



Summary of Federal Law

Under the Federal Gun Control Act of 1968 and [passage of the Lautenberg Amendment](#) (18 U.S.C. §922[g][9]), individuals who have been convicted of a misdemeanor crime of domestic violence in state or federal court are generally prohibited from possessing firearms. The enacted statute ([18 U.S.C. § 921 \[a\]\[33\]\[A\]](#)) defines a misdemeanor crime of domestic violence as any state, federal, or tribal misdemeanor that involves “the use or attempted use of physical force, or the threatened use of a deadly weapon.” The offense must have been committed “by a current or former spouse, parent, or guardian, a person with whom the victim shared a child in common, a person who is cohabiting with or had cohabitated with the victim as a spouse, parent, or guardian, or a person similarly situated to a spouse, parent, or guardian of the victim.” The addition of the Lautenberg Amendment greatly increased the breadth of coverage provided under federal law, removing a previously existing exemption for police and military personnel as well as applying retroactively, prohibiting any persons convicted of qualifying misdemeanors at any time from purchasing, possessing, or transferring a firearm.

Federal law further prohibits individuals subject to certain restraining orders from purchasing or possessing a firearm. As part of the Violent Crime and Law Enforcement Act, [18.U.S.C. § 922\(g\)\(8\)](#), it is unlawful for any person who is subject to a court order (issued after a hearing in which the person received notice) that restrains such person from harassing, stalking, or threatening an intimate partner or child or engaging in conduct that would place an intimate partner in reasonable fear of injury, and represents a credible threat to the physical safety of the intimate partner or child to possess a firearm or ammunition. Unlike the Lautenberg Amendment, law enforcement officers and military personnel have limited exemption from this statute.

Summary of State Law

A number of states have adopted firearm restrictions that apply in domestic violence-related cases. More than a dozen states prohibit people who commit a misdemeanor crime of domestic violence from possessing firearms and approximately two-thirds of states ban abusers subject to domestic violence protective orders from possessing a firearm. State laws can vary in strength, with some states expanding the narrow federal definition of a “misdemeanor crime of domestic violence” to include individuals convicted of any violent misdemeanor (regardless of whether a domestic relationship exists between the offender and victim) or prohibiting an abuser from purchasing and possessing ammunition. While [policies differ from state to state](#), they can commonly be grouped into two categories: policies that grant law enforcement the authority to remove guns from an abuser’s possession when responding to a domestic violence incident and policies that give courts the power to order alleged batterers to turn over their firearms.