



## U.S. Department of Justice

Bureau of Alcohol, Tobacco,  
Firearms and Explosives

*Assistant Director*

October 17, 2005

Washington, DC 20226

### **OPEN LETTER TO ALL ALASKA 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, only Alaska Concealed Handgun Permits marked “NICS EXEMPT” will 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.

#### 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 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 Alaska FFLs advising them that the Alaska Concealed Handgun Permits 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 Alaska 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 Alaska Department of Public Safety that Alaska no longer met the qualifications. We gave them until September 30, 2005, to address our concerns. Alaska addressed our concern, in part, by developing two new permits – one marked “NICS EXEMPT” (which is issued after a NICS check is completed) and one marked “NOT NICS EXEMPT” (which is issued without a NICS check being completed).

### HOW THIS AFFECTS FFLS

Beginning October 19, 2005, you must contact NICS before transferring a firearm to an unlicensed person with an Alaska permit, unless the permit is marked "NICS EXEMPT". In other words, you must contact NICS if the permit either (1) is marked "NOT NICS EXEMPT" or (2) has no reference to NICS on the permit because it was issued before the new permits were created.

If you need to contact the FBI NICS to conduct a background check, call toll free at 1-877-324-6427, 7 days a week (with the exception of Christmas day) between 8 a.m. and 1 a.m. Eastern Standard time (EST).

### CONTACTS FOR NICS ENROLLMENT AND FURTHER QUESTIONS

FFLs must be enrolled with the FBI NICS before they can initiate NICS checks directly with the FBI. FFLs that are not currently enrolled are advised to do so upon receipt of this letter. To enroll, call the FBI NICS Section Customer Service toll free at 1-877-444-NICS (1-877-444-6427).

If you have any questions about enrolling with the FBI or conducting NICS checks through the FBI, please call the FBI toll free at 1-877-444-NICS (1-877-444-6427). If you have any questions about the new limitation on Alaska's permit qualifying as an alternative to a NICS checks, please call ATF's Firearms Programs Division at 202-927-7770.

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



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