

**THE DOMESTIC VIOLENCE GUN BAN
TEN YEARS LATER:
*LIVES SAVED, ABUSERS DENIED***



**A REPORT BY THE OFFICE OF
SENATOR FRANK R. LAUTENBERG**



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In September 1996, President Clinton signed the Domestic Violence Gun Ban, authored by Senator Frank R. Lautenberg (D-NJ), into law. The law prohibits any person convicted of domestic violence from purchasing a firearm. Lautenberg, who fought off the NRA, pro-gun Members of Congress and the Republican leadership of the House and Senate to pass this law, said at the time:

Mr. President, over the years there will be thousands of women like this, each one with a family of loved ones, each one with their own dreams. And there will be children. And they will all live, Mr. President. They will all live because of what we do here this day.

Mr. President, you and I will never know the women and children whose lives we are about to save. They will never have a chance to thank us. They will never know that their lives were spared.

But for the rest of our lives, you and I and other Senators, we will have the privilege of knowing that we have lived up to the very highest of our own ideals. We have done nothing less than reach forward into time, put our hands around tragedy and death and remolded it back into life itself.

He was proven correct. Statistics collected by the Department of Justice and analyzed by the Congressional Research Service reveals that by the end of 2006, the Lautenberg Amendment will have blocked **over 150,000** attempted gun purchases by people convicted of domestic violence crimes.

| Time Frame | Number of Denied Gun Transactions Based on Lautenberg Domestic Violence Law |
|------------------------------|--|
| 1997 | 6,279 |
| 1998 (except Dec.) | 6,930 |
| December 1998 (estimate) | 2,000 |
| 1999-2004 | 105,346 |
| 2005 (estimate) | 15,000 |
| 2006 (projected) | 15,000 |
| | |
| Total Since Enactment | 150,555 |

Notes:

- 1997-2004 data from the U.S. Department of Justice, Bureau of Justice Statistics, except December 1998, which is based on an estimate by the Congressional Research Service.
- 2005 and 2006 projections based on analysis by the Congressional Research Service.

HISTORY OF THE DOMESTIC VIOLENCE GUN BAN

Senator Lautenberg introduced the domestic violence gun ban in the U.S. Senate on March 21, 1996. Shortly thereafter, Lautenberg was able to insert the language into an “Anti-Stalking” bill that was moving through Congress. However, the House of Representatives, under pressure from the NRA, failed to act on the Anti-Stalking bill, and it never passed as an independent measure. Republicans later added the Anti-Stalking bill – *sans the Lautenberg Amendment* – to another piece of legislation.

Following that setback, Senator Lautenberg forced a vote on the measure as an amendment to an annual spending bill. Senator Lautenberg prevailed by a Senate vote of 97 to 2. In September 1996, the NRA was working with Republican leaders to find a way to remove the Lautenberg provisions from the final spending bill that would be sent to President Clinton.

Republican opponents of the Lautenberg legislation proposed to gut the legislation, primarily by inserting three major loopholes. First, they proposed to exclude child abusers from the ban, by limiting its application only to crimes against “intimate partners.” Second, opponents proposed to limit the ban only to offenders who had been notified of the ban when they originally were charged. The third major loophole proposed by opponents was to limit the ban only to offenders who had been entitled to a jury trial. This would have rendered the ban close to meaningless, as the vast majority of domestic violence cases are heard before a judge, in a bench trial.

Lautenberg, with the help of President Clinton, was able to defeat these loopholes. Thus, in late September 1996, Congress passed the Domestic Violence Gun Ban, which applied to all wife beaters and child abusers, regardless of whether they were convicted in a trial heard by a judge or a jury.

THE REQUIREMENTS OF THE LAUTENBERG LAW

The Domestic Violence Gun Ban passed Congress in September 1996 as part of the “Omnibus Consolidated Appropriations Act of 1997.” This new law amended the criminal provisions of The Gun Control Act of 1968, adding a new category that can disqualify someone from gun possession.

The “Lautenberg Amendment” added the provision that makes it unlawful for “any person...who has been convicted of a misdemeanor crime of domestic violence” to ship, transport, possess, or receive firearms or ammunition in or affecting commerce. As a consequence, the Lautenberg Amendment prohibits the knowing sale or other disposition of any firearm or ammunition to any person convicted of domestic violence.

As noted above, by the end of this year, the Lautenberg amendment will have resulted in over 150,000 denials of attempted gun purchases.