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DOMESTIC VIOLENCE-RELATED FIREARM RESTRICTIONS

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Executive Summary

Purpose

Intimate partner firearm violence, including homicide and nonfatal acts, continue to be pressing issues in the United States. Given the risks that firearms pose to the safety of victim-survivors, it is crucial to have interventions in place to ensure known intimate partner violence perpetrators do not have access to firearms. State laws that restrict certain individuals from purchasing or possessing firearms are one type of intervention intended to reduce firearm-related intimate partner violence. While legal firearm restrictions for intimate partner violence perpetrators have existed for decades in the United States, limited research has examined these laws. Black victims, particularly Black women, are affected disproportionately by intimate partner violence and homicide, and research suggests that firearm restriction laws yield different impacts for white and Black populations, with white populations experiencing associated statistical reductions in intimate partner homicide while Black populations do not. This report details current state-level firearm restrictions relevant to intimate partner firearm violence prevention and the evidence surrounding their use and effectiveness.

Many states have replicated or expanded firearm restrictions at the federal level that prohibit respondents to domestic violence protection orders (DVPOs) and misdemeanor crimes of domestic violence (MCDVs) from accessing firearms. These laws have addressed some gaps present in the federal firearm restrictions. This report highlights these efforts, as well as additional state statutes that are relevant to intimate partner firearm violence prevention, including violent misdemeanor conviction firearm restriction laws, laws authorizing law enforcement to remove firearms from the scene of domestic violence, and extreme risk protection order (ERPO) laws. We detail the differences and similarities between the laws of each state and discuss published peer-reviewed research testing their effectiveness.

Methodology

We began our census of the laws by developing a definition of each of the five types of firearm laws covered in this report. We used existing legal research to begin our collection of the text of each law that fit our definition, as it read in April of 2024. Using existing research, and based on our read of the statutes, for each law we identified which legal elements vary by state in ways that may influence their ability to safeguard victim-survivors of intimate partner violence. We then developed definitions of each of the elements to be further analyzed and catalogued. Most statutes were read by multiple authors and our categorizations were verified in team discussions. Tables were developed to display the information collected.

We present data outlining the presence of state firearm restrictions for DVPOs, MCDVs, and violent misdemeanors, in addition to documenting whether state laws include provisions for dating partners, ex parte orders (court orders made on behalf of one party without the other party present), and/or an authorization for firearm relinquishment. We additionally present states that possess ERPO laws and what groups in each state are authorized to petition for ERPOs.

Results

Among the 39 states with firearm restrictions for DVPOs, 31 have laws that apply to dating partners and 23 extend restrictions to ex parte orders. Although the majority of states with firearm restrictions have provisions that authorize or require courts to order DVPO respondents to relinquish their firearms, 7 of the 39 have not legislated on this issue. Thirty-five states have firearm restrictions for misdemeanor crimes of domestic violence, including 26 that apply to dating partners. Just under half of the states have laws that temporarily prohibit firearm access in the form of extreme risk protection orders (22) or authorize law enforcement to remove firearms from the scene of domestic violence (20).

Summation

This report presents information on firearm restriction and removal statutes that can be employed to restrict an intimate partner violence perpetrator's access to firearms, as they were in April 2024. Our hope is for researchers, funders, and community agencies to use this report to better understand the legal aspects of protecting survivors of intimate partner violence and their families from firearm violence.

Background

Intimate partner firearm violence represents an urgent public health problem in the U.S. Firearms are often used by perpetrators of intimate partner violence to threaten or coerce (Kafka et al. 2021). The presence of a firearm in an abusive relationship also heightens the risk of lethal violence, as an abuser's access to firearms is linked to a significant increase in intimate partner homicide risk (Campbell et al., 2003). Notably, firearms are used in the majority of intimate partner homicides, with the share of these homicides committed with firearms increasing in recent years (Fridel & Fox, 2019). Recent data also highlight the unequal burden of intimate partner homicide; Black Americans are killed by intimate partners at a rate that is more than twice that of white Americans (Fox, 2022).

Given the dangers posed by an intimate partner violence perpetrator with a firearm, interventions to ensure that known perpetrators do not have firearm access are logical. In the United States, legal firearm restrictions have long existed but, due to funding constraints, research on them has been relatively limited. In this report, we will detail modern-day firearm restrictions relevant to intimate partner firearm violence prevention and the evidence surrounding their use and effectiveness.

At the federal level, there are three main firearm restrictions that cover intimate partner violence perpetrators. In 1968, Congress established the Gun Control Act, which regulated access to firearms for several groups, including individuals convicted of offenses punishable by imprisonment for at least one year. This is generally referred to as the felony prohibition. With few exceptions, all felony convictions are covered by this restriction, therefore those convicted of felony domestic violence¹ are prohibited from firearm purchase and possession under the Gun Control Act.

In 1994, Congress added to the Gun Control Act a firearm restriction specific to intimate partner violence through the domestic violence protection order (DVPO) firearm prohibitor (18 U.S.C. 922(g) (8)). Introduced as part of the Violence Against Women Act, the DVPO prohibitor restricted respondents to qualifying DVPOs from purchasing and possessing firearms. To qualify, the DVPO must have been issued after a hearing of which the respondent was notified and had an opportunity to participate. Additionally, the court must have made a finding of a credible threat to the physical safety of, or prohibit the use of physical force against, the intimate partner. Under the federal DVPO prohibitor, an intimate partner is defined as a person with whom the DVPO respondent is or was previously married, is or was living with, or someone with whom the respondent shares a child. Notably, dating partners with whom the DVPO petitioner neither lived nor had a child are excluded from the federal DVPO firearm restriction. The U.S. Supreme Court recently upheld temporary firearm restrictions under the DVPO prohibitor in *United States v. Rahimi* (2024).

¹The terms domestic violence and intimate partner violence are often used interchangeably; however, they are different. Domestic violence is a broad term that can include intimate partner violence as well as familial violence. The term intimate partner violence is specific to intimate relationships. In this section, we will frequently use the term domestic violence to mirror the language used in the text of the statutes discussed.



The Lautenberg amendment to the Gun Control Act, enacted in 1996, extended firearm restrictions to those convicted of a misdemeanor crime of domestic violence (MCDV) under federal, state, or tribal law. Unlike the DVPO firearm restriction, which is temporary, this is a lifetime restriction. A misdemeanor crime of domestic violence is a misdemeanor crime under a statute that “has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon” (18 U.S.C. 921(a)(33)). The MCDV firearm restriction initially applied to those convicted of domestic violence against a current or former spouse, someone with whom they share a child, a parent or guardian, or someone with whom one cohabited as a spouse, parent, or guardian. Again, dating partners were originally excluded from this federal firearm restriction. In 2022, however, the Bipartisan Safer Communities Act extended the definition of intimate partner covered under the federal MCDV firearm restriction statute to include dating partners. Unlike for other intimate and family groups, dating partners convicted of a domestic violence misdemeanor are only prohibited from accessing firearms for 5 years under this federal restriction.

It should be noted that the MCDV firearm restriction at the federal level has been associated with decreases in intimate partner homicide and the homicides of male children (Raissian, 2015) and with intimate partner homicides committed with firearms (Zeoli et al., 2018). The federal DVPO firearm restriction has been associated with a relatively large decline in intimate partner homicides of Black victims, however the authors caution that this finding may be confounded with other factors given the Violence Against Women Act interventions generally started at the same time (Wallin et al., 2021). Otherwise, effects of the federal DVPO restriction have not been detected.

Most states have replicated or expanded upon these two federal statutes in their state legal codes. These expansions have addressed some of the gaps present in the federal firearm restrictions, such as including dating partners under firearm restrictions for DVPOs. Additionally, there are other state statutes that are relevant to intimate partner firearm violence prevention. The statutes covered in this report are as follows:

- Domestic violence protective order firearm restriction laws
- Domestic violence misdemeanor conviction firearm restriction laws
- Violent misdemeanor conviction firearm restriction laws
- Laws authorizing law enforcement to remove firearms from the scene of domestic violence
- Extreme risk protection order laws

The purpose of this report is twofold: to detail current state-level firearm restrictions relevant to intimate partner firearm violence prevention and provide an overview of the evidence surrounding their use and effectiveness. Our census of state firearm restrictions will identify states in which survivors of intimate partner firearm violence potentially have less protection from firearm-related harms, and in states where restrictions exist, provide information on key elements of the law.



Methodology of the law census

For each of the laws under study, we developed a definition of the law and identified, based on prior research and knowledge of the laws, which elements of the laws vary from state to state in ways that may be important to their ability to safeguard victim-survivors of intimate partner violence from firearm use. We then developed definitions of each of the elements to be analyzed. The examined laws and their elements are defined below:

Domestic violence protective order (DVPO) firearm restriction laws: Laws that authorize the inclusion of a firearm restriction, or mandate a firearm restriction be included, as a remedy on a DVPO after a full hearing. These laws may provide the court discretion as to whether to include a firearm restriction under all or certain circumstances.

- **Whether dating partners can be included in restrictions:** These laws explicitly allow DVPOs against dating partners to carry firearm restrictions. In our definition, dating partners is defined as a person with whom someone has had some type of romantic relationship, but they were never married to, had a child with, or cohabited with that person.
- **Whether ex parte orders can carry restrictions:** Laws that authorize the inclusion of a firearm restriction, or mandate a firearm restriction be included, as a remedy on an ex parte DVPO. These laws may provide the court discretion as to whether to include a firearm restriction under all or certain circumstances.
- **Whether the state authorizes the court to order firearm relinquishment:** These laws authorize or mandate that the court order the respondent to the DVPO to relinquish any and all firearms they currently possess. These laws may be included in DVPO laws that do not explicitly restrict firearm purchase/possession (i.e., they may be for relinquishment in response to federal restrictions). These laws may provide the court discretion as to whether to order relinquishment under all or certain circumstances. These laws also differ on their level of detail and requirements around the relinquishment process.

Domestic violence misdemeanor conviction firearm restriction laws: Laws that mandate a firearm restriction be placed on individuals convicted of domestic violence misdemeanor crimes. Domestic violence is defined by a relationship requirement of an intimate nature (current/former spouse, child in common, cohabited as a couple, dating). The type of misdemeanor crime (e.g., simple assault, “domestic violence”) is defined by the statute. These laws may order a lifetime or a time-limited firearm prohibition.

- **Whether dating partners are included in restrictions:** These laws explicitly allow domestic violence crimes against dating partners to carry firearm restrictions. In our definition, a dating partner is defined as a person with whom someone has had some type of romantic relationship, but they were never married to, had a child with, or cohabited with that person.
- **Whether the state authorizes the court to order firearm relinquishment:** These laws authorize or mandate that the individual convicted of misdemeanor domestic violence relinquish any and all firearms they currently possess. These laws may provide the court discretion as to whether to order relinquishment under all or certain circumstances. These laws also differ on their level of detail and requirements around the relinquishment process.
- **Convictions included under this law:** The statutes under which a misdemeanor conviction could carry a misdemeanor domestic violence conviction firearm restriction.
- **Length of the firearm restriction:** Duration of time the individual is restricted from accessing firearms.



Violent misdemeanor conviction firearm restriction laws: Laws that mandate a firearm restriction be placed on individuals convicted of certain violent misdemeanor crimes. These laws lack a relationship requirement for the restriction to be ordered. These laws may order a lifetime or a time-limited firearm prohibition.

- **Whether the state authorizes the court to order firearm relinquishment:** These laws authorize or mandate that the individual convicted of misdemeanor violence relinquish any and all firearms they currently possess. These laws may provide the court discretion as to whether to order relinquishment under all or certain circumstances. These laws also differ on their level of detail and requirements around the relinquishment process.
- **Convictions included under this law:** The statutes under which a misdemeanor conviction could carry a misdemeanor violence conviction firearm restriction.
- **Length of the firearm restriction:** Duration of time the individual is restricted from accessing firearms.

Laws authorizing law enforcement to remove firearms from the scene of domestic violence: Laws that authorize law enforcement to confiscate firearms from the scene of a domestic violence crime (separate from confiscation of evidence). These laws have varying criteria on when a firearm may be removed and which firearm may be removed (if there are multiple), and for how long the firearm may be held by law enforcement, among others.

- **Criteria that must be met for removal and return:** Rules governing the removal and return of firearms from the scene of a domestic violence crime, including time to return.

Extreme risk protection order laws: Laws that authorize courts to grant civil orders that temporarily suspend the firearm rights of an individual judged to be at risk of harming themselves or others in the near future.

- **Authorized petitioners:** Who in the state is allowed to petition for an ERPO. Possible petitioner groups are law enforcement, family and household members, intimate partners, healthcare providers, employers, and school personnel.
- **Criteria relevant to intimate partner violence:** Whether the ERPO statute specifically enumerates intimate partner or domestic violence among the criteria for granting the order.

Two authors were responsible for coding the presence of domestic violence firearm restriction laws that were in effect as of April 2024. Initial effective dates and statute citations were obtained from previous work published by the lead author (Zeoli et al., 2018; Zeoli et al., 2019; Oliphant & Zeoli, 2024). These classifications were used as a starting point to facilitate searches of specific statutes in Nexis Uni and Lexis Nexis to confirm the status of laws in each of the 50 states and the District of Columbia. For states in which no prior law had been identified, we cross-referenced information published by Giffords Law Center to Prevent Gun Violence, Everytown for Gun Safety, state government websites, and domestic violence prevention advocacy organizations to determine whether additional laws had been enacted. We used the definitions of law elements outlined above to guide our classifications of each state law and its associated elements. For example, statute texts that listed firearm purchase or possession prohibitions as part of permissible or required relief for DVPOs indicated that a state had a DVPO firearm restriction law. Likewise, a statute that prohibited firearm possession by individuals convicted of certain offenses was considered to be a misdemeanor crime of domestic violence firearm restriction law if a domestic violence misdemeanor was referenced directly in the statute or was determined to meet the disqualifying criteria outlined in the statute. Information obtained from Giffords Law Center to Prevent Gun Violence was used as the basis for our census of laws that authorize law enforcement to remove firearms from the scene of domestic violence. The law student member of our study team further investigated state statutes to extract information related to the removal and return of firearms by law enforcement at the scene of domestic violence. Most statutes were read by multiple authors and questions about law categorizations were discussed at weekly meetings where the lead author advised on coding decisions.

Domestic violence protective order (DVPO) firearm restrictions

DVPOs are civil court orders petitioned for by victim-survivors of intimate partner violence to obtain legal protections and relief from their abusive (ex) partners. Among the remedies commonly (but not always) included in DVPOs are orders for the restrained individual (termed the respondent) to keep a physical distance between themselves and the petitioner; orders for the respondent to vacate a shared residence; orders pertaining to temporary child custody and support; orders regarding financial responsibilities; and orders prohibiting the respondent from the purchase and possession of firearms and ammunition. While each state has a DVPO statute, these legal tools go by many names, including restraining orders, abuse injunctions, stay away orders, and orders for protection.

Federal law and the laws of most states specify that the court is mandated or authorized to prohibit an individual currently under a DVPO from purchasing and possessing a firearm. In general, state laws are more expansive in who is covered by the restriction and more specific as to how the restriction is to be implemented than is the federal statute. For example, many states include dating partners as respondents who can be prohibited from purchasing or possessing firearms and many states allow firearm restrictions to be part of DVPOs that are ordered before a hearing that the respondent had the opportunity to attend takes place. These DVPOs ordered in the respondent's absence are termed *ex parte* DVPOs. Another key difference is that state statutes often authorize or require the court to order respondents to relinquish any firearms they already possess.

FIGURE 1 presents which states have DVPO restrictions and which do not. Additionally, it illustrates whether state laws include provisions for dating partners, *ex parte* orders, and/or authorization for firearm relinquishment. A state colored in orange indicates the presence of a DVPO firearm restriction. The presence of a purple, yellow, and/or green dot under the state abbreviation indicates additional provisions for dating partners, *ex parte* orders, and relinquishment authorization, respectively. States in gray do not have a DVPO firearm restriction.

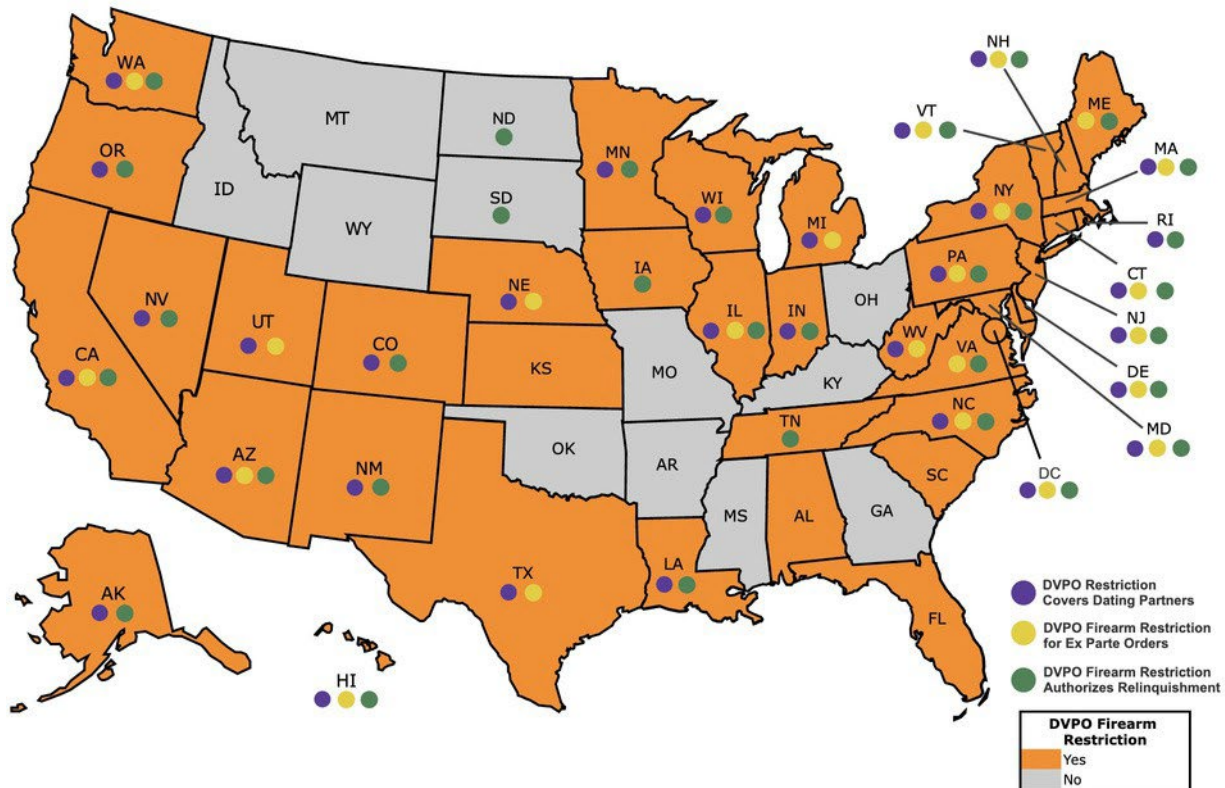


Figure 1. Map of which states have DVPO firearm restrictions and whether they include coverage of dating partners and/or *ex parte* orders, and whether they contain a firearm relinquishment requirement (created with SmartDraw).

A companion to **Figure 1, Table 1** also breaks down which states have DVPO firearm restriction statutes and which include dating partner restrictions, ex parte order restrictions, and firearm relinquishment. Additionally, **Table 1** specifies whether courts have discretion to order the firearm restriction and/or firearm relinquishment; this level of discretion is generally indicated by the words “may” or “shall” within the text of a law, with “may” providing the courts discretion to decide whether to order a firearm restriction or relinquishment. For example, courts in Nebraska may prohibit a respondent from purchasing or possessing a firearm (Neb. Rev. Stat. Ann. § 42-924(1)(g)), whereas in neighboring Iowa, courts shall inform respondents that they are prohibited from purchasing or possessing firearms upon issuance of a DVPO (Iowa Code Ann. § 724.26(3)). In some states, the court’s authorization or requirement to impose firearm restrictions depends on certain factors being met. Courts in Indiana may prohibit respondents from possessing a firearm if such a prohibition is necessary to protect the petitioner’s safety or that of their child (Ind. Code Ann. § 34-26-5-9). In Utah, respondents are prohibited from possessing firearms if the protective order includes a finding that they are a credible threat to an intimate partner’s physical safety or specifically prohibits the use (including threatened or attempted) of physical force that would reasonably be expected to cause bodily harm to an intimate partner (Utah Code Ann. § 76-10-503). Citations to each relevant statute are included in the table for those interested in reading full texts and also to make it easier to track amendments to each statute over time.

Table 1. Status, as of April 2024, of state DVPO firearm restrictions, whether they are mandatory or discretionary, whether they include coverage of dating partners and/or ex parte orders, whether they contain a firearm relinquishment requirement, and whether the court shall or may require relinquishment.

State	DVPO Firearm Restriction			DVPO Restriction Applies to Dating Partners		Restriction for ex parte Restraining Orders		DVPO Firearm Relinquishment Authorization		
	Yes (X)	Shall /May	Citation	Yes (X)	Citation	Yes (X)	Citation	Yes (X)	Shall /May	Citation
Alabama	X	Shall	Ala. Code § 13A-11-72							
Alaska	X	May	Alaska Stat. § 18.66.100	X	Alaska Stat. §§ 18.66.100, 18.66.990			X	May	Alaska Stat. § 18.66.100(c)(7)
Arizona	X	May	Ariz. Rev. Stat. Ann. § 13-3602(G)(4)	X	Ariz. Rev. Stat. Ann. §§ 13-3601, 12-3602	X	Ariz. Rev. Stat. Ann. § 13-3624	X	Shall	Ariz. Rev. Stat. Ann. § 13-3602(G)(4)
Arkansas										
California	X	Shall	Cal. Penal Code § 29825	X	Cal. Penal Code § 29825	X	Cal. Penal Code § 29825; Cal. Fam. Code § 6389	X	Shall	Cal. Penal Code § 29825; Cal. Fam. Code §§ 6389, 6306(f)
Colorado	X	Shall	Colo. Rev. Stat. Ann. § 13-14-105.5	X	Colo. Rev. Stat. Ann. § 13-14-101(2)			X	Shall	Colo. Rev. Stat. Ann. § 13-14-105.5

	DVPO Firearm Restriction			DVPO Restriction Applies to Dating Partners		Restriction for ex parte Restraining Orders		DVPO Firearm Relinquishment Authorization		
State	Yes (X)	Shall /May	Citation	Yes (X)	Citation	Yes (X)	Citation	Yes (X)	Shall/ May	Citation
Connecticut	X	Shall	Conn. Gen. Stat. Ann. § 53a-217(a)	X	Conn. Gen. Stat. Ann. § 46b-38a	X	Conn. Gen. Stat. § 53a-217(a)	X	Shall	Conn. Gen. Stat. Ann. § 29-36k
Delaware	X	Shall	Del. Code Ann. tit. 11 § 1448(a)(6); 10 Del. Code § 1045	X	Del. Code Ann. tit. 10 § 1041	X	Del. Code Ann. tit. 10 § 1045	X	May	Del. Code Ann. tit. 10 § 1045
District of Columbia	X	May	D.C. Code Ann. §§ 16-1005(c)(10), 16-1004(h)(2)	X	D.C. Code § 16-1001(6A)	X	D.C. Code Ann. § 16-1004(h)(2)	X	May	D.C. Code Ann. §§ 16-1005(c)(10), 16-1004(h)(2)
Florida	X	Shall	Fla. Stat. Ann. §§ 741.30, 790.233							
Georgia										
Hawaii	X	Shall	Haw. Rev. Stat. Ann. § 134-7	X	Haw. Rev. Stat. Ann. §§ 586-1; 134-7(f)	X	Haw. Rev. Stat. Ann. § 134-7	X	Shall	Haw. Rev. Stat. Ann. § 134-7
Idaho										
Illinois	X	Shall	750 Ill. Comp. Stat. Ann. § 60/214; 430 Ill. Comp. Stat. Ann. § 65/4	X	430 Ill. Comp. Stat. Ann. § 65/4; 725 Ill. Comp. Stat. Ann. § 5/112A-3	X	750 Ill. Comp. Stat. Ann. § 60/217	X	Shall	750 Ill. Comp. Stat. Ann. § 60/214
Indiana	X	May	Ind. Code Ann. § 34-26-5-9	X	Ind. Code Ann. §§ 34-26-5-9, 31-9-2-44.5			X	May	Ind. Code Ann. § 34-26-5-9
Iowa	X	Shall	Iowa Code Ann. § 724.26					X	Shall	Iowa Code Ann. § 724.26
Kansas	X	Shall	Kan. Stat. Ann. § 21-6301							
Kentucky										
Louisiana	X	Shall	La. Rev. Stat § 46:2136.3	X	La. Rev. Stat § 46:2136.3			X	Shall	La. Rev. Stat § 46:2136.3; La. Code Crim. Proc. Ann. § art.1001-102
Maine	X	Shall	Me. Rev. Stat. tit. 15, § 393; Me. Rev. Stat. tit. 19-A, § 4110			X	Me. Rev. Stat. tit. 19-A, § 4108(3)	X	Shall	Me. Rev. Stat. tit. 19-A, § 4110 (and 4108 for ex parte orders)
Maryland	X	Shall	Md. Code Ann., Pub. Safety § 5-133; Md. Code Ann., Family Law § 4-506	X	Md. Code Ann., Family Law § 4-501 *certain conditions	X	Md. Code Ann., Family Law § 4-505	X	Shall	Md. Code Ann., Family Law §§ 4-506, 4-506.1
Massachusetts	X	Shall	Mass. Ann. Laws ch. 140 § 129B	X	Mass. Ann. Laws ch. 140 § 129B; Mass. Ann. Laws ch. 209A § 1 Mich. Comp.	X	Mass. Ann. Laws ch. 140 § 129B	X	Shall	Mass. Ann. Laws ch. 140 § 129B; Mass. Ann. Laws ch. 209A § 3B

	DVPO Firearm Restriction			DVPO Restriction Applies to Dating Partners		Restriction for ex parte Restraining Orders		DVPO Firearm Relinquishment Authorization		
State	Yes (X)	Shall /May	Citation	Yes (X)	Citation	Yes (X)	Citation	Yes (X)	Shall/ May	Citation
Michigan	X	May	Mich. Comp. Laws Serv. § 600.2950	X	Laws Serv. § 600.2950	X	Mich. Comp. Laws Serv. § 600.2950			
Minnesota	X	Shall	Minn. Stat. § 624.713	X	Minn. Stat. § 624.713; Minn. Stat. § 518B.01 subd. 2(b)(7)			X	Shall	Minn. Stat. § 624.713
Mississippi										
Missouri										
Montana										
Nebraska	X	May	Neb. Rev. Stat. Ann. § 42-924(1)(g)	X	Neb. Rev. Stat. Ann. §§ 42-903; 42-924	X	Neb. Rev. Stat. Ann. §§ 42-924(1), 42-925(1)			
Nevada	X	Shall	Nev. Rev. Stat. Ann. §§ 33.0305; 33.031	X	Nev. Rev. Stat. Ann. §§ 202.360, 33.031, 33.0305; 33.018			X	May	Nev. Rev. Stat. Ann. § 33.033
New Hampshire	X	Shall	N.H. Rev Stat. Ann. § 173-B:5	X	N.H. Rev Stat. Ann. §§ 173-B1, 173-B:5	X	N.H. Rev Stat. Ann. § 173-B:4	X	Shall	N.H. Rev Stat. Ann. § 173-B:5
New Jersey	X	Shall	N.J. Rev. Stat. §§ 2C:25-29, 2C:58-3	X	N.J. Rev. Stat. § 2C:25-19	X	N.J. Rev. Stat. §§ 2C:25-28, 2C:58-3	X	Shall	N.J. Rev. Stat. § 2C:25-29
New Mexico	X	Shall	N.M. Stat. Ann. § 40-13-5	X	N.M. Stat. Ann. §§ 30-3-11(A), (B); 40-13-5			X	Shall	N.M. Stat. Ann. § 40-13-5
New York	X	Shall	NY CLS Family Ct Act § 842-a	X	NY CLS Family Ct Act §§ 812, 842-a	X	NY CLS Family Ct Act § 842-a	X	Shall	NY CLS Family Ct Act § 842-a
North Carolina	X	Shall	N.C. Gen. Stat. § 14-269.8	X	N.C. Gen. Stat. §§ 50B-1; 50B-3; 50B-3.1	X	N.C. Gen. Stat. § 50B-3.1	X	Shall	N.C. Gen. Stat. § 50B-3.1
North Dakota ^a								X	May	N.D. Cent. Code § 14-07.1-02
Ohio ^b										
Oklahoma										
Oregon	X	Shall	Or. Rev. Stat. § 166.255(1)	X	Or. Rev. Stat. §§ 166.255, 135.230			X	Shall	Or. Rev. Stat. § 166.256

	DVPO Firearm Restriction			DVPO Restriction Applies to Dating Partners		Restriction for ex parte Restraining Orders		DVPO Firearm Relinquishment Authorization		
State	Yes (X)	Shall /May	Citation	Yes (X)	Citation	Yes (X)	Citation	Yes (X)	Shall/ May	Citation
Pennsylvania	X	Shall	23 Pa. Cons. Stat. § 6108	X	23 Pa. Cons. Stat. § 6108, 6102; 18 Pa. Cons. Stat. § 6105	X	23 Pa. Cons. Stat. § 6107	X	Shall	23 Pa. Cons. Stat. § 6108; 18 Pa. Cons. Stat. § 6105
Rhode Island	X	Shall	R.I. Gen. Laws §§ 11-47-5, 8-8.1-3	X	R.I. Gen. Laws §§ 11-47-5, 8-8.1-1, 8-8.1-3			X	Shall	R.I. Gen. Laws § 8-8.1-3
South Carolina	X	May	S.C. Code Ann. § 16-25-30							
South Dakota ^c								X	May	S.D. Codified Laws § 25-10-24
Tennessee	X	Shall	Tenn. Code Ann. §§ 39-17-1307, 36-3-625					X	Shall	Tenn. Code Ann. § 36-3-625
Texas	X	Shall	TX Penal Code § 46.04	X	TX Penal Code § 46.04, TX Fam Code § 72.0021	X	TX Penal Code § 25.07			
Utah	X	Shall	Utah Code Ann. § 76-10-503	X	Utah Code Ann. § 78B-7-102(2)	X	Utah Code Ann. § 78B-7-106			
Vermont	X	Shall	Vt. Stat. Ann. tit. 13 § 4017a	X	Vt. Stat. Ann. tit. 15 § 1103	X	Vt. Stat. Ann. tit. 15 § 1104	X	May	Vt. Stat. Ann. tit. 20 § 2307; Vt. Stat. Ann. tit. 15 § 1104(a)(1)
Virginia	X	Shall	Va. Code Ann. § 18.2-308.1:4			X	Va. Code Ann. § 18.2-308.1:4	X	Shall	Va. Code Ann. § 18.2-308.1:4
Washington	X	Shall	Wash. Rev. Code Ann. §§ 9.41.040, 9.41.800	X	Wash. Rev. Code Ann. §§ 10.99.020; 9.41.800; 9.41.040	X	Wash. Rev. Code Ann. §§ 9.41.800; 26.50.070	X	Shall	Wash. Rev. Code Ann. § 9.41.800
West Virginia	X	Shall	W. Va. Code Ann. §§ 48-27-502, 61-7-7	X	W. Va. Code Ann. §§ 48-27-204, 48-27-502, 61-7-7	X	W. Va. Code Ann. § 48-27-403			
Wisconsin	X	Shall	Wis. Stat. §§ 813.12, 941.29	X	Wis. Stat. § 813.12			X	Shall	Wis. Stat. § 813.12
Wyoming										

^a Court may require relinquishment but no other purchase/possession restrictions are listed in the statute

^b The order or agreement may grant other relief that the court considers equitable and fair per Ohio Rev. Code Ann. § 3113.31

^c The court may order other relief as the court deems necessary for the protection of the person per S.D. Codified Laws § 25-10-5



Among the 39 jurisdictions (including the District of Columbia) with laws that authorize firearm restrictions for DVPO respondents, 7 do not require the court to prohibit firearm purchase or possession. Nevada prohibits respondents from purchasing firearms but grants the court discretion in prohibiting possession (Nev. Rev. Stat. Ann. § 33.031). Some states, such as Alaska, only authorize the court to impose restrictions if the respondent used or possessed a firearm while committing domestic violence (Alaska Stat. § 18.66.100). Although Montana does not have a statute that generally includes broad DVPO firearm restrictions, DVPO relief may include prohibiting the respondent from possessing the firearm used in a domestic violence assault.

State laws also vary by whether they apply to ex parte (temporary) DVPOs, those involving current or former dating partners who do not live together or have a child in common, and whether they authorize or require the court to order firearm relinquishment. Just under 60% of jurisdictions (23 of 39) extend firearm restrictions to ex parte DVPOs in the form of “may order” or “shall order” court directives. Although we did not record the level of court discretion in ex parte orders, we note that with the exception of the District of Columbia, states generally grant the same level of discretion for full and ex parte orders (i.e., shall/shall or may/may) or afford the court more discretion as to whether to prohibit ex parte DVPO respondents from purchasing and possessing firearms. More states (31 of 39) authorize firearm restrictions for DVPOs involving dating partners.

Nine states—AL, FL, KS, MI, NE, SC, TX, UT, WV—have DVPO firearm restriction laws but do not explicitly authorize or require courts to order that respondents relinquish their firearms for the duration of a DVPO. As of April 2024, 24 of the 32 jurisdictions with relinquishment provisions require respondents to relinquish their firearms (i.e., shall order). While not the focus of this report, a detailed accounting of DVPO relinquishment law characteristics can be found in a recent article authored by Oliphant and Zeoli (2024).

Evidence

Overall, there is relatively broad support for the hypothesis that state-level DVPO firearm restrictions are associated with reductions in intimate partner homicide. However, this association may be dependent on the population under study and the specific text of the laws.

Research on state-level DVPO firearm restrictions has mainly focused on the association of the restrictions with state-level intimate partner homicide counts; however, the association of these restrictions with city-level intimate partner homicide has also been examined. Multiple studies have tested the presence of any state DVPO firearm restriction law. These studies, often conducted using interrupted time series designs, have generally supported the hypothesis that law passage is associated with reductions in intimate partner homicides (Vigdor & Mercy, 2006; Zeoli et al., 2018; Zeoli & Webster, 2010). There are exceptions to this support; for example, a cross-sectional study by Bridges and colleagues (2008) failed to find an association (see Zeoli et al., 2016 for a review of this study’s methodological limitations).

Additionally, researchers have found no association between state-level DVPO firearm restriction laws and intimate partner homicide of Black victims; however, an association was found with intimate partner homicide of white victims (Wallin et al., 2021), suggesting that the laws may have different impacts for different racial groups.



Research by Díez and colleagues (2017) also failed to find an association between the presence of any DVPO firearm restriction statute and state-level intimate partner homicide counts. However, Díez et al. (2017) found that DVPO firearm restriction statutes were associated with reductions in firearm and overall intimate partner homicide when the laws also required the relinquishment of firearms in the subject's possession. When relinquishment was not required, the association was not statistically significant (Díez et al., 2017). Another study similarly concluded that the significant association between DVPO firearm restrictions and reduced intimate partner homicide rates was evident only when the laws authorized or required the relinquishment of firearms in the subject's possession (Zeoli et al., 2018). However, for two groups, no such association was found. When the association of this law was tested on Black intimate partner homicide, no association was found (however, one was found for white intimate partner homicide) (Wallin et al., 2021). Additionally, when focusing solely on pregnancy-associated homicides (regardless of victim-perpetrator relationship), Wallace and colleagues (2021) did not find a significant reduction in these homicides in association with DVPO firearm restriction laws with relinquishment statutes; the authors suspect that lack of statistical power is responsible for the null finding.

Research results have also supported the hypothesis that the coverage of dating partners in DVPO firearm restriction statutes is associated with intimate partner homicide reductions (Zeoli et al., 2018). Given that dating partners comprise roughly half of all perpetrators of intimate partner homicide (Fox, 2022), this research finding is persuasive. When state law specifies that firearm restrictions can be extended to respondents to ex parte DVPOs, there is also an associated reduction in intimate partner homicide (Zeoli et al., 2018) and in intimate partner homicide of white victims, but not of Black victims (Wallin et al., 2021).

There is a dearth of research on the association of DVPO firearm restrictions and nonfatal intimate partner firearm violence. Among the few studies that addressed this is the individual-level study by Dugan and colleagues (2003) that assessed nonfatal intimate partner firearm violence using the National Crime Victimization Survey series from 1992 through 1998. The study found an associated reduction in nonfatal intimate partner firearm violence among dating partners living in states with the statute, but not among current or former spouses. This is puzzling given that dating partners were not covered by DVPO firearm restrictions in multiple states during the study period, whereas current or former spouses were covered in all states. Additionally, Willie and colleagues (2021) analyzed data from the National Intimate Partner and Sexual Violence Survey and found that victim-survivors living in states that prohibited possession and required relinquishment of firearms for DVPOs were at lower risk of experiencing nonfatal injuries than those in states that lacked these policies.

Broadly, then, the research suggests that the DVPO firearm restriction is effective in reducing firearm-involved intimate partner violence; however, who the restriction covers, when the restriction is in effect, and whether the restriction is implemented are critical in affecting that reduction. Importantly, though, this intervention has not been found to reduce intimate partner homicide of Black victims. Individual-level research is needed to further investigate how DVPO petitioners experience the intervention and to further identify what opportunities for improvement exist.

Misdemeanor crime of domestic violence firearm restrictions

In many states, individuals convicted of a misdemeanor crime of domestic violence are prohibited from firearm purchase and possession. Domestic violence is defined by a relationship requirement, which varies by state. Qualifying relationships generally include current/former spouses, individuals with a child in common, those who cohabited as a couple, and sometimes include dating partners. The type of crime that counts as a domestic violence misdemeanor also varies by state, as does the length of time an individual will be under the firearm restriction. Similar to the DVPO firearm restriction laws, some states have legislated that courts are authorized to order the newly restricted individual to relinquish any firearms they already own.

Due to the wide variety of crimes potentially included, we limited our analysis to the following categories: Assault/physical assault, Sexual assault, Stalking, Harassment, and “Other” if the state included a crime outside of the four defined categories. If instead of listing specific statutes a state instead opted to give a broad definition, we listed that definition and noted crimes from our four categories that fell under the definition. While titles may be identical, state criminal statutes are free to define crimes as they wish. As such, applying discretion, for some states we listed crimes that were similar to our four categories, such as some threatening and menacing statutes.

Figure 2 presents which states have a DV misdemeanor firearm restriction and which do not. Additionally, it illustrates whether state laws include provisions for dating partners and/or authorization for firearm relinquishment. A state colored in pale orange indicates the presence of a DV misdemeanor firearm restriction. The presence of a purple and/or green dot under the state abbreviation indicates additional provisions for dating partners and relinquishment authorization, respectively. States in gray do not have a DV misdemeanor firearm restriction.

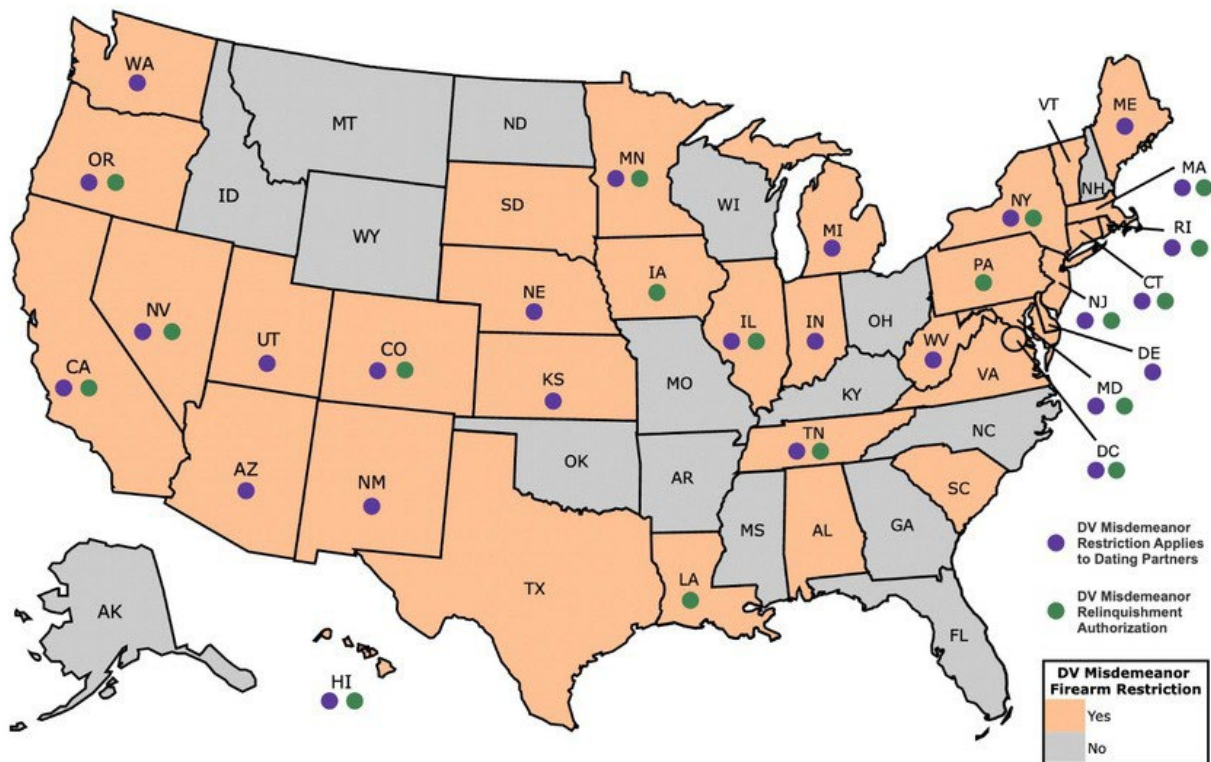


Figure 2. Map of which states have misdemeanor crime of domestic violence firearm restrictions, whether they include coverage of dating partners, and whether they contain a firearm relinquishment requirement (created with SmartDraw).

Table 2. Status, as of April 2024, of state MCDV firearm restrictions, whether they include coverage of dating partners, whether the court is authorized to require relinquishment, which conviction types are included under the restriction, and the length of the restriction.

State	DV Misdemeanor Firearm Restriction		DV Misdemeanor Restriction Applies to Dating Partners		DV Misdemeanor Relinquishment Authorization		Convictions included under DV Misdemeanor Restriction		Length of DV Misdemeanor Firearm Restriction	
	Yes (X)	Citation	Yes (X)	Citation	Yes (X)	Citation	Convictions	Citation	Duration	Citation
Alabama	X	Ala. Code § 13A-11-72(a)					Any misdemeanor offense of domestic violence in Alabama or another state: Assault, Stalking, Other	Ala. Code §§ 13A-11-72 (a), 13A-6-132	Indefinite	Ala. Code § 13A-11-72(a)
Alaska										
Arizona	X	Ariz. Rev. Stat. Ann. § 13-3101(A)(7)	X	Ariz. Rev. Stat. Ann. §§ 13-3101(A)(7)(d), 13-3601			Assault/physical assault, Harassment, Other	Ariz. Rev. Stat. Ann. §§ 13-3601(A)	While on probation	Ariz. Rev. Stat. Ann. § 13-3101(A)(7)
Arkansas										
California	X	Cal. Penal Code § 29805	X	Cal. Penal Code §§ 29805, 243	X	Cal. Penal Code § 29810(a)	Assault	Cal. Penal Code §§ 29805, 243	Indefinite	Cal. Penal Code § 29805
Colorado	X	Colo. Rev. Stat. Ann. §§ 18-12-108(6)(c)(I), and 18-6-801(8)	X	Colo. Rev. Stat. Ann. § 801(8)(a)I)	X	Colo. Rev. Stat. Ann. § 18-6-801(8)	Any crime for which the factual basis has been found by the court to include an act of domestic violence (defined in 18-6-800.3(1))	Colo. Rev. Stat. Ann. § 18-6-801	"Until the sentence is satisfied"	Colo. Rev. Stat. Ann. §§ 18-12-108(6)(c)(I), and 18-6-801(8)
Connecticut	X ^a	Conn. Gen. Stat. Ann. § 53a-217(a)	X ^b	Conn. Gen. Stat. Ann. § 53a-217(a)	X	Conn. Gen. Stat. Ann. § 29-36k	Assault, Stalking, Other (Threatening, Unlawful Restraint)	see list of citations in Conn. Gen. Stat. Ann. § 53a-217(a)	Indefinite	Conn. Gen. Stat. Ann. § 53a-217 (a)

	DV Misdemeanor Firearm Restriction		DV Misdemeanor Restriction Applies to Dating Partners		DV Misdemeanor Relinquishment Authorization		Convictions included under DV Misdemeanor Restriction		Length of DV Misdemeanor Firearm Restriction	
State	Yes (X)	Citation	Yes (X)	Citation	Yes (X)	Citation	Convictions	Citation	Duration	Citation
Delaware	X	Del. Code Ann. tit. 10, § 901(12); tit. 11, § 1448(a)(7), (d)	X	Del. Code Ann. tit. 11, § 1448(a)(7)			Assault/physical assault, Sexual Harassment, Menacing, Other, or any similar offense from another jurisdiction	Del. Code Ann. tit. 11, § 1448(a)(7)	5 Years from conviction	Del. Code Ann. tit. 10, § 901(12); tit. 11, § 1448(a)(7), (d)
District of Columbia	X	D.C. Code Ann. §§ 22-4503(a); 7-2502.03(a)(4) (D)	X	D.C. Code Ann. §§ 7-2502.03(a)(4) (D); 22-4503(a)	X ^c	D.C. Code Ann. § 7-2502.09	Intrafamilial offenses (An offense punishable as a criminal offense against an intimate partner, a family member, or a household member), Stalking	D.C. Code Ann. §§ 7-2502.03(a)(4) (D); 22-4503(a)	5 Years from conviction	D.C. Code Ann. §§ 7-2502.03(a)(4) (D); 22-4503(a)
Florida										
Georgia										
Hawaii	X ^d	Haw. Rev. Stat. Ann. § 134-1, 134-7(b)	X ^e	Haw. Rev. Stat. Ann. § 134-7	X	Haw. Rev. Stat. Ann. § 134-7.3(b)	Assault/physical assault (crime of violence), Sexual assault, Harassment, Stalking	Haw. Rev. Stat. Ann. § 134-1, 134-7(b)		
Idaho										
Illinois	X	430 Ill. Comp. Stat. Ann. §§ 65/4(a)(2)(ix), 65/8(l); 725 Ill. Comp. Stat. Ann. § 5/112A-3	X	430 Ill. Comp. Stat. Ann. §§ 65/4(a)(2)(ix); 65/8(l); 725 Ill. Comp. Stat. Ann. § 5/112A-3(3)	X	430 Ill. Comp. Stat. §§ 65/8, 65/9.5; 730 Ill. Comp. Stat. Ann. § 5/5-6-3(a)(9)	Domestic Battery (assault) or similar offense in another jurisdiction	430 Ill. Comp. Stat. Ann. §§ 65/4(a)(2)(ix); 65/8(l)	Indefinite	430 Ill. Comp. Stat. Ann. §§ 65/4(a)(2)(ix), 65/8(l); 725 Ill. Comp. Stat. Ann. § 5/112A-3
Indiana	X	Ind. Code Ann. § 35-47-4-6	X	Ind. Code Ann. §§ 35-47-4-6, 35-42-2-1.3, 35-31.5-2-128			Domestic Battery (assault)	Ind. Code Ann. §§ 35-47-4-6; 35-42-2-1.3	Indefinite (but may petition for restoration of firearm rights 5 years after conviction)	Ind. Code Ann. §§ 35-47-2-1(c), 35-47-4-6
Iowa	X	Iowa Code Ann. §§ 236.2, 708.1, 724.15(1), 724.26(2)(a)			X	Iowa Code Ann. § 724.26(4)	Assault (including aiming a firearm at in a threatening manner)	Iowa Code §§ 236.2, 708.1, 708.2A, 724.15(1), 724.26(2)(a), (b)	Indefinite	Iowa Code Ann. §§ 724.15(1), 724.26(2)(a)

	DV Misdemeanor Firearm Restriction		DV Misdemeanor Restriction Applies to Dating Partners		DV Misdemeanor Relinquishment Authorization		Convictions included under DV Misdemeanor Restriction		Length of DV Misdemeanor Firearm Restriction	
State	Yes (X)	Citation	Yes (X)	Citation	Yes (X)	Citation	Convictions	Citation	Duration	Citation
Kansas	X	Kan. Stat. Ann. § 21- 6301(a)(18)	X	Kan. Stat. Ann. §§ 21- 6301(a)(18), 21-6301(m)(1)			Assault	Kan. Stat. Ann. §§ 21- 6301(a)(1 8), 21-5111(i)	5 years from conviction	Kan. Stat. Ann. § 21- 6301(a)(18)
Kentucky										
Louisiana	X	La. Rev. Stat. § 14:95.10			X	La. Code Crim. Proc. Ann. § art.1002	Domestic abuse battery (assault), Other (specifically, dating partner strangulation and burning)	La. Rev. Stat. § 14:95.10	Expires 10 years after sentence completion	La. Rev. Stat. § 14:95.10
Maine	X	Me. Rev. Stat. tit. 15 § 393(1-B)	X	Me. Rev. Stat. tit. 15 § 393(1-B), Me. Rev. Stat. tit. 17 § 207-A			Assault, Stalking, Other (threatening, terrorizing)	Me. Rev. Stat. tit. 15 § 393(1-B)	Expires 5 years from discharge date	Me. Rev. Stat. tit. 15 § 393(1-B)
Maryland	X	Md. Code Ann., Pub. Safety §§ 5- 101(b-1); 5- 133(b)(1), (c); 5-134(b) (2); 5-205	X	Md. Code Ann., Pub. Safety §§ 5-101(b-1); Md. Code Ann., Family Law §§ 6-233	X	Md. Code Ann., Crim. Proc. § 6-234	Assault, Sexual Assault, Other	Md. Code Ann., Pub. Safety §§ 5- 101(b-1); 5- 133(b)(1), (c); 5-134(b) (2); 5-205	Indefinite	Md. Code Ann., Pub. Safety §§ 5- 101(b-1); 5- 133(b)(1), (c); 5-134(b) (2) ; 5-205
Massachusetts	X	Mass. Ann. Laws ch. 140, § 129B(1)(ii)(f)	X	Mass. Ann. Laws ch. 140, § 129B(1)(i)(f); see also Mass. Gen. Laws ch. 140, §§ 129B; 131; ch. 265 § 13N	X	Mass. Ann. Laws ch. 140, §§ 129B, 129D.	A misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a) (33)	Mass. Ann. Laws ch. 140, § 129B(1)(ii) (f)	Indefinite	Mass. Ann. Laws ch. 140, § 129B(1)(ii)(f)
Michigan	X	Mich. Comp. Laws Serv. § 750.224f(5)	X	Mich. Comp. Laws Serv. § 750.224f(5)			Assault	Mich. Comp. Laws Serv. §§ 750.224f(5), 750.81(2)	8 years after fines, imprisonment , and probation paid/ served/ completed	Mich. Comp. Laws Serv. § 750.224f(5)
Minnesota	X	Minn. Stat. §§ 609.749, subd. 8(e)-(g), 609.2242, subd. 3(f)-(h), 624.713, subd. 1	X	Minn. Stat. §§ 609.749, subd. 8(e)-(g), 609.2242, subd. 3(f)-(h); 518B.01, subd. 2	X	Minn. Stat. § 609.2242, subd. 3(f)	Assault	Minn. Stat. §§ 609.749, subd. 8(e)- (g), 609.2242, subd. 3(f)- (h), 624.713, subd. 1	3 years from conviction (also indefinite for qualifying MCDVs under federal law)	Minn. Stat. §§ 609.749, subd. 8(e)- (g), 609.2242, subd. 3(f)- (h), 624.713, subd. 1
Mississippi										

	DV Misdemeanor Firearm Restriction		DV Misdemeanor Restriction Applies to Dating Partners		DV Misdemeanor Relinquishment Authorization		Convictions included under DV Misdemeanor Restriction		Length of DV Misdemeanor Firearm Restriction	
State	Yes (X)	Citation	Yes (X)	Citation	Yes (X)	Citation	Convictions	Citation	Duration	Citation
Missouri										
Montana										
Nebraska	X	Neb. Rev. Stat. Ann. § 28-1206(1)	X	Neb. Rev. Stat. Ann. §28-1206(1)			Assault, Stalking, Other (False imprisonment; attempt or conspiracy of all of the above)	Neb. Rev. Stat. Ann. § 28-1206(1)	7 years	Neb. Rev. Stat. Ann. § 28-1206(1)
Nevada	X	Nev. Rev. Stat. Ann. § 202.360(1)(a)	X	Nev. Rev. Stat. Ann. § 202.360(1)(a)	X	Nev. Rev. Stat. Ann. § 202.361	Assault (battery)	Nev. Rev. Stat. Ann. §§ 202.360(1) (a); 200.485	Indefinite	Nev. Rev. Stat. Ann. § 202.360(1)(a)
New Hampshire										
New Jersey	X	N.J. Rev. Stat. §§ 2C:25-19, 2C:39-7(b), 2C:58-3(c)(1)	X	N.J. Rev. Stat. §§ 2C:39-7b, 2C:25-19	X	N.J. Rev. Stat. § 2C:25-27	Assault/ physical assault, Harassment Other (false imprisonment)	N.J. Rev. Stat. §§ 2C:39-7b, 2C:25-19	Indefinite	N.J. Rev. Stat. §§ 2C:39-7(b), 2C:58-3(c)(1)
New Mexico	X	N.M. Stat. Ann. § 30- 7-16	X	N.M. Stat. Ann. §§ 30-7-16, 30- 3-11(A)			Assault (battery), Stalking, Other MCDVs under 18 U.S.C. § 921	N.M. Stat. Ann. § 30- 7-16	Indefinite	N.M. Stat. Ann. § 30- 7-16
New York	X	N.Y. Penal Law §§ 400.00(1), 265.00(17)(c)	X	N.Y. Penal Law §§ 400.00(1), 265.00(17)	X	N.Y. Crim. Proc. Law § 370.25; N.Y. Penal Law § 400.00(11)	Assault, Harassment, Menacing, Other	N.Y. Penal Law §§ 400.00(1), 265.00(17)	Indefinite	N.Y. Penal Law §§ 400.00(1), 265.00(17) (c)
North Carolina										
North Dakota										
Ohio										
Oklahoma										
Oregon	X	Or. Rev. Stat. § 166.255(1)(b)	X	Or. Rev. Stat. §§ 166.255(1)(b), 135.230(4)	X	Or. Rev. Stat. § 166.259	Misdemeanor involving the use or attempted use of physical force or the threatened use of a deadly weapon (to a qualifying person)	Or. Rev. Stat. §§ 166.255(1) (b), 135.230(4)	Indefinite	Or. Rev. Stat. § 166.255(1) (b)

	DV Misdemeanor Firearm Restriction		DV Misdemeanor Restriction Applies to Dating Partners		DV Misdemeanor Relinquishment Authorization		Convictions included under DV Misdemeanor Restriction		Length of DV Misdemeanor Firearm Restriction	
State	Yes (X)	Citation	Yes (X)	Citation	Yes (X)	Citation	Convictions	Citation	Duration	Citation
Pennsylvania	X	18 Pa. Cons. Stat. § 6105(c)(9)			X	18 Pa. Cons. Stat. §§ 6105(a)(2); 6105.2	Misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33) by a spouse or someone similarly situated to a spouse	18 Pa. Cons. Stat. § 6105(c)(9)	Indefinite, but may apply for relief after 10 years	18 Pa. Cons. Stat. § 6105(c)(9)
Rhode Island	X	R.I. Gen. Laws §§ 11-47-5(a)(4), 12-29-5	X	R.I. Gen. Laws §§ 11-47-5, 12-29-2, 12-29-5	X	R.I. Gen. Laws §§ 11-47-5.4, 12-29-5(d), (h)	Assault, Other (Violation of a protective order, Disorderly conduct if involving dangerous weapon)	R.I. Gen. Laws §§ 11-47-5(a)(4), 12-29-5	Indefinite, but can file motion to regain firearm rights 5 years after completion of sentence	R.I. Gen. Laws §§ 11-47-5(a)(3)–(a)(5), 12-29-5
South Carolina	X	S.C. Code Ann. § 16-25-30(A)					Assault and Battery	S.C. Code Ann. §§ 16-25-30(A), 16-25-20(C) and (D)	3 years from conviction/rel ease date, whichever is later	S.C. Code Ann. § 16-25-30(A)
South Dakota	X	S.D. Codified Laws § 22-14-15.2					Any misdemeanor crime involving an act of domestic violence	S.D. Codified Laws §§ 22-14-15.2, 25-10-1	1 year from date of conviction	S.D. Codified Laws § 22-14-15.2
Tennessee	X	Tenn. Code Ann. § 39-17-1307(f)(1)(A)	X	Tenn. Code Ann. § 39-17-1307(f)(1)(A)	X	Tenn. Code Ann. § 39-13-111	Misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921	Tenn. Code Ann. § 39-17-1307(f)(1)(A)	Indefinite (but presumably 5 years for dating partners)	Tenn. Code Ann. § 39-17-1307(f)(1)(A)
Texas	X	Tex. Fam. Code Ann. § 71.001 et seq.; Tex. Penal Code Ann. §§ 22.01, 46.04(b)					Assault	Tex. Fam. Code Ann. § 71.001 et seq.; Tex. Penal Code Ann. §§ 22.01, 46.04(b)	5 Years from the date of release (i.e., confinement or community supervision)	Tex. Fam. Code Ann. § 71.001 et seq.; Tex. Penal Code Ann. §§ 22.01, 46.04(b)

	DV Misdemeanor Firearm Restriction		DV Misdemeanor Restriction Applies to Dating Partners		DV Misdemeanor Relinquishment Authorization		Convictions included under DV Misdemeanor Restriction		Length of DV Misdemeanor Firearm Restriction	
State	Yes (X)	Citation	Yes (X)	Citation	Yes (X)	Citation	Convictions	Citation	Duration	Citation
Utah	X	Utah Code Ann. § 76-10- 503(1)(b)(xii)	Xe	Utah Code Ann. §§ 76-10- 501(7), 76-10- 503(1)(b)(xii)			Assault	Utah Code Ann. § 76- 10-503(1) (b)(xii)	Indefinite (cases involving dating partners are limited to 5 years if there is only one conviction)	Utah Code Ann. § 76- 10-503(1) (b)(xii)
Vermont	X	Vt. Stat. Ann. tit. 13, § 4017; 5301(7)					Assault	Vt. Stat. Ann. tit. 13, §§ 4017(d) (3), 5301(7)	Indefinite	Vt. Stat. Ann. tit. 13, §§ 4017; 5301(7)
Virginia	X	Va. Code Ann. § 18.2-308.1:8					Assault	Va. Code Ann. § 18.2- 308.1:8	3 years from conviction	Va. Code Ann. § 18.2- 308.1: 8
Washington	X	Wash. Rev. Code Ann. §§ 9.41.010, 9.41.040(2)(a) (i), 10.99.020(3)	X	Wash. Rev. Code Ann. §§ 9.41.010(13), 26.50.010(7)			Assault, Stalking, Harassment, Other	Wash. Rev. Code Ann. §§ 9.41.010, 9.41.040(2)(a)(i), 10.99.020	Indefinite	Wash. Rev. Code Ann. § 9.41.040(2) (a) (i)
West Virginia	X	W. Va. Code Ann. § 61-7-7(a)(8)	X	W. Va. Code Ann. § 61-7-7(a)(8). See W. Va. Code Ann. § 61-2-28 referring to definition in § 48-27-204			Assault	W. Va. Code Ann. § 61-7-7(a)(8)	Indefinite	W. Va. Code Ann. § 61-7-7(a) (8)
Wisconsin										
Wyoming										

a Prohibits firearm possession by individuals convicted of certain violent misdemeanor offenses irrespective of relationship to victim

b Prohibits firearm possession by individuals convicted of certain violent misdemeanor offenses irrespective of relationship to victim

c Upon a final decision to revoke a registration certificate following a disqualifying conviction, the individual may relinquish the registered firearm to law enforcement, lawfully remove the firearm from the District, or dispose of the firearm.

d Prohibits firearm possession for people prohibited by 18 USC § 922 (which includes DV prohibition); prohibits misdemeanor crimes of violence broadly

e Restriction does not apply to dating partners if 5 years have passed since conviction and the person only has a single conviction of misdemeanor DV



Thirty-four states and the District of Columbia have in place some level of misdemeanor crime of domestic violence firearm restriction. Connecticut prohibits select misdemeanor crimes of violence broadly and is therefore included in Table 2 given its expansive law. Hawaii's law is similarly broad but also specifically prohibits firearm possession by individuals who are prohibited under 18 U.S.C. § 922, which includes the federal domestic violence misdemeanor restriction.

Twenty-five states and the District of Columbia use a broad definition for the relational element, applying to dating partners. Here, we again include Connecticut and Hawaii as offenses committed against dating partners would generally result in firearm prohibitions. Louisiana, while not among the twenty-six included, has a dating partner prohibition only for second offenses or if the offense involves strangulation (La. Rev. Stat. § 14:95.10). Similarly, while not among those counted as extending to dating partners, Pennsylvania's statutes extend to "a person similarly situated to a spouse, parent or guardian of the victim," which could potentially apply to dating partners (18 Pa. Cons. Stat. Ann. § 6105(c)(9)).

The timeframe for firearm restriction differs by state, with most states opting to apply an indefinite restriction to those convicted of a MCDV. For those states which have a fixed time period, the duration of the restriction extends from as little as the length of the sentence to 10 years after release.

Evidence

The literature surrounding MCDV firearm restrictions is less conclusive than that on DVPO firearm restrictions. Multiple studies that have analyzed the association of state-level MCDV laws with state-level intimate partner homicide have failed to find a significant association (Díez et al., 2017; Vigdor & Mercy, 2006; Wallin et al., 2021; Zeoli et al., 2018; Zeoli & Webster, 2010). Zeoli & Webster (2010) proposed that the lack of evidence for these laws may be fueled by a lack of implementation of the laws, the rarity of DV misdemeanor convictions, and otherwise poor firearm restriction enforcement in study locations.

However, a more recent study found that state-level misdemeanor firearm restrictions were associated with reductions in intimate partner homicide rates of pregnant and postpartum women. Wallace and colleagues (2021) found that this relationship was only significant in states that also statutorily required the relinquishment of firearms in the prohibited individual's possession. Additionally, one study found that individuals living in states that prohibited firearm possession and required relinquishment of firearms by people convicted of MCDVs had lower odds of nonfatal injuries than those who lived in states without such policies (Willie et al., 2021).

Misdemeanor crime of violence firearm restrictions

State-level firearm restrictions for those convicted of violent misdemeanors, regardless of the relationship between the offender and victim, go beyond federal firearm restrictions to cover a broader group of individuals who have demonstrated that they are willing to use violence against other individuals. These laws differ from MCDV firearm restrictions as an intimate relationship to the victim is not a general requirement. Like MCDV firearm restriction statutes, some states include authorization for the court to order the newly prohibited individual to relinquish firearms they already possess. Additionally, the crime types that are covered by the violent misdemeanor firearm restriction vary by state, as does the duration of the restriction after conviction.

Due to the wide variety of crimes potentially included, we limited our analysis to the following categories: Assault/physical assault, Sexual assault, Stalking, Harassment, and “Other” if the state included a crime outside of the four defined categories. If instead of listing specific statutes a state instead opted to give a broad definition, we listed that definition and noted crimes from our four categories that fell under the definition. While titles may be identical, state criminal statutes are free to define crimes as they wish. The “Other” category was much more expansive here than under MCDV, and states chose broadly what misdemeanors result in firearm restrictions.

Figure 3 presents which states have a violent misdemeanor firearm restriction and which do not. Additionally, it illustrates whether a state’s law has a provision that authorizes firearm relinquishment. A state colored in yellow indicates the presence of a violent misdemeanor firearm restriction. The presence of a green dot under the state abbreviation indicates additional provisions for relinquishment authorization. States in gray do not have a violent misdemeanor firearm restriction.

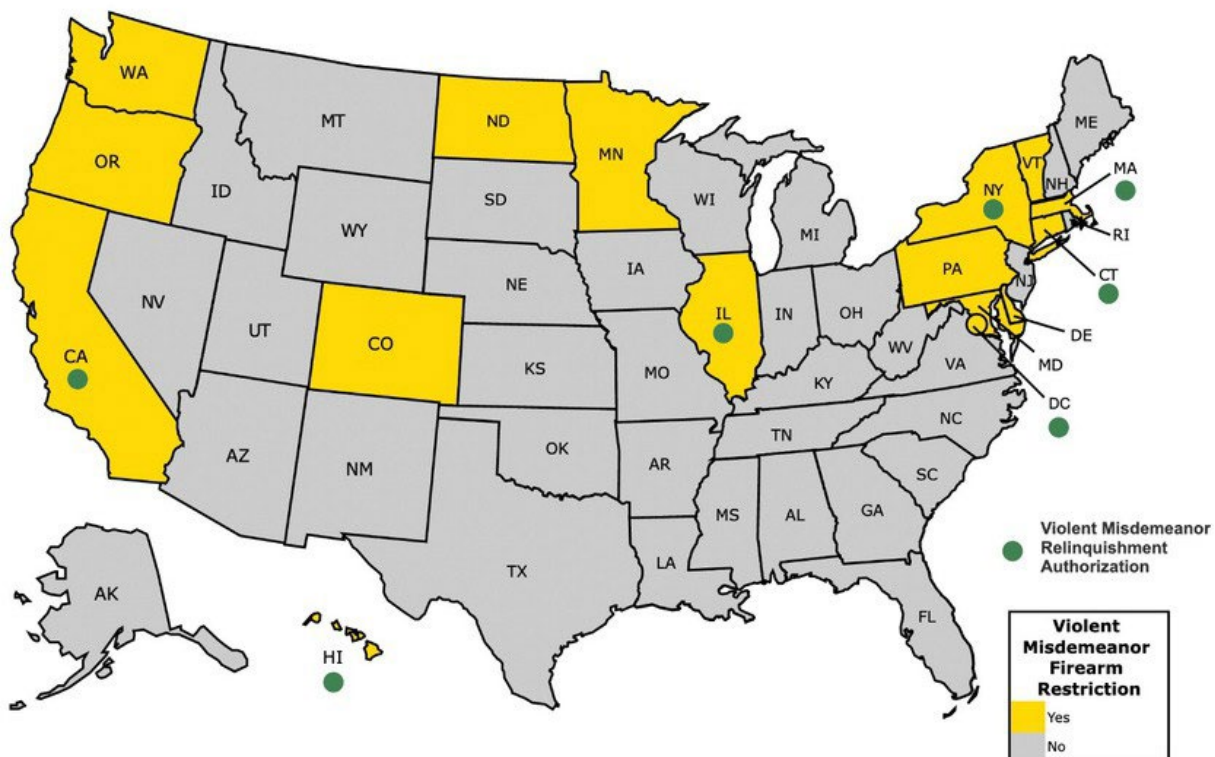


Figure 3. Map of which states have violent misdemeanor firearm restrictions and whether they contain a firearm relinquishment requirement (created with SmartDraw).

Table 3. Status, as of April 2024, of state violent misdemeanor conviction firearm restrictions, whether the court is authorized to require relinquishment, which conviction types are included under the restriction and the length of the restriction.

State	Violent Misdemeanor Firearm Restriction		Violent Misdemeanor Relinquishment Authorization		Convictions included under Violent Misdemeanor Restriction		Length of Violent Misdemeanor Firearm Restriction	
	Yes (X)	Citation	Yes (X)	Citation	Convictions	Citation	Duration	Citation
Alabama								
Alaska								
Arizona								
Arkansas								
California	X	Cal. Penal Code § 29805	X	Cal. Penal Code § 29810	Assault, Sexual Assault, Stalking, Other	Cal. Penal Code § 29805	10 Years	Cal. Penal Code § 29805(a)
Colorado	X	Colo. Rev. Stat. § 24-33.5-424(3)			Assault, Sexual Assault, Harassment, Other	Colo. Rev. Stat. § 24-33.5-424(3)	5 Years	Colo. Rev. Stat. § 24-33.5-424(3)
Connecticut	X	Conn. Gen. Stat. Ann. § 53a-217(a), 53a-61	X	Conn. Gen. Stat. Ann. § 29-36k	Assault, Stalking, Other (e.g., threatening, unlawful restraint, rioting)	see list of citations in Conn. Gen. Stat. § 53a-217(a)	Indefinite	Conn. Gen. Stat. Ann. § 53a-217(a)
Delaware	X	Del. Code Ann. tit. 11, § 1448			Assault	Del. Code Ann. tit. 11, § 1448, 611	5 Years	Del. Code Ann. tit. 11, § 1448(a), (d)
District of Columbia	X	D.C. Code Ann. § 7-2502.03	X	D.C. Official Code § 7-2502.09	Assault, Stalking	D.C. Code Ann. § 7-2502.03	5 Years	D.C. Code Ann. § 7-2502.03
Florida								
Georgia								
Hawaii	X	Haw. Rev. Stat. Ann. §§ 134-7, 134-2, 134-1	X	Haw. Rev. Stat. Ann. §§ 134-7; 134-7.3	Includes any offense under federal or state law or the law of another state that includes injury to another person. Specifically lists: Sexual assault, Harassment, Harassment by stalking, Other	Haw. Rev. Stat. Ann. §§ 134-7, 134-2, 134-1	20 years from date of conviction	Haw. Rev. Stat. Ann. § 134-1, 134-7(b), (h)
Idaho								
Illinois	X ^a	430 Ill. Comp. Stat. Ann. 65/8(a), (k)	X ^b	430 Ill. Comp. Stat. Ann. §§ 65/8(k), 65/9.5	Assault in which a firearm was used or possessed, any non-traffic misdemeanor for persons under 21	430 Ill. Comp. Stat. Ann. 65/8(a), (k)	5 Years (or indefinite for individuals under 21)	430 Ill. Comp. Stat. Ann. 65/8(k)

	Violent Misdemeanor Firearm Restriction		Violent Misdemeanor Relinquishment Authorization		Convictions included under Violent Misdemeanor Restriction		Length of Violent Misdemeanor Firearm Restriction	
State	Yes (X)	Citation	Yes (X)	Citation	Convictions	Citation	Duration	Citation
Indiana								
Iowa								
Kansas								
Kentucky								
Louisiana								
Maine								
Maryland	X	Md. Code Ann., Pub. Safety § 5-133			Assault, Other	Md. Code Ann., Pub. Safety § 5-133; 5-101	Indefinite	Md. Code Ann., Pub. Safety § 5-133
Massachusetts	X ^c	Mass. Gen. Laws ch. 140, §§ 131(d); ch. 265, § 13A	X	Mass. Gen. Laws ch. 140, § 131(i- ii)	Violent Crime punishable by more than one year imprisonment, all other misdemeanors punishable by more than two years imprisonment	Mass. Gen. Laws ch. 140, § 131(d)	Indefinite	Mass. Gen. Laws ch. 140, § 131(d)
Michigan								
Minnesota	X	Minn. Stat. § 624.713, subd. (1)(11)			Harassment (if firearm used in anyway), stalking (if firearm used in anyway), Other	Minn. Stat. § 624.713, subd. (1)(11)	3 Years	Minn. Stat. § 624.713
Mississippi								
Missouri								
Montana								
Nebraska								
Nevada								
New Hampshire								
New Jersey								
New Mexico								
New York	X	N.Y. Penal Law § 400.00(1)	X	N.Y. Penal Law § 400.00(1)	Stalking, Sexual abuse	N.Y. Penal Law § 400.00(1)	Indefinite	N.Y. Penal Law § 400.00(1)
North Carolina								
North Dakota	X	N.D. Cent. Code § 62.1-02-01(1) (b)			If committed with a firearm: Assault, Sexual Assault, Harassment, Other (terrorizing, menacing)	N.D. Cent. Code § 62.1-02-01(1)(b)	5 Years from date of conviction/ release	N.D. Cent. Code § 62.1-02-01(1)

State	Violent Misdemeanor Firearm Restriction		Violent Misdemeanor Relinquishment Authorization		Convictions included under Violent Misdemeanor Restriction		Length of Violent Misdemeanor Firearm Restriction	
	Yes (X)	Citation	Yes (X)	Citation	Convictions	Citation	Duration	Citation
Ohio								
Oklahoma								
Oregon	X	Or. Rev. Stat. § 166.470			Assault in the fourth degree, Stalking, Menacing, Other (Strangulation, Recklessly endangering another person, Bias Crime in the second degree)	Or. Rev. Stat. §§ 166.470, 166.255	4 Years	Or. Rev. Stat. § 166.470
Pennsylvania	X	18 Pa. Cons. Stat. § 6105			Stalking, Other (unlawful restraint)	18 Pa. Cons. Stat. § 6105	Indefinite, but may apply for relief after 10 years	18 Pa. Cons. Stat. § 6105
Rhode Island								
South Carolina								
South Dakota								
Tennessee								
Texas								
Utah								
Vermont	X	Vt. Stat. Ann., tit. 13, §§ 4017, 5301			Stalking, Other	Vt. Stat. Ann. tit. 13, §§ 4017(d)(3), 5301(7)	Indefinite	Vt. Stat. Ann. tit. 13, §§ 4017; 5301(7)
Virginia								
Washington	X	Wash. Rev. Code Ann. § 9.41.040(2)(D)			Stalking, harassment, other (aiming or discharging a firearm in a dangerous manner, unlawful carrying/handling of firearm)	Wash. Rev. Code Ann. § 9.41.040(2)(D)	7 years	Wash. Rev. Code Ann. § 9.41.040(2)(D)
West Virginia								
Wisconsin								
Wyoming								

a IL State Police has authority to deny application or revoke FOID card if a person is convicted of non-traffic misdemeanor (< 21 years) or past 5 year conviction of battery/assault in which firearm was used/possessed

b FOID card may be revoked (activating relinquishment requirement) if convicted of violent misdemeanor while possessing or using a firearm within past 5 years or if < 21 years and convicted of non-traffic misdemeanor

c Applies to crimes punishable by 2+ years in prison; Mass. Gen. Laws ch. 265, § 13A states that assault/battery may be punishable by up to 2.5 years in prison



Fifteen states and the District of Columbia have in place some level of misdemeanor crime of violence firearm restrictions. Connecticut and Hawaii, with their lack of relational elements are again included as they prohibit select misdemeanor crimes of violence broadly. States vary on the level of restriction. Colorado, for example, prohibits only purchase of firearms and not ownership (Colo. Rev. Stat. § 24–33.5–424(3)). Only six of the fifteen states, and the District of Columbia, authorize or mandate that the individual convicted of misdemeanor violence relinquish any and all firearms they currently possess.

States may have either a broad definition of potential crimes that are included under the violent misdemeanor restriction, list specific crimes, or both. The District of Columbia, for example, on top of specific crimes that qualify for the restriction, also restricts individuals from receiving a firearm license if they have a “history of violent behavior” (D.C. Code Ann. § 7–2502.03(6A)).

As stated, states have broad discretion for defining crimes as they wish. While most states consider crimes with maximum sentences greater than one year as a felony, misdemeanors in Massachusetts can carry sentences as long as thirty months (such as in Mass. Ann. Laws ch. 265, § 13A). As such, Massachusetts’s firearm restriction for those convicted of a misdemeanor punishable by imprisonment for more than 2 years is akin to other states’ felony restrictions (Mass. Ann. Laws ch. 140, § 131(d)).

The timeframe for firearm restrictions differs by state; however, unlike domestic violence misdemeanor convictions, the majority of states do not have an indefinite prohibition. For those states that have a fixed time period, the duration of the restriction extends from as few as 3 years to as many as 20 years.

Evidence

Two studies to date have tested the association of laws restricting an individual convicted of misdemeanor violence, regardless of who the victim is, with intimate partner homicide. The first found that violent misdemeanor conviction firearm prohibition laws were associated with significant decreases in intimate partner homicide at the state level (Zeoli et al., 2018). Again, however, evidence suggests that these laws do not equally impact Black and white intimate partner homicide rates. While the law has been associated with a 23% reduction in intimate partner homicide in white victims, no significant association of the law with intimate partner homicide of Black victims has been detected (Wallin et al., 2021).

Removal of firearms from the scene of domestic violence

Twenty states have legislated around when law enforcement officers can remove firearms from the scene of domestic violence, regardless of whether they are being taken as evidence of a crime. The purpose of these laws is to make a dangerous situation less lethally dangerous in the short term. While the suspect in the domestic violence incident may be arrested, they may only be in custody for a short time before they return home, making firearm removal critically important. The criteria regarding when a firearm can be removed varies widely by state, but often rests upon whether the firearm is in plain view or was possessed or used during the incident. These criteria can lead to situations in which law enforcement are authorized to remove some, but not all, firearms from the premises unless the statute specifies that all deadly weapons may be removed. Similarly, the criteria for when firearms will be returned varies from state to state, but often rests on whether proceedings are ongoing or the court orders the return.

Figure 4 details which states have these laws and Table 4 additionally details the criteria for the removal and return of firearms. Because these criteria are nuanced in ways specific to each state, we provide text descriptions of them instead of trying to standardize between states.

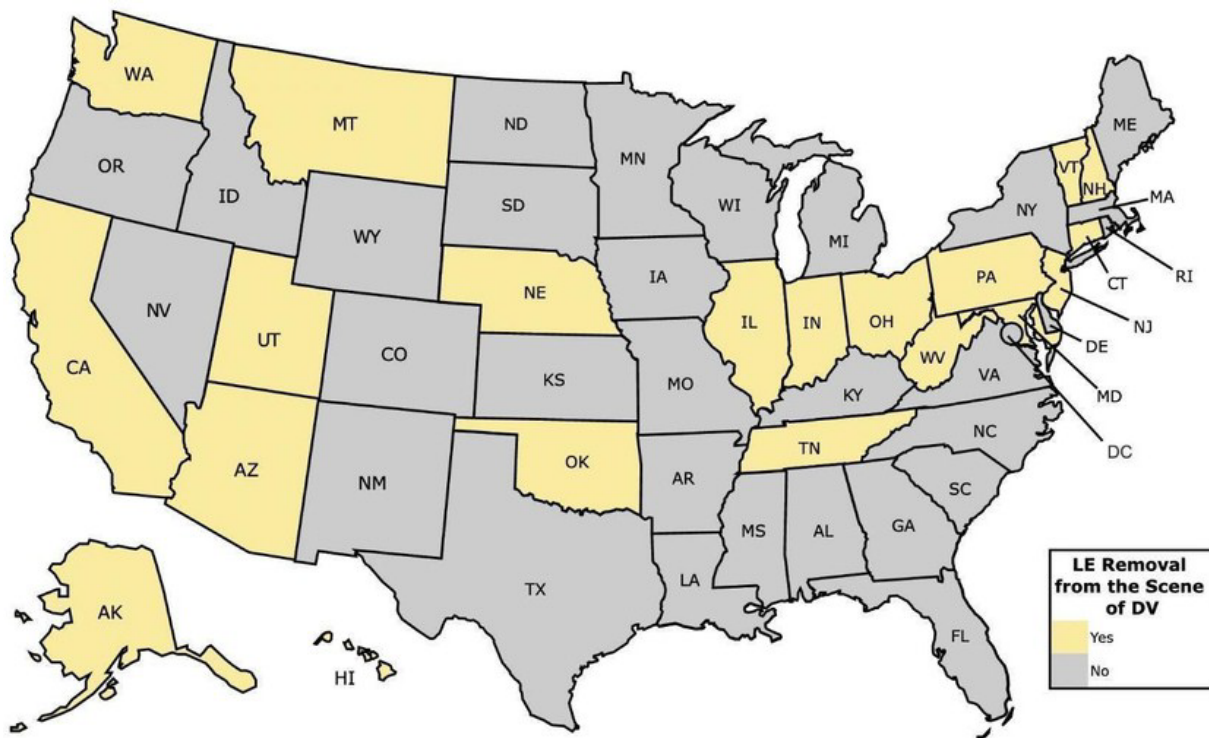


Figure 4. Map of which states have laws that authorize law enforcement to remove firearms from the scene of domestic violence (created with SmartDraw).

Table 4. Status, as of April 2024, of state laws authorizing law enforcement to remove firearms from the scene of domestic violence and the statutory criteria from removal and return.

Laws Authorizing Law Enforcement to Remove Firearms from Scene of Domestic Violence				
State	Yes (X)	Citation	Criteria for Removal	Criteria for Return
Alabama				
Alaska	X	Alaska Stat. § 18.65.515(b)	In plain view OR If a deadly weapon was actually possessed during or used in the domestic violence, seize all deadly weapons owned, used, possessed, or within the control of the alleged perpetrator	If the weapon is not needed as evidence in a criminal case, the law enforcement agency having custody of the weapon, within 24 hours of making the determination that the weapon is not needed as evidence in a criminal case
Arizona	X	Ariz. Rev. Stat. Ann. § 13-3601	In plain view or was found pursuant to a consent to search and if the officer reasonably believes that the firearm would expose the victim or another person in the household to a risk of serious bodily injury or death	No more than 6 months if prosecutor serves notice of intent to retain firearm
Arkansas				
California	X	Cal. Penal Code § 18250 [Removal], 33850-33895 [Return]	In plain sight or discovered pursuant to a consensual or other lawful search as necessary for the protection of the peace officer or other persons present	Application for a determination by the Department of Justice as to whether the applicant is eligible to possess a firearm
Colorado				
Connecticut	X	Conn. Gen. Stat. Ann. § 46b-38b(a)	In the possession of any person arrested for the commission of such crime or suspected of its commission or that is in plain view	Not more than seven days, unless ordered by the court
Delaware				
District of Columbia				
Florida				
Georgia				
Hawaii	X	Haw. Rev. Stat. Ann. § 709-906; 134-7.5	Firearms that the officer has reasonable grounds to believe were used or threatened to be used in the commission	7 days if no pending criminal charge
Idaho				
Illinois	X	725 Ill. Comp. Stat. Ann. § 5/112A-30, 750 Ill. Comp. Stat. Ann. § 60/304(a)(2)	If believed to have been used to commit the abuse	When no longer needed for evidence
Indiana	X	Ind. Code Ann. § 35-33-1-1.5	Firearms that are observed at the scene and believed to have been used in the crime or to expose the victim to an immediate risk of serious bodily injury	The law enforcement officer shall provide for the safe storage of the firearm, ammunition, or deadly weapon during the pendency of a proceeding related to the alleged act of domestic or family violence
Iowa				
Kansas				
Kentucky				
Louisiana				
Maine				
Maryland	X	Md. Code An., Family Law § 4-511	If the law enforcement officer observed the firearm on the scene	At the conclusion of a proceeding on the alleged act of domestic violence

Laws Authorizing Law Enforcement to Remove Firearms from Scene of Domestic Violence

State	Yes (X)	Citation	Criteria for Removal	Criteria for Return
Massachusetts				
Michigan				
Minnesota				
Mississippi				
Missouri				
Montana	X	Mont. Code Ann. § 46-6-603	If believed to have been used or threatened to be used during the crime	A weapon seized under this section may not be returned to the offender until acquittal or until the return is ordered by the court
Nebraska	X	Neb. Rev. Stat. Ann. § 29-440	Must take any firearm if used or threatened to be used and may take any firearm in plain view or found in search if necessary for the protection of the officer or another person	As determined by court order
Nevada				
New Hampshire	X	N.H. Rev Stat. Ann. § 173-B:10	All firearms if believed to prevent further abuse.	
New Jersey	X	N. J. Rev. Stat. Ann. 2C:25-21	Any weapon present on premises if believed to expose victim to risk of serious bodily harm plus firearm purchaser ID card	Court hearing within 45 days if prosecutor petitions to retain control of the firearms
New Mexico				
New York				
North Carolina				
North Dakota				
Ohio	X	Ohio Rev. Code Ann. §§ 2935.03, 2935.032, 2981.12	If used, threatened to be used, or brandished If used to commit an act of domestic abuse	Governed by 2981.12
Oklahoma	X	22 Okla. Stat Ann. § 60.8		Within 10 days unless the District Attorney files notice of seizure. If notice of seizure, dependent on court hearing
Oregon				
Pennsylvania	X	18 Pa. Cons. Stat. § 2711	All weapons used by the defendant in the commission of the alleged offense	
Rhode Island				
South Carolina				
South Dakota				
Tennessee	X	Tenn. Code Ann. § 36-3-620 [Removal], 39-17-1317 [Return]	Used by the abuser or threatened to be used by the abuser in the commission of a crime, or in plain view or by search if necessary for protection of officer or other persons	Upon disposition of case if not used or threatened to be used by crime, otherwise governed by 39-17-1317
Texas				
Utah	X	Utah Code Ann. §§ 77-36-2.1, 78B-7-408,	If part of officer's duties to use all reasonable means to protect victims	Law enforcement agency shall return the weapon to the individual from whom the weapon is confiscated if a domestic violence protective order is not issued or once the domestic violence protective order is terminated
Vermont	X	Vt. Stat. Ann. tit. 13, § 1048(a)(1)	If the firearm is in the immediate possession/control of the person being arrested/cited, in plain view, or discovered during a lawful search to protect persons	By court order
Virginia				
Washington	X	Wash. Rev. Code Ann. § 10.99.030	All firearms the officer has reasonable grounds to believe were used or threatened to be used; all firearms in plain sight or discovered pursuant to a lawful search;	Comply with the provisions of 9.41.340 and 9.41.345 before returning firearms
West Virginia	X	W. Va. Code Ann. § 48-27-1002	All weapons alleged to have been used or threatened to be used	
Wisconsin				
Wyoming				



Twenty states have laws authorizing law enforcement to remove firearms from the scene of domestic violence. These laws generally fall into three categories: removal after firearm was in plain view/observed by the officer, removal of firearm used or threatened to be used in the commission of the suspected domestic violence crime, and/or removal of weapons to prevent future harm. For example, Indiana law requires the firearm to be observed and for there to be a reasonable belief that it was used in the crime or exposes the victim or immediate risk of serious bodily harm (Ind. Code Ann. § 35-33-1-1.5). Conversely, New Hampshire law authorizes an officer to take action to remove all firearms owned by the alleged defendant without additional criteria being met beyond probable cause that a person has been abused (N. H. Rev. Stat. Ann. § 173-B:10).

The laws also differ in whether an officer may or shall take a firearm. Connecticut, for example, grants officers the option of seizing any firearm in the possession of any person arrested or that is in plain view (but does not require that they do so) (Conn. Gen. Stat. Ann. § 46b-38b(a)). Conversely, in Nebraska, an officer shall seize all weapons that are alleged to have been involved or threatened to be used (Neb. Rev. Stat. Ann. § 29-440). Criteria mandating removal can also be mixed; Nebraska allows, but does not mandate, officers to remove firearms in plain view that were not involved in the crime of domestic violence (Neb. Rev. Stat. Ann. § 29-440).

Return of firearms is generally granted after a fixed period or as granted by the court. While the listed laws authorizing law enforcement to remove firearms from the scene of domestic violence all are unique from any evidentiary laws, return and removal of firearms is often also dictated by evidentiary needs.

Evidence

To our knowledge, few studies have examined the association of firearm removal at the scene of domestic violence statutes with intimate partner violence outcomes. Those that have tested for it have failed to find a statistically significant association (Vigdor & Mercy, 2006; Zeoli & Webster, 2010). Potential reasons for lack of association include that many of these statutes allow firearms that are not in plain view or used or threatened during the incident to be kept instead of removing all firearms from the premises. Additionally, the duration of time that firearms are kept for varies and some states may not have lengthy enough removal periods to safeguard intimate partners. Finally, the extent to which this law is implemented and firearms are removed from the scenes of domestic violence is not systematically addressed in the research literature, making it unclear whether an effect can be expected.

Extreme risk protection orders

Extreme risk protection order (ERPO) laws, also known as red flag laws, are designed to temporarily prohibit an individual at extreme risk of harming themselves or others from purchasing and possessing a firearm. They operate in practice much like DVPO laws in that they are civil court orders that do not generate criminal records on their own and generally have an ex parte and a final order sequence, although a small number of states have an additional “emergency” order that may be petitioned for by law enforcement at the scene and lasts a few days at most. As of April 2024, 21 states and the District of Columbia have ERPO laws, with most states enacting this statute after 2017. In all places, law enforcement are authorized to petition for ERPOs, and family and household members, including intimate partners, can petition in a majority of states. In a few states, health care providers or others (such as employers) are authorized to petition. In each state, the statute lays out what criteria the court may consider in deciding whether to grant an ERPO, and in some states, these criteria include specific mentions of intimate partner violence–related criteria.

Figure 5 details which states have ERPO laws and Table 5 additionally specifies what groups in the state are authorized to petition for ERPOs. Rather than list all criteria the court may consider in deciding an ERPO case, we specify whether a state includes IPV–related criteria.

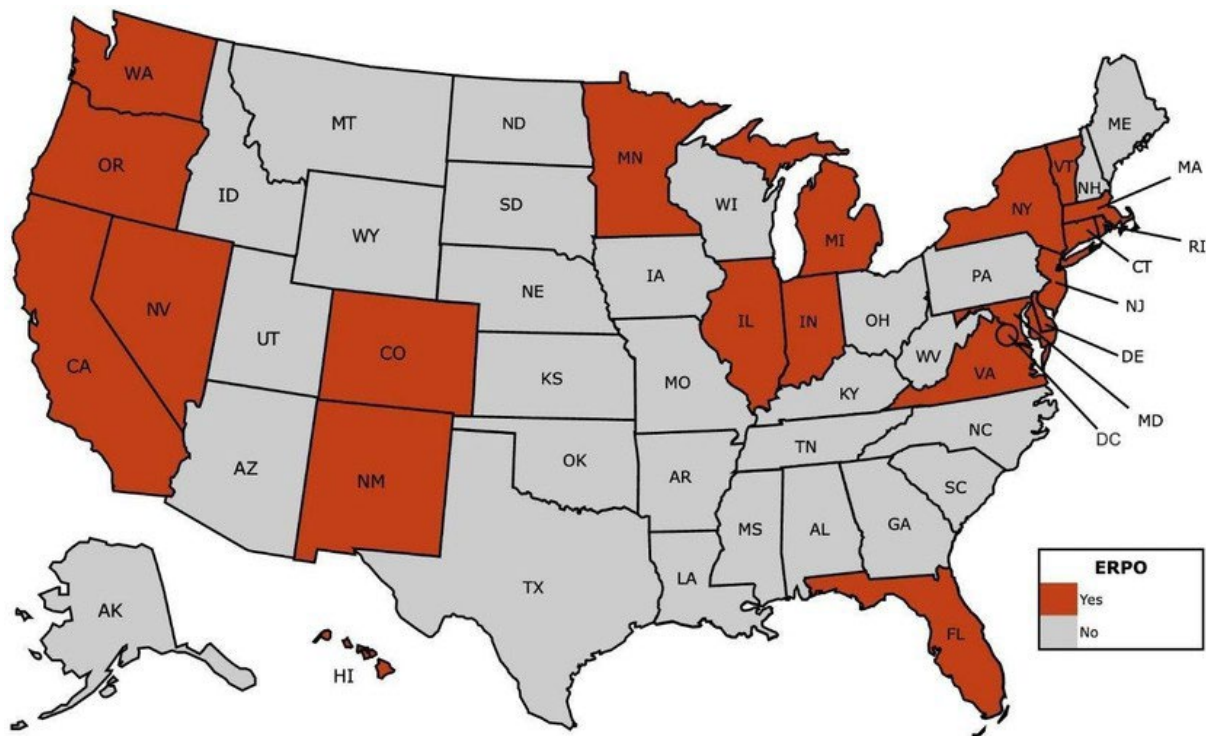


Figure 5. Map of which states have extreme risk protection order (ERPO) laws (created with SmartDraw).

Table 5. ERPO laws, as of April 2024, including who is designated an authorized petitioner and whether the criteria to be used by the court to decide on ERPO cases includes intimate partner violence–related criteria.

State	Extreme Risk Protection Order Law		Authorized Petitioners in ERPOs		ERPO Criteria Relevant to IPV	
	Yes (X)	Citation	Petitioners	Citation	Criteria	Citation
Alabama						
Alaska						
Arizona						
Arkansas						
California	X	Cal. Penal Code §§ 18100—18205	Law enforcement, immediate family members, employers, coworkers, teachers, roommates, people with a child in common or who have a dating relationship	Cal. Penal Code §§ 18100—18205	Must consider whether respondent has violated a DVPO	Cal. Penal Code § 18155
Colorado	X	Colo. Rev. Stat. Ann. §§ 13-14.5-101—13-14.5-114	Law enforcement, district attorneys, family/household members, certain medical professionals, and certain educators	Colo. Rev. Stat. Ann. §§ 13-14.5-101—13-14.5-114	May consider respondent's violation of a DVPO, history of stalking, conviction for a crime that included an underlying factual basis of DV	Colo. Rev. Stat. Ann. § 13-14.5-105
Connecticut	X	Conn. Gen. Stat. Ann. § 29-38c	Law enforcement, family/household members, and certain medical professionals	Conn. Gen. Stat. Ann. § 29-38c	No DV-specific criteria included	Conn. Gen. Stat. Ann. § 29-38c
Delaware	X	Del. Code Ann. tit. 10, §§ 7701—7709	Law enforcement and family members	Del. Code Ann. tit. 10, §§ 7701—7709	No DV-specific criteria included	Del. Code Ann. tit. 10, §§ 7701—7709
District of Columbia	X	D.C. Code Ann. § 7-2510.01 et seq.	Law enforcement, family/household members, mental health professionals	D.C. Code Ann. § 7-2510.01	Shall consider respondent's violation of a court order	D.C. Code Ann. § 7-2510.03
Florida	X	Fla. Stat. Ann. § 790.401	Law enforcement only	Fla. Stat. Ann. § 790.401	May consider violation of a DVPO, conviction/adjudication withheld/no contest plea for DV crime, stalking another person	Fla. Stat. Ann. § 790.401
Georgia						
Hawaii	X	Haw. Rev. Stat. Ann. §§ 134-61—134-72.	Law enforcement, family/household members, medical professionals, educators, and colleagues	Haw. Rev. Stat. Ann. §§ 134-61—134-72	Shall consider violation of protective order	Haw. Rev. Stat. Ann. §§ 134-61—134-72

	Extreme Risk Protection Order Law		Authorized Petitioners in ERPOs		ERPO Criteria Relevant to IPV	
State	Yes (X)	Citation	Petitioners	Citation	Criteria	Citation
Idaho						
Illinois	X	430 Ill. Comp. Stat. Ann. §§ 67/1—67/85	Law enforcement and family members	430 Ill. Comp. Stat. Ann. §§ 67/1—67/85	For plenary orders, the court shall consider violation of a DVPO	430 Ill. Comp. Stat. Ann. 67/40
Indiana	X	Ind. Code Ann. §§ 35-47-14-1—35-47-14-13.	Law enforcement only	Ind. Code Ann. §§ 35-47-14-1—35-47-14-13.	No DV-specific criteria included	Ind. Code Ann. §§ 35-47-14-1—35-47-14-13.
Iowa						
Kansas						
Kentucky						
Louisiana						
Maine						
Maryland	X	Md. Code Ann., Pub. Safety §§ 5-601—5-610	Law enforcement, family members, doctors, and mental health professionals	Md. Code Ann., Pub. Safety §§ 5-601—5-610	No DV-specific criteria included (petitioner shall include violation of protective order in petition)	Md. Code Ann., Pub. Safety §§ 5-601—5-610
Massachusetts	X	Mass. Ann. Laws ch. 140, §§ 121, 131R-Z;	Family/household members, gun licensing authorities, certain law enforcement.	Mass. Ann. Laws ch. 140, §§ 121, 131R-Z;	No DV-specific criteria included	Mass. Ann. Laws ch. 140, §§ 121, 131R-Z;
Michigan	X	Mich. Comp. Laws Serv. § 691.1801 et seq	Law enforcement, family/household members, certain health care providers	Mich. Comp. Laws Serv. §§ 691.1803, 691.1805	Shall consider previous or existing protection orders (including whether respondent violated order); crimes committed against spouse/intimate partner	Mich. Comp. Laws Serv. § 691.1807
Minnesota	X	Minn. Stat. § 624.7171, et. seq.	Law enforcement and family members	Minn. Stat. § 624.7171, et. seq.	Shall consider previous violations of a court order, previous convictions for DV, violent misdemeanor, stalking	Minn. Stat. § 624.7172
Mississippi						
Missouri						
Montana						
Nebraska						

	Extreme Risk Protection Order Law		Authorized Petitioners in ERPOs		ERPO Criteria Relevant to IPV	
State	Yes (X)	Citation	Petitioners	Citation	Criteria	Citation
Nevada	X	Nev. Rev. Stat. Ann. §§ 33.500—33.670.	Law enforcement and family/household members	Nev. Rev. Stat. Ann. §§ 33.500—33.670.	Prior conviction for violation of DVPO constitutes "high risk behavior"	Nev. Rev. Stat. Ann. § 33.550
New Hampshire						N.J. Rev. Stat. § 2C:58-23
New Jersey	X	N.J. Rev. Stat. §§ 2C:58-20—2C:58-32	Law enforcement and family/household members	N.J. Rev. Stat. §§ 2C:58-20—2C:58-32	Shall consider whether respondent is subject to DVPO; shall consider prior arrests, pending charges, or convictions for DV or stalking offense	
New Mexico	X	N.M. Stat. Ann. §§ 40-17-1—40-17-13	Law enforcement only	N.M. Stat. Ann. §§ 40-17-1 — 40-17-13	Shall consider previous violations of any court order; shall consider arrests/convictions for crimes involving DV or stalking	N.M. Stat. Ann. §§ 40-17-7
New York	X	N.Y. Civil Practice & Rules Law §§ 6340—6347	Law enforcement, district attorneys, family/household members, school administrators, certain medical professionals (including licensed physician, psychiatrist, psychologist, RN, social worker, among others)	N.Y. Civil Practice & Rules Law §§ 6340—6347	Shall consider any violation or alleged violation of protection order	N.Y. Civil Practice & Rules Law § 6342
North Carolina						
North Dakota						
Ohio						
Oklahoma						
Oregon	X	Or. Rev. Stat. §§ 166.525—166.543	Law enforcement and family/household members	Or. Rev. Stat. §§ 166.525—166.543	Shall consider previous violation of court order; shall consider previous convictions for a crime of violence, DV, stalking offense	Or. Rev. Stat. § 166.527
Pennsylvania						
Rhode Island	X	8 R.I. Gen. Laws §§ 8-8.3-1—8-8.3-14	Law enforcement only	8 R.I. Gen. Laws §§ 8-8.3-1—8-8.3-14	May consider previous violation of court order; May consider previous arrests/convictions for DV, violent misdemeanor, stalking	8 R.I. Gen. Laws § 8-8.3-5
South Carolina						
South Dakota						
Tennessee						
Texas						
Utah						

	Extreme Risk Protection Order Law		Authorized Petitioners in ERPOs		ERPO Criteria Relevant to IPV	
State	Yes (X)	Citation	Petitioners	Citation	Criteria	Citation
Vermont	X	Vt. Stat. Ann. tit. 13, §§ 4051—4061	States attorneys and the Office of the Attorney General; family/household members	Vt. Stat. Ann. tit. 13, §§ 4051—4061	No DV-specific criteria included	Vt. Stat. Ann. tit. 13, §§ 4051—4061
Virginia	X	Va. Code Ann. §§ 19.2-152.13—19.2-152.17	Law enforcement and Commonwealth Attorneys	Va. Code Ann. §§ 19.2-152.13—19.2-152.17	No DV-specific criteria included	Va. Code Ann. §§ 19.2-152.13—19.2-152.17
Washington	X	Wash. Rev. Code Ann. § 7.105	Law enforcement and family/household members	Wash. Rev. Code Ann. § 7.105	May consider previous violation of protection order, may consider previous conviction of DV, history of stalking	Wash. Rev. Code Ann. § 7.105.215
West Virginia						
Wisconsin						
Wyoming						

Law enforcement officials are authorized petitioners in all 21 states with ERPO laws, and in the District of Columbia (referred to now as “jurisdictions” instead of “states and the District of Columbia”). Most jurisdictions (15 of 22) include criteria related to intimate partner violence, typically in the form of a “shall” or “may” directive indicating whether a judge must or can consider certain factors. These directives primarily involve consideration of past protective order violations by the respondent or convictions for domestic violence offenses. At least eight states also include prior stalking offenses (non-specific to intimate partners) in their ERPO criteria. For example, Oregon law states that the court shall consider previous convictions for offenses constituting domestic violence, previous convictions for stalking offenses, and previous violations by the respondent of a court order, among other factors (Or. Rev. Stat. § 166.527). While Maryland law does not explicitly include criteria related to intimate partner violence in its orders to the court, it does include a directive that a petition “shall include any supporting documents or information regarding any violation by the respondent of a protective order under Title 4, Subtitle 5 of the Family Law Article” (Md. Code Ann., Pub. Safety § 5-602).

Evidence

Much of the research on ERPO laws is not specific to its implications for intimate partner violence, and there are no empirical studies of its association with intimate partner violence outcomes. What is known is that ERPOs are being used in cases in which the respondent to the order has committed intimate partner violence or otherwise threatened an intimate partner. For example, in a study of ERPO casefiles in 6 states, Zeoli and colleagues (2022) found that 15% of all cases with threats to commit a multiple victim/mass shooting included threats to shoot and kill an intimate partner. In a study of ERPO casefiles in King County, Washington, 21% of petitions involved mentions of domestic violence (Frattaroli et al., 2020), while in Marion County, Indiana and in California, it was closer to 30% (Parker, 2015; Pear et al., 2022a).

Overall landscape

Figure 6 illustrates the number of domestic violence–related firearm restrictions that exist in each state among the five types of laws covered in this report. The map should not be interpreted as measuring the “strength” of firearm laws in each state. Additionally, it does not convey the degree to which laws are implemented and enforced. Still, as shown in Figure 4, there is substantial geographic variation in the number of domestic violence–related firearm restrictions that could influence survivors’ ability to receive protection from intimate partner firearm violence. States in the Northeast and along the Pacific have a greater number of firearm restrictions, whereas limited statutory protections from firearm–related IPV exist for those in the South and northern Rocky Mountains region. Given the differences that exist, a victim–survivor petitioning for a DVPO may be more likely to obtain firearm restrictions than a similarly situated petitioner living in a neighboring county within a different state. Therefore, whether a victim–survivor is afforded protections in the form of firearm restrictions can depend on multiple factors, including their relationship to the respondent, the judge who hears their case, circumstances surrounding the domestic abuse or law enforcement’s authorizations when responding to the scene, and as highlighted in Figure 4, their state of residence.

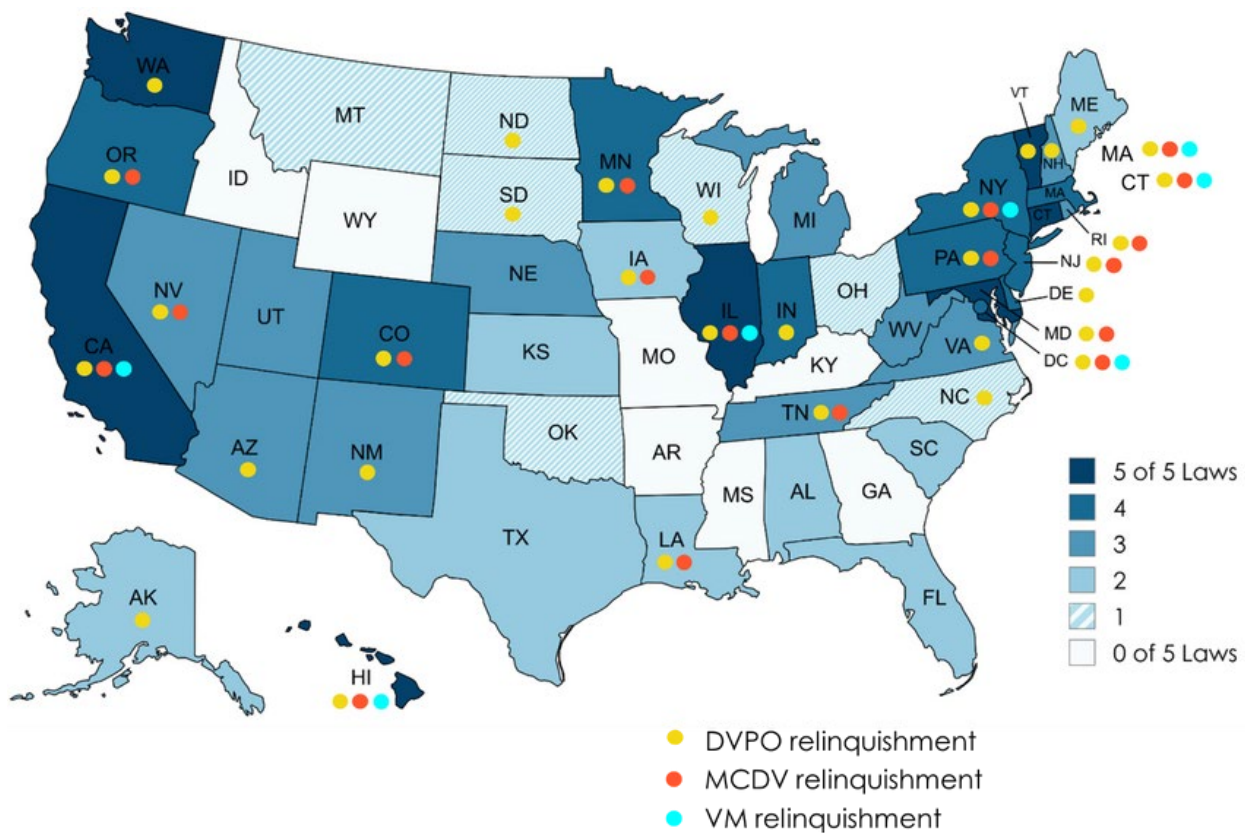


Figure 6. Map illustrating the number of domestic violence–related firearm restrictions in each state and associated relinquishment provisions (created with mapchart.net)



Limitations of this review

This review of domestic violence–related firearm statutes provides a snapshot in time of how these laws stood in April 2024. States frequently amend and pass or repeal statutes, therefore researchers should use the law citations as a starting point to update laws into the future or backdate laws into the past. We did not cover case law, in which important decisions about the use and meaning of these laws may have been made. Additionally, this report does not constitute a systematic or scoping review of research on domestic violence–related firearm statutes and their impacts on intimate partner violence. An area of research not discussed here is research that utilizes a score to represent multiple different relevant statutes and assess the association of that score with intimate partner violence outcomes (see, for example, Gray et al., 2023). We omitted that line of research due to our overall focus on individual statutes. Research on implementation of these statutes was also beyond the scope of this report; however, the importance of implementation and use on whether these laws would plausibly be associated with violence outcomes cannot be overstated.

Summation/Conclusion

It is our hope that this report can be used by researchers, funders, and community organizations to better understand the legal landscape protecting survivors of intimate partner violence and their families from firearm violence. The outcomes of these policies need greater research to understand their effectiveness, but implementation research is also needed. If not implemented properly, the laws cannot work as intended and the potential safety they could bring to survivors will not have the opportunity to be realized. While policies are important and have the potential to affect population–level intimate partner firearm violence, they are one part of a menu of options that survivors of intimate partner violence may need to gain safety. There is no one–size–fits–all approach to safeguarding survivors.

Author Biographies

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April M. Zeoli, PhD, MPH, is an Associate Professor in Health Management & Policy in the School of Public Health and the Director of the Policy Core in the Institute for Firearm Injury Prevention at the University of Michigan. She conducts interdisciplinary research, bringing together the fields of public health, criminology, and criminal justice. She is a leading expert on policy interventions for firearm use in intimate partner violence. Her research focuses on legal firearm restrictions for domestic violence abusers, their impact on intimate partner homicide, and the implementation of those firearm restrictions. Dr. Zeoli is also a leading expert on the use and implementation of extreme risk protection orders. She is an Associate Editor for the scholarly journal *Homicide Studies*, is on the editorial boards of *Injury Epidemiology*, *Injury Prevention*, and *Criminology & Public Policy*, and serves as the research expert for the National Domestic Violence and Firearms Resource Center.

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Stephen N. Oliphant, PhD, MPP is a postdoctoral research fellow at the University of Michigan Institute for Firearm Injury Prevention. Prior to joining the Institute, he earned a master's in public policy and certificate in injury science from the University of Michigan and received his doctorate from the School of Criminal Justice at Michigan State University. His research is focused on understanding the impacts of firearm laws and social policies on self-harm and interpersonal firearm injury. The overarching goal of his work is to inform firearm injury prevention strategies and policy solutions that are equitable and effective.

Stephen Blanton

Stephen Blanton is a second-year J.D. candidate at the University of Michigan Law School. He graduated with a Bachelor of Business Administration from the Ross School of Business at the University of Michigan in 2023. During his undergraduate education, he was a Research Assistant at the UM Law School. As a graduate student, Stephen has served as guardian ad litem for the first-year Child Advocacy Clinic, and worked for the UM Civil-Criminal Litigation Clinic as a student attorney. After his graduation in 2026, Stephen plans to continue to advocate for public policy changes through pro bono work in New York City.

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Roman Kalaczinski is a junior majoring in Public Health Sciences at the University of Michigan School of Public Health. In 2024, he was an intern at the Institute for Firearm Injury Prevention. He is interested in pursuing a career as a physician, and his academic interests include public health, health policy, medicine, and art.

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