

# FOIA MARKER

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**OA/ID Number:** 17161

**FolderID:**

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**Folder Title:**

Brady Bill 1st Year Anniversary

**Stack:**

**S**

**Row:**

**96**

**Section:**

**4**

**Shelf:**

**8**

**Position:**

**1**

F-Brady

**LIST OF STATES SUBJECT TO THE FEDERAL FIVE DAY WAITING PERIOD OR  
STATES HAVING ALTERNATIVE SYSTEMS AS DEFINED IN THE LAW  
As of 05-30-97**

**STATES WHICH MUST COMPLY WITH THE FEDERAL 5-DAY WAITING PERIOD**

|              |                 |                 |
|--------------|-----------------|-----------------|
| Alabama      | Mississippi **  | Puerto Rico     |
| Alaska **    | Montana **      | Rhode Island    |
| Arizona **   | Nevada          | South Carolina  |
| Arkansas**   | New Mexico      | South Dakota ** |
| Kansas       | North Dakota ** | Texas **        |
| Kentucky     | Ohio            | Vermont         |
| Louisiana ** | Oklahoma **     | West Virginia   |
| Maine        | Pennsylvania ** | Wyoming **      |

\*\* In these States, the Federal 5-day waiting period does not apply to transfers of handguns to persons holding valid permits/licenses to carry handguns issued within 5 years of the proposed purchase.

**STATES WHICH MEET ONE OF THE ALTERNATIVES TO THE FEDERAL 5-DAY WAITING PERIOD**

|                |    |                                      |
|----------------|----|--------------------------------------|
| California     | -- | Permit or other approval-type system |
| Connecticut    | -- | Permit or other approval-type system |
| Delaware       | -- | "Instant check"                      |
| Florida        | -- | "Instant check"                      |
| Guam           | -- | Permit or other approval-type system |
| Hawaii         | -- | Permit or other approval-type system |
| Illinois       | -- | Permit and "Instant check"           |
| Indiana        | -- | Permit or other approval-type system |
| Iowa           | -- | Permit or other approval-type system |
| Maryland       | -- | Permit or other approval-type system |
| Massachusetts  | -- | Permit or other approval-type system |
| Michigan       | -- | Permit or other approval-type system |
| Missouri       | -- | Permit or other approval-type system |
| Nebraska       | -- | Permit or other approval-type system |
| New Jersey     | -- | Permit or other approval-type system |
| New York       | -- | Permit or other approval-type system |
| Oregon         | -- | Permit/Instant Check                 |
| Virginia       | -- | "Instant check"                      |
| Virgin Islands | -- | Permit or other approval-type system |
| Wisconsin      | -- | "Instant check"                      |

**STATES ORIGINALLY SUBJECT TO THE FEDERAL 5-DAY WAITING PERIOD  
THAT NOW HAVE SYSTEMS THAT MEET THE ALTERNATE REQUIREMENTS**

|                |                    |    |                                          |
|----------------|--------------------|----|------------------------------------------|
| Colorado       | Beginning 03-01-94 | -- | "Instant check"                          |
| Georgia        | Beginning 01-01-96 | -- | "Instant check"                          |
| Idaho          | Beginning 06-27-94 | -- | "Instant check"/ permit (permit 5-15-95) |
| Minnesota      | Beginning 08-01-94 | -- | Permit or other approval-type system     |
| New Hampshire  | Beginning 01-01-95 | -- | "Instant check"                          |
| North Carolina | Beginning 12-01-95 | -- | Permit or other approval-type system     |
| Tennessee      | Beginning 05-10-94 | -- | Permit or other approval-type system     |
| Utah           | Beginning 03-01-94 | -- | "Instant check"                          |
| Washington     | Beginning 06-06-96 | -- | Permit or other approval-type system     |

Note: Louisiana status was incorrect on previous list.



U.S. Department of Justice  
Office of the Associate Attorney General

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Christa -

Here 's the Harshbarger materials.

- Elizabeth



SCOTT HARSHBARGER  
ATTORNEY GENERAL

(617) 727-2200

*The Commonwealth of Massachusetts*  
*Office of the Attorney General*  
*One Ashburton Place*  
*Boston, MA 02108-1698*

**NEWS RELEASE**

FOR IMMEDIATE RELEASE  
NOVEMBER 25, 1996

CONTACT: ED CAFASSO  
(617) 727-2543

**JAMES BRADY SET TO TESTIFY IN SUPPORT OF FIRST-IN-NATION  
HANDGUN SAFETY REGULATIONS PROPOSED BY HARSHBARGER**

Gun control advocate James S. Brady, seriously wounded in the assassination attempt on former President Ronald Reagan, today announced his support for Attorney General Scott Harshbarger's proposed consumer protection regulations to promote handgun safety in Massachusetts.

"This is common sense and it is the direction we must go for safer families and a safer America. Do not be deterred -- your efforts will save lives," said Brady, who is expected to testify at an all-day public hearing on the regulations scheduled to begin at 10:15 a.m. tomorrow, Tuesday, Nov. 26, in Gardner Auditorium at the Massachusetts State House.

Brady's backing capped an outpouring of support today from more than a dozen officials - ranging from local civic leaders to state and national criminal justice, public health and pediatric experts -- at a news conference on Harshbarger's proposed handgun safety regulations.

The regulations would make Massachusetts the first state in the nation to use consumer protection powers to promote handgun safety.

"We regulate the safety of caps for toy guns, fireworks and everything from bicycles to baby rattles," Harshbarger said. "It is time we do everything we can to make sure that handguns offered for sale in Massachusetts are as safe as they can be for consumers and their families."

The initiative would require all handguns sold in Massachusetts to meet specific minimum quality standards -- such as scientific tests measuring performance, melting point, metal strength and the potential for accidental discharge.

(more)

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The minimum quality standard provision would effectively ban the sale of cheap, often defective handguns known as "Saturday Night Specials," mostly .22 or .25-caliber weapons made primarily in the Los Angeles area.

"Saturday Night Specials are the criminal's gun of choice, a weapon that is too often used to take the lives of too many citizens of this country and the source of heartache and agony for far too many of our friends. The fewer that out there, the better," said Citizens for Safety, a Boston-based private, non-profit organization.

The proposed regulations also would require all handguns offered for sale in Massachusetts to carry child-proofing features, use-limitation devices, a load indicator and, improved tamper-resistant serial numbers. Following the public comment period, which lasts until Dec. 13, and further refinement, the regulations would take effect sometime in 1997.

"Attorney General Harshbarger's proposal is a bold first step toward ending a deadly double standard under which common household products are more heavily regulated than guns and ammunition," said Kristen Rand, director of federal policy for the Violence Policy Center, a Washington-based research and education foundation.

Firearms are the second leading cause of injury-related death to children and adolescents in Massachusetts. In 1994, more than 160 Massachusetts children were hospitalized for firearm injuries.

"These regulations will save lives in much the same way that other regulatory or product safety measures -- such as child safety seats, child-proof caps for medicine bottles, and bicycle helmets -- have saved hundreds of thousands of lives and prevented disabling injuries," said Susan Scavo Gallagher, senior scientist at the Violence Prevention Resource Center, Newton.

Between 1979 and 1991, almost 50,000 children in the United States were killed by guns.

"The proposed regulations are not a panacea. Nonetheless, they will have a significant impact on reducing the incidence of firearm injuries and death in this state," said Dr. David Hemenway, deputy director, and Rosanna Ander, a researcher, at the Harvard School of Public Health Injury Control Center.

Also today, the Massachusetts Catholic Conference issued a statement in support of Harshbarger's proposed regulations.

(more)

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(more)

Brady, in a statement released today, said the proposal to regulate handguns under consumer protection laws "makes a lot of sense to me and most people in this country. Your innovative consumer protection approach will affect both the intentional and unintentional use of handguns in the Commonwealth.

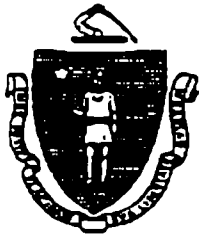
"It is the first time in our history that consumer protection laws have been used to control handguns and we hope it is only the beginning... If any other consumer product took as many lives as guns do, we would see a public outcry so great that the manufacturer would be forced to make the product safer," Brady added. "We must demand the same level of responsibility from those who profit from making handguns."

Among those attending today's news conference were:

- \* Rosanna Ander, of the Harvard School of Public Health Injury Control Center.
- \* Lewis Dabney, chairman, Harlan Jones, executive director, and Mike MacDonald, project coordinator, Citizens for Safety, Boston.
- \* James Alan Fox, dean, Northeastern University College of Criminal Justice.
- \* Susan Gallagher, senior scientist, Education Development Center, Newton.
- \* Josh Horowitz, director, Firearms Litigation Clearinghouse, Washington, D.C.
- \* Dr. Maurice Keenan, past-president, American Academy of Pediatrics.
- \* Stoneham Police Chief Eugene Passaro, chairman, Firearm Committee, Massachusetts Association of Chiefs of Police.
- \* Kristen Rand, policy director, Violence Policy Center, Washington, D.C.
- \* John Rosenthal, founder, and Jessica Lindley, executive director, Stop Handgun Violence, Inc., Newton.
- \* Stephen Teret, director, John Hopkins Center for Gun Policy Research.
- \* And, Dr. Charlotte Yeh, physician-in-chief, Department of Emergency Medicine, New England Medical Center.

**Statements by Brady and others supporting the proposed regulations can be obtained through the Communications Division of the Office of the Attorney General.**

(end)



SCOTT MARSHBARGER  
ATTORNEY GENERAL

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*The Commonwealth of Massachusetts*  
*Office of the Attorney General*  
*One Ashburton Place,*  
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In Re:  
Consumer Protection Regulations )  
Governing Handgun Sales

Public Hearing: November 26, 1996

Comment Deadline: December 13, 1996

NOTICE OF PROPOSED RULEMAKING

I. Introduction

Pursuant to G.L. c. 93A, sec. 2, the Office of the Attorney General proposes 940 CMR 16.00. These proposed regulations set forth consumer protection standards regarding handgun sales. The regulations require vendors to comply with applicable federal and state laws, provide that entities required by law to place serial numbers on handguns do so in a way that resists eradication, require that handguns offered for sale meet minimum quality standards (including a materials test and a drop test to ensure the handgun is resistant to accidental discharge), require disclosure of the shortcomings of any handgun offered for sale regarding safety and/or accuracy, and provide that any handguns offered for sale have a load indicator, a use limitation device (such as an attached trigger lock), and a childproofing device that will prevent an average six year old child from firing the weapon. The proposed regulations would not apply to any seller who sells less than five guns per year, and would not apply to sales to/for law enforcement, the military, museums, or bona-fide collectors licensed pursuant to 520 CMR 7.00.

II. Process

The Attorney General wishes to elicit public comment on the proposed regulations. Oral comments may be given during the scheduled public hearing (November 26, 1996, beginning at 10:15 a.m.) at Gardner Auditorium in the State House, Boston, MA, and written commentary will be accepted through December 13, 1996.

You may obtain copies of the regulations by contacting Kelley Russell at the Attorney General's Office, One Ashburton Place, Boston MA 02108. Written comments on the proposed regulations should be sent to Ellen Kaplan at the same address.



COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL  
PROPOSED REGULATIONS

940 CMR 16.00: HANDGUN SALE REGULATIONS

Section

- 16.01 Definitions
- 16.02 Unfair or Deceptive Practices: General
- 16.03 Tamper-resistant Serial Numbers
- 16.04 Sale of Handguns Made From Inferior Materials
- 16.05 Sale of Handguns Without Childproofing/Safety Devices
- 16.06 Safety Warning Disclosures
- 16.07 Severability
- 16.08 Effective Date

The Attorney General of the Commonwealth of Massachusetts promulgates 940 CMR 16.00 pursuant to authority granted to him under M.G.L. c. 93A, sec. 2(c). 940 CMR 16.00 defines certain unfair acts or practices but is not intended to describe all types of practices prohibited by M.G.L. ch. 93A, sec. 2. 940 CMR 16.00 does not legitimize acts that are not specifically prohibited by these regulations. 940 CMR 16.00 is designed to supplement existing statutes and regulations. References to statutes and other regulations shall include amendments thereto from time to time.

16.01 Definitions

- 1) detonation: detonation shall mean the explosion, controlled or uncontrolled, which provides force which can be used to propel a projectile.
- 2) handgun: handgun shall mean a weapon designed to be fired by the use of a single hand and with an overall length of less than 26 inches, or having a barrel or barrels of a length less than 16 inches, from which may be fired or ejected one or more solid projectiles by means of a chemical detonation.
- 3) seller: seller shall mean any person or entity that manufactures, alters, assembles, or transfers handguns directly or indirectly to or within the state of Massachusetts. However, seller shall not include any of the aforementioned if:
  - (a) the person or entity manufactures, transfers, or distributes less than 5 handguns per year;
  - (b) each transfer in question is for the purpose of, and does, supply law enforcement officials or United States military personnel with weapons for their official duties;
  - (c) each transfer or sale in question is for the purpose of, and does, supply museums, or licensed bona fide collectors (who are properly licensed pursuant to 520 CMR 7.00) with the weapons in question; or
  - (d) the distribution of the handgun is undertaken to, and does, result in the surrender of the handgun to military or law enforcement personnel.
- 4) serial number: serial number shall mean the number stamped, inscribed, or placed upon a handgun by a seller pursuant to G.L. c. 269 section 11E.
- 5) defective: defective shall mean less likely to perform as anticipated than a reasonable consumer, informed of the industry practice and the technology available to ensure proper performance, would expect.
- 6) unsafe: unsafe shall mean that there exists a discernable danger that proper use of the handgun can result in unintended injury to the user or

others. The term unsafe shall not apply to any danger that would still be present in a properly used handgun that has had incorporated into its design and manufacture all available safety-related technology.

7) safety mechanism: a design adaption or nondetachable accessory that lessens the likelihood of unanticipated use of the handgun by others besides the owner of the handgun and those specifically authorized by the owner to use the handgun;

8) trigger lock: a trigger lock shall mean a device that when locked in place by means of a key, prevents a potential user from pulling the trigger of the handgun without first removing the trigger lock by use of the trigger lock's key.

9) combination handle lock: a combination handle lock shall mean a device that is part of the handgun which precludes the use of the handgun unless the combination tumblers are properly aligned. This device may, for example, have the numbers for the combination tumblers protrude from the handle of the weapon. Such a device may not have a mechanism which allows a user to readily bypass the lock.

10) solenoid use-limitation device: a solenoid use-limitation device shall mean a device which precludes, by use of a solenoid, the firing of the handgun unless a magnet of the appropriate strength is placed in proximity to the handle of the weapon. Such magnet shall be imbedded in a ring which may be worn on the user's gun hand.

11) load indicator: a load indicator shall mean a device which plainly indicates that a bullet is placed in the handgun in a way that pulling the trigger or otherwise handling the handgun may result in detonation.

12) deactivated: deactivated shall mean that a safety mechanism can readily be made inoperable so that a user, in attempting to use the handgun, need not take any specific action to over-ride the safety mechanism; as an example, a trigger lock can be deactivated because it need not be re-locked after its key is used to unlock it; thus the next user can fire the handgun without having to unlock the weapon.

13) prone to accidental detonation: this term shall include, but shall not be limited to, any handgun which yields a detonation in any of five successive sets of trials in which the handgun is subject to the impact of a weight equal to the weight of the handgun dropping from a distance of 36 inches, such impact being projected in separate drops on the exterior of the handgun in the following places: nearest the hammer, nearest the firing mechanism, nearest any device used to manually or automatically disable the firing mechanism, the butt of the handgun and the muzzle of the handgun.

14) transfer: this term shall mean sell, lend, rent, lease, or transport. Transfer shall not include a sale to a business entity primarily in the business of selling handguns to handgun retailers, so long as the sale, by its terms, prohibits the purchaser from reselling the handgun to another buyer in the Commonwealth.

15) handgun retailer: shall mean business enterprises that sell handguns to the general public, with no minimum order requirements.

#### 16.02 Unfair or Deceptive Practices: General

(a) It shall be an unfair or deceptive practice for any seller to fail to comply with M.G.L. c. 93A, 940 CMR 16.00 ~~et seq.~~, or any other existing local, state, or federal statute, rule or regulation whose implementation serves to protect consumers from unfair and deceptive practices by means including, but not limited to, regulating conditions of sale, precluding the sale of products when such sale will place purchasers in violation of the law, precluding the sale of products when such a sale is to a purchaser within a vulnerable consumer group, demanding the disclosure of information, and ensuring the satisfactory condition and non-contraband status of goods proffered for sale. Examples of the above include laws, regulations, and rules that:

- 1) forbid the sale of handguns to addicts.

- mentally incompetent individuals or juveniles;
- ii) forbid the sale of silencers, armor penetrating:
    - bullets, or machine guns (when possession of such weapons by purchasers will be unlawful);
  - iii) forbid participation in any way in the alteration or defacement of a serial number from a handgun;
  - iv) forbid the sale of a handgun whose serial number
    - has been defaced;
  - v) require sellers to keep records of gun sales and
    - to make these records available to assist police
    - in remedying theft;
  - vi) preclude sellers from displaying firearms in
    - outer windows of stores;
  - vii) forbid sellers from delivering or transporting
    - guns fully loaded;
  - viii) forbid the delivery of a handgun to the
    - custody of a minor;
  - ix) forbid a seller from enforcing a purchase money
    - security interest on a handgun.

#### 16.03 Tamper-Resistant Serial Numbers

It shall be an unfair or deceptive practice for a seller to place the serial number of a handgun solely on a place on a handgun that the seller knows or should have known results in the number's susceptibility to eradication.

(1) Serial numbers placed on the exterior of a handgun shall be deemed not susceptible to eradication for purposes of this regulation if:

- a) the serial number is also placed on the interior of the handle or barrel of the handgun,
- b) the seller does not voluntarily provide its customers or the public with the location of the interior serial number, and
- c) the seller makes this information available to the Office of the Attorney General and other consumer protection officials upon request.

(2) Serial numbers placed on the exterior of a handgun shall also be deemed not susceptible to eradication for purposes of this regulation if:

- a) the serial number is also placed on the exterior of the handgun in a way that is not visible to the unaided eye, but is visible with the aid of an infrared detector or other device,
- b) the seller does not provide its customers or the public with the location of the nonvisible serial number or any method by which this number can be made viewable, and
- c) the seller makes this information available to the Office of the Attorney General and other consumer protection officials upon request.

#### 16.04 Sale of Handguns Made From Inferior Materials

It shall be an unfair or deceptive practice for a seller to transfer or offer to transfer to any customer located within the Commonwealth any handgun that:

- 1) has a frame, barrel, cylinder, slide or breechblock:
  - a) composed of any metal having a melting point of less than 900 degrees Fahrenheit;
  - b) composed of any material having an ultimate tensile strength of less than 55,000 pounds per square inch; or
  - c) composed of any powdered metal having a density of less than 7.5 grams per cubic centimeter;
- 2) is either prone to accidental detonation, to repeated detonation based on a single pull of the trigger, or to the explosion of the handgun during a detonation;
- 3) has a barrel shorter than three inches, unless the seller discloses to each prospective purchaser in writing prior to purchase the limits of the

accuracy of such a weapon and its concomitant relative ineffectiveness for a sporting purpose or self defense.

#### 16.05 Sale of Handguns Without Childproofing or Safety Devices

It shall be an unfair or deceptive practice for a seller to transfer or offer to transfer to any customer located within the Commonwealth any handgun which does not contain:

- 1) a safety mechanism to hinder the use of the handgun by unauthorized users. Such devices shall include, but shall not be limited to, trigger locks, combination handle locks, and solenoid use-limitation devices,
- 2) a mechanism which effectively precludes a child under age six from operating the weapon; such mechanisms may prevent use by raising trigger resistance beyond the hand strength force available to an average six year old, by altering the firing mechanism so that an average six year old's hands are too small to operate the handgun, or by requiring a series of multiple motions in order to fire the handgun, and
- 3) a load indicator device that provides reasonable warning to potential users such that even users unfamiliar with the weapon would be forewarned and would understand the nature of the warning.

#### 16.06 Safety Warning Disclosures

It shall be an unfair or deceptive practice for a seller to transfer or offer to transfer within the Commonwealth any handgun unless that handgun is accompanied by the following warning, provided on a separate sheet of paper included within the packaging enclosing the gun, which, in at least twelve point type, states the following:

"WARNING: This handgun is not equipped with a device that fully blocks use by unauthorized users. More than 200,000 handguns like this one are stolen from their owners every year in the United States. A criminal may steal this weapon and use it to commit additional crimes, potentially harming you or your family. Studies have shown that homes with such handguns are nearly three times more likely to have a homicide than homes without one. The lack of a single-user device on your gun also means that your children may obtain access to it and operate the gun. Statistics indicate that more than 500 children are accidentally killed each year due to access to guns. It is likely that many more sustain serious wounds, or inflict such wounds accidentally on others. In order to limit the chance of such misuse, it is imperative that you keep this weapon locked in a secure place and take other steps necessary to limit the possibility of theft or accident. Failure to take reasonable preventive steps may result in innocent lives being lost, and may result in your liability for these deaths."

Failure to include this warning in the packaging enclosing the gun shall not be a violation of this regulation if the handgun in question contains a safety mechanism that cannot be deactivated by the user, including but not limited to a solenoid use-limitation system.

#### 16.07 Severability

If any provision of 940 CMR 16.00 or the application of such provision to any person or circumstance shall be held invalid, the validity of the remainder of 940 CMR 16.00 and the applicability of such provision to any other person or circumstance shall not be affected thereby.

#### 16.08 Effective Date

940 CMR 16.00 shall become effective as follows:

- a) Sections 16.01, 16.02, 16.06 & 16.07 shall be effective on \_\_\_\_ 1997;
- b) Section 16.04 shall be effective on \_\_\_\_, 1997; and
- c) Sections 16.03 & 16.05 shall be effective on \_\_\_\_, 1997.



U.S. Department of Justice  
*Office of Intergovernmental Affairs*

Office of the Director

Washington, D.C. 20530

February 25, 1997

MEMORANDUM FOR: All State Attorneys General

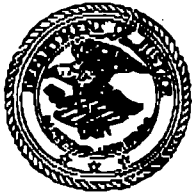
FROM: Nicholas M. Gess  
Director of Intergovernmental Affairs  
Department of Justice

SUBJECT: New Brady Act Numbers

Earlier today, the Department of Justice released new Bureau of Justice Statistics numbers which reflect a more accurate count of the number of illegal over-the-counter gun sales which were blocked by Brady Act background checks. We are pleased to enclose a copy of the Department's press release and the Bulletin issues by the Bureau of Justice Statistics.

We hope that these materials are of assistance to you. If you have any questions about the Bulletin, please contact the Bureau of Justice Statistics on (202) 307-0765.

Enclosures



# Department of Justice

FOR IMMEDIATE RELEASE  
TUESDAY, FEBRUARY 25, 1997

BJS  
202/633-3047

**ABOUT 6,600 ATTEMPTS TO BUY GUNS  
THWARTED BY BACKGROUND CHECKS EACH MONTH  
SINCE BRADY LAW ENACTED**

**186,000 Blocked from March 1994 through June 1996**

WASHINGTON, D.C. -- During the first 28 months of the Brady Act's effectiveness (March 1994 through last June) more than 186,000 illegal over-the-counter gun sales were blocked by background checks, the Justice Department's Bureau of Justice Statistics (BJS) announced today. Of the average 6,600 attempts stopped each month, more than 70 percent were rejected because they were indicted or convicted as felons. The data refer only to attempted purchases from licensed firearms dealers and do not indicate whether rejected purchasers later obtained a gun.

Based on BJS statistics covering specifically January 1996 through June 1996, gun dealers made more than 1.3 million inquiries about the potential eligibility of potential handgun buyers. The data contained specific reasons for rejections. Approximately 34,000, or 2.6 percent, were rejected for the following reasons in percentages:

(MORE)

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|                                        |     |
|----------------------------------------|-----|
| Convicted or indicted felon . . . . .  | 72% |
| Fugitive . . . . .                     | 6   |
| State law prohibition . . . . .        | 4   |
| Restraining order . . . . .            | 2   |
| Mental illness or disability . . . . . | 1   |
| Other* . . . . .                       | 15  |

\*Includes people addicted to illegal drugs, juveniles, aliens, violators of local ordinances, etc.

As of mid-year 1996, 14 states reported that their presale investigations included checking for outstanding restraining orders, and 11 states looked into mental health records. The report noted that not all states check the categories of mental disability, restraining orders or drug abuse. In states that do check for these conditions, rejection rates are higher for these circumstances.

The surveys were of 600 law enforcement agencies, of which 176 from 44 states responded. Using standard statistical techniques, the totals were adjusted to account for the non-responding states. BJS is continuing its efforts to obtain a more complete response rate.

The Brady Handgun Violence Prevention Act (the Brady Act) provides that presale inquiries will be made permanent through

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the National Instant Criminal Background Check System (NICS), which will be administered by the Federal Bureau of Investigation. It is to be established by November 1998, when the waiting period of the current system will be eliminated.

When the Brady Act took effect in February 1994, there were an average 3,100 monthly gun application rejections in the 32 states that the act required to follow its presale review procedures. From March 1994 through last June 30 there were 86,000 rejections of about 4.2 million applications or inquiries.

Federal law prohibits firearm sales to a person who--

- is under indictment for a crime punishable by imprisonment for more than one year or has been convicted of such a crime,
- is a fugitive from justice,
- is an unlawful user of a controlled substance,
- has been adjudicated as mentally defective or has been committed to a mental institution,
- was dishonorably discharged from the armed forces,
- has renounced United States citizenship,
- is subject to a court order restraining him or her from harassing, stalking or threatening an intimate partner or a child, or
- is a person who has been convicted of domestic violence.

The bulletin, "Presale Firearm Checks" (NCJ-162787), was

(MORE)



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written by Don Manson, of BJS, and Gene Lauver, of the Regional Justice Information Service. The statistics were obtained from the Treasury Department's Bureau of Alcohol, Tobacco and Firearms (March 1, 1994 through December 31, 1995) and from a BJS survey (January 1, 1996 through June 30, 1996).

The report is available on the Internet on BJS's Internet home page by clicking on "What's new at BJS." The BJS webpage address is:

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

# # #

BJ97004

After hours contact: Stu Smith at 301/983-9354



# Bureau of Justice Statistics Bulletin

*A National Estimate*

February 1997, NCJ 1627

## Presale Firearm Checks

By Don Manson  
Bureau of Justice Statistics  
Gene Lauver  
Regional Justice Information Service

On average each month an estimated 6,600 firearm purchases were prevented by background checks of

potential gun buyers during the 28 months after the effective date of the Brady Handgun Violence Prevention Act. The checks revealed purchasers' ineligibility under Federal or State laws to buy a handgun or other firearm. Over 70% of the rejected purchasers were convicted or indicted felons.

Between March 1994 and June 1996, for all States together, there were almost 9 million applications to purchase firearms and an estimated 186,000 rejections. The data does not indicate whether rejected purchasers later obtained a firearm through other means.

### Highlights

#### Presale firearms checks: Estimates of inquiries and rejections

|                                 | Bureau of Alcohol, Tobacco and Firearms <sup>a</sup> |                                    |                 |                                    | Bureau of Justice Statistics <sup>b</sup> |                                    |
|---------------------------------|------------------------------------------------------|------------------------------------|-----------------|------------------------------------|-------------------------------------------|------------------------------------|
|                                 | 3/1/94-12/31/94                                      |                                    | 1/1/95-12/31/95 |                                    | 1/1/96-6/30/96                            |                                    |
|                                 | All States                                           | Original Brady States <sup>c</sup> | All States      | Original Brady States <sup>c</sup> | All States                                | Original Brady States <sup>c</sup> |
| <b>Inquiries and rejections</b> |                                                      |                                    |                 |                                    |                                           |                                    |
| Inquiries/applications          | 3,679,000                                            | 1,896,000                          | 4,009,000       | 1,884,000                          | 1,308,000                                 | 570,000                            |
| Rejected                        | 32,000                                               | 42,000                             | 60,000          | 28,000                             | 34,000                                    | 16,000                             |
| Rejection rate                  | 2.5%                                                 | 2.5%                               | 1.5%            | 1.5%                               | 2.6%                                      | 2.8%                               |
| <b>Reasons for rejection</b>    |                                                      |                                    |                 |                                    |                                           |                                    |
| Felony indictment / conviction  | 135,000                                              | 30,000                             | 43,000          | 20,000                             | 24,000                                    | 13,000                             |
| Other                           | 26,000                                               | 12,000                             | 17,000          | 8,000                              | 9,000                                     | 3,000                              |

Note: All estimated counts are rounded. Percentages were calculated from unrounded data. Detail may not add to total because of rounding. Information was provided by the Bureau of Alcohol, Tobacco and Firearms. The

estimates include all types of guns.

<sup>a</sup>Based on 176 sources in 44 States. The estimates reflect only applications for purchase of handguns.

<sup>b</sup>Original Brady States are the 32 States required to follow presale review procedures set out in the Brady Act when it became effective on February 28, 1994. (See the table on page 3.)

• Presale background checks of persons applying to buy a handgun or long gun resulted in about 6,600 rejections each month. This estimate, covering the period between March 1, 1994, and June 30, 1996, includes both States operating under the Brady Handgun Violence Prevention Act (Brady States) and States with comparable statutes

preventing gun sales to prohibited persons (Brady-alternative States).

• More than 7 in 10 of the rejections occurred when potential buyers were found to have had a felony conviction or to be under felony indictment.

On average each month, an estimated 3,100 applications were rejected in the 32 States that followed the review procedures set forth in the Brady Act when it became effective in February 1994 ("original Brady States"). During the period from March 1994 through June 1996, there were 86,000 rejections from a total of about 4.2 million applications or inquiries.

These are the first BJS statistics from ongoing survey to assess the impact of presale checks on preventing sales of handguns and long guns to persons in prohibited categories. The categories are defined in the Federal Gun Control Act of 1968 or related State legislation. (See *Background* on this page.)

As of midyear 1996, 14 States reported that presale checks included a check of outstanding restraining orders; 11 States reported that checks of mental health records are made in connection with presale firearm checks.

When only those States that reported searching data bases for reasons other than felony status are considered, rejections for such reasons accounted for the following:

| Nonfelony reason   | Percent of rejections in States which search records for specific nonfelony reasons |
|--------------------|-------------------------------------------------------------------------------------|
| Fugitive           | 6%                                                                                  |
| Restraining orders | 4                                                                                   |
| Mental illness     | 2                                                                                   |

Sources of data

The findings are based on data collected by the Bureau of Alcohol, Tobacco and Firearms (ATF) and BJS. Data for 1994 and 1995, provided by ATF, were calculated using the number of firearm-coded inquiries to the FBI's criminal history database. The percentage of denials used for ATF estimates was based on the experiences of jurisdictions that had implemented presale firearms check procedures prior to the Brady Act.

Data for the first half of 1996 were collected under the BJS Firearm Inquiry Statistics (FIST) program. The results were from a survey of 800 law enforcement agencies, of which 176 in 44 States responded.

Background

The provisions of the Federal Gun Control Act (18 U.S.C. §§ 922 (g) and (n) as amended) prohibit the sale of firearms to an individual 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 a controlled substance;
- has been adjudicated as a mental defective or committed to a mental institution;

- is an alien unlawfully in the United States;
- was discharged from the armed forces under dishonorable conditions;
- has renounced U.S. citizenship;
- is subject to a court order restraining him or her from harassing, stalking, or threatening an intimate partner or child; or
- is a person convicted of domestic violence.

Brady Act

The Brady Act was enacted in November 1993 and became effective in February 1994.\* The interim provisions of the act require that licensed firearm dealers request a presale check on all potential handgun purchasers from the Chief Law Enforcement Officer (CLEO) in the jurisdiction where the prospective purchaser resides.

The CLEO must make a reasonable effort to determine if the purchaser is prohibited from receiving or possessing a handgun. The Federal firearms licensee must wait 5 business days before transferring the handgun to the buyer unless earlier approval is received from the CLEO. These interim procedures will terminate no later than November 30, 1998.

The "interim provision" also permits States to follow a variety of alternatives to the 5-day waiting period. These alternatives include States that issue firearm permits, perform "instant checks," or conduct "point-of-sale" checks. To qualify under these alternatives, State law must require that before any licensee completes the transfer of a handgun to a nonlicensee, a government official verify that possession of a handgun by the transferee would not be a violation of law. Example of Brady-alternative States include California ("point-of-sale check"), Virginia ("instant check"), and Missouri (permit).

After November 1998 instant background checks will be required for

\*Data collection began after the effective date of the Brady Handgun Violence Prevention Act (P.L. 103-159) on February 28, 1994.

In the most recent 6 months for which national data were collected, January to June 1996, gun dealers made more than 1.3 million inquiries about the eligibility of potential buyers of handguns. About 34,000 ineligible customers were identified, a rejection rate of 2.6%. For the original Brady States during the most recent period, 570,000 inquiries or applications resulted in 16,000 rejections. This represented a 2.8% rejection rate.

During the first half of 1996, almost three-fourths of the rejections of a handgun purchase were based on a finding of a felony conviction or indictment. Although not all States have the capability to check nonfelon categories, fugitives from justice (6%), persons who violated State laws (4%), and persons under court restraining or protective orders (2%) accounted for the next largest categories of rejections.

|                                                    |      |
|----------------------------------------------------|------|
| Rejected applications, (all States) 1/1/96-6/30/96 | 100% |
| Felon (convicted/indicted)                         | 72   |
| Fugitive                                           | 6    |
| State law prohibition                              | 4    |
| Restraining order                                  | 2    |
| Mental illness or disability                       | 1    |
| Other*                                             | 15   |

\*Includes persons addicted to illegal drugs, juveniles, aliens, violators of local ordinances, those who have renounced citizenship, persons dishonorably discharged, and unspecified.

(7) To evaluate properly the application and rejection rates for purchasing populations within a given area, the appropriate CLEO was identified.

(a) If cities within a participating county CLEO were acting as their own CLEO's, their populations were subtracted from the county population.

(b) If a municipal CLEO was discovered to be providing services for other selected municipalities, then populations for those municipalities were added to the population of the city having the CLEO.

(c) Those CLEO's selected to participate in the study but found to be relying on other jurisdictions to conduct background checks were replaced by those other jurisdictions (for example, a town being replaced by a county).

(8) Maine has local CLEO's; however, Maine's data came from the State police that serve 40% of the State's population. The State police data were split into A and B categories based on the proportion of the Maine population in each category.

(9) Connecticut did not submit any data in time for this study. Connecticut has both local and State CLEO's, but for the purposes of this study, Connecticut was classified as a State CLEO.

(10) National estimates exclude the District of Columbia and U.S. territories. Sales of firearms are prohibited in the District of Columbia except to law enforcement officers.

The Bureau of Justice Statistics is the statistical agency of the U.S. Department of Justice. Jan M. Chalken, Ph.D., is director.

BJS Bulletins present the first release of findings from permanent data collection programs. Don Manson, BJS Program Manager, and Gene Lauver, manager of the Firearm Inquiry Statistics program, Regional Justice Information Service (REJIS), wrote this Bulletin under the supervision of Carol Kaplan, Chief, National Criminal History Improvement Programs, BJS. REJIS of St. Louis, MO, collected and analyzed the FIST data presented. The Bureau of Alcohol Tobacco and Firearms assisted with background and analysis. Darrell Gilliard provided statistical verification. Tom Haster produced and edited the report. Marilyn Marbrook, assisted by Yvonne Boston and Jayne Pugh, administered final report production.

Further information about the Firearm Inquiry Statistics (FIST) program may be obtained from Carol Kaplan, BJS, or Gene Lauver, REJIS, 4255 West Pine Blvd., St. Louis, MO 63108.

February 1997, NCJ-162787

This report and others from the Bureau of Justice Statistics are available through the Internet—

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

## Firearm Inquiry Statistics program

The FIST program was established under the NCHIP to develop data on the impact of presale firearm checks on the identification of prohibited firearm purchasers. None of the FIST information provided from agencies to BJS contains or reveals the identity of individual applicants.

Information requested for the survey does not include data traceable to an applicant, and the computer program that some agencies use to collect FIST data transmits only the appropriately aggregated or categorized responses. The computer program also assists agencies in purging records after the delay times specified in law.

An initial report describing State background check procedures, *Survey of State Procedures Related to Firearm Sales* (NCJ-180763), was released in May 1996. Data summarizing the number of inquiries, rejections, and reasons for rejections are collected regularly and will be summarized and released semiannually.

## Applicable State legislation

When the Brady Act became effective on February 28, 1994, 32 States and Puerto Rico were required to follow presale review procedures set out in the act. The remaining States were Brady-alternative States. Since then, 10 more States have enacted legislation to become Brady-alternative States (Colorado, March 1994; Georgia, January 1996; Idaho, June 1994; Louisiana, May 1996; Minnesota, August 1994; New Hampshire, January 1995; North Carolina, December 1995; Tennessee, May 1994; Utah, March 1994; and Washington, June 1996).

## Methodology

The following presents the approach used to derive the 6-month estimate (for the period January to June 1996) from a sample of law enforcement offices charged with determining eligibility to purchase a firearm.

### Data collection

For those States with local chief law enforcement officers (local CLEO's), CLEO's were randomly selected within each of the population size categories, based upon 1990 Census data: category A (under 10,000 residents), B (10,000 to 100,000), C (over 100,000). The sample was also stratified between Brady States and Brady-alternative States.

A total of 176 CLEO's submitted data in time for this survey: 63 in category A, 55 in B, 36 in C, and 22 statewide CLEO's. Some agencies carried out presale determinations for other agencies or had determinations done for them by other agencies. The populations accorded these agencies were adjusted, based on the number of residents they actually served.

### Calculation of estimates

(1) Census data for 1990 were used to calculate relative weights of samples from local and State CLEO's. The estimated 1990 population for the 50 States was 248,102,973.

(2) At least some data were received from 44 States. The general procedure to estimate all 50 States was —

(a) For each size category the populations for those agencies that submitted data and for all agencies of that size were totaled. A factor was computed from these two numbers.

(b) The raw number of applications and rejections (in sum and for each rejection category) were totaled for each size group.

(c) For the estimated number of applications and estimated number of rejections, the totals were multiplied by the factor computed in (a) for each size group.

(d) The totals for all size groups were added together to get the totals for the numbers of applications and rejections.

(e) To get the estimated number in each reason-for-rejection category, the percentage of the total raw rejections was calculated, and that percentage was multiplied by the estimated total number of rejections.

(3) New Jersey submitted data for total applications and rejections, but no reasons for rejections or breakdowns for its local CLEO's. Data for local CLEO's in New Jersey were ignored. Alaska submitted data for most of that State's CLEO's. This study categorized both States as State reporting agencies.

(4) Of the three States that changed from Brady to Brady-alternative States after 1995, Georgia (1/1/96) was considered a Brady-alternative State, and Louisiana (5/7/96) and Washington (6/6/96), Brady States.

(5) Two large cities were analyzed separately because of their high rejection rates; their averages were not used to estimate the overall rejection rates. Their numbers of rejections were included in the final total, however.

(6) Agencies for the following States reported data for applications and rejections but no data for reasons for rejection: Alaska, Indiana, New Hampshire, New Jersey, Ohio, and West Virginia.

purchasers of firearms. The background check will determine, based on available records, if an individual is prohibited under the Federal Gun Control Act or State law from receiving or possessing firearms.

Under the "permanent provisions" of the Brady Act, presale inquiries will be made through the National Instant Criminal Background Check System (NICS). The act requires the NICS, which will be operated by the FBI, to be established no later than November 1998. At that time the procedures related to the waiting period of the interim system will be eliminated.

Under the FBI's proposed NICS configuration, State criminal history records will be provided through each State's central repository and the Interstate Identification Index. The Index, maintained by the FBI, points instantly to criminal records that States hold. In addition, the FBI will provide records of Federal offenses, Federally maintained State data, and Federal data on nonfelony disqualifications. States responding to NICS inquiries for nonfelony prohibitions will provide their records directly.

#### The National Criminal History Improvement Program (NCHIP)

To ensure immediate availability of complete and accurate State records, the Brady Act established a grant program authorized at \$200 million. The program is to assist States to develop criminal history record systems and improve the interface with the NICS.

A major goal of the grant program is the interstate availability of complete State records when the NICS is implemented. Toward this goal, over \$112 million was awarded in direct awards to States during fiscal years 1995 and 1996. NCHIP program funds have also supported direct technical assistance to States, evaluation, and related ch.

Gun purchaser background checks, by State, 1996

| State          | Brady State (Y)   |         | Number of law enforcement contacts responsible for record checks* | State data bases being accessed |                  |                    |               |
|----------------|-------------------|---------|-------------------------------------------------------------------|---------------------------------|------------------|--------------------|---------------|
|                | Original (3/1/84) | 8/30/96 |                                                                   | Criminal histories              | Wanted fugitives | Restraining orders | Mental health |
| Alabama        | Y                 | Y       | 87                                                                | Y                               | Y                |                    |               |
| Alaska         | Y                 | Y       | 35                                                                | Y                               | Y                |                    |               |
| Arizona        | Y                 | Y       | 1                                                                 | Y                               | Y                |                    |               |
| Arkansas       | Y                 | Y       | 1                                                                 | Y                               | Y                |                    |               |
| California     |                   |         | 1                                                                 | Y                               | Y                |                    |               |
| Colorado       | Y                 |         | 1                                                                 | Y                               | Y                | Y                  | Y             |
| Connecticut    |                   |         | 1                                                                 | Y                               | Y                | Y                  |               |
| Delaware       |                   |         | 1                                                                 | Y                               | Y                | Y                  |               |
| Florida        |                   |         | 1                                                                 | Y                               | Y                | Y                  | Y             |
| Georgia        | Y                 |         | 1                                                                 | Y                               | Y                |                    | Y             |
| Hawaii         |                   |         | 4                                                                 | Y                               | Y                |                    | Y             |
| Idaho          | Y                 |         | 1                                                                 | Y                               | Y                | Y                  |               |
| Illinois       |                   |         | 1                                                                 | Y                               | Y                |                    | Y             |
| Indiana        |                   |         | 1                                                                 | Y                               |                  |                    |               |
| Iowa           |                   |         | 99                                                                | Y                               | Y                | Y                  | Y             |
| Kansas         | Y                 | Y       | 123                                                               | Y                               |                  |                    |               |
| Kentucky       | Y                 | Y       | 1                                                                 | Y                               | Y                | Y                  |               |
| Louisiana      | Y                 |         | 59                                                                | Y                               |                  |                    |               |
| Maine          | Y                 | Y       | 128                                                               | Y                               | Y                |                    |               |
| Maryland       |                   |         | 1                                                                 | Y                               | Y                |                    |               |
| Massachusetts  |                   |         | 270                                                               | Y                               | Y                |                    | Y             |
| Michigan       |                   |         | 825                                                               | Y                               | Y                |                    |               |
| Minnesota      | Y                 |         | 568                                                               | Y                               | Y                |                    | Y             |
| Mississippi    | Y                 | Y       | 283                                                               |                                 |                  |                    |               |
| Missouri       |                   |         | 115                                                               | Y                               | Y                |                    |               |
| Montana        | Y                 | Y       | 59                                                                | Y                               | Y                |                    |               |
| Nebraska       |                   |         | 85                                                                | Y                               | Y                |                    |               |
| Nevada         | Y                 | Y       | 1                                                                 | Y                               | Y                |                    |               |
| New Hampshire  | Y                 |         | 1                                                                 | Y                               | Y                | Y                  |               |
| New Jersey     |                   |         | 490                                                               | Y                               | Y                | Y                  | Y             |
| New Mexico     | Y                 | Y       | 112                                                               | Y                               |                  |                    |               |
| New York       |                   |         | 58                                                                | Y                               | Y                |                    |               |
| North Carolina | Y                 |         | 98                                                                | Y                               | Y                |                    |               |
| North Dakota   | Y                 | Y       | 53                                                                | Y                               | Y                |                    |               |
| Ohio           | Y                 | Y       | 1                                                                 | Y                               | Y                |                    |               |
| Oklahoma       | Y                 | Y       | 440                                                               | Y                               |                  |                    |               |
| Oregon         |                   |         | 208                                                               | Y                               | Y                |                    | Y             |
| Pennsylvania   | Y                 | Y       | 57                                                                | Y                               |                  |                    |               |
| Rhode Island   | Y                 | Y       | 39                                                                | Y                               | Y                |                    |               |
| South Carolina | Y                 | Y       | 1                                                                 | Y                               | Y                |                    |               |
| South Dakota   | Y                 | Y       | 86                                                                | Y                               | Y                | Y                  |               |
| Tennessee      | Y                 |         | 98                                                                | Y                               |                  | Y                  |               |
| Texas          | Y                 | Y       | 901                                                               | Y                               | Y                |                    |               |
| Utah           | Y                 |         | 1                                                                 | Y                               | Y                |                    |               |
| Vermont        | Y                 | Y       | 22                                                                | Y                               | Y                | Y                  |               |
| Virginia       |                   |         | 1                                                                 | Y                               | Y                | Y                  |               |
| Washington     | Y                 |         | 291                                                               | Y                               | Y                |                    |               |
| West Virginia  | Y                 | Y       | 1                                                                 | Y                               | Y                | Y                  |               |
| Wisconsin      |                   |         | 1                                                                 | Y                               | Y                |                    | Y             |
| Wyoming        | Y                 | Y       | 40                                                                | Y                               | Y                |                    |               |
| Total          | 32                | 22      | 5,602                                                             | 49                              | 41               | 14                 | 11            |

\*In the Brady States contacts are the chief law enforcement officers (CLEOs); in Brady-alternative States these contacts are identified according to criteria of each State.  
Source: Survey of State Procedures Related to Firearm Sales, BJS, May 1996 (NCJ-160763).

# Applications for purchases of handguns and reasons for rejection, by Brady and Brady-alternative States, Bureau of Justice Statistics estimates, 1/1/96-6/30/96

These tables present detail for the overall estimates reported in *Prereview Firearm Checks*, BJS Bulletin (NCJ-162787). Some of the details in the tables remain unpublished because the statistics are sensitive to the sample design; reporting from the sample must cover a longer period before reliable conclusions can be drawn.

See Highlights, page 1 of *Prereview Firearm Checks*.

|                        | Estimates* — 1/1/96 - 6/30/96 |                |                   |
|------------------------|-------------------------------|----------------|-------------------|
|                        | All States                    | Original Brady | Brady-alternative |
| Inquiries/applications |                               |                |                   |
| Received               | 1,308,000                     | 570,000        | 738,000           |
| Rejection              | 34,000                        | 16,000         | 17,000            |
| Rejection rate         | 2.6%                          | 2.8%           | 2.4%              |
| Reasons for rejection  |                               |                |                   |
| Past felony conviction | 24,000                        | 13,000         | 9,000             |
| Other                  | 9,000                         | 3,000          | 8,000             |

Note: Because of the estimation procedure, columns for reasons for rejection are not additive. All estimated counts are rounded. Percentages were calculated from unrounded data. Detail may not add to total because of rounding.  
\*Based on 176 sources in 44 States. The estimates reflect only applications for purchase of handguns.

Original Brady States are those that were required to follow prereview procedures set out in the Brady Act when it became effective on February 28, 1994. Some of these States are now Brady-alternative States.

|               |                |
|---------------|----------------|
| Alabama       | Alaska         |
| Arizona       | Arkansas       |
| Colorado      | Georgia        |
| Idaho         | Kansas         |
| Kentucky      | Louisiana      |
| Maine         | Minnesota      |
| Mississippi   | Montana        |
| Nevada        | New Hampshire  |
| New Mexico    | North Carolina |
| North Dakota  | Ohio           |
| Oklahoma      | Pennsylvania   |
| Rhode Island  | South Carolina |
| South Dakota  | Tennessee      |
| Texas         | Utah           |
| Vermont       | Washington     |
| West Virginia | Wyoming        |

Detailed data on reasons for rejection: See discussion, page 2 of *Prereview Firearm Checks*.

| Reasons for rejection        | Estimated percentages — 1/1/96 - 6/30/96 |                |                   |
|------------------------------|------------------------------------------|----------------|-------------------|
|                              | All States                               | Original Brady | Brady-alternative |
| Total                        | 100.0%                                   | 100.0%         | 100.0%            |
| Felon                        | 71.8                                     | 81.5           | 52.2              |
| Fugitive                     | 5.7                                      | 6.9            | 3.2               |
| State law                    | 4.2                                      | .8             | 11.0              |
| Restraining order            | 2.3                                      | 2.3            | 2.5               |
| Mental illness or disability | 1.0                                      | .2             | 2.8               |
| Local ordinance              | .8                                       | .3             | 1.8               |
| Addict of illegal drugs      | .8                                       | .9             | .2                |
| Juvenile                     | .4                                       | .2             | .8                |
| Alien                        | .2                                       | .2             | .2                |
| Dishonorable discharge       | —                                        | —              | —                 |
| Renunciation of citizenship  | —                                        | —              | —                 |
| Other <sup>a</sup>           | 12.9                                     | 6.7            | 25.4              |
| Number of rejections         | 34,000                                   | 16,000         | 17,000            |

Note: Because of the estimation procedure, columns are not additive. Forty-four percent of all rejections had no specified reason for rejection. The estimation procedure distributed the number of such rejections according to the "known" percentages from rejections with reasons. This procedure created estimates for the Nation, original Brady States, and Brady-alternative States. These estimates are sums of the "known" reasons and the "distributed" reasons.

—Less than 0.05%.

<sup>a</sup>A single State in the original Brady and Brady-alternative State categories accounts for the large percentage for "Other reasons." Without each State, about 2.4% of the rejections in the original Brady States and 8.8% in Brady-alternative States would be categorized as "Other." Removing both of these States' data reduces the "Other" category (all States) from 12.9% to 3.7%.



## U. S. Department of Justice

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Washington, D.C. 20530

## FACSIMILE COVER SHEET

TO: Intergovernmental Affairs  
Marcia Hale  
John Emerson  
John Hart  
Alison Bracewell  
  
Public Liaison  
Alexis Herman  
Christa Robinson  
  
Domestic Policy  
Bruce Reed  
Dennis Burke  
  
Rahm Emanuel

FROM: Nicholas M. Gess  
Director  
Public Liaison and Intergovernmental Affairs  
TELEPHONE: (202) 514-3465  
FACSIMILE: (202) 514-2504

DATE: 2/25/97

SUBJECT: Brady

# PAGES: (Including this cover sheet)

REMARKS: see attached





U.S. Department of Justice  
*Office of Intergovernmental Affairs*

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Director

Washington, D.C. 20530

February 25, 1997

## MEMORANDUM FOR:

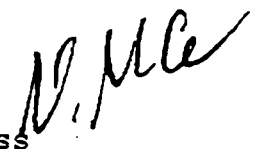
Rahm Emanuel  
Assistant to the President

Bruce Reed  
Assistant to the President and  
Director, Domestic Policy Council

Marcia Hale  
Assistant to the President and  
Director of Intergovernmental Affairs

Dennis Burke  
Senior Policy Advisor  
Domestic Policy Council

## FROM:

  
Nicholas M. Gess  
Director of Intergovernmental Affairs  
Department of Justice

## SUBJECT:

New Brady Act Numbers

Earlier today the Justice Department released new statistics which reflect a more accurate count of the number of illegal over-the-counter gun sales which were blocked by the Brady Act. We have provided that information to all relevant groups and state attorneys general. Attached are copies of the materials we provided.

If you have any questions please do not hesitate to call me on 514-3465.

Enclosures



U.S. Department of Justice  
*Office of Intergovernmental Affairs*

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Office of the Director

Washington, D.C. 20530

February 25, 1997

MEMORANDUM FOR:

All Interested Groups

FROM:

*N. M. Gess*  
Nicholas M. Gess  
Director of Intergovernmental Affairs  
Department of Justice

SUBJECT:

New Brady Act Numbers

Earlier today, the Department of Justice released new Bureau of Justice Statistics numbers which reflect a more accurate count of the number of illegal over-the-counter gun sales which were blocked by Brady Act background checks. We are pleased to enclose a copy of the Department's press release and the Bulletin issues by the Bureau of Justice Statistics.

We hope that these materials are of assistance to you. If you have any questions about the Bulletin, please contact the Bureau of Justice Statistics on (202) 307-0765.

Enclosures



U.S. Department of Justice  
*Office of Intergovernmental Affairs*

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Office of the Director

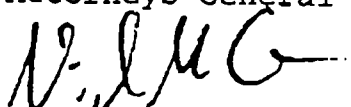
Washington, D.C. 20530

February 25, 1997

MEMORANDUM FOR:

All State Attorneys General

FROM:

  
Nicholas M. Gess  
Director of Intergovernmental Affairs  
Department of Justice

SUBJECT:

New Brady Act Numbers

Earlier today, the Department of Justice released new Bureau of Justice Statistics numbers which reflect a more accurate count of the number of illegal over-the-counter gun sales which were blocked by Brady Act background checks. We are pleased to enclose a copy of the Department's press release and the Bulletin issues by the Bureau of Justice Statistics.

We hope that these materials are of assistance to you. If you have any questions about the Bulletin, please contact the Bureau of Justice Statistics on (202) 307-0765.

Enclosures



# Department of Justice

FOR IMMEDIATE RELEASE  
TUESDAY, FEBRUARY 25, 1997

BJS  
202/633-3047

**ABOUT 6,600 ATTEMPTS TO BUY GUNS  
THWARTED BY BACKGROUND CHECKS EACH MONTH  
SINCE BRADY LAW ENACTED**

**186,000 Blocked from March 1994 through June 1996**

WASHINGTON, D.C. -- During the first 28 months of the Brady Act's effectiveness (March 1994 through last June) more than 186,000 illegal over-the-counter gun sales were blocked by background checks, the Justice Department's Bureau of Justice Statistics (BJS) announced today. Of the average 6,600 attempts stopped each month, more than 70 percent were rejected because they were indicted or convicted as felons. The data refer only to attempted purchases from licensed firearms dealers and do not indicate whether rejected purchasers later obtained a gun.

Based on BJS statistics covering specifically January 1996 through June 1996, gun dealers made more than 1.3 million inquiries about the potential eligibility of potential handgun buyers. The data contained specific reasons for rejections. Approximately 34,000, or 2.6 percent, were rejected for the following reasons in percentages:

(MORE)

- 2 -

|                                      |     |
|--------------------------------------|-----|
| Convicted or indicted felon . . . .  | 72% |
| Fugitive . . . . .                   | 6   |
| State law prohibition . . . . .      | 4   |
| Restraining order . . . . .          | 2   |
| Mental illness or disability . . . . | 1   |
| Other* . . . . .                     | 15  |

\*Includes people addicted to illegal drugs, juveniles, aliens, violators of local ordinances, etc.

As of mid-year 1996, 14 states reported that their presale investigations included checking for outstanding restraining orders, and 11 states looked into mental health records. The report noted that not all states check the categories of mental disability, restraining orders or drug abuse. In states that do check for these conditions, rejection rates are higher for these circumstances.

The surveys were of 600 law enforcement agencies, of which 176 from 44 states responded. Using standard statistical techniques, the totals were adjusted to account for the non-responding states. BJS is continuing its efforts to obtain a more complete response rate.

The Brady Handgun Violence Prevention Act (the Brady Act) provides that presale inquiries will be made permanent through

(MORE)

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the National Instant Criminal Background Check System (NICS), which will be administered by the Federal Bureau of Investigation. It is to be established by November 1998, when the waiting period of the current system will be eliminated.

When the Brady Act took effect in February 1994, there were an average 3,100 monthly gun application rejections in the 32 states that the act required to follow its presale review procedures. From March 1994 through last June 30 there were 86,000 rejections of about 4.2 million applications or inquiries.

Federal law prohibits firearm sales to a person who--

- is under indictment for a crime punishable by imprisonment for more than one year or has been convicted of such a crime,
- is a fugitive from justice,
- is an unlawful user of a controlled substance,
- has been adjudicated as mentally defective or has been committed to a mental institution,
- was dishonorably discharged from the armed forces,
- has renounced United States citizenship,
- is subject to a court order restraining him or her from harassing, stalking or threatening an intimate partner or a child, or
- is a person who has been convicted of domestic violence.

The bulletin, "Presale Firearm Checks" (NCJ-162787), was

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Written by Don Manson, of BJS, and Gene Lauver, of the Regional Justice Information Service. The statistics were obtained from the Treasury Department's Bureau of Alcohol, Tobacco and Firearms (March 1, 1994 through December 31, 1995) and from a BJS survey (January 1, 1996 through June 30, 1996).

The report is available on the Internet on BJS's Internet home page by clicking on "What's new at BJS." The BJS webpage address is:

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

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After hours contact: Stu Smith at 301/983-9354



# Bureau of Justice Statistics Bulletin

*A National Estimate*

February 1997, NCJ 162787

## Presale Firearm Checks

By Don Manson  
Bureau of Justice Statistics

Gene Lauver  
Regional Justice Information Service

On average each month an estimated 6,600 firearm purchases were prevented by background checks of

potential gun buyers during the 28 months after the effective date of the Brady Handgun Violence Prevention Act. The checks revealed purchasers' ineligibility under Federal or State laws to buy a handgun or other firearm. Over 70% of the rejected purchasers were convicted or indicted felons.

Between March 1994 and June 1996, for all States together, there were almost 9 million applications to purchase firearms and an estimated 186,000 rejections. The data does not indicate whether rejected purchasers later obtained a firearm through other means.

### Highlights

#### Presale firearms checks: Estimates of inquiries and rejections

|                                 | Bureau of Alcohol, Tobacco and Firearms <sup>a</sup> |                                    |                 |                                    | Bureau of Justice Statistics <sup>b</sup> |                                    |
|---------------------------------|------------------------------------------------------|------------------------------------|-----------------|------------------------------------|-------------------------------------------|------------------------------------|
|                                 | 3/1/84-12/31/84                                      |                                    | 1/1/85-12/31/85 |                                    | 1/1/86-6/30/96                            |                                    |
|                                 | All States                                           | Original Brady States <sup>c</sup> | All States      | Original Brady States <sup>c</sup> | All States                                | Original Brady States <sup>c</sup> |
| <b>Inquiries and rejections</b> |                                                      |                                    |                 |                                    |                                           |                                    |
| Inquiries/applications          | 3,679,000                                            | 1,896,000                          | 4,009,000       | 1,884,000                          | 1,308,000                                 | 570,000                            |
| Rejected                        | 92,000                                               | 42,000                             | 60,000          | 28,000                             | 34,000                                    | 18,000                             |
| Rejection rate                  | 2.5%                                                 | 2.5%                               | 1.5%            | 1.5%                               | 2.6%                                      | 2.8%                               |
| <b>Reasons for rejection</b>    |                                                      |                                    |                 |                                    |                                           |                                    |
| Felony indictment / conviction  | 135,000                                              | 30,000                             | 43,000          | 20,000                             | 24,000                                    | 13,000                             |
| Other                           | 26,000                                               | 12,000                             | 17,000          | 8,000                              | 9,000                                     | 3,000                              |

Note: All estimated counts are rounded. Percentages were calculated from unrounded data. Detail may not add to total because of rounding. Information was provided by the Bureau of Alcohol, Tobacco and Firearms. The

estimates include all types of guns.

<sup>a</sup>Based on 176 sources in 44 States. The estimates reflect only applications for purchase of handguns.

<sup>b</sup>Original Brady States are the 32 States required to follow presale review procedures set out in the Brady Act when it became effective on February 28, 1994. (See the table on page 3.)

• Presale background checks of persons applying to buy a handgun or long gun resulted in about 6,600 rejections each month. This estimate, covering the period between March 1, 1994, and June 30, 1996, includes both States operating under the Brady Handgun Violence Prevention Act (Brady States) and States with comparable statutes

preventing gun sales to prohibited persons (Brady-alternative States).

• More than 7 in 10 of the rejections occurred when potential buyers were found to have had a felony conviction or to be under felony indictment.



On average each month, an estimated 3,100 applications were rejected in the 32 States that followed the review procedures set forth in the Brady Act when it became effective in February 1994 ("original Brady States"). During the period from March 1994 through June 1996, there were 86,000 rejections from a total of about 4.2 million applications or inquiries.

These are the first BJS statistics from an ongoing survey to assess the impact of presale checks on preventing sales of handguns and long guns to persons in prohibited categories. The categories are defined in the Federal Gun Control Act of 1968 or related State legislation. (See *Background* on this page.)

In the most recent 6 months for which national data were collected, January to June 1996, gun dealers made more than 1.3 million inquiries about the eligibility of potential buyers of handguns. About 34,000 ineligible customers were identified, a rejection rate of 2.6%. For the original Brady States during the most recent period, 570,000 inquiries or applications resulted in 16,000 rejections. This represented a 2.8% rejection rate.

During the first half of 1996, almost three-fourths of the rejections of a handgun purchase were based on a finding of a felony conviction or indictment. Although not all States have the capability to check nonfelon categories, fugitives from justice (6%), persons who violated State laws (4%), and persons under court restraining or protective orders (2%) accounted for the next largest categories of rejections.

| Rejected applications,<br>(all States) 1/1/96-6/30/96 | 100% |
|-------------------------------------------------------|------|
| Felon (convicted/indicted)                            | 72   |
| Fugitive                                              | 6    |
| State law prohibition                                 | 4    |
| Restraining order                                     | 2    |
| Mental illness or disability                          | 1    |
| Other*                                                | 15   |

\*Includes persons addicted to illegal drugs, juveniles, aliens, violators of local ordinances, those who have renounced citizenship, persons dishonorably discharged, and unspecified.

As of midyear 1996, 14 States reported that presale checks included a check of outstanding restraining orders; 11 States reported that checks of mental health records are made in connection with presale firearm checks.

When only those States that reported searching data bases for reasons other than felony status are considered, rejections for such reasons accounted for the following:

| Nonfelony<br>reason | Percent of rejections<br>in States which search<br>records for specific<br>nonfelony reasons |
|---------------------|----------------------------------------------------------------------------------------------|
| Fugitive            | 6%                                                                                           |
| Restraining orders  | 4                                                                                            |
| Mental illness      | 2                                                                                            |

#### Sources of data

The findings are based on data collected by the Bureau of Alcohol, Tobacco and Firearms (ATF) and BJS. Data for 1994 and 1995, provided by ATF, were calculated using the number of firearm-coded inquiries to the FBI's criminal history database. The percentage of denials used for ATF estimates was based on the experiences of jurisdictions that had implemented presale firearms check procedures prior to the Brady Act.

Data for the first half of 1996 were collected under the BJS Firearm Inquiry Statistics (FIST) program. The results were from a survey of 800 law enforcement agencies, of which 176 in 44 States responded.

#### Background

The provisions of the Federal Gun Control Act (18 U.S.C. §§ 922 (g) and (n) as amended) prohibit the sale of firearms to an individual 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 a controlled substance;
- has been adjudicated as a mental defective or committed to a mental institution;

- is an alien unlawfully in the United States;
- was discharged from the armed forces under dishonorable conditions;
- has renounced U.S. citizenship;
- is subject to a court order restraining him or her from harassing, stalking, or threatening an intimate partner or child; or
- is a person convicted of domestic violence.

#### Brady Act

The Brady Act was enacted in November 1993 and became effective in February 1994.\* The interim provisions of the act require that licensed firearm dealers request a presale check on all potential handgun purchasers from the Chief Law Enforcement Officer (CLEO) in the jurisdiction where the prospective purchaser resides.

The CLEO must make a reasonable effort to determine if the purchaser is prohibited from receiving or possessing a handgun. The Federal firearms licensee must wait 5 business days before transferring the handgun to the buyer unless earlier approval is received from the CLEO. These interim procedures will terminate no later than November 30, 1998.

The "Interim provision" also permits States to follow a variety of alternatives to the 5-day waiting period. These alternatives include States that issue firearm permits, perform "instant checks," or conduct "point-of-sale" checks. To qualify under these alternatives, State law must require that before any licensee completes the transfer of a handgun to a nonlicensee, a government official verify that possession of a handgun by the transferee would not be a violation of law. Example of Brady-alternative States include California ("point-of-sale check"), Virginia ("instant check"), and Missouri (permit).

After November 1998 instant background checks will be required for

\*Data collection began after the effective date of the Brady Handgun Violence Prevention Act (P.L. 103-159) on February 28, 1994.

(7) To evaluate properly the application and rejection rates for purchasing populations within a given area, the appropriate CLEO was identified.

(a) If cities within a participating county CLEO were acting as their own CLEO's, their populations were subtracted from the county population.

(b) If a municipal CLEO was discovered to be providing services for other selected municipalities, then populations for those municipalities were added to the population of the city having the CLEO.

(c) Those CLEO's selected to participate in the study but found to be relying on other jurisdictions to conduct background checks were replaced by those other jurisdictions (for example, a town being replaced by a county).

(8) Maine has local CLEO's; however, Maine's data came from the State police that serve 40% of the State's population. The State police data were split into A and B categories based on the proportion of the Maine population in each category.

(9) Connecticut did not submit any data in time for this study. Connecticut has both local and State CLEO's, but for the purposes of this study, Connecticut was classified as a State CLEO.

(10) National estimates exclude the District of Columbia and U.S. territories. Sales of firearms are prohibited in the District of Columbia except to law enforcement officers.

The Bureau of Justice Statistics is the statistical agency of the U.S. Department of Justice. Jan M. Chaiken, Ph.D., is director.

BJS Bulletins present the first release of findings from permanent data collection programs. Don Manson, BJS Program Manager, and Gene Lauver, manager of the Firearm Inquiry Statistics program, Regional Justice Information Service (REJIS), wrote this Bulletin under the supervision of Carol Kaplan, Chief, National Criminal History Improvement Programs, BJS. REJIS of St. Louis, MO, collected and analyzed the FIST data presented. The Bureau of Alcohol Tobacco and Firearms assisted with background and analysis. Darrell Gilliard provided statistical verification. Tom Hester produced and edited the report. Marilyn Marbrook, assisted by Yvonne Boston and Jayne Pugh, administered final report production.

Further information about the Firearm Inquiry Statistics (FIST) program may be obtained from Carol Kaplan, BJS, or Gene Lauver, REJIS, 4255 West Pine Blvd., St. Louis, MO 63108.

February 1997, NCJ-162787

This report and others from the Bureau of Justice Statistics are available through the Internet —

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

## Firearm Inquiry Statistics program

## Methodology

The FIST program was established under the NCHIP to develop data on the impact of presale firearm checks on the identification of prohibited firearm purchasers. None of the FIST information provided from agencies to BJS contains or reveals the identity of individual applicants.

Information requested for the survey does not include data traceable to an applicant, and the computer program that some agencies use to collect FIST data transmits only the appropriately aggregated or categorized responses. The computer program also assists agencies in purging records after the delay times specified in law.

An initial report describing State background check procedures, *Survey of State Procedures Related to Firearm Sales* (NCJ-160763), was released in May 1996. Data summarizing the number of inquiries, rejections, and reasons for rejections are collected regularly and will be summarized and released semiannually.

## Applicable State legislation

When the Brady Act became effective on February 28, 1994, 32 States and Puerto Rico were required to follow presale review procedures set out in the act. The remaining States were Brady-alternative States. Since then, 10 more States have enacted legislation to become Brady-alternative States (Colorado, March 1994; Georgia, January 1996; Idaho, June 1994; Louisiana, May 1996; Minnesota, August 1994; New Hampshire, January 1995; North Carolina, December 1995; Tennessee, May 1994; Utah, March 1994; and Washington, June 1996).

The following presents the approach used to derive the 6-month estimate (for the period January to June 1996) from a sample of law enforcement offices charged with determining eligibility to purchase a firearm.

## Data collection

For those States with local chief law enforcement officers (local CLEO's), CLEO's were randomly selected within each of the population size categories, based upon 1990 Census data: categories A (under 10,000 residents), B (10,000 to 100,000), C (over 100,000). The sample was also stratified between Brady States and Brady-alternative States.

A total of 176 CLEO's submitted data in time for this survey: 63 in category A, 55 in B, 36 in C, and 22 statewide CLEO's. Some agencies carried out presale determinations for other agencies or had determinations done for them by other agencies. The populations accorded these agencies were adjusted, based on the number of residents they actually served.

## Calculation of estimates

(1) Census data for 1990 were used to calculate relative weights of samples from local and State CLEO's. The estimated 1990 population for the 50 States was 248,102,973.

(2) At least some data were received from 44 States. The general procedure to estimate all 50 States was —

(a) For each size category the populations for those agencies that submitted data and for all agencies of that size were totaled. A factor was computed from these two numbers.

(b) The raw number of applications and rejections (in sum and for each rejection category) were totaled for each size group.

(c) For the estimated number of applications and estimated number of rejections, the totals were multiplied by the factor computed in (a) for each size group.

(d) The totals for all size groups were added together to get the totals for the numbers of applications and rejections.

(e) To get the estimated number in each reason-for-rejection category, the percentage of the total raw rejections was calculated, and that percentage was multiplied by the estimated total number of rejections.

(3) New Jersey submitted data for total applications and rejections, but no reasons for rejections or breakdowns for its local CLEO's. Data for local CLEO's in New Jersey were ignored. Alaska submitted data for most of that State's CLEO's. This study categorized both States as State reporting agencies.

(4) Of the three States that changed from Brady to Brady-alternative States after 1995, Georgia (1/1/96) was considered a Brady-alternative State, and Louisiana (5/7/96) and Washington (8/6/96), Brady States.

(5) Two large cities were analyzed separately because of their high rejection rates; their averages were not used to estimate the overall rejection rates. Their numbers of rejections were included in the final total, however.

(6) Agencies for the following States reported data for applications and rejections but no data for reasons for rejection: Alaska, Indiana, New Hampshire, New Jersey, Ohio, and West Virginia.

purchasers of all firearms. The background check will determine, based on available records, if an individual is prohibited under the Federal Gun Control Act or State law from receiving or possessing firearms.

Under the "permanent provisions" of the Brady Act, presale inquiries will be made through the National Instant Criminal Background Check System (NICS). The act requires the NICS, which will be operated by the FBI, to be established no later than November 1998. At that time the procedures related to the waiting period of the interim system will be eliminated.

Under the FBI's proposed NICS configuration, State criminal history records will be provided through each State's central repository and the Interstate Identification Index. The Index, maintained by the FBI, points instantly to criminal records that States hold. In addition, the FBI will provide records of Federal offenses, Federally maintained State data, and Federal data on nonfelony disqualifications. States responding to NICS inquiries for nonfelony prohibitions will provide their records directly.

#### The National Criminal History Improvement Program (NCHIP)

To ensure immediate availability of complete and accurate State records, the Brady Act established a grant program authorized at \$200 million. The program is to assist States to develop criminal history record systems and improve the interface with the NICS.

A major goal of the grant program is the interstate availability of complete State records when the NICS is implemented. Toward this goal, over \$112 million was awarded in direct awards to States during fiscal years 1985 and 1996. NCHIP program funds have also supported direct technical assistance to States, evaluation, and related research.

Gun purchaser background checks, by State, 1996

| State          | Brady State (Y)   |         | Number of law enforcement contacts responsible for record checks* | State data bases being accessed |                  |                    |               |
|----------------|-------------------|---------|-------------------------------------------------------------------|---------------------------------|------------------|--------------------|---------------|
|                | Original (3/1/84) | 6/30/96 |                                                                   | Criminal histories              | Wanted fugitives | Restraining orders | Mental health |
| Alabama        | Y                 | Y       | 67                                                                | Y                               | Y                |                    |               |
| Alaska         | Y                 | Y       | 35                                                                | Y                               | Y                |                    |               |
| Arizona        | Y                 | Y       | 1                                                                 | Y                               | Y                |                    |               |
| Arkansas       | Y                 | Y       | 1                                                                 | Y                               | Y                |                    |               |
| California     |                   |         | 1                                                                 | Y                               | Y                |                    |               |
| Colorado       | Y                 |         | 1                                                                 | Y                               | Y                | Y                  | Y             |
| Connecticut    |                   |         | 1                                                                 | Y                               | Y                | Y                  |               |
| Delaware       |                   |         | 1                                                                 | Y                               | Y                | Y                  |               |
| Florida        |                   |         | 1                                                                 | Y                               | Y                |                    | Y             |
| Georgia        | Y                 |         | 1                                                                 | Y                               | Y                | Y                  | Y             |
| Hawaii         |                   |         | 4                                                                 | Y                               | Y                |                    |               |
| Idaho          | Y                 |         | 1                                                                 | Y                               | Y                |                    | Y             |
| Illinois       |                   |         | 1                                                                 | Y                               | Y                | Y                  |               |
| Indiana        |                   |         | 1                                                                 | Y                               | Y                |                    | Y             |
| Iowa           |                   |         | 99                                                                | Y                               | Y                | Y                  | Y             |
| Kansas         | Y                 | Y       | 123                                                               | Y                               | Y                |                    |               |
| Kentucky       | Y                 | Y       | 1                                                                 | Y                               | Y                | Y                  |               |
| Louisiana      | Y                 |         | 59                                                                | Y                               | Y                |                    |               |
| Maine          | Y                 | Y       | 128                                                               | Y                               | Y                |                    |               |
| Maryland       |                   |         | 1                                                                 | Y                               | Y                |                    |               |
| Massachusetts  |                   |         | 270                                                               | Y                               | Y                |                    |               |
| Michigan       |                   |         | 825                                                               | Y                               | Y                |                    | Y             |
| Minnesota      | Y                 |         | 568                                                               | Y                               | Y                |                    |               |
| Mississippi    | Y                 | Y       | 253                                                               | Y                               | Y                |                    | Y             |
| Missouri       |                   |         | 115                                                               | Y                               | Y                |                    |               |
| Montana        | Y                 | Y       | 59                                                                | Y                               | Y                |                    |               |
| Nebraska       |                   |         | 85                                                                | Y                               | Y                |                    |               |
| Nevada         | Y                 | Y       | 1                                                                 | Y                               | Y                |                    |               |
| New Hampshire  | Y                 |         | 1                                                                 | Y                               | Y                |                    |               |
| New Jersey     |                   |         | 490                                                               | Y                               | Y                | Y                  | Y             |
| New Mexico     | Y                 | Y       | 112                                                               | Y                               | Y                |                    |               |
| New York       |                   |         | 58                                                                | Y                               | Y                |                    |               |
| North Carolina | Y                 |         | 96                                                                | Y                               | Y                |                    |               |
| North Dakota   | Y                 | Y       | 53                                                                | Y                               | Y                |                    |               |
| Ohio           | Y                 | Y       | 1                                                                 | Y                               | Y                |                    |               |
| Oklahoma       | Y                 | Y       | 440                                                               | Y                               | Y                |                    |               |
| Oregon         |                   |         | 208                                                               | Y                               | Y                |                    |               |
| Pennsylvania   | Y                 | Y       | 57                                                                | Y                               | Y                |                    | Y             |
| Rhode Island   | Y                 | Y       | 39                                                                | Y                               | Y                |                    |               |
| South Carolina | Y                 | Y       | 1                                                                 | Y                               | Y                |                    |               |
| South Dakota   | Y                 | Y       | 68                                                                | Y                               | Y                | Y                  |               |
| Tennessee      | Y                 |         | 96                                                                | Y                               | Y                | Y                  |               |
| Texas          | Y                 | Y       | 991                                                               | Y                               | Y                |                    |               |
| Utah           | Y                 |         | 1                                                                 | Y                               | Y                |                    |               |
| Vermont        | Y                 | Y       | 22                                                                | Y                               | Y                | Y                  |               |
| Virginia       |                   |         | 1                                                                 | Y                               | Y                | Y                  |               |
| Washington     | Y                 |         | 291                                                               | Y                               | Y                | Y                  |               |
| West Virginia  | Y                 | Y       | 1                                                                 | Y                               | Y                | Y                  |               |
| Wisconsin      |                   |         | 1                                                                 | Y                               | Y                |                    |               |
| Wyoming        | Y                 | Y       | 40                                                                | Y                               | Y                |                    | Y             |
| Total          | 32                | 22      | 5,802                                                             | 49                              | 41               | 14                 | 11            |

\*In the Brady States contacts are the chief law enforcement officers (CLEO's); in Brady-alternative States these contacts are identified according to criteria of each State.  
Source: Survey of State Procedures Related to Firearm Sales, BJS, May 1996 (NCJ-160763).

# Applications for purchases of handguns and reasons for rejection, by Brady and Brady-alternative States, Bureau of Justice Statistics estimates, 1/1/96-6/30/96

These tables present detail for the overall estimates reported in *Prerelease Firearm Checks*, BJS Bulletin (NCJ-162787). Some of the details in the tables remain unpublished because the statistics are sensitive to the sample design; reporting from the sample must cover a longer period before reliable conclusions can be drawn.

See *Highlights*, page 1 of *Prerelease Firearm Checks*.

|                        | Estimates* — 1/1/96 - 6/30/96 |                |                   |
|------------------------|-------------------------------|----------------|-------------------|
|                        | All States                    | Original Brady | Brady-alternative |
| Inquiries/applications |                               |                |                   |
| Received               | 1,308,000                     | 570,000        | 738,000           |
| Rejection              | 34,000                        | 16,000         | 17,000            |
| Rejection rate         | 2.6%                          | 2.8%           | 2.4%              |
| Reasons for rejection  |                               |                |                   |
| Past felony conviction | 24,000                        | 13,000         | 9,000             |
| Other                  | 9,000                         | 3,000          | 8,000             |

Note: Because of the estimation procedure, columns for reasons for rejection are not additive. All estimated counts are rounded. Percentages were calculated from unrounded data. Detail may not add to total because of rounding.  
\*Based on 176 sources in 44 States. The estimates reflect only applications for purchase of handguns.

Original Brady States are those that were required to follow prerelease review procedures set out in the Brady Act when it became effective on February 28, 1994. Some of these States are now Brady-alternative States.

|               |                |
|---------------|----------------|
| Alabama       | Alaska         |
| Arizona       | Arkansas       |
| Colorado      | Georgia        |
| Idaho         | Kansas         |
| Kentucky      | Louisiana      |
| Maine         | Minnesota      |
| Mississippi   | Montana        |
| Nevada        | New Hampshire  |
| New Mexico    | North Carolina |
| North Dakota  | Ohio           |
| Oklahoma      | Pennsylvania   |
| Rhode Island  | South Carolina |
| South Dakota  | Tennessee      |
| Texas         | Utah           |
| Vermont       | Washington     |
| West Virginia | Wyoming        |

Detailed data on reasons for rejection: See discussion, page 2 of *Prerelease Firearm Checks*.

| Reasons for rejection        | Estimated percentages — 1/1/96 - 6/30/96 |                |                   |
|------------------------------|------------------------------------------|----------------|-------------------|
|                              | All States                               | Original Brady | Brady-alternative |
| Total                        | 100.0%                                   | 100.0%         | 100.0%            |
| Felon                        | 71.8                                     | 81.5           | 62.2              |
| Fugitive                     | 5.7                                      | 6.9            | 3.2               |
| State law                    | 4.2                                      | .8             | 11.0              |
| Restraining order            | 2.3                                      | 2.3            | 2.5               |
| Mental illness or disability | 1.0                                      | .2             | 2.8               |
| Local ordinance              | .8                                       | .3             | 1.8               |
| Addict of illegal drugs      | .8                                       | .9             | .2                |
| Juvenile                     | .4                                       | .2             | .8                |
| Alien                        | .2                                       | .2             | .2                |
| Dishonorable discharge       | -                                        | -              | -                 |
| Renunciation of citizenship  | -                                        | -              | -                 |
| Other*                       | 12.9                                     | 6.7            | 25.4              |
| Number of rejections         | 34,000                                   | 16,000         | 17,000            |

Note: Because of the estimation procedure, columns are not additive. Forty-four percent of all rejections had no specified reason for rejection. The estimation procedure distributed the number of such rejections according to the "known" percentages from rejections with reasons. This procedure created estimates for the Nation, original Brady States, and Brady-alternative States. These estimates are sums of the "known" reasons and the "distributed" reasons.

\*Less than 0.05%.

\*A single State in the original Brady and Brady-alternative State categories accounts for the large percentage for "Other reasons." Without each State, about 2.4% of the rejections in the original Brady States and 0.8% in Brady-alternative States would be categorized as "Other." Removing both of these States' data reduces the "Other" category (all States) from 12.9% to 3.7%.