



Post-Conviction Firearm Rights in California

A conviction for possession of a firearm after your firearms rights have been restricted can be a felony itself under state or federal law, and may result in a prison sentence. It's important to understand your rights and duties.

This fact sheet is for information only. You should consult an attorney about your specific situation before possessing a firearm.

I have a felony conviction or an outstanding warrant for a felony charge. Are my firearms rights restricted?

YES! In general, if you have been convicted of a felony (or if you have an outstanding warrant for a felony), it is also a [felony](#) for you to own, purchase, receive, or have possession of a firearm in the state of California. This isn't just a temporary ban: it's a lifetime ban. This also means that even if you owned a firearm before the time of your conviction, it is illegal for you to keep that firearm, so it's essential that you surrender it in a [legally compliant way](#).

Sometimes firearms rights can be restored. See "Can I get my firearms rights back?" below.

If I don't have a felony conviction, can my firearms rights be restricted?

YES! Even if you don't have a felony conviction, there may be limits on your gun rights under either California or federal law.

- **California Restrictions**

Some misdemeanors result in a [10-year firearms ban](#): battery, assault, domestic violence, child abuse, and possession/sale or transfer of weapons can all result in a 10-year ban, depending on the type and severity of the crime. People who are addicted to narcotics, people with certain mental illnesses and people who are subject to domestic violence restraining orders, can also be banned from possessing firearms.

For a more complete list of people who may not own or possess a firearm in the state of California, [click here](#).

- **Federal Restrictions**

A federal law commonly known as the [Lautenberg Amendment](#) imposes a **lifetime ban** on firearm possession on anyone "who has been convicted in any court of a misdemeanor crime of domestic violence." A crime of domestic violence is defined as a crime that "has, as an element, the use or attempted use of physical force, or the

This flyer provides general information about your right to own/purchase firearms, and does not constitute legal advice. You should consult an attorney about your situation. Do not rely solely on this flyer.

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, or by a person similarly situated to a spouse, parent, or guardian of the victim.”

In some circumstances, a person who was in a dating relationship with the victim can be subject to a 5-year firearms ban under the Lautenberg Amendment.

The most common California misdemeanor that is included in this list is spousal or intimate partner abuse, [Penal Code 273.5](#), but there are others. [Simple battery, Penal Code 242, is not included.](#)

Note: the Lautenberg Amendment permits firearms rights restoration if your case is expunged AND your state law allows. [California law does NOT allow firearms restoration after dismissal/expungement.](#)

Can I get my firearms rights back?

For some felonies — for example, felonies that are considered “serious” or “violent” or where you were sentenced to state prison — it will never be possible to restore your [gun rights](#) without a pardon from the California governor.

Some felony convictions can be reduced to misdemeanors. If you were convicted of a felony “wobbler,” you can ask a judge to [reduce your conviction](#) to a misdemeanor. This request is often combined with a request for dismissal, often called expungement. If the judge says yes, your gun rights may be restored. To be eligible, all of the following must apply:

- the conviction is for a crime that could have been charged as a misdemeanor; **and**
- you were not sentenced to prison for that felony; **and**
- you were not sentenced to “felony jail” under Realignment; **and**
- you were not sentenced to prison for a parole violation in another case while on probation.

Some felony cannabis convictions can be reduced to misdemeanors under [Prop. 64](#), California’s marijuana legalization law. If you apply to the court for a Prop. 64 reduction, and it is granted, your firearms rights will be restored. You can find more information on Prop. 64 [here](#).

What if my conviction was reduced under Prop. 47?

A reduction to a misdemeanor under [Prop. 47](#) does **not** restore firearms rights.