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Background Checks for Firearm Transfers, 2010 - Statistical Tables

Bureau of Justice Statistics • Statistical Tables

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Over 118 million applications for firearm transfers or permits were subject to background checks from the inception of the Brady Handgun Violence Prevention Act of 1993 on March 1, 1994, through December 31, 2010. During this time period, about 2.1 million applications, or 1.8%, were denied (table 1). In 2010, 1.5% of the 10.4 million applications for firearm transfers or permits were denied by the FBI (approximately 73,000) or by state and local agencies (approximately 80,000). The denial rate for applications checked by the FBI (1.2%) was lower than the rate for checks by state and local agencies (1.8%) (table 2).

The data in this report were developed from the Bureau of Justice Statistics' (BJS) Firearms Inquiry Statistics (FIST) program, which collects information

on firearm background checks conducted by state and local agencies and combines this information with the FBI's National Instant Criminal Background Check System (NICS) transaction data.

This report presents the overall trends in the estimated number of applications and denials for firearm transfers or permits since the inception of the Brady Act and describes background checks for firearm transfers conducted in 2010. Data include the number of firearm transaction applications checked by state and local agencies and the FBI, the number of applications denied and the reasons for denial, and estimates of applications and denials by each type of approval system. Statistical tables also provide data on appeals of denied applications and arrests for falsified documents.

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Summary findings

- Since the inception of the Brady Act, over 118 million applications for firearm transfers or permits were subject to background checks. About 2.1 million applications, or 1.8%, were denied.
- In 2010, 1.5% of the 10.4 million applications for firearm transfers or permits were denied by the FBI (approximately 73,000) or by state and local agencies (approximately 80,000).
- Among state agencies, denial rates for transfer checks or permits ranged from less than 1% to more than 4% in 2010 (**table 3a**).
- Among local agencies, the denial rate was 2.5% for purchase permit checks and 1.3% for exempt carry permit checks (**table 3b**).
- A felony conviction or indictment was the most common reason for the FBI (47%) to deny an application in 2010. A fugitive from justice charge was the second most common reason (19%) (**table 4**).
- Among the 21 state agencies that reported reasons for denial, a felony conviction or indictment was the most common reason to deny an application in 2010 (31%). A state law prohibition (16%) was the second most common reason (excluding other prohibitions).
- Among all the agencies that reported reasons for denial in 2010, approximately 41% of applications were denied because of a felony conviction (**table 5**).
- In 2010, nearly 37,000 denials (24%) were appealed. More than 12,000 appeals (34%) resulted in reversal of the denial (**table 6**).
- According to the four state agencies and 19 local checking agencies that reported arrest data, 1,520 denied persons were arrested in 2010 due to an outstanding warrant or the submission of false information on an application (**table 7**).
- Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) field offices investigated 4,732 NICS Index denials (6.2%) that were referred by the FBI in 2010 (**table 8**).
- From January 1, 2010, to December 31, 2010, records of persons ineligible to possess a firearm due to a mental health commitment or adjudication increased 25% in the NICS Index; overall, the number of records in the Index increased 13% (**table 9**).

Background

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

The Brady Act prohibits the transfer of a firearm to a person who—

- is under indictment for, or has been convicted of, a crime punishable by imprisonment for more than 1 year
- is a fugitive from justice
- is an unlawful user of, or addicted to, a controlled substance
- has been adjudicated as a mental defective or committed to a mental institution
- is an illegal alien or has been admitted to the United States under a nonimmigrant visa
- was dishonorably discharged from the U.S. Armed Forces
- has renounced U.S. citizenship
- is subject to a court order restraining him or her from harassing, stalking, or threatening an intimate partner or child
- has been convicted of a misdemeanor crime of domestic violence
- is under age 18 for long guns or under age 21 for handguns.

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

For more information on the NICS, visit the FBI Criminal Justice Information Service (CJIS) website at <http://www.fbi.gov/hq/cjisd/nics.htm>.

BJS began the FIST project in 1995 to provide national estimates of the total number of firearm applications received and denied pursuant to the Brady Act and similar state laws. The FIST project collects counts of firearm transfers and permit checks conducted by state and local agencies and combines this information with the FBI NICS transaction data. In addition, FIST collects information on reasons for denials, appeals of denials, and law enforcement actions the FBI and the ATF have taken against denied persons.

Components of the national firearm check system

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

Overview of the NICS

Prospective firearm applicants must either undergo a NICS background check that has been requested by a dealer or present a state permit that the ATF has qualified as an alternative to the point-of-transfer check.

ATF-approved permits are those that—

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

All permits issued since November 29, 1998, must have included a NICS check. Many state-qualifying permits may be used for multiple purchases while valid. State laws often provide that a permit will be revoked if the holder is convicted of an offense or otherwise becomes ineligible after receiving the permit. Prior to transferring a firearm under the permanent Brady provisions, an FFL is required to obtain a completed Firearm Transaction Record (ATF form 4473) from the applicant.

An FFL initiates a NICS check by contacting either the FBI or the state POC. Most inquiries are initiated by telephone. In 2002, the FBI added E-Check to allow FFLs to request a check electronically. The FBI or state POC queries available federal, state, and local systems and notifies the FFL that the transfer may proceed, may not proceed, or must be delayed pending further review of an applicant's record.

An applicant who is denied may appeal to the FBI or the POC. A denied person who submitted a false application or has an outstanding warrant may be subject to arrest and prosecution under federal or state laws.

State and local NICS participation

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

Three levels of state involvement currently exist:

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

TABLE 1**Estimated number of applications and denials for firearm transfers or permits since the inception of the Brady Act, 1994–2010**

	Number of applications		Percent denied
	Received	Denied	
Total	118,249,000	2,079,000	1.8%
Brady interim period^a			
1994-1998	12,740,000	312,000	2.4%
Permanent Brady^b	105,509,000	1,767,000	1.7%
1998 ^c	893,000	20,000	2.2
1999	8,621,000	204,000	2.4
2000	7,699,000	153,000	2.0
2001	7,958,000	151,000	1.9
2002	7,806,000	136,000	1.7
2003	7,831,000	126,000	1.6
2004	8,084,000	126,000	1.6
2005	8,278,000	132,000	1.6
2006	8,612,000	135,000	1.6
2007	8,658,000	136,000	1.6
2008	9,900,000	147,000	1.5
2009	10,764,000	150,000	1.4
2010	10,405,000	153,000	1.5

Note: Counts are rounded to the nearest 1,000. Annual numbers may not sum to totals in other tables. For more information on reporting agencies and sample design, see *Methodology*.

^aFrom March 1, 1994, to November 29, 1998, background checks on applicants were conducted by state and local agencies, mainly on handgun transfers. See *Presale Handgun Checks, the Brady Interim Period, 1994-98*, NCJ 175034, BJS website, June 1999.

^bThe National Instant Criminal Background Check System (NICS) began operations in 1998. Checks on handgun and long gun transfers are conducted by the FBI and state and local agencies.

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

Sources: Bureau of Justice Statistics, Firearm Inquiry Statistics (FIST) program, 1996–2010; and FBI, National Instant Criminal Background Check System (NICS) Transaction Statistics, 1994–2010.

TABLE 2**Applications and denials, by type of agency and type of check, 1999–2010**

Type of checks	2010			1999–2010 ^a		
	Applications	Denials	Percent denied	Applications	Denials	Percent denied
National total (FBI and FIST)	10,404,563	152,850	1.5%	105,509,162	1,766,803	1.7%
FBI total	6,037,394	72,659	1.2	60,279,827	820,888	1.4
State and local total (FIST) ^b	4,367,169	80,191	1.8	45,229,335	945,915	2.1
State agencies	3,910,921	66,704	1.7%	38,953,006	800,588	2.1%
Instant checks ^c	2,552,755	44,589	1.7	26,684,083	592,456	2.2
Purchase permits ^d	395,063	11,749	3.0	4,036,997	98,710	2.4
Exempt carry permits ^e	415,013	4,580	1.1	2,993,145	53,718	1.8
Other approvals ^f	548,090	5,786	1.1	5,238,781	55,704	1.1
Local agencies^g	694,572	13,487	1.9%	7,822,841	145,327	1.9%
Purchase permits ^d	366,324	9,222	2.5	4,698,433	100,971	2.1
Exempt carry permits ^e	215,863	2,864	1.3	2,425,995	38,297	1.6
Other approvals ^f	112,385	1,401	1.2	698,413	6,059	0.9

Note: For more information on reporting agencies and sample design, see *Methodology*.

^aIncludes December 1998.

^bAgencies that conducted exempt carry permit checks in Arizona, Arkansas, Kansas, Kentucky, Mississippi, North Dakota, South Carolina, Texas, and Wyoming requested an FBI background check, but the state agency made the decision to approve or deny an applicant. Applications in these states were included in FBI checks, but denials were included in state and local checks, causing a reduction of FIST total applications by 238,324 in 2010 and by 1,546,512 from 1999 to 2010.

^cRequire a seller to transmit a buyer's application to a checking agency by telephone or computer. The agency is required to respond immediately or as soon as possible.

^dRequire a buyer to obtain, after a background check, a government-issued document such as a permit, license, or identification card that must be presented to a seller before the buyer can receive a firearm.

^eState concealed weapons permits, issued after a background check, that exempt the holder from a new check at the time of purchase under a Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) ruling or state law.

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

^gTotals were estimated. See *Methodology*.

Sources: Bureau of Justice Statistics, Firearm Inquiry Statistics (FIST) program, 2010; and FBI, National Instant Criminal Background Check System (NICS) Transaction Statistics, 2010.

TABLE 3A
Firearm applications received and denied by state agencies, 1999–2010

State agencies	2010			1999–2010		
	Applications	Denials	Percent denied	Applications	Denials	Percent denied
Total	3,910,921	66,704	1.7%	...	...	...
Transfer checks or permits						
California	498,945	5,027	1.0%	4,709,399	47,572	1.0%
Colorado	214,748	5,493	2.6	1,910,222	66,595	3.5
Connecticut ^a	107,793	221	0.2	...	...	...
Purchase permits	12,041	102	0.8	...	...	...
Instant checks	95,752	119	0.1	800,401	1,756	0.2
Delaware	13,010	432	3.3	129,641	5,390	4.2
Florida	531,845	8,144	1.5	4,251,508	85,847	2.0
Hawaii ^b	12,801	123	1.0	...	...	...
Illinois ^a	511,996	9,781	1.9	5,083,801	96,745	1.9
Purchase permits	282,552	8,701	3.1	2,998,269	83,395	2.8
Instant checks	229,444	1,080	0.5	2,085,532	13,350	0.6
Maryland	38,882	686	1.8	369,249	6,684	1.8
Massachusetts ^b	40,003	1,605	4.0	...	...	...
Nevada	91,104	1,327	1.5	...	...	...
New Hampshire ^c	27,404	251	0.9	202,126	1,947	1.0
New Jersey ^{a,b}	100,047	1,314	1.3	995,101	10,996	1.1
Purchase permits	47,666	1,218	2.6	507,354	9,691	1.9
Instant checks	52,381	96	0.2	487,747	1,305	0.3
Oregon	168,259	2,393	1.4	1,535,938	27,521	1.8
Pennsylvania ^d	423,100	6,946	1.6	...	...	...
Rhode Island ^b	10,263	73	0.7	...	...	...
Tennessee	298,832	12,728	4.3	2,616,231	112,713	4.3
Utah	71,641	2,019	2.8	888,458	25,669	2.9
Virginia	276,765	2,999	1.1	2,666,361	31,119	1.2
Wisconsin ^{c,d}	58,470	562	1.0	...	...	...
Exempt carry permits						
Arizona	24,580	81	0.3%	300,987	13,836	4.6%
Arkansas	27,120	210	0.8	...	...	...
Kansas ^e	3,792	10	0.3	...	...	...
Kentucky	20,031	469	2.3	...	...	...
Michigan ^d	90,808	1,247	1.4	...	...	...
Minnesota ^{b,f}	17,240	321	1.9	...	...	...
Mississippi ^d	7,233	1	0.0	...	...	...
Nebraska ^e	1,557	38	2.4	...	...	...
North Dakota	4,024	5	0.1	...	...	...
South Carolina	41,632	708	1.7	211,880	3,788	1.8
Texas	106,431	714	0.7	...	...	...
Utah	67,084	713	1.1	286,726	3,732	1.3
Wyoming	3,481	63	1.8	25,103	484	1.9

Note: Each listed state reported complete statewide data for applications and denials in 2010. For more information on reporting agencies and sample design, see *Methodology*.

...Not available.

^aConnecticut, Illinois, and New Jersey totals include instant check and purchase permit applications and denials.

^bHawaii, Massachusetts, and New Jersey purchase permit checks, Rhode Island purchase checks, and Minnesota carry permit checks were conducted by local agencies, but counts were reported by states.

^cCounts include handguns only.

^dPennsylvania denials and Wisconsin, Michigan, and Mississippi applications and denials were estimated.

^eKansas and Nebraska counts are from July to December 2010.

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

Sources: Bureau of Justice Statistics, Firearm Inquiry Statistics (FIST) program, 2010; and FBI, NICS Background Checks – FBI Denies, 2010.

TABLE 3B
Local denial rates, by community size and type of permit, 1999–2010

Population served by checking agency	2010			1999–2010		
	Applications	Denials	Percent denied	Applications	Denials	Percent denied
Purchase permits	366,324	9,222	2.5%	1,559,328	33,617	2.2%
Population served						
Under 10,000	30,219	362	1.2	167,982	2,094	1.2
10,000 to 100,000	122,173	2,381	1.9	737,102	13,013	1.8
Over 100,000	213,932	6,479	3.0	654,244	18,510	2.8
Exempt carry permits	215,863	2,864	1.3%	803,060	12,200	1.5%
Population served						
Under 10,000	12,175	48	0.4	65,424	545	0.8
10,000 to 100,000	111,393	1,265	1.1	412,447	5,608	1.4
Over 100,000	92,295	1,551	1.7	325,189	6,047	1.9

Note: Counts are from agencies that provided data. For more information on reporting agencies and sample design, see *Methodology*.

Source: Bureau of Justice Statistics, Firearm Inquiry Statistics (FIST) program, 2010.

TABLE 4
Percent distribution of reasons for denial of firearm transfer applications by checking agencies, 1999–2010

Reason for denial	2010		1999–2010	
	FBI ^a	State	FBI ^a	State
Total	100%	100%	100%	100%
Felony indictment/conviction	47.4%	30.9%	63.0%	50.7%
State law prohibition	10.6%	15.6%	3.3%	8.5%
Domestic violence	10.4%	10.3%	15.5%	13.2%
Misdemeanor conviction	6.2	8.2	11.1	9.9
Restraining order	4.3	2.1	4.4	3.3
Fugitive	19.1%	6.6%	7.7%	6.8%
Illegal alien	0.8%	0.3%	1.2%	0.4%
Mental illness or disability	1.8%	5.7%	0.7%	2.8%
Drug user/addict	9.6%	5.0%	7.9%	1.4%
Other prohibitions^b	0.3%	25.5%	0.7%	16.2%

Note: Reasons for denial were based on 18 U.S.C. § 922 and state laws. Totals were based on agencies that reported data on reasons for denial. Data was not available for local law prohibition. For more information on reporting agencies and sample design, see *Methodology*.

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

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

Source: Bureau of Justice Statistics, Firearm Inquiry Statistics (FIST) program, 2010; and FBI, NICS Background Checks—FBI Denies, 2010.

TABLE 5
Percent change in the number of applications, denials, and reasons for denial, 1999–2010

	1999	2010	Percent change 1999–2010
Applications	8,621,000	10,405,000	20.7%
Denials ^a	204,000	153,000	-25.0%
Felony denials ^b	148,000	62,000	-58.1
All other reasons	56,000	91,000	62.5
Percent felony	73.0%	40.5%	-44.5%
Felony denials per 1,000 applications	17.2%	6.0%	-65.4%

Note: Counts are rounded to the nearest 1,000. Annual numbers may not sum to totals in other tables. Estimates were based on data reported by the FBI and state agencies that reported reasons for denial via the FIST program. Included in the calculation for the distribution of felony denials are counts of some local agency felony denials. For more information on reporting agencies and sample design, see *Methodology*.

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

^bThe felony percentage is calculated from reported reasons for denial and is multiplied by the total number of denials to estimate the total number of felony denials.

Sources: Bureau of Justice Statistics, Firearm Inquiry Statistics (FIST) program, 2010; and FBI, NICS Background Checks—FBI Denies, 2010.

TABLE 6
Appeals by type of checking agency, 2000–2010

Type of checking agency	2010				2000–2010 ^a			
	Appeals		Reversed		Appeals		Reversed	
	Number	Percent of denials ^b	Number	Percent of appeals	Number	Percent of denials ^b	Number	Percent of appeals
Total	36,672	24.0%	12,275	33.5%	284,989	19.8%	107,157	37.6%
FBI	16,513	22.7%	3,491	21.1%	116,347	15.7%	33,586	28.9%
State	19,838	29.8%	8,591	43.3%	166,837	26.0%	72,941	43.7%
Colorado	2,429	44.2	1,658	68.3	19,784	33.0	11,866	60.0
Florida	2,826	34.7	666	23.6	23,236	29.1	7,007	30.2
Oregon	2,209	92.3	77	3.5	16,158	61.6	1,094	6.8
Pennsylvania ^c	3,826	55.1	1,382	36.1	45,392	44.6	18,483	40.7
Tennessee	7,734	60.8	4,407	57.0	55,332	57.4	31,282	56.5
Other states ^d	814	2.6	401	49.3	6,935	2.2	3,209	46.3

Note: Totals were based on agencies that reported data on appeals and reversals. Totals include counts for local appeals and therefore do not equal the sum of FBI and state totals. For more information on reporting agencies and sample design, see *Methodology*.

^aAppeals data have been collected since 2000. Some states did not report appeals for all years.

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

^cCounts include appeals of firearm sale denials and license denials.

^dIncludes California, Kansas, Maryland, Minnesota, Nebraska, Nevada, South Carolina, Utah, and Virginia.

Source: Bureau of Justice Statistics, Firearm Inquiry Statistics (FIST) program, 2010; and FBI, Section and Voluntary Appeal File, 2010.

TABLE 7**Reported arrests of persons denied a firearm permit or purchase, 2000–2010**

Type of checking agency	Number of arrests	
	2010	2000–2010 ^a
Total	1,520	16,441
States	1,424	15,972
Colorado ^b	169	2,110
Connecticut ^c	/	65
Delaware ^b	/	24
Georgia ^d	~	349
Maryland ^c	/	559
New Jersey ^b	/	36
Oregon ^b	90	1,220
Pennsylvania ^b	319	3,172
Virginia ^b	846	8,437
Local agencies	96	469

Note: Counts are from agencies that provided data. For more information on reporting agencies and sample design, see *Methodology*.

/Not reported.

~Not applicable.

^aArrest data have been collected since 2000. Some states did not report arrests for all years.

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

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

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

Source: Bureau of Justice Statistics, Firearm Inquiry Statistics (FIST) program, 2010.

TABLE 8**Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) investigation of National Instant Criminal Background Check System (NICS) denials by the FBI, 2010**

	Total	Percent
FBI denials referred to ATF Denial Enforcement and NICS Intelligence (DENI) Branch	76,142	100%
DENI Branch referrals to ATF field divisions ^a		
Total referred to field	4,732	6.2%
Delayed denials ^b	2,265	3.0
Standard denials ^c	2,467	3.2
Not referred to field	68,209	89.6%
Not referred and overturned	3,163	4.2%
Canceled ^d	38	0.0%
Reasons for referrals to ATF field divisions		
Subject to protective order	1,395	29.5%
Convicted felon	1,144	24.2
Domestic violence misdemeanor	1,049	22.2
Unlawful user of controlled substance	411	8.7
Under indictment or information ^e	344	7.3
Fugitive from justice	286	6.0
Adjudicated mentally defective	46	1.0
Illegal or unlawful alien	36	0.8
Other reasons ^f	21	0.4

Note: Detail may not sum to total due to rounding.

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

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

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

^dRepresents NICS checks that should not have been conducted and were canceled by the FBI.

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

^fCompiled from four other prohibiting categories used by the DENI Branch to refer denials for field investigation.

Source: Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Denial Enforcement and NICS Intelligence (DENI) Branch, Firearm Denial Statistics, 2010.

TABLE 9**Number of National Instant Criminal Background Check System (NICS) Index prohibited person records, 2010**

Type of record	January 1, 2010			December 31, 2010			Index percent change
	Index totals	Submissions		Index totals	Submissions		
		State	Federal		State	Federal	
Total	5,687,562	1,515,892	4,171,670	6,442,538	1,841,946	4,600,592	13.0%
Felony	331,537	323,237	8,300	435,022	426,708	8,314	31.0
Under indictment/information	243	27	216	197	56	141	-19.0
Fugitive from justice	364,550	358,711	5,839	367,110	361,170	5,940	1.0
Controlled substance	1,361	230	1,131	2,092	833	1,259	54.0
Mental committed/adjudicated	888,807	766,437	122,370	1,107,758	982,438	125,320	25.0
Illegal or unlawful alien	3,978,988	47	3,978,941	4,413,223	49	4,413,174	11.0
Dishonorable discharge	16,149	9	16,140	9,881	18	9,863	-39.0
Renounced U.S. citizenship	14,337	1	14,336	15,346	1	15,345	7.0
Protection/restraining order	976	883	93	1,357	1,259	98	39.0
Misdemeanor domestic violence	53,609	29,306	24,303	54,559	33,422	21,137	2.0
Denied persons	37,005	37,004	1	35,993	35,992	1	-3.0

Note: The NICS Index is used exclusively for NICS checks and contains records of persons who are prohibited by federal law from receiving or possessing a firearm. For more information on reporting agencies and sample design, see *Methodology*.

Source: FBI, National Instant Criminal Background Check System (NICS) Index, 2010.

Methodology

Data used for this report are prepared by the Regional Justice Information Service (REJIS) through a cooperative agreement with the Bureau of Justice Statistics (BJS) under the Firearm Inquiry Statistics (FIST) program, which collects information on background checks for firearm transfers or permits from federal, state, and local agencies.

Sample design

In 1996, when the data collection was implemented, a 4% margin of error was put in place on the sampling process for local agencies in the 30 states that did not have statewide data collection. A total of 5,477 agencies were responsible for background checks in these 30 states in 1996. Since the project's inception, the sampling design selected agencies proportional to the size of the population served.

State and local checking agencies were stratified into the following groups by size of the population served in 1996:

- state agencies that served an entire state population
- local agencies that served a population of more than 100,000 U.S. residents
- local agencies that served a population of 10,000 to 100,000 U.S. residents
- local agencies that served a population of fewer than 10,000 U.S. residents.

The stratification classification of the county was based on the largest city within the county. If cities within a county conducted their own background checks, their populations were subtracted from the county population. If an agency provided services for other agencies or jurisdictions, then populations for those other agencies were added to the populations of the reporting agency.

Checking agencies were determined by state law and were specified in the state laws that require background checks on applicants for a firearm transfers or permits. The mix of state and local agencies conducting background checks has changed over time, as the state statutes that govern how background checks are conducted also change. Some agencies that had conducted statewide checks at the time of the original sample turned their background checks over to the FBI. Other states that had not performed their background checks for certain types of permits began statewide checking systems. In some states, local agencies no longer conduct background checks, as states either assume responsibility or delegate responsibility to the FBI. Finally, some states began reporting complete counts of applications and denials to FIST (or publish such counts online) on behalf of local checking agencies. As a consequence, the original sample has been modified.

TABLE 10
Number of checking agencies in the 2010 FIST survey

Checking agencies	Total	Sample	Responses	Response rate
Total	2,083	611	517	85%
Statewide	31	31	29	94%
Local	2,052	580	488	84%
Population served				
Under 10,000	1,198	257	216	84%
10,000 to 100,000	750	275	237	86%
Over 100,000	104	48	35	73%

Source: Bureau of Justice Statistics, Firearm Inquiry Statistics (FIST) program, 2010.

Over time, the number of local agencies conducting checks dropped from 3,104 in 1999 (the first year after provisions of the Brady Act became permanent) to 2,052 in 2010 (table 10). Agencies in the original FIST sample have been deleted as responsibility has been transferred to the state or the FBI. In 2010, data were collected from 11 states that operated local background checking agencies.

The sample of local agencies in these 11 states has not been redrawn since 1996. Annual estimates have been produced by using weighting factors derived from the original stratification and adjusted for changes in the population served by the remaining agencies in each size category. In 2010, population figures provided by the U.S. Census Bureau's Population Estimates Program for 2005 were used. All estimates were taken from the July 1, 2005, population estimates for states, counties, incorporated areas, and minor civil divisions. The stratification based on 2005 population estimates applies to the years from 2006 to 2010.

The sample has been continuously updated to reflect changes in checking activity and willingness of sampled agencies to participate in the survey. Agencies have been added to the FIST sample if responding agencies in states fell to fewer than 30 eligible agencies or less than 10 percent of eligible agencies in that state. In adding agencies, special emphasis has been placed on obtaining cooperation from agencies in the largest size category (i.e., agencies serving more than 100,000 population).

Changes in 2010

For the 2010 survey sample, 781 local agencies were initially surveyed. During data collection, REJIS discovered that 20 of these local agencies were either ineligible to be in the sample or were no longer in existence and were therefore removed from the sample. Additionally, 71 local agencies from Massachusetts were removed from the sample because the state reported firearm data as a total entity for the first time (though the background checks continue to be conducted on a local level). Data from Massachusetts are now reported in the state counts. Because the state of New Jersey reported

application and denial data for its local checking agencies (100% of firearm applications and denials were reported for all agencies), New Jersey's 109 local agencies were also excluded from the sample total for the calculation of the response rate, although REJIS still surveyed local agencies in the state to obtain their reasons for denial.

Kansas and Nebraska were added to the 2010 data collection because the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) allowed each state's concealed carry permit to serve as a National Instant Criminal Background (NICS) Check System alternative to the point-of-transfer check process. These two states, along with Massachusetts, were added to the total number of states eligible to provide state-level data for 2010. Connecticut, Illinois, New Jersey, and Utah conduct instant checks and permit checks. Each state, regardless of the number of reporting units, was counted as a single response.¹ In total, 31 states were eligible to provide state-level data for the 2010 collection.

Wisconsin and Mississippi did not report their data for 2010, which left 29 of 31 states that reported data or verified publicly available information. Of the remaining 580 local agencies in the sample, 488 (84%) reported at least their total firearm transfer or permit applications and denials. Overall, 517 state and local agencies provided data, for a total response rate of 85%.

Estimation

Data obtained from state and local agencies were combined with FBI NICS transaction data to create an estimate of the total number of firearm purchase applications received and denied nationally. National estimates of applications and denials were developed using population weighting factors. When an agency did not provide data for all months, missing data were imputed by calculating and applying a monthly average based on available data. Imputing data for missing months was necessary only in the case of three local agencies, each of which reported only six months of counts.

Michigan reported concealed carry permit data by fiscal year, which was used to estimate for the calendar year. Pennsylvania reported 423,100 instant checks, included in the FIST national estimate, and 223,375 applications for nonexempt licenses to carry. Also, Pennsylvania provided the combined number of denials of all applications, which was prorated to obtain the number of denials of instant checks.

The estimates of applications and denials for Wisconsin and Mississippi are the same as the reported numbers from 2009. Wisconsin's growth in the number of applications and denials in the last five years was inconsistent relative to the growth for states overall. As a result, Wisconsin's 2009 counts

were used for 2010, rather than using trends over time or rates of growth among similar states. Mississippi submitted counts for the number of applications and denials in 2009; however, counts were unavailable for several years prior. As a result, 2009 counts were used as the best available estimates for 2010 counts in Mississippi.

FIST sample weighting is consistent with a post-stratification weighting scheme whereby agencies in FIST are stratified by area population categories (of area populations of <10,000; 10,000-100,000; and >100,000, respectively). After data for sample units have been collected, a ratio adjustment is made to adjust up the results of the sample agencies in a particular size category to reflect total population of agencies in that size category. Population numbers used to determine these weights were based on 2005 population estimates at the state level and size category totals.

Standard errors

As with any survey, the FIST estimates for local agencies are subject to error arising from the fact that they are based on a sample rather than a complete enumeration. A common way to express this sampling variability is to construct a 95%-confidence interval around each survey estimate. Typically, multiplying the standard error by 1.96 and then adding or subtracting the result from the estimate produces the confidence interval. This interval expresses the range of values that could result among 95% of the different samples that could be drawn using the same sampling procedures.

Standard errors have been provided for the number of applications and denials and for the percentage of applications denied in local agencies (see appendix tables 1 and 2). These standard errors take into account the probability of selection (assuming that added agencies and replaced agencies since original sample selection have a probability of selection that is proportionate to their size) and post-stratification adjustments (adjusting for partial year coverage and controlling the weighted sample totals to population totals in 2005 for each size category).

Reasons for denial

Information about reasons for denial has been collected by the FIST project since the program's inception in 1996. The FBI and some state agencies provided a reason for each denial while other state agencies provided reasons only for some denials or did not provide any reasons for denials. Twenty-one state agencies provided reasons for denial. Reasons for denial are reported only as the distribution of the actual number of reasons received in the survey; no estimation is made of the reported reasons for denial.² The reported reasons for denial do not have an impact on the

¹Past FIST collections counted each state reporting unit as separate respondents in states with multiple reporting units. The change in methodology to count each state as a single response applies only to the calculation of response rates and does not impact the totals of any data items.

²Reasons for denial are reported only as a percentage relative to one another because data on reasons for denial are not consistent in how they are reported. A distribution of denial proportions is reported to provide an overall context of the reasons for denials issued in 2010.

overall estimate for the denial rate because the reasons for denial are reported as counts and are not included in the process for estimating the total number of denials issued by state agencies.

Appeals and arrests

Information on appeals and arrests has been collected by the FIST project since 2000. The FBI provided data on appeals for 2010, and some state and local agencies provided data on appeals and arrests for 2010. All information on appeals and arrests were actual totals and not estimates. Fourteen state agencies provided appeal counts and four state agencies provided arrest counts. Twenty-five local agencies provided appeal counts and 19 provided arrest counts.

Definitions

National Instant Criminal Background Check (NICS) is a national system that checks available records in the following files to determine if prospective transferees are disqualified from receiving firearms: the Interstate Identification Index (millions of criminal history records); the National Crime Information Center (protection orders and active felony or misdemeanor warrants); and the NICS Index (a database created solely for use by NICS that contains information provided by local, state, and federal agencies about persons prohibited under federal law from receiving or possessing a firearm). Additionally, a fourth search of the applicable databases via the Department of Homeland Security's United States Immigration and Customs Enforcement is conducted for background checks initiated on all non-United States citizens.

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

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

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

Federal Firearms Licensee (FFL) is also known as a federally licensed firearms dealer. A dealer must be licensed by ATF to be classified as an FFL and enrolled with the FBI's NICS to request a NICS check.

Application for firearm transfer is information submitted by a person to a state or local checking agency to purchase a firearm or obtain a permit that can be used for a purchase. Information may be submitted directly to a checking agency or forwarded by a prospective seller.

Denial occurs when an applicant is prohibited from receiving a firearm or a permit that can be used to receive a firearm because a disqualifying factor was found during a background check.³

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

Instant check (instant approval) systems require a seller to transmit a purchaser's application to a checking agency by telephone or computer, after which the agency is required to respond immediately or as quickly as possible.

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

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

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

Related Publications

The report, *Background Checks for Firearm Transfers, - Statistical Tables*, is available only in electronic format for the following publication years:

- 2009, NCJ 231679, October 2010
- 2008, NCJ 227471, August 2009
- 2007, NCJ 223197, July 2008
- 2006, NCJ 221786, March 2008.

Available in print and electronic formats—

- *Background Checks for Firearm Transfers, 2005*, NCJ 214256, November 2006
- *Background Checks for Firearm Transfers, 2004*, NCJ 210117, October 2005
- *Background Checks for Firearm Transfers, 2003: Trends for the Permanent Brady Period, 1999-2003*, NCJ 204428, September 2004
- *Background Checks for Firearm Transfers, 2002*, NCJ 200116, September 2003

³While some local agencies in the FIST sample reported reasons for denial, over 50% did not provide data. For this reason, the data were not robust enough to report the distribution of the counts.

- *Background Checks for Firearm Transfers, 2001*, NCJ 195235, September 2002
- *Background Checks for Firearm Transfers, 2000*, NCJ 187985, July 2001
- *Background Checks for Firearm Transfers, 1999*, NCJ 180882, June 1999.

Data on this subject for the Brady Interim Period prior to the permanent provisions are available in *Presale Handgun Checks, the Brady Interim Period, 1994–98*, NCJ 175034, BJS website, June 1999.

- *Enforcement of the Brady Act, 2009: Federal and State Investigations and Prosecutions of Firearm Applicants Denied by a NICS Check in 2009*
<https://www.ncjrs.gov/pdffiles1/bjs/grants/234173.pdf>
- *Enforcement of the Brady Act, 2008: Federal and State Investigations and Prosecutions of Firearm Applicants Denied by a NICS Check in 2008*
<http://www.ncjrs.gov/pdffiles1/bjs/231052.pdf>
- *Enforcement of the Brady Act, 2007: Federal and State Investigations and Prosecutions of Firearm Applicants Denied by a NICS Check in 2007*
<http://www.ncjrs.gov/pdffiles1/bjs/grants/227604.pdf>
- *Enforcement of the Brady Act, 2006*
<http://www.ncjrs.gov/pdffiles1/bjs/grants/222474.pdf>
- *Federal Firearms Cases, FY 2008*
<http://www.ncjrs.gov/pdffiles1/bjs/grants/229420.pdf>
- *Federal Firearms Cases, FY 2007*
<http://www.ncjrs.gov/pdffiles1/bjs/grants/224890.pdf>

The following BJS surveys provide an overview of the firearm check procedures in each of the states and the states' interaction with NICS:

- *Survey of State Procedures Related to Firearm Sales, 2005*, NCJ 214645, November 2006
- *Survey of State Procedures Related to Firearm Sales, Midyear 2004*, NCJ 209288, August 2005
- *Survey of State Procedures Related to Firearm Sales, Midyear 2003*, NCJ 203701, August 2004
- *Survey of State Procedures Related to Firearm Sales, Midyear 2002*, NCJ 198830, April 2003
- *Survey of State Procedures Related to Firearm Sales, Midyear 2001*, NCJ 192065, April 2002
- *Survey of State Procedures Related to Firearm Sales, Midyear 2000*, NCJ 186766, April 2001
- *Survey of State Procedures Related to Firearm Sales, Midyear 1999*, NCJ 179022, March 2000
- *Survey of State Procedures Related to Firearm Sales, 1997*, NCJ 173942, December 1998
- *Survey of State Procedures Related to Firearm Sales, 1996*, NCJ 160705, September 1997
- *Survey of State Procedures Related to Firearm Sales*, NCJ 160763, May 1996.

The following BJS survey examines the quality and accessibility of certain criminal and noncriminal records when states conduct a firearm presale background check:

- *Survey of State Records Included in Presale Background Checks: Mental Health Records, Domestic Violence Misdemeanor Records, and Restraining Orders, 2003*, NCJ 206042, August 2004
- *Trends for Background Checks for Firearm Transfers, 1999-2008*
<http://www.ncjrs.gov/pdffiles1/bjs/grants/231187.pdf>

APPENDIX TABLE 1
Estimated standard errors for applications and denials by local agencies, 2010

	Applications	Denials	Percent denied
Total	62,601	2,284	0.27%
Purchase permits	37,028	2,035	0.51
Exempt carry permits	12,232	491	0.21
Other approvals	48,972	916	0.27

Source: Bureau of Justice Statistics, Firearm Inquiry Statistics (FIST) program, 2010.

APPENDIX TABLE 2
Estimated standard errors for applications and denials in local agencies, by size of community served and type of permit, 2010

	Applications	Denials	Percent denied
Purchase permits	37,028	2,035	0.51%
Population served			
Under 10,000	2,752	40	0.15
10,000 to 100,000	13,746	408	0.25
Over 100,000	34,272	1,993	0.96
Exempt carry permits	12,232	491	0.21%
Population served			
Under 10,000	1,076	17	0.16
10,000 to 100,000	4,672	180	0.16
Over 100,000	11,253	456	0.42

Source: Bureau of Justice Statistics, Firearm Inquiry Statistics (FIST) program, 2010.

APPENDIX TABLE 3**Agencies conducting firearm background checks, December 31, 2010**

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

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

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

^bLicense required for purchase may also allow carrying.

Source: Bureau of Justice Statistics, Firearm Inquiry Statistics (FIST) program, 2010.

APPENDIX TABLE 4**National Instant Criminal Background Check System (NICS) checking agencies, FBI, or state point of contact (POC), for firearm transfers, 2010**

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

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

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

^bStates with multiple points of contact.

Source: Bureau of Justice Statistics, Firearm Inquiry Statistics (FIST) program, 2010.

APPENDIX TABLE 5
Forums for appeals of denials, 2010

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

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

~Not applicable.

Source: Bureau of Justice Statistics, Firearm Inquiry Statistics (FIST) program, 2010.



The Bureau of Justice Statistics is the statistical agency of the U.S. Department of Justice. William J. Sabol is the acting director.

The Regional Justice Information Service (REJIS) prepared these tables under the supervision of Allina D. Lee of the Bureau of Justice Statistics (BJS). Allen Beck of the Bureau of Justice Statistics provided statistical consultation. Tracey Kyckelhahn, BJS statistician, provided verification. Terry J. Tomazic, Professor of Sociology at Saint Louis University, served as statistical advisor and Jennifer Karberg at REJIS managed the data collection and assisted with data analysis on the project. The tables were prepared under BJS cooperative agreement #2011-BJ-CX-K017. The BJS-sponsored Firearm Inquiry Statistics (FIST) program collects information on firearm background checks conducted by state and local agencies and combines this information with Federal Bureau of Investigation (FBI) National Instant Criminal Background Check System (NICS) transaction data.

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