

## **Prohibiting Factors for Firearm Purchase and Possession**

### **Background**

Federal law prohibits all individuals convicted of a felony of firearm ownership, regardless of the nature of the felony (whether it was a violent felony, or a nonviolent felony that may have no bearing on an individual's risk of violence). However, if an individual commits a violent crime but is charged and convicted at the misdemeanor level, they will face no barriers in purchasing and possessing firearms under federal law, despite consensus in research in public health and criminology that the greatest indicator of future violence is a history of past violence. Thus, a state-level violent misdemeanor law is the crux of this policy.

### **About the Policy**

Eighteen states have implemented violent misdemeanor laws in some capacity, with only six of those states having these laws apply regardless of the length of imprisonment. Our policy not only implements laws prohibiting firearm purchase and possession for violent misdemeanor convictions regardless of the length of sentencing but also removes these prohibitions for non-violent felony convictions which are not shown to be precursors to violence.

### **Protection of Gun Rights**

The policy is based on the philosophy that what is most needed is not prohibiting some guns for all people but prohibiting all guns from some people. Instead of striking gun rights from a wide swath of the public, many who are not at increased risk of violence, this proposal narrowly targets the group at highest risk: those previously convicted of a violent crime. The policy specifically states that under state law, an individual convicted of a non-violent felony (apart from certain crimes that are technically non-violent but are considered precursors to violence) is not prohibited from firearm ownership. It also provides protections to gun owners by imposing penalties on people who make false statements to try to unarm someone with whom they are in a relationship. The policy also protects gun owners by requiring the timely return of stored firearms when the period of prohibition expires.

### **Protection of Public Health**

This policy adds substantial new gun violence prevention protections at the state level by explicitly addressing one of the most important weaknesses in federal law, the failure to

prohibit gun possession by violent criminals who are charged with misdemeanors but not felonies. A history of violence is the single greatest risk factor for future violence and serves as the evidence foundation for this policy. This novel state policy ensures that all violent crimes—regardless of the disposition of the final offense—make a person prohibited from purchasing or possessing firearms. The policy covers all violent offenses, including—where relevant—stalking, cyberstalking, hate crimes, animal cruelty, and attempts to commit any of these crimes. The recommended periods of disqualification are based on the severity of the crime, and the most up-to-date research on recidivism.

### **Consent Tally**

This proposal received the consent of 22 of the 23 panelists.