



Virginia Sexual & Domestic Violence Action Alliance



# BEST PRACTICES

## FIREARMS RESTRICTIONS & PROTECTIVE ORDERS

SUPPORTING RESPONDENT EDUCATION

# INTRODUCTION

Recent changes in Virginia code pertaining to firearms, firearm restrictions, surrender of firearms, and new Substantial Risk Orders can substantially impact the lives and safety of survivors of intimate partner violence. It is essential that advocates, courts, and local law enforcement agencies are knowledgeable about both the legal remedies as they pertain to firearms and the processes and procedures in their communities for implementation of these new remedies.

This document is intended to serve as a resource for sexual and domestic violence advocates and systems partners to maximize safety and to ensure compliance with Virginia law. For more information on how to best use this tool and/or for technical assistance and training to support implementation in your community, please contact the Virginia Sexual & Domestic Violence Action Alliance.

In addition to supporting safety planning and helping to navigate legal options for survivors, advocates can work with local courts, law enforcement, and systems partners to ensure that respondents of final protective orders fully understand the firearms restrictions that may be impacting them and how to comply with those laws most effectively. Clear, consistent, and accessible respondent education is key to supporting survivor and community safety.



# INTRODUCTION

Some of the questions (regarding respondent education and compliance) that advocates, courts, and law enforcement can be working together to address include:

## **What kind of information will a respondent need to know to safely comply with Virginia law?**

- Start with some basic information like the deadline to surrender, where to surrender, how to surrender, and the type of proof required if any.
- Note that Virginia law requires respondents in final protective order cases to relinquish access to their firearms within 24 hours after being served with the order. See Va. Code Ann. § 18.2-308.1:4.

## **How can courts, law enforcement, and advocates clearly communicate these requirements with a respondent? What points of contact exist (i.e. service of the order, court hearing, etc.)?**

- Be sure that language accessibility is considered in any educational materials produced. Avoid using overly technical or legal terminology - use plain and simple language.

## **How will a respondent's firearms be turned over, stored, and returned?**

## **Are there best practices (i.e. compliance hearings, respondent liaisons) that your locality might consider adopting?**



# HOW DO I TRANSFER MY FIREARMS?

## RESPONDENT EDUCATION FORM TO ACCOMPANY FORM DC-649 MASTER 07/20

### 1 What is a firearm (as defined by Virginia law)?

- Handgun
- Shotgun
- Rifle
- Assault Weapon

### 2 If I have firearms, what am I required to do by Virginia law?

Within 24 hours after being served with a protective order, you must:

- Transfer your firearms to the designated local law enforcement agency;
- Sell or transfer your firearms to a dealer as defined in Va. Code Ann. § 18.2-308.2:2, or
- Sell or transfer your firearms to any person who is legally allowed to possess such firearms.

### 3 How do I sell or transfer my firearms?

Ask the judge or court services staff about the local procedure for transferring firearms to law enforcement. If they do not have this information, call your local law enforcement agency to ask about their procedures for transfer and storage. **DO NOT show up to the local law enforcement agency with your firearms. Call first, ask them how to proceed and what to expect before traveling anywhere with your firearms.**

## DO

- Unload your firearm.
- Put your firearm in the trunk.
- Call ahead to the law enforcement agency.

## DO NOT

- Bring a loaded firearm to the law enforcement agency.
- Bring ammunition with the firearm when you turn in the firearm.
- Put your firearm in a locked glove compartment.
- Bring a firearm to court.





# HOW DO I TRANSFER MY FIREARMS?

If you wish to sell or transfer your firearms to a local, licensed firearms dealer, look under “firearms dealers” in your Yellow Pages or in an internet search. Make sure they are a licensed dealer as defined in Va. Code Ann. § 18.2-308.2:2 and call to inquire about their transfer process, storage details, and/or selling guidance before showing up.

## **4 If I transfer my firearms to law enforcement, a licensed dealer, or to a person who can legally possess a firearm, how long will they have to keep them for me?**

Firearms are to be kept out of your possession as long as the order is in effect. This is required by state and federal law and is punishable as a class 6 felony, 1-5 years imprisonment and/or a fine up to \$2,500, in Virginia. If you have transferred your firearms to law enforcement or to a licensed dealer, ask about their process for firearms return when the order has expired or is no longer in effect.

