

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
 - 3rd Party is required as evidence to 3rd party dispossession

OP Respondent Not Present: automatically set for status date