DOI: 10.1111/1745-9133.12677

CRIMINOLOGY & Public Policy

SPECIAL ISSUE ARTICLE

GUN VIOLENCE

State efforts to enforce firearm dispossession through relinquishment laws

Stephen N. Oliphant[1] | **April M. Zeoli**[1,2]

[1]Institute for Firearm Injury Prevention, University of Michigan, Ann Arbor, Michigan, USA

[2]Department of Health Management and Policy, School of Public Health, University of Michigan, Ann Arbor, Michigan, USA

Correspondence
Stephen N. Oliphant, Institute for Firearm Injury Prevention, University of Michigan, 1109 Geddes Ave, Ann Arbor, MI 48109, USA.
Email: oliphasn@umich.edu

Funding information
National Institutes of Health, Grant/Award Number: T32HD108054

Research Summary: Although federal law prohibits firearm possession by individuals who have been convicted of a disqualifying offense and those who are subject to certain domestic violence protective orders (DVPOs), it does not provide a mechanism for enforcing firearm dispossession. Some states have adopted relinquishment laws to enforce firearm possession restrictions among prohibited persons following a disqualifying status or conviction. To date, limited research has assessed the statutory characteristics of firearm relinquishment laws related to DVPOs. We build on this work by assessing DVPO and conviction-based relinquishment statutes, including legislative changes through time, to identify gaps in policy.

Policy Implications: Our analysis revealed that many states still lack statutory elements that are expected to increase the likelihood of firearm dispossession, such as requiring the court to order relinquishment, strict standards for providing proof of firearm transfer or some form of compliance verification, and provisions that authorize law enforcement to recover unrelinquished firearms. The absence of such elements may facilitate unlawful firearm retention by those who become prohibited possessors. States might consider adopting

This is an open access article under the terms of the Creative Commons Attribution License, which permits use, distribution and reproduction in any medium, provided the original work is properly cited.
© 2024 The Author(s). *Criminology & Public Policy* published by Wiley Periodicals LLC on behalf of American Society of Criminology.

relinquishment provisions that outline clear requirements for actors (i.e., judges, prohibited possessors, law enforcement) at each stage of the process to ensure that firearms are relinquished following a disqualifying conviction or DVPO.

KEYWORDS
domestic violence, firearm relinquishment, state laws

1 | BACKGROUND

1.1 | Firearm violence and federal restrictions

Firearm violence is a persistent public health and safety issue in the United States. The rate of firearm injury deaths in 2021—approximately 14.7 per 100,000—was the largest recorded rate in 28 years (Centers for Disease Control and Prevention, 2022). In addition to being used in the majority of suicides and homicides, firearms play a ubiquitous role in intimate partner homicide (IPH). One of the strongest predictors of IPH for women in abusive heterosexual relationships is an abuser's access to a firearm (Campbell et al., 2003). In 2020, 60% of IPH victimizations recorded in the Federal Bureau of Investigation's Supplementary Homicide Reports were perpetrated with a firearm (Fox, 2022). Despite the inherent lethality of firearms (Braga et al., 2021; Conner et al., 2019), as well as the substantial epidemiological burden of firearm-related injury (Hemenway & Nelson, 2020), few restrictions exist at the federal level to ensure that dangerous individuals do not have access to firearms.

Federal law prohibits certain individuals from receiving or possessing firearms, including those convicted of a misdemeanor crime of domestic violence (MCDV) or a felony offense, and respondents to current qualifying domestic violence protective orders (DVPOs). Unlike full or final DVPOs, which are issued after a respondent has had an opportunity to participate in a hearing, emergency orders that are issued without notice to the respondent (herein referred to as "ex parte" orders) are not subject to firearm restrictions under federal law. In practice, the federal prohibition is mainly implemented through the purchase restriction, when a disqualifying status prevents a prohibited person from acquiring firearms from a licensed firearms dealer after a background check. Although there are limitations associated with current background check procedures—including incomplete data due to nonreporting at the local and state levels, suboptimal enforcement, and purchasers circumventing background checks by buying from private sellers (Wintemute, 2019)—the National Instant Criminal Background Check System (NICS) prevents many prohibited persons from purchasing firearms from licensed dealers. In 2021, more than 153,000 transactions were denied through NICS, of which 58.7% were due to a disqualifying conviction or DVPO (Federal Bureau of Investigation, 2022). Although the background check provides an implementation opportunity for the purchase restriction, federal law does not provide a mechanism for ensuring firearm relinquishment by current possessors upon a possession disqualification. This may result in prohibited individuals continuing to possess firearms they already owned before they became prohibited.

1.2 | State relinquishment laws

Many states have enacted similar firearm restrictions as the federal government, and some have considered the implementation of the possession prohibition. These states have enacted laws that allow or require the court to order a prohibited person to relinquish firearms already in their possession (often referred to as relinquishment or dispossession laws). A primary function of these laws is to explicitly instruct the court under what circumstances a judge shall or may order relinquishment. Judges in states with *shall order* policies are required by law to order relinquishment, whereas judges in *may order* states can decide whether to order an individual who legally cannot possess a firearm to relinquish their firearms. As such, it is highly likely that fewer individuals are ordered to turn in their firearms under a *may order* policy than would be the case under a *shall order* directive. In some states, the authorization or requirement for a court to order dispossession depends on certain conditions being met, such as the court finding probable cause that a person is likely to use or threaten to use a dangerous weapon in future acts of violence, as is the case in North Dakota (N.D. Cent. Code §§ 14-07.1-02, 14-07.1-03). Alternatively, although less commonly, relinquishment laws may specifically direct the prohibited person to relinquish their firearms (rather than providing instructions to the court as to whether it *shall* or *may* make such an order).[1]

In addition to providing guidance to the court, relinquishment statutes often outline process-related instructions to the prohibited person and law enforcement (Zeoli et al., 2019). The most comprehensive statutes make clear the steps that a prohibited person must follow to comply with a relinquishment order, as well as the actions that law enforcement can or must take to facilitate compliance. The key statutory elements of these laws include descriptions of eligible transferees to whom firearms can be relinquished (e.g., law enforcement, a licensed dealer, or a private citizen who is not barred from possessing firearms), the timeframe in which relinquishment must occur, the documentation a prohibited person must provide to verify compliance (e.g., receipt of sale/transfer, affidavit filed with the court), and law enforcement's responsibilities, such as an authorization to take possession of firearms upon serving a DVPO or recover firearms if the prohibited person fails to comply with relinquishment requirements.

States with the most robust "systems of accountability" (Zeoli et al., 2019, p. 121) have laws that constrain or compel behaviors of actors (i.e., judges, DVPO respondents, individuals convicted of a disqualifying offense, law enforcement) at different stages of the relinquishment process. *Shall order* directives, which mandate that the court order relinquishment at the outset, offer a clear example of how specific statutes are intended to compel behavior. Judges who might otherwise forego ordering relinquishment in some cases due to personal beliefs about domestic violence, firearms, or the court's role in addressing such issues (Frattaroli & Teret, 2006) are instead required under the law to order relinquishment. Similarly, laws that require proof of transfer specify what evidence a prohibited person must provide to comply with a dispossession order.

1.2.1 | DVPO relinquishment

To date, limited research has assessed characteristics of state firearm relinquishment laws. Nonprofit organizations such as the Giffords Law Center to Prevent Gun Violence and Everytown for Gun Safety have documented which states have dispossession laws, and a report by the Law Center to Prevent Gun Violence (2016) summarized categories of prohibited persons and

associated relinquishment requirements in each state. Among peer-reviewed literature, two studies have examined dispossession laws related to DVPOs. Zeoli and colleagues (2019) analyzed DVPO-related relinquishment provisions that were active in 2016. For each state with a DVPO relinquishment law, the authors classified the instructions that are provided to courts, to which types of DVPOs the instructions apply (i.e., full or ex parte orders), conditions for ordering relinquishment, and other relevant information (e.g., exemptions; instructions for seizing firearms). Zeoli and colleagues (2019) also proposed a continuum to indicate the relative strength of provisions based on the expected likelihood that they will result in dispossession. More recently, Cloud et al. (2023) catalogued relinquishment provisions in a descriptive analysis of firearm prohibitions for full and ex parte DVPOs. The authors also noted which state laws allowed judicial discretion, as well as authorizations or requirements that law enforcement remove firearms from a prohibited person's possession, at four time points during the 1991–2016 study period (1995, 2002, 2009, 2016).

A separate body of research on policy implementation has highlighted the disconnect between statutorily mandated elements of DVPO relinquishment laws and their application in practice. Specifically, these studies underscore the determinative role that judicial discretion appears to play in the relinquishment process. An analysis of DVPO orders in New York City and Los Angeles in the early 2000s revealed that relinquishment orders were relatively rare; among victims whose abusive partner possessed firearms, only one out of four reported that the court included an order to relinquish firearms (Webster et al., 2010). More recently, Kafka and colleagues (2022) noted that 93% of DVPO cases in North Carolina appeared to meet the necessary conditions for firearm relinquishment, yet only 37% of granted orders included an order of firearm relinquishment. In Arizona, which also has a conditional *shall order* policy for full orders, 31% of DVPOs included a relinquishment order despite petitioners requesting firearm removal in half of all cases (Wallin & Durfee, 2020). Taken together, these findings suggest that the level of discretion permitted by *may order* directives and leveraged within conditional *shall order* directives may limit how often relinquishment is ordered.

Notwithstanding these practical limitations, ecological studies have found that DVPO relinquishment laws are associated with significantly lower rates of IPH (Díez et al., 2017; Zeoli et al., 2018). Notably, relinquishment provisions appear to be critical components of broader DVPO prohibitions; restrictions for DVPO respondents that lacked a relinquishment provision were not significantly associated with IPH reductions in either study that examined relinquishment (Díez et al., 2017; Zeoli et al., 2018). As alluded to above, the specific elements related to court discretion and the relinquishment process, as well as the implementation and enforcement of these laws, likely influence how effective they are. However, no research has examined the extent to which specific relinquishment provisions influence IPH outcomes or other forms of fatal and nonfatal firearm violence.

1.2.2 | Conviction-based relinquishment

A second pathway by which a person can become prohibited from purchasing or possessing firearms under federal law is through a disqualifying conviction, including a felony (18 U.S.C. § 922(g)(1)) or MCDV (18 U.S.C. § 922(g)(9)) conviction. As a general matter, given that they are criminal convictions, these disqualifications require a higher evidentiary standard than civil DVPOs and may precede a sentence of incarceration. However, as is the case with DVPOs, the absence of an associated mechanism at the federal level to enforce firearm possession prohibitions likely

facilitates unlawful firearm possession. Based on an extrapolation of findings from California, researchers estimate that tens of thousands of people in the United States unlawfully possess firearms despite having a prior felony conviction (Pear et al., 2021).

Research suggests that efforts to restrict firearm access among individuals who have been convicted of a disqualifying offense have individual- and population-level effects. Wright and colleagues (1999) found that prospective handgun purchasers with felony convictions whose purchases were denied had a 20%–30% lower risk of subsequent criminal activity relative to buyers with felony arrests (but no conviction) whose purchases were allowed to proceed. A similar study noted that male handgun purchasers with a misdemeanor conviction for a violent offense were more than nine times as likely to be charged for a future violent crime than those without a criminal history (Wintemute et al., 1998). Protective effects have also been observed in analyses that examine purchase restrictions for individuals with a prior violent misdemeanor. Handgun purchase denials for individuals with a violent misdemeanor conviction (compared to those whose previous conviction was not disqualifying at the time) were associated with decreased risk for future firearm and violent crime even after accounting for age, sex, and previous criminal history (Wintemute et al., 2001). More recently, Zeoli and colleagues (2018) found that state laws prohibiting firearm purchase and possession by those convicted of a violent misdemeanor were associated with a 23% decrease in IPH.

Several states have enacted relinquishment laws that apply to disqualifying convictions to address the policy gap that exists at the federal level. We are not aware of any published literature that has analyzed the statutory elements of conviction-based relinquishment provisions. Ecological policy analyses have found that relinquishment laws pertaining to MCDV convictions are associated with significant reductions in homicides of pregnant or postpartum women (Wallace et al., 2021) but not overall IPH (Díez et al., 2017; Zeoli et al., 2018). Although not itself a relinquishment statute, the implementation of California's first-of-its-kind Armed and Prohibited Persons System database to identify firearm purchasers who have become prohibited and facilitate dispossession (California Department of Justice, 2022) led to significantly fewer homicides and no change in nonfirearm homicide (Ben-Michael et al., 2023).

2 | PRESENT STUDY

The enforcement of laws that address firearm relinquishment following a disqualification, such as a conviction or DVPO, remains an important but understudied area. In part, the lack of a comprehensive data infrastructure in most states makes it difficult to screen for firearm access by prohibited possessors (Wintemute et al., 2014). Nonetheless, given the expected potential of dispossession laws to reduce multiple forms of mortality (Smart et al., 2021), as well as the limited research that has been conducted on firearm relinquishment policy, it is necessary to examine the characteristics of state laws to aid future research and policy efforts.

The purpose of this study is to provide an assessment of state firearm relinquishment laws, including statutory changes through time, and outline potential gaps that may limit their effectiveness. Specifically, this study seeks to build on the work of the Law Center to Prevent Gun Violence (2016), Zeoli et al. (2019), and Cloud et al. (2023) by (1) assessing recent policy changes in DVPO relinquishment legislation, (2) examining relinquishment provisions tied to felony and MCDV convictions, and (3) documenting relevant statutory changes within each state through time.

3 | METHODS

We undertook policy surveillance to identify and record firearm relinquishment law characteristics in each state during the 1980–2022 study period. For the purpose of this study, a relinquishment law is defined as any state law that (1) explicitly requires prohibited persons to relinquish all firearms following a disqualifying status or conviction or (2) explicitly directs (or authorizes) the court to order firearm relinquishment. We focus our analysis on provisions associated with three statuses or convictions that are disqualifying under federal law: civil DVPOs, MCDVs, and felony convictions.

3.1 | Data collection and analysis

State-specific searches were performed using Nexis Uni, an academic research tool that functions as a repository for state and federal cases and statutes. Nexis Uni is similar to Westlaw and LexisNexis, both of which have been used in other firearm policy analyses to identify characteristics of state firearm policies (Cloud et al., 2023; Vigdor & Mercy, 2006; Webster et al., 2020; Zeoli et al., 2019). The following keyword search query was used to generate a list of statutes related to relinquishment[2]: "firearm" OR "weapon" AND "relinquish" OR "surrender" OR "transfer".

Statutes were reviewed by the first author to determine whether they met the inclusion criteria above. The first author investigated the session law history of included statutes to identify the initial enactment of the relinquishment policy. The text of the first enacted relinquishment session law was saved to a state-specific folder for further review. Relevant sections of text pertaining to the study's focus on relinquishment were extracted into a table that included column headings for state, year, enactment and effective dates, and the statutory elements of interest (e.g., court discretion in issuing the order, eligible transferees, and other key features). The first author recorded the following features based on the session law text:

- Citations associated with the relinquishment policy
- Enacted and effective dates of the session law
- The corresponding firearm-prohibiting protective order or conviction (e.g., full/ex parte DVPO, MCDV conviction, felony conviction)
- Whether the court *shall* or *may* require firearm relinquishment
- Conditions that must be met for the provision to apply
- To whom firearms can be relinquished (e.g., law enforcement, a licensed dealer, an eligible third party)
- Timing of relinquishment
- Compliance requirements (e.g., filing an affidavit or proof of transfer with the court)
- Responsibilities assigned to law enforcement (e.g., authorization to seize unrelinquished firearms, instructions for storing firearms)
- Exemptions noted within the law text

All subsequent session laws were reviewed to identify changes to the statutory elements through time. The data abstraction process outlined above was repeated for each state session law involving a change to one of the policy characteristics (e.g., modifying the timeframe when a respondent must relinquish their firearms, removing court discretion, extending relinquishment requirements to ex parte DVPOs). Full descriptions of the relinquishment policy characteristics

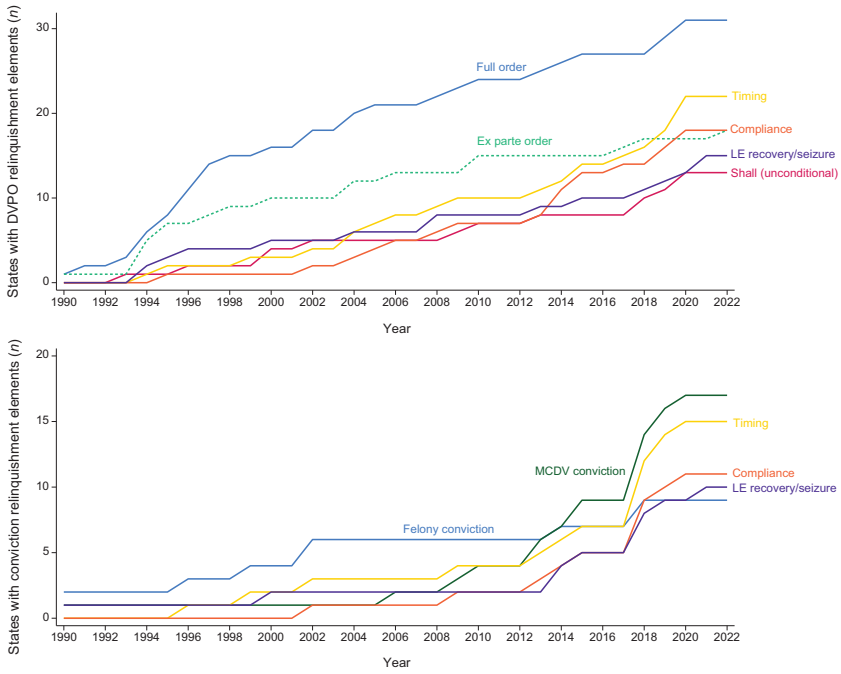


FIGURE 1 The number of states with relinquishment laws and statutory elements that apply to civil domestic violence protective orders (DVPOs) (top) and felony/misdemeanor crime of domestic violence (MCDV) convictions (bottom). *Note*: Timing does not include states in which relinquishment timing is determined by the court or law enforcement.
[Color figure can be viewed at wileyonlinelibrary.com]

that were recorded during the data abstraction process are presented in Table A1 in the Supporting Information.

Effective dates were obtained from the respective session laws or through state legislature Web sites. For five session laws in which no effective date could be determined, the state's current timeline (e.g., "existing state law sets the effective date of bills passed during the regular session as July 1") was applied. Published work, state government Web sites, and data made accessible by nonprofit organizations were cross-referenced to confirm classifications of statutory elements when necessary. Namely, the information presented in Díez et al. (2017), Zeoli et al. (2019), Wallin et al. (2021), and Smart et al. (2023), as well as classifications by Giffords Law Center, the State Firearm Laws database, and Everytown for Gun Safety, was reviewed for verification purposes on rare occasions if an aspect of a session law was unclear.

4 | FINDINGS

4.1 | Overview

States have increasingly enacted relinquishment laws that apply to civil DVPOs, MCDV convictions, or felony convictions (Figure 1). The initial rise in state DVPO relinquishment laws in the mid-1990s coincided with restrictions at the federal level prohibiting firearm purchase and possession by DVPO respondents and those with a domestic violence misdemeanor conviction.

Conversely, few states adopted relinquishment provisions for MCDV convictions prior to 2013, followed by a nearly doubling from 2017 to 2022 (nine to 17 states). Relinquishment provisions that apply to felony convictions are less common; only nine states adopted such laws by the end of 2022.[3]

Trends in specific statutory elements indicate that relinquishment laws have become more restrictive through time. Of the 16 states with relinquishment laws that applied to DVPOs in 2001, only three specified a time limit by which relinquishment must occur and only one required documentation of compliance. By the start of 2023, 71.0% of the 31 relinquishment states had a timing component and 58.1% had compliance requirements. Although unconditional *shall order* directives have become more common, they have lagged behind other statutory elements—only 13 of 31 states with DVPO relinquishment laws at the start of 2023 unconditionally required all respondents to full DVPOs to relinquish their firearms. For conviction-based relinquishment laws, the uptick in the statutory elements we examined primarily occurred after 2017 as part of the overall increase in state dispossession law adoption.

4.2 | DVPO relinquishment orders

There are important differences in the types of DVPOs for which state relinquishment directives apply (full or ex parte orders), the discretion granted to the court in ordering relinquishment (*shall order* vs. *may order*), and the conditions that must be met to generate a relinquishment order. These characteristics are summarized in Table 1, and their chronological changes are detailed in Table A2 in the Supporting Information.

4.2.1 | Full and ex parte orders

In 1995, seven of the eight states with relinquishment laws for full or final orders also included such provisions for ex parte orders. More recently, states have shifted toward adopting relinquishment provisions that only apply to full DVPOs. Of the six states that added relinquishment for full DVPOs between 2012 and 2020, only one subsequently extended its law to cover ex parte orders. As of 2023, 31 states have laws that require respondents to DVPOs to relinquish their firearms (or otherwise require or permit the court to order relinquishment) for the duration of a full or final order (Table 1). Fewer states (18) have relinquishment provisions that apply to respondents to ex parte orders.

Although most states with ex parte relinquishment laws adopted full and ex parte policies at the same time, seven states implemented relinquishment requirements for ex parte orders sometime after the policy was in effect for full orders. State governments in these states—Connecticut, Illinois, Maryland, Pennsylvania, Rhode Island, and Vermont—adopted relinquishment requirements for ex parte orders an average of 13 years after adopting a relinquishment provision for the full order. Hawaii's ex parte relinquishment policy took effect 1 year after its policy for full orders. No state has ever repealed its relinquishment policy for full or ex parte orders.

4.2.2 | Court discretion

Of the 31 states with relinquishment policies for full orders, 24 states have laws that require respondents to relinquish their firearms or state that the court *shall order* relinquishment in some or

TABLE 1 Statutory elements of state domestic violence protective order (DVPO) relinquishment laws as of January 2023.

State	Order to relinquish	Relinquish to whom	Relinquishment timing	Compliance requirements	Law enforcement (LE) role in recovering or seizing firearms
AK	Full: May (conditional)	LE	Not specified	None	Not specified
AZ	Full: Shall (cond.)	LE	24 h if not immediately	None	Not specified
CA	Full: Shall Ex parte: Shall	LE (or licensed dealer/LE if no relinquishment request is made by LE)	Immediately or within 24 h	File receipt with court/LE within 48 h of receiving order	LE shall request immediate firearm surrender upon serving order; LE shall take all actions necessary to firearms upon notification of noncompliance by court
CO	Full: Shall	LE, licensed dealer, eligible third party	Within 24 h of service (or 48 h if served outside of court); court may allow additional 24 h	Affidavit with court in 7 days; compliance hearing 8–12 days after order	Court shall issue search warrant if there is probable cause of failure to relinquish
CT	Full: Shall Ex parte: Shall	LE, licensed dealer	Immediately or within 24 h	File sale/transfer form with LE within 2 days	Not specified
DE	Full: May Ex parte: May	LE, licensed dealer	Immediately or within 24 h	File proof of transfer within court (or statement affirming no firearm possession) within 48 h of order service	Court may direct LE to search for and seize firearms if petitioner (1) can describe type/location of firearms and (2) expresses fear of future firearm use
HI	Full: Shall Ex parte: Shall	LE, licensed dealer	Within 48 h of order service	None	LE shall take custody of firearms upon service; may seize if respondent fails to voluntarily surrender within 48 h

(Continues)

TABLE 1 (Continued)

State	Order to relinquish	Relinquish to whom	Relinquishment timing	Compliance requirements	Law enforcement (LE) role in recovering or seizing firearms
IL	Full: Shall (cond.) Ex parte: Shall (cond.)	LE	Not specified	File copy of firearm disposition record with LE within 48 h of Firearm Owners Identification (FOID) card revocation	Court shall issue a warrant for seizure of any firearm and FOID card in the possession of the respondent
IN	Full: May	LE	Not specified	None	Not specified
IA	Full: Shall (cond.)	Eligible third party or LE if no eligible party	Date determined by the court	None	Not specified
LA	Full: Shall (cond.)	LE (respondent may then transfer/sell to third party)	Within 48 h of order issuance	File proof of transfer with court within 10 days of transfer	Not specified
ME	Full: Shall (cond.) Ex parte: Shall (cond.)	LE, eligible third party	Within 24 h of order service	File third party information with court and LE within 24 h of relinquishment	Court may issue search warrant authorizing LE to seize firearms if there is probable cause of failure to relinquish
MD	Full: Shall Ex parte: May (cond.)	LE	Not specified	None	Not specified
MA	Full: Shall (cond.) Ex parte: Shall (cond.)	LE (may then transfer to dealer)	Upon service	None	LE shall immediately take possession of all firearms upon service of order
MN	Full: Shall (cond.)	LE, licensed dealer, eligible third party	Within 3 business days	File affidavit or proof of transfer with court within 2 business days of transfer	LE shall take immediate possession of firearms if preponderance of evidence of imminent risk

(Continues)

TABLE 1 (Continued)

State	Order to relinquish	Relinquish to whom	Relinquishment timing	Compliance requirements	Law enforcement (LE) role in recovering or seizing firearms
NV	Full: May (cond.)	LE, licensed dealer, eligible third party	Within 24 h of order service	Provide receipt to court and LE (or attest to no possession) within 72 h or 1 business day of order service	Court may authorize LE to search and seize unrelinquished firearms if probable cause of noncompliance
NH	Full: Shall Ex parte: May	LE	Not specified	None	Court may authorize LE to seize firearms if probable cause of noncompliance
NJ	Full: Shall Ex parte: May	LE	Full: immediate Ex parte: not specified, although LE shall accompany respondent to firearms location	None	LE may be ordered to seize weapons where judge has reasonable cause to believe weapon is located; LE shall accompany respondent to ensure surrender
NM	Full: Shall (cond.)	LE or licensed dealer	Within 48 h of order service	File receipt or declaration of non-relinquishment with court within 72 h	LE shall take possession of firearms discovered in plain sight or pursuant to a lawful search
NY	Full: Shall (cond.) Ex parte: Shall (cond.)	LE	Date and time specified in the order	None	LE ordered to seize firearms when defendant willfully refuses surrender or for good cause shown
NC	Full: Shall (cond.) Ex parte: Shall (cond.)	LE	Immediately or within 24 h	None	Not specified

(Continues)

TABLE 1 (Continued)

State	Order to relinquish	Relinquish to whom	Relinquishment timing	Compliance requirements	Law enforcement (LE) role in recovering or seizing firearms
ND	Full: May (cond.) Ex parte: May (cond.)	LE	At the time and place determined by LE	None	LE may arrest respondent and take possession of firearm if not surrendered
OR	Full: Shall	LE, licensed dealer, or eligible third party	Within 24 h of order issuance	Proof of transfer with court and district attorney within 2 days	Not specified
PA	Full: Shall Ex parte: May (cond.)	LE, eligible third party; licensed dealer (Full only)	Within 24 h of order service	Provide affidavit of transfer to third party or licensed dealer to LE in 24 h	Not specified
RI	Full: Shall Ex parte: May	LE or licensed dealer	Within 24 h of notice of the protective order	File receipt with court within 72 h of receiving order	Not specified
SD	Full: May Ex parte: May	LE	Not specified	None	Not specified
TN	Full: Shall	Eligible third party or any lawful means	Within 48 h of order issuance	Return firearm dispossession affidavit	Not specified
VT	Full: May Ex parte: May	LE, licensed dealer, or eligible third party	Immediately upon service	Affidavit (third party transferee)	Not specified
VA	Full: Shall	LE, licensed dealer, or eligible third party	Within 24 h of order service	Certify in writing within 48 h	Not specified

(Continues)

TABLE 1 (Continued)

State	Order to relinquish	Relinquish to whom	Relinquishment timing	Compliance requirements	Law enforcement (LE) role in recovering or seizing firearms
WA	Full: Shall (cond.) Full/Ex parte: May	LE	Immediately (or within 24 h if personal service not possible)	Proof of surrender or declaration of nonsurrender with court within 5 days of order	LE serving order shall take possession of all firearms surrendered, in plain sight, or discoverable by search
WI	Full: Shall	LE or approved third party	Within 48 h	Provide receipt to court within 48 h; if present, provide completed possession form at hearing	Court may notify LE of violation for investigation and appropriate action if respondent has not provided receipt

Note: States that do not have firearm relinquishment provisions for civil DVPOs are as follows: AL, AR, FL, GA, ID, KS, KY, MI, MS, MO, MT, NE, OH, OK, SC, TX, UT, WV, and WY.

all cases. Policies permitting greater court discretion are more common for ex parte DVPOs, as 10 of the 18 ex parte policies can be characterized as *may order* directives. Six states have *may order* relinquishment policies for ex parte orders despite having some form of a *shall order* policy for full orders. During the course of the study period, six states transitioned from allowing court discretion for full DVPOs to requiring relinquishment in some or all cases. No *shall order* state has modified its policy for full orders to introduce or re-introduce court discretion in the process.

4.2.3 | Conditional directives

States have increasingly adopted dispossession laws that unconditionally require respondents to relinquish their firearms (herein referred to as unconditional *shall order* directives).[4] In 1995, only one of the eight states (12.5%) with relinquishment laws had an unconditional *shall order* policy for full orders. By 2020, 13 of the 31 states (41.9%) had such a requirement. Still, in 11 of the remaining 18 relinquishment states, the court is required to order relinquishment for full orders only if certain conditions are satisfied. Likewise, five of the eight *shall order* state relinquishment laws for ex parte DVPOs are conditional on select factors being present. Maryland and Pennsylvania are the only states with conditional relinquishment directives that apply only to ex parte orders; both states require relinquishment for full orders but allow judges to decide against ordering relinquishment for ex parte orders even if certain conditions are met.

As noted by Zeoli and colleagues (2019), conditions largely relate to (1) previous acts/elements of abuse or (2) risk of future violence. Examples of the former category include the possession or use of a firearm during the commission of domestic violence (Alaska), conduct involving serious injury or threats/use of a weapon (New York), and a preexisting ineligibility to possess firearms (Washington). In two states, a finding that the respondent has threatened suicide represents a qualifying condition. In Pennsylvania, the court *may order* relinquishment for ex parte respondents who have threatened suicide, whereas judges in North Carolina are required to order relinquishment as part of full and ex parte orders if threats of suicide are noted. An example of future violence risk is a court's finding of probable cause that the respondent is likely to use or threaten to use a firearm in an act of violence.

4.2.4 | Exemptions

Eight states grant (or allow the court to grant) employment-based exemptions from firearm relinquishment provisions. Hawaii also permits exemptions for good cause shown, which includes considerations of a respondent's employment as well as the protection and safety of the protected party. Exemptions across states primarily apply to law enforcement, active military, or individuals whose firearms were issued by state departments or agencies for the performance of official duties. In California, the court may grant an exemption if a respondent demonstrates that a firearm is a necessary condition of employment and that the employer is unable to reassign the respondent to a position that does not require firearm possession. Several states limit firearm possession exemptions to periods in which a respondent is working, on duty, or traveling to/from a place of duty.

4.3 | DVPO relinquishment process

In addition to court discretion and characteristics of the order itself, other factors related to the dispossession process are expected to influence how effective relinquishment laws are at disarming prohibited persons. Many states have addressed the gaps in their laws that were present in the early 2000s. However, several states still do not specify a time limit for when relinquishment must occur or require respondents to document compliance with court relinquishment orders.

4.3.1 | Transferees

DVPO relinquishment laws have consistently allowed, if not mandated, that respondents turn in their firearms to law enforcement. Among the 31 states with relinquishment laws pertaining to DVPOs, nearly all require (14 states) or allow (15 states) respondents to transfer their firearms to law enforcement.[5] Thirteen states allow respondents to sell or transfer firearms directly to a licensed dealer as a means of relinquishment. Eleven states allow transfers to eligible third parties, the definition of which varies but commonly refers to individuals who are not prohibited from possessing firearms. Of the two states that do not specifically permit transfers to law enforcement, Iowa requires firearm relinquishment to law enforcement on an interim basis only if the court is unable to identify an eligible third party (Iowa Code § 724.26). Tennessee law states that a respondent must "dispossess himself or herself by any lawful means" but does not provide examples beyond "a third party who is not prohibited from possessing firearms" (Tenn. Code Ann. § 36-3-625).

4.3.2 | Time limits

Most states require respondents to transfer their firearms within 1 or 2 days of an order being served. The most common time limits for relinquishment are within 24 h of order service (13 states), within 48 h of order service (5 states), immediately or upon order service (3 states), and by a date determined by the court, law enforcement, or otherwise specified in the order (3 states). Minnesota requires firearm transfer within 3 business days. Six states do not specify a time limit for relinquishment—five of which do not have requirements to ensure compliance.

4.3.3 | Compliance

Although previously a rare requirement of relinquishment laws, 18 states require respondents to demonstrate that they have relinquished their firearms in accordance with state law. Verifying compliance generally requires filing an affidavit, proof of transfer, receipt of sale, or firearm dispossession form with the court and/or law enforcement. In most states, evidence of compliance must be provided within 24 or 48 h, although three states allow up to 72 h, two states allow 5 days, and Colorado allows 7 days. Thirteen states do not require any documentation to verify firearm relinquishment or no prior possession; however, this gap is mitigated in some states that permit or require law enforcement to take possession of firearms upon order service or seize unrelinquished firearms.

4.3.4 | Law enforcement firearm recovery

Many states provide guidelines for how law enforcement may store relinquished firearms, including permissions to charge the respondent a reasonable storage fee. Fewer states grant law enforcement a more functional role in carrying out or enforcing relinquishment provisions, such as seizing unrelinquished firearms. The sixth column of Table 1 indicates whether law enforcement officials are authorized or required to take possession of firearms as part of order service or seize them in certain circumstances. Examples of other instances that may involve firearm seizure include the relinquishment time limit elapsing, a court order stemming from probable cause of noncompliance, or a court finding of an imminent risk of harm. Fifteen states have laws that specifically authorize or direct law enforcement to take possession of firearms upon order service or in other instances detailed above. Massachusetts law states that law enforcement officials "shall immediately take possession of all firearms… in the control, ownership, or possession of said defendant" upon service of a DVPO (Mass. Ann. Laws ch. 209A, § 3B). More commonly, law enforcement may be authorized or required to recover firearms when the respondent has failed to relinquish them. For example, law enforcement officials in Hawaii may seize all firearms and ammunition if the respondent fails to turn in or dispose of them within 48 h of their disqualification (Haw. Rev. Stat. Ann. § 134–7.3(b)). Likewise, in New Hampshire, the court may issue a search warrant authorizing law enforcement to seize firearms if it has reason to believe that they have not been relinquished by the respondent (N.H. Rev. Stat. Ann. §§ 173-B:4, 173-B:5).

4.4 | Conviction-based relinquishment provisions

In comparison to DVPO relinquishment laws, there is far less variation in the discretion granted to the court to order relinquishment and the accompanying requirements associated with conviction-related relinquishment laws. As of January 1, 2023, 17 states have relinquishment provisions for MCDV convictions—16 of which are unconditional *shall order* directives (Table 2). Seven of the nine states with relinquishment provisions for felony convictions broadly require dispossession for all prohibitive convictions (i.e., those that make a person ineligible to possess a firearm under state law). Chronological changes of state relinquishment laws for qualifying convictions are documented in Table A3 in the Supporting Information.

Of the 17 states with relinquishment requirements for the convictions mentioned above, 15 specify time limits for firearm dispossession. California has the longest time limit—allowing up to 5 days to dispose or transfer firearms (or 14 days if the prohibited person is in custody during any part of the 5-day period) (Cal. Penal Code § 29810). Pennsylvania previously allowed people with MCDV convictions to relinquish their firearms "within a reasonable amount of time not to exceed 60 days" before limiting the time frame to 24 h in 2019 (18 Pa. Cons. Stat. § 6105.2). Few states clarify how relinquishment timing may be affected if a defendant is incarcerated; most orient their time limits only with respect to the disqualifying conviction. Eleven states require prohibited persons to file an affidavit, receipt, or other documentation with the court or law enforcement to show compliance.

There is notable overlap between the states that have MCDV and DVPO relinquishment laws, as well as the key characteristics of those laws. Among the 17 states with relinquishment provisions for MCDV convictions, 16 also have *shall order* directives for full DVPOs. With very few exceptions, the transfer options available to a newly prohibited person following a conviction are the same as

TABLE 2 Statutory elements of state conviction-based relinquishment laws as of January 2023.

State	Order to relinquish	Relinquish to whom	Relinquishment timing	Compliance requirements	Law enforcement (LE) role in recovering or seizing firearms
CA	Felony: Shall Misdemeanor crime of domestic violence (MCDV): Shall	LE or licensed dealer	Within 5 days of conviction (or 14 days via designee if in custody)	Complete Prohibited Persons Relinquishment Form	Court shall order the search for and removal of firearms if probable cause of non-relinquishment
CO	MCDV: Shall	LE, licensed dealer, eligible third party	Within 24 h of sentencing (or release if incarcerated); court may allow additional 24 h if needed	Affidavit and declaration with court in 7 business days; compliance hearing 8–12 days	Court shall issue search warrant if there is probable cause of failure to relinquish
CT	Felony: Shall MCDV: Shall	LE or eligible third party	Within 2 business days of disqualification	File sale/transfer form with LE within 2 business days	Not specified
HI	Felony: Shall MCDV: Shall	LE, licensed dealer, eligible third party	Within 48 h of disqualification	None	LE may seize firearms if failure to voluntarily surrender within 48 h
ID	Felony: May	LE (via confiscation)	Not specified	None	Firearms may be confiscated and disposed of in accordance with the order of the court
IL	Felony: Shall MCDV: Shall	Eligible third party	Within 48 h if Firearm Owners Identification (FOID) card is revoked	File copy of FA disposition record with LE in 48 h if FOID card revoked	LE may petition the court to issue a warrant to search for and seize firearms and FOID card if failure to comply
IA	MCDV: Shall	Eligible third party (or LE if no eligible party)	Date determined by the court	None	Not specified
LA	MCDV: Shall	LE (with option to transfer/sell to third party)	Within 48 h of issuance (or release if incarcerated)	File proof of transfer with court within 10 days of transfer	Not specified
MD	MCDV: Shall	LE or licensed dealer	Within 2 business days after conviction	None	Court may authorize search warrant for the removal of firearms if there is probable cause of failure to surrender
MA	Felony: Shall MCDV: Shall	LE (with option to transfer to dealer)	Without delay upon firearm ID card revocation	None	Not specified
MN	MCDV: Shall	LE, licensed dealer, eligible third party	Within 3 business days after conviction	File affidavit or proof with court within 2 business days of transfer	LE shall take immediate possession of firearms if preponderance of evidence of imminent risk

(Continues)

TABLE 2 (Continued)

State	Order to relinquish	Relinquish to whom	Relinquishment timing	Compliance requirements	Law enforcement (LE) role in recovering or seizing firearms
NV	Felony: Shall MCDV: Shall	LE, licensed dealer, eligible third party	Within 24 h of order service	Provide receipt to court and LE (or attest to no possession) within 72 h or 1 business day of order service	Court may authorize LE to search and seize unrelinquished firearms if probable cause of noncompliance
NJ	MCDV: Shall	LE (but may arrange for sale to dealer within 5 days)	Immediately	Provide receipt to prosecutor within 48 h of service; alternatively attest to nonpossession	LE may be ordered to search for and remove firearms if there is probable cause of failure to surrender
NY	Felony: Shall MCDV: Shall	LE (but may arrange for sale to dealer)	Not specified	None	LE acting pursuant to special duties are authorized to remove unsurrendered firearms
OR	MCDV: Shall	LE, licensed dealer, or eligible third party	Within 24 h of court order	File declaration and proof of transfer with court and district attorney within 2 judicial days of order	Not specified
PA	Felony (violent): Shall MCDV: Shall	Eligible third party (Felony); LE or licensed dealer (MCDV)	A reasonable time within 60 days (Felony); within 24 h of conviction (MCDV)	None (Felony); Provide LE with affidavit if transferring to licensed dealer (MCDV)	Not specified
RI	MCDV: Shall	LE or licensed dealer	Within 24 h of prohibition	File proof of surrender with court within 48 h of order service	Not specified
TN	MCDV: Shall	Eligible third party or by any lawful means	Within 48 h of conviction	Return firearm dispossession affidavit	Not specified

Note: States that do not have firearm relinquishment provisions for felony or MCDV convictions are as follows: AL, AK, AZ, AR, DE, FL, GA, IN, KS, KY, ME, MI, MS, MO, MT, NE, NH, NM, NC, ND, OH, OK, SC, SD, TX, UT, VT, VA, WA, WV, WI, and WY.

those specified in the state's DVPO relinquishment law. Nevada is the only state that requires relinquishment for those who are convicted of a felony or MCDV but allows judges to decide whether to order relinquishment for full DVPOs. Among the 17 states with *shall order* directives for MCDV or felony convictions, nine authorize or order law enforcement to take immediate possession of or subsequently seize defendants' firearms in certain circumstances.

5 | DISCUSSION

Many states have enacted laws that require certain prohibited persons to relinquish their firearms or otherwise permit the court to order firearm relinquishment upon a disqualifying protective order or conviction. These state laws address a gap in federal law, which prohibits firearm purchase and possession by certain individuals but does not outline a legislatively mandated dispossession process to enforce relinquishment. This study documented how state relinquishment laws have changed through time and summarized the current policy landscape. Although some state laws have statutory elements that would be considered strong by the standards proposed by Zeoli and colleagues' (2019) continuum (i.e., provisions that are expected to increase the likelihood of relinquishment), many still have gaps that may severely limit their efficacy.

Our analysis revealed that a growing number of state legislatures have, at least statutorily, implemented legal mechanisms intended to compel firearm relinquishment for some disqualifying events. By the start of 2023, 31 states had enacted relinquishment laws for DVPOs. Fewer states have adopted such laws for conviction disqualifications; only 17 states had laws that apply to MCDV convictions, and only nine had laws that apply to felony convictions. In total, 18 states lacked a relinquishment law that would apply to DVPOs, MCDVs, or felony convictions.

Relinquishment laws within and across states have become more restrictive through time. California and Hawaii have two of the strongest DVPO relinquishment laws based on the continuum proposed by Zeoli and colleagues (2019). Both states have an unconditional *shall order* directive that applies to ex parte orders, a short deadline by which dispossession must occur, and an authorization permitting or requiring law enforcement to seize unrelinquished firearms under certain circumstances. As written, these laws ostensibly make firearm relinquishment more likely to occur overall and among more DVPO respondents. Coupled with specific time limits, compliance requirements theoretically guard against unlawful firearm retention or transfers to ineligible third parties.

Although relinquishment policies have generally become more restrictive, most state laws have gaps that could limit how effective they are at disarming prohibited possessors. In this regard, the DVPO relinquishment policies of Alaska and Indiana are among the weakest; they have *may order* directives, no time limit for firearm transfers, no compliance requirements, and no authorization allowing law enforcement to take possession of unrelinquished firearms. There may be few functional differences between these types of laws—which do not require the court to order relinquishment, nor do they include mechanisms to enforce compliance when relinquishment is ordered—and laws that only restrict firearm purchase and possession.

In contrast to DVPO laws, the degree of court discretion written into conviction-based relinquishment statutes is minimal—nearly all statutes have unconditional *shall order* directives. There are also fewer process-related gaps in these laws as a greater proportion specify timing, compliance, and law enforcement recovery elements than do those that apply to DVPOs. One of the main limitations related to conviction-based relinquishment is that many states have not enacted these types of provisions to enforce existing possession prohibitions.

Another major difference between convictions and DVPOs is that firearm restrictions associated with the latter typically expire after 1 year and are less likely to overlap with incarceration. Incarceration after a misdemeanor domestic violence conviction is not certain; many convicted individuals are sentenced to probation (Wooldredge & Thistlethwaite, 2005). Although a conviction may precede an incarceration sentence, relinquishment laws provide a legal mechanism to disarm a person who would otherwise have unlawful access to firearms following reentry. Still, in many statutes, it was unclear how and when relinquishment might occur if a person is incarcerated following a conviction. States such as Colorado and Louisiana, which explicitly allow relinquishment to occur after reentry following incarceration, are noted exceptions.

It is unknown how effective relinquishment laws tied to felony convictions are in disarming prohibited possessors and reducing firearm injury. Research suggests that prior disqualifying convictions may be common among those engaged in gun violence; nearly half of all individuals arrested for fatal and nonfatal firearm assaults in Boston during 2014 had a prior felony conviction (Braga & Cook, 2016). One study found that state laws that required relinquishment upon a possession disqualification were associated with a modest decrease in the proportion of crime guns traced to a source within the same state (Collins et al., 2018). More research is needed to better understand how relinquishment laws might complement purchase-specific policies—such as licensing requirements to prevent illegal firearm acquisition—by limiting illegal firearm possession among those with preexisting firearm access.

5.1 | Implications for policy and practice

Our findings underscored significant gaps in many laws that might limit how often relinquishment is ordered and whether the orders are likely to result in firearm dispossession (Zeoli et al., 2019). Namely, judicial discretion and the lack of compliance requirements—including clearly defined protocols regarding the timing, verification, and enforcement of relinquishment—provide actors with opportunities to avoid accountability. States may consider clearly specifying the requirements of judges, law enforcement, and respondents/defendants to bring relinquishment statutes more in line with their intended goal of ensuring that individuals subject to disqualifying DVPOs or convictions do not have access to firearms.

In addition to statute texts lacking detailed instructions, previous research has identified unclear enforcement protocols as barriers to the consistent application of DVPO relinquishment laws (Frattaroli & Teret, 2006; Frattaroli et al., 2021; Kafka et al., 2022). The existing case-level research on DVPOs also indicates that the implementation of relinquishment laws may be wholly inadequate in some jurisdictions (Kafka et al., 2022). The authors of a 2014 study documented similar challenges, finding the lack of order service as the primary reason firearms were not recovered from DVPO respondents in one of the two California counties under study (Wintemute et al., 2014). They also noted that information linking the respondent to firearms in California's Automated Firearms System was an important factor that increased the likelihood of firearm recovery by law enforcement (Wintemute et al., 2014). Unlike California, most states lack a robust data infrastructure that could help the court determine whether a prohibited person has access to firearms. In King County, Washington, Ellyson and colleagues (2023) evaluated whether the formation of the Regional Domestic Violence Firearms Enforcement Unit (RDVFEU)—a multidisciplinary unit that includes law enforcement, advocates, and court personnel, among others—led to improvements in judicial enforcement and respondent compliance at the individual level. RVDFEU implementation was associated with significant improvements in key

relinquishment outcomes, including greater odds of DVPOs containing an order to relinquish weapons, respondent compliance, and relinquishment of one or more weapons (Ellyson et al., 2023). The findings from both studies suggest that information-sharing and resource allocation to enforce relinquishment could help to overcome implementation barriers and ensure that judges are issuing, and respondents are complying with, firearm relinquishment orders.

The statutory elements of relinquishment policies have important practical implications, particularly for the safety of domestic violence victim–survivors who petition for a DVPO. In 13 of the 31 states with DVPO relinquishment laws, the law does not apply to respondents to ex parte protective orders despite such orders being granted when more immediate protection is warranted in the interim period before a hearing for a full order (Zeoli et al., 2019). Additionally, respondents to ex parte orders may still lawfully possess firearms in some states that otherwise restrict firearm possession and include relinquishment requirements for respondents to full orders. Given the high incidence of firearm abuse reported by victim–survivors of intimate partner violence who seek protection orders (Lynch et al., 2022), and the fact that physical abuse is a key predictor of an ex parte order being granted (Groggel, 2021), failing to require dispossession for respondents to ex parte orders could do little to safeguard petitioners from firearm violence. Conditional directives for relinquishment may present similar risks to petitioner safety if the necessary conditions to activate a relinquishment provision are not documented in the petition or inquired by the judge. Kafka and colleagues (2022) noted that North Carolina judges failed to ask about respondents' access to firearms in 76% of cases despite being required to do so under law (N.C. Gen. Stat. § 50B-3.1). For these reasons, a default *shall order* directive that does not depend on the court's willingness to inquire about firearms may better serve victim–survivors.

Several states permit exemptions to DVPO-related relinquishment based on the need for firearm possession as part of employment, including for law enforcement or active-duty military members. Although prevalence estimates of officer-perpetrated domestic violence and domestic violence among active-duty military members vary widely across studies, self-report data suggest that such abuse is far from uncommon (Kwan et al., 2020; Mennicke & Ropes, 2016).[6] Prohibiting firearm possession outside the course of employment and requiring that firearms be stored at the place of employment may help to mitigate risks posed to petitioners by exemptions.

5.2 | Implications for research

Our study has implications for policy evaluation and implementation research. First, the policy surveillance we conducted highlights future directions of research to pursue, such as examining whether relinquishment laws are being applied in a manner that is consistent with their statute texts. The level of discretion that states grant to courts, as well as the conditions that must be met for relinquishment to be a permissible form of relief, varies greatly by state (particularly for DVPOs). Researchers should seek to understand how these differences impact judicial decision-making involving relinquishment. Findings from two states with conditional *shall order* directives indicate that judges declined to order relinquishment in some cases despite necessary conditions being met (Kafka et al., 2022) or petitioners specifically requesting firearm removal (Wallin & Durfee, 2020). These results suggest that judges fail to order relinquishment, use the limited discretionary opportunities that exist by determining that necessary conditions for relinquishment are not present in a petition, or simply do not follow conditional *shall order* directives. Therefore, the degree to which court discretion is permitted under the law—and exercised outside of it—may play a critical role in whether prohibited possessors are ultimately disarmed. Research that builds

on the courtroom observation approach used by Kafka and colleagues (2022) would help to better understand how relinquishment laws are applied in practice.

Second, our findings can aid future efforts to evaluate relinquishment compliance and enforcement. Very little is known about what "works" to disarm prohibited possessors. We documented key elements of relinquishment laws that researchers hypothesized would influence the likelihood of firearm relinquishment (Zeoli et al., 2019). A logical extension of this work would aim to understand the practical implications of the various statutory elements. For example, to what extent does requiring proof of transfer increase relinquishment compliance? Do laws that authorize law enforcement to take possession of firearms upon serving an order achieve more favorable relinquishment outcomes? Indeed, as evidenced by the promising results of a domestic violence firearms enforcement unit in King County detailed by Ellyson and colleagues (2023), implementation at the local level plays a significant role in shaping compliance. Nonetheless, given that laws can dictate how the relinquishment process may be carried out, it is important that future research consider the impacts of specific statutory provisions.

Finally, our results provide a foundation for future ecological studies to evaluate the impact of relinquishment laws on various firearm-related outcomes. The existing research is limited to assessments of domestic violence-specific relinquishment provisions on IPH (Díez et al., 2017; Zeoli et al., 2018) and pregnancy-associated homicide (Wallace et al., 2021). A recent RAND report noted that firearm policy researchers were generally optimistic about the potential for relinquishment laws to reduce multiple forms of violence (Smart et al., 2021). Our 50-state summary of relinquishment provisions that are tied to common firearm disqualifications will facilitate longitudinal research that answers key questions about the effects of relinquishment policies.

5.3 | Limitations

Our study has several limitations that should be noted. First, we did not assess relinquishment provisions pertaining to extreme risk protection orders (ERPOs). In general, although there are differences in the standards of proof, authorized petitioners, and process elements of ERPOs by state, there is more commonality in the base relinquishment requirements for these civil orders than DVPOs (e.g., all ex parte ERPOs require the respondent to relinquish their firearms). Second, we did not specifically document whether laws specify how judges are to communicate relinquishment orders, or if they provide guidance to judges about inquiring into firearm access. A related limitation of our work is that we did not track the penalties for failing to comply with a relinquishment order. Alongside compliance requirements and the seizing abilities of law enforcement when a respondent fails to transfer their firearms, specified penalties may deter noncompliance and increase the likelihood of dispossession (Zeoli et al., 2019). Lastly, although our review process was exhaustive, it is possible that we failed to capture minor statutory changes pertaining to the relinquishment process. Our study involved only one coder, which precluded our ability to demonstrate interrater reliability across multiple coders. However, questions about statutes were periodically discussed and resolved between the authors throughout the study.

6 | CONCLUSION

Many state laws still lack elements that are expected to increase the likelihood of relinquishment. The absence of specific provisions that authorize or require the court to order firearm

relinquishment may facilitate unlawful firearm retention by individuals who have become prohibited from possessing firearms due to a disqualifying conviction or DVPO. States might consider strengthening their laws by requiring that the court order relinquishment in all cases, adopting strict standards for proof of compliance, and authorizing law enforcement to recover unrelinquished firearms if there is evidence of noncompliance. Future research that examines relinquishment order issuance across multiple jurisdictions is needed to better understand the barriers to implementation and possible measures that can be taken to improve relinquishment policies.

ACKNOWLEDGMENTS

Research reported in this publication was supported by the Eunice Kennedy Shriver National Institute of Child Health and Human Development of the National Institutes of Health under Award Number T32HD108054. The content is solely the responsibility of the authors and does not necessarily represent the official views of the National Institutes of Health.

CONFLICT OF INTEREST

The authors declare no conflicts of interest.

ORCID

Stephen N. Oliphant https://orcid.org/0000-0002-5235-173X
April M. Zeoli https://orcid.org/0000-0002-9084-1721

ENDNOTES

[1] For the purpose of this study, we consider laws that direct the prohibited person to relinquish their firearms to be *shall order* policies given that no discretionary component exists.

[2] The search query returned over 6000 results. Most statutes appearing in the search results were unrelated to firearm relinquishment; instead, many were related to regulations of the sale or transfer of firearms or other weapons.

[3] Pennsylvania's relinquishment provision for felony convictions applies to select offenses, many of which are violent crimes (e.g., aggravated assault, voluntary manslaughter, murder, etc.).

[4] We define "unconditional" relinquishment directives as those that do not require additional conditions be present for a court's relinquishment authorization (*may order*) or requirement (*shall order*) to apply.

[5] Respondents in Massachusetts must turn firearms into law enforcement but may subsequently transfer them to a licensed dealer. Respondents in Louisiana may similarly transfer firearms to an eligible third party after an initial transfer to law enforcement.

[6] A systematic review of officer-perpetrated domestic violence noted that estimated rates ranged from 4.8% to 40% (Mennicke & Ropes, 2016). A meta-analysis of physical intimate partner violence among active-duty males estimated a pooled prevalence rate of 22.0% from a range of 5%–34% (Kwan et al., 2020).

REFERENCES

Ben-Michael, E., Arbour, D., Feller, A., Franks, A., & Raphael, S. (2023). Estimating the effects of a California gun control program with multitask Gaussian processes. *The Annals of Applied Statistics*, *17*(2), 985–1016.

Braga, A. A., & Cook, P. J. (2016). The criminal records of gun offenders. *Georgetown Journal of Law and Public Policy*, *14*(1), 1–16.

Braga, A. A., Griffiths, E., Sheppard, K., & Douglas, S. (2021). Firearm instrumentality: Do guns make violent situations more lethal. *Annual Review of Criminology*, *4*(1), 147–164.

California Department of Justice. (2022). *Armed and Prohibited Persons System Report 2022*. Office of the Attorney General. https://oag.ca.gov/system/files/media/2022-apps-report.pdf

Campbell, J. C., Webster, D., Koziol-McLain, J., Block, C., Campbell, D., Curry, M. A., Gary, F., Glass, N., McFarlane, J., & Sachs, C. (2003). Risk factors for femicide in abusive relationships: Results from a multisite case control study. *American Journal of Public Health*, *93*(7), 1069–1097.

Centers for Disease Control and Prevention. (2022). *Underlying Cause of Death*. http://wonder.cdc.gov/ucd-icd10-expanded.html

Cloud, L. K., Prood, N., & Ibrahim, J. (2023). Disarming intimate partner violence offenders: an in-depth descriptive analysis of federal and state firearm prohibitor laws in the United States, 1991–2016. *Journal of Interpersonal Violence*, *38*(5–6), 5164–5189. https://doi.org/10.1177/08862605221120891

Collins, T., Greenberg, R., Siegel, M., Xuan, Z., Rothman, E. F., Cronin, S. W., & Hemenway, D. (2018). State firearm laws and interstate transfer of guns in the USA, 2006–2016. *Journal of Urban Health*, *95*, 322–336.

Conner, A., Azrael, D., & Miller, M. (2019). Suicide case-fatality rates in the United States, 2007 to 2014: A nationwide population-based study. *Annals of Internal Medicine*, *171*(12), 885–895.

Díez, C., Kurland, R. P., Rothman, E. F., Bair-Merritt, M., Fleegler, E., Xuan, Z., Galea, S., Ross, C. S., Kalesan, B., & Goss, K. A. (2017). State intimate partner violence–related firearm laws and intimate partner homicide rates in the United States, 1991 to 2015. *Annals of Internal Medicine*, *167*(8), 536–543.

Ellyson, A. M., Adhia, A., Shanahan, S., Alsinai, A., DiMascolo, L., Reygers, M., Bowen, D., & Rowhani-Rahbar, A. (2023). Firearm restrictions in domestic violence protection orders: Implementation, vetting, compliance, and enforcement. Criminology & Public Policy. https://doi.org/10.1111/1745-9133.12639

Federal Bureau of Investigation. (2022). *National Instant Criminal Background Check System Operational Report 2020–2021*. https://www.fbi.gov/file-repository/nics-2020-2021-operations-report.pdf/view

Fox, J. (2022). *Multiply-imputed Supplementary Homicide Reports File 1976-2020* [Unpublished data]. Northeastern University.

Frattaroli, S., & Teret, S. P. (2006). Understanding and informing policy implementation: A case study of the domestic violence provisions of the Maryland Gun Violence Act. *Evaluation Review*, *30*(3), 347–360.

Frattaroli, S., Zeoli, A. M., & Webster, D. W. (2021). Armed, prohibited and violent at home: Implementation and enforcement of restrictions on gun possession by domestic violence offenders in four US localities. *Journal of Family Violence*, *36*, 573–586.

Groggel, A. (2021). The role of place and sociodemographic characteristics on the issuance of temporary civil protection orders. *Law & Society Review*, *55*(1), 38–69.

Hemenway, D., & Nelson, E. (2020). The scope of the problem: gun violence in the USA. *Current Trauma Reports*, *6*(1), 29–35. https://doi.org/10.1007/s40719-020-00182-x

Kafka, J. M., Moracco, K. E., Williams, D. S., & Hoffman, C. G. (2022). Disarming abusers: Domestic violence protective order (DVPO) firearm restriction processes and dispositions. *Criminology & Public Policy*, *21*(2), 379–404.

Kwan, J., Sparrow, K., Facer-Irwin, E., Thandi, G., Fear, N. T., & MacManus, D. (2020). Prevalence of intimate partner violence perpetration among military populations: A systematic review and meta-analysis. *Aggression and Violent Behavior*, *53*, Article 101419.

Law Center to Prevent Gun Violence. (2016). *Keeping illegal guns out of dangerous hands*. https://nnedv.org/wp-content/uploads/2019/06/Keeping-Guns-Out-of-Dangerous-Hands-Sept-20161.pdf

Lynch, K. R., Boots, D. P., Jackson, D. B., & Renzetti, C. M. (2022). Firearm-related Abuse and Protective Order Requests Among Intimate Partner Violence Victims. *Journal of Interpersonal Violence*, *37*(15–16), NP12973–NP12997. https://doi.org/10.1177/08862605211001474

Mennicke, A. M., & Ropes, K. (2016). Estimating the rate of domestic violence perpetrated by law enforcement officers: A review of methods and estimates. *Aggression and Violent Behavior*, *31*, 157–164.

Pear, V. A., McCort, C. D., Li, Y., Beckett, L., Tancredi, D., Studdert, D. M., Kass, P. H., Pierce, G. L., Braga, A. A., & Wright, M. A. (2021). Armed and prohibited: Characteristics of unlawful owners of legally purchased firearms. *Injury Prevention*, *27*(2), 145–149.

Smart, R., Morral, A. R., Ramchand, R., Charbonneau, A., Williams, J., Smucker, S., Cherney, S., & Xenakis, L. (2023). *The science of gun policy: a critical synthesis of research evidence on the effects of gun policies in the United States* (3rd ed.). Rand Corporation. https://www.rand.org/pubs/research_reports/RRA243-4.html

Smart, R., Morral, A. R., & Schell, T. L. (2021). *The magnitude and sources of disagreement among gun policy experts*. Rand Corporation.

Vigdor, E. R., & Mercy, J. A. (2006). Do laws restricting access to firearms by domestic violence offenders prevent intimate partner homicide? *Evaluation Review*, *30*(3), 313–346.

Wallace, M. E., Vilda, D., Theall, K. P., & Stoecker, C. (2021). Firearm relinquishment laws associated with substantial reduction in homicide of pregnant and postpartum women. *Health Affairs*, *40*(10), 1654–1662.

Wallin, M., & Durfee, A. (2020). Firearm removal, judicial decision-making, and domestic violence protection orders. *Violence and Gender*, *7*(1), 27–32.

Wallin, M. A., Holliday, C. N., & Zeoli, A. M. (2021). The association of federal and state-level firearm restriction policies with intimate partner homicide: A re-analysis by race of the victim. *Journal of Interpersonal Violence*, *37*(17-18), NP16509–NP16533.

Webster, D. W., Frattaroli, S., Vernick, J. S., O'Sullivan, C., Roehl, J., & Campbell, J. C. (2010). Women with protective orders report failure to remove firearms from their abusive partners: Results from an exploratory study. *Journal of Women's Health*, *19*(1), 93–98.

Webster, D. W., McCourt, A. D., Crifasi, C. K., Booty, M. D., & Stuart, E. A. (2020). Evidence concerning the regulation of firearms design, sale, and carrying on fatal mass shootings in the United States. *Criminology & Public Policy*, *19*(1), 171–212.

Wintemute, G. J. (2019). Background checks for firearm purchases: Problem areas and recommendations to improve effectiveness. *Health Affairs*, *38*(10), 1702–1710.

Wintemute, G. J., Drake, C. M., Beaumont, J. J., Wright, M. A., & Parham, C. A. (1998). Prior misdemeanor convictions as a risk factor for later violent and firearm-related criminal activity among authorized purchasers of handguns. *JAMA*, *280*(24), 2083–2087.

Wintemute, G. J., Frattaroli, S., Claire, B. E., Vittes, K. A., & Webster, D. W. (2014). Identifying armed respondents to domestic violence restraining orders and recovering their firearms: Process evaluation of an initiative in California. *American Journal of Public Health*, *104*(2), e113–e118.

Wintemute, G. J., Wright, M. A., Drake, C. M., & Beaumont, J. J. (2001). Subsequent criminal activity among violent misdemeanants who seek to purchase handguns: Risk factors and effectiveness of denying handgun purchase. *JAMA*, *285*(8), 1019–1026.

Wooldredge, J., & Thistlethwaite, A. (2005). Court dispositions and rearrest for intimate assault. *Crime & Delinquency*, *51*(1), 75–102. https://doi.org/10.1177/0011128704266422

Wright, M. A., Wintemute, G. J., & Rivara, F. P. (1999). Effectiveness of denial of handgun purchase to persons believed to be at high risk for firearm violence. *American Journal of Public Health*, *89*(1), 88–90.

Zeoli, A. M., Frattaroli, S., Roskam, K., & Herrera, A. K. (2019). Removing firearms from those prohibited from possession by domestic violence restraining orders: A survey and analysis of state laws. *Trauma, Violence, & Abuse*, *20*(1), 114–125.

Zeoli, A. M., McCourt, A., Buggs, S., Frattaroli, S., Lilley, D., & Webster, D. W. (2018). Analysis of the strength of legal firearms restrictions for perpetrators of domestic violence and their associations with intimate partner homicide. *American Journal of Epidemiology*, *187*(11), 2365–2371.

SUPPORTING INFORMATION

Additional supporting information can be found online in the Supporting Information section at the end of this article.

How to cite this article: Oliphant, S. N., & Zeoli, A. M. (2024). State efforts to enforce firearm dispossession through relinquishment laws. *Criminology & Public Policy*, *23*, 893–918. https://doi.org/10.1111/1745-9133.12677

AUTHOR BIOGRAPHIES

Stephen N. Oliphant is a postdoctoral research fellow at the Institute for Firearm Injury Prevention at the University of Michigan. His research interests include firearm policy analysis and violence prevention.

April M. Zeoli is an associate professor of Health Management and Policy and the Policy Core Director of the Institute for Firearm Injury Prevention at the University of Michigan. Her research interests include firearm policy evaluation and implementation.