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Judge Closes Gun License Loophole; in Domestic Violence Cases, Permits Must be Turned Over with Weapons

By Megan O'Matz, Staff Writer

People accused of domestic violence must surrender their concealed weapon licenses along with their guns and ammunition under new procedures implemented by the courts in Miami-Dade County.

Earlier this month, Amy Karan, administrative judge for the county's Domestic Violence Division, ordered that firearm forms for restraining orders and misdemeanor acts of domestic abuse be revised to specifically require that people give up their licenses to carry guns.

The judge said she took the step after reading a South Florida Sun-Sentinel investigation of Florida's concealed weapon system. The newspaper found, among other problems, that 128 people statewide had valid licenses to carry guns despite permanent domestic violence injunctions. Licenses are supposed to be suspended whenever an injunction is in place but mistakes are made and some cases overlooked, the Sun-Sentinel reported.

"It didn't sound like it was being done 100 percent of the time," Karan said.

The newspaper also found that 214 people had their licenses suspended more than once because of restraining orders. The paper profiled one individual who had his gun license suspended and reinstated five times after domestic violence injunctions were imposed and lifted. Others were awarded gun licenses despite having domestic violence injunctions in their past.

Though she thought that it was understood that gun licenses should be surrendered along with firearms and ammunition in domestic violence cases, Karan said she realized that the court's instructions needed to be clarified.

"I wanted to make sure my orders covered it explicitly," the judge said.

The change will apply only to cases in Miami-Dade County's Domestic Violence Division. The division handles restraining orders and misdemeanor criminal cases of domestic violence.

But Karan, who is recognized nationally for her work in ensuring that firearms are surrendered in domestic violence cases, said: "I'm hoping other counties will follow suit."

Under the revised procedures, people who are subjected to domestic violence restraining orders will have to surrender their gun licenses immediately to the nearest police department. The change will also apply to orders governing pre-trial release, probation and instances in which criminal defendants are required to “stay away” from victims.

“I’m just covering all the bases,” Karan said. “I’m making sure every form in every corner of the division has this language concerning concealed weapon permits.”

Those who do not show proof of having surrendered the license can be held in contempt and jailed until they comply, the judge said.

To recover the license when a restraining order is lifted, individuals will have to reapply to the state Division of Licensing in the Department of Agriculture and Consumer Services.

“It will not be reinstated automatically,” Karan said.

The change was welcomed by the Regional Community Collaboration on Violence, a South Florida advocacy group that brought the issue to the courts. “We’re delighted,” said Jeffrey C. Gorley, the group’s vice chairman and CEO. “This is the first step in the right direction.”

The group, which consists of public officials and activists, has been working with Miami-Dade police, prosecutors and judges to close loopholes in the state’s gun licensing law.

The Sun-Sentinel found earlier this year that 1,400 people had valid concealed weapon licenses despite having pleaded guilty or no contest to felonies, including assaults, burglaries, sexual battery, drug possession, child molestation – even manslaughter. The individuals had convictions “withheld” and so qualified under the law for the licenses.

In Miami-Dade, judges enter about 3,300 “permanent” domestic violence restraining orders a year. They are in effect until specifically lifted by a judge or expire at a date set by the court. About 1,500 people a year are convicted of misdemeanors by the Domestic Violence Division.

“Most domestic violence homicides are committed with a handgun,” Karan said.

Under Florida law, people with concealed weapon licenses do not have to wait at least three days before taking home a newly purchased handgun.

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For a closer look at the Sun-Sentinel’s special investigation into concealed weapon permits go to Sun-Sentinel.com/guns.

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