



## Bureau of Justice Statistics

# Survey of State Procedures Related to Firearm Sales, Midyear 2000

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**Includes the FBI's**

**National Instant Criminal Background Check System**



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# **Survey of State Procedures Related to Firearm Sales, Midyear 2000**

**Prepared by  
The Regional Justice Information Service  
St. Louis, Missouri**

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## Introduction

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*Survey of State Procedures Related to Firearm Sales, Midyear 2000*, is the fifth in a series of Bureau of Justice Statistics (BJS) reports. This report describes laws, regulations, procedures, and information systems related to sales and other transfers of firearms that were in effect as of June 30, 2000. Procedures summarized in the survey are required by the laws and regulations of the United States, the 50 States, and other jurisdictions.

**History of the survey and related bulletins.** This national survey is produced by the BJS Firearm Inquiry Statistics (FIST) project, a component of the National Criminal History Improvement Program (NCHIP). The FIST project was established in 1995 to collect data that describes the scope and impact of firearm background checks required under Federal or State law.

The first three editions of the survey primarily described procedures related to background checks on handgun purchasers, especially those required by the interim provisions of the Brady Act. The fourth edition described procedures required by the permanent provisions of the Brady Act or State law for transfers of handguns and other types of firearms. This edition incorporates recent changes in Federal and State procedures, and provides expanded coverage on topics related to firearm sales.

Data collected and analyzed by the FIST project are also reported in BJS Bulletins. Five bulletins reported counts of firearm transfer applications and denials for the Brady interim period. (A cumulative summary is presented in *Presale Handgun Checks, the Brady Interim Period, 1994-1998*, June 1999, NCJ 175034.) The most recent bulletin summarized counts of firearm transfer applications and denials for

the first full year of the permanent Brady Act provisions (see *Background Checks for Firearm Transfers, 1999*, June 2000, NCJ 180882).

(All prior surveys and bulletins can be viewed or ordered through the BJS web site listed at the end of the *Background* section.)

The regular release of updated information in BJS surveys and bulletins is intended to highlight changes in the number of firearm transfer applications and denials, and in the overall denial rate or specific reasons for denial. The changes reported may be influenced by a variety of factors, including revisions in Federal and State laws, policies, or organization, and the availability of different categories of records. BJS anticipates that the procedural information presented in this report will be used with the statistical information about background checks to provide a more thorough understanding of the scope and impact of firearm transfer regulations.

**Survey methodology.** Information for this report was collected from hundreds of Federal, State, and local agencies, including law enforcement organizations, statistical analysis centers, and legislative research bureaus. Descriptions of procedures and statistical data were voluntarily provided. Data analysis and supplementary legal research were provided by the Regional Justice Information Service (REJIS), the organization conducting the study under an award from BJS.

To ensure the accuracy of the information as of June 30, 2000, a draft of each State's summary was sent to the agency designated by the State for review and comment.

The final version of each summary, as contained in this report, was reviewed and approved by the State contact. A complete list of the State contacts is included in the appendices.

Consistent with privacy protection procedures, the information collected did not disclose the identity of any individual involved in a firearm transaction. Additionally, the software provided to help agencies submit statistical data contains a purging mechanism that destroys data in accordance with applicable Federal or State law.

## Background

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**Federal prohibitions.** The Gun Control Act (GCA), 18 U.S.C. 922(d), prohibits the transfer of any firearm to any person who C

- 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 any controlled substance;
- has been adjudicated as a mental defective or committed to a mental institution;
- is an alien unlawfully in the United States or admitted under a nonimmigrant visa;
- was discharged from the armed forces under dishonorable conditions;
- has renounced United States citizenship;
- is subject to a court order restraining him or her from harassing, stalking, or threatening an intimate partner or child; or
- has been convicted in any court of a misdemeanor crime of domestic violence.

In addition, it is unlawful for a *federally licensed dealer* to transfer a long gun to a person less than 18 years of age or a handgun to a person less than 21 years of age. It is unlawful *for any person* to transfer a handgun to a juvenile (under 18) except in limited circumstances (18 U.S.C. 922(b), (x)).

In 1993, the Brady Handgun Violence Prevention Act (Brady Act) amended the Gun Control Act to provide a method for blocking transfers to prohibited persons. The Brady Act included interim and permanent provisions.

**Brady interim system.** From February 28, 1994, until November 30, 1998, the interim provisions of the Brady Act, 18 U.S.C. 922(s), prohibited sale of a handgun by a Federal Firearms Licensee (FFL) for up to 5 days or until the licensee had been advised that, based on a background check, a prospective purchaser was not prohibited under Federal or State law. Checks were conducted by the Chief Law Enforcement Officer (CLEO) of the jurisdiction where the licensee operated.

The interim provisions allowed States with prohibitory statutes comparable to Federal law to follow a variety of alternative procedures. State laws that qualified under these alternatives required that before any licensee completed the transfer of a handgun to a non-licensee, a government official verified that possession of a handgun by the transferee would not be a violation of law. These "Brady-Alternative States" generally employed either an "instant check" or a "permit or other approval-type" system, as designated by the Bureau of Alcohol, Tobacco, and Firearms (ATF).

**National Instant Criminal Background Check System.** The permanent provisions of the Brady Act, 18 U.S.C. 922(t), required establishment of the National Instant Criminal Background Check System (NICS) by November 30, 1998. The U.S. Department of Justice, with the States, developed the system during the 57-month interim period.

The NICS allows 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 addition to regulation of handgun

sales, the permanent 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.

Prospective transferees undergo a NICS check requested by a dealer or present a State permit that ATF has qualified as an alternative to the point-of-transfer check. Qualifying permits are those which:

- 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 30, 1998, qualifies as an alternative only if the information available to the State authority includes the NICS.

Prior to transferring a firearm subject to the permanent Brady requirements, a licensee must receive a completed Firearm Transaction Record (ATF Form 4473) and verify the transferee's identity through a government-issued photo identification. The transferee may also be required to complete a State disclosure form. Submitting false information in regard to a firearm transaction may subject a transferee to prosecution under federal law and many State statutes.

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 the POC checks available Federal

and State databases to determine whether a disqualifying record on the transferee exists. A background check may include contacting an agency that maintains a record that the FBI or POC cannot access directly (also see *Background checks*).

After a search of available records, the checking agency responds with a notice to the licensee that the transfer may proceed, may not proceed, or is delayed pending further review of the applicant's record. If further review of a record indicates the transfer would not violate Federal or State law, the checking agency notifies the licensee that the transfer may proceed. If the licensee does not receive a response within 3 business days, the transfer may proceed.

All NICS checks by the FBI are without charge; POC fees are determined by State law.

Under FBI regulations, persons prohibited from purchasing a firearm may request the reason for denial from the denying agency (FBI or POC), which has 5 business days to respond. The applicant may then submit information to correct the record on which the denial was based and may be required to contact the agency where the record originated. As an alternative, the applicant's challenge to the record can be directed to the FBI, which will contact the denying agency or the source of the record. Persons denied by a POC may also have appeal rights under State law. In addition to background checks on dealer transfers and firearm permit applicants, the NICS Index may be accessed for information in connection with the issuance of an explosives-related permit or license, or in response to ATF inquiries regarding enforcement of Federal

firearms laws. ATF has developed a screening system that uses information from the NICS to identify potential and active violent offenders who attempt to purchase firearms. As of September 1999, NICS referrals had resulted in more than 1,000 ATF criminal investigations, with 200 cases referred for prosecution. (See *Implementation of the Brady Law*, ATF Report, September 1999; for information on prosecutions, see *Federal Firearm Offenders, 1992-98*, June 2000, NCJ 180795.)

**State involvement in firearm transfer regulation.** Each State determines the extent of its participation in the NICS process. Three basic forms of State involvement currently exist:

- 1) a POC requests a NICS check on all firearm transfers originating in the State;
- 2) a POC requests a NICS check on all handgun transfers; licensees in the State are required to contact the FBI for approval of long gun transfers; or
- 3) the State does not maintain a point of contact; licensees are required to contact the FBI for NICS checks on all firearm transfers originating in the State.

As of June 30, 2000, handgun transfer checks are conducted by the FBI for 24 States and by POC agencies for 26 States; long gun transfer checks are conducted by the FBI for 35 States and by POC agencies for 15 States (table 4). The overall number of State Points of Contact has remained steady, although two have changed their status since June 30, 1999. Colorado resumed POC functions on August 1, 1999. South Carolina decided to turn over all its NICS responsibility to the FBI on October

1, 1999. Four States (Colorado, Connecticut, Illinois, and New Hampshire) that had been serving as a POC, but had no law to do so, enacted legislation to establish a designated agency as a permanent POC (see table 11). On December 8, 2000, Oregon added long gun checks to the duties performed by its POC agency.

Where a State has established a POC, the POC agencies also conduct checks on persons who apply for State permits required for receipt of a firearm. In a few States, the FBI conducts the NICS check on certain pawn transactions instead of the POC. Most States have designated a single agency as their NICS point of contact. Some States have multiple points of contact, which are usually county sheriffs or municipal police departments.

The NICS process does not automatically supplant State firearm transfer regulations. State background check and permit statutes that existed before the effective date of the NICS remain in force unless repealed by legislative action or allowed to expire. The background check requirements of the Brady Act are the prevailing minimum nationwide. Some States have enacted additional requirements.

Most background checks required by State laws are conducted by agencies that also serve as NICS points of contact. However, purchasers in six States are required to undergo two checks conducted by different agencies (table 5). 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

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a State agency and a NICS check by the FBI.

**Sources of additional information.**

Regulations applicable to the operation of the NICS have been promulgated by the FBI (28 Code of Federal Regulations (CFR) 25) and ATF (25 CFR 178). Further information on Federal law and BJS-related publications is available from the following Internet sites:

**ATF:** <http://www.atf.treas.gov/core/firearms/firearms.htm>

**FBI:** <http://www.fbi.gov/programs/nics/index.htm>

**BJS:** <http://www.ojp.usdoj.gov/bjs/>



### Prohibited persons

The Federal Gun Control Act's categories of prohibited persons (see *Background*) are the prevailing minimum nationwide. State statutes may include additional or more restrictive prohibitions. Most State prohibitory laws are intended to prevent firearm possession or purchase by persons believed to be incapable of handling a weapon in a safe and legal manner. Some laws place restrictions on the timing or quantity of firearm purchases by any person and are intended to prevent secondary transfers to prohibited persons. The number of States that have enacted prohibitions in each category is listed in parentheses (also see table 2).

**Felons** (49 States) - Generally, a felony is a crime punishable by incarceration for more than one year. Although statutory definitions vary widely, legislation in 49 States prohibits firearm purchase or possession by at least some categories of felons. Prohibitions may include persons arrested or indicted for, or convicted of, a felony. Some States disqualify all felons from firearm possession. Other States disqualify persons who committed specific felonies, which may be enumerated in a statute or categorized by terms such as "crimes of violence," "serious offenses," or "firearm offenses." Many States extend the prohibition to persons convicted of a felony or a similar offense in other jurisdictions. Only Vermont lacks a statute that bars firearm possession by felons.

A criminal offender's ineligibility to possess a firearm may be temporary. Nearly all States allow at least some offenders to regain possession rights by executive pardon, court order, administrative proceeding, or the passage of a

certain number of years after conviction or discharge from a sentence without further violations. Many States require several steps before rights are restored. For example, persons who obtain a pardon or maintain a clean record for a number of years may be required to petition a court for an order restoring rights. In some States, certain offenders cannot regain the right to possess a firearm. (See *Jurisdictional summaries*.)

**Misdemeanor offenders** (18 States) - Generally, a misdemeanor is a crime punishable by incarceration for less than 1 year. The types of misdemeanor-level offenses included in prohibitory statutes vary widely. Several State statutes prohibit firearm possession by persons who have been convicted of a domestic violence misdemeanor. Other States include misdemeanors within categories such as "crimes of violence" or "firearm offenses." Requirements for misdemeanor offenders to regain firearm rights are generally less stringent than for felons.

**Fugitives** (12 States) - This category normally includes persons with outstanding felony warrants and may include all wanted persons. (The Gun Control Act, at 18 U.S.C. 921 (a)(15) defines "fugitives from justice" as any person who has fled from any State to avoid prosecution for a crime or to avoid giving testimony in a criminal proceeding.)

**Mentally ill** (32 States) - Persons prohibited under this category are most often defined as adjudicated mentally defective or committed to a mental institution. In some States the prohibition extends to persons found not guilty of a criminal offense by reason of insanity. A person subject to this prohibition may be able to regain firearm rights a

number of years after discharge from a mental institution, or by presenting documentation from a mental health professional that shows their condition has stabilized.

**Subject to a restraining order** (18 States) - Persons prohibited under this category are usually subject to court orders intended to prevent domestic violence. The applicable orders (with a variety of titles) commonly restrain the subject from contacting or harming a spouse, former spouse, child, domestic partner, or other intimately related person. In a few States, the prohibition attaches if the order specifically bars the subject from possessing firearms. A statute may provide that the order becomes prohibitory when it is issued after a hearing with the subject present (instead of ex parte) or entered into a law enforcement information network.

**Drug** (29 States) or **alcohol** (19 States) **abusers and offenders** - Many States prohibit persons convicted of drug sale or possession offenses, either through a statute that lists a variety of disqualifying offenses or by way of a separate statute. A few statutes disqualify persons who committed alcohol-related offenses such as driving while intoxicated. Generally, drug and alcohol offenders may regain firearm rights in the same manner as other prohibited offenders. Another common prohibition involves persons addicted to drugs or alcohol, who are described by terms such as "addicted to a controlled substance," "habitually intoxicated," or "chronic alcoholics." In several States, a firearm cannot be transferred to or possessed by a person who is intoxicated.

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**Juvenile offenders** (24 States) - Statutes in this category prohibit persons who were adjudicated delinquent or committed an act as a juvenile that would have been a disqualifying offense if committed by an adult. A juvenile offender's access to all firearms is restricted in 19 States, and access to handguns is restricted in 5 States (see table 3). The prohibitions usually continue into early adulthood or until the person regains firearm rights through a pardon, court order, or other process. In several States, persons who committed juvenile offenses must follow the same restoration of rights procedures available to adult offenders.

**Minors** (49 States) - The firearm rights of minors are often restricted solely on the basis of age. State laws include prohibitions on purchase or possession of firearms by minors, and prohibitions on transfer of firearms to minors. Some of these laws predate enactment of federal minimums. Age limitations apply to handguns in 49 States and to long guns in 36 States. The minimum age for unrestricted purchase and possession of a handgun by a minor is 21 in 13 States, 19 in 1 State, 18 in 30 States, 16 in 4 States, and 14 in 1 State. The minimum age for unrestricted purchase and possession of a long gun by a minor is 21 in 1 State, 18 in 30 States, 16 in 4 States, and 14 in 1 State. (See table 3.) The laws provide for numerous exceptions to prohibitions based solely upon age. Generally, possession of a firearm is permissible when a minor is engaged in educational or recreational activities under the supervision of a parent, guardian, or certified firearms instructor.

**Other restrictions.** Further categories of prohibited persons are also defined in State statutes, including illegal aliens, persons dishonorably discharged from military service, and persons who fail to complete a firearm safety course (see *Jurisdictional summaries*).

**Restrictions on the timing or quantity** of firearm purchases include residency rules and handgun purchase limits. The Gun Control Act generally prohibits interstate transfers of firearms between unlicensed persons (18 U.S.C. 922(a)(5)). A licensed dealer generally cannot transfer a firearm other than a rifle or shotgun to a nonlicensee who does not reside in the State where the licensee does business (18 U.S.C. 922(b)(3)). Several States prohibit licensed dealers from selling certain firearms to nonresidents. Three States (Maryland, Missouri, and Virginia) require fixed periods of residency, ranging from 1 to 6 months, before a person can purchase certain firearms. Residency rules are intended to prevent nonresidents from purchasing and reselling firearms banned in their home State.

There are no Federal restrictions on the frequency or quantity of firearms purchased. However, a handgun purchase limit of one per month prevails in California, Maryland, South Carolina, and Virginia. These limits are intended to deter persons who would purchase large quantities of handguns for resale to prohibited persons.

Between July 1, 1999, and June 30, 2000, 11 States enacted new categories of prohibited persons or amended existing prohibitions. Included in the new legislation were four prohibitions against domestic violence offenders and three prohibitions against minors or juvenile offenders (see table 11).

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## Types of firearms

A typical definition of a firearm is “any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive.” (See Maryland Code 27-441.) Firearms can generally be divided into two major categories: handguns and long guns. A handgun is a weapon that can be held or fired with one hand, such as a pistol or revolver. A long gun is a weapon that requires two hands to hold or fire, such as a rifle or shotgun. State codes sometimes divide firearms into categories based upon the length of the barrel. An assault weapon can be a handgun or long gun, but is distinguished by the presence of special features common to military weapons (see for example the definition given in 18 U.S.C. 921(a)(30)). The most common features of assault weapons are a semiautomatic firing mechanism which allows a shot to be fired with each pull of the trigger without reloading, and a large-capacity magazine that holds numerous rounds of ammunition.

The terms firearm, handgun, long gun, and assault weapon, as defined above, are generally used throughout this report to facilitate comparisons between the laws and procedures of the jurisdiction summarized. However, terms and definitions used in firearm codes vary considerably by jurisdiction. For the sake of clarity, a few of the summaries use terms and definitions specific to a particular jurisdiction. Readers are advised to consult a jurisdiction’s laws for a complete understanding of its terminology. (Citations to statutes are included in the jurisdictional summaries and in tables 3, 8, 9, and 10.)

The primary focus of this report is upon regulation of transfers

involving handguns, long guns, and assault weapons possessed lawfully before September 13, 1994 (the effective date of the Federal assault weapons ban under 18 U.S.C. 922(v)). Prohibitions against transfer and possession of certain sub-categories of firearms, such as machine guns, short-barrel (“sawed-off”) rifles and shotguns, and low-cost handguns (“junk guns”) are not described. Types of firearms that are wholly exempt from regulation in many jurisdictions, such as antique and replica firearms, are generally not discussed in this report.

Handguns are the most frequent target of regulation because they can be easily concealed upon a person and are used in the overwhelming majority of crimes committed with a firearm. During a five-year period studied, handguns were found to have been involved in over 80% of homicides and assaults where the type of firearm used was known (see *Firearm Injury and Death from Crime, 1993-97*, October 2000, NCJ 182993). Long guns are used much less frequently in crime and are subject to less extensive regulation than handguns. Assault weapons are regulated because of their ability to rapidly fire a high volume of ammunition. (Methods of regulating various types of firearms are described in *Regulated sales, Permits, and Background checks.*)

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## Regulated sales

Firearms are sold either by dealers licensed under Federal and State laws, or by unlicensed persons (private sales). Most sales occur at the business premises of licensed dealers or at gun shows, which may include licensed and unlicensed sellers. In addition to sales and gifts, firearms can be transferred in pawn transactions, where a weapon is pledged as collateral for a loan and can be redeemed when the loan is repaid. Redemptions of pawned firearms are often regulated in the same manner as sales under State law.

Federal law requires a check through the National Instant Criminal Background Check System (NICS) of all persons who receive a firearm from a Federal Firearms Licensee (FFL), either by purchase or by redemption of a pawned firearm. Licensees have the option of requesting checks on persons who attempt to pawn a firearm. (See *Background* for further details on the NICS.)

In addition to Federal requirements, background checks of persons seeking either to receive firearms from licensed dealers or obtain permits required for transfer are conducted in 31 States. Of these States, 19 regulate dealer transfers of all types of firearms, 2 regulate dealer transfers of handguns and assault weapons, and 10 regulate only handgun transfers by dealers. (See table 5.)

The laws of 15 States regulate private sales by requiring that purchasers obtain a permit or undergo a background check at the premises of a licensed dealer or a law enforcement agency. Of these States, 11 require that the person receiving the firearm have a permit and 5 require the receiver to undergo a check (Connecticut is

counted twice because it mandates both procedures for handguns). Eight States regulate private transfers of all types of firearms, one regulates private transfers of handguns and assault weapons, and six regulate only handgun transfers. (See table 5.) Generally, these regulations apply to transfers initiated at any location, whether it be a person's home, a gun show, or anywhere else.

Five States have statutes that specifically cover gun shows, including three that have been enacted since June 30, 1999. California requires a show organizer to obtain a certificate of eligibility from the Department of Justice and provide local law enforcement with a list of all the show's sellers. The law was amended in 1999 to exclude minors from gun shows unless they are accompanied at all times by a parent or guardian. A new Connecticut statute mandates instant checks on all gun show sales and requires a promoter to provide information to the local chief of police. Maryland requires that unlicensed gun show sellers obtain a temporary transfer permit from the State, have a fixed display, and comply with all restrictions imposed upon transfers by licensed dealers. A statute recently enacted in New York requires that gun shows have at least one licensed dealer present to process background checks on all sales. A new Virginia statute requires that any person who sells firearms at a gun show must submit to a background check and obtain a seller identification number from the Virginia State Police. (Recent legislation is also summarized in table 11.)

Several States regulate redemptions of pawned firearms in the same manner as sales. The pawning of any firearm is prohibited in New Jersey, while five other States ban the pawning of handguns (table 4).

Statutes requiring background checks for firearm transfers usually allow exemptions for certain types of persons or transactions. Common exemptions are those for purchases by law enforcement officers, transfers of antique and replica firearms, and gifts or loans of firearms from parents or guardians to minor children.

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## Permits

Permits are documents issued by a government agency after a background check, which are required for the purchase, possession, or carrying of firearms. (The discussion below refers to all such documents, by whatever title, as "permits," and is primarily concerned with permits that can be used during the purchase of a firearm.)

Twelve States administer purchase permit systems (see table 5), which vary according to the types of weapons regulated, the duration of permits, and the number of firearms that can be purchased at one time or during the tenure of a permit. Four States require a permit to purchase handguns and long guns. Seven States only require a permit to purchase a handgun (Connecticut's handgun permits allow waiver of the long gun waiting period). In Minnesota, purchasers of handguns and assault weapons have the option of undergoing a background check to obtain a 1-year permit or submitting to a check each time they attempt a purchase.

Most handgun permits have a duration of between 10 days and 1 year, with a few remaining in effect for a longer duration. Long gun permits generally remain effective for a longer period than handgun permits. New Jersey's identification card for long guns remains in effect until revoked for a violation of law; among the other three States with long gun permits, the duration of permits ranges from 1 to 5 years.

The number of handguns that can be purchased by one person is sometimes limited by a State permit. In seven States, only one handgun can be purchased with a permit. Six of these States mandate a new permit for a second handgun, with New York requiring an amendment

to the purchaser's handgun license. Five States allow unlimited handgun purchases during the effective period of a permit. Unlimited purchases of rifles and shotguns are allowed in the four States that issue long gun permits.

In six States, holders of purchase permits must undergo another background check before receiving a firearm from a licensed dealer. Connecticut and Illinois mandate the additional check by statute; in Massachusetts, Minnesota, Missouri, and New Jersey, purchasers must undergo a NICS check requested by a dealer because their purchase permits are not qualified by ATF as an alternative to the NICS requirements (see *Background*).

Federal law does not mandate a permit to purchase firearms. However, ATF-qualified State permits for purchase, carrying, or other activities can be used to exempt the holder from the NICS check. At least some permit holders in 35 States are exempt from Federal or State checks (or both) when purchasing firearms (table 4). As of June 30, 2000, 19 States issued carry permits that exempted the holder under the permanent Brady law that took effect on November 30, 1998. In 18 States, certain permits issued before November 30, 1998, have been "grandfathered" in as exempt because they were qualified by ATF under the interim Brady law. In addition, a few States exempt certain permit holders from waiting period requirements.

Concealed firearm permits usually regulate the carrying of a handgun outside of the holder's residence or business premises. Restrictions on permit holders vary considerably in regard to open carry and the premises where carrying is forbidden. States that issue carry

permits are generally categorized as having either a "shall issue" or a "discretionary" system. The former system mandates issuance of a permit if no statutory reason for denial is revealed during a background check of the applicant. The latter system allows a law enforcement officer to consider the applicant's history, character, and intended purpose for carrying a firearm.

Carry permits are required in 42 States; Vermont allows carrying without a permit, and seven States prohibit concealed firearms. With the exception of New Mexico, all of the States that prohibit concealed firearms are in the Midwest.

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## Background checks

Over 3,000 State and local agencies conduct background checks related to firearm transfers (see table 12). Procedures for determining the eligibility of persons who apply for a transfer or a permit required for transfer can generally be classified as "instant approval," "purchase permit," or "other approval" systems. Carry permits, which can be used for a transfer in many States, have approval procedures similar to those required for purchase permits and may have more stringent requirements.

Instant approval (instant check) systems allow licensed dealers to contact a checking agency by telephone or other electronic means and receive a response immediately, or as soon as possible without delay, as to whether a prospective purchaser is ineligible under law.

Purchase permit systems require prospective purchasers to file an application with the appropriate checking agency. An approved applicant must present the permit to a seller to receive a firearm. (See *Permits*.)

Other approval systems combine some of the characteristics found in instant check and permit systems. Generally, sellers convey purchaser information to a law enforcement agency by mail, telephone, or other electronic means. The agency is not required to respond immediately, but usually must complete checks within a waiting period or statutory time limit.

Instant approval systems include the FBI's NICS operation (see *Background*) and the procedures of 18 States; 12 States utilize purchase permits, and 4 States maintain other approval systems (table 5). (Connecticut, Illinois, and New Jersey are each counted twice

because these States operate permit and instant approval systems.)

The instant approval systems allow a firearm transfer to proceed as soon as the checking agency informs the seller that no disqualifying record was found on the purchaser, unless the applicable State law requires a waiting period. Three of the four other approval-type systems require a mandatory waiting period after a firearm purchase application is filed with a seller and before the transfer can be completed (see *Waiting periods*), regardless of when the checking agency completes the background check.

Almost all systems limit the time allowed for an agency to conduct a check, either by State statute or application of the 3-day limit in the Brady Act. Time limits for instant approval systems are usually 3 days or less; other approval-type systems allow 7 to 10 days, and most permit systems allow 7 to 30 days (table 5). Some statutes allow an extension of time for specific circumstances. For example, if an applicant's history includes a felony arrest without a recorded disposition, the checking agency may be granted additional time to contact the agency that originated the record and inquire about the outcome of charges against the applicant.

Instant approval and other approval systems usually allow a transfer to proceed if the seller has not received a response from the checking agency by the end of the applicable period. Permit systems usually require the checking agency to reach a decision and inform the applicant of the decision before the end of the statutory time limit.

The effectiveness of background checks are impacted by the type of record search conducted

(automated or manual) and by the data available during each type of search. The vast majority of record searches are automated, but some types of data, such as local mental health records, tend to be maintained manually. (For information on automation of criminal history records see *Survey of State Criminal History Information Systems, 1999, June 2000, NCJ 184793*.) The exhaustiveness of a background check may also be limited by missing arrest dispositions and other instances of incomplete or missing records.

Between July 1, 1999 and June 30, 2000, nine States enacted new legislation related to firearm background checks. The only new approval system implemented was in Connecticut, where a telephone instant check replaced the former mail-based system. The expiration date of Florida's instant check law was first extended to June 1, 2000, and subsequently to June 1, 2002. The Utah instant check law was amended to authorize dealer requests and checking agency responses by electronic means other than telephone. (See table 11.)

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## Waiting periods

A waiting period is a length of time after a firearm purchase application is filed with a seller or a permit application is filed with a law enforcement agency, which must expire before transfer of the firearm or issuance of the permit can be completed. The length of time an applicant must wait is sometimes referred to as a “cooling-off” period, intended to deter persons who desire a firearm immediately for use in a specific misdeed. Another purpose of a waiting period is to provide sufficient time for law enforcement agencies to investigate and resolve questions about an applicant’s background, especially if searches of local or manual records are necessary. However, mandatory waiting periods should be distinguished from time limits on inquiries by a checking agency into an applicant’s background (see *Background checks*).

Thirteen States require waiting periods (table 5), which range in length from 1 to 14 days. Of these States, 12 require a waiting period for handgun permits or purchases, 2 include assault weapons, and 5 include long guns within their waiting period regulations. Between July 1, 1999, and June 30, 2000, only Connecticut changed its requirements, eliminating the waiting period for handgun transfers when a new instant check law went into effect.

Waiting periods are used in every region of the Nation and are most often found in States with extensive firearm regulations. Exemptions from waiting periods have been enacted in some States for law enforcement officers, holders of valid carry permits, or other specific classes of persons who have demonstrated the ability to handle a firearm responsibly.

Several States mandate both a waiting period and a time limit on inquiries by a checking agency, which may or may not be the same length of time. The Federal instant check law (NICS) provides 3 days for a checking agency to respond to an inquiry from a licensed dealer, but does not mandate a waiting period for purchasers (see *Background*).

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## Retention of records/registration

Consistent with State law records of firearm transactions are retained by checking agencies for various reasons (e.g., to facilitate audits of system performance or correction of errors). In some States, retention periods vary by type of data. For example, a name, approval number, and date for an approved transaction may be retained for a longer period than other data about the applicant.

In States that require a license or identification card to possess a firearm, records of approved applications are retained in order for law enforcement officers to verify whether a particular person is legally in possession of a firearm. Records of denied transactions are retained to facilitate appeals, arrests, and prosecutions, and to build databases on prohibited persons. Registration records, which normally include information on a firearm and its owner, facilitate tracing of firearms that are resold illegally, used in a crime, or stolen.

Some checking agencies receive and retain paper records on permit or purchase applications. Nevertheless, most information on purchasers is transmitted over the telephone by a licensed dealer and stored electronically. Requirements for maintaining or purging transaction data vary among the States. Retention of information on approved firearm transactions is often limited by Federal and State laws. In contrast, retention of information on denied transactions is seldom limited, due to its usefulness for other purposes.

Thirty-three States require a permit, point-of-sale background check, or waiting period before a firearm transfer can be completed. Checking agencies in nearly half

these States retain records of approved transactions for less than 90 days, pursuant to statute or agency regulations. In contrast, nearly all agencies retain records of denied transactions indefinitely or for a specific length of time longer than 90 days. (See table 6.)

Registration or retention of all approved transaction records is mandated in eight States for handguns, long guns, or assault weapons. Other types of firearms may be registered as well; for example, Louisiana maintains registers of machine guns and firearms with altered serial numbers. (Statutes requiring registration or retention of records are listed in table 10.) The laws of several States prohibit registration of firearms.

Between July 1, 1999, and June 30, 2000, New Hampshire shortened the time period for retention of approved transaction records by the Department of Safety to 1 day, and California amended its registration requirements to include firearms newly designated as assault weapons.



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## Appeals of denials

Appeal procedures for firearm denials provide specific means by which citizens can challenge decisions relating to firearm purchase eligibility. These appeals often serve the practical purposes of resolving questions of identity and updating incomplete criminal history records.

Specific appeal procedures are codified in Federal law (see *Background*) and in the laws of nearly all States which require background checks of prospective firearm purchasers. The most common State procedure provides an appeal to the checking agency and a subsequent appeal to a court. (See table 6.)

Procedures for the initial appeal tend to be relatively informal; some agencies allow a denied person to initiate a review with a telephone request. In some States, a government agency or officer not affiliated with the checking agency performs an administrative review at the first or second appellate level.

Other agencies involved in firearm appeals are those that maintain criminal history, restraining order, mental health, or other records, which could disqualify an applicant. The appellant may be required to obtain data from or submit data to the agency that originated the disputed record.

Appeals often arise when a denied person claims that he or she is not the individual named in a disqualifying record found by the checking agency. To resolve the identity question, the appellant will ordinarily submit fingerprints (if they are not already on file) which will be checked against Federal and/or State arrestee print records. If the appellant's prints do not match any

records on file, the denial can be reversed.

Another common appeal issue arises when a denied person claims that a disqualifying record is incomplete. For example, if a background check reveals a felony charge without a recorded disposition, the checking agency may issue a denial. The applicant can have the denial reversed by submitting court records to prove that the charge was subsequently dismissed. Alternatively, an appeal procedure may allow a denied person to request that the appellate agency contact the agency of record to inquire about a missing disposition.

Existing data indicates that the vast majority of disputed firearm denials are resolved at the administrative level, and are rarely appealed to the courts. The paucity of court appeals is not surprising because most disputes turn upon the accuracy of records, not upon an interpretation of the law.

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## Firearm rejection rates

State and local checking agencies received an estimated 4.083 million firearm transfer applications during 1999; an estimated 123,000 applications were rejected, a rejection rate of 3.0% (FBI checks are not included in these figures or in the analysis below). Included in these figures are applications for transfers, permits required for transfers, and carry permits that could be used to exempt the holder from a point-of-transfer background check. This national estimate combined actual counts from statewide reporting agencies with an estimate for aggregated local agencies. The rejection rates for the various types of firearm approval systems were estimated to be 3.6% for instant approvals, 2.4% for purchase permits, 2.1% for exempt carry permits, and 0.9% for other approval systems. The predominant reason (72.5%) for rejection of an application by a State or local checking agency was the applicant's indictment or conviction for a felony offense. (See *Background Checks for Firearm Transfers, 1999*, June 2000, NCJ 180882.)

The number of applications received and rejected, and rejection rates for statewide agencies during 1999 are reproduced in table 1. Sixteen instant approval systems exhibit the widest variation in rejection rates, ranging from 0.4% (New Jersey) to 6.7% (Colorado). Statewide rejection rates for purchase permit applications are available only from New Jersey (1.7%) and Illinois (2.8%). Rejection rates for eight States that reported exempt carry permit counts range between 0.8% (Mississippi) and 2.7% (Indiana). Complete statewide data was reported by two "other approval" systems for firearm transfer applications, California (0.9%) and Maryland (1.8%).

Variation among States in rejection rates may be influenced by many interrelated factors: type of approval system, number of years the system has operated, extent of State firearm regulation, length of time allowed for an agency to complete a check, extent of automation of criminal histories and other records, the decision-making process for records with missing arrest dispositions, appeal procedures, types of firearm transfers subject to checks, and differences in crime rates and economic characteristics among local communities and States. Additional research is needed to determine the relationship between each factor and the rejection rates. Although the full impact of these factors has not been quantified, a few observations are possible from the limited information available.

The lowest rates occur in New Jersey (0.4%), Connecticut (0.5%), and Illinois (0.8%), where an instant check at the point of transfer is the second step required for approval of prospective firearm owners. Before an instant sale check can be conducted, New Jersey requires a prospective owner to obtain an identification card (for long guns) or a handgun permit; Connecticut mandates a pistol permit or an eligibility certificate for handguns; and Illinois mandates an identification card for any firearm. As indicated above, the rejection rate is considerably higher in New Jersey (1.7%) and Illinois (2.8%) during the first step of the process (counts for Connecticut's first step are not available).

The highest rejection rates tend to occur in States that implemented an instant approval system on or after the effective date of the Brady Act, such as Colorado (6.7%), Tennessee (6.6%), and Georgia (5.7%). On the other hand, approval systems established before passage of the Brady Act tend to have lower

rejection rates. These systems include Virginia (1.5%), as well as several States mentioned above: New Jersey, Connecticut, Illinois, California, and Maryland. States with older approval systems also tend to have extensive firearm regulations. As prospective firearm owners become more knowledgeable about laws and procedures in the States with well-established systems, some persons with potentially disqualifying records may be discouraged from applying for a purchase or permit in those States.

Likewise, the relatively low rejection rate for carry permit applicants may occur because some persons are discouraged from applying for a carry permit, which generally have more stringent requirements than purchase approval systems. It is likely that many carry permit applicants have already passed the background check necessary to obtain a firearm. On the other hand, a person who was unable to purchase a firearm would have little incentive to apply for a carry permit.

States differ as to the types of records maintained (see table 7), the degree of automation used in record searching, and whether records are in a central database or maintained by county courts or other local agencies. In addition to searching home-state files, checking agencies need access to records in other jurisdictions as well. Checking agencies most frequently encounter delays in researching the final disposition of a criminal charge indicated by an arrest, information, or indictment record. If the final disposition cannot be found during the time allowed for a background check, a decision must be made whether the application will be approved, denied, or delayed pending further research. This decision is often dictated by State law. A State's rejection rate will tend

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to be low if an approval is mandated and high if a denial is mandated. At the Federal level, the FBI denies approval only upon finding a conviction.

In most jurisdictions, an applicant has the right to appeal an unfavorable decision by the checking agency. Processing and reporting of appeals may influence rejection rates; however, only limited data are available on the number of appeals filed and very little data are available on the results of appeals.

Background checks on long gun purchasers have been required by the permanent provisions of the Brady Act since November 30, 1998, and by the laws of several States prior to that date. Since most checking agencies do not separate rejections by the type of firearm, the effect of long gun checks on rejection rates is unknown.

## Jurisdictional summaries

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### Information included in the Federal and State summaries

References on this page to "State" generally include all jurisdictions summarized (the United States and each State, Territory, Commonwealth, and District). Topics listed are not alphabetized; they follow the order of presentation used in the summaries. Laws that apply nationwide are included in the Federal summary and generally not repeated elsewhere. State participation in the NICS is described in sub-headings for the summaries.

**Prohibited persons.** Categories of persons prohibited permanently or temporarily from purchasing or possessing firearms. Includes residency rules, handgun limits, and other restrictions on purchase.

**Restoration of rights.** Pardons, court procedures, or other means by which adult or juvenile offenders can regain the right to possess or purchase firearms.

**Regulated sales.** Transfers of firearms that cannot be completed until the transferee has obtained a permit or undergone a background check at the point of sale. Includes types of transferors (licensed or unlicensed), firearms (handguns, long guns, etc.), and transactions (sale, redemption, etc.) regulated.

**Permits.** Documents (whether entitled permit, license, identification card etc.) issued by a law enforcement agency which are required for the purchase, possession, or carrying of firearms.

**Background checks.** Procedures and requirements for conducting criminal history and other checks on firearms purchasers or permit applicants under Federal and State laws, including time limits imposed on checking agencies.

**Waiting period.** A period of time after a firearm purchase application is filed with a seller or a permit application is filed with a law enforcement agency, which must expire before transfer of the firearm or issuance of the permit can be completed.

**Information from applicants.** Required or optional information provided by persons applying for a purchase from a firearm seller or for a purchase permit from a law enforcement agency.

**Purchaser fees.** The amounts charged to firearms purchasers for background checks or the issuance of documents needed for purchase.

**State data.** Automated and manual databases maintained by State agencies that are normally available to checking agencies during the course of a background check on a prospective firearm buyer.

**Check processing time.** The length of time needed, on average, for checking agencies to complete background checks on routine transactions and those that require additional research on missing dispositions and other questions.

**Retention of records.** Time limits on retention of data from approved and denied firearm transactions by checking agencies and other agencies, based on Federal or State law or agency policies.

**Registration.** State procedures for maintaining permanent records on firearms and firearms owners.

**Appeals of denials.** Statutory or administrative procedures for appealing a denial of the right to purchase a firearm or obtain a permit required for purchase.

**Arrests of denied persons.** Arrest and notification procedures followed

by checking agencies in regard to persons who are denied a firearm or a permit because they submitted false information or have an outstanding warrant.

**1999 firearm checks.** The number of firearm applications (point-of-sale and permit) and denials, and the denial rate for States that maintained statewide data, for the last full year available.

**1999/2000 legislation.** Significant changes in laws related to firearm sales that became effective between July 1, 1999, and June 30, 2000.

**Relevant laws.** Citations to statutes governing the transfer, possession, and use of firearms.

**Source of information.** State agencies that contributed to the survey.

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## Federal system

**Prohibited persons.** Federal law prohibits firearm possession by or transfer to a person who is: under indictment for or convicted of a crime punishable by imprisonment for more than 1 year; a fugitive; an unlawful user of or addicted to any controlled substance; adjudicated as a mental defective or committed to a mental institution; an illegal alien or an alien admitted under a nonimmigrant visa; dishonorably discharged from the armed forces; a renounced U.S. citizen; restrained by court order from harassing, stalking, or threatening an intimate partner or child; or convicted in any court of a misdemeanor crime of domestic violence. It is unlawful for a *licensed dealer* to transfer a long gun to a person under 18 or a handgun to a person under 21; *no one* can transfer a handgun to a person under 18 except in limited circumstances.

**Restoration of rights.** Federal firearm rights can be restored by a presidential pardon or by ATF; agency decisions can be appealed to Federal district court.

**Regulated sales.** Record checks through the National Instant Criminal Background Check System (NICS) are required on persons who purchase firearms or redeem pawned firearms from federally licensed dealers. A dealer has the option of requesting a check when a firearm is pawned.

**Permits.** Federal law does not require a permit to purchase a firearm.

**Background checks.** NICS checks are conducted by the FBI and State point of contact (POC) agencies. Dealers contact the system by telephone or other electronic means and receive an immediate response as to whether a transfer may proceed, may not proceed or will be delayed pending further review. If no response is received within 3 business days, the transfer may proceed.

**Waiting period.** No Federal requirements.

**Information from applicants.** The standard ATF form used by licensed dealers requires the purchaser's first name, last name, date of birth, place of birth, current address, gender, height, weight, and race. A social security, alien registration, or military identification number is optional.

**Purchaser fees.** NICS checks by the FBI are without charge. State laws establish POC fees.

**Federal data.** The three major Federal databases are the Interstate Identification Index (III), containing pointers to State criminal histories; the National Crime

Information Center (NCIC), containing fugitive, protection order, and deported felons data; and the NICS Index, containing denied person, dishonorable discharge, renunciation of citizenship, mental health, drug abuser, and illegal alien data.

**Check processing time.** For NICS checks by the FBI, immediate "proceed" responses are provided, on average, within 30 seconds; 80% of delayed checks are completed within 2 hours. Overall, 72% of the checks result in an immediate proceed and 95% are completed within 2 hours.

**Retention of records.** Information on applicants denied by the FBI is retained indefinitely. Information on transfers allowed by the FBI is not retained, except for certain items that may be retained not more than 6 months for auditing purposes.

**Registration.** No Federal requirements.

**Appeals of denials.** A person who is denied a firearm after a NICS check can appeal to the denying agency (FBI or POC), and may be required to contact the agency that originated the disqualifying record. As an alternative, the appellant can ask the FBI to review a POC denial. A further appeal may be filed in Federal district court.

**Arrests of denied persons.** The FBI refers Federal law violators to ATF.

**1999 firearm checks by the FBI.** 4,538,000 applied; 81,000 denied (1.8%).

**1999/2000 legislation.** No significant changes.

**Relevant laws.** United States Code 18-922 et seq.

**Source of information.** FBI, NICS Program Office.

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## Alabama

### FBI conducts NICS checks

**Prohibited persons.** State law prohibits ownership, possession, or control of a handgun by a person who has been convicted in Alabama or elsewhere of committing or attempting to commit a crime of violence, or is a drug addict or habitual drunkard. It is illegal to deliver a handgun to any person under the age of 18 or to one who the seller has reasonable cause to believe has been convicted of a crime of violence or is a drug addict, a habitual drunkard, or of unsound mind.

**Restoration of rights.** State law does not provide for restoration of firearm rights.

**Regulated sales.** Background checks on firearms purchasers are not required by Alabama law. The pawning of a handgun is prohibited.

**Permits.** No permit is required to purchase firearms. A permit is required to carry a concealed handgun.

**Background checks.** The State is not a point of contact for the NICS. Licensed dealers in Alabama contact the FBI for all checks required by the Brady Act.

**Waiting period.** State law requires a 48-hour waiting period, beginning when an application is filed, before a handgun can be transferred, regardless of when a background check is completed.

**Information from applicants.** Alabama's form requires a handgun purchaser's first name, last name, place of birth, current address, occupation, and race, and a statement that the person has never been convicted of a crime of violence. The form also contains the date and hour of application plus the make, model, caliber, and manufacturer's weapon number.

**Purchaser fees.** None.

**State data.** Alabama makes fugitive, criminal history, probation/parole, and domestic violence restraining order data available via the statewide computer network.

**Check processing time.** Not applicable.

**Retention of records.** State law requires a handgun seller to forward a copy of a purchaser's statement by registered or certified mail to the chief of police of the

municipality or the sheriff of the county where the seller is a resident, and to send a duplicate copy to the director of public safety. The statute does not specify a retention period for the law enforcement agencies.

**Registration.** No State requirements.

**Appeals of denials.** A person who is denied a firearm by the FBI may appeal under Federal law.

**Arrests of denied persons.** Not applicable.

**1999 firearm checks.** No statewide information is available.

**1999/2000 legislation.** No significant changes.

**Relevant laws.** Code of Alabama 13A-11-50 et seq.

**Source of information.** Alabama Bureau of Investigation; Alabama Criminal Justice Information Center.

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## Alaska

### FBI conducts NICS checks

**Prohibited persons.** Alaska law prohibits handgun possession by or sale to a person who was convicted of a felony or adjudicated a delinquent minor for conduct that would constitute a felony if committed by an adult. It is illegal for a firearm to be possessed by or sold to a person whose physical or mental condition is substantially impaired by intoxicating liquor or controlled substances. An unemancipated minor under 16 years of age cannot possess a firearm without the consent of a parent or guardian.

**Restoration of rights.** The State allows a convicted felon's right to own a handgun to be restored if the conviction is pardoned or set aside. If at least 10 years have elapsed since the offender's unconditional discharge, firearm rights are restored except for those who committed felony "crimes against persons."

**Regulated sales.** State law does not require background checks on firearms purchasers.

**Permits.** Alaska does not require a permit to purchase firearms. A permit is required to carry a concealed handgun.

**Background checks.** The State is not a point of contact for the NICS. Licensed dealers in Alaska contact the FBI for all checks required by the Brady Act. ATF allows a concealed handgun permit issued by the Alaska Department of Public Safety to be used for a purchase without a NICS check.

**Waiting period.** No State requirements.

**Information from applicants.** No State requirements.

**Purchaser fees.** None.

**State data.** Alaska maintains fully automated fugitive, criminal history, and domestic violence restraining order data on a statewide network. Domestic violence misdemeanor convictions can be identified from records created after January 15, 1998.

**Check processing time.** Not applicable.

**Retention of records.** No State requirements.

**Registration.** No State requirements.

**Appeals of denials.** A person who is denied a firearm may appeal under Federal law.

**Arrests of denied persons.** Not applicable.

**1999 firearm checks.** No statewide information is available.

**1999/2000 legislation.** Concealed handgun permit statutes were amended.

**Relevant laws.** Alaska Statutes 11.61.190 et seq; 18.65.700 et seq.

**Source of information.** Alaska Department of Public Safety.

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## Arizona

### State requests NICS checks

**Prohibited persons.** Arizona law makes it illegal to sell or transfer a firearm to a prohibited possessor, defined as any person who has been found to be mentally ill by a court, convicted of a felony, adjudicated delinquent, imprisoned, or serving a term of probation, parole, community supervision, work furlough, home arrest, or release on any other basis. It is illegal to knowingly transfer a firearm to a person who intends to use the firearm in the commission of any felony. A firearm cannot be transferred to or possessed by a minor under the age of 18 except in limited circumstances.

**Restoration of rights.** Adult felons convicted of "dangerous offenses" cannot regain the right to possess firearms. All other felons discharged from probation must wait a certain length of time, depending on the offense, before applying for a court order to restore firearm rights. For adult felons, the waiting period is 10 years for "serious offenses" and 2 years for other offenses. For juvenile felons, the waiting period is until age 30 for dangerous and serious offenses, and 2 years for most other offenses.

**Regulated sales.** State law requires background checks on persons who purchase firearms from licensed dealers.

**Permits.** Arizona does not require a permit to purchase firearms. Carrying a concealed weapon requires a permit.

**Background checks.** The Arizona Department of Public Safety is a point of contact for the NICS and conducts all checks required by Federal and State law. Dealers contact the Department's Firearm Clearance Center (FCC) by 1-800 number, regular telephone or fax. Transactions can be delayed up to 3 business days. ATF allows a concealed weapon permit issued by the Department of Public Safety to be used for a purchase without a NICS check.

**Waiting period.** No State requirements.

**Information from applicants.** Purchasers complete the standard ATF form. No separate State form is required.

**Purchaser fees.** None.

**State data.** Arizona maintains fully automated fugitive and criminal history (including probation/parole) data on a statewide network. In addition, FCC has access to sex offender registration and department of corrections data.

**Check processing time.** Routine transactions are normally processed in less than 5 minutes. About half of the transactions that require additional research are completed in less than 3 days.

**Retention of records.** Records are retained for a maximum period of 28 days on approved transactions and 5 years on disapproved transactions.

**Registration.** No State requirements.

**Appeals of denials.** Persons denied a firearm may appeal to FCC for correction of information.

**Arrests of denied persons.** FCC notifies ATF of applicants who submit false information. Applicants denied because of a felony warrant are reported to the State Police Fugitive Detail. Persons with non-felony warrants are informed that they must clear the warrants to receive firearms.

**1999 firearm checks.** Transfers: 145,832 applied; 4,228 denied (2.9%). Carry permits: 20,114 applied; 460 denied (2.3%).

**1999/2000 legislation.** No significant changes.

**Relevant laws.** Arizona Revised Statutes 13-905 et seq; 13-3101 et seq.

**Source of information.** Arizona Department of Public Safety.



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## Arkansas

### FBI conducts NICS checks

**Prohibited persons.** Arkansas law prohibits possession of firearms by persons who are under the age of 18 (except in limited circumstances) or who have been convicted of felonies, adjudicated mentally ill, or committed involuntarily to any mental institution. It is illegal to furnish a firearm to a minor without the consent of a parent or guardian.

**Restoration of rights.** The governor can restore a felon's right to own a firearm upon a recommendation from a chief law enforcement officer if the underlying offense did not involve the use of a weapon and occurred more than 8 years ago. Restoration of rights can also occur with a pardon.

**Regulated sales.** State law does not require background checks on firearms purchasers.

**Permits.** Arkansas does not require a permit to purchase firearms. A permit is required to carry a concealed handgun.

**Background checks.** The State is not a point of contact for the NICS. Licensed dealers in Arkansas contact the FBI for all checks required by the Brady Act. ATF allows a concealed handgun permit issued by the Arkansas State Police to be used for a purchase without a NICS check, if the permit was issued prior to November 30, 1998, or on or after April 1, 1999.

**Waiting period.** No State requirements.

**Information from applicants.** No State requirements.

**Purchaser fees.** None.

**State data.** Fully automated fugitive, criminal history, and domestic violence restraining order/misdemeanor data are available on the statewide network.

**Check processing time.** Not applicable.

**Retention of records.** No State requirements.

**Registration.** No State requirements.

**Appeals of denials.** Persons denied a firearm by the FBI may appeal under Federal law.

**Arrests of denied persons.** Not applicable.

**1999 firearm checks.** No statewide information is available.

**1999/2000 legislation.** No significant changes.

**Relevant laws.** Arkansas Code 5-73-101 et seq.

**Source of information.** Arkansas State Police and the Office of the Attorney General.

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## California

### State requests NICS checks

**Prohibited persons.** California prohibits possession of firearms by certain persons who were convicted of felonies or misdemeanors specified in State law; are addicted to any narcotic drug; are prohibited as a condition of probation; are subject to restraining orders; were adjudged wards of the juvenile court (until age 30); or are mentally ill as defined in State law. A firearm cannot be transferred to a minor (under 21 for handguns; under 18 for long guns) except in limited circumstances. Handgun owners must complete a safety course or show proof of exemption, and are limited to 1 purchase in a 30-day period.

**Restoration of rights.** Firearm rights can be restored if the subject is granted a governor's pardon or if the underlying case is reopened and the subject is allowed to plead to a lesser charge. Persons convicted of specified misdemeanors can have their rights restored by the proper court; those who committed disqualifying acts as juveniles can have their right to possess a firearm automatically restored at age 30 if no additional violations occur. Persons committed to a mental institution can have their rights restored by the proper court.

**Regulated sales.** Background checks are required for firearm sales by State-licensed dealers and unlicensed persons, and for pawn redemptions processed through dealers. Additional regulations apply to gun shows.

**Permits.** A permit is not required to purchase firearms, but is required to possess a machine gun or an assault weapon. Carrying a concealed firearm requires a license.

**Background checks.** The California Department of Justice (DOJ) is a NICS point of contact and conducts all checks required by Federal and State law. Private sales are processed through a licensed dealer or law enforcement agency. Dealers contact DOJ by telephone or computerized "point-of-sale device."

**Waiting period.** A 10-day waiting period is required for all firearms, regardless of when a background check is completed.

**Information from applicants.** The Dealer's Record of Sale (DROS) form requires a buyer's name, alias, gender, home address, local address if traveling, California driver's license, California ID card or military ID card number (with duty orders showing a station in

the State), Basic Firearms Safety Certificate or exemption number, height, weight, descent, hair color, eye color, responses to questions concerning potential prohibited status, and date of application.

**Purchaser fees.** DOJ charges \$14 for a check on a single handgun or an unlimited number of long guns and \$10 for additional handguns purchased at the same time (by those who are exempt from the one per 30-day rule).

**State data.** California maintains fully automated fugitive, criminal history, domestic abuse restraining order/conviction, probation/parole, juvenile, and mental health data.

**Check processing time.** Background checks are processed within the 10-day waiting period.

**Retention of records.** Data on approved long gun transactions can be retained for 5 days; data on prohibited long gun transfers are retained indefinitely. Other transaction data are retained indefinitely on microfiche if entered prior to April 1, 1997, or in an automated file if entered after that date.

**Registration.** Handguns are not registered, but the automated files maintain a record of handgun transfers. New residents must report handgun ownership. Assault weapons are registered.

**Appeals of denials.** A person who is denied a firearm can appeal to California DOJ.

**Arrests of denied persons.** In cases involving falsified applications or outstanding warrants, DOJ informs the agency with jurisdiction over the individual. Persons with warrants cannot receive a firearm if a conviction would disqualify them.

**1999 firearm checks.** Transfers: 513,418 applied; 4,779 denied (0.9%).

**1999/2000 legislation.** A one handgun per month law was added. Gun show and assault weapon regulations were amended.

**Relevant laws.** California Penal Code 12000 et seq.

**Source of information.** California Department of Justice.

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## Colorado

### State requests NICS checks

**Prohibited persons.** Colorado law forbids transfer of a firearm to any person who is prohibited by Federal or State law; arrested for or charged with a crime for which the person, if convicted, would be prohibited by Federal or State law; or the subject of an indictment, information, or felony complaint alleging a crime punishable by imprisonment exceeding 1 year. A firearm cannot be possessed by a person who is a previous felony offender or was adjudicated for an act that would be a felony if committed by an adult. A handgun cannot be possessed by or transferred to a person who has not attained the age of 18 years, except in limited circumstances.

**Restoration of rights.** Felons and juvenile offenders can regain firearm rights if they receive a pardon from the president or the governor.

**Regulated sales.** State law requires background checks on persons who purchase firearms from licensed dealers.

**Permits.** Colorado does not require a permit to purchase firearms. A permit is required to carry a concealed handgun.

**Background checks.** The Colorado Bureau of Investigation (CBI) is a point of contact for the NICS and conducts all checks required by Federal and State law. Licensed dealers in Colorado request instant checks by using a 1-800 number. State law mandates denial of a person arrested or indicted for a potentially disqualifying offense if no final disposition of the case is noted in databases searched.

**Waiting period.** No State requirements.

**Information from applicants.** Colorado's application includes the purchaser's name, address, race, gender, and date of birth. A Social Security number is optional.

**Purchaser fees.** No fees are charged.

**State data.** Colorado maintains fully automated fugitive, criminal history, probation/parole, and domestic abuse restraining order/misdemeanor data on a statewide network.

**Check processing time.** Routine transactions are processed in less than 3 minutes; transactions requiring additional research are processed in less than 1 day.

**Retention of records.** The CBI purges information from approved transactions within 48 hours. Information from denied transactions can be retained indefinitely.

**Registration.** No State requirements.

**Appeals of denials.** A person who is denied a firearm can appeal to the CBI.

**Arrests of denied persons.** All persons who are denied or have an outstanding warrant are reported to federal, state, and local law enforcement agencies with jurisdiction over the applicant's residence and the dealer's premises.

**1999 firearm checks.** Transfers: 100,126 applied; 6,668 denied (6.7%). Note: CBI checks only (April through July checks conducted by FBI are not included).

**1999/2000 legislation.** A new statute designated CBI as a permanent point of contact for the NICS, and mandated instant check procedures and firearm sales restrictions. An amendment improved CBI's access to juvenile delinquency records for use in firearm background checks.

**Relevant laws.** Colorado Revised Statutes 18-12-101 et seq; 24-33.5-424.

**Source of information.** Colorado Bureau of Investigation.

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## Connecticut

### State requests NICS checks

**Prohibited persons.** An eligibility certificate or pistol permit for a handgun cannot be issued to a person who did not complete a firearm safety course, or was convicted of a felony, a domestic violence misdemeanor, or any of 11 other misdemeanors; discharged from custody within the preceding 20 years after being found not guilty of a crime by reason of mental disease; confined to a hospital for mental illness within the preceding 12 months by court order; convicted as delinquent for commission of a serious juvenile offense; or is subject to a restraining or protective order, or is an illegal alien or under age 21. A firearm cannot be possessed by a person who was convicted of certain felonies or a serious juvenile offense.

**Restoration of rights.** The Board of Firearm Permit Examiners can restore firearm rights after a review, if the offender previously possessed a pistol permit.

**Regulated sales.** State law requires background checks on persons who apply for permits, redeem firearms, or make a purchase from a licensed dealer or a gun show seller or other unlicensed individual.

**Permits.** An eligibility certificate or pistol permit is required to purchase a handgun. Both documents are valid for 5 years and allow unlimited purchases. These permits are not required to purchase a long gun but will waive the waiting period (see below). The pistol permit is also required to carry a handgun.

**Background checks.** The Connecticut State Police (CSP) is a NICS point of contact, conducting all checks required by Federal and State law. Checks are conducted on applicants for pistol permits and eligibility certificates, and on firearm purchasers. ATF allows a pistol permit issued before November 30, 1998, to be used in lieu of a NICS check (State law still requires a check at the time of purchase). Instant checks on purchasers are conducted by telephone (1-888-335-8438 within the State).

**Waiting period.** A 14-day waiting period, which begins when an application is filed, is required for a long gun transfer, unless the buyer has a valid permit or qualifies for an exemption.

**Information from applicants.** Connecticut's application to purchase requires the buyer's full name, date of birth, current address, race, gender, height,

weight, date of application, pistol permit or eligibility certificate number and expiration date, driver's license number and state of issue, hunting license number (for long gun sale), salesperson's name, and sales authorization number. A Social Security number is optional.

**Purchaser fees.** A maximum fee of \$35 is charged for pistol permits and eligibility certificates.

**State data.** Connecticut maintains fugitive, criminal history, probation/parole, domestic abuse restraining order/misdemeanor, mental health, and juvenile data.

**Check processing time.** If no questions arise about an applicant's eligibility, a sale check is normally processed in less than 30 seconds. Nearly all eligibility questions are resolved in less than 1 minute; if additional research is needed, a check is normally processed within 3 days.

**Retention of records.** CSP retains denied purchase applications for 10 years. A dealer must retain approved applications for the life of the business.

**Registration.** Data on the sale, weapon, buyer, and seller are recorded on a registration form.

**Appeals of denials.** A person who is denied a permit or firearm can appeal to CSP. Permit denials can be further appealed to the Board of Firearm Permit Examiners. A permit denial due to a criminal record must be cleared by the Board of Pardons.

**Arrests of denied persons.** Cases involving falsified applications or attempts by prohibited persons to buy firearms are referred to the Firearms Trafficking Unit.

**1999 firearm checks.** Transfers: 49,285 applied; 255 denied (0.5%).

**1999/2000 legislation.** Sales check, gun show, and waiting period procedures were amended.

**Relevant laws.** Connecticut General Statutes 29-27 et seq; 53-202 et seq; 53-217a et seq.

**Source of information.** Connecticut State Police, Special Licensing and Firearms Unit (860-685-8290).

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## Delaware

### FBI conducts NICS checks

#### State conducts separate checks

**Prohibited persons.** Delaware law prohibits purchase or possession of firearms by certain persons who are convicted of felonies or crimes of violence; committed for mental disorders to any hospital, mental institution, or sanitarium; convicted for unlawful use, possession, or sale of narcotics; adjudicated delinquent for conduct which if committed by an adult would constitute a felony; subject to protection from abuse orders; or convicted of a misdemeanor crime of domestic violence. Juveniles cannot possess handguns without adult supervision. It is illegal to transfer a firearm to a child under 18 years of age (without parental consent), a person who intends to commit certain crimes, or a prohibited person. A handgun cannot be sold to a person under the age of 21 or to an intoxicated person.

**Restoration of rights.** A convicted felon's right to own a firearm may be restored through a governor's pardon. A person who committed a disqualifying misdemeanor may regain firearm rights 5 years after conviction; those who committed disqualifying juvenile offenses regain their rights at age 25.

**Regulated sales.** Under Delaware law, background checks are required for sales of handguns and rifles by licensed dealers, and are optional for private sales. Shotgun purchases are exempt from Delaware check requirements.

**Permits.** A permit is not required to purchase firearms. A permit is required to carry a concealed handgun.

**Background checks.** State law requires that licensed dealers call the Delaware State Police (DSP) for instant checks, by using a 1-800 number. DSP has a maximum of 3 days to complete a check. A holder of a concealed handgun permit issued by a county superior court is exempt from the check required by State law. Delaware is not a point of contact for the NICS; dealers must contact the FBI for handgun, rifle, and shotgun checks required by the Brady Act. ATF allows a concealed handgun permit issued before November 30, 1998, to be used for a purchase without a NICS check.

**Waiting period.** No State requirements.

**Information from applicants.** Delaware requires an applicant's name, address, race, gender, date of birth, Social Security number, and date of application. If the

application is rejected, the type, make, model, and serial number of the weapon are recorded.

**Purchaser fees.** None.

**State data.** Delaware maintains fully automated fugitive, criminal history, probation/parole, juvenile, and domestic violence restraining order/misdemeanor data on a statewide network. Mental health files are partially automated.

**Check processing time.** Routine transactions are normally processed in less than 6 minutes. Transactions requiring additional research are normally processed in less than 14 minutes.

**Retention of records.** DSP retains records of approved transactions for 60 days and records of denied transactions indefinitely.

**Registration.** No State requirements.

**Appeals of denials.** State law provides that a firearm denial can be appealed to DSP and further to superior court.

**Arrests of denied persons.** In cases involving falsified applications, DSP informs the agency with jurisdiction over the individual. When a person is denied because of an outstanding warrant, the agency with jurisdiction over the dealer is notified to apprehend the suspect.

**1999 firearm checks.** No statewide information is available.

**1999/2000 legislation.** No significant changes.

**Relevant laws.** Delaware Code 11-1441 et seq; 24-901 et seq.

**Source of information.** Delaware State Police.

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## Florida

### State requests NICS checks

**Prohibited persons.** Florida law prohibits the transfer of a firearm to a person who has been convicted of a felony, a delinquent act that would be a felony if committed by an adult, or a misdemeanor crime of domestic violence; had adjudication of guilt withheld or imposition of sentence suspended on a felony charge and 3 years have not elapsed since the completion date of any court provisions; has been indicted for a felony; is subject to a protective order; has been arrested for a "dangerous crime," or other offenses enumerated in State law; or is a minor under the age of 18 and lacks permission of a parent or guardian. A firearm cannot be possessed by a person who is a felon, a delinquent, restrained by a domestic violence injunction, a violent career criminal, or mentally incompetent.

**Restoration of rights.** Florida allows a convicted felon's right to own firearms to be restored through a pardon from the jurisdiction where the felony conviction occurred. A person convicted of a delinquent act that would be a felony if committed by an adult can regain firearm rights when the jurisdiction of the court expires.

**Regulated sales.** Background checks are required for firearm sales by licensed importers, manufacturers, and dealers. Certain pawnshop redemptions are also subject to checks.

**Permits.** No permit is required to purchase firearms. A license is needed to carry a concealed firearm.

**Background checks.** The Florida Department of Law Enforcement (FDLE) is a point of contact for the NICS and conducts checks required by Federal and State law. Checks on firearms redeemed within 90 days of being pawned can be conducted by the FBI; if a weapon is redeemed after 90 days, the check is conducted by FDLE. ATF allows concealed firearm licenses issued before November 30, 1998, to be used for purchases without a NICS check. If a purchaser is not disapproved within 3 business days, the dealer must contact FDLE before releasing the firearm.

**Waiting period.** Handgun purchases require a waiting period of 3 business days, beginning when an application is filed, regardless of when a background check is completed. Some counties extend the waiting period by ordinance.

**Information from applicants.** State law requires the purchaser's name, date of birth, gender, race, and

Social Security number (optional) or other identification number.

**Purchaser fees.** FDLE charges \$8 for the background check.

**State data.** Florida maintains fugitive, criminal history, domestic violence misdemeanor/restraining order, juvenile, and probation/parole data.

**Check processing time.** Routine transactions are normally processed in less than 4 minutes. Transactions requiring additional research are normally processed in less than 3 days.

**Retention of records.** Information on approved transactions is destroyed within 2 days after the day of the response to the licensee's request. Information on denied transactions is retained indefinitely.

**Registration.** No State requirements.

**Appeals of denials.** A person who is denied a firearm can appeal to FDLE.

**Arrests of denied persons.** FDLE reports persons who falsify their applications to ATF and the State agency with jurisdiction over the individual. Persons with outstanding warrants are reported to agencies with jurisdiction over the fugitive and the location of the dealer. All denied persons are reported monthly to ATF, special agency personnel, and local police by the Office of Statewide Intelligence and the Firearm Purchase Program.

**1999 firearm checks.** Transfers: 239,876 applied; 6,083 denied (2.5%).

**1999/2000 legislation.** The expiration date of Florida's instant check law was first extended to June 1, 2000, and subsequently extended to June 1, 2002.

**Relevant laws.** Florida Statutes 790.001 et seq.

**Source of information.** Florida Department of Law Enforcement, Firearm Purchase Program.

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## Georgia

### State requests NICS checks

**Prohibited persons.** State law prohibits possession of a firearm by a person who is on probation as a first offender or has been convicted of a felony in Georgia or elsewhere. A person under the age of 18 can possess a handgun in certain circumstances, unless he or she has been convicted of a forcible offense or adjudicated delinquent. A handgun cannot be sold to a person who is prohibited by State or Federal law, or has been involuntarily hospitalized within the preceding 5 years.

**Restoration of rights.** A convicted felon can regain the right to possess firearms if the person is granted a pardon and the Pardon and Parole Board specifically restores possession rights.

**Regulated sales.** State law requires background checks on firearm sales by licensed dealers and on redemptions which occur more than 1 year after the firearm is pawned.

**Permits.** Georgia does not require a permit to purchase firearms. A permit is required to carry a concealed handgun.

**Background checks.** The Georgia Bureau of Investigation (GBI) is a point of contact for the NICS and conducts checks required by Federal and State law. Holders of concealed handgun permits issued by county probate courts are exempt from sale checks under ATF and State rules. Licensed dealers request instant checks by using a 1-800 number. The GBI is allowed 1 day under State law to complete a check. The time allowed can be extended if the applicant's criminal history record is not immediately available (no extension limit is provided in the statute).

**Waiting period.** No State requirements.

**Information from applicants.** Georgia's consent form requires the purchaser's name, gender, race, and date of birth, plus a Social Security or other identification number.

**Purchaser fees.** GBI charges \$5 for the background check.

**State data.** The State maintains fully automated fugitive, criminal history, probation and parole, mental health, and domestic violence misdemeanor data.

**Check processing time.** Routine transactions are normally processed in less than 3 minutes. Transactions requiring additional research are normally processed in less than 1 day.

**Retention of records.** The Georgia Consent Form is attached to the ATF 4473 and retained by the dealer. The GBI does not retain information on approved sales; data on denied transactions is retained for 90 days.

**Registration.** No State requirements.

**Appeals of denials.** A person who is denied a firearm can appeal to the GBI and further to superior court.

**Arrests of denied persons.** A person who submits false information on an application or is subject to an outstanding warrants is reported by GBI to the agency with jurisdiction over the individual.

**1999 firearm checks.** Transfers: 252,808 applied; 14,477 denied (5.7%).

**1999/2000 legislation.** The background check exemption for certain peace officers was eliminated by amendment.

**Relevant laws.** Official Code of Georgia 16-11-101.1 et seq; 16-11-170 et seq.

**Source of information.** Georgia Bureau of Investigation, Crime Information Center.

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## Hawaii

### State requests NICS checks

**Prohibited persons.** Hawaii law prohibits ownership, possession, or control of a firearm by a person who is a fugitive from justice; indicted or bound over for or convicted of a felony, a crime of violence, or an illegal drug sale; addicted to drugs or alcohol; acquitted of a crime on grounds of mental disease; diagnosed as having significant behavioral, emotional, or mental disorders; under 25 years old and adjudicated to have committed certain crimes; or subject to a restraining order that prohibits firearm possession. A U.S. citizen must be 21 or more years of age to apply for a permit to acquire. Handgun permit applicants must complete a hunter education or firearm safety course. A long gun cannot be transferred to a person under the age of 18 except in limited circumstances.

**Restoration of rights.** A convicted felon may possess a firearm if the right to acquire firearms was specifically restored by a governor's pardon.

**Regulated sales.** State law requires a permit to acquire the ownership of any firearm.

**Permits.** A permit to acquire, valid for 10 days, is required for every purchase of a handgun. A permit to acquire, valid for 1 year, is required for unlimited purchases of long guns. A license is needed to carry a handgun.

**Background checks.** Four police departments are points of contact for the NICS and conduct checks required by Federal and State law on applicants for permits to acquire handguns or long guns. State law mandates that a permit application be approved or denied within 20 days. ATF allows permits to acquire and licenses to carry to be used for purchases in lieu of the NICS check.

**Waiting period.** A 14-day waiting period, which begins when an application is filed, must expire before a permit to acquire can be issued, regardless of when a background check is completed.

**Information from applicants.** The Hawaii permit application requests the following: name, previous name, home address, business address, occupation, race, gender, height, weight, date and place of birth, hair and eye color, Social Security number, and mental health history. Fingerprinting and photographing of first-time applicants is required.

**Purchaser fees.** First-time permit applicants are charged \$24 to subsidize the FBI fingerprint check.

**State data.** Hawaii maintains an automated control repository which includes criminal history and domestic violence misdemeanor data. Mental health data are recorded manually.

**Check processing time.** No statewide information is available.

**Retention of records.** Data on approved and denied applications are retained indefinitely.

**Registration.** All firearms are required to be registered in Hawaii, except for certain antique or inoperable devices.

**Appeals of denials.** State law does not provide an appeal procedure for permit denials.

**Arrests of denied persons.** No information is available.

**1999 firearm checks.** No statewide information is available.

**1999/2000 legislation.** State and county police officers who are convicted of abusing a family or household member are no longer entitled to an exemption from certain firearm possession restrictions.

**Relevant laws.** Hawaii Revised Statutes 134-1 et seq.

**Source of information.** Hawaii Criminal Justice Information Center; Honolulu Police Department.



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## Idaho

### FBI conducts NICS checks

**Prohibited persons.** Idaho law does not allow convicted felons to ship, transport, possess, or receive firearms. A firearm cannot be sold to or possessed by a minor under the age of 18 without the consent of a parent or guardian.

**Restoration of rights.** Certain felons regain possession rights upon completion of imprisonment, probation, or parole. Other felons, except for those convicted of specified offenses, may apply to the commission of pardons and parole for restoration 5 years after final discharge.

**Regulated sales.** State law does not require background checks on firearms purchasers.

**Permits.** No permit is required to purchase firearms. A permit is required to carry a concealed weapon.

**Background checks.** The State is not a point of contact for the NICS. Licensed dealers in Idaho contact the FBI for all background checks required by the Brady Act. ATF allows a concealed weapon permit issued by a county sheriff to be used for a purchase without a NICS check.

**Waiting period.** No State requirements.

**Information from applicants.** No State requirements.

**Purchaser fees.** None.

**State data.** Idaho maintains fully automated fugitive, criminal history and domestic violence protective order/misdemeanor data on a statewide network, as well as a sex offender registry.

**Check processing time.** Not applicable.

**Retention of records.** No State requirements.

**Registration.** No State requirements.

**Appeals of denials.** A person who is denied a firearm by the FBI can appeal under Federal law.

**Arrests of denied persons.** Not applicable.

**1999 firearm checks.** No statewide information is available.

**1999/2000 legislation.** No significant changes.

**Relevant laws.** Idaho Code 18-3302 et seq.

**Source of information.** Idaho State Police.

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## Illinois

### State requests NICS checks

**Prohibited persons.** Firearm Owners Identification (FOID) cards cannot be issued to persons who are prohibited by any Illinois statute or Federal law. State law prohibits firearm possession by persons who are under 21 years of age and have been convicted of misdemeanors other than a traffic offenses or adjudged delinquent; under 21 and lack parental consent to possess firearms; convicted felons; drug addicts; mentally ill or retarded; illegal aliens; subject to protective orders; or convicted of firearm or domestic violence offenses. It is illegal to make a straw purchase for a prohibited person.

**Restoration of rights.** A felon may regain firearm rights if relief from an Illinois conviction is granted. A person who committed a forcible felony must complete the sentence and 20 years without additional violations before applying to the director of State Police for relief. The director's decision can be appealed to circuit court.

**Regulated sales.** Background checks are required on permit applicants and persons who purchase or redeem firearms from licensed dealers. Checks are not required for private sales; however, records of such transactions must be retained for 10 years.

**Permits.** Illinois requires residents to possess a valid FOID card to purchase firearms or ammunition. The card is valid for 5 years, with no limit on the number of firearms purchased. The State does not issue concealed firearm permits.

**Background checks.** The Illinois State Police (ISP) is a point of contact for the NICS and conducts checks required by Federal and State law. Checks are conducted on applicants for FOID cards, with a maximum of 30 days allowed to process an application. A purchase from a dealer requires a valid card and an instant check through the Firearm Transfer Inquiry Program (FTIP) Unit of ISP. Dealers use a 1-900 number to request checks.

**Waiting period.** After a sale application is filed, the wait is 24 hours for a long gun and 72 hours for a handgun, regardless of when a check is completed.

**Information from applicants.** A FOID card application includes the name, address, date of birth, race, gender, height, weight, eye color, hair color, recent picture, and answers to specific questions regarding eligibility

factors. An FTIP transaction requires the dealer and FOID card numbers.

**Purchaser fees.** ISP charges \$5 for a FOID card and \$2 for an FTIP inquiry at the time of purchase.

**State data.** Automated files with fugitive, criminal history, and conviction data are maintained on a statewide network. Other files cover mental health, juveniles, and domestic violence orders and convictions.

**Check processing time.** FTIP purchase inquiries requiring limited analysis are completed in less than 1 minute. Inquiries requiring complete analysis are processed within 24-72 hours, depending on the type of firearm.

**Retention of records.** Data on approved FTIP transactions from 1-900 calls are retained for 3 months; data on denied transactions are retained indefinitely. FOID card applications are retained on microform.

**Registration.** Firearms are registered by some local governments, but not by the State.

**Appeals of denials.** A denial or revocation of a FOID card can be appealed to the director of State Police, and further to circuit court.

**Arrests of denied persons.** A person with an outstanding warrant is reported by ISP to the agency with jurisdiction over the fugitive. Denied persons are referred to a unit within ISP, which analyzes denial information and reports significant violations to ATF.

**1999 firearm checks.** FTIP: 184,289 applied; 1,473 denied (0.8%). FOID: 235,615 applied; 6,700 denied (2.8%).

**1999/2000 legislation.** Amendments designated ISP as a permanent POC, barred straw purchases, and allowed limited release of mental health data by FOID card applicants.

**Relevant laws.** Compiled Statutes 430:65/0.01 et seq; 720:5/24-1 et seq; 725:5/112A-14.5.

**Source of information.** Illinois State Police.

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## Indiana

### FBI conducts long gun NICS checks State requests handgun NICS checks

**Prohibited persons.** Indiana law prohibits a sale, gift, or other transfer of a handgun or an assault weapon to a person under 18 years of age, except in limited circumstances. Further, it is unlawful to sell, give, or in any manner transfer a handgun to a person who is convicted of a felony, adjudicated a delinquent child for an act that would be a felony if committed by an adult, a drug abuser, an alcohol abuser, or mentally incompetent. A firearm cannot be possessed by a serious violent felon or a person less than 18 years of age, except in limited circumstances.

**Restoration of rights.** A convicted felon's right to possess a handgun may be restored by post-conviction relief or a governor's pardon. Persons who have been adjudicated delinquent can regain their rights at age 23.

**Regulated sales.** State law requires background checks on persons who purchase handguns from licensed dealers. Handguns cannot be pawned.

**Permits.** Indiana does not require a permit to purchase firearms. A handgun license is required for personal protection (carrying), hunting, and target shooting.

**Background checks.** Licensed dealers in Indiana contact the FBI for checks on persons purchasing or redeeming long guns. The Indiana State Police (ISP) is a partial point of contact for the NICS and conducts telephone instant checks on handgun purchasers. Indiana law allows a maximum period of 1 business day to complete a check. ATF and State rules allow personal protection, hunting, and target licenses issued by ISP to be used for purchases in lieu of the NICS check.

**Waiting period.** No State requirements.

**Information from applicants.** Handgun purchasers must provide the following: name, address, gender, race, place of birth, date of birth, height, weight, Social Security number, and fingerprints plus the date and hour of the transfer.

**Fees charged.** The ISP charges \$3 for an instant check, \$5 for a hunting and target license, and \$15 for a personal protection license.

**State data.** Indiana maintains fully automated criminal history data on a statewide network.

**Check processing time.** No information is available.

**Retention of records.** Limited data on approved transactions (buyer name, dealer and approval numbers, and transaction date) can be retained by ISP for not more than one year; other data on approvals can be retained for up to 30 days. Data on denied transactions are retained indefinitely.

**Registration.** Handguns are voluntarily registered in Indiana; there are no State requirements.

**Appeals of denials.** A person who is denied a handgun can appeal to ISP or the agency with the disqualifying record. A further appeal lies to the circuit court.

**Arrests of denied persons.** ISP reports persons who submit false information to ATF. A person with an outstanding warrant is reported to the agency with jurisdiction over the fugitive.

**1999 firearm checks.** Transfers: 26,190 applied; 402 denied (1.5%). Licenses: 81,048 applied; 2,193 denied (2.7%).

**1999/2000 legislation.** A new section defined "serious violent felon," and prohibited firearm possession by such a person. An amendment allowed a court to prohibit a person subject to a protective order from possessing firearms during the duration of the order, or to order confiscation of the respondent's firearms.

**Relevant laws.** Indiana Code 35-47-1 et seq.

**Source of information.** Indiana State Police.

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## Iowa

### FBI conducts long gun NICS checks State requests handgun NICS checks

**Prohibited persons.** Applicants for permits to acquire pistols and revolvers must meet all Federal requirements for possessing firearms. Additionally, Iowa law prohibits issuing a permit to a person who is less than 21 years of age, has been convicted of a felony, is addicted to the use of alcohol or a controlled substance, has a history of repeated acts of violence, has been convicted of certain misdemeanor crimes of assault, or has been adjudged mentally incompetent. A person who is convicted of a felony cannot possess a firearm. It is illegal to sell, loan, give, or make available a long gun to a person below the age of 18 or a handgun to a person below the age of 21, except in limited circumstances.

**Restoration of rights.** Iowa allows a convicted felon's right to own a handgun to be restored through a pardon or a special restoration of rights with firearms privileges.

**Regulated sales.** Permit regulations pertain to all handgun sales by licensed dealers, pawnshops, and unlicensed persons.

**Permits.** Iowa requires an annually renewed permit to acquire pistols or revolvers, unless the purchaser holds a valid permit to carry firearms. An unlimited number of handguns can be purchased with either permit.

**Background checks.** Ninety-nine county sheriffs are partial points of contact for the NICS, conducting checks of applicants for permits to acquire or carry handguns. State employees and nonresidents are checked by the Iowa Department of Public Safety. Licensed dealers in Iowa contact the FBI for checks on persons who purchase long guns or redeem a firearm without a permit. ATF allows permits to acquire or carry to be used for a purchase in lieu of a NICS check.

**Waiting period.** An Iowa permit becomes valid 3 days after the date of application.

**Information from applicants.** An applicant for a permit to acquire must provide the following: name, Social Security number, address, date of birth, application date, and a form of identification with a color photograph.

**Fees charged.** The fee for a permit to acquire is at the discretion of the county sheriffs. A permit to carry costs \$10 and can be renewed for \$5.

**State data.** Iowa maintains fully automated fugitive, criminal history, and domestic abuse restraining order/misdemeanor data on a statewide network. Checking agencies also have access to some probation, parole, and juvenile data.

**Check processing time.** No statewide information is available.

**Retention of records.** Sheriffs retain approved permits for the remainder of the issuing year plus an additional 3 years.

**Registration.** No State requirements.

**Appeals of denials.** A person who is denied a permit can appeal to Iowa district court.

**Arrests of denied persons.** Persons with outstanding warrants are arrested by the checking agency in some cases.

**1999 firearm checks.** No statewide information is available.

**1999/2000 legislation.** No significant changes.

**Relevant laws.** Iowa Code 702.7; 724.1 et seq.

**Source of information.** Iowa Department of Public Safety.

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## Kansas

### FBI conducts NICS checks

**Prohibited persons.** Firearms cannot be transferred to or possessed by persons who are both addicted to and unlawful users of controlled substances, or have been convicted of certain felonies or a uniform controlled substances act violation under Kansas law or an equivalent offense in another jurisdiction, or were adjudicated a juvenile offender because of the commission of an act which if done by an adult would constitute a disqualifying offense, or were in possession of a firearm while violating any provision of the uniform controlled substances act. Handguns cannot be transferred to or knowingly possessed by persons less than 18 years of age except in limited circumstances.

**Restoration of rights.** State law allows a convicted felon's right to own a firearm to be restored after 5 or 10 years (depending on the type of crime) from the date of conviction or release from imprisonment (whichever period is longer). Restoration is not allowed if the offense involved possession of a firearm.

**Regulated sales.** Kansas law does not require background checks on firearms purchasers.

**Permits.** A permit is not required to purchase a firearm. The State does not issue a permit to carry a concealed firearm.

**Background checks.** The State is not a point of contact for the NICS. Licensed dealers in Kansas contact the FBI for all checks required by the Brady Act.

**Waiting period.** No State requirements.

**Information from applicants.** No State requirements.

**Purchaser fees.** No State requirements.

**State data.** Kansas maintains criminal history, juvenile offender, and offender registration data on the statewide computer network.

**Check processing time.** Not applicable.

**Retention of records.** No State requirements.

**Registration.** No State requirements.

**Appeals of denials.** A person who is denied a firearm by the FBI can appeal under Federal law.

**Arrests of denied persons.** Not applicable.

**1999 firearm checks.** No statewide information is available.

**1999/2000 legislation.** No significant changes.

**Relevant laws.** Kansas Statutes 21-4201 et seq.

**Source of information.** Kansas Bureau of Investigation.

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## Kentucky

**Relevant laws.** Kentucky Revised Statutes 237.030 et seq; 431.064; 527.010 et seq.

### FBI conducts NICS checks

**Source of information.** Kentucky State Police.

**Prohibited persons.** Kentucky law prohibits possession of a firearm by a person who has been convicted of a felony, as well as any youthful offender convicted of a felony. A handgun cannot be possessed by or provided to a person under the age of 18 except in limited circumstances.

**Restoration of rights.** A convicted felon's right to possess a firearm may be restored through a governor's pardon.

**Regulated sales.** State law does not require background checks on firearms purchasers.

**Permits.** Kentucky does not require a permit to purchase a firearm. A license is required to carry a concealed firearm.

**Background checks.** The State is not a point of contact for the NICS. Licensed dealers in Kentucky contact the FBI for all checks required by the Brady Act. ATF allows a concealed firearm license issued after July 15, 1998, or before November 30, 1998, to be used for a purchase without a NICS check.

**Waiting period.** No State requirements.

**Information from applicants.** No State requirements.

**Purchaser fees.** No State requirements.

**State data.** Kentucky maintains fully automated fugitive, criminal history, and domestic violence restraining order data on a statewide network.

**Check processing time.** Not applicable.

**Retention of records.** No State requirements.

**Registration.** No State requirements.

**Appeals of denials.** A person who is denied a firearm by the FBI can appeal under Federal law.

**Arrests of denied persons.** Not applicable.

**1999 firearm checks.** No statewide information is available.

**1999/2000 legislation.** No significant change.

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## Louisiana

### FBI conducts NICS checks

**Prohibited persons.** Louisiana law prohibits possession of a firearm by a person who has been convicted of certain felonies, unless the person has not been convicted of a felony for a period of 10 years from the date of completion of sentence, probation, parole, or suspension of sentence. A firearm cannot be sold or otherwise delivered to a person under the age of 18. It is unlawful for a person who has not attained the age of 17 years to possess a handgun except in limited circumstances.

**Restoration of rights.** A convicted felon's right to possess a firearm can be restored in Louisiana through a governor's pardon or by a sheriff. Upon completion of sentence, probation, parole, or suspension of sentence, convicted felons may apply to the sheriff of their parish of residence for a permit to possess firearms.

**Regulated sales.** State law does not require background checks on firearms purchasers.

**Permits.** No permit is needed to purchase firearms. A permit is required to carry a concealed handgun.

**Background checks.** The State is not a point of contact for the NICS. Licensed dealers in Louisiana contact the FBI for all checks required by the Brady Act. ATF allows a concealed handgun permit issued before November 30, 1998, to be used for a purchase in lieu of a NICS check.

**Waiting period.** No State requirements.

**Information from applicants.** No State requirements.

**Purchaser fees.** No State requirements.

**State data.** Louisiana maintains a statewide computer network with fugitive data and criminal histories that include domestic violence offenses and some mental health data. These files are fully automated. Other mental health data are maintained by local coroners.

**Check processing time.** Not applicable.

**Retention of records.** No State requirements.

**Registration.** Machine guns, firearms with obliterated serial numbers, short barrel rifles and shotguns, and certain modified firearms are required to be registered.

**Appeals of denials.** A person who is denied a firearm by the FBI can appeal under Federal law.

**Arrests of denied persons.** Not applicable.

**1999 firearm checks.** No statewide information is available.

**1999/2000 legislation.** A new statute made it unlawful for a person who has not attained the age of 17 years to possess a handgun.

**Relevant laws.** Louisiana Revised Statutes 14:91; 14:95 et seq; 40:1379.3; 40:1751 et seq.

**Source of information.** Louisiana State Police.

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## Maine

### FBI conducts NICS checks

**Prohibited persons.** Maine law prohibits possession of a firearm by a person who committed a crime punishable by imprisonment for 1 year or more; committed a firearms offense; engaged in conduct as a juvenile that if committed by an adult would have been a disqualifying offense; or is subject to a domestic violence restraining order. It is unlawful to transfer a firearm to a person under the age of 16, except for a parent or guardian of the minor.

**Restoration of rights.** Firearm rights may be restored by the commissioner of public safety, a court order, or a governor's pardon. A person convicted of a disqualifying offense can apply to the commissioner for a permit to possess a firearm, if 5 years have elapsed since the date of final discharge from the sentence. The commissioner's decision can be appealed to superior court. Nonviolent juvenile offenders regain firearm rights 3 years after completion of their dispositions or upon reaching 18 years of age, whichever is later.

**Regulated sales.** State law does not require background checks on firearms purchasers.

**Permits.** Maine does not require a permit to purchase firearms. A permit is required to carry a concealed weapon. Persons with restored rights are issued possession permits, but cannot carry a concealed firearm.

**Background checks.** The State is not a point of contact for the NICS. Licensed dealers in Maine contact the FBI for all checks required by the Brady Act.

**Waiting period.** No State requirements.

**Information from applicants.** No State requirements.

**Purchaser fees.** No State requirements.

**State data.** State agencies maintain fugitive, criminal history, motor vehicle, and domestic violence restraining order data. These files are maintained manually and are accessed via teletype.

**Check processing time.** Not applicable.

**Retention of records.** No State requirements.

**Registration.** No State requirements.

**Appeals of denials.** Persons denied a firearm by the FBI can appeal under Federal law.

**Arrests of denied persons.** Not applicable.

**1999 firearm checks.** No statewide information is available.

**1999/2000 legislation.** No significant changes.

**Relevant laws.** Maine Revised Statutes 15.393; 13A.554; 25.2001 et seq.

**Source of information.** Maine State Police.



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## Maryland

### FBI conducts long gun NICS checks State requests handgun NICS checks

**Prohibited persons.** A "regulated firearm" (handgun or assault weapon) cannot be transferred to or possessed by a person who is convicted of a crime of violence, a felony or any common law offense or misdemeanor that carries more than a 2-year term of imprisonment; a fugitive; a habitual drunkard; addicted to a controlled substance; mentally disordered as defined in State law; under 21 years of age; or subject to a protective order. In addition, it is illegal to transfer a regulated firearm to a person who is visibly under the influence of alcohol or drugs or a participant in a straw purchase. Regulated firearm purchasers must have resided in Maryland for 90 days, and are limited to one purchase every 30 days. A person under the age of 18 cannot purchase a long gun.

**Restoration of rights.** The right to own a firearm may be restored by a governor's pardon.

**Regulated sales.** Background checks are required for sales of "regulated firearms" (handguns and assault weapons) by licensed dealers and unlicensed persons. A dealer is required to have a Maryland regulated-firearms license in addition to a Federal license. An unlicensed person selling at a gun show must obtain a temporary transfer permit, have a fixed display, and comply with the same restrictions imposed upon licensed dealers.

**Permits.** A permit is not required to purchase firearms. A permit issued by the secretary of the Maryland State Police is required to carry a handgun.

**Background checks.** The Maryland State Police (M.P.) is a partial point of contact for the NICS and conducts checks on regulated firearms buyers. Dealers transmit applications to the M.P. by certified mail or fax. Private sales are processed through dealers or M.P. installations. Checks must be completed within 7 days unless placed on hold because of a criminal proceeding without a disposition. The FBI checks all redemptions, and sales of long guns not regulated by Maryland law. ATF allows concealed handgun permits issued before November 30, 1998, to be used for a purchase without a NICS check.

**Waiting period.** Transfers of regulated firearms require a 7-day waiting period that begins when an application is filed, regardless of when a check is completed.

**Information from applicants.** A regulated firearm application requires the buyer's name, address, race, gender, height, weight, hair and eye color, date and place of birth, driver's identification number, occupation, and date of application, plus the weapon caliber, make, model, and serial number. A Social Security number is optional.

**Purchaser fees.** A \$10 application fee is required.

**State data.** Maryland maintains fully automated fugitive and criminal history files, plus domestic violence restraining order/misdemeanor and probation/parole data.

**Check processing time.** Routine applications are processed in about 5 days. Additional research is normally completed in less than 1 month.

**Retention of records.** A permanent record of all completed transactions of regulated firearms is maintained by M.P. Denied applications are maintained indefinitely.

**Registration.** Permanent transaction records contain the caliber, make, model, serial number, and special characteristics of each regulated firearm transferred.

**Appeals of denials.** A person denied a regulated firearm can appeal to M.P. and further to State court.

**Arrests of denied persons.** All denied persons are reported to the M.P. Firearms Investigation Unit.

**1999 firearm checks.** Transfers: 33,038 applied; 592 denied (1.8%).

**1999/2000 legislation.** No significant changes.

**Relevant laws.** Code of Maryland 27-36A et seq; 27-441 et seq.

**Source of information.** Maryland State Police Firearms Enforcement Division.

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## Massachusetts

### FBI conducts NICS checks

### State conducts separate checks

**Prohibited persons.** Massachusetts law prohibits issuing firearm identification cards or licenses to carry to persons who were convicted or adjudicated a youthful offender or delinquent child in Massachusetts, another State, or a federal jurisdiction for the commission of felonies, misdemeanors punishable by more than 2 years imprisonment, certain violent crimes, or weapon or drug offenses. Others barred are mentally ill, drug or alcohol addicts, under age, aliens, subject to protection orders, or wanted persons. A permit to purchase may be issued with restrictions to a person who is not a minor if it appears that the purchase is for a proper purpose.

**Restoration of rights.** Persons who committed disqualifying adult or juvenile offenses, except for certain offenders, can regain the right to possess rifles and shotguns 5 years after completion of the sentence or adjudication without additional violations. Addicted persons may apply 5 years after completing drug or alcohol treatment.

**Regulated sales.** A permit is required to receive a rifle, shotgun, or "firearm" from a dealer or private person. Weapon types are mainly distinguished by barrel length: rifles, equal to or greater than 16 inches; shotguns, equal to or greater than 18 inches; "firearms," less than 16 inches or shotguns less than 18 inches. Firearms cannot be pawned.

**Permits.** Two classes of licenses to carry allow, for 4 years, possession of certain types of weapons: Class A, large capacity firearms, rifles, and shotguns; Class B, non-large capacity firearms, and large capacity rifles and shotguns. A firearms identification card allows, unless otherwise prohibited, possession of rifles, shotguns, ammunition, and chemical mace or similar substances.

**Background checks.** Licensing authorities (351 police departments) forward license and identification card applications to the Massachusetts State Police (M.P.), which conducts criminal history and fingerprint checks. M.P. informs a licensing authority of check results within 30 days; the authority renders a decision within 40 days from the date of application. The State is not a point of contact for the NICS. Dealers contact FBI for checks required by the Brady Act. ATF allows a license to carry issued before November 30, 1998, to be used for purchases without a NICS check.

**Waiting period.** No State requirements.

**Information from applicants.** License/identification card applicants must provide: name, aliases, mother's maiden name, father's name, date and place of birth, home and business addresses, employer, occupation, telephone number, build, complexion, eye and hair color, height, weight, fingerprints, photograph, and references. A Social Security number is optional.

**Purchaser fees.** A \$25 fee is charged for licenses to carry, identification cards, and permits to purchase.

**State data.** Massachusetts maintains fully automated criminal history, probation, parole, juvenile, domestic violence restraining order, and fugitive data. Mental health files are manual.

**Check processing time.** No statewide information is available.

**Retention of records.** Licensing authorities keep copies of approved and denied applications indefinitely. Information on applicants is also maintained in the Firearms Record Bureau database.

**Registration.** Rifles, shotguns, and firearms purchased in Massachusetts are registered. New residents have 60 days to register their firearms.

**Appeals of denials.** Identification card and license to carry denials can be appealed to State district court.

**Arrests of denied persons.** No information is available.

**1999 firearm checks.** No statewide information is available.

**1999/2000 legislation.** No significant changes.

**Relevant laws.** Massachusetts General Laws 140-121 et seq.

**Source of information.** Massachusetts Department of Public Safety.

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## Michigan

### FBI conducts long gun NICS checks State requests handgun NICS checks

**Prohibited persons.** Michigan prohibits issuing licenses to purchase handguns to persons who the licensing agency has probable cause to believe will use the gun to harm themselves or others, or to violate the law. Further, licenses cannot be issued to persons who are subject to various orders and dispositions; under the age of 18; not U.S. citizens and legal residents of the State; charged with or convicted of felonies; adjudged legally insane or incapacitated; or involuntarily committed due to mental illness. Firearms cannot be possessed by convicted felons and persons under the age of 18 who are not supervised by an adult.

**Restoration of rights.** Persons convicted of nonviolent or drug offenses regain the right to own a handgun 3 years after completion of their sentences. Violent offenders may have their rights restored 5 years after completion of a sentence, if approved by a county Concealed Weapons Licensing Board, or upon appeal to circuit court. Rights can also be restored if a conviction is expunged or set aside or the person is pardoned.

**Regulated sales.** A person shall not purchase a handgun without first having obtained a license. Handguns cannot be pawned.

**Permits.** Michigan requires a license, which is valid for 10 days, for every purchase of a handgun. A separate license is required to carry a concealed handgun.

**Background checks.** Checks on applicants for handgun purchase licenses are conducted by 595 sheriffs and police departments, which are partial points of contact for the NICS. Larger agencies generally have their own automated inquiry system, while other agencies use the statewide system to check on license applicants. Dealers in Michigan must contact the FBI for checks on sales and redemptions of long guns required by the Brady Act. ATF allows handgun purchase licenses to be used at the point of sale in lieu of the NICS check.

**Waiting period.** No State requirements.

**Information from applicants.** The State's application for a license to purchase includes the person's name, address, and date of birth. At the time of registration, the buyer's race, gender, height, and hair and eye color

are recorded, along with the make, caliber, type, model, and serial number of the handgun.

**Purchaser fees.** Any fee not exceeding \$5 can be charged for a license to purchase a handgun.

**State data.** Fully automated fugitive, criminal history, domestic violence restraining order, probation/parole, adjudicated mentally defective, and juvenile (if reportable to the State) data are available statewide. Some corrections data are also available. Domestic violence misdemeanors can be located through an automated pointer that requires manual research.

**Check processing time.** Routine license applications are normally processed by non-automated agencies in less than 1 hour, and by automated agencies in less than 5 minutes. Applications requiring additional research are normally processed in less than 5 days.

**Retention of records.** State law requires that sheriffs and police departments retain approved license applications for 6 years. Denied applications are kept at the discretion of the licensing agencies.

**Registration.** Michigan requires registration of handguns.

**Appeals of denials.** A person denied a handgun license can appeal to the denying agency and further to circuit court.

**Arrests of denied persons.** Persons with outstanding warrants are arrested in some cases.

**1999 firearm checks.** No statewide information is available.

**1999/2000 legislation.** No significant changes.

**Relevant laws.** Michigan Compiled Laws 28.421 et seq; 123.1101 et seq; 750.222 et seq.

**Source of information.** Michigan State Police.

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## Minnesota

### FBI conducts NICS checks

### State conducts separate checks

**Prohibited persons.** Minnesota law prohibits firearm possession by certain persons who are under the age of 18, convicted of or adjudicated delinquent for or charged with committing crimes of violence, mentally ill, drug addicts, domestic violence offenders, convicted of a crime punishable by imprisonment for more than 1 year, fugitives, or illegal aliens, or those who have been dishonorably discharged from the military or have renounced U.S. citizenship.

**Restoration of rights.** A person convicted of or adjudicated delinquent for committing a crime of violence may possess a firearm if 10 years have elapsed since restoration of civil rights or expiration of the sentence or disposition (whichever occurs first), and no further conviction or adjudication for another crime of violence has occurred. Civil rights are restored at discharge.

**Regulated sales.** State law requires checks on all persons attempting to obtain a permit or purchase handguns or assault weapons from licensed dealers.

**Permits.** Minnesota allows its citizens to obtain a transferee permit which is valid for 1 year and can be used to purchase an unlimited number of handguns and assault weapons. A permit to carry is required to possess a concealed firearm and also constitutes a transferee permit. In the alternative, a buyer can undergo a background check for each purchase of an unlimited number of handguns or assault weapons.

**Background checks.** Five-hundred sixty-eight sheriffs and police departments conduct checks after receiving transferee permit applications or transfer reports (on persons without permits) from dealers. A permit shall be issued or denied within 7 days of application. After a transfer report is filed, a dealer can complete the transaction if a notice of disqualification from the checking agency is not received within 5 business days. In addition, dealers in Minnesota contact the FBI for all checks required by the Brady Act. ATF allows a permit to acquire or carry issued before November 30, 1998, to waive a NICS check.

**Waiting period.** A wait of 5 business days (7 days) is required for purchases of handguns or assault weapons without a permit, regardless of when a background check is completed. All or part of the waiting period can be waived by the checking agency

because of a threat to the life of the transferee or a member of the transferee's household.

**Information from applicants.** A permit application or transfer report requires the applicant's name, address, telephone number, driver's license number, gender, date of birth, height, weight, eye color, and distinguishing physical characteristics. Applicants must show identification with a color photograph.

**Purchaser fees.** State law prohibits fees.

**State data.** Minnesota maintains fully automated criminal history, fugitive, juvenile, and domestic violence restraining order data on a statewide network. Manual files contain information on mental health and chemical dependency. Automation of mental health and domestic violence misdemeanor data are underway.

**Check processing time.** Background checks are normally completed in less than 5 days.

**Retention of records.** Copies of applications are retained at the discretion of the checking agency. However, a sheriff or chief of police will not maintain any record of an approved transferee's identity if that person requests return of the transfer report.

**Registration.** No State requirements.

**Appeals of denials.** A person denied a permit or firearm can appeal to the county or municipal court.

**Arrests of denied persons.** A person who makes a false statement on a permit or transfer application can be charged with a gross misdemeanor.

**1999 firearm checks.** No statewide information is available.

**1999/2000 legislation.** No significant changes.

**Relevant laws.** Minnesota Statutes 609.165; 609.224; 624.711 et seq.

**Source of information.** Minnesota Department of Public Safety.

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## Mississippi

### FBI conducts NICS checks

**Prohibited persons.** Mississippi law makes it unlawful to transfer a firearm to a person whom the transferor knows to be a minor under the age of 18 or intoxicated. A person convicted of a felony cannot possess a firearm, and a person under the age of 18 cannot possess a handgun except in limited circumstances.

**Restoration of rights.** A convicted felon's right to possess a firearm can be restored by a governor's pardon.

**Regulated sales.** State law does not require any background checks on firearm purchasers in addition to the Brady checks requested by licensed dealers.

**Permits.** A permit is not required to purchase firearms. A license is required to carry a concealed handgun.

**Background checks.** The State is not a point of contact for the NICS. Licensed dealers in Mississippi contact the FBI for all checks required by the Brady Act. ATF allows a concealed handgun license issued to an individual by the Mississippi Department of Public Safety to be used for a purchase without a NICS check.

**Waiting period.** No State requirements.

**Information from applicants.** No State requirements.

**Purchaser fees.** No State requirements.

**State data.** Mississippi maintains an automated message switch that allows local agencies to access the National Crime Information Center (NCIC) and the Interstate Identification Index (III). Arrest and disposition records on felonies and misdemeanors are available online.

**Check processing time.** Not applicable.

**Retention of records.** No State requirements.

**Registration.** No State requirements.

**Appeals of denials.** A person who is denied a firearm by the FBI can appeal under Federal law.

**Arrests of denied persons.** Not applicable.

**1999 firearm checks.** Carry permits: 4,785 applied; 40 denied (0.8%).

**1999/2000 legislation.** No significant changes.

**Relevant laws.** Mississippi Code 45-9-101; 97-37-1 et seq.

**Source of information.** Mississippi Department of Public Safety.

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## Missouri

### FBI conducts NICS checks

#### State conducts separate checks

**Prohibited persons.** Missouri law requires that an applicant for a permit to acquire a handgun be at least 21 years of age, a U.S. citizen, and a State resident for at least 6 months. A permit cannot be issued to a person who is convicted of a felony or misdemeanor specified in State law; a fugitive or someone charged with a crime; dishonorably discharged from U.S. armed forces; habitually intoxicated or drugged; adjudged mentally incompetent; or found to have rendered a false statement on the application. It is unlawful to recklessly transfer a firearm to a person who is intoxicated or to a person less than 18 years old without consent of the child's parent or guardian.

**Restoration of rights.** A convicted felon's right to own a handgun can be restored through a governor's pardon.

**Regulated sales.** Permit regulations pertain to all handgun transfers by licensed dealers, pawnshops, and unlicensed persons.

**Permits.** Missouri mandates a permit to acquire which is valid for 30 days and can be used to purchase one handgun. The State does not issue concealed firearm permits.

**Background checks.** One-hundred fourteen county sheriffs and the St. Louis County Police Department conduct background checks on applicants for permits to acquire handguns. A maximum period of 7 business days is allowed to complete the process. The State is not a point of contact for the NICS. Licensed dealers in Missouri contact the FBI for all checks required by the Brady Act. ATF allows a permit to acquire a handgun issued before November 30, 1998, to waive a NICS check at the point of sale.

**Waiting period.** No State requirements.

**Information from applicants.** A permit applicant must provide the following: name, residence and business addresses, height, hair and eye color, date of birth, Social Security number, occupation, date of application and reason for desiring a permit, plus the type, make, model, and serial number of the handgun obtained.

**Purchaser fees.** A fee of \$10 is charged for a permit.

**State data.** Missouri maintains fully automated fugitive, criminal history, domestic violence restraining order, and probation/parole data on a statewide computer network.

**Check processing time.** No statewide information is available.

**Retention of records.** Sheriffs are required to keep a record of all applications for permits and the action taken on the application. The permit statute does not specify a record retention period.

**Registration.** Handguns are not registered by the State, but are registered by some counties and municipalities.

**Appeals of denials.** A person denied a permit can appeal to small claims court.

**Arrests of denied persons.** No information is available.

**1999 firearm checks.** No statewide information is available.

**1999/2000 legislation.** No significant changes.

**Relevant laws.** Missouri Revised Statutes 571.090.

**Source of information.** Missouri State Highway Patrol.

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## Montana

### FBI conducts NICS checks

**Prohibited persons.** Montana law prohibits possession of a firearm by a person who has been convicted of certain felonies or an equivalent offense in another jurisdiction. A minor child under the age of 14 years cannot carry or use firearms in public without adult supervision.

**Restoration of rights.** A convicted felon's right to possess a firearm can be restored by a governor's pardon or upon completion of the sentence, except for certain offenders who must apply to the court for a permit to purchase firearms.

**Regulated sales.** State law does not require background checks on firearms purchasers.

**Permits.** Montana does not require a permit to purchase a firearm. A permit is required to carry a concealed weapon.

**Background checks.** The State is not a point of contact for the NICS. Licensed dealers in Montana contact the FBI for all checks required by the Brady Act. ATF allows a concealed weapon permit issued by a county sheriff to be used for purchases in lieu of a NICS check.

**Waiting period.** No State requirements.

**Information from applicants.** No State requirements.

**Purchaser fees.** No State requirements.

**State data.** Montana maintains fully automated fugitive and criminal history data on a statewide network. Some domestic violence data are also available.

**Check processing time.** Not applicable.

**Retention of records.** No State requirements.

**Registration.** No State requirements.

**Appeals of denials.** A person who is denied a firearm by the FBI can appeal under Federal law.

**Arrests of denied persons.** Not applicable.

**1999 firearm checks.** No statewide information is available.

**1999/2000 legislation.** No significant changes.

**Relevant laws.** Montana Code 45-8-301 et seq; 46-18-801.

**Source of information.** Montana Department of Justice.

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## Nebraska

### FBI conducts long gun NICS checks State requests handgun NICS checks

**Prohibited persons.** A handgun transfer certificate cannot be issued to a person who is under 21 years of age or whose purchase or possession of a handgun would be in violation of applicable Federal, State, or local law. Nebraska law makes it unlawful for a handgun to be possessed by or transferred to a person under the age of 18 except in limited circumstances. A person who has previously been convicted of a felony or is a fugitive from justice cannot possess a firearm.

**Restoration of rights.** A convicted felon can possess a firearm if restoration of such rights is included in a pardon.

**Regulated sales.** A transfer certificate is required to receive a handgun from a licensed dealer or an unlicensed person, with limited exceptions.

**Permits.** The transfer certificate needed to purchase a handgun is valid for up to 3 years and can be used for an unlimited number of purchases. The State does not issue concealed firearm permits.

**Background checks.** Ninety-three county sheriffs and the Lincoln and Omaha Police Departments are partial points of contact for the NICS. These agencies conduct checks required by Federal and State law on applicants for handgun transfer certificates. State law allows a maximum period of 2 days to investigate and decide on an application for a certificate. Licensed dealers in Nebraska contact the FBI for checks on long gun purchasers required by the Brady Act. ATF allows a handgun transfer certificate to be used in lieu of a NICS check at the point of sale.

**Waiting period.** No State requirements.

**Information from applicants.** A transfer certificate application includes the person's name, address, race, gender, height, weight, hair color, date of birth, and Social Security number plus the date of application.

**Purchaser fees.** State agencies charge \$5 for a background check.

**State data.** Nebraska maintains a statewide network with automated data on fugitives, criminal history, probation/parole, and mental health commitments without a discharge in the last 5 years.

**Check processing time.** Routine applications are normally processed in less than 1 day. Applications requiring additional research are normally processed in less than 2 days.

**Retention of records.** Approved and denied applications are retained at the discretion of the checking agencies.

**Registration.** No State requirements.

**Appeals of denials.** A person who is denied a handgun transfer certificate can appeal to the county court.

**Arrests of denied persons.** Persons who are denied handgun transfer certificates because they submitted false information or have an outstanding warrant are arrested in some cases.

**1999 firearm checks.** No statewide information is available.

**1999/2000 legislation.** No significant changes.

**Relevant laws.** Nebraska Revised Statutes 28-1201 et seq; 69-2401 et seq.

**Source of information.** Nebraska State Patrol.



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## Nevada

### State requests NICS checks

**Prohibited persons.** Nevada prohibits possession or control of a firearm by a person who is under 18 years of age (except in limited circumstances) or has been convicted of a felony under the laws of Nevada, another state, or the United States. It is illegal to recklessly or knowingly sell or barter a handgun to a child under the age of 18.

**Restoration of rights.** State law allows a convicted felon's right to possess firearms to be restored if the person is honorably discharged from probation. Restoration can occur through a governor's pardon that does not restrict the right to bear arms. If a pardon does not restore civil rights, the person may apply to a board of pardon commissioners, whose decision can be appealed to Nevada district court.

**Regulated sales.** Pursuant to an executive order of the governor, Nevada enforces the Brady Act's requirement of background checks on firearm transfers by licensed dealers. State law gives unlicensed sellers the option of requesting a check on a purchaser from the Nevada Point-Of-Sale Firearms Program.

**Permits.** State law does not require a permit to purchase firearms. A permit is required to carry a concealed firearm.

**Background checks.** The Nevada Highway Patrol (NHP) is a point of contact for the NICS and conducts all checks required by the Brady Act. Licensed firearms dealers in Nevada request instant checks by telephone. ATF allows a concealed firearm permit issued by a county sheriff to be used for a purchase without a subsequent NICS check. In addition, NHP conducts checks requested by unlicensed sellers, which must be completed within 5 business days.

**Waiting period.** No State requirements.

**Information from applicants.** Licensed dealers in Nevada use the ATF forms when preparing to conduct a firearm transaction. No separate State form is required.

**Purchaser fees.** The fee for a firearms background check is \$15.

**State data.** Nevada maintains fully automated fugitive, criminal history, and domestic violence misdemeanor

data on a statewide network. A protective order registry is scheduled to begin operating in October 2000.

**Check processing time.** Routine transactions are normally processed in less than 3 minutes. Transactions requiring additional research normally are processed in less than 3 days.

**Retention of records.** Information from approved transactions is retained for a maximum period of 20 days. Information from denied transactions is retained indefinitely.

**Registration.** Firearms are not registered in Nevada except in Clark County.

**Appeals of denials.** A person who is denied a firearm can appeal to NHP and further to the Hearings Office of the Department of Motor Vehicles and Public Safety.

**Arrests of denied persons.** NHP notifies ATF of persons who submit false information on purchase forms. When a person is denied because of an outstanding warrant, the NHP notifies the agency with jurisdiction over the site of the transaction.

**1999 firearm checks.** Transfers: 58,666 applied; 1,870 denied (3.2%).

**1999/2000 legislation.** No significant changes.

**Relevant laws.** Nevada Revised Statutes 202-253 et seq.

**Source of information.** Nevada Highway Patrol.

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## New Hampshire

### FBI conducts long gun NICS checks State requests handgun NICS checks

**Prohibited persons.** New Hampshire law provides that a firearm cannot be possessed by or transferred to a person who has been convicted of certain felonies. It is illegal to transfer a handgun to a minor (under age 18) except in limited circumstances. A handgun cannot be transferred by a licensed dealer to a person who is a nonresident or prohibited pursuant to State or Federal law or a protective order.

**Restoration of rights.** State law does not provide for restoration of a convicted felon's right to possess firearms.

**Regulated sales.** State law requires background checks on persons who purchase handguns from licensed dealers.

**Permits.** No permit is required to purchase firearms. A permit is required to carry a concealed handgun.

**Background checks.** The New Hampshire Department of Safety (DOS) is a partial point of contact for the NICS and conducts checks required by Federal and State law. Licensed dealers request instant checks on sales and redemptions of handguns by using a 1-800 number. The maximum period allowed for DOS to complete a background check is 3 days. Dealers contact the FBI for checks on sales and redemptions of long guns.

**Waiting period.** No State requirements.

**Information from applicants.** New Hampshire's application includes the purchaser's name, race, gender, date of birth, and Social Security or driver's license number, plus the date of application.

**Purchaser fees.** None.

**State data.** New Hampshire maintains fugitive, criminal history, and domestic violence restraining order/misdemeanor data on a statewide computer network.

**Check processing time.** Routine transactions are normally processed in less than 5 minutes. Transactions requiring additional research normally are processed in less than 4 hours.

**Retention of records.** State law requires that information on approved transaction be destroyed within 24 hours after approval (except for request dates and approval numbers). Information on denied transactions shall be retained for 3 years.

**Registration.** No State requirements.

**Appeals of denials.** State law provides that a person denied a handgun by DOS can appeal to that agency, and further to superior court.

**Arrests of denied persons.** If an applicant submits false information, DOS notifies ATF and agencies with jurisdiction over the venue of the transaction and the person's residence. In cases involving outstanding warrants, DOS notifies the agency with jurisdiction over the fugitive.

**1999 firearm checks.** Transfers: 13,616 applied; 247 denied (1.8%).

**1999/2000 legislation.** A new chapter allowed the department of safety to act as a NICS point of contact. The retention period for records of approved transactions was shortened to 1 day.

**Relevant laws.** New Hampshire Revised Statutes, Chapters 159, 159-C and 159-D.

**Source of information.** New Hampshire State Police.

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## New Jersey

### State conducts NICS checks

#### State conducts separate checks

**Prohibited persons.** A handgun permit or firearm identification card cannot be issued to a person who is convicted of a crime, drug dependent, confined for a mental disorder, a habitual drunkard, physically unable to handle firearms, under age 18, found to have submitted false information, or barred from firearm possession by court order. Issuance of a permit must not contravene the interest of public health, safety, or welfare.

**Restoration of rights.** A convicted felon's right to possess firearms can be restored if the offender's criminal record is expunged by the court.

**Regulated sales.** Permit regulations apply to all handgun and an identification card is required for long gun sales. Firearms cannot be pawned in New Jersey.

**Permits.** State law mandates a permit to purchase a handgun, which is valid for 90 days and may be renewed for an additional 90 days. A firearms purchaser identification card, which is valid until revoked for a violation of law, is required for unlimited long gun purchases. A permit is required to carry a handgun. A license issued by the superior court is required to purchase or possess an assault weapon.

**Background checks.** Applicants for permits and identification cards are checked by 505 local police departments, and the New Jersey State Police (NJSP) for some unincorporated areas. If no cause for denial exists, a permit or identification card shall be granted within 30 days (45 days for a nonresident) from the completion date of the investigation of the applicant. In addition, NJSP is a point of contact for the NICS and conducts all checks required by the Brady Act. Licensed dealers call NJSP for instant checks on purchasers who have obtained a permit or an identification card.

**Waiting period.** No handgun shall be delivered by a licensed dealer unless a valid permit is exhibited and at least 7 days have elapsed since the date of application for the permit.

**Information from applicants.** Identification card and permit applications require the person's name, residence, place of business, age, date of birth, occupation, gender, physical description, citizenship, and two references. Questions on firearms disabilities

must be answered. First-time applicants must submit fingerprints.

**Purchaser fees.** The fingerprint fee is \$49. Document fees are \$2 for a handgun permit and \$5 for an identification card. The assault weapon and machine gun license fee is \$75.

**State data.** New Jersey maintains fugitive, criminal history, domestic violence restraining order, and misdemeanor, juvenile, and probation/parole data. Partial mental health data are available.

**Check processing time.** Permit and identification card applications are normally processed in less than 1 month, or less than 6 months if additional research is needed.

**Retention of records.** Permit and identification card applications are retained indefinitely.

**Registration.** Handguns and assault weapons are registered.

**Appeals of denials.** A person who is denied a permit or identification card can appeal to the superior court where the application was filed, and the issuing authority shall be notified.

**Arrests of denied persons.** Local police departments arrest denied persons in some cases. NJSP's NICS Unit reports all denied persons to the Firearms Investigation Unit. NCIC felony warrants are reported to the fugitive unit; other felony warrants are reported to local departments.

**1999 firearm checks.** Transfers: 37,563 applied; 147 denied (0.4%). Identification cards and permits: 38,777 applied; 645 denied (1.7%).

**1999/2000 legislation.** A central court restraining order registry that can be accessed for firearm permit checks was established.

**Relevant laws.** New Jersey Statutes 2C:39-1 et seq; 2C:58-1 et seq.

**Source of information.** New Jersey State Police.

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## **New Mexico**

### **FBI conducts NICS checks**

**Prohibited persons.** New Mexico makes it unlawful for a person under the age of 19 to knowingly possess or transport a handgun except in limited circumstances. A felon (a person convicted by a court of the United States or any State or political subdivision thereof and sentenced to death or imprisonment of 1 or more years) cannot receive, transport, or possess a firearm.

**Restoration of rights.** State law allows a convicted felon's right to possess firearms to be restored by a governor's pardon or upon the expiration of 10 years after completion of the sentence without additional violations.

**Regulated sales.** New Mexico law does not require background checks on firearms purchasers.

**Permit.** A permit is not required to purchase firearms. State law does not provide for concealed firearm permits.

**Background checks.** The State is not a point of contact for the NICS. Licensed dealers in New Mexico contact the FBI for all checks required by the Brady Act.

**Waiting period.** No State requirements.

**Information from applicants.** No State requirements.

**Purchaser fees.** None.

**State data.** New Mexico maintains criminal history, domestic violence misdemeanor, and juvenile data on a statewide network. These files are 30% automated and 70% manual, with search requests made by teletype to the Department of Public Safety.

**Check processing time.** Not applicable.

**Retention of records.** No State requirements.

**Registration.** No State requirements.

**Appeals of denials.** A person who is denied a firearm by the FBI can appeal under Federal law.

**Arrests of denied persons.** Not applicable.

**1999 firearm checks.** No statewide information is available.

**1999/2000 legislation.** No significant changes.

**Relevant laws.** New Mexico Statutes 30-7-1 et seq.

**Source of information.** New Mexico Department of Public Safety.

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## New York

### FBI conducts long gun NICS checks State requests handgun NICS checks

**Prohibited persons.** New York law prohibits issuing a license to carry or possess a handgun to any person who is not of good moral character, has been convicted of a felony or "serious offense," suffers from mental illness or has been confined to any hospital or institution for mental illness, has had a license revoked, is under a suspension or ineligibility order, did not complete a safety course and test (Westchester County only), or concerning whom no good cause exists for denial. A long gun cannot be possessed by a person who has been convicted of a felony or serious offense or certified not suitable to possess a rifle or shotgun. It is illegal for a person under 16 years of age to possess a firearm except in limited circumstances.

**Restoration of rights.** Certificates of relief from disabilities and good conduct are issued at the discretion of the court of conviction or the Board of Parole. Even if relief from a firearms disability is granted, a licensing official can rely on the underlying conviction to deny the offender's application for a handgun license.

**Regulated sales.** Every person who receives a handgun must have a license. A firearms dealer is required to have a New York license. A NICS check through a dealer is required on all persons who receive a firearm at a gun show.

**Permits.** Each handgun purchased requires a license, issued by a designated county or city judicial or law enforcement officer, which specifies conditions for possession and carrying. A license is valid throughout the State, except in New York City, where additional rules of validity apply. Licenses are valid until revoked but have a fixed duration in New York City (3 years) and in Nassau, Suffolk, and Westchester counties (5 years). Purchasing additional handguns requires a license amendment.

**Background checks.** Applicants for handgun licenses contact local sheriffs and police departments, which are partial points of contact for the NICS and conduct background checks on behalf of licensing officers. Fingerprints of applicants are processed by the Division of Criminal Justice Services and the FBI. Applications must be acted upon within 6 months unless there is good cause for delay. A NICS check is required for amendments to non-expiring licenses unless a check on the holder occurred during the preceding 5 years.

Dealers contact the FBI for checks on long gun sales and firearm redemptions required by the Brady Act, and for checks on gun show transfers required by New York law. ATF allows a license to be used for a purchase from a dealer without the Brady check.

**Waiting period.** No State requirements.

**Information from applicants.** License applicants provide: name, address, race, gender, height, weight, hair color, eye color, date of birth, Social Security number, fingerprints, business address, previous address, occupation, character references, and the type, make, model, and serial number of the weapon.

**Purchaser fees.** Handgun license fees vary by issuing authority, but are at least \$74, the cost of State and Federal fingerprint processing.

**State data.** New York maintains criminal history, fugitive, mental health, and domestic violence restraining order/misdemeanor data.

**Check processing time.** No statewide data available.

**Retention of records.** The State Police Pistol Permit Bureau receives copies of approved license applications, renewals, and amendments. Denied applications are retained at the discretion of the licensing authorities.

**Registration.** Handguns are registered in New York.

**Appeals of denials.** State law does not provide an appeal procedure for handgun license denials.

**Arrests of denied persons.** No data are available.

**1999 firearm checks.** No statewide data available.

**1999/2000 legislation.** Highlights included the addition of gun show checks.

**Relevant laws.** Penal Law 265.00 et seq; 400.00 et seq; Crim. Pro. Law 530.14.

**Source of information.** New York State Division of Criminal Justice Services.

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## North Carolina

### FBI conducts long gun NICS checks State requests handgun NICS checks

**Prohibited persons.** North Carolina law requires that an applicant for a handgun purchase permit be of good moral character and desire possession of the weapon for protection, target shooting, collecting, or hunting. A permit may not be issued to a person who is under indictment for or convicted of certain felonies; a fugitive; an unlawful user of drugs or a drug addict; adjudicated mentally incompetent or committed to a mental institution; an illegal alien; dishonorably discharged from the armed forces; subject to a domestic violence restraining order; or who has renounced U.S. citizenship. It is illegal for a minor under the age of 18 to possess a handgun except in limited circumstances. A firearm cannot be purchased by a person who has been restrained by a domestic violence order, convicted of a felony, acquitted by reason of insanity, or determined to lack the capacity to stand trial.

**Restoration of rights.** Firearm rights can be regained if a conviction has been expunged or set aside (the person is not considered to have been convicted), or if a person has been pardoned or had civil rights restored (if the law of the applicable jurisdiction provided for loss of civil rights. However, rights are not regained if a pardon, expungement, or restoration of civil rights provides that the person may not ship, transport, possess, or receive firearms.

**Regulated sales.** Handgun permit requirements apply to all transfers by licensed dealers and unlicensed persons.

**Permits.** North Carolina requires a permit, valid for 5 years, to purchase a handgun. A separate permit is required to carry a concealed handgun.

**Background checks.** One-hundred county sheriffs are partial points of contact for the NICS and conduct checks on applicants for permits to purchase or carry a handgun. State law allows a sheriff 30 days to decide on a purchase permit application. Licensed dealers in North Carolina contact the FBI for checks on long gun sales and firearm redemptions. ATF allows handgun purchase and carry permits to be used at the point of sale in lieu of the NICS check. These permits can be used to purchase multiple long guns, but only in a single transaction.

**Waiting period.** No State requirements.

**Information from applicants.** Information requested from purchase permit applicants is at the discretion of the county sheriffs, in conformity with the standards set forth in the permit statutes.

**Purchaser fees.** State law mandates a charge of \$5 for processing a purchase permit application.

**State data.** North Carolina maintains fully automated fugitive, criminal history, probation/parole, domestic violence restraining order/misdemeanor, and motor vehicle data on a statewide network.

**Check processing time.** No statewide information is available.

**Retention of records.** County sheriffs destroy permits and licenses after 10 years; other records are destroyed when their reference value ends.

**Registration.** No State requirements.

**Appeals of denials.** Handgun permit denials can be appealed to the Chief District Court Judge for the district in which the application is filed.

**Arrests of denied persons.** No information is available.

**1999 firearm checks.** Carry permits: 9,349 applied; 103 denied (1.1%).

**1999/2000 legislation.** No significant changes.

**Relevant laws.** North Carolina General Statutes 14-269.7 et seq; 14-402 et seq.

**Source of information.** North Carolina State Bureau of Investigation.

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## North Dakota

### FBI conducts NICS checks

**Prohibited persons.** North Dakota law provides that a firearm cannot be possessed by or transferred to a person who has been convicted of a felony or a misdemeanor involving violence or intimidation, or was diagnosed and confined or committed to a hospital or institution as a mentally ill person. A handgun cannot be possessed by or transferred to a person under the age of 18, except in limited circumstances.

**Restoration of rights.** A convicted felon's right to possess a firearm can be restored 5 or 10 years after completion of the sentence if no additional violations occur, depending on the type of offense committed.

**Regulated sales.** State law does not require background checks on firearms purchasers.

**Permits.** North Dakota does not require a permit to purchase a firearm. A license is required to carry a concealed weapon.

**Background checks.** The State is not a point of contact for the NICS. Licensed dealers in North Dakota contact the FBI for all checks required by the Brady Act. ATF allows a concealed weapon license issued by the North Dakota Bureau of Criminal Investigation to be used for a purchase without a NICS check, if the license was issued prior to November 29, 1998, or on or after December 1, 1999.

**Waiting period.** No State requirements.

**Information from applicants.** No State requirements.

**Purchaser fees.** None.

**State data.** North Dakota maintains partially automated fugitive and criminal history data on a statewide network. Court restraining order data are also available.

**Check processing time.** Not applicable.

**Retention of records.** No State requirements.

**Registration.** No State requirements.

**Appeals of denials.** A person who is denied a firearm by the FBI can appeal under Federal law.

**Arrests of denied persons.** Not applicable.

**1999 firearm checks.** No statewide information is available.

**1999/2000 legislation.** No significant changes.

**Relevant laws.** North Dakota Century Code 62.1-01 et seq.

**Source of information.** North Dakota Bureau of Criminal Investigation.

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## Ohio

### FBI conducts NICS checks

**Prohibited persons.** Ohio law prohibits possession of a firearm by a person who is a fugitive; under indictment for or convicted of any felony offense of violence; adjudicated as a delinquent child for an offense that if committed by an adult would have been a felony offense of violence; under indictment for or convicted of any offense involving possession or sale of drugs; adjudicated as a delinquent child for an offense that if committed by an adult would have been an offense involving possession or sale of drugs; drug dependent; a chronic alcoholic; or under adjudication of mental incompetence. Handguns cannot be transferred to or purchased by persons under 21 years of age and firearms cannot be transferred to or purchased by persons under 18 years of age, except in limited circumstances.

**Restoration of rights.** A person convicted of or adjudicated delinquent for a felony offense of violence or a drug offense can have firearm rights restored by a court of common pleas if the person has been law abiding since completion of the sentence or adjudication.

**Regulated sales.** State law does not require background checks on firearm purchasers.

**Permits.** A permit is not required to purchase firearms. Ohio law does not provide for concealed firearm permits.

**Background checks.** The State is not a point of contact for the NICS. Licensed dealers in Ohio contact the FBI for all checks required by the Brady Act.

**Waiting period.** No State requirements.

**Information from applicants.** No State requirements.

**Purchaser fees.** None.

**State data.** Ohio maintains fully automated fugitive, criminal history, domestic violence restraining order/misdemeanor, and probation/parole data on a statewide network.

**Check processing time.** Not applicable.

**Retention of records.** No State requirements.

**Registration.** No State requirements.

**Appeals of denials.** A person who is denied a firearm by the FBI can appeal under Federal law.

**Arrests of denied persons.** Not applicable.

**1999 firearm checks.** No statewide information is available.

**1999/2000 legislation.** No significant changes

**Relevant laws.** Ohio Revised Code 2923.11 et seq.

**Source of information.** Ohio Bureau of Criminal Identification.



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## Oklahoma

### FBI conducts NICS checks

**Prohibited persons.** Oklahoma law prohibits transfer of a firearm to a person who is under 18 years of age (except in limited circumstances), to any convicted felon or adjudicated delinquent, any individual who is under the influence of alcohol or drugs or is mentally or emotionally unbalanced or disturbed. It is unlawful for a firearm to be possessed by a person who is a convicted felon, adjudicated delinquent, or subject to Department of Corrections supervision, probation, parole, or inmate status.

**Restoration of rights.** In Oklahoma, a convicted felon's right to possess a firearm can be restored if the person was convicted of a non-violent felony, has received a full and complete pardon from the proper authority, and has not been convicted of any other felony offense which has not been pardoned. An adjudicated delinquent regains the right to possess firearms 10 years after the adjudication occurred.

**Regulated sales.** State law does not require background checks on firearms purchasers.

**Permits.** No permit is required to purchase firearms. A permit is required to carry a concealed handgun.

**Background checks.** The State is not a point of contact for the NICS. Licensed dealers in Oklahoma contact the FBI for all checks required by the Brady Act. ATF allows exemptions from the NICS check for holders of concealed handgun permits issued between May 16, 1996, and November 30, 1998.

**Waiting period.** No State requirements.

**Information from applicants.** No State requirements.

**Purchaser fees.** None.

**State data.** Oklahoma maintains fully automated criminal history data on a statewide network.

**Check processing time.** Not applicable.

**Retention of records.** No State requirements.

**Registration.** No State requirements.

**Appeals of denials.** A person who is denied a firearm by the FBI can appeal under Federal law.

**Arrests of denied persons.** Not applicable.

**1999 firearm checks.** No statewide information is available.

**1999/2000 legislation.** No significant changes.

**Relevant laws.** Oklahoma Statutes 21-1271.1 et seq.

**Source of information.** Oklahoma State Bureau of Investigation.

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## Oregon

### FBI conducts long gun NICS checks State requests handgun NICS checks

**Prohibited persons.** Oregon law prohibits possession of a firearm by a person who is under 18 years of age, a juvenile offender, a felon, or mentally ill. It is illegal to transfer a firearm to a person who is under 18 years of age, convicted of a felony, named in a felony warrant, free on felony pretrial release, found to be mentally ill, or convicted of a misdemeanor for assault 4th degree, menacing, reckless endangering, assaulting a public safety officer, or intimidation 2nd degree within the previous 4 years.

**Restoration of rights.** A convicted felon's right to possess a firearm can be restored by expungement or the passage of 15 years since completion of a sentence for a felony which did not involve criminal homicide or the use of a weapon, provided there is only one felony conviction on the person's record.

**Regulated sales.** State law requires background checks on persons who purchase handguns from licensed dealers.

**Permits.** Oregon does not require a permit to purchase firearms but does require a license to carry a concealed weapon.

**Background checks.** The Oregon State Police Firearms Unit is a partial point of contact for the NICS and conducts checks on handgun purchasers required by Federal and State law. When dealers call a 1-800 number for the firearms unit, queries are processed on the purchaser and the handgun being sold; the dealer is given a transaction number for an approval or informed that the applicant is denied. Dealers contact the FBI for checks on long gun transfers required by the Brady Act. ATF allows concealed weapon permits issued before November 30, 1998, to be used for long gun purchases without a NICS check.

**Waiting period.** No State requirements.

**Information from applicants.** A prospective purchaser must submit the ATF form and a State Police thumbprint form to the dealer.

**Purchaser fees.** A fee of \$10, the maximum allowed by Oregon law, is charged for a background check by the firearms unit.

**State data.** Oregon maintains criminal history, fugitive, stolen gun, domestic violence restraining order, juvenile, and mental health data on a statewide computer network.

**Check processing time.** Routine transactions are normally processed in less than 5 minutes; transactions that require additional research are normally processed in less than 3 days.

**Retention of records.** The firearms unit retains records of approved and denied transactions for 5 years.

**Registration.** No State requirements.

**Appeals of denials.** Persons denied a handgun can appeal to the State Police Identification Services Section.

**Arrests of denied persons.** For persons who submit false information or have outstanding warrants, the firearms unit notifies the agency with jurisdiction over the individual.

**1999 firearm checks.** Transfers: 58,324 applied; 1,296 denied (2.2%).

**1999/2000 legislation.** No significant changes.

**Relevant laws.** Oregon Revised Statutes 166.410 et seq.

**Source of information.** Oregon State Police.

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## Pennsylvania

### State requests NICS checks

**Prohibited persons.** Pennsylvania law prohibits possession of a firearm by a person who is convicted of "enumerated offenses" or equivalent offenses in other jurisdictions; a fugitive from justice; convicted of certain drug offenses or equivalent offenses in other jurisdictions; convicted of three alcohol-related driving offenses in a 5-year period; adjudicated incompetent or involuntarily committed to a mental institution; an illegal alien; subject to an active protection from abuse order which provides for confiscation of firearms; adjudicated delinquent for certain offenses; or under the age of 18 except in limited circumstances.

**Restoration of rights.** For some prohibited persons, the court may restore State firearm rights in the event of a governor's pardon, Federal relief, vacation of the conviction, or expiration of 10 years since conviction (not including incarceration time). Certain persons adjudicated delinquent regain their rights 15 years after the last applicable adjudication or upon reaching the age of 30, whichever is earlier.

**Regulated sales.** Pennsylvania law requires background checks on persons who purchase firearms from State-licensed dealers. Check requirements also apply to transfers of handguns between unlicensed persons, which must occur at the place of business of a licensed importer, manufacturer, or dealer, or at a county sheriff's office. Handguns cannot be pawned.

**Permits.** A permit is not required to buy a firearm. A license is required to carry a concealed firearm.

**Background checks.** The Pennsylvania State Police (PSP) is a point of contact for the NICS and conducts all checks on sales or pawn redemptions required by Federal and State law. State licensees contact the Pennsylvania Instant Check System (PICS) by using a toll-free number. Many calls are instantly approved by an automated processing system; only rotary phone calls and checks that identify a record are referred to an operator. ATF allows use of a license to carry issued before November 30, 1998, to waive a NICS purchase check (but not the State check).

**Waiting period.** No State requirements.

**Information from applicants.** Handgun purchasers provide: name, address, race, gender, height, weight, hair color, eye color, date of birth, Social Security and drivers' license numbers, occupation, and home and

work phone numbers plus the make, model, serial number, caliber, and barrel length of the firearm.

**Purchaser fees.** State law requires fees of \$2 for a background check and a \$3 surcharge for each firearm subject to Pennsylvania sales tax.

**State data.** A statewide network contains automated criminal history, fugitive, protection order, and probation/parole data. Mental health data are available to PSP only. A challenge database contains completed research on persons found to have no prohibiting record after a review.

**Check processing time.** Over 50% of calls are approved automatically in 2 to 3 minutes on average. An additional 30% of calls are completed by an operator while on the original call. Any further research is completed within 15 days.

**Retention of records.** Approved transaction data are not retained. PSP retains records on denied persons for 20 years.

**Registration.** No State requirements.

**Appeals of denials.** A person who is denied a firearm may appeal to the PSP Instant Check System Legal Unit. Subsequent appeals may be filed with the State attorney general and commonwealth court.

**Arrests of denied persons.** Individuals who submit false information are reported to ATF and may also be investigated by state police troops or other agencies with jurisdiction over applicants. If a person is denied due to an outstanding warrants, PSP immediately notifies the agency with jurisdiction over the fugitive.

**1999 firearm checks.** Transfers: 557,992 applied; 18,875 denied (3.4%).

**1999/2000 legislation.** The law barring firearm possession by drug offenders was amended to include persons who committed equivalent offenses in other jurisdictions. A locking device is now required with most handgun transfers.

**Relevant laws.** Pa. Statutes 18-6101 et seq.

**Source of information.** Pennsylvania State Police.

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## Rhode Island

### FBI conducts NICS checks

#### State conducts separate checks

**Prohibited persons.** Rhode Island law prohibits purchase or possession of firearms by persons who are convicted of a crime of violence; fugitives from justice; convicted of certain felonies; subject to electronic surveillance or monitoring; mentally incompetent; drug addicts; habitual drunkards; or illegal aliens. It is illegal to sell, transfer, give, or convey a firearm to a person under 18 years of age without consent of a parent or guardian. A person under 18 years of age cannot possess a firearm except in limited circumstances. Handgun purchasers must be 21 years of age and complete a firearm safety course.

**Restoration of rights.** A convicted felon's right to own firearms can be restored through a governor's pardon.

**Regulated sales.** State law requires background checks on persons who receive firearms from licensed dealers and unlicensed individuals.

**Permits.** Rhode Island does not require a permit to purchase firearms. A permit is required to carry a concealed handgun. A person under 18 years of age must have a permit to participate in legal firearm activities.

**Background checks.** Thirty-nine local police departments conduct checks on firearms purchasers required by Rhode Island law. Sellers transmit purchase applications by certified mail or in person to the police departments. If notice of denial is not received by the seller within 7 days, a transfer can proceed. The State is not a point of contact for the NICS. Licensed dealers in Rhode Island contact the FBI for all checks required by the Brady Act.

**Waiting period.** A 7-day waiting period, which begins at noon on the day after an application is filed, is required for all firearm transfers, regardless of when a background check is completed.

**Information from applicants.** Rhode Island's application includes the purchaser's name, address, date of birth, place of birth, gender, height, weight, hair and eye color, scars, tattoos and other identifying marks, and questions concerning eligibility.

**Purchaser fees.** Fees are not mandated by State law but are at the discretion of the police departments.

**State data.** Rhode Island maintains fully automated fugitive, criminal history, probation/parole, and domestic violence restraining order/misdemeanor data on a statewide network.

**Check processing time.** Background checks are normally completed within 5 days.

**Retention of records.** The checking agency and the State attorney general receive copies of each purchase application, and are required to retain approved and denied applications for no more than 30 days. Original copies of applications must be retained by sellers for 6 years.

**Registration.** No State requirements.

**Appeals of denials.** State law does not provide a procedure for appealing a firearm denial. A person who is denied by the FBI can appeal under Federal law.

**Arrests of denied persons.** No information is available.

**1999 firearm checks.** No statewide information is available.

**1999/2000 legislation.** Statutes that restrict the sale of a firearm to a minor were amended to make it illegal to transfer, give, or convey a firearm to a minor without the consent of a parent or guardian. Amendments raised the minimum legal age for possessing a firearm without a permit from 15 to 18 years of age.

**Relevant laws.** Rhode Island General Laws 11-47-1 et seq.

**Source of information.** Rhode Island Department of the Attorney General.

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## South Carolina

### FBI conducts NICS checks

**Prohibited persons.** South Carolina law prohibits handgun sales to or possession by any person who is convicted of a crime of violence; a fugitive; a habitual drunkard or drug addict; adjudicated mentally incompetent; a member of a subversive organization; under 21 years of age (with limited exceptions); or adjudged unfit to carry or possess a pistol. A person who buys a handgun from a licensed dealer must be a South Carolina resident. Handgun purchases are limited to one in each 30-day period.

**Restoration of rights.** A convicted felon's right to own a handgun can be restored if that person receives a pardon or an expungement of the conviction, unless the offense committed was a crime of violence.

**Regulated sales.** South Carolina law does not require background checks on firearms purchasers. Retail dealers of handguns must have a State license.

**Permits.** No permit is required to purchase firearms. A permit is required to carry a concealed handgun.

**Background checks.** The State is not a point of contact for the NICS. Licensed dealers in South Carolina call the FBI for all checks required by the Brady Act. ATF allows a concealed handgun permit issued by the South Carolina Law Enforcement Division (SLED) to be used for a purchase without a NICS check.

**Waiting period.** No State requirements.

**Information from applicants.** South Carolina's application for a handgun purchase from a dealer includes the applicant's name, home address, business address, race, gender, height, weight, hair color, eye color, date of birth, place of birth, social security, driver's license and telephone numbers, State or military identification number, and date of application plus the type, make, model, and serial number of the weapon.

**Purchaser fees.** No State requirements.

**State data.** South Carolina maintains fully automated fugitive, criminal history, domestic violence misdemeanor/restraining order, and juvenile data on a statewide network. In addition, SLED maintains a "30-day, one handgun purchase" file.

**Check processing time.** Not applicable.

**Retention of records.** SLED retains a copy of every handgun purchase application filed with a State-licensed dealer.

**Registration.** No State requirements.

**Appeals of denials.** A person who is denied a firearm by the FBI can appeal under Federal law.

**Arrests of denied persons.** Not applicable.

**1999 firearm checks.** Carry permits: 5,070 applied; 103 denied (2.0%).

**1999/2000 legislation.** The executive order that authorized the SLED to be a point of contact for the NICS expired October 1, 1999.

**Relevant laws.** South Carolina Code of Laws 16-23-10 et seq; 23-31-10 et seq.

**Source of information.** South Carolina Law Enforcement Division.

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## South Dakota

### FBI conducts NICS checks

**Prohibited persons.** South Dakota law prohibits possession of a firearm by a person who has been convicted of a crime of violence or a felony, or who has a prior conviction for drug possession. A person under the age of 18 cannot possess a handgun except in limited circumstances. It is illegal to transfer a firearm to a known prohibited person or to a person under the age of 18 if the transferor knows or reasonably believes that the minor recipient intends to use the firearm to commit a crime of violence.

**Restoration of rights.** The right to possess a firearm can be restored through a governor's pardon or the passage of time. A person who was last discharged from prison, jail, probation, or parole for a crime of violence or a felony controlled substances/marijuana violation (except mere possession) more than 15 years ago regains the right to possess or control a firearm. For felony possession of controlled substances or marijuana, the time period is 5 years. However, no person convicted of a crime of violence may ever lawfully purchase a pistol at retail.

**Regulated sales.** State law does not require background checks on firearms purchasers.

**Permits.** No permit is required to purchase firearms. A permit is required to carry a concealed handgun.

**Background checks.** The State is not a point of contact for the NICS. Licensed dealers in South Dakota contact the FBI for all checks required by the Brady Act. ATF allows a concealed handgun permit issued before November 30, 1998, to be used for a purchase without a NICS check.

**Waiting period.** No seller may deliver a handgun to a purchaser until 48 hours have elapsed from the time of the sale, regardless of when a background check is completed. Holders of valid, concealed handgun permits are exempt from the waiting period.

**Information from applicants.** State law requires the following information from a handgun purchaser: complete name, date and place of birth, address, occupation, physical description, the date and hour of application, and a signed statement.

**Purchaser fees.** None.

**State data.** South Dakota maintains fully automated fugitive, criminal history, probation/parole, and domestic violence protective order data on a statewide network. A driver's history file is available to check for additional data. Domestic violence misdemeanors can be identified by researching criminal history.

**Check processing time.** Not applicable.

**Retention of records.** County sheriffs receive copies of handgun purchase applications from sellers. State law requires sheriffs to retain their copies of applications for a period of 1 year.

**Registration.** No State requirements.

**Appeals of denials.** A person who is denied a firearm by the FBI can appeal under Federal law.

**Arrests of denied persons.** Not applicable.

**1999 firearm checks.** No statewide information is available.

**1999/2000 legislation.** No significant changes.

**Relevant laws.** South Dakota Codified Laws, Chapters 22-14 and 23-7.

**Source of information.** South Dakota Attorney General's Office.

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## Tennessee

### State requests NICS checks

**Prohibited persons.** Tennessee law prohibits the intentional, knowing, or reckless sale, loan, or gift of a firearm to a person who is a minor or intoxicated. In addition, a licensed dealer is prohibited from selling a firearm to a person who is addicted to alcohol or ineligible to receive a firearm under 18 U.S.C. 922. A handgun cannot be possessed by a person who is convicted of a felony involving the use of force, violence, or a deadly weapon, convicted of a felony drug offense, less than 18 years of age (except in limited circumstances), or under the influence of alcohol or any controlled substance.

**Restoration of rights.** A convicted felon's firearm rights may be restored if the person was pardoned, the conviction was expunged or set aside, or the person's civil rights were restored by the circuit court.

**Regulated sales.** State law requires background checks on persons who purchase firearms from licensed dealers.

**Permits.** No permit is required to purchase a firearm. A permit is required to carry a concealed handgun.

**Background checks.** The Tennessee Bureau of Investigation (TBI) is a point of contact for the NICS and conducts all checks required by Federal and State law. Licensed dealers contact TBI by telephone; 250 high volume dealers can also use computers with a "point-of-sale device."

**Waiting period.** No State requirements.

**Information from applicants.** Tennessee's application includes the purchaser's name, date and place of birth, address, Social Security number, race, gender, thumbprint, and date of application. The make, model, caliber, and manufacturer's number is recorded for each weapon purchased.

**Purchaser fees.** TBI may charge a reasonable fee, not to exceed \$10, for a background check.

**State data.** Tennessee's Law Enforcement Communications Network maintains criminal history, fugitive, domestic abuse restraining order, and sex offender data. Domestic abuse misdemeanor convictions can be identified if annotated on a fingerprint card by a local agency.

**Check processing time.** Routine transactions are normally processed in less than 5 minutes. Transactions which require additional research are normally processed in less than 1 day.

**Retention of records.** Information on approved transactions is not retained by TBI, except for approval numbers and dates assigned. Information on denied transactions is retained indefinitely, but is destroyed if the decision is reversed on appeal.

**Registration.** No State requirements.

**Appeals of denials.** A person who is denied a firearm can appeal to TBI.

**Arrests of denied persons.** TBI notifies ATF of persons who submit false information. For persons with outstanding warrants, TBI notifies the agency with jurisdiction over the dealer's premises and the agency which entered the warrant.

**1999 firearm checks.** Transfers: 246,430 applied; 16,325 denied (6.6%).

**1999/2000 legislation.** No significant changes.

**Relevant laws.** Tennessee Code 39-17-1301 et seq.

**Source of information.** Tennessee Bureau of Investigation.

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## Texas

### FBI conducts NICS checks

**Prohibited persons.** Texas law prohibits knowingly transferring a handgun to a person who intends to use it unlawfully or is subject to an active protective order. A firearm cannot be knowingly transferred to a person who is younger than 18 years (without parental consent), intoxicated, or a convicted felon.

**Restoration of rights.** A convicted felon's right to possess a handgun on the premises where he or she lives can be restored 5 years after completion of the sentence if no additional violations occur.

**Regulated sales.** State law does not require background checks on firearms purchasers.

**Permits.** No permit is required to purchase firearms. A license is required to carry a concealed handgun.

**Background checks.** The State is not a point of contact for the NICS. Licensed dealers in Texas contact the FBI for all checks required by the Brady Act. The Texas Department of Public Safety issues concealed handgun licenses that will exempt holders from a NICS check at the point of sale. ATF also allows an exemption for holders of peace officer licenses issued before November 30, 1998.

**Waiting period.** No State requirements.

**Information from applicants.** No State requirements.

**Purchaser fees.** None.

**State data.** Texas maintains fully automated fugitive, criminal history, domestic violence restraining order/misdemeanor, juvenile, and probation/parole data on a statewide network.

**Check processing time.** Not applicable.

**Retention of records.** No State requirements.

**Registration.** No State requirements.

**Appeals of denials.** A person who is denied a firearm by the FBI can appeal under Federal law.

**Arrests of denied persons.** Not applicable.

**1999 firearm checks.** Carry permits: 30,349 applied; 400 denied (1.3%).

**1999/2000 legislation.** No significant changes.

**Relevant laws.** Texas Penal Code 30.06; 42.12; 46.01 et seq; Family Code 71.18; Government Code, Chapter 411, Subchapter H.

**Source of information.** Texas Department of Public Safety.



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## Utah

### State requests NICS checks

**Prohibited persons.** Utah law prohibits possession of a firearm by a person who is convicted of a felony; addicted to the use of any narcotic drug; declared mentally incompetent; or on parole or probation for a felony. A handgun may not be purchased, possessed, or transferred by a person who is convicted of or has been adjudicated delinquent for a felony within the past 10 years; under indictment for a felony; an unlawful user of a controlled substance; a drug dependent person; adjudicated as mentally defective or committed to a mental institution; an illegal alien; dishonorably discharged from the Armed Forces; or who has renounced United States citizenship. A firearm cannot be possessed by or provided to a minor under 18 years of age except in limited circumstances.

**Restoration of rights.** The right to possess a firearm can be restored if a conviction is expunged or otherwise removed from the record.

**Regulated sales.** State law requires background checks on persons who purchase firearms from licensed dealers.

**Permits.** Utah does not require a permit to purchase firearms. A permit is required to carry a concealed firearm.

**Background checks.** The Utah Bureau of Criminal Identification (BCI) is a point of contact for the NICS and conducts all checks required by Federal and State law. Licensed dealers request instant checks by using a 1-800 number, a regular telephone number, or a computer. Holders of concealed firearm permits issued by BCI are exempt from point-of-sale background checks under an ATF ruling and Utah law. BCI verifies the validity of permits presented to dealers.

**Waiting period.** No State requirements.

**Information from applicants.** Utah requires an applicant's name, address, race, gender, height, weight, hair color, eye color, date of birth, Social Security number, and date of application.

**Purchaser fees.** BCI charges \$7.50 for a background check.

**State data.** Utah maintains fully automated fugitive, criminal history, domestic abuse restraining

order/misdemeanor, adjudicated mentally defective, and motor vehicle data on a statewide network.

**Check processing time.** Routine transactions are normally processed in less than 5 minutes.

**Retention of records.** State law allows BCI to retain data on approved transactions for a maximum period of 20 days. Data on denied transactions are retained indefinitely.

**Registration.** No State requirements.

**Appeals of denials.** A person who is denied a firearm can appeal to BCI and further to a State review board.

**Arrests of denied persons.** A person who submits false information or has outstanding warrants is reported by BCI to the agency with jurisdiction over the location of the dealer.

**1999 firearm checks.** Transfers: 73,746 applied; 2,155 denied (2.9%). Carry permits: 7,960 applied; 114 denied (1.4%).

**1999/2000 legislation.** The firearm background check law was amended to authorize dealer requests and BCI responses by electronic means other than telephone, and allow BCI to adjust the fee charged for a check. An amendment provided that a person who is adjudicated delinquent for any felony offense under the laws of the United States, Utah, or any other State may not purchase, possess, or transfer a handgun.

**Relevant laws.** Utah Code 53-5-702 et seq; 76-10-501 et seq.

**Source of information.** Utah Bureau of Criminal Identification.

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## Vermont

### State requests NICS checks

**Prohibited persons.** A firearm cannot be furnished to a child under 16 without the consent of a parent or guardian. A handgun cannot be possessed by a child under 16 without the consent of a parent or guardian.

**Restoration of rights.** No State requirements.

**Regulated sales.** Vermont enforces the Brady Act's requirement of background checks on persons who purchase or redeem firearms from licensed dealers.

**Permits.** State law does not require a permit to purchase or carry firearms.

**Background checks.** The Newport City Police Department is the State's point of contact for the NICS and conducts all checks required by the Brady Act. Instant checks are conducted on persons who purchase or redeem firearms from licensed dealers.

**Waiting period.** No State requirements.

**Information from applicants.** Prospective firearms purchasers submit the standard ATF form. No separate State form is required.

**Purchaser fees.** None.

**State data.** Vermont maintains automated files containing fugitive and domestic abuse misdemeanor information. Criminal history, probation/parole, and court restraining order data are also available.

**Check processing time.** Routine transactions are normally processed in less than 5 minutes. Transactions which require additional research are normally processed in less than 3 days.

**Retention of records.** Information on approved transactions is destroyed within 20 days. Information on denied transactions is retained indefinitely.

**Registration.** No State requirements.

**Appeals of denials.** A person who is denied a firearm can appeal in writing to the NICS point of contact agency.

**Arrests of denied persons.** No information is available.

**1999 firearm checks.** Transfers: 20,777 applied; 572 denied (2.8%).

**1999/2000 legislation.** The Newport City Police Department became Vermont's point of contact for all NICS firearm checks.

**Relevant laws.** Vermont Statutes 13-4001 et seq.

**Source of information.** Vermont Department of Public Safety; Newport City Police Department.

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## Virginia

### State requests NICS checks

**Prohibited persons.** Virginia law prohibits possession of a firearm by a person who is acquitted by reason of insanity; adjudicated incompetent or incapacitated; involuntarily committed; subject to a protective order; convicted of a felony; or found guilty as a juvenile of a delinquent act which would be a felony if committed by an adult. It is unlawful for an alien to possess an assault firearm, or for a person under 18 years of age to possess a handgun or assault firearm. Handguns cannot be purchased by certain persons who have been convicted of two misdemeanor drug offenses within 36 months. A firearm purchaser must have resided in Virginia for at least 30 days. A person cannot purchase more than one handgun every 30 days unless authorized by the State Police.

**Restoration of rights.** The governor may grant a pardon or removal of political disabilities to a person who committed a felony or delinquent act, and may condition reinstatement of firearm rights. The circuit court may issue a permit to carry a firearm to a person whose civil rights have been restored.

**Regulated sales.** State law requires background checks on persons who purchase firearms from licensed dealers.

**Permits.** A permit is not required to purchase a firearm. A permit issued by a circuit court is needed to carry a concealed handgun.

**Background checks.** The Virginia State Police (VSP) is a point of contact for the NICS and conducts all checks required by Federal and State law. Some dealers request instant checks by using a 1-800 number or the mail to contact the Firearms Transaction Program. High-volume dealers in the Direct Access Program use dial-in technology to request checks.

**Waiting period.** No State requirements.

**Information from applicants.** The purchaser's name, date and place of birth, current address, Social Security or other identifying number, race, gender, height, and weight are required. The number of firearms purchased in each transaction is recorded by categories (rifle, shotgun, pistol, or revolver).

**Purchaser fees.** VSP charges \$2 for a check on a Virginia resident and \$5 for a nonresident.

**State data.** Virginia maintains fully automated criminal history, fugitive, juvenile, mental health, domestic violence restraining order/misdemeanor, and drug user data, plus a file on misdemeanor drug convictions and a calendar file on handgun purchases.

**Check processing time.** Routine transactions are normally processed in less than 2 minutes; transactions that require additional research are normally processed in less than 1 day.

**Retention of records.** Data on approved transactions may be retained for 30 days; however, multiple handgun transaction records and a log of requests (with purchaser name, dealer and approval numbers, and date) may be maintained for 12 months. Records of denied transactions are retained for 2 years.

**Registration.** No State requirements.

**Appeals of denials.** A person who is denied a firearm may request correction of a criminal history record or appeal to the circuit court within 30 days of such denial.

**Arrests of denied persons.** VSP arrests all persons denied because of an outstanding warrant, and arrests persons who submit false information in some cases. Using set criteria, VSP, in conjunction with commonwealth attorneys, decides which denied persons should be prosecuted under Virginia law.

**1999 firearm checks.** Transfers: 201,596 applied; 2,987 denied (1.5%).

**1999/2000 legislation.** A new statute requires that any person who sells firearms at a licensed dealership or gun show must submit to a background check and obtain a seller identification number from the State Police.

**Relevant laws.** Code of Virginia Title 18.2, Chapter 7, Article 7.

**Source of information.** Virginia State Police.

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## Washington

### **FBI conducts long gun NICS checks State requests handgun NICS checks**

**Prohibited persons.** Washington law prohibits possession of a firearm by a person who is convicted of a serious offense, felony, or misdemeanor as specified by statute; involuntarily committed for mental health treatment; under 18 years of age; or free on bond or personal recognizance pending trial, appeal or sentencing for a serious offense.

**Restoration of rights.** An offender's right to possess firearms may be restored by a governor's pardon. A person without further violations for 5 years after completing a sentence may petition the court of record for restoration of firearm rights, except for certain offenders who are not eligible for restoration.

**Regulated sales.** State law requires background checks on persons who purchase handguns from licensed dealers.

**Permits.** A permit is not required to purchase firearms. A license is required to carry a concealed handgun.

**Background checks.** Two hundred ninety-one sheriffs' and police departments are partial points of contact for the NICS and conduct checks on handgun purchasers required by Federal and State law. Checks are conducted upon receiving applications from dealers in person, by fax, or by regular or certified mail. State law provides that a handgun can be delivered to the purchaser when the dealer is notified of an approval or when 5 business days have elapsed. The time allowed for a check can be extended up to 30 days when the applicant has a record which lacks certain dispositions, or up to 60 days for persons who are new Washington residents or lack the required identification. Licensed dealers contact the FBI for checks required by the Brady Act on persons who purchase long guns or redeem pawned firearms. ATF and State rules allow holders of concealed handgun licenses issued between July 1, 1996, and November 30, 1998, to make purchases without an NICS check.

**Waiting period.** No State requirements.

**Information from applicants.** The Washington handgun application requires the purchaser's name, address, race, gender, height, weight, eye color, date of birth, place of birth, driver's license or ID number, and

date of application plus the type, make, model, and serial number of the weapon.

**Purchaser fees.** None.

**State data.** Washington maintains fully automated fugitive, criminal history, and domestic violence restraining order data on a statewide network. Some domestic violence misdemeanor and juvenile data are also available. Mental health records can be accessed manually.

**Check processing time.** Background checks are completed in less than 60 days.

**Retention of records.** Checking agencies retain approved applications for a maximum period of 20 days and denied applications indefinitely. Dealers retain copies of applications for 6 years.

**Registration.** No State requirements.

**Appeals of denials.** A person who is denied a handgun may appeal to the denying agency and further to superior court.

**Arrests of denied persons.** In cases of outstanding warrants, checking agencies normally notify the agency with jurisdiction over the fugitive.

**1999 firearm checks.** No statewide information is available.

**1999/2000 legislation.** No significant changes.

**Relevant laws.** Washington Revised Code 9.41.010 et seq.

**Source of information.** Washington State Patrol.

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## West Virginia

### FBI conducts NICS checks

**Prohibited persons.** West Virginia law prohibits possession of a firearm by a person who is convicted in any court of a crime punishable by imprisonment for a term exceeding 1 year; addicted to alcohol; an unlawful user of or addicted to any controlled substance; adjudicated as a mental defective or committed involuntarily to a mental institution; an illegal alien; dishonorably discharged from the armed forces; subject to a domestic violence protective order; convicted in any court of a misdemeanor crime of domestic violence; or a minor under the age of 18 (except in limited circumstances). It is illegal to sell, rent, give, or lend a firearm to a prohibited person.

**Restoration of rights.** State law provides that prohibited persons may petition the circuit court of the county where they reside for an order which allows firearm possession. The court may enter an order if it finds such person capable of exercising the responsibility concomitant with possession of a firearm.

**Regulated sales.** West Virginia does not require background checks on firearms purchasers.

**Permits.** A permit is not required to purchase firearms. A license is required to carry a concealed handgun.

**Background checks.** The State is not a point of contact for the NICS. Licensed dealers in West Virginia contact the FBI for all checks required by the Brady Act.

**Waiting period.** No State requirements.

**Information from applicants.** No State requirements.

**Purchaser fees.** None.

**State data.** West Virginia maintains fully automated fugitive and criminal history data on a statewide network, and manually maintains some domestic abuse data.

**Check processing time.** Not applicable.

**Retention of records.** No State requirements.

**Registration.** No State requirements.

**Appeals of denials.** A person who is denied a firearm by the FBI may appeal under Federal law.

**Arrests of denied persons.** Not applicable.

**1999 firearm checks.** No statewide data are available.

**1999/2000 legislation.** The firearm possession statute was amended to restate existing prohibitions, add prohibitions against domestic violence offenders, and create a felony offense for certain persons who possess a firearm illegally.

**Relevant laws.** West Virginia Code 61-7-1 et seq.

**Source of information.** West Virginia State Police.

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## Wisconsin

### FBI conducts long gun NICS checks State requests handgun NICS checks

**Prohibited persons.** Wisconsin law prohibits possession of firearms by certain persons who are convicted of felonies, adjudicated delinquent for acts that would be felonies if committed by adults, found not guilty of a felony or a similar offense in another jurisdiction by reason of mental disease, committed for treatment and ordered not to possess a firearm, or under 18 years of age.

**Restoration of rights.** A convicted felon's right to possess firearms may be restored by a governor's pardon or Federal relief. A person who was adjudicated delinquent may regain firearm rights if the court determines that the offender is not likely to act in a manner dangerous to public safety.

**Regulated sales.** State law requires background checks on persons who purchase handguns from licensed dealers.

**Permits.** A permit is not required to purchase firearms. State law does not provide for concealed firearm permits.

**Background checks.** The Wisconsin Department of Justice (DOJ) is a point of contact for the NICS and conducts checks on handgun purchasers required by Federal and State law. Licensed dealers request instant checks by using a 1-800 number to contact DOJ. State law requires that a check be completed within 48 hours; however, the time limit can be extended by 3 days for felony charges with no recorded disposition. Dealers contact the FBI for checks required by the Brady Act on persons who purchase a long gun or redeem a pawned firearm.

**Waiting period.** A 48-hour waiting period, which begins when DOJ acknowledges receipt of purchaser information from a dealer, is required for handgun sales regardless of when a background check is completed.

**Information from applicants.** Handgun purchasers must provide the following information: name, previous names, address, race, gender, height, weight, date of birth, hair color, eye color, date of application, and certification that no disqualifying grounds exist.

**Purchaser fees.** A fee of \$8 is charged for a background check.

**State data.** Wisconsin maintains fully automated fugitive, criminal history, juvenile, domestic violence misdemeanor/restraining order, and mental health data on a statewide network. Probation and parole files are kept manually.

**Check processing time.** Routine transactions are normally processed in less than 2 minutes. Transactions that require additional research normally are processed in less than 1 day.

**Retention of records.** Data on approved transactions are retained for no more than 30 days. Data on denied transactions are retained indefinitely.

**Registration.** No State requirements.

**Appeals of denials.** A person who is denied a handgun may appeal to DOJ and further to State court.

**Arrests of denied persons.** DOJ reports denied persons to ATF, the Wisconsin Department of Investigation, local police, and district attorneys.

**1999 firearm checks.** Transfers: 36,751 applied; 527 denied (1.4%).

**1999/2000 legislation.** No significant changes.

**Relevant laws.** Wisconsin Statutes 175.35; 813.125; 941.25 et seq; 948.55; 948.60.

**Source of information.** Wisconsin Department of Justice.

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## Wyoming

### FBI conducts NICS checks

**Prohibited persons.** Wyoming law prohibits possession of a firearm by a person who has previously pleaded guilty to or been convicted of committing or attempting to commit a violent felony or a felony of causing bodily injury to a peace officer, and has not been pardoned.

**Restoration of rights.** A person convicted of a violent felony may regain the right to possess a firearm through a governor's pardon.

**Regulated sales.** State law does not require background checks on firearms purchasers.

**Permits.** A permit is not required to purchase firearms. A license is required to carry a concealed dangerous weapon.

**Background checks.** The State is not a point of contact for the NICS. Licensed dealers in Wyoming contact the FBI for all checks required by the Brady Act. ATF allows a holder of a concealed weapon license issued by the Wyoming Attorney General to purchase firearms without a NICS check.

**Waiting period.** No State requirements.

**Information from applicants.** No State requirements.

**Purchaser fees.** No State requirements.

**State data.** Wyoming maintains a statewide network with fully automated records of criminal histories and fugitives who are wanted in felony or misdemeanor warrants.

**Check processing time.** Not applicable.

**Retention of records.** No State requirements.

**Registration.** No State requirements.

**Appeals of denials.** A person who is denied a firearm by the FBI may appeal under Federal law.

**Arrests of denied persons.** Not applicable.

**1999 firearm checks.** Carry permits: 1,185 applied; 20 denied (1.7%).

**1999/2000 legislation.** No significant changes.

**Relevant laws.** Wyoming Statutes 6-8-101 et seq.

**Source of information.** Wyoming Attorney General.

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## American Samoa

### FBI conducts NICS checks

#### Territory conducts separate checks

**Prohibited persons.** The Territory of American Samoa does not allow handguns on the island. Police officers are not required to carry firearms in the performance of their normal duties. However, police officers are authorized by statute to carry firearms, providing they have completed firearms training and are certified by a competent authority. A person's baggage is checked for firearms upon arrival. Shotguns of various gauges and .22-caliber rifles are allowed. It is unlawful to transfer a firearm to a person who is prohibited from possession, less than 18 years old (except in limited circumstances) or intoxicated. A firearm cannot be possessed by a person who has been convicted of or confined for a dangerous felony in the territory or elsewhere during the preceding 5 years, or who is a fugitive from justice, an habitual drunkard, a drug addict, or currently adjudged mentally incompetent.

**Restoration of rights.** Restoration of firearm rights may be given at the discretion of the attorney general or the Department of Public Safety, upon review of an application.

**Regulated sales.** Territorial licensing requirements apply to all transfers of legal firearms.

**Permits.** A license is required to possess, import, or sell firearms. Each license issued shall specify the number, quantity, and description of the arms which may be possessed, imported or sold, or otherwise transferred. A license to possess must be renewed every year and must be in the licensee's possession when carrying such arms.

**Background checks.** The checks required by American Samoa law on purchasers of shotguns and .22-caliber rifles are performed by the territorial police, after the owner brings in the sales receipt and the weapon. The police conduct background checks and issue licenses. The process includes checking NCIC through the American Samoa Office of Territorial and International Criminal Intelligence and Drug Enforcement (OTICIDE), as well as checking with police departments on neighboring islands.

**Waiting period.** No requirements.

**Information from applicants.** Territorial law allows requests by the police for any information as may be reasonably required.

**Purchaser fees.** A fee of \$2 is charged by the police for first time license applicants, and \$2 is charged for renewal of a license. The late registration fee is \$2.

**State data.** Information is maintained manually.

**Check processing time.** No information is available.

**Retention of records.** License records are retained in accordance with territorial statutes of limitation or as long as a licensee is in possession of firearms.

**Registration.** Legal firearms are marked with such letters as may be designated by the commissioner of public safety and also marked with a number indicating the order of the license and registration as specified in the license, unless the arm has a plainly visible and distinctive serial number stamped on it.

**Appeals of denials.** An appeal of a license denial may be addressed to the attorney general.

**Arrests of denied persons.** No information is available.

**Relevant laws.** American Samoa Code 46.4201 et seq.

**Source of information.** American Samoa Office of Territorial and International Criminal Intelligence and Drug Enforcement (OTICIDE).



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## Guam

### FBI conducts NICS checks

#### Territory conducts separate checks

**Prohibited persons.** Guam law prohibits issuing a Firearms Identification Card to a person who is convicted of a felony; an alien; charged with a felony; adjudicated incompetent or committed to a mental institution; under the age of 18; convicted of a drug offense or a misdemeanor where personal injury or use of firearms was an element or factor of the offense; or who appears to suffer from a physical or mental disease which would adversely affect the safe use of the firearm applied for.

**Restoration of rights.** A convicted felon's right to receive an identification card cannot be restored.

**Regulated sales.** All transfers of lawful firearms, except for temporary transfers at shooting galleries, require that the person receiving the firearm hold an identification card.

**Permits.** A Firearms Identification Card is required to own, possess, use, carry, or acquire any lawful firearm.

**Background checks.** The Guam Police Department (GPD) conducts background checks on identification cards applicants. FBI data and local files are checked. ATF has ruled that an identification card issued before November 30, 1998, is an alternative to a NICS check.

**Waiting period.** No requirements.

**Information from applicants.** Identification card applicants must provide the following: name, current address, previous address, place of birth, date of birth, home phone, duty phone, Social Security number, occupation, employer, race, gender, height, weight, eye color, and hair color.

**Purchaser fees.** First time applicants must submit a money order or bank draft payable to the Federal Bureau of Investigation in the amount of \$24, for the FBI background information fee. Once the background check is cleared and the application is approved, the applicant is charged a fee of \$15 for the identification card (renewable every 3 years). There is also a fee of \$20 for the registration of each firearm.

**State data.** Guam agencies maintain fugitive, criminal history, and mental health data.

**Check processing time.** The identification card process can take as much as 6 to 10 weeks while the applicant's background is being checked.

**Retention of records.** GPD retains all identification card applications indefinitely.

**Registration.** After a weapon is purchased, the receipt is taken to the GPD. The weapon is inspected by the duty armorer and registered by the department. Private sales and transfers to or from pawnbrokers require a new registration.

**Appeals of denials.** Territorial law does not provide a procedure for appealing an identification card denial.

**Arrests of denied persons.** No information is available.

**Relevant laws.** Guam Code 10-60100 et seq.

**Source of information.** Guam Police Department.

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## **Puerto Rico**

### **FBI conducts NICS checks**

#### **Commonwealth conducts separate checks**

**Prohibited persons.** Puerto Rico law prohibits issuing a license to have or possess firearms to any person who has been convicted of any of the following offenses or of the attempt to commit the same, in or outside Puerto Rico: murder in any degree, manslaughter, kidnaping, rape, mayhem, intent to commit any felony, aggravated assault and battery with a weapon, robbery, burglary, misappropriation, arson, aggravated arson, incest, or violation of certain statutes. In addition, a license cannot be issued to any person who is mentally unbalanced, a habitual drunkard, a narcotics or drug addict, or who has been convicted of a violation of the provisions hereof.

**Restoration of rights.** No regulations cover restoration of rights.

**Regulated sales.** The Weapons Law establishes that no dealer in firearms or ammunition shall deliver a firearm or issue the corresponding delivery permit to a purchaser without the latter producing a license to have and possess a firearm. No weapon is sold to the holder of a license from which the sales permit has been removed. Licensing requirements apply to all firearm sales.

**Permits.** Puerto Rico requires a license to purchase or carry a firearm.

**Background checks.** License applications require background checks conducted by the Police of Puerto Rico. Applications are received by certified mail or in person. The commonwealth is not a point of contact for the NICS. Dealers must contact the FBI for all checks required by the Brady Act.

**Waiting period.** No requirements.

**Information from applicants.** Fingerprints are required and the standard ATF form is used.

**Purchaser fees.** Commonwealth law requires fees of \$50 for a license and \$15 for a renewal every 3 years.

**State data.** The police department maintains a manual database.

**Check processing time.** The background check process can take from 6 to 12 months.

**Retention of records.** Approved applications are retained by the police for a maximum period of 20 days.

**Registration.** Every firearm sold is registered with the Superintendent of Police.

**Appeals of denials.** For denied license applicants, the police have an internal appeals process with written guidelines, and there is an external appeals process that involves the court system.

**Arrests of denied persons.** ATF is notified of persons who submit false information on an application.

**Relevant laws.** Laws of Puerto Rico 25-411 et seq.

**Source of information.** Chief of the Weapons Registry for the Police of Puerto Rico.

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## Virgin Islands

### FBI conducts NICS checks

### Territory conducts separate checks

**Prohibited persons.** Virgin Islands law provides that a license to have and possess a firearm cannot be issued to a person who is convicted in or outside the territory of a crime of violence, a drug law violation, or a firearms law violation; mentally incompetent; a habitual drunkard; a drug addict; or deemed to be an improper person by the police.

**Restoration of rights.** No information is available.

**Regulated sales.** Licensing requirements apply to all firearm sales.

**Permits.** A license is required to possess, transport, or carry a firearm. A purchase coupon is issued to the applicant along with the license. The coupon is then retained by the firearm dealer.

**Background checks.** License applications require a background check by the Virgin Islands Police Department, which includes contacting the FBI for a NICS check. The applicant completes and returns a notarized application. If no problems are found during the check, the information is forwarded to the Police Commissioner, who approves or disapproves the application. An ATF ruling allows a territorial license to be used for a purchase without a NICS check at the point of sale.

**Waiting period.** Firearm transfers require a 48-hour waiting period, regardless of when a background check is completed.

**Information from applicants.** A license application is accompanied by four photographs and notarized statements from character references. Fingerprints are required. Other required information varies with the type of application.

**Purchaser fees.** The Virgin Islands charges a \$5 application fee, a \$50 registration fee per weapon, and a \$15 late registration fee. The renewal fee is \$30 per weapon. New photographs are required with each renewal.

**State data.** No information is available.

**Check processing time.** No information is available.

**Retention of records.** No information is available.

**Registration.** After purchase, the bill of sale and the weapon are brought to the police, who record all pertinent information.

**Appeals of denials.** A person who is denied a license can appeal to territorial court.

**Arrests of denied persons.** No information is available.

**Relevant laws.** Virgin Islands Code 23-451 et seq.

**Source of information.** Virgin Islands Police Department.

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## Washington, D.C.

### FBI conducts NICS checks

#### District conducts separate checks

**Prohibited persons.** District of Columbia laws prohibit the purchase of handguns, except by law enforcement officers, retired District police officers, military personnel, licensed dealers, and organizations that employ special commissioned police. A registration certificate for a legal firearm cannot be issued to a person who is under 18 years of age (those between the ages of 18 and 21 need a notarized statement from a parent or guardian); convicted of or under indictment for a crime of violence or weapons offense; convicted of an offense involving drugs, assaults, or threats; acquitted by reason of insanity; adjudicated a chronic alcoholic; committed to a mental hospital; suffering from a physical defect and unable to use a firearm safely; adjudicated negligent in a firearm mishap causing death or serious injury; or otherwise ineligible under District law. Registration applicants are required to demonstrate adequate vision and pass a written test evidencing satisfactory knowledge of district firearm laws.

**Restoration of rights.** Persons convicted of offenses involving drugs, assaults, or threats, and certain other prohibited persons, may be allowed to register a firearm after a 5-year disqualification.

**Regulated sales.** A registration certificate shall not be issued for a sawed-off shotgun, machine gun, short-barreled rifle, or handgun not validly registered prior to September 24, 1976. Exceptions to the handgun prohibition exist for companies employing at least one commissioned special police officer or employee licensed to carry a firearm (where the handgun is used solely during the employee's duty hours), and for retired police officers. Private individuals may only sell or transfer legal firearms and ammunition to a licensed dealer in the District, and may only purchase long guns in person from a licensed dealer. Delivery of a firearm to a District resident will be withheld until a registration certificate is issued by the Metropolitan Police Department.

**Permits.** A valid registration certificate is required for possession or transfer of any firearm.

**Background checks.** The Chief of Police conducts background checks and issues registration certificates. The district is not a point of contact for the NICS; licensed dealers contact the FBI for all checks required by the Brady Act. An ATF ruling allows registration

certificates issued before November 30, 1998, to be used for a purchase without a NICS check.

**Waiting period.** No requirements.

**Information from applicants.** Registration information includes the applicant's name, present address, previous addresses, occupation, business address, date and place of birth, gender, history with firearms, intended use and location of the firearm, plus information about the firearm to be transferred and the transferor. Fingerprints and proof of District residency are required, and two recent photographs must be submitted.

**Purchaser fees.** The fingerprint fee is \$26.50 and the firearms registration fee is \$10.

**State data.** No information is available.

**Check processing time.** A check is processed in approximately 6 to 8 weeks.

**Retention of records.** No information is available.

**Registration.** All handguns owned prior to September 24, 1976, were required to be registered on or before November 22, 1976. Long guns acquired after September 24, 1976, must also be registered.

**Appeals of denials.** Registration denials and revocations may be appealed to the Police Department. Evidence supporting reconsideration must be submitted otherwise the denial or revocation will be upheld. A police decision may be appealed to the District of Columbia Court of Appeals. In the event of a final unfavorable decision, the applicant or registrant must lawfully dispose of the firearm.

**Arrests of denied persons.** A violation of the District's firearms control act may result in a \$1,000 fine, 1 year in jail, or both.

**Relevant laws.** District of Columbia Code 6-2312 et seq; 22-3201 et seq; Firearms Control Act of 1975.

**Source of information.** United States Attorney's Office, District of Columbia.

**Table 1. Applications for firearm transfers and permits processed by States, 1999**

State	Firearm transfer applications <sup>a</sup>			Purchase or carry permit applications <sup>b</sup>		
	Number of applications		Rate of rejection	Number of applications		Rate of rejection
	Received	Rejected		Received	Rejected	
Arizona	145,832	4,228	2.9%	20,114	460	2.3%
California	513,418	4,779	0.9	---	---	---
Colorado	100,126	6,668	6.7	---	---	---
Connecticut	49,285	255	0.5	---	---	---
Florida	239,876	6,083	2.5	---	---	---
Georgia	252,808	14,477	5.7	---	---	---
Illinois	184,289	1,473	0.8	235,615	6,700	2.8
Indiana	26,190	402	1.5	81,048	2,193	2.7
Maryland	33,038	592	1.8	---	---	---
Mississippi	---	---	---	4,785	40	0.8
Nevada	58,666	1,870	3.2	---	---	---
New Hampshire	13,616	247	1.8	---	---	---
New Jersey	37,563	147	0.4	38,777	645	1.7
North Carolina	---	---	---	9,349	103	1.1
Oregon	58,324	1,296	2.2	---	---	---
Pennsylvania	557,992	18,875	3.4	---	---	---
South Carolina	---	---	---	5,070	103	2.0
Tennessee	246,430	16,325	6.6	---	---	---
Texas	---	---	---	30,349	400	1.3
Utah	73,746	2,155	2.9	7,960	114	1.4
Vermont	20,777	572	2.8	---	---	---
Virginia	201,596	2,987	1.5	---	---	---
Wisconsin	36,751	527	1.4	---	---	---
Wyoming	---	---	---	1,185	20	1.7

Note: Counts are from agencies that reported complete statewide data for the entire period, except for Colorado, where the State Bureau of Investigation ran checks for 8 months out of the year.

<sup>a</sup>Counts are for all types of firearms except for in Indiana, Maryland, New Hampshire, Oregon, and Wisconsin, which are for handguns only. States listed use instant approval systems except for California and Maryland, which have "other approval" systems.

<sup>b</sup>Illinois counts are for identification cards; New Jersey counts are for identification cards and handgun permits; other counts are for carry permits that can be used to waive a purchase check.

Source: *Background Checks for Firearm Transfers, 1999*, June 2000, NCJ 180882.

**Table 2. Prohibited persons: Statutory basis for denial of firearm sale or possession, June 30, 2000**

Jurisdiction	Felony <sup>a</sup>	Misdemeanor <sup>a</sup>	Fugitive	Mental illness <sup>b</sup>	Restraining order	Drug abuse <sup>c</sup>	Alcohol abuse <sup>c</sup>	Minor (underage)	Juvenile offense	Other reasons
United States	X	X	X	X	X	X	---	X	---	X
Alabama	X	---	---	X	---	X	X	X	---	---
Alaska	X	---	---	---	---	X	X	X	X	---
Arizona	X	---	---	X	---	---	---	X	X	X
Arkansas	X	---	---	X	---	---	---	X	---	---
California	X	X	---	X	X	X	---	X	X	X
Colorado	X	---	---	---	---	---	---	X	X	---
Connecticut	X	X	---	X	X	---	---	X	X	X
Delaware	X	X	---	X	X	X	X	X	X	X
Florida	X	X	---	X	X	X	---	X	X	X
Georgia	X	---	---	X	---	---	---	X	X	---
Hawaii	X	X	X	X	X	X	X	X	X	X
Idaho	X	---	---	---	---	---	---	X	---	---
Illinois	X	X	---	X	X	X	---	X	X	X
Indiana	X	---	---	X	---	X	X	X	X	---
Iowa	X	X	---	X	---	X	X	X	---	X
Kansas	X	---	---	---	---	X	---	X	X	---
Kentucky	X	---	---	---	---	---	---	X	X	---
Louisiana	X	---	---	---	---	---	---	X	---	---
Maine	X	---	---	---	X	---	---	X	X	---
Maryland	X	X	X	X	X	X	X	X	---	X
Massachusetts	X	X	X	X	X	X	X	X	X	X
Michigan	X	---	---	X	X	---	---	X	---	X
Minnesota	X	X	X	X	---	X	---	X	X	X
Mississippi	X	---	---	---	---	X	X	X	---	---
Missouri	X	X	X	X	---	X	X	X	---	X
Montana	X	---	---	---	---	---	---	X	---	---
Nebraska	X	---	X	---	---	---	---	X	---	---
Nevada	X	---	---	---	---	---	---	X	---	---
New Hampshire	X	---	---	---	X	---	---	X	---	X
New Jersey	X	X	---	X	X	X	X	X	---	X
New Mexico	X	---	---	---	---	---	---	X	---	---
New York	X	X	---	X	X	---	---	X	---	X
North Carolina	X	---	X	X	X	X	---	X	---	X
North Dakota	X	X	---	X	---	---	---	X	---	---
Ohio	X	---	X	X	---	X	X	X	X	---
Oklahoma	X	---	---	X	---	X	X	X	X	---
Oregon	X	X	X	X	---	---	---	X	X	---
Pennsylvania	X	---	X	X	X	X	X	X	X	X
Rhode Island	X	---	X	X	---	X	X	X	---	X
South Carolina	X	X	X	X	---	X	X	X	---	X
South Dakota	X	---	---	---	---	X	---	X	---	X
Tennessee	X	---	---	---	---	X	X	X	---	---
Texas	X	---	---	---	X	X	X	X	---	X
Utah	X	---	---	X	---	X	---	X	X	X
Vermont	---	---	---	---	---	---	---	X	---	---
Virginia	X	---	---	X	X	X	---	X	X	X
Washington	X	X	---	X	---	X	---	X	X	---
West Virginia	X	X	---	X	X	X	X	X	---	X
Wisconsin	X	---	---	X	---	---	---	X	X	---
Wyoming	X	---	---	---	---	---	---	---	---	---
State totals	49	18	12	32	18	29	19	49	24	25

Notes: Table does not include State statutes that incorporate Federal prohibitions by reference. Types of firearms covered by statutes vary.  
<sup>a</sup>Generally felony carries penalty of 1 year in prison or more, misdemeanor less than 1 year; definitions and offenses included vary by State.  
<sup>b</sup>Includes persons adjudicated mentally ill (committed to a mental institution, or acquitted by reason of insanity).  
<sup>c</sup>Includes persons convicted of substance-related offenses, addicted to an intoxicating substance, or intoxicated at time of purchase.

**Table 3. Minors: Restrictions based on age or juvenile offender status, June 30, 2000**

Jurisdiction	Minimum age: Unrestricted possession and purchase <sup>a</sup>			Juvenile offenders restricted <sup>b</sup>		
	Handgun	Long gun	Statute	Handgun	Long gun	Statute
Federal	21	18	18:922(b), (x)	---	---	---
Alabama	18	---	13A-11-76	---	---	---
Alaska	16	16	11-61-220	X	---	11-61-200
Arizona	18	18	13-3109	X	X	13-3101
Arkansas	18	18	5-73-119	---	---	---
California	21	18	12072(a),(b)	X	X	12021(e)
Colorado	18	---	18-12-108.5, 108.7	X	X	18-12-108
Connecticut	21	18	29-34, 36f	X	X	53a-217
Delaware	21	18	11-1445; 24-903	X	X	11-1448
Florida	18	18	790.170	X	X	790.23
Georgia	18	---	16-11-132	X	---	16-11-132
Hawaii	21	18	134-4	X	X	134-7(d)
Idaho	18	18	18-3302A	---	---	---
Illinois	21	21	430:65/8	X	X	430:65/8
Indiana	18	18	35-47-2-7	X	---	35-47-2-7
Iowa	21	18	724.15, 724.22	---	---	---
Kansas	18	---	21-4204a	X	X	21-4204
Kentucky	18	---	527.1	X	X	527.04
Louisiana	18	---	14:91; 14:95.8	---	---	---
Maine	16	16	17:554-A	X	X	15:393(1)
Maryland	21	18	27:445(b), (c)	---	---	---
Massachusetts	21	18	140:129B	X	X	140:129B
Michigan	18	18	28.422(2)	---	---	---
Minnesota	18	18	624.71	X	X	624.71
Mississippi	18	18	97-37-14	---	---	---
Missouri	21	18	571.090.1	---	---	---
Montana	14	14	45-8-344	---	---	---
Nebraska	21	---	28-1204, 1204.01	---	---	---
Nevada	18	18	202.3	---	---	---
New Hampshire	18	---	12:159:12	---	---	---
New Jersey	18	18	2C:58-3, 6.1	---	---	---
New Mexico	19	---	30-7-2.2	---	---	---
New York	16	16	265.05	---	---	---
North Carolina	18	---	14-269.7	---	---	---
North Dakota	18	---	62.1-02-01	---	---	---
Ohio	21	18	2,923.21	X	X	2923.13(A)
Oklahoma	18	18	21:1273	X	X	21:1289.12
Oregon	18	18	166.47	X	X	166.250(c)
Pennsylvania	18	18	18:6110.1	X	X	18:6105(c)
Rhode Island	21	18	11-47-33, 35	---	---	---
South Carolina	21	---	16-23-30	---	---	---
South Dakota	18	---	23-7-44	---	---	---
Tennessee	18	18	39-17-1303, 1319	---	---	---
Texas	18	18	10:46.06	---	---	---
Utah	18	18	76-10-509 et seq.	X	---	76-10-503
Vermont	16	16	13:4008	---	---	---
Virginia	18	18	18.2-308.7	X	X	18.2-308.2
Washington	18	18	9.41.040(1)	X	---	9.41.040(3)
West Virginia	18	18	61-7-8	---	---	---
Wisconsin	18	18	948.6	X	X	941.29(1)
Wyoming	---	---	---	---	---	---

<sup>a</sup>No restrictions on purchase or possession by or transfer to persons over this age.<sup>b</sup>See State summaries for details of restrictions.

**Table 4. National Instant Criminal Background Check System (NICS): Checking agencies (FBI or State point of contact) for firearm transfers, June 30, 2000**

State	Handguns		Long guns		Pawn redemptions			State permits exempt <sup>a</sup>
	FBI	POC	FBI	POC	FBI	POC	Banned	
Alabama	X	---	X	---	X	---	X <sup>c</sup>	---
Alaska	X	---	X	---	X	---	---	X
Arizona	---	X	---	X	---	X	---	X
Arkansas	X	---	X	---	X	---	---	X
California	---	X	---	X	---	X	---	---
Colorado	---	X	---	X	---	X	---	---
Connecticut	---	X	---	X	---	X	---	X
Delaware	X	---	X	---	X	---	---	X
Florida	---	X	---	X	X <sup>b</sup>	X <sup>b</sup>	---	X
Georgia	---	X	---	X	---	X	---	X
Hawaii	---	X	---	X	---	X	---	X
Idaho	X	---	X	---	X	---	---	X
Illinois	---	X	---	X	---	X	---	X
Indiana	---	X	X	---	X <sup>c</sup>	---	X <sup>c</sup>	X
Iowa	---	X	X	---	X	---	---	X
Kansas	X	---	X	---	X	---	---	---
Kentucky	X	---	X	---	X	---	---	X
Louisiana	X	---	X	---	X	---	---	X
Maine	X	---	X	---	X	---	---	---
Maryland	---	X	X	---	X	---	---	X
Massachusetts	X	---	X	---	X <sup>c</sup>	---	X <sup>c</sup>	X
Michigan	---	X	X	---	X <sup>c</sup>	---	X <sup>c</sup>	X
Minnesota	X	---	X	---	X	---	---	X
Mississippi	X	---	X	---	X	---	---	X
Missouri	X	---	X	---	X	---	---	X
Montana	X	---	X	---	X	---	---	X
Nebraska	---	X	X	---	X	---	---	X
Nevada	---	X	---	X	---	X	---	X
New Hampshire	---	X	X	---	X <sup>d</sup>	X <sup>d</sup>	---	---
New Jersey	---	X	---	X	---	---	X	---
New Mexico	X	---	X	---	X	---	---	---
New York	---	X	X	---	X	---	---	X
North Carolina	---	X	X	---	X	---	---	X
North Dakota	X	---	X	---	X	---	---	X
Ohio	X	---	X	---	X	---	---	---
Oklahoma	X	---	X	---	X	---	---	X
Oregon	---	X	---	X	---	X	---	X
Pennsylvania	---	X	---	X	---	X <sup>c</sup>	X <sup>c</sup>	X
Rhode Island	X	---	X	---	X	---	---	---
South Carolina	X	---	X	---	X	---	---	X
South Dakota	X	---	X	---	X	---	---	X
Tennessee	---	X	---	X	---	X	---	---
Texas	X	---	X	---	X	---	---	X
Utah	---	X	---	X	---	X	---	X
Vermont	---	X	---	X	---	X	---	---
Virginia	---	X	---	X	---	X	---	---
Washington	---	X	X	---	X	---	---	X
West Virginia	X	---	X	---	X	---	---	---
Wisconsin	---	X	X	---	X	---	---	---
Wyoming	X	---	X	---	X	---	---	X
Totals	24	26	35	15	36	16	6	35

---Not applicable.

<sup>a</sup>Certain State permits qualified by ATF exempt holders from NICS point-of-sale checks.

<sup>b</sup>If less than 90 days after pawn, broker can call FBI or State; more than 90 days, broker must call State.

<sup>c</sup>Redemption checks apply only to long guns because State law forbids pawning handguns.

<sup>d</sup>FBI checks long gun redemptions; POC checks handgun redemptions.



**Table 5. Background check and permit procedures, Federal and State, June 30, 2000**

Jurisdiction	Handgun sales				Long gun sales				Check time limit <sup>f</sup>	
	Instant check <sup>a</sup>	Permit <sup>b</sup> or other <sup>c</sup>	Waiting period <sup>d</sup>	Regulate private <sup>e</sup>	Instant check <sup>a</sup>	Permit <sup>b</sup> or other <sup>c</sup>	Waiting period <sup>d</sup>	Regulate private <sup>e</sup>	Sale	Permit
Federal	X	---	---	---	X	---	---	---	3 days	---
Alabama	---	---	2 days	---	---	---	---	---	---	---
Arizona	X	---	---	---	X	---	---	---	3 days	---
California	---	O	10 days	X	---	O	10 days	X	10 days	---
Colorado	X	---	---	---	X	---	---	---	3 days	---
Connecticut	X	P	---	X, P	X	P <sup>g</sup>	14 days	X	14 days	90 days
Delaware*	X	---	---	---	X	---	---	---	3 days	---
Florida	X	---	3 days	---	X	---	---	---	3 days	---
Georgia	X	---	---	---	X	---	---	---	3 days	---
Hawaii	---	P	14 days	P	---	P	14 days	P	---	20 days
Illinois	X	P	3 days	P	X	P	1 days	P	1-3 days	30 days
Indiana	X	---	---	---	---	---	---	---	1 day	---
Iowa	---	P	3 days	P	---	---	---	---	---	None
Maryland <sup>h</sup>	---	O	7 days	X	---	---	---	---	7 days	---
Massachusetts*	---	P	---	P	---	P	---	P	---	40 days
Michigan	---	P	---	P	---	---	---	---	---	None
Minnesota* <sup>h</sup>	---	P	7 days	---	---	---	---	---	7 days	7 days
Missouri*	---	P	---	P	---	---	---	---	---	7 days
Nebraska	---	P	---	P	---	---	---	---	---	2 days
Nevada	X	---	---	---	X	---	---	---	3 days	---
New Hampshire	X	---	---	---	---	---	---	---	3 days	---
New Jersey* <sup>i</sup>	X	P	7 days	P	X	P	---	P	3 days	30 days
New York	---	P	---	P	X	---	---	X	3 days	180 days
North Carolina	---	P	---	P	---	---	---	---	---	30 days
Oregon	X	---	---	---	---	---	---	---	3 days	---
Pennsylvania	X	---	---	X	X	---	---	---	None	---
Rhode Island*	---	O	7 days	X	---	O	7 days	X	7 days	---
South Dakota	---	---	2 days	---	---	---	---	---	---	---
Tennessee	X	---	---	---	X	---	---	---	3 days	---
Utah	X	---	---	---	X	---	---	---	3 days	---
Vermont	X	---	---	---	X	---	---	---	3 days	---
Virginia	X	---	---	---	X	---	---	---	3 days	---
Washington	---	O	---	---	---	---	---	---	7 days	---
Wisconsin	X	---	2 days	---	---	---	---	---	2 days	---
State totals	18	16	---	15	15	7	---	8	---	---

---Not applicable.

\*States where purchasers are required to undergo a State check and a NICS check by different agencies.

<sup>a</sup>"Instant check" generally requires an agency to respond to seller inquiries immediately or as soon as possible without delay. Includes State systems implemented to enforce Federal law.

<sup>b</sup>"Permit" (P) includes documents (permits, licenses, identification cards, and others) issued by a State agency and required for a purchase. Not included are documents which allow waiver of a point-of-sale check but are not required for a purchase.

<sup>c</sup>"Other" approval systems usually require sellers to transmit applications to a State agency, with transfers delayed until a waiting period expires or the agency completes a check, used in California, Maryland, Rhode Island, and Washington.

<sup>d</sup>A period of time after a sale or permit application is filed, which must expire before transfer of a firearm or issuance of a permit can be completed.

<sup>e</sup>A permit or a background check is required for sales between unlicensed persons.

<sup>f</sup>Maximum time allowed for law enforcement to approve or disapprove purchaser or applicant for permit (extensions may be allowed in some circumstances). NICS 3-day rule applies unless State has different period (or no limit on State law checks).

<sup>g</sup>Permit not required but can be used to waive waiting period.

<sup>h</sup>Handgun procedures also apply to assault weapon sales.

<sup>i</sup>A separate permit is required to buy an assault weapon or a machine gun.

**Table 6. Fees, record retention, and appeals, Federal and State, June 30, 2000**

Jurisdiction	Maximum fee: Check/permit <sup>a</sup>	Additional or other fee	Length of time agencies retain transaction records <sup>b</sup>		Denials of purchase or permit: Agencies hearing appeals		
			Approved	Denied	Denying	Other	Court
Federal	None	---	6 months	Indefinitely	X	---	X
Alabama	---	---	Indefinitely	Indefinitely	---	---	---
Arizona	None	---	28 days	5 years	X	---	---
California	\$14.00 <sup>c</sup>	\$10.00 <sup>d</sup>	Indefinitely	Indefinitely	X	---	---
Colorado	---	---	2 days	Indefinitely	X	---	---
Connecticut	\$35.00	---	Indefinitely	10 years	X	X	---
Delaware	None	---	60 days	Indefinitely	X	---	X
Florida	\$8.00	---	2 days	Indefinitely	X	---	---
Georgia	\$5.00	---	Not kept	90 days	X	---	X
Hawaii	\$24.00	---	Indefinitely	Indefinitely	---	---	---
Illinois	\$5.00 <sup>f</sup>	\$2.00 <sup>g</sup>	Indefinitely	Indefinitely	X	---	X
Indiana	\$3.00	---	1 year	Indefinitely	X	---	X
Iowa	None	---	3 years	Varies	---	---	X
Maryland	\$10.00	---	Indefinitely	Indefinitely	X	---	X
Massachusetts	\$25.00	---	Indefinitely	Indefinitely	---	---	X
Michigan	\$5.00	---	6 years	Varies	X	---	X
Minnesota	None	---	Varies	Varies	---	---	X
Missouri	\$10.00	---	Indefinitely	Indefinitely	---	---	X
Nebraska	\$5.00	---	Varies	Varies	---	---	X
Nevada	\$15.00	---	20 days	Indefinitely	X	X	---
New Hampshire	None	---	1 day	3 years	X	---	X
New Jersey	\$54.00 <sup>e,h</sup>	\$51.00 <sup>e,i</sup>	Indefinitely	Indefinitely	X	---	X
New York	\$74.00 <sup>e,j</sup>	---	Indefinitely	Indefinitely	---	---	---
North Carolina	\$5.00	---	10 years	Indefinitely	---	---	X
Oregon	\$10.00	---	5 years	5 years	X	---	---
Pennsylvania	\$2.00	\$3.00 <sup>k</sup>	Not kept	20 years	X	X	X
Rhode Island	None	---	30 days	Indefinitely	---	---	---
South Dakota	---	---	1 year	1 year	---	---	---
Tennessee	\$10.00	---	Not kept	Indefinitely	X	---	---
Utah	\$7.50	---	20 days	Indefinitely	X	X	---
Vermont	None	---	20 days	Indefinitely	X	---	---
Virginia	\$2.00	\$5.00 <sup>l</sup>	1 year	2 years	X	---	X
Washington	None	---	20 days	Indefinitely	X	---	X
Wisconsin	\$8.00	---	30 days	Indefinitely	X	---	X

--- Not applicable.

<sup>a</sup>Amounts are for background checks or permits required for firearm purchases. "None" means fees prohibited or not required.

<sup>b</sup>Lengths of time pertain to retention of firearm permit or purchase records by law enforcement agencies, as determined by statute or agency policy. If a jurisdiction has retention periods that vary by type of data, the longest applicable period is listed.

<sup>c</sup>Covers single handgun or unlimited number of long guns.

<sup>d</sup>Fee for each handgun purchased in addition to the first.

<sup>e</sup>Includes fee for FBI fingerprint check.

<sup>f</sup>Fee for firearm owner's identification card.

<sup>g</sup>Fee for purchase check.

<sup>h</sup>Fee for firearms purchaser identification card.

<sup>i</sup>Fee for permit to purchase a handgun.

<sup>j</sup>Fees may be higher for some jurisdictions.

<sup>k</sup>Sales tax on certain firearms.

<sup>l</sup>Fee for a check on a nonresident of the State.

**Table 7. Databases accessed for firearm checks, Federal and State, June 30, 2000**

Jurisdiction	Criminal histories <sup>a</sup>	Wanted fugitives	Domestic violence restraining orders	Misdemeanor convictions	Mental health <sup>b</sup>	Other <sup>c</sup>
Federal	X	X	X	X	X	X
Alabama	X	X	X	---	---	X
Alaska	X	X	X	X	---	X
Arizona	X	X	---	---	---	X
Arkansas	X	X	X	X	---	X
California	X	X	X	X	X	X
Colorado	X	X	X	X	---	X
Connecticut	X	X	X	X	X	X
Delaware	X	X	X	X	X	X
Florida	X	X	X	X	---	X
Georgia	X	X	---	X	X	X
Hawaii	X	---	---	X	X	X
Idaho	X	X	X	X	---	X
Illinois	X	X	X	X	X	X
Indiana	X	---	---	---	---	X
Iowa	X	X	X	X	---	X
Kansas	X	---	---	---	---	X
Kentucky	X	X	X	---	---	X
Louisiana	X	X	---	---	---	X
Maine	X	X	X	---	---	X
Maryland	X	X	X	X	---	X
Massachusetts	X	X	X	X	X	X
Michigan	X	X	X	X	X	X
Minnesota	X	X	X	X	X	X
Mississippi	X	---	---	---	---	X
Missouri	X	X	X	---	---	X
Montana	X	X	---	---	---	X
Nebraska	X	X	---	---	X	X
Nevada	X	X	---	X	---	X
New Hampshire	X	X	X	X	---	X
New Jersey	X	X	X	X	---	X
New Mexico	X	---	---	X	---	X
New York	X	X	X	X	X	X
North Carolina	X	X	X	X	---	X
North Dakota	X	X	X	---	---	X
Ohio	X	X	X	X	---	X
Oklahoma	X	---	---	---	---	X
Oregon	X	X	X	---	X	X
Pennsylvania	X	X	X	---	X	X
Rhode Island	X	X	X	X	---	X
South Carolina	X	X	X	X	---	X
South Dakota	X	X	X	---	---	X
Tennessee	X	X	X	X	---	X
Texas	X	X	X	X	---	X
Utah	X	X	X	X	X	X
Vermont	X	X	X	X	---	X
Virginia	X	X	X	X	X	X
Washington	X	X	X	X	X	X
West Virginia	X	X	X	X	---	X
Wisconsin	X	X	X	X	X	X
Wyoming	X	X	---	---	---	X
State totals	50	44	37	34	17	50

---No statewide database available (agencies conducting background checks may search local data).

<sup>a</sup>"Criminal histories" contain at least felony arrests and dispositions and may also contain dispositions or other data describing domestic violence or other misdemeanors.

<sup>b</sup>"Mental health" may include persons adjudicated mentally ill or committed to a mental institution.

<sup>c</sup>"Other" includes data on subjects such as probation and parole, juvenile offenses, and motor vehicle offenses.

**Table 8. Firearm laws, Federal and State, June 30, 2000**

Jurisdiction	Title of laws	Relevant sections
Federal	Code	18-922 et seq.
Alabama	Code	13A-11-50 et seq.
Alaska	Statutes	11.61.190 et seq; 18.65.700 et seq.
Arizona	Revised statutes	13-905 et seq; 13-3101 et seq.
Arkansas	Code	5-73-101 et seq.
California	Penal code	12000 et seq.
Colorado	Revised statutes	18-12-101 et seq; 24-33.5-424
Connecticut	General statutes	29-27 et seq; 53-202 et seq; 53a-217 et seq.
Delaware	Code	11-1441 et seq; 24-901 et seq.
Florida	Statutes	790.001 et seq.
Georgia	Official code	16-11-101.1 et seq; 16-11-170 et seq.
Hawaii	Revised statutes	134-1 et seq.
Idaho	Code	18-3302 et seq.
Illinois	Compiled statutes	430:65/0.01 et seq; 720:5/24-1 et seq; 725:5/112A-14
Indiana	Code	35-47-1 et seq.
Iowa	Code	702.7; 724.1 et seq.
Kansas	Statutes	21-4201 et seq.
Kentucky	Revised statutes	237.030 et seq; 431.064; 527.010 et seq.
Louisiana	Revised statutes	14:91; 14:95 et seq; 40:1379.3; 40:1751 et seq.
Maine	Revised statutes	15.393; 17A.554; 25.2001 et seq.
Maryland	Code	27-36A et seq; 27-441 et seq.
Massachusetts	Laws	140-121 et seq.
Michigan	Compiled laws	28.421 et seq; 123.1101 et seq; 750.222 et seq.
Minnesota	Statutes	609.224; 624.711 et seq.
Mississippi	Code	45-9-101; 97-37-1 et seq.
Missouri	Revised statutes	571.010 et seq.
Montana	Code	45-8-301 et seq; 46-18-801
Nebraska	Revised statutes	28-1201 et seq; 69-2401 et seq.
Nevada	Revised statutes	202.253 et seq.
New Hampshire	Revised statutes	Chapters 159, 159-C and 159-D
New Jersey	Statutes	2C:39-1 et seq; 2C:58-1 et seq.
New Mexico	Statutes	30-7-1 et seq.
New York	Penal law	265.00 et seq; 400.00 et seq.; Crim. Pro. Law 530.14
North Carolina	General statutes	14-269.7 et seq; 14-402 et seq.
North Dakota	Century code	62.1-01 et seq.
Ohio	Revised code	2923.11 et seq.
Oklahoma	Statutes	21-1271.1 et seq.
Oregon	Revised statutes	166.170 et seq.
Pennsylvania	Statutes	18-6101 et seq.
Rhode Island	General laws	11-47-1 et seq.
South Carolina	Code of laws	16-23-10 et seq; 23-31-10 et seq.
South Dakota	Codified laws	Chapters 22-14 and 23-7
Tennessee	Code	39-17-1301 et seq.
Texas	Penal code	30.06; 42.12; 46.01 et seq; Family Code 71.18; Government Code Chapter 411, subchapter H
Utah	Code	53-5-702 et seq; 76-10-501 et seq.
Vermont	Statutes	13-4001 et seq.
Virginia	Code	18.2-279 et seq.
Washington	Revised code	9.41.010 et seq.
West Virginia	Code	61-7-1 et seq.
Wisconsin	Statutes	175.35; 813.125; 941.25 et seq.; 948.55; 948.60
Wyoming	Statutes	6-8-101 et seq.

**Table 9. Laws regarding prohibited persons, restoration of rights, regulated sales, and permits, Federal and State, June 30, 2000**

Jurisdiction	Prohibited persons	Restore rights		Regulated sales			Permits		One handgun per month
		Felons	Juvenile offenders	Dealers	Private/ gun show	Pawn ban	Purchase	Carry	
Federal	18:922(g),(n)	18:925(c)	----	18:922(t)	----	----	----	----	----
Alabama	13A-11-76	----	----	13A-11-77	13A-11-77	13A-11-80	----	13A-11-73	----
Alaska	11-61-200	11-61-200	11-61-200	----	----	----	----	18-65-700	----
Arizona	13-3101	13-905	13-912.01	13-3114	----	----	----	13-3112	----
Arkansas	5-73-103	5-73-103	5-73-103	----	----	----	----	5-73-309	----
California*	12,021	12021	12021	12070	12071.1	----	----	12050	12,071
Colorado	24-33.5-424	18-12-108	18-12-108	24-33.5-424	----	----	----	18-12-105.1	----
Connecticut	29-28, 36f	29-28, 36f	----	29-36l	29-36l	----	29-28, 36f	29-28	----
Delaware	11-1448	11-1448	11-1448	11-1448A	24-904A	----	----	11-1441	----
Florida	790.23	790.23	790.23	790.065	----	----	----	790.06	----
Georgia	16-11-131	16-11-131	----	16-11-172	----	----	----	16-11-129	----
Hawaii	134-7	----	----	134-2	134-2	----	134-2	134-9	----
Idaho	18-3316	18-3316	----	----	----	----	----	18-3302	----
Illinois	430:65/8	430:65/10	430:65/10	430:65/3	430:65/3	----	430:65/2	----	----
Indiana	35-47-2-7	35-47-2-20	----	35-47-2-8	35-47-2-8	35-47-4-2	----	37-47--2-3	----
Iowa	724.15, 26	724.27	----	724.16	724.16	----	724.15	724.11	----
Kansas	21-4204	21-4204	21-4204	----	----	----	----	----	----
Kentucky	527.04	527.040	527.040	----	----	----	----	237.11	----
Louisiana	14:95.1	14:95.1	----	----	----	----	----	40:1379.3	----
Maine	15:393(1)	15.393	15.393	----	----	----	----	25:2003	----
Maryland	27:445	----	----	27.443	27.443A	----	----	27:36E	27.442A
Massachusetts	140:129B	140.129B	140.129B	140.122	140.129C	140.131B	140.131A	140.131	----
Michigan	28.42	28.424	----	28.422	28.422	750.229	28.422	28.426	----
Minnesota	624.71	609.165	609.165	624.7132	----	----	624.713	624:714	----
Mississippi	97-37-5	97-37-5	----	----	----	----	----	45-9-101	----
Missouri	571.090.1	Art IV s 7	----	571.080	571.080	----	571.08	----	----
Montana	45-8-313	46-18-801	----	----	----	----	----	45-8-321	----
Nebraska	28-1206	29-2264	----	69-2410	----	----	69-2403	----	----
Nevada	202.36	202.36	----	----	202.254	----	----	202.3657	----
New Hampshire	12:159:3	----	----	12:159:8	----	----	----	12:159-C:5	----
New Jersey	2C:58-3	2A:167-5	----	2C:58-2	2C:58-3	2C:39-11	2C:58-3	2C:58-4	----
New Mexico	30-7-16	30-7-16	----	----	----	----	----	----	----
New York*	265.01	400.00	----	400.00	GBL 39dd	----	400	400.00	----
North Carolina	14-404	14-404	----	14-402	14-402	----	14-402	14-415.12	----
North Dakota	62.1-02-01	62.1-02-01	----	----	----	----	----	62.1-04-03	----
Ohio	2923.13(A)	2,923.14	2,923.14	----	----	----	----	----	----
Oklahoma	21:1289.12	21:1273	21:1273	----	----	----	----	21:1290.3	----
Oregon	166.47	166.270	166.250	166.412	----	----	----	166.291	----
Pennsylvania	18:6105(a)	18:6105	18:6105	18:6111	18:6111	18:6115	----	18:6109	----
Rhode Island	11-47-5	13-10-2	----	11-47-35	11-47-35	----	----	11-47-11	----
South Carolina	16-23-30	24-21-930	----	23-31-140	----	----	----	23-31-215	23-31-140
South Dakota	22-14-15	22-14-15	----	----	----	----	----	23-7-7.7	----
Tennessee	39-17-1307	39-17-1316	----	39-17-1316	----	----	----	39-17-1351	----
Texas*	46.06	46.04	----	----	----	----	----	Gov 411.172	----
Utah	76-10-503	77-18-13	----	76-10-526	----	----	----	53-5-704	----
Vermont	----	----	----	----	----	----	----	----	----
Virginia	18.2-308.2	18.2-308.2	18.2-308.2	18.2-308.2:2	----	----	----	18.2-308	18.2-308.2:2
Washington	9.41.040(1)	9.41.040	9.41.040	9.41.090	----	----	----	9.41.070	----
West Virginia	61-7-7	61-7-7	----	----	----	----	----	61-7-4	----
Wisconsin	941.29(a)	941.29(5)	----	175.35(2)	----	----	----	----	----
Wyoming	6-8-102	6-8-102	----	----	----	----	----	6-8-104	----

Note: See *Jurisdictional Summaries* for scope of topics. If a State has more than one statute on a topic, the most applicable or first in a series is cited.

\*References are to the State's penal code unless otherwise indicated.

**Table 10. Laws regarding background checks, waiting period, retention of sales records, and appeals, Federal and State, June 30, 2000**

Jurisdiction	Background check		Waiting period		Retention of sales records			Appeals of denials
	Handguns	Long guns	Handguns	Long guns	Denied	Approved	Registration	
Federal	18:922(t)	18:922(t)	----	----	----	18:922(t)	----	18:922(t)
Alabama	----	----	13A-11-77	----	13A-11-77	13A-11-77	----	----
Alaska	----	----	----	----	----	----	----	----
Arizona	13-3114	13-3114	----	----	----	----	----	----
Arkansas	----	----	----	----	----	----	----	----
California*	12072	12072	12071	12071	12073	12073	12073	----
Colorado	24-33.5-424	24-33.5-424	----	----	24-33.5-424	24-33.5-424	----	24-33.5-424
Connecticut	29-33	29-37a	----	29-37a	29-33, 37a	29-33, 37a	29-33, 37a	29-32b
Delaware	11-1448A	11-1448A	----	----	----	11-1448A	----	11-1448A
Florida	790.065	790.065	790.0655	----	790.065	790.065	----	790.065
Georgia	16-11-173	----	----	----	16-11-176	----	----	16-11-178
Hawaii	134-2	134-2	134-2	134-2	----	----	134-3	----
Idaho	----	----	----	----	----	----	----	----
Illinois	430:65/3.1	430:65/3.1	720.5/24-3	720.5/24-3	----	----	----	430:65/10
Indiana	35-47-2.5-3	----	----	----	35-47-2.5-8	----	----	35-47-2.5-9
Iowa	724.17	----	724.20	----	----	----	----	----
Kansas	----	----	----	----	----	----	----	----
Kentucky	----	----	----	----	----	----	----	----
Louisiana	----	----	----	----	----	----	40:1783	----
Maine	----	----	----	----	----	----	----	----
Maryland	27.442	----	27.442	----	27.442	27.442	27.442	27.442
Massachusetts	140.129B	140.129B	----	----	----	----	140.129C	140.129B
Michigan	28.422	----	----	----	----	----	750.232	----
Minnesota	624.7132	----	624.7132	----	----	----	----	624.7132
Mississippi	----	----	----	----	----	----	----	----
Missouri	571.090.3	----	----	----	571.090.5	571.090.5	----	571.090.8
Montana	----	----	----	----	----	----	----	----
Nebraska	69-2405	----	----	----	69-2412	69-2412	----	69-2414
Nevada	202.25	202.25	----	----	----	----	----	----
New Hampshire	12:159-C:1	----	----	----	12:159-D:2	12:159-D:2	----	12:159-C:5
New Jersey	2C:58-3	2C:58-3	2C:58-2	----	----	----	2C:58-2, 5	2C:58-3
New Mexico	----	----	----	----	----	----	----	----
New York*	400.00	GBL 39dd	----	----	----	----	400.00	----
North Carolina	14-404	----	----	----	----	14-405	----	14-404
North Dakota	----	----	----	----	----	----	----	----
Ohio	----	----	----	----	----	----	----	----
Oklahoma	----	----	----	----	----	----	----	----
Oregon	166.412	----	----	----	166.412	166.412	----	----
Pennsylvania	18:6111	18:6111	----	----	----	----	----	18:6111.1
Rhode Island	11-47-35	11-47-35.2	11-47-35	11-47-35.2	----	11-47-35	----	----
South Carolina	----	----	----	----	----	----	----	----
South Dakota	----	----	23-7-9	----	23-7-10	23-7-10	----	----
Tennessee	39-17-1316	39-17-1316	----	----	----	39-17-1316	----	----
Texas*	----	----	----	----	----	----	----	----
Utah	76-10-526	76-10-526	----	----	----	76-10-526	----	76-10-526
Vermont	----	----	----	----	----	----	----	----
Virginia	18.2-308.2:2	18.2-308.2:2	----	----	----	18.2-308.2:2	----	18.2-308.2:2
Washington	9.41.090	----	----	----	9.41.090	9.41.090	----	9.41.0975
West Virginia	----	----	----	----	----	----	----	----
Wisconsin	175.35(2)	----	175.35(2)	----	175.35(2k)	175.35(2k)	----	175.35(2L)
Wyoming	----	----	----	----	----	----	----	----

Note: See *Jurisdictional Summaries* for scope of topics. If a State has more than one statute on a topic, the most applicable or first in a series is cited.

\*References are to the State's penal code unless otherwise indicated.

**Table 11. Revisions of regulations and other significant changes in State firearm laws, July 1, 1999, to June 30, 2000**

State	Topic	Summary of change in law	Citation	Effective
<b>California</b>	Prohibited persons	A limit of one handgun purchase per month was authorized.	PC 12071, 72, 76 & 77	1/1/00
	Regulated sales	Amendment required annual fee for gun shows, more information from promoters, and exclusion of minors unless accompanied at all times by parent or guardian.	PC 171b, 12071.1 & 12071.4	1/1/00
	Registration	Amendment redefined "assault weapons" and mandated registration of newly defined weapons by 1/1/01.	PC 12079, 12276.1	1/1/00
<b>Colorado</b>	Prohibited persons	New instant check statute revised categories of person prohibited from purchasing firearms.	24-33.5-424	3/7/00
	Background checks	An executive order reinstated Co. Bureau of Investigation as NICS point of contact on 8/1/99; a new statute authorized a permanent POC and mandated procedures that will be followed during operation of the system.	24-33.5-424	3/7/00
	State data	An amendment improved CBI's access to juvenile delinquency records for use in firearm checks.	19-1-304	3/29/00
<b>Connecticut</b>	Prohibited persons	Amendment bars issuing a pistol permit or eligibility certificate if the applicant is subject to a firearm seizure order by the superior court.	29-28, 36f	10/1/99
	Regulated sales	New section requires gun show promoters to notify the local chief of police of the date, time, duration, and location of the show; transfers at the show must comply with the instant check law.		10/1/99
	Background checks	Amendment authorized Department of Public Safety to be the State's permanent point of contact for the NICS.	29-36l	10/1/99
	Waiting Period	Amended instant check law eliminated the waiting period before transfer of a handgun.	29-33	10/1/99
<b>Florida</b>	Background checks	The expiration date of Florida's instant check law was first extended to June 1, 2000, and subsequently to June 1, 2002.	790.07	7/1/99 6/2/00
	Purchaser fees	Checking agency can reduce or suspend the fee to reflect payment from the U.S. government for facilitating the NICS.	790.07	7/1/99
<b>Georgia</b>	Background checks	The background check exemption for certain peace officers was eliminated by amendment.	16-11-181	5/1/00
<b>Hawaii</b>	Prohibited persons	State and county police officers who are convicted of abusing a family or household member are no longer entitled to an exemption from certain firearm possession restrictions.	134-11	7/2/99
<b>Illinois</b>	Prohibited persons	Amendment made it unlawful to knowingly purchase a firearm with intent to deliver it to a person prohibited from possession by State or Federal law, or to intentionally provide false information on an ATF form.	720.5/24-3.5	1/1/00
	Background checks	Amendment required the State Police to act as the Illinois point of contact for the NICS.	430.65/3.1	7/30/99
	State data	State Police can now request that a FOID card applicant sign a form for release of limited information, to be destroyed within 1 year of receipt, concerning admission to a mental health facility.	430.65/4	1/1/00
<b>Indiana</b>	Prohibited persons	New section defines "serious violent felon" and prohibits firearm possession by such a person. Amendment allows a court to prohibit a person subject to a protective order from possessing firearms during the duration of the order. The court shall notify the State police of the restriction and may order confiscation of the respondent's firearms.	35-47-4-5 34-26-2-12	7/1/99

**Table 11. cont.**

State	Topic	Summary of change in law	Citation	Effective
<b>Louisiana</b>	Prohibited persons	A new statute made it unlawful for a person who has not attained the age of 17 years to possess a handgun.	14:95.8	8/15/99
<b>New Hampshire</b>	Background checks	A new chapter allowed the department of safety to act as a permanent NICS point of contact.	159-D:1	11/3/99
	Retention of records	The retention period for records of approved transactions was shortened to 1 day.	159-D:2	11/3/99
<b>New Jersey</b>	State data	Amendment established a central court registry of domestic violence restraining order data that can be accessed for firearm permit checks.	C.2C:25-34	1/18/00
<b>New York</b>	Regulated sales	A new section requires all firearm purchasers at gun shows to undergo a national instant check through a licensed dealer.	GBL art. 39dd	6/23/00
<b>Pennsylvania</b>	Prohibited persons	The statute that bars firearm possession by certain drug offenders was amended to include persons who committed equivalent offenses in other jurisdictions.	18-6105	2/13/00
	Regulated sales	A locking device is required for transfer of a handgun from a licensee to a non-licensee (except law enforcement).	18-6142	2/13/00
<b>Rhode Island</b>	Prohibited persons	Statutes that restrict sale of firearms or ammunition to persons under 18 years of age were amended to make it illegal to transfer, give, or convey firearms or ammunition to persons under 18 without the consent of a parent or guardian. Amendments raised the minimum legal age for possessing ammunition, or possessing a firearm without a permit, from 15 to 18 years of age.	11-47-30, 31, 32, 33, 34	7/2/99
<b>South Carolina</b>	Background checks	The executive order that authorized SLED to be a point of contact under the NICS expired.	Order #98-19	10/1/99
<b>Utah</b>	Prohibited persons	An amendment provided that a person adjudicated delinquent for any felony offense under the laws of the United States, Utah, or any other State may not purchase, possess, or transfer a handgun.	76-10-503	5/1/00
	Background checks	Firearm background check law was amended to authorize dealer requests and checking agency responses by electronic means other than telephone.	76-10-526	7/1/99
	Purchaser fees	Amendment allowed the Bureau of Criminal Investigation to adjust the fee charged for a check.	76-10-526	7/1/99
<b>Vermont</b>	Background checks	The state designated the Newport City Police Department as the new point of contact for all NICS firearm checks.		4/1/00
<b>Virginia</b>	Regulated sales	A new statute requires that any person who sells firearms at a licensed dealership or gun show must submit to a check and obtain a seller identification number from the State Police.	18.2-308.2:3	7/1/00
<b>West Virginia</b>	Prohibited persons	Firearm possession statute was amended to restate existing prohibitions, add prohibition against domestic violence offenders, and create a felony offense for certain persons who possess a firearm illegally.	61-7-7	6/8/00



**Table 12. Agencies conducting firearm background checks, June 30, 2000**

Jurisdiction	Name or description of checking agencies	
	Purchase check or permit	Exempt carry permit <sup>a</sup>
Federal	Federal Bureau of Investigation	---
Alabama	---	---
Alaska	---	Department of Public Safety
Arizona	Department of Public Safety	Department of Public Safety
Arkansas	---	State Police
California	Department of Justice	---
Colorado	Bureau of Investigation	---
Connecticut	State Police Special Licensing & Firearms	---
Delaware	State Police	Three county superior courts
Florida	Department of Law Enforcement	---
Georgia	Bureau of Investigation	159 county probate courts
Hawaii	Four police departments	---
Idaho	---	44 county sheriffs
Illinois	State Police FOID and FTIP units	---
Indiana	State Police	State Police
Iowa	Dept. of Public Safety/99 county sheriffs	Dept. of Public Safety/99 county sheriffs
Kansas	---	---
Kentucky	---	---
Louisiana	---	---
Maine	---	---
Maryland	State Police Firearms Enforcement Division	---
Massachusetts	351 police departments	351 police departments
Michigan	595 sheriffs and police departments	---
Minnesota	568 sheriffs and police departments	568 sheriffs and police departments
Mississippi	---	Department of Public Safety
Missouri	115 sheriffs and police departments	---
Montana	---	61 county sheriffs
Nebraska	95 sheriffs and police departments	---
Nevada	Highway Patrol	17 county sheriffs
New Hampshire	Department of Safety	---
New Jersey	State Police/505 local police departments	---
New Mexico	---	---
New York	58 county sheriffs; some police departments	--- <sup>b</sup>
North Carolina	100 county sheriffs	100 county sheriffs
North Dakota	---	Bureau of Criminal Investigation
Ohio	---	---
Oklahoma	---	---
Oregon	State Police Firearms Unit	---
Pennsylvania	State Police PICS Unit	---
Rhode Island	39 police departments	---
South Carolina	---	Law Enforcement Division
South Dakota	---	---
Tennessee	Bureau of Investigation	---
Texas	---	Department of Public Safety
Utah	Bureau of Criminal Identification	Bureau of Criminal Identification
Vermont	Newport City Police Department	---
Virginia	State Police	---
Washington	291 sheriffs and police departments	---
West Virginia	---	---
Wisconsin	Department of Justice	---
Wyoming	---	Wyoming Attorney General

<sup>a</sup>As of June 30, 2000, agencies listed issued carry permits that can be used to waive a purchase check.

<sup>b</sup>License required for purchase may also allow carrying.

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