



Background Checks for Firearm Transfers, 2008 - Statistical Tables

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This web page describes background checks for firearm transfers conducted in 2008. The **statistical tables** below provide the number of firearm transaction applications checked by state points of contact and local agencies, the number of applications denied and the reasons for denial, and estimates of applications and denials conducted by each type of approval system. Data are also provided on appeals of denied applications and arrests for falsified applications.

The Regional Justice Information Service (REJIS) prepared these tables under the supervision of Devon B. Adams, of the Bureau of Justice Statistics. The tables were prepared under BJS cooperative agreement #2008-BJ-CX-K004. The BJS-sponsored Firearm Inquiry Statistics (FIST) program collects information on firearm background checks conducted by state and local agencies, and combines this information with FBI National Instant Criminal Background Check System (NICS) transaction data. NCJ 227471

Summary findings

- From the inception of the Brady Act on March 1, 1994, through December 31, 2008, over 97 million applications for firearm transfers or permits were subject to background checks. Nearly 1.8 million applications were denied. (Table 1)
- In 2008, 1.5% of the 9.9 million applications for firearm transfers or permits were denied by the Federal Bureau of Investigation (FBI) (71,000) or by state and local agencies (76,000). The denial rate for applications checked by the FBI (1.2%) was lower than the rate for checks by state and local agencies (1.9%). (Table 2)
- Among all state agencies, denial rates for instant check systems ranged from nearly 5% to less than 1%. (Table 3a)
- A felony conviction or indictment was the most common reason for a denial by a state (46%), a local agency (24%), or the FBI (56%) in 2008. (Table 4)
- A domestic violence misdemeanor conviction or restraining order was the second most common reason for denial by a state (14%) or local agency (17%) in 2008. (Table 4)
- Among all agencies conducting background checks, 48% of applications were denied due to reasons other than a felony conviction in 2008. (Table 5)
- In 2008 nearly 28,000 denials were appealed (19% of denials) and nearly 11,000 appeals resulted in reversal of the denial (39% of appeals). (Table 6)
- According to state and local checking agencies that reported arrests, an estimated 1,299 persons were arrested in 2008 for an outstanding warrant or submission of false information on an application. (Table 7)
- Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) field offices investigated 5,573 National Instant Criminal Background Check System (NICS) denials that were referred by the FBI in 2008. (Table 8)
- Records of persons ineligible to possess a firearm due to a mental health commitment or adjudication increased 25% in the NICS Index during 2008; overall, the number of records in the index increased 7%. (Table 9)

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Background

The Brady Handgun Violence Prevention Act of 1993 (Pub. L. No. 103-159, 107 Stat. 1536 (1993), codified as amended at 18 U.S.C. Section 921 et seq.) mandates a criminal history background check on any person who attempts to purchase a firearm from a Federal Firearms Licensee (FFL). The permanent provisions of the Brady Act established the National Instant Criminal Background Check System (NICS), which is accessed by the FBI or a state point of contact (POC) prior to transferring a firearm. The NICS is a system comprising data on persons who are prohibited from purchasing or possessing a firearm under the Brady Act or under state law.

The Brady Act 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 addicted to, a 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 U.S. under a nonimmigrant visa
- was dishonorably discharged from the U.S. Armed Forces
- 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 of a misdemeanor crime of domestic violence
- is under age 18 for long guns or under age 21 for handguns.

An FFL contacts either the FBI or state POC to determine whether a prospective purchaser is prohibited from receiving a firearm. The FBI conducts all NICS checks for 29 states. POC agencies, which may be statewide or local, conduct all NICS checks for 13 other states. In the remaining 8 states, NICS checks are conducted by POC agencies on handgun transfer applicants and by the FBI on long gun transfer applicants. Several states require an additional background check, usually by a local agency that does not access the NICS but uses only state records. State laws may require a check on a permit applicant or a person who seeks to receive a firearm from an unlicensed seller.

For more information on the [NICS](#), visit the FBI Criminal Justice Information Service (CJIS) website.

The Bureau of Justice Statistics (BJS) began the Firearm Inquiry Statistics (FIST) program in 1995 to provide national estimates of the total number of firearm applications received and denied pursuant to the Brady Act and similar state laws. The FIST program collects counts of firearm transfers and permit checks conducted by state and local agencies and combines this information with FBI NICS transaction data. Under FIST, additional information is collected on reasons for denials, appeals of denials, and law enforcement actions the FBI and the ATF take against denied persons.

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[Appendix table 3.](#) Forums for appeals of denials, 2008

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Additional information

Components of the national firearm check system

About 3,000 federal, state, and local agencies conduct background checks on persons who apply to purchase a firearm or

for a permit that may 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 applicants undergo a NICS check that has been requested by a dealer, or the applicant must present a state permit that the ATF has qualified as an alternative to the point-of-transfer check.

ATF-approved permits are those that —

- allow an applicant to possess, acquire, or carry a firearm, and
- were issued not more than 5 years earlier by the state where the transfer is to take place, after an authorized government official verified that possession of a firearm by the applicant would not be a violation of law.

All permits issued since November 29, 1998, must have included a NICS check. Many state-qualifying permits may be used for multiple purchases while valid. 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. Prior to transferring a firearm under the permanent Brady provisions, an FFL is required to obtain a completed Firearm Transaction Record (ATF form 4473) from the applicant.

An FFL initiates a NICS check by contacting either the FBI or state POC. Most inquiries are initiated by telephone. In 2002, the FBI added E-Check to allow FFLs electronically to request a check.

The FBI or POC queries available federal, state, and local systems and notifies the FFL that the transfer may proceed, may not proceed, or must be delayed pending further review of the applicant's record.

State and local NICS participation

Each state government determines the extent of its involvement in the NICS process.

Three levels 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; FFLs in the state are required to contact the FBI for NICS checks for long gun transfers.
- The state does not maintain a POC; FFLs are required to contact the FBI for NICS checks on all firearm transfers originating in the state.

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Methodology

The Regional Justice Information Service (REJIS), through a cooperative agreement with BJS under the FIST program, collected the data from federal, state, and local agencies.

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 2005 Census Bureau information. The population categories were chosen to be consistent with those used by the FBI when conducting similar studies.

The sample for the FIST survey was selected from the population of 2,971 state and local checking agencies. A total of 835 agencies were surveyed, including 30 statewide agencies and a stratified random sample of local agencies. Overall, 572 agencies provided data for a response rate of 69%.

| Population served by agencies | Number of agencies | | | |
|-------------------------------|--------------------|--------|-----------|---------------|
| | Total | Sample | Responses | Response rate |
| Total | 2,971 | 835 | 572 | 69% |
| Statewide | 30 | 30 | 29 | 97% |
| Under 10,000 | 1,664 | 371 | 245 | 66 |
| 10,000 to 100,000 | 1,162 | 383 | 268 | 70 |
| Over 100,000 | 115 | 51 | 30 | 59 |

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.

Michigan reported carry permit data by fiscal year, which was used to estimate for the calendar year. An estimate based on state population was used to determine the number of carry permit applications and denials in Mississippi. Pennsylvania reported 441,049 instant checks, included in the FIST national estimate, and 162,608 applications for nonexempt licenses to

carry. Also, Pennsylvania provided the combined number of denials of all applications, which was prorated to obtain the number of denials of instant checks.

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Definitions

National Instant Criminal Background Check System (NICS) includes records contained within the systems searched by the NICS, which are: the Interstate Identification Index (millions of criminal history records); the National Crime Information Center (protection orders and active felony or misdemeanor warrants); and the NICS Index, a database created solely for the use of the NICS and containing information provided by local, state and federal agencies pertaining to persons prohibited under federal law from receiving or possessing a firearm. Additionally, a fourth search of the applicable databases via the Department of Homeland Security's United States Immigration and Customs Enforcement is conducted for background checks initiated on all non-citizens of the United States.

Firearm is any weapon that is designed to or may readily be converted to expel a projectile by the action of an explosive.

Handgun is a firearm that has a short stock and is designed to be held and fired by the use of a single hand, such as a pistol or revolver.

Long gun is a firearm with a barrel extended to around 30 inches to improve accuracy and range, and commonly with a shoulder butt, designed to be fired with two hands, such as a rifle or shotgun.

Federal Firearms Licensee (FFL) also known as a federally licensed firearms dealer, is licensed by ATF to engage in the business of manufacturing, importing, or dealing in firearms. An FFL must be enrolled with the FBI NICS Section in order to request a NICS background check.

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.

Denial occurs when an applicant is prohibited from receiving a firearm or a permit that can be used to receive a firearm because a disqualifying factor was found during a background check.

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

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 quickly as possible.

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.

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.

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.

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Related publications

Background Checks for Firearm Transfers. Describes background checks for firearm transfers conducted annually.

In electronic format only:

Statistical tables

[2007](#), 7/08. NCJ 223197

[2006](#), 3/08. NCJ 221786

In print and electronic formats:

[Background Checks for Firearm Transfers, 2005](#), 11/06. NCJ 214256

[Background Checks for Firearm Transfers, 2004](#), 10/05. NCJ 210117

[Background Checks for Firearm Transfers, 2003: Trends for the Permanent Brady Period, 1999-2003](#), 9/04. NCJ 204428

[Background Checks for Firearm Transfers, 2002](#), 9/03. NCJ 200116

[Background Checks for Firearm Transfers, 2001](#), 9/02. NCJ 195235

[Background Checks for Firearm Transfers, 2000](#), 7/01. NCJ 187985

[Background Checks for Firearm Transfers, 1999](#), 6/99. NCJ 180882 Data on this subject for the Brady Interim period prior to the permanent provisions are available in [Presale Handgun Checks, the Brady Interim Period, 1994-98](#).

[Survey of State Procedures Related to Firearm Sales, 2005](#), 11/06. Provides an overview of the firearm check procedures in each of the states and their interaction with the National Instant Criminal Background Check System (NICS) operated by the FBI. NCJ 214645

[Survey of State Procedures Related to Firearm Sales, Midyear 2004](#), 8/05. NCJ 209288

[Survey of State Procedures Related to Firearm Sales, Midyear 2003](#), 8/04. NCJ 203701

[Survey of State Procedures Related to Firearm Sales, Midyear 2002](#), 4/03. NCJ 198830

[Survey of State Procedures Related to Firearm Sales, Midyear 2001](#), 4/02. NCJ 192065

[Survey of State Procedures Related to Firearm Sales, Midyear 2000](#), 4/01. NCJ 186766

[Survey of State Procedures Related to Firearm Sales, Midyear 1999](#), 3/00. NCJ 179022

[Survey of State Procedures Related to Firearm Sales, 1997](#), 12/98. NCJ 173942

[Survey of State Procedures Related to Firearm Sales, 1996](#), 9/97. NCJ 160705

[Survey of State Procedures Related to Firearm Sales](#), 5/96. NCJ 160763

[Survey of State Records Included in Presale Background Checks: Mental Health Records, Domestic Violence Misdemeanor Records, and Restraining Orders, 2003](#), 8/04. Examines the quality and accessibility of certain criminal and noncriminal records when States conduct a firearm presale background check. NCJ 206042

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Table 1. Number of applications and estimates of denials for firearm transfers or permits since the inception of the Brady Act, 1994-2008

| | Number of applications | | Percent denied |
|---|------------------------|-----------|----------------|
| | Received | Denied | |
| Total | 97,080,000 | 1,778,000 | 1.8 % |
| Brady interim period^a | | | |
| 1994-1998 | 12,740,000 | 312,000 | 2.4 |
| Permanent Brady^b | 84,340,000 | 1,466,000 | 1.8 |
| 1998 ^c | 893,000 | 20,000 | 2.2 |
| 1999 | 8,621,000 | 204,000 | 2.4 |
| 2000 | 7,699,000 | 153,000 | 2.0 |
| 2001 | 7,958,000 | 151,000 | 1.9 |
| 2002 | 7,806,000 | 136,000 | 1.7 |
| 2003 | 7,831,000 | 126,000 | 1.6 |
| 2004 | 8,084,000 | 126,000 | 1.6 |
| 2005 | 8,278,000 | 132,000 | 1.6 |
| 2006 | 8,612,000 | 135,000 | 1.6 |
| 2007 | 8,658,000 | 136,000 | 1.6 |
| 2008 | 9,901,000 | 147,000 | 1.5 |

Note: Counts are rounded to the nearest 1,000.

^aFrom March 1, 1994 to November 29, 1998 background checks on applicants were conducted by state and local agencies, mainly on handgun transfers. See *Presale Handgun Checks, the Brady Interim Period, 1994-98 (NCJ 175034)* <<http://www.ojp.usdoj.gov/bjs/abstract/phc98.htm>>.

^bThe National Instant Criminal Background Check System (NICS) began operations. Checks on handgun and long gun transfers are conducted by the Federal Bureau of Investigation (FBI), and by state and local agencies. Totals combine Firearm Inquiry Statistics (FIST) estimates for state and local agencies with transactions and denials reported by the FBI.

^cNovember 30 to December 31, 1998. Counts are from the NICS operations report for the period and may include multiple transactions for the same application.

See also **Methodology**

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Table 2. Number of applications and denials, by type of agency and type of check, 1999 - 2008

| Type of checks conducted | 2008 | | | 1999-2008 ^a | | |
|---|--------------|---------|----------------|------------------------|-----------|----------------|
| | Applications | Denials | Percent denied | Applications | Denials | Percent denied |
| National total (FIST and FBI) | 9,900,711 | 147,080 | 1.5 % | 84,340,362 | 1,463,940 | 1.7 % |
| FBI total | 5,813,249 | 70,725 | 1.2 % | 48,159,005 | 680,905 | 1.4 % |
| State and local total (FIST) ^b | 4,087,462 | 76,355 | 1.9 % | 36,181,357 | 783,035 | 2.2 % |
| State agencies | | | | | | |
| Total | 3,551,936 | 63,051 | 1.8 % | 30,974,930 | 668,222 | 2.2 % |
| Instant checks ^c | 2,395,133 | 42,546 | 1.8 | 21,520,780 | 504,814 | 2.3 |
| Purchase permits ^d | 361,373 | 9,648 | 2.7 | 3,202,911 | 75,936 | 2.4 |
| Exempt carry permits ^e | 323,722 | 6,053 | 1.9 | 2,098,762 | 43,426 | 2.1 |
| Other approvals ^f | 471,708 | 4,804 | 1.0 | 4,152,477 | 44,046 | 1.1 |
| Local agencies^g | | | | | | |
| Total | 766,293 | 13,304 | 1.7 % | 6,207,965 | 114,813 | 1.8 % |
| Purchase permits ^d | 367,719 | 7,930 | 2.2 | 3,824,049 | 81,436 | 2.1 |
| Exempt carry permits ^e | 334,577 | 4,855 | 1.5 | 1,865,517 | 29,137 | 1.6 |
| Other approvals ^f | 63,997 | 519 | 0.8 | 518,399 | 4,240 | 0.8 |

^aTotals for the 10-year period include December 1998.

^bAgencies that conduct exempt carry permit checks in Arizona, Arkansas, Kentucky, Mississippi, North Dakota, South Carolina, Texas, and Wyoming request an FBI background check, but the state agency makes the decision to approve or deny an applicant. Applications in these states are included in FBI checks but denials are included in state and local checks, causing a reduction of FIST total applications by 230,767 in 2008 and by 1,001,538 for 1999 to 2008.

^cInstant check requires a seller to transmit a buyer's application to a checking agency by telephone or computer; the agency is required to respond immediately or as soon as possible.

^dPurchase permit systems require a buyer to obtain, after a background check, a government-issued document such as a permit, license, or identification card that must be presented to a seller in order to receive a firearm.

^eExempt carry permit is a state concealed weapons permit, issued after a background check, that exempts the holder from a new check at the time of purchase under an ATF ruling or state law.

^fOther approval systems require a seller to transmit an application to a checking agency, with transfers delayed until a waiting period expires or the agency completes a check.

^gTotals were estimated. See **Methodology** for more detail.

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Table 3a. Number of firearm applications received and denied by selected state agencies, 1999-2008

| | 2008 | | | 1999-2008 | | |
|-----------------------------------|--------------|---------|----------------|--------------|---------|----------------|
| | Applications | Denials | Percent denied | Applications | Denials | Percent denied |
| Transfer checks or permits | | | | | | |
| California | 425,263 | 3,936 | 1.9 % | 3,726,580 | 37,480 | 1.0 % |
| Colorado | 203,210 | 5,792 | 2.9 % | 1,487,449 | 55,681 | 3.7 % |
| Connecticut ^a | 112,901 | 147 | 0.1 | ... | ... | ... |
| Purchase permits | 33,342 | 17 | 0.1 | ... | ... | ... |
| Instant checks | 79,559 | 130 | 0.2 | 612,445 | 1,519 | 0.2 |
| Delaware | 12,107 | 577 | 4.8 | 102,607 | 4,436 | 4.3 |
| Florida | 482,060 | 7,721 | 1.6 | 3,187,569 | 70,130 | 2.2 |
| Hawaii ^b | 10,527 | 112 | 1.1 | ... | ... | ... |
| Illinois ^a | 468,109 | 9,536 | 2.0 | 4,020,775 | 75,682 | 1.9 |
| Purchase permits | 278,374 | 8,622 | 3.1 | 2,386,709 | 64,472 | 2.7 |
| Instant checks | 189,735 | 914 | 0.5 | 1,631,066 | 11,210 | 0.7 |
| Maryland | 37,182 | 809 | 2.2 | 287,253 | 5,299 | 1.8 |
| Nevada | 84,458 | 1,575 | 1.9 | ... | ... | ... |
| New Hampshire ^c | 20,704 | 154 | 0.7 | 148,319 | 1,492 | 1.0 |
| New Jersey ^{a,b} | 81,272 | 993 | 1.2 | 781,780 | 8,942 | 0.1 |
| Purchase permits | 39,040 | 897 | 2.3 | 403,814 | 7,838 | 1.9 |
| Instant checks | 42,232 | 96 | 0.2 | 377,966 | 1,104 | 0.3 |
| Oregon | 163,103 | 2,169 | 1.3 | 1,200,806 | 22,959 | 1.9 |
| Rhode Island ^b | 9,263 | 59 | 0.6 | ... | ... | ... |
| Tennessee | 271,852 | 11,464 | 4.2 | 2,018,707 | 87,694 | 4.3 |
| Utah ^d | 89,555 | 2,524 | 2.8 | 734,858 | 21,255 | 2.9 |
| Virginia | 268,138 | 2,777 | 1.0 | 2,102,134 | 25,019 | 1.2 |
| Wisconsin ^c | 47,373 | 591 | 1.2 | 356,210 | 5,340 | 1.5 |
| Exempt carry permits | | | | | | |
| Arizona | 40,630 | 3,130 | 7.7 % | 236,165 | 12,558 | 5.3 % |
| Arkansas | 24,358 | 170 | 0.7 | ... | ... | ... |
| Kentucky | 16,504 | 424 | 2.6 | ... | ... | ... |
| Minnesota ^{d,e} | 21,646 | 269 | 1.2 | ... | ... | ... |
| North Dakota | 3,847 | 4 | 0.1 | ... | ... | ... |
| South Carolina | 26,012 | 358 | 1.4 | 123,495 | 2,378 | 1.9 |
| Utah | 37,898 | 455 | 1.2 | 142,405 | 2,106 | 1.5 |
| Wyoming | 4,276 | 73 | 1.7 | 15,450 | 301 | 1.9 |

Note: Each listed state reported complete statewide data for applications and denials in 2008. Pennsylvania reported 441,049 instant checks for 2008, but the number denied is unavailable. ... Not available or Not applicable.

^aConnecticut, Illinois, and New Jersey conduct checks on permit or identification card applicants and on firearm transfer applicants.

^bHawaii and New Jersey permit checks and Rhode Island purchase checks are conducted by local agencies, but counts are reported by the state.

^cCounts include handguns only for these states.

^dPermits are only exempt under state law. Other carry permits listed have a federal exemption.

^ePermits are issued locally but counts are reported by the state.

See also **Methodology**

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Table 3b. Local denial rates by community size and type of permit, 1999-2008

| Population served by checking agency | 2008 | | | 1999-2008 | | |
|---|--------------|---------|-------------------|--------------|---------|-------------------|
| | Applications | Denials | Percent denied | Applications | Denials | Percent denied |
| Purchase permits | | | | | | |
| Under 10,000 | 12,332 | 132 | 1.1 % | 124,837 | 1,589 | 1.3 % |
| 10,000 to 100,000 | 58,540 | 869 | 1.5 | 561,107 | 9,628 | 1.7 |
| Over 100,000 | 32,815 | 1,048 | 3.2 | 388,213 | 10,853 | 2.8 |
| Total | 103,687 | 2,049 | 2.0 | 1,074,157 | 22,070 | 2.1 |
| Exempt carry permits | | | | | | |
| Under 10,000 | 5,994 | 37 | 0.6 % | 48,453 | 456 | 0.9 % |
| 10,000 to 100,000 | 45,596 | 708 | 1.6 | 253,212 | 3,598 | 1.4 |
| Over 100,000 | 39,130 | 862 | 2.2 | 186,778 | 3,427 | 1.8 |
| Total | 90,720 | 1,607 | 1.8 | 488,443 | 7,481 | 1.5 |

Note: Counts are from agencies that provided data.

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Table 4. Reasons for denial of firearm transfer applications by checking agencies, 2008

| Reason for denial | 2008 | | |
|---------------------------------|------------------|-------|-------|
| | FBI ^a | State | Local |
| Total | 100 % | 100 % | 100 % |
| Felony indictment/conviction | 55.9 | 45.7 | 23.8 |
| State law prohibition | 6.8 | 10.5 | 5.4 |
| Domestic violence | | | |
| Misdemeanor conviction | 7.3 | 9.9 | 14.4 |
| Restraining order | 4.1 | 4.0 | 2.2 |
| Fugitive | 13.4 | 8.6 | 1.1 |
| Illegal alien | 1.4 | 0.5 | 0.5 |
| Mental illness or disability | 1.1 | 3.7 | 5.3 |
| Drug user/addict | 9.5 | 3.1 | 12.9 |
| Local law prohibition | ... | 0.0 | 4.7 |
| Other prohibitions ^b | 0.6 | 13.9 | 29.7 |

Note: Reasons for denials are based on 18 U.S.C. 922 and state laws.

... Not available or Not applicable.

^aDuring 2008 the FBI began a new classification system and reclassified all denials from 1999 to 2008. Thus, comparisons with cumulative totals in prior editions of this bulletin are not possible.

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

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Table 5. Number of applications, denials, and reasons for denials, 2008

| | 2008^a |
|--|-------------------------|
| Applications | 9,901,000 |
| Denials | 147,000 |
| Felony denials | 77,000 |
| All other reasons | 70,000 |
| Percent felony | 52% |
| Felony denials per 1,000 applications | 7.8 |

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

^aDuring 2008 the FBI began a new classification system and reclassified all denials from 1999 to 2008.

See also **Methodology**

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Table 6. Appeals by type of checking agency, 1999-2008

| Type of checking agency | 2008 | | | | 1999-2008 | | | |
|---------------------------|---------|---------------------------------|----------|--------------------|-----------|---------------------------------|----------|--------------------|
| | Appeals | | Reversed | | Appeals | | Reversed | |
| | Number | Percent of Denials ^a | Number | Percent of Appeals | Number | Percent of Denials ^a | Number | Percent of Appeals |
| Total | 27,668 | 18.8 % | 10,885 | 39.3 % | 236,766 | 16.2 % | 86,078 | 36.4 % |
| FBI | 10,603 | 15.0 % | 3,101 | 29.2 % | 101,128 | 14.9 % | 29,676 | 29.3 % |
| State | 16,911 | 26.8 % | 7,732 | 45.7 % | 134,330 | 20.1 % | 55,944 | 41.6 % |
| Colorado | 1,599 | 27.6 | 1,141 | 71.4 | ... | ... | ... | ... |
| Florida | 2,570 | 33.3 | 909 | 35.4 | ... | ... | ... | ... |
| Pennsylvania ^b | 4,289 | 51.6 | 1,623 | 37.8 | ... | ... | ... | ... |
| Oregon | 1,691 | 78.0 | 95 | 5.6 | ... | ... | ... | ... |
| Tennessee | 6,308 | 55.0 | 3,560 | 56.4 | ... | ... | ... | ... |
| Other states | 454 | 1.5 | 404 | 89.0 | ... | ... | ... | ... |
| Local | 154 | 1.1 % | 52 | 33.8 % | 1,308 | 1.1 % | 458 | 35.0 % |

...Not available.

^aSee tables 2 and 3a for the number of denials.

^bCounts include appeals of firearm sales denials and license denials.

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Table 7. Reported arrests of denied persons, by type of agency, 2000-2008

| | Number of arrests of denied persons | | | | | | | | |
|---------------------------|-------------------------------------|-------|-------|-------|-------|-------|-------|-------|-------|
| | 2008 | 2007 | 2006 | 2005 | 2004 | 2003 | 2002 | 2001 | 2000 |
| States | 1,270 | 1,327 | 1,285 | 1,398 | 1,490 | 1,430 | 1,697 | 1,901 | 1,294 |
| Colorado ^a | 152 | 167 | 189 | 185 | 215 | 137 | 246 | 276 | 259 |
| Connecticut ^b | / | / | / | 0 | 27 | 21 | 14 | 3 | / |
| Delaware ^a | / | / | / | 3 | 7 | 14 | / | / | / |
| Georgia ^c | ... | ... | ... | ... | 98 | 81 | 97 | 64 | 9 |
| Maryland ^b | / | / | / | / | / | / | 208 | 221 | 130 |
| New Jersey ^a | 9 | / | / | / | / | / | / | / | 27 |
| Oregon ^a | 91 | 84 | 103 | 125 | 98 | 124 | 131 | 198 | 94 |
| Pennsylvania ^a | 208 | 311 | 313 | 244 | 343 | 375 | 382 | 348 | / |
| Virginia ^a | 810 | 765 | 680 | 841 | 702 | 678 | 619 | 791 | 775 |
| Local agencies | 29 | 33 | 29 | 30 | 12 | 43 | 45 | 63 | 33 |

/ Not reported.

... Not applicable.

^aArrests were made by state police troops or local agencies and may not always be reported to the state.

^bA statewide unit responded to all falsified applications and illegal attempts to buy firearms.

^cNo longer operated as a point of contact state after 2004.

See also **Methodology**

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Table 8. ATF investigation of National Instant Criminal Background Check System (NICS) denials by the FBI, 2008

| | Total | Percent |
|--|--------------|----------------|
| FBI denials referred to ATF Brady Operations | 78,906 | 100.0 % |
| Brady Operations referrals to ATF field divisions^a | | |
| Total referred to field | 5,573 | 7.1 % |
| Delayed denials ^b | 2,472 | 3.1 |
| Standard referrals ^c | 3,101 | 3.9 |
| Not referred to field | 66,745 | 84.6 |
| Not referred and overturned | 6,588 | 8.3 |
| Reasons for referrals to ATF field divisions | | |
| Convicted felon | 1,498 | 26.9 % |
| Subject to protective order | 1,374 | 24.7 |
| Domestic violence misdemeanor | 1,307 | 23.5 |
| Under indictment or information ^d | 481 | 8.6 |
| Unlawful user of controlled substance | 469 | 8.4 |
| Fugitive from justice | 267 | 4.8 |
| Illegal or unlawful alien | 119 | 2.1 |
| Other reasons ^e | 58 | 1.0 |

Note: Total may not add to 100% due to rounding.

^aA denial is referred if it is likely to merit prosecution under ATF and U.S. Attorney criteria.

^bA firearm may be obtained during an "open transaction" where the FBI has not completed a check in three business days and the dealer is allowed to transfer the firearm. If the FBI completes the check and finds that the buyer is prohibited, a delayed denial referral is made to ATF.

^cA standard referral involves a person who is not allowed to receive a firearm because the FBI found a prohibitory record within three business days.

^dAn "information" is a formal accusation of a crime, which differs from an "indictment" because it is made by a prosecuting attorney rather than a grand jury.

^eThe category "other reasons" is compiled from four other prohibiting categories utilized by the Brady Operations Branch to refer denials for field investigation.

Source: Bureau of Alcohol, Tobacco, Firearms, and Explosives, Brady Operations Branch.

See also **Methodology**

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Table 9. Counts of National Instant Criminal Background Check System (NICS) Index prohibited person records, 2008

| Type of record | December 31, 2008 | | | January 1, 2008 | | | Index percent change |
|--------------------------------|-------------------|-------------|-----------|-----------------|-------------|-----------|----------------------|
| | Index totals | Submissions | | Index totals | Submissions | | |
| | | State | Federal | | State | Federal | |
| Total | 5,483,941 | 1,185,471 | 4,298,470 | 5,108,038 | 1,067,653 | 4,040,385 | 7 % |
| Felony* | 250,188 | 247,062 | 3,126 | 0 | 0 | 0 | ... |
| Under Indictment/Information* | 230 | 17 | 213 | 0 | 0 | 0 | ... |
| Fugitive from Justice* | 349,029 | 343,173 | 5,856 | 0 | 0 | 0 | ... |
| Controlled Substance | 5,601 | 4,439 | 1,162 | 836 | 70 | 766 | 570 |
| Mental Committed/Adjudicated | 648,120 | 531,295 | 116,825 | 518,499 | 402,047 | 116,452 | 25 |
| Illegal or Unlawful Alien | 4,109,873 | 41 | 4,109,832 | 3,851,155 | 34 | 3,851,121 | 7 |
| Dishonorable Discharge | 15,871 | 4 | 15,867 | 15,345 | 0 | 15,345 | 3 |
| Renounced U.S. Citizenship | 13,623 | 1 | 13,622 | 12,968 | 0 | 12,968 | 5 |
| Protection/Restraining Order* | 1,056 | 955 | 101 | 0 | 0 | 0 | ... |
| Misdemeanor Domestic Violence* | 46,286 | 19,982 | 26,304 | 0 | 0 | 0 | ... |
| Denied Persons | 44,064 | 38,502 | 5,562 | 709,235 | 665,502 | 43,733 | -94 |

*New reporting requirements began on May 19, 2008 and many records in the "Denied Persons" file were reclassified to more specific classifications.

See also **Methodology**

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Appendix table 1. Agencies conducting firearm background checks, December 31, 2008

| Jurisdiction | Names or description of checking agencies | |
|-----------------------|---|---|
| | Purchase check or permit | Exempt carry permit ^a |
| United States | Federal Bureau of Investigation | --- |
| Alabama | --- | --- |
| Alaska | --- | --- |
| Arizona | --- | Department of Public Safety |
| Arkansas | --- | State Police |
| California | Department of Justice Firearms Division | --- |
| Colorado | Bureau of Investigation Insta-Check Unit | --- |
| Connecticut | State Police Special Licensing & Firearms | --- |
| Delaware | State Police Bureau of Identification | Three county superior courts |
| Florida | Department of Law Enforcement | --- |
| Georgia | --- | 159 county probate courts |
| Hawaii | Four police departments | --- |
| Idaho | --- | 44 county sheriffs |
| Illinois | State Police FOID and FTIP units | --- |
| Indiana | --- | --- |
| Iowa | Dept. of Public Safety / 99 county sheriffs | Dept. of Public Safety / 99 county sheriffs |
| Kansas | --- | --- |
| Kentucky | --- | State Police |
| Louisiana | --- | --- |
| Maine | --- | --- |
| Maryland | State Police Firearms Enforcement Division | --- |
| Massachusetts | 351 police departments | 351 police departments |
| Michigan | 595 sheriffs and police departments | County licensing boards |
| Minnesota | 568 sheriffs and police departments | 87 county sheriffs |
| Mississippi | --- | Department of Public Safety |
| Missouri | --- | --- |
| Montana | --- | 56 county sheriffs |
| Nebraska | 95 sheriffs and police departments | --- |
| Nevada ^b | Department of Public Safety | --- |
| New Hampshire | Department of Safety | --- |
| New Jersey | State Police / 505 local police departments | --- |
| New Mexico | --- | --- |
| New York ^c | 58 county sheriffs; some police departments | --- |
| North Carolina | 100 county sheriffs | 100 county sheriffs |
| North Dakota | --- | Bureau of Criminal Investigation |
| Ohio | --- | --- |
| Oklahoma | --- | --- |
| Oregon | State Police Firearms Unit | --- |
| Pennsylvania | State Police Firearms Division | --- |
| Rhode Island | 39 police departments | --- |
| South Carolina | --- | Law Enforcement Division |
| South Dakota | --- | --- |
| Tennessee | Bureau of Investigation Instant Check | --- |
| Texas | --- | Department of Public Safety |
| Utah | Bureau of Criminal Identification | Bureau of Criminal Identification |
| Vermont | --- | --- |
| Virginia | State Police Firearm Transaction Program | --- |
| Washington | 291 sheriffs and police departments | --- |
| West Virginia | --- | --- |
| Wisconsin | Department of Justice Handgun Hotline | --- |
| Wyoming | --- | Wyoming Attorney General |

--- FBI conducts purchase checks or jurisdiction has no exempt permits.

^aAgencies listed issue carry permits that may be used to waive a purchase check.

^bAs of July 1, 2008, the state's carry permit is no longer an alternative to a NICS check.

^cLicense required for purchase may also allow carrying.

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**Appendix table 2. National Instant Criminal Background Check System (NICS):
Checking agencies -- FBI or State point of contact -- for firearm transfers, 2008**

| State | FBI conducts checks for all firearms ^a | POC conducts checks for all firearms | POC checks handguns FBI checks long guns |
|-----------------------------|--|---|---|
| Total | 29 | 13 | 8 |
| Alabama | X | | |
| Alaska | X | | |
| Arizona | X | | |
| Arkansas | X | | |
| California | | X | |
| Colorado | | X | |
| Connecticut | | X | |
| Delaware | X | | |
| Florida | | X | |
| Georgia | X | | |
| Hawaii ^b | | X | |
| Idaho | X | | |
| Illinois | | X | |
| Indiana | X | | |
| Iowa ^b | | | X |
| Kansas | X | | |
| Kentucky | X | | |
| Louisiana | X | | |
| Maine | X | | |
| Maryland | | | X |
| Massachusetts | X | | |
| Michigan ^b | | | X |
| Minnesota | X | | |
| Mississippi | X | | |
| Missouri | X | | |
| Montana | X | | |
| Nebraska ^b | | | X |
| Nevada | | X | |
| New Hampshire | | | X |
| New Jersey | | X | |
| New Mexico | X | | |
| New York | X | | |
| North Carolina ^b | | | X |
| North Dakota | X | | |
| Ohio | X | | |
| Oklahoma | X | | |
| Oregon | | X | |
| Pennsylvania | | X | |
| Rhode Island | X | | |
| South Carolina | X | | |
| South Dakota | X | | |
| Tennessee | | X | |
| Texas | X | | |
| Utah | | X | |
| Vermont | X | | |
| Virginia | | X | |
| Washington ^b | | | X |
| West Virginia | X | | |
| Wisconsin | | | X |
| Wyoming | X | | |

Note: Includes checks on purchases or on permits required for purchase.

^aThe FBI also conducts all NICS checks for the District of Columbia, Guam, Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands.

^bStates with multiple points of contact.

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Appendix table 3. Forums for appeals of denials, 2008

| State | Type of check | Appeal forums | | |
|----------------|-----------------|----------------|--------------|--------------|
| | | Denying agency | Other agency | Court system |
| Arizona | Exempt carry | X | ... | X |
| California | Other approval | X | ... | ... |
| Colorado | Instant check | X | ... | ... |
| Connecticut | Instant check | X | ... | ... |
| | Purchase permit | ... | X | ... |
| Delaware | Instant check | X | ... | X |
| | Exempt carry | ... | ... | X |
| Florida | Instant check | X | ... | ... |
| Georgia | Exempt carry | ... | ... | X |
| Illinois | Instant check | X | ... | X |
| | Purchase permit | X | ... | X |
| Iowa | Purchase permit | ... | ... | X |
| | Exempt carry | ... | ... | X |
| Maryland | Other approval | X | ... | X |
| Massachusetts | Purchase permit | ... | ... | X |
| | Exempt carry | ... | ... | X |
| Michigan | Purchase permit | ... | ... | X |
| | Exempt carry | ... | ... | X |
| Minnesota | Purchase permit | ... | ... | X |
| | Exempt carry | ... | ... | X |
| Mississippi | Exempt carry | X | ... | X |
| Montana | Exempt carry | ... | ... | X |
| Nebraska | Purchase permit | ... | ... | X |
| Nevada | Instant check | X | ... | ... |
| New Hampshire | Instant check | X | ... | X |
| New Jersey | Instant check | X | ... | ... |
| | Purchase permit | ... | ... | X |
| North Carolina | Purchase permit | ... | ... | X |
| | Exempt carry | ... | ... | X |
| North Dakota | Exempt carry | ... | ... | X |
| Oregon | Instant check | X | ... | ... |
| Pennsylvania | Instant check | X | X | X |
| South Carolina | Exempt carry | X | ... | ... |
| Tennessee | Instant check | X | ... | ... |
| Texas | Exempt carry | ... | ... | X |
| Utah | Instant check | X | ... | ... |
| | Exempt carry | ... | X | ... |
| Virginia | Instant check | X | ... | X |
| Washington | Other approval | ... | ... | X |
| Wisconsin | Instant check | X | ... | X |
| Wyoming | Exempt carry | X | ... | ... |

X Statute or regulation provides a specific procedure to appeal a denial of a firearm transfer or permit. In addition, some denying agencies may reconsider a decision even if not required to do so by law.

... Not applicable