

AOC-447 Doc. Code: FN
Rev. 8-23
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Commonwealth of Kentucky
Court of Justice www.kycourts.gov
34 U.S.C. § 10449(e)



FIREARMS NOTIFICATION

Case No. _____
Court _____
County _____
Division _____

COMMONWEALTH OF KENTUCKY
VS.

PLAINTIFF

DEFENDANT

IMPORTANT NOTICE TO THE DEFENDANT RESPONDENT IN THIS CASE:

As a result of this:

- RESTRAINING ORDER
- CRIMINAL CONVICTION
- PROBATION ORDER

It **MAY** be unlawful for you to possess, receive, ship, transport or purchase a **FIREARM**, including a rifle, pistol, or revolver, or **AMMUNITION** pursuant to federal law under 18 U.S.C. § 922(g)(8) and (g)(9), and/or other provision of federal or state law.

IF YOU HAVE ANY QUESTIONS ABOUT WHETHER FEDERAL OR STATE LAWS MAKE IT ILLEGAL FOR YOU TO POSSESS OR PURCHASE A FIREARM, YOU SHOULD CONSULT AN ATTORNEY.

_____, 2_____
Date

Judge's Signature

- Distribution:
- Court File
 - Defendant
 - Counsel for Defendant

18 U.S.C. § 922

(g) It shall be unlawful for any person--

(8) who is subject to a court order that--

- (A)** was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;
- (B)** restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and
- (C)** **(i)** includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or
(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

(9) who has been convicted in any court of a misdemeanor crime of domestic violence,

to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

18 U.S.C. § 921(a)

(32) The term "intimate partner" means, with respect to a person, the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person, and an individual who cohabitates or has cohabited with the person.

(33) (A) Except as provided in subparagraphs (B) and (C), the term "misdemeanor crime of domestic violence" means an offense that--

- (i)** is a misdemeanor under Federal, State, or Tribal law; and
- (ii)** has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, by a person similarly situated to a spouse, parent, or guardian of the victim, or by a person who has a current or recent former dating relationship with the victim.

(B) (i) A person shall not be considered to have been convicted of such an offense for purposes of this chapter, unless--

- (I)** the person was represented by counsel in the case, or knowingly and intelligently waived the right to counsel in the case and
- (II)** in the case of a prosecution for an offense described in this paragraph for which a person was entitled to a jury trial in the jurisdiction in which the case was tried, either
 - (aa)** the case was tried by a jury, or
 - (bb)** the person knowingly and intelligently waived the right to have the case tried by a jury, by guilty plea or otherwise.

- (ii) A person shall not be considered to have been convicted of such an offense for purposes of this chapter if the conviction has been expunged or set aside, or is an offense for which the person has been pardoned or has had civil rights restored (if the law of the applicable jurisdiction provides for the loss of civil rights under such an offense) unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.
- (C) A person shall not be considered to have been convicted of a misdemeanor crime of domestic violence against an individual in a dating relationship for purposes of this chapter if the conviction has been expunged or set aside, or is an offense for which the person has been pardoned or has had firearm rights restored unless the expungement, pardon, or restoration of rights expressly provides that the person may not ship, transport, possess, or receive firearms: *Provided*, That, in the case of a person who has not more than 1 conviction of a misdemeanor crime of domestic violence against an individual in a dating relationship, and is not otherwise prohibited under this chapter, the person shall not be disqualified from shipping, transport, possession, receipt, or purchase of a firearm under this chapter if 5 years have elapsed from the later of the judgment of conviction or the completion of the person's custodial or supervisory sentence, if any, and the person has not subsequently been convicted of another such offense, a misdemeanor under Federal, State, Tribal, or local law which has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, or any other offense that would disqualify the person under section 922(g). The national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (34 U.S.C. 40901) shall be updated to reflect the status of the person. Restoration under this subparagraph is not available for a current or former spouse, parent, or guardian of the victim, a person with whom the victim shares a child in common, a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or a person similarly situated to a spouse, parent, or guardian of the victim.
- (37) (A) The term "dating relationship" means a relationship between individuals who have or have recently had a continuing serious relationship of a romantic or intimate nature.
- (B) Whether a relationship constitutes a dating relationship under subparagraph (A) shall be determined based on consideration of--
- (i) the length of the relationship;
 - (ii) the nature of the relationship; and
 - (iii) the frequency and type of interaction between the individuals involved in the relationship.
- (C) A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a dating relationship under subparagraph (A).