



Domestic Violence and Firearms: Research on Statutory Interventions

April M. Zeoli, PhD, MPH

Part V: Firearm Restrictions for Those Convicted of Stalking

Stalking is a tactic frequently used by domestic violence offenders to further abuse their current or former intimate partner (Logan & Cole, 2011). Violent intimate partners who engage in stalking may be particularly dangerous. For example, a case-control study comparing female victims of intimate partner homicide with victims of non-lethal intimate partner violence found that violent intimate partners who engaged in stalking behaviors were significantly more likely to kill their intimate partners than those who did not (Campbell, et al., 2003). Additionally, when a comparison was made between victims of non-lethal intimate partner violence and victims of near lethal or lethal intimate partner violence, it was found that victims of near lethal or lethal violence were significantly more likely to have been stalked (McFarlane, Campbell, & Watson, 2002). Another study found that of women killed by current or former intimate partners, roughly 23% had been stalked (Moracco, Runyan, & Butts, 1998).

Conviction for the crime of stalking does not uniformly carry firearm prohibitions across the United States. In most states, stalking is a misdemeanor crime and there is no federal law specifying that those who convicted of a misdemeanor crime of stalking are prohibited from firearm purchase or possession. However, some states have legislated in a way that applies firearm prohibitions to stalking.

One way states have done this is by creating a felony crime of stalking, such as in Colorado, Illinois, Indiana, New Jersey and others. Those convicted of felony crimes are prohibited from firearm purchase and possession under federal law (18 U.S.C. § 922(g)(1)), so the restriction would automatically apply. Other states (such as California, Connecticut, Maryland, New York, and others) have enacted laws prohibiting those who are convicted of misdemeanor stalking from accessing firearms. To date, no research has examined the implementation or impact of these laws on intimate partner violence or homicide. However, as evidence suggests that those convicted of stalking are a high-risk group for future violence, it is possible that with good implementation these laws may be effective in reducing the severity of future intimate partner violence.

