



## Types of Documents Requested based on Prohibitor

**This document provides a list of the summarized federal firearm prohibitors that will align with the reason for denial provided in your appeal response. The types of documentation to further your appeal are listed in red under each federal prohibitor. This is not an all-inclusive list and additional documents may be requested throughout the appeal process.**

**Title 18, United States Code (U.S.C.), Sections 921(a)(20) and 922(g)(1):** “A person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year or any state offense classified by the state as a misdemeanor and is punishable by a term of imprisonment of more than two years.” Please note that it does not matter whether the sentence of more than one or two years was actually ordered or served; the prohibitor is based upon the maximum sentence that **could have been imposed** upon the individual by the court. In addition, some convictions which may have been “sealed” or “expunged” for certain purposes still qualify as firearm prohibitors.

- ❖ Set of your rolled fingerprints
  - To prove you are not the same person through a comparison to the record used in the evaluation, or
  - To provide specific details if your fingerprints match the record used in the evaluation.
- ❖ Certified court documents containing the disposition of the case to include the judgement and sentence, conviction levels (i.e., misdemeanor, felony), statute of the convicting offense, the charge stated in the conviction data, etc. Do not send “no record found” or “record purged” documents.
- ❖ Certified court documents containing successful completion of sentences (i.e., paid fines, completed probation).
- ❖ Certified documents containing information regarding an expungement, restoration of firearm rights, pardon, etc.

**Title 18, United States Code, Section 922(g)(2):** “A person who is a fugitive from justice.” This standard is met by the existence of an active felony or misdemeanor warrant.

- ❖ Copy of the warrant to include the status of the warrant (i.e., active, quashed), the date the warrant was no longer active, or the offense/charge the warrant was issued on.
- ❖ If you are not the subject of the warrant, documentation from the agency stating you are not the same person as the subject of the warrant.

**Title 18, United States Code (U.S.C.), Section 922(g)(3):** “A person who is an unlawful user of or addicted to any controlled substance (as defined in §102 of the Controlled Substance Act [21 U.S.C. §802]).” Please note that this standard may be met in a number of ways, including but not limited to:

- Conviction of a drug-related offense within the past year
- Admission to a law enforcement officer of drug use within the past year
- Multiple arrests within the past five years on drug-related charges, with the most recent arrest occurring within the past year
- Positive drug test results within the past year
- ❖ Set of your rolled fingerprints
  - To prove you are not the same person through a comparison to the record used in the evaluation, or
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offense, the charge stated in the conviction data, etc. Do not send “no record found” or “record purged” documents.

- ❖ Police/incident reports.
- ❖ Drug/lab test reports to show the type of drug.

**Title 18, United States Code, Section 922(g)(4):** “A person who has been adjudicated as a mental defective or who has been committed to a mental institution.” Please note that this standard may be met in a number of ways, including but not limited to:

- A formal ruling by a court or other proper authority that an individual either lacks mental capacity to manage his or her own affairs or is a danger to self or others, due to mental illness, incompetency, condition or disease, or very low intelligence
- A finding, by a court or jury, that an individual was not guilty of criminal charges due to mental incapacity or infirmity, or that the individual was guilty but mentally ill, or that such charges against the individual should be dismissed for mental health reasons
- An order of a court or other proper authority directing an individual to receive treatment for a mental health condition, whether inpatient or outpatient, which for purposes of this statute constitutes being “committed to a mental institution”

In addition, please note that your agreement to the entry of any such order, ruling, or finding does not nullify the 18 U.S.C. §922(g)(4) prohibitor.

- ❖ Certified documentation, signed by the agency that owns the record, containing additional descriptive information providing proof you are not the same person as the record containing the prohibitive information. Do not send “no record found” or “record purged” documents.
- ❖ Certified court-ordered adjudication documents.
- ❖ Certified Certificate of Relief of Disabilities.

**Title 18, United States Code, Section 922(g)(5) (A):** “A person who, being an alien is illegally or unlawfully in the United States.”

- ❖ Permanent Resident Card
- ❖ Certificate of Naturalization
- ❖ Proof of place of birth

**Title 18, United States Code (U.S.C.), Section 922(g)(5)(B):** “A person who, being an alien except as provided in subsection (y) (2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in §101[a][26] of the Immigration and Nationality Act [8 U.S.C. §1101(a)(26)].”

- ❖ Copy of Visa
- ❖ Visa Waiver
- ❖ Valid hunting license
- ❖ Certificate of Naturalization
- ❖ Proof of place of birth

**Title 18, United States Code, Section 922(g)(6):** “A person who has been discharged from the Armed Forces under dishonorable conditions.”

- ❖ Certified DD-214
- ❖ Certified document providing the type of discharge and the reason for discharge

**Title 18, United States Code, Section 922(g)(7):** “A person who, having been a citizen of the United States, has renounced his citizenship.”

- ❖ Certified document showing that citizenship was not renounced based on appeal

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**Title 18, United States Code, Section 922(g)(8):** “A person who is subject to a court order that (A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate; (B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and (C) (i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or (ii) 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.”

- ❖ Certified copy of protection/restraining order/petition
- ❖ Police/incident reports
- ❖ If you are not the subject of the order/petition, certified documentation from the agency stating you are not the same person as the subject of the order/petition

**Title 18, United States Code, Sections 921(a)(33) and 922(g)(9):** “A person who has been convicted in any court of a misdemeanor crime of domestic violence which has an element for the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian or by a person similarly situated to a spouse, parent, or guardian of the victim.” Please note that the crime does not have to be called “domestic violence” or “family violence” by name; so long as the convicted person used or attempted to use physical force or threatened to use a deadly weapon against someone with whom he or she was in a qualifying relationship, the standard is met.

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- ❖ Certified court documents/transcripts detailing whether you were convicted of the use or attempted use of physical force (i.e., hitting, shoving, throwing items at victim), verbal altercations, harassment, etc.
- ❖ Police/incident reports.
- ❖ Certified documents from the prosecuting attorney.

**Title 18, United States Code, Section 922(n):** “It shall be unlawful for any person who is under indictment or information for a crime punishable by imprisonment for a term exceeding one year to ship or transport in interstate or foreign commerce any firearm or ammunition or receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.” Which is a disqualifier pursuant to 18 U.S.C. §922(g) or (n).

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