

MEMORANDUM OF SUPPORT

MANDATE SEIZURE OF FIREARMS DURING DV CALLS AND EXTEND HOLDING TIME

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The New York State Coalition Against Domestic Violence (NYSCADV) urges the New York State Legislature to pass legislation requiring law enforcement to take temporary custody of firearms when responding to family violence offenses.

In 2021 there were 60 intimate partner homicides reported in New York. A firearm was used in 45% of these homicides outside of New York City and 24% within the City.¹ The mere presence of a gun in a home where there is domestic violence increases the risk of homicide by 500%.² Addressing the inherent risk presented by the physical presence of firearms significantly reduces risk.

Currently, in New York State, police officers responding to domestic violence incidents may remove firearms that are situated in plain sight or discovered during a lawful search. Any firearm seized then remains in the custody of law enforcement for 48 hours. Although a good start, this simply is not enough protection for victims of domestic violence. Requiring seizure of firearms by police officers responding to these calls and extending the time seized guns remain in the custody of police, and out of the hands of offenders, is critical to giving domestic violence victims, and the courts, time to determine next steps without the increased risk presented by a firearm.

This bill amends Criminal Procedure Law, requiring police officers to take temporary custody of firearms when responding to reports of family violence. Furthermore, this bill extends the time law enforcement must hold seized firearm(s) to 120 hours. One of the most dangerous times for victims of domestic violence is immediately following police involvement. This measure further reduces risk by removing the threat of a firearm being reintroduced into a volatile situation.

NYSCADV urges the Legislature to provide domestic violence victims with this additional protection to enhance their safety.

ABOUT NYSCADV:

Established in 1978, NYSCADV is designated by the U.S. Department of Health and Human Services as the information clearinghouse, primary point of contact, and resource center on domestic violence for the State of New York. NYSCADV is responsible for supporting the development of policies, protocol, and procedures to enhance domestic violence intervention and prevention and also provides education and technical assistance to the network of primary-purpose domestic violence service providers statewide.

For more information, contact: Joan Gerhardt, Director of Public Policy and Advocacy, 518.482.5465

Revised: June 6, 2023

1. Division of Criminal Justice Services. (2021 December). *Domestic Homicide in New York State 2020*. <https://www.criminaljustice.ny.gov/crimnet/ojsa/FINAL2020-Domestic-Homicide-Report12-21.pdf>
2. Campbell, et.al. 2003. "Risk Factors for Femicide in Abusive Relationships: Results from a Multisite Case Control Study." *American Journal of Public Health* July: 93(7).