

## BRADY IMPLICATIONS

It is a violation of federal law for any person to sell or otherwise dispose of any firearm or ammunition to any person that they know or have reasonable cause to believe is under an order of protection or has been convicted of a misdemeanor crime of domestic violence (18 U.S.C. § 922(d)). It is also a violation of federal law for a person who is subject to a court order of protection or who has been convicted of a misdemeanor crime of domestic violence to possess a firearm or ammunition (18 U.S.C. § 922(g)).

- A. **“Order of Protection”** – Court order which restrains the person from harassing, stalking, or threatening an intimate partner or child of the intimate partner, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or the child

AND

1. - was issued after a hearing of which the person received actual notice and at which the person had an opportunity to participate

AND

2. - includes a finding that the person represents a credible threat to the physical safety of the intimate partner or child

OR

- 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

Prohibition for the duration of the order.

Exceptions – military, federal, state, and local law enforcement officers

- while they are on duty
- only the firearms and ammunition necessary for their job position

- B. **“Misdemeanor crime of domestic violence”** is an offense that

1. -is a misdemeanor under federal and state law

AND

2. -has an element the use or attempted use of physical force or the threatened use of a deadly weapon

AND

3. -committed by:
  - current or former spouse
  - parent or guardian of the victim
  - person who has a child in common with the victim
  - person who is cohabitating with the victim as a spouse, parent, or guardian
  - person who has cohabitated with the victim as a spouse, parent, or guardian
  - person similarly situated to a spouse, parent, or guardian of the victim

Prohibition forever or until the conviction has been expunged or set aside or until the convicted person has been pardoned or has had civil rights restored.

Exceptions: none