

**INFORMATION FOR RESPONDENTS
REGARDING SURRENDER AND RETURN OF FIREARMS
FAMILY COURTS**

- If a Protective Order has been entered and served ordering you to surrender all firearms in your possession, you must designate a representative to surrender all firearms to the police department or sheriff's office as outlined on the Order to Surrender and obtain a surrender receipt (property receipt).
- If a Protective Order has been entered ordering you to surrender all firearms in your possession, you must bring the receipt of surrender (property receipt) to the El Paso District Clerk's Office within 48 hours of service of the order, for filing in the court file.

IT IS A FEDERAL CRIME FOR A RESPONDENT TO POSSESS A FIREARM WHEN A PROTECTIVE ORDER IS IN EFFECT AGAINST HIM/HER, PURSUANT TO 18 U.S.C. §922(g)(8). THE PENALTY FOR VIOLATING THIS SECTION MAY INCLUDE UP TO TEN (10) YEARS IMPRISONMENT AND/OR \$250,000.00 FINE.

IT IS ALSO UNLAWFUL FOR A PERSON CONVICTED OF A MISDEMEANOR CRIME OF DOMESTIC VIOLENCE TO POSSESS A FIREARM PURSUANT TO 18 U.S.C. § 922(g)(9).

**HOW TO GET YOUR FIREARMS BACK
IF YOUR PROTECTIVE ORDER IS NO LONGER IN EFFECT**

All firearms surrendered to law enforcement will be kept by them during the term of the Protective Order. Upon expiration or dismissal of the protective order, you may request the return of your firearm(s) by filing a motion to the court within 30 days after the expiration of the protective order. Your motion should contain the following:

1. Verification to the Court that:
 - a. The firearm(s) is/are legally owned by you (Respondent);
 - b. You (Respondent) have not been found guilty of a felony in Texas or any other state;
 - c. You (Respondent) have not been found guilty of a misdemeanor crime of domestic violence in Texas or any other state;
 - d. There is no injunction in effect against you (Respondent) in Texas or any other state;
 - e. There is a no forfeiture action pending against you (Respondent) in another court;
 - f. You (Respondent) have never been adjudicated mentally defective or been committed to a mental institution; and
 - g. There is not a legal impediment to you (Respondent) owning or possessing a firearm, including but not limited to those mentioned above.
2. Attach a copy of the receipt of surrender (property receipt).
3. Include a description of the firearm(s) that were surrendered and its/their serial number(s).

The judge will review your motion and determine if your firearm(s) should be legally returned. If the judge determines that your firearm(s) should be returned, the judge will enter a court order providing for its/their return. A copy of this court order will be sent to the petitioner in the case. If the judge determines that there is not a legal basis for your firearm(s) to be returned upon review of your motion, the court shall set a hearing on your request.

Upon the judge determining that your firearm(s) should be returned and entering a court order providing for its/their return, bring a certified copy of the court order and the surrender receipt to the law enforcement agency where you surrendered your firearm(s).