Home > Question of the Month: What restrictions do states in the Midwest have on who can purchase or possess firearms?

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| Tim Anderson [1] |

**Answer:** A mix of state and federal laws makes it illegal for certain individuals to own or possess a firearm. At the federal level, the U.S. Gun Control Act prevents gun access to convicted felons, individuals addicted to a controlled substance, domestic violence abusers, and certain people with mental illnesses, among others.

According to the Giffords Law Center to Prevent Gun Violence [2], many states have adopted more-expansive restrictions than those spelled out in the federal law.

For example, the center lists Illinois, Indiana, Iowa, Minnesota, Nebraska, North Dakota and South Dakota as among the U.S. states that prohibit firearm purchases or possession for people convicted of certain types of violent or gun-related misdemeanors. Some states — Illinois, Iowa, Kansas, Minnesota, North Dakota, Ohio and Wisconsin in the Midwest — also extend these bans to people convicted of certain crimes as juveniles.

Under the U.S. Gun Control Act, people “who have been adjudicated as a mental defective” or have been “committed to a mental institution” cannot purchase or possess firearms. Some states have broader restrictions on gun access for individuals with a mental illness, the Giffords Center notes.

Illinois' prohibition, for example, extends to any individuals who have been patients in a mental institution or have been treated in a medical facility for a mental illness within the past five years. The state also requires physicians, clinical psychologists and other providers to report on individuals whom they deem to be a “clear and present danger.” The Illinois Department of Human Services, in turn, maintains a Firearm Owners Identification Card Mental Health Reporting System.

This year, with the signing of [HB 4855](http://knowledgecenter.csg.org/kc), Illinois tightened its reporting standards; all mental health admissions must now be reported. Also in 2018, Illinois became the second state in the Midwest with a “red flag” law, [HB 2354](http://knowledgecenter.csg.org/kc), signed into law in July, allows family members or law enforcement to take action when an individual with access to a firearm is exhibiting dangerous or threatening behavior. Judges can issue a “firearms restraining order” (in effect for six months) if they find clear and convincing evidence that an individual “poses a significant danger of personal injury to himself, herself or another.”

Indiana has had a different version of this type of law since 2005. In that state, if a police officer believes an individual should not have a firearm, the officer can present a sworn affidavit to a judge detailing why the person is dangerous. Police also can take firearms without a warrant if an officer later obtains judicial consent.

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