



Firearms and Domestic Violence: State and Territorial Statutory Provisions

Revised 2020

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TABLE OF CONTENTS

NOTE: For your convenience, hyperlinks are located on each state name in this Table of Contents.
For faster access, please select the name of the state you would like to view.

ALABAMA	3	MONTANA	83
ALASKA	5	NEBRASKA.....	85
ARIZONA	7	NEVADA.....	86
ARKANSAS.....	10	NEW HAMPSHIRE.....	90
CALIFORNIA.....	12	NEW JERSEY.....	92
COLORADO.....	16	NEW MEXICO.....	102
CONNECTICUT.....	21	NEW YORK.....	104
DELAWARE.....	28	NORTH CAROLINA.....	110
DISTRICT OF COLUMBIA.....	30	NORTH DAKOTA.....	112
FLORIDA.....	31	NORTHERN MARINARA ISLANDS	115
GEORGIA.....	33	OHIO	115
GUAM.....	35	OKLAHOMA.....	117
HAWAII.....	37	PENNSYLVANIA.....	119
IDAHO	40	RHODE ISLAND	128
ILLINOIS.....	42	SOUTH CAROLINA	130
INDIANA.....	46	SOUTH DAKOTA.....	133
IOWA.....	48	TENNESSEE.....	135
KANSAS.....	50	TEXAS.....	138
KENTUCKY.....	52	UTAH.....	140
LOUISIANA.....	54	VERMONT	141
MAINE	57	VIRGIN ISLANDS.....	144
MARYLAND	60	VIRGINIA.....	146
MASSACHUSETTS.....	61	WASHINGTON.....	149
MICHIGAN	68	WEST VIRGINIA	153
MINNESOTA.....	71	WISCONSIN.....	155
MISSISSIPPI.....	77	WYOMING	158
MISSOURI.....	81		

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STATE	CIVIL PROTECTION ORDERS FIREARMS PROHIBITIONS	CRIMINAL OFFENSES, PROCEDURES, AND ORDERS, AND PROHIBITED TRANSFERREES	LICENSES/PERMITS, BACKGROUND CHECKS, AND MISC. PROVISIONS
ALABAMA	<p>Civil Protection Order- Ex Parte Protection Order – Catch-all provision</p> <p><i>Code of Ala. § 30-5-7</i> <i>Remedies generally.</i></p> <p>(b) A court may grant any of the following relief without notice and a hearing in an ex parte protection order or an ex parte modification of a protection order : (9) Order other relief as it deems necessary to provide for the safety and welfare of the plaintiff or any children and any person designated by the court.</p> <p>Final Protection Order – Catch-all provision</p> <p>(c) The court may grant any of the following relief in a final protection order or a modification of a protection order after notice and a hearing, whether or not the defendant appears:</p> <p>(1) Grant the relief available in subsection (b).</p>	<p><i>Code of Ala. § 15-13-190</i> <i>Domestic Violence and Bail</i></p> <p>(b) The judge or magistrate shall make findings on the record concerning those determinations and may impose conditions of release or bail on the person to protect the alleged victim of domestic violence or the person protected by a protection order, and to ensure the appearance of the person at a subsequent court proceeding. The conditions may include, but need not be limited to the following:</p> <p>(1) Enjoining the person from threatening to commit or committing acts of domestic violence against the alleged victim</p> <p>(2) (a) Restraining and enjoining the defendant from contacting the victim.</p> <p>(3), Prohibiting the person from possessing a firearm or other weapon specified by the court, except when such weapon is necessary for employment as a peace officer or military personnel</p> <p>(4) Issuing any other order or modification of orders above required to protect the safety of the alleged victim or to ensure the appearance of the person in court.</p> <p><i>Code of Ala. § 13A-11-72</i> <i>Violent felons, drug addicts or drunkards; possession and ownership restrictions — School grounds; possession or carrying on prohibited.</i></p> <p>(a) No person who has been convicted in this state or elsewhere of committing or attempting to commit a crime of violence, misdemeanor offense of domestic violence, violent offense as listed in Section 12-25-32(15), anyone who is subject to a valid protection order for domestic abuse, or anyone of unsound mind shall own a firearm or have one in his or her possession or under his or her control.</p>	<p><i>Code of Ala. § 41-9-649</i> <i>Firearm purchase background check — Mims-Russell Law Enforcement Protection Act.</i></p> <p>All transfers or purchases of firearms conducted by a licensed importer, licensed manufacturer, or licensed dealer shall be subject to the national instant criminal background check system (NICS) created by the federal “Brady Handgun Violence Prevention Act” (P.L. No. 103-159), the relevant portion of which is codified at 18 U.S.C.S. § 922(t). To the extent possible, all information from any state or local government agency that is necessary to complete a NICS check shall be provided to the ALEA.</p> <p><i>Code of Ala. § 13A-11-73</i> <i>License to carry pistol; generally.</i></p> <p>(a) Except on land under his or her control or in his or her own abode or his or her own fixed place of business, no person shall carry a pistol in any vehicle or concealed on or about his or her person without a permit issued under Section 13A-11-75(a)(1) or recognized under Section 13A-11-85.</p> <p>(b) Except as otherwise prohibited by law, a person legally permitted to possess a pistol, but who does not possess a valid concealed weapon permit, may possess an unloaded pistol in his or her motor vehicle if the pistol is locked in a compartment or container that is in or affixed securely to the vehicle and out of reach of the driver and any passenger in the vehicle.</p> <p><i>Code of Ala. § 13A-11-75</i> <i>License to carry pistol; issuance; form and content; copies; fee; revocation.</i></p> <p>(a) (1)</p> <p>a. The sheriff of a county, upon the application of any person residing in that county, within 30 days from receipt of a complete application and accompanying fee, shall issue or renew a permit for such person to carry a pistol in a vehicle or concealed on or about his or her person within this state for one- to five-year increments, as requested by the person seeking the permit, from</p>

date of issue, unless the sheriff determines that the person is prohibited from the possession of a pistol or firearm pursuant to state or federal law, or has a reasonable suspicion that the person may use a weapon unlawfully or in such other manner that would endanger the person's self or others. In making such determination, the sheriff may consider whether the applicant:

1. Was found guilty but mentally ill in a criminal case.
2. Was found not guilty in a criminal case by reason of insanity or mental disease or defect.
3. Was declared incompetent to stand trial in a criminal case.
4. Asserted a defense in a criminal case of not guilty by reason of insanity or mental disease or defect.
5. Was found not guilty only by reason of lack of mental responsibility under the Uniform Code of Military Justice.
6. Required involuntary inpatient treatment in a psychiatric hospital or similar treatment facility.
7. Required involuntary outpatient treatment in a psychiatric hospital or similar treatment facility based on a finding that the person is an imminent danger to himself or herself or to others.
8. Required involuntary commitment to a psychiatric hospital or similar treatment facility for any reason, including drug use.
9. Is or was the subject of a prosecution or of a commitment or incompetency proceeding that could lead to a prohibition on the receipt or possession of a firearm under the laws of Alabama or the United States.
10. Falsified any portion of the permit application.
11. Caused justifiable concern for public safety.

b. The sheriff shall take into account how recent any consideration under paragraph a. is in relation to the date of the application. The sheriff shall provide a written statement of the reasons for a denial of a permit and the evidence upon which it is based must be disclosed to the applicant, unless disclosure would interfere with a criminal investigation.

			<p>c. Except as otherwise provided by the laws of this state, a permit issued under this subdivision is valid throughout the state.</p> <p>d. Except as expressly provided in this section, a sheriff may not place conditions or requirements on the issuance of a pistol permit or limit its scope or applicability.</p> <p>(2)</p> <p>a. The sheriff may revoke a permit issued under subdivision (1) for any reason that could lead to a denial of a permit under that subdivision.</p> <p>b. The sheriff shall provide a written statement of the reasons for the revocation and the evidence upon which it is based must be disclosed to the applicant, unless disclosure would interfere with a criminal investigation.</p>
ALASKA	<p>Civil Protective Order – Discretionary</p> <p><i>Alaska Stat. § 18.66.100</i></p> <p><i>Protective orders: eligible petitioners; relief.</i></p> <p>(a) A person who is or has been a victim of a crime involving domestic violence may file a petition in the district or superior court for a protective order against a household member. A parent, guardian, or other representative appointed by the court under this section may file a petition for a protective order on behalf of a minor. The court may appoint a guardian ad litem or attorney to represent the minor. Notwithstanding AS 25.24.310 or this section, the office of public advocacy may not be appointed as a guardian ad litem or attorney for a minor in a petition filed under this section unless the petition has been filed on behalf of the minor.</p> <p>(c) A protective order under this section may prohibit the respondent from using or possessing a deadly weapon if the court finds the respondent was in the actual possession of or used a weapon during the commission of domestic violence;</p> <p>Ex Parte Protective Order-Discretionary</p>	<p><i>Alaska Stat. § 18.65.520</i></p> <p><i>Notification to victims of domestic violence</i></p> <p>(a) A peace officer investigating a crime involving domestic violence shall orally and in writing inform the victim of the rights of victims of domestic violence and the services available to them. The notice must be in substantially the following form: If you are the victim of domestic violence and you believe that law enforcement protection is needed for your physical safety, you have the right to request that the officer assist in providing for your safety, including asking for an emergency protective order. You may also request the officer to assist you in obtaining your essential personal belongings and locating and taking you to a safe place, including a designated meeting place or shelter, the residence of a household member or friend, or a similar place of safety. In some places in Alaska there are organizations that provide aid and shelter to victims of domestic violence. The nearest organization is located at []. If you are in need of medical treatment, you may request that the officer assist you in obtaining medical treatment. You may obtain information about whether the prosecuting attorney will file a criminal complaint about the domestic violence. Additionally, the victim/witness assistance program of the Department of Law may be able to help you. This information is available from the district attorney's office, which is located at [].</p>	<p><i>Alaska Stat. § 18.65.705</i></p> <p><i>Qualifications to Obtain a Permit</i></p> <p>A person is qualified to receive and hold a permit to carry a concealed handgun if the person</p> <p>(1) is 21 years of age or older;</p> <p>(2) is eligible to own or possess a handgun under the laws of this state and under federal law;</p> <p>(3) is a resident of the state and has been for the 90 days immediately preceding the application for a permit;</p> <p>(4) has not been convicted of two or more class A misdemeanors of this state or similar laws of another jurisdiction within the six years immediately preceding the application;</p> <p>(5) is not now in and has not in the three years immediately preceding the application been ordered by a court to complete an alcohol or substance abuse treatment program; and</p> <p>(6) has successfully completed a handgun course as provided in AS 18.65.715.</p> <p><i>Alaska Stat. § 18.65.740</i></p> <p><i>Revocation of permit; appeal.</i></p> <p>(a) A permit to carry a concealed handgun shall be immediately revoked by the department when the permittee</p>

<p><i>Alaska Stat. § 18.66.110</i> <i>Ex parte and emergency protective orders.</i></p> <p>(a) A person who is a victim of a crime involving domestic violence may file a petition under AS 18.66.100(a) and request an ex parte protective order. If the court finds that the petition establishes probable cause that a crime involving domestic violence has occurred, it is necessary to protect the petitioner from domestic violence, and if the petitioner has certified to the court in writing the efforts, if any, that have been made to provide notice to the respondent, the court shall ex parte and without notice to the respondent issue a protective order. An ex parte protective order may grant the protection provided by AS 18.66.100(c)(1) — (5), (8) — (12), and (16). An ex parte protective order expires 20 days after it is issued unless dissolved earlier by the court at the request of either the petitioner or the respondent and after notice and, if requested, a hearing. If a court issues an ex parte protective order, the court shall have the order delivered to the appropriate local law enforcement agency for expedited service and for entry into the central registry of protective orders under AS 18.65.540.</p> <p><i>Alaska Stat. § 18.66.100</i> <i>Protective Orders: Eligible petitioners; relief</i></p> <p>(c) A protective order under this section may (7) direct the respondent to surrender any firearm owned or possessed by the respondent if the court finds that the respondent was in the actual possession of or used a firearm during the commission of the domestic violence</p>	<p>You also have the right to file a petition in court requesting a protective order that may include any of the following provisions:</p> <p>(7) direct your abuser to surrender to any firearm owned or possessed by that person if the court finds your abuser was in the actual possession of or used a firearm during the commission of your abuse;</p> <p><i>Alaska Stat. § 18.65.515</i> <i>Duties of Peace Officer in a Crime Involving Domestic Violence</i></p> <p>(b) If a peace officer investigating a crime involving domestic violence determines that it is necessary to protect the victim or the victim's family from domestic violence or to protect the officer or the public during the investigation, the officer may (1) seize a deadly weapon in plain view of the officer, and (2) if a deadly weapon was actually possessed during or used in the domestic violence, , seize all deadly weapons owned, used, possessed, or within the control of the alleged perpetrator. If the weapon is not needed as evidence in a criminal case, the law enforcement agency having custody of the weapon, within 24 hours of making the determination that the weapon is not needed as evidence in a criminal case, shall make the weapon available for pickup by the owner of the weapon during regular business hours.</p> <p><i>Alaska Stat. § 11.61.200</i> <i>Misconduct Involving Weapons in the Third Degree</i></p> <p>(a) A person commits the crime of misconduct involving weapons in the third degree if the person (8) violates AS 11.46.320 or 11.46.330 by entering or remaining unlawfully on premises or in a propelled vehicle in violation of a provision of an order issued or filed under AS 18.66.100 — 18.66.180 or issued under former AS 25.35.010(b) or 25.35.020 and, during the violation, possesses on the person a defensive weapon or a deadly weapon, other than an ordinary pocketknife;</p> <p><i>Alaska Stat. § 11.61 .220</i> <i>Misconduct Involving Weapons in the Fifth Degree</i></p>	<p>(1) becomes disqualified to receive and hold a permit under AS 18.65.705;</p> <p>(2) is convicted of two class A misdemeanors of this state or similar laws of another jurisdiction within a six-year period if at least one of the convictions occurs after the application;</p> <p>(3) knowingly supplied a false or fraudulent answer, statement, or document, or made a material misstatement or omission, in connection with an application for a permit or renewal or replacement of a permit.</p> <p>(b) A person whose permit is revoked under (a) of this section shall immediately surrender the permit to the nearest peace officer. A peace officer receiving a permit under this section shall immediately forward the permit to the department.</p> <p>(c) A person whose permit is revoked under this section may appeal the revocation decision to the commissioner. A person may seek judicial review of the decision of the commissioner under AS 44.62.560 — 44.62.570.</p> <p>(d) A person whose permit is revoked may not apply for a permit until at least five years after the revocation.</p>
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		<p>(a) A person commits the crime of misconduct involving weapons in the fifth degree if the person (4) knowingly possesses a firearm (C) within a domestic violence or sexual assault shelter that receives funding from the state.</p> <p style="text-align: center;"><i>Alaska Stat. § 12.55.015 Authorized sentences; forfeiture.</i></p> <p>(a) Except as limited by AS 12.55.125 — 12.55.175, the court, in imposing sentence on a defendant convicted of an offense, may singly or in combination</p> <p>(9) order the forfeiture to the commissioner of public safety or a municipal law enforcement agency of a deadly weapon that was in the actual possession of or used by the defendant during the commission of an offense described in AS 11.41, AS 11.46, AS 11.56, or AS 11.61;</p> <p>(f) Notwithstanding (a) of this section, the court shall order the forfeiture to the commissioner of public safety or a municipal law enforcement agency of a deadly weapon that was in the actual possession of or used by the defendant during the commission of a crime involving domestic violence.</p>	
ARIZONA	<p><u>Order of Protection - Discretionary</u></p> <p style="text-align: center;"><u>A.R.S. § 13-3602</u></p> <p><i>Order of protection; procedure; contents; arrest for violation; penalty; protection order from another jurisdiction; definition [Effective August 25, 2020]</i></p> <p>G. If a court issues an order of protection, the court may do any of the following:</p> <p>4. If the court finds that the defendant is a credible threat to the physical safety of the plaintiff or other specifically designated persons, prohibit the defendant from possessing or purchasing a firearm for the duration of the order. If the court prohibits the defendant from possessing a firearm, the court shall also order the defendant to transfer any firearm owned or possessed by the defendant immediately after service of the order to the appropriate law enforcement</p>	<p><u>A.R.S. § 13-3601</u></p> <p><i>Domestic violence; definition; classification; sentencing option; arrest and procedure for violation; weapon seizure</i></p> <p>C. A peace officer may question the persons who are present to determine if a firearm is present on the premises. On learning or observing that a firearm is present on the premises, the peace officer may temporarily seize the firearm if the firearm is in plain view or was found pursuant to a consent to search and if the officer reasonably believes that the firearm would expose the victim or another person in the household to a risk of serious bodily injury or death. A firearm that is owned or possessed by the victim shall not be seized unless there is probable cause to believe that both parties independently have committed an act of domestic violence.</p> <p>D. If a firearm is seized pursuant to subsection C of this section, the peace officer shall give the owner or possessor of the firearm a receipt for each seized firearm. The receipt shall indicate the identification or serial number or other identifying characteristic of each seized firearm. Each seized</p>	<p><u>A.R.S. § 13-3112</u></p> <p><i>Concealed Weapons; Qualification; Application; Permit to Carry; Civil Penalty; Report; Applicability</i></p> <p>A. The department of public safety shall issue a permit to carry a concealed weapon to a person who is qualified under this section. The person shall carry the permit at all times when the person is in actual possession of the concealed weapon and is required by section 4-229 or 4-244 to carry the permit. If the person is in actual possession of the concealed weapon and is required by section 4-229 or 4-244 to carry the permit, the person shall present the permit for inspection to any law enforcement officer on request.</p> <p>B. The permit of a person who is arrested or indicted for an offense that would make the person unqualified under §13-3101(A)(7) (domestic violence probationers) or this section shall be immediately suspended and seized. The</p>

<p>agency for the duration of the order. If the defendant does not immediately transfer the firearm, the defendant shall transfer the firearm within twenty-four hours after service of the order.</p>	<p>firearm shall be held for at least seventy-two hours by the law enforcement agency that seized the firearm.</p> <p>E. If a firearm is seized pursuant to subsection C of this section, the victim shall be notified by a peace officer before the firearm is released from temporary custody.</p> <p>F. If there is reasonable cause to believe that returning a firearm to the owner or possessor may endanger the victim, the person who reported the assault or threat or another person in the household, the prosecutor shall file a notice of intent to retain the firearm in the appropriate superior, justice or municipal court. The prosecutor shall serve notice on the owner or possessor of the firearm by certified mail. The notice shall state that the firearm will be retained for not more than six months following the date of seizure. On receipt of the notice, the owner or possessor may request a hearing for the return of the firearm, to dispute the grounds for seizure or to request an earlier return date. The court shall hold the hearing within ten days after receiving the owner's or possessor's request for a hearing. At the hearing, unless the court determines that the return of the firearm may endanger the victim, the person who reported the assault or threat or another person in the household, the court shall order the return of the firearm to the owner or possessor.</p>	<p>permit of a person who becomes unqualified on conviction of that offense shall be revoked. The permit shall be restored on presentation of documentation from the court if the permittee is found not guilty or the charges are dismissed. The permit shall be restored on presentation of documentation from the county attorney that the charges against the permittee were dropped or dismissed.</p> <p>C. A permittee who carries a concealed weapon, who is required by section 4-229 or 4-244 to carry a permit and who fails to present the permit for inspection on the request of a law enforcement officer commits a violation of this subsection and is subject to a civil penalty of not more than three hundred dollars. The department of public safety shall be notified of all violations of this subsection and shall immediately suspend the permit. A permittee shall not be convicted of a violation of this subsection if the permittee produces to the court a legible permit that is issued to the permittee and that was valid at the time the permittee failed to present the permit for inspection.</p> <p>D. A law enforcement officer shall not confiscate or forfeit a weapon that is otherwise lawfully possessed by a permittee whose permit is suspended pursuant to subsection C of this section, except that a law enforcement officer may take temporary custody of a firearm during an investigatory stop of the permittee.</p>
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A.R.S. § 13-905
Application for Restoration of Civil Rights

[Repealed]

A.R.S. § 13-3102
Misconduct Involving Weapons; Defenses; Classification;
Definitions [Effective August 27, 2019]

- A. A person commits misconduct involving weapons by knowingly:
1. Carrying a deadly weapon except a pocket knife concealed on his person or within his immediate control in or on a means of transportation:
 - (a) In the furtherance of a serious offense as defined in section 13-706, a violent crime as defined in section 13-901.03 or any other felony offense; or
 - (b) When contacted by a law enforcement officer and failing to accurately answer the officer if the officer asks whether the person is carrying a concealed deadly weapon; or
 2. Carrying a deadly weapon except a pocket knife concealed on his person or concealed within his immediate control in or on a means of transportation if the person is under twenty-one years of age; or
 3. Manufacturing, possessing, transporting, selling or transferring a prohibited weapon, except that if the violation involves dry ice, a person commits misconduct involving weapons by knowingly possessing the dry ice with the intent to cause injury to or death of another person or to cause damage to the property of another person; or
 4. Possessing a deadly weapon or prohibited weapon if such person is a prohibited possessor; or
 5. Selling or transferring a deadly weapon to a prohibited possessor; or
 6. Defacing a deadly weapon; or
 7. Possessing a defaced deadly weapon knowing the deadly weapon was defaced; or
 8. Using or possessing a deadly weapon during the commission of any felony offense included in chapter 34 of this title; or
 9. Discharging a firearm at an occupied structure in order to assist, promote or further the interests of a criminal street gang, a criminal syndicate or a racketeering enterprise; or
 10. Unless specifically authorized by law, entering any public establishment or attending any public event and

		<p>carrying a deadly weapon on his person after a reasonable request by the operator of the establishment or the sponsor of the event or the sponsor's agent to remove his weapon and place it in the custody of the operator of the establishment or the sponsor of the event for temporary and secure storage of the weapon pursuant to section 13-3102.01; or</p> <p>11. Unless specifically authorized by law, entering an election polling place on the day of any election carrying a deadly weapon; or</p> <p>12. Possessing a deadly weapon on school grounds; or</p> <p>13. Unless specifically authorized by law, entering a nuclear or hydroelectric generating station carrying a deadly weapon on his person or within the immediate control of any person; or</p> <p>14. Supplying, selling or giving possession or control of a firearm to another person if the person knows or has reason to know that the other person would use the firearm in the commission of any felony; or</p> <p>15. Using, possessing or exercising control over a deadly weapon in furtherance of any act of terrorism as defined in section 13-2301 or possessing or exercising control over a deadly weapon knowing or having reason to know that it will be used to facilitate any act of terrorism as defined in section 13-2301; or</p> <p>16. Trafficking in weapons or explosives for financial gain in order to assist, promote or further the interests of a criminal street gang, a criminal syndicate or a racketeering enterprise.</p> <p>A.R.S. § 13-3102 .</p>	
ARKANSAS	<p><u>Order of Protection -Mandatory</u></p> <p><i>A.C.A. § 9-15-207</i></p> <p><i>Order of protection -- Enforcement -- Penalties -- Criminal jurisdiction.</i></p> <p>(a) Any order of protection granted under this chapter is enforceable by a law enforcement agency with proper jurisdiction.</p> <p>(b) An order of protection shall include a notice to the respondent or party restrained that:</p> <p>(3) It is unlawful for an individual who is subject to an order of protection or convicted of a misdemeanor of domestic violence to ship, transport, or possess a firearm or</p>	<p><i>A.C.A. § 5-73-103</i></p> <p><i>Possession of firearms by certain persons</i></p> <p>(a) Except as provided in subsection (d) of this section or unless authorized by and subject to such conditions as prescribed by the Governor, or his or her designee, or the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives, or other bureau or office designated by the United States Department of Justice, no person shall possess or own any firearm who has been:</p> <p>(1) Convicted of a felony;</p> <p>(2) Adjudicated mentally ill; or</p> <p>(3) Committed involuntarily to any mental institution.</p> <p>(b)</p> <p>(1) Except as provided in subdivisions (b)(2) and (3) of this section, a determination by a jury or a court that a person committed a felony constitutes a conviction for purposes of</p>	<p><i>A.C.A. § 5-73-308</i></p> <p><i>License -- Issuance or denial.</i></p> <p>(a)(1)(A) The Director of the Division of Arkansas State Police may deny a license if within the preceding five (5) years the applicant has been found guilty of one (1) or more crimes of violence constituting a misdemeanor or for the offense of carrying a weapon.</p> <p>(B) The director may revoke a license if the licensee has been found guilty of one (1) or more crimes of violence within the preceding three (3) years.</p> <p>(2) Subdivision (a)(1) of this section does not apply to a misdemeanor that has been expunged or for which the imposition of sentence was suspended.</p>

<p>ammunition under 18 U.S.C. § 922(g)(8) and (9) as it existed on January 1, 2019;</p> <p><u>Temporary Order of Protection – Catch-all Provision</u></p> <p style="text-align: center;"><u>A.C.A. § 9-15-205</u></p> <p><i>Relief generally -- Duration.</i></p> <p>(a) At the hearing on the petition filed under this chapter, upon a finding of domestic abuse as defined in § 9-15-103, the court may provide the following relief:</p> <p>(8)(A) Order other relief as the court deems necessary or appropriate for the protection of a family or household member.</p> <p style="text-align: center;"><u>A.C.A. § 9-15-206</u></p> <p><i>Temporary order.</i></p> <p>(a) When a petition under this chapter alleges an immediate and present danger of domestic abuse or that the respondent is scheduled to be released from incarceration within thirty (30) days and upon the respondent's release there will be an immediate and present danger of domestic abuse, the court shall grant a temporary order of protection pending a full hearing if the court finds sufficient evidence to support the petition.</p> <p>(F)(i) Order such other relief as the court considers necessary or appropriate for the protection of a family or household member.</p>	<p>subsection (a) of this section even though the court suspended imposition of sentence or placed the defendant on probation.</p> <p>(2) Subdivision (b)(1) of this section does not apply to a person whose case was dismissed and expunged under § 16-93-301 et seq. or § 16-98-303(g).</p> <p>(3) The determination by the jury or court that the person committed a felony does not constitute a conviction for purposes of subsection (a) of this section if the person is subsequently granted a pardon explicitly restoring the ability to possess a firearm.</p> <p style="text-align: center;"><u>A.C.A. § 5-71-229</u></p> <p><i>Stalking</i></p> <p>(a) (1) A person commits stalking in the first degree if he or she knowingly engages in a course of conduct that would place a reasonable person in the victim's position under emotional distress and in fear for his or her safety or a third person's safety, and the actor:</p> <p>(A) Does so in contravention of an order of protection consistent with the Domestic Abuse Act of 1991, § 9-15-101 et seq., or a no contact order as set out in subdivision (a)(2)(A) of this section, protecting the same victim, or any other order issued by any court protecting the same victim;</p> <p style="text-align: center;"><u>A.C.A. § 5-26-313</u></p> <p><i>Notice</i></p> <p>A person who is convicted of any misdemeanor of domestic violence shall be notified by the court that it is unlawful for the person to ship, transport, or possess a firearm or ammunition pursuant to 18 U.S.C. § 922(g)(8) and (9), as they existed on January 1, 2007.</p>	<p>(3) Upon notification by any law enforcement agency or a court and subsequent written verification, the director shall suspend a license or the processing of an application for a license if the licensee or applicant is arrested or formally charged with a crime that would disqualify the licensee or applicant from having a license under this subchapter until final disposition of the case.</p> <p style="text-align: center;"><u>A.C.A. § 5-73-309</u></p> <p><i>License -- Requirements.</i></p> <p>The Director of the Division of Arkansas State Police shall issue a license to carry a concealed handgun if the applicant:</p> <p>(6) Is not subject to any federal, state, or local law that makes it unlawful to receive, possess, or transport any firearm, and has had his or her background check successfully completed through the Department of Arkansas State Police and the Federal Bureau of Investigation's National Instant Criminal Background Check System;</p> <p style="text-align: center;"><u>A.C.A. § 5-73-310</u></p> <p><i>Application form.</i></p> <p>The application for a license to carry a concealed handgun shall be completed, under oath, on a form promulgated by the Director of the Division of Arkansas State Police and shall include only:</p> <p>(9) A statement of whether or not the applicant has been found guilty of a crime of violence or domestic abuse.</p> <p style="text-align: center;"><u>A.C.A. § 5-73-312</u></p> <p><i>Revocation.</i></p> <p>(a)(1) A license to carry a concealed handgun issued under this subchapter shall be revoked if the licensee becomes ineligible under the criteria set forth in § 5-73-308(a) or § 5-73-309.</p> <p>(2)(A) Any law enforcement officer making an arrest of a licensee for a violation of this</p>
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			<p>subchapter or any other statutory violation that requires revocation of a license to carry a concealed handgun shall confiscate the license and forward it to the Director of the Division of Arkansas State Police.</p> <p>(B) The license shall be held until a determination of the charge is finalized, with the appropriate disposition of the license after the determination.</p>
CALIFORNIA	<p><u>Protective Order - Mandatory</u></p> <p><i><u>Cal Fam Code § 6389</u></i></p> <p><i>Person subject to protective order prohibited from owning or possessing firearm; Relinquishment of firearm; Employment exemption</i></p> <p>(a) A person subject to a protective order, as defined in Section 6218, shall not own, possess, purchase, or receive a firearm or ammunition while that protective order is in effect. Every person who owns, possesses, purchases or receives, or attempts to purchase or receive a firearm or ammunition while the protective order is in effect is punishable pursuant to Section 29825 of the Penal Code.</p> <p><u>Emergency Protective Order - Mandatory</u></p> <p><i><u>Cal Pen Code § 646.91</u></i></p> <p><i>Stalking; Issuance of emergency protective order on request of peace officer; Findings required; Expiration; Punishment for disobedience</i></p> <p>(c) An emergency protective order shall include all of the following:</p> <p>(4) The following statements, which shall be printed in English and Spanish:</p> <p>(B) "To the restrained person: This order will last until the date and time noted above. The protected party may, however, obtain a more</p>	<p><i><u>Cal Fam Code § 6389</u></i></p> <p><i>Person subject to protective order prohibited from owning or possessing firearm; Relinquishment of firearm; Employment exemption</i></p> <p>(b) On all forms providing notice that a protective order has been requested or granted, the Judicial Council shall include a notice that, upon service of the order, the respondent shall be ordered to relinquish possession or control of any firearms and not to purchase or receive or attempt to purchase or receive any firearms for a period not to exceed the duration of the restraining order.</p> <p>(c)(1) Upon issuance of a protective order, as defined in Section 6218, the court shall order the respondent to relinquish any firearm in the respondent's immediate possession or control or subject to the respondent's immediate possession or control.</p> <p>(2) The relinquishment ordered pursuant to paragraph (1) shall occur by immediately surrendering the firearm in a safe manner, upon request of any law enforcement officer, to the control of the officer, after being served with the protective order. A law enforcement officer serving a protective order that indicates that the respondent possesses weapons or ammunition shall request that the firearm be immediately surrendered. Alternatively, if no request is made by a law enforcement officer, the relinquishment shall occur within 24 hours of being served with the order, by either surrendering the firearm in a safe manner to the control of local law enforcement officials, or by selling the firearm to a licensed gun dealer, as specified in Article 1 (commencing with Section 26700) and Article 2 (commencing with Section 26800) of Chapter 2 of Division 6 of Title 4 of Part 6 of the Penal Code. The law enforcement officer or licensed gun dealer taking possession of the firearm pursuant to this subdivision shall issue a receipt to the person relinquishing</p>	<p><i><u>Cal Pen Code § 26800</u></i></p> <p><i>Grounds for forfeiture of license</i></p> <p>A license under this chapter is subject to forfeiture for a breach of any of the prohibitions and requirements of this article, except those stated in the following provisions:</p> <p>(a) Subdivision (c) of Section 26890.</p> <p>(b) Subdivision (d) of Section 26890.</p> <p>(c) Subdivision (b) of Section 26900.</p> <p><i><u>Cal Pen Code § 33865</u></i></p> <p><i>Eligibility check [Operative July 1, 2020]</i></p> <p>(a) When the Department of Justice receives a completed application pursuant to Section 33850 accompanied by the fee required pursuant to Section 33860, it shall conduct an eligibility check of the applicant to determine whether the applicant is eligible to possess a firearm, ammunition feeding device, or ammunition.</p> <p>(b) The department shall have 30 days from the date of receipt to complete the background check, unless the background check is delayed by circumstances beyond the control of the department. The applicant may contact the department via the California Firearms Application Reporting System (CFARS) to inquire about the reason for a delay.</p> <p>(c) If the department determines that the applicant is eligible to possess the firearm, ammunition feeding device, or ammunition, the department shall provide the applicant with written notification that includes the following:</p> <p>(1) The identity of the applicant.</p>

<p>permanent restraining order from the court. You may seek the advice of an attorney as to any matter connected with the application. The attorney should be consulted promptly so that the attorney may assist you in responding to the application. You may not own, possess, purchase, or receive, or attempt to purchase or receive, a firearm while this order is in effect."</p> <p><u>Temporary Restraining Order - Mandatory</u></p> <p><i>Cal Code Civ Proc § 527.6</i></p> <p><i>Temporary restraining order and order after hearing prohibiting harassment; Notice, service, and hearing; Possession of firearm or ammunition by person subject to protective order; Forms, instructions, and rules</i></p> <p>(u)(1) A person subject to a protective order issued pursuant to this section shall not own, possess, purchase, receive, or attempt to purchase or receive a firearm or ammunition while the protective order is in effect.</p> <p>(u)(2) The court shall order a person subject to a protective order issued pursuant to this section to relinquish any firearms the person owns or possesses pursuant to Section 527.9.</p> <p>(u)(3) A person who owns, possesses, purchases, or receives, or attempts to purchase or receive, a firearm or ammunition while the protective order is in effect is punishable pursuant to Section 29825 of the Penal Code.</p> <p><u>Protective order for elder or dependent adult who has suffered abuse - Mandatory</u></p> <p><i>Cal Wel & Inst Code § 15657.03</i></p> <p><i>Protective order for elder or dependent adult who has suffered abuse; Service, notice, and hearing; Continuance; Verbal notice; Fees</i></p>	<p>the firearm at the time of relinquishment. A person ordered to relinquish any firearm pursuant to this subdivision shall, within 48 hours after being served with the order, do both of the following:</p> <p>(A) File, with the court that issued the protective order, the receipt showing the firearm was surrendered to a local law enforcement agency or sold to a licensed gun dealer. Failure to timely file a receipt shall constitute a violation of the protective order.</p> <p>(B) File a copy of the receipt described in subparagraph (A) with the law enforcement agency that served the protective order. Failure to timely file a copy of the receipt shall constitute a violation of the protective order.]</p> <p>[OPINION NOTES: Attorney General's Opinion]</p> <p>A law enforcement officer may seize a firearm from a person on the basis that the person is the subject of an "emergency protective order" if the order includes an existing restraining order as specified in Family Code section 6218. 84 Ops. Cal. Atty. Gen. 117.</p> <p><i>Cal Pen Code § 136.2</i></p> <p><i>Kathy's Law; Electronic monitoring of defendants accused of domestic violence; Payment for electronic monitoring</i></p> <p>(a)(1) Upon a good cause belief that harm to, or intimidation or dissuasion of, a victim or witness has occurred or is reasonably likely to occur, a court with jurisdiction over a criminal matter may issue orders, including, but not limited to, the following:</p> <p>(G)(i) An order protecting a victim or witness of violent crime from all contact by the defendant, or contact, with the intent to annoy, harass, threaten, or commit acts of violence, by the defendant. The court or its designee shall transmit orders made under this paragraph to law enforcement personnel within one business day of the issuance, modification, extension, or termination of the order, pursuant to subdivision (a) of Section 6380 of the Family Code. It is the responsibility of the court to transmit the modification, extension, or termination orders made under this paragraph to the same agency that entered the original protective order into the California Restraining and Protective Order System.</p> <p>(ii)(I) If a court does not issue an order pursuant to clause (i) in a case in which the defendant is charged with a crime involving domestic violence as defined in Section 13700 or in Section 6211 of the Family Code, the court on its own</p>	<p>(2) A statement that the applicant is eligible to possess a firearm, ammunition feeding device, or ammunition.</p> <p>(3) If applicable, a description of the firearm by make, model, and serial number, provided, however, that if the firearm is not a handgun and does not have a serial number, identification number, or identification mark assigned to it, that fact shall be noted.</p> <p>(d) The department shall enter a record of the firearm into the Automated Firearms System (AFS), provided, however, that if the firearm is not a handgun and does not have a serial number, identification number, or identification mark assigned to it, that fact shall be noted in AFS.</p> <p>(e) If the department denies the application, and the firearm is an otherwise legal firearm, the department shall notify the applicant of the denial and provide a form for the applicant to use to sell or transfer the firearm to a licensed dealer.</p> <p>(f) If the department denies the application, the applicant shall receive notification via CFARS from the department explaining the reason for the denial and information regarding the appeal process.</p> <p>(g) This section shall become operative on July 1, 2020.</p>
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<p><i>and costs; Prohibition against possession of firearm</i></p> <p>(u)(1) A person subject to a protective order under this section shall not own, possess, purchase, receive, or attempt to receive a firearm or ammunition while the protective order is in effect.</p>	<p>motion shall consider issuing a protective order upon a good cause belief that harm to, or intimidation or dissuasion of, a victim or witness has occurred or is reasonably likely to occur, that provides as follows:</p> <p>(ia) The defendant shall not own, possess, purchase, receive, or attempt to purchase or receive, a firearm while the protective order is in effect.</p> <p>(ib) The defendant shall relinquish any firearms that he or she owns or possesses pursuant to Section 527.9 of the Code of Civil Procedure.</p> <p>(II) Every person who owns, possesses, purchases, or receives, or attempts to purchase or receive, a firearm while this protective order is in effect is punishable pursuant to Section 29825.</p> <p><i>Cal Pen Code § 273.6</i> <i>Punishment for violation of protective order, temporary restraining order, or injunction; Possession of firearm by person prohibited from doing so by protective order</i></p> <p>(g)(1) Every person who owns, possesses, purchases, or receives a firearm knowing he or she is prohibited from doing so by the provisions of a protective order as defined in Section 136.2 of this code, Section 6218 of the Family Code, or Section 527.6, 527.8, or 527.85 of the Code of Civil Procedure, or Section 15657.03 of the Welfare and Institutions Code, shall be punished under Section 29825.</p> <p>(2) Every person subject to a protective order described in paragraph (1) shall not be prosecuted under this section for owning, possessing, purchasing, or receiving a firearm to the extent that firearm is granted an exemption pursuant to subdivision (f) of Section 527.9 of the Code of Civil Procedure, or subdivision (h) of Section 6389 of the Family Code.</p> <p><i>Cal Pen Code § 18250</i> <i>Authority of peace officer to take temporary custody of firearm at scene of domestic violence</i></p> <p>a) If any of the following persons is at the scene of a domestic violence incident involving a threat to human life or a physical assault, is serving a protective order as defined in Section 6218 of the Family Code, or is serving a gun violence restraining order issued pursuant to Division 3.2 (commencing with Section 18100), that person shall take</p>	
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temporary custody of any firearm or other deadly weapon in plain sight or discovered pursuant to a consensual or other lawful search as necessary for the protection of the peace officer or other persons present:

(1) A sheriff, undersheriff, deputy sheriff, marshal, deputy marshal, or police officer of a city, as defined in subdivision (a) of [Section 830.1](#).

(2) A peace officer of the Department of the California Highway Patrol, as defined in subdivision (a) of [Section 830.2](#).

(3) A member of the University of California Police Department, as defined in subdivision (b) of [Section 830.2](#).

(4) An officer listed in [Section 830.6](#), while acting in the course and scope of the officer's employment as a peace officer.

(5) A member of a California State University Police Department, as defined in subdivision (c) of [Section 830.2](#).

(6) A peace officer of the Department of Parks and Recreation, as defined in subdivision (f) of [Section 830.2](#).

(7) A peace officer, as defined in subdivision (d) of [Section 830.31](#).

(8) A peace officer, as defined in subdivisions (a) and (b) of [Section 830.32](#).

(9) A peace officer, as defined in [Section 830.5](#).

(10) A sworn member of the Department of Justice who is a peace officer, as defined in [Section 830.1](#).

(11) A member of the San Francisco Bay Area Rapid Transit District Police Department, as defined in subdivision (a) of [Section 830.33](#).

(b) This section shall become operative on January 1, 2016.

[Cal Pen Code § 29825](#)

Person prohibited from purchasing or receiving firearm by temporary restraining order, injunction, protective order

(a) A person who purchases or receives, or attempts to purchase or receive, a firearm knowing that the person is prohibited from doing so in any jurisdiction by a temporary restraining order or injunction issued pursuant to Section [527.6](#), [527.8](#), or [527.85 of the Code of Civil Procedure](#), a protective order as defined in [Section 6218 of the Family Code](#), a protective order issued pursuant to [Section 136.2](#) or [646.91](#) of this code, a protective order issued pursuant to [Section 15657.03 of the Welfare and Institutions Code](#), or by a valid order issued by

		<p>an out-of-state jurisdiction that is similar or equivalent to a temporary restraining order, injunction, or protective order specified in this subdivision, that includes a prohibition from owning or possessing a firearm, is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.</p> <p>(b) A person who owns or possesses a firearm knowing that the person is prohibited from doing so by a temporary restraining order or injunction issued pursuant to Section 527.6, 527.8, or 527.85 of the Code of Civil Procedure, a protective order as defined in Section 6218 of the Family Code, a protective order issued pursuant to Section 136.2 or 646.91 of this code, a protective order issued pursuant to Section 15657.03 of the Welfare and Institutions Code, or by a valid order issued by an out-of-state jurisdiction that is similar or equivalent to a temporary restraining order, injunction, or protective order specified in this subdivision, that includes a prohibition from owning or possessing a firearm, is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.</p>	
COLORADO	<p><u>Temporary Civil Protection Order – Catch-all Provision</u></p> <p><i>C.R.S. 13-14-104.5 Procedure for temporary civil protection order</i></p> <p>(8) Upon the filing of a complaint duly verified, alleging that the respondent has committed acts that would constitute grounds for a civil protection order, any judge or magistrate, after hearing the evidence and being fully satisfied therein that sufficient cause exists, may issue a temporary civil protection order to prevent the actions complained of and a citation directed to the respondent commanding the respondent to appear before the court at a specific time and date and to show cause, if any, why said temporary civil protection order should not be made permanent. In addition, the court</p>	<p>C.R.S. 18-6-801 <i>Domestic violence – sentencing</i></p> <p>(8)(a) In addition to any sentence that is imposed upon a defendant for violation of any criminal law under this title, if a defendant is convicted of any crime, the underlying factual basis of which is found by the court on the record to be a misdemeanor crime of domestic violence, as defined in 18 U.S.C. sec. 921 (a)(33), or that is punishable by a term of imprisonment exceeding one year and includes an act of domestic violence, as defined in section 18-6-800.3 (1), the court:</p> <p>(I) Shall order the defendant to:</p> <p>(A) Refrain from possessing or purchasing any firearm or ammunition for the duration of the order; and</p> <p>(B) Relinquish any firearm or ammunition in the defendant's immediate possession or control or subject to the defendant's immediate possession or control; and</p> <p>(II) May require that before the defendant is released from custody on bond, the defendant shall relinquish, for the duration of the order, any firearm or ammunition in the</p>	<p>C.R.S. 18-12-203 <i>Criteria for obtaining a permit</i></p> <p>3) (a) The sheriff shall deny, revoke, or refuse to renew a permit if an applicant or a permittee fails to meet one of the criteria listed in subsection (1) of this section and may deny, revoke, or refuse to renew a permit on the grounds specified in subsection (2) of this section.</p> <p>(b) Following issuance of a permit, if the issuing sheriff has a reasonable belief that a permittee no longer meets the criteria specified in subsection (1) of this section or that the permittee presents a danger as described in subsection (2) of this section, the sheriff shall suspend the permit until such time as the matter is resolved and the issuing sheriff determines that the permittee is eligible to possess a permit as provided in this section.</p> <p>(c) If the sheriff suspends or revokes a permit, the sheriff shall notify the permittee in writing, stating the grounds for suspension or revocation</p>

<p>may order any other relief that the court deems appropriate. Complaints may be filed by persons seeking protection for themselves or for others as provided in section 26-3.1-102 (1)(b) and (1)(c), C.R.S.</p>	<p>defendant's immediate possession or control or subject to the defendant's immediate possession or control.</p> <p>(b) Upon issuance of an order to relinquish one or more firearms or ammunition pursuant to paragraph (a) of this subsection (8), the defendant shall relinquish any firearm or ammunition not more than twenty-four hours after being served with the order; except that a court may allow a defendant up to seventy-two hours to relinquish a firearm or up to five days to relinquish ammunition pursuant to this paragraph (b) if the defendant demonstrates to the satisfaction of the court that he or she is unable to comply within twenty-four hours. To satisfy this requirement, the defendant may:</p>	<p>and informing the permittee of the right to seek a second review by the sheriff, to submit additional information for the record, and to seek judicial review pursuant to section 18-12-207.</p>
<p>Discretionary Protection Order</p> <p><u>C.R.S. 13-14-105</u> <i>Civil protection orders - prohibition on possessing or purchasing a firearm</i></p>	<p>1) If the court subjects a person to a civil protection order pursuant to a provision of this article and the protection order qualifies as an order described in 18 U.S.C. sec. 922 (d)(8) or (g)(8), the court, as part of such order:</p> <p>(a) Shall order the person to:</p> <p>(I) Refrain from possessing or purchasing any firearm or ammunition for the duration of the order; and</p> <p>(II) Relinquish, for the duration of the order, any firearm or ammunition in the respondent's immediate possession or control or subject to the respondent's immediate possession or control; and</p> <p>(b) May require that before the person is released from custody on bond, the person shall relinquish, for the duration of the order, any firearm or ammunition in the person's immediate possession or control or subject to the person's immediate possession or control.</p>	<p><u>C.R.S. 24-33.5-424</u> <i>National Instant Criminal Background Check System (Enabling Legislation)</i></p>
<p><u>C.R.S. 13-14-106</u> <i>Procedure for permanent civil protection orders</i></p> <p>(1) (a) [Editor's note: This version of paragraph (a) is effective until November 1, 2018.] On the return date of the citation, or on the day to which the hearing has been continued, the judge or magistrate shall</p>	<p>(I) Sell or transfer possession of the firearm or ammunition to a federally licensed firearms dealer described in 18 U.S.C. sec. 923, as amended; except that this provision shall not be interpreted to require any federally licensed firearms dealer to purchase or accept possession of any firearm or ammunition;</p> <p>(II) Arrange for the storage of the firearm or ammunition by a law enforcement agency; except that this provision shall not be interpreted to require any law enforcement agency to provide storage of firearms or ammunition for any person; or</p> <p>(III) Sell or otherwise transfer the firearm or ammunition to a private party who may legally possess the firearm or ammunition; except that a defendant who sells or transfers a firearm pursuant to this subparagraph (III) shall satisfy all of the provisions of section 18-12-112, concerning private firearms transfers, including but not limited to the performance of a criminal background check of the transferee.</p> <p><u>C.R.S. 18-1-1001</u> <i>Protection order against defendant - definitions</i></p> <p>(3) Nothing in this section precludes the defendant from applying to the court at any time for modification or dismissal of the protection order issued pursuant to this section or the district attorney from applying to the court at any time for further orders, additional provisions under the protection order, or modification or dismissal of the same. The trial court retains jurisdiction to enforce, modify, or dismiss the protection order until final disposition of the action. Upon motion of the district attorney or on the court's own motion for the protection of the alleged victim or</p>	<p>(3)(a) The bureau, acting as the state point of contact for implementation of 18 U.S.C. sec. 922 (t), shall transmit a request for a background check in connection with the prospective transfer of a firearm to the NICS system and may also search other databases. The bureau shall deny a transfer of a firearm to a prospective transferee if the transfer would violate 18 U.S.C. sec. 922 (g) or (n) or result in the violation of any provision of state law, including but not limited to section 18-12-108 (4)(c), C.R.S., involving acts which, if committed by an adult, would constitute a burglary, arson, or any felony involving the use of force or the use of a deadly weapon.</p> <p>(5) (a) Upon denial of a firearm transfer, the bureau shall notify the transferor and send notice of the denial to the NICS system, pursuant to 18 U.S.C. sec. 922(t). In addition, the bureau shall immediately send notification of such denial and the basis for the denial to the federal, state, and local law enforcement agencies having jurisdiction over the area in which the transferee resides and in which the transferor conducts any business.</p> <p>(b) Upon denial of a firearm transfer, the transferor shall provide the transferee with written information prepared by the bureau concerning the procedure by which the transferee, within thirty days after the denial, may request a review of the denial and of the instant criminal background check records that prompted the denial. Within thirty days of receiving such a request, the bureau shall:</p> <p>(I) Perform a thorough review of the instant</p>

<p>examine the record and the evidence. If upon such examination the judge or magistrate finds by a preponderance of the evidence that the respondent has committed acts constituting grounds for issuance of a civil protection order and that unless restrained will continue to commit such acts or acts designed to intimidate or retaliate against the protected person, the judge or magistrate shall order the temporary civil protection order to be made permanent or enter a permanent civil protection order with provisions different from the temporary civil protection order. A finding of imminent danger to the protected person is not a necessary prerequisite to the issuance of a permanent civil protection order. The judge or magistrate shall inform the respondent that a violation of the civil protection order constitutes a criminal offense pursuant to section 18-6-803.5, C.R.S., or constitutes contempt of court and subjects the respondent to such punishment as may be provided by law. If the respondent fails to appear before the court for the show cause hearing at the time and on the date identified in the citation issued by the court and the court finds that the respondent was properly served with the temporary protection order and such citation, it is not necessary to re-serve the respondent to make the protection order permanent. However, if the court modifies the protection order on the motion of the protected party, the modified protection order must be served upon the respondent.</p>	<p>witness, the court may, in cases involving domestic violence as defined in section 18-6-800.3 (1) and cases involving crimes listed in section 24-4.1-302, except those listed in subsections (1)(cc.5) and (1)(cc.6) of that section, enter any of the following further orders against the defendant:</p> <ul style="list-style-type: none"> (c) An order prohibiting possession or control of firearms or other weapons; (9) (a) When the court subjects a defendant to a mandatory protection order that qualifies as an order described in 18 U.S.C. sec. 922 (g)(8), the court, as part of such order: <ul style="list-style-type: none"> (I) Shall order the defendant to: <ul style="list-style-type: none"> (A) Refrain from possessing or purchasing any firearm or ammunition for the duration of the order; and (B) Relinquish, for the duration of the order, any firearm or ammunition in the defendant's immediate possession or control or subject to the defendant's immediate possession or control; and (II) May require that before the defendant is released from custody on bond, the defendant shall relinquish, for the duration of the order, any firearm or ammunition in the defendant's immediate possession or control or subject to the defendant's immediate possession or control. (b) Upon issuance of an order pursuant to paragraph (a) of this subsection (9), the defendant shall relinquish any firearm or ammunition not more than twenty-four hours after being served with the order; except that a court may allow a defendant up to seventy-two hours to relinquish a firearm or up to five days to relinquish ammunition pursuant to this paragraph (b) if the defendant demonstrates to the satisfaction of the court that he or she is unable to comply within twenty-four hours. To satisfy this requirement, the defendant may: <ul style="list-style-type: none"> (I) Sell or transfer possession of the firearm or ammunition to a federally licensed firearms dealer described in 18 U.S.C. sec. 923, as amended; except that this provision shall not be interpreted to require any federally licensed firearms dealer to purchase or accept possession of any firearm or ammunition; (II) Arrange for the storage of the firearm or ammunition by a law enforcement agency; except that this provision shall not be interpreted to require any law enforcement agency to provide storage of firearms or ammunition for any person; or (III) Sell or otherwise transfer the firearm or ammunition to a private party who may legally possess the firearm or ammunition; except that a defendant who sells or transfers a 	<p>criminal background check records that prompted the denial; and</p> <ul style="list-style-type: none"> (II) Render a final administrative decision regarding the denial within thirty days after receiving information from the transferee that alleges the transfer was improperly denied. (c) In the case of any transfer denied pursuant to paragraph (b) of subsection (3) of this section, the inability of the bureau to obtain the final disposition of a case that is no longer pending shall not constitute the basis for the continued denial of the transfer. (d) If the bureau reverses a denial, the bureau shall immediately request that the agency that provided the records prompting the denial make a permanent change to such records if necessary to reflect accurate information. In addition, the bureau shall provide immediate notification of such reversal to all agencies and entities that had been previously notified of a denial pursuant to paragraph (a) of this subsection (5). <p><i>C.R.S. 18-12-112 Private firearms transfers - background check required - penalty - definitions</i></p> <p>(3) (a) A prospective firearm transferee under this section shall not accept possession of the firearm unless the prospective firearm transferor has obtained approval of the transfer from the bureau after a background check has been requested by a licensed gun dealer, as described in paragraph (b) of subsection (1) of this section.</p> <p><i>C.R.S. 18-12-205 Sheriff - application - procedure - background check</i></p> <p>(4) (a) The sheriff shall witness an applicant's signature on the permit application as provided in subsection (2) of this section and verify that the person making application for a permit is the</p>
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	<p>firearm pursuant to this subparagraph (III) shall satisfy all of the provisions of section 18-12-112, concerning private firearms transfers, including but not limited to the performance of a criminal background check of the transferee.</p> <p style="text-align: center;"><i>C.R.S. 18-12-108</i> <i>Possession of weapons by previous offenders</i></p> <p>(6) (a) Upon the discharge of any inmate from the custody of the department of corrections, the department shall provide a written advisement to such inmate of the prohibited acts and penalties specified in this section. The written advisement, at a minimum, shall include the written statement specified in paragraph (c) of this subsection (6).</p> <p>(b) Any written stipulation for deferred judgment and sentence entered into by a defendant pursuant to section 18-1.3-102 shall contain a written advisement of the prohibited acts and penalties specified in this section. The written advisement, at a minimum, shall include the written statement specified in paragraph (c) of this subsection (6).</p> <p>(c) The written statement shall provide that:</p> <p>(I) (A) A person commits the crime of possession of a weapon by a previous offender in violation of this section if the person knowingly possesses, uses, or carries upon his or her person a firearm as described in section 18-1-901 (3)(h), or any other weapon that is subject to the provisions of this title subsequent to the person's conviction for a felony, or subsequent to the person's conviction for attempt or conspiracy to commit a felony, or subsequent to the person's conviction for a misdemeanor crime of domestic violence as defined in 18 U.S.C. sec. 921 (a)(33)(A), or subsequent to the person's conviction for attempt or conspiracy to commit such misdemeanor crime of domestic violence; and</p> <p>(B) For the purposes of this paragraph (c), "felony" means any felony under Colorado law, federal law, or the laws of any other state; and</p> <p>(II) A violation of this section may result in a sentence of imprisonment or fine, or both.</p> <p style="text-align: center;"><i>C.R.S. 18-1.3-204</i> <i>Conditions of probation - interstate compact probation transfer cash fund – creation</i></p>	<p>same person who appears in any photograph submitted and the same person who signed the permit application form. To verify the applicant's identity, the applicant shall present to the sheriff the applicant's valid Colorado driver's license or valid Colorado or military photo identification.</p> <p>(b) After verifying the applicant's identity, the sheriff shall take two complete sets of the applicant's fingerprints. The sheriff shall submit both sets of fingerprints to the bureau, and the sheriff shall not retain a set of the applicant's fingerprints.</p> <p>(c) After receipt of a permit application and the items specified in this section, the sheriff shall verify that the applicant meets the criteria specified in section 18-12-203 (1) and is not a danger as described in section 18-12-203 (2). The verification at a minimum shall include requesting the bureau to conduct a search of the national instant criminal background check system and a search of the state integrated criminal justice information system to determine whether the applicant meets the criteria specified in section 18-12-203 (1). In addition, if the applicant resides in a municipality or town, the sheriff shall consult with the police department of the municipality or town in which the applicant resides, and the sheriff may consult with other local law enforcement agencies.</p>
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	<p>(2) (a) When granting probation, the court may, as a condition of probation, require that the defendant:</p> <p>(III) Attend or reside in a facility established for the instruction, recreation, or residence of persons on probation;</p> <p>(III.5) Participate in restorative justice practices, as defined in section 18-1-901 (3)(o.5), if available in the jurisdiction, and the defendant is determined suitable by a designated restorative justice practices facilitator. If a defendant wants to participate in restorative justice practices, the defendant must make the request to the district attorney or the law enforcement agency administering the program and may not make the request to the victim. If requested by the defendant, district attorney, or law enforcement agency, a victim-offender conference may only be conducted after the victim is consulted by the district attorney and offered the opportunity to participate or submit a victim impact statement. If a victim elects not to attend, a victim offender conference may be held with a suitable victim surrogate or victim advocate, and the victim may submit a victim-impact statement. To be eligible for restorative justice practices, the defendant shall not have been convicted of unlawful sexual behavior as defined in section 16-22-102 (9), C.R.S., a crime in which the underlying factual basis involves domestic violence, as defined in section 18-6-800.3 (1), stalking as defined in section 18-3-602, or violation of a protection order as defined in section 18-6-803.5. Any statements made during a restorative justice conference shall be confidential and shall not be used as a basis for charging or prosecuting the defendant unless the defendant commits a chargeable offense during the conference. Failure to complete the requirements arising from a restorative justice conference may be considered a violation of probation. Nothing in this subparagraph (III.5) shall be construed to require a victim to participate in restorative justice practices or a restorative justice victim-offender conference.</p> <p>(VII) Refrain from possessing a firearm, destructive device, or other dangerous weapon unless granted written permission by the court or probation officer;</p> <p style="text-align: center;"><i>C.R.S. 17-2-201 State board of parole - duties - definitions</i></p> <p>(f) (I) As a condition of every parole, the parolee shall sign a written agreement that contains such parole conditions as</p>	
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		<p>deemed appropriate by the board, which conditions shall include but need not be limited to the following:</p> <p>(E) That the parolee shall not own, possess, or have under his control or in his custody any firearm or other deadly weapon;</p> <p style="text-align: center;"><i>C.R.S. 18-12-110 Forfeiture of firearms</i></p> <p>Upon the motion of the prosecuting attorney after the conviction of a defendant, the court may order the forfeiture of any firearms which were used by the defendant during the course of the criminal episode which gave rise to said conviction as an element of sentencing or as a condition of probation or of a deferred sentence. Firearms forfeited under this section shall be disposed of pursuant to section 16-13-311, C.R.S.</p>	
CONNECTICUT	<p>Protective Order/Ex Parte Order</p> <p>Catch-all Provision</p> <p><i>Conn. Gen. Stat. § 46b-15</i> <i>Relief from physical abuse, stalking or pattern of threatening by family or household member. Application. Court orders. Duration. Service of application, affidavit, any ex parte order and notice of hearing. Copies. Expedited hearing for violation of order. Other remedies.</i></p> <p>(a) Any family or household member, as defined in section 46b-38a, who has been subjected to a continuous threat of present physical pain or physical injury, stalking or a pattern of threatening, including, but not limited to, a pattern of threatening, as described in section 53a-62, by another family or household member may make an application to the Superior Court for relief under this section. The court shall provide any person who applies for relief under this section with the information set forth in section 46b-15b.</p> <p>(b) The application form shall allow the applicant, at the applicant's option, to indicate whether the respondent holds a</p>	<p><i>Conn. Gen. Stat. § 46b-38b</i> <i>Investigation of family violence crime by peace officer. Arrest. Assistance to victim. Guidelines. Compliance with model law enforcement policy on family violence. Education and training program. Assistance and protocols for victims whose immigration status is questionable. Exceptions.</i></p> <p>(a) Except as provided in subsections (b) and (c) of this section, whenever a peace officer determines upon speedy information that a family violence crime has been committed within such officer's jurisdiction, such officer shall arrest the person suspected of its commission and charge such person with the appropriate crime. The decision to arrest and charge shall not (1) be dependent on the specific consent of the victim, (2) consider the relationship between persons suspected of committing a family violence crime, or (3) be based solely on a request by the victim. Whenever a peace officer determines that a family violence crime has been committed, such officer may seize any firearm or electronic defense weapon, as defined in section 53a-3, or ammunition at the location where the crime is alleged to have been committed that is in the possession of any person arrested for the commission of such crime or suspected of its commission or that is in plain view. Not later than seven days after any such seizure, the law enforcement agency shall return such firearm, electronic defense weapon or ammunition in its original condition to the rightful owner thereof unless such person is ineligible to possess such firearm, electronic</p>	<p><i>Conn. Gen. Stat. § 29-32</i> <i>Revocation of permit. Notification. Confiscation. Penalty for failure to surrender permit. Reinstatement of permit.</i></p> <p>(a) For the purposes of this section, "conviction" means the entry of a judgment of conviction by any court of competent jurisdiction.</p> <p>(b) Any state permit or temporary state permit for the carrying of any pistol or revolver may be revoked by the Commissioner of Emergency Services and Public Protection for cause and shall be revoked by said commissioner upon conviction of the holder of such permit of a felony or of any misdemeanor specified in subsection (b) of section 29-28 or upon the occurrence of any event which would have disqualified the holder from being issued the state permit or temporary state permit pursuant to subsection (b) of section 29-28. Upon the revocation of any state permit or temporary state permit, the person whose state permit or temporary state permit is revoked shall be notified in writing and such state permit or temporary state permit shall be forthwith delivered to the commissioner. Any law enforcement authority shall confiscate and immediately forward to the commissioner any state permit or temporary state permit that is</p>

<p>permit to carry a pistol or revolver, an eligibility certificate for a pistol or revolver, a long gun eligibility certificate or an ammunition certificate or possesses one or more firearms or ammunition. The application shall be accompanied by an affidavit made under oath which includes a brief statement of the conditions from which relief is sought. Upon receipt of the application the court shall order that a hearing on the application be held not later than fourteen days from the date of the order except that, if the application indicates that the respondent holds a permit to carry a pistol or revolver, an eligibility certificate for a pistol or revolver, a long gun eligibility certificate or an ammunition certificate or possesses one or more firearms or ammunition, and the court orders an ex parte order, the court shall order that a hearing be held on the application not later than seven days from the date on which the ex parte order is issued. The court, in its discretion, may make such orders as it deems appropriate for the protection of the applicant and such dependent children or other persons as the court sees fit....</p>	<p>defense weapon or ammunition or unless otherwise ordered by the court.</p> <p><i>Conn. Gen. Stat. § 29-38c</i></p> <p><i>Seizure of firearms and ammunition from person posing risk of imminent personal injury to self or others.</i></p> <p>(a) Upon complaint on oath by any state's attorney or assistant state's attorney or by any two police officers, to any judge of the Superior Court, that such state's attorney or police officers have probable cause to believe that (1) a person poses a risk of imminent personal injury to himself or herself or to other individuals, (2) such person possesses one or more firearms, and (3) such firearm or firearms are within or upon any place, thing or person, such judge may issue a warrant commanding a proper officer to enter into or upon such place or thing, search the same or the person and take into such officer's custody any and all firearms and ammunition. Such state's attorney or police officers shall not make such complaint unless such state's attorney or police officers have conducted an independent investigation and have determined that such probable cause exists and that there is no reasonable alternative available to prevent such person from causing imminent personal injury to himself or herself or to others with such firearm.</p>	<p><i>Conn. Gen. Stat. § 53a-217c</i></p> <p><i>Criminal possession of a pistol or revolver: Class C felony.</i></p> <p>(a) A person is guilty of criminal possession of a pistol or revolver when such person possesses a pistol or revolver, as defined in section 29-27, and (1) has been convicted of a felony committed prior to, on or after October 1, 2013, or of a violation of section 21a-279, 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d committed on or after October 1, 1994, (2) has been convicted as delinquent for the commission of a serious juvenile offense, as defined in section 46b-120, (3) has been discharged from custody within the preceding twenty years after having been found not guilty of a crime by reason of mental disease or defect pursuant to section 53a-13, (4) (A) has been confined prior to October 1, 2013, in a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding twelve months by order of a probate court, or has been confined on or after October 1, 2013, in a hospital for persons with psychiatric disabilities, illegally possessed by any person. The commissioner may revoke the state permit or temporary state permit based upon the commissioner's own investigation or upon the request of any law enforcement agency. Any person who fails to surrender any permit within five days of notification in writing of revocation thereof shall be guilty of a class A misdemeanor.</p> <p>(c) Any local permit for the carrying of a pistol or revolver issued prior to October 1, 2001, may be revoked by the authority issuing the same for cause, and shall be revoked by the authority issuing the same upon conviction of the holder of such permit of a felony or of any misdemeanor specified in subsection (b) of section 29-28 or upon the occurrence of any event which would have disqualified the holder from being issued such local permit. Upon the revocation of any local permit, the person whose local permit is revoked shall be notified in writing and such permit shall be forthwith delivered to the authority issuing the same. Upon the revocation of any local permit, the authority issuing the same shall forthwith notify the commissioner. Upon the revocation of any permit issued by the commissioner, the commissioner shall forthwith notify any local authority which the records of the commissioner show as having issued a currently valid local permit to the holder of the permit revoked by the commissioner. Any person who fails to surrender such permit within five days of notification in writing or revocation thereof shall be guilty of a class A misdemeanor.</p> <p>(d) If a state permit or temporary state permit for the carrying of any pistol or revolver is revoked because the person holding such permit is subject to an ex parte order issued pursuant to section 46b-15 or 46b-16a, upon expiration of such order, such person may notify the Department of Emergency Services and Public Protection that such order has expired. Upon verification of such expiration and provided such person is not otherwise disqualified from holding such permit pursuant to subsection (b) of section 29-28, the department shall reinstate such permit.</p>
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	<p>as defined in section 17a-495, within the preceding sixty months by order of a probate court, or, with respect to any person who holds a valid permit or certificate that was issued or renewed under the provisions of section 29-28 or 29-36f in effect prior to October 1, 2013, such person has been confined in such hospital within the preceding twelve months, or (B) has been voluntarily admitted on or after October 1, 2013, to a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding six months for care and treatment of a psychiatric disability and not solely for being an alcohol-dependent person or a drug-dependent person as those terms are defined in section 17a-680, (5) knows that such person is subject to (A) a restraining or protective order of a court of this state that has been issued against such person, after notice has been provided to such person, in a case involving the use, attempted use or threatened use of physical force against another person, or (B) a foreign order of protection, as defined in section 46b-15a, that has been issued against such person in a case involving the use, attempted use or threatened use of physical force against another person, (6) knows that such person is subject to a firearms seizure order issued pursuant to subsection (d) of section 29-38c after notice and an opportunity to be heard has been provided to such person, (7) is prohibited from shipping, transporting, possessing or receiving a firearm pursuant to 18 USC 922(g)(4), or (8) is an alien illegally or unlawfully in the United States. For the purposes of this section, “convicted” means having a judgment of conviction entered by a court of competent jurisdiction.</p> <p><i>Conn. Gen. Stat. § 54-63c Duties of law enforcement officer or probation officer serving warrant re arrested person. Interview and release of arrested person.</i></p> <p>(a) Except in cases of arrest pursuant to a bench warrant of arrest in which the court or a judge thereof has indicated that bail should be denied or ordered that the officer or indifferent person making such arrest shall, without undue delay, bring such person before the clerk or assistant clerk of the superior court for the geographical area under section 54-2a, when any person is arrested for a bailable offense, the chief of police, or the chief's authorized designee, of the police department having custody of the arrested person or any</p>	<p><u>Conn. Gen. Stat. § 29-36k</u> <i>Transfer, delivery, or surrender of firearms or ammunition by persons ineligible to possess firearms or ammunition</i></p> <p>(a) Except as provided in subsection (b) of this section, not later than two business days after the occurrence of any event that makes a person ineligible to possess a pistol or revolver or other firearm or ammunition, such person shall (1) transfer in accordance with section 29-33 all pistols and revolvers which such person then possesses to any person eligible to possess a pistol or revolver and transfer in accordance with any applicable state and federal laws all other firearms to any person eligible to possess such other firearms by obtaining an authorization number for the sale or transfer of the firearm from the Commissioner of Emergency Services and Public Protection, and submit a sale or transfer of firearms form to said commissioner within two business days, or (2) deliver or surrender such pistols and revolvers and other firearms and ammunition to the Commissioner of Emergency Services and Public Protection, provided a local police department may accept such pistols, revolvers, other firearms and ammunition on behalf of said commissioner, or (3) transfer such ammunition to any person eligible to possess such ammunition. The commissioner and a local police department shall exercise due care in the receipt and holding of such pistols and revolvers and other firearms or ammunition.</p> <p>(b) Immediately, but in no event more than twenty-four hours after notice has been provided to a person subject to a restraining or protective order or a foreign order of protection, such person shall (1) transfer any pistol, revolver or other firearm or ammunition which such person then possesses to a federally licensed firearms dealer pursuant to the sale of the pistol, revolver or other firearm or ammunition to the federally licensed firearms dealer, or (2) deliver or surrender such pistols and revolvers and other firearms and</p>
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probation officer serving a violation of probation warrant shall promptly advise such person of the person's rights under [section 54-1b](#), and of the person's right to be interviewed concerning the terms and conditions of release. Unless the arrested person waives or refuses such interview, the police officer or probation officer shall promptly interview the arrested person to obtain information relevant to the terms and conditions of the person's release from custody, and shall seek independent verification of such information where necessary. At the request of the arrested person, the person's counsel may be present during the interview. No statement made by the arrested person in response to any question during the interview related to the terms and conditions of release shall be admissible as evidence against the arrested person in any proceeding arising from the incident for which the conditions of release were set. After such a waiver, refusal or interview, the police officer or probation officer shall promptly order release of the arrested person upon the execution of a written promise to appear or the posting of such bond as may be set by the police officer or probation officer, except that no condition of release set by the court or a judge thereof may be modified by such officers and no person shall be released upon the execution of a written promise to appear or the posting of a bond without surety if the person is charged with the commission of a family violence crime, as defined in [section 46b-38a](#), and in the commission of such crime the person used or threatened the use of a firearm.

*[Conn. Gen. Stat. § 53a-40e](#)
Standing criminal protective orders.*

(a) If any person is convicted of (1) a violation of subdivision (1) or (2) of subsection (a) of [section 53-21](#), [section 53a-59](#), [53a-59a](#), [53a-60](#), [53a-60a](#), [53a-60b](#), [53a-60c](#), [53a-70](#), [53a-70a](#), [53a-70b](#), [53a-70c](#), [53a-71](#), [53a-72a](#), [53a-72b](#), [53a-73a](#), [53a-181c](#), [53a-181d](#), [53a-181e](#), [53a-182b](#) or [53a-183](#), subdivision (2) of subsection (a) of [section 53a-192a](#), [section 53a-223](#), [53a-223a](#) or [53a-223b](#) or attempt or conspiracy to violate any of said sections or [section 53a-54a](#), or (2) any crime that the court determines constitutes a family violence crime, as defined in [section 46b-38a](#), or attempt or conspiracy to commit any such crime, the court may, in addition to imposing the sentence authorized for the crime under [section 53a-35a](#) or [53a-36](#), if the court is of the

ammunition to the Commissioner of Emergency Services and Public Protection, provided a local police department may accept such pistols, revolvers, other firearms and ammunition on behalf of said commissioner. For the purposes of this section, a "person subject to a restraining or protective order or a foreign order of protection" means a person who knows that such person is subject to (A) a restraining or protective order of a court of this state that has been issued against such person, after notice has been provided to such person, in a case involving the use, attempted use or threatened use of physical force against another person, or (B) a foreign order of protection, as defined in [section 46b-15a](#), that has been issued against such person in a case involving the use, attempted use or threatened use of physical force against another person.

[Conn. Gen. Stat. § 29-36n](#)

Protocol for the transfer, delivery or surrender of pistols, revolvers, other firearms and ammunition.

(a) The Commissioner of Emergency Services and Public Protection, in conjunction with the Chief State's Attorney and the Connecticut Police Chiefs Association, shall develop a protocol to ensure that persons who become ineligible to possess a pistol or revolver or other firearm or ammunition have, in accordance with [section 29-36k](#), transferred such pistol or revolver or other firearm or ammunition to a person eligible to possess such pistol or revolver or other firearm or ammunition or have delivered or surrendered such pistol or revolver or other firearm or ammunition to said commissioner. Such protocol shall include provisions to ensure that a person who becomes ineligible to possess a pistol or revolver or other firearm because such person is subject to a restraining or protective order or a foreign order of protection, as defined in [section 29-36k](#), transfers such pistol or revolver or other firearm, or delivers or surrenders such pistol or revolver or other firearm, pursuant to arrangements made with an organized local police

	<p>opinion that the history and character and the nature and circumstances of the criminal conduct of such offender indicate that a standing criminal protective order will best serve the interest of the victim and the public, issue a standing criminal protective order which shall remain in effect for a duration specified by the court until modified or revoked by the court for good cause shown. If any person is convicted of any crime not specified in subdivision (1) or (2) of this subsection, the court may, for good cause shown, issue a standing criminal protective order pursuant to this subsection.</p> <p>(b) Such standing criminal protective order may include, but need not be limited to, provisions enjoining the offender from (1) imposing any restraint upon the person or liberty of the victim; (2) threatening, harassing, assaulting, molesting, sexually assaulting or attacking the victim; or (3) entering the family dwelling or the dwelling of the victim. If the victim is enrolled in a public or private elementary or secondary school, including a technical high school, or an institution of higher education, as defined in section 10a-55, the clerk of the court shall, upon the request of the victim, send, by facsimile or other means, a copy of such standing criminal protective order, or the information contained in any such order, to such school or institution of higher education, the president of any institution of higher education at which the victim is enrolled and the special police force established pursuant to section 10a-142, if any, at the institution of higher education at which the victim is enrolled, if the victim provides the clerk with the name and address of such school or institution of higher education.</p> <p style="text-align: center;"><i>Conn. Gen. Stat. § 54-63d</i> <i>Release by bail commissioner or intake, assessment and referral specialist. Information, files and reports held by Court Support Services Division.</i></p> <p>(b) No person shall be released upon the execution of a written promise to appear or the execution of a bond without surety if the person is charged with the commission of a family violence crime, as defined in section 46b-38a, and in the commission of such crime the person used or threatened the use of a firearm.</p> <p style="text-align: center;"><i>Conn. Gen. Stat. § 53a-217c</i> <i>Criminal possession of a pistol or revolver: Class C felony</i></p>	<p>department or the Division of State Police in advance of such transfer, delivery or surrender.</p>
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(a) A person is guilty of criminal possession of a pistol or revolver when such person possesses a pistol or revolver, as defined in [section 29-27](#), and (1) has been convicted of a felony committed prior to, on or after October 1, 2013, or of a violation of [section 21a-279](#), [53a-58](#), [53a-61](#), [53a-61a](#), [53a-62](#), [53a-63](#), [53a-96](#), [53a-175](#), [53a-176](#), [53a-178](#) or [53a-181d](#) committed on or after October 1, 1994, (2) has been convicted as delinquent for the commission of a serious juvenile offense, as defined in [section 46b-120](#), (3) has been discharged from custody within the preceding twenty years after having been found not guilty of a crime by reason of mental disease or defect pursuant to [section 53a-13](#), (4) (A) has been confined prior to October 1, 2013, in a hospital for persons with psychiatric disabilities, as defined in [section 17a-495](#), within the preceding twelve months by order of a probate court, or has been confined on or after October 1, 2013, in a hospital for persons with psychiatric disabilities, as defined in [section 17a-495](#), within the preceding sixty months by order of a probate court, or, with respect to any person who holds a valid permit or certificate that was issued or renewed under the provisions of [section 29-28](#) or [29-36f](#) in effect prior to October 1, 2013, such person has been confined in such hospital within the preceding twelve months, or (B) has been voluntarily admitted on or after October 1, 2013, to a hospital for persons with psychiatric disabilities, as defined in [section 17a-495](#), within the preceding six months for care and treatment of a psychiatric disability and not solely for being an alcohol-dependent person or a drug-dependent person as those terms are defined in [section 17a-680](#), (5) knows that such person is subject to (A) a restraining or protective order of a court of this state that has been issued against such person, after notice has been provided to such person, in a case involving the use, attempted use or threatened use of physical force against another person, or (B) a foreign order of protection, as defined in [section 46b-15a](#), that has been issued against such person in a case involving the use, attempted use or threatened use of physical force against another person, (6) knows that such person is subject to a firearms seizure order issued pursuant to subsection (d) of [section 29-38c](#) after notice and an opportunity to be heard has been provided to such person, (7) is prohibited from shipping, transporting, possessing or receiving a firearm pursuant to [18 USC 922\(g\)\(4\)](#), or (8) is an alien illegally or unlawfully in the

United States. For the purposes of this section, “convicted” means having a judgment of conviction entered by a court of competent jurisdiction.

Conn. Gen. Stat. § 53a-217

Criminal possession of a firearm, ammunition or an electronic defense weapon: Class C felony.

(a) A person is guilty of criminal possession of a firearm, ammunition or an electronic defense weapon when such person possesses a firearm, ammunition or an electronic defense weapon and (1) has been convicted of a felony committed prior to, on or after October 1, 2013, or of a violation of [section 21a-279](#), [53a-58](#), [53a-61](#), [53a-61a](#), [53a-62](#), [53a-63](#), [53a-96](#), [53a-175](#), [53a-176](#), [53a-178](#) or [53a-181d](#) committed on or after October 1, 2013, (2) has been convicted as delinquent for the commission of a serious juvenile offense, as defined in [section 46b-120](#), (3) has been discharged from custody within the preceding twenty years after having been found not guilty of a crime by reason of mental disease or defect pursuant to [section 53a-13](#), (4) knows that such person is subject to (A) a restraining or protective order of a court of this state that has been issued against such person, after notice has been provided to such person, in a case involving the use, attempted use or threatened use of physical force against another person, or (B) a foreign order of protection, as defined in [section 46b-15a](#), that has been issued against such person in a case involving the use, attempted use or threatened use of physical force against another person, (5) (A) has been confined on or after October 1, 2013, in a hospital for persons with psychiatric disabilities, as defined in [section 17a-495](#), within the preceding sixty months by order of a probate court, or with respect to any person who holds a valid permit or certificate that was issued or renewed under the provisions of [section 29-28](#) or [29-36f](#) in effect prior to October 1, 2013, such person has been confined in such hospital within the preceding twelve months, or (B) has been voluntarily admitted on or after October 1, 2013, to a hospital for persons with psychiatric disabilities, as defined in [section 17a-495](#), within the preceding six months for care and treatment of a psychiatric disability and not solely for being an alcohol-dependent person or a drug-dependent person as those terms are defined in [section 17a-680](#), (6) knows that such person is subject to a firearms seizure order

		<p>issued pursuant to subsection (d) of section 29-38c after notice and an opportunity to be heard has been provided to such person, or (7) is prohibited from shipping, transporting, possessing or receiving a firearm pursuant to 18 USC 922(g)(4). For the purposes of this section, “convicted” means having a judgment of conviction entered by a court of competent jurisdiction, “ammunition” means a loaded cartridge, consisting of a primed case, propellant or projectile, designed for use in any firearm, and a motor vehicle violation for which a sentence to a term of imprisonment of more than one year may be imposed shall be deemed an unclassified felony.</p> <p>(b) Criminal possession of a firearm, ammunition or an electronic defense weapon is a class C felony, for which two years of the sentence imposed may not be suspended or reduced by the court, and five thousand dollars of the fine imposed may not be remitted or reduced by the court unless the court states on the record its reasons for remitting or reducing such fine.</p>	
DELAWARE	<p><u>Protective Orders – Catch –all Provision</u></p> <p><u>10 Del. C. § 1044</u> <i>Nonemergency hearings.</i></p> <p>(a) Upon receipt of a petition for a protective order, the Court shall order a hearing within 30 days.</p> <p>(b) If the Court finds by a preponderance of the evidence that the alleged domestic violence has occurred, or if the respondent consents to entry of a protective order, the Court shall grant any appropriate relief, including, but not limited to, the relief set forth in § 1045 of this title.</p> <p>Protective Order - Discretionary</p> <p><u>10 Del. C. § 1045</u> <i>Relief available; duration of orders, modification and termination.</i></p> <p>(a) After consideration of a petition for a protective order, the Court may grant relief as follows:</p> <p>(8) Order the respondent to temporarily relinquish to a police officer or a federally-</p>	<p><u>10 Del. C. § 1045</u> <i>Relief available; duration of orders, modification and termination.</i></p> <p>(a) After consideration of a petition for a protective order, the Court may grant relief as follows:</p> <p>(11) Issue an order directing any law-enforcement agency to forthwith search for and seize firearms of the respondent upon a showing by the petitioner that the respondent has possession of a firearm, and</p> <p>a. Petitioner can describe, with sufficient particularity, both the type and location of the firearm or firearms; and</p> <p>b. Respondent has used or threatened to use a firearm against the petitioner, or the petitioner expresses a fear that the respondent may use a firearm against them;</p> <p><u>11 Del. C. § 1448</u> <i>Possession and purchase of deadly weapons by persons prohibited; penalties.</i></p> <p>(a) Except as otherwise provided in this section, the following persons are prohibited from purchasing, owning, possessing, or controlling a deadly weapon or ammunition for a firearm within the State:</p> <p>(6) Any person who is subject to a Family Court protection from abuse order (other than an ex parte order), but only for</p>	<p><u>11 Del. C. § 1448A</u> <i>Criminal history record checks for sales of firearms.</i></p> <p>(a) No licensed importer, licensed manufacturer or licensed dealer shall sell, transfer or deliver from inventory any firearm, as defined in § 222 of this title, to any other person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, without conducting a criminal history background check in accordance with regulations promulgated by the United States Department of Justice pursuant to the National Instant Criminal Background Check System (“NICS”), <u>28 C.F.R. §§ 25.1-25.11</u>, as the same may be amended from time to time, to determine whether the transfer of a firearm to any person who is not licensed under 18 U.S.C. § 923 would be in violation of federal or state law.</p> <p>(f) Any licensed dealer, licensed manufacturer, licensed importer or employee thereof who wilfully and intentionally requests a criminal history record check from the Federal Bureau of Investigation, NICS for any purpose other than compliance with subsection (a) of this section or § 1448B(a) of this title, or wilfully and</p>

<p>licensed firearms dealer located in Delaware the respondent's firearms and to refrain from purchasing or receiving additional firearms for the duration of the order. The Court shall inform the respondent that he or she is prohibited from receiving, transporting, or possessing firearms for so long as the protective order is in effect;</p>	<p>so long as that order remains in effect or is not vacated or otherwise terminated, except that this paragraph shall not apply to a contested order issued solely upon § 1041(1)d., e., or h. of Title 10, or any combination thereof;</p> <p>(7) Any person who has been convicted in any court of any misdemeanor crime of domestic violence. For purposes of this paragraph, the term “misdemeanor crime of domestic violence” means any misdemeanor offense that:</p> <ul style="list-style-type: none"> a. Was committed by a member of the victim’s family, as “family” is defined in § 901 of Title 10 (regardless, however, of the state of residence of the parties); by a former spouse of the victim; by a person who cohabited with the victim at the time of or within 3 years prior to the offense; by a person with a child in common with the victim; or by a person with whom the victim had a substantive dating relationship, as defined in § 1041 of Title 10, at the time of or within 3 years prior to the offense; and b. Is an offense as defined under § 601, § 602, § 603, § 611, § 614, § 621, § 625, § 628A, § 763, § 765, § 766, § 767, § 781, § 785 or § 791 of this title, or any similar offense when committed or prosecuted in another jurisdiction; or <p><i>11 Del. C. § 1271A</i> <i>Criminal contempt of a domestic violence protective order or lethal violence protective order; class A misdemeanor; class F felony.</i></p> <p>(c) A person is guilty of felony criminal contempt of a domestic violence protective order or a lethal violence protective order if:</p> <ol style="list-style-type: none"> (1) Such contempt resulted in physical injury; (2) Such contempt involved the use or threatened use of a deadly weapon or firearm. 	<p>intentionally disseminates any criminal history record information to any person other than the subject of such information or discloses to any person the unique identification number shall be guilty of a class A misdemeanor. The Superior Court shall have exclusive jurisdiction for all offenses under this subsection.</p> <p>(g) Any person who, in connection with the purchase, transfer, or attempted purchase or transfer of a firearm pursuant to subsection (a) of this section or § 1448B(a) of this title, willfully and intentionally makes any materially false oral or written statement or willfully and intentionally furnishes or exhibits any false identification intended or likely to deceive the licensee shall be guilty of a class G felony. 11 Del. C. § 1448A(f).</p> <p>.</p> <p><i>11 Del. C. § 1441</i> <i>Concealed Carry License</i></p> <p>(i) Notwithstanding anything contained in this section to the contrary, an adult person who, as a successful petitioner seeking relief pursuant to Part D, subchapter III of Chapter 9 of Title 10, has caused a protection from abuse order containing a firearms prohibition authorized by § 1045(a)(8) of Title 10 or a firearms prohibition pursuant to § 1448(a)(6) of this title to be entered against a person for alleged acts of domestic violence as defined in § 1041 of Title 10, shall be deemed to have shown the necessity for a license to carry a deadly weapon concealed for protection of themselves pursuant to this section. In such cases, all other requirements of subsection (a) of this section must still be satisfied.</p> <p>(m) Notwithstanding any other law or regulation to the contrary, any license issued pursuant to this section shall be void, and is automatically repealed by operation of law, if the licensee is or becomes prohibited from owning, possessing or controlling a deadly weapon as specified in § 1448 of this title.</p>
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DISTRICT OF COLUMBIA	<p><u>Protection Order-Discretionary</u></p> <p><u>D.C. Code § 16-1005</u> <i>Hearing; evidence; protection order.</i></p> <p>(a) Individuals served with notice in accordance with § 16-1004 shall appear at the hearing.</p> <p>(c) If, after hearing, the judicial officer finds that there is good cause to believe the respondent has committed or threatened to commit a criminal offense against the petitioner or against petitioner's animal or an animal in petitioner's household, the judicial officer may issue a protection order that:</p> <p>(10) Directs the respondent to relinquish possession of any firearms;</p> <p><u>Ex Parte Temporary Protection Order-Discretionary</u></p> <p><u>D.C. Code § 7-1907</u> <i>Ex parte temporary protection order.</i></p> <p>(a) If a petition filed in accordance with § 7-1906(a) is supported by affidavit and alleges the existence of an immediate, substantial risk of life-threatening harm to an adult who the Department has determined is in need of protective services, the court may, upon a finding of probable cause and in accordance with § 7-1906(e), grant any relief listed in § 7-1906(d) immediately and without a hearing by issuing an ex parte temporary protection order. The Attorney General shall ensure that, within 48 hours after the issuance of such an order, notice of the hearing date and copies of the petition, supporting affidavit(s), and order are served on the same parties and in the same manner described in § 7-1906(b).</p>	<p><u>D.C. Code § 16-1005</u> <i>Hearing; evidence; protection order.</i></p> <p>(g) Any person who violates any protection order issued under this subchapter, or any person who violates in the District of Columbia any valid foreign protection order, as that term is defined in subchapter IV of this chapter, shall be chargeable with a misdemeanor and upon conviction shall be punished by a fine of not more than the amount set forth in [§ 22-3571.01] or by imprisonment for not more than 180 days, or both.</p> <p><u>D.C. Code § 22-4503</u> <i>Unlawful possession of firearm</i></p> <p>(a) No person shall own or keep a firearm, or have a firearm in his or her possession or under his or her control, within the District of Columbia, if the person:</p> <p>(5) Is subject to a court order that:</p> <p>(A) (i) Was issued after a hearing of which the person received actual notice, and at which the person had an opportunity to participate; or</p> <p>(ii) Remained in effect after the person failed to appear for a hearing of which the person received actual notice;</p> <p>(B) Restrains the person from assaulting, harassing, stalking, or threatening the petitioner or any other person named in the order; and</p> <p>(C) Requires the person to relinquish possession of any firearms;</p> <p>(6) Has been convicted within the past 5 years of an intrafamily offense, as defined in § 16-1001(8), punishable as a misdemeanor, or any similar provision in the law of another jurisdiction.</p> <p>(c) A person who violates subsection (a)(2) through (a)(6) of this section shall be sentenced to not less than 2 years nor more than 10 years, fined not more than the amount set forth in § 22-3571.01, or both.</p> <p><u>D.C. Code § 22-4504</u> <i>Carrying concealed weapons; possession of weapons during commission of crime of violence; penalty.</i></p> <p>(a) No person shall carry within the District of Columbia either openly or concealed on or about their person, a pistol,</p>	<p><u>D.C. Code § 7-2502.01</u> <i>Registration requirements.</i></p> <p>(a) Except as otherwise provided in this unit, no person or organization in the District of Columbia ("District") shall receive, possess, control, transfer, offer for sale, sell, give, or deliver any destructive device, and no person or organization in the District shall possess or control any firearm, unless the person or organization holds a valid registration certificate for the firearm. A registration certificate may be issued:</p> <p>(1) To an organization if:</p> <p>(A) The organization employs at least 1 commissioned special police officer or employee licensed to carry a firearm whom the organization arms during the employee's duty hours; and</p> <p>(B) The registration is issued in the name of the organization and in the name of the president or chief executive officer of the organization;</p> <p>(2) In the discretion of the Chief of Police, to a police officer who has retired from the Metropolitan Police Department;</p> <p>(3) In the discretion of the Chief of Police, to the Fire Marshal and any member of the Fire and Arson Investigation Unit of the Fire Prevention Bureau of the Fire Department of the District of Columbia, who is designated in writing by the Fire Chief, for the purpose of enforcing the arson and fire safety laws of the District of Columbia;</p> <p>(4) To a firearms instructor, or to an organization that employs a firearms instructor, for the purpose of conducting firearms training; or</p> <p>(5) To a person who complies with, and meets the requirements of, this unit.</p> <p><u>D.C. Code § 7-2502.03</u> <i>Qualifications for registration; information required for registration.</i></p> <p>(a) No registration certificate shall be issued to any person (and in the case of a person between the ages of 18 and 21, to the person and his signatory parent or guardian) or organization unless the Chief determines that such person (or</p>
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	<p>without a license issued pursuant to District of Columbia law, or any deadly or dangerous weapon. Whoever violates this section shall be punished as provided in § 22-4515, except that:</p> <p>(1) A person who violates this section by carrying a pistol, without a license issued pursuant to District of Columbia law, or any deadly or dangerous weapon, in a place other than the person's dwelling place, place of business, or on other land possessed by the person, shall be fined not more than the amount set forth in § 22-3571.01 or imprisoned for not more than 5 years, or both; or</p> <p>(2) If the violation of this section occurs after a person has been convicted in the District of Columbia of a violation of this section or of a felony, either in the District of Columbia or another jurisdiction, the person shall be fined not more than the amount set forth in § 22-3571.01 or imprisoned for not more than 10 years, or both.</p> <p>(a-1) Except as otherwise permitted by law, no person shall carry within the District of Columbia a rifle or shotgun. A person who violates this subsection shall be subject to the criminal penalties set forth in subsection (a)(1) and (2) of this section.</p> <p>(b) No person shall within the District of Columbia possess a pistol, machine gun, shotgun, rifle, or any other firearm or imitation firearm while committing a crime of violence or dangerous crime as defined in § 22-4501. Upon conviction of a violation of this subsection, the person may be sentenced to imprisonment for a term not to exceed 15 years and shall be sentenced to imprisonment for a mandatory-minimum term of not less than 5 years and shall not be released on parole, or granted probation or suspension of sentence, prior to serving the mandatory-minimum sentence.</p> <p>(c) In addition to any other penalty provided under this section, a person may be fined an amount not more than the amount set forth in § 22-3571.01.</p>	<p>the president or chief executive in the case of an organization):</p> <p>(12)</p> <p>(A) Has not been the respondent in an intrafamily proceeding in which a civil protection order was issued against the applicant pursuant to § 16-1005; provided, that an applicant who has been the subject of such an order shall be eligible for registration if the applicant has submitted to the Chief a certified court record establishing that the order has expired or has been rescinded for a period of 5 years or more; or</p> <p>(B) Has not been the respondent in a proceeding in which a foreign protection order, as that term is defined in § 16-1041, was issued against the applicant; provided, that an applicant who has been the subject of such an order shall be eligible for registration if the applicant has submitted to the Chief a certified court record establishing that the order has expired or has been rescinded for a period of 5 years;</p>	
FLORIDA	<p>Mandatory Prohibition -Injunction for protection against domestic violence</p> <p><i>Fla. Stat. § 741.30</i></p> <p><i>Domestic violence; injunction; powers and duties of court and clerk; petition; notice and hearing; temporary injunction; issuance of injunction; statewide verification system; enforcement; public records exemption.</i></p>	<p><i>Fla. Stat. § 741.31</i></p> <p><i>Violation of injunction for protection against domestic violence</i></p> <p>(4)(a) A person who willfully violates an injunction for protection against domestic violence issued pursuant to § 741.30, or a foreign protection order accorded full faith and credit pursuant to § 741.315, by:</p> <p>8. Refusing to surrender firearms or ammunition if ordered to do so by the court commits a misdemeanor of the first</p>	<p><i>Fla. Stat. § 790.06</i></p> <p><i>License to carry concealed weapon or firearm.</i></p> <p>(2) The Department of Agriculture and Consumer Services shall issue a license if the applicant:</p> <p>(i) Has not been adjudicated an incapacitated person under § 744.331, or similar laws of any other state. An applicant who has been granted relief from firearms disabilities pursuant to § 790.065(2)(a)d. or pursuant to the law of the</p>

<p>(6)(g) A final judgment on injunction for protection against domestic violence entered pursuant to this section must, on its face, indicate that it is a violation of s. 790.233, and a first degree misdemeanor, for the respondent to have in his or her care, custody, possession, or control any firearm or ammunition.</p> <p style="text-align: center;"><i>Fla. Stat. § 790.233</i></p> <p style="text-align: center;"><i>Possession of firearm or ammunition prohibited when person is subject to an injunction against committing acts of domestic violence, stalking, or cyberstalking; penalties.</i></p> <p>(1) A person may not have in his or her care, custody, possession, or control any firearm or ammunition if the person has been issued a final injunction that is currently in force and effect, restraining that person from committing acts of domestic violence, as issued under s. 741.30 or from committing acts of stalking or cyberstalking, as issued under s. 784.0485.</p> <p>(2) A person who violates subsection (1) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.</p> <p>(3) It is the intent of the Legislature that the disabilities regarding possession of firearms and ammunition are consistent with federal law. Accordingly, this section does not apply to a state or local officer as defined in s. 943.10(14), holding an active certification, who receives or possesses a firearm or ammunition for use in performing official duties on behalf of the officer's employing agency, unless otherwise prohibited by the employing agency.</p> <p style="text-align: center;"><u>Temporary injunction ex parte</u></p> <p>(5)(a) If it appears to the court that an immediate and present danger of domestic</p>	<p>degree, punishable as provided in s. 775.082 or s. 775.083, except as provided in paragraph (c).</p> <p style="text-align: center;"><i>Fla. Stat. § 948.03</i></p> <p style="text-align: center;"><i>Terms and conditions of probation.</i></p> <p>(1) The court shall determine the terms and conditions of probation. Conditions specified in this section do not require oral pronouncement at the time of sentencing and may be considered standard conditions of probation. These conditions may include among them the following, that the probationer or offender in community control shall:</p> <p>(m) Be prohibited from possessing, carrying, or owning any:</p> <ol style="list-style-type: none"> 1. Firearm. 2. Weapon without first procuring the consent of the probation officer. <p style="text-align: center;"><i>Fla. Stat. § 775.087</i></p> <p style="text-align: center;"><i>Possession or use of weapon; aggravated battery; felony reclassification; minimum sentence.</i></p> <p>(1) Unless otherwise provided by law, whenever a person is charged with a felony, except a felony in which the use of a weapon or firearm is an essential element, and during the commission of such felony the defendant carries, displays, uses, threatens to use, or attempts to use any weapon or firearm, or during the commission of such felony the defendant commits an aggravated battery, the felony for which the person is charged shall be reclassified as follows:</p> <p>(a) In the case of a felony of the first degree, to a life felony.</p> <p>(b) In the case of a felony of the second degree, to a felony of the first degree.</p> <p>(c) In the case of a felony of the third degree, to a felony of the second degree.</p> <p>For purposes of sentencing under chapter 921 and determining incentive gain-time eligibility under chapter 944, a felony offense which is reclassified under this section is ranked one level above the ranking under s. 921.0022 or s. 921.0023 of the felony offense committed.</p>	<p>state in which the adjudication occurred is deemed not to have been adjudicated an incapacitated person under this paragraph;</p> <p>(m) Has not been issued an injunction that is currently in force and effect and that restrains the applicant from committing acts of domestic violence or acts of repeat violence; and</p> <p>(n) Is not prohibited from purchasing or possessing a firearm by any other provision of Florida or federal law.</p> <p>(10) A license issued under this section shall be suspended or revoked pursuant to chapter 120 if the licensee:</p> <p>(a) Is found to be ineligible under the criteria set forth in subsection (2);</p> <p style="text-align: center;"><i>Fla. Stat. § 790.065</i></p> <p style="text-align: center;"><i>Sale and delivery of firearms.</i></p> <p>(2) Upon receipt of a request for a criminal history record check, the Department of Law Enforcement shall, during the licensee's call or by return call, forthwith:</p> <p>(a) Review any records available to determine if the potential buyer or transferee:</p> <ol style="list-style-type: none"> 1. Has been convicted of a felony and is prohibited from receipt or possession of a firearm pursuant to s. 790.23; 2. Has been convicted of a misdemeanor crime of domestic violence, and therefore is prohibited from purchasing a firearm; 3. Has had adjudication of guilt withheld or imposition of sentence suspended on any felony or misdemeanor crime of domestic violence unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled or expunction has occurred; or
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	<p>violence exists, the court may grant a temporary injunction ex parte, pending a full hearing, and may grant such relief as the court deems proper, including an injunction:</p> <p>1. Restraining the respondent from committing any acts of domestic violence</p>		
GEORGIA	<p>Protective Orders</p> <p>No firearms prohibition within the protective order statute.</p> <p><i>See Rawcliffe v. Rawcliffe</i>, 283 Ga. App. 264, 266 (Ga. Ct. App. 2007)(holding that the court exceeded its authority prohibiting respondent from possessing firearms because that relief was not authorized by the relevant statute).</p> <p>O.C.G.A. § 19-13-4</p> <p><i>Protective orders and consent agreements; contents; delivery to sheriff; expiration; enforcement</i></p> <p>(a) The court may, upon the filing of a verified petition, grant any protective order or approve any consent agreement to bring about a cessation of acts of family violence. The court shall not have the authority to issue or approve mutual protective orders concerning paragraph (1), (2), (5), (9), or (11) of this subsection, or any combination thereof, unless the respondent has filed a verified petition as a counter petition pursuant to Code Section 19-13-3 no later than three days, not including Saturdays, Sundays, and legal holidays, prior to the hearing and the provisions of Code Section 19-13-3 have been satisfied.</p> <p>The orders or agreements may:</p> <p>(1) Direct the respondent to refrain from such acts;</p> <p>(2) Grant to a party possession of the residence or household of the parties and exclude the other party from the residence or household;</p> <p>(3) Require a party to provide suitable alternate housing for a spouse, former</p>	<p>O.C.G.A. § 16-11-106</p> <p><i>Possession of firearm or knife during commission of or attempt to commit certain crimes</i></p> <p>(a) For the purposes of this Code section, the term "firearm" shall include stun guns and tasers. A stun gun or taser is any device that is powered by electrical charging units such as batteries and emits an electrical charge in excess of 20,000 volts or is otherwise capable of incapacitating a person by an electrical charge.</p> <p>(b) Any person who shall have on or within arm's reach of his or her person a firearm or a knife having a blade of three or more inches in length during the commission of, or the attempt to commit:</p> <p>(1) Any crime against or involving the person of another;</p> <p>(2) The unlawful entry into a building or vehicle;</p> <p>(3) A theft from a building or theft of a vehicle;</p> <p>(4) Any crime involving the possession, manufacture, delivery, distribution, dispensing, administering, selling, or possession with intent to distribute any controlled substance or marijuana as provided in Code Section 16-13-30, any counterfeit substance as defined in Code Section 16-13-21, or any noncontrolled substance as provided in Code Section 16-13-30.1; or</p> <p>(5) Any crime involving the trafficking of cocaine, marijuana, or illegal drugs as provided in Code Section 16-13-31,</p> <p>and which crime is a felony, commits a felony and, upon conviction thereof, shall be punished by confinement for a period of five years, such sentence to run consecutively to any other sentence which the person has received.</p> <p>O.C.G.A. § 16-11-131</p> <p><i>Possession of firearms by convicted felons and first offender probationers</i></p> <p>(b) Any person who is on probation as a felony first offender pursuant to Article 3 of Chapter 8 of Title 42, who is on probation and was sentenced for a felony under</p>	<p>O.C.G.A. § 43-38-10</p> <p><i>Permits to carry firearms; proficiency requirement; exemption from specified laws; denial, refusal to renew, and suspension of permits; effect of license suspension and restoration</i></p> <p>No weapons carry license shall be issued to:</p> <p>(B) Any person who has been convicted of a felony by a court of this state or any other state; by a court of the United States, including its territories, possessions, and dominions; or by a court of any foreign nation and has not been pardoned for such felony by the President of the United States, the State Board of Pardons and Paroles, or the person or agency empowered to grant pardons under the constitution or laws of such state or nation;</p> <p>(C) Any person against whom proceedings are pending for any felony;</p> <p>(D) Any person who is a fugitive from justice;</p> <p>(E) Any person who is prohibited from possessing or shipping a firearm in interstate commerce pursuant to subsections (g) and (n) of 18 U.S.C. Section 922;</p> <p>(F) Any person who has been convicted of an offense arising out of the unlawful manufacture or distribution of a controlled substance or other dangerous drug;</p> <p>(G) Any person who has had his or her weapons carry license revoked pursuant to subsection (e) of this Code section within three years of the date of his or her application;</p> <p>(H) Any person who has been convicted of any of the following:</p> <p>(i) Carrying a weapon without a weapons carry license in violation of Code Section 16-11-126; or</p> <p>(ii) Carrying a weapon or long gun in an unauthorized location in violation of Code</p>

<p>spouse, or parent and the parties' child or children;</p> <p>(4) Award temporary custody of minor children and establish temporary visitation rights;</p> <p>(5) Order the eviction of a party from the residence or household and order assistance to the victim in returning to it, or order assistance in retrieving personal property of the victim if the respondent's eviction has not been ordered;</p> <p>(6) Order either party to make payments for the support of a minor child as required by law;</p> <p>(7) Order either party to make payments for the support of a spouse as required by law;</p> <p>(8) Provide for possession of personal property of the parties;</p> <p>(9) Order the respondent to refrain from harassing or interfering with the victim;</p> <p>(10) Award costs and attorney's fees to either party; and</p> <p>(11) Order the respondent to receive appropriate psychiatric or psychological services as a further measure to prevent the recurrence of family violence.</p>	<p>subsection (a) or (c) of Code Section 16-13-2, or who has been convicted of a felony by a court of this state or any other state; by a court of the United States including its territories, possessions, and dominions; or by a court of any foreign nation and who receives, possesses, or transports any firearm commits a felony and, upon conviction thereof, shall be imprisoned for not less than one year nor more than ten years; provided, however, that upon a second or subsequent conviction, such person shall be imprisoned for not less than five nor more than ten years; provided, further, that if the felony for which the person is on probation or has been previously convicted is a forcible felony, then upon conviction of receiving, possessing, or transporting a firearm, such person shall be imprisoned for a period of five years.</p>	<p>Section 16-11-127 and has not been free of all restraint or supervision in connection therewith and free of any other conviction for at least five years immediately preceding the date of the application; Ga. Code Ann. § 16-11-129(b)(2)(B-H) .</p> <p><i>O.C.G.A. § 16-11-129</i> <i>Weapons carry license; gun safety information; temporary renewal permit; mandamus; verification of license</i></p> <p>(e) Revocation, loss, or damage to license.</p> <p>(1) If, at any time during the period for which the weapons carry license was issued, the judge of the probate court of the county in which the license was issued shall learn or have brought to his or her attention in any manner any reasonable ground to believe the licensee is not eligible to retain the license, the judge may, after notice and hearing, revoke the license of the person upon a finding that such person is not eligible for a weapons carry license pursuant to subsection (b) of this Code section or an adjudication of falsification of application, mental incompetency, or chronic alcohol or narcotic usage. The judge of the probate court shall report such revocation to the Georgia Crime Information Center immediately but in no case later than ten days after such revocation. It shall be unlawful for any person to possess a license which has been revoked pursuant to this paragraph, and any person found in possession of any such revoked license, except in the performance of his or her official duties, shall be guilty of a misdemeanor.</p> <p>(2) If a person is convicted of any crime or otherwise adjudicated in a matter which would make the maintenance of a weapons carry license by such person unlawful pursuant to subsection (b) of this Code section, the judge of the superior court or state court hearing such case or presiding over such matter shall inquire whether such person is the holder of a weapons carry license. If such person is the holder of a weapons carry license, then the judge of the superior court or</p>
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			<p>state court shall inquire of such person the county of the probate court which issued such weapons carry license, or if such person has ever had his or her weapons carry license renewed, then of the county of the probate court which most recently issued such person a renewal license. The judge of the superior court or state court shall notify the judge of the probate court of such county of the matter which makes the maintenance of a weapons carry license by such person to be unlawful pursuant to subsection (b) of this Code section. The Council of Superior Court Judges of Georgia and The Council of State Court Judges of Georgia shall provide by rule for the procedures which judges of the superior court and the judges of the state courts, respectively, are to follow for the purposes of this paragraph.</p>
GUAM	<p>Civil Orders for Protection No specific firearms relief within the civil orders for protection statute</p>	<p>9 GCA § 30.32 <i>Duties of Peace Officers to Victim of Family Violence; Required Notice to Victim.</i></p> <p>(c) If the peace officer has reason to believe that a person is a victim of family violence, the officer shall use all reasonable means to prevent further family violence and to ensure the victim's safety including:</p> <p>(3) confiscating any weapon involved in the alleged family violence incident and the firearms identification card of any person(s) arrested;</p> <p>9 GCA § 30.50 <i>Authority of Peace Officer to Seize Weapons.</i></p> <p>For a crime involving family violence, a peace officer:</p> <p>(a) Shall, incident to an arrest, seize all weapons that are alleged to have been involved or threatened to be used in the commission of a crime.</p> <p>(b) May seize a weapon that is in the plain view of the officer or was discovered pursuant to consensual search, as necessary for the protection of the officer or other persons</p> <p>9 GCA § 30.21 <i>Conditions of Release.</i></p>	<p>10 GCA § 60125 <i>Firearms Forfeited: When.</i></p> <p>Upon the conviction of any violation of this Chapter or of any crime wherein the use of firearms was an element or part or was involved in the commission thereof, the firearms involved in the violation shall be declared forfeit by the court convicting such person and be given to the Department for its use, sale or destruction. In addition, the court shall either revoke the applicable identification card or business registration or suspend the same for a period of not less than six (6) months nor for more than two (2) years. In the case of a conviction of a business, the weapons shall be forfeited only where the registration is revoked. In the case of suspension of a business registration no firearms shall be sold.</p> <p>10 GCA § 60109.1 <i>Concealed Firearms; Shall Issue License.</i></p> <p>(e) The applicant <i>shall</i> submit to the Guam Police Department:</p> <p>(1) A completed application as described in Subsection (d).</p>

	<p>(a) Should a person, charged with a crime involving family violence or a violation of a court order, be released, the court may impose the following conditions of release:</p> <p>(5) an order prohibiting the person from using or possessing a firearm or other weapon specified by the Court;</p> <p style="text-align: center;"><i>10 GCA § 60125</i> <i>Firearms Forfeited: When.</i></p> <p>Upon the conviction of any violation of this Chapter or of any crime wherein the use of firearms was an element or part or was involved in the commission thereof, the firearms involved in the violation shall be declared forfeit by the court convicting such person and be given to the Department for its use, sale or destruction. In addition, the court shall either revoke the applicable identification card or business registration or suspend the same for a period of not less than six (6) months nor for more than two (2) years. In the case of a conviction of a business, the weapons shall be forfeited only where the registration is revoked. In the case of suspension of a business registration no firearms shall be sold.</p>	<p>(2) The fee charged for a concealed firearms license <i>shall</i> be the same fee charged for a concealed firearms authorized in Subsection (a) of § 60109 of this Chapter. The difference between non-concealed and concealed carry fees <i>shall</i> be prorated, on a monthly bases, for individuals who receive a concealed carry license subsequent to the issuance of a non-concealed Firearms Identification Card. However, an individual holding an active certification from the Criminal Justice Standards and Training Commission as a "law enforcement officer," "correctional officer," or "correctional probation officer" is exempt from the licensing requirements of this Section. If any individual holding an active certification from the Criminal Justice Standards and Training Commission as a "law enforcement officer," a "correctional officer," or a "correctional probation officer" wishes to receive a concealed weapons or firearms license, such person is exempt from the background investigation and all background investigation fees, but <i>shall</i> pay the current license fees regularly required to be paid by nonexempt applicants. Further, a person who meets the qualifications as a <i>Qualified Law Enforcement Officer</i> or <i>Qualified Retired Enforcement Officer</i> under the provisions of the <i>Law Enforcement Officers Safety Act</i> (LEOSA, 18 U.S.C §§ 926B & C) are exempt from the required fees of this Chapter for a Firearms Identification Card and a Concealed Firearms License.</p> <p>(3) A photocopy of a certificate or an affidavit or document as described in Subsection (b)(8).</p> <p>(j) A license issued under this Section shall be suspended or revoked if the licensee:</p> <p>(1) is found to be ineligible under the criteria set forth in Subsection (b);</p> <p>(2) develops or sustains a physical infirmity which prevents the safe handling of a weapon or firearm;</p> <p>(3) is convicted of a felony which would make the licensee ineligible to possess a firearm;</p>
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			<p>(4) is found guilty of a crime under the provisions of Chapter 67 of 9GCA, or similar laws of any other state, relating to controlled substances;</p> <p>(5) is committed as a substance abuser, or is deemed a habitual offender under public law, or similar laws of any other state;</p> <p>(6) is convicted of a second violation of substance or alcohol abuse, or a similar law of another state, within three (3) years of a previous conviction of such offense, or similar law of another state, even though the first violation may have occurred prior to the date on which the application was submitted;</p> <p>(7) is adjudicated an incapacitated person under public law, or similar laws of any other state; or</p> <p>(8) is committed to a mental institution under public law, or similar laws of any other state.</p>
HAWAII	<p><u>Order of Protection- Mandatory Ex Parte Order of Protection</u></p> <p><u>HRS § 134-7</u> <i>Ownership or possession prohibited, when; penalty.</i></p> <p>(f) No person who has been restrained pursuant to an order of any court, including an ex parte order as provided in this subsection, from contacting, threatening, or physically abusing any person, shall possess, control, or transfer ownership of any firearm or ammunition therefor, so long as the protective order, restraining order, or any extension is in effect, unless the order, for good cause shown, specifically permits the possession of a firearm and ammunition. The restraining order or order of protection shall specifically include a statement that possession, control, or transfer of ownership of a firearm or ammunition by the person named in the order is prohibited. Such person shall relinquish possession and control of any firearm and ammunition owned by that person to the police department of the appropriate county for</p>	<p><u>HRS § 134-7.5</u> <i>Seizure of firearms in domestic abuse situations; requirements; return of.</i></p> <p>(a) Any police officer who has reasonable grounds to believe that a person has recently assaulted or threatened to assault a family or household member may seize all firearms and ammunition that the police officer has reasonable grounds to believe were used or threatened to be used in the commission of the offense. The police officer may seize any firearms or ammunition that are in plain view of the officer or were discovered pursuant to a consensual search, as necessary for the protection of the officer or any family or household member. Firearms seized under this section shall be taken to the appropriate county police department for safekeeping or as evidence.</p> <p>(b) Upon taking possession of a firearm or ammunition, the officer shall give the owner or person who was in lawful possession of the firearm or ammunition a receipt identifying the firearm or ammunition and indicating where the firearm or ammunition can be recovered.</p> <p>(c) The officer taking possession of the firearm or ammunition shall notify the person against whom the alleged assault or threatened assault was inflicted of remedies and services available to victims of domestic violence, including the right to apply for a domestic abuse restraining order.</p>	<p><u>HRS § 134-7.3</u> <i>Seizure of firearms upon disqualification.</i></p> <p>(a) If any applicant is denied a permit, the chiefs of police of the respective counties shall send, by certified mail, a notice setting forth the reasons for the denial and may require that the applicant voluntarily surrender all firearms and ammunition to the chief of police where the applicant resides or dispose of all firearms and ammunition. If an applicant fails to voluntarily surrender or dispose of all firearms and ammunition within thirty days from the date notice was mailed, the chief of police may seize all firearms and ammunition.</p> <p>(b) Any person disqualified from ownership, possession, or control of firearms and ammunition under section 134-7, within forty-eight hours of disqualification, shall voluntarily surrender all firearms and ammunition to the chief of police where the person resides or dispose of all firearms and ammunition. If any person fails to voluntarily surrender or dispose of all firearms and ammunition within forty-eight hours from the date of disqualification, the chief of police may seize all firearms and ammunition.</p> <p><u>HRS § 134-3</u></p>

<p>safekeeping for the duration of the order or extension thereof. In the case of an ex parte order, the affidavit or statement under oath that forms the basis for the order shall contain a statement of the facts that support a finding that the person to be restrained owns, intends to obtain or to transfer ownership of, or possesses a firearm, and that the firearm may be used to threaten, injure, or abuse any person. The ex parte order shall be effective upon service pursuant to section 586-6. At the time of service of a restraining order involving firearms and ammunition issued by any court, the police officer may take custody of any and all firearms and ammunition in plain sight, those discovered pursuant to a consensual search, and those firearms surrendered by the person restrained. If the person restrained is the registered owner of a firearm and knows the location of the firearm, but refuses to surrender the firearm or refuses to disclose the location of the firearm, the person restrained shall be guilty of a misdemeanor. In any case, when a police officer is unable to locate the firearms and ammunition either registered under this chapter or known to the person granted protection by the court, the police officer shall apply to the court for a search warrant pursuant to chapter 803 for the limited purpose of seizing the firearm and ammunition.</p> <p style="text-align: center;"><i>HRS § 586-5.5 Protective order; additional orders.</i></p> <p>a) If, after hearing all relevant evidence, the court finds that the respondent has failed to show cause why the order should not be continued and that a protective order is necessary to prevent domestic abuse or a recurrence of abuse, the court may order that a protective order be issued for a further fixed reasonable period as the court deems appropriate.</p>	<p>(d) The firearm or ammunition shall be made available to the owner or person who was in lawful possession of the firearm or ammunition within seven working days after the seizure when:</p> <ul style="list-style-type: none"> (1) The firearm or ammunition are not retained for use as evidence; (2) The firearm or ammunition are not retained because they are possessed illegally; (3) The owner or person who has lawful possession of the firearm or ammunition is not restrained by an order of any court from possessing a firearm or ammunition; and (4) No criminal charges are pending against the owner or person who has lawful possession of the firearm or ammunition when a restraining order has already issued. <p style="text-align: center;"><i>HRS § 709-906</i></p> <p><i>§ 709-906. Abuse of family or household members; penalty.</i></p> <p>(4) Any police officer, with or without a warrant, shall take the following course of action, regardless of whether the physical abuse or harm occurred in the officer's presence:</p> <p>(e) The police officer shall seize all firearms and ammunition that the police officer has reasonable grounds to believe were used or threatened to be used in the commission of an offense under this section.</p> <p style="text-align: center;"><i>HRS § 134-7</i></p> <p><i>Ownership or possession prohibited, when; penalty.</i></p> <p>(b) No person who is under indictment for, or has waived indictment for, or has been bound over to the circuit court for, or has been convicted in this State or elsewhere of having committed a felony, or any crime of violence, or an illegal sale of any drug shall own, possess, or control any firearm or ammunition therefor.</p> <p>(f) No person who has been restrained pursuant to an order of any court, including an ex parte order as provided in this subsection, from contacting, threatening, or physically abusing any person, shall possess, control, or transfer ownership of any firearm or ammunition therefor, so long as the protective order, restraining order, or any extension is in effect, unless the order, for good cause shown, specifically permits the possession of a firearm and ammunition. The restraining order or order of protection shall specifically include a statement that possession, control, or transfer of</p>	<p><i>Registration, mandatory, exceptions.</i></p> <p>(a) Every person arriving in the State who brings or by any other manner causes to be brought into the State a firearm of any description, whether usable or unusable, serviceable or unserviceable, modern or antique, shall register the firearm within five days after arrival of the person or of the firearm, whichever arrives later, with the chief of police of the county of the person's place of business or, if there is no place of business, the person's residence or, if there is neither a place of business nor residence, the person's place of sojourn. A nonresident alien may bring firearms not otherwise prohibited by law into the State for a continuous period not to exceed ninety days; provided that the person meets the registration requirement of this section and the person possesses:</p> <ul style="list-style-type: none"> (1) A valid Hawaii hunting license procured under chapter 183D, part II, or a commercial or private shooting preserve permit issued pursuant to section 183D-34; (2) A written document indicating the person has been invited to the State to shoot on private land; or (3) Written notification from a firing range or target shooting business indicating that the person will actually engage in target shooting. <p>The nonresident alien shall be limited to a nontransferable registration of not more than ten firearms for the purpose of the above activities.</p> <p>Every person registering a firearm under this subsection shall be fingerprinted and photographed by the police department of the county of registration; provided that this requirement shall be waived where fingerprints and photographs are already on file with the police department. The police department shall perform an inquiry on the person by using the International Justice and Public Safety Network, including the United States Immigration and Customs Enforcement query, the National Crime Information Center, and the National Instant</p>
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<p>The protective order may include all orders stated in the temporary restraining order and may provide for further relief as the court deems necessary to prevent domestic abuse or a recurrence of abuse, including orders establishing temporary visitation and custody with regard to minor children of the parties and orders to either or both parties to participate in domestic violence intervention services. If the court finds that the party meets the requirements under section 334-59(a)(2), the court further may order that the party be taken to the nearest facility for emergency examination and treatment.</p> <p><u>Temporary Restraining Order</u></p> <p style="text-align: center;"><u>HRS § 586-4</u></p> <p style="text-align: center;"><i>Temporary restraining order.</i></p> <p>(c) The family court judge may issue the ex parte temporary restraining order orally, if the person being restrained is present in court. The order shall state that there is probable cause to believe that a past act or acts of abuse have occurred, or that threats of abuse make it probable that acts of abuse may be imminent. The order further shall state that the temporary restraining order is necessary for the purposes of: preventing acts of abuse or preventing a recurrence of actual domestic abuse and ensuring a period of separation of the parties involved. The order shall also describe in reasonable detail the act or acts sought to be restrained. Where necessary, the order may require either or both of the parties involved to leave the premises during the period of the order; may also restrain the party or parties to whom it is directed from contacting, threatening, or physically abusing the applicant's family or household members; and may enjoin or restrain both parties from taking, concealing, removing, threatening, physically abusing, or otherwise disposing of any animal identified</p>	<p>ownership of a firearm or ammunition by the person named in the order is prohibited. Such person shall relinquish possession and control of any firearm and ammunition owned by that person to the police department of the appropriate county for safekeeping for the duration of the order or extension thereof. In the case of an ex parte order, the affidavit or statement under oath that forms the basis for the order shall contain a statement of the facts that support a finding that the person to be restrained owns, intends to obtain or to transfer ownership of, or possesses a firearm, and that the firearm may be used to threaten, injure, or abuse any person. The ex parte order shall be effective upon service pursuant to section 586-6. At the time of service of a restraining order involving firearms and ammunition issued by any court, the police officer may take custody of any and all firearms and ammunition in plain sight, those discovered pursuant to a consensual search, and those firearms surrendered by the person restrained. If the person restrained is the registered owner of a firearm and knows the location of the firearm, but refuses to surrender the firearm or refuses to disclose the location of the firearm, the person restrained shall be guilty of a misdemeanor. In any case, when a police officer is unable to locate the firearms and ammunition either registered under this chapter or known to the person granted protection by the court, the police officer shall apply to the court for a search warrant pursuant to chapter 803 for the limited purpose of seizing the firearm and ammunition.</p> <p style="text-align: center;"><u>HRS § 806-11</u></p> <p style="text-align: center;"><i>Disposal of firearms.</i></p> <p>(a) At the time of arraignment, the court shall order a defendant who is under indictment for, or who has waived indictment for, or who has been bound over to the circuit court for a felony, or any crime of violence, or an illegal sale of any drug, to dispose of all firearms and ammunition within the defendant's possession in a manner in compliance with the provisions of chapter 134 and shall inform the defendant of the provisions of section 134-7(b) and section 134-12.5. The defendant shall comply with an order issued pursuant to this section within forty-eight hours of the issuance of such order. A defendant's compliance with the forty-eight hour requirement of this section shall not give rise to a prosecution for violations of sections 134-2, 134-3 or 134-4.</p>	<p>Criminal Background Check System, pursuant to section 846-2.7 before any determination to register a firearm is made.</p> <p style="text-align: center;"><u>HRS § 134-11</u></p> <p style="text-align: center;"><i>Exemptions.</i></p> <p>(a) Sections 134-7 to 134-9 and 134-21 to 134-27, except section 134-7(f), shall not apply:</p> <p>(1) To state and county law enforcement officers; provided that such persons are not convicted of an offense involving abuse of a family or household member under section 709-906;</p> <p>(2) To members of the armed forces of the State and of the United States and mail carriers while in the performance of their respective duties if those duties require them to be armed;</p> <p>(3) To regularly enrolled members of any organization duly authorized to purchase or receive the weapons from the United States or from the State; provided the members are either at, or going to or from, their places of assembly or target practice;</p> <p>(4) To persons employed by the State, or subdivisions thereof, or the United States while in the performance of their respective duties or while going to and from their respective places of duty if those duties require them to be armed;</p> <p>(5) To aliens employed by the State, or subdivisions thereof, or the United States while in the performance of their respective duties or while going to and from their respective places of duty if those duties require them to be armed; and</p> <p>(6) To police officers on official assignment in Hawaii from any state which by compact permits police officers from Hawaii while on official assignment in that state to carry firearms without registration. The governor of the State or the governor's duly authorized representative may enter into compacts with other states to carry out this paragraph.</p> <p>(b) Sections 134-2 and 134-3 shall not apply to such firearms or ammunition that are a part of the official equipment of any federal agency.</p>
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	<p>to the court as belonging to a household, until further order of the court. The order shall not only be binding upon the parties to the action, but also upon their officers, agents, servants, employees, attorneys, or any other persons in active concert or participation with them. The order shall enjoin the respondent or person to be restrained from performing any combination of the following acts:</p> <ul style="list-style-type: none"> (1) Contacting, threatening, or physically abusing the protected party; (2) Contacting, threatening, or physically abusing any person residing at the protected party's residence; (3) Entering or visiting the protected party's residence; or (4) Taking, concealing, removing, threatening, physically abusing, or otherwise disposing of any animal identified to the court as belonging to a household, until further order of the court. 	<p>(b) The court shall immediately notify the chief of police of the county where the defendant resides that the defendant has been ordered to voluntarily surrender all firearms and ammunition to the chief of police or dispose of all firearms and ammunition within the defendant's possession.</p> <p>(c) If the defendant fails to voluntarily surrender all firearms and ammunition to the chief of police where the defendant resides or dispose of the firearms and ammunition within forty-eight hours of the issuance of the order, the chief of police may seize all firearms and ammunition.</p> <p>(d) For the purposes of this section, "dispose" shall have the same meaning as provided in section 134-7.3.</p>	<p>(e) Sections 134-8, 134-9, and 134-21 to 134-27, shall not apply to the possession, transportation, or use, with blank cartridges, of any firearm or explosive solely as props for motion picture film or television program production when authorized by the chief of police of the appropriate county pursuant to section 134-2.5 and not in violation of federal law.</p>
IDAHO	<p>Protection Order Catch-all Provision No specific firearm relief within the protection order statute</p> <p><i>Idaho Code § 39-6306</i> <i>Hearing on petition for protection order -- Relief provided and realignment of designation of parties</i></p> <p>(1) Upon filing of a petition based upon a sworn affidavit for a protection order, the court shall hold a hearing to determine whether the relief sought shall be granted within fourteen (14) days. If either party is represented by counsel at a hearing seeking entry of a protection order, the court shall permit a continuance, if requested, of the proceedings so that counsel may be obtained by the other party. If the court finds that it is necessary for both parties to be represented by counsel, the court shall enter</p>	<p><i>Idaho Code § 39-6312</i> <i>Violation of order – Penalties</i></p> <p>(1) Whenever a protection order is granted and the respondent or person to be restrained had notice of the order, a violation of the provisions of the order or of a provision excluding the person from a residence shall be a misdemeanor punishable by not to exceed one (1) year in jail and a fine not to exceed five thousand dollars (\$ 5,000), ten dollars (\$ 10.00) of which shall be deposited to the credit of the domestic violence project account created in section 39-5212, Idaho Code.</p> <p>(2) A peace officer may arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order, if the person restrained had notice of the order.</p> <p>(3) The person against whom a protection order has been issued by an out-of-state court is presumed to have notice of the order if the victim presents to the officer proof of service of the order.</p> <p><i>Idaho Code § 18-310</i></p>	<p><i>Idaho Code § 18-3302K</i> <i>Issuance of enhanced licenses to carry concealed weapons</i></p> <p>(3) Any person who is applying for original issuance of a license to carry concealed weapons must submit his fingerprints with the completed application. Within five (5) days after the filing of an application, the sheriff must forward the applicant's completed license application and fingerprints to the Idaho state police. The Idaho state police must conduct a national fingerprint-based records check, an inquiry through the national instant criminal background check system, and a check of any applicable state database, including a check for any mental health records for conditions or commitments that would disqualify a person from possessing a firearm under state or federal law, and must return the results to the sheriff within sixty (60) days. If the applicant is not a U.S. citizen, an immigration alien query must also be conducted through U.S.</p>

<p>appropriate orders to ensure that counsel is retained. The order entered may require either the petitioner or respondent, or both, to pay for costs of counsel. Upon a showing that there is an immediate and present danger of domestic violence to the petitioner the court may, if requested, order for a period not to exceed one (1) year that:</p> <p>(e) Other relief be ordered as the court deems necessary for the protection of a family or household member, including orders or directives to a peace officer, as allowed under this chapter;</p> <p><u>Ex Parte Temporary Protection Order</u></p> <p>Catch-all Provision</p> <p>No specific firearm relief within the protection order statute</p> <p><i>Idaho Code § 39-6308</i></p> <p><i>Ex parte temporary protection order</i></p> <p>(1) Where an application under this section alleges that irreparable injury could result from domestic violence if an order is not issued immediately without prior notice to the respondent, the court may grant an ex parte temporary protection order based upon the affidavit submitted or otherwise shall hold a hearing which may be ex parte on the day a petition is filed or on the following judicial day to determine whether the court should grant an ex parte temporary protection order, pending a full hearing, and grant such other relief as the court deems proper, including an order:</p> <p>(d) Ordering other relief as the court deems necessary for the protection of a family or household member, including orders or directives to a peace officer, as allowed under this chapter;</p>	<p><i>Imprisonment -- Effect on civil rights and offices</i></p> <p>(2) Upon final discharge, a person convicted of any Idaho felony shall be restored the full rights of citizenship, except that for persons convicted of treason or those offenses enumerated in paragraphs (a) through (ii) of this subsection the right to ship, transport, possess or receive a firearm shall not be restored. As used in this subsection, "final discharge" means satisfactory completion of imprisonment, probation and parole as the case may be.</p> <p>(g) Domestic battery, felony (18-918, Idaho Code);</p>	<p>immigration and customs enforcement or any successor agency. The sheriff shall not issue a license before receiving and reviewing the results of the records check.</p> <p>(12) The sheriff shall have the power to revoke a license issued pursuant to this section subsequent to a hearing in accordance with the provisions of chapter 52, title 67, Idaho Code, for any of the following reasons, provided that the sheriff must notify the Idaho state police within three (3) days on a form or in a manner prescribed by the Idaho state police of any such revocation:</p> <p>(a) Fraud or intentional misrepresentation in the obtaining of a license;</p> <p>(b) Misuse of a license, including lending or giving a license to another person, duplicating a license or using a license with the intent to unlawfully cause harm to a person or property;</p> <p>(c) The doing of an act or existence of a condition that would have been grounds for the denial of the license by the sheriff;</p> <p>(d) The violation of any of the provisions of this section; or</p> <p>(e) The applicant is adjudicated guilty of or receives a withheld judgment for a crime that would have disqualified him from initially receiving a license.</p> <p><i>Idaho Code § 18-3302</i></p> <p><i>Concealed weapons</i></p> <p>(5) The requirement to secure a license to carry concealed weapons under this section shall not apply to the following persons:</p> <p>(a) Officials of a city, county or the state of Idaho;</p> <p>(b) Any publicly elected Idaho official;</p> <p>(c) Members of the armed forces of the United States or of the national guard when in performance of official duties;</p> <p>(d) Criminal investigators of the attorney general's office and criminal investigators of a prosecuting attorney's office, prosecutors and their deputies;</p> <p>(e) Any peace officer as defined in section 19-</p>
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			<p>5101(d), Idaho Code, in good standing;</p> <p>(f) Retired peace officers or detention deputies with at least ten (10) years of service with the state or a political subdivision as a peace officer or detention deputy and who have been certified by the peace officer standards and training council;</p> <p>(g) Any person who has physical possession of his valid license or permit authorizing him to carry concealed weapons from another state; and</p> <p>(h) Any person who has physical possession of a valid license or permit from a local law enforcement agency or court of the United States authorizing him to carry concealed weapons.</p>
ILLINOIS	<p><u>Order of Protection- Discretionary</u></p> <p><u>725 ILCS 5/112A-14</u> <i>Domestic violence order of protection; remedies.</i></p> <p>(b) The court may order any of the remedies listed in this subsection (b). The remedies listed in this subsection (b) shall be in addition to other civil or criminal remedies available to petitioner.</p> <p>(14.5) Prohibition of firearm possession.</p> <p>(A) A person who is subject to an existing domestic violence order of protection issued under this Code may not lawfully possess weapons under Section 8.2 of the Firearm Owners Identification Card Act.</p> <p><u>750 ILCS 60/219</u> <i>Plenary order of protection</i></p> <p>A plenary order of protection shall issue if petitioner has served notice of the hearing for that order on respondent, in accordance with Section 211 [<u>750 ILCS 60/211</u>], and satisfies the requirements of this Section for one or more of the requested remedies. For each remedy requested, petitioner must establish that:</p> <p>(1) the court has jurisdiction under Section 208 [<u>750 ILCS 60/208</u>];</p>	<p><u>725 ILCS 5/112A-14</u> <i>Domestic violence order of protection; remedies.</i></p> <p>(b)(14.5)(B) Any firearms in the possession of the respondent, except as provided in subparagraph (C) of this paragraph (14.5), shall be ordered by the court to be turned over to a person with a valid Firearm Owner's Identification Card for safekeeping. The court shall issue an order that the respondent's Firearm Owner's Identification Card be turned over to the local law enforcement agency, which in turn shall immediately mail the card to the Department of State Police Firearm Owner's Identification Card Office for safekeeping. The period of safekeeping shall be for the duration of the domestic violence order of protection. The firearm or firearms and Firearm Owner's Identification Card, if unexpired, shall at the respondent's request be returned to the respondent at expiration of the domestic violence order of protection.</p> <p>(C) If the respondent is a peace officer as defined in Section 2-13 of the Criminal Code of 2012 [<u>720 ILCS 5/2-13</u>], the court shall order that any firearms used by the respondent in the performance of his or her duties as a peace officer be surrendered to the chief law enforcement executive of the agency in which the respondent is employed, who shall retain the firearms for safekeeping for the duration of the domestic violence order of protection.</p> <p>(D) Upon expiration of the period of safekeeping, if the firearms or Firearm Owner's Identification Card cannot be returned to respondent because respondent cannot be located, fails to respond to requests to retrieve the firearms, or is not lawfully eligible to possess a firearm, upon petition from the</p>	<p><u>430 ILCS 65/4</u> <i>Application for the Firearm Owner's Identification Card</i></p> <p>(a) Each applicant for a Firearm Owner's Identification Card must:</p> <p>(1) Make application on blank forms prepared and furnished at convenient locations throughout the State by the Department of State Police, or by electronic means, if and when made available by the Department of State Police; and</p> <p>(2) Submit evidence to the Department of State Police that:</p> <p>(ix) He or she has not been convicted of domestic battery, aggravated domestic battery, or a substantially similar offense in another jurisdiction committed before, on or after January 1, 2012 (the effective date of <u>Public Act 97-158</u>). If the applicant knowingly and intelligently waives the right to have an offense described in this clause (ix) tried by a jury, and by guilty plea or otherwise, results in a conviction for an offense in which a domestic relationship is not a required element of the offense but in which a determination of the applicability of <u>18 U.S.C. 922(g)(9)</u> is made under Section 112A-11.1 of the Code of Criminal Procedure of 1963 [<u>725 ILCS 5/112A-11.1</u>], an entry by the court of a judgment of conviction for that offense shall be grounds for denying the issuance of a Firearm Owner's Identification Card under this Section;</p>

<p>(2) the requirements of Section 214 [750 ILCS 60/214] are satisfied;</p> <p>(3) a general appearance was made or filed by or for respondent or process was served on respondent in the manner required by Section 210 [750 ILCS 60/210]; and</p> <p>(4) respondent has answered or is in default.</p> <p><u>Ex Parte Protective Order</u></p> <p><u>725 ILCS 5/112A-17.5</u> <i>Ex parte protective orders.</i></p> <p>(b) Issuance of ex parte protective orders in cases involving domestic violence. An ex parte domestic violence order of protection shall be issued if petitioner satisfies the requirements of this subsection (b) for one or more of the requested remedies. For each remedy requested, petitioner shall establish that:</p> <p>(3) there is good cause to grant the remedy, regardless of prior service of process or notice upon the respondent, because:</p> <p>(A) for the remedy of prohibition of abuse described in paragraph (1) of subsection (b) of Section 112A-14 of this Code; stay away order and additional prohibitions described in paragraph (3) of subsection (b) of Section 112A-14 of this Code; removal or concealment of minor child described in paragraph (8) of subsection (b) of Section 112A-14 of this Code [725 ILCS 5/112A-14]; order to appear described in paragraph (9) of subsection (b) of Section 112A-14 of this Code; physical care and possession of the minor child described in paragraph (5) of subsection (b) of Section 112A-14 of this Code; protection of property described in paragraph (11) of subsection (b) of Section 112A-14 of this Code; prohibition of entry described in paragraph (14) of subsection (b) of Section 112A-14 of this Code; prohibition of firearm possession described in paragraph (14.5) of subsection (b) of Section 112A-14</p>	<p>local law enforcement agency, the court may order the local law enforcement agency to destroy the firearms, use the firearms for training purposes, or for any other application as deemed appropriate by the local law enforcement agency; or that the firearms be turned over to a third party who is lawfully eligible to possess firearms, and who does not reside with respondent.</p> <p><u>725 ILCS 5/112A-30</u> <i>Assistance by law enforcement officers.</i></p> <p>(a) Whenever a law enforcement officer has reason to believe that a person has been abused by a family or household member, the officer shall immediately use all reasonable means to prevent further abuse, including:</p> <p>(2) If there is probable cause to believe that particular weapons were used to commit the incident of abuse, subject to constitutional limitations, seizing and taking inventory of the weapons:</p> <p><u>750 ILCS 60/304</u> <i>Assistance by law enforcement officers</i></p> <p>(a) Whenever a law enforcement officer has reason to believe that a person has been abused, neglected, or exploited by a family or household member, the officer shall immediately use all reasonable means to prevent further abuse, neglect, or exploitation, including:</p> <p>(2) If there is probable cause to believe that particular weapons were used to commit the incident of abuse, subject to constitutional limitations, seizing and taking inventory of the weapons;</p> <p><u>430 ILCS 65/2</u> <i>Firearm Owner's Identification Card required; exceptions</i></p> <p>(a)(2) No person may acquire or possess firearm ammunition within this State without having in his or her possession a Firearm Owner's Identification Card previously issued in his or her name by the Department of State Police under the provisions of this Act</p> <p><u>725 ILCS 165/2</u> <i>Removal of firearm from defendant</i></p>	<p><u>430 ILCS 65/8</u> <i>Grounds for denial and revocation</i></p> <p>The Department of State Police has authority to deny an application for or to revoke and seize a Firearm Owner's Identification Card previously issued under this Act only if the Department finds that the applicant or the person to whom such card was issued is or was at the time of issuance:</p> <p>(k) A person who has been convicted within the past 5 years of battery, assault, aggravated assault, violation of an order of protection, or a substantially similar offense in another jurisdiction, in which a firearm was used or possessed;</p> <p>(l) A person who has been convicted of domestic battery, aggravated domestic battery, or a substantially similar offense in another jurisdiction committed before, on or after January 1, 2012 (the effective date of Public Act 97-158). If the applicant or person who has been previously issued a Firearm Owner's Identification Card under this Act knowingly and intelligently waives the right to have an offense described in this paragraph (l) tried by a jury, and by guilty plea or otherwise, results in a conviction for an offense in which a domestic relationship is not a required element of the offense but in which a determination of the applicability of 18 U.S.C. 922(g)(9) is made under Section 112A-11.1 of the Code of Criminal Procedure of 1963 [725 ILCS 5/112A-11.1], an entry by the court of a judgment of conviction for that offense shall be grounds for denying an application for and for revoking and seizing a Firearm Owner's Identification Card previously issued to the person under this Act;</p> <p>(n) A person who is prohibited from acquiring or possessing firearms or firearm ammunition by any Illinois State statute or by federal law;</p>
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of this Code; prohibition of access to records described in paragraph (15) of subsection (b) of Section 112A-14 of this Code; injunctive relief described in paragraph (16) of subsection (b) of Section 112A-14 of this Code; and telephone services described in paragraph (18) of subsection (b) of Section 112A-14 of this Code, the harm which that remedy is intended to prevent would be likely to occur if the respondent were given any prior notice, or greater notice than was actually given, of the petitioner's efforts to obtain judicial relief;

Emergency Order of Protection

750 ILCS 60/217

Emergency order of protection

(a) Prerequisites. An emergency order of protection shall issue if petitioner satisfies the requirements of this subsection for one or more of the requested remedies. For each remedy requested, petitioner shall establish that:

- (1)** The court has jurisdiction under Section 208 [[750 ILCS 60/208](#)];
- (2)** The requirements of Section 214 [[750 ILCS 60/214](#)] are satisfied; and
- (3)** There is good cause to grant the remedy, regardless of prior service of process or of notice upon the respondent, because:
 - (i)** For the remedies of "prohibition of abuse" described in Section 214(b)(1), "stay away order and additional prohibitions" described in Section 214(b)(3), "removal or concealment of minor child" described in Section 214(b)(8), "order to appear" described in Section 214(b)(9), "physical care and possession of the minor child" described in Section 214(b)(5), "protection of property" described in Section 214(b)(11), "prohibition of entry" described in Section 214(b)(14), "prohibition of firearm possession" described in Section

When the defendant is brought before the court, if the charge is controverted the testimony produced on both sides shall be heard. When it appears to the court that the defendant has threatened to use any firearm illegally, and it appears to the court that the surrender of such firearm would serve to keep the peace, the court shall order any firearm taken from the defendant to be kept by the State for safekeeping during a stated period of time not to exceed one year. The firearm or firearms shall be returned to the defendant at the end of the stated period. If such firearm was not seized when the defendant was brought before the court, the defendant may be ordered by the court to produce such firearm for safekeeping as provided above, and upon failure to produce such weapon within a time period established by the court, the defendant may be punished by the court as a contempt.

725 ILCS 5/110-10

Conditions of bail bond.

(a) If a person is released prior to conviction, either upon payment of bail security or on his or her own recognizance, the conditions of the bail bond shall be that he or she will:

- (5)** At a time and place designated by the court, surrender all firearms in his or her possession to a law enforcement officer designated by the court to take custody of and impound the firearms and physically surrender his or her Firearm Owner's Identification Card to the clerk of the circuit court when the offense the person has been charged with is a forcible felony, stalking, aggravated stalking, domestic battery, any violation of the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, or the Cannabis Control Act [[720 ILCS 570/100](#) et seq., [720 ILCS 646/1](#) et seq., or [720 ILCS 550/1](#) et seq.] that is classified as a Class 2 or greater felony, or any felony violation of Article 24 of the Criminal Code of 1961 or the Criminal Code of 2012 [[720 ILCS 5/24](#) et seq.]; the court may, however, forgo the imposition of this condition when the circumstances of the case clearly do not warrant it or when its imposition would be impractical; if the Firearm Owner's Identification Card is confiscated, the clerk of the circuit court shall mail the confiscated card to the Illinois State Police; all legally possessed firearms shall be returned to the person upon the charges being dismissed, or if the

<p>214(b)(14.5), “prohibition of access to records” described in Section 214(b)(15), and “injunctive relief” described in Section 214(b)(16), the harm which that remedy is intended to prevent would be likely to occur if the respondent were given any prior notice, or greater notice than was actually given, of the petitioner’s efforts to obtain judicial relief;</p> <p>(ii) For the remedy of “grant of exclusive possession of residence” described in Section 214(b)(2), the immediate danger of further abuse of petitioner by respondent, if petitioner chooses or had chosen to remain in the residence or household while respondent was given any prior notice or greater notice than was actually given of petitioner’s efforts to obtain judicial relief, outweighs the hardships to respondent of an emergency order granting petitioner exclusive possession of the residence or household. This remedy shall not be denied because petitioner has or could obtain temporary shelter elsewhere while prior notice is given to respondent, unless the hardships to respondent from exclusion from the home substantially outweigh those to petitioner;</p> <p>(iii) For the remedy of “possession of personal property” described in Section 214(b)(10), improper disposition of the personal property would be likely to occur if respondent were given any prior notice, or greater notice than was actually given, of petitioner’s efforts to obtain judicial relief, or petitioner has an immediate and pressing need for possession of that property.</p> <p><u>30-day Interim Order of Protection</u></p> <p><u>750 ILCS 60/218</u> <i>30-day interim order of protection</i></p> <p>(a) Prerequisites. An interim order of protection shall issue if petitioner has served notice of the hearing for that order on</p>	<p>person is found not guilty, unless the finding of not guilty is by reason of insanity;</p> <p style="text-align: center;">720 ILCS 5/12-3.2 <i>Domestic Battery</i></p> <p>(d) Upon conviction of domestic battery, the court shall advise the defendant orally or in writing, substantially as follows: “An individual convicted of domestic battery may be subject to federal criminal penalties for possessing, transporting, shipping, or receiving any firearm or ammunition in violation of the federal Gun Control Act of 1968 (18 U.S.C. 922(g)(8) and (9)).” A notation shall be made in the court file that the admonition was given.</p>	
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	<p>respondent, in accordance with Section 211 [750 ILCS 60/211], and satisfies the requirements of this subsection for one or more of the requested remedies. For each remedy requested, petitioner shall establish that:</p> <p>(1) The court has jurisdiction under Section 208 [750 ILCS 60/208];</p> <p>(2) The requirements of Section 214 [750 ILCS 60/214] are satisfied; and</p> <p>(3) A general appearance was made or filed by or for respondent; or process was served on respondent in the manner required by Section 210 [750 ILCS 60/210]; or the petitioner is diligently attempting to complete the required service of process.</p> <p>An interim order may not include the counseling, payment of support or monetary compensation remedies, unless the respondent has filed a general appearance or has been personally served.</p> <p>(b) Appearance by respondent. If respondent appears in court for this hearing for an interim order, he or she may elect to file a general appearance and testify. Any resulting order may be an interim order, governed by this Section. Notwithstanding the requirements of this Section, if all requirements of Section 219 [750 ILCS 60/219] have been met, the Court may issue a plenary order of protection.</p>		
INDIANA	<p><u>Order for Protection</u> <u>Ex Parte Order for Protection</u></p> <p><i>Burns Ind. Code Ann. § 34-26-5-9 Relief.</i></p> <p>(a) If it appears from a petition for an order for protection or from a petition to modify an order for protection that domestic or family violence has occurred or that a modification of an order for protection is required, a court may:</p>	<p><i>Burns Ind. Code Ann. § 34-26-5-9 Relief.</i></p> <p>(g) A finding that domestic or family violence or harassment has occurred sufficient to justify the issuance of an order under this section means that a respondent represents a credible threat to the safety of a petitioner or a member of a petitioner's household. Upon a showing of domestic or family violence or harassment by a preponderance of the evidence, the court shall grant relief necessary to bring about a cessation of the violence or the threat of violence. The relief may include an order directing a respondent to surrender to a law enforcement officer or agency all firearms, ammunition, and deadly weapons:</p>	<p><i>Burns Ind. Code Ann. § 35-47-2-1 License required to carry handgun — Exceptions.</i></p> <p>(c) Unless the person's right to possess a firearm has been restored under IC 35-47-4-7, a person who has been convicted of domestic battery under IC 35-42-2-1.3 may not possess or carry a handgun.</p> <p><i>Burns Ind. Code Ann. § 35-47-2-5 35-47-2-5. Suspension or revocation of licenses.</i></p>

<p>(1) without notice or hearing, immediately issue an order for protection ex parte or modify an order for protection ex parte; or</p> <p>(2) upon notice and after a hearing, whether or not a respondent appears, issue or modify an order for protection.</p> <p>(b) If it appears from a petition for an order for protection or from a petition to modify an order for protection that harassment has occurred, a court:</p> <p>(1) may not, without notice and a hearing, issue an order for protection ex parte or modify an order for protection ex parte; but</p> <p>(2) may, upon notice and after a hearing, whether or not a respondent appears, issue or modify an order for protection.</p> <p>A court must hold a hearing under this subsection not later than thirty (30) days after the petition for an order for protection or the petition to modify an order for protection is filed.</p> <p>(c) A court may grant the following relief without notice and hearing in an ex parte order for protection or in an ex parte order for protection modification under subsection (a):</p> <p>(4) Prohibit a respondent from using or possessing a firearm, ammunition, or a deadly weapon specified by the court, and direct the respondent to surrender to a specified law enforcement agency the firearm, ammunition, or deadly weapon for the duration of the order for protection unless another date is ordered by the court.</p> <p>(d) A court may grant the following relief after notice and a hearing, whether or not a respondent appears, in an order for protection or in a modification of an order for protection:</p> <p>(1) Grant the relief under subsection (c).</p> <p>(4) Prohibit a respondent from using or possessing a firearm, ammunition, or a deadly weapon specified by the court, and direct the respondent to surrender to a specified law enforcement agency the</p>	<p>(1) in the control, ownership, or possession of a respondent; or</p> <p>(2) in the control or possession of another person on behalf of a respondent; for the duration of the order for protection unless another date is ordered by the court.</p> <p><i>Burns Ind. Code Ann. § 35-33-1-1.5</i> <i>Actions taken by law enforcement officers.</i></p> <p>(b) A law enforcement officer may confiscate and remove a firearm, ammunition, or a deadly weapon from the scene if the law enforcement officer has:</p> <p>(1) probable cause to believe that a crime involving domestic or family violence has occurred;</p> <p>(2) a reasonable belief that the firearm, ammunition, or deadly weapon:</p> <p>(A) exposes the victim to an immediate risk of serious bodily injury; or</p> <p>(B) was an instrumentality of the crime involving domestic or family violence; and</p> <p>(3) observed the firearm, ammunition, or deadly weapon at the scene during the response.</p> <p><i>Burns Ind. Code Ann. § 35-47-4-6</i> <i>Possession of firearm by domestic batterer.</i></p> <p>(a) A person who has been convicted of domestic battery under IC 35-42-2-1.3 and who knowingly or intentionally possesses a firearm commits unlawful possession of a firearm by a domestic batterer, a Class A misdemeanor.</p> <p>(b) It is a defense to a prosecution under this section that the person's right to possess a firearm has been restored under IC 35-47-4-7.</p>	<p>(a) The superintendent may suspend or revoke any license issued under this chapter if the superintendent has reasonable grounds to believe that the person's license should be suspended or revoked.</p> <p>(b) Documented evidence that a person is not a "proper person" to be licensed as defined by IC 35-47-1-7, or is prohibited under section 3(h)(5) [IC 35-47-2-3(h)(5)] of this chapter from being issued a license, shall be grounds for immediate suspension or revocation of a license previously issued under this chapter. However, if a license is suspended or revoked based solely on an arrest under section 3(h)(5) of this chapter, the license shall be reinstated upon the acquittal of the defendant in that case or upon the dismissal of the charges for the specific offense.</p> <p>(c) A person who knowingly or intentionally fails to promptly return the person's license after written notice of suspension or revocation commits a Class A misdemeanor. The observation of a handgun license in the possession of a person whose license has been suspended or revoked constitutes a sufficient basis for the arrest of that person for violation of this subsection.</p> <p>(d) The superintendent shall establish rules under IC 4-22-2 concerning the procedure for suspending or revoking a person's license.</p> <p><i>Burns Ind. Code Ann. § 35-47-2-3</i> <i>Issuance of licenses.</i></p> <p>(d) The officer to whom the application is made shall ascertain the applicant's name, full address, length of residence in the community, whether the applicant's residence is located within the limits of any city or town, the applicant's occupation, place of business or employment, criminal record, if any, and convictions (minor traffic offenses excepted), age, race, sex, nationality, date of birth, citizenship, height, weight, build, color of hair, color of eyes, scars and marks, whether the applicant has previously held an Indiana license to carry a handgun and, if so, the serial number of the license and year issued, whether the</p>
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	<p>firearm, ammunition, or deadly weapon for the duration of the order for protection unless another date is ordered by the court.</p>		<p>applicant's license has ever been suspended or revoked, and if so, the year and reason for the suspension or revocation, and the applicant's reason for desiring a license. If the applicant is not a United States citizen, the officer to whom the application is made shall ascertain the applicant's country of citizenship, place of birth, and any alien or admission number issued by the United States Citizenship and Immigration Services or United States Customs and Border Protection or any successor agency as applicable. The officer to whom the application is made shall conduct an investigation into the applicant's official records and verify thereby the applicant's character and reputation, and shall in addition verify for accuracy the information contained in the application, and shall forward this information together with the officer's recommendation for approval or disapproval and one (1) set of legible and classifiable fingerprints of the applicant to the superintendent. An investigation conducted under this section must include the consulting of available local, state, and federal criminal history data banks, including the National Instant Criminal Background Check System (NICS), to determine whether possession of a firearm by an applicant would be a violation of state or federal law.</p>
IOWA	<p><u>Temporary No-Contact Order</u></p> <p><i>Iowa Code § 664A.3</i> <i>Entry of temporary no-contact order.</i></p> <p>6. A no-contact order issued pursuant to this section shall specifically include notice that the person may be required to relinquish all firearms, offensive weapons, and ammunition upon the issuance of a permanent no-contact order pursuant to section 664A.5.</p> <p><u>Permanent No-Contact Order</u></p> <p><i>Iowa Code § 664A.5</i> <i>entry of permanent no-contact order.</i></p>	<p><i>Iowa Code § 724.26</i></p> <p><i>Possession, receipt, transportation, or dominion and control of firearms, offensive weapons, and ammunition by felons and others.</i></p> <p>2.</p> <p>a. Except as provided in paragraph "b", a person who is subject to a protective order under 18 U.S.C. § 922(g)(8) or who has been convicted of a misdemeanor crime of domestic violence under 18 U.S.C. § 922(g)(9) and who knowingly possesses, ships, transports, or receives a firearm, offensive weapon, or ammunition is guilty of a class "D" felony.</p> <p>b. This subsection shall not apply to the possession, shipment, transportation, or receipt of a firearm, offensive weapon, or ammunition issued by a state department or agency or political subdivision for use in the performance of</p>	<p><i>Iowa Code § 724.8</i></p> <p><i>Persons ineligible for permit to carry weapons.</i></p> <p>No professional or nonprofessional permit to carry weapons shall be issued to a person who is subject to any of the following:</p> <p>1. Is less than eighteen years of age for a professional permit or less than twenty-one years of age for a nonprofessional permit.</p> <p>2. Is addicted to the use of alcohol.</p> <p>3. Probable cause exists to believe, based upon documented specific actions of the person, where at least one of the actions occurred within two years immediately preceding the date of the permit application, that the person is likely to</p>

If a defendant is convicted of, receives a deferred judgment for, or pleads guilty to a public offense referred to in [section 664A.2](#), subsection 1, or is held in contempt for a violation of a no-contact order issued under [section 664A.3](#) or for a violation of a protective order issued pursuant to chapter 232, 235F, 236, 236A, 598, or 915, the court shall either terminate or modify the temporary no-contact order issued by the magistrate. The court may enter a no-contact order or continue the no-contact order already in effect for a period of five years from the date the judgment is entered or the deferred judgment is granted, regardless of whether the defendant is placed on probation.

Civil Protective Order

[Iowa Code § 236.5](#) Disposition.

- 1.** Upon a finding that the defendant has engaged in domestic abuse:
 - b.** The court may grant a protective order or approve a consent agreement which may contain but is not limited to any of the following provisions:
 - (2)** That the defendant not knowingly possess, ship, transport, or receive firearms, offensive weapons, and ammunition in violation of [section 724.26](#), subsection 2.

the official duties of the person who is the subject of a protective order under [18 U.S.C. § 922\(g\)\(8\)](#).

c. For purposes of this section, “misdemeanor crime of domestic violence” means an assault under [section 708.1](#), subsection 2, paragraph “a” or “c”, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim.

3. Upon the issuance of a protective order or entry of a judgment of conviction described in subsection 2, the court shall inform the person who is the subject of such order or conviction that the person shall not possess, ship, transport, or receive a firearm, offensive weapon, or ammunition while such order is in effect or until such conviction is vacated or until the person’s rights have been restored in accordance with [section 724.27](#).

4. Except as provided in [section 809A.17](#), subsection 5, paragraph “b”, a court that issues an order or that enters a judgment of conviction described in subsection 2 and that finds the subject of the order or conviction to be in possession of any firearm, offensive weapon, or ammunition shall order that such firearm, offensive weapon, or ammunition be sold or transferred by a date certain to the custody of a qualified person in this state, as determined by the court. The qualified person must be able to lawfully possess such firearm, offensive weapon, or ammunition in this state. If the court is unable to identify a qualified person to receive such firearm, offensive weapon, or ammunition, the court shall order that the firearm, offensive weapon, or ammunition be transferred by a date certain to the county sheriff or a local law enforcement agency designated by the court for safekeeping until a qualified person is identified to receive the firearm, offensive weapon, or ammunition, until such order is no longer in effect, until such conviction is vacated, or until the person’s rights have been restored in accordance with [section 724.27](#). If the firearm, offensive weapon, or ammunition is to be transferred to the sheriff’s office or a local law enforcement agency, the court shall assess the person the reasonable cost of storing the firearm, offensive weapon, or ammunition, payable to the county sheriff or the local law enforcement agency.

[Iowa Code § 664A.7](#)

use a weapon unlawfully or in such other manner as would endanger the person’s self or others.

4. Is subject to the provisions of [section 724.26](#).

5. Has, within the previous three years, been convicted of any serious or aggravated misdemeanor defined in chapter 708 not involving the use of a firearm or explosive.

6. Is prohibited by federal law from shipping, transporting, possessing, or receiving a firearm.

[Iowa Code § 724.13](#)

Suspension or revocation of permit to carry weapons — criminal history background check.

1. An issuing officer who finds that a person issued a permit to carry weapons under this chapter has been arrested for a disqualifying offense or is the subject of proceedings that could lead to the person’s ineligibility for such permit may immediately suspend such permit. An issuing officer proceeding under this section shall immediately notify the permit holder of the suspension by personal service or certified mail on a form prescribed and published by the commissioner of public safety and the suspension shall become effective upon the permit holder’s receipt of such notice. If the suspension is based on an arrest or a proceeding that does not result in a disqualifying conviction or finding against the permit holder, the issuing officer shall immediately reinstate the permit upon receipt of proof of the matter’s final disposition. If the arrest leads to a disqualifying conviction or the proceedings to a disqualifying finding, the issuing officer shall revoke the permit. The issuing officer may also revoke the permit of a person whom the issuing officer later finds was not qualified for such a permit at the time of issuance or who the officer finds provided materially false information on the permit application. A person aggrieved by a suspension or revocation under this section may seek review of the decision pursuant to [section 724.21A](#).

		<p><i>Violation of no-contact order or protective order — contempt or simple misdemeanor penalties.</i></p> <p>1. Violation of a no-contact order issued under this chapter or a protective order issued pursuant to chapter 232, 235F, 236, 236A, or 598, including a modified no-contact order, is punishable by summary contempt proceedings.</p> <p>4. If convicted or held in contempt for a violation of a civil protective order referred to in section 664A.2, the person shall serve a jail sentence. A jail sentence imposed pursuant to this subsection shall be served on consecutive days. A person who is convicted of or held in contempt for a violation of a protective order referred to in section 664A.2 may be ordered by the court to pay the plaintiff's attorney's fees and court costs.</p> <p style="text-align: center;"><u>Iowa Code § 724.15</u></p> <p style="text-align: center;"><i>Annual permit to acquire pistols or revolvers</i></p> <p>1. Any person who desires to acquire ownership of any pistol or revolver shall first obtain a permit. A permit shall be issued upon request to any resident of this state unless the person is subject to any of the following:</p> <p class="list-item-l1">c. Is prohibited by federal law from shipping, transporting, possessing, or receiving a firearm.</p> <p style="text-align: center;"><u>Iowa Code 708.1</u></p> <p style="text-align: center;"><i>Assault defined</i></p> <p>2. A person commits an assault when, without justification, the person does any of the following:</p> <p class="list-item-l1">c. Intentionally points any firearm toward another, or displays in a threatening manner any dangerous weapon toward another.</p>	<p>2. The issuing officer may annually conduct a background check concerning a person issued a permit by obtaining criminal history data from the department of public safety.</p>
KANSAS	<p><u>Emergency Order</u></p> <p>Catchall Provision</p> <p>No specific firearms relief within the statute</p> <p style="text-align: center;"><u>K.S.A. § 60-3105</u></p> <p style="text-align: center;"><i>Emergency relief.</i></p> <p>(a) When the court is unavailable, a verified petition, accompanied by a proposed order,</p>	<p style="text-align: center;"><u>Kan. Stat. Ann. § 21-6301</u></p> <p style="text-align: center;"><i>Criminal use of weapons</i></p> <p class="list-item-l1">(a) Criminal use of weapons is knowingly:</p> <p class="list-item-l2">(18) possessing any firearm by a person who, within the preceding five years, has been convicted of a misdemeanor for a domestic violence offense, or a misdemeanor under a law of another jurisdiction which is substantially the same as such misdemeanor offense.</p>	<p style="text-align: center;"><u>K.S.A. § 75-7c07</u></p> <p style="text-align: center;"><i>Same; denial, revocation or suspension; change of residency.</i></p> <p class="list-item-l1">(a) In accordance with the provisions of the Kansas administrative procedure act, the attorney general shall deny a license to any applicant for license who is ineligible under K.S.A. 2013 Supp. 75-7c04, and amendments thereto, and, except as provided by subsection (b), shall revoke</p>

<p>may be presented to any judge of the district court. The judge may grant relief in accordance with K.S.A. 60-3107(a)(1), (2), (4) or (5), and amendments thereto, or any combination thereof, if the judge deems it necessary to protect the plaintiff or minor child or children from abuse. An emergency order pursuant to this subsection may be granted ex parte. Immediate and present danger of abuse to the plaintiff or minor child or children shall constitute good cause for the entry of the emergency order.</p> <p><u>Temporary Order</u></p> <p>Catchall Provision</p> <p>No specific firearms relief within the statute</p> <p><u>K.S.A. § 60-3106</u></p> <p><i>Hearings; temporary orders pending hearing, modification.</i></p> <p>(b) Prior to the hearing on the petition and upon a finding of good cause shown, the court on motion of a party may enter such temporary relief orders in accordance with subsection (a)(1), (2), (4) or (5) of K.S.A. 60-3107, and amendments thereto, or any combination thereof, as it deems necessary to protect the plaintiff or minor children from abuse. Temporary orders may be granted ex parte. Immediate and present danger of abuse to the plaintiff or minor children shall constitute good cause for purposes of this section. No temporary order shall have the effect of modifying an existing order granting legal custody, residency, visitation or parenting time unless there is sworn testimony at a hearing to support a showing of good cause.</p> <p><u>Protection from Abuse Orders</u></p> <p>Catchall Provision</p> <p>No specific firearms relief within the statute</p>		<p>at any time the license of any person who would be ineligible under K.S.A. 2013 Supp. 75-7c04, and amendments thereto, if submitting an application for a license at such time. Review by the district court in accordance with the Kansas judicial review act shall be, at the option of the party seeking review, in Shawnee county or the county in which the petitioner resides. The revocation shall remain in effect pending any appeal and shall not be stayed by the court.</p> <p>(b) The license of a person who is charged for an offense or is subject to a proceeding that could render the person ineligible pursuant to subsection (a) of K.S.A. 2013 Supp. 75-7c04, and amendments thereto, shall be subject to suspension and shall be reinstated upon final disposition of the charge or outcome of the proceeding as long as the arrest or proceeding does not result in a disqualifying conviction, commitment, finding or order.</p> <p>(c) The sheriff of the county where a restraining order is issued that would prohibit issuance of a license under subsection (a)(2) of K.S.A. 2013 Supp. 75-7c04, and amendments thereto, shall notify the attorney general immediately upon receipt of such order. If the person subject to the restraining order holds a license issued pursuant to this act, the attorney general immediately shall suspend such license upon receipt of notice of the issuance of such order. The attorney general shall adopt rules and regulations establishing procedures which allow for 24-hour notification and suspension of a license under the circumstances described in this subsection. The attorney general shall immediately reinstate the license, if it has not otherwise expired, upon proof of the cancellation of the order.</p>
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	<p>K.S.A. § 60-3107 <i>Protection from abuse orders procedure; modifications; inconsistent orders; extension of orders; violation of orders, criminal violations and penalties.</i></p> <p>(a) The court may approve any consent agreement to bring about a cessation of abuse of the plaintiff or minor children or grant any of the following orders:</p> <p>(10) Ordering or restraining any other acts deemed necessary to promote the safety of the plaintiff or of any minor children of the parties.</p>		
KENTUCKY	<p>Domestic Violence Order Catchall Provision No specific firearms relief within the statute</p> <p>KRS § 403.740 <i>Domestic violence order — Restrictions — Temporary child support — Expiration and reissuance.</i></p> <p>(1) Following a hearing ordered under KRS 403.730, if a court finds by a preponderance of the evidence that domestic violence and abuse has occurred and may again occur, the court may issue a domestic violence order:</p> <p>(a) Restraining the adverse party from:</p> <ol style="list-style-type: none"> 1. Committing further acts of domestic violence and abuse; 2. Any unauthorized contact or communication with the petitioner or other person specified by the court; 3. Approaching the petitioner or other person specified by the court within a distance specified in the order, not to exceed five hundred (500) feet; 4. Going to or within a specified distance of a specifically described residence, school, or place of employment or area where such a place is located; and 	<p>KRS § 431.064 <i>Pretrial release of person arrested for assault, sexual offense, or violation of protective order — Conditions — Hearing — Victim entitled to copy of conditions of release — Entry of conditions into Law Information Network — Penalty.</i></p> <p>(2) Before releasing a person arrested for or charged with a crime specified in subsection (1) of this section, the court shall make findings, on the record if possible, concerning the determination made in accordance with subsection (1) of this section, and may impose conditions of release or bail on the person to protect the alleged victim of domestic violence or abuse and to ensure the appearance of the person at a subsequent court proceeding. The conditions may include:</p> <p>(d) An order prohibiting the person from using or possessing a firearm or other weapon specified by the court;</p> <p>KRS § 403.763 <i>Violation order of protection constitutes contempt of court and criminal offense.</i></p> <p>(1) Violation of the terms or conditions of an order of protection after the person has been served or given notice of the order shall constitute contempt of court and a criminal offense under this section. Once a criminal or contempt proceeding has been initiated, the other shall not be undertaken regardless of the outcome of the original proceeding.</p>	<p>KRS § 237.110 <i>License to carry concealed deadly weapon — Criteria — Training — Paper or electronic application — Issuance and denial of licenses — Automated listing of license holders — Suspension or revocation — Renewal — Prohibitions — Reciprocity — Reports — Requirements for training classes.</i></p> <p>(4) The Department of Kentucky State Police shall issue an original or renewal license if the applicant:</p> <p>(a) Is not prohibited from the purchase, receipt, or possession of firearms, ammunition, or both pursuant to 18 U.S.C. 922(g), 18 U.S.C. 922(n), or applicable federal or state law;</p> <p>(13)(k) When a domestic violence order or emergency protective order is issued pursuant to the provisions of KRS Chapter 403 against a person holding a license issued under this section, the holder of the permit shall surrender the license to the court or to the officer serving the order. The officer to whom the license is surrendered shall forthwith transmit the license to the court issuing the order. The license shall be suspended until the order is terminated, or until the judge who issued the order terminates the suspension prior to the termination of the underlying domestic violence order or emergency protective order, in writing and by return of the license, upon proper motion</p>

<p>5. Disposing of or damaging any of the property of the parties;</p> <p>(b) Directing or prohibiting any other actions that the court believes will be of assistance in eliminating future acts of domestic violence and abuse, except that the court shall not order the petitioner to take any affirmative action;</p> <p><u>Ex Parte Emergency Protective Order</u></p> <p style="text-align: center;"><i>KRS § 403.730</i></p> <p><i>Immediate review of petition — Summons to evidentiary hearing — Ex parte emergency protective order.</i></p> <p>(2)(a) If the review under this section also indicates the presence of an immediate and present danger of domestic violence and abuse, the court shall, upon proper motion, issue ex parte an emergency protective order that:</p> <ol style="list-style-type: none"> 1. Authorizes relief appropriate to the situation utilizing the alternatives set out in KRS 403.740, other than awarding temporary support or counseling; 2. Expires upon the conclusion of the evidentiary hearing required by this section unless extended or withdrawn by subsequent order of the court; and 3. Does not order or refer the parties to mediation unless requested by the petitioner, and the court finds that: <ol style="list-style-type: none"> a. The petitioner's request is voluntary and not the result of coercion; and b. Mediation is a realistic and viable alternative to or adjunct to the issuance of an order sought by the petitioner. <p>(b) If an order is not issued under this subsection, the court shall note on the petition, for the record, any action taken or denied and the reason for it.</p>		<p>by the license holder. Subject to the same conditions as above, a peace officer against whom an emergency protective order or domestic violence order has been issued shall not be permitted to carry a concealed deadly weapon when not on duty, the provisions of KRS 527.020 to the contrary notwithstanding.</p> <p style="text-align: right;"><i>KRS § 237.095</i></p> <p><i>Persons barred by federal law from purchase of firearms — Duty to notify courts and law enforcement agencies of purchase or attempt to purchase — Protocol for providing notice — Duty to notify petitioner — Immunity from liability.</i></p> <p>(1) Upon receiving notice that a person barred from purchasing a firearm under 18 U.S.C. sec. 922(g)(8) has purchased or attempted to purchase a firearm, any agency with the responsibility of entering domestic violence records into the Law Information Network of Kentucky shall notify:</p> <p>(a) The court in the jurisdiction where the domestic violence order was issued under KRS 403.750; and</p> <p>(b) The law enforcement agencies, as designated by the Department of Kentucky State Police, that have jurisdiction in the county where the domestic violence order was issued and in the county of the victim's residence if different from the county where the domestic violence order was issued.</p> <p>(2) The Department of Kentucky State Police shall develop a protocol for providing notice to the required court and law enforcement agencies under subsection (1) of this section. Within the protocol, the Department of Kentucky State Police shall designate which local law enforcement agencies are to receive notice in each county. A minimum of one (1) law enforcement agency shall be designated in each county.</p> <p>(3) When a designated law enforcement agency for the county where the domestic violence order was issued or where the victim resides receives notice under subsection (1)(b) of this section, that agency shall make reasonable efforts to ensure</p>
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			<p>that the petitioner who obtained the domestic violence order is notified that the respondent has purchased or attempted to purchase a firearm.</p> <p>(4) Any person carrying out responsibilities under this section shall be immune from civil liability for good faith conduct in carrying out those responsibilities.</p> <p>(5) This section shall apply only to domestic violence orders issued, or reissued, on or after July 14, 2000, through July 15, 2002.</p>
LOUISIANA	<p><u>Protective Order</u></p> <p><i>La. R.S. § 46:2136.3</i></p> <p><i>Prohibition on the possession of firearms by a person against whom a protective order is issued</i></p> <p>A. Any person against whom the court has issued a permanent injunction or a protective order pursuant to a court-approved consent agreement or pursuant to the provisions of R.S. 9:361 et seq., R.S. 9:372, R.S. 46:2136, 2151, or 2173, Children's Code Article 1570, Code of Civil Procedure Article 3607.1, or Code of Criminal Procedure Articles 30, 320, or 871.1 shall be prohibited from possessing a firearm or carrying a concealed weapon for the duration of the injunction or protective order if both of the following occur:</p> <p>(1) The permanent injunction or protective order includes a finding that the person subject to the permanent injunction or protective order represents a credible threat to the physical safety of a family member, household member, or dating partner.</p> <p>(2) The permanent injunction or protective order informs the person subject to the permanent injunction or protective order that the person is prohibited from possessing a firearm pursuant to the provisions of 18 U.S.C. 922(g)(8) and R.S. 46:2136.3.</p> <p>B. For the provisions of this Section, “firearm” means any pistol, revolver, rifle, shotgun, machine gun, submachine gun,</p>	<p><i>La. C.Cr.P. Art. 1002</i></p> <p><i>Transfer of firearms</i></p> <p>A.(1) When a person has any of the following, the judge shall order the transfer of all firearms and the suspension of a concealed handgun permit of the person:</p> <ul style="list-style-type: none"> (a) A conviction of domestic abuse battery (R.S. 14:35.3). (b) A second or subsequent conviction of battery of a dating partner (R.S. 14:34.9). (c) A conviction of battery of a dating partner that involves strangulation (R.S. 14:34.9(K)). (d) A conviction of battery of a dating partner when the offense involves burning (R.S. 14:34.9(L)). (e) A conviction of possession of a firearm or carrying a concealed weapon by a person convicted of domestic abuse battery and certain offenses of battery of a dating partner (R.S. 14:95.10). (f) A conviction of domestic abuse aggravated assault (R.S. 14:37.7). (g) A conviction of aggravated assault upon a dating partner (R.S. 14:34.9.1). (h) A conviction of any felony crime of violence enumerated or defined in R.S. 14:2(B), for which a person would be prohibited from possessing a firearm pursuant to R.S. 14:95.1, and which has as an element of the crime that the victim was a family member, household member, or dating partner. (i) A conviction of any felony crime of violence enumerated or defined in R.S. 14:2(B), for which a person would be prohibited from possessing a firearm pursuant to R.S. 14:95.1, and in which the victim of the crime was determined to be a family member, household member, or dating partner. <p>(2) Upon issuance of an injunction or order under any of the following circumstances, the judge shall order the transfer of all firearms and the suspension of a concealed handgun</p> <p><i>La. R.S. § 40:1379.1</i></p> <p><i>Special officers; powers and duties; concealed handgun permit</i></p> <p>I. The superintendent of state police or the chief law enforcement officer of a parish shall have the authority to revoke any concealed handgun permit, and is further empowered to require those holding handgun permits to furnish proof of their being bonded, and such other information as may be deemed necessary for determining suitability for holding a concealed handgun permit.</p> <p><i>La. R.S. § 40:1379.3</i></p> <p>Statewide permits for concealed handguns; application procedures; definitions.</p> <p>I. (1) No individual to whom a concealed handgun permit is issued may carry and conceal such handgun while under the influence of alcohol or a controlled dangerous substance. While a permittee is under the influence of alcohol or a controlled dangerous substance, an otherwise lawful permit is considered automatically suspended and is not valid. A permittee shall be considered under the influence as evidenced by a blood alcohol reading of .05 percent or greater by weight of alcohol in the blood, or when a blood test or urine test shows any confirmed presence of a controlled dangerous substance as defined in R.S. 40:961 and 964.</p> <p>(2) A permittee armed with a handgun in accordance with this Section shall notify any police officer who approaches the permittee in an official manner or with an identified official</p>	

<p>black powder weapon, or assault rifle which is designed to fire or is capable of firing fixed cartridge ammunition or from which a shot or projectile is discharged by an explosive.</p> <p>C. Whoever violates the provisions of this Section shall be in violation of and subject to the penalties set forth in R.S. 14:79.</p> <p><u>Temporary Restraining Order</u> Catchall Provision No specific firearms relief within the statute</p> <p><i>La. R.S. § 46:2135</i> <i>Temporary restraining order.</i></p> <p>A. Upon good cause shown in an ex parte proceeding, the court may enter a temporary restraining order, without bond, as it deems necessary to protect from abuse the petitioner, any minor children, or any person alleged to be an incompetent. Any person who shows immediate and present danger of abuse shall constitute good cause for purposes of this Subsection. The court shall consider any and all past history of abuse, or threats thereof, in determining the existence of an immediate and present danger of abuse. There is no requirement that the abuse itself be recent, immediate, or present. The order may include but is not limited to the following:</p> <ul style="list-style-type: none"> (1) Directing the defendant to refrain from abusing, harassing, or interfering with the person or employment or going near the residence or place of employment of the petitioner, the minor children, or any person alleged to be incompetent, on whose behalf a petition was filed under this Part. (2) Awarding to a party use and possession of specified jointly owned or leased property, such as an automobile. (3) Granting possession to the petitioner of the residence or household to the exclusion 	<p>permit of the person who is subject to the injunction or order:</p> <p>(a) The issuance of a permanent injunction or a protective order pursuant to a court-approved consent agreement or pursuant to the provisions of R.S. 9:361 et seq., R.S. 9:372, R.S. 46:2136, 2151, or 2173, Children's Code Article 1570, Code of Civil Procedure Article 3607.1, or Articles 30, 320, or 871.1 of this Code.</p> <p>(b) The issuance of a Uniform Abuse Prevention Order that includes terms that prohibit the person from possessing a firearm or carrying a concealed weapon.</p> <p><i>La. C.Cr.P. Art. 893.3</i> <i>Sentence imposed on felony or specifically enumerated misdemeanor in which firearm was possessed, used, or discharged.</i></p> <p>A. If the finder of facts finds beyond a reasonable doubt that the offender actually possessed a firearm during the commission of the felony or specifically enumerated misdemeanor for which he was convicted, the court shall impose a term of imprisonment of two years nor more than the maximum term of imprisonment provided for the underlying offense; however, if the maximum sentence for the underlying offense is less than two years, the court shall impose the maximum sentence.</p> <p>B. If the finder of facts finds beyond a reasonable doubt that the offender actually used a firearm in the commission of the felony or specifically enumerated misdemeanor for which he was convicted, the court shall impose a term of imprisonment of five years nor more than the maximum term of imprisonment provided for the underlying offense; however, if the maximum sentence for the underlying offense is less than five years, the court shall impose the maximum sentence.</p> <p>C. If the finder of facts finds beyond a reasonable doubt that the offender actually discharged a firearm in the commission of the felony or specifically enumerated misdemeanor for which he was convicted, the court shall impose a term of imprisonment of ten years nor more than the maximum term of imprisonment provided for the underlying offense; however, if the maximum sentence for the underlying offense is less than ten years, the court shall impose the maximum sentence.</p>	<p>purpose that he has a weapon on his person, submit to a pat down, and allow the officer to temporarily disarm him. Whenever a law enforcement officer is made aware that an individual is carrying a concealed handgun and the law enforcement officer has reasonable grounds to believe that the individual is under the influence of either alcohol or a controlled dangerous substance, the law enforcement officer may take temporary possession of the handgun and request submission of the individual to a department certified chemical test for determination of the chemical status of the individual. Whenever a law enforcement officer is made aware that an individual is behaving in a criminally negligent manner as defined under the provisions of this Section, or is negligent in the carrying of a concealed handgun as provided for in R.S. 40:1382, the law enforcement officer may seize the handgun, until adjudication by a judge, if the individual is issued a summons or arrested under the provisions of R.S. 40:1382. Failure by the permittee to comply with the provisions of this Paragraph shall result in a six-month automatic suspension of the permit.</p> <p>(3) The permit to carry a concealed weapon shall be revoked by the deputy secretary when the permittee is carrying and concealing a handgun under any of the following circumstances:</p> <p>(a) The blood alcohol reading of a permittee is .05 percent or greater by weight of alcohol in the blood.</p> <p>(b) A permittee's blood test or urine test shows the confirmed presence of a controlled dangerous substance as defined in R.S. 40:961 and 964.</p> <p>(c) A permittee refuses to submit to a department-certified chemical test when requested to do so by a law enforcement officer pursuant to Paragraph (2) of this Subsection.</p> <p>(d) An individual is found guilty of negligent carrying of a concealed handgun as provided for in R.S. 40:1382.</p> <p>(4) The person tested may have a physician or a qualified technician, chemist, registered nurse, or other qualified person of his own choosing</p>
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<p>of the defendant, by evicting the defendant or restoring possession to the petitioner where:</p> <ul style="list-style-type: none"> (a) The residence is jointly owned in equal proportion or leased by the defendant and the petitioner or the person on whose behalf the petition is brought; (b) The residence is solely owned by the petitioner or the person on whose behalf the petition is brought; or (c) The residence is solely leased by defendant and defendant has a duty to support the petitioner or the person on whose behalf the petition is brought. <p>(4) Prohibiting either party from the transferring, encumbering, or otherwise disposing of property mutually owned or leased by the parties, except when in the ordinary course of business, or for the necessary support of the party or the minor children.</p> <p>(5) Awarding temporary custody of minor children or persons alleged to be incompetent.</p> <p>(6) Awarding or restoring possession to the petitioner of all separate property and all personal property, including but not limited to telephones or other communication equipment, computers, medications, clothing, toiletries, social security cards, birth certificates or other forms of identification, tools of the trade, checkbooks, keys, automobiles, photographs, jewelry, or any other items or personal effects of the petitioner and restraining the defendant from transferring, encumbering, concealing, or disposing of the personal or separate property of the petitioner.</p> <p>(7) Granting to the petitioner the exclusive care, possession, or control of any pets belonging to or under the care of the petitioner or minor children residing in the residence or household of either party, and directing the defendant to refrain from harassing, interfering with, abusing or</p>	<p>D. If the finder of facts finds beyond a reasonable doubt that a firearm was actually used or discharged by the defendant during the commission of the felony for which he was convicted, and thereby caused bodily injury, the court shall impose a term of imprisonment of fifteen years nor more than the maximum term of imprisonment for the underlying offenses; however, if the maximum sentence for the underlying felony is less than fifteen years, the court shall impose the maximum sentence.</p> <p>J. For purposes of this Article, the specifically enumerated misdemeanors to which these sentencing provisions are applicable shall be:</p> <ul style="list-style-type: none"> (1) R.S. 14:79, violation of a protective order, involving an assault or battery of the person protected. (2) R.S. 14:67, theft. (3) R.S. 14:35, simple battery. (4) R.S. 14:37, aggravated assault. (5) R.S. 14:40.2, stalking. (6) R.S. 14:35.3, domestic abuse battery. <p style="text-align: center;"><u>La. R.S. § 14:95.10</u></p> <p><i>Possession of a firearm or carrying of a concealed weapon by a person convicted of domestic abuse battery and certain offenses of battery of a dating partner</i></p> <p>A. It is unlawful for any person who has been convicted of any of the following offenses to possess a firearm or carry a concealed weapon:</p> <ul style="list-style-type: none"> (1) Domestic abuse battery (R.S. 14:35.3). (2) A second or subsequent offense of battery of a dating partner (R.S. 14:34.9). (3) Battery of a dating partner when the offense involves strangulation (R.S. 14:34.9(K)). (4) Battery of a dating partner when the offense involves burning (R.S. 14:34.9(L)). <p>B. Whoever is found guilty of violating the provisions of this Section shall be imprisoned with or without hard labor for not less than one year nor more than twenty years without the benefit of probation, parole, or suspension of sentence, and shall be fined not less than one thousand dollars nor more than five thousand dollars.</p> <p>C. A person shall not be considered to have been convicted of domestic abuse battery or battery of a dating partner for purposes of this Section unless the person was represented</p>	<p>administer a chemical test or tests in addition to any administered at the direction of a law enforcement officer, and he shall be given the opportunity to telephone and request the qualified person to administer such test.</p> <p>(5) Whenever a peace officer determines that grounds under this Subsection exist for the revocation of a concealed handgun permit, he shall prepare an affidavit, on a form provided by the Department of Public Safety and Corrections, indicating the reasons for the revocation and all other information regarding the revocation available to the officer. A copy of the peace officer's report relating to the incident shall be attached to the affidavit when submitted to the department.</p> <p>K. The department shall execute a thorough background investigation, including a criminal history check, of every applicant for the purpose of verifying the qualifications of the applicant pursuant to the requirements of this Section. For purposes of this Subsection, a background check shall be defined as a computer check of available on-line state records, and, if warranted, the fingerprints may be forwarded to the Federal Bureau of Investigation for a national criminal history record check. In addition, the department shall submit an inquiry on every applicant to the National Instant Criminal Background Check System of the Federal Bureau of Investigation.</p>
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	<p>injuring any pet, without legal justification, known to be owned, possessed, leased, kept, or held by either party or a minor child residing in the residence or household of either party.</p>	<p>by counsel in the case, or knowingly and intelligently waived the right to counsel in the case; and in the case of a prosecution for an offense described in this Section for which a person was entitled to a jury trial in the jurisdiction in which the case was tried, either the case was tried by a jury, or the person knowingly and intelligently waived the right to have the case tried by a jury, by guilty plea or otherwise. A person shall not be considered convicted of R.S. 14:35.3 or 34.9 for the purposes of this Section if the conviction has been expunged, set aside, or is an offense for which the person has been pardoned or had civil rights restored unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, possess, or receive firearms.</p> <p>D. For the provisions of this Section, “firearm” means any pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, or assault rifle which is designed to fire or is capable of firing fixed cartridge ammunition or from which a shot or projectile is discharged by an explosive.</p> <p>E. The provisions of this Section prohibiting the possession of firearms and carrying concealed weapons by persons who have been convicted of the offenses set forth in Subsection A of this Section shall not apply to any person who has not been convicted of any of the offenses set forth in Subsection A of this Section for a period of ten years from the date of completion of sentence, probation, parole, or suspension of sentence.</p>	
MAINE	<p><u>Protection Order</u></p> <p><u>19-A M.R.S. § 4007</u></p> <p><i>Relief</i></p> <p>1. Protection order; consent agreement. The court, after a hearing and upon finding that the defendant has committed the alleged abuse as defined in section 4002, subsection 1 or engaged in the alleged conduct described in section 4005, subsection 1, may grant a protective order to bring about a cessation of abuse or the alleged conduct. Alternatively, when the parties voluntarily request a consent agreement, the court may grant a protective order with or without a finding that the defendant committed abuse</p>	<p><u>15 M.R.S. § 393</u></p> <p><i>Possession of firearms prohibited for certain persons</i></p> <p>1. Possession prohibited. A person may not own, possess or have under that person’s control a firearm, unless that person has obtained a permit under this section, if that person:</p> <p>D. Is subject to an order of a court of the United States or a state, territory, commonwealth or tribe that restrains that person from harassing, stalking or threatening an intimate partner, as defined in 18 United States Code, Section 921(a), of that person or a child of the intimate partner of that person, or from engaging in other conduct that would place the intimate partner in reasonable fear of bodily injury to the intimate partner or the child, except that this paragraph applies only to a court order that was issued after a hearing for which that person received actual notice and at which that person had the opportunity to participate and that:</p>	<p><u>25 M.R.S. § 2003</u></p> <p><i>Permits to carry concealed handguns</i></p> <p>8. Term</p> <p>of permit. All concealed handgun permits are valid for 4 years from the date of issue, unless sooner revoked for cause by the issuing authority. If a permit renewal is issued before the expiration date of the permit being renewed or within 6 months of the expiration date of the permit being renewed, the permit renewal is valid for 4 years from the expiration date of the permit being renewed.</p> <p>17. Waiver of law enforcement agency record and background check fees. Notwithstanding any other provision of law, a law enforcement agency may not charge an issuing authority a fee in</p>

<p>as defined in section 4002, subsection 1 or without a finding that the defendant engaged in conduct described in section 4005, subsection 1. The court may enter a finding that the defendant represents a credible threat to the physical safety of the plaintiff or a minor child residing in the plaintiff's household. The court may enter a finding of economic abuse. Relief granted under this section may include:</p> <p>A. Directing the defendant to refrain from threatening, assaulting, molesting, harassing, attacking or otherwise abusing the plaintiff and any minor children residing in the household;</p> <p>A-1. Directing the defendant not to possess a firearm, muzzle-loading firearm, bow, crossbow or other dangerous weapon for the duration of the order;</p>	<p>(1) Includes a finding that the person represents a credible threat to the physical safety of an intimate partner or a child; or</p> <p>(2) By its terms, explicitly prohibits the use, attempted use or threatened use of physical force against an intimate partner or a child that would reasonably be expected to cause bodily injury.</p> <p>Violation of this paragraph is a Class D crime;</p> <p>1-B. Prohibition for domestic violence offenses. A person may not own, possess or have under that person's control a firearm if that person:</p> <p>A. Has been convicted of committing or found not criminally responsible by reason of insanity of committing:</p> <p>(1) A Class D crime in this State in violation of Title 17-A, section 207-A, 209-A, 210-B, 210-C or 211-A; or</p> <p>(2) A crime under the laws of the United States or any other state that in accordance with the laws of that jurisdiction is elementally substantially similar to a crime in subparagraph (1).</p>	<p>association with the law enforcement agency's conducting a concealed handgun permit applicant record check or background check for the issuing authority.</p>
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1-A. No possession of firearm or dangerous weapons for duration of order. If the court prohibits the defendant from possessing a dangerous weapon other than a firearm, muzzle-loading firearm, bow or crossbow, the court shall specify the type of weapon the defendant is prohibited from possessing. If the court prohibits the defendant from possessing a firearm, muzzle-loading firearm, bow, crossbow or other dangerous weapon, the court shall direct the defendant to relinquish, within 24 hours after service of the order on the defendant or such earlier time as the court specifies in the order, all firearms, muzzle-loading firearms, bows, crossbows and specified dangerous weapons in the possession of the defendant to a law enforcement officer or other individual for the duration of the order. If the weapons are relinquished to an individual other than a law enforcement officer, the defendant must file, within 24 hours after such relinquishment, with the court or local law enforcement agency designated in the order a written statement that contains the name and address of the individual holding the weapons and a description of all weapons held by that individual. The court may subsequently issue a search warrant authorizing a law enforcement officer to seize any firearms, muzzle-loading firearms, bows, crossbows and other dangerous weapons at any location if there is probable cause to believe such firearms, muzzle-loading firearms, bows, crossbows or dangerous weapons have not been relinquished by the defendant.

15 M.R.S. § 1026
*Standards for release for crime bailable as of right
preconviction*

3. Release on conditions. Release on a condition or combination of conditions pursuant to subsection 1, paragraph B or C must be as provided in this subsection. **A.** If, after consideration of the factors listed in subsection 4, the judicial officer determines that the release described in subsection 2-A will not reasonably ensure the appearance of the defendant at the time and place required, will not reasonably ensure that the defendant will refrain from any new criminal conduct, will not reasonably ensure the integrity of the judicial process or will not reasonably ensure the safety of others in the community, the judicial officer shall order the pretrial release of the defendant subject to the least restrictive further condition or combination of

		<p>conditions that the judicial officer determines will reasonably ensure the appearance of the defendant at the time and place required, will reasonably ensure that the defendant will refrain from any new criminal conduct, will reasonably ensure the integrity of the judicial process and will reasonably ensure the safety of others in the community. These conditions may include that the defendant:</p> <p>(8) Refrain from possessing a firearm or other dangerous weapon;</p>	
MARYLAND	<p><u>Final Protective Order</u></p> <p><i><u>Md. FAMILY LAW Code Ann. § 4-506</u></i></p> <p><i>Protective orders</i></p> <p>(f) Surrender of firearm. -- The final protective order shall order the respondent to surrender to law enforcement authorities any firearm in the respondent's possession, and to refrain from possession of any firearm, for the duration of the protective order.</p> <p><u>Temporary Protective Order</u></p> <p><i><u>Md. FAMILY LAW Code Ann. § 4-505</u></i></p> <p><i>Temporary protective orders</i></p> <p>(a)(2) The temporary protective order may order any or all of the following relief:</p> <p>(viii) order the respondent to surrender to law enforcement authorities any firearm in the respondent's possession, and to refrain from possession of any firearm, for the duration of the temporary protective order if the abuse consisted of:</p> <ol style="list-style-type: none"> 1. the use of a firearm by the respondent against a person eligible for relief; 2. a threat by the respondent to use a firearm against a person eligible for relief; 3. serious bodily harm to a person eligible for relief caused by the respondent; or 4. a threat by the respondent to cause serious bodily harm to a person eligible for relief; and 	<p><i><u>Md. FAMILY LAW Code Ann. § 4-511</u></i></p> <p><i>Removing firearm from scene</i></p> <p>(a) In general. -- When responding to the scene of an alleged act of domestic violence, as described in this subtitle, a law enforcement officer may remove a firearm from the scene if:</p> <ol style="list-style-type: none"> (1) the law enforcement officer has probable cause to believe that an act of domestic violence has occurred; and (2) the law enforcement officer has observed the firearm on the scene during the response. <p>(b) Duty of law enforcement officer. -- If a firearm is removed from the scene under subsection (a) of this section, the law enforcement officer shall:</p> <ol style="list-style-type: none"> (1) provide to the owner of the firearm information on the process for retaking possession of the firearm; and (2) provide for the safe storage of the firearm during the pendency of any proceeding related to the alleged act of domestic violence. <p>(c) When owner may resume possession. -- At the conclusion of a proceeding on the alleged act of domestic violence, the owner of the firearm may retake possession of the firearm unless ordered to surrender the firearm under § 4-506 of this subtitle.</p> <p><i><u>Md. PUBLIC SAFETY Code Ann. § 5-133</u></i></p> <p><i>Restrictions on possession of regulated firearms</i></p> <p>(b) Possession of regulated firearm prohibited. -- Subject to § 5-133.3 of this subtitle, a person may not possess a regulated firearm if the person:</p> <p>(12) except as provided in subsection (e) of this section, is a respondent against whom:</p> <p>(i) a current non ex parte civil protective order has been entered under <u>§ 4-506 of the Family Law Article</u>; or</p>	<p><i><u>Md. PUBLIC SAFETY Code Ann. § 5-118</u></i></p> <p><i>Firearm application</i></p> <p>(b) Required information. -- A firearm application shall contain:</p> <p>(1) the firearm applicant's name, address, Social Security number, place and date of birth, height, weight, race, eye and hair color, signature, driver's or photographic identification soundex number, occupation, and regulated firearm information for each regulated firearm to be purchased, rented, or transferred;</p> <p>(2) the date and time that the firearm applicant delivered the completed firearm application to the prospective seller or transferor;</p> <p>(3) a statement by the firearm applicant under the penalty of perjury that the firearm applicant:</p> <p>(xiii) is not a respondent against whom:</p> <ol style="list-style-type: none"> 1. a current non ex parte civil protective order has been entered under <u>§ 4-506 of the Family Law Article</u>; or 2. an order for protection, as defined in <u>§ 4-508.1 of the Family Law Article</u>, has been issued by a court of another state or a Native American tribe and is in effect; and <p><i><u>Md. PUBLIC SAFETY Code Ann. § 5-134</u></i></p> <p><i>Restrictions on sale, rental, or transfer of regulated firearms</i></p> <p>(b) Sale, rental, or transfer of regulated firearm prohibited. -- A dealer or other person may not sell, rent, or transfer a regulated firearm to a purchaser, lessee, or transferee who the dealer or other person knows or has reasonable cause to believe:</p>

	<p class="list-item-l1">(ii) an order for protection, as defined in § 4-508.1 of the Family Law Article, has been issued by a court of another state or a Native American tribe and is in effect; or</p> <p style="text-align: center;">Md. Public Safety Code Ann. § 5-101 <i>Definitions</i></p> <p class="list-item-l1">(b-1) Convicted of a disqualifying crime. –</p> <p class="list-item-l2">(1) “Convicted of a disqualifying crime” includes:</p> <p class="list-item-l3">(i) a case in which a person received probation before judgment for a crime of violence; and</p> <p class="list-item-l3">(ii) a case in which a person received probation before judgment in a domestically related crime as defined in § 6-233 of the Criminal Procedure Article.</p> <p class="list-item-l2">(2) “Convicted of a disqualifying crime” does not include a case in which a person received probation before judgement:</p> <p class="list-item-l3">(i) for assault in the second degree, unless the crime was a domestically related crime as defined in § 6-233 of the Criminal Procedure Article; or</p> <p class="list-item-l3">(ii) that was expunged under Title 10, Subtitle 1 of the Criminal Procedure Article.</p>	<p class="list-item-l1">(10) is a respondent against whom a current non ex parte civil protective order has been entered under § 4-506 of the Family Law Article;</p> <p style="text-align: center;">Md. PUBLIC SAFETY Code Ann. § 5-117.1 <i>Handgun qualification license required for purchase of handguns.</i></p> <p class="list-item-l1">(d) Qualifications for license. -- Subject to subsections (f) and (g) of this section, the Secretary shall issue a handgun qualification license to a person who the Secretary finds:</p> <p class="list-item-l2">(1) is at least 21 years old;</p> <p class="list-item-l2">(2) is a resident of the State;</p> <p class="list-item-l2">(3) except as provided in subsection (e) of this section, has demonstrated satisfactory completion, within 3 years prior to the submission of the application, of a firearms safety training course approved by the Secretary that includes:</p> <p class="list-item-l3">(i) a minimum of 4 hours of instruction by a qualified handgun instructor;</p> <p class="list-item-l3">(ii) classroom instruction on:</p> <p class="list-item-l4">1. State firearm law;</p> <p class="list-item-l4">2. home firearm safety; and</p> <p class="list-item-l4">3. handgun mechanisms and operation; and</p> <p class="list-item-l3">(iii) a firearms orientation component that demonstrates the person's safe operation and handling of a firearm; and</p> <p class="list-item-l2">(4) based on an investigation, is not prohibited by federal or State law from purchasing or possessing a handgun.</p>	
MASSACHUSETTS	<p>Order for Protection from Abuse</p> <p>Catchall Provision</p> <p style="text-align: center;">ALM GL ch. 209A, § 3</p> <p><i>Remedies Available Through Order for Protection From Abuse.</i></p> <p>A person suffering from abuse from an adult or minor family or household member may file a complaint in the court requesting protection from such abuse, including, but not limited to, the following orders:</p>	<p style="text-align: center;">ALM GL ch. 209A, § 3B</p> <p><i>Suspension of Firearm License and Surrender of Firearms With Temporary or Emergency Order; Petition for Review.</i></p> <p>Upon issuance of a temporary or emergency order under section four or five of this chapter, the court shall, if the plaintiff demonstrates a substantial likelihood of immediate danger of abuse, order the immediate suspension and surrender of any license to carry firearms and or firearms identification card which the defendant may hold and order the defendant to surrender all firearms, rifles, shotguns, machine guns and ammunition which he then controls, owns or possesses in accordance with the provisions of this chapter and any license to carry firearms or firearms identification</p>	<p style="text-align: center;">ALM GL ch. 140, § 131</p> <p><i>License to Carry Firearm; Penalty for Violation.</i> <i>[Effective until January 2, 2021]</i></p> <p>All licenses to carry firearms shall be designated Class A or Class B, and the issuance and possession of any such license shall be subject to the following conditions and restrictions:</p> <p>A prohibited person shall be a person who:</p> <p class="list-item-l1">(i) has, in a court of the commonwealth, been convicted or adjudicated a youthful offender or delinquent child, both as defined in section 52 of chapter 119, for the commission of (A) a felony; (B) a misdemeanor punishable by imprisonment</p>

<p>(a) ordering the defendant to refrain from abusing the plaintiff, whether the defendant is an adult or minor;</p> <p>(b) ordering the defendant to refrain from contacting the plaintiff, unless authorized by the court, whether the defendant is an adult or minor;</p> <p>(c) ordering the defendant to vacate forthwith and remain away from the household, multiple family dwelling, and workplace. Notwithstanding the provisions of section thirty-four B of chapter two hundred and eight, an order to vacate shall be for a fixed period of time, not to exceed one year, at the expiration of which time the court may extend any such order upon motion of the plaintiff, with notice to the defendant, for such additional time as it deems necessary to protect the plaintiff from abuse;</p> <p>(d) awarding the plaintiff temporary custody of a minor child; provided, however, that in any case brought in the probate and family court a finding by such court by a preponderance of the evidence that a pattern or serious incident of abuse, as defined in section 31A of chapter 208, toward a parent or child has occurred shall create a rebuttable presumption that it is not in the best interests of the child to be placed in sole custody, shared legal custody or shared physical custody with the abusive parent. Such presumption may be rebutted by a preponderance of the evidence that such custody award is in the best interests of the child. For the purposes of this section, an “abusive parent” shall mean a parent who has committed a pattern of abuse or a serious incident of abuse;</p> <p><u>Temporary/Emergency Order</u></p> <p><u>ALM GL ch. 209A, § 3B</u></p>	<p>cards which the defendant may hold shall be surrendered to the appropriate law enforcement officials in accordance with the provisions of this chapter and, said law enforcement official may store, transfer or otherwise dispose of any such weapon in accordance with the provisions of section 129D of chapter 140; provided however, that nothing herein shall authorize the transfer of any weapons surrendered by the defendant to anyone other than a licensed dealer. Notice of such suspension and ordered surrender shall be appended to the copy of abuse prevention order served on the defendant pursuant to section seven. Law enforcement officials, upon the service of said orders, shall immediately take possession of all firearms, rifles, shotguns, machine guns, ammunition, any license to carry firearms and any firearms identification cards in the control, ownership, or possession of said defendant. Any violation of such orders shall be punishable by a fine of not more than five thousand dollars, or by imprisonment for not more than two and one-half years in a house of correction, or by both such fine and imprisonment. Any defendant aggrieved by an order of surrender or suspension as described in the first sentence of this section may petition the court which issued such suspension or surrender order for a review of such action and such petition shall be heard no later than ten court business days after the receipt of the notice of the petition by the court. If said license to carry firearms or firearms identification card has been suspended upon the issuance of an order issued pursuant to section four or five, said petition may be heard contemporaneously with the hearing specified in the second sentence of the second paragraph of section four. Upon the filing of an affidavit by the defendant that a firearm, rifle, shotgun, machine gun or ammunition is required in the performance of the defendant’s employment, and upon a request for an expedited hearing, the court shall order said hearing within two business days of receipt of such affidavit and request but only on the issue of surrender and suspension pursuant to this section.</p> <p style="text-align: center;">ALM GL ch. 209A, § 3C</p> <p><i>Continuation or Modification of Firearm Suspension and Surrender Order. [Effective until January 1, 2021]</i></p> <p>Upon the continuation or modification of an order issued pursuant to section 4 or upon petition for review as described</p>	<p>for more than 2 years ; (C) a violent crime as defined in section 121; (D) a violation of any law regulating the use, possession, ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or ammunition for which a term of imprisonment may be imposed; (E) a violation of any law regulating the use, possession or sale of a controlled substance as defined in section 1 of chapter 94C including, but not limited to, a violation of said chapter 94C; or (F) a misdemeanor crime of domestic violence as defined in 18 U. S. C. 921(a)(33);</p> <p>(ii) has, in any other state or federal jurisdiction, been convicted or adjudicated a youthful offender or delinquent child for the commission of (A) a felony; (B) a misdemeanor punishable by imprisonment for more than 2 years; (C) a violent crime as defined in section 121; (D) a violation of any law regulating the use, possession, ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or ammunition for which a term of imprisonment may be imposed; (E) a violation of any law regulating the use, possession or sale of a controlled substance as defined in said section 1 of said chapter 94C including, but not limited to, a violation of said chapter 94C; or (F) a misdemeanor crime of domestic violence as defined in 18 U. S. C. 921(a)(33);</p> <p>The licensing authority may deny the application or renewal of a license to carry, or suspend or revoke a license issued under this section if, in a reasonable exercise of discretion, the licensing authority determines that the applicant or licensee is unsuitable to be issued or to continue to hold a license to carry. A determination of unsuitability shall be based on: (i) reliable and credible information that the applicant or licensee has exhibited or engaged in behavior that suggests that, if issued a license, the applicant or licensee may create a risk to public safety; or (ii) existing factors that suggest that, if issued a license, the applicant or licensee may create a risk to public safety. Upon denial of an application or renewal of a license based on a determination of</p>
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Suspension of Firearm License and Surrender of Firearms With Temporary or Emergency Order; Petition for Review.

Upon issuance of a temporary or emergency order under section four or five of this chapter, the court shall, if the plaintiff demonstrates a substantial likelihood of immediate danger of abuse, order the immediate suspension and surrender of any license to carry firearms and or firearms identification card which the defendant may hold and order the defendant to surrender all firearms, rifles, shotguns, machine guns and ammunition which he then controls, owns or possesses in accordance with the provisions of this chapter and any license to carry firearms or firearms identification cards which the defendant may hold shall be surrendered to the appropriate law enforcement officials in accordance with the provisions of this chapter and, said law enforcement official may store, transfer or otherwise dispose of any such weapon in accordance with the provisions of section 129D of chapter 140; provided however, that nothing herein shall authorize the transfer of any weapons surrendered by the defendant to anyone other than a licensed dealer. Notice of such suspension and ordered surrender shall be appended to the copy of abuse prevention order served on the defendant pursuant to section seven. Law enforcement officials, upon the service of said orders, shall immediately take possession of all firearms, rifles, shotguns, machine guns, ammunition, any license to carry firearms and any firearms identification cards in the control, ownership, or possession of said defendant. Any violation of such orders shall be punishable by a fine of not more than five thousand dollars, or by imprisonment for not more than two and one-half years in a house of correction, or by both such fine and imprisonment.

in section 3B, the court shall also order or continue to order the immediate suspension and surrender of a defendant's license to carry firearms, including a Class A or Class B license, and firearms identification card and the surrender of all firearms, rifles, shotguns, machine guns or ammunition which such defendant then controls, owns or possesses if the court makes a determination that the return of such license to carry firearms, including a Class A or Class B license, and firearm identification card or firearms, rifles, shotguns, machine guns or ammunition presents a likelihood of abuse to the plaintiff. A suspension and surrender order issued pursuant to this section shall continue so long as the restraining order to which it relates is in effect; and, any law enforcement official to whom such weapon is surrendered may store, transfer or otherwise dispose of any such weapon in accordance with the provisions of section 129D of chapter 140; provided, however, that nothing herein shall authorize the transfer of any weapons surrendered by the defendant to anyone other than a licensed dealer. Any violation of such order shall be punishable by a fine of not more than \$5,000 or by imprisonment for not more than two and one-half years in a house of correction or by both such fine and imprisonment.

ALM GL ch. 209A, § 3D

Firearm License Suspension and Surrender — Reporting.

Upon an order for suspension or surrender issued pursuant to sections 3B or 3C, the court shall transmit a report containing the defendant's name and identifying information and a statement describing the defendant's alleged conduct and relationship to the plaintiff to the department of criminal justice information services. Upon the expiration, cancellation or revocation of the order, the court shall transmit a report containing the defendant's name and identifying information, a statement describing the defendant's alleged conduct and relationship to the plaintiff and an explanation that the order is no longer current or valid to the department of criminal justice information services who shall transmit the report, pursuant to paragraph (h) of section 167A of chapter 6, to the attorney general of the United States to be included in the National Instant Criminal Background Check System.

unsuitability, the licensing authority shall notify the applicant in writing setting forth the specific reasons for the determination in accordance with paragraph (e). Upon revoking or suspending a license based on a determination of unsuitability, the licensing authority shall notify the holder of a license in writing setting forth the specific reasons for the determination in accordance with paragraph (f). The determination of unsuitability shall be subject to judicial review under said paragraph (f).

(e) Within seven days of the receipt of a completed application for a license to carry or possess firearms, or renewal of same, the licensing authority shall forward one copy of the application and one copy of the applicant's fingerprints to the colonel of state police, who shall within 30 days advise the licensing authority, in writing, of any disqualifying criminal record of the applicant arising from within or without the commonwealth and whether there is reason to believe that the applicant is disqualified for any of the foregoing reasons from possessing a license to carry or possess firearms. In searching for any disqualifying history of the applicant, the colonel shall utilize, or cause to be utilized, files maintained by the department of probation and statewide and nationwide criminal justice, warrant and protection order information systems and files including, but not limited to, the National Instant Criminal Background Check System. The colonel shall inquire of the commissioner of the department of mental health relative to whether the applicant is disqualified from being so licensed. If the information available to the colonel does not indicate that the possession of a firearm or large capacity firearm by the applicant would be in violation of state or federal law, he shall certify such fact, in writing, to the licensing authority within said 30 day period.

The licensing authority may also make inquiries concerning the applicant to: (i) the commissioner of the department of criminal justice information services relative to any disqualifying condition

<p>Any defendant aggrieved by an order of surrender or suspension as described in the first sentence of this section may petition the court which issued such suspension or surrender order for a review of such action and such petition shall be heard no later than ten court business days after the receipt of the notice of the petition by the court. If said license to carry firearms or firearms identification card has been suspended upon the issuance of an order issued pursuant to section four or five, said petition may be heard contemporaneously with the hearing specified in the second sentence of the second paragraph of section four. Upon the filing of an affidavit by the defendant that a firearm, rifle, shotgun, machine gun or ammunition is required in the performance of the defendant's employment, and upon a request for an expedited hearing, the court shall order said hearing within two business days of receipt of such affidavit and request but only on the issue of surrender and suspension pursuant to this section.</p> <p><i><u>ALM GL ch. 209A, § 3C</u></i></p> <p><i>Continuation or Modification of Firearm Suspension and Surrender Order. [Effective until January 1, 2021]</i></p> <p>Upon the continuation or modification of an order issued pursuant to section 4 or upon petition for review as described in section 3B, the court shall also order or continue to order the immediate suspension and surrender of a defendant's license to carry firearms, including a Class A or Class B license, and firearms identification card and the surrender of all firearms, rifles, shotguns, machine guns or ammunition which such defendant then controls, owns or possesses if the court makes a determination that the return of such license to carry firearms, including a Class A or Class B license, and firearm identification card or firearms, rifles,</p>		<p>and records of purchases, sales, rentals, leases and transfers of weapons or ammunition concerning the applicant; (ii) the commissioner of probation relative to any record contained within the department of probation or the statewide domestic violence record keeping system concerning the applicant; and (iii) the commissioner of the department of mental health relative to whether the applicant is a suitable person to possess firearms or is not a suitable person to possess firearms. The director or commissioner to whom the licensing authority makes such inquiry shall provide prompt and full cooperation for that purpose in any investigation of the applicant. The licensing authority shall, within 40 days from the date of application, either approve the application and issue the license or deny the application and notify the applicant of the reason for such denial in writing; provided, however, that no such license shall be issued unless the colonel has certified, in writing, that the information available to him does not indicate that the possession of a firearm or large capacity firearm by the applicant would be in violation of state or federal law.</p> <p>The licensing authority shall provide to the applicant a receipt indicating that it received the application. The receipt shall be provided to the applicant within 7 days by mail if the application was received by mail or immediately if the application was made in person; provided, however, that the receipt shall include the applicant's name and address; current license number and license expiration date, if any; the date the licensing authority received the application; the name, address and telephone number of the licensing authority; the agent of the licensing authority that received the application; the type of application; and whether the application is for a new license or a renewal of an existing license. The licensing authority shall keep a copy of the receipt for not less than 1 year and shall furnish a copy to the applicant if requested by the applicant.</p>
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<p>shotguns, machine guns or ammunition presents a likelihood of abuse to the plaintiff. A suspension and surrender order issued pursuant to this section shall continue so long as the restraining order to which it relates is in effect; and, any law enforcement official to whom such weapon is surrendered may store, transfer or otherwise dispose of any such weapon in accordance with the provisions of section 129D of chapter 140; provided, however, that nothing herein shall authorize the transfer of any weapons surrendered by the defendant to anyone other than a licensed dealer. Any violation of such order shall be punishable by a fine of not more than \$5,000 or by imprisonment for not more than two and one-half years in a house of correction or by both such fine and imprisonment.</p>		<p>(f) A license issued under this section shall be revoked or suspended by the licensing authority, or his designee, upon the occurrence of any event that would have disqualified the holder from being issued such license or from having such license renewed. A license may be revoked or suspended by the licensing authority if it appears that the holder is no longer a suitable person to possess such license. Any revocation or suspension of a license shall be in writing and shall state the reasons therefor. Upon revocation or suspension, the licensing authority shall take possession of such license and the person whose license is so revoked or suspended shall take all actions required under the provisions of section 129D. No appeal or post-judgment motion shall operate to stay such revocation or suspension. Notices of revocation and suspension shall be forwarded to the commissioner of the department of criminal justice information services and the commissioner of probation and shall be included in the criminal justice information system. A revoked or suspended license may be reinstated only upon the termination of all disqualifying conditions, if any. Any applicant or holder aggrieved by a denial, revocation, suspension or restriction placed on a license, unless a hearing has previously been held pursuant to chapter 209A, may, within either 90 days after receiving notice of the denial, revocation or suspension or within 90 days after the expiration of the time limit during which the licensing authority shall respond to the applicant or, in the case of a restriction, any time after a restriction is placed on the license pursuant to this section, file a petition to obtain judicial review in the district court having jurisdiction in the city or town in which the applicant filed the application or in which the license was issued. If after a hearing a justice of the court finds that there was no reasonable ground for denying, suspending, revoking or restricting the license and that the petitioner is not prohibited by law from possessing a license, the justice may order a license to be issued or reinstated to the petitioner.</p>
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or may order the licensing authority to remove certain restrictions placed on the license.

ALM GL ch. 140, § 129B

Firearms — Purchase — Identification Card.
[Effective until January 1, 2021]

A firearm identification card shall be issued and possessed subject to the following conditions and restrictions:

(1) Any person residing or having a place of business within the jurisdiction of the licensing authority or any person residing in an area of exclusive federal jurisdiction located within a city or town may submit to the licensing authority an application for a firearm identification card, or renewal of the same, which the licensing authority shall issue if it appears that the applicant is not a prohibited person. A prohibited person shall be a person who:

(vii) is currently subject to: (A) an order for suspension or surrender issued pursuant to [section 3B](#) or [3C of chapter 209A](#) or a similar order issued by another jurisdiction; (B) a permanent or temporary protection order issued pursuant to chapter 209A, a similar order issued by another jurisdiction, including an order described in [18 U.S.C. 922\(g\)\(8\)](#); or (C) an extreme risk protection order issued pursuant to sections 131R to 131X, inclusive, or a similar order issued by another jurisdiction;

(2) Within seven days of the receipt of a completed application for a card, the licensing authority shall forward one copy of the application and one copy of the applicant's fingerprints to the colonel of state police, who shall, within 30 days, advise the licensing authority, in writing, of any disqualifying criminal record of the applicant arising from within or without the commonwealth and whether there is reason to believe that the applicant is disqualified for any of the foregoing reasons from possessing a card; provided, however, that the taking of fingerprints shall not be required in issuing the renewal of a card if the renewal

applicant's fingerprints are on file with the department of state police. In searching for any disqualifying history of the applicant, the colonel shall utilize, or cause to be utilized, files maintained by the department of mental health, department of probation and statewide and nationwide criminal justice, warrant and protection order information systems and files including, but not limited to, the National Instant Criminal Background Check System. If the information available to the colonel does not indicate that the possession of a non-large capacity rifle or shotgun by the applicant would be in violation of state or federal law, he shall certify such fact, in writing, to the licensing authority within such 30 day period. The licensing authority shall provide to the applicant a receipt indicating that it received the applicant's application. The receipt shall be provided to the applicant within 7 days by mail if the application was received by mail or immediately if the application was made in person; provided, however, that the receipt shall include the applicants' name, address, current firearm identification card number, if any, the current card's expiration date, if any, the date when the application was received by the licensing authority, the name of the licensing authority and its agent that received the application, the licensing authority's address and telephone number, the type of application and whether it is an application for a new card or for renewal of an existing card; and provided further, that a copy of the receipt shall be kept by the licensing authority for not less than 1 year and a copy shall be furnished to the applicant if requested by the applicant.

(4) A firearm identification card shall be revoked or suspended by the licensing authority or his designee upon the occurrence of any event that would have disqualified the holder from being issued such card or from having such card renewed or for a violation of a restriction provided under this section. Any revocation or suspension of a card shall be in writing and shall

			<p>state the reasons therefor. Upon revocation or suspension, the licensing authority shall take possession of such card and receipt for fee paid for such card, and the person whose card is so revoked or suspended shall take all action required under the provisions of section 129D. No appeal or post-judgment motion shall operate to stay such revocation or suspension. Notices of revocation and suspension shall be forwarded to the commissioner of the department of criminal justice information services and the commissioner of probation and shall be included in the criminal justice information system. A revoked or suspended card may be reinstated only upon the termination of all disqualifying conditions.</p>
MICHIGAN	<p>Personal Protection Order</p> <p><u>MCLS § 600.2950</u></p> <p><i>Personal protection order; restraining or enjoining spouse, former spouse, individual with child in common, individual in dating relationship, or person residing or having resided in same household from certain conduct; respondent required to carry concealed weapon; omitting address of residence from documents; issuance, contents, effectiveness, duration, and service of personal protection order; entering order into L.E.I.N.; notice; failure to comply with order; false statement to court; enforcement; minor; ownership interest in animals; definitions.</i></p> <p>(1) Except as provided in subsections (26) and (27), by commencing an independent action to obtain relief under this section, by joining a claim to an action, or by filing a motion in an action in which the petitioner and the individual to be restrained or enjoined are parties, an individual may petition the family division of circuit court to enter a personal protection order to restrain or enjoin a spouse, a former spouse, an individual with whom he or she has had a child in common, an individual with whom</p>	<p><u>MCLS § 764.15b</u></p> <p><i>Arrest without warrant for violation of personal protection order; answering to charge of contempt; hearing; bond; show cause order; jurisdiction to conduct contempt proceedings; prosecution of criminal contempt; prohibited actions by court; definitions. [Effective until October 1, 2021]</i></p> <p>(1) A peace officer, without a warrant, may arrest and take into custody an individual when the peace officer has or receives positive information that another peace officer has reasonable cause to believe all of the following apply:</p> <p>(b) The individual named in the personal protection order is violating or has violated the order. An individual is violating or has violated the order if that individual commits 1 or more of the following acts the order specifically restrains or enjoins the individual from committing:</p> <p>(vi) Purchasing or possessing a firearm.</p> <p>(c) If the personal protection order was issued under section 2950 or 2950a, the personal protection order states on its face that a violation of its terms subjects the individual to immediate arrest and either of the following:</p> <p>(i) If the individual restrained or enjoined is 17 years of age or older, to criminal contempt of court and, if found guilty of criminal contempt, to imprisonment for not more than 93 days and to a fine of not more than \$500.00.</p> <p>(ii) If the individual restrained or enjoined is less than 17 years of age, to the dispositional alternatives listed in section 18 of chapter XIA of the probate code of 1939, 1939 PA 288, <u>MCL 712A.18</u>.</p>	<p><u>MCLS § 28.422</u></p> <p><i>License to purchase, carry, possess, or transport pistol; issuance; qualifications; applications; sale of pistol; exemptions; nonresidents; forging application as felony; implementation during business hours.</i></p> <p>(3) The commissioner or chief of police of a city, township, or village police department that issues licenses to purchase, carry, possess, or transport pistols, or his or her duly authorized deputy, or the sheriff or his or her duly authorized deputy, in the parts of a county not included within a city, township, or village having an organized police department, in discharging the duty to issue licenses shall with due speed and diligence issue licenses to purchase, carry, possess, or transport pistols to qualified applicants unless he or she has probable cause to believe that the applicant would be a threat to himself or herself or to other individuals, or would commit an offense with the pistol that would violate a law of this or another state or of the United States. An applicant is qualified if all of the following circumstances exist:</p> <p>(a) The person is not subject to an order or disposition for which he or she has received notice and an opportunity for a hearing, and which was entered into the law enforcement information network under any of the following:</p>

<p>he or she has or has had a dating relationship, or an individual residing or having resided in the same household as the petitioner from doing 1 or more of the following:</p> <p>(e) Purchasing or possessing a firearm.</p> <p>(2) If the respondent is a person who is issued a license to carry a concealed weapon and is required to carry a weapon as a condition of his or her employment, a police officer licensed or certified by the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615, a sheriff, a deputy sheriff or a member of the Michigan department of state police, a local corrections officer, department of corrections employee, or a federal law enforcement officer who carries a firearm during the normal course of his or her employment, the petitioner shall notify the court of the respondent's occupation before issuance of the personal protection order. This subsection does not apply to a petitioner who does not know the respondent's occupation.</p> <p><u>Ex Parte Protection Order</u></p> <p><u>MCLS § 600.2950</u></p> <p><i>Personal protection order; restraining or enjoining spouse, former spouse, individual with child in common, individual in dating relationship, or person residing or having resided in same household from certain conduct; respondent required to carry concealed weapon; omitting address of residence from documents; issuance, contents, effectiveness, duration, and service of personal protection order; entering order into L.E.I.N.; notice; failure to comply with order; false statement to court; enforcement; minor; ownership interest in animals; definitions. [Effective until August 8, 2018]</i></p> <p>(11) A personal protection order must include all of the following, and to the extent</p>	<p><u>MCLS § 764.15c</u></p> <p><i>Investigation or intervention in domestic violence dispute; providing victim with notice of rights; report; retention and filing of report; development of standard domestic violence incident report form; definitions.</i></p> <p>(1) After investigating or intervening in a domestic violence incident, a peace officer shall provide the victim with a copy of the notice in this section. The notice shall be written and shall include all of the following:</p> <p>(1) After investigating or intervening in a domestic violence incident, a peace officer shall provide the victim with a copy of the notice in this section. The notice shall be written and shall include all of the following:</p> <p>(a) The name and telephone number of the responding police agency.</p> <p>(b) The name and badge number of the responding peace officer.</p> <p>(c) Substantially the following statement: "You may obtain a copy of the police incident report for your case by contacting this law enforcement agency at the telephone number provided. The domestic violence shelter program and other resources in your area are (include local information). Information about emergency shelter, counseling services, and the legal rights of domestic violence victims is available from these resources. Your legal rights include the right to go to court and file a petition requesting a personal protection order to protect you or other members of your household from domestic abuse which could include restraining or enjoining the abuser from doing the following:</p> <p>(f) Purchasing or possessing a firearm.</p> <p><u>MCLS § 765.6b</u></p> <p><i>Release of defendant subject to protective conditions; contents of order; purchase or possession of firearm; entering or removing order from LEIN; order to wear electronic monitoring device; other orders; definitions; authority to impose other conditions not limited; "LEIN" defined.</i></p> <p>(1) A judge or district court magistrate may release a defendant under this subsection subject to conditions reasonably necessary for the protection of 1 or more named persons. If a judge or district court magistrate releases a</p>	<p>(iii) Section 2950 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950.</p> <p>(iv) Section 2950a of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950a.</p> <p><u>MCLS § 28.425b</u></p> <p><i>License application; form; contents; material false statement as felony; record; fee; verification of requirements; determination; circumstances for issuance; information of court order or conviction; fingerprints; issuance or denial; suspension or revocation of license; furnishing copy of application to individual; list of certified instructors; definitions.</i></p> <p>(1) To obtain a license to carry a concealed pistol, an individual shall apply to the county clerk in the county in which the individual resides. The applicant shall file the application with the county clerk in the county in which the applicant resides during the county clerk's normal business hours. The application must be on a form provided by the director of the department of state police and allow the applicant to designate whether the applicant seeks an emergency license. The applicant shall sign the application under oath. The county clerk or his or her representative shall administer the oath. An application under this subsection is not considered complete until an applicant submits all of the required information and fees and has fingerprints taken under subsection (9). An application under this subsection is considered withdrawn if an applicant does not have fingerprints taken under subsection (9) within 45 days of the date an application is filed under this subsection. A completed application and all receipts issued under this section expire 1 year from the date of application. The county clerk shall issue the applicant a receipt for his or her application at the time the application is submitted containing the name of the applicant, the applicant's state-issued driver license or personal identification card number, the date and time the receipt is issued,</p>
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<p>practicable the following shall be contained in a single form:</p> <p>(g) For ex parte orders, a statement that the individual restrained or enjoined may file a motion to modify or rescind the personal protection order and request a hearing within 14 days after the individual restrained or enjoined has been served or has received actual notice of the order and that motion forms and filing instructions are available from the clerk of the court.</p> <p>(14) Except as otherwise provided in this subsection, the court shall schedule a hearing on a motion to modify or rescind the ex parte personal protection order within 14 days after the motion is filed. If the respondent is a person described in subsection (2) and the personal protection order prohibits him or her from purchasing or possessing a firearm, the court shall schedule a hearing on the motion to modify or rescind the ex parte personal protection order within 5 days after the motion is filed.</p>	<p>defendant under this subsection subject to protective conditions, the judge or district court magistrate shall make a finding of the need for protective conditions and inform the defendant on the record, either orally or by a writing that is personally delivered to the defendant, of the specific conditions imposed and that if the defendant violates a condition of release, he or she will be subject to arrest without a warrant and may have his or her bail forfeited or revoked and new conditions of release imposed, in addition to the penalty provided under section 3f of chapter XI and any other penalties that may be imposed if the defendant is found in contempt of court.</p> <p>(3) An order or amended order issued under this subsection and subsection (1) may impose a condition that the defendant not purchase or possess a firearm. However, if the court orders the defendant to carry or wear an electronic monitoring device as a condition of release as described in subsection (6), the court shall also impose a condition that the defendant not purchase or possess a firearm.</p>	<p>the amount paid, the name of the county in which the receipt is issued, an impression of the county seal, and the statement, "This receipt was issued for the purpose of applying for a concealed pistol license and for obtaining fingerprints related to that application. This receipt does not authorize an individual to carry a concealed pistol in this state.". The application must contain all of the following:</p> <p>(e) A statement by the applicant regarding whether he or she has ever been convicted in this state or elsewhere for any of the following:</p> <p>(i) Any felony.</p> <p>(ii) A misdemeanor listed under subsection (7)(h) if the applicant was convicted of that misdemeanor in the 8 years immediately preceding the date of the application, or a misdemeanor listed under subsection (7)(i) if the applicant was convicted of that misdemeanor in the 3 years immediately preceding the date of the application.</p> <p>(16) If a license issued under this act is suspended or revoked, the license is forfeited and the individual shall return the license to the county clerk forthwith by mail or in person. The county clerk shall retain a suspended or revoked license as an official record 1 year after the expiration of the license, unless the license is reinstated or a new license is issued. The county clerk shall notify the department of state police if a license is suspended or revoked. The department of state police shall enter that suspension or revocation into the law enforcement information network. An individual who fails to return a license as required under this subsection after he or she was notified that his or her license was suspended or revoked is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.</p> <p style="text-align: right;"><i>MCLS § 600.2950</i></p> <p style="text-align: right;"><i>Personal protection order; restraining or enjoining spouse, former spouse, individual with child in common, individual in dating relationship, or person residing or having resided</i></p>
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MINNESOTA	<p><u>Order for Protection</u></p> <p><i>Minn. Stat. § 518B.01, Part 1 of 6 DOMESTIC ABUSE ACT</i></p> <p>Subd. 6 Relief by court.</p> <p>(g) An order granting relief shall prohibit the abusing party from possessing firearms for the length the order is in effect if the order (1) restrains the abusing party from harassing, stalking, or threatening the petitioner or restrains the abusing party from engaging in other conduct that would place the petitioner in reasonable fear of bodily injury, and (2) includes a finding that the abusing party represents a credible threat to the physical safety of the petitioner or prohibits the abusing party from using, attempting to use, or threatening to use</p>	<p><i>Minn. Stat. § 624.713 CERTAIN PERSONS NOT TO POSSESS FIREARMS.</i></p> <p>Subdivision 1. Ineligible persons. — The following persons shall not be entitled to possess ammunition or a pistol or semiautomatic military-style assault weapon or, except for clause (1), any other firearm:</p> <p>(13) a person who is subject to an order for protection as described in section 260C.201, subdivision 3, paragraph (d), or 518B.01, subdivision 6, paragraph (g).</p> <p><i>Minn. Stat. § 629.715 RELEASE IN CASES INVOLVING CRIMES AGAINST PERSONS; SURRENDER OF FIREARMS</i></p> <p>Subdivision 1. <i>Judicial review; release.</i></p> <p>(a) When a person is arrested for a crime against the person, the judge before whom the arrested person is taken shall review the facts surrounding the arrest and detention. If the</p>	<p><i>Minn. Stat. § 624.714 CARRYING OF WEAPONS WITHOUT PERMIT; PENALTIES</i></p> <p>Subd. 8. Permit to carry voided.</p> <p>(a) The permit to carry is void at the time that the holder becomes prohibited by law from possessing a firearm, in which event the holder must return the permit card to the issuing sheriff within five business days after the holder knows or should know that the holder is a prohibited person. If the sheriff has knowledge that a permit is void under this paragraph, the sheriff must give notice to the permit holder in writing in the same manner as a denial. Failure of the holder to return the permit within the five days is a gross misdemeanor unless the court finds that the circumstances or the physical or mental condition</p>

<p>physical force against the petitioner. The order shall inform the abusing party of that party's prohibited status. Except as provided in paragraph (i), the court shall order the abusing party to transfer any firearms that the person possesses, within three business days, to a federally licensed firearms dealer, a law enforcement agency, or a third party who may lawfully receive them. The transfer may be permanent or temporary. A temporary firearm transfer only entitles the receiving party to possess the firearm. A temporary transfer does not transfer ownership or title. An abusing party may not transfer firearms to a third party who resides with the abusing party. If an abusing party makes a temporary transfer, a federally licensed firearms dealer or law enforcement agency may charge the abusing party a reasonable fee to store the person's firearms and may establish policies for disposal of abandoned firearms, provided such policies require that the person be notified via certified mail prior to disposal of abandoned firearms. For temporary firearms transfers under this paragraph, a law enforcement agency, federally licensed firearms dealer, or third party shall exercise due care to preserve the quality and function of the transferred firearms and shall return the transferred firearms to the person upon request after the expiration of the prohibiting time period, provided the person is not otherwise prohibited from possessing firearms under state or federal law. The return of temporarily transferred firearms to an abusing party shall comply with state and federal law. If an abusing party permanently transfers the abusing party's firearms to a law enforcement agency, the agency is not required to compensate the abusing party and may charge the abusing party a reasonable processing fee. A law enforcement agency is not required to accept an abusing party's firearm under this paragraph.</p>	<p>person was arrested or detained for committing a crime of violence, as defined in section 629.725, the prosecutor or other appropriate person shall present relevant information involving the victim or the victim's family's account of the alleged crime to the judge to be considered in determining the arrested person's release. The arrested person must be ordered released pending trial or hearing on the person's personal recognizance or on an order to appear or upon the execution of an unsecured bond in a specified amount unless the judge determines that release (1) will be inimical to public safety, (2) will create a threat of bodily harm to the arrested person, the victim of the alleged crime, or another, or (3) will not reasonably assure the appearance of the arrested person at subsequent proceedings.</p> <p>(b) If the judge determines release under paragraph (a) is not advisable, the judge may impose any conditions of release that will reasonably assure the appearance of the person for subsequent proceedings, or will protect the victim of the alleged crime, or may fix the amount of money bail without other conditions upon which the arrested person may obtain release.</p> <p>Subd. 2. Surrender of firearms. — The judge may order as a condition of release that the person surrender to the local law enforcement agency all firearms, destructive devices, or dangerous weapons owned or possessed by the person, and may not live in a residence where others possess firearms. Any firearm, destructive device, or dangerous weapon surrendered under this subdivision shall be inventoried and retained, with due care to preserve its quality and function, by the local law enforcement agency, and must be returned to the person upon the person's acquittal, when charges are dismissed, or if no charges are filed. If the person is convicted, the firearm must be returned when the court orders the return or when the person is discharged from probation and restored to civil rights. If the person is convicted of a designated offense as defined in section 609.531, the firearm is subject to forfeiture as provided under that section. This condition may be imposed in addition to any other condition authorized by rule 6.02 of the Rules of Criminal Procedure.</p>	<p>of the permit holder prevented the holder from complying with the return requirement.</p> <p>(b) When a permit holder is convicted of an offense that prohibits the permit holder from possessing a firearm, the court must take possession of the permit, if it is available, and send it to the issuing sheriff.</p> <p>(c) The sheriff of the county where the application was submitted, or of the county of the permit holder's current residence, may file a petition with the district court therein, for an order revoking a permit to carry on the grounds set forth in subdivision 6, paragraph (a), clause (3). An order shall be issued only if the sheriff meets the burden of proof and criteria set forth in subdivision 12. If the court denies the petition, the court must award the permit holder reasonable costs and expenses, including attorney fees.</p> <p>(d) A permit revocation must be promptly reported to the issuing sheriff.</p> <p>Subd. 4. Investigation.</p> <p>(a) The sheriff must check, by means of electronic data transfer, criminal records, histories, and warrant information on each applicant through the Minnesota Crime Information System and the National Instant Criminal Background Check System. The sheriff shall also make a reasonable effort to check other available and relevant federal, state, or local record-keeping systems. The sheriff must obtain commitment information from the commissioner of human services as provided in section 245.041 or, if the information is reasonably available, as provided by a similar statute from another state.</p> <p>(b) When an application for a permit is filed under this section, the sheriff must notify the chief of police, if any, of the municipality where the applicant resides. The police chief may provide the sheriff with any information relevant to the issuance of the permit.</p> <p>(c) The sheriff must conduct a background check by means of electronic data transfer on a permit holder through the Minnesota Crime Information System and the National Instant Criminal Background Check System at least</p>
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<p>(h) An abusing party who is ordered to transfer firearms under paragraph (g) must file proof of transfer as provided for in this paragraph. If the transfer is made to a third party, the third party must sign an affidavit under oath before a notary public either acknowledging that the abusing party permanently transferred the abusing party's firearms to the third party or agreeing to temporarily store the abusing party's firearms until such time as the abusing party is legally permitted to possess firearms. The affidavit shall indicate the serial number, make, and model of all firearms transferred by the abusing party to the third party. The third party shall acknowledge in the affidavit that the third party may be held criminally and civilly responsible under section 624.7144 if the abusing party gains access to a transferred firearm while the firearm is in the custody of the third party. If the transfer is to a law enforcement agency or federally licensed firearms dealer, the law enforcement agency or federally licensed firearms dealer shall provide proof of transfer to the abusing party. The proof of transfer must specify whether the firearms were permanently or temporarily transferred and include the name of the abusing party, date of transfer, and the serial number, make, and model of all transferred firearms. The abusing party shall provide the court with a signed and notarized affidavit or proof of transfer as described in this section within two business days of the firearms transfer. The court shall seal affidavits and proofs of transfer filed pursuant to this paragraph.</p> <p>(i) When a court issues an order containing a firearms restriction provided for in paragraph (g), the court shall determine by a preponderance of evidence if an abusing party poses an imminent risk of causing another person substantial bodily harm. Upon a finding of imminent risk, the court shall order that the local law enforcement</p>	<p>Subd. 2. Judicial review; release; bail.</p> <p>(b) The judge may impose conditions of release or bail, or both, on the person to protect the alleged victim or other family or household members and to ensure the appearance of the person at subsequent proceedings. These conditions may include an order:</p> <p>(4) prohibiting the person from possessing a firearm or other weapon specified by the court;</p> <p style="text-align: center;"><i>Minn. Stat. § 518B.01, Part 1 of 6</i> <i>DOMESTIC ABUSE ACT</i></p> <p>Subd. 14. Violation of an order for protection.</p> <p>(m) If the court determines that a person convicted under paragraph (b) or (c) of violating an order for protection owns or possesses a firearm and used it in any way during the commission of the violation, it shall order that the firearm be summarily forfeited under section 609.5316, subdivision 3.</p> <p style="text-align: center;"><i>Minn. Stat. § 609.2242</i> <i>DOMESTIC ASSAULT</i></p> <p>Subd. 3. Domestic assaults; firearms.</p> <p>(b) If the court determines that the assault was of a family or household member, and that the offender owns or possesses a firearm and used it in any way during the commission of the assault, it shall order that the firearm be summarily forfeited under section 609.5316, subdivision 3.</p> <p>(c) When a person is convicted of assaulting a family or household member and is determined by the court to have used a firearm in any way during commission of the assault, the court may order that the person is prohibited from possessing any type of firearm for any period longer than three years or for the remainder of the person's life. A person who violates this paragraph is guilty of a gross misdemeanor. At the time of the conviction, the court shall inform the defendant for how long the defendant is prohibited from possessing a firearm and that it is a gross misdemeanor to violate this paragraph. The failure of the court to provide this information to a defendant does not affect the applicability of the firearm possession prohibition or the gross misdemeanor penalty to that defendant.</p> <p style="text-align: center;"><i>Minn. Stat. § 609.749</i></p>	<p>yearly to ensure continuing eligibility. The sheriff may also conduct additional background checks by means of electronic data transfer on a permit holder at any time during the period that a permit is in effect.</p>
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<p>agency take immediate possession of all firearms in the abusing party's possession. The local law enforcement agency shall exercise due care to preserve the quality and function of the abusing party's firearms and shall return the firearms to the person upon request after the expiration of the prohibiting time period, provided the person is not otherwise prohibited from possessing firearms under state or federal law. The local law enforcement agency shall, upon written notice from the abusing party, transfer the firearms to a federally licensed firearms dealer or a third party who may lawfully receive them. Before a local law enforcement agency transfers a firearm under this paragraph, the agency shall require the third party or federally licensed firearms dealer receiving the firearm to submit an affidavit or proof of transfer that complies with the requirements for affidavits or proofs of transfer established in paragraph (h). The agency shall file all affidavits or proofs of transfer received with the court within two business days of the transfer. The court shall seal all affidavits or proofs of transfer filed pursuant to this paragraph. A federally licensed firearms dealer or third party who accepts a firearm transfer pursuant to this paragraph shall comply with paragraphs (g) and (h) as if accepting transfer from the abusing party. If the law enforcement agency does not receive written notice from the abusing party within three business days, the agency may charge a reasonable fee to store the abusing party's firearms. A law enforcement agency may establish policies for disposal of abandoned firearms, provided such policies require that the abusing party be notified via certified mail prior to disposal of abandoned firearms.</p> <p><u>Ex Parte Order for Protection</u> Catchall Provision</p>	<p><i>STALKING; PENALTIES [Effective August 1, 2020]</i></p> <p>Subd. 8. Harassment; stalking; firearms.</p> <p>(a) When a person is convicted of harassment or stalking under this section and the court determines that the person used a firearm in any way during commission of the crime, the court may order that the person is prohibited from possessing any type of firearm for any period longer than three years or for the remainder of the person's life. A person who violates this paragraph is guilty of a gross misdemeanor. At the time of the conviction, the court shall inform the defendant for how long the defendant is prohibited from possessing a firearm and that it is a gross misdemeanor to violate this paragraph. The failure of the court to provide this information to a defendant does not affect the applicability of the firearm possession prohibition or the gross misdemeanor penalty to that defendant.</p> <p>(b) Except as otherwise provided in paragraph (a), when a person is convicted of harassment or stalking under this section, the court shall inform the defendant that the defendant is prohibited from possessing a firearm for three years from the date of conviction and that it is a gross misdemeanor offense to violate this prohibition. The failure of the court to provide this information to a defendant does not affect the applicability of the firearm possession prohibition or the gross misdemeanor penalty to that defendant.</p> <p>(d) If the court determines that a person convicted of harassment or stalking under this section owns or possesses a firearm and used it in any way during the commission of the crime, it shall order that the firearm be summarily forfeited under section 609.5316, subdivision 3.</p>	
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Subd. 7. *Ex parte order.*

- (a) Where an application under this section alleges an immediate and present danger of domestic abuse, the court may grant an ex parte order for protection and granting relief as the court deems proper, including an order:
- (1) restraining the abusing party from committing acts of domestic abuse;
 - (2) excluding any party from the dwelling they share or from the residence of the other, including a reasonable area surrounding the dwelling or residence, which area shall be described specifically in the order, except by further order of the court;
 - (3) excluding the abusing party from the place of employment of the petitioner or otherwise limiting access to the petitioner by the abusing party at the petitioner's place of employment;
 - (4) ordering the abusing party to have no contact with the petitioner whether in person, by telephone, mail, e-mail, through electronic devices, or through a third party;
 - (5) continuing all currently available insurance coverage without change in coverage or beneficiary designation;
 - (6) directing the care, possession, or control of a pet or companion animal owned, possessed, or kept by a party or a child of a party; and
 - (7) directing the respondent to refrain from physically abusing or injuring any pet or companion animal, without legal justification, known to be owned, possessed, kept, or held by either party or a minor child residing in the residence or household of either party as an indirect means of intentionally threatening the safety of such person.
- (b) A finding by the court that there is a basis for issuing an ex parte order for protection constitutes a finding that sufficient reasons exist not to require notice under

<p>applicable court rules governing applications for ex parte relief.</p> <p>(c) Subject to paragraph (d), an ex parte order for protection shall be effective for a fixed period set by the court, as provided in subdivision 6, paragraph (b), or until modified or vacated by the court pursuant to a hearing. When signed by a referee, the ex parte order becomes effective upon the referee's signature. Upon request, a hearing, as provided by this section, shall be set. Except as provided in paragraph (d), the respondent shall be personally served forthwith a copy of the ex parte order along with a copy of the petition and, if requested by the petitioner, notice of the date set for the hearing. If the petitioner does not request a hearing, an order served on a respondent under this subdivision must include a notice advising the respondent of the right to request a hearing, must be accompanied by a form that can be used by the respondent to request a hearing and must include a conspicuous notice that a hearing will not be held unless requested by the respondent within five days of service of the order.</p> <p>(d) Service of the ex parte order may be made by published notice, as provided under subdivision 5, provided that the petitioner files the affidavit required under that subdivision. If personal service is not made or the affidavit is not filed within 14 days of issuance of the ex parte order, the order expires. If the petitioner does not request a hearing, the petition mailed to the respondent's residence, if known, must be accompanied by the form for requesting a hearing and notice described in paragraph (c). Unless personal service is completed, if service by published notice is not completed within 28 days of issuance of the ex parte order, the order expires.</p> <p>(e) If the petitioner seeks relief under subdivision 6 other than the relief described</p>		
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	<p>in paragraph (a), the petitioner must request a hearing to obtain the additional relief.</p> <p>(f) Nothing in this subdivision affects the right of a party to seek modification of an order under subdivision 11.</p>		
MISSISSIPPI	<p><u>Temporary Domestic Abuse Protection Order</u></p> <p>Catchall Provision</p> <p>No specific firearms relief within the statute</p> <p><i>Miss. Code Ann. § 93-21-15</i></p> <p><i>Temporary domestic abuse protection orders; relief; duration; final domestic abuse protection order or consent agreements; provisions addressing custody, visitation or support of minor children; order to set forth findings of fact and provide details of acts restrained; order to be entered into Mississippi Protection Order Registry; modification, amendment or dissolution of order.</i></p> <p>(1)(a) After a hearing is held as provided in Section 93-21-11 for which notice and opportunity to be heard has been granted to the respondent, and upon a finding that the petitioner has proved the existence of abuse by a preponderance of the evidence, the municipal and justice courts shall be empowered to grant a temporary domestic abuse protection order to bring about a cessation of abuse of the petitioner, any minor children, or any person alleged to be incompetent. The relief the court may provide includes, but is not limited to, the following:</p> <p>(i) Directing the respondent to refrain from abusing the petitioner, any minor children, or any person alleged to be incompetent;</p> <p>(ii) Prohibiting or limiting respondent's physical proximity to the abused or other household members as designated by the court, including residence and place of work;</p>	<p>No specific firearm seizure procedure within the protection order statute</p> <p><i>Miss. Code Ann. § 97-37-7</i></p> <p><i>Deadly weapons; persons permitted to carry weapons; bond; permit to carry weapon; grounds for denying application for permit; required weapons training course; reciprocal agreements.</i></p> <p>(1)(b) No permit shall be issued to any person who has ever been convicted of a felony under the laws of this or any other state or of the United States. To determine an applicant's eligibility for a permit, the person shall be fingerprinted. If no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the Department of Public Safety to the Federal Bureau of Investigation for a national criminal history record check. The department shall charge a fee which includes the amounts required by the Federal Bureau of Investigation and the department for the national and state criminal history record checks and any necessary costs incurred by the department for the handling and administration of the criminal history background checks. In the event a legible set of fingerprints, as determined by the Department of Public Safety and the Federal Bureau of Investigation, cannot be obtained after a minimum of three (3) attempts, the Department of Public Safety shall determine eligibility based upon a name check by the Mississippi Highway Safety Patrol and a Federal Bureau of Investigation name check conducted by the Mississippi Highway Safety Patrol at the request of the Department of Public Safety.</p> <p><i>Miss. Code Ann. § 97-37-3</i></p> <p><i>Deadly weapons; forfeiture of weapon; return upon dismissal or acquittal; confiscated firearms may be sold at auction; proceeds of sale used to purchase bulletproof vests for seizing law enforcement agency.</i></p> <p>(1) Any weapon used in violation of Section 97-37-1, or used in the commission of any other crime, shall be seized by the arresting officer, may be introduced in evidence, and in the</p>	<p><i>Miss. Code Ann. § 45-9-101</i></p> <p><i>License to carry stun gun, concealed pistol or revolver; license fees; exemptions; no license required to carry pistol or revolver in purse, briefcase, fully enclosed case, etc. [Effective July 1, 2020]</i></p> <p>(3) The Department of Public Safety may deny a license if the applicant has been found guilty of one or more crimes of violence constituting a misdemeanor unless three (3) years have elapsed since probation or any other conditions set by the court have been fulfilled or expunction has occurred prior to the date on which the application is submitted, or may revoke a license if the licensee has been found guilty of one or more crimes of violence within the preceding three (3) years. The department shall, upon notification by a law enforcement agency or a court and subsequent written verification, suspend a license or the processing of an application for a license if the licensee or applicant is arrested or formally charged with a crime which would disqualify such person from having a license under this section, until final disposition of the case. The provisions of subsection (7) of this section shall apply to any suspension or revocation of a license pursuant to the provisions of this section.</p> <p>(12)(c) A licensee who fails to file a renewal application on or before its expiration date must renew his license by paying a late fee of Fifteen Dollars (\$15.00). No license shall be renewed six (6) months or more after its expiration date, and such license shall be deemed to be permanently expired. A person whose license has been permanently expired may reapply for licensure; however, an application for licensure and fees pursuant to subsection (5) of this section must be submitted, and a background investigation shall</p>

<p>(iii) Prohibiting or limiting contact by the respondent with the abused or other household members designated by the court, whether in person, by telephone or by other electronic communication;</p> <p>(iv) Granting possession to the petitioner of the residence or household to the exclusion of the respondent by evicting the respondent or restoring possession to the petitioner, or both; or</p> <p>(v) Prohibiting the transferring, encumbering or otherwise disposing of property mutually owned or leased by the parties, except when in the ordinary course of business.</p> <p>Final Domestic Abuse Protection Order Catchall Provision</p> <p>No specific firearms relief within the statute</p> <p>(2)(a) After a hearing is held as provided in Section 93-21-11 for which notice and opportunity to be heard has been granted to the respondent, and upon a finding that the petitioner has proved the existence of abuse by a preponderance of the evidence, the chancery or county court shall be empowered to grant a final domestic abuse protection order or approve any consent agreement to bring about a cessation of abuse of the petitioner, any minor children, or any person alleged to be incompetent. In granting a final domestic abuse protection order, the chancery or county court may provide for relief that includes, but is not limited to, the following:</p> <p>(i) Directing the respondent to refrain from abusing the petitioner, any minor children, or any person alleged to be incompetent;</p> <p>(ii) Granting possession to the petitioner of the residence or household to the exclusion of the respondent by evicting the respondent or restoring possession to the petitioner, or both;</p>	<p>event of a conviction, shall be ordered to be forfeited, and shall be disposed of as ordered by the court having jurisdiction of such offense. In the event of dismissal or acquittal of charges, such weapon shall be returned to the accused from whom it was seized.</p> <p>(2)(a) If the weapon to be forfeited is merchantable, the court may order the weapon forfeited to the seizing law enforcement agency.</p> <p>(b) A weapon so forfeited to a law enforcement agency may be sold at auction as provided by Sections 19-3-85 and 21-39-21 to a federally-licensed firearms dealer, with the proceeds from such sale at auction to be used to buy bulletproof vests for the seizing law enforcement agency.</p> <p style="text-align: center;"><i>Miss. Code Ann. § 97-3-7</i></p> <p><i>Simple assault; aggravated assault; simple domestic violence; simple domestic violence third; aggravated domestic violence; aggravated domestic violence third.</i></p> <p>(11)(a) Upon conviction under subsection (3), (4) or (5) of this section, the court shall be empowered to issue a criminal protection order prohibiting the defendant from any contact with the victim. The court may include in a criminal protection order any other condition available under Section 93-21-15. The duration of a criminal protection order shall be based upon the seriousness of the facts before the court, the probability of future violations, and the continued safety of the victim or another person. However, municipal and justice courts may issue criminal protection orders for a maximum period of time not to exceed one (1) year. Circuit and county courts may issue a criminal protection order for any period of time deemed necessary. Upon issuance of a criminal protection order, the clerk of the issuing court shall enter the order in the Mississippi Protection Order Registry within twenty-four (24) hours of issuance with no exceptions for weekends or holidays, pursuant to Section 93-21-25.</p> <p>(b) A criminal protection order shall not be issued against the defendant if the victim of the offense, or the victim's lawful representative where the victim is a minor or incompetent person, objects to its issuance, except in circumstances where the court, in its discretion, finds that a criminal protection order is necessary for the safety and well-being of a victim who is a minor child or incompetent adult.</p> <p>(c) Criminal protection orders shall be issued on the standardized form developed by the Office of the Attorney</p>	<p>be conducted pursuant to the provisions of this section.</p>
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<p>(iii) When the respondent has a duty to support the petitioner, any minor children, or any person alleged to be incompetent living in the residence or household and the respondent is the sole owner or lessee, granting possession to the petitioner of the residence or household to the exclusion of the respondent by evicting the respondent or restoring possession to the petitioner, or both, or by consent agreement allowing the respondent to provide suitable, alternate housing;</p> <p>(iv) Awarding temporary custody of or establishing temporary visitation rights with regard to any minor children or any person alleged to be incompetent, or both;</p> <p>(v) If the respondent is legally obligated to support the petitioner, any minor children, or any person alleged to be incompetent, ordering the respondent to pay temporary support for the petitioner, any minor children, or any person alleged to be incompetent;</p> <p>(vi) Ordering the respondent to pay to the abused person monetary compensation for losses suffered as a direct result of the abuse, including, but not limited to, medical expenses resulting from such abuse, loss of earnings or support, out-of-pocket losses for injuries sustained, moving expenses, a reasonable attorney's fee, or any combination of the above;</p> <p>(vii) Prohibiting the transferring, encumbering, or otherwise disposing of property mutually owned or leased by the parties, except when in the ordinary course of business;</p> <p>(viii) Prohibiting or limiting respondent's physical proximity to the abused or other household members designated by the court, including residence, school and place of work;</p> <p>(ix) Prohibiting or limiting contact by the respondent with the abused or other household members designated by the court</p>	<p>General and a copy provided to both the victim and the defendant.</p> <p>(d) It shall be a misdemeanor to knowingly violate any condition of a criminal protection order. Upon conviction for a violation, the defendant shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not more than six (6) months, or both.</p>	
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whether in person, by telephone or by electronic communication; and

(x) Ordering counseling or professional medical treatment for the respondent, including counseling or treatment designed to bring about the cessation of domestic abuse.

Emergency Domestic Abuse Protection Order

Catchall Provision

No specific firearms relief within the statute

Miss. Code Ann. § 93-21-13
Emergency domestic abuse protection order; duration of order; extension; entry of protection order into Mississippi Protection Order Registry; de novo hearing for parties aggrieved by issuance or denial of issuance of order

(1)(a) The court in which a petition seeking emergency relief pending a hearing is filed must consider all such requests in an expedited manner and shall not refer or direct the matter to be sent to another court. The court may issue an emergency domestic abuse protection order without prior notice to the respondent upon good cause shown by the petitioner. Immediate and present danger of abuse to the petitioner, any minor children or any person alleged to be incompetent shall constitute good cause for issuance of an emergency domestic abuse protection order. The respondent shall be provided with notice of the entry of any emergency domestic abuse protection order issued by the court by personal service of process.

(b) A court granting an emergency domestic abuse protection order may grant relief as provided in [Section 93-21-15\(1\)\(a\)](#).

MISSOURI	<p>Protection Order</p> <p>Ex Parte Protection Order</p> <p>Catchall Provision</p> <p>No specific firearms relief within the protection order statute</p> <p><u>§ 455.050 R.S.Mo.</u></p> <p><i>Full or ex parte order of protection, abuse or stalking, contents — relief available</i></p> <p>1. Any full or ex parte order of protection granted pursuant to sections 455.010 to 455.085 shall be to protect the petitioner from domestic violence, stalking, or sexual assault and may include such terms as the court reasonably deems necessary to ensure the petitioner's safety, including but not limited to:</p> <p>(1) Temporarily enjoining the respondent from committing or threatening to commit domestic violence, molesting, stalking, sexual assault, or disturbing the peace of the petitioner;</p> <p>(2) Temporarily enjoining the respondent from entering the premises of the dwelling unit of the petitioner when the dwelling unit is:</p> <p>(a) Jointly owned, leased or rented or jointly occupied by both parties; or</p> <p>(b) Owned, leased, rented or occupied by petitioner individually; or</p> <p>(c) Jointly owned, leased, rented or occupied by petitioner and a person other than respondent; provided, however, no spouse shall be denied relief pursuant to this section by reason of the absence of a property interest in the dwelling unit; or</p> <p>(d) Jointly occupied by the petitioner and a person other than respondent; provided that the respondent has no property interest in the dwelling unit; or</p> <p>(3) Temporarily enjoining the respondent from communicating with the petitioner in any manner or through any medium.</p>	<p>No specific firearm seizure procedure within the protection order statute</p> <p><u>§ 571.070 R.S.Mo.</u></p> <p><i>Possession of firearm unlawful for certain persons — penalty — exception</i></p> <p>1. A person commits the offense of unlawful possession of a firearm if such person knowingly has any firearm in his or her possession and:</p> <p>(1) Such person has been convicted of a felony under the laws of this state, or of a crime under the laws of any state or of the United States which, if committed within this state, would be a felony; or</p> <p>(2) Such person is a fugitive from justice, is habitually in an intoxicated or drugged condition, or is currently adjudged mentally incompetent.</p> <p>2. Unlawful possession of a firearm is a class D felony.</p> <p>3. The provisions of subdivision (1) of subsection 1 of this section shall not apply to the possession of an antique firearm.</p> <p><u>§ 571.060 R.S.Mo.</u></p> <p><i>Unlawful transfer of weapons, penalty</i></p> <p>1. A person commits the offense of unlawful transfer of weapons if he:</p> <p>(1) Knowingly sells, leases, loans, gives away or delivers a firearm or ammunition for a firearm to any person who, under the provisions of section 571.070, is not lawfully entitled to possess such;</p> <p>(2) Knowingly sells, leases, loans, gives away or delivers a blackjack to a person less than eighteen years old without the consent of the child's custodial parent or guardian, or recklessly, as defined in section 562.016, sells, leases, loans, gives away or delivers any firearm to a person less than eighteen years old without the consent of the child's custodial parent or guardian; provided, that this does not prohibit the delivery of such weapons to any peace officer or member of the Armed Forces or National Guard while performing his official duty; or</p> <p>(3) Recklessly, as defined in section 562.016, sells, leases, loans, gives away or delivers a firearm or ammunition for a firearm to a person who is intoxicated.</p>	<p><u>§ 571.210 R.S.Mo.</u></p> <p><i>Suspension or revocation, procedures — reactivation — loss or destruction — change of name or residence — renewal — National Instant Criminal Background Check System inquiry</i></p> <p>1. A Missouri lifetime or extended concealed carry permit issued under sections 571.205 to 571.230 shall be suspended or revoked if the Missouri lifetime or extended concealed carry permit holder becomes ineligible for such permit under the criteria established in subdivisions (2), (3), (4), (5), (7), or (10) of subsection 3 of section 571.205. The following procedures shall be followed:</p> <p>(1) When a valid full order of protection or any arrest warrant, discharge, or commitment for the reasons listed in subdivision (2), (3), (4), (5), (7), or (10) of subsection 3 of section 571.205 is issued against a person holding a Missouri lifetime or extended concealed carry permit, upon notification of said order, warrant, discharge, or commitment or upon an order of a court of competent jurisdiction in a criminal proceeding, a commitment proceeding, or a full order of protection proceeding ruling that a person holding a Missouri lifetime or extended concealed carry permit presents a risk of harm to themselves or others, then upon notification of such order, the holder of the Missouri lifetime or extended concealed carry permit shall surrender the permit to the court, officer, or other official serving the order, warrant, discharge, or commitment. The permit shall be suspended until the order is terminated or until the arrest results in a dismissal of all charges. The official to whom the permit is surrendered shall administratively suspend the permit in the concealed carry permit system until the order is terminated or the charges are dismissed. Upon dismissal, the court holding the permit shall return such permit to the individual and the official to whom the permit was surrendered shall administratively return the permit to good standing within the concealed carry permit system;</p>
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<p>2. Mutual orders of protection are prohibited unless both parties have properly filed written petitions and proper service has been made in accordance with sections 455.010 to 455.085.</p> <p>3. When the court has, after a hearing for any full order of protection, issued an order of protection, it may, in addition:</p> <ul style="list-style-type: none"> (1) Award custody of any minor child born to or adopted by the parties when the court has jurisdiction over such child and no prior order regarding custody is pending or has been made, and the best interests of the child require such order be issued; (2) Establish a visitation schedule that is in the best interests of the child; (3) Award child support in accordance with supreme court rule 88.01 and chapter 452; (4) Award maintenance to petitioner when petitioner and respondent are lawfully married in accordance with chapter 452; (5) Order respondent to make or to continue to make rent or mortgage payments on a residence occupied by the petitioner if the respondent is found to have a duty to support the petitioner or other dependent household members; (6) Order the respondent to pay the petitioner's rent at a residence other than the one previously shared by the parties if the respondent is found to have a duty to support the petitioner and the petitioner requests alternative housing; (7) Order that the petitioner be given temporary possession of specified personal property, such as automobiles, checkbooks, keys, and other personal effects; (8) Prohibit the respondent from transferring, encumbering, or otherwise disposing of specified property mutually owned or leased by the parties; (9) Order the respondent to participate in a court-approved counseling program designed to help batterers stop violent behavior or to 	<p>2. Unlawful transfer of weapons under subdivision (1) of subsection 1 of this section is a class E felony; unlawful transfer of weapons under subdivisions (2) and (3) of subsection 1 of this section is a class A misdemeanor.</p>	<p>(2) Any conviction, discharge, or commitment specified in sections 571.205 to 571.230 shall result in a revocation. Upon conviction, the court shall forward a notice of conviction or action and the permit to the issuing county sheriff. The sheriff who issued the Missouri lifetime or extended concealed carry permit shall report the change in status of the concealed carry permit to the concealed carry permit system.</p> <p>2. A Missouri lifetime or extended concealed carry permit shall be reactivated for a qualified applicant upon receipt of the properly completed application by the sheriff of the county of the applicant's residence and in accordance with subsection 2 of section 571.205. A name-based inquiry of the National Instant Criminal Background Check System shall be completed for each reactivation application. The sheriff shall review the results of the report from the National Instant Criminal Background Check System, and when the sheriff has determined the applicant has successfully completed all reactivation requirements and is not disqualified under any provision of section 571.205, the sheriff shall issue a new Missouri lifetime or extended concealed carry permit, which contains the date such permit was reactivated.</p>
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§ 571.225 R.S.Mo.

Petition for revocation of permit — form — hearing — appeal — sheriff immune from liability

- 1.** Any person who has knowledge that another person, who was issued a Missouri lifetime or extended concealed carry permit under [sections 571.205](#) to [571.230](#), never was or no longer is eligible for such permit under the criteria established in [sections 571.205](#) to [571.230](#) may file a petition with the clerk of the small claims court to revoke that person's Missouri lifetime or extended concealed carry permit. The petition shall be in a form substantially similar to the petition for revocation of a Missouri lifetime or extended concealed carry permit provided in this section. Appeal forms shall be provided by the

	<p>participate in a substance abuse treatment program;</p> <p>(10) Order the respondent to pay a reasonable fee for housing and other services that have been provided or that are being provided to the petitioner by a shelter for victims of domestic violence;</p> <p>(11) Order the respondent to pay court costs;</p> <p>(12) Order the respondent to pay the cost of medical treatment and services that have been provided or that are being provided to the petitioner as a result of injuries sustained to the petitioner by an act of domestic violence committed by the respondent.</p>		<p>clerk of the small claims court free of charge to any person:</p>
MONTANA	<p><u>Temporary Order of Protection</u></p> <p style="text-align: center;"><u>40-15-201, MCA</u></p> <p><i>Temporary order of protection.</i></p> <p>(1) A petitioner may seek a temporary order of protection from a court listed in <u>40-15-301</u>. The petitioner shall file a sworn petition that states that the petitioner is in reasonable apprehension of bodily injury or is a victim of one of the offenses listed in <u>40-15-102</u>, has a relationship to the respondent if required by <u>40-15-102</u>, and is in danger of harm if the court does not issue a temporary order of protection immediately.</p> <p>(2) Upon a review of the petition and a finding that the petitioner is in danger of harm if the court does not act immediately, the court shall issue a temporary order of protection that grants the petitioner appropriate relief. The temporary order of protection may include any or all of the following orders:</p> <p>(f) prohibiting the respondent from possessing or using the firearm used in the assault;</p> <p><u>Order of Protection</u></p> <p style="text-align: center;"><u>40-15-202, MCA</u></p> <p><i>Order of protection — hearing — evidence.</i></p>	<p>No specific firearm seizure procedure within the protection order statute</p> <p style="text-align: center;"><u>45-5-206, MCA</u></p> <p><i>Partner or family member assault — penalty.</i></p> <p>(1) A person commits the offense of partner or family member assault if the person:</p> <p>(a) purposely or knowingly causes bodily injury to a partner or family member;</p> <p>(b) negligently causes bodily injury to a partner or family member with a weapon; or</p> <p>(c) purposely or knowingly causes reasonable apprehension of bodily injury in a partner or family member.</p> <p>(7) The court may prohibit an offender convicted under this section from possession or use of the firearm used in the assault. The court may enforce <u>45-8-323</u> if a firearm was used in the assault.</p> <p style="text-align: center;"><u>46-6-603, MCA</u></p> <p><i>Partner or family member assault — seizure of weapon.</i></p> <p>(1) A peace officer who responds to a call relating to partner or family member assault shall seize the weapon used or threatened to be used in the alleged assault.</p> <p>(3) A weapon seized under this section may not be returned to the offender until acquittal or until the return is ordered by the court.</p> <p style="text-align: center;"><u>46-9-108, MCA</u></p>	<p style="text-align: center;"><u>45-8-321, MCA</u></p> <p><i>Permit to Carry Concealed Weapon.</i></p> <p>(1) A county sheriff shall, within 60 days after the filing of an application, issue a permit to carry a concealed weapon to the applicant. The permit is valid for 4 years from the date of issuance. An applicant must be a United States citizen or permanent lawful resident who is 18 years of age or older and who holds a valid Montana driver's license or other form of identification issued by the state that has a picture of the person identified. An applicant must have been a resident of the state for at least 6 months. Except as provided in subsection (2), this privilege may not be denied an applicant unless the applicant:</p> <p>(a) is ineligible under Montana or federal law to own, possess, or receive a firearm;</p> <p>(b) has been charged and is awaiting judgment in any state or federal crime that is punishable by incarceration for 1 year or more;</p> <p>(c) subject to the provisions of subsection (6), has been convicted in any state or federal court of:</p> <p>(i) a crime punishable by more than 1 year of incarceration; or</p> <p>(ii) regardless of the sentence that may be imposed, a crime that includes as an element of the crime an act, attempted act, or threat of intentional homicide, serious bodily harm, unlawful restraint, sexual abuse, or sexual intercourse or contact without consent;</p>

<p>(1) A hearing must be conducted within 20 days from the date that the court issues a temporary order of protection. The hearing date may be continued at the request of either party for good cause or by the court. If the hearing date is continued, the temporary order of protection must remain in effect until the court conducts a hearing. At the hearing, the court shall determine whether good cause exists for the temporary order of protection to be continued, amended, or made permanent.</p> <p>(2) The respondent may request an emergency hearing before the end of the 20-day period by filing an affidavit that demonstrates that the respondent has an urgent need for the emergency hearing. An emergency hearing must be set within 3 working days of the filing of the affidavit.</p> <p>(3) The order of protection may not be made mutually effective by the court. The respondent may obtain an order of protection from the petitioner only by filing an application for an order of protection and following the procedure described in this chapter.</p> <p>(4)(a) Except as provided in subsection (4)(b), evidence concerning a victim's sexual conduct is not admissible in a hearing under this section.</p> <p>(b) Evidence of a victim's past sexual conduct with the offender or evidence of specific instances of the victim's sexual activity to show the origin of semen, pregnancy, or disease may be admitted in a hearing under this section only if that sexual conduct is at issue in the hearing.</p> <p>(5) If a respondent proposes to offer evidence subject to subsection (4)(b), the trial judge shall order a separate hearing to determine whether the proposed evidence is admissible under subsection (4)(b).</p>	<p><i>Conditions upon defendant's release — notice to victim of stalker's release.</i></p> <p>(1) The court may impose any condition that will reasonably ensure the appearance of the defendant as required or that will ensure the safety of any person or the community, including but not limited to the following conditions:</p> <p>(h) the defendant may not possess a firearm, destructive device, or other dangerous weapon;</p>	<p>(d) has been convicted under 45-8-327 or 45-8-328, unless the applicant has been pardoned or 5 years have elapsed since the date of the conviction;</p> <p>(e) has a warrant of any state or the federal government out for the applicant's arrest;</p> <p>(f) has been adjudicated in a criminal or civil proceeding in any state or federal court to be an unlawful user of an intoxicating substance and is under a court order of imprisonment or other incarceration, probation, suspended or deferred imposition of sentence, treatment or education, or other conditions of release or is otherwise under state supervision;</p> <p>(g) has been adjudicated in a criminal or civil proceeding in any state or federal court to be mentally ill, mentally disordered, or mentally disabled and is still subject to a disposition order of that court; or</p> <p>(h) was dishonorably discharged from the United States armed forces.</p> <p>(2) The sheriff may deny an applicant a permit to carry a concealed weapon if the sheriff has reasonable cause to believe that the applicant is mentally ill, mentally disordered, or mentally disabled or otherwise may be a threat to the peace and good order of the community to the extent that the applicant should not be allowed to carry a concealed weapon. At the time an application is denied, the sheriff shall, unless the applicant is the subject of an active criminal investigation, give the applicant a written statement of the reasonable cause upon which the denial is based.</p>
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NEBRASKA	<p><u>Protection Order</u></p> <p><u>R.R.S. Neb. § 42-924</u></p> <p>Protection order; when authorized; term; violation; penalty; construction of sections.</p> <p>(1)(a) Any victim of domestic abuse may file a petition and affidavit for a protection order as provided in this section. Upon the filing of such a petition and affidavit in support thereof, the court may issue a protection order without bond granting the following relief:</p> <p>(vii) Enjoining the respondent from possessing or purchasing a firearm as defined in section 28-1201; or</p> <p><u>Ex Parte Protection Order</u></p> <p><u>R.R.S. Neb. § 42-925</u></p> <p><i>Ex parte protection order; duration; notice requirements; hearing; notice; referral to referee; notice regarding firearm or ammunition.</i></p> <p>(1) An order issued under section 42-924 may be issued ex parte to the respondent if it reasonably appears from the specific facts included in the affidavit that the petitioner will be in immediate danger of abuse before the matter can be heard on notice. If an order is issued ex parte, such order is a temporary order and the court shall forthwith cause notice of the petition and order to be given to the respondent. The court shall also cause a form to request a show-cause hearing to be served upon the respondent. If the respondent wishes to appear and show cause why the order should not remain in effect, he or she shall affix his or her current address, telephone number, and signature to the form and return it to the clerk of the district court within ten business days after service upon him or her. Upon receipt of a timely request for a show-cause hearing, the request of the</p>	<p><u>R.R.S. Neb. § 28-1206</u></p> <p><i>Possession of a deadly weapon by a prohibited person; penalty.</i></p> <p>(1) A person commits the offense of possession of a deadly weapon by a prohibited person if he or she:</p> <p>(a) Possesses a firearm, a knife, or brass or iron knuckles and he or she:</p> <p>(iii) Is the subject of a current and validly issued domestic violence protection order, harassment protection order, or sexual assault protection order and is knowingly violating such order; or</p> <p>(6) In addition, for purposes of this section:</p> <p>(b) Domestic violence protection order means a protection order issued pursuant to section 42-924;</p> <p><u>R.R.S. Neb. § 29-2262</u></p> <p><i>Probation; conditions.</i></p> <p>(1) When a court sentences an offender to probation, it shall attach such reasonable conditions as it deems necessary or likely to insure that the offender will lead a law-abiding life. No offender shall be sentenced to probation if he or she is deemed to be a habitual criminal pursuant to section 29-2221.</p> <p>(2) The court may, as a condition of a sentence of probation, require the offender:</p> <p>(i) To possess no firearm or other dangerous weapon if convicted of a felony, or if convicted of any other offense, to possess no firearm or other dangerous weapon unless granted written permission by the court;</p>	<p><u>R.R.S. Neb. § 69-2404</u></p> <p><i>Certificate; application; fee.</i></p> <p>Any person desiring to purchase, lease, rent, or receive transfer of a handgun shall apply with the chief of police or sheriff of the applicant's place of residence for a certificate. The application may be made in person or by mail. The application form and certificate shall be made on forms approved by the Superintendent of Law Enforcement and Public Safety. The application shall include the applicant's full name, address, date of birth, and country of citizenship. If the applicant is not a United States citizen, the application shall include the applicant's place of birth and his or her alien or admission number. If the application is made in person, the applicant shall also present a current Nebraska motor vehicle operator's license, state identification card, or military identification card, or if the application is made by mail, the application form shall describe the license or card used for identification and be notarized by a notary public who has verified the identification of the applicant through such a license or card. An applicant shall receive a certificate if he or she is twenty-one years of age or older and is not prohibited from purchasing or possessing a handgun by 18 U.S.C. 922. A fee of five dollars shall be charged for each application for a certificate to cover the cost of a criminal history record check.</p> <p><u>R.R.S. Neb. § 69-2431</u></p> <p><i>Fingerprinting; criminal history record information check.</i></p> <p>In order to insure an applicant's initial compliance with sections 69-2430 and 69-2433, the applicant for a permit to carry a concealed handgun shall be fingerprinted by the Nebraska State Patrol and a check made of his or her criminal history record information maintained by the Federal Bureau of Investigation through the Nebraska State Patrol. In order to insure</p>
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	<p>petitioner, or upon the court's own motion, the court shall immediately schedule a show-cause hearing to be held within thirty days after the receipt of the request for a show-cause hearing and shall notify the petitioner and respondent of the hearing date. The petition and affidavit shall be deemed to have been offered into evidence at any show-cause hearing. The petition and affidavit shall be admitted into evidence unless specifically excluded by the court. If the respondent appears at the hearing and shows cause why such order should not remain in effect, the court shall rescind the temporary order.</p> <p>(6) The court shall also cause the notice created under section 29-2291 to be served upon the respondent notifying the respondent that it may be unlawful under federal law for a person who is subject to a protection order to possess or receive any firearm or ammunition.</p>	<p>continuing compliance with sections 69-2430 and 69-2433 and compliance for renewal pursuant to section 69-2436, a check shall be made of a permitholder's criminal history record information through the National Instant Criminal Background Check System.</p> <p><i>R.R.S. Neb. § 42-924.03</i> <i>Protection order granted to respondent; when.</i></p> <p>A court shall only grant a respondent a protection order if (1) the respondent files a cross or counter petition seeking a protection order and (2) the issuing court makes specific findings of domestic or family abuse against the respondent and determines that the respondent is entitled to a protection order.</p>
NEVADA	<p><u>Temporary Order for Protection Against Domestic-violence</u> Catchall Provision</p> <p><i>Nev. Rev. Stat. Ann. § 33.030</i> <i>Contents of order; interlocutory appeal.</i></p> <p>1. The court by a temporary order may:</p> <p>(a) Enjoin the adverse party from threatening, physically injuring or harassing the applicant or minor child, either directly or through an agent;</p> <p>(b) Exclude the adverse party from the applicant's place of residence;</p> <p>(c) Prohibit the adverse party from entering the residence, school or place of employment of the applicant or minor child and order the adverse party to stay away from any specified place frequented regularly by them;</p> <p>(d) If it has jurisdiction under chapter 125A of NRS, grant temporary custody of the minor child to the applicant;</p>	<p><i>Nev. Rev. Stat. Ann. § 33.033</i> <i>Requirements for surrender, sale or transfer of firearm in possession of adverse party; authorization to charge fee for collection and storage of firearm.</i></p> <p>1. If a court orders an adverse party to surrender, sell or transfer any firearm pursuant to NRS 33.031, the adverse party shall, not later than 24 hours after service of the order:</p> <p>(a) Surrender any firearm in the adverse party's possession or under the adverse party's custody or control to the appropriate local law enforcement agency designated by the court in the order;</p> <p>(b) Surrender any firearm in the adverse party's possession or under the adverse party's custody or control to a person designated by the court in the order;</p> <p>(c) Sell or transfer any firearm in the adverse party's possession or under the adverse party's custody or control to a licensed firearm dealer; or</p> <p>(d) Submit an affidavit:</p> <p>(1) Informing the court that he or she currently does not have any firearm in his or her possession or under his or her custody or control; and</p> <p><i>Nev. Rev. Stat. Ann. § 202.3665</i> <i>Duties of sheriff upon receiving notification that applicant or permittee has been charged with or convicted of crime involving use or threatened use of force or violence.</i></p> <p>1. If a sheriff who is processing an application for a permit receives notification pursuant to NRS 202.3657 that the applicant has been:</p> <p>(a) Charged with a crime involving the use or threatened use of force or violence, the sheriff</p>

<p>(e) Enjoin the adverse party from physically injuring, threatening to injure or taking possession of any animal that is owned or kept by the applicant or minor child, either directly or through an agent;</p> <p>(f) Enjoin the adverse party from physically injuring or threatening to injure any animal that is owned or kept by the adverse party, either directly or through an agent; and</p> <p>(g) Order such other relief as it deems necessary in an emergency situation.</p> <p><u>Extended Order for Protection Against Domestic-violence</u></p> <p>2. The court by an extended order may grant any relief enumerated in subsection 1 and:</p> <p>(a) Specify arrangements for visitation of the minor child by the adverse party and require supervision of that visitation by a third party if necessary;</p> <p>(b) Specify arrangements for the possession and care of any animal owned or kept by the adverse party, applicant or minor child; and</p> <p>(c) Order the adverse party to:</p> <p>(1) Avoid or limit communication with the applicant or minor child;</p> <p>(2) Pay rent or make payments on a mortgage on the applicant's place of residence;</p> <p>(3) Pay for the support of the applicant or minor child, including, without limitation, support of a minor child for whom a guardian has been appointed pursuant to chapter 159A of NRS or a minor child who has been placed in protective custody pursuant to chapter 432B of NRS, if the adverse party is found to have a duty to support the applicant or minor child;</p> <p>(4) Pay all costs and fees incurred by the applicant in bringing the action; and</p> <p>(5) Pay monetary compensation to the applicant for lost earnings and expenses incurred as a result of the applicant attending</p>	<p>(2) Acknowledging that failure to surrender, sell or transfer any firearm in his or her possession or under his or her custody or control is a violation of the extended order and state law.</p> <p>2. If the court orders the adverse party to surrender any firearm to a local law enforcement agency pursuant to paragraph (a) of subsection 1, the law enforcement agency shall provide the adverse party with a receipt which includes a description of each firearm surrendered and the serial number of each firearm surrendered. The adverse party shall, not later than 72 hours or 1 business day, whichever is later, after surrendering any such firearm, provide the receipt to the court.</p> <p>3. If the court orders the adverse party to surrender any firearm to a person designated by the court pursuant to paragraph (b) of subsection 1, the adverse party shall, not later than 72 hours or 1 business day, whichever is later, after the adverse party surrenders any firearm to such person, provide to the court and the appropriate local law enforcement agency the name and address of the person designated in the order and a written description of each firearm surrendered and the serial number of each firearm surrendered to such person.</p> <p>4. If the adverse party sells or transfers any firearm to a licensed firearm dealer pursuant to paragraph (c) of subsection 1:</p> <p>(a) The licensed firearm dealer shall provide the adverse party with a receipt which includes a description of each firearm sold or transferred, the serial number of each firearm sold or transferred and, if the firearm was transferred, whether the transfer is permanent or temporary; and</p> <p>(b) The adverse party shall, not later than 72 hours or 1 business day, whichever is later, after such sale or transfer, provide the receipt to the court and the appropriate local law enforcement agency.</p> <p>5. If there is probable cause to believe that the adverse party has not surrendered, sold or transferred any firearm in the adverse party's possession or under the adverse party's custody or control within 24 hours after service of the order, the court may issue and deliver to any law enforcement officer a search warrant which authorizes the law enforcement officer to enter and search any place where there is probable cause to believe any firearm is located and seize the firearm.</p>	<p>shall notify any victim of the crime of the fact that the sheriff has, pursuant to NRS 202.3657:</p> <p>(1) Suspended the processing of the application until the final disposition of the charges against the applicant; or</p> <p>(2) Resumed the processing of the application following the dropping of charges against the applicant or the acquittal of the applicant.</p> <p>(b) Convicted of a crime involving the use or threatened use of force or violence, the sheriff shall notify any victim of the crime of the fact that the sheriff has, pursuant to NRS 202.3657, denied the application.</p> <p>2. If a sheriff who has issued a permit to a permittee receives notification pursuant to NRS 202.3657 that the permittee has been:</p> <p>(a) Charged with a crime involving the use or threatened use of force or violence, the sheriff shall notify any victim of the crime of the fact that the sheriff has, pursuant to NRS 202.3657:</p> <p>(1) Suspended the permit of the permittee until the final disposition of the charges against the permittee; or</p> <p>(2) Restored the permit of the permittee following the dropping of charges against the permittee or the acquittal of the permittee.</p> <p>(b) Convicted of a crime involving the use or threatened use of force or violence, the sheriff shall notify any victim of the crime of the fact that the sheriff has, pursuant to NRS 202.3657, revoked the permit of the permittee.</p> <p>3. The sheriff shall notify a victim pursuant to subsection 1 or 2 not later than 10 days after the date on which the sheriff performs one of the actions listed in subsection 1 or 2 concerning an application or a permit.</p> <p style="text-align: center;"><i>Nev. Rev. Stat. Ann. § 33.018 Acts which constitute domestic-violence.</i></p> <p>1. Domestic violence occurs when a person commits one of the following acts against or upon the person's spouse or former spouse, any other person to whom the person is related by blood or marriage, any other person with whom the person</p>
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<p>any hearing concerning an application for an extended order.</p> <p><u>Nev. Rev. Stat. Ann. § 33.0305</u></p> <p><i>If court issues extended order, adverse party is prohibited from subsequently purchasing or otherwise acquiring firearm while extended order is in effect; penalty.</i></p> <ol style="list-style-type: none"> 1. If a court issues an extended order pursuant to NRS 33.030, the adverse party shall not subsequently purchase or otherwise acquire any firearm during the period that the extended order is in effect. 2. A person who violates the provisions of subsection 1 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000. <p><u>Nev. Rev. Stat. Ann. § 33.031</u></p> <p><i>Extended order may prohibit possession of firearm by adverse party; factors for court to consider in determining whether to prohibit possession of firearm; exception; penalty.</i></p> <ol style="list-style-type: none"> 1. A court may include in an extended order issued pursuant to NRS 33.030: <ol style="list-style-type: none"> (a) A requirement that the adverse party surrender, sell or transfer any firearm in the adverse party's possession or under the adverse party's custody or control in the manner set forth in NRS 33.033; and (b) A statement that, unless the provisions of subsection 3 apply, the adverse party is prohibited from possessing or having under the adverse party's custody or control any firearm while the order is in effect pursuant to NRS 202.360. 2. In determining whether to include the provisions set forth in subsection 1 in an extended order, the court must consider, 	<p>6. A local law enforcement agency may charge and collect a fee from the adverse party for the collection and storage of a firearm pursuant to this section. The fee must not exceed the cost incurred by the local law enforcement agency to provide the service.</p> <p>7. A licensed firearm dealer may charge and collect a fee from the adverse party for the storage of a firearm pursuant to this section.</p> <p>8. As used in this section, "licensed firearm dealer" means a person licensed pursuant to 18 U.S.C. § 923(a).</p> <p><u>Nev. Rev. Stat. Ann. § 202.360(1)(a)</u></p> <p><i>Ownership or possession of firearm by certain persons prohibited; penalties.</i></p> <ol style="list-style-type: none"> 1. A person shall not own or have in his or her possession or under his or her custody or control any firearm if the person: <ol style="list-style-type: none"> (a) Has been convicted in this state or any other state of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33). 	<p>has had or is having a dating relationship, any other person with whom the person has a child in common, the minor child of any of those persons, the person's minor child or any other person who has been appointed the custodian or legal guardian for the person's minor child:</p> <ol style="list-style-type: none"> (a) A battery. (b) An assault. (c) Coercion pursuant to NRS 207.190. (d) A sexual assault. (e) A knowing, purposeful or reckless course of conduct intended to harass the other person. Such conduct may include, but is not limited to: <ol style="list-style-type: none"> (1) Stalking. (2) Arson. (3) Trespassing. (4) Larceny. (5) Destruction of private property. (6) Carrying a concealed weapon without a permit. (7) Injuring or killing an animal. (8) Burglary. (9) An invasion of the home. (f) A false imprisonment. (g) Pandering. <p>2. The provisions of this section do not apply to:</p> <ol style="list-style-type: none"> (a) Siblings, except those siblings who are in a custodial or guardianship relationship with each other; or (b) Cousins, except those cousins who are in a custodial or guardianship relationship with each other. <p><u>Nev. Rev. Stat. Ann. § 33.020</u></p> <p><i>Requirements for issuance of temporary and extended orders; availability of court; court clerk to inform protected party upon transfer of information to Central Repository.</i></p> <ol style="list-style-type: none"> 1. If it appears to the satisfaction of the court from specific facts shown by a verified application that an act of domestic violence has occurred or there exists a threat of domestic violence, the court may grant a temporary or extended order. A court shall only consider whether the act of domestic
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<p>without limitation, whether the adverse party:</p> <ul style="list-style-type: none"> (a) Has a documented history of domestic violence; (b) Has used or threatened to use a firearm to injure or harass the applicant, a minor child or any other person; and (c) Has used a firearm in the commission or attempted commission of any crime. <p>3. If a court includes the provisions set forth in subsection 1 in an extended order, the court may include a limited exception from the prohibition to possess or have under the adverse party's custody or control any firearm if the adverse party establishes that:</p> <ul style="list-style-type: none"> (a) The adverse party is employed by an employer who requires the adverse party to use or possess a firearm as an integral part of the adverse party's employment; (b) The adverse party only uses or possesses the firearm in the course of such employment; and (c) The employer will provide for the storage of any such firearm during any period when the adverse party is not working. <p>4. An adverse party who violates any provision included in an extended order pursuant to this section concerning the surrender, sale, transfer, possession, custody or control of a firearm is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000. The court must include in the order a statement that violation of such a provision in the order is a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.</p>		<p>violence or the threat thereof satisfies the requirements of NRS 33.018 without considering any other factor in its determination to grant the temporary or extended order.</p> <p>2. A temporary or extended order must not be granted to the applicant or the adverse party unless the applicant or the adverse party has requested the order and has filed a verified application that an act of domestic violence has occurred or there exists a threat of domestic violence.</p>
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<p>NEW HAMPSHIRE</p> <p><u>Temporary Protective Order - Discretionary</u></p> <p style="text-align: center;"><u>RSA 173-B:4</u> <i>Temporary Relief.</i></p> <p>II. The defendant may be prohibited from purchasing, receiving, or possessing any deadly weapons and any and all firearms and ammunition for the duration of the order. The court may subsequently issue a search warrant authorizing the peace officer to seize any deadly weapons specified in the protective order and any and all firearms and ammunition, if there is probable cause to believe such firearms and ammunition and specified deadly weapons are kept on the premises or curtilage of the defendant and if the court has reason to believe that all such firearms and ammunition and specified deadly weapons have not been relinquished by the defendant.</p> <p><u>Protective Order- Mandatory</u></p> <p style="text-align: center;"><u>RSA 173-B:5</u> <i>Relief.</i></p> <p>II. The defendant shall be prohibited from purchasing, receiving, or possessing any deadly weapons and any and all firearms and ammunition for the duration of the order. The court may subsequently issue a search warrant authorizing a peace officer to seize any deadly weapons specified in the protective order and any and all firearms and ammunition, if there is probable cause to believe such firearms and ammunition and specified deadly weapons are kept on the premises or curtilage of the defendant.</p>	<p style="text-align: center;"><u>RSA 173-B:4</u> <i>Temporary Relief.</i></p> <p>II. The defendant may be prohibited from purchasing, receiving, or possessing any deadly weapons and any and all firearms and ammunition for the duration of the order. The court may subsequently issue a search warrant authorizing the peace officer to seize any deadly weapons specified in the protective order and any and all firearms and ammunition, if there is probable cause to believe such firearms and ammunition and specified deadly weapons are kept on the premises or curtilage of the defendant and if the court has reason to believe that all such firearms and ammunition and specified deadly weapons have not been relinquished by the defendant.</p> <p style="text-align: center;"><u>RSA 173-B:5</u> <i>Relief.</i></p> <p>II. The defendant shall be prohibited from purchasing, receiving, or possessing any deadly weapons and any and all firearms and ammunition for the duration of the order. The court may subsequently issue a search warrant authorizing a peace officer to seize any deadly weapons specified in the protective order and any and all firearms and ammunition, if there is probable cause to believe such firearms and ammunition and specified deadly weapons are kept on the premises or curtilage of the defendant.</p> <p style="text-align: center;"><u>RSA 173-B:10</u> <i>Protection by Peace Officers.</i></p> <p>I. Whenever any peace officer has probable cause to believe that a person has been abused, as defined in <u>RSA 173-B:1</u>, that officer shall use all means within reason to prevent further abuse including, but not limited to:</p> <p class="list-item-l1">(a) Confiscating any deadly weapons involved in the alleged domestic abuse and any firearms and ammunition in the defendant's control, ownership, or possession.</p> <p style="text-align: center;"><u>RSA 173-B:9</u> <i>Violation of Protective Order; Penalty.</i></p> <p>I.(a) When the defendant violates either a temporary or permanent protective order issued or enforced under this</p>	<p style="text-align: center;"><u>RSA 159:6-b</u> <i>Suspension or Revocation of License.</i></p> <p>I. The issuing authority may order a license to carry a loaded pistol or revolver issued to any person pursuant to <u>RSA 159:6</u> to be suspended or revoked for just cause, provided written notice of the suspension or revocation and the reason therefore is given to the licensee. A licensee whose license has been suspended or revoked shall be permitted a hearing on such suspension or revocation if a hearing is requested by the licensee to the issuing authority within 7 days of the suspension or revocation.</p> <p>II. When the licensee hereunder ceases to be a resident of the community in which the license was issued he shall notify in writing the issuing authority at his new place of residence that he has a current license. Such license shall remain in effect until it expires pursuant to <u>RSA 159:6</u>.</p> <p style="text-align: center;"><u>RSA 173-B:5</u> <i>Relief.</i></p> <p>IX-a. If a criminal records check conducted by the department of safety indicates that a potential buyer or transferee is prohibited from receipt or possession of a firearm pursuant to a protective order issued under this chapter, the department of safety shall notify the administrative office of the courts of the denial. The administrative office of the courts shall immediately notify the plaintiff that the defendant has attempted to purchase or obtain a firearm in violation of the protective order.</p>
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chapter, peace officers shall arrest the defendant and ensure that the defendant is detained until arraignment, provided that in extreme circumstances, such as when the health of the defendant would be jeopardized by the temporary detention, a judge in response to a request by the arresting law enforcement officer or agency, may order an alternative to detention pending arraignment. Such arrests may be made within 12 hours without a warrant upon probable cause, whether or not the violation is committed in the presence of a peace officer.

(b) Subsequent to an arrest, the peace officer shall seize any firearms and ammunition in the control, ownership, or possession of the defendant and any deadly weapons which may have been used, or were threatened to be used, during the violation of the protective order. The law enforcement agency shall maintain possession of the firearms, ammunition, or deadly weapons until the court issues an order directing that the firearms, ammunition, or deadly weapons be relinquished and specifying the person to whom the firearms and ammunition or deadly weapons will be relinquished.

II. The prosecution and sentencing for criminal contempt for a violation of a protective order shall not preclude the prosecution of or sentencing for other criminal charges underlying the contempt.

III. A person shall be guilty of a class A misdemeanor if such person knowingly violates a protective order issued under this chapter, or [RSA 458:16](#), III, or any foreign protective order enforceable under the laws of this state. Charges made under this chapter shall not be reduced to a lesser charge, as permitted in other instances under [RSA 625:9](#).

IV. Any person convicted under [RSA 173-B:9](#), III, or who has been convicted in another jurisdiction of violating a protective order enforceable under the laws of this state, who, within 6 years of such conviction or the completion of the sentence imposed for such conviction, whichever is later, subsequently commits and is convicted of one or more offenses involving abuse may be charged with an enhanced penalty for each subsequent offense as follows:

(a) There shall be no enhanced charge under this section if the subsequent offense is a class A felony or an unclassified felony;

(b) If the subsequent offense would otherwise constitute a class B felony, it may be charged as a class A felony;

		<p>(c) If the subsequent offense would otherwise constitute a class A misdemeanor, it may be charged as a class B felony;</p> <p>(d) If the subsequent offense would otherwise constitute a class B misdemeanor, it may be charged as a class A misdemeanor;</p> <p>(e) If the subsequent offense would otherwise constitute a violation, it may be charged as a class B misdemeanor.</p> <p>V. A victim of domestic violence shall be entitled to all rights granted to victims of crime under RSA 21-M:8-k.</p>	
NEW JERSEY	<p><u>Temporary Restraining Order</u></p> <p><u>N.J. Stat. § 2C:25-28</u></p> <p><i>Filing complaint alleging domestic violence in Family Part; proceeding.</i></p> <p>j. Emergency relief may include forbidding the defendant from returning to the scene of the domestic violence, forbidding the defendant from possessing any firearm or other weapon enumerated in subsection r. of N.J.S.2C:39-1, ordering the search for and seizure of any firearm or other weapon at any location where the judge has reasonable cause to believe the weapon is located and the seizure of any firearms purchaser identification card or permit to purchase a handgun issued to the defendant and any other appropriate relief.</p> <p>If the order requires the surrender of any firearm or other weapon, a law enforcement officer shall accompany the defendant, or may proceed without the defendant if necessary, to the scene of the domestic violence or any other location where the judge has reasonable cause to believe any firearm or other weapon belonging to the defendant is located, to ensure that the defendant does not gain access to any firearm or other weapon, and that the firearm or other weapon is appropriately surrendered in accordance with the order. If the order prohibits the defendant from returning to the scene of domestic violence or any other location where the judge has reasonable cause to believe any firearm or other weapon belonging to the defendant is located, any firearm or other weapon located there shall be seized by a law enforcement officer. The order shall include notice to the defendant of the penalties for a violation of any provision of the order, including but not limited to the penalties for contempt of court and unlawful possession of a firearm or other weapon pursuant to N.J.S.2C:39-5. Other appropriate relief may include but is not limited to an order directing the possession of any animal owned, possessed, leased, kept, or held by either party or a minor child residing in the</p>	<p><u>N.J. Stat. § 2C:25-28</u></p> <p><i>Filing complaint alleging domestic violence in Family Part; proceeding.</i></p> <p>j. Emergency relief may include forbidding the defendant from returning to the scene of the domestic violence, forbidding the defendant from possessing any firearm or other weapon enumerated in subsection r. of N.J.S.2C:39-1, ordering the search for and seizure of any firearm or other weapon at any location where the judge has reasonable cause to believe the weapon is located and the seizure of any firearms purchaser identification card or permit to purchase a handgun issued to the defendant and any other appropriate relief.</p> <p>If the order requires the surrender of any firearm or other weapon, a law enforcement officer shall accompany the defendant, or may proceed without the defendant if necessary, to the scene of the domestic violence or any other location where the judge has reasonable cause to believe any firearm or other weapon belonging to the defendant is located, to ensure that the defendant does not gain access to any firearm or other weapon, and that the firearm or other weapon is appropriately surrendered in accordance with the order. If the order prohibits the defendant from returning to the scene of domestic violence or any other location where the judge has reasonable cause to believe any firearm or other weapon belonging to the defendant is located, any firearm or other weapon located there shall be seized by a law enforcement officer. The order shall include notice to the defendant of the penalties for a violation of any provision of the order, including but not limited to the penalties for contempt of court and unlawful possession of a firearm or other weapon pursuant to N.J.S.2C:39-5. Other appropriate relief may include but is not limited to an order directing the possession of any animal owned, possessed, leased, kept, or held by either party or a minor child residing in the</p>	<p><u>N.J. Stat. § 2C:58-3</u></p> <p><i>Purchase of firearms.</i></p> <p>a. Permit to purchase a handgun.</p> <p>(1) No person shall sell, give, transfer, assign or otherwise dispose of, nor receive, purchase, or otherwise acquire a handgun unless the purchaser, assignee, donee, receiver or holder is licensed as a dealer under this chapter or has first secured a permit to purchase a handgun as provided by this section.</p> <p>(2) A person who is not a licensed retail dealer and sells, gives, transfers, assigns, or otherwise disposes of, or receives, purchases or otherwise acquires a handgun pursuant to this section shall conduct the transaction through a licensed retail dealer.</p> <p>The provisions of this paragraph shall not apply if the transaction is:</p> <p>(a) between members of an immediate family as defined in subsection n. of this section;</p> <p>(b) between law enforcement officers;</p> <p>(c) between collectors of firearms or ammunition as curios or relics as defined in Title 18, U.S.C. section 921(a)(13) who have in their possession a valid Collector of Curios and Relics License issued by the Bureau of Alcohol, Tobacco, Firearms, and Explosives; or</p> <p>(d) a temporary transfer pursuant to section 1 of P.L.1992, c.74 (C.2C:58-3.1) or section 1 of P.L.1997, c.375 (C.2C:58-3.2).</p> <p>(3) Prior to a transaction conducted pursuant to this subsection, the retail dealer shall complete a National Instant Criminal Background Check of the person acquiring the handgun. In addition:</p>

belonging to the defendant is located, any firearm or other weapon located there shall be seized by a law enforcement officer. The order shall include notice to the defendant of the penalties for a violation of any provision of the order, including but not limited to the penalties for contempt of court and unlawful possession of a firearm or other weapon pursuant to [N.J.S.2C:39-5](#). Other appropriate relief may include but is not limited to an order directing the possession of any animal owned, possessed, leased, kept, or held by either party or a minor child residing in the household and providing that the animal shall not be disposed of prior to entry of a final order pursuant to section 13 of [P.L.1991, c.261 \(C.2C:25-29\)](#).

The judge shall state with specificity the reasons for and scope of any search and seizure authorized by the order. The provisions of this subsection prohibiting a defendant from possessing a firearm or other weapon shall not apply to any law enforcement officer while actually on duty, or to any member of the Armed Forces of the United States or member of the National Guard while actually on duty or traveling to or from an authorized place of duty.

Restraining Order

[N.J. Stat. § 2C:25-29](#)

Hearing procedure; relief

b. In proceedings in which complaints for restraining orders have been filed, the court shall grant any relief necessary to prevent further abuse. In addition to any other provisions, any restraining order issued by the court shall bar the defendant from purchasing, owning, possessing or controlling a firearm and from receiving or retaining a firearms purchaser identification card or permit to purchase a handgun pursuant to [N.J.S.2C:58-3](#) during the period

household and providing that the animal shall not be disposed of prior to entry of a final order pursuant to section 13 of [P.L.1991, c.261 \(C.2C:25-29\)](#).

The judge shall state with specificity the reasons for and scope of any search and seizure authorized by the order. The provisions of this subsection prohibiting a defendant from possessing a firearm or other weapon shall not apply to any law enforcement officer while actually on duty, or to any member of the Armed Forces of the United States or member of the National Guard while actually on duty or traveling to or from an authorized place of duty.

[N.J. Stat. § 2C:25-29](#)

Hearing procedure; relief

(16) In addition to the order required by this subsection prohibiting the defendant from possessing any firearm, the court may also issue an order prohibiting the defendant from possessing any other weapon enumerated in subsection r. of [N.J.S.2C:39-1](#) and ordering the search for and seizure of any firearm or other weapon at any location where the judge has reasonable cause to believe the weapon is located. The judge shall state with specificity the reasons for and scope of the search and seizure authorized by the order.

[N.J. Stat. § 2C:39-7](#)

Certain persons not to have weapons

a. Except as provided in subsection b. of this section, any person, having been convicted in this State or elsewhere of the crime, or an attempt or conspiracy to commit the crime, of aggravated assault, arson, burglary, escape, extortion, homicide, kidnapping, robbery, aggravated sexual assault, sexual assault, bias intimidation in violation of [N.J.S.2C:16-1](#) or carjacking in violation of section 1 or P.L. 1993, c.221 (C.2C:15-2), gang criminality in violation of section 1 of P.L.2007, c.341 (C.2C:33-29), racketeering in violation of N.J.S.2C:41-2, terroristic threats in violation of N.J.S.2C:12-3, unlawful possession of a machine gun in violation of subsection a. of N.J.S.2C:39-5, unlawful possession of a handgun in violation of paragraph (1) of subsection b. of N.J.S.2C:39-5, unlawful possession of an assault firearm in violation of subsection f. of N.J.S.2C:39-5, leader of firearms trafficking network in violation of section

(a) the retail dealer shall submit to the Superintendent of State Police, on a form approved by the superintendent, information identifying and confirming the background check;

(b) every retail dealer shall maintain a record of transactions conducted pursuant to this subsection, which shall be maintained at the address displayed on the retail dealer's license for inspection by a law enforcement officer during reasonable hours;

(c) a retail dealer may charge a fee for a transaction conducted pursuant to this subsection; and

(d) any record produced pursuant to this subsection shall not be considered a public record pursuant to P.L.1963, c.73 ([C.47:1A-1](#) et seq.) or [P.L.2001, c.404 \(C.47:1A-5](#) et al.).

f. Granting of permit or identification card; fee; term; renewal; revocation. The application for the permit to purchase a handgun together with a fee of \$2, or the application for the firearms purchaser identification card together with a fee of \$5, shall be delivered or forwarded to the licensing authority who shall investigate the same and, unless good cause for the denial thereof appears, shall grant the permit or the identification card, or both, if application has been made therefor, within 30 days from the date of receipt of the application for residents of this State and within 45 days for nonresident applicants. A permit to purchase a handgun shall be valid for a period of 90 days from the date of issuance and may be renewed by the issuing authority for good cause for an additional 90 days. A firearms purchaser identification card shall be valid until such time as the holder becomes subject to any of the disabilities set forth in subsection c. of this section, whereupon the card shall be void and shall be returned within five days by the holder to the superintendent, who shall then advise the licensing authority. Failure of the holder to return the firearms purchaser identification card to the superintendent within the five days shall be an offense under subsection a. of [N.J.S.2C:39-10](#). Any firearms purchaser

<p>in which the restraining order is in effect or two years, whichever is greater. The order shall require the immediate surrender of any firearm or other weapon belonging to the defendant. The order shall include notice to the defendant of the penalties for a violation of any provision of the order, including but not limited to the penalties for contempt of court and unlawful possession of a firearm or other weapon pursuant to N.J.S.2C:39-5. A law enforcement officer shall accompany the defendant, or may proceed without the defendant if necessary, to any place where any firearm or other weapon belonging to the defendant is located to ensure that the defendant does not gain access to any firearm or other weapon, and a law enforcement officer shall take custody of any firearm or other weapon belonging to the defendant. If the order prohibits the defendant from returning to the scene of domestic violence or other place where firearms or other weapons belonging to the defendant are located, any firearm or other weapon located there shall be seized by a law enforcement officer. The provisions of this subsection requiring the surrender or removal of a firearm, card, or permit shall not apply to any law enforcement officer while actually on duty, or to any member of the Armed Forces of the United States or member of the National Guard while actually on duty or traveling to or from an authorized place of duty. At the hearing the judge of the Family Part of the Chancery Division of the Superior Court may issue an order granting any or all of the following relief:</p> <p>(16) In addition to the order required by this subsection prohibiting the defendant from possessing any firearm, the court may also issue an order prohibiting the defendant from possessing any other weapon enumerated in subsection r. of N.J.S.2C:39-1 and ordering the search for and seizure of any firearm or other weapon at any location where the judge</p>	<p>1 of P.L.1995, c.405 (C.2C:39-16), or endangering the welfare of a child pursuant to N.J.S.2C:24-4, whether or not armed with or having in his possession any weapon enumerated in subsection r. of N.J.S.2C:39-1, or any person convicted of a crime pursuant to the provisions of N.J.S.2C:39-3, N.J.S.2C:39-4 or N.J.S.2C:39-9, or any person who has ever been committed for a mental disorder to any hospital, mental institution or sanitarium unless the person possesses a certificate of a medical doctor or psychiatrist licensed to practice in New Jersey or other satisfactory proof that he is no longer suffering from a mental disorder which interferes with or handicaps him in the handling of a firearm, or any person who has been convicted of an offense, or conspiracy to commit an offense, for the unlawful use, possession or sale of a controlled dangerous substance as defined in N.J.S.2C:35-2 other than a disorderly persons or petty disorderly persons offense, who purchases, owns, possesses or controls any of the specified weapons or any ammunition as defined in section 2 of P.L.2018, c.35 (C2C:58-21) is guilty of a crime of the fourth degree.</p> <p>b.</p> <p>(1) A person having been convicted in this State or elsewhere of the crime, or an attempt or conspiracy to commit the crime, of aggravated assault, arson, burglary, escape, extortion, homicide, kidnapping, robbery, aggravated sexual assault, sexual assault, bias intimidation in violation of N.J.S.2C:16-1, carjacking in violation of section 1 of P.L.1993, c.221 (C.2C:15-2), gang criminality in violation of section 1 of P.L.2007, c.341 (C.2C:33-29), racketeering in violation of N.J.S.2C:41-2, terroristic threats in violation of N.J.S.2C:12-3, unlawful possession of a machine gun in violation of subsection a. of N.J.S.2C:39-5, unlawful possession of a handgun in violation of paragraph (1) of subsection b. of N.J.S.2C:39-5, unlawful possession of an assault firearm in violation of subsection f. of N.J.S.2C:39-5, leader of firearms trafficking network in violation of section 1 of P.L.1995, c.405 (C.2C:39-16), endangering the welfare of a child pursuant to N.J.S.2C:24-4, stalking pursuant to P.L.1992, c.209 (C.2C:12-10) or a crime, or an attempt or conspiracy to commit a crime involving domestic violence as defined in section 3 of P.L.1991, c.261(C.2C:25-19), whether or not armed with or having in his possession a</p>	<p>identification card may be revoked by the Superior Court of the county wherein the card was issued, after hearing upon notice, upon a finding that the holder thereof no longer qualifies for the issuance of the permit. The county prosecutor of any county, the chief police officer of any municipality or any citizen may apply to the court at any time for the revocation of the card. There shall be no conditions or requirements added to the form or content of the application, or requirements added to the form or content of the application, or required by the licensing authority for the issuance of a permit or identification card, other than those that are specifically set forth in this chapter.</p>
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has reasonable cause to believe the weapon is located. The judge shall state with specificity the reasons for and scope of the search and seizure authorized by the order.

weapon enumerated in subsection r. of [N.J.S.2C:39-1](#), or a person having been convicted of a crime pursuant to the provisions of [N.J.S.2C:35-3](#) through [N.J.S.2C:35-6](#), inclusive; section 1 of P.L.1987, c.101 ([C.2C:35-7](#)); [N.J.S.2C:35-11](#); [N.J.S.2C:39-3](#); [N.J.S.2C:39-4](#); or [N.J.S.2C:39-9](#) who purchases, owns, possesses or controls a firearm is guilty of a crime of the second degree and upon conviction thereof, the person shall be sentenced to a term of imprisonment by the court. The term of imprisonment shall include the imposition of a minimum term, which shall be fixed at five years, during which the defendant shall be ineligible for parole. If the defendant is sentenced to an extended term of imprisonment pursuant to [N.J.S.2C:43-7](#), the extended term of imprisonment shall include the imposition of a minimum term, which shall be fixed at, or between, one-third and one-half of the sentence imposed by the court or five years, whichever is greater, during which the defendant shall be ineligible for parole.

(2) A person having been convicted in this State or elsewhere of a disorderly persons offense involving domestic violence, whether or not armed with or having in the person's possession a weapon enumerated in subsection r.

of [N.J.S.2C:39-1](#), who purchases, owns, possesses or controls a firearm is guilty of a crime of the third degree.

(3) A person whose firearm is seized pursuant to the "Prevention of Domestic Violence Act of 1991," [P.L.1991, c.261 \(C.2C:25-17\)](#) et seq.) and whose firearm has not been returned, or who is subject to a court order prohibiting the possession of firearms issued pursuant to the "Prevention of Domestic Violence Act of 1991," [P.L.1991, c.261 \(C.2C:25-17\)](#) et seq.) who purchases, owns, possesses or controls a firearm or ammunition is guilty of a crime of the third degree, except that the provisions of this paragraph shall not apply to any law enforcement officer while actually on duty, or to any member of the Armed Forces of the United States or member of the National Guard while actually on duty or traveling to or from an authorized place of duty.

(4) A person who is subject to a court order prohibiting the custody, control, ownership, purchase, possession, or receipt of a firearm or ammunition issued pursuant to the "Extreme Risk Protective Order Act of 2018," [P.L.2018, c.35 \(C.2C:58-20\)](#) et al.) who purchases, acquires, owns, possesses, or controls a firearm or ammunition is guilty of a crime of the third degree.

N.J. Stat. § 2C:25-21

Arrest of alleged attacker; seizure of weapons, etc.

- a.** When a person claims to be a victim of domestic violence, and where a law enforcement officer responding to the incident finds probable cause to believe that domestic violence has occurred, the law enforcement officer shall arrest the person who is alleged to be the person who subjected the victim to domestic violence and shall sign a criminal complaint if:
- (1) The victim exhibits signs of injury caused by an act of domestic violence;
- (2) A warrant is in effect;
- (3) There is probable cause to believe that the person has violated [N.J.S. 2C:29-9](#), and there is probable cause to believe that the person has been served with the order alleged to have been violated. If the victim does not have a copy of a purported order, the officer may verify the existence of an order with the appropriate law enforcement agency; or
- (4) There is probable cause to believe that a weapon as defined in [N.J.S. 2C:39-1](#) has been involved in the commission of an act of domestic violence.
- b.** A law enforcement officer may arrest a person; or may sign a criminal complaint against that person, or may do both, where there is probable cause to believe that an act of domestic violence has been committed, but where none of the conditions in subsection a. of this section applies.
- c.** (1) As used in this section, the word “exhibits” is to be liberally construed to mean any indication that a victim has suffered bodily injury, which shall include physical pain or any impairment of physical condition. Where the victim exhibits no visible sign of injury, but states that an injury has occurred, the officer should consider other relevant factors in determining whether there is probable cause to make an arrest.
- (2) In determining which party in a domestic violence incident is the victim where both parties exhibit signs of injury, the officer should consider the comparative extent of the injuries, the history of domestic violence between the parties, if any, and any other relevant factors.
- (3) No victim shall be denied relief or arrested or charged under this act with an offense because the victim used reasonable force in self defense against domestic violence by an attacker.
- d.**

(1) In addition to a law enforcement officer's authority to seize any weapon that is contraband, evidence or an instrumentality of crime, a law enforcement officer who has probable cause to believe that an act of domestic violence has been committed shall:

(a) question persons present to determine whether there are weapons on the premises; and

(b) upon observing or learning that a weapon is present on the premises, seize any weapon that the officer reasonably believes would expose the victim to a risk of serious bodily injury. If a law enforcement officer seizes any firearm pursuant to this paragraph, the officer shall also seize any firearm purchaser identification card or permit to purchase a handgun issued to the person accused of the act of domestic violence.

(2) A law enforcement officer shall deliver all weapons, firearms purchaser identification cards and permits to purchase a handgun seized pursuant to this section to the county prosecutor and shall append an inventory of all seized items to the domestic violence report.

(3) Weapons seized in accordance with the "Prevention of Domestic Violence Act of 1991", [P.L. 1991, c. 261 \(C. 2C:25-17 et seq.\)](#) shall be returned to the owner except upon order of the Superior Court. The prosecutor who has possession of the seized weapons may, upon notice to the owner, petition a judge of the Family Part of the Superior Court, Chancery Division, within 45 days of seizure, to obtain title to the seized weapons, or to revoke any and all permits, licenses and other authorizations for the use, possession, or ownership of such weapons pursuant to the law governing such use, possession, or ownership, or may object to the return of the weapons on such grounds as are provided for the initial rejection or later revocation of the authorizations, or on the grounds that the owner is unfit or that the owner poses a threat to the public in general or a person or persons in particular.

A hearing shall be held and a record made thereof within 45 days of the notice provided above. No formal pleading and no filing fee shall be required as a preliminary to such hearing. The hearing shall be summary in nature. Appeals from the results of the hearing shall be to the Superior Court, Appellate Division, in accordance with the law.

If the prosecutor does not institute an action within 45 days of seizure, the seized weapons shall be returned to the owner.

After the hearing the court shall order the return of the firearms, weapons and any authorization papers relating to the seized weapons to the owner if the court determines the owner is not subject to any of the disabilities set forth in [N.J.S. 2C:58-3](#) c. and finds that the complaint has been dismissed at the request of the complainant and the prosecutor determines that there is insufficient probable cause to indict; or if the defendant is found not guilty of the charges; or if the court determines that the domestic violence situation no longer exists. Nothing in this act shall impair the right of the State to retain evidence pending a criminal prosecution. Nor shall any provision of this act be construed to limit the authority of the State or a law enforcement officer to seize, retain or forfeit property pursuant to chapter 64 of Title 2C of the New Jersey Statutes.

If, after the hearing, the court determines that the weapons are not to be returned to the owner, the court may:

(a). With respect to weapons other than firearms, order the prosecutor to dispose of the weapons if the owner does not arrange for the transfer or sale of the weapons to an appropriate person within 60 days; or

(b). Order the revocation of the owner's firearms purchaser identification card or any permit, license or authorization, in which case the court shall order the owner to surrender any firearm seized and all other firearms possessed to the prosecutor and shall order the prosecutor to dispose of the firearms if the owner does not arrange for the sale of the firearms to a registered dealer of the firearms within 60 days; or

(c). Order such other relief as it may deem appropriate.

When the court orders the weapons forfeited to the State or the prosecutor is required to dispose of the weapons, the prosecutor shall dispose of the property as provided in [N.J.S. 2C:64-6](#).

(4) A civil suit may be brought to enjoin a wrongful failure to return a seized firearm where the prosecutor refuses to return the weapon after receiving a written request to do so and notice of the owner's intent to bring a civil action pursuant to this section. Failure of the prosecutor to comply with the provisions of this act shall entitle the prevailing party in the civil suit to reasonable costs, including attorney's fees, provided that the court finds that the prosecutor failed to act in good faith in retaining the seized weapon.

(5) No law enforcement officer or agency shall be held liable in any civil action brought by any person for failing to learn

of, locate or seize a weapon pursuant to this act, or for returning a seized weapon to its owner.

[N.J. Stat. Ann. § 2C:25-19\(a\), \(d\)](#)

Definitions

- a. "Domestic violence" means the occurrence of one or more of the following acts inflicted upon a person protected under this act by an adult or an emancipated minor:
- (1) Homicide N.J.S.2C:11-1 et seq.
 - (2) Assault N.J.S.2C:12-1
 - (3) Terroristic threats N.J.S.2C:12-3
 - (4) Kidnapping N.J.S.2C:13-1
 - (5) Criminal restraint N.J.S.2C:13-2
 - (6) False imprisonment N.J.S.2C:13-3
 - (7) Sexual assault N.J.S.2C:14-2
 - (8) Criminal sexual contact N.J.S.2C:14-3
 - (9) Lewdness N.J.S.2C:14-4
 - (10) Criminal mischief N.J.S.2C:17-3
 - (11) Burglary N.J.S.2C:18-2
 - (12) Criminal trespass N.J.S.2C:18-3
 - (13) Harassment N.J.S.2C:33-4
 - (14) Stalking P.L.1992, c.209 (C.2C:12-10)
 - (15) Criminal coercion N.J.S.2C:13-5
 - (16) Robbery N.J.S.2C:15-1
 - (17) Contempt of a domestic violence order pursuant to subsection b. of N.J.S.2C:29-9 that constitutes a crime or disorderly persons offense
 - (18) Any other crime involving risk of death or serious bodily injury to a person protected under the "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et al.)
 - (19) Cyber-harassment P.L.2013, c.272 (C.2C:33-4.1)
When one or more of these acts is inflicted by an unemancipated minor upon a person protected under this act, the occurrence shall not constitute "domestic violence," but may be the basis for the filing of a petition or complaint pursuant to the provisions of section 11 of P.L.1982, c.77 (C.2A:4A-30).
 - d. "Victim of domestic violence" means a person protected under this act and shall include any person who is 18 years of age or older or who is an emancipated minor and who has been subjected to domestic violence by a spouse, former spouse, or any other person who is a present household member or was at any time a household member. "Victim of domestic violence" also includes any person, regardless of age, who has been subjected to domestic violence by a

person with whom the victim has a child in common, or with whom the victim anticipates having a child in common, if one of the parties is pregnant. "Victim of domestic violence" also includes any person who has been subjected to domestic violence by a person with whom the victim has had a dating relationship.

[N.J. Stat. Ann. § 2C:25-26\(a\)](#)

Release of defendant before trial; conditions

a. When a defendant charged with a crime or offense involving domestic violence is released from custody before trial on bail or personal recognizance, the court authorizing the release may as a condition of release issue an order prohibiting the defendant from having any contact with the victim including, but not limited to, restraining the defendant from entering the victim's residence, place of employment or business, or school, and from harassing or stalking the victim or the victim's friends, co-workers, or relatives in any way. The court may also enter an order prohibiting the defendant from having any contact with any animal owned, possessed, leased, kept, or held by either party or a minor child residing in the household. In addition, the court may enter an order directing the possession of the animal and providing that the animal shall not be disposed of prior to the disposition of the crime or offense. The court may enter an order prohibiting the defendant from possessing any firearm or other weapon enumerated in subsection r. of N.J.S.2C:39-1 and ordering the search for and seizure of any such weapon at any location where the judge has reasonable cause to believe the weapon is located. The judge shall state with specificity the reasons for and scope of the search and seizure authorized by the order.

[N.J. Stat. Ann. § 2C:39-7\(b\)](#)

Certain persons not to have weapons or ammunition

b. **(1)** A person having been convicted in this State or elsewhere of the crime, or an attempt or conspiracy to commit the crime, of aggravated assault, arson, burglary, escape, extortion, homicide, kidnapping, robbery, aggravated sexual assault, sexual assault, bias intimidation in violation of N.J.S.2C:16-1, carjacking in violation of section 1 of P.L.1993, c.221 (C.2C:15-2), gang criminality in violation of section 1 of P.L.2007, c.341 (C.2C:33-29), racketeering in violation of N.J.S.2C:41-2, terroristic threats in violation of N.J.S.2C:12-3, unlawful possession of a machine gun in violation of subsection a. of N.J.S.2C:39-5, unlawful

possession of a handgun in violation of paragraph (1) of subsection b. of N.J.S.2C:39-5, unlawful possession of an assault firearm in violation of subsection f. of N.J.S.2C:39-5, leader of firearms trafficking network in violation of section 1 of P.L.1995, c.405 (C.2C:39-16), endangering the welfare of a child pursuant to N.J.S.2C:24-4, stalking pursuant to P.L.1992, c.209 (C.2C:12-10) or a crime, or an attempt or conspiracy to commit a crime, involving domestic violence as defined in section 3 of P.L.1991, c.261 (C.2C:25-19), whether or not armed with or having in the person's possession a weapon enumerated in subsection r. of N.J.S.2C:39-1, or a person having been convicted of a crime, or an attempt or conspiracy to commit a crime, pursuant to the provisions of N.J.S.2C:35-3 through N.J.S.2C:35-6, inclusive; section 1 of P.L.1987, c.101 (C.2C:35-7); N.J.S.2C:35-11; N.J.S.2C:39-3; N.J.S.2C:39-4; or N.J.S.2C:39-9 who purchases, owns, possesses or controls a firearm is guilty of a crime of the second degree and upon conviction thereof, the person shall be sentenced to a term of imprisonment by the court. The term of imprisonment shall include the imposition of a minimum term, which shall be fixed at five years, during which the defendant shall be ineligible for parole. If the defendant is sentenced to an extended term of imprisonment pursuant to N.J.S.2C:43-7, the extended term of imprisonment shall include the imposition of a minimum term, which shall be fixed at, or between, one-third and one-half of the sentence imposed by the court or five years, whichever is greater, during which the defendant shall be ineligible for parole.

(2) A person having been convicted in this State or elsewhere of a disorderly persons offense involving domestic violence, whether or not armed with or having in the person's possession a weapon enumerated in subsection r. of N.J.S.2C:39-1, who purchases, owns, possesses or controls a firearm or ammunition is guilty of a crime of the third degree.

(3) A person whose firearm is seized pursuant to the "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et seq.) and whose firearm has not been returned, or who is subject to a court order prohibiting the possession of firearms issued pursuant to the "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et seq.) who purchases, owns, possesses or controls a firearm or ammunition is guilty of a crime of the third

		<p>degree, except that the provisions of this paragraph shall not apply to any law enforcement officer while actually on duty, or to any member of the Armed Forces of the United States or member of the National Guard while actually on duty or traveling to or from an authorized place of duty.</p> <p>(4) A person who is subject to a court order prohibiting the custody, control, ownership, purchase, possession, or receipt of a firearm or ammunition issued pursuant to the “Extreme Risk Protective Order Act of 2018,” P.L.2018, c.35 (C.2C:58-20 et al.) who purchases, acquires, owns, possesses, or controls a firearm or ammunition is guilty of a crime of the third degree.</p>	
NEW MEXICO	<p><u>Order of Protection</u></p> <p><i><u>N.M. Stat. Ann. § 40-13-5</u></i></p> <p><i>Order of protection; contents; remedies; title to property not affected; mutual order of protection.</i></p> <p>A. Upon finding that domestic abuse has occurred or upon stipulation of the parties, the court shall enter an order of protection ordering the restrained party to:</p> <p>(1) refrain from abusing the protected party or any other household member; and</p> <p>(2) if the order is issued pursuant to this section and if the court also determines that the restrained party presents a credible threat</p>	<p><i><u>N.M. Stat. Ann. § 40-13-13</u></i></p> <p><i>Relinquishment of firearms; penalty.</i></p> <p>A. After the court has issued notice that the restrained party is subject to the provisions of Paragraph (2) of Subsection A of <u>Section 40-13-5 NMSA 1978</u>, the restrained party shall relinquish all firearms in the restrained party’s immediate possession or control or subject to the restrained party’s possession or control in a safe manner to a law enforcement officer, a law enforcement agency or federal firearms licensee within forty-eight hours of service of the order.</p> <p>B. A law enforcement officer or law enforcement agency shall take possession of all firearms subject to the order of protection that are relinquished by the restrained party or are in plain sight or are discovered pursuant to a lawful search.</p>	<p><i><u>N.M. Stat. Ann. § 29-19-5</u></i></p> <p><i>Application form; screening of applicants; fee; limitations on liability.</i></p> <p>D. Upon receipt of the items listed in Subsection B of this section, the department shall make a reasonable effort to determine if an applicant is qualified to receive a concealed handgun license. The department shall conduct an appropriate check of available records and shall forward the applicant’s fingerprints to the federal bureau of investigation for a national criminal background check. The department shall comply with the license-issuing requirements set forth in <u>Section 29-19-7 NMSA</u> 1978. However, the department shall suspend or revoke a license if the</p>

<p>to the physical safety of the household member after the restrained party has received notice and had an opportunity to be heard or by stipulation of the parties, to:</p> <ul style="list-style-type: none"> (a) deliver any firearm in the restrained party's possession, care, custody or control to a law enforcement agency, law enforcement officer or federal firearms licensee while the order of protection is in effect; and (b) refrain from purchasing, receiving, or possessing or attempting to purchase, receive or possess any firearm while the order of protection is in effect. <p><u>Emergency Order of Protection</u></p> <p>Catchall Provision</p> <p><u>N.M. Stat. Ann. § 40-13-3.2</u></p> <p><i>Ex parte emergency orders of protection.</i></p> <p>C. The court may grant the following relief in an emergency order of protection upon a probable cause finding that domestic abuse has occurred:</p> <ul style="list-style-type: none"> (1) enjoin the restrained party from threatening to commit or committing acts of domestic abuse against the protected party or any designated household members; (2) enjoin the restrained party from any contact with the protected party, including harassing, telephoning, contacting or otherwise communicating with the protected party; and (3) grant temporary custody of any minor child in common with the parties to the protected party, if necessary. <p><u>Temporary Order of Protection</u></p> <p><u>N.M. Stat. Ann. § 40-13-4</u></p> <p><i>Temporary order of protection; hearing; dismissal.</i></p>	<p><u>N.M. Stat. Ann. § 40-13-6</u></p> <p><i>Service of order; duration; penalty; remedies not exclusive.</i></p> <p>E. A restrained party convicted of violating an order of protection granted by a court under the Family Violence Protection Act [40-13-1 NMSA 1978] is guilty of a misdemeanor and shall be sentenced in accordance with Section 31-19-1 NMSA 1978. Upon a second or subsequent conviction, an offender shall be sentenced to a jail term of not less than seventy-two consecutive hours that shall not be suspended, deferred or taken under advisement.</p>	<p>department receives information that would disqualify an applicant from receiving a concealed handgun license after the thirty-day time period has elapsed.</p> <p><u>N.M. Stat. Ann. § 29-19-6</u></p> <p><i>Appeal; license renewal; refresher firearms training course; suspension or revocation of license.</i></p> <p>I. The department shall suspend or revoke a concealed handgun license if:</p> <ul style="list-style-type: none"> (1) the licensee provided the department with false information on the application form or renewal form for a concealed handgun license; (2) the licensee did not satisfy the criteria for issuance of a concealed handgun license at the time the license was issued; or (3) subsequent to receiving a concealed handgun license, the licensee violated a provision of the Concealed Handgun Carry Act [29-19-1 NMSA 1978].
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	<p>A. Upon the filing of a petition for order of protection, the court shall:</p> <ul style="list-style-type: none"> (1) immediately grant an ex parte temporary order of protection without bond if there is probable cause from the specific facts shown by the affidavit or by the petition to give the judge reason to believe that an act of domestic abuse has occurred; (2) cause the temporary order of protection together with notice of hearing to be served immediately on the alleged perpetrator of the domestic abuse; and (3) within ten days after the granting of the temporary order of protection, hold a hearing on the question of continuing the order; or (4) if an ex parte order is not granted, serve notice to appear upon the parties and hold a hearing on the petition for order of protection within seventy-two hours after the filing of the petition; provided if notice of hearing cannot be served within seventy-two hours, the temporary order of protection shall be automatically extended for ten days. <p>B. If the court grants a temporary order of protection, it may award temporary custody and visitation of any children involved when appropriate.</p> <p>C. Except for petitions alleging stalking or sexual assault, if the court finds that the alleged perpetrator is not a household member, the court shall dismiss the petition.</p>		
NEW YORK	<p><u>Temporary Order of Protection</u></p> <p><u>Order of Protection</u></p> <p><u>NY CLS Family Ct Act § 842</u> <i>Order of protection</i></p> <p>An order of protection under section eight hundred forty-one of this part shall set forth reasonable conditions of behavior to be observed for a period not in excess of two years by the petitioner or respondent or for a period not in excess of five years upon (i) a finding by the court on the record of the existence of aggravating circumstances as</p>	<p><u>NY CLS Family Ct Act § 842-a</u></p> <p><i>Suspension and revocation of a license to carry, possess, repair or dispose of a firearm or firearms pursuant to section 400.00 of the penal law and ineligibility for such a license; order to surrender firearms [Effective November 1, 2020]</i></p> <p>5. Surrender. (a) Where an order to surrender one or more firearms, rifles or shotguns has been issued, the temporary order of protection or order of protection shall specify the place where such weapons shall be surrendered, shall specify a date and time by which the surrender shall be completed and, to the extent possible, shall describe such weapons to be surrendered and shall direct the authority receiving such</p>	<p><u>NY CLS Penal § 400.00</u></p> <p><i>Licenses to carry, possess, repair and dispose of firearms[</i> <i>[Effective until April 3, 2021]</i></p> <p>11. License: revocation and suspension.</p> <p>(a) The conviction of a licensee anywhere of a felony or serious offense or a licensee at any time becoming ineligible to obtain a license under this section shall operate as a revocation of the license. A license may be revoked or suspended as provided for in section 530.14 of the criminal procedure law or section eight hundred forty-two-a of the family court act. Except for a license issued pursuant to section 400.01 of this article, a</p>

<p>defined in paragraph (vii) of subdivision (a) of section eight hundred twenty-seven of this article; or (ii) a finding by the court on the record that the conduct alleged in the petition is in violation of a valid order of protection. Any finding of aggravating circumstances pursuant to this section shall be stated on the record and upon the order of protection. The court may also, upon motion, extend the order of protection for a reasonable period of time upon a showing of good cause or consent of the parties. The fact that abuse has not occurred during the pendency of an order shall not, in itself, constitute sufficient ground for denying or failing to extend the order. The court must articulate a basis for its decision on the record. The duration of any temporary order shall not by itself be a factor in determining the length or issuance of any final order. Any order of protection issued pursuant to this section shall specify if an order of probation is in effect. Any order of protection issued pursuant to this section may require the petitioner or the respondent:</p> <p>(a) to stay away from the home, school, business or place of employment of any other party, the other spouse, the other parent, or the child, and to stay away from any other specific location designated by the court, provided that the court shall make a determination, and shall state such determination in a written decision or on the record, whether to impose a condition pursuant to this subdivision, provided further, however, that failure to make such a determination shall not affect the validity of such order of protection. In making such determination, the court shall consider, but shall not be limited to consideration of, whether the order of protection is likely to achieve its purpose in the absence of such a condition, conduct subject to prior orders of protection, prior incidents of abuse, extent of past or present injury, threats, drug or alcohol abuse, and access to weapons;</p>	<p>surrendered weapons to immediately notify the court of such surrender.</p> <p>(b) The prompt surrender of one or more firearms, rifles or shotguns pursuant to a court order issued pursuant to this section shall be considered a voluntary surrender for purposes of subparagraph (f) of paragraph one of subdivision a of section 265.20 of the penal law. The disposition of any such weapons shall be in accordance with the provisions of subdivision six of section 400.05 of the penal law; provided, however that upon the termination of any suspension order issued pursuant to this section, any court of record exercising criminal jurisdiction may order the return of a firearm, rifle or shotgun pursuant to paragraph b of subdivision five of section 530.14 of the criminal procedure law.</p> <p>(c) The provisions of this section shall not be deemed to limit, restrict or otherwise impair the authority of the court to order and direct the surrender of any or all pistols, revolvers, rifles, shotguns or other firearms owned or possessed by a respondent pursuant to this act.</p>	<p>license may be revoked and cancelled at any time in the city of New York, and in the counties of Nassau and Suffolk, by the licensing officer, and elsewhere than in the city of New York by any judge or justice of a court of record; a license issued pursuant to section 400.01 of this article may be revoked and cancelled at any time by the licensing officer or any judge or justice of a court of record. The official revoking a license shall give written notice thereof without unnecessary delay to the executive department, division of state police, Albany, and shall also notify immediately the duly constituted police authorities of the locality.</p> <p>(b) Whenever the director of community services or his or her designee makes a report pursuant to section 9.46 of the mental hygiene law, the division of criminal justice services shall convey such information, whenever it determines that the person named in the report possesses a license issued pursuant to this section, to the appropriate licensing official, who shall issue an order suspending or revoking such license.</p> <p>(c) In any instance in which a person's license is suspended or revoked under paragraph (a) or (b) of this subdivision, such person shall surrender such license to the appropriate licensing official and any and all firearms, rifles, or shotguns owned or possessed by such person shall be surrendered to an appropriate law enforcement agency as provided in subparagraph (f) of paragraph one of subdivision a of section 265.20 of this chapter. In the event such license, firearm, shotgun, or rifle is not surrendered, such items shall be removed and declared a nuisance and any police officer or peace officer acting pursuant to his or her special duties is authorized to remove any and all such weapons.</p> <p><i>NY CLS Penal § 400.00</i> <i>Licenses to carry, possess, repair and dispose of firearms[</i> <i>[Effective April 3, 2021]</i></p> <p>11. License: revocation and suspension.</p> <p>(a) The conviction of a licensee anywhere of a felony or serious offense or a licensee at any time</p>
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<p>(k) to observe such other conditions as are necessary to further the purposes of protection.</p> <p style="text-align: center;"><u>NY CLS Family Ct Act § 842-a</u></p> <p><i>Suspension and revocation of a license to carry, possess, repair or dispose of a firearm or firearms pursuant to section 400.00 of the penal law and ineligibility for such a license; order to surrender firearms [Effective until November 1, 2020]</i></p> <p>6. Notice. (a) Where an order requiring surrender, revocation, suspension or ineligibility has been issued pursuant to this section, any temporary order of protection or order of protection issued shall state that such firearm license has been suspended or revoked or that the respondent is ineligible for such license, as the case may be, and that the defendant is prohibited from possessing any firearms, rifles or shotguns.</p> <p>(b) The court revoking or suspending the license, ordering the respondent ineligible for such license, or ordering the surrender of any firearm, rifles or shotguns* shall immediately notify the statewide registry of orders of protection and the duly constituted police authorities of the locality of such action.</p> <p>(c) The court revoking or suspending the license or ordering the defendant ineligible for such license shall give written notice thereof without unnecessary delay to the division of state police at its office in the city of Albany.</p> <p>(d) Where an order of revocation, suspension, ineligibility, or surrender is modified or vacated, the court shall immediately notify the statewide registry of orders of protection and the duly constituted police authorities of the locality concerning such action and shall give written notice thereof without unnecessary delay to the</p>	<p>physical injury, serious physical injury or death when he or she communicates or causes a communication to be initiated with such person by mechanical or electronic means or otherwise, anonymously or otherwise, by telephone, or by telegraph, mail or any other form of written communication; or</p> <p>(iv) with intent to harass, annoy, threaten or alarm a person for whose protection such order was issued, repeatedly makes telephone calls to such person, whether or not a conversation ensues, with no purpose of legitimate communication; or</p> <p>(v) with intent to harass, annoy, threaten or alarm a person for whose protection such order was issued, strikes, shoves, kicks or otherwise subjects such other person to physical contact or attempts or threatens to do the same; or</p> <p>(vi) by physical menace, intentionally places or attempts to place a person for whose protection such order was issued in reasonable fear of death, imminent serious physical injury or physical injury.</p> <p>(c) he or she commits the crime of criminal contempt in the second degree as defined in subdivision three of section 215.50 of this article by violating that part of a duly served order of protection, or such order of which the defendant has actual knowledge because he or she was present in court when such order was issued, under sections two hundred forty and two hundred fifty-two of the domestic relations law, articles four, five, six and eight of the family court act and section 530.12 of the criminal procedure law, or an order of protection issued by a court of competent jurisdiction in another state, territorial or tribal jurisdiction, which requires the respondent or defendant to stay away from the person or persons on whose behalf the order was issued, and where the defendant has been previously convicted of the crime of aggravated criminal contempt or criminal contempt in the first or second degree for violating an order of protection as described herein within the preceding five years; or</p> <p>(d) in violation of a duly served order of protection, or such order of which the defendant has actual knowledge because he or she was present in court when such order was issued, or an order issued by a court of competent jurisdiction in this or another state, territorial or tribal jurisdiction, he or she intentionally or recklessly damages the property of a person for whose protection such order was issued in an amount exceeding two hundred fifty dollars.</p> <p>Criminal contempt in the first degree is a class E felony.</p>	<p>becoming ineligible to obtain a license under this section shall operate as a revocation of the license. A license may be revoked or suspended as provided for in section 530.14 of the criminal procedure law or section eight hundred forty-two-a of the family court act. Except for a license issued pursuant to section 400.01 of this article, a license may be revoked and cancelled at any time in the city of New York, and in the counties of Nassau and Suffolk, by the licensing officer, and elsewhere than in the city of New York by any judge or justice of a court of record; a license issued pursuant to section 400.01 of this article may be revoked and cancelled at any time by the licensing officer or any judge or justice of a court of record. The official revoking a license shall give written notice thereof without unnecessary delay to the executive department, division of state police, Albany, and shall also notify immediately the duly constituted police authorities of the locality.</p> <p>(b) Whenever the director of community services or his or her designee makes a report pursuant to section 9.46 of the mental hygiene law, the division of criminal justice services shall convey such information, whenever it determines that the person named in the report possesses a license issued pursuant to this section, to the appropriate licensing official, who shall issue an order suspending or revoking such license.</p> <p>(c) In any instance in which a person's license is suspended or revoked under paragraph (a) or (b) of this subdivision, such person shall surrender such license to the appropriate licensing official and any and all firearms, rifles, or shotguns owned or possessed by such person shall be surrendered to an appropriate law enforcement agency as provided in subparagraph (f) of paragraph one of subdivision a of section 265.20 of this chapter. In the event such license, firearm, shotgun, or rifle is not surrendered, such items shall be removed and declared a nuisance and any police officer or peace officer acting pursuant to his or her special duties is authorized to remove any and all such weapons.</p>
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<p>division of state police at its office in the city of Albany.</p> <p><u>NY CLS Family Ct Act § 842-a</u></p> <p><i>Suspension and revocation of a license to carry, possess, repair or dispose of a firearm or firearms pursuant to section 400.00 of the penal law and ineligibility for such a license; order to surrender firearms [Effective November 1, 2020]</i></p> <p>6. Notice</p> <p>(a) Where an order requiring surrender, revocation, suspension, seizure or ineligibility has been issued pursuant to this section, any temporary order of protection or order of protection issued shall state that such firearm license has been suspended or revoked or that the respondent is ineligible for such license, as the case may be, and that the defendant is prohibited from possessing any firearms, rifles or shotguns.</p> <p>(b) The court revoking or suspending the license, ordering the respondent ineligible for such license, or ordering the surrender or seizure of any firearm, rifles or shotguns shall immediately notify the statewide registry of orders of protection and the duly constituted police authorities of the locality of such action.</p> <p>(c) The court revoking or suspending the license or ordering the defendant ineligible for such license shall give written notice thereof without unnecessary delay to the division of state police at its office in the city of Albany.</p> <p>(d) Where an order of revocation, suspension, ineligibility, surrender, or seizure is modified or vacated, the court shall immediately notify the statewide registry of orders of protection and the duly constituted police authorities of the locality concerning such action and shall give written notice thereof without unnecessary delay to the</p>		<p><u>NY CLS CPL § 530.14</u></p> <p><i>Suspension and revocation of a license to carry, possess, repair or dispose of a firearm or firearms pursuant to section 400.00 of the penal law and ineligibility for such a license; order to surrender firearms</i></p> <p>1. Suspension of firearms license and ineligibility for such a license upon issuance of temporary order of protection. Whenever a temporary order of protection is issued pursuant to subdivision one of section 530.12 or subdivision one of section 530.13 of this article:</p> <p>(a) the court shall suspend any such existing license possessed by the defendant, order the defendant ineligible for such a license and order the immediate surrender of any or all firearms, rifles and shotguns owned or possessed where the court receives information that gives the court good cause to believe that (i) the defendant has a prior conviction of any violent felony offense as defined in <u>section 70.02 of the penal law</u>; (ii) the defendant has previously been found to have willfully failed to obey a prior order of protection and such willful failure involved (A) the infliction of physical injury, as defined in subdivision nine of <u>section 10.00 of the penal law</u>, (B) the use or threatened use of a deadly weapon or dangerous instrument as those terms are defined in subdivisions twelve and thirteen of <u>section 10.00 of the penal law</u>, or (C) behavior constituting any violent felony offense as defined in <u>section 70.02 of the penal law</u>; or (iii) the defendant has a prior conviction for stalking in the first degree as defined in <u>section 120.60 of the penal law</u>, stalking in the second degree as defined in <u>section 120.55 of the penal law</u>, stalking in the third degree as defined in <u>section 120.50 of the penal law</u> or stalking in the fourth degree as defined in section 120.45 of such law; and</p> <p>(b) the court shall where the court finds a substantial risk that the defendant may use or threaten to use a firearm, rifle or shotgun unlawfully against the person or persons for</p>
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division of state police at its office in the city of Albany.		<p>whose protection the temporary order of protection is issued, suspend any such existing license possessed by the defendant, order the defendant ineligible for such a license and order the immediate surrender pursuant to subparagraph (f) of paragraph one of subdivision a of section 265.20 and subdivision six of section 400.05 of the penal law, of any or all firearms, rifles and shotguns owned or possessed.</p> <p>2. Revocation or suspension of firearms license and ineligibility for such a license upon issuance of an order of protection. Whenever an order of protection is issued pursuant to subdivision five of section 530.12 or subdivision four of section 530.13 of this article:</p> <ul style="list-style-type: none"> (a) the court shall revoke any such existing license possessed by the defendant, order the defendant ineligible for such a license and order the immediate surrender of any or all firearms, rifles and shotguns owned or possessed where such action is required by section 400.00 of the penal law; and (b) the court shall where the court finds a substantial risk that the defendant may use or threaten to use a firearm, rifles or shotguns*  unlawfully against the person or persons for whose protection the order of protection is issued, (i) revoke any such existing license possessed by the defendant, order the defendant ineligible for such a license and order the immediate surrender of any or all firearms, rifles and shotguns owned or possessed or (ii) suspend or continue to suspend any such existing license possessed by the defendant, order the defendant ineligible for such a license and order the immediate surrender pursuant to subparagraph (f) of paragraph one of subdivision a of section 265.20 and subdivision six of section 400.05 of the penal law, of any or all firearms, rifles and shotguns owned or possessed. <p>3. Revocation or suspension of firearms license and ineligibility for such a license upon a finding of a willful failure to obey an order of protection. Whenever a defendant has been found pursuant to subdivision eleven of section 530.12 or</p>
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subdivision eight of section 530.13 of this article to have willfully failed to obey an order of protection issued by a court of competent jurisdiction in this state or another state, territorial or tribal jurisdiction, in addition to any other remedies available pursuant to subdivision eleven of section 530.12 or subdivision eight of section 530.13 of this article:

- (a) the court shall revoke any such existing license possessed by the defendant, order the defendant ineligible for such a license and order the immediate surrender of any or all firearms, rifles and shotguns owned or possessed where the willful failure to obey such order involved (i) the infliction of physical injury, as defined in subdivision nine of [section 10.00 of the penal law](#), (ii) the use or threatened use of a deadly weapon or dangerous instrument as those terms are defined in subdivisions twelve and thirteen of [section 10.00 of the penal law](#), (iii) behavior constituting any violent felony offense as defined in [section 70.02 of the penal law](#); or (iv) behavior constituting stalking in the first degree as defined in [section 120.60 of the penal law](#), stalking in the second degree as defined in [section 120.55 of the penal law](#), stalking in the third degree as defined in [section 120.50 of the penal law](#) or stalking in the fourth degree as defined in section 120.45 of such law; and
- (b) the court shall where the court finds a substantial risk that the defendant may use or threaten to use a firearm, rifle or shotgun unlawfully against the person or persons for whose protection the order of protection was issued, (i) revoke any such existing license possessed by the defendant, order the defendant ineligible for such a license and order the immediate surrender pursuant to subparagraph (f) of paragraph one of subdivision a of section 265.20 and subdivision six of [section 400.05 of the penal law](#), of any or all firearms, rifles and shotguns owned or possessed or (ii) suspend any such existing license possessed by the defendant, order the defendant ineligible for such a license and order the immediate surrender pursuant to

			<p>subparagraph (f) of paragraph one of subdivision a of section 265.20 and subdivision six of section 400.05 of the penal law, of any or all firearms, rifles and shotguns owned or possessed.</p> <p>4. Suspension. Any suspension order issued pursuant to this section shall remain in effect for the duration of the temporary order of protection or order of protection, unless modified or vacated by the court.</p>
NORTH CAROLINA	<p><u>Protective Order</u></p> <p><u>N.C. Gen. Stat. § 50B-3</u></p> <p><i>Relief</i></p> <p>(a) If the court, including magistrates as authorized under G.S. 50B-2(c1), finds that an act of domestic violence has occurred, the court shall grant a protective order restraining the defendant from further acts of domestic violence. A protective order may include any of the following types of relief:</p> <p>(11) Prohibit a party from purchasing a firearm for a time fixed in the order.</p> <p><u>Emergency Relief</u></p> <p><u>N.C. Gen. Stat. § 50B-2</u></p> <p><i>Institution of civil action; motion for emergency relief; temporary orders; temporary custody</i></p> <p>(b) Emergency Relief.-- A party may move the court for emergency relief if he or she believes there is a danger of serious and immediate injury to himself or herself or a minor child. A hearing on a motion for emergency relief, where no ex parte order is entered, shall be held after five days' notice of the hearing to the other party or after five days from the date of service of process on the other party, whichever occurs first, provided, however, that no hearing shall be required if the service of process is not completed on the other party. If the party is proceeding pro se and does not request an ex</p>	<p><u>N.C. Gen. Stat. § 50B-3.1</u></p> <p><i>Surrender and disposal of firearms; violations; exemptions</i></p> <p>(a) Required Surrender of Firearms. -- Upon issuance of an emergency or ex parte order pursuant to this Chapter, the court shall order the defendant to surrender to the sheriff all firearms, machine guns, ammunition, permits to purchase firearms, and permits to carry concealed firearms that are in the care, custody, possession, ownership, or control of the defendant if the court finds any of the following factors:</p> <p>(1) The use or threatened use of a deadly weapon by the defendant or a pattern of prior conduct involving the use or threatened use of violence with a firearm against persons.</p> <p>(2) Threats to seriously injure or kill the aggrieved party or minor child by the defendant.</p> <p>(3) Threats to commit suicide by the defendant.</p> <p>(4) Serious injuries inflicted upon the aggrieved party or minor child by the defendant.</p> <p>(d) Surrender. -- Upon service of the order, the defendant shall immediately surrender to the sheriff possession of all firearms, machine guns, ammunition, permits to purchase firearms, and permits to carry concealed firearms that are in the care, custody, possession, ownership, or control of the defendant. In the event that weapons cannot be surrendered at the time the order is served, the defendant shall surrender the firearms, ammunitions, and permits to the sheriff within 24 hours of service at a time and place specified by the sheriff. The sheriff shall store the firearms or contract with a licensed firearms dealer to provide storage.</p> <p>(1) If the court orders the defendant to surrender firearms, ammunition, and permits, the court shall inform the plaintiff and the defendant of the terms of the protective order and include these terms on the face of the order, including that the defendant is prohibited from possessing, purchasing, or receiving or attempting to possess, purchase, or receive a firearm for so long as the protective order or any successive</p>	<p><u>N.C. Gen. Stat. § 14-415.12</u></p> <p><i>Criteria to qualify for the issuance of a permit</i></p> <p>(b) The sheriff shall deny a permit to an applicant who:</p> <p>(8b) Is prohibited from possessing a firearm pursuant to 18 U.S.C. § 922(g) as a result of a conviction of a misdemeanor crime of domestic violence.</p> <p><u>N.C. Gen. Stat. § 14-415.18</u></p> <p><i>Revocation or suspension of permit</i></p> <p>(a) The sheriff of the county where the permit was issued or the sheriff of the county where the person resides may revoke a permit subsequent to a hearing for any of the following reasons:</p> <p>(1) Fraud or intentional and material misrepresentation in the obtaining of a permit.</p> <p>(2) Misuse of a permit, including lending or giving a permit or a duplicate permit to another person, materially altering a permit, or using a permit with the intent to unlawfully cause harm to a person or property. It shall not be considered misuse of a permit to provide a duplicate of the permit to a vendor for record-keeping purposes.</p> <p>(3) The doing of an act or existence of a condition which would have been grounds for the denial of the permit by the sheriff.</p> <p>(4) The violation of any of the terms of this Article.</p> <p>(5) Repealed by Session Laws 2013-369, s. 20, effective October 1, 2013.</p> <p>A permittee may appeal the revocation, or nonrenewal of a permit by petitioning a district court judge of the district in which the applicant</p>

<p>parte hearing, the clerk shall set a date for hearing and issue a notice of hearing within the time periods provided in this subsection, and shall effect service of the summons, complaint, notice, and other papers through the appropriate law enforcement agency where the defendant is to be served.</p> <p><u>Ex Parte Orders</u></p> <p>(c) Ex Parte Orders. --</p> <p>(1) Prior to the hearing, if it clearly appears to the court from specific facts shown, that there is a danger of acts of domestic violence against the aggrieved party or a minor child, the court may enter orders as it deems necessary to protect the aggrieved party or minor children from those acts.</p>	<p>protective order is in effect. The terms of the order shall include instructions as to how the defendant may request retrieval of any firearms, ammunition, and permits surrendered to the sheriff when the protective order is no longer in effect. The terms shall also include notice of the penalty for violation of G.S. 14-269.8.</p> <p>(2) The sheriff may charge the defendant a reasonable fee for the storage of any firearms and ammunition taken pursuant to a protective order. The fees are payable to the sheriff. The sheriff shall transmit the proceeds of these fees to the county finance officer. The fees shall be used by the sheriff to pay the costs of administering this section and for other law enforcement purposes. The county shall expend the restricted funds for these purposes only. The sheriff shall not release firearms, ammunition, or permits without a court order granting the release. The defendant must remit all fees owed prior to the authorized return of any firearms, ammunition, or permits. The sheriff shall not incur any civil or criminal liability for alleged damage or deterioration due to storage or transportation of any firearms or ammunition held pursuant to this section.</p> <p>(i) It is unlawful for any person subject to a protective order prohibiting the possession or purchase of firearms to:</p> <p>(1) Fail to surrender all firearms, ammunition, permits to purchase firearms, and permits to carry concealed firearms to the sheriff as ordered by the court;</p> <p>(2) Fail to disclose all information pertaining to the possession of firearms, ammunition, and permits to purchase and permits to carry concealed firearms as requested by the court; or</p> <p>(3) Provide false information to the court pertaining to any of these items.</p> <p>(j) Violations. -- In accordance with G.S. 14-269.8, it is unlawful for any person to possess, purchase, or receive or attempt to possess, purchase, or receive a firearm, as defined in G.S. 14-409.39(2), machine gun, ammunition, or permits to purchase or carry concealed firearms if ordered by the court for so long as that protective order or any successive protective order entered against that person pursuant to this Chapter is in effect. Any defendant violating the provisions of this section shall be guilty of a Class H felony.</p> <p style="text-align: center;"><i>N.C. Gen. Stat. § 14-269.8 Purchase or possession of firearms by person subject to domestic violence order prohibited</i></p>	<p>resides. The determination by the court, on appeal, shall be upon the facts, the law, and the reasonableness of the sheriff's refusal.</p> <p>(a1) The sheriff of the county where the permit was issued or the sheriff of the county where the person resides shall revoke a permit of any permittee who is adjudicated guilty of or receives a prayer for judgment continued for a crime which would have disqualified the permittee from initially receiving a permit. Upon determining that a permit should be revoked pursuant to this subsection, the sheriff shall provide written notice to the permittee, pursuant to the provisions of G.S. 1A-1, Rule 4(j), that the permit is revoked upon the service of the notice. The notice shall provide the permittee with information on the process to appeal the revocation. Upon receipt of the written notice of revocation, the permittee shall surrender the permit to the sheriff. Any law enforcement officer serving the notice is authorized to take immediate possession of the permit from the permittee. If the notice is served by means other than by a law enforcement officer, the permittee shall surrender the permit to the sheriff no later than 48 hours after service of the notice.</p> <p>A permittee may appeal the revocation of a permit pursuant to this subsection by petitioning a district court judge of the district in which the permittee resides. The determination by the court, on appeal, shall be limited to whether the permittee was adjudicated guilty of or received a prayer for judgment continued for a crime which would have disqualified the permittee from initially receiving a permit. Revocation of the permit is not stayed pending appeal.</p> <p>(b) The court may suspend a permit as part of and for the duration of any orders permitted under Chapter 50B of the General Statutes.</p> <p style="text-align: right;"><i>N.C. Gen. Stat. § 14-415.13 Application for a permit; fingerprints</i></p> <p>(b) The sheriff shall submit the fingerprints to the State Bureau of Investigation for a records check</p>
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		<p>(a) In accordance with G.S. 50B 3.1, it is unlawful for any person to possess, purchase, or receive or attempt to possess, purchase, or receive a firearm, as defined in G.S. 14-409.39(2), machine gun, ammunition, or permits to purchase or carry concealed firearms if ordered by the court for so long as that protective order or any successive protective order entered against that person pursuant to Chapter 50B of the General Statutes is in effect.</p> <p>(b) Any person violating the provisions of this section shall be guilty of a Class H felony.</p> <p style="text-align: center;"><i>N.C. Gen. Stat. § 14-134.3 Domestic criminal trespass</i></p> <p>(b) A person convicted of a violation of this section is guilty of a Class G felony if the person is trespassing upon property operated as a safe house or haven for victims of domestic violence and the person is armed with a deadly weapon at the time of the offense.</p> <p style="text-align: center;"><i>N.C. Gen. Stat. § 15A-1343 Conditions of probation</i></p> <p>(b) Regular Conditions. -- As regular conditions of probation, a defendant must:</p> <p>(5) Possess no firearm, explosive device or other deadly weapon listed in G.S. 14-269 without the written permission of the court.</p> <p style="text-align: center;"><i>N.C. Gen. Stat. § 15A-1368.4 Conditions of post-release supervision</i></p> <p>(e) Controlling Conditions. -- Appropriate controlling conditions, violation of which may result in revocation of post-release supervision, are:</p> <p>(4) Not possess a firearm, destructive device, or other dangerous weapon unless granted written permission by the Commission or a post-release supervision officer.</p>	<p>of State and national databases. The State Bureau of Investigation shall submit the fingerprints to the Federal Bureau of Investigation as necessary. The sheriff shall determine the criminal and background history of an applicant also by conducting a check through the National Instant Criminal Background Check System (NICS). The cost of processing the set of fingerprints shall be charged to an applicant as provided by G.S. 14-415.19.</p>
NORTH DAKOTA	<p><u>Protection Order</u></p> <p style="text-align: center;"><i>N.D. Cent. Code, § 14-07.1-02 Domestic violence protection order.</i></p>	<p style="text-align: center;"><i>N.D. Cent. Code, § 14-07.1-02 Domestic violence protection order.</i></p> <p>4. Upon a showing of actual or imminent domestic violence, the court may enter a protection order after due notice and</p>	<p style="text-align: center;"><i>N.D. Cent. Code, § 62.1-04-03 License to carry a firearm or dangerous weapon concealed — Class 1 firearm license and class 2 firearm and dangerous weapon license.</i></p>

<p>4. Upon a showing of actual or imminent domestic violence, the court may enter a protection order after due notice and full hearing. The relief provided by the court may include any or all of the following:</p> <p>g. Requiring the respondent to surrender for safekeeping any firearm or other specified dangerous weapon, as defined in section 12.1-01-04, in the respondent's immediate possession or control or subject to the respondent's immediate control, if the court has probable cause to believe that the respondent is likely to use, display, or threaten to use the firearm or other dangerous weapon in any further acts of violence. If so ordered, the respondent shall surrender the firearm or other dangerous weapon to the sheriff, or the sheriff's designee, of the county in which the respondent resides or to the chief of police, or the chief's designee, of the city in which the respondent resides in the manner and at the time and place determined by that law enforcement officer. If the firearm or other dangerous weapon is not surrendered, the law enforcement officer may arrest the respondent pursuant to section 14-07.1-11 and take possession of the firearm or other dangerous weapon.</p>	<p>full hearing. The relief provided by the court may include any or all of the following:</p> <p>g. Requiring the respondent to surrender for safekeeping any firearm or other specified dangerous weapon, as defined in section 12.1-01-04, in the respondent's immediate possession or control or subject to the respondent's immediate control, if the court has probable cause to believe that the respondent is likely to use, display, or threaten to use the firearm or other dangerous weapon in any further acts of violence. If so ordered, the respondent shall surrender the firearm or other dangerous weapon to the sheriff, or the sheriff's designee, of the county in which the respondent resides or to the chief of police, or the chief's designee, of the city in which the respondent resides in the manner and at the time and place determined by that law enforcement officer. If the firearm or other dangerous weapon is not surrendered, the law enforcement officer may arrest the respondent pursuant to section 14-07.1-11 and take possession of the firearm or other dangerous weapon.</p>	<p>1. The director of the bureau of criminal investigation shall issue a license to carry a firearm or dangerous weapon concealed upon review of an application submitted to the director if the following criteria are met:</p> <p>c. The applicant is not an individual specified in section 62.1-02-01 and for a class 1 firearm license the applicant:</p> <p>(6) Has not been convicted of an offense involving domestic violence;</p> <p>d. The applicant has successfully completed the testing procedure conducted by a certified test administrator. The person conducting the testing may assess a charge of up to fifty dollars for conducting this testing. The attorney general may certify a test administrator based upon criteria and guidelines prescribed by the director of the bureau of criminal investigation;</p> <p>e. The applicant satisfactorily completes the bureau of criminal investigation application form and has successfully passed the criminal history records check conducted by the bureau of criminal investigation and the federal bureau of investigation. The applicant shall provide all documentation relating to any court-ordered treatment or commitment for mental health or alcohol or substance abuse. The applicant shall provide the director of the bureau of criminal investigation written authorizations for disclosure of the applicant's mental health and alcohol or substance abuse evaluation and treatment records. The bureau may deny approval for a license if the bureau has reasonable cause to believe that the applicant or licensee has been or is a danger to self or others as demonstrated by evidence, including past pattern of behavior involving unlawful violence or threats of unlawful violence; past participation in incidents involving unlawful violence or threats of unlawful violence; or conviction of a weapons offense. In determining whether the applicant or licensee has been or is a danger to self or others, the bureau may inspect expunged or sealed records of arrests and convictions of adults and juvenile court records; and</p>
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<p>has probable cause to believe that the respondent is likely to use, display, or threaten to use the firearm or other dangerous weapon in any further acts of violence. If so ordered, the respondent shall surrender the firearm or other dangerous weapon to the sheriff, or the sheriff's designee, of the county in which the respondent resides or the chief of police, or the chief's designee, of the city in which the respondent resides.</p>	<p><i>N.D. Cent. Code, § 62.1-02-01</i></p> <p><i>Persons who are not to possess firearms — Penalty.</i></p> <p>1. a. A person who has been convicted anywhere of a felony offense involving violence or intimidation in violation of chapters 12.1-16 through 12.1-25 or an equivalent felony offense of another state or the federal government is prohibited from owning a firearm or having one in possession or under control from the date of conviction and continuing for a period of ten years after the date of conviction or the date of release from incarceration, parole, or probation, whichever is latest.</p> <p>b. A person who has been convicted anywhere of a felony offense of this or another state or the federal government not provided for in subdivision a or who has been convicted of a class A misdemeanor offense involving violence or intimidation in violation of chapters 12.1-16 through 12.1-25 or an equivalent offense of another state or the federal government and the offense was committed while using or possessing a firearm, a dangerous weapon, or, as defined in section 12.1-01-04, a destructive device or an explosive, is prohibited from owning a firearm or having one in possession or under control from the date of conviction and continuing for a period of five years after the date of conviction or the date of release from incarceration, parole, or probation, whichever is latest.</p> <p>A person who violates subdivision a or b is guilty of a class C felony, and a person who violates subdivision c or d is guilty of a class A misdemeanor.</p> <p><i>N.D. Cent. Code, § 12.1-32-07</i></p> <p><i>Supervision of probationer — Conditions of probation — Revocation. [Effective August 1, 2019]</i></p> <p>3. The court shall provide as an explicit condition of every probation that the defendant may not possess a firearm, destructive device, or other dangerous weapon while the defendant is on probation. Except when the offense is a misdemeanor offense under section 12.1-17-01, 12.1-17-01.1, 12.1-17-01.2, 12.1-17-05, or 12.1-17-07.1, or chapter 14-07.1, the court may waive this condition of probation if the defendant has pled guilty to, or has been found guilty of, a misdemeanor or infraction offense, the misdemeanor or infraction is the defendant's first offense, and the court has</p>	<p>f. The applicant is not prohibited under federal law from owning, possessing, or having a firearm under that individual's control.</p>
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		<p>made a specific finding on the record before imposition of a sentence or a probation that there is good cause to waive the condition. The court may not waive this condition of probation if the court places the defendant under the supervision and management of the department of corrections and rehabilitation. The court shall provide as an explicit condition of probation that the defendant may not willfully defraud a urine test administered as a condition of probation. Unless waived on the record by the court, the court shall also provide as a condition of probation that the defendant undergo various agreed-to community constraints and conditions as intermediate measures of the department of corrections and rehabilitation to avoid revocation, which may include:</p> <ul style="list-style-type: none"> a. Community service; b. Day reporting; c. Curfew; d. Home confinement; e. House arrest; f. Electronic monitoring; g. Residential halfway house; h. Intensive supervision program; i. Up to five nonsuccessive periods of incarceration during any twelve-month period, each of which may not exceed forty-eight consecutive hours; j. Participation in the twenty-four seven sobriety program; or k. One period of incarceration during a period of probation not to exceed thirty consecutive days in lieu of a petition for revocation of probation. 	
NORTHERN MARINARA ISLANDS	<i>Code Not Available.</i>		
OHIO	<p><u>Ex Parte Protection Order</u> Catchall</p> <p><i>ORC Ann. §3113.31.</i></p> <p><i>Definitions; jurisdiction; petition; hearing; protection orders; consent agreements.</i></p> <p>(D)(1) If a person who files a petition pursuant to this section requests an ex parte order, the court shall hold an ex parte hearing on the same day that the petition is filed. The court, for good cause shown at the ex parte</p>	<p><i>ORC Ann. 2935.03</i></p> <p><i>§ 2935.03 Officer's authority to arrest without warrant; pursuit outside jurisdiction.</i></p> <p>(h) If a peace officer described in division (A) of this section responds to a report of an alleged incident of the offense of domestic violence or an alleged incident of the offense of violating a protection order and if the circumstances of the incident involved the use or threatened use of a deadly weapon or any person involved in the incident brandished a deadly weapon during or in relation to the incident, the deadly weapon that was used, threatened to be used, or</p>	<p><i>ORC Ann. 2923.125</i></p> <p><i>Application for license to carry concealed handgun; issuance, renewal.</i></p> <p>It is the intent of the general assembly that Ohio concealed handgun license law be compliant with the national instant criminal background check system, that the bureau of alcohol, tobacco, firearms, and explosives is able to determine that Ohio law is compliant with the national instant criminal background check system, and that no person shall be eligible to receive a concealed</p>

<p>hearing, may enter any temporary orders, with or without bond, including, but not limited to, an order described in division (E)(1)(a), (b), or (c) of this section, that the court finds necessary to protect the family or household member or the person with whom the respondent is or was in a dating relationship from domestic violence.</p> <p>Immediate and present danger of domestic violence to the family or household member or to the person with whom the respondent is or was in a dating relationship constitutes good cause for purposes of this section.</p> <p>Immediate and present danger includes, but is not limited to, situations in which the respondent has threatened the family or household member or person with whom the respondent is or was in a dating relationship with bodily harm, in which the respondent has threatened the family or household member or person with whom the respondent is or was in a dating relationship with a sexually oriented offense, or in which the respondent previously has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for an offense that constitutes domestic violence against the family or household member or person with whom the respondent is or was in a dating relationship.</p> <p>(E)(1) After an ex parte or full hearing, the court may grant any protection order, with or without bond, or approve any consent agreement to bring about a cessation of domestic violence against the family or household members or persons with whom the respondent is or was in a dating relationship. The order or agreement may:</p> <p>(h) Grant other relief that the court considers equitable and fair, including, but not limited to, ordering the respondent to permit the use of a motor vehicle by the petitioner or, with respect to a petition involving family or household members, other family or</p>	<p>brandished constitutes contraband, and, to the extent possible, the officer shall seize the deadly weapon as contraband pursuant to Chapter 2981. of the Revised Code. Upon the seizure of a deadly weapon pursuant to division (B)(3)(h) of this section, section 2981.12 of the Revised Code shall apply regarding the treatment and disposition of the deadly weapon. For purposes of that section, the “underlying criminal offense” that was the basis of the seizure of a deadly weapon under division (B)(3)(h) of this section and to which the deadly weapon had a relationship is any of the following that is applicable:</p> <ul style="list-style-type: none"> (i) The alleged incident of the offense of domestic violence or the alleged incident of the offense of violating a protection order to which the officer who seized the deadly weapon responded; (ii) Any offense that arose out of the same facts and circumstances as the report of the alleged incident of the offense of domestic violence or the alleged incident of the offense of violating a protection order to which the officer who seized the deadly weapon responded. 	<p>handgun license permit under section 2923.125 or 2923.1213 of the Revised Code unless the person is eligible lawfully to receive or possess a firearm in the United States.</p> <p>(D)(1) Except as provided in division (D)(3) of this section, within forty-five days after a sheriff’s receipt of an applicant’s completed application form for a concealed handgun license under this section, the supporting documentation, and, if not waived, the license fee, the sheriff shall make available through the law enforcement automated data system in accordance with division (H) of this section the information described in that division and, upon making the information available through the system, shall issue to the applicant a concealed handgun license that shall expire as described in division (D)(2)(a) of this section if all of the following apply:</p> <p>(j) The applicant is not currently subject to a civil protection order, a temporary protection order, or a protection order issued by a court of another state.</p>
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	<p>household members and the apportionment of household and family personal property;</p> <p><u>Protection Order</u></p> <p>(F)(1) A copy of any protection order, or consent agreement, that is issued, approved, modified, or terminated under this section shall be issued by the court to the petitioner, to the respondent, and to all law enforcement agencies that have jurisdiction to enforce the order or agreement. The court shall direct that a copy of an order be delivered to the respondent on the same day that the order is entered.</p> <p>(2) Upon the issuance of a protection order or the approval of a consent agreement under this section, the court shall provide the parties to the order or agreement with the following notice orally or by form:</p> <p>“NOTICE</p> <p>As a result of this order or consent agreement, it may be unlawful for you to possess or purchase a firearm, including a rifle, pistol, or revolver, or ammunition pursuant to federal law under 18 U.S.C. 922(g)(8) for the duration of this order or consent agreement. If you have any questions whether this law makes it illegal for you to possess or purchase a firearm or ammunition, you should consult an attorney.”</p>		
OKLAHOMA	<p><u>Protective Order</u></p> <p><u>22 Okl. St. § 60.2</u></p> <p><i>Protective order—Petition—Complaint requirement for certain stalking victims—Fees</i></p> <p>A. A victim of domestic abuse, a victim of stalking, a victim of harassment, a victim of rape, any adult or emancipated minor household member on behalf of any other family or household member who is a minor</p>	<p><u>22 Okl. St. § 60.8</u></p> <p><i>Seizure and Forfeiture of Weapons and Instruments</i></p> <p>A. Each peace officer of this state shall seize any weapon or instrument when such officer has probable cause to believe such weapon or instrument has been used to commit an act of domestic abuse as defined by Section 60.1 of this title, provided an arrest is made, if possible, at the same time.</p> <p>B. After any such seizure, the District Attorney shall file a notice of seizure and forfeiture as provided in this section within ten (10) days of such seizure, or any weapon or</p>	<p><u>21 Okl. St. § 1290.10</u></p> <p>MANDATORY PRECLUSIONS</p> <p>In addition to the requirements stated in Section 1290.9 of this title, the conditions stated in this section shall preclude a person from eligibility for a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act. The occurrence of any one of the following conditions shall deny the person the right to have a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act. Prohibited conditions are:</p>

	<p>or incompetent, or any minor age sixteen (16) or seventeen (17) years may seek relief under the provisions of the Protection from Domestic Abuse Act.</p> <p><u>22 Okl. St. § 60.11</u> <i>Statement Required on All Ex Parte or Final Protective Order</i></p> <p>In addition to any other provisions required by the Protection from Domestic Abuse Act, or otherwise required by law, each ex parte or final protective order issued pursuant to the Protection from Domestic Abuse Act shall have a statement printed in bold-faced type or in capital letters containing the following information:</p> <p>5. Possession of a firearm or ammunition by a defendant while an order is in effect may subject the defendant to prosecution for a violation of federal law even if the order does not specifically prohibit the defendant from possession of a firearm or ammunition.</p>	<p>instrument seized pursuant to this section shall be returned to the owner.</p> <p>C. The seizure and forfeiture provisions of Section 991a-19 of this title shall be followed for any seizure and forfeiture of property pursuant to this section. No weapon or instrument seized pursuant to this section or monies from the sale of any such seized weapon or instrument shall be turned over to the person from whom such property was seized if a forfeiture action has been filed within the time required by subsection B of this section, unless authorized by this section. Provided further, the owner may prove at the forfeiture hearing that the conduct giving rise to the seizure was justified, and if the owner proves justification, the seized property shall be returned to the owner. Any proceeds gained from this seizure shall be placed in the Crime Victims Compensation Revolving Fund.</p>	<p>5. Conviction of any one of the following misdemeanor offenses in this state or in any other state:</p> <p>d. a violation relating to the Protection from Domestic Abuse Act or any violation of a victim protection order of another state,</p> <p>f. an act of domestic abuse as defined by Section 644 of this title or an act of domestic assault and battery or any comparable acts under the laws of another state.</p> <p><u>21 Okl. St. § 1290.11</u> <i>OTHER PRECLUSIONS [Effective November 1, 2019]</i></p> <p>A. The following conditions shall preclude a person from being eligible for a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act for a period of time as prescribed in each of the following paragraphs:</p> <p>8. A court order for a final Victim Protection Order against the applicant, as authorized by the Protection from Domestic Abuse Act, or any court order granting a final victim protection order against the applicant from another state. The preclusive period shall be sixty (60) days from the date an order was vacated, canceled, withdrawn or otherwise no longer in effect;</p>
OREGON	<p><u>Restraining Order – Catch all Provision</u></p> <p><u>ORS § 107.718</u> <i>Restraining order; service of order; request for hearing.</i></p> <p>(1) When a person files a petition under ORS 107.710, the circuit court shall hold an ex parte hearing in person or by telephone on the day the petition is filed or on the following judicial day. Upon a showing that the petitioner has been the victim of abuse committed by the respondent within 180 days preceding the filing of the petition, that there is an imminent danger of further abuse</p>	<p><u>ORS. §163.738</u> <i>Effect of citation; contents; hearing; court's order; use of statements made at hearing.</i></p> <p>(b) In the order, the court shall specify the conduct from which the respondent is to refrain, which may include all contact listed in ORS 163.730 and any attempt to make contact listed in ORS 163.730. The order is of unlimited duration unless limited by law. If the respondent was provided notice and an opportunity to be heard, the court shall also include in the order, when appropriate, terms and findings sufficient under 18 U.S.C. 922(d)(8) and (g)(8) to affect the respondent's ability to possess firearms and ammunition or engage in activities involving firearms.</p>	<p><u>ORS § 166.291</u> <i>Issuance of concealed handgun license; application; fees; liability.</i></p> <p>1) The sheriff of a county, upon a person's application for an Oregon concealed handgun license, upon receipt of the appropriate fees and after compliance with the procedures set out in this section, shall issue the person a concealed handgun license if the person:</p> <p>(m) Is not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866, 107.700 to 107.735 or 163.738;</p> <p><u>ORS § 166.434</u></p>

<p>to the petitioner and that the respondent represents a credible threat to the physical safety of the petitioner or the petitioner's child, the court shall, if requested by the petitioner, order:</p> <p>(h) Other relief that the court considers necessary to:</p> <p>(A) Provide for the safety and welfare of the petitioner and the children in the custody of the petitioner, including but not limited to emergency monetary assistance from the respondent; and</p> <p>Protection Order – Discretionary <u>ORS § 107.095</u> <i>Provisions court may make after commencement of suit and before judgment; entry of judgment upon affidavit or declaration under penalty of perjury establishing prima facie case.</i></p> <p>(5) When a court orders relief under subsection (1)(c) or (d) of this section, the court may include in its order an expiration date for the order to allow entry of the order into the Law Enforcement Data System and the databases of the National Crime Information Center of the United States Department of Justice as provided in <u>ORS 107.720</u>. If the person being restrained was provided notice and an opportunity to be heard, the court shall also include in the order, when appropriate, terms and findings sufficient under <u>18 U.S.C. 922 (d)(8)</u> or <u>(g)(8)</u> to affect the person's ability to possess firearms and ammunition or engage in activities involving firearms.</p>	<p style="text-align: center;"><u>ORS § 135.250</u> <i>General conditions of release agreement.</i></p> <p>(c) If the defendant was provided notice and an opportunity to be heard, the court shall also include in the agreement, when appropriate, terms and findings sufficient under <u>18 U.S.C. 922 (d)(8)</u> and <u>(g)(8)</u> to affect the defendant's ability to possess firearms and ammunition or engage in activities involving firearms.</p> <p>(d) <u>ORS 107.720</u> applies to release agreements executed by defendants charged with an offense that constitutes domestic violence, except that proof of service of the release agreement is not required and the agreement may not be terminated at the request of the victim without a hearing.</p>	<p><i>Application of <u>ORS 166.412</u> to all firearm transfers by gun dealers; fees for criminal background checks.</i></p> <p>(1) In addition to the determination required by <u>ORS 166.412 (3)(a)(A)</u>, in conducting a criminal background check or criminal history record check, the Department of State Police shall also determine whether the recipient is otherwise prohibited by state or federal law from possessing a firearm.</p>
<p>PENNSYLVANIA</p> <p>Temporary Protection Order Final Protection Order</p> <p><u>23 Pa.C.S. § 6108</u> <i>Relief. [Effective April 10, 2019]</i></p> <p>(a) <i>General rule.</i> — Subject to subsection (a.1), the court may grant any protection</p>	<p style="text-align: center;"><u>23 Pa.C.S. § 6107</u> <i>Hearings.</i></p> <p>(a) General rule. — Within ten business days of the filing of a petition under this chapter, a hearing shall be held before the court, at which the plaintiff must prove the allegation of abuse by a preponderance of the evidence. The court shall, at the time the defendant is given notice of the hearing, advise</p>	<p><u>23 Pa. C.S. §6105</u> <i>§6105. Responsibilities of Law Enforcement Agencies.</i></p> <p>(e) <i>Statewide registry.</i> (1) The Pennsylvania State Police shall establish a Statewide registry of protection orders and shall maintain a complete and systematic record and</p>

<p>order or approve any consent agreement to bring about a cessation of abuse of the plaintiff or minor children. The order or agreement may include:</p> <p>(7) Prohibiting the defendant from acquiring or possessing any firearm for the duration of the order, ordering the defendant to temporarily relinquish to the sheriff or the appropriate law enforcement agency any firearms under the defendant's possession or control, and requiring the defendant to relinquish to the sheriff or the appropriate law enforcement agency any firearm license issued under section 6108.3 (relating to relinquishment to third party for safekeeping) or 18 Pa.C.S. § 6106 (relating to firearms not to be carried without a license) or 6109 (relating to licenses) the defendant may possess. The court may also order the defendant to relinquish the defendant's other weapons or ammunition that have been used or been threatened to be used in an incident of abuse against the plaintiff or the minor children. A copy of the court's order shall be transmitted to the chief or head of the appropriate law enforcement agency and to the sheriff of the county of which the defendant is a resident. When relinquishment is ordered, the following shall apply:</p> <p>(i)(A) The court's order shall require the defendant to relinquish such firearms, other weapons, ammunition and any firearm license pursuant to the provisions of this chapter within 24 hours of service of a temporary order or the entry of a final order or the close of the next business day as necessary by closure of the sheriffs' offices, except for cause shown at the hearing, in which case the court shall specify the time for relinquishment of any or all of the defendant's firearms.</p> <p>(B) A defendant subject to a temporary order requiring the relinquishment of firearms, other weapons or ammunition shall, in lieu</p>	<p>the defendant of the right to be represented by counsel, of the right to present evidence, of the right to compel attendance of witnesses, of the method by which witnesses may be compelled, of the possibility that any firearm, other weapon or ammunition owned and any firearm license possessed may be ordered temporarily relinquished, of the options for relinquishment of a firearm pursuant to this chapter, of the possibility that Federal or State law may prohibit the possession of firearms, including an explanation of 18 U.S.C. § 922(g)(8) (relating to unlawful acts) and 18 Pa.C.S. § 6105 (relating to persons not to possess, use, manufacture, control, sell or transfer firearms), and that any protection order granted by a court may be considered in any subsequent proceedings under this title. This notice shall be printed and delivered in a manner which easily attracts attention to its content and shall specify that child custody is one of the proceedings where prior protection orders may be considered.</p> <p>(b) Temporary orders.</p> <p>(3) In addition to any other relief, the court may, pursuant to section 6108 (relating to relief), direct that the defendant temporarily relinquish to the sheriff any firearms, other weapons or ammunition for the duration of the temporary order if the petition demonstrates any of the following:</p> <p>(i) Abuse which involves a firearm or other weapon.</p> <p>(4) If the court orders the defendant to temporarily relinquish any firearm, other weapon or ammunition pursuant to paragraph (3), the defendant shall decide in what manner the defendant is going to relinquish any firearm, other weapon or ammunition listed in the order. Relinquishment may be to the sheriff pursuant to section 6108(a)(7) or to a third party for safekeeping pursuant to section 6108.3 (relating to relinquishment to third party for safekeeping).</p>	<p>index of all valid temporary and final court orders of protection, court- approved consent agreements and a foreign protection order filed pursuant to section 6104(d) (relating to full faith and credit and foreign protection orders). The Statewide registry shall include, but need not be limited to, the following:</p> <ul style="list-style-type: none"> (i) The names of the plaintiff and any protected parties. (ii) The name and address of the defendant. (iii) The relationship between the plaintiff and defendant. (iv) The date the order was entered. (v) The date the order expires. (vi) The relief granted under sections 6108(a)(1), (2), (4), (6) and (7) (relating to relief) and 6110(a) (relating to emergency relief by minor judiciary). (vii) The judicial district in which the order was entered. (viii) Where furnished, the Social Security number and date of birth of the defendant. (ix) Whether or not any or all firearms, other weapons or ammunition were ordered relinquished. <p><u>23 Pa.C.S. § 6106</u> <i>Commencement of proceedings. [Effective April 22, 2019]</i></p> <p>(a.2) Notification of defendant's occupation. — The plaintiff shall notify the court if the plaintiff has reason to believe that the defendant is a licensed firearms dealer, is employed by a licensed firearms dealer or manufacturer, is employed as a writer, researcher or technician in the firearms or hunting industry or is required to carry a firearm as a condition of employment.</p> <p><u>18 Pa.C.S. § 6109</u> <i>Licenses.</i></p> <p>(i) Revocation. — A license to carry firearms may be revoked by the issuing authority for good cause. A license to carry firearms shall be</p>
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<p>of relinquishing specific firearms, other weapons or ammunition which cannot reasonably be retrieved within the time for relinquishment in clause (A) due to their current location, provide the sheriff or the appropriate law enforcement agency with an affidavit listing the firearms, other weapons or ammunition and their current location. If the defendant, within the time for relinquishment in clause (A), fails to provide the affidavit or fails to relinquish, pursuant to this chapter, any firearms, other weapons or ammunition ordered to be relinquished which are not specified in the affidavit, the sheriff or the appropriate law enforcement agency shall, at a minimum, provide immediate notice to the court, the plaintiff and appropriate law enforcement authorities. The defendant shall not possess any firearms, other weapons or ammunition specifically listed in the affidavit provided to the sheriff or the appropriate law enforcement agency pursuant to this clause for the duration of the temporary order.</p> <p>(C) As used in this subparagraph, the term “cause” shall be limited to facts relating to the inability of the defendant to retrieve a specific firearm within 24 hours due to the current location of the firearm.</p> <p>(ii) The court’s order shall contain a list of any firearm, other weapon or ammunition ordered relinquished. Upon the entry of a final order, the defendant shall inform the court in what manner the defendant is going to relinquish any firearm, other weapon or ammunition ordered relinquished. Relinquishment may occur pursuant to section 6108.2 (relating to relinquishment for consignment sale, lawful transfer or safekeeping) or 6108.3 or to the sheriff or the appropriate law enforcement agency pursuant to this paragraph. Where the sheriff or the appropriate law enforcement agency is designated, the sheriff or the appropriate law enforcement agency shall secure custody of</p>	<p>to a dealer licensed pursuant to 18 Pa.C.S. § 6113 (relating to licensing of dealers) any firearms, other weapons or ammunition for consignment sale, lawful transfer or safekeeping. The dealer may charge the defendant a reasonable fee for accepting relinquishment and for storage of any firearms, other weapons or ammunition.</p> <p>(b) Affidavit. — A defendant relinquishing firearms, other weapons or ammunition to a dealer pursuant to subsection (a) shall obtain an affidavit from the dealer on a form prescribed by the Pennsylvania State Police which shall include, at a minimum, the following:</p> <p class="list-item-l1">(1) The caption of the case in which the protection from abuse order was issued.</p> <p class="list-item-l1">(2) The name, address, date of birth and Social Security number of the defendant.</p> <p class="list-item-l1">(3) A list of the firearms, other weapons or ammunition, including, if applicable, the manufacturer, model and serial number.</p> <p class="list-item-l1">(4) The name and license number of the dealer licensed pursuant to 18 Pa.C.S. § 6113 and the address of the licensed premises.</p> <p class="list-item-l1">(5) An acknowledgment that the firearms, other weapons or ammunition will not be returned to the defendant or sold or transferred to a person the dealer knows is a member of the defendant’s household, while the defendant is the subject of an active protection from abuse order pursuant to section 6108, which order provides for the relinquishment of the firearm, other weapon or ammunition being returned, sold or transferred.</p> <p class="list-item-l1">(6) An acknowledgment that the firearms, other weapons or ammunition, if sold or transferred, will be sold or lawfully transferred in compliance with 18 Pa.C.S. Ch. 61 (relating to firearms and other dangerous articles).</p> <p>(c) Failure to provide affidavit. — A defendant relinquishing firearms, other weapons or ammunition to a dealer pursuant to subsection (a) shall, within the time frame specified in the order for relinquishing firearms, other weapons or ammunition, provide to the sheriff the affidavit obtained pursuant to subsection (b) and relinquish to the sheriff any firearms, other weapons or ammunition ordered to be relinquished which are not specified in the affidavit, in an affidavit provided in accordance with section 6108(a)(7)(i)(B) (relating to relief) or in an acknowledgment of receipt from a third party provided to the sheriff pursuant to section 6108.3 (relating to relinquishment to third party</p>	<p>revoked by the issuing authority for any reason stated in subsection (e)(1) which occurs during the term of the permit. Notice of revocation shall be in writing and shall state the specific reason for revocation. Notice shall be sent by certified mail to the individual whose license is revoked, and, at that time, notice shall also be provided to the Pennsylvania State Police by electronic means, including e-mail or facsimile transmission, that the license is no longer valid. An individual whose license is revoked shall surrender the license to the issuing authority within five days of receipt of the notice. An individual whose license is revoked may appeal to the court of common pleas for the judicial district in which the individual resides. An individual who violates this section commits a summary offense.</p>
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[18 Pa.C.S. § 6111](#)

Sale or transfer of firearms.

(a) Time and manner of delivery.

(1) Except as provided in paragraph (2), no seller shall deliver a firearm to the purchaser or transferee thereof until 48 hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, the firearm shall be securely wrapped and shall be unloaded.

(2) Thirty days after publication in the Pennsylvania Bulletin that the Instantaneous Criminal History Records Check System has been established in accordance with the Brady Handgun Violence Prevention Act (Public Law 103-159, [18 U.S.C. § 921](#) et seq.), no seller shall deliver a firearm to the purchaser thereof until the provisions of this section have been satisfied, and, when delivered, the firearm shall be securely wrapped and shall be unloaded.

(b) Duty of seller. — No licensed importer, licensed manufacturer or licensed dealer shall sell or deliver any firearm to another person, other than a licensed importer, licensed manufacturer, licensed dealer or licensed collector, until the conditions of subsection (a) have been satisfied and until he has:

<p>the defendant's firearms, other weapons or ammunition and any firearm license listed in the court's order for the duration of the order or until otherwise directed by court order. In securing custody of the defendant's relinquished firearms, the sheriff or the appropriate law enforcement agency shall comply with 18 Pa.C.S. § 6105(f)(4) (relating to persons not to possess, use, manufacture, control, sell or transfer firearms). In securing custody of the defendant's other weapons and ammunition, the sheriff or the appropriate law enforcement agency shall provide the defendant with a signed and dated written receipt which shall include a detailed description of the other weapon or ammunition and its condition. The court shall inform the defendant that firearms, other weapons or ammunition shall be deemed abandoned when the conditions under 18 Pa.C.S. § 6128(a) (relating to abandonment of firearm, weapon or ammunition) are satisfied and may then be disposed of in accordance with 18 Pa.C.S. § 6128.</p> <p>(iii) The sheriff or the appropriate law enforcement agency shall provide the plaintiff with the name of the person to which any firearm, other weapon or ammunition was relinquished.</p> <p>(iv) Unless the defendant has complied with subparagraph (i)(B) or section 6108.2 or 6108.3, if the defendant fails to relinquish any firearm, other weapon, ammunition or firearm license within 24 hours or upon the close of the next business day due to closure of sheriffs' or appropriate law enforcement agencies' offices or within the time ordered by the court upon cause being shown at the hearing, the sheriff or the appropriate law enforcement agency shall, at a minimum, provide immediate notice to the court, the plaintiff and appropriate law enforcement agencies, as appropriate.</p>	<p>for safekeeping). If the defendant fails to comply with this subsection, the sheriff shall, at a minimum, provide immediate notice to the court, the plaintiff and appropriate law enforcement agencies.</p> <p>(d) Form. — The Pennsylvania State Police shall develop and make available a form to be used by dealers to accept possession of firearms, other weapons and ammunition for consignment sale, lawful transfer or safekeeping pursuant to this section.</p> <p>(e) Transfer upon entry of final order. — Upon entry of a final protection from abuse order issued pursuant to section 6108, a defendant who had relinquished firearms, other weapons or ammunition to the sheriff pursuant to a temporary order may request that the firearms, other weapons or ammunition be relinquished to a dealer for consignment sale, lawful transfer or safekeeping pursuant to this section. If the defendant can identify a licensed dealer willing to accept the firearms, other weapons or ammunition in compliance with this section, the court shall order the sheriff to transport the firearms, other weapons or ammunition to the licensed dealer at no cost to the defendant or the licensed dealer.</p>	<p>(1.1) On the date of publication in the Pennsylvania Bulletin of a notice by the Pennsylvania State Police that the instantaneous records check has been implemented, all of the following shall apply:</p> <p>(iii) For purposes of conducting the criminal history, juvenile delinquency and mental health records background check which shall be completed within ten days of receipt of the information from the dealer, the application/record of sale shall include the name, address, birthdate, gender, race, physical description and Social Security number of the purchaser or transferee and the date of application.</p> <p><u>23 Pa.C.S. § 6108.1</u> <i>Return of relinquished firearms, other weapons and ammunition and additional relief. [Effective April 10, 2019]</i></p> <p>(a) General rule. — Any court order requiring the relinquishment of firearms, other weapons or ammunition shall provide for the return of the relinquished firearms, other weapons or ammunition to the defendant upon expiration of the order or dismissal of a petition for a protection from abuse order. The defendant may take custody of the firearms, other weapons and ammunition provided that the defendant is otherwise eligible to lawfully possess the relinquished items. The defendant shall not be required to pay any fees, costs or charges associated with the returns, whether those fees, costs or charges are imposed by the Pennsylvania State Police, any local law enforcement agency or any other entity, including a licensed importer, licensed manufacturer or licensed dealer in order to secure return of the relinquished firearms, other weapons or ammunition. The sheriff's or the appropriate law enforcement agency's office shall maintain a weapons return form that the defendant may fill out and return to the office once a temporary or final protection from abuse order has been dismissed or expires.</p>
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<p>(v) Any portion of any order or any petition or other paper which includes a list of any firearm, other weapon or ammunition ordered relinquished shall be kept in the files of the court as a permanent record thereof and withheld from public inspection except:</p> <p>(A) upon an order of the court granted upon cause shown;</p> <p>(B) as necessary, by law enforcement and court personnel; or</p> <p>(C) after redaction of information listing any firearm, other weapon or ammunition.</p> <p>(vi) As used in this paragraph, the term “defendant’s firearms” shall, if the defendant is a licensed firearms dealer, only include firearms in the defendant’s personal firearms collection pursuant to 27 CFR § 478.125a (relating to personal firearms collection).</p> <p>(7.1) If the defendant is a licensed firearms dealer, ordering the defendant to follow such restrictions as the court may require concerning the conduct of his business, which may include ordering the defendant to relinquish any Federal or State license for the sale, manufacture or importation of firearms as well as firearms in the defendant’s business inventory. In restricting the defendant pursuant to this paragraph, the court shall make a reasonable effort to preserve the financial assets of the defendant’s business while fulfilling the goals of this chapter.</p> <p>(8) Directing the defendant to pay the plaintiff for reasonable losses suffered as a result of the abuse, including medical, dental, relocation and moving expenses; counseling; loss of earnings or support; costs of repair or replacement of real or personal property damaged, destroyed or taken by the defendant or at the direction of the defendant; and other out-of-pocket losses for injuries sustained. In addition to out-of-pocket losses, the court may direct the defendant to pay reasonable attorney fees.</p>	<p>ammunition pursuant to any Federal or State law and after the defendant and third party have executed the affidavits required under paragraph (3), the sheriff shall issue a safekeeping permit to the third party, which shall include, at a minimum, a list of the firearms, other weapons and ammunition which will be relinquished to the third party. The permit shall be issued at no cost to the third party or defendant. The permit shall require the third party to possess the defendant’s firearms, other weapons and ammunition until the time that:</p> <p>(i) the sheriff revokes the safekeeping permit pursuant to subsection (c)(1); or</p> <p>(ii) the sheriff accepts return of the safekeeping permit pursuant to subsection (d).</p> <p>(3)(i) A defendant wishing to relinquish firearms, other weapons or ammunition to a third party pursuant to subsection (a) shall, in the presence of the sheriff or the sheriff’s designee, execute an affidavit on a form prescribed by the Pennsylvania State Police which shall include, at a minimum, the following:</p> <p>(A) The caption of the case in which the protection from abuse order was issued.</p> <p>(B) The name, address, date of birth and the Social Security number of the defendant.</p> <p>(C) The name, address and date of birth of the third party.</p> <p>(D) A list of the firearms, other weapons and ammunition which will be relinquished to the third party, including, if applicable, the manufacturer, model and serial number.</p> <p>(E) An acknowledgment that no firearm, other weapon or ammunition relinquished to the third party will be returned to the defendant until the sheriff accepts return of the safekeeping permit pursuant to subsection (d).</p> <p>(F) A plain-language summary of 18 Pa.C.S. § 6105(a.1)(2) and (c)(6) (relating to persons not to possess, use, manufacture, control, sell or transfer firearms).</p> <p>(G) A plain-language summary of 18 U.S.C. § 922(g)(8) (relating to unlawful acts).</p> <p>(ii) A third party who will be accepting possession of firearms, other weapons and ammunition pursuant to subsection (a) shall, in the presence of the sheriff or the sheriff’s designee, execute an affidavit on a form prescribed by the Pennsylvania State Police which shall include, at a minimum, the following:</p> <p>(A) The caption of the case in which the protection from abuse order was issued.</p>	
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<p>An award under this chapter shall not constitute a bar to litigation for civil damages for injuries sustained from the acts of abuse giving rise to the award or a finding of contempt under this chapter.</p> <p>(9) Directing the defendant to refrain from stalking or harassing the plaintiff and other designated persons as defined in 18 Pa.C.S. §§ 2709 (relating to harassment) and 2709.1 (relating to stalking).</p> <p>(10) Granting any other appropriate relief sought by the plaintiff.</p> <p>(a.1) Final order or agreement. — The following apply:</p> <p>(1) Any final order must direct the defendant to refrain from abusing, harassing, stalking, threatening or attempting or threatening to use physical force against the plaintiff or minor children and must order that the defendant is subject to the firearms, other weapons or ammunition and firearms license prohibition relinquishment provisions under subsection (a)(7).</p> <p>(2) A final agreement may direct the defendant to refrain from abusing, harassing, stalking, threatening or attempting or threatening to use physical force against the plaintiff or minor children and may order that the defendant is subject to the firearms, other weapons or ammunition and firearms license prohibition and relinquishment provisions under subsection (a)(7).</p>	<p>(B) The name, address and date of birth of the defendant.</p> <p>(C) The name, address, date of birth and the Social Security number of the third party.</p> <p>(D) A list of the firearms, other weapons and ammunition which will be relinquished to the third party, including, if applicable, the manufacturer, model and serial number.</p> <p>(E) An acknowledgment that no firearm, other weapon or ammunition relinquished to the third party will be returned to the defendant until the sheriff accepts return of the safekeeping permit pursuant to subsection (d).</p> <p>(F) A plain-language summary of 18 Pa.C.S. §§ 6105(a.1)(5) and (c)(6), 6111(c) (relating to sale or transfer of firearms) and 6115 (relating to loans on, or lending or giving firearms prohibited).</p> <p>(G) A plain-language summary of this section.</p> <p>(H) An acknowledgment that the third party is not prohibited from possessing firearms, other weapons or ammunition pursuant to any Federal or State law.</p> <p>(I) An acknowledgment that the third party is not subject to an active protection from abuse order.</p> <p>(J) An acknowledgment that the defendant has never been the subject of a protection from abuse order issued on behalf of the third party.</p> <p>(K) An acknowledgment that any firearms, other weapons and ammunition relinquished to the third party will be stored using a locking device as defined in paragraph (1) of the definition of “locking device” in 18 Pa.C.S. § 6142(f) (relating to locking device for firearms) or in a secure location to which the defendant does not have access.</p> <p>(L) A detailed description of the third party liability pursuant to this section relating to civil liability.</p> <p>(M) An acknowledgment that the third party shall inform the sheriff of any change of address for the third party within seven days of the change of address.</p> <p>(N) An acknowledgment that the third party and the defendant are not family or household members.</p> <p>(O) An acknowledgment that the third party is one of the following:</p> <p>(I) An attorney at law, and further acknowledgment that the attorney at law and the defendant are in an attorney-client relationship. The attorney at law and the defendant shall sign a written agreement stating in substantially the following form: “Firearm(s) can be relinquished to the attorney at law upon the express, written condition that firearm(s) will be</p>	
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returned to the defendant, or otherwise transferred, only if in strict conformance with applicable law.”

(II) A commercial armory, and further acknowledgment that the owner or operator or operator of the commercial armory is not a family or household member of the defendant; the commercial armory is a secure storage facility designed to store firearms; the commercial armory possesses all Federal and State licenses to store firearms; and a form stating substantially the following: “Firearms can be relinquished to the commercial armory upon the express, written condition that firearm(s) will be returned, or transferred, to the defendant only in strict conformance with applicable law.”

(4) The defendant shall, within the time frame specified in the order and in lieu of relinquishment to the sheriff, relinquish the firearms, other weapons and ammunition specified in the affidavits provided to the sheriff pursuant to paragraph (3) to the third party who has been issued a safekeeping permit pursuant to paragraph (2). Upon relinquishment of the firearms to the third party, the third party shall sign an acknowledgment of receipt on a form prescribed by the Pennsylvania State Police, which shall include, at a minimum, an acknowledgment that the firearms were relinquished to the third party within the time frame specified in the order.

(5) Within 24 hours of the issuance of the safekeeping permit issued to the third party pursuant to paragraph (2) or by close of the next business day as necessary due to the closure of the sheriff’s office, the defendant shall return the signed acknowledgment of receipt required under paragraph (4) to the sheriff in the county where the order was entered.

(6) If the defendant fails to provide the acknowledgment of receipt to the sheriff as required under paragraph (5), an affidavit prepared in accordance with section 6108(a)(7)(i)(B) (relating to relief), an affidavit under section 6108.2 (relating to relinquishment for consignment sale, lawful transfer or safekeeping) or fails to relinquish any firearms, other weapons or ammunition, the sheriff shall, at a minimum, provide immediate notice to the court, the plaintiff and appropriate law enforcement agencies.

23 Pa.C.S. § 6113
Arrest for violation of order.

(a) *General rule.* — An arrest for violation of an order issued pursuant to this chapter or a foreign protection order

may be without warrant upon probable cause whether or not the violation is committed in the presence of the police officer or sheriff in circumstances where the defendant has violated a provision of an order consistent with section 6108(a)(1), (2), (3), (4), (6), (7) or (9) (relating to relief). The police officer or sheriff may verify the existence of a protection order by telephone, radio or other electronic communication with the appropriate police department, Pennsylvania State Police registry, protection order file or issuing authority. A police officer or sheriff shall arrest a defendant for violating an order issued under this chapter by a court within the judicial district, issued by a court in another judicial district within this Commonwealth or a foreign protection order issued by a comparable court.

(b) Seizure of firearms, other weapons and ammunition. — Subsequent to an arrest, the police officer or sheriff shall seize all firearms, other weapons and ammunition used or threatened to be used during the violation of the protection order or during prior incidents of abuse and any other firearms in the defendant's possession. As soon as it is reasonably possible, the arresting officer shall deliver the confiscated firearms, other weapons and ammunition to the office of the sheriff. The sheriff shall maintain possession of the firearms, other weapons and ammunition until the court issues an order specifying the firearms, other weapons and ammunition to be relinquished and the persons to whom the firearms, other weapons and ammunition shall be relinquished.

[18 Pa.C.S. § 6105](#)

Persons not to possess, use, manufacture, control, sell or transfer firearms.

(a) Offense defined.

(1) A person who has been convicted of an offense enumerated in subsection (b), within or without this Commonwealth, regardless of the length of sentence or whose conduct meets the criteria in subsection (c) shall not possess, use, control, sell, transfer or manufacture or obtain a license to possess, use, control, sell, transfer or manufacture a firearm in this Commonwealth.

(2)(i) Except as otherwise provided in this paragraph, a person who is prohibited from possessing, using, controlling, selling, transferring or manufacturing a firearm under paragraph (1) or subsection (b) or (c) shall have a reasonable

period of time, not to exceed 60 days from the date of the imposition of the disability under this subsection, in which to sell or transfer that person's firearms to another eligible person who is not a member of the prohibited person's household.

(ii) This paragraph shall not apply to any person whose disability is imposed pursuant to subsection (c)(6).

(iii) A person whose disability is imposed pursuant to subsection (c)(9) shall relinquish any firearms and firearm licenses under that person's possession or control, as described in section 6105.2 (relating to relinquishment of firearms and firearm licenses by convicted persons).

(iv) A person whose disability is imposed pursuant to a protection from abuse order shall relinquish any firearms, other weapons, ammunition and firearm licenses under that person's possession or control, as described in [23 Pa.C.S. § 6108\(a\)\(7\)](#) (relating to relief).

(a.1) Penalty.

(1) Except as provided under paragraph (1.1), a person convicted of a felony enumerated under subsection (b) or a felony under the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or any equivalent Federal statute or equivalent statute of any other state, who violates subsection (a) commits a felony of the second degree.

(1.1) The following shall apply:

(i) A person convicted of a felony enumerated under subsection (b) or a felony under the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or any equivalent Federal statute or equivalent statute of any other state, who violates subsection (a) commits a felony of the first degree if:

(A) at the time of the commission of a violation of subsection (a) the person has previously been convicted of an offense under subsection (a); or

(B) At the time of the commission of a violation of subsection (a), the person was in physical possession or control of a firearm, whether visible, concealed about the person, or within the person's reach.

(ii) The Pennsylvania Commission on Sentencing, under [42 Pa.C.S. § 2154](#) (relating to adoption of guidelines for sentencing), shall provide for a sentencing enhancement for a sentence imposed pursuant to this paragraph.

(2) A person who is the subject of an active final protection from abuse order issued pursuant to [23 Pa.C.S. §](#)

		<p>6108 (relating to relief), is the subject of any other active protection from abuse order issued pursuant to 23 Pa.C.S. § 6107(b) (relating to hearings), which provided for the relinquishment of firearms or other weapons or ammunition during the period of time the order is in effect, or is otherwise prohibited from possessing or acquiring a firearm under 18 U.S.C. § 922(g)(8) (relating to unlawful acts), commits a misdemeanor of the second degree if he intentionally or knowingly fails to relinquish a firearm or other weapon or ammunition to the sheriff or appropriate law enforcement agency as defined in 23 Pa.C.S. § 6102 (relating to definitions) as required by the order unless, in lieu of relinquishment, he provides an affidavit which lists the firearms or other weapons or ammunition to the sheriff in accordance with 23 Pa.C.S. § 6108(a)(7)(i)(B), 6108.2 (relating to relinquishment for consignment sale, lawful transfer or safekeeping) or 6108.3 (relating to relinquishment to third party for safekeeping).</p>	
RHODE ISLAND	<p><u>Protective Order- Discretionary</u></p> <p>R.I. Gen. Laws § 15-15-3 <i>Protective orders -- Penalty -- Jurisdiction</i></p> <p>(a) A person, or a parent, custodian, or legal guardian on behalf of a minor child or the director of the department of children, youth and families ("DCYF") or its designee for a child in the custody of DCYF, pursuant to §§ 40-11-7 and 40-11-7.1, suffering from domestic abuse or sexual exploitation as defined in § 15-15-1, may file a complaint in the family court requesting any order that will protect and support her or him from abuse or sexual exploitation, including, but not limited to, the following:</p> <p>(4) Ordering the defendant to surrender physical possession of all firearms in his or her possession, care, custody, or control and shall further order a person restrained not to purchase or receive, or attempt to purchase or receive, any firearms while the protective order is in effect. The defendant shall surrender said firearms within twenty-four (24) hours of notice of the protective order to the Rhode Island state police or local police</p>	<p>R.I. Gen. Laws § 11-47-5 <i>Possession of firearms by certain persons prohibited</i></p> <p>(a) No person shall purchase, own, carry, transport, or have in his or her possession any firearm if that person:</p> <p>(4) Has, in this state or elsewhere, entered a plea of nolo contendere to or been convicted of any of the following offenses punishable as a misdemeanor under § 12-29-5:</p> <p>(iii) Violation of a protective order (as set forth in § 12-29-2(a)(10); or</p> <p>R.I. Gen. Laws § 11-47-5.4 <i>Surrender of firearms after domestic violence offenses</i></p> <p>(a) A plea of nolo contendere, resulting in a filing or probation or conviction shall prohibit the defendant from purchasing, carrying, transporting, or having in his or her possession any firearm. Upon such a plea or conviction, the court shall order the defendant to surrender all firearms owned by the person or in the person's possession as described in this section.</p> <p>(1) Surrender shall be made within twenty-four (24) hours of prohibition to the Rhode Island state police or local law enforcement or to a licensed gun dealer. The arresting law enforcement agency shall be immediately notified by the court of the order to surrender firearms. A law enforcement agency or licensed gun dealer taking possession of a firearm</p>	<p>R.I. Gen. Laws § 11-47-35 <i>Sale of concealable weapons -- Safety courses and tests -- Review board -- Issuance of permits to certain government officers</i></p> <p>(2) The person selling the pistol or revolver shall on the date of application sign and forward by registered mail or by delivery in person the original and duplicate copies of the application to the superintendent of the Rhode Island state police or the chief of police in the city or town in which the person has his or her residence or place of business. The superintendent of the Rhode Island state police or the chief of police in the city or town in which the person has his or her residence or place of business shall mark or stamp the original copy of the application form with the date and the time of receipt and return it by the most expeditious means to the person who is selling the pistol or revolver. The triplicate copy duly signed by the person who is selling the pistol or revolver shall within seven (7) days be sent by him or her by registered mail to the attorney general. The person who is selling the pistol or revolver shall retain the original copy duly received by the police authority to whom sent or delivered for a period of six (6) years with other</p>

<p>department or to a federally licensed firearms dealer.</p> <p>(i) A person ordered to surrender possession of any firearm(s) pursuant to this section shall, within seventy-two (72) hours after being served with the order, either:</p> <p>(A) File with the court a receipt showing the firearm(s) was physically surrendered to the Rhode Island state police or local police department, or to a federally licensed firearms dealer; or</p> <p>(B) Attest to the court that, at the time of the order, the person had no firearms in his or her immediate physical possession or control, or subject to their immediate physical possession or control, and that the person, at the time of the attestation, has no firearms in their immediate physical possession or control, or subject to their immediate physical possession or control.</p> <p><u>Temporary Protective Order</u></p> <p><i>R.I. Gen. Laws § 15-15-4</i> <i>Temporary orders -- Ex parte proceedings</i></p> <p>(a)(1) Upon the filing of a complaint under this chapter, the court may enter any temporary orders that it deems necessary to protect the plaintiff from abuse, including relief as provided in chapter 5 of this title.</p> <p>(2) If it clearly appears from specific facts shown by affidavit or by the verified complaint that immediate and irreparable injury, loss, or damage will result to the plaintiff before notice can be served and a hearing held on the matter, the court may enter any temporary order without notice that it deems necessary to protect the plaintiff. Every order granted without notice shall expire by its terms within any time after entry, not to exceed twenty-one (21) days, that the court fixes, unless within the time fixed the order, by consent or for good cause shown and after hearing of argument by the</p>	<p>shall issue a proof of surrender to the person surrendering the firearm. The proof of surrender must include the name of the person, the date of surrender, and the serial number, manufacturer, and model of all surrendered firearms.</p> <p>(2) A defendant transporting a firearm to surrender in accordance with this section shall not be liable to prosecution under §§ 11-47-5(d) or 11-47-8.</p> <p>(3) The defendant shall, within forty-eight (48) hours after being served with the order, either:</p> <p>(i) File a copy of proof of surrender with the court of jurisdiction, and attest that all firearms owned by the person or in the person's possession at the time of plea or conviction have been surrendered in accordance with this section and that the person currently owns no firearms and has no firearms in his or her possession; or</p> <p>(ii) Attest that, at the time of plea or conviction, the person owned no firearms and had no firearms in their possession, and that the person currently owns no firearms and has no firearms in his or her possession.</p> <p><i>R.I. Gen. Laws § 15-15-3</i> <i>Protective orders -- Penalty -- Jurisdiction</i></p> <p>(b) After notice to the respondent and a hearing, which shall be held within fifteen (15) days of surrendering said firearms, the court, in addition to any other restrictions, may, for any protective order issued after or renewed on or after July 1, 2017, continue the order of surrender, and shall further order a person restrained under this section not to purchase or receive, or attempt to purchase or receive, any firearms while the protective order is in effect.</p> <p>(c) The Family Court shall provide a notice on all forms requesting a protective order that a person restrained under this section shall be ordered pursuant to § 11-47-5 to surrender possession of any firearms while the protective order is in effect. The form shall further provide that any person who has surrendered his or her firearms shall be afforded a hearing within fifteen (15) days of surrendering his or her firearms.</p>	<p>records of the sale. It shall be the duty of the police authority to whom the duplicate copy of the application form is sent or delivered to make a background check of the applicant to ascertain whether he or she falls under the provisions of § 11-47-5, 11-47-6, 11-47-7, or 11-47-23. If, after the lapse of seven (7) days from twelve o'clock (12:00) noon of the day following application, no disqualifying information has been received from the investigating police authority by the person who is selling the pistol or revolver, he or she will deliver the firearm applied for to the applicant. Upon the finding of no disqualifying information under the provisions of the above cited sections of this chapter, and in no case later than thirty (30) days after the date of application, the duplicate and triplicate copies of the application will be destroyed. Retention of the duplicate and triplicate copies in violation of this section or any unauthorized use of the information contained in the copies by a person or agency shall be punishable by a fine of not more than one thousand dollars (\$ 1,000). The provisions of this section shall not apply to bona fide sales at wholesale to duly licensed retail dealers, nor to purchases by retail dealers duly licensed under the provisions of § 11-47-39.</p> <p><i>R.I. Gen. Laws § 11-47-13</i> <i>Revocation of license or permit</i></p> <p>Any license or permit may be revoked for just cause at any time by the authority granting it, and, upon revocation, the authority shall give immediate notice to the attorney general, who shall immediately note the revocation, with the date of revocation, upon the copy of the license or permit on file in his or her office.</p> <p><i>R.I. Gen. Laws § 11-47-5.5</i> <i>Motion to lift firearms prohibition for persons convicted of specified misdemeanor domestic violence offenses -- Consecutive prohibitions -- Return of surrendered firearms</i></p>
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	<p>parties or counsel, is extended for an additional period. In case a temporary order is granted without notice, the matter shall be set down for a hearing within a reasonable time and may be given precedence of all matters except older matters of the same character, and when the matter comes on for a hearing, the party who obtained the temporary order shall proceed with the complaint for an order pursuant to § 15-15-3 and, if he or she does not do so, the court shall dissolve the temporary order.</p>		<p>(a) A person prohibited from purchasing, owning, carrying, transporting, or having in their possession any firearm solely because of a plea of nolo contendere to or a conviction of an offense enumerated in § 11-47-5(a)(4) may file a motion in the district court to have that firearm prohibition lifted in accordance with this section. A person who is otherwise prohibited under state law from purchasing, owning, carrying, transporting, or having in their possession any firearm shall not be eligible for relief under this section.</p>
SOUTH CAROLINA	<p>Order of Protection -Catch All Provision</p> <p>S.C. Code Ann. § 20-4-60 <i>Order of protection; contents.</i></p> <p>(B) Every order of protection issued pursuant to this chapter shall conspicuously bear the following language:</p> <p>(1) "Violation of this order is a criminal offense punishable by thirty days in jail or a</p>	<p>S.C. Code Ann. § 16-23-490</p> <p><i>§ 16-23-490. Additional punishment for possession of firearm or knife during commission of, or attempt to commit, violent crime.</i></p> <p>(A) If a person is in possession of a firearm or visibly displays what appears to be a firearm or visibly displays a knife during the commission of a violent crime and is convicted of committing or attempting to commit a violent crime as defined in Section 16-1-60, he must be imprisoned five years, in addition to the punishment provided for the</p>	<p>S.C. Code Ann. § 16-23-30</p> <p><i>Sale or delivery of handgun to and possession by certain persons unlawful; stolen handguns.</i></p> <p>(A) It is unlawful for a person to knowingly sell, offer to sell, deliver, lease, rent, barter, exchange, or transport for sale into this State any handgun to:</p> <p>(4) a person who by order of a circuit judge or county court judge of this State has been adjudged unfit to carry or possess a firearm, such</p>

<p>fine of two hundred dollars or may constitute contempt of court punishable by up to one year in jail and/or a fine not to exceed fifteen hundred dollars.” and</p> <p>(2) “Pursuant to Section 16-25-125 of the South Carolina Code of Laws, it is unlawful for a person who has been charged with or convicted of criminal domestic violence or criminal domestic violence of a high and aggravated nature, who is subject to an order of protection, or who is subject to a restraining order, to enter or remain upon the grounds or structure of a domestic violence shelter in which the person’s household member resides or the domestic violence shelter’s administrative offices. A person who violates this provision is guilty of a misdemeanor and, upon conviction, must be fined not more than three thousand dollars or imprisoned for not more than three years, or both. If the person is in possession of a dangerous weapon at the time of the violation, the person is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than five years, or both.”</p> <p>(C) When the court has, after a hearing for any order of protection, issued an order of protection, it may, in addition:</p> <p>(7) award any other relief authorized by Section 63-3-530; provided, however, the court must have due regard for any prior family court orders issued in an action between the parties.</p>	<p>principal crime. This five-year sentence does not apply in cases where the death penalty or a life sentence without parole is imposed for the violent crime.</p> <p><i>S.C. Code Ann. § 16-25-20 Acts prohibited; penalties.</i></p> <p>(B) Except as otherwise provided in this section, a person commits the offense of domestic violence in the first degree if the person violates the provisions of subsection (A) and:</p> <p>(4) the person uses a firearm in any manner while violating the provisions of subsection (A); or</p> <p><i>S.C. Code Ann. § 16-25-30 Firearms and ammunition prohibitions; penalties.</i></p> <p>(A) Notwithstanding the provisions of Section 16-23-30, it is unlawful for a person to ship, transport, receive, or possess a firearm or ammunition, if the person:</p> <p>(1) has been convicted of a violation of Section 16-25-20(B) or 16-25-65, or has been convicted of domestic violence in another state, tribe, or territory containing among its elements those elements enumerated in Section 16-25-20(B) or Section 16-25-65;</p> <p>(2) has been convicted of a violation of Section 16-25-20(C) and the court made specific findings and concluded that the person caused moderate bodily injury to their own household member, or has been convicted of domestic violence in another state, tribe, or territory containing among its elements those elements enumerated in Section 16-25-20(C) and the court made specific findings and concluded that the person caused moderate bodily injury to their own household member;</p> <p>(3) has been convicted of a violation of Section 16-25-20(C) or (D) and the judge at the time of sentencing ordered that the person is prohibited from shipping, transporting, receiving, or possessing a firearm or ammunition, or has been convicted of domestic violence in another state, tribe, or territory containing among its elements those elements enumerated in Section 16-25-20(C) or (D) and the judge at the time of sentencing ordered that the person is prohibited from shipping, transporting, receiving, or possessing a firearm or ammunition;</p> <p>(4) is subject to a valid order of protection issued by the family court pursuant to Chapter 4, Title 20, and the family</p>	<p>adjudication to be made upon application by any police officer, or by any prosecuting officer of this State, or sua sponte, by the court, but a person who is the subject of such an application is entitled to reasonable notice and a proper hearing prior to any such adjudication.</p> <p><i>S.C. Code Ann. § 23-31-215 Issuance of permits.</i></p> <p>(B) Upon submission of the items required by subsection (A), SLED must conduct or facilitate a local, state, and federal fingerprint review of the applicant. SLED also must conduct a background check of the applicant through notification to and input from the sheriff of the county where the applicant resides or if the applicant is a qualified nonresident, where the applicant owns real property in this State. The sheriff within ten working days after notification by SLED, may submit a recommendation on an application. Before making a determination whether or not to issue a permit under this article, SLED must consider the recommendation provided pursuant to this subsection. If the fingerprint review and background check are favorable, SLED must issue the permit.</p> <p>(J) A permit is valid statewide unless revoked because the person has:</p> <p>(1) become a person prohibited under state law from possessing a weapon;</p> <p>(2) moved his permanent residence to another state and no longer owns real property in this State;</p> <p>(3) voluntarily surrendered the permit; or</p> <p>(4) been charged with an offense that, upon conviction, would prohibit the person from possessing a firearm. However, if the person subsequently is found not guilty of the offense, then his permit must be reinstated at no charge.</p>
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court judge at the time of the hearing made specific findings of physical harm, bodily injury, assault, or that the person offered or attempted to cause physical harm or injury to a person's own household member with apparent and present ability under the circumstances reasonably creating fear of imminent peril and the family court judge ordered that the person is prohibited from shipping, transporting, receiving, or possessing a firearm or ammunition. The standard applied in this subsection applies only to the determination of whether to prohibit a person from possessing a firearm or ammunition and does not apply to the issuance of the order pursuant to Chapter 4, Title 20; or

(5) is subject to a valid order of protection related to domestic or family violence issued by a court of another state, tribe, or territory in compliance with the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act, and the judge at the time of the hearing made specific findings of physical harm, bodily injury, assault, or that the person offered or attempted to cause physical harm or injury to a person's own household member with apparent and present ability under the circumstances reasonably creating fear of imminent peril and the judge ordered that the person is prohibited from shipping, transporting, receiving, or possessing a firearm or ammunition. The standard applied in this subsection applies only to the determination of whether to prohibit a person from possessing a firearm or ammunition and does not apply to the issuance of the order pursuant to Chapter 4, Title 20.

(B) A person who violates subsection (A)(1) is guilty of a felony and, upon conviction, must be fined not more than two thousand dollars or imprisoned for not more than five years, or both. A person who violates subsection (A)(2) or (A)(3) is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than three years, or both. A person who violates subsection (A)(4) or (A)(5) is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

(F)(1) Following the period of time established in subsection (E), if the person has not been convicted of any other domestic violence offenses pursuant to this article or similar offenses in another jurisdiction, no domestic violence charges are currently pending against the person, and the person is not otherwise prohibited from shipping, transporting, receiving, or possessing a firearm or

		<p>ammunition pursuant to any other State law, the person's right to ship, transport, receive, or possess a firearm or ammunition shall be restored.</p> <p>(2) Following the period of time established in subsection (E), if the person requests in writing to the South Carolina Law Enforcement Division (SLED), SLED shall notify the National Instant Criminal Background Check System (NICS) that the State has restored the person's right to ship, transport, receive, or possess a firearm or ammunition, and shall request immediate removal of the person's name to whom the restrictions contained in this section apply.</p>	
SOUTH DAKOTA	<p><u>Protection Order</u></p> <p>Catch All Provision</p> <p><i>S.D. Codified Laws § 25-10-5</i> <i>Relief authorized on finding abuse — Time limitation.</i></p> <p>Upon notice and a hearing, if the court finds by a preponderance of the evidence that domestic abuse has taken place, the court may provide relief as follows:</p> <p>(6) Order other relief as the court deems necessary for the protection of the person to whom relief is being granted, including orders or directives to a sheriff or constable.</p> <p><u>Temporary Protection Order – Catch All Provision</u></p> <p><i>S.D. Codified Laws § 25-10-6</i> <i>Ex parte temporary protection order.</i></p> <p>If an affidavit filed with an application under this chapter alleges that immediate and irreparable injury, loss, or damage will result before an adverse party or his or her attorney can be heard in opposition, the court may grant an ex parte temporary protection order pending a full hearing and granting relief as the court deems proper, including an order:</p> <p>(1) Restraining any person in a relationship described in § 25-10-3.1 from committing acts of domestic abuse;</p>	<p><i>S.D. Codified Laws § 25-10-24</i> <i>Surrender of weapon.</i></p> <p>The court may require the defendant to surrender any dangerous weapon or any concealed pistol permit issued under 23-7 in the defendant's possession to local law enforcement.</p> <p><i>S.D. Codified Laws § 22-14-15.2</i> <i>Possession of firearm after conviction of crime involving domestic violence — Misdemeanor — Loss of right to possess firearm — Restoration of rights [this section is repealed on the date when any federal law restricting the right to possess firearms for misdemeanor domestic violence convictions is repealed.]</i></p> <p>No person who has been convicted of any misdemeanor crime involving an act of domestic violence may possess or have control of a firearm for a period of one year from the date of conviction. Any violation of this section is a Class 1 misdemeanor. At the end of the one year period, any civil rights lost as a result of this provision shall be restored. Any person who has lost their right to possess or have control of a firearm as a result of a misdemeanor conviction involving an act of domestic violence, prior to July 1, 2005, shall be restored to those civil rights one year after July 1, 2005. This section shall be repealed on the date when any federal law restricting the right to possess firearms for misdemeanor domestic violence convictions is repealed.</p> <p>Once eligible under the statute, a person convicted under this section may petition the convicting court for an order reflecting the restoration of any firearm rights lost, if the person has not been convicted within the prior year of a crime for which firearm rights have been lost. A petition</p> <p><i>S.D. Codified Laws § 23-7-7.1</i> <i>Requirements for issuance of temporary permit — Time — Appeal of denial. [Effective July 1, 2019]</i></p> <p>A temporary permit to carry a concealed pistol shall be issued to a person under Section 23-7-7 within five days of application if the person:</p> <ul style="list-style-type: none"> (1) Is eighteen years of age or older; (2) Has never pled guilty to, nolo contendere to, or been convicted of a felony or a crime of violence; (3) Is not habitually in an intoxicated or drugged condition; (4) Has no history of violence; (5) Has not been found in the previous ten years to be a danger to others or a danger to self as defined in Section 27A-1-1 or is not currently adjudged mentally incompetent; (6) Has physically resided in and is a resident of the county where the application is being made for at least thirty days immediately preceding the date of the application; (7) Has had no violation of chapter 23-7, 22-14, or 22-42 constituting a felony or misdemeanor in the five years preceding the date of application or is not currently charged under indictment or information for such an offense; (8) Is a citizen or legal resident of the United States; (9) Is not a fugitive from justice; and (10) Is not otherwise prohibited by state law, 18 U.S.C. Section 922(g) as amended to October 26, 2005, or 18 U.S.C. Section 922(n) as amended to October 26, 2005, from receiving, possessing or 	

<p>(2) Excluding any person in a relationship described in § 25-10-3.1 from the dwelling or the residence of the petitioner.</p>	<p>filed under this section shall be verified by the petitioner and served upon the states attorney in the county where the conviction occurred. Thirty days after service upon the states attorney, the court shall enter the order, if the court finds that the petitioner is eligible for relief under this section.</p>	<p>transporting a firearm, and passes a National Instant Criminal Background Check. A person denied a permit may appeal to the circuit court pursuant to chapter 1-26.</p> <p><u>S.D. Codified Laws § 23-7-64</u> <i>Revocation of gold card permit to carry concealed pistol — Grounds — Return of card.</i></p> <p>A gold card permit to carry a concealed pistol or an enhanced permit to carry a concealed pistol is automatically revoked upon failure to maintain the requirements under § 23-7-1 or if the gold card or enhanced permit holder becomes prohibited by state law, 18 U.S.C. 922(g) as amended to October 26, 2005, or 18 U.S.C. 922(n) as amended to October 26, 2005, from receiving, possessing, or transporting a firearm. Upon such occurrence, the permit holder shall immediately return the gold card or enhanced concealed pistol permit to the county sheriff of the permit holder's county of residence. If the permit has not been returned, upon learning that a permit holder is ineligible for a gold card or enhanced permit for any violent crime or for a crime punishable by more than one year of incarceration, the sheriff of the permit holder's county of residence shall secure the possession and return of the gold card or enhanced permit forthwith. For any other disqualifying offense set forth above the sheriff of the permit holder's county of residence shall secure the possession and return of the gold card or enhanced permit as soon as reasonably possible after being notified of the holder's ineligibility. A gold card or enhanced permit holder whose permit has been secured by law enforcement under this section may petition the circuit court for the return of the gold card or enhanced permit if the permit holder believes the gold card or enhanced permit was unlawfully secured. Law enforcement may communicate with federally licensed firearms dealers relative to revoked gold card or enhanced permits.</p>
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TENNESSEE	<p>Protection Order Catch-all Provision</p> <p><i>Tenn. Code Ann. § 36-3-606</i> <i>Scope of protection order.</i></p> <p>(a) A protection order granted under this part to protect the petitioner from domestic abuse, stalking or sexual assault may include, but is not limited to:</p> <ul style="list-style-type: none"> (1) Directing the respondent to refrain from committing domestic abuse, stalking or sexual assault or threatening to commit domestic abuse, stalking or sexual assault against the petitioner or the petitioner's minor children; (2) Prohibiting the respondent from coming about the petitioner for any purpose, from telephoning, contacting, or otherwise communicating with the petitioner, directly or indirectly; (3) Prohibiting the respondent from stalking the petitioner, as defined in § 39-17-315; (4) Granting to the petitioner possession of the residence or household to the exclusion of the respondent by evicting the respondent, by restoring possession to the petitioner, or by both; (5) Directing the respondent to provide suitable alternate housing for the petitioner when the respondent is the sole owner or lessee of the residence or household; (6) Awarding temporary custody of, or establishing temporary visitation rights with regard to, any minor children born to or adopted by the parties; (7) Awarding financial support to the petitioner and such persons as the respondent has a duty to support. Except in cases of paternity, the court shall not have the authority to order financial support unless the petitioner and respondent are legally married. Such order may be enforced pursuant to chapter 5 of this title; 	<p><i>Tenn. Code Ann. § 36-3-620</i> <i>Seizure of weapons in possession of alleged domestic abuser.</i></p> <p>(a)(1) If a law enforcement officer has probable cause to believe that a criminal offense involving domestic abuse against a victim, as defined in § 36-3-601, has occurred, the officer shall seize all weapons that are alleged to have been used by the abuser or threatened to be used by the abuser in the commission of a crime.</p> <p>(2) Incident to an arrest for a crime involving domestic abuse against a victim, as defined in § 36-3-601, a law enforcement officer may seize a weapon that is in plain view of the officer or discovered pursuant to a consensual search, if necessary for the protection of the officer or other persons; provided, that a law enforcement officer is not required to remove a weapon such officer believes is needed by the victim for self defense.</p> <p>(b) The provisions of § 39-17-1317, relative to the disposition of confiscated weapons, shall govern all weapons seized pursuant to this section that were used or threatened to be used by the abuser to commit the crime; provided, that if multiple weapons are seized, the court shall have the authority to confiscate only the weapon or weapons actually used or threatened to be used by the abuser to commit the crime. All other weapons seized shall be returned upon disposition of the case. Also, the officer shall append an inventory of all seized weapons to the domestic abuse report that the officer files with the officer's supervisor pursuant to § 36-3-619(e).</p> <p>(c) The officer's supervisor shall include the appended information on seized weapons in the compilation of data that the officer's supervisor forwards to the administrative director of the courts pursuant to § 36-3-619(f).</p> <p><i>Tenn. Code Ann. § 40-11-150</i> <i>Determination of risk to victim prior to release -- Conditional release -- Discharge of conditions -- Notification to law enforcement.</i></p> <p>(b) Before releasing a person arrested for or charged with an offense specified in subsection (a), or a violation of an order of protection, the magistrate shall make findings on the</p>	<p><i>Tenn. Code Ann. § 39-17-1351</i> <i>Handgun carry permits.</i></p> <p>(c) The application for a permit shall be on a standard form developed by the department. The application shall clearly state in bold face type directly above the signature line that an applicant who, with intent to deceive, makes any false statement on the application commits the felony offense of perjury pursuant to § 39-16-702. The following are eligibility requirements for obtaining an enhanced handgun carry permit and the application shall require the applicant to disclose and confirm compliance with, under oath, the following information concerning the applicant and the eligibility requirements:</p> <p>(16) That the applicant has not been convicted of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921;</p> <p><i>Tenn. Code Ann. § 39-17-1352</i> <i>Suspension or revocation of license.</i></p> <p>(a) The department shall suspend or revoke a handgun permit upon a showing by its records or other sufficient evidence that the permit holder:</p> <p>(8) Has been convicted of domestic assault as defined in § 39-13-111, or any other misdemeanor crime of domestic violence and is still subject to the disabilities of such a conviction;</p> <p><i>Tenn. Code Ann. § 39-17-1316</i> <i>Sales of dangerous weapons -- Certification of purchaser -- Exceptions -- Licensing of dealers -- Definitions.</i></p> <p>(n) In addition to the other grounds for denial, the bureau shall deny the transfer of a firearm if the background check reveals information indicating that the purchaser has been charged with a crime for which the purchaser, if convicted, would be prohibited under state or federal law from purchasing, receiving, or possessing a firearm; and, either there has been no</p>
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<p>(8) Directing the respondent to attend available counseling programs that address violence and control issues or substance abuse problems. A violation of a protection order or part of such order that directs counseling pursuant to this subdivision (a)(8) may be punished as criminal or civil contempt. Section 36-3-610(a) applies with respect to a nonlawyer general sessions judge who holds a person in criminal contempt for violating this subdivision (a)(8);</p> <p>(9) Directing the care, custody, or control of any animal owned, possessed, leased, kept, or held by either party or a minor residing in the household. In no instance shall the animal be placed in the care, custody, or control of the respondent, but shall instead be placed in the care, custody or control of the petitioner or in an appropriate animal foster situation;</p> <p>(10) Directing the respondent to immediately and temporarily vacate a residence shared with the petitioner, pending a hearing on the matter, notwithstanding any provision of this part to the contrary;</p> <p>(11) Directing the respondent to pay the petitioner all costs, expenses and fees pertaining to the petitioner's breach of a lease or rental agreement for residential property if the petitioner is a party to the lease or rental agreement and if the court finds that continuing to reside in the rented or leased premises may jeopardize the life, health and safety of the petitioner or the petitioner's children. Nothing in this subdivision (a)(11) shall be construed as altering the terms of, liability for, or parties to such lease or rental agreement; or</p> <p>(12) Ordering a wireless service provider to transfer the billing responsibility for and rights to the wireless telephone number or numbers to a petitioner pursuant to § 36-3-621.</p>	<p>record, if possible, concerning the determination made in accordance with subsection (a), and shall impose one (1) or more conditions of release or bail on the defendant to protect the alleged victim of any such offense and to ensure the appearance of the defendant at a subsequent court proceeding. The conditions may include:</p> <p>(4) An order prohibiting the defendant from using or possessing a firearm or other weapon specified by the magistrate;</p> <p style="text-align: center;"><i>Tenn. Code Ann. § 40-14-109</i> <i>Domestic violence offenses -- Notice to defendant.</i></p> <p>(b) Before the court accepts the guilty plea of a defendant charged with a domestic violence offense, it shall notify the defendant of the following:</p> <p>(1) Pursuant to § 39-17-1307(f)(1), and 18 U.S.C. § 922(g), it is a state and federal offense for a person convicted of a domestic violence offense, and who is still subject to the disabilities of such a conviction, to possess or purchase a firearm. This means that from the moment of conviction for a domestic violence offense, the defendant will never again be able to lawfully possess or buy a firearm of any kind;</p> <p>(2) A defendant convicted of a domestic violence offense also must lawfully dispose of all firearms in the defendant's possession at the time of the conviction;</p> <p>(3) If the defendant possesses firearms as business inventory or that are registered under the National Firearms Act (26 U.S.C. §§ 5801 et seq.), there are additional statutory provisions that may apply and these additional provisions will be included in the court's order; and</p> <p>(4) A firearm subject to dispossession as the result of a domestic violence conviction will not be forfeited as provided in § 39-17-1317, unless the possession of the firearm prior to committing the domestic violence offense constituted an independent offense for which the defendant has been convicted, or the firearms are abandoned by the defendant.</p>	<p>final disposition of the case, or the final disposition is not noted.</p>
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Ex Parte Protection Order

Tenn. Code Ann. § 36-3-605

Ex parte protection order -- Hearing -- Extension.

- (a) Upon the filing of a petition under this part, the courts may immediately, for good cause shown, issue an ex parte order of protection. An immediate and present danger of abuse to the petitioner shall constitute good cause for purposes of this section.
- (b) Within fifteen (15) days of service of such order on the respondent under this part, a hearing shall be held, at which time the court shall either dissolve any ex parte order that has been issued, or shall, if the petitioner has proved the allegation of domestic abuse, stalking or sexual assault by a preponderance of the evidence, extend the order of protection for a definite period of time, not to exceed one (1) year, unless a further hearing on the continuation of such order is requested by the respondent or the petitioner; in which case, on proper showing of cause, such order may be continued for a further definite period of one (1) year, after which time a further hearing must be held for any subsequent one-year period. Any ex parte order of protection shall be in effect until the time of the hearing, and, if the hearing is held within fifteen (15) days of service of such order, the ex parte order shall continue in effect until the entry of any subsequent order of protection issued pursuant to [§ 36-3-609](#). If no ex parte order of protection has been issued as of the time of the hearing, and the petitioner has proven the allegation of domestic abuse, stalking or sexual assault by a preponderance of the evidence, the court may, at that time, issue an order of protection for a definite period of time, not to exceed one (1) year.

TEXAS	<p>Protective Order- Discretionary</p> <p><i>Tex. Fam. Code § 85.022</i> <i>Requirements of Order Applying to Person Who Committed Family Violence.</i></p> <p>(b) In a protective order, the court may prohibit the person found to have committed family violence from:</p> <p>(6) possessing a firearm, unless the person is a peace officer, as defined by Section 1.07, Penal Code, actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision; and</p> <p><i>Tex. Fam. Code § 85.026</i> <i>Warning on Protective Order.</i></p> <p>(a) Each protective order issued under this subtitle, including a temporary ex parte order, must contain the following prominently displayed statements in boldfaced type, capital letters, or underlined: “IT IS UNLAWFUL FOR ANY PERSON, OTHER THAN A PEACE OFFICER, AS DEFINED BY SECTION 1.07, PENAL CODE, ACTIVELY ENGAGED IN EMPLOYMENT AS A SWORN, FULL-TIME PAID EMPLOYEE OF A STATE AGENCY OR POLITICAL SUBDIVISION, WHO IS SUBJECT TO A PROTECTIVE ORDER TO POSSESS A FIREARM OR AMMUNITION.”</p> <p>Temporary Ex Parte Order</p> <p><i>Tex. Fam. Code § 83.001</i> <i>Requirements for Temporary Ex Parte Order.</i></p> <p>(a) If the court finds from the information contained in an application for a protective order that there is a clear and present danger of family violence, the court, without further notice to the individual alleged to have</p>	<p><i>Tex. Code Crim. Proc. Art. 17.292</i> <i>Magistrate’s Order for Emergency Protection.</i></p> <p>(b) At a defendant’s appearance before a magistrate after arrest for an offense involving family violence, the magistrate shall issue an order for emergency protection if the arrest is for an offense that also involves:</p> <p>(4) possessing a firearm, unless the person is a peace officer, as defined by Section 1.07, Penal Code, actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision.</p> <p>(l) In the order for emergency protection, the magistrate shall suspend a license to carry a handgun issued under Subchapter H, Chapter 411, Government Code, that is held by the defendant.</p> <p><i>Tex. Code Crim. Proc. Art. 17.293</i> <i>Delivery of Order for Emergency Protection to Other Persons.</i></p> <p>The magistrate or the clerk of the magistrate’s court issuing an order for emergency protection under Article 17.292 that suspends a license to carry a handgun shall immediately send a copy of the order to the appropriate division of the Department of Public Safety at its Austin headquarters. On receipt of the order suspending the license, the department shall:</p> <p>(1) record the suspension of the license in the records of the department;</p> <p>(2) report the suspension to local law enforcement agencies, as appropriate; and</p> <p>(3) demand surrender of the suspended license from the license holder.</p> <p><i>Tex. Penal Code § 25.07</i> <i>Violation of Certain Court Orders or Conditions of Bond in a Family Violence, Child Abuse or Neglect, Sexual Assault or Abuse, Stalking, or Trafficking Case. [Effective until January 1, 2021]</i></p> <p>(a) A person commits an offense if, in violation of a condition of bond set in a family violence, sexual assault or abuse, indecent assault, stalking, or trafficking case and related to the safety of a victim or the safety of the community, an order issued under Chapter 7A, Code of</p>	<p><i>Tex. Gov’t Code § 411.172</i> <i>Eligibility.</i></p> <p>(a) A person is eligible for a license to carry a handgun if the person:</p> <p>(12) is not currently restricted under a court protective order or subject to a restraining order affecting the spousal relationship, other than a restraining order solely affecting property interests;</p> <p><i>Tex. Gov’t Code § 411.173</i> <i>Nonresident License.</i></p> <p>(b) The governor shall negotiate an agreement with any other state that provides for the issuance of a license to carry a handgun under which a license issued by the other state is recognized in this state or shall issue a proclamation that a license issued by the other state is recognized in this state if the attorney general of the State of Texas determines that a background check of each applicant for a license issued by that state is initiated by state or local authorities or an agent of the state or local authorities before the license is issued. For purposes of this subsection, “background check” means a search of the National Crime Information Center database and the Interstate Identification Index maintained by the Federal Bureau of Investigation.</p> <p><i>Tex. Gov’t Code § 411.174</i> <i>Application.</i></p> <p>(b) An applicant must provide on the application a statement of the applicant’s:</p> <p>(7) criminal history record information of the type maintained by the department under this chapter, including a list of offenses for which the applicant was arrested, charged, or under an information or indictment and the disposition of the offenses; and</p> <p>(8) history, if any, of treatment received by, commitment to, or residence in:</p>
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<p>committed family violence and without a hearing, may enter a temporary ex parte order for the protection of the applicant or any other member of the family or household of the applicant.</p> <p>(b) In a temporary ex parte order, the court may direct a respondent to do or refrain from doing specified acts.</p>	<p>Criminal Procedure, an order issued under Article 17.292, Code of Criminal Procedure, an order issued under Section 6.504, Family Code, Chapter 83, Family Code, if the temporary ex parte order has been served on the person, Chapter 85, Family Code, or Subchapter F, Chapter 261, Family Code, or an order issued by another jurisdiction as provided by Chapter 88, Family Code, the person knowingly or intentionally:</p> <p class="list-item-l1">(4) possesses a firearm;</p> <p><i>Tex. Penal Code § 25.07</i> <i>Violation of Certain Court Orders or Conditions of Bond in a Family Violence, Child Abuse or Neglect, Sexual Assault or Abuse, Stalking, or Trafficking Case. [Effective January 1, 2021]</i></p> <p class="list-item-l1">(a) A person commits an offense if, in violation of a condition of bond set in a family violence, sexual assault or abuse, indecent assault, stalking, or trafficking case and related to the safety of a victim or the safety of the community, an order issued under Subchapter A, Chapter 7B, Code of Criminal Procedure, an order issued under Article 17.292, Code of Criminal Procedure, an order issued under Section 6.504, Family Code, Chapter 83, Family Code, if the temporary ex parte order has been served on the person, Chapter 85, Family Code, or Subchapter F, Chapter 261, Family Code, or an order issued by another jurisdiction as provided by Chapter 88, Family Code, the person knowingly or intentionally:</p> <p class="list-item-l2">(4) possesses a firearm;</p> <p><i>Tex. Penal Code § 46.04</i> <i>Unlawful Possession of Firearm. [Effective until January 1, 2021]</i></p> <p class="list-item-l1">(c) A person, other than a peace officer, as defined by Section 1.07, actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision, who is subject to an order issued under Section 6.504 or Chapter 85, Family Code, under Article 17.292 or Chapter 7A, Code of Criminal Procedure, or by another jurisdiction as provided by Chapter 88, Family Code, commits an offense if the person possesses a firearm after</p>	<p>(A) a drug or alcohol treatment center licensed to provide drug or alcohol treatment under the laws of this state or another state, but only if the treatment, commitment, or residence occurred during the preceding five years; or</p> <p>(B) a psychiatric hospital.</p> <p><i>Tex. Gov't Code § 411.186</i> <i>Revocation.</i></p> <p>(a) The department shall revoke a license under this section if the license holder:</p> <p class="list-item-l1">(1) was not entitled to the license at the time it was issued;</p> <p class="list-item-l1">(2) made a material misrepresentation or failed to disclose a material fact in an application submitted under this subchapter;</p> <p class="list-item-l1">(3) subsequently becomes ineligible for a license under Section 411.172, unless the sole basis for the ineligibility is that the license holder is charged with the commission of a Class A or Class B misdemeanor or equivalent offense, or of an offense under Section 42.01, Penal Code, or equivalent offense, or of a felony under an information or indictment;</p> <p class="list-item-l1">(4) is convicted of an offense under Section 46.035, Penal Code;</p> <p class="list-item-l1">(5) is determined by the department to have engaged in conduct constituting a reason to suspend a license listed in Section 411.187(a) after the person's license has been previously suspended twice for the same reason; or</p> <p class="list-item-l1">(6) submits an application fee that is dishonored or reversed if the applicant fails to submit a cashier's check or money order made payable to the "Department of Public Safety of the State of Texas" in the amount of the dishonored or reversed fee, plus \$25, within 30 days of being notified by the department that the fee was dishonored or reversed.</p>
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		<p>receiving notice of the order and before expiration of the order.</p> <p><i>Tex. Penal Code § 46.04</i> <i>Unlawful Possession of Firearm. [Effective January 1, 2021]</i></p> <p>(c) A person, other than a peace officer, as defined by Section 1.07, actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision, who is subject to an order issued under Section 6.504 or Chapter 85, Family Code, under Article 17.292 or Chapter 7A, Chapter 7B, Code of Criminal Procedure, or by another jurisdiction as provided by Chapter 88, Family Code, commits an offense if the person possesses a firearm after receiving notice of the order and before expiration of the order.</p> <p><i>Tex. Penal Code § 46.06</i> <i>Unlawful Transfer of Certain Weapons.</i></p> <p>(a) A person commits an offense if the person: (5) sells, rents, leases, loans, or gives a handgun to any person knowing that an active protective order is directed to the person to whom the handgun is to be delivered; or (6) knowingly purchases, rents, leases, or receives as a loan or gift from another a handgun while an active protective order is directed to the actor.</p>	
UTAH	<p><i>Utah Code Ann. § 78B-7-603</i> <i>Cohabitan abuse protective orders — Ex parte cohabitant abuse protective orders — Modification of orders — Service of process — Duties of the court.</i></p> <p>(1) If it appears from a petition for a protective order or a petition to modify a protective order that domestic violence or abuse has occurred, that there is a substantial likelihood domestic violence or abuse will occur, or that a modification of a protective order is required, a court may: (a) without notice, immediately issue an ex parte cohabitant abuse protective order or modify an order for protection ex parte as it</p>	<p><i>Utah Code Ann. § 77-36-2.1</i> <i>Duties of law enforcement officers — Notice to victims.</i></p> <p>(1) A law enforcement officer who responds to an allegation of domestic violence shall use all reasonable means to protect the victim and prevent further violence, including: (b) confiscating the weapon or weapons involved in the alleged domestic violence;</p> <p><i>Utah Code Ann. § 77-36-5.1</i> <i>Conditions of probation for person convicted of domestic violence offense — Continuous protective orders.</i></p> <p>(2) The court may condition probation or a plea in abeyance on the perpetrator's compliance with one or more orders of the court, which may include: (a) a sentencing protective order issued in accordance with Section 78B-7-804:</p>	<p><i>Utah Code Ann. § 76-10-526</i> <i>Criminal background check prior to purchase of a firearm — Fee — Exemption for concealed firearm permit holders and law enforcement officers.</i></p> <p>(3)(a) A criminal history background check is required for the sale of a firearm by a licensed firearm dealer in the state. (b) Subsection (3)(a) does not apply to the sale of a firearm to a Federal Firearms Licensee. (4)(a) An individual purchasing a firearm from a dealer shall consent in writing to a criminal background check, on a form provided by the bureau.</p>

	<p>considers necessary to protect the petitioner and all parties named to be protected in the petition; or</p> <p>(b) upon notice, issue an order for protection or modify an order after a hearing, regardless of whether the respondent appears.</p> <p>(2) A court may grant the following relief without notice in a protective order or a modification issued ex parte:</p> <p>(f) upon finding that the respondent's use or possession of a weapon may pose a serious threat of harm to the petitioner, prohibit the respondent from purchasing, using, or possessing a firearm or other weapon specified by the court;</p>	<p>(c) prohibiting the perpetrator from purchasing, using, or possessing a firearm or other specified weapon;</p> <p>(d) directing the perpetrator to surrender any weapons the perpetrator owns or possesses;</p> <p style="text-align: center;"><i>Utah Code Ann. § 77-36-1</i> <i>Definitions.</i></p> <p>(4) "Domestic violence" or "domestic violence offense" means any criminal offense involving violence or physical harm or threat of violence or physical harm, or any attempt, conspiracy, or solicitation to commit a criminal offense involving violence or physical harm, when committed by one cohabitant against another. "Domestic violence" or "domestic violence offense" includes commission or attempt to commit, any of the following offenses by one cohabitant against another:</p> <p>(p) disorderly conduct, as defined in Section 76-9-102, if a conviction of disorderly conduct is the result of a plea agreement in which the defendant was originally charged with a domestic violence offense otherwise described in this Subsection (4), except that a conviction of disorderly conduct as a domestic violence offense, in the manner described in this Subsection (4) (p), does not constitute a misdemeanor crime of domestic violence under 18 U.S.C. Sec. 921, and is exempt from the federal Firearms Act, 18 U.S.C. Sec. 921 et seq.;</p>	
VERMONT	<p>Protection Order Catchall Provision No specific firearms relief within the protection order statute</p> <p style="text-align: center;"><i>15 V.S.A. § 1103</i> <i>Requests for relief</i></p> <p>(c) (1) The court shall make such orders as it deems necessary to protect the plaintiff or the children, or both, if the court finds that the defendant has abused the plaintiff, and:</p> <p>(A) there is a danger of further abuse; or</p> <p>(B) the defendant is currently incarcerated and has been convicted of one of the following: murder, attempted murder, kidnapping, domestic assault, aggravated domestic assault, sexual assault, aggravated</p>	<p style="text-align: center;"><i>13 V.S.A. § 1048</i> <i>Removal of firearms</i></p> <p>a) (1) When a law enforcement officer arrests, cites, or obtains an arrest warrant for a person for domestic assault in violation of this subchapter, the officer may remove any firearm:</p> <p>(A) that is contraband or will be used as evidence in a criminal proceeding; or</p> <p>(B) that is in the immediate possession or control of the person being arrested or cited, in plain view of the officer at the scene of the alleged domestic assault, or discovered during a lawful search, including under exigent circumstances, if the removal is necessary for the protection of the officer, the alleged victim, the person being arrested or cited, or a family member of the alleged victim or of the person being arrested or cited.</p>	<p style="text-align: center;"><i>13 V.S.A. § 4019</i> <i>Firearms transfers; background checks</i></p> <p>(c)(1) A licensed dealer who agrees to facilitate a firearm transfer pursuant to this section shall comply with all requirements of State and federal law and shall, unless otherwise expressly provided in this section, conduct the transfer in the same manner as the licensed dealer would if selling the firearm from his or her own inventory, but shall not be considered a vendor.</p> <p>(2) A licensed dealer shall return the firearm to the proposed transferor and decline to continue facilitating the transfer if the licensed dealer determines that the proposed transferee is prohibited by federal or State law from purchasing or possessing the firearm.</p>

<p>sexual assault, stalking, aggravated stalking, lewd or lascivious conduct with a child, use of a child in a sexual performance, or consenting to a sexual performance.</p>	<p>(2) As used in this section, "family member" means any family member, a household member as defined in 15 V.S.A. § 1101(2), or a child of a family member or household member.</p> <p style="text-align: center;"><i>13 V.S.A. § 1043</i></p> <p style="text-align: center;"><i>First degree aggravated domestic assault</i></p> <p class="list-item-l1">(a) A person commits the crime of first degree aggravated domestic assault if the person:</p> <p class="list-item-l2">(1) attempts to cause or willfully or recklessly causes serious bodily injury to a family or household member; or</p> <p class="list-item-l2">(2) uses, attempts to use, or is armed with a deadly weapon and threatens to use the deadly weapon on a family or household member; or</p> <p class="list-item-l2">(3) commits the crime of domestic assault and has been previously convicted of aggravated domestic assault.</p> <p class="list-item-l1">(b) A person who commits the crime of first degree aggravated domestic assault shall be imprisoned not more than 15 years or fined not more than \$ 25,000.00, or both.</p> <p class="list-item-l1">(c) Conduct constituting the offense of first degree aggravated domestic assault under this section shall be considered a violent act for the purpose of determining bail.</p> <p style="text-align: center;"><i>20 V.S.A. § 2307</i></p> <p style="text-align: center;"><i>Firearms relinquished pursuant to relief from abuse order; storage; fees; return</i></p> <p class="list-item-l1">(b)(1) A person who is required to relinquish firearms, ammunition, or other weapons in the person's possession by a court order issued under 15 V.S.A. chapter 21 (abuse prevention) or any other provision of law consistent with 18 U.S.C. § 922(g)(8) shall, unless the court orders an alternative relinquishment pursuant to subdivision (2) of this subsection, upon service of the order immediately relinquish the firearms, ammunition, or weapons to a cooperating law enforcement agency or an approved federally licensed firearms dealer. As used in this subdivision, "person" means anyone who meets the definition of "intimate partner" under 18 U.S.C. § 921(a)(32) or who qualifies as a family or household member under 15 V.S.A. § 1101.</p> <p class="list-item-l1">(2) (A) The court may order that the person relinquish the firearms, ammunition, or other weapons to a person other than a cooperating law enforcement agency or an approved federally licensed firearms dealer unless the court finds that</p>	<p>(3) A licensed dealer may charge a reasonable fee to facilitate the transfer of a firearm between a proposed transferor and a proposed transferee pursuant to this section.</p>
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relinquishment to the other person will not adequately protect the safety of the victim.

(B) A person to whom firearms, ammunition, or other weapons are relinquished pursuant to subdivision (2)(A) of this subsection (b) shall execute an affidavit on a form approved by the Court Administrator stating that the person:

- (i)** acknowledges receipt of the firearms, ammunition, or other weapons;
- (ii)** assumes responsibility for storage of the firearms, ammunition, or other weapons until further order of the court, and specifies the manner in which he or she will provide secure storage of such items;
- (iii)** is not prohibited from owning or possessing firearms under State or federal law; and
- (iv)** understands the obligations and requirements of the court order, including the potential for the person to be subject to civil contempt proceedings pursuant to subdivision (2)(C) of this subsection (b) if the person permits the firearms, ammunition, or other weapons to be possessed, accessed, or used by the person who relinquished the item or by any other person not authorized by law to do so.

(C) A person to whom firearms, ammunition, or other weapons are relinquished pursuant to subdivision (2)(A) of this subsection (b) shall be subject to civil contempt proceedings under [12 V.S.A. chapter 5](#) if the person permits the firearms, ammunition, or other weapons to be possessed, accessed, or used by the person who relinquished the item or by any other person not authorized by law to do so. In the event that the person required to relinquish the firearms, ammunition, or other weapons or any other person not authorized by law to possess the relinquished items obtains access to, possession of, or use of a relinquished item, all relinquished items shall be immediately transferred to the possession of a law enforcement agency or approved federally licensed firearms dealer pursuant to subdivision (1) of this subsection (b).

*[28 V.S.A. § 252](#)
Conditions of probation*

- (b)** When imposing a sentence of probation, the court may, as a condition of probation, require that the offender:
- (8)** Refrain from purchasing or possessing a firearm or ammunition therefor, destructive device, or other dangerous

		weapon unless granted written permission by the court or probation officer.	
VIRGIN ISLANDS	<p><u>Order of Protection</u></p> <p style="text-align: center;"><u>34 V.I.C. § 475</u></p> <p><i>Protective order for an elder or dependent adult who has suffered abuse; prohibition against possession of firearm</i></p> <p>(n)(1) An order issued pursuant to this section must prohibit the person subject to it from owning, possessing, purchasing, receiving, or attempting to purchase or receive, a firearm.</p> <p>(2) Paragraph (1) does not apply to a cause of action based solely on financial abuse unaccompanied by force, threat, harassment, intimidation, or any other form of abuse.</p> <p>(3) The court shall order a person subject to a protective order issued under this section to relinquish any firearms they own or possess.</p> <p>(4) Every person who owns, possesses, purchases, or receives, or attempts to purchase or receive a firearm while the protective order is in effect, in violation of 23 V.I.C. § 456a(a)(8), is subject to punishment under title 14 V.I.C. § 2253.</p> <p>(o) Orders of protection may be enforced by citation to show cause for contempt of court by reason of any violation thereof and by issuance of a warrant to take the alleged violator into custody and bring the violator before the court.</p> <p><u>Temporary Orders</u></p> <p style="text-align: center;"><u>14 V.I.C. § 113</u></p> <p><i>Temporary orders; Harassment Prevention Order</i></p>	<p style="text-align: center;"><u>16 V.I.C. § 99</u></p> <p><i>Criminal proceedings</i></p> <p>(c) When a defendant charged with a crime or offense involving domestic violence is released from custody before trial on bail or personal recognizance, the Court authorizing the release may as a condition of release issue an Order prohibiting the defendant from having any contact with the victim, including, but not limited to, restraining the defendant from entering the victim's residence, place of employment or business, or school, and from harassing the victim or victim's relatives in any way, prohibiting the defendant from using or possessing a firearm or any other weapon, from possessing or consuming any alcohol or controlled substances and by imposing any other order required to protect the safety of the alleged victim or to ensure the defendant's appearance in court. The Clerk of the Court, or other person designated by the court, shall provide a copy of this Order to the victim forthwith.</p> <p style="text-align: center;"><u>23 V.I.C. § 456a</u></p> <p><i>Persons ineligible to possess or carry firearms or ammunition</i></p> <p>(a) The following persons are ineligible for a license to possess or carry a firearm or ammunition as provided in this chapter:</p> <p>(9) a person who has been convicted in any court of a misdemeanor crime of domestic violence.</p> <p style="text-align: center;"><u>23 V.I.C. § 487</u></p> <p><i>Seizure and forfeiture</i></p> <p>(a) The following items of property shall be subject to seizure and forfeiture, and, upon forfeiture, no property right shall exist in them:</p> <p>1. Any firearm being worn, borne, or transported by any person not authorized pursuant to section 454 of this title, and, therefore, in violation of section 484 of this title.</p>	<p style="text-align: center;"><u>14 V.I.C. § 2253</u></p> <p><i>Carrying of firearms; openly or concealed; evidence of intent to commit crime of violence; definitions</i></p> <p>(a) Whoever, unless otherwise authorized by law, has, possesses, bears, transports or carries either, actually or constructively, openly or concealed any firearm, as defined in Title 23, section 451(d) of this code, loaded or unloaded, may be arrested without a warrant, and shall be sentenced to imprisonment of not less than ten years and shall be fined not less than \$10,000 nor more than \$15,000 or both the fine and imprisonment, except that if such person shall have been convicted of a felony in any state, territory, or federal court of the United States, or if such firearm or an imitation thereof was had, possessed, borne, transported or carried by or under the proximate control of such person during the commission or attempted commission of a crime of violence, as defined in subsection (d) hereof, then such person shall be fined \$25,000 and imprisoned not less than fifteen (15) years nor more than twenty (20) years. The foregoing applicable penalties provided for violation of this section shall be in addition to the penalty provided for the commission of, or attempt to commit, the felony or crime of violence.</p> <p>(b) Whoever, unless otherwise authorized by law, has, possesses, bears, transports or carries either, actually or constructively, openly or concealed any machine gun, assault rifle or sawed-off shotgun, as defined in subsection (d)(2) and (3) of this section, loaded or unloaded, may be arrested without a warrant, and shall be sentenced to imprisonment of not less than fifteen years nor more than twenty years and shall be fined \$25,000, except that if such person shall have</p>

<p>(a) Upon the filing of a petition under this subchapter, the Court may enter such temporary orders as it considers necessary to protect a petitioner from harassment, including relief as provided in subsection (c) of this section.</p> <p>(b) If the petitioner demonstrates a substantial likelihood of immediate danger of harassment, the Court may enter such temporary relief orders without notice as it considers necessary to protect the petitioner from harassment and shall immediately thereafter notify the respondent that the temporary orders have been issued. The Court shall give the respondent an opportunity to be heard on the question of continuing the temporary order and of granting other relief as requested by the petitioner not later than 10 court business days after the orders are entered. If the respondent does not appear at the subsequent hearing, the temporary orders continues in effect without further order of the Court.</p> <p>(c) A person claiming harassment may file a petition in the Court requesting a Harassment Prevention Order. A person may petition the Court under this subchapter for an order that requires the respondent do any or all of the following:</p> <ul style="list-style-type: none"> (1) refrain from abusing or harassing the petitioner; (2) refrain from contacting the petitioner, unless authorized by the Court; (3) remain away from the petitioner's household or workplace, workspace or work area and any other personal or private property; (4) pay the petitioner monetary compensation for the losses suffered as a direct result of the harassment; the compensatory damages must include, but are not limited to, loss of earnings, out-of-pocket losses for injuries or emotional distress sustained, or property damaged, cost of replacement of locks, medical expenses, 	<p>2. All ammunition or other parts of or appurtenances to any such firearm worn, carried, or transported by such person or found in the immediate vicinity of such firearm.</p> <p>(b) Any property subject to seizure under subsection (a) of this section may be seized by any duly authorized officer, as an incident to an arrest or search and seizure. Any such officer seizing such property under this section shall either place the property under seal or remove the same to a location designated by the Police Commissioner. Such officer shall, at the time of seizure or as soon as possible thereafter, execute and deliver to the possessor a signed and dated receipt for the item seized.</p>	<p>been convicted of a felony in any state, territory or federal court of the United States, or if such machine gun, assault rifle or sawed-off shotgun or an imitation thereof was held, possessed, borne, transported by or under the proximate control of such person during the commission or attempted commission of a crime of violence, as herein defined, then such person shall be fined \$50,000 and imprisoned not less than twenty (20) years nor more than twenty-five (25) years. The foregoing applicable penalties provided for violation of this section shall be in addition to the penalty provided for the commission of, or attempt to commit, the crime of violence.</p> <p>(c) In the trial of a person for committing or attempting to commit a crime of violence, as herein defined, the fact that he was armed with a firearm, used or attempted to be used, and had no license to carry the same, as required in Title 23, chapter 5 of the Code, shall be evidence of his intention to commit said crime of violence.</p>
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23 V.I.C. § 454

Persons who may be licensed to carry firearms

A firearm or electronic weapon may be lawfully had, possessed, borne, transported or carried in the Virgin Islands by the following persons, provided a license for such purpose has been issued by the Commissioner in accordance with the provisions of this chapter:

- (1)** An officer or employee of the Government of the Virgin Islands in cases where such license, in the judgment of the Commissioner, should be issued to such officer or employee by reason of the duties of his position;
- (2)** An agent, messenger or other employee of a common carrier, bank or business firm, whose duties require him to protect money, valuables or other property in the discharge of his duties; And provided, That the employer of such person shall have justified to the satisfaction of the Commissioner the need for the issuance of the license;

	<p>cost for obtaining an unlisted phone number and reasonable attorney's fees; or</p> <p>(5) refrain from specified behavior that the Court determines is necessary to effectuate orders described in this subsection.</p>		<p>(3) A person having a bona fide residence or place of business within the Virgin Islands, who established to the satisfaction of the Commissioner that he has good reason to fear death or great injury to his person or property, or who establishes any other proper reason for carrying a firearm, and the circumstances of the case, established by affidavit of the applicant and of at least two credible persons, demonstrate the need for such license;</p> <p>(4) A person licensed to and actively engaged in the business of manufacturing, repairing or dealing in firearms in the Virgin Islands, or the agents or representatives of any such person, having necessity to handle or use firearms in the usual or ordinary course of business;</p> <p>(5) With respect to a rifle or a shotgun a person possessing a valid and current Virgin Islands hunting license.</p>
VIRGINIA	<p><u>Protective Order – Mandatory Prohibition</u> See Va. Code Ann. § 18.2-308.1:4</p> <p> Va. Code Ann. § 16.1-279.1 Protective order in cases of family abuse</p> <p>A. In cases of family abuse, including any case involving an incarcerated or recently incarcerated respondent against whom a preliminary protective order has been issued pursuant to § 16.1-253.1, the court may issue a protective order to protect the health and safety of the petitioner and family or household members of the petitioner. A protective order issued under this section may include any one or more of the following conditions to be imposed on the respondent:</p> <p>10. Any other relief necessary for the protection of the petitioner and family or household members of the petitioner,</p>	<p>Va. Code Ann. § 16.1-253.2 <i>Violation of provisions of protective orders; penalty</i></p> <p>A. In addition to any other penalty provided by law, any person who violates any provision of a protective order issued pursuant to § 16.1-253, 16.1-253.1, 16.1-253.4, 16.1-278.14, or 16.1-279.1 or subsection B of § 20-103, when such violation involves a provision of the protective order that prohibits such person from (i) going or remaining upon land, buildings, or premises; (ii) further acts of family abuse; or (iii) committing a criminal offense, or which prohibits contacts by the respondent with the allegedly abused person or family or household members of the allegedly abused person as the court deems appropriate, is guilty of a Class 1 misdemeanor. The punishment for any person convicted of a second offense of violating a protective order, when the offense is committed within five years of the prior conviction and when either the instant or prior offense was based on an act or threat of violence, shall include a mandatory minimum term of confinement of 60 days. Any person convicted of a third or subsequent offense of violating a protective order, when the offense is committed within 20 years of the first conviction and when either the instant or one of the prior offenses was based on an act or threat of violence is guilty of</p>	<p>Va. Code Ann. § 18.2-308.2:2 <i>Criminal history record information check required for the transfer of certain firearms [effective until July 1, 2021]</i></p> <p>A. Any person purchasing from a dealer a firearm as herein defined shall consent in writing, on a form to be provided by the Department of State Police, to have the dealer obtain criminal history record information. Such form shall include only the written consent; the name, birth date, gender, race, citizenship, and social security number and/or any other identification number; the number of firearms by category intended to be sold, rented, traded, or transferred; and answers by the applicant to the following questions: (i) has the applicant been convicted of a felony offense or found guilty or adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of a delinquent act that would be a felony if committed by an adult; (ii) is the applicant subject to a court order restraining the applicant from harassing, stalking, or threatening the applicant's child or intimate partner, or a child of</p>

<p>including a provision for temporary custody or visitation of a minor child.</p> <p>Preliminary Protective Order –</p> <p><i>Va. Code Ann. § 16.1-253.1</i> <i>Preliminary protective orders in cases of family abuse; confidentiality</i></p> <p>A. Upon the filing of a petition alleging that the petitioner is or has been, within a reasonable period of time, subjected to family abuse, the court may issue a preliminary protective order against an allegedly abusing person in order to protect the health and safety of the petitioner or any family or household member of the petitioner. The order may be issued in an ex parte proceeding upon good cause shown when the petition is supported by an affidavit or sworn testimony before the judge or intake officer. If an ex parte order is issued without an affidavit or a completed form as prescribed by subsection D of § 16.1-253.4 being presented, the court, in its order, shall state the basis upon which the order was entered, including a summary of the allegations made and the court's findings. Immediate and present danger of family abuse or evidence sufficient to establish probable cause that family abuse has recently occurred shall constitute good cause. Evidence that the petitioner has been subjected to family abuse within a reasonable time and evidence of immediate and present danger of family abuse may be established by a showing that (i) the allegedly abusing person is incarcerated and is to be released from incarceration within 30 days following the petition or has been released from incarceration within 30 days prior to the petition, (ii) the crime for which the allegedly abusing person was convicted and incarcerated involved family abuse</p>	<p>a Class 6 felony and the punishment shall include a mandatory minimum term of confinement of six months. The mandatory minimum terms of confinement prescribed for violations of this section shall be served consecutively with any other sentence.</p> <p>B. In addition to any other penalty provided by law, any person who, while knowingly armed with a firearm or other deadly weapon, violates any provision of a protective order with which he has been served issued pursuant to § 16.1-253, 16.1-253.1, 16.1-253.4, 16.1-278.14, or 16.1-279.1 or subsection B of § 20-103 is guilty of a Class 6 felony.</p> <p>C. If the respondent commits an assault and battery upon any party protected by the protective order resulting in bodily injury to the party or stalks any party protected by the protective order in violation of § 18.2-60.3, he is guilty of a Class 6 felony. Any person who violates such a protective order by furtively entering the home of any protected party while the party is present, or by entering and remaining in the home of the protected party until the party arrives, is guilty of a Class 6 felony, in addition to any other penalty provided by law.</p> <p>D. Upon conviction of any offense hereunder for which a mandatory minimum term of confinement is not specified, the person shall be sentenced to a term of confinement and in no case shall the entire term imposed be suspended. Upon conviction, the court shall, in addition to the sentence imposed, enter a protective order pursuant to § 16.1-279.1 for a specified period not exceeding two years from the date of conviction.</p>	<p>such partner, or is the applicant subject to a protective order; (iii) has the applicant ever been acquitted by reason of insanity and prohibited from purchasing, possessing or transporting a firearm pursuant to § 18.2-308.1:1 or any substantially similar law of any other jurisdiction, been adjudicated legally incompetent, mentally incapacitated or adjudicated an incapacitated person and prohibited from purchasing a firearm pursuant to § 18.2-308.1:2 or any substantially similar law of any other jurisdiction, been involuntarily admitted to an inpatient facility or involuntarily ordered to outpatient mental health treatment and prohibited from purchasing a firearm pursuant to § 18.2-308.1:3 or any substantially similar law of any other jurisdiction, or been the subject of a temporary detention order pursuant to § 37.2-809 and subsequently agreed to a voluntary admission pursuant to § 37.2-805; and (iv) is the applicant subject to an emergency substantial risk order or a substantial risk order entered pursuant to § 19.2-152.13 or 19.2-152.14 and prohibited from purchasing, possessing, or transporting a firearm pursuant to § 18.2-308.1:6 or any substantially similar law of any other jurisdiction.</p> <p><i>Va. Code Ann. § 18.2-308.2:2</i> <i>Criminal history record information check required for the transfer of certain firearms</i> <i>[effective July 1, 2021]</i></p> <p>A. Any person purchasing from a dealer a firearm as herein defined shall consent in writing, on a form to be provided by the Department of State Police, to have the dealer obtain criminal history record information. Such form shall include only the written consent; the name, birth date, gender, race, citizenship, and social security number and/or any other identification number; the number of firearms by category intended to be sold, rented, traded, or transferred; and answers by the applicant to the following questions: (i) has the applicant been convicted of a felony offense or found guilty or adjudicated delinquent as a</p>
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<p>against the petitioner, and (iii) the allegedly abusing person has made threatening contact with the petitioner while he was incarcerated, exhibiting a renewed threat to the petitioner of family abuse.</p> <p>A preliminary protective order may include any one or more of the following conditions to be imposed on the allegedly abusing person:</p> <p>9. Any other relief necessary for the protection of the petitioner and family or household members of the petitioner.</p> <p><i>Va. Code Ann. § 18.2-308.1:4</i></p> <p><i>Purchase or transportation of firearm by persons subject to protective orders; penalties</i></p> <p>A. It is unlawful for any person who is subject to (i) a protective order entered pursuant to § 16.1-253.1, 16.1-253.4, 16.1-278.2, 16.1-279.1, 19.2-152.8, 19.2-152.9, or 19.2-152.10; (ii) an order issued pursuant to subsection B of § 20-103; (iii) an order entered pursuant to subsection D of § 18.2-60.3; (iv) a preliminary protective order entered pursuant to subsection F of § 16.1-253 where a petition alleging abuse or neglect has been filed; or (v) an order issued by a tribunal of another state, the United States or any of its territories, possessions, or commonwealths, or the District of Columbia pursuant to a statute that is substantially similar to those cited in clauses (i), (ii), (iii), or (iv) to purchase or transport any firearm while the order is in effect. Any person with a concealed handgun permit shall be prohibited from carrying any concealed firearm, and shall surrender his permit to the court entering the order, for the duration of any protective order referred to herein. A violation of this subsection is a Class 1 misdemeanor.</p> <p>B. In addition to the prohibition set forth in subsection A, it is unlawful for any person</p>		<p>juvenile 14 years of age or older at the time of the offense of a delinquent act that would be a felony if committed by an adult; (ii) is the applicant subject to a court order restraining the applicant from harassing, stalking, or threatening the applicant's child or intimate partner, or a child of such partner, or is the applicant subject to a protective order; (iii) has the applicant ever been acquitted by reason of insanity and prohibited from purchasing, possessing, or transporting a firearm pursuant to § 18.2-308.1:1 or any substantially similar law of any other jurisdiction, been adjudicated legally incompetent, mentally incapacitated, or adjudicated an incapacitated person and prohibited from purchasing a firearm pursuant to § 18.2-308.1:2 or any substantially similar law of any other jurisdiction, been involuntarily admitted to an inpatient facility or involuntarily ordered to outpatient mental health treatment and prohibited from purchasing a firearm pursuant to § 18.2-308.1:3 or any substantially similar law of any other jurisdiction, or been the subject of a temporary detention order pursuant to § 37.2-809 and subsequently agreed to a voluntary admission pursuant to § 37.2-805; and (iv) is the applicant subject to an emergency substantial risk order or a substantial risk order entered pursuant to § 19.2-152.13 or 19.2-152.14 and prohibited from purchasing, possessing, or transporting a firearm pursuant to § 18.2-308.1:6 or any substantially similar law of any other jurisdiction.</p>
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	<p>who is subject to a protective order entered pursuant to § 16.1-279.1 or an order issued by a tribunal of another state, the United States or any of its territories, possessions, or commonwealths, or the District of Columbia pursuant to a statute that is substantially similar to § 16.1-279.1 19.2-152.10 to knowingly possess any firearm while the order is in effect, provided that for a period of 24 hours after being served with a protective order in accordance with subsection C of § 16.1-279.1 or subsection C of § 19.2-152.10 such person may continue to possess and, notwithstanding the provisions of subsection A, transport any firearm possessed by such person at the time of service for the purposes of surrendering any such firearm to a law-enforcement agency in accordance with subsection C or selling or transferring any such firearm to a dealer as defined in §18.2-308.2:2 or to any person who is not otherwise prohibited by law from possessing such firearm in accordance with subsection C. A violation of this subsection is a Class 6 felony.</p>		
WASHINGTON	<p><u>Protection Order</u> Catchall Provision No specific firearms relief within the protection order statute but see discretionary provisions : Rev. Code Wash. (ARCW) § 9.41.800</p> <p><u>Rev. Code Wash. (ARCW) § 26.50.060</u> <i>Relief — Duration — Realignment of designation of parties — Award of costs, service fees, attorneys' fees, and limited license legal technician fees. (Effective until January 1, 2021)</i></p> <p>(1) Upon notice and after hearing, the court may provide relief as follows: (f) Order other relief as it deems necessary for the protection of the petitioner and other family or household members sought to be</p>	<p>Rev. Code Wash. (ARCW) § 9.41.040 <i>Unlawful possession of firearms — Ownership, possession by certain persons — Restoration of right to possess — Penalties.</i></p> <p>(2)(a) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the second degree, if the person does not qualify under subsection (1) of this section for the crime of unlawful possession of a firearm in the first degree and the person owns, has in his or her possession, or has in his or her control any firearm: (i) After having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of any felony not specifically listed as prohibiting firearm possession under subsection (1) of this section, or any of the following crimes when committed by one family or household member against another, committed on or after July 1, 1993: Assault in the fourth degree, coercion, stalking, reckless endangerment, criminal trespass in the first degree, or violation of the provisions of a protection order or no-</p>	<p>Rev. Code Wash. (ARCW) § 9.41.070 <i>Concealed pistol license — Application — Fee — Renewal. (Effective until July 1, 2021)</i></p> <p>(1) The chief of police of a municipality or the sheriff of a county shall within thirty days after the filing of an application of any person, issue a license to such person to carry a pistol concealed on his or her person within this state for five years from date of issue, for the purposes of protection or while engaged in business, sport, or while traveling. However, if the applicant does not have a valid permanent Washington driver's license or Washington state identification card or has not been a resident of the state for the previous consecutive ninety days, the issuing authority shall have up to sixty days after the filing of the application to issue a license. The issuing authority shall not refuse to accept completed</p>

<p>protected, including orders or directives to a peace officer, as allowed under this chapter;</p> <p><u>Rev. Code Wash. (ARCW) § 26.50.060</u></p> <p><i>Relief — Duration — Realignment of designation of parties — Award of costs, service fees, attorneys' fees, and limited license legal technician fees. (Effective January 1, 2021)</i></p> <p>(1) Upon notice and after hearing, the court may provide relief as follows:</p> <p>(f) Order other relief as it deems necessary for the protection of the petitioner and other family or household members sought to be protected, including orders or directives to a peace officer, as allowed under this chapter;</p> <p><u>Ex Parte Temporary Order for Protection</u></p> <p><u>Rev. Code Wash. (ARCW) § 26.50.070</u></p> <p><i>Ex parte temporary order for protection.</i></p> <p>(2) In issuing the order, the court shall consider the provisions of RCW 9.41.800, and shall order the respondent to surrender, and prohibit the respondent from possessing, all firearms, dangerous weapons, and any concealed pistol license as required in RCW 9.41.800.</p>	<p>contact order restraining the person or excluding the person from a residence (RCW 26.50.060, 26.50.070, 26.50.130, or 10.99.040);</p> <p><u>Rev. Code Wash. (ARCW) § 9.41.098</u></p> <p><i>Forfeiture of firearms — Disposition — Confiscation.</i></p> <p>(1) The superior courts and the courts of limited jurisdiction of the state may order forfeiture of a firearm which is proven to be:</p> <p>(a) Found concealed on a person not authorized by RCW 9.41.060 or 9.41.070 to carry a concealed pistol: PROVIDED, That it is an absolute defense to forfeiture if the person possessed a valid Washington concealed pistol license within the preceding two years and has not become ineligible for a concealed pistol license in the interim. Before the firearm may be returned, the person must pay the past due renewal fee and the current renewal fee;</p> <p>(b) Commercially sold to any person without an application as required by RCW 9.41.090;</p> <p>(c) In the possession of a person prohibited from possessing the firearm under RCW 9.41.040 or 9.41.045;</p> <p>(d) In the possession or under the control of a person at the time the person committed or was arrested for committing a felony or committing a nonfelony crime in which a firearm was used or displayed;</p> <p>(e) In the possession of a person who is in any place in which a concealed pistol license is required, and who is under the influence of any drug or under the influence of intoxicating liquor, as defined in chapter 46.61 RCW;</p> <p>(f) In the possession of a person free on bail or personal recognizance pending trial, appeal, or sentencing for a felony or for a nonfelony crime in which a firearm was used or displayed, except that violations of Title 77 RCW shall not result in forfeiture under this section;</p> <p>(g) In the possession of a person found to have been mentally incompetent while in possession of a firearm when apprehended or who is thereafter committed pursuant to chapter 10.77 RCW or committed for mental health treatment under chapter 71.05 RCW;</p> <p>(h) Used or displayed by a person in the violation of a proper written order of a court of general jurisdiction; or</p> <p>(i) Used in the commission of a felony or of a nonfelony crime in which a firearm was used or displayed.</p>	<p>applications for concealed pistol licenses during regular business hours.</p> <p>The applicant's constitutional right to bear arms shall not be denied, unless:</p> <p>(a) He or she is ineligible to possess a firearm under the provisions of RCW 9.41.040 or 9.41.045, or is prohibited from possessing a firearm under federal law;</p> <p>(b) The applicant's concealed pistol license is in a revoked status;</p> <p>(c) He or she is under twenty-one years of age;</p> <p>(d) He or she is subject to a court order or injunction regarding firearms pursuant to chapter 7.90, 7.92, or 7.94 RCW, or RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.0.050, 26.09.060, 26.10.040, 26.10.115, 26.26B.020, 26.50.060, 26.50.070, or 26.26A.470;</p> <p>(e) He or she is free on bond or personal recognizance pending trial, appeal, or sentencing for a felony offense;</p> <p>(f) He or she has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor; or</p> <p>(g) He or she has been ordered to forfeit a firearm under RCW 9.41.098(1)(e) within one year before filing an application to carry a pistol concealed on his or her person.</p> <p>No person convicted of a felony may have his or her right to possess firearms restored or his or her privilege to carry a concealed pistol restored, unless the person has been granted relief from disabilities by the attorney general under 18 U.S.C. Sec. 925(c), or RCW 9.41.040 (3) or (4) applies.</p> <p><u>Rev. Code Wash. (ARCW) § 9.41.075</u></p> <p><i>Concealed pistol license — Revocation.</i></p> <p>(1) The license shall be revoked by the license-issuing authority immediately upon:</p> <p>(a) Discovery by the issuing authority that the person was ineligible under RCW 9.41.070 for a concealed pistol license when applying for the license or license renewal;</p>
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	<p><i>Rev. Code Wash. (ARCW) § 9.41.800</i> <i>Surrender of weapons or licenses — Prohibition on future possession or licensing. (Effective July 28, 2019)</i></p> <p>(1) Any court when entering an order authorized under chapter 7.92 RCW, RCW 7.90.090, 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26B.020, 26.50.060, 26.50.070, or 26.26A.470 shall, upon a showing by clear and convincing evidence, that a party has: Used, displayed, or threatened to use a firearm or other dangerous weapon in a felony, or is ineligible to possess a firearm under the provisions of RCW 9.41.040:</p> <ul style="list-style-type: none"> (a) Require that the party immediately surrender all firearms or other dangerous weapons; (b) Require that the party immediately surrender any concealed pistol license issued under RCW 9.41.070; (c) Prohibit the party from obtaining or possessing any firearms or other dangerous weapons; (d) Prohibit the party from obtaining or possessing a concealed pistol license. <p>(2) Any court when entering an order authorized under chapter 7.92 RCW, RCW 7.90.090, 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26B.020, 26.50.060, 26.50.070, or 26.26A.470 may, upon a showing by a preponderance of the evidence but not by clear and convincing evidence, that a party has: Used, displayed, or threatened to use a firearm or other dangerous weapon in a felony, or is ineligible to possess a firearm under the provisions of RCW 9.41.040:</p> <ul style="list-style-type: none"> (a) Require that the party immediately surrender all firearms or other dangerous weapons; (b) Require that the party immediately surrender a concealed pistol license issued under RCW 9.41.070; (c) Prohibit the party from accessing, obtaining or possessing a firearm or other dangerous weapons; (d) Prohibit the party from obtaining or possessing a concealed pistol license. <p>(3) During any period of time that the person is subject to a court order issued under chapter 7.90, 7.92, 9A.46, 10.14, 10.99, 26.09, 26.10, 26.26A, 26.26B, or 26.50 RCW that:</p> <ul style="list-style-type: none"> (a) Was issued after a hearing of which the person received actual notice, and at which the person had an opportunity to participate; <p>(b) Conviction of the licensee, or the licensee being found not guilty by reason of insanity, of an offense, or commitment of the licensee for mental health treatment, that makes a person ineligible under RCW 9.41.040 to possess a firearm;</p> <p>(c) Conviction of the licensee for a third violation of this chapter within five calendar years; or</p> <p>(d) An order that the licensee forfeit a firearm under RCW 9.41.098(1)(d).</p> <p>(2)</p> <p>(a) Unless the person may lawfully possess a pistol without a concealed pistol license, an ineligible person to whom a concealed pistol license was issued shall, within fourteen days of license revocation, lawfully transfer ownership of any pistol acquired while the person was in possession of the license.</p> <p>(b) Upon discovering a person issued a concealed pistol license was ineligible for the license, the issuing authority shall contact the department of licensing to determine whether the person purchased a pistol while in possession of the license. If the person did purchase a pistol while in possession of the concealed pistol license, if the person may not lawfully possess a pistol without a concealed pistol license, the issuing authority shall require the person to present satisfactory evidence of having lawfully transferred ownership of the pistol. The issuing authority shall require the person to produce the evidence within fifteen days of the revocation of the license.</p> <p>(3) When a licensee is ordered to forfeit a firearm under RCW 9.41.098(1)(d), the issuing authority shall:</p> <ul style="list-style-type: none"> (a) On the first forfeiture, revoke the license for one year; (b) On the second forfeiture, revoke the license for two years; or (c) On the third or subsequent forfeiture, revoke the license for five years. <p>Any person whose license is revoked as a result of a forfeiture of a firearm under RCW 9.41.098(1)(d) may not reapply for a new license until the end of the revocation period.</p>
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	<p>(b) Restrains the person from harassing, stalking, or threatening an intimate partner of the person or child of the intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and</p> <p>(c)</p> <p>(i) Includes a finding that the person represents a credible threat to the physical safety of the intimate partner or child; and</p> <p>(ii) By its terms, explicitly prohibits the use, attempted use, or threatened use of physical force against the intimate partner or child that would reasonably be expected to cause bodily injury, the court shall:</p> <p>(A) Require that the party immediately surrender all firearms or other dangerous weapons;</p> <p>(B) Require that the party immediately surrender a concealed pistol license issued under RCW 9.41.070;</p> <p>(C) Prohibit the party from obtaining or possessing a firearm or other dangerous weapon; and</p> <p>(D) Prohibit the party from accessing, obtaining or possessing a concealed pistol license.</p> <p>(4) The court may order temporary surrender of all firearms or other dangerous weapons, and any concealed pistol license, without notice to the other party if it finds, on the basis of the moving affidavit or other evidence, that irreparable injury could result if an order is not issued until the time for response has elapsed.</p> <p>(5) In addition to the provisions of subsections (1), (2), and (4) of this section, the court may enter an order requiring a party to comply with the provisions in subsection (1) of this section if it finds that the possession of a firearm or other dangerous weapon by any party presents a serious and imminent threat to public health or safety, or to the health or safety of any individual.</p> <p>(6) The requirements of subsections (1), (2), and (5) of this section may be for a period of time less than the duration of the order.</p> <p>(7) The court may require the party to surrender all firearms and other dangerous weapons in his or her immediate possession or control or subject to his or her immediate possession or control, and any concealed pistol license issued under RCW 9.41.070, to the local law enforcement agency. Law enforcement officers shall use law enforcement databases to assist in locating the respondent in situations where the protected person does not know where the</p>	<p>(4) The issuing authority shall notify, in writing, the department of licensing of the revocation of a license. The department of licensing shall record the revocation.</p>
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		<p>respondent lives or where there is evidence that the respondent is trying to evade service.</p> <p>(8) If the court enters a protection order, restraining order, or no-contact order that includes an order to surrender firearms, dangerous weapons, and any concealed pistol license under this section, the order must be served by a law enforcement officer.</p>	
WEST VIRGINIA	<p><u>Protective Order – Mandatory Prohibition</u></p> <p><i><u>W. Va. Code § 48-27-502</u></i> <i>Mandatory provisions in protective order.</i></p> <p>(a) A protective order must order the respondent to refrain from abusing, harassing, stalking, threatening or otherwise intimidating the petitioner or the minor children, or engaging in other conduct that would place the petitioner or the minor children in reasonable fear of bodily injury.</p> <p>(b) The protective order must prohibit the respondent from possessing any firearm or ammunition.</p> <p>(c) The protective order must inform the respondent that he or she is prohibited from possessing any firearm or ammunition and that possession of a firearm or ammunition while subject to the court's protective order is a criminal offense under state and federal law, notwithstanding the fact that the respondent might otherwise have a right to possess a firearm.</p> <p>(d) The protective order must inform the respondent that the order is in full force in every county of this state.</p> <p>(e) The protective order must contain on its face the following statement, printed in bold-faced type or in capital letters:</p> <p style="padding-left: 20px;">“VIOLATION OF THIS ORDER MAY BE PUNISHED BY CONFINEMENT IN A REGIONAL JAIL FOR AS LONG AS ONE YEAR AND BY A FINE OF AS MUCH AS \$2,000”.</p>	<p><i><u>W. Va. Code § 48-27-1002</u></i> <i>Arrest in domestic violence matters; conditions.</i></p> <p>(e) Whenever any person is arrested pursuant to the provisions of this article or for a violation of an order issued pursuant to section five hundred nine [<u>§ 48-5-509</u>] or subsections (b) and (c), of section six hundred eight [<u>§ 48-5-608</u>], article five of this chapter the arresting officer, subject to the requirements of the Constitutions of this state and of the United States:</p> <p class="list-item-l1">(1) Shall seize all weapons that are alleged to have been involved or threatened to be used in the commission of domestic violence;</p> <p class="list-item-l1">(2) May seize a weapon that is in plain view of the officer or was discovered pursuant to a consensual search, as necessary for the protection of the officer or other persons; and</p> <p class="list-item-l1">(3) May seize all weapons that are possessed in violation of a valid protective order.</p> <p><i><u>W. Va. Code § 61-7-7</u></i> <i>Persons prohibited from possessing firearms; classifications; right of nonprohibited persons over twenty-one years of age to carry concealed deadly weapons; offenses and penalties; reinstatement of rights to possess; offenses; penalties.</i></p> <p>(a) Except as provided in this section, no person shall possess a firearm, as such is defined in section two [<u>§ 61-7-2</u>] of this article, who:</p> <p class="list-item-l1">(7) Is subject to a domestic violence protective order that:</p> <p class="list-item-l2">(A) Was issued after a hearing of which such person received actual notice and at which such person had an opportunity to participate;</p> <p class="list-item-l2">(B) Restrains such person from harassing, stalking or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and</p>	<p><i><u>W. Va. Code § 61-7-4</u></i> <i>License to carry deadly weapons; how obtained.</i></p> <p>(a) Except as provided in <u>§61-7-4(h)</u> of this code, any person desiring to obtain a state license to carry a concealed deadly weapon shall apply to the sheriff of his or her county for the license, and pay to the sheriff, at the time of application, a fee of \$25. Concealed weapons license may only be issued for pistols and revolvers. Each applicant shall file with the sheriff a complete application, as prepared by the Superintendent of the West Virginia State Police, in writing, duly verified, which sets forth only the following licensing requirements:</p> <p class="list-item-l1">(6) That the applicant has not been convicted of a misdemeanor crime of violence other than an offense set forth in subdivision (7) of this subsection in the five years immediately preceding the application;</p> <p class="list-item-l1">(7) That the applicant has not been convicted of a misdemeanor crime of domestic violence as defined in <u>18 U.S.C. § 921(a)(33)</u>, or a misdemeanor offense of assault or battery either under <u>§61-2-28</u> of this code or <u>§61-2-9(b)</u> or <u>§61-2-9(c)</u> of this code, in which the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense, or a misdemeanor offense with similar essential elements in a jurisdiction other than this state;</p> <p><i><u>W. Va. Code § 61-7-4a</u></i></p>

**Emergency Protective Order -
Mandatory Prohibition**

W. Va. Code § 48-27-403

*Emergency protective orders of court;
hearings; persons present.*

(a) Upon the filing of a verified petition under this article, the magistrate court may enter an emergency protective order as it may determine necessary to protect the petitioner or minor children from domestic violence and, upon good cause shown, may do so ex parte without the necessity of bond being given by the petitioner. Clear and convincing evidence of immediate and present danger of abuse to the petitioner or minor children constitutes good cause for the issuance of an emergency protective order pursuant to this section. If the respondent is not present at the proceeding, the petitioner or the petitioner's legal representative shall certify to the court, in writing, the efforts which have been made to give notice to the respondent or just cause why notice should not be required. Copies of medical reports or records may be admitted into evidence to the same extent as though the original reports or records. The custodian of the records is not required to be present to authenticate the records for any proceeding held pursuant to this subsection. If the magistrate court determines to enter an emergency protective order, the order shall prohibit the respondent from possessing firearms.

(C)

(i) Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or
(ii) By its terms explicitly prohibits the use, attempted use or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or
(8) Has been convicted of a misdemeanor offense of assault or battery either under the provisions of section twenty-eight [§ 61-2-28], article two of this chapter or the provisions of subsection (b) or (c), section nine [§ 61-2-9] of said article or a federal or state statute with the same essential elements in which the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant has a child in common, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense or has been convicted in any court of any jurisdiction of a comparable misdemeanor crime of domestic violence.

Any person who violates the provisions of this subsection shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$1,000 or confined in the county jail for not less than ninety days nor more than one year, or both.

Provisional license to carry deadly weapons; how obtained.

(a) Any person who is at least eighteen years of age and less than twenty-one years of age who desires to obtain a state license to carry a concealed deadly weapon shall apply to the sheriff of his or her county for a provisional license, and pay to the sheriff, at the time of application, a fee of \$15. Provisional licenses may only be issued for pistols or revolvers. Each applicant shall file with the sheriff a complete application, as prepared by the Superintendent of the West Virginia State Police, in writing, duly verified, which sets forth only the following licensing requirements:

(7) That the applicant has not been convicted of a misdemeanor crime of domestic violence as defined in [18 U.S.C. § 921\(a\)\(33\)](#), or a misdemeanor offense of assault or battery under either section twenty-eight [§ 61-2-28], article two of this chapter or subsection (b) or (c), section nine [§ 61-2-9], article two of this chapter in which the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense, or a misdemeanor offense with similar essential elements in a jurisdiction other than this state;

(b) For provisional license applications, the sheriff shall conduct an investigation including a nationwide criminal background check consisting of inquiries of the National Instant Criminal Background Check System, the West Virginia criminal history record responses and the National Interstate Identification Index, and shall review the information received in order to verify that the information required in subsection (a) of this section is true and correct. A provisional license may not be issued unless the issuing sheriff has verified through the National Instant Criminal Background Check System that the information available does not indicate that

			<p>receipt of or possession of a firearm by the applicant would be in violation of the provisions of section seven of this article or federal law, including 18 U.S.C. § 922(g) or (n).</p> <p><i>W. Va. Code § 61-7-5 Revocation of license.</i></p> <p>A license to carry a deadly weapon shall be deemed revoked at such time as the person licensed becomes unable to meet the criteria for initial licensure set forth in section four of this article. Any person licensed under the provisions of this article shall immediately surrender his or her license to the issuing sheriff upon becoming ineligible for continued licensure.</p> <p><i>W. Va. Code § 61-7-7 Persons prohibited from possessing firearms; classifications; right of nonprohibited persons over twenty-one years of age to carry concealed deadly weapons; offenses and penalties; reinstatement of rights to possess; offenses; penalties.</i></p> <p>(c) Any person may carry a concealed deadly weapon without a license therefor who is:</p> <ul style="list-style-type: none"> (1) At least twenty-one years of age; (2) A United States citizen or legal resident thereof; (3) Not prohibited from possessing a firearm under the provisions of this section; and (4) Not prohibited from possessing a firearm under the provisions of 18 U.S.C. § 922(g) or (n).
WISCONSIN	<p><u>Temporary Injunction</u></p> <p><i>Wis. Stat. § 813.02 Temporary injunction; when granted.</i></p> <p>(1)(a) When it appears from a party's pleading that the party is entitled to judgment and any part thereof consists in restraining some act, the commission or continuance of which during the litigation would injure the</p>	<p><i>Wis. Stat. § 813.12 Domestic abuse restraining orders and injunctions.</i></p> <p>(4m) Notice of restriction on firearm possession; surrender of firearms.</p> <p>(a) An injunction issued under sub. (4) shall do all of the following:</p>	<p><i>Wis. Stat. § 175.60 License to carry a concealed weapon.</i></p> <p>(3) Restrictions on issuing a license. The department shall issue a license under this section to an individual who submits an application under sub. (7) unless any of the following applies:</p> <p>(a) The individual is less than 21 years of age.</p>

<p>party, or when during the litigation it shall appear that a party is doing or threatens or is about to do, or is procuring or suffering some act to be done in violation of the rights of another party and tending to render the judgment ineffectual, a temporary injunction may be granted to restrain such act.</p> <p><u>Temporary Restraining Order</u></p> <p><i>Wis. Stat. § 813.12 (5m)</i> <i>Domestic abuse restraining orders and injunctions.</i></p> <p>(3) Temporary restraining order.</p> <p>(a) A judge or circuit court commissioner shall issue a temporary restraining order ordering the respondent to refrain from committing acts of domestic abuse against the petitioner, to avoid the petitioner's residence, except as provided in par. (am), or any other location temporarily occupied by the petitioner or both, or to avoid contacting or causing any person other than a party's attorney or a law enforcement officer to contact the petitioner unless the petitioner consents in writing, to refrain from removing, hiding, damaging, harming, or mistreating, or disposing of, a household pet, to allow the petitioner or a family member or household member of the petitioner acting on his or her behalf to retrieve a household pet, or any combination of these remedies requested in the petition, or any other appropriate remedy not inconsistent with the remedies requested in the petition, if all of the following occur:</p> <ol style="list-style-type: none"> 1. The petitioner submits to the judge or circuit court commissioner a petition alleging the elements set forth under sub. (5) (a). 2. The judge or circuit court commissioner finds reasonable grounds to believe that the respondent has engaged in, or based on prior conduct of the petitioner and the respondent 	<p>1. Inform the respondent named in the petition of the requirements and penalties under s. 941.29 and any similar applicable federal laws and penalties.</p> <p>2. Except as provided in par. (ag), require in writing the respondent to surrender any firearms that he or she owns or has in his or her possession to the sheriff of the county in which the action under this section was commenced, to the sheriff of the county in which the respondent resides or to another person designated by the respondent and approved by the judge or circuit court commissioner, in accordance with s. 813.1285.</p> <p>(ag) If the respondent is a peace officer, an injunction issued under sub. (4) may not require the respondent to surrender a firearm that he or she is required, as a condition of employment, to possess whether or not he or she is on duty.</p>	<p>(b) The individual is prohibited under federal law from possessing a firearm that has been transported in interstate or foreign commerce.</p> <p>(c) The individual is prohibited from possessing a firearm under s. 941.29.</p> <p>(d) The court has prohibited the individual from possessing a dangerous weapon under s. 969.02 (3) (c) or 969.03 (1) (c).</p> <p>(e) The individual is on release under s. 969.01 and the individual may not possess a dangerous weapon as a condition of the release.</p> <p>(f) The individual is not one of the following:</p> <ol style="list-style-type: none"> 1. A Wisconsin resident. 2. A military resident. <p>(g) The individual has not provided proof of training as described under sub. (4) (a).</p> <p>(9g) Background checks.</p> <p>(a) The department shall conduct a background check regarding an applicant for a license using the following procedure:</p> <ol style="list-style-type: none"> 1. The department shall create a confirmation number associated with the applicant. 2. The department shall conduct a criminal history record search and shall search its records and conduct a search in the national instant criminal background check system to determine whether the applicant is prohibited from possessing a firearm under federal law; whether the applicant is prohibited from possessing a firearm under s. 941.29; whether the applicant is prohibited from possessing a firearm under s. 51.20 (13) (cv) 1., 2007 stats.; whether the applicant has been ordered not to possess a firearm under s. 51.20 (13) (cv) 1., 51.45 (13) (i) 1., 54.10 (3) (f) 1., or 55.12 (10) (a); whether the applicant is subject to an injunction under s. 813.12 or 813.122, or a tribal injunction, as defined in s. 813.12 (1) (e), issued by a court established by any federally recognized Wisconsin Indian tribe or band, except the Menominee Indian tribe of Wisconsin, that includes notice to the respondent that he or she is subject to the requirements and penalties under s. 941.29 and that has been filed with the circuit court under s. 813.128 (3g); and whether the
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<p>may engage in, domestic abuse of the petitioner.</p> <p>(am) If the petitioner and the respondent are not married, the respondent owns the premises where the petitioner resides and the petitioner has no legal interest in the premises, in lieu of ordering the respondent to avoid the petitioner's residence under par. (a) the judge or circuit court commissioner may order the respondent to avoid the premises for a reasonable time until the petitioner relocates and shall order the respondent to avoid the new residence for the duration of the order.</p> <p>(b) Notice need not be given to the respondent before issuing a temporary restraining order under this subsection. A temporary restraining order may be entered only against the respondent named in the petition.</p>	<p>and penalties under this section and that has been filed under s. 813.128(3g).</p> <p>(g) The person is subject to an order not to possess a firearm under s. 813.123(5m) or 813.125(4m).</p> <p>(10) The prohibition against firearm possession under this section does not apply to a person specified in sub. (1m)(f) if the person satisfies any of the following:</p> <p>(a) The person is a peace officer and the person possesses a firearm while in the line of duty or, if required to do so as a condition of employment, while off duty. Notwithstanding s. 939.22(22), for purposes of this paragraph, peace officer does not include a commission warden who is not a state-certified commission warden.</p> <p>(b) The person is a member of the U.S. armed forces or national guard and the person possesses a firearm while in the line of duty.</p>	<p>applicant is prohibited from possessing a firearm under s. 813.123 (5m) or 813.125 (4m); and to determine if the court has prohibited the applicant from possessing a dangerous weapon under s. 969.02 (3) (c) or 969.03 (1) (c) and if the applicant is prohibited from possessing a dangerous weapon as a condition of release under s. 969.01.</p> <p>3. As soon as practicable, the department shall do the following:</p> <p>a. If the background check indicates sub. (3) (b), (c), (d), or (e) applies to the applicant, create a unique nonapproval number for the applicant.</p> <p>b. If the completed background check does not indicate that sub. (3) (b), (c), (d), or (e) applies to the applicant, create a unique approval number for the applicant.</p> <p>(b) The department shall maintain a record of all completed application forms and a record of all approval or nonapproval numbers regarding background checks under this subsection.</p> <p>(14) License revocation, suspension, and surrender.</p> <p>(a) The department shall revoke a license issued under this section if the department determines that sub. (3) (b), (c), (e), (f), or (g) applies to the licensee.</p> <p>(am) The department shall suspend a license issued under this section if a court has prohibited the licensee from possessing a dangerous weapon under s. 969.02 (3) (c) or 969.03 (1) (c). If the individual whose license was suspended is no longer subject to the prohibition under s. 969.02 (3) (c) or 969.03 (1) (c), whichever is applicable, sub. (3) (b), (c), (d), (e), (f), or (g) does not apply to the individual, and the suspended license would not have expired under sub. (15) (a) had it not been suspended, the department shall restore the license within 5 business days of notification that the licensee is no longer subject to the prohibition.</p>
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	<p>(e) Instruct the respondent how to surrender any firearm.</p> <p>(f) If appropriate, order the respondent to attend a hearing to surrender firearms.</p> <p>(1m) Temporary restraining orders. If the court is required to extend a temporary restraining order under this section, and a temporary restraining order was not previously granted, the court shall, on its own motion, reconsider and grant the temporary restraining order.</p>		
WYOMING	<p><u>Order of Protection – Catch-all Provision</u></p> <p><i>Wyo. Stat. § 35-21-105</i> <i>Order of protection; contents; remedies; order not to affect title to property; conditions.</i></p> <p>a) Upon finding that an act of domestic abuse has occurred, the court shall enter an order of protection ordering the respondent household member to refrain from abusing the petitioner or any other household member. The order shall specifically describe the behavior that the court has ordered the respondent to do or refrain from doing. As a part of any order of protection, the court may:</p> <p>(vi) Order other injunctive relief as the court deems necessary for the protection of the petitioner;</p>	<p><i>Wyo. Stat. § 7-2-104</i> <i>Authority to seize deadly weapons; disposition.</i></p> <p>(a) A peace officer may take into possession any deadly weapons found in the possession of a person arrested if:</p> <p>(i) The peace officer has reason to believe the weapon will be used to endanger the safety of the officer or the public; or</p> <p>(ii) The person arrested might seek to use the weapon to resist arrest or to escape.</p> <p>(b) Except as otherwise provided in this subsection, nothing in this section shall authorize a peace officer to take into possession any deadly weapon when enforcing the game and fish provisions contained in title 23 of the Wyoming statutes provided the safety of the officer or the public is not endangered. A peace officer may take into possession a deadly weapon as authorized by W.S. 23-6-208.</p> <p>(c) Deadly weapons seized under this section shall be returned or disposed of as provided by W.S. 7-2-105 unless otherwise ordered by the court.</p>	<p><i>Wyo. Stat. § 6-8-104</i> <i>Wearing or carrying concealed weapons; penalties; exceptions; permits.</i></p> <p>a) A person who wears or carries a concealed deadly weapon is guilty of a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00), imprisonment in the county jail for not more than six (6) months, or both for a first offense, or a felony punishable by a fine of not more than two thousand dollars (\$2,000.00), imprisonment for not more than two (2) years, or both, for a second or subsequent offense, unless:</p> <p>(i) The person is a peace officer;</p> <p>(ii) The person possesses a permit under this section;</p> <p>(iii) The person holds a valid permit authorizing him to carry a concealed firearm authorized and issued by a governmental agency or entity in another state that recognizes Wyoming permits and is a valid statewide permit; or</p> <p>(iv) The person does not possess a permit issued under this section, but otherwise meets the requirements specified in paragraphs (b)(i) through (vi), (viii) and (ix) of this section and possession of the firearm by the person is not otherwise unlawful.</p> <p>(c) The division may deny a permit if the applicant has been found guilty of or has pled nolo contendere to one (1) or more crimes of violence constituting a misdemeanor offense within the three (3) year period prior to the date</p>

			<p>on which the application is submitted or may revoke a permit if the permittee has been found guilty of or has pled nolo contendere to one (1) or more crimes of violence constituting a misdemeanor offense within the preceding three (3) years.</p> <p>(f) The sheriff's office shall forward items received under subsection (e) of this section but shall retain ten dollars (\$10.00) of each original permit fee and five dollars (\$5.00) of each renewal permit fee. The division, upon receipt of the items listed in subsection (e) of this section, shall process the full set of fingerprints of the applicant for any criminal justice information. The division shall submit a fingerprint card to the federal bureau of investigation for a national background check. The cost of processing the fingerprints shall be payable to the division.</p>
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