



National Task Force to End Sexual & Domestic Violence

November 28, 2017

The Honorable Robert Goodlatte
Chairman, Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

The Honorable Jerry Nadler
Acting Ranking Member, Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Goodlatte, Acting Ranking Member Jerry Nadler, and Members of the House Judiciary Committee,

As we enter the winter holiday season, we grieve for the approximately 556 women who will not celebrate the holidays with their families – the 556 women who have been murdered this year by intimate partners with firearms. As a country, we can and must do more to prevent the daily mass shootings that plague our nation, most of which are related to family violence. Accordingly, we, the member organizations of the National Task Force to End Sexual and Domestic Violence (NTF), comprising national organizations working to end gender-based violence and representing hundreds of member programs and hundreds of thousands of advocates and survivors, write to you today to urge you to **oppose the Concealed Carry Reciprocity Act of 2017, H.R. 38. This bill destabilizes the safety protections guaranteed by federal and state laws for victims of domestic violence, dating violence and stalking, enabling domestic violence offenders to follow their victims across state lines with loaded, concealed firearms.**

We also urge you to **support the Fix NICS Act of 2017, H.R.4434, which will protect victims and survivors from abusers' firearms violence by ensuring domestic violence records are properly and expeditiously submitted to the National Instant Criminal Background Check System (NICS), the system used by the FBI to conduct firearms background checks.**

Firearms are regularly used as tools of power and control. Preliminary results from a recent survey of victims of domestic violence conducted by the National Domestic Violence Hotline indicated that, of those victims who reported being threatened with firearms violence by their abusive partners, 24.6% reported that the abuser carried a concealed gun during the abuse and 23% reported that the domestic violence offender carried a gun across state lines in furtherance of the abuse. A 2016 meta-analysis of existing literature found that approximately 4.5 million American women alive today have been threatened by abusers with firearms; of those, one million had either been shot or shot at by their abusers.¹ Guns are also the weapon of choice for domestic violence homicides.² An abuser's mere access to a firearm increases the risk of intimate partner homicide of women by five times.

Stalking is also a strong indicator of lethality, with one study of female murder victims in ten cities finding that 76% of women who were murdered by an intimate partner were stalked the previous year.³ **Lawmakers have enacted strong, commonsense protections to prevent domestic violence homicides in states and localities across the nation and such protections must not be undermined by federally mandating concealed carry reciprocity.**

States and Reciprocity Agreements: Currently, each state determines who can legally carry concealed, loaded firearms in public. Many states have enacted strong laws to protect victims and survivors from gun-enabled abuse beyond the vital but limited protection federal law provides. States enter into reciprocity agreements at their own discretion. The proposal before the Committee would take away this local control by requiring every state to recognize every other state's concealed weapons permits, thereby undermining states' authority to make their own decisions as to what measures will provide the best protection for their citizens.

Victim Relocation: Often, victims of domestic violence, dating violence and stalking relocate across state lines to escape their abusers and seek refuge in states with stronger firearms protections. H.R.38 would require states with strong protections for victims of abuse to accept the permits of states with weaker protections and allow domestic violence offenders to travel across state lines with loaded, concealed firearms. Domestic violence offenders could shop around for "out of state" permits, which are granted by ten states to non-residents, even if they do not meet the requirements to obtain a permit in their home state. Even if domestic abusers are prohibited from possessing firearms from their state of residence, they could easily obtain "out of state" permits and cross state lines to threaten, harass and harm their victims with firearms.

Law Enforcement and Background Checks: This bill assumes that law enforcement need only look at an individual's out-of-state concealed carry license to verify their eligibility to carry a firearm. Twelve states no longer require permits to carry loaded, concealed firearms; individuals from those states would not be able to produce a state-issued photo ID license to prove their eligibility to carry a concealed firearm, as required by H.R. 38. The bill also assumes that federal firearms prohibitors apply to all persons asserting the right to concealed carry reciprocity. However, many states do not run background checks when issuing concealed permits, so law enforcement in the travel state is unable to ascertain whether a federal or state prohibitor impairs the traveler's concealed carry permit or firearm possession. Even when a background check is required before a permit is issued, prohibited abusers often erroneously pass background checks, because the federal background check databases are missing most records relating to federal and many states' domestic violence prohibitors.

The Fix NICS Act of 2017 (H.R.4434), on the other hand, will vastly improve the safety of victims of domestic violence. Instead of supporting legislation that puts victims and survivors at increased risk, we urge you to support the Fix NICS Act of 2017. This bipartisan, bicameral bill reauthorizes the National Criminal History Improvement Program (NCHIP), requires all federal agencies and states to design implementation plans to increase submission of records into NICS, holds states and federal agencies responsible if they do not meet the benchmarks established in their implementation plans, and creates a Domestic Abuse and Violence Prevention Initiative to focus state efforts specifically on improving entry of domestic violence records. This bill is supported not only by the domestic violence victim advocacy community, but also by a broad range of entities, including the NRA, the National Shooting Sports Foundation, and a number of gun violence prevention organizations.

Although gaps in reporting of records span a range of firearms prohibitors, the gap in reporting of domestic violence records is particularly notable. Approximately 700,000 protective orders reside in state databases that are not in any federal database, and countless more protective orders are issued at the local level but never entered into state databases. Similarly, there are significant gaps in the number of misdemeanor domestic violence convictions and the records submitted to NICS. Poor record keeping often leads to domestic abusers erroneously passing background checks or to ‘default proceed’, in which a background check cannot be completed within seventy-two hours, and a sale is allowed to proceed before the FBI has made a determination about the potential buyer’s ability to legally purchase or possess firearms. In 2013 and 2014, a plurality (approximately 40%) of cases referred by the FBI to the ATF for firearms retrieval after a default proceed were related to a domestic violence prohibitor. An unknown number of prohibited abusers wrongly passed background checks altogether.

Simply put, H.R.38 imperils the lives of victims, survivors, their children, their families, their friends and their communities, while H.R.4434 saves them. On behalf of victims of domestic violence, dating violence and stalking, we urge you to oppose national concealed carry reciprocity and support the Fix NICS Act of 2017. Please contact Rachel Graber (rgraber@ncadv.org) at the National Coalition Against Domestic Violence or Rob Valente (rvalente@ndvh.org) at the National Domestic Violence Hotline with questions.

Sincerely,

The National Task Force to End Sexual and Domestic Violence

¹ Sorenson, S. B., & Schut, R. A. (2016). Nonfatal gun use in intimate partner violence: A systematic review of the literature. *Trauma, Violence, & Abuse*.

² Campbell, J.C., Webster, D., Kozipl-McLain, J., Block, C., Campbell, D., Curry, M.A., Gary, F., Glass, N., McFarlane, J., Sachs, C., Sharps, P., Ulrich, Y., Wilt, S., Manganello, J., Xu, X., Schollenberge, J., Frye, V. & Lauphon, K. (2003). Risk factors for femicide in abusive relationships: Results from a multistate case control study. *American Journal of Public Health, 93*(7), 1089-1097.

³ McFarlane, J. M., Campbell, J. C., Wilt, S., Sachs, C. J., Ulrich, Y. & Xu, X. (1999). Stalking and intimate partner femicide. *Homicide Studies, 3*(4), 300-316.