**Unlawful Possession of a Firearm**

Unlawful possession of a firearm is anextremely serious charge. The penalties and laws vary by state, but no matter where you live**,** possessing a gun illegally carries severe consequences. It's really important to know the laws of the specific state that you reside in. The regulations will be different regarding when and how you can purchase a gun, as well as the laws surrounding possessing a firearm.

The information in this article is written under the assumption that you're either ineligible to carry a firearm or you don't have the appropriate license to carry a gun outside of your home.

**Most Common Reasons a Person is Ineligible To Possess a Firearm**

**They've Been Convicted of a Felony**

The majority of states in the US prohibit people convicted of certain felonies from purchasing or possessing firearms. People with these convictions shouldn't live in a **home** where guns are present, even if they belong to someone else. If something happens and the police end up searching the house, you can be charged with possessing a gun even if it isn't on your person or in your bedroom. If you've previously been convicted of a felony that made you ineligible to purchase or possess a firearm, being in the same home where weapons are found can get you convicted of a serious crime.

**They've Been Convicted of A Crime Under The Controlled Substance, Drug, Device, and Cosmetic Act**

**This** prohibition also applies to people convicted of an equivalent federal statute or equivalent statute from any other state. This act deals with the possession and distribution **or** selling of narcotics and other illegal substances. In many states, if you're convicted of selling drugs or possessing illegal substances, you will be prohibited from purchasing or possessing a gun. These laws are very state-specific, so always check the most updated laws from the state in which you reside.

**They Have a Medicinal Marijuana Card**

This might surprise some people, but if you have a medical marijuana card, you are ineligible to purchase or possess a firearm. This doesn't make a lot of sense since medicinal marijuana is perfectly legal in many states, but that's the law. People have been arrested for trying to purchase a firearm while they have an active medical marijuana card. There's no specific question that asks if you have that card, so many people whodo**,** have no idea that they're doing anything wrong by trying to purchase a firearm.

**Constructive Possession**

Most people know that there are laws and regulations surrounding buying and possessing a firearm. However, many people are unaware that they can be arrested for gun possession even if the gun isn't actually on their body or in their home.

Let's say you're in the car with a few friends, and the driver gets pulled over for speeding. You're sitting in the backseat, and unbeknownst to you, there's a gun under the seat near you. If you are unlucky enough that the police end up searching the car for some reason, they can arrest you for unlawful possession of a firearm. Be mindful of who you are spending your time with and whose car you get into.

**Possible Punishment for Illegal Gun Possession**

The potential consequences of illegal gun possession are very harsh. In some states, it's a felony, and in others, it's a misdemeanor. The punishment will also depend on your prior criminal history. If you've never been arrested before and you get taken into custody for not having theproper permit for carrying a gun**,** your sentence will be on the lighter side. However, if you have a lengthy criminal history and/or you are currentlyprohibited from owning or possessing a gun, the penalties will be much more severe and can include substantial jail time. In a few states, there are also mandatory minimum sentences for illegal gun possession. This means that if you're convicted of gun possession charges, the judge has no discretion in the length of yoursentence. For example, in parts New York State, certain gun charges carry a mandatory 3.5 years in jail, even if the judge doesn'twant to send you to jail for that amount of time.

**Possible Defenses**

There are several possible defenses you and your lawyer can raise **i**f you are charged with unlawful possession of a firearm.

**It's Not Mine**

One of the most obvious defenses is to claim that the gun wasn't yours. If the police didn't find the gun in your possession, this has a chance of succeeding. Was the gun found in a car? Is the car yours? How many other people were in the car? How close was the gun to you? Was it close to other people as well? Did the police take fingerprints or DNA from the weapon? These are all critical questions that will help your lawyer determine how to frame your defense. If there were many people near the gun and the police didn't find it physically on you, this defense might succeed. If the police didn't take DNA or fingerprints, that's also a good thing. Additionally, if DNA and fingerprints are taken from the gun, but they don’t match your DNA, that's even better.

**Motion to Suppress**

Another very common defense to gun charges is a motion to suppress. A motion to suppress is when you ask the court to throw out a particular piece, or multiple pieces, of evidence because the evidence was found or collected illegallyor unconstitutionally. For example, the police often search people's cars without a warrant and find a gun. If the court determines that they weren't actually allowed to search the vehicle, the judge will throw out any evidence recovered from the car, and the prosecutor can't use it in court. If the only evidence they have is the gun and they now can't use the gun evidence in court, they usually have no choice but to dismiss the case.

Gun charges are incredibly serious. It's important to check your state laws and see what you need to do to be permitted to purchase or possess a firearm.