

— OCTOBER 20, 2025 —



COMMENTS REGARDING OAG191

FIREARMS RIGHTS RESTORATION

From the National Association for Gun Rights



250 COMMONWEALTH DRIVE • SUITE 201 • GREENVILLE, SC 29615

The National Association for Gun Rights supports the Department of Justice's Notice of Proposed Rulemaking as to granting relief to those barred from acquiring, possessing, and transferring firearms by federal law under 18 U.S.C. § 925(c) by means of Docket No. OAG191.

This rule would open up a much-needed path for relief for individuals who have lost their Second Amendment rights under federal law. While expungement and pardons are paths available to citizens seeking the rights restoration, those options are slow, difficult, and (in the case of pardons) very rare. The NPRM provides a solution to that problem by creating a process to petition the attorney general directly for rights restoration, to have one's case individually evaluated in light of all relevant factors, and to receive a second chance to exercise Second Amendment rights as a law-abiding, productive citizen.

The purpose of this rule is twofold: to restore the rights of rehabilitated offenders, and to restore the rights of individuals wrongfully deprived under existing state or federal law. The rule as written achieves the former purpose very well. However, more should be done to address the plight of law-abiding Americans who have been unjustly caught in the net of unconstitutional gun control laws.

The Notice of Proposed Rulemaking seeks public comment on "all aspects of this rule" by the American people. As a non-profit organization dedicated to the preservation and advancement of Second Amendment rights, NAGR submits the following comments.

Accordingly, NAGR requests the following amendments.

1. The Final Rule Should Not Presumptively Disqualify Relief for Nonviolent Firearms Offenders

- a. The NPRM presumptively disqualifies, "absent extraordinary circumstances," many individuals from receiving relief due to their crime's association with firearms.
- b. Many firearms-related crimes are nonviolent, such as exercising one's right to public carry within a school zone (often inadvertently). The simple presence of a gun in the original offense should not count as an automatic presumptive disqualifier under this rule absent any other element of violence in the original crime.

2. The Final Rule Should Not Presumptively Disqualify Relief for Nonviolent State Gun Law Offenders

- a. The NPRM presumptively disqualifies individuals convicted under unconstitutional state-level gun control regimes such as gun and magazine bans.
- b. Individuals subject to state-level bans on constitutionally protected arms-bearing conduct should not be included in presumptive disqualification of relief, and should be granted the same opportunity to seek relief with a full evaluation of their circumstance, just as any other individual under this rule.

- c. Though the attorney general is not bound by a “categorical approach” in granting relief, the presumptive denial for situations such as this will discourage individuals from applying for relief, and individuals are unlikely to receive consideration under future administrations.
3. **The Final Rule Should Include Means for Individuals to Track the Status of Their Request for Relief**
- a. As the NPRM contains no means for individuals to track the status of their request for relief, this is likely to be abused by future administrations to avoid granting relief, even when it is appropriately due.
 - a. To solve this, the Final Rule should include a dedicated timeline for which determinations must be made, and further, individuals should have access to means to track the status of their application to avoid unjust delays in granting relief.
4. **The Final Rule Should Not Contain a “Cooling Off” Period for Nonviolent Offenders**
- a. The NPRM contains “cooling off” periods of five or ten years before an individual may request the restoration of their right to bear arms.
 - a. This process exists to bring relief to individuals who wrongfully lost their rights under existing statute. Since there is no history and tradition under the Second Amendment for lifelong rights deprivation for nonviolent offenses, individuals should not face a presumptive disqualifier for requesting their rights back as soon as their sentence is served.
 - a. Certain categories of controlled-substance convictions should not be subject to automatic disqualifiers, such as nonviolent convictions arising under federal law in states where the use of marijuana has been legalized for recreational and/or medicinal purposes, or nonviolent convictions arising from the use of marijuana to treat illness.