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Bureau of Justice Statistics

Survey of State Procedures Related to Firearm Sales, 1996

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Survey of State Procedures Related to Firearm Sales, 1996

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

September 1997, NCJ-163918

**U.S. Department of Justice
Bureau of Justice Statistics**

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Director**

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Contents

Background v

Alabama	1
Alaska	2
Arizona	3
Arkansas	4
California	5
Colorado	6
Connecticut	7
Delaware	8
Florida	9
Georgia	10
Hawaii	11
Idaho	12
Illinois	13
Indiana	14
Iowa	15
Kansas	16
Kentucky	17
Louisiana	18
Maine	19
Maryland	20
Massachusetts	21
Michigan	22
Minnesota	23
Mississippi	24
Missouri	25
Montana	26
Nebraska	27

Nevada	28
New Hampshire	29
New Jersey	30
New Mexico	31
New York	32
North Carolina	33
North Dakota	34
Ohio	35
Oklahoma	36
Oregon	37
Pennsylvania	38
Rhode Island	39
South Carolina	40
South Dakota	41
Tennessee	42
Texas	43
Utah	44
Vermont	45
Virginia	46
Washington	47
West Virginia	48
Wisconsin	49
Wyoming	50
American Samoa	51
Puerto Rico	52
Virgin Islands	53
Guam	54
Washington D.C.	55

Appendixes

A. State FIST contact	57
B. Tables	
1. Applications processed	63
2. Brady status	64
3. Fees, processing period	65
4. Databases searched	66
5. Information provided	67

Background

This report is the second edition of the BJS document, *Survey of State Procedures Related to Firearm Sales*. The first edition, released in May 1996 (NCJ-160763), described procedures related to presale firearm background checks in each of the 50 States as of April 1996. This edition updates the earlier publication and describes the procedures and practices in effect as of the end of 1996.

The document is prepared as part of the BJS Firearm Inquiry Statistics (FIST) project, a component of the BJS National Criminal History Improvement Program (NCHIP). The FIST project was established in 1995 to collect data describing the impact of presale firearm checks required under Federal or state law. The currently applicable interim provisions of the Brady Handgun Violence Prevention Act (Brady Act), PL 103-159, prohibit sale of a handgun by a Federal firearm licensee for a period of 5 days or until the licensee has been advised that, based on a background check, a prospective purchaser is not prohibited from purchase under either the Federal Gun Control Act or applicable State legislation. After November 1998, when the permanent provisions of the Brady Act are effective, instant background checks will be required prior to the sale of any firearm by a licensee.

The Federal Gun Control Act prohibits sales to one who —

- is a juvenile;
- is a fugitive from justice;
- is under indictment for, or has been convicted of, a crime punishable by imprisonment for more than 1 year;
- 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.

Data collected under the FIST program are also included in BJS Bulletins. The first Bulletin, *Presale Firearm Checks*, (NCJ 162787) was released in February 1997 and described inquiries and rejections related to all firearm sales between February 1994 (the effective date of the Brady Act requirements) and June 1996. A second BJS Bulletin, *Presale Handgun Checks 1996*, NCJ-165704 is being released simultaneously with this publication. The latter Bulletin focuses only on inquiries and rejections related to attempted handgun sales during 1996.

BJS anticipates that the procedural information presented in this report will be used together with the statistical information presented in the Bulletins to provide the user with a more complete understanding of the impact of presale firearm check requirements.

Data for this report were collected from agencies designated by their respective States as authorized to perform record checks for handgun purchasers and to determine if applications are acceptable under the Brady Act, or, particularly in the case of Brady-alternative States, under applicable State legislation. For purposes of this report, these agencies are referred to as "CLEOs" (Chief Law Enforcement Officers). Depending on the State, CLEOs may be either a single State agency servicing the entire State or one or more local agencies. The status of the reporting agency is described on the individual State summaries, and a list of State contacts is in *Appendix A*.

Descriptions of procedures, as reported in this report, and some statistical data presented in the Bulletins, were voluntarily provided on survey questionnaires. BJS also provided States with software for direct reporting of statistical information. The software, which was designed to minimize State burdens associated with data collection, was used at the option of the State. To ensure accuracy, a copy of each State's summary in this publication was forwarded to the State for review, and clarifying comments were used to refine the

summary. The data were collected and collated by the Regional Justice Information Service (REJIS), the BJS grantee for the FIST Project.

Consistent with confidentiality and privacy protection procedures, no data were collected under the project in a form identifiable to any individual. Additionally, the software provided to assist States in submitting data contains a purging mechanism which destroys data in accordance with applicable Federal or State law.

The information provided for each State reflects data provided by the State and may include procedures required under State as well as Federal legislation. In some cases, for example, States have imposed requirements which go beyond the baseline requirements of the Federal Brady Act. With respect to the impact of State restoration of handgun privileges, States or users are urged to contact the Bureau of Alcohol, Tobacco and Firearms (BATF).

Consistent with notations on the individual State summaries or the *Appendix* tables, the document describes procedures applicable to both handguns and other firearms.

Changes over time: Changes in the number of inquiries/denials and the rate of overall, or specific categories of, rejections may reflect a variety of factors. These include changes in State or Federal law, revisions in State policy, changes in State organization, and the status and availability of different categories of records. The regular release of updated information in these BJS documents is intended to highlight such changes.

The most significant change occurring during 1996 was the amendment to the Federal Gun Control Act which prohibited sales to persons convicted of any offense (felony or misdemeanor) involving domestic violence (the last item in the list of prohibitions noted on page v). This amendment, generally known as the "Lautenberg Amendment", was effective as of October 1996.

The individual State summaries include references to any information provided by the States with respect to the extent to which the State has been able to implement procedures to identify information relevant to this prohibition. States vary, reflecting differences in the extent to which such data can be readily identified in accessible databases. As noted in the summaries, some States have already been conducting such checks pursuant to State legislation, requiring that no new procedures be adopted. In light of the recency of the change and the wide variety of difficulties associated with implementation, however, readers are cautioned against forming conclusions based on the limited information provided by the States in this area.

Other changes, reflecting, for example, a revision to definitions of domestic violence or the establishment of statewide CLEOs, are noted in the individual summaries.

Alabama

A Brady State: 4,040,587 population

Source of Information. The information was provided by the Alabama Bureau of Investigation and the Alabama Criminal Justice Information Center. These agencies are not CLEOs as defined by the Brady Act. The CLEOs in the State of Alabama are the 67 county sheriffs.

Additional Restrictions on Purchase. Alabama places the following additional restriction on the purchase of handguns besides those required in the Brady Act: a 48-hour waiting period before the sale of the handgun.

Limitations on Use. Alabama places limitations on carrying handguns, but does not place limitations on the use of long guns.

Permits. Alabama does not require a permit to purchase a handgun.

Handgun Registration. Neither handguns nor long guns are registered.

Scope of Sales Covered. All sales by Federal Firearm Licensees are covered by State law, as well as sales by pawnshops. However, redemptions by the person who pawned the gun are not covered by law.

Background Checks. Background checks on the purchase of handguns are done by the sheriff. The dealer requests a check from the sheriff by sending the application to the CLEO via registered or certified mail. The results of that check are sent back to the dealer.

Information on the Application. In addition to the standard information, the following is required: race, occupation, make, model, caliber and manufacturer's number.

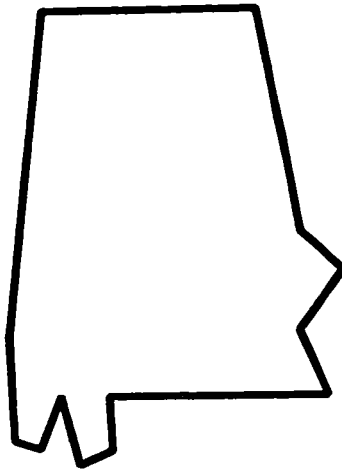
Inquiry Process. As a Brady State, CLEOs in Alabama have up to 5 days to perform the background check.

Fees Charged. There are no State-mandated fees. Any fee charged is at the discretion of the local CLEO.

State Data. Alabama makes the following data available to each CLEO via its automated statewide computer network: fugitive, criminal history, and probation and parole data.

Retention of Applications. The local CLEO keeps the approved applications on file for a maximum of 20 days. The retention period for rejected applications is determined by each CLEO.

Statistics Maintained. Alabama maintains statistics on the number of stolen handguns and the number of recovered handguns and has statistics on events which involve drugs, homicides, assaults, or the murder or assault of a police officer.



Alaska

A Brady State: 550,043 population

Source of Information. The information was provided by the Alaska Department of Public Safety. This agency is a CLEO as defined by the Brady Act. The Department and 34 local police agencies function as CLEOs within the State.

Additional Restrictions on Purchase.

Alaska does not place any additional restrictions on the purchase of handguns.

Limitations on Use.

Alaska does not place limitations on handguns or long guns.

Permits. Alaska does not require a permit to purchase a handgun.

Handgun Registration.

Handguns are not registered in Alaska.

Scope of Sales Covered.

Alaska covers sales in pawnshops, including pawnshop redemptions and sales occurring at gun shows.

Restoration of Rights. Alaska does not allow a convicted felon's right to own a handgun to be restored.

Background Checks. Background checks on handgun purchases are performed by either the State or local police agency. The dealer requests a check from the State or local police office for its jurisdiction. The results of that check are sent back to the dealer.

Information on the Application. Alaska uses the standard BATF form.

Inquiry Process. No information is available.

Fees Charged. There are no State-mandated fees. Any fee charged is at the discretion of the local CLEO.

State Data.

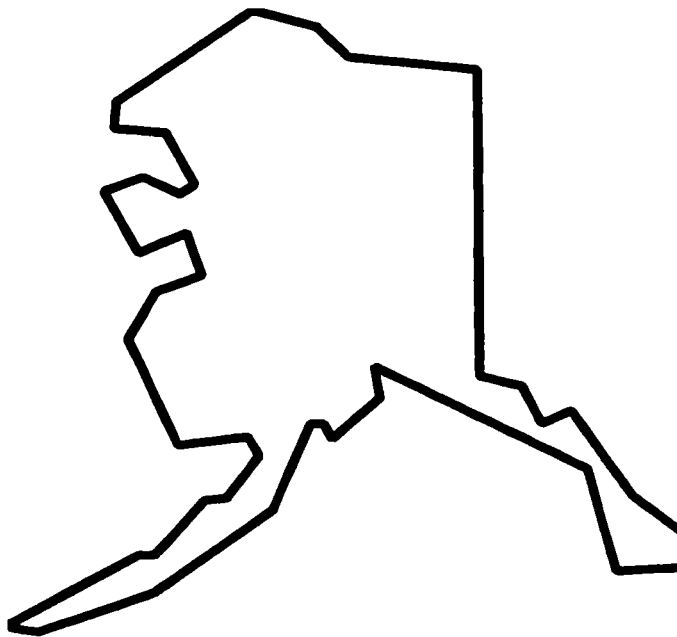
Alaska makes the following data available to each CLEO via the statewide computer network: fugitive, criminal history, court restraining orders, and domestic violence. These files are fully automated.

Retention of

Applications. As a Brady State, the CLEO keeps approved applications for a maximum of 20

days. Rejected applications are kept at the discretion of the local CLEOs.

Statistics Maintained. No information is available.



Arizona

A Brady State: 3,665,228 population

Source of Information. The information was provided by the Arizona Department of Public Safety. This agency is the CLEO as defined by the Brady Act.

Additional Restrictions on Purchase. Arizona does not place any additional restrictions on the purchase of handguns.

Limitations on Use. Arizona places limitations on carrying handguns and long guns.

Permits. Arizona does not require a permit to purchase a handgun. Carrying a concealed handgun does require a permit.

Handgun Registration. Handguns are not registered.

Scope of Sales Covered. The only sales of handguns that are regulated are those covered by the Brady Act.

Restoration of Rights. Arizona allows a convicted felon's right to own a handgun to be restored. This procedure requires a court order signed by a judge. Prior to 1988, restoration of a convicted felon's right to own a handgun was automatic and did not require a court order.

Background Checks. Background checks on purchases of handguns are done by the CLEO. The dealer requests a check by using a 1-800 number, regular phone, mail, or fax. The results of that check are sent back to the dealer.

Information on the Application. Arizona uses the standard BATF form.

Inquiry Process. For applications which require no research, the process normally takes less than 5 minutes. Those requiring research normally take less than 5 days.

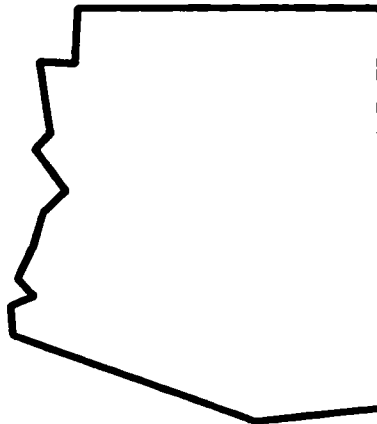
Fees Charged. No fee is charged.

State Data. The CLEO has access to the following data from the statewide computer network: fugitive and criminal history (including probation and parole information if part of the person's criminal history). These files are fully automated and contain 100% of the data available at the State level. In addition they also have access to sex offender registration and department of corrections data.

Retention of Applications. As a Brady State, the local CLEO keeps approved applications for a maximum of 20 days. Rejected applications are kept at the discretion of the CLEOs.

Statistics Maintained. Arizona maintains statistics on events which involve homicides, assaults, and other specific activities.

Current Activity. In 1996 Arizona processed 72,715 applications; 2,203 were disapproved. This represents a rejection rate of 3.0%.



Arkansas

A Brady State: 2,350,725 population

Source of Information. The information was provided by the Arkansas State Police. This agency is the CLEO as defined by the Brady Act.

Additional Restrictions on Purchase. Arkansas does not place any additional restrictions on the purchase of handguns.

Limitations on Use. Arkansas places limitations on carrying handguns and long guns.

Permits. Arkansas does not require a permit to purchase a handgun.

Handgun Registration. Handguns are not registered in Arkansas.

Scope of Sales Covered. The only sales of handguns that are regulated in Arkansas are those covered by the Brady Act.

Restoration of Rights. Arkansas allows a felon's right to own a handgun to be restored in some cases. This occurs with some expungements and pardons; the governor can also restore these rights.

Background Checks. Background checks on purchases of handguns are done by the CLEO. The dealer requests a check using a 1-900 number, certified mail, or in person. The results of that check are sent back to the dealer if the application is rejected. If it is not rejected, the 5-day waiting period is allowed to expire. Fingerprints are used if there is a question of identity.

Information on the Application. Arkansas uses the standard BATF form.

Inquiry Process. The CLEO does not reply unless it is to deny an application. Those requiring research normally take less than 5 days.

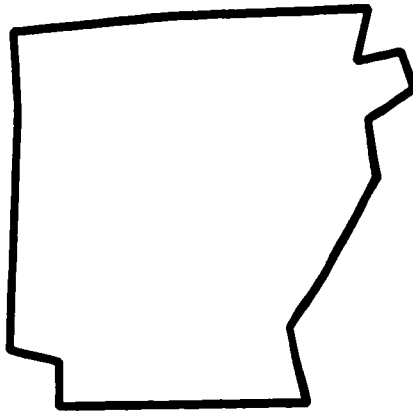
Fees Charged. The CLEO charges \$15 for the background check and an additional \$3 for the 1-900 number if it is used.

State Data. The CLEO has access to the following data from the statewide computer network: fugitive, criminal history, court restraining order, and some domestic violence information. These files are fully automated.

Retention of Applications. Approved applications are kept for a maximum of 20 days. Rejected applications are kept indefinitely.

Statistics Maintained. Arkansas maintains statistics on events which involve a handgun and homicides, assaults, and other specific activities.

Current Activity. In 1996 Arkansas processed 25,742 application; 506 were disapproved. This represents a rejection rate of 2.0%.



California

A Brady-alternative State: 29,760,021 population

Source of Information. The information was provided by the California Department of Justice. This agency is the CLEO.

Additional Restrictions on Purchase.

California prevents purchase if the applicant is guilty of certain misdemeanors which threaten or harm another individual or involve the misuse of a firearm; same restrictions apply to the purchase of a long gun.

Limitations on Use. California places limitations on carrying handguns.

Permits for Handguns. California requires permits for concealed handguns, dangerous weapon permits, and certificates of eligibility.

Handgun Registration.

Handguns are not registered in California, but the automated files maintain a record of handgun purchases and transfers. Long guns are registered.

Scope of Sales Covered. All sales by California Licensed Firearm Dealers are covered, as well as sales by pawnshops and sales from one individual to another. Redemptions from pawnshops are not covered nor are antiques and loans of less than 30 days.

Restoration of Rights. California allows restoration of a convicted felon's right to own a handgun only if the court reduces the charge to a misdemeanor.

Background Checks. Background checks on purchases of handguns are done by the CLEO. The dealer requests a check and the results are sent back via mail or phone. The

CLEO has 15 days to do the check; the transfer cannot take place prior to that time.

Special Note. California has implemented a "paperless" process effective April 1, 1997.

Information on the Application. The following information is required: name, sex, home address, local address if traveling, height, weight, descent, hair color, eye color, date of application, make, model, type of weapon and serial number.

Inquiry Process. All applications require a 15-day waiting period.

Fees Charged. The CLEO charges \$14 (\$10 for subsequent purchases at the same time) for the check.

State Data. The CLEO has access to fugitive, criminal record, court restraining orders, probation and parole, juvenile, mental health, domestic abuse, and sex registration files. The files are fully automated (except for probation and parole).

Retention of Applications. All applications are kept on microfiche indefinitely.

Statistics Maintained. California maintains statistics on stolen and recovered handguns, handgun accidents, and on events which involve a handgun and drugs, homicides, and other specific activities.

Current Activity. In 1996 California processed 215,804 applications; 2,111 were disapproved. This represents a rejection rate of 1.0%.



Colorado

A Brady-alternative State: 3,294,394 population

Source of Information. The information was provided by the Colorado Bureau of Investigation. This agency is the CLEO.

Additional Restrictions on Purchase.

Colorado will not authorize a gun purchase if the applicant is guilty of certain misdemeanors.

Limitations on Use. Colorado places limitations on carrying handguns and long guns.

Permits. Colorado does not require a permit to purchase a handgun.

Handgun Registration.

Handguns are not registered in Colorado.

Scope of Sales Covered. All handgun sales by Federal Firearm Licensees are covered by State law, as well as pawnshop redemptions.

Restoration of Rights. Convicted felons may possess a handgun 10 years after the date of release from supervision.

Background Checks. Colorado has an instant check system. Background checks on purchases of handguns are done by the CLEO. The dealer requests a check by using a 1-800 number.

Special Note. In March 1997 pawnshop redemptions were excluded from background check requirements.

Information on the Application. Colorado's application contains the following information: name, address, race, sex, date of birth, Social Security number, date of request, and action taken.

Inquiry Process. For applications which require no research, the process takes less than 1 minute. Those requiring research take less than 1 day.

Fees Charged. The CLEO charges \$10 for the background check.

State Data. The CLEO has access to the following data from the statewide computer network: fugitive, criminal history, court restraining orders, probation and parole, juvenile and domestic abuse. These files are fully automated.

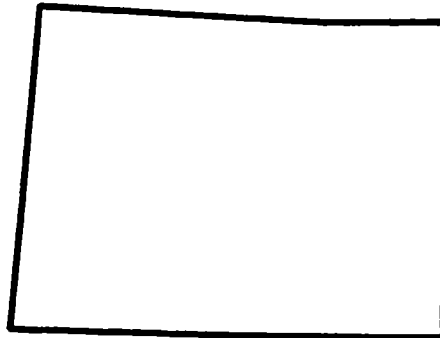
Retention of Applications.

The CLEO purges approved applicant information within 24 hours; denied applicant information is purged after 2 years.

Statistics Maintained.

Colorado maintains statistics on the number of approvals and denials, including offense denied on.

Current Activity. In 1996 Colorado processed 51,450 applications; 3,518 were disapproved. This represents a rejection rate of 6.8%.



Connecticut

A Brady-alternative State: 3,287,116 population

Source of Information. The information was provided by the Connecticut State Police. This agency is the CLEO.

Additional Restrictions on Purchase.

Connecticut prevents handguns from being purchased if the applicant is guilty of any of eleven misdemeanors pertaining to firearms and dangerous weapons, or when suitability can be questioned when involved in public incidents.

Limitations on Use. Connecticut places limitations on carrying handguns but places no limitations on the use of long guns.

Permits. Connecticut requires a permit, which the applicant carries to the dealer to certify that he/she is authorized to purchase a handgun.

Handgun Registration. Handguns are registered in Connecticut.

Scope of Sales Covered. All sales by Federal Firearm Licensees and individuals are covered by State law, as well as sales by pawnshops and redemptions by the person who pawned the gun.

Restoration of Rights. Connecticut allows rights to be restored if the person goes to the Board of Pardons and has the conviction cleared from the record.

Background Checks. A dealer requests a check by using a 1-800 number, regular phone, mail, certified mail, fax, or in person to the CLEO. If not rejected and the 14-day waiting period expires, the person is allowed to purchase the handgun.

Information on the Application.

Connecticut's application contains the following information: name, address, race, sex, height, weight, date of birth, Social Security number, date of request, date action taken, action taken, reason for rejection, type, make, model and serial number of weapon.

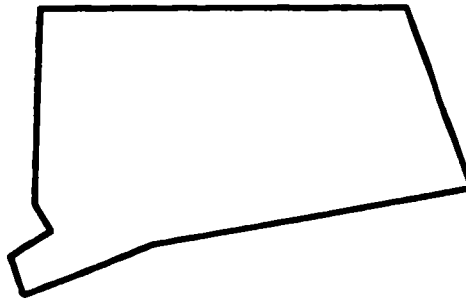
Inquiry Process. For applications which require no research, the process normally takes less than 15 minutes. Those requiring research normally take less than 3 days.

Fees Charged. No fee is charged.

State Data. The following data are available to the CLEO from the statewide computer network: fugitive, criminal history, probation and parole (10%), and domestic abuse (25%). Court restraining orders are checked through the local police agency.

Retention of Applications. Connecticut keeps approved and rejected applications indefinitely. The gun dealer keeps approved applications for 5 years.

Statistics Maintained. Connecticut maintains statistics on confiscated handguns as well as statistics on events which involve gangs, homicides, and other specific activities.



Delaware

A Brady-alternative State: 666,168 population

Source of Information. The information was provided by the Delaware State Police. This agency is the CLEO.

Additional Restrictions on Purchase. Delaware prevents handguns from being purchased if the applicant is guilty of any misdemeanors involving assault or drug violation within the last 5 years. It also places restrictions on those people who are not yet 25 and who as juveniles committed acts that would have been felonies if they were adults.

Limitations on Use. Delaware places limitations on carrying a concealed handgun and requires that long guns be unloaded while being carried in a motor vehicle.

Permits. Delaware does not require a permit to purchase a handgun.

Handgun Registration. Handguns are not registered in Delaware.

Scope of Sales Covered. All sales by Federal Firearm Licensees are covered by State law. In addition, checks may be run on private sales. This is an option and not a requirement.

Restoration of Rights. A convicted felon's right to own a handgun may be restored through a governor's pardon.

Background Checks. Delaware has an instant check system. The dealer requests a check by using a 1-800 number. The results of that check are sent back to the dealer by phone.

Information on the Application. Delaware's application contains the following information: name, address, race, sex, date of birth, Social Security number, date of request, date action taken, and action taken; if the application is rejected, the type of weapon, make, model and serial number of weapon.

Inquiry Process. For applications which require no research, the process normally takes less than six minutes. Those requiring research normally take less than 14 minutes.

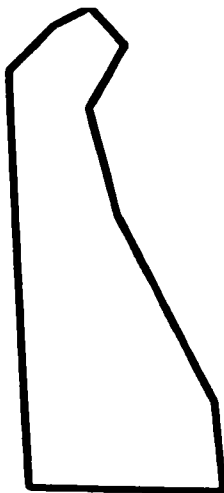
Fees Charged. No fee is charged.

State Data. The CLEO has access to the following data from the statewide computer network: fugitive, criminal history, probation and parole, juvenile, mental health, and domestic violence. These files are fully automated (except for mental health which is partially automated).

Retention of Applications. Delaware keeps the approved applications for 60 days and the rejected applications indefinitely.

Statistics Maintained. Delaware maintains statistics on handgun accidents as well as statistics on events which involve a handgun and homicides, drugs, and other specific activities.

Current Activity. In 1996 Delaware processed 11,826 applications; 639 were disapproved. This represents a rejection rate of 5.4%.



Florida

A Brady-alternative State: 12,937,926 population

Source of Information. The information was provided by the Florida Department of Law Enforcement. This agency is the CLEO.

Additional Restrictions on Purchase. There is a three-day waiting period before the sale of a handgun.

Limitations on Use. Florida limits carrying concealed handguns to persons holding permits.

Permits. No permit is required to purchase a handgun; the concealed weapons permit can serve in place of a background check.

Handgun Registration. Handguns are not registered in Florida.

Scope of Sales

Covered. All sales by Federal Firearm Licensees are covered by State law, as well as sales by pawnshops. However, redemptions by the person who pawned the gun are not covered unless the person left the gun there for more than 90 days.

Restoration of Rights. Florida allows a convicted felon's right to own a handgun to be restored through a governor's pardon and a pardon from the State where the felony conviction occurred.

Background Checks. Florida is an Instant Check State. The dealer requests a check using a 1-800 number or fax. If it is not rejected, the 3-day waiting period is allowed to expire, and the person has the right to

purchase the handgun. Long gun purchasers must also be checked, but do not have a 3-day waiting period.

Information on the Application. Florida's application contains the following information: current name, previous names, race, sex, date of birth, Social Security number (optional), date of request, date action taken, and action taken.

Inquiry Process. For applications which require no research, the process normally takes less than 3 minutes. Those requiring research take less than 3 days.

Fees Charged. The CLEO charges \$8 for the background check.

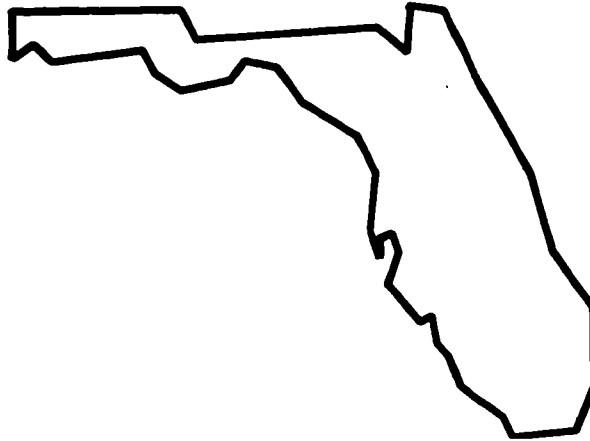
State Data. The CLEO has access to the following statewide

data: fugitive, criminal history, court restraining orders, probation and parole, and some misdemeanor domestic violence (when noted in criminal history). These files are fully automated.

Retention of Applications. Approved applications are retained for less than 2 days and rejected applications indefinitely.

Statistics Maintained. No information is available.

Current Activity. In 1996 Florida processed 213,133 applications; 6,236 were disapproved. This represents a rejection rate of 2.9%.



Georgia

A Brady-alternative State: 6,478,216 population

Source of Information. The information was provided by the Georgia Bureau of Investigation/Crime Information Center. This agency is the CLEO.

Additional Restrictions on Purchase. Georgia does not place additional restrictions on the purchase of handguns.

Limitations on Use. Georgia places limitations on carrying handguns.

Permits. Georgia does not require a permit to purchase a handgun.

Handgun Registration. Handguns are not registered in Georgia.

Scope of Sales Covered. All sales by Federal Firearm Licensees (FFL) are covered by State law, as well as sales by pawnshops. However, redemptions by the person who pawned the gun are not covered unless the person left the gun for more than 1 year.

Restoration of Rights. Georgia allows a convicted felon's right to own a handgun to be restored if granted a pardon and the Pardon and Parole Board specifically restores the right to possess a firearm.

Background Checks. Effective January 1, 1996, Georgia implemented an instant check system. The dealer requests a check using a 1-800 number. The results of the check are sent back to the dealer.

Information on the Application. Georgia's application contains the following information: name, sex, race, and date of birth.

Inquiry Process. For applications which require no research, the process normally takes less than 5 minutes. Those requiring research normally take less than 1 day.

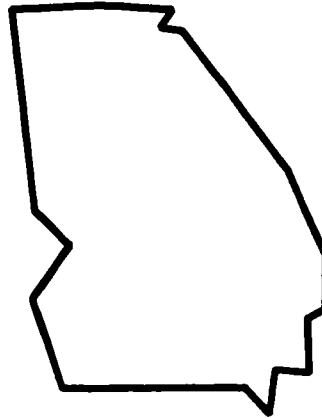
Fees Charged. The CLEO charges \$5 for the background check.

State Data. Georgia has access to databases for fugitive, criminal history, probation and parole, mental health, and domestic violence data. These files are fully automated.

Retention of Applications. The Georgia Consent Form is attached to ATF 4473 by the FFL and retained by the FFL. The State does not keep a record of approved sales. Rejected applications are kept on record for 90 days.

Statistics Maintained. No information is available.

Current Activity. In 1996 Georgia processed 89,786 applications; 8,463 were disapproved. This represents a rejection rate of 9.4%.



Hawaii

A Brady-alternative State: 1,108,229 population

Source of Information. The information was provided by the Hawaii Criminal Justice Information Center and the Honolulu Police Departments. The CLEOs in the State of Hawaii are the four local police departments.

Additional Restrictions on Purchase.

In addition to the Brady Act requirements, the State of Hawaii prevents handguns from being purchased if the applicant is guilty of any misdemeanor involving violent acts or domestic abuse, illegal sale of drugs, or has exhibited significant behavioral, emotional, or mental disorders.

Limitations on Use. Hawaii places limitations on carrying handguns and long guns.

Permits. Hawaii requires a permit.

Handgun Registration. Handguns and long guns are registered in Hawaii.

Scope of Sales Covered.

All sales by Federal Firearm Licensees are covered by State law, including sales by individuals. Handguns may not be pawned in Hawaii.

Restoration of Rights. The State of Hawaii does allow a convicted felon's right to own a handgun to be restored through a governor's pardon.

Background Checks. Background checks on purchases of handguns are done by the police departments.

Information on the Application. Hawaii's application contains the following information: name, address, race, sex, height, weight, date of birth, Social Security number, phones, business address, hair and eye color, photograph, fingerprints, and mental health history. The following fields are optional: previous address, previous names, occupation, scars, marks, and tattoos.

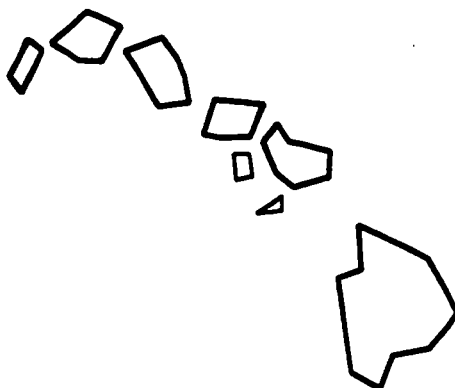
Inquiry Process. Hawaii has a 14-day waiting period, and handguns must be picked up within 10 days from their date of issue.

Fees Charged. As of July 1, 1996, first time applicants are charged \$24 to subsidize the FBI fingerprint check.

State Data. Hawaii checks the State control repository of criminal history records for criminal history and domestic violence data. Mental health data are also checked manually. Fugitive and court restraining order data are checked at the local level.

Retention of Applications. The local CLEO keeps the approved and rejected applications on file indefinitely.

Statistics Maintained. No information is available.



Idaho

A Brady-alternative State: 1,006,749 population

Source of Information. The information was provided by the Idaho Department of Law Enforcement. This agency is the CLEO.

Additional Restrictions on Purchase. The State of Idaho does not place any additional restrictions on the purchase of handguns.

Limitations on Use. There are limitations on carrying concealed handguns and concealed long guns.

Permits. Permits are required for concealed weapons only. As of July 1, 1995, this permit may be used in lieu of a background check.

Handgun Registration. Handguns are not registered in Idaho.

Scope of Sales Covered. Only dealers registered with the State of Idaho may access the instant check system to sell handguns. Sales between individuals and redemptions by pawnshops are not covered.

Restoration of Rights. The State of Idaho does allow a convicted felon's right to own a handgun to be restored automatically after completion of imprisonment (or probation and parole) except for certain felony offenses.

Background Checks. Idaho has an instant check system. Background checks on purchases of handguns are done by the CLEO. The dealer requests a check by using a 1-800 number or regular phone. The results of that check are sent back to the dealer.

Information on the Application. Idaho's application contains the following information: name, sex, race and date of birth. The following fields are optional: address, height, weight, and Social Security number.

Inquiry Process. For applications which require no research, the process normally takes less than 3 minutes. Those requiring research normally take less than 1 hour.

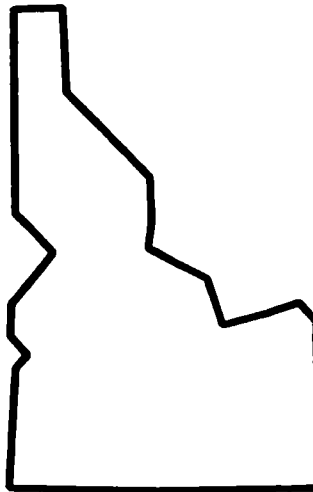
Fees Charged. The CLEO charges the dealer an annual \$100 fee.

State Data. The CLEO has access to the following data on the statewide computer network: fugitive, criminal history, and domestic violence, as well as a sex offender registry. These files are fully automated. The CLEO also has access to a State civil protective order file.

Retention of Applications. The CLEO keeps approved applications for less than 5 days and rejected applications for 6 months.

Statistics Maintained. Idaho maintains statistics on events which involve a handgun and homicides, gangs, and other specific activities.

Current Activity. In 1996 Idaho processed 24,604 applications; 791 were disapproved. This represents a rejection rate of 3.2%.



Illinois

A Brady-alternative State: 11,430,602 population

Source of Information. The information was provided by the Illinois State Police. This agency is the CLEO.

Additional Restrictions on Purchase. The State of Illinois requires residents to possess a valid Firearm Owner's Identification (FOID) card to purchase firearms or firearm ammunition. Limitations are placed on persons who are mentally retarded or have committed nonfelony violations as juveniles.

Limitations on Use. Illinois places limitations on carrying handguns and long guns. Carrying concealed firearms is not allowed in Illinois.

Permits. Illinois issues a FOID card, good for 5 years, to eligible residents.

Handgun Registration. Handguns are not registered by the State, but some local governments have registration requirements.

Scope of Sales Covered. All sales by Federal Firearm Licensees are covered by State law, as well as sales from or by pawnshops. Redemptions of handguns by their owner are treated as new sales. Sales between private individuals are not covered.

Restoration of Rights. A convicted felon's right to own a firearm may be restored if he/she successfully completes an appeal process and is granted a pardon.

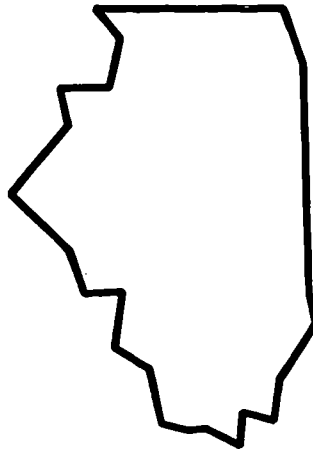
Background Checks. Illinois has an instant check system. Background checks are conducted on all persons applying for a FOID card and are also made when purchasing a firearm. The dealer requests a check from the CLEO using one of two 1-900 numbers.

Information on the FOID Application. The application requires: name, address, race, sex, height, weight, date of birth, eye color, hair color,

and a picture. Applicants must also answer specific questions regarding eligibility factors and have their signature notarized.

Inquiry Process. Transactions requiring no research are completed in less than 1 minute. Those requiring research are completed within 24-72 hours depending on the type of firearm.

Fees Charged. The CLEO charges \$2 for the inquiry at the time of purchase and \$5 for the FOID card.



State Data. The CLEO has access to the following data from the statewide computer network: national, fugitive, criminal history, and conviction information. These files are automated and contain a portion of the data needed to process applications or purchase inquiries. Other files contain information on court restraining orders, mental health, and domestic violence.

Retention of Applications. The data from the approved and rejected FOID application are retained in the computer indefinitely in various forms. The approved applications from the 1-900 calls are kept for 1 year. Rejected applications are kept for 5 years.

Statistics Maintained. Illinois maintains statistics on stolen and recovered handguns. Illinois also maintains statistics on events which involve a handgun and homicides, gangs, and other specific activities.

Current Activity. In 1996 Illinois processed 178,168 applications; 1,997 were disapproved. This represents a rejection rate of 1.1%.

Indiana

A Brady-alternative State: 5,544,159 population

Source of Information. The information was provided by the Indiana State Police. This agency is the CLEO.

Additional Restrictions on Purchase. In addition to the restrictions under the Brady Act, Indiana does not allow the sale of a handgun to a person who is intoxicated.

Limitations on Use. Indiana places limitations on carrying handguns. The focus of these restrictions are on where a handgun can be carried.

Permits. Indiana does not require a permit to purchase a handgun.

Handgun Registration. Handguns are voluntarily registered in Indiana.

Scope of Sales Covered. All sales by Federal Firearm Licensees are covered by State law, as well as sales by pawnshops and sales from one individual to another. Redemptions of handguns by their owner are treated as new sales.

Restoration of Rights. Indiana allows a convicted felon's right to own a handgun to be restored through a governor's pardon.

Background Checks. Background checks on purchases of handguns are done by the CLEO. The dealer or applicant requests a check by submitting an application through the mail. The results of that check are sent back via phone.

Information on the Application. Indiana's application contains the following information: name, address, race, sex, height, weight, hair color, eye color, date of birth, fingerprints, occupation, scars, marks and tattoos.

Inquiry Process. Indiana has a 7-day waiting period.

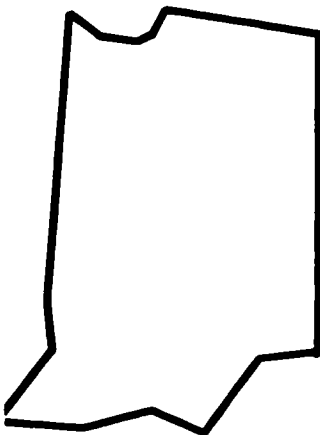
Fees Charged. The CLEO does not charge a fee for the background check.

State Data. The CLEO has access to the following data from the statewide computer network: criminal history data. This file is fully automated and contains 100% of the data available at the State level.

Retention of Applications. The CLEO does not keep approved applications. It keeps rejected applications indefinitely.

Statistics Maintained. No information is available.

Current Activity. In 1996 Indiana processed 81,974 applications; 907 were disapproved. This represents a rejection rate of 1.1%.



Iowa

A Brady-alternative State: 2,776,755 population

Source of Information. The information was provided by the Iowa Department of Public Safety. This agency is not a CLEO. The CLEOs in the State of Iowa are the 99 county sheriffs.

Additional Restrictions on Purchase. In addition to the restrictions in the Brady Act, Iowa prohibits the sale of handguns to anyone who has been convicted of domestic abuse or other serious assault, has a history of repeated acts of violence, is addicted to alcohol or a controlled substance, or has been judged mentally incompetent.

Limitations on Use. Iowa places limitations on carrying handguns and long guns.

Permits. Iowa requires an annually renewed permit to purchase a handgun.

Handgun Registration. Handguns are not registered in Iowa.

Scope of Sales Covered. All sales by Federal Firearm Licensees are covered, as well as sales from one individual to another and sales by pawnshops. However, redemptions by the person who pawned the gun are not covered by State law.

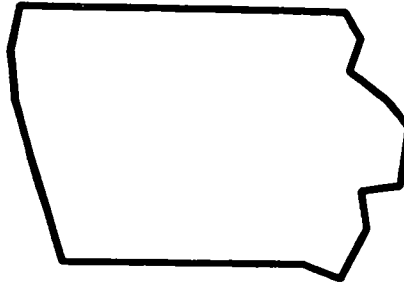
Restoration of Rights. Iowa does allow a convicted felon's right to own a handgun to be restored through pardon.

Background Checks. Background checks on purchases of handguns are done by the county sheriffs. The sheriff then issues a permit to purchase that is valid for 1 year.

Information on the Application. Iowa's application contains the following information: name, address, date of birth, Social Security number, date of request, date action taken, and action taken.

Inquiry Process. Iowa has a minimum 3-day waiting period. Permits may not be issued without the check being completed.

Fees Charged. There are no State-mandated fees. Any fee charged is at the discretion of the local CLEO.



State Data. CLEOs have access to the following data on the statewide computer network: fugitive, criminal history, court restraining orders, and domestic abuse. These files are fully automated. The CLEOs also have access to some probation and parole and juvenile data, as well as access to manual files for mental health.

Retention of Applications. CLEOs keep the approved applications for 4 years and rejected applications for 3 years.

Statistics Maintained. No information is available.

Kansas

A Brady State: 2,477,574 population

Source of Information. The information was provided by the Kansas Bureau of Investigation. This agency is not a CLEO as defined by the Brady Act. The CLEOs in the State of Kansas are the 123 local sheriffs and police departments.

Additional Restrictions on Purchase. Kansas does not place additional restrictions on the purchase of handguns.

Limitations on Use. Kansas places limitations on carrying handguns and long guns.

Permits. Kansas does not require a permit to purchase a handgun.

Handgun Registration. Handguns are not registered in Kansas.

Scope of Sales Covered.

All sales by Federal Firearm Licensees are covered by State law. However, pawnshop redemptions and private sales are not covered.

Restoration of Rights. Kansas allows a convicted felon's right to own a handgun to be restored after 10 years (5 if it was a minor felony) unless the person was in possession of a firearm during the incident or it was a drug offense.

Background Checks. Background checks on purchases of handguns are done by the local CLEO. The dealer requests a check by sending the application to the CLEO via phone, mail, fax, certified mail, or in person.

Information on the Application. Kansas uses the standard BATF form.

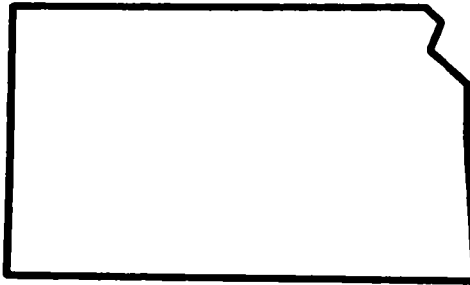
Inquiry Process. The process usually takes less than 1 day.

Fees Charged. There are no State-mandated fees. Any fee charged is at the discretion of the local CLEO.

State Data. Kansas receives record check requests from each CLEO via the statewide computer network. The central repository responds via the same network with a qualified/disqualified message for Brady Act responses. Complete criminal history records are disseminated to the CLEO and other authorized recipients via mail. Domestic violence data will be available in the future.

Retention of Applications. As a Brady State, the local CLEO keeps the approved applications for a maximum of 20 days. Rejected applications are kept at the discretion of the local CLEOs.

Statistics Maintained. Kansas maintains statistics on stolen and recovered handguns, as well as statistics on events which involve a handgun and homicides, gangs, and other specific activities.



Kentucky

A Brady State: 3,685,296 population

Source of Information. The information was provided by the Kentucky State Police. This agency is a CLEO as defined by the Brady Act. This agency and the sheriffs of Marshall, Ballard, Callaway, and Boyd counties function as CLEOs within the State.

Additional Restrictions on Purchase. Kentucky does not place any additional restrictions on the purchase of handguns.

Limitations on Use. Kentucky places limitations on carrying handguns and long guns.

Permits. Kentucky does not require a permit to purchase a handgun.

Handgun Registration. Handguns are not registered in Kentucky.

Scope of Sales Covered. The only sales of handguns that are regulated in Kentucky are those covered by the Brady Act.

Restoration of Rights. Kentucky does allow a convicted felon's right to own a handgun to be restored through a governor's pardon.

Background Checks. Background checks on purchases of handguns in Marshall, Ballard, Callaway, and Boyd counties are performed by the county sheriff. Background checks throughout the rest of Kentucky are done by the State Police. The dealer requests a check by mail, fax, or certified mail. If the application is rejected, the denial is telephoned to the dealer with only the message number from the background check response. The applicant will receive a denial letter stating the charge, contributing agency, date of criminal history, and disposition, if available.

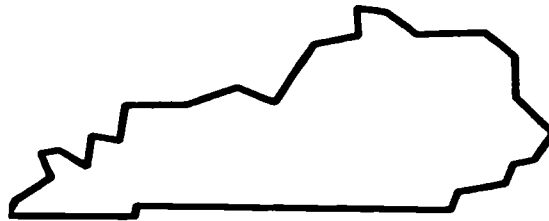
Information on the Application. In addition to the data on the standard BATF form, Kentucky requires the social security number.

Inquiry Process. The check normally takes no longer than 3 days. Kentucky also has a mandatory 5-day waiting period.

Fees Charged. No fee is charged.

State Data. CLEOs have access to the following data from the statewide computer network: fugitive, criminal history, and court restraining orders. These files are fully automated.

Retention of Applications. As a Brady State the CLEOs keep the approved applications for a maximum of 20 days. Rejected applications are retained indefinitely.



Statistics Maintained. Kentucky maintains statistics on stolen, recovered, handgun murders and assaults, as well as statistics on events which involve a handgun and homicides, drugs and other specific activities.

Current Activity. In 1996 Kentucky processed 67,830 applications; 1,600 were disapproved. This represents a rejection rate of 2.4%.

Louisiana

A Brady State: 4,219,973 population

Source of Information. The information was provided by the Louisiana State Police. This agency is not a CLEO. The CLEOs are the 63 sheriffs and the New Orleans Police Department.

Additional Restrictions on Purchase. Louisiana does not place any additional restrictions on the purchase of handguns.

Limitations on Use. Louisiana is a compulsory issue concealed handgun permit State. Evidence of proper training plus no criminal record, along with completion of other administrative requirements entitles a citizen to receive a permit. Louisiana does not place any limitations on the use of long guns.

Permits. Louisiana does not require a permit to purchase a handgun.

Handgun Registration. Handguns are not registered in Louisiana.

Scope of Sales Covered. The only handgun sales regulated in Louisiana are those covered by the Brady Act.

Restoration of Rights. Louisiana does allow a convicted felon's right to own a handgun to be restored through a governor's pardon.

Background Checks. Background checks on purchases of handguns are done by the local sheriffs and the New Orleans Police Department. The dealer requests a check by sending the application to the CLEO.

Information on the Application. Louisiana uses the standard BATF form.

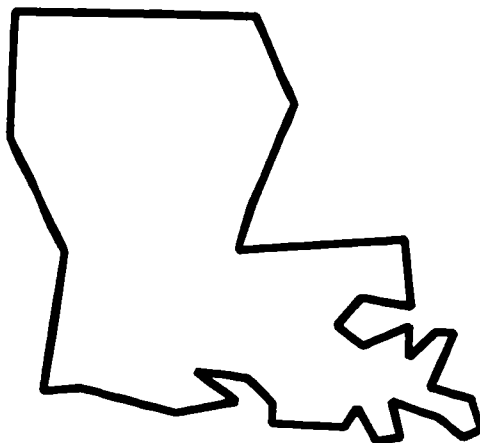
Inquiry Process. No information is available.

Fees Charged. There are no State-mandated fees. Any fee charged is at the discretion of the local CLEO.

State Data. Louisiana makes the following data available to each CLEO via its statewide computer network: criminal history and fugitive. These files are fully automated.

Retention of Applications. The local CLEO keeps the approved applications for a maximum of 20 days. Rejected applications are kept at the discretion of the local CLEOs.

Statistics Maintained. Statistics are not maintained in Louisiana.



Maine

A Brady State: 1,227,928 population

Source of Information. The information was provided by the Maine State Police. This agency and the 128 local police departments are CLEOs as defined by the Brady Act.

Additional Restrictions on Purchase. Maine does not place any additional restrictions on the purchase of handguns.

Limitations on Use. Maine places limitations on carrying handguns and long guns. The focus of these restrictions are on where a handgun can be carried.

Permits. Maine does not require a permit to purchase a handgun. A permit to carry a concealed weapon is required.

Handgun Registration. Handguns are not registered in Maine.

Scope of Sales Covered. The only sales of handguns that are regulated in Maine are those covered by the Brady Act.

Restoration of Rights. Maine does allow a convicted felon's right to own a handgun to be restored through a governor's pardon.

Background Checks. Background checks on purchases of handguns are done by the local police departments. The dealer requests a check from the local police department by sending the application to the CLEO. The State police provide this service in unincorporated areas.

Information on the Application. Maine uses the standard BATF form.

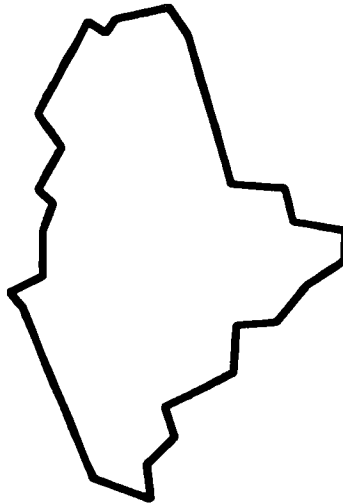
Inquiry Process. When performed by the State police, the process for approved applications is normally completed within 24 hours. Processing applications which are not approved normally takes less than 72 hours.

Fees Charged. No fee is charged.

State Data. Maine makes the following data available to each CLEO: fugitive, criminal history, and Department of Motor Vehicle data. These files are maintained manually and are accessed via teletype. Local CLEOs check court restraining orders in their own local files.

Retention of Applications. As a Brady State the local CLEO keeps the approved applications for a maximum of 20 days. Rejected applications are kept indefinitely.

Statistics Maintained. No information is available.



Maryland

A Brady-alternative State: 4,781,468 population

Source of Information. This information was provided by the Maryland State Police, Licensing Division which is the CLEO.

Additional Restrictions on Purchase. The applicant must be a resident for 1 month, must not be habitually intoxicated, a habitual user of any controlled dangerous substance, and not convicted of any felony or misdemeanor that carries more than a 2-year term of imprisonment.

Limitations on Use. A handgun permit issued by the Secretary of the Maryland State Police is required to carry a handgun.

Permits. Maryland does not require a permit to purchase a handgun.

Handgun Registration. Maryland maintains a permanent record of all completed sales of regulated firearms.

Scope of Sales Covered. Any dealer selling regulated firearms in Maryland must have, in addition to a Federal Firearms License, a State-issued regulated Firearms Dealers License. This includes sales by pawnshops. However, redemptions by the person who pawned the regulated firearm is not considered a sale and is not regulated by the State. Effective October 1, 1996, private sales are regulated and require a background investigation on the applicant.

Restoration of Rights. Rights may be restored through a governor's pardon, provided that more than 10 years have passed since the conviction, and no other criminal violations have occurred.

Background Checks. The dealer requests a background check for a handgun by submitting an application to purchase by certified mail or fax. Maryland requires a minimum 7-day waiting period.

Information on the Application. The application contains the following information: name, address, race, sex, height, weight, hair color, eye color, date of birth, place of birth, Social Security number (optional), occupation, date of request, date action taken, action taken, type of handgun, make, model, and serial number of the handgun.

Inquiry Process. Applications requiring no additional research take approximately 5 days. Applications which require additional research normally take less than 1 month.

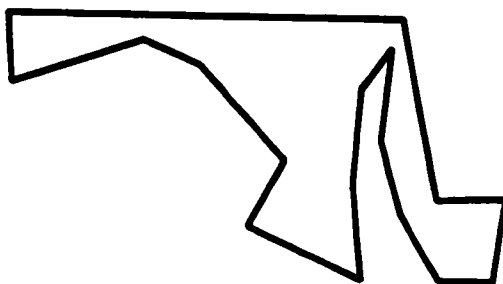
Fees Charged. The CLEO charges a \$10 application fee.

State Data. The CLEO has access to fugitive, criminal history, court restraining orders, domestic violence, and probation and parole data. The fugitive and criminal history files are fully automated.

Retention of Applications. A permanent record of all completed applications of regulated firearms is maintained. Rejected applications are maintained for 3 years.

Statistics Maintained. Maryland maintains statistics on events which involve a handgun and homicides, robbery, and other specific activities.

Current Activity. In 1996 Maryland processed 31,362 applications; 344 were disapproved. This represents a rejection rate of 1.1%.



Massachusetts

A Brady-alternative State: 6,016,425 population

Source of Information. The information was provided by the Massachusetts Department of Public Safety. This agency is not a CLEO. The CLEOs in the State of Massachusetts are the 270 local police departments.

Additional Restrictions on Purchase.

Applicants must be able to satisfy the local CLEO that they have both a proper purpose for purchasing the gun and are a suitable person. In addition, applicants must be U.S. citizens.

Limitations on Use. Massachusetts places restrictions on carrying handguns and on carrying long guns.

Permits. Massachusetts requires a permit to purchase a handgun, a License to Carry (LTC).

Handgun Registration.

Handguns and long guns which are purchased in the State are registered in Massachusetts. Persons moving into the State who own handguns must notify the State.

Scope of Sales Covered. In addition to those sales covered by the Brady Act, Massachusetts regulates the transfer of handguns to anyone. Handguns cannot be pawned in Massachusetts.

Restoration of Rights. A convicted felon's right to own a handgun may be restored through a governor's pardon.

Background Checks. Background checks on purchases of handguns are done by the local police departments. The applicant contacts the local police department to obtain the permit. The CLEO has 40 days to process the application for the permit.

Information on the Application. The application contains the following information: name, address, phone, place of birth, business address, employer, occupation, build, complexion, eye color, hair color, height, weight, date of birth, Social Security number, mother's maiden name, father's name, applicant's other names, fingerprints, photograph, and references.

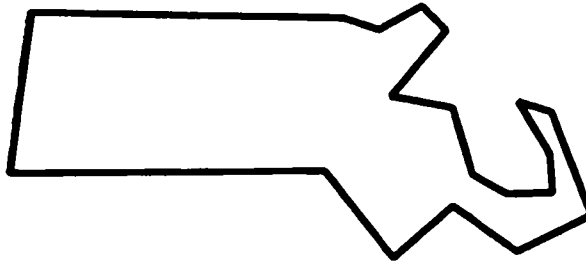
Inquiry Process. No information is available.

Fees Charged. The CLEO is permitted to charge a maximum of \$20.

State Data. Massachusetts provides the following data on its statewide computer network: fugitive, criminal history, probation and parole, juvenile data, and court restraining orders. These files are fully automated. In addition, manual files are kept on mental health data.

Retention of Applications. CLEOs keep their copy of the applications indefinitely.

Statistics Maintained. No information is available.



Michigan

A Brady-alternative State: 9,295,297 population

Source of Information. The information was provided by the Michigan State Police. The CLEOs in the State are the 595 local sheriffs and police departments.

Additional Restrictions on Purchase. As of April 1, 1996, the following orders prohibit the purchasing and possession of firearms: conditional bond release; not guilty by reason of insanity; legal guardianship; involuntary hospitalization/treatment for mental illness; personal protection (includes domestic violence, stalking, and divorce injunctions). Also, the applicant must be a U.S. citizen or legal resident alien.

Limitations on Use. Michigan limits carrying concealed handguns and carrying handguns in certain areas.

Permits. Michigan requires a permit to purchase a handgun.

Handgun Registration. Handgun registration is required in Michigan.

Scope of Sales Covered. Federal Firearm Licensees and private individuals are covered. Gifts and loans are treated as sales. Handguns cannot be pawned.

Restoration of Rights. Felons may have their rights restored 5 years after completion of sentences for violent offenses through review by the local county Concealed Weapons Licensing Board. Felons convicted of nonviolent offenses regain their rights 3 years after completion of their sentences.

Background Checks. The applicant applies in person to the CLEO. The larger agencies use an automated inquiry system. Other agencies use the statewide inquiry system.

Information on the Application. The application contains the following information: name, address, race, sex, height, hair color, eye color, and date of birth. At the time of registration the make, caliber, type, model, and serial number of the weapon are collected.

Inquiry Process. For applications not needing research, nonautomated agencies normally take less than 1 hour. Automated agencies take less than 5 minutes. Applications requiring research take less than 5 days.

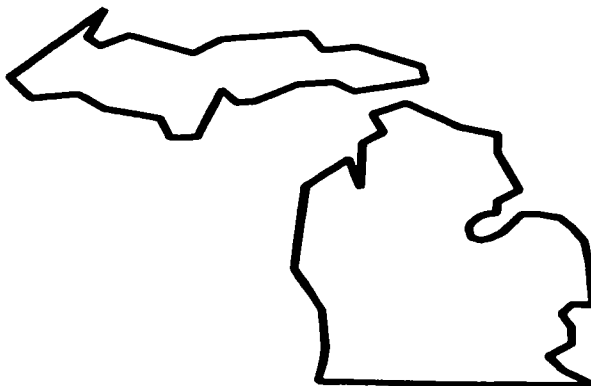
Fees Charged. There are no State-mandated fees. Any fee charged is at the discretion of the local CLEO. Fees are not to exceed \$5.

State Data. The following data are available to each CLEO: fugitive, criminal history, court restraining orders, probation and parole, mental health, and juvenile (if reportable to the State). Files are fully

automated. Some corrections data are also available. Domestic violence data are available through an automated pointer that requires manual research.

Retention of Applications. Approved applications are kept on file for 6 years. Rejected applications are kept at the discretion of local CLEO.

Statistics Maintained. Michigan maintains statistics on stolen, recovered, confiscated, and handgun accidents, as well as statistics on events which involve a handgun and homicides, gangs, and other specific activities.



Minnesota

A Brady-alternative State: 4,375,099 population

Source of Information. The information was provided by the Minnesota Department of Public Safety. This agency is not a CLEO. The CLEOs in the State of Minnesota are the 568 local sheriffs and police departments.

Additional Restrictions on Purchase.

Minnesota does not place any additional restrictions on the purchase of handguns besides those required in the Brady Act.

Limitations on Use.

Minnesota requires a permit to carry a handgun and requires that long guns be unloaded while being carried.

Permits. Minnesota allows its citizens to either use a "permit to purchase" which is good for only a single purchase, or a "permit to acquire" which is good for 1 year and can be used to purchase as many handguns as they desire.

Handgun Registration. Handguns are not registered in Minnesota.

Scope of Sales Covered. All sales by Federal Firearm Licensees are covered by State law including pawnshop redemptions and sales between private individuals.

Restoration of Rights. A convicted felon's right to own a handgun may be restored after 10 years have elapsed since the person's civil rights have been restored (or the sentence or disposition has expired), and the person has not been convicted of any other crime of violence, or if the conviction has been expunged or he/she has been pardoned.

Background Checks. Background checks on purchases of handguns are done by the local CLEOs. The individual requests a permit from the CLEO. If approved, a 1-year permit is issued, or the dealer contacts the CLEO for a per purchase approval.

Information on the Application. The following information is required: name, address, phone number, height, weight, hair color and date of birth. Applicants must show an identification card with a color photo.

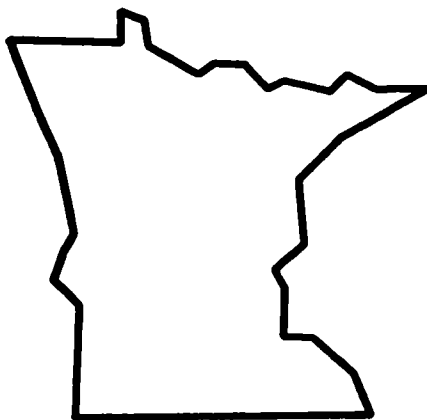
Inquiry Process. The CLEO has 5 days to complete the background check. If the application is rejected, a letter is sent to the applicant explaining why.

Fees Charged. There are no State-mandated fees. Any fee charged is at the discretion of the local CLEO.

State Data. Minnesota makes the following data available to each CLEO via its statewide computer network: fugitive and criminal history. These files are fully automated. The local CLEOs can also check manual files that contain information on mental health and chemical dependency. Court restraining orders and domestic violence data will soon be available.

Retention of Applications. Approved and rejected applications are kept at the discretion of the local CLEOs.

Statistics Maintained. No information is available.



Mississippi

A Brady State: 2,573,216 population

Source of Information. The information was provided by the Mississippi Department of Public Safety. This agency is not a CLEO as defined by the Brady Act. The CLEOs in the State are the 262 local sheriffs and police departments. The State Police is a CLEO for some of the unincorporated areas.

Additional Restrictions on Purchase. Mississippi does not place any additional restrictions on the purchase of handguns.

Limitations on Use. Mississippi places limitations on carrying handguns and long guns.

Permits. Mississippi does not require a permit to purchase a handgun.

Handgun Registration. Handguns are not registered in Mississippi.

Scope of Sales Covered. The only sales of handguns regulated in Mississippi are those covered by the Brady Act.

Restoration of Rights. Mississippi does allow a convicted felon's right to own a handgun to be restored through a governor's pardon.

Background Checks. Background checks on purchases of handguns are done by the local CLEOs. The dealer requests a check by sending the application to the CLEO in person or via mail, fax, or certified mail. The results of the check are sent back to the dealer.

Information on the Application. Mississippi uses the standard BATF form.

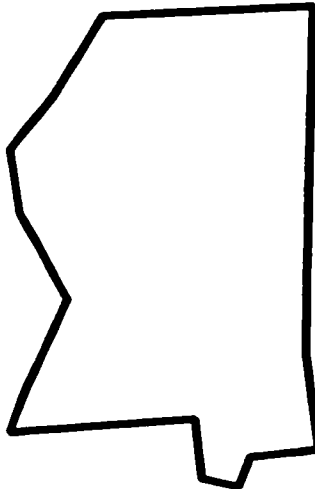
Inquiry Process. The background check process normally takes less than 5 days.

Fees Charged. There are no State-mandated fees. Any fee charged is at the discretion of the CLEO.

State Data. Mississippi does not have any automated State files that are available to the local CLEOs. However, Mississippi does have an automated message switch that allows local CLEOs to access National Crime Information Center (NCIC) and the Interstate Identification Index (III).

Retention of Applications. As a Brady State, the local CLEO keeps the approved applications for a maximum of 20 days. Rejected applications are kept at the discretion of the local CLEOs.

Statistics Maintained. No information is available.



Missouri

A Brady-alternative State: 5,117,073 population

Source of Information. The information was provided by the Missouri State Highway Patrol. This agency is not a CLEO as defined by the Brady Act. The CLEOs in the State of Missouri are the 114 local sheriffs and the St. Louis County Police Department.

Additional Restrictions on Purchase. In addition to the Brady Act requirements, Missouri prevents handguns from being purchased if the applicant is guilty of a misdemeanor that involves explosives or firearms.

Limitations on Use. Missouri limits carrying handguns and long guns. It also limits their use in certain areas, such as churches and schools.

Permits. Missouri requires a permit to purchase a handgun.

Handgun Registration. Handguns are not registered by Missouri, but are registered by some counties and municipalities.

Scope of Sales Covered. All sales by Federal Firearm Licensees are covered by State law, as well as sales by pawnshops. Redemptions by the person who pawned the gun and sales from one individual to another are also covered.

Restoration of Rights. Missouri does allow a convicted felon's right to own a handgun to be restored through a governor's pardon.

Background Checks. Background checks on purchases of handguns are done by the local sheriffs' departments and the St. Louis County Police Department. The applicant requests a permit by applying in person.

Information on the Application. Missouri's application contains the following information: name, address, height, hair color, eye color, date of birth, Social Security number, occupation, date of request, date action taken, reason for rejection, type of weapon, make, model, and serial number of weapon, reason for desiring, and date and manner of disposition of firearm.

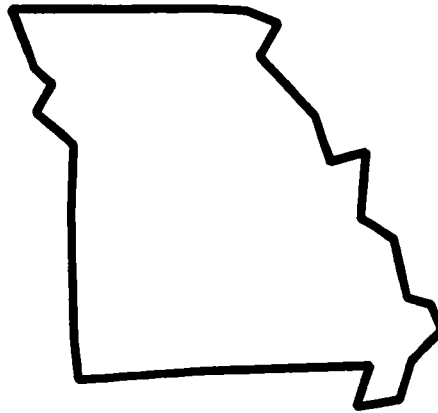
Inquiry Process. No information is available.

Fees Charged. Missouri charges \$10 for a background check.

State Data. Missouri makes the following data available to each CLEO via a statewide computer network: fugitive, criminal history, court restraining orders, domestic violence, and probation and parole. These files are fully automated.

Retention of Applications. The local CLEO keeps the approved and rejected applications indefinitely.

Statistics Maintained. Missouri maintains statistics on stolen, recovered, and handgun accidents. Missouri also maintains statistics on events which involve a handgun and homicides, drugs, and other specific activities.



Montana

A Brady State: 799,065 population

Source of Information. The information was provided by the Montana Department of Justice. This agency is not a CLEO as defined by the Brady Act. The CLEOs in the State of Montana are the 56 local sheriffs and police departments.

Additional Restrictions on Purchase. Montana does not place any additional restrictions on the purchase of handguns.

Limitations on Use. Montana does not place limitations on carrying concealed handguns or long guns.

Permits. Montana does not require a permit to purchase a handgun.

Handgun Registration. Handguns are not registered in Montana.

Scope of Sales Covered. The only sales of handguns that are regulated are those covered by the Brady Act.

Restoration of Rights. Montana allows a convicted felon's right to own a handgun to be restored automatically after completion of sentence except for certain offenses.

Background Checks. Background checks on purchases of handguns are done by the local sheriffs and police departments. The dealer requests a check by sending the application to the local CLEO. The results of the check are sent back to the dealer.

Information on the Application. Montana uses the standard BATF form.

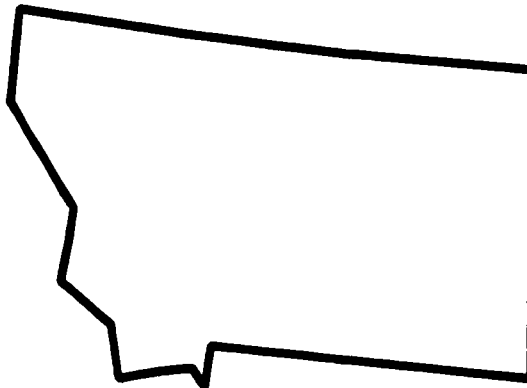
Inquiry Process. No information is available.

Fees Charged. There are no mandated fees. Any fee charged is at the discretion of the CLEO.

State Data. Montana makes the following data available to each CLEO via its statewide computer network: fugitive and criminal history. These files are fully automated. Some domestic violence data are also available.

Retention of Applications. As a Brady State, the local CLEO keeps the approved applications for a maximum of 20 days. Rejected applications are kept at the discretion of the local CLEO.

Statistics Maintained. Montana maintains statistics on events which involve a handgun and homicides.



Nebraska

A Brady-alternative State: 1,578,385

Source of Information. The information was provided by the Nebraska State Patrol. This agency is not a CLEO. The CLEOs in Nebraska are the 93 sheriffs and the Lincoln and Omaha Police Departments.

Additional Restrictions on Purchase. Nebraska does not place any additional restrictions on the purchase of handguns.

Limitations on Use. Nebraska does not place limitations on the use of handguns or long guns.

Permits. Nebraska requires a permit to purchase a handgun; permit is valid for up to 3 years.

Handgun Registration. Handguns are not registered in Nebraska.

Scope of Sales Covered. All sales by Federal Firearm Licensees are covered by State law. However, sales by pawnshops are not covered by State law.

Restoration of Rights. Nebraska does not allow a convicted felon's right to own a handgun to be restored.

Background Checks. Background checks on purchases of handguns are done by the local sheriffs and police departments. The dealer requests a check from the local CLEO by sending the application by mail, fax, or in person. The results of the check are sent back by mail or fax.

Information on the Application. Nebraska's application contains the following data: name, address, race, sex, height, weight, hair color, date of birth, Social Security number, date of request, date action taken, action taken, type of weapon, make, model, and serial number.

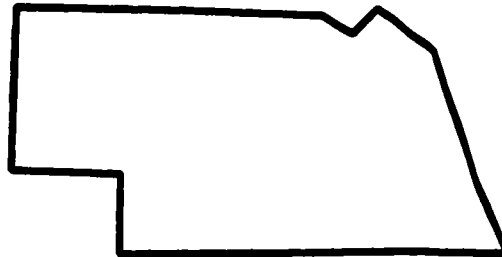
Inquiry Process. For applications which require no research, the process normally takes less than 1 day. Those requiring research normally take less than 2 days.

Fees Charged. Nebraska charges \$5 for the background check.

State Data. Nebraska makes the following data available to each CLEO via its statewide computer network: fugitive, criminal history, and probation and parole. These files are automated and contain 75% of the data that are available at the State level.

Retention of Applications. Approved and rejected applications are kept at the discretion of the local CLEOs.

Statistics Maintained. Nebraska maintains statistics on events which involve a handgun and drugs, homicides, assaults, or the murder or assault of a police officer.



Nevada

A Brady State: 1,201,833 population

Source of Information. The information was provided by the Nevada Highway Patrol. This agency is the CLEO as defined by the Brady Act.

Additional Restrictions on Purchase. Nevada does not place any additional restrictions on the purchase of handguns.

Limitations on Use. Nevada places limitations on carrying handguns and long guns.

Permits. Nevada does not require a permit to purchase a handgun.

Handgun Registration. Handguns are not registered in Nevada except in Clark County (Las Vegas).

Scope of Sales Covered. The only sales of handguns that are regulated in the State are those covered by the Brady Act.

Restoration of Rights. Nevada allows a convicted felon's right to own a firearm to be restored if honorably discharged from probation, and firearms rights are specifically restored by court order or a governor's pardon.

Background Checks. Background checks on purchases of handguns are done by the Nevada Highway Patrol. The dealer requests a check by using a 1-800 number or regular local phone number. A determination is rendered within 5 working days.

Information on the Application. Nevada's application contains the following data: name, address, date of birth and previous names. The following fields are optional: Social Security number, sex, height, and weight.

Inquiry Process. For applications which require no research, the background check process normally takes less than 5 minutes. Those requiring research normally take less than 3 days.

Fees Charged. The CLEO charges \$15 for the background check.

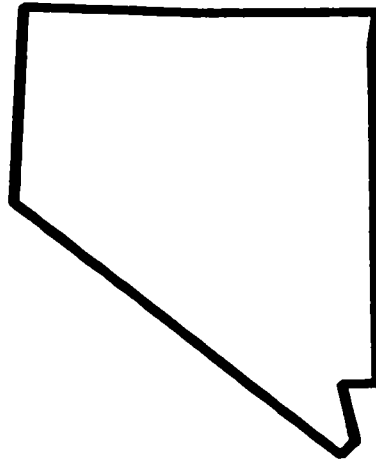
State Data. The CLEO has access to the following data from the statewide computer network: fugitive, criminal history, and domestic violence. These files are fully automated. Currently under development is a protective order registry.

Retention of Applications. As a Brady State, the CLEO keeps the approved applications for a maximum of 20 days. Rejected applications are kept indefinitely.

Statistics Maintained.

Nevada maintains statistics on events which involve a handgun and homicides, drugs, and other specific activities.

Current Activity. In 1996 Nevada processed 28,253 applications; 574 were disapproved. This represents a rejection rate of 2.0%.



New Hampshire

A Brady-alternative State: 1,109,252 population

Source of Information. The information was provided by the New Hampshire State Police. This agency is the CLEO.

Additional Restrictions on Purchase. New Hampshire prohibits sales to those people guilty of a felony against the person or the property of another, to certain drug violators, or to those who have an active warrant or protective order in effect.

Limitations on Use. New Hampshire places limitations on carrying concealed handguns.

Permits. New Hampshire does not require a permit to purchase a handgun.

Handgun Registration. Handguns are not registered in New Hampshire.

Scope of Sales Covered. All sales by Federal Firearm Licensees are covered by State law, as are pawnshops. However, redemptions by the person who pawned the gun are not covered by State law, nor are sales between private individuals.

Restoration of Rights. New Hampshire does not allow a convicted felon's right to own a handgun to be restored.

Background Checks. New Hampshire has an instant check system. Background checks on handguns are done by the New Hampshire Department of Safety. The dealer requests a check by using a 1-900 number.

Information on the Application. New Hampshire's application contains the following information: name, race, sex, date of birth, Social Security number and/or driver's license, date of request, date action taken, and action taken.

Inquiry Process. For applications which require no research, the process takes less than 5 minutes. Those requiring research normally take less than 4 hours.

Fees Charged. The CLEO charges \$7 for the background check.

State Data. The CLEO has access to the following data from the statewide computer network: fugitive, criminal history, and court restraining orders.

Retention of Applications. The CLEO keeps the approved applications for 20 days and the rejected applications for 3 years.

Statistics Maintained. New Hampshire maintains statistics on stolen and recovered handguns, as well as statistics on events which involve a handgun and homicides, drugs, and other specific activities.

Current Activity. In 1996 New Hampshire processed 12,997 applications; 161 were rejected. This represents a rejection rate of 1.2%.



New Jersey

A Brady-alternative State: 7,730,188 population

Source of Information. The information was provided by the New Jersey State Police. The CLEOs for New Jersey are the 482 local police departments and, for some unincorporated areas, the State Police.

Additional Restrictions on Purchase.

New Jersey places the following additional restrictions on the purchase of handguns: the person must not be habitually intoxicated. In addition, permits are not issued when the issuance would not be in the interest of public health, safety, or welfare.

Limitations on Use. New Jersey places limitations on carrying handguns and long guns.

Permits. New Jersey requires a permit to purchase a handgun, which is valid for 90 days.

Handgun Registration. Handguns are registered in New Jersey at the time of purchase.

Scope of Sales Covered. All sales by Federal Firearm Licensees and sales from one individual to another are covered by State law. Handguns cannot be pawned.

Restoration of Rights. New Jersey allows a convicted felon's right to own a handgun to be restored if his/her criminal record is expunged.

Background Checks. Background checks on purchases of handguns are done by State Police and municipal police departments.

Information on the Application. The application contains the following: name, address, date of birth, place of birth, citizenship, Social Security number, sex, height, weight, race, hair color, complexion, eyes, distinguishing physical characteristics, occupation, name and address of employer, questions relating to

criminal and disorderly conduct convictions, whether firearms permits have been previously denied, alcohol/drug use questions, physical defects/sickness, mental psychiatric conditions or treatment, and court order information with reference to domestic violence. Also included are signature of the applicant, date of the application, and two referrals. First-time applicants are required to be fingerprinted.

Inquiry Process. For applications which require no research, the background check takes less than 1 month. Those requiring research normally take less than 6 months. New Jersey has a mandatory waiting period of 7 days.

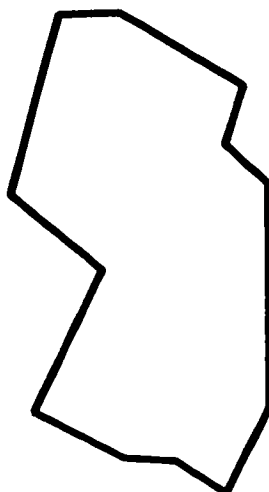
Fees Charged. Fingerprint fees are \$49. Fees for each permit to purchase a handgun are \$2, with a \$5 fee for a firearms purchaser identification card for rifles and shotguns.

State Data. New Jersey makes the following data available to each CLEO: fugitive, criminal history, court restraining orders, probation and parole, mental health, and domestic violence. The mental health and domestic violence files are under development and only partial data are available.

Retention of Applications. CLEOs keep approved and rejected applications indefinitely.

Statistics Maintained. No information is available.

Current Activity. In 1996 New Jersey processed 24,672 applications; 280 were disapproved. This represents a rejection rate of 1.1%.



New Mexico

A Brady State: 1,151,069 population

Source of Information. The information was provided by the New Mexico Department of Public Safety. This agency is not a CLEO as defined by the Brady Act. The CLEOs in the State of New Mexico are the 112 local sheriffs and police departments and, for some unincorporated areas, the State Police.

Additional Restrictions on Purchase. New Mexico does not place any additional restrictions on the purchase of handguns.

Limitations on Use. New Mexico places limitations on carrying handguns, as well as limitations on carrying a concealed long gun.

Permits. New Mexico does not require a permit to purchase a handgun.

Handgun Registration. Handguns are not registered in New Mexico.

Scope of Sales Covered. The only sales of handguns that are regulated are those covered by the Brady Act.

Restoration of Rights. New Mexico allows a convicted felon's right to own a handgun to be restored upon a governor's pardon.

Background Checks. Background checks on purchases of handguns are done by the local sheriffs and police departments. The dealer requests a check from the local CLEO. The results of that check are sent back to the dealer.

Special Note. Domestic violence data became available in January 1997.

Information on the Application. New Mexico uses the standard BATF form.

Inquiry Process. For applications which require no research, the process normally takes less than 2 days. Those requiring research normally take less than 5 days.

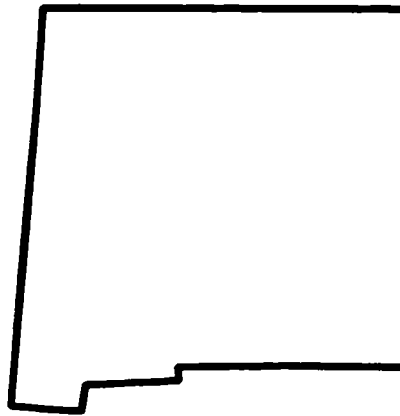
Fees Charged. There are no State-mandated fees. Any fee charged is at the discretion of the local CLEO, varying from \$0 to \$20.

State Data. New Mexico makes the following data available to each CLEO via the statewide computer network: criminal history and fugitive data. These files are manual. A request to search them is made by teletype from the CLEO to the Department of Public Safety.

Retention of Applications. As a Brady State, the local CLEO keeps the approved applications for a maximum of 20 days.

Rejected applications are kept at the discretion of the local CLEOs.

Statistics Maintained. New Mexico maintains statistics on events which involve a handgun and murder or assault of a police officer.



New York

A Brady-alternative State: 17,990,455 population

Source of Information. The information was provided by the New York State Division of Criminal Justice Services. This agency is not a CLEO. The CLEOs in New York are the 58 local county judges. The applications are made to the county sheriffs and some local police departments.

Additional Restrictions on Purchase. New York places additional restrictions on the purchase of handguns; the applicant must be of good moral character and not guilty of committing a serious offense.

Limitations on Use. New York has restrictions on the use of handguns, at the discretion of the licensing judge.

Permits. New York requires a permit to purchase a handgun.

Handgun Registration. Handguns are registered in New York.

Scope of Sales Covered. All sales by Federal Firearm Licensees are covered by State law, as well as sales by pawnshops and redemptions by the person who pawned the gun.

Restoration of Rights. New York may authorize a convicted felon's right to own a handgun to be restored. This procedure requires a court order.

Background Checks. Background checks on purchases of handguns are done by the local sheriffs and police departments. The applicant requests a permit by applying in person.

Information on the Application. New York's application contains the following information: name, address, race, sex, height, weight, hair color, eye color, date of birth, Social Security number, fingerprints, business address, previous address, occupation, character references, date of request, date action taken, action taken, reason for rejection, type of weapon, make, model, and serial number of weapon.

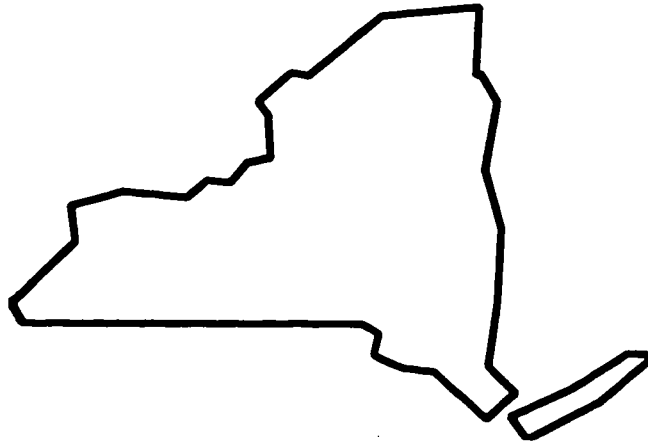
Inquiry Process. New York allows up to 6 months to process the application.

Fees Charged. New York's fees vary by county but are at least \$74.

State Data. Local CLEOs perform checks at the local level and then forward the application to the State. New York makes checks using the applicant's fingerprints. The State data available includes criminal history, fugitive, court restraining orders, and mental health.

Retention of Applications. Approved and rejected applications are retained indefinitely.

Statistics Maintained. No information is available.



North Carolina

A Brady-alternative State: 6,628,637 population

Source of Information. The information was provided by the North Carolina State Bureau of Investigation. The CLEOs are the local 100 sheriffs.

Additional Restrictions on Purchase. The applicant must not be habitually intoxicated, lack good moral character, or be prohibited under the State Felony Firearms Act.

Limitations on Use. North Carolina places restrictions on carrying handguns, as well as restrictions on possessing or purchasing long guns in violation of the State Felony Firearms Act.

Permits. North Carolina requires a permit to purchase a handgun.

Handgun Registration. Handguns are not registered in North Carolina.

Scope of Sales Covered. All sales by Federal Firearm Licensees are covered by State law, as well as sales by pawnshops and sales from one individual to another. However, redemptions by the person who pawned the gun are not covered by State law.

Restoration of Rights. North Carolina allows a convicted felon's right to own a handgun to be restored automatically after 5 years.

Background Checks. Background checks on purchases of handguns are done by the local sheriffs.

Information on the Application. The exact fields that are on the application vary from county to county and are at the discretion of the county sheriff. Most CLEOs require an extensive list of information.

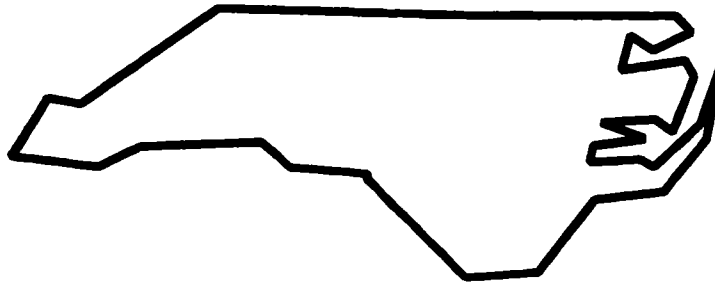
Inquiry Process. The applicant applies to the local CLEO for the permit. Once the CLEO has completed the check the permit is issued to the applicant who takes it to the dealer.

Fees Charged. North Carolina charges \$5.

State Data. North Carolina makes the following data available to each CLEO via its statewide computer network: fugitive, criminal history, probation and parole, court restraining orders, motor vehicle, and domestic violence. These files are fully automated.

Retention of Applications. The local CLEOs retain the approved applications for 5 years and rejected applications indefinitely.

Statistics Maintained. North Carolina maintains statistics on events which involve a handgun and homicides, suicides, and murder or assault of a police officer.



North Dakota

A Brady State: 638,000 population

Source of Information. The information was provided by the North Dakota Bureau of Criminal Investigation. The CLEOs in the State are the 53 local sheriffs.

Additional Restrictions on Purchase. In addition to the Brady Act requirements, North Dakota prevents handguns from being purchased if the applicant is guilty of a class A misdemeanor involving violence or intimidation, committed while using or possessing a firearm or dangerous weapon.

Limitations on Use.

Limitations are placed on carrying handguns and long guns. Limitations include discharge of a firearm within a city, prohibition against a short-barreled rifle or shotgun, and a prohibition against machine guns and automatic rifles.

Permits. North Dakota does not require a permit to purchase a handgun.

Handgun Registration. Handguns are not registered in North Dakota.

Scope of Sales Covered. All sales by Federal Firearms Licensees are covered by State law as well as sales from one individual to another; however, pawnshop redemptions are not covered.

Restoration of Rights. North Dakota does allow a convicted felon's right to own a handgun to be restored after 5 or 10 years, depending on the type of felony offense.

Background Checks. Background checks on purchases of handguns are done by the local sheriffs. The dealer requests a check from the CLEO by sending the application via regular mail, certified mail, or in person. The results are sent back to the dealer.

Information on the Application. North Dakota uses the standard BATF form.

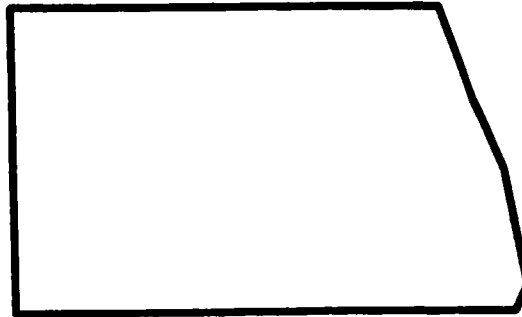
Inquiry Process. No information is available.

Fees Charged. Local CLEOs are allowed to charge up to \$10 for the background check.

State Data. North Dakota makes the following data available to each CLEO via its statewide computer network: fugitive (50% is automated) and criminal history (75% is automated). Court restraining orders are also available.

Retention of Applications. As a Brady State, the local CLEO keeps the approved applications for a maximum of 20 days. Rejected applications are kept indefinitely.

Statistics Maintained. North Dakota maintains statistics on events which involve a handgun and homicides, drugs, and other specific activities.



Ohio

A Brady State: 10,847,115 population

Source of Information. The information was provided by the Ohio Bureau of Criminal Identification and Investigation. This agency is a CLEO as defined by the Brady Act.

Additional Restrictions on Purchase. Ohio does not place any additional restrictions on the purchase of handguns.

Limitations on Use. Ohio places limitations on carrying handguns and long guns.

Permits. Ohio does not require a permit to purchase a handgun.

Handgun Registration. Handguns are not registered in Ohio.

Scope of Sales Covered. The only sales of handguns that are regulated are those covered by the Brady Act.

Restoration of Rights. Ohio does not allow a convicted felon's right to own a handgun to be restored.

Background Checks. Background checks on purchases of handguns are done by Ohio Bureau of Criminal Identification and Investigation. The dealer requests a check by using a 1-900 number. The only time the dealer is notified of the results is if there is a disapproval. Otherwise, the dealer can release the handgun after the 5-day waiting period has expired.

Information on the Application. Ohio's application contains the following information: name, previous name and date of birth. The following fields are optional. address, sex, height, weight, Social Security number, State ID or Operators License, business address, previous address, place of birth, occupation, race, hair color, eye color, and date of request.

Inquiry Process. For applications which require no research, the process normally takes less than 15 minutes. Those requiring research normally take less than 3 days.

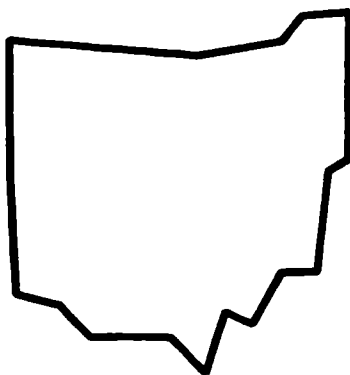
Fees Charged. Ohio charges \$15 for the background check.

State Data. The CLEO has access to the following data from the statewide computer network: fugitive, criminal history, court restraining orders, domestic violence, and probation and parole. These files are fully automated. Ohio is planning to install a BATF defined instant check system.

Retention of Applications. As a Brady State, Ohio keeps the approved applications for a maximum of 20 days and the rejected applications indefinitely.

Statistics Maintained. No information is available.

Current Activity. In 1996 Ohio processed 60,037 applications; 330 were disapproved. This represents a rejection rate of 0.5%.



Oklahoma

A Brady State: 3,145,585 population

Source of Information. The information was provided by the Oklahoma State Bureau of Investigation. The CLEOs are the 440 local sheriffs and police departments.

Additional Restrictions on Purchase. Oklahoma does not place any additional restrictions on the purchase of handguns.

Limitations on Use. Oklahoma places limitations on carrying handguns.

Permits. Oklahoma does not require a permit to purchase a handgun.

Handgun Registration. Handguns are not registered in Oklahoma.

Scope of Sales Covered. The only sales of handguns regulated are those covered by the Brady Act.

Restoration of Rights. Oklahoma allows a convicted felon's right to own a handgun to be restored if he/she was convicted of a non-violent offense and receives a complete pardon from the proper authority.

Background Checks. Background checks on the purchase of handguns are done by the local sheriffs and police departments. The dealer requests a check from the local CLEO. The results of the check are sent back to the dealer.

Information on the Application. Oklahoma uses the standard BATF form.

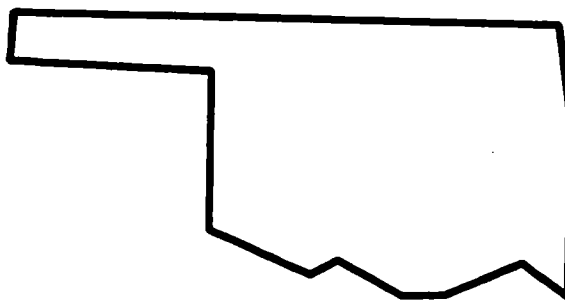
Inquiry Process. No information is available.

Fees Charged. There are no State-mandated fees. Any fee charged is at the discretion of the local CLEO.

State Data. Oklahoma makes only criminal history data available to each CLEO via its statewide computer network. This file is fully automated.

Retention of Applications. As a Brady State, the local CLEO keeps approved applications for a maximum of 20 days. Rejected applications are kept at the discretion of the local CLEOs.

Statistics Maintained. No information is available.



Oregon

A Brady-alternative State: 2,842,321 population

Source of Information. The information was provided by the Oregon State Police. The CLEO is the Superintendent of State Police.

Additional Restrictions on Purchase. Oregon places additional restrictions on the purchase of handguns. It prevents applicants convicted during the past 4 years of any of the following misdemeanors from purchasing a handgun: assault IV, menacing, recklessly endangering, assaulting a public safety officer, and intimidation 2nd degree. Persons on probation are prohibited from purchasing a handgun unless an exception is made by the court. Persons with outstanding felony warrants are also prohibited from purchasing.

Limitations on Use. Oregon places limitations on carrying handguns.

Permits. Oregon does not require a permit to purchase a handgun, but does require one for a concealed handgun.

Handgun Registration. Handguns are not registered in Oregon.

Scope of Sales Covered. The only sales of handguns regulated are those covered by the Brady Act.

Background Checks. Background checks on purchases of handguns are done by the Oregon State Police Firearms Unit. The dealer requests a check from the Firearms Unit through the instant check process.

Information on the Application. Oregon uses the Federal form and a thumbprint form generated by the Oregon State Police.

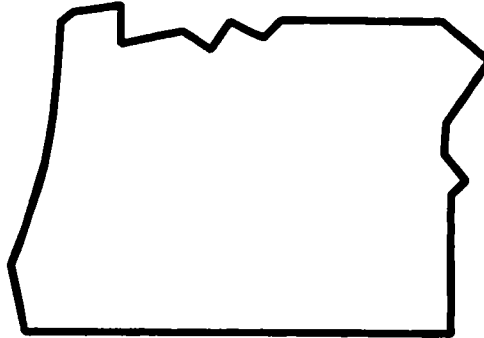
Inquiry Process. On July 1, 1996, Oregon implemented the Instant Check system. The dealer calls a 1-800 number and provides the required information. Background queries are processed on the purchaser and the handgun being sold; the dealer is given a transaction number if approved or informed that the applicant is denied.

Fees Charged. Oregon charges \$10 per background check.

State Data. The CLEO has access to the following data from the statewide computer network: criminal history, fugitive, stolen gun, restraining orders, and mental health files.

Retention of Applications. The Oregon State Police Firearms Unit keeps a record of approved and rejected applications on file for 5 years.

Statistics Maintained. Oregon maintains statistics on the number of stolen handguns as well as statistics on events which involve a handgun and homicides, assaults, and murder or assault of a police officer.



Pennsylvania

A Brady State: 11,881,643 population

Source of Information. The information was provided by the Pennsylvania State Police. The CLEOs are the 66 county sheriffs and the Philadelphia Police Department.

Additional Restrictions on Purchase. Pennsylvania performs an after-the-fact check on 30 State offenses.

Limitations on Use. Pennsylvania places limitations on carrying of all guns in a first class city, in vehicles, on school property, and in a court facility.

Permits. Pennsylvania does not require a permit to purchase a handgun.

Handgun Registration. Record of sales are required to be sent to the Pennsylvania State Police on all sales of handguns except wholesales.

Scope of Sales Covered. The sales of all handguns are regulated in Pennsylvania. Handguns cannot be pawned.

Restoration of Rights. Pennsylvania allows a convicted felon's right to own a handgun to be restored through a governor's pardon or for some offenses it becomes automatic after 10 years without incarceration.

Background Checks. Background checks on purchases of handguns are done by the local sheriffs and the Philadelphia Police Department. The dealer requests a check from the local sheriff or police department by sending the Brady form to the CLEO.

Information on the Application.

Pennsylvania's record of sale contains the following information: name, address, race, sex, height, weight, hair color, eye color, date of birth, Social Security number, occupation, date of request, make, model, serial number, caliber, and length of barrel.

Inquiry Process.

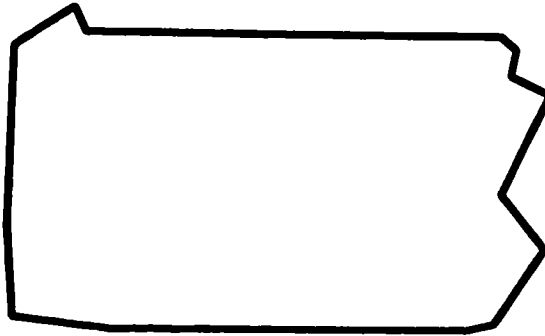
Pennsylvania has a 48-hour waiting period during which the background check must take place.

Fees Charged. There is a \$3 State-mandated fee on retail gun sales for the creation and operation of the instant check system.

State Data. Pennsylvania makes the following data available to each CLEO via its statewide computer network: criminal history, fugitive, and probation and parole. These files are automated and contain more than 50% of the data available at the State level.

Retention of Applications. Approved applications are retained for 20 days per the Brady Act. Rejected applications are kept at the discretion of the local CLEOs.

Statistics Maintained. Pennsylvania maintains statistics on events which involve a handgun used in a homicide, or all weapons involved in an assault, or the murder or assault of a police officer.



Rhode Island

A Brady State: 1,003,464 population

Source of Information. The information was provided by the Rhode Island Department of the Attorney General. This agency is not a CLEO as defined by the Brady Act; the CLEOs are the 39 local police departments.

Additional Restrictions on Purchase. The applicant must not be habitually intoxicated.

Limitations on Use. Rhode Island places limitations on carrying handguns and long guns.

Permits. Rhode Island does not require a permit to purchase a handgun.

Handgun Registration. Handguns are not registered in Rhode Island.

Scope of Sales Covered. All sales by Federal Firearm Licensees are covered by State law, including pawnshop redemptions and sales between private individuals.

Restoration of Rights. Rhode Island allows a convicted felon's right to own a handgun to be restored through a governor's pardon.

Background Checks. Background checks on purchases of handguns are done by the local police departments. The dealer requests a check by sending the application to the CLEO. The results of that check are sent back to the dealer.

Information on the Application. Rhode Island's application contains the following information: name, address, sex, height, weight, date of birth, and Social Security number.

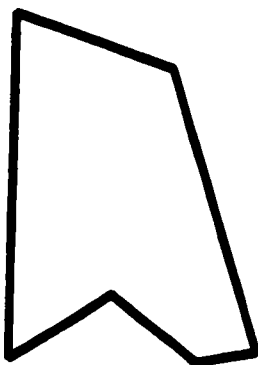
Inquiry Process. Most CLEOs in Rhode Island complete the background check within 5 days. There is a waiting period of 7 days.

Fees Charged. There are no State-mandated fees. Any fee charged is at the discretion of the local CLEO.

State Data. Rhode Island makes the following data available to each CLEO via its statewide computer network: fugitive, criminal history, probation and parole, court restraining orders, mental health, and domestic violence. These files are fully automated.

Retention of Applications. Approved and rejected applications are kept indefinitely.

Statistics Maintained. No information is available.



South Carolina

A Brady State: 3,486,703 population

Source of Information. The information was provided by the South Carolina Law Enforcement Division. This agency is the CLEO.

Additional Restrictions on Purchase. An applicant must not be habitually intoxicated, or indicted, arraigned, or convicted of a misdemeanor with over a 2-year sentence or felony with over a 1-year sentence.

Limitations on Use. South Carolina does place limitations on carrying handguns.

Permits. Permits are required for concealed handguns.

Handgun Registration. Handguns are not registered.

Scope of Sales Covered. South Carolina licenses all handgun dealers. This covers all sales as well as sales by pawnshops.

However, redemptions by the person who pawned the gun and sales between private individuals are not covered.

Restoration of Rights. South Carolina allows a convicted felon's right to own a handgun to be restored if the person receives a pardon or an expungement for the conviction with the exception of crimes of violence.

Background Checks. Background checks on purchases of handguns are done by South Carolina Law Enforcement Division. The dealer requests a check by using a 1-800 number.

Information on the Application. South Carolina's application contains the following information: name, address, race, sex, height, weight, hair color, eye color, date of birth, Social Security number, fingerprints (optional), business address, place of birth, date of request, type of weapon, make, model, and serial number of weapon.

Inquiry Process. For applications which require no research, the process normally takes less than 5 minutes. Those requiring research normally take less than 15 minutes or up to 5 days.

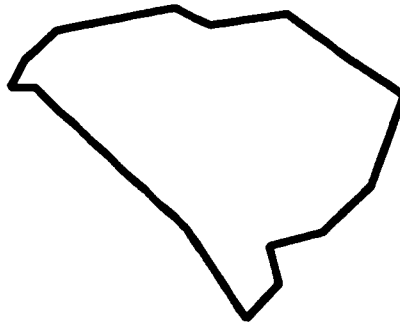
Fees Charged. South Carolina charges \$5.

State Data. The CLEO has the following data available via the statewide computer network: fugitive, criminal history, domestic violence, and 30-day one handgun purchase. These files are fully automated.

Retention of Applications. South Carolina keeps approved applications for 20 days and rejected applications indefinitely.

Statistics Maintained. South Carolina maintains statistics on handgun accidents (only if they result in death). South Carolina also maintains statistics on events which involve a handgun and homicides, gangs and other specific activities.

Current Activity. In 1996 South Carolina processed 53,153 applications; 2,467 were disapproved. This represents a rejection rate of 4.6%.



South Dakota

A Brady State: 696,004 population

Source of Information. The information was provided by the South Dakota Attorney General's Office. The CLEOs are the 66 local sheriffs.

Additional Restrictions on Purchase. South Dakota does not place any additional restrictions on the purchase of handguns.

Limitations on Use. South Dakota places limitations on carrying handguns and long guns.

Permits. South Dakota does not require a permit to purchase a handgun.

Handgun Registration. Handguns are not registered in South Dakota.

Scope of Sales Covered. The only sales of handguns that are regulated are those covered by the Brady Act.

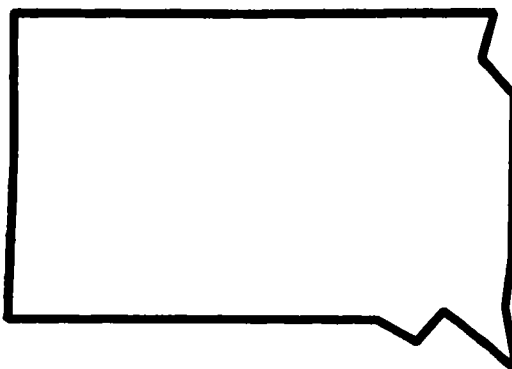
Restoration of Rights. South Dakota allows a convicted felon's right to own a handgun to be restored through a governor's pardon.

Background Checks. Background checks on purchases of handguns are done by the local sheriffs. The dealer requests a check from the local CLEO. The results of that check are sent back to the dealer.

Information on the Application. South Dakota uses the standard BATF form.

Inquiry Process. There is a 2-day mandatory waiting period.

Fees Charged. There are no State-mandated fees. Any fee charged is at the discretion of the local CLEO.



State Data. South Dakota makes the following data available to each CLEO via its statewide computer network: fugitive, criminal history, probation and parole, and protective orders. The Driver's History file is also available to check for additional data. These files are fully automated. Some domestic violence data are available, and

training is in process to distinguish those data from simple assault.

Retention of Applications. As a Brady State, the local CLEO keeps the approved applications for a maximum of 20 days. Rejected applications are kept at the discretion of the local CLEOs.

Statistics Maintained. No information is available.

Tennessee

A Brady-alternative State: 4,877,185 population

Source of Information. The information was provided by the Tennessee Bureau of Investigation. The CLEOs in the State of Tennessee are the 95 local sheriffs and the Nashville Metropolitan Police Department.

Additional Restrictions on Purchase. Tennessee places restrictions on the purchase of handguns beyond those required in the Brady Act. It prevents people from buying a gun who are addicted to or convicted of selling alcoholic beverages, or convicted of violent assaults.

Limitations on Use. Tennessee does place limitations on carrying handguns and long guns.

Permits. A permit is required.

Handgun Registration. Handguns are not registered in Tennessee.

Scope of Sales Covered. All sales by Federal Firearm Licensees are covered by State law, as well as sales by pawnshops, redemptions, and sales from one person to another.

Restoration of Rights. Tennessee does not allow a convicted felon's right to own a handgun to be restored.

Background Checks. Background checks on purchases of handguns are done by the local sheriffs and the Nashville Metropolitan Police Department. The dealer requests a check by sending the application to the local CLEO via mail, fax, or in person. Tennessee has a 15-day waiting period.

Information on the Application.

Tennessee's application contains the following information: name, address, race, sex, height, weight, eye color, hair color, date of birth, Social Security number, thumbprint, previous names, previous addresses, scars, marks and tattoos, completed approved handgun safety course, date of request, date action taken, action taken, type of weapon, make, model, and serial number of weapon.

Inquiry Process. For applications which require no research, the process normally takes less than 5 days. Those requiring research normally take less than 2 weeks.

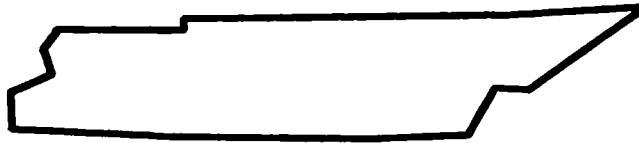
Fees Charged. There are no State-mandated fees. Any fee charged is at the discretion of the local CLEO.

State Data.

Tennessee makes the following data available to each CLEO through the State Law Enforcement Communications Network: criminal history, fugitive, some domestic abuse information, and court restraining orders.

Retention of Applications. Local CLEOs keep the approved and rejected applications for 1 year.

Statistics Maintained. Tennessee does not maintain statistics on handgun incidents.



Texas

A Brady State: 16,986,510 population

Source of Information. The information was provided by the Texas Department of Public Safety. The CLEOs in the State of Texas are the 991 local sheriffs and police departments.

Additional Restrictions on Purchase. Texas does not place any additional restrictions on the purchase of handguns.

Limitations on Use. Texas requires that any handgun which is carried must be concealed.

Permits. Texas does not require a permit to purchase a handgun.

Handgun Registration. Handguns are not registered in Texas.

Scope of Sales Covered. The only sales of handguns that are regulated in Texas are those covered by the Brady Act.

Restoration of Rights. Texas does allow a convicted felon's right to own a handgun to be restored in some circumstances.

Background Checks. Background checks on purchases of handguns are done by the local sheriffs and police departments. The dealer requests a check by sending the application to

the local CLEO. The results are sent back to the dealer.

Information on the Application. Texas uses the standard BATF form.

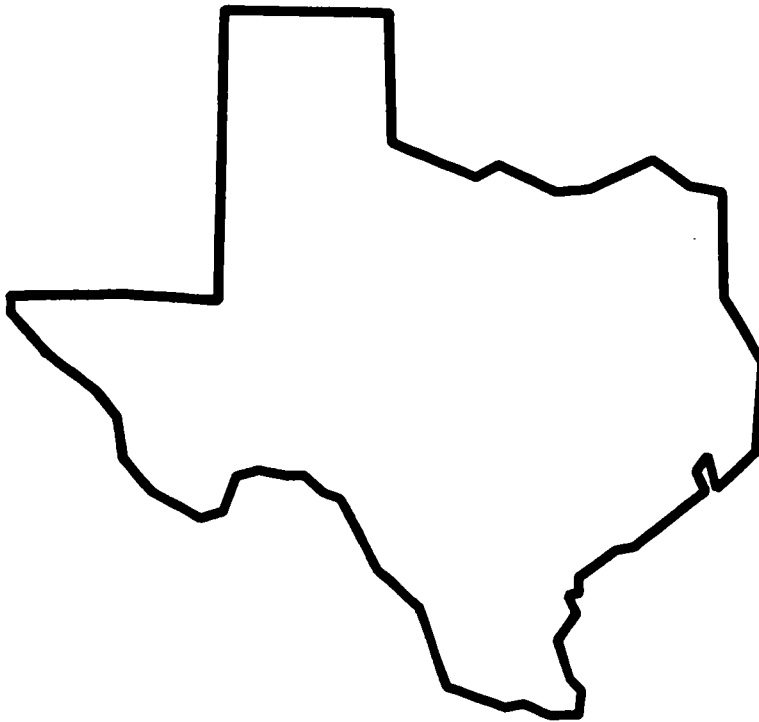
Inquiry Process. As a Brady State, CLEOs in Texas have up to 5 days in which to perform the background check.

Fees Charged. There are no State-mandated fees. Any fee charged is at the discretion of the local CLEO.

State Data. Texas makes the following data available to each CLEO via its statewide computer network: fugitive, criminal history, court restraining orders, and probation and parole. These files are fully automated.

Retention of Applications. As a Brady State, the local CLEO keeps approved applications for a maximum of 20 days. Rejected applications are kept at the discretion of the local CLEOs.

Statistics Maintained. No information is available.



Utah

A Brady-alternative State: 1,722,850 population

Source of Information. The information was provided by the Utah Bureau of Criminal Identification. This agency is the CLEO.

Additional Restrictions on Purchase. Utah does not place any restrictions on the purchase of handguns.

Limitations on Use. Utah places limitations on carrying handguns and long guns. It also places limitations on the use of dangerous weapons around a school, threatening or using in a fight or quarrel, or carrying in a vehicle.

Permits. Utah does not require a permit to purchase a handgun.

Handgun Registration. Handguns are not registered in Utah.

Scope of Sales Covered. All sales by Federal Firearm Licensees are covered by State law, as well as sales by pawnshops and redemptions.

Restoration of Rights. Utah does not allow a convicted felon's right to own a handgun to be restored.

Background Checks. Utah has an instant check system. The dealer requests a check by using a 1-800 number or regular phone. The results are sent back to the dealer. If it is not rejected, the 5-day waiting period is allowed to expire, and the handgun can be purchased.

Information on the Application. Utah's application contains the following information: name, address, race, sex, height, weight, hair color, eye color, date of birth, Social Security number, date of request, and action taken.

Inquiry Process. For applications which require no research, the process normally takes less than 5 minutes. Those requiring research normally take less than 5 days.

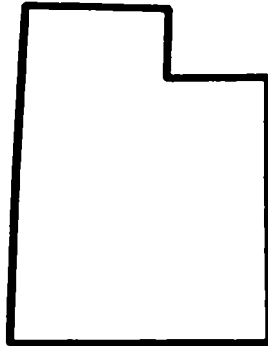
Fees Charged. The CLEO charges \$5.

State Data. The CLEO has access to the following data from the statewide computer network: fugitive, criminal history, court restraining orders, domestic abuse, and motor vehicle. These files are fully automated.

Retention of Applications. The CLEO keeps the approved applications for a maximum of 20 days. The rejected applications are kept for 1 year.

Statistics Maintained. Utah maintains statistics on stolen and recovered handguns, as well as statistics on events which involve a handgun and homicides, drugs, and other specific activities.

Current Activity. In 1996 Utah processed 34,073 applications; 595 were disapproved. This represents a rejection rate of 1.7%.



Vermont

A Brady State: 562,758 population

Source of Information. The information was provided by the Vermont Department of Public Safety. The CLEOs are the 21 local sheriffs and police departments and, for some unincorporated areas, the Vermont State Police.

Additional Restrictions on Purchase. Vermont does not place any additional restrictions on the purchase of handguns.

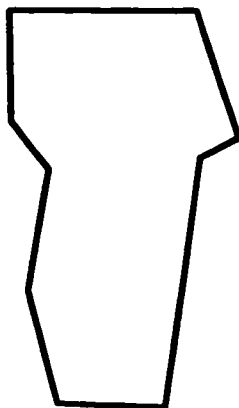
Limitations on Use. Vermont does not place limitations on carrying handguns.

Permits. Vermont does not require a permit to purchase a handgun.

Handgun Registration. Handguns are not registered in Vermont.

Scope of Sales Covered. The only sales of handguns regulated are those covered by the Brady Act.

Restoration of Rights. Vermont allows a convicted felon's right to own a handgun to be restored through a governor's pardon.



Background Checks. The dealer requests a background check for handguns from the local sheriffs and police departments by fax or certified mail. Vermont responds by fax, mail, or telephone.

Information on the Application. Vermont uses the standard BATF form.

Inquiry Process. For applications which require no research, the process normally takes less than 2 days. Those requiring research normally take less than 4 days.

Fees Charged. No fee is charged.

State Data. CLEOs have access to the following data from the statewide computer network: fugitive, criminal history, probation and parole, court restraining orders, domestic abuse, dishonorable discharges, and illegal alien. The fugitive and domestic abuse files are automated.

Retention of Applications. As a Brady State, the local CLEO keeps the approved applications for a maximum of 20 days. Rejected applications are retained at the discretion of the local CLEO.

Statistics Maintained. No information is available.

Virginia

A Brady-alternative State: 6,187,358 population

Source of Information. The information was provided by the Virginia State Police. This agency is the CLEO.

Additional Restrictions on Purchase. An individual cannot purchase more than one handgun every 30 days unless authorized by the State Police.

Limitations on Use. Virginia requires a permit issued by a State circuit court to carry a concealed handgun.

Permits. Virginia does not require a permit to purchase a handgun.

Handgun Registration. Handguns are not registered in Virginia.

Scope of Sales Covered. All sales by Federal Firearm Licensees are covered by State law, as are sales by pawnshops. However, redemptions by the person who pawned the gun if redeemed within the bailment period are not covered by State law.

Restoration of Rights. Virginia allows an applicant's right to own a handgun to be restored by the State circuit court judge if the applicant's civil rights are restored by the governor.

Background Checks. Virginia has an instant check system. The dealer requests a check by using a 1-800 number or by mail. In addition to the toll-free number, some high-volume dealers have direct access to the Firearms Transaction Program through a terminal. The results of the handgun check are sent back to the dealer.

Information on the Application. Virginia's application contains the following information: name, address, race, sex, height, weight, date of birth, Social Security number, place of birth, and number of firearms per transaction.

Inquiry Process. For applications without disqualifiers or which require no research, the process takes less than 2 minutes. Illegal attempts to purchase firearms are investigated with prosecution pursued in every incident when evidence is sufficient for such prosecution.

Fees Charged. A \$2 fee is charged.



State Data. The CLEO accesses the following data: criminal history, fugitive, capias, protective orders, 30-day State law gun limitation, mental health, and domestic violence. These files are fully automated.

Retention of Applications. The CLEO keeps the approved applications for 30 days and the rejected applications for 2 years.

Statistics Maintained. Virginia maintains statistics on events which involve a handgun and homicides.

Current Activity. In 1996 Virginia processed 182,384 applications; 1,896 were rejected. This represents a rejection rate of 1.0%.

Washington

A Brady-alternative State: 4,866,692 population

Source of Information. The information was provided by the Washington State Patrol. The CLEOs are the 291 local sheriffs and police departments.

Additional Restrictions on Purchase. Washington places an additional restriction on the purchase of handguns. The applicant must not be guilty of crimes of harassment.

Limitations on Use. Washington places limitations on carrying handguns and long guns.

Permits. Washington does not require a permit to purchase a handgun.

Handgun Registration. Handguns are not registered in Washington.

Scope of Sales Covered. All sales by Federal Firearm Licensees are covered by State law, as well as sales by pawnshops. However, redemptions by the person who pawned the gun and sales between private individuals are not covered by State law.

Restoration of Rights. Washington does allow a convicted felon's right to own a handgun to be restored by petition of the court of record or governor's pardon.

Background Checks. Background checks on purchases of handguns are done by the local sheriffs and police departments. The dealer requests a check by sending the application to the CLEO via mail, fax, certified mail, or in person.

Information on the Application. Information on the application includes the following: name, address, sex, height, weight, hair color, eye color, date of birth, place of birth, drivers' license or ID number, date of request, Social Security number (optional), hair color (optional), type of weapon, make, model, and serial number of weapon.

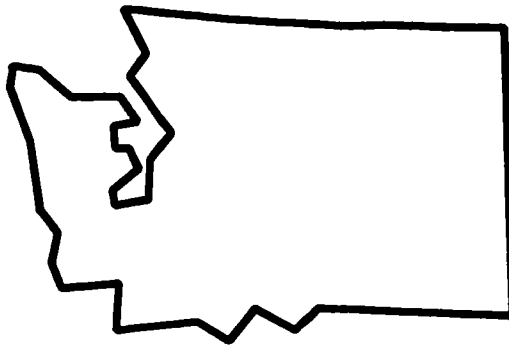
Inquiry Process. There is a 5-business day waiting period or until approved by Chief of Police.

Fees Charged. No fee is charged.

State Data. The State makes the following data available to each CLEO via the statewide computer network: fugitive, criminal history, and court restraining orders. These files are fully automated. Mental health data are available manually, and some domestic violence data are also available.

Retention of Applications. The local CLEO keeps the approved applications for a maximum of 20 days. Rejected applications are maintained for a minimum of 6 years.

Statistics Maintained. No information is available.



West Virginia

A Brady State: 1,793,477 population

Source of Information. The information was provided by the West Virginia State Police. This agency is the CLEO.

Additional Restrictions on Purchase. West Virginia does not place any additional restrictions on the purchase of handguns.

Limitations on Use. West Virginia places limitations on carrying concealed handguns. It also places limitations on the carrying of a long gun.

Permits. West Virginia does not require a permit to purchase a handgun.

Handgun Registration. Handguns are not registered in West Virginia.

Scope of Sales Covered. The only sales of handguns that are regulated are those covered by the Brady Act.

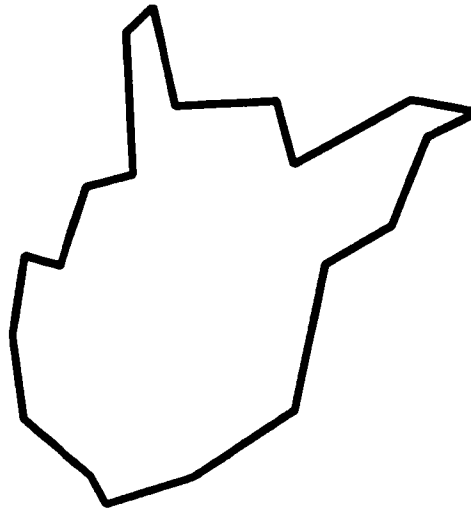
Restoration of Rights. West Virginia does not allow a convicted felon's right to own a handgun to be restored.

Background Checks. The dealer requests a check for handguns from the regional center in West Virginia via fax. The results of that check are sent back to the dealer.

Information on the Application. West Virginia's application contains the following information: name, date of birth, Social Security number, address, date of request, date action taken, action taken, type of weapon, make, model, and serial number of weapon.

Inquiry Process. The background check process normally takes less than 5 days.

Fees Charged. No fee is charged.



State Data. The CLEO has access to the following data from the statewide computer network: fugitive, criminal history, and court restraining orders. These files are fully automated. The State also has some domestic abuse data, which are kept manually.

Retention of Applications. As a Brady State, West Virginia keeps the approved applications for a maximum of 20 days. Rejected applications are kept indefinitely.

Statistics Maintained. West Virginia maintains statistics on events which involve a handgun and homicides.

Current Activity. In 1996 West Virginia processed 20,538 applications; 224 were disapproved. This represents a rejection rate of 1.1%.

Wisconsin

A Brady-alternative State: 4,891,769 population

Source of Information. The information was provided by the Wisconsin Department of Justice. This agency is the CLEO.

Additional Restrictions on Purchase.

Wisconsin places restrictions on a person who committed a felony as a delinquent on or after April 21, 1994, that if committed by an adult in Wisconsin would be a felony. Wisconsin also places some limits on persons with developmental disabilities or those subject to injunction for harassment or domestic abuse.

Limitations on Use.

Wisconsin places limitations on carrying handguns, storage, transportation, pointing at another person, endangering the safety of a person, and possession by a minor. It places similar limitations on long guns.

Permits. Wisconsin does not require a permit to purchase a handgun.

Handgun Registration. Handguns are not registered in Wisconsin.

Scope of Sales Covered. All sales by Federal Firearm Licensees are covered by State law, as well as sales by pawnshops. However, redemptions by the person who pawned the gun are not covered by State law.

Restoration of Rights. Wisconsin requires a pardon from the governor, or restoration can be done under the Relief From Disabilities Act.

Background Checks. Wisconsin has an instant check system. Background checks on purchases of handguns are done by the

Department of Safety. The dealer requests a check from it by using a 1-800 number. Wisconsin has a 48-hour waiting period.

Information on the Application. Wisconsin's application contains the following information: name, address, race, sex, height, weight, date of birth, hair color, eye color, previous names, date of request, date action taken, and action taken.

Inquiry Process. For applications which require no research, the process normally takes less than 2 minutes. Those requiring research normally take less than 1 day.

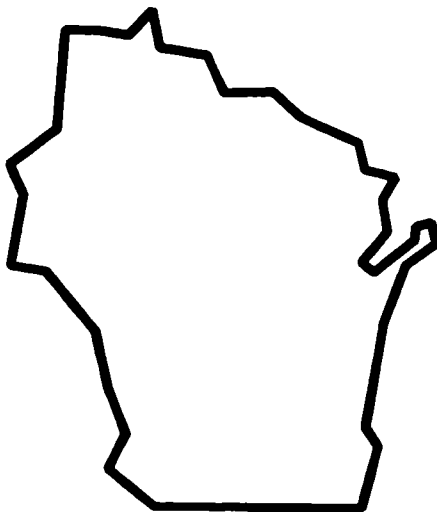
Fees Charged. The CLEO charges \$8.

State Data. The CLEO has access to the following data from the statewide computer network: fugitive, criminal history, juvenile, domestic violence, court restraining orders, and mental health. These files are fully automated. Probation and parole data are kept manually.

Retention of Applications. Wisconsin keeps the approved applications for 30 days and the rejected applications indefinitely.

Statistics Maintained. Wisconsin maintains statistics on events which involve homicides, murder or assault of a police officer, and family violence.

Current Activity. In 1996 Wisconsin processed 32,628 applications; 188 were disapproved. This represents a rejection rate of 0.6%.



Wyoming

A Brady State: 453,588 population

Source of Information. The information was provided by the Wyoming Attorney General. The CLEOs are the 40 local sheriffs and police departments.

Additional Restrictions on Purchase. Wyoming does not place any additional restrictions on the purchase of handguns.

Limitations on Use. Wyoming places limitations on carrying concealed handguns. It does not place any limitations on the use of long guns.

Permits. Wyoming does not require a permit to purchase a handgun.

Handgun Registration. Handguns are not registered in Wyoming.

Scope of Sales Covered. The only sales of handguns that are regulated in Wyoming are those covered by the Brady Act.

Restoration of Rights. Wyoming allows a convicted felon's right to own a handgun to be restored through a governor's pardon.

Background Checks. Background checks on purchases of handguns are done by the local sheriffs and police departments. The dealer requests a check from the local CLEO. The results of that check are sent back to the dealer.

Information on the Application. Wyoming uses the standard BATF form.

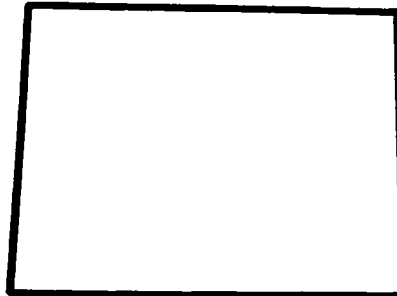
Inquiry Process. No information is available.

Fees Charged. There are no State-mandated fees. Any fee charged is at the discretion of the local CLEO.

State Data. Wyoming makes the following data available to each CLEO via the statewide computer network: fugitive (felony and misdemeanor) and criminal history. These files are fully automated.

Retention of Applications. As a Brady State, the local CLEO keeps the approved applications for a maximum of 20 days. Rejected applications are kept at the discretion of the local CLEO.

Statistics Maintained. No information is available.



American Samoa

46,773 population

Source of Information. The information was provided by the American Samoa Department of Public Safety. This agency is a CLEO as defined by the Brady Act.

Additional Restrictions on Purchase. The territory of American Samoa does not allow handguns on the island. Even local police officers do not carry handguns. A person's baggage is checked when he/she arrives, but some handguns do escape detection. Shotguns and .22 caliber rifles are allowed.

Limitations on Use. See above.

Permits. No information is available.

Handgun Registration. No information is available.

Scope of Sales Covered. No information is available.

Restoration of Rights. No information is available.

Background Checks. Background checks on purchases of shotguns and .22 caliber rifles are performed by the police. After the weapon is purchased, the person must take the sales receipt and the weapon to the police. The police will run a background check and issue a permit. The background check includes checking with police departments on neighboring islands.

Information on the Application. No information available.

Inquiry Process. No information is available.

Fees Charged. No information is available.

State Data. No information is available.

Retention of Applications. No information is available.

Statistics Maintained. No information is available.



Guam

A Brady-alternative jurisdiction: 133,152 population

Source of Information. The information was provided by the Guam Police Department. This agency is a CLEO as defined by the Brady Act.

Additional Restrictions on Purchase. Guam places the following restrictions on the purchase of handguns. any person, 18 years old and over, may obtain a Guam Firearm's Identification Card, issued by the Guam Police Department. Handguns, if purchased through a licensed federal firearms dealer, can only be legally obtained by persons 21 years old and over. Shotguns and rifles can be purchased by a holder of a Guam Firearms Identification Card (18 years old and above).

Limitations on use. Guam does not place any limitations on where handguns can be carried or used.

Permits. Guam does require a permit to purchase a handgun. It is called the Firearm ID Card.

Handgun Registration. After purchasing a weapon, the receipt is taken to the Guam Police Department, and is first inspected by the duty armorer, then is registered by the department.

Scope of Sales Covered. The transfer of weapons between individuals as well as purchases from gun shops are covered by Guam's laws. Redemptions from pawnshops are also covered.

Restoration of Rights. Guam does not allow a convicted felon's right to own a handgun to be restored.

Background Checks. Background checks on purchases of handguns are done by the Guam Police Department. The applicant requests a permit from the police department who then checks FBI's data and their local files.

Information on the Application. Guam's application contains the following information: name, address, previous address, place of birth, date of birth, home phone, duty phone, Social Security number, occupation, employer, race, sex, height, weight, eye color, and hair color.

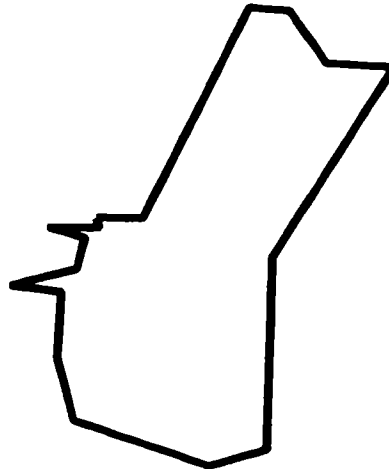
Inquiry Process. The process can take as much as 6 to 10 weeks while the person's background is being checked.

Fees Charged. First time applicants must submit a money order/bank draft, addressed to the Federal Bureau of Investigation in the amount of \$24 for their (FBI) background information fee. Once the background check is cleared and the application is approved for issuance, the applicant is charged a fee of \$15 for the Identification Card (renewable every 3 years). There is also a fee of \$20 for the registration of each firearm.

State Data. Guam has access to the following data: fugitive, criminal history, and mental health data.

Retention of Applications. Guam keeps all applications indefinitely.

Statistics Maintained. No information is available.



Puerto Rico

A Brady jurisdiction: 3,522,037 population

Source of Information. The information was provided by the Police of Puerto Rico. This agency is a CLEO as defined by the Brady Act.

Additional Restrictions on Purchase. No information is available.

Limitations on Use. No information is available.

Permits. Puerto Rico does require a permit to purchase a handgun.

Handgun Registration.
No information is available.

Scope of Sales Covered.
No information is available.

Restoration of Rights.
No information is available.

Background Checks.
Background checks on purchases of handguns are done by the Police of Puerto Rico. The request is sent by certified mail or in person to the Police. The Police have an internal appeals process with written procedures and an external appeals process that involves the court system.

Information on the Application. No information is available.

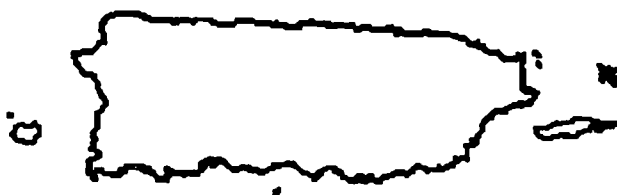
Inquiry Process. The background check process can take from 120 to 200 days.

Fees Charged. No fee is charged.

State Data. No information is available.

Retention of Applications. As a Brady State, the CLEO keeps the approved applications for a maximum of 20 days.

Statistics Maintained. No information is available.



Virgin Islands

A Brady-alternative jurisdiction: 101,809 population

Source of Information. The information was provided by the Virgin Islands Police Department. This agency is the CLEO.

Additional Restrictions on Purchase. No information is available.

Limitations on Use. No information is available.

Permits. The applicant is issued a purchase coupon.

Handgun Registration. After purchase, the bill of sale and the weapon are brought to the police where all the information is recorded.

Scope of Sales Covered.
No information is available.

Restoration of Rights.
No information is available.

Background Checks.
The applicant fills out and returns a completed notarized application. The application is accompanied by four photographs and notarized statements from character references. If no problems are found during the background check, the application is forwarded to the Police Commissioner who approves or disapproves the application.

Information on the Application. Data required vary with the kind of application.

Inquiry Process. No information is available.

Fees Charged. The Virgin Islands charges a \$5 application fee, an \$18 renewal fee and a \$15 late registration fee. The license must be renewed every three years. New photographs are required with each renewal.

State Data. No information is available.

Retention of Applications. No information is available.

Statistics Maintained. No information is available.



Washington, D.C.

606,900 population

Source of Information. The information was provided by the Metropolitan Police Department of Washington, D.C.

Additional Restrictions on Purchase. The laws of Washington, D.C. do not allow the purchase or carrying of handguns except by police.

Limitations on Use. Limitations are listed above.

Permits. Not applicable.

Handgun Registration. Not applicable. .

Scope of Sales Covered. Not applicable.

Restoration of Rights. Not applicable.

Background Checks. Not applicable.

Information on the Application. Not applicable.

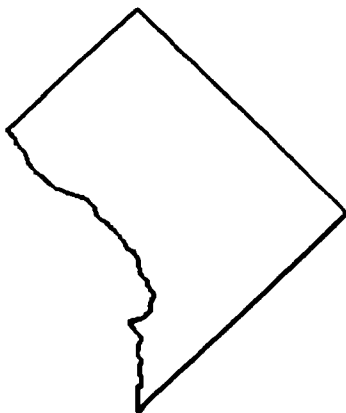
Inquiry Process. Not applicable.

Fees Charged. Not applicable.

State Data. Not applicable.

Retention of Applications. Not applicable.

Statistics Maintained. Not applicable.



Appendix A

State FIST Contact

Alabama

Isaac Kervin
Criminal Justice Info. Center
770 Washington Ave. Rm. 350
Montgomery AL 36130
(334) 242-4900

Alaska

Carey Maple
Department of Public Safety
Division of Adm. Services
5700 East Tudor Road
Anchorage AK 99507
(907) 269-5708

Arizona

Teresa Fuentes
Department of Public Safety
Instant Check Unit
P.O. Box 6638
Phoenix AZ 85005
(602) 223-2702

Arkansas

Tom Craig
Crime Information Center
One Capitol Mall
Little Rock AR 72201
(501) 618-8500

California

Mike Broderick
Department of Justice
Firearms Program
4949 Broadway
Sacramento CA 95820
(916) 227-3268

Colorado

Sean McNeill
Bureau of Investigation
Crime Information Center
690 Kipling Street, Rm. 3000
Denver CO 80215
(303) 239-4641

Connecticut

Paul A. Samuels
Department of Public Safety
License & Firearms Unit
1111 Country Club Road
Middletown CT 06457
(860) 685-8160

Delaware

Kenneth Casteline
State Police, BOI
Firearms Trans. Program
P.O. Box 430
Dover DE 19903
(302) 739-2934

Florida

Martha Wright
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Decatur GA 30037
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Idaho

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Bur. of Criminal Identification
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Meridian ID 83642
(208) 884-7133

Illinois

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100 Iles Park Place
Springfield IL 62708
(217) 782-3310

Indiana

Bruce Bryant
State Police Firearms Division
Indiana Govt. Center North
100 N. Senate Ave, Rm. 312
Indianapolis IN 46204
(317) 232-8264

Iowa

Carroll L. Bidles
Office of Public Safety
Div. of Criminal Investigation
Wallace State Office Building
Des Moines IA 50319
(515) 281-8422

Kansas

Charles Sexson
Bureau of Investigation
1620 Southwest Tyler
Topeka KS 66612
(913) 291-3029

Kentucky

Dana R. Winkel
State Police
Information Services Center
1250 Louisville Road
Frankfort KY 40601
(502) 227-8700

Louisiana

Randy Johnson
Office of State Police
Bur. of Criminal Identification
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Baton Rouge LA 70896
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Maine

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Support Services Division
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Nebraska

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New Mexico

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Pennsylvania

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Rhode Island

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Nashville TN 37210
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Vermont

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Virginia

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Guam

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Susan M. McDonald
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V. I. Police Department
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Washington, D.C.

Susie Schaeffer
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Washington DC 20001
(202) 727-2911

Appendix B
State Summary Tables

Appendix table 1. Applications for presale handgun checks processed by States, 1996

State	Population	Applications		Rejection rate
		Received	Rejected	
Arizona	3,665,228	72,715	2,203	3.0%
Arkansas	2,350,725	25,742	506	2.0%
California	29,760,021	215,804	2,111	1.0%
Colorado	3,294,394	51,450	3,518	6.8%
Delaware	666,168	11,826	639	5.4%
Florida	12,937,928	213,133	6,236	2.9%
Georgia	6,478,216	89,786	8,463	9.4%
Idaho	1,006,749	24,604	791	3.2%
Illinois	11,430,602	178,168	1,997	1.1%
Indiana	5,544,159	81,974	907	1.1%
Kentucky	3,685,296	67,830	1,600	2.4%
Maryland	4,781,468	31,362	344	1.1%
Nevada	1,201,833	28,253	574	2.0%
New Hampshire	1,109,252	12,997	161	1.2%
New Jersey	7,730,188	24,672	280	1.1%
Ohio	10,847,115	60,037	330	0.5%
South Carolina	3,486,703	53,153	2,467	4.6%
Utah	1,722,850	34,073	595	1.7%
Virginia	6,187,358	182,384	1,896	1.0%
West Virginia	1,793,477	20,538	224	1.1%
Wisconsin	4,891,769	32,628	188	0.6%

Note: This table includes only those States that provided actual counts of the total of applications processed in the State during 1996.

Appendix tat 2. Handgun presa check procedures, by State, 1996

State	State status		Presale check procedures in Brady-alternative States ^b	Waiting period before handgun can be delivered to purchaser ^c	Additional purchase restrictions ^d	Number of CLEOs
	Brady	Alternative ^a				
Alabama	X	---	---	---	---	67
Alaska	X	---	---	2 days	1	35
Arizona	X*	---	---	---	---	1
Arkansas	X*	---	---	---	---	1
California	---	■	---	---	---	1
Colorado	---	03/94	Yes	15 days ^f	2	1
Connecticut	---	■	---	---	2	1
Delaware	---	■	Yes	14 days	2	1
Florida	---	■	Yes	---	2,3	1
Georgia	---	01/96	Yes	3 days	1	1
Hawaii	---	■	---	---	---	1
Idaho	---	06/94	Yes	14 days	1,2,4	4
Illinois	---	■	Yes	---	---	1
Indiana	---	■	---	3 days	1,3	1
Iowa	---	■	---	7 days	4	1
Kansas	X	---	---	3 days	1	99
Kentucky	X	---	---	---	---	123
Louisiana	X	---	---	5 days	---	5
Maine	X	---	---	---	---	64
Maryland	---	■	---	---	---	128
Massachusetts	---	■	---	7 days	2,4	1
Michigan	---	■	---	---	1	270
Minnesota	---	08/94	---	---	1	595
Mississippi	X	---	---	---	---	568
Missouri	---	■	---	---	---	263
Montana	X	---	---	---	2,4	115
Nebraska	---	■	---	---	---	56
Nevada	X*	---	---	---	---	95
New Hampshire	---	01/95	Yes	---	---	1
New Jersey	---	■	---	---	1	1
New Mexico	X	---	---	7 days	1,4	483
New York	---	■	---	---	---	113
North Carolina	---	12/95	---	---	1,2	58
North Dakota	X	---	---	---	1,4	100
Ohio	X*	---	---	---	2	53
Oklahoma	X	---	---	5 days	---	1
Oregon	---	■	Yes	---	---	440
Pennsylvania	X	---	---	---	1,2	1
Rhode Island	X	---	---	2 days	2	67
South Carolina	X*	---	---	7 days	4	39
South Dakota	X	---	---	---	1,2,4	1
Tennessee	---	05/94	---	2 days	---	66
Texas	X	---	---	15 days	1,2,4	96
Utah	---	03/94	Yes	---	---	991
Vermont	X	---	---	---	---	1
Virginia	---	■	Yes	---	---	22
Washington	---	06/96	---	---	1	1
West Virginia	X	---	---	5 days	2	291
Wisconsin	---	■	Yes	---	---	1
Wyoming	X	---	---	2 days	1,3	1
Total	23	27	11	20	---	40

---Not applicable.

■ States classified as the original Brady-alternative States by the Bureau of Alcohol, Tobacco and Firearms (BATF).

*Dates reflect when States switched from Brady to Brady-alternative status.

^aBATF classified the States.

^bWhere a waiting period is indicated for a Brady State, it represents additional requirements under State law.

^c1-General restrictions. 2-Purchaser must not be under indictment or arraignment or have been convicted of a misdemeanor (specific misdemeanors vary by State). 3-Purchaser must not have committed juvenile-related offenses. 4-Purchaser must not be habitually intoxicated.

^dThe State reports that it maintains a central 1-800 or 1-900 telephone number that Federal firearms licensees may call to make an immediate background check.

^eCalifornia's presale waiting period was reduced to 10 days as of April 1, 1997.

5,367

**Appendix table 3. Amount of _____ for background checks
and how long handgun purchase applications are kept, by State, 1996**

State	Maximum fee charged for name check	Fingerprint accompanies application*	The period for which processed applications are retained by the CLEO	
			Approved	Rejected
Alabama	---	---	20 days	■
Alaska	---	---	20 days	■
Arizona	---	---	20 days	Indefinitely
Arkansas	\$15.00	Yes (1)	20 days	Indefinitely
California	14.00	---	Indefinitely	Indefinitely
Colorado	10.00	---	1 day	2 years
Connecticut	---	---	Indefinitely	Indefinitely
Delaware	---	---	60 days	Indefinitely
Florida	8.00	---	2 days	Indefinitely
Georgia	5.00	---	Not kept	90 days
Hawaii	24.00	Yes	Indefinitely	Indefinitely
Idaho	---	---	5 days	6 months
Illinois	2.00	---	1 year	5 years
Indiana	---	Yes (1)	Not kept	Indefinitely
Iowa	---	---	4 years	3 years
Kansas	---	---	20 days	■
Kentucky	---	---	20 days	Indefinitely
Louisiana	---	---	20 days	■
Maine	---	---	20 days	Indefinitely
Maryland	10.00	---	Indefinitely	3 years
Massachusetts	20.00	Yes (1)	Indefinitely	Indefinitely
Michigan	5.00	---	6 years	■
Minnesota	---	---	■	■
Mississippi	---	---	20 days	■
Missouri	10.00	---	Indefinitely	Indefinitely
Montana	---	---	20 days	■
Nebraska	5.00	---	■	■
Nevada	15.00	---	20 days	Indefinitely
New Hampshire	7.00	---	20 days	3 years
New Jersey	51.00 (2)	Yes	Indefinitely	Indefinitely
New Mexico	20.00	---	20 days	■
New York	74.00 (2)	Yes	Indefinitely	Indefinitely
North Carolina	5.00	---	5 years	Indefinitely
North Dakota	10.00	---	20 days	Indefinitely
Ohio	15.00	---	20 days	Indefinitely
Oklahoma	---	---	20 days	■
Oregon	10.00	Yes (4)	5 years	5 years
Pennsylvania	3.00 (3)	---	20 days	20 days
Rhode Island	---	---	20 days	Indefinitely
South Carolina	5.00	Yes (1)	20 days	Indefinitely
South Dakota	---	---	20 days	■
Tennessee	---	Yes (4)	1 year	1 year
Texas	---	---	20 days	■
Utah	5.00	---	20 days	1 year
Vermont	---	---	20 days	■
Virginia	2.00	---	30 days	2 years
Washington	---	---	20 days	6 years
West Virginia	---	---	20 days	Indefinitely
Wisconsin	8.00	---	30 days	Indefinitely
Wyoming	---	---	20 days	■

—Not applicable.

*Either the total or a portion of the cost for fingerprint processing is included in the name check cost.

■ Applications are retained at the discretion of the local CLEO.

(1) Fingerprints are used only if identity is questioned.

(2) Includes fee for FBI fingerprint check.

(3) Fee is being used to fund a new statewide system.

(4) Only the thumbprint is taken, but it is not used for the background check.

Appendix table 4. Data

checked by CLEOs for background checks, 1996

State	State					Federal: National Crime Information Center (NCIC)	
	Fugitive	Computerized criminal history (CCH)	Restraining orders	Mental health	Other*	Wanted	Interstate Identification Index (III)
Alabama	Y	Y	-	-	Y	Y	Y
Alaska	Y	Y	Y	-	-	Y	Y
Arizona	Y	Y	-	-	Y	Y	Y
Arkansas	Y	Y	Y	-	-	Y	Y
California	Y	Y	Y	Y	Y	Y	Y
Colorado	Y	Y	Y	-	Y	Y	Y
Connecticut	Y	Y	Y	-	Y	Y	Y
Delaware	Y	Y	-	Y	Y	Y	Y
Florida	Y	Y	Y	-	-	Y	Y
Georgia	Y	Y	-	Y	Y	Y	Y
Hawaii	-	Y	-	Y	-	Y	Y
Idaho	Y	Y	Y	-	Y	Y	Y
Illinois	Y	Y	Y	Y	-	Y	Y
Indiana	-	Y	-	-	-	Y	Y
Iowa	Y	Y	Y	Y	Y	Y	Y
Kansas	-	Y	-	-	-	Y	Y
Kentucky	Y	Y	Y	-	-	Y	Y
Louisiana	Y	Y	-	-	-	Y	Y
Maine	Y	Y	Y	-	Y	Y	Y
Maryland	Y	Y	Y	-	Y	Y	Y
Massachusetts	Y	Y	Y	Y	Y	Y	Y
Michigan	Y	Y	Y	Y	Y	Y	Y
Minnesota	Y	Y	-	Y	Y	Y	Y
Mississippi	-	-	-	-	-	Y	Y
Missouri	Y	Y	Y	-	Y	Y	Y
Montana	Y	Y	-	-	-	Y	Y
Nebraska	Y	Y	-	-	Y	Y	Y
Nevada	Y	Y	-	-	-	Y	Y
New Hampshire	Y	Y	Y	-	-	Y	Y
New Jersey	Y	Y	Y	Y	Y	Y	Y
New Mexico	Y	Y	-	-	-	Y	Y
New York	Y	Y	Y	Y	-	Y	Y
North Carolina	Y	Y	Y	-	Y	Y	Y
North Dakota	Y	Y	Y	-	-	Y	Y
Ohio	Y	Y	Y	-	Y	Y	Y
Oklahoma	-	Y	-	-	-	Y	Y
Oregon	Y	Y	Y	Y	Y	Y	Y
Pennsylvania	Y	Y	-	-	Y	Y	Y
Rhode Island	Y	Y	Y	Y	Y	Y	Y
South Carolina	Y	Y	-	-	Y	Y	Y
South Dakota	Y	Y	Y	-	Y	Y	Y
Tennessee	Y	Y	Y	-	-	Y	Y
Texas	Y	Y	Y	-	Y	Y	Y
Utah	Y	Y	Y	-	Y	Y	Y
Vermont	Y	Y	Y	-	Y	Y	Y
Virginia	Y	Y	Y	Y	Y	Y	Y
Washington	Y	Y	Y	Y	-	Y	Y
West Virginia	Y	Y	Y	-	-	Y	Y
Wisconsin	Y	Y	Y	Y	Y	Y	Y
Wyoming	Y	Y	-	-	-	Y	Y
Total	45	49	32	16	29	50	50

Note: Computerized Criminal History records contain at least felony arrests and dispositions and may also contain disposition or other data describing domestic violence or other misdemeanors. The Interstate Identification Index, a national system, "points to" State(s) having a criminal history record on an individual.

-No database search.

*"Other" includes data on such areas as probation and parole, juvenile, and motor vehicle.

Appendix table 5. Information provided on applications, types of firearm purchases or transactions covered, and limitations on the use of handguns and long guns, 1996

State	Application information provided to the CLEO		Types of transactions covered			Limitations on the use of --	
	Required data	Optional data	Firearms dealer	Pawnshop redemptions	Private sales	Handgun	Long gun
Alabama	1,2,3,4,5,6,8,10,13,18		Y	N	N	Y	N
Alaska	1,2,8	4, 5, 6, 10, 17	Y	Y	--	N	N
Arizona	1,2,8	4, 5, 6, 10, 17	Y	N	N	Y	Y
Arkansas	1,2,8	4, 5, 6, 10, 17	Y	N	N	Y	Y
California	1,2,3,4,5,6,7,8,9,14,17,18	15	Y	N	Y	Y	Y
Colorado	1,2,3,4,8,10,17		Y	Y	N	Y	Y
Connecticut	1,2,3,4,5,6,8,10,18		Y	Y	Y	Y	N
Delaware	1,2,3,4,8,10,18		Y	N	N	Y	Y
Florida	1,3,4,8,14	10	Y	Y (1)	N	Y	--
Georgia	1,3,4,8	2,5,6,7,9,10,12,17	Y	Y (2)	--	Y	--
Hawaii	1,2,3,4,5,6,7,8,9,10,11,12,18	13,14,15,16,17	Y	(3)	Y	Y	Y
Idaho	1,3,4,8	2,5,6,10	Y	N	N	Y	Y
Illinois	1,2,3,4,5,6,7,8,9,14,18		Y	Y	N	Y	Y
Indiana	1,2,3,4,5,6,7,8,9,11,13,16		Y	(3)	Y	Y	--
Iowa	1,2,8,10		Y	N	Y	Y	Y
Kansas	1,2,3,4,8,10		Y	N	N	Y	Y
Kentucky	1,2,8,10	3,4	Y	N	N	Y	Y
Louisiana	1,2,8	4,5,6,10,17	Y	N	N	Y	N
Maine	1,2,8	4,5,6,10,17	Y	N	N	Y	Y
Maryland	1,2,3,4,5,6,7,8,9,13,17,18	10	Y	N	Y	Y	Y
Massachusetts	1,2,5,6,7,8,9,10,11,12,13,14,17,18		Y	(3)	Y	Y	Y
Michigan	1,2,3,4,5,7,8,9,18		Y	(3)	Y	Y	Y
Minnesota	1,2,5,6,7,8,18		Y	Y	Y	Y	Y
Mississippi	1,2,8	4,5,6,10,17	Y	N	N	Y	Y
Missouri	1,2,5,7,8,9,10,12,13,18		Y	Y	Y	Y	Y
Montana	1,2,8	4,5,6,10,17	Y	N	N	N	N
Nebraska	1,2,3,4,5,6,7,8,10,18		Y	N	--	N	N
Nevada	1,2,8,14	4,5,6,10	Y	N	N	Y	Y
New Hampshire	1,3,4,8	10	Y	N	N	Y	--
New Jersey	1,2,3,4,5,6,7,8,9,10,11,12,13,14,16,17,18		Y	(3)	Y	Y	Y
New Mexico	1,2,8	4,5,6,10,17	Y	N	N	Y	Y
New York	1,2,3,4,5,6,7,8,9,10,11,12,13,15,18		Y	Y	--	Y	--
North Carolina	Varies from county to county		Y	N	Y	Y	Y
North Dakota	1,2,8	4,5,6,10,17	Y	N	Y	Y	Y
Ohio	1,8,14,18	2,3,4,5,6,7,9,10,12,13,15,17	Y	N	N	Y	Y
Oklahoma	1,2,8	4,5,6,10,17	Y	N	N	Y	--
Oregon	1,2,8,18	4,5,6,10,11,17	Y	N	N	Y	--
Pennsylvania	1,2,3,4,5,6,7,8,9,10,13,18		Y	(3)	Y	Y	Y
Rhode Island	1,2,4,5,6,8,10		Y	Y	Y	Y	Y
South Carolina	1,2,3,4,5,6,7,8,9,10,12,17,18	11,13	Y	N	N	Y	--
South Dakota	1,2,8	4,5,6,10,17	Y	N	N	Y	Y
Tennessee	1,2,3,4,5,6,7,8,9,10,14,15,18		Y	Y	Y	Y	Y
Texas	1,2,8	4,5,6,10,17	Y	N	N	Y	--
Utah	1,2,3,4,5,6,7,8,9,10		Y	Y	--	Y	Y
Vermont	1,2,8	4,5,6,10,17	Y	N	N	N	--
Virginia	1,2,3,4,5,6,8,10,17,18		Y	N(4)	--	Y	--
Washington	1,2,4,5,8,9,17,18	6,7,10	Y	N	N	Y	Y
West Virginia	1,2,8,10,18		Y	N	N	Y	Y
Wisconsin	1,2,3,4,5,6,7,8,9,14		Y	N	--	Y	Y
Wyoming	1,2,8	4,5,6,10,17	Y	N	N	Y	N

Note: Information describes requirements and procedures pursuant to both Federal and State law.

Data elements:

1. Name
2. Address
3. Race
4. Sex
5. Height
6. Weight
7. Hair color
8. Date of birth
9. Eye color
10. Social Security number

11. Fingerprints

12. Business address

13. Occupation

14. Previous names

15. Previous address

16. Scars, marks, tattoos

17. Place of birth

18. Other data

Standard fields on the BATF form are:

Required=1,2,8 Optional=4,5,6,10,17

-- Information was not available.

(1) Y indicates redemptions are covered after 90 days.

(2) Y indicates redemptions are covered after 1 year.

(3) Handguns cannot be pawned.

(4) If redeemed within the bailment period.

Total Pages: 9

LRM ID: REJ120

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Tuesday, June 3, 1997

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

FROM: James J. Jukes (for) Assistant Director for Legislative Reference

OMB CONTACT: Ronald E. Jones *jr*

PHONE: (202)395-3386 FAX: (202)395-3109

SUBJECT: OMB Request for Views on HR103 Private Security Officer Quality Assurance Act 

DEADLINE: Monday, June 9, 1997

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS: This bill is scheduled for a June 12th markup by the House Judiciary Crime Subcommittee. DOJ may prepare a views letter to the Subcommittee.

DISTRIBUTION LIST

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FAX RETURN of pages, attached to this response sheet

105TH CONGRESS
1ST SESSION

H. R. 103

To expedite State reviews of criminal records of applicants for private security officer employment, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 1997

Mr. BARR of Georgia (for himself and Mr. MARTINEZ) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To expedite State reviews of criminal records of applicants for private security officer employment, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Private Security Offi-
5 cer Quality Assurance Act of 1997".

H.L.C.

2

1 SEC. 2. FINDINGS.

2 Congress finds that—

3 (1) employment of private security officers in
4 the United States is growing rapidly;5 (2) the private security industry provides nu-
6 merous opportunities for entry-level job applicants,
7 including individuals suffering from unemployment
8 due to economic conditions or dislocations;9 (3) sworn law enforcement officers provide sig-
10 nificant services to the citizens of the United States
11 in its public areas, and are only supplemented by
12 private security officers who provide prevention and
13 reporting services in support of, but not in place of,
14 regular sworn police;15 (4) given the growth of large private shopping
16 malls, and the consequent reduction in the number
17 of public shopping streets, the American public is
18 more likely to have contact with private security per-
19 sonnel in the course of a day than with sworn law
20 enforcement officers;21 (5) regardless of the differences in their duties,
22 skill, and responsibilities, the public has difficulty in
23 discerning the difference between sworn law enforce-
24 ment officers and private security personnel; and

H.L.C.

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1 (6) the American public demands the employ-
2 ment of qualified, well-trained private security per-
3 sonnel as an adjunct, but not a replacement for
4 sworn law enforcement officers.

5 **SEC. 3. BACKGROUND CHECKS.**

6 (a) IN GENERAL.—An association of employers of
7 private security officers, designated for the purpose of this
8 section by the Attorney General, may submit fingerprints
9 or other methods of positive identification approved by the
10 Attorney General, to the Attorney General on behalf of
11 any applicant for a State license or certificate of registra-
12 tion as a private security officer or employer of private
13 security officers. In response to such a submission, the At-
14 torney General may, to the extent provided by State law
15 conforming to the requirements of the second paragraph
16 under the heading "Federal Bureau of Investigation" and
17 the subheading "Salaries and Expenses" in title II of Pub-
18 lic Law 92-544 (86 Stat. 1115), exchange, for licensing
19 and employment purposes, identification and criminal his-
20 tory records with the State governmental agencies to
21 which such applicant has applied.

22 (b) REGULATIONS.—The Attorney General may pre-
23 scribe such regulations as may be necessary to carry out
24 this section, including measures relating to the security,

H.L.C.

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1 confidentiality, accuracy, use, and dissemination of infor-
2 mation and audits and recordkeeping and the imposition
3 of fees necessary for the recovery of costs.

4 (c) REPORT.—The Attorney General shall report to
5 the Senate and House Committees on the Judiciary 2
6 years after the date of enactment of this bill on the num-
7 ber of inquiries made by the association of employers
8 under this section and their disposition.

9 **SEC. 4. SENSE OF CONGRESS.**

10 It is the sense of Congress that States should partici-
11 pate in the background check system established under
12 section 3.

13 **SEC. 5. DEFINITIONS.**

14 As used in this Act—

15 (1) the term “employee” includes an applicant
16 for employment;

17 (2) the term “employer” means any person
18 that—

19 (A) employs one or more private security
20 officers; or

21 (B) provides, as an independent contrac-
22 tor, for consideration, the services of one or
23 more private security officers (possibly includ-
24 ing oneself);

25 (3) the term “private security officer”—

H.L.C.

5

1 (A) means—

2 (i) an individual who performs secu-
3 rity services, full or part time, for consider-
4 ation as an independent contractor or an
5 employee, whether armed or unarmed and
6 in uniform or plain clothes whose primary
7 duty is to perform security services, or

8 (ii) an individual who is an employee
9 of an electronic security system company
10 who is engaged in one or more of the fol-
11 lowing activities in the State: burglar
12 alarm technician, fire alarm technician,
13 closed circuit television technician, access
14 control technician, or security system mon-
15 itor; but

16 (B) does not include—

17 (i) sworn police officers who have law
18 enforcement powers in the State,

19 (ii) attorneys, accountants, and other
20 professionals who are otherwise licensed in
21 the State,

22 (iii) employees whose duties are pri-
23 marily internal audit or credit functions,

H.L.C.

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1 (iv) persons whose duties may inciden-
2 tally include the reporting or apprehension
3 of shoplifters or trespassers, or

4 (v) an individual on active duty in the
5 military service;

6 (4) the term "certificate of registration" means
7 a license, permit, certificate, registration card, or
8 other formal written permission from the State for
9 the person to engage in providing security services;

10 (5) the term "security services" means the per-
11 formance of one or more of the following:

12 (A) the observation or reporting of intru-
13 sion, larceny, vandalism, fire or trespass;

14 (B) the deterrence of theft or misappro-
15 priation of any goods, money, or other item of
16 value;

17 (C) the observation or reporting of any un-
18 lawful activity;

19 (D) the protection of individuals or prop-
20 erty, including proprietary information, from
21 harm or misappropriation;

22 (E) the control of access to premises being
23 protected;

24 (F) the secure movement of prisoners;

H.L.C.

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1 (G) the maintenance of order and safety at
2 athletic, entertainment, or other public activi-
3 ties;

4 (H) the provision of canine services for
5 protecting premises or for the detection of any
6 unlawful device or substance; and

7 (I) the transportation of money or other
8 valuables by armored vehicle; and

9 (6) the term "State" means any of the several
10 States, the District of Columbia, the Commonwealth
11 of Puerto Rico, the United States Virgin Islands,
12 American Samoa, Guam, and the Commonwealth of
13 the Northern Mariana Islands.

○



U. S. Department of Justice

Office of Intergovernmental Affairs

Office of the Director

Washington, D.C. 20530

November 8, 1997

MEMORANDUM

TO: Jose Cerda, III
David Medina

FROM: Nick Gess *N. Gess*

SUBJECT: Follow-up on Non-Compliant Brady Jurisdictions

Besides the two statewide CLEO's where there are current Brady compliance issues: Ohio and Arkansas, there are 104 jurisdictions, according to the ATF CLEO study, in which Brady background checks are being performed. We have checked the populations of these jurisdictions and note that none have a population of over 165,000 and that the vast majority are very small with populations under 10,000. Accordingly, although only 90% of the CLEOs are doing background checks voluntarily, over 99% of the populations lives in a jurisdiction where the checks are being conducted.

Nonetheless, as part of the DPC request to follow up with all jurisdictions, we suggest contact with each of the 104 non-compliant jurisdictions. We propose a two-step process. First, a letter from appropriate officials. Second, a personal follow-up. The letter could come either from Secretary Rubin and AG Reno as a follow-up to their 6/27/97, letter to all law enforcement, or from ATF Director McGaw in his CLEO-appointing hat. Follow-up could come either from the local ATF SAC or by telephone from a group of approximately 10 of us, each of whom would call approximately 10 of the CLEO's approximately 10 days after the letters are sent.

At DoJ, there is a slight preference for a joint letter from Rubin/Reno followed by calls from officials here in DC. However, the preference was not strong and there is certainly no mathematical vote.

We would like to come to closure on this issue and suggest that this is a good topic for this week's crime meeting.

Enclosure

LETTER FROM RUBIN/RENO

Dear Law Enforcement Colleague:

On June 27, 1997, we wrote to you to let you know that the Supreme Court had determined that the federal government cannot lawfully require state, county and local law enforcement to conduct background checks under the Brady Act. Nonetheless, we urged you as your colleagues to continue to do the checks voluntarily.

The response has been heartening. Over 90% of the chief law enforcement officials in the country have continued to do these important checks and over 99% of Americans live in jurisdictions where the checks are done.

We have recently learned that you may not be conducting these checks. If you are conducting these checks, please let us know so that we may correct our records. If not, we would much appreciate hearing from you the basis for your decision. It may be that you believe you cannot conduct these checks for either a legal, logistical or resource based reason. If this is the case, we may be able to help you resolve the problem.

If you have made a policy choice not to conduct these checks, as fellow law enforcement officers, we urge that you reconsider and change your decision. The Brady Act saves lives and has prevented firearms sales to over a quarter million felons, fugitives, military deserters and others who are prohibited by law from possessing firearms.

Please join with your colleagues around the country. Thank you for your consideration.

Rubin/Reno

GESSNICK\RUBIN.L1

LETTER FROM MCGAW TO CLEOS

Dear Law Enforcement Colleague:

On June 27, 1997, the United States Supreme Court ruled that Congress could not require state, county and local law enforcement officials to conduct background checks under the Brady Act. Nonetheless, because these background checks have prevented firearms sales to over a quarter million felons, fugitives, military deserters and others who are prohibited by law from firearms possession, it is of critical importance to all of us as law enforcement officers that the background checks be continued.

Over 90% of the chief law enforcement officers, representing over 99% of Americans continue do these checks, not because they have to, but because they want to. My staff tells me that you may be among the few chief law enforcement officers who are not conducting background checks. If they are wrong, please let me know immediately.

If you are not conducting these background checks, I would urge you to reconsider your decision. I want to work with you and would ask that you contact ATF Special Agent-In-Charge [NAME] at [PHONE #] as soon as possible to carefully review ways in which you can continue to perform this important task.

As a career law enforcement officer, I can tell you that there have been few pieces of legislation which have so impacted crime. We owe it to the public which we serve to protect them from illegal firearms possession. Please join with me.

MCGAW.L1