

Gaps in firearms relinquishment laws may weaken court orders, increase illegal gun possession

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State and federal laws across the United States prohibiting firearm possession in cases of domestic violence often lack enforcement

mechanisms, which may lead to continued possession of firearms despite court orders, [according to a University of Michigan study](#) appearing in *Criminology & Public Policy*.

The lack of specificity in [firearm](#) relinquishment laws—which authorize a court to order individuals to give up firearms they already possess—and uneven requirements and enforcement of those laws may lessen their protective intent and increase the number of people illegally possessing firearms, U-M researchers say.

"Evaluating specific components of relinquishment laws is key to understanding how they might influence firearm dispossession, and ultimately impact firearm violence," said study co-author Stephen Oliphant, postdoctoral research fellow at U-M's Institute for Firearm Injury Prevention.

The study specifically focused on relinquishment laws related to civil Domestic Violence Protection Orders and Misdemeanor Crimes of Domestic Violence. Extreme Risk Protection Orders, also known as red flag laws, were not a part of the study as they explicitly require the relinquishment of firearms.

Prior [research](#) from co-author April Zeoli, director of policy core for the institute and associate professor of health management and policy at U-M's School of Public Health, revealed that relinquishment provisions related to DVPOs were associated with reduced rates of intimate partner homicide.

"Without clear protocols in place surrounding relinquishment, it's likely that many people who are not legally allowed to possess firearms will continue to do so," Oliphant said. "At a minimum, these provisions provide a mechanism to better enforce the law and guard against illegal firearm possession."

The study outlines in detail the variation in statutes state by state. It also builds on prior studies and calls for deeper analysis of the issue and makes recommendations to learn more about the effectiveness and outcomes of firearm relinquishment, not only in domestic violence cases, but in gun violence in general.

Noting that "limited research has assessed the statutory characteristics of firearm relinquishment laws related to protection orders," the researchers analyzed legislative changes in all 50 states over the period of 1980–2022.

Although relinquishment policies have generally become more restrictive, most state laws have gaps that could limit how effective they are at disarming prohibited possessors, according to the study.

Some states, the study says, have robust laws requiring immediate and verifiable relinquishment, while others have more discretionary and less enforceable provisions. States with comprehensive relinquishment laws, including short deadlines for turning over firearms and mandatory proof of compliance, are theoretically better positioned to ensure that prohibited persons do not illegally possess firearms.

"Many states have not implemented statutory elements that are expected to increase the likelihood of firearm relinquishment for domestic violence protection orders and misdemeanor crimes of domestic violence. These include mandatory court orders for firearm relinquishment, strict standards for providing proof of firearm transfer, and authorizations for law enforcement to remove unrelinquished firearms," Oliphant said.

States like Colorado and Washington are noted for having strong laws in this regard, whereas states like Alaska and Indiana have weaker provisions, the study authors say.

The state-by-state comparisons provided in the study include these statistics from year-end 2022:

- The 19 states that lack firearm relinquishment provisions for civil domestic violence restraining orders: Alabama, Arkansas, Florida, Georgia, Idaho, Kansas, Kentucky, Michigan, Mississippi, Missouri, Montana, Nebraska, Ohio, Oklahoma, South Carolina, Texas, Utah, West Virginia and Wyoming.
- And, the 32 states that lack explicit firearm relinquishment provisions for felony crimes or misdemeanor crimes: Alabama, Alaska, Arizona, Arkansas, Delaware, Florida, Georgia, Indiana, Kansas, Kentucky, Maine, Michigan, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin and Wyoming.
- Most states require respondents to transfer their firearms within one or two days of an order being served.
- The most common time limit in 13 states is relinquishment within 24 hours of the court order.
- In five states, the requirement is within 48 hours of the court order.
- In three states the order is in effect immediately or upon being served with the order.
- In three states the relinquishment time frame is a date determined by the court, law enforcement or otherwise specified.
- Minnesota requires firearm transfer within three business days.
- Six states do not specify a time limit for relinquishment; five of them have no requirements to ensure compliance.

The researchers call on states to reevaluate their policies and encourage further research on the topic.

"States might consider strengthening their laws by requiring that the court order relinquishment in all cases in which an individual is newly prohibited from possessing firearms, adopting strict standards for proof of compliance, and authorizing law enforcement to recover unrelinquished firearms if there is evidence of noncompliance," Oliphant said.

More information: Stephen N. Oliphant et al, State efforts to enforce firearm dispossession through relinquishment laws, *Criminology & Public Policy* (2024). [DOI: 10.1111/1745-9133.12677](https://doi.org/10.1111/1745-9133.12677)

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