

For Immediate Release

Washington, D.C. June 24, 2022: Becky's Fund is overjoyed with the news that Congress has passed the Bipartisan Safer Communities Act. This bipartisan piece of legislation is the first significant gun control bill in more than three decades. The bill, authored by Senators Cornyn (R-Texas) and Murphy (D-Conn.), passed a key test vote Tuesday night in the Senate. Fourteen Senate Republicans voted to begin debate on the 80-page measure, which has been worked on over the last two weeks of bipartisan negotiations. Republican Senators who joined Cornyn in voting to move forward with debate on the bill were Sens. Blunt (Mo.), Burr (N.C.), Capito (W.Va.), Cassidy (La.), Collins (Maine), Ernst (Iowa), Graham (S.C.), McConnell (Ky.), Murkowski (Alaska), Portman (Ohio), Romney (Utah), Tillis (N.C.), Young (Ind.), and Toomey (Pa). The bill includes policy provisions to support the implementation of "red flag" laws, strengthen background check and licensing requirements, and invest in school safety and mental health care. To the surprise and delight of Democrats and domestic violence advocates, the proposal also includes the long-awaited closing of the "boyfriend loophole."

Under the current federal law, the Violence Against Women Act prohibits abusers from receiving or possessing a firearm, but only if they have been married to, have lived with, or have a child with the victim. The law does not prohibit abusive dating partners from owning firearms. This gap, known as the "boyfriend" loophole, has become increasingly deadly, as the number of homicides committed by dating partners has been growing steadily for decades. Previous attempts to close the loophole were dropped in order to assure reauthorization. The newly passed legislation, however, would prohibit those convicted of misdemeanor domestic violence crimes from owning firearms for at least five years, depending on if they have committed other crimes following their conviction. Those charged with felonies will have their gun rights stripped indefinitely. Making it more difficult for abusers to purchase guns would grant survivors a better chance of safely leaving their abusive relationship.

There is no denying the prevalence of gun violence in the United States, and, unfortunately, women are disproportionately affected. American women are 21 times more likely to be murdered with guns than women in other high income countries. Firearms are used in nearly 54% of female homicides, with the highest frequency among Black women. Domestic violence is the underlying common denominator in these murders. According to Everytown for Gun Safety, the chance of intimate partner femicide is 5 times more likely if the abuser has access to a gun. And, an average of 70 women are fatally shot by an intimate partner across the country every month. A woman is shot to death by an intimate partner every 14 hours, totalling 600 women shot to death every year.

It is not enough to simply protect survivors from their current or former abusive spouses. Domestic Violence extends well beyond the confines of marriage illustrated by the Department of Justice statistic that nearly half of all women killed by intimate partners are victims of a dating partner. Since the 1990s, the number of domestic violence incidents between dating partners has increased drastically. A study in Philadelphia found that 82% of intimate partner violence incidents reported in the city were between dating partners. As Robert Spitzer, a professor at SUNY Cortland stated, "A marriage license shouldn't be the line where authorities can weigh in.

Mass shootings also often have a domestic violence component, with the non-partisan group Everytown for Gun Safety noting that in 68% of mass shootings between 2014 and 2019, the shooter had a history of domestic violence and shot a current or former intimate partner or family member as part of the rampage. Studying mass shootings reveals overwhelming evidence demonstrating how critical it is to keep guns out of the hands of domestic violence abusers. Senator Amy Klobuchar noted, "The states that have closed the loophole have seen a 13% reduction in intimate partner violence." Closing the boyfriend loophole would result in fewer homicides and remove barriers that prevent survivors from being able to leave their abusers.

Even with the recent reauthorization of the Violence Against Women Act, there is still some ambiguity in the current law's language defining who is classified as a domestic abuser and what counts as domestic violence. Domestic violence can take the form of financial abuse, emotional abuse, stalking, and many other types of violence, and not just physical harm. The definition varies from state to state and if the federal law does not define the types of actions that make up domestic violence, then there will continue to be inconsistency over who can be convicted and lose their right to own a firearm. The new proposal does clarify that convicted domestic violence abusers and individuals who are subject to a final protective order will be added to the National Instant Criminal Background Check System run by the FBI, including romantic partners. When added to this database, these individuals will be denied when attempting to purchase a firearm.

Thirty-two states and D.C. have already passed laws to address the boyfriend loophole, offering some guidance for federal legislation. California included "any current or former dating partner" in their law's definition of domestic violence and who is classified as an abuser. If the abuse is filed as a felony, the perpetrator receives a lifetime ban on gun possession. However, if the abusive crime is filed as a misdemeanor, which domestic violence often is, the perpetrator will only receive a ten year firearms ban.

These state laws closing the boyfriend loophole have had a significant impact on domestic violence related homicides. A study by the American Journal of Epidemiology demonstrated a 16% decrease in intimate partner homicides on account of state laws barring dating partners from owning a firearm after receiving a protection order. Further, when the law details the implementation of removing firearms after the issuance of a protection order, larger reductions in intimate partner homicide are seen compared to when enforcement tactics are not included in the bill.

On the contrary, the past decade has also seen a number of states, including Missouri and Wyoming, create legislation that nullifies federal gun reform. These "second amendment preservation acts" prohibit any state or local law enforcement from enforcing federal gun control laws. Of the ten states that hold variations of this type of law, abusers are still capable of purchasing firearms. According to the Center for Disease Control, Missouri and Wyoming have some of the highest rates of firearm homicide in 2020. It is yet to be seen how these recently-developed laws have impacted survivors of domestic violence.

Becky's Fund, a non-profit dedicated to ending domestic violence, is currently working with a survivor of abuse who is living in fear with her child due to her dating partner's access to a gun. He was recently granted a permit without a background check, leaving the survivor terrified to even attempt to leave the abusive situation. And even when the abuser does not actively use a gun, the threats of violence and use of the firearm are common means of coercive control and emotional abuse that continue to paralyze the survivor from leaving.

The boyfriend loophole failed to protect unmarried survivors facing abuse for decades. "Closing the 'boyfriend loophole' keeps the focus where it belongs — on the bad behavior rather than on the nature of the relationship between the two parties," said Susan Sorenson, a professor of social policy at the University of Pennsylvania. As long as it is properly and consistently

enforced, The Bipartisan Safer Communities Act will take the fundamental steps needed to keep guns out of the hands of people with dangerous histories. The new bill will expand current law so that those in "serious dating relationships" who are convicted of domestic abuse would be prevented from purchasing a gun. The federal government is taking responsibility to protect its citizens and help them live free from gender-based violence and we know that this bill will protect women and girls from gun violence. We thank Congress for closing the boyfriend loophole. This action will undoubtedly save thousands of lives.

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For more information on Becky's Fund and our work to end domestic violence, please visit: beckysfund.org.

About Becky's Fund

BECKY'S FUND is a nonprofit organization working to end domestic violence through service, education and advocacy. We provide emergency support services and resources for those in need. Our interactive workshops for young men and women - MEN OF CODE, BE YOUR OWN HERO and NATIONAL DOMESTIC VIOLENCE COLLEGE TOUR - are focused on healthy relationships, prevention and empowerment. Through these programs and our signature fundraiser, WALK THIS WAY, we work to end the devastating effects of domestic violence today and for future generations.