority; yes for shall authority ^g	Yes for may authority; no for shall authority ^g	Yes for may authority; no for shall authority ^g	All guns for may authority; D.V. guns only for shall authority ^g
UT	77-36-2.1	Shall	No	No	Yes	No	No	D.V. guns only
WV	48-27-1002	May and Shall ^h	No	Yes	No for may authority; yes for shall authority ^h	Yes for may authority; no for shall authority ^h	Yes for may authority; no for shall authority ^h	All guns for may authority; D.V. guns only for shall authority ^h

a. Under Alaska law, officers may remove guns not used in the domestic violence incident if the guns are in plain view. Guns used in the incident are eligible for removal but not subject to the plain view requirement.
 b. Under Hawaii law, officers may remove guns not used in the domestic violence incident; if the guns are in plain view or discovered pursuant to a consensual search, guns used in the incident are eligible for removal but not subject to the plain view/consensual search requirement.
 c. Indiana law includes those firearms within the removal authority that were an instrument of crime or expose the victim to immediate risk and are observed at the scene.
 d. Nebraska law enforcement may remove all guns and ammunition in plain view or pursuant to a consensual search as necessary for protection. They shall remove guns (but not ammunition) used or threatened in a domestic violence incident. The shall authority is not subject to the plain view/consensual search requirement.
 e. New Jersey law enforcement may question people at the scene to determine if guns are present and may remove any guns revealed through questioning or observation.
 f. Oklahoma law authorizes law enforcement to remove firearms "provided an arrest is made, if possible, at the same time."
 g. Under Tennessee law, officers may remove guns not used in the domestic violence incident if the guns are in plain view or discovered pursuant to a consensual search as necessary for protection. Guns used in the incident shall be removed but are not subject to the plain view/consensual search requirement.
 h. Under West Virginia law, officers may remove guns not used in the domestic violence incident if the guns are in plain view or discovered pursuant to a consensual search as necessary for protection. Guns used in the incident shall be removed but are not subject to the plain view/consensual search requirement.

TABLE 2: Court Authority to Order Removal of Guns

State	Statutory Section	May or Shall Authority	Ammunition Included in Removal Authority	Type of Protective Order(s) Included	Removal Requires That a Gun Be Used or Threatened in the Domestic Violence Incident	Eligible Guns: Guns Used in Domestic Violence (D.V.) vs. All Guns	Responsibility for Gun Removal
AK	18-66-100(b)(7)	May	No	Permanent	Yes ^a	All guns	Respondent
AZ	13-36-02(G)(4)	May ^b	No	Permanent	No	All guns	Respondent
CA	6389	Shall	No	Temporary and permanent	No	All guns	Respondent
DE	1045	May	No	Temporary and permanent	No	All guns	Respondent
HI	134-7(f)	Shall	Yes	Temporary and permanent	Required for temporary orders not required for permanent orders	All guns	Respondent and law enforcement ^c
IL	725 S5/112A-14; 750 S60/214}	Shall	No	Permanent	Yes ^d	All guns	Respondent and law enforcement ^e
IN	34-26-5-9	May	Yes	Permanent	No	All guns	Respondent

(continued)

TABLE 2 (continued)

State	Statutory Section	May or Shall Authority	Ammunition Included in Removal Authority	Type of Protective Order(s) Included	Removal Requires That a Gun Be Used or Threatened in the Domestic Violence Incident	Eligible Guns: Guns Used in Domestic Violence (D.V.) vs. All Guns	Responsibility for Gun Removal
MD	4-506	May	No	Permanent	No	All guns	Respondent
MA	209 A 3B	Shall ^f	Yes	Temporary and permanent	No	All guns	Law enforcement
NH	173 B:9	May	Yes	Temporary and permanent	No	All guns	Respondent and law enforcement ^g
NJ	2C:25-28; 2C:25-29	May	No	Temporary and permanent	No	All guns	Law enforcement
NY	842.a1.a2.a5	May and Shall ^h	No	Temporary and permanent	Yes ^h	All guns	Respondent
NC	50 B-3	Shall	Yes	Temporary and permanent	Yes ⁱ	All guns	Respondent
ND	14-07.1-02.4.g 14-07.1-03.2.d	May	No	Temporary and permanent	Yes ⁱ	All guns	Respondent

PA	6108	May	No	Permanent	Yes	D. V. guns only	Respondent
WI	813.12	Shall	No	Permanent	No	All guns	Respondent

- a. Alaska law requires that the respondent be in actual possession of a firearm or use a firearm during the offense.
- b. Arizona courts may prohibit firearm possession and purchase. If the court does so, it then shall order the respondent to surrender his firearms.
- c. Hawaii law authorizes law enforcement to remove a gun in plain view or pursuant to a consent search when serving an order.
- d. Illinois courts' authority applies when gun threat or use is likely and the court is satisfied that danger exists.
- e. Illinois law permits courts to order guns seized if the respondent fails to appear at the protective order hearing.
- f. Massachusetts law requires courts to order guns removed if the respondent demonstrates immediate danger of abuse.
- g. New Hampshire courts may order the respondent to surrender or may issue a search warrant authorizing law enforcement to remove guns.
- h. New York courts may include gun removal in temporary and permanent orders if there is substantial risk that the respondent may use or threaten to use a firearm against the victim. New York courts shall issue a permanent order if the domestic abuse incident involved a threat or use of a deadly weapon.
- i. North Carolina law requires that one of four conditions be met before courts shall remove guns. One of those conditions is use or threatened use of a deadly weapon or a pattern of prior conduct involving the use or threatened use of a firearm against persons.
- j. North Dakota courts may order guns removed if there is probable cause that a respondent is likely to use, threaten, or display a firearm in future acts of violence.

remove" states), whereas in 7 others, police are permitted but not required to do so ("may remove" states). Three other states (NE, TN, WV) use both "shall" and "may" language. Whether law enforcement authority to remove firearms in these states is mandatory or discretionary varies by circumstance, as detailed in Table 1. For example, in West Virginia, law enforcement "shall" remove firearms involved in the domestic violence assault and "may" remove other weapons in plain view or discovered pursuant to a consensual search, as necessary for protection.

Only four states (HI, IN, NE, NH) include the authority to seize ammunition within police gun removal laws. In Nebraska, law enforcement may remove ammunition if it is in plain view and when removal is necessary to ensure the safety of the police officer or others.

In five states (CT, NE, OK, PA, WV), law enforcement may only remove a gun if the abuser is arrested. In one other state (TN), removal of firearms used in the domestic violence event does not require an arrest; removal of other guns is authorized only if the abuser is arrested.

There is considerable variation among the states regarding whether a firearm must have been used in the domestic violence incident itself to authorize removal of firearms. Equal numbers of states (six in each category) require that a firearm was used in the domestic violence incident, do not impose this requirement, or vary the requirement depending on other factors. In this latter category, for example, Nebraska law requires all firearms used in the domestic violence incident to be removed; law enforcement may also remove other guns in plain view or discovered through a consensual search under Nebraska's police gun removal law.

Four states (AZ, CA, IN, MD) specify that only firearms in the "plain view" of the officer or discovered pursuant to a consensual search can be removed. Eight states do not impose this condition, and six others impose it under certain circumstances or for certain weapons (for example, those not used in the domestic violence incident). Five state laws (AK, AZ, CA, HI, NJ) permit, or in California require, law enforcement to remove firearms only when they potentially expose the victim, officer, or others to danger.

Police gun removal laws apply to all firearms owned or possessed by the alleged batterer in nine states, provided other criteria specified by the states' laws are met. In Hawaii, for example, firearms used in a domestic violence assault may be seized; other firearms may be seized only if they are in plain view or discovered through a consensual search, and where removal is necessary for the protection of the officer or others. The three state laws that apply either "may" or "shall" authority (NE, TN, WV), depending on the circumstances of the incident, include all guns in the may remove authority and only domestic violence guns in the shall remove

circumstances. Six states (IL, MT, OH, OK, PA, UT) limit removal authority to firearms actually involved in the domestic violence incident.

Finally, 10 state laws (AK, AZ, CA, CT, HI, IL, MD, MT, NJ, OK) specify the duration that firearms may be removed from the abuser (not in Table 1). Often, these states impose relatively brief time periods (for example, 7 days or less in several states) unless the firearm is needed for evidence in a criminal prosecution or the abuser is deemed ineligible to possess firearms. Eight others provide no specific time frame for the return of seized firearms.

COURT-ORDERED REMOVAL LAWS

We identified 16 states with court-ordered removal laws. Six state laws mandate courts to order the removal of firearms under specified circumstances through “shall” remove language (CA, HI, IL, MA, NC, WI), and nine states allow the courts some discretion in deciding whether to include gun removal as part of a protective order (may remove states). New York law requires courts to order surrender if the reported abuse involved the use or threatened use of a deadly weapon; they *may* (but are not required to) order gun removal upon finding a substantial risk that a gun may be used against the victim in future incidents. Court-ordered removal laws apply to all guns in a respondent’s possession, with the exception of Pennsylvania’s law, which limits removal to only those guns used in the abuse incident. In addition to ordering guns surrendered, five states (HI, IN, MA, NH, NC) explicitly include ammunition within their court-ordered removal laws.

Although civil protection laws for domestic violence victims vary among the states, they generally offer some form of immediate, temporary relief and some form of longer term, more permanent relief. Seven state laws authorize courts to order guns removed through permanent civil protective orders, and nine extend this authority to both temporary and permanent orders. No state law restricted the removal authority to temporary orders.

Court-ordered removal laws in six states (AK, IL, NY, NC, ND, PA) apply only when the reported abuse includes the use or threatened use of a gun or weapon, whereas nine state laws do not restrict the court’s gun removal authority in this way. Under Hawaii law, courts must order guns surrendered for all permanent orders regardless of gun involvement, but when issuing temporary orders, the removal law applies only when “a firearm may be used to threaten or harm a person.”

Our review of court-ordered removal laws revealed two mechanisms for the actual removal. Five state laws (HI, IL, MA, NH, NJ) authorize law

enforcement to seize guns under certain circumstances. Massachusetts and New Jersey rely solely on law enforcement to remove guns upon service of the order (MA) or as specified by the terms of the order (NJ). In contrast, Hawaii, Illinois, and New Hampshire laws vest respondents or law enforcement with removal responsibility, depending on the circumstances of the case or the courts' discretion. For example, if a respondent fails to turn over the gun(s) upon service of an order in Hawaii, law enforcement must apply to the court for a search warrant. Eleven state laws depend on respondents to surrender their firearms in accordance with the terms of an order.

In addition to the findings presented in Table 2, we also noted legislative language concerning how the court-ordered removal laws are to be implemented. For example, some state laws (AZ, CA, MA, NY, NC) offer detailed instructions regarding when gun removal occurs (immediately upon service of the order, within 24 hours, etc.), require court notification once removal occurs (CA, NY), specify who can legally receive surrendered guns (AZ, CA, DE, HI, IL, IN, MD, MA, NH, NC, ND, PA, WI), or provide provisions for the return of removed guns (NC, PA, and WI).

We also noted provisions of court-ordered removal laws that permit law enforcement to charge storage fees (CA, WI) and allow subcontracts with federally licensed firearm dealers to provide storage for removed guns (NC). Two states require additional measures that may increase the likelihood that the court-ordered removal will occur. California law requires courts to verbally inform both parties in the proceedings that the respondent cannot possess firearms while the order is in effect. As part of the temporary and permanent protective order hearings in North Carolina, judges must ask if respondents have access to firearms. Both provisions establish an active role for the courts in seeking information about the presence of firearms.

DISCUSSION

We discuss our findings in the context of implications for policy, advocacy, and research. These three sets of implications underscore the most important lesson from this review and analysis: Among similar state laws, there is the potential for wide variation. This variation affects the substance of the laws in ways that may affect the implementation and ultimate impact of the laws. There is also great variation in the sociopolitical characteristics of states with one or both removal laws, indicating that policy success is not limited to a particular type of state.

POLICY IMPLICATIONS

Policy makers have many options for structuring new removal laws or amending existing laws that aim to separate batterers and guns. The decision to mandate use of these laws through “shall” language as opposed to “may” maximizes the likelihood that police and courts will apply these laws consistently, and without regard to individual circumstances or personal opinions. To the extent that “shall” laws increase the use of and consistency with which the laws are applied, domestic violence victims and advocates can seek assistance with clearer expectations.

From a public health perspective, domestic violence gun laws should be preventive, not merely reactive. Laws that require a firearm to be part of the domestic violence incident and limit the removal to guns used against the victim are a response to a potentially lethal act of violence. In contrast, laws that do not use gun-involved violence as a criterion for gun removal reflect an approach that seeks to remove a lethal weapon before it becomes part of the abuse.

Consideration of the circumstances under which removal is authorized and how it takes place is important. Court-ordered removal policies that specify a role for law enforcement in removing guns are responsive to a foreseeable and documented challenge to implementing court-ordered removal laws: the respondent’s failure to comply (Frattaroli and Teret 2006). Specific roles for law enforcement will likely necessitate additional training to assure that officers are skilled in applying both gun removal laws. For example, many state police gun removal laws condition removal on the firearms exposing the victims, officer, or others to danger. Training programs that develop officers’ ability to appropriately interpret and execute these policies are important and should be funded. Additional strategies with the potential to address the court-ordered removal law compliance challenge are those provisions that allow the court to monitor compliance by requiring proof of surrender or that impose specific time frames for compliance with an order.

Laws that include provisions to help address resource challenges, such as storage and maintenance of removed guns by allowing law enforcement to charge storage fees or subcontract with federally licensed firearm dealers to provide storage, may also facilitate implementation of these laws.

ADVOCACY IMPLICATIONS

The results of this analysis can be helpful to advocates of domestic violence gun policy. Advocates working at the state level can use these

findings to assess their states' policies and determine if their police and court-ordered gun removal laws are adequate. For advocates in states where these laws do not exist, careful consideration of the variation among existing state laws can help shape the advocacy policy agenda on this issue.

Given that half of states have neither type of gun removal law, policy making in this area is needed to improve victim safety. Importantly, supporters of such efforts can be encouraged by the great variation in the sociopolitical characteristics of states with one or both removal laws in place, indicating that policy success is not limited to a particular type of state. Although gun violence prevention policies are generally controversial and often difficult to enact, policies that address the risks to domestic violence victims associated with armed batterers may be better received by elected officials and the public than more general gun violence prevention policies.

In addition to policy making, there is a role for advocates in ensuring the implementation of these laws. Advocates who understand the status of laws in their own states, and the legislative approaches employed in others, can encourage implementers (judges, law enforcement) to maximize use of these laws. In addition, advocates can work with implementers to identify challenges to implementation and work toward the necessary legislative, regulatory, or administrative changes that will facilitate implementers' use of these laws. By directing attention to the potential importance of these laws for domestic violence victims and establishing an interest in ensuring their implementation, advocates can provide an important incentive for ensuring that the police and court-ordered gun removal laws are translated from policy into potentially life saving actions.

RESEARCH IMPLICATIONS

Understanding the extent to which police and court-ordered gun removal laws are being implemented and the factors that influence their implementation is an important component of policy analysis, which is virtually absent from the literature. Such research can be used to guide decisions about the content of these laws, inform state and local leaders about how best to support and ensure implementation, and provide advocates with empirical evidence about how to most effectively direct their efforts.

Our results are also relevant to outcome evaluation research. Given the variation across states in the details of these two laws, an important consideration when evaluating laws is whether and to what extent multistate outcome data for policies with similar aims should be combined. There are

several advantages to combining evaluation data across states, including increased power and generalizability. However, when the details of a seemingly similar set of laws are different in ways that may influence whether and the extent to which the laws achieve their aims, consideration of these differences in the evaluation design is warranted.

RECOMMENDATIONS

Violent partners should not have access to firearms, even if they have not previously used or threatened to use a firearm. Federal laws were passed in the 1990s to reduce batterers' access to firearms; however, states' ability to enforce such laws is defined by the availability of enforcement mechanisms. To address the risks associated with armed batterers, state legislation is needed. Our review of two types of state laws revealed that about half of states (26) do not have either a court-ordered removal law or a police gun removal law. These laws are potentially valuable tools for protecting domestic violence victims.

Based on our analysis of the relevant characteristics of these laws, we recommend that court-ordered removal and police gun removal laws incorporate the following:

- Mandatory provisions ("shall remove" laws) that limit police or court discretion and, therefore, facilitate consistent implementation are preferable to nonmandatory ("may remove") laws.
- Removal authority that is not limited to guns actually involved in the domestic violence incident. Any gun in the batterer's possession has the potential to harm his partner.
- Including ammunition within the removal authority. Guns simply don't work without ammunition, and removal of ammunition imposes one more obstacle for batterers who might, perhaps impulsively, seek to harm a partner.
- Clear procedures for the mechanism, immediacy, and duration of the removal, and funding to train law enforcement. Such procedures aid implementation and ensure fairness.

These features likely will improve implementation and, by extension, effectiveness.

Given the risks associated with gun ownership by batterers, there is an urgent need for progress. This compilation of laws can serve as a resource for policy makers and advocates interested in strengthening state laws to better protect domestic violence victims and can inform a future research agenda regarding domestic violence and gun policies.

NOTE

1. Some state laws rely on batterers to relinquish their guns, so “removal laws” may not be an ideal label for the two laws we include under this heading. We believe, however, that the “removal” label accurately applies to the laws included in this review because the guns are ultimately removed if the laws are successfully implemented. To our knowledge, there is no other generally accepted name for these laws.

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