

Module 7 - Disposition of Firearms

Federal Prohibitors <i>Gun Control Act of 1968 as amended by Brady Law of 1993</i>		Title 18 U.S.C. <i>Part 1 Chapter 44</i>
1	Convicted in any court of a crime punishable by imprisonment for a term exceeding one year Note 1: Does <u>not</u> include federal or state crimes for antitrust violations, restraints of trade or unfair trade practices. Only includes misdemeanors if the misdemeanor carries a term of imprisonment over 2 years. Note 2: Does <u>not</u> apply if person has been pardoned for the crime/conviction, the crime/conviction has been expunged or set aside, or the person has had their civil rights restored, and they are otherwise not prohibited.	§ 922 (g) (1)
2	Fugitive from justice	§ 922 (g) (2)
3	Unlawful users of or addicted to any controlled substance as defined in 21 USC § 802	§ 922 (g) (3)
4	Adjudicated as mental defective or has been committed to a mental institution	§ 922 (g) (4)
5	An alien illegally or unlawfully in the U.S.	§ 922 (g) (5)
6	Discharged from U.S. Armed Forces under dishonorable conditions	§ 922 (g) (6)
7	Having been a citizen of the U.S., has renounced U.S. citizenship	§ 922 (g) (7)
8	Subject to a court order issued after a hearing of which the person received actual notice and had an opportunity to participate; AND , a. Restrains the person from harassing, stalking, or threatening an intimate partner of the person or child of the intimate partner of the person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; AND, b. Finds the person represents a credible threat to the physical safety of the intimate partner or child; OR c. By its terms expressly prohibits the use, attempted use, or threatened use of physical force against an intimate partner or child that would reasonably be expected to cause bodily injury.	§ 922 (g) (8)
9	Convicted in any court of a misdemeanor crime of domestic violence: a. Must have an element of physical force or attempted use of physical force, or the threatened use of a deadly weapon; AND b. 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 cohabitating with or has cohabitated with the victim as a spouse, parent, or guardian, OR by a person similarly situated to a spouse, parent, or guardian of the victim, OR by a person who has a current or recent former dating relationship with the victim c. Convictions on/after 06/25/2022 include dating relationships (DMCDV). Temporary prohibitor for 5 years from date of conviction or completion of sentence. Becomes permanent prohibitor if another DMCDV occurs, or another offense that would disqualify, or any other misdemeanor offense that has a force element, regardless of relationship.	§ 922 (g) (9)
10	Persons who are under indictment or information for a crime punishable by imprisonment for a term exceeding one year	§ 922 (g) (n)
North Carolina Prohibitors <i>Article 54A – The Felony Firearms Act</i>		Source Below
1	Persons convicted of a felony Note 1: Does include any N.C. felony conviction, out-of-state felony conviction, and any federal or state conviction punishable by imprisonment for a term exceeding one year. Note 2: Does <u>not</u> include federal or state crimes for antitrust violations, restraints of trade or unfair trade practices. Only includes misdemeanors if the misdemeanor carries a term of imprisonment over 2 years. Note 3: Does <u>not</u> apply if person has been pardoned for the crime/conviction, the crime/conviction has been expunged or set aside, or the person has had their civil rights restored, and they are otherwise not prohibited.	N.C.G.S. § 14-415.1
2	Persons convicted of certain N.C. misdemeanor crimes and placed on probation <u>may</u> be prohibited from possessing firearms as a condition of probation.	N.C.G.S. § 15A-1343(b)(5)
3	Any federal prohibitors discussed above.	N.C. Sheriffs' Association