

DOMESTIC ASSAULT

WHAT CONSTITUTES DOMESTIC VIOLENCE?

Title 18, United States Code, Sections 921(a) (33) and 922(g) (9):

A person who has been convicted in any court of a misdemeanor crime of domestic violence which has an element for the use or attempted use of physical force, or the threatened use of a deadly weapon, 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.

18.2-308.1:4 Purchase or transportation of firearm by persons subject to a Virginia Protection Order.

Protection Order – Purchase or possession of a firearm by any person named a respondent in a active protection order issued by a Virginia or non-Virginia authority is a prohibition under both state and federal law.



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Domestic Assault Conviction

Active Protection Order



EQUALS NO GUN

Domestic Violence Protection Order Awareness Campaign
Grant to Encourage Arrest and Enforcement of Protection Orders

DOMESTIC ASSAULT

WERE YOU JUST CONVICTED?

If so, do you know you just lost your gun rights? That is, the right to possess, purchase or carry any firearm? Do you know this is a FEDERAL prohibitor therefore you will need a Governor or Presidential PARDON in order to possess, carry or purchase a firearm again? Virginia State Police Firearm Transaction Program enforces federal, state and military laws.

PROTECTION ORDER

ARE YOU NAMED AS A RESPONDENT IN A PROTECTION ORDER?

In addition to domestic assault, all active Protection Orders are a prohibitor for purchasing or possessing any firearm and possibly the next step to a domestic assault conviction leading to the loss of firearm rights.

Violation of an active Protection Order is a federal offense punishable by up to ten years imprisonment. [18 U.S.C. § 922 (g)(8), 924(a)(2)]

This is the very reason the Virginia State Police Firearms Transaction Program and the Grant Partners are promoting this campaign for awareness. Domestic Assault convictions are the second highest prohibitor for being denied the purchase of any firearm. Virginia State Police wants the public to be aware of the consequences of domestic violence as it impacts your ability to purchase and possess firearms. In 2006, 378 persons were denied for Domestic Assault convictions and 104 persons were denied for being named as respondents in active in-state and/or out-of-state active Protection Orders.

When Virginia State Police Firearms Transaction Program Support Technicians deny a person the opportunity to purchase a firearm, the person denied then calls the Firearms Transaction Center to ascertain why they were denied only to learn, it is due to a domestic assault conviction or they are named as a respondent in an active Protection Order. At the time of the legal proceeding, for whatever reason, they are not aware of how this action has just impacted their life, possibly, forever!

Many citizens purchase firearms to protect their homes and love ones from home invasion. Many citizens purchase for the sport of hunting and the purpose of collecting guns.

Whatever the reason, the public needs to be aware when convicted of domestic violence, or named as a respondent in an active Protection Order, they have just lost their firearms rights. This is a FEDERAL PROHIBITION. The public also needs to know and understand this prohibitor means they can neither possess, carry nor purchase a firearm.

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FREQUENTLY ASKED QUESTIONS

Q – If you are charged with 18.2-57.2 Domestic Assault and convicted under 18.2-57, Simple Assault are you still denied due to a domestic conviction?

A – Yes. If the victim still meets the federal definition for domestic assault.

Q – Mr. X was convicted of misdemeanor assault on October 10, 1996. The crime of assault does not make specific mention of domestic violence, but the criminal complaint reflects that Mr. X assaulted his wife. May Mr. X still possess firearms or ammunition?

A – No. Mr. X may no longer possess firearms or ammunition.