

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

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Last updated: 1/24/18	BACKGROUND CHECKS			LICENSES/PERMITS	
STATE	Background check needed for secondary gun transfer? (type) Statute	Are there exceptions for short-term transfers/loans?	Notes on background check requirements for short-term transfers/loans	State requires a license or permit to possess a gun? Statute	Are there any exceptions to the license/permit requirement for short-term transfers or loans?
Alabama	No			No	
Alaska	No			No	
Arizona	No			No	
Arkansas	No			No	
California	Yes (private sale) Cal. Penal code § 27545	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.	Transfers must be done through a licensed dealer.	Yes Cal. Penal code §§ 31610-31700	No
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	
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. § 29-37a [long	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.

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	C.G.S.A. § 29-37a (long guns)			guns]	
Delaware	Yes (private sale) 11 Del.C. §1448B	<p>§1448B(b)(2) "Transfer" does not include:</p> <p>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;</p> <p>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;</p> <p>§1448B(c) Background check provisions do not apply to:</p> <p>(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.</p> <p>(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;</p> <p>§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</p>	Background check requirement does not apply to shotguns.	No	

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		of Delaware pursuant to § 1441 of this title.			
DC	Yes(registration) D.C. Code Ann. §7-2505.02(c) & 7-2502.03	No	Only a registered dealer may transfer a firearm, and only to a person holding a valid registration, which requires a background check.	Yes D.C. Code Ann. § 7-2502.01 (West)	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.
Florida	No			No	
Georgia	No			No	
Hawaii	Yes (permit to purchase) Haw. Rev. Stat. Ann. § 134-2	Yes. § 134-4(c) states that "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."		Haw. Rev. Stat. Ann. § 134-2; Haw. Rev. Stat. Ann. § 134-4(c).	Yes. § 134-4(c) states that "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."
Idaho	No			No	
Illinois	Yes (permit to purchase) 430 Illinois Comp. Stat. 65/3(a-10)	430 Illinois Comp. Stat. 65/3(a-15): 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	Municipalities are permitted to have more restrictive rules (430 Illinois Comp. Stat. 65/13.3)	Yes 430 Illinois Comp. Stat. 65/2(a)	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

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		believes that possession of the firearm is necessary to prevent imminent death or great bodily harm to the unlicensed transferee; . . . (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)			
Indiana	No			No	
Iowa	Iowa Code Sec. 724.16	(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.		Yes Iowa Code Sec. 724.15(1)	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.
Kansas	No			No	
Kentucky	No			No	
Louisiana	No			No	
Maine	No		Ballot Initiative 25 MRSA 2014 was recently defeated. It would have created a universal background check system.	No	
Maryland	Yes (private purchase)	A temporary, gratuitous exchange or loan of a regulated firearm between two adult individuals, who are otherwise legally	Before a person purchases, rents or transfers a regulated firearm in the state, that person must submit to the	Yes Md. Code Ann. Pub. Safety	No

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	Md. Code Ann. Pub. Safety § 5-124	permitted to own and obtain a regulated firearm does not constitute a "transfer" (Chow vs. State, 393 Md 431, 903 A2d 388 (2006)) No statutes / case laws found with respect to exceptions from background checks / transfer law for temporary transfers to persons who are not already legally permitted to possess firearms.	Department of State Police (DSP) or other designated law enforcement agency a firearm application (Maryland State Police 77R Application and Affidavit) that identifies the applicant, the firearm that is the subject of the transaction, prospective transferee information, etc. Transfers must be processed through a licensed dealer or designated law enforcement agency, which dealer or designated agency must conduct a background check on the prospective purchaser / transferee. A 7-day waiting period is imposed prior to physical transfer of a handgun or assault weapon. During the 7-day waiting period, the DSP checks a series of databases to include the Criminal Justice Information System, Criminal History Indexes, District Courts, Parole and Probation, Motor Vehicle Administration, Juvenile Justice System, and the Department of Health and Mental Hygiene. The DSP also causes a check to be made through the FBI's National Instant Check System. The DSP then notifies the dealer whether or not the person is prohibited from possessing a firearm.	§ 5-117.1.(c)	
Massachusetts	Yes (permit to purchase)	No		Yes MA General Laws, Part I, Title XX, Chapter 140,	No

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	Mass. Gen. Laws ch. 140, § 128A			Sections 129B, 129C and 131	
Michigan	Yes (permit to purchase) Mich. Comp. Laws SS 28.422, 28.422a.	No	Michigan's permit system applies only to handguns	Yes Mich. Comp. Laws SS 28.422, 28.422a. (Applies only to handguns)	No
Minnesota	No			Yes Minn. Stat. 624.7131, 624.7132	No (Note: Transferee must obtain a permit or report the transfer to the sheriff.)
Mississippi	No			No	
Missouri	No			No	
Montana	No			No	
Nebraska	Yes (permit to purchase) Neb. Rev. St. §§ 69-2403-2405, 69-2407, 69-2409.	NRS: 69-2403(2)(d): Temporary transfer of handgun and the transferee remains in the line of sight of the transferor 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	Nebraska's permit system applies only to handguns	Yes Neb. Rev. Stat. §§ 69-2403-2405, 69-2407, 69-2409 Handguns only	Yes NRS: 69-2403(2)(d): Temporary transfer of handgun and the transferee remains in the line of sight of the transferor 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
Nevada	No		Recent ballot measure that would require a background check for private transfer was found unenforceable by Attorney General.	No	
New Hampshire	No			No	
New Jersey	Yes (permit to purchase) N.J. Stat. Ann. §	No		Yes N.J. Stat. Ann. § 2C:58-3(a), (b) and (i)	New Jersey's law appears to prohibit "possession" without a permit, but exempts possession in the home or place of business from this requirement, making this prohibition apply primarily to

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	2C:58-3(a), (b), (e), and (f) N.J.A.C. 13:54-1.4 and 2.5				guns in public. See N.J. Stat. §§ 2C:39-5, 2C:39-6(e).
New Mexico	No			No	
New York	Yes (private sale) NY Gen Bus L § 898 (2015)	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."		Yes NY Penal Law § 400.00 For handguns only	No.
North Carolina	Yes (permit to purchase) N.C. Gen. Stat. 14-404(a)(1)	No		Yes N.C. Gen. Stat. 14-402(a)	No
North Dakota	No			No	
Ohio	No			No	
Oklahoma	No			No	
Oregon	Yes (private sale) Or. Rev. Stat. SS 166.412, 166.435	Or. Rev. Stat. S 166.435(a)(F)(2015). Transfer of a firearm permitted "(F) For the purpose of preventing imminent death or serious physical injury, and the provision lasts only as long as is necessary to prevent the death or serious physical injury."	The entire sequence is explicitly carved out from the definition of transfer to which the BG check requirements apply.	No	
Pennsylvania	Yes (private sale) 18 Pa. Stat. and Cons. Stat. Ann. § 6111 (c)	18 Pa. Stat. and Cons. Stat. Ann. § 6111 (c) Spouses, between parent and child or granparent and grandchild for any time period.	Limited to hand guns. Long-barreled guns can be transferred without background check. Background checks conducted by a licensed dealer or a designated law enforcement agency.	No	
Rhode Island	Yes (private sale) 11 R.I. Gen. Laws Ann. §§ 11-47-35, 11-47-35.2	11 R.I. Gen. Laws Ann. §§ 11-47-35.1 - police, state marshalls, correctional officers and people licensed to carry for any time period		Yes 11 R.I. Gen. Laws Ann. § 11-47-35 (a)(ii)	No

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South Carolina	No			No	
South Dakota	No			No	
Tennessee	No			No	
Texas	No			No	
Utah	No			No	
Vermont	No			No	
Virginia	No			No	
Washington	Yes (private sale) Rev. Code Wash. § 9.41.113(3)	Rev. Code Wash. § 9.41.113(4): (as relevant) (a) Transfer between immediate family members (which now includes parents-in-law and siblings-in-law) that is a bona fide gift or loan (b) Sale or transfer of an antique firearm (c) Temporary transfer of possession if such transfer is necessary to prevent imminent death or great bodily harm to the person to whom the firearm is transferred, if: (i) temporary transfer lasts only so long as immediately necessary to prevent such imminent death or great bodily harm, and (ii) the person to whom the firearm is transferred is not prohibited from possessing a firearm under state or federal law (d) (i) The transfer is intended to prevent suicide or self-inflicted great bodily harm; (ii) the transfer lasts only as long as reasonably necessary to prevent death or great bodily harm; and (iii) the firearm is not utilized by the transferee for any purpose for the duration of the temporary transfer; (e) Law enforcement or corrections agency and any law enforcement or corrections officer acting within the scope of official duties, U.S. marshal, member of the U.S. military or national guard ...		No	

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		(f) Temporary transfers: (i) between spouses or domestic partners,			
West Virginia	No			No	
Wisconsin	No			No	
Wyoming	No			No	