

## Brief Description of Federal and Georgia Prohibitors

NOTE: The following is a brief description of the federal and state prohibitors, which require that the Probate Court not issue a weapons carry license to anyone meeting the criteria for a prohibitor. This is a brief description only; for the full context of the federal and/or state law, please refer to the actual, official statutes and any regulations issued thereunder. If you have any questions whether any of the following prohibitors applies to your charges, situation or circumstances, please consult an attorney.

### FEDERAL PROHIBITORS {Title 18, United States Code, Section 922(g)(1) through (9) and (n)}

#### The federal prohibitions apply to any person who:

- (g)(1) has been convicted of a crime punishable by imprisonment exceeding one year (or a misdemeanor crime punishable by imprisonment over two years) \*\*whose civil rights have not been restored
- (g)(2) who is a fugitive from justice
- (g)(3) who is an unlawful user of or addicted to any controlled substance
- (g)(4) who has been adjudicated as mental defective or involuntarily committed to a mental institution.
- (g)(5) who is an alien who is illegally or unlawfully in the United States or who has been admitted to the United States under a nonimmigrant visa
- (g)(6) who has been dishonorably discharged for the U.S. Armed Forces
- (g)(7) who has renounced U.S. Citizenship
- (g)(8) who is subject to a current restraining order involving an intimate partner or the child of an intimate partner
- (g)(9) who has been convicted of a misdemeanor crime of domestic violence
- (n) who is under indictment/information for a crime punishable by imprisonment for a term exceeding one year

### GEORGIA PROHIBITORS {O.C.G.A. § 16-11-12-}

#### The Georgia prohibitions apply to any person who:

- (b)(2)(A) is under 21 years of age unless at least 18 and completed basic training in armed forces of the US and actively serving or honorably discharged.
- (b)(2)(B) is convicted of a felony who has not been pardoned.
- (b)(2)(C) has proceedings pending against them for a felony.
- (b)(2)(D) are fugitives from justice
- (b)(2)(E) is prohibited from possessing or shipping a firearm in interstate commerce pursuant to subsections (g) and (n) of 18 U.S.C. §922 (see above)
- (b)(2)(F) is convicted of an offense arising out of the unlawful manufacture or distribution of a controlled substance or other dangerous drug. First offender w/o adjudication of guilt successfully completed and discharged is eligible if no other license exception applies.
- (b)(2)(G) has had their weapons carry license revoked within 3 years of the application date.
- (b)(2)(H) has been convicted of i) carrying a weapon without a weapons carry license, or ii) carrying a weapon or long gun in an unauthorized location and not been free of all restraint or supervision in connection therewith and free of any other conviction for at least five years immediately preceding the date of the application.
- (b)(2)(I) has been convicted of any misdemeanor involving use or possession of a controlled substance and not been free of all restraint or supervision in connection therewith or free of a second misdemeanor drug conviction for at least 5 years immediately preceding the date of application. First offender w/o adjudication of guilt successfully completed and discharged is eligible if no other license exception applies.
- (b)(2)(J) has been hospitalized as an inpatient in a mental hospital or alcohol or drug treatment facility within five years prior to the application.
- (b)(2)(K) has been adjudicated mentally incompetent to stand trial unless relieved by court ordering incapacity
- (b)(2)(L) has been adjudicated not guilty by reason of insanity unless relieved by court ordering incapacity.