

**Analysis by  
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## **WHAT DOES THE LAUTENBERG LAW DO?**

The Lautenberg Domestic Confiscation provision was signed into law on September 30, 1996, as section 658 of the Treasury-Postal portion of the omnibus appropriations bill. It adds to the list of "prohibited persons" persons convicted of a "... misdemeanor involving domestic violence."

## **WHAT DOES IT MEAN TO BE A "PROHIBITED PERSON"?**

If you become a prohibited person, you can never again own or acquire a firearm of any type. The only exception is if you are subsequently pardoned or otherwise have your criminal record expunged.

## **WHAT IS A MISDEMEANOR?**

A misdemeanor is a crime carrying a potential penalty of as little as one day in jail, irrespective of whether the person serves actual jail time. In other words, the law imposes a lifetime gun ban on offenses which, in many cases, are very minor in nature.

## **WHAT TYPE OF MISDEMEANOR CONVICTION WOULD CAUSE ME TO BECOME A "PROHIBITED PERSON"?**

The Lautenberg language defines "misdemeanor crime of domestic violence" to include a misdemeanor that involves "the use or attempted use of physical force" against a family member. Hence, any actual or attempted violence against a spouse or son or daughter would certainly, if prosecuted successfully as a misdemeanor, subject you to a lifetime gun ban. In many jurisdictions, spanking your kids could result in a conviction which would prohibit you from ever again owning a firearm.

## **WOULD THE MISDEMEANOR HAVE TO INVOLVE VIOLENCE OR ATTEMPTED VIOLENCE?**

No. We have seen that a misdemeanor involving violence (however slight) or attempted

violence against a spouse, son, or daughter would certainly be covered. But the definition of "misdemeanor crime of domestic violence" goes on to include "the threatened use of a deadly weapon." Thus, a threat against a family member would also subject the offender to a lifetime gun ban, even if the threat were joking or the person making the threat did not have the wherewithal to carry it out.

### **DOES THE NEW LAW APPLY TO PAST CRIMES?**

Yes. A misdemeanor committed fifty years ago would still subject an individual to a lifetime gun ban, even if he or she has lived a happily married life with the "victim" during the intervening period.

### **HOW LONG DOES A "PROHIBITED PERSON" HAVE TO TURN IN ALL HIS OR HER FIREARMS?**

The law provides for no grace period. Technically, any newly created "prohibited person" is currently in danger of a felony conviction.

### **WHAT DOES THIS MEAN?**

It means that, if you are a "prohibited person" and you are convicted of possessing a firearm, you will be guilty of a felony which could subject you to a \$250,000 fine and a ten year prison sentence.

### **WHAT ABOUT POLICEMEN AND SOLDIERS?**

There is no exemption for law enforcement officials or members of the armed services. These persons, if they have been convicted of even minor misdemeanors against their spouses, will have to be disarmed and fired.

### **WHAT ABOUT BATTERED WOMEN WHO DEFENDED THEMSELVES?**

There is no exemption for battered women who received minor misdemeanor convictions after they used force to defend themselves against their battering spouses. There are many battered women who fall into this category. They will now be unable to use firearms to protect themselves against their abusive and threatening husbands, even if they feel that their lives are endangered.

### **WHAT ARE THE LONG-TERM IMPLICATIONS OF THE LAW?**

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Because the law now imposes lifetime gun bans on persons who, in some cases, have engaged in no actual violence or attempted violence, it will only be a matter of time before anti-gun activists try to impose lifetime guns bans in non-domestic situations of minor misdemeanors involving violence (such as fist fights). Ultimately, an effort to impose a lifetime gun ban on all persons convicted of misdemeanors will be made.

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