



Bureau of Justice Statistics Bulletin

Trends for Permanent Brady Period, 1999-2003

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Background Checks for Firearm Transfers, 2003

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The Brady Handgun Violence Prevention Act (Brady Act) mandates criminal history background checks on persons applying to purchase firearms from federally licensed firearm dealers, Federal Firearm Licensees (FFL's). This Bulletin reports the number of applications for firearm transfers and permits, rejections that resulted from background checks, and reasons for rejection for selected States in the period since the permanent provisions of the Brady Act became effective.

The permanent provisions of the Brady Act became effective on November 30, 1998. The act established the National Instant Criminal Background Check System (NICS) and requires a background check by the Federal Bureau of Investigation (FBI) or a State point of contact (POC) on persons applying to receive firearms from an FFL.

The Bureau of Justice Statistics (BJS) began the Firearm Inquiry Statistics (FIST) program in 1995 to collect information on background checks conducted by State and local agencies. The State and local data — when combined with FBI NICS data — provide national estimates of the total

Highlights

Background checks of applications for firearm transfers since implementation of the Brady Act

Applications for firearm transfer	2003	National total during —		
		Permanent Brady (1999-2003)	Interim Brady (1994-98)	Full Brady period (1994-2003)
Received	7,831,000	40,808,000	12,740,000	53,548,000
Rejected	126,000	790,000	312,000	1,102,000
Rejection rate	1.6%	1.9%	2.4%	2.1%

Note: All counts are rounded. See notes on table 1.

- From the inception of the Brady Act on February 29, 1994, to December 31, 2003, more than 53 million applications for firearm transfers were subject to background checks. About 1,102,000 applications were rejected.
- State and local agencies conducted background checks on about half of the applications for firearm transfers or permits in 2003, while the FBI was responsible for the remainder.
- 790,000 applications were rejected during the 5 years of the permanent provisions of the Brady Act (1999-2003), a rate of 1.9%.
- In 2003, 126,000 (1.6%) of approximately 7,831,000 applications for firearm transfers or permits were rejected by the FBI or State and local agencies. This national rejection rate continues the decline that has occurred each year since 1999, when the rate was 2.4%.
- During the 5 years of the permanent provisions of the Brady Act, the rejection rate for applications checked by the FBI (1.5%) was lower than for checks by State and local agencies (2.4%). Rejection rates for individual State points of contact (POC's) ranged from 5% to less than 1%.
- From 1999 to 2003, the majority of rejections for State and local agencies, (58%) were due to applicants' felony convictions or indictments; about 13% were rejected for a domestic violence misdemeanor conviction or restraining order. Other reasons for rejection included State or local law prohibitions, fugitive status, mental illness or disability, drug addiction, dishonorable military discharge, and illegal alien status.
- An estimated 8,000 persons were arrested from 1999 to 2003 for an outstanding warrant or submission of false information on an application, according to ATF and checking agencies reporting arrests to FIST.

Table 1. Number of applications and estimates of rejections for firearm transfers, 1994-2003

	Total			FBI			State and local agencies		
	Number of applications		Rejection rate	Number of applications		Rejection rate	Number of applications		Rejection rate
	Received	Rejected		Received	Rejected		Received	Rejected	
Total	53,548,000	1,102,000	2.1%	22,309,000	345,000	1.5%	31,238,000	757,000	2.4%
Interim period, 1994-98^a	12,740,000	312,000	2.4%	--	--	--	12,740,000	312,000	2.4%
Permanent Brady 1998^b	40,808,000	790,000	1.9%	22,309,000	345,000	1.5%	18,498,000	445,000	2.4%
1999	893,000	20,000	2.2	507,000	10,000	2.0	386,000	10,000	2.6
2000	8,621,000	204,000	2.4	4,538,000	81,000	1.8	4,083,000	123,000	3.0
2001	7,699,000	153,000	2.0	4,260,000	67,000	1.6	3,438,000	86,000	2.5
2002	7,958,000	151,000	1.9	4,292,000	65,000	1.5	3,666,000	86,000	2.3
2003	7,806,000	136,000	1.7	4,249,000	61,000	1.4	3,557,000	75,000	2.1
2003	7,831,000	126,000	1.6	4,463,000	61,000	1.4	3,368,000	65,000	1.9

Note: Counts are rounded. Statistics for national totals from 1999 to 2003 combine FIST estimates of the number of checks and rejections done by State and local agencies and the FBI number of actual transactions and rejections reported by the NICS operations reports. Data through November 29, 1998, are primarily for handguns. For information about FIST estimates before 1999 see *Presale Handgun Checks, the Brady Interim Period, 1994-98* (NCJ 175034) <<http://www.ojp.usdoj.gov/bjs/abstract/phc98.htm>>.

^aMarch 1, 1994 - November 29, 1998.

^bNovember 30 - December 31, 1998. Counts are from the *National Instant Criminal Background Check System (NICS) Operations Report* (November 30, 1998 - December 31, 1999) and may include multiple transactions for the same application.

number of applications and rejections resulting from the Brady Act and similar State laws.

In 2003 FIST collected information from 19 statewide POC's and approximately 700 State and local agencies that conduct their own checks under Federal and State laws. The FBI also compiled data on the inquiries or transactions handled by the NICS section.¹

Nearly all applications included in the 2003 FIST survey were subject to a NICS check, as well as checks to fulfill any additional State requirements. A small number of applications were subject only to checks required by State laws. (See *Components of the national firearm check system* on page 11 for further details.)

National estimates

In 2003, 7,831,000 applications were filed, increasing from 7,806,000 in 2002, or 0.3% (table 1). In addition to

the nearly 4.5 million applications for firearm transfers processed by the FBI in 2003, State and local checking agencies processed 3.4 million applications.

In the 5-year period of the permanent provisions, the FBI and State and local agencies received about 41 million applications. This can be compared to the 12.7 million applications during the interim period (1994-98). Most of the applications in the interim period were for handgun transfers. Under the permanent provisions, background checks for long guns were added, greatly increasing the volume of checks.

Since the inception of the Brady Act, State and local agencies have conducted more than 31 million background checks. The FBI accounted for more than 22 million background checks under the permanent provisions of the Brady Act.

When a background check produces evidence of factors that disqualify an applicant from owning a firearm, the application is rejected. (See *Definitions* on page 11 for more detail.)

Rejections fell to 126,000 in 2003 from 136,000 in 2002, a decrease of 7%. This decrease continued an overall numerical decrease for each year since 1999.

In 2003 the FBI rejected 61,000 firearm transfer applications, a 1.4% rejection rate, while State and local agencies rejected 65,000, a rate of 1.9%.

Together, approximately 126,000 firearm transfer applications were rejected in 2003, a rate of 1.6%. This overall rate of rejection continued a 5-year decline for both the FBI and State and local agencies.

Since the inception of the Brady Act (the interim provisions went into effect on March 1, 1994), more than 53 million applications for firearm transfers have been checked, of which 1,102,000 were rejected, a rejection rate of 2.1%. Even with the addition of checks for long guns and pawn redemptions, the national rejection rate continues the decline that has occurred each year under permanent Brady (2.4% during the interim period and 1.9% during the first 5 years of permanent Brady).

¹The number of background checks handled by State POC's, as reported in the *National Instant Criminal Background Check System (NICS)* may be higher than the estimates reported here because multiple inquiries or transactions for the same application (which may be done at the discretion of the submitting agency) are processed. FIST only counts the first of multiple inquiries.

Approval systems

State systems for approval of a prospective firearm purchaser can be classified as "instant approval," "purchase permit," "exempt carry permit," or "other approval" systems.

Instant approval systems

Instant approval (instant check) systems require a seller to transmit the applicant's information to a checking agency by telephone or computer. The checking agency is required to respond to the seller at once or as soon as possible (generally within 3 days). State agencies conducted 2 million instant checks in 2003, and about 40,000 (2.1%) of the applications were rejected. From 1999 to 2003 State instant approval systems received 11.2 million applications, rejecting 311,000 (2.8%) (table 2).

The FIST survey also included all State permits required to purchase firearms and certain "exempt carry permits" that can be used to make purchases without a background check at the actual time of purchase. (Federal law does not mandate a permit to purchase firearms.)

Purchase permit systems

State purchase permit systems require firearm purchasers to obtain, after a background check, a government-issued document (such as a permit, license, identification card, or other document) that must be presented to a seller in order to receive a firearm. Most agencies issuing purchase permits operate under State statutes that allow between 7 and 30 days to complete a background check. There were 729,000 applications filed for State and local purchase permits in 2003, while 16,000, or about 2%, were rejected. Under the permanent provisions of the Brady Act, 3.6 million applications for purchase permits were received by State and local agencies, of which 76,000 were rejected (2.1%).

Exempt carry permit systems

An exempt carry permit is not required for purchase but can be used to exempt the holder from a background check at the point of sale. A permit is exempt if it is issued after a check that includes the NICS, and meets other requirements of the Brady Act under a Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) regulation and 18 U.S.C. 922 (A)(3). Agencies issuing

exempt carry permits usually request a check by sending information to the FBI.

	State agencies issuing exemptions		
	Applica-tions	Rejec-tions	Rejection rate
Alaska	3,036	17	0.6%
Arizona	21,319	39	0.2
Arkansas	4,187	46	1.1
Indiana	76,110	1,455	1.9
Minnesota	15,873	196	1.2
North Dakota	2,415	5	0.2
South Carolina	9,503	343	3.6
Utah	7,428	102	1.4
Wyoming	1,207	36	3.0

Note: The States listed reported statewide data for 2003. Minnesota permits are issued locally, but counts are reported by the State.

In 2003 State agencies received an estimated 173,000 exempt carry permit applications, of which 2,700 were rejected (1.6%). Besides the State agencies, local agencies received 172,000 applications for exempt carry permits. Local agencies rejected about 2,400 applications for exempt carry permits for a rejection rate of 1.4%. Nine States reported statewide data on exempt carry permits for 2003. From 1999 to 2003 State and local agencies received 1,662,000 applications for exempt carry permits, rejecting 36,000 or 2.1%. Some permits are only

Table 2. FIST estimates, by type of agency and approval system and total FBI checks, 1999-2003

Type of checks conducted	2003			1999-2003		
	Applications	Rejections	Rate of rejection	Applications	Rejections	Rate of rejection
State agencies						
Total	2,760,960	54,091	1.96%	15,542,492	382,375	2.46%
Instant checks	1,951,541	39,971	2.05	11,228,190	310,645	2.77
Purchase permits	315,297	7,850	2.49	1,356,838	29,146	2.15
Carry permits	173,280	2,731	1.58	869,523	20,738	2.38
Other approvals	320,842	3,539	1.10	2,087,941	21,846	1.05
Local agencies						
Total	659,678	10,920	1.66%	3,294,016	63,854	1.94%
Purchase permits	413,789	7,768	1.88	2,255,321	46,928	2.08
Carry permits	172,472	2,435	1.41	792,044	14,947	1.89
Other approvals	73,417	717	0.98	246,651	1,979	0.80
Unadjusted State and local total	3,420,638	65,011	1.90	18,836,508	446,229	2.37
Adjustment (see note)	(52,293)	--	--	(337,016)	--	--
State and local total (FIST)	3,368,345	65,011	1.93%	18,499,492	446,229	2.41%
FBI total	4,462,801	61,170	1.37%	22,308,890	344,217	1.54%
National total (FIST and FBI)	7,831,146	126,181	1.61%	40,808,382	790,446	1.94%

Note: Agencies that conduct checks for exempt carry permits in Alaska, Arkansas, Mississippi, North Dakota, South Carolina, Texas, and Wyoming request that the FBI conduct the background check, but the State agency makes the decision to reject. Thus, the total number of applications in these States is included in the FBI checks, but the number of rejections is included in the State and local checks. Total for 5-year period includes December 1998.

exempt under State law, including Indiana and Minnesota carry permits.

Other types of approval systems

Other approval systems require a seller to transmit the applicant's information to a checking agency by mail, telephone, or computer. The checking agency is not required to respond immediately but must respond before the end of a State statutory time limit, generally within 7 to 10 days. Other types of approval systems processed 394,000 applications in 2003 (predominately in California), and about 1% of them were rejected. From 1999 to 2003 these systems received 2.3 million applications, rejecting 24,000 (or 1%).

Rejection rates varied by type of statewide approval system from 1999 to 2003. Instant check systems had the highest rate (2.8%). Several State instant check systems (notably Colorado, Georgia, and Tennessee) entered the 5-year period in 1999 with relatively high rejection rates that gradually declined. Rejection rates for instant checks were followed by carry permits (2.4%), purchase permits (2.2%), and other approvals (1.1%).

Analysis of rejection rates

Among the States for which the FBI conducted both long gun and handgun background checks for transfers from 1999 to 2003, rates ranged from more than 2% for Alaska, Arkansas, and Idaho to less than 1% for Massachusetts, Maine, and Rhode Island (table 3).

Rejection rates in Massachusetts and Rhode Island may have been low in part because these States require a background check by a local agency that is separate from the NICS check. The local background check may eliminate some applicants before a NICS check is necessary.

Table 3. Rejection rates for selected FBI states, 1999-2003

	2003			1999-2003		
	Total transactions	Total rejections	Rejection rate	Total transactions	Total rejections	Rejection rate
Total	2,572,530	39,149	1.5%	14,678,919	227,962	1.6%
Alaska	32,007	823	2.6%	190,103	5,107	2.7%
Alabama	184,324	3,331	1.8	1,090,345	18,964	1.7
Arkansas	115,084	2,583	2.2	747,368	15,438	2.1
Delaware	16,297	220	1.3	84,284	1,336	1.6
Idaho	49,892	1,257	2.5	310,215	7,333	2.4
Kansas	86,359	774	0.9	478,170	5,447	1.1
Kentucky	186,673	2,479	1.3	1,116,942	16,464	1.5
Louisiana	146,757	2,931	2.0	857,045	16,771	2.0
Massachusetts	38,896	74	0.2	148,154	652	0.4
Maine	48,248	277	0.6	241,227	1,627	0.7
Minnesota	164,660	2,363	1.4	772,517	9,284	1.2
Missouri	181,050	2,067	1.1	974,613	12,351	1.3
Mississippi	116,211	1,542	1.3	755,754	9,876	1.3
Montana	59,749	1,238	2.1	338,413	6,547	1.9
North Dakota	28,326	317	1.1	147,337	1,640	1.1
New Mexico	61,513	1,215	2.0	392,531	6,439	1.6
Ohio	276,945	4,102	1.5	1,444,028	23,586	1.6
Oklahoma	130,290	1,743	1.3	757,053	11,395	1.5
Rhode Island	9,641	80	0.8	50,536	423	0.8
South Dakota	43,475	478	1.1	194,927	2,930	1.5
Texas	469,443	7,881	1.7	2,820,362	45,538	1.6
West Virginia	100,603	1,087	1.1	614,379	6,311	1.0
Wyoming	26,087	419	1.6	152,616	2,503	1.6

Note: States are those for which the FBI conducted all checks under permanent Brady. The total for the 5-year period includes December 1998.

Delaware is similar because the State Police conduct a check that is separate from the NICS process. For this check Delaware reported a rejection rate of 3.2% to FIST in 2003, but the FBI rejection rate for Delaware was 1.6% overall from 1999 to 2003.

Statewide reporting

In 2003 the FIST survey obtained statewide data from 20 NICS points of contact (including Hawaii) and Delaware. The 17 States that provided complete statewide data processed checks for 2.1 million applications in 2003, rejecting 43,000 (table 4). From 1999 to 2003, the 16 States that provided FIST with complete statewide data conducted checks for 11 million applications, of which 266,000 were rejected.

The many interrelated factors that influence rejection rates have not been fully quantified, but a few observations are possible from the data available. The rejection rates in States surveyed by FIST in 2003 ranged from 0.3% in Connecticut to nearly 4% in Tennessee.

From 1999 to 2003, among the lowest rates for instant checks were those in New Jersey (0.4%) and Illinois (0.8%), where an instant check at the time of transfer is the second step required for approval of prospective firearm owners. During the first step of the process — application for the requisite permit or ID card — the rejection rate is considerably higher in New Jersey (1.9%) and Illinois (2.5%), more similar than the second step to the national average of 1.9%.

Generally, the higher rejection rates occurred in States that implemented an instant approval system on or after the effective date of the Brady Act. During the 5-year period these States included Colorado (4.6%), Tennessee (5.1%), and Georgia (4.0%).

Approval systems established before passage of the Brady Act, such as California (1%), Virginia (1.3%), and Wisconsin (1.5%), generally had lower rates that varied little from year to year.

Local reporting

Local agencies mainly conduct checks for purchase and exempt carry permits. In 2003 local agencies received 660,000 applications, of which 11,000 (1.7%) were rejected. From 1999 to 2003, 3 million applications for purchase and exempt carry permits were received by local agencies, of which 62,000 (2.1%) were rejected.

Rejection rates varied among local agencies by size of the population served, by the jurisdiction, and by the type of permit. For purchase permits in 2003, rejection rates were highest in jurisdictions over 100,000 and lowest in those under 10,000. Similarly, rejection rates for exempt carry permits were highest in the largest jurisdictions and lowest in the smallest jurisdictions.

Population served	Local rejection rates by population served and type of permit, 1999-2003	
	2003	1999-2003
Purchase permits		
Over 100,000	2.92%	2.59%
10,000 to 100,000	1.50	1.72
Under 10,000	0.87	1.32
Exempt carry permits		
Over 100,000	1.74%	2.04%
10,000 to 100,000	1.25	1.49
Under 10,000	0.62	1.17

Overall, rejection rates in 2003 were higher for purchase permits than for exempt carry permits. Over the period of the permanent provisions of the Brady Act, a pattern similar to that in 2003 held. Rejection rates for purchase and exempt carry permits were highest in jurisdictions over 100,000 and lowest in those under 10,000.

Availability of records

During the first 5 years of the permanent Brady Act, all States maintained databases that recorded felony convictions, and many maintained data on other disqualifying factors such as fugitive status, court restraining orders, mental illness, and domestic violence misdemeanor convictions. States differ as to the degree of automation used in record searching and whether records are in a central database or in county courts or other local agencies.

Table 4. Number of firearm purchase applications received and rejected by State agencies, 1999-2003

	2003			1999-2003		
	Number of applications	Rejections	Rejection rate	Number of applications	Rejections	Rejection rate
All statewide agencies	2,149,833	43,183	2.0%	11,062,495	266,173	2.4%
California ^a	290,376	3,028	1.0%	1,896,631	18,722	1.0%
Colorado	141,617	4,881	3.4	663,841	30,492	4.6
Connecticut ^b	57,585	170	0.3	289,573	889	0.3
Delaware	9,546	301	3.2	49,081	2,177	4.4
Florida	276,130	6,004	2.2	1,289,793	31,081	2.4
Georgia	192,158	3,272	1.7	1,057,184	42,276	4.0
Hawaii ^c	6,792	114	1.7	--	--	--
Illinois ^b	389,308	7,913	2.0	1,941,746	34,684	1.8
Purchase permits	234,667	6,819	2.9	1,135,732	28,264	2.5
Instant checks	154,641	1,094	0.7	806,014	6,420	0.8
Maryland ^a	23,897	457	1.9	142,829	2,630	1.8
Nevada	48,023	982	2.0%	247,831	6,849	2.8%
New Hampshire ^d	12,969	149	1.1	66,145	857	1.3
New Jersey ^{b,c}	83,553	1,051	1.3	399,202	4,708	1.2
Purchase permits	46,144	910	2.0	214,060	4,080	1.9
Instant checks	37,409	141	0.4	185,142	652	0.4
Oregon ^a	123,167	2,532	2.1	478,037	10,873	2.3
Tennessee	202,063	7,921	3.9	1,083,012	55,491	5.1
Utah ^e	64,844	1,736	2.7	335,303	9,324	2.8
Virginia	195,308	2,142	1.1	959,686	12,672	1.3
Wisconsin ^d	32,497	530	1.6	162,601	2,448	1.5

Note: Each of the 17 listed States reported complete statewide data for applications and rejections in 2003. Pennsylvania reported 381,850 instant checks for 2003 and 1,721,828 instant checks for 1999-2003, but the number of rejections for instant checks and carry permits cannot be separately distinguished.

--Not available or not applicable.

^aCalifornia, Maryland, and Oregon adjusted their application and/or rejection counts since the inception of permanent Brady.

^bConnecticut, Illinois, and New Jersey conduct checks on permits or identification cards and again at the time of firearm transfer.

^cHawaii and New Jersey permits are issued locally, but counts are reported by the State.

^dCounts in this table include handguns only for these States.

^eApplications for carry permits are listed separately elsewhere.

BJS priorities for mental health and domestic violence records

BJS has encouraged States to upgrade their ability to consult mental health information during background checks:

- Formulate a data sharing agreement for making State mental health records accessible.
- Work with selected States to develop a "Best Practices" guide to highlight the critical issues.
- Expand data collection to provide information on the ability of the States to examine records.
- Target efforts to provide National Criminal History Improvement Program (NCHIP) funds for the improvement of access.
- Increase submissions to denied person files.

BJS has also promoted five initiatives to improve access to misdemeanor domestic violence records and protection orders:

- Improve flagging of domestic violence misdemeanor records.
- Encourage States to link NIBRS data on offenders to RAP sheet and disposition transactions.
- Enhance BJS data collection concerning domestic violence misdemeanors and protection orders.
- Improve misdemeanor domestic violence conviction reporting from the courts.
- Improve the National Protection Order Database.

As of December 31, 2001, 49 States had automated at least some records in their criminal history files. Automation expanded from 1999 to 2001, as the number of States with fully automated criminal history files increased from 21 to 27. (See *Survey of State Criminal History Information Systems, 2001*, NCJ 200343 <<http://www.ojp.usdoj.Gov/bjs/abstract/sschis01.htm>>.)

Checking agencies often encounter delays when they access incomplete records. The most frequent delays occur when researching the final disposition of a criminal charge indicated in an arrest or indictment record. If the final disposition cannot be found during the time allowed for a background check, the agency must decide, based on Federal or State law, whether the application will be approved, denied, or delayed pending further research.

The Brady Act allows a transfer to proceed if a disqualifying record is not found within the 3-day limit for a NICS check. Some States have laws and regulations that allow their agencies to deny or delay a transfer if an incomplete record is being researched when the time limit expires.

Reasons for rejection

About 45% of rejections for firearm transfer among State and local checking agencies (about 29,000 applications in 2003) occurred because the applicant either had a felony conviction or was under felony indictment (table 5). The second most common reason for rejection was a domestic violence misdemeanor conviction or restraining order (about 16% of rejections or approximately 10,000 applications). A portion of all rejections reported by State and local agencies fall under the categories of State and local law prohibitions (12% of rejections) and mental illness (2.4%).

The FBI reported that 39% of their rejections were for felony-related reasons (about 24,000 of the total rejections in 2003), followed by other criminal history (24%). As among State and local checking agencies, a domestic violence misdemeanor conviction or restraining order was the next most common reason for rejection (nearly 17% or about 10,000 rejections).

Fugitive status and mental illness accounted for smaller proportions of FBI rejections than among State and local checking agencies, while drug-related rejections represented a larger proportion (8%).

From 1999 to 2003, 27% of rejections by local agencies were for felony-related reasons, compared to 60% for State agencies.

Reason for rejection	Rejections, 1999-2003	
	State	Local
Total	100%	100%
Felony indictment/conviction	60.5	26.7
Domestic violence		
Misdemeanor conviction	9.9	10.5
Restraining order	3.3	1.9
State law prohibition	5.9	17.3
Fugitive	6.2	1.2
Illegal alien	0.5	0.4
Mental illness or disability	1.0	4.3
Drug addiction	0.7	6.4
Local law prohibition	0.1	7.9
Other*	12.0	23.4

--Not available or not applicable.

*Includes juveniles, persons dishonorably discharged from the Armed Services, persons who have renounced their U.S. citizenship, and other unspecified persons.

Local agencies were more likely during this period to reject for other reasons (23%) than were State agencies (12%). Further, local agencies rejected for mental reasons (4.3%) and drug-related reasons (6%) at a higher rate than State agencies (1% and less than 1%). Local agencies rejected far fewer fugitives than did State agencies.

Table 5. Reasons for rejection of firearm transfer applications, 1999-2003

Reason for rejection	FBI		State and local agencies					
	2003	1999-2003	2003	2002	2001	2000	1999	1999-2003
Total	100%	100%	100%	100%	100%	100%	100%	100%
Felony indictment/conviction	38.6	54.5	44.8	51.8	57.7	57.6	72.5	58.1
Other criminal history ^a	24.3	15.0	--	--	--	--	--	--
Domestic violence								
Misdemeanor conviction	12.2	13.3	11.7	10.4	10.6	8.9	9.0	10.0
Restraining order	5.0	4.4	3.8	3.5	3.7	3.3	2.1	3.2
State law prohibition ^b	--	--	10.4	9.9	7.0	4.7	3.5	6.7
Fugitive	4.7	3.3	7.8	8.0	5.8	4.3	5.0	5.9
Illegal alien	2.4	1.1	1.1	0.8	0.4	0.2	0.2	0.5
Mental illness or disability	0.5	0.4	2.4	1.4	1.2	1.0	0.5	1.2
Drug addiction	8.0	5.8	1.8	1.3	1.0	0.7	1.0	1.1
Local law prohibition	--	--	1.2	0.9	0.5	0.2	0.2	0.6
Other ^c	4.3	2.1	14.9	12.0	12.1	19.2	6.0	12.8

--Not available or not applicable.

^aIncludes multiple DUI's, non-NCIC warrants, and other unspecified criminal history disqualifiers.

^bFBI denies on State prohibitors but does not separate them out under this category.

^cIncludes persons dishonorably discharged from the Armed Services, persons who have renounced their U.S. citizenship, and other unspecified persons.

During the 5-year period, the number of rejections by State and local agencies for reasons other than felony convictions increased 28% from 1999 to 2003. The percentage of rejections for nonfelony reasons increased from 28% to 58%. Over the same period the total number of rejections fell 38%, and the number of rejections for felony convictions decreased 64% (table 6).

States have used funds from NCHIP to initiate the flagging of criminal history records evidencing convictions for domestic violence or the issuance of a protection order. Forty-five States submit data to the NCIC Protection Order File, which became operational in May 1997 and includes over 874,000 records of protection orders. Since 1999 five States have begun submitting data on mental health to the FBI.

Appeals of denials

Specific appeal procedures for persons denied a firearm or permit are codified in Federal law and in the laws of nearly all States that process background checks.

The most common procedure provides an appeal to the checking agency and a subsequent appeal to a court. Eighteen States provide an appeal to the checking agency for a person who is denied a firearm purchase or a permit required for a purchase (table 7). (In eight other States, local agencies may reconsider their decisions although they are not required to do so by law.)

Eighteen States provide an appeal to a court. In two States a government officer in a department separate from the checking agency performs an administrative review.

Procedures for an initial appeal may be relatively informal, with some checking agencies allowing a denied person to

Table 6. Trends in applications, rejections, and reasons for rejection during the permanent Brady period, among all agencies conducting such checks, 1999-2003

	2003	2002	2001	2000	1999	Percent change, 1999-2003
Inquiries	7,831,000	7,806,000	7,958,000	7,699,000	8,621,000	-9.2%
Rejections	126,000	136,000	151,000	153,000	204,000	-38.2
Felons rejected	53,000	65,000	87,000	88,000	147,000	-63.9
All other	73,000	71,000	64,000	65,000	57,000	28.1
Percent felony	42%	48%	58%	58%	72%	
Felons per 1,000 inquiries	6.8	8.3	10.9	11.4	17.0	-60.0

Note: Counts are rounded. See notes on table 1.

Table 7. Appeals of denied applications, 2003

State	Appeal forums			Statewide agencies		
	Denying agency	Other agency or official ^a	Court	Number of appeals	Percent appealed (appeals/denials)	Number of denials reversed ^b
California	■	--	--	--	--	--
Colorado	■	--	--	1,828	37.5	809
Connecticut ^c	■	■	--	8	4.7	0
Delaware	■	--	■	--	--	--
Florida	■	--	--	1,627	27.1	465
Georgia	■	--	■	--	--	--
Illinois	■	--	■	--	--	--
Indiana	■	--	■	--	--	--
Iowa ^d	--	--	■	--	--	--
Maryland	■	--	■	1	0.2	0
Massachusetts ^d	--	--	■	--	--	--
Michigan ^d	--	--	■	--	--	--
Minnesota ^d	--	--	■	--	--	--
Missouri ^d	--	--	■	--	--	--
Nebraska ^d	--	--	■	--	--	--
Nevada	■	--	--	--	--	--
New Hampshire	■	--	■	--	--	--
New Jersey ^c	■	--	■	--	--	--
North Carolina ^d	--	--	■	--	--	--
Oregon	■	--	--	1,339	52.9	147
Pennsylvania	■	■	■	4,184	40.2	1,882
Tennessee	■	--	--	3,651	46.1	2,573
Utah	■	--	--	--	--	--
Virginia	■	--	■	22	1.0	22
Washington ^d	--	--	■	--	--	--
Wisconsin	■	--	■	--	--	--

Note: Includes States that provide a specific appeal procedure.

--Not available or not applicable.

^aA different agency from the one that denied the application.

^bThe number of appeals reversed may include appeals from prior years.

^cData are from the instant check unit only.

^dAlthough not required by law, a local agency may reconsider its decision to deny an application.

initiate a review with a telephone request. Other agencies involved in firearm appeals are those which maintain criminal histories or other records which could disqualify an applicant. An appellant may be required to contact the agency that supplied a criminal history or another record that caused a denial.

Appeals often arise when an applicant denies being the individual named in a disqualifying record found by the checking agency. To resolve the identity question, the appellant will ordinarily submit fingerprints for comparison with Federal and/or State arrestee records. If the appellant's prints do not match any records on file, the denial can be reversed.

Another common appeal arises when an applicant is denied because of a felony arrest or charge without a recorded disposition. The applicant can have the denial reversed by submitting court records to prove that the charge was subsequently dismissed. Whether a checking agency is required to approve, delay, or deny a person with a missing disposition (as dictated by State law) may affect the number of appeals filed. Data indicate that the vast majority of disputed denials are resolved at the administrative level, and turn on the accuracy of records rather than interpretation of law.

The FBI NICS Appeal Services Team (AST) reviews and investigates appeals of NICS denials. Of the 345,000 denials issued from 1999-2003, 51,000 or 15% were appealed. About 3 in 10 appeals resulted in the denial being overturned.

From 1999 to 2003 checking agencies received 115,000 appeals, of which 36%, or 41,000, were reversed. State agencies received more appeals than the FBI, and the States reversed a higher percentage of appealed rejections (40%) than did the FBI (30%) (table 8).

Denied persons subject to arrest

Persons prevented from receiving a firearm or a permit by a background check may be subject to arrest and prosecution if they are wanted in an outstanding warrant or have submitted false information on their application (Table 9). When a check identifies a wanted person, the checking agency generally will inform the agency that entered the warrant, in addition to notifying the agency with jurisdiction over the fugitive's present location or place of residence. A statewide fugitive

Table 8. Number of appeals reported, by type of agency, 1999-2003

Type of agency	Number of appeals	Percent appealed	Number reversed	Percent reversed
Total	114,674	14.5%	40,656	35.5%
FBI	50,670	14.8%	15,350	30.3%
State	63,132	16.3	25,013	39.6
Local	872	1.5	293	33.6

apprehension unit may also be informed.

Many checking agencies notify ATF of persons who submit false information on a Federal firearm transaction record or fail to disclose required information. If a misrepresentation violates State law, the checking agency will inform either the agency with jurisdiction over the location of the transaction (usually a dealer's premises) or the agency with jurisdiction over the applicant's residence, or both.

In seven States those who falsify an application or attempt an illegal purchase are reported to a special police unit to make an arrest determination. In some States, all persons denied a firearm are reported to a special police unit.

Of the States reporting for 2003, Virginia had the largest number of arrests of denied persons due to outstanding warrants or other reasons.

State	Number of arrests in 2003
Colorado	137
Connecticut*	21
Delaware	14
Georgia	81
Oregon	124
Pennsylvania	375
Virginia*	678

*A statewide unit made arrests for false applications or illegal attempts to buy in these States; arrests in other States listed were those made by local agencies, which may not always be reported to the State.

Among those local agencies participating in the FIST survey, an estimated 190 arrests were made as a result of a background check from 1999 to 2003.

Table 9. Notification procedures of State points of contact (POC's) regarding denied persons subject to arrest, 2003

State	Notice of outstanding warrant		Notice of false application or illegal attempt to buy		ATF
	Agency with jurisdiction ^a	Special State unit ^b	Agency with jurisdiction ^a	Special State unit ^b	
California	■	--	■	--	--
Colorado	■	--	■	--	■
Connecticut	■	--	--	■	--
Delaware	■	--	■	--	--
Florida	■	--	■	■	■
Georgia	■	--	■	--	■
Illinois	■	--	--	■	■
Indiana	■	--	--	--	■
Maryland	--	■	--	■	--
Nevada	■	--	--	--	■
New Hampshire	■	--	■	--	■
New Jersey	■	■	--	■	--
Oregon	■	--	■	--	--
Pennsylvania	■	--	■	--	■
Tennessee	■	--	--	--	■
Utah	■	--	--	--	■
Virginia	--	■	--	■	■
Wisconsin	■	■	■	■	■
Totals	16	4	10	7	12

--Not applicable or not available.

^aMay include Federal, State, or local agencies that issued a warrant or have jurisdiction over the site of the transaction or the denied person's residence.

^bIncludes units within the same agency as the checking unit.

Under the permanent provisions of the Brady Act, an estimated 8,000 persons were arrested, according to ATF and checking agencies reporting arrests to FIST. ATF arrested an estimated 1,000 during this period, but State and local agencies made the majority of arrests, an estimated 7,000, or 80%. The number of arrests may be higher, as not all State and local agencies responding to the FIST survey reported their arrests (Table 10).

Firearm retrievals

The NICS and several State systems do not prohibit a Federal Firearm Licensee from transferring a firearm to a buyer, when the dealer has not received a response within 3 business days of requesting a check (termed a "default proceed" by the NICS). A checking agency may continue to research an incomplete record even after a default proceed has occurred. If a disqualifying record is found at a later date (termed a "delayed denial" by the NICS), the dealer will be contacted to determine if the applicant completed the transaction and received a firearm.

ATF is informed when the FBI discovers that a firearm was transferred to a prohibited person after a default proceed. A State checking agency that discovers a delayed denial may inform a statewide firearms unit, local law enforcement, or ATF.

For the 5-year permanent Brady period, ATF reported to FIST an estimated 20,000 retrievals, and Virginia authorities reported 59.

Significant events, 1999-2003

1999. The first full year of the permanent Brady period marked the beginning of trends that would continue during much of the next 5 years. Colorado discontinued serving as a POC in March, but resumed this function in August. South Carolina discontinued serving as a POC in October and turned over responsibility for sales checks to the FBI (but continued to check applicants for exempt carry permits).

Table 10. Number of arrests reported, by type of agency, 1999-2003

Type of agency	2003	2002	2001	2000	1999	1999-2003
Total	1,473	1,942	2,139	1,327	301	7,182
ATF	--	200	175	--	--	375
State	1,430	1,697	1,901	1,294	295	6,617
Local	43	45	63	33	6	190

The Connecticut POC implemented a new electronic checking system in October, which included checks on persons who purchase firearms at gun shows.

2000. On January 1 California began limiting a person's handgun purchases to one in a 30-day period. A New York law that became effective in June required all firearm purchasers at a gun show to undergo a NICS check through a licensed dealer. In December the Oregon POC began conducting background checks on all long gun transfers and gun show transactions, as a result of a ballot referendum approved earlier in the year.

2001. A Colorado ballot referendum effective in March required licensed dealers to process background checks on all persons who purchase a firearm at a gun show. An amendment to Tennessee's instant check law, effective in June, mandated denial of a prospective purchaser who has an arrest for a disqualifying offense without a recorded disposition. This amendment further provided that if the denied person appeals and no disposition is found within 15 days, the firearm transfer may proceed at the discretion of the dealer. In July an amended NICS regulation reduced the period during which limited approval data may be retained for system auditing: the period decreased from 180 to 90 days.

2002. Vermont discontinued its POC operations in February and Arizona followed suit in August (but continued to check applicants for exempt carry permits). The FBI implemented two additions to the NICS checking process during the summer of 2002. The "NICS E-Check" program allowed firearms dealers to initiate a background check through the Internet.

A new automated process enabled the NICS to initiate a query of databases managed by the Bureau of Immigration and Customs Enforcement (ICE) when an applicant is not a citizen of the United States.

2003. Homeland security legislation effective in January authorized the transfer of firearms law enforcement functions from the Treasury Department to the Department of Justice. The new division within Justice is known as the Bureau of Alcohol, Tobacco, Firearms and Explosives (still referred to as "ATF"). In October Indiana discontinued its POC operations but continued to conduct checks required by State law. The Federal ban on undetectable firearms was renewed in December.

From 1999 to 2003 nearly all States enacted new legislation related to firearm sales. The most frequent subjects of legislation were prohibited persons and the records used to identify them. New laws or amendments were enacted regarding convicted felons or other specific offenders (10 States), minors (7 States), juvenile offenders (5 States), persons restrained by court orders (5 States), domestic violence offenders (5 States), and other categories of prohibited persons. Legislation that increased State checking agency access to records of prohibited persons was enacted in 11 States. Six States passed measures to facilitate transmission of prohibitory records to the FBI (table 11).

For additional information on the first 5 years of permanent Brady, see *Survey of State Procedures Related to Firearm Sales* (midyear 1999 through midyear 2003 editions), available at <http://www.ojp.usdoj.gov/bjs/guns.htm>.

Background

Prohibited persons

The Federal Gun Control Act (GCA), 18 U.S.C. 922, prohibits transfer of a firearm to a person who —

- is under indictment for, or has been convicted of, a crime punishable by imprisonment for more than 1 year
- is a fugitive from justice
- is an unlawful user of, or is addicted to, any controlled substance
- has been adjudicated as a mental defective or committed to a mental institution
- is an illegal alien or has been admitted to the United States under a nonimmigrant visa
- was discharged from the U.S. Armed Forces under dishonorable conditions
- has renounced U.S. Citizenship
- is subject to a court order restraining him or her from harassing, stalking, or threatening an intimate partner or child
- has been convicted in any court of a misdemeanor crime of domestic violence.

In addition, the GCA prohibits most transfers of long guns to persons under 18 and most transfers of handguns to persons under 21. The GCA categories of prohibited persons are the prevailing minimum for all States. Many States have similar prohibitions and have enacted additional categories of prohibited persons, such as those who have committed alcohol-related or juvenile offenses. (See *Survey of State Procedures Related to Firearm Sales, Midyear 2003* <www.ojp.usdoj.gov/bjs/abstract/ssprfs03.htm>.

Brady Act provisions

The Brady Act amended the GCA and included interim provisions, 18 U.S.C. 922(s), in effect from February 29, 1994, until November 29, 1998. The U.S. Department of Justice, with the States, developed the NICS during the 57-month interim period, as authorized by the permanent provisions of the Brady Act, 18 U.S.C. 922(t).

Table 11. Summary of significant changes in State laws related to firearms sales, effective between January 1, 1999, and December 31, 2003

Subject of new or amended law	Number of States
Persons prohibited from buying or possessing firearms	
Convicted felons or other specific offenders	10
Minor (under age)	7
Adjudicated delinquent or committed juvenile offense	5
Restrained by court order	5
Domestic violence conviction	5
Drug addicts or offenders	3
Mentally ill (committed or adjudicated)	3
Arrested or indicted for or charged with crime	3
Straw purchase (on behalf of prohibited person)	3
Fugitives and illegal aliens	1
Background checks processing	
Gun show checks authorized	4
State POC discontinued (FBI took over checks)	4
Addition of long gun checks by State agency	1
Sunset date of State instant check extended	1
Records of prohibited persons	
Increased State agency access to records	11
Facilitated transmission of records to FBI	6
Other significant changes	
Fee increase or decrease for record check or permit	5
Transfers of certain types of firearms prohibited	4
Appeals of purchase or permit denials - new procedures	4
Resident or nonresident transfer rules amended	4
Restoration of firearm rights - new procedures	4
Change in NICS-alternative status of carry permit	3
Waiting period eliminated for handgun transfers	2
Changes in retention rules for transaction data	2
Permit-to-carry law enacted	2
Handgun purchases limited to one per month	1
Registration of assault weapons	1

Since November 30, 1998, the NICS has allowed a licensee to contact the system by telephone or other electronic means for information, to be supplied immediately, on whether receipt of a firearm by a prospective transferee would violate Federal or State law.

In 2002 the FBI added online checking (known as NICS E-Check) as another means to contact the NICS, and 72,000 inquiries were made by this method in 2002 and 2003.

In addition to regulation of handgun sales, the permanent Brady provisions mandate that licensees request background checks on long gun purchasers and persons who redeem a pawned firearm. Licensees have the option of requesting a NICS check on persons who attempt to pawn a firearm.

National Criminal History Improvement Program (NCHIP)

The Brady Act established the grant program NCHIP to ensure immediate availability of complete and accurate State records. The Firearm Inquiry Statistics Program (FIST), collecting statistics on background checks, is one of many NCHIP programs.

NCHIP is designed to assist States to develop or improve existing criminal history records systems and to establish an interface with the NICS and other national record systems. Grant funds have also supported direct technical assistance, evaluation, and research related to improving nonfelony records within the States.

To date, over \$438 million has been awarded to States to assist them in establishing and enhancing criminal records which support the FBI's record system. All States have received funding under the NCHIP program.

Components of the national firearm check system

Over 3,000 Federal, State, and local agencies conduct background checks on persons who apply to purchase a firearm or for a permit that can be used to make a purchase. Variations in Federal and State procedures for determining firearm possession eligibility are summarized below.

Overview of the NICS

Prospective firearm transferees undergo a NICS check requested by a dealer or present a State permit that the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has qualified as an alternative to the point-of-transfer check. Qualifying permits are those that —

(1) allow a transferee to possess, acquire, or carry a firearm, and
(2) were issued not more than 5 years earlier by the State in which the transfer is to take place, after verification by an authorized government official that possession of a firearm by the transferee would not be a violation of law.

A permit issued after November 29, 1998, qualifies as an alternative only if its approval process included a NICS check.

Many qualifying permits may be used for multiple purchases while valid. However, State laws often provide that a permit will be revoked if the holder is convicted of an offense or otherwise becomes ineligible after receiving the permit.

A licensee initiates a NICS check by contacting either the FBI or a point of contact (POC) agency designated by State government. The FBI or POC checks available Federal, State, and/or local databases and responds with a notice to the licensee that the transfer may proceed, may not proceed, or is delayed pending further review of the transferee's record. In 2003, 13 state-wide POC's reported at least some of their denials to the FBI.

Prior to transferring a firearm subject to permanent Brady requirements, a licensee must receive a completed

Firearm Transaction Record (ATF form 4473).

State and local NICS participation

Each State government determines the extent of its involvement in the NICS process. Three forms of State involvement currently exist:

- A full POC requests a NICS check on all firearm transfers originating in the State.
- A partial POC requests a NICS check on all handgun transfers; licensees in the State are required to contact the FBI for NICS checks for long gun transfers.
- The State does not maintain a POC; licensees are required to contact the FBI for NICS checks on all firearm transfers originating in the State.

Handgun checks are conducted by the FBI for 27 States and by POC agencies for 23 States; long gun checks are conducted by the FBI for 36 States and by POC agencies for 14 States (Appendix A <<http://www.ojp.usdoj.gov/bjs/abstract/bcft03.htm>>). Indiana discontinued its status as a POC in 2003. The FBI also conducts checks for the District of Columbia, Guam, N. Mariana Islands, Puerto Rico, and the U.S. Virgin Islands.

Participation in the NICS by POC agencies includes initiating checks on persons who apply for qualified State permits. Generally, POC agencies conduct a background check that incorporates Federal and State requirements. In a few States with full or partial participation, the FBI conducts the NICS check on certain pawn transactions instead of the POC. Most States have designated a single agency with statewide jurisdiction as their NICS point of contact; some States have multiple points of contact, which are usually county sheriffs or local police departments. (For agencies conducting firearm checks, see Appendix B <<http://www.ojp.usdoj.gov/bjs/abstract/bcft03.htm>>).

The NICS is integrated with most State instant approval, purchase permit, or other approval systems. Twenty-nine States maintained approval systems

for purchase or permits required for purchase during 2003. Sixteen States operated instant check systems; 12 required purchase permits; and 4 maintained other types of approval systems. (Connecticut, Illinois, and New Jersey are each counted twice because they operated separate purchase permit and instant check systems). During 2003, 19 States issued carry permits that exempted the holder from a check under the permanent Brady law or a State law or both.

In addition to the Brady Act's regulation of sales by federally licensed dealers, some States require background checks for firearm transfers that occur between unlicensed persons at gun shows or other locations. A few States require a mandatory waiting period after a purchaser applies and before a firearm transfer can be made, regardless of when a background check is completed.

Parallel State systems

If agencies that conduct checks under State law are unable to access the NICS, licensees in that State are required to contact the FBI for approval of transfers. Thus prospective transferees in some States are required to undergo a permit or point-of-transfer check by a State or local agency and a NICS check by the FBI. Seven States (Delaware, Indiana, Massachusetts, Minnesota, Missouri, New Jersey, and Rhode Island) maintained in 2003 firearm check systems that can be described as parallel to the NICS process.

For more information on approval systems in specific States, see *Survey of State Procedures Related to Firearm Sales, Midyear 2003* <www.ojp.usdoj.gov/bjs/abstract/ssprfs03.htm>.

Definitions

Appeal is an objection by the denied person to an agency's decision.

Application for firearm transfer is information submitted by a person to a State or local checking agency to purchase a firearm or obtain a permit that can be used for a purchase;

includes information submitted directly to a checking agency or forwarded by a prospective seller.

Exempt carry permit is a State carry permit (issued after a background check) that exempts the holder from a check at the time of purchase under an ATF regulation or State law.

Instant check (instant approval) systems require a seller to transmit a purchaser's application to a checking agency by telephone or computer; the agency is required to respond immediately or as soon as possible without delay.

Other approval systems require a seller to transmit a purchaser's application to a checking agency by telephone or other electronic means; the agency is not required to respond immediately but must respond before the end of the statutory time limit.

Purchase permit systems require a prospective firearm purchaser to obtain, after a background check, a government-issued document (called a permit, license, or identification card) that must be presented to a seller to receive a firearm.

Rejection occurs when an applicant is prohibited from receiving a firearm or a permit that can be used to receive a firearm, due to the finding of a disqualifying factor during a background check.

Transactions are inquiries to the Federal NICS system and may include more than one inquiry per application.

The on-line version of this report offers the *Methodology* and two State-by-State appendix tables describing the agencies doing background checks. Access the report at <<http://www.usdoj.gov/bjs/abstract/bcft03.htm>>.

The Bureau of Justice Statistics is the statistical agency of the U.S. Department of Justice. Lawrence A. Greenfeld is director.

BJS Bulletins present the first release of findings from permanent data collection programs such as the Firearm Inquiry Statistics program. State and local officials have cooperated in reporting the data presented.

Michael Bowling and Gene Lauver of REJIS and Devon B. Adams and Matthew J. Hickman of BJS wrote this Bulletin. David M. Naglich, Ronald J. Frandsen of REJIS collected and analyzed the FIST data presented. Terry Tomazic, Ph.D., professor of research methodology at St. Louis University, provided statistical consultation. At BJS, Steven K. Smith reviewed the report. Tom Hester edited the report.

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Appendix A. National Instant Criminal Background Check System: Checking agencies — FBI or State point of contact — for firearm transfers, 2003

State	FBI conducts checks for all firearms	POC conducts checks for all firearms	POC - handguns FBI - long guns
Alabama	■		
Alaska	■		
Arizona	■		
Arkansas	■		
California		■	
Colorado		■	
Connecticut		■	
Delaware	■		
Florida		■	
Georgia		■	
Hawaii*		■	
Idaho	■		
Illinois		■	
Indiana	■		
Iowa*			■
Kansas	■		
Kentucky	■		
Louisiana	■		
Maine	■		
Maryland			■
Massachusetts	■		
Michigan*			■
Minnesota	■		
Mississippi	■		
Missouri	■		
Montana	■		
Nebraska*			■
Nevada		■	
New Hampshire			■
New Jersey		■	
New Mexico	■		
New York*			■
North Carolina*			■
North Dakota	■		
Ohio	■		
Oklahoma	■		
Oregon		■	
Pennsylvania		■	
Rhode Island	■		
South Carolina	■		
South Dakota	■		
Tennessee		■	
Texas	■		
Utah		■	
Vermont	■		
Virginia		■	
Washington*			■
West Virginia	■		
Wisconsin			■
Wyoming	■		
Totals	27	14	9

Note: Includes check on purchase or permit required for purchase.
 *States with multiple points of contact.

Methodology

Data collection procedures

The Regional Justice Information Service (REJIS), through a cooperative agreement with BJS under the Firearm Inquiry Statistics (FIST) program, collected the data.

The agencies supplied data on paper, or diskette, or electronically. Several different forms were provided to meet the varying office procedures of the agencies. In addition REJIS wrote special software distributed free of charge to requesting agencies. This software was designed to simplify the record tabulating functions of the agency. It also helped to reduce the burden of keeping the statistical data because a capability of the software was to automatically report the data needed for the study. In all cases the data that the agency sent to REJIS contained only statistical information and would not allow the identification of an individual. The software also assists agencies in purging records after the delay time specified by law.

Information collected included the following: firearm applications made to the agency, firearm applications rejected by the agency, and the reasons for rejection. Although many local checking agencies may not handle arrests and appeals through the entire process and may have only limited information on outcomes, arrest and appeal data were requested from local agencies.

Determining populations

To estimate the application and rejection rates within a given area, the agency population was needed and was determined as follows: The stratification classification of the county was based on the size of the largest city within the county. If cities within a county were conducting their own background checks, their populations were subtracted from the county population. If a municipal agency provided services for other selected municipalities, then populations for those municipalities were added to the

Appendix B. State and local agencies conducting background checks for firearm applications, yearend 2003

State	Firearm check type		State agencies		Local agencies	
	Purchase ^a	Carry ^b	Number	Name	Number	Type
Alaska		■	1	Department of Public Safety	---	
Arizona		■	1	Department of Public Safety	---	
Arkansas		■	1	State Police	---	
California	■		1	Department of Justice	---	
Colorado	■		1	Bureau of Investigation	---	
Connecticut	■		1	State Police	---	
Delaware	■	■	1	State Police (purchase)	3	County superior courts (carry)
Florida	■		1	Department of Law Enforcement	---	
Georgia	■	■	1	Bureau of Investigation (purchase)	159	County probate courts (carry)
Hawaii	■		---		4	Police departments
Idaho		■	---		44	County sheriffs
Illinois	■		1	State Police	---	
Indiana	■	■	1	State Police	---	
Iowa	■	■	1	Department of Public Safety ^c	99	County sheriffs
Maryland	■		1	State Police	---	
Massachusetts	■	■	---		351	Police departments
Michigan	■		---		595	Sheriffs and police departments
Minnesota	■	■	---		568	Sheriffs and police departments
Mississippi		■	1	Department of Public Safety	---	
Missouri	■		---		115	Sheriffs and police departments
Montana		■	---		56	County sheriffs
Nebraska	■		---		95	Sheriffs and police departments
Nevada	■	■	1	Highway Patrol (purchase)	17	County sheriffs (carry)
New Hampshire	■		1	Department of Safety	---	
New Jersey	■		1	State Police	505	Police departments
New York	■		---		58	Sheriffs and police departments
North Carolina	■	■	---		100	County sheriffs
North Dakota		■	1	Bureau of Criminal Investigation	---	
Oregon	■		1	State Police	---	
Pennsylvania	■		1	State Police	---	
Rhode Island	■		---		39	Police departments
South Carolina		■	1	Law Enforcement Division	---	
Tennessee	■		1	Bureau of Investigation	---	
Texas		■	1	Department of Public Safety	---	
Utah	■	■	1	Bureau of Criminal Identification	---	
Virginia	■		1	State Police	---	
Washington	■		---		291	Sheriffs and police departments
Wisconsin	■		1	Department of Justice	---	
Wyoming		■	1	Attorney General	---	
Total	29	19	27		3,099	

^aApplications for purchases or permits required for purchases.

^bApplications for carry permits that can be used to waive a purchase check.

^cDepartment of Public Safety only checks State employees.

populations of the reporting municipality. If an agency participating in the study relied upon other jurisdictions to conduct background checks, they were replaced by those other jurisdictions.

State and local checking agencies were stratified by size of the population served: State agencies that served an entire State population; local agencies that served a population greater than 100,000; local agencies that served a population between 10,000 and 100,000; and local agencies that served a population of less than 10,000. Population size was based on 2000 Census Bureau information. The population categories were chosen to

be consistent with those used by the FBI when conducting similar studies.

All agencies serving a population greater than 100,000 were asked to contribute data in 2003. The number of agencies in the survey are shown by population category in the table below.

Population served	Number of agencies
Total	705
Statewide	30
Over 100,000	39
10,000 to 100,000	334
Under 10,000	302

In some States one statewide agency conducts background checks for purchase and another agency (or division within an agency) issues

ATF-approved permits. Care was taken not to count State populations twice in the estimation process. This situation of dual agencies conducting background checks did not occur among local agencies.

Estimation procedures

Based on data provided by both sets of agencies, national estimates were developed using population weighting factors. When an agency did not provide data for all months, a simple linear extrapolation or interpolation was used to generate a 12-month total.

Estimation based on State population was used to determine the number of

carry permit applications and rejections in Mississippi. Extrapolation was used to estimate instant check applications and rejections in Indiana.

Agencies with rejection rates over four standard deviations above the average standard rejection rate were classified as outliers and their data were not used for projection of estimates. In addition, rejection rates that could not be determined with sufficient accuracy were not used.

Pennsylvania reported 381,850 instant checks, included in the FIST national estimate, and 129,939 applications for nonexempt carry permits. Pennsylvania provided the combined number of denials of all applications, which was prorated to obtain the number of denials of instant checks.

The accuracy of the estimates presented in this report depends on two types of errors: nonsampling and sampling. In this study, nonsampling error may occur from the following: nonresponse; differences in the methods checking agencies use to process, code, store, and retrieve their information; differences in interpretation of the survey questions; and activities that delay personnel from completing the survey.

In any sample survey, the full extent of nonsampling error is never known. However, steps were taken to minimize the potential for error. Extensive telephone follow-ups were made to encourage responses, answer questions about misunderstood requests, and generally assist in assembling the information in a useable form. Extensive verification of the data ensured the accuracy of the numbers. Agencies providing data were asked to review and revise their reports, and various quality checks were performed in receiving and processing the data. The estimates do not include U.S. Territories or the District of Columbia.