

## **Non-New York State convictions that may prohibit firearms possession or obtaining firearm permits**

State law requires the Division of Criminal Justice Services to maintain and annually publish a list of non-New York State convictions that include the essential elements of a “serious offense” in New York that may prohibit individuals convicted of a non-New York State crime on or after April 3, 2021, from possessing firearms or obtaining pistol permits. Individuals granted a pardon, certificate of relief from disabilities or a certificate of good conduct in connection with the offense may not be subject to the potential prohibition.

This list is designed to assist courts, licensing authorities and others in New York State that must determine which offenses in other states and United States territories include the essential elements of a serious offense as defined in New York State law effective April 3, 2021.

**It is for informational purposes only and should not substitute for legal advice or solely determine whether an individual may legally possess a firearm or obtain a firearms license.**

**Note:** Laws in non-New York State jurisdictions may have been amended since the compilation and posting of this list. The Division of Criminal Justice Services is not liable for any determination to authorize the possession of a firearm or to deny the right to possess a firearm or to prosecute a person for possession of a firearm.

### **Serious Offense List (as of December 31, 2020)**

#### **Illegally using, carrying or possessing a pistol or other dangerous weapon:**

Alabama - Ala Code § 13A-11-72

Alaska - AS § 11.61.200

Arizona - A.R.S. § 13-3102

Arkansas - Ark Code Ann § 5-73-103

California - Cal Penal Code § 29900

Colorado- Colo Rev Stat Ann § 18-12-106

Connecticut - Conn Gen Stat Ann § 53a-216; Conn Gen Stat Ann § 53a-217c

Delaware - Del Code Ann TI 11 § 1448

District of Columbia - DC Code Ann § 22-4503

Florida - Fla Stat Ann § 790.23

Georgia - Ga Code Ann § 16-11-131

Guam - 10 G.C.A. § 60121

Hawaii - Haw Rev Stat Ann § 134-7

Idaho - Idaho Code Ann § 18-3316, Idaho Code Ann § 18-3303

Illinois - 720 ILCS 5/24-3.1

Indiana - Ind Code Ann 35-47-4-6.5, Ind Code Ann 35-47-4-9, Ind Code Ann 35-47-4-5

Iowa- Iowa Code Ann § 724.26

**Illegally using, carrying or possessing a pistol or other dangerous weapon (continued):**

Kansas - Kan Stat Ann 21-6301, Kan Stat Ann 21-6302

Kentucky- Ky Rev Stat Ann § 527.040

Louisiana - La Stat Ann 14:95.1

Maine- Me Rev Stat T. 15 § 393

Maryland - MD Code, Public Safety, § 5-133

Massachusetts - Mass Gen Laws Ann 269 § 10

Michigan - Mich Comp Laws Ann 750.224f

Minnesota - Minn Stat Ann § 624.713

Mississippi - Miss. Code Ann. § 97-37-5

Missouri - Mo Ann Stat 571.070, Mo Ann Stat 571.030

Montana - Mont Code Ann 45-8-313

Nebraska - Neb Rev Stat Ann § 28-1206

Nevada- Nev Rev Stat Ann 202.360

New Hampshire N.H. Rev. Stat. § 159:3

New Jersey - N.J.S.A. 2C:39-5

New Mexico - NM Stat Ann § 30-7-16

North Carolina - NC Gen Stat Ann § 14-415.1

North Dakota - ND Cent Code Ann 62.1-02-01

Ohio - Ohio Rev Code Ann § 2923.13

Oklahoma- Okla Stat Ann T. 21 § 1283

Oregon - Or Rev Stat Ann § 166.250

Pennsylvania - 18 Pa Stat Ann § 6105

Puerto Rico - 25 L.P.R.A. § 458e

Rhode Island - RI Gen Laws Ann § 11-47-5

South Carolina - SC Code Ann § 16-23-500

South Dakota - SD Codified Laws § 22-14-15

Tennessee - Tenn Code Ann § 39-17-1307

Texas - TX PENAL § 46.04

Utah - Utah Code Ann § 76-10-503

Vermont - Vt Stat Ann T. 13 § 4017

Virgin Islands - 23 V.I.C. § 456a

Virginia - VA Code Ann. § 18.2-308.2

Washington - Wash Rev Code Ann 9.41.040

West Virginia - W Va Code Ann § 61-7-7

Wisconsin - Wis Stat Ann 941.29

Wyoming - Wyo Stat Ann § 6-8-102

**Possession of burglar's tools:**

Alabama - Ala Code § 13A-7-8

Alaska - Alaska Stat Ann § 11.46.315

Arizona - Ariz Rev Stat Ann § 13-1505

**Possession of burglar's tools (continued):**

California - Cal Penal Code § 466  
Colorado - Colo Rev Stat Ann § 18-4-205  
Connecticut - Conn Gen Stat Ann § 53a-106  
Delaware - Del Code Ann TI 11 § 828  
District of Columbia - DC ST § 22-2501  
Florida - Fla Stat Ann § 810.06  
Georgia - Ga. Code Ann., § 16-7-20  
Hawaii - Haw Rev Stat Ann § 708-812  
Illinois - 720 ILCS 5/19-2, Formerly cited as IL ST CH 38 ¶ 19-2  
Iowa - Iowa Code Ann § 713.7  
Kentucky - Ky Rev Stat Ann § 511.050  
Maine - Me Rev Stat T. 17-A § 403  
Maryland - MD Code, Criminal Law, § 6-205  
Massachusetts - Mass Gen Laws Ann 266 § 49  
Michigan - Mich Comp Laws Ann 750.116  
Minnesota - Minn Stat Ann § 609.59  
Mississippi - Miss. Code Ann. § 97-17-35  
Missouri - Mo Ann Stat 569.180  
Montana - Mont Code Ann 45-6-205  
Nebraska - Neb.Rev.St. § 28-508  
Nevada - Nev Rev Stat Ann 205.080  
New Jersey - NJ Stat Ann 2C:5-5  
New Mexico - NM Stat Ann § 30-16-5  
North Carolina - NC Gen Stat Ann § 14-55  
Oregon - Or Rev Stat Ann § 164.235  
Rhode Island - RI Gen Laws Ann § 11-8-7  
South Dakota - SD Codified Laws § 22-32-17  
Tennessee - Tenn Code Ann § 39-14-701  
Utah - Utah Code Ann § 76-6-205  
Virginia - VA Code Ann. § 18.2-94  
Washington - Wash Rev Code Ann 9A.52.060  
Wisconsin - Wis Stat Ann 943.12  
Wyoming - Wyo Stat Ann § 6-3-304

**Criminal possession of stolen property in the third degree:**

Nevada - Nev Rev Stat Ann 205.275  
Washington - Wash Rev Code Ann 9A.56.150

**Escape in the third degree:**

California - Cal Penal Code § 836.6

**Escape in the third degree (continued):**

Guam - 9 G.C.A. § 58.30  
Michigan - Mich Comp Laws Ann 750.197a  
Oregon - Or Rev Stat Ann § 162.145  
Rhode Island - RI Gen Laws Ann § 11-25-22  
Tennessee - Tenn Code Ann § 39-16-605  
Texas - V.T.C.A., Penal Code § 38.06  
Washington - Wash Rev Code Ann 9A.76.130  
Wisconsin - Wis Stat Ann 946.42

**Jostling:**

District of Columbia - DC Code Ann § 22-1321(g)

**Fraudulent accosting:**

District of Columbia - DC ST § 22-3211  
Minnesota - Minn Stat Ann § 609.52  
New Jersey - NJ Stat Ann 5:12-113  
Oklahoma - Okla Stat Ann T. 21 § 1541.1

**Endangering the welfare of a child:**

Alabama - Ala Code § 13A-13-6  
Alaska - Alaska Stat Ann § 11.51.100  
Delaware - Del Code Ann TI 11 § 1102  
Hawaii - Haw Rev Stat Ann § 709-904  
Kentucky - Ky Rev Stat Ann § 530.060  
Missouri - Mo Ann Stat 568.050  
New Hampshire - NH Rev Stat Ann § 639:3  
Pennsylvania - 18 Pa Stat Ann § 4304  
Wyoming - Wyo Stat Ann § 6-4-403

**Obscenity in the third degree:**

Alabama - Ala Code § 13A-12-200.3  
Colorado - Colo Rev Stat Ann § 18-7-102  
Connecticut - Conn Gen Stat Ann § 53a-194  
Delaware - Del Code Ann TI 11 § 1361  
Georgia - Ga Code Ann § 16-12-80  
Guam - 9 G.C.A. § 28.50  
Idaho - Idaho Code Ann § 18-4103  
Illinois - ILCS CH 720 § 5/11-20  
Indiana - Ind Code Ann 35-49-3-2  
Kansas - Kan Stat Ann 21-6401  
Michigan - Mich Comp Laws Ann 752.365

**Obscenity in the third degree (continued):**

Minnesota - Minn Stat Ann § 617.241  
Mississippi - Miss Code Ann § 97-29-101  
Missouri - Mo Ann Stat 573.030  
Montana - Mont Code Ann 45-8-201  
Nebraska - Neb Rev Stat Ann § 28-813  
New Hampshire - N.H. Rev. Stat. § 650:2  
Pennsylvania - 18 Pa.C.S.A. § 5903  
Puerto Rico - 33 L.P.R.A. § 4783  
Tennessee - Tenn Code Ann § 39-17-902  
Texas - TX PENAL § 43.23  
Wyoming - Wyo Stat Ann § 6-4-302

**Issuing abortifacient articles:**

Delaware - Del Code Ann TI 11 § 653

**Permitting prostitution:**

Arkansas - Ark Code Ann § 5-70-106  
Connecticut - Conn Gen Stat Ann § 53a-89  
Delaware - Del Code Ann TI 11 § 1355  
Kentucky - Ky Rev Stat Ann § 529.070  
Washington - Wash Rev Code Ann 9A.88.090

**Promoting prostitution in the third degree:**

Arkansas - Ark Code Ann § 5-70-106  
Guam - 9 G.C.A. § 28.25  
Virginia - Va Code Ann § 18.2-348.1

**Stalking in the fourth degree:**

Alabama - Ala Code § 13A-6-90.1  
Alaska - Alaska Stat Ann § 11.41.270  
Arizona - Ariz Rev Stat Ann § 13-2923  
Arkansas - Ark Code Ann § 5-71-229  
California - Cal Penal Code § 646.9  
Connecticut - Conn Gen Stat Ann § 53a-181e  
Delaware - Del Code Ann TI 11 § 1312  
Florida - Fla Stat Ann § 784.048  
Georgia - Ga Code Ann § 16-5-90  
Guam - 9 G.C.A. § 19.70  
Idaho - Idaho Code Ann § 18-7906  
Illinois - ILCS CH 720 § 5/12-7.3  
Iowa - Iowa Code Ann § 708.11

**Stalking in the fourth degree (continued):**

Kansas - Kan Stat Ann 21-5427  
Kentucky - Ky Rev Stat Ann § 508.150  
Louisiana - La Stat Ann 14:40.2  
Maine - Me Rev Stat T. 17-A § 210-A  
Maryland - Md Code Ann, Crim Law § 3-802  
Massachusetts - Mass Gen Laws Ann 265 § 43  
Minnesota - Minn Stat Ann § 609.749  
Mississippi - Miss Code Ann § 97-3-107  
Missouri - Mo Ann Stat 565.225  
Montana - Mont Code Ann 45-5-220  
Nevada - Nev Rev Stat Ann 200.575  
New Hampshire - NH Rev Stat Ann § 633:3-a  
New Jersey - NJ Stat Ann 2C:12-10  
North Carolina - NC Gen Stat Ann § 14-277.3A  
North Dakota - ND Cent Code Ann 12.1-17-07.1  
Ohio - Ohio Rev Code Ann § 2903.211  
Oregon - Or Rev Stat Ann § 163.732  
Pennsylvania - 18 Pa Stat Ann § 2709.1  
Puerto Rico - 33 L.P.R.A. § 4014  
Rhode Island - RI Gen Laws Ann § 11-59-2  
South Dakota - SD Codified Laws § 22-19A-1  
Tennessee -Tenn Code Ann § 39-17-315  
Utah - Utah Code Ann § 76-5-106.5  
Virgin Islands -14 V.I.C. § 2072  
Washington - Wash Rev Code Ann 9A.46.110  
Wyoming - Wyo Stat Ann § 6-2-506

**Stalking in the third degree:**

Arkansas - Ark Code Ann § 5-71-229  
California - Cal Penal Code § 646.9  
Delaware - Del Code Ann TI 11 § 1312  
Georgia - Ga Code Ann § 16-5-90  
Guam - 9 G.C.A. § 19.70  
Illinois - ILCS CH 720 § 5/12-7.3  
Iowa - Iowa Code Ann § 708.11  
Kansas - Kan Stat Ann 21-5427  
Kentucky - Ky Rev Stat Ann § 508.140  
Maine - Me Rev Stat T. 17-A § 210-A  
Massachusetts - Mass Gen Laws Ann 265 § 43  
Mississippi - Miss Code Ann § 97-3-107  
Missouri - Mo Ann Stat 565.225

**Stalking in the third degree (continued):**

Montana - Mont Code Ann 45-5-220  
Nevada - Nev Rev Stat Ann 200.575  
New Jersey - NJ Stat Ann 2C:12-10  
North Carolina - NC Gen Stat Ann § 14-277.3A  
North Dakota - ND Cent Code Ann 12.1-17-07.1  
Ohio - Ohio Rev Code Ann § 2903.211  
Oregon - Or Rev Stat Ann § 163.732  
Pennsylvania - 18 Pa Stat Ann § 2709.1  
South Dakota - SD Codified Laws § 22-19A-1  
Tennessee - Tenn Code Ann § 39-17-315  
Utah - Utah Code Ann § 76-5-106.5  
Virgin Islands - 14 V.I.C. § 2072  
Washington - Wash Rev Code Ann 9A.46.110

**Sexual misconduct:**

Alabama Ala Code § 13A-6-65, Ala Code § 13A-6-221  
California - Cal Penal Code § 286.5  
Connecticut - Conn Gen Stat Ann § 53a-73a  
Delaware - Del Code Ann TI 11 § 767  
Florida - Fla Stat Ann § 828.126  
Minnesota - Minn Stat Ann § 609.3451  
Montana - Mont Code Ann 45-5-503  
New Hampshire - NH Rev Stat Ann § 644:8-g  
West Virginia - W Va Code Ann § 61-8B-9  
Wisconsin - Wis Stat Ann 940.225

**Forcible touching:**

Alabama - Ala Code § 13A-6-65  
Idaho - Idaho Code Ann § 18-924  
New Mexico - NM Stat Ann § 30-9-12

**Sexual abuse in the third degree:**

Alabama - Ala Code § 13A-6-65  
Delaware - Del Code Ann TI 11 § 767  
Kentucky - Ky Rev Stat Ann § 510.130  
Maine - Me Rev Stat T. 17-A § 255-A  
Maryland - Md Code Ann, Crim Law § 3-308  
Missouri - Mo Ann Stat 566.101  
Montana - Mont Code Ann 45-5-502  
Nebraska - Neb Rev Stat Ann § 28-320  
Oregon - Or Rev Stat Ann § 163.415

**Sexual abuse in the third degree (continued):**

West Virginia - W Va Code Ann § 61-8B-9

**Sexual abuse in the second degree:**

Alabama - Ala Code § 13A-6-65

New Hampshire - NH Rev Stat Ann § 632-A:4

**Criminally possessing a controlled substance in the seventh degree:**

Colorado - Colo Rev Stat Ann § 18-18-403.5

Delaware - Del Code Ann TI 16 § 4763

Kentucky - Ky Rev Stat Ann § 218A.1416

New Mexico - NM Stat Ann § 30-31-23-

North Dakota -ND Cent Code Ann 19-03.1-23

Oregon - Or Rev Stat Ann § 475.752

Utah -Utah Code Ann § 58-37-8

**Criminally possessing a hypodermic instrument:**

Illinois - ILCS CH 720 § 635/1, ILCS CH 720 § 635/2

Indiana - Ind Code Ann 16-42-19-18

Minnesota - Minn Stat Ann § 151.40

New Jersey - NJ Stat Ann 2C:36-6

South Carolina - SC Code Ann § 44-53-960

Virgin Islands - 19 V.I.C. § 630a

**Criminally using drug paraphernalia in the second degree:**

Alabama - Ala Code § 13A-12-260

Arkansas - Ark Code Ann § 5-64-443

Colorado - Colo Rev Stat Ann § 18-18-429

Connecticut - Conn Gen Stat Ann § 21a-267

Delaware - Del Code Ann TI 16 § 4771

District of Columbia - DC Code Ann § 48-1103

Iowa - Iowa Code Ann § 124.414

Kansas - Kan Stat Ann 21-5709, Kan Stat Ann 21-5710

Kentucky - Ky Rev Stat Ann § 218A.500

Louisiana - La Stat Ann 40:1023

Maryland - Md Code Ann, Crim Law § 5-619

Massachusetts - Mass Gen Laws Ann 94C § 32I

Minnesota - Minn Stat Ann § 152.093

Mississippi - Miss Code Ann § 41-29-139

Missouri - Mo Ann Stat 579.074, Mo Ann Stat 579.040

Montana - Mont Code Ann 45-10-103, Mont Code Ann 45-10-104

Nebraska - Neb Rev Stat Ann § 28-442



**Criminally using drug paraphernalia in the second degree (continued):**

New Hampshire - NH Rev Stat Ann § 318-B:2

New Jersey - NJ Stat Ann 2C:36-3

Ohio - Ohio Rev Code Ann § 2925.14

Oklahoma - Okla Stat Ann T. 63 § 2-405

Oregon - Or Rev Stat Ann § 475.525

Pennsylvania - 35 Pa Stat Ann § 780-113(33)

Puerto Rico - 24 L.P.R.A. § 2411b

Rhode Island - RI Gen Laws Ann § 21-28.5-2

Texas - TX HEALTH & S § 481.125

Utah - Utah Code Ann § 58-37a-5

Virginia - VA Code Ann. § 18.2-265.3, VA Code Ann. § 54.1-3466

Virgin Islands 19 V.I.C. § 630

West Virginia - W Va Code Ann § 60A-4-403a

**Criminal possession of methamphetamine manufacturing material in the second degree:**

California - Cal. Health & Safety Code § 11104.5

Maine - Me Rev Stat T. 17-A § 1124

Pennsylvania - 35 Pa Stat Ann § 780-113(a)(39)