



June 18, 2025

Submitted via www.regulations.gov

Robert Hinchman
Senior Counsel, Office of Legal Policy
U.S. Department of Justice
Room 4252 RFK Building
950 Pennsylvania Avenue NW
Washington, DC 20530

Re: Docket ID OLP-179, *Withdrawing the Attorney General's Delegation of Authority*

Dear Mr. Robert Hinchman:

The National Women's Law Center (NWLC) submits this comment on the Department of Justice's (DOJ) interim final rule (IFR), RIN 1105-AB78, *Withdrawing the Attorney General's Delegation of Authority*, which has: (1) withdrawn the DOJ's delegation of authority to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) to implement the restoration of firearm rights pursuant to 18 U.S.C § 925; and (2) rescinded the restoration procedure under 27 C.F.R. § 478.144.

NWLC is a nonprofit legal advocacy organization that fights for gender justice—in the courts, in public policy, and in our society—working across the issues that are central to the lives of women and girls—especially women of color, LGBTQI+ people, and low-income women and their families. Since its founding in 1972, NWLC has worked to advance equal opportunities for women and girls and has advocated for strengthening laws prohibiting sex discrimination, including laws to prevent and address domestic violence and other forms of gender-based violence.

NWLC submits this comment to provide a set of recommendations for the DOJ to consider in creating a process to implement § 925 as it pertains to restoring a domestic abuser's access to firearms.

1. Domestic violence is pervasive and greatly exacerbated by abusers' access to firearms.

Domestic violence is alarmingly pervasive in the United States. It can take the form of physical assault, sexual assault, stalking, immolation, strangulation, gun violence, and more, and it

impacts more than 12 million adults annually—about one person every three seconds.¹ 41% of women and 26% of men in the U.S. are subjected to intimate partner violence in their lifetimes.² In the District of Columbia, where NWLC is headquartered, nearly half of women and men experience intimate partner violence in their lifetimes.³ The most common age range for intimate partner abuse victims is 18 to 24,⁴ and 14% of women, 22% of transgender and nonbinary students, and 10% of men in the U.S. have experienced dating or domestic violence since enrolling in an undergraduate program.⁵

Many domestic abusers use firearms to further exert power and control over their victims. Almost 14% of women and 6% of men in the U.S. have been threatened by an intimate partner with a firearm.⁶ Of these women, 43% have been shot, pistol-whipped, sexually assaulted, or otherwise physically injured with a firearm.⁷ Nearly 6 million women in the U.S. have experienced gun violence by an intimate partner.⁸ For example, abusers commonly rape their victims with a gun when denied consent to sexual intercourse, release their gun's safety next to their victim's head as an intimidation tactic, or threaten suicide by firearm should their victim ever leave.⁹

Armed domestic abusers also commonly commit violence against “collateral” victims and the community at-large. Victims may include their intimate partner's family members (including children), friends, and pets, as well as first responders and strangers.¹⁰ In as many as 20% of domestic homicides, the abuser kills at least one other person—most commonly a child or other family member.¹¹

¹ *Statistics*, Nat'l Coalition Against Domestic Violence (last visited June 11, 2025), <https://www.thehotline.org/stakeholders/domestic-violence-statistics>.

² Ruth W. Leemis *et al.*, National Center for Injury Prevention and Control, Centers for Disease Control and Prevention, *The National Intimate Partner and Sexual Violence Survey: 2016/2017 Report on Intimate Partner Violence* (2022), https://www.cdc.gov/nisvs/documentation/nisvsreportonipv_2022.pdf.

³ Sharon G. Smith *et al.*, *The National Intimate Partner and Sexual Violence Survey: 2016/2017 State Report*, CDC Nat'l Ctr. for Injury Prevention & Control, 74, 86 (Dec. 2023), <https://www.cdc.gov/nisvs/documentation/nisvs-2016-2017-state-report-508.pdf>.

⁴ Stephanie Thurrott, *College Women Among Highest at Risk for Intimate Partner Violence*, DomesticShelters.org (Dec. 13, 2023), domesticshelters.org/articles/in-the-news/college-women-among-highest-at-risk-for-partner-violence.

⁵ David Cantor *et al.*, *Report on the AAU Campus Climate Survey on Sexual Assault and Misconduct* at A7-68, A7-69 (Oct. 15, 2019), [https://www.aau.edu/sites/default/files/AAU-Files/Key-Issues/Campus-Safety/Revised%20Aggregate%20report%20%20and%20appendices%201-7_\(01-16-2020_FINAL\).pdf](https://www.aau.edu/sites/default/files/AAU-Files/Key-Issues/Campus-Safety/Revised%20Aggregate%20report%20%20and%20appendices%201-7_(01-16-2020_FINAL).pdf).

⁶ Avanti Adhia *et al.*, *Nonfatal Use of Firearms in Intimate Partner Violence: Result of A National Survey*, 147 Preventive Medicine 106500 (June 2021).

⁷ *Id.*

⁸ Everytown for Gun Safety Support Fund, *Guns and Violence Against Women: America's Uniquely Lethal Intimate Partner Violence Problem* (Oct. 17, 2019; last updated May 27, 2025), <https://everytownresearch.org/report/guns-and-violence-against-women> [hereinafter Everytown Report].

⁹ *National Domestic Violence Hotline Firearm Data Analysis*, The National Domestic Violence Hotline (2023); *Firearm Impact on Domestic Violence Survivors National Domestic Violence Hotline Story Logs, July 2020 – July 2023*, National Domestic Violence Hotline (2023).

¹⁰ 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. Public Health 461–466 (2014), <https://doi.org/10.2105/AJPH.2013.301582>.

¹¹ April M. Zeoli & Jennifer K. Paruk, *Potential to Prevent Mass Shootings through Domestic Violence Firearm Restrictions*, 19 Criminology & Pub. Pol'y 129, 130 (2020) (citing sources).

Firearms exponentially increase the risk that intimate partner violence will become fatal. Compared to their unarmed counterparts, male abusers with a firearm are five times more likely to kill their intimate partner.¹² Compared to unarmed incidents, domestic abuse incidents with a firearm are 12 times more likely to result in homicide.¹³ In fact, more than two-thirds of intimate partner homicides are committed using a firearm.¹⁴ Every month, an average of more than 70 women are murdered in the U.S. by an intimate partner with a gun,¹⁵ with women of color (particularly Black and Indigenous women), LGBTQI+ people, disabled women, and pregnant and postpartum women victimized at the highest rates.¹⁶ In recent years, the number of women in the U.S. murdered by their intimate partners with a firearm has accelerated, increasing by 36% during 2014–2023 (compared to an increase of 3% using all other methods), thereby driving a 22% overall increase in intimate partner homicides of women.¹⁷ In total, half of all women who are murdered are murdered by an intimate partner.¹⁸

It should be noted that domestic firearm homicide occurs disproportionately in the United States. In fact, 92% of all women killed with guns in high-income nations live in the U.S., where women are 28 times more likely to die by firearm homicide than women in peer nations.¹⁹ Moreover, states in the U.S. in the top quartile of firearm ownership rates have a 65% higher rate of domestic firearm homicide than states in the lowest quartile.²⁰

There is also a tragic link between intimate partner gun violence and mass shootings. From the 2016 Pulse nightclub massacre in Orlando, Florida, to the 2022 school shooting in Uvalde, Texas, more than two-thirds of mass shootings are perpetrated by shooters with a history of domestic violence.²¹ And in more than half of mass shootings over the past decade, the perpetrator shot a current or former intimate partner or family member as part of their rampage.²²

¹² Jacquelyn C. Campbell, *et al.*, *Risk Factors for Femicide in Abusive Relationships: Results from A Multisite Case Control Study*, 93(7) *Am. J. Public Health* 1089–97 (2003), <https://doi.org/10.2105/AJPH.93.7.1089>.

¹³ L.E. Saltzman, *et al.*, *Weapon Involvement and Injury Outcomes in Family and Intimate Assaults*, 267(22) *J. Am. Medical Ass'n* 3043–47 (1992), <https://pubmed.ncbi.nlm.nih.gov/1588718>.

¹⁴ Everytown Report, *supra* note 8.

¹⁵ Dep't of Justice, Fed. Bureau of Investigation, *FBI Crime Data Explorer: Expanded Homicides Reported in the United States* (2025), <https://cde.ucr.cjis.gov/LATEST/webapp/#/pages/explorer/crime/shr>.

¹⁶ Everytown Report, *supra* note 8.

¹⁷ *Id.*

¹⁸ *Domestic Violence*, Nat'l Coalition Against Domestic Violence, 2 (2020), https://assets.speakcdn.com/assets/2497/domestic_violence-2020080709350855.pdf?1596828650457.

¹⁹ Everytown Report, *supra* note 8.

²⁰ *Id.*

²¹ *Id.*; Lisa B. Geller *et al.*, *The Role of Domestic Violence in Fatal Mass Shootings in the United States, 2014–2019*, 8(38) *Injury Epidemiology* (2021), <https://doi.org/10.1186/s40621-021-00330-0>.

²² Everytown for Gun Safety Support Fund, *Mass Shootings in America, 2009–2020* (2021), <https://everytownresearch.org/maps/mass-shootings-in-america>.

For more data demonstrating the danger of firearms in the hands of a domestic violence offender, please see comment DOJ-OAG-2025-0003-10509, submitted by Jewish Women International and the Battered Women's Justice Project.²³

2. Any new procedure to restore domestic abusers' access to firearms must incorporate critical public safety measures.

In light of the troubling data discussed above, 18 U.S.C § 922 serves to preserve public safety by preventing access to firearms by adjudicated domestic abusers.²⁴ Indeed, the U.S. Supreme Court affirmed in an 8-1 decision the constitutionality of § 922 just last year in *United States v. Rahimi*.²⁵

At the same time, 18 U.S.C. § 925(c) establishes a process for applicants who are barred from accessing firearms under any of § 922's numerous prohibitions (including but not limited to domestic violence-related prohibitions) to have their firearm rights restored "based on a combination of the nature of their past criminal activity and their subsequent and current law-abiding behavior."²⁶ In making that determination, the statute mandates that the Attorney General consider the applicant's record, reputation, and the circumstances regarding the underlying prohibition on firearm access.²⁷ The burden, however, is on the applicant to demonstrate that they are unlikely to "act in a manner dangerous to public safety and that the granting of the relief would not be contrary to the public interest."²⁸

To effectively carry out the process required by § 925, consideration of an application for restoration of firearm access must comprehensively reflect the realities of domestic violence. Unfortunately, the previous procedure established in 27 C.F.R. § 478.144—which was rescinded without replacement by this interim final rule—overlooked critical information that must be examined to understand the applicant's character and the potential danger that domestic abusers pose, particularly when given access to firearms as explained above.

Any new procedure for restoring firearm access should include the following safeguards:

- Applications must **not** be assessed using so-called **artificial intelligence** tools. This is because the statute clearly requires an individualized, fact-based determination process—which inherently cannot be outsourced to still-emerging technologies with an alarming track record of dangerous inaccuracies ("hallucinations") and biases.²⁹

²³ Regulations.gov, *Comment on FR Doc # 2025-04872* (submitted May 29, 2025; posted June 10, 2025), <https://www.regulations.gov/comment/DOJ-OAG-2025-0003-10509>.

²⁴ Note: 18 U.S.C § 922 also includes prohibitions on firearm access for other categories of individuals.

²⁵ 602 U.S. 680 (2024).

²⁶ Dep't of Justice, Office of Attorney General, *Withdrawing the Attorney General's Delegation of Authority*, 90 Fed. Reg. 13080, 13082 (Mar. 20, 2025), <https://www.federalregister.gov/d/2025-04872>.

²⁷ 18 U.S.C. § 925(c).

²⁸ *Id.*

²⁹ Jonathan Gillham, *8 Times AI Hallucinations or Factual Errors Caused Serious Problems*, Originality.ai (Sept. 27, 2024), <https://originality.ai/blog/ai-hallucination-factual-error-problems>.

- Applications from individuals convicted of **domestic violence offenses** (felony or misdemeanor) should **not** be considered unless at least **ten years** have elapsed since the individual completed their sentence, including successfully completing any post-release probation, parole, or court-ordered treatment such as participating in a domestic violence intervention program, and the individual has fully paid any required victim restitution.
- A panel of experts, including individuals with extensive expertise in domestic violence, should review each case thoroughly to determine whether the individual is likely to act in a manner dangerous to public safety in the future and whether granting relief is contrary to the public interest. Making this determination requires going beyond the individual's conviction record to include reviewing **civil court records, civil protection orders, police reports, and victim input**—including **input from any intimate partners and collateral victims who were not the victims of the offense triggering the firearms prohibition**.

Furthermore, the following past behaviors as documented in an applicant's criminal and civil court history should **categorically preclude** them from restoration of firearm access:

- **A current final civil or criminal domestic violence protection order.**
- **Multiple convictions for violent offenses**, including repeat domestic violence offenses (including against people with whom they are in a dating relationship);
- **Violation** of a domestic violence protection order;
- **Strangulation** of an intimate partner (or child or intimate partner's child);
- **Use of a deadly weapon** to threaten an intimate partner (or child or intimate partner's child); or
- **Sexual assault** of an intimate partner (or child or intimate partner's child).

Research demonstrates that these individuals pose the greatest threat of intimate partner homicide.³⁰ Arming domestic abusers who present the greatest risk of killing others poses an unacceptable public safety risk and is contrary to the public interest.

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Thank you for your consideration of our recommendations. If you have any questions, please contact us as set out below.

³⁰ Campbell, *supra* note 12.

Thank you,
National Women's Law Center

Elizabeth Tang
Senior Counsel
etang@nwl.org