

Prohibited Purchasers

Background

Background checks are designed to identify persons who are ineligible to purchase firearms under federal or state law, and to prevent those persons from obtaining firearms. According to the U.S. Department of Justice, between February 29, 1994 and December 31, 2005, federal and state law enforcement officials performed 69.9 million background checks and prevented 1.36 million gun sales to convicted felons and other prohibited purchasers.¹

Summary of Federal Law

Federal law establishes the baseline regarding the types of persons who are ineligible to purchase firearms. The federal Gun Control Act of 1968, codified at 18 U.S.C. § 922, prohibits the sale of firearms to any person who:

- Is underage;²
- Has been convicted of, or is under indictment for, a crime punishable by imprisonment for more than one year;
- Is a fugitive from justice;
- Is an unlawful user of or addicted to a controlled substance;
- Has been adjudicated as a mental defective or committed to a mental institution;³
- Is an illegal alien;
- Has been dishonorably discharged from the military;
- Has renounced his or her U.S. citizenship;
- Is subject to a court order restraining him or her from harassing, stalking or threatening an intimate partner, his or her child or a child of a partner or engaging

¹ Bureau of Justice Statistics, U.S. Department of Justice, *Bulletin: Background Checks for Firearm Transfers, 2005 2* (Nov. 2006).

² Additional information on the federal minimum age to purchase and/or possess firearms is contained in the section on [Minimum Age to Purchase and Possess Firearms](#).

³ Regulations issued by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) define "[a]djudicated as a mental defective" to include persons who have been determined to be a danger to themselves or to others, or who lack the mental capacity to contract or manage their own affairs. 27 C.F.R. § 478.11. The regulations further define "[a]djudicated as a mental defective" to include those persons found insane by a court in a criminal case, those persons found incompetent to stand trial, and those persons found not guilty by reason of lack of mental responsibility pursuant to articles 50a and 72b of the Uniform Code of Military Justice, 10 U.S.C. §§ 850a, 876b. *Id.* ATF regulations define "[c]ommitted to a mental institution" to mean involuntary commitment. 27 C.F.R. § 478.11.

In 2008 President Bush signed into law the NICS Improvement Amendments Act of 2007, which, *inter alia*, changes the standard for persons deemed to be "adjudicated as a mental defective" or "committed to a mental institution" by a federal agency or department. The Act also deems an adjudication as a mental defective or commitment to a mental institution "not to have occurred" if a state grants an application for relief pursuant to a state created relief from disabilities program. Pub. L. No. 110-180, § 105, 121 Stat. 2559 (2008). For more information on these changes and other provisions relating to persons prohibited from purchasing or possessing firearms as a result of mental illness, see section on [Mental Health Reporting](#).

- in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child;⁴ or
- Has been convicted of a misdemeanor offense of domestic violence.⁵

SUMMARY OF STATE LAWS GOVERNING PROHIBITED PURCHASERS

Only Vermont has no state law requiring background checks or setting forth any basis for denial of a firearm to a prospective purchaser or possessor.⁶ Other state laws identifying persons prohibited from purchasing and/or possessing firearms are listed below:

Alabama	Ala. Code § 13A-11-72
Alaska	Alaska Stat. § 11.61.200
Arizona	Ariz. Rev. Stat. §§ 13-3101(A)(6), 13-3111, 13-3113
Arkansas	Ark. Code Ann. §§ 5-73-103(a), 5-73-129
California	Cal. Penal Code §§ 12021, 12021.1, 12076, 12077; Cal. Welf. & Inst. Code §§ 8100, 8101, 8103, 8105
Colorado	Colo. Rev. Stat §§ 18-12-108, 18-12-108.5, 18-12-111, 24-33.5-424
Connecticut	Conn. Gen. Stat. §§ 29-33, 29-36f – 29-36l, 29-37a, 53a-217, 53a-217c
Delaware	Del. Code Ann. tit. 11, §§ 1448, 1448A; tit. 24, §§ 901, 903
District of Columbia	D.C. Code Ann. §§ 7-2502.02 – 7-2502.03
Florida	Fla. Stat. Ann. §§ 790.065, 790.18, 790.23, 790.233, 790.235
Georgia	Ga. Code Ann. §§ 16-11-131(b), (b.1), 16-11-132, 16-11-171 – 16-11-172
Hawaii	Haw. Rev. Stat. Ann. §§ 134-2, 134-7
Idaho	Idaho Code Ann. §§ 18-3308, 18-3316
Illinois	430 Ill. Comp. Stat. 65/1 – 65/16-3
Indiana	Ind. Code Ann. §§ 34-26-5-9(c)(4), (f), 35-47-1-7, 35-47-2.5-1 – 35-47-2.5-12, 35-47-14-1 – 35-47-14-9
Iowa	Iowa Code §§ 724.15 – 724.23, 724.26
Kansas	Kan. Stat. Ann. §§ 21-4204, 21-4204a
Kentucky	Ky. Rev. Stat. Ann. §§ 527.040, 527.100

⁴ Persons subject to restraining orders are prohibited from possessing firearms provided that the order: (1) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate; and (2) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child, or by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury. 18 U.S.C. § 922(d)(8). For more information on the prohibition on purchase and possession of firearms by persons subject to a domestic violence protective order, see section on [Domestic Violence and Firearms](#).

⁵ 18 U.S.C. § 922(b)(1), (d), (x)(1). Federal law does not prohibit persons with other misdemeanor convictions from purchasing firearms. Misdemeanor convictions have been found to be a risk factor for future criminal activity among handgun owners. Garen J. Wintemute et al., *Prior Misdemeanor Convictions as a Risk Factor for Later Violent and Firearm-Related Criminal Activity Among Authorized Purchasers of Handguns*, 280 JAMA 2083 (1998). For more information on the prohibition on purchase and possession of firearms by domestic violence misdemeanants, see section on [Domestic Violence and Firearms](#).

⁶ Federal law requiring background checks for all dealer sales does apply in Vermont, however, as it does in all other states.

Louisiana	La. Rev. Stat. Ann. § 14:95.1
Maine	Me. Rev. Stat. Ann. tit. 15, § 393(1)
Maryland	Md. Code Ann., Pub. Safety §§ 5-101(g), 5-117 – 5-127, 5-133, 5-134
Massachusetts	Mass. Gen. Laws ch. 140, §§ 129B, 130, 131, 131E
Michigan	Mich. Comp. Laws §§ 28.422, 750.224f
Minnesota	Minn. Stat. §§ 624.713 – 624.7132, 624.719
Mississippi	Miss. Code Ann. §§ 41-30-3, 97-37-5, 97-37-13, 97-37-14
Missouri	Mo. Rev. Stat. § 571.060.1(2)
Montana	Mont. Code Ann. §§ 45-8-313, 45-8-344
Nebraska	Neb. Rev. Stat. Ann. §§ 28-1204.01, 28-1206, 69-2401 – 69-2421
Nevada	Nev. Rev. Stat. Ann. §§ 202.300, 202.310, 202.360, 202.362
New Hampshire	N.H. Rev. Stat. Ann. §§ 159:3, 159:7, 159:8-a, 159:12, 173-B:5
New Jersey	N.J. Stat. Ann. § 2C:58-3
New Mexico	N.M. Stat. Ann. § 30-7-16
New York	N.Y. Penal Law §§ 265.00, 265.01, 400.00
North Carolina	N.C. Gen. Stat. §§ 14-402 – 14-406, 14-415.1, 14-415.3, 14-269.8
North Dakota	N.D. Cent. Code § 62.1-02-01
Ohio	Ohio Rev. Code Ann. §§ 2923.13, 2923.211
Oklahoma	Okla. Stat. tit. 21, §§ 1273, 1283, 1289.10, 1289.12
Oregon	Or. Rev. Stat. §§ 166.412, 166.250(1)(c), 166.470
Pennsylvania	18 Pa. Cons. Stat. §§ 6105, 6110.1, 6111, 6111.1; 23 Pa. Cons. Stat. §§ 6107(b)(3), 6108(a)(7)
Rhode Island	R.I. Gen. Laws §§ 11-47-5 – 11-47-7, 11-47-30; 11-47-35.2; 8-8.1-3; 15-15-3
South Carolina	S.C. Code Ann. § 16-23-30
South Dakota	S.D. Codified Laws §§ 22-14-15, 22-14-15.1, 23-7-44, 23-7-46
Tennessee	Tenn. Code Ann. §§ 39-17-1303, 39-17-1316
Texas	Tex. Penal Code Ann. §§ 46.04, 46.06
Utah	Utah Code Ann. §§ 76-10-503, 76-10-509, 76-10-509.4
Virginia	Va. Code Ann. §§ 18.2-308.1:1 – 18.2-308.2:2, 18.2-308.4, 18.2-308.7
Washington	Wash. Rev. Code Ann. §§ 9.41.040, 9.41.170
West Virginia	W. Va. Code §§ 61-7-7, 61-7-8
Wisconsin	Wis. Stat. §§ 941.29, 948.60
Wyoming	Wyo. Stat. Ann. § 6-8-102

Description of State Laws Governing Prohibited Purchasers

The federal categories of prohibited purchasers are the prevailing minimum for all states. States may adopt laws prohibiting additional persons from purchasing and/or possessing firearms. Most states incorporate at least some classes of federally-prohibited purchasers into their state laws so that they may prosecute violators. In some cases states apply broader standards than federal law, or designate additional classes of prohibited persons. State provisions that go beyond federal law are described below:

1. *Felons and Misdemeanor Offenders:* All states except Vermont prohibit the transfer of firearms to convicted felons. Most state laws mirror federal law, and apply the standard definition of felony to bar persons convicted of crimes punishable by imprisonment for more than one year. Other states prohibit a broader category of offenders, which could include persons convicted of certain misdemeanors.

New Jersey, for example, prohibits firearm purchases by persons who have been convicted of a “crime,” defined as an offense punishable by imprisonment in excess of six months. New York includes specified felonies and “serious offenses” including child endangerment, certain kinds of disorderly conduct, and certain kinds of stalking.

California specifies certain felonies and misdemeanors relating to violence or unlawful use of firearms that disqualify persons from owning a firearm. In addition, California’s Department of Justice maintains a Prohibited Armed Persons File, an on-line database that tracks persons who are prohibited from owning or possessing a firearm. The database cross-references information on persons who own or possess a handgun (on or after January 1, 1991) against a list of individuals who have become ineligible to own or possess firearms.⁷ This information can be shared with a limited group of public and private entities and individuals, including law enforcement, for the purpose of determining if persons are armed yet prohibited from possessing firearms.⁸

Indiana includes convictions for resisting arrest and for any crime involving inability to handle a handgun safely as prohibitory offenses. In Illinois, felony or misdemeanor convictions within the previous five years for battery, assault, aggravated assault, or violation of an order of protection, in which a firearm was used or possessed, are disqualifying offenses.

Twenty-three states and the District of Columbia either specifically prohibit the transfer, purchase or possession of firearms to persons convicted of certain designated misdemeanors, or, as indicated above, define the disqualifying offenses to include some misdemeanors.⁹

State laws prohibiting firearm purchase or possession by persons with certain misdemeanor convictions

California	Minnesota
Connecticut (handguns only)	New Jersey
Delaware	New York
District of Columbia	North Dakota
Florida	Oregon
Hawaii	Pennsylvania
Illinois	South Dakota
Indiana (handguns only)	Tennessee
Iowa (handguns only)	Texas

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⁷ Cal. Penal Code § 12010(a).

⁸ Cal. Penal Code § 12010(b).

⁹ Bureau of Justice Statistics, U.S. Department of Justice, *Survey of State Procedures Related to Firearm Sales, 2005 75* (Nov. 2006).

State laws prohibiting firearm purchase or possession by persons with certain misdemeanor convictions (*continued from previous page*)

Louisiana	Virginia (handguns only)
Maryland (“regulated firearms” ¹⁰ only)	Washington
Massachusetts	West Virginia

2. *Persons with Mental Illness:* Thirty-two states and the District of Columbia have laws that prohibit the purchase or possession of firearms by persons who are mentally ill. While most states use definitions of mental illness similar to the Brady Act¹¹ and its implementing regulations, several states have broadened the category of mentally ill persons who are prohibited from purchasing or possessing firearms.¹²

For example, under federal law persons who are voluntarily committed to a mental hospital are not prohibited from possessing firearms.¹³ Delaware, Illinois (within preceding 5 years), Massachusetts, Minnesota, North Carolina (handguns only), Utah and the District of Columbia (within preceding five years) have closed this gap by prohibiting firearm purchase or possession by persons who have been voluntarily or involuntarily committed to a mental hospital.

Several other states define more broadly than federal law those persons who are disqualified from possessing firearms due to mental illness. California law includes an extensive list of disqualifying factors relating to mental illness, including: communicating a serious threat of violence to a licensed psychotherapist and being under a court-ordered conservatorship because of a grave disability resulting from a mental disorder (in addition to being found not guilty of certain felonies by reason of insanity, or mentally incompetent to stand trial.)¹⁴

Hawaii prohibits possession by any person who is or has been diagnosed as having a significant behavioral, emotional, or mental disorder. Indiana includes a prohibition on persons with “documented evidence” of a “propensity for violent or emotionally unstable conduct.” Maryland law prohibits any person who is suffering from a mental disorder and has a history of violent behavior against others from possessing a firearm. Illinois bars persons who have been patients of a mental institution within the past 5 years, persons impaired by a mental condition “of such a nature that it poses a clear and present

¹⁰ “Regulated firearms” in Maryland are defined to include handguns and assault weapons.

¹¹ 18 U.S.C. § 922. *See also supra* note 3.

¹² Even under state laws defining mental illness more broadly than federal law, privacy concerns may limit the availability of mental health records to agencies conducting background checks. Additional information on the availability of mental health records for background checks is contained in the section on [Mental Health Reporting](#).

¹³ 27 C.F.R. § 478.11.

¹⁴ A person who communicates to a licensed psychotherapist a serious threat of physical violence against a reasonably identifiable victim or victims is barred for six months from possessing a firearm. The prohibition applies only if the psychotherapist complies with a state law requiring him or her to notify local law enforcement of the threat. Cal. Welf. & Inst. Code §§ 8100, 8105. The person may, however, possess a firearm if a Superior Court finds that the person is likely to use a firearm in a safe and lawful manner. Cal. Welf. & Inst. Code § 8100.

danger to the applicant, any other person or persons or the community,” and persons who are mentally retarded, from obtaining a Firearm Owner’s Identification (FOID) card.¹⁵

States that prohibit persons with mental illness from purchasing or possessing firearms

Arizona	Minnesota
Arkansas	Nevada
California	New Jersey
Connecticut (handguns only)	New York
Delaware	North Carolina (handguns only)
District of Columbia	North Dakota
Florida	Ohio
Hawaii	Oklahoma
Illinois	Oregon
Indiana	Pennsylvania
Iowa (handguns only)	Rhode Island
Kansas	South Carolina (handguns only)
Maine	Utah
Maryland (“regulated firearms” only)	Virginia
Massachusetts	Washington
Michigan (handguns only)	West Virginia
	Wisconsin

3. *Persons Subject to a Domestic Violence Protective Order:* Twenty states bar persons who are subject to a domestic violence protective order from purchasing or possessing some or all firearms. Many states exceed federal law by including a broader category of victims who may apply for a domestic violence protective order prohibiting firearms. Other states also apply the prohibition to ex parte protective orders. Additional information on state laws governing access to firearms by domestic abusers is contained in the section on [Domestic Violence and Firearms](#).

States that bar persons subject to a restraining order from purchasing or possessing firearms¹⁶

California	Michigan (handguns only)
Connecticut	New Hampshire
Delaware	New Jersey
Florida	New York (handguns only)
Hawaii	North Carolina

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¹⁵ In Illinois, no person may acquire or possess any firearm or ammunition without a valid FOID card. Upon request by the Illinois Department of State Police (DSP), applicants must sign a release waiving any right to confidentiality and requesting disclosure to the DSP of “limited mental health institution admission information” from another state, the District of Columbia or a foreign country. No mental health treatment records may be requested. The information must be destroyed within one year of receipt. 430 Ill. Comp. Stat. 65/4(a)(3).

¹⁶ Other states authorize, but do not require, issuance of domestic violence protective orders that prohibit firearm purchase or possession. For more information on these and other state laws governing access to firearms by domestic abusers, see section on [Domestic Violence and Firearms](#).

States that bar persons subject to a restraining order from purchasing or possessing firearms (continued from previous page)

Illinois	Pennsylvania ¹⁷
Indiana ¹⁸	Texas
Maine	Virginia
Maryland (“regulated firearms” only)	West Virginia
Massachusetts	Wisconsin

4. *Drug and Alcohol Abusers and Offenders:* Federal law prohibits persons who are unlawful users of or addicted to a controlled substance from purchasing or possessing firearms. Twenty-eight states and the District of Columbia also prohibit drug abusers, offenders, and/or persons under the influence of controlled substances from purchasing some or all firearms. Eighteen states and the District of Columbia prohibit persons who are alcohol abusers, offenders, and/or under the influence of alcohol, from purchasing or possessing firearms.

States that restrict access to firearms by drug abusers, offenders, and/or persons under the influence of controlled substances

Alabama (handguns only)	Nevada
Alaska	New Jersey
California	North Carolina (handguns only)
Delaware	Ohio
District of Columbia	Oklahoma
Florida	Pennsylvania
Hawaii	Rhode Island
Illinois	South Carolina (handguns only)
Indiana (handguns only)	South Dakota
Iowa (handguns only)	Tennessee
Kansas	Texas
Maryland (“regulated firearms”)	Utah
Massachusetts	Virginia (handguns only)
Minnesota	Washington
	West Virginia

¹⁷Pennsylvania allows victims of domestic violence to seek protective orders that require the person subject to the order to relinquish his or her firearms and prohibit the subject of the order from possessing firearms for the duration of the order. Such orders are issued at the discretion of the court. See 23 Pa. Cons. Stat. §§ 6107(b)(3), 6108(a)(7).

¹⁸Indiana permits victims of domestic or family violence to seek protective orders for themselves or a child. Such orders may impose a prohibition on the possession of a firearm by the person subject to the order. See Ind. Code Ann. § 34-26-5-9(c)(4), (f).

States that restrict access to firearms by alcohol abusers, offenders, and/or persons under the influence of alcohol

Alabama (handguns only)	Mississippi
Alaska	New Jersey
Delaware (handguns only)	Ohio
District of Columbia	Oklahoma
Hawaii	Pennsylvania
Indiana (handguns only)	Rhode Island
Iowa (handguns only)	South Carolina (handguns only)
Maryland (“regulated firearms”)	Tennessee
Massachusetts	Texas
	West Virginia

5. *Minors:* All states but Wyoming restrict access to firearms by juveniles. Additional information on restrictions on the transfer of firearms to minors is contained in the section on [Minimum Age to Purchase and Possess Firearms](#).

6. *Juvenile Offenders:* Federal law does not restrict purchases of firearms by persons with juvenile convictions. Twenty-seven states prohibit persons with certain juvenile convictions from purchasing or possessing firearms.

States prohibiting juvenile offenders from purchasing and/or possessing firearms

Alaska	Maine
Arizona	Maryland (“regulated firearms” only)
California	Massachusetts
Colorado	Minnesota
Connecticut	New Jersey
Delaware	Ohio
Florida	Oklahoma
Georgia	Oregon
Hawaii	Pennsylvania
Illinois	Utah
Indiana (handguns only)	Virginia
Iowa	Washington
Kansas	Wisconsin
Kentucky	

SUMMARY OF SELECTED¹⁹ LOCAL LAWS GOVERNING PROHIBITED PURCHASERS

Local Laws Governing Prohibited Purchasers

Chicago	Chicago, Ill., Code § 4-144-070
Cleveland	Cleveland, Ohio, Code § 674.04(d)
Columbus	Columbus, Ohio, Code § 545.08(a)(4), (5)
Hartford	Hartford, Conn., Code §§ 21-71, 21-72
New York City	New York, N.Y., Admin. Code § 10-303; New York, N.Y., Rules tit. 38, §§ 5-01, 5-02
Omaha	Omaha, Neb., Code §§ 20-200, 20-253(b)

Only those categories that differ from federal law are indicated below.

Chicago: In Chicago, the following categories of persons are ineligible to obtain a local permit to purchase concealable firearms:²⁰

- Persons who are addicted to narcotics;
- Persons who have been released from a mental institution or from the custody of the Illinois Youth Commission within the preceding five years; or
- Persons who are mentally retarded.

Cleveland: Cleveland ordinances specify various categories of persons ineligible to obtain a handgun owner's identification card, including:

- Persons prohibited under state law (Ohio Rev. Code Ann. § 2923.13) from knowingly acquiring, having, carrying, or using any firearm or dangerous ordinance;
- Persons convicted of illegal use or possession of narcotics;
- Persons having more than one conviction for being drunk and disorderly or driving a motor vehicle while intoxicated (if either occurs within one year before the date of application); or
- Persons having more than one misdemeanor conviction involving the use of force and violence, or the threat of the use of force and violence, against another within two years before the date of application.

Columbus: Columbus prohibits the issuance of a firearm purchaser "weapon transaction permit" to several categories of applicants, including:

¹⁹ This section is based on research and analysis of existing firearms laws in: Boston, Massachusetts; Chicago, Illinois; Hartford, Connecticut; Los Angeles, California; Newark, New Jersey; New York, New York; Omaha, Nebraska; and San Francisco, California. LCAV selected these cities because they are located in states that grant local jurisdictions broad authority to regulate firearms. It also includes existing laws in Cleveland and Columbus, Ohio. Note, however, that in 2006, the Ohio Legislature passed House Bill 347 (overriding the Governor's veto), which created Ohio Rev. Code Ann. § 9.68(A), a provision that purports to preempt all local authority to regulate firearms with few, limited exceptions. Legal challenges to the law are pending. Additional information about state laws governing local authority to regulate firearms is contained in the section of this report titled "[The Legal Background.](#)"

²⁰ Note that Chicago only issues handgun permits in those limited cases where possession is not banned entirely. Additional information on Chicago's law banning handguns is contained in the section on [Banning Handguns.](#)

- Persons convicted of any “offense of violence” as defined under state law, or any felony offense, within the preceding ten years; or
- Persons under a disability pursuant to state law (including persons under indictment for or previously convicted of various crimes involving drug abuse, drug dependency or chronic alcoholism, or individuals who are or were previously under adjudication of mental incompetence, adjudicated a mental defective or committed to a mental institution) who have not been relieved from such disability as provided by state law.

Hartford: Hartford prohibits any person from possessing any handgun outside of the home or a place of business without a “permit to carry a pistol or revolver.” To obtain the permit, applicants must submit:

- A notarized application form;
- Proof of citizenship (e.g., a birth certificate or naturalization papers); and
- Three character references from persons (not family members, or city police officers or police department employees) who can testify to the applicant’s character and reputation in the community.

In addition, applicants must supply fingerprints that will be used by the FBI to conduct a background check to determine if the applicant falls into a prohibited category under federal law.

New York City: New York City requires a rifle or shotgun permit for the purchase and/or possession of rifles and shotguns. To obtain a rifle or shotgun permit, the city police commissioner must determine that the applicant:

- Is 21 years of age or older;
- Is of good moral character;
- Has not been convicted of a felony, violation of the city assault weapon ban, or other specified offenses; and
- Presents no good cause for denial of the license.

The applicant must also provide information regarding his or her mental health and not be the subject of any of the specified court orders, including a domestic violence restraining order.

New York City issues five basic types of handgun licenses: (1) a “premises license” which allows possession of a handgun in a specific business or residence; (2) a “carry business license” which allows the holder to carry a concealed handgun; (3) a “limited carry business license” which allows the holder to carry a handgun to and from specific locations at specific times; (4) a “carry guard license/gun custodian license” which allows the holder to carry a handgun while engaged in work as a security guard or gun custodian; and (5) a “special license” which allows the holder of a state permit to carry a handgun while in New York City and/or while engaged in work as a security guard or gun custodian in New York City.

To receive any of the five types of handgun licenses, an applicant must:

- Be 21 years of age or older;

- Be of good moral character;
- Have no prior conviction for felonies, serious offenses or misdemeanor crime of domestic violence;
- Disclose information regarding mental illness and domestic violence restraining orders;
- Have no prior revocation or suspension of a firearms license;
- Have no condition that would hinder the safe possession of a handgun; and
- Reside or maintain a principal place of business in the city.

In addition, a license will not be issued if good cause exists for denial.²¹

Omaha: Omaha prohibits any person from selling or renting a concealable firearm to any person who has not obtained a written permit from law enforcement. Persons ineligible to obtain a concealable firearm permit include:

- Persons who are subject to an active protection order;
- Persons who have provided false information on the registration request;
- Persons with a conviction (which has not been pardoned or set aside under state or federal law) for any felony, carrying a concealed weapon or being a minor in possession of a concealable firearm, or (within the previous five years) assault, child abuse, or a violation of any provision of the Omaha municipal weapons code;
- Persons with a record of a mental disorder which would show the applicant to be a danger to self or to others; and
- Persons who are not citizens of the United States.

FEATURES OF COMPREHENSIVE LAW GOVERNING PROHIBITED PURCHASERS

The features listed below are intended to provide a framework from which policy options may be considered and debated. LCAV has not attempted to include every provision or every creative approach identified in the analysis above, nor have we addressed appropriate exceptions so that the regulation does not produce unintended consequences. A jurisdiction considering modifying existing, or developing new legislation in this area should consult with counsel to ensure its legal sufficiency and compatibility with existing codes and statutes, as appropriate.

- At a minimum, categories for prohibited purchasers are as extensive as federal law to allow state or local prosecution of violators
- Persons with convictions for violent and other serious misdemeanors are prohibited from purchasing firearms (*23 states, Cleveland (handguns only), Columbus, New York City, Omaha*)
- Persons with mental illness are prohibited from purchasing firearms, including persons voluntarily committed to a mental hospital (*Delaware, Illinois, Massachusetts, Minnesota, North Carolina (handguns only), Utah, District of*

²¹ Additional requirements apply depending on the type of license.

- Columbia, Chicago*) and persons with serious mental conditions (*California, Hawaii, Illinois, Maryland*)
- Prohibition on persons subject to a restraining order extends beyond orders involving intimate partners or children of partners (*19 states, Omaha*)²²
 - Persons who are alcohol abusers and/or offenders are prohibited from purchasing firearms (*18 states, District of Columbia, Cleveland, Columbus*)
 - Persons with certain juvenile convictions are prohibited from purchasing firearms (*27 states*)
 - Persons under 21 are prohibited from purchasing handguns from licensed or unlicensed sellers (*California, Delaware, Hawaii, Illinois, Iowa, Maryland, Massachusetts, New Jersey, Ohio, Rhode Island, South Carolina, District of Columbia, Boston*)²³
 - Persons under 18 are prohibited from purchasing long guns from licensed or unlicensed sellers (*19 states*)²⁴
 - A database of prohibited purchasers is maintained and regularly updated, to enable law enforcement to identify gun owners who may fall into a prohibited category (*California*)

²² Additional information about laws governing prohibitions on firearm purchase and possession by domestic abusers is contained in the section on [Domestic Violence and Firearms](#).

²³ Note that California, Delaware and Maryland prohibit handgun sales to persons under 21.

²⁴ Additional information about laws governing minimum age to purchase and possess firearms is contained in the section on [Minimum Age to Purchaser and Possess Firearms](#).