



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Assistant Director

Washington, DC

July 1, 2006

OPEN LETTER TO ALL GEORGIA FEDERAL FIREARMS LICENSEES

The purpose of this letter is to advise you of an important change to the procedure you may follow beginning July 1, 2006. On this day, Georgia's Concealed Weapons Permit (CWP) will again qualify as an alternative to a National Instant Criminal Background Check System (NICS) check. Accordingly, the October 17, 2005, Open Letter to Georgia Federal Firearms Licensees (FFLs) is superseded.

BACKGROUND

The permanent provisions of the Brady Law took effect on November 30, 1998. The Brady Law generally requires licensed dealers to initiate a NICS background check through the FBI (or the State in a Point of Contact State) before transferring a firearm to an unlicensed individual. However, the Brady Law contains a few exceptions to the NICS check requirement, including an exception for holders of certain State permits to possess, carry, or acquire firearms.

In 1998, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) sent an Open Letter to all Georgia FFLs advising them that the Georgia CWP would qualify as an alternative to the background check required under the Brady Law. ATF's recognition of these permits as a Brady alternative was based on the fact that Georgia met the statutory and regulatory requirements for the exception.

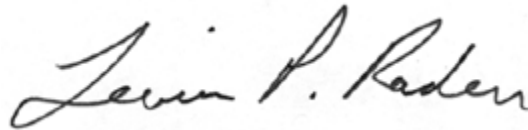
In March 2004, ATF began a review of all States that had permits that qualified as NICS check alternatives to determine if they still qualified. In May 2005, we informed Georgia officials that Georgia no longer met the qualifications. Georgia initially was not able to adequately address the deficiencies of the Georgia CWP in meeting the statutory and regulatory requirements for qualifying as a NICS alternative. Accordingly, on October 17, 2005, we sent an Open Letter to Georgia FFLs stating that effective October 19, 2005, the CWP no longer qualified as a NICS check alternative.

Since this time, Georgia passed legislation, which takes effect July 1, 2006, which addresses the CWP's shortcomings in qualifying as a NICS alternative. Accordingly, the permit again qualifies.

HOW THIS AFFECTS FFLS

Beginning July 1, 2006, if an unlicensed person presents you with a Georgia CWP, no NICS check is necessary. However, the required information about the permit must be recorded in question 23 of the ATF Form 4473, Firearms Transaction Record.

If you have any questions, please call ATF's Brady Operations Branch at 304-616-4200. As always, we thank you for your cooperation.

A handwritten signature in black ink that reads "Lewis P. Raden". The signature is written in a cursive, flowing style.

Lewis P. Raden
Assistant Director
(Enforcement Programs and Services)