## State Laws Pertaining to Temporary Firearm Transfer to Protect a Person at Risk of Harm to Self or Others

Framework by Means Matter; legal research thanks to pro bono services by Giffords Law Center.

Laws covered here are for voluntary transfers only. Visit nraia.org and lawcenter.giffords.org for info on other state & federal laws.

### Last updated: 1/24/18

<table>
<thead>
<tr>
<th>STATE</th>
<th>BACKGROUND CHECKS</th>
<th>LICENSES/PERMITS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Background check needed for secondary gun transfer? (type) Statute</td>
<td>Are there exceptions for short-term transfers/loans?</td>
</tr>
<tr>
<td>Alabama</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Alaska</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Arizona</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Arkansas</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>California</td>
<td>Yes (private sale) Cal. Penal code § 27545</td>
<td>Cal. Penal code § 27880 permits loans if all of the following are satisfied: the loan is to certain family members (spouse, registered domestic partner, parent, child, sibling, grandparent, grandchild); it is infrequent; it is for a lawful purpose; it does not exceed 30 days in duration; the individual has a valid firearm safety certificate, or in the case of a handgun, an unexpired handgun safety certificate; and if a handgun, the gun is registered to the loaner under Penal Code 11106.</td>
</tr>
</tbody>
</table>
| Colorado    | Yes (private sale) CRS 18-12-112 | CRS 18-12-112(6)(b): Parents, kids, grands, aunts, nephews, 1st cousins, for any time period. 
CRS 18-12-112(6)(h): A loan to anyone for 72 hours or less | Background checks must be conducted by a licensed firearms dealer. Also, under" CRS 18-12-112(6)(h) a person who transfers a firearm pursuant to paragraph (h) may be liable for damages proximately caused by the transferee's subsequent unlawful use of the firearm" | No | |
<p>| Connecticut | Yes (private sale) C.G.S.A. § 29-33 (pistol or revolver) | No | | Yes C.G.S.A. § 29-33 [pistol or revolver] | C.G.S.A. § 29-34 (b): pistol or revolver may be temporarily transferred for use in target shooting or on firing or shooting range, provided person is under immediate supervision of a person eligible to possess a pistol or revolver. |</p>
<table>
<thead>
<tr>
<th>STATE</th>
<th>BACKGROUND CHECKS</th>
<th>LICENSES/PERMITS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Background check needed for secondary gun transfer? (type) Statute</td>
<td>State requires a license or permit to possess a gun? Statute</td>
</tr>
<tr>
<td>Delaware Yes (private sale) 11 Del.C. §1448B</td>
<td>Are there exceptions for short-term transfers/loans?</td>
<td>Notes on background check requirements for short-term transfers/loans</td>
</tr>
<tr>
<td></td>
<td>C.G.S.A. § 29-37a (long guns)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>§1448B(b)(2) “Transfer” does not include:</td>
<td>Background check requirement does not apply to shotguns.</td>
</tr>
<tr>
<td></td>
<td>a. The loan of a firearm for any lawful purpose, for a period of 14 days or less, by the owner of said firearm to a person known personally to him or her;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>b. A temporary transfer for any lawful purpose that occurs while in the continuous presence of the owner of the firearm, provided that such temporary transfer shall not exceed 24 hours in duration;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>§1448B(c) Background check provisions do not apply to:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(1): Transactions in which the potential purchaser or transferee is a parent, mother-in-law, father-in-law, stepparent, legal guardian, grandparent, child, daughter-in-law, son-in-law, stepchild, grandchild, sibling, sister-in-law, brother-in-law, spouse, or civil union partner of the seller or transferor.</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>(5): Transactions in which the potential purchaser or transferee is a qualified active duty law-enforcement officer or a qualified retired law-enforcement officer, as such terms are defined in § 1441A of this title;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>§1448B(c)(6): Transactions in which the potential purchaser or transferee holds a current and valid concealed carry permit issued by the Superior Court of the State</td>
<td></td>
</tr>
<tr>
<td>STATE</td>
<td>BACKGROUND CHECKS</td>
<td>LICENSES/PERMITS</td>
</tr>
<tr>
<td>--------</td>
<td>-------------------</td>
<td>------------------</td>
</tr>
<tr>
<td></td>
<td>Are there exceptions for short-term transfers/loans?</td>
<td>Are there any exceptions to the license/permit requirement for short-term transfers or loans?</td>
</tr>
<tr>
<td>DC</td>
<td>Yes (registration)</td>
<td>D.C. Code Ann. sec. 7-2502.01(4) excepts any temporary possession of a firearm registered to another person, but only while in the registrant's home or place of business and if the person reasonably believes that possession is necessary to prevent imminent death or great bodily harm to himself or herself.</td>
</tr>
<tr>
<td></td>
<td>D.C. Code Ann. §7-2505.02(c) &amp; 7-2502.03</td>
<td>No</td>
</tr>
<tr>
<td>Florida</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Georgia</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Yes (permit to purchase)</td>
<td>Yes. § 134-4(c) states that &quot;Any lawfully acquired rifle or shotgun may be lent to an adult for use within the State for a period not to exceed fifteen days without a permit; provided that where the rifle or shotgun is to be used outside of the State, the loan may be for a period not to exceed seventy-five days.&quot;</td>
</tr>
<tr>
<td>Idaho</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Illinois</td>
<td>Yes (permit to purchase)</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>430 Illinois Comp. Stat. 65/3(a-10): The provisions of subsection (a-10) of this Section do not apply to: . . . (2) transfers as a bona fide gift to the transferor's husband, wife, son, daughter, stepson, stepdaughter, father, mother, stepfather, stepmother, brother, sister, nephew, niece, uncle, aunt, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, or daughter-in-law; . . . (6) temporary transfers that occur while in the home of the unlicensed transferee, if the unlicensed transferee is not otherwise prohibited from possessing firearms and the unlicensed transferee reasonably</td>
<td>430 Illinois Comp. Stat. 65/2(b): The provisions of this Section regarding the possession of firearms, firearm ammunition, stun guns, and tasers do not apply to: (11) Unemancipated minors while in the custody and immediate control of their parent or legal guardian or other person in loco parentis to the minor if the parent or legal guardian or other person in loco parentis to the minor has a currently valid Firearm Owner's Identification Card</td>
</tr>
<tr>
<td></td>
<td>Municipalities are permitted to have more restrictive rules (430 Illinois Comp. Stat. 65/13.3)</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>430 Illinois Comp. Stat. 65/2(a)</td>
<td>430 Illinois Comp. Stat 65/2(b): The provisions of this Section regarding the possession of firearms, firearm ammunition, stun guns, and tasers do not apply to: (11) Unemancipated minors while in the custody and immediate control of their parent or legal guardian or other person in loco parentis to the minor if the parent or legal guardian or other person in loco parentis to the minor has a currently valid Firearm Owner's Identification Card</td>
</tr>
<tr>
<td>STATE</td>
<td>Background check needed for secondary gun transfer? (type) Statute</td>
<td>Are there exceptions for short-term transfers/loans?</td>
</tr>
<tr>
<td>-----------</td>
<td>---------------------------------------------------------------</td>
<td>-----------------------------------------------------</td>
</tr>
<tr>
<td>Indiana</td>
<td>No</td>
<td><strong>believes that possession of the firearm is necessary to prevent imminent death or great bodily harm to the unlicensed transferee;</strong> . . . (9) transfers to a person who is exempt from the requirement of possessing a Firearm Owner’s Identification Card under Section 2 of this Act (Unemancipated minors while in the custody and immediate control of their parent or legal guardian or other person in loco parentis to the minor if the parent or legal guardian or other person in loco parentis to the minor has a currently valid Firearm Owner’s Identification Card)</td>
</tr>
<tr>
<td>Iowa</td>
<td>Iowa Code Sec. 724.16</td>
<td>Iowa Code Section 724.15(2): 2. Any person who acquires ownership of a pistol or revolver shall not be required to obtain an annual permit if: . . . (e) The person transferring revolver are related to one another within the second degree of consanguinity or affinity unless the person transferring the pistol or revolver knows that the person acquiring the pistol or revolver would be ineligible to obtain a permit.</td>
</tr>
<tr>
<td>Kansas</td>
<td>No</td>
<td><strong>before a person purchases, rents or transfers a regulated firearm in the state, that person must submit to the</strong></td>
</tr>
<tr>
<td>Kentucky</td>
<td>No</td>
<td><strong>Ballot Initiative 25 MRSA 2014 was recently defeated. It would have created a universal background check system.</strong></td>
</tr>
<tr>
<td>Louisiana</td>
<td>No</td>
<td><strong>Before a person purchases, rents or transfers a regulated firearm in the state, that person must submit to the</strong></td>
</tr>
<tr>
<td>Maine</td>
<td>No</td>
<td><strong>before a person purchases, rents or transfers a regulated firearm in the state, that person must submit to the</strong></td>
</tr>
<tr>
<td>Maryland</td>
<td>Yes (private purchase)</td>
<td><strong>Believes that possession of the firearm is necessary to prevent imminent death or great bodily harm to the unlicensed transferee; . . .</strong> (9) transfers to a person who is exempt from the requirement of possessing a Firearm Owner’s Identification Card under Section 2 of this Act (Unemancipated minors while in the custody and immediate control of their parent or legal guardian or other person in loco parentis to the minor if the parent or legal guardian or other person in loco parentis to the minor has a currently valid Firearm Owner’s Identification Card)</td>
</tr>
<tr>
<td>STATE</td>
<td>Background check needed for secondary gun transfer? (type) Statute</td>
<td>Are there exceptions for short-term transfers/loans?</td>
</tr>
<tr>
<td>------------</td>
<td>-------------------------------------------------------------------</td>
<td>------------------------------------------------------</td>
</tr>
<tr>
<td>Maryland</td>
<td>Md. Code Ann. Pub. Safety § 5-124</td>
<td>permitted to own and obtain a regulated firearm does not constitute a “transfer” (Chow vs. State, 393 Md 431, 903 A2d 388 (2006))</td>
</tr>
<tr>
<td>STATE</td>
<td>Background check needed for secondary gun transfer? (type) Statute</td>
<td>Are there exceptions for short-term transfers/loans?</td>
</tr>
<tr>
<td>---------------</td>
<td>------------------------------------------------------------------</td>
<td>-----------------------------------------------------</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Mass. Gen. Laws ch. 140, § 128A</td>
<td>No</td>
</tr>
<tr>
<td>Michigan</td>
<td>Yes (permit to purchase) Mich. Comp. Laws SS 28.422, 28.422a.</td>
<td>No</td>
</tr>
<tr>
<td>Minnesota</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Mississippi</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Missouri</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Montana</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Nebraska</td>
<td>Yes (permit to purchase) Neb. Rev. St. §§ 69-2403-2405, 69-2407, 69-2409.</td>
<td>NRS: 69-2403(2)(d): Temporary transfer of handgun and the transferee remains in the line of sight of the transferer or within the premises of an established shooting facility NRS 69-2403(2)(e): The transfer is between a person and his or her spouse, sibling, parent, child, aunt, uncle, niece, nephew, or grandparent</td>
</tr>
<tr>
<td>Nevada</td>
<td>No</td>
<td>Recent ballot measure that would require a background check for private transfer was found unenforceable by Attorney General.</td>
</tr>
<tr>
<td>New Hampshire</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>New Jersey</td>
<td>Yes (permit to purchase) N.J. Stat. Ann. §</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>STATE</td>
<td>BACKGROUND CHECKS</td>
<td>LICENSES/PERMITS</td>
</tr>
<tr>
<td>---------------</td>
<td>-----------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td><strong>Background check needed for secondary gun transfer? (type) Statute</strong></td>
<td><strong>State requires a license or permit to possess a gun? Statute</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Are there exceptions for short-term transfers/loans?</strong></td>
<td><strong>Are there any exceptions to the license/permit requirement for short-term transfers or loans?</strong></td>
</tr>
<tr>
<td></td>
<td>Notes on background check requirements for short-term transfers/loans</td>
<td></td>
</tr>
<tr>
<td>New Mexico</td>
<td>Yes (private sale)</td>
<td>No</td>
</tr>
<tr>
<td>New York</td>
<td>NY Gen Bus L § 898 (2015) - when the &quot;exchange or disposal is between members of an immediate family,&quot; which, for purposes of this section, &quot;shall mean spouses, domestic partners, children and step-children.&quot;</td>
<td>Yes NY Penal Law § 400.00 For handguns only</td>
</tr>
<tr>
<td>North Dakota</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Ohio</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Oregon</td>
<td>Yes (private sale) Or. Rev. Stat. SS 166.412, 166.435</td>
<td>No</td>
</tr>
</tbody>
</table>

The entire sequence is explicitly carved out from the definition of transfer to which the BG check requirements apply.

NY Gen Bus L § 898 (2015) - When the “exchange or disposal is between members of an immediate family,” which, for purposes of this section, “shall mean spouses, domestic partners, children and step-children.”
<table>
<thead>
<tr>
<th>STATE</th>
<th>Background check needed for secondary gun transfer? (type)</th>
<th>Are there exceptions for short-term transfers/loans?</th>
<th>Notes on background check requirements for short-term transfers/loans</th>
<th>State requires a license or permit to possess a gun? Statute</th>
<th>Are there any exceptions to the license/permit requirement for short-term transfers or loans?</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Carolina</td>
<td>No</td>
<td></td>
<td></td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>South Dakota</td>
<td>No</td>
<td></td>
<td></td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Tennessee</td>
<td>No</td>
<td></td>
<td></td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Texas</td>
<td>No</td>
<td></td>
<td></td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Utah</td>
<td>No</td>
<td></td>
<td></td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Vermont</td>
<td>No</td>
<td></td>
<td></td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Virginia</td>
<td>No</td>
<td></td>
<td></td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Washington</td>
<td>Yes (private sale)</td>
<td></td>
<td>Rev. Code Wash. § 9.41.113(4): (as relevant)</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>STATE</td>
<td>Background check needed for secondary gun transfer? (type) Statute</td>
<td>Are there exceptions for short-term transfers/loans?</td>
<td>Notes on background check requirements for short-term transfers/loans</td>
<td>State requires a license or permit to possess a gun? Statute</td>
<td>Are there any exceptions to the license/permit requirement for short-term transfers or loans?</td>
</tr>
<tr>
<td>-------------</td>
<td>---------------------------------------------------------------</td>
<td>---------------------------------------------------</td>
<td>---------------------------------------------------------------------</td>
<td>-----------------------------------------------------</td>
<td>------------------------------------------------------------------</td>
</tr>
<tr>
<td>West Virginia</td>
<td>No</td>
<td></td>
<td></td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Wisconsin</td>
<td>No</td>
<td></td>
<td></td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Wyoming</td>
<td>No</td>
<td></td>
<td></td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>