



Supreme Court Says Federal Gun Ban Includes “Reckless” Domestic Assault Convictions

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In one of the final cases decided in its 2015-16 term, *Voisine v. US*, the Supreme Court held that a misdemeanor conviction for “reckless” domestic assault, like those for “knowing” and “intentional” domestic assault, is enough to ban someone from owning a firearm under federal law.

Known as the Lautenberg Amendment, the federal statute prohibits any person who is convicted of a “misdemeanor crime of domestic violence” from owning or possessing any firearm or ammunition. Two years ago, the US Supreme Court ruled that such convictions that involve the “knowing” or “intentional” use of physical force fell within the federal prohibition. In *Voisine*, the defendant tried to argue that his domestic assault conviction was based on “reckless” conduct, which should fall outside of the federal firearm ban.

The Supreme Court, in a 6-2 opinion, disagreed, stating that the federal ban applies to people convicted of using force against intimate partners even if there was no intent to do harm; rather, *Voisine*’s “reckless” use of violence against his girlfriend constituted the “use of physical force” that the federal law requires. With approximately 2/3 of states defining assault in a way that includes “reckless” conduct, the US Supreme Court recognized that “reckless acts” committed against an intimate partner are often part of a broader campaign of terror and control, the exact behavior that Congress was targeting with its federal prohibition. The ruling reflects the reality that perpetration of domestic violence most often occurs in ongoing small acts of violence and abuse that, when viewed in isolation, do not appear dangerous. When viewed collectively and over time, however, such acts demonstrate continuing and often increasing risks for victims – risks which become lethal when firearms are available in the home.