



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Assistant Director

October 17, 2005 Washington, DC 20226

OPEN LETTER TO ALL NEVADA FEDERAL FIREARMS LICENSEES

The purpose of this letter is to advise you of an important change to the procedure you must follow beginning October 19, 2005, in order to comply with the Brady Law, 18 U.S.C. §922(t).

Beginning October 19, 2005, Nevada's Carry Concealed Weapon (CCW) Permits will no longer qualify as an alternative to a National Instant Criminal Background Check System (NICS) check through the Federal Bureau of Investigation (FBI). Please note that this change also applies to pawn transactions. The change is discussed in detail below.

NEVADA'S CARRY CONCEALED WEAPON PERMIT

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. The law and implementing regulations provide that permits issued within the past 5 years may qualify as alternatives to the NICS check if certain other requirements are satisfied. Most importantly, the authority issuing the permit must conduct a NICS background check, and also, must deny a permit to anyone prohibited from possessing firearms under Federal, State, or local law.

In 1998, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) sent an Open Letter to all Nevada FFLs advising them that the Nevada carry concealed weapon permit 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 Nevada conducted background checks through NICS prior to the issuance or renewal of these permits, and denied a permit to anyone prohibited under Federal, State, or local law.

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 the Nevada Highway Patrol that Nevada no longer met the qualifications. We gave them until September 30, 2005, to address our concerns. Nevada was not able to address our concerns. Accordingly, the carry concealed weapon permits can no longer qualify as a NICS check alternative.

HOW THIS AFFECTS FFLS

Beginning October 19, 2005, a NICS check must be done before transferring a firearm to an unlicensed person, even if the unlicensed person has a Nevada carry concealed weapons permit. Because Nevada is a NICS Point of Contact State, you will contact the Nevada Highway Patrol, rather than the FBI, to conduct this check.

The Nevada Department of Public Safety, Records and Technology Division, Criminal Justice Information System Office is also sending this information to each Nevada FFL by letter.

We hope that your transition to these new procedures on October 19, 2005, will not be an inconvenience. As always, we thank you for your cooperation.



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