

IN THE  
**Supreme Court of the United States**

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UNITED STATES OF AMERICA,  
*Petitioner,*

v.

RANDY EDWARD HAYES,  
*Respondent.*

ON WRIT OF CERTIORARI TO THE  
UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**BRIEF *AMICI CURIAE* OF THE NATIONAL NETWORK  
TO END DOMESTIC VIOLENCE, THE DOMESTIC  
VIOLENCE LEGAL EMPOWERMENT AND APPEALS  
PROJECT (DV LEAP),  
(continued on inside cover)**

**IN SUPPORT OF PETITIONER**

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**INTEREST OF *AMICI CURIAE*<sup>1/</sup>**

*Amici* include numerous non-profit organizations devoted to remedying domestic violence through legal, legislative, and policy initiatives, as well as organizations providing shelter, advocacy, and legal and counseling services to survivors of domestic violence. *Amici* collectively have hundreds of years of experience working with survivors of domestic violence, including undertaking extensive efforts to improve the justice system's response to victims of domestic violence.

*Amici* are extremely concerned about the Fourth Circuit's interpretation of the Lautenberg Amendment and the impact this interpretation has on victims of domestic violence. For these reasons, therefore, *Amici* are submitting this brief in support of the Petitioner.<sup>2/</sup>

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<sup>1/</sup> Pursuant to Sup. Ct. R. 37.6, *Amici Curiae* state that no counsel representing a party authored this brief in whole or in part, and no person or entity other than the *Amici Curiae* or their counsel made a monetary contribution to the preparation or submission of this brief.

<sup>2/</sup> Pursuant to Sup. Ct. R. 37.3(a), counsel of record for both Petitioner and Respondent have consented to the filing of this brief in letters/emails that have been lodged with the Clerk. The identities and interest of *Amici* are described in the Appendix to this brief.

## SUMMARY OF ARGUMENT

In recognition of the urgent need to close a loophole in the framework of federal firearms laws designed to keep firearms out of the hands of known domestic abusers, Congress enacted the Lautenberg Amendment in 1996, which made it illegal for persons convicted of misdemeanor crimes of domestic violence to possess or purchase a firearm. In defining the triggering offenses that will invoke the firearm ban, the plain language of the statute clearly demonstrates that Congress did not require that the offender be convicted under a statute containing a domestic relationship as an element of the offense. Even assuming, purely for the sake of argument, that the plain language of the statute is somehow ambiguous, the legislative history surrounding the Lautenberg Amendment, including the floor statements of the bill's sponsor, clearly and irrefutably demonstrate that Congress did not intend to require a domestic relationship as an element of the predicate offense. Indeed if, as the Fourth Circuit has concluded, the domestic relationship element is required, then the Lautenberg Amendment is rendered largely meaningless. For these reasons, the Fourth Circuit's anomalous interpretation—contrary to the conclusions of the nine other circuit courts to have addressed this question—is erroneous and should be overturned.

## ARGUMENT

### I. THE LAUTENBERG AMENDMENT ADDRESSED THE URGENT NEED TO REMOVE GUNS FROM THE HANDS OF DOMESTIC ABUSERS

In 1996, in recognition of the startling reality that the federal ban on firearm ownership by felons and persons subject to a protection order had inadvertently overlooked the majority of domestic abusers, Congress enacted the “Gun Ban for Individuals Convicted of a Misdemeanor Crime of Domestic Violence,” frequently referred to as the “Lautenberg Amendment” after its sponsor, Senator Frank Lautenberg (D–New Jersey).<sup>3/</sup> The Lautenberg Amendment closed a glaring loophole in the framework of the federal firearms laws by extending the ban, which had previously proscribed firearm ownership by convicted felons and domestic violence offenders who had protection orders entered against them, to also apply to individuals who had been “convicted in any court of a misdemeanor crime of domestic violence.”<sup>4/</sup> The statistics demonstrating the need for this legislation are as compelling as they are grim.

#### A. Gun Ownership by Persons with a History of Committing Domestic Violence Substantially Increases the Risk of Death and Injury to the Victims of These Offenders and Imposes Tremendous Societal Costs

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<sup>3/</sup> See Omnibus Consolidated Appropriations Act of 1997, Pub. L. No. 104-208, 110 Stat. 3009 (1996).

<sup>4/</sup> 18 U.S.C. § 922(g)(9) (2000 & Supp. V 2005).

To understand the societal ramifications of permitting known domestic abusers to own firearms, it is important to first consider the statistics regarding the pervasiveness of domestic violence in the United States. Each year, intimate partners<sup>5/</sup> commit an estimated 322,230 rapes and 4.5 million physical assaults against women; an additional 2.9 million physical assaults are committed against men.<sup>6/</sup> Some 22% of women and 7% of men report having been physically assaulted by an intimate partner.<sup>7/</sup> Two-thirds of women who have been physically assaulted by their intimate partners report being victimized more than once by the same partner.<sup>8/</sup> Although women comprise a large portion of the victims of domestic violence,<sup>9/</sup> the problem of domes-

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<sup>5/</sup> For the purposes of this brief, “intimate partner” refers to a current or former spouse, parent, or guardian; a person with whom another shares a child in common; a person who is cohabiting with or has cohabited with another as a spouse, parent, or guardian; or a person similarly situated to a spouse, parent, or guardian of the victim.

<sup>6/</sup> Patricia Tjaden & Nancy Thoennes, U.S. Dep’t of Justice, *Extent, Nature, and Consequences of Intimate Partner Violence: Findings From The National Violence Against Women Survey* 55 (2000). For the purposes of this study, “intimate partners” means “current and former dates, spouses and cohabiting partners, with cohabiting meaning living together at least some of the time as a couple.” *Id.* at 5.

<sup>7/</sup> Ctr. for Gun Policy and Research, Johns Hopkins Univ., *Factsheet: Firearms and Intimate Partner Violence* (2003), available at [http://www.jhsph.edu/gunpolicy/IPV\\_firearms2.pdf](http://www.jhsph.edu/gunpolicy/IPV_firearms2.pdf).

<sup>8/</sup> Tjaden & Thoennes, *supra* note 5, at 39.

<sup>9/</sup> Matthew R. Durose et al., U.S. Dep’t of Justice, *Family Violence Statistics: Including Statistics on Strangers and Acquaintances* 10 (2005) (reporting that women comprise approximately 85% of domestic violence victims); Nat’l Ctr. for Injury Prevention and Control, Ctrs. for Disease Control and (continued on next page)

tic violence is one that transcends gender and cuts across all demographic lines.<sup>10/</sup>

In all too many of these cases, encounters that begin as domestic violence assaults escalate into lethal encounters. The risk of lethal escalation is particularly acute during the time the victim is leaving the relationship, meaning that the danger is greatest for many domestic violence victims just as they have made the decision to seek help.<sup>11/</sup> The severe risk that domestic violence offenders pose to their victims is illustrated by statistics concluding that more than one in ten homicide victims in this country were killed by an intimate partner.<sup>12/</sup> Over 30% and per-

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Prevention, *Costs of Intimate Partner Violence Against Women in the U.S.* 3 (2003) [hereinafter *Costs of Violence*]; Callie Marie Rennison, U.S. Dep't of Justice, *Intimate Partner Violence, 1993–2001* NCJ197838 (2003) (noting that in 2001, 85% of the victims of intimate partner violence were women).

<sup>10/</sup> See Durose et al., *supra* note 8, at 10-11 (reporting statistics concerning demographic characteristics of domestic violence offenders); Lawrence A. Greenfeld et al., U.S. Dep't of Justice, *Violence By Intimates: Analysis of Data on Crimes by Current or Former Spouses, Boyfriends, and Girlfriends*, NCJ167237 (1998); Tjaden & Thoennes, *supra* note 5, at 25.

<sup>11/</sup> See, e.g., Darren Mitchell & Susan B. Carbon, *Firearms and Domestic Violence: A Primer for Judges*, Ct. Rev., Summer 2002, at 32 (noting the phenomenon of “separation violence”); Margo Wilson & Martin Daly, *Spousal Homicide Risk and Estrangement*, 8 *Violence & Victims* 3, 4 (1993) (finding that “actual or imminent separation is highly relevant to risk.”).

<sup>12/</sup> See James Alan Fox & Marianne W. Zawitz, *Homicide Trends in the United States* (2007), <http://www.ojp.usdoj.gov/bjs/homicide/intimates.htm>.

haps as many as 40–50% of female murder victims are killed by intimate partners.<sup>13/</sup>

Studies demonstrate that the involvement of a gun during an incident of domestic violence significantly increases the probability—making it twelve times more likely—that the encounter will result in a homicide.<sup>14/</sup> For this reason, in his Senate statements in support of the gun ban, Senator Paul Wellstone (D–MN) correctly observed that “often, the only difference between a battered woman and a dead woman is the presence of a gun.”<sup>15/</sup> In 2005, guns resulted in the deaths of 678 women who were shot and killed by intimate partners.<sup>16/</sup>

Even in domestic violence incidents involving firearms in which the victim is not killed, he or she is very frequently injured.<sup>17/</sup> Researchers at the Har-

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<sup>13/</sup> Fox & Zawitz, *supra* note 11; Jacquelyn C. Campbell et al., *Assessing Risk Factors for Intimate Partner Homicide*, NIJ J., Nov. 2003, at 18; Rennison, *supra* note 8, at 2 (reporting that “about 33% of female murder victims ... were killed by an intimate.”).

<sup>14/</sup> See Linda E. Saltzman et al., *Weapon Involvement and Injury Outcomes in Family and Intimate Assaults*, 267 JAMA 3043, 3043 (1992) (noting that research indicates that gun involvement increases the likelihood that an assault will result in homicide).

<sup>15/</sup> See 142 Cong. Rec. S10,377, 10,378 (daily ed. Sept. 12, 1996) (statement of Sen. Wellstone).

<sup>16/</sup> Fox & Zawitz, *supra* note 11.

<sup>17/</sup> See generally Kathryn Ann Farr, *Battered Women Who Were “Being Killed and Survived It”: Straight Talk From Survivors*, 17 Violence & Victims 267 (2002) (detailing victims’ stories of having survived near-lethal domestic violence). The stories of the survivors of these attacks are shocking. One woman was brutally beaten with a gun; after the beating the attacker then forced the gun into her mouth and pulled the trigger. *Id.* (continued on next page)

vard School of Public Health have concluded that incidents where a gun is brandished “against family members may be more common than gun use in self-defense, and that hostile gun displays are often acts of domestic violence directed against women.”<sup>18/</sup> Guns can be, and frequently are, used in a threatening manner without actually being fired. For example, armed offenders may brandish a gun without firing it, and take advantage of the victim’s fear of being shot to push, hit, or kick the victim.<sup>19/</sup> Thus, while domestic violence incidents involving firearms sometimes result in fatalities, almost half of firearm-related domestic violence incidents result in nonfatal injuries.<sup>20/</sup>

Studies strongly indicate that just having access to a gun increases the likelihood that domestic violence will end in fatality—regardless of whether the gun is actually used. In a leading study of individual risk factors for homicide, an abuser’s access to a firearm was found to be strongly associated with domestic violence homicide.<sup>21/</sup> Similarly, an abuser’s previous use of a weapon to threaten the victim was found

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at 277. The victim survived only because the gun misfired. *Id.* Another woman’s leg was shot with a rifle and essentially destroyed; what remained had to be amputated. *Id.*

<sup>18/</sup> Deborah Azrael & David Hemenway, “*In the Safety of Your Own Home*”: *Results from a National Survey on Gun Use at Home*, 50 Soc. Sci. & Med. 285, 290 (2000).

<sup>19/</sup> *Id.* (noting that “[m]ost of the hostile gun displays in [the] survey were gun brandishings by intimates against women, designed to frighten and threaten them”); Saltzman et al., *supra* note 13, at 3044.

<sup>20/</sup> See Saltzman et al., *supra* note 13, at 3044.

<sup>21/</sup> See Jacquelyn C. Campbell et al., *Risk Factors for Femicide in Abusive Relationships: Results from a Multisite Case Control Study*, 93 Am. J. of Pub. Health 1089, 1090 (2003).

to significantly increase the risk of death.<sup>22/</sup> Merely having access to firearms results in a five-fold increase in the risk of death during an incident of domestic violence.<sup>23/</sup> In short, access to firearms is, quite simply, “a key factor in the escalation of nonfatal spousal abuse to homicide.”<sup>24/</sup>

Beyond the obvious personal toll this gun-related domestic violence causes to the victims, their children, and their families, the larger social impact of such violence is enormous. Domestic violence is responsible for over 2 million injuries each year, and more than 550,000 of those injuries require medical attention.<sup>25/</sup> More than 145,000 of those injuries require hospitalization for one or more nights.<sup>26/</sup> Domestic violence also wreaks nonphysical injury upon its victims, accounting for over 18.5 million mental health care visits each year. In addition, a significant financial burden is imposed as well. The total costs of medical care (including mental health care) resulting from domestic violence incidents approaches \$4.1 billion per year, significant portions of which are paid for by government programs.<sup>27/</sup> Intimate partner violence against women results in vic-

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<sup>22/</sup> See *id.*

<sup>23/</sup> See *id.* at 1092.

<sup>24/</sup> Violence Policy Ctr., *When Men Murder Women: An Analysis of 2003 Homicide Data: Females Murdered by Males in Single Victim/Single Offender Incidents* 13 (2005).

<sup>25/</sup> *Costs of Violence*, *supra* note 8, at 19.

<sup>26/</sup> *Id.*

<sup>27/</sup> See Philip J. Cook et al., *The Medical Costs of Gunshot Injuries in the United States*, 281 JAMA 447, 453 (1999) (concluding that for gunshot injuries, the government pays for approximately half the total lifetime treatment costs); *Id.* at 30 (noting total health care costs per year).

tims missing almost 8 million paid days of work each year—a loss to the national economy equivalent to 32,114 full-time jobs.<sup>28/</sup> Domestic violence also consumes a substantial amount of the resources of state law enforcement and judicial systems.<sup>29/</sup> A consideration of the societal impact of domestic violence must therefore include both these personal and economic “costs.”

**B. The Lautenberg Amendment Closed a Loophole in Federal Law that Inadvertently Permitted Gun Possession by Dangerous Perpetrators of Domestic Violence**

Prior to the enactment of the Lautenberg Amendment in 1996, federal law already prohibited convicted felons from possessing firearms.<sup>30/</sup> In addition, federal law prevented a person from possessing firearms if he had a current “qualifying” protection order issued against him.<sup>31/</sup> Yet, despite these triggering provisions, the federal firearm ban was only rarely applied to domestic abusers, in part because domestic violence offenses are, for a variety of reasons, frequently either charged or pled out as mis-

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<sup>28/</sup> *Costs of Violence*, *supra* note 8, at 19.

<sup>29/</sup> See Erica L. Smith et al., U.S. Dep’t of Justice, *State Court Processing of Domestic Violence Cases* NCJ214993 (2008) (analyzing the case processing outcomes for domestic violence cases in 15 large urban counties); Tjaden & Thoennes, *supra* note 5, at 53 (noting that law enforcement personnel receive almost 2 million reports of domestic violence annually).

<sup>30/</sup> See 18 U.S.C. § 922(g)(1) (1994).

<sup>31/</sup> See *id.*

demeanors.<sup>32/</sup> In fact, the single most common court action taken in response to a victim's complaint of domestic violence is the issuance of a civil protection order.<sup>33/</sup> For this reason, the pre-1996 statute proscribed firearm possession and purchase by indi-

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<sup>32/</sup> See, e.g., Editorial, *Why Give Wife-Beaters Guns?*, N.Y. Times, May 31, 1996, at A24 (noting that “acts of domestic violence are often prosecuted as misdemeanors, either as part of a plea-bargain deal or because of weak state laws that treat domestic violence far too lightly”). Many crimes of domestic violence plead out as misdemeanors because of the difficulty and expense of taking a case to trial where it is likely that the victim will be uncooperative or recant, and where the accused is likely to mount a vigorous defense given the potential harsh penalties. See, e.g., Jennifer L. Vainik, *Kiss, Kiss, Bang, Bang: How Current Approaches to Guns and Domestic Violence Fail to Save Women's Lives*, 91 Minn. L. Rev. 1113, 1139 (2007) (discussing the circumstances that frequently result in plea bargains for domestic violence cases); Robert A. Mikos, *Enforcing State Law in Congress's Shadow*, 90 Cornell L. Rev. 1411, 1441 (2005) (noting that Congress enacted the Lautenberg Amendment to “stop state prosecutors from skirting the Gun Control Act in domestic abuse cases by extending the firearms prohibition to misdemeanor crimes as well as felonies”); Emily J. Sack, *Confronting the Issue of Gun Seizure in Domestic Violence Cases*, 6 J. for Center for Fams., Child., Cts. 3, 4 (2005) (commenting on the frequency with which crimes of domestic violence are “undercharged or pleaded down to misdemeanors”).

<sup>33/</sup> See Sally F. Goldfarb, *Reconceiving Civil Protection Orders for Domestic Violence: Can the Law Help End Abuse Without Ending the Relationship?*, 29 Cardozo L. Rev. 1487, 1489, 1503-04 (2008) (“Civil protection orders have emerged as the most frequently used and, in the view of many experts, the most effective legal remedy against domestic violence.”); Jane C. Murphy, *Engaging With The State: The Growing Reliance On Lawyers And Judges To Protect Battered Women*, 11 Am. U. J. Gender, Soc. Pol’y & L. 499, 502 (2003) (observing that the civil protection order is one of the most common legal remedies used for battered women).

viduals subject to a protection order. After protection orders, however, misdemeanor guilty pleas and adjudications constitute a very significant portion of the ultimate outcomes of domestic violence cases.<sup>34/</sup> These outcomes, paradoxically, did not invoke the federal firearm ban under the pre-1996 statute.

Senator Lautenberg commented on this reality when introducing the Legislation at issue here:

[M]any people who engage in serious spousal or child abuse ultimately are not charged with or convicted of felonies. At the end of the day, due to outdated laws or thinking, perhaps after a plea bargain, they are, at most, convicted of a misdemeanor. In fact, most of those who commit family violence are never even prosecuted. But when they are, one-third of the cases that would be considered felonies, if committed by strangers, are instead filed as misdemeanors. ***The fact is that in many places domestic violence is not taken as seriously as other forms of brutal behavior.*** Often acts of serious spousal abuse are not even considered felonies.<sup>35/</sup>

Effectively, an offender would lose his right to possess a gun if he assaulted a stranger and was charged with a felony, or if he was merely civilly restrained from abusing a family member, but the same offender could keep his gun if he assaulted an intimate partner and was—as is still usual—

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<sup>34/</sup> Smith et al., *supra* note 28.

<sup>35/</sup> 142 Cong. Rec. S10,377, 10,377-78 (daily ed. Sept. 12, 1996) (statement of Sen. Lautenberg) (emphasis added).

prosecuted for a misdemeanor. Thus the vast majority of criminally prosecuted batterers were allowed firearms while the merely civilly restrained batters were not. The Lautenberg Amendment was aimed at correcting this situation by ensuring that crimes of domestic violence, even if characterized as misdemeanors, were covered by the firearm ban.<sup>36/</sup>

Therefore, in recognition of the critical need to prohibit gun ownership by those who have previously committed or threatened violent acts against a spouse, intimate partner, or child cohabiting with him or her, Congress added language to the federal gun ban statute to prohibit possession, shipment and transport, receipt, or return of firearms by those convicted of misdemeanor crimes of domestic violence. As one Court of Appeals aptly observed, those individuals are “people whose past violence in domestic relationships makes them untrustworthy custodians of deadly force.”<sup>37/</sup> Senator Lautenberg, in his Senate statements, put it more bluntly:

There is no reason for someone who beats their wives or abuses their children to own a gun. When you combine wife beaters and guns, the end result is more death. . . . This amendment would close this dangerous loop-

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<sup>36/</sup> See *United States v. Barnes*, 295 F.3d 1354, 1364 (D.C. Cir. 2002) (recognizing that the Lautenberg Amendment was “enacted in order to remedy the nationwide problem that those convicted of a felony involving domestic assault were prohibited from firearms possession while those convicted of a misdemeanor involving domestic assault were not.”).

<sup>37/</sup> *United States v. Belless*, 338 F.3d 1063, 1067 (9th Cir. 2003).

hole and keep guns away from violent individuals who threaten their own families.<sup>38/</sup>

In short, the clear and unambiguous legislative purpose behind the Lautenberg Amendment was to fill the loophole in federal law and to remove firearms from the hands of known perpetrators of domestic violence.

## II. THE PLAIN LANGUAGE OF THE LAUTENBERG AMENDMENT REFUTES THE FOURTH CIRCUIT'S STRAINED INTERPRETATION

Until now, the federal circuit courts of appeals have uniformly interpreted the Lautenberg Amendment in accordance with its purpose—to take firearms out of the hands of known perpetrators of domestic violence nationwide. Each of the nine other circuit courts to have considered the issue construed the statute to impose a firearms ban on persons convicted of a misdemeanor offense against a victim who was in a domestic relationship with the offender, whether or not the existence of such a domestic relationship was a statutory element of the underlying misdemeanor offense.<sup>39/</sup> The result has been that in

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<sup>38/</sup> 142 Cong. Rec. S10,377, 10,378 (daily ed. Sept. 12, 1996) (statement of Sen. Lautenberg).

<sup>39/</sup> See *United States v. Heckenliable*, 446 F.3d 1048, 1050 (10th Cir. 2006); *Belless*, 338 F.3d at 1067 (9th Cir. 2003); *White v. Dep't of Justice*, 328 F.3d 1361, 1364-67 (Fed. Cir. 2003); *United States v. Shelton*, 325 F.3d 553, 561-62 (5th Cir. 2003); *United States v. Kavoukian*, 315 F.3d 139, 142-45 (2d Cir. 2002); *Barnes*, 295 F.3d at 1358-61 (D.C. Cir. 2002); *United States v. Chavez*, 204 F.3d 1305, 1313-1314 (11th Cir. 2000); *United States v. Meade*, 175 F.3d 215, 218-221 (1st Cir. 1999); *United States v. Smith*, 171 F.3d 617, 619-620 (8th Cir. 1999).

the ten years following the enactment of the Lautenberg Amendment, over 150,000 attempted gun purchases by people convicted of domestic violence crimes were blocked.<sup>40/</sup>

In enacting the Lautenberg Amendment, Congress made it unlawful for any person “who has been convicted in any court of a misdemeanor crime of domestic violence . . . [to] possess in or affecting commerce, any firearm or ammunition.”<sup>41/</sup> The Amendment defines “misdemeanor crime of domestic violence” as follows:

(33)(A) Except as provided in subparagraph (C), the term “misdemeanor crime of domestic violence” means an offense that—

(i) is a misdemeanor under Federal, State, or Tribal law; and

(ii) has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the

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<sup>40/</sup> See Office of Senator Frank R. Lautenberg, U.S. Senate, *The Domestic Violence Gun Ban Ten Years Later: Lives Saved, Abusers Denied* (2006), available at <http://lautenberg.senate.gov/documents/domestic/THE%20DOMESTIC%20VIOLENCE%20GUN%20BAN.pdf>

<sup>41/</sup> 18 U.S.C. § 922(g)(9).

victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim[.]<sup>42/</sup>

The application of the amendment therefore turns on the definition of the predicate offense. The Fourth Circuit, contrary to the nine other circuit courts to have considered this issue, concluded that the predicate offense must contain a domestic relationship element. According to the Fourth Circuit, this result is compelled because the statutory definition “plainly provides, in its clause (ii), that the predicate offense must have as an element one of certain specified domestic relationship between the offender and the victim.”<sup>43/</sup> The “natural reading” of the statute espoused by the Fourth Circuit “requires that the predicate offense have as an element a relationship component.”<sup>44/</sup>

Even a cursory review of the definition, however, reveals the error in the Fourth Circuit’s interpretation. As correctly recognized by a number of circuit courts, the definition speaks plainly in terms of a singular “element”—the use or attempted use of physical force or threat with a deadly weapon.<sup>45/</sup>

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<sup>42/</sup> 18 U.S.C. § 921(a)(33)(A) (2000 & Supp. V 2005).

<sup>43/</sup> See *United States v. Hayes*, 482 F.3d 749, 752 (4th Cir. 2007).

<sup>44/</sup> *Id.* at 756.

<sup>45/</sup> See, e.g., *Heckenliable*, 446 F.3d at 1050 (“Congress’s use of the singular noun ‘element’ is indicative that the misdemeanor offense only requires one element, namely, the use of force.”); *Belless*, 338 F.3d at 1066 (“The definition ... speaks only of a single element rather than in the plural.”); *Meade*, 175 (continued on next page)

This strongly indicates that Congress required the predicate offense to have only that single element, and that the “use of force” and “committed by” clauses are not to be considered together as comprising a single element. Indeed, this would be an absurd reading, given the sharp conceptual distinctions between these clauses. While the Fourth Circuit suggests that the “natural” reading is that when Congress says “element” it really means “the following elements,” it is far more natural and reasonable to read the statute as it is written, with reference to only one element. The “committed by” language thus does not create an additional element, but modifies the earlier reference to the criminal offense. The most natural and logical reading of the definition, therefore, is that a qualifying “misdemeanor crime of domestic violence” is (1) a misdemeanor, as defined by statute; (2) whose statutory framework includes, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon; and (3) which can be shown, through information in the court record, to have been committed by a person having a domestic relationship with the victim.

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F.3d at 218-19 (“The word ‘element’ ... is singular, and, absent evidence that Congress wished to deviate from customary usage, it should be read to refer only to the immediately following attribute.”); *Smith*, 171 F.3d at 620 (“If Congress meant the predicate misdemeanor to have two elements, it would have used the plural form of ‘element.’”).

### III. THE FOURTH CIRCUIT'S STATUTORY CONSTRUCTION CONTRADICTS THE INESCAPABLE PURPOSE AND INTENT OF THE AMENDMENT, RENDERING IT NONSENSICAL

As discussed above, the plain language of the statute, applying the ordinary meanings to the words Congress used, indicates no requirement that the predicate offense include a domestic relationship as an element of the offense. Even assuming, however, purely for the sake of argument, that the statutory language is ambiguous, the Fourth Circuit's strained statutory interpretation should be rejected for the additional reason that it would render the Lautenberg Amendment essentially meaningless. This Court's role is "to make sense rather than nonsense out of the *corpus juris*" when construing statutes.<sup>46/</sup> While criminal statutes are to be construed strictly, "this does not mean that every criminal statute must be given the narrowest possible meaning in complete disregard of the purpose of the legislature."<sup>47/</sup> Here, the purpose behind the enactment of the amendment is clear. Because Congress cannot be assumed to have enacted a law with no effect, the Fourth Circuit's interpretation cannot be correct.

At the time the Lautenberg Amendment was enacted in 1996, only 17 states had in place domestic violence misdemeanor laws that included a domestic relationship between the offender and the victim as

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<sup>46/</sup> *W. Va. Univ. Hosps. v. Casey*, 499 U.S. 83, 101 (1991) (Scalia, J.)

<sup>47/</sup> *United States v. Turley*, 352 U.S. 407, 413 (1957).

an element of the offense.<sup>48/</sup> In addition, no federal misdemeanor had as an element a domestic relationship between the offender and victim. Thus, if the Fourth Circuit’s interpretation is correct, the Lautenberg Amendment was an immediate dead letter,<sup>49/</sup> and of no force and effect, in the substantial majority of the states—including Senator Lautenberg’s home state of New Jersey, which is among the states that did not have (and still today does not have) a domestic violence misdemeanor statute.

The Fourth Circuit’s statutory construction here directly contravenes the “basic axiom” that “courts should construe all legislative enactments to give them some meaning.”<sup>50/</sup> Similarly, “interpretations of a statute which would produce absurd results are to be avoided if alternative interpretations consistent with the legislative purpose are available.”<sup>51/</sup> There is simply no conceivable reason why Congress, having identified compelling public policy reasons to

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<sup>48/</sup> *Barnes*, 295 F.3d at 1365 n.12.

<sup>49/</sup> Courts generally strive to avoid interpretations of a statute rendering the law ineffective. *See, e.g., United States v. Atl. Research Corp.*, 127 S. Ct. 2331, 2337 (2007) (declining to adopt the government’s interpretation of a provision of the Comprehensive Environmental Response, Compensation, and Liability Act that would have reduced the number of potential plaintiffs to almost zero). Even an interpretation resulting in surplusage is favorable to one resulting in a dead letter. *Id.* (“It is appropriate to tolerate a degree of surplusage rather than adopt a textually dubious construction that threatens to render the entire provision a nullity.”).

<sup>50/</sup> *Rosado v. Wyman*, 397 U.S. 397, 415 (1970); *see also Heckenliable*, 446 F.3d at 1051 (“Our interpretation must give practical effect to Congress’s intent, rather than frustrate it.”).

<sup>51/</sup> *Griffin v. Oceanic Contractors, Inc.*, 458 U.S. 564, 575 (1982) (Rehnquist, J.).

keep firearms out of the hands of known perpetrators of domestic violence, would have adopted a ban that would be entirely ineffectual and would allow batterers to continue to own firearms in the substantial majority of the country, including in the home state of the bill's sponsor. For this reason alone, the Fourth Circuit's illogical interpretation should be rejected in favor of the construction applied by every other circuit court to have considered the issue.

Moreover, it remains the case today that less than half of the states have in place misdemeanor assault or battery statutes that include the existence of an intimate partner relationship as an element of the offense.<sup>52/</sup> Accordingly, if the Fourth Circuit's construction is upheld, the Lautenberg Amendment will have no applicability whatsoever in more than half the country. This interpretation is unquestionably contrary to Congress' intent; after all, having recognized the problem and taken Congressional action, there can be no doubt that Congress intended to enact a national remedy. Had Congress sought to leave this decision to individual states, it simply would have allowed the states to continue to adopt state firearms bans on a piecemeal basis.<sup>53/</sup> It is in-

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<sup>52/</sup> Hayes' opp. to cert., at 3.

<sup>53/</sup> When the Lautenberg Amendment was enacted, the state statutes in place addressing domestic violence misdemeanors included: Ark. Code Ann. § 5-26-305 (LexisNexis 1995) and *id.* §§ 5-26-307 to 5-26-309; Cal. Penal Code § 243(e)(1) (West 1997); Ga. Code Ann. § 16-5-23.1(f) (LexisNexis 1996); Haw. Rev. Stat. § 709-906 (LexisNexis 1996); Idaho Code § 18-918 (LexisNexis 1996); 720 Ill. Comp. Stat. Ann. 5/12-3.2 (West 1996); Iowa Code Ann. § 708.2A (West 1996); Mich. Comp. Laws Ann. § 750.81(2)-(3) (West 1996); Minn. Stat. Ann. § 609.2242 (West 1997); Mont. Code Ann. § 45-  
*(continued on next page)*

conceivable that Congress enacted a national firearms ban for domestic violence misdemeanants which would apply in a minority of states, particularly without any discussion whatsoever of the existing patchwork of state laws.

Finally, even in those states that do have misdemeanor statutes which specify a domestic relationship as an element of the offense, the Fourth Circuit's interpretation would put the federal misdemeanor firearm ban at the mercy of the vagaries of prosecutorial discretion. Prosecutors often charge defendants with traditional misdemeanors such as assault and battery, even when a domestic violence misdemeanor statute is available. Thus, even in the minority of states with domestic violence misdemeanor statutes, the Fourth Circuit's interpretation could result in dangerous batterers such as Mr. Hayes being nonetheless exempt from the Lautenberg Amendment's firearm ban merely by virtue of prosecutorial discretion. Yet Congress enacted the Lautenberg Amendment specifically in order to curtail the prosecutorial discretion that allowed circumvention of the federal firearm ban by under-charging domestic violence.<sup>54/</sup> It defies logic to suggest that

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5-206 (West 1996); N.M. Stat. Ann. § 30-3-12 (West 1996) and *id.* § 30-3-15 ; Ohio Rev. Code Ann. § 2919.25 (West 1997); Okla. Stat. Ann. tit. 21, § 644(C) (West 1997); S.C. Code Ann. § 16-25-20 (LexisNexis 1996); Vt. Stat. Ann. tit. 13, § 1042 (LexisNexis 1996); Va. Code Ann. § 18.2-57.2 (West 1996); and W. Va. Code Ann. § 61-2-28 (LexisNexis 1996).

<sup>54/</sup> 142 Cong. Rec. S10,377, 10,377-78 (daily ed. Sept. 12, 1996) (statement of Sen. Lautenberg) (“[M]any people who engage in serious spousal or child abuse ultimately are not charged with or convicted of felonies. At the end of the day, due to outdated laws or thinking, perhaps after a plea bargain, they  
*(continued on next page)*”)

Congress remedied this problem by enacting a firearm ban that remains contingent on those same prosecutors' discretionary decisions about which statute to employ. For this reason as well, the Fourth Circuit's flawed statutory construction should be rejected.

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are, at most, convicted of a misdemeanor. In fact, most of those who commit family violence are never even prosecuted.”); see also Douglas E. Beloof & Joel Shapiro, *Let the Truth be Told: Proposed Hearsay Exceptions to Admit Domestic Violence Victims' Out of Court Statements as Substantive Evidence*, 11 Colum. J. Gender & L. 1, 3-4 (2002) (noting that victims of domestic violence refuse to cooperate with prosecutors 80–90% of the time).

**CONCLUSION**

For the foregoing reasons, the *Amici Curiae* respectfully request that this Court REVERSE the decision of the Court of Appeals for the Fourth Circuit.

Respectfully submitted,

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## APPENDIX

### IDENTITIES AND INTEREST OF *AMICI CURIAE*

The following organizations respectfully submit this brief as *Amici Curiae* in support of Petitioner, and urge this Court to overturn the decision of the Fourth Circuit.

The **National Network to End Domestic Violence (NNEDV)** is a non-profit organization incorporated in the District of Columbia in 1995. The mission of NNEDV is to create a social, political, and economic environment in which violence against women no longer exists. A network of state domestic violence coalitions, representing over 2,000 member programs nationally, NNEDV serves as the voice of battered women and their children and those who provide direct services to them. NNEDV has a long history of working at the local, state, and national levels to promote a strong criminal justice response to domestic violence, including reducing homicides by removing firearms from convicted batterers. NNEDV was instrumental to the Congressional enactment and implementation of the Violence Against Women Acts of 1994, 2000, and 2005.

The **Domestic Violence Legal Empowerment and Appeals Project (DV LEAP)** was founded in 2003 by one of the nation's leading domestic violence lawyers and scholars. DV LEAP provides a stronger voice for justice by fighting to overturn unjust trial court outcomes on appeal, advancing legal protections for victims of domestic violence and their children through expert appellate advocacy, training

lawyers, psychologists and judges on best practices, and spearheading domestic violence litigation in the Supreme Court. DV LEAP is committed to ensuring that the Supreme Court understands the realities of domestic violence and the law in deciding domestic violence cases, and has previously co-authored three other amicus briefs to the United States Supreme Court, in *Castle Rock v. Gonzalez*; *Davis v. Washington*, *Hammon v. Indiana*; and *Giles v. California*. DV LEAP is a partnership of George Washington University Law School and a network of participating law firms.

The **Alabama Coalition Against Domestic Violence (ACADV)** is a nongovernmental, non-profit organization that speaks on behalf of all Alabama domestic violence shelters and has been a leader in education, policy reform and advocacy. ACADV also operates a 24-hour statewide hotline for domestic violence. ACADV has a long history of collaboration at the state and local level. Staff and member programs work in partnership with the Alabama Legislature to pass laws that protect victims of domestic violence and hold perpetrators accountable. ACADV provides training and technical assistance to thousands of professionals around the state to promote an effective criminal justice response to domestic violence. In 2006 Alabama had over 1,600 aggravated domestic violence aggravated assaults and 31 domestic violence homicides. In 18 percent of reported domestic violence cases, a firearm was used.

The **Arizona Coalition Against Domestic Violence (AzCADV)** is a non-profit organization comprised of representatives from domestic violence programs and other concerned individuals and groups.

AzCADV is involved in many efforts to combat domestic violence, including court monitoring, sponsoring legislation and lobbying for or against bills that will impact victims, and delivering trainings and presentations on numerous topics related to domestic violence across the state of Arizona. AzCADV writes and distributes a Domestic Violence Fatality Review Report, which indicates that for the last three years, the overwhelming majority of Arizonians killed in domestic violence-related incidents were killed by a firearm. In addition, AzCADV operates the state's only legal advocacy hotline for victims, friends, family, and concerned citizens to access information and referrals.

The **Arkansas Coalition Against Domestic Violence (ACADV)** is a non-profit organization that has served both rural and urban areas of Arkansas since its inception in 1981. ACADV's mission is to eliminate personal and institutional violence against women and their children through programs providing support and safety to battered women, direct services, public information and education, systems advocacy and social change activities. ACADV's membership consists of over 60 domestic violence shelters, affiliate service providers and individuals who work toward this goal through supportive, cooperative practices in all aspects of its individual programs and collective efforts.

The mission of **Break the Cycle** is to engage, educate and empower youth to build lives and communities free from domestic and dating violence. Founded in 1996, Break the Cycle is the nation's first organization to provide law-based domestic violence services *exclusively* to young people, ages 12 to 24.

ACADV's domestic violence prevention and early intervention services include prevention education, outreach, peer leadership opportunities, and comprehensive, free legal services for young victims of abuse. Break the Cycle is a leader in the field of youth dating violence and serves as a model for communities nationwide looking to implement proactive and effective programs to deal with the issues of dating violence. Break the Cycle is a trusted resource for domestic violence information and referrals nationwide and Break the Cycle staff members regularly provide trainings for other social service agencies. Since ACADV's founding in 1996, Break the Cycle has directly served more than 103,000 youth across the nation, including protecting its clients from future harm or death by removing firearms from convicted domestic violence perpetrators.

**The California Partnership to End Domestic Violence (CPEDV)** acts as a leader and catalyst for innovative, long range plans to end domestic violence in California. CPEDV is a statewide, membership-based coalition of 195 domestic violence service providers and other supporters, who offer a united voice on legislation and budgetary initiatives affecting victims of domestic violence and their children at the local, state and national level. Over the course of its 25-year history, CPEDV has worked with lawmakers and its allied partners to enact over 100 statutes on these issues.

**The Colorado Coalition Against Domestic Violence (CCADV)** is a non-profit statewide membership organization whose mission is to end domestic violence in all its forms. CCADV was established in 1978 by twelve domestic violence service providers

in order to offer a strong statewide voice for survivors of domestic violence, their families, and providers of service and currently represents over 80 domestic violence shelters and programs, allied organizations and individuals. Through training, technical assistance and public policy advocacy, CCADV provides a system of comprehensive services that support member programs' ability to effectively serve diverse survivors of domestic violence (over 40,000 individuals each year).

CCADV recognizes the critical role that the criminal justice system plays in holding domestic violence offenders accountable and increasing victim safety. CCADV's Public Policy Program has a long history of advocating for and supporting laws and policies that affect battered women and their children, including those which reduce homicides through removal of firearms from domestic violence offenders who have Permanent Civil Protection Orders issued against them or who are convicted of crimes under Colorado's criminal code that have an underlying factual basis of domestic violence. The removal of firearms from domestic violence offenders is critical even at the misdemeanor criminal level, especially in light of research wherein 100 domestic violence homicide cases were reviewed that indicates that the most important risk factor for intimate partner femicide-suicide was prior domestic violence against the victim, with partners' access to a gun also found to be a risk factor. Furthermore, a 2006 study by Project Safeguard's Fatality Review Program (one of CCADV's member programs), which reviewed 90 domestic violence incidents involving 147 fatalities in Colorado over the period of 1996–2005, found that gunshot

was the most frequent cause of death for the victim (45.6% of victim fatalities) and the predominant cause (82.2%) of offenders' death were suicide by gunshot. In 68.9% of these cases, the victims had disclosed prior domestic violence to at least one source.

The **Connecticut Coalition Against Domestic Violence (CCADV)** is a membership organization made up of eighteen domestic violence programs, whose purpose is to work together to end domestic violence by changing the social conditions, beliefs and social actions that perpetuate abuse against victims of domestic violence. CCADV provides consultation and technical expertise to private and government agencies; provides information and resource materials to the media and general public; and provides extensive training to law enforcement and criminal justice personnel, health care providers, religious leaders, drug and alcohol counselors, batterer intervention service providers, and other professionals who seek justice and safety for victims of domestic violence. Through education and advocacy, CCADV supports legislation, policies and regulations that improve the quality of life for victims of domestic violence. Through its policy advocacy projects, CCADV serves as a public voice for victims of domestic violence and for those organizations that serve them.

The **Delaware Coalition Against Domestic Violence (DCADV)** is a statewide not-for-profit organization which was incorporated in the State of Delaware in 1994. It is DCADV's mission to work to eliminate domestic violence through training, resource provisions, and advocacy. It is DCADV's spe-

cific philosophy that all persons have the right to live without fear, abuse, oppression, and violence. To these ends, DCADV plays an instrumental role in advocating for laws and policies that positively impact the lives of battered women and their children at both the state and national levels. At the national level DCADV actively participated in efforts which resulted in the Congressional enactment and eventual implementation of the Violence Against Women Acts of 1994, 2000, and 2005. At the state level DCADV has (1) worked to expand protections for domestic violence victims and their children; (2) advocated for legislative and policy initiatives that benefit domestic violence victims and their children; and (3) engaged in continuing systems analysis in order to identify and work to eliminate factors which negatively impact victim safety.

It is an unfortunate reality that guns are too often the instrument via which perpetrators of domestic violence inflict fear, abuse oppression and violence into the lives of domestic violence victims and their children. In 2002, Delaware gained the unenviable position of being among the top 10 states in which women were murdered using firearms. In 2005, nearly one-third of all of the murders committed throughout the entire state were domestic violence murders. Of those domestic violence murders, 60% were committed with guns.

Founded in 1986 and incorporated in the District of Columbia, the **District of Columbia Coalition Against Domestic Violence (DCCADV)** is a non-profit organization serving as the professional association for the District's anti-domestic violence service providers and is the primary representative of

battered women and their children in the public policy arena. Members of DCCADV share the goal of ending domestic violence through community education, outreach, public policy development, and services for survivors. DCCADV has, over the last 20 years, worked locally to protect the rights of survivors of domestic violence by supporting member organizations and directly assisting those suffering from the effects of domestic abuse. Two of DCCADV's primary goals are to assure that victims of domestic violence and their children are safe from harm and that programming is instituted throughout the city to prevent domestic violence. DCCADV is, therefore, extremely interested in ensuring that the laws of the District of Columbia protect both the safety and legal rights of domestic violence victims.

The **Georgia Coalition Against Domestic Violence** is a non-profit organization incorporated in the State of Georgia in 1992. The mission of GCADV is to support its member programs to achieve safety and justice for domestic violence victims. A network of local domestic violence programs, representing over 45 member programs statewide, GCADV serves as the voice of battered women and their children and those who provide direct services to them. GCADV works at the state level to promote a strong, coordinated response to domestic violence, including reducing homicides by removing firearms from convicted batterers.

The **Hawaii State Coalition Against Domestic Violence (HSCADV)** is a private, not-for-profit organization. As a statewide coalition of domestic violence programs, HSCADV's mission is to ensure the safety and protection of women in intimate rela-

tionships by coordinating domestic violence prevention and intervention services, affecting public policy, providing training and education, and establishing coordinated and consistent procedures and actions by the civil and criminal justice systems in Hawaii. HSCADV supports gun control legislation, and is especially concerned about victims of domestic violence, particularly women and children, who are killed by guns.

The **Idaho Coalition Against Sexual and Domestic Violence, Inc. (ICASDV)** is a statewide non-profit dual coalition that advocates on behalf of victims of domestic violence and sexual assault. The mission of ICASDV is to provide education, assistance, and support to individuals, programs, and organizations dedicated to ending sexual assault and domestic violence. Incorporated in 1980, ICASDV has grown to become a statewide membership network of over 55 shelter programs, counseling programs, law enforcement, victim witness units, prosecutors, and allied professionals. ICASDV has a history of working at the state and local levels and facilitates a number of working groups to promote a strong criminal justice response to domestic violence, for example, the Idaho Coordinated Response to Domestic and Sexual Violence. The research the Coordinated Response has compiled indicates that the presence of firearms within a household (more specifically, the movement of those firearms) is a strong indicator of risk within an abusive relationship. In response to the increasing number of domestic violence related fatalities in the State (in 2007 there were twenty-two—over twice the number of previous years), the Coordinated Response is currently creat-

ing a domestic violence risk assessment tool to be used by law enforcement and other criminal justice and non-criminal justice professionals around the State.

The **Illinois Coalition Against Domestic Violence (ICADV)** is a not-for-profit organization incorporated in the State of Illinois in 1978. Through the 52-member full service domestic violence agencies, ICADV is dedicated to the elimination of violence against women and their children through the following vision: to promote the eradication of domestic violence across the state of Illinois; to ensure the safety of survivors, their access to services, and their freedom of choice; to hold abusers accountable for the violence they perpetrate; and to encourage the development of victim-sensitive laws, policies and procedures across all systems that impact survivors of domestic violence.

ICADV has a long history of working to promote a strong criminal justice response to domestic violence, including reducing homicides by removing firearms from convicted batterers and from respondents to domestic violence orders of protection. ICADV was instrumental to passage of the model Illinois Domestic Violence Act of 1986 legislation and worked for enactment and implementation of the Violence Against Women Acts of 1994, 2000, and 2005.

The **Indiana Coalition Against Domestic Violence (ICADV)** is a non-profit organization incorporated in the State of Indiana. ICADV is committed to the elimination of domestic violence through: providing public awareness and education; advocating

for systemic and societal change; influencing public policy and allocation of resources; educating and strengthening coalition members; and, promoting the availability of quality comprehensive services.

The **Iowa Coalition Against Domestic Violence (ICADV)** is a non-profit organization, incorporated in the state of Iowa in 1985. ICADV provides educational and technical assistance to the domestic violence programs across Iowa, and also acts on a statewide and national level to promote public policy and legislative issues on behalf of battered women and their children. ICADV's purpose is to eliminate personal and institutional violence against women through support to programs providing safety and services to battered women and their children. ICADV recognizes that unequal power contributes to violence against women. Therefore, ICADV advocates social change, legal and judicial reform, and the end to all oppression.

**Jane Doe Inc. (JDI)** is the Massachusetts Coalition Against Sexual Assault and Domestic Violence. JDI is a statewide membership organization of over 60 domestic violence programs and rape crisis centers. The mission of JDI is to bring together organizations and people committed to ending domestic violence and sexual assault. JDI advocates for responsive public policy, raise awareness, and provide technical assistance and support to its member organizations that provide comprehensive prevention and intervention services. In keeping with its mission, JDI has an interest in removing barriers that limit or deny a domestic violence survivor's access to justice and support services.

The **Kansas Coalition Against Sexual and Domestic Violence (KCSDV)** is a non-profit organization incorporated in the state of Kansas and represents sexual and domestic violence member programs as well as the individual victims of sexual and domestic violence served by KCSDV and these member programs. KCSDV has extensive expertise on the physical, sexual, emotional and economic dangers victims and their families face. This organization and its member programs work closely with courts, legislators, law enforcement agencies, prosecutors, and other agencies across the state to provide effective networks that will protect victims of sexual and domestic violence who seek help through the enforcement of state and federal laws.

Enforcement of the laws prohibiting possession or purchase of firearms under certain circumstances related to domestic violence is an area of particular concern. KCSDV through its criminal justice project and its protection order project pays particular attention to how these federal laws are enforced in Kansas. KCSDV has provided training to advocates and allies on federal firearms provisions as they relate to domestic violence. It has also met and worked with the Office of the Governor, the Office of the Attorney General's Victims Rights Division, the Office of Judicial Administration, the Kansas Judicial Council's Family Law Advisory Committee, the Kansas Highway Patrol, as well as other law enforcement officers, judges, and attorneys on how to better implement federal firearms enforcement measures in Kansas.

The **Kentucky Domestic Violence Association (KDVA)** is a non-profit organization founded in

1981 and incorporated in the State of Kentucky. It is dedicated to advocating for safety and justice for battered women and their children, and provides comprehensive services to families through fifteen shelter programs located across the state. Through its hotline, shelter, legal advocacy and community outreach endeavors, KDVA has assisted battered women and their children in trying to establish their safety and stability.

Domestic violence is a serious crime with tragic consequences for millions of women and children nationwide. It is well established that the presence of firearms in domestic violence situations threaten to exacerbate an already deadly crisis. 74% of homicides in Kentucky are firearm deaths, and almost 40% of homicides occur between partners or family members. (“Violent Deaths In Kentucky 2005”, Kentucky Violent Death Reporting System). There are many compelling reasons for restricting the use of availability of firearms under circumstances like those of domestic violence; such reasons form the underpinnings of the Federal gun restrictions associated with protective orders and criminal convictions. The Kentucky Legislature considered the implementation of a statute specifically addressing crimes of domestic violence assault, and enacted KRS 508.032 in 2000. However, this statute only provides for penalty enhancement, based on the relationship between victim and defendant, for a third qualifying offense. The first two assaults would be charged under the general assault statute. Therefore, the Kentucky Legislature chose not to create a specific misdemeanor crime of domestic violence/assault. A decision by this Court that would allow convicted ab-

users in Kentucky to obtain and possess firearms because the state legislature chose not to enact a specific domestic violence statute would create a grave risk of harm to victims and their children.

**Legal Momentum** advances the rights of women and girls by using the power of the law and creating innovative public policy. Legal Momentum advocates in the courts, Congress, and state legislatures, as well as with unions and private business, to improve the protection afforded victims of sexual and domestic violence, and is a leading authority on the rights of immigrant victims of such violence. Legal Momentum was instrumental in the enactment of the federal Violence Against Women Act and its reauthorizations. Legal Momentum views government power to restrict or ban private possession and use of firearms as an important tool that can have a significant role in protecting victims of domestic and sexual violence from lethal attacks, as well as protecting society more generally from interpersonal violence.

The **Maine Coalition to End Domestic Violence (MCEDV)** is a non-profit organization incorporated in 1977 in the state of Maine. The mission of MCEDV is to create and encourage a social, political, and economic environment in which domestic violence no longer exists, and to ensure that battered women are supported and that batterers are held accountable. MCEDV mobilizes and coordinates community action through a statewide network of domestic violence projects. Through these partnerships, MCEDV focuses its resources on public policy, education, and systems advocacy.

At least half of all homicides in Maine are related to domestic violence and oftentimes the weapon of choice is a firearm. From 2000 to 2007, in 34 of the 60 domestic homicides, the perpetrators used firearms to murder the victims. The 7<sup>th</sup> Report of the Maine Domestic Abuse Homicide Review Panel, distributed March 2008, notes that, “Of the fourteen perpetrators involved in the cases reviewed by the Panel, eleven killed their victims with firearms.”

In an effort to hold perpetrators accountable for their actions in the criminal court system, the 2007 123<sup>rd</sup> Maine Legislature passed 5 additional laws: domestic violence assault; domestic violence criminal threatening; domestic violence terrorizing; domestic violence stalking; and domestic violence reckless conduct, which now identifies the crime as domestic violence and allows increased aggravating penalties.

The threat of batterers using firearms is a significant barrier to safety and needs to be taken seriously. Thus, MCEDV continues to support strong criminal justice responses to domestic violence, including advocating for the removal of firearms from convicted batterers in the hope of reducing homicides.

**The Maryland Network Against Domestic Violence (MNADV)** has been working since 1980 to eliminate domestic violence in Maryland through *education, training, and advocacy*. As Maryland’s state coalition, the Network works together with local domestic violence programs as well as criminal justice and law enforcement personnel, legal advocates, health care and social service providers, clergy, educators, businesses, community groups, and

concerned individuals to *promote a coordinated community response to end domestic violence.*

The **Michigan Coalition Against Domestic and Sexual Violence (MCADSV)** is a non-profit organization incorporated in the State of Michigan for the purpose of providing services and advocacy on behalf of the victims of sexual assault and domestic violence. MCADSV is a membership organization of domestic violence and sexual assault service provider agencies, other supportive agencies and individuals committed to ending domestic and sexual violence in Michigan.

MCADSV is deeply concerned about the possible harm to survivors implicated by this case. Personal safety and protection from potential harm is a critical issue for victims of domestic violence that is greatly increased by the presence of a firearm. The Domestic Violence Gun Ban plays a crucial role in saving the lives of survivors and reducing the potential lethality of perpetrators.

The **Missouri Coalition Against Domestic and Sexual Violence** is the state's oldest and sole grassroots organization of community-based programs working to end violence against women and their children through direct services and social and systemic change. In 2006, sixty-eight percent of Missouri domestic violence homicide victims were murdered with a firearm. 18 U.S.C. § 922(g)(9) is a means of protecting women from individuals who have demonstrated a propensity for violence. As is the practice in communities throughout the country, many domestic violence offenders in Missouri plea down to non-domestic violence specific assault

charges. Lifting the federal firearm prohibition on these individuals could allow potentially dangerous offenders access to firearms. Given that Missouri does not have a parallel state statute barring those convicted of domestic violence misdemeanors from possessing firearms, the federal firearm prohibition is the only protection available to battered women in Missouri.

**The Montana Coalition Against Domestic and Sexual Violence (MCADSV)** is a not-for-profit organization incorporated in the state of Montana in 1984. Founded in 1984, MCADSV's mission is to support and facilitate networking among its member organizations while advocating for social change in Montana.

**The National Center for Victims of Crime (“National Center”)**, a non-profit organization headquartered in Washington, DC, is one of the nation's leading resource and advocacy organizations for all victims of crime. The mission of the National Center is to forge a national commitment to help victims of crime rebuild their lives. The National Center is dedicated to serving individuals, families and communities harmed by crime, and works to advance laws and policies that create resources and secure rights and protections for crime victims. Through its National Crime Victims Helpline and its National Stalking Resource Center, the National Center works with victims of domestic violence who face significant and ongoing safety concerns and with the victim service providers offering front-line assistance. The National Center was a strong advocate for passage of the Violence Against Women Acts of 1994, 2000, and 2005.

The **Nevada Network Against Domestic Violence (NNADV)** was founded in 1980 to work toward the elimination of domestic and sexual violence against all persons. The NNADV works closely with advocates, judges, legislators, law enforcement officers, and prosecutors in advancing more effective criminal justice system responses to victims and domestic violence offenders. NNADV's member programs share the goal of ending domestic violence through coordinated community response efforts, community education, public policy development, and services for victims.

NNADV has a long history of working at the state and national levels to promote a strong criminal justice response to domestic violence, including reducing homicides by removing firearms from convicted batterers. NNADV was instrumental in the enactment of firearms legislation in the last Nevada Legislative session which provides courts with the ability to remove firearms during the tenancy of a protective order (NRS 33.031).

The **New Hampshire Coalition Against Domestic and Sexual Violence (NHCADSV)** is a statewide network of independent member programs committed to ending domestic and sexual violence. The mission of NHCADSV is to ensure that quality services are provided to victims/survivors of domestic and sexual violence; prevent future violence by educating the public; influence public policy; and encourage the provision of quality services and accountability for perpetrators.

From 1990 through 2005, a total of 320 homicides occurred in New Hampshire; 48% were domes-

tic violence-related. Of these domestic violence-related homicides, 74 (23%) were committed by the use of a gun.

**The New Jersey Coalition for Battered Women (NJCBW)** is a statewide coalition of domestic violence service programs and concerned individuals whose purpose and mission is to end violence in the lives of women. Incorporated in 1979, NJCBW is a private, non-profit corporation whose members include 28 domestic violence programs in the State of New Jersey.

NJCBW is extremely concerned about the use of firearms in domestic violence situations especially given the number of intimate partner deaths involving firearms. From 2003 until 2005, 40% of intimate partner and associated deaths in New Jersey were perpetrated with the use of a firearm. Hence, NJCBW supports any efforts to implement weapon laws and policies which will protect domestic violence victims in New Jersey as well as in other states.

**The New Mexico Coalition Against Domestic Violence (NMCADV)** is a not-for-profit organization which was incorporated in the state of New Mexico in 1981. The mission of NMCADV is to improve the response to domestic violence in New Mexico; it accomplishes this by advocating for positive social change at all levels and by providing support and resources to members of its coalition. Along with its mission is the ultimate vision of social justice and the goal to end violence against women through partnerships, advocacy and direct services. NMCADV also plays an instrumental role in advo-

cating for laws and policies, locally and nationally, that affect battered women and their children.

**The New York State Coalition Against Domestic Violence (NYSCADV)** is a non-profit organization incorporated in New York State in 1978. The NYSCADV is a statewide membership organization whose mission is to *prevent and eliminate domestic violence* through the promotion of victim safety, offender accountability and the broad social change necessary to confront oppression of every kind. The NYSCADV is a coalition of over 100 local domestic violence programs which provide direct services to victims and their children. Together, these programs work to promote a strong criminal justice response, including reducing homicides by removing firearms from convicted batterers.

**The North Carolina Coalition Against Domestic Violence (NCCADV)** is a not-for-profit organization incorporated in the state of North Carolina in 1981. The mission of NCCADV is to create social change through the elimination of the institutional, cultural, and individual oppressions that contribute to domestic violence. NCCADV represents a network of more than 90 local domestic violence service providers and serves as the voice of battered women and their children and those who provide direct services to them.

NCCADV has a long history of working at the local, state, and national levels to promote a strong criminal justice response to domestic violence, including reducing homicides by removing firearms from convicted batterers. NCCADV has been collecting information on domestic violence homicides in its

state since 2002. The majority of homicides are committed with firearms each year. NCCADV member organizations have been involved in the reform of state laws addressing domestic violence for more than two decades. Along with local, state, and national leaders in domestic violence and criminal justice issues, NCCADV continues to formulate new approaches and innovative legal solutions to ending domestic violence. North Carolina does not have specific domestic violence crimes which require a relationship status in the prosecution of these crimes.

**The North Dakota Council on Abused Women's Services/Coalition Against Sexual Assault in North Dakota (NDCAWS/CASAND)** is a not-for-profit organization incorporated in the state of North Dakota in 1978. The mission of NDCAWS/CASAND is to provide leadership and support in the identification, intervention, and prevention of domestic and sexual violence. NDCAWS/CASAND is approaching a 30-year anniversary as a Coalition, growing from a loose network of five organizations to a membership of 21 direct service agencies. The history of the organization includes not only the nurturing and subsequent growth of a direct service provider network but also a consistent presence in the legislative and policy work advocating for victims' rights and supports in a variety of systems. The coalition has been active in this role since the first state protection order statute was passed in 1979.

NDCAWS/CASAND continues to facilitate and enhance work on a statewide basis with law enforcement and other criminal justice personnel to address victim and officer safety and offender ac-

countability specifically by implementing a model law enforcement domestic violence policy, incorporating new statutory predominant aggressor and self defense language in response protocols, and offering multidisciplinary training relating to firearms and domestic violence.

The **Ohio Domestic Violence Network (ODVN)** is a non-profit organization incorporated in the state of Ohio in 1988. ODVN advances the principle that all people have the right to an oppression- and violence-free life. ODVN fosters changes in its economic, social and political systems and brings leadership, expertise and best practices to community programs. ODVN is a coalition of local domestic violence agencies, allied organizations and concerned individuals representing over 200 members statewide. ODVN serves as the voice of victims of domestic violence and their children and those who provide direct services to them. ODVN has a long history of working at the local, state and national levels to promote a strong criminal justice response to domestic violence, including reducing homicides by removing firearms from convicted batterers. ODVN was engaged in the Congressional enactment and implementation of the Violence Against Women Acts of 1994, 2000, and 2005.

The **Oklahoma Coalition Against Domestic Violence and Sexual Assault (OCADVSA)** is the professional membership organization of Oklahoma based domestic violence and sexual assault victim service providers. Membership includes 28 state certified and 3 tribal programs. Since 1981 the OCADVSA has been the advocacy leader in representing the critical needs of survivors of domestic

violence and sexual assault, and more recently stalking and dating violence in Oklahoma. OCADVSA provides training to professionals, technical assistance to service providers, advocate for legislative change, and promote public awareness of domestic violence, sexual assault, stalking and dating violence. OCADVSA is responsible for development and maintenance of the state domestic and sexual violence data collection systems, houses a comprehensive clearinghouse and library, maintains a domestic violence and sexual assault web-sites, provides support to victim service providers and limited legal support to service provides and clients they serve.

Oklahoma law provides specific statutes for the prosecution of domestic abuse and related crimes. While Oklahoma is generally a very pro-gun ownership state, including many members of the Coalitions, it is clear from practice and the experience of those member programs that guns do not need to be in the hands of domestic violence perpetrators. The Oklahoma Domestic Violence Fatality Review Board reported in its 2007 Annual Report that 53% of the domestic homicides in Oklahoma were committed with a firearm. Most of those homicides were committed by persons who had not encountered the criminal justice system related to domestic violence or they or their victims utilized the services of Oklahoma domestic violence programs. Strong criminal justice systems response and not allowing domestic abuse perpetrators to possess firearms, reduces domestic violence homicide and saves lives in Oklahoma.

**The Pennsylvania Coalition Against Domestic Violence (PCADV)** is a private non-profit or-

ganization that provides services and advocacy on behalf of victims of domestic violence and their children. The first domestic violence coalition in the nation, PCADV is a membership organization of 61 programs offering shelters, hotlines, counseling programs, legal and medical advocacy projects, and transitional housing projects for victims of abuse and their children. For more than thirty years, PCADV has provided training and technical assistance to domestic violence programs, private and government agencies, policy-makers, attorneys, the courts, law enforcement and criminal justice personnel, health care providers, the media, and the general public on issues of domestic violence.

PCADV has an over 30-year history of working on the local, state and national levels to promote a strong criminal justice response to domestic violence, including the reduction of homicides by removing firearms from the possession of convicted batterers. Further, PCADV has adopted a policy position that states:

Consistent with both our mission to end domestic violence, and the fact that firearms too often turn domestic violence into domestic homicide, the Pennsylvania Coalition Against Domestic Violence supports gun violence prevention legislation and opposes efforts to encourage domestic violence victims to obtain guns.

Pennsylvania does not have a statutory crime of domestic violence. If the Supreme Court should determine that the federal Domestic Violence Gun Ban

does not apply to those perpetrators of domestic violence who have not been convicted of a domestic violence-specific misdemeanor, these perpetrators would be able to keep or purchase new weapons. In 2006, there were 127 deaths from domestic violence incidents in Pennsylvania. Fifty of those deaths involved a firearm. Given the high association of firearms to domestic violence homicide, such an outcome would place Pennsylvania's victims of domestic violence in considerably increased danger of harm.

The **Rhode Island Coalition Against Domestic Violence (RICADV)** is a not-for-profit organization incorporated in the State of Rhode Island in 1979 with a vision of ending domestic violence. The mission of RICADV is to support its member agencies and to provide leadership on the issue of domestic violence. RICADV's member agencies consist of the Blackstone Valley Advocacy Center, the Domestic Violence Resource Center of South County, the Elizabeth Buffum Chace Center, Sojourner House, the Women's Center of Rhode Island, and the Women's Resource Center of Newport & Bristol Counties. Together, these agencies provide services to over 10,000 victims of domestic abuse each year.

RICADV has a long history of working at the state, local, and national level to promote a strong criminal justice response to domestic violence. RICADV works with states and local communities to implement best practices in the prosecution of domestic violence cases. Its member organizations provide training for law enforcement officers and prosecutors about domestic violence and the needs of victims. In addition, its member organizations have been involved in the reform of state laws addressing

domestic violence for nearly thirty years. Along with local, state and national leaders in domestic violence and criminal justice issues, RICADV continues to formulate new approaches and innovative legal solutions to ending domestic violence. The RICADV has worked for many years to protect victims of abuse from gun violence, as it has seen too often the impact that domestic violence mixed with firearms can have. In 2005 RICADV worked to successfully see passage of the “homicide prevention legislation” in Rhode Island, which bars individuals who have permanent protective orders from having access to firearms. RICADV is currently involved in coordinating a statewide Firearms Task Force for Domestic Violence, to address issues regarding implementation of this legislation.

**The South Carolina Coalition Against Domestic Violence and Sexual Assault (SCCADVASA)** is a non-profit organization, incorporated in the state of South Carolina in 1983. The mission of SCCADVASA is to create a social, political and economic environment in which violence against women no longer exists. A network of domestic violence and sexual assault organizations, representing 23 member programs statewide, SCCADVASA serves as the voice for battered women and their children and victims of rape and those who provide services to them. SCCADVASA has a long history of working at the local, state and national level to promote a multidisciplinary response to domestic violence and sexual assault. SCCADVASA has been a key player in all legislation addressing domestic violence and sexual assault since its inception.

The **South Dakota Coalition Against Domestic Violence and Sexual Assault** (SDCADVSA) is dedicated to the reclamation of the respected, autonomous and safe status of women who have experienced battering and/or sexual violence and their children and therefore is committed to the elimination of personal and societal violence in the lives of women and their children.

The SDCADVSA believes violence against women and their children results from the use of force or threat to achieve and maintain control over others in intimate relationships and societal abuses of power and domination in the forms of sexism, racism, homophobia, classism, anti-Semitism, ablebodyism, ageism, and other oppressions. The SDCADVSA recognizes the abuse of power in society fosters battering and rape by perpetuating conditions that condone violence. Therefore, it is the mission of SDCADVSA to work for the major societal changes necessary to eliminate all forms of oppression, particularly those aimed at women and their children.

It is the mission of the **Tennessee Coalition Against Domestic and Sexual Violence (the Coalition)** to end domestic and sexual violence in the lives of Tennesseans and to change societal attitudes and institutions which promote and condone violence through public policy advocacy, education, and activities which increase the capacity of programs and communities to address such violence.

The Coalition is the statewide network of domestic violence shelters, sexual assault centers, programs, and individuals working in coalition to promote domestic violence and sexual assault

intervention and prevention in Tennessee. The work of the Coalition includes the dissemination of information and resources, systems advocacy, training and technical assistance, statewide planning, public awareness/community education, administration, and coalition building. During its 25-year history, it has worked to expand the number of domestic violence and sexual assault programs from five to 49, which together serve more than 60,000 victims annually.

The Coalition has a demonstrated history of advocating for survivor safety and batterer accountability, including reducing homicides by removing firearms from convicted batterers. The Coalition was instrumental in providing training on Federal Firearms provisions and enforcement.

The **Utah Domestic Violence Council (UDVC)** is a non-profit organization incorporated in the State of Utah in 1993. The mission of UDVC is to create a State where domestic violence is intolerable. UDVC represents a multidisciplinary membership of 16 domestic violence shelters, over 31 victim advocate programs and 22 local domestic violence coalitions as well as survivors, government entities, business leaders, health care providers, legal services, prosecutors and law enforcement. UDVC provides a voice on behalf of battered women and their children and those who provide direct services to them. UDVC has a long history of collaboration at the local and state levels to strengthen the criminal justice response to domestic violence including reducing homicides by removing firearms from convicted batterers.

The **Vermont Network Against Domestic and Sexual Violence (the VT Network)** is a non-profit organization incorporated in the State of Vermont in 1986. The mission of the VT Network is to eradicate domestic and sexual violence through advocacy, education and social change. The VT Network is comprised of sixteen member domestic and sexual violence programs who serve nearly 20,000 victims and survivors from across the state each year. The VT Network serves as the voice of Vermont's battered women and their children and those who provide direct services to them. In Vermont, domestic violence is the most frequent cause of homicide, and guns are used in a majority of those murders. While the Vermont General Assembly has created laws specific to the crime of domestic violence, they have not created laws that restrict access to firearms by known perpetrators of domestic violence beyond the federal statute.

The **Virginia Sexual and Domestic Violence Action Alliance (the Action Alliance)**, the non-profit state domestic and sexual violence coalition in Virginia, was incorporated in the Commonwealth of Virginia in 2004 after the merger of Virginians Aligned Against Sexual Assault (VAASA, incorporated 1980) and Virginians Against Domestic Violence (VADV, incorporated 1981). The Action Alliance is a coalition of individuals, agencies and organizations committed to the elimination of sexual and domestic violence. The Action Alliance is a diverse group of individuals and organizations that believe that *all* people have the right to a life free of violence. The Action Alliance recognizes that sexual and domestic violence are linked to other forms of

oppression, which disproportionately affect women, children, and other marginalized people, harming individuals, families and societies as a whole. The Action Alliance will use its diverse and collective voice to create a Virginia free from sexual and domestic violence—inspiring others to join and support values of equality, respect and shared power.

The Action Alliance strongly supports the federal and state laws that deny access to firearms for perpetrators of family abuse. While in Virginia there is a specific charge of “family abuse,” the Action Alliance believes that regardless of the actual charge, if the crime is committed against a “family or household member” or similar person, the same firearm prohibitions/ restrictions should apply.

A 2007 report by the Virginia Office of the Chief Medical Examiner found that in over 53% of family and intimate partner homicides in Virginia in 2005 a firearm was used. When considering just intimate partner homicides, that percentage rose to just fewer than 60%.

The **Virgin Islands Domestic Violence and Sexual Assault Council (DVSAC)** is a non-profit organization incorporated in the Territory of the United States Virgin Islands in 1998. The mission of DVSAC is to coordinate education, prevention and response efforts in order to reduce the incidence of domestic violence, sexual assault, stalking and dating violence and to make these crimes socially and culturally unacceptable. DVSAC is the state domestic violence and sexual assault coalition with 14 agency partners and 64 members. DVSAC has a history of working at the local level to promote a strong

criminal justice response to domestic violence. This has included the formation of the Virgin Islands Firearms Task Force in response to overwhelming numbers of adult domestic violence firearms homicides in the Territory since June 2005.

The **Washington State Coalition Against Domestic Violence (WSCADV)** is a non-profit organization, incorporated in the state of Washington. Founded in 1990 by domestic violence survivors, WSCADV is a statewide membership organization that organized to share resources, develop common strategies, and strengthen community responses to domestic violence in Washington State. WSCADV's core commitment of the WSCADV is to support domestic violence survivors, and emergency shelter and advocacy programs by advocating for laws and public policies that promote safety and justice for domestic violence victims.

WSCADV is committed to achieving a criminal legal system response to domestic violence that provides meaningful protection to victims of domestic violence.

In Washington State, abusers used firearms to kill over half of the victims in domestic violence homicides. According to the Washington State Domestic Violence Fatality Review, since 1997, over 200 domestic violence homicides in Washington were caused by firearms. Notwithstanding the high correlation between domestic violence homicides and firearm possession, overturning the federal Domestic Violence Gun Ban in cases where a domestic relationship has not been alleged would provide domestic violence abusers access to lethal weapons in highly

dangerous situations. In Washington State, most domestic violence cases are charged as misdemeanor assaults, as Washington has not adopted a specific domestic violence assault statute.

Incorporated in 1981, the **West Virginia Coalition Against Domestic Violence (WVCADV)** is a statewide, non-profit organization dedicated to the elimination of domestic violence and to the transformation of social systems that support non-violence, accountability, and economic self-sufficiency in diverse family structures and intimate relationships. To achieve this end, the Coalition Statewide Office (the Coalition) coordinates efforts in public policy, legislative advocacy, resource development, public information, training programs, and collection and storage of aggregate data from member programs. The Coalition prioritizes raising public awareness regarding the devastating social, economic, cultural, personal, and spiritual impact of domestic violence; and works collaboratively at local, state, and national levels.

The Coalition's fourteen member programs provide direct services to victims and operate outreach offices throughout the state. Direct service providers respond to the needs of victims on a 24-hour basis by providing the following services: safe emergency housing, case management, peer counseling and group support, information and referral, advocacy, and victims rights information. Each program's service area varies from two to eight counties and provides direct services through residential and outreach centers. The Coalition and member programs work together to develop a strong network of shared resources and support.

Firearms and domestic violence are a deadly combination. Abusers who gain access to firearms pose a lethal threat both to those they have abused and to the wider community. Firearms are the weapons of choice among abusers who kill their intimate partners and children. Multiple studies have found that intimate partners are more likely to be murdered with a firearm than by all other means combined. In 2005, there were 12 domestic violence homicides in West Virginia. A firearm was used in 66% of the homicides. In a study conducted by Marshall University, researchers found that 51.4% of domestic violence victims believed that their abuser would use a firearm on them. Guns were also present during the abuse in 61% of police reports filed.

The Coalition has a clear interest in U.S. Supreme Court decisions regarding firearms and domestic violence. The safety of victims of domestic violence, their families, and their communities is at stake.

The **Wisconsin Coalition Against Domestic Violence (WCADV)** is a not-for-profit membership organization of battered women, formerly battered women, domestic abuse programs, and all committed to ending domestic violence. Founded in 1978 and incorporated in Wisconsin, WCADV's mission is to end violence against women through partnerships, advocacy and direct services. WCADV plays an instrumental role in advocating for laws and policies that affect battered women and their children, such as the Violence Against Women Acts of 1994, 2000, and 2005. In recent years, WCADV helped lead a coalition of organizations that successfully prevented state legislation from passing that would have al-

lowed individuals to carry concealed guns. WCADV has also been heavily involved in efforts to ensure even implementation and enforcement of federal firearms policy at the state and local level.

In Wisconsin between 2000 and 2005, 118 people were murdered with guns in domestic violence related homicides. This is more than those killed by knives, other weapons, beating, strangulation, and other methods of killing combined (99). WCADV is very concerned that any weakening of the federal ban on guns for perpetrators of domestic violence will result in an even greater number of tragic deaths.

**The Wyoming Coalition Against Domestic Violence and Sexual Assault (WCADVSA)** is a non-profit organization incorporated in the State of Wyoming. The mission of WCADVSA is to create a social, political, and economic environment in which sexual and domestic violence against women no longer exists. The WCADVSA is a network of local sexual assault and domestic violence coalitions that serves as the voice of battered women and their children and those who provide direct services to them. WCADVSA has a long history of working at the local and state level and with national organizations at the national level to promote a strong criminal justice response to domestic violence, including reducing homicides by removing firearms from convicted batterers.