

# How to Handle Domestic Abusers and Guns

By Kerry Slone

**Y**ou wouldn't want to live next door to Zackey Rahimi. According to court documents, he has a history of dealing drugs. In 2019, he assaulted his girlfriend and fired a gun at a passerby who witnessed the attack. Months later, he had a traffic accident and shot at the other driver. In 2020 he threatened another woman with a gun. In 2021 he fired a gun when his friend's credit card was declined.

After the 2020 assault, his girlfriend obtained a domestic-violence restraining order, and thus, under federal law, Mr. Rahimi may not legally own guns. He challenged that law as an infringement of his Second Amendment rights, and the U.S. Supreme Court will hear his case on Tuesday. A ruling in his favor could also affect extreme-risk protective

orders, known as red-flag laws, which authorize judges to confiscate firearms without a hearing based merely on a written complaint.

States began wildly adopting domestic-violence restraining orders in the 1970s. The Second Amendment was ratified in 1791 and applies to the

---

**It's unjust to deny constitutional rights without a trial.**

---

states under the 14th Amendment, which was ratified in 1868. To help understand what the framers intended, the Supreme Court looks to see what laws were in place then—and the briefs supporting Mr. Rahimi's position point out that there is no historical evidence of restrictions similar to those

we have today prohibiting ownership or even confiscating guns on the sole basis of a complaint.

As a victim of domestic violence, I know how important it is to protect victims. But the current legal regime goes too far. Mr. Rahimi isn't the sort of person who should be carrying a gun, but his case will have legal implications for many people who aren't like him.

The question before the Supreme Court concerns the standard of evidence needed to strip people of their constitutional rights. There is a big difference between the standard required in criminal cases and the standard in civil cases. Americans can lose their right to a gun when convicted of felonies and some violent misdemeanors. But should they lose that right after a noncriminal proceeding, which may not even involve a

public hearing or a lawyer?

Academic research shows that domestic-violence protection orders don't reduce the number of domestic gun murders. Truly dangerous people often ignore them. Mr. Rahimi, for example, obtained a gun despite its illegality.

Mr. Rahimi's violence could have been prevented in other ways. If he was so violent that he had to have his guns taken away, why wasn't he in prison? Even before the restraining order, he had assaulted a woman and misused a gun. The legal system fails when it doesn't lock up violent criminals. Trying to patch up the bad result with domestic-violence restraining orders harms innocent people and gives a false sense of security to victims.

*Ms. Slone is director for education at the Crime Prevention Research Center.*