

**Restoration of Firearm Rights  
After Conviction:**  
**A National Survey and Suggestions for Reform**  
**June 2025**

**By Margaret Love & Beth Johnson**

## COLLATERAL CONSEQUENCES RESOURCE CENTER

The Collateral Consequences Resource Center is a non-profit organization established in 2014 to promote public engagement on the myriad issues raised by the collateral consequences of arrest or conviction. Collateral consequences are the legal restrictions and societal stigma that burden people with a criminal record long after their criminal case is closed. The Center provides news and commentary about this dynamic area of the law, and a variety of research and practice materials aimed at legal and policy advocates, courts, scholars, lawmakers, and those most directly affected by criminal justice involvement.

Through our Restoration of Rights Project (RRP) we describe and analyze the various laws and practices relating to restoration of rights and criminal record relief in each U.S. jurisdiction. In addition to these state-by-state profiles, a series of 50-state comparison charts and periodic reports on new enactments make it possible to see national patterns and emerging trends in formal efforts to mitigate the adverse impact of a criminal record. We consult in support of state law reform efforts and have prepared studies of access barriers to record clearing, including monetary barriers and eligibility waiting periods. In addition, we participate in court cases challenging specific collateral consequences, and engage with social media and journalists on these issues. For more information, visit the CCRC website at <http://ccresourcecenter.org>.

We owe a special debt of gratitude to Arnold Ventures for supporting our work over the past five years, including this report on restoration of firearm rights. The authors are also grateful for the legal research and analysis provided by Courtney Kelledees. As always, we welcome suggestions for improvement and, of course, correction.

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## EXECUTIVE SUMMARY

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Loss of firearm rights can be the most significant and enduring result of a criminal conviction for many Americans. And, once lost, firearm rights can be difficult to regain. Like many other collateral consequences that reinforce a convicted person's second-class status, felony dispossession laws are frequently overbroad and have no clear public safety nexus. They can also be hard to understand for the millions of Americans they affect due to the distinct, uncoordinated, and sometimes conflicting requirements of state and federal law. Problems of legal complexity are compounded when misunderstanding one's rights can result in criminal penalties.

Mechanisms for regaining firearm rights likewise vary from state to state and are often limited in scope and procedurally complex, with the same confusing overlap between state and federal requirements. Unlike restoration of other civil rights such as voting and office eligibility, a state's restoration of firearm rights may not be recognized by federal authorities, and vice versa. Restoration is particularly difficult for people who reside in a state other than the one where they were convicted, or who were convicted in federal court. Yet critics of felony dispossession laws have paid little attention to how rights once lost may be restored. Nor have they considered whether improvements in restoration of rights might counter the laws' perceived shortcomings. Perhaps because gun violence is such a volatile political issue, there appears to be no national constituency that supports allowing any "convicted felons" to regain their firearm rights. Lost in the debate is what should be common ground: treating people fairly and supporting their reintegration includes restoring, with appropriate safeguards, their full access to housing, jobs, credit, and yes, also firearm rights.

This report has two primary goals. First, it seeks to increase public understanding of the relevant legal frameworks by providing an inventory and analysis of the various state and federal laws that govern the loss and restoration of firearm rights following a criminal conviction. Second, it recommends changes in how firearm restoration mechanisms operate, to make them more accessible while maintaining accountability to public safety objectives. The report argues that rationalizing and regularizing the way rights are restored may defuse some of the key criticisms directed at felony dispossession laws, and calm public fears about rearming anyone labeled a "convicted felon."

A close look at how firearm rights are restored in states across the country seems particularly timely because of [prospective changes](#) to federal restoration procedures announced in March 2025 by the Department of Justice. These changes may require states to look carefully at analogous provisions in their own laws, to determine whether state restrictions should outlive federal ones.

## Key Findings

**Felony dispossession laws in most states extend well beyond what is necessary to advance public safety objectives.** In more than two-thirds of the states, firearm rights are lost upon conviction for *any* felony, regardless of whether the conduct involved a risk to public safety, and the loss of rights is indefinite. Only 13 states limit dispossession to violent crimes.

**The process for regaining lost firearm rights is complex and difficult to navigate in many states.** Each state operates under its own complex legal framework with overlapping federal requirements that create further legal jeopardy for inadvertent violations. Broad categorical dispossession laws are more vulnerable to constitutional challenge under the Second Amendment where a process for individualized assessment of public safety risk is effectively unavailable.

**Regaining firearm rights is particularly challenging for people with out-of-state or federal convictions.** Because mechanisms for regaining firearm rights are linked to the criminal case in a majority of states, as well as under federal law, many people are left without a clear path to restoration.

**Dedicated judicial or administrative firearm restoration mechanisms operating in a minority of states are available to all residents and appear to best serve the public interest.** Decoupling firearm relief from the state criminal case gives those with out-of-state and federal convictions a chance to regain rights where they reside.

**Prospective changes to firearm relief under federal law should encourage states to consider reforming analogous provisions in their own laws.** Even if federal restrictions are lifted under a revived § 925(c) program, applicable state restrictions may prevent individuals from fully regaining their firearm rights. Expanded federal relief will encourage states to look carefully at analogous provisions in their own laws, to determine whether state restrictions should outlive federal ones.

## INTRODUCTION

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Restrictions on firearm possession following criminal conviction are embedded in the legal code of every state and territory, as well as in federal law. For many people, losing their right to possess firearms is the most significant and enduring consequence of conviction, exemplifying the second class citizenship that keeps them from living a full life. Firearm dispossession is a particular hardship for people who value hunting or sport shooting, for people who aspire to an occupation such as security guard, and for people who want to protect their home and family.<sup>1</sup>

As is true of other collateral consequences, felony dispossession laws in many jurisdictions extend well beyond what appears necessary to promote public safety. Indeed, in a majority of U.S. jurisdictions, felony dispossession laws extend well beyond what appears necessary to promote public safety, and loss of rights is often permanent absent some elusive act of official forgiveness. Millions of people convicted of crimes that cast no doubt on their ability to safely possess firearms are nevertheless permanently prohibited from doing so. The breadth and severity of many dispossession laws is compounded by the high stakes of misunderstanding them. Unlike discrimination faced by people with criminal records in areas such as employment and housing, which typically results from individualized decisions by an employer or landlord, so-called “felon-in-possession” laws operate automatically to establish a new legal status that is regulated with criminal penalties.

The obligations of felony dispossession laws can be difficult to grasp due to the distinct, uncoordinated, and sometimes conflicting requirements of state and federal law. Jurisdictions impose widely varying requirements for restoring firearm rights, which may be difficult to satisfy, particularly for state residents whose convictions were obtained in another state or in federal court. Moreover, unlike restoration of other civil rights such as voting and office eligibility, restoration of firearm rights by a state may or may not be recognized by federal authorities, and vice versa. Understanding this fragmented and complex legal environment is essential for the millions of Americans it affects, as even unintentional violations can expose individuals to criminal prosecution and imprisonment by multiple authorities.

Felony dispossession laws have attracted their share of criticism, on grounds of fairness, proportionality, and disparate racial impact.<sup>2</sup> In addition, in recent years their constitutionality under the Second Amendment has been repeatedly challenged, occasionally successfully.<sup>3</sup> Yet critics of felony dispossession laws have paid little attention to how rights once lost may be restored. Nor have they considered whether improvements in restoration of rights might counter the laws’ perceived shortcomings. The ease or difficulty of restoring lost rights has not figured in Second Amendment analysis, and there has been no empirical research to evaluate whether some restoration provisions are more defensible in public safety terms than others. Indeed, other than our own [Restoration of Rights Project](#), firearm

restoration laws have not been inventoried or analyzed, making it difficult to compare varying state approaches or to understand the interaction of state and federal regulatory schemes.

The source of this disinterest in a collateral consequence important to so many Americans is not hard to identify. Facilitating relief from felony dispossession has not been a focus of organizations seeking to remove criminal record restrictions on basic needs such as housing, employment, and access to social supports. Nor is it a familiar part of the advocacy program of organizations dedicated to challenging other types of restrictions on firearm possession. Gun violence has been too volatile an issue on the national scene to make support for restoring firearm rights to “convicted felons” anything but a political third rail. In short, while regaining their right to bear arms may be a legitimate priority for the many Americans with a criminal record who pose no public safety risk, there appears to be no national constituency (much less a national consensus) that supports allowing them to do so.

This report addresses the gap in public understanding of this significant collateral consequence with an inventory and analysis of laws restoring firearm rights lost because of a criminal conviction, aiming to shed light on the problematic legal and policy terrain on which these laws rest. The report argues that improving the way rights are restored may defuse some of the key criticisms directed at felony dispossession laws, and calm public fears that rearming people who have a criminal record might threaten public safety.

A close look at how firearm rights are restored in states across the country seems particularly timely because of [prospective changes](#) to federal restoration procedures announced in March by the Department of Justice.<sup>4</sup> At present, relief from federal firearm restrictions for people with state convictions depends upon their first obtaining firearm relief under state law. The Justice Department’s revival of an alternate way of avoiding federal restrictions will leave applicable state restrictions in place, and challenge states to consider whether any analogous state restrictions should remain after federal rights have been restored.

## Felony Dispossession and the Second Amendment

The Supreme Court's landmark 2008 decision in *District of Columbia v. Heller*, which recognized a federal constitutional right to possess a firearm "in defense of home and hearth," opened a new avenue of challenge to dispossession statutes. *Heller* itself anticipated and sought to deflect such challenges by declaring them to be "longstanding" and "presumptively lawful," but some courts have characterized this statement as dictum, and scholars have questioned its historical accuracy. In recent years, the Supreme Court has required the government to demonstrate that firearm restrictions are consistent with the nation's historical tradition of firearm regulation. The key decisions are *New York State Rifle & Pistol Association, Inc. v. Bruen*, 597 U.S. 1 (2022), and *United States v. Rahimi*, 144 S. Ct. 1889 (2024).

In the wake of these decisions, several federal courts of appeal have come to different conclusions about whether the dispossession provisions of the federal firearm statute violate the Second Amendment as applied to particular individuals convicted of nonviolent crimes. The constitutional issues along with their resolution in various other circuits are discussed at length in the recent decision of the Ninth Circuit [United States v. Duarte](#), No. 22-50048, 9th Circuit (May 9, 2025)(en banc)(federal felony dispossession statute is "not unconstitutional as applied to non-violent felons like the defendant"). See also Adam Liptak, *Courts in 'State of Disarray' on Law Disarming Felons*. N.Y. Times, Jan. 5, 2025; Comment, [Range v. Attorney General](#), 137 Harv. L. Rev. 1034 (Jan. 2025)("If courts adopt and vigilantly apply a dangerousness framework, many individuals with criminal convictions can have their Second Amendment rights rightfully restored under *Bruen*."). It seems relevant that no federal court of appeals has sustained a Second Amendment as-applied challenge where it was raised by a defendant in a criminal case, or where the conviction triggering dispossession was a felony, although the Third Circuit has ruled in favor of a civil plaintiff convicted of minor non-violent offenses on several occasions, most recently in [Range v. Att'y Gen.](#), 124 F.4th 218, 222-23 (3d Cir. 2024) (en banc).

One state's highest court relied upon a "right to bear arms" provision of its state constitution to refuse to apply a newly enacted felony dispossession law to an individual whose conviction was decades old, whose firearm rights had been restored under an earlier law, and who had long since demonstrated rehabilitation. See [Britt v. State](#), 363 N.C. 546, 550 (2009). It is perhaps instructive that, subsequent to the *Britt* decision, the North Carolina legislature enacted a statute authorizing state courts to restore rights to all similarly situated individuals. See N.C. Gen. Stat. § [14-415.4](#).



## FRAMEWORK AND SCOPE OF THE REPORT

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This report begins with an overview of the national landscape of firearm dispossession laws based on criminal conviction, accompanied by comparative maps that highlight key features of each state’s scheme: what types of convictions result in dispossession, for what period of time are those rights lost, and – most importantly – what relief mechanisms are available to restore lost rights. We include a discussion of the complex interplay between state and federal laws governing dispossession, and note in particular the U.S. Department of Justice’s [recent proposal](#) to revive an administrative restoration program under 18 U.S.C. § 925(c) that could potentially affect anyone dispossessed under federal law, whether by virtue of a federal or a state conviction. A handful of states even call for automatic restoration of rights under their own laws to anyone who obtains this federal relief.

Even if federal restrictions are lifted under a revived § 925(c) program, state law may prevent individuals from fully regaining their firearm rights, underscoring the need for states to consider whether to reform their own laws in parallel with federal action.

Accordingly, the heart of the report is an analysis of the governing law in each state and the District of Columbia. This jurisdiction-specific analysis covers the basic rules of dispossession and restoration that apply to both long guns and handguns, including where they differ. Our analysis covers all criminal dispositions that trigger firearm restrictions, including some deferred dispositions, but does not cover restrictions that may be imposed in civil actions such as domestic violence protective orders, mental health or substance use admissions, or “red flag law” confiscations.

We include statutory citations to allow exploration of additional details of a state’s scheme – e.g., the penalties resulting from violations of dispossession laws; the specific crimes within a state’s definition of “violent offenses”; the relationship between permitting requirements and criminal enforcement; the special rules governing handgun possession and a state’s “concealed carry” laws; common exceptions to dispossession such as for those engaged in law enforcement and other official duties, and for those convicted of certain regulatory offenses. Those interested in information about the applicability and operation of general restoration provisions like pardon and expungement that may be applicable in this context are directed to the state-by-state profiles of CCRC’s [Restoration of Rights Project](#).

This report’s state-specific analysis of conviction-based firearm restrictions and restoration provisions has not previously been made available in easily accessible form. We hope this work serves as a useful practice resource for lawyers advising clients, a reference for legislators and policymakers looking at regional and national trends, and an informative starting point for curious members of the general public. While we aim to provide useful information to those with questions about their firearm rights, the analysis of applicable laws is not intended, nor should it be construed, as legal advice. We encourage anyone with questions about their own dispossession status to seek professional assistance.

## RELIEF FROM FEDERAL FIREARM RESTRICTIONS

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As relevant to this report, and very briefly, federal law makes possession of a firearm unlawful for anyone who has been convicted of “a crime punishable by imprisonment for a term exceeding one year” - the definition of a “felony” under federal law and most state laws – or “a misdemeanor crime of domestic violence.” 18 U.S.C. §§ 922(g)(1), (g)(9). These federal restrictions on firearm possession exist independent of state restrictions, which may be broader or narrower. *See* Map No. 1.

Federal law provides two ways to avoid being charged federally with unlawful possession after conviction. The first way is for affected individuals to have their rights restored in the jurisdiction where they were convicted: A conviction will not result in unlawful possession if it “has been expunged, or set aside or for which a person has been pardoned or has had civil rights restored,” unless the relief “expressly provides” that the person’s firearm rights remain restricted in that jurisdiction. 18 U.S.C. §§ 921(a)(20), (a)(33). Importantly, this “unless” clause has been uniformly interpreted to require that state law relief include restoration of firearm rights.<sup>5</sup> In other words, under this first way that those convicted in state court can avoid federal firearm restrictions depends entirely on whether the state where they were convicted has removed all restrictions on their right to possess firearms under state law. Those convicted in federal court must have their rights restored under a federal process in order to qualify for relief under these provisions, so that state relief has no effect on their federal dispossession.<sup>6</sup> Because federal law presently provides no procedures for restoration of rights, the only way a person convicted and dispossessed under federal law can have federal firearm rights restored is by receiving a presidential pardon.

Determining the efficacy of relief under §§ 921(a)(20) and (a)(33) is not difficult, because federal and state rights are exactly coincident under these provisions. As the examples in the text box illustrate, when a person regains firearm rights under state law they will generally regain federal rights automatically under §§ 921(a)(20) and (a)(33). Conversely, where a person has not regained their rights in the state where they were convicted, even if they regain rights in another state where they now live, the requirements of §§ 921(a)(20) and (a)(33) will not be satisfied and federal restrictions will remain in effect. The complexities and occasional paradoxical results of this federal relief scheme have been litigated across the country since its enactment more than 50 years ago.<sup>7</sup>

The second way of regaining federal firearm rights is through the U.S. Attorney General, who may grant relief “if it is established to his satisfaction that the circumstances regarding the disability, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety and that the granting of the relief would not be contrary to the public interest.” 18 U.S.C. § 925(c). Unlike §§ 921(a)(20), (a)(33), this relief mechanism does not make regaining state rights a precondition of federal relief, and applicable state restrictions will generally survive restoration of federal rights under § 925(c).

The administrative relief mechanism under § 925(c) has been unavailable since 1992 for lack of congressional funding,<sup>8</sup> but the Department of Justice indicated in March 2025 that it intends to revive this program in some form. See text box.

The availability of relief under § 925(c) will be of particular interest to dispossessed individuals who have been unable to satisfy the standards of §§ 921(a)(20) and (a)(33), like those in the text box illustration who relocated to a state with more permissive firearm laws while still subject to dispossession where they were convicted.

Another group that should welcome the revival of the § 925(c) program is composed of those dispossessed by virtue of a federal conviction, who at least since 1994 have been unable to regain federal firearm rights except through the extraordinary remedy of a presidential pardon.<sup>9</sup>

Note, however, that even if a person obtains relief from federal restrictions under § 925(c), whether for a federal or state conviction, they potentially remain subject to any applicable state law restrictions. A decoupling of state and federal relief, while beneficial to some who now find it difficult to satisfy §§ 921(a)(20) and (a)(33), will not solve the problem of unduly restrictive state restoration procedures. One approach to a more functional relationship between the two sets of laws is represented by the laws in a number of states providing that anyone who receives federal relief under § 925(c) is automatically relieved from state restrictions.<sup>10</sup> With the Justice Department's proposal to revive the § 925(c) program, the extension of state law to give effect to federal relief may prove an attractive option in some state legislatures. Depending on the standards and process adopted by the Justice Department, however, some states may prefer to maintain an independent firearm restoration policy.

The Justice Department's intention to revive the § 925(c) firearm relief program was announced in an interim final rule, published March 20, 2025, "Withdrawing the Attorney General's Delegation of Authority," ([90 Fed. Reg. 13080](#)). This rule implements Executive Order 14206 of February 6, 2025 ("Protecting Second Amendment Rights"), which directed the Attorney General to study ways that the federal government could reduce burdens on individuals' Second Amendment rights. The Executive Order did not mention firearms dispossession laws as among those burdens. The rule is described in [Justice moves toward relieving record-based gun restrictions](#), CCRC Staff, March 26, 2025.

## **When State and Federal Restrictions Travel Together – And When They Don't**

When persons convicted in state court of a non-violent felony in Arizona or Minnesota are discharged from their sentence, they are automatically restored to all of their civil rights under state law, including their firearm rights. They thereby automatically regain their federal rights under the only presently operative federal restoration provision, 18 U.S.C. § 921(a)(20). However, similarly situated persons convicted in Oklahoma or Wisconsin remain subject to state firearm restrictions unless and until they have been granted a full pardon in their respective states, and so remain subject to federal restrictions as well.

If a person is unable to regain rights in the jurisdiction that convicted them, whether a state or the federal government, the result under § 921(a)(20) is that they will remain subject to federal restrictions as well – even if they reside in a state whose firearm laws are more permissive. Thus, if the individuals convicted in Oklahoma and Wisconsin were to relocate to Arizona or Minnesota, they would be able to possess firearms under state law in those states, but would remain federally dispossessed because it is relief from the state of conviction that matters under § 921(a)(20). They would have to return to Oklahoma or Wisconsin to seek a pardon, the only relief from dispossession available in those states, before they would be safe from prosecution under the federal “felon in possession” statute, 18 U.S.C. § 922(g)(1).

Anomalously, the persons who had automatically regained both state and federal rights in Arizona and Minnesota might be well-advised not to plan a hunting trip to Oklahoma or Wisconsin where they would presumably be subject to those states' stricter requirements – though they would be safe from federal prosecution. Those who have not regained federal rights will have to stick to muzzle-loaders or bow-hunting even in a state that allows them to possess modern firearms, at least until administrative restoration under 18 U.S.C. § 925(c) is available.

## OVERVIEW OF STATE LAW ON RESTRICTIONS AND RESTORATION

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### A. Restrictions

The Appendix to this report reveals that every state restricts, to at least some degree, the right to possess firearms after a criminal conviction. Typically, restrictions in state law result from any felony conviction, apply to all guns that fire bullets, and are permanent unless removed by executive pardon or other discretionary official action. But some state dispossession laws vary from this paradigm depending on the type of conviction or the type of firearm, and some states impose restrictions only for a limited time period.

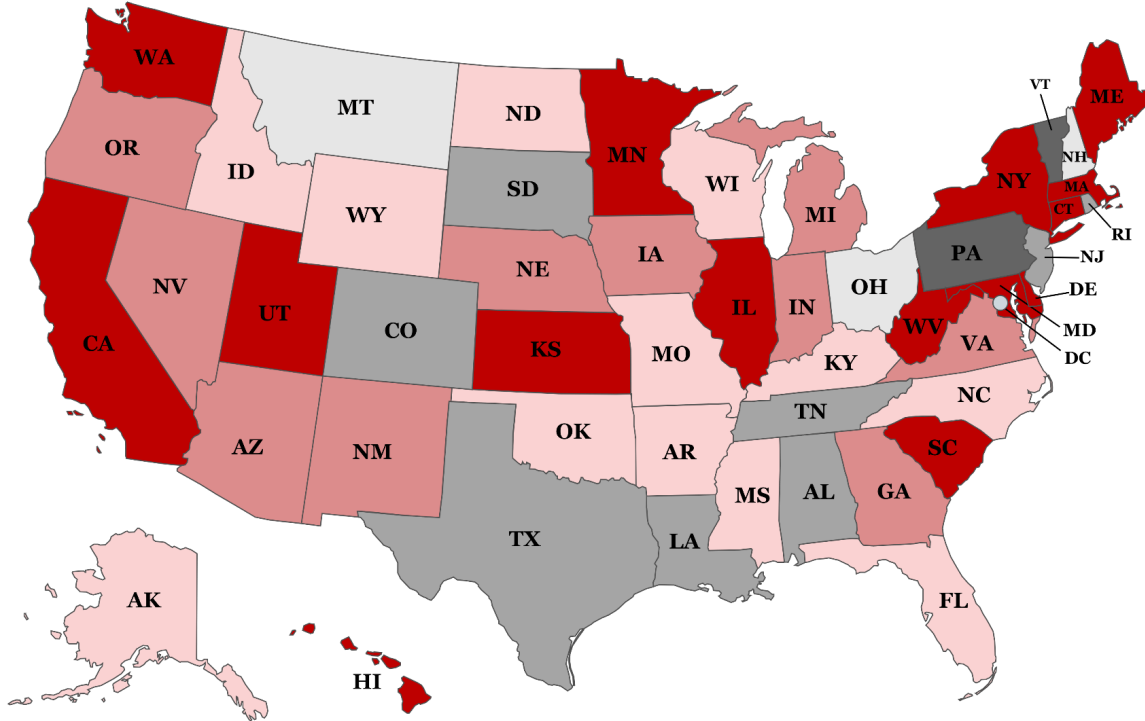
Map No.1 shows that in 37 states, the District of Columbia, and the Federal system, a person convicted of any felony loses the right to possess any firearm for at least some period of time. In 13 states, only people convicted of specific crimes (usually violent, drug, sex, and firearm offenses) lose firearm rights. Thirty-five (35) states, D.C. and the Federal system now also dispossess based on a misdemeanor conviction for domestic violence, and 17 states dispossess based on an assortment of violent misdemeanors. Several states have more lenient rules for possession of long guns than for handguns, but Alaska is now the only state that imposes restrictions only on handguns. Tennessee appears to be unique in allowing otherwise unlawful possession by those convicted of non-violent crimes where it is “incident to lawful hunting, trapping, fishing, camping, sport shooting or other lawful activity.”<sup>11</sup>

As the following section shows, in every state where dispossession is permanent there is some process for regaining rights. But in many states this process is difficult to navigate, and is unavailable to many, including those convicted in other states or in federal court.

In 12 states dispossession is time-limited for at least some significant categories of crimes. In Arizona, Minnesota, and Oregon certain less serious convictions result in the loss of rights only while the person is serving their sentence (including any term of probation). A number of additional states dispossess those under a deferred adjudication or judicial diversion agreement while under supervision. Idaho dispossesses for less serious convictions only while a person is actually in custody, and does not dispossess at all for convictions resulting in probation. Kansas, Louisiana, Michigan, New Mexico, North Dakota, South Dakota, and Utah all impose varying time limits on dispossession depending upon the offense of conviction, with most making dispossession indefinite for more serious offenses, until and unless pardoned or relieved by a court. In South Dakota the longest period of dispossession is 15 years, and in North Dakota, even people whose conviction involved “violence or intimidation” automatically regain firearm rights 10 years after completion of sentence.

## Map No. 1: Dispossession of All Firearms

Map 1 categories indicate convictions that trigger dispossession of all firearms. States with additional convictions triggering handgun dispossession (or concealed carry permits) or those with limitations on dispossession are noted. Information applicable to these more specialized situations is covered in the state-by-state analyses in the [Appendix](#).



All Felonies, Some Misd (incl. Misd. DV) (15, DC, Fed)	All Felonies, Misd. DV (10)	All Felonies Only (12)	Serious / Violent Felonies, Some Misd. (incl. Misd. DV) (2)	Serious / Violent Felonies, Misd. DV (8)	Serious / Violent Felonies Only (3)
<a href="#">California</a> <a href="#">Connecticut</a> <a href="#">Delaware</a> <a href="#">District of Columbia</a> <a href="#">Federal</a> <a href="#">Hawaii</a> <a href="#">Illinois</a> <a href="#">Kansas</a> <a href="#">Maine</a> <a href="#">Maryland</a> <a href="#">Massachusetts</a> <a href="#">Minnesota</a> <a href="#">New York</a> <a href="#">South Carolina</a> <a href="#">Utah</a> <a href="#">Washington</a> <a href="#">West Virginia</a>	<a href="#">Arizona</a> <a href="#">Georgia</a> <a href="#">Indiana</a> <a href="#">Iowa</a> * <a href="#">Michigan</a> <a href="#">Nebraska</a> <a href="#">Nevada</a> <a href="#">New Mexico</a> <a href="#">Oregon</a> * <a href="#">Virginia</a> *	<a href="#">Alaska</a> **** <a href="#">Arkansas</a> <a href="#">Florida</a> <a href="#">Idaho</a> **** <a href="#">Kentucky</a> <a href="#">Mississippi</a> <a href="#">Missouri</a> * <a href="#">North Carolina</a> * <a href="#">North Dakota</a> <a href="#">Oklahoma</a> * <a href="#">Wisconsin</a> <a href="#">Wyoming</a> **	<a href="#">Pennsylvania</a> <a href="#">Vermont</a>	<a href="#">Alabama</a> <a href="#">Colorado</a> <a href="#">Louisiana</a> <a href="#">New Jersey</a> * <a href="#">Rhode Island</a> <a href="#">South Dakota</a> <a href="#">Tennessee</a> * <a href="#">Texas</a> *	<a href="#">Montana</a> *** <a href="#">New Hampshire</a> <a href="#">Ohio</a> ***
<p>*Additional misdemeanors dispossess for handguns only</p> <p>**DV misdemeanors dispossess for handguns only</p> <p>***Additional convictions for concealed weapons permits only</p> <p>****Alaska dispossesses for handguns only &amp; Idaho only if sentenced to custody</p>					

## B. Restoration

The provisions for regaining firearm rights vary widely from state to state, and even within the same state may vary depending on the nature of the offense or type of firearm. (Presumably there is even greater variety within a state if one considers local and municipal restrictions, but we did not inventory these.) Map No.2 shows that many states offer several different routes to regaining firearm rights, and those that limit the period of dispossession may offer discretionary relief to shorten it further.

Map No. 2 also shows that more than two thirds of the states (34) and the District of Columbia do not offer any opportunity for relief from state firearm restrictions to those convicted in other jurisdictions, including in federal court. This is frequently (but not invariably) because relief is linked to the state's criminal case via pardon, expungement, or reduction of offense level. A few states offer firearm relief through a free-standing judicial or administrative process that restricts access to those convicted in their own courts.

In almost every state a pardon is effective to relieve restrictions, but in 16 states and the District of Columbia pardon is the exclusive route to restoration for felony convictions. As evidenced by the 50-state comparison chart in CCRC's [Restoration of Rights Project](#), pardon is a reasonably attainable form of relief in some of these 16 states (e.g., Connecticut, Delaware, and Georgia) but in many others pardons are irregular and infrequent. In addition, states make their pardons unavailable for convictions secured in other jurisdictions or in federal court.<sup>12</sup> Finally, it may be unclear what effect a pardon (or indeed any other relief) granted by one state will have in another. For example, in a 2013 case that lingered in the Tennessee courts for more than five years, state authorities refused to give effect to a Georgia pardon that specifically restored firearm rights to a man convicted of a drug trafficking offense, initially because Tennessee at the time did not give effect to its own pardons to restore firearm rights in drug trafficking cases, and later because the Georgia crime arguably fell within the public policy exception to the Full Faith and Credit Clause.<sup>13</sup>

Discretionary judicial relief is authorized for at least some types of convictions in almost half the states. Expungement relieves firearm restrictions for felony convictions in nine (9) states,<sup>14</sup> although in some of those states expungement is not available for many felonies. Record-clearing remedies like expungement or sealing do not disturb firearm restrictions in many other states. Eight (8) states offer an interesting additional judicial mechanism for restoring firearm rights in the form of a post-conviction reduction of a felony conviction to a misdemeanor, which among other benefits arguably avoids felony-based firearm restrictions.<sup>15</sup> But because these types of judicial relief are integral to the underlying criminal case, they are not usually available in cases involving a conviction from another state or one obtained in federal court.

A type of relief that is accessible to all state residents, wherever convicted, is offered by the sixteen (16) states that empower their county courts or an administrative agency to restore firearm rights after a hearing at which residents have an opportunity to demonstrate the absence of any public safety risk.<sup>16</sup> Indeed, in two (2) states (Pennsylvania and Virginia) a

dedicated court proceeding is the exclusive way a person can regain firearm rights, even superseding pardon. Pennsylvania makes receipt of a pardon one of the prerequisites for asking the court for relief, while Virginia's Supreme Court has held that in giving courts this dispensing power the legislature divested the governor of his. Michigan and Minnesota restore rights automatically to those convicted of non-violent crimes, requiring those convicted of violent crimes to have their petitions considered by a judge. Arizona reorganized its restoration scheme in 2019 so that its courts may now grant firearm relief for most felonies that result in dispossession, subject to differing waiting periods, remitting only those convicted of "dangerous felonies" to the pardon process.

Additional states that expressly make an administrative or judicial restoration process available to state residents for convictions occurring in any jurisdiction include Alabama, Arkansas, Illinois, Maine, Mississippi, New York, North Carolina, Oregon, and Tennessee. Other states, such as Montana, limit judicial firearm relief to those convicted in their own state courts. West Virginia authorizes its courts to restore rights to those convicted in other states but not to those convicted in federal courts. Ohio offers a judicial restoration procedure to all residents, but people who have moved to other states since their Ohio conviction have been judged ineligible to apply, automatically putting federal relief under § 921(a)(20) out of reach as well.<sup>17</sup> At one time Virginia limited access to its courts to its own residents, but later amended the relevant statute to make the process available to all residents.<sup>18</sup>

Another 10 states have incorporated into their own law the federal administrative relief mechanism in 18 U.S.C. § 925(c), so that avoiding federal restrictions will automatically remove state restrictions as well.<sup>19</sup> Six of the 10 states that give effect to § 925(c) relief under their laws do not otherwise provide a route to state relief for convictions in other states.

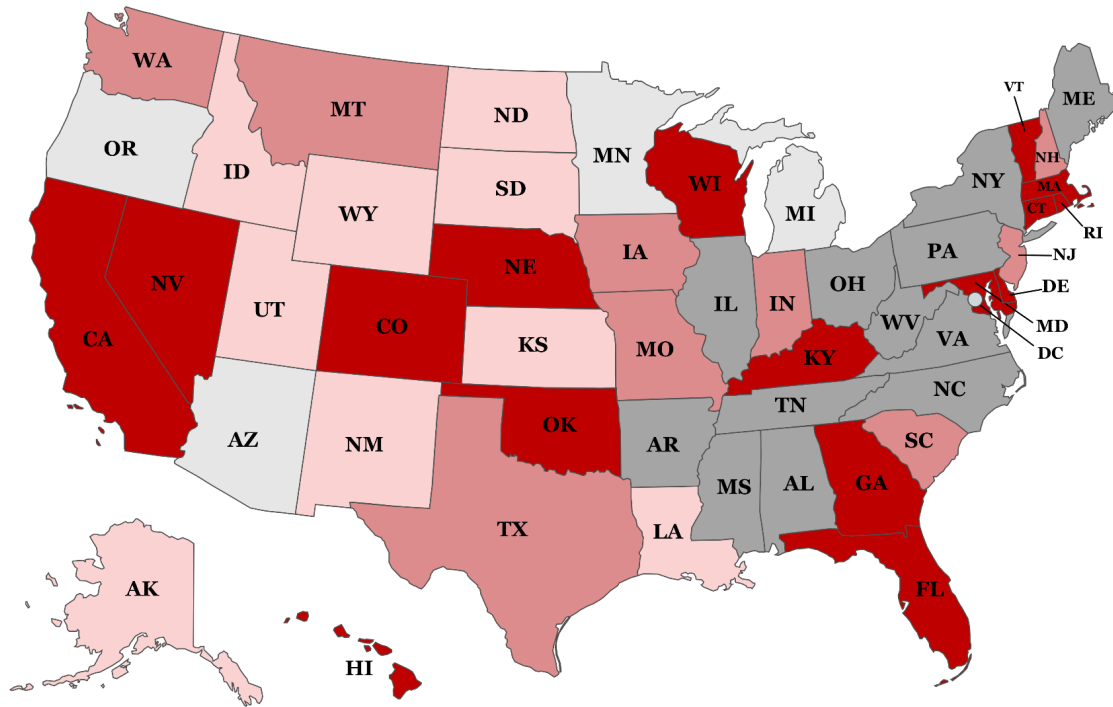
One may wonder why so many states have declined to provide opportunities for firearm relief for its residents convicted in other jurisdictions. It is possible that this parochial approach reflects state imitation of the limits on federal relief under §§ 921(a)(20) and (33), which the Supreme Court has interpreted to require restoration of firearm rights in the jurisdiction of conviction as a precondition of federal relief.<sup>20</sup> As long as federal relief was available only through §§ 921(a)(20) and (33), the availability of state relief may not have mattered to residents convicted in other states.

If, however, federal relief under § 925(c) is once more made available, the states that decline to restore rights to persons convicted in other jurisdictions may want to re-think this decision. These states may find appealing the approach chosen by the states mentioned above that tie state and federal relief together by giving effect to § 925(c) relief in their own laws. On the other hand, depending on the eligibility standards and process developed by the Justice Department for the § 925(c) program, some states may prefer to keep in place more restrictive laws. In either case, states will want to give serious consideration to making relief under state law available to all those who live in the state, no matter where the disqualifying conviction occurred.



## Map No. 2: Restoration of Rights After Felony Conviction

This map describes the differing relief a state may make available, including whether they make relief available to those with convictions from other jurisdictions, including federal convictions. This map does not cover specialized relief that may apply to dispossession resulting from juvenile adjudications and misdemeanor convictions, which is covered in the [Appendix](#).



<b>Pardon Only, Available for State Convictions (16, DC)</b>	<b>Other Discretionary Mechanisms Available for State Convictions (9)</b>	<b>Automatic Restoration for Some Convictions; Earlier Relief Available for State Convictions (9)</b>	<b>Discretionary Judicial or Admin. Relief for Other Jurisdiction's Convictions (12)</b>	<b>Automatic Restoration for Many Convictions; Discretionary Relief Available for Other Jurisdiction's Convictions (4)</b>
<a href="#">California</a> <a href="#">Colorado</a> <a href="#">Connecticut</a> <a href="#">Delaware</a> <a href="#">District of Columbia</a> <a href="#">Florida</a> <a href="#">Georgia*</a> <a href="#">Hawaii</a> <a href="#">Kentucky*</a> <a href="#">Maryland*</a> <a href="#">Massachusetts</a> <a href="#">Nebraska</a> <a href="#">Nevada</a> <a href="#">Oklahoma</a> <a href="#">Rhode Island</a> <a href="#">Vermont*</a> <a href="#">Wisconsin*</a>	<a href="#">Indiana</a> <a href="#">Iowa</a> <a href="#">Missouri</a> <a href="#">Montana</a> <a href="#">New Hampshire</a> <a href="#">New Jersey</a> <a href="#">South Carolina</a> <a href="#">Texas</a> <a href="#">Washington*</a>	<a href="#">Alaska</a> <a href="#">Idaho</a> <a href="#">Kansas</a> <a href="#">Louisiana</a> <a href="#">New Mexico</a> <a href="#">North Dakota</a> <a href="#">South Dakota</a> <a href="#">Utah</a> <a href="#">Wyoming</a>	<a href="#">Alabama</a> <a href="#">Arkansas*</a> <a href="#">Illinois</a> <a href="#">Maine</a> <a href="#">Mississippi*</a> <a href="#">New York</a> <a href="#">North Carolina</a> <a href="#">Ohio</a> <a href="#">Pennsylvania</a> <a href="#">Tennessee</a> <a href="#">Virginia</a> <a href="#">West Virginia</a>	<a href="#">Arizona</a> <a href="#">Michigan</a> <a href="#">Minnesota*</a> <a href="#">Oregon*</a>
<p>*States that extend state relief to anyone granted federal relief under 18 U.S.C. 925(c).</p>				

## FINDINGS AND RECOMMENDATIONS

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- **Felony dispossession laws frequently extend beyond what is necessary to advance public safety.** In most states, firearm rights are lost upon conviction for *any* felony, regardless of whether the crime involved violence or a genuine risk to public safety, and the loss of rights is indefinite. Only 13 states limit dispossession to those convicted of violent crimes. There is no empirical research that would support restricting firearm rights in the case of non-violent offenses, and such restrictions raise constitutional issues under the Second Amendment.
- **The process for regaining lost firearm rights is complex and difficult to navigate in many states, and results in unequal application of federal criminal law from state to state.** Each state operates under its own legal framework with overlapping federal requirements that create legal jeopardy for inadvertent violations. Because liability under federal firearm laws currently depends upon differing state restoration laws and policies, those laws are not uniformly applied across the country.
- **Regaining firearm rights is difficult in many states, but it is particularly challenging for people with out-of-state or federal convictions.** In two-thirds of the states, mechanisms for restoration of firearm rights are linked to the criminal case that triggered dispossession, including pardon, expungement, or reduction of offense grade. These forms of relief may be difficult to access even for those with state convictions, but they are effectively unavailable to those convicted in other jurisdictions. Currently operative federal restoration provisions also link relief to the criminal case that triggered dispossession, and make relief from federal restrictions depend on whether state restrictions have been removed. Prospective changes to federal restoration policies may decouple federal from state relief, and thereby encourage states to reconsider their own approach to firearm relief. These changes could be particularly beneficial for persons who were not convicted in the state they reside in, and for those with federal convictions.
- **Dedicated judicial or administrative firearm restoration procedures operating in a minority of states appear to best serve the public interest.** Only about a dozen states have adopted a judicial or administrative restoration mechanism that is easily accessible to all state residents no matter where their conviction was obtained, and that protects against risks to public safety through individualized assessment. Yet these mechanisms may leave those with out-of-state or federal convictions subject to federal restrictions. An impending revival of a federal

administrative restoration program could encourage additional states to join the ten states that have incorporated federal relief into their own laws. Or, a state may decide to go its own way to adopt firearm laws and policies responsive to community priorities and public safety concerns.

We conclude with four recommendations for improving firearm restoration schemes.

- 1. States should narrow the scope of their felony dispossession laws** to correspond more closely to public safety risks raised by a person's criminal conduct. It would be useful in this regard to study the experience of the states that dispossess only those convicted of serious violent crime, or that restore rights automatically to certain categories of those dispossessed.
- 2. States should provide a procedure for regaining firearm rights that incorporates a public safety determination and that is easily accessible to all residents.** Every state should make procedures for restoring firearm rights broadly available and easily accessible to all state residents consistent with public safety concerns, regardless of where their residents were convicted. The dedicated judicial relief provisions adopted by Pennsylvania, Oregon and Virginia appear to offer the broadest, fairest, and most accountable opportunities for relief from state firearm restrictions. The judicial relief provisions of the Model Penal Code: Sentencing and Uniform Collateral Consequences of Conviction Act, which authorize the sentencing court to relieve mandatory collateral consequences, also offer good models.
- 3. The federal government should make relief from federal felony dispossession under 18 U.S.C. § 925(c) broadly available to those who present no public safety risk.** The Department of Justice should adopt eligibility standards and procedures for § 925(c) relief that will offer a broad alternative to 18 U.S.C. §§ 921(a)(20) or (a)(33) relief for those who have found it difficult or impossible to qualify under these provisions, including those with federal convictions and those who do not reside in the jurisdiction where they were convicted. These standards and procedures should be designed to minimize public safety risk, and should not require state relief as a precondition of federal relief since this would perpetuate the skewed results under §§ 921(a)(20) or (a)(33).
- 4. States should use the occasion of the revival of a federal administrative firearm relief program to reconsider analogous provisions of their own restoration laws and policies.** Depending on the standards and policies adopted by the federal government, a state may decide to incorporate federal relief into its own laws, as a number of states have already done, or it may decide that an independent regulatory scheme best serves the public interest.

## ENDNOTES

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1. The authors of this report have each spent decades representing people seeking to regain their firearm rights, one in the federal system through the presidential pardon process, and the other in the State of Illinois through the various relief mechanisms that state provides. We are convinced that the time is right for a serious and open-minded effort to reform the law applicable to a collateral consequence of conviction that is in many ways unreasonable and unfair. [/return to text/](#)
2. See, e.g., Jacob D. Charles & Brandon L. Garrett, *The Trajectory of Federal Gun Crimes*, 170 U. PA. L. REV. 637 (2022) (discussing the disproportionate sentencing for federal gun possession crimes and the racial disparities in enforcement and incarceration); Zach Sherwood, *Note, Time to Reload: The Harms of the Federal Felon-in-Possession Ban in a Post-Heller World*, 70 DUKE L.J. 1429 (2021) (arguing that felon-in-possession laws are excessively punitive and unfair). [/return to text/](#)
3. It is beyond the scope of this report to describe the progress of litigation over the Second Amendment issue in recent years, though its outlines are sketched in a text box. Note that the only successful challenges to dispossession under federal law that were upheld by a court of appeals have come in civil suits brought by people convicted of minor non-violent crimes who had long since satisfied their sentences. [/return to text/](#)
4. On March 20, 2025, the U.S. Department of Justice (DOJ) published an [interim final rule](#) (“[Withdrawing the Attorney General’s Delegation of Authority](#)”) that it described as a “first step” toward reviving the § 925(c) restoration program, thereby expanding exponentially opportunities to remove the restrictions in 18 U.S.C. § 922(g) based on criminal record for both state and federal offenders. The rule took immediate effect on March 20, but the Department of Justice will accept comments on the measure up to June 18, after which it plans to publish standards for removing federal firearm restrictions. [/return to text/](#)
5. See, e.g., *U.S. v. Brown*, 69 F.Supp.2d 925 (E.D.Mich.1999); *Berger v. U.S.*, 867 F. Supp. 424 (S.D.W.Va.1994). [/return to text/](#)
6. See *Beecham v. United States*, 511 U.S. 368, 374 (1994)(holding that a person with a federal conviction “can take advantage of § 921(a)(20) only if they have had their civil rights restored under federal law”). Those with federal convictions must seek relief from state firearm restrictions independently, in those states where state law makes it available. See, e.g., *Newman v. Marion County Sheriff’s Office*, 328 Or App 686 (2023)(holding that *Beecham* does not deprive the trial court of its authority to grant appellant with federal conviction relief from the bar on possessing a firearm under state law). [/return to text/](#)
7. See, e.g., *Logan v. United States*, 552 U.S. 23 (2007)(a misdemeanor who never lost civil rights in Wisconsin could not claim to have had them “restored”); *Caron v. United States*, 524 U.S. 308 (1998)(defendant who regained some but not all state firearm rights in Massachusetts was ineligible for relief from federal restrictions under § 921(a)(20)). There is some question about how to interpret the term “expungement” in these federal relief provisions, and whether it applies if a record has been sealed but not completely destroyed. For further details on the relationship between state and federal firearm dispossession laws, see Love, Roberts & Logan, *Collateral Consequences of Criminal Conviction: Law, Policy & Practice* § 2:35 (“Restoration of firearms privileges: relationship between state and federal dispossession laws”) (West/NACDL, 4th ed. 2021–22). [/return to text/](#)
8. The background of the 1992 defunding of the administrative restoration process in 18 U.S.C. § 925(c) is explained in the Department of Justice’s interim final rule entitled “Withdrawing the Attorney General’s

Delegation of Authority,” described as a “first step” toward reviving the § 925(c) program. *See* 90 FR 13080 (Mar. 20, 2025); *see also United States v. Bean*, 537 U.S. 71, 74 (2002). [\[return to text\]](#)

9. *See Beecham v. United States*, note 6, *supra*. Those who regain their federal rights through a pardon also regain their state firearm rights by virtue of the Supremacy Clause. “Effects of a Presidential Pardon,” Office of Legal Counsel, U.S. Department of Justice (1995) (“A full and unconditional presidential pardon removes a state firearm disability arising as a result of a conviction of a federal crime.”). That will no longer be the case for those who regain their rights pursuant to administrative restoration under § 925(c). [\[return to text\]](#)

10. The states are Arkansas, Kentucky, Maryland, Minnesota, Mississippi, Oregon, Vermont, Washington, and Wisconsin. Georgia recognizes § 925(c) relief to inform the discretion of its own state decisionmakers, and this federal relief also plays a role in Pennsylvania and Texas. *See* discussion following note 18. [\[return to text\]](#)

11. §§ [39-17-1308](#)(a)(1), (3) and (4); § [39-17-1308](#)(b). [\[return to text\]](#)

12. Our research indicates that Alabama is the only state whose pardoning authority restores firearm rights administratively to those convicted in other jurisdictions. [\[return to text\]](#)

13. *See Blackwell v. Haslam* (Tenn. Ct. App. 2013) (remanding for consideration of whether the plaintiff’s Georgia conviction was for a *violent* drug felony so as to fall within the public policy exception to the Full Faith and Credit Clause of the Constitution). *See generally* Wayne A. Logan, “When Mercy Seasons Justice”: *Interstate Recognition of Ex-Offender Rights*, 49 U. C. Davis L. Rev. 1 (2015) (surveying case law regarding interstate recognition of restoration of rights). [\[return to text\]](#)

14. States relieving firearms dispossession through expungement are Indiana, Kansas, Louisiana, Minnesota, Missouri, New Jersey, Tennessee, Utah, and West Virginia. [\[return to text\]](#)

15. States offering a post-conviction process for reducing a felony conviction to a misdemeanor are Arizona, California, Colorado, Idaho, Indiana, Minnesota, Oregon, and Utah. [\[return to text\]](#)

16. There is no reason in federal law that those with federal convictions should not be able to take advantage of state judicial relief to remove state restrictions even if they remain subject to federal restrictions. *See, e.g., Newman v. Marion County Sheriff’s Office*, *supra* note 6. [\[return to text\]](#)

17. *See State v. Cantwell*, 2013-Ohio-1685, 10 (Ct. App., 5<sup>th</sup> Dist. 2013), holding that a man convicted in Ohio more than four decades before, who was then residing in Kentucky, was ineligible for Ohio’s judicial restoration procedure. The holding in *Cantwell* seems particularly unfortunate, since Kentucky does not offer any relief to those with out-of-state convictions. [\[return to text\]](#)

18. *See Leone v. Commonwealth*, 286 Va. 147 (2013). The plaintiff in *Leone* had been convicted in Virginia but later moved to North Carolina, a state that at the time offered no firearm relief to those convicted in other jurisdictions. [\[return to text\]](#)

19. *See* note 10, *supra*, for a list of the states that have incorporated § 925(c) into their own law. [\[return to text\]](#)

20. *See Beecham v. United States*, note 6, *supra*. [\[return to text\]](#)

# APPENDIX

## State Law Summaries

A state-by-state analysis of conviction-based firearm restrictions and restoration provisions has not previously been made available. We hope it serves as a useful practice resource for lawyers advising clients, a reference for legislators and policymakers looking at regional and national trends, and an informative starting point for curious members of the general public. While we aim to provide useful information to those with questions about their firearm rights, the analysis of applicable laws is not intended, nor should it be construed, as legal advice. We encourage anyone with questions about their own dispossession status to seek professional assistance.

<a href="#">Alabama</a>	<a href="#">Kentucky</a>	<a href="#">North Dakota</a>
<a href="#">Alaska</a>	<a href="#">Louisiana</a>	<a href="#">Ohio</a>
<a href="#">Arizona</a>	<a href="#">Maine</a>	<a href="#">Oklahoma</a>
<a href="#">Arkansas</a>	<a href="#">Maryland</a>	<a href="#">Oregon</a>
<a href="#">California</a>	<a href="#">Massachusetts</a>	<a href="#">Pennsylvania</a>
<a href="#">Colorado</a>	<a href="#">Michigan</a>	<a href="#">Rhode Island</a>
<a href="#">Connecticut</a>	<a href="#">Minnesota</a>	<a href="#">South Carolina</a>
<a href="#">Delaware</a>	<a href="#">Mississippi</a>	<a href="#">South Dakota</a>
<a href="#">District of Columbia</a>	<a href="#">Missouri</a>	<a href="#">Tennessee</a>
<a href="#">Florida</a>	<a href="#">Montana</a>	<a href="#">Texas</a>
<a href="#">Georgia</a>	<a href="#">Nebraska</a>	<a href="#">Utah</a>
<a href="#">Hawaii</a>	<a href="#">Nevada</a>	<a href="#">Vermont</a>
<a href="#">Idaho</a>	<a href="#">New Hampshire</a>	<a href="#">Virginia</a>
<a href="#">Illinois</a>	<a href="#">New Jersey</a>	<a href="#">Washington</a>
<a href="#">Indiana</a>	<a href="#">New Mexico</a>	<a href="#">West Virginia</a>
<a href="#">Iowa</a>	<a href="#">New York</a>	<a href="#">Wisconsin</a>
<a href="#">Kansas</a>	<a href="#">North Carolina</a>	<a href="#">Wyoming</a>

**Restrictions:** People convicted of a crime punishable by imprisonment for a term exceeding one year are subject to indefinite prohibition on possession of firearms under federal law. [18 U.S.C. § 922\(g\)\(1\)](#). Persons convicted of misdemeanor domestic violence offenses also lose firearm rights indefinitely under federal law. [§ 922\(g\)\(9\)](#); see also [ATF website explanation](#).

**Restoration:** There are two ways to regain firearm rights lost under §§ 922(g)(1) and (g)(9) under federal law. The first way federal rights is if the triggering conviction has been pardoned, set-aside, or expunged, or if civil rights have been restored, unless the relief "expressly provides" that the person may not possess firearms. See [18 U.S.C. §§ 921\(a\)\(20\)](#), (a)(33)(ii). The "unless" clause has been uniformly interpreted to require that state law not restrict an individual's firearm rights. See, e.g., *U.S. v. Brown*, 69 F.Supp.2d 925 (E.D.Mich.1999); *Berger v. U.S.*, 867 F. Supp. 424 (S.D.W.Va.1994). The Supreme Court has held that those with federal convictions must have their civil rights restored under a federal process in order to qualify for relief under these provisions. See *Beecham v. United States*, 511 U.S. 368 (1994).

Automatic restoration of basic civil rights (vote, office, jury) is effective to trigger relief under these provisions, as long as firearm rights are unrestricted under state law. See *Caron v. United States*, 524 U.S. 308 (1998); see also *Logan v United States*, 552 US 23 (2007)(there must have been a loss of civil rights to qualify for the "civil rights restored" exemption in § 921(a)(20) and (a)(33); civil rights retained are not the same as rights revoked but later restored). There is some question about how to interpret the term "expungement" in these federal laws, and whether it applies if a record has been sealed but not completely destroyed. For an overview of the relationship between state and federal firearms dispossession laws, see Love, Roberts & Logan, *Collateral Consequences of Criminal Conviction: Law, Policy & Practice* § 2:35 ("Restoration of firearms privileges: relationship between state and federal dispossession laws")(West/NACDL, 4th ed. 2021-22).

The second way of regaining rights under federal law is under [18 U.S.C. § 925\(c\)](#). Any person may seek relief from federal firearm restrictions from the [Attorney General](#) who may grant relief if "it is established to his satisfaction that the circumstances regarding the disability, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety and that the granting of the relief would not be contrary to the public interest." Since 1968, authority to administer this relief program has been delegated to ATF, but that agency has since 1992 been prohibited from expending any of its funds on firearms relief. See *United States v. Bean*, 537 U.S. 71, 75 (2002).

On March 20, 2025, the U.S. Department of Justice (DOJ) published an [interim final rule](#) ("[Withdrawing the Attorney General's Delegation of Authority](#)") that it described as a "first step" toward reviving the § 925(c) restoration program, thereby expanding exponentially opportunities to remove the restrictions in 18 U.S.C. § 922(g) based on criminal record for both state and federal offenders. The rule took immediate effect on March 20, but DOJ will accept

comments on the measure up to June 18, after which it plans to publish standards for removing federal firearm restrictions.

[\*Return to State Comparison Maps\*](#)

**ALABAMA**

***Restrictions:*** Those convicted of a felony crime of violence or drug trafficking, a misdemeanor crime of domestic violence, or “a violent offense as listed in Section 12-25-32(15),” are prohibited from possessing a firearm. Ala. Code § [13A-11-72\(a\)\(1\)](#), as amended by Act 2023-487. (Prior to this law’s 2023 amendment, only pistols were prohibited.) A “crime of violence” is defined in Ala. Code § [13A-11-70\(3\)](#) to include “any Class A felony or any Class B felony that has as an element serious physical injury, the distribution or manufacture of a controlled substance, or is of a sexual nature involving a child under the age of 12.” § 12-25-32(15) lists 50 specific violent offenses as part of the sentencing code. The term “misdemeanor offense of domestic violence” as used in this section means a misdemeanor offense that has, as its elements, the use or attempted use of physical force or the threatened use of a dangerous instrument or deadly weapon, and the victim is a current or former spouse, parent, child, person with whom the defendant has a child in common, or a present or former household member. § [13A-11-72\(h\)\(3\)](#). Alabama generally restricts firearm possession by juveniles, but has no law applicable to adjudicated delinquents.

***Restoration:*** The term “convicted” is defined with reference to the law in the jurisdiction in which the proceedings were held, and in addition excludes convictions that have been “expunged, set aside, or is of an offense for which the person has been pardoned or has had his or her civil rights restored, unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms,” borrowing language from the federal relief provision in 18 USC § 921(a)(20). See § [13A-11-72\(h\)\(1\)\(b\)](#). Because Alabama’s expungement statute specifically directs that expungement “shall not entitle an individual to ship, transport, possess, or receive a firearm,” Ala Code § [15-27-15](#) (2023), it would seem that persons with Alabama convictions will be unable to regain firearm rights absent a pardon or unrestricted restoration of rights from the Alabama Board of Pardons and Paroles. See Alabama profile from the Restoration of Rights Project, Part II.

The Alabama Board of Pardons and Paroles will restore state civil rights, including state firearm rights, for its residents with federal convictions and convictions from other states. [Chapter 640-X-7](#) of the Ala. Board Administrative Rules.

[\*Return to State Comparison Maps\*](#)



## ALASKA

Alaska is the only state in which firearm dispossession is limited to concealable firearms (handguns) and dispossession is time-limited even as to those for most offenses. A person with a felony conviction (or equivalent juvenile adjudication) may not possess a handgun for 10 years following unconditional discharge. Alaska Stat. §§ [11.61.200](#)(a)(1), (b)(1)(a). The 10-year limit does not apply if the offense is one “against the person,” as defined in Alaska Stat. § [11.41](#), in which case relief must be through set aside or pardon. § [11.61.200](#)(b)(2). During the period of dispossession, a convicted person may not “reside in dwelling” where concealable firearms are kept without permission of court or law enforcement. § [11.61.200](#)(a)(10).

Once the 10-year period has expired, a person with a state offense not defined as “against the person,” is relieved of the federal firearms bar because all civil rights (including firearm rights) will have been restored. *See* 18 U.S.C. § 921(a)(20).

Alaska has no law prohibiting individuals convicted of domestic violence misdemeanors from purchasing or possessing firearms or ammunition.

*[Return to State Comparison Maps](#)*

## ARIZONA

***Restrictions:*** In Arizona, first-time felony offenders and those convicted of misdemeanor domestic violence face suspension of firearm rights only for the period of their criminal sentence, except where their crime was a “serious offense” under § [13-706](#) or “dangerous offense” under § [13-704](#). Ariz. Rev. Stat. §§ [13-904](#)(A)(5); [13-3101](#)(A)(7)(b); [13-3101](#)(A)(7)(d); [13-3102](#)(A)(4); [13-907](#). Persons with juvenile adjudications for comparable felony offenses also face firearm dispossession. § [13-3101](#)(A)(7)(b). The provisions for automatic restoration of civil rights were extended in 2022 to firearm possession for first-time felony offenders who have completed their sentence and paid all victim restitution. § [13-907](#).

Those with multiple felony convictions, or who do not qualify for first-offender restoration of civil rights, face dispossession without time limit until relieved by a court or by pardon, as described below.

***Restoration:*** Persons who are not eligible for automatic restoration of firearm rights upon completion of sentence under § [13-907](#) by virtue of having more than one felony conviction or having outstanding restitution, may apply to the court for restoration under § [13-908](#) or for set-aside upon final discharge under § [13-905](#). Restoration of firearm rights is mandatory with a set-aside, which reportedly has discouraged courts from granting this relief.

Persons convicted of a “serious offense” may apply to the court for restoration ten (10) years after discharge, while persons convicted of a “dangerous offense” are ineligible for judicial restoration. § [13-910](#). The latter may regain firearm rights only by pardon, and only if the pardon document so specifies. Ariz. Admin. Code § [R5-4-101](#)(6). Those with a juvenile adjudication may file for restoration of the right to possess or carry a firearm two years from

the date of the person's discharge. § [8-249](#). Those adjudicated for a “dangerous” or “serious” offense are not permitted to file for restoration until attaining the age of thirty. *Id.*

Arizona has a procedure whereby a court may redesignate a class 6 felony as a misdemeanor, which may be utilized in some cases to avoid restrictions that may be triggered for those with more than one felony conviction. See Ariz. Rev. Stat. § [13-604](#).

Persons convicted in another state or in federal court may regain civil rights automatically if eligible under standards set forth in § [13-907](#), or, if not automatically eligible, from the court in their county of residence. § [13-908](#)(C), (D). If ineligible under these provisions, they must seek relief in the jurisdiction of their conviction. See Carey, *Extending the Home Court Advantage: A Call to Update the Arizona Civil Rights Restoration Scheme*, [48 Az. L. Rev. 1129](#), 1148-49 (2006).

### [Return to State Comparison Maps](#)

## ARKANSAS

***Restrictions:*** A person convicted of a felony, or found guilty of a felony by a court or jury (including deferred adjudication and suspended sentences) may not own or possess any firearm, unless otherwise restored. Ark Code. Ann. §§ [5-73-103](#)(a), (b)(1). Possession of a concealed handgun is separately prohibited to those convicted of a felony. § [5-73-309](#).

Arkansas has no law specifically barring those convicted of domestic violence from possessing firearms, but sentencing courts are required to notify such individuals of the prohibitions in federal law. § [5-26-313](#).

***Restoration:*** Firearm rights can be restored by way of gubernatorial pardon expressly restoring the ability to possess a firearm, § [5-73-103](#)(b)(3); or if a conviction is dismissed and sealed or expunged under § [16-93-301](#) et seq. (first offense deferred adjudication) or § [16-98-303](#)(g) (drug court) (*see infra* Part III), § [5-73-103](#)(b)(2).

Handgun rights are restored if 1) the person is granted a pardon by the governor or the president expressly restoring such right; 2) the person's pre-1995 conviction was sealed or expunged; or 3) the person's post-1995 conviction “was dismissed and sealed or expunged under § [16-93-301](#) et seq. or § [16-98-303](#)(g).” § [5-73-309](#)(5).

In addition, the governor may restore firearm rights “without granting a pardon” based on the recommendation of the chief law enforcement officer in the person's residence if the felony or adjudication occurred more than 8 years prior and did not involve a weapon. § [5-73-103](#)(d). Federal and out-of-state convictions are presumably eligible for this relief.

### [Return to State Comparison Maps](#)

***Restrictions:*** A person convicted of a felony in any jurisdiction may not own, purchase, receive, possess or exercise custody or control over any firearm. Cal. Penal § [29800](#). People with federal offenses lose rights under state law only if 1) if their offense would necessarily be a felony under California law, or 2) they were sentenced to at least 30 days in prison, or were fined at least \$1,000. § [29800\(c\)](#).

Conviction of certain misdemeanor offenses, including crimes involving a weapon or domestic violence, results in loss of firearm rights for a period of 10 years. Cal. Penal § [29805](#). There are special relief provisions under § [29805](#) to avoid dispossession based on misdemeanor offenses available for law enforcement personnel, as well as for those convicted prior to its enactment in 2010. Law enforcement personnel with a single misdemeanor domestic violence conviction may petition the court to regain firearm rights, but only once. § [29855](#). Persons subject to this prohibition by virtue of a conviction prior to the date of enactment may also petition the court for relief, but here again only once. § [29860](#).

Juveniles adjudged a ward of the court for the offenses listed in § [29805](#), certain firearm offenses, or a drug-related offense listed in § [29820\(a\)\(1\)](#), are prohibited from firearm possession until attaining the age of thirty. § [29820\(b\)](#).

***Restoration:*** The right to possess a firearm may be restored by pardon based on a certificate of rehabilitation except when the underlying offense involved the use of a dangerous weapon. § [4852.17](#). *See also* Cal. Penal § [4854](#) (authorizing the governor to restore firearm rights via pardon except to those convicted of an offense involving a dangerous weapon); *People v. Frawley*, 98 Cal. Rptr.2d 555, 563-64 (Cal. App. 2000); *People v. Ratcliff*, 273 Cal. Rptr. 253, 259 (Cal. App. 1990). A state pardon restoring firearm rights is sufficient to remove any restriction on possession under 18 U.S.C. § 922(g)(1). 18 U.S.C. § 921(a)(20). Those convicted of out-of-state or federal convictions may regain rights by pardon in the jurisdiction of their conviction if the pardon expressly restores firearm rights. *See* [66 Ops.Cal.Atty.Gen. 343](#) (Oct. 13, 1983).

Set-aside and sealing of conviction does not restore firearm rights under California law. *See* Cal. Penal §§ [1203.41\(b\)\(3\)](#); [1203.4a\(c\)\(2\)](#); [1203.4b\(d\)\(3\)](#); [1210.1\(e\)\(2\)](#); *Frawley*, 98 Cal. Rptr.2d at 791 (set-aside remedy does not “expunge” a conviction or otherwise remove state firearm disabilities). Given that limitation, it appears that a California set-aside would not relieve the federal firearm disability. *See* *Jennings v. Mukasey*, 511 F.3d 894 (9<sup>th</sup> Cir. 2007).

Note that in certain cases a California court may redesignate a felony as a misdemeanor upon successful completion of probation. This “wobbler” process may be utilized in some cases to avoid restrictions that would otherwise be triggered by a felony conviction. *See* [Cal. Penal § 17\(b\)\(1\)](#) and (b)(3).

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## COLORADO

***Restrictions:*** Colorado law prohibits possession of any firearm upon conviction of specified violent and sexual felonies listed in Colo. Rev. Stat. §§ [24-4.1-302](#) (1) and § [18-12-108](#)(7). *See* § [18-12-108](#)(1). “Upon the discharge of any inmate from the custody of the department of corrections, the department shall provide a written advisement to such inmate of the prohibited acts and penalties specified in this section.” § [18-12-108](#)(6)(c)(I).

Under Colorado law, a deferred judgment pursuant to § [18-1.3-102](#) is a “conviction” resulting in the loss of firearm rights while charges remain pending. A person who has successfully completed a deferred judgment “*no longer has [a] conviction*” for purposes of sex offender registration. Cf. *McCulley v. People*, 463 P.3d 254, 260 (Colo. 2020). This holding logically extends to loss of firearm rights. *See also* [People In Interest of A.B.](#), 411 P.3d 1116 (Colo. App. 2016)(juvenile defendant's prior pending deferred adjudication was not an “adjudication” as required to convict him of the crime of possession of a weapon by a previous offender), *cert. denied* [2017 WL 1032676](#).

For those convicted of misdemeanor domestic violence, firearm rights are suspended until the person’s sentence is satisfied. Colo. Rev. Stat. § [18-6-801](#). In these instances, the sentencing court is required to order that the person refrain from possessing or purchasing firearms or ammunition. *Id.*

Firearm rights are also lost by juveniles adjudicated for the same listed crimes that result in dispossession if committed by an adult, for a 10 year period after completion of their sentence. §[18-12-108](#)(3). Those rights may be regained earlier if the sentencing court determines the person has “good cause” to possess, use, or carry a firearm. *Id.*

***Restoration:*** Restoration is by pardon only. A state pardon restoring firearm rights is sufficient to remove any restriction on possession under federal law. 18 U.S.C. § 921(a)(20). Federal and out-of-state convictions have no relief under Colorado law, though a pardon in the jurisdiction of conviction may suffice.

Under Colo. Rev. Stat. § [18-1.3-103.5](#), certain felony convictions can be vacated and entered as misdemeanors after successful completion of a community-based sentence, which may in some cases be used to avoid triggering firearm restrictions.

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## CONNECTICUT

***Restrictions:*** A person is guilty of criminal possession of any firearm if they have been convicted of a felony, an enumerated misdemeanor involving violence during the preceding 20 years, or “any law of this state that has been designated as a family violence crime pursuant to section [46b-38h](#).” Conn. Gen Stat. § [53a-217](#)(a). *See also* the following sections with the same conviction prohibitions: § [29-36f](#)(b)(2)(eligibility certificate for pistol or revolver); § [29-37p](#)(b)(2)(permit for long guns prohibited); § [29-28](#)(b)(permit to carry revolvers or pistols).

Persons convicted as delinquent for a serious juvenile offense as defined by § [46b-120](#)(8) are also barred from firearm possession. Conn. Gen Stat. § [53a-217](#)(a).

***Restoration:*** A state [pardon](#) restores firearm rights to those with Connecticut convictions, and simultaneously removes federal restrictions. There are no administrative or judicial restoration procedures in Connecticut to which a person with a federal or out-of-state conviction may apply.

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## DELAWARE

***Restrictions:*** Persons may not possess any firearm upon conviction of “a felony or a crime of violence involving physical injury to another, whether or not armed with or having in possession any weapon during the commission of such felony or crime of violence;” a drug offense; or a crime of domestic violence. Del. Code Ann. tit. 11, §§ [1448](#)(a)(1), (3), (7). Juveniles adjudicated as delinquent for conduct that would constitute a felony if committed by an adult, lose firearm rights until they reach the age of 25. § [1448](#)(a)(4). Dispossession as the result of an offense that is not a felony lasts only five years. § [1448](#)(d).

***Restoration:*** Firearm rights are restored by a pardon, according to the [website](#) of the Board of Pardons. See also Op. Att’y Gen. 03-IB04, 2003 WL 1088725 (Feb. 4, 2003) (while a Delaware pardon does not remove guilt for the underlying criminal offense, it nonetheless restores the right to purchase and possess firearms). Federal and out-of-state convictions have no relief under Delaware law.

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## DISTRICT OF COLUMBIA

***Restrictions:*** Possession of firearms is prohibited indefinitely to anyone “convicted in any court of a crime punishable by imprisonment for a term exceeding one year” or of an “intrafamily offense” or stalking within the last five years. D.C. Code §§ [22-4503](#)(a)(1), (a)(6)(A), (a)(6)(B).

“[N]o person or organization in the District shall possess or control any firearm, unless the person or organization holds a valid registration certificate for the firearm. § [7-2502.01](#)(a). In order to register a firearm, a person must not have been convicted of a weapons offense (unless an infraction or specified misdemeanor offenses) or a felony in any jurisdiction (including a crime punishable by imprisonment for a term exceeding one year).” § [7-2502.03](#)(a)(2). In addition, a person may not be under indictment for a crime of violence or a weapons offense, or convicted during the previous five years of a drug offense, specified offenses involving assaults or threats, two or more DUI violations, intrafamily offenses, or violations of extreme risk protection orders. §§ [7-2502.03](#)(a)(3), (a)(4).

***Restoration:*** No relief is specified in D.C. statute for a person dispossessed by virtue of a criminal conviction, though a presidential pardon of a D.C. Code conviction would be sufficient to eliminate any conviction-related firearm disabilities. Relief from restrictions in federal law is available under 18 U.S.C. § 925(c), but not from restrictions imposed under D.C. law.

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**FLORIDA**

***Restrictions:*** A person may not own or possess any firearm if they have been convicted of any felony in a Florida court, a federal felony, or “an offense that is a felony in another state” that was “punishable by a term exceeding one year.” Fla. Stat. § [790.23](#)(1). Persons adjudicated delinquent for conduct that would be a felony if committed by an adult, who are under 24 years of age, also face firearm dispossession. *Id.*

A person may not be granted a license to carry a “concealed weapon” as defined in § [790.001](#)(4) if they are prohibited from possessing a firearm under § [790.23](#), or if they have been found guilty of a crime relating to controlled substances within a 3-year period immediately preceding the date on which their application is submitted. §§ [790.06](#)(2)(d), (e)(1). Persons whose juvenile criminal history record has been expunged pursuant to § [943.0515](#)(1)(b) are not barred from firearm ownership.” § [790.23](#)(2).

Florida has no law prohibiting individuals convicted of domestic violence misdemeanors from purchasing or possessing firearms or ammunition, although Florida law requires state law enforcement officials to take steps to ensure that persons convicted of domestic violence who are barred under federal law, or persons who have had an adjudication of guilt withheld on any misdemeanor crime of domestic violence, are not able to purchase a firearm from a licensed dealer. Fla. Stat. §§ [790.065](#)(2)(a)(2), [790.065](#)(2)(a)(3).

***Restoration:*** The governor, upon recommendation of the Clemency Board, may grant relief from firearms disability to those with Florida state convictions, and there is an eight-year eligibility waiting period following completion of sentence, as defined in § [98.0751](#)(2)(A). *See* Rule 4(1)(F) and 5(d) of the [Rules of Executive Clemency](#). The Clemency Board “will not consider requests for firearm authority from individuals convicted in federal or out-of-state courts,” who must regain rights in the jurisdiction where they were convicted. *See* Rule 4(1)(F) (“A pardon or restoration of civil rights with no restrictions on firearms must be issued by the state where the conviction occurred.”)

Dispossession does not apply to a juvenile offender whose “[criminal history record has been expunged pursuant to s. 943.0515\(1\)\(b\)](#).” § [790.23](#)(2)(b).

Florida recognizes restoration of firearm rights granted by other states. § [790.23](#)(2)(a)(no dispossession for someone convicted of a felony “[whose civil rights and firearm authority have been restored](#)”); *Schlenther v. Depart. of State, Div. Of Licensing*, 743 So.2d 536, 537 (Fla. 2d DCA 1998) (holding that an individual convicted in Connecticut whose firearm and other civil rights were restored in that state could not be denied a concealed weapon permit in Florida). In

addition, Florida may not deny a concealed weapons permit to an individual with an out-of-state conviction whose firearm rights were never lost in that jurisdiction. *See Doyle v. Depart. of State, Div. of Licensing*, 748 So. 2d 353, 356 (Fla. 1st DCA 2000) (Individual convicted of a New York drug misdemeanor that would have been a felony in Florida may not be denied a concealed weapon permit since that offense is not subject to prohibition under § 790.23(1)).

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**GEORGIA**

**Restrictions:** A person convicted of a felony in any jurisdiction, and persons on probation as “felony first offenders” under § [42-8-60\(a\)](#) or first offender drug possessors under §[16-13-2](#) may not receive, possess or transport a firearm. *See* Ga. Code Ann. § [16-11-131\(b\)](#). A “firearm” is defined as “any handgun, rifle, shotgun, or other weapon which will or can be converted to expel a projectile by the action of an explosive or electrical charge.” § [16-11-131\(a\)\(2\)](#). A “felony first offender” is restricted only until discharged from probation. § [16-11-131\(f\)](#).

Persons barred under § [16-11-131\(b\)](#) are also prohibited from receiving a license to carry a “weapon” (broadly defined to include knives and other lethal instruments by §§ [16-11-127\(b\)\(4\)](#)). § [16-11-129\(b\)\(2\)\(B\)](#). Also prohibited from receiving a carry license are those prohibited from possessing a firearm under federal law, and those convicted of an offense arising out of the unlawful manufacture or distribution of a controlled substance. §§ [16-11-129\(b\)\(2\)\(E\)](#), (F). Anyone convicted of drug possession is barred from carry licensure for a 5-year period. § [16-11-129\(b\)\(2\)\(I\)](#).

Georgia has no specific prohibition on possession of guns by domestic violence misdemeanants, but anyone barred from possessing firearms under 18 U.S.C. § 922(g)(9) by virtue of a domestic violence conviction may not be licensed to carry a weapon pursuant to § [16-11-129\(b\)\(2\)\(E\)](#).

**Restoration:** Firearm rights may be restored through pardon by the State Board of Pardons and Paroles, the President of the United States, or other authorized pardoning authority under the constitution or laws of the states, if the pardon “expressly” authorizes the receipt, possession, or transportation of a firearm. Ga. Code Ann. § [16-11-131\(c\)](#).

A limited alternative administrative restoration procedure is provided whereby any person who has had their federal firearm rights restored pursuant to 18 U.S.C. § 925(c), or who has been convicted of certain white-collar crimes that do not give rise to federal firearms disability (“antitrust violations, unfair trade practices, or restraint of trade”) may petition the Board of Public Safety for a determination that “the circumstances regarding the conviction and the applicant’s record and reputation are such that the acquisition, receipt, transfer, shipment, or possession of firearms by the person would not present a threat to the safety of the citizens of Georgia and that the granting of the relief sought would not be contrary to the public interest.” Ga. Code § [16-11-131\(d\)](#).

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## HAWAII

***Restrictions:*** No one may own or possess a firearm if they are prohibited from possessing firearms under federal law. Haw. Rev. Stat. § [134-7](#)(a). They may also not possess a firearm if they are “being prosecuted of” or have been convicted of a felony, “a crime of violence, a criminal offense relating to firearms, or an illegal sale or distribution of any drug in a court in this State or elsewhere.” § [134-7](#)(b). It seems that a misdemeanor crime of domestic violence is covered under this provision. Also barred is anyone “under age 25 [who] has been adjudicated by the family court of committing a felony, a crime of violence (including domestic violence), a firearm offense, or an illegal drug sale.” § [134-7](#)(d). A person may not be granted a license to carry if prohibited under these sections. Haw. Rev. Stat. § [134-9](#)(a)(2).

***Restrictions:*** A pardon is the exclusive relief mechanism where dispossession based on a felony conviction, and thus unavailable to those with federal and out-of-state convictions. Anyone prohibited from possessing a firearm as the result of a conviction for a misdemeanor (“crime that is not a felony”) is relieved of this disability “if twenty years have elapsed from the date of the conviction.” § [134-7](#)(i).

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## IDAHO

***Restrictions:*** A sentence to the Idaho Department of Corrections suspends firearm rights, which are restored upon “final discharge” (including supervision) for all but serious violent crimes. Idaho Code Ann. §§ [18-310](#)(1), (2). This automatic restoration does not apply to a lengthy list of serious violent crimes that took place after July 1, 1991, or to convictions for murder or voluntary manslaughter that took place at any time. § [18-310](#)(2). Persons “convicted of felonies in other states or jurisdictions . . . shall not have the right restored to ship, transport, possess or receive a firearm in the same manner as an Idaho felon as provided in subsection (2) of this section.” § [18-310](#)(4).

Idaho law does not prohibit individuals convicted of domestic violence misdemeanors from possessing firearms or ammunition.

***Restoration:*** It is not unlawful to possess a firearm with a prior felony if the “conviction has been nullified by expungement, pardon, setting aside the conviction or other comparable procedure by the jurisdiction where the felony conviction occurred; or whose civil right to bear arms either specifically or in combination with other civil rights has been restored by any other provision of Idaho law.” § [18-3316](#)(3). An administrative restoration process administered by the Idaho Commission for Pardons and Parole is available five years after the date of final discharge. § [18-310](#)(3); Idaho Admin. Code [50.01.01.551](#). However, this process is unavailable to persons convicted of murder or whose sentence was enhanced by use of a firearm. As noted above, it is also unavailable to those with federal or out-of-state convictions. § [18-310](#)(4).



Note that Idaho has two separate authorities whereby a felony conviction may be reduced to a misdemeanor after completion of sentence, which could be potentially useful in avoiding firearm restrictions. One authorizes reduction where a person is sentenced to community custody or where a sentence is deferred, which “shall have the effect of restoring the defendant to his civil rights.” Idaho Code Ann. § [19-2604\(1\)](#). The other authorizes a defendant convicted of a felony and sentenced to a prison term to apply to the sentencing court upon discharge from probation for a reduction of the conviction from a felony to a misdemeanor, if at least five (5) years have elapsed since discharge, or earlier if the prosecuting attorney stipulates to the reduction. §§ [19-2604\(3\)](#), (4). If the defendant was convicted of a list of serious violent offenses, reduction may be granted only if the prosecuting attorney agrees. § [19-2604\(3\)](#). The applicant may not have been convicted of any subsequent felony, may not be currently charged with any crime, and the court must find “good cause” for granting the reduction in sentence. This authority does not apply to anyone required to register as a sex offender.

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## ILLINOIS

***Restrictions:*** A person convicted or adjudicated delinquent for a felony offense in Illinois or any other jurisdiction, or convicted of a domestic battery-related offense, may not possess a firearm unless their rights are restored. 720 Ill. Comp. Stat. Ann. § [5/24-1.1\(a\)](#); 430 Ill. Comp. Stat. Ann. §§ [65/8\(c\)](#), (l), (p). A person convicted of a violent misdemeanor (not including domestic battery) in which a firearm was used or possessed may not lawfully possess a firearm for a period of 5 years from the date of conviction. *Id.* at § [65/8\(k\)](#).

Certain deferred sentences in Illinois prohibit firearm possession while serving the sentence, but upon successful completion of the terms and conditions, the proceedings are dismissed and not considered a conviction “for purposes of disqualifications or disabilities imposed by law upon conviction of a crime.” *See* 720 Ill. Comp. Stat. Ann. § [570/410\(g\)](#).

***Restoration:*** The governor may restore firearm privileges and eligibility to apply for a Firearm Owners Identification Card through his pardon power. Firearm rights may also be restored by court order or through an administrative appeal, depending on the conviction type and time since conviction or discharge.

A person may file an administrative appeal to the Firearm Owner’s Identification Card Review Board (created on Jan. 1, 2023) at any point following conviction, unless their conviction was for an enumerated forcible felony (defined under 720 Ill. Comp. Stat. Ann. § [5/2-8](#)), stalking, domestic battery, a serious higher class controlled substance or cannabis violation, or a felony firearm offense. 430 Ill. Comp. Stat. Ann. § [65/10\(a\)](#). If the conviction is ineligible for administrative relief under this provision, the person must petition the circuit court of their residence seeking relief. *Id.* A minor adjudicated delinquent for a felony must also seek restoration from the court, after at least 10 years have passed since adjudication. 430 Ill. Comp. Stat. Ann. § [65/10\(e\)](#)

The court may grant relief if (1) the applicant has not been convicted of a “forcible felony” within the preceding 20 years or if 20 years have passed since release from imprisonment for that offense; (2) they are not “likely to act in a manner dangerous to public safety;” (3) restoration of firearm rights would not be “contrary to the public interest,” and (4) granting relief would not be contrary to federal law. 430 Ill. Comp. Stat. Ann. § [65/10\(c\)](#). The Illinois Supreme Court has ruled in two cases that if a court finds that a petitioner has established the requirements of Section 10(c)(1) – (3), this is sufficient to remove the prohibition under federal law, so that granting relief is not contrary to federal law under 10(c)(4). *Johnson v. Department of State Police*, [2020 IL 124213](#), ¶ 50; *Evans v. Cook County State’s Attorney*, [2021 IL 125513](#), ¶ 33.

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**INDIANA**

***Restrictions:*** A person is ineligible to possess a firearm if they have been convicted or adjudicated of (1) a crime for which they could have been sentenced to more than one year; or 2) resisting law enforcement under [IC 35-44.1-3-1](#) within five years of the person’s application for a license or permit; and (3) a crime of domestic violence (as defined in [IC 35-31.5-2-78](#)). Ind. Code § [35-47-1-7\(1\)-\(3\)](#)(defining a “proper person”), (10). A “firearm” is broadly defined in § [35-47-1-5](#) to include any weapon capable or designed to expel a projectile by means of explosion.

A separate provision bars possession of firearms by those convicted of a “serious violent felony,” a category defined to include a long list of crimes that includes some lower-level felonies and drug crimes. § [35-47-4-5](#). Persons convicted of a felony or a crime of domestic violence or stalking are also specifically barred from carrying a handgun. §§ [35-47-2-1.5\(a\)\(8\)](#), (b)(4).

***Restoration:*** Restoration of firearm rights can occur through pardon, expungement, or court order, depending on the type of conviction. A full pardon will restore firearm rights 15 years after commission of the offense, unless the person was convicted of an “offense against the person” included in § [35-42](#). § [35-47-2-20\(a\)](#). The governor may also issue a “conditional pardon” under § [11-9-2-4](#), which will remove the handgun disability “if the superintendent [of State Police] determines after an investigation that circumstances have changed since the pardoned conviction was entered to such an extent that the pardoned person is likely to handle handguns in compliance with the law.” § [35-47-2-20\(b\)](#). This relief is unavailable to persons with convictions from other jurisdictions.

Expungement will restore firearm rights to those whose dispossession was based on their loss of status as a “proper person,” and to anyone convicted of a “serious violent felony” that is eligible for expungement. Ind. Code § [35-38-9-10\(c\)](#); *see also* [Attorney General Opinion 2019-6](#) (Dec. 27, 2019), interpreting § [35-38-9-10\(c\)](#). In a subsequent clarifying opinion, the Attorney General reaffirmed the position in the 2019 opinion, stating that “an expungement restores civil rights with no restrictions,” refuting the FBI’s refusal to recognize the effect of expungement in the case of a person convicted of a “serious violent felony.” See [Supplement to](#)

[Opinion 2019-6](#) (February 2, 2024) (“Any limitations on owning or purchasing a firearm must be very narrow and clearly justified to avoid the violation to our Second Amendment rights.”).

A person dispossessed based on a crime of domestic violence may regain firearm rights only by court order or by a pardon, and not by expungement. Ind. Code § [35-38-9-6](#)(f). A person may petition the court for restoration five years after the date of conviction, and the court must make certain specific findings before restoring firearm rights, and may place certain conditions on those rights. §§ [35-47-4-7](#)(b), (c). If the court denies a petition for restoration, the person may not file a second or subsequent petition until one (1) year has elapsed after the filing of the most recent petition. *Id.* at § 7(d). A person is not considered convicted of a crime of domestic violence if pardoned. *Id.* at § 7(e).

Indiana authorizes reduction of a felony conviction to a misdemeanor after completion of sentence, which could be potentially useful in avoiding firearm restrictions. *See* Ind. Code § [35-38-1-1.5](#) (“Converting Level 6 Felony to Class a Misdemeanor”). A court may enter judgment of conviction as a Level 6 felony with the express provision that the conviction will be converted to a conviction as a Class A misdemeanor if the person fulfills certain conditions, including successful completion of probation and no new crime.

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## IOWA

***Restrictions:*** Felony convictions or adjudications, or convictions for misdemeanor domestic violence render an individual ineligible to possess any firearm. Iowa Code §§ [724.26](#)(1), (2)(a), 2(c). These disqualifications also apply to permits to carry and the acquisition of pistols or revolvers. §§ [724.8](#)(4), [724.15](#)(2)(b). A person also cannot be issued a permit to carry if convicted within the previous three years of “any serious or aggravated misdemeanor defined in chapter 708 not involving the use of a firearm or explosive.” § [724.8](#)(5).

While no statute specifically addresses the issue, the pardon information on the governor’s [website](#) states that a person is disqualified from possessing firearms only while serving the terms of a deferred judgment (“withhold of adjudication”). *See* Iowa Code §§ [907.9](#)(4)(a), (4)(b).

***Restoration:*** A person is no longer disqualified if granted a pardon by the governor, chief executive of another state, or the President of the United States; if civil rights have been restored; or if the disqualifying offense has been expunged. Iowa Code §§ [724.27](#)(1)(a), (b), (c). It is the current governor’s [policy](#) to restore firearm rights via a “special restoration of citizenship” five years after completion of sentence, or by pardon after a ten-year waiting period. Only a pardon will remove the prohibition based on a misdemeanor crime of domestic violence. The [governor’s website](#) includes information about applying for firearms restoration, as does the website of the [Board of Parole](#). The websites state that those with convictions in federal court or from other states are ineligible for Iowa relief and must regain rights where they were convicted.

Persons convicted of forcible felonies, weapons offense, or drug offenses involving weapons, are ineligible to have their firearm rights restored, presumably even by pardon. Iowa Code § [914.7](#)(1). Those under the age of 17 who are convicted of an aggravated misdemeanor involving a firearm or a felony are similarly ineligible for restoration. § [914.7](#)(2).

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## KANSAS

***Restrictions:*** In Kansas, firearm dispossession is time limited for most triggering offenses, and applicable law is quite complex. In 2021, enactment of [HB2058](#) (overriding the governor’s veto) substantially modified (and relaxed in many respects) Kansas provisions on dispossession. Kan. Stat. Ann. § [21-6304](#) now provides that convictions for a “person felony” where no firearm was used result in loss of firearm rights either for three (3) years or eight (8) years after completion of sentence, depending on the seriousness of the offense. Juvenile adjudications and adult deferred dispositions involving the same offense conduct are governed by the same law. §§ [21-6304](#)(a)(2), (3). Previously, the periods of dispossession were 10 and five (5) years. The only offenses that are not time-limited are “person felonies” and drug trafficking involving use of a firearm, where loss of firearm rights is indefinite. § [21-6304](#)(a)(1).

Some serious nonperson felonies also result in loss for 8 years, but in the case of less serious nonperson felonies the loss is only for three (3) months. § [21-6304](#)(a)(3), (4). In addition, a person convicted of misdemeanor domestic violence is prohibited from possessing firearms for five (5) years after conviction. § [21-6301](#)(a)(18). If a firearm was used in commission of a person felony, or a controlled substance violation prior to July 1, 2009, the loss is permanent following conviction or adjudication. § [21-6304](#)(a)(1).

***Restoration:*** The 2021 amendments provide that either a pardon or an expungement restore firearm rights for those who lose rights for less than eight (8) years under § [21-6304](#)(a)(2) and (a)(4) and also for those who lose them indefinitely under (a)(1). See § [21-6304](#)(c). A person whose conviction or diversion for a crime that resulted in firearm dispossession shall, upon expungement, “be deemed to have had such person’s right to keep and bear arms fully restored.” § [21-6614](#)(k)(2). No relief prior to the expiration of the period of limitation is specified for those convicted of misdemeanor domestic violence. No relief appears to be available for those with federal or out-of-state convictions.

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## KENTUCKY

***Restrictions:*** A person convicted of a felony in any jurisdiction after January 1, 1975 is prohibited under state law from possessing a handgun, and a person convicted after July 15, 1994, is prohibited from possessing any firearm. Ky. Rev. Stat. Ann. §§ [527.040](#)(1), (4). *See Posey v. Commonwealth*, 185 S.W.3d 170, 181 (Ky. 2006) (state constitutional right to bear arms did not limit legislature’s authority to prohibit possession of firearms by convicted person). The

provisions of § 527.040 apply to any youthful offender adjudicated of an offense that would be a felony under the laws of Kentucky. § [527.040\(3\)](#).

Kentucky law does not prohibit individuals convicted of domestic violence misdemeanors from possessing firearms or ammunition (unlike federal law), and it does not prohibit individuals subject to domestic violence protective orders from possessing firearms or ammunition. However, a court or agency deciding on pretrial release of a person who is arrested for assault or certain sexual violations or who has been charged with a violation of a domestic violence protective order may impose, as a condition or pretrial release, an order prohibiting the person from using or possessing a firearm. Ky. Rev. Stat. Ann. § [431.064\(2\)\(d\)](#). Kentucky law does, however, provide for the suspension of a license to carry a concealed deadly weapon if the licensee is subject to a domestic violence order or emergency protective order. § [237.110\(13\)\(k\)](#).

Finally, Kentucky law explicitly provides that, unless dispossession has otherwise been triggered by a felony conviction, a restraining order triggered by a conviction for, or guilty plea to, stalking “shall not operate as a ban on the purchase or possession of firearms or ammunition by the defendant.” § [508.155\(6\)](#).

***Restoration:*** A person is no longer barred from firearm or handgun possession if granted a full pardon, or if they have had their firearm rights restored federally under 18 U.S.C. § 925(c). §§ [527.040\(1\)\(a\)](#), [\(1\)\(b\)](#). The governor’s authority to restore civil rights under § [196.045](#) applies to all residents but does not include restoration of firearm rights. Accordingly, it would appear that those with federal and out-of-state convictions have no remedy to recover their firearm rights in Kentucky except through § 925(c).

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## LOUISIANA

***Restrictions:*** A person cannot possess firearms or carry concealed weapons if convicted of a crime of violence as defined in La. Rev. Stat. § [14.2\(B\)](#), burglary, a felony weapons or drug offense, or a sex offense. This restriction terminates 10 years after completion of sentence so long as no other felony conviction occurs during that period. La. Rev. Stat. §§ [14:95.1\(A\)\(1\)](#), [\(C\)](#). This restriction also applies to felony-grade juvenile adjudications for the same offenses while in possession of a firearm, if 15 or 16 years of age at the time of the offense, until after the person turns 22, unless accepted into military service, the reserves, or the Louisiana National Guard. § [14:95.1\(A\)\(2\)](#).

A person convicted of “domestic abuse battery” or of certain serious battery offenses of a dating partner may not possess firearms or carry a concealed weapon for 10 years after completion of sentence. §§ [14:95.10\(A\)](#), [\(E\)](#). In connection with sentencing for a crime of violence or felony against a family member, courts may issue an abuse prevention order that prohibits the defendant’s possession of firearms for the duration of the order. § [46:1846\(E\)\(2\)](#).

To qualify for a concealed handgun permit a person “must not have been convicted of, have entered a plea of guilty or nolo contendere to, or not be charged under indictment or a bill of information for any crime of violence or any crime punishable by imprisonment for a term of one year or greater. § [40:1379.3\(C\)\(10\)](#). Conviction of a crime of violence “at the misdemeanor level” bars such a handgun permit for 5 years after completion of sentence. § [40:1379.3\(C\)\(9\)](#).

***Restoration:*** Pardon may be effective to remove restrictions prior to the 10-year automatic restoration.

Eligibility for a concealed handgun permit may be restored by expungement of a non-violent felony offense if 10 years have elapsed after completion of sentence, but expungement will not be effective in the case of a crime of violence, whether felony or misdemeanor. §§ [40:1379.3\(C\)\(6\)](#), [\(10\)](#). A pardon by the governor removes the concealed carry restriction, unless the pardon expressly provides “the person may not ship, transport, possess, or receive firearms.” § [40:1379.3\(C\)\(10\)](#).

A person is not considered convicted of “domestic abuse battery” if the conviction has been expunged, set aside, pardoned, or had civil rights restored. § [14:95.10\(C\)](#). Those convicted of a misdemeanor crime of violence may avoid the 5-year restriction if the conviction was set aside and the prosecution dismissed prior to the application. § [40:1379.3\(C\)\(9\)](#).

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## MAINE

***Restrictions:*** Firearm rights are lost upon conviction of a crime punishable by a term of one year or more, any crime committed with a firearm or any dangerous weapon, or a juvenile adjudication involving violence or a firearm. Me. Stat. Ann. tit. 15, § [393\(1\)\(A-1\)](#). A juvenile with a non-violent disqualifying conviction under paragraph A-1 is disqualified only for a period of three (3) years following completion of any disposition imposed or until that person reaches 18 years of age. § [393\(C\)](#).

Maine prohibits those convicted or adjudicated of domestic violence offenses from possessing firearms for a period of five (5) years after completion of sentence with no subsequent convictions, or if under a court protective order issued after a hearing, which specifically prohibits physical violence. Me. Stat. Ann. tit.15 §§ [393\(1-B\)](#); [\(1\)\(D\)](#). In the case of a deferred disposition, the five-year period begins at the start of the deferred disposition; if the person is allowed to withdraw the plea and the State dismisses the charge, the five-year period terminates. § [393\(1-B\)](#).

***Restoration:*** A person dispossessed by virtue of a conviction in Maine or any other jurisdiction may apply to the governor five (5) years after discharge for a permit to carry a firearm, but that person may not be issued a permit to carry a concealed handgun. § [393\(2\)](#). Before issuing a permit, the governor must notify various law enforcement officials, and may not grant the

permit if any officials object in writing. § 393(4). A permit issued pursuant to this subsection is valid for four (4) years from the date of issue, unless sooner revoked for cause by the governor.

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## MARYLAND

**Restrictions:** A person convicted of any felony may not possess any firearm, including an antique firearm as defined in § 4-201. Md. Code Ann., Criminal Law § 5-622. Maryland’s Public Safety Code separately penalizes anyone convicted of a “disqualifying crime” who possesses a “regulated firearm.” Md. Code, Pub. Safety § 5-133. A “regulated firearm” includes handguns and certain specified assault weapons as defined in Md. Code Ann., Public Safety, §§ 5-101(h), (n), and (p).

A “disqualifying crime” includes a crime of violence (as defined by § 5-101(c)), any felony, and any “violation classified as a misdemeanor in the State that carries a statutory penalty of more than 2 years.” §§ 5-133(b)(1) - (5), 5-101(g). It includes cases in which a person received probation before judgment for a crime of violence or a “domestically related” crime” (as defined by § 6-233 of the Criminal Procedure Article). § 5-101(b-1)(1). In addition, under Md. Code, Pub. Safety § 5-206(a), a person may not possess a rifle or shotgun if he was previously convicted of a “crime of violence” or certain drug offenses. See §§ 5-101(c) (defining crime of violence). A conviction is no longer disqualifying where a person received probation before judgment for assault in the second degree (unless domestically related) or the case was expunged. § 5-101(b-1)(2).

A person may not be issued a handgun permit if they have been convicted of “a felony or of a misdemeanor for which a sentence of imprisonment for more than 1 year has been imposed,” unless they have “been pardoned or ha[ve] been granted relief under 18 U.S.C. § 925(c);” if they have been convicted of a crime involving possession or use of a controlled substance; or if they are under supervision for a disqualifying crime. § 5-306(a)(2)-(4). A handgun permit may also not be issued to a person under 30 years old if they have been “adjudicated delinquent for an offense that would be a felony, a crime of violence, or an act that would be a misdemeanor in this State that carries a statutory penalty of more than 2 years if committed by an adult.” § 5-306(c).

**Restoration:** According to [guidance](#) published by the Maryland Parole Commission, relief from general firearm restrictions based on felony conviction is through pardon only. Expungement may restore rights if available for certain non-conviction dispositions (e.g., probation before judgment). Those with federal and out-of-state convictions are ineligible for relief under Maryland law.

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## MASSACHUSETTS

***Restrictions:*** Massachusetts requires anyone who wishes to lawfully possess a “firearm” (defined to include both pistols and rifles and shotguns) to obtain a “firearm identification card.” Mass. Gen. Laws ch. 140, § [129B](#). A “license to carry” is necessary to possess and carry a pistol, as well as long guns. § [131](#). A “prohibited person” who may not obtain either a firearms identification card or a license to carry is anyone convicted or adjudicated a youthful offender or delinquent child in any state or federal court for the commission of: (A) a felony; (B) a misdemeanor punishable by imprisonment for more than 2 years; (C) a violent crime as defined in section [121](#); (D) a violation of any law regarding the use, possession, ownership or transfer of firearms or ammunition for which a term of imprisonment may be imposed; (E) a violation of any law of the commonwealth regulating the use, possession or sale of controlled substances . . . ; or (F) a misdemeanor crime of domestic violence as defined in 18 U.S.C. 921(a)(33); provided, however, that, the commission of a crime described in clauses (B), (D) or (E) shall only disqualify an applicant for a firearm identification card under section 129B for 5 years after the applicant was convicted or adjudicated or released from confinement, probation or parole supervision for such conviction or adjudication, whichever occurs later.” See § [121F\(j\)](#).

***Restoration:*** Persons ineligible for a firearm identification card under § [129B](#) or a license to carry under § [131](#) who are not subject to the five-year time limit may regain firearm rights only through a pardon. Sealing pursuant to ch. 276, § [100A](#) does not remove state firearm disabilities. *Rzeznik v. Chief of Police of Southampton* [373 N.E.2d 1128](#), 1132 (Mass. 1978). Certain persons convicted or adjudicated for a crime punishable by 2 1/2 years imprisonment or less, other than a crime of domestic violence, may apply to the Firearm Licensing Review Board established by § [130B](#) for a license to carry five (5) years after conviction or adjudication, release from confinement or supervision, whichever is later. §§ [130B\(b\)](#), (d). There appears to be no relief for persons convicted federally or in another state.

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## MICHIGAN

***Restrictions:*** In Michigan, firearm dispossession is time limited for most offenses. Under Mich. Comp. Laws §§ [750.224f\(1\)](#) and (3), most persons convicted of a felony regain the right to possess firearms three (3) years after completion of sentence. Completion of sentence requires payment of all fines imposed and successful completion of probation or parole. However, persons convicted of a “specified felony” (generally involving the use of force, explosive or firearm, controlled substances, or burglary as defined in § [750.224f\(10\)\(d\)](#)) remain subject to the disability until 1) five (5) years after the completion of sentence **and** 2) their firearm rights have been restored by the court pursuant to the judicial procedure set forth in Mich. Comp. Laws § [28.424](#) (described below). See §§ [750.224f\(2\)](#), (4).

Persons convicted of a misdemeanor involving domestic violence remain subject to the disability for eight (8) years following completion of sentence. § [750.224f\(5\)](#). A license to carry



may only be granted if a person is not prohibited from possessing a firearm under section 224f. § [28.422\(3\)\(e\)](#).

***Restoration:*** As noted above, firearm rights are time-limited for less serious offenses. A person whose firearm rights were lost because of a “specified felony” conviction must, in addition to completing the sentence and waiting five years, petition the circuit court in the county of their residence for relief. Mich. Comp. Laws §§ [28.424\(1\)](#), (2). The court “shall, by written order” restore the person’s firearm rights if it finds by clear and convincing evidence that five years have passed since the person completed their sentence, and that “the person’s record and reputation are such that the person is not likely to act in a manner dangerous to the safety of other persons.” § [28.424\(4\)](#). Not more than one petition can be submitted within a 12-month period, and while fees may be charged to file, there is a waiver available. Id. at § [28.424\(3\)](#). This judicial relief appears to be available to persons convicted federally or in another state.

The restrictions set forth in § [750.224f](#) do not apply to a conviction “that has been expunged or set aside, or for which the person has been pardoned, unless the expunction, order, or pardon expressly provides that the person shall not possess a firearm.” § [750.224f\(9\)](#).

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### MINNESOTA

***Restrictions:*** Minnesota’s dispossession laws are similar to those of other states, but its restoration provisions are among the most lenient in the country: Minnesota restores rights automatically after completion of sentence or following a short waiting period for most offenses, and gives those convicted of violent offenses access to judicial restoration as soon as they are no longer incarcerated.

Individuals convicted of a “crime punishable by imprisonment for a term exceeding one year” or convicted or adjudicated delinquent of a “crime of violence” are barred from possessing “a pistol or semiautomatic military-style assault weapon” or “any other firearm.” §§ [624.713](#), subd.1(3), subd. 1(10)(i). Minnesota’s definition of a “crime of violence” includes all felony level drug offenses, including simple possession. § [624.712](#), subd. 1(5). It also includes “crimes in other states or jurisdictions which would have been crimes of violence as herein defined if they had been committed in this state.” § [624.712](#), subd. 1(2)

Also barred from possessing firearms for a period of three (3) years are those convicted of enumerated violent misdemeanors, and all misdemeanor drug possession offenses. §§ [624.713](#), subd. 1(4) and (11). A three-year dispossession period also applies to those convicted of domestic assault under § [609.2242](#), subd. 3(d), unless the court restricts possession for a longer period if a firearm was used. § [609.2242](#), subd. 3(c) See also § [624.713](#), subd. 1(12). Section [624.713](#), subd. 1(10)(viii) also incorporates into state law the federal domestic violence restrictions in 18 USC § 922(g)(9).

***Restoration:*** Firearm rights are restored automatically to those convicted of non-violent offenses upon completion of sentence along with other civil rights. § [609.165](#), subd. 1. Those

convicted or adjudicated delinquent of violent felonies and dispossessed under § [624.713](#) may regain their rights under state law in two ways: (1) by obtaining federal relief under 18 USC 925(c), or (2) by petitioning a state court for restoration upon release from confinement. § [609.165](#), subd. 1a. In the latter case, the court “may grant the relief sought if the person shows good cause to do so and the person has been released from physical confinement.” § [609.165](#), subd. 1d. If a petition is denied, the person may not file another petition without permission of the court until 3 years have elapsed. Forms are made available through the Minnesota State Courts. [FIR101.pdf \(mncourts.gov\)](#).

Those convicted of violent misdemeanors, including domestic assault, generally regain rights at the conclusion of the specified three-year dispossession period, absent an intervening conviction or longer term of dispossession imposed by the court when a firearm was used in the commission of the domestic assault. §§ [609.2242](#), subd. 3(c), 3(d).

Juvenile adjudications of non-violent offenses do not give rise to any of the “civil disabilities” that may be imposed as a consequence of an adult conviction, but a juvenile adjudicated delinquent for a felony-level crime of violence as defined in Minn. Stat. § [624.712](#), subd. 5, “is not entitled to ship, transport, possess, or receive a firearm for the remainder of the person’s lifetime,” and must seek restoration as described above. Minn. Stat. § [260B.245](#), subd. 1(b). Juveniles in pretrial diversion programs are restricted during the period of diversion. § [260B.245](#) subd. 1(7).

Firearm rights may also be restored in most cases by a pardon or expungement, § [624.712](#), subd. 10 (“Any conviction which has been expunged, or set aside, or for which a person has been pardoned or has had civil rights restored shall not be considered a conviction for purposes of this definition”) except that the expungement must provide that it does not restore firearm rights to an individual convicted of a felony crime of violence. Minn. Stat. § [609A.03](#), subd. 5a. Firearm rights for a felony crime of violence may only be regained via 18 U.S. C. § 925(c) or the judicial procedure set forth in § [609.165](#), subd. 1a, as described above.

Minnesota authorizes reduction of a felony conviction to a misdemeanor after completion of sentence, which could be potentially useful in avoiding firearm restrictions. Under Minn. Stat. § [609.13](#), subd. 1, a felony conviction will be “deemed to be” a gross misdemeanor or misdemeanor if: 1) the sentence imposed was no greater than that authorized for a misdemeanor; or 2) the imposition of the prison sentence is stayed, the defendant is placed on probation, and the defendant is thereafter discharged without a prison sentence. The purpose and effect of this statute is to avoid imposition of most legal disabilities that accompany a felony conviction, including those in administrative licensing proceedings. *See id.*, advisory committee cmt., *quoted in Matter of Woollett*, 540 N.W.2d 829, 831 (Minn. 1995) (“It is believed desirable not to impose the consequences of a felony if the judge decides that the punishment to be imposed will be no more than that provided for misdemeanors or gross misdemeanors”).

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## MISSISSIPPI

Persons convicted of a felony may not possess a firearm unless pardoned, granted federal relief under 18 U.S.C. § 925(c), or granted a “certificate of rehabilitation” by a court. *See* Miss. Code Ann. § [97-37-5](#)(1), (3). If the person was convicted of a felony under Mississippi law, they may apply for a certificate of rehabilitation to the court in which they were convicted, and if convicted of a federal or out-of-state felony, or in a state military court, they may apply in the person's county of residence. The court may grant such a certificate in its discretion “upon a showing to the satisfaction of the court that the applicant has been rehabilitated and has led a useful, productive and law-abiding life since the completion of his or her sentence and upon the finding of the court that he or she will not be likely to act in a manner dangerous to public safety.” § [97-37-5](#)(3). Felony convictions also prohibit the issuance of a permit to carry weapons. § [97-37-7](#)(a)(b).

Mississippi has no law prohibiting individuals convicted of domestic violence misdemeanors or subject to domestic violence protective orders from purchasing or possessing firearms or ammunition, though these individuals remain subject to applicable federal law.

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## MISSOURI

***Restrictions:*** Possession of firearms is unlawful for a person “convicted of a felony under the laws of this state, or of a crime under the laws of any state or of the United States which, if committed within this state, would be a felony.” Mo. Rev. Stat. § [571.070.1](#)(1). Prior to 2008, this statute prohibited only persons convicted of a “dangerous felony” from possessing a firearm. *See* L. 2008, H.B. No. 2034, § A. Antique weapons are not prohibited. § [571.070.3](#). In 2018, the Missouri Supreme Court sitting en banc rejected a Second Amendment challenge to the 2008 law, as applied in the case of a man with two dated state felony convictions and a clean subsequent record, whose federal rights had been restored via 18 U.S.C. §925(c) years before. *Alpert v. State*, [543 S.W.3d 589](#) (Mo. 2018).

A concealed carry permit may not be issued to a person who has pled guilty or been convicted of a crime “punishable by imprisonment for a term exceeding one year,” other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve specified weapons. § [571.101](#)(3). In addition, a person may not have “been convicted of, pled guilty to or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a concealed carry permit or if the applicant has not been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a concealed carry permit.” § [571.101](#)(4). While Missouri does not specifically dispossess those convicted of misdemeanor domestic violence, they may be dispossessed under federal law.

Missouri does not dispossess those convicted of misdemeanor domestic violence, but a conviction for “misdemeanor offenses involving crimes of violence” - including “domestic assault” under § [610.140.3\(5\)](#) - may be ineligible for a concealed carry permit for a five-year period under § [571.101\(4\)](#).

***Restoration:*** A pardon will restore firearm rights under both state and federal law. Expungement (sealing) will also restore firearm rights if the conviction is eligible for relief. State residents with federal or out-of-state convictions are not eligible for relief from state firearm restrictions.

Convictions for serious and violent felonies do not qualify for expungement in Missouri. §§ [610.140.3\(1\)](#) and (2). In addition, a “felony offense of assault; misdemeanor or felony offense of domestic assault; or felony offense of kidnapping“ are also not eligible for expungement. § [610.140.3\(5\)](#). However, “domestic assault” is defined more narrowly under Missouri law than “domestic violence” is defined under federal law, with the result that some crimes that would fall within the federal definition would be expungeable in Missouri (e.g., coercion, harassment, stalking), avoiding both state and federal firearm restrictions. In 2021 a phrase was added to § [610.140](#) confirming that “for purposes of 18 U.S.C. 921(a)(33)(B)(ii) [loss of firearm rights on conviction of domestic violence], an order of expungement granted pursuant to this section shall be considered a complete removal of all effects of the expunged conviction.” § [610.140.9](#). Law enforcement’s access to sealed records for purposes of firearm screening was also removed from § [610.120.1](#) in 2021.

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**MONTANA**

***Restrictions:*** Firearm rights are restricted after a felony conviction involving the use of a dangerous weapon or a conviction for which a person must register on the sexual or violent offender registry. Mont. Code Ann. §§ [45-8-313\(1\)](#); [46-18-221](#). In such cases, the sentencing court is required to impose lifetime supervision as part of the sentence imposed, “for the purpose of restricting the person’s right to purchase and possess firearms.” § [45-8-314\(1\)](#).

A concealed weapon permit may be denied by a county sheriff if the applicant is subject to state or federal firearm disabilities; has ever been convicted of or is currently charged with a crime punishable by a term of imprisonment of more than one year for a violent, sex or drug offense; or has been convicted of a specified concealed weapons offense unless pardoned or 5 years have elapsed since the date of conviction. §§ [45-8-321\(1\)\(a\)](#), (c), and (d). “A person, except a person referred to in subsection (1)(c)(ii) [convicted of crimes involving serious bodily harm], who has been convicted of a felony and whose [civil] rights have been restored [upon completion of sentence] pursuant to Article II, section 28, of the Montana constitution is entitled to issuance of a concealed weapons permit if otherwise eligible.” § [45-8-321\(6\)](#).

Montana does not restrict firearms possession by those convicted of domestic violence, and its courts have only limited ability to dispossess those under protective orders. Mont. Code Ann. §

[45-5-206\(7\)](#) (“court may prohibit the domestic violence offender from using or possessing a firearm that was used in a domestic violence assault”).

***Restoration:*** An person sentenced in a Montana court who is subject to indefinite dispossession under § [45-8-313\(1\)](#) may “apply to the district court for the county in which the person resides for a permit to purchase and possess one or more firearms,” and “shall show good cause for the possession of each firearm sought to be purchased and possessed.” § [45-8-314\(2\)\(a\)](#). Notice must be given by the petitioner to the county attorney and county sheriff, and either may file a written objection. §§ [45-8-314\(c\)](#), (d). If an objection is filed, a hearing is held within 60 days. *Id.* Otherwise, restoration may be by pardon.

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**NEBRASKA**

Long gun and handgun rights are lost upon conviction of a felony. Neb. Rev. Stat. §§ [28-1206\(1\)\(a\)\(i\)](#), (2). These rights may be regained only through a pardon, but only if the Board of Pardons “empower[s] the Governor to expressly authorize such person to receive, possess, or transport in commerce a firearm.” § [83-1.130\(2\)](#). It appears that people with federal and out-of-state offenses may have their firearm rights restored under Nebraska law only by a pardon in the jurisdiction of their conviction.

Persons convicted within the past seven (7) years of a misdemeanor crime of domestic violence may not possess a firearm. Neb. Rev. Stat. §§ [28-1206\(1\)\(b\)](#), (5). Those subject to a domestic violence protective order are prohibited from possessing firearms only if they are knowingly violating the order. Neb. Rev. Stat. § [28-1206\(1\)\(a\)\(iii\)](#). Possession of a firearm is only prohibited while on probation pursuant to a deferred judgment for a felony under § [29-2292](#) or § [29-4803](#). § [28-1206\(1\)\(a\)\(iv\)](#). Convictions that are set aside under § [29-2264](#) “[r]emove all civil disabilities and disqualifications imposed as a result of the conviction,” but this relief is qualified in that the court must notify the person to “consult with an attorney regarding the effect of the order, if any, on the [person]’s ability to possess a firearm under state or federal law.” §§ [29-2264\(5\)\(b\)](#), (5)(c).

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**NEVADA**

“A person shall not own or have in his possession or under his custody or control any firearm if he . . . has been convicted of a felony in this or any other state, unless the person has received a pardon and the pardon does not restrict his or her right to bear arms.” Nev. Rev. Stat. § [202.360\(1\)\(b\)](#). *See also* § [213.090\(1\)](#). It appears that people with federal and out-of-state offenses may have their firearm rights restored under Nevada law only by a pardon in the jurisdiction of their conviction.

Nevada prohibits a person convicted in any state of misdemeanor domestic violence (“as defined in 18 U.S.C. § 921(a)(33)”) or stalking from possessing firearms. Nev. Rev. Stat. Ann. §§ [202.360](#)(1)(a), (c). There is no reference to a pardon removing the restriction imposed by these two subsections, as there is in subsection (1)(b) for felony convictions.

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## NEW HAMPSHIRE

A person convicted in any jurisdiction of a “felony against the person or property of another” or a felony drug offense, may not own or possess any firearm. N.H. Rev. Stat. Ann. § [159:3](#)(1)(b). This restriction may be relieved by the sentencing court by annulment pursuant to N.H. Rev. Stat. Ann. § [651:5](#), for convictions that are eligible (which does not include specified violent and other serious crimes). See *Dupont v. Nashua Police Department*, 113 A 3d 239 (N.H. 2015)(holding that firearm rights are civil rights that, when restored, fully restore civil rights for purposes of the federal firearms bar). It may also be restored by pardon (which is rare in New Hampshire).

New Hampshire law does not prohibit individuals convicted of domestic violence misdemeanors from possessing firearms or ammunition. It does prohibit a defendant subject to a domestic violence protective order from possessing firearms and ammunition for the duration of the order. N.H. Rev. Stat. Ann. § [173-B:5](#)(II).

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## NEW JERSEY

***Restrictions:*** A person convicted in any jurisdiction of specified violent crimes, or crimes involving domestic violence (as defined by § [2C:25-10](#), covering a broad range of offenses against a person protected by the Prevention of Domestic Violence Act of 1991), whether or not armed with or possessing a weapon at the time of such offense, may not purchase, own, possess or control any firearm. N.J. Stat. §§ [2C:39-7](#)(a), (b)(1), (b)(2). The state’s [application forms](#) for Firearms Purchaser Identification Card and/or Handgun Purchase Permit suggest that domestic violence convictions will be considered disabling only if they involve bodily harm (Question #16: “Have you ever been convicted of any domestic violence offense in any jurisdiction which involved the elements of (1) striking, kicking, shoving, or (2) purposely or attempting to or knowingly or recklessly causing bodily injury, or (3) negligently causing bodily injury to another with a deadly weapon?”).

A handgun purchase permit and firearms purchaser identification card will be denied to 1) a person convicted of “any crime in this State or its felony counterpart in any other state or federal jurisdiction;” 2) “a disorderly persons offense in this State involving an act of domestic violence;” or 3) a person adjudicated as a minor for a crime involving a weapon or adjudicated for serious violent offenses specified under § [2C:43-7.2](#)(2)(d). See §§ [2C:58-3](#)(c)(1), (c)(7). Those convicted or adjudicated under [2C:58-3](#), or those recently arrested for or charged with those disqualifying crimes, will be denied a permit to carry a handgun. § [2C:58-4](#)(c). A person who is ineligible for a handgun permit under state law is prohibited from possessing any firearm

under 18 U.S.C. § 922(g)(1) even if their firearm rights are not otherwise restricted under state law. *See Caron v. United States*, 524 U.S. 308 (1998).

***Restoration:*** It appears, based on the state’s [application forms](#) for Firearms Purchaser Identification Card and/or Handgun Purchase Permit, that these firearm rights may be restored by expungement or sealing. Question 10 on the application form asks about expungement or sealing of a conviction in another state, indicating that relief from other jurisdictions will be credited. Presumably, a governor’s pardon would have a similar effect.

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## NEW MEXICO

***Restrictions:*** It is unlawful for a person convicted of a felony to receive, transport or possess any firearm or destructive device for 10 years after completion of sentence. N.M. Stat. Ann. § [30-7-16\(A\)\(1\)](#), [\(E\)\(5\)\(a\)](#). If a person received a deferred sentence, rights are restored upon successful completion of the total term of deferment as provided in § [31-20-9](#). § [30-7-16\(E\)\(5\)\(c\)](#); *United States v. Reese*, No. 33,950, N.M. Sup. Ct. (May 1, 2014); *see also* 1988 Op. Att’y Gen. No. [88-03](#).

Also barred under § [30-7-16](#) for 10 years are those convicted of battery against a household member, criminal damage to property of a household member, stalking, or any misdemeanor crime of domestic violence that is considered firearm-prohibiting under federal law. § [30-7-16\(A\)\(3\)\(d\)](#).

***Restoration:*** Firearm rights may be regained prior to the 10-year period through a governor’s pardon of New Mexico convictions, though the governor may also decline to restore firearm rights in an otherwise unconditional pardon. *See* N.M. A.G. Op. No. [92-09](#) (1992). A pardon restoring firearm rights under state law will restore firearm rights under federal law as well, by virtue of 18 U.S.C. § 921(a)(20).

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## NEW YORK

***Restrictions:*** State law mandates that individuals must have a valid permit to carry, own, or possess firearms, including handguns. A firearms license may not be issued to a person convicted of a felony or “serious offense.” N.Y. Penal Law § [400.00\(1\)\(c\)](#). Possession of certain firearms by such a person is a criminal offense. *See* § [265.01\(4\)](#) (making it a crime to possess rifles, shotguns, antique firearms, black powder shotguns, black powder rifles, or any muzzle loading firearm). The definition of “serious offense” includes misdemeanor weapons, burglary and theft offenses, drug materials, promoting prostitution, stalking, child endangerment, and sex offenses, as well as violent and threatening misdemeanors like assault, strangulation, menacing, trespass, and harassment, and attempts to commit the same, when the offender and victim are members of the same family or household. §§ [265.00\(17\)\(a\)](#), [\(17\)\(b\)](#). Any misdemeanor

offense “that includes all of the essential elements of a felony offense,” is also defined as a “serious offense.” § [265.00\(17\)\(c\)](#).

A license to carry a concealed handgun under § [400.00\(2\)\(f\)](#) will not be issued if the person was convicted within five (5) years of the application of assault, driving under the influence, or menacing, in addition to any conviction for a felony or serious offense. § [400.00\(1\)\(n\)](#).

***Restoration:*** Firearm rights may be regained by a pardon, or by a Certificate of Relief from Disabilities or Certificate of Good Conduct from a court or corrections agency. N.Y. Correct. Law §§ [701\(2\)](#), [703-A\(2\)](#); *see also* 1975 NY Ops Atty Gen Nov 24. Restoration must be specified in the document, and Class A-1 and violent felonies as defined in § [70.02\(1\)](#) of the Penal Code are ineligible. *Id.* A Certificate of Relief from Disabilities or Good Conduct may be granted by the Department of Corrections to a person convicted in any other jurisdiction if specific sections of New York law have an adverse impact and warrant relief to be made. §§ [703\(1\)\(b\)](#), [703-B\(2\)](#).

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## NORTH CAROLINA

***Restrictions:*** It is unlawful to possess a firearm if convicted of a felony. N.C. Gen. Stat. § [14-415.1\(a\)](#). Those convicted of antitrust violations, unfair trade practices, or restraints of trade are exempt from this prohibition, modeled on federal law under 18 U.S.C. § 921(a)(20)(A). § [14-415.1\(e\)](#). This prohibition does not apply to antique firearms, as defined by § [14-409.11](#).

A concealed carry permit will be denied to anyone convicted of a misdemeanor crime of violence (including misdemeanor domestic violence under § [14-32.5](#)), or of an offense involving assault or threats to a law enforcement officer, correctional officer, firefighter, or emergency responder. §§ [14-415.12\(8a\)](#), (8b), (8c). A concealed carry permit will be denied if a person was convicted within three years of the application of for other misdemeanor crimes of violence or for an impaired driving offense. §§ [14-415.12\(8\)](#), (11). These restrictions apply to both convictions and suspended sentences. *Id.*

***Restoration:*** Firearm rights may be restored by a pardon. § [14-415.1\(d\)](#). In addition, individuals who have lived in North Carolina for at least one year, who have a single non-violent felony conviction, with no convictions since, and no violent misdemeanors, may petition the court in their county of residence 20 years after their civil rights were restored under [Chapter 13](#), for removal of disenfranchisement of firearm rights under § [14-415.1](#). §§ [14-415.4\(b\)](#), (c), (d), (e); *see also* [Britt v. State](#), 363 N.C. 546, 550 (2009). Persons with qualifying out-of-state or federal convictions may petition the court in the district where they reside “only if the person’s civil rights, including the right to possess a firearm, have been restored, pursuant to the law of the jurisdiction where the conviction occurred, for a period of at least 20 years.” *Id.*

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## NORTH DAKOTA

***Restrictions:*** Firearm rights are lost for a 10-year period upon conviction or juvenile adjudication for a felony involving violence or intimidation, and for five (5) years for a non-violent felony or violent Class A misdemeanor. N.D. Cent. Code §§ [62.1-02-01](#)(1)(a), (1)(b), (2)(f). The disqualification period runs from the date of conviction or date of release from incarceration, parole, or probation, whichever is latest. *Id.* A person who received a deferred sentence or had a conviction reduced is still considered convicted for purposes of firearm restrictions. §§ [62.1-02-01](#)(2). A person convicted of a felony but not sentenced as a “dangerous special (habitual) offender” under § [12.1-32-09](#) may possess specified antique long guns. § [62.1-02-01](#)(3).

North Dakota restricts firearms for individuals convicted of misdemeanor domestic violence only if it results in substantial bodily harm (a Class A misdemeanor). §§ [62.1-02-01](#)(1)(b), [12.1-17-01.2](#).

***Restoration:*** A person with a non-violent felony conviction subject to the five-year bar may petition the district court where the offense occurred for earlier restoration of firearm rights. § [62.1-02-01.1](#)(1). The court must determine by clear and convincing evidence that the individual has successfully completed all terms of his sentence and paid all fines, and that “[t]he individual’s record and reputation are such that the individual is not likely to act in a manner dangerous to the safety of others.” *Id.* The provisions allowing for earlier judicial restoration do not extend to convictions for violent felonies or violent Class A misdemeanors. It is not clear whether a pardon will also restore firearm rights.

Section [62.1-02-01.1](#)(1) also states, respecting federal and out-of-state convictions, “If the offense was a felony of another state or the federal government, the petition must be filed in the venue where the rights of the individual were revoked.” An information guide to the firearms restoration process posted on the [website](#) of the North Dakota Supreme Court interprets this somewhat ambiguous language to bar those convicted federally or in another state from taking advantage of the state’s judicial restoration process: “An individual who is prohibited from possessing a firearm due to a felony conviction in another state court or in a federal court must file their petition for restoration of firearm rights in the court where the rights of the individual were revoked.”

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## OHIO

***Restrictions:*** A person may not possess, carry or use any firearm if convicted or adjudicated delinquent for a “violent felony offense” or any felony drug offense. Ohio Rev. Code § [2923.13](#)(A)(2)-(3). A “violent felony offense” is defined in § [2923.132](#)(A)(2).

A license to carry a concealed handgun will not be issued to a person who has been convicted or adjudicated delinquent for a felony, or any of the following: an offense involving the illegal sale or possession of drugs; domestic violence under § [2919.25](#); a “misdemeanor offense of

violence” within three (3) years of the date of application; two (2) or more convictions or adjudications for assault under §§ [2903.13](#) or [2903.14](#) when the victim is a peace officer within five (5) years of the license application; or resisting arrest under § [2921.33](#) within 10 years of the date of application. See §§ [2923.125](#)(D)(1)(e), (D)(1)(f), (D)(1)(g), (D)(1)(h), (D)(1)(s).

***Restoration:*** With limited exceptions, a person subject to a firearm disability may apply to “the court of common pleas in the county of their residence” for relief from state firearm disabilities after discharge from the sentence, if they have “led a law-abiding life since discharge or release, and appear[] likely to continue to do so,” and are not “otherwise prohibited by law” from having a firearm. See § [2923.14](#)(A), (D). (In 2011, subsections (B) and (F) of § [2923.14](#) were amended to make clear that the “otherwise prohibited” language in subsection (D) does not include any prohibition based solely upon a criminal conviction.) Those convicted of a firearms offense while considered a “violent career criminal” as defined in § [2923.132](#)(A)(1)(a), or those convicted two or more times of an enumerated firearm offense, may not take advantage of this judicial relief. This relief is available to Ohio residents with out-of-state or federal convictions, but not to anyone who does not reside in the state. See [State v. Cantwell](#), 2013-Ohio-1685, 10 (Ct. App., 5<sup>th</sup> Dist. 2013).

A pardon also relieves firearm disabilities. § [2967.04](#)(B)(“An unconditional pardon “relieves the person to whom it is granted of all disabilities arising out of the conviction or convictions from which it is granted.”)

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### OKLAHOMA

***Restrictions:*** Oklahoma prohibits possession or control of any firearm by a person convicted or adjudicated delinquent of any felony, including in any vehicle operated by such individual or in their home. Okla. Stat. tit. 21 §§ [1283](#)(A), (D). A person serving a term of supervision, including probation or parole, for any felony in any court or under the jurisdiction of any alternative court program may not have in their possession or in their car or residence, “any pistol, shotgun or rifle” including any imitation or homemade pistol. § [1283](#)(C).

Oklahoma prohibits a person with a felony conviction or adjudication under § [1283](#), or a misdemeanor conviction for a violent offense, including domestic abuse, battery, assault, or stalking, or a misdemeanor conviction for illegal drug use or possession, from obtaining a handgun license. §§ [21-1290.10](#)(1), (2), (5). Misdemeanor convictions related to illegal drug use or possession have a “preclusive period” for a handgun license for 10 years from the date of completion of a sentence. *Id.* at (5). A person subject to a deferred sentence or deferred prosecution for any offense, or for two or more convictions of public intoxication or driving under the influence, is precluded from obtaining a handgun license for a period of three(3) years from the date of completion of the last sentence. §§ [21-1290.11](#)(A)(2), (6), (7). Separately, anyone convicted of assaultive conduct, including domestic assault, and drug possession, is prohibited from carrying a concealed firearm, unless pardoned. § [21-1272](#).

***Restoration:*** “Any person who has previously been convicted of a nonviolent felony in any court of this state or of another state or of the United States, and who has received a full and complete pardon from the proper authority and has not been convicted of any other felony offense which has not been pardoned, shall have restored the right to possess any firearm or other weapon prohibited by subsection A of this section, the right to apply for and carry a handgun, concealed or unconcealed, pursuant to the provisions of the Oklahoma Self Defense Act or as otherwise permitted by law, and have the right to perform the duties of a peace officer, gunsmith, and for firearms repair.” § [1283](#)(B). There appears to be no procedure for restoring firearm rights to those convicted of a violent felony. A pardoned conviction from another state may trigger firearms dispossession in Oklahoma absent proof that the foreign pardon restored firearm rights. *Kellogg v. State*, 504 P.2d 440, 442 (Okla. Crim. App. 1972).

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**OREGON**

***Restrictions:*** A person convicted of a felony is barred from possessing any firearm for 15 years after discharge for most crimes. Or. Rev. Stat. § [166.250](#)(1)(c)(C); § [166.270](#)(4)(a). Juveniles are barred for four (4) years if adjudicated for an act which, if committed by an adult, would constitute a felony or a misdemeanor involving violence. § [166.250](#)(1)(c)(B).

Individuals may not possess a firearm or ammunition if convicted of “qualifying misdemeanors,” defined as the use or attempted use of physical force or the threatened use of a deadly weapon if, at the time of the offense, the defendant was a family or household member of the victim, as defined by § [135.230](#), or the person was convicted of stalking. §§ [166.255](#)(1)(b), (3)(c), (3)(e). A conviction under this provision does not include one that has been “set aside or expunged” or as to which the person has been pardoned. § [166.255](#)(3)(a)(C).

A person may not be issued a concealed handgun license if convicted of a felony at any time, convicted of a misdemeanor within four(4) years of application, adjudicated as a juvenile for a felony or misdemeanor involving violence discharged less than four (4) years prior to application, or convicted of a controlled substance offense (even if it involved participation in a court-supervised drug diversion program). §§ [166.291](#)(1)(g), (h), (k), (l).

***Restoration:*** Firearm rights are restored 15 years after discharge to persons convicted of no more than one (1) felony, unless the offense involved criminal homicide or use of a gun or knife. § [166.270](#)(4)(a). Rights may be restored earlier if the person has been “[g]ranted relief from the disability under 18 U.S.C. 925(c) or ORS 166.274 or has had the person’s record expunged under the laws of this state or equivalent laws of another jurisdiction.” § [166.270](#)(4)(b).

The state relief provision referred to in § [166.270](#)(4)(b) enables any person convicted of a non-violent offense, including those convicted in another state or federally, to file a petition in the circuit court of the petitioner’s county of residence one (1) year after completion of a felony sentence under §§ [166.274](#)(2), (11). Under this provision, “[r]elief shall be granted when the petitioner demonstrates, by clear and convincing evidence, that the petitioner does not pose a threat to the safety of the public or the petitioner.” § [166.274](#)(6). The court may not grant relief

under this section to a person convicted of a “person felony” involving the use of a firearm or another deadly weapon, or convicted of violent offenses listed in § [137.700](#), or to someone currently serving a felony sentence or who has served such a sentence within the one-year period prior to filing the petition. § [166.274](#)(11). Petitions to review denials of concealed handgun licenses also may be filed in the petitioner’s county of residence, with relief being granted if the court finds it to be in the “interest of justice.” §§ [166.293](#)(5), (6).

While Oregon law does not provide a general expungement remedy, the reference in § [166.255](#)(3)(a)(C) to “set aside or expunged” (see above) may fairly be read to extend mitigating effect to set aside and sealing, as well as to pardon, in this context as in the context of domestic violence convictions. Concealed handgun licensing restrictions are subject to the same relief regime as applies to firearms generally. § [166.291](#)(2).

Oregon authorizes a sentencing court to reduce certain C felonies to A misdemeanors at the time of sentencing or upon completion of supervision if, “considering the nature and circumstances of the crime and the history and character of the defendant, [the court] believes that a felony conviction would be unduly harsh.” Or. Rev Stat. § [161.705](#). It appears that if such a reduction occurs “at the time of judgment” it will be effective to avoid firearm restrictions, but not if the reduction occurs after completion of sentence. See § [166.270](#)(3)(a).

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**PENNSYLVANIA**

***Restrictions:*** The following crimes committed “within or without this Commonwealth” result in the loss of firearm rights: conviction or juvenile adjudication of specified felony offenses involving violence or weapons; drug offenses punishable by a term of imprisonment exceeding two (2) years; three (3) or more DUI offenses within a period of five (5) years; domestic violence offenses; and additional specified criminal conduct. See 18 Pa. Cons. Stat. §§ [6105](#)(a),(b), (c)(2), (c)(3), (c)(7), (c)(8), (c)(9). The prohibition for those adjudicated delinquent for specified violent and firearm offenses (unless enumerated under (c)(7)), terminates 15 years after the last juvenile adjudication or upon reaching the age of 30, whichever is earlier. § [6105](#)(c)(8). A person prohibited from possessing any firearm is not eligible for a license to carry a firearm concealed under § 6109. §§ [6105](#)(h), [6109](#)(e)(iii).

***Restoration:*** A person disqualified based upon a conviction or adjudication “within or without this Commonwealth” for violent or weapons offenses, or convictions for drug offenses or domestic violence offenses, may obtain relief from a court in the person’s county of residence. § [6105](#)(d). The court “shall grant such relief if it determines that any of the following apply”: (1) the conviction was vacated; (2) the conviction “has been the subject of a full pardon by the Governor;” or (3) the applicant has been granted relief from federal firearm restrictions under 18 USC § 925(c) and 10 years have passed since the person’s most recent conviction, not including any time spent incarcerated. §§ [6105](#)(d)(1)-(3). Notably, the court “may waive” the requirement of federal firearm relief under § 925(c) “if the court determines that the Congress...has not appropriated sufficient funds to enable the Secretary of the Treasury to grant relief to applicants eligible for relief.” § [6105](#)(d)(3)(i). Accordingly, as long as the federal

firearms restoration program under § 925(c) is not operational due to lack of funding, it would seem that the court may (but is not required to) restore rights to any individual who has satisfied the 10-year waiting period.

An application for relief from the firearm disability resulting from three or more driving under the influence offenses within a five-year period under § (c)(3) shall be granted, without the requirement of a vacatur, pardon, or federal relief, if a period of 10 years (not including time spent incarcerated) has passed since the most recent DUI conviction. § 6105(e)(2). Additional judicial restoration authority is contained in § 6105.1(a) where loss of firearm rights stems from conviction under laws that are no longer in effect.

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**RHODE ISLAND**

***Restrictions:*** A person convicted of a “crime of violence” (as defined by § 11-47-2(5), which also includes certain felony drug offenses) is prohibited from purchasing, possessing, or carrying any firearm, with no relief specified. R.I. Gen. Laws § 11-47-5(a)(1). Persons convicted of non-violent felonies are not prohibited.

Also prohibited are persons convicted of felony domestic violence or specified misdemeanor domestic violence crimes (including simple assault, cyberstalking and cyberharassment, violation of a protective order, or disorderly conduct involving the use of force or the threatened use of a dangerous weapon). §§ 11-47-5(a)(3), (a)(4).

***Restoration:*** As detailed below, no relief is specified for felony dispossession.

The restrictions based on domestic violence (felony and misdemeanor convictions) apply “unless and until that person’s matter has been expunged, or upon the completion of the sentence of a one-year filing, or the end of a one-year probationary period that no longer constitutes a conviction pursuant to § 12-18-3.” § 11-47-5(a)(5). § 12-18-3 (“Plea of nolo contendere followed by probation” provides for dismissal of charges and no conviction upon successful completion of probation.) The reference to expungement for domestic violence dispossession might suggest that this relief is available also for dispossession based on “crime of violence,” but such crimes are not eligible for expungement. § 12-1.3-2(a).

A person prohibited from purchasing or possessing a firearm solely based on a conviction for a misdemeanor domestic violence offense, which does not meet the conditions of expungement or specified one-year filing or probationary period, may file a motion in the district court to have the prohibition lifted. § 11-47-5.5(a). The motion can be filed five (5) years from the sentence completion date, unless a new conviction occurs, which subjects the person to an additional 6-year firearm prohibition. *Id.* at 5.5(b). The district court only considers whether the time period has expired and there is no other legal prohibition preventing restoration. *Id.* at 5.5(e).

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## SOUTH CAROLINA

**Restrictions:** A person convicted of any “crime punishable by a maximum term of imprisonment of more than one year” may not possess any firearm. S.C. Code Ann. §§ [16-23-405\(A\)](#), [16-23-500\(A\)](#), as amended by [H.3594](#) (2024). Prior to March, 2024, restrictions were imposed only following conviction of a “violent crime ... classified as a felony offense.” A “crime punishable by a maximum term of imprisonment of more than one year” does not include a misdemeanor punishable by a term of imprisonment of five (5) years or less, specific antitrust or unfair trade practice convictions, or a conviction that “has been expunged, or set aside or for which a person has been pardoned or has had civil rights restored.” §§ [16-23-500\(F\)\(1\)-\(3\)](#). Conviction includes “pleas of guilty, pleas of nolo contendere, and forfeiture of bail.” See § [16-23-10\(6\)](#).

South Carolina also prohibits possession of handguns by a person convicted of a “crime of violence.” § [16-23-30\(B\)](#), as defined in § [16-23-10\(c\)](#) to include “assault with intent to commit any offense punishable by imprisonment for more than one year.” See *Fernanders v. State*, 359 S.C. 130 (2004), 597 S.E.2d 787 (S.C. 2004).

South Carolina applies escalating periods of firearm restriction upon conviction of criminal domestic violence depending upon the seriousness of bodily harm caused, ranging from three (3) years to ten (10) years to life. S.C. Code § [16-25-30\(E\)](#). The definition of “domestic violence” is limited to crimes against household members, with the definition of “household member” including only a spouse or former spouse, persons who have a child in common, and “a male and female who are cohabiting or formerly have cohabited.” § [16-25-10\(3\)](#).

**Restoration:** As noted above, the 2024 Act provides, borrowing language from 18 U.S.C. § 921(a)(20), that a crime resulting in dispossession does not include “any crime for which the conviction has been expunged, or set aside or for which a person has been pardoned or has had civil rights restored, unless such pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.” § [16-23-500\(F\)\(3\)](#). Case law also provides authority that firearm rights may be restored byway of pardon. See, e.g., *Brunson v. Stewart*, 547 S.E.2d 504 (S.C. Ct. App. 2001).

Firearm rights lost by virtue of a domestic violence conviction are restored automatically following the period of time established in § [16-25-30\(E\)](#), so long as there have been no subsequent domestic violence convictions, there are no domestic violence charges pending, and the person is not otherwise prohibited from firearm possession. § [16-25-30\(F\)\(1\)](#). Presumably, earlier restoration may be had pursuant A person whose rights have been restored can request in writing the South Carolina Law Enforcement Division (SLED) notify the National Instant Criminal Background Check System (NICS) that the State has restored the person's rights. *Id.* at (F)(2).

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## SOUTH DAKOTA

Firearm rights are lost if a person is convicted of a “crime of violence” or certain felony drug offenses. If lost, rights are restored automatically 15 years after completion of sentence. S.D. Codified Laws § [22-14-15](#); *see also* § [22-1-2](#)(9) (defining “crime of violence”). If convicted of a drug offense under § [22-42](#), which is not subject to § [22-14-15](#), rights are automatically restored five (5) years after completion of sentence. § [22-14-15.1](#). Earlier relief by pardon is available, but the pardon document must so specify. § [24-14-12](#).

South Dakota prohibits any person who has been convicted of misdemeanor domestic violence from possessing a firearm for one (1) year from the date of the conviction, at which point, rights are restored. S.D. Codified Laws § [22-14-15.2](#). After that one year, a person may petition the convicting court for an order reflecting the restoration of firearm rights. *Id.* The court shall grant the order if the person is found eligible by not having been convicted within that prior year of an offense resulting in the loss of firearm rights. *Id.* The South Dakota legislature added that this restriction on the right to possess firearms following a misdemeanor domestic violence conviction “shall be repealed on the date when any federal law restricting the right to possess firearms for misdemeanor domestic violence convictions is repealed.” *Id.*

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## TENNESSEE

***Restrictions:*** Tennessee’s laws relating to loss and restoration of firearm rights have changed several times during the past several years. A person convicted of a felony “crime of violence” (defined by § [39-17-1301](#)(3)); a felony involving the use or attempted use of force, violence, or a deadly weapon; or a felony drug offense, may not possess a firearm. *See* Tenn. Code § [39-17-1307](#)(b)(1). Tennessee is unusual in providing a variety of defenses to the application of § [39-17-1307](#) set forth in § [39-17-1308](#)(a), including if a firearm is unloaded, if possession is at the person’s residence or place of business, or if possession is “incident to lawful hunting, trapping, fishing, camping, sport shooting or other lawful activity.” §§ [39-17-1308](#)(a)(1), (3) and (4). However, these defenses are not available to “persons described in § [39-17-1307](#)(b)(1),” which includes those convicted of violent or drug crimes. § [39-17-1308](#)(b).

A person convicted of a “misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921, and is still subject to the disabilities of such a conviction,” may not possess a firearm. § [39-17-1307](#)(f)(1)(A). Antique weapons are excepted from the definition of a firearm and this prohibition. § [39-11-106](#)(a)(13)(B). § [39-17-1316](#)(b)(1).

Handgun possession is prohibited to anyone convicted of any felony. § [39-17-1307](#)(c). In addition, persons convicted of certain misdemeanors – including multiple recent DUIs, domestic violence as defined in 18 U.S.C. § 921, and stalking – may not obtain a permit to carry a handgun. *See* § [39-17-1351](#)(c)(6), (c)(11) (c)(16) (c)(18).

***Restoration:*** For those convicted after 1996, expungement will restore firearm rights where the offense involved violence or drug-trafficking. *See* § [40-32-101\(g\)\(12\)\(E\)](#) (“Notwithstanding § [39-17-1307\(b\)\(1\)\(B\)](#) [relating to drug felonies] and (c) [relating to felony handgun possession], a petitioner whose petition [for expungement] is granted pursuant to this subsection (g) ... shall be eligible to purchase a firearm pursuant to § [39-17-1316](#) and apply for and be granted a handgun carry permit pursuant to § [39-17-1351](#).”). A pardon may serve as grounds for expungement, and thus restoration of handgun rights, where lost based on a non-violent conviction. *See* Tenn. Code § [40-32-101\(h\)](#). Case law indicates that out-of-state relief will be given effect in Tennessee only if it is consistent with Tennessee’s own restoration provisions. *See Blackwell v. Haslam*, 2013 WL 3379364, (Tenn. Ct. App. 2013).

In addition, firearm rights lost based on a conviction that does not involve violence or drug trafficking may be restored by a court through a “certificate of restoration of rights” under § [40-29-105\(c\)](#). § [39-17-1307](#). This relief is available to anyone who has lost rights by virtue of a state or federal conviction from the circuit court of the county of the person’s residence.” § [40-29-105\(c\)](#). *See also* § [40-29-105\(b\)](#)(applicable to convictions prior to 1996). The “full rights of citizenship” under this section includes firearm rights, if a person has otherwise completed their sentence and if their conviction is eligible. *See State v. DeDreux*, No. E2021-00786-COA-R3-CV (Ct.App., 2022) (“full rights of citizenship” under § [40-29-105\(c\)](#) include firearm rights).

Handgun rights may be restored by pardon or judicial certificate, in addition to expungement, if the restoration order does not specifically prohibit the person from possessing firearms. *See* § [39-17-1307\(c\)](#) (pardon, expungement and set-aside, or judicial “certificate of restoration” may remove restrictions on handguns as long as the conviction does not involve violence or drug trafficking). *See also* § [39-17-1351\(j\)\(3\)](#) (the Department of Safety shall not deny a handgun permit to an individual who has received a judicial restoration of rights unless the person “has been convicted of a felony crime of violence, an attempt to commit a felony crime of violence, a felony drug offense, or a felony offense involving use of a deadly weapon”); *State v. Johnson*, 79 S.W.3d 522, 528 (Tenn. 2002) (a person convicted of a felony involving the use or attempted use of force, violence, or a deadly weapon cannot possess a handgun, even where his or her citizenship rights have been restored pursuant to Tenn. Code Ann. § [40-29-101](#), *et seq.*).

A person convicted of a felony between July 1986 and July 1996 may regain firearm rights by the judicial “certificate of restoration” provided for in § [40-29-105\(b\)](#). *See* Tenn. Op. Att’y Gen. [No. 02-119](#). Persons with federal or out-of-state convictions may also seek judicial restoration under § [40-29-101\(a\)](#).

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***Restrictions:*** A person convicted of any felony is prohibited from possessing any firearm for five (5) years after the date of the person's release from confinement or release from supervision, whichever is later. Tex. Penal Code § [46.04](#)(a)(1). After that period, the person may possess a firearm, but only at the premises at which they live. § [46.04](#)(a)(2). Possession outside the home requires action by the Texas Board of Pardons and Paroles. *See below.* Those convicted of certain domestic violence offenses punishable as a Class A misdemeanor are prohibited from possessing a firearm for a period of five (5) years after release from confinement or community supervision. § [46.04](#)(b).

Handgun possession is prohibited by those convicted of an offense that threatens or causes bodily harm, including deadly or disorderly conduct involving a firearm for a five year period, after which possession is permitted in the home or "inside of or directly en route to a motor vehicle or watercraft that is owned by the person or under the person's control." §§ [46.02](#)(a)(2)(B), (a)(3).

A person is ineligible for a license to carry a handgun if convicted of a felony, convicted of a Class A or B misdemeanor for disorderly conduct within five (5) years of the application, adjudicated delinquent for a felony within 10 years of the application, or convicted two times within the 10-year period prior to application for a Class B misdemeanor involving the use of alcohol or controlled substance. §§ [411.172](#)(a)(3), (a)(8), (a)(13), (c). An order of deferred adjudication is not disqualifying if entered more than 10 years prior to application, unless the deferred adjudication was for a felony offense for robbery, burglary of a home, or violations of protective orders or conditions of bond for cases involving family violence, child abuse, stalking or trafficking. § [411.171](#)(1).

A person placed on "deferred adjudication community supervision" without a conviction under Tex. Code Crim. Proc. art. [42A.101](#), who subsequently receives a discharge and dismissal under section 5(c), art. [42A.111](#) (discharge after completion of community supervision), is no longer subject to most collateral consequences, including firearm disabilities. Art. [42A.111](#)(c) ("a dismissal and discharge under this section may not be deemed a conviction for the purposes of disqualifications or disabilities imposed by law for conviction of an offense"). Federal disabilities under 18 U.S.C. § 922(g) will apply if the provisions of § 921(a)(20) are not satisfied.

***Restoration:*** Individuals may apply to the Texas Board of Pardons and Paroles for permission to possess firearms outside the home after they have been granted a full pardon or one of the other conditions in the Administrative Code exist, and instructions and an application form are provided on the Board's [website](#). The Board will consider recommendations for restoration of firearm rights "only in extreme and unusual circumstances which prevent the applicant from gaining a livelihood, and where proof is provided that a previously granted full pardon allows such restoration, a request for restoration is pending for a full pardon from other jurisdictions, or successful completion of a punishment similar to a term of deferred adjudication community supervision. 37 Tex. Admin. Code § [143.12](#). This administrative rule also asks for proof that the applicant has sought restoration under 18 USC § 925(c) from the U.S.

Justice Department, a federal relief mechanism that may be [revived](#) under the Trump Administration after many years of dormancy based on funding restrictions.

A conviction or order of deferred adjudication does not disqualify a person from a license to carry a handgun if the matter is subsequently expunged or pardoned by any state or federal official, or if it is “otherwise vacated, annulled, invalidated, voided, or sealed under any state or federal law.” § [411.171](#)(4).

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## UTAH

***Restrictions:*** Utah’s restrictions on firearms possession following conviction have been tightened in recent years and are among the most complex in the Nation, varying in duration depending on the offense of conviction. A restricted person may not possess any firearm (defined to include both pistols and long guns) or other “dangerous weapons.” Utah Code §§ [76-11-101](#)(3)(a), (4). A “Category I” restricted person is someone 1) convicted of a “violent felony” (as defined by § [76-3-203.5](#)(1)(c); 2) on probation or parole for any felony or certain drug possession offenses; or 3) adjudicated within the last 10 years for an offense that if committed by an adult would be a “violent felony.” Utah Code §§ [76-11-302](#)(1), (2), (4), (6).

A Category II restricted person is someone who was 1) convicted of a felony crime of domestic violence (as defined by § [77-36-1](#)), or convicted of multiple felonies; 2) completed a sentence for a non-violent felony within the last seven (7) years; or 3) within the last seven (7) years has been adjudicated delinquent for an offense that would be a felony. §§ [76-11-301](#)(8), [76-11-303](#)(1), (2), (3), (4). The dispossession period is extended if a person commits or is charged with another felony or class A misdemeanor within the seven-year lookback period. *Id.*

Utah also includes as a Category II restricted person someone convicted of assault or aggravated assault against a spouse, former spouses, parents, guardians, and individuals sharing a child in common or cohabitating. Utah Code Ann. § [76-11-303](#)(13). In 2023, Utah extended this prohibition to those convicted against an individual in a dating relationship within the last five (5) years when it is a single offense. Utah Code Ann. §§ [76-11-303](#)(13)(d), [76-11-304](#)(2). Utah requires courts to notify people when they become dispossessed based on a domestic violence conviction. § [76-11-309](#).

***Restoration:*** Dispossession may be relieved prior to the statutory dispossession period where a felony conviction or adjudication or misdemeanor assault conviction has been expunged, set aside, reduced to a misdemeanor by court order, pardoned or had civil rights restored in accordance with the law of the jurisdiction where the conviction or adjudication occurred. §§ [76-11-304](#)(1)(a), (1)(b). The pardon, reduction, expungement, set aside, or civil rights restoration is ineffective if it expressly provides that the person may not ship, transport, possess, or receive firearms. § [76-11-304](#)(1)(c).

A post-conviction reduction of offense grade from felony to misdemeanor authorized by § [76-3-402](#)(1)-(3) may avoid dispossession. Reduction is available even if a defendant did not

successfully complete probation, but a waiting period and further findings by the court may be required before the offense grade may be reduced. [§ 76-3-402](#) (4). Utah’s Judicial Self-Help Center [provides information and guidance](#) about this “402 Motion” or “402 Reduction”, and explains it is a common tool that can help individuals become eligible for an expungement if they have more than the allowable single felony conviction.

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## VERMONT

***Restrictions:*** Vermont prohibits individuals convicted of a “violent crime” from possessing firearms (not including antique firearms). Vt. Stat. Ann. tit. 13, §§ [4017\(a\)](#), (d)(1)(B). The definition of “violent crime” in this section includes “listed crimes” defined in tit. 13 § [5301\(7\)](#), with certain exceptions, sexual exploitation of children, and selling or dispensing controlled substances. tit. 13, § [4017\(d\)\(3\)](#). “Listed crimes” in § [5301\(7\)](#) include, “domestic assault as defined in section 1042,” as well as stalking, sexual assault, and aggravated assault crimes. Under Vermont law, “domestic assault” only extends to offenses against family or household members, tit. 13, § [1042-44](#), but misdemeanor stalking, sexual assault, and aggravated assault offenses against any person would trigger the firearm prohibition. tit. 13, §§ [5301\(7\)](#), [1062](#), [3252](#), [1024](#).

Vermont also provides that a court issuing relief from abuse orders for family or household members may make such orders as it deems necessary to protect the plaintiff and/or the children. The Supreme Court of Vermont has found that this provision authorizes the court to prohibit a defendant from possessing firearms. *Benson v. Muscari*, 769 A.2d 1291 (2001) (interpreting Vt. Stat. Ann. tit. 15, § [1103\(c\)](#)).

***Restoration:*** Vermont’s firearm restrictions “shall not apply to a person who is exempt from federal firearm restrictions under 18 U.S.C. § 925(c).” tit. 13, § [4017\(c\)](#). It would seem that Vermont’s judicial certificates of restoration of rights authorized under tit. 13, §§ [8010](#), [8011](#) could be used to regain firearm rights, including for those convicted in other jurisdictions, except that the certificates are not available in cases involving the “listed crimes” or drug trafficking that result in firearm dispossession. tit. 13, § [8012\(b\)\(1\)](#). It is not clear whether pardon or expungement provide relief from Vermont’s statutory firearm restrictions.

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## VIRGINIA

***Restrictions:*** Persons convicted of a felony lose firearm rights. Va. Code §[18.2-308.2\(A\)\(i\)](#). Those adjudicated for any crime that would be a felony if committed by an adult lose firearm rights until the age of 29, unless convicted of specified crimes of violence, in which the loss is indefinite. *Id.* at (A)(ii), (iii).

People convicted of certain domestic violence misdemeanors after July 1, 2021, are prohibited for three (3) years following the date of conviction from possessing firearms, including those convicted of “assault and battery against a family or household member.” § [18.2-308.1:8\(A\)](#). "Family or household member" includes a spouse or former spouse, and any individual who has a child in common with the person. § [18.2-308.1:8\(B\)](#). People convicted of two (2) or more misdemeanor marijuana or drug offenses are prohibited for five (5) years following the date of the second conviction. § [18.2-308.1:5](#).

Virginia disallows concealed handgun permits for individuals convicted of two or more misdemeanors (5 years), two or more marijuana or drug possession offenses (5 years), any felony (permanent without a restoration order), a DUI or public drunkenness (3 years), stalking (permanent), and juvenile offenses equivalent to felonies (16 years). See Va. Code § [18.2-308.09](#).

**Restoration:** Firearm rights, including concealed handgun rights, may be restored following a felony conviction by court order in the county of the applicant’s residence, but requires that "civil rights have been restored by the Governor or other appropriate authority." See § [18.2-308.2\(C\)](#). A person convicted in Virginia who does not reside there may seek restoration in "the circuit court of any county or city where such person was last convicted of a felony or adjudicated delinquent . . ." *Id.* A person who resides in Virginia but has an out-of-state conviction must also pursue this judicial route to relief in order to regain their firearm rights. See *Farnsworth v. Commonwealth*, 599 S.E.2d 482 (2004), *aff'd*, 270 Va. 1, 613 S.E.2d 459 (2005). Note that a Virginia resident with an out-of-state conviction currently must satisfy the requirements of 18 U.S. C. § 921(a)(20) relating to record and firearms relief in the jurisdiction of conviction in order to avoid the bar in federal firearms law.

Section [18.2-308.2\(B\)](#) provides that firearm rights may also be restored by pardon or by gubernatorial restoration of rights or who have been restored under the law of another state, without limitation. The Virginia Supreme Court in *Gallagher v. Commonwealth*, 284 Va. 444, 732 S.E.2d 22 (2012) held that the legislature’s grant of authority to the court under § [18.2-308.2\(C\)](#) superseded and rendered nugatory its grant of authority to the governor to restore firearm rights in light of the longstanding constitutional concern for separation of powers. The Secretary of the Commonwealth’s office advises that as a matter of policy, firearm rights are restored in Virginia only by court order and not by the governor.

A person adjudicated as a juvenile for a felony offense can regain firearm rights, including the ability to obtain a concealed handgun permit, if their adjudications occurred before a term of service of no less than two (2) years in the Armed Forces and were honorably discharged. §§ [18.2-308.2\(B\)](#), [18.2-308.09\(16\)](#).

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**WASHINGTON**

**Restrictions:** Persons convicted of “any serious offense” (defined in § [9.41.010\(16\)](#) to include felony violent, drug, and sex offenses) or any other felony or any of a number of specified misdemeanors involving domestic violence or other violent conduct against a household

member, may not possess a firearm or obtain a license to carry a concealed pistol. Wash. Rev. Code §§ [9.41.040\(1\)\(a\)](#), [\(2\)\(a\)\(i\)](#) and [\(ii\)](#). However, persons convicted of less serious offenses specified in § [9.41.040\(1\)](#) as prohibiting the possession of a firearm, who received a probationary sentence under § [9.95.200](#), and who received a dismissal of the charge under § [9.95.240](#), do not lose firearm rights. § [9.41.040\(4\)](#). In addition, by virtue of 2023 amendments to § [9.41.040\(3\)](#), guilty pleas, suspension or deferral of sentence do not give rise to firearm restrictions. See [SHB 1562](#).

A sentencing court is required to notify a defendant orally and in writing that they may not possess a firearm unless a court of record restores his right to do so. § [9.41.047\(1\)](#). Failure to do so may constitute ineffective assistance of counsel and result in vacating a subsequent felon-in-possession conviction. *State v. Breitung*, 155 Wn. App. 606 (Wash. App. 2010). See also *State v. Leavitt*, 107 Wn. App. 361 (Wash. App. 2001) (conviction reversed where defendant demonstrated actual prejudice arising from a sentencing court's failure to comply with the mandate in § [9.41.047](#)).

***Restoration:*** Relief from firearm restrictions is available from the executive or through the courts. Under Wash. Rev. Code § [9.41.040\(3\)](#), firearm restrictions may be removed through "pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of . . . rehabilitation" or of innocence. "Where no record of the court's disposition of the charges can be found, there shall be a rebuttable presumption that the person was not convicted of the charge." *Id.* See also *Nelson v. State (In re Firearm Rights)*, 120 Wn. App. 470 (2003)(Where the record of juvenile adjudications has been expunged, there remains no record on which to base restrictions on firearm possession.).

In addition, by virtue of an ambiguous provision in a section ostensibly dealing with concealed pistol licensure, it appears that relief from general state law firearm restrictions may be accomplished through federal relief under 18 U.S.C. § 925(c): "No person convicted of a felony may have his or her right to possess firearms restored or his or her privilege to carry a concealed pistol restored, unless the person has been granted relief from disabilities by the attorney general under 18 U.S.C. Sec. 925(c), or [RCW 9.41.040 \(3\)](#) or [\(4\)](#) applies." Wash. Rev. Code § [41.070 \(1\)](#).

Washington courts are specifically authorized by statute to restore firearm rights to individuals convicted of a crime in courts of the state. In the same 2023 law mentioned above, the legislature clarified a court's authority and codified it in a new section, Wash. Rev. Code § [9.41.041](#), finding that "it is important to recognize and remove barriers for individuals who have demonstrated that they have safely reintegrated into their communities." See [SHB 1562](#). As revised, this authority authorizes a court to restore rights to all but class A felonies, felony sex offenses, and "a felony offense with a maximum sentence of at least 20 years." Wash. Rev. Code § [9.41.041\(1\)](#) and [\(2\)](#). Under § [9.41.041\(3\)](#), relief must be sought from a court where the person was convicted after a specified waiting period in the community without a further disqualifying conviction: five (5) years for felonies and specified misdemeanors involving violent or threatening conduct, and three (3) years for other misdemeanors. § [9.41.041\(2\)\(a\)\(i\)](#) and [\(ii\)](#). A person must have completed their sentence, including restitution (but not fine and

fees) and have no charges pending. § [9.41.041\(2\)\(b\)](#). Those with federal and out-of-state convictions do not appear to be eligible for this relief.

A vacatur does not have the effect of restoring firearm rights, and in 2019 this limitation was codified in Wash. Rev. Code § [9.96.060\(8\)](#) applicable to misdemeanor offenses ("nothing in this section affects the requirements for restoring a right to possess a firearm under RCW 9.41.041(a)") and in § [9.94A.640\(4\)\(a\)](#) applicable to felony offenses ("nothing in this section ... affects the requirements for restoring a right to possess a firearm under RCW 9.41.040."). A Certificate of Discharge issued by the Board of Parole after a person's discharge from parole also does not restore firearm rights. § [9.96.050\(1\)\(d\)](#).

If a person is convicted of a crime for which § [9.41.040](#) prescribes no procedure for the restoration of firearm rights, the only available remedy is a pardon by the governor with a finding either of innocence or of rehabilitation. See 2002 Op. Atty Gen. Wash. No. 4. See also § [9.96.010](#) (governor may issue a certificate restoring civil rights in conjunction with pardon or as alternative).

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**WEST VIRGINIA**

***Restrictions:*** Persons convicted in any court of a crime “punishable by imprisonment for a term exceeding one year,” or of a misdemeanor crime of domestic violence, are guilty of a misdemeanor if they possess a firearm. See W. Va. Code §§ [61-7-7\(a\)\(1\)](#), [\(a\)\(8\)](#), [\(b\)](#). Subsection [\(a\)\(8\)](#) specifies that it encompasses “a misdemeanor offense of assault or battery” against “a current or former spouse, current or former sexual or intimate partner, person with whom the defendant has a child in common, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense or has been convicted in any court of any jurisdiction of a comparable misdemeanor crime of domestic violence.” See also § [61-2-28](#), defining the crime of domestic violence.

Persons convicted of a felony are separately prohibited from obtaining the required license to possess a concealed handgun “unless the conviction has been expunged or set aside, or the applicant’s civil rights have been restored or the applicant has been unconditionally pardoned for the offense.” § [61-7-4\(b\)\(5\)](#). Likewise, applicants may not have been convicted of 2 or more convictions for driving while under the influence, a misdemeanor crime of domestic violence as defined in 18 U.S.C. §921(a)(33), or a misdemeanor offense of domestic assault or battery against the same individuals specified in § [61-7-7\(a\)\(8\)](#), or any other misdemeanor crime of violence in the 5 years immediately preceding the application. §§ [61-7-4\(b\)\(4\)\(B\)](#), [\(b\)\(6\)](#), [\(b\)\(7\)](#). In addition, the applicant may not be “under indictment for a felony offense” nor currently serving a sentence of confinement, parole, probation, or other court-ordered supervision, nor the subject of any domestic violence protective order. § [61-7-4\(b\)\(8\)](#).

***Restoration:*** Under § [61-7-7\(g\)](#) persons prohibited from possessing a firearm under § [61-7-7\(a\)](#) regain their rights if their conviction was expunged or set aside or pardoned. Similarly, the

prohibition on concealed handguns may be relieved by expungement, set-aside, pardon or civil rights restoration. See § [61-7-4\(a\)\(5\)](#).

A separate judicial restoration procedure in § [61-7-7\(f\)](#) authorizes state courts to restore convicted individuals' ability to possess firearms "if such possession would not violate any federal law." Those with convictions from other states are eligible for judicial restoration. However, by virtue of the final phrase in § [61-7-7\(f\)](#), this provision has been held by federal courts to be unavailable to offenders who remain barred by federal law from possessing firearms because their civil rights have not been "substantially" restored by the state. *See U.S. v. Morrell*, 61 F. 3d 279, 281 (4<sup>th</sup> Cir., 1995)(holding that "the civil rights of a convicted felon cannot be restored as an operation of West Virginia law upon the completion of a prison sentence because W.Va. Code § [52-1-8](#) disqualifies convicted felons from jury service"). There have been efforts in recent years, to date unsuccessful, to remove the "cannot violate federal law" impediment to judicial firearm restoration for those convicted in federal court. .

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## WISCONSIN

***Restrictions:*** A person convicted or adjudicated guilty of a felony may not possess a firearm. Wis. Stat. §§ [941.29\(1m\)\(a\)](#), [\(bm\)](#). While Wisconsin generally prohibits possession of a firearm by any person enjoined under a domestic abuse restraining order, domestic abuse is not a separate crime under Wisconsin law, and an act of domestic violence is charged under state law as misdemeanor disorderly conduct. The Wisconsin Supreme Court has ruled that disorderly conduct convictions are not the same as federally-defined misdemeanor crimes of domestic violence, so that neither state nor federal law prohibits a person who has committed a criminal act of abuse against a household or family member from gun possession. See [Doubek v. Kaul](#), 942 N.W.2d 756 (Wis. 2022).

***Restoration:*** Firearm rights are restored if the person has received a pardon or "has obtained relief from disabilities under [18 USC 925\(c\)](#)." §§ [941.29\(5\)\(a\)](#), [\(b\)](#). Firearm rights can be restored following a juvenile adjudication for a felony "if a court subsequently determines that the person is not likely to act in a manner dangerous to public safety." § [941.29\(8\)](#). The Wisconsin state court provides [Form JD-1771](#) to file a Petition for Removal of Firearm Restriction (Juvenile).

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## WYOMING

***Restrictions:*** A person convicted of a "violent felony" as defined in Wyo. Stat. § [6-1-104\(a\)\(xii\)](#) may not possess firearms unless they are pardoned or have their rights restored by the governor under § [7-13-105\(a\)](#). § [6-8-102\(a\)](#). This prohibition does not extend to "antique firearms" as defined in W.S. [6-8-403\(a\)\(viii\)](#). § [6-8-102\(b\)](#). Since 2023, a person convicted of a non-violent felony has also been barred from possessing firearms absent a pardon or other

applicable rights restoration, § [6-8-102](#)(c), and their rights may be restored under § [7-13-105](#)(f). Misdemeanants are not generally barred from possessing firearms.

Wyoming law makes it a crime to carry a concealed deadly weapon without a permit, which must be denied or revoked if the person is generally dispossessed of gun rights under § [6-8-102](#) or 18 U.S.C. § 922(g), or is subject to dispossession by virtue of a conviction under the Wyoming Controlled Substances Act. § [6-8-104](#)(b)(v)(dispossession permanent for felony, one year for a misdemeanor). § [6-8-104](#)(b)(v). A permit may also be denied in the event a person has been convicted of one or more misdemeanor crimes of violence, including domestic violence, within the 3-year period prior to application for a permit. *See* § [6-8-104](#)(c).

***Restoration:*** In addition to its provisions restoring voting rights, Wyoming provides for automatic restoration of “all other rights lost” as a result of a felony conviction, including firearm rights, to non-violent first felony offenders 5 years after completion of sentence. § [7-13-105](#)(f). Those convicted of a violent felony or more than one non-violent felony may regain their firearm rights only through personal action of the governor, either by pardon or a certificate restoring rights under § [7-13-105](#)(a). Those with misdemeanor convictions triggering dispossession under federal law, including misdemeanors involving domestic violence, may obtain relief from federal restrictions via expungement under §§ [7-13-1501](#) and [7-13-1502](#).

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