

Firearms in Family Law

To avoid the possibility of prosecution under federal law (18 U.S.C. §922), you should plan to remove all firearms and ammunition from your possession while your case is pending. You need not sell these items but may place them with a third party for safekeeping. The provisions about possession of these items described below apply unless the court makes a specific exception for your case, and they apply even if you have a concealed carry permit.

It is routine practice for courts to enter mutual temporary injunctions prohibiting conduct constituting threats or injury to the other party or children. For example, each party is often enjoined from "threatening the other party in person, by telephone, or in writing to take unlawful action against any person," "intentionally, knowingly, or recklessly causing bodily injury to the other party or to a child of either party," or "threatening the other party or a child of either party with imminent bodily injury." If an order in language similar to these examples is entered in your case, you may be subject to prosecution for a federal felony if you possess any firearm or ammunition. When a final order replaces the temporary orders, you will be permitted to possess these items again unless the final order also contains such injunctive language.

If a domestic violence protective order is entered against you, you may be subject to prosecution for a federal felony if you possess any firearm or ammunition. When the order has expired, you will be permitted to possess these items again.

If you are convicted of the misdemeanor crime of domestic violence, you may be subject to prosecution for a federal felony if you possess any firearm or ammunition. In this circumstance, your right to possess a firearm or ammunition will be forfeited for life.