

**In the
Supreme Court of the United States**

NEW YORK STATE RIFLE & PISTOL ASSOCIATION, INC., ROBERT NASH, BRANDON KOCH,

Petitioners,

v.

KEVIN P. BRUEN, in His Official Capacity as Superintendent of the New York State Police, RICHARD J. MCNALLY, JR., in His Official Capacity as Justice of the New York Supreme Court, Third Judicial District, and Licensing Officer for Rensselaer County,

Respondents.

On Writ Of Certiorari To The
U.S. Court Of Appeals For The Second Circuit

BRIEF OF *AMICI CURIAE* THE NATIONAL COALITION AGAINST DOMESTIC VIOLENCE, THE BATTERED WOMEN'S JUSTICE PROJECT, JEWISH WOMEN INTERNATIONAL, THE NATIONAL DOMESTIC VIOLENCE HOTLINE, AND THE NATIONAL RESOURCE CENTER ON DOMESTIC VIOLENCE IN SUPPORT OF RESPONDENTS

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INTEREST OF AMICI CURIAE¹

Founded in 1978, the National Coalition Against Domestic Violence (“NCADV”) is a national, non-profit organization that, among other things, promotes legislation and policies that serve and protect victims and survivors of domestic violence and provides educational programs that explore emerging issues, insights, best practices, and research from leaders in the domestic violence field. In addition, NCADV supports the efforts of advocates, gun violence prevention activists, survivors, victims, law enforcement officers, prosecutors, and others in researching state-specific laws on domestic violence-related protective order firearm removals and supporting the removal of guns from armed abusers. NCADV is steeped in the federal, state and local efforts to restrict access to firearms by domestic violence abusers.

The Battered Women’s Justice Project (“BWJP”) is the national resource center on civil and criminal justice responses to intimate partner violence. BWJP provides extensive resources and training to professionals, including advocates, judges, law enforcement and prosecutors to promote systemic change within the civil and criminal justice systems to ensure effective and just responses to victims and perpetrators of intimate partner violence.

Jewish Women International (“JWI”) is the leading Jewish organization working to empower women

¹ No counsel for a party authored this brief in whole or part, and no counsel or party made a monetary contribution to fund the preparation or submission of this brief. No one other than the amicus curiae and its counsel made any monetary contribution to its preparation and submission. All parties have consented to the filing of this brief.

and girls by ensuring and protecting their safety, health, rights, and economic security; promoting and celebrating inter-generational leadership; and inspiring civic participation and community engagement. JWI works to ensure that all women and girls—of every race, culture, gender identity, sexual orientation, and ability—thrive in healthy relationships, control their financial futures, and realize the full potential of their personal strength.

Established in 1993, the National Resource Center on Domestic Violence (“NRCDV”) is a national, non-profit organization that works to strengthen and transform program and community efforts to end domestic violence. This mission is accomplished through the promotion of equitable and effective public policy, institutional response and research, and engagement in prevention. NRCDV’s efforts to engage and inform community and systems stakeholders includes integrating an intersectional analysis that names contextual considerations and multifaceted structural and systemic barriers that disproportionately impact communities of color, Tribal communities, and other marginalized and underserved communities. NRCDV’s work is geared towards creating a world where violence and oppression are eradicated, and individuals and their communities are free to experience justice, peace, and equity.

The National Domestic Violence Hotline (“The Hotline”), first established in 1996 as a component of the Violence Against Women Act (VAWA), provides lifesaving tools and immediate support to enable victims to find safety and live lives free of abuse.

Callers to The Hotline can expect highly trained, experienced advocates to offer compassionate support, crisis intervention information, educational services and referral services in more than 200 languages. The Hotline offers free, confidential, and 24/7 support to survivors year round through text, chat, and phone services.

The National Organization for Women (NOW) Foundation is a 501(c)(3) entity affiliated with the National Organization for Women, the largest grassroots feminist activist organization in the United States with chapters in every state and the District of Columbia. NOW Foundation is committed to ending violence against women and is especially concerned about the heightened risk of injury or death when a firearm is in the hands of an abusive partner or acquaintance. FBI data from 2018 indicate that nationwide, for homicides in which the weapon could be determined (1,698), more female homicides were committed with firearms (56 percent) than all other weapons combined. Common sense firearms regulation will save lives.

Safe Horizon is the nation's largest non-profit victim services organization, responding to 250,000 New Yorkers each year who have experienced violence or abuse. Based entirely within the five boroughs of New York City, Safe Horizon offers a client-centered, trauma-informed response that takes into account the experience of race. Safe Horizon recognizes the enhanced risk that firearms can pose to victims of domestic violence and their families and believes that our laws should explicitly take into account the

danger that domestic violence victims regularly face when the laws regulating firearms are loosened.

The Cooperative Restraining Order Clinic (CROC) is a San Francisco-based legal services agency that upholds the legal rights and dignity of sexual assault, domestic violence, and stalking survivors. Committed to empowerment, CROC works to protect the rights and safety of survivors and their children through effective legal assistance, institutional training, and policy advocacy, with a particular focus on restraining orders, family law, crime victim representation, and Title IX administrative proceedings.

Sanctuary for Families is New York's largest dedicated service provider and advocate for survivors of domestic violence, human trafficking, and related forms of gender based violence. Every year, Sanctuary provides legal, clinical, shelter and economic empowerment services to thousands of survivors and their children, as well as training on domestic violence and trafficking to community advocates, pro bono attorneys, law students, service providers and the judiciary. In addition to representing survivors in a variety of legal cases, Sanctuary attorneys focus on safety planning with survivors and know all too well the significantly increased danger to survivors when abusers have access to firearms.

The Tahirih Justice Center is the largest multi-city direct services and policy advocacy organization specializing in assisting immigrant women and girls who survive gender-based violence. In five cities across the country, Tahirih offers legal and social services to women and girls fleeing all forms of gender-

based violence, including human trafficking, forced labor, domestic violence, rape and sexual assault, and female genital cutting/mutilation. Since its beginning in 1997, Tahirih has provided free legal and social services assistance to more than 30,000 individuals, many of whom have sought asylum and other relief through removal proceedings in immigration court. Through direct legal and social services, policy advocacy, and training and education, Tahirih protects immigrant women and girls and promotes a world where they can live in safety and dignity.

Vera House is a comprehensive domestic and sexual violence service agency that has seen the impact of access to handguns all too frequently. It knows that the likelihood of lethality increases dramatically when those who cause harm have access to weapons and strongly supports efforts to protect victims through all measures possible including strict requirements regarding gun access.

Lovelace Consulting Services, Inc. (LCSI) provides high-level consulting, technical assistance, and training to people, organizations, and systems seeking social, political, and professional transformation through racial equity, diversity and inclusion, intersectionality, and ending gender-based violence. LCSI helps leaders, organizations, systems, and government agencies create inclusive policies and environments.

Esperanza United mobilizes Latinas and Latin@ communities to end gender-based violence. Formerly Casa de Esperanza, Esperanza United was founded in 1982 as an emergency shelter in St. Paul, Minnesota.

Today, Esperanza United serves Latin@s locally and nationwide, and its Latina Advocacy Framework provides the foundation on how best to support Latin@ survivors, families, and communities gain greater safety, connectedness, and self-sufficiency.

* * * *

The facts of this case do not concern domestic violence. But the case itself does. As this Court has recognized, “[f]irearms and domestic strife are a potentially deadly combination nationwide.” *United States v. Hayes*, 555 U.S. 415, 427 (2009). The presence of a gun in a domestic violence situation increases the risk of femicide *by 1,000 percent*. Chelsea M. Spencer & Sandra M. Stith, *Risk Factors for Male Perpetration and Female Victimization of Intimate Partner Homicide: A Meta-Analysis*, 21(3) *TRAUMA, VIOLENCE, & ABUSE* 527-40 (2020). For this reason, amici curiae support strict regulation of the sale, possession and carrying of firearms, and believe that New York’s “concealed carry” statutory scheme represents an appropriate exercise of government regulation that is consistent with the Second Amendment. However, regardless of how this Court decides this case, amici curiae urge the Court to proceed cautiously and not issue a decision that in any way weakens State efforts to limit access to firearms by individuals who have engaged in, or pose a threat of engaging in, domestic violence. The health and safety—indeed, the lives—of thousands of Americans, mostly women, depend on keeping guns out of the hands of abusers.

SUMMARY OF ARGUMENT

Domestic violence is a significant problem in this country. An abuser's access to firearms exacerbates the problem and, of course, makes it far more lethal. Domestic violence is also a *complex* problem. It rarely is a single, physical altercation that results in a criminal conviction or a fully noticed protection order. Domestic violence more often is a course of conduct in which an abuser seeks to control and dominate a partner with threats and intimidation that may ultimately lead to physical violence. Many victims of domestic violence who might be in danger if a gun were permitted in the home or to be carried out of the home do not have a current restraining order in place or may not have been afforded the luxury of a prosecutor willing to pursue a criminal case to conviction against their abuser. Faced with these circumstances, a number of States have adopted regulatory structures that take into consideration a range of signals that reflect the reality of domestic violence, such as arrests and police reports, *ex parte* protection orders, and prior protection orders, in order to determine whether an individual who seeks to obtain or carry a firearm presents a risk of engaging in domestic violence. The regulatory regimes by which these States address the complex problem of domestic violence and firearms are not before the Court in this case. Regardless of how the Court rules in this case, it should be careful not to undermine the efforts of these States in addressing the difficult problem of access to firearms by individuals who pose a risk of engaging in domestic violence.

ARGUMENT

I. Domestic Violence is Pervasive And Tends to Escalate; Guns Make Domestic Violence Far More Deadly.

Nearly 20 people per minute are physically abused by an intimate partner in the United States. Sharon G. Smith et al., *The National Intimate Partner and Sexual Violence Survey (NISVS): 2015 Data Brief – Updated Release*, National Center for Injury Prevention and Control, Centers for Disease Control and Prevention (Nov. 2018), <https://www.cdc.gov/violenceprevention/pdf/2015data-brief508.pdf>. More than one in three women have experienced rape, physical violence and/or stalking by an intimate partner in their lifetime. *Id.*

Domestic violence typically follows a pattern: It escalates in severity over time. *See* Lisa D. May, *The Backfiring of the Domestic Violence Firearms Ban*, 14 COLUM. J. GENDER & L. 1, 3 (2005) (“[d]omestic violence is typically characterized ‘by a pattern of abusive behavior . . . which escalates in frequency and severity over time’”) (citation omitted); Natalie Loder Clark, *Crime Begins at Home: Let’s Stop Punishing Victims and Perpetuating Violence*, 28 WM. & MARY L. REV. 263, 291 (1987) (“The first instance of violence . . . is usually short and not terribly severe. . . . Later in the pattern of violence, however, the same victim faces a serious threat to life and health, and may be . . . too afraid to change the situation alone.”).

Adding guns to the mix does two things. It *exacerbates* domestic violence. Research has shown that gun possession by an abuser is one of the most

significant risk factors for escalation of domestic violence. Jacquelyn C. Campbell et al., *Assessing Risk Factors for Intimate Partner Homicide*, 250 NAT'L INST. OF JUST. J. 14, 16 (Nov. 2003). And, not surprisingly given the lethality of firearms, the presence of a gun also make domestic violence far more deadly. As noted, if the abuser has access to a firearm, the likelihood that domestic violence will culminate in the death of a woman is eleven times greater than if there is no firearm involved. Chelsea M. Spencer & Sandra M. Stith, *Risk Factors for Male Perpetration and Female Victimization of Intimate Partner Homicide: A Meta-Analysis*, 21(3) TRAUMA, VIOLENCE, & ABUSE 527-40 (2020).

Unfortunately, the problem is not simply one of relative harm or risk. The absolute numbers are staggering. Nationwide, an average of more than three women are killed by a current or former intimate partner every single day. FBI, Criminal Justice Information Services Division, *2019 Crime in the United States, Expanded Homicide* (2021), <https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019/topic-pages/expanded-homicide>. Of women killed by men with a firearm in 2018, 63% were killed by a current or former intimate partner. Violence Policy Center, *When Men Murder Women: An Analysis of 2018 Homicide Data* (2020), <http://www.vpc.org/studies/wmmw2020.pdf>. In addition, twenty percent of victims in intimate partner homicides are not the intimate partner themselves, but instead are family members, friends, intervenors, law enforcement or bystanders. Sharon G. Smith et al., *Intimate Partner Homicide and Corollary Victims*

in 16 States: National Violent Death Reporting System, 2003-2009, 104(3) AM. J. OF PUB. HEALTH 461-66, <https://doi.org/10.2105/AJPH.2013.301582>.²

II. Guns, and the Ability to Carry a Gun Outside the Home, Are An Integral Part of Domestic Violence Control and Intimidation.

While guns are used to deadly effect in domestic violence, they are not used only to inflict bodily harm. Perpetrators of domestic violence can and do use guns as a means of control over their victims. As one study has reported, of the population of women living in a household with a gun, approximately 5% had been shot at by their partners. Susan B. Sorenson & Douglas J. Wiebe, *Weapons in The Lives of Battered Women*, 94 AM. J. OF PUB. HEALTH 1412, 1414 (Aug. 2004). The same study found that, of the population of women living in a household with a gun, 64.5% had experienced a partner using the gun “to scare, threaten, or harm her.” *Id.* Nearly 1 million women alive today have been shot or shot at by an intimate partner. FWV Fact Sheet. But approximately **25 million** American women alive today—13.6% of all American women—have been **threatened** with a gun by an intimate partner. Avanti Adhia et al., *Nonfatal Use of Firearms in Intimate Partner Violence: Result of a*

² A 2021 study found that in 68% of mass shootings between 2014 and 2019, the shooter either had a history of domestic violence or killed an intimate partner or family member. Lisa B. Geller et al., *The Role of Domestic Violence in Fatal Mass Shootings in the United States, 2014-2019*, 8 INJURY EPIDEMIOLOGY 38 (2021), <https://doi.org/10.1186/s40621-021-00330-0>.

National Survey, 147 PREVENTIVE MEDICINE (in press) (2021), <https://doi.org/10.1016/j.ypped.2021.106500>.

This Court has previously seen some of the results of a survey conducted by the National Domestic Violence Hotline (NDVH) regarding the use of guns in domestic violence situations. Of the 4700 voluntary respondents, two-thirds of respondents believed their partners were capable of killing them. Of all the reported statistics from the survey, it is the responses to the open-ended questions that are the most chilling:

- “[He] never fired the pistol, but he would sit on my chest and point it at my head. He would put it right next to my temple.”
- “He’s never pointed it at me but he has laid it down on the table to say that I shouldn’t, [‘]cross that line[’]. [Law enforcement took his guns away but] there’s no safe [way] to feel because that doesn’t stop him from purchasing other guns.”
- “He chased me around the house with the gun in his mouth. It had scared me because he had bought another gun after having it taken away.”
- “[He] didn’t fire the gun but cocked it while it was pointed to my head [text removed for confidentiality].”
- “He will wave a gun in the air when we’re in an argument and say ‘I will end you with this and put [you] out of your misery.’”

- “He took out the gun and pointed it at my head. He has left them out, has left the ammunition out.”
- “Today, during an argument, he had two fully loaded clips on his belt. He later went into his room and came back with the gun on his holster, which was not there before.”³

Permitting the possession of a gun, even if that gun is never fired, can facilitate an environment of terror that can entrap victims of domestic violence. As troubling, however, is the incremental terror that can be incited by the ability to carry a gun outside the home. Even if a victim wanted to escape, if the gun can follow, safety can feel illusory:

- Abuser used a firearm to kill the family cat. The abuser frequently held the firearm to the victim’s head and said that he would kill her. The abuser often threatened to kill the family and then himself. The two are separated now, but the abuser told the victim that if she ever left, he would wait a few years to kill her so that no one would guess it was him.
- The abuser has a concealed-weapons permit and has put his gun on himself multiple times, and has threatened, “If you ever leave me, I’ll kill you.”

³ Brief of Amici Curiae The National Domestic Violence Hotline et al., *Voisine v. United States*, No. 14-10154, 2016 WL 34488, at *14-17 (filed Jan. 26, 2016).

The victim was at a park when the abuser drove by. The abuser told the victim to come to his car, and when she did not, he fired shots into the air to scare her.

- “He shot a gun at my feet and someone called the police. [He] was arrested on violation of restraining order but gun charges were dropped.”⁴

III. Congress Has Recognized That The Potential for Domestic Violence Justifies Restrictions On Gun Ownership, But Federal Law Is Relatively Narrowly Drawn In *Identifying* the Potential for Domestic Violence.

In light of the above, there is little debate that guns and domestic violence abusers should not mix. Indeed, Congress has recognized the critical need to restrict access to firearms to those who pose a danger of engaging in domestic violence. Under federal law, individuals who are subject to qualifying state or tribal “protection orders” and those who have been convicted of certain state or tribal “misdemeanor crime[s] of domestic violence” face limitations on their ability to possess and purchase firearms. *See* 18 U.S.C. § 922(g)(8), (9). This Court has rejected challenges to this statutory scheme. *See United States v. Hayes*, 555 U.S. 415 (2009); *United States v. Castleman*, 572 U.S. 157 (2014); *Voisine v. United States*, 136 S. Ct. 2272 (2016).

But federal law is relatively narrowly drawn in identifying persons who pose a danger of engaging in

⁴ *Id.*

domestic violence. For example, federal law does not cover expired protection orders or protection orders involving relationships in which the two parties are or were dating but are not living together and do not have a child in common. 18 U.S.C. § 921(a)(32) (definition of “intimate partner”). Nor does it reach *ex parte* orders, which a court may impose because of the exigency of the threat posed, or mutual protection orders, which typically are issued simultaneously against both the petitioner and the respondent without prior notice. *See generally* R. Valente & R. Graber, *Firearms, Domestic Violence, and Dating Violence: Abusers’ Use of Firearms Violence to Exert Coercive Control and Commit Intimate Partner Homicides*, in *HANDBOOK OF INTERPERSONAL VIOLENCE ACROSS THE LIFESPAN* 7 (R. Geffner et al. eds. 2020). And, while federal law restricts the possession and purchase of firearms by those indicted or convicted of a felony (18 U.S.C. § 922(d)(1)) or, as noted, a misdemeanor crime of domestic violence, it has no bearing on persons who have been arrested, but not convicted, on domestic violence-related charges, even if the person has been arrested on multiple occasions and there are ample police reports documenting domestic violence.

These limitations have real-world consequences because key indicators of the presence of domestic violence often are not a conviction for a crime of violence or a current, fully noticed restraining order, especially earlier in the cycle of domestic violence escalation. For example, many victims file short-term, *ex parte* restraining orders after separating from their abuser or as a first step of separation, and are at greatest risk of increased violence or homicide at this point, making

the restrictions on concealed carry of firearms important to their safety. *See* Joakim Petersson et al., *Risk Factors for Intimate Partner Violence: A Comparison of Antisocial and Family-Only Perpetrators*, 34(2) JOURNAL OF INTERPERSONAL VIOLENCE 1-21 (2016). Similarly, many instances of domestic violence are often logged in hospital emergency room records or police reports that suggest a pattern of physical abuse.

Indeed, this Court has recognized that “domestic violence’ is not merely a type of ‘violence’; it is a term of art encompassing acts that one might not characterize as ‘violent’ in a nondomestic context.” *Castleman*, 572 U.S. at 165. As defined by the Office on Violence Against Women of the U.S. Department of Justice, domestic violence is “a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. As recognized by DOJ, “domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person.” OJP Fact Sheet on Domestic Violence, U.S. Dep’t of Justice, Office on Violence Against Women, https://www.ojp.gov/sites/g/files/xyckuh241/files/archives/factsheets/ojpfs_domesticviolence.htm.

IV. A Number Of States Properly Take Into Account The Varied Signals Relevant To Identifying Domestic Abuse Risk.

Given the complexity of the problem, and the potentially deadly consequences of permitting access to firearms to those who pose a risk of domestic violence,

a number of States go beyond the relatively limited categories identified in federal law and take into consideration broader signals of domestic violence as part of the decision-making process regarding gun possession and carry rights. In New York, for example, the application for a firearm permit, including a concealed carry permit, expressly asks whether the applicant has “ever been arrested, summoned, charged or indicted anywhere for any offense, including DWI (except traffic infractions)” and, if the answer is yes, requires the applicant to disclose the arrest date, the police agency, the disposition date and court, and the disposition.” *See* <https://troopers.ny.gov/system/files/documents/2020/12/ppb-3.pdf>. Failure to honestly and accurately report a domestic violence incident in applying for a firearm license has been held to be a proper basis for denial of the application. *See Delgado v. Kelly*, 8 N.Y.S.3d 172, 172-73 (App. Div. 2015). Similarly, under the New York statutory scheme, licensing officials can take into consideration police reports of domestic violence in determining whether an individual should be permitted to have a firearm. *See, e.g., Peters v. Randall*, 975 N.Y.S.2d 297, 298 (App. Div. 2013) (“Police reports from the incident date indicate that petitioner twice grabbed his wife by the arms and pushed her against the wall, warning her that ‘there was going to be trouble’ if she called the police. The reports also indicate a prior history of domestic violence.”); *Taveras v. New York City*, 20 Civ. 1200 (KPF), 2021 WL 185212, at *2-3 (S.D.N.Y. 2021) (rejecting challenge to denial of firearm permit when background investigation revealed that applicant had “punched [ex-girlfriend] in the left eye

causing swelling and bruising” and her “treat[ment] at the hospital for her injuries;” arrest, assault charges and domestic violence protection order based on incident; and subsequent threat that applicant “was going to ‘pull [his ex-girlfriend] out of a nightclub by her hair if she did not leave’ [and that] if she called the police, he would hurt her and her family.”).

Massachusetts is similar. The application for a firearm license asks whether the applicant presently or “*ha[s]* . . . *ever been* the subject of a” domestic violence restraining order. *See* https://www.mass.gov/files/documents/2017/12/13/Updated%20LTC_FID%20card%20app%20-%20REVISED%2005.19.15.pdf (emphasis added). It also inquires whether the applicant has “ever been arrested or appeared in court as a defendant for any criminal offense.” *Id.* And, while Massachusetts law, like federal law, identifies certain circumstances that categorically preclude possession of a firearm, it also permits licensing authorities to review and consider arrest records and analogous evidence to keep firearms out of the hands of those who have engaged in or are likely to engage in domestic violence. As the Massachusetts Supreme Court held in *Chief of Police of City of Worcester v. Holden*, 26 N.E.3d 715, 728 (Mass. 2015):

[Applicant’s] conduct in punching his wife in the face, dragging her out of his vehicle, and throwing her to the ground constitutes criminal conduct that would have disqualified him from licensure had he been convicted. The absence of a conviction does not prevent such conduct from

consideration by the chief on the question of [Applicant's] suitability. [Applicant's] acts of domestic violence provide precisely the kind and quality of evidence that rationally support a finding of unsuitability.

See also Howard v. Chief of Police of Wakefield, 794 N.E.2d 604, 606-07 (Mass. App. Ct. 2003) (affirming denial of application to renew firearms permit based on applicant previously being subject to divorce-related protection order).

California too permits its licensing authorities to review information beyond the pendency of the limited type of protection order or criminal conviction covered by federal law in determining whether an applicant for a firearm license poses a danger of committing domestic violence. Specifically, California law, in contrast to federal law, covers persons subject to dating violence protection orders, domestic violence emergency protection orders, and temporary restraining orders. CAL. FAM. CODE §§ 6218, 6389; CAL. PENAL CODE § 136.2. Moreover, California's application to carry a concealed weapon asks whether the applicant is now, *or has been*, "subject to a restraining order(s) from any court;" has "*ever* been involved in an incident involving firearms;" and has "*ever* been involved in a domestic violence incident." <https://www.sjpd.org/home/showpublisheddocument?id=58> (emphasis added). And, the California concealed weapon application requires the applicant to "[l]ist any arrest or formal charges, with or without disposition, for any criminal offenses within the U.S. or any other country (civilian or military)." *Id.* at 10.

This information is critical to the ability of California firearm licensing authorities to keep firearms out of the hands of those who have or are like to engage in domestic violence.

New Jersey is another state that authorizes regulatory officials to consider an applicant's history of domestic violence, including prior arrests that did not result in convictions. *See In re Z.L.*, 113 A.3d 791, 794-95 (N.J. Super. Ct. App. Div. 2015), *cert. denied*, 122 A.3d 990 (N.J. 2015) (upholding denial of firearm permit when applicant "had been arrested in 1998 for domestic violence and police responded to his home on five occasions from 2003 to 2011 to resolve disputes between him and his wife"). Additionally, acts of domestic violence are grounds for revocation of a gunowner's permit and forfeiture of his firearms, even when such acts do not result in a criminal conviction or a final restraining order. *See In re Forfeiture of Personal Weapons & Firearms Identification Card Belonging to F.M.*, 139 A.3d 67, 80-81 (N.J. 2016) (upholding revocation of permit and forfeiture of firearms due to respondent's history of domestic violence, including an incident that led to his arrest, criminal charges, and temporary restraining order); *see* N.J. STAT. ANN. § 2C:25-21(d) (procedures for firearm forfeiture upon act of domestic violence).

V. This Court Should Proceed Cautiously So As Not To Undermine The Processes and Procedures By Which A Number Of States Seek To Identify Persons Who Pose Domestic Violence Risk.

The challenge raised in this case is directed to New York's "proper cause" standard for carrying

handguns outside the home. What is not at issue here are the processes and standard by which a number of States assess whether an individual seeking to possess or carry a firearm poses a risk of engaging in domestic violence. A ruling by this Court calling into question a State's ability to conduct an appropriate assessment of this risk that takes into consideration the realities of the manner in which domestic violence is addressed—and not addressed—in this country could have deadly consequences.

CONCLUSION

Guns and domestic violence are a lethal combination. Any ruling by the Court in this case should be carefully drawn so as not to interfere with State efforts to restrict access to firearms to those who pose a risk of engaging in domestic violence.

Respectfully submitted.

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