GUN CONTROL ACT — DOMESTIC VIOLENCE MISDEMEANANTS' FIREARMS DISABILITIES — ILLINOIS SUPREME COURT CONSTRUES FEDERAL GUN CONTROL ACT TO PERMIT STATE COURT TO REMOVE DOMESTIC VIOLENCE MISDEMEANANT'S FEDERAL FIREARMS DISABILITY. — *Coram v. State*, 996 N.E.2d 1057 (Ill. 2013).

The Supreme Court's 2008 determination in *District of Columbia v. Heller*[1] that the Second Amendment creates an "individual right to possess and carry weapons"[2] has rendered uncertain the constitutional limits of gun control measures. One such measure, § 922(g)(9) of the federal Gun Control Act of 1968[3] (GCA), was enacted as part of the 1996 Lautenberg Amendment[4] and criminalizes possession of "any firearm or ammunition"[5] by any person "convicted in any court of a misdemeanor crime of domestic violence."[6] Recently, in *Coram v. State*,[7] the Illinois Supreme Court declined to rule on § 922(g)(9)'s constitutionality as applied to a domestic violence misdemeanant ineligible for the GCA's statutory avenues of firearms rights restoration,[8] and instead read the GCA to permit a state court to remove a § 922(g)(9) disability.[9] The court avoided Second Amendment uncertainty but disregarded § 922(g)(9)'s goal of affording domestic violence victims nationally consistent protection. If this goal is to be realized post-*Heller*, however, *Coram* suggests that Congress should attempt to preempt constitutional challenges by providing a federal path to rights restoration.

In 1992, Jerry Coram pled guilty to a state misdemeanor offense of domestic battery, for which he served no jail time.[10] Seventeen years later, he applied to the Illinois State Police (the Department) for a Firearm Owner Identification (FOID) card.[11] Citing Coram's § 922(g)(9) disability and Illinois's FOID Card Act,[12] which permits the Department to deny a FOID card to an applicant who is "prohibited from acquiring or possessing firearms . . . by federal law," the Department denied his application.[13]

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[1] 554 U.S. 570 (2008).

[2] *Id.* at 592.

[3] Pub. L. No. 90-618, 82 Stat. 1213 (codified as amended in scattered sections of 18 and 26 U.S.C.).

[4] Omnibus Consolidated Appropriations Act of 1997, Pub. L. No. 104-208, § 658, 110 Stat. 3009-371 to -372 (1996) (codified at 18 U.S.C. §§ 921–922, 925 (2012)).

[5] 18 U.S.C. § 922(g).

[6] *Id.* § 922(g)(9).

[7] 996 N.E.2d 1057 (Ill. 2013).

[8] *See id.* at 1059.

[9] *See id.* at 1078.

[10] *Id.* at 1059.

[11] *Id.* Illinois requires a FOID card for lawful firearms possession. *See id.* at 1060.

[12] 430 ILL. COMP. STAT. 65 (2012).

[13] *Coram*, 996 N.E.2d at 1060 (quoting 430 ILL. COMP. STAT. 65/8(n) (2010)) (internal quotation marks omitted).

Coram sought review of the denial in state trial court.[14] The court examined a psychological report, found that Coram posed no threat, and directed the Department to issue Coram a FOID card.[15] The Department intervened and moved to vacate, arguing that Coram's § 922(g)(9) disability left the Department without authority to issue him a FOID card.[16] Coram argued that § 922(g)(9) violates the Second Amendment and moved to dismiss the Department's motion to vacate.[17]

The court denied the Department's motion to vacate,[18] finding § 922(g)(9) unconstitutional as applied to Coram because it imposed a perpetual firearms disability.[19] The GCA provides two avenues for relief from a § 922(g)(9) disability: First, § 925(c) permits the Attorney General to grant relief if "the applicant will not be likely to act in a manner dangerous to public safety and . . . the granting of the relief would not be contrary to the public interest";[20] however, Congress has withheld funding for processing § 925(c) relief applications since 1992.[21] Second, § 921(a)(33)(B)(ii) removes the effect of a domestic violence misdemeanor "if the conviction has been expunged or set aside, or [if the misdemeanor] is an offense for which the person has been pardoned or has had civil rights restored."[22] Coram's conviction was ineligible for expungement under state law,[23] and he had not sought a pardon.[24] Further, Illinois does not revoke any civil rights pursuant to a conviction that does not result in incarceration, so Coram was ineligible for civil rights restoration.[25] Noting that the GCA therefore placed a greater burden on Coram than on presumably more dangerous offenders who had been incarcerated and were therefore eligible for civil rights restoration, the court found that Coram's ineligibility

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[14] *See id.* As required by state law, *see* 430 ILL. COMP. STAT. 65/10(b) (2012), Coram notified the state's attorney that he was seeking judicial review. *Coram*, 996 N.E.2d at 1060. The state's attorney declined to object or present evidence. *Id.*

[15] *Coram*, 996 N.E.2d at 1060–61. Illinois law permits a court to reverse a FOID card denial if "substantial justice has not been done," 430 ILL. COMP. STAT. 65/10(b) (2012), "the applicant will not be likely to act in a manner dangerous to public safety," *id.* 65/10(c)(2), and "granting relief would not be contrary to the public interest," *id.* 65/10(c)(3).

[16] *Coram*, 996 N.E.2d at 1061.

[17] *Id.*

[18] *Id.* at 1063.

[19] *See id.* at 1062.

[20] 18 U.S.C. § 925(c) (2012).

[21] *See Coram*, 996 N.E.2d at 1065.

[22] 18 U.S.C. § 921(a)(33)(B)(ii).

[23] *Coram*, 996 N.E.2d at 1062 (citing 20 ILL. COMP. STAT. 2630/5.2 (2010)).

[24] *Id.*

[25] *Id.* Civil rights are commonly understood as the rights to vote, hold office, and serve on a jury. *Cf.* Logan v. United States, 552 U.S. 23, 28 (2007) (explaining the term "civil rights" in the context of an analogously worded statute); *id.* at 37 ("[T]he words 'civil rights restored' [in the Armed Career Criminal Act] do not cover the case of an offender who lost no civil rights.").

for relief was arbitrary.[26] The court thus declared § 922(g)(9) unconstitutional as applied and confirmed its order directing the Department to issue Coram a FOID card.[27]

The Illinois Supreme Court affirmed in part and vacated in part.[28] Writing for the court, Justice Karmeier[29] remarked first that the court must "consider constitutional issues only if necessary"[30] and "construe legislative enactments so as to uphold their validity if there is any reasonable way to do so."[31] Accordingly, the court avoided the lower court's Second Amendment concerns by construing the GCA to permit Illinois to remove Coram's federal disability.[32] The court noted three indications that Congress intended to grant states authority to remove § 922(g)(9) disabilities: First, the court reasoned that Congress evinced "clear . . . intent to provide a means for *state* law or action to neutralize the prohibitions of section 922(g)" by permitting civil rights restoration under state law to erase a § 922(g)(9) disability.[33] Second, the court emphasized that § 925(c), which Congress has defunded but not repealed, "implicitly recognizes . . . that a lifetime ban on firearm possession — in effect the perpetual deprivation, without remedy, of an important constitutional right — is not warranted in every case."[34] Third, the court noted a 2008 amendment to the GCA permitting states to grant relief from firearms restrictions imposed as a result of mental health concerns.[35] The court read the amendment as evidence that Congress "believed the states were fully capable of implementing programs for relief from federally imposed firearms disabilities."[36]

Ultimately, reasoning that a state may provide relief "where [as with § 925(c)] Congress has clearly sanctioned or recognized a right or remedy" but has not actually made it available,[37] and that "Congress deems a state's investigatory and administrative apparatus capable of determining whether a person . . . is safe to possess a firearm" in the mental illness context,[38] the court concluded that a state's power to

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[26] *See Coram*, 996 N.E.2d at 1062–63.

[27] *Id.* at 1063.

[28] *Id.* at 1080.

[29] Then–Chief Justice Kilbride and Justice Thomas joined Justice Karmeier's opinion.

[30] *Coram*, 996 N.E.2d at 1074.

[31] *Id.*

[32] *See id.* at 1078.

[33] *Id.* at 1076. The court further suggested that the GCA's failure to define "civil rights" might permit a state to restore firearms rights directly. *See id.* at 1077.

[34] *Id.* at 1076.

[35] *Id.* (citing NICS Improvement Amendments Act of 2007, Pub. L. No. 110-180, § 105, 121 Stat. 2559, 2569–70 (2008) (codified at 18 U.S.C. § 922 (2012))).

[36] *Id.*

[37] *Id.* at 1078.

[38] *Id.*

grant relief from a § 922(g)(9) disability "is necessarily implied."[39] The court therefore held that a state law permitting judicial review of a FOID card denial provided authority for the circuit court to remove Coram's § 922(g)(9) disability and to direct the Department to issue Coram a FOID card.[40] Thus affirming the circuit court's order on statutory grounds, the court vacated the constitutional determination.[41]

Justice Burke concurred.[42] She found it unnecessary to reach the constitutional issue because, although "it remains an open question" whether Coram may possess a firearm under federal law, Coram was eligible for a FOID card under the state law at issue.[43] Although a federal disability creates initial grounds for a FOID card denial, state law at the time of Coram's application permitted judicial review of such a denial.[44] Further, while a FOID Card Act provision bars firearms possession "otherwise prohibited by law,"[45] this provision was enacted in 1967 and so, in Justice Burke's analysis, could not have incorporated the 1996 Lautenberg Amendment.[46] Therefore, Justice Burke concluded that even if Coram remained under a federal disability, nothing in Illinois law at the time of his application prevented the State from issuing him a FOID card.[47]

Justice Theis dissented.[48] She rejected the concurrence's view that Illinois could issue Coram a FOID card despite his federal disability.[49] She further denied that Illinois courts could remove such a disability: regardless of whether the GCA permits such authority,[50] she argued, the FOID Card Act's prohibition on firearms possession "otherwise prohibited by law" evinces Illinois's refusal to accept such authority even if available.[51] Justice Theis noted that Coram remained

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[39] *Id.*

[40] *See id.* at 1080 (citing 430 ILL. COMP. STAT. 65/10(c) (2010) (amended 2013)). Although Illinois amended the FOID Card Act in 2013 to permit relief only if not "contrary to federal law," 2013 Ill. Laws 98-63, the court noted that, even had this provision been in effect at the time of Coram's application, it would not have affected the case's disposition because "[r]elief granted pursuant to [state] statutory review *removes* the federal firearm disability," *Coram*, 996 N.E.2d at 1080.

[41] *Coram*, 996 N.E.2d at 1080.

[42] Justice Freeman joined Justice Burke's opinion.

[43] *Coram*, 996 N.E.2d at 1086 (Burke, J., concurring).

[44] *See id.* at 1084 (discussing 430 ILL. COMP. STAT. 65/10 (2010) (amended 2013)). Justice Burke acknowledged that, following a 2013 amendment, the FOID Card Act no longer makes judicial review available to applicants under federal disabilities. *See id.* at 1085 (citing 430 ILL. COMP. STAT. 65/10(b), 10(c)(4) (2012)).

[45] *Id.* at 1084 (quoting 430 ILL. COMP. STAT. 65/13 (2010)) (internal quotation mark omitted).

[46] *Id.*

[47] *Id.* at 1085.

[48] Then-Justice Garman joined Justice Theis's opinion.

[49] *See Coram*, 996 N.E.2d at 1089–90 (Theis, J., dissenting).

[50] *See id.* at 1089.

[51] *Id.* at 1088 (quoting 430 ILL. COMP. STAT. 65/13 (2010)) (internal quotation mark omitted); *see id.* at 1089.

eligible for § 921(a)(33)(B)(ii) relief via gubernatorial pardon.[52] Because Coram had thus "not availed himself of a potential state remedy," Justice Theis concluded that the court "need not and should not" determine whether § 922(g)(9) violated the Second Amendment as applied[53] and so would have reversed the lower court.[54]

The court's creative interpretation of the GCA runs counter to the Lautenberg Amendment's aim of consistent federal oversight of domestic offenders' gun rights. However, unless Congress makes clear its intention to maintain a uniform federal framework governing § 922(g)(9) disabilities, the law's consistency in application remains vulnerable to *Coram*-style arrogations of discretion and to as-applied constitutional challenges in state and federal courts.

The *Coram* court's finding that the GCA impliedly permits state courts to remove § 922(g)(9) disabilities is questionable in light of § 922(g)(9)'s origin as a measure designed to *limit* the effects of state actors' discretion. The Lautenberg Amendment specifically sought to close the "dangerous loophole" created when the failure of state prosecutors to charge domestic violence offenses as felonies allowed perpetrators to fall outside the GCA's existing felon-in-possession provisions.[55] In light of this purpose, Congress may have had good policy reasons to limit states' ability to remove § 922(g)(9) disabilities once imposed. First, elected prosecutors in states with vocal gun lobbies may lack political incentive to argue vigorously in favor of maintaining a firearms disability on a misdemeanant whose offense occurred outside the public sphere.[56] Second, without clear federal standards, some state judges, many of whom are elected, may face similar political pressure to find at sentencing that a misdemeanant convicted of a minor infraction is not subject to a firearms disability in the first place, thus giving § 922(g)(9) no effect.[57]

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[52] *See id.* at 1092.

[53] *Id.*

[54] *Id.* at 1093.

[55] United States v. Hayes, 129 S. Ct. 1079, 1087 (2009) (quoting 142 CONG. REC. 22,986 (1996) (statement of Sen. Lautenberg)) (internal quotation mark omitted); *see also* Sarah Lorraine Solon ed., *Domestic Violence*, 10 GEO. J. GENDER & L. 369, 392 (2009) ("[W]hile society keeps felony behavior in close check, its attitude towards misdemeanants is much more lax, creating the dangerous loopholes that the Lautenberg Amendment was designed to close." (discussing Fraternal Order of Police v. United States, 173 F.3d 898 (D.C. Cir. 1999))).

[56] The accuracy of the adversarial factfinding process depends precisely on such vigorous contestation. In *Coram*, the State's Attorney General did not participate in Coram's FOID card hearing, 996 N.E.2d at 1060, leaving the circuit court to base its assessment of Coram's future dangerousness on a single psychological report and on the time elapsed since Coram's conviction. *See id.* at 1060–61. However, given low reporting rates for domestic violence, the time elapsed since a conviction is an imperfect proxy for dangerousness. Indeed, buried in a footnote in the *Coram* dissent is the fact that Coram had allegedly committed at least one unreported act of domestic abuse prior to his crime of conviction. *Id.* at 1087 n.7 (Theis, J., dissenting).

[57] Even if such a misdemeanant in fact poses no continued threat of violence, restoring his firearms rights too quickly may undermine his cohabitants' feelings of security. *Cf.* Jeannie Suk,

Moreover, had it so intended, Congress could easily have extended an *express* grant of authority for states to remove § 922(g)(9) disabilities, in line with its 2008 decision to amend the GCA to allow states to remove federal firearms disabilities imposed due to mental health concerns.[58] Congress's failure in 2008 to authorize states to create avenues for relief from a § 922(g)(9) disability is especially notable given that courts had by then already raised the point that some domestic offenders were perpetually ineligible under state law for the rights-restoration path to federal relief.[59] Although the *Coram* court did not hold so explicitly, it suggested that § 921(a)(33)(B)(ii)'s rights-restoration language might provide authority for a state to remove a federal firearms disability;[60] however, other courts typically read § 921(a)(33)(B)(ii)'s exceptions narrowly.[61] Ultimately, despite the *Coram* court's finding that the GCA grants states "broad powers . . . to restore rights and grant relief from federally imposed firearms disabilities,"[62] the Lautenberg Amendment more plausibly evinces Congress's intent to deal consistently with domestic violence precisely by limiting states' discretion in this realm.[63]

However, even had the court not employed its strained construction of the GCA, it could nevertheless have asserted authority to remove Coram's federal firearms disability by affirming the lower court's constitutional analysis. In 2008, the U.S. Supreme Court found in

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Criminal Law Comes Home, 116 YALE L.J. 2, 20–22 (2006) (discussing states' use of protection orders as seemingly "a logical way of attempting to make the home free of fear," *id.* at 21).

[58] *See* NICS Improvement Amendments Act of 2007, Pub. L. No. 110-180, § 105, 121 Stat. 2559, 2569–70 (2008) (codified at 18 U.S.C. § 922 (2012)).

[59] *See, e.g.*, United States v. Brailey, 408 F.3d 609, 612 (9th Cir. 2005); United States v. Kirchoff, 387 F.3d 748, 750–51 (8th Cir. 2004); United States v. Jennings, 323 F.3d 263, 274 (4th Cir. 2003) ("Congress consciously made the decision to accept anomalous results — like a result that favors incarcerated misdemeanants over misdemeanants that were not incarcerated."); United States v. Keeney, 241 F.3d 1040, 1044 (8th Cir. 2001). *But see* United States v. Wegrzyn, 305 F.3d 593, 595 (6th Cir. 2002) ("In enacting 18 U.S.C. § 921(a)(33)(B)(ii), Congress chose to allow the states themselves to dictate the parameters of the statutory exception . . . .").

[60] *See Coram*, 996 N.E.2d at 1077 ("[Q]uibbling over what rights irrelevant to [the question of dangerousness] have been restored, or . . . *how many* of those rights, misses the point and is a construction inconsistent with the objectives of Congress.").

[61] *See, e.g.*, *In re* Parsons, 624 S.E.2d 790, 794 (W. Va. 2005) (rejecting the argument that "civil rights" includes firearms rights). Federal courts have been particularly rigorous in limiting § 921(a)(33)(B)(ii) relief. *See, e.g.*, Wyoming *ex rel.* Crank v. United States, 539 F.3d 1236, 1239 (10th Cir. 2008) (finding that expungement must "*completely* remove[] the effects of the misdemeanor conviction in question" to qualify a misdemeanant for relief); *cf.* United States v. Thompson, 702 F.3d 604, 608 (11th Cir. 2012) (finding restoration of the right to vote insufficient to satisfy the plural civil *rights* restoration clause of an analogous GCA provision).

[62] *Coram*, 996 N.E.2d at 1078.

[63] *See* United States v. Chovan, 735 F.3d 1127, 1142 (9th Cir. 2013) ("The breadth of [§ 922(g)(9)] and the narrowness of [its] exceptions reflect Congress's express intent to establish a 'zero tolerance policy' towards guns and domestic violence."). It is not unprecedented for gaps in state protection against domestic abusers to prompt federal legislation. *See generally* Solon, *supra* note 55, at 374–92.

Heller that the Second Amendment "elevates above all other interests the right of law-abiding, responsible citizens to use arms in defense of hearth and home"[64] but noted that "the right secured by the Second Amendment is not unlimited."[65] For example, the Court suggested in dicta that, among other measures, "longstanding prohibitions on the possession of firearms by felons and the mentally ill"[66] are "presumptively lawful."[67] Although § 922(g)(9) is not uniformly thought to codify a longstanding prohibition,[68] the Lautenberg Amendment is "a corollary outgrowth of the federal felon disqualification statute"[69] that, unlike felon-in-possession laws, imposes limitations only on violent individuals.[70] Federal appeals courts have thus uniformly upheld § 922(g)(9) as facially constitutional.[71] However, because § 922(g)(9)'s justification is rooted in public safety,[72] courts have suggested that the provision may not withstand an as-applied constitutional attack from an individual who poses no danger.[73] Thus, courts might exercise discretion in removing a § 922(g)(9) disability on constitutional grounds.

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[64] District of Columbia v. Heller, 554 U.S. 570, 635 (2008). Two years later, the Court further established that this right applies against state governments. *See* McDonald v. City of Chicago, 130 S. Ct. 3020, 3026 (2010).

[65] *Heller*, 554 U.S. at 626.

[66] *Id.*

[67] *Id.* at 627 n.26.

[68] *See, e.g.*, *Chovan*, 735 F.3d at 1137. *But see* United States v. White, 593 F.3d 1199, 1206 (11th Cir. 2010) ("We see no reason to exclude § 922(g)(9) from the list of longstanding prohibitions on which *Heller* does not cast doubt.").

[69] United States v. Booker, 644 F.3d 12, 24 (1st Cir. 2011).

[70] *See, e.g.*, *White*, 593 F.3d at 1205–06.

[71] *See Chovan*, 735 F.3d at 1130; United States v. Staten, 666 F.3d 154, 168 (4th Cir. 2011); *Booker*, 644 F.3d at 26; United States v. Skoien, 614 F.3d 638, 645 (7th Cir. 2010) (en banc); *White*, 593 F.3d at 1206. In *United States v. Hayes*, 129 S. Ct. 1079 (2009), the U.S. Supreme Court interpreted § 922(g)(9) without questioning, even in dicta, the statute's constitutionality.

[72] Despite the lack of an agreed standard by which to determine whether a given burden on gun rights falls within constitutional limits, *see* Stephen Kiehl, Comment, *In Search of a Standard: Gun Regulations After* Heller *and* McDonald, 70 MD. L. REV. 1131, 1145–49 (2011) (cataloguing lower courts' inconsistent approaches to assessing the constitutionality of firearms regulations), courts regularly identify public safety as a central justification for upholding firearms regulations, *see, e.g.*, Schrader v. Holder, 704 F.3d 980, 990 (D.C. Cir. 2013) (rejecting a challenge to a law disarming certain common-law misdemeanants because "plaintiffs have offered no evidence that individuals convicted of such offenses pose an insignificant risk of future armed violence"); United States v. Masciandaro, 638 F.3d 458, 475 (4th Cir. 2011) ("We do not wish to be even minutely responsible for some unspeakably tragic act of mayhem because in the peace of our judicial chambers we miscalculated as to Second Amendment rights.").

[73] *See, e.g.*, *Chovan*, 735 F.3d at 1141–42 (rejecting an as-applied challenge because defendant provided insufficient evidence to show that he would not reoffend); *Skoien*, 614 F.3d at 645 (leaving open the possibility for an as-applied challenge to § 922(g)(9)); *cf. Schrader*, 704 F.3d at 991–92 (intimating that a similar GCA provision remains open to a future as-applied challenge from a nondangerous misdemeanant). Felon-in-possession laws face similar as-applied threats in some jurisdictions from individuals convicted of nonviolent felonies. *See* Alexander C. Barrett, Note, *Taking Aim at Felony Possession*, 93 B.U. L. REV. 163, 181–83 (2013); *cf.* Britt v. State, 681 S.E.2d 320, 323 (N.C. 2009) (finding that a state felon-in-possession law violated the North Carolina

The absence of a federal avenue of relief — and the resultant specter of perpetual disability — invites such discretion. Indeed, it was the "oddly incongruent" absence "of any effective federal alternative providing for *direct* relief, pursuant to individualized assessment, for those who, despite prior convictions, have been rehabilitated and wish to reestablish their firearm rights" that led the *Coram* court to divine a state pathway to relief.[74] Other courts, too, have implied that an absence of relief is constitutionally relevant.[75] Therefore, if Congress wishes to ensure § 922(g)(9)'s consistent application, it ought to reopen the § 925(c) federal path to rights restoration. The availability of federal relief would obviate the constitutional uncertainties of a perpetual firearms disability and may even make some judges more apt to return domestic violence convictions in the first place.[76] Further, such a solution may enjoy political viability insofar as it expands the availability of relief while subjecting such relief to consistent oversight.

Of course, with guns present in thirty-four to forty-three percent of American households,[77] and involved in roughly 39,000 instances of intimate-partner violence annually,[78] the importance of caution in removing § 922(g)(9) disabilities cannot be overstated. Moreover, given low reporting rates of domestic violence and high recidivism rates among offenders,[79] any rights-restoration procedure must place a heavy burden on an applicant to prove nondangerousness. Nonetheless, given recent Second Amendment jurisprudence, a federal avenue for relief may be the best way to ensure that § 922(g)(9) affords consistent protection.

Constitution's Second Amendment analogue when applied to plaintiff with a thirty-year-old nonviolent felony conviction).

[74] *Coram*, 996 N.E.2d at 1080.

[75] *Cf., e.g.*, *Schrader*, 704 F.3d at 992 ("Without the relief authorized by section 925(c), [a similar] federal firearms ban will remain vulnerable to a properly raised as-applied constitutional challenge . . . ."). In a statement of interest filed in *Coram*, the United States argued that § 922(g)(9) was constitutional as applied precisely because of the availability of § 921(a)(33)(B)(ii) relief. *See Coram*, 996 N.E.2d at 1061.

[76] *See* Lisa D. May, *The Backfiring of the Domestic Violence Firearms Bans*, 14 COLUM. J. GENDER & L. 1, 1–3 (2005) (discussing some judges' reluctance to convict domestic abusers due to the collateral firearms consequences of conviction).

[77] S*ee* PEW RESEARCH CTR., WHY OWN A GUN? PROTECTION IS NOW TOP REASON 14–15 (2013), *available at* http://www.people-press.org/files/legacy-pdf/03-12-13%20Gun%20Ownership%20Release.pdf.

[78] *See* SHANNAN CATALANO, U.S. DEP'T OF JUSTICE, INTIMATE PARTNER VIOLENCE, 1993–2011 at 5 tbl.4 (2013), *available at* http://www.bjs.gov/content/pub/pdf/ipvav9311.pdf (reporting firearms involved in 4.7% of roughly 805,700 annual female-victim instances of intimate-partner violence and in 0.8% of approximately 173,960 annual male-victim instances). These statistics do not reflect the coercive effect that the presence of a firearm in the home might have even if it is not actually brandished during a particular incident.

[79] *See* United States v. Chovan, 735 F.3d 1127, 1141 (9th Cir. 2013) (citing recidivism rates between thirty-five and eighty percent); *cf. supra* note 56.