

# FIREARMS DISPOSSESSION BENCH CARD

*Upon granting Order of Protection AND/OR Upon conviction of domestic violence misdemeanor crime  
for all former or current intimate partners*

☐ **Verbally inform of the law:**

- ☐ Prohibited from purchasing or possessing a firearm
- ☐ For OP – can't possess for duration of OP
- ☐ For DV Conviction – can never possess again
- ☐ Have 48 hours to dispossess

☐ **Ask under oath:**

- ☐ "Do you own or possess a firearm?"
- ☐ State the penalty of perjury [A misdemeanor T.C.A. 39-16-702]
- ☐ State penalty for possessing firearm [A misdemeanor T.C.A. 39-17-1307 + ***federal*** charges]

☐ **Verify if there is or is not a firearm:**

- ☐ Ask Petitioner/Petitioner Attorney (OP) or Prosecutor (Criminal Conviction) if they have evidence to refute claim of no firearms
- ☐ Review OP weapons warning box & question #15 on OP
- ☐ Review Lethality Assessment (LAP) question #4
- ☐ Review warrant and/or OP narrative for mention of firearm

☐ **CONTRADICTORY FIREARM INFORMATION:**

- ☐ Set for status hearing to show proof they do not own or possess firearms flagged
- ☐ MNPD or the DA's Office may consider requesting a search warrant in this case

☐ **NO FIREARM – In Court:**

- ☐ Firearms Affidavit Completed
- ☐ Notarized (Clerk allowed to sign)
- ☐ Submitted to Clerk in Court \* *policy of court, law 48-hour timeframe*

☐ **YES FIREARM:**

- ☐ Instruct to Complete, Notarize, & Submit Affidavit to Clerk within 48 hours
- ☐ Advise of penalty for not completing Affidavit [Contempt of Court T.C.A. 29-9-103]
- ☐ Set for a Status Hearing to show proof of dispossession & instruct that:
  - ☐ Receipt is required for law enforcement or firearms dealer dispossession
  - ☐ 3<sup>rd</sup> Party is required as evidence to 3<sup>rd</sup> party dispossession

☐ **OP Respondent Not Present:** automatically set for status date and send dispossession form