

**U.S. Supreme Court to Determine Access to Firearms for Domestic Abuse Offenders
– Statement from Iowa Crime Victim Advocacy and Service Provider Agencies**

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Today, the U.S. Supreme Court heard oral arguments in *U.S. v. Rahimi*, a case challenging the constitutionality of a federal law [[18 U.S.C.922\(g\)\(8\)](#)] prohibiting individuals subject to qualifying domestic abuse civil protection orders from possessing firearms. This law was enacted in 1994 as part of the Violence Against Women Act (VAWA) to reduce gun violence by abusive partners who are found by a court to be dangerous but have not been convicted of a domestic abuse crime. It remains a critical acknowledgement that abuse survivors need multiple and timely options for safety and marks a decades old recognition of the increased risk of harm when guns are involved.

For 30 years federal courts routinely upheld [USC 922\(g\)8](#) against Second Amendment challenges. However, a 2022 U.S. Supreme Court decision in [New York State Rifle & Pistol Association Inc. v. Bruen](#) challenging an unrelated state law altered the framework for judicial review of Second Amendment challenges and created confusion in some lower courts. In February 2023, the 5th Circuit Court of Appeals erroneously applied the new framework to USC 922(g)8 and deemed the law [unconstitutional](#). Now the U.S. Supreme Court will decide.

This case is about so much more than either domestic violence or guns. The exponential risk of injury and death from domestic abusers with guns extends well beyond individuals. The destruction of lives that occurs at the intersection of these two dangerously prevalent public health problems threatens us all. This case is about ensuring the U.S. Constitution continues to allow policymakers to address crisis levels of violence eroding our collective freedom to live safely in our homes and communities. Not only must the U.S. Supreme Court reverse the 5th Circuit Court decision, but they must provide clarity and certainty in confirming the Constitution does not render elected officials powerless to protect people from violence.

The decision by the U.S. Supreme Court is poised to have far-reaching effects on a range of laws that prevent individuals under civil orders from possessing firearms. Notably, it will likely influence regulations like background checks, which, since 1998, have prevented over [77,000 weapon purchases](#) across the nation by individuals under domestic abuse protection orders. Furthermore, this decision could potentially have repercussions for numerous other gun safety laws, including [Iowa law](#), which has paralleled federal regulations regarding gun possession concerning domestic abuse since 2010.

Staggering statistics confirm domestic abusers with guns create an extraordinary public safety threat to victims, families, law enforcement, and communities. One in two [women](#) in the United States experience intimate partner violence in their lifetime. Although the number of women and children threatened and terrorized by guns greatly exceeds the number of domestic abuse homicides, the presence of guns make it [five times](#) more likely a female partner will be murdered.

Guns kill [55% of women](#) murdered by an intimate partner, including 75% of [Black female](#) homicide victims in 2020, and cause nearly two-thirds of related [child fatalities](#). Responding to domestic abuse routinely accounts for the highest number of service-related [fatalities for police](#) officers. In fact, firearms were involved in 95% of [officer deaths](#) between 1996 and 2010.

And tragically, the domestic abuse connection to mass shootings is now well-documented. More than two-thirds (68%) of [mass shootings](#) are related to domestic-violence incidents or perpetrated by shooters with a history of domestic violence.

Civil protection orders cannot guarantee safety for victims – no law can. However, limiting gun restrictions only to individuals criminally convicted would leave most victims with no legal protection from gun violence. Civil protection orders restricting domestic abusers from having guns offer an effective alternative that provides courts and individuals with a more flexible, time-limited mechanism for legal protection from urgent threats to safety and further violence. Every state has some type of civil protection order, but not every protection order qualifies for the firearms restrictions at issue in this case. Qualifying protection orders must prohibit the individual from harassing, stalking, or threatening an intimate partner or child; the person must have received notice of, and opportunity to participate in, a court hearing; and must include a finding that the person represents a threat or is expressly prohibited from threatening to use physical force against the partner or child.

Many abusive individuals subject to civil [protection orders](#) have criminal histories, e.g., one study found half had prior criminal charges of domestic violence against either their current partner or former partner. Women often pursue civil protection orders after enduring particularly severe physical or sexual violence and after accessing other services. In one study, 61% of women requesting a civil protection order said they experienced potentially lethal violence, forcible rape, or suffered major injuries. Another study showed that in the six months prior to obtaining the civil protection order, 81% had called police and 37% had utilized victim services for support.

Notably, civil protection orders offer many victims substantial benefits over gun restrictions tied to criminal convictions. Civil orders allow victims to decide when and how to pursue legal protection compared to criminal proceedings, which typically take longer to initiate and leave victims without legal protection from often urgent threats. Criminal proceedings are lengthy, and security depends on decisions made by prosecutors and judges about whether or how a person who harms will be held accountable. And, because victims have more control over the civil process, they can drop a protection order if that meets their safety needs better. Most abusive partners are not convicted for abusive behavior and most women who experience abuse do not pursue criminal prosecution for a variety of good reasons. For many, like Rahimi's ex-girlfriend, calling the police or seeking criminal prosecution increases their risk of violence or delays their ability to recover by avoiding contact with an abusive partner. Many victims want legal protection but do not want to undermine their economic security or sever a parent-child relationship by prolonged criminal prosecution, jail, incarceration, or deportation.

Different state laws lead to different levels of effectiveness, but [researchers](#) have found that domestic violence protection order firearm restrictions are associated with decreases in intimate partner homicide. They are also associated with decreases in total intimate partner homicides committed with any weapon, which debunks the erroneous claim that gun restrictions do not matter because a person who harms will use other methods to commit violence. The research is clear – removing guns from abusive partners saves lives.

The case of *U.S. v. Rahimi* itself reflects a common reality. After Zackey Rahimi – a resident of Arlington, Tx – physically assaulted and threatened to shoot his girlfriend if she told police, she pursued a protection order.

At a court hearing, the judge determined Mr. Rahimi posed an ongoing safety threat, and in addition to ordering him to stay away from his ex-girlfriend and child, the order prohibited Mr. Rahimi from possessing firearms. For months, Mr. Rahimi terrorized his community – shooting at the driver of a car he crashed into, intimidating strangers by firing off gun shots into the air when he did not get his way, shooting at a constable, and firing an AR-15 into the home of a man he sold drugs to. However, it was Mr. Rahimi’s violation of the civil protection order that enabled his arrest and helped prevent him from continuing to threaten public safety. He was convicted of possessing firearms in violation of the protection order and failed in his first attempt to appeal his conviction before the 5th Circuit Court of Appeals. He tried again after *New York State Rifle & Pistol Association Inc. v. Bruen*, and this time, the 5th Circuit Court of Appeals reversed his conviction claiming that without a criminal conviction for domestic abuse, the civil protection order could no longer legally prohibit his guns rights.

In a civil society, we routinely balance individual rights with public interest. Confronted with overwhelming evidence confirming our nation’s exceptional gun violence problem threatens public safety, the U.S. Constitution should not be used to undermine laws protecting the security interests of its people. The U.S. Supreme Court must overturn the 5th Circuit Court’s dangerous decision to put an abuser’s access to guns over survivor safety.

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