

## RELEVANT FEDERAL GUN LAWS:

Generally, the following people cannot possess guns\* or ammunition under federal law, 18 U.S.C. § 922:

- Felons;
- Fugitives;
- Unlawful users of or addicts to a controlled substance [*federal definition not entirely clear*];
- Persons who have been adjudicated as mentally "defective" or who have been involuntarily committed to a mental institution;
- Illegal aliens and non-immigrant aliens;
- Persons dishonorably discharged from the armed forces;
- Persons who have renounced their U.S. citizenship;
- Persons who are the subject of a qualifying domestic protection order; and
- Persons convicted of a misdemeanor crime of domestic violence.

**THE BRADY ACT:** Requires law enforcement to conduct background checks before someone can purchase a handgun from a gun dealer. Licensed dealers cannot sell a handgun to an unlicensed individual unless they comply with the Brady Act and waiting period (5 days). 18 U.S.C. §§ 922, 924.

**NICS:** National Instant Criminal Background Check System established by AG under 18 U.S.C. § 922(t), operated by FBI. Licensed sellers shall not sell a firearm to anyone without a federal license unless the seller contacts NICS and the system provides the licensee a unique identifier OR three days pass and the system does not notify the licensee that receipt of the firearm would violate federal law.

- **VERMONT DOES NOT CURRENTLY REPORT TO NICS.**
- **17 states have laws mandating the report of mental health disqualification information to NICS (AL; CO; DE; FL; GA; ID; IN; KS; ME; MS; NE; NV; NY; NC; ND; PA; TN; TX; WV)**
- **Current VT law, 18 V.S.A. § 7103, generally restricts disclosure of information related to mental health treatment and would need to be amended to permit reporting to NICS.**

\* Federal law, 18 U.S.C. § 921(a)(3), defines a firearm as: "(A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm."