



Understanding Domestic Violence Firearms Prohibitions

The Guide is intended to highlight federal and state laws that could impact a person's right to firearms due to domestic violence in the court system. It is not a comprehensive statement of firearms laws. The information contained in this resource is a compilation of statutes, court rules, and court decisions in the State of Ohio, and it is intended as a summary of the law to assist judges, lawyers, and the general public. The information does not represent binding statements of law by the Supreme Court of Ohio. Users are advised to consult with an attorney or other legal expert when considering firearms issues in specific cases.

Federal and state laws permit limitations on the right to firearms due to domestic violence under certain circumstances. Ohio courts are required to notify those who might become subject to federal firearm prohibitions to understand the potential ramifications of the legal actions.¹

Federal Authority

There are two instances where domestic violence leads to a federal firearms prohibition:²

1. When a person is **subject to a qualifying protection order** [18 U.S.C. 922(g)(8); see *Qualifying Protection Orders* below.]
2. When a person is **convicted of a misdemeanor crime of domestic violence**³ [18 U.S.C. 922(g)(9); see *Misdemeanor Crimes of Domestic Violence* below.]

Intimate Partner Under Federal Law

Federal firearms prohibitions are most often triggered if the victim is an **intimate partner** of the offender.

Per 18 U.S.C. 921(a)(32), "intimate partner" means:

- A spouse of the perpetrator;
- A former spouse of the perpetrator;
- An individual who is a parent of a child of the perpetrator, or
- An individual who cohabitates or has cohabited with the perpetrator.

Qualifying Protection Orders

Not every protection order issued by state or federal courts is a "qualifying protection order." **Only certain relationships make the order a qualifying order.**

The protected person must be:

- An intimate partner of the person subject to the order; [18 U.S.C. 921(a)(32)]
- A child of an intimate partner; or
- A child of the respondent/defendant.

¹ R.C. 2919.26(G)(2); R.C. 3113.31(F)(2); R.C.2903.214; R.C. 2943.033; Sup.R. 10.04 requires courts to notify defendants and respondents orally or in writing about potential domestic violence firearms prohibitions. The Supreme Court of Ohio includes the firearms disability notice in Sup.R. Form 10.04-A to be attached to the corresponding protection order and given to any defendant before entering a plea to a misdemeanor crime of violence. Failure to provide said notice is not a defense to vacate a defendant's plea. [R.C. 2943.033(4)(C)] A criminal court could issue two separate warnings: one with a domestic violence temporary protection order issued pretrial and another notice prior to a conviction of a misdemeanor offense of violence.

² Per 18 U.S.C. 922(g), the person is prohibited from shipping, transporting, possessing or purchasing any firearm or ammunition.

³ This subsection only deals with misdemeanor convictions. Felony domestic violence convictions could result in a firearms prohibition under 18 U.S.C. 922(g)(1) for convictions of crimes punishable over one year.

To be a qualifying protection order: [18 U.S.C. 922(g)(8)]

- The person subject to the order must have been given due process – which includes notice of hearing AND opportunity to be heard.
- The terms of order must prohibit the person subject to the order from:
 - Harassing, stalking, or threatening the protected party, or
 - Engaging in conduct that would place the protected party in reasonable fear of bodily injury.
- The protection order must:
 - Make a finding that the person subject to the order poses a credible threat to the physical safety of the protected party, or
 - Contain an explicit prohibition against the use, attempted use, or threatened use of physical force.

Length of firearm prohibition: This prohibition remains in effect for the duration of the qualifying protection order.

Official Use Exemption: Even if subject to a qualifying protection order, law enforcement or military are permitted to possess a firearm or ammunition while on duty, if their official duties require it.⁴

*Misdemeanor Crime of Domestic Violence (MCDV)*⁵

Only certain relationships render the conviction a misdemeanor crime of domestic violence, including:

- A current or former spouse of the victim;
- A parent or guardian of the victim;
- A person with whom the victim shares a child;
- A person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim; or
- A person who has a current or recent former dating relationship with the victim.⁶

Dating Relationship Under Federal Law

The term “**dating relationship**” means: [18 USC 921(a)(37)]

- A current or recent continuing serious relationship of a romantic or intimate nature.
- Factors to determine what constitutes a dating relationship include:
 - The length of the relationship;
 - The nature of the relationship; and
 - The frequency and type of interaction between the individuals.

A casual acquaintanceship or ordinary socializing in a business or social context does not constitute a dating relationship.

Dating relationship IS one of the relationships that render a crime a misdemeanor crime of domestic violence. Dating relationship is NOT one of the relationships that make a qualifying protection order.

To qualify as a misdemeanor crime of domestic violence: [18 U.S.C. 922(g)(9), 18 U.S.C. 921(a)(33)]

- The crime must be a recognizable misdemeanor under federal, state, or tribal law;
- The crime must have as an element of either the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a person with one of the specified relationships to the victim;
- The defendant must have been represented by counsel, or knowingly and intelligently waived the right to counsel;
- The case must have been tried by a jury, or the defendant must have knowingly and intelligently waived the right to have the case tried by a jury before a bench trial, guilty plea, or other plea that led to being found guilty; and
- The conviction must not have been expunged or set aside, or an offense for which the person has been pardoned.

4 18 U.S.C. 925(a)(1). See U.S. Department of Justice, *Criminal Resource Manual*, <https://www.justice.gov/archives/jm/criminal-resource-manual-1116-prosecutions-under-18-usc-922g8> (accessed Oct. 27, 2025).

5 18 U.S.C. 921(a)(33).

6 “Dating relationship” was added to the definition of misdemeanor crime of domestic violence by the Bipartisan Safer Communities Act of 2022, Public Law 159, 117th Cong., 2nd sess. (June 25, 2022), <https://www.congress.gov/bill/117th-congress/senate-bill/2938/text> (accessed July 2, 2025).

The specified relationship does NOT have to be an element of the crime (e.g., Domestic Violence).

The United States Supreme Court in *United States v. Hayes*, 555 U.S. 415 (2009), held that the domestic relationship need not be a discrete element of the offense for the firearm disability to apply under 18 U.S.C. 922(g)(9).⁷ Rather, the offense must include the violence criteria, such as assault, and the defendant and victim must share one of the specified relationships.⁸

Length of firearm prohibition: This prohibition will remain in effect unless the person is relieved of the disability.⁹ The law is retroactive, so the prohibition applies to a person convicted of such misdemeanors at any time.

No Official Use Exemption: Unlike with qualifying protection orders, where law enforcement or military are permitted to possess a firearm or ammunition while on duty, if their official duties require it, there is no official use exemption for those with a misdemeanor crime of domestic violence.¹⁰

Applicability to State Law

The federal firearms laws do not mandate states pass laws with the same prohibitions. Ohio does not have domestic violence firearms laws similar to the federal statutes.¹¹ Understanding which Ohio domestic violence related cases trigger the federal firearms prohibitions, or when a person is restricted under Ohio law but not federally precluded, requires a closer look beyond simply identifying which crimes or protection orders have “domestic violence” in the title.

Not every Ohio protection order is a qualifying protection order for purposes of federal firearms prohibition, and not every conviction to misdemeanor domestic violence in Ohio is a misdemeanor crime of domestic violence triggering a federal firearms disability.

Important Differences in Definitions

The statutory definitions of Ohio’s domestic violence relationships do not align exactly with the terminology used in the federal code.

Family or Household Member

“Family or Household Member”:

More Relationships than the Federal Definition

In Ohio, domestic relationships generally fall under the term “family or household member,” as defined in sections R.C. 2919.25 and R.C. 3113.31.

“Family or household member” means any of the following who have resided with the offender:

- A spouse, a person living as a spouse, or a former spouse of the offender;
- A parent, a foster parent, or a child of the offender, or another person related by blood or marriage to the offender;
- A parent or a child of a spouse, person living as a spouse¹², or former spouse of the offender, or another person related by blood or marriage to a spouse, person living as a spouse, or former spouse of the offender; or
- The natural parent of any child of whom the offender is the other natural parent or is the putative other natural parent, regardless of whether they have ever lived together.

Several relationships included in Ohio domestic violence criminal and domestic violence civil protection order statutes do not trigger federal firearms prohibitions (e.g., when the offender is the child (adult or minor), sibling, grandparent, or in-law of the victim).

⁷ *United States v. Hayes*, 555 U.S. 415, 4-5 (2009).

⁸ *Ibid.*

⁹ See *Relief from Disability* section of this resource.

¹⁰ 18 U.S.C. 925(a)(1). See U.S. Department of Justice, *Criminal Resource Manual*, <https://www.justice.gov/archives/jm/criminal-resource-manual-1116-prosecutions-under-18-usc-922g8> (accessed Oct. 27, 2025).

¹¹ An offender’s conviction for misdemeanor domestic violence or being subject to a qualifying protection order that would trigger a firearms ban under 18 U.S.C. 922(g)(8) and (9) does not bar the offender from acquiring, having, carrying, or using a firearm under Ohio’s weapons-under-disability statute. [R.C. 2923.13]

¹² “Person living as a spouse” means “a person who is living or has lived with the respondent in a common law marital relationship, who otherwise is cohabiting with the respondent, or who otherwise has cohabited with the respondent within five years prior to the date of the alleged occurrence of the act in question.” R.C. 2919.25(F)(1); R.C. 3113.31(A)(4).

Dating Relationship

“Dating relationship” is in federal and state law but under different case types.

Under federal law, a “dating relationship” is included among the qualifying relationships that can give rise to a misdemeanor crime of domestic violence for purposes of the federal firearm prohibitions. However, this same definition does not apply to the issuance of qualifying protection orders under federal law. In other words, the “dating relationship” category extends only to the firearm disqualification related to misdemeanor convictions, not to the protection order provisions.

By contrast, under Ohio law, a “dating relationship” is recognized only within the context of the civil protection order statute.¹³ It is not included in Ohio’s criminal domestic violence statute,¹⁴ which limits qualifying relationships to spouses, former spouses, household members, and family members as defined by statute. As a result, while individuals in a dating relationship may seek a civil protection order under Ohio law, that same relationship status does not form the basis for a criminal domestic violence charge under state law.

Which Cases Trigger the Federal Domestic Violence Firearm Prohibitions?

Below is an analysis of when the federal firearms bans under 18 U.S.C. 922(g)(8) and (9) might apply to Ohio cases.

Not All Ohio Protection Orders are Qualifying Protection Orders

In Ohio, three types of protection orders could be qualifying protection orders for purposes of 18 U.S.C. 922(g)(8):

- Domestic Violence Temporary Protection Orders [R.C. 2919.26];
- Domestic Violence Civil Protection Orders [R.C. 3113.31]; and
- Civil Stalking and Sexually Oriented Offenses Protection Orders [R.C. 2903.214].

Whether the protection order is a qualifying protection order depends on the relationship of the parties and the facts.

- Ex parte protection orders are never qualifying protection orders, because notice is not provided to the offender, and the offender does not have an opportunity to be heard.
- Civil Stalking or Sexually Oriented Offenses Protection Orders, pursuant to R.C. 2903.214, could be qualifying protection orders, if the relationship criteria are met.

Only Certain Ohio Misdemeanor Convictions are MCDVs.

Whether a conviction constitutes a misdemeanor crime of domestic violence under 18 U.S.C. 922(g)(9) depends on the relationship of the parties and the elements of the crimes.

- **Not every conviction to misdemeanor Domestic Violence qualifies.**
 - Only convictions under R.C. 2919.25(A) and (B) have the required elements of use or attempted use of physical force, or the threatened use of a deadly weapon; R.C. 2919.25(C) does not.
 - Only defendants with the specified relationships to the victim would be subject to the firearms ban. Siblings, grandparents, in-laws, for example, would not meet the relationship criteria.
- **Convictions to crimes not under R.C. 2919.25 might qualify.**
 - Convictions of crimes other than domestic violence might trigger the federal firearms ban based upon the elements of the crime if the defendant had a qualifying relationship with the victim.¹⁵
 - Although “dating relationship” is not included in Ohio’s criminal domestic violence statute [R.C. 2919.25], a person convicted of a misdemeanor assault under R.C. 2903.13 for harming their dating partner might be federally prohibited from firearms access.

¹³ R.C. 3113.31(A)(8)-(9).

¹⁴ Dating relationship is included in the strangulation statute R.C. 2903.18(A)(2) and has the same definition as R.C. 3113.31.

¹⁵ R.C. 2917.11(A)(1) may meet the criterion. See *Voisine v. United States*, 579 U.S. 686 (2016); *State v. Majka*, 2002-Ohio-1378 (9th Dist.). The Federal Bureau of Investigations deems it possible that the following possibly trigger 18 U.S.C. 922(g)(9): Assault R.C. 2903.13; Corrupting Another with Drugs R.C. 2925.02; Corruption of a Minor R.C. 2907.04; Disorderly Conduct under R.C. 2917.11(A)(1) and (4); Endangering Children R.C. 2919.22(B)(1); Riot R.C. 2917.03; Sexual Imposition R.C. 2907.06; Unlawful Restraint R.C. 2905.03; Unlawful Sexual Conduct with a Minor R.C. 2907.04.

Ohio Firearms Prohibitions for Domestic Violence

It is important to note, while any felony crime of violence, including a felony domestic violence conviction creates a disability under Ohio law, a misdemeanor conviction for domestic violence does not. A court may prohibit a defendant from possessing firearms after a criminal conviction for misdemeanor domestic violence as a condition of community control or parole.

Although Ohio judicial officers are not required to restrict firearms when issuing a protection order, judicial officers may bar access for a person subject to a protection order under certain circumstances.

The Ohio Revised Code gives judges broad authority to grant “any protection order” that contains “terms designed to ensure the safety and protection” of the protected person¹⁶ or give any relief deemed “equitable and fair” to protect the petitioner,¹⁷ including ordering the person to have no firearms. Ohio law permits judges to impose firearm prohibitions under a variety of circumstances. However, only cases involving qualifying relationships, as previously defined, also trigger a federal firearm ban.

To be upheld, firearms prohibitions must be individually determined based upon the facts of each case presented. Judicial officers are encouraged to review their appellate districts’ guidance on the issue. When prohibiting firearms pursuant to a protection order, courts should include the facts supporting the ban in the findings section provided in the forms.

If prohibiting firearms, judicial officers are also encouraged to order the surrender of firearms to law enforcement and to include clear instructions about when and how they should be surrendered to ensure compliance by the offender and safety for the protected parties, law enforcement, and the community.

Relief from Disability

Under limited circumstances, a domestic violence-related firearms disability may be lifted.

Restoration of Rights under 18 U.S.C. 925(c)

A person who is prohibited from possessing, shipping, transporting, or receiving firearms or ammunition may make application to the U.S. Attorney General for relief from the firearms disability. The U.S. Attorney General may grant such relief if the circumstances regarding the disability, and the applicant’s record and reputation, are such that the applicant is unlikely to act in a manner dangerous to public safety and that the granting of relief would not be contrary to the public interest. *See* 18 U.S.C. 925(c).¹⁸

Qualifying Protection Orders: The firearms prohibition incident to a qualifying protection order ends upon the termination or expiration of the protection order.

Misdemeanor Crime of Domestic Violence (MCDV): A federal ban for a conviction to a misdemeanor crime of domestic violence remains in place unless the conviction is “expunged, or set aside, or is an offense for which the person has been pardoned or has had civil rights restored.”¹⁹ There is a special exception for those with a misdemeanor crime of domestic violence based on a dating relationship.

A person with a dating relationship misdemeanor crime of domestic violence **will not** be disqualified if:

- Five years have passed since the latter of:
 - The judgment of conviction, or
 - The completion of probation or incarceration, if any;
- The person has only one dating violence misdemeanor crime of domestic violence;
- The person is not otherwise prohibited from possession of firearms; AND
- The person has not been convicted subsequently of any other offense that would disqualify them under 18 U.S.C 922(g).

16 R.C. 2151.34(E)(1)(a); R.C. 2903.213(C)(1); R.C. 2903.214(E)(1)(a); R.C. 2919.26(C)(1).

17 R.C. 3113.31(E)(1)(h).

18 This is an evolving process. On March 20, 2025, the U.S. Department of Justice issued an interim final rule removing the Bureau of Alcohol, Tobacco, Firearms and Explosive’s authority to process applications for relief from firearms disabilities. *See* Federal Register, *Withdrawing the Attorney General’s Delegation of Authority*, <https://www.federalregister.gov/documents/2025/03/20/2025-04872/withdrawing-the-attorney-generals-delegation-of-authority> (accessed Oct. 27, 2025). The Interim Final Rule’s statement noted that “the Department anticipates future actions, including rulemaking consistent with applicable law, to give full effect to 18 U.S.C. 925(c) while simultaneously ensuring that violent or dangerous individuals remain disabled from lawfully acquiring firearms.” 90 Fed. Reg. at 13,083. <https://www.atf.gov/firearms/qa/there-way-prohibited-person-restore-their-right-receive-or-possess-firearms-and#:~> (accessed July 15, 2025).

19 Full restoration of civil rights must be granted to relieve a person from a firearms disability; *Caron v. United States*, 524 U.S. 308 (1998). Expungement, pardon, or restoration of civil rights must not include any limitation or exception to shipping, transporting, possessing, or receiving firearms. 18 U.S.C. 921(a)(20); 18 U.S.C. 921(a)(33)(B)(ii).

Ohio's Relief from Disability Statute Does Not Apply

Ohio has a relief from disability statute, but the Supreme Court of Ohio held a defendant convicted of a misdemeanor crime of domestic violence and federally prohibited from possession firearms under 18 U.S.C. 922(g)(9) is ineligible to have firearms rights restored under R.C. 2923.14 as a matter of Ohio law because defendants do not lose firearms rights under Ohio law.²⁰ Because those with qualifying protection orders do not lose firearms rights under Ohio law, it follows that R.C. 2923.14 would not apply to qualifying protection order bans either.

An individual with a felony-level domestic violence conviction,²¹ but no misdemeanor domestic violence conviction, may seek relief under R.C. 2923.14. To do so, the person must file a petition for relief from weapons disability in the court of common pleas for the county in which they reside. The petition may be filed any time after the individual's final discharge from imprisonment, community control, post-release control, or parole.

The petition must identify the cases and charges that created the firearm disability and include facts demonstrating that the applicant is fit to have their rights restored. A copy of the petition must be served on the county prosecutor, who is responsible for reviewing the application and raising any objections. Before granting relief, the court must find that the applicant has led a law-abiding life since discharge, is likely to continue to do so, and is not otherwise under any legal disability that would prohibit possession of a firearm.

Firearms Return

A person whose deadly weapons were held in protective custody by law enforcement pursuant to a protection order may reclaim them upon its expiration or termination, unless they are otherwise disqualified by state or federal law.²² Law enforcement may not release firearms to those who are not legally allowed to possess them.

20 The Supreme Court held that a defendant convicted of a misdemeanor crime of domestic violence and prohibited from possessing firearms under 18 U.S.C. 922(g)(9) is ineligible to have firearms rights restored under R.C. 2923.14. The Court reasoned that Ohio courts could not restore the right as a matter of Ohio law because defendants had not lost firearms rights under Ohio law. *State ex re. Suwalski v. Peeler*, 2021-Ohio-4061, p.28-32 (2021).

21 R.C. 2923.13(A)(2).

22 A person could be disqualified from firearms resulting from statuses beyond a misdemeanor crime of domestic violence and qualifying protection orders, including but not limited to: any pending felony offense [R.C. 2923.13(A)(2)] or criminal proceeding punishable by imprisonment over a year [18 U.S.C. 922(n)]; convictions to crimes punishable by imprisonment over a year [18 U.S.C. 922(g)(1)] or any felony offense of violence [R.C. 2923.13(A)(2)]; fugitives from justice [18 U.S.C. 922(g)(2) and R.C. 2923.13(A)(1)]; unlawful users of or addicted to any controlled substance [18 U.S.C. 922(g)(3) and R.C. 2923.13(A)(4)]; adjudications as a mental defective or commitments to a mental institution [18 U.S.C. 922(g)(4) and R.C. 2923.13(A)(5)]; those illegally or unlawfully in the U.S. [18 U.S.C. 922(g)(5)]; and dishonorably discharged from the U.S. Armed Forces [18 U.S.C. 922(g)(6)].