

Firearms Laws Relevant to Lethal Means Counseling

Some federal and state firearms laws about firearms possession, transfer of firearms between individuals, and gun removal in extreme cases pertain to counseling on lethal means.

Firearms Possession and Transfer between Individuals

When considering temporary gun storage with friends or relatives, under federal law 18 U.S.C. § 922(d), a person should not ask someone to store their firearm if that person is prohibited from possessing a firearm. This includes individuals who have been convicted of a felony or a domestic violence misdemeanor, have a domestic violence restraining order against them, have been hospitalized involuntarily or determined to be mentally incompetent, or use controlled substances illegally. For more information on who else is prohibited from possessing a firearm:

- Means Matter: People Prohibited from Receiving Firearms
<https://www.hsph.harvard.edu/means-matter/recommendations/families/#1Prohibited>

Some states have additional prohibitions on who may possess a firearm. For more information on gun laws in your state:

- Giffords Law Center
<https://lawcenter.giffords.org> (select “Gun Laws” tab, then select “State Law”)
- NRA-ILA
<https://www.nraila.org/> (select state in the “Know Your State Gun Laws” box)

For more information about legal barriers to temporary firearms transfer in your state:

- Means Matter: State Laws Pertaining to Temporary Firearm Transfer to Protect a Person at Risk of Harm to Self or Others
<https://cdn1.sph.harvard.edu/wp-content/uploads/sites/127/2018/09/State-Laws-Pertaining-to-Temporary-Firearm-Transfer-to-Protect-Persons-At-Risk.pdf>

Extreme Risk Protection

Many states have passed extreme risk protection (red flag) laws. Similar to domestic violence restraining orders, these laws typically enable family members and police to petition a court to issue an emergency order to remove a person’s guns if the person is at clear risk of harming themselves or others and will not voluntarily give their guns for safekeeping. To learn more about these laws and whether your state has one:

- Giffords Law Center: Extreme Risk Protection Orders
<https://lawcenter.giffords.org/gun-laws/policy-areas/who-can-have-a-gun/extreme-risk-protection-orders/>