



Close the Boyfriend Loophole (S.1539/H.R. 3207)

- ❑ **Bottom Line:** Congress should act to close the boyfriend loophole by passing the Protecting Domestic Violence and Stalking Victims Act/Zero Tolerance for Domestic Abusers Act (S.1539/H.R. 3207). The bill from Senator Klobuchar (D-MN) and Representatives Dan Donovan (R-NY) and Debbie Dingell (D-MI) would close the loopholes in federal law that allow stalkers to buy and possess guns and allow domestic abusers to have guns simply because they are not married to their abusers.
 - Though federal law generally prohibits gun possession by domestic abusers, this prohibition typically does not apply when the victim is a dating partner as opposed to a spouse.
 - This bill would save women's lives by updating federal gun law to encompass abusive dating partners and by prohibiting convicted stalkers from buying or possessing guns.
- ❑ **Existing loopholes in federal law leave guns in the hands of dangerous domestic abusers and stalkers, often with deadly results.**
 - American women are 16 times more likely to be shot and killed with a gun than women in other high-income countries.¹
 - The presence of a gun in a domestic violence situation makes it five times more likely that a woman will be shot and killed.²
- ❑ **S.1539 and H.R. 3207 would protect victims of domestic violence by prohibiting gun purchase and possession by abusive dating partners.**
 - Current federal law bans gun possession by people convicted of or under a restraining order for abusing their spouses, but generally does not include abuse between dating partners.³
 - This gap in the law has become increasingly deadly: The share of homicides committed by dating partners has been increasing for three decades, and now women are as likely to be killed by dating partners as by spouses.⁴
 - S.1539 and H.R. 3207 would protect women from abusive dating partners, by ensuring that their abusers are prohibited from possessing guns under federal law.
 - The legislation uses the same definition of "dating partner" that is used in the Violence Against Women Act: someone who has been in a romantic or intimate relationship with the abuser (taking into account the type, length, and frequency of interaction).⁵
- ❑ **The legislation would protect stalking victims by prohibiting gun purchase and possession by any person convicted of a stalking crime.**
 - Current law prohibits stalkers who are convicted of felony offenses from gun possession, but does not prohibit those convicted of misdemeanor stalking offenses, even though stalking is also a predictor of intimate partner homicide.⁶
 - In fact, a study of intimate partner homicides and attempted homicides involving women victims in 10 major U.S. cities found that 76 percent of those murders and 85 percent of attempted murders of women were preceded by at least one incident of stalking in the year before the attack.⁷
 - These bills would prohibit people convicted of misdemeanor stalking from having guns.



¹ Grinshteyn, E., & Hemenway, D. (2016). Violent death rates: the US compared with other high-income OECD countries, 2010. *The American journal of medicine*, 129(3), 266-273.

² Campbell, J. C., Webster, D., Koziol-McLain, J. et al. (2003). Risk factors for femicide in abusive relationships: Results from a multisite case control study. *American journal of public health*, 93(7), 1089-1097.

³ 18 U.S.C. § 922(g)(8); 18 U.S.C. § 921(a)(32).

⁴ Alexia Cooper and Erica L. Smith, Homicide Trends in the United States, 1980-2008 (Washington, D.C.: U.S. Department of Justice, Nov. 2011), available at <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=2221>; Everytown for Gun Safety analysis of FBI Supplementary Homicide Reports, 2000-2012.

⁵ 18 U.S.C. § 2266(10).

⁶ 18 U.S.C. § 922(g)(1).

⁷ Judith MacFarlane, Jacquelyn Campbell, et. al., Stalking and Intimate Partner Femicide, 3 *Homicide Studies* No. 4, 300-16 (Nov. 1999).