

RECOMMENDATIONS FOR STATES ON MEETING THE REQUIREMENTS OF 42 U.S.C  
3796gg-4(e) REGARDING JUDICIAL NOTIFICATION AS IT PERTAINS TO FEDERAL  
GUN CONTROL LAWS

The Violence Against Women and Department of Justice Reauthorization Act of 2005 added a new STOP certification requirement regarding judicial notification. Specifically, an applicant for STOP funds must certify that "its judicial administrative policies and practices include notification to domestic violence offenders of the requirements delineated in section 922(g)(8) and (g)(9) of Title 18, United States Code, and any applicable related Federal, State, or local laws[.]" States have until the later of January 5, 2008 or the period ending on the date on which the next session (after January 5, 2006) of the State legislature ends. OVW recognizes that states are not experts on federal law, so it is providing these specific recommendations of how states can meet the requirements. For more information on the requirements of 18 U.S.C. 922(g)(8) (which prohibits firearms possession by persons subject to qualifying protection orders) and (g)(9) (which prohibits firearms possession by persons convicted of misdemeanor crimes of domestic violence), please see <http://www.atf.gov/firearms/domestic/index.htm>.

**Suggested language to include in protection orders**

As a result of this order, it may be unlawful for you to possess or purchase a firearm, including a rifle, pistol, or revolver, or ammunition pursuant to federal law under 18 U.S.C. 922(g)(8) [and/or state law].

If you have any questions whether these laws make it illegal for you to possess or purchase a firearm, you should consult an attorney.

**Suggested language for criminal cases**

We suggest that this language is provided to criminal defendants charged in any crime against a person. It could be provided at any stage in the criminal process. We are recommending such a broad approach so that the state court does not have to make any findings about whether the person is in fact guilty of a qualifying misdemeanor crime of violence under federal law.

If you are convicted of a misdemeanor crime involving violence where you are or were a spouse, intimate partner, parent, or guardian of the victim or are or were involved in another, similar relationship with the victim, it may be unlawful for you to possess or purchase a firearm, including a rifle, pistol, or revolver, or ammunition, pursuant to federal law under 18 U.S.C. 922(g)(9) [and/or state law].

If you have any questions whether these laws make it illegal for you to possess or purchase a firearm, you should consult an attorney.