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Bureau of Justice Statistics

Survey of State Procedures Related to Firearm Sales, Midyear 1999

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Includes the FBI's

National Instant Criminal Background Check System



Survey of State Procedures Related to Firearm Sales, Midyear 1999

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

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Introduction

Survey of State Procedures Related to Firearm Sales, Midyear 1999 is the fourth in a series of Bureau of Justice Statistics (BJS) reports. This report describes laws, regulations, procedures, and information systems related to sales and other transfers of firearms, which were in effect as of June 30, 1999.

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

Three previous editions of the survey primarily described procedures related to background checks on *handgun* purchasers in each of the 50 States and other United States jurisdictions, especially those required by the interim provisions of the Brady Act. (See *Survey of State Procedures Related to Firearm Sales*, NCJ 160763, May 1996; *Survey of State Procedures Related to Firearm Sales, 1996*, NCJ 165705, September 1997; *Survey of State Procedures Related to Firearm Sales, 1997*, December 1998, NCJ 173942.)

This updated, expanded edition describes procedures related to transfers of *handguns and other types of firearms*, which are required by the permanent provisions (effective 11/30/98) of the Brady Act or State law.

Data collected and analyzed by the FIST project is also reported in BJS Bulletins. Four bulletins have reported counts of firearm sale applications/inquiries and denials

for parts of the Brady interim period. (See *Presale Firearm Checks*, NCJ 162787, February 1997; *Presale Handgun Checks 1996*, NCJ 165704, September 1997; *Presale Handgun Checks, 1997*, NCJ 171130, June 1998; and *Presale Handgun Checks, the Brady Interim Period, 1994-1998*, NCJ 175034, June 1999.) The most recent bulletin included cumulative counts of firearm sale applications/inquiries and denials, and summarized significant events that occurred during the Brady interim period (02/28/94 - 11/29/98) (for further detail see the *Interim period* section on page 2).

Changes in the number of firearm sale inquiries and denials, and the rate of overall or specific categories of rejections may reflect a variety of factors, including revisions in State laws, policies or organization, and the availability of different categories of records. The regular release of updated information in these BJS documents is intended to highlight such changes. BJS anticipates that the procedural information presented in this report will be used with the statistical information about firearm checks to provide a more thorough understanding of the impact of presale firearm check requirements.

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

To ensure accuracy, a copy of each State's summary in this publication was forwarded to a State contact for review, and clarifying comments were used to refine the summary.

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

Background

Brady Act Provisions. The Federal Gun Control Act (GCA), as codified at 18 U.S.C. 922, prohibits the transfer of any firearm to any person who —

- is under indictment for, or has been convicted of, a crime punishable by imprisonment for more than 1 year
- is a fugitive from justice
- is an unlawful user of or addicted to any controlled substance
- has been adjudicated as a mental defective or committed to a mental institution
- is a juvenile (less than 18 years of age for long guns and less than 21 years of age for handguns)
- was discharged from the armed forces under dishonorable conditions
- has renounced United States citizenship
- is subject to a court order restraining him or her from harassing, stalking, or threatening an intimate partner or child
- has been convicted in any court of a misdemeanor crime of domestic violence,
- is an alien unlawfully in the United States, or
- is an alien admitted to the United States under a nonimmigrant visa.

The Brady Act, PL 103-159 (107 Stat. 1536), amended the Gun Control Act of 1968 (GCA), 18 U.S.C. Chapter 44, and included interim and permanent provisions.

Interim System

From February 28, 1994, until November 29, 1998, the interim provisions of the Brady Act, 18 U.S.C. 922(s), prohibited sale of a handgun by a Federal Firearms

Licensee (FFL) for up to five days or until the licensee had been advised that, based on a background check, a prospective purchaser was not prohibited under Federal or State law. Checks were conducted by the Chief Law Enforcement Officer (CLEO) of the jurisdiction where the licensee operated. Thirty-two States (called "original Brady States") and Puerto Rico were required to follow the review procedures set forth in the interim provisions when they became effective.

The interim provisions of the Brady Act also allowed States with prohibitory statutes comparable to Federal law to follow a variety of alternative procedures.

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

By the end of the interim period, the number of States following the Brady Act review procedures, rather than alternative State statutes, had dropped to 23 (called "Brady States").

Permanent System:

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

the 57-month interim Brady Act period.

The Act allows a licensee to contact the system by telephone or other electronic means for information, to be supplied immediately, on whether receipt of a firearm by a prospective transferee would violate Federal or State law.

In addition to regulation of handgun sales, the Brady Act, under its permanent provisions, mandates that licensees request background checks on long gun purchasers and persons who redeem a pawned firearm. Licensees have the option of requesting a NICS check on persons who attempt to pawn a firearm.

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

- 1) allow a transferee to possess, acquire or carry a firearm, and
- 2) were issued not more than 5 years earlier by the State in which the transfer is to take place, after verification by an authorized government official that possession of a firearm by the transferee would not be a violation of law.

A permit issued after November 30, 1998, qualifies as an alternative only if the information available to the State authority includes the NICS.

Prior to transferring a firearm subject to the permanent Brady requirements, a licensee must receive a completed Firearm Transaction Record (ATF Form 4473) and verify the transferee's identity through a government-issued photo identification. The transferee may

also be required to complete a State disclosure form.

A licensee initiates a NICS check by contacting either the FBI or a point of contact (POC) agency designated by State government. The FBI or the POC checks Federal and State databases and responds with a notice to the licensee that the transfer may proceed, may not proceed, or is delayed pending further review of the transferee's record. If further review of a record indicates the transfer would not violate Federal or State law, the checking agency notifies the licensee that the transfer may proceed. If the licensee does not receive a response within three business days, the transfer may proceed.

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

Under FBI regulations, persons prohibited from purchasing a firearm may request the reason for denial from the denying agency (FBI or POC), which has 5 business days to respond. The applicant may then submit information to correct the record on which the denial was based and may be required to contact the agency where the record originated.

As an alternative, the applicant's challenge to the record can be directed to the FBI, which will contact the denying agency or the source of the record. Persons denied by a POC may also have appeal rights under State law.

State involvement in firearm sale regulation. Each State determines its involvement in the NICS process. Three basic forms of State involvement currently exist:

1) a POC requests a NICS check on all firearm transfers originating in the State;

2) a POC requests a NICS check on all handgun transfers; licensees in the State are required to contact the FBI for approval of long gun transfers; or

3) the State does not maintain a point of contact (POC); licensees are required to contact the FBI for NICS checks on all firearm transfers originating in the State.

Participation in the NICS by POC agencies includes conducting checks on persons who apply for State permits. In a few States, the FBI conducts the NICS check on certain pawn transactions instead of the POC.

Most States have designated a single agency as their NICS point of contact; some States have multiple points of contact.

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

The POC agencies conduct any checks and issue any permits required by State law in addition to following procedures mandated under the NICS. The POC agencies also conduct most checks required by State laws; however, purchasers in six States are required to undergo a State check and a NICS check by different agencies (Table 5). If agencies that conduct checks under State law are unable to access the

NICS Index, licensees in that State are required to contact the FBI for the NICS check. Thus, prospective transferees in some States are required to undergo a permit or point-of-transfer check by a State agency and a NICS check by the FBI.

Sources of additional information.

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

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

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

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

Prohibited persons

State laws

Many States have enacted similar or additional prohibitions. The most common categories of prohibited persons are described below. The number of States that have enacted prohibitions in each category is listed in parentheses (also see table 2).

The Federal Gun Control Act's categories of prohibited persons are the prevailing minimum for all States. State statutes may include more restrictive prohibitions (see *Background* for Federal categories of prohibited persons).

Felons (48 States) - Although statutory definitions vary widely, legislation in 48 States prohibits firearm purchases by at least some categories of felons. Prohibitions may include persons arrested or indicted for, or convicted of, a felony. Some States disqualify all felons from firearm possession. Other States disqualify persons who committed specific felonies, which may be enumerated in a statute or categorized by terms such as "crimes of violence," "serious offenses" or "firearm offenses." Many States extend the prohibition to persons convicted of a felony or a similar offense in other jurisdictions. Only Vermont lacks a statute that bars firearm possession by felons. Tennessee does not have a statute that lists disqualifying State felonies, but prohibits transfer of a firearm to a person ineligible under Federal law.

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

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

Misdemeanor offenders (17 States) - Generally, a misdemeanor is a crime punishable by incarceration for less than one year. The types of misdemeanor-level offenses included in prohibitory statutes vary widely. Several State statutes prohibit firearm possession by persons who have been convicted of a domestic violence misdemeanor. Other States include misdemeanors within categories such as "crimes of violence" or "firearm offenses." Requirements for misdemeanor offenders to regain firearm rights are generally less stringent than for felons.

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

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

presenting documentation from a mental health professional that shows their condition has stabilized.

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

Drug (28 States) **or Alcohol** (19 States) **Abusers and Offenders** - Many States prohibit persons convicted of drug sale or possession offenses, either through a statute that lists a variety of disqualifying offenses or by way of a separate statute. A few statutes disqualify persons who committed alcohol-related offenses such as driving while intoxicated. Generally, drug and alcohol offenders may regain firearm rights in the same manner as other prohibited offenders. Another common prohibition involves persons addicted to drugs or alcohol, who are described by terms such as "addicted to a controlled substance," "habitually intoxicated," or "chronic alcoholics." In several States, a firearm cannot be transferred to or possessed by a person who is intoxicated.

Juvenile Offenders (24 States) - Statutes in this category prohibit persons who were adjudicated delinquent or committed an act as a juvenile that would have been a

disqualifying offense if committed by an adult. The prohibitions usually continue into early adulthood or until the person regains firearm rights through a pardon, court order or other process.

In several States, persons who committed juvenile offenses must follow the same restoration of rights procedures available to adult offenders.

Minors (49 States) - The firearm rights of minors are often restricted solely on the basis of age. In most States, restrictions apply to persons under the age of 18, with a few States restricting persons under the age of 21. Some States limit only handgun possession by minors, while others limit possession of any type of firearm. State statutes describe many circumstances under which minors are allowed to possess firearms. Generally, possession is permissible when a minor is supervised by a parent, guardian or certified firearms instructor. Federal restrictions prohibit the sale of long guns to persons under the age of 18, and under the age of 21 for handguns.

Other categories of prohibited persons are also defined in State statutes.

Restrictions on the timing or quantity of firearm purchases include residency rules and handgun purchase limits. Several States prohibit licensed dealers from selling certain firearms to nonresidents. Four States (Georgia, Maryland, Missouri and Virginia) require fixed periods of residency, ranging from 1 to 6 months, before a person can purchase certain firearms. There are no Federal restrictions on the frequency or quantity of firearms purchased.

Residency rules prevent nonresidents from purchasing and reselling firearms banned in their home State. A handgun purchase limit of one per month prevails in Maryland, South Carolina, and Virginia (the same limit had been enacted in California as this publication went to press). The limits are intended to deter persons who would purchase large quantities of handguns for resale to prohibited persons.

After passage of the Brady Act, many States enacted legislation that included new categories of prohibited persons. During the Brady interim period (February 1994 to November 1998) the most frequent subjects of new prohibitions were felons and other specified offenders (14 States); minors (11 States); mentally ill persons (10 States); domestic violence offenders, either convicted or restrained (10 States); drug addicts or offenders (10 States); and juvenile offenders (6 States). Several States modified procedures for restoration of the right to possess a firearm, with a few States restricting the ability of certain persons to regain their rights. (See *Presale Handgun Checks, the Brady Interim Period, 1994-98*, NCJ 175034, June 1999.)

Regulated sales

State statutes

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

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

In addition to the Brady Act, statutes or executive orders in 31 States regulate sales by federally- or State-licensed dealers. These States require background checks of persons seeking either to purchase firearms or obtain State permits required for purchase. Of these States, 18 regulate dealer sales of all types of firearms, 2 regulate dealer sales of handguns and assault weapons, and 11 regulate only handgun sales by dealers. (See Table 5.)

14 States regulate private sales by requiring that purchasers obtain a permit or undergo a background check at the premises of a licensed dealer or a law enforcement agency. Of these States, six regulate private sales of all types of firearms, one

regulates private sales of handguns and assault weapons, and seven regulate only handgun sales. (See Table 5.) Generally, these regulations apply to transfers initiated at any location, whether it be a person's home, a gun show or anywhere else.

California and Maryland are the only States with statutes that specifically regulate gun shows. California requires a show organizer to obtain a certificate of eligibility from the State Department of Justice and provide local law enforcement with a list of all the show's sellers.

Maryland requires that unlicensed gun show sellers obtain a temporary transfer permit from the State and comply with all restrictions imposed upon sales by licensed dealers.

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

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

Permits

State statutes

12 States administer purchase permit systems, which vary according to the types of weapons regulated, the duration of permits and the number of firearms that can be purchased at one time or during the tenure of a permit. 11 of these States require a permit to purchase a handgun.

In Minnesota, purchasers of handguns and assault weapons have the option of undergoing a background check to obtain a 1-year permit or submitting to a check each time they attempt a purchase.

Most handgun permits have a duration of between 10 days and 1 year, with a few remaining in effect for a longer duration.

For long gun purchases, four States require permits, which generally remain effective for a longer period than handgun permits.

New Jersey's identification card for long guns remains in effect until revoked for a violation of law; among the other three States, the duration of the permits ranges from 1 to 5 years. (States with purchase permit systems are indicated in Table 5.)

The *number of handguns* that can be purchased by one person is sometimes limited by a State permit. In seven States, only one handgun can be purchased with a permit. Six of these States mandate a new permit for a second handgun, with New York requiring an amendment to the purchaser's handgun license. Five States allow unlimited handgun purchases during the effective period of a permit. Unlimited purchases of rifles and shotguns are allowed in the four States which issue long gun permits. Connecticut and Illinois allow unlimited

purchases with a 5-year permit, but attempt to screen out disqualified permit holders by requiring that dealers request a check on every purchase.

Federal law does not mandate a *permit* to purchase firearms. However, State permits for purchase, carrying or other activities can be used to exempt the holder from the national instant check if the applicable permit meets certain requirements of the Brady Act, in the judgment of ATF (see the summary of the NICS in *Background*).

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

At least some carry permit holders in 35 States are exempt from Federal or State checks (or both) when purchasing firearms (Table 4). In addition, a few States exempt certain permit holders from waiting period requirements.

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

Carry permits are required in 42 States; Vermont allows carrying without a permit, and 7 States prohibit concealed firearms. With the exception of New Mexico, all of the States which prohibit concealed firearms are in the Midwest.

Background checks

State systems

Procedures for determining the eligibility of prospective firearm purchasers are generally classified by ATF as "instant check," "permit," or "other approval-type" systems.

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

Permit systems require prospective purchasers to present government-issued documents which verify their eligibility to the seller (see *Permits*).

In other approval-type systems, sellers convey purchaser information to a law enforcement agency by mail, telephone or other electronic means. The agency is not required to respond immediately, but usually must complete checks within a statutory time limit.

Instant check systems include the FBI's NICS operation and the procedures of 17 States; 12 States require permits and 4 States maintain other approval-type systems (Table 5). (Illinois and New Jersey are each counted twice because these States operate permit and instant check systems.)

All instant check systems allow a firearm transfer to proceed as soon as the checking agency informs the seller that no disqualifying record was found on the purchaser, unless the applicable State law requires a waiting period. Three of the four other approval-type systems require a mandatory waiting period after a firearm purchase application is filed with a seller and before the transfer

can be completed (see *Waiting Periods*), regardless of when the checking agency completes the background check.

Almost all systems limit the time allowed for an agency to conduct a check, either by State statute or application of the 3-day limit in the Brady Act. Some statutes permit an extension of time for specific circumstances such as a felony arrest without a recorded disposition. Time limits for instant check systems are usually 3 days or less, with longer limits common in permit and other approval-type systems (Table 5). Background check statutes usually allow a transfer to proceed if the seller has not received a response from the checking agency by the end of the applicable period. In the past, some checking agencies did not communicate approvals to sellers, forcing all purchasers to wait the maximum length of time permitted.

In some States, checking agencies search local records for disqualifying factors such as restraining orders and mental health commitments. (For information on State criminal history record automation see the *Survey of State Criminal History Information Systems, 1997*, NCJ 175041, April 1999).

Waiting period

State statutes

Waiting periods provide a "cooling-off" period and allow sufficient time for checking agencies to investigate and resolve questions about an applicant's background.

13 States require waiting periods (Table 5), which range in length from 1 day to 14 days. All of these States require a waiting period for handgun permits or purchases, with seven States including long guns or assault weapons as well.

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

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

The development of national and State instant check systems has paralleled a decline in the number of States which employ a waiting period. Since the inception of the Brady Act in February 1994, Oregon, Indiana, Pennsylvania and Tennessee implemented instant check systems and eliminated State waiting periods, with the latter three States making the change during 1998. In addition, California reduced the length of its waiting period in 1997.

Retention of records/registration

State statutes

Requirements relating to retaining information from approved and denied firearm transactions (including limitations on the types of information that can be maintained or the length of time such records can be retained) vary among States.

Retention of information on approved firearm transactions is limited by Federal and State laws. In contrast, retention of information on denied transactions is seldom limited, due to its usefulness in facilitating appeals and the future identification of prohibited persons.

33 States require a permit, point-of-sale background check or waiting period before a firearm transfer can be completed. Checking agencies in nearly half these States retain records of approved transactions for less than 90 days, under State law or agency regulations. In contrast, nearly all agencies retain records of denied transactions indefinitely or for a specific length of time longer than 90 days. (See Table 6.) In some States, retention periods vary by type of data. Eight States either require registration (for at least some firearms) or retain all records from approved transactions. Several State statutes prohibit registration of firearms.

Appeals of denials

State statutes

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

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

Procedures for the initial appeal tend to be relatively informal; some agencies allow a denied person to initiate a review with a telephone request.

In some States, a government agency or officer not affiliated with the checking agency performs an administrative review at the first or second appellate level. Other agencies involved in firearm appeals are those maintaining criminal history, restraining order, mental health or other records which could disqualify an applicant.

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

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

Alternatively, an appeal procedure may allow a denied person to request that the appellate agency contact the agency of record to inquire about a missing disposition.

Existing data indicates that the vast majority of disputed firearm denials are resolved at the administrative level, and are rarely appealed to the courts. The paucity of court appeals is not surprising because most disputes turn upon the accuracy of records, not upon an interpretation of the law. (*For Federal provisions see the Federal System section on page 13.*)

Information included in the Federal and State summaries

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

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

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

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

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

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

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

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

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

State data. Databases maintained by State agencies which are normally available to checking agencies during the course of a background check on a prospective firearm purchaser.

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

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

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

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

Arrests of denied persons. Arrest and notification procedures followed by checking agencies in regard to persons who are denied a firearm or a permit because they submitted false information or have an outstanding warrant.

1998/1999 firearm checks. The number of firearm applications (point-of-sale or permit) and denials, and the denial rate for States that maintained statewide data, during the interim (1/1/98 to 11/29/98) or permanent (11/30/98 to 6/30/99) Brady period.

1998/1999 legislative developments. Summaries of revisions of Brady-related procedures and other significant changes in State firearms laws which became effective between January 1, 1998 and June 30, 1999.

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

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

Jurisdictional summaries

Federal system

Prohibited persons. Federal law prohibits transfer of a firearm to a person who is: under indictment for or convicted of a crime punishable by imprisonment for more than 1 year; a fugitive; an unlawful user of or addicted to any controlled substance; adjudicated as a mental defective or committed to a mental institution; an illegal alien; dishonorably discharged from the armed forces; a renounced U. S. citizen; restrained by court order from harassing, stalking, or threatening an intimate partner or child; convicted in any court of a misdemeanor crime of domestic violence; or less than 18 years of age (long guns) or less than 21 years of age (handguns).

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

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

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

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

Waiting period. No Federal requirements.

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

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

Federal data. The three major Federal databases are Interstate Identification Index (III), containing criminal histories; National Crime Information Center (NCIC), containing fugitive, protection order and deported felons data; NICS Index, containing denied person, dishonorable discharge, renunciation of citizenship, mental health, drug abuser and illegal alien data.

Check processing time. For NICS checks by the FBI, immediate "proceed" responses are provided, on average, within 30 seconds; 80% of delayed checks are completed within 2 hours. Overall, 73% of the checks result in an immediate proceed and 95% are completed within 2 hours.

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

Registration. No Federal requirements.

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

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

1998/1999 firearm checks handled by the FBI. 11/30/98 to 6/30/99: 2,295,013 applied; 49,160 denied by the FBI (does not include denials by States serving as POCs), 2.1% denial rate for checks by the FBI.

1998/1999 legislative developments. The NICS took effect on 11/30/98, adding long gun and pawn redemption checks.

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

Source of information. FBI, NICS Program Office.

Alabama

FBI conducts NICS checks

Prohibited persons. Alabama law prohibits delivering a handgun to any person under the age of 18 or to one who the seller has reasonable cause to believe has been convicted of a crime of violence or is a drug addict, an habitual drunkard or of unsound mind.

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

Regulated sales. Background check on firearms purchasers are not required by State law. Pawning handguns is prohibited.

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

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

Waiting period. Alabama requires a 48-hour waiting period (beginning when application is filed) before completion of a handgun transfer, regardless of when a background check is completed.

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

Purchaser fees. None.

State data. Alabama makes fugitive, criminal history, probation/parole, and domestic violence restraining order data is available to State and local checking agencies and the FBI via the statewide computer network.

Check processing time. Not applicable.

Retention of records. Under State law, handgun sellers are required to forward copies of purchaser statements by registered or certified mail to the chief of police of the municipality or the sheriff of the county where the seller is a resident, and to the director of public safety. State law does not specify a retention period.

Registration. No State requirements.

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

Arrests of denied persons. Not applicable.

1998/1999 firearm checks. No statewide information is available.

1998/1999 legislative developments. No significant changes.

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

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

Alaska

FBI conducts NICS checks

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

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

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

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

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

Waiting period. No State requirements.

Information from applicants. No State requirements.

Purchaser fees. None.

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

Check processing time. Not applicable.

Retention of records. No State requirements.

Registration. No State requirements.

Appeals of denials. Persons denied a firearm may appeal under Federal law.

Arrests of denied persons. Not applicable.

1998/1999 firearm checks. No statewide information is available.

1998/1999 legislative developments. Amendments prohibited possession of a firearm within a school bus, courthouse, or State-funded domestic violence or sexual assault shelter. The background check, qualifications, fees, suspension and exemptions sections of the concealed weapon statutes were amended, and a reciprocity section was added.

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

Source of information. Alaska Department of Public Safety.

Arizona

State requests NICS checks

Prohibited persons. Arizona law prohibits possession of a firearm by a person previously convicted of a felony or adjudicated delinquent. It is illegal to knowingly transfer a firearm to a person who intends to use the firearm in the commission of any felony. A firearm cannot be transferred to or possessed by a minor except in limited circumstances.

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

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

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

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

Waiting period. No State requirements.

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

Purchaser fees. None.

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

Check processing time. Routine transactions are normally processed in less than 5 minutes. Transactions requiring additional research normally are completed in less than 3 days.

Retention of records. Records are retained for a maximum period of 20 days on approved transactions and 5 years on disapproved transactions.

Registration. No State requirements.

Appeals of denials. Persons denied a firearm may appeal to the Arizona FCC.

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

1998/1999 firearm checks. 1/1/98 to 11/29/98: 54,754 applied; 1,950 denied; 3.6% denial rate. 11/30/98 to 6/30/99: 83,122 applied; 2,549 denied; 3.1% denial rate.

1998/1999 legislative developments. An amendment changed the checking agency's name to the Firearm Clearance Center and authorized it to conduct checks on all firearms (as defined by Federal law).

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

Source of information. Arizona Department of Public Safety.

Arkansas

FBI conducts NICS checks

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

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

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

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

Background checks. The State is not a point of contact for the NICS. Licensed dealers in Arkansas contact the FBI for all checks required by the NICS. ATF allows a concealed handgun permit issued before 11/30/98 to be used for a purchase without a NICS check.

Waiting period. No State requirements.

Information from applicants. No State requirements.

Purchaser fees. None.

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

Check processing time. Not applicable.

Retention of records. No State requirements.

Registration. No State requirements.

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

Arrests of denied persons. Not applicable.

1998/1999 firearm checks. 1/1/98 to 11/29/98: 28,835 applied; 1,397 denied; 4.8% denial rate. 11/30/98 to 6/30/99: No statewide information available.

1998/1999 legislative developments. No significant changes.

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

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

California

State requests NICS checks

Prohibited persons. California prohibits possession of firearms by certain persons who were convicted of felonies or misdemeanors specified in State law; are addicted to any narcotic drug; are prohibited as a condition of probation; are subject to restraining orders; were adjudged wards of the juvenile court (until age 30); or are mentally ill as defined in State law. A firearm cannot be transferred to a minor except in limited circumstances. Handgun buyers must complete a safety course or show proof of exemption.

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

Regulated sales. Background checks are required for firearm sales by state-licensed dealers and unlicensed individuals (including gun shows), and for pawnshop redemptions processed through dealers.

Permits. A permit is not required to purchase handguns or long guns. Carrying a concealed firearm requires a license. A permit is required to possess a machine gun or an assault weapon.

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

Waiting period. Ten days for all firearms, regardless of when a background check is completed.

Information from applicants. The Dealer's Record of Sale (DROS) standardized form requires a buyer's name, alias, sex, home address, local address if traveling, California driver's license, California ID card or military ID card number (with duty orders showing a station in the State), Basic Firearms Safety Certificate or exemption number, height, weight, descent, hair

color, eye color, responses to questions concerning potential prohibited status, and date of application.

Purchaser fees. DOJ charges \$14 for a check on a single handgun or an unlimited number of long guns and \$10 for additional handguns purchased at the same time.

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

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

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

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

Appeals of denials. Persons denied a firearm can appeal to California DOJ.

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

1998/1999 firearm checks. 1/1/98 to 11/29/98: 304,188 applied; 2,889 denied; 0.9% denial rate. 11/30/98 to 6/30/99: 251,820 applied; 2,601 denied; 1.0% denial rate.

1998/1999 legislative developments. Amendments included authorization for the State to participate in the NICS.

Relevant laws. California Penal Code 417.3; 626.9; 12000 et seq; Family Code 6389.

Source of information. California Department of Justice.

Colorado

FBI conducts NICS checks (through 7/31/99)

State requests NICS checks (beginning 8/1/99)

[**Note:** This summary includes procedures for Colorado's instant check system which was not operating as of 6/30/99 but was reinstated effective 8/1/99. See **1998/1999 legislation** below.]

Prohibited persons. Colorado law forbids transfer of a firearm to any person who is prohibited under local, State or Federal law from possessing a handgun; convicted of crimes involving force against a spouse or child; or subject to a restraining order. Firearms cannot be possessed by certain previous offenders and by persons adjudicated for acts which would be felonies if committed by adults. Handguns cannot be possessed by persons under the age of 18 except in limited circumstances.

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

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

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

Background checks. The Colorado Bureau of Investigation (CBI) is a point of contact for the NICS and conducts all checks required by Federal and State law. Dealers request instant checks by using a 1-800 number.

Waiting period. No State requirements.

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

Purchaser fees. No fees are charged.

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

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

Retention of records. The CBI purges information from approved transactions within 48 hours; information from denied transactions is purged after 2 years.

Registration. No State requirements.

Appeals of denials. Persons denied a firearm can appeal to the CBI.

Arrests of denied persons. No information is available.

1998/1999 firearm checks. 1/1/98 to 11/29/98: 41,383 applied; 2,804 denied; 6.8% denial rate. 11/30/98 to 3/31/99: 35,561 applied; 2,412 denied; 6.8% denial rate .

1998/1999 legislative developments. An amendment changed the instant check statute's repeal date to coincide with the implementation date of the NICS. Under an executive order, CBI operated as a NICS point of contact from 11/30/98 to 3/31/99. The FBI conducted all NICS checks for the State from 4/1/99 to 7/31/99. An executive order effective 8/1/99 reinstated CBI as the point of contact.

Relevant laws. Colorado Revised Statutes 12-26.5-101 et seq; 18-12-101 et seq.

Source of information. Colorado Bureau of Investigation.

Connecticut

State requests NICS checks

Prohibited persons. Connecticut prohibits issuing eligibility certificates or pistol permits for handguns to persons who did not complete a firearm safety course; have been convicted of a felony, a domestic violence misdemeanor or any of 11 other specified misdemeanors; have been discharged from custody within the preceding 20 years after having been found not guilty of a crime by reason of mental disease; were confined to a hospital for mental illness within the preceding 12 months by court order; are subject to a restraining or protective order; are illegal aliens; are under the age of 21; or were convicted as delinquent for the commission of a serious juvenile offense.

Restoration of rights. An offender's firearm rights can be restored if he or she previously possessed a pistol permit and the Board of Pardons clears the conviction from the record.

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

Permits. An eligibility certificate or pistol permit is required to purchase handguns without a 14-day waiting period. Both documents are valid for 5 years and allow unlimited purchases. An authorization number is also required at the time of sale. A permit is not required to purchase long guns; however, a 14-day waiting period is required without a pistol permit, eligibility certificate or hunting license. The pistol permit is also required to carry a handgun.

Background checks. The Connecticut State Police (CSP) is a NICS point of contact, conducting all checks required by Federal and State law. Checks are conducted on applicants for pistol and eligibility certificates and on firearm purchasers. ATF allows a pistol permit issued before 11/30/98 to be used in lieu of a NICS check (State law still requires a check at the time of purchase). CSP can be contacted in person or by an in-State number (1-888-335-8438), regular telephone, mail, certified mail or fax.

Waiting period. A 14-day waiting period is required for all firearm transfers without proper permits (beginning when application is filed), regardless of when a background check is completed.

Information from applicants. A firearm purchase application requires the buyer's, name, address, race, sex, height, weight, date of birth, operator's license numbers, and date of application. Dealer information and the sale authorization number is also included. A Social Security number is optional.

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

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

Check processing time. Routine purchase transactions are normally processed in less than 15 minutes; those which require additional research normally are processed in less than 3 days.

Retention of records. The State retains denied applications to buy firearms for 10 years. Dealers keep approved applications for at least 5 years.

Registration. The state's firearm registration form includes sale, weapon, buyer and seller information.

Appeals of denials. Persons denied permits can appeal to the CSP and further to the Board of Firearm Permit Examiners.

Arrests of denied persons. In cases involving falsified applications or outstanding warrants, CSP informs the agency with jurisdiction over the individual.

1998/1999 firearm checks. 1/1/98 to 11/29/98: 26,981 applied; 153 denied; 0.6% denial rate. 11/30/98 to 6/30/99: 27,159 applied; 123 denied; 0.5 % denial rate.

1998/1999 legislative developments. An amendment barred issuing a pistol permit or an eligibility certificate to a person who has been convicted as delinquent for the commission of a serious juvenile offense.

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

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

Delaware

FBI conducts NICS checks

State conducts separate checks

Prohibited persons. Delaware law prohibits purchase or possession of firearms by certain persons who are convicted of felonies or crimes of violence; committed for mental disorders to any hospital, mental institution, or sanitarium; convicted for unlawful use, possession, or sale of narcotics; subject to protection from abuse orders; or adjudicated delinquent for conduct which if committed by an adult would constitute a felony. Juveniles cannot own, possess or control handguns without adult supervision.

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

Regulated sales. Background checks are required for sales of handguns and rifles by licensed dealers, and are optional for private sales. Shotgun purchases are exempt.

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

Background checks. Licensed dealers call the Delaware State Police (DSP) for instant checks under State law, by using a 1-800 number. DSP has a maximum of 3 days to complete a check. Holders of concealed handgun permits are exempt from the check required by State law. The State is not a point of contact for the NICS; dealers must contact the FBI for all NICS checks. ATF allows a concealed handgun permit issued before 11/30/98 to be used for a purchase without a NICS check.

Waiting period. No State requirements.

Information from applicants. Delaware requires an applicant's name, address, race, sex, date of birth, Social Security number and date of application. If the application is rejected, the type, make, model and serial number of the weapon are recorded.

Purchaser fees. None.

State data. Delaware maintains fugitive, criminal history, probation/parole, juvenile, mental health and domestic violence restraining order/misdemeanor data on a statewide network. These files are fully automated except for mental health, which is partially automated.

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

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

Registration. No State requirements.

Appeals of denials. Persons denied under State law can appeal to DSP and further to superior court.

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

1998/1999 firearm checks. 1/1/98 to 11/29/98: 9,745 applied; 443 denied; 4.5% denial rate. 11/30/98 to 6/30/99: No statewide information available.

1998/1999 legislative developments. Amendments added persons subject to protection from abuse orders or convicted of domestic violence misdemeanors to those barred from purchasing or possessing firearms.

Relevant laws. Delaware Code 11-1441 et seq.

Source of information. Delaware State Police.

Florida

State requests NICS checks

Prohibited persons. Florida prohibits the sale of firearms to persons who have been convicted of felonies, delinquent acts that would be felonies if committed by an adult, or a misdemeanor crime of domestic violence; had adjudication of guilt withheld or imposition of sentence suspended on a felony charge and 3 years have not elapsed since the completion date of any court provisions; have been indicted for a felony; are subject to a protective order; have been arrested for a "dangerous crime," or other offenses enumerated in State law; or are under the age of 18.

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

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

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

Background checks. The Florida Department of Law Enforcement (FDLE) is a point of contact for the NICS and conducts checks required by Federal and State law. Checks on firearms redeemed within 90 days of being pawned are conducted by the FBI; if redeemed after 90 days, the check is conducted by FDLE. ATF allows concealed firearm licenses issued before 11/30/98 to be used for purchases without a NICS check. Under State law, if a purchaser is not disapproved within 3 business days, the transaction can be completed.

Waiting period. Handgun purchases require a 3-day waiting period (beginning when application is filed), regardless of when a background check is completed.

Information from applicants. State law requires the purchaser's name, date of birth, gender, race, and Social Security or other identification number.

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

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

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

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

Registration. No State requirements.

Appeals of denials. Persons denied firearms can appeal to FDLE.

Arrests of denied persons. FDLE reports persons who falsify their applications to ATF and the State agency with jurisdiction over the individual. Persons with outstanding warrants are reported to the agency with jurisdiction over the person and to the agency with jurisdiction over the dealer. Denied persons are reported to ATF, special agency personnel and local police (monthly, by the Office of Statewide Intelligence).

1998/1999 firearm checks. 1/1/98 to 11/29/98: 160,438 applied; 5,499 denied; 3.4% denial rate. 11/30/98 to 6/30/99: 134,026 applied; 3,637 denied; 2.7% denial rate.

1998/1999 legislative developments. A new statute prohibited firearm possession by a person restrained from committing acts of domestic violence by a final injunction. An amendment extended the duration of carry licenses.

Relevant laws. Florida Statutes 790.001 et seq.

Source of information. Florida Department of Law Enforcement.

Georgia

State requests NICS checks

Prohibited persons. Georgia law prohibits possession of firearms by persons who have been convicted of felonies. Persons under the age of 18 can possess handguns in certain circumstances unless they have been adjudicated delinquent. Firearms cannot be sold to persons who are prohibited by State or Federal law or who have not resided in the State for at least 3 months.

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

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

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

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

Waiting period. No State requirements.

Information from applicants. The state's form requires the purchaser's name, sex, race and date of birth, plus a Social Security or other identification number.

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

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

Check processing time. Routine transactions are normally processed in less than 5 minutes; transactions requiring additional research are normally processed in less than 1 day.

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

Registration. No State requirements.

Appeals of denials. Persons denied firearms can appeal to the GBI and further to superior court.

Arrests of denied persons. Persons who falsify applications or have outstanding warrants are reported by the GBI to the agency with jurisdiction over the individual.

1998/1999 firearm checks. 1/1/98 to 11/29/98: 74,977 applied; 6,326 denied; 8.4% denial rate. 11/30/98 to 6/30/99: 138,849 applied; 8,972 denied; 6.5% denial rate.

1998/1999 legislative developments. An executive order allowed the State to participate in the NICS.

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

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

Hawaii

State requests NICS checks

Prohibited persons. Hawaii law prohibits possession of a firearm by a person who is a fugitive; indicted for or convicted of a felony, a crime of violence or an illegal drug sale; addicted to drugs or alcohol; acquitted of a crime on grounds of mental disease; diagnosed as having significant behavioral, emotional or mental disorders; or subject to a restraining order. A U.S. citizen must be 21 or more years of age to apply for a permit to acquire. A long gun cannot be transferred to a person under the age of 18 except in limited circumstances.

Restoration of rights. The State allows a convicted felon's right to own a handgun to be restored through a governor's pardon.

Regulated sales. State law requires a permit for all purchases from licensed dealers and unlicensed persons.

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

Background checks. Four police departments are points of contact for the NICS and conduct checks required by Federal and State law on applicants for permits to acquire. Under State law, all permit applications must be approved or denied within 20 days. ATF allows permits to acquire and licenses to carry to be used for purchases in lieu of the NICS check.

Waiting period. A 14-day waiting period is required (beginning when application is filed) before issuance of a permit to acquire, regardless of when a background check is completed.

Information from applicants. Hawaii requires a permit applicant's name, home address, business address, race, sex, height, weight, date and place of birth, hair and eye color, Social Security number, photograph, and mental health history. Occupation, aliases, nicknames, maiden name, and scars, marks and tattoos are optional. First-time applicants must submit fingerprints.

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

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

Check processing time. No statewide information is available.

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

Registration. All firearms are required to be registered in Hawaii.

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

Arrests of denied persons. No information is available.

1998/1999 firearm checks. No statewide information is available.

1998/1999 legislative developments. No significant changes.

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

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

Idaho

FBI conducts NICS checks

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

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

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

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

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

Waiting period. No State requirements.

Information from applicants. No State requirements.

Purchaser fees. None.

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

Check processing time. Not applicable.

Retention of records. No State requirements.

Registration. No State requirements.

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

Arrests of denied persons. Not applicable.

1998/1999 firearm checks. 1/1/98 to 11/29/98: 18,539 applied; 772 denied; 4.2% denial rate. 11/30/98 to 6/30/99: No statewide information available.

1998/1999 legislative developments. An amendment added crimes for which conviction will suspend the right to ship, transport, possess or receive a firearm. The state's instant background check law expired on 11/30/98.

Relevant laws. Idaho Code 18-3302 et seq.

Source of information. Idaho Department of Law Enforcement.

Illinois

State requests NICS checks

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

Restoration of rights. Convicted felons may regain firearm rights if they are granted relief from Illinois convictions. Persons who committed forcible felonies must complete their sentence and 20 years without additional violations before applying for relief. Applications for relief are made to the director of the State Police, whose decision can be appealed to the circuit court.

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

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

Background checks. The Illinois State Police (ISP) is a point of contact for the NICS and conducts background checks required by Federal and State law. Checks are conducted on applicants for FOID cards, with a maximum of 30 days allowed to process an application. When a valid card is used for a purchase, the dealer requests an instant check through the Firearm Transfer Inquiry Program (FTIP) Unit of ISP, using one of two 1-900 numbers.

Waiting period. The wait is 24 hours for a long gun and 72 hours for a handgun (beginning when application is filed), regardless of when a background check is completed.

Information from applicants. A FOID card application includes the name, address, date of birth, race, sex, height, weight, eye color, hair color, recent picture and answers to specific questions regarding eligibility factors. An FTIP transaction requires the dealer and FOID card numbers.

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

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

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

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

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

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

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

1998/1999 firearm checks. 1/1/98 to 11/29/98: 146,970 applied; 1,490 denied; 1.0% denial rate. 11/29/98 to 6/30/99: 99,912 applied; 861 denied; 0.9% denial rate (FTIP transactions).

1998/1999 legislative developments. Amendments barred domestic violence offenders and federal law violators from receiving a FOID card.

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

Source of information. Illinois State Police.

Indiana

FBI conducts long gun NICS checks

State requests handgun NICS checks

Prohibited persons. Indiana law prohibits transfers of handguns and assault weapons to persons under 21 years of age, except in limited circumstances. Further, it is unlawful to transfer a handgun to a person who is convicted of a felony; adjudicated a delinquent child for an act that would be a felony if committed by an adult; a drug abuser; an alcohol abuser; or mentally incompetent.

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

Regulated sales. Background checks on handgun purchasers are required under State law for sales by licensed dealers. Handguns cannot be pawned in the State.

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

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

Waiting period. No State requirements.

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

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

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

Inquiry process. No information is available.

Retention of records. Limited data on approved transactions can be retained by ISP for not more than one year; other data on approvals can be retained for up to 30 days. Data on denied transactions are retained indefinitely.

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

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

Arrests of denied persons. ISP reports persons who falsify their applications to ATF. Persons with outstanding warrants are reported to the agency with jurisdiction over the fugitive.

1998/1999 firearm checks. 1/1/98 to 11/29/98: 79,022 applied; 998 denied; 1.3% denial rate. 11/29/98 to 6/30/99: 49,736 applied; 1,373 denied; 2.8% denial rate.

1998/1999 legislative developments. A new chapter established a statewide instant check system for handgun sales.

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

Source of information. Indiana State Police.

Iowa

FBI conducts long gun NICS checks State requests handgun NICS checks

Prohibited persons. Applicants for permits to acquire pistols and revolvers must meet all Federal requirements for possessing firearms. Additionally, Iowa law prohibits handgun sales to persons who are less than 21 years of age; convicted of felonies; addicted to alcohol or a controlled substance; have histories of repeated acts of violence; have been convicted of certain misdemeanor crimes of assault; or have been adjudged mentally incompetent.

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

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

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

Background checks. Licensed dealers in the State contact the FBI for checks on long gun purchasers. Ninety-nine county sheriffs and the Iowa Department of Public Safety (for State employees and non-residents) are the partial points of contact for the NICS, conducting checks of applicants for permits to acquire handguns. The sheriffs check handgun redemptions by persons with State permits; all other redemptions are checked by the FBI. ATF allows permits to acquire or carry to be used for a purchase in lieu of a NICS check.

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

Information from applicants. Permit applicants must provide the following: name, address, date of birth, application date and a form of identification with a color photograph. A Social Security number is optional.

Fees charged. Fees are at the discretion of the county sheriffs.

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

Inquiry process. No information is available.

Retention of records. Sheriffs retain approved permit applications for 4 years and denied permit applications for 3 years.

Registration. No State requirements.

Appeals of denials. Persons denied a State permit can appeal to the denying agency.

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

1998/1999 firearm checks. No statewide information is available.

1998/1999 legislative developments. No significant changes.

Relevant laws. Iowa Code 702.7; 724.1 et seq.

Source of information. Iowa Department of Public Safety.

Kansas

FBI conducts NICS checks

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

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

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

Permits. A permit is not required to purchase firearms. The State does not issue permits to carry concealed firearms.

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

Waiting period. No State requirements.

Information from applicants. No State requirements.

Purchaser fees. No State requirements.

State data. Kansas maintains criminal history, domestic violence misdemeanor, and juvenile offender data on the statewide computer network.

Check processing time. Not applicable.

Retention of records. No State requirements.

Registration. No State requirements.

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

Arrests of denied persons. Not applicable.

1998/1999 firearm checks. No statewide information available.

1998/1999 legislative developments. No significant changes.

Relevant laws. Kansas Statutes 21-4201 et seq.

Source of information. Kansas Bureau of Investigation.

Kentucky

FBI conducts NICS checks

Prohibited persons. Kentucky law prohibits possession of firearms by persons who have been convicted of felonies, as well as any youthful offender convicted of a felony. Handguns cannot be possessed by or provided to persons under the age of 18 except in limited circumstances.

Restoration of rights. The State allows a convicted felon's right to possess firearms to be restored through a governor's pardon.

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

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

Background checks. The State is not a point of contact for the NICS. Licensed dealers in Kentucky contact the FBI for all checks required by the NICS. ATF allows concealed firearm licenses issued after July 15, 1998 to be used for purchases without a NICS check.

Waiting period. No State requirements.

Information from applicants. No State requirements.

Purchaser fees. No State requirements.

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

Check processing time. Not applicable.

Retention of records. No State requirements.

Registration. No State requirements.

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

Arrests of denied persons. Not applicable.

1998/1999 firearm checks. No statewide information is available.

1998/1999 legislative developments. Amendments to the concealed firearm license law included a provision which requires use of the NICS index as part of the record check on applicants.

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

Source of information. Kentucky State Police.

Louisiana

FBI conducts NICS checks

Prohibited persons. Louisiana law prohibits possession of firearms by persons who have been convicted of certain felonies. It is unlawful to sell or otherwise deliver a firearm to any person under the age of 18.

Restoration of rights. A convicted felon's right to possess a firearm can be restored in Louisiana through a governor's pardon or by a sheriff. Except for certain offenders, persons without additional violations for 10 years after completion of their sentences may apply to the sheriff of their parish of residence for a permit to possess firearms.

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

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

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

Waiting period. No State requirements.

Information from applicants. No State requirements.

Purchaser fees. No State requirements.

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

Check processing time. Not applicable.

Retention of records. No State requirements.

Registration. No State requirements.

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

Arrests of denied persons. Not applicable.

1998/1999 firearm checks. No statewide information is available.

1998/1999 legislative developments. No significant changes.

Relevant laws. Louisiana Revised Statutes 14:91; 14:95; 14:95.1; 40:1379.3; 40:1751 et seq.

Source of information. Louisiana State Police.

Maine

FBI conducts NICS checks

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

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

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

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

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

Waiting period. No State requirements.

Information from applicants. No State requirements.

Purchaser fees. No State requirements.

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

Check processing time. Not applicable.

Retention of records. No State requirements.

Registration. No State requirements.

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

Arrests of denied persons. Not applicable.

1998/1999 firearm checks. No statewide information is available.

1998/1999 legislative developments. No significant changes.

Relevant laws. Maine Revised Statutes 15.393; 17A.554; 25.2001 et seq.

Source of information. Maine State Police.

Maryland

FBI conducts long gun NICS checks

State requests handgun NICS checks

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

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

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

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

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

Waiting period. A 7-day waiting period is required for transfers of regulated firearms (beginning when application is filed), regardless of when a background check is completed.

Information from applicants. The State requires the purchaser's name, address, race, sex, height, weight, hair and eye color, date and place of birth, driver's identification number, Social Security number, occupation and date of application, plus the caliber, make, model, and serial number of the weapon.

Purchaser fees. A \$10 application fee is charged by the State.

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

Check processing time. Routine applications are processed in approximately 5 days. Applications which require additional research are normally processed in less than 1 month.

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

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

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

Arrests of denied persons. All denied persons are reported to the MSP Firearms Investigation Unit.

1998/1999 firearm checks. 1/1/98 to 11/29/98: 25,222 applied; 236 denied; 0.9% denial rate. 11/29/98 to 6/30/99: 17,774 applied; 258 denied; 1.5% denial rate.

1998/1999 legislative developments. No significant changes.

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

Source of information. Maryland State Police Firearms Enforcement Division.

Massachusetts

FBI conducts NICS checks

State conducts separate checks

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

Restoration of rights. Persons who committed disqualifying adult or juvenile offenses, except for certain offenders, can regain the right to possess rifles and shotguns 5 years after completion of the sentence or adjudication without additional violations. Rights can also be restored through a governor's pardon.

Regulated sales. Permits are required for transfers of rifles, shotguns and "firearms" by dealers and private persons. Weapon types are mainly distinguished by their barrel lengths: rifles, equal to or greater than 16 inches; shotguns, equal to or greater than 18 inches; "firearms," less than 16 inches or a shotgun less than 18 inches. Firearms cannot be pawned in the State.

Permits. A license to carry (class A), valid for 4 years, is required for unlimited purchases of rifles, shotguns and firearms. A firearm identification card can be used for the purchase of non-large capacity rifles, shotguns or ammunition. A permit to purchase, valid for 10 days, is required for firearm transfers.

Background checks. Licensing authorities (351 police departments) forward identification card applications to the Massachusetts State Police (MSP), which conducts criminal history and fingerprint checks. MSP informs a licensing authority of check results within 30 days; the authority renders a decision within 40 days from the date of application. The State is not a point of contact for the NICS. Dealers contact the FBI for all checks required by the NICS. ATF allows licenses to carry issued before 11/30/98 to be used for purchases without a NICS check.

Waiting period. No State requirements.

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

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

State data. The State maintains fully automated fugitive, criminal history, probation/parole, juvenile, misdemeanor conviction (over 2 years imprisonment) and domestic violence restraining order/misdemeanor data on a statewide network. Manual files are kept on mental health data.

Check processing time. No statewide information is available

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

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

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

Arrests of denied persons. No information is available.

1998/1999 firearm checks. No statewide information is available.

1998/1999 legislative developments. Identification card and permit requirements were substantially revised.

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

Source of information. Massachusetts Department of Public Safety.

Michigan

FBI conducts long gun NICS checks State requests handgun NICS checks

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

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

Regulated sales. For sales, gifts and loans of handguns by licensed dealers and unlicensed individuals, Michigan law requires the receiver to possess a license. Handguns cannot be pawned.

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

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

Waiting period. No State requirements.

Information from applicants. The state's application for a license to purchase includes the person's name, address, race, sex, height, hair and eye color, and date of birth. At the time of registration, the make, caliber,

type, model, and serial number of the handgun are recorded.

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

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

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

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

Registration. Michigan requires registration of handguns.

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

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

1998/1999 firearm checks. No statewide information is available.

1998/1999 legislative developments. No significant changes.

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

Source of information. Michigan State Police.

Minnesota

FBI conducts NICS checks

State conducts separate checks

Prohibited persons. Minnesota firearm possession laws include restrictions on certain persons who are minors, violent offenders, mentally ill, drug addicts, fugitives or illegal aliens, as well as those who have been dishonorably discharged from the military or have renounced U.S. citizenship.

Restoration of rights. Persons convicted of or adjudicated delinquent for committing crimes of violence may possess firearms if 10 years have elapsed since restoration of civil rights or expiration of the sentence or disposition (whichever occurs first) and the person has not been convicted of or adjudicated for any other crime of violence. Civil rights can be restored by an expungement or a pardon.

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

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

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

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

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

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

Purchaser fees. State law does not allow any fees to be charged.

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

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

Retention of records. Approved and denied applications are kept at the discretion of the checking agencies. However, a sheriff or chief of police will not maintain any record of an approved transferee's identity if that person requests return of the transfer report.

Registration. No State requirements.

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

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

1998/1999 firearm checks. No statewide information is available.

1998/1999 legislative developments. No significant changes.

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

Source of information. Minnesota Department of Public Safety.

Mississippi

FBI conducts NICS checks

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

Restoration of rights. A convicted felon's right to possess firearms can be restored by a governor's pardon or a certificate of rehabilitation from the sentencing court.

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

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

Background checks. The State is not a point of contact for the NICS. Licensed dealers in Mississippi contact the FBI for all checks required by the NICS. ATF allows a concealed handgun license to be used for a purchase without a NICS check.

Waiting period. No State requirements.

Information from applicants. No State requirements.

Purchaser fees. No State requirements.

State data. The State maintains an automated message switch that allows local agencies to access the National Crime Information Center (NCIC) and the Interstate Identification Index (III). Arrest and disposition data on felonies and misdemeanors became available online during 1998.

Check processing time. Not applicable.

Retention of records. No State requirements.

Registration. No State requirements.

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

Arrests of denied persons. Not applicable.

1998/1999 firearm checks. No statewide information is available.

1998/1999 legislative developments. No significant changes.

Relevant laws. Mississippi Code 45-9-201; 97-37 et seq.

Source of information. Mississippi Department of Public Safety.

Missouri

FBI conducts NICS checks

State conducts separate checks

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

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

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

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

Background checks. One-hundred-fourteen county sheriffs and the St. Louis County Police Department conduct background checks on applicants for permits to acquire handguns. A maximum period of 7 business days is allowed to complete the process. The State is not a point of contact for the NICS. Licensed dealers in Missouri contact the FBI for all checks required by the NICS.

Waiting period. No State requirements.

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

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

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

Check processing time. No statewide information is available

Retention of records. Approved and denied permit applications are retained indefinitely.

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

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

Arrests of denied persons. No information is available.

1998/1999 firearm checks. No statewide information is available.

1998/1999 legislative developments. Amendments allowed probation and parole personnel to carry firearms at all times and exempted transfer of certain firearms from permit requirements.

Relevant laws. Missouri Revised Statutes 571.010 et seq.

Source of information. Missouri State Highway Patrol.

Montana

FBI conducts NICS checks

Prohibited persons. Montana law prohibits possession of firearms by convicted felons. It is unlawful for persons under 14 to carry firearms in public without adult supervision.

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

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

Permits. Montana does not require a permit to purchase firearms, but does require concealed weapon permits.

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

Waiting period. No State requirements.

Information from applicants. No State requirements.

Purchaser fees. No State requirements.

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

Check processing time. Not applicable.

Retention of records. No State requirements.

Registration. No State requirements.

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

Arrests of denied persons. Not applicable.

1998/1999 firearm checks. No statewide information is available.

1998/1999 legislative developments. No significant changes.

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

Source of information. Montana Department of Justice.

Nebraska

FBI conducts long gun NICS checks State requests handgun NICS checks

Prohibited persons. Nebraska prohibits issuing a transfer certificate to any person who may not purchase or possess a handgun under any applicable Federal, State, or local law. State law forbids the possession of a handgun by a person who is under the age of 18 (except in limited circumstances), a convicted felon or a fugitive from justice.

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

Regulated sales. A transfer certificate is required for handgun sales by licensed dealers and unlicensed persons, with limited exceptions.

Permits. The transfer certificate needed to purchase handguns is valid for up to 3 years and can be used for unlimited purchases. The State does not issue concealed firearm permits

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

Waiting period. No State requirements.

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

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

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

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

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

Registration. No State requirements.

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

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

1998/1999 firearm checks. No statewide information is available.

1998/1999 legislative developments. No significant changes.

Relevant laws. Nebraska Revised Statutes 28-1202; 69-2401 et seq.

Source of information. Nebraska State Patrol.

Nevada

State requests NICS checks

Prohibited persons. Nevada law prohibits possession of firearms by persons who are under 14 years of age and are not supervised by an adult, or have been convicted of a felony. It is illegal to sell a handgun to a child under the age of 18.

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

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

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

Background checks. The Nevada Highway Patrol (NHP) is a point of contact for the NICS and conducts all checks required by Federal law in addition to checks requested by unlicensed sellers. Firearms dealers request instant checks by using a 1-800 number or regular telephone number. ATF allows concealed firearm permits to be used for purchases without subsequent NICS checks.

Waiting period. No State requirements.

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

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

State data. The State maintains fully automated fugitive, criminal history, and domestic violence misdemeanor data on a statewide network. A protective order registry is currently under development.

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

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

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

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

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

1998/1999 firearm checks. 1/1/98 to 11/29/98: 21,097 applied; 734 denied; 3.5% denial rate. 11/30/98 to 6/30/99: 33,376 applied; 1,106 denied; 3.3% denial rate.

1998/1999 legislative developments. No significant changes.

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

Source of information. Nevada Highway Patrol.

New Hampshire

FBI conducts long gun NICS checks State requests handgun NICS checks

Prohibited persons. New Hampshire law provides that firearms cannot be possessed by or transferred to persons convicted of certain felonies. Handguns cannot be transferred to minors except in limited circumstances.

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

Regulated sales. Background checks are required on persons who purchase handguns from licensed dealers.

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

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

Waiting period. No State requirements.

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

Purchaser fees. None.

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

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

Retention of records. Information on an approved transaction is retained by DOS for a maximum period of 20 days; information on denied transactions is retained for 3 years.

Registration. No State requirements.

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

Arrests of denied persons. DOS notifies ATF of persons who submit false information. In cases of outstanding warrants, DOS notifies the agency with jurisdiction over the fugitive.

1998/1999 firearm checks. 1/1/98 to 11/29/98: 13,186 applied; 250 denied; 1.9% denial rate. 11/30/98 to 6/30/99: 6,610 applied; 134 denied; 2.0% denial rate.

1998/1999 legislative developments. No significant changes.

Relevant laws. New Hampshire Revised Statutes 12:159:1 et seq.

Source of information. New Hampshire State Police.

New Jersey

State conducts NICS checks

State conducts separate checks

Prohibited persons. Firearm permits cannot be issued to persons who are convicted of crimes; drug dependent; confined for mental disorders; habitual drunkards; physically unable to handle firearms; under age 18; found to have submitted false information; or barred from firearm possession by court order. Issuance of a permit must not contravene the interest of public health, safety, or welfare.

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

Regulated sales. Permit regulations pertain to firearm sales by licensed dealers and unlicensed persons. Firearms cannot be pawned in the State.

Permits. State law requires a permit to purchase a handgun, which is valid for 90 days. An unlimited number of long guns can be acquired with a firearms purchaser identification card, which is valid until revoked for a violation of law. A permit is required to carry a handgun.

Background checks. Checks on applicants for permits and identification cards are conducted by 505 local police departments and the New Jersey State Police (for some unincorporated areas). If no cause for denial exists, a permit or identification card shall be granted within 30 days (or 45 days for a non-resident application). In addition, the State police is a point of contact for the NICS and conducts all checks required by Federal law. Licensed dealers call the State police for instant checks on purchasers who have obtained a permit or an identification card.

Waiting period. Handgun transfers require a 7-day waiting period (beginning when application is filed), regardless of when a background check is completed.

Information from applicants. Permit and identification card applications require the person's name, address, date and place of birth, citizenship, Social Security number, sex, height, weight, race, hair color, complexion, eye color, distinguishing physical characteristics, occupation, name and address of employer, date of application and two references.

Questions on firearms disabilities must be answered. First-time applicants must submit fingerprints.

Purchaser fees. The fingerprint fee is \$49. Document fees are \$2 for a permit to purchase a handgun and \$5 for a firearms purchaser identification card.

State data. The State maintains fugitive, criminal history, domestic violence (restraining order and misdemeanor), juvenile, and probation/parole data. Mental health files are under development and only partial data are available.

Check processing time. Permit and identification card applications are normally processed in less than 1 month; applications which require additional research are normally processed in less than 6 months.

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

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

Appeals of denials. Persons denied a permit or identification card can appeal to the denying agency and further to superior court.

Arrests of denied persons. Local police departments arrest denied persons in some cases. The State police NICS Unit reports denied persons to either the investigation unit or ATF (Federal violations). NCIC felony warrants are reported to the fugitive unit; other felony warrants are reported to local departments.

1998/1999 firearm checks. 1/1/98 to 11/29/98: 18,995 applied; 198 rejected; 1.0% denial rate. 11/30/98 to 6/30/99: 20,112 applied; 102 denied; 0.5% denial rate.

1998/1999 legislative developments. Temporary transfers of firearms from certified training instructors to participants in their courses were allowed by an amendment.

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

Source of information. New Jersey State Police.

New Mexico

FBI conducts NICS checks

Prohibited persons. New Mexico law prohibits possession of firearms by felons and possession of handguns by persons under the age of 19.

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

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

Permit A permit is not required to purchase firearms. The State does not issue concealed firearm permits.

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

Waiting period. No State requirements.

Information from applicants. No State requirements.

Purchaser fees. None.

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

Check processing time. Not applicable.

Retention of records. No State requirements.

Registration. No State requirements.

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

Arrests of denied persons. Not applicable.

1998/1999 firearm checks. No statewide information is available.

1998/1999 legislative developments. No significant changes.

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

Source of information. New Mexico Department of Public Safety.

New York

FBI conducts long gun NICS checks State requests handgun NICS checks

Prohibited persons. New York will not issue a license to carry or possess a handgun to any person who is not of good moral character; has been convicted of a felony or a "serious offense;" suffers from any mental illness or has been confined to any hospital or institution for mental illness; or has had a license revoked, or is under a suspension or ineligibility order. A person under 16 years of age cannot possess a firearm except in limited circumstances.

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

Regulated sales. Every person who receives a handgun must have a license. A dealer is required to have a State license.

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

Background checks. Fifty-eight county judges issue handgun licenses and are partial points of contact for the NICS. Applicants for licenses contact local sheriffs and police departments, which conduct background checks on behalf of the judges. Fingerprints are forwarded to a State agency and to the FBI for processing. Applications must be acted upon within 6 months unless there is good cause for delay. A NICS check is required for amendments to non-expiring licenses unless a check on the holder occurred during the preceding 5 years. Licensed dealers in New York contact the FBI for checks on long gun sales and on all firearm redemptions. ATF allows handgun licenses to be used for purchases without a NICS check.

Waiting period. No State requirements.

Information from applicants. A license applicant must provide the following: name, address, race, sex, height, weight, hair color, eye color, date of birth, Social Security number, fingerprints, business address, previous address, occupation, character references and date of application plus the type, make, model, and serial number of the weapon.

Purchaser fees. License fees vary by issuing authority, but are at least \$74, including a fingerprint processing charge.

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

Check processing time. No statewide information is available.

Retention of records. Licensing authorities retain approved and denied applications indefinitely.

Registration. Handguns are registered in New York.

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

Arrests of denied persons. No information is available.

1998/1999 firearm checks. No statewide information is available.

1998/1999 legislative developments. Amendments prohibited the possession or use of a disguised gun and allowed certain minors to possess long guns at shooting ranges if supervised by a conservation agent.

Relevant laws. New York Penal Law 265.00 et seq; 400.00 et seq; Criminal Procedure Law 530.14.

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

North Carolina

FBI conducts long gun NICS checks State requests handgun NICS checks

Prohibited persons. North Carolina law prohibits issuing a handgun permit to any person who is not of good moral character; under indictment for or convicted of certain felonies; a fugitive; an unlawful user of drugs or a drug addict; adjudicated mentally incompetent or committed to a mental institution; an illegal alien; dishonorably discharged from the armed forces; subject to a domestic violence restraining order; or who has renounced U.S. citizenship. A minor under the age of 18 cannot possess a handgun except in limited circumstances.

Restoration of rights. A convicted felon's right to obtain a handgun permit can be restored by a Federal or State pardon.

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

Permits. The State requires a permit, valid for 5 years, to purchase a handgun. A permit is required to carry a concealed handgun.

Background checks. One-hundred county sheriffs are partial points of contact for the NICS and conduct checks on applicants for handgun permits. Sheriffs are allowed 30 days to complete checks. Licensed dealers in the State contact the FBI for checks on long gun sales and on all firearm redemptions. ATF allows handgun purchase and carry permits to be used at the point of sale in lieu of the NICS check.

Waiting period. No State requirements.

Information from applicants. Information requested from permit applicants is at the discretion of the county sheriff.

Purchaser fees. The State mandates a charge of \$5 for processing a permit application.

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

Check processing time. No statewide information is available.

Retention of records. County sheriffs retain data on approved permits for 5 years; data on denied applications is retained indefinitely.

Registration. No State requirements.

Appeals of denials. Handgun permit denials can be appealed to State district court.

Arrests of denied persons. No information is available.

1998/1999 firearm checks. No statewide information is available.

1998/1999 legislative developments. No significant changes.

Relevant laws. North Carolina General Statutes 14-269; 14-402 et seq.

Source of information. North Carolina State Bureau of Investigation.

North Dakota

FBI conducts NICS checks

Prohibited persons. North Dakota law provides that firearms cannot be possessed by or transferred to persons who have been convicted of felonies or misdemeanors involving violence or intimidation or were diagnosed and confined or committed to hospitals or institutions as a mentally ill persons. Handguns cannot be possessed by or transferred to persons under the age of 18, except in limited circumstances.

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

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

Permits. North Dakota does not require a permit to purchase firearms. A permit is required to carry concealed firearms.

Background checks. The State is not a point of contact for the NICS. Licensed dealers in the State contact the FBI for all checks required by the NICS. ATF allows concealed firearm permits issued before 11/30/98 to be used for a purchase without a NICS check.

Waiting period. No State requirements.

Information from applicants. No State requirements.

Purchaser fees. None.

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

Check processing time. Not applicable.

Retention of records. No State requirements.

Registration. No State requirements.

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

Arrests of denied persons. Not applicable.

1998/1999 firearm checks. No statewide information is available.

1998/1999 legislative developments. An amendment revised the of definition of persons who cannot possess firearms because of mental illness.

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

Source of information. North Dakota Bureau of Criminal Investigation.

Ohio

FBI conducts NICS checks

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

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

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

Permits. A permit is not required to purchase firearms. The State does not issue concealed firearm permits.

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

Waiting period. No State requirements.

Information from applicants. No State requirements.

Purchaser fees. None.

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

Check processing time. Not applicable.

Retention of records. No State requirements.

Registration. No State requirements.

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

Arrests of denied persons. Not applicable.

1998/1999 firearm checks. 1/1/98 to 11/29/98: 53,713 applied; 481 denied; 0.9% denial rate. 11/30/98 to 6/30/99: No statewide information available.

1998/1999 legislative developments. The legislature amended the statute which prohibits conveying a deadly weapon onto the grounds of certain facilities, and increased the penalty for improperly discharging a firearm at or into a habitation or school.

Relevant laws. Ohio Revised Code 2923.11 et seq.

Source of information. Ohio Bureau of Criminal Identification.

Oklahoma

FBI conducts NICS checks

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

Restoration of rights. Oklahoma allows a convicted felon's right to own a handgun to be restored if the person was convicted of a non-violent offense and receives a complete pardon from the proper authority. Persons adjudicated delinquent regain the right to possess firearms 10 years after completion of the adjudication without additional violations.

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

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

Background checks. The State is not a point of contact for the NICS. Licensed dealers in the State contact the FBI for all checks required by the NICS. ATF allows exemptions from the NICS check for holders of concealed handgun permits issued between 5/16/96 and 11/30/98.

Waiting period. No State requirements.

Information from applicants. No State requirements.

Purchaser fees. None.

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

Check processing time. Not applicable.

Retention of records. No State requirements.

Registration. No State requirements.

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

Arrests of denied persons. Not applicable.

1998/1999 firearm checks. No statewide information is available.

1998/1999 legislative developments. No significant changes.

Relevant laws. Oklahoma Statutes 21-1271.1 et seq.

Source of information. Oklahoma State Bureau of Investigation.

Oregon

FBI conducts long gun NICS checks State requests handgun NICS checks

Prohibited persons. Oregon law prohibits possession of a firearm by certain persons who are minors, juvenile offenders, felons or mentally ill. It is illegal to transfer a firearm to certain persons who are minors, felons, fugitives, under arrest, mentally ill or guilty of misdemeanors involving violence.

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

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

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

Background checks. The Oregon State Police Firearms Unit is a partial point of contact for the NICS and conducts checks on handgun purchasers required by Federal and State law. When dealers call a 1-800 number for the firearms unit, queries are processed on the purchaser and the handgun being sold; the dealer is given a transaction number for an approval or informed that the applicant is denied. Dealers contact the FBI for checks on long gun transfers required by the NICS. ATF allows concealed weapon permits issued before 11/30/98 to be used for purchases without a NICS check.

Waiting period. No State requirements.

Information from applicants. Prospective purchasers submit the ATF form and a State police thumbprint form.

Purchaser fees. A fee of \$10 is charged for a background check.

State data. Oregon maintains criminal history, fugitive, stolen gun, domestic violence restraining order, juvenile

and mental health data on a statewide computer network.

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

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

Registration. No State requirements.

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

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

1998/1999 firearm checks. 1/1/98 to 11/29/98: 42,523 applied; 1,069 denied; 2.5% denial rate. 11/30/98 to 6/30/99: 33,922 applied; 918 denied; 2.7% denial rate.

1998/1999 legislative developments. No significant changes.

Relevant laws. Oregon Revised Statutes 166.170 et seq.

Source of information. Oregon State Police.

Pennsylvania

State requests NICS checks

Prohibited persons. Pennsylvania law prohibits possession of firearms by persons who are convicted of "enumerated offenses;" fugitives; convicted of certain drug offenses; convicted of 3 alcohol-related driving offenses in a 5-year period; adjudicated incompetent or involuntarily committed to a mental institution; illegal aliens; subject to a protection order which provides for confiscation of firearms; adjudicated delinquent for certain offenses; or under the age of 18 except in limited circumstances.

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

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

Permits. The State does not require a permit to purchase firearms; a license is required to carry a concealed firearm.

Background checks. The Pennsylvania State Police is a point of contact for the NICS and conducts all checks required by Federal and State law. Dealers contact the Pennsylvania Instant Check System (PICS) by using a 1-800 number. The review shall be conducted as expeditiously as possible.

Waiting period. No State requirements.

Information from applicants. The state's record of sale contains the purchaser's name, address, race, sex, height, weight, hair color, eye color, date of birth, Social Security number, occupation and date of application plus the make, model, serial number, caliber and barrel length of the firearm.

Purchaser fees. The maximum fee that can be charged is \$2 for a background check and \$3 for sale of a firearm subject to State sales tax.

State data. Pennsylvania maintains automated criminal history, fugitive, protection order and probation/parole data on a statewide network. State law provides that juvenile delinquency and mental health records shall be made available to the State police no later than October 11, 1999.

Check processing time. Routine transactions are normally processed by PICS in less than 2 minutes.

Retention of records. The State police do not retain data on approved transactions but do retain records of denied transactions.

Registration. No State requirements.

Appeals of denials. A person denied a firearm may appeal to the State police, with subsequent appeals available to the State attorney general and commonwealth court.

Arrests of denied persons. In cases involving falsified applications or outstanding warrants, the State police notifies the local agency with jurisdiction over the individual. Persons who submit false information are also reported to ATF.

1998/1999 firearm checks. 1/1/98 to 11/29/98: 116,718 applied; 3,237 denied; 2.8% denial rate. 11/30/98 to 6/30/99: 274,132 applied; 8,090 denied; 3.0% denial rate.

1998/1999 legislative developments. Highlights included authorization for PICS to begin operations on July 1, 1998.

Relevant laws. Pennsylvania Statutes 18-6101 et seq.

Source of information. Pennsylvania State Police.

Rhode Island

FBI conducts NICS checks

State conducts separate checks

Prohibited persons. Rhode Island law prohibits possession of firearms by persons who are convicted of a crime of violence; fugitives from justice; convicted of certain felonies; subject to electronic surveillance or monitoring; mentally incompetent; drug addicts; habitual drunkards; illegal aliens; or minors (except in limited circumstances). Handgun purchasers are required to complete a firearm safety course.

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

Regulated sales. State law requires background checks for transfers of firearms by licensed dealers and unlicensed persons.

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

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

Waiting period. A 7-day waiting period is required for all firearm transfers (beginning when application is filed), regardless of when a background check is completed.

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

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

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

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

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

Registration. No State requirements.

Appeals of denials. State law does not provide a procedure for appealing firearm denials.

Arrests of denied persons. No information is available.

1998/1999 firearm checks. No statewide information is available.

1998/1999 legislative developments. No significant changes.

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

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

South Carolina

FBI conducts NICS checks (beginning 10/1/99)

State requests NICS checks (through 9/30/99)

[**Note:** On October 1, 1999, the State stopped serving as a POC, and the FBI assumed responsibility for conducting NICS checks.]

Prohibited persons. South Carolina law prohibits handgun sales to or possession by any person who is convicted of a crime of violence; a fugitive; a habitual drunkard or drug addict; adjudicated mentally incompetent; a member of a subversive organization; under 21 years of age (with limited exceptions); or adjudged unfit to carry or possess a pistol. Persons who purchase handguns from dealers must be State residents and they are limited to one purchase in each 30-day period.

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

Regulated sales. Pursuant to an executive order of the governor, South Carolina enforces the Brady Act's requirement of background checks on persons who receive firearms from federally-licensed dealers. Retail dealers of handguns must have a State license.

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

Background checks. The South Carolina Law Enforcement Division (SLED) is a point of contact for the NICS (effective until 10/1/99) and conducts all checks required by Federal law. Dealers contact SLED by using a 1-800 number. ATF allows concealed handgun permits to be used for a purchase without a NICS check.

Waiting period. No State requirements.

Information from applicants. South Carolina's application includes the purchaser's name, home address, business address, race, sex, height, weight, hair color, eye color, date of birth, place of birth, social security, driver's license and telephone numbers, State or military identification number, and date of application plus the type, make, model and serial number of the weapon. Fingerprints are requested when there is a question of identity.

Purchaser fees. SLED charges \$5 for an approved background check.

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

Check processing time. For routine transactions, the process normally is completed in less than 5 minutes; transactions requiring additional research are normally processed in less than 15 minutes.

Retention of records. SLED retains data on approved transactions for 20 days and for denied transactions indefinitely.

Registration. No State requirements.

Appeals of denials. A person denied a firearm can appeal to SLED.

Arrests of denied persons. In cases involving outstanding warrants, SLED notifies the agency with jurisdiction over the fugitive.

1998/1999 firearm checks. 1/1/98 to 11/29/98: 42,123 applied; 2,098 denied; 5.0% denial rate. 11/30/98 to 6/30/99: 79,234 applied; 8,554 denied; 10.8% denial rate.

1998/1999 legislative developments. An executive order authorized the SLED to be a point of contact under the NICS and to conduct background checks on handgun and long gun purchasers, beginning 11/30/98 and effective until October 1, 1999.

Relevant laws. South Carolina Code of Laws 16-23-10 et seq; 23-31-10 et seq.

Source of information. South Carolina Law Enforcement Division.

South Dakota

FBI conducts NICS checks

Prohibited persons. South Dakota law prohibits possession of a firearm by a person who has been convicted of a crime of violence or a felony or who has a prior conviction for drug possession. A person under the age of 18 cannot possess a handgun except in limited circumstances. It is illegal to transfer a firearm to a person under the age of 18 if the transferor knows or reasonably believes that the minor recipient intends to use the firearm to commit a crime of violence.

Restoration of rights. The right to possess a firearm can be restored through a governor's pardon or the passage of time. A person who was last discharged from prison, jail, probation or parole for a crime of violence or a felony controlled substances/marijuana violation (except mere possession) more than 15 years ago regains the right to possess or control a firearm. For felony possession of controlled substances or marijuana, the time period is 5 years. However, no person convicted of a crime of violence may ever lawfully purchase a pistol at retail.

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

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

Background checks. The State is not a point of contact for the NICS. Dealers in the State contact the FBI for all checks required by the NICS. ATF allows concealed handgun permits issued before 11/30/98 to be used for purchases without a NICS check.

Waiting period. A 2-day waiting period is required for handgun transfers (beginning when application is filed), regardless of when a background check is completed. Holders of valid, concealed handgun permits are exempt from the waiting Period.

Information from applicants. State law requires that handgun purchasers provide the following information: name, date and place of birth, address, occupation, physical description, and date and hour of application.

Purchaser fees. None.

State data. South Dakota maintains fully automated fugitive, criminal history, probation/parole, and domestic violence protective order data on a statewide network. A driver's history file is available to check for additional data. Domestic violence misdemeanors can be identified by researching criminal history.

Check processing time. Not applicable.

Retention of records. County sheriffs receive copies of handgun purchase applications from licensed dealers and are required by State law to retain their copies for a period of one year.

Registration. No State requirements.

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

Arrests of denied persons. Not applicable.

1998/1999 firearm checks. No statewide information is available.

1998/1999 legislative developments. A new chapter on unlawful use of weapons provided that a person convicted of a crime of violence or a felony drug possession offense cannot possess or control a firearm unless the

person was last discharged from prison, jail, probation or parole for felony drug possession more than 5 years ago, or, for other drug felonies or a crime of violence more than 15 years ago.

Relevant laws. South Dakota Codified Laws 22-14-15 et seq; 23-7-1 et seq.

Source of information. South Dakota Attorney General's Office.

Tennessee

State requests NICS checks

Prohibited persons. Tennessee law prohibits firearm sales by licensed dealers to persons who are minors, intoxicated, addicted to alcohol or ineligible under Federal law. Handguns cannot be possessed by persons who are less than 18 years of age (except in limited circumstances) or under the influence of alcohol or any controlled substance.

Restoration of rights. A convicted felon's right to possess firearms can be restored if the person was pardoned, the conviction was expunged or set aside, or the person's civil rights were restored by the circuit court.

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

Permits. A permit is not required to purchase a firearm; a permit is required to carry a concealed handgun.

Background checks. The Tennessee Bureau of Investigation (TBI) is a point of contact for the NICS and conducts all checks required by Federal and State law. Dealers contact TBI by telephone; 250 high volume dealers can also use computers with a "point-of-sale device."

Waiting period. No State requirements.

Information from applicants. The state's application includes the purchaser's name, previous names, date and place of birth, address, Social Security number, race, sex, height, weight, thumbprint and date of application. The type, make, model and serial number is recorded for each weapon purchased.

Purchaser fees. TBI may charge a reasonable fee, not to exceed \$10, for a background check.

State data. Tennessee's Law Enforcement Communications Network maintains criminal history, fugitive, domestic abuse restraining order, sex offender and stolen gun data. Domestic abuse misdemeanor convictions can be identified if annotated on a fingerprint card by a local agency.

Check processing time. Routine transactions are normally processed in less than 5 minutes; transactions which require additional research are normally processed in less than 1 day.

Retention of records. Information on approved transactions is not retained by TBI, except for approval numbers and dates assigned. Information on denied transactions is retained indefinitely, but is destroyed if the decision is reversed on appeal.

Registration. No State requirements.

Appeals of denials. Persons denied a firearm can appeal to TBI.

Arrests of denied persons. TBI notifies ATF of persons who submit false information. For outstanding warrants, TBI notifies the agency with jurisdiction over the dealer's premises and the agency which entered the warrant.

1998/1999 firearm checks. 11/1/98 to 11/29/98: 10,624 applied; 700 denied; 6.6% denial rate. 11/30/98 to 6/30/99: 139,469 applied; 9,306 denied; 6.7% denial rate.

1998/1999 legislative developments. Amendments eliminated the State waiting period and authorized instant checks by the Tennessee Bureau of Investigation on persons who purchase or redeem handguns or long guns, effective 11/1/98.

Relevant laws. Tennessee Code 39-17-1301 et seq.

Source of information. Tennessee Bureau of Investigation.

Texas

FBI conducts NICS checks

Prohibited persons. Texas law prohibits knowingly transferring a handgun to a person who intends to use it unlawfully or is subject to an active protective order. A firearm cannot be knowingly transferred to a person who is younger than 18 years (without parental consent), intoxicated or a convicted felon.

Restoration of rights. A convicted felon's right to possess a handgun on the premises where he or she lives can be restored 5 years after completion of the sentence if no additional violations occur.

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

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

Background checks. The State is not a point of contact for the NICS. Licensed dealers in Texas contact the FBI for all checks required by the NICS. ATF allows an exemption from the NICS check for holders of concealed handgun licenses or peace officer licenses issued before 11/30/98.

Waiting period. No State requirements.

Information from applicants. No State requirements.

Purchaser fees. None.

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

Check processing time. Not applicable.

Retention of records. No State requirements.

Registration. No State requirements.

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

Arrests of denied persons. Not applicable.

1998/1999 firearm checks. No statewide information is available.

1998/1999 legislative developments. No significant changes.

Relevant laws. Texas Penal Code 30.06; 42.12; 46.01 et seq; Family Code 71.18.

Source of information. Texas Department of Public Safety.

Utah

State requests NICS checks

Prohibited persons. Utah law prohibits possession of a firearm by a person who is convicted of a crime of violence; addicted to the use of any narcotic drug; declared mentally incompetent; or on parole or probation for a felony. A handgun may not be purchased, possessed or transferred by a person who is convicted of a felony; under indictment; an unlawful user of a controlled substances; a drug dependent person; adjudicated as mentally defective or committed to a mental institution; an illegal alien; dishonorably discharged from the Armed Forces; or who has renounced United States citizenship. A firearm cannot be possessed by or sold to a minor under 18 years of age except in limited circumstances.

Restoration of rights. The right to possess firearms can be restored if a conviction is expunged or otherwise removed from the record.

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

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

Background checks. The Utah Bureau of Criminal Identification (BCI) is a point of contact for the NICS and conducts all checks required by Federal and State law. Dealers request instant checks by using a 1-800 number or a regular telephone number. Holders of concealed firearm permits are exempt from point-of-sale background checks under ATF rules and State law. BCI verifies the validity of permits presented to dealers.

Waiting period. No State requirements.

Information from applicants. Utah requires an applicant's name, address, race, sex, height, weight, hair color, eye color, date of birth, Social Security number and date of application.

Purchaser fees. BCI charges \$7.50 for a background check.

State data. Utah maintains fully automated fugitive, criminal history, domestic abuse restraining

order/misdemeanor and motor vehicle data on a statewide network.

Check processing time. Routine transactions are normally processed in less than 5 minutes.

Retention of records. Under State law, BCI retains data on approved transactions for a maximum period of 20 days. Data on denied transactions is retained for 1 year.

Registration. No State requirements.

Appeals of denials. Persons denied a firearm can appeal to BCI and further to a State review board.

Arrests of denied persons. A person who submits false information or has outstanding warrants is reported by BCI to the agency with jurisdiction over the offender.

1998/1999 firearm checks. 1/1/98 to 11/29/98: 24,140 applied; 733 denied; 3.0% denial rate. 11/30/98 to 6/30/99: 40,923 applied; 1,308 denied; 3.2% denial rate.

1998/1999 legislative developments. Check requirements for handguns were extended by amendment to checks on other firearms to begin when changes required by Federal law took effect.

Relevant laws. Utah Code 53-5-702 et seq; 76-10-501 et seq.

Source of information. Utah Bureau of Criminal Identification.

Vermont

State requests NICS checks

Prohibited persons. A firearm cannot be furnished to a child under 16 without the consent of a parent or guardian. A handgun cannot be possessed by a child under 16 without the consent of a parent or guardian.

Restoration of rights. No State requirements.

Regulated sales. Vermont enforces the Brady Act's requirement of background checks on persons who purchase or redeem firearms from licensed dealers.

Permits. The State does not require a permit to purchase or carry firearms.

Background checks. The Chittenden County Sheriff's Office is a point of contact for the NICS and conducts all checks required by Federal law. Instant checks are conducted on persons who purchase or redeem firearms from licensed dealers in the State.

Waiting period. No State requirements.

Information from applicants. Firearms purchasers submit the standard ATF form. No separate State form is required.

Purchaser fees. None.

State data. The State maintains automated files containing fugitive and domestic abuse misdemeanor information. Criminal history, probation/parole, and court restraining order data are also available.

Check processing time. No statewide information is available.

Retention of records. Data on approved transactions is retained for a maximum period of 20 days; data on denied transactions is retained indefinitely.

Registration. No State requirements.

Appeals of denials. Persons denied a firearm can appeal under Federal law.

Arrests of denied persons. No information is available.

1998/1999 firearm checks. 1/1/98 to 11/29/98: No statewide data available. 11/30/98 to 6/30/99: 9,944 applied; 314 denied; 3.2% denial rate.

1998/1999 legislative developments. The State designated the Chittenden County Sheriff's Office as the point of contact for all firearm checks under the NICS.

Relevant laws. Vermont Statutes 13-4001 et seq.

Source of information. Vermont Department of Public Safety; Chittenden County Sheriff's Office.

Virginia

State requests NICS checks

Prohibited persons. Virginia law prohibits possession of firearms by certain persons who are acquitted by reason of insanity; adjudicated incompetent or incapacitated; involuntarily committed; subject to a protective order; convicted of a felony; found guilty as a juvenile of a delinquent act which would be a felony if committed by an adult; illegal aliens; or under the age of 18. Handguns cannot be purchased by certain persons who have been convicted of two misdemeanor drug offenses within 36 months. Firearms purchasers must have resided in the State for at least 30 days. An individual cannot purchase more than one handgun every 30 days unless authorized by the State Police.

Restoration of rights. The governor may grant a pardon or removal of political disabilities to a person who committed a felony or delinquent act and may condition reinstatement of firearm rights. The circuit court may issue a permit to carry a firearm to a person whose civil rights have been restored.

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

Permits. A permit is not required to purchase firearms; a permit issued by a circuit court is needed to carry a concealed handgun.

Background checks. The Virginia State Police (VSP) is a point of contact for the NICS and conducts all checks required by Federal and State law. Some dealers request instant checks by using a 1-800 number or the mail to contact the Firearms Transaction Program. High-volume dealers in the Direct Access Program use dial-in technology to request checks.

Waiting period. No State requirements.

Information from applicants. The purchaser's name, date and place of birth, current address, Social Security or other identifying number, race, sex, height and weight are required. The number of firearms purchased in each transaction is recorded by categories (rifle, shotgun, pistol or revolver).

Purchaser fees. VSP charges \$2 for a check on a State resident and \$5 for a non-resident.

State data. The State maintains fully automated criminal history, fugitive, juvenile, mental health, domestic violence restraining order/misdemeanor, and drug user data, plus a file on misdemeanor drug convictions and a calendar file on handgun purchases.

Check processing time. Routine transactions are normally processed in less than 2 minutes; transactions which require additional research are normally processed in less than 1 day.

Retention of records. Data on approved transactions may be retained for 30 days; however, multiple handgun transaction records and a log of requests (with purchaser name, dealer and approval numbers, and date) may be maintained for 12 months. Records of denied transactions are retained for 2 years.

Registration. No State requirements.

Appeals of denials. Persons denied a firearm may appeal to VSP and further to circuit court.

Arrests of denied persons. VSP arrests all persons denied because of an outstanding warrant, and arrests persons who submit false information in some cases. Using set criteria, VSP decides which denied persons should be prosecuted, in conjunction with ATF and U.S. attorneys for Federal violations or with commonwealth attorneys for State violations.

1998/1999 firearm checks. 1/1/98 to 11/29/98: 148,278 applied; 2,251 denied; 1.5% denial rate.

11/30/98 to 6/30/99: 108,254 applied; 1,708 denied; 1.6% denial rate.

1998/1999 legislative developments. The instant check law was amended to clarify rules regarding transactions where a dealer receives no response from the State Police.

Relevant laws. Code of Virginia 18.2-279 et seq.

Source of information. Virginia State Police.

Washington

FBI conducts long gun NICS checks

State requests handgun NICS checks

Prohibited persons. Washington law prohibits possession of firearms by a person who is convicted of a serious offense, felony or misdemeanor specified in State law; involuntarily committed for mental health treatment; under eighteen years of age; or free on bond or personal recognizance pending trial, appeal or sentencing for a serious offense.

Restoration of rights. An offender's right to possess firearms may be restored by a governor's pardon. Except for certain offenders, persons without further violations for 5 years after completing their sentences may petition the court of record for restoration of firearm rights.

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

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

Background checks. Two hundred ninety-one sheriffs' and police departments are partial points of contact for the NICS and conduct checks on handgun purchasers required by Federal and State law. Checks are conducted upon receiving applications from dealers in person, by fax, or by regular or certified mail. A handgun can be delivered to the purchaser when the dealer is notified of an approval or when 5 business days (7 days) have elapsed. The time allowed for a check under State law can be extended up to 30 days when the applicant has a record which lacks certain dispositions, or up to 60 days for persons who are new State residents or lack the required identification. Dealers contact the FBI for checks required by the NICS on persons purchasing long guns or redeeming pawned firearms. ATF and State rules allow holders of concealed handgun licenses issued between 7/1/96 and 11/30/98 to make purchases without a NICS check.

Waiting period. No State requirements.

Information from applicants. The State's handgun application requires the purchaser's name, address, race, sex, height, weight, eye color, date of birth, place of birth, driver's license or ID number, and date of

application plus the type, make, model, and serial number of the weapon.

Purchaser fees. None.

State data. Washington maintains fully automated fugitive, criminal history and domestic violence restraining order data on a statewide network. Some domestic violence misdemeanor and juvenile data are also available. Mental health records can be accessed manually.

Check processing time. Background checks are completed in less than 60 days.

Retention of records. State agencies retain approved applications for a maximum period of 20 days and denied applications indefinitely. Dealers retain copies of applications for 6 years.

Registration. No State requirements.

Appeals of denials. Persons denied a handgun may appeal to the denying agency and further to superior court.

Arrests of denied persons. In cases of outstanding warrants, checking agencies normally notify the agency with jurisdiction over the fugitive.

1998/1999 firearm checks. No statewide information is available.

1998/1999 legislative developments. No significant changes.

Relevant laws. Washington Revised Code 9.41.010 et seq.

Source of information. Washington State Patrol.

West Virginia

FBI conducts NICS checks

Prohibited persons. West Virginia prohibits possession of firearms by persons who are convicted of felonies; dishonorably discharged from the U.S. armed forces; adjudicated as a mental incompetent or committed involuntarily to a mental institution; illegal aliens; addicted to or unlawful users of alcohol or controlled substances or drugs; or minors under the age of eighteen (except in limited circumstances). It is illegal to sell a firearm to a prohibited person.

Restoration of rights. State law provides that prohibited persons may petition the circuit court of the county where they reside for an order which allows firearm possession. The court may enter an order if it finds such person capable of exercising the responsibility concomitant with possession of a firearm.

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

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

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

Waiting period. No State requirements.

Information from applicants. No State requirements.

Purchaser fees. None.

State data. West Virginia maintains fully automated fugitive and criminal history data on a statewide network. The State manually maintains some domestic abuse data.

Check processing time. Not applicable.

Retention of records. No State requirements.

Registration. No State requirements.

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

Arrests of denied persons. Not applicable.

1998/1999 firearm checks. 1/1/98 to 11/29/98: 15,162 applied; 258 denied; 1.7% denial rate. 11/30/98 to 6/30/99: no statewide data available.

1998/1999 legislative developments. No significant changes.

Relevant laws. West Virginia Code 61-7-1 et seq.

Source of information. West Virginia State Police.

Wisconsin

FBI conducts long gun NICS checks

State requests handgun NICS checks

Prohibited persons. Wisconsin law prohibits possession of firearms by certain persons who are convicted of felonies; adjudicated delinquent for acts that would be felonies if committed by adults; found not guilty of a felony or a similar offense in another State by reason of mental disease; committed for treatment and ordered not to possess a firearm; or under eighteen years of age.

Restoration of rights. A convicted felon's right to possess firearms may be restored by a governor's pardon or Federal relief. A person who was adjudicated delinquent may regain firearm rights if the court determines that the offender is not likely to act in a manner dangerous to public safety.

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

Permits. A permit is not required to purchase firearms. The State does not issue concealed firearm permits.

Background checks. The Wisconsin Department of Justice (DOJ) is a point of contact for the NICS and conducts checks on handgun purchasers required by Federal and State law. Dealers request instant checks by using a 1-800 number to contact the Department of Safety. Checks must be completed within 48-hours under State law; however, the time limit can be extended by 3 days for felony charges with no recorded disposition. Dealers contact the FBI for checks required by the NICS on persons who purchase long guns. Pawnshops temporarily have the option of calling the State agency for checks on persons who redeem handguns; otherwise, redemption checks are processed by the FBI.

Waiting period. A 2-day waiting period is required for handgun sales (beginning when application is filed), regardless of when a background check is completed.

Information from applicants. Handgun purchasers must provide the following information: name, previous names, address, race, sex, height, weight, date of birth, hair color, eye color, date of application, and certification that no disqualifying grounds exist.

Purchaser fees. A fee of \$8 is charged for a background check.

State data. Wisconsin maintains fully automated fugitive, criminal history, juvenile, domestic violence misdemeanor/restraining order and mental health data on a statewide network. Probation and parole files are kept manually.

Check processing time. Routine transactions are normally processed in less than 2 minutes; transactions which require additional research normally are processed in less than 1 day.

Retention of records. Data on approved transactions are retained for no more than 30 days; data on denied transactions are retained indefinitely.

Registration. No State requirements.

Appeals of denials. Persons denied a handgun may appeal to DOJ and further to State court.

Arrests of denied persons. DOJ reports denied persons to ATF, the Wisconsin Department of Investigation and local police.

1998/1999 firearm checks. 1/1/98 to 11/29/98: 30,022 applied; 457 denied; 1.5% denial rate. 11/30/98 to 6/30/99: 21,010 applied; 297 denied; 1.4% denial rate.

1998/1999 legislative developments. No significant changes.

Relevant laws. Wisconsin Statutes 175.35; 813.125; 941.25 et seq; 948.55; 948.60.

Source of information. Wisconsin Department of Justice.

Wyoming

Source of information. Wyoming Attorney General.

FBI conducts NICS checks

Prohibited persons. Wyoming prohibits possession of firearms by persons convicted of violent felonies.

Restoration of rights. A person convicted of a violent felony may regain the right to possess firearms through a governor's pardon.

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

Permits. A permit is not required to purchase firearms. A license is required to carry a concealed dangerous weapon.

Background checks. The State is not a point of contact for the NICS. Licensed dealers in Wyoming contact the FBI for all checks required by the NICS. ATF allows holders of concealed weapon licenses to purchase firearms without a NICS check.

Waiting period. No State requirements.

Information from applicants. No State requirements.

Purchaser fees. None.

State data. Wyoming maintains a statewide network with fully automated records of criminal histories and fugitives with felony or misdemeanor warrants.

Check processing time. Not applicable.

Retention of records. No State requirements.

Registration. No State requirements.

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

Arrests of denied persons. Not applicable.

1998/1999 firearm checks. No statewide information is available.

1998/1999 legislative developments. No significant changes.

Relevant laws. Wyoming Statutes 6-8-101 et seq.

American Samoa

FBI conducts NICS checks

Territory conducts separate checks

Prohibited persons. 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 for firearms upon arrival. Shotguns of various gauges and .22-caliber rifles are allowed. It is unlawful to transfer a firearm to a person who is prohibited from possession, less than 18 years old (except in limited circumstances) or intoxicated. A firearm cannot be possessed by a person who has been convicted of or confined for a dangerous felony in the preceding 5 years, or who is a fugitive from justice, a habitual drunkard, a drug addict or currently adjudged mentally incompetent.

Restoration of rights. Restoration of firearm rights may be given based on the expressed discretion of the attorney general or the Department of Public Safety, upon review of the application.

Regulated sales. Licensing requirements apply to all transfers of legal firearms.

Permits. A license is required to possess, import or sell legal firearms.

Background checks. Checks required by territorial law on purchasers 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 license. The background check includes checking with police departments on neighboring islands.

Waiting period. No requirements.

Information from applicants. Territorial law allows requests for any information as may be reasonably required.

Purchaser fees. A fee of \$10 is charged for first time applicants, and \$2 is charged for renewals.

State data. Information is maintained manually.

Check processing time. No information is available.

Retention of records. No information is available.

Registration. Legal firearms are marked with a number indicating the order of the license and registration as specified in the license.

Appeals of denials. Territorial law does not provide a procedure for appealing a license denial.

Arrests of denied persons. No information is available.

Relevant laws. American Samoa Code 46.4201 et seq.

Source of information. American Samoa Department of Public Safety.

Guam

FBI conducts NICS checks

Territory conducts separate checks

Prohibited persons. Guam law prohibits issuing a Firearms Identification Card to a person who is convicted of a felony; an alien; charged with a felony; adjudicated incompetent or committed to a mental institution; under the age of 18; convicted of a drug offense or a misdemeanor where personal injury or use of firearms was an element or factor of the offense; or who appears to suffer from a physical or mental disease which would adversely affect the safe use of the firearm applied for.

Restoration of rights. A convicted felon's right to receive an identification card cannot be restored.

Regulated sales. All transfers of lawful firearms, except for temporary transfers at shooting galleries, require that the person receiving the firearm hold an identification card.

Permits. A Firearms Identification Card is required to own, possess, use, carry or acquire any lawful firearm.

Background checks. The Guam Police Department (GPD) conducts background checks on identification cards applicants. FBI data and local files are checked. The territory is not a point of contact for the NICS. Licensed dealers in Guam contact the FBI for all checks required by the NICS. An ATF ruling allows identification cards issued before 11/30/98 to be used for a purchase without a NICS check.

Waiting period. No requirements.

Information from applicants. Identification card applicants must provide the following: name, current address, previous address, place of birth, date of birth, home phone, duty phone, Social Security number, occupation, employer, race, sex, height, weight, eye color and hair color.

Purchaser fees. First time applicants must submit a money order or bank draft payable to the Federal Bureau of Investigation in the amount of \$24, for the FBI background information fee. Once the background check is cleared and the application is approved, the applicant is charged a fee of \$15 for the identification card (renewable every 3 years). There is also a fee of \$20 for the registration of each firearm.

State data. Guam agencies maintain fugitive, criminal history and mental health data.

Check processing time. The identification card process can take as much as 6 to 10 weeks while the applicant's background is being checked.

Retention of records. GPD retains all identification card applications indefinitely.

Registration. After purchasing a weapon, the receipt is taken to the Guam Police Department. The weapon is inspected by the duty armorer and registered by the department. Private sales and transfers to or from pawnbrokers require a new registration.

Appeals of denials. Territorial law does not provide a procedure for appealing an identification card denial.

Arrests of denied persons. No information is available.

Relevant laws. Guam Code 10-60100 et seq.

Source of information. Guam Police Department.

Puerto Rico

FBI conducts NICS checks

Commonwealth conducts separate checks

Prohibited persons. Puerto Rico law prohibits issuing a license to have or possess firearms to any person who has been convicted of any of the following offenses or of the attempt to commit the same, in or outside Puerto Rico: murder in any degree, manslaughter, kidnaping, rape, mayhem, intent to commit any felony, aggravated assault and battery with a weapon, robbery, burglary, misappropriation, arson, aggravated arson, incest or violation of certain statutes. Nor can a license be issued to any person who is mentally unbalanced, a habitual drunkard, a narcotics or drug addict, or has been convicted of a violation of the provisions hereof.

Restoration of rights. No regulations cover restoration of rights.

Regulated sales. The Weapons Law establishes that no dealer in firearms or ammunition shall deliver a firearm or issue the corresponding delivery permit to a purchaser without the latter producing a license to have and possess a firearm. No weapon is sold to the holder of a license from which the sales permit has been removed. Licensing requirements apply to all firearm sales.

Permits. Puerto Rico requires a license to purchase or carry a firearm.

Background checks. License applications require background checks conducted by the Police of Puerto Rico. Applications are received by certified mail or in person. The commonwealth is not a point of contact for the NICS. Dealers must contact the FBI for all checks required by the NICS.

Waiting period. No requirements.

Information from applicants. Fingerprints are required, and the standard ATF form is used.

Purchaser fees. Commonwealth law requires fees of \$50 for a license and \$15 for a renewal every 3 years.

State data. The police department maintains a manual database.

Check processing time. The background check process can take from 6 to 12 months.

Retention of records. Approved applications are retained by the police for a maximum period of 20 days.

Registration. Every firearm sold is registered with the Superintendent of Police.

Appeals of denials. For denied license applicants, the police have an internal appeals process with written procedures, and there is an external appeals process that involves the court system.

Arrests of denied persons. ATF is notified of persons who submit false information on an application.

Relevant laws. Laws of Puerto Rico 25-411 et seq.

Source of information. Chief of the Weapons Registry for the Police of Puerto Rico.

Virgin Islands

FBI conducts NICS checks

Territory conducts separate checks

Prohibited persons. Virgin Islands law provides that a license to possess a firearm cannot be issued to a person who is convicted of a crime of violence, a drug law violation or a firearms law violation; mentally incompetent; a habitual drunkard; a drug addict; or deemed to be an improper person by the police.

Restoration of rights. No information is available.

Regulated sales. Licensing requirements apply to all firearm sales.

Permits. A license is required to possess, transport, or carry a firearm. A purchase coupon is issued with the license and retained by the firearm dealer.

Background checks. License applications require a background check by the Virgin Islands Police Department. The applicant completes and returns a notarized application. If no problems are found during the check, the application is forwarded to the Police Commissioner, who approves or disapproves the application. In addition, dealers contact the FBI for all checks required by the NICS. An ATF ruling allows a territorial license to be used for a purchase without a NICS check.

Waiting period. Firearm transfers require a 48-hour waiting period, regardless of when a background check is completed.

Information from applicants. A license application is accompanied by four photographs and notarized statements from character references. Fingerprints are required. Other required information varies with the type of application.

Purchaser fees. The Virgin Islands charges a \$30 application fee, a \$50 registration fee per weapon, and a \$15 late registration fee. The license must be renewed every three years, with a \$100 renewal fee. New photographs are required with each renewal.

State data. No information is available.

Check processing time. No information is available.

Retention of records. No information is available.

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

Appeals of denials. Persons denied a license can appeal to territorial court.

Arrests of denied persons. No information is available.

Relevant laws. Virgin Islands Code 23-451 et seq.

Source of information. Virgin Islands Police Department.

Washington, D.C.

FBI conducts NICS checks

District conducts separate checks

Prohibited persons. District of Columbia laws no longer allow the purchase of handguns, except by law enforcement officers, retired district police officers, military personnel, licensed dealers and organizations that employ special police. A registration certificate for a legal firearm cannot be issued to certain persons who are under 18 years of age (applicants between the ages of 18 and 21 are required to have a notarized statement from a parent or guardian); convicted of or under indictment for a crime of violence or weapons offense; convicted of an offense involving drugs, assaults or threats; acquitted by reason of insanity; adjudicated chronic alcoholics; committed to a mental hospital; suffering from a physical defect and unable to use a firearm safely; adjudicated negligent in a firearm mishap causing death or serious injury; or otherwise ineligible under district law. All registration applicants are required to demonstrate adequate vision and a satisfactory knowledge of district firearm laws.

Restoration of rights. Persons convicted of offenses involving drugs, assaults or threats, and certain other prohibited persons, may be allowed to register a firearm after a 5 year disqualification.

Regulated sales. Only firearm transfers by or to licensed dealers are allowed. Dealers can transfer firearms to persons with valid registration certificates.

Permits. A valid registration certificate is required for possession or transfer of any firearm.

Background checks. The Chief of Police conducts background checks and issues registration certificates. The district is not a point of contact for the NICS; licensed dealers contact the FBI for all NICS checks. An ATF ruling allows registration certificates issued before 11/30/98 to be used for a purchase without a NICS check.

Waiting period. No requirements.

Information from applicants. Registration information includes the applicant's name, present address, previous addresses, occupation, business address, date and place of birth, sex, history with firearms, intended use and location of the firearm, plus information about the firearm to be transferred and the

transferor. Fingerprints may be required, and two recent photographs must be submitted.

Purchaser fees. No information is available.

State data. No information is available.

Check processing time. No information is available.

Retention of records. No information is available.

Registration. All handguns owned prior to September 24, 1976, are required to be registered. Handguns and long guns acquired after that date must also be registered.

Appeals of denials. District law does not provide an appeal procedure for a person who is denied a registration certificate.

Arrests of denied persons. No information is available.

Relevant laws. District of Columbia Code 6-2301 et seq; 22-3201 et seq.

Source of information. United States Attorney's Office, District of Columbia.

Table 1. Applications for handgun checks processed by States, interim and permanent Brady periods

Jurisdiction	Interim Brady — Jan. 1 to Nov. 29, 1998 ^a			Permanent Brady — Nov. 30, 1998, to June 30, 1999 ^b		
	Number of applications Received	Rejected	Rate of rejection	Number of applications Received	Rejected	Rate of rejection
Arizona ^c	54,754	1,950	3.6%	83,122	2,549	3.1%
Arkansas	28,835	1,397	4.8	---	---	---
California ^d	304,188	2,889	0.9	251,820	2,601	1.0
Colorado ^e	41,383	2,804	6.8	35,561	2,412	6.8
Connecticut ^e	26,981	153	0.6	27,159	123	0.5
Delaware ^d	9,745	443	4.5	---	---	---
Florida ^d	160,438	5,499	3.4	134,026	3,637	2.7
Georgia ^e	74,977	6,326	8.4	138,849	8,972	6.5
Idaho	18,539	772	4.2	---	---	---
Illinois ^d	146,970	1,490	1.0	99,912	861	0.9
Indiana	79,022	998	1.3	49,736	1,373	2.8
Maryland	25,222	236	0.9	17,774	258	1.5
Nevada ^e	21,097	734	3.5	33,376	1,106	3.3
New Hampshire ^e	13,186	250	1.9	6,610	134	2.0
New Jersey ^{e,f}	18,995	198	1.0	20,112	102	0.5
Ohio	53,713	481	0.9	---	---	---
Oregon	42,523	1,069	2.5	33,922	918	2.7
Pennsylvania ^{e,g}	116,718	3,237	2.8	274,132	8,090	3.0
South Carolina ^{e,h}	42,123	2,098	5.0	79,234	8,554	10.8
Tennessee ^{e,h}	10,624	700	6.6	139,469	9,306	6.7
Utah ^e	24,140	733	3.0	40,923	1,308	3.2
Vermont ^e	---	---	---	9,944	314	3.2
Virginia ^d	148,278	2,251	1.5	108,254	1,708	1.6
West Virginia	15,162	258	1.7	---	---	---
Wisconsin	30,022	457	1.5	21,010	297	1.4
State totals	1,507,635	37,423	2.5%	1,604,945	54,623	3.4%

Note: Counts are for handgun checks and were confirmed by reporting agencies unless otherwise indicated.

Data from the FBI and States with multiple points of contact under permanent Brady are not displayed.

---Agency did not conduct any checks or did not report counts.

^aStates included had one Chief Law Enforcement Officer (CLEO) that reported statewide application and rejection data for the entire period, except as otherwise indicated. Kentucky reported 59,547 applications and 2,025 rejections, but excluded data from 4 counties for the interim period.

^bStates included had one checking agency that was a NICS Point of Contact (POC) under permanent Brady and reported statewide application and rejection data for the entire period. List of States reporting changed because some turned over checks to the FBI while others implemented new statewide check systems.

^cCounts include handgun and long gun checks for November 30, 1998, to June 30, 1999, except for Colorado, which temporarily ceased firearm checks on March 31, 1999.

^dCounts include both handgun and long gun checks in States that did not distinguish between the two.

^eReported data for 1998 but did not confirm totals for the year.

^fInterim Brady counts include handguns only; Permanent Brady counts are for all firearms from the State NICS office.

^gReported data for July through November of the interim period.

^hReported data for only November of the interim period.

Table 2. Prohibited persons: Statutory basis for denial of firearm sale or possession, Federal and State, June 30, 1999

Jurisdiction	Felony ^a	Misdemeanor ^a	Fugitive	Mental illness ^b	Restraining order	Drug abuse ^c	Alcohol abuse ^c	Minor (underage)	Juvenile offense	Other reasons
United States	X	X	X	X	X	X	---	X	---	X
Alabama	X	---	---	X	---	X	X	X	---	---
Alaska	X	---	---	---	---	X	X	X	X	---
Arizona	X	---	---	---	---	---	---	X	X	X
Arkansas	X	---	---	X	---	---	---	X	---	---
California	X	X	---	X	X	X	---	X	X	X
Colorado	X	X	---	---	X	---	---	X	X	---
Connecticut	X	X	---	X	X	---	---	X	X	X
Delaware	X	X	---	X	X	X	---	X	X	---
Florida	X	X	---	X	X	X	X	X	X	X
Georgia	X	---	---	---	---	---	---	X	X	X
Hawaii	X	X	X	X	X	X	X	X	X	---
Idaho	X	---	---	---	---	---	---	X	---	---
Illinois	X	X	---	X	X	X	---	X	X	X
Indiana	X	---	---	X	---	X	X	X	X	---
Iowa	X	X	---	X	---	X	X	X	---	X
Kansas	X	---	---	---	---	X	---	X	X	---
Kentucky	X	---	---	---	---	---	---	X	X	---
Louisiana	X	---	---	---	---	---	---	X	---	---
Maine	X	---	---	---	X	---	---	X	X	---
Maryland	X	X	X	X	X	X	X	X	---	X
Massachusetts	X	X	X	X	X	X	X	X	X	X
Michigan	X	---	---	X	X	---	---	X	---	X
Minnesota	X	X	X	X	---	X	---	X	X	X
Mississippi	X	---	---	---	---	X	X	X	---	---
Missouri	X	X	X	X	---	X	X	X	---	X
Montana	X	---	---	---	---	---	---	X	---	---
Nebraska	X	---	X	---	---	---	---	X	---	---
Nevada	X	---	---	---	---	---	---	X	---	---
New Hampshire	X	---	---	---	---	---	---	X	---	---
New Jersey	X	X	---	X	X	X	X	X	---	X
New Mexico	X	---	---	---	---	---	---	X	---	---
New York	X	---	---	X	X	---	---	X	---	X
North Carolina	X	---	X	X	X	X	---	X	---	X
North Dakota	X	X	---	X	---	---	---	X	---	---
Ohio	X	---	X	X	---	X	X	X	X	---
Oklahoma	X	---	---	X	---	X	X	X	X	---
Oregon	X	X	X	---	---	---	---	X	X	---
Pennsylvania	X	---	X	X	X	X	X	X	X	X
Rhode Island	X	---	X	X	---	X	X	X	---	X
South Carolina	X	X	X	X	---	X	X	X	---	X
South Dakota	X	---	---	---	---	X	---	X	---	X
Tennessee	---	---	---	---	---	X	X	X	---	---
Texas	X	---	---	---	X	X	X	X	---	X
Utah	X	---	---	X	---	X	---	X	X	X
Vermont	---	---	---	---	---	---	---	X	---	---
Virginia	X	---	---	X	X	X	---	X	X	X
Washington	X	X	---	X	X	---	---	X	X	X
West Virginia	X	---	---	X	---	X	X	X	---	X
Wisconsin	X	---	---	X	---	---	---	X	X	---
Wyoming	X	---	---	---	---	---	---	---	---	---
State totals	48	17	12	32	18	28	19	49	24	24

Notes: Table does not include State statutes which incorporate Federal prohibitions by reference. Types of firearms covered by statutes vary.

^aGenerally, felony carries penalty of 1 year in prison or more, misdemeanor less than 1 year; definitions and offenses included vary by State.

^bIncludes persons adjudicated mentally ill (committed to a mental institution, or acquitted by reason of insanity).

^cIncludes persons convicted of substance-related offenses, addicted to an intoxicating substance or intoxicated at time of purchase.

Table 3. Agencies conducting firearm background checks under Federal or State law, June 30, 1999

Jurisdiction	Names or description of checking agencies
United States	Federal Bureau of Investigation NICS Operations Center
Alabama	None
Alaska	None
Arizona	Department of Public Safety Firearm Clearance Center
Arkansas	None
California	Department of Justice
Colorado	None
Connecticut	State Police Special Licensing and Firearms Unit
Delaware	State Police
Florida	Department of Law Enforcement
Georgia	Bureau of Investigation
Hawaii	Four police departments
Idaho	None
Illinois	State police
Indiana	State police
Iowa	Department of Public Safety and 99 county sheriffs
Kansas	None
Kentucky	None
Louisiana	None
Maine	None
Maryland	State Police Firearms Enforcement Division
Massachusetts	351 police departments
Michigan	595 sheriffs' and police departments
Minnesota	568 sheriffs' and police departments
Mississippi	None
Missouri	115 sheriffs' and police departments
Montana	None
Nebraska	95 sheriffs' and police departments
Nevada	Highway patrol
New Hampshire	Department of Safety
New Jersey	State police and 505 local police departments
New Mexico	None
New York	58 county judges
North Carolina	100 county sheriffs
North Dakota	None
Ohio	None
Oklahoma	None
Oregon	State Police Firearms Unit
Pennsylvania	State Police
Rhode Island	39 police departments
South Carolina	Law Enforcement Division
South Dakota	None
Tennessee	Bureau of Investigation
Texas	None
Utah	Bureau of Criminal Identification
Vermont	Chittenden County Sheriff's Office
Virginia	State Police
Washington	291 sheriffs and police departments
West Virginia	None
Wisconsin	Department of Justice
Wyoming	None

Note: Agencies conduct checks on persons applying for purchases or permits required for purchases.

Table 4. National Instant Criminal Background Check System (NICS): Checking agencies (FBI or State point of contact) for firearm transfers, June 30, 1999

State	Handguns		Long guns		Pawn redemptions			State permits exempt ^a
	FBI	POC	FBI	POC	FBI	POC	Banned	
Alabama	X	---	X	---	X	---	X ^b	---
Alaska	X	---	X	---	X	---	---	X
Arizona	---	X	---	X	---	X	---	X
Arkansas	X	---	X	---	X	---	---	X
California	---	X	---	X	---	X	---	---
Colorado	X	---	X	---	---	X	---	---
Connecticut	---	X	---	X	---	X	---	X
Delaware	X	---	X	---	X	---	---	X
Florida	---	X	---	X	X ^c	X ^c	---	X
Georgia	---	X	---	X	---	X	---	X
Hawaii	---	X	---	X	---	---	X ^b	X
Idaho	X	---	X	---	X	---	---	X
Illinois	---	X	---	X	---	X	---	X
Indiana	---	X	X	---	X ^b	---	X ^b	X
Iowa	---	X	X	---	X ^d	X ^d	---	X
Kansas	X	---	X	---	X	---	---	---
Kentucky	X	---	X	---	X	---	---	X
Louisiana	X	---	X	---	X	---	---	X
Maine	X	---	X	---	X	---	---	---
Maryland	---	X	X	---	X	---	---	X
Massachusetts	X	---	X	---	X ^b	---	X ^b	X
Michigan	---	X	X	---	X ^b	---	X ^b	X
Minnesota	X	---	X	---	X	---	---	X
Mississippi	X	---	X	---	X	---	---	X
Missouri	X	---	X	---	X	---	---	X
Montana	X	---	X	---	X	---	---	X
Nebraska	---	X	X	---	X ^d	X ^d	---	X
Nevada	---	X	---	X	---	X	---	X
New Hampshire	---	X	X	---	X ^d	X ^d	---	---
New Jersey	---	X	---	X	---	---	X	---
New Mexico	X	---	X	---	X	---	---	---
New York	---	X	X	---	X ^b	---	---	X
North Carolina	---	X	X	---	X	---	---	X
North Dakota	X	---	X	---	X	---	---	X
Ohio	X	---	X	---	X	---	---	---
Oklahoma	X	---	X	---	X	---	---	X
Oregon	---	X	X	---	X ^d	X ^d	---	X
Pennsylvania	---	X	---	X	---	X ^b	X ^b	X
Rhode Island	X	---	X	---	X	---	---	---
South Carolina	---	X	---	X	---	X	---	X
South Dakota	X	---	X	---	X	---	---	X
Tennessee	---	X	---	X	---	X	---	---
Texas	X	---	X	---	X	---	---	X
Utah	---	X	---	X	---	X	---	X
Vermont	---	X	---	X	---	X	---	---
Virginia	---	X	---	X	---	X	---	---
Washington	---	X	X	---	X	---	---	X
West Virginia	X	---	X	---	X	---	---	---
Wisconsin	---	X	X	---	X ^d	X ^d	---	---
Wyoming	X	---	X	---	X	---	---	X
Totals	24	26	35	15	35	19	7	35

---Not applicable.

^aCertain State permits qualified by ATF exempt holders from NICS checks.

^bRedemption checks apply only to long guns because State law forbids pawning handguns.

^cIf less than 90 days after pawn, broker can call FBI or State; more than 90 days, broker must call State.

^dFBI checks long gun redemptions; POC checks handgun redemptions.

Table 5. Background check and permit procedures, Federal and State, June 30, 1999

Jurisdiction	Handgun sales				Long gun sales				Check time limit ^f
	Instant check ^a	Permit ^b or other ^c	Waiting period ^d	Private sale check ^e	Instant check ^a	Permit ^b or other ^c	Waiting period ^d	Private sale check ^e	
Federal	X	---	---	---	X	---	---	---	3 days
Alabama	---	---	2 days	---	---	---	---	---	---
Arizona	X	---	---	---	X	---	---	---	3 days
California	---	X	10 days	X	---	X	10 days	X	10 days
Connecticut	---	P	14 days	X	---	P	14 days	X	14 days
Delaware [*]	X	---	---	---	X	---	---	---	3 days
Florida	X	---	3 days	---	X	---	---	---	3 days
Georgia	X	---	---	---	X	---	---	---	3 days
Hawaii	---	P	14 days	X	---	P	14 days	X	20 days
Illinois	X	P	3 days	---	X	P	1 day	---	30 days ^g
Indiana	X	---	---	---	---	---	---	---	1 day
Iowa	---	P	3 days	X	---	---	---	---	None
Maryland ^h	---	X	7 days	X	---	---	---	---	7 days
Massachusetts [*]	---	P	---	X	---	P	---	X	40 days
Michigan	---	P	---	X	---	---	---	---	None
Minnesota ^h	---	P	7 days	---	---	---	---	---	7 days
Missouri [*]	---	P	---	X	---	---	---	---	7 days
Nebraska	---	P	---	X	---	---	---	---	3 days
Nevada	X	---	---	---	X	---	---	---	3 days
New Hampshire	X	---	---	---	---	---	---	---	3 days
New Jersey [*]	X	P	7 days	X	X	P	---	X	30 days ^g
New York	---	P	---	X	---	---	---	---	180 days
North Carolina	---	P	---	X	---	---	---	---	30 days
Oregon	X	---	---	---	---	---	---	---	3 days
Pennsylvania	X	---	---	X	X	---	---	---	3 days
Rhode Island [*]	---	X	7 days	X	---	X	7 days	X	7 days
South Carolina	X	---	---	---	X	---	---	---	3 days
South Dakota	---	---	2 days	---	---	---	---	---	---
Tennessee	X	---	---	---	X	---	---	---	3 days
Utah	X	---	---	---	X	---	---	---	3 days
Vermont	X	---	---	---	X	---	---	---	3 days
Virginia	X	---	---	---	X	---	---	---	3 days
Washington	---	X	---	---	---	---	---	---	7 days
Wisconsin	X	---	2 days	---	---	---	---	---	3 days
State totals	17	16	---	14	13	7	---	6	---

---Not applicable.

^{*}States where purchasers are required to undergo a State check and a NICS check by different agencies.

^a"Instant check" generally requires an agency to respond to seller inquiries immediately or as soon as possible without delay. Includes State systems implemented to enforce Federal law.

^b"Permit" (P) includes documents (permits, licenses, identification cards, and others) issued by a State agency and required for a purchase. Not included are documents which allow waiver of a point-of-sale check but are not required for a purchase.

^c"Other" approval systems usually require sellers to transmit applications to a State agency, with transfers delayed until a waiting period expires or the agency completes a check, used in California, Maryland, Rhode Island, and Washington.

^dA period of time after a purchase or permit application is filed, which must expire before transfer of a firearm or issuance of a permit can be completed.

^eA permit or a background check is required for sales between unlicensed persons.

^fMaximum time allowed for law enforcement to approve or disapprove purchaser or applicant for permit (extensions may be allowed in some circumstances). NICS 3-day rule applies unless State has different period (or no limit on State law checks).

^gTime limit for checks on permit applicants.

^hProcedures also apply to assault weapon sales.

Table 6. Fees, record retention and appeals, Federal and State, June 30, 1999

Jurisdiction	Maximum fee: check/permit ^a	Additional or other fee	Length of time agencies retain transaction records ^b		Denials of purchase or permit: Agencies hearing appeals		
			Approved	Denied	Denying	Other	Court
Federal	None	---	6 months	Indefinitely	X	---	X
Alabama	---	---	Indefinitely	Indefinitely	---	---	---
Arizona	None	---	20 days	5 years	X	---	---
California	\$14.00 ^c	\$10.00 ^d	Indefinitely	Indefinitely	X	---	---
Connecticut	\$35.00	---	Indefinitely	10 years	X	X	---
Delaware	None	---	60 days	Indefinitely	X	---	X
Florida	\$8.00	---	2 days	Indefinitely	X	---	---
Georgia	\$5.00	---	Not kept	90 days	X	---	X
Hawaii	\$24.00	---	Indefinitely	Indefinitely	---	---	---
Illinois	\$5.00 ^f	\$2.00 ^g	Indefinitely	Indefinitely	X	---	X
Indiana	\$3.00	---	1 year	Indefinitely	X	---	X
Iowa	None	---	4 years	3 years	X	---	---
Maryland	\$10.00	---	Indefinitely	Indefinitely	X	---	X
Massachusetts	\$25.00	---	Indefinitely	Indefinitely	---	---	X
Michigan	\$5.00	---	6 years	Varies	X	---	X
Minnesota	None	---	Varies	Varies	---	---	X
Missouri	\$10.00	---	Indefinitely	Indefinitely	---	---	X
Nebraska	\$5.00	---	Varies	Varies	---	---	X
Nevada	\$15.00	---	20 days	Indefinitely	X	X	---
New Hampshire	None	---	20 days	3 years	X	---	X
New Jersey	\$54.00 ^{e,h}	\$51.00 ^{e,i}	Indefinitely	Indefinitely	X	---	X
New York	\$74.00 ^{e,j}	---	Indefinitely	Indefinitely	---	---	---
North Carolina	\$5.00	---	5 years	Indefinitely	---	---	X
Oregon	\$10.00	---	5 years	5 years	X	---	---
Pennsylvania	\$3.00	---	Not kept	Indefinitely	X	X	X
Rhode Island	None	---	30 days	Indefinitely	---	---	---
South Carolina	\$5.00	---	20 days	Indefinitely	X	---	---
South Dakota	---	---	1 year	1 year	---	---	---
Tennessee	\$10.00	---	Not kept	Indefinitely	X	---	---
Utah	\$7.50	---	20 days	1 year	X	X	---
Vermont	None	---	20 days	Indefinitely	---	---	---
Virginia	\$2.00	\$5.00 ^k	1 year	2 years	X	---	X
Washington	None	---	20 days	Indefinitely	X	---	X
Wisconsin	\$8.00	---	30 days	Indefinitely	X	---	X

--- Not applicable.

^aAmounts are for background checks or permits required for firearm purchases. "None" means fees prohibited or not required.

^bLengths of time pertain to retention of firearm permit or purchase records by law enforcement agencies, as determined by statute, or agency policy. If a jurisdiction has retention periods that vary by type of data, the longest applicable period is listed.

^cCovers single handgun or unlimited number of long guns.

^dFee for each handgun purchased in addition to the first.

^eIncludes fee for FBI fingerprint check.

^fFee for firearm owner's identification card.

^gFee for purchase check.

^hFee for firearms purchaser identification card.

ⁱFee for permit to purchase a handgun.

^jFees may be higher for some jurisdictions.

^kFee for a check on a nonresident of the State.

Table 7. Databases accessed for firearm checks, Federal and State, June 30, 1999

Jurisdiction	Criminal histories ^a	Wanted fugitives	Domestic violence restraining orders	Misdemeanor convictions	Mental health ^b	Other ^c
Federal	X	X	X	X	X	X
Alabama	X	X	X	---	---	X
Alaska	X	X	X	X	---	X
Arizona	X	X	---	---	---	X
Arkansas	X	X	X	X	---	X
California	X	X	X	X	X	X
Colorado	X	X	X	X	---	X
Connecticut	X	X	X	X	X	X
Delaware	X	X	X	X	X	X
Florida	X	X	X	X	---	X
Georgia	X	X	---	X	X	X
Hawaii	X	---	---	X	X	X
Idaho	X	X	X	X	---	X
Illinois	X	X	X	X	X	X
Indiana	X	---	---	---	---	X
Iowa	X	X	X	X	---	X
Kansas	X	---	---	X	---	X
Kentucky	X	X	X	---	---	X
Louisiana	X	X	---	---	---	X
Maine	X	X	X	---	---	X
Maryland	X	X	X	X	---	X
Massachusetts	X	X	X	X	X	X
Michigan	X	X	X	X	X	X
Minnesota	X	X	X	X	X	X
Mississippi	X	---	---	---	---	X
Missouri	X	X	X	X	---	X
Montana	X	X	---	---	---	X
Nebraska	X	X	---	---	X	X
Nevada	X	X	---	X	---	X
New Hampshire	X	X	X	X	---	X
New Jersey	X	X	X	X	---	X
New Mexico	X	---	---	X	---	X
New York	X	X	X	X	X	X
North Carolina	X	X	X	X	---	X
North Dakota	X	X	X	---	---	X
Ohio	X	X	X	X	---	X
Oklahoma	X	---	---	---	---	X
Oregon	X	X	X	---	X	X
Pennsylvania	X	X	---	---	---	X
Rhode Island	X	X	X	X	X	X
South Carolina	X	X	X	X	---	X
South Dakota	X	X	X	---	---	X
Tennessee	X	X	X	X	---	X
Texas	X	X	X	X	---	X
Utah	X	X	X	X	---	X
Vermont	X	X	X	X	---	X
Virginia	X	X	X	X	X	X
Washington	X	X	X	X	X	X
West Virginia	X	X	X	X	---	X
Wisconsin	X	X	X	X	X	X
Wyoming	X	X	---	---	---	X
State totals	50	44	36	34	15	50

---No statewide database available (agencies conducting background checks may search local data).

^a"Criminal histories" contain at least felony arrests and dispositions and may also contain dispositions or other data describing domestic violence or other misdemeanors.

^b"Mental health" may include persons adjudicated mentally ill or committed to a mental institution.

^c"Other" includes data on subjects such as probation and parole, juveniles, and motor vehicle offenses.

Table 8. Firearm laws, Federal and State, June 30, 1999

Jurisdiction	Title of laws	Relevant sections
Federal	Code	18-922 et seq.
Alabama	Code	13A-11 et seq.
Alaska	Statutes	11.61.190 et seq; 18.65.700 et seq.
Arizona	Revised statutes	13-905 et seq; 13-3101 et seq.
Arkansas	Code	5-73-101 et seq.
California	Penal code	417.3; 626.9; 12000 et seq.
Colorado	Revised statutes	12-26.5-101 et seq; 18-12-101 et seq.
Connecticut	General statutes	29-27 et seq; 53-202 et seq; 53a-217
Delaware	Code	11-1441 et seq.
Florida	Statutes	790.001 et seq.
Georgia	Official code	16-11-101.1 et seq; 16-11-170 et seq.
Hawaii	Revised statutes	134-1 et seq.
Idaho	Code	18-3302 et seq; 19-5401 et seq.
Illinois	Compiled statutes	430:65/0.01 et seq; 720:5/24-1 et seq; 725:5/112A-14
Indiana	Code	35-47-1 et seq.
Iowa	Code	702.7; 724.1 et seq.
Kansas	Statutes	21-4201 et seq.
Kentucky	Revised statutes	237.030 et seq; 431.064; 527.010 et seq.
Louisiana	Revised statutes	14:91; 14:95; 14:95.1; 40:1379.3; 40:1751 et seq.
Maine	Revised statutes	15.393; 17A.554; 25.2001 et seq.
Maryland	Code	27-36A et seq; 27-441 et seq.
Massachusetts	Laws	140-121 et seq.
Michigan	Compiled laws	28.421 et seq; 123.1101 et seq; 750.222 et seq.
Minnesota	Statutes	609.224; 624.711 et seq.
Mississippi	Code	45-9-101; 97-37 et seq.
Missouri	Revised statutes	571.010 et seq.
Montana	Code	45-8-301 et seq; 46-18-801
Nebraska	Revised statutes	28-1202; 69-2401 et seq.
Nevada	Revised statutes	202.253 et seq.
New Hampshire	Revised statutes	12:159:1 et seq.
New Jersey	Statutes	2C:39-1 et seq; 2C:58-1 et seq.
New Mexico	Statutes	30-7-1 et seq.
New York	Penal law	265.00 et seq; 400.00 et seq.
North Carolina	General statutes	14-269; 14-402 et seq.
North Dakota	Century code	62.1-01 et seq.
Ohio	Revised code	2923.11 et seq.
Oklahoma	Statutes	21-1271.1 et seq.
Oregon	Revised statutes	166.170 et seq.
Pennsylvania	Statutes	18-6101 et seq.
Rhode Island	General laws	11-47-1 et seq.
South Carolina	Code of laws	16-23-10 et seq; 23-31-10 et seq.
South Dakota	Codified laws	22-14-15 et seq; 23-7-1 et seq.
Tennessee	Code	39-17-1301 et seq.
Texas	Penal code	30.06; 42.12; 46.01 et seq.
Utah	Code	53-5-702 et seq; 76-10-501 et seq.
Vermont	Statutes	13-4001 et seq.
Virginia	Code	18.2-279 et seq.
Washington	Revised code	9.41.010 et seq.
West Virginia	Code	61-7-1 et seq.
Wisconsin	Statutes	175.35; 813.125; 941.25 et seq.; 948.55; 948.60
Wyoming	Statutes	6-8-101 et seq.

Table 9. Laws to restore rights, regulate gun sales, and issue permits, Federal and State, June 30,1999

Jurisdiction	Restore rights		Regulated sales			Permits			One handgun per month
	Felons	Juvenile offenders	Dealers	Private / gun show	Pawn ban	Handgun purchase	Long gun purchase	Concealed firearm	
Federal	18:925(c)	----	18:922(t)	----	----	----	----	----	----
Alabama	----	----	13A-11-77	13A-11-77	13A-11-80	----	----	13A-11-73	----
Alaska	11-61-200	11-61-200	----	----	----	----	----	18-65-700	----
Arizona	13-905	13-912.01	13-3114	----	----	----	----	13-3112	----
Arkansas	5-73-103	5-73-103	----	----	----	----	----	5-73-309	----
California*	12021	12021	12070	12071.1	----	----	----	12050	----
Colorado	18-12-108	18-12-108	12-26.5	----	----	----	----	18-12-105.1	----
Connecticut	29-28, 36f	----	29-28	29-33	----	29-36j	----	29-28	----
Delaware	11-1448	11-1448	11-1448A	----	----	----	----	11-1441	----
Florida	790.23	790.23	790.065	----	----	----	----	790.06	----
Georgia	16-11-131	----	16-11-172	----	----	----	----	16-11-129	----
Hawaii	----	----	134-2	134-2	----	134-2	134-2	134-9	----
Idaho	18-3316	----	----	----	----	----	----	18-3302	----
Illinois	430:65/10	430:65/10	430:65/3	430:65/3	----	430:65/2	430:65/2	----	----
Indiana	35-47-2-20	----	35-47-2-8	35-47-2-8	35-47-4-2	----	----	37-47--2-3	----
Iowa	724.27	----	724.15	724.15	----	724.15	----	724.11	----
Kansas	21-4204	21-4204	----	----	----	----	----	----	----
Kentucky	527.040	527.040	----	----	----	----	----	237.11	----
Louisiana	14:95.1	----	----	----	----	----	----	40:1379.3	----
Maine	15.393	15.393	----	----	----	----	----	25:2003	----
Maryland	----	----	27.443	27.443A	----	27.442A	----	27:36E	27.442A
Massachusetts	140.129B	140.129B	140.122	140.129C	140.131B	140.131A	140.129B	140.131	----
Michigan	28.42	----	28.422	28.42	750.229	28.422	28.422	28.426	----
Minnesota	609.16	609.16	624.7132	----	----	624.7131	----	624.714	----
Mississippi	97-37-5	----	----	----	----	----	----	45-9-101	----
Missouri	Art IV s 7	----	571.080	571.800	----	571.08	----	----	----
Montana	46-18-801	46-18-801	----	----	----	----	----	45-8-321	----
Nebraska	29-2264	----	69-2410	----	----	69-2403	----	----	----
Nevada	202.36	----	----	202.25	----	----	----	202.3657	----
New Hampshire	----	----	12:159:8	----	----	----	----	12:159-C:5	----
New Jersey	2A:167-5	----	2C:58-2	2C:58-3	2C:39-11	2C:58-3	2C:58-3	2C:58-4	----
New Mexico	30-7-16	----	----	----	----	----	----	----	----
New York*	400.00	----	400.00	400.00	----	400.00	----	400.00	----
North Carolina	14-404	----	14-402	14-402	----	14-402	----	14-415.12	----
North Dakota	62.1-02-01	----	----	----	----	----	----	62.1-04-03	----
Ohio	2,923.14	2,923.14	----	----	----	----	----	----	----
Oklahoma	21:1273	21:1273	----	----	----	----	----	21:1290.3	----
Oregon	166.270	166.250	166.412	----	----	----	----	166.29	----
Pennsylvania	18:6105	18:6105	18:6111	18:6111	18:6115	----	----	18:6109	----
Rhode Island	13-10-2	----	11-47-35	11-47-35	----	----	----	11-47-11	----
South Carolina	24-21-930	----	23-31-140	----	----	----	----	23-31-215	23-31-140
South Dakota	22-14-15	----	----	----	----	----	----	23-7-7.7	----
Tennessee	39-17-1316	----	39-17-1316	----	----	----	----	39-17-1351	----
Texas*	46.04	----	----	----	----	----	----	411.172	----
Utah	77-18-13	----	76-10-526	----	----	----	----	53-5-704	----
Vermont	----	----	----	----	----	----	----	----	----
Virginia	18.2-308.2	18.2-308.2	18.2-308.2:2	----	----	----	----	18.2-308	18.2-308.2:2
Washington	9.41.040	9.41.040	9.41.090	----	----	----	----	9.41.070	----
West Virginia	61-7-7	----	----	----	----	----	----	61-7-4	----
Wisconsin	941.29(5)	----	175.35(2)	----	----	----	----	----	----
Wyoming	6-8-102	----	----	----	----	----	----	6-8-104	----

Note: See *Jurisdictional Summaries* for scope of topics. If a State has more than one statute on a topic, the most applicable is cited.
 *References are to the State's penal code unless otherwise indicated.

Table 10. Laws regarding background checks, waiting period, retention of sales records, and appeals, Federal and State, June 30, 1999

Jurisdiction	Background check		Waiting period		Retention of sales records			Appeals of denials
	Handguns	Long guns	Handguns	Long guns	Denied	Approved	Registration	
Federal	18:922(t)	18:922(t)	----	----	----	18:922(t)	----	18:922(t)
Alabama	----	----	13A-11-77	----	13A-11-77	13A-11-77	----	----
Alaska	----	----	----	----	----	----	----	----
Arizona	13-3114	13-3114	----	----	----	----	----	----
Arkansas	----	----	----	----	----	----	----	----
California*	12072	12072	12071	12071	12073	12073	12073	----
Colorado	12-26.5	12-26.5	----	----	12-26.5-104	----	----	12-26.5-104
Connecticut	29-33	29-37a	29-33	29-37a	29-33	29-33	29-33	29-32b
Delaware	11-1448A	11-1448A	----	----	----	11-1448A	----	11-1448A
Florida	790.065	790.065	790.0655	----	790.065	790.065	----	790.065
Georgia	16-11-172	----	----	----	16-11-176	----	----	16-11-178
Hawaii	134-2	134-2	134-2	134-2	----	----	134-3	----
Idaho	----	----	----	----	----	----	----	----
Illinois	430:65/3.1	430:65/3.1	720.5/24-3	720.5/24-3	----	----	----	430:65/10
Indiana	35-47-2.5-3	----	----	----	35-47-2.5-8	----	----	35-47-2.5-9
Iowa	724.17	----	724.20	----	----	----	----	----
Kansas	----	----	----	----	----	----	----	----
Kentucky	----	----	----	----	----	----	----	----
Louisiana	----	----	----	----	----	----	----	----
Maine	----	----	----	----	----	----	----	----
Maryland	27.442	----	27.442	----	27.442	27.442	27.442	27.442
Massachusetts	140.129B	140.129B	----	----	----	----	140.129C	140.129B
Michigan	28.422	----	----	----	----	----	750.232	----
Minnesota	624.7132	----	624.7132	----	----	----	----	624.7132
Mississippi	----	----	----	----	----	----	----	----
Missouri	571.090.3	----	----	----	571.090.5	571.090.5	----	571.090.8
Montana	----	----	----	----	----	----	----	----
Nebraska	69-2405	----	----	----	69-2412	69-2412	----	69-2414
Nevada	----	----	----	----	----	----	----	----
New Hampshire	12:159-C:1	----	----	----	----	----	----	12:159-C:5
New Jersey	2C:58-3	2C:58-3	2C:58-2	----	----	----	2C:58-2	2C:58-3
New Mexico	----	----	----	----	----	----	----	----
New York*	400.00	----	----	----	----	----	400.00	----
North Carolina	14-404	----	----	----	----	14-405	----	14-404
North Dakota	----	----	----	----	----	----	----	----
Ohio	----	----	----	----	----	----	----	----
Oklahoma	----	----	----	----	----	----	----	----
Oregon	166.412	----	----	----	166.412	166.412	----	----
Pennsylvania	18:6111	18:6111	----	----	----	----	----	18:6111.1
Rhode Island	11-47-35	11-47-35.2	11-47-35	11-47-35.2	----	11-47-35	----	----
South Carolina	----	----	----	----	----	----	----	----
South Dakota	----	----	23-7-9	----	23-7-10	23-7-10	----	----
Tennessee	39-17-1316	39-17-1316	----	----	----	39-17-1316	----	----
Texas*	----	----	----	----	----	----	----	----
Utah	76-10-526	76-10-526	----	----	----	76-10-526	----	76-10-526
Vermont	----	----	----	----	----	----	----	----
Virginia	18.2-308.2:2	18.2-308.2:2	----	----	----	18.2-308.2:2	----	18.2-308.2:2
Washington	9.41.090	----	----	----	9.41.090	9.41.090	----	9.41.0975
West Virginia	----	----	----	----	----	----	----	----
Wisconsin	175.35(2)	----	175.35(2)	----	175.35(2k)	175.35(2k)	----	175.35(2L)
Wyoming	----	----	----	----	----	----	----	----

See Jurisdictional Summaries for scope of topics. If a State has more than one statute on a topic, the most applicable is cited.

*References are to the State's penal code unless otherwise indicated.

Table 11. Revisions of regulations and other significant changes in State firearm laws, January 1, 1998, to June 30, 1999

State	Topic	Summary of change in law	Citation	Effective
Alaska	Limitations on use	Amendments prohibited possession of a firearm within a school bus, courthouse, or state-funded domestic violence or sexual assault shelter.	11.61.220	4/14/98
	Permits	Background check, qualifications, fees, suspension, and exemptions sections of the concealed weapon statutes were amended and a reciprocity section was added.	18.65.700 et seq.	4/14/98
Arizona	Background checks	Amendment changed checking agency's name to Firearm Clearance Center and authorized it to conduct checks on firearms (as defined by Federal law).	13-3114	11/29/98
California	Limitations on use	Amendment added a new offense of causing a person to carry a concealed handgun within a vehicle.	PC 12076	1/1/98
		A person who keeps a loaded firearm accessible to a person under 16 may be fined or imprisoned.	PC 12020.5	1/1/98
	Permits	A police department can issue only a carry permit to a person who resides in its jurisdiction.	PC 12050	1/1/98
	Registration	New State residents must report ownership or dispose of handguns within 60 days.	PC 12001	1/1/98
Colorado	Background checks	Amendment authorized the State to participate in the NICS.	PC 12076	1/1/98
	Background checks	Amendment changed repeal date of instant check statute to date of implementation of NICS, and allowed Colorado Bureau of Investigation to conduct background checks on long gun purchasers after 11/30/98.	12-26.5	7/1/98
		Executive order required CBI to act as a point of contact for the NICS (expired 3/31/99).		11/30/98
		Executive order reinstated CBI as the NICS point of contact.		8/1/99
Connecticut	Prohibited persons	An amendment provided that a pistol permit or an eligibility certificate cannot be issued to a person who "has been convicted as delinquent for the commission of a serious juvenile offense."	29-28 29-36f	10/1/98
	Limitations on use	Handguns transferred at retail outlets must contain a trigger lock.	29-33	10/1/98
	Applicant	Fingerprints are required from applicants for pistol permits.	29-29	10/1/98
Delaware	Prohibited persons	Amendments added persons subject to protection from abuse orders or convicted of domestic violence misdemeanors to those barred from purchasing or possessing firearms.	11-1448	6/24/99
Florida	Prohibited persons	New statute prohibits possession of a firearm by a person restrained from committing acts of domestic violence by a final injunction.	790.23	7/1/98
	Permits	Amendment extended licensure period for concealed weapon licenses.	790.06	7/1/98
Idaho	Prohibited persons	Amendment added crimes for which conviction will suspend the right to ship, transport, possess, or receive a firearm.	18-310	7/1/98
Illinois	Prohibited persons	Amendments barred issuing a firearm owner's identification card to persons who have been convicted of domestic battery or a substantially similar offense in another jurisdiction within the past 5 years and are barred from possessing firearms by any State statute or Federal law.	430:65/8	1/1/98

Table 11. cont.

State	Topic	Summary of change in law	Citation	Effective
Indiana	Background checks	New code chapter provides for dealers to contact CLEO by phone or other electronic means and receive a response during the call or by return call without delay; if the buyer is disqualified, CLEO has until the end of its next business day to inform the dealer.	35-47-2.5-4	11/30/98
	Fees charged	New chapter imposes a \$3 fee for each transaction requiring a criminal history check.	35-47-2.5-11	11/30/98
	Retention of records	New chapter provides that only the name, dealer number, approval number, and transaction date can be retained up to 12 months; other information on approvals can be retained up to 30 days.	35-47-2.5-8	11/30/98
Kentucky	Permits	Amendment requires use of the NICS index as part of the record check for license applicants.	237.11	7/15/98
Massachusetts	Prohibited persons	After June 1, 1998, new applicants for State documents need a firearms safety certificate.	140-131P	10/21/98
	Permits	Amendments to the firearms identification card statute revised categories of persons prohibited from receiving a card; limited the types of weapons that a card can be used to purchase; and made cards valid for not more than 4 years. Classes A and B for licenses to carry were created by amendment.	140-129B 140-131E	10/21/98
	Applicants	Amendment to the I.D. card statute required an applicant's fingerprints.	140-129B	10/21/98
	Fees charged	The firearms identification card and permit to purchase fees were raised to \$25 by amendments.	140-129B 140-131A	10/21/98
	State data	Amendments to the firearms identification card statute specified files to be searched by the State Police.	140-129B	10/21/98
Missouri	Limitations on use	Unlawful use of weapons statute was amended to allow probation and parole personnel to carry firearms at all times.	571.03	8/28/98
	Permits	Amendment exempted transfer of certain firearms from permit requirements.	571.08	8/28/98
North Dakota	Prohibited persons	An amendment revised the definition of persons who cannot possess firearms because of mental illness.	62.1-02-01	4/9/99
New Jersey	Limitations on use	Temporary transfers of firearms from certified training instructors to participants in their courses were allowed by amendment.	2C:58-3.2	1/19/98
New York	Limitations on use	Amendments prohibited the possession or use of a disguised gun and allowed certain minors to possess long guns at shooting ranges if supervised by a conservation agent.	Penal law 265 265.2	11/1/98 1/1/99
Ohio	Limitations on use	Amended the statute which bars conveying a deadly weapon onto the grounds of certain facilities. Increased the penalty for improperly discharging a firearm at or into a domicile or school.	2,921.36 2,923.16	3/17/98 6/30/98

Table 11. cont.

State	Topic	Summary of change in law	Citation	Effective
Pennsylvania	Prohibited persons	Amendments revised the definitions of mentally incompetent persons and fugitives barred from possessing firearms.	18-6105	7/1/98 12/3/98
	Background checks	Amendment provided that instant checks of firearms would begin 7/1/98, and authorized appeal of State Police decisions to the attorney general and then to the courts.	18-6111.1	7/1/98
		Date for beginning checks of certain longer firearms was advanced to no later than 12/31/98.		12/3/98
		Amendment allowed the State Police to temporarily delay an instant check to determine if a misdemeanor involves domestic violence.	18-6111	7/1/98
South Carolina	Background checks	Executive order authorized the South Carolina Law Enforcement Division (SLED) to be a point of contact under the NICS and to conduct background checks on handgun and long gun purchasers. (Slated to expire on October 1, 1999.)	Order #98-19	11/30/98
South Dakota	Prohibited persons	A new chapter on unlawful use of weapons provided that a person convicted of a crime of violence or a felony drug possession offense cannot possess or control a firearm.	22-14-15 22-14-30	1998
	Restoration of rights	The right to possess a firearm can be regained by a person who was last discharged from prison, jail, probation, or parole probation or parole for felony drug possession more than 5 years ago; or for other drug felonies or a crime of violence, more than 15 years ago.	22-14-15 22-14-30	1998
Tennessee	Background checks	Amendments eliminated the State waiting period and authorized instant checks by the Tennessee Bureau of Investigation on persons who purchase or redeem handguns or long guns.	39-17-1316	11/1/98
Utah	Background checks	Check requirements for handguns were extended by amendment to checks on other firearms, to begin when changes required by Federal law took effect.	76-10-526	5/4/98
Vermont	Background checks	The State designated the Chittenden County Sheriff's Office as the point of contact for all firearm checks under the NICS.		11/30/98
Virginia	Background checks	Instant check statute was amended to clarify rules regarding transactions in which a dealer receives no response from the State Police.	18.2-308.2:2	7/1/98

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