

DISARMING DOMESTIC ABUSERS

INFORMATION SHEET

Fatalities resulting from domestic violence continue to threaten the safety of Hillsborough County residents, take the lives of vulnerable victims, and affect the well-being of our children. The following policy proposal details steps that the State Attorney's Office is taking to disarm domestic abusers.

STATISTICS

The statistics on domestic violence fatalities caused by gunshot are disturbing:

Nationwide

- 56% of domestic violence homicides were caused by a firearm. (Violence Policy Center, September 2017; National Coalition Against Domestic Violence "NCADV")
- The presence of a gun in the home during a domestic violence incident increases the risk of homicide by **over 500%**. Domestic violence assaults involving a firearm are **12 times more likely to result in death** than those involving other weapons or bodily force. (NCADV; Law Center to Prevent Gun Violence)
- **54% of mass shootings** in the U.S. between 2009-2016 (84 out of 156) were related to domestic or family violence. **34% involved a shooter who was legally prohibited from possessing a firearm.** (Every Town for Gun Safety, Mass Shootings in the United States, March 2017)

Florida

- A Floridian is killed in a domestic violence incident **every other day**: 986 deaths from 2012-2016. (F.D.L.E. Uniform Crime Reports ["UCR"])
- **Guns were used in 45-50%** of domestic violence homicides in Florida between 2010 and 2016, by far the most common manner of homicide. (Florida Coalition Against Domestic Violence, 2016; Florida Attorney General "Faces of Fatality" 2017 Report)
- **62%** of perpetrators **were known by family or friends to carry or possess a weapon.** This risk factor **increased significantly** in the 2017 report (62%) vs. the 2016 report (35%). ("Faces of Fatality" 2017 Report)
- **55%** of perpetrators **had a known criminal history of domestic violence.** ("Faces of Fatality" 2017 Report)

Hillsborough County

- In Hillsborough County, a DV offense occurs approximately every 79 minutes (6670/year). (UCR, 2012-2016)
- From 2012-2016, Hillsborough County suffered 61 domestic violence homicides. (UCR, 2012-2016)

STATE LAW

Florida law prohibits a person convicted of any felony, including domestic violence, from purchasing or possessing any firearm or ammunition. A violation constitutes a second-degree felony punishable up to five years in prison. (F.S. § 790.233)

Florida law prohibits a person subject to a domestic violence final civil injunction from possessing or controlling any firearm or ammunition. A violation constitutes a first-degree misdemeanor punishable up to one year in prison. (F.S. §§ 790.233, 741.31(4)(b)(1))

The federal Violence Against Women Act prohibits any person convicted of misdemeanor domestic violence to possess any firearm or ammunition. A violation constitutes a felony punishable up to 10 years in prison. (18 U.S.C. §§ 922(g)(9), 924(a)(2))

SUMMARY OF POLICY

The State Attorney's Office will aggressively seek the relinquishment of firearms from domestic violence defendants through bond conditions, plea agreements, terms of probation, and entry into diversion programs. This applies to:

- (1) any defendant who is prohibited by law from owning a firearm; and
- (2) any defendant who has been charged based on probable cause with having committed an act of domestic violence.

SUMMARY OF PROCESS

1. Upon responding to a domestic violent incident, law enforcement conducts an initial risk assessment and inquiry of the victim and offender to determine whether the offender has possession or access to a firearm.
2. The State Attorney's Office receives information about the defendant's possession/access to a firearm from law enforcement and conducts a background check to determine whether the offender is legally prohibited from possessing a firearm.
3. At the time of the initial appearance and/or bond hearing, the State Attorney's Office seeks relinquishment of any firearms as a condition of pre-trial release. Additionally, State Attorney's Office will seek relinquishment of any firearms as part of any plea agreement, probation, or entry into a diversion program.

POLICY BENEFITS

- Remove guns from convicts and domestic abusers.
- Remove guns from defendants charged with domestic violence after a probable cause determination has been made.
- Make victims feel safer and encourage the reporting of domestic violence incidents.
- Simplifies the prosecution of domestic abusers via additional charges or violation of bond/probation for illegal possession of a firearm, especially where the victim is reluctant to testify.
- Remove illegal guns from the community.
- Alert law enforcement to the possible presence of a firearm when responding to domestic violence incidents.

STAY ENGAGED

Office Hours: 8:30 am – 5:00 pm



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