

Ineligible Persons:

Under O.C.G.A. §16-11-129(b), no license may be issued to certain persons, as follows:

1. Pending Criminal Charges - Any person who is (a) under indictment for a crime punishable by imprisonment for a term exceeding one year, (b) a fugitive from justice, or (c) against whom proceedings are pending for any felony is ineligible to receive a license until such time as the proceedings are adjudicated.

2. Felony Conviction(s) – Any person convicted of or placed on probation as a first offender for a felony offense by a proper court is ineligible to receive a license, unless the person has (1) received a pardon which expressly authorizes the receipt, possession or transport of a firearm, (2) received from the Board of Public Safety relief from disabilities, or (3) been discharged from first offender probation without adjudication of guilt. The pardon, relief or discharge must be exhibited to the Court.

3. Drug Convictions – Any person who has been convicted of any offense arising out of the unlawful manufacture or distribution of a controlled substance is ineligible to receive a license, unless that person has been pardoned (with relief from disabilities). Any person who has been convicted of a misdemeanor offense involving the use or possession of a controlled substance is ineligible to receive a license unless the person (a) has been free of restraint or supervision in connection with the conviction for five years and (b) has had no second conviction involving the use or possession of a controlled substance during the five year period. If first offender treatment was afforded for an offense involving the manufacture, distribution, possession or use of a controlled substance, the person is eligible only if, at least five years before the application is made (a) the person was discharged without adjudication and (b) the person has not had any other conviction since the discharge.

4. Misdemeanor Convictions – Any person who has been convicted of a misdemeanor crime of domestic violence is ineligible to receive a license.

5. Weapons Convictions – Any person who has been convicted of an offense under Code Section 16-11-102 (pointing a gun or pistol at another), Code Sections 16-11-126 (carrying a weapon without a weapons carry license), or Code Section 16-11-127 (carrying a weapon or long gun in an unauthorized location) is ineligible to receive a license until the person has been free of restraint or supervision for at least five years.

6. Mental Health Hospitalization – Any person who has been treated involuntarily in/at any mental health facility for mental illness and/or addiction to or abuse of alcohol or drugs is ineligible for a license. Any person who has been hospitalized voluntarily as an inpatient in any mental hospital or alcohol or drug treatment center within five years prior to the date of the application is ineligible to receive a license, unless the Judge in his/her discretion issues the license after consideration of the circumstances surrounding the hospitalization and any recommendation by the superintendent of the hospital or treatment center where the applicant was a patient.

Further, under the Gun Control Act of 1968, 18 U.S.C. §921 et seq., any person who has been convicted of a misdemeanor crime of domestic violence is ineligible to receive a license, unless the person has received a pardon or relief from disabilities with the right to own and possess firearms, and any person who has ever been involuntarily committed to an inpatient mental health treatment facility is ineligible to receive a license.

7.Any person who is prohibited from possessing firearms pursuant to 18 U.S.C. Section 922.

8.Any person not lawfully present in the United States.