

**Health Impact Review of HB 1562**  
**Reducing the risks of lethality and other harm associated with gun violence, gender-based violence, and other types of violence**  
**(2023 Legislative Session)**

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**Full review**

The full Health Impact Review report is available at:

<https://sboh.wa.gov/sites/default/files/2023-01/HIR-2023-02-HB1562.pdf>

**Acknowledgements**

We would like to thank the key informants who provided consultation and technical support during this Health Impact Review.

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**Executive Summary**  
**HB 1562, Reducing the risks of lethality and other harm associated with gun violence, gender-based violence, and other types of violence**  
**(2023 Legislative Session)**

**Evidence indicates that HB 1562 would likely decrease access to firearms for some people who have certain criminal convictions and civil violations, which would likely decrease future risk of firearm abuse, injury, and death by homicide and suicide and decrease health inequities for victims and survivors of firearm-related harm.**

**BILL INFORMATION**

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**Sponsors:** Thai, Lekanoff, Taylor, Berry, Ryu, Reed, Kloba, Entenman, Walen, Doglio, Davis, Wylie, Ramel, Ormsby, Pollet, Duerr

**Summary of relevant provisions of the bill**

Modifies laws related to unlawful possession of a firearm and restoration of right to possess a firearm ([RCW 9.41.040](#)):

- Modifies the definition of “serious offense” to include any felony charge related to driving ([RCW 46.61.502](#)) or being in actual physical control of a vehicle ([RCW 46.61.504](#)) while under the influence of intoxicating liquor, cannabis, or any drug.
- Extends unlawful possession of a firearm in the first degree by making it a Class B felony for a person to own; access; have in their custody, control, or possession; receive, purchase, or attempt to receive or purchase any firearm after being convicted or found not guilty by reason of insanity of any felony charge related to driving ([RCW 46.61.502](#)) or being in actual physical control of a vehicle ([RCW 46.61.504](#)) while under the influence of intoxicating liquor, cannabis, or any drug.
- Extends unlawful possession of a firearm in the second degree by making it a Class C felony for a person to own; access; have in their custody, control, or possession; receive, purchase, or attempt to receive or purchase any firearm after being convicted or found not guilty by reason of insanity of certain criminal convictions and civil violations committed on or after the effective date.
- Extends the time before a person may petition a court to have their right to possess a firearm restored to 10 years if they are convicted or found not guilty by reason of insanity of certain criminal convictions and civil violations.
- Specifies additional requirements a person must meet to petition a court to have their right to possess a firearm restored.
- Establishes a process for petitioning to have the right to possess a firearm restored.

**HEALTH IMPACT REVIEW**

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**Summary of Findings:**

This Health Impact Review found the following evidence for relevant provisions in HB 1562:

- **Informed assumption** that extending unlawful possession of a firearm to certain criminal convictions and civil violations may decrease access to firearms for some people who have

these criminal convictions and civil violations. This assumption is based on current statute, information from key informants, and evidence from the scientific literature.

- **Informed assumption** that extending the time before a person may petition a court to have their right to possess a firearm restored to 10 years for certain criminal convictions and civil violations may decrease access to firearms for some people who have these criminal convictions and civil violations. This assumption is based on current statute and information from key informants.
- **Strong evidence** that decreasing access to firearms for some people who have certain criminal convictions and civil violations would likely decrease future risk of firearm abuse, injury, and death by homicide and suicide.
- **Strong evidence** that decreasing risk of firearm abuse, injury, and death by homicide and suicide would likely decrease health inequities for victims and survivors of firearm-related harm.
- “Other Considerations” includes potential impacts of criminal legal system involvement for people who have certain criminal convictions and civil violations and are convicted of a felony under RCW 9.41.040.

## Introduction and Methods

A Health Impact Review is an analysis of how a proposed legislative or budgetary change will likely impact health and health disparities in Washington State ([RCW 43.20.285](#)). For the purpose of this review ‘health disparities’ have been defined as differences in disease, death, and other adverse health conditions that exist between populations ([RCW 43.20.270](#)). Differences in health conditions are not intrinsic to a population; rather, inequities are related to social determinants (access to healthcare, economic stability, racism, etc.). This document provides summaries of the evidence analyzed by State Board of Health staff during the Health Impact Review of [HB 1562](#).

Staff analyzed the content of HB 1562 and created a logic model depicting possible pathways leading from the provisions of the bill to health outcomes. We consulted with experts and contacted key informants about the provisions and potential impacts of the bill. We conducted an objective review of published literature for each pathway using databases including PubMed, Google Scholar, and University of Washington Libraries. We evaluated evidence using set criteria and determined a strength-of-evidence for each step in the pathway. More information about key informants and detailed methods are available upon request.

The following pages provide a detailed analysis of the bill, including the logic model, summaries of evidence, and annotated references. The logic model is presented both in text and through a flowchart (Figures 1). The logic model includes information on the strength-of-evidence for each pathway. The strength-of-evidence has been established using set criteria and summarized as:

- **Very strong evidence:** There is a very large body of robust, published evidence and some qualitative primary research with all or almost all evidence supporting the association. There is consensus between all data sources and types, indicating that the premise is well accepted by the scientific community.
- **Strong evidence:** There is a large body of published evidence and some qualitative primary research with the majority of evidence supporting the association, though some sources may have less robust study design or execution. There is consensus between data sources and types.
- **A fair amount of evidence:** There is some published evidence and some qualitative primary research with the majority of evidence supporting the association. The body of evidence may include sources with less robust design and execution and there may be some level of disagreement between data sources and types.
- **Expert opinion:** There is limited or no published evidence; however, rigorous qualitative primary research is available supporting the association, with an attempt to include viewpoints from multiple types of informants. There is consensus among the majority of informants.
- **Informed assumption:** There is limited or no published evidence; however, some qualitative primary research is available. Rigorous qualitative primary research was not possible due to time or other constraints. There is consensus among the majority of informants.

- **No association:** There is some published evidence and some qualitative primary research with the majority of evidence supporting no association or no relationship. The body of evidence may include sources with less robust design and execution and there may be some level of disagreement between data sources and types.
- **Not well researched:** There is limited or no published evidence and limited or no qualitative primary research and the body of evidence was primarily descriptive in nature and unable to assess association or has inconsistent or mixed findings, with some supporting the association, some disagreeing, and some finding no connection. There is a lack of consensus between data sources and types.
- **Unclear:** There is a lack of consensus between data sources and types, and the directionality of the association is ambiguous due to potential unintended consequences or other variables.

This review was completed during the Legislative Session and was subject to the 10-day turnaround required in statute. This review was subject to time constraints, which influenced the scope of work for this review. The annotated references are only a representation of the evidence and provide examples of current research. In some cases, only a few review articles or meta-analyses are referenced. One article may cite or provide analysis of dozens of other articles. Therefore, the number of references included in the bibliography does not necessarily reflect the strength-of-evidence. In addition, some articles provide evidence for more than one research question, so are referenced multiple times.

## Analysis of HB 1562 and the Scientific Evidence

### Summary of relevant background information

- Washington State law defines a firearm as “a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder” ([RCW 9.41.010](#)).<sup>1</sup>
- In Washington State, a person may be found guilty of unlawful possession of a firearm ([RCW 9.41.040](#)).<sup>2</sup>
  - It is a Class B felony if a person owns, has in their possession, or has in their control a firearm after being convicted or found not guilty by reason of insanity of a specified serious offense (e.g., any crime of violence, promoting prostitution, rape, drive-by shooting, any felony with a deadly weapon verdict).<sup>2</sup>
    - Sentencing for a Class B felony includes incarceration for a term of 10 years, or a fine in the amount of \$20,000, or both ([RCW 9A.20.021](#)).<sup>3</sup>
  - It is a Class C felony if a person owns, has in their possession, or has in their control a firearm after being convicted or found not guilty by reason of insanity of any other felony, a domestic violence (DV)-related crime, DV-related harassment, or violation of provisions of a DV protection order; while under a specified court order; after having been involuntarily committed based on a mental disorder; after dismissal of criminal charges based on incompetency to stand trial; if they are under 18 years of age; or if they are free on bond or personal recognizance pending trial, appeal, or sentencing for a serious offense.<sup>2</sup>
    - [RCW 10.99.020](#) states that DV includes crimes committed “either by (a) one family or household member against another family or household member, or (b) one intimate partner against another intimate partner.”<sup>4</sup> A family or household member includes adults related by blood or marriage, adults presently residing together or who have resided together in the past, and people with a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.<sup>4</sup> An intimate partner includes former or current spouses or domestic partners, people who have a child in common, people who have formerly or are currently residing together and who have or have had a dating relationship.<sup>4</sup> DV-related crimes include, but are not limited to: assault; drive-by shooting; reckless endangerment; coercion; burglary; criminal trespassing; malicious mischief; kidnapping; unlawful imprisonment; violation of provisions of a restraining, no-contact, or protection order; rape; stalking; and interference with the reporting of DV.<sup>4</sup>
    - Sentencing for a Class C felony includes incarceration for a term of 5 years, or a fine in the amount of \$10,000, or both ([RCW 9A.20.021](#)).<sup>3</sup>
  - A person who has been prohibited from possessing a firearm may petition a court of record (i.e., the court that ordered the prohibition on possession of a firearm) or the Superior Court in the county they reside to have their right to possess a firearm restored under certain circumstances.<sup>2</sup> A person may petition a court after 5 or more consecutive years in community for felony offenses or 3 or more

consecutive years in community for non-felony offenses. A person may only petition if they are “[not] convicted or found not guilty by reason of insanity or currently charged with any felony, gross misdemeanor, or misdemeanor crimes, if [they have] no prior felony convictions that prohibit the possession of a firearm...and if [they have] completed all conditions of the sentence.”<sup>2</sup>

- Under [RCW 9.41.800](#), a person who has used, displayed, or threatened use of a firearm or other dangerous weapon in a felony or a person who is ineligible to possess a firearm under RCW 9.41.040 is required to immediately surrender all firearms, dangerous weapons, and concealed pistol licenses.<sup>5</sup>
- In January 2016, the Governor of the State of Washington signed an executive order related to firearm fatality prevention.<sup>6</sup> The executive order outlined the following state-level goals: “[r]educing and preventing [firearm]-related violence, crime, fatalities and injuries, and implementing the Statewide Suicide Prevention Plan”.<sup>6</sup>
- In December 2016, Washington State introduced an extreme risk protection order (ERPO) law under [Chapter 7.105 RCW](#) (civil protection orders),<sup>7</sup> which creates a mechanism through civil court where a petitioner can request firearm access restrictions for someone who poses a risk to themselves or others (known as “respondents”).<sup>8</sup> ERPOs “typically make it illegal for the respondent to purchase, possess, access, receive, or have in their custody or control a firearm; these individuals would fail the background check if they attempted to purchase a firearm in their state for the duration of the order”.<sup>8</sup> Washington State’s ERPO law creates a 1-year firearm prohibition for the respondent.<sup>8</sup> An immediate family member, household member, or law enforcement officer can petition for an ERPO.<sup>8</sup>
  - Under [RCW 7.105.050](#), Superior and district courts are given jurisdiction over DV and stalking protection order proceedings. DV protection orders are often referred to as DV restraining orders (DVROs).<sup>9-11</sup>
- *State v. Dennis* (2018) concerned the interpretation of the requirements to have the right to possess a firearm restored (RCW 9.41.040). The court ruled that a person can petition for restoration of firearm rights after any conviction-free 5-year period elapses, and that the 5-year period does not need to be 5 consecutive years immediately preceding the filing of the petition.<sup>12</sup>
- The federal Gun Control Act of 1968 and subsequent amendments prohibit a person convicted of a felony and a person subject to a DVRO from possessing a firearm.<sup>13</sup> Under this legislation, a person is prohibited from knowingly transferring a firearm to a person who is subject to a DVRO and a person who is subject to a DVRO is prohibited from the receipt or possession of a firearm or ammunition.<sup>13</sup>
  - In 1996, the Gun Control Act was amended to prohibit the possession of a firearm by a person convicted of a DV misdemeanor, defined as any state or federal misdemeanor involving or attempting the use of physical force or threatening the use of a deadly weapon against an intimate partner.<sup>13</sup> A key informant with expertise in the legal system stated that, while federal law prohibits possession, it does not require a person to surrender their weapons or licenses (personal communication, January 2023).



- In 1994, U.S. Congress passed the Violence Against Women Act (VAWA), which recognized DV as a crime and made interstate DV and violation of protection orders criminal offenses under federal law ([Public Law 103-322, 108 Statute 1926-1927](#)).<sup>14</sup> Specifically, VAWA makes it a federal crime to: 1) travel across a state line or enter or leave Indian Country with the intent to injure, harass, or intimidate a spouse or intimate partner and intentionally commit a crime of violence causing bodily injury; 2) cause an intimate partner to cross a state line or enter or leave Indian Country by force, coercion, duress, or fraud and intentionally commit a crime of violence causing bodily injury; 3) travel across a state line or enter or leave Indian Country with the intent of violating a protection order; and 4) cause an intimate partner to cross a state line or enter or leave Indian Country by force, coercion, duress, or fraud and intentionally commit an act that injures an intimate partner in violation of a valid protection order.<sup>14</sup>
- In 1995, the National Rifle Association (NRA) lobbied U.S. Congress to eliminate the Centers for Disease Control and Prevention’s (CDC) National Center for Injury Prevention and Control.<sup>15</sup>
- In 1996, U.S. Congress passed the Dickey Amendment, an appropriations bill that stated, “none of the funds made available for injury prevention and control at the [CDC] may be used to advocate or promote [firearm] control”, which halted CDC-funded firearm research.<sup>15</sup>
  - In 2018, U.S. Congress clarified the bill language and CDC-funded firearm violence research began again in 2020.<sup>15</sup>
- On June 25, 2022, the U.S. President signed [S.2938](#), known as the “Bipartisan Safer Communities Act,” which revised the process for conducting background checks for people under 21 years of age who want to purchase a firearm, added people who have a DV-related conviction to the National Instant Criminal Background Check System, incentivized states to implement ERPOs, and expanded access to mental health services.<sup>11</sup>

### **Summary of relevant provisions of HB 1562**

Modifies laws related to unlawful possession of a firearm and restoration of right to possess a firearm (RCW 9.41.040):

- Modifies the definition of “serious offense” to include any felony charge related to driving ([RCW 46.61.502](#)) or being in actual physical control of a vehicle ([RCW 46.61.504](#)) while under the influence of intoxicating liquor, cannabis, or any drug.
- Extends unlawful possession of a firearm in the first degree by making it a Class B felony for a person to own; access; have in their custody, control, or possession; receive, purchase, or attempt to receive or purchase any firearm after being convicted or found not guilty by reason of insanity of any felony charge related to driving (RCW 46.61.502) or being in actual physical control of a vehicle (RCW 46.61.504) while under the influence of intoxicating liquor, cannabis, or any drug.
- Extends unlawful possession of a firearm in the second degree by making it a Class C felony for a person to own; access; have in their custody, control, or possession; receive, purchase, or attempt to receive or purchase any firearm after being convicted or found not

guilty by reason of insanity of certain criminal convictions and civil violations committed on or after the effective date, including:

- Criminal convictions: Misdemeanor or gross misdemeanor for DV-related crimes, coercion, stalking, cyberstalking, cyber harassment (excluding cyber harassment committed pursuant to [RCW 9A.90.120\[1\]\[a\]\[i\]](#)), reckless endangerment, harassment, aiming or discharging a firearm ([RCW 9.41.230](#)), unlawful carrying or handling of a firearm ([RCW 9.41.270](#)), animal cruelty in the second degree ([RCW 16.52.207\[1\]](#)), or any prior DUI-related offense committed within 7 years of conviction for a prior offense ([RCW 46.61.5055](#)).
  - Civil violations: Violation of provisions of an order to surrender and prohibit weapons, or the provisions of a protection order or no-contact order restraining or excluding a person from a residence.
  - Duration of time that a person is subject to a protection order, no-contact order, or restraining order by a court for a protected person, child, or other persons identified in the order issued under Chapters [7.105 RCW](#) (civil protection orders), [9A.40 RCW](#) (kidnapping, unlawful imprisonment, custodial interference, luring, trafficking, coercion of involuntary servitude), [9A.44 RCW](#) (sex offenses), [9A.46 RCW](#) (harassment), [9A.88 RCW](#) (indecent exposure - prostitution), [10.99 RCW](#) (domestic violence), [26.09 RCW](#) (legal separation), or [26.26A RCW](#) or [26.26B RCW](#) (parentage).
- Extends the time before a person may petition a court to have their right to possess a firearm restored to 10 years, if they are convicted or found not guilty by reason of insanity of certain criminal convictions and civil violations, including:
    - Criminal convictions: Felony, gross misdemeanor, or misdemeanor for crimes of violence, DV-related crimes, coercion, stalking, cyberstalking, cyber harassment (excluding cyber harassment committed pursuant to [RCW 9A.90.120\[1\]\[a\]\[i\]](#)), reckless endangerment, harassment, hate crime offenses, aiming or discharging a firearm ([RCW 9.41.230](#)), unlawful carrying or handling of a firearm ([RCW 9.41.270](#)), animal cruelty ([RCW 16.52.207\[1\]](#)), or any prior DUI-related offense committed within 7 years of conviction for a prior offense ([RCW 46.61.5055](#)).
    - Civil violations: Violation of provisions of an order to surrender and prohibit weapons, an ERPO, or a protection or no-contact order restraining or excluding a person from a residence.
    - For crimes not specified: Retains the time before a person may petition a court to have their right to possess a firearm restored to 5 years for felony offenses and 3 years for non-felony offenses.
    - Clarifies that a person may not petition to have their firearm rights restored if they have been convicted of a new crime within the specified number of consecutive years immediately preceding the filing of the petition.
  - Specifies additional requirements a person must meet to petition a court to have their right to possess a firearm restored by adding specificity that a person must have:
    - Met all sentencing conditions, other than nonrestitution legal financial obligations (LFOs), including all-court ordered treatment;
    - No prior felony convictions prohibiting the possession of a firearm in another state or that count as part of the offender score under [RCW 9.94A.525](#);

- Not been the respondent or defendant in a full protection order issued under Chapter 7.105 RCW (civil protection orders), no-contact order, or restraining order that includes an order to surrender and prohibit weapons in the 5 consecutive years immediately preceding the filing of the petition or during the petition process;
  - Not knowingly attempted to receive, access, or purchase dangerous weapons or ammunition or to acquire a concealed pistol license while prohibited to possess a firearm by any federal, state, local, or Tribal law or court order;
  - Been determined by law enforcement to not be subject to any other prohibition on firearm possession at the time the petition for restoration is filed or during the process; and
  - Be able to pass a background check to purchase a firearm if the petition to restore firearm rights is granted.
- Establishes a process for petitioning to have the right to possess a firearm restored. Among other requirements, a court shall hold a hearing no earlier than 45 days after the petition has been filed and served. The hearing may review information from the prosecutor, law enforcement agencies, and victims and survivors regarding whether the person petitioning for restoration has met the requirements to have their right to possess a firearm restored.

### **Health impact of HB 1562**

Evidence indicates that HB 1562 would likely decrease access to firearms for some people who have certain criminal convictions and civil violations, which would likely decrease future risk of firearm abuse, injury, and death by homicide and suicide and decrease health inequities for victims and survivors of firearm-related harm.

### **Pathway to health impacts**

The potential pathway leading from the provisions of HB 1562 to health equity are depicted in Figure 1. We made the informed assumption that extending unlawful possession of a firearm to certain criminal convictions and civil violations may decrease access to firearms for some people who have these criminal convictions and civil violations. This informed assumption is based on current statute, information from key informants, and evidence from the scientific literature. We also made the informed assumption that extending the time before a person may petition a court to have their right to possess a firearm restored to 10 years for certain criminal convictions and civil violations may decrease access to firearms for some people who have these criminal convictions and civil violations. This informed assumption is based on current statute and information from key informants. There is strong evidence that decreasing access to firearms for some people who have certain criminal convictions and civil violations would likely decrease future risk of firearm abuse, injury, and death by homicide and suicide.<sup>8-10,15-36</sup> There is strong evidence that decreasing risk of firearm abuse, injury, and death by homicide and suicide would likely decrease health inequities for victims and survivors of firearm-related harm.<sup>16,23,33,34,37-41</sup>

### **Scope**

Due to time limitations, we only researched the most direct connections between the provisions of the bill and health and equity and did not explore the evidence for all possible pathways. For example, we did not evaluate potential impacts related to:

- Requirements a person must meet to petition a court to have their right to possess a firearm restored. HB 1562 specifies additional requirements a person must meet to petition a court to have their right to possess a firearm restored. This HIR did not evaluate how these additional requirements may impact a person petitioning, including the potential effect this may have on a person’s decision to petition, on their access to firearms, or on time to restoration.
- Process for petitioning to have the right to possess a firearm restored. HB 1562 would establish a process for petitioning to have the right to possess a firearm restored. Among other requirements, a court must hold a hearing no earlier than 45 days after the petition has been filed and served. The hearing may review information from the prosecutor, law enforcement agencies, and victims and survivors of firearm-related harm regarding whether the person petitioning has met the specified requirements to have their right to possess a firearm restored. This HIR did not evaluate the potential impact of this process on the person petitioning; courts, prosecutors’ offices, and law enforcement agencies; or on victims and survivors of firearm-related harm.
  - For people petitioning: Key informants stated there is not currently a uniform process for people to petition to have their right to possess a firearm restored (personal communication, January 2023). In most instances, a person petitioning must submit paperwork attesting they meet requirements and file the paperwork with a court clerk’s office (personal communication, January 2023). HB 1562 would create a consistent process to petition a court to have the right to possess a firearm restored, which may impact a person’s decision to petition, their access to firearms, or time to restoration.
  - For courts, prosecutors’ offices, and law enforcement agencies: The process requirements may impact staff capacity, workload, funding needs, and other resource needs (personal communications, January 2023). Resource needs may vary by jurisdiction depending on how the proposed procedures vary from existing procedures, the number of petitions, etc. (personal communication, January 2023).
  - For victims and survivors of firearm-related harm: Lastly, the process requires a prosecuting attorney take reasonable steps to notify victims and survivors of firearm-related harm about the procedure to provide a sworn written statement including information relevant to whether the person petitioning meets the requirements for firearm restoration. Key informants shared that some victims and survivors may choose to submit information to alert the court of relevant information that may not otherwise be available (e.g., through records checks) (personal communications, January 2023). Other victims and survivors may not feel comfortable or safe providing a sworn statement and some people may experience trauma from engaging in this procedure.<sup>42</sup> The process also requires a prosecuting attorney notify any victims and survivors who request notification of the court’s decision. Key informants shared that victims and survivors may not be notified under current law when a person’s rights to possess a firearm are restored (personal communications, January 2023). Notification may allow victims and survivors to develop a safety plan or take other precautions to maintain their

safety (personal communications, January 2023), which could reduce future risk of firearm-related harm.

- Amendments to [RCW 9.41.047](#) (Persons found not guilty by reason of insanity and others – possession rights). Under current law, RCW 9.41.047 states that a person must immediately surrender any concealed pistol license if they: are convicted or found not guilty by reason of insanity of an offense under RCW 9.41.040, are committed by court order to mental health treatment, or have charges dismissed based on incompetency to stand trial. Among other provisions, HB 1562 would modify the law: 1) to require that a person immediately surrender all firearms in addition to any concealed pistol license; 2) to specify that a person’s right to possess a firearm can only be restored by the Superior Court that issued the order; and 3) to state, for a person who has been involuntarily committed for treatment of a mental health disorder, that a person found not guilty by reason of insanity may not petition for restoration of the right to possess a firearm until 1 year after discharge from treatment. Other provisions of HB 1562 also apply to people found not guilty by reason of insanity, and this HIR did not evaluate how these additional specific amendments may impact firearm possession and restoration for people with these specific mental health concerns.
- Unintended consequences for victim-defendants. Key informants explained that in some situations, a person perpetrating DV or intimate partner violence (IPV) will involve the legal system to exert power over and limit options for victims and survivors of DV or IPV (personal communication, Washington State Coalition Against Domestic Violence [WSCADV], January 2023). Perpetrators of DV or IPV may target victims for arrest, leading to victim involvement in the criminal legal system and potentially being charged for a crime (hence “defendant”) (personal communication, WSCADV, January 2023). In these situations, a victim-defendant may be in situations where they are found guilty of a crime or civil violation, which may include a DV-related conviction (personal communication, WSCADV, January 2023). Key informants working with victims and survivors of DV in Washington State stated that victim-defendants may be more likely to plead guilty to get out of jail to be home to care for children, or to avoid having a child called to testify against them (personal communication, WSCADV, January 2023). This Health Impact Review did not examine potential unintended consequences for victim-defendants and the potential impact on their access to firearms.
- Comprehensive strategies to prevent or reduce the risk of firearm homicides and firearm suicides. Researchers have stated that comprehensive strategies are important to address “factors that contribute to [firearm] homicide and suicide, including underlying economic, physical, and social inequities that drive racial and ethnic disparities in multiple health outcomes. For example, policies that enhance economic and household stability (e.g., temporary assistance to families [...]) can reduce family poverty and other risk factors for homicide and suicide (e.g., family stress and substance use).”<sup>34</sup> Further, experts in national firearm research and public health call for interventions that alter the built environment (blight abatement, renovation of vacant buildings and low-income housing, and reduction of outlets and hours for alcohol sales) and expansion of behavioral and employment support to reduce firearm violence.<sup>11</sup> Specific to youth, prevention approaches to reduce risk of firearm homicide and firearm suicide include “strengthening economic supports, strengthening access to and delivery of care, teaching coping and

problem-solving skills, building positive and nurturing relationships, connecting youths to caring adults and activities, and implementing place-based interventions [...] [S]uch measures are associated with reductions in youth violence and crime, suicide, and risk factors such as weapon carrying, substance use, school dropout, involvement in high-risk social networks such as gangs, depression, stress and anxiety, and suicidal thoughts and behavior.”<sup>37</sup> In addition, evidence has shown that “interventions, such as brief motivational interviewing, conducted among trauma patients [e.g., patients with a nonfatal firearm-related injury] during their hospitalization have been shown to reduce rates of posttraumatic stress and alcohol use disorders as well as trauma and violent behavior recidivism while improving functional recovery.”<sup>16</sup> While there are evidence-based strategies to prevent or reduce the risk of firearm homicides and suicides, this HIR did not evaluate how comprehensive strategies to prevent or reduce the risk of firearm-related harm may impact health and equity.

- Scenarios where a person has access to a firearm due to theft, trade, or gifting. Due to data limitations at the federal and state levels, it is difficult to determine how many people may have access to a firearm due to theft, trade, or gifting. Publicly available data indicate that firearm thefts account for approximately 1% of all firearm transactions nationwide.<sup>43</sup> Evidence from surveys with people who are incarcerated, nationally and in Chicago, Illinois, found that more respondents accessed a firearm through their social network or street sources – bought or traded for the firearm, or were given it or shared it.<sup>43</sup> A 2016 national survey of people who were incarcerated in state or federal prisons found that, of people who possessed a firearm when they committed the offense for which they were incarcerated, 6.4% reported obtaining the firearm through theft, including theft from a retail source (0.2%), burglary (1.5%), family/friend (1.6%), or unspecified (3.1%).<sup>44</sup> In Washington State, from 2012 through 2019, a total of 857 firearms were stolen from Federal Firearms Licensees (i.e., licensed firearms dealers).<sup>a,45</sup> Over the same time period, an additional 1,444 firearms were reported lost,<sup>45</sup> some of which may be the result of shoplifting.<sup>43</sup> An estimated 33,164 firearms were stolen from individual gun owners in Washington State from 2012 through 2015.<sup>46</sup> This HIR did not evaluate how these scenarios may impact access to a firearm for people prohibited from possessing a firearm under RCW 9.41.040.
- Firearm access for the Washington State population. The provisions of this bill affect firearm access for people with certain criminal convictions and civil violations. There may be unique pathways to health and equity regarding firearm possession for the Washington State population (e.g., subsistence hunting, job opportunities) (personal communications, January 2023). Research indicates that “[f]irearm ownership has historically been highest among white Americans (38% vs. 18% non-whites), especially in rural areas (48% vs. 23 to 25% urban).<sup>39</sup> However, firearm purchases increased in 2020 and “a larger percentage of new firearm owners were females or racial [and] ethnic minorities”.<sup>39</sup> Reasons for firearm ownership may differ for different groups of people.<sup>39</sup> A qualitative study was conducted with 25 participants from varying racial and ethnic backgrounds to understand diverse perspectives on firearm ownership.<sup>39</sup> Themes from the

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<sup>a</sup> Staff accessed Federal Firearm Licensees Theft/Loss Report data presented in annual summary reports available at <https://www.atf.gov/resource-center/data-statistics>. Staff calculated the number of firearms reported as stolen in Washington for the period 2012 through 2019 by adding burglary, larceny, and robbery thefts.

data included firearm ownership association with an idea of belonging; expressing Second Amendment rights as a marker of full citizenship; and firearm ownership as a means of self-protection.<sup>39</sup> The researchers found that participants believed gun ownership allowed for a sense of community and could be a means of self-protection (from others and from law enforcement).<sup>39</sup> Further, the researchers connected firearm ownership to the concept of assimilation: “firearm ownership can serve as a marker for acquiring rights that might not have been afforded in their country of origin”.<sup>39</sup> This HIR explored the most direct pathway to health and equity for people disproportionately at risk of experiencing firearm abuse, injury, and death by homicide and suicide. This HIR did not evaluate firearm access across the Washington State population.

- Training for courts, prosecutors, and law enforcement agencies. Key informants stated that training for courts, prosecutors, and law enforcement agencies may be needed to effectively implement any modifications to RCW 9.41.040 (personal communication, King County Regional DV Firearms Enforcement Unit [RDVFEU], January 2023). Since HB 1562 does not include provisions related to training, this HIR did not evaluate how training may impact implementation of the bill provisions.
- Public awareness, education, and communication about law changes. The full impacts of HB 1562 would likely depend on implementation strategies of the provisions. Key informants serving victims and survivors of DV in Washington State shared that implementation structures are key for the bill to be most effective across jurisdictions (personal communications, January 2023). The bill’s total impact on health and equity will depend on the level of support provided to victims and survivors and their access to victim advocate support services (personal communication, WSCADV, January 2023). Potential impacts on firearm rights may need to be communicated with victims and survivors and with people charged with or convicted of a criminal conviction or civil violation under RCW 9.41.040 (personal communication, WSCADV, January 2023). Researchers have indicated that the majority (87%) of Washington State ERPOs are filed by law enforcement, which indicates there is a need for public awareness of how the general public can engage with the procedures outlined under current statute.<sup>8</sup> This finding mirrors national research conducted by the National DV Hotline, which found that, “only 34% of participants whose partners had access to a firearm knew that a court may be able to mandate that their partner surrender their firearms.”<sup>33</sup> This HIR did not evaluate the ways in which public awareness, education, and communication about the bill provisions would affect health and equity.

### **Magnitude of impact**

Nationally, from 2018 through 2019, firearm injuries were the underlying cause of death in 75% of all homicides and 50% of all suicides.<sup>37</sup> During that time, 28,372 people died by firearm homicide and 48,372 people died by firearm suicide in the U.S.<sup>37</sup> Researchers have estimated that the number of non-fatal firearm-related injuries may be over 7 times greater than the number of firearm homicides.<sup>17</sup> Key informants with experience researching impacts of firearm-related harm noted there is limited data related to firearm abuse, including threats, intimidation, harassment, etc. (personal communication, January 2023).



In 2020, rates of firearm homicide and firearm suicide increased, with firearm injuries as the underlying cause of death in 79% of all homicides and 53% of all suicides.<sup>34</sup> From 2019 to 2020, the rate of firearm homicide increased by 34% from 4.6 to 6.1 deaths by firearm homicide per 100,000 people.<sup>34</sup> Researchers have proposed that social and economic stressors due to the COVID-19 pandemic may have exacerbated inequities in risk of death by firearm homicide, including increased economic, social, and psychological stressors; disruptions in health, social, and emergency services; strains in law enforcement and community relations; increased firearm purchases; and IPV.<sup>34</sup> CDC stated that preliminary data for 2021 showed that “firearm homicide incidence during the first half of 2021 was higher than that during the same period in 2020, suggesting that the elevated rate may have persisted.”<sup>34</sup>

In January 2022, CDC evaluated firearm homicide and firearm suicide data for the top 50 most populous Metropolitan Statistical Areas (MSAs), including the Seattle, Tacoma, Bellevue MSA.<sup>37</sup> Firearm homicide rates in the 50 most populous MSAs ranged from 1.4 to 12.9 deaths per 100,000 people.<sup>37</sup> Rates of firearm homicide in the Seattle, Tacoma, Bellevue MSA increased from 2.2 deaths by firearm homicide per 100,000 people in 2015 to 2016 to 2.4 deaths by firearm homicide per 100,000 people in 2018 to 2019, representing an increase from 165 people to 186 people dying by firearm homicide.<sup>37</sup>

The Washington State Department of Health published a 2019 updated report on Executive Order 16-02.<sup>40</sup> Rates of firearm homicide and firearm suicide in Washington State increased from 2013 through 2017.<sup>40</sup> Approximately 75% of all firearm-related deaths were due to suicide, and approximately 20% were due to homicide.<sup>40</sup> Firearms were the most common causes of death by suicide across all ages, excluding youth under 18 years old, and a firearm was used in almost half of all Washington State suicides.<sup>40</sup>

### *DV and IPV*

It is difficult to estimate the number of victims and survivors of DV and IPV in Washington State. Available information likely provides an undercount of people experiencing DV or IPV, as DV is under-reported and available data only include people who have taken action in or are involved in the criminal legal and civil legal systems (personal communications, WSCADV, January 2023). Some victims and survivors of DV may not wish to engage in the criminal legal or civil legal systems (personal communication WSCADV, January 2023).

Based on data from the Washington Association of Sheriffs and Police Chiefs (WASPC), in 2021, there were 64 DV homicides, which accounted for 19% of all homicides in Washington State.<sup>47</sup> While the percentage of DV homicides has decreased since 2019, the total number of DV homicides has increased.<sup>47</sup> Between 2001 and 2020, IPV-related deaths per year ranged from 39 to 75 deaths.<sup>48</sup> The 5-year average of IPV-related deaths increased from 53 (1997 to 2001) to 64 (2016 to 2020).<sup>48</sup> On average, 49% of female<sup>b</sup> homicide victims in Washington State are killed due to IPV.<sup>48</sup>

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<sup>b</sup> The overwhelming majority of DV and IPV demographic data on sex and gender is reported using binary male and female categorization. Further, the majority of IPV research and data is reported on heterosexual, cisgender relationships. While people of all genders can be abusive or victims of abuse, DV and IPV outcome data consistently show disproportionate rates of female victimization and male perpetration. We recognize that root causes of these crimes are due to power and control and can be found in all types of relationships. In this HIR, we



These data are similar to national research which indicates, “[IPV] accounts for more than half of all [U.S.] homicides [among] women”,<sup>24,32</sup> and the majority of “intimate partner homicides (IPHs) are committed using a firearm.”<sup>30</sup> Researchers have estimated “that about 4.5 million U.S. women have been threatened by an abuser with a [firearm] and almost 1 million U.S. women have been (non-fatally) shot or shot at by an abuser.”<sup>33</sup> One study examining female IPH across 16 states found that between 2010 and 2014, 1,693 IPHs were recorded; 1,025 (60.5%) of which were firearm homicides.<sup>30</sup> In 33% of the IPH cases, the perpetrator attempted to die by or died by suicide.<sup>30</sup> Among IPH cases, 48% of homicide-only cases were conducted with a firearm, and 84% of homicide-suicide cases were conducted with a firearm.<sup>30</sup> In 99.2% of cases, the perpetrator was male.<sup>30</sup>

Rates of IPH are particularly high among pregnant and postpartum people. It is well-documented that in the U.S., homicide is one of the leading causes of death during and after pregnancy and the majority of these homicides are committed by an intimate partner and involve firearms.<sup>24,35</sup> In a separate study, researchers found that pregnancy-associated homicide mortality across all state-year observations was 2.87 deaths per 100,000 live births, and 1.81 deaths per 100,000 live births among pregnancy-associated homicides involving firearms.<sup>35</sup>

WASPC found that in 2021, DV offenses comprised 47.8% of all Crimes Against Persons and 2.9% of all Crimes Against Property.<sup>49</sup> Among the 60,808 DV incidents reported in 2021, the majority (76.9%) were Violations of Protection or No Contact Orders.<sup>49</sup> The majority of DV victims were reported as female (72.4%, compared to 27.6% male and 258 victims of unknown gender).<sup>49</sup> The majority of offenders of Violation of No Contact/Protection Orders were reported as male (81.1%, compared to 18.6% female and 0.3% unknown).<sup>49</sup> Among incidents of DV where use of a weapon was reported, 757 (2.0%) involved a firearm.<sup>49</sup>

#### *Unlawful possession of a firearm*

Based on data from WASPC, 69.1% of all 2021 reported Weapon Law Violations involved firearms.<sup>49</sup> Among people being arrested who had possession of a weapon at the time of arrest, 36.0% were carrying firearms.<sup>49</sup>

Administrative Office of the Courts (AOC) collects data for most court systems in the state. Washington State has a non-unified court system, meaning that “courts do not operate under a standard set of rules or procedures. Instead, local jurisdictions (e.g., counties and municipalities) are responsible for operating their courts.”<sup>50</sup> As a result, information and data are not consistently collected or reported by each court system (personal communication, AOC, July 2020).

AOC collects data related to charges and convictions in Superior Courts filed under RCW 9A.1.040 for unlawful possession of a firearm. Based on available data, from 2017 through 2022, there were 12,160 charges for unlawful possession of a firearm filed in a Superior Court in Washington State (unpublished data, AOC, January 2023). Of these charges, 5,991 (about 49%) received a guilty charge resulting in a Class B or a Class C felony (unpublished data, AOC, January 2023). In 2022, there were 3,329 charges resulting in 1,073 guilty charges across the

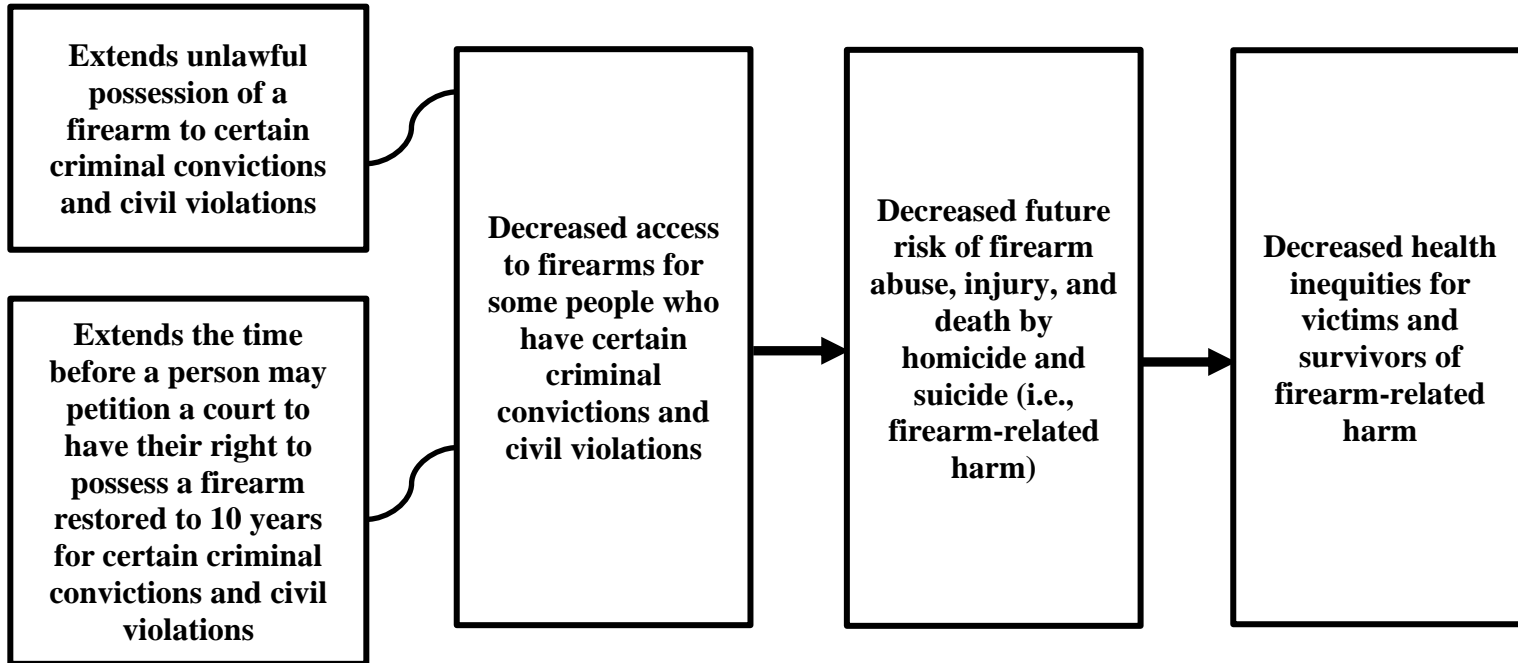
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present previously published literature and available data, where DV and IPV among people who identify as Lesbian, Gay, Bisexual, Transgender, Queer (LGBTQ) and additional sexual orientations and gender identities are largely overlooked.

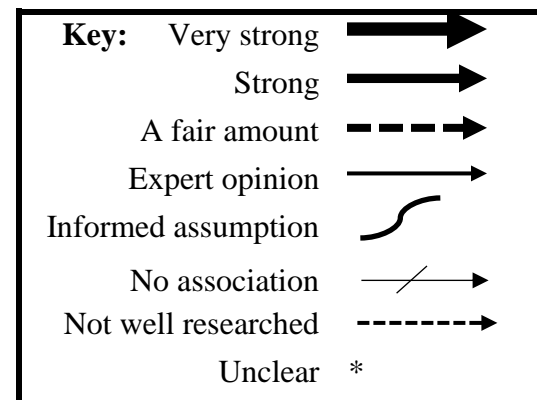
state (unpublished data, AOC, January 2023). Among charges where the statute subsection is specified, from 2017 through 2022, 26.5% (1,586) of guilty charges were a Class B felony and 73.5% (4,405) of guilty charges were a Class C felony filed under unlawful possession of a firearm in the second degree (unpublished data, AOC, January 2023). For guilty charges for unlawful possession of a firearm in the second degree, about half (50.65%) of guilty charges were filed under the general subsection (RCW 9.41.040[2]) and 41.11% were filed specifically under RCW 9.41.040(2)(A)(1), which relates to any other felony or a DV-related crime (unpublished data, AOC, January 2023).<sup>2</sup>

Overall, provisions of HB 1562 have the potential to affect people who have certain criminal convictions and civil violations, victims and survivors of DV and IPV, children and families, and communities.

**Logic Model**



**Figure 1:**  
**Reducing the risks of lethality and other harm associated with gun violence, gender-based violence, and other types of violence**  
**HB 1562**



## Summaries of Findings

### **Will extending unlawful possession of a firearm to certain criminal convictions and civil violations decrease access to firearms for some people who have these criminal convictions and civil violations?**

We have made the informed assumption that extending unlawful possession of a firearm to certain criminal convictions and civil violations may decrease access to firearms for some people who have these criminal convictions and civil violations. This informed assumption is based on current statute, information from key informants, and evidence from the scientific literature.

Under current Washington State law, it is a Class B or Class C felony if a person owns, has in their possession, or has in their control a firearm after being convicted or found not guilty by reason of insanity of certain criminal convictions under [RCW 9.41.040](#). HB 1562 would extend RCW 9.41.040 by prohibiting a person from owning; accessing; having in their custody, control, or possession; receiving, purchasing, or attempting to receive or purchase any firearm for certain additional felonies, gross misdemeanors, misdemeanors, and civil violations.

RCW 9.41.040 currently states that a person convicted or found not guilty by reason of insanity of any serious offense is prohibited from possessing a firearm. HB 1562 would modify the definition of “serious offense” to include felony charges related to driving ([RCW 46.61.502](#)) or being in actual physical control of a vehicle ([RCW 46.61.504](#)) while under the influence of intoxicating liquor, cannabis, or any drug (i.e., DUI-related felony). This would extend unlawful possession of a firearm in the first degree by making it a Class B felony for a person to own; access; have in their custody, control, or possession; receive, purchase, or attempt to receive or purchase any firearm after being convicted or found not guilty by reason of insanity of a DUI-related felony.

HB 1562 would also extend unlawful possession of a firearm in the second degree by making it a Class C felony for a person to own; access; have in their custody, control, or possession; receive, purchase, or attempt to receive or purchase any firearm after being convicted or found not guilty by reason of insanity of any misdemeanor or gross misdemeanor for domestic violence (DV)-related crimes, coercion, stalking, cyberstalking, cyber harassment (excluding cyber harassment committed pursuant to [RCW 9A.90.120\[1\]\[a\]\[i\]](#)), reckless endangerment, harassment, aiming or discharging a firearm ([RCW 9.41.230](#)), unlawful carrying or handling of a firearm ([RCW 9.41.270](#)), animal cruelty in the second degree ([RCW 16.52.207\[1\]](#)), or any prior DUI-related offense committed within 7 years of conviction for a prior offense ([RCW 46.61.5055](#)).

In addition to extending unlawful possession of a firearm to include certain criminal convictions, HB 1562 would also prohibit firearm possession for certain civil violations. Key informants stated that victims and survivors of DV, intimate partner violence (IPV), sexual assault, and stalking may be less likely to pursue criminal legal action due to distrust of law enforcement and the criminal legal system, concern about retribution from a person who has inflicted harm, concern about loss of income if an intimate partner is convicted, etc. (personal communications, January 2023).<sup>33</sup> Therefore, as not all incidents of DV, IPV, sexual assault, and stalking will be addressed through the criminal legal system, key informants noted that violations related to civil

protection orders should also be included in RCW 9.41.040 (personal communication, January 2023).

HB 1562 would extend unlawful possession of a firearm if a person violates the provisions of an order to surrender and prohibit weapons, or the provisions of a protection order or no-contact order restraining or excluding the person from a residence. The bill also specifies that a person would be prohibited from possessing a firearm for the duration of time they are subject to a protection order, no-contact order, or restraining order by a court for a protected person, child, or other persons identified in the order issued under Chapters [7.105 RCW](#) (civil protection orders), [9A.40 RCW](#) (kidnapping, unlawful imprisonment, custodial interference, luring, trafficking, coercion of involuntary servitude), [9A.44 RCW](#) (sex offenses), [9A.46 RCW](#) (harassment), [9A.88 RCW](#) (indecent exposure - prostitution), [10.99 RCW](#) (DV), [26.09 RCW](#) (legal separation), or [26.26A RCW](#) or [26.26B RCW](#) (parentage).

In Washington State, [RCW 9.41.800](#) requires that a person immediately surrender all firearms, dangerous weapons, and concealed pistol licenses if they have used, displayed, or threatened use of a firearm or other dangerous weapon in a felony or if they are ineligible to possess a firearm under RCW 9.41.040.<sup>5</sup> HB 1562 does not modify RCW 9.41.800. However, current statute is not inclusive of all the criminal convictions or civil violations proposed in the bill. Specifically, RCW 9.41.800 does not include requirements that a person immediately surrender all firearms if they are convicted of a DUI-related felony (unless the person used, displayed, or threatened to use a firearm or other dangerous weapon) or if they are subject to a non-contact order issued under Chapters 9A.40 RCW (kidnapping, unlawful imprisonment, custodial interference, luring, trafficking, coercion of involuntary servitude), 9A.44 RCW (sex offenses), or 9A.88 RCW (indecent exposure - prostitution) (personal communication, January 2023). Therefore, a person convicted or found not guilty by reason of insanity of a DUI-related felony or subject to one of these non-contact orders would be prohibited from possessing a firearm under RCW 9.41.040, but may not be required under RCW 9.41.800 to immediately surrender their firearms. However, RCW 9.41.800 allows a court to issue an order to surrender weapons if it finds that irreparable injury could result or that there could be a serious or imminent threat to public health or safety or to the health or safety of any person if an order is not issued (personal communication, January 2023).<sup>5</sup>

Some key informants stated that implementation of firearm surrender under RCW 9.41.800 may vary by jurisdiction (personal communications, January 2023). A court issues an order to prohibit and immediately surrender all firearms in qualifying criminal and civil cases (personal communication, King County Regional DV Firearms Enforcement Unit [RDVFEU], January 2023). Most criminal orders are given to defendants when they appear in court, otherwise the service of orders to surrender weapons falls to local law enforcement agencies (personal communication, RDVFEU, January 2023). Some jurisdictions may face implementation challenges due to lack of training, lack of standard operating procedures, staff capacity, funding, other agency priorities, or resource needs (e.g., space to store surrendered weapons) (personal communications, January 2023). Key informants also shared that every surrender is unique; while some are straightforward and occur without complication, some situations or circumstances may make surrender challenging (personal communication, RDVFEU, January 2023). For example, key informants shared that an order to surrender weapons does not include a

search warrant and it may be difficult to remove weapons if a person prohibited from possessing a firearm does not intend to surrender (personal communication, RDVFEU, January 2023). Key informants also stated that it is most straightforward to remove a firearm used in a crime because of clear legal authority, but it may be harder to remove non-evidentiary firearms in a person's possession (personal communication, RDVFEU, January 2023). It is unknown who may surrender or not surrender all firearms when required (personal communications, January 2023). However, conducting a thorough investigation of firearm possession and access and following best practices to gain voluntary compliance for surrender can improve rates of firearm recovery and reduce the risk of firearm-related harm (personal communication, RDVFEU, January 2023).

Challenges related to firearm surrender and relinquishment are reflected in the scientific literature. In a study of Washington State extreme risk protection order (ERPO) laws that examined December 2016 through May 2019 data, a firearm was removed from only 64% of ERPO respondents.<sup>8</sup> Further, the distribution of ERPO filings across the state is not uniform. During the study period, 16 of 39 Washington counties did not have any ERPOs.<sup>8</sup> Evidence nationally and from other states also suggests challenges in surrender. In a study of DV restraining orders (DVROs) in 2 California counties, researchers found that law enforcement officers removed firearms from 23% and 51% of DVRO respondents who were prohibited from possessing a firearm.<sup>10</sup> The study indicates that not all DVROs were served and that law enforcement "lacked the authority to search respondents identified as firearm owners who denied having firearms."<sup>10</sup> Another study found that people were dispossessed of firearms in only 24% of the cases in which surrender was ordered.<sup>10</sup> This study also conducted interviews with 542 DVRO petitioners, who reported that judges only ordered a firearm surrendered in about half of the requested cases.<sup>10</sup> In a separate study conducted among female victims from DV shelters, among study participants who filed a Protection Order (PO) and reported that their abuser possessed a firearm, only 11.5% "reported that a judge explicitly ordered the abuser to surrender the firearms".<sup>33</sup> One study found that, "judicial officers failed to explain or make any mention of firearm prohibitions in 28% of cases where a PO had been ordered. Judges were less likely to mention firearm bans when only the petitioner (i.e., victim) was present."<sup>33</sup>

HB 1562 extends RCW 9.41.040 to include certain criminal convictions and civil violations, and current state law requires firearm surrender under RCW 9.41.800. However, key informants stated that there are challenges in firearm surrender and evidence from the literature suggests that orders to surrender firearms may not be completed in all cases. While it is unknown who may surrender or not surrender all firearms when required, we have made the informed assumption that HB 1562 would likely limit access to firearms for some people who have these criminal convictions and civil violations.

**Would extending the time before a person may petition a court to have their right to possess a firearm restored to 10 years for certain criminal convictions and civil violations decrease access to firearms for some people who have these criminal convictions and civil violations?**

We have made the informed assumption that extending the time before a person may petition a court to have their right to possess a firearm restored to 10 years for certain criminal convictions and civil violations may decrease access to firearms for some people who have these criminal convictions and civil violations. There is very little empirical evidence evaluating the impact of

time before a person may petition a court to have their right to possess a firearm restored on access to firearms. This informed assumption is based on current statute and information from key informants.

Under current law, RCW 9.41.040 allows a person who has been prohibited from possessing a firearm to petition a court to have the right to possess a firearm restored after 5 or more consecutive years in community for felony offenses or 3 or more consecutive years in community for non-felony offenses without being convicted or found not guilty by reason of insanity; not currently charged with any crime; and, for non-felonies, if they have completed all conditions of the sentence.<sup>2</sup> A key informant with expertise in the legal system stated there is not currently a uniform process for people to petition to have their right to possess a firearm restored in Washington State (personal communication, January 2023). In most instances, a person petitioning must submit paperwork attesting they meet requirements and file the paperwork with a court clerk's office (personal communication, January 2023). There is also no uniform procedure for how courts process petitions (personal communication, January 2023). Current procedures vary as to whether additional information is collected, whether a court hearing is held, whether a petitioner must appear in court, and whether victims and survivors receive notification (personal communication, January 2023). Currently, if a person petitioning meets the statutory requirements of RCW 9.41.040, judicial officers do not have discretion to deny a petition and the court must grant a person's petition to have the right to possess a firearm restored (personal communication, January 2023).

In addition, current law does not address the impact restoration of a firearm may have on victims and survivors, particularly victims of DV (personal communication, RDVFEU, January 2023). Victims and survivors are not required to be notified when a person petitions for or is granted restoration of the right to possess a firearm (personal communications, January 2023). Key informants working with victims and survivors of DV in Washington State shared that violence for DV victims does not necessarily diminish during the statutory periods required in RCW 9.41.040, and restoration of a firearm may escalate violence (personal communication, RDVFEU, January 2023).

HB 1562 would create a new section in [chapter 9.41 RCW](#) outlining requirements and a process for a person to petition to have the right to possess a firearm restored. It would extend the time before a person may petition a court to have their right to possess a firearm restored to 10 years if they are convicted or found not guilty by reason of insanity of certain criminal convictions and civil violations. For crimes not specified, the time before a person may petition the court would remain at 5 years for felony offenses and 3 years for non-felony offenses. The bill would also clarify that a person may not petition to have their firearm rights restored if they have been convicted of a new crime within the specified number of consecutive years immediately preceding the filing of the petition (i.e., 3, 5, or 10 years).

The time before petition would be extended to 10 years if a person is convicted of or found not guilty by reason of insanity of a felony, gross misdemeanor, or misdemeanor for crimes of violence, DV-related crimes, coercion, stalking, cyberstalking, cyber harassment (excluding cyber harassment committed pursuant to RCW 9A.90.120[1][a][i]), reckless endangerment, harassment, hate crime offenses, aiming or discharging a firearm (RCW 9.41.230), unlawful

carrying or handling of a firearm (RCW 9.41.270), animal cruelty (RCW 16.52.207[1], or any prior DUI-related offense committed within seven years of conviction for a prior offense (RCW 46.61.5055). The time before petition would also be extended to 10 years if a person violates provisions of an order to surrender and prohibit weapons, an ERPO, or a protection or no-contact order restraining or excluding the person from a residence.

Key informants shared that lengthening the time before a person may petition a court to have their right to possess a firearm restored would likely reduce their access to a firearm for the duration of that period (personal communications, January 2023). Key informants stated that the effectiveness of extending the time before petition will be further impacted by changes to petitioning requirements and the process for restoration (personal communication, January 2023). For example, expanding statutory requirements for petition in RCW 9.41.040 would provide petitioners, courts, prosecuting attorneys, and law enforcement agencies clear guidelines for petition and restoration (personal communications, January 2023). In addition, requiring notification would allow victims and survivors the opportunity to alert the court of relevant information needed to assess potential risks of restoration (personal communications, January 2023).

There is very little empirical evidence evaluating the impact of time before petition on access to firearms. Based on information from key informants, we have made the informed assumption that extending the time before petition may decrease access to firearms for the duration of that period for some people who have certain criminal convictions and civil violations.

**Will decreasing access to firearms for some people who have certain criminal convictions and civil violations decrease future risk of firearm abuse, injury, and death by homicide and suicide (i.e., firearm-related harm)?**

There is strong evidence that decreasing access to firearms for some people who have certain criminal convictions and civil violations would likely decrease future risk of firearm abuse, injury, and death by homicide and suicide. Evidence does not exist on the impact of the specific policy provisions included in HB 1562; in this HIR, we have included literature that most closely aligns with the provisions of the bill. Evidence exists at both individual and policy levels. At the individual level, evidence exists that specific groups of people may be at heightened future risk for firearm-related harm. At the policy level, evidence exists that policies intended to decrease access to firearms for some people are associated with decreased population-level firearm-related harm.

*People at heightened future risk of firearm-related harm*

Evidence exists that specific groups of people may be at heightened future risk for firearm-related harm. People who have prior experiences of violence, people with access to a firearm, people with a DUI-related conviction, an animal cruelty conviction, or a DV- or IPV-related conviction or violation may be at risk of subsequent violence. These criminal convictions and civil violations are included in provisions of HB 1562 that extends unlawful possession of a firearm.



### People who have prior experiences of violence

Key informants and researchers have discussed a “cycle of violence”,<sup>16,17</sup> in which experiences of violence, including firearm-related violence, are associated with future risk of experiencing or perpetrating violence (personal communications, January 2023). A survey with 5,385 men in Germany evaluating predictors of physical, sexual, and psychological violence perpetration found that acts of violence were primarily predicted by prior exposure to violence.<sup>18</sup> A study with people who experienced firearm-related hospitalization in Washington State found that, after hospital discharge, patients with firearm-related hospitalization had the highest rate of subsequent firearm-related hospitalization and firearm- or violence-related arrest, when compared to people hospitalized for other injuries or to the general public.<sup>16</sup> Notably, “[p]atients with a history of arrest for a firearm-related or violent crime were at especially high risk for a subsequent firearm- or violence-related arrest and non-firearm assault-related death...”<sup>16</sup> Similar research conducted in California found that, “the firearm homicide rate was more than 60 times higher among people with a [prior] single nonfatal firearm assault injury and more than 120 times higher among those with multiple such injuries.”<sup>19</sup>

### People with access to a firearm

People who have access to a firearm are also at heightened future risk for firearm-related harm. In a landmark 1993 study published in the *New England Journal of Medicine*, researchers found an association between firearms in the home and increased risk of homicide by an intimate acquaintance or family member.<sup>15,20</sup> A more recent systematic review and meta-analysis conducted in 2014 also indicated that access to a firearm is associated with risk for both death by suicide and being the victim of a homicide.<sup>21</sup> The researchers found “strong evidence for increased odds of suicide among persons with access to firearms compared with those without access [...] and moderate evidence for an attenuated increased odds of homicide victimization when persons with and without access to firearms were compared ...”<sup>21</sup> A different study that examined 2004 to 2016 data from California found that homicide rates were twice as high among cohabitants of handgun owners, as compared to those who did not own a handgun.<sup>22</sup> Researchers have stated there is strong evidence that reducing firearm access decreases suicide.<sup>23</sup> Data indicate that access to firearms in a home creates a 17-fold increase in risk for a household suicide by firearm, even after accounting for risk of psychopathology among household members.<sup>23</sup>

### People with a DUI-related conviction

Research also indicates that people who have prior DUI-related convictions may be at heightened future risk for firearm-related harm, including IPV-related crimes.<sup>24</sup> Findings from a longitudinal cohort study of California adults who legally purchased a handgun indicated that people with a DUI-related conviction were at a fourfold to fivefold increased risk of arrest for a firearm-related violent crime or any violent crime.<sup>51</sup> In a separate cross-sectional study of all U.S. states from 2013 to 2017, researchers found that, specific to women, data showed firearm-specific homicide victimization rates were “18% lower in states with firearm prohibitions after [3] or more offenses [...] compared with the states with no legal framework for prohibiting firearms after DUI convictions.”<sup>25</sup> This study did not find statistically significant associations between overall DUI laws and overall firearm-specific homicide among the general population.<sup>25</sup> Given these results, researchers stated, “there may be lower firearm homicide rates specifically for female victims in states where stringent alcohol-related laws after DUI have the potential to

restrict access to firearms.”<sup>25</sup> A study that used modeling to predict behavior found that disqualifying people in the model from purchasing firearms for 5 years after an alcohol-related conviction led to a 1.0% decrease in firearm homicide, and a 3.0% decrease in suicide.<sup>26</sup>

#### People with an animal cruelty conviction

Research shows a connection between animal cruelty and increased future risk of harm, as well as a connection to DV- and IPV-related harm. In a systematic review of the ways animal cruelty and interpersonal violence are connected, researchers found that perpetration of animal cruelty during childhood and adolescence was a significant predictor of future adult violence perpetration.<sup>27</sup> People with more serious convictions have been found to have engaged in more severe animal cruelty.<sup>27</sup> Separately, research shows that DV perpetrators may exploit the bond that DV victims have with their companion animals, in an effort to cause harm to the DV victim.<sup>28</sup> In two separate studies of DV victims in New York and Utah, companion animal abuse was reported by 53% and 54% of participants, respectively.<sup>28</sup> In one study that asked 13 DV victims about abuser motivations, “92% believed that pets were abused to control them or their children [...]”<sup>28</sup>

#### People with a DV-related or IPV-related conviction or violation

People with a prior DV -related or IPV-related conviction are at increased future risk of firearm-related harm. Key informants stated that DV is a continuum of incidents, not an isolated act of violence (personal communication, RDVFEU, January 2023), suggesting that violence perpetration may continue after a conviction or violation. A cohort study among 76,311 California adults who legally purchased a handgun in 2001 found that people with a history of IPV charges were at an increased risk of future arrest for a violent crime and an IPV-related crime, as compared to those without a criminal history.<sup>24</sup> Despite this heightened risk, researchers noted that between 78.7% and 96.6% of handgun purchasers with combined histories of IPV and non-IPV did not go on to commit subsequent violent crime, IPV, or firearm violence crimes.<sup>24</sup>

Overall, evidence indicates that reducing firearm access for people at heightened future risk for firearm-related harm would likely decrease firearm abuse, injury, and death by homicide and suicide.

#### *Policies associated with decreased future risk of firearm-related harm*

Generally, there is evidence that policies intended to limit firearm access may lead to decreased firearm abuse, injury, and death by homicide and suicide. For example, a study examining data from 1996 to 2016 across 39 states found that policies such as universal background check laws and permit requirements are associated with lower homicide rates.<sup>29</sup> A separate study found that waiting period laws related to firearm purchases “led to a 7-11% reduction in [firearm] suicides... which is equivalent to 22 [to] 35 fewer [firearm] suicides per year for the average state”.<sup>23</sup> Data also show that Connecticut’s and Indiana’s risk-based firearm removal or firearm seizure laws have led to decreases in firearm suicide in these states.<sup>8</sup> Further, limiting easy or immediate acquisition of firearms has been linked to reductions in death by suicide.<sup>23</sup> These are only a few examples of how policies intended to limit firearm access may decrease future risk of firearm-related harm. Since most of the published literature evaluates the relationship between DV-related or IPV-related policies and future risk of firearm-related harm, and since HB 1562

includes provisions with related policy provisions, this HIR will focus discussion on this body of literature.

There is a large body of evidence indicating that policies that limit firearm access among perpetrators of DV, IPV, and DV- and IPV-related crimes are associated with decreases in DV- and IPV-related firearm abuse, injury, and death by homicide and suicide. There are several types of DV- and IPV-related firearm restriction policies. This HIR focuses discussion on DV- and IPV-related firearm policies that most closely align with proposed provisions of HB 1562, including general firearm restriction policies that have shown decreases in DV- and IPV-related outcomes, protection orders, DVROs, DV-related misdemeanors, and stalking offenses, all of which may affect firearm-related harm. The evidence indicates that the degree of the policies' impact may depend on implementation strategies.

#### General firearm restrictions

There is an association between firearm prohibition legislation and DV- and IPV-related firearm abuse, injury, and death by homicide or suicide. One study assessed the association between state firearm legislation and female intimate partner homicide (IPH) using 2010 to 2014 data across 16 states from the Centers for Disease Control and Prevention (CDC) National Violent Death Reporting System (NVDRS), the State Firearm Law Database, and additional sources.<sup>30</sup> The states included in the study had a range in the number of firearm restriction legislation between 4 per state (Alaska) to 95 per state (Massachusetts).<sup>30</sup> Results showed that the incidence of female IPH was 56% lower in states with greater than or equal to 40 legislative provisions, compared to states with 0 to 39 provisions,<sup>30</sup> suggesting a relationship between the number of legislative provisions restricting firearm possession and rates of IPH.

One study examined the association of IPV and the presence or absence of the following six state-level statute categories: “1) Prohibition of firearm possession by persons convicted of IPV-related misdemeanors, with and without firearm relinquishment [i.e., surrender]; 2) Prohibition of firearm possession by persons subject to IPV-related restraining orders, with and without firearm relinquishment; 3) Prohibition of firearm possession by persons convicted of stalking misdemeanors; 4) Removal of firearms from the scene of an IPV incident; 5) Prohibition of firearm possession by dating partners convicted of IPV-related misdemeanors; and 6) Prohibition of firearm possession by dating partners convicted of IPV-related protective orders”.<sup>31</sup> The data show that odds of injuries for survivors of IPV were lower where state-level firearm possession prohibition and firearm relinquishment requirements were in place among people who were convicted of IPV-related misdemeanors, people who were subject to IPV-related restraining orders, and people convicted of stalking.<sup>31</sup> Results from this study show that IPV-related firearm policies are associated with lower odds of nonfatal injuries.<sup>31</sup>

#### Protection Order firearm prohibitions

Civil and criminal POs exist with some variation in every state in the U.S. A “[f]ederal law prohibits [people] under a permanent PO from possession of a firearm, [and] some states also prevent firearm possession during the initial temporary PO.”<sup>32</sup> One study analyzed 2003 to 2018 CDC NVDRS data to determine whether a firearm was used during an IPH, and whether or not a PO was filed before the IPH.<sup>32</sup> Among firearm IPHs, 3.3% of victims were killed when there was a PO in place, compared to 53.9% killed when there was not a PO in place.<sup>32</sup> A separate study

indicates a 13% reduction in IPH and a 16% reduction in firearm-related IPH in states that prohibit PO respondents (including dating partners) from firearm purchase and possession.<sup>33</sup> Evidence indicates that firearm prohibitions associated with POs may decrease the risk of subsequent IPV-related injury, and death, and that variations in policy enforcement impact the outcomes for survivors.<sup>32</sup> For example, one study found that “[I]ncluding a firearm relinquishment requirement as a component of a PO has been found to reduce rates of IPH overall as well as firearm-related IPH...”<sup>32</sup> While POs have been associated with improved health outcomes, there is also evidence that POs may not protect from all continued firearm violence. In one study, 29% of people continued to “[experience] threats or use of a weapon by an abuser within six months of seeking a PO”.<sup>33</sup> Further, a study of DV Hotline callers found that “about one-third of victims who had a PO against their abuser reported that the abuser violated the PO by threatening them with a firearm”.<sup>33</sup>

#### DVRO firearm prohibitions

Evidence indicates that implementation of firearm prohibitions for respondents of DVROs leads to decreased firearm-related harm. Firearm prohibitions related to DVROs have been associated with significantly lower rates of total and firearm-related IPH,<sup>9,34</sup> with stronger effects for female victims and when the DVRO policy includes prohibition of both purchases and possession.<sup>9</sup> One study, “found a 14[%] reduction [on IPH] in states that prohibit people subject to [DVROs] from possessing firearms and that require them to relinquish firearms in their possession”.<sup>35</sup> A systematic review of empirical studies from 10 countries that examined the associations between firearm-related laws and firearm homicide, suicide, and unintentional injury/death found that U.S. states with laws that prevent people with DVROs from owning or purchasing firearms had a 9% reduction in the rates of IPH, female IPH, and female intimate partner firearm homicide.<sup>36</sup> A separate systematic review examined the risks of firearm access and use in IPV, and the impact and enforcement of interventions for firearm use in IPV.<sup>10</sup> Researchers found that “[t]wo studies suggest that [DVRO firearm restriction statutes] are associated with significant decreases in rates of IPH while a third study found no association.”<sup>10</sup> Further, while DVRO prohibition outcomes are clear for IPH, they are unclear for other health outcomes such as stranger homicide, rape, robbery, and assault.<sup>9</sup> The impact of DVRO policies may be affected by structural factors, such as racism. Policies prohibiting people who have been convicted of a violent misdemeanor or relinquishment of firearms by people with a DVRO have been associated with lower homicide rates among Black people, but not among white people.<sup>29</sup> Researchers commented that this finding “may have more to do with racial inequities in the criminal [legal] system than with the legal provision itself”.<sup>29</sup>

#### DV-related misdemeanor firearm prohibitions

Evidence indicates that implementation of firearm prohibitions for people with DV-related misdemeanors may lead to decreased firearm-related harm. Researchers examined four studies on firearm prohibition for people convicted of a DV misdemeanor; all of these studies found uncertain effects, and one found a reduction on IPH only when the policy was implemented alongside firearm relinquishment.<sup>9</sup> Studies examining the effects of firearm prohibitions for people charged with DV misdemeanors led to an 8% decrease in firearm-related IPH, but an 8% increase in rape and a 12% increase in assault.<sup>9</sup> Results from another study indicate that state laws that prohibit possession of firearms and that require relinquishment of firearms among people convicted of DV-related misdemeanors are associated with decreases in pregnancy-

associated homicides.<sup>35</sup> Data show that states that had both prohibition and relinquishment laws experienced 3.74 fewer deaths per 100,000 live births than would have been expected in the absence of either law.<sup>35</sup> The researchers stated, “[t]he relinquishment law was associated with 1.17 fewer deaths per 100,000 live births compared with the prohibition law alone.”<sup>35</sup> The research indicates that DVRO firearm prohibition laws are most effective when paired with relinquishment laws.<sup>35</sup>

#### Stalking-related prohibitions

Data indicate a linkage between IPV and stalking. One study reports that “61.5[%] of women who had been stalked were stalked by a current or former intimate partner”.<sup>9</sup> In an evaluation of 1991 through 2015 data, uncertain effects were found for firearm prohibitions related to stalking convictions.<sup>9</sup> Among 2 studies that analyzed firearm prohibitions associated with stalking offenses, one found uncertain effects on total and firearm IPH, and the other found that that firearm prohibition laws for people convicted of a stalking misdemeanor were associated with increased IPH.<sup>9</sup> One study found that “victims whose abusers violated the [stalking protection order (PO)] and continued to stalk them were more likely to experience continued use or threats of weapon use six months after the PO compared to victims who were not stalked.”<sup>9,33</sup> Researchers have stated that there is “inconclusive evidence” of the impact on total or firearm IPH when examining policies prohibiting firearm ownership among those with stalking convictions.<sup>9</sup>

Policy research on general firearm restrictions, firearm prohibitions associated with POs, DVROs, and DV-related misdemeanors show meaningful associations with decreased DV- and IPV-related firearm abuse, injury, and death. There is inconclusive evidence whether policies that limit firearm access for those with stalking offenses may reduce firearm-related harm.<sup>9</sup> The level at which these policies impact health depends on strategies used to implement the laws.<sup>52</sup>

Overall, there is strong evidence that decreasing access to firearms for some people who have certain criminal convictions and civil violations would likely decrease future risk of firearm abuse, injury, and death by homicide and suicide.

#### **Will decreasing future risk of firearm abuse, injury, and death by homicide and suicide decrease health inequities for victims and survivors of firearm-related harm?**

There is strong evidence that decreasing future risk of firearm abuse, injury, and death by homicide and suicide would likely decrease health inequities for victims and survivors of firearm-related harm.

In general, “the burden of [firearm-related hospitalizations] and death is substantially greater among disadvantaged groups.”<sup>16</sup> In a 2022 Morbidity and Mortality Weekly Report (MMWR), CDC noted that, deaths by “[f]irearm homicides are consistently highest among males, adolescents and young adults, and non-Hispanic Black or African American...and non-Hispanic American Indian [and] Alaska Native persons...”<sup>34</sup> Rates of death by firearm suicide are consistently highest among males, older adults, non-Hispanic whites, and American Indians and Alaska Natives.<sup>34</sup>

Inequities are not inherent to an individual's identity. Rather, inequities are influenced by social determinants that systematically marginalize groups due to their identity. For example, risk of death by firearm homicide and firearm suicide have been associated with income and wealth inequality, economic deprivation, poverty, unemployment, housing status, economic instability, and lack of trust in institutions.<sup>23,34,37</sup> Risk of death by suicide has also been linked to family and relationship difficulties, job and financial concerns, mental illness, substance use, and stigma around help-seeking.<sup>37</sup>

Inequities can be exacerbated or alleviated by intersecting identities. Risk of firearm homicide and firearm suicide vary by race/ethnicity, indigeneity, age, and sex. From 2019 through 2020, the greatest increase in the rate of death by firearm homicide was among non-Hispanic Black males aged 10 through 44 years and non-Hispanic American Indian and Alaska Native males aged 25 through 44 years.<sup>34</sup> Among people who identified as female, American Indians and Alaska Natives had the highest death by suicide rates until reaching age 40 years; non-Hispanic whites had the highest rates from ages 40 through 70 years; and Asian and Pacific Islanders had the highest rates after age 70 years.<sup>23</sup> Among people who identified as male, all racial and ethnic groups experienced increasing rates of suicide from ages 20 to 24 years, and after ages 65 through 70 years.<sup>23</sup> American Indian and Alaska Native males have the highest rates of suicide until ages 40 through 44 years, and non-Hispanic white males have the highest rates after ages 40 through 44 years.<sup>23</sup>

HB 1562 will likely decrease inequities for victims and survivors of firearm-related harm, including inequities due to racism, and by indigeneity, age, gender, sex, and income.

#### *Inequities due to racism*

Data indicate that 49% of non-Hispanic whites, 32% of non-Hispanic Blacks, 21% of Hispanics, and 15% of Asians and Pacific Islanders reported the presence of a firearm in their household.<sup>23</sup>

In a 2022 MMWR, CDC reported that, “[y]oung persons, males, and Black persons consistently have the highest firearm homicide rates, and these groups experienced the largest increases in 2020. These increases represent the widening of long-standing [inequities] in firearm homicide rates. For example, the firearm homicide rate among Black males aged 10 [through] 24 years was 20.6 times as high as the rate among [w]hite males of the same age in 2019, and this ratio increased to 21.6 in 2020.”<sup>34</sup> Moreover, “[l]ongstanding systemic inequities and structural racism have resulted in limited economic, housing, and educational opportunities associated with inequities in risk for violence and other health conditions among various racial and ethnic groups.”<sup>34</sup>

Researchers have examined firearm homicide victimization through the lens of structural racism.<sup>38</sup> Using 2010 to 2019 state-level homicide victimization rate data to examine Black-white disparity ratios, researchers explored the following 6 measures of structural racism: Black/white disparity ratios in poverty, education, labor force participation, rental housing, single-parent households, and index crime arrests.<sup>38</sup> The data indicate that the optimal model in this study was one which included the absolute rate and disparity ratio for each measure of structural racism, but not percent Black.<sup>38</sup> Therefore, inclusion of firearm homicides by Black race alone in the model did not explain inequities present in the data.<sup>38</sup> Prior research has also

suggested that, “among explanatory predictors of crime, the most salient are environmental and socioeconomic factors than individual characteristics, such as race...”<sup>16</sup> Taken together, evidence suggests that inequities in firearm homicide rates are the result of structural and systemic inequities that perpetuate racism, rather than the result of a person’s race/ethnicity.

In addition, “both IPV and IPH negatively affect women of color at a disproportionate rate within the [U.S.]. According to the [CDC], the rate of IPH is higher among Black, Indigenous, and Hispanic women compared to [w]hite women.<sup>33</sup> Further, [...] the proportion of IPHs committed using a firearm was highest among Black women in comparison to women of other races and ethnicities.”<sup>33</sup> In another study among people at a rural DV shelter, Hispanic women were more likely to seek POs than non-Hispanic women; however, “there is evidence that Hispanic women are less likely to seek help more broadly in IPV situations, potentially due to language barriers, cultural beliefs, and fear of deportation”.

#### *Inequities by indigeneity*

Due to the impacts of racism, stigma, and discrimination, rates of firearm-related harm differ based on a person’s race/ethnicity and indigeneity. Little data is available on firearm ownership among American Indians and Alaska Natives.<sup>23</sup> One study with a small sample size in Alaska estimated 53% of American Indian and Alaska Native households owned a firearm.<sup>23</sup>

Based on data from CDC, the overall rate of firearm suicide did not increase significantly from 2019 to 2020, except among American Indian and Alaska Native males aged 10 through 44 years.<sup>34</sup> Across the U.S., as of 2020, American Indians and Alaska Natives had the highest firearm suicide rate.<sup>34</sup> This increase was also seen among American Indians and Alaska Natives within Washington State. Between 2013 and 2017, American Indians and Alaska Natives had the highest rate of death by suicide, and the greatest increases in death by suicide were among American Indians and Alaska Natives and non-Hispanic whites.<sup>40</sup>

According to 2003 through 2018 NVDRS data across 34 states and the District of Columbia, there were 2,226 homicides of American Indian and Alaska Native people, and analysis shows that the homicide rate was 8.0 per 100,000, and the rate among men was significantly higher than the rate among women (12.0 and 3.9 per 100,000, respectively).<sup>41</sup> Among American Indian and Alaska Native people killed, a firearm was used in 48.4% of homicides, and used more often in homicides where American Indian and Alaska Native men were the victim (51.5% of men, compared to 39.1% of women).<sup>41</sup> CDC NVDRS data indicate that 45% of homicides against American Indian and Alaska Native women were IPV-related, while a different dataset of 2003 through 2014 data across 18 states shows that the majority (55.4%) of homicides against American Indian and Alaska Native women were IPV-related.<sup>41</sup>

#### *Inequities by age*

Firearm-related harm inequities exist across different age groups. From 2018 through 2019, homicide was the third leading cause of death among youth, and firearm injuries were the underlying cause of death in 91% of youth homicides.<sup>37</sup> In addition, death by suicide was the second leading cause of death among youth, with firearm injuries as the underlying cause of death in 43% of all youth suicides.<sup>37</sup> Intersecting identities contribute to unique outcomes. For example, CDC has noted that, “[p]ersistently high rates [of death by firearm homicide] among

[...] youths [of color] might be rooted in stressors associated with living in under-resourced communities and ultimately caused by systemic racism or multigenerational poverty resulting from limited educational and economic opportunities.”<sup>37</sup>

#### *Inequities by gender and sex*

Evidence has shown that “[m]en represent the majority of both victims and perpetrators of firearm-related homicides, and about 4 to 6 times as many males as females [die by] suicide with a firearm in the [U.S.]”<sup>16</sup>

CDC data from 2013 to 2014 show that, among 1,957 homicides against woman aged 18 through 44 years of known pregnancy status, 13.2% of American Indian and Alaska Native women, and 15.2% of the general population were pregnant or less than 6 weeks postpartum.<sup>41</sup>

CDC data show that between 1999 and 2018, national suicide rates increased 35%, with a 50% increase in the rate of death by suicide among females and a 26% increase in the rate of death by suicide among males.<sup>23</sup> Male suicide rates were the highest among people age 71 years or older, while female rates were highest among people age 36 to 50 years, followed by those age 51 to 70 years.<sup>23</sup> Firearms are considered a major reason for higher suicide rates among males as compared to females.<sup>23</sup>

The overwhelming majority of firearm-related demographic data, and DV and IPV demographic data on sex and gender is reported using binary male and female categorization. Further, the majority of IPV research and data is reported on heterosexual, cisgender relationships. Although DV and IPV are gendered crimes, with disproportionate rates of female victimization and male perpetration; key informants working with victims and survivors of DV and IPV in Washington State stated that DV and IPV also occur among people who identify as LGBTQIA and within same-sex relationships (personal communication, WSCADV, January 2023). Evidence also indicates that LGBTQIA people are at increased risk of suicide, and bisexual people may be at higher risk of death by suicide than gay or lesbian people.<sup>23</sup>

#### *Inequities by income level*

In 2020, U.S. based “counties with the highest poverty level had firearm homicide and firearm suicide rates that were 4.5 and 1.3 times as high, respectively, as counties with the lowest poverty level.”<sup>34</sup>

Socioeconomic status impacts suicide rates, and research shows that there are associations between lower socioeconomic status and higher suicide risks.<sup>23</sup> One study found that suicide risk and firearm suicide risk among children aged 5 through 19 years, “increased 37% and 87% respectively between the least and most impoverished [U.S.] counties [included in the study], even after controlling for county urbanicity”.<sup>23</sup> However, higher socioeconomic status does not protect against all suicide risk, especially when mental distress is present, and when studies also examine the impacts of age and racism on suicide outcomes.<sup>23</sup>

Key informants also shared that economic inequities contribute to cycles of DV, as limited economic opportunities may restrict a person’s options to move, change jobs, seek legal services, etc. (personal communication, WSCADV, January 2023).



Overall, HB 1562 will likely decrease inequities for victims and survivors of firearm-related harm.

### **Other considerations**

This Health Impact Review focused on the most direct pathway between provisions in the bill and health outcomes and equity. Evidence for additional potential pathways, including the impacts of criminal legal system involvement for people charged with and/or convicted of unlawful possession of a firearm is discussed below.

#### *Impacts of criminal legal system involvement*

HB 1562 has the potential to extend felony charges and convictions of unlawful possession of a firearm to people with certain criminal convictions and civil violations. This may result in some people receiving a first-time or subsequent felony conviction and experiencing incarceration or reincarceration.<sup>c</sup> Since there is no research and it is unknown who may still possess a firearm while prohibited, and who may be charged with or convicted of such unlawful possession under the extensions to RCW 9A.10.040, this pathway was ultimately not included in the logic model.

HB 1562 would extend unlawful possession of a firearm in the first degree by making it a Class B felony for a person to own; access; have in their custody, control, or possession; receive, purchase, or attempt to receive or purchase any firearm after being convicted or found not guilty by reason of insanity of any DUI-related felony charge. Sentencing for a Class B felony includes incarceration for a term of 10 years, or a fine in the amount of \$20,000, or both ([RCW 9A.20.021](#)).<sup>3</sup> The bill would also extend unlawful possession of a firearm in the second degree by making it a Class C felony for a person to own; access; have in their custody, control, or possession; receive, purchase, or attempt to receive or purchase any firearm after being convicted or found not guilty by reason of insanity of certain criminal convictions and civil violations. Sentencing for a Class C felony includes incarceration for a term of 5 years, or a fine in the amount of \$10,000, or both ([RCW 9A.20.021](#)).<sup>3</sup>

Based on available court data, from 2017 through 2022, there were 5,991 guilty charges for unlawful possession of a firearm (unpublished data, AOC, January 2023). For charges where the statute subsection is specified, 26.5% (1,586) of guilty charges were a Class B felony and 73.5% (4,405) of guilty charges were a Class C felony (unpublished data, AOC, January 2023).

#### **Collateral consequences of criminal charges and/or convictions**

If HB 1562 were to pass and people who have certain criminal convictions and civil violations were charged or convicted of unlawful possession of a firearm, the proposal would extend some number of collateral consequences associated with felonies to these people. Collateral

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<sup>c</sup> The published literature uses the term ‘recidivism’ to refer to various measures, spanning from supervision revocations (i.e., technical violations like failing to meet with a supervision officer) to new felony convictions. Research findings vary depending on which measures are evaluated. This review uses the term ‘reincarceration’ as people may be reincarcerated for unlawful possession of a firearm. As part of past reviews, key informants stated that ‘reincarceration’ is more accurate and demonstrates the systemic nature in which those with fewer resources (e.g., people of color, those of low socioeconomic status) are more likely to be reincarcerated than those with greater access to resources.

consequences are sanctions, restrictions, or disqualifications resulting from criminal history that are imposed by federal, state, or local laws and policies.<sup>53</sup>

In 2019, the U.S. Commission on Civil Rights (The Commission) released a report which cited 955 sources, entitled “Collateral Consequences: The Crossroads of Punishment, Redemption, and the Effects on Communities.”<sup>53</sup> Nationally, The Commission found, among approximately 44,631 collateral consequences, nearly 40% (17,436) are caused by any felony conviction and about 19% (8,294) are prompted by any misdemeanor.<sup>53</sup> Evidence indicates that “[m]any collateral consequences are unrelated either to the underlying crime for which a person has been convicted or to a public safety purpose.”<sup>53</sup>

People with a felony conviction of unlawful possession of a firearm would face collateral consequences elicited by any felony conviction, such as changes in access to employment opportunities, access to economic stability, and/or access to housing.

#### *Access to employment opportunities*

While Washington State provides several protections for applicants with a criminal record, employers may review an applicant’s criminal record later in the hiring process and are allowed to consider arrests from the previous 10 years.<sup>54</sup> Additionally, criminal background checks include convictions for the previous 7 years,<sup>54</sup> and often act as barriers to employment for people with a criminal record. For example, results of an audit study found that applicants with a criminal record are 50% less likely to receive a callback or job offer than applicants without criminal records.<sup>53</sup> Licensing requirements also act as barriers for people who were convicted of a crime, and about 30% of U.S. workers need licenses.<sup>53</sup> Nationally, approximately 8,000 documented state licensing restrictions apply to people convicted of any felony conviction and over 4,000 apply to people convicted of any misdemeanor.<sup>53</sup>

#### *Access to economic stability*

Every state allows for the imposition and enforcement of legal financial obligations (LFOs). [RCW 9.94A.030\(31\)](#) defines LFOs as “a sum of money that is ordered by a [S]uperior [C]ourt of the [S]tate of Washington for [LFOs] which may include restitution to the victim, statutorily imposed crime victims’ compensation fees as assessed pursuant to [RCW 7.68.035](#), court costs, county or interlocal drug funds, court-appointed attorneys’ fees, and costs of defense, fines, and other financial obligation that is assessed to [a person] as a result of a felony conviction.”<sup>55</sup> Effective January 1, 2023, [RCW 3.66.115](#) defines LFOs as “a sum of money that is ordered by a district or municipal court of the [S]tate of Washington for [LFOs] which may include restitution to the victim, court costs, county or interlocal drug funds, court-appointed attorneys’ fees, and costs of defense, fines, and any other financial obligation that is assessed to [a person] as a result of a conviction.”<sup>56</sup> LFOs generally fall into four categories: fines, costs, fees, and restitution.<sup>57</sup>

A person convicted of a Class B or Class C felony may be subject to a variety of LFOs. For example, sentencing may include a fine in the amount of \$20,000 for a Class B felony and \$10,000 for a Class C felony. Other costs may apply depending on the circumstances.

A number of studies have indicated that LFOs, and the interest on them, are one of the biggest barriers to successful re-entry into communities following conviction and may perpetuate a cycle of poverty,<sup>58-63</sup> which may contribute to cycles of violence. In 2018 and 2022, the Washington State Legislature passed legislation ([Chapter 269, Laws of 2018](#) and [Chapter 260, Laws of 2022](#), respectively) which reduces the burden of LFOs and the interest accrued on them, particularly for people who do not have the current or likely future ability to pay (i.e., someone who is indigent as defined in [RCW 10.01.160\[3\]](#)).

When a person is experiencing high levels of debt, they are limited in their ability to open bank accounts, have favorable credit terms, or build credit scores.<sup>63</sup> Nonpayment or inability to comply with court orders can also result in an individual being unable to access credit and other banking services, such as checking and savings accounts, loans, and insurance.<sup>64</sup> For example, LFOs may show up on credit reports which can negatively impact someone's ability to secure financing to purchase a car, which can affect access to transportation, which can further impact access to employment or educational opportunities (personal communications, December 2021). People with LFOs in Washington State also shared that people with LFOs may be hesitant to formally engage with financial institutions as "holding banking accounts with money in them opens the door to wages being garnished [to pay LFOs]."<sup>65</sup> An inability to pay LFOs may also perpetuate fear and mistrust in financial institutions, which could result in other financial decisions and consequences (e.g., not paying taxes).<sup>64</sup> In addition, research shows that there are associations between lower socioeconomic status and higher risk of death by suicide.<sup>23</sup>

#### *Access to housing*

Evidence indicates that people who cannot vacate a criminal conviction have difficulty affording housing costs and may face restrictions related to their criminal record. For example, a study in Seattle, Washington, found that outstanding LFOs, as opposed to other types of debt (i.e., credit card debt, medical debt, student debt, and payday loans), was associated with study participant-reported current periods of houselessness, which averaged 1.9 years.<sup>66</sup>

#### *Inequities in firearm-related harm for people who were formerly incarcerated*

A study of people with firearm-related hospitalizations found, "[p]atients with a history of arrest for a firearm-related or violent crime were at especially high risk for a subsequent firearm- or violence-related arrest and non-firearm assault-related death..."<sup>16</sup>

More generally, people who are incarcerated are more likely to experience a wide range of negative health and equity impacts, indicating HB 1562 may have negative effects on people charged and/or convicted of unlawful possession of a firearm. People who are incarcerated are more likely to experience chronic medical conditions (e.g., hypertension, asthma, arthritis, diabetes, high body mass index), infectious diseases, lower self-rated health, increased psychiatric disorders, and a greater risk of mortality upon release.<sup>67-70</sup> Research shows that people with a history of incarceration have a significantly greater likelihood of major depression,

life dissatisfaction, and mood disorders when compared to people who do not have a history of incarceration<sup>68,71</sup> and that effects persist after release. Analysis of a contemporary cohort's criminal legal system contact and mental health over time found arrest and incarceration, but not conviction, are independently associated with poor mental health.<sup>71</sup> Additionally, a 2020 systematic review found that, "Blacks and [people of color] consistently show lower life expectancies and worse mental health outcomes than whites. Health [inequities] persist, and are magnified, among the incarcerated population, where people of color are disproportionately represented."<sup>72</sup>

#### Inequities in criminal legal system involvement due to racism

Inequities due to racism exist within firearm possession policies. Relinquishment of firearms by people with a DVRO have been associated with lower homicide rates among Black people, but not among white people.<sup>29</sup> Researchers commented that this finding "may have more to do with racial inequities in the criminal [legal] system than with the legal provision itself".<sup>29</sup> Further, "[B]lack perpetrators of violent misdemeanors are more likely than white perpetrators to be convicted and therefore subject to the firearm prohibition."<sup>29</sup>

More generally, it is well-documented that people of color are disproportionately represented in all steps of the criminal legal system, indicating that HB 1562 may have disproportionate health and equity impacts on people with certain criminal convictions and civil violations. In 2010, the Task Force on Race and the Criminal Justice System was convened to address racial inequities in Washington State's criminal legal system. Its 2012 report concluded that racial bias influences criminal legal system outcomes more than the rate at which crimes are committed (crime commission rates).<sup>73</sup> Specifically, "facially race-neutral policies that have a disparate impact on people of color contribute significantly to [inequities] in the criminal [legal] system", and "racial and ethnic bias distorts decision-making at various stages in the criminal [legal] system, contributing to [inequities]."<sup>73</sup> In a 2021 update, the Task Force built on previous work and evaluated data related to stops, searches, arrests, convictions, LFOs, incarceration, etc.<sup>74</sup> The 2021 Task Force's Research Working Group concluded that "race *still* matters in ways that are not fair, that do not advance legitimate public safety objectives, that produce racial [inequities] in the criminal [legal] system, and that undermine public confidence in our legal system."<sup>73</sup>

This Health Impact Review focused on the most direct connection between provisions in the bill and health and equity. Since there is no research and it is unknown who may still possess a firearm while prohibited and who may be charged with or convicted of such unlawful possession under the extensions to RCW 9.41.040, this pathway was ultimately not included in the logic model.

## Annotated References

1. **Firearms and Dangerous Weapons, Definitions, 9.41.010 Revised Code of Washington(2022).**

RCW 9.41.010 defines "Firearm" to mean a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder. "Firearm" does not include a flare gun or other pyrotechnic visual distress signaling device, or a powder-actuated tool or other device designed solely to be used for construction purposes. "Gun" has the same meaning as firearm.

2. **Unlawful possession of firearms--Ownership, possession by certain persons--Restoration of right to possess--Penalties, 9.41.040 Revised Code of Washington(2022).**

RCW 9.41.040 pertains to unlawful possession of firearms, ownership, restoration of right to possess, and penalties.

3. **Maximum sentences for crimes committed July 1, 1984, and after. RCW 9A.20.021: Washington State Legislature; 2015.**

RCW 9A.21.030 relates to maximum sentencing, including for Class B and Class C felonies.

4. **Domestic violence--Official response, Definitions, 10.99.020 Revised Code of Washington(2022).**

RCW 10.99.020 includes definitions of domestic violence and intimate partner. Domestic violence includes crimes committed "either by (a) one family or household member against another family or household member, or (b) one intimate partner against another intimate partner." An intimate partner includes former or current spouses or domestic partners, people who have a child in common, people who have formerly or are currently residing together and who have or have had a dating relationship. Domestic violence-related crimes include, but are not limited to: assault; drive-by shooting; reckless endangerment; coercion; burglary; criminal trespass; malicious mischief; kidnapping; unlawful imprisonment; violation of a restraining, no-contact, or protection order; rape; stalking; and interference with the reporting of domestic violence.

5. **Surrender of weapons or licenses--Prohibition on future possession or licensing. In: Legislature WS, ed. Vol RCW 9.41.8002022.**

RCW 9.41.800 requires a person that has used, displayed, or threatened use of a firearm or other dangerous weapon in a felony or a person that is ineligible to possess a firearm under RCW 9.41.040 to immediately surrender all firearms, dangerous weapons, and concealed pistol licenses.

6. **State of Washington. Executive Order 16-02. Firearm Fatality Prevention: A public health approach Office of the Governor 2016.**

The Washington State Governor Jay Inslee signed an executive order in January 2016 with the following goals: "Reducing and preventing gun-related violence, crime, fatalities and injuries, and implementing the Statewide Suicide Prevention Plan".

7. **Civil Protection Orders, 7.105 Revised Code of Washington(2016).**

RCW 7.105 includes the Extreme Risk Protection Order Act. This statute establishes the following details related to Washington state extreme risk protection orders (ERPOs): jurisdiction, venue, hearings, orders, duration, relief, remedies, renewal, violations, enforcement, modification, and termination

**8. Rowhani-Rahbar A., Bellenger M. A., Gibb L., et al. Extreme Risk Protection Orders in Washington : A Statewide Descriptive Study. *Ann Intern Med.* 2020;173(5):342-349.**

Rowhani-Rahbar et al. conducted a descriptive study to characterize petitioners who request restricted firearm access and circumstances of extreme risk protection order (ERPO) laws. ERPO laws create a mechanism through civil court where a petitioner can request firearm access restrictions for respondents. ERPO laws are applicable when “threatening or violent [respondent] behavior poses a substantial danger of causing personal injury or harm to themselves or others”. ERPOs “typically make it illegal for the respondent to purchase, possess, access, receive, or have in their custody or control a firearm; these individuals would fail the background check if they attempted to purchase a firearm in their state for the duration of the order”. An immediate family member, household member, or law enforcement officer can petition for an ERPO. Washington state’s ERPO law went into effect in December 2016 and creates a 1-year firearm prohibition for the respondent. As of 1 May 2020, 19 states and the District of Columbia had ERPO or similar laws. The study participants in this study were Washington state ERPO respondents from December 2016 – May 2019, and the data examined were ERPO records from the Washington Administrative Office of the Courts. The outcome measures examined included the type of ERPO, the reason for filing, respondent sociodemographic characteristics, any history of mental health encounter or mental health diagnosis, substance misuse, suicidal ideation and attempt, as well as violence perpetration, criminal legal involvement, the number and type of firearms removed, and the ERPO outcome. The methods of analysis used included descriptive statistics, and plotting, mapping, and computing county-specific rates of ERPOs. The authors calculated the consistency of the ERPO data via inter-rater reliability in an effort to track and improve data reliability. During the duration of the study, 81% of the filed ERPOs were granted. The majority of ERPOs were filed for concerns about harm to others (n=86), some filed for concerns about harm to self (n=67), and some for concerns about harm to both self and others (n=84). Most respondents were male (82%) and non-Hispanic white (86%). The petitioner often reported prior diagnosis of a mental health condition (40%), substance misuse (47%), and suicidal ideation (62%) within the respondent. 79% of respondents owned a firearm, and of the respondents who did not own a firearm, 54% expressed intent in owning one. The majority (87%) of ERPOs were filed by law enforcement, which indicates a need for public awareness of ERPO laws. During the duration of the study period, 641 firearms were removed, at least 1 firearm was removed from 64% of respondents, and the highest number of firearms removed from one respondent was 10 firearms. The most common type of firearm removed was a handgun. The distribution and trends over time of ERPO filing across Washington is not ubiquitous. 16 of the 39 counties in Washington did not have any ERPOs during the study period, and filings increased over time, with a peak increase in winter 2018. Researchers note comparison and lessons learned from Connecticut’s and Indiana’s risk-based gun removal or gun seizure laws, citing notable decreases in suicide by firearm in these states. Further, the authors describe that ERPO laws in other states have demonstrated how the initiation of mental health care for respondents is a particularly

useful feature of ERPOs. Limitations to this study include inconsistently filed ERPOs, incorrect or incomplete reporting by the petitioner.

**9. Smucker S. Effects of Prohibitions Associated with Domestic Violence on Violent Crime. 2023.**

Researchers from the RAND Corporation summarize research regarding firearm prohibitions associated with domestic violence. This review includes 9 studies and does not follow systematic or scoping review methodologies. The majority (n=4) of state law research studies that were reviewed included firearm prohibitions associated with DVROs and domestic violence misdemeanors. Three of these found that such policies are associated with significantly lower rates of total and firearm related IPH. Findings show that DVRO laws are effective in reducing IPH, with stronger effects for female victims, and that when the DVRO policy includes prohibition of both purchases and possession. In a study of 1980-2013 data, Zeoli et al. found significantly lower rates of total and firearm-related IPH in states with DVRO restrictions. This study also found stronger effects when dating partners were included in the DVRO restriction, and when ex parte DVROs were included. The authors share that they found “moderate evidence” that these DVRO policies reduce total and firearm IPH. Four of the studies reviewed examined firearm prohibition for people convicted of a DV misdemeanor; all of these studies found uncertain effects, and one found a negative relationship on IPH only when the policy was implemented alongside firearm relinquishment. Studies examining the effects of firearm prohibitions for people charged with DV misdemeanors led to an 8% decrease in firearm-related IPH, but an 8% increase in rape and a 12% increase in assault. While DVRO prohibition outcomes are clear for IPH, they are unclear for stranger homicide, rape, robbery, and assault. RAND also points to Diez (2017), which evaluated 1991 – 2015 data, and found uncertain effects for prohibitions related to stalking convictions, and indicates a 10% reduction in total IPH when prohibitions for DV misdemeanants was in effect. The authors found “inconclusive evidence” that these policies influence total or firearm related IPH. Two of the studies reviewed analyzed firearm prohibitions associated with stalking offenses, one of which found that “61.5[%] of women who had been stalked were stalked by a current or former intimate partner”. One of these found uncertain effects on total and firearm IPH, and the other found that that firearm prohibition laws for stalking misdemeanants were actually associated with increased IPH. The authors found “inconclusive evidence” for these policies impact on total or firearm IPH. There were five studies included that examined non-IPH outcomes. The authors found “limited evidence” that DV firearm prohibitions may reduce total and firearm related homicides among some subgroups.

**10. Zeoli A. M., Malinski R., Turchan B. Risks and Targeted Interventions: Firearms in Intimate Partner Violence. *Epidemiol Rev.* 2016;38(1):125-139.**

Zeoli, Malinski, and Turchin conducted a systematic review of literature to synthesize the risks of firearm access and use in Intimate Partner Violence (IPV), and the impact and enforcement of interventions for firearm use in IPV. Peer reviewed journal articles written in English, and published between 1990 – 2014 are included in the review. The review included 19 research articles, with 12 studies on the risk or severity of IPV, and 7 on the impact of interventions designed to reduce firearm use in IPV. Study publication dates ranged from 1998-2013. All but one study took place in the U.S., with one study included from Canada. The data extracted from the research studies included: “the intimate relationships considered, the composition of the

study sample, how firearm access or use was operationalized, IPV outcomes measured, details of interventions”, as well as the of statistical test results of “associations between firearms measures and interventions and IPV outcomes”. The researchers acknowledged that reports of DV-related experiences, such as firearm related threats are self-reported, thus, underreporting may be occurring, and the true values of violence indicators may be even higher than the estimates reported. Overall, the results of the review suggest that female victims of IPV whose partners have access to a firearm increases the risk of severe and fatal violence, and that policy interventions can reduce this risk. Results show “no difference in the likelihood of committing future police-reported reassaults between those with firearm access and those without. However, because not all assaults are reported to the police, it is unknown whether firearm access was associated with future violence.” Among the 7 intervention studies included, policies were examined that prohibit: 1) people currently under domestic violence restraining orders (DVROs) and 2) individuals convicted of domestic violence misdemeanor offenses from purchasing or possessing firearms. “No association was found in states that failed to put disqualifying information in background check systems, making implementation incomplete”. “Two studies suggest that DVRO firearm restriction statutes are associated with significant decreases in rates of intimate partner homicide (IPH) while a third study found no association.” The study that did not find an association has major methodological limitations to consider. One of the studies that found an association reported that the odds of nonfatal IPV in dating relationships were 14% lower in states with the statute. Three studies examined DVRO firearm prohibition statute implementation. Research indicates that these policies have been associated with reductions in IPH, and additional implementation consideration need to be included. For example, in 2 California counties where law enforcement officers removed firearms from those prohibited from possession by DVROs, firearms were recovered from only 23% of the respondents in San Mateo County, and 51% of the respondents in Butte county. The study of policy implementation indicates that not all DVROs were served, and that law enforcement “lacked the authority to search respondents identified as firearm owners who denied having firearms”. Another study conducted interviews with 542 DVRO petitioners, who reported that judges only ordered a firearm surrender in about half of the requested cases. The same study found that men were dispossessed of firearms in only 24% of the cases in which surrender was ordered. Researchers did not find an association between DV misdemeanor firearms restrictions statutes and IPH, however, this may be due to the lack of states having specific domestic violence misdemeanor crimes, and lack of identifying perpetrators as having committed a disqualifying crime. Two studies examined statutes that allowed for law enforcement to confiscate firearms at the scene of IPV, but no association was found between these policies and IPH. Limitations apply to intervention studies, including factors outside of the policy intervention that may contribute to outcomes. The generalizability of U.S. state policy implementation studies to Washington state may be limited. To maximize the impact of policy interventions, the researchers call for implementation of DVRO firearm prohibitions in concert with purchasing restrictions. The researchers also called for expanding the scope of future IPV research and improving surveillance systems.

11. **Webster D., Gostin, L. . The Supreme Court Expands Second Amendment Rights as the Nation Experiences Historic Levels of Firearms Violence. *Journal of the American Medical Association*. 2022;328(12):1187-1188.**



This opinion piece in the Journal of the American Medical Association discusses recent firearms-related court decisions, and highlights firearm violence statistics, ways that the U.S. Supreme Court has expanded Second Amendment rights, and public health strategies to reduce firearm violence. Firearm death rates in the U.S. are 25 times higher than other high-income countries. In 2020, there were more than 45,000 firearms deaths in the U.S. In *New York State Rifle & Pistol Association v Bruen*, the U.S. Supreme Court decided to no longer require “proper cause” (a special need for self-defense) to get a license to carry a concealed weapon in public. The Bipartisan Safer Communities Act was signed on June 25, 2022 by President Joe Biden. This act enhances background checks for people under 21 years who want to purchase a firearm, incentivizes states to implement ERPOs, and expands to mental health service access. The authors highlight ERPO and DVRO laws, stating that they “have broad public support and have been shown to be effective”. ERPO laws began in 1999 in Connecticut; now, at least 19 states have ERPO laws. DVRO laws began in the 1970s; now, all 50 states and Washington D.C. have DVRO laws. The authors point out that “DVROs are associated with reductions in intimate partner homicides, but their effectiveness is contingent on whether laws cover dating partners and explicitly require firearm surrender”. The authors call for interventions that alter the built environment (blight abatement, renovation of vacant buildings and low-income housing, and reduce outlets and hours for alcohol sales) and expansion of behavioral and employment support to reduce gun violence.

12. **Washington v. Dennis (Majority and Dissent). Available at: <https://law.justia.com/cases/washington/supreme-court/2018/95083-1.html>. Accessed, 2023.** The Washington court case *State v. Dennis* concerned the interpretation of the requirements to have the right to possess a firearm restored (RCW 9.41.040). The court ruled that a person can petition for restoration of firearm rights after any conviction-free 5-year period elapses, and that the 5-year period does not need to be 5 consecutive years immediately preceding the filing of the petition. Justia.com provides access to federal and state court decisions, codes, and regulations.

13. **Justice U.S. Department of. Restrictions on the Possession of Firearms by Individuals Convicted of a Misdemeanor Crime of Domestic Violence Crime Resource Manual 1101-1199. 2013.**

In this law summary, the U.S. Department of Justice provides information about the Gun Control Act of 1968, codified at 18 U.S.C. § 922(G) and domestic violence. The federal Gun Control Act of 1968 and subsequent amendments prohibit a person convicted of a felony and a person subject to a domestic violence protection order from possessing a firearm. In 1996, a further amendment to the Gun Control Act prohibits the possession of a firearm by a person convicted of a domestic violence misdemeanor, defined as any state or federal misdemeanor involving or attempting the use of physical force or threatening the use of a deadly weapon against an intimate partner.

14. **Congress 103d U.S. Violent Crime Control and Law Enforcement Act of 1994, Violence Against Women Act. Public Law 103-322; 108 Statute 1926-19271994.**

In 1994, U.S. Congress passed the Violence Against Women Act (VAWA), recognizing domestic violence as a crime and making interstate domestic violence and violation of protection orders criminal offenses under federal law.

15. **American Psychological Association A thaw in the freeze on federal funding for gun violence and injury prevention research. 2021; Available at: <https://www.apa.org/monitor/2021/04/news-funding-gun-research>. Accessed, 2023.**

This feature from the American Psychological Association outlines the history of federal funding for firearm violence and injury prevention research.

16. **Rowhani-Rahbar A., Zatzick D., Wang J., et al. Firearm-related hospitalization and risk for subsequent violent injury, death, or crime perpetration: a cohort study. *Ann Intern Med.* 2015;162(7):492-500.**

Rowhani-Rahbar et al. conducted a retrospective cohort study of patients with a firearm-related hospitalization (inclusive of assault, self-inflicted, unintentional, undetermined) in 2006 and 2007 at all hospitals in Washington State. They compared this patient group with two comparison groups: 1) a random sample of patients with a non-injury-related hospitalization and 2) the Washington State general public. They examined risk of subsequent firearm-related hospitalization, firearm-related death, and firearm or violence-related arrest through 2011. Secondary outcomes include subsequent firearm-related hospitalization, non-firearm violent death, and arrest for a non-firearm violent crime. The authors cite background information that, “[t]here are 40 times as many nonfatal firearm-related crimes as there are firearm-related deaths, and 23% of victims of such crimes sustain an injury. Of those with non-fatal firearm-related injuries who receive medical attention in the emergency department, an estimated 30% to 60% are hospitalized...” Evidence has shown that “interventions, such as brief motivational interviewing, conduct among trauma patients during their hospitalization have been shown to reduce rates of posttraumatic stress and alcohol use disorders as well as trauma and violent behavior recidivism while improving functional recovery.” In 2006 and 2007, there were 77,138 injury-related hospitalizations, including 680 firearm-related hospitalizations. Of firearm-related hospitalizations, 51.0% were assaults, 28.2% were unintentional, 13.1% were self-inflicted, and 7.7% were undetermined. Of the 680 patients, 9.9% died during hospitalization. A greater proportion of firearm-related hospitalizations were male and had at least 1 prior firearm or violence-related arrest or conviction compared to patients hospitalized for other reasons. After hospital discharge, patients with a firearm-related hospitalization had the highest rate of subsequent firearm-related hospitalization and firearm- or violence-related arrest among all groups. Notably, “[p]atients with a history of arrest for a firearm-related or violent crime were at especially high risk for a subsequent firearm- or violence-related arrest and non-firearm assault-related death...patients with an index [firearm-related hospitalization] were significantly more likely than the general population of Washington to be subsequently hospitalized...or to die...as a result of a firearm-related injury.” Overall, patients with a firearm-related hospitalization “were at heightened risk for subsequent firearm-related violent victimization or crime perpetration. In addition, among hospitalized patients, prior criminality had a stronger association with subsequent firearm- or violence-related arrest than did a prior diagnosis of mental illness.” The authors also noted that “[m]en represent the majority of both victims and perpetrators of firearm-related homicides, and about 4 to 6 times as many males as females commit suicide with a firearm in the [U.S.]” In addition, the authors note that prior research has also shown the link between prior criminality and risk for subsequent crime among people who own or use a firearm more generally. Prior research has also suggested that, “among explanatory predictors of crime, the most salient are environmental and socioeconomic factors than individual characteristics, such as race, and that the burden of [firearm-related hospitalizations] and death is substantially

greater among disadvantaged groups.” Among other limitations, the authors noted that this study did not include patients who did not seek hospitalization or those who committed a crime that did not result in an arrest. Lastly, the authors stated, “[t]hose already involved in a cycle of violence who have a medical encounter may benefit from interventions to change a trajectory that would otherwise result in subsequent violent injury, death, or crime perpetration. Secondary or tertiary prevention measures may begin in the outpatient, emergency department, or inpatient setting and continue afterward in conjunction with community services and assistance from law enforcement to offer counseling on avoiding repeated injury and new criminal activity. These interventions should ideally be multicomponent and address pathophysiologic, behavioral, and social determinants of morbidity and mortality in this group of patients.”

**17. Pear V. A., McCort C. D., Kravitz-Wirtz N., et al. Risk factors for assaultive reinjury and death following a nonfatal firearm assault injury: A population-based retrospective cohort study. *Prev Med.* 2020;139:106198.**

Pear et al. conducted a retrospective cohort study “to identify factors associated with increased rates of recurrent assaultive firearm injuries and death among people who survived an initial firearm assault injury in California.” Building off prior research demonstrating that people who experienced firearm-related hospitalization are at increased risk of subsequent firearm-related harm, Pear et al. sought to identify sociodemographic characteristics of patients at risk for subsequent firearm-related injury and death. Nationally, in 2017, there were more than 14,500 firearm homicides and over 7 times as many non-fatal firearm-related injuries. Prior research has shown that the “socio-emotional consequences of exposure to violence are more severe when a firearm is involved.” The authors used data from 2005 through 2013 to identify adults aged 15 years and older with an initial firearm assault injury and followed people through 2015. They controlled for a number of factors, including residential zip code urbanicity, and “several county-level characteristics previously found to be predictive of community firearm assault in California (Black isolation index, percent of households receiving food stamps, percent of men aged 65+ [years] with at least a high school education, and percent never married).” The study identified 31,765 people with an initial nonfatal firearm assault injury between 2005 and 2013; 29,156 people were included in the final cohort sample. At initial injury, the majority of people were young (i.e., median 24 years old), male, residents of metropolitan areas, and Black. In total, 4.1% of people with an initial firearm assault injury experienced subsequent firearm injury or death. The mean time to subsequent firearm injury or death was 2 years. The authors found that people “with a single firearm assault injury have a substantial risk of experiencing another nonfatal firearm injury, reaching 10% by 8.5 years post-index injury.” Moreover, “the firearm homicide rate was more than 60 times higher among people with a single nonfatal firearm assault injury and more than 120 times higher among those with multiple such injuries.” Increased risk of subsequent firearm homicide was associated with young age, male sex, Black race, and metropolitan zip code (i.e., urban area). This study did not examine association with prior criminal convictions, and the study authors noted that this may be a confounder since firearm ownership and criminal history are associated with increased risk for firearm assault.

**18. Leiding D., Kaiser F., Steffens M., et al. What determines violent behavior in men? Predicting physical, psychological, and sexual violent offending based on classification and regression tree analysis. *Aggress Behav.* 2021;47(5):570-582.**

Leiding et al. sought “to determine the risk factors that best predict physical, psychological, and sexual violent offending in male[s]” They evaluated anonymous survey data from 5,385 males who were in- and out-patients at 7 hospitals in Germany to examine the relationship between physical, psychological, and sexual violence and factors of mental health, risk-taking behavior, and coping strategies. They survey included questions related to for physical, psychological, and sexual violence: violence exposed to and perpetrated, severity of exposure, whom the violence was directed at, and the frequency of exposure; demographic information: age, parental status, education level, marital status, occupation, income, natality, and religion; and behavior: help-seeking and risk-taking behaviors; and psychosomatic and physiological complaints. Of men that participated in the study, 51.6% reported having no experiences of violence, 25% reported experiences in both victimization and perpetration; 18.6% reported being victims only, and 4.8% reported being perpetrators only; “[t]his breakdown shows that a relatively small group of [people] become perpetrators without being victims.” About 49% of all victims reported experiencing multiple types of violence (polyvictimization) and about 30% of all perpetrators reported committing multiple types of violence (polyperpetration). Overall, they found that previous exposure to violence and polyvictimization were the main predictors of future violence. Specifically, “all three types of violence [perpetration] were best predicted by prior exposure to violence. Physical and sexual violence were best predicted by the respective type of violence, whereas psychological violence was best predicted by polyvictimization rather than exposure to one specific type of violence. Furthermore, physical violence was predicted by frequency of, and the age at which violence was experienced... Sexual violence was best predicted by the frequency and originator of one’s own exposure to sexual violence...” The authors stated that “exposure to violence is strongly associated with long-term and short-term violent behavior.” In the background section, the authors stated that the World Health Organization has defined violence as, “the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment, or deprivation.” The authors noted that data related to violent crime, “account for official crime reports including physical violence (i.e., murder, manslaughter, and physical injury), sexual violence (i.e., sexual assault and rape), and robbery. Psychological violence is not included in these reports despite often having similarly severe consequences.” Research has shown that people exposed to violence are more likely to experience depression, anxiety, self-harm, substance use disorders, and greater risk of being diagnosed with a chronic disease.

**19. Kagawa R. M. C., Stewart S., Wright M. A., et al. Association of Prior Convictions for Driving Under the Influence With Risk of Subsequent Arrest for Violent Crimes Among Handgun Purchasers. *JAMA Intern Med.* 2020;180(1):35-43.**

Kagawa et al. conducted a retrospective, longitudinal cohort study. Participants (N=79,678) were followed up from 2011 to 2013, upon their first handgun purchase. Data from the California Department of Justice (CA DOJ) Dealer's Record of Sale (DROS) database was used. The researchers found that among California adults who legally purchased a handgun, people with a DUI-related conviction were at an increased risk of arrest for a firearm-related violent crime or any violent crime. Data indicates that, “the firearm homicide rate was more than 60 times higher among people with a [prior] single nonfatal firearm assault injury and more than 120 times higher among those with multiple such injuries.”

20. **Kellermann A., Rivara, F. P., Rushforth, N. B., Banton, J. G., Reay, D. T., Francisco, J. T., Locci, A. B., Prodzinski, J., Hackman, B. B., Somes, G. . Gun Ownership as a Risk Factor for Homicide in the Home. *New England Journal of Medicine* 1993;329(15):1084-1091.**

Kellerman et al. examined the association between firearms in the home and rates of violent crime in the home. The authors used data from 3 metropolitan counties' police or medical examiner, and interviewed a proxy for each victim. King, County, Washington data was included in the study. The authors calculated crude and adjusted odds ratios with matched pair methodologies. The final number of matched pairs examined in this study was 388. The authors controlled for instances where the victim lived alone or was renting their residence, and for living with a person who uses illicit drugs, living with a person with prior arrests, and experiences of non-firearm violence in the home. The results indicate a strong association between firearms in the home and increased risk of homicide (aOR, 2.7; 95% CI, 1.6 -4.4). Most of the risk was associated with homicide by a family member or intimate acquaintance.

21. **Anglemyer A., Horvath, T., Rutherford, G. . The Accessibility of Firearms and Risk for Suicide and Homicide Victimization Among Household Members. *Annals of Internal Medicine*. 2014;160(2):101-110.**

Anglemyer and colleagues conducted a systematic review and meta-analysis on 16 studies to examine the estimates of association between firearm availability and suicide or homicide. The authors used Cochrane Collaboration methods. The study designs included in this research were randomized, controlled trials; nonrandomized, controlled trials; pre- or postintervention evaluations; and observational studies if a comparator was available. The risk of bias was calculated for each study. The authors pooled data across studies and estimated summary effect sizes by using fixed- and random-effects models. Odds ratios and 95% CIs were calculated. The majority (n=15) of the studies included reported increased odds of death associated with firearm access. The researchers found increased odds of suicide among persons with access to firearms compared with those without access (OR, 3.24 [CI, 2.41 to 4.40]). The researchers found moderate evidence for an attenuated increased odds of homicide victimization among people with firearm access, compared to those without access (OR, 2.00 [CI, 1.56 to 3.02]). The study indicated that men with firearm access may have higher odds of committing suicide than women, and women have higher odds of homicide victimization. This study shows that access to firearms is associated with risk for completed suicide, as well as being the victim of homicide.

22. **Studdert D. M., Zhang Y., Holsinger E. E., et al. Homicide Deaths Among Adult Cohabitants of Handgun Owners in California, 2004 to 2016 : A Cohort Study. *Ann Intern Med*. 2022;175(6):804-811.**

Studdert et al. conducted a retrospective cohort study over 12.2 years to estimate the association between living with a lawful handgun owner and the risk of being a victim of homicide. The authors point to separate research and share, "a 2014 meta-analysis concluded that people in homes with firearms have double the odds of dying by homicide compared with people in homes without firearms". Further, researchers have found a positive association between firearm ownership and homicide among 5- to 14-year-olds. In the present study, the authors conducted Cox proportional hazard models to calculate hazard ratios between exposure to a handgun and mortality, and conducted 3 additional sensitivity analyses. The study participants were

17,569,096 registered California voters who did not own handguns. The researchers found that two thirds of the study participants who lived with handgun owners were women. Among study participants, homicide rates were more than twice as high among people who lived with handgun owners than non-owners (adjusted hazard ratio, 2.33 [95% CI, 1.78 to 3.05]). When the researchers examined rates of homicide rates that occurred in the home, they found rates of being fatally shot by a spouse or intimate partner were 7 times higher among people who cohabitate with a firearm owner (adjusted hazard ratio, 7.16 [CI, 4.04 to 12.69]) and that the majority (84%) of these victims were female. “A small minority of homicides involved victims killed by strangers at home; cohabitants of handgun owners did not experience such fatal attacks at lower rates than their neighbors in gun-free homes.”

**23. Perry S. W., Rainey J. C., Allison S., et al. Achieving health equity in US suicides: a narrative review and commentary. *BMC Public Health*. 2022;22(1):1360.**

Perry and colleagues conducted a narrative review and commentary of suicide death disparities in the U.S. The authors use a health equity framework to discuss suicide disparities. They found that untreated, undertreated, or unidentified mental illness or depression and access to firearms are modifiable risk factors for suicide across all groups. The authors also point to sociological forces such as racism and the widening income inequality gap as root causes for suicide outcomes. CDC data show that between 1999-2018, national suicide rates increased 35%. From 1999-2019, the U.S. saw a 50% increase in female suicide rate and a 26% increase in male suicide rate; male suicide rates were 4.5 times higher than females in 1999 and 3.7 times higher in 2019. The gender gap between males and females is narrowing because female suicides are increasing at a higher rate. Male suicide rates were the highest among those 71 years or older, while female rates were highest among 36-50 year olds, followed by those 51-70 years old. Firearms are considered a major reason for higher suicide rates among males, compared to females (2-4 times higher suicide rate, but ¼ - ½ as many suicide attempts). The researchers found that suicides are significantly higher in males than females, and highest among people aged 51-85+ for both sexes. Young females aged 24 or younger have the most rapidly rising suicide rates. Overall, suicide rates are highest among the non-Hispanic white population. Among those reported female, American Indian and Alaska Native people have the highest suicide rates until reaching age 40; non-Hispanic white people have the highest rates from ages 40–70, and Asian and Pacific Islander people have the highest rates after age 70. The suicide rates of younger AIAN female and middle-aged NHW populations may surpass the rates of males. Among those reported male, all racial/ethnic groups experience increasing suicide rates to age 20-24, and after ages 65-70. Male American Indian and Alaska Native people have the highest rates of suicide until age 40-44, and male non-Hispanic white people have the highest rates after age 40-44. Sexual and gender minorities are at increased risk of suicide, and evidence indicates that bisexual people may be at higher risk than gay or lesbian people. Veterans are at increased risk of suicide. From 2005-2017, suicide rates increased by 22% in the general population, but increased by 50% among veterans. The researchers found that firearm suicides increase with increased rurality, and that firearm suicide doubled as urbanization decreased. The authors use this data to suggest that firearm availability is a likely risk factor for suicide. Socioeconomic status impacts suicide rates, and research shows that there are associations between lower socioeconomic status and higher suicide risks. One study found that suicide risk and gun suicide risk among children aged 5–19 years, “increased 37% and 87% respectively between the least and most impoverished counties, even after controlling for county urbanicity”.

However, higher socioeconomic status does not protect against all suicide risk, especially when mental distress is present, and when studies also examine the impacts of age and racism on suicide outcomes. Among the various methods of suicide, suicide by firearm occurred in 89% of suicides in non-metro males aged 71-85+. The researchers point out 33%-80% of suicidal acts are considered impulsive, and that access to firearms in a home creates a 17 fold increase in risk for a household suicide by firearm, even after accounting for risk of psychopathology among household members. One study found that "about 85% of people who use a gun will die; about 95% of people who use another means will survive; and more than 90% of those who survive will not go on to try again". The authors point out that there is strong evidence that reducing firearm access decreases suicide. Data indicate that 49% of non-Hispanic whites, 32% of non-Hispanic Blacks, 21% of Hispanics, and 15% of Asian and Pacific Islanders reported the presence of a gun in their household. Little data is available for American Indian and Alaska Native people gun ownership. One study with a small sample size in Alaska estimated a 53% household gun ownership. The authors share that limiting easy or immediate acquisition of firearms (including mandatory waiting periods or permit requirements), are linked to reductions in suicide deaths. A study found that waiting periods "led to a 7-11% reduction in gun suicides... which is equivalent to 22–35 fewer gun suicides per year for the average state". The authors also report that, "ERPOs or GVROs were associated with a 7.5% reduction of firearm suicide rate in Indiana and a 14% reduction in Connecticut". The researchers call for more emphasis on policies and universal suicide prevention programs, and population-based strategies to reduce depression and firearms.

**24. Tomsich E. A., Schleimer J., Wright M. A., et al. Intimate Partner Violence and Subsequent Violent Offending Among Handgun Purchasers. *J Interpers Violence*. 2022;37(23-24):NP21447-NP21475.**

Tomsich and colleagues conducted a cohort study, examining California adults who legally purchased a handgun (n=76,311) in 2001 and compared purchasers who had a history of only IPV-related crimes to those who did not have a criminal history. The authors also reference prior research and point out that "over half of all intimate partner homicides involve the use of a firearm." Data was retrieved via the California Department of Justice Dealer's Record of Sale (DROS) database, which tracks all licensed retailer handgun transfers. Federal law outlines lifetime prohibitions for DV-related misdemeanors; however, "violent crimes against dating partners do not result in restrictions on purchasing and ownership". The prohibition only applies to violence against spouses, cohabitants, and co-parents. California law requires relinquishment of firearms for DV misdemeanors domestic violence, requires a background check for all firearm purchases, and has a mandatory 10-day waiting period, and does not have a permit-to-purchase policy. People were included in exposure data if they had one or more arrest, charge, or conviction for assault, battery, or rape of an intimate partner, or a violation of a [DVRO] prior to their purchase. Outcomes studied were "any post-index purchase charge for: 1) violent Crime Index-listed offenses (murder, rape, robbery, and aggravated assault); 2) any violent crimes, based on definitions by the FBI and World Health Organization; and 3) IPV crimes". Deterministic and probabilistic matching, using the Criminal History Information System (CHIS) was used to link exposures and outcomes for individual purchasers. The researchers estimated adjusted hazard ratios (AHRs) and generated regression models and Kaplan-Meier curves to stratify charge history by the time of the index purchase. The researchers also estimated the risk associated with IPV and non-IPV crimes, and the risk associated with and without criminal

charges for non-IPV crimes. The authors found that people with a history of IPV charges were at an increased risk of future arrest for a violent crime (adjusted hazard ratio [AHR], 2.6; 95% confidence interval [CI]: 1.4–5.1), any violent crime (AHR, 3.2; 95% CI: 2.0–5.1), and an IPV crime (AHR, 5.2; 95% CI: 3.0–9.0), as compared to those without a criminal history. These results emerged after the researchers adjusted for individual and community level covariates. Findings from this study affirm that DUI convictions are associated with the risk of future crimes, including IPV crimes. It is important to note that between 78.7% - 96.6% of purchasers with combined histories of IPV and non-IPV did not go on to commit subsequent violent Crime Index, any violent, IPV, or firearm violence crimes.

**25. Tessler R., Haviland, M. J., Bowen, A., Bowen, D., Rivara, F., Rowhani-Rahbar, A. . Association of state-level intoxicated driving laws with firearm homicide and suicide. *Inj Prev.* 2022;28:32-37.**

Tessler et al. conducted an ecological cross-sectional study of all U.S. states from 2013 to 2017 to assess whether “an association exists between the number of driving under the influence (DUI) convictions required to activate federal firearms prohibitions [18 U.S.C. 922] and annual firearm homicide and suicide rates by state.” Authors used DUI law data from Thomson Reuters Westlaw database and firearm mortality data from the CDC Vital Statistics programme. Covariates considered included state-level data for race/ethnicity (i.e., proportions that were African American and Hispanic), specified age categories (<20, 20-29, 30-39, and 40-49 years), per capita income, poverty rate, unemployment rate, rural population, and violent crime rates (excluding homicide). Authors adjusted for variations in firearm ownership at the state-level and controlled for differences in legal landscapes for firearms. Overall, 5 states (MA, NY, CT, IN, and OK) had laws under which 1 or 2 DUI convictions could result in prohibitions to firearms access according to federal law, and 4 states (CA, NJ, PA, and CO) had no legal framework (i.e., ‘no activation’) that would activate federal statute to restrict firearms access due to DUI convictions. All other states could activate federal restrictions at 3 or more DUI convictions. However, CO implemented a DUI policy that activated the federal statute in 2015, and therefore contributed 2 years to the ‘no activation’ group and 3 years to the ‘3 or more offenses’ group. Results of the analyses indicated no “statistically significant associations between DUI laws and overall or firearm-specific homicide among men or the overall population of men and women.” Specific to women, data showed firearm-specific homicide victimization rates were “18% lower in states with firearm prohibitions after [3] or more offenses ([incidence rate ratio] IRR 0.82; 95% CI 0.71 to 0.95) compared with the states with no legal framework for prohibiting firearms after DUI convictions.” This finding was statistically significant. In states where federal restrictions of firearms access occurred after 1 or 2 DUI offenses the rate of firearm homicide among women was also 19% lower than among the ‘no activation’ group. However, this finding was not statistically significant (IRR 0.81; 95% CI 0.64 to 1.01). Finally, “there was no association between number of DUI activations and overall, or firearm-specific, suicide among the entire population (men and women) or among only women, or only men.” Note, authors intentionally did not create race-specific estimates as they “believed that race was an inadequate proxy for racism and that data elements available to [them] would not allow for an accurate interpretation of race-specific results with respect to structural differences in policing.” Limitations include the cross-sectional study design (cannot draw causal inferences), ecological analysis (cannot provide individual level insights), potential for unmeasured confounding, and lack of inclusion of driving behavior data by state. Overall, authors concluded that “results



suggest that there may be lower firearm homicide rates specifically for female victims in states where stringent alcohol-related laws DUI have the potential to restrict access to firearms.”

**26. Cerda M., Hamilton A. D., Tracy M., et al. Would restricting firearm purchases due to alcohol- and drug-related misdemeanor offenses reduce firearm homicide and suicide? An agent-based simulation. *Inj Epidemiol.* 2022;9(1):17.**

Cerda et al. used an agent-based model to test the association between alcohol and drug related misdemeanors and firearm violence. The study simulation consisted of a population of 800,000 agents, reflecting a 15% sample of the adult New York City (NYC) population. NYC 2010 census data, as well as NYC convictions, arrests, and mortality data was used alongside national level data on firearm trends. The simulation model was used to predict behavior. Sensitivity analyses on the model were conducted. The researchers found that after disqualifying people from purchasing firearms 5 years after an alcohol-related conviction led to a 1.0% decrease in firearm homicide, and a 3.0% decrease in suicide. Disqualifying people from purchasing firearms 5 years after a drug-related conviction led to a 1.6% decrease in firearm homicide, and a 4.6% decrease in suicide. “The greatest reduction in firearm homicide and suicide was found among people with a prior history of alcohol misdemeanors.” The authors point out that this study indicates that denying firearm access based on a history of alcohol or drug-related misdemeanors may reduce firearm violence among these groups.

**27. Longobardi C., Badenes-Ribera L. The relationship between animal cruelty in children and adolescent and interpersonal violence: A systematic review. *Aggression and Violent Behavior.* 2019;46:201-211.**

Longobardi and Badenes-Ribera conducted a systematic review of the ways animal cruelty and interpersonal violence are connected. The review included articles published between 1995-July 2017, and authors used the PRISMA systematic review guidelines. After reviewing 32 studies, the authors found that perpetration of animal cruelty during childhood and adolescence was a significant predictor of future adult violence perpetration. The researchers found a stronger association for serious offenses, such as vandalism, violent offenses, serious property offenses, or robbery, than for common misdemeanors, such as shoplifting. People with more serious convictions have been found to engage in more severe animal cruelty. The authors connect their findings to the progression or graduation hypothesis and the deviance hypothesis.

**28. Newberry Michelle. Pets in danger: Exploring the link between domestic violence and animal abuse. *Aggression and Violent Behavior.* 2017;34:273-281.**

Newberry gathered and analyzed 74 domestic violence victims’ stories of companion animal abuse, and reports main themes gathered from these stories. The victims’ stories were collected from voluntary online forums. The author points to prior research to describe companion animal abuse. In two separate studies of DV victims in New York and Utah, companion animal abuse was reported by 53% and 54% of participants, respectively. In one study that asked 13 DV victims about abuser motivations, “92% believed that pets were abused to control them or their children (the remaining participant did not respond to the question).” DV perpetrators can exploit the bond that DV victims have with their companion animals to cause harm to the DV victim. The authors discuss negative impacts of companion animal abuse on children. The results of the present study identified that several DV victims reported that companion animals were one of their main sources of support, and many chose to stay in an abusive relationship because DV

shelters did not have the facilities to house their pets. The main themes from this study were: The Victim-Companion Animal Bond; Companion Animals Used to Control Victims; Victims' Perceptions of Abusers' Behavior; and Support for Victims and Companion Animals. Direct quotations from the DV victims are included. One participant wrote, "My dog was the only reason I remained sane throughout the violent ordeal." Another participant shared, "He told me if I went to the aid of my injured dog he would shoot it." The authors discuss each theme and share recommendations for violence prevention.

**29. Knopov A., Siegel M., Xuan Z., et al. The Impact of State Firearm Laws on Homicide Rates among Black and White Populations in the United States, 1991-2016. *Health Soc Work.* 2019;44(4):232-240.**

Knopov et al conducted a panel design, cross-sectional study to examine the relationship between state firearm laws and homicide victimization rates. The study focused particularly on the differences between white and Black people across 39 states between 1991 -2016. The researchers conducted linear regression and modeled homicide rates by year and state fixed effects. Absolute deprivation in education, economic status, employment, and housing were controlled in the study, in addition to the following race-specific socioeconomic factors: incarceration rates, lack of a college degree, poverty rates, labor force nonparticipation rates, proportion of children living in single-parent households, percentage of the population in rental housing, median household income, and unemployment rates. Study results indicate that the majority of firearms laws included in this study "show no differential association with black and white homicide rates, suggesting that they provide uniform violence reduction benefits or harms". Policies such as universal background check laws and permit requirements are associated with lower homicide rates among white and black populations. The researchers found that "shall issue" laws were associated with higher homicide rates among both white and black populations. Policies prohibiting people who have been convicted of a violent misdemeanor, or relinquishment of firearms by people with a DVRO were associated with lower black homicide rates, but not with white homicide rates. The researchers comment that this finding "may have more to do with racial inequities in the criminal [legal] system than with the legal provision itself". Further, "[B]lack perpetrators of violent misdemeanors are more likely than white perpetrators to be convicted and therefore subject to the firearm prohibition." The authors share recommendations for firearm violence prevention strategies.

**30. Sivaraman J. J., Ranapurwala S. I., Moracco K. E., et al. Association of State Firearm Legislation With Female Intimate Partner Homicide. *Am J Prev Med.* 2019;56(1):125-133.**

Sivaraman and colleagues assessed the association between state firearm legislation and female IPH. The authors used 2010-2014 data across 16 states from the National Violent Death Reporting System (NVDRS), the State Firearm Law Database, and additional sources. Washington was not one of the 16 states, due to incomplete data at the time of the study. There may be differences in the various state surveillance systems. The NVDRS, managed by the Centers for Disease Control and Prevention) provides more complete information than the FBI's Supplementary Homicide Reports, including information on decedent-suspect relationships, ex-partner relationships, and incidences of perpetrator suicide. The total IPH, homicide-only IPH, and homicide-suicide IPH were evaluated. The laws included both IPV-specific and not IPV-specific state legislation. Covariates and were identified and controlled, and sensitivity analyses

were conducted through the creation of a directed acyclic graph (DAG). One unique control variable in this study was state-level anxiety, defined as “the level of statewide apprehension or concern over the degree of local government restrictions on individual rights, including Second Amendment firearm rights.” Further, statewide annual per capita income was derived from the U.S. Bureau of Labor Statistics and accounted for residual confounding. Descriptive statistics were calculated, then the researchers analyzed the association between the number of state policies that restrict firearm use and the rate of IPH via poisson regression analyses. Analyses were replicated to check result accuracy. During the years of data studied, 1,693 IPHs were recorded, 1,025 of which were firearm homicides. In 33% of the IPH cases, the perpetrator attempted or completed suicide. Among IPH cases, 48% of homicide-only cases were conducted with a firearm, and 84% of homicide-suicide cases were conducted with a firearm. In 99.2% of cases, the perpetrator was male. The range of provisions per state was between 4 (Alaska) – 95 (Massachusetts). Results showed that the incidence of female intimate partner homicide was 56% lower in states with less than or equal to 40 legislative provisions (adjusted incidence rate ratio=0.44, 95%CI=0.28, 0.68), relative to states with 0-39 provisions. Data show a weaker association for homicide-suicide IPH than homicide-only IPH (63% decline in homicide-only IPH). Although the authors found a “dose-response relationship between increasing numbers of legislative provisions and lower rates of IPH”, they caution against implying causality. Further, the authors point out that their study does not include implementation and enforcement data.

**31. Willie T. C., Kershaw T., Perler R., et al. Associations between state intimate partner violence-related firearm policies and injuries among women and men who experience intimate partner violence. *Inj Epidemiol.* 2021;8(1):8.**

Willie et al. examined cross-sectional, individual-level data from the National Intimate Partner and Sexual Violence Survey (NISVS) and state-level data from a firearm policy compendium. NISVS data is a U.S. adult sample, and data used in this study (n=18,049) was collected January – December 2010. Data examined were nonfatal injuries as a result of IPV and sociodemographics. Researchers controlled for the prevalence of firearm ownership and violent crimes. State-level data from 2010 was gathered from the Everytown for Gun Safety database and the Westlaw and Lexis Nexis databases, then coded for the presence or absence of the following six statute categories: “1) Prohibition of firearm possession by persons convicted of IPV-related misdemeanors, with and without firearm relinquishment; 2) Prohibition of firearm possession by persons subject to IPV-related restraining orders, with and without firearm relinquishment; 3) Prohibition of firearm possession by persons convicted of stalking misdemeanors; 4) Removal of firearms from the scene of an IPV incident; 5) Prohibition of firearm possession by dating partners convicted of IPV-related misdemeanors; and 6) Prohibition of firearm possession by dating partners convicted of IPV-related protective orders”. Associations between each specific IPV firearm policies and nonfatal injuries were examined by weighted logistic regression models (N = 5493). Results indicate that the odds of injuries were lower for IPV survivors living in states with the three categories of firearm possession prohibition and firearm relinquishment requirement policies. Odds were lower where firearm possession prohibition and firearm relinquishment requirements were in place among people: 1) convicted of IPV-related misdemeanors (aOR [95% CI] = .76 [.59, .97]), 2) subject to IPV-related restraining orders (aOR [95% CI] = .81 [.66, .98]), and 3) convicted of stalking (aOR [95% CI] = .82 [.68, .98]). Researchers found a stronger association between policies and injuries for men survivors (aOR [95% CI] = .10 [.06, .17]) than women survivors (aOR [95% CI]

= .60 [.48, .76]). Results from this study show that IPV-related firearm policies “are associated with better wellbeing in the form of lower odds of nonfatal injuries.”

**32. Lyons V. H., Adhia A., Moe C., et al. Firearms and protective orders in intimate partner homicides. *J Fam Violence*. 2021;36:587-596.**

Lyons et al. analyzed 2003 – 2018 NVDRS data to determine whether a firearm was used during an IPH, and whether or not a protective order (PO) was filed before the IPH. The researchers pulled data from 37 states, of which Washington was one. The study examines outcomes among both IPH victims and corollary victims (friends, family members, neighbors, children and law enforcement personnel who may be present during the incident, or killed in connection to the incident). The authors cite prior research in that, “IPH alone accounts for over half of female homicides in the [U.S.]”. Research from Fridel and Fox shows that since 1976, IPH had been declining, then began increasing in 2014, likely due to increased use of firearms. Civil and criminal protective orders (POs) exist with some variation in every state in the U.S. “Federal law prohibits [people] under a permanent PO from possession of a firearm, some states also prevent firearm possession during the initial temporary PO.” Studies have shown that POs decrease the risk of subsequent IPV and injury, and that variations of PO enforcement impact outcomes for survivors. “Including a firearm relinquishment requirement as a component of a PO has been found to reduce rates of IPH overall (IRR = 0.88, 95% CI: 0.81–0.97) as well as firearm-related IPH (IRR = 0.87, 95% CI: 0.78–0.98) (Zeoli, 2018); however, not all states allow for firearm weapon removal (Gifford’s Law Center, 2019).” In this study, a homicide was classified as IPH if the relationship between the victim and perpetrator were any of the following: spouse, ex-spouse, girlfriend or boyfriend, whether current, former or unspecified and included both opposite and same sex partners. Corollary victims and record of POs were identified by linking NVDRS data with coroner/medical examiner and law enforcement reports. One major limitation of this data is that NVDRS does not have a specific coded field pertaining to POs, and researchers conducting this study searched records for any narrative mention of a PO, then cross-checked those incidents for the details of the PO. To reduce biases due to this limitation, the researchers implemented a coder reliability check. The authors summarize descriptive statistics and present and discuss a few narrative examples pulled from reports. The researchers found 8,375 IPH incidents with 9,130 victims across the years examined, and that the majority of victims were killed with a firearm. The majority of IP victims were female, and the majority of IP perpetrators were male. A greater proportion of IP victims and IP perpetrators were white in IPHs that involved a firearm, compared to cases without a firearm. Among firearm IPHs, 3.3% of victims were killed when there was a PO in place, compared to 53.9% killed when there was not a PO in place. These firearm IPH data are higher than non-firearm IPH (2.1% of victims were killed when there was a PO in place, compared to 40.7% killed when there was not a PO in place). The authors point to a few specific cases to highlight that removal of firearms upon a domestic violence charge, holding firearms longer, increasing the standards for firearm return, or improving the process for subsequent firearm removal might reduce firearm IPH. The authors share reflection on NVDRS data collection and the lack of PO status indicators.

**33. Lynch K. R., Boots D. P., Jackson D. B., et al. Firearm-related Abuse and Protective Order Requests Among Intimate Partner Violence Victims. *J Interpers Violence*. 2022;37(15-16):NP12973-NP12997.**

Lynch et al. examined IPV victims' experiences with firearm related abuse, and the relationship between IPV and protection order (PO) requests. Study participants (n=215) were female victims from 6 Texas domestic violence shelters. The authors examined firearm-related threats and firearm related abuse across PO requests made in the past 12 months. The authors conducted multivariate analyses with several covariates, and utilized multiple imputation methodologies. The authors also tested non-firearm-related IPV as a potential moderator for firearm-related IPV. The majority (52.3%) of victims who sought a PO were threatened to be shot by their abuser, compared to 27.9% of victims who did not seek a PO. About 38% of the sample reported that their abuser threatened to shoot them. The authors did not find differences across race/ethnicity in IPV firearm tactics, but Black female victims reported about 10% higher rates of abusers pointing a gun at them or at others, when compared to white and Hispanic women. Even though 44% of victims in this study who filed for a PO reported that their partner had a firearm, only 11.5% "reported that a judge explicitly ordered the abuser to surrender the firearms". Additionally, only 10% of the study sample that requested a PO reported that an advocate discussed the possibility of abuser firearm prohibition with them.

34. **Kegler S.R., Simon T.R., Zwald M.L., et al. Vital Signs: Changes in Firearm Homicide and Suicide Rates--United States, 2019-2020. *Morbidity and Mortality Weekly Report (MMWR)*. 2022;71(19):656-663.**

In May 2022, the U.S. Centers for Disease Control and Prevention (CDC) published a Morbidity and Mortality Weekly Report (MMWR) summarizing changes in firearm homicide and suicide rates from 2019 to 2020. Rates in 2020 were impacted by the COVID-19 pandemic. CDC analyzed data from the National Vital Statistics System, National Center for Health Statistics, and U.S. Census Bureau. In 2020, the firearm homicide rate was the highest since 1994. In 2020, 79% of deaths by homicide and 53% of deaths by suicide in the U.S. involved a firearm. From 2019 to 2020, the rate of firearm homicide increased by 34% from 4.6 to 6.1 deaths by homicide per 100,000 people. Data showed inequities by race/ethnicity and income level. The greatest increase in rate was among non-Hispanic Black males aged 10-44 years and non-Hispanic American Indian or Alaska Native males aged 25-44 years. Rates were also highest for people living at higher poverty levels. Authors noted that, "[f]irearm homicides are consistently highest among males, adolescents and young adults, and non-Hispanic Black or African American...and non-Hispanic American Indian or Alaska Native persons..." The rate of firearm suicide did not increase significantly from 2019 to 2020, except among American Indian or Alaska Native males aged 10-44 years. The authors concluded that, as a result of this increase, as of 2020, American Indians and Alaska Natives have the highest firearm suicide rate. Rates of firearm suicide are consistently highest among males, older adults, and non-Hispanic whites and American Indians or Alaska Natives. Risk of death by firearm homicide and suicide have been associated with income inequality, poverty, unemployment, housing status, and economic instability, which have been exacerbated by the COVID-19 pandemic. For example, in 2020, "counties with the highest poverty level had firearm homicide and firearm suicide rates that were 4.5 and 1.3 times as high, respectively, as counties with the lowest poverty level." The authors stated that, "[y]oung persons, males, and Black persons consistently have the highest firearm homicide rates, and these groups experienced the largest increases in 2020. These increases represent the widening of long-standing disparities in firearm homicide rates. For example, the firearm homicide rate among Black males aged 10-24 years was 20.6 times as high as the rate among [w]hite males of the same age in 2019, and this ratio increased to 21.6 in 2020." The authors stated that the

reasons for these increases are complex, and proposed that the social and economic stressors due to the COVID-19 may have exacerbated existing inequities, including increased economic, social, and psychological stressors; disruptions in health, social, and emergency services; strains in law enforcement and community relations; increases firearm purchases; and intimate partner violence. Moreover, “[l]ongstanding systemic inequities and structural racism have resulted in limited economic, housing, and educational opportunities associated with inequities in risk for violence and other health conditions among various racial and ethnic groups.” The authors stated that comprehensive strategies are important to “stop violence now and in the future by addressing factors that contribute to homicide and suicide, including underlying economic, physical, and social inequities that drive racial and ethnic disparities in multiple health outcomes. For example, policies that enhance economic and household stability (e.g., temporary assistance to families...) can reduce family poverty and other risk factors for homicide and suicide (e.g., family stress and substance use).” Authors noted that, “laws preventing firearm ownership by those under domestic violence restraining orders are associated with reductions in intimate partner homicides.” Lastly, the MMWR stated that preliminary data for 2021 show that “firearm homicide incidence during the first half of 2021 was higher than that during the same period in 2020, suggesting that the elevated rate may have persisted.”

**35. Wallace M. E., Vilda D., Theall K. P., et al. Firearm Relinquishment Laws Associated With Substantial Reduction In Homicide Of Pregnant And Postpartum Women. *Health Aff (Millwood)*. 2021;40(10):1654-1662.**

Wallace et al. researched the affect of policies that mandate relinquishment of firearms among people convicted of a DV-related misdemeanor, and people subject to a DVRO. The authors also point out that it is well-documented that in the US, homicide is one of the leading causes of death during and after pregnancy, and that the majority are committed by an intimate partner and involve firearms. Diez et al. “found a 14[%] reduction in states that prohibit people subject to [DVROs] from possessing firearms and that require them to relinquish firearms in their possession”. The researchers examined the impact of these policies (independently, as well as the joint effect of implementation of both policies) on homicide in pregnant or postpartum women. The authors use 2011-2019 data from the National Center for Health Statistics (NCHS) and conducted a difference-in-differences study design, which was tested with event study models and a placebo test. The authors controlled for geographic differences, secular trends, temporal changes in homicide, identified additional covariates a priori, and adjusted for demographic differences. Since there is a lack of national firearm data, the authors used a proxy indicator of gun ownership “which combines the number of paid permit hunting licenses per capita (from the US Fish and Wildlife Service and the percentage of suicides involving firearms (from the Centers for Disease Control and Prevention’s Web-based Injury Statistics Query and Reporting System)”. Due to data limitations with the FBI’s Supplementary Homicide Reports, the authors conducted a sensitivity analysis, using the total homicide rate rather than stranger homicide rate. Further data limitations exist in national data, including records with unknown pregnancy status, meaning the true values of violent maternal death may be higher than reported values. Results from this study indicate that state laws that prohibit possession of firearms and that require relinquishment of firearms among people convicted of DV-related misdemeanors are associated with decreases in pregnancy-associated homicides. The authors define pregnancy-associated homicide as “the homicide of a woman who is pregnant or within one year from the end of pregnancy at the time of her death”. Pregnancy-associated homicide mortality across all state-

year observations was 2.87 deaths per 100,000 live births, and 1.81 deaths per 100,000 live births among pregnancy-associated homicides involving firearms. “There were no detectable differences in outcome trends between treatment and control groups before policy implementation.” In states that ever had at least one firearm prohibition law in effect, pregnancy-associated homicide ratios averaged 2.31 deaths per 100,000 live births, compared with 3.97 deaths per 100,000 live births in states that never had a law in effect. The researchers found that “firearm prohibition coupled with relinquishment for both people convicted of a domestic violence-related misdemeanor and people under [DVROs] were associated with significant reductions in pregnancy-associated homicide.” Results show that states that had both prohibition and relinquishment laws experienced 3.74 fewer deaths per 100,000 live births than would have been expected in the absence of either law. “The relinquishment law was associated with 1.17 fewer deaths per 100,000 live births compared with the prohibition law alone.” The results did not generate significant findings with the prohibition law with or without the relinquishment law for people under DVROs. Prohibition laws are most effective when paired with relinquishment laws. The authors call for state level DV-related firearm regulations and enforcement.

**36. Santaella-Tenorio J., Cerda M., Villaveces A., et al. What Do We Know About the Association Between Firearm Legislation and Firearm-Related Injuries? *Epidemiol Rev.* 2016;38(1):140-157.**

Santaella-Tenorio and colleagues conducted a systematic review of empirical studies from 10 countries that examined the associations between firearm related laws and firearm homicide, suicide, and unintentional injury/death. 130 observational ecological studies that were published between 1950-2014 were included in the review. Study design and quality were assessed using the Guide to Community Preventative Services, and the researchers’ reporting of findings follow the Preferred Reporting Items for Systematic Reviews and Meta-Analyses (PRISMA) guidelines. The majority of the studies used a cross-sectional time series design to observe pre and post-law data. Most of the U.S. studies compared states with and without laws, controlled for confounders, and evaluated the strictness of the firearm laws. Results on a wide range of firearm legislation are included in the review, such as “shall issue”, “Castle doctrine”, “stand your ground”, background check/waiting period laws, as well as laws targeting firearm ownership, storage, specific firearm and ammunition, laws that target sentences and punishment for gun offenders, and voluntary rendition. The authors highlight that after reviewing specific studies related to DV and IPV firearm laws, they found that states with laws that prevent people with DVROs from owning or purchasing firearms had a 9% reduction in the rates of intimate partner, female intimate partner, and female intimate partner firearm homicide. There were not similar reductions found in states with legislation where people convicted of a DV-related misdemeanor could not own a firearm. In a study examining purchasing restrictions and DV convictions, the reviewers report lower rates of male suicides in some age groups in a study that examined 1995-2004 U.S. data. Another U.S. study found that, compared to states conducting criminal background checks, there were lower homicide rates in states that also checked for restraining orders, and lower suicide rates in states that also checked for mental conditions, fugitive status, and misdemeanors. Overall, the authors share that “U.S. research demonstrates that requiring checks on restraining orders is associated with reductions in IPH”. Results indicate that laws that restrict the purchase and access of firearms are associated with lower rates of IPH and unintentional firearm deaths in children. The full review results include a wide range of policy effectiveness at decreasing firearm related death and injury. The authors conclude with the

following three points: “1) The simultaneous implementation of laws targeting multiple elements of firearms regulations reduced firearm-related deaths in certain countries; 2) some specific restrictions on purchase, access, and use of firearms are associated with reductions in firearm deaths; 3) challenges in ecological design and the execution of studies limit the confidence in study findings and the conclusions that can be derived from them”.

**37. Kegler S.R., Stone D.M., Mercy J.A., et al. Firearm Homicides and Suicides in Major Metropolitan Areas--United States, 2015-2016 and 2018-2019. *Morbidity and Mortality Weekly Report (MMWR)*. 2022;71(1):14-18.**

In January 2022, the U.S. Centers for Disease Control and Prevention (CDC) published a Morbidity and Mortality Weekly Report (MMWR) examining firearm homicide and firearm suicide in major metropolitan areas from 2015-2016 and 2018-2019. From 2018 through 2019, 28,372 people died by firearm homicide and 48,372 people died by firearm suicide in the U.S. Nationally, 4.5 out of 100,000 people died by firearm homicide. From 2018 through 2019, “homicide was the sixteenth leading cause of death overall in the [U.S.] and the third leading cause among youths; firearm injuries were the underlying cause of death in 75% of all homicides and in 91% of youth homicides.” In addition, “suicide was the tenth leading cause of death nationwide among persons [10 years of age and older] and the second leading cause among youths; firearm injuries were listed as the underlying cause of death in 50% of all suicides and 43% of all youth suicides.” Risk of firearm homicide has been associated with wealth inequality, lack of trust in institutions, and economic deprivation. The authors stated, “[p]ersistently high rates [of death by firearm homicide] among racial and ethnic minority youths might be rooted in stressors associated with living in under-resourced communities and ultimately caused by systemic racism or multigenerational poverty resulting from limited educational and economic opportunities.” Factors that impact risk of suicide include family and relationship problems, job and financial concerns, mental illness, substance use, and stigma around help-seeking. Authors also noted that a comprehensive prevention approach can also potentially reduce risk of firearm homicide and firearm suicide, including approaches “such as strengthening economic supports, strengthening access to and delivery of care, teaching coping and problem-solving skills, building positive and nurturing relationships, connecting youths to caring adults and activities, and implementing place-based interventions...such measures are associated with reductions in youth violence and crime suicide, and risk factors such as weapon carrying, substance use, school dropout, involvement in high-risk social networks such as gangs, depression, stress and anxiety, and suicidal thoughts and behavior.” The MMWR also presented data specific to the Seattle, Tacoma, Bellevue Metropolitan Statistical Area (MSA). In 2015-2016, 165 people died by firearm homicide, representing a rate of 2.2 per 100,000 people. In 2018-2019, 186 people died by firearm homicide, representing a rate of 2.4 per 100,000 people. Firearm homicide rates in the 50 most populous MSAs ranged from 1.4 to 12.9 per 100,000 people. This MMWR also reported specifically on death by firearm suicide among youth in the top 50 most populous MSAs.

**38. Conrick K. M., Adhia A., Ellyson A., et al. Race, structural racism and racial disparities in firearm homicide victimisation. *Inj Prev*. 2022.**

Conrick et al. conducted a study to examine firearm homicide victimization through the lens of structural racism. The authors define structural racism as “the historically contingent and persistent ways in which social systems and institutions generate and reinforce inequities in



access to power, privilege and other resources among racial and ethnic groups deemed to be superior and those viewed as inferior”. The authors explain that structural racism is intervenable, while race is not. The authors point out that research often uses the percent of race categories to describe health disparities, but that “measurements of race may not be an accurate proxy for racism”. The researchers used 2010-2019 state-level homicide victimization rate data to examine Black-white disparity ratios, and explored the following 6 measures of structural racism: Black/white disparity ratios in poverty, education, labor force participation, rental housing, single-parent households and index crime arrests. The researchers used a pooled approach to analyzing the data, and conducted linear regressions to explore “the association between state-level measures of structural racism and Black-white racial disparities in log age-adjusted firearm homicide rates”. The authors tested 2 additional model configurations to conduct sensitivity analyses. The data indicate that, “on average...Black individuals were 8.35 times more likely to be a victim of firearm homicide than white individuals”. Results also “suggested that the model that included the absolute rate and disparity ratio for each measure of structural racism, but not percent Black was optimal”. The inclusion of firearm homicides by Black race alone in the model did not explain disparities present in the data. The states with the highest levels of structural racism, as calculated by the researchers, have the widest racial disparities in firearm homicides. The authors acknowledge limitations to the study including lack of additional race and ethnicity data, and lack of all state-level data.

39. **Thomas A. C., Siry-Bove, B. J., Barnard, L., Rooney, L. McCarthy, M., Mustafa, A., Rowhani-Rahbar, A., Rivara, M. P., Betz, M. E., Knoepke, C. . A Qualitative Study on Diverse Perspectives and Identities of Firearm Owners. *Inj Prev.* 2022;28(5):434-439.**

Thomas et al. conducted a qualitative study on firearm owners with Colorado and Washington participants. The participants (n=25) were firearm ranges/retailers, law enforcement agencies, or relevant state/national firearm organizations. The participants were from diverse racial and ethnic backgrounds, political affiliations, and sexual orientations. The authors point to previously published research to explain, “during the firearm purchasing surge starting in the COVID-19 pandemic in 2020, a larger percentage of new firearm owners were females or racial/ethnic minorities”. “Firearm ownership has historically been highest among White Americans (38% vs. 18% non-Whites), especially in rural areas (48% vs. 23–25% urban). State and federal gun policy has skewed toward supporting that demographic given the political power of activists interested in protecting this right from perceived threats. Motivations for ownership includes personal freedom, self-protection, expression of social identity, hunting, and sport and is often informed heavily by membership in a particular social demographic group.” The current study expands “the understanding of the motivation for firearm-ownership among diverse communities”. The researchers conducted interviews with participants, then coded the interviews with a mixed inductive and deductive coding process. Themes from the interviews included firearm ownership association with an idea of belonging, expressing Second Amendment rights as a marker of full citizenship; and firearm ownership as a means of self-protection. The researchers found that participants believed gun ownership allowed for community, could be a means of self-protection (from other citizens and from law enforcement). Further, “firearm ownership can serve as a marker for acquiring rights that might not have been afforded in their country of origin”. One participant elaborated on the association between firearm ownership and the criminal legal system by sharing, “I definitely think more educated people in general in the Black community frown more on gun ownership. They feel that it just sets you up to have a bad

engagement with law enforcement or they associate it with being involved in criminal activity”. The authors encourage messaging and interventions around firearm-related harm prevention to include diverse communities of firearm owners.

**40. Washington Department of Health Firearm Fatality and Suicide Prevention - 2018 Update and Highlights 2019.**

The Washington State Department of Health published a 2019 updated report on Executive Order 16-02. The report shares progress made by state agencies and key partners in 2018 under directives 1 and 3 of the Executive Order. Data trends and prevention program implementation is described. Between 2013-2017, suicide and firearm death rates in Washington and the U.S. increase over time. In Washington, approximately 75% of all firearm related deaths are due to suicide, and approximately 20% are due to homicide. Firearms are the most common method of suicide across all ages, excluding youth under 18 years old, and a firearm was used in almost of all Washington suicides. Rates of suicide by race/ethnicity are described. In Washington, between 2013 - 2017, AI/AN people had the highest rate of suicide, and the greatest increases in suicides were among AI/AN people and non-Hispanic white people.

**41. McPherson L. Homicides Involving American Indian and Alaska Native Individuals. *Journal of the American Medical Association*. 2022;328(12):1181-1182.**

This opinion piece, published in the *Journal of the American Medical Association*, highlights data and research on homicide among American Indian and Alaska Native people (AIAN). The author references 2003-2018 CDC data from the National Violent Death Reporting System (NVDRS) that was collected across 34 states and the District of Columbia. State level participation in this dataset is voluntary. It contained 2226 homicides of AIAN people, and analysis shows that the homicide rate was 8.0 per 100,000, with the rate among men significantly higher than the rate among women (12.0 and 3.9 per 100,000, respectively). Rates of homicide in 2020 were highest among non-Hispanic Black people (29.2 per 100,000), while the rates among American Indian and Alaska Native people were 8.9 per 100,000 and the rate among white people was 3.9 per 100,000. Among AIAN people killed, a firearm was used in 48.4% of homicides, and used more often in homicides where AIAN men were the victim (51.5% of men, compared to 39.1% of women). CDC NVDRS data indicate that 45% of homicides against AIAN women were intimate partner violence (IPV)-related, while a different dataset of 2003 – 2014 data across 18 states shows that the majority (55.4%) of homicides against AIAN women were IPV related. In 2013-2014 CDC data containing 1957 homicides against woman aged 18-44 of known pregnancy status, 13.2% of AIAN women, and 15.2% of the general population were pregnant or less than 6 weeks postpartum. The authors describe the implications of the Special Domestic Violence Criminal Jurisdiction, created by the Violence Against Women Act (VAWA). This bill provides tribal courts with the ability to prosecute non-American Indian and Alaska Native people who have been arrested for domestic violence, sexual violence, and stalking. The authors call for preventative interventions such as IPV screening, risk assessment, and other public health prevention programs.

**42. Orford A., Hobbs, C., Loginsky, P. Martin, D. Prosecutors' Domestic Violence Handbook. Washington Association of Prosecuting Attorney's Domestic Violence Unit, and King County Prosecuting Attorney's Domestic Violence Unit;2017.**

The Washington Association of Prosecuting Attorney's Domestic Violence Unit, and King County Prosecuting Attorney's Domestic Violence Unit published a manual for prosecuting attorneys when working on domestic violence cases. The manual includes information on topics like Washington domestic violence laws, victim advocacy, no contact orders, and sentencing.

43. **Cook P. J. Gun Theft and Crime. *J Urban Health*. 2018;95(3):305-312.**

Researcher P.J. Cook notes, "the role of theft in supplying the guns used in robbery, assault, and murder is unknown, and current evidence provides little guidance about whether an effective program to reduce gun theft would reduce gun violence." In this article, the author analyzes publicly available national data on gun theft together with a unique data set for Chicago to better understand the potential impact of gun theft on crime. Overall, "results tend to support a conclusion that stolen guns play only a minor role in crime." For example, using publicly available data the author calculates that thefts account for approximately 1% of all gun transactions nationwide. Second, an analysis of original data from Chicago found that 2.8% of crime guns had at some point been reported stolen in Chicago. However, the matching process (stolen firearm to recovered gun) used in the study has been described as meager and hard to interpret. For example, the matches were limited to guns reported stolen to Chicago Police Department (as National Crime Information Center data were ultimately not useable). Therefore, data were not available on how many of these guns were stolen outside of Chicago (e.g., in another state). Therefore, this may be considered a lower bound, and the true value is unknown. Additionally, 44% of those picked up with a stolen gun had a criminal record that included violent offenses. Finally, "results from surveys of convicted criminals, both nationally and in Chicago, suggest that it is rare for respondents to have stolen the gun used in their most recent crime." The author notes that data on which these results are based have various shortcomings and proposes a research agenda to provide more certainty about the role of theft.

44. **Alper M., Glaze L. Source and Use of Firearms Involved in Crimes: Survey of Prison Inmates, 2016. U.S. Department of Justice, Bureau of Justice Statistics;2019.**

Since 1974, the U.S. Department of Justice, Bureau of Justice Statistics has periodically conducted the Survey of Inmates in State and Federal Correctional Facilities (renamed the Survey of Prison Inmates in 2016). The 2016 survey was conducted by RTI International, and included face-to-face interviews with a national sample of individuals who were incarcerated in state or federal prisons. Using a stratified sample design, researchers invited 385 out of 2,001 unique state and federal prisons to participate in the survey, and a total of 364 state and federal prisons participated (response rate= 98.4%). Face-to-face interviews were completed with a total of 24,848 individuals who were incarcerated, were 18 years and older, and were convicted or sentenced (response rate= 70.0%). Survey questions included topics such as firearm possession during the crime for which they were incarcerated, how the firearm was used during the crime, how individuals obtained the firearm, criminal history, socioeconomic characteristics, and other demographic information. All information was based on self-report. While the authors attempted to reduce the potential for response bias, some questions may have led individuals to provide answers to protect against self-incrimination. To measure the source and method of obtaining the firearm, two separate questions were asked in the survey. The first question asked how the individual obtained the firearm, and the second question asked where the individual obtained the firearm; multiple responses could be reported for both questions. Overall, the survey found that 287,400 out of 1,421,700 (21%) of individuals who were incarcerated in state and federal prisons

were armed with a firearm during the crime for which they were incarcerated. Male individuals who were incarcerated were about 2.5 times as likely (22%) as females (9%) to have possessed a firearm during the crime for which they were incarcerated and 29% of black individuals serving a sentence in state prison in 2016 possessed a firearm during their crime compared with 12% of white and 21% of Hispanic individuals. Among individuals who were incarcerated and possessed a firearm when they committed the offense and who reported the source from which they obtained it, 90% did not obtain the firearm from a retail source. The most common source (43%) for obtaining a firearm was off-the-street or the underground market. Approximately 6.4% of individuals reported obtaining the firearm through theft, including theft from burglary (1.5%), retail source (0.2%), family/friend (1.6%), or unspecified (3.1%).

**45. Data & Statistics. 2020; Available at: <https://www.atf.gov/resource-center/data-statistics>. Accessed February 2020.**

This ATF webpage provides a comprehensive collection of ATF-related data from national surveys, state-based surveys, other collected license statistics and other data sources documents trends in firearms, commerce and use of federal services in the U.S. Board staff accessed Federal Firearms Licensee Statistics Theft/Loss Reports 2012-2019.

**46. Parsons Chelsea, Vargas Eugenio Weigend. Stolen Guns in America | A State-by-State Analysis. Center for American Progress;2017.**

This analysis was conducted by the Center for American Progress (CAP), a progressive public policy research and advocacy organization. CAP is a nonprofit that is funded by many large donors including the Ford Foundation, Bill & Melinda Gates Foundation, and Open Society Foundations. Almost all revenue is derived from donations and grants. Board analysts used this CAP report to identify federal data sources that include information about guns stolen from federal firearm licensees. Additionally, for this report, CAP aggregated data submitted by local police agencies to the FBI's Uniform Crime Report by state to "arrive at state totals of the value of guns reported stolen in the most recent four years for which these data were available: 2012, 2013, 2014, and 2015." Authors then "subtracted the value of firearms later recovered by police to obtain an adjusted value of stolen firearms." As jurisdictions only provide the dollar amount of the value of the guns reported stolen, "CAP used an average price of \$450 per gun to calculate a rough estimate of the number of guns stolen in each state during this period, which is consistent with the average price per gun used by the U.S. Bureau of Justice Statistics in a 2012 report." Due to capacity limitations, Board staff have only induced the original CAP findings (2012-2015).

**47. Washington Association of Sherriffs and Police Chiefs. Current Crime Trends in Washington and the United States: Understanding Root Causes and Identifying Solutions. Washington House Community Safety, Justice, & Reentry Committee2022.**

The Washington State House of Representatives Public Safety Committee conducted a work session on December 2, 2022 regarding Washington crime trends, root causes of violence, and victim-centered justice.

**48. Domestic Violence Fatalities and Homicide Rates in Washington State. 2021; Available at: <https://wscadv.org/resources/domestic-violence-fatalities-and-homicide-rates-in-washington-state/>. Accessed January 20, 2023.**

The Washington State Coalition Against Domestic Violence (WSCADV) publicly shares data on domestic violence fatalities and homicides in Washington. Data is presented from the Washington State Domestic Violence Fatality Review (DVFR) and the Washington State Department of Health (DOH).

**49. Washington Association of Sheriffs and Police Chiefs. Crime in Washington Report 2021. In: Program WSUCR, ed. Annual Report 2022.**

The Washington Association of Sheriffs and Police Chiefs (WASPC) publishes an annual summary of data submitted by Washington State law enforcement agencies through the National Incident-Based Reporting System (NIBRS) to the Washington State Uniform Crime Reporting (UCR) Program. The UCR Program collects information related to "criminal offenses, arrests, law enforcement officers killed or assaulted, and full-time law enforcement employees." In 2021, Washington Domestic Violence offenses comprised 47.8% of all Crimes Against Persons and 2.9% of all Crimes Against Property. Among the 60,808 domestic violence incidents reported in 2021, the majority (76.9%) were Violations of Protection or No Contact Orders. The majority of domestic violence victims were reported as female (72.4%, compared to 27.6% male and n=258 victims of unknown gender). The majority of offenders of Violation of No Contact/Protection Orders were reported as male (81.1%, compared to 18.6% female and 0.3% unknown). Among incidents of domestic violence where use of a weapon was reported, 757 (2.0%) involved a firearm. Among all 2021 reported Weapon Law Violations, 69.1% involved firearms, of which 2.1% were reported as automatic weapons. Among people arrested in Washington in 2021, the majority (94.3%) were unarmed. Among people being arrested who had possession at the time of arrest, 36.0% were carrying firearms, where 4.0% were reported as automatic.

**50. Washington State Institute for Public Policy. Legal Financial Obligations in Washington State: Background, Statutes, and 50-State Review.2021.**

In 2021, the Washington State Legislature allocated funding in the 2021-2023 operating budget for the Washington State Institute for Public Policy (WSIPP) to conduct a study of LFOs as defined in RCW 9.94A.030.14. The budget proviso directed the study to recommend to the Legislature "potential methods and processes to delink court-related funding and other county and local funding from the collection of [LFOs] and to provide such funding through other means." An initial report, "Legal Financial Obligations in Washington State: Background, Statutes, and 50-State Review" was submitted to the Legislature in December 2021. Among other topics, this report provides context about the Washington State court system and LFOs, including a discussion of data limitations.

**51. Wintemute G. J., Wright M. A., Castillo-Carniglia A., et al. Firearms, alcohol and crime: convictions for driving under the influence (DUI) and other alcohol-related crimes and risk for future criminal activity among authorised purchasers of handguns. *Inj Prev.* 2018;24(1):68-72.**

Wintemute et al. conducted an observational study to examine the association between prior convictions for alcohol-related offenses, primarily DUI, and risk of subsequent arrest among a random sample of people who purchased handguns in California in 1977. Participants (n=4066) were followed up through 1991. Relative risk and 95% confidence intervals were calculated using poisson regression with robust variance, and the researchers controlled for the effects of demographics, other elements of criminal history and duration of follow-up. Of note, only arrests

occurring in-state were included, since other state records were not available. Results show that 32.8% of study participants with prior alcohol-related convictions and 5.7% of those with no prior criminal history were arrested for a violent or firearm-related crime. 15.9% of participants with prior alcohol-related convictions, and 2.7% of those with no prior criminal history were arrested for murder, rape, robbery or aggravated assault throughout the follow up period. In sum, “prior alcohol-related convictions were associated with a fourfold to fivefold increase in risk of incident arrest for a violent or firearm-related [offense], a relative increase greater than that seen for age, sex, or prior violence.” Authors cite evidence that “Cross-sectional and case-control studies have identified acute alcohol intoxication and a history of alcohol abuse as important risk factors for committing interpersonal and self-directed violence with firearms.” Further, separate research has shown that “[l]ongitudinal studies in the general population have established pre-existing alcohol abuse as an independent risk factor for future violence, even when potential confounders are taken into account.” The researchers state that among people who purchase firearms, prior alcohol-related convictions, particularly DUI, may be an important predictor of risk for future criminal activity.

**52. Smart R., Morral, A., Ramchand, R., Charbonneau, A., Williams, J., Smucker, S., Cherney, S., Xenakis, L. The Science of Gun Policy: A critical synthesis of research evidence on the effects of gun policies in the United States. RAND Corporation;2023.**

Researchers at the RAND Corporation published a synthesis of research on U.S. gun policy effectiveness. This report is part of the Gun Policy in America initiative, and is publicly available online. The publication follows systematic review procedures and reviewed research published from 1995 onward. The review is structured into 18 classes of gun policies that align with the following topics: 1) Policies regulating who may legally own, purchase, or possess firearms, 2) Policies regulating firearm sales and transfers, and 3) Policies regulating the legal use, storage, or carrying of firearms. The researchers considered the following outcomes: suicide, violent crime, unintentional injuries and deaths, mass shootings, police shootings, defensive gun use, hunting and recreation, and gun industry. The strength of evidence for the gun policies is described. The researchers found that overall, there is a lack of rigorous investigation on U.S. gun policies and outcomes. Recommendations and conclusions based on the existing evidence base is provided.

**53. Rights USCoC.Collateral Consequences: The Crossroads of Punishment, Redemption, and the Effects on Communities.Washington, DC: United States Commission on Civil Rights; June 2019 2019.**

This briefing report from the U.S. Commission on Civil Rights (The Commission) "provides an overview of the relevant data and arguments for and against the imposition of collateral consequences on people with criminal records." It defines the collateral consequences as "sanctions, restrictions, or disqualifications that attach to a person because of the person's criminal history." Of particular relevance to this Health Impact Review, it discusses barriers to securing employment, obtaining housing, and receiving public assistance faced by people who were formerly incarcerated. It also discusses disproportionality and how collateral consequences inequitably impact those with intersectional identities that are marginalized and oppressed. The Commission also provides recommendations based on its findings to address collateral consequences that "do not serve public safety, bear no rational relationship to the offense committed, and impede people convicted of crimes from safely reentering and becoming contributing members of society."

54. **StateRecords.org, DUI in Washington. Available at:**

<https://washington.staterecords.org/dui>. Accessed 10 November 2022, 2022.

This StateRecords.org answers frequently asked questions related to DUI in Washington State. The organization's mission is to "provide easy, affordable, and prompt access to government-generated public records." It is not operated by or affiliated or associated with any state or local government or agency.

55. **RCW 9.94A.030 - Definitions, Revised Code of Washington(2021).**

RCW 9.94A.030(31) (within Definitions) defines a "legal financial obligation" in Washington State statute.

56. **RCW 3.66.115 - "Legal financial obligation"—Defined. (Effective January 1, 2023.), Revised Code of Washington.**

RCW 3.66.115 defines a "legal financial obligation" in Washington State statute.

57. **Commission Washington State Supreme Court Gender and Justice. 2021 Gender Justice Study.Olympia, WA September 2021.**

This report from the Washington Supreme Court Gender and Justice Commission is a follow-up to the Court's 1989 report on the impact of gender on selected areas of the law. For example, Chapter 15, entitled "The Gendered Impact of Legal Financial Obligations [LFOs]" discusses the historical roots of, the current imposition of, potential reforms for, and recommendations regarding LFOs. Overall, available evidence "led [authors] to the same frustrating conclusion about the effect of gender in Washington State courts: trustworthy, factual data about the effect of gender in Washington courts is hard to find, and it is especially hard to find for Black, Indigenous, other people of color, and LGBTQ+ people." Two points stood out from the data in which authors had a high degree of confidence in: "(1) gender matters – it does affect the treatment of court users (including litigants, lawyers, witnesses, jurors, and employees); and (2) the adverse impact of these gendered effects is most pronounced for Black, Indigenous, other women of color, LGBTQ+ people." The Commission put forward 5 goals for future action that prioritize work on the areas of highest need.

58. **Collateral Costs: Incarceration's Effect on Economic Mobility.Washington, DC: The Pew Charitable Trusts;2010.**

This report by the Pew Charitable Trusts is an analysis of the impacts of incarceration on economic mobility. The authors utilized a diverse array of data sources to compile this analysis including data from the Bureau of Justice Statistics, National Longitudinal Survey of Youth, and March Current Population Survey. Data show that in the United States, the criminal justice system has a particularly high overrepresentation of men, young people, people with low education levels, and racial/ethnic minorities. Further, incarceration has a negative impact on a person's economic prospects and these individuals experience less upward economic mobility in their lifetime than those who are never incarcerated. Data show that being incarcerated reduces the total earnings of males by 2%, 6% and 9% for white, Hispanic, and Black males respectively. Recommendations from the authors include strategies such as connecting people who were formerly incarcerated with the labor market to increase job training and employment, and

capping the percent of a previous offender's income that can be subject to deduction for unpaid financial obligations.

**59. Bannon A., Nagrecha M., Diller R. Criminal Justice Debt: A Barrier to Reentry. New York University School of Law: Brennan Center for Justice;2010.**

In this report, the authors examine criminal justice fees in the fifteen states (Washington was not one of the fifteen) with the highest prison populations, which account for over 60% of all state criminal filings in the United States. Evidence indicates that across the board, states included in this analysis are adding new fees, raising existing fee amounts, and intensifying their efforts to collect outstanding fees, fines, and restitution. One important finding noted that a defendant's inability to pay their debt leads to an endless cycle of additional late fees and interest that perpetuates poverty. Further, criminal justice debt in many states is associated with a loss of voting and/or driving privileges. The authors also found that at least some jurisdictions in all the included states have arrested offenders who failed to pay their debt or did not appear for a debt-related hearing. They also indicated that many states use threat of probation or parole revocations as a tactic for collecting debts. Given the findings, the authors propose recommendations for reforming the use of fees in the criminal justice system including: exempting indigent defendants from user fees and allowing for payment plans; eliminating penalties for individuals who are unable to pay debt all at once; eliminating the ability for a person to be incarcerated for inability to pay debt; and offering community service programs as an alternative to repaying debt.

**60. Beckett K., Harris A., Evans H. The Assessment and Consequences of Legal Financial Obligations in Washington State. Washington State Minority and Justice Commission;2008.**

In this report, Beckett et al. examine the assessment and consequences of legal financial obligations (LFOs) assessed by the Washington State Superior Court. The authors use two sources of data including 3,366 Washington State Superior Court cases from January and February 2004 as well as qualitative interviews with fifty Washington residents who were assessed LFOs in one of four selected counties. Data from court records indicate that Hispanic defendants, male defendants, and persons convicted of drug crimes have significantly higher fees and fines than their counterparts, including those convicted for violent crimes. Further, there is significant variation of median LFO by county, even among cases where the charges and prior criminal histories are identical. The authors found that counties with, "...smaller populations, higher drug arrest and violent crime rates, and/or comparatively small proportions of their budgets devoted to law and justice assess significantly higher fees and fines." Findings from interview data demonstrate that LFOs exacerbate many difficulties that individuals face when trying to reintegrate into their community following a criminal conviction. Examples of some of these added difficulties due to LFOs include reducing income and worsening credit scores; hindering efforts to pursue education, training, and employment; and reducing eligibility for federal benefits. The authors concluded by presenting recommendations that would reform the current LFO practices in Washington.

**61. Vander Giessen M. L. Legislative Reforms for Washington State's Criminal Monetary Penalties. *Gonzaga Law Review*. 2011;47.**

Vander Giessen described Washington's legal financial obligation (LFO) system and the ways in which the assessment of LFOs disproportionately impacts racial and ethnic minorities. The



author presented current Washington law surrounding LFOs and the ways these laws create barriers for criminal offenders and their families. Evidence suggests that a large percentage of people who are currently or were previously incarcerated have outstanding LFOs to pay and that the interest on these LFOs is one of the biggest impediments to successful re-entry into their community because it turns a seemingly modest obligation into an overwhelming financial burden. The interest, more so than the LFO itself at times, can exacerbate poverty for those who are already in vulnerable financial situations. The author goes on to present a summary of the historical responses to LFOs as well as potential legislative reforms that the state should consider. Note, this review was written prior to the passage and implementation of E2SHB 1783 (2018) which eliminated the 12% interest rate on non-restitution LFOs.

**62. Modern-Day Debtors Prisons: The Ways Court-Imposed Debts Punish People for Being Poor. American Civil Liberties Union of Washington, and Columbia Legal Services;2014.**

This report focused on four counties in Washington state to highlight the legal financial obligation (LFO) practices used in the courts with the goal that this information will drive the legislature to reexamine and reform current policies. The authors observed court proceedings; reviewed court records; and interviewed debtors, attorneys, and community members in each of the four selected counties, which were Benton, Clark, Clallam, and Thurston counties. The findings showed that many courts were not properly considering a defendant's ability to pay when imposing discretionary LFOs and this often then required people to choose between buying basic necessities and paying off their debt. Further, the state's 12% interest rate continued to create insurmountable debt for individuals who are already living in poverty. In this way, LFOs are a barrier for successful re-entry into communities upon release from custody. The authors concluded by presenting recommendations to help relieve the burden of LFOs on indigent persons as well as save resources for counties who put tremendous effort into collecting debts. Note, this review was written prior to the passage and implementation of E2SHB 1783 (2018) which eliminated the 12% interest rate on non-restitution LFOs.

**63. Harris A., Evans H., Beckett K. Drawing blood from stones: Legal debt and social inequality in the contemporary United States. *American Journal of Sociology*. 2010;115 (6):1753-1799.**

Harris et al. analyze national and Washington state-level data to better understand the social and legal consequences of legal financial obligations (LFOs). The authors present a brief history of the use of monetary sanctions and the ways that they have changed over time. Findings show that the use of monetary sanctions is growing in the U.S. and that the dollar value assessed is substantial compared to expected earnings, which is something courts are supposed to consider when assessing LFOs but rarely do. These sanctions create long-term debt that has negative consequences such as: loss of income and heightened stress; constraint on opportunities for growth such as housing, education, and employment; and potential for further warrants, arrest, and reincarceration as a result of nonpayment. The authors conclude that additional research is necessary to better understand the magnitude of the legal debt that is created by the entire criminal justice system.

64. **Shannon S., Huebner B. M., Harris A., et al. The Broad Scope and Variation of Monetary Sanctions: Evidence From Eight States. *UCLA Criminal Justice Law Review*, 4(1). 2020:269-283.**

Shannon et al. conducted an eight state, multi-method study (Multi-State Study of Monetary Sanctions) to examine the multi-tiered system of monetary sanctions. Washington State was among those state systems analyzed. The study identified common themes and policy implications through documenting LFO policies and practices, conducting interviews with both individuals with past or present legal debt and criminal justice stakeholders, and observing court proceedings. Across the eight states, four themes were identified. First, there is not a transparent process for implementing LFOs. LFOs policy and practices vary across federal, state, and local levels. Of the eight states in the study, none had a central state repository where information on the total LFO debt could be found by the individual. In Washington, superior court clerks send detailed payment requests, and lower courts follow this practice. However, it is often very difficult for an individual with legal debt to have access and resources to understand the total LFOs owed. Second, across all eight states in the study, there was significant variation within and between lower-courts' imposed costs, in cost type and amount. Third, there are a multitude of additional consequences of the inability to pay. For example, stress, particularly about what debt to pay, was consistent among surveyed individuals who were balancing family obligations, housing, and medical bills, among other necessities. Additionally, as failure to appear before court can result in warrants or fines, which continually compound. These court proceedings are held during the day, resulting in challenges such as missed work. Nonpayment or inability to comply with court orders can result in an individual being unable to access credit and other banking services (e.g., checking and savings accounts, loans, insurance) and add to other financial institutional fears such as paying taxes. Fourth, data collection across states is variable. In Washington, researchers were able to attain statewide data for all court types and cases for multiple years, with detailed information on LFOs. The researchers' policy recommendations included: considering an individual's ability to pay and their language of indigence, concluding that monetary sanctions lead to statutory inequality, and result in penalties that increase and extend a court sentence; decoupling unpaid debt from criminal legal consequences; developing continuing education on monetary sanction law and practice; and developing and maintaining court data and access procedures.

65. **Espinosa D., Bosch A.B., Pacheco-Jones C. The Cost of Justice: Reform Priorities of People with Court Fines and Fees. *Living with Conviction*; October 2021.**

This supplemental report by Living with Conviction (LwC) was produced under contract with the Washington State Administrative Office of the Courts (Personal Services Contract 21690) to accompany the Minority and Justice Commission's (MJC) forthcoming report "The Price of Justice: Legal Financial Obligations in Washington State" (Report). LwC is an advocacy partnership between people who were formerly incarcerated and lawyers and law student allies to bring an end to the imposition of legal financial obligations (LFOs) at the policy and individual levels. LwC convened three virtual sessions with nine of its justice-involved storytellers and trainers to consider and discuss the Report findings and to generate their own recommendations for LFO reform. Participants included seven women and two men, of which three are African American, one is Asian-Pacific Islander, one is Latino, one is Native American, and three are white. They reside in the following counties: King (2), Kitsap (3), Pierce (1), and Spokane (3). Authors note that time limitations prevented presentation of the bulk and breadth of

relevant findings. Thus, the scope of participants' recommendations was limited. Recommendations were categorized as relating to: 1) reducing barriers to LFO remission; 2) reducing barriers to paying off LFOs; 3) reducing the amount of LFOs imposed; and 4) conducting additional research. Participants expressed disappointment in the omission of a survey of people with "lived experience" to inform the MJC's Report. They noted that the surveys informing the MJC report did not "solicit or include information about the debilitating impacts of LFOs on people and their families." Additionally, participants noted skepticism regarding whether judges truly apply the ability-to-pay when considering LFO debt, as the three most commonly reported reasons for why courts impose LFOs by judicial officers were: 1) cost recovery / fund the criminal justice system (51 responses), 2) because the Legislature says so (29 responses), and 3) punishment (26 response).

**66. Mogk J., Shmigol V., M. Futrell, et al. Court-imposed fines as a feature of the homelessness incarceration nexus: a cross-sectional study of the relationship between legal debt and duration of homelessness in Seattle, Washington, USA. *Journal of Public Health*. 2019:1-13.**

Researchers Mogk et. al examined the relationship between incarceration, legal debt, and the duration of homelessness in Seattle, Washington, through a retrospective cross-sectional questionnaire-based study. The study surveyed 101 adults experiencing homelessness in King County regarding the outcome variable (i.e., duration of current episode of homelessness) as well as predictor and confounding variables (i.e., demographics, health status, legal system involvement, debt and finances, and demographic information). The final regression model included 92 participants. The regression model found that outstanding LFO debt has a statistically significant association with current durations of homelessness ( $p > 0.001$ ), with an average current episode of experiencing homelessness of 1.9 years. Other debt, including medical debt, student loan debt, credit card debt, and payday loans was not statistically associated with duration of homelessness. The regression model controlled for age, race (white vs. not white) and gender (male vs. non-male). The authors discuss the relationship between LFO debt and experiencing homelessness, citing pre-existing research of the 'homelessness-incarceration nexus,' where homelessness and incarceration are reciprocally linked. More than 60% of respondents had been convicted of a crime or had a warrant for their arrest, and more than 75% had been incarcerated. Approximately 25% of respondents reported difficulty finding permanent housing as a result of their involvement in the criminal legal system. All participants were below the threshold for housing affordability. The researchers considered the total time an individual experiences homelessness, as opposed to an isolated episode of experiencing homelessness.

**67. Turney K. Stress Proliferation across Generations? Examining the Relationship between Parental Incarceration and Childhood Health. *Journal of Health and Social Behavior*. 2014;55(3):302-319.**

Turney conducted a multivariate analysis that incorporates children into the stress process paradigm to examine the relationship between parental incarceration and children's health. The author used data collected through the 2011-2012 National Survey of Children's Health (NSCH), a cross-sectional probability sample of non-institutionalized children ages 0-17 years in the U.S. Adjusted for demographic, socioeconomic, and familial characteristics, the analyses show parental incarceration is independently associated with 5 of 19 health conditions considered:

learning disabilities, Attention Deficit Disorder/Attention Deficit Hyperactivity Disorder, behavioral or conduct problems, developmental delays, and speech or language problems. Results suggest parental incarceration is more detrimental to behavioral or conduct problems and developmental delays than parental divorce or separations. Findings add to the literature that children's health disadvantages may be an unintended consequence of mass incarceration. In addition, household member mental health problems are associated with 15 of 19 indicators of children's health. The use of a cross-sectional dataset made it impossible to determine whether the association is due to shared genetics, shared environments, or some combination of the two. Further research is needed to determine how mental health, incarceration, and children's mental health are associated.

**68. Yi Y., Turney K., Wildeman C. Mental Health Among Jail and Prison Inmates. *American Journal of Men's Health*. 2017;11(4):900-910.**

Yi et al. analyzed a sample (n = 3,139) from the Fragile Families and Child Wellbeing Study (FFCWS), a longitudinal survey commonly used to study the individual and spillover consequences of incarceration, to assess how the relationship between current incarceration and self-reported mental health varies across jail incarceration and prison incarceration. Researchers found fathers incarcerated in jails "...have higher odds of depression (OR=5.06), life dissatisfaction (OR = 3.59), and recent illicit drug use (OR=4.03)" compared to those not incarcerated. While fathers incarcerated in prisons "...have higher odds of life dissatisfaction (OR=3.88) and lower odds of heavy drinking (OR=0.32) compared with those not incarcerated." Results confirm the negative associations between incarceration and mental health and provide new insight into between-facility differences in mental health of currently incarcerated fathers. Authors conclude that further research is needed to better understand the effects of incarceration in jails and the implications for the well-being of current and former inmates' children and families.

**69. Natapoff A. Misdemeanor Decriminalization. *Vanderbilt Law Review*. 2015;68(4):63.**

This law review found that full decriminalization, defined as reclassification of misdemeanors as civil infractions, of non-violent offences may reduce arrests, days of incarceration, and fines associated with offenses like driving while license suspended in the third degree (DWLS 3). However, Natapoff noted outcomes may vary dependent on how local jurisdictions apply the provisions. Defendants with the resources to pay fines can terminate contact with criminal justice system quickly and without the lasting effects of a criminal record. However, because Washington State incarcerates defendants for failure to pay fines, a fine-only model may translate into jail time for indigent individuals through the use of contempt proceedings (pay or appear). Incarceration due to failure to appear may exacerbate disparities in incarceration rates by disproportionately affecting people with low-incomes and people of color who may be less likely to find the time and transportation required to appear than offenders with more time and resources. Failure to pay may also negatively impact an individual's credit rating and their ability to rent an apartment, buy a car, or secure employment. An individual's records (arrest and criminal) and/or inability to reinstate their driver's license may also negatively affect employment (current and future prospects). Jurisdictional use of citations to measure performance or fines to fund the criminal justice systems and general budgets could exacerbate disparities by further racializing enforcement and serving as a regressive tax.

70. **Crane J. T., Pascoe K. Becoming Institutionalized: Incarceration as a Chronic Health Condition. *Medical Anthropology Quarterly*. 2021;35(3):307-326.**

Crane and Pascoe conducted qualitative interviews with 26 people who were incarcerated in Washington State prisons and participating in Washington State Department of Correctors (DOC) programming, “Living Longer; Living Stronger: The Chronic Disease Self-Management Program.” The program was available to any person who was incarcerated as “incarceration is a chronic condition.” Twenty-three men and 3 women participated in the interviews between October 2016 and March 2017. Fifteen people were participants in the program and 8 were peer-leaders; the majority of participants were white. The intent of the interviews was to examine the relationship between incarceration and social, biological, and psychological health outcomes from the perspective of people who are incarcerated. The authors stated that incarceration is a chronic health outcome as “social inequities of mass incarceration become embodied as health inequities.” Moreover, they cite previous research suggesting that, “living conditions can become chronic health conditions, especially in prisons...long-term imprisonment leads to ‘chronic incapacitation’ lasting a lifetime, even after release. This ‘long tail of incarceration...essentially functions as a chronic disability.’”

71. **Sugie N. F., Turney K. Beyond Incarceration: Criminal Justice Contact and Mental Health. *American Sociological Review*. 2017;82(4):719-743.**

The authors examined associations between criminal justice contact and mental health using data from the National Longitudinal Survey of Youth (NLSY97). The nationally representative survey of a contemporary cohort includes information about criminal justice contact (including arrest, conviction, and incarceration) and mental health over time. Analysis showed arrest and incarceration—but not conviction—are independently associated with poor mental health. Arrests accounted for nearly half of the association between incarceration and mental health. Authors propose uncertainty and anticipatory stress are primary mechanisms that worsen mental health and deserve further study. Researchers document that criminal justice contact is socially patterned and is more common among non-Hispanic Blacks than non-Hispanic whites and Hispanics. However, the associations between criminal justice contact and mental health are similar across racial/ethnic groups. Researchers found respondents’ previous exposure to disadvantaged ecological contexts (i.e., counties with high proportions of residents with incomes below the poverty, unemployed civilians, female-headed households, and households receiving public assistance income) had negative consequences for mental health. The authors assert the importance of mental health for other life course outcomes (e.g., physical health, socioeconomic status, children's wellbeing) and conclude that the consequences of criminal justice contact may extend beyond mental health and have broad intra- and inter-generational consequences.

72. **Strong J. D., Reiter K., Gonzalez G., et al. The body in isolation: The physical health impacts of incarceration in solitary confinement. *PLoS One*. 2020;15(10):e0238510.**

Strong et al. examined "how solitary confinement correlates with self-reported adverse physical health outcomes, and how such outcomes extend the understanding of the health disparities associated with incarceration." Researchers used a mixed methods approach, conducting semi-structured, in-depth interviews; Brief Psychiatric Rating Scale (BPRS) assessments; and systematic reviews of medical and disciplinary files for subjects. The study sample consisted of a random sample of prisoners (n = 106) in long-term solitary confinement in the Washington State Department of Corrections (DOC) in 2017. In total, 225 individuals incarcerated in IMU (62%),

responded to the in-person paper survey, and 106 participated in a random sample for in-depth interviews. Sixty-seven of those approached (n=173) refused to participate in an initial interview, resulting in a 39% refused rate which was comparable to similar studies of people experiencing incarceration. Twenty-five percent of the sample was lost at one-year follow-up (i.e., 4 participant refusals; 21 institutional, out-of-state, and parole transfers precluding follow-up; and one death). The random sample had a mean age of 35 years; mean stay of 14.5 months in IMU; mean of 5 prior convictions resulting in prison sentences; and was 42% white, 12% African American, 23% Latino, and 23% "Other." The interview sample did not significantly differ from the total population held in IMU at the time of the sampling. Researchers also analyzed administrative data for the entire population of prisoners in the state in 2017 (n = 17,943). "In the initial 2017 assessment, all study subjects were housed in IMU. At the time of re-interview in 2018, 52 respondents had moved into the general prison population, while 28 remained in IMU. Of those who were still in IMU in 2018, 21% (6 of 28) reported clinically significant somatic concerns, compared to just 8% of those housed in the general prison population (4 of 52). While the descriptive data appear to demonstrate higher proportions of somatic concern in IMU settings, the difference was not statistically significant at the 95% confidence Level (p = 0.09; Fisher's exact test)." Results of the broader survey of people in IMU showed, "Of the 225 survey respondents, 63% expressed health concerns; 48% were taking medication; 17% had arthritis; and 8% had experienced a fall in solitary confinement. Importantly for the analysis of emerging symptoms in particular, 82% replied 'yes' to the question 'Have you experienced any changes in yourself?' while in the IMU." Physical symptoms experienced in solitary confinement included "(1) skin irritations and weight fluctuation associated with the restrictive conditions of solitary confinement; (2) un-treated and mis-treated chronic conditions associated with the restrictive policies of solitary confinement; (3) musculoskeletal pain exacerbated by both restrictive conditions and policies."

**73. Research Working Group Task Force on Race and the Criminal Justice System. Preliminary Report on Race and Washington's Criminal Justice System. *Washington Law Review*. 2012;87(1).**

The Research Working Group, Task Force on Race and Criminal Justice System was Research Working Group, Task Force on Race and the Criminal Justice System convened in 2010 to address racial inequities in Washington's criminal legal system. The creation of the group was prompted by remarks of justices on the Washington Supreme Court that there was racial bias in the state's criminal legal system. Members of the Research Working Group include individuals from Washington State's schools of law. The larger Task Force includes representatives from a range of professional, legal, and community associations (e.g., Bar Association, Washington State Commission on Minority and Justice, prosecuting attorneys, advocacy organizations, etc.). In this report, the Research Working Group, Task Force on Race and the Criminal Justice System reports on disproportionality in Washington State's court, prison, and jail populations by race/ethnicity. The report concluded that, "Washington State criminal justice practices and institutions find that race and ethnicity influence criminal justice outcomes over and above [crime] commission rates." The Task Force found that the disproportionality in Washington State's criminal justice system, "is explained by facially neutral policies that have racially disparate effects...facially race-neutral policies that have a disparate impact on people of color contribute significantly to disparities in the criminal justice system. We find that racial and ethnic bias distorts decision-making at various stages in the criminal justice system, contributing

to disparities." Lastly, "race and racial bias matter in ways that are not fair, that do not advance legitimate public safety objectives, and that undermine public confidence in our legal system."

**74. Race and the Criminal Justice System Task Force 2.0. Commons SUSoLD. Race and Washington's Criminal Justice System: 2021 Report to the Washington Supreme Court. Fred T. Korematsu Center for Law and Equality; 2021.**

This 2021 report was authored by the Research Working Group of the Task Force 2.0: Race and Washington's Criminal Justice System, a follow-up to the previous Task Force on Race and the Criminal Justice System (2010-2012). The Research Working Group was charged with updating the work of the previous Task Force and investigating disproportionalities in the criminal legal system and possible causes, where disproportionalities existed. The Research Working Group designed its approach to inform "recommendations for change in order to promote fairness, reduce disparity, ensure legitimate public safety objectives, and instill public confidence in [Washington State's] criminal [legal] system." The report focused on the treatment and experience of adults in the criminal legal system as well as race. However, it does not consider the intersection of race and gender, which, authors note, may obscure the experience of women of color in the criminal legal system and may underestimate the severity of experiences by certain men of color (e.g., Black men). The report included available data on stops, searches, use of force, arrests, convictions, legal financial obligations (LFOs), incarceration sentences, death penalty sentences, and disproportionate incarceration. Wherever possible, authors provide data documenting disproportionality. Specifically, evidence showed that both Black Americans and Indigenous people "encounter racialized policing and overrepresentation in every stage of [Washington State's] criminal [legal] system." However, lack of accurate, consistent, and/or complete data collection prevented a clear picture of racialized policing and overrepresentation of Latino/as at some stages of the criminal legal system. Similarly, inconsistent and/or incomplete data collection or reporting made it impossible to provide a full picture of the representation of Native Hawaiians and Other Pacific Islanders in the criminal justice system. Authors concluded, "Our examination of the data leads us to repeat the conclusions we reached ten years ago. In 2021, race *still* matters in ways that are not fair, that do not advance legitimate public safety objectives, that produce racial disparities in the criminal [legal] system, and that undermine public confidence in our legal system."