

**STATE OF TENNESSEE**

OFFICE OF THE  
**ATTORNEY GENERAL**  
425 FIFTH AVENUE NORTH  
NASHVILLE, TENNESSEE 37243

January 18, 2000

Opinion No. 00-008

Effect of Juvenile Delinquency Adjudications Upon Ability to Obtain Handgun Carrying Permit.

**QUESTION**

Does a previous juvenile court adjudication of delinquency for vehicular burglary and/or a felony level theft bar an adult from obtaining a handgun carrying permit?

**OPINION**

No. A previous juvenile court adjudication of delinquency for vehicular burglary and/or a felony level theft would not bar an adult from obtaining a handgun carrying permit.

**ANALYSIS**

Tenn. Code Ann. § 39-17-1351 governs the granting of handgun carrying permits. Tenn. Code Ann. § 39-17-1351(c)(6) provides that an individual who has previously been convicted for a criminal offense punishable for a term exceeding one (1) year is ineligible to receive a handgun carrying permit.<sup>1</sup> Tenn. Code Ann. § 37-1-134(e) specifies that no child shall be prosecuted for a crime committed prior to his eighteenth birthday unless he has been transferred to adult court pursuant to Tenn. Code Ann. § 37-1-134. Therefore, unless a child has been transferred to adult court he would not be considered subject to punishment for criminal acts as an adult and cannot be given an adult sentence. Only when a juvenile is transferred to adult court could he/she be sentenced to a criminal offense punishable for a term exceeding one (1) year.

Further, a juvenile adjudication of delinquency could not be considered a conviction for a crime punishable by a term exceeding one (1) year. Tenn. Code Ann. § 37-1-133 provides the following explanation of the adjudication of guilt in a juvenile case:

- (a) An order of disposition or other adjudication in a proceeding under this part is not a conviction of crime and does not impose any civil disability ordinarily resulting from a conviction or operate to disqualify the child in any civil service application

---

<sup>1</sup>It should be noted that individuals who have committed a federal or state offense punishable by a term exceeding one (1) year but pertaining to antitrust violations, unfair trade practices, restraints of trade or other similar offenses relating to the regulation of business practices are eligible to obtain a handgun permit.

or appointment. . . .

. . . .

(c) A child found to be delinquent shall be exempted from the operation of laws applicable to infamous crimes, and such child shall not be rendered infamous by the judgment of the juvenile court in which such child is tried.

A juvenile proceeding is civil in nature unless a juvenile has been transferred to criminal court. *State v. Womack*, 591 S.W.2d 437 (Tenn.Ct.App. 1979). Therefore, a juvenile adjudication would not constitute punishment for a crime exceeding one (1) year.

Finally, none of the other criteria listed in Tenn. Code Ann. § 39-17-1351 specifies that a previous juvenile adjudication of delinquency disables an adult from obtaining a handgun carrying permit.

---

PAUL G. SUMMERS  
Attorney General and Reporter

---

MICHAEL E. MOORE  
Solicitor General

---

WILLIAM C. BRIGHT  
Assistant Attorney General

Requested by:

James G. Woodall  
District Attorney General for the 26th Judicial District  
P.O. Box 2825  
Jackson, TN 38302