

*****PLEASE READ THE FOLLOWING INFORMATION CAREFULLY*****

The following information is **REQUIRED** to apply for a Georgia Firearms License in Cherokee County:

(If you do not have these items, the Probate Court **WILL NOT** process your application.)

___ **Passport or Certified Birth Certificate or Naturalization Papers** which show that you are a U.S. Citizen. Residents holding a **Cherokee County** Firearm License that was issued after January 1, 1997, may present the card as proof of U. S. Citizenship;

-AND-

___ **A valid Georgia Driver's License** which reflects* **your current address**;

-AND-

___ **Another piece of documentation** which shows you are a resident of Cherokee County. This can include **a utility statement** or **vehicle registration** or **voter registration**. It must show your name and physical street address. Please **DO NOT** submit anything that provides your social security number. Please do not submit bank statements, a checkbook, or credit card statements.

-AND-

___ **A completed Firearm License Application (attached)**;

-AND-

___ **\$60.00** in either **cash** (\$20.00 denominations or less) or **certified funds**. No personal checks, debit cards or credit cards will be accepted. (The increase in the fee is a result of changes made by the Georgia Crime Information Center (GCIC), the agency which conducts all fingerprint-based Criminal History searches. GCIC is a division of the Georgia Bureau of Investigation.)

*If you have a P.O. Box listed on your driver's license, you must submit two documents showing your name and physical street address.

All evidence must be original documentation. No photocopies will be accepted.

Updated 07-02-09

INSTRUCTIONS
Cherokee County Probate Court
Updated Effective July 2, 2009

I.
Applying For a Firearms License

Persons Authorized To Take Your Application:

Only staff members trained and certified in firearms licensing may take your application.

No “Renewals”:

All applications are first time applications. The Georgia General Assembly changed the law in 2006 to bring Georgia in compliance with Federal requirements.

Citizenship:

Your citizenship must be proven according to O.C.G.A. §16-11-129. We will use your prior proof if you were issued a Cherokee County license after January 1, 1997. Otherwise we will accept what is required for a passport. See the page on passport identification for this.

Fingerprinting:

You will be fingerprinted in this office on a Live Scan terminal. If the system is non-functioning for some reason, you may be directed to return with your application at another time. Hours of operation for fingerprinting are Monday thru Friday from 8:30 a.m. to 4:30 p.m.

Review:

Criminal histories are reviewed by a judge to verify eligibility. If there are problems, you will be contacted.

Issuance of License:

If you have no criminal history entries and no indications of bad moral character, your license will be mailed to you within ten days of all required information having been received.

Notice of Denial and Opportunity for Hearing:

If the Court determines that you are not eligible to receive a Georgia Firearms License, you will be given a Notice of Denial. You will also be given an opportunity for a hearing if the same is requested.

II. Temporary Licenses

A temporary license is, pursuant to statute, a “paper receipt.” It costs \$1.00 and may be requested if less than 90 days remain before expiration of a current Cherokee County firearms license or the license expired in the last 30 days. The temporary license lasts 90 days but Cherokee County Probate Court allows application for additional temporary permits until the permanent one has been issued.

III. Legal Questions

This is a judicial office. All staff members are prohibited by statute from practicing law. If you would like an exception to the law to be made, please contact your legislators.

“When will I get my license?” is our most common question. We have no control over when the FBI and GBI will return their reports to us but, since obtaining the Live Scan operation, we normally receive a response in three working days. After that, a check on NICS is required for which there is a statutory time of up to thirty days for it. Staff members process the license as soon as possible after all required reports are in.

“Where can I carry my handgun?” is another common question. We can not answer it. If you persist in pressing a staff member for an answer, and if they answer, you may cost that person their job.

For answers to your questions, you may wish to:

1. Study Title 16, a copy of which may be found at the Law Library on the Second Floor.
2. Retain the services of an attorney for proper legal advice.
3. Contact the author of House Bill 89, Representative Tim Bearden 678-988-8801; Capitol: 404-656-0287; or tim.bearden@house.ga.gov.
4. Search on line to find handgun web sites. (We are not allowed to suggest any particular web site.)

Your attention, cooperation and civility are appreciated.

**PROOF OF CITIZENSHIP
IS REQUIRED OF ALL
NEW CHEROKEE COUNTY APPLICANTS
FOR A FIREARMS LICENSE
Updated 11-6-07**

The Cherokee County Probate Court adopts the State Department's proof of citizenship standards for the application for a passport. Those standards are set out below.

Note: Certain non-citizens may apply for a license. Those persons should inquire further to documentation which is required of them.

All original documentation submitted as evidence of citizenship will be copied and returned to you.

You may prove U.S. Citizenship with any one of the following:

Previous U.S. Passport (mutilated, altered, or damaged passports are not acceptable as evidence of U.S. citizenship.), or

Certified birth certificate issued by the city, county or state [A certified birth certificate has a registrar's raised, embossed, impressed or multicolored seal, registrar's signature, and the date the certificate was filed with the registrar's office, which must be within 1 year of your birth. Please note that some short (abstract) versions of birth certificates may not be acceptable], or

Consular Report of Birth Abroad or Certification of Birth, or

Naturalization Certificate, or

Certificate of Citizenship, or

A Delayed Birth Certificate filed more than one year after your birth may be acceptable if it listed the documentation used to create it and was signed by the attending physician or midwife, or, lists an affidavit signed by the parents, or shows early public records.

If you do NOT have a previous U.S. passport or a certified birth certificate, you will need:

Letter of No Record from the State where you were born, issued by the State with your name, date of birth, which years were searched for a birth record and that there is no birth certificate on file for you, and

As many of the following as possible:

Baptismal certificate

Hospital birth certificate

Census record

Early school record

Family Bible or other religious book record

Doctor's record of post-natal care

NOTES: These documents must be early public records showing the date and place of birth, preferably created within the first five years of your life. You may also submit an Affidavit of Birth, form DS-10, from an older blood relative, i.e., a parent, aunt, uncle, sibling, who has personal knowledge of your birth. It must be notarized or have the seal and signature of the acceptance agent. If you were born abroad AND do not have a Consular Report of Birth Abroad or Certificate of Birth on file, you will need:

If you claim citizenship through birth abroad to one U.S. citizen parent:

Foreign birth certificate,

Proof of citizenship of your U.S. citizen parent, AND

An affidavit of your U.S. citizen parent showing all periods and places of residence or physical presence in the United States and abroad before your birth.

If you claim citizenship through birth abroad to two U.S. citizen parents:

Your foreign birth certificate,

Parent's marriage certificate, AND

Proof of citizenship of your U.S. parents and an affidavit of your U.S. citizen parents showing all periods and places of residence of physical presence in the United States and abroad before your birth.

(Go to the State Department's web site for additional information on documentation of U.S. citizens born abroad who acquire citizenship at birth. That web site should be: http://travel.state.gov/passport/get/first/first_830.html.)

The following are NOT proof of citizenship:

Voter registration cards

Army discharge papers

Information on foreign-born children adopted by U.S. citizens.

NOTICE TO THE PUBLIC
CHEROKEE COUNTY PROBATE COURT
Re: Only Certified Persons May Handle Firearms Applications
Updated: 07-02-09

Due to previous Federal litigation and court decisions, only those Cherokee County Probate Court employees who have been certified to handle firearms license applications may do so.

At present, the Court has four employees who are properly certified to accept and handle firearms license applications. We try to make sure that one of them will always be here but sometimes this is impossible.

In their absence, the Chief Clerk of the Court, who is Associate Judge John D. Cline, may handle incoming applications. He is certified in Security and Integrity, and by the Court.

Other staff members are not authorized to handle firearms license applications and therefore are prohibited from handling paperwork or answering questions.

In the interest of serving you better, it is requested that you call ahead to make sure that a Firearms Clerk is available to handle your application. Please call 678-493-6160.

If you come without calling and a Firearms Clerk is not available to handle your application, you will be advised as to the possible wait time or the day and time when you might return.

Judge Wood assures the public that he takes the licensing for firearms permits very seriously and that he will do everything reasonable under the circumstances to facilitate qualified persons in obtaining their permits; however, he further recognizes that compliance with both State and Federal law is in your interest and in the interest of the Cherokee County taxpayer.

APPLICATION FOR FIREARMS LICENSE

Cherokee County, Georgia

County Number _____

Applicant's Name: _____
First Middle Last (or as registered with INS)

Date of Birth: _____ / _____ / _____ INS Alien/Admission No.: _____
Month/Day/Year

Sex: _____ Race: _____ Height: _____ Weight: _____ Hair Color: _____ Eye Color: _____
(inches) (pounds)

Place of Birth: _____
City State, Province or District Country

Residence Street Address: _____

City, State, Zip: _____ County: _____

Mailing Address if different: _____

Phone Numbers: Home (_____) _____ Other (_____) _____

1. Are you currently a United States Citizen?.....Yes No

If you have ever renounced your U.S. citizenship, attach a copy of the reversal of such renunciation.

If you are not a U.S. Citizen:

- you must show proof of name/address/date of birth/INS number/photo ID.
- Identify all countries of citizenship: _____.
- Attach: (a) documentation of your lawful presence in the United States, and
(b) proof of residency in the State of Georgia for at least 90 days.

2. Are you a non-immigrant or non-resident alien?Yes No

If yes, attach proof that you fall within an exemption establishing your eligibility.

3. Have you ever been convicted of, pled guilty or *nolo contendere* to, or received first offender treatment for any offense involving the unlawful manufacture, distribution, possession or use of a controlled substance or dangerous drug?Yes No

If pardoned or rights restored, specify date(s) _____ and attach proof.

4. Have you ever been convicted of, pled guilty or *nolo contendere* to, or received first offender treatment for any crime involving domestic violence, violence towards a family member, child or significant other? Yes No

If pardoned or rights restored, specify date(s) _____ and attach proof.

5. Have you ever been convicted of, pled guilty or *nolo contendere* to, or received first offender treatment for any felony offense or any offense punishable by a term of imprisonment/probation over one year, or court-martial charge punishable by imprisonment over one year?..... Yes No

If pardoned or rights restored, specify date(s) _____ and attach proof.

6. Have you ever been convicted of, pled guilty or *nolo contendere* to, or received first offender treatment for any offense involving force or violence or a forcible misdemeanor? Yes No

7. Have you ever been convicted of, or pled guilty or *nolo contendere* to, or received first offender treatment for carrying a concealed weapon, having a deadly weapon at a public gathering, carrying a pistol without a license or any other offense involving a weapon? Yes No

8. Are you subject to any pending charge or charges in any court including matters under indictment, accusation, on appeal, uncompleted first offender treatment or other court order? Yes No
 If yes, do the pending charges involve or arise out of any felony, any crime that is possibly punishable by imprisonment for over one year, or any misdemeanor involving force or violence, or any offense or conduct involving a weapon or any offense involving a controlled substance or other dangerous drug?..... Yes No
9. Have you left any state, or any foreign state, to avoid criminal prosecution, to avoid giving testimony in any criminal proceeding, or knowing that charges are pending against you?..... Yes No
10. Have you been the subject of any proceedings (including arrests, matters on appeal, under indictment or accusation, or cases which were *nolle prossed*) within the past five years for any offense arising out of the unlawful possession or use of a controlled substance or other dangerous drug, or found through a drug test to have used such a substance or drug unlawfully within the past year? Yes No
11. Do you use any controlled substance or illegal drug other than as prescribed by a licensed physician, or have you done so within the past year, or regularly used any such drug within the past five years? Yes No
12. Are you addicted to or have you lost self-control over any controlled substance or drug? Yes No
13. Are you, or have you ever been, subject to any court order (including but not limited to restraining orders, protective orders, peace bonds & good behavior bonds) restraining you from harassing, stalking, threatening, engaging in communication with, or refraining in any manner from contact with or coming in proximity to any person, individual, spouse, child or former or current intimate partner, parent or their property, residence or other location frequented by such person?... Yes No
 * If yes, attach a copy of the court order and any terminating or final disposition order.
14. Have you ever been dishonorably discharged from the U.S. Armed Forces, or separated from the U.S. Armed Forces under a dismissal adjudged by a general court-martial? Yes No
15. Have you ever been found by a civil or criminal court, board, commission or other lawful authority, as a result of subnormal intelligence, incompetency, mental illness, condition or disease, to be a danger to yourself or others, to lack the mental capacity to manage your own affairs, or to be incompetent to stand trial, insane, guilty but mentally ill, or not guilty for lack of mental responsibility? Yes No
16. Have you ever been ordered to receive inpatient or outpatient treatment at any treatment facility, mental health center, hospital, sanitarium, clinic or program for a mental condition, drug abuse, or alcohol abuse, by any court, board, or other authority in any civil, criminal or administrative proceeding? (If yes, attach a copy of the order) Yes No

I do swear and affirm under penalty of false swearing or perjury that the foregoing information is true and correct to the best of my knowledge and belief.

Sworn to and subscribed before me
 this ____ day of _____, _____

 Clerk of Probate Court

APPLICANT'S SIGNATURE